

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-Civ-King

EMMA YAIZA DIAZ *et al.*,

Plaintiffs,

v.

SUE M. COBB, Secretary of State of Florida,
et al.,

Defendants.

DECLARATION OF THOMAS ABT

THOMAS ABT declares pursuant to 28 U.S.C. § 1746:

1. I am an associate with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, LLP, and am counsel for the Plaintiffs AFL-CIO, SEIU, AFSCME International, AFSCME Council 79, and Emma Yaiza Diaz in this case. I submit this declaration in support of Plaintiffs' Opposition to Defendant Browning's Motion for Summary Judgment, or in the alternative, Plaintiffs' Cross-Motion for Summary Judgment and Opposition to the Motion for Summary Judgment by Defendant Browning.

2. Attached as Exhibit 1 is a true and correct copy of the Joint Declaration of Defendants Arthur Anderson, Palm Beach County Supervisor of Elections; Bill Cowles, Orange County Supervisor of Elections; Jerry Holland, Duval County Supervisor of Elections; Dr. Brenda Snipes, Broward County Supervisor of Elections; and Lester Sola, Miami-Dade Supervisor of Elections, dated September 28th through October 1st, 2007.

3. Attached as Exhibit 2 is a true and correct copy of the Defendant Browning's Response to Plaintiff's First Set of Interrogatories, dated June 7th, 2007.

4. Attached as Exhibit 3 is a true and correct copy of the Defendant Jerry Holland, Duval County Supervisor of Elections' Response to Plaintiff's Second Set of Interrogatories, dated June 18th, 2007.

5. Attached as Exhibit 4 is a true and correct copy of the Defendant Bill Cowles' Response to Plaintiff's Second Set of Interrogatories, dated June 14th, 2007.

6. Attached as Exhibit 5 is a true and correct copy of the Defendant Arthur Anderson, Palm Beach County Supervisor of Elections' Response and Objections to Plaintiffs' Second Set of Interrogatories, dated June 22th, 2007.

7. Attached as Exhibit 6 is a true and correct copy of the Declaration of Patricia Anne Benvenuto, dated October 1st, 2007.

8. Attached as Exhibit 7 is a true and correct copy of the Declaration of Kurt S. Browning, dated October 8th, 2007.

9. Attached as Exhibit 8 is a true and correct copy of the Declaration of Richard F. Carlberg, dated October 19th, 2004.

10. Attached as Exhibit 9 is a true and correct copy of the Declaration of Dennis D. Graham, dated October 12th, 2004.

11. Attached as Exhibit 10 is a true and correct copy of the Supplemental Declaration of Dennis D. Graham, dated October 24th, 2007.

12. Attached as Exhibit 11 is a true and correct copy of the Declaration of Bladimir Hernandez, dated September 28th, 2007.

13. Attached as Exhibit 12 is a true and correct copy of the Declaration of Patricia Hollarn, dated October 8th, 2007.

14. Attached as Exhibit 13 is a true and correct copy of the Declaration of Marie Olive Gayle Kirlew, dated September 28th, 2007.

15. Attached as Exhibit 14 is a true and correct copy of the Declaration of Robert Sweat, dated September 25th, 2007.

16. Attached as Exhibit 15 is a true and correct copy of the Declaration of Elizabeth Westfall, dated October 25th, 2007.

17. Attached as Exhibit 16 is a true and correct copy of the Declaration of Brian Whitaker, dated October 25th, 2007.

18. Attached as Exhibit 17 are true and correct copies of excerpts from the transcript of the deposition of Arthur Washington Anderson, taken on August 10th, 2007.

19. Attached as Exhibit 18 are true and correct copies of excerpts from the transcript of the deposition of Jean M. Bedeni, taken on July 24th, 2007.

20. Attached as Exhibit 19 are true and correct copies of excerpts from the transcript of the deposition of Jane Bradshaw, taken on July 30th, 2007.

21. Attached as Exhibit 20 are true and correct copies of excerpts from the transcript of the deposition of Bill Cowles, taken on August 7th, 2007.

22. Attached as Exhibit 21 are true and correct copies of excerpts from the transcript of the deposition of Emma Yaiza Diaz, taken on June 27th, 2007.

23. Attached as Exhibit 22 are true and correct copies of excerpts from the transcript of the deposition of the American Federation of Labor and Congress of Industrial Organizations, AFL-CIO, by and through its designee, Deborah Dion, taken on September 26th, 2007.

24. Attached as Exhibit 23 are true and correct copies of excerpts from the transcript of the deposition of the American Federation of State, County and Municipal Employees, AFL-CIO, by and through its designee, Richard M. Feller, taken October 2nd, 2007.

25. Attached as Exhibit 24 are true and correct copies of excerpts from the transcript of the deposition of the Council 79, AFSCME, AFL-CIO, by and through its designee, Alma R. Gonzalez, taken September 17th, 2007.

26. Attached as Exhibit 25 are true and correct copies of excerpts from the transcript of the deposition of Jerry Holland, taken July 25th, 2007.

27. Attached as Exhibit 26 are true and correct copies of excerpts from the transcript of the deposition of Pat Hollarn, taken on October 2nd, 2007.

28. Attached as Exhibit 27 are true and correct copies of excerpts from the transcript of the deposition of Buddy Johnson, taken on October 12th, 2007.

29. Attached as Exhibit 28 are true and correct copies of excerpts from the transcript of the deposition of Charmaine A. Kelly, taken on August 9th, 2007.

30. Attached as Exhibit 29 are true and correct copies of excerpts from the transcript of the deposition of Evan D. Kolodny, taken on July 27th, 2007.

31. Attached as Exhibit 30 are true and correct copies of excerpts from the transcript of the deposition of Ivy Korman, taken August 20th, 2007.

32. Attached as Exhibit 31 are true and correct copies of excerpts from the transcript of the deposition of Donald Roberts, taken on August 1st, 2007.

33. Attached as Exhibit 32 are true and correct copies of excerpts from the transcript of the deposition of Ion V. Sancho, taken on August 15th, 2007.

34. Attached as Exhibit 33 are true and correct copies of excerpts from the transcript of the deposition of Dr. Brenda C. Snipes, taken on August 17th, 2007.

35. Attached as Exhibit 34 are true and correct copies of excerpts from the transcript of the deposition of Lester Sola, taken on August 21st, 2007.

36. Attached as Exhibit 35 are true and correct copies of excerpts from the transcript of the deposition of the Service Employees International Union, SEIU, by and through its designee, John Sullivan, taken on September 21st, 2007.

37. Attached as Exhibit 36 are true and correct copies of excerpts from the transcript of the deposition of Peggy Taff, taken on July 31st, 2007.

38. Attached as Exhibit 37 are true and correct copies of excerpts from the transcript of the deposition of Linda Tanko, taken on August 6th, 2007.

39. Attached as Exhibit 38 are true and correct copies of excerpts from the transcript of the deposition of David Watson, taken on October 1st, 2007.

40. Attached as Exhibit 39 are true and correct copies of excerpts from the transcript of the deposition of Jon Winchester, taken on September 27th, 2007.

41. Attached as Exhibit 40 are true and correct copies of excerpts from the transcript of the deposition of Melissa Winchester, taken on October 3rd, 2007.

42. Attached as Exhibit 41 is a true and correct copy of the Constitution of the AFL-CIO, Bates numbers AFL 00000613-53.

43. Attached as Exhibit 42 are true and correct copies of the Search-Hold Lists, Bates number AFL 00001139.

44. Attached as Exhibit 43 are true and correct copies of listings of Contribution and Payments for Voter Registration Drives, Bates numbers AFL 00001535-36.

45. Attached as Exhibit 44 is a excerpted true and correct copy of the AFSCME Constitution, at beginning Bates number AFSME 00000841.

46. Attached as Exhibit 45 is a true and correct copy of the AFSCME Grant Letter, Bates number AFSME 00001231.

47. Attached as Exhibit 46 is a true and correct copy of the Florida Public Employees Council Number 79 Constitution, Bates numbers CL-79 00001018-27.

48. Attached as Exhibit 47 is a true and correct copy of the Incomplete / Denial Records from John Stafford, Bates number CL-79 00001191-260.

49. Attached as Exhibit 48 are true and correct copies of the SEIU Constitution and Bylaws, Bates numbers SEIU 00001028-1090.

50. Attached as Exhibit 49 is a true and correct copy of the documents relating to the program supported by SEIU for members to take leaves of absence from their regular employment to work on voter registration and other political programs, Bates numbers SEIU 00001293-1320.

51. Attached as Exhibit 50 is a true and correct copy of the Florida Voter Registration System Guide, Version 1.0, Bates numbers SOS-455 through SOS-503.

52. Attached as Exhibit 51 is a true and correct copy of the Amended Schedule A.

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

Executed on October ~~25~~, 2007, in New York, New York.

By: _____


Thomas P. Abt
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via U.S. mail and electronically as an email attachment this ___th day of October, 2007, to counsel for the parties listed in Exhibit A, attached hereto.

/s/ Robert Harris
Robert Harris, Esq.
Florida Bar No.: 0817783
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EXHIBIT A

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** Judith A. Scott
** John J. Sullivan
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Fax: 202-898-3323
email: sullivaj@seiu.org

** Pro hac vice motion to be filed.

* Admitted pro hac vice.

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-Civ-King

EMMA YAIZA DIAZ et al.,

Plaintiffs,

v.

KURT S. BROWNING, Secretary of State of
Florida, et al.,

Defendants.

DECLARATION OF DEFENDANTS
ARTHUR ANDERSON, PALM
BEACH COUNTY SUPERVISOR OF
ELECTIONS; BILL COWLES,
ORANGE COUNTY SUPERVISOR
OF ELECTIONS; JERRY HOLLAND,
DUVAL COUNTY SUPERVISOR OF
ELECTIONS; DR. BRENDA SNIPES,
BROWARD COUNTY SUPERVISOR
OF ELECTIONS; AND LESTER
SOLA, MIAMI-DADE SUPERVISOR
OF ELECTIONS

We declare as follows:

1. Each of the Defendant Supervisors signing below is a Supervisor of Elections for his or her respective County.

2. The Supervisors are either independently-elected county officers, or in the case of Miami-Dade County appointed by the County Mayor, and are the principal election officials in their respective Counties, responsible for implementing, administering and enforcing Florida election law.

3. Each of the Supervisors is required to ensure that any eligible voter registration applicant in his or her respective County is registered to vote, and to process each application in accordance with Federal and Florida law.

4. The Supervisors' offices receive voter registration applications, process those applications, enter the applications into an electronic database, make certain eligibility determinations, notify applicants of the disposition of their applications, and add eligible voters

to the rolls, among other responsibilities. In addition, our respective offices enter voter registration information into Florida's central statewide computerized voter registration database.

5. In the previous federal election cycles, the Supervisors' offices were available to work with unions, and in some cases worked with representatives of AFL-CIO, AFSCME Council 79, and SEIU to register members of their respective unions.

6. Florida election code requires Supervisors of Elections to close the registration books twenty-nine (29) days before Election Day. Fla. Stat. § 97.055. This date is commonly referred to as the "book-closing deadline."

7. For purposes of this Declaration, the term "incomplete application," is one where the applicant has entered a name, an address, a date of birth and a signature, but has omitted or made an error on his or her response to any of the other required fields; or an application on which the applicant has provided a name, address and signature, but an incorrect date of birth, provided that the incorrect date of birth may be corrected in person prior to election day, or if corrected on election day vote pursuant to a provisional ballot.

8. Under current law, applicants who submit an incomplete application prior to the book-closing date and submit a correction after the book-closing deadline have their applications processed, and are placed on the voting registration system and the voter rolls, but are nevertheless not eligible to vote in the election for which the books have already closed.

9. Registered voters in Florida may correct, by updating, their voter registration record regarding their signatures, addresses, or any name change, after the book-closing deadline, and such corrections are effective for the upcoming election. Fla. Stat. §§ 97.055 and 101.045.

10. During federal election cycles in 2004 and 2006, the number of voter registration

applications that our offices received increased sharply in the weeks shortly before the book-closing deadline, for many reasons.

11. Many voter registration applicants who were otherwise eligible to vote submitted incomplete or incorrect voter registration applications in the weeks leading up to the book-closing deadline. Many of these persons were not able to correct their applications in order to be able to vote in the upcoming election.

12. During the 2004 and 2006 federal election cycles, in the weeks leading up to the book-closing deadline, the number of voter registration applicants submitting incomplete or incorrect voter registration applications in our respective Counties ranged from the hundreds to thousands in each County.

13. The Supervisors expect that, given the current lack of a grace period, many applicants who timely submit an incomplete application for the 2008 federal election cycle, may be unable to correct their application in time to become registered to vote in the 2008 federal election cycle.

14. Florida election code currently requires Supervisors of Elections' offices to enter voter registration applications into the central statewide computerized voter registration database within fifteen (15) days of receipt, Fla. Stat. § 97.053(7),¹ and to notify applicants who submit an incomplete or incorrect voter registrations application within five (5) business days. Fla. Stat. § 97.052(6).

