

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

CASE NO. 4:07-CV-402-SPM

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

Plaintiffs,

-vs-

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

Defendant.

DEPOSITION OF ALVARO FERNANDEZ

Tuesday, October 30, 2007
GREENBERG TRAUIG, P.A.
1221 Brickell Avenue,
Miami, Florida 33131
9:25 00 am. - 11:00 a.m.

APPEARANCES:

ALLEN WINSOR, ESQUIRE
 GRAY ROBINSON, P.A.
 Post Office Box 11189
 Tallahassee, Florida 32302
 Appearance via telephone.
 MYRNA PEREZ, ESQUIRE
 BRENNAN CENTER FOR JUSTICE AT
 NYU SCHOOL OF LAW
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 NEW YORK, NEW YORK 10013

JENNIFER MARANZANO, ESQUIRE
 ELIZABETH S. WESTFALL, ESQUIRE
 ADVANCEMENT PROJECT
 1730 M. Street, NW, Suite 910
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1 PROCEEDINGS
 2 - - -
 3 Deposition taken before MELANIE
 4 STINSON-KONSTANTINIDIS, Court Reporter and Notary
 5 Public in and for the State of Florida at Large, in
 6 the above cause.
 7 - - -
 8 DIRECT EXAMINATION
 9 BY MR. WINSOR:
 10 Q My name is Alan Winsor. I represent the
 11 Secretary of the State in this action.
 12 Can you start by spelling your name
 13 for the record, please?
 14 A Alvaro Fernandez. A-L-V-A-R-O
 15 F-E-R-N-A-N-D-E-Z.
 16 Q Mr. Fernandez, can you tell me what your
 17 position is, your job position?
 18 A I am director for this area of the country
 19 for the William C. Velasquez Institute.
 20 Q Tell me what that institute does?
 21 A We do policy work and research on Latino
 22 communities around the country.
 23 Q Would you repeat the name of that
 24 institution; William C. Velasquez?
 25 A Well, William C. Velasquez Institute.

1		
2	I N D E X	
3	Witness	Page
4	Alvaro Fernandez	
5		
6	Direct Examination by Mr. Winsor	4
7	Cross Examination by Ms. Perez	41
8	Redirect Examination by Mr. Winsor	43
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
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1 Q Is that institute related to the Southwest
 2 Voter Project?
 3 A The only relation is the fact that the
 4 president is the same as the Southwest Voter
 5 Registration Education Project.
 6 Q Who is that person?
 7 A Antonio Gonzalez.
 8 Q Is he the president of the Southwest Voter
 9 Registration Project the national organization, the
 10 Texas corporation?
 11 A Correct.
 12 Q And so employment, are you employed by the
 13 William C. Velasquez Institute?
 14 A Yes, I am.
 15 Q Is that a full-time position?
 16 A Yes.
 17 Q Now, tell me what your relationship is
 18 with the -- I'm going to call it the Southwest
 19 Project for short, if that's all right with you?
 20 A Of course.
 21 I am a consultant for Southwest Voter
 22 at this time.
 23 Q Tell me what you do as a consultant for
 24 the Southwest Voter project?
 25 A When we establish voter registration

1 projects or Get Out to Vote projects or the other
 2 projects we do in the state of Florida, I usually
 3 head them.
 4 Q Does the Southwest Voter Project have any
 5 employees in Florida?
 6 A Currently the only employee is me, Alvaro
 7 Fernandez.
 8 Q I think you said before when there were
 9 projects you would usually chair them. Is there
 10 anything that you're doing right now for them?
 11 A With Southwest Voter?
 12 Q Yes, as far as your normal work?
 13 A No, just gearing up for 2008.
 14 Q Are you compensated as a consultant?
 15 A No.
 16 Q This is a volunteer position?
 17 A It's a volunteer position.
 18 Q How long have you been affiliated with
 19 Southwest Voter Project?
 20 A Since 2000.
 21 Q Has it always been in the role as a
 22 consultant?
 23 A No.
 24 Q In what other ways were you affiliated
 25 with them?

1 Q Let's start with that. You began that
 2 position in 2000 and stayed in that position until
 3 2006; is that right?
 4 A Correct.
 5 Q At that time were you managing other
 6 consultants?
 7 A At that time I was managing other
 8 employees and volunteers.
 9 Q Tell me what kind of things your employees
 10 and volunteers were doing?
 11 A We do voter registration work. We do Get
 12 Out To Vote projects, we do grass roots work, voter
 13 education and training and education of community
 14 leaders.
 15 Q What kind of voter registration projects
 16 do you do or have you done?
 17 A We have done many throughout the state and
 18 our focus is the Latino community.
 19 Q What kind of things do you do as part of
 20 your voter registration projects? By "you" I mean
 21 the organization Southeast Voter?
 22 A We set up what we call projects in the
 23 different communities and look for leadership in
 24 that community and set up the project, you know,
 25 something we have been doing for more than 30 years

1 A I was regional director for Southwest
 2 Voter until 2006
 3 Q Until when in 2006?
 4 A I believe it was the end of the summer,
 5 can't tell you exactly.
 6 Q Was that a paid position?
 7 A Yes.
 8 Q Was that a full-time position?
 9 A Yes.
 10 Q You were not at the same time you were
 11 doing that you, were not in your current position at
 12 the Velasquez Institute?
 13 A No.
 14 Q When you were the regional director of
 15 Southwest Voter were there other employees in
 16 Florida?
 17 A Depended on the year and the situation.
 18 There are times we have more employees than others.
 19 Q Well, I guess I should ask when you were
 20 the regional director into 2006 what was the
 21 regional you were director of?
 22 A Southeast region with an emphasis on
 23 Florida.
 24 Q Were you stationed in Florida?
 25 A Stationed in Miami, Florida.

