

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.*,

Civil No. 4:07cv402 SPM/WCS

Plaintiffs,

vs.

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

Defendant.

PLAINTIFFS' NOTICE OF DESIGNATION OF DEPOSITION TESTIMONY
OF SARAH JANE BRADSHAW

GREENBERG TRAUIG, P.A.

S/ GLENN T. BURHANS, JR.
GLENN T. BURHANS, JR.
FLA. BAR NO. 605867
101 EAST COLLEGE AVENUE
TALLAHASSEE, FLORIDA 32301
TEL. (850) 222-6891
FAX (850) 681-0207

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**
ROBERT A. ATKINS
D. MARK CAVE

GREENBERG TRAUIG, P.A.

LAUREN M. ROTHENBERG
J. ADAM SKAGGS
1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064
TEL. (212) 373-3000
FAX (212) 492-0289

**BRENNAN CENTER FOR JUSTICE AT
NYU SCHOOL OF LAW**
JUSTIN LEVITT
MYRNA PÉREZ
161 AVENUE OF THE AMERICAS, 12TH FLOOR
NEW YORK, NEW YORK 10013
TEL. (212) 998-6730
FAX (212) 995-4550

ADVANCEMENT PROJECT
ELIZABETH S. WESTFALL
1730 M. STREET, NW, SUITE 910
WASHINGTON, DC 20036
TEL. (202) 728-9557
FAX (202) 728-9558

PROJECT VOTE
BRIAN W. MELLOR
196 ADAMS STREET
DORCHESTER, MA 02122
TEL. (617) 282-3666
FAX (617) 436-4878

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a copy of the foregoing *Notice* was served via the court's CM/ECF electronic system on June 5, 2008, upon the following counsel of record:

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

*Counsel for Defendant
Kurt Browning*

GREENBERG TRAUIG, P.A.

S/ Glenn T. Burhans, Jr.
GLENN T. BURHANS, JR.
FLA. BAR NO. 605867
101 EAST COLLEGE AVENUE
TALLAHASSEE, FLORIDA 32301
Tel. (850) 222-6891
Fax (850) 681-0207

TAL 451,472,129v1 5/30/2008

Deposition of Sarah Jane Bradshaw, Dated June 3, 2008

12:8-12:12
13:3-13:12
14:7-15:5
15:24-16:6
16:13-16:24
20:3-20:21
23:11-23:12
24:5-24:7
27:14-28:18
28:24-29:23
30:2-30:6
30:20-31:13
33:5-33:20
34:15-35:5
35:15-36:21
40:11-40:17
40:23-41:10
41:17-42:3
44:14-45:15
48:4-49:15
49:22-50:1
50:8-50:12
51:1-51:14
53:1-53:18
56:11-56:15
57:11-57:15
58:9-58:14
59:11-59:19
62:24-63:11
64:4-64:11
65:4-65:12
66:14-66:18
67:17-67:24
68:9-68:19
69:4-69:8
71:11-71:19
72:12-73:14
74:22-75:2
76:5-77:12
79:9-80:7
80:12-81:1
81:17-82:6
83:6-83:15
86:24-88:4

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

CASE NO. 4:07cv402 SPM/WCS

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: SARAH JANE BRADSHAW

TAKEN AT INSTANCE OF: The Plaintiff

DATE: June 3, 2008

TIME: Commenced at 1:00 p.m.
Concluded at 3:45 p.m.

LOCATION: 500 S. Bronough Street
Tallahassee, Florida

REPORTED BY: SANDRA L. NARGIZ
Certified Realtime Reporter
Certificate of Merit Holder

ACCURATE STENOGRAPHY REPORTERS, INC.
2894 REMINGTON GREEN LANE
TALLAHASSEE, FL 32308 (850)878-2221

APPEARANCES:

REPRESENTING PLAINTIFFS:
(by telephone)

JUSTIN LEVITT, ESQUIRE
BRENNAN CENTER FOR JUSTICE
161 Avenue of the Americas, 12th Floor
New York, NY 10013
212-998-6730

REPRESENTING DEFENDANT:

PETE ANTONACCI, ESQUIRE
GRAY ROBINSON
P.O. Box 11189
Tallahassee, Fl 32302

ALSO PRESENT:

MARIA MATTHEWS, ESQUIRE

INDEX

WITNESS	PAGE
SARAH JANE BRADSHAW	4
Direct Examination by Mr. Levitt	4

INDEX OF EXHIBITS

(Exhibits are attached.)

NO.	Description	PAGE
1	E-mail series	54
2	E-mail series	56
3	Sample notice	62
4	E-mail	65
5	Bates DOS 2685 through -2701	78
6	E-mail to all of the staff of BVRS	80
7	04-28-08 e-mail exchange Taff/Palmer	82
8	04-23-08 e-mail series	83
9	04-23-08 e-mail from Terry Raines Senior Section Administrator	85
10	Bates 2712 through 2713	86
11	E-mail series Taff/Corbett	88
	CERTIFICATE OF OATH	91
	CERTIFICATE OF REPORTER	92
	ERRATA SHEET	93
	READING & SIGNING LETTER	94

STIPULATIONS

1
2 The following TELEPHONIC deposition of SARAH
3 JANE BRADSHAW was taken on oral examination, pursuant to
4 notice, for purposes of discovery, and for use as
5 evidence, and for other uses and purposes as may be
6 permitted by the applicable and governing rules.

7 * * *

8 MR. ANTONACCI: With me is the witness, court
9 reporter, and counsel to the Secretary of State's
10 office, Assistant General Counsel, Maria Mathews.

11 (Discussion off record.)

12 Thereupon,

13 SARAH JANE BRADSHAW

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. LEVITT:

18 Q Thank you very much, Ms. Bradshaw. As I
19 mentioned, I am Justin Levitt. I am one of the counsel
20 for the plaintiff in the case. This is a deposition
21 just to get out some of the facts in the case.

22 As you know, you were just placed under oath,
23 so the point of this is just to make sure that we are
24 all clear about what the facts are. The entire
25 deposition will be on the record. And over the phone,

1 tracking the history correctly, that you were an
2 assistant director of the Division of Elections in 2004.
3 Is that right?

4 **A** That is correct.

5 **Q** And were your responsibilities then much the
6 same as you described earlier today?

7 **A** Yes, they were.

8 **Q** Did the BVRS exist in 2004?

9 **A** No, it did not. It was created I believe
10 after the 2004 legislative session. I don't recall
11 exactly, but it was in place prior to January 2006. So
12 I believe sometime in 2005 that it got up and running.

13 **Q** Did the Secretary of State's office, to your
14 knowledge, have a separate division responsible for
15 voter registration in 2004?

16 **A** No. No. We had in 2004 one person who was
17 our NVRA coordinator who did training for Federal
18 Register administration agencies and who, if we received
19 a voter registration application, forwarded those
20 applications to the appropriate county.

21 **Q** Were there other -- if not a separate
22 division, were there other personnel in the Secretary of
23 State's office in 2004 who were responsible for voter
24 registration?

25 **A** Well, I guess I am a little confused about

1 what you mean by "responsible for voter registration."

2 **Q** Let me rephrase the question.

3 In what ways would the Secretary of State's
4 office engage in voter registration in 2004?

5 **A** We really weren't, other than we trained voter
6 registration agencies pursuant to law, that were
7 appointed pursuant to the National Voter Registration
8 Act, and we had no direct responsibility for entering
9 applications, determining validity of applications.