15. Currently, Florida election law does not provide grace periods.

16. The Supervisors understand that the Plaintiffs in this lawsuit are requesting a grace period to be the period between the book-closing deadline and Election Day during which

¹ As of January 1, 2008, Fla. Stat. § 97.053(7) will require Supervisors of Elections' offices to enter voter registration applications into the statewide voter registration database within thirteen (13) days of receipt.

voter registration applicants who are otherwise eligible to vote and submitted timely (i.e. before the book-closing deadline) but incomplete or incorrect voter registration applications are permitted to complete or correct their applications in order to be placed on the registration rolls and vote in the upcoming elections.

17. If there is to be a grace period, it must be pursuant to a change in legislation or order from a court of competent jurisdiction. The Supervisors do not oppose such a change.

18. Absent a change in the law, the Supervisors have no authority to provide a grace period in 2008.

19. If the law changed to allow grace periods, the Supervisors would implement such grace period as provided by law. The Supervisors would take reasonable steps to ensure that voter registration applicants who timely submit applications that are incomplete or incorrect will receive official notice of their deficiency to permit them to correct their application within the grace period and for the application to be processed in time for them to be placed on the rolls to cast a ballot in that election. In doing so, the Supervisors shall be governed by, and shall comply with, the deadlines established in Fla. Stat. §§ 97.053(7) and 97.052(6).

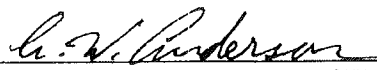
20. If the law changed to allow grace periods, the Supervisors would make reasonable efforts to properly administer a grace period in their respective counties, including but not limited to the allocation of sufficient staff and resources, subject to their availability.

21. Other than Florida Statutes and opinions issued by the Secretary of State, none of the Supervisors know of any policy precluding the provision of a grace period.

22. Assuming the relative number of applicants from the federal 2004 and 2006 election cycles who submitted applications prior to the book-closing deadline and attempted to correct their application after the book-closing deadline remain constant in the future, the

Supervisors believe that if the law changed to allow a grace period, and remained the same in all other respects, providing the grace period would not interfere with the orderly administration of elections, would not unduly burden the respective offices' resources, and would not interfere with other election-related activities between the book-closing deadline and Election Day. The Supervisors have no information, data or evidence to support the conclusion that a grace period as described herein would cause an increase in voter fraud.

I declare under penalty of perjury that foregoing is true and correct.
Dated this 1st day of October, 2007, in Palm Beach County, Florida



Dr. Arthur Anderson, Supervisor of Elections,
Palm Beach County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

Bill Cowles, Supervisor of Elections,
Orange County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

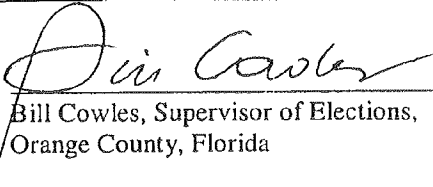
Jerry Holland, Supervisor of Elections,
Duval County, Florida

Supervisors believe that if the law changed to allow a grace period, and remained the same in all other respects, providing the grace period would not interfere with the orderly administration of elections, would not unduly burden the respective offices' resources, and would not interfere with other election-related activities between the book-closing deadline and Election Day. The Supervisors have no information, data or evidence to support the conclusion that a grace period as described herein would cause an increase in voter fraud.

I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

Dr. Arthur Anderson, Supervisor of Elections,
Palm Beach County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this 28th day of September, 2007, in ORLANDO, Florida



Bill Cowles, Supervisor of Elections,
Orange County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

Jerry Holland, Supervisor of Elections,
Duval County, Florida

Supervisors believe that if the law changed to allow a grace period, and remained the same in all other respects, providing the grace period would not interfere with the orderly administration of elections, would not unduly burden the respective offices' resources, and would not interfere with other election-related activities between the book-closing deadline and Election Day. The Supervisors have no information, data or evidence to support the conclusion that a grace period as described herein would cause an increase in voter fraud.

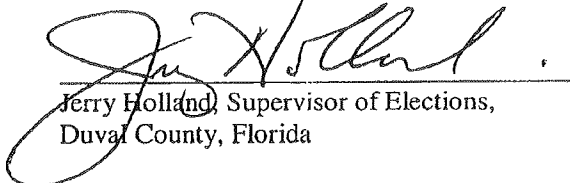
I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

Dr. Arthur Anderson, Supervisor of Elections,
Palm Beach County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

Bill Cowles, Supervisor of Elections,
Orange County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this 1st day of October, 2007, in Duval County, Florida

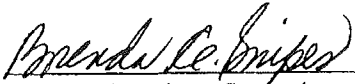


Jerry Holland, Supervisor of Elections,
Duval County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

Jerry Holland, Supervisor of Elections,
Duval County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this 1st day of October, 2007, in Alamogordo, Florida



Dr. Brenda Snipes, Supervisor of Elections,
Broward County, Florida

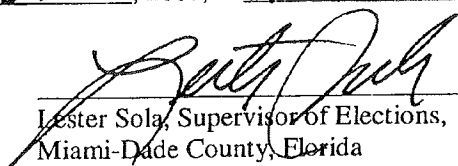
I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

Lester Sola, Supervisor of Elections,
Miami-Dade County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this _____ day of _____, 2007, in _____, Florida

Dr. Brenda Snipes, Supervisor of Elections,
Broward County, Florida

I declare under penalty of perjury that foregoing is true and correct.
Dated this 2nd day of Oct, 2007, in Miami, Florida



Lester Sola, Supervisor of Elections,
Miami-Dade County, Florida

EXHIBIT 2

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-CIV-KING/O'SULLIVAN

EMMA YAIZA DIAZ; JOHN LANMAN;
AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS; AMERICAN FEDERATION OF
STATE, COUNTY AND LOCAL EMPLOYEES,
AFL-CIO; FLORIDA PUBLIC EMPLOYEES COUNCIL
79, AFSCME, AFL-CIO; AND SERVICE EMPLOYEES
INTERNATIONAL UNION, AFL-CIO,

Plaintiffs,

v.

KURT S. BROWNING, Secretary of State of Florida;
BRENDA SNIPES, Broward County Supervisor of
Elections; JERRY HOLLAND, Duval County Supervisor
Of Elections; LESTER SOLA, Miami-Dade Supervisor
of Elections; BILL COWLES, Orange County
Supervisor of Elections; and ARTHUR ANDERSON,
Palm Beach County Supervisor of Elections,

Defendants.

**DEFENDANT BROWNING'S RESPONSE
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Defendant Kurt S. Browning, Secretary of State for the State of Florida (the "Secretary"),
submits this response to Plaintiffs' First Set of Interrogatories.

GENERAL OBJECTIONS

The Secretary objects to the Interrogatories to the extent they seek information that was
prepared for or in anticipation of litigation, that constitutes work product, that is protected by the
attorney-client privilege, or that is otherwise privileged or protected against discovery.

2. The Secretary objects to providing information called for by the Interrogatories that is publicly available or that is already or should be in the possession, custody, or control of Plaintiffs.

3. The Secretary objects to the Interrogatories to the extent they purport to require him or his office to provide information not presently in its possession, custody, or control, or to make unreasonable inquiries of persons or other entities.

4. The Secretary objects to the Interrogatories' definition of "documents" or "documentation" to the extent it goes beyond "document" as used in Federal Rule of Civil Procedure 34.

5. The Secretary objects to the Interrogatories' instructions to the extent they impose requirements not imposed under the Federal Rules of Civil Procedure.

6. The Secretary's responses to the Interrogatories are hereby made without in any way waiving or intending to waive, and the Secretary expressly preserves:

- (A) all objections it may have as to the competence, relevance, materiality, and admissibility as evidence for any purpose of the information to be produced, or the subject matters thereof;
- (B) the right to object on any ground to the use of the information in any aspect of this or any other court action or judicial or administrative proceeding or investigation;
- (C) all applicable privileges, exemptions, and protections from discovery;
- (D) the right at any time to supplement its responses to the Interrogatories; and
- (E) the right to produce records in lieu of answering an interrogatory.

RESPONSE TO INTERROGATORIES

Subject to the General Objections and the specific objections below, the Secretary responds to Plaintiffs' Interrogatories as follows:

Interrogatory No. 1:

Provide the name, address, telephone number, place of employment and job title of any person who has, claims to have or whom you believe may have knowledge or information pertaining to any fact alleged in the pleadings (as defined in Fed. R. Civ. P. 7(a)) filed in this action, or any fact underlying the subject of this action.

Response to Interrogatory No. 1:

The Secretary objects to this Interrogatory as vague, overbroad and unduly burdensome. The burden of deriving or ascertaining the names of all persons who potentially have knowledge or information pertaining to any facts alleged in the pleadings in this action is substantially the same for the Secretary and for the Plaintiffs. Subject to this and the General Objections, the Secretary responds with the following list of those who may have knowledge or information pertaining to facts alleged in the pleadings in this action:

- Each of the current Supervisors of Elections for the 67 Florida counties. Names and contact information is readily ascertainable from the Florida State Association of Supervisors of Elections 2007-2008 Directory made available through production of documents. In addition, the Secretary believes that certain former or current staff members in those respective offices may have knowledge or information pertaining to facts alleged in the pleadings.
- Certain witnesses identified in the Rule 26(a)(1) disclosures of Supervisors Dr. Arthur W. Anderson, Bill Cowles, Jerry Holland, Dr. Brenda C. Snipes, and Lester Sola.
- Dawn K. Roberts, Assistant Secretary of State/Chief of Staff for the State of Florida (also former Division of Elections Director and General Counsel for the Department). Available through counsel.

- Sarah Jane Bradshaw, Assistant Director, Division of Elections. Available through counsel.
- Peggy Taff, Chief, Bureau of Voter Registration Services. Available through counsel.
- Don Roberts, Chief, Bureau of Corporations Applications and System Support. Available through counsel.
- Plaintiffs Lanman and Diaz. Employment, title, and addresses unknown.
- Unknown Union Plaintiff officials. Employment, title, and addresses unknown.
- Names of other persons with varying degrees of knowledge or information may be readily ascertainable from the documents provided in response to Plaintiffs' request for production of documents.

The Secretary further states that the investigation into the Plaintiffs' claims is ongoing, and additional individuals may be identified in the future.

Interrogatory No. 2:

State the specific nature and substance of the knowledge that you believe the person(s) identified in your response to Interrogatory No. 1 may have.

Response to Interrogatory No. 2:

Subject to the Objections raised in response to the preceding Interrogatory, the Secretary states that the following individuals may have the following information:

- The Florida Supervisors of Elections may have knowledge regarding the need for the statutorily mandated 29-day book closing as it relates to the acceptance of voter registration applications, to the execution of updates to the statewide voter registration system, and to the orderly election process, including but not limited to preparations for the two-week early voting period which begins 14 days after book closing, and to the impact of shortening the statutorily mandated book closing period.

- Witnesses identified in the Rule 26(a)(1) disclosures of Supervisors Dr. Arthur W. Anderson, Bill Cowles, Jerry Holland, Dr. Brenda C. Snipes, and Lester Sola may have the information identified by those parties.
- Dawn K. Roberts, Assistant Secretary of State/Chief of Staff (also former Division of Elections Director and General Counsel for the Department of State), may have knowledge regarding the pre-election administrative needs, tasks, and responsibilities of the Florida Department of State and the Supervisors of Elections' offices. In addition, she may have knowledge regarding the Florida Voter Registration System ("FVRS"), the need for a pre-election registration cutoff, and the impact of a shorter registration cutoff for the Department and other elections officials.
- Sarah Jane Bradshaw, Assistant Director, Division of Elections, may have knowledge regarding the pre-election administrative needs, tasks and responsibilities of the Florida Department of State and the Supervisors of Elections' offices. In addition, she may have knowledge regarding the FVRS, the need for a pre-election registration cutoff, and the impact of a shorter registration cutoff for the Department and other elections officials.
- Peggy Taff, Chief, Bureau of Voter Registration Services, may have information regarding the Department of State's responsibilities, practices, procedures, and policies regarding acceptance of such applications, execution of updates to the FVRS, verification of personal identifying numbers required by HAVA, and the maintenance of accurate and current voter registration data in the statewide system since its implementation in January 2006. Additionally, Ms. Taff may have knowledge regarding the coordination of any activities under the 1993 National Voter Registration Act ("NVRA") as may relate to voter registration applications received from voter registration agencies and the

Department of Highway Safety and Motor Vehicles. She may also have knowledge of statistical reporting on voter registrations statewide.

- Don Roberts, Chief, Bureau of Corp. Applications and Systems Support and project manager for FVRS, may have information regarding the creation, implementation, operations and maintenance of FVRS and other data systems used by the Department of State, the interface between FVRS and the local voter registration systems, and the maintenance of voter registration data and records in FVRS.
- Plaintiffs Lanman and Diaz may have information regarding their respective burdens in complying with the registration cutoff.
- Unknown Union Plaintiff officials may have information regarding union members' respective burdens in complying with the registration cutoff and the Union Plaintiffs' voter registration efforts.

The Secretary further states that the investigation into the Plaintiffs' claims is ongoing, and additional individuals may be identified in the future.

Interrogatory No. 3:

Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

Response to Interrogatory No. 3:

At this time, the Secretary has not determined whether he will call any expert witnesses at the trial of this case. If the Secretary decides to pursue expert testimony, he will make his disclosures at an appropriate time.

