

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

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,

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

v.

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

Defendant.

DEPOSITION OF BEVERLYE COLSON NEAL

TUESDAY, NOVEMBER 6, 2007
9:12 a.m. - 10:22 a.m.

450 SOUTH ORANGE AVENUE, SUITE 650
ORLANDO, FLORIDA 32801

REPORTED BY:
Stacy Pace, RPR, CSR, CRP
Notary Public, State of Florida
Esquire Deposition Services
Orlando Office - Job# 901653
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Esquire Deposition Services (561) 659-4155

1 APPEARANCES:
 2 On behalf of the Plaintiffs:
 Elizabeth S. Westfall, Esquire
 3 Jennifer Marazano, Esquire
 Advancement Project
 4 1730 M Street, Northwest
 Suite 910
 5 Washington, D.C. 20036
 6
 (via telephone)
 7 On behalf of the Defendant:
 Andy V. Bardos, Esquire
 8 Gray Robinson, P.A.
 301 South Bronough Street
 9 Suite 600
 Tallahassee, Florida 32301

1 Deposition taken before STACY PACE, RPR, CSR, CRR,
 2 and Notary Public in and for the State of Florida at
 3 Large, in the above cause.
 4 - - - -
 5 Thereupon,
 6 BEVERLYE COLSON NEAL,
 7 having been first duly sworn or affirmed, was examined
 8 and testified as follows:
 9 DIRECT EXAMINATION
 10 BY MR. BARDOS:
 11 Q Good morning, Ms. Neal. My name is Andy
 12 Bardos. I'm an attorney for the Secretary of State.
 13 A Good morning.
 14 Q I'm going to be asking you a series of
 15 questions today. Have you ever taken a deposition
 16 before?
 17 A Yes.
 18 Q Okay. How many times have you done one?
 19 A Twice.
 20 Q Okay. Could you begin, please, by stating
 21 your name and spelling it for the record, please.
 22 A Beverlye, B-E-V-E-R-L-Y-E, Colson,
 23 C-O-L-S-O-N, Neal, N-E-A-L.
 24 Q Great. And could you please explain -- or
 25 describe your educational and professional

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10 EXHIBITS
 11 (None marked.)
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1 background?
 2 A Well, I am -- professionally, I am the
 3 executive director for the Florida State Conference
 4 NAACP, and I have over 20 years of political
 5 organizing.
 6 Q Okay. And you hold -- so you hold a
 7 position with the Florida State Conference of the
 8 NAACP?
 9 A As executive director, yes.
 10 Q And is that a full-time position?
 11 A Yes.
 12 Q Okay. And do you receive compensation for
 13 that, for your work?
 14 A Yes.
 15 Q And how long have you been in that
 16 position?
 17 A Since November 17, 2003.
 18 Q What did you do before November 17th of
 19 2003?
 20 A I was the national voter empowerment
 21 coordinator for the state of Florida.
 22 Q Okay. So you joined the Florida State
 23 Conference of the NAACP in November of 2003?
 24 A That's correct.
 25 Q Okay. And is your current position the

1 only position that you've held with the -- with the
2 Florida NAACP?

3 A Yes.

4 Q Okay. And you said it was a full-time
5 position?

6 A Yes.

7 Q 40 hours a week?

8 A No, 90.

9 Q 90? You're a hard worker.

10 A Absolutely. I'm the only paid staff in
11 the state of Florida; so therefore, I have hours
12 beyond normal working hours.

13 Q Okay. Got it. So you're the only -- only
14 paid employee of the Florida NAACP?

15 A Yes.

16 Q Okay. And could you tell me the
17 relationship between the Florida State Conference of
18 the NAACP and the National NAACP?

19 A Well, the national is our parent company.
20 They are the 501(c)(3) entity, and we are the
21 affiliate with a 501(c)(4).

22 Q I see. So they -- I assume you're a
23 corporation with stock, and they own your stock?

24 A We don't have stock.

25 Q Okay. What kind of entity is it?

1 is there an executive council or committee?

2 A There's an executive committee with the
3 president, five vice presidents, secretary,
4 assistant secretary, treasurer, assistant treasurer,
5 and we have seven at large executive committee
6 members. And then therefore, you have your
7 committee chairs, your state committee chairs, which
8 comprise the entire Florida State Conference
9 executive committee.

10 Q Okay. And are there local chapters?

11 A Local branches, yes.

12 Q Branches, okay.

13 Can you approximate how many local
14 branches there are?

15 A We have 60 local branches.

16 Q And then do -- do local branches make
17 local decisions as well and have their own
18 decision-making --

19 A They have their own autonomy.

20 Q I'm sorry?

21 A They have their own autonomy.

22 Q Okay. And so is there one budget for the
23 Florida State Conference and then separate budgets
24 for the local ones?

25 A That's correct.

1 MS. WESTFALL: Objection. Asked and
2 answered.

3 You may answer.

4 THE WITNESS: The fact that they are the
5 501(c)(3) -- they are the holder of the
6 501(c)(3) certificate, and we are just an
7 affiliate of that organization.

8 BY MR. BARDOS:

9 Q Okay. Okay. Does the -- does the Florida
10 NAACP have some sort of mission statement or a
11 declared institutional purpose?

12 A Yes. We are a civil rights organization,
13 and our mission is to eradicate discrimination by
14 way of education, economics throughout for
15 minorities and African-Americans.

16 Q Okay. And do you have a physical location
17 somewhere in the state, an office?

18 A Yes. We're located at 397 West Church
19 Street, Orlando, Florida. The ZIP is 32801.

20 Q Okay. And you're employed directly by the
21 Florida State Conference of the NAACP and not by the
22 national organization?

23 A That's correct.

24 Q Okay. Could you tell me the leadership
25 structure of the Florida State NAACP? For example,

1 Q Okay. Do you know whether any of the
2 local branches have paid employees?

3 A We only have one branch that has a paid
4 employee, and that's the Miami-Dade branch.

5 Q Okay. Do you know how many members the
6 Florida NAACP has?

7 A Currently we have about 13,000.

8 Q Okay. Do you know how many of those are
9 registered to vote?

10 A I'm not sure, but I'm going to say we have
11 probably 50 percent or more that are registered to
12 vote.

13 Q Okay. Are you familiar with the statute
14 which is being challenged in this litigation,
15 Section 97.053, Subsection 6, of the Florida
16 statutes?

