someone has been prevented from voting. Let me ask
if you are able to name anybody who been
substantially burdened in their attempt to register
to vote by this law?
A I believe that I've responded to that
question already, Mr. Bardos.
Q Has Subsection 6 diverted any of the
resources of your organization in any way either --
I understand that you don't have a budget, but has
it affected the way you allocate volunteer time, for
example?
A Oh, definitely, yes.
Q Can you explain how that happens?
A With this new law the coalition is
impacted in term of taking time from the community
education program to educate the community about the
issues at hand and also it will impact in term of
how to use -- the people, how to use the new
machine, the voting machine this thing itself.
It's a very difficult undertaking,
because the people have to change from learning the
existing system to the new system. And also we will
have to divert -- to divert a staff time from it
putting overtime putting a website together in order
to educate people about it, that law. And also we
anticipate that more people will be attempting to
vote, therefore, we may have to get a new telephone
line, all lines as a Hot Line, so people that have
problems they have a way to get a response.
And also that will impact myself,
that will take time from myself instead of doing
other activities and other issues, I will basically
take that time away to address these issues. And
besides, that those two people besides myself that
provide their time to the coalition, their job is to
be impacted, also just a specific organization is
going to be impacted as well in term of giving more
time to follow up with those issues. And also
follow up, this is something that is time intensive
that I would have to do and also do in groups that
belong to the coalition and will have to do.
And there are many other things that
I could add in term of how this law is compelling us
to divert resources in order to address that
specific issue.
For instance, on election day instead
we have to make a choice on election day whether or
not to deploy volunteers to help people who are
facing problems at the machines, with the voting
machines, which and I take that is -- also I state
something good that it providing feedback in Creole, at least we are hoping that the community may face less problems with optical scan machines, but the fact that provide feedback that is a positive step; but again, we will have to educate, we will have to take the time to educate the voters on how to use that machine.

And we are being placed in a situation where to allocate our limited resources. Should we help or put resources in responding to those people that were rejected under the no match no vote or should we focus our attention to those people that need some help in term of voting properly.

Q Has the coalition taken any steps to educate voters specifically about Subsection 6?

A In that, we, the coalition, is putting a campaign on that matter, but I believe that on HAVA, the fact that HAVA deals with issue of minority language access, I believe also it should be part of the responsibility of the state to have been -- inform those communities like ours facing language issues or barriers to assist in that effort to help, but I believe that that is part of HAVA that should be also a concern or the state.
Let me ask specifically about the Subsection 6 the matching statute. Has the coalition taken any steps to educate voters or members about Subsection 6 the matching statute?

A. Not at this time.

Q. Does it have any plans to do so?

A. Oh, definitely.

Q. Was that plan ever discussed among the executive committee members?

A. The plan to inform the community about the no match no vote?

Q. About that statute, yes.

A. Your question, if I understand it, has the coalition discussed plans to educate the community about the no match no vote?

Q. Correct.

A. At this time, no, but that doesn't mean it doesn't plan to. The fact that the community is going to be significantly impacted we have the responsibility to inform the community. In fact, there's an election coming in January in Florida, so some of the voters would have to have -- needing to know what kind of difficulties that you will be facing with.

Q. So would it be correct to say that the
coalition does not presently have any definite plans
to educate voters about the matching statute, but
you expect that it will?

MS. PEREZ: Objection to form.

BY MR. BARDOS:

Q Can you answer, please?

MS. PEREZ: If you understand the question
you can answer it.

THE WITNESS: Can you reframe the
question, it's not clear. I'm not clear with
that question.

BY MR. BARDOS:

Q Does the coalition have any definite plans
at the present time to educate voters about
Subsection 6, the matching statute?

A You said as of today do we have a plan or
are we to have a plan?

Q As of today do you have a plan?

A As of today we do not have a plan, but
that doesn't mean that we will not have a plan as we
are getting closer and closer to the election
period.

Q Do you have a copy of the responses which
the coalition gave to the secretary;

interrogatories?
MS. PEREZ: He does right in front of him now.