Interrogatory No. 4:

Identify all persons at your offices who are or were, between January 1, 2000, up to and including the present, responsible for, or in any manner involved in, processing voter registration

applications, or providing services or resources related to the processing of voter registration applications, by stating their name; job title(s); job responsibilities; dates of employment with defendant; reasons for termination if no longer employed; last known home address and telephone number; and last known business phone number.

Response to Interrogatory No. 4:

The Secretary objects to this Interrogatory as vague to the extent it refers to individuals “responsible for, or in any manner involved in, processing voter registration applications, or providing services or resources related to the processing of voter registration applications information.” The Secretary further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence relating to the pending claim. The Secretary further objects to this Interrogatory as overbroad and unduly burdensome to the extent it seeks information relating to the Department’s activities prior to January 1, 2004. Subject to these and the General Objections, the Secretary states that prior to January 1, 2006, the Secretary was not involved in the compilation, storage, and management of registration information or otherwise involved in the “processing” of voter registration applications. At that time, any application received by the Secretary was forwarded to the appropriate Supervisor of Elections for a determination of eligibility and registration in the respective county’s voter registration system. The Florida Department of State employee, Donna S. Miller, NVRA Coordinator (available through counsel) was responsible for and coordinated the purely administrative (and ministerial) task of forwarding applications.

Since January 1, 2006, pursuant to federal and state statutory authority and mandate, the Secretary now administers a statewide voter registration system as required by HAVA. This system serves as the single system for storing and managing the official list of registered voters in the state. Moreover, the Secretary’s office is now responsible for coordinating with the Florida Department of Highway Safety and Motor Vehicles and the Social Security Administration to conduct the validation and verification of personal identifying numbers

provided on voter registration applications required before an application can be accepted and processed. Voter registration application data is then inputted into the FVRS no later than 13 days after receipt (*see* § 97.053(7), Fla. Stat., as recently amended by chapter 2007-30, Laws of Florida, which reduced the number of days from 15 to 13). Applications and application data are still forwarded to the Supervisor of Elections for final determinations of eligibility and registration. In anticipation of the transition from 67 local voter registration lists to one official list, and the Department's new role in voter registration under the FVRS, the Secretary established in 2005, the Bureau of Voter Registration Services ("BVRS"). The Bureau oversees maintenance and operation of FVRS and is responsible for ensuring that the FVRS is current and accurate as to voter registration data and records. Personnel currently and formerly with the BVRS include:

Peggy Taff
Brenda Milton
Ricky Cotton
Angie Revell
Bruce Kitchens
Mallory Roberts
Wendy Hutchins-Deck
Terry Raines
Toshia Brown
Lucita Prosper
Dorine Martin
Lesli Sullivan
Jason Merrick
Suzie Still
Anna Chesnut
Lavonne Bright
Mark Corbett
Delwynn Jackson
Donna Miller
Toshia Brown
Amber Barrett (former)
Samantha Elliott (former)
Taylor Pointus (former)
Deidra Watson (former)

In accordance with state law, it remains the local Supervisor of Elections who is responsible for making the final determination of eligibility of new applicants, entering new voter registrations, updating voter registration information, and acting as the official custodian of voter registration documents at the county level.

Interrogatory No. 5:

Identify all documents, including but not limited to office instructions, training guides, policies, procedures, memoranda and statewide directives, relating to each and every step taken by any State or County election official with respect to the processing of incomplete applications.

Response to Interrogatory No. 5:

The Secretary objects to this Interrogatory as vague to the extent it refers to the "processing of incomplete applications" by state officials. The Secretary further objects to this Interrogatory as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information relating to the Department's activities prior to January 1, 2004. Subject to these and the General Objections, the Secretary states that the response to this Interrogatory is ascertainable from various manuals, office instructions, procedures and other records, which are being made available to Plaintiffs pursuant to their first document requests. Pursuant to Federal Rule of Civil Procedure 33(d), no further response is necessary.

Interrogatory No. 6:

Identify all documents pertaining to, and describe, policies, practices, and procedures from January 1, 2000, up to and including the present, for providing notice to an applicant that his/her registration application has been deemed incomplete or incorrect, and for processing corrections or amendments to applications.

Response to Interrogatory No. 6:

The Secretary objects to this Interrogatory as vague to the extent it refers to applications' being "deemed incomplete or incorrect" and "processing corrections or amendments to applications." The Secretary further objects to this Interrogatory as overbroad, unduly

burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information relating to the Department's activities prior to January 1, 2004. Subject to these and the General Objections, the Secretary states that in accordance with section 97.073, Florida Statutes, the Supervisors of Elections notify applicants of their applications' disposition. Additionally, pursuant to section 97.052(6), Fla. Stat., a Supervisor is required to notify an applicant within five business days after having information in FVRS that the applicant failed to provide any of the required information on the voter registration application so that the applicant can have the opportunity up until book closing to complete the application to vote in the next election. Other information responsive to this Interrogatory may be ascertainable from various manuals, office instructions, procedures, and other records, which are being made available to Plaintiffs pursuant to their first document requests. Pursuant to Federal Rule of Civil Procedure 33(d), no further response is necessary.

Interrogatory No. 7:

Identify all communications from January 1, 2000 up to and including the present, whether verbal or written, between you and your employees, or any Supervisor of Elections concerning the policies, practices or procedures for the processing of voter registration applications that were deemed incomplete or otherwise incorrect.

Response to Interrogatory No. 7:

The Secretary objects to this Interrogatory as vague to the extent it refers to "the processing of voter registration applications that were deemed incomplete or otherwise incorrect." The Secretary also objects to this Interrogatory as duplicative of Interrogatory 6. The Secretary further objects to this Interrogatory as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information relating to the Department's activities prior to January 1, 2004. Subject to these and the General Objections, the Secretary states that the response to this Interrogatory is ascertainable from various manuals, office instructions, procedures, and other records, which are

being made available to Plaintiffs pursuant to their first document requests. Pursuant to Federal Rule of Civil Procedure 33(d), no further response is necessary.

Interrogatory No. 8:

Identify each and every Supervisor of Elections who may have accepted amendments or corrections to incomplete voter registration applications after the close of books for a given election, which amendments or corrections were not expressly permitted after the close of books by the then current Florida Election Laws, and describe the circumstances under which such applications were processed and/or applicants placed on the rolls in time to vote in that election.

Response to Interrogatory No. 8:

The Secretary objects to this Interrogatory to the extent it is ambiguous and unclear as to the applicable elections period and book closing deadline at issue. It is also ambiguous and unclear as to whether the Interrogatory is seeking information about amendments and corrections received and/or made after book closing to incomplete voter registration applications received before book closing or to incomplete voter registration applications received after book closing. Moreover, the Secretary objects to the extent that the interrogatory calls for a legal conclusion including but not limited to whether a supervisor of elections acted outside the scope of his authority under the then Florida Elections laws to accept an amendment or correction to an incomplete application whether the application was received before or after an applicable book closing. Subject to these and the General Objections, the Secretary states that the now-deceased Supervisor of Elections for Duval County may have accepted amendments to voter registration applications after the 2004 book closing date but before the 2004 general election. Other Supervisors of Elections may have done so as well. Any other information responsive to this interrogatory may be contained in or ascertainable from documents provided in response to the Plaintiff's first request for document production.

Interrogatory No. 9:

Identify and describe in detail the policies, practices, and procedures governing the use of Florida's statewide computerized voter registration database created pursuant to the Help America Vote Act.

Response to Interrogatory No. 9:

Subject to the General Objections, the Secretary states that that the response to this Interrogatory is ascertainable from various manuals, office instructions, procedures and other records, which are being made available to Plaintiffs pursuant to their first document requests. Pursuant to Federal Rule of Civil Procedure 33(d), no further response is necessary.

Interrogatory No. 10:

Identify the persons who are most knowledgeable about the technology employed by the State, the Secretary, and the County Supervisors of Elections to process voter registration applications, including their name, title, and description of their job responsibilities.

Response to Interrogatory No. 10:

The Secretary objects to this Interrogatory as vague and ambiguous to the extent it refers to "technology employed by the State." The Secretary further objects to this Interrogatory as overbroad and unduly burdensome to the extent it seeks information relating to the Department's activities prior to January 1, 2004. Subject to these and the General Objections, the Secretary states that Peggy Taff, Chief, Bureau of Voter Registration Services, and Don Roberts, Chief, Bureau of Corporations Applications and Systems Support (and FVRS Project Manager) are collectively most knowledgeable regarding the creation, implementation, operations and maintenance of FVRS and other data systems used by the Department of State, underlying software applications, the interface between FVRS and the local voter registration systems, and the maintenance of voter registration data and records in the Florida Voter Registration System. The BVRS has four management areas: Office of Bureau Chief: Manages the overall operations of the Bureau and FVRS; Voter Services Section: Accepts voter registrations and enters data into the FVRS; the Compliance and Regulation Section: Assesses county and agency records to

perform credible and reliable checks on potential ineligible voters, and NVRA Section: Coordinates operations of the NVRA and the Florida Voter Registration Act. The Bureau of Corp. Applications and Systems Support provides the support and direction for the creation, implementation, operations and maintenance of the FVRS and other data systems used by the Department relating to entering voter registration applications and updates to the system, and the maintenance of voter registration data and records in the FVRS through its interface with the 67 county voter registration systems.

Other information responsive to this Interrogatory may be contained in or ascertainable from the documents provided in response to the Plaintiffs' first request for document production.

Interrogatory No. 11:

Identify and describe all technologies used by State or County officials from January 1, 2000 up to and including the present for processing voter registration applications -- including, but not limited to, any computer hardware, computer software, data terminals, and communications systems - and any technology that State or County officials are considering using in 2007 and 2008.

Response to Interrogatory No. 11:

The Secretary objects to this Interrogatory as vague and ambiguous to the extent it refers to "technologies used by State or County officials." The Secretary further objects to this Interrogatory as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information relating to the Department's activities prior to January 1, 2004. Subject to these and the General Objections, the Secretary states that it employs an Oracle database as the platform for the FVRS. The database resides on a HP 7620 Itanium cluster running Oracle 10g under a HP-UX operating system. The transaction system resides on multiple HP 4640 Itanium application servers running IBM's Webshpere Application Server for OLTP under a HP-UX operating system. There are several other smaller Microsoft Windows servers that provide support to the voter registration

system. In addition, the Secretary utilizes typical office communications hardware, software (such as Microsoft Outlook, Microsoft Word, and Microsoft Excel), and other typical office communications technology (email, telephone, facsimile, etc.). The Secretary is without knowledge as to the specific technologies used from January 1, 2000 to the present by county officials or technologies that those officials may be considering or contemplating for use in 2007 and 2008 for "processing voter registration applications." Some information responsive to this request may be contained in or ascertainable from the documents made available in response to the Plaintiffs' request for document production.

Interrogatory No. 12:

Identify and describe any written instructions, pamphlets, and/or manuals in your possession or control, whether produced by you, your employees or anyone else, concerning the processing of voter registration applications.

Response to Interrogatory No. 12:

The Secretary objects to this Interrogatory as vague to the extent it refers to "the processing of voter registration applications." The Secretary further objects to this Interrogatory as duplicative of Interrogatories 5, 6, and 9. The Secretary further objects to this Interrogatory as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery or admissible evidence to the extent it seeks information relating to the Department's activities prior to January 1, 2004. Subject to these and the General Objections, the Secretary states that the response to this Interrogatory is ascertainable from various manuals, office instructions, and procedures, which are being made available to Plaintiffs pursuant to their first document requests. Pursuant to Federal Rule of Civil Procedure 33(d), no further response is necessary.

Interrogatory No. 13:

Identify all documents pertaining to and describe in detail the procedures for processing voter registration applications received by any State or County official during the three weeks prior to the close of books.

Response to Interrogatory No. 13:

The Secretary objects to this Interrogatory as vague to the extent it refers to “processing voter registration applications.” The Secretary further objects to this Interrogatory as duplicative of Interrogatories 5, 6, 9, and 12. The Secretary further objects to this Interrogatory as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information relating to the Department’s activities prior to January 1, 2004. The Secretary further states that the law does not provide or otherwise authorize differential treatment in the acceptance, and entering of voter registration applications if received before or during the three weeks prior to book closing.

State law proscribes a different method for accepting applications and for registration and updates to registration records if an application is received after book closing for an upcoming election. Under section 97.055, Florida Statutes, after book closing, a voter may only update a name, address, and signature in the voter registration records for purposes of the upcoming election. Although voter registration applications and party changes must be accepted, they are accepted only for subsequent elections, not the upcoming one to which the book closing deadline applies. Under section 97.053(6), Florida Statutes, if an applicant’s completed application has been received by book closing but the driver’s license number, social security or state identification card number as provided has not yet been verified as authentic or existing by the time of voting, that applicant could still present to the Supervisor of Elections evidence sufficient to authenticate the number and have a provisional ballot counted. The evidence must be submitted no later than 5 p.m. on the third day following the election. Effective January 1, 2008, that period is shortened from three to two days following the election. *See* § 13 of chapter 2007-30, Florida Statutes. Also effective January 1, 2008, the law codifies the current practice of allowing Supervisors of Elections to override the system and register the applicant if any time

before voting, the applicant presents evidence sufficient to authenticate the identifying number provided on the application.

