

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

LEAGUE OF WOMEN VOTERS OF

FLORIDA, et al.,

PLAINTIFFS,

vs.

CASE NO. 08-CIV-21243 (S.D. Fla.)

KURT S. BROWNING, et al.,

DEFENDANTS.

-----X

DEPOSITION OF BRENDA SNIPES

DATE: June 11, 2008

TIME: 11:00 a.m.

PLACE: 401 North Avenue of the Arts
Fort Lauderdale, Florida

TAKEN BY: Plaintiff

BEFORE: Laura E. Melton, Registered Merit
Reporter and Notary Public of the State
of Florida at Large

APPEARANCES:

FOR THE PLAINTIFF:

BRENNAN CENTER FOR JUSTICE

BY: WENDY WEISER, ESQ.

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LAW OFFICE OF BURNADETTE NORRIS-WEEKS, P.A.

BY: BURNADETTE NORRIS-WEEKS, ESQ.

401 North Avenue of the Arts

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1 THEREUPON:

2 BRENDA SNIPES

3 a witness called by the Plaintiff, being first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. WEISER:

7 Q. I'm Wendy Weiser from the Brennan Center For
8 Justice at NYU Law School. I am representing the
9 plaintiffs in the League of Women Voters versus Browning
10 case. And I very much appreciate you taking the time to
11 be here today.

12 If the other attorneys can please introduce
13 themselves.

14 MR. TARSON: I am Derek Tarson of
15 Debevoise & Plimpton. We are also
16 representing the plaintiffs.

17 MR. WINSOR: Allen Winsor for the
18 defendants.

19 MS. NORRIS-WEEKS: Burnadette
20 Norris-Weeks representing the Supervisor of
21 Elections, Broward County.

22 BY MS. WEISER:

23 Q. Okay. Thanks again.

24 Can you please state your name for the record.

25 A. I'm Brenda Snipes, Broward County Supervisor of

1 A. I don't remember exactly. I know it's been going
2 on for a while.

3 Q. Uh-huh.

4 A. But how I learned about it initially, I don't
5 know. Has it been a couple of years? Two years? Three
6 years? So, I don't remember how I learned about it
7 initially.

8 Q. And when you said just a moment ago that you knew
9 about it from the League of Women Voters, did you discuss
10 the lawsuit with the League of Women Voters?

11 A. Well, we work very closely with the League of
12 Women Voters. And they are a part of our Neighborhood
13 Partnership Committee. They are very supportive of the
14 election process. They work as poll workers. I work
15 with them all of the time. So, you know, but this whole
16 third-party thing, the voter registration piece, I guess,
17 is something that they felt. I read it in the paper as
18 well, but I don't have a copy of the article.

19 Q. Okay.

20 A. But I guess they were just concerned about the
21 fines that were suggested in the law.

22 Q. Uh-huh.

23 A. And but, you know, in terms of our
24 working -- having a working relationship, I don't recall
25 sitting in a discussion where we discussed the lawsuit in

1 detail. But the lawsuit has not prevented or interfered
2 with their involvement in other aspects of the elections
3 process.

4 Q. Okay. Now, are you currently employed as
5 supervisor of elections for Broward County?

6 A. Yes, I am. I am up for reelection, and maybe you
7 will be talking with another supervisor for the next
8 lawsuit. Yes.

9 Q. Well, how long have you been in this position?

10 A. Four-and-a-half years.

11 Q. And are you currently employed in any other
12 capacity?

13 A. I am not.

14 Q. Okay. Are you currently working on any political
15 campaigns?

16 A. My own.

17 Q. I'm going to try to quickly breeze through your
18 education and employment background, for the record. You
19 have testified to this before, so hopefully it will be
20 very quick. You went to Talladega College in Talladega,
21 Alabama, is that correct?

22 A. Yes, I did.

23 Q. What degree did you earn?

24 A. Modern foreign languages.

25 Q. Have you had any subsequent education?

1 A. I helped out one or two campaigns, but nothing
2 really serious that would compare to this.

3 Q. And by helped out on campaigns, what --

4 A. Passed out literature, made phone calls.

5 Q. Okay. And did you -- had you been involved in
6 any voter registration drives before becoming a
7 supervisor?

8 A. A long time ago when we used to deputize people,
9 yes.

10 Q. And can you -- how many times were you involved
11 in the voter registration drive?

12 A. Probably two or three. And I used to take my
13 students -- my adult students to become registered
14 voters.

15 Q. Can you tell me a little bit about this. Were
16 you working with any other group in connection --

17 A. No.

18 Q. -- with the voter registration drive?

19 A. I was working as an adult education teacher and I
20 thought this was a civic thing to do, to get my students
21 registered.

22 Q. And so you became deputized --

23 A. Uh-huh.

24 Q. -- to register --

25 A. I became deputized as a part of an activity with

1 the sorority, I think. So that was before I started
2 taking my students.

3 Q. How many times did you become deputized as a
4 registrar?

5 A. Just once.

6 Q. And when was that?

7 A. Oh, God, I don't know. It had to be late '60s or
8 early '70s.

9 Q. And you indicated it was as part of a sorority?

10 A. My sorority is the Delta Sigma Theta sorority,
11 and we do a lot of public service activities.

12 Q. And so did -- Members of the sorority chose to
13 become deputized, so that you could -- --

14 A. That's correct.

15 Q. -- register other people to vote?

16 A. That's correct.

17 Q. And did you, in fact, before you were in that
18 teaching position -- You spoke of registering other
19 people to vote?

20 A. Yes, I did.

21 Q. Can you tell me a little bit about what you did.

22 A. I remember working with the sorority at events,
23 and we would just help people fill out voter registration
24 forms.

25 Q. Would you collect those forms from them?

1 A. I think we had another person, two other people
2 who collected the forms, and took them in. But we didn't
3 hold on to them probably.

4 Q. And when you say they took them in, did they take
5 them in, in person?

6 A. They took them in to the voter registration
7 office, that's what we referred to it as back then, yes.

8 Q. And was that the predecessor to the supervisor's
9 office or is that --

10 A. It was -- Jane Carol was there. She was the
11 supervisor of elections.

12 Q. So does that mean when you refer to voter
13 registration office that would be -- today that would be
14 referred to as the supervisor --

15 A. Supervisor of elections office.

16 Q. And then so you did this in -- as part of your
17 sorority. And then the next time you worked on a voter
18 registration drive was --

19 A. I wouldn't really call it a drive. I just took
20 my students to be registered. Took them -- I remember
21 taking them to the courthouse when we were downtown, way
22 down the hall in a little corner.

23 Q. And where would you obtain the voter registration
24 forms?

25 A. They did it right there.

1 Q. And one other question. Was your predecessor
2 removed from her position?

3 A. She was removed.

4 Q. And was she the person that you ran against in
5 the election?

6 A. She did run in the, yes, subsequent election.
7 She and another; there were two opponents.

8 Q. I see. And you defeated both of them.

9 So what are your duties and responsibilities as
10 supervisor of elections? Just state in general terms.

11 A. Well, voter registration is probably one of the
12 biggest responsibilities. And that's not only
13 registering voters, but it's also maintaining accurate
14 files, notifying voters to any changes to their status as
15 voters, there could be a change in a polling place. It
16 could be, say, if we receive notice that there is a
17 felony conviction or any other reason that a person may
18 not be eligible, then it's one of my responsibilities to
19 take whatever steps are necessary, candidate qualifying,
20 absentee ballot processing, polling place selection, and
21 preparation, and early voting.

22 Q. Uh-huh.

23 A. Setting up remote voter stations that are
24 networked to our office, making sure that we have
25 equipment for 793 precincts, have over 10,000 workers for

1 the election. We maintain 900 -- right now we have about
2 931,000 registered voters. And when the third-party
3 groups come, I am sure we are going to get well over a
4 million voters. So just -- that's what we do on a
5 day-to-day basis, in addition to speaking to every group
6 and organization in Broward County, mornings, afternoons,
7 nights and weekends.

8 MS. WEISER: Can I just mark this as
9 Exhibit 2, please.

10 (Plaintiff's No. 2, Website printout re:
11 Dr. Brenda C. Snipes, marked for identification.)

12 BY MS. WEISER:

13 Q. This is just a printout. I marked as Exhibit 2,
14 a printout from your website, the supervisor's office.
15 If you can review this.

16 Is this an accurate statement of the duties of
17 the supervisor? I understand it might not be completely
18 comprehensive, but is this an accurate statement?

19 A. It's accurate.

20 Q. And what skills, in your view, are required to be
21 an effective supervisor of elections?

22 MR. WINSOR: Object to the form.

23 THE WITNESS: For me, I found the
24 skills of leadership to be the most
25 effective, having just a -- broad based in

1 A. During probably the first year, year and a half.
2 Because one of the efforts was to stabilize the staff,
3 which we've done now. It's a very stable staff.

4 Q. And in addition to removing more voters from the
5 rolls in response -- in accordance with your list
6 maintenance procedures, did you change the procedures and
7 policies with respect to voter registration in any way
8 when you first -- in the first year as supervisor?

9 A. Well, one of the things that we did was to
10 tighten the timeline on notification to a voter. And
11 notification is generally through a voter information
12 card. When I went there, I'm not sure what the timeline
13 was, I don't know if there was a timeline, but we got it
14 down to about three weeks. And that's still the
15 procedure that we use now.