17 A Yes, I am.

18 Q Okay. When did you become familiar with
19 that?

20 A August of last year, 2006.

21 Q Okay. And how did you become familiar
22 with it?

23 A Senator Tony Hill at the time was the
24 chair of the conference of legislative black --
25 Conference of Black Legislators, and he brought it

1 to our attention, that -- the statute, and that it
 2 could very well be a barrier to us getting people
 3 registered to vote.
 4 Q Okay. And could you remind me again of
 5 the name of the leadership council at the Florida
 6 State NAACP?
 7 A What now? I don't understand.
 8 Q Did you say that there was like an
 9 executive committee?
 10 A Yes, it's an executive committee.
 11 Q Okay. So it's called the executive
 12 committee?
 13 A Yes.
 14 Q And does that executive committee hold
 15 meetings?
 16 A Yes.
 17 Q Okay. Approximately how often do they
 18 hold meetings?
 19 A We have quarterly meetings. We have a
 20 winter quarterly meeting, spring quarterly meeting,
 21 a summer quarterly meeting, and then we have our
 22 annual convention.
 23 Q Okay. And has this statute been discussed
 24 at any of the quarterly meetings or any of the
 25 conventions?

1 Q Yeah. Yeah.
 2 MS. WESTFALL: Objection. Vague as to
 3 time period.
 4 You may answer.
 5 THE WITNESS: Well, each branch is
 6 supposed to conduct voter registration during
 7 events. We have voter registration drives.
 8 And we have a religious component, which is our
 9 religious affairs committee.
 10 And in conjunction with our religious
 11 affairs committee, we do voter registration in
 12 the churches. We have a community coordination
 13 committee, and through that, we do outreach
 14 with other coalition partners in the local
 15 jurisdictions.
 16 BY MR. BARDOS:
 17 Q Okay. And you mentioned voter
 18 registration drives. Are these organized by the
 19 Florida NAACP or by the local branches?
 20 A Some of them are organized by the state
 21 conference. And then, as I said before, the
 22 branches have to do voter registration, so they're
 23 encouraged to do voter registration drives.
 24 For instance, like we have the Harry T.
 25 Moore Memorial Service. We ask all of our branches

1 A It was discussed briefly last year when we
 2 were talking about the other barriers that came into
 3 place for voter registration. It was not
 4 elaborated, but we discussed it, yes.
 5 Q Was that at one specific meeting?
 6 A It was during our convention.
 7 Q During the convention.
 8 So has -- it has not been discussed at the
 9 executive committee meetings?
 10 A No.
 11 Q Okay. Could you tell me, just in general
 12 terms, the nature of the Florida NAACP's voter
 13 registration activities?
 14 MS. WESTFALL: Objection. Vague.
 15 You may answer.
 16 THE WITNESS: It's a program of the
 17 national association.
 18 BY MR. BARDOS:
 19 Q I'm sorry?
 20 A It's a program of our national
 21 association.
 22 Q Okay. Yeah. What sort of activities do
 23 you engage in in terms of voter registration?
 24 A You mean how do we get our voters
 25 registered? Is that what you mean?

1 to try to do at least a hundred voter registrations
 2 for that particular memorial service and do a
 3 lay-down, so to speak, where each branch will come
 4 and give the number of voter registrations that they
 5 have collected during that period of time.
 6 Q Okay. And I think I know the answer to
 7 this, but if you could clarify: Are the local
 8 branches separate entities from the state NAACP or
 9 not?
 10 MS. WESTFALL: Objection. Asked and
 11 answered.
 12 You may answer.
 13 THE WITNESS: When you say separate
 14 entity, they have their own autonomy, but
 15 they're not separate, so to speak.
 16 BY MR. BARDOS:
 17 Q So it's one organization?
 18 A Well, they -- the --
 19 MS. WESTFALL: Objection. She -- that
 20 calls for a legal conclusion.
 21 You may answer.
 22 THE WITNESS: It's just that they comprise
 23 of the -- they're the composition of the
 24 Florida State Conference.
 25

1 BY MR. BARDOS:

2 Q Okay. So you said that voter -- voter
3 registration activities are conducted at churches?

4 A Yes.

5 Q Are they also conducted by door-to-door
6 activities?

7 A Seldom.

8 Q In what other ways do you find people to
9 register?

10 A Well, we have -- we have, like I said,
11 through our community, coordination committees; we
12 have voter registrations with our Pan-Hellenic
13 Council. That makes up the sororities and
14 fraternities. We also have -- some of our branches
15 have relationships with Wal-Mart where they allow
16 them to come and hold voter registration.

17 It's just different entities. It depends
18 on the location and the relationship that they have
19 within their communities.

20 Q I see. And when the state NAACP, the
21 Florida NAACP, conducts a voter registration drive,
22 who is it that makes the decision to do that?

23 A The political action chair, and sometimes
24 the directives come from the national -- depending
25 on what our objectives and our goals are, we pass

1 The NAACP is sort of like a nucleus for all these
2 organizations that filter into it as members.

3 Q Okay. And are any of the individuals who
4 participate in your voter registration drive, in
5 order to find people to register to vote, paid to do
6 that?

7 A No. As I said, it's a program --

8 Q Okay.

9 A -- of the organization.

10 Q When these voter registration drives are
11 conducted, is there one person who coordinates it at
12 the -- sort of at the field level?

13 A Again, it's the political action chair's
14 responsibility to conduct voter registration drives.

15 Q Okay. So that person would be the one who
16 recruits the volunteers and tells the volunteers
17 what to do and essentially organizes the whole
18 thing?

19 A Yes.

20 Q Okay. Do you know whether the volunteers
21 are -- are trained as to what to do when they
22 conduct these voter registration drives?