10 Our primary responsibility with voter
11 registration applications were to forward them to the
12 county where the applicant said they were a resident.

13 **Q** So it's fair to say that even if you weren't
14 the primary source of intake for voter registrations,
15 there were applications that found their way to you
16 before they were forwarded to the counties?

17 **A** Yes, that's correct.

18 **Q** Did you notice over the course of the year a
19 change in volume of the applications you were receiving?

20 **A** Course of what year?

21 **Q** In the course of 2004.

22 **A** Oh, most definitely.

23 **Q** And how so?

24 **A** Prior to book closing, particularly for the
25 general election, we were I would say swamped with

1 applications coming from third-party voter registration
2 organizations.

3 **Q** Without getting into the source in particular,
4 because it's not really at issue here and I am not going
5 to -- I don't want to spend our time questioning further
6 on that particular issue.

7 You mentioned that you were swamped with
8 applications just prior to book closing in 2004?

9 **A** That is correct. Before the primary but more
10 so, as I recall, prior to the general.

11 **Q** Do you have any estimates for the number of
12 applications that your office received in the period
13 just before book closing in 2004?

14 **A** Not really. I can tell you it was thousands.
15 We were getting boxes and boxes of them. I suspect it
16 was well into the thousands. But I don't have an
17 accurate count.

18 **Q** Okay. How did the volume compare in 2005?

19 **A** It didn't. I think the applications that we
20 received in 2005 were, as far as I am aware, miniscule
21 compared to what we received in 2004.

22 **Q** How about 2006 and 2007?

23 **A** Again, in 2007, it actually has picked up
24 quite a bit.

25 In 2004 -- I mean 2006, we received

1 applications, but not in the volume that we received in
2 2004, nor, I would say, in the volume that we've already
3 received this year. We started receiving high volumes
4 of applications I believe about in December of this
5 year.

6 Q You say it picked up quite a bit in 2007.

7 When it picked up quite a bit -- let's take
8 before December for now -- was that approximately the
9 levels you saw in 2004 or was it substantially
10 different?

11 A Well, it's kind of hard for me to judge that.

12 And the reason I say that is because in 2004, the person
13 whose primary responsibility was to forward those to the
14 counties, I think had one person, probably a temporary
15 person, helping them, and they were able to keep up with
16 them without any kind of problem until we got close to
17 the book-closing period.

18 When we got to the book-closing period, we had
19 to borrow -- if my recollection is correct, we had to
20 borrow folks from other divisions within the department
21 to help us sort those and forward them to the counties
22 because there were so many of them. And that's where I
23 became aware of the volume in 2004.

24 In 2007, we are now entering applications that
25 are received. Not just forwarding them, but we are

1 actually entering them into the Florida voter
2 registration system.

3 And since December of 2007, we have had to
4 hire additional people to help with that data entry.
5 And we have also had to send some of them to the
6 counties for data entry because we had so many of them.

7 So it's hard for me to compare the volume, the
8 volumes because my perspective is only when I become
9 aware of the high volumes. As they are coming in
10 steadily and our folks are able to keep up with them, it
11 doesn't rise quite as quickly to my level.

12 **Q** Fair enough.

13 Before December, so for the part of 2007,
14 January through November, is it fair to say that you
15 weren't aware of any exceptionally high volume of
16 applications coming into the Secretary of State's
17 office?

18 **A** That is correct. We were able to do our
19 duties without hiring additional folks.

20 **Q** And since the start of December, is it fair to
21 say that you have become aware of a much larger number
22 of applications coming into the Secretary of State's
23 office?

24 **A** That is correct.

25 **Q** You mentioned that you had to hire additional

1 just -- like I said, off the top of my head, that's what
2 I can think of that they are doing.

3 **Q** Okay. Solely on reviewing applications for
4 which the number hasn't been verified yet, do you know
5 approximately how long it will take staff to review
6 those applications?

7 **A** They have -- I believe they have several
8 people that are working on those every morning. And
9 they finish them generally -- they do them that day for
10 sure. How long it takes them I guess depends on how
11 many folks they have working on it. I don't have like
12 an average-per-applicant time.

13 **Q** Okay. Would you expect the time it would take
14 would vary based upon the number of applications that
15 are coming in?

16 **A** Oh, sure. Or the number unverified, sure.

17 **Q** And it would be -- just to be super clear, it
18 would take longer if there are substantially more
19 applications coming in or substantially more that are
20 unverified, correct?

21 **A** Oh, absolutely.

22 **Q** You mentioned several people were doing that.
23 Do you know how many people are tasked
24 currently with performing verification?

25 **A** No, I don't. I suspect, though, that it might

1 understanding that most of our permanent staff here in
2 BVRS are cross-trained to do more than one thing so that
3 when there is an issue that comes up, as I said, and we
4 need extra folks, they will already be trained on it.

5 Now, is it fair to say that if you are doing
6 something day after day, you might -- you might get
7 through a little bit quicker than somebody who hasn't
8 done it for a month and has to come in? Those people I
9 believe are trained on it. Would they be as quick as
10 somebody who maybe does it every day? Probably not.

11 **Q** How many permanent staff in BVRS do you have?

12 **A** I believe there are around 20.

13 **Q** And do you know how many temporary staff you
14 have at the moment?

15 **A** I believe, again, somewhere around 20.

16 **Q** Okay.

17 **A** Some of those folks -- some of those temporary
18 folks, though, are I believe strictly data entry, they
19 don't do the verifications.

20 **Q** And that's in part because the permanent staff
21 are better trained or more thoroughly trained in the
22 verifications?

23 **A** No, I think it's more just a function of
24 workload.

25 **Q** Okay. Do you anticipate that staffing level,

1 approximately speaking, will continue throughout the
2 2008 election cycle?

3 **A** I anticipate, yes, it will be at least what it
4 is, if not greater.

5 **Q** Are there specific plans to expand the staff?

6 **A** I believe our plans are to expand the
7 temporary staff as needed.

8 **Q** And based on your prior experience -- again, I
9 am not going to hold you to the final number, but do you
10 have some feel for the scale of the temporary staff that
11 you may look into hiring as the book-closing deadline
12 approaches?

13 **A** I believe we are prepared to hire an
14 additional 20 folks if we need to.

15 **Q** Okay. I want to come back, if I can, to -- we
16 mentioned focusing just for a moment on the
17 verification, but you also mentioned there is quite a
18 bit of other.

19 Do you also take in tasks, in addition to what
20 we have mentioned already, to help the counties out with
21 their voter registration responsibilities?

22 **A** Can you be a little bit more specific? What
23 kind of responsibilities are you talking about?

24 **Q** Well, I don't actually know. That's why I am
25 asking. I am not aiming at anything in particular. Let

1 deadline approaches?

2 **A** Well, clearly, I believe they will probably
3 also be getting more voter registration applications as
4 the book-closing deadline nears, and they will --

5 It's my experience, from working with them,
6 that they will do whatever it takes to timely process
7 those. And if it means hiring additional folks, they
8 will do that. If it means having some of their folks
9 work overtime, they will do that as well. It may be
10 that they shift some folks around.

11 But I suspect that as book-closing deadline
12 approaches, they will, as well, be getting more
13 applications.

14 **Q** And in your experience, are they doing things
15 other than voter registration? Are the counties doing
16 things other than voter registration as the book-closing
17 deadline approaches?