The Secretary has no specific or personal knowledge of the policies and practices that may have been implemented individually in each of the 67 county Supervisors of Elections' offices to process voter registration applications received three weeks prior to book closing. Subject to these and the General Objections, the Secretary states that that a response to this Interrogatory may be ascertained from various manuals, office instructions, procedures, and other records which are being made available to Plaintiffs pursuant to their first document requests. Pursuant to Federal Rule of Civil Procedure 33(d), no further response is necessary.

Interrogatory No. 14:

State the number of voter registration applications processed by week during each of the seven weeks prior to the date of every election held from January 1, 2000 up to and including the present separately for each of the defendant Counties, and the total number of registrations processed during each year in all of Florida by County.

Response to Interrogatory No. 14:

Subject to the General Objections, the Secretary responds by stating that monthly and yearly voter registration reports detailing new registrants by county and party affiliation are available for the period January 1995 through the present pursuant to reporting requirements under the NVRA. Prior to January 2006, such reports were compiled entirely from information submitted to the Division of Elections by the Supervisors of Elections, and then posted on the Florida Department of State's website at: <http://election.dos.state.fl.us/voterreg/index.shtml>. As of January 2006, monthly and yearly reports of new registrations by county and party affiliation are generated from the FVRS. Monthly reports and yearly reports for the period January 1, 2000 through the present are being made available to Plaintiffs pursuant to their first document requests. Pursuant to Federal Rule of Civil Procedure 33(d), no further response is necessary.

Interrogatory No. 15:

Identify all documents pertaining to, and describe in detail, each and every administrative or operational burden incurred by you, such as increases in personnel, overtime work, additional resources or funds expended by you, or on your behalf, to process, or assist each of the 67 Florida Counties in processing, voter registration applications received by a State or County election official within three weeks prior to the close of books for a given election, in time to permit eligible voters to register and vote in that election.

Response to Interrogatory No. 15:

The Secretary objects to this Interrogatory as vague to the extent it refers to "processing voter registration applications." The Secretary further objects to this Interrogatory as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information relating to the Department's activities prior to January 1, 2004. Subject to these and the General Objections, the Secretary states that the Department performs its statutory responsibilities by using, and maximizing as circumstances require, existing resources and personnel within all the Department's divisions to fulfill its duties under state and federal election laws in light of the spike in voter registration applications during the three weeks preceding the close of books for any given election.

Respectfully submitted, this seventh day of June, 2007.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been served by United States Mail this seventh day of June, 2007, to the following:

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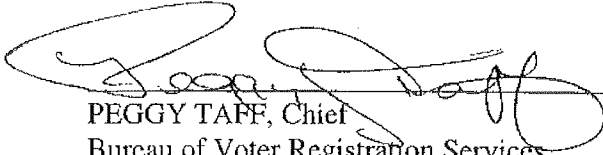
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Allen Winsor

VERIFICATION OF PEGGY TAFF

I hereby verify that I, in consultation with counsel, provided the answers to Interrogatories numbered 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15

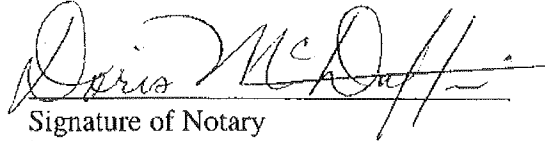

PEGGY TAFF, Chief
Bureau of Voter Registration Services

STATE OF FLORIDA

COUNTY OF LEON

BEFORE ME, the undersigned authority, personally appeared PEGGY TAFF, who swears or affirms that she has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her knowledge and belief. She is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this 7th day of June, 2007.


Signature of Notary

PRINT, TYPE OR STAMP NAME OF NOTARY



VERIFICATION OF SARAH JANE BRADSHAW

I hereby verify that I, in consultation with counsel, provided the answers to Interrogatories numbered 1, 2, 4, 5, 6, 7, 9, 12, 13, 14, 15.

Sarah Jane Bradshaw

SARAH JANE BRADSHAW
Assistant Director
Division of Elections

STATE OF FLORIDA

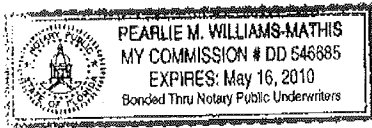
COUNTY OF LEON

BEFORE ME, the undersigned authority, personally appeared SARAH JANE BRADSHAW, who swears or affirms that she has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her knowledge and belief. She is personally known to me or has produced Sarah Jane Bradshaw as identification.

SWORN TO OR AFFIRMED before me this 6th day of June, 2007.

Pearlie M. Williams Mathis

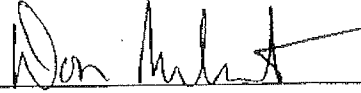
Signature of Notary



PRINT, TYPE OR STAMP NAME OF NOTARY

VERIFICATION OF DON ROBERTS

I hereby verify that I, in consultation with counsel, provided the answers to Interrogatories numbered 10 & 11.



DON ROBERTS, Chief
Bureau of Corporations Applications and System Support

STATE OF FLORIDA

COUNTY OF LEON

BEFORE ME, the undersigned authority, personally appeared DON ROBERTS, who swears or affirms that he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of his knowledge and belief. He is personally known to me or has produced Driver's License as identification.

SWORN TO OR AFFIRMED before me this 7th day of June, 2007.


Signature of Notary

PRINT, TYPE OR STAMP NAME OF NOTARY



EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 04-22572-CIV-KING/O'SULLIVAN

EMMA YAIZA DIAZ; AMERICAN FEDERATION OF
LABOR AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS; AMERICAN FEDERATION OF
STATE, COUNTY AND LOCAL EMPLOYEES,
AFL-CIO; FLORIDA PUBLIC EMPLOYEES COUNCIL
79, AFSCME, AFL-CIO; AND SERVICE EMPLOYEES
INTERNATIONAL UNION, AFL-CIO,

Plaintiffs,

vs.

KURT S. BROWNING, Secretary of State of Florida;
BRENDA SNIPES, Broward County Supervisor of
Elections; JERRY HOLLAND, Duval County Supervisor of
Elections; LESTER SOLA, Miami-Dade County Supervisor
of Elections; BILL COWLES, Orange County Supervisor of
Elections; and ARTHUR ANDERSON, Palm Beach County
Supervisor of Elections,

Defendants.

**DEFENDANT, JERRY HOLLAND, DUVAL COUNTY SUPERVISOR OF ELECTIONS,
RESPONSE TO PLAINTIFFS' SECOND SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rule 26.1 of the
Local rules of the U.S. District Court for the Southern District of Florida, Defendant, by and through
his undersigned attorneys, hereby files his response to Plaintiffs' Second Set of Interrogatories.

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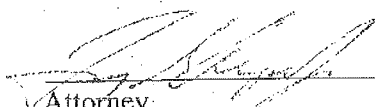
s/ Ernst D. Mueller

ERNST D. MUELLER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been served by mail this 18th day of June, 2007 to the persons on the attached service list.


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Tripp Scott
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Responses

INTERROGATORY NO. 1:

Identify all persons you believe may have knowledge or information concerning fraud involving voter registration applications, including, but not limited to, you, your present or former employees, your present or former attorneys, any local state or federal law enforcement officers or administrators, or any other local, state or federal government official.

Response to Interrogatory No. 1:

Defendant Holland objects to this interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is vague in that it does not define the term "fraud" nor specify whether it seeks information concerning reports or allegations of suspected fraud or only information concerning confirmed or proven instances of fraud. The interrogatory is overly broad and unduly burdensome as to the period of time for which such records are sought. Subject to, and without waiving the above objections, Defendant Holland responds:

1. Richard F. Carlberg, former Deputy Supervisor of Elections
8554 Avebury Court, Jacksonville, Florida
(904) 778-3570
2. Erin Isaac, former employee, Duval County Supervisor of Elections
Office of the Governor, The Capitol, Tallahassee, Florida 32399
(850) 488-5394
3. William E. Scheu, Jr., former Interim Duval County Supervisor of Elections
1301 River Place Boulevard, Suite 1500, Jacksonville, Florida 322207
(904) 346-5560

4. Nancy Surratt, former employee, Duval County Supervisor of Elections
1014 Elder Lane
Jacksonville, FL 32207

5. Jason Teal
Assistant General Counsel
City of Jacksonville
117 W. Duval Street, Suite 480
Jacksonville, FL 32202
(904) 630-1700

INTERROGATORY NO. 2:

If you contend that prohibiting voter registration applicants, whose application have been deemed incomplete, from correcting their applications or providing missing information after the close of books during a designated grace period prevents or discourages voter fraud, please state in detail your reasons for this belief and identify all documents and communications on which you base your belief.

Response to Interrogatory No. 2:

Defendant Holland objects to this interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is vague in that it does not define "a designated grace period," nor state whether such a grace period would be days or weeks in length.

Subject to these objections, Supervisor Holland is without knowledge as to whether the book closing requirements of Section 97.055, Florida Statutes, prevent, discourage or encourage voter fraud. Defendant Holland has no responsibility for enacting, revising or repealing such

law, but is obligated to follow it. This interrogatory addresses issues related to legislative intent and not the statutory obligations or duties of a Supervisor of Elections. Questions regarding the purpose, intent and effect of these statutory requirements should be directed to the Florida Legislature and not this office.

INTERROGATORY NO. 3:

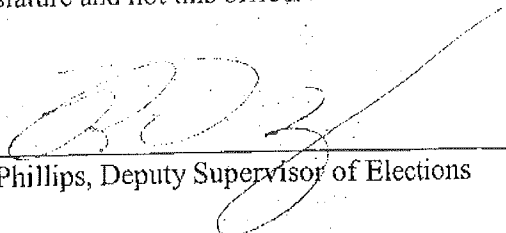
If you contend that providing a grace period after the close of books during which voter registration applicants, whose applications have been deemed incomplete, may correct their applications or provide missing information conflicts with the orderly administration of elections or is in any way unreasonable or impractical, please state in detail your reasons for this belief and identify all documents and communications on which you base this belief.

Response to Interrogatory No. 3:

Defendant Holland objects to this interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is vague in that it does not define "a designated grace period," nor state whether such a grace period would be days or weeks in length.

Subject to these objections, Supervisor Holland is unable to state whether the book closing requirements of Section 97.055, Florida Statutes, promote or conflict with the orderly administration of elections, or are reasonable or unreasonable without knowing how long any designated grace period after book closing would last. Defendant Holland has no responsibility for enacting, revising or repealing such law, but is obligated to follow it. This interrogatory

addresses issues related to legislative intent and not the statutory obligations or duties of a Supervisor of Elections. Questions regarding the purpose, intent and effect of these statutory requirements should be directed to the Florida Legislature and not this office.



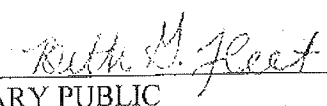
Robert Phillips, Deputy Supervisor of Elections

STATE OF FLORIDA

COUNTY OF DUVAL

THE FOREGOING INSTRUMENT was acknowledged before me this 18th day of June, 2007, by Robert Phillips, Deputy Supervisor of Elections of Duval County, Florida, who swears or affirms that he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of his knowledge and belief. He is known to me or has produced

known to me



NOTARY PUBLIC



Type or Print Name
Commission No.

My Commission Expires:

EXHIBIT 4

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-CIV-KING/O'SULLIVAN

EMMA YAIZA DIAZ; JOHN LANMAN;
AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS; AMERICAN
FEDERATION OF STATE, COUNTY AND
LOCAL EMPLOYEES, AFL-CIO; FLORIDA
PUBLIC EMPLOYEES COUNCIL 79,
AFSCME, AFL-CIO; AND SERVICE
EMPLOYEES INTERNATIONAL UNION,
AFL-CIO,

Plaintiffs,

v.

KURT S. BROWNING, Secretary of State of
Florida; BRENDA SNIPES, Broward County
Supervisor of Elections; JERRY HOLLAND,
Duval County Supervisor of Elections;
LESTER SOLA, Miami-Dade Supervisor of
Elections; BILL COWLES, Orange County
Supervisor of Elections; and ARTHUR
ANDERSON, Palm Beach County Supervisor
of Elections,

Defendants.

**BILL COWLES' RESPONSE TO PLAINTIFFS' SECOND SET OF
INTERROGATORIES**

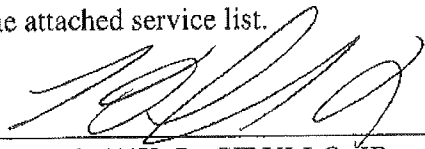
Pursuant to Rules 26 and 33 of the Federal rules of Civil Procedure and Rule 26.1 of the Local Rules of the U.S. District Court for the Southern District of Florida, Defendant, by and through his undersigned attorneys, hereby files his response to Plaintiffs Second Set of Interrogatories.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via U.S. Mail this

15 day of June, 2007, to the persons on the attached service list.

BY:


MICHAEL D. CIRULLO, JR.
DAVID N. TOLCES

SERVICE LIST

Diaz, et al. v. Browning, et al., Case Number 04-22572-CIV-King O'Sullivan

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RESPONSES

INTERROGATORY NO. 1:

Identify all persons you believe may have knowledge or information concerning fraud involving voter registration applications, including, but not limited to, you, your present or former employees, your present or former attorneys, any local state or federal law enforcement officers or administrators, or any other local, state or federal government official.

