

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 08-CV-21243(S.D. Fla.)

LEAGUE OF WOMEN VOTERS OF FLORIDA, ET AL.

PLAINTIFFS,

VS.

KURT S. BROWNING, ET AL.,

DEFENDANTS.

2700 N.W. 87th Avenue
Miami, Florida
Thursday, 9:25 a.m. - 1:10 p.m.
June 12, 2008

DEPOSITION OF IVY KORMAN

Taken on behalf of the Plaintiffs before Gina Garcia, RPR,
CRR, Notary Public in and for the State of Florida at Large,
pursuant to Plaintiff's Notice of Taking Deposition filed in the
above cause.

Elisa Dreier Reporting Corp. (212) 557-5558
780 Third Avenue, New York, NY 10017

1 Thereupon:

2 IVY KORMAN,
3 was called as a witness and, having been first duly sworn and
4 responding "yes," was examined and testified as follows:
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Q Can you describe briefly the categories of tasks that your office must complete in the months leading up to the book-closing deadline for a Federal election?

A Could you repeat the question and let me know are you talking about just my registration section? Everything we do?

Q Why don't you describe what goes on in your registration section first, and then we'll do the whole office briefly. But just sort of the categories of tasks that you have to do to prepare for the election before

1 the book-closing deadline.

2 A Before the book-closing. Okay. We continually
3 get e-mails and hard copies of forms from Supervisors of
4 Elections throughout the state and the United States
5 removing voters. We get returned as undeliverable mail,
6 which we have to start going through a process of
7 entering in address confirmations. We get notices from
8 the State about people that croaked or died. We get
9 notices from the jury and the driver's licenses --
10 actually, from the jury, people that no longer live in
11 Dade County.

12 We get notices from driver's license if
13 somebody moved out of state or died. Papers from
14 different organizations asking if somebody has been a
15 registered voter from lawyer's offices and things like
16 that.

17 And then starting from when we actually get the
18 cards in. The cards are placed in the batches. And then
19 let me go back. We get mail. The mail has gone through.
20 If there's a picture of the photo ID, it's taped to the
21 back. Mail is put into a batch. And it's also sorted.
22 If we're taking off voters, if it's changes, if it's new,
23 et cetera. Anything we get from the third-party groups
24 or of the schools are just put in a batch with "other"
25 and put through.

1 We periodically will go through when we're
2 doing this and sorting them. Sometimes you will see
3 batches of people with the same signature. Those we
4 start to pull out as we're going through.

5 Q And then for the rest of the office?

6 A I can't tell you what they do.

7 Q Let's see. And then after the registration
8 deadline, what does your division have to do?

9 A We continue and process any forms that we got
10 after the book-closing date, but that's still valid. And
11 if we have the time, we enter in the forms that we got
12 after the book-closing date. And you put that date so at
13 least the forms are done and all the other maintenance
14 requiring; you know, details and stuff, precinct
15 registers before an election.

16 Q When you say "precinct registers," can you
17 please describe that process?

18 A Whatever date they choose to print the precinct
19 registers, whoever is in the system at that time, will be
20 put in. People that have made the book-closing date but
21 if the volume was too large or it was an accepted group
22 and we got them too late, we end up putting them in and
23 we'll send post cards to the people to let them know that
24 they're in fact a registered voter.

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Q Okay. So now the fun part. Third-party registration organizations.

In 2004, third-party groups conducted registration drives in Miami-Dade County?

A Yes, ma'am.

Q Was it a big year for third-party groups?

A Yes.

Q Would you say it's the biggest you've seen?

A No.

Q What was the biggest year you've seen for third-party groups?

A 1982 was big -- I've been here since '81. That

1 was not the largest.

2 Q Is it the largest since the NVRA was
3 implemented?

4 A I - that was 1996.

5 Q 1995, I believe, in Florida.

6 A I really can't answer. Every one is big.

7 Q Is it fair to say that you don't know whether
8 or not 2004 was the biggest year you've seen because --
9 is that correct?

10 MR. WINSOR: Objection to form.

11 A It would be fair to say. I can't tell you if
12 it was the biggest year.

13 Q In 2004, how many third-party groups were
14 operating in Miami-Dade?

15 A Probably about three or four.

16 Q Okay. And does that include labor unions?

17 A Let me up it, probably closer to six.

18 Q Okay. Which groups were operating?

19 A There was a labor organization. I'm not sure
20 exactly which names they were. If you gave me a bunch, I
21 could probably say, "Yes, that was it." There was ACORN,
22 there was Mi Familia, there was Democracia, something or
23 other. Democratic Parties sometimes does a drive.
24 Republican Parties sometimes does a drive. League of
25 Women Voters sometimes does a drive. Of course there's

1 the schools that gives us everything like right at this
2 date.