18 **A** Absolutely. They are preparing for the
19 election. They have got an election to run in the
20 county, so they absolutely are doing a lot of other
21 things. They are training their poll workers. They are
22 getting their voting equipment ready. They are sending
23 out absentee ballots. They are doing a whole host of
24 things to prepare for the election.

25 **Q** What other things might be included in that,

1 or what other things might not --

2 From your experience, what other things have
3 you observed the counties are doing in that period?

4 **A** Again, they are laying out their ballots.
5 They are getting requests for absentee ballots. They
6 are mailing out absentee ballots.

7 They are training their poll workers. They
8 are getting early voting and polling place locations set
9 up and ready to go. They are making sure that all of
10 their polling places have active phone lines in them,
11 most of them, so they can modem in results on election
12 night.

13 They are reporting to us on a daily basis the
14 number of absentee requests that they have gotten, the
15 number of ballots that have been mailed out. They are
16 readying all their voting equipment for deployment to
17 the polling sites, and anything else that's required for
18 them to conduct the election.

19 **Q** In your experience, are they also -- strike
20 that.

21 In your experience, are the counties also
22 processing updates to voter registrations that -- let me
23 start over.

24 In your experience, are the counties also
25 processing updates to completed voter registrations,

1 that is, registrations that are already on the books?

2 **A** Yes, they absolutely are doing name and
3 address changes. Not all of them probably process party
4 affiliation changes, they are doing that up to book
5 closing.

6 But once book closing happens, on the 29th
7 day, they will continue during that 29-day period
8 processing updates, name changes and address changes.
9 But since party changes can't be made during the
10 book-closing period, many of them I think hold off on
11 doing any of that processing until after the election.

12 But, yes, they are all absolutely -- and as
13 well as -- we do that, as well, up here. Any
14 application that we get, not only for new voters, but
15 for existing voters that have a change, we process those
16 just like we would and enter that data into FVRS just
17 like we would a new application.

18 **Q** You will also be doing that beyond book
19 closing in some circumstances?

20 **A** We will? Yes, sir, we will. Because
21 particularly, the name and address changes are important
22 because that voter's information needs to be accurate on
23 election day when they come to the polls.

24 **Q** Do you have any feel for the volume of name
25 and address changes that come in toward book closing?

1 **A** No, I don't.

2 **Q** From your experience, from the reports that
3 you've heard and from what's going on in the counties,
4 how would you characterize the atmosphere in the
5 counties as book closing approaches?

6 **A** Very busy and hectic.

7 **Q** Let me fast-forward 29 days to election and
8 just a few days after the election.

9 What tasks will BVRs be undertaking on
10 election day and in the few days after election day?

11 **A** They will still be continuing to process any
12 applications that we get.

13 Remember, there is a 13-day time period that
14 once we receive an application, whether it's a new
15 application or an update, that that information be
16 updated within -- or be put in the system within 13
17 days. So we'll be continuing to do that all through the
18 book-closing period and after the election.

19 **Q** That's -- I am sorry. Just to clarify.

20 There is a law that says that applications
21 have to be entered -- or that the data from applications
22 has to be entered within 13 days?

23 **A** 13 days after receipt, yes, sir.

24 **Q** Anything else that you can anticipate that you
25 would be doing on election day or on the two days after

1 election day?

2 **A** On election day they would be fielding calls
3 from -- they help on our voter assistance hot line a
4 great deal with people calling, wanting to know,
5 especially on an election day, if they are registered to
6 vote or where their precincts might be located, that
7 kind of thing. So they will be the working the hot line
8 on election day and the days preceding the election.
9 After the election --

10 **Q** Is that hot line also fully staffed for the
11 early vote period?

12 **A** Yes. The hot line is active yearlong. The
13 volume picks up during early voting and on election day.

14 **Q** Was that hot line in place in 2004 as well?

15 **A** Yes, I believe it was.

16 **Q** Do you know approximately how many calls you
17 received in the election period, early vote and on
18 election day, in 2004 to the hot line?

19 **A** No, I don't have any idea off the top of my
20 head.

21 **Q** I won't hold you to this number, but, again,
22 just for scale, was it a trickle, was it hundreds,
23 thousands? Do you have any feel?

24 **A** I believe in 2004, there was a fairly high
25 volume.

1 are going to continue their normal daily activities as
2 well as work on any of the other pressing needs in the
3 division such as manning the hot line, helping voters
4 that call.

5 **Q** And from your experience, in the counties,
6 what are they doing on election day and two days
7 after -- let's actually leave election day out of it.

8 What are the counties doing two or three days
9 after?

10 **A** They are compiling the results. Their
11 canvassing boards are meeting. They are dealing with
12 provisional ballots. They are getting their official
13 results to us. And if there is a recount, they will be
14 recounting ballots.

15 And again, they will continue -- some of their
16 folks, I presume, will continue doing the same thing
17 that they do on a normal day-to-day basis.

18 But they are trying to now report the results
19 of the election to us and do any recounts that might be
20 necessary.

21 **Q** In your experience, are the few days after an
22 election more harried, about the same, or less harried
23 than the period immediately preceding the election, in
24 the counties?

25 **A** I can't answer that. I think it depends on --

1 I think it depends on how the election went in a
2 particular county.

3 **Q** I would like to turn, if I can, to some of the
4 new procedures you have spoken about that BVRS will be
5 undertaking. By "spoken about," I mean primarily your
6 declaration.

7 I think you mentioned -- again, please tell me
8 if I am mischaracterizing this -- that whereas
9 previously the BVRS has been responsible for addressing
10 some applications for which a matching record was not
11 found; that in procedures that will be in place in the
12 future, BVRS will be addressing all applications upon
13 which a match is not found?

14 **A** That is correct. In fact, they've already

15 started that procedure. All of the unverified
16 applications are now coming to the bureau for them to
17 review.

18 **Q** What does that review entail?

19 **A** Well, they are going to see if there were any
20 data entry errors that they can correct. I think that
21 will be the main thing they are looking for, are data
22 entry errors that can be corrected.

23 And then they can look and see -- the bureau
24 has access to the Highway Safety and Motor Vehicles data
25 system which has the driver license information, so they

1 will be searching -- once the potential data entry
2 problem is correct, they can then search the Highway
3 Safety database to see if -- for example, if now the
4 person's name has been corrected, if the driver's
5 license number batches.

6 **Q** Is that primarily done by looking at the image
7 of the original application?

8 **A** Yes. In fact, that is the other new procedure
9 that has been implemented in the bureau. They will now
10 have -- before they do that review, they will have a
11 scanned image of the application to review along with
12 the data that was entered into the system.

13 **Q** I think I am going to want to come back to
14 that, actually, in a moment.

15 But in this BVRS review process, a way for the
16 BVRS staff to check if a person has been entered in the
17 Motor Vehicle or Social Security Administration system
18 was their maiden name?

19 **A** Clearly, not for Social Security
20 Administration because we don't have access to their
21 records.

22 With respect to a driver's license with the
23 Highway Safety records, we would be able to potentially
24 tell that. If the person put down their driver's
25 license, I believe that that's -- I believe -- although

1 I have not sat and worked with the people who are doing
2 this, but I believe one of the first things they do is
3 enter the driver's license number to see if that number
4 comes up as a valid number and who that number is for.