1 Q Right.
 2 A It's through empowerment of that community
 3 so that they may go out register voters and Get Out
 4 To Vote.
 5 Q I'd like to kind of understand how it's
 6 organized, how it works. I looked at a little bit
 7 at your material that your counsel has provided, the
 8 training materials. I would like to ask you about
 9 that first.
 10 What is the Latina Academy or Latino
 11 Academy?
 12 A The Latino Academy is something we have
 13 been doing for a number of years now. We do it in
 14 different parts of the country and it's -- we bring
 15 together in different parts of the state community
 16 leaders and usually persons who will be
 17 participating in our projects and spend three or
 18 four days, depending on the academy training and the
 19 project we will be working on.
 20 Could be, again, voter registration,
 21 it could be leadership training, it could be a Get
 22 Out To Vote training or at times it can be a mixture
 23 of all three.
 24 Q So how long has Southwest Voter been doing
 25 the Latino Academy?

1 A Latino Academy started, I believe, in the
2 1990's.

3 Q Have you had some in Florida?

4 A We have definitely had some in Florida.

5 Q And earlier you talked about some of the
6 projects related to voter registration. Are you
7 talking about what you called field projects, is
8 that the same thing?

9 A Right. It's we go again, we go into
10 communities after studying the situation around the
11 State and that's information we usually get from the
12 William Velasquez Institute and set up these
13 projects.

14 Q And tell me how from the very beginning,
15 how a project is set up, a project dealing with
16 voter registration?

17 A Basically and I might, let's say, go to
18 Orlando, an area around Orlando, sit down and speak
19 to different community leaders that I have sought
20 out or have been, you know, given names of, you
21 know, these people to me.

22 We will sit and talk usually half an
23 hour to an hour on what we call one-on-one meetings.
24 And, you know, my job basically at that time is to
25 listen, see what the needs of the communities are

1 Q Right, but Southwest Voter has to have
2 some say?

3 A Southwest Voter, the only say we have is
4 we insist nonpartisan projects and a project that we
5 all agree on as far as, you know, the efficiency and
6 the coordinator will be working for Southwest Voter
7 during that projects, but, you know, the goals are
8 all established by that steering committee, which is
9 made up of community members.

10 Q Do they apply the Southwest Project for
11 approval, is that done formally or how does it work?

12 A That is when, again, based on our meetings
13 and stuff and based on, you know, our determination
14 this will be a successful project and one that will
15 abide by the laws of nonpartisanship, et cetera,
16 that's how we proceed and yes, we sign contracts and
17 everything.

18 Q And who do you sign the contract with,
19 who's on the other side of it?

20 A Can you explain that?

21 Q Sure, sure. I guess the parties to the
22 contract are the Southwest Voter and whom and --

23 A Oh, and the chairman coordinator and
24 treasurer of the different committees.

25 Q Are those people compensated by the

1 and we might do, you know, 20, 30 of these meetings
2 in the different communities.

3 After these discussions we determine
4 if there's an interest in that community to put
5 together a project and what kind of project they
6 would like to put together. If we all agree on that
7 then our next step would be an academy, Latino
8 Academy, where we might bring these 20, 30, whatever
9 the number of people are together for three or four
10 days and start training so that we may proceed to an
11 actual project.

12 Those projects are then organized in
13 such a way that we will hire a coordinator and
14 during that the academy, before the project is
15 actually established, they will, you know, leave
16 that academy with already an organization, and by
17 that a steering committee; a chairman of that
18 steering committee, a treasurer and people who will
19 be working on that project.

20 Q How is that leadership determined for that
21 project the treasure or chairman or things like
22 that?

23 A That leadership is determined by the
24 community members themselves who are participating
25 in the project.

1 Southwest Voter project?

2 A Normally we will compensate the
3 coordinator and usually also provide some expense
4 money for the project.

5 Q And in some cases do you not compensate
6 the coordinator?

7 A There have been cases where we do not
8 compensate the coordinator, correct.

9 Q And do you know how many of these field
10 projects that have gone through this process that
11 have been there in the last, say, two years in
12 Florida?

13 A The last project we had was in 2006 and
14 that was a Get Out To Vote project and there was a
15 small project held in the area of South Miami Dade
16 county.