23 A Yes, they have to be trained. And not
24 only that, but we also have -- have them to

25 understand the policies and the procedures of the

1 them down to our branches, because the branches,
2 like I said, are the ones who make up the Florida
3 State Conference.

4 Q Okay. And how do you -- how does the
5 organization find volunteers -- or let me just ask
6 first: Are voter registration drives conducted by
7 volunteers?

8 A Yes, they are.

9 Q And are these volunteers members of the
10 Florida NAACP?

11 A Of the local branches, yes.

12 Q Okay. And how are these volunteers
13 recruited or located?

14 A As I -- as I said to you before, we have
15 committee chairs on our state level, and one
16 committee is the political action committee. From
17 the political action committee, the -- they are
18 the -- that's the committee that's responsible for
19 doing voter registration, and they will get members
20 from the unions. We have coalition partners with
21 our labor organizations, and a lot of our labor
22 organizations are members of our local branches.

23 And again, like I said, we have sororities
24 and fraternities through the Pan-Hellenic Council.
25 They work -- and then the people in the churches.

1 NAACP as well, in terms of the decorum and how they
2 are to carry themselves when they're out conducting
3 voter registration.

4 Q Okay.

5 A That we're strictly nonpartisan.

6 Q Okay. And I assume it would be the same
7 person, the coordinator, who conducts that training?

8 A Well, yes. And sometimes other people in
9 the branch who are members of the committee and are
10 familiar with the procedures of voter registration
11 and are familiar with the procedures of the NAACP,
12 some of them can sometimes assist in the training as
13 well.

14 Q I see. Do you know how much training each
15 volunteer receives? Can you quantify it in terms of
16 hours?

17 A No, because it's done on a local basis.
18 And then a lot of our people that come in and do
19 voter registration -- as I said before, it's a
20 program of the NAACP. We have a gentleman in
21 Jacksonville who's done it all my life, and I'm 60
22 years old.

23 Q Okay. So can you walk me through the
24 process of the voter registration drive? The
25 volunteers, I presume, have voter registration

1 applications?

2 A That's correct.

3 Q And these voter registration applications
4 came from where?

5 A From the Supervisor of Elections office.

6 Q Okay. And --

7 A Some -- some we get from the -- the
8 national voter registration forms we get from the
9 Secretary of State's office.

10 Q Okay. And then the volunteers find people
11 to -- who apply to vote -- to register. Then is
12 there -- do all the applications -- are all the
13 applications that are completed collected by one
14 person, or is each volunteer responsible for
15 delivering it to the proper places?

16 A No, they're brought to the branch, and the
17 branch is responsible for delivering it to the
18 Supervisor of Elections office.

19 Q Okay. Does the branch -- or do the
20 branches that conduct voter registration drives,
21 after submitting these applications to the
22 Supervisor of Elections office, follow up with any
23 elections officials, state or local, to determine
24 whether the applicants were, in fact, registered to
25 vote?

1 A Well, as I said before, it's a volunteer
2 activity.

3 Q Uh-huh.

4 A If people that are not members of the
5 NAACP want to assist, they can -- they can always
6 assist us. And like I said, we do use a lot of our
7 unions and our Pan-Hellenic Council sororities and
8 fraternities, so naturally some of those people are
9 not members.

10 Q Okay. And I'm sorry, my question was not
11 clear. I was asking about the voter registration
12 applicants themselves. Are the applicants all
13 members of the state NAACP?

14 A No.

15 Q Okay. So a volunteer that goes out
16 looking for voter registration applicants isn't
17 looking strictly for members; they're ready and
18 willing to assist someone who is not a member as
19 well?

20 A Well, that's the purpose, is to go out and
21 find people who are not registered, whether they are
22 members or not members. All we want to do is get
23 people who are eligible to register registered. We
24 don't have any criteria.

25 Q Okay. I see. And have you -- are you

1 A They are required to do that. But
2 remember, as I told you, I'm the only paid staff;
3 and it's a matter of what available resources they
4 have to do that. Some of them do.

5 Q Okay. So some do and some might not?

6 A Well, I guess you could say that. I'm
7 not -- I'm not sure.

8 Q Okay. Have you -- have you personally
9 heard of any instance where someone has followed up
10 with elections officials and learned that one of
11 the -- one or more of the applicants was not
12 registered because of the statute which is being
13 challenged in this case?

14 A I have not asked. And a lot of times,
15 situations occur that the branches don't always give
16 me that information.

17 Q So you personally can't recall any such
18 instance?

19 A Not right now.

20 Q Okay.

21 A But we're looking into it.

22 Q Okay. Do you know if any -- well, let me
23 ask you this: When searching for people to
24 register, are you looking only for NAACP members, or
25 nonmembers as well?

1 aware of any members of the NAACP -- well, strike
2 that question.

3 Do the voter registration drives which the
4 state NAACP or the local branches conduct cost any
5 money --

6 A No.

7 Q -- for the state NAACP or the branches?

8 A No, there is not a cost. I mean, we have
9 to have pens and maybe clipboards, but other than
10 that, no.

11 Q Okay. So anything like water for the
12 volunteers or --

13 A Well, we have water anyway. Most of our
14 branches, we are accustomed to having volunteers, so
15 we are always there to have these refreshments on
16 hand for our volunteers. It's not an extra cost,
17 you know, just for that purpose. But that's just
18 how we treat our volunteers.

19 Q I see. Do you have any plans to
20 conduct -- and when I say you, I mean the Florida
21 NAACP -- to conduct voter registration drives prior
22 to the presidential primary election in
23 January 2008?

24 A As I stated before, it's a program. It's
25 an ongoing activity of the branch. So to answer

6 (Pages 18 to 21)

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1 your question, yes.

2 Q I'm sorry if some of my questions might be
3 repetitive, but I'm just trying to familiarize
4 myself with this process.

5 Okay. Now, apart from the voter
6 registration activities of the NAACP, are there any
7 members of the NAACP that you're aware of and that
8 you can identify that has been prevented from voting
9 by the statute which is being challenged here,
10 97.0536?