5 Q So that's not a possibility with the Social
6 Security Administration database because you don't have
7 access?

8 A We don't have access to that database.

9 Q That would also pertain to typographical error
10 or data entry error that's actually in the Social
11 Security Administration database itself, is that right?

12 A What do you mean?

13 Q It is -- not a date entry error that has been
14 generated at the county or state level, but if there is
15 a data entry error in the Social Security Administration
16 database, BVRS staff wouldn't have a way to recognize
17 that or resolve that, is that right?

18 A Well, no. And even if we had that
19 information, I don't know that we would necessarily know
20 it was a data entry error on Social Security anyway,
21 even if we had access.

22 Q Okay. Are there procedures or written
23 guidelines for training BVRS staff in doing this review?
24 Other than I know we've discussed the procedures manual
25 already, are there additional procedures and guidelines,

1 **Q** I want to get back to exactly how much you are
2 able to say about how often they were able to correct
3 those errors. And I am doing that -- I am parsing words
4 only because they may become important later and I want
5 to make sure that neither you nor I are overstating what
6 you actually know.

7 You say when the images were available; that
8 is, for every single application, where an image was
9 available, the BVRs staff were able to identify data
10 entry errors if they exist.

11 Do you actually mean that they were able to
12 identify every data entry error or they would try to do
13 so?

14 **A** Obviously, I can't say that the person who
15 reviewed each and every single application that came to
16 them picked up every single data entry error. There is
17 no way I could say that.

18 I can say that when the image was available,
19 our staff looked at those images and compared it to the
20 data that was entered in the voter registration system,
21 and if they saw something that appeared to be a data
22 entry error, they corrected them.

23 **Q** And sometimes they saw data entry errors and
24 sometimes they didn't see data entry errors, is that
25 fair?

1 **A** I can't tell you because I wasn't the one
2 doing that.

3 I would tell you -- can I say to you every
4 single data entry error was found? Absolutely I can't
5 tell you that. Because -- and even if I had done every
6 one, would I be able to tell you I was able to pick up
7 every single data entry error? No.

8 But when the image was available, staff looked
9 at the image, looked at the data that was entered into
10 FVRS, if they saw a data entry error, they corrected it.

11 **Q** Something of a similar issue in the next
12 paragraph, paragraph 6. Say, by way of example, if an
13 application included the applicant's name was John and
14 the data operator entered it also as Jon but without the
15 H, that the staff would identify and correct this
16 problem.

17 You mean if you they saw there was an error,
18 they would identify and correct the problem?

19 **A** Certainly. If they didn't see it, they
20 couldn't correct it. Yes, if they saw it and recognized
21 it as a data entry error, they would correct it.

22 **Q** You also -- is it fair to say that you are not
23 sure whether a BVRS staff, looking at the image of the
24 application, could tell whether there was a problem with
25 a maiden name or some other inconsistency unrelated to a

1 data entry error?

2 **A** Yes, I can't say that they were always able to
3 tell that.

4 **Q** Skipping forward now to -- still in your
5 declaration, but paragraphs 9 and 10. I want you to
6 review that as well. Let me know when you had a chance
7 to read it over.

8 **A** (Witness reading document.) I have read it
9 over.

10 **Q** Thank you.

11 I believe that I am characterizing this
12 accurately. In these paragraphs you are describing a
13 review that was done of examples of data entry errors,
14 and you are assessing whether or not BVRs would be able
15 to pick up those errors underneath the protocols in
16 place today. Is that accurate?

17 **A** Yes.

18 **Q** You state in paragraph 10 that BVRs -- if the
19 same set of records, and by that, I mean -- let me ask
20 what you mean.

21 What do you mean by "the same set of records"
22 in paragraph 10?

23 **A** If those 100 applications that had data entry
24 errors were to have been sent to the bureau today, under
25 our new procedures, that we would have been able to

1 **Q** Is it fair to say that he put his, the staff
2 that would primarily be doing verification, through the
3 process?

4 **A** Yes. I don't know who he had working on it
5 with him.

6 **Q** What did this simulation entail?

7 **A** It's my understanding that they corrected
8 whatever data entry errors were found. And if it was,
9 for example, a name correction, then they looked up that
10 name and information in the data system, and once -- and
11 determined whether or not now, with the correct name and
12 driver's license, if that appears to be a valid
13 application that would have been verified.

14 **Q** What information were they given in order to
15 correct the data entry problem?

16 **A** They were given your -- whatever, your sheet
17 of those names, and then I believe they had the images,
18 as well, of the applications.

19 **Q** It's your understanding that they were
20 actually given the exhibit that we produced with the 100
21 examples, is that right?

22 **A** Yes, I believe they were.

23 **Q** If I represent to you that that exhibit
24 included and specifically highlighted the particular
25 data entry error involved; that is to say, using your

1 example, John, J-O-H-N, in one place and Jon, J-O-N, in
2 another, is that accurate, is that your understanding of
3 what the material, produced to the staff, contained?

4 **A** Yes, I believe it did.

5 **Q** So in this simulation, your staff did not
6 merely review applications returned from the Highway
7 Safety and Motor Vehicles, is that right?

8 **A** No, I believe they reviewed -- no, I believe
9 they used the documentation that you had provided.

10 **Q** What was provided was something of an answer
11 key for where the data entry error was, is that right?

12 **A** I believe it had -- yes, I believe it had the
13 information on where there was a data entry error.
14 Whether that was all the data entry errors that were
15 included in the application, I can't tell you.

16 **Q** When did you conduct the simulation? When was
17 the simulation conducted?

18 **A** I think several weeks ago. I can't recall the
19 exact time frame. Early in May, I believe.

20 **Q** Is it fair to say that the schedule, as the
21 book-closing deadline approaches, is different than the
22 schedule in early May?

23 **A** In what respect?

24 **Q** In the simulation where the staff is subjected
25 to the same time pressures that you would expect them to

1 doing pretty much strictly data entry, if that's --
2 that's my understanding anyway. If they are doing -- if
3 they are doing the verifications, I am not aware of it.

4 Q It's your understanding that the temporary
5 staff would not be doing verifications even toward book
6 closing?

7 A That is my understanding.

8 Q Turning back to your declaration again. On
9 paragraph 10, you say that "Plaintiffs sample of 100
10 records represents a cross section of the various causes
11 that result in mismatches."

12 Did I read that accurately?

13 A Yes.

14 Q What did you mean by that?

15 A I think you had some examples of name, data
16 entry errors, of Social Security data entry errors, of
17 driver's license data entry errors, of birth data entry
18 errors, and items that you would have a mismatch on.

19 Q You didn't mean that that was a statistically
20 representative example, is that right?

21 A No. What I meant was those are common causes
22 of data entry errors that would cause an application to
23 be unverified.

24 Q But you are not sure whether the relative mix
25 of errors presented in the hundred would be the relative

1 mix of errors overall in all of the applications that
2 were unverified?

3 **A** No, absolutely not. That's not what I meant
4 at all.

5 **Q** 29 applications in the simulation weren't able
6 to be resolved. Do you have any idea why?

7 **A** I believe that many of them had no -- even
8 after we corrected the data entry error, there was no
9 Highway Safety and Motor Vehicle -- if they gave us, for
10 example, their Social Security, we didn't have a Highway
11 Safety record to look at to compare it against to
12 resolve. And obviously, we didn't send them back
13 through the verification process. This was a simulated
14 thing so we didn't send them back through the
15 verification process.