16 Q. And are you familiar with the steps that lead to
17 the -- with the steps from the time that a voter submits
18 an application to the supervisor until the time that the
19 notice is mailed to the voter?

20 A. When you say "familiar with the steps," you mean
21 in terms of --

22 Q. What your office does.

23 A. Getting the person's information into the system?

24 Q. Uh-huh.

25 A. Well, now that we're on the state-wide database,

1 I know that the information has to be entered and then
2 scanned into the system within three days. And we are
3 working on that. That is challenging. But I have
4 ordered some more equipment to make sure that I have more
5 people who are able to help with the scanning. I think I
6 have about three or four people who do scanning right
7 now. So -- Because I know we are going to get an
8 increase in the volume of forms that come in, we are
9 preparing for that by having more people be available to
10 help in that -- that three-day process. So we enter the
11 data. If a person's registration form is incomplete,
12 then there was a system in place which we still use,
13 which is to complete a new registration form for the
14 individual, to send them a notice to say your form was
15 incomplete, by virtue of whatever is listed on this form,
16 and we give them a timeline by which to return it. So we
17 still do that.

18 Q. Okay. I am going to back up for a moment because
19 I have a couple of follow-up questions to what you asked.
20 But I did want to first finish what we were talking about
21 before. In addition to the procedure change when you
22 first took office, did you undertake any new initiatives
23 with respect to voter registration in your first year in
24 office?

25 A. You mean in terms of getting people registered to

1 vote? New initiatives?

2 Q. (Nods head.)

3 A. We have --

4 Q. Yes.

5 A. -- an outstanding high school voter registration
6 drive, which we just finished in April. I think the
7 State designates April as high school voter registration
8 month, I think. But we have really made an outstanding
9 and a successful effort to encourage high school students
10 to register to vote. And so I think -- I think the
11 organization of that initiative has really helped us to
12 get young people in. We register about 10,000 young
13 people a year. So although there was already high school
14 voter registration going on, we have increased it. We
15 have kind of partnered with the school system who allows
16 us to come into the school to train the students to do
17 that. We also have a -- we have a solid voter education
18 and outreach program, a department --

19 Q. Uh-huh.

20 A. -- which we really didn't have before, and that
21 is, I guess, an initiative. Because not only do you want
22 to register voters, we want to educate them about the
23 process. I think we have done a better job of -- with
24 our website of making that an information tool for voters
25 and potential voters. We have a van that is called the

1 election connection, which is out just about every day.

2 We maintain records of the involvement of the Election

3 Connection van. And I think --

4 Q. And does that van -- what is the purpose of that
5 van?

6 A. It goes -- it's an outreach tool. We are out in
7 the community every day at designated locations, either
8 registering voters or helping them to change their
9 address. Now we are introducing them to the new voting
10 equipment. And we have one person whose job it is to
11 take that van out just about every day. And he maintains
12 records of every contact that he has with either
13 registered voters or potential voters. And I know for
14 the past last year, he had individual contact with over
15 2,000 individuals. So I was really pleased with that.
16 It shows that that works well.

17 Q. I'm going to ask you quickly about the van and
18 then I will ask you quickly about the high school voter
19 registration drive.

20 Do you know where the van does this voter
21 outreach and voter registration?

22 A. It's all over Broward County. It may be at city
23 halls, it might be at shopping malls, during the month
24 of -- where are we -- which month is this? June?

25 Q. Uh-huh.

1 A. During the month of May I believe we were at
2 Walgreens locations, and so it's just all over the
3 county. But we try and schedule it so that whoever is at
4 that location maybe can put out fliers or have a way of
5 notifying their customers that we are going to be in the
6 area.

7 Q. Uh-huh.

8 A. So, but we're out just about every day.

9 Q. All right. Does the van or does the area
10 outreach effort focus in particular on traditionally
11 disenfranchised communities in Broward?

12 MR. WINSOR: Objection to form.

13 THE WITNESS: We are all over the
14 communities.

15 BY MS. WEISER:

16 Q. Uh-huh.

17 A. So it's not necessarily focused on the
18 disenfranchised community. It's just wherever we
19 can -- we think it would be important to take the van at
20 that particular time.

21 Q. And you testified that you take it to public
22 places like a Walgreens or -- is it typically public
23 places where people gather?

24 A. Typically it is because we want to get as many
25 people -- have access to as many people as possible.

1 Q. Does the van ever go to community meetings or
2 community group meetings?

3 A. If we're invited to bring the van there,
4 absolutely.

5 Q. And has that happened in recent years?

6 A. Let's see. Where were we over the weekend? We
7 will go to -- we go to festivals, outside events like
8 that. And a lot of times a person will contact our
9 office, ask if we will set up a voter registration drive,
10 a voter registration table or what have you. And if we
11 can get the van in there, if it's a location where we can
12 get the van, we will take it.

13 Q. And why is it that you have this voter outreach
14 program with the van? What's the purpose of it?

15 A. To get the information out to folks. I find that
16 it's just like when the third-party groups that come into
17 town, I was looking at some forms from ACORN last week or
18 a week before last, I think the gentleman brought in 617,
19 and at that particular time, that was a result of his
20 being out there.

21 Q. Uh-huh.

22 A. So our effort is to take the van out there. It's
23 huge. It's -- right now it's an RV. And so wherever we
24 are, we are certainly visible to the public. So a person
25 who may not have thought to change their address, who may

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1 not want to come down here to say that I had a name
2 change or what have you, if they see the van, they can go
3 right there. And since I am talking, I will give you a
4 good story about that. When we started the Walgreens
5 effort which was in May, we were at a Walgreens location
6 on 441, and I had been to dinner at a Piccadilly's, and
7 the woman at the counter said to me that we changed the
8 polling place and she was not aware of it. Well, I don't
9 like to hear anything like that because that means we
10 haven't done something properly. So I got her
11 information. And when I left I saw the van at the
12 Walgreens. So I stopped by to tell them about this woman
13 and asked if they would go across the street to her as
14 soon as they finish, and follow up on her concern. They
15 went to her at Piccadilly's. Turns out she was an
16 inactive voter. That's why she didn't know there was a
17 change in the polling place because she was not on the
18 active list. And so they corrected her issue, got her
19 reregistered. And she called all these people who work
20 at Piccadilly's to come to the front so that they could
21 get their information changed, so that they could get
22 registered.

23 So, having the van out there in a location is
24 really important. It might help, you know, a person who
25 is not thinking to come downtown or to one of our

1 locations; if they see it, they can go check it out and
2 have their needs met right there on the spot.

3 Q. So in your view, does the van increase the
4 likelihood that people will register to vote?

5 A. I think so.

6 Q. And it does so successfully in your view?

7 A. I think so.

8 Q. And the high school voter registration drive that
9 you mentioned, and how many schools do this?

10 A. Every private, public, and charter high school in
11 Broward is invited to participate.

12 Q. And who is it that staffs the voter registration
13 drive in the schools?

14 A. Usually the students do it. We hold an
15 orientation for the students in our office, and we
16 will -- tracked -- This pastime we tracked over 200
17 students and advisers. We -- we trained them on how to
18 conduct a voter registration drive, what they need to do,
19 how the form is set up, what's important on the form,
20 what are critical pieces on the form, the timelines for
21 getting their information back in, confidentiality
22 issues, and eligible voters, ineligible voters.

23 The students conduct their own drives. We have
24 worked it out with the school system so that they pick
25 up -- their pony system, I believe, picks up registration

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1 forms, and then we pick them up from the Social Studies
2 department head who collects the forms.

3 Q. And these -- then these drives successfully
4 register students to vote in the schools?

5 A. Absolutely.

6 Q. And in your view, these are people that would
7 otherwise not register to vote?

8 A. The students, I don't think they would register
9 to vote. I think having the convenience of it right in
10 their schools, for a full week, and have it be conducted
11 by their peers, I think that is really important. And
12 most of the schools, the principals, the teachers are
13 involved, encouraging the students to get this done. I
14 think the students -- the school that won, had the
15 highest number of registered voters, was Stoneman
16 Douglas; I believe that is 756 students that they
17 registered. And that would be an 18-year-old,
18 17-year-old or 16-year-old preregistered. So we are
19 really proud of it. We submitted it as a best practice.
20 So I'm not sure how it will go, but we are really proud
21 of it.

22 Q. When you say "submitted it as a best practice" to
23 the Election Commission, to the Florida --

24 A. We submitted it to the Election Center which is a
25 national organization for elections professionals.

1 information.

2 Q. Do they do outreach?

3 A. Some of them do, yes.

4 Q. Do you know which ones do?

5 A. Well, all of them. All of them. They all go
6 out. But it depends upon what we have got organized at
7 that particular time. We have locations in the
8 courthouses. Sometimes we will have what we call
9 "hallway Thursdays." And whoever is in that branch
10 office at that courthouse takes a table outside and
11 encourages people to come register.

12 Q. And the staff members in the Voter Education and
13 Outreach Department, do they have other duties other than
14 voter registration?

15 A. That's all they have. It's -- voter education
16 and outreach, that's what they do.

17 Q. But the voter educations and outreach consists of
18 more than just voter registration, does it?

19 A. Just more -- Yeah, well, it's the whole process
20 of registering to vote, participating in the election
21 process. They recruit for poll workers as well.

22 Q. And how many poll workers typically do they
23 recruit a year, a federal election year?

24 A. I can tell you how many we need. We need
25 approximately 10,000. But they're not the only ones that

1 recruit. Sometimes a poll worker might self-recruit.
2 Maybe they will see our information somewhere and contact
3 the office and say that they would like to work.