(Brief recces.)

THE WITNESS: Mr. Bardos, there is something I wanted to add in terms of how this law impacts the coalition. Is that okay with you?

BY MR. BARDOS:

Q. Yes, please do.

A. This law also hurts our mission. The mission of the coalition is to present presentations to and also to empower the Haitian American community. This law basically presents a barrier in terms of the ability of a community to show its voting strength because at this time what we have in Miami-Dade is a -- under the current system Haitian Americans are registered as Black, Black means of African-American and our efforts for fair representation, voting strength of Haitian Americans is not being shown for the present time in term of fair representation for our community. This is aspect number 1.

Aspect number 2, one of the biggest needs of the Haitian American community is to have -- to have the ability to elect the candidate
of choice. That is going to seriously impact us in
doing that. Not only that, in the coalition and
Haitian community in term of a community agenda, in
term of allocating resources to community needs,
this the law also will impact the coalition in term
of addressing poverty issues.

If you look at census data whether it
is 2000 or in 1999, you will see the worst poverty
indicators all of them fall within the area code,
falls within the Haitian community in Miami-Dade.

So, for instance, in 2006 there was a
Haitian American candidate who was challenging an
African American incumbent, the Haitian candidate
lost by 200 something votes. So therefore, unless
that Haitian American voters have the ability to
register to vote, those needed community changes
they will take much longer to occur in order to
address the needs of our community.

BY MR. BARDOS:

Q Did you have a copy of the responses to
the interrogatories with you?

A Yes, I do have a copy with me right here.

Q Let's turn, please, to the response to
interrogatory number 3. And let me ask first of
all, have you seen these responses before?
A Yes, I have.
Q Were you reviewed them?
A Yes, I did.
Q Let's look at the second paragraph of the response to interrogatory number 3 and the second sentence says, comparable attempts to verify particular information on registration forms have resulted in errors 15 to 30 percent of the time.
Could you please expand on that or let me know where that data comes from?
A This is an averaging of data that was collected in other jurisdictions, but my understanding is in the State of Florida there was over 30,000 rejection of people was no match, people attempting to vote or people attempting to have the voter registration valid, but there's a failure of these are not them, these are based on the cards.
Q So 15 to 30 percent, does that number come from -- is there a report or a book or what is the source of that number?
A I do not recall the specific source of that number, but as to published reports I can always issue that to you later, but this is an average. I think what should be of importance is the large number of 30,000 rejections based on the
State of Florida's record that at least 30,000
people were rejected this term of no match no vote.

Q So you don't though, you don't recall at
the present time where the 15 to 30 percent number
came from?

A I know it is from other jurisdictions.

Q Let's start, let's also take a look at
response interrogatory number 6, please.

You've already discussed this in some
detail already, let me ask you about the second
paragraph and the second sentence that says in past
elections the HAGC monitored precincts in the
Haitian American community on election day and
assisted voter of language access or other voting
related issues.

How will the matching statute affect
your ability to monitor precincts in the Haitian
American community and assist voters of language
access?

A Can you rephrase the question? I do not
understand it.

Q Do you see the second sentence in the
second paragraph?

A Hold on, please. Okay. And what is the
question?
Q It says that the HAGC monitored precincts in the Haitian American community on election day and they assisted voters with language access or other voting related issues.

A Yes.

Q Will the Subsection 6 affect the coalition ability to monitor precincts on election day and assist voter with language access?

A I believe I answered this question already.

Q Can you explain how it will have an effect?

A On election day the coalition will face that, two choices. It will face the choices of either helping focusing on people that were already, I would say who have in place the voter registration card or what they have to do is go to the precinct and then vote. If they have problems with those new machines that will be used, if they have issues we will be there to assist them.