16 **Q** You checked them through -- the Department of
17 Highway Safety and Motor Vehicle records had already
18 come up, but you didn't send them back for verification?

19 **A** We didn't send them back through verification.
20 What we did is we simulated -- after we corrected the
21 data entry errors, then we simulated the process.

22 Going back through the process, we found as
23 many as we could, which, again, was the 71. There were
24 the 29, I believe. Many of them only had a Social --
25 last four of the Social. They didn't have a Highway

1 Safety record for us to pull up and verify against.

2 I believe some of the other issues were that
3 even if they did have a -- for example, if they gave us
4 a Social and we pulled up the Highway Safety record for
5 them and the Highway Safety record may have shown a
6 different Social Security number, so we weren't able to
7 resolve those.

8 Q Is it fair to say it's more difficult to
9 resolve applications with a Social Security number on
10 them?

11 A It is more difficult for us to resolve them,
12 yes.

13 Q I had mentioned before in one of our earlier
14 depositions here, we had spoken with Peggy Taff. And I
15 would like to -- I will represent that I am reading this
16 accurately, but I would like to read back a portion of
17 her deposition, and then I am going to ask you if you
18 agree with it or not.

19 I had asked Ms. Taff: "In your experience in
20 data entry and supervising data entry, is it fair to say
21 that typographical errors occur?"

22 She said: "Yes, they do."

23 And I asked: "Is it fair to say that when
24 they occur, they can be tricky to find?"

25 She said: "Yes."

1 And then I asked: "And that on occasion, they
2 may happen -- even if several different individuals have
3 reviewed the data entry in question, sometimes the typo
4 will linger."

5 And she said: "Yes."

6 Do you agree with her assessment?

7 **A** Well, I think, as a general rule, can it
8 happen? Yes. I think it depends on who you have
9 looking at it and the care they are taking.

10 As I said before, can I assure that every
11 single data entry error is caught by our folks? No, I
12 can't assure you that. So can data entry errors go
13 undetected? Sure, they can. We try to keep that from
14 happening, but yes, they can.

15 MR. LEVITT: I am happy to take a short break
16 here if you wish.

17 (A short recess took place.)

18 BY MR. LEVITT:

19 **Q** I would like to turn to the timing of the
20 registration process just for a moment. We have been
21 talking about some of the review processes that BVRs
22 undergoes. We spoke earlier about the fact that a
23 county has the legal responsibility to enter data on
24 applications within 13 days.

25 **A** Yes.

1 **Q** I believe in your declaration, in paragraph 7,
2 the sentence in the middle that says, "The division now
3 requires supervisors to provide the scanned image prior
4 to BVRs review."

5 Does that mean that BVRs will not review the
6 application where an image has not been scanned?

7 **A** When an application comes to us as unverified,
8 when it comes to FVRS as unverified, under the new
9 procedure, the application isn't presented to the bureau
10 for them to work until the scanned image is in.

11 **Q** Is that an automatic function of the system?

12 **A** That is how the system has been changed, yes.

13 **Q** That is not nearly a policy difference -- let
14 me rephrase that.

15 Is that a software function, that the
16 application will not be presented to BVRs until there is
17 an image file associated with the application?

18 **A** That is my understanding.

19 **Q** Image files -- this may be skipping back a
20 little bit.

21 The image files you are talking about, the
22 voter application images are intended to help resolve
23 problems in verification because most of the time,
24 verification problems are because of data entry errors,
25 is that right?

1 application may be scanned in?

2 **A** Oh, yes, it is.

3 **Q** It is?

4 **A** It is.

5 **Q** So it's only not presented to BVRS if no image
6 has been associated with the application record, is that
7 right?

8 **A** Yes, that's correct.

9 **Q** And applications are -- applications that have
10 been -- strike that.

11 Individuals who have submitted applications
12 that are unverified cannot be reviewed by BVRS and
13 therefore cannot become eligible until the image is
14 attached to their application record, is that right?

15 **A** Yes, I believe that's correct.

16 MR. LEVITT: I would like to mark Department
17 of State numbers 2766 to 2768.

18 (Exhibit No. 2 was marked for
19 identification.)

20 BY MR. LEVITT:

21 **Q** Is that or does it appear to be an e-mail
22 chain among Ms. Taff, Sharon Harrington, Cheryl Johnson?

23 **A** Yes, I believe that's correct.

24 **Q** The last e-mail on the chain -- I am trying to
25 verify we have the same document in front of each other.

1 The last e-mail in the chain is Tuesday,
2 May 13, 2008?

3 **A** Yes.

4 **Q** In that last e-mail -- that e-mail is from
5 Sharon Harrington, supervisor of elections in Lee
6 County, Florida, correct?

7 **A** Yes, that's correct.

8 **Q** It's an e-mail to Ms. Taff with a cc to Cheryl
9 Johnson, is that right?

10 **A** Yes.

11 **Q** And in the second paragraph of
12 Ms. Harrington's e-mail, is it fair to say she is
13 alluding to an application that she has held in her
14 suspense file for two weeks or more awaiting an image?

15 **A** That appears to be what it's saying.

16 **Q** What is your understanding of a suspense file
17 at the county level?

18 **A** I believe that is the file that -- well, I
19 will be honest with you, they use these terms,
20 "suspense" and "pending," and I tend to get them
21 confused from time to time.

22 But it sounds like here, that they are talking
23 about the ones possibly that we had been sending down to
24 them, before our new process was in place, that were
25 pending verification. They had not been verified.

1 **Q** So these are applications that have not been
2 verified that are waiting for the voter registration
3 scanned images of the applications to be attached to the
4 records, is that right?

5 **A** That sounds like what it is, but I can't be
6 sure from just reading this e-mail.

7 **Q** After data entry is conducted, after -- strike
8 that.

9 Starting from when an application is received,
10 data entry will be conducted, the application record
11 will be sent for matching, the application image will be
12 attached to the record, and then BQRS will conduct their
13 review of any unverified applications, is that right?

14 **A** Yes, I believe that's correct.

15 **Q** And if the BQRS is not able to resolve the
16 problem, it will then send that record back down to the
17 county, is that correct?

18 **A** Yes.

19 **Q** And is it your understanding that the county
20 is supposed to conduct its own review of the application
21 and verification process to see if it can sort out the
22 problem?

23 **A** I believe that they also look to see if there
24 are any data entry errors, that if there is anything,
25 that they can resolve it, and if they can't resolve it,

1 then they notify the applicant.

2 Q And are there State procedures for how that
3 notice is to be sent?

4 A What do you mean?

5 Q The method by which it's to be delivered. Is
6 there a particular carrier that counties are supposed to
7 use? Is that supposed to be sent through the mail?

8 A I believe that state law simply requires that
9 they be notified.

10 Q Okay. Currently -- strike that.

11 I understand from your declaration and from
12 the materials submitted along with the Secretary of
13 State's latest response that there is a new notice
14 anticipated to be sent to individuals whose information
15 has not yet been verified. Is that right?

16 A Yes, that is correct.

17 Q At the moment, that new notice is not yet in
18 place, is that correct?

19 A That is correct.

20 Q It's designed to be in place once the
21 amendment to the state law is actually implemented?

22 A I am not sure when it's going into effect.

23 Q Is there a -- rather than relying on -- strike
24 that.

25 Do you have a schedule of when that new notice

1 and --

2 MR. ANTONACCI: Yes, we do.

3 MR. LEVITT: If I could have that attachment
4 marked.

5 MR. ANTONACCI: We'll do it after the
6 deposition. I only have one copy. But go ahead.

7 (Exhibit No. 3 was marked for
8 identification.)