11 A We're in the process of researching that.
12 As I told you earlier, I was not aware. It may be.
13 I'll have to check with the branches. I don't know.

14 Q Okay. Has the statute -- and when I say
15 statute, I'm referring to Section 97.0536. Has the
16 statute in any way diverted the resources of the
17 state NAACP or its local branches from the way those
18 resources would have been allocated but for the
19 statute?

20 MS. WESTFALL: Objection. Calls for a
21 legal conclusion.

22 You may answer.

23 THE WITNESS: Could you repeat that?

24 BY MR. BARDOS:

25 Q Sure.

1 paid, and everybody else is volunteers. So if
2 you're dealing with volunteers, you have to deal
3 with them on their own time unless you are going to
4 pay someone to come in. And our branches, a lot of
5 times, can't afford that.

6 Q Okay. And you said it might require you
7 to allocate resources differently. To your
8 knowledge, has it -- has it in the past required you
9 to allocate resources differently?

10 A Well, as I've said before, a situation we
11 had -- I'm -- I'm not exactly sure. We had students
12 who could not vote last year from Bethune-Cookman,
13 and I'm in the process now of checking to find out
14 if that was because of the new statute. But when
15 they went to vote, their names were not in the voter
16 files. So we're in the process of checking that out
17 now.

18 Q Okay.

19 A So there were allocations, resources,
20 because members of the branch had to try to assist
21 them -- luckily, it was during early voting -- to
22 assist them to get the problems handled.

23 Q Do you know whether the statute has in any
24 way affected the NAACP's budget?

25 A As I -- as I said before, from the state

1 A Because I'm not quite -- I'm not quite
2 understanding what you're asking.

3 Q Sure. Has the statute -- has the -- has
4 the state NAACP or its local branches reallocated
5 its resources, or otherwise allocated its resources
6 from how they would have been allocated, because of
7 this statute?

8 A Well, as I told you before, I'm not aware
9 of the problems that may be on the local levels. No
10 one from the local level has said anything to me.

11 But just me thinking my own -- myself, you
12 know, there could be problems with people having --
13 in the African-American community, you know, there's
14 so many different ways to spell a name. Like for
15 instance, my name; my first name is Beverlye,
16 B-E-V-E-R-L-Y-E, and if -- it could be spelled
17 B-E-V-E-R-L-E-Y, and I've had -- even my church has
18 spelled my name B-E-V-E-R-L-Y and put the E at -- on
19 the -- at N-E-A-L-E.

20 So these type problems could cause us to
21 have to really, really look at it and go back in and
22 allocate resources that we would not ordinarily
23 have.

24 And like I told you, there's only one
25 person in the office -- I mean, in the state that's

1 conference, we have not expended any allocations,
2 but I don't know what the local branches have done.
3 I'll have to check with them.

4 Q Okay. Has any of the Florida NAACP --
5 NAACP's members complained to you about this
6 statute?

7 A Well, yeah, the same concerns that I have,
8 the concerns they have of people's last digits being
9 transposed. A lot of African-Americans don't have
10 proper identification, or when they go to register,
11 they don't have it with them.

12 A lot of times, African-Americans come
13 into my office asking to do voter registration
14 because they are trying to find some way to get
15 identification, thinking that it is a form of
16 identification. It's just a lot of variables out
17 there that calls for concern that is not due
18 necessarily -- you know, may fall on the applicant
19 who's applying for registration.

20 Q Okay. Have any of those members who
21 complained about this statute -- did any of those
22 members who complained about the statute complain
23 based on their own experience in -- in applying to
24 register to vote?

25 A It was -- it was just -- it was just a

7 (Pages 22 to 25)

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1 discussion of what could happen --
 2 Q Okay.
 3 A -- and the possibilities.
 4 Q So you're not familiar with any member
 5 that has actually had -- attempted to apply to
 6 register to vote and who then complained to you that
 7 this statute somehow hindered their ability to
 8 register?
 9 MS. WESTFALL: Objection. Asked and
 10 answered.
 11 You may answer.
 12 THE WITNESS: As I said before, it may
 13 happen on a local level, but I don't know about
 14 it on a state level.
 15 BY MR. BARDOS:
 16 Q Okay. And does the Florida NAACP do voter
 17 education?
 18 A Yes.
 19 Q And could you tell me what sorts of voter
 20 education it does?
 21 A We -- we do leafletting. We do
 22 canvassing. We have town hall meetings. We have
 23 candidates forums. And we do telephone calling,
 24 phone banking. Like I said, we do canvassing.
 25 Q Do you know whether any of the state

1 Q Could you please turn to response number
 2 3 -- responses to interrogatory number 3?
 3 MS. WESTFALL: Mr. Bardos, I'm going to
 4 assist her to get to the right page.
 5 MR. BARDOS: Sure.
 6 MS. WESTFALL: Because there are a lot of
 7 3s in this document.
 8 THE WITNESS: Okay.
 9 MS. WESTFALL: She's on the correct page.
 10 MR. BARDOS: Okay. Great.
 11 BY MR. BARDOS:
 12 Q And I'm looking at the third paragraph
 13 under the response.
 14 A Okay.
 15 Q And right in the middle of the page, it
 16 says: Comparable attempts to verify particular
 17 information on registration forms have resulted in
 18 errors 15 to 30 percent of the time.
 19 Do you see that?
 20 A Yes.
 21 Q Okay. Do you know where that data comes
 22 from?
 23 A It was a part of our public records.
 24 Q Part of your public records from --
 25 A Request for public records.

1 NAACP's voter education efforts have concerned the
 2 statute challenged in this case?
 3 A Only -- only educating those people who
 4 are doing the voter registrations.
 5 Q Okay. And what sort of -- what sort of
 6 voter education is that?
 7 A It's making them aware of the statute.
 8 Q Okay. Was that as part of --
 9 A That was part of our voter empowerment
 10 workshop.
 11 Q Thank you.
 12 And is the voter empowerment workshop a --
 13 a meeting that's held periodically?
 14 A It's done especially during our
 15 convention.
 16 Q Okay.
 17 A It's a part of our advocacy training.
 18 Q I see.
 19 Okay. Do you have a copy there of the
 20 state NAACP's responses to the Secretary's
 21 interrogatories?
 22 A Yes, I do.
 23 Q Okay. Could you please turn to -- well,
 24 let me ask you first: Have you seen this before?
 25 A Yes.