Now, in addition to that, we will have also -- we will have to divert resources to address that specific in term of a no match no vote. Those people, we are aware that they are likely to be issued, if provisional ballots, if they show up
at the polls because those people you've got to understand, they are in a state of limbo, those people that no match no vote. On election day if they do not know whether or not they should go to the precincts if they go depending on -- it's like a Russian roulette depending on knowledge of the election officials in those precincts they can get proper advice or they cannot get advice at all in term of they have no match no vote, they may be issued a provisional ballot or they may not be issued one.

Let's say they are issued a provisional ballot, then the -- let's say that they decide to use it, should they decide to use that ballot they must take the additional steps in term of going to the Miami-Dade election canvassing board in order for the vote for that ballot to really count.

Within our community what you don't understand is that a lot of people they are first time voters and do not even know about the existence of an election canvassing board. It is the sophisticated voter, I believe, that -- who knows how to navigate into that spiral, into that universe of elections of how to get your ballot to be counted
because in our community once you vote and you vote
you vote, you don't have -- they believe, they would
believe the system would take care of that. This is
for that reason the community needs an institution
like the American Haitian Grassroots Coalition to
look after its interest because many of those
people, as I told you before, as I stated before,
they are first time voters and providing them with
provisional ballot it is like a joke because their
vote is like -- is highly likely will not be counted
as part of that process.

And it is kind of disenfranchisement
and we feel that's wrong, it is exclusionary and it
is discriminating at the same time. So this is the
kind of -- that kind of balance that kind of choice,
that law is pushing -- the community is being put in
a corner because we are facing so many barriers
already in term of ability to promote change to vote
because those people that have become citizens they
believe in their right in that what you call, in
that idea and there's not idealism of democracy.
For them democracy is not an illusion, they are
hoping that the system would provide them as much as
reliability or reliance that if they are willing to
make that -- if they are willing to step to the
precinct the expectation is that vote should be
counted, no more no less.

    All we are asking is for a playing
field with other groups. And where that would put
the Latin community, where that would put the
Haitian community, it really puts us at a big
disadvantage in term of competing, in term of having
a fair playing field to compete with other groups.

    Q    If we look at the first sentence of the
second paragraph it says, Subsection 6 will force
HAGC to divert its resources to Haitian American
voters whose application has not been processed as a
result of Subsection 6.

    Did it have that effect in 2006
before or at the time of general elections?

    A    A few people because it is the first here
that law was being implemented, many I would say
that several advocates and also the Haitian
community in general was not purview as well as some
of the candidates, they are not purview of that law.
But now we are focusing, in fact, I'm learning more
and more as a result of my research in term of that
law.

    So I would say that the fact that
Haitian American candidate in the 2006 election and

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the fact this -- some of them lose by a few number
of votes, I believe that that law has highly likely
impacted the community.

Q So is it your testimony that in 2006 at
the time of that election, you were not familiar
with Subsection 6 in such a way that it would have
dverted the coalition's resources?
A That is accurate.
Q When did you become familiar with
Subsection 6?
A I became familiar with it in 2006, in late
2006.
Q Do you know approximately when, do you
know the month?
A Oh, no. I would not be able to give you a
specific month, no. I would say that -- I would say
that it was after -- it was after the presidential
election. I believe I don't think it would --
Q It was after the general election?
A That's correct, yes.
Q I'm sorry, I didn't hear the answer.
A I said late 2006, yes.
Q When the coalition monitors precincts are
those members of the coalition who volunteer to
monitor the precincts?
A That is correct. Yes, I would say.

Q How would a member go about signing up to

A mentor a precinct?

A They would go -- they would go signing up.

First of all, the person has to take the commitment

for election day that he or she is willing to

monitor the precincts and also monitoring some as

well as the -- of what you call it -- those days

where you have elections prior to election as well.

Q And so is it the coalitioon that initiates

this by posting something on the list serve or by

some other communication with the members?

MS. PEREZ: Objection, form.

BY MR. BARDOS:

Q Who initiates the volunteers monitoring of

the precincts?

A Who initiates.

Q Yes, is it the coalition?

A The coalition, I would say that the

coalition initiated that process, too, along with

the those organizations that conduct voter

registration within the coalition.