9 BY MR. LEVITT:

10 Q If you would take a quick look at the final
11 page of that, which in my copy appears to be a sample
12 notice letter or template notice letter. It's marked
13 "Sample" diagonally across the page.

14 A Yes.

15 Q Is that the sample notice or template notice
16 you anticipate will be given to the counties to be
17 delivered to those applicants whose information has not
18 been verified?

19 A Yes, it is.

20 Q Is there any change, that you are aware of, to
21 the notice given to voters who cast provisional ballots?

22 A What notice are you talking about now? The
23 one they are given at the polls?

24 Q Yes, ma'am. Is there any change, that you are
25 aware of, to the notice given out at the polls to voters

1 who actually cast provisional ballots?

2 **A** I don't believe so, but I would need to look
3 at that notice and see what it says. But I believe it
4 already -- I believe the notice already talks about
5 coming in and providing evidence.

6 **Q** I am sorry, if you would say it again.
7 What's your belief as to what that notice
8 says?

9 **A** I think it already makes reference to them
10 coming in and providing evidence. But I don't have it
11 in front of me.

12 **Q** Is that notice generally taken, in your
13 understanding, from the statutory code itself?

14 **A** I believe that the department's rule provides
15 the language that that is supposed to be included.

16 **Q** And do you know offhand which rule that is or
17 how that rule is designated or labeled? I believe the
18 department, relevant department rules have been produced
19 already in this deposition. I am trying to figure out
20 which one that will be if you know offhand?

21 **A** I don't know the number, but I believe it's
22 labeled "Provisional Ballots."

23 **Q** If an individual sends in an application and
24 their information is not verified, that individual will
25 be -- or it's anticipated that individual will be sent

1 the notice that we have been speaking about, the one
2 marked "Sample," is that right?

3 **A** That's correct.

4 **Q** Will that voter be sent any information on the
5 location of their polling place?

6 **A** I don't believe that they will be. Not in
7 this letter anyway.

8 **Q** There is no other letter, that you know of,
9 that that voter would be sent to indicate where their
10 proper polling place would be?

11 **A** No.

12 **Q** If a voter sends in an application and their
13 information has not yet been verified, can that voter
14 apply for an absentee ballot?

15 **A** I am not sure.

16 **Q** Is there another individual at the Department
17 of State who would know whether that voter is eligible
18 to apply for an absentees ballot or not?

19 **A** No, I don't believe so. I think that's --
20 absentee ballots are a county function, and I suspect we
21 will have to give guidance to the counties at some
22 point.

23 **Q** What guidance would you anticipate giving?

24 **A** I can't tell you that.

25 **Q** May an individual who is not registered to

1 vote apply for an absentee ballot?

2 **A** They can apply for it. Whether they will be
3 sent one is another issue.

4 **Q** Are the counties legally able to send an
5 absentee ballot to an individual who has not completed
6 the registration process?

7 **A** No, I don't believe so.

8 **Q** In your understanding, in the new procedures
9 contemplated by the department and by BVRS, is it
10 accurate to say that it is not possible to correct a
11 verification problem at the polls?

12 **A** That is correct.

13 MR. LEVITT: If I might, I would like to mark
14 Department of State 2958 through 2964.

15 (Exhibit No. 4 was marked for
16 identification.)

17 BY MR. LEVITT:

18 **Q** Take a moment to look this over if you would,
19 please.

20 **A** (Examining document.) Okay.

21 **Q** Do you recognize this?

22 **A** Yes.

23 **Q** And what is it? How would you characterize
24 it?

25 **A** It is an e-mail. The crux of it is an e-mail

1 to supervisors using VR systems, telling the supervisors
2 how to implement the procedures that were instituted in
3 late December regarding verifications and the
4 injunction.

5 Q You refer, or various individuals refer
6 several times in here to "MARG voters."

7 What is your understanding of what is an MARG
8 voter?

9 A It is one of those voters under the Help
10 American Vote Act, who are -- they registered or applied
11 to register by mail, they have never voted in Florida
12 before, and they indicated that they did not have a
13 driver's license or Social Security number.

14 Q And am I correct in saying that the FVRS
15 system provides the capacity to code for whether that
16 person has showed an ID at some point in the process to
17 an election official?

18 A Yes, I believe that's correct.

19 Q Am I correct in saying that that is done with
20 what is referred to in Exhibit Number 4 as an
21 Identification Required flag?

22 A Yes, I believe that is correct.

23 Q Does that flag allow officials to know, when
24 someone votes a provisional ballot, whether they are a
25 MARG voter who has not shown identification?

1 **A** Would you repeat that, please.

2 **Q** That Identification Required flag, does that
3 allow election officials to tell, if someone votes a
4 provisional ballot, for example, whether that ballot is
5 an MARG voter who either has or has not yet shown
6 identification?

7 **A** I am not sure I quite understand the question
8 but the --

9 **Q** I will rephrase.

10 **A** If the voter voted a provisional ballot
11 because they were an MARG voter, I believe the back of
12 the provisional ballot envelope provides that as one of
13 the reasons that the voter voted provisional ballot, the
14 back of the envelope has a list of the reasons that
15 voter voted provisionally. And I believe there is an
16 indication for this as being one of the reasons.

17 **Q** And conversely, if a MARG voter arrives at the
18 polls and does show identification, they are able to
19 vote a regular ballot, is that right?

20 **A** That is correct.

21 **Q** Are MARG voters flagged particularly at the
22 polls on the poll books?

23 **A** Yes, they are flagged as requiring
24 identification.

25 **Q** In a different context but related, in the

1 absentee voter context, is it also true that election
2 officials can tell, when someone votes an absentee
3 ballot, whether or not they are a MARG voter who has
4 provided identification?

5 **A** Who has provided it?

6 **Q** Whether they either have or have not?

7 **A** Once one of these voters has provided the
8 identification, they are no longer a MARG voter.

9 **Q** And county officials are able to keep track of
10 whether they have provided this identification because
11 there is a flag on the FVRS system that indicates
12 whether that identification has been provided, is that
13 right?

14 **A** That's correct.

15 **Q** At the polls, for example, the identification
16 that a MARG voter would have to provide is the same as
17 the identification that any other voter would have to
18 provide at the polls, is that right?

19 **A** Yes, that's correct.

20 **Q** It's a general photo ID requirement?

21 **A** Yes.

22 **Q** Do you believe that the ID that individuals
23 are required to show at the polls reliably show that
24 they are who they say they are?

25 **MR. ANTONACCI:** Objection. Go ahead. Object

1 to the form.

2 MR. LEVITT: I will rephrase.

3 BY MR. LEVITT:

4 Q Does the department require any further
5 identification of any individual to show that they are
6 who they say they are, other than the identification
7 required at the polls?

8 A No.

9 Q Does the MARG acronym stand for anything in
10 particular, do you know? Let me rephrase.

11 Do you know what MARG stands for?

12 A Let me -- if I can go back in my memory bank,
13 it was an acronym that we made up during the training
14 for HOBBA. It stood for Mail Registrant, first-time
15 voter. And we just took the MA for mail and RG for
16 registrant and created it. It was used as a training
17 tool. We called these people MARG voters.