17 Q Was that the only project you had in 2006?

18 A Of that nature, yes.

19 Q What about of any nature?

20 A In 2006 projects, yeah, that was basically
21 it.

22 Q And did that project have a coordinator?

23 A Yes, it did.

24 Q Do you know who that was?

25 A I would have to look up his name.

1 Q And was he compensated, do you know?
 2 A Yes, he was.
 3 Q Do you know roughly how much?
 4 A Compensation is usually about, for a four
 5 week project, about a \$1000. It's a stipend, it's
 6 about \$1000.
 7 Q How do you find your coordinators?
 8 A Those coordinators, we don't find them the
 9 committee selects them.
 10 Q So it's somebody in the community that the
 11 committee is familiar with them, I guess?
 12 A Correct.
 13 Q Do you know in that 2000 project, the Get
 14 Out To Vote project in South Miami Dade --
 15 MS. PEREZ: Objection, ambiguous. I think
 16 you misstated it. It was supposed to be the
 17 2006.
 18 MR. WINSOR: What did I say?
 19 MS. PEREZ: 2000.
 20 BY MR. WINSOR:
 21 Q The project we were discussing, this is
 22 2006 in southwest Miami-Dade, I think you said, the
 23 Get Out And Vote project?
 24 A Uh-huh(affirmative).
 25 Q Were any expenses provided by the

1 A Yes.
 2 Q And was your work with Advancement Project
 3 and your work with Southwest Voter separate?
 4 A They were separate, but they work very
 5 well together.
 6 Q Where did you physically work during this
 7 time; were you working at your office in your house,
 8 where were you working?
 9 A In 2006, for Advancement I worked out of
 10 my house.
 11 Q Okay.
 12 A For Southwest Voter, we had an office in
 13 an area of Miami called Allapatah.
 14 Q Does Southwest Voter have that office?
 15 A We have moved since then.
 16 Q In 2006 did Southwest Voter have any
 17 employees in Florida other than you?
 18 A Yes.
 19 Q How many would you say?
 20 A At that time we had one other full-time
 21 employee, plus we had the coordinator that would
 22 also be considered an employee.
 23 Q That's the coordinator for the project?
 24 A For the project.
 25 Q How many projects counting this one would

1 Southwest Voter project?
 2 A I believe there was \$500 in expenses
 3 Q That year you were a full-time employee
 4 for part of the year, right?
 5 A Yes.
 6 Q Other than during your time as a full-time
 7 employee that year, other than doing whatever you
 8 did to administer this project or help with this
 9 project, what kind of other things were you doing?
 10 A I did some work with Advancement Project.
 11 Q What kind of work?
 12 A Basically the same type of things that I
 13 do with Southwest Voter and it's dealing with Latino
 14 and other minority communities around the state and
 15 making sure that, you know, their votes are counted.
 16 Q Was your work with the Advancement
 17 Project, were you working with them as the regional
 18 director of Southwest Voter or were you working with
 19 them in some other capacity?
 20 A I was working with them in some other
 21 capacity. I was their Florida advocate.
 22 Q Were you employed by them?
 23 A I was employed by them, yes.
 24 Q Were you employed by them at the same time
 25 you were employed by Southwest Voter?

1 you say that Southwest Voter has been involved in in
 2 the last five years?
 3 A How many years, I'm sorry?
 4 Q Five?
 5 A Can't give you an exact number, but at
 6 least as far as projects in five years, about 50
 7 projects and that is a guesstimate.
 8 Q I understand. When was the most recent
 9 project that dealt with voter registration?
 10 A The last voter registration projects we
 11 held in Florida were in 2004.
 12 Q Tell me about those projects.
 13 A Well, we at that time we had, I believe,
 14 26 projects in Florida around the state.
 15 Q Can you tell me generally what different
 16 types of projects they were, what different types of
 17 goals they had, anything like that?
 18 A They were first established as voter
 19 registration projects in counties where there was a
 20 large Latina population.
 21 Q Okay.
 22 A And those voter registration projects that
 23 worked out well, in the sense of they actually
 24 worked and got results, were then turned over into
 25 the Get Out To Vote project for the 2004

1 presidential election.
 2 Q Did the 26 projects you mentioned, did
 3 those include the 26 did those include the Get Out
 4 To Vote or the Get Out To Vote projects in addition
 5 to those?

6 A If you look at this it's just 50 projects,
 7 26 voter registration projects that then get turned
 8 in 25, 26, Get Out To Vote Projects.

9 Q And were the projects, the voter
 10 registration projects, did those include assisting
 11 individuals and completing voter registration
 12 applications?

13 A These projects were, you know, initially
 14 like I said, they were voter registration and yes,
 15 we had many coordinators and volunteers working to
 16 register voters.

17 Q And what were they doing to register
 18 voters?

19 A A number of things from going to areas
 20 where there are like grocery stores where a lot of
 21 people congregate and come in and out. Door to door
 22 canvassing, special events, anywhere where we might
 23 find a large numbers of potential Latino voters.

24 Q Did they include working with any voting
 25 officials, state officials or county officials?

1 Q Have you seen this document before?

2 A Yes, I have.

3 Q When did you first see this document?

4 A I saw this document about a week ago.

5 Q And on the second to last page is a
 6 verification, that's your signature, I assume?

7 A Yes.

8 Q I want to ask you some questions about
 9 some responses in here. At the bottom of the
 10 page -- not respect to the number, but the third
 11 page. I have at the bottom of it, it says, Response
 12 to Intergatory Number 3, the very last line on that
 13 page: Plaintiffs' plans to conduct voter
 14 registration drives in 2008. It continues on to the
 15 next page.

