

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-21243-CIV-ALTONAGA/BROWN

-----X
LEAGUE OF WOMEN VOTERS OF FLORIDA,
FLORIDA AFL-CIO, AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,
COUNCIL 79 (AFSCME), as organizations
and as representatives of their members;
and MARILYN WILLIS,

Plaintiffs,

v.

KURT S. BROWNING, in his official capacity as
Secretary of State for the State of Florida, and
DONALD L. PALMER, in his official capacity as
Director of the Division of Elections within the
Department of State for the State of Florida,

Defendants.
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June 10, 2008

9:38 a.m.

Videotaped Deposition of ROBERT SWEAT,
taken by Plaintiffs, at the offices of the
Manatee County Supervisor of Elections,
600 U.S. 301 Boulevard West, Suite 108, Bradenton,
Florida, before Donna L. Peterson, a Shorthand
Reporter and Notary Public within and for the State
of Florida.

1 P R O C E E D I N G S

2 R O B E R T S W E A T,

3 having been first duly sworn by the Notary
4 Public (Donna L. Peterson), was examined and
5 testified as follows:
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1 Q. Can you briefly describe for me how an
2 individual in this county can register to vote.

3 A. Well, really pretty easy. We have
4 upward to 250, 260 locations here in Manatee County
5 where they can pick up an application, they can get
6 it off our website, or they can call and we can mail
7 them an application if they -- if they need one that
8 way. And then we -- I have a program where I go to
9 all the high schools and register high school
10 seniors that are 17 or some 18 that are ready to
11 register at that time. So we have a pretty thorough
12 outreach opportunity for anybody that wants to
13 register.

14 Q. And could you please describe some of
15 the categories of these places where people can go
16 to pick up applications.

17 A. Almost any bank. Probably 60 percent of
18 the banks in Manatee County will have -- we have the
19 little counter folders that hold the applications.
20 All of the elected officials have them in their
21 offices, the constitutional offices, the county
22 commissioners. The school board has them. We have
23 real estate offices that have them. And junior
24 college, community college has them. So they are
25 all over the county, the applications are.

1 Q. So you have said that people can
2 register with paper applications or by telephone.
3 Can they also register electronically? Is there any
4 other way?

5 A. No, they can't register by telephone.

6 Q. Oh, okay.

7 A. Okay? But they can download the
8 application, fill it out, and mail it in to us. The
9 thing that we require other than the obvious boxes
10 that they have to check, you know, to be qualified
11 to register to vote is the signature on the
12 application.

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Q. Do you recognize this form?

A. Uh-huh.

Q. Could you please describe it for me?

A. This is the log that -- I don't know who brought it in, but I'm assuming that Pat brought it in. And she has got some information on here that "new or update, hasn't voted in many years." She is just giving us some information on the -- on help, to help us process the paperwork on that.

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1 Then a change of address, another change
2 of address.

3 And then she is telling us that she has
4 got three people on the bottom here that has
5 requested absentee ballots.

6 Q. What is this form used for?

7 A. This is a log form that we try to give
8 to the person that's going out and registering
9 voters, so.

10 We -- Everyone doesn't take them, but we
11 encourage them to do it for their benefit and for
12 the registrant's benefit and our benefit. So that
13 when they come back in here, we have a little track
14 record of what's going on with them.

15 Q. Why do you think it benefits the
16 organization?

17 A. The organization that's doing the
18 registering?

19 Q. Yes.

20 A. Well, I think it helps them out because
21 if they go out and register some people and then a
22 person calls me up and says, "We haven't got our
23 voter registration card," and then I can find out
24 who registered that person. I can go back and look
25 on the log and see if it's not there. Then I could

1 call Pat and say, "Could you check, you know, your
2 information or to see if maybe this is an
3 application that was missed being turned in?"

4 So it kind of protects everybody really,
5 but mainly the person that is registering to vote.
6 Because it has happened in the past where a person
7 would come in on election day to vote and we would
8 not have any record of that. And we would go back
9 and look, and we had absolutely no record of it but
10 they said, "But I registered at the driver's license
11 bureau." And they are not going to get to vote that
12 day, and that's unfortunate. So if we can remedy
13 that before the election, it helps everybody.

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Q. Are you familiar with the term "book closing date"?

A. Yes.

Q. Could you please describe what it means?

A. Well, 29 days before the election, the state law says that all registration books will close until after the election.

Q. Has the League of Women Voters ever submitted voter applications to your office after the book closing date for a federal primary or general election?

A. Not to my knowledge.

Q. Has the AFL-CIO submitted voter applications to your office after the book closing date for a federal primary or general election?

A. Not to my knowledge.

Q. Have other third-party voter registration organizations done the same?

A. In 2004 I had -- and I don't know how many, but I did -- we did pick up on some that came

1 in after the books closed that were dated prior to
2 the books closing, but they came into the office
3 after the books closed. I don't know how many there
4 was, and there was not a great deal of them, but
5 there were some.

6 Q. Do you have any idea who delivered them?

7 A. The -- none of the local ones did. The
8 local people know the rules, and they know the law
9 and they follow them. It's the ones that are from
10 out of the state or someplace that try to skirt the
11 issues every time.

12 Q. Was there any reason given for the late
13 submission?

14 A. No. They just bring them in and throw
15 them on the counter and leave.

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MS. SIMONOFF: Okay. Please mark as Exhibit 5 a copy of Roberts Sweat's testimony in the case of Diaz.

(Exhibit No. 5 was marked for identification.)

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Could you please describe generally the types of election preparation tasks that your office was responsible for in 2004 before the presidential election.

A. You want the process that we do in preparation for an election, is that what you are

1 asking?

2 Q. That would be great. Thank you.

3 A. Okay. The -- well, we start off,
4 obviously, by training our poll workers, making sure
5 that we have all of our polling locations contracted
6 to be -- to be used on election day. We have the --
7 our absentee ballots that we, you know, try to
8 advertise; people can request by, you know, coming
9 in and picking them up or by phone or whatever. We
10 make sure that we mail those out. We absolutely
11 meet the deadline for our overseas military ballots
12 that go out of here. We handle the qualifying of
13 the local candidates. We process those, send them
14 to the state, wait for the state to send us the ones
15 that they have certified and qualified. Then we lay
16 our ballots out. We order our ballots. We get our
17 absentees in first. We mail those out first. We
18 get our military first, mail those. Then the
19 absentees, we mail those. And then we process and
20 prepare the ballots for the precincts. We deliver
21 our voting equipment to the polls. And on the day
22 before the election, our clerks pick up the
23 pertinent data that they need. Obviously we are
24 programming our tabulators. We are programming
25 our -- the events for our voter registration at the

1 polls. Then we hope and pray that everything works.

2 Q. Are many of these tasks ongoing during
3 the two months prior to the book closing deadline?

4 A. Yes. Actually earlier than that. But
5 yes. From the -- to the date of the election.

6 Q. Are they all ongoing during that time
7 period?

8 A. Uh-huh.

9 Q. Did your office in 2004 have any plan to
10 increase staffing in order to complete the tasks
11 that you had to complete before the 2004
12 presidential election?

13 A. No. And again, as I explained to you
14 earlier, I'd rather pay the overtime to my staff
15 that are experienced and trained in all the jobs
16 that we do than to bring somebody in part-time and
17 try to spend the time training them and then
18 worrying about the problems that you might have. It
19 might be archaic to some, but it works for us.

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