

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_

LEAGUE OF WOMEN VOTERS OF FLORIDA, FLORIDA  
AFL-CIO, AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 79  
(AFSCME), as organizations and as representatives of their  
members; and MARILYNN WILLS;

Plaintiffs,

v.

KURT S. BROWNING, in his official capacity as Secretary  
of State for the State of Florida, and DONALD L. PALMER,  
in his official capacity as Director of the Division of  
Elections within the Department of State for the State of  
Florida,

Defendants.

\_\_\_\_\_  
**DECLARATION OF CYNTHIA HALL**

I, CYNTHIA HALL, declare:

1. I am a resident and citizen of the United States and of the State of Florida. I reside at 2053 Wildridge Drive, Tallahassee, Florida 32303. I submit this declaration in support of plaintiffs' motion for declaratory and injunctive relief.

2. I am the president of the Florida AFL-CIO ("AFL-CIO"), a plaintiff in the above-captioned action. I have been participating in voter registration drives for approximately twenty years. Prior to 1994, I had registered voters in Florida as both a representative of the United Teachers of Dade and a volunteer deputy voter registrar in Miami Dade County.

3. The AFL-CIO is seeking to prevent enforcement of Fla. Laws 2007-30 §§ 1 and 2, which have forced the AFL-CIO to stop registering its members to vote out of fear that the AFL-CIO and the local unions it works with and their members will be unfairly subject to severe and potentially ruinous fines as a result of their efforts to register the union's members to vote.

### **The AFL-CIO**

4. The AFL-CIO of Florida is a voluntary association of unions in Florida. It comprises approximately 450 local unions throughout the state and represents more than 500,000 active and retired Florida workers living in the state. Its mission is to improve the lives of working families. It accomplishes that mission by, among other things, encouraging workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of their local, state and national communities.

5. The AFL-CIO's local unions represent members of the building trades, service employees, airline employees and public employees, including teachers.

6. For fiscal year 2008, the AFL-CIO's budget allots approximately \$40,000 for program expenses. These expenses included registering our members to vote, an annual legislative conference, and various organizing and educational programs. The remaining \$1.5 million in the AFL-CIO's fiscal year 2008 budget pays salaries and benefits for ten full-time and two part-time employees, statewide travel costs, and the general operating expenses for our large, statewide union. The AFL-CIO's employees are responsible for providing services to 500,000 members across the state, including by

supporting union organizing efforts, issue advocacy campaigns, and other efforts to protect the rights of workers and working families.

### **The AFL-CIO's Voter Registration Activities**

7. The AFL-CIO conducts non-partisan voter registration drives each year intended to increase by at least 10% the number of its members registered to vote. These drives are typically active all year long. Each year, the AFL-CIO conducts a workshop for the leadership of each local union on how to register voters.

8. The AFL-CIO participates in voter registration by assisting its local unions in conducting voter registration drives. These drives are decentralized. Each of our more than 450 local unions identifies one member – usually a volunteer or retiree – to coordinate that local union's drive. The state AFL-CIO helps the local unions to obtain a list from the national AFL-CIO of its unregistered members and provides training and logistical support for the local unions' voter registration drives. In a presidential election year, the local unions generally conduct biannual registration drives, one in the spring followed by one in the summer that runs until the registration deadline for the November general election.

9. Each local union has separate leadership and considerable autonomy. They have their own constitution and governing structure, and are part of a larger international union in addition to their membership in the AFL-CIO federation. Local unions can decline to participate in the AFL-CIO's voter registration drives, and the state AFL-CIO has no control over their activities.

10. Each local union decides the most effective way to register its members. The local unions' voter registration methods vary based on the type of workforce represented by each union. For example, the most effective way for a building trades union to register its members is to send their coordinator to work sites scattered around a city or county where their members are employed.

11. Each local union's coordinator will encourage members to register to vote by explaining how decisions made by elected officials at all levels of government affect working families and union jobs. For example, coordinators will explain to public sector employees that local and state elected officials have enormous influence over collective bargaining and the funding for government entities, such as schools, that employ thousands of union workers. Moreover, they will explain that the more union members that register and vote, the more influence the union – and the individual members – will have over the policy decisions made by elected officials that affect working families and union jobs.

12. Coordinators will often conduct voter registration in conjunction with efforts to educate our members about particular legislative issues. Coordinators will explain these legislative issues to members and how the issues affect working families. They will explain that members can have an impact on how legislators vote on these issues if members register to vote and communicate with their legislators, including by writing letters, making phone calls and meeting with legislators.

13. When coordinators ask members to register to vote, they inevitably spark a conversation about the importance of registering and voting, and the political issues that are important to the member.