Response to Interrogatory No. 1:

Defendant Cowles objects this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving objections, Defendant Cowles responds:

- 1. Bill Cowles, Supervisor of Elections, Orange County, Florida**

**Orange County Supervisor of Elections
P. O. Box 562001
Orlando, FL 32856
(407) 836-2070**

- 2. Margaret Dunn, Senior Deputy Supervisor of Elections, Administration**

**Orange County Supervisor of Elections
P. O. Box 562001
Orlando, FL 32856
(407) 836-2070**

- 3. Linda Tanko, Senior Deputy Supervisor of Elections, Voter Services**

**Orange County Supervisor of Elections
P. O. Box 562001
Orlando, FL 32856
(407) 836-2070**

4. **Pat Heflin, Voter Services Manager**

**Orange County Supervisor of Elections
P. O. Box 562001
Orlando, FL 32856
(407) 836-2070**

INTERROGATORY NO. 2:

If you contend that prohibiting voter registration applicants, whose application have been deemed incomplete, from correcting their applications or providing missing information after the close of books during a designated grace period prevents or discourages voter fraud, please state in detail your reasons for this belief and identify all documents and communications on which you base your belief.

Response to Interrogatory No. 2:

Defendant Cowles objects this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. The term "grace period" is undefined in either the Interrogatory definitions or the interrogatory itself, rendering the question vague.

Subject to these objections, Section 97.055, Florida Statutes, provides the state law on when books must be closed for an election. Defendant Cowles has no responsibility for enacting, revising, or repealing such law, but is obligated to follow it. This interrogatory addresses issues related to legislative intent and not my statutory obligations or duties as a Supervisor

of Elections. I am not aware of any study, report, data or other materials that demonstrates whether or not the book closing requirements of Section 97.055, Florida Statutes, prevents, discourages or encourages voter fraud. Because it is a state statute, which the Orange County Supervisor of Elections is required to follow, I would defer to the legislature.

Please see Response to Second Request for Production for documents requested pursuant to this Interrogatory.

INTERROGATORY NO. 3:

If you contend that providing a grace period after the close of books during which voter registration applicants, whose applications have been deemed incomplete, may correct their applications or provide missing information conflicts with the orderly administration of elections or is in any way unreasonable or impractical, please state in detail your reasons for this belief and identify all documents and communications on which you base this belief.

Response to Interrogatory No. 3:

Defendant Cowles objects this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. The term "grace period" is undefined in either the Interrogatory definitions or the interrogatory itself, rendering the question vague.

Subject to these objections, Section 97.055, Florida Statutes, provides the state law on when books must be closed for an election. Defendant Cowles has no responsibility for enacting, revising, or repealing such law, but

is obligated to follow it. Because the term "grace period" is undefined, the interrogatory cannot be answered as phrased.

This interrogatory addresses issues related to legislative intent and not my statutory obligations or duties as a Supervisor of Elections. I am not aware of any study, report, data or other materials that demonstrates whether or not the book closing requirements of Section 97.055, Florida Statutes, promotes or conflicts with the orderly administration of elections, or is reasonable or unreasonable. Because it is a state statute, which the Orange County Supervisor of Elections is required to follow, I would defer to the legislature.

Please see Response to Second Request for Production for documents requested pursuant to this Interrogatory.

AS TO OBJECTIONS

Goren, Cherof, Doody & Ezrol, P.A.
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, FL 33308
Telephone: (954) 771-4500 / Fax: (954) 771-4923

BY: 

MICHAEL D. CIRULLO, JR.
Florida Bar No. 973180
e-mail: mcirullo@cityatty.com


VERIFICATION

BY: 

BILL COWLES, ORANGE COUNTY
SUPERVISOR OF ELECTIONS

STATE OF FLORIDA)
) ss:
COUNTY OF ORANGE)

THE FOREGOING INSTRUMENT was acknowledged before me this 14 day of June, 2007, by Bill Cowles, Supervisor of Elections of Orange County Florida, who swears or affirms that he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of his knowledge and belief. He is known to me or who has produced _____, as identification.


NOTARY PUBLIC

Type or Print Name
Commission No. _____

My Commission Expires:

H:\2004\040445\PLEADING\Cowles Response to Plaintiffs' 2nd roggs.doc


 Margaret E. Dunn
My Commission DD294118
Expires March 08, 2008

EXHIBIT 5

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-CIV-KING/O'SULLIVAN

EMMA YAIZA DIAZ; AMERICAN
FEDERATION OF LABOR AND CONGRESS
OF INDUSTRIAL ORGANIZATIONS;
AMERICAN FEDERAL OF STATE, COUNTY
AND LOCAL EMPLOYEES, AFL-CIO;
FLORIDA PUBLIC EMPLOYEES COUNCIL
79, AFSCME, AFL-CIO; AND SERVICE
EMPLOYEES INTERNATIONAL UNION,
AFL-CIO,

Plaintiffs,

v.

KURT S. BROWNING, Secretary of State
Of Florida; BRENDA SNIPES, Broward
County Supervisor of Elections; JERRY
HOLLAND, Duval County Supervisor of
Elections; LESTER SOLA, Miami-Dade
County Supervisor of Elections; BILL
COWLES, Orange County Supervisor of
Elections and ARTHUR ANDERSON, Palm
Beach County Supervisor of Elections,

Defendants.

DEFENDANT, ARTHUR ANDERSON, PALM BEACH COUNTY
SUPERVISOR OF ELECTIONS', RESPONSES AND OBJECTIONS TO
PLAINTIFFS' SECOND SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rule of Civil
Procedure, Defendant Arthur Anderson, Supervisor of Elections
for Palm Beach County ("Anderson"), by and through his
undersigned attorneys, hereby submits the following responses and

objections to Plaintiffs' Second Set of Interrogatories, dated May 18, 2007.

GENERAL OBJECTIONS TO ALL INTERROGATORIES

The following General Objections are incorporated into each Specific Response and Objection as if fully set forth therein:

1. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they: (a) are improper; (b) are overly broad as to time and content; (c) are unduly burdensome or oppressive; (d) are vague or ambiguous; (e) are unreasonably cumulative or duplicative; or (f) seek information that is neither relevant to the claims or defenses of any party nor is reasonably calculated to lead to the discovery of admissible evidence, or is immaterial.

2. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent the information sought: (a) is subject to the attorney-client privilege; (b) constitutes work product; (c) was prepared in anticipation of litigation or for trial; or (d) is otherwise privileged or exempt from discovery. In responding to these Interrogatories, Anderson does not intend to waive, and shall be construed as having waived, any privilege or protection, including but not limited to, the attorney-client and work product privileges.

3. Anderson objects to the Interrogatories to the extent that they seek the identification of persons including, but not limited to, any of Anderson's counsel, who have gained knowledge or information of facts solely by virtue of their participation in this litigation on the grounds that to list such persons is not reasonably calculated to lead to the discovery of information relevant to the claims or defenses of any party, and impermissibly seeks discovery of attorney work product and attorney-client communications.

4. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they contain undefined or other terminology that is vague, ambiguous or colloquial, insofar as such terminology does not permit Anderson to reasonably ascertain the content of the request, rendering the request unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Nonetheless, Anderson will make a good faith effort to interpret and respond to the Interrogatories subject to the limitations stated herein.

5. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they would impose on him obligations beyond those imposed by applicable provisions of the Federal Rules of Civil Procedure,

the Rules of this Court, or the case law interpreting each of them.

6. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that the information sought contains confidential, personal or private, information.

7. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information or documents that Anderson may not produce pursuant to the law or a court order of any county or jurisdiction in which he operates. Anderson will not produce such information or documents without an appropriate court order addressing such confidentiality issues or obligations.

8. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information outside Anderson's possession, custody or control.

9. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information already in Plaintiffs' possession, custody or control.

10. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information readily available through public

sources, from sources that are more convenient, less burdensome or less expensive, or from sources that are more readily available to Plaintiffs than to Anderson.

11. Anderson objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they are not narrowly tailored to call for information likely to be in Anderson's possession, custody or control, but rather seek information likely to be in the possession of other parties or non-parties to this action.

12. Anderson objects to the Definition of the terms "you," and "your" on the grounds that such definitions are vague, overly broad and unduly burdensome, except insofar as such definitions refer to Anderson's agents, employees or representatives with significant involvement in voter registration.

13. Anderson objects to the Interrogatories to the extent that they are vague, ambiguous, overly broad, unduly burdensome and oppressive, and seek the identities of "all" individuals with knowledge of a particular subject matter.

14. Anderson objects to the Interrogatories to the extent that they call for the identification of "all" documents pertaining to a specific subject, on the ground that such language is overbroad and unduly burdensome. Anderson will search those files in his possession, custody, or control where

there is a reasonable likelihood that responsive documents may be located.

15. Anderson objects to the instructions entitled "Scope and Time-Frame of the Requests" which seeks information from January 1, 2000 up to and including the present. Such time frame is overly broad, unduly burdensome and is not calculated to lead to discoverable material. Anderson's responses will provide information from January 2004 to the present.

16. Anderson objects to the Definition of the term "Person" on the grounds that it is vague, overly broad, and unduly burdensome, except insofar as such definition refers to a natural person or legal entity.

17. Anderson objects to the Definition of the term "documents" on the grounds that it is vague, overly broad, and unduly burdensome, and to the extent that it would impose on him obligations beyond those imposed by applicable provisions of the Federal Rules of Civil Procedure, the Rules of this Court, or the case law interpreting them.

18. Anderson objects to the Definition of the term "communications" on the grounds that it is vague, overly broad and unduly burdensome.

19. Anderson objects to the Definition of the term "identify" on the grounds that providing the witness's telephone number; and the address and telephone number of each of the

witness's employers, is vague, ambiguous, and unduly burdensome. To the extent known, Anderson will provide the name and title of persons identified herein and their last known address or present contact address.

20. Anderson's responses and objections to the Interrogatories are not intended to be, and shall not be construed as, an agreement or concurrence by Anderson with Plaintiffs' characterization of any facts, circumstances, and/or legal obligations. Plaintiff also reserves the right to contest any such characterization as inaccurate. Anderson further objects to the Interrogatories to the extent that they contain express or implied assumptions of fact or law with respect to matters at issue in this case.

21. The fact that Anderson has responded to a particular Interrogatory shall not be interpreted as implying that Anderson acknowledges the propriety of the request.

22. Anderson's responses are not intended to, and shall not, be construed as an admission that the information is relevant, material, admissible in evidence or as a waiver of any applicable privilege.

23. The information provided herein is based on Anderson's present knowledge, information, and belief. Anderson reserves the right to supplement, amend or correct all or any parts of any response provided herein, and reserves the right to object

to the admissibility of all or any part of the responses provided herein and any information contained herein.

24. Anderson objects to the term "injured union members" on the grounds that it is vague, ambiguous and overly broad.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 1:

Identify all persons you believe may have knowledge or information concerning fraud involving voter registration applications including, but not limited to, you, your present or former employees, your present or former attorneys, any local state or federal law enforcement officers or administrators, or any other local, state or federal government official.

Response to Interrogatory No. 1:

Anderson objects to Interrogatory No. 1 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of a party to the proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Interrogatory No. 1 is vague in that it does not define the term "fraud". The interrogatory is vague and unduly burdensome in that it requests Anderson to identify all persons who "may" have knowledge or information concerning fraud. The interrogatory is overly broad and unduly burdensome as to the time period for which the information is requested. Subject to and without

waiving this specific objection or any of the foregoing General Objections, Anderson responds as follows:

Based on information gathered to date and on reasonable inquiry at this time, Anderson believes the following individuals may have knowledge relevant to this interrogatory:

1. Dr. Arthur Anderson
2. Charmaine Kelly
3. Jeff Darter
4. Theresa LePore (former Palm Beach County Supervisor of Elections)

Interrogatory No. 2:

If you contend that prohibiting voter registration applicants, whose applications have been deemed incomplete, from correcting their applications or providing missing information after the close of books during a designated grace period prevents or discourages voter fraud, please state in detail your reasons for this belief and identify all documents and communications on which you base this belief.

Response to Interrogatory No. 2:

Anderson objects to Interrogatory No. 2 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of a party to the proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, the interrogatory is impermissibly vague in that it does not identify or define the term "designated grace period." Subject to this

specific objection and the General Objections, Anderson responds as follows:

Anderson is without knowledge as to the effects of the "book closing" provisions set forth in Section 97.055, Florida Statutes, on voter fraud. Section 97.055, Florida Statutes, is a duly enacted provision of the Florida Elections Code and as such Anderson is required to comply with it. To the extent that this interrogatory seeks Anderson's opinion as to the legislative intent of Section 97.055, Florida Statutes, Anderson is without knowledge of such intent.

Interrogatory No. 3:

If you contend that providing a grace period after the close of books during which voter registration applicants, whose applications have been deemed incomplete, may correct their applications or provide missing information conflicts with the orderly administration of elections or is in any way unreasonable or impractical, please state in detail your reasons for this belief and identify all documents and communications on which you base this belief.

Response to Interrogatory No. 3:

Anderson objects to Interrogatory No. 3 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of a party to the proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, the interrogatory is

impermissibly vague in that it does not identify or define the term "designated grace period." Subject to this specific objection and the General Objections, Anderson responds as follows:

Allowing for the processing of incomplete applications after the book closing would increase workload on staff, however, it is impossible to assess, as there is no specific statement as to how the "corrections" or "completions" would be made and the responsibility of the office. It would or could create workload issues in the last several weeks when those same staff who may have to sustain the workload would be involved in other tasks preparing for the election. The precinct registers are prepared approximately two weeks prior to the election; as such registrations should be completed substantially prior to that time.

