

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

LEAGUE OF WOMEN VOTERS OF
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. 4:11-CV-628-RH-WCS

**Declaration of Deirdre Macnab
Submitted in Further Support of
Plaintiffs' Motion for
Preliminary Injunction**

1. The League of Women Voters of Florida ("LWVF") was founded in 1939.
2. Since then, LWVF has furthered its mission to empower members of historically underrepresented communities by seeking to bring eligible citizens into the political process. LWVF firmly believes that registering to vote is the first and most vital step towards a politically active community, so our voter registration work has always been a core aspect of our overall activities.
3. I understand that the State of Florida believes that we can continue expressing and achieving our organizational mission without collecting, or offering to collect, voter registration forms. I offer this affidavit in response to that assertion and others made by the State in opposition to Plaintiffs' Preliminary Injunction motion. In fact, as described more fully below, the collection of forms is a critical component of expressing and carrying out our core mission of encouraging individuals to vote, including through voter registration drives.

4. Our voter registration work has always included assisting potential voters with filling out registration forms, offering to, and collecting, completed forms, and submitting them to the appropriate government office. Until the Florida Voter Registration Act was passed (implementing the National Voter Registration Act of 1993 (“NVRA”)), Florida had a deputy registrar system. Under this system, any private citizen (*i.e.*, anyone other than election officials) who wished to help register others to vote had to be deputized by a county supervisor of elections. LWVF regularly conducted voter registration drives under the old deputy registrar system. Numerous LWVF members and volunteers were deputized by county supervisors of elections. After being deputized, members and volunteers could conduct voter registration without further government supervision.

5. After the NVRA was passed in 1993, Florida did away with the deputy registrar system, and LWVF members and volunteers were no longer required to be deputized prior to conducting voter registration.

6. Originally, LWVF’s voter registration work focused on engaging women in the political process. In doing so, LWVF faced tremendous obstacles. Indeed, the State of Florida was one of the last states to ratify the 19th Amendment (granting women the right to vote), not doing so until 1969—nearly 50 years after that amendment was adopted by the United States. This meant that, from the outset, our efforts to help women become politically engaged necessarily required proactive assistance and encouragement—not mere distribution of information.

7. As time passed, LWVF extended its focus to other historically underrepresented groups, including members of language and racial minorities, those with socioeconomic disadvantages, and those with disabilities. Similar to the legacy of discrimination that kept women out of

Florida's political process for so long, discrimination and other societal factors have led to lower rates of registration and voting among these groups as well.

8. For such groups, LWVF makes it a priority to connect to these communities through our in-person voter registration efforts, so that our volunteers can provide one-on-one assistance to potential voters. For example, we conduct voter registration drives at health fairs, churches in low-income areas, and other locations at which members of historically disadvantaged groups are likely to be present.

9. There are many reasons that simply handing out a voter registration form, or assisting an individual in filling out a form but then requiring her to submit it on her own, are not effective in engaging people in the political process.

10. For one, our experience has shown us that when LWVF does not collect and submit forms, very few forms are ultimately submitted. Our experience also has shown that our efforts to increase registration are substantially less effective without collection.

11. Additionally, forms that are completed without LWVF assistance are more likely to contain errors and be rejected. During the course of our voter registration activity, our volunteers frequently identify errors or blank spaces on voter registration applications. Without this assistance, applications with errors or incomplete information would more likely be submitted, and be rejected.

12. More importantly, LWVF cannot meaningfully engage and empower members of historically underrepresented groups to register to vote by merely handing out voter registration applications. By offering to safely collect and properly submit someone's completed form, we tell the individual voter how much we really care about her right to vote. Applicants, in turn, understand our message that their votes have value, and appreciate our commitment to go the

extra mile to submit forms on their behalf—and trust us to do it right. Collection could not be cut out of the process without altering the message we send and the nature of our association with those registering to vote. In other words, eliminating collection would weaken the bond between LWVF and those we seek to serve and would stifle our ability to convey to individual potential voters our primary message that that person's vote is important. This bond is particularly important in communities that have historically been excluded from the political process, and whose members are more likely to become engaged with our support and encouragement.