1 Q Okay. Could you elaborate on that?
 2 A Well, some of it came from the Social
 3 Security Administration.
 4 Q Okay. Do you remember in particular what
 5 document the 15 to 30 percent number might have come
 6 from?
 7 A I think it's what we got from the
 8 supervisor of -- from the Secretary of State. If
 9 I'm not mistaken, I think that's what it is.
 10 Q The Secretary of State from the state of
 11 Florida?
 12 A Uh-huh.
 13 Q And if you could turn to the response to
 14 interrogatory number 6, please.
 15 MS. WESTFALL: Mr. Bardos, I'm going to
 16 assist the witness in getting there.
 17 MR. BARDOS: Sure.
 18 MS. WESTFALL: Okay. We're on the correct
 19 page.
 20 MR. BARDOS: Okay.
 21 BY MR. BARDOS:
 22 Q And I'm looking at the second paragraph,
 23 and the first sentence there states: Additionally,
 24 Subsection 6 will force the Florida NAACP to divert
 25 its resources to assist voter registration

1 applicants and voters whose application has not been
2 accepted as a result of Subsection 6.

3 Could you explain how Subsection 6 will
4 force the Florida NAACP to divert its resources?

5 A Certainly. As I stated before, if we find
6 that -- for instance, like I said, we have name
7 differences in terms of spelling. You have
8 transposing of digits. You have where -- like my
9 name is Colson Neal. It's not a hyphenated name,
10 but then when my Social Security is -- if I use my
11 last four digits of my Social Security number, if
12 it's checked, it may not be Colson Neal because I
13 use Beverlye C. Neal and Beverlye Colson Neal.

14 I'm not sure how I used it when I applied
15 for my Social Security card because I've been
16 married since 1966. So that's been a long time, and
17 I'm not sure exactly what they have on record there.

18 So what it means is that we would have to
19 take the time to go back in with people who are
20 not -- names who do not get on the rolls, to call
21 them to make sure that it's on -- that their names
22 are listed. It would cause us to have to use
23 resources that we don't have readily available.

24 Q Okay. Do you have any plans at this time
25 to -- to conduct such follow-up calls?

1 that was sent?

2 A It was last year. I think it may have
3 been September sometime.

4 Q Okay. Do you remember whether that came
5 from -- or who the -- who actually sent the letter?
6 Was it -- was it the state NAACP, or was it from
7 your attorney?

8 A It was -- it was -- it was the plaintiffs
9 that filed the suit.

10 Q Okay. Are there any other election
11 regulations, besides this statute, which you feel
12 might prevent your members from voting or would
13 substantially burden your members in their efforts
14 to register and vote?

15 MS. WESTFALL: Objection. Irrelevant to
16 this litigation.

17 You may answer.

18 And also calls for a legal conclusion.

19 You may answer.

20 THE WITNESS: I'm not a legal person, so I
21 couldn't say.

22 BY MR. BARDOS:

23 Q Well, you said earlier the statute in this
24 case, you feel, might -- well, strike that.

25 Could you cite any specific example during

1 A My -- the branches have been instructed to
2 periodically check with the applications that they
3 send in and check with the applicants after so many
4 days to see if they have received their cards.

5 Q Okay. Do you know whether the Florida
6 NAACP made efforts outside of this litigation to
7 address their concerns with state or local elections
8 officials about this statute?

9 A Yes, we sent a letter.

10 Q Okay. Do you know when that was --

11 A To the Secretary of State.

12 MS. WESTFALL: Ms. Neal, just -- just so
13 the transcript is clean, I know you're
14 anticipating Mr. Bardos' questions. Wait for
15 him to finish the question before you answer.

16 THE WITNESS: Oh, I'm sorry.

17 MS. WESTFALL: No, that's okay. That's
18 okay.

19 MR. BARDOS: That's fine.

20 MS. WESTFALL: Go ahead.

21 BY MR. BARDOS:

22 Q So you say the letter went to the
23 Secretary of State?

24 A Yes.

25 Q And do you remember approximately when

1 the 2006 election cycle where this statute somehow
2 affected the operations of the state NAACP or the
3 local branches?

4 MS. WESTFALL: Objection. Asked and
5 answered.

6 You may answer.

7 THE WITNESS: Well, in 2006 we didn't do
8 as many voter registrations as we had hoped
9 because of the third-party law. And a lot of
10 our branches were afraid to venture into doing
11 voter registration because of the penalties
12 that would affect them dealing with the
13 third-party law.

14 So to -- I can't really answer that
15 question, like I said, because we didn't do the
16 voluminous number of voter registrations we
17 were required to do.

18 BY MR. BARDOS:

19 Q Okay. So you're not aware of any specific
20 way in which this statute affected your voter
21 registration activities in 2006?

22 MS. WESTFALL: Objection. Asked and
23 answered.

24 You may answer.

25 And objection, misstating the witness's

1 testimony as well.
 2 You may answer.
 3 BY MR. BARDOS:
 4 Q Okay. Are you aware of any specific ways
 5 in which this statute affected your voter
 6 registration activities in 2006?
 7 MS. WESTFALL: Objection. Asked and
 8 answered.
 9 THE WITNESS: And as I stated before, that
 10 information would have to come from our local
 11 branches.
 12 BY MR. BARDOS:
 13 Q Okay. You said -- I believe you said that
 14 in 2006, you didn't conduct as many voter
 15 registration drives as you would have liked to have
 16 done. Can you approximate how many voter
 17 registration drives the Florida NAACP or its local
 18 branches did conduct?
 19 A Well, as I said before, the branches
 20 conduct voter registration on a regular basis. We
 21 didn't do any drives, per se, last year because of
 22 the third-party law. So what we did was rely on the
 23 branches to just continue to do the voter
 24 registration, like people coming into the office who
 25 want to sign up for voter registration.