4 Q. Now, overall, how many full-time employees are
5 there in the supervisor's office?

6 A. I think we have 81.

7 Q. And currently how many part-time employees are
8 there?

9 A. Part-timers are down right now because we haven't
10 gotten to the crunch period. So I probably have about
11 10.

12 Q. And how many do you expect to have during crunch
13 period?

14 A. Probably bring on about 50.

15 Q. 50 in addition to the 10, or 50 total including
16 the 10?

17 A. Might be 50 in addition to the 10.

18 Q. So 60 total then?

19 A. Maybe.

20 Q. And are there any volunteers in your office?

21 A. Not -- No. No. We don't have any volunteers
22 right now.

23 Q. And how many of the employees in the office
24 report directly to you?

25 A. All of them.

1 that -- No, that was another lawsuit, I think.

2 Q. Okay. And have there been any other changes to
3 your voter registration --

4 A. I can't think of any.

5 Q. Now, you mentioned before that there were boxes
6 of forms that outside organizations brought into your
7 office in 2004. How does your office know if an
8 application is submitted by a third-party group or an
9 outside organization?

10 A. At the time it was just based on the fact that
11 these individuals came in, and usually they would let us
12 know how many forms they were bringing. But I don't
13 think we had a way of identifying the particular forms
14 that they brought in. We would -- we knew what we
15 received from them. They counted them out, but I don't
16 think we had those forms marked in any particular way.

17 Q. Okay. And did you personally witness the
18 third-party registration organization submitting the
19 forms?

20 A. Yes, I did.

21 Q. And how often did you personally witness the
22 third-party voter registration --

23 A. I don't know, several times a week.

24 Q. Okay. And can you tell me where they submitted
25 the forms in your office?

1 A. They usually brought them to the front counter.

2 Q. And what would the front counter do when they
3 arrived at the front counter?

4 A. Call me. We had to work up to a process where we
5 got the forms in some kind of order, where we
6 got -- where we had the forms counted, where we got the
7 forms in a more timely manner. When we got forms, as we
8 started to go through the forms, we realized some of them
9 had been completed maybe two or three months in advance
10 of when we received them. So we just kind of had to work
11 through a process. And that's when I remembered we set
12 up a meeting with one of the organizations to see if we
13 couldn't put some structure in place that would help us
14 be able to better process the forms. And I remember
15 that's when I brought on some additional people. We
16 figured out about how long it would take to process the
17 form. And then I think we had a sense of how many forms
18 we had, and brought in -- I think I brought in, like, 10,
19 maybe 10 or 12 people who worked evenings to help us get
20 those done.

21 Q. And did that procedure indeed help you process
22 the forms?

23 A. We got all of them done. We got them all done
24 but it was harrowing.

25 Q. If I can back up for a moment. If a third-party,

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1 a representative of a third-party organization shows up
2 at the front desk of your office, are there any
3 procedures that the person is supposed to follow when the
4 person is standing in front of them?

5 A. Usually we will have someone from Registration go
6 to the person. What I have seen them do -- and, now,
7 someone came in last week or the week before last. What
8 I have seen them do now is they come in a little bit
9 better prepared. They will have a form which they have
10 already completed that tells us how many forms that they
11 have. I think their name is on the form and some other
12 information. And we just receive from them what they
13 give us. The forms are already counted. And it wasn't
14 always that way. They would just bring in boxes of
15 forms.

16 Q. So in 2004, was there a procedure in place
17 for --

18 A. We find --

19 Q. -- what the person at the front desk would do
20 while the representative of the third-party
21 organization --

22 A. We had to work up to that. We had to work up to
23 that. And one of the things that we requested was that
24 we would know who was bringing the forms in. We would
25 know how many forms there were and have them organized in

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1 such a way that we would -- would be able to manage the
2 forms. Because I can't remember all of the details about
3 2004, but I remember that it was very -- it was an
4 unorganized process until we were able to sit down with
5 them and put some things in place that will help us out.

6 Q. At the front desk did they take down any
7 information from the third-party voter registration
8 organization representative about the forms --

9 A. In 2004?

10 Q. Yes.

11 A. We got to that point.

12 Q. And when did it get to that point?

13 A. Probably late in the process.

14 Q. And what sort of information was taken down?

15 A. Probably -- I'm just guessing now because I don't
16 remember exactly. But probably the number of forms and
17 who was bringing the forms in, a contact number. Because
18 early on, we didn't know anything about the organization,
19 we didn't know who we were dealing with, where they got
20 forms from; not that we had to know that, but we just
21 didn't have a sense of who these people are and how long
22 they have had the forms. But in going through them, I
23 can well remember that some of them were two months old.
24 Some of them came to us after a book closing deadline.
25 So -- but we had to get to the point where we began to

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1 find out who the individuals were --

2 Q. And did you personally --

3 A. -- and who was in it.

4 Q. Did you personally go through the voter
5 registration forms? It's just a yes or no question.

6 A. No. No. I had staff to do that.

7 Q. And you said that you -- that there were forms
8 submitted that had been completed more than two months
9 beforehand?

10 A. Exactly.

11 Q. When did that take place?

12 A. Probably early on in the process.

13 Q. And when you say early on in the process, what
14 month approximately are you referring to?

15 A. Let's see. When was the election, in November?
16 Probably during the summer. Maybe late summer.

17 Q. And did you do anything -- did you have any
18 conversation with the person who submitted those forms
19 about that?

20 A. Yes. Yes.

21 Q. And what -- who submitted those forms?

22 A. Oh, God, I don't know. You mean individuals?

23 Q. To which third-party voter registration
24 organization are you referring?

25 A. I want to say the forms came from ACORN.

1 Q. And what's the basis for that?

2 A. Because I can remember ACORN was one of the
3 larger organizations that was here.

4 Q. And, but do you have any records that indicate
5 which organization, in fact, submitted forms in the
6 summer that had been collected two months beforehand?
7 Are there any records to reflect those?

8 A. I'm not sure.

9 Q. Uh-huh.

10 A. I'm not sure.

11 Q. Is there -- And so did you have conversations
12 then with the organization?

13 A. Yes. We asked for a meeting with the
14 organization, which we had, but it seems like they
15 changed staff --

16 Q. Uh-huh.

17 A. -- during the course of the time that we were
18 working with them.

19 Q. So you had more than one meeting with them?

20 A. I think we must have had two.

21 Q. And during the course of that meeting, did you
22 inform them that you had received applications?

23 A. Yes.

24 Q. And were you present at that meeting?

25 A. Yes.

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1 Q. And what was the response?

2 A. I can't remember the exact response, but the
3 whole idea was we talked to them about things that we had
4 had seen and tried to come up with some ideas on how we
5 could do things differently. It seems like we set
6 timelines that they could follow to get the information
7 in to us; have the forms counted out, let us know who was
8 bringing the forms to us. So some of the procedures that
9 we finally put in place. I believe, though, procedures
10 came out of the one or two meetings that we had in my
11 office.

12 Q. And did that improve the situation?

13 A. It did.

14 Q. So were there other -- were there subsequent
15 incidents involving applications --

16 A. I think it got better as we went along. But
17 toward the end we did get an awful lot of forms close to
18 book closing. They knew what book closing was.

19 Q. Right.

20 A. And we just got thousands of forms.

21 Q. Did you review the forms that were submitted?

22 A. Everything? No, I didn't.

23 Q. Do you know when the forms were collected that
24 were submitted?

25 A. I don't know the dates. There were a lot of

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1 forms. I don't know all of the individual dates, but the
2 forms were processed by our Voter Registration office.
3 So I don't remember us doing any reports on how many were
4 before the book closing deadline. Whatever came after
5 the book closing deadline -- or whatever came incomplete
6 because some of them did come incomplete, whatever came
7 incomplete, we had to notify the voters about, though.
8 But in terms of a report for that, I don't -- I don't
9 recall a report.

10 Q. Okay. And do you know -- and you said that you
11 received thousands of voter registration forms?

12 A. Thousands.

13 Q. And close to the deadline. Were these submitted
14 in person or by mail or both?

15 A. No. Most of the forms that they collected would
16 always come to us in person.

17 Q. Did you receive thousands of voter registration
18 applications close to the book closing deadline by mail
19 as well?

20 A. I don't recall that. Most of the forms that I
21 can recall from, say, if it were ACORN, and I think it
22 was, came in person.

23 Q. And do you have any basis on -- for it -- do you
24 know if they sent any applications to you by mail?

25 A. I don't know that. I don't know that.

1 Q. So it's possible that they sent some applications
2 by mail as well?

3 MR. WINSOR: Objection to the form.

4 THE WITNESS: Based on what I saw is
5 that practice; they brought the forms to us
6 in person.

7 BY MS. WEISER:

8 Q. So you -- Okay. And if the -- If the
9 application's received by mail, does your office know if
10 it's submitted by a third-party group?

11 A. Probably not. Probably not. I mean, you might
12 make an assumption, maybe; they were all stamped or
13 something at the same time. If they all came in one
14 envelope, you might assume it came from a third-party
15 organization, but I don't know that.

16 Q. Is there anything on the voter registration
17 application to indicate whether or not a form comes from
18 a third-party group?

19 A. I don't think there is a space on there. I think
20 you can write something in the white space if you choose
21 to do that.

22 Q. In your experience do people typically choose to
23 indicate in the white space whether or not --

24 A. I'm not aware of that. We don't.

25 Q. And do groups that submit forms to your office

1 indicate so on the voter registration forms themselves?