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13 Q So we have ACORN, Mi Familia Vota, Democracia,
14 Democratic Party, Republican Party, League of Women
15 Voters.

16 What other groups were operating in Miami-Dade
17 in 2004?

18 A Those were the largest ones. There were some
19 that might have gone under my radar if there was a
20 problem or not.

21 Q Do you think that -- is it -- do you recollect
22 a group called Florida Consumer Action Network or FCAN or
23 USA Action operating a drive in Miami-Dade?

24 A Sometimes they ended up with people let's say
25 from the unions or with ACORN or they combined. I

1 can't -- what would the initials be?

2 Q FCAN or USA Action.

3 A No.

4 Q I'm going to go through a list and after each
5 name, you tell me whether or not you remember them
6 operating a drive.

7 A At any time? Or --

8 Q In 2004, sorry.

9 People for the American Way?

10 A Yes.

11 Q Sanctify Seven?

12 A I don't recall.

13 Q Voting is Power?

14 A I don't recall.

15 Q Florida Public Interest Research Group or
16 Florida PIRG or PIRG?

17 A Possibly.

18 Q Community Voting Project?

19 A Yes.

20 Q New Voter's Project?

21 A Sounds familiar.

22 Q NAACP?

23 A Yes.

24 Q Equality Florida?

25 A I don't recall.

1 Q Planned Parenthood?

2 A No.

3 Q Clean Water Fund?

4 A No.

5 Q Rock the Vote?

6 A They were mostly on the Internet. They might
7 have gone to some events. So, yes, I know who they are.
8 I can't swear I got cards from them.

9 Q Okay. Sierra Club?

10 A No, I don't recall.

11 Q Southwest Voter Representation Education
12 Project?

13 A No.

14 Q Also, sometimes they're called SV Rep?

15 A No.

16 Q League of Conservation Voters?

17 A No.

18 Q The Utilitarian Universalist Service Committee?

19 A No.

20 Q How about AFSCME?

21 A Possibly.

22 Q AFL?

23 A Possibly.

24 Q Pact?

25 A P-a-c-t? (Shaking head from side to side.)

1 Q SEIU?

2 A SEIU, yes. That was the main union one.

3 Q In fact, at least ten groups or maybe more were
4 operating?

5 A Yes.

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14 Q Okay. Did any third-party groups try to meet
15 with you about voter registration?

16 A Yes.

17 Q Which ones?

18 A The unions, ACORN, Mi Familia, Democracia. I
19 speak to people from the Democratic party and the
20 Republican party as well as the League of Women Voters,
21 but I don't have a problem with them. Some of the others
22 might know me from around, but basically we were talking
23 a lot with some of the people from those organizations.

24 Q Okay. And what would be discussed at those
25 meetings?

1 A Well, the people like the unions, they were
2 upset because some of their people weren't getting
3 registered and they couldn't understand why. We would
4 show them the cards and show them that certain things
5 were missing. They took names and then maybe sent
6 letters to the people, let them know that.

7 ACORN, the cards are atrocious. Since I've
8 been with elections in any shape or form, whenever we get
9 something from them, the cards --

10 And then Mi Familia, Democracia, they would
11 just say: "Hey, here are our cards."

12 "Thanks a lot. Any problems with them?"

13 "No," "yes," or anything else. Basically it's
14 the ACORN Group and whoever they're connected with.

15 Q And when you say "atrocious," can you speak a
16 little bit about what the problems that you're talking
17 about?

18 A In 2004, especially because there were some
19 years that I wasn't directly in charge of voter
20 registration, I was just doing voter registration
21 projects. The cards would come late. We had tray loads
22 of cards that came in late from ACORN. All of their
23 cards continue to have the same problem. Especially in
24 2004, my assistant, her two kids were registered by
25 ACORN. One of them works for us. Neither of them ever

1 spoke to anyone to register to vote. Some of the
2 information was correct, some of it wasn't. They
3 registered people out of the phone book.

4 Q So it sounds like fraudulent application is a
5 problem that you're talking about?

6 A It was signed -- like 30 forms might have been
7 signed by, very obviously, by one person. So especially
8 with some of the groups, I would get "fraudulent."