16 Can you tell me about the plan for
 17 2008 to conduct voter registration drives?

18 A At this time we are making plans for the
 19 different voter registration drives we will be
 20 holding in the state of Florida and right now we are
 21 pinpointing the different communities and counties
 22 where we would like to work and establish between 25
 23 and 30 projects during the year 2008 that will
 24 culminate in the presidential election in the
 25 November of next year.

1 A We always work with voting officials. For
 2 example, the supervisor of elections because in the
 3 end we have to turn over these voter registration
 4 forms to them.

5 Q When you say you work with them, what kind
 6 of stuff do you do with them?

7 A Initially the way we train these people is
 8 to, you know, the coordinator especially, and
 9 sometimes you know the chairman and anybody directly
 10 involved during these projects, normally we will go
 11 to the supervisor's office and introduce themselves
 12 to, at least, the people who, you know, they will be
 13 dealing with on a weekly basis during the project.

14 Q Do you have interrogatory response in
 15 front of you?

16 MS. PEREZ: He does now.
 17 (Brief recess.)

18 BY MR. WINSOR:

19 Q Sir, do you have what's titled SVREP'S
 20 responses and objections to the Secretary of State's
 21 first set of interrogatories?

22 A Yes.

23 Q You have that in front of you, 13 pages or
 24 so?

25 A Yes.

1 Q When did you plan to begin these projects?

2 A We will probably begin the projects in
 3 early spring.

4 Q So, are you not planning to do anything
 5 with respect to the presidential primary preference?

6 A As far as the presidential primary
 7 preference we might do some Get Out To Vote work.

8 Q Are there any plans for the presidential
 9 preference primary?

10 A At this time we don't have any.

11 Q Tell me about the plan that you do have
 12 that will begin in 2000 in the spring with the
 13 project you described, what kind of project
 14 specifically are in the works?

15 A A number of things. We will be, like I
 16 said, holding voter registration drives. We will
 17 hold at least two academics in Florida, one in the
 18 central part of the state, one in the southern part
 19 and we plan on Get Out To Vote campaigns after the
 20 voter registration drives as we near election day.
 21 And like I mentioned, we plan on working in counties
 22 like Miami-Dade, Broward county, Palm Beach
 23 Hillsborough, Orange, Volusia, Seminole, Collier and
 24 a few I probably have left out.

25 Q Is the case at this point, the plans are

1 just in the beginning stages or do you have any
2 concrete plans on exactly what's going to take place
3 in 2008?

4 A We are at the beginning phases for a very
5 simple reason, right now we are still waiting for
6 commitments of funds.

7 Q Where would the commitment of funds come
8 from?

9 A Numerous sources. From foundations to the
10 private sector.

11 Q If you don't get funds what will happen?

12 A We will get funds. The presidential years
13 we always get funds, but, you know, if there were no
14 funds there would be no projects.

15 Q I've got some other questions about the
16 interrogatory responses. The page I'm on is the
17 fourth page, the middle paragraph, the only full
18 paragraph starts with, Subsection 6 will prevent
19 thousands of eligible Floridians.

20 Do you see that?

21 A Yes.

22 Q The second sentence there says that
23 comparable attempts to verify particular information
24 on registration forms have resulted in errors 15 to
25 30 percent of the time, and it goes on.

1 Can you tell me what that means?

2 A The way I understood this is -- let me
3 step back a little. In 2006 one of the projects I
4 worked on was verification of people who had
5 registered to vote to make sure they were on the
6 voter rolls based on the new law of the matching
7 issues, et cetera. And we conducted a study where
8 we made -- well, we verified almost 700 new
9 registrants. Of those 700, about approximately
10 27 percent were not getting on the voter rolls
11 because of the matching issue.

12 Q So, the 15 to 30 percent of the time is
13 that based on your experience with those 700 voters?

14 A Let me read this carefully, but this 15 to
15 30 percent might also, I believe, deals with the
16 Borswick Declaration that you -- these are studies
17 that have been conducted.

18 Q Let me know when you finish reading it.

19 A It says other Social Security
20 administration report to 46.2 and comparable
21 attempts to verify particular information gives 15
22 to 30 percent of the time.

23 I guess it's based on studies, and
24 like I said, we conducted our own study and it
25 turned out to be 27 percent.

1 Q When you say "we" are you talking about
2 the Southwest Voter?

3 A At that time I was. The actual study was
4 done with the Advancement Project, but I was under
5 the -- employed by Southwest Voter at the time also.

6 Q I think you said before that that was one
7 of the projects you did in 2006, it was verification
8 of people who registered to vote?