2 A. I don't think so.

3 Q. Okay. And I would like to actually mark the two
4 voter registration forms as the next exhibit, No. 3.
5 Let's just stick them together because I don't have
6 separate questions with respect to them.

7 MS. WEISER: Mark these as Exhibit 3.

8 These are the -- I will ask you what it is.

9 These are voter registration application
10 forms.

11 (Plaintiff's No. 3, Voter Registration
12 Application Forms, marked for identification.)

13 MR. WINSOR: This is all 3?

14 MS. WEISER: Yes. It's the two
15 application forms.

16 BY MS. WEISER:

17 Q. Do you recognize these two documents that are
18 attached as Exhibit 3?

19 A. Yes.

20 Q. And the one on top, what is the document that is
21 on top?

22 A. This is the voter registration form, the State of
23 Florida voter registration form.

24 Q. Is that the current one?

25 A. I believe it's the current one.

1 applications more than 29 days before the application?

2 A. Well, I think that most of the time we say that
3 29 days is the deadline. Of course, you know, you can
4 send -- submit information before the deadline. That's
5 my phone.

6 (Thereupon, there was an interruption
7 of a phone ringing.)

8 BY MS. WEISER:

9 Q. If we look at the bottom of the application, both
10 application forms, you see a signature line?

11 A. Yes.

12 Q. And there is a date next to the signature line?

13 A. Yes.

14 Q. Do all of the applications submitted to your
15 office have dates indicated next to -- have dates filled
16 in?

17 A. I don't know. I'm sure it's a possibility that
18 they don't --

19 Q. If --

20 A. -- that all of them don't. But we date stamp the
21 forms. And the date that we receive them on is the date
22 that they're considered registered. So --

23 Q. And if there is -- if the date is not filled in,
24 is the application considered incomplete or will it be
25 processed?

1 A. It will be processed.

2 Q. Okay. And does your office keep track of those
3 signature dates in any other -- Other than on the form
4 itself, is there any other recordkeeping with signature
5 dates?

6 A. No.

7 Q. And is that -- is that date used for any purpose
8 in -- in processing voter registration forms or doing any
9 other voter registration functions in your office?

10 A. You mean this date here? (Indicating.)

11 Q. Yes.

12 A. Not that I can think of, no.

13 Q. And is there anything on the application that
14 indicates the date on which an applicant submitted a form
15 to a third-party group?

16 A. I don't think so.

17 Q. Is there any other record that you're aware of
18 that might be in your office that would indicate the date
19 on which an applicant submitted a registration form to a
20 third-party group?

21 A. No. Whatever we get on the application is what
22 you see here. So, you know, if a person signs the
23 application, then we know when the application was filled
24 out. But if the -- I am sorry. If it's dated. If it's
25 not dated, we have no idea of when the application was

1 completed. But when we receive the application, we time
2 and date stamp it. That's when the application becomes
3 real to us.

4 Q. And when you receive an application from -- by
5 mail, what is the date that the application is --

6 A. Whenever we received it.

7 Q. So you date it when you receive it?

8 A. Uh-huh.

9 Q. But in terms of determining whether or not the
10 voter met the deadline of 29 days prior to the election,
11 do you use the date on which you received it or do you
12 use a different date?

13 A. We use the date on which we received it.

14 Q. Not the date on which it was mailed?

15 A. No.

16 Q. Okay. And or postmarked?

17 A. I think if we get close to book closing, I think
18 we use postmarks --

19 Q. Okay.

20 A. -- I think.

21 Q. And is that something that Mr. Kolodny would
22 know?

23 A. Yes.

24 MR. WINSOR: Object to the form.

25

1 reflected in the "other" column?

2 A. It could be. Could be.

3 Q. Okay. And in 2004, your office received many
4 more voter registration applications than in previous
5 federal election cycles, is that right?

6 A. That was my first federal election cycle, so I
7 really couldn't honestly answer that. I don't know.

8 Q. And did you look at the number of voter
9 registration applications that had been received in
10 previous federal election cycles?

11 A. No, I didn't.

12 Q. And is there anyone in your office that did look
13 at the rate at which voter registration applications were
14 being received in 2004 and in prior --

15 A. Look back historically, I don't know.

16 Q. And so you do not know -- you have no basis for
17 comparing the number of applications for season 2004 to
18 prior --

19 A. No.

20 Q. -- election years?

21 A. (Shakes head.)

22 MR. WINSOR: Objection to the form.

23 BY MS. WEISER:

24 Q. Okay. And so you mentioned previously that you
25 received applications from third-party voter registration

1 personal comparison would only be -- would come from this
2 year. You know, when I go through this second general
3 election, I will have a much better idea, but right now I
4 don't.

5 Q. And do a significant portion of the applications
6 received by your office come from the Department of Motor
7 Vehicles?

8 MR. WINSOR: Object to the form. I am
9 sorry, Dr. Snipes.

10 THE WITNESS: I think most of them do.

11 A large majority of them do, yes.

12 BY MS. WEISER:

13 Q. Okay. And how are those applications from the
14 Department of Motor Vehicles transmitted to your office
15 in 2004?

16 A. I believe it's an electronic transfer.

17 Q. In 2004 it was?

18 A. I think so. I can't remember. It's clouding,
19 but I think so.

20 Q. To which department would this have gone, the
21 voter registration applications submitted by
22 the -- through the Department of Motor Vehicles?

23 A. Probably voter registration. Because I think we
24 had a -- an electronic form. I don't think we get the
25 paper form from them.

1 MR. WINSOR: Can you define "voter
2 registration agencies"?

3 BY MS. WEISER:

4 Q. All right. So, I would like to talk a little bit
5 about just planning for an election, and I would like to
6 go through the tasks in broad, general terms. If you can
7 please describe briefly the categories of tasks that you
8 must complete in the months leading up to an election in
9 broad categories.

10 A. One of the first things we have to do is start
11 the poll worker recruitment process, getting polling
12 places, setting up the training, making sure we change
13 polling places when notifying voters, getting equipment
14 maintained. And we will do information education and
15 outreach to voters through various means, that is pretty
16 intense, especially right now, and probably in 2004 as
17 well.

18 Q. And is processing voter registration applications
19 one of the tasks?

20 A. Oh, absolutely.

21 Q. And in the 2004 election, were those in general
22 the tasks that your office undertook before the
23 registration deadline?

24 A. That is pretty much a summary, yes.

25 Q. And at the beginning of 2004, were you able to

1 predict that there would be an increase in voter
2 registration applications?

3 A. The beginning of 2004? No.

4 Q. And at any point during the course of that year,
5 were you -- did you predict that there would be an
6 increase in voter registration applications that you --

7 A. I think we saw an increase in voter registration.
8 I can't say I could have predicted it. But we definitely
9 saw an increase in terms of from beginning of 2004 until
10 say, summer, leading up to the election, we definitely
11 saw an increase.

12 Q. At the beginning of 2004, did you expect there to
13 be an increase in the voter registration volume?

14 A. In 2004 I think I had been in the position about
15 six weeks.

16 Q. So --

17 A. So I wouldn't -- No, I was not able to do that.

18 Q. So at beginning of 2004 did your office have a
19 plan for increasing staff on --

20 A. No.

21 Q. -- to deal with voter registration?

22 A. No.

23 Q. Okay. And did your plans -- did your plans for
24 processing voter registration applications then change
25 during the course of the election cycle?

1 Q. And did you also increase the work hours of your
2 staff during 2004, in the summer or fall of 2004?

3 A. I don't remember exactly. But -- I don't
4 remember exactly when I increased the hours. It was an
5 effort that everybody was involved in.

6 Q. Uh-huh.

7 And did you ask the Office of the Division of
8 Elections for assistance in processing voter registration
9 applications in 2004?

10 A. They were probably inundated themselves. No, I
11 didn't.

12 Q. Were you aware that the Division of Elections had
13 offered assistance to the supervisors of elections --

14 A. I don't know that.

15 Q. -- in processing voter registration applications?

16 A. I don't remember.

17 Q. Okay. And were you able to register all of the
18 voters whose applications were submitted --

19 A. We got them all done.

20 Q. If you could wait for me to finish.

21 A. Oh, sorry.

22 Q. The court reporter can't get us both at the same
23 time.

24 A. Okay.

25 Q. So you have got all of the voter registration

1 applications that were submitted prior to book closing
2 registered. Now, did your election preparation differ in
3 2006 from 2004 with respect to processing voter
4 registration applications?

5 A. No. I don't think so.

6 Q. And you indicated that you expect to receive a
7 larger volume of voter registration applications in this
8 election year. What is the basis for that assessment?

9 A. Well, I already see that the third-party group
10 involvement has started. I think I mentioned earlier
11 that we received forms. Large numbers of forms are
12 coming in.

13 Q. Do you know which third-party groups are --

14 A. ACORN. I am sorry.

15 Q. -- were involved in submitting forms to your
16 office in 2008?

17 A. ACORN.

18 Q. And are there other third-party groups that are
19 conducting voter registration drives in Broward County
20 that you're aware of?

21 A. Not that I am aware of.

22 Q. Okay. And so you don't know how many groups are
23 operating in Broward County?

24 A. No.

25 MR. WINSOR: Object to the form.

1 BY MS. WEISER:

2 Q. Do you know of any high school groups that are
3 conducting voter registration drives?

4 A. No, I don't.

5 Q. Okay. And do you know if there are any
6 individuals that are conducting voter registration drives
7 in their communities?