18 Q I know I am jumping around a bit here. Off of
19 the MARG voters and back into individuals who have sent
20 in an application, but where the information has not
21 been verified.

22 If individuals, who submitted a registration
23 form and the information has not been verified, arrive
24 at the polls, will their names be on the poll book
25 materials?

1 BY MR. LEVITT:

2 Q Is there any place you know of, outside of the
3 polling place procedures manual, that address how poll
4 workers are trained in addressing the verification
5 issue, if at all?

6 A No, I am not aware of it.

7 Q If there is anything, it would be in that --
8 if there is any statewide policy, it would be in the
9 polling place procedures manual?

10 A I believe so.

11 Q For voters who are already in the system, that
12 is individuals who have registered before 2006, is any
13 attempt made to collect or verify their driver's license
14 number or Social Security digits?

15 A No, I don't believe so.

16 Q Why not?

17 A Because until the Help America Vote Act came
18 into being, there was no requirement for that
19 information to be collected and verified.

20 Q Starting from 2006, when this requirement came
21 into being, am I correct in saying that an application
22 that is submitted with information that is unverified
23 remains pending in the FVRS system?

24 A I believe so.

25 Q Any time limit, that you are aware of, in

1 which an individual would be purged from the FVRS system
2 for failure to verify the number?

3 **A** I don't believe so. I believe it stays that
4 way.

5 **Q** So even if -- am I correct in saying that even
6 if an individual shows up three or four years after
7 submitting a voter registration application and provides
8 a copy of either their driver's license or Social
9 Security card, that that registration would be made
10 active at that point?

11 **A** That is my understanding.

12 **Q** For individuals who submit an application and
13 indicate on the form that they have no driver's license
14 number or Social Security number, if the form is
15 otherwise complete, the default is that that voter will
16 be registered, is that right?

17 **A** All of those applications I believe come to
18 the Bureau of Voter Registration Services for their
19 review. And it's my understanding that they verify
20 through the Highway Safety and Motor Vehicles
21 information that we have available to us to see whether
22 or not that person does have a driver's license.

23 **Q** So is it correct to say that you will, using
24 their name and birthday, attempt to find a matching
25 entry in the Motor Vehicle information?

1 **A** Yes, that's correct.

2 **Q** And if you do not find one?

3 **A** Then I believe they are sent down to the
4 county as being eligible to register as an active voter.

5 **Q** And the county conducts its own review of the
6 application at that point?

7 **A** I don't know that they have anything to review
8 against at that point. It's my understanding that if
9 everything else is filled out on that application, that
10 person would become an active voter.

11 **Q** It's the county's final responsibility to make
12 that determination, is that right?

13 **A** The counties are the final determinant of
14 eligibility.

15 **Q** What is the BVRS process or what is the
16 process at the Department of State for addressing an
17 application submitted by Joe Blow who indicates he has
18 no driver's license number or Social Security digit?

19 **A** Again, I believe that there are processes to
20 look up that applicant, using the information provided
21 on the application, to see if they can find a record in
22 the Highway Safety and Motor Vehicle system. And if
23 they are not able to find a record, then they would send
24 that down to the county as this person's application
25 appears to be complete.

1 **Q** And it's your understanding that the
2 supervisors would then review that application and make
3 a determination about whether that individual is
4 eligible, is that right?

5 **A** Yes.

6 **Q** In your experience, do county supervisors
7 review applications to attempt to assess fictitious
8 registrations?

9 **A** I don't have any direct knowledge of that one
10 way or the other. I suspect some do and some don't.

11 **Q** Is it your understanding that that's one of
12 the supervisor's responsibility under the election code?

13 **A** No. I would argue that it's not.

14 **Q** Do you happen to have a copy of the section of
15 the election code in the room?

16 **A** Yes, I do.

17 **Q** If I could draw your attention to 98045.

18 **A** Okay. I have it.

19 **Q** Okay. And if I could draw your attention
20 specifically to Section I, Paragraph G.

21 **A** Yes.

22 **Q** Is it accurate to say that that section allots
23 to the supervisors the responsibility to determine
24 whether a voter registration applicant is ineligible
25 based on the fact that the applicant is a fictitious

1 person?

2 **A** Yes, it says that.

3 **Q** Do you know if that was a requirement before
4 2006?

5 **A** The code was restructured then. And there was
6 something about fictitious persons, but I can't tell you
7 whether that was for applicants or voters.

8 **Q** Is it your understanding that supervisors had
9 the responsibility, whether on this code section or
10 another, to determine whether a voter registration
11 applicant was fictitious before 2006?

12 **A** I don't recall what the section prior to 2006
13 said.

14 **Q** Okay. Again, switching topics.

15 You mentioned that one of the responsibilities
16 of the BVRs was to attempt to identify individuals who
17 became ineligible because of a conviction?

18 **A** Restate the question, please.

19 **Q** I believe you mentioned that one of the
20 responsibilities of BVRs is to identify or attempt to
21 identify individuals who had become ineligible because
22 of a conviction?

23 **A** Yes.

24 **Q** Do you do that by comparing registration rolls
25 with some sort of database or system of criminal

1 records?

2 **A** Yes, that's correct.

3 **Q** Do you know what information is compared?

4 **A** Not specifically.

5 **Q** Do you know how, if at all, the driver's
6 license number or Social Security digits are used in
7 that comparison?

8 **A** In the initial -- I don't believe that they
9 are used in the initial computer matching process. They
10 are used by the BVRs staff once they start what we call
11 the felon folder.

12 **Q** What does that involve?

13 **A** It involves -- once the computer system
14 matches a potential voter with a potential felon, the
15 BVRs staff gathers documentation to verify whether or
16 not the felon is, in fact, a felon; and if he is in fact
17 a felon, is he in fact the registered voter?

18 And in doing that, they will use the
19 information on the voter registration application, which
20 includes the driver's license and the Social, as well as
21 the name and signature; they gather the court documents,
22 the actual judgments; they go on to the CCIS database
23 which has individuals' history on them, conviction
24 history, and history with regard to court appearances.
25 A lot of those also have a driver's license or social.

1 They also look on the Department of Corrections
2 database, and you see information contained in that.

3 And they use all of those various elements to
4 make the determination as to whether the voter and the
5 felon are one and the same.

6 Q Do you have any means to assess the accuracy
7 of either the driver's license or Social Security
8 information on the CCIS system?

9 A No, not unless that information also appears
10 in the judgment or the documents. We actually get court
11 documents, not just the computer program, we get the
12 court documents as well.

13 Q So there, you will have, potentially, things
14 like -- I think you mentioned the individual's
15 signature, is that right?

16 A Not usually on the court documents, but we
17 would have -- we use the signature off the application
18 against the signature -- if the person has a driver's
19 license, we have access to that signature. And then we
20 put the various pieces together.

21 In addition, the federal felons are not done
22 by computer, initially by computer match but they're
23 sent to us from the U.S. Attorney's Office, and those I
24 believe all contain the Social Security number of the
25 federal felon.

1 that showed by county the ones that were still in the
2 county that needed -- that should be overridden,
3 assuming that the person was otherwise eligible -- these
4 were people, who had not been verified, that we were
5 going to make active pursuant to the injunction.