9 A Correct.

10 Q That was the project, the Advancement
11 Project?

12 A With Advancement Project.

13 Q That was not with Southwest Voter?

14 A Correct.

15 Q Southwest Voter didn't do any projects in
16 2006 other than the one you described earlier?

17 A That's right.

18 Q That wasn't related to verification of
19 people who registered to vote?

20 A Correct.

21 Q Same question on the following page, kind
22 of eight lines down or so. Although information
23 will confirm this inquiry is in the possession of
24 the Secretary of State based on information to date,
25 a comparison of racial and ethnic compensation of

1 voter registration applicants who applied in 2006,
2 and were not successfully matched at some point
3 during 2006, reveal the Subsection 6
4 disproportionately impacts Latino applicants.

5 Was the information to date that's
6 described there?

7 A I don't understand the question.

8 Q Do you see the sentence I'm talking about?

9 A Yes, I do.

10 Q Third line; based on information to date?

11 A Uh-huh (affirmative).

12 Q I'm just asking what that information is?

13 A Based on studies that were conducted in
14 2006 of people trying to register to vote.

15 Q Are these the studies you described a
16 minute ago?

17 A One of them would be, yes.

18 Q This includes the 700 people that you
19 verified through the Advancement Project?

20 A I would venture to say, yes.

21 Q Are you not sure?

22 A I'm pretty sure. There is, you know, a
23 lot of voter registration that did take place from
24 2006. We happen to verify 700 of those people
25 trying to register to vote.

1 Q But sitting here today you don't know what
2 specific information they have referred to here in
3 this paragraph or do you?

4 A Specific I can't tell you.

5 Q Now, if you skip ahead to response to
6 interrogatory 6 which is four or five pages ahead --

7 A Okay.

8 Q -- if you look at the last paragraph, the
9 last paragraph on that page, on the third line, it
10 says, SVREP will follow up with the supervisors of
11 election to determine if its applicants had been
12 added to the registration rolls?

13 A Okay.

14 Q Is that accurate with respect to the 2008
15 elections?

16 A Based on what we have seen it is very
17 accurate. We feel we will need to check most every
18 one of our voter registrants to make sure they are
19 getting on the voter rolls.

20 Q And is that because of the matching issue
21 or is the matching issue just part of that?

22 A It's because -- largely because of the
23 matching issue.

24 Q If the matching issue didn't exist would
25 you still plan to follow up with the offices of

1 that they did do?

2 A The verification at work, what we did was
3 normally people who had registered with us would
4 give us a call when they had not received their
5 voter cards and we would follow up with the
6 different supervisors around the State.

7 Q In the same paragraph we were discussing
8 toward the bottom of Subsection 6, impedes SVREP's
9 to divert its resources in educating unmatched
10 registrants without procedures -- and it goes on.

11 Tell me what you know about that, if
12 you would, please?

13 A Well, basically based on what we have seen
14 and the problems created by this, the matching
15 issue, the law, matching issue law I'll call it --

16 Q Sure.

17 A -- we, you know, we feel that it will be
18 important, you know, to spend monies or time, you
19 know, through volunteers making sure that, you know
20 our people that we do register get on the voting
21 rolls.

22 You know, that will cost us time and
23 money and money can be first, it could be money
24 spent on voter registration out on the street which
25 we are going to have to take volunteers from when

1 election supervisors to determine if applicants had
2 been added?

3 A If the matching issue did not exist we do
4 some verification, but it would not be a focus of
5 our projects.

6 Q Do you do some verification, but less?

7 A Yes.

8 Q You didn't do any verification in 2006,
9 right?

10 A Southwest Voter registration did not do
11 verification, but I do verification through
12 Advancement Project.

13 Q Right. Maybe I should clarify the
14 distinction between you and SVREP.

15 How would Southwest Voter do it or
16 will you do it or both?

17 A In 2008 we do it. It will be done through
18 Southwest Voter registration so that will be a
19 change from 2006. In 2006 we did no voter
20 registration, so we couldn't verify.

21 Q Did you do any verification in 2004? And
22 by "you" I mean the Southwest Voter Project?

23 A Southwest Voter in 2004 did very little
24 verification.

25 Q How did they do the voter verification

1 people are not being, you know, are not getting on
2 the voter rolls

3 For example, we may have -- and if
4 you have ever been to Miami, say our offices are on
5 Biscayne Boulevard, having to drive to Homestead
6 it's almost an hour drive, takes time, and gas money
7 and a person's, you know, money. So it will be, you
8 know, it will be expensive in that sense.

9 Q What about education, what specific types
10 of education would you do in 2008 or are you
11 planning to do in 2008?

12 A During our training we will be discussing
13 the areas of, you know, the matching issues and how
14 important it is to, you know, get everything down on
15 the, you know, done correctly, but we are going to
16 run into problems and that's part of the problems,
17 part of the things we are going to be training on,
18 making sure we can catch those problems before they
19 happen.

