UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

LEAGUE OF WOMEN VOTERS OF FLORIDA, FLORIDA PUBLIC INTEREST RESEARCH GROUP EDUCATION FUND, and ROCK THE VOTE, Plaintiffs, v. KURT S. BROWNING, in his official capacity as Secretary of State for the State of Florida, PAMELA J. BONDI, in her official capacity as Attorney General for the State of Florida, and GISELA SALAS, in her official capacity as Director of the Division of Elections within the Department of State for the State of Florida, Defendants.	Civil No. _____ **Affidavit of Ben Wilcox Submitted in Support of Plaintiffs' Motion for Preliminary Injunction**

I, Ben Wilcox, hereby declare as follows:

1. I am a citizen of the United States and a resident of Leon County Florida.

2. I am a registered voter in Florida, where I have lived and voted since the age of 18. I am a member and supporter of the League of Women Voters of Florida ("LWVF"), and I have served as a Board Member of the Tallahassee League of Women Voters for the last 12 years. I was also formerly the Director of Florida Common Cause. I submit this affidavit in support of Plaintiffs' motion for a preliminary injunction to prevent enforcement of those provisions of the newly enacted 2011 Fla. Laws 40 § 40 (codified at Fla. Stat. § 97.0575) ("the Law") that impose onerous new registration, reporting, and submission deadlines on individuals and civic groups engaged in voter registration, and which are preventing LWVF from fully carrying out its mission of fostering civic participation.

3. I have served as the contract Governmental Consultant for LWVF for the last two sessions of the Florida legislature, where I was LWVF's primary legislative advocate and government relations representative. I was personally present and able to both witness and participate in the legislative process that led to the Florida Legislature's enactment of the Law.

4. The Florida House of Representatives bill that became the law—H.B. 1355—was, as initially introduced in the House, a short bill that was offered on behalf of Florida Secretary of State Kurt Browning to amend the powers of the office of the Secretary of State.

5. During consideration of the bill by the House Government Operations Subcommittee of the State Affairs Committee on April 1, 2011, the brief bill was changed to a 150-page bill by means of a strike-all amendment. Changes to the bill were distributed the night before the Subcommittee hearing to all parties, including the legislators. Based on my conversations with proponents of the bill and comments made during the legislative hearings on the bill, I believe that none of the legislators or staff understood the many provisions of the bill with any level of detail.

6. Members of the Subcommittee did not solicit input from LWVF or from any other citizen voter registration organization. Members did not ask any representatives of organizations engaged in voter registration to testify as to the need for the legislation or the impact it might have on groups and individuals working to help register Floridians to vote.

7. I was able to testify at an April 1st Subcommittee hearing, but only because I put in a card requesting to testify on the bill as a member of the public. At that hearing, I testified that the restrictions on citizen voter registration drives were unnecessary, would not prevent fraud, and would make it extremely burdensome for LWVF and similar organizations to assist others in

registering to vote. I was not asked a single question by any legislator, nor did they respond to my testimony in any way.

8. At no point during House consideration of H.B. 1355 did I hear any Representative or staff member put forward any facts or circumstances detailing why the provisions of the bill were necessary or would prevent fraud. The only statements made by supporters of H.B. 1355 to justify these new provisions were oblique references to ACORN and voter fraud generally. No proponent of the bill explained how provisions of the bill could prevent the type of voter registration misconduct allegedly engaged in by ACORN.

9. During consideration of H.B. 1355 by the full House, Florida legislators opposed to the bill asked a number of questions about the need for the third-party voter registration provisions, including the requirement that voter registration applications be turned in within 48 hours of being obtained. Again, proponents of the bill merely made generalized references to fraud and ACORN and did not address why any of the specific provisions of the bill were necessary.

10. S.B. 2086, as first introduced in the Senate, made largely technical changes to election procedure, and passed out of the Senate Sub-Committee on Ethics and Elections in that form. Senate consideration of a revised version of S.B. 2086, which was turned into the companion bill of H.B. 1355 also by a full text strike-all amendment, was extremely brief, and public discussion of the revised bill was very limited. After S.B. 2086 was amended to match H.B. 1355, including its extreme burdens on voter registration activity, I and Marilynn Wills, second Vice-President of the League of Women Voters of Florida, tried several times to make an appointment with Senator Miguel Diaz de la Portilla, chair of the Subcommittee on Ethics and Elections, but he did not respond to our requests for an appointment.

11. The Senate Budget Committee scheduled consideration of S.B. 2086 in its revised form for April 26, 2011, the Committee's last meeting of the legislative session. Despite the fact that 38 individuals and groups had put in cards requesting to testify regarding the bill, the Committee considered the bill at the very end of the Committee meeting, with only 30 minutes remaining in the meeting. This meant that only one individual was able to testify on the bill, and even his testimony was cut short. The other 37 groups and individuals, including me, were not allowed to testify.

12. Dismayed by the Senate's refusal to hear testimony from all speakers, the LWVF requested the public speaker cards submitted at Senate hearings on April 25 and 26 via a public records request. We were permitted to view the cards and from our review we learned that on Monday April 25, members of the public had submitted 39 total cards: 37 against the bill and two with a neutral stance offering to provide information. No one signed up to speak in support of the bill. On Tuesday, April 26 members of the public submitted 39 total cards: one speaker in support of S.B. 2086, one neutral speaker who sought to provide information and 37 requesting to speak against the bill—36 of whom were never heard by the Legislature.

13. At no point during Senate consideration of S.B. 2086 did any Senator or staff member express any position on why the specific restrictions on voter registration drives found in the bill were necessary or would prevent fraud. As in the House, the only justifications given for the need for the legislation were oblique references to ACORN and voter fraud generally. No proponent of the bill made any specific allegation of third-party voter registration misconduct by any organization in Florida under existing law, nor did any proponent of the bill explain why provisions of the bill would prevent the type of voter registration misconduct allegedly engaged in by ACORN.

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 14 day of December 2011.

Ben Wilcox

Ben Wilcox

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a copy of the foregoing *Affidavit of Ben Wilcox Submitted in Support of Plaintiffs' Motion for Preliminary Injunction* was served via HAND DELIVERY this 19th day of December, 2011 upon the following:

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