9 Q Okay. And did ACORN ever sort of try to draw
10 your attention to forms which they thought might be
11 fraudulent in returning those forms?

12 A Absolutely not.

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Q So on the book-closing deadline in 2004, did you receive cards from third-party groups?

A Yes.

Q How many?

A A lot.

Q How many does "a lot" represent?

A I would only be pulling out a number. I guess then I remembered it was a little more. I don't know if you're -- you know, if I'm supposed to be matching this, that number to that number or anything. We got a lot. We also got a lot after the book-closing date.

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Q Let's see. Do you remember testifying in the Diaz case that third-party groups hoard applications?

A Yes.

A It wasn't necessarily on book-closing date, but during different times of the year, when I was going through -- and again, I'm being more specific to ACORN, that there were cards, let's say, dated February and cards dated in June. Some cards might not have been dated at all.

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Q Would you say that -- so you saw those applications yourself?

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1 A Yes.

2 Q And how many applications would you estimate --
3 MR. WINSOR: Objection to the form.

4 Q -- were collected more than a month before you
5 received them?

6 A A safe answer would be more than a hundred.
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Q So your main problem with ACORN was hoard --
hoarding was not your main problem with ACORN?

MR. WINSOR: Objection to the form.

A I wasn't pleased with their hoarding. Again, I
would get calls from voters. My -- 85 percent was
garbage I got. Hoarding didn't help it.

Q How many calls did you get from voters
complaining about --

MR. WINSOR: Her? Or the office?

BY MS. PARADIS:

Q How many calls are you aware that you or your
office received?

1 A I know I personally got at least five, under
2 ten. I can't tell you how many the rest of my office
3 got, because it wasn't something that they would bring to
4 me, unless somebody was really complaining and then they
5 brought it to me.

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Q Okay. Now, has your office ever received voter applications from third-party groups after the book-closing date for a Federal election?

A Yes.

Q Can you go ahead and describe the circumstances of that submission?

MR. WINSOR: Objection of the form.

A Are you talking about now from third-party groups?

Q Yes.

A Okay. Specifically, and again, I'm not sure if it was for the September, '04, election or these were cards for the November, '04, election. But ACORN brought in trays, boxes that we put into trays of cards that came -- that they brought to us after the book-closing date, which we were not allowed to accept.

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Q Do you recollect any voters who attempted to vote on election day who were unable because they were in that late submission from ACORN?

A If in fact they were real, eligible voters, I did get some calls and, of course, a lot of them I didn't because they were not.

Q So do you actually recollect getting calls?

A Yes.

Q How many?

MR. WINSOR: Asking about her or the office?

BY MS. PARADIS:

Q How many calls did you personally receive?

A For eligible people that didn't get on, probably about 20, as well as getting calls because ACORN at this point was now charging -- now changing parties from -- normally they were registering democrats; now what they were doing were registering real people and putting "Republican" so they were getting a different

1 party.

2 Q Let's focus just now on the book-closing, post
3 book-closing deadline.

4 So how many calls did you receive from
5 people -- you personally received from people who were
6 attempting to register through ACORN and were unable to
7 vote on either the primary -- in whatever the election
8 was?

9 A For the first time? Or party changes that were
10 made without their knowledge?

11 Q For people who wanted to register -- when you
12 say "party changes without their knowledge," does that
13 perhaps indicate that this was the primary election that
14 these forms came in late for?

15 A Again, I couldn't answer that because they
16 would have gotten a card and they take a look and said:
17 Well, wait a second, I didn't change my party. What is
18 this?

19 Q But those were not people who were unable to
20 vote?

21 A No. I can't tell you if it was a primary or
22 not, if it made a difference of what they were doing. I
23 could just tell you that I got let's say the 25 from
24 people that thought they should have been on but weren't.

25 Q And when you say 25, that does not include

1 people whose parties were different?

2 A Right. And it also does not include the rest
3 of the office that might have gotten calls.

4 Q And do you know if the rest of the office got
5 calls?

6 A I am sure they did. They didn't always give it
7 to me. They can handle.

8 Q Do you have a recollection that they got calls?

9 A In passing, my staff mentioned, but I didn't
10 keep a running total or anything else. They just
11 mentioned, "Oh, we got another one."