VERIFICATION

I have read the foregoing answers to interrogatories, and, subject to the penalties for perjury, I hereby swear that those answers are true and correct.

BY: _____
CHARMAINE KELLY

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing document was acknowledged before me this _____ day of June, 2007, by CHARMAINE KELLY, CHIEF DEPUTY, OFFICE OF SUPERVISOR OF ELECTIONS OF PALM BEACH COUNTY, who is personally known to me or has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Printed Name

Commission Number:

Commission expires:

EXHIBIT 6

03/31/2006 09:40 1-305-932-2256
10/01/2007 14:49 202-728-9558

P. BENVENUTO
ADVANCEMENT PROJECT

PAGE 01
PAGE 02/03

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 04-22572-Civ-King

EMMA YAIZA DIAZ, et al.,

Plaintiffs,

vs.

**KURT S. BROWNING, Secretary of State for the
State of Florida, et al.**

Defendants.

**DECLARATION OF
PATRICIA ANNE
BENVENUTO**

I, Patricia Anne Benvenuto, hereby declare as follows:

1. My name is Patricia Anne Benvenuto, and I live in Miami Dade County, Florida. My home address is 19333 Collins Avenue, Suite 2009, Sunny Isles Beach, Florida 33160.
2. I am a U.S. citizen and over the age of eighteen. I have never been convicted of a felony, and I have not been declared mentally incompetent by a court.
3. I am a retired member of the American Federation of Teachers, which is a member of the AFL-CIO.
4. In 2005, I moved from New York, where I had been a registered voter, to Florida.
5. Because I believe that it is important to exercise my rights as a citizen, in August 2006, I registered to vote in Miami-Dade County by mailing a voter registration application to the elections office. I tried to fill out the form completely and correctly.
6. Close to the November 2006 elections, I received a notice from the Miami-Dade election office that indicated that my application was incomplete and included a registration application with the information that I had provided. I completed the form and mailed it into the elections office.

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P. BENVENUTO
ADVANCEMENT PROJECT

PAGE 02
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7. I wanted to vote in the November 2006 elections because I had voted in many elections in years past when I lived in New York. But since my voter registration application was incomplete and I had not received a voter registration card, I did not believe that I was registered to vote in Florida. As a result, I did not attempt to vote in the November 2006 elections.

8. As of today, I have not received a voter registration card.

9. I would like to become registered to vote and to vote in upcoming elections.

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

Executed this 1 day of October 2007 in Sunny Isles Beach, Florida.



PATRICIA ANNE BENVENUTO

EXHIBIT 7

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-CIV-KING

EMMA YAIZA DIAZ;
AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL
ORGANIZATIONS; AMERICAN FEDERATION OF
STATE, COUNTY AND LOCAL EMPLOYEES,
AFL-CIO; FLORIDA PUBLIC EMPLOYEES COUNCIL
79, AFSCME, AFL-CIO; and SERVICE EMPLOYEES
INTERNATIONAL UNION,

Plaintiffs,

v.

KURT S. BROWNING, Secretary of State of Florida;
BRENDA SNIPES, Broward County Supervisor of
Elections; JERRY HOLLAND, Duval County Supervisor
of Elections; LESTER SOLA, Miami-Dade
Supervisor of Elections; BILL COWLES, Orange County
Supervisor of Elections; and ARTHUR ANDERSON,
Palm Beach County Supervisor of Elections,

Defendants.

DECLARATION OF KURT S. BROWNING

Pursuant to 28 U.S.C. § 1746, Kurt S. Browning submits this Declaration in Support of the Secretary's Motion for Summary Judgment.

1. I am Kurt S. Browning. I am over the age of 18. I was appointed Florida Secretary of State in January 2007.
2. Between 1981 and December 2006, I was the elected Supervisor of Elections for Pasco County. There were approximately 267,000 registered voters in Pasco County in 2006. During my tenure as Supervisor, I held the elected leadership positions of Vice President, President-elect, and President in the Florida State Association of Supervisors of Elections. Since

my first election I have taken an active leadership role with respect to legislation affecting the conduct of voter registration, elections and all issues related to voting in Florida. I have testified before the Florida Legislature numerous times on these topics.

3. I have reviewed the Declaration of Patricia Hollarn in support of the Secretary's Motion for Summary Judgment. Pat Hollarn is widely regarded as one of the most effective, insightful and dedicated Supervisors of Elections ever to serve our state. I agree with her conclusions regarding election day preparation, and have myself experienced firsthand the turmoil attendant to the weeks just prior to election day.

4. I have been informed that the Plaintiffs in this case have asked the Court to create a "grace period" to permit amendments to new voter registration applications (up to election day) that are incomplete, as of the voter registration book closing deadline, due to the absence of a check in one of the three required check boxes on the Florida Voter Registration Application. Such a grace period is not provided in State law for policy and practical reasons critical to the efficient maintenance of accurate voter registration lists and, accordingly, the conduct of credible and reliable elections in our state.

5. Based on my 26 years as Supervisor of Elections, I am strongly opposed to, and earnestly urge the Court to reject, this proposal. The voter registration book closing deadline, Fla. Stat. § 97.055 (2006), provides a critical pre-election benchmark whereby the Supervisors of Elections have virtual certainty with respect to the number of voters in the county, and by precinct, whom they must service for absentee balloting, early voting, and election day voting. The Supervisors rely on this certainty as a means of organizing, prioritizing and managing the numerous pre-election day responsibilities, particularly those occurring during the last four

weeks before election day. Their careful attention to these administrative duties promotes the interest of orderly elections and helps to prevent fraud.

6. As noted in Supervisor Hollam's declaration, there are numerous statutory and voter services duties that must take place immediately before an election. Voter registration is an important one of those duties. The voter registration process, particularly book closing, has been scheduled by the Legislature to work in concert with the numerous other responsibilities found in the election code referenced by Supervisor Hollam.

7. Each element of the election code works in concert with the others. Adjustments to such critical items as the book closing deadline should not occur in isolation. Accordingly, it is the Legislature that should make policy choices, such as book closing policies, where all of the connected and competing policy considerations may be weighed and debated by all interested parties.

8. Passed in 1993, the National Voter Registration Act requires states to accept voter registration applications received not later than 30 days before the date of the election. Congress did not then provide for any "grace period." In 2002 Congress passed the Help America Vote Act requiring the states to create a statewide voter registration database, but did not shorten the 30 day book closing deadline or provide for any "grace period," even though Congress could have determined that a "grace period" was feasible.

9. The legislative policy supporting the book closing deadline is simple, clear and justified by important state interests. Floridians should be required to file timely, complete voter registration applications. Allowing voters to register on election day rewards delay of this modest requirement to the detriment of necessary elections preparation for all the voters,

specifically the maintenance of accurate lists of eligible voters. The book closing deadline is an essential tool in the conduct of credible, orderly and reliable elections in Florida.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Tallahassee, Florida on October 8, 2007.

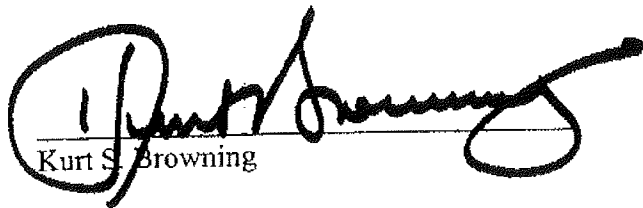

Kurt S. Browning

EXHIBIT 8

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 04-22572-CIV-KING

EMMA YAIZA DIAZ; EBONY ROBERTS;
ANDRE NEAL BEMBRY; AMERICAN FEDERATION
OF LABOR AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS; AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO; FLORIDA PUBLIC EMPLOYEES
COUNCIL 79, AFSCME, AFL-CIO; AND
SERVICE EMPLOYEES INTERNATIONAL
UNION, AFL-CIO,

Plaintiffs,

vs.

GLENDIA HOOD, Secretary of State of Florida;
BRENDA SNIPES, Broward County Supervisor of
Elections; JOHN STAFFORD, Duval County
Supervisor of Elections; CONSTANCE KAPLAN,
Miami-Dade County Supervisor of Elections; BILL
COWLES, Orange County Supervisor of Elections;
and THERESA LEPORE, Palm Beach County
Supervisor of Elections,

Defendants.

DECLARATION OF RICHARD F. CARLBERG

1. My name is Richard F. Carlberg. I am Assistant Supervisor of Elections, Duval County, (Jacksonville), Florida, the next ranking position in the office under the Supervisor himself, and have held that position since July 1, 1999. I have worked for the Supervisor of Elections Office for eleven (11) years. For the past several months, due to illness on the part of Supervisor of Elections, John Stafford, I have handled the responsibilities of the Supervisor in Duval County, under the direction of Mr. Stafford, largely by telephone.

2. Shortly before noon, Monday, October 18, 2004, Mr. Stafford's resignation from the

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Supervisor's position, based on serious health issues and inability to work, was announced. Mr. Stafford's successor has not yet been named.

3. On August 2, 2004, when the registration books were closed (29 days prior to the August 31, 2004 primary election, pursuant to Florida Statute 97.055) Duval County had approximately 470,000 registered voters. From August 2, 2004, through October 4, 2004, the date the registration books were closed again (29 days prior to the November 2, 2004 general election), our office received approximately 45,000 voter registration applications, resulting in a total of 515,202 registered voters in Duval County, the highest total ever. To the best of my knowledge, this is the highest number of registration applications ever received by our office during a comparable 60 day period.

4. With the exception of the periods when the registration books are closed (the 29 days before each election), our office processes registration applications as they are received. Typically, at the end of the 29 day period while the books are closed a backlog of registration applications accumulates and is there when the processing of voter registration applications begins again upon the reopening of the registration books. This was the case this year when registration reopened on September 1, 2004, resulting in a registration workload that was very heavy. When the flow of new voter applications continued to be unexpectedly heavy, as the month progressed, just after mid-September, I directed that additional employees assist in processing the new registration applications.

5. The registration books for the November 2, 2004 election were scheduled to (and did) close on October 4, 2004. In the last work week before they closed, on September 27, 2004, we unexpectedly lost a workday when the City was closed due to Hurricane Jeanne. This circumstance, combined with the unusually high number of registration applications, led us to process far more

registration applications then normal in the final days before the registration books closed.

6. Upon processing a Florida voter registration application our staff checks it for the information required by Florida Statute 97.053(5)(a). If all the blank spaces are filled in and no disqualifying information is present, the application is deemed complete, and the applicant is mailed a voter registration card, as provided for in Florida Statute 97.073.

7. If the Florida voter registration application is incomplete (with the sole exception set forth in paragraphs 13-14 below), notification of the applicant is carried out by mail notice, also consistent with the provisions of Florida Statute 97.073. A new blank Florida Registration form is enclosed with the notice that his or her registration application is incomplete. If a telephone number for the applicant has been furnished on line 12 of the registration application in this situation, it is the practice of our office to also call the applicant.

8. During the last work week (ending October 1, 2004) prior to the closing of the registration books on October 4, 2004, a special effort to complete notification of all those who had submitted incomplete applications up to October 1, a Friday, was made by our staff so that those applicants would have an opportunity to provide the information missing from the application by the close of business, October 4, 2004. All the letters mailed during the week of September 28-October 1, 2004 to those with incomplete applications indicated that corrective information had to be furnished by October 4, 2004 (a Monday).

9. When a voter who has submitted an incomplete registration application is notified by mail that his or her application is incomplete, only the first area on the registration application that was left incomplete is described in the letter to the applicant. (See, for example, the October 1, 2004 letter to Andre Bemby, dated October 1, 2004, indicating that the "Not Felon" box had not been

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checked; Ex. 8A attached to Plaintiff's Preliminary Injunction Exhibits). The voter, however, is asked in the correspondence to resubmit a new application form that includes "all required information," not just the omitted information Id.

10. If the registration application is denied, the applicant is informed of the reason for denial by mail, as also required by Florida Statute 97.073.

11. Attached hereto as Exhibit A is a true copy of the voter registration application of Plaintiff Andre Bemby. Exhibit A reflects that in addition to leaving the "NOT FELON" box blank, Plaintiff Bemby also failed to respond in the mental inquiry box. Plaintiff Bemby furnished no day telephone number in the space provided on line 12 of the form.

12. Attached hereto as Exhibit B is a true copy of the voter registration application of Plaintiff Ebony Roberts. Exhibit B reflects that Plaintiff Roberts did not complete line 6 of her registration application which required her to furnish a Florida driver's license number, a Florida identification number, or the last 4 digits of her social security number. Our receiving these numbers from the applicant is important for two reasons. First, they are used by my office to check and ensure that there are no duplicate registrations, and are an important safeguard for this reason. Second, the numbers are checked against the felon lists regularly received by us from both the state and federal courts in order to verify the correctness of our identification applicants as felons who are disqualified from registering.