1 A No.
 2 Q And could you turn to -- and I'm not sure
 3 if you have it numbered the same way -- 3427.
 4 A Yes, I have it.
 5 Q Okay. Is that the document that's titled,
 6 Orange County NAACP Get Out The Vote 2002 --
 7 A That's right.
 8 Q -- Operating Budget Plan?
 9 A Uh-huh.
 10 Q Okay. Now, under -- it says "subtotal"
 11 six times. And under -- well, I'm sorry, I'm
 12 reading it wrong. It says voter registration,
 13 August and September --
 14 A Uh-huh.
 15 Q -- about two-thirds of the way down the
 16 page?
 17 A Uh-huh.
 18 Q And then it has a line for materials,
 19 handouts and giveaways, \$400?
 20 A Uh-huh.
 21 Q Are you familiar with what those expenses
 22 were?
 23 A That was -- that was something that was
 24 submitted to me by the Orange County branch. That
 25 was just supporting documentation to go with my

1 Q I see. Okay. Do you have available there
 2 to you the NAACP's production of documents in
 3 response to the Secretary's request for production?
 4 MS. WESTFALL. Mr. Bardos, are you
 5 referring to the documents that you E-mailed to
 6 my -- the Bates range you E-mailed to my
 7 co-counsel, or you want her to have available
 8 all the documents produced to date?
 9 MR. BARDOS: Only the ones I E-mailed.
 10 MS. WESTFALL: Yes, she does.
 11 MR. BARDOS: Okay. Great.
 12 MS. WESTFALL: That's Bate range starting
 13 at HAVA Florida 3401 through 3435; is that
 14 correct?
 15 MR. BARDOS: That's correct.
 16 MS. WESTFALL: She's got it in front of
 17 her.
 18 MR. BARDOS: Okay. Great.
 19 BY MR. BARDOS:
 20 Q Now, as I was looking through this, these
 21 appear to me to be budgets from 2002.
 22 A That's correct.
 23 Q Do you know whether the NAACP produced
 24 budgets or provided the Secretary with budgets in
 25 this litigation that are more recent than 2002?

1 budget. That's not my budget. That's not what I
 2 set forth.
 3 Q So you don't know what materials, handouts
 4 and giveaways they're referring to there?
 5 A Well, I would think that they're
 6 talking -- well, actually, the budget should have
 7 been that for -- if you see "Get Out The Vote 2002"
 8 at the top --
 9 Q Uh-huh.
 10 A -- and that is -- that is exactly what it
 11 is. That's the mobilization part. That's where we
 12 go and hand out leaflets, like I said before, during
 13 the education part --
 14 Q Uh-huh.
 15 A -- where we do our leafletting and our
 16 phone banking and those activities to educate and
 17 get people out to vote.
 18 Q Okay. Does the Florida NAACP have an item
 19 in its budget that relates strictly to voter
 20 registration?
 21 A No.
 22 Q Okay.
 23 A Well, only the fact that we -- usually in
 24 our -- in our budget, we emphasize usually the voter
 25 registration is an ongoing program. That's all.

1 Q Right, right. And then -- and then
2 beneath "materials, handouts and giveaways," it
3 says, "canvassers house to house"?

4 A Uh-huh.

5 Q And it's fine if you don't know, but do
6 you know what that refers to?

7 A As I said, people that are taking
8 literature.

9 Q Okay. And would that -- would it be fair
10 to assume or do you know -- I should ask, do you
11 know whether that means that there were voter
12 registration drives conducted on September 15th,
13 28th, and October 4th?

14 A No. And the reason being is because the
15 books are closed at that time, and we don't do voter
16 registration after the books are closed. That's
17 when we go on the GOTV mode.

18 Q Okay. Do you know what was done on
19 September 15th, September 28th, and October 4th?

20 A I really don't know. I'm assuming they
21 were canvassing, and that is taking literature for
22 educational purposes.

23 Q Okay. So canvassing involves the
24 distribution of literature but not voter
25 registration?

1 voter -- the applications.

2 Q I see. And are -- is that a standard
3 procedure that all voter registration applications
4 collected by volunteers are copied?

5 A We ask them to, but it -- but, no, they
6 don't.

7 Q Are you personally a member of a local
8 branch as well as holding your position with the
9 state NAACP?

10 A Yes.

11 Q Which local branch is that?

12 A I'm a life member with the Jacksonville
13 branch, and I'm a subscribing goal life member with
14 the Orange County branch.

15 Q Okay. Do you know whether the
16 Jacksonville -- are you more familiar with one or
17 the other?

18 A I'm familiar with both.

19 Q Okay. Are you -- are you aware whether
20 either the Jacksonville or Orange County branches
21 conducted voter registration drives prior to the
22 2006 election?

23 A Yes.

24 Q Okay. Do the local branches each have the
25 same sort of organization, in that -- in that, do

1 A Right.

2 MR. BARDOS: Okay. If I could just take
3 one minute here to look over my notes to see if
4 I have any further questions.

5 MS. WESTFALL: Certainly.

6 (Pause in proceedings.)

7 BY MR. BARDOS:

8 Q Okay. Maybe just a couple of additional
9 questions.

10 When -- when volunteers collect voter
11 registration applications, do they keep copies of
12 those applications?

13 A Yes.

14 Q Okay. And is there one place where those
15 copies are stored, or does that depend on the local
16 branch?

17 A The branch keeps them, and they -- we're
18 asked that they send information to us so that it
19 can be forwarded to our national office so that we
20 can set up a database for mobilization on election
21 day.

22 Q What kind of information do they send you?

23 A Well, depending, some of them send me the
24 names, addresses, and telephone numbers of the
25 applicants. And then some of them send the actual

1 they have the same -- they have a council or
2 committee that heads them?

3 A The local branch have -- they're also run
4 by an executive committee, which is the same
5 structure as the -- the state.