Q Is by means of the list serve, is that how

you communicate with the volunteers regarding --

A That would be one way, that would be one
of the ways.

Q Have there been any elections in south
Florida, say Miami-Dade and Broward counties --
well, let me ask first of all, in which counties
does the coalition primarily operate?
A Miami-Dade county.
Q Primarily Dade. Have there been any
election in Miami-Dade county since the 2006 general
election?
A I'm not aware of any elections after the
2006.
Q There have been no local elections,
municipal elections, county election?
A Not to my knowledge.
Q Has the coalition made any efforts outside
of this litigation to resolve its dispute with
Subsection 6?
A Can you reframe that question?
Q Yes. Has the coalition taken any steps,
before the litigation began to let its concerns
about Subsection 6 be known to state or local
officials?
A Not directly.
Q Has it done so indirectly?
A I know that in the Haitian American
Grassroots Coalition they have had two meetings with local officials here. So I'm not sure if that issue was brought to the local election officials here.

Q So you didn't attend those meetings?
A No, I did not.

Q Have you ever done any work for the Advancement Project?
A Meaning?
Q Have you ever volunteered for them or been a consultant for them or been an employee or contractor for them?
A Advancement Project, we have -- we have had in term of election, yes. The past, we have done things of 2000, 2004 on some, as part of the -- yeah.

As part of the -- as part of the, 2000 election fiasco in Florida or South Florida we noticed that our community, the Haitian American voters were significantly disenfranchised. We had the -- sought help from many quarters and the Advancement Project was one of them. We did seek help from the US Commission on Civil Rights. We did seek help from the NAACP. We did seek from the Advancement Project and some organizations we approached trying to attempting to seek some kind of
assistance because we were deeply impacted in 2000.

Q  I have only a few more questions.

On your list serve has the coalition
ever posted anything about Subsection 6 or the
matching statute?

A  What is the question again?

Q  Has the coalition ever posted anything on
the list serve about this matching statute?

A  I'm not sure, but I believe that it may
have -- we may have the -- I'm not very sure, but I
believe in August when the -- at the meeting where
the coalition took action to challenge that law, I
believe that in the meeting notice that it is
possible that that was placed.

Q  So you might have posted something about
this lawsuit being filed, is that what you were
saying?

MS. PEREZ: Objection,
mischaracterization. You can answer the
question if you understand it.

THE WITNESS: What is the question?

BY MR. BARDOS:

Q  I was just trying to understand what your
answer was to my previous question. Were you saying
that you might have posted something about this
lawsuit being filed?

A I did not say that.

Q Then I must have misunderstood. Can you please explain again what you think might have been posted recently on the list serve about the matching statute?

A I would say that in some time in August when the coalition met on that, usually our meetings are posted in the list serve, and I believe that -- I'm not sure, I'm not sure whether or not that the issue was placed as an alleged item in the list serve for the August meeting.

Q Are your members able to post that on the list service as well?

A Of course, yes.

Q Have any of your members posted anything on the list serve about this Subsection 6?

A Not to my recollection.

Q Has the coalition been involved in litigation before this lawsuit?

A Not to my knowledge.

Q As we sit here today, are there any more election laws or election regulations in Florida besides Subsection 6 that you feel my substantially burden your member's right to vote?
MS. PEREZ: Objection, relevance.

You can answer the question if you understand it.

THE WITNESS: Mr. Bardos, are you familiar -- I don't know if I can if you put it that way. I do not know if you're familiar with the 100 feet law.

BY MS. PEREZ:

Q Yes, I am.

A Okay. I don't know if you are aware that law was basically implemented because of some incident that occurred in one of the Haitian precincts in 2004 election. Before that law used to be 50 feet and it was due to an incident which was in our community whereby that the public imperatives they challenge the volunteers of the Haitian American Coalition in term of assisting the Haitian American voters with language access. And this law, we don't like this and I think it is also that law should go back to the prior distance to 50 feet. And other issues that we have with the state is language accessibility. Even though that within the system the optical scan system they provided language feedback, but without resources to
educate the community about the language
accessibility that would be of limited help to the
community.