13. In the past our office regarded a voter registration application which left the citizenship boxes blank on line 2 of the Florida registration form as incomplete. Most of the other Supervisors in the state had taken this same position, that is, that the citizenship box had to be marked for an application to be complete. More recently, however, on or about October 11, 2004 I

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revisited this issue with my own attorneys, the Office of General Counsel of the City of Jacksonville. My attorneys advised me that because a statement of citizenship was present in the oath which precedes the signature space on the Florida voter registration application form, that the requirement of Florida Statute 97.053(5)(a)(4) was met, and that I should not treat as incomplete a form which had a signature, but was lacking only a check mark in the citizenship box.

14. Based on General Counsel's advice, as described in paragraph 13, I directed my staff to ascertain how many registration applications had been determined to be incomplete for the reason that one of the citizenship boxes had not been checked. This review revealed that although there were 166 such applications, only three (3) such applications had been determined to be incomplete for the sole reason that the citizenship box had not been checked. The status of these three registration applications was thereafter revised to a "complete" status and the applicants in each instance were so advised in writing. It is my intent to continue to follow the advice of the Office of General Counsel with respect to this issue.

15. Until October 14, 2004, based again on advice from the Division of Elections, I had taken the position that incomplete voter registration applications had to be completed by the applicant by October 4, 2004, the day the registration books closed, pursuant to Florida Statute 97.055. However, pursuant to advice from the Office of General Counsel, I changed my position on this issue also, effective October 14, 2004. The advice from the Office of General Counsel was that the phrase "registration books" in Florida Statute 97.055 included not only complete voter registration applications, but also incomplete applications.

16. The Office of General Counsel's advice described in paragraph 15 was consistent with a local Circuit Court decision to the same effect, entered on October 6, 2004, made in public

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T-954 P.025/033 F-384

records inquiry context. A copy of this decision is attached as Exhibit C. This conclusion, considered together with pertinent parts of Florida Statutes 97.053, 98.045, and 98.231 led to the General Counsel conclusion that the correction of omissions in voter registration applications could be permitted up until the deadline provided in Florida Statute 98.231, up to just before the 15 days prior to the election, when our office is required to advise the Department of State of the total number of registered electors of each party.

17. Based on this advice (paragraphs 15, 16) I permitted incomplete voter applications which had been received on October 4, 2004, or prior thereto, to be completed through the close of business on October 18, 2004. The political parties were advised that this would be permitted on October 14, 2004, allowing them to contact applicants who had submitted incomplete applications on October 14-18, 2004 with this information. A public announcement with this information was also made to permit voter applicants who had incomplete registration applications pending to learn about this possibility of correcting from the news media. It is my understanding that Hillsborough County and Manatee Counties likewise, have permitted the amendment of registration applications already pending on October 4, 2004 through October 18, 2004.

18. The discovery materials furnished to Plaintiffs prior to the close of business on October 18, 2004, pursuant to the Court's order, was a list of 1,522 voter registration applications with incomplete applications pending, effective as of 4:25 pm, October 17, 2004. A few of these incomplete applications are simply unfixable inasmuch as they have no name at all on them or just a first name. By the close of business on October 18, 2004 this number had been reduced by 98 to 1,424 applications, the final total of incomplete applications that will remain pending through the November 2, 2004 elections. One of the 98 individuals who was registered yesterday is Plaintiff

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Ebony Roberts, who is now a registered voter in Duval County and will be able to vote in the November 2, 2004 election if she chooses to do so. I believe my staff was able to reach Ebony Roberts via the telephone number on her registration application (Exhibit B) either on October 15, 2004, or thereafter, and that this contact resulted in the completion of her voting registration application.

19. In all the actions described above, I have attempted to adhere to the law to the best of my ability in every respect, to treat all prospective voters equally and fairly, and to be as effective as possible in so doing with the resources at my disposal.


20. No court summons in this case has yet been served upon me as the office representative nor upon John Stafford.

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I declare under penalty of perjury that the foregoing is true and correct. Executed on October
19, 2004.



RICHARD CARLBERG
Assistant Supervisor of Elections
Duval County, Florida

EXHIBIT 9

DECLARATION OF DENNIS D. GRAHAM

1. My name is Dennis D. Graham and I am the Operations Manager for the Information Technology Department of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). As the Operations Manager for the Information Technology Department, I am responsible for computer programming and data processing. I submit this declaration in support of Plaintiffs' Motion for a Preliminary Injunction.
2. On October 8, 2004, Damon Silvers, an Associate General Counsel for the AFL-CIO, provided me with an electronic file that contained 8,570 incomplete voter registration applications that the Elections Office in Miami-Dade County had received.
3. On October 10, 2004, Mr. Silvers provided me with an electronic file that contained the records of 6,452 incomplete voter registration applications that the Elections Office in Broward County had received.
4. Mr. Silvers asked me to match the Broward and Miami-Dade County's incomplete voter registration applications with the list of AFL-CIO union members in Florida who are not registered to vote.
5. To conduct this match, I used computer software called Match Consolidate, a program designed to review many data fields and identify duplicates.
6. I set up the software so that it would only compare data that contained: (i) the same zip code; (ii) the first same fifteen characters of a street name; and (iii) the first same five positions of a person's last name.
7. Prior to conducting the match of Broward County's incomplete voter registration

applications with the list of AFL-CIO union members in Florida who are not registered to vote, I enhanced Broward's file to generate zip codes, which were not included in the file that Mr. Silvers provided to me, for the data.

8. The results revealed that Miami-Dade's incomplete voter registration file includes thirty-nine members of AFL-CIO unions, and Broward's incomplete voter registration file includes twenty-seven members of AFL-CIO unions. See Exhibits A (match of Miami-Dade list with AFL-CIO list) and B (match of Broward list with AFL-CIO list).
9. After I created the list of matches between the AFL-CIO list and Miami-Dade and Broward's list of incomplete voter registration applications, I added some fields in order to determine: (i) the affiliate union of the AFL-CIO of which the applicant is a member and (ii) the reason(s) for which the application was rejected. See Exhibit C.
10. I have learned that the code "C" on the list of incomplete voter registration applications signifies that the applicant did not check "citizenship box"; the code "F" signifies that the applicant did not check "felony box"; the code "I" signifies that the applicant did not check "incapacity box"; and the code "D" signifies that the applicant did not provide a driver's license number, state identification number or the last four digits of the applicant's Social Security Number.
11. Of the thirty-nine matches between the AFL-CIO list and the Miami-Dade list of incomplete voter registration applications, eight applicants had not checked the citizenship box; twenty-two had not checked the felony box; twenty-three had not checked the mental incapacity box; and seven had not provided a driver's license

number, state identification number or the last four digits of the applicant's Social Security Number.

12. Of the twenty-seven matches between the AFL-CIO list and the Broward list of incomplete voter registration applications, three had not checked the citizenship box; twelve had not checked the felony box; nine had not checked the mental incapacity box; and seven had not provided a driver's license number, state identification number or the last four digits of the applicant's Social Security Number.
13. The matching process also indicated that eight of the AFL-CIO matches of Miami-Dade's list of incomplete voter registration applications are AFSCME members. Of those eight, one had not checked the citizenship box; five had not checked the felony box; five had not checked the mental incapacity box; and three had not provided a driver's license number, state identification number or the last four digits of the applicant's Social Security Number.
14. In Broward County, one of AFSCME's member's application appeared on the list of incomplete voter registration applications. That application was rejected because the member had not provided a driver's license number, state identification number or the last four digits of the applicant's Social Security Number.
15. The matching process also indicated that one of the AFL-CIO matches of Miami-Dade's list of incomplete voter registration applications is an SEIU member and that one of the AFL-CIO matches of Broward's list is an SEIU member. Those applications were rejected for unknown reasons.

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

Executed this ~~11th~~ day of October, 2004, at Washington, D.C


DENNIS D. GRAHAM

EXHIBIT 10

SUPPLEMENTAL DECLARATION OF DENNIS D. GRAHAM

1. My name is Dennis D. Graham and I am the Operations Manager for the Information Technology Department of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). As the Operations Manager for the Information Technology Department, I am responsible for computer programming and data processing. I submit this supplemental declaration in support of Plaintiffs' Opposition to Defendant Browning's Motion for Summary Judgment.
2. In August 2007, Elizabeth Westfall, an attorney with Advancement Project, provided me with an electronic file that, I was told, contained the records of 9,742 incomplete voter registration applicants who reside in one of the five Florida counties at issue in this case (Broward, Duval, Miami Dade, Orange or Palm Beach) and submitted their applications close to the voter registration deadline for the 2006 primary or general elections.
3. Ms. Westfall asked me to match these records with the list of AFL-CIO union members who reside in Florida.
4. To conduct this match, I used computer software called Match Consolidate, a program designed to review many data fields and identify duplicates.
5. I set up the software so that it would only compare data that contained: (i) the same zip code; (ii) the first same fifteen characters of a street name; and (iii) the first same five positions of a person's last name.
6. The results revealed that the file of 9,742 incomplete voter registration applicants includes sixty-nine (69) members of AFL-CIO unions ("Injured AFL-CIO

Members”).

7. After I created the list of matches between the AFL-CIO list and the file of 9,742 incomplete voter registration applicants, I added a field in order to determine the affiliate union of the AFL-CIO of which the applicant is a member.
8. The matching process indicated that seven (7) of the AFL-CIO matches of the file of 9,742 incomplete voter registration applicants are AFSCME members.
9. Ms. Westfall has provided me with a copy of Schedule A to Plaintiffs’ Supplemental Responses and Objections to Defendant Secretary of State’s First Set of Interrogatories, which I have reviewed. All of the Injured AFL-CIO Members appear on Schedule A.

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

Executed this 24 day of October 2007, in Washington, DC


DENNIS D. GRAHAM

EXHIBIT 11

09/28/2007 17:44 FAX 9544236942

Kwik Stop, Plant. FL USA

002/002

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 04-22572-Civ-King

EMMA YAIZA DIAZ, *et al.*,

Plaintiffs,

vs.

KURT S. BROWNING, Secretary of State for the
State of Florida, *et al.*

Defendants.

**DECLARATION OF
BLADIMIR HERNANDEZ**

Yo, Bladimir Hernández, declaro lo siguiente:

1. Mi nombre es Bladimir Hernández y vivo en el Condado de Broward, Florida. Mi dirección es la 401 NW 135th Avenue, Plantation, Florida 33325.
2. Yo soy ciudadano Estadounidense, mayor de diez y ocho años. Yo nunca he sido convicto de un delito mayor y nunca he sido declarado incompetente de mentalidad.
3. Soy miembro de la Unión de Plomeros y Ajustadores de Pipas, cual unión es miembro del AFL-CIO.
4. En el 2006, me hice ciudadano Estadounidense y recibí una solicitud de registro de votante. Trate de llenar la solicitud completamente y correctamente, y la envié por correo. Según los archivos de los funcionarios de elecciones, yo envié mi solicitud en el mes de septiembre, 2006.
5. Algún tiempo después de que yo envié mi solicitud, yo recibí un aviso por correo informándome que yo no había llenado mi solicitud completamente e incluyendo una copia de una solicitud de registro de votante cual copia ya contenía la información que yo había enviado anteriormente.

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Kwik Stop, Plant. FL USA

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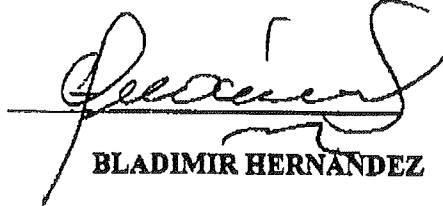
6. Después de que recibí este aviso, mi hija me ayudó completar la información que faltaba en mi solicitud. Yo envié la solicitud ya completa, en seguida.

7. Yo no recibí mi tarjeta electoral con tiempo para poder votar en las elecciones del noviembre del 2006. Porque no había recibido mi tarjeta electoral, yo no creía que era inscrito y no voté en las elecciones del noviembre del 2006.

8. Algún tiempo después de las elecciones del noviembre del 2006, yo recibí mi tarjeta electoral.

Yo declaro bajo penalidad de perjurio que lo anterior es verdad y correcto.

Realizado este 28 día de septiembre del 2007 en Plantation, Florida.



BLADIMIR HERNÁNDEZ

EXHIBIT 12

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-CIV-KING

EMMA YAIZA DIAZ;
AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL
ORGANIZATIONS; AMERICAN FEDERATION OF
STATE, COUNTY AND LOCAL EMPLOYEES,
AFL-CIO; FLORIDA PUBLIC EMPLOYEES COUNCIL
79, AFSCME, AFL-CIO; and SERVICE EMPLOYEES
INTERNATIONAL UNION,

Plaintiffs,

v.

KURT S. BROWNING, Secretary of State of Florida;
BRENDA SNIPES, Broward County Supervisor of
Elections; JERRY HOLLAND, Duval County Supervisor
of Elections; LESTER SOLA, Miami-Dade
Supervisor of Elections; BILL COWLES, Orange County
Supervisor of Elections; and ARTHUR ANDERSON,
Palm Beach County Supervisor of Elections,

Defendants.

DECLARATION OF PATRICIA HOLLARN

Pursuant to 28 U.S.C. § 1746, Patricia Hollarn submits this Declaration in Support of the Secretary's Motion for Summary Judgment.