8 A. I'm not aware of any at this point.

9 Q. And has your office conducted any outreach to
10 ACORN this year with respect to its voter registration
11 drives?

12 A. No. We will be meeting with them this afternoon.

13 Q. Okay. And what's --

14 A. Hopefully.

15 Q. What's the purpose of this meeting?

16 A. Just an orientation. They have asked for the
17 meeting.

18 Q. And by "orientation," what do you mean?

19 A. I guess they just kind of want to maybe let us
20 know who is here. I'm not sure. We have not met yet.
21 So it's this afternoon.

22 Q. I see.

23 And in 2004, do you know how many third-party
24 voter registration groups were operating in your county?

25 A. No, I don't.

1 Q. Okay. Thank you. All right. Do you know how
2 many third-party groups were operating in your county in
3 2006?

4 A. No.

5 Q. Do you know if any were operating?

6 A. I don't recall a lot of involvement with any
7 groups. That would have been for the governor's race. I
8 just don't remember that many or any.

9 Q. Do you remember if the League of Women Voters,
10 for example, was conducting any voter registration in
11 2006?

12 A. I don't know.

13 Q. And do you know if the League of Women Voters has
14 ever submitted voter registration applications to your
15 office that were collected before a book closing date,
16 but submitted after the book closing date for a federal,
17 primary or a general election?

18 A. I don't know. League of Women Voters, I don't
19 know.

20 Q. Okay. You don't know if they have.

21 And do you know if the AFL-CIO has ever submitted
22 voter registrations -- AFL-CIO has submitted voter
23 registration applications to your office, that were
24 collected, to your office?

25 A. Through ACORN you mean?

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1 Q. No, the AFL-CIO.

2 A. No, I don't know.

3 Q. So you were not aware of any instance in which
4 either the League of Women Voters --

5 MR. WINSOR: Object to the form.

6 BY MS. WEISER:

7 A. -- or the AFL-CIO had submitted voter
8 registration forms, that were collected before a book
9 closing, to your office after the closing date?

10 MR. WINSOR: Object to the form.

11 THE WITNESS: I don't recall any of
12 that being brought to my attention.

13 BY MS. WEISER:

14 Q. And did you ever receive any complaints from any
15 applicants for voter registration in your county who gave
16 a completed voter registration form to a third-party
17 group before a book closing deadline and then they
18 attempted to vote in a federal primary or general
19 election, and were unable vote in a federal primary or
20 general election because the third-party registration
21 organization did not submit their application in a timely
22 basis?

23 MS. NORRIS-WEEKS: Object to the form.

24 MR. WINSOR: Yes, I will join.

25 THE WITNESS: I can't remember the

1 names of voters, but we did have voters call
2 in to say that they registered with the
3 group, and they hadn't received their
4 information. And we might ask where they
5 registered and they would indicate with
6 someone -- we knew it was not our office.
7 So I don't remember their names. I just
8 remember those calls.

9 BY MS. WEISER:

10 Q. Did you personally receive some of those calls?

11 A. I talked to some people, yes.

12 Q. And what year did you speak with people?

13 A. That would have been 2004.

14 Q. Okay. So in 2004 you received calls from
15 individuals who were inquiring about their voter
16 registration status, right?

17 MR. WINSOR: Object to the form.

18 BY MS. WEISER:

19 Q. Was this before or after an election?

20 A. That would have been before, I believe. Because
21 they're not received -- had not received a card.

22 BY MS. WEISER:

23 Q. And do you know what the basis for the
24 individual's belief that they gave the form to the
25 voter -- a third-party registration organization was?

1 MR. WINSOR: Object to the form.

2 THE WITNESS: Just based on I remember

3 one individual said they registered under a

4 tree, and we didn't have anyone registering

5 under a tree. So I'm not sure if it were --

6 say, I don't know what organization it may

7 have been.

8 BY MS. WEISER:

9 Q. Okay. And do all voter registration applications

10 that are -- that are -- Withdrawn.

11 Is there -- Okay. And to your knowledge, has

12 your office ever received a voter registration

13 application and failed to process that voter registration

14 application for any reason?

15 A. Failed to process the application?

16 Q. Yes.

17 A. No.

18 Q. So to your knowledge, has your office ever

19 misplaced a voter registration application?

20 A. To my knowledge, that has never happened.

21 Q. Okay. And to your knowledge, have there ever

22 been voter registration applications mailed to your

23 office that were never received by your office?

24 A. To my knowledge -- I'm not -- I have not been

25 made aware of that.

1 Q. Do you know whether -- so, do you know that this
2 has not happened?

3 A. No one has brought it to my attention.

4 Q. Okay. And you indicated that you received
5 complaints from applicants who had not yet received their
6 voter cards. Did you receive complaints from any
7 applicants for voter registration who were unable to vote
8 in a federal, primary or general election because they
9 were not properly registered to vote after trying to
10 register with the assistance of a third-party group?

11 MR. WINSOR: Objection to the form.

12 THE WITNESS: I don't recall that
13 happening, but a person would not have been
14 turned away because we had the provisional
15 ballot. So I cannot say so, that one was
16 not allowed to vote. So if a person showed
17 up and we couldn't find their document, they
18 would have been given a provisional ballot.

19 BY MS. WEISER:

20 Q. But if the person was not registered, would your
21 office -- would your office have counted that provisional
22 ballot?

23 A. No, we would not.

24 Q. Would you notify the individual that the
25 provisional ballot was not counted?

1 A. We would.

2 Q. So the individual would later know that their
3 vote was not counted, is that correct?

4 MR. WINSOR: Object to the form.

5 THE WITNESS: That's correct.

6 BY MS. WEISER:

7 Q. Yes. And so after you mailed out notification to
8 individuals as to whether or not their provisional ballot
9 was counted, did you receive any phone calls or other
10 complaints from individuals claiming that they -- that
11 they had, in fact, registered to vote with a third-party
12 group?

13 A. I don't recall.

14 Q. Okay. And are you aware of any third-party voter
15 registration organizations that submitted voter
16 registration applications to your office that were
17 collected before a book closing, after a book closing?

18 A. Some of those in 2004 came in after book closing.

19 Q. And do you know --

20 A. I don't remember how many.

21 Q. Okay. And do you remember which -- which book
22 closing date they came in after?

23 A. I don't remember. I believe it was the -- for
24 the November presidential election.

25 Q. Was this on one occasion or more than one

1 occasion?

2 A. I don't remember. I couldn't say it was one or
3 two occasions. I don't remember.

4 Q. And how do you know that the applications were
5 submitted after book closing?

6 A. I was informed by staff.

7 Q. Did you take any steps after learning that
8 the -- that there were applications that were submitted
9 after book closing, to contact the organization that
10 submitted those applications after book closing?

11 A. No, I don't remember the specific steps.

12 Q. And which staff informed you that there were
13 applications submitted after book closing -- or before a
14 book closing?

15 A. I want to say the staff in the registration area;
16 they were the ones who had the responsibility for
17 processing the forms.

18 Q. Okay. And you said that you believe it was the
19 general election. Are you sure that it was the general
20 election, not the primary election?

21 A. I can't be sure of that.

22 MS. WEISER: Do you want to get the
23 document that is called the Snipes letter?

24 THE WITNESS: The Snipes letter.

25 MS. WEISER: That is what it says on

1 our folder. I am sorry. It's just a --

2 MS. NORRIS-WEEKS: I believe Evan is
3 here. I hear his voice.

4 THE WITNESS: Okay. So I can go.

5 MS. WEISER: Only a couple more.

6 MR. TARSON: If you could mark this.

7 MS. WEISER: Let's mark this.

8 I would like to mark as Exhibit 6 a

9 letter -- a letter from Dr. Brenda Snipes to

10 a Ms. Thomas Campbell of ACORN.

11 (Plaintiff's No. 6, Letter dated 8/6/04,

12 marked for identification.)

13 BY MS. WEISER:

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. You can hold on to it. Do you recognize this
17 document?

18 A. Yes, I do.

19 Q. And does this refresh your recollection as to the
20 incident that you were referring to earlier?

21 A. From four years ago, yes, this is helpful.

22 Q. And is this the incident you were referring to of
23 applications that were collected before a book closing
24 deadline and then submitted after the book closing
25 deadline?

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1 A. I believe it is.

2 Q. And I believe you said that you received
3 the -- or did you have personal information of the fact
4 that the forms were collected before a book closing
5 deadline?

6 A. Yes, based on information I received from the
7 staff, yes.

8 Q. And again, which staff is that?

9 A. It was probably Registration.

10 Q. Okay. And do you know if any of the applicants,
11 the applicants that were -- whose applications were
12 submitted on August 5th, 2004, attempted to vote in the
13 primary election?

14 A. I don't know for sure. I don't know.

15 Q. Okay. Are there any records of whether that
16 happened?

17 A. I don't know.

18 Q. Do you have any information that the
19 applicant -- that indicates that the applicants intended
20 to register for the primary election rather than for the
21 general election?

22 A. I am sorry. Ask me that again.

23 Q. Do you have any reason to believe that these
24 applicants intended to register to vote for the primary
25 election and not the general election? You testified

1 earlier that you believed that ACORN was conducting voter
2 registration drives for the 2004 general election. And
3 so the question is: Do you have any reason to believe
4 that these applicants were trying to register for the
5 primary election as opposed to the general election?