6 Q Okay. Have you participated in the
7 executive committee meetings of the Jacksonville or
8 Orange County branches?

9 A Yes, I have.

10 Q Okay. Do you know whether this statute
11 was discussed at any of those executive committee
12 meetings?

13 A No, it was not. The executive committee
14 meetings are to take care of the business of the
15 branches and not to deal with the program, so to
16 speak.

17 Q I see. Have any of the local coordinators
18 of the -- of the programs spoken to you about this
19 statute?

20 A Like I said, during the convention when we
21 had the workshops, you know, there were some
22 concerns mentioned; but other than that, no.

23 Q Okay. Do you know whether any of the
24 members of the state NAACP have received a letter
25 from any supervisor of elections indicating to them

1 that their driver's license number or the last four
2 digits of their Social Security number could not be
3 matched?

4 A Again, that would have -- that would come
5 under the local branches, and I have not
6 investigated that with them yet. I will.

7 Q Okay.

8 A I'm in the process of doing that.

9 MR. BARDOS: Okay. At this point, I have
10 no further questions.

11 MS. WESTFALL: If you could give me a
12 minute, we're going to have a little bit of
13 redirect (sic). We can stay on the record.

14 MR. BARDOS: Sure.

15 (Pause in proceedings.)

16 MS. WESTFALL: Andy, are you ready? Are
17 you there?

18 MR. BARDOS: I am.

19 CROSS-EXAMINATION

20 BY MS. WESTFALL:

21 Q Okay. Ms. Neal, could you describe the
22 state conference's mission as it pertains to voter
23 registration?

24 A Well, as I said, we are a -- we are a
25 civil rights organization, and our mission is to

1 Q And if you cannot solve those matching
2 problems in those people that don't get on the
3 rolls, will they be able to cast a ballot that's
4 counted?

5 MR. BARDOS: Objection.

6 BY MS. WESTFALL:

7 Q You may answer.

8 A Well, yes; but as it is right now,
9 African-Americans are already suspect of the
10 process. They feel disenfranchised. And all it's
11 going to take is just one person to not be able to
12 vote and they have registered, and then you go back
13 and you may lose five people who don't want to take
14 the chance of coming to the polls for fear that
15 they're going to be embarrassed that their names are
16 not there.

17 And it's a fear that we have in the
18 community that it's going to really diminish our
19 able (sic) to get out -- you know, the percentage of
20 African-Americans out to the polls, to get them to
21 come and vote.

22 Especially, you know, when you've got
23 early voting and if people go to the polls and find
24 out their names are not there, they're going to go
25 back and tell somebody else, well, I couldn't vote.

1 eradicate disenfranchisement from all minorities and
2 African-Americans.

3 Q And is part of your purpose to register
4 African-Americans throughout Florida?

5 A Absolutely, yes.

6 Q And I believe you testified earlier that
7 you are familiar with a law that is being challenged
8 in this action concerning matching; is that correct?

9 A Yes.

10 Q Do you think that this statute will have
11 an impact upon your mission in 2007 and 2008?

12 A Yes.

13 Q And what is that impact?

14 A Because we already know that
15 African-Americans are the ones who are most rejected
16 from -- regarding this statute. And it's not to say
17 when we really go in and investigate, that we're
18 going to find that it's more than what we really
19 know it to be.

20 And it's going to mean that we're going to
21 have to put extra efforts to make sure that these
22 people get their -- that we find out what the
23 problem is before election day so that they'll be
24 able to vote. So that means we're going to have to
25 allocate more resources.

1 And then there you've got all the negatives.

2 Q And will that have an impact on the state
3 conference's mission?

4 A Yes, because when we do our GOTV plan, we
5 have a percentage of the electorate that we're going
6 to mobilize to the polls, and we wouldn't be able to
7 meet those goals.

8 Q Will that impact that you described, in
9 not being able to meet your goals, will that have an
10 impact upon your ability to raise funds or get funds
11 from your national office in 2007 and 2008?

12 A Absolutely, because that's how we are --
13 we're funded according to our measurements and how
14 we perform.

15 Q And by measurements, do you mean the
16 numbers of African-Americans who you add to the
17 rolls during certain time periods?

18 A The goals that we set for registration and
19 mobilization, we're -- we're measured at the end
20 when we get the percentage of the turnout.

21 Q Ms. Neal, did -- did the state conference
22 or the branches do election day monitoring in 2006?

23 A Yes.

24 Q And did you find -- during that
25 monitoring, were you aware of voters who complained

1 that they were not on the rolls and were not
2 registered?

3 A Complaints were made, but they didn't come
4 to me, because each branch that participated in the
5 election protection had their own coordinators
6 throughout the state. So that was one effort that
7 we were not directly involved with. We were
8 indirectly, but not directly involved.

9 Q But you were aware of some of those
10 voters --

11 A There were complaints --

12 Q -- complaining that they were not -- that
13 they were not on the rolls; is that right?

14 A They were complaints, yes.

15 Q And were any of those unregistered
16 members -- did any of them have a problem with
17 matching?

18 A I don't know. That's something that I'll
19 have to investigate. I'm not sure.

20 Q Did the state conference devote resources
21 to election day monitoring in 2006?

22 A Yes, we did.

23 Q And did the state conference have to field
24 complaints from voters that they were not on the
25 rolls in some instances?

1 We have maybe about eight college chapters here in
2 the state of Florida, and they will be registering
3 new students. A lot of those may not be able to get
4 on -- may not be able -- names may not be on the
5 rolls, as I told you the problems we had with the
6 students at Bethune-Cookman.

7 And aside from that, we would have
8 problems just with people, you know what I mean, in
9 general, not remembering their numbers. Driver's
10 license numbers are long, you know what I mean, and
11 they may transpose a number. If they don't have the
12 driver's license with them or even if they don't
13 have their non-driver's ID with them, they could
14 very easily transpose the number when they're trying
15 to put that information in.

16 So it could -- it could present problems.
17 African-Americans, for the most part, are not --
18 they're very easily intimidated by the process, in
19 terms of if they got a letter from the Supervisor of
20 Elections office, they may not address it for
21 whatever reasons.