1. I am Patricia Hollarn, the elected Supervisor of Elections for Okaloosa County, Florida, holding this office continuously since January 1989. I am over the age of eighteen.
2. I currently maintain an office staff of 16 full-time employees in two voter services facilities located in Crestview and Ft. Walton Beach, as well as a warehouse facility. There are approximately 117,000 registered voters in Okaloosa County

3. During the peak election seasons before primary and general elections when the election preparation workload vastly increases, I employ a few temporary employees. I am very careful about employing temporary employees because they tend to increase the error rate, even though they are all well trained. Working with available resources, my goal is to conduct error-free elections for the voters of this county.

4. I have been informed that the Plaintiffs in this case have asked the Court to create a so-called "grace period," up to and including election day, for the correction of check box errors with respect to timely filed new voter registration applications. Under current Florida law the voter registration list closes 29 days in advance of election day (the book closing deadline). Voters who complete their voter registration applications after the book closing deadline may not vote in the upcoming election, but may vote in future elections.

5. With regard to my duty to conduct fair and accurate elections, I am satisfied with Florida's law book closing deadline. I have come to rely on the book closing deadline to prioritize, manage and staff all the duties that must be accomplished, in specific order, prior to election day.

6. The book closing deadline gives the Supervisors of Elections offices certainty to finalize the voter lists, including the newly registered, while at the same time permitting concentration on the enormous workload that accumulates in advance of any election. The book closing deadline contributes to the management of this workload spike during the four weeks prior to an election.

7. The four weeks before the election comprise the most tumultuous period of the year for the Supervisors of Elections. All the necessary and interlocking duties that are required to run a successful election compress into the final four weeks before the election. The duties

and responsibilities presented during that time frame visit enormous pressure and stress upon all the employees of each Florida Supervisor of Elections.

8. During the last four weeks before an election, my staff and I work between 60 and 80 hours per week on all the necessary items that require preparation, finalization, and failsafe rechecking of every detail needed to make for an error-free election.

9. Below I list the duties and responsibilities which occupy the time of all Supervisors and staff during the final four weeks before an election.

- a. By far, the greatest challenge during the last 30 days is the review and processing of mailed, in-person and political party promoted requests for absentee ballots. Voters can now receive an absentee ballot for virtually any reason at all. In recent primary and general elections, my office averages 600 to 1,000 requests for absentee ballots per day during the final weeks before any general election. My goal as Supervisor is to respond to each ballot request within 24 hours with the proper ballot style for each requesting voter, making certain that the requestor is a registered voter.
- b. There is a vast increase of walk-in traffic at my voter service offices during the weeks just prior to an election. Voters, candidates, poll workers, and just the curious pour into the offices with questions of all type and requests that must be accommodated in the very short time available.
- c. A great deal of my time is taken up with training poll workers just before an election. Poll workers are a key element for success on election day, and intensive training of these workers is critical. During the weeks before election

day, my staff and I conduct poll worker training nearly every working day and often multiple times a day.

- d. Ballot style preparation is a time consuming task. After candidate qualifying, the ballots must be prepared, proofs edited and sent to out-of-state printers, ballots analyzed, printed and distributed to each of the 52 Okaloosa County precincts. It has become common to prepare competing ballot styles for certain offices because of litigation over candidate and issue placement on a particular ballot style. Okaloosa County has approximately 300 ballot styles for a primary and 150 for a general election.
- e. Each ballot style must be matched with the proper precinct, and accordingly, the proper voter. Ballot styles in sufficient number must be ordered, printed and delivered to each precinct in quantities sufficient for election day use. The proper quantity of ballot styles is a function of the number of voters overall, as well as those eligible to vote appearing on the precinct register.
- f. Each precinct is drawn consistent with the boundaries of Congressional, State Senate, State House, County Commission, School Board and local district races, which often result in split precincts. The number of these districts makes for a large number of different ballot styles in the precincts. While this work goes on before the final four weeks of the election, assuring that each polling place has a sufficient – but not excessive – number of ballot styles associated with that precinct is a key election preparation issue.
- g. Each of our polling sites must be readied for election day. This means assuring voter accessibility, security and communications are in place and working

properly for election day. This work intensifies during the final few weeks before election day.

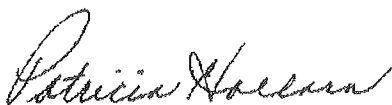
- h. The final testing and distribution to the polling places of all of voting equipment and supplies must be arranged and supervised. Trained poll workers must be assigned and dispatched to these locations.
- i. There are numerous time sensitive issues related to poll watchers and candidate reports that consume time and attention during the weeks just prior to election day.
- j. The Supervisor issues legally advertised newspaper notices of all the various races and issues appearing on the ballot. Such notices are also mailed to every registered voter three weeks before election day in the form of sample ballots.
- k. Dozens of voter registration record changes (for registered voters) arrive every day. Certain voter registration changes are permissible; for example, change of address. They must be processed, acknowledged, scanned and indexed by my staff for recordkeeping purposes.
- l. Preparation of the final precinct registers for each precinct is an exacting task. The precinct register lists all voters permitted to vote in that precinct. Adding new voters to precinct registers after book closing would add a level of burden and complication that will make for errors on election day.
- m. Providing for early voting, which falls in the book closing period, must be supervised and staffed. Early voting, which began 2000, represents a workload and management challenge to each Supervisor beginning 15 days before election day.

10. All of these tasks, which must be completed, put tremendous strain on the Supervisor and staff. Based on my 19 years as Supervisor, the abolition of the book closing deadline as promoted by the Plaintiffs will be extraordinarily disruptive to most Supervisors in Florida and place unnecessary additional burdens on the Office of Supervisor of Elections. Under current resources available, any scheme to adjust the current book closing practice which is not carefully crafted and coordinated with each of the duties outlined above will increase critical election day errors at the polls and after.

11. I do not believe it is necessary to provide for a grace period as a relatively small number of Okaloosa County residents are unable or unwilling to complete their voter registration applications. Since January 1, 2006, only 12 persons out of a total of 12,430 new registrants (*i.e.*, less than one tenth of one percent) have failed to complete the voter registration application due solely to the failure to check one of the three check boxes.

12. I do believe, based on my 19 years of conducting elections, that the book closing deadline is an essential tool in conducting an accurate, reliable and orderly election.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Tallahassee, Florida on October 8th, 2007.



Patricia Hollarn

EXHIBIT 13

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ADVANCEMENT PROJECT

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 04-22572-Civ-King

EMMA YAIZA DIAZ, *et al.*,

Plaintiffs,

vs.

KURT S. BROWNING, Secretary of State for the
State of Florida, *et al.*

Defendants.

**DECLARATION OF
MARIE OLIVE GAYLE
KIRLEW**

I, Marie Olive Gayle Kirlew, hereby declare as follows:

1. My name is Marie Olive Gayle Kirlew, and I live in Orange County, Florida. My home address is 7726 Newlan Drive, Orlando, Florida 32818.

2. I am a U.S. citizen and over the age of eighteen. I have never been convicted of a felony, and I have not been declared mentally incompetent by a court.

3. In 2006, I was a member of the SEIU.

4. Because I wanted to vote in the November 2006 elections, I picked up a voter registration application from the library. I tried to fill out the form completely and correctly, and I mailed it in. Records from election officials show that I mailed in my voter registration application to election officials around August 11, 2006.

5. Sometime after I mailed in my application, I received a notice in the mail that I had not filled out my form completely.

6. I made the corrections to my application and mailed it to the elections office. After I mailed in the corrections, I did not receive my voter registration card in the mail or otherwise hear from election officials.

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ADVANCEMENT PROJECT

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7. I wanted to vote in the November 2006 elections. I did not believe that I was registered to vote because my application was incomplete and I had not received a voter registration card. As a result, I did not attempt to vote in the November 2006 elections.

8. As of today, I have never received a voter registration card.

9. I would like to become registered to vote and vote in upcoming elections.

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

Executed this 27 day of September 2007 in Orlando, Florida.

Marie Olive Gayle Kirlew

MARIE OLIVE GAYLE KIRLEW

EXHIBIT 14

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-Civ-King

EMMA YAIZA DIAZ, *et al.*,

Plaintiffs,

vs.

KURT S. BROWNING, Secretary of State for the
State of Florida, *et al.*

Defendants.

**DECLARATION OF
ROBERT SWEAT**

I, Robert Sweat, hereby declare as follows:

1. I am the Supervisor of Elections for Manatee County, Florida. I was first elected to that position in 1984 and have served continuously as the Supervisor of Elections for Manatee County since January 1985.

2. During my tenure, I have been a member of the Florida State Association of Supervisors of Elections and served on its Board of Directors for nine years.

3. In the months leading up to the 2004 general elections, the office of the Manatee County Supervisor of Elections received many voter registration applications that were timely submitted on or before the voter registration deadline of October 4, 2004 but were incomplete, including those on which the applicant had not checked one or more of the boxes related to felon, mental incapacity, and/or citizenship status, not included a date of birth, or not included a identification number, for example.

4. In 2004, upon receipt of an incomplete voter registration application, my office mailed the applicant a notice of deficiency that stated that if the applicant wished to vote in the upcoming election, he or she needed to submit corrections to his or her application immediately.

The notice did not specify a particular date by which the applicant was required to submit the correction.

5. During approximately two weeks following the registration deadline of October 4, 2004, my office processed corrections to at least forty to fifty incomplete voter registration applications and added those applicants to the voter rolls. Because the Florida election code in effect in 2004 and prior years did not prohibit the acceptance of corrections to timely submitted applications after the book closing deadline, I interpreted the code in the voter's favor and allowed such corrections.

6. My practice of processing corrections to incomplete application during the two-week period after the registration deadline did not interfere with the administration of elections in Manatee County or, to my knowledge, result in the submission of fraudulent voter registration applications.

7. In October 2004, I learned through the Bradenton Herald that the issue of processing corrections after the voter registration deadline was an issue. In response, I called the legal department of the Secretary of State's office to ask whether I could continue my practice of processing such corrections. While the legal department initially told me that I should not process corrections after the registration deadline, when I explained that it had been my long standing practice to do so, the legal department told me that since it had been my long standing practice, I could continue to process corrections after the registration deadline.

8. Sometime after my phone call to the Secretary of State's office, I received a notice from the Secretary to all Supervisors of Elections that instructed Supervisors not to accept or process corrections to voter registration applications after the registration deadline. Upon receipt of that notice, I stopped processing corrections after the registration deadline.

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SUPR OF ELECTIONS

PAGE 04

9. If required by law to process corrections to incomplete voter registration applications after the registration deadline and up to the day of the election, my office will comply with that requirement. Based on my past experience, processing corrections to incomplete voter registration applications during that time period will not significantly affect the administration of elections in Manatee County; nor will it lead to, or increase the risk of voter registration fraud.

I declare under penalty of perjury under the laws of the state of Florida that the foregoing is true and correct to the best of my knowledge.

Dated this 25 day of September 2007 in Bradenton, Florida.



ROBERT SWEAT

EXHIBIT 15

DECLARATION OF ELIZABETH S. WESTFALL

1. My name is Elizabeth S. Westfall and I am an attorney with Advancement Project, counsel for Plaintiffs. I submit this declaration in support of Plaintiffs' Opposition to Defendant Browning's Motion for Summary Judgment, or, in the Alternative, Plaintiffs' Cross-Motion for Summary Judgment and Opposition.
2. I submit this declaration to explain why certain union members who appear on Schedule A to Plaintiffs' Supplemental Responses and Objections to Defendant Secretary of State's First Set of Interrogatories (Aug. 31, 2007) ("Schedule A") were not listed on the Amended Schedule A to Plaintiffs' Second Supplemental Responses and Objections to Defendant Secretary of State's First Set of Interrogatories (Oct. 3, 2007) ("Amended Schedule A").
3. During September 2007, I conducted telephone interviews of several union members who timely submitted a voter registration application prior to the registration deadline that was incomplete and were prohibited from correcting the deficiency prior to the November 2006 elections. Those injured union members are listed in Amended Schedule A. *See also* Declaration of Patricia Benvenuto, Declaration of Bladimir Hernandez; Declaration of Marie Olive Gayle Kirlew.
4. During my telephone conversation with Deval S. Brown, Jr., he told me that he timely submitted his voter registration application in September 2006. He does not recall having received a notice of deficiency. In early November, he called the elections office to ask about his polling location. The elections office told him that he had submitted an incomplete application and that it was too late to correct his application

to get on the rolls before the November 2006 elections. Because he was not registered to vote, Mr. Brown was unable to vote in the November 2006 elections.

5. I also conducted telephone interviews of several union members who appear on Schedule A but appear not to have been injured by a lack of grace period.
6. Thelma Battick, Timothy Deguise, Mike Douthat, Derrick Fraser, Brinsfeld Jones, Zoya Newell, and Anna Stasinlis reported to me that they became registered to vote prior to the November 2006 elections.
7. Alex Ramirez reported to me that he is registered to vote, although uncertain as to when he became registered.
8. David Carmona, an attorney with Paul, Weiss, Rifkind, Wharton & Garrison LLP, spoke with one union member, Ondina Garcia, who reported that she became registered to vote prior to the November 2006 elections.

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

Executed this 25th day of October 2007, in Washington, DC

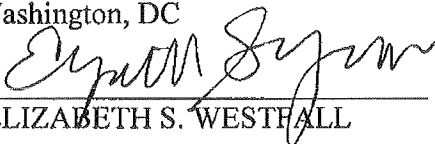

ELIZABETH S. WESTFALL

EXHIBIT 16