The other issues, that other issue
that we have is the ability of voters to be able to
include their ethnicity on their voter registration
card. Because at this time, as I explained before,
we have no gauge in term of providing a true count
of Haitian American voters which are in Miami-Dade
county, and for that matter we can -- the whole
state of Florida because most counties do not
provide that ability for voters to include their
ethnicity on the voter card.

MR. BARDOS: Let me see if I have any
other questions.

That's all.

(A brief recess was taken.)

CROSS EXAMINATION

BY MS. PEREZ:

Q  I just have a few to just make sure the
record is a little bit clear.

Has there been any sort of voter
registration activity posed on the list serve?

A  Oh, yes, plenty of voter education
activities. Yes, definitely.
Q: What is the nature of these posts?

A: The nature of those posts is to basically empower the community in terms of the significance for the members to be -- to participate in the election process very activity.

The fact that -- the fact that we have a community that speaks another language and the fact that the elections -- is a new participant in the democratic election, is a new experience, and also the election itself, the election in the US and Florida it is a universe of its own.

So, therefore, the forum is a way like a community billboard where the people can interchange information, other members can exchange information and also to know what is going on in the community for instance.

If, for instance, when groups like NAACP, when groups, one of the groups are doing voter registration complaints we think this is information that the Haitian American community should use in order to register to vote and also to know the issues at hand.

For instance, one of the big problems that the community has is ordinances that's been being put in their language, they are not translated
in Creole. It also gives, as you want to make sure
those Haitian residents want to make sure that their
constituents and can have their vote count.

If somebody -- I don't think if
some -- but the community feels that your vote, a
vote should be counted, no more, no less. If
somebody wants to vote then should not be no
barrier, as long as the person fills the
requirements that vote should be counted. So again,
many postings took place in that forum and that
advocacy forum related to elections.

Q You also testified that you had
coalitional meetings on a monthly and as an as
needed basis. Do you anticipate that closer to the
elections that you are going to have more
coalitional meetings on the subject of how to
address no match no vote.

A Oh, yes definitely.

Q Is that going to take time away from some
of the other activities that you would otherwise do?
A Oh, yes, yes. We will have to spend
untold hours in Haitian TV and radio to inform the
community about that law and definitely that will
divert resources that we could address or for
alternate issues related to Haitian empowerment and
Q And you testified about how this would frustrate your mission. You talked -- you told a little bit about a story, it's not a story, a fact of a Haitian American candidate who lost by 267 votes. Do you think this law is also going to frustrate your mission by preventing your leaders from getting elected?

A Oh, yes, definitely. As I said two candidates. One instead of two, yes. They were not elected by some 200 votes and that law is preventing Haitian American voters their ability to vote is going to have a serious impact for a Haitian American community to elect candidates of choice.

Q Do you expect to get more members as you get closer to the election?

A Oh, yes definitely, yes. We do because there are the difficulties and the challenges being faced by our community is such that the community, that members of the coalition member organization and Haitian American community in general, there is strong anticipation that people will be going heavily at the polls in order to elect. So we can elect officers in the state, federal and local elections, but the community has learned for the
past ten years since the coalition has been created,
when we have friends in high places the job gets
done, better policies are implemented, better --
there's a better way to access to resources than
other times.

Q Is the coalition or any of your member
groups doing work in advance of the voter
registration in advance of the presidential primary?
A Yes, definitely, yes. We do have -- we
have a schedule of official activities being
conducted by one member of the organization from
about two or three weeks. There would be voter
registration activities being conducted along with
the Health Fair and we do expect that, as we are
approaching the January elections, other members
will be conducting more -- will be conducting
aggressively voter registration campaigns in order
to get more people on the roles.

Q I believe that was my last question. I
just want to clarify, have you personally ever been
employed with the Advancement Project?

A No, no, no, no, not at all.

MS. PEREZ: I'm good.