6 MR. WINSOR: Objection to the form.

7 THE WITNESS: I honestly don't know the
8 answer to that.

9 BY MS. WEISER:

10 Q. Okay. And so you don't have any information that
11 indicates their intent one way or the other as to whether
12 they intended it for the primary or the general --

13 A. No.

14 MR. WINSOR: Objection to the form.

15 BY MS. WEISER:

16 Q. And based on when these applications were
17 submitted, all of these applicants were eligible to vote
18 in the general election a month after the primary
19 election, is that correct?

20 MR. WINSOR: Objection to the form.

21 THE WITNESS: That would be based --

22 BY MS. WEISER:

23 Q. Based on the dates?

24 A. That would be correct.

25 Q. And ACORN didn't submit any applications after

1 the book closing deadline in the general election, is
2 that correct?

3 MR. WINSOR: Objection to the form.

4 THE WITNESS: This talks primarily
5 about the primary, I believe. Primary date.

6 So I don't know. I know we met with them
7 based on this. I don't remember the date.

8 BY MS. WEISER:

9 Q. Okay. And, but ACORN did submit a large volume
10 of voter registration applications in 2004, is that
11 right?

12 MR. WINSOR: Objection to form.

13 THE WITNESS: Uh-huh.

14 BY MS. WEISER:

15 Q. Yeah. And do you know approximately how many
16 they submitted altogether?

17 A. I don't know the exact numbers. Estimates were
18 around 20,000, which would probably be accurate.

19 Q. Okay. And so I want to mark now as exhibit -- a
20 document -- so I will mark another exhibit. I will ask
21 you a few questions about a few documents very quickly.

22 MR. TARSON: This is another one we
23 don't have copies of.

24 MS. WEISER: I thought we just copied
25 that. Not that one. It's page 16 -- we do

1 A. He is the director for voter education outreach.

2 Q. Did his responsibilities include the
3 responsibility for dealing with ACORN --

4 A. Yes.

5 Q. -- in any way?

6 A. Yes.

7 Q. And in what -- what was that responsibility?

8 A. He communicated with them about voter
9 registration and outreach. I believe he was in the
10 meeting that is referenced in this letter right here.
11 (Indicating.)

12 Q. Okay. And what other ongoing responsibilities
13 did he have with respect to ACORN, any?

14 A. No. They -- No. None. Just communicating about
15 voter education and outreach.

16 Q. And were you ever part of any conversations
17 that -- about ACORN that talked about communists or
18 atheists?

19 A. Communists or atheists? No.

20 Q. We would like to request the source of that
21 document and the handwriting.

22 Now, you testified that your office received
23 a -- previously that your office received something like
24 20 or 30,000 voter registration applications right before
25 book closing in 2004, is that correct?

1 A. Yes. About 20,000.

2 Q. Okay. And do you know how many of those
3 applications came from third-party groups?

4 A. As I recall, I want to say most of them did,
5 because they -- I think those are the applications that
6 were coming in from ACORN.

7 Q. Okay. And did you personally witness the
8 delivery of the applications?

9 A. I witnessed a lot of them.

10 Q. But on the days before book closing, did you
11 witness --

12 A. Yes. Yes.

13 MR. WINSOR: I am sorry. Can you
14 repeat the question.

15 MS. WEISER: On the days before the
16 book closing, did you witness the delivery
17 of voter registration applications by ACORN
18 members?

19 MR. WINSOR: Thank you.

20 BY MS. WEISER:

21 Q. And how did you know that they were ACORN
22 members?

23 A. They identified themselves as ACORN members.

24 Q. Okay. And how many days before the election
25 did --

1 A. I don't.

2 Q. -- did these applications start coming?

3 A. I don't recall.

4 Q. I am sorry. Withdrawn.

5 How many days before book closing did these
6 applications come in?

7 A. I don't recall.

8 Q. Okay. And you testified that you were able to
9 process all of these applications, is that correct?

10 A. We did.

11 Q. Okay. Okay. And you don't know whether any
12 other voter registration groups -- third-party voter
13 registration groups submitted applications at that time?

14 MR. WINSOR: Object to the form.

15 THE WITNESS: I don't know.

16 BY MS. WEISER:

17 Q. Okay. And did you inspect the voter registration
18 cards submitted with the -- submitted by ACORN in the
19 days leading up to book closing in 2004?

20 A. The registration forms?

21 Q. Yes.

22 A. I didn't inspect them all personally, but I had a
23 general idea what was in there.

24 Q. Okay. And did you personally -- did you
25 personally inspect any of them --

1 A. Yes, I did.

2 Q. Okay. And when did you inspect these voter
3 registration application forms?

4 A. When they were being processed in our conference
5 room.

6 Q. Okay. And how many of them approximately did you
7 inspect?

8 A. I don't remember. There were tons that we
9 received, so I don't remember how many I looked at.

10 Q. Okay. And of the ones that you did look at, did
11 you see any -- any applications that were dated more than
12 10 days before they were delivered to the office?

13 A. Yes, I did.

14 Q. And do you know how many days in advance?

15 A. I specifically remember some that had dates of
16 more than two months.

17 Q. Okay. And you -- Okay. I just have a few more.
18 Do you have any -- do you have any information or
19 knowledge that a third-party -- third-party groups
20 intentionally withholding voter registration
21 applications?

22 A. No.

23 Q. Okay. And if a group did intentionally withhold
24 voter registration applications, would -- does Florida
25 criminal law address that?

1 MR. WINSOR: Objection to the form.

2 THE WITNESS: I don't know.

3 BY MS. WEISER:

4 Q. Now, have we -- You testified that you expect a
5 similarly high -- a high volume of voter registration
6 applications in 2008. Do you believe that your office
7 will be more prepared in 2008 than it was in 2004 to deal
8 with those applications?

9 A. I think so.

10 Q. Okay. And so you expect the situation to improve
11 in 2008?

12 MR. WINSOR: Objection to the form.

13 THE WITNESS: I hope it improves.

14 BY MS. WEISER:

15 Q. But are you taking steps to make it improve?

16 A. The meeting with ACORN this afternoon is one of
17 those steps.

18 Q. Are there other steps that you're taking?

19 A. Well, we'll monitor the progress. I know when we
20 get a large volume, we need to be prepared to have people
21 enter data.

22 Q. Uh-huh.

23 A. And we already have an area set up where we can
24 do that.

25 Q. So are you hiring more people earlier in the

1 process than you did in 2004?

2 A. I wouldn't say I will hire them earlier in the
3 process, no. It depends upon the volume.

4 Q. Okay. And is there anything else -- you said you
5 have an area set up specifically to enter data. There
6 was not an area set up in 2004.

7 A. There was not.

8 Q. Okay. And what does this area consist of?

9 A. Computers.

10 Q. Okay. Is there additional staff in 2008 that did
11 not exist in 2004 in that area, working in that area?

12 A. No. That is an area where we bring in part-time
13 people.

14 Q. I see. Okay. And are you familiar with the
15 Florida Third-Party Voter Registration Organization Law
16 that is being challenged in this lawsuit?

17 A. To some degree, yes.

18 Q. And how do you know about that law?

19 A. Through the Division of Elections, through
20 conferences, through the media.

21 Q. Okay. And so from the Division of Elections,
22 what communications did you have with the Division of
23 Elections about that law?

24 A. When the law was in progress, I read copies of
25 it.

1 A. I don't think so, no.

2 Q. And has your office taken any steps to enforce
3 the new version of the law?

4 A. You mean to apply fines?

5 Q. Yes.

6 A. No.

7 Q. Or to -- any steps towards enforcing the law, not
8 just --

9 A. I don't think anything has really changed because
10 of the challenge.

11 Q. Uh-huh.

12 A. So, no. We're accepting applications that come
13 in. We process them.

14 Q. Okay. Did your office ever take any steps to
15 enforce the original version of the Third-Party Voter
16 Registration Organization Law?

17 A. With the fines that were imposed, no, we didn't.

18 Q. And once the law can be enforced, do you
19 know -- what role do you expect to play with respect to
20 enforcing the Third-Party Voter Registration Organization
21 Law?

22 MR. WINSOR: Object to the form.

23 MS. NORRIS-WEEKS: Object to the form.

24 It also calls for a legal conclusion in
25 terms of her understanding of the law and

1 what she interprets that law to be in terms
2 of her responsibilities.

3 MS. WEISER: Thank you.

4 MR. WINSOR: I join.

5 BY MS. WEISER:

6 Q. Can you please answer the question.

7 A. I think it would depend upon how the law comes
8 out. Like I said, we -- whatever we do in elections is
9 dictated on statutes. So until it becomes an actual law
10 that's enforced, there is nothing for me to do. But once
11 it is enforced, then I have to follow whatever is there.

12 Q. And if you can -- why don't we -- I will circle
13 back. But has the law been explained to you in any way
14 by the Secretary of State or anyone working for the
15 Division of Elections?

16 A. By the assistant counsel, yes.

17 Q. Okay. And what explanation was provided?

18 A. I don't know. That it is in litigation, I know
19 that; but not a whole lot of detail.

20 Q. All right. What is your understanding of what
21 this law does?

22 MR. WINSOR: Objection to the form.

23 MS. NORRIS-WEEKS: Same objection.

24 THE WITNESS: It's, as I read it, that
25 they have -- information has to be turned

1 in, in a timely manner. If it's not, then
2 there are scales of fines that are assessed.

