

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **08-21243-CV-ALTONAGA/Brown**

LEAGUE OF WOMEN VOTERS OF FLORIDA and
FLORIDA AFL-CIO, as organizations and as representatives
of their members; and MARILYNN 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.

AMENDED DECLARATION OF MARILYNN WILLS

I, MARILYNN WILLS, declare:

1. I am a resident and citizen of the United States and of the State of Florida. I reside at 2326 Kilkenny Drive West, Tallahassee, Florida 32309-3156. I submit this declaration in support of plaintiffs' motion for injunctive relief.
2. I am a registered voter in the state of Florida.
3. For about 30 years, I have been a member of the League of Women Voters of Florida (the "League" or the "state League"), a plaintiff in this case. I am also on the Board of Directors of the Tallahassee League and the First Vice President of the state League.

4. I am seeking to prevent enforcement of Fla. Laws 2007-30 §§ 1 and 2 (the “amended law”), which the Secretary of State has announced will be enforced as soon as regulations implementing the law take effect, as soon as early July 2008. When the amended law takes effect, I will be forced to stop registering voters out of fear that I will be personally subject to fines, because the amended law states that individuals can be considered third-party organizations who will be subject to fines, but it does not explain when an individual is part of a larger organization. As a result, I am worried I will be personally subject to fines.

5. I have been registering voters since I joined the League, no later than the early 1970’s. The Tallahassee League has been registering voters since its founding.

6. In the past, I have registered voters with the Tallahassee League at shopping malls and the Tallahassee Saturday Downtown Market.

7. The Tallahassee League usually registers voters in conjunction with our other activities. For example, the state League publishes a special edition of the State Voter, an informational brochure explaining all amendments to the state constitution. Our local League had a table at the Downtown Market every Saturday for several months before the 2004 election. We passed out the information about the amendments, gave out information about membership in the League, and also provided voter registration forms to prospective voters.

8. After the 2004 election, the Tallahassee League gathered signatures for a petition for a redistricting amendment. Again, we gathered signatures at

the Saturday Market. We also collected voter registrations and distributed information on early voting, including a local “Know Your Public Officials” brochure, a “Why I Should Vote” brochure and other publications written in English and Spanish.

9. Even if we are not combining voter registration with other campaigns, when I ask people if they would like to register to vote, that routinely sparks conversations about why they should vote, the importance of voting and civic engagement, or particular policies or issues that are of concern to them.

10. I would like to register new voters this year, a presidential election year, and in the future because voting is crucial to our form of government. It cannot survive without an informed, voting electorate. Unfortunately, however, I will stop registering voters when the amended law is enforced, beginning as soon as early July, due to my concerns about the serious fines imposed by the amended law.

11. When I register voters, I help to ensure their applications are complete and accurate. I have found that for some, the registration application can be complex and difficult to understand. Once they have completed their applications, I personally submit them, usually by mail to the office of the Supervisor of Elections. I do this to ensure that the voters become registered because, in my experience, voters will often lose their applications or forget to mail them if they must submit them on their own.

12. Although I have never had a problem submitting voter registration forms before the registration deadline, I am afraid that some mistake or accidental delay may result in being fined hundreds of dollars.

13. I know other individuals who have registered voters in the past who will also stop doing so when the amended law is enforced out of concern about these fines.

14. I and other individual League members or volunteers are worried that we will be treated as third-party registration organizations, personally liable under the law, because we each have a fair amount of control over the way we register voters. Since we do not have paid staff, we do not drop all our forms at a central location for the League to submit or have paid drive organizers. Instead, we tend to collect and submit forms on our own.

15. In addition, members and volunteers often register voters informally, not as part as any drive. For instance, earlier this year one member of the Tallahassee League helped her grandson fill out his form and then returned it for him. Under the amended law, I would be afraid to do something like that for fear I would turn in the form after ten days and be fined. League members often collect and submit forms for their extended families, friends, or acquaintances.

16. The Tallahassee League will also stop registering voters because of the potentially severe fines that could result from mistakes or events beyond the control of the League. For instance, if a volunteer responsible for mailing the voter registration forms gets into a car accident on the way to mail them or gets sick and is hospitalized, the forms might be submitted after the 10-day deadline in the law. If that were to occur, the Tallahassee League could face hundreds of dollars in fines.

17. The Tallahassee League has no staff and is comprised entirely of volunteers. Our annual income is approximately \$4,500 to \$5,000, derived mostly from members' dues. We use these funds to pay our membership in the state League and to print and mail voter information brochures that describe local, state and national issues. We also publish a brochure listing the contact information of commission members, school board members, our state representatives, senators, judiciary and other government officials. Even the smallest fines under this law would be quite harmful. We certainly could not afford \$1,000 in fines.

18. The Tallahassee League has not had any problems turning in voter registration forms before the registration deadline. It would be impossible, however, to prepare for every possible accident that could happen. The severe fines under this law pose too much risk for me or the Tallahassee League to bear.

19. I know that the amended law allows a reduction in fines for organizations that register with the state. However, the paperwork and supervision required for the registration and reporting required by the law would be burdensome for the Tallahassee League. Because we have no paid staff, our volunteers would need to undertake this additional work and in doing so would forgo their other League activities. Furthermore, because our local budget is so limited, even the reduced fines would be burdensome.

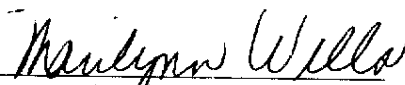
20. The impact of the cessation of voter registration activities will be particularly exacerbated by the timing of the enforcement of this law. The Tallahassee League and I will have to cease registering voters just three months before the book-

closing deadline in advance of the election—an election that has already demonstrated its ability to generate unprecedented numbers of new voters interested in registering to vote.

21. The amended law will impose a severe burden on my personal voter registration activities and will cause me to stop registering new voters. Additionally, the law will place a serious burden on the Tallahassee League and will chill the willingness of its members to engage in voter registration activities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/14, 2008


Marilynn Wills