20 Q Do you have any specific plans on training
21 that would include the matching issues?

22 A Just letting people know that the problem
23 does exist and that, you know, it will be part of
24 every project, basically every project will have or
25 will have somebody dedicated to, you know, making

1 sure people are getting on the voter rolls.
 2 Q Has the Southwest Voter organization done
 3 any training with respect to matching anywhere in
 4 the country before?
 5 A Not that I know of.
 6 Q Are the training materials that you use
 7 arc they used throughout the county or arc they sort
 8 of specific materials?
 9 A The training manual we use is national in
 10 scope and was written a couple of years ago, I
 11 believe. You know, we localize it by some of the
 12 people we bring in to do the training.
 13 Q Do you have the training manual in front
 14 of you?
 15 MS. PEREZ: He does now.
 16 BY MR. WINSOR:
 17 Q Would you turn to page 80 of the training
 18 manual, please?
 19 A Okay.
 20 Q Well, first is this document your training
 21 manual?
 22 A Yes, it is.
 23 Q Have you seen it before?
 24 A Yes, I have.
 25 Q Are you pretty familiar with its contents?

1 someone who you submitted a form or someone who you
 2 invite in the organization and by "you" your
 3 organization has confirmed successful registration?
 4 A Somebody we have submitted a form for.
 5 Q So, someone, for example, were ineligible
 6 to vote, he was underage or a felon or something
 7 like that, he might appear on this list, but not
 8 have become a registered voter?
 9 A The number could be, yes.
 10 Q Is that used to help determine the
 11 compensation or bonus compensation of any sort or
 12 compensation for any of the team members?
 13 A No. This, you know, this -- one of the
 14 things every project determines before it starts our
 15 goals, and this just assures that they meet their
 16 goals.
 17 Q Is there any mechanism to report up the
 18 chain the way this does, a success of voter
 19 registration verification?
 20 A Can you ask that question again, please?
 21 Q Sure. Is there any mechanism or form of
 22 reporting the success of any voter verification
 23 project?
 24 A If you are asking me are we going to be
 25 verifying these numbers at the end of each project

1 A Yes.
 2 Q On page 80 the title of this page is final
 3 voter registration report?
 4 A Okay.
 5 Q Can you tell me what this document is and
 6 how it's used?
 7 A This is the final -- on a weekly basis our
 8 coordinators fill out something which is similar,
 9 basically how many hours were spent on, you know, by
 10 volunteers, et cetera, and how many voters were
 11 registered, how many pledge cards were signed, any
 12 problems that there might have been.
 13 That is turned in on a weekly basis,
 14 that is turned in to me and that ends up in the main
 15 office in San Antonio. At the end of a project
 16 whether it be 4, 6, 8 weeks, whatever the number of
 17 weeks, then they turn in this final voter
 18 registration reports which is basically a
 19 compilation of those weekly reports.
 20 Q Is this used, this report of success, of a
 21 voters registration drive or voter registration
 22 project?
 23 A This is used to compile the number of
 24 voter registered.
 25 Q And when you say register, do you mean

1 or at the end of each week, as I mentioned, based on
 2 the problems we have seen and foresee with the
 3 matching issue, we will have in Florida based on
 4 this law, which in my opinion makes no sense because
 5 it keeps people off the rolls. We will have to
 6 establish some kind of procedure to verify as many
 7 of the people we have registered as possible.
 8 Q What I am asking is with respect to how
 9 that is done, is there any form or mechanism in
 10 place to allow for the reporting of success of any
 11 verification?
 12 A That form will be ready by 2008.
 13 Q Is there any form used in any other state
 14 to deal with other state matching issues that you
 15 are aware of?
 16 A I wouldn't know.
 17 Q Who would know?
 18 A I'd have to find out.
 19 Q Let's talk a minute about how Southwest
 20 Voter in organized. I understand as of right now
 21 you're the only employee in Florida?
 22 A Correct.
 23 Q Who do you report to?
 24 A I report to the president Antonio
 25 Gonzalez.

1 Q And how many states does Southwest Voter
2 have presence in right now, as far as you know?

3 A Our presence is between 15 and 20 states.

4 Q You said your title was you're a
5 consultant.

6 A I'm a consultant. When I've work with
7 Southwest Voter I have been a regional coordinator
8 in charge of Florida, Georgia, North Carolina, South
9 Carolina, Virginia.

10 Q Could you please repeat that?

11 A When I've worked would Southwest Voter
12 I've been the regional coordinator in charge of
13 southeast. States include Florida, Georgia, North
14 Carolina, South Carolina and Virginia.

15 Q Those were all in your region when you
16 were regional director?

17 A Correct.

18 Q Are you a regional director now?

19 MS. PEREZ: Objection, misstating his
20 title. He is regional coordinator.

21 BY MS. PEREZ:

22 Q Is that regional coordinator now?

23 A It's only me as a consultant for
24 Southwest.

25 Q Is there a consultant in those other

1 MS. PEREZ: Objection, ambiguous.

2 BY MR. WINSOR:

3 Q You can go ahead.

4 A I really don't know.

5 Q Have you had any contact with any state
6 officials or county officials or any election
7 officials about the matching issue in Florida?

8 A Last contact I had was last year.

9 Q Who was that with?

10 A We met with different supervisors from
11 around the State. I know we met with the Miami-Dade
12 supervisor, Broward supervisor, Orange county
13 supervisor, Hillsborough supervisor and a few
14 others, I guess.