RE-DIRECT EXAMINATION
BY MR. BARDOS:

Q    I have just a few questions. Regarding
the coalitional meetings that you had, has
Subsection 6 been discussed at any of your past
coalitional meetings?

A    Also I said in August, when August the
coalition took action in term of challenging that
law, so there's section Subsection 6, yes, it was
discussed.

Q    Let me just clarify, these are meetings in
person these are not list serve or internet
meetings?

A    Those are meetings of the executive
committee of the coalition.

Q    They meet in person?

A    That's correct.

Q    I'm sorry, I didn't hear the answer.

A    I said yes.

Q    So you say that Subsection 6 was discussed
at that meeting in August?

A    Yes.

Q    And it was discussed at any meeting prior
to that?

A    No.

Q    Can you tell me generally speaking what
the discussion was in the August meeting?

A In the August meeting I bought the issue
as an item and explained to the membership the way
that law is implemented. It has serious
consequences on our mission. It has serious
consequences on our agenda in term of their ability
of the Haitian Coalition and member organization and
the consequential in general to participate fairly
in registering all the people to vote.

Q Was that decision made in that meeting or
was this only a discussion on Subsection 6?

A Decision was made at that meeting.

Q What was that decision?

A That the coalition should challenge that
law.

Q Do members who are not on the executive
committee attend those meetings?

A Yes.

Q Have any of the members prior to the
August meeting mentioned Subsection 6 at any of
these meetings?

A Not to my recollection.

Q When is your next meeting scheduled to
take place?

A That would be, in fact, that would be next
week, a Tuesday or Wednesday. We do have some crises in the Haitian community.

There's a crisis with the AIDS situation, we have a crises in Haiti where we have that hurricane Noel hitting, making damage in Haiti. And also we have Haitian youngsters who are killed by a law enforcement agency in the county and those are crisis that the coalition has pending, so we will be having that special meeting next week.

Q  Is there an agenda for that meeting?

A  Not at this time as we talk.

Q  Is there an agenda for any future meeting, an agenda that's already prepared for any future meetings?

A  I have already respond to that question, Mr. Bardos.

Q  My previous question referred to next week's meeting. I'm now asking about any future meetings.

A  I already responded to that question.

Q  Myrna asked you about voter registration activities in anticipation of the presidential primary election. Is the coalition organizing and conducting those activities or -- let's just say, is the coalition organizing those activities?
A As I said, Mr. Bardos, I believe I responded to that question.

MS. PEREZ: You can answer again.

THE WITNESS: If that helps I will answer again based on --

BY MR. BARDOS:

Q If you can answer again that would be helpful.

A As I said in the beginning of this deposition, the coalition itself do not engage directly in voter registration activities, but member groups that belong to the organization do.

MR. BARDOS: I have no more questions.

(Thereupon, the deposition was concluded at 11:35 a.m.)
STIPULATION

It is hereby stipulated by and between counsel for the respective parties and the witness that the reading and signing of the foregoing deposition are hereby waived.

AND FURTHER DEponent SAith NOT.

-- -- -- -- --
THE STATE OF FLORIDA
COUNTY OF MIAMI-DADE.

I, the undersigned authority, certify that
ROBERT JEAN LAFORTUNE personally appeared before me
and was duly sworn.

WITNESS my hand and official
seal this 11th day of November,
2007.

_________________________________________
MELANIE STINSON-KONSTANTINIDIS
COURT REPORTER
Notary Public - State of Florida
My Commission Expires: 5/07/09
My Commission No.: DD 431519
CERTIFICATE

THE STATE OF FLORIDA
COUNTY OF MIAMI-DADE.

I, MELANIE STINSON-KONSTANTINIDIS, Court Reporter, State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn to testify the whole truth; that I was authorized to and did report said deposition in stenotype; and that the foregoing pages, numbered from 1 to 56, inclusive, are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of November, 2007.

__________________________________________
MELANIE STINSON-KONSTANTINIDIS
COURT REPORTER
Notary Public - State of Florida
My Commission Expires: 5/22/09
My Commission No.: DD 431519