

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

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

Civil No. 4:07cv402 SPM/WCS

vs.

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

Defendant.

**PLAINTIFFS' OBJECTION TO PROFESSOR KEVIN HILL'S DECLARATION
AND DEPOSITION DESIGNATIONS IN SUPPORT**

As noted at the hearing on Plaintiffs' Motion for Preliminary Injunction, held on December 11, 2007, Plaintiffs object to the introduction, acceptance of, and/or reliance upon the declaration of Professor Kevin Hill which was submitted by the Secretary in opposition to the Motion for Preliminary Injunction. As an initial matter, it must be noted that Professor Hill did not prepare the declaration nor any of its contents; rather, he "read it over" and signed it without making any changes because "it seemed to accurately reflect what [he] could say in this case." Hill Tr. 58:10-21. In addition, as proffered at the hearing and as developed in his deposition dated December 7, 2007, Plaintiffs object

to Professor Hill's declaration because: (1) Professor Hill is not qualified to render any expert opinion with respect to (a) the construction, interpretation, operation, provisions, or interrelationship of Chapter 97, generally, and § 97.053(6), specifically; and (b) the efficacy of Florida's matching system and procedures under 97.053(6) (nor any other method) in preventing election fraud and/or in enhancing voter confidence; (2) Professor Hill failed to adequately prepare in a manner reasonable to experts in the field or to use a methodology reasonable to experts in the field in support of his testimony (among other things, he only spent 8 hours on the case and "skimmed" some of the filings without reviewing any of documentary evidence or depositions; (3) as Professor Hill testified in deposition, none of the numerous "well documented incidents of voter fraud" nor any of the "common avenues of fraud" alluded to in his declaration (*see* ¶¶ 7-9) can be prevented by 97.053(6), Fla. Stat.; and (4) 97.053(6) is easily circumvented such that it (a) fails to prevent fraud, and (b) prohibits otherwise qualified voters from registering and voting.¹

As requested by the Court, attached are designations of deposition testimony in support of Plaintiffs' Objection as well as a marked copy of the deposition of Professor Hill, dated December 7, 2007.

¹ The remaining portions of paragraphs 8 and 9 of Dr. Hill's declaration consist of broad assertions for which Dr. Hill may be qualified to opine as an expert (e.g., there have been incidents of voter fraud in Florida in the past), and lay opinions not relying on any special expertise (e.g., efforts to verify the identity of voter registration applicants may make it less likely that false applications will be accepted), but which are of little to no relevance to the matters in dispute in this case.

GREENBERG TRAUIG, P.A.

S/GLENN T. BURHANS, JR.

GLENN T. BURHANS, JR.

FLA. BAR NO. 605867

101 EAST COLLEGE AVENUE

TALLAHASSEE, FLORIDA 32301

TEL. (850) 222-6891

FAX (850) 681-0207

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

ROBERT A. ATKINS

D. MARK CAVE

LAUREN M. ROTHENBERG

J. ADAM SKAGGS

1285 AVENUE OF THE AMERICAS

NEW YORK, NEW YORK 10019-6064

TEL. (212) 373-3000

FAX (212) 492-0289

**BRENNAN CENTER FOR JUSTICE AT
NYU SCHOOL OF LAW**

JUSTIN LEVITT

MYRNA PÉREZ

161 AVENUE OF THE AMERICAS, 12TH FLOOR

NEW YORK, NEW YORK 10013

TEL. (212) 998-6730

FAX (212) 995-4550

ADVANCEMENT PROJECT

ELIZABETH S. WESTFALL

JENNIFER MARANZANO

1730 M. STREET, NW, SUITE 910

WASHINGTON, DC 20036

TEL. (202) 728-9557

FAX (202) 728-9558

PROJECT VOTE

BRIAN W. MELLOR

196 ADAMS STREET

DORCHESTER, MA 02122

TEL. (617) 282-3666

FAX (617) 436-4878

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a copy of the foregoing was served via the Court's CM/ECF electronic filing system this day, December 12, 2007, upon the following counsel of record:

Peter Antonacci
Allen Winsor
Andy V. Bardos
GrayRobinson, P.A.
Post Office Box 11189
Tallahassee, Florida 32302-3189

Counsel for Defendant
Kurt Browning

GREENBERG TRAUIG, P.A.

S/GLENN T. BURHANS, JR.
GLENN T. BURHANS, JR.