15 Q When you say "we" who do you mean?

16 A There was a coalition of people working on
17 this while I was working with Advancement Project.

18 Q What was the purpose of those meetings?

19 A To deal with the problem of the matching
20 issues.

21 Q And how were these meetings going to deal
22 with it, help me understand it.

23 A Trying to understand or better understand
24 how the supervisors in each one of those counties
25 were dealing with this problem.

1 states in part of that region you just described?

2 A No, no, no I'm the only person

3 Q Is that the whole region?

4 A The whole region.

5 Q Do you know how many employees nationally
6 the organization has?

7 A It's hard to tell at any moment. Like I
8 said, depending on what projects are going on we are
9 like and accordion, we grow and then we become
10 small. It all depends on, you know, the situation.
11 If there's elections going on in California, for
12 example, there might be hundreds of people working
13 there, so I can't answer that question.

14 Q I know you said there's no other employee
15 in there. Are there employees anywhere in the
16 organization that reports to you?

17 A At this time, no.

18 Q Are you aware of any efforts by Southwest
19 Voter to address the matching issue in this case
20 outside, obviously they are addressing it through
21 this litigation outside of that?

22 A No.

23 Q Are you aware of any communications
24 between Southwest Voter and voter officials about
25 the matching requirements?

1 Q What did you learn from those meetings?

2 A That the problem is real and that the
3 problem will be a major one in 2008 because of each
4 presidential year the scope of work, people who
5 register to work, et cetera, becomes much larger.

6 Q Is the Southwest Voter Project engaged in
7 any other litigation right now?

8 A I'm not sure.

9 Q Have you been involved in any litigation
10 in the past?

11 A They have been involved in litigation in
12 the past, yes.

13 Q Dealing with the matching issue?

14 A I don't know.

15 Q What kind of litigation have they been
16 involved in in the past?

17 A I really don't know.

18 Q Give me just a second here if you would,
19 please?

20 A Sure.

21 (Brief recess.)

22 THE WITNESS: One other thing, before we
23 start, I was involved in a lawsuit 2002
24 regarding redistricting, but I was -- I mean
25 Southwest Voter registration in Florida.

1 BY MR. WINSOR:

2 Q Can you hold on just one second, please.
3 (Brief recesses.)

4 BY MR. WINSOR:

5 Q I assume you're willing -- let's go back.
6 You just said that the Southwest Voter was involved
7 in 2002 regarding redistricting?

8 A Yes.

9 Q Where was that litigation?

10 A In Florida.

11 Q Was that the, I guess, in that action in
12 that three judge panel here in the northern district
13 of Florida?

14 A Yes.

15 Q It doesn't matter. Okay, that's fine.
16 Any other litigation?

17 A No, not that I can remember.

18 Q While I've got you I wanted to run through
19 your professional and educational background. If
20 you can tell me, I'd appreciate it.

21 A I went to and graduated from the
22 University of Florida.

23 Q I did as well.

24 A Good. With a Bachelor of Science degree
25 in communications specializing in journalism.

1 Q Do you have any professional
2 certifications or any other degrees or anything?

3 A No. I've been a real estate broker,
4 mortgage broker, those kinds of -- but right now I'm
5 inactive in all of those.

6 Q When did you get your degree from the
7 University of Florida?

8 A 1974.

9 Q Can you tell me when you became
10 involved --

11 A In lost.

12 Q Without going through your whole
13 professional career, when did you began getting
14 involved in things relating to voting and things
15 such as this as opposed to -- you don't need to tell
16 me about working as a realtor or anything like that.

17 A I became involved in anything to do with
18 voting in 1980, the first time I voted.

19 Q What was your involvement then?

20 A Always been involved in politics in one
21 way or the another all my life.

22 Q Can you tell me the positions that you
23 have had in that area?

24 A In 1981 I started working with Raul
25 Martinez, mayor of the city of Hialeah then just

1 elected and became his special assistant in charge
2 of everything to do with, you know, the community,
3 the press, et cetera.

4 Q Then kind of walk me through the time
5 line.

6 A In 1986 I left the job with the city and
7 ran for State House of Representatives in Florida,
8 District 109 at that time.

9 Q Okay.

10 A In the 90's -- I lost that election, by
11 the way.

12 In the 90's I was a -- you would call
13 me a community activist to the point where in '95,
14 '96, I believe around that time we set up an
15 organization here in South Florida called Citizen
16 Accountability Network where we were seeking more
17 transparency of our local governments.

18 In the year 2000, I again ran for
19 County Commission District 5 here in Miami-Dade
20 county, again lost. And at that time in September
21 of that year 2000 is when I began working with
22 Southwest Voter registration.

23 Q And I understand from the litigation
24 papers it's a position of the Southwest Voter
25 establish voter program that 97053 Subsection 6

1 burdens voter registration applicants.

2 A Yes

3 Q Are there other provisions of the Florida
4 election code that's the position of Southwest that
5 burdens applicants?

6 A I am not sure right now. Right now we are
7 working on this matching issue which has us very
8 worried.

9 Q Well, I very much appreciate your time
10 this morning. I'm sorry we are a little delayed in
11 getting started. That's all I have and your
12 attorneys may or may not have any questions.