3 BY MS. WEISER:

4 Q. Now, I want to get a little bit more particular.
5 If an individual is working for a -- withdrawn.
6 If an individual is volunteering for a
7 third-party voter registration organization and collects
8 a voter registration form and submits it to your office
9 more than 10 days after it's collected, based on this, it
10 is your understanding that the individual can be
11 subjected to fines under this law?

12 MR. WINSOR: Object to the form. Same
13 objection.

14 MS. NORRIS-WEEKS: Join.

15 THE WITNESS: I think that's correct.

16 I haven't read this that closely.

17 BY MS. WEISER:

18 Q. If you would like to take a moment --

19 A. I have been here a long time, and my time is
20 running out. So, you know, when this is finalized, then
21 I am -- We follow the law. And that's the best I can
22 tell you.

23 Q. Is it your understanding that the organization
24 that the individual is working for can be subject to
25 fines?

1 A. I believe that's right.

2 MR. WINSOR: Objection to form. Same
3 objection.

4 MS. NORRIS-WEEKS: Same objection.

5 BY MS. WEISER:

6 Q. Is it your understanding that both the individual
7 and the organization can be fined for the same late
8 application?

9 MR. WINSOR: Objection to the form.

10 MS. NORRIS-WEEKS: Same objection.

11 MR. WINSOR: Calls for a legal
12 conclusion.

13 THE WITNESS: I think that is correct
14 as well.

15 BY MS. WEISER:

16 Q. Okay. Now, I just want to point out -- I would
17 like to direct your attention to -- Okay.

18 MR. TARSON: Do you want 021?

19 MS. WEISER: Yes. Here we go.

20 BY MS. WEISER:

21 Q. On page 2, the first sentence on that page says,
22 "The aggregate fine pursuant to this subsection which may
23 be assessed against a third-party voter registration
24 organization, including affiliate organizations, for
25 violations committed in a calendar year shall be \$1,000."

1 MR. WINSOR: Objection.

2 THE WITNESS: Probably.

3 BY MS. WEISER:

4 Q. And is a local of the AFL-CIO an affiliate of the
5 state AFL-CIO?

6 MR. WINSOR: Same objection.

7 MS. NORRIS-WEEKS: Same objection.

8 THE WITNESS: Probably.

9 BY MS. WEISER:

10 Q. And is this term -- Does this term have a clear
11 understanding to you?

12 MR. WINSOR: Objection to form.

13 BY MS. WEISER:

14 Q. Do you have a --

15 MS. NORRIS-WEEKS: Join.

16 BY MR. WINSOR:

17 Q. -- clear understanding of what that term means?

18 Do you have a clear understanding of what the
19 term means as --

20 MR. WINSOR: Objection to form.

21 THE WITNESS: I believe that I

22 indicated earlier what I thought it meant.

23 BY MS. WEISER:

24 Q. And -- Okay. And have you seen -- have you seen
25 any proposed regulations or forms in connection with this

1 Third-Party Voter Registration Organization Law?

2 A. Any forms or --

3 Q. Any proposed forms for regulations relating to
4 the third-party voter registration?

5 A. I can't recall having seen any.

6 MR. TARSON: This is the rules, not
7 the -- do you want -- is that what you want?

8 MS. WEISER: I did want to look at the
9 forms. We will be getting that.

10 BY MS. WEISER:

11 Q. And you just testified before that the Broward
12 County League would be --

13 A. I said "probably."

14 Q. -- probably considered an affiliate.

15 MR. WINSOR: Object to the form.

16 BY MS. WEISER:

17 Q. How would you determine whether or not it would
18 be --

19 A. I have no idea of knowing that at this point.
20 Because my answer was "probably." I don't know.

21 Q. And how would you determine whether or not
22 the -- a local of the AFL-CIO of Florida would be
23 considered an affiliate of the AFL-CIO?

24 MR. WINSOR: Objection to the form.

25 MS. NORRIS-WEEKS: Object to the form.

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1 THE WITNESS: I said "probably." I

2 don't know.

3 BY MS. WEISER:

4 Q. And do you know how you would determine that?

5 A. No, I don't.

6 MS. NORRIS-WEEKS: Asked and answered.

7 Object to the form. Inappropriate.

8 MR. TARSON: I'm not sure I have that.

9 BY MS. WEISER:

10 Q. Okay. So do you plan on participating in the
11 rule-making process relating to the Third-Party Voter
12 Registration Organization Law?

13 A. No, I don't have any plans to do that.

14 Q. Okay. And -- Okay. And have you to date
15 participated in the rule-making process relating to the
16 third-party voter registration organization law?

17 A. No.

18 Q. Has anyone from your office participated in --

19 A. No.

20 Q. And if they had, would you be informed of that?

21 A. Yes.

22 Q. Okay. And would you object to a clarification of
23 the law that provided that individuals working or
24 volunteering for third-party voter registration
25 organization would be treated as an affiliate of that

1 organization?

2 MR. WINSOR: Objection to the form.

3 THE WITNESS: I really don't have an
4 answer for that.

5 BY MS. WEISER:

6 Q. So you don't have any view as to whether or not
7 an individual should be treated as an affiliate of the
8 organization that they're volunteering or?

9 MR. WINSOR: Object to the form.

10 THE WITNESS: I don't have the answer,
11 un-unh.

12 BY MS. WEISER:

13 Q. Okay. So -- All right. Well, I think that that
14 is -- Wait one moment, for a moment. Let me just
15 double-check.

16 Oh, if an individual submitted to your office a
17 fraudulent voter registration form containing fraudulent
18 information on the form or a fictitious voter
19 registration form, is there anything in the Third-Party
20 Voter Registration Organization Law that would penalize
21 them or prevent them from doing it?

22 A. I don't know that answer. I don't, un-unh.

23 Q. Do you want to -- Is there any reason why fining
24 an individual or an organization for submitting
25 forms -- submitting forms past certain deadlines would

1 deter fraudulent forms from being submitted, forms with
2 incorrect information?

3 MR. WINSOR: Object to the form.

4 BY MS. WEISER:

5 Q. To your knowledge?

6 A. I think those two are different things.

7 Q. All right. One moment. Do you know how long it
8 takes from the time you decide to hire new staff or a
9 temporary staff member to the time that the new staff is
10 ready to start processing voter registration
11 applications?

12 A. From the time I decide to hire, to hiring them,
13 to getting them trained?

14 Q. Uh-huh.

15 A. Well, we work with a temp agency, so that could
16 happen pretty quickly. Probably, I don't know, maybe a
17 week from the time we get them in, get them trained, to
18 have them processing applications.

19 Q. And how long does it take for you to get them in,
20 once you tell the temp agency you are looking for --

21 A. I am thinking the whole thing takes about a week.

22 Q. And how long does the training process then take?

23 A. Probably a couple of days with someone assisting
24 and monitoring what they do.

25 MS. WEISER: Okay. All right. Thanks.

1 Elections and the legislation that the
2 League of Women Voters is challenging in
3 this case.

4 If I could have that back. Oh, is this
5 the same thing or is this the other one?

6 MR. TARSON: It's the one you gave me.

7 BY MR. WINSOR:

8 Q. Does this refresh your recollection with respect
9 to anything that occurred in -- with respect to ACORN
10 turning applications in after the book closing date?

11 A. I'm aware of some of that.

12 Q. Okay. And you're aware that they turned in 5,000
13 completed voter registration applications after the book
14 closing date?

15 A. I was not sure of the number, but I knew it was
16 substantial, uh-huh.

17 Q. And I'm talking about the --

18 MS. WEISER: Objection. Objection.

19 THE WITNESS: Uh-huh.

20 BY MR. WINSOR:

21 Q. This -- I've got one other document I would like
22 to show you here. This is a memorandum to Evan Kolodny
23 from Gino Herring dated December 1, 2004.

24 MR. WINSOR: And, do you have a copy of

25 9?

1 Q. You testified about some applications coming in
2 months after they were -- after they were signed by the
3 applicant. Do you get a lot of incomplete applications?

4 A. We get quite a few incomplete applications, yes.

5 Q. And if you submit an incomplete application to
6 your office, your office would send the person a letter,
7 is that right?

8 A. That's correct.

9 Q. And then that applicant would have an opportunity
10 to correct?

11 A. That's correct.

12 Q. Before the book closing?

13 A. That's correct.

14 Q. And so if an incomplete application is submitted
15 to a third-party group and held by that third-party group
16 for some period of time, and then submitted to your
17 office immediately before book closing, it would make it
18 difficult, if not impossible, for that individual to
19 affect his application, is that right?

20 A. That's correct.

21 MR. TARSON: Objection. Object to the
22 form.

23 MS. WEISER: Object to the form.

24 MR. WINSOR: What's the basis of the
25 objection?

1 MS. WEISER: That it assumes matters
2 that are not -- and it is speculative.

3 MR. WINSOR: Okay. Thank you.

4 MS. WEISER: And basis for knowledge.

5 BY MR. WINSOR:

6 Q. I think you also testified that the submission of
7 large volumes of applications makes it -- I believe the
8 word you used is -- a "harrowing" experience for your
9 staff?

10 A. Yes.

11 Q. Is that right?

12 A. That's correct.

13 Q. Is it fair to say that if the stream of
14 applications were made more steady, that it would be less
15 harrowing for your office?

16 A. Well, it would make it -- Yes, that's correct.

17 Q. Okay. And I believe you also testified that you
18 met with a third-party group to try to set up timelines
19 for their submission of application?