12 Q Okay. And again, you don't recollect whether
13 this was the primary or the general?

14 A No.

15 Q How many forms were returned after the
16 book-closing?

17 A It was two trays -- mail tray loads, so it was
18 easily a couple of thousand to be gracious and probably
19 more.

20 Q Did you see the forms yourself?

21 A Yes, I went through them.

22 Q Were you there when the forms were dropped off?

23 A Yes.

24 Q Who dropped them off?

25 A Somebody from ACORN.

1 Q Did they identify themselves as somebody from
2 ACORN?

3 A It was with the same sheets.

4 Q And did they give an explanation at that time
5 for returning them after book-closing?

6 A We said something to them -- and I mean, I was
7 not pleased and basically I don't remember what the
8 response was or anything else. And then we just started
9 doing what we needed to do from there.

10 Q Okay. And did you examine each of the cards to
11 determine that they were completed prior to that
12 book-closing deadline?

13 A Any of the ACORN cards I always examined and
14 some of them, of course, had a deadline, you know, a date
15 that was even before the book-closing. In other words,
16 maybe hoarded a little longer. And then the cards came
17 in --

18 Repeat the question again. Please, too many --

19 MS. PARADIS: Can we actually -- how many
20 cards did she say came in the two mail trays, how
21 many would that have been?

22 THE WITNESS: At least 2,000, if not more.

23 (The record was read by the reporter.)

24 BY MS. PARADIS:

25 Q So you personally examined each of the those

1 couple of thousand cards?

2 A What I would do is that I did notice that there
3 were dates. Let's say it was for the September election.
4 So August would have been the book-closing and then they
5 would have to do it at the end of July. I noticed stuff
6 from May. I'm just giving you an example of the dates.

7 Also, what I would always do is then separate
8 the ones because they were crazy enough to give it to me
9 by the circulator, so I could just look at and see all
10 the same signatures. So I would look through everything
11 from ACORN.

12 Q So you personally examined those couple of
13 thousand forms and you --

14 A Yes.

15 Q And --

16 A If they had a voter registration number on them
17 that they were already registered and we expected --

18 Q And you checked the dates that each of those
19 forms had been signed? *

20 A I looked at the dates; but again, I noticed
21 some were earlier than they should have been, but my main
22 focus was the boloney cards.

23 Q So some of those cards may have been completed
24 after book-closing?

25 MR. WINSOR: Objection of form.

1 A If I'm not mistaken, the guy came in the next
2 day, so, if anything, they might have been done on
3 book-closing. Could there have been one the day after
4 book-closing? Possibly.

5 Q So it's your testimony that these came in the
6 day after book-closing?

7 MR. WINSOR: Objection to the form.

8 A Somewhere very close to those days. Again, I'm
9 not remembering if it was for the September or the
10 November. I just know that I was quite annoyed at
11 getting a large amount of cards that should have been
12 eligible to be entered in coming late from ACORN.

13 Q Okay. Did the person returning the forms give
14 any explanation for the late submission?

15 A I don't remember -- like I said before -- what
16 exactly it was. I wasn't pleased. I mentioned something
17 to our Outreach area. You know, not that they were in
18 charge of that. But I said something and I don't really
19 remember what it was. It wasn't nice. I know it's hard
20 to believe.

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Q Okay. So do you have any recollection of any specific instances of forms being turned in after book-closing by third-party groups other than the ACORN 2004 incident?

A Smatterings.

Q When you say "smatterings," are there particular incidents that you could remember and could you list them?

A I can't swear to you which groups. It just happened here and there in small numbers. And if that's not the right answer, I'm sorry.

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Q Are you aware of any voter applicant in Miami-Dade County who complained that he or she attempted to register a third-party group but did not become registered to vote or did didn't become registered to vote by a particular election?

A There's always been some calls, be it DMV, that we didn't get it or some of the other -- some of the other groups. And again, if we had the card, then we could sit there and say: Well, it was turned in, it was stamped the day after, I'm sorry.

In some cases we didn't have a record. Different than hoarding, there was not turning in. But I

1 can't swear to specific incidences to say to you it
2 happened here by this person, by this group.
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Q I guess my question is: Do you feel that there are significant problems with respect -- and here I refer only to the timing of the return of applications, that there are problems with third-party groups, that you have significant problems with third-party groups that your office experiences which are not covered by a prohibition of knowing delay?

MR. WINSOR: Objection to form.

A I don't know that I'm the right person to ask. We just get a delay; I don't want a delay. I want everybody to be registered. I don't want to get phone calls about "I registered on time but my form was brought in late."