13 CROSS EXAMINATION

14 MS. PEREZ: I have a couple questions.

15 BY MS. PEREZ:

16 Q Alvaro you testified Southwest Voter does
17 voter registration and Get Out To Vote activities
18 and the Latino Academy. Can you tell me how that
19 relates to your overall mission?

20 A Our mission, the Southwest Voter mission
21 is empowerment of minority communities through
22 increased political and civic participation. And
23 those goals are met by, you know, the voter
24 registration project, Get Out To Vote project, and
25 voter education and, you know, the training and

1 educating of community leaders.

2 Q And how does the matching statute affect
3 your mission.

4 A There are so many people that need to be
5 registered to vote. That is what we will be doing
6 in '08 and this will hold us back because it will
7 keep us from getting people who should be on the
8 rolls and want to be on the rolls from getting on
9 the voter rolls.

10 Q Will the matching issue affect your fund
11 raising capacity?

12 A Most definitely, it's going to be, you
13 know, a problem in the sense that funding, it's not
14 going to affect us in the sense of we will be
15 getting funds, but some of those funds will have to
16 be dedicated to this problem of matching issues.

17 Q Can you describe how your funds are going
18 to be dedicated to this matching issue?

19 A Again, you know, in the past we have
20 registered voters. When we have run into problems
21 they have called us and we have solved the problems,
22 but they have been solvable.

23 Right now, you know, based on your
24 studies and what we can foresee, we need to spend a
25 lot of time doing voter verification, so part of the

1 counsel asked you if the matching statute would
2 affect your fund raising. Then you talked about how
3 it would affect the money that you have to spend,
4 but I wanted to ask you to clarify if it will affect
5 the amount of money that comes in or just the amount
6 of money that goes out, and how it goes out.

7 A This is how it's going to affect us, we
8 will be raising money for voter registration and
9 later for Get Out To Vote. That money would
10 normally go to voter registration under normal
11 circumstances, but we are dealing with a problem
12 that is not normal, and it's this matching issue.

13 Q Okay.

14 A So there's going to have to be money spent
15 to verify to make sure our people are getting on the
16 voter rolls.

17 Q I understand your answer. I guess the
18 next question is, will it hurt your ability to raise
19 money or just change the way that you spend your
20 money?

21 A It's not a -- will it hurt our ability to
22 raise money? It's not, you know, a question of
23 hurting our ability, it's going to take money from
24 the job we need to do.

25 Q I understand. So you're saying it will

1 money we receive from voter registration will have
2 to not only go to voter registration, but once we
3 have got them registered to vote, make sure that
4 these people are on the rolls, that's going to
5 require time and expenses.

6 Q And why do members of the Latino community
7 need Southwest Voter to help them with this matching
8 issue?

9 MR. WINSOR: Object to the form.

10 BY MS. PEREZ:

11 Q You can answer the question.

12 A It's a very large constituency in the
13 state of Florida, by now the Latino community in
14 Florida is the largest minority voting community is
15 in Florida.

16 And these numbers we have already
17 based on our studies through WCV, William Velasquez.
18 There are 500,000 to a 1,000,000 voters that we need
19 to register. So, you know -- I don't know. I've
20 lost my thought.

21 MS. PEREZ: Okay. I'm done here.

22 RE-DIRECT EXAMINATION

23 BY MR. WINSOR:

24 Q I have one or two follow-up.

25 On the funding issue, I believe your

1 take money, but it won't hurt your ability to raise
2 money?

3 A I don't see -- one has nothing to do with
4 the other, I don't think.

5 Q Okay. So the answer is no, it will not
6 affect your ability to raise money?

7 A I will let you know after 2008.

8 Q Well, I'm asking right now if you
9 anticipate it will hurt your ability to raise money?

10 A I can't answer that.

11 Q Is that a no?

12 A I can't answer that.

13 MR. WINSOR: That's all I have.
14 We would like this. regular time is fine.

15 MS. PEREZ: I want a copy, a rough.
16 (Thereupon, the deposition was
17 concluded at 11:00 a.m.)
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STIPULATION

It is hereby stipulated by and between counsel for the respective parties and the witness that the reading and signing of the foregoing deposition are hereby waived.

AND FURTHER DEPONENT SAITH NOT

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THE STATE OF FLORIDA
COUNTY OF MIAMI-DADE.

I, the undersigned authority, certify that ALVARO FERNANDEZ personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 11th day of October, 2007.

MELANIE STINSON-KONSTANTINIDIS
COURT REPORTER
Notary Public - State of Florida
My Commission Expires: 5/07/09
My Commission No.: DD 431519

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CERTIFICATE

THE STATE OF FLORIDA
COUNTY OF MIAMI-DADE.

I, MELANIE STINSON-KONSTANTINIDIS, Court Reporter, State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn to testify the whole truth; that I was authorized to and did report said deposition in stenotype; and that the foregoing pages, numbered from 1 to 46, inclusive, are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

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

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of October, 2007.

MELANIE STINSON-KONSTANTINIDIS
COURT REPORTER
Notary Public - State of Florida
My Commission Expires: 5/22/09
My Commission No.: DD 431519