14. Each local union and its coordinator is responsible for collecting voter registration applications from members, ensuring that they are filled out completely and drawing the members' attention to any omissions, and delivering the applications to a county Supervisor of Elections.

**The Success of the AFL-CIO's Voter Registration Drives Depends on Its Ability to Collect and Submit Forms on Behalf of Its Members**

15. Since I became president of the AFL-CIO six years ago, I have implemented a successful effort to increase the percentage of our union members who are registered to vote from 40% to 65%. This represents approximately 125,000 union voters.

16. The success of this effort is primarily derived from two factors: first, one-on-one interactions between union members and volunteer coordinators at each of our 450 local unions; and second, the volunteer coordinators' collecting and delivering completed applications to a supervisor of elections, rather than just distributing applications for members to deliver on their own.

17. The one-on-one interactions are important, not only because they help to motivate unregistered members to register to vote but also help to educate members about issues of importance to the AFL-CIO.

18. The collection and submission of voter registration applications by volunteers is also vital. Based on my experience registering voters, if the AFL-CIO's volunteer coordinators had merely distributed applications to our members, very few would have successfully registered to vote.

19. For example, about seven years ago, when I was the political director of United Teachers of Dade, I attempted to register approximately 10,000 union members by mailing applications to them. Afterwards, I compared a list of unregistered union members to a government list of registered voters, which showed that no more than 1% of the union members I had mailed had actually been added to the voter rolls.

20. The success of the AFL-CIO's recent voter registration drives has depended on the union's ability to collect and submit voter registration applications on behalf of our members, which it can no longer do without exposing itself and its members to extraordinary financial liability under the laws challenged in this case.

**The Amended Third-Party Voter Registration Law Has Forced the AFL-CIO to  
Stop Registering Its Members to Vote**

21. The AFL-CIO has been forced by the amended law to stop registering its members to vote in 2008 because it cannot afford the risk that the local unions it works with or their members will have to pay the severe fines threatened by the new law.

22. The AFL-CIO finds the amended law to be vague and is reluctant to risk that the amended law's failure to define an "affiliate organization" and to make clear when an individual is liable as a separate third-party organization will leave its local unions and their members vulnerable to \$1,000 fines annually. The local unions that make up the AFL-CIO have independence from the AFL-CIO, and the AFL-CIO does not have control or any kind of corporate "ownership" over those locals. Many of those local unions have annual budgets of less than \$1,000 and could not afford those fines, and union members would be even less able to afford that amount. Finally, the statewide AFL-CIO would be unable to pay fines on behalf of its local unions and/or members on the order of \$450,000 (\$1,000 per local) or even \$500,000,000 (\$1,000 per member).

23. Each local union or member who does voter registration is at risk to incur substantial fines because of the decentralized voter registration drives that the AFL-CIO conducts with the local unions. Each of the local union members who coordinate these drives are responsible for collecting voter registration applications and delivering them to the state in the manner prescribed by the new law. There is a high likelihood that some of these coordinators—through honest mistake and through no fault of their own—will not submit some applications in the manner prescribed by the new law, including before the unnecessary and unjustified 10-day deadline. Fining these individuals would impose an enormous burden on them and would likely discourage them from volunteering in future voter registration drives.

24. The AFL-CIO has determined that neither it nor its local unions will be eligible for a three-fourths reduction of any fines under the new law because they will not be able to comply with the requisite quarterly reporting provisions. It would be

severely burdensome and extraordinarily costly for the AFL-CIO to divert one or more of its ten employees away from their current responsibilities to contacting each of our more than 450 local unions every quarter to compile an accurate and detailed report providing the date and location of every voter registration drive across the state.

25. Many of the AFL-CIO's local unions have no computers or offices, and only one volunteer staff member. In order to report their registration drives, hundreds of volunteers would have to maintain records of every date and location where they registered voters. This is severely burdensome for volunteers, including members of our building trades unions who, for example, register members at multiple locations and on multiple dates throughout Florida's cities and counties.

26. I and other members of the AFL-CIO, including members of the board of directors, have been forced by the amended law to personally refrain from registering voters. We have also been forced to tell the AFL-CIO's local unions that they cannot register their members to vote, out of fear that both we and the local affiliates will be liable for any fines levied against the local affiliates or their volunteers.

27. The impact of the cessation of our voter registration activities is particularly exacerbated by the timing of the Secretary of State's decision to begin enforcing this law. In anticipation of the 2008 presidential elections, the AFL-CIO was planning on mobilizing its member unions for a large drive, Labor 2008, to register unregistered union members in Florida. A successful drive requires several months of advance planning, logistics and training. However, we must now stop our preparations and lose precious time, just five months before the book-closing deadline in advance of

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

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

Executed on April 28, 2008

  
Cynthia Hall