22 They're not as -- how can I say it? They
23 are a very, very fragile group of voters, in that
24 one thing can just turn them completely off. As
25 opposed to empowering them, we could make them feel

1 A Yes.

2 Q And if the state conference or the
3 branches did not have to expend resources in 2006 to
4 address these complaints, could they have spent
5 those resources and hours on other voter
6 registration or election day activities?

7 A Right, because we had to stop what we were
8 doing in order to address the problems.

9 Q Next year in 2008, it's a presidential
10 election, is it not?

11 A Yes.

12 Q And do you expect that your voter
13 registration activities at the state conference and
14 the branches will increase substantially?

15 A We're hoping to.

16 Q Do you think there will be a lot of
17 interest among African-Americans in Florida in
18 registering to vote in 2008?

19 A Yes.

20 Q And what is your expectation of -- if this
21 statute that you are challenging remains on the
22 books, how will it impact those applicants that you
23 seek to register next year?

24 A Well, for one, we have a lot of students
25 who will be registering. We have college chapters.

1 disenfranchised much easier.

2 Q And will the effects that you just
3 described now affect some of the members who are
4 seeking to vote as well as other African-American
5 voters who you are seeking to register?

6 A Yes.

7 Q Why do you seek to register
8 African-American applicants for the state who are
9 not your members? Does that relate to your mission
10 in any way?

11 A Yes. We are to -- our goal is to register
12 at least 10 percent of the -- of the voting
13 population of African-Americans, according to the
14 census. That's our -- our goal is to register
15 10 percent of that number and --

16 Q And why do you do that?

17 A For empowerment. To empower them and to
18 get them to participate in the process of voting.

19 Q And why is that important to the state
20 conference?

21 A For one thing, that's a part of our
22 mission in the NAACP in terms of eradicating the
23 disenfranchisement of African-Americans and
24 minorities.

25 MS. WESTFALL: Thank you. Let me --

1 Andy, do you have some further questions?
2 MR. BARDOS: Just one or two. Are you
3 finished with your questions?

4 MS. WESTFALL: Yes. Go ahead.
5 MR. BARDOS: Okay.

6 REDIRECT EXAMINATION
7 BY MR. BARDOS:

8 Q Ms. Neal, Ms. Westfall asked you about
9 complaints that you've received about people
10 complaining that they're not, in fact, registered.
11 But just to be clear, do you know whether any of
12 these complaints were related specifically to this
13 statute?

14 A As I said, we're in the process of
15 investigating, and right now I don't know. I'll
16 have to check with our local branches.

17 MR. BARDOS: Okay. Thank you. No more
18 questions.

19 MS. WESTFALL: Thank you. I have no
20 further questions either.

21 MR. BARDOS: Thank you all very much for
22 your time.

23 Thank you, Ms. Neal.

24 THE WITNESS: You're welcome.

25 MS. WESTFALL: Thank you. The witness

1 CERTIFICATE OF OATH

2
3 STATE OF FLORIDA
4 COUNTY OF ORANGE

5 I, the undersigned authority, certify that
6 BEVERLYE JOHNSON NEAL personally appeared before me
7 on the 9th day of November, 2007, and was duly
8 sworn.

9 IN WITNESS whereof, my hand and official seal this 9th
10 day of November, 2007.

11 Stacy Pace, RPR, CSR, CRR
12 Notary Public - State of Florida
13 Commission No. DD300568
14 Expires: April 30, 2008



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1 will read and sign.
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1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA
4 COUNTY OF ORANGE

5 I, STACY PACE, RPR, CSR, CRR, State of Florida
6 at large, do hereby certify that the foregoing
7 pages, numbered 1 through 51, inclusive, are a
8 true and correct transcription of my shorthand
9 notes of said deposition.

10 I further certify that I am not an attorney
11 or counsel of any of the parties, nor am I a
12 relative or employee of any attorney or counsel
13 of parties connected with the action, nor am I
14 financially interested in the action.

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

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand this 9th day of November, 2007.
22
23
24
25

26 Stacy Pace, RPR, CSR, CRR

1 ERRATA SHEET
2 IN RE: FLORIDA STATE CONFERENCE V. BROWNING
3 DEPOSITION OF: BEVERLYE COLSON NEAL
4 TAKEN: 11-6-07
5 JOB# 901653

6	PAGE #	LINE #	CHANGE	REASON
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23 Under penalty of perjury, I declare that I have read
my deposition and that it is true and correct subject
to any changes in form or substance entered here.

24 SIGNATURE OF DEPONENT: _____ DATE: _____

1 DATE: November 9, 2007
2 TO: Beverlye Colson Neal
3 c/o Elizabeth S. Westfall, Esquire
4 1730 M Street, Northwest
5 Washington, D.C. 20036

6 IN RE: FLORIDA STATE CONFERENCE V. BROWNING

7 Please take notice that on November 6, 2007,
8 you gave your deposition in the above-referenced
9 matter. At that time you did not waive signature.
10 It is now necessary that you read and sign your
11 deposition should you still choose to do so.

12 As previously agreed to, the transcript will be
13 furnished to you through Ms. Westfall. Please read
14 the following instructions:

15 At page 54, you will find an errata sheet. As
16 you read your deposition, any changes or corrections
17 that you wish to make should be noted on the errata
18 sheet, citing page and line number of said change.
19 DO NOT write on the transcript itself. Once you have
20 read the transcript and noted any changes, be sure to
21 sign and date the errata sheet and return these pages
22 to our office.

23 If you do not read and sign the deposition
24 within a reasonable time period, the original, which
25 has already been forwarded to the ordering attorney,
may be filed with the Clerk of Court.

If you wish to waive your signature, sign your
name in the blank at the bottom of this letter and
return it to us.

Sincerely,

Stacy Pace, RPR, CSR, CRR
Esquire Deposition Services

I do hereby waive my signature:

BEVERLYE COLSON NEAL

cc. via transcript: Andy V. Bardos, Esquire