13. Indeed, it often takes fifteen or twenty minutes (and sometimes more) to help one person complete a registration application. If a person spends all that time with a LWVF volunteer to fill out the application, but is then left on her own to submit the application, the overall experience will be incomplete and perhaps frustrating. Failing to help an applicant complete the application process renders our message about the importance of voting less concrete and sincere, and much less useful to the applicant. These negative perceptions will reduce the likelihood that an applicant will continue to associate with our organization in the future. On the other hand, when we are able to help someone complete and finalize the entire application, it makes the process much more satisfying to the new voter registration applicant, and there can be no question about the seriousness of our message or our commitment to the individual and his or her community.

14. Without a comprehensive voter registration process that includes assisting applicants, collecting registration forms, and submitting them, LWVF's associations with our volunteers would also be far less meaningful. Voter registration is one of our most popular activities, and also one of the first activities that many new members participate in. In fact, my very first experience with LWVF was as a voter registration volunteer. A major reason for that is the satisfaction and achievement volunteers get from ensuring that a fellow Floridian is successfully

registered to vote. When our volunteers turn in a completed form, they have a much greater feeling of accomplishment, and consequently are more likely to come back and volunteer again. Without collection and submission, the entire process is stripped of that sense of accomplishment—volunteers have no way of knowing whether their efforts ultimately achieved the desired result. This uncertainty hampers enthusiasm for voter registration efforts, causing our volunteers to feel frustrated.

15. Additionally, because voter registration activities without a collection component are so much less effective, such efforts would not be a good use of our volunteers' time or our organization's limited resources. Our members and volunteers are busy people. Many of them serve on a number of boards and/or assist with multiple organizations in addition to being professionals. When presented with less meaningful and less effective registration activities as their only option, many volunteers may decide that giving their time to LWVF's voter registration efforts is no longer worthwhile. Since voter registration assistance is our most popular volunteer opportunity and often a volunteer's first experience with LWVF (as it was for me), I fear that this would decrease our overall volunteer involvement.

16. LWVF volunteers have a shared commitment to reaching out to underrepresented communities and ensuring that every eligible Floridian has the opportunity to participate in our democracy. Voter registration efforts stripped of collection and submission of forms would be little more than public service announcements—**not** voter registration drives, which energize community volunteers to organize and work together to achieve the shared goal of increasing voter participation.

17. Therefore, contrary to what the State of Florida suggests, LWVF cannot engage in voter registration activities without being subject to the challenged law unless LWVF fundamentally alters the way it conducts voter registration drives.

18. In our emphasis on completion, collection and submission of voter registration forms, LWVF is similar to other organizations that conduct voter registration drives. I am not aware of any community-based voter registration organizations (including teachers who register their students) that do *not* seek to collect completed voter registration applications and submit those applications to the state as part of its voter registration activities.

19. Voter registration forms are not flyers—LWVF believes they are the crucial first step to an engaged individual, which leads to a politically active community, and a shared sense of duties and rights among Floridians. The State’s assumption that we could have the same associational experience by merely handing out forms exposes a fundamental misunderstanding of how voter registration drives actually operate and why they are important. It would be setting the voter registration process up for failure, which is contrary to the voter registration strategies that our organization has developed over the course of its 72-year commitment to engaging citizens in their democracy. Limiting our drives to distribution would not only substantially alter the message we send to the public and to volunteers, it would likewise impair our association with potential new voters, disenfranchised communities, and our volunteers.

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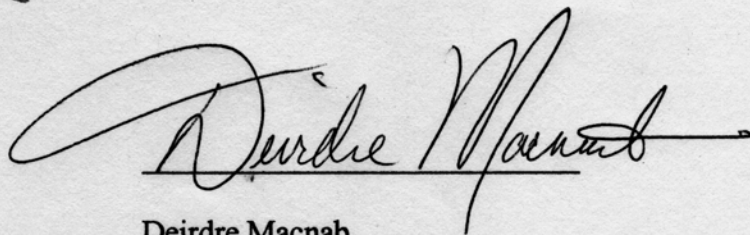
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I declare under penalty of perjury under the laws of the state of Florida that the foregoing is true and correct to the best of my knowledge.

DATED this 13 day of February 2012.

A handwritten signature in cursive script, reading "Deirdre Macnab", written over a horizontal line. The signature is fluid and extends to the right of the line.

Deirdre Macnab

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that correct copies of the foregoing *Declaration of Deirdre Macnab Submitted in Further Support of Plaintiffs' Motion for Preliminary Injunction* were served by filing in this Court's CM/ECF system this 14th day of February, 2012 on all attorneys of record in this matter.

/s/ Farrah R. Berse

Farrah R. Berse

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