6 Q And is it fair to say that this is a report
7 from March 3rd?

8 A Yes, it is.

9 Q Turning to the report itself, the data table,
10 do you see the column marked "HSMV Date"?

11 A Yes.

12 Q Is it accurate to say that that is the date
13 that the application record was submitted to the
14 Department of Highway Safety and Motor Vehicle for
15 matching and verification?

16 A I don't know whether that was the day it was
17 submitted or the day it came back.

18 Q It is either the date it was submitted or the
19 date it was returned to the county, is that right?

20 A I would assume so. I didn't run these
21 reports, so I am not sure, but I would assume that's
22 what it is.

23 Q And because these are individuals whose
24 applications have not yet been verified and not yet
25 overridden, these are individuals who, at the point the

1 report were generated, were not yet registered, is that
2 correct?

3 **A** That is correct.

4 **Q** And if I am reading the report correctly,
5 these are the individuals who applications were not yet
6 registered on March 3, 2008?

7 **A** That's correct.

8 MR. LEVITT: I ask that 2702 be marked.

9 (Exhibit No. 6 was marked for
10 identification.)

11 BY MR. LEVITT:

12 **Q** Do you recognize this?

13 **A** Yes. Yes, I do.

14 **Q** What is it?

15 **A** It was an e-mail to all of the staff of BVRS,
16 indicating that we had received 12,000 voter
17 registration applications as of that date. Staff was
18 going to be given applications in groups of 100 to
19 data-enter. And with the exception of Highway Safety
20 and Motor Vehicle verifications and deaths, they were to
21 suspend all other operations until further notice and
22 work on entering the applications.

23 **Q** Do you know how long that batch of 12,000 took
24 to work through?

25 **A** No, I don't. But during that time, they were

1 getting thousands every day.

2 Q Is that an unusual volume for February of a
3 presidential election year?

4 A As I explained earlier, beginning in about
5 December of 2007, we started getting large volumes. Did
6 we get 12,000 a day? No. But we have had continuous
7 peaks with -- 12,000 may have been the largest that we
8 got in on any given day, but there would have been a
9 number of days when we received several thousand at a
10 time.

11 Q Is it fair to say that while that may have
12 been large, it doesn't strike you as exceedingly
13 unusual?

14 A Well, it was large and it was exceedingly
15 unusual I guess in the respect that we were getting
16 large volumes on an almost daily basis.

17 Q You would expect there to be further days in
18 which you would get this volume of applications as the
19 election cycle continues this year?

20 A That is correct.

21 Q Would you expect there would be days when you
22 would get even more?

23 A Potentially.

24 Q And is this e-mail directed to the entirety of
25 the BVRS staff?

1 **A** Yes, it is.

2 **Q** Is it fair to say this was one of those all
3 hands on deck periods when BVRS was tasked entirely with
4 getting these applications entered and then later
5 verified?

6 **A** Yes.

7 MR. LEVITT: I would like to turn to another
8 document. Actually, the next three pages, 2703
9 through 2705.

10 (Exhibit No. 7 was marked for
11 identification.)

12 BY MR. LEVITT:

13 **Q** Ms. Bradshaw, if you would take a look through
14 that quickly.

15 **A** Okay.

16 **Q** Is it accurate to say this appears to be an
17 e-mail exchange between Don Palmer and Ms. Peggy Taff on
18 Monday, April 28, 2008?

19 **A** That's correct.

20 **Q** And what's Mr. Palmer's position with the
21 division?

22 **A** He is the director of the Division of
23 Elections.

24 **Q** On the second page of this e-mail, page 2704,
25 Mr. Palmer states that quote: Time is of the essence,

1 end quote.

2 Did I read that accurately?

3 **A** Yes.

4 **Q** Do you know why he made that comment?

5 **A** No, I don't.

6 **Q** Later in that paragraph, he states that,
7 quote: No application will be verified W/O," with or
8 without, "in it."

9 Did I read that accurately?

10 **A** Yes.

11 **Q** Does that refer to the policy we discussed
12 before where BVRs will not be reviewing applications
13 until there is a scanned image of the application
14 associated with that record?

15 **A** Yes, that is correct.

16 MR. LEVITT: I would like to go to a different
17 document, if I may. 2708 through 2710.

18 (Exhibit No. 8 was marked for
19 identification.)

20 BY MR. LEVITT:

21 **Q** If you would read that over and tell me when
22 you are finished.

23 **A** (Witness reading document.) Okay.

24 **Q** On the second page of that e-mail exchange --
25 or actually, let me back up.

1 **A** No, I don't.

2 MR. LEVITT: Okay. I would like to mark as
3 Exhibit 10 Department of State 2712 through 2713.

4 (Exhibit No. 10 was marked for
5 identification.)

6 BY MR. LEVITT:

7 **Q** Do you recognize this?

8 **A** I recognize it only through the documentation
9 that was provided to me. Yeah. I have a general
10 understanding what it is, yes.

11 **Q** What is your general understanding of what
12 that is?

13 **A** Under the procedures that were implemented in
14 late August, we notified the counties if there are
15 applications that are --

16 MR. ANTONACCI: Late August?

17 THE WITNESS: April. Did I say August?

18 MR. ANTONACCI: You said August.

19 THE WITNESS: Late April, I am sorry.

20 -- that we notified the counties if they have
21 not scanned the image within three days after it
22 being entered.

23 BY MR. LEVITT:

24 **Q** And is it fair to say that this is a report
25 from BVRS to Volusia County about the particular records

1 that are still pending in Volusia County?

2 **A** That is correct.

3 **Q** And that similar reports that were produced
4 are for some of the other counties around the state?

5 **A** Yes.

6 **Q** Is it accurate to say that the records in this
7 report are for voter registration applications that have
8 not yet had a scanned application image attached to it?

9 **A** I believe these are ones that came back as
10 unverified that have no scanned image.

11 **Q** So these are records that BVRS has not yet
12 reviewed to try and correct the verification problem, is
13 that right?

14 **A** That is my understanding.

15 **Q** In the table itself on page 2713, do you have
16 an understanding as to what the registration date is?

17 **A** I believe I do.

18 **Q** What is that?

19 **A** That would be the date that the application
20 was either hand-delivered to the office or a voter
21 registration agency or the date that it was postmarked.

22 **Q** And do you have an understanding as to what
23 the "Date Entered" refers to?

24 **A** I believe that is the date that it was
25 actually entered into the voter registration system.

1 **Q** And is it accurate to say, from this report at
2 least, those applications were still awaiting scanned
3 images on May 15, 2008?

4 **A** That's what it appears to be, yes.

5 MR. LEVITT: I would like to mark as Exhibit
6 11 Department of State 2836.

7 (Exhibit No. 11 was marked for
8 identification.)

9 BY MR. LEVITT:

10 **Q** Do you have an understanding as to what this
11 document is?

12 **A** Give me just a moment. (Witness perusing
13 document.) Okay.

14 **Q** Do you have an understanding as to what this
15 document is?

16 **A** Well, generally, I believe.

17 **Q** What is that general understanding?

18 **A** Well, apparently, Mark Corbett was responding
19 back to Peggy regarding -- it appears to be the first
20 part is regarding the felon folders that had been mailed
21 out the previous day. Second part of the e-mail deals
22 with the verification process.

23 **Q** And do you see in what appears to be the
24 second e-mail of this chain from Ms. Taff to Mr. Corbett
25 and a few other individuals at BVRs -- let me know if I