UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

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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 WILLS,

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.
ROBERT SWEAT,

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

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

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

A. Almost any bank. Probably 60 percent of the banks in Manatee County will have -- we have the little counter folders that hold the applications. All of the elected officials have them in their offices, the constitutional offices, the county commissioners. The school board has them. We have real estate offices that have them. And junior college, community college has them. So they are all over the county, the applications are.
Q. So you have said that people can register with paper applications or by telephone. Can they also register electronically? Is there any other way?

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

Q. Oh, okay.

A. Okay? But they can download the application, fill it out, and mail it in to us. The thing that we require other than the obvious boxes that they have to check, you know, to be qualified to register to vote is the signature on the application.
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.
Then a change of address, another change of address.

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

Q. What is this form used for?

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

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

Q. Why do you think it benefits the organization?

A. The organization that's doing the registering?

Q. Yes.

A. Well, I think it helps them out because if they go out and register some people and then a person calls me up and says, "We haven't got our voter registration card," and then I can find out who registered that person. I can go back and look on the log and see if it's not there. Then I could
call Pat and say, "Could you check, you know, your
information or to see if maybe this is an
application that was missed being turned in?"

So it kind of protects everybody really, but mainly the person that is registering to vote. Because it has happened in the past where a person would come in on election day to vote and we would not have any record of that. And we would go back and look, and we had absolutely no record of it but they said, "But I registered at the driver's license bureau." And they are not going to get to vote that day, and that's unfortunate. So if we can remedy that before the election, it helps everybody.
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
in after the books closed that were dated prior to
the books closing, but they came into the office
after the books closed. I don't know how many there
was, and there was not a great deal of them, but
there were some.

Q. Do you have any idea who delivered them?
A. The -- none of the local ones did. The
local people know the rules, and they know the law
and they follow them. It's the ones that are from
out of the state or someplace that try to skirt the
issues every time.

Q. Was there any reason given for the late
submission?
A. No. They just bring them in and throw
them on the counter and leave.
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.)
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
Q. That would be great. Thank you.

A. Okay. The -- well, we start off, obviously, by training our poll workers, making sure that we have all of our polling locations contracted to be -- to be used on election day. We have the -- our absentee ballots that we, you know, try to advertise; people can request by, you know, coming in and picking them up or by phone or whatever. We make sure that we mail those out. We absolutely meet the deadline for our overseas military ballots that go out of here. We handle the qualifying of the local candidates. We process those, send them to the state, wait for the state to send us the ones that they have certified and qualified. Then we lay our ballots out. We order our ballots. We get our absentees in first. We mail those out first. We get our military first, mail those. Then the absentees, we mail those. And then we process and prepare the ballots for the precincts. We deliver our voting equipment to the polls. And on the day before the election, our clerks pick up the pertinent data that they need. Obviously we are programming our tabulators. We are programming our -- the events for our voter registration at the
polls. Then we hope and pray that everything works.

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

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

Q. Are they all ongoing during that time
period?

A. Uh-huh.

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

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