20 A. Yes.

21 Q. Was the purposes of those timelines to make -- to
22 ease the administrative burden on your office?

23 MS. WEISER: Object to the form.

24 THE WITNESS: Well, I think it wasn't
25 just timelines. We were talking about

1 procedures, how to complete the
2 applications, who the contact information
3 was, how to bring the applications in to us,
4 just in some kind of order.

5 BY MR. WINSOR:

6 Q. Okay. And if third parties in 2004 would have
7 promptly submitted all of the applications they
8 submitted, that would have made the administrative
9 burdens on your office less severe, is that correct?

10 MS. WEISER: Objection.

11 THE WITNESS: That's correct.

12 BY MR. WINSOR:

13 Q. And I believe you testified that in 2004 you
14 received approximately 20,000 applications right at the
15 book closing?

16 A. I think that's correct.

17 Q. Okay.

18 A. Yes.

19 MR. WINSOR: Thank you very much,

20 Dr. Snipes. I appreciate your patience.

21 And I don't have anything further.

22 MS. WEISER: I have a few quick
23 questions.

24 REDIRECT EXAMINATION

25

1 BY MS. WEISER:

2 Q. I will go in reverse order.

3 Has there ever been, in your knowledge, a steady
4 stream of voter registration applications submitted in a
5 federal election year?

6 A. I can only talk about what happened in 2004.
7 That was my first and only federal election.

8 Q. Do you have reason to believe that in prior
9 federal presidential elections applications came in on a
10 steady basis throughout the course of the --

11 A. You know what? I am going to do conjecture and
12 say probably. 2004 was a very unusual year. I don't
13 know if third-party organizations were in existence and
14 worked in the fervor that they did. So I don't know.

15 MS. WEISER: Can you get the McDonald
16 exhibits while I do that?

17 BY MS. WEISER:

18 Q. I will get back to that in a moment. But while
19 we are getting another exhibit, you indicated that if an
20 applicant submits incomplete information that you
21 do -- you send them -- notice to that applicant, is that
22 correct?

23 A. That's correct.

24 Q. Do you do any other follow up with that applicant
25 other than sending them a notice?

1 A. No. We send them a notice with the new form.

2 Q. And do you call the applicant?

3 A. No.

4 Q. If the applicant provides a telephone number, do
5 you call the applicant?

6 A. Not usually. I am saying not usually. Voter
7 Registration would probably know, but I don't think that
8 is in the normal part of what we do.

9 Q. And if the applicant doesn't respond to that
10 notice, is there any additional follow up that you do
11 with that applicant?

12 A. I don't think so.

13 Q. And are you aware that third-party groups do
14 follow-up with applicants who submit incomplete voter
15 registration applications?

16 MR. WINSOR: Object to the form.

17 THE WITNESS: I don't know if they do
18 or not.

19 MS. NORRIS-WEEKS: Objection;
20 relevance.

21 THE WITNESS: I know they make copies
22 of voter registration applications, so I
23 imagine they have some kind of follow-up
24 procedures.

25

1 BY MS. WEISER:

2 Q. Okay. And do you track whether incomplete
3 applications were submitted through third-party groups or
4 not?

5 A. No.

6 Q. And I want to turn to what has been marked by the
7 defense counsel as Exhibit 9. This is a memo from Tonya
8 Edwards to Gino Herring. Have you previously seen this
9 memo before today?

10 A. No.

11 Q. Okay. Are you addressed on it?

12 A. I'm not, I don't think.

13 Q. Do you know what the basis for the 5,000 number
14 listed on that e-mail is?

15 A. You say, do I know the basis?

16 Q. Yes.

17 A. No. If you mean the origin of the 5,000? Is
18 that what you mean?

19 Q. Do you know the origin of the 5,000?

20 A. No, I don't. But let me explain who Tonya is.
21 Tonya is a person who works in Gino's department, so she
22 works in Voter Outreach and Education. I see some of the
23 things she has referenced in here. She would have that
24 specific knowledge of these things.

25 Q. Does she work in intake of voter registration

1 application forms?

2 A. She did. She doesn't do intakes --
3 she -- necessarily. She does outreach.

4 Q. Uh-huh.

5 A. And I see a reference where she talked about
6 something that happened at one of the schools.

7 Q. Right.

8 A. And she is involved in setting up the high school
9 voter registration drive.

10 Q. But she would not be involved in receiving voter
11 registration application forms from third-party groups?

12 MR. WINSOR: Objection to form.

13 THE WITNESS: She may have received
14 them. She may have been in the office when
15 they were turned in. She may have been the
16 one at the counter.

17 BY MS. WEISER:

18 Q. Is it part of her responsibility to process those
19 voter registration applications?

20 A. Not necessarily, no. Un-unh.

21 Q. Okay. And that would be a different department?

22 A. It could be Voter Registration. They're the lead
23 group in processing registration forms.

24 Q. Okay. And do you know if there are any records
25 to support when voter registration applications were

1 turned in by third-party groups?

2 A. In that particular instance, you mean?

3 Q. In that instance, or in general in your office.

4 A. I don't know. When I read this, I make an
5 assumption she is talking about the personal experience
6 that she had.

7 Q. Okay. And, but you have no personal knowledge of
8 the basis for that?

9 A. No.

10 MR. WINSOR: Objection to the form.

11 BY MS. WEISER:

12 Q. And did you ever receive a copy of what the
13 defendant just marked as Exhibit 10, of this memo from
14 Gino Herring? Is this it?

15 MS. WEISER: Did you mark it as
16 Exhibit 10?

17 MR. WINSOR: Uh-huh.

18 BY MS. WEISER:

19 Q. From Gino Herring to Evan Kolodny; have you seen
20 a copy of this before?

21 A. This is a vague one to me. Vague. What's the
22 date?

23 Q. Do you have any personal knowledge of the matters
24 discussed in this memo?

25 A. I don't recall this one specifically, no.

CERTIFICATE OF OATH

STATE OF FLORIDA)

SS

COUNTY OF MARTIN)

I, LAURA E. MELTON, RMR, the undersigned authority, certify that BRENDA SNIPES personally appeared before me and was duly sworn or affirmed by me.

WITNESS my hand and official seal dated June 12, 2008, at Stuart, Florida.

LAURA E. MELTON, RMR

Notary Public, State of Florida at Large

Notary #DD 654030

My Commission expires: 7-7-11

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

SS

COUNTY OF MARTIN)

I, LAURA E. MELTON, a Registered Merit Reporter, in and for the County of Martin, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings, and that the foregoing transcript is a true and correct record of the deposition of BRENDA SNIPES; that a review of that transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or 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, nor am I financially interested in this action.

DATED June 12, 2008.

LAURA E. MELTON, RMR

JAN-11-2006 10:23

P.04/06



Broward County Supervisor Of Elections
Dr. Brenda C. Snipes, Supervisor
Broward Governmental Center
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301

August 6, 2004

Ms. Denise Thomas-Campbell
Association of Community Organization for Reform Now
1111 North East 7th Avenue
Fort Lauderdale, Florida 33304-2026

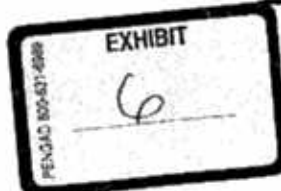
Dear Ms. Thomas-Campbell:

I was very distressed to learn that members of your organization dropped off over 2,400 voter registration applications to our main office on Thursday, August 5, 2004. The reason for my concern is the fact that all of the voter forms were completed by the applicants, but were not turned in to this office until after the book closing date of Monday, August 2, 2004.

According to Florida Law, the books close 29 days prior to each election. In order for a new registration to be valid for the August 31, 2004 Primary Election, the application must be physically received by the official voter registration site no later than 12:00 midnight on the day of the book closing. Applications received by mail must be postmarked no later than August 2, 2004. In spite of the fact that these individuals registered before the books closed, your organization willfully chose to drop off these applications after the closing of the books thus disenfranchising all of the applicants who might wish to vote on August 31, 2004. In addition, these individual applicants will not receive their new voter cards until after the August 31, 2004 Primary Election, which means a five to six week delay in receiving their new voter cards.

I am particularly upset over this situation since members of my staff met with leaders from your group several weeks ago and your group was informed of the upcoming book closing. Your group assured my staff that all completed applications would be turned in prior to August 2, 2004. Obviously this did not happen.

Si desea una traducción de este documento sírvase llamar al teléfono (954) 357-8453
Acorn Registration Group 08-06-04.doc 954-357-7050 • Fax: 954-357-7070



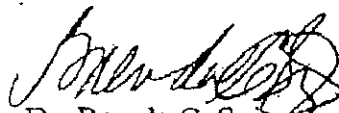
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According to the representatives of your group, all applicants were told that the forms would be turned in after the book closing for the August 31, 2004 Primary Election, but that they would be eligible to vote in the November 2, 2004 General Election. I have serious doubts that all of the applicants were given this information and many of them probably believe they are eligible to vote in the August Election. Unfortunately, they will not be eligible to vote in the Primary Election.

In order to prevent this dilemma from happening again, I would like to setup a meeting with leaders of your group so we can discuss strategies and procedures for the future in order to avoid this situation from occurring again.

Sincerely,



Dr. Brenda C. Snipes
Supervisor of Elections

cc: Dawn Roberts, Esq., Director of Division of Elections
Broward County Commissioners
Evan Kolodny, Registration and NVRA Sites Supervisor
America Votes

BCS:EDK:cc