

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

CASE NO. 1:08-21243-CIV-ALTONAGA

LEAGUE OF WOMEN VOTERS OF FLORIDA,
FLORIDA AFL-CIO, and MARILYNN WILLS,

Plaintiffs,

vs.

KURT S. BROWNING, in his official capacity
as Secretary of State of 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 SARAH JANE BRADSHAW

I, Sarah Jane Bradshaw, declare as follows:

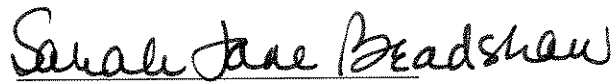
1. I am over the age of eighteen and competent to make this Declaration. I am the Assistant Director of the Florida Division of Elections and have been employed by the Florida Division of Elections for more than six years.
2. In my capacity as Assistant Director, I am responsible for overseeing, among other things, the Bureau of Voter Registration Services ("BVRS"), which is a component of the Department of State, Division of Elections (the "Division"). BVRS duties include data entry of voter registration applications that the Department of State receives from voter registration applicants, state voter registration agencies, and third-party voter registration organizations.
3. In February, 2008, I testified in the trial of *Diaz, AFL-CIO, et al., v. Browning*. I have reviewed the attached transcript excerpts, which accurately recount a portion of my trial testimony. All of my testimony in that case was accurate and truthful.
4. On or about February 28, 2008, the Division of Elections received a letter from Women's Voices—Women Vote, a third party voter registration group. A copy of the letter, which described the group's tactics in encouraging one million Florida women to register to vote this year through a mass mailing, is attached to this Declaration as Exhibit A.
5. Since the initial enactment of the challenged law, no fewer than 14 voter registration organizations have submitted paperwork in an effort to register with the Division of

Elections to conduct voter registration drives. A list of organizations that have registered under the challenged statute is attached to this Declaration as Exhibit B.

6. On June 9, 2008, the Division received a copy of a letter from Orange County Supervisor of Elections Bill Cowles to a representative of ACORN setting forth numerous deficiencies in voter registration applications submitted by ACORN in 2008.

7. Although voter registration patterns are impossible to predict accurately, as book-closing approaches, the volume of applications received typically increases dramatically. In preparing for this dramatic increase, the Division is adding resources, monitoring workflow, and engaging in various other planning measures to accommodate the successful processing of these applications. The prompt submission to election officials of voter registration applications collected by third parties would ensure that applicants providing complete applications are registered for upcoming elections, and would increase the likelihood that individual applicants whose applications are incomplete would be provided an opportunity to timely correct their applications before the book closing deadline.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Sarah Jane Bradshaw

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 MIAMI DIVISION

4 AMERICAN FEDERATION OF LABOR AND
5 CONGRESS OF INDUSTRIAL ORGANIZATIONS;
6 AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES; AFL-CIO FLORIDA
PUBLIC EMPLOYEES COUNCIL 79, AFSCME; AFL-CIO
SERVICE EMPLOYEES INTERNATIONAL UNION,

7
Case No. 04-22572-CIV-KING

8 Plaintiffs.

9 VS .

10 Miami, Florida
11 February 8, 2008
12 9:00 a.m.

13 KURT S. BROWNING, SECRETARY OF THE
STATE OF FLORIDA,

14 Defendant.
15

16 TRANSCRIPT OF PROCEEDINGS
17 NON-JURY TRIAL
18 BEFORE THE HONORABLE JAMES LAWRENCE KING
19 UNITED STATES DISTRICT JUDGE
THIS BEING AN EXCERPT THEREOF

20
21 REPORTED BY:

DAWN M. WHITMARSH, RPR
Official Court Reporter
United States District Court
400 N. Miami Avenue
Room 10S03
Miami, Florida 33128
TELEPHONE: 305-523-5598
25

1 APPEARANCES:

2 FOR THE PLAINTIFFS:

Paul, Weiss, Rifkind, Wharton & Garrison, LLP

3 BY: THOMAS ABT, ESQ.

4 BY: MICHAEL HALBERSTAM, ESQ.

5 BY: SARAH A. NOLAN, ESQ.

6 BY: SARAH KROLL-ROSENBAUM, ESQ.

1285 Avenue of the Americas

New York, NY 10019-6064

(212) 373-3111

7

FOR THE DEFENDANT:

8

GrayRobinson, P.A.

9 BY: PETER ANTONACCI, ESQ.

10 BY: ALLEN C. WINSOR, ESQ.

11 BY: ANDRE V. BARDOS, ESQ.

Suite 600

301 South Bronough Street (32301)

P.O. Box 11189

12 Tallahassee, Fl. 32302-3189

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SARAH JANE BRADSHAW, DEF ENDANT WITNESS, SWORN.

25 q. All right. Directing your attention to the presidential

1 year of 2004. Were you the Deputy Division Director at that time?

2 A. Yes. Assistant Director.

3 Q. And did your office during the week before book closing
4 for the general election in 2004 receive voting registration
5 applications?

6 A. Yes, we did.

7 Q. In what quantity?

8 A. We received thousands of them daily.

9 Q. How did they arrive in your office?

10 A. Generally by mail. Bundled up in boxes sent to us by
11 third-party groups.

12 Q. And in 2004, what did you do with those applications?

13 A. Well, we sorted them by county and shipped them down to
14 the counties?

15 A. We were not inputting applications then.

16 Q. Why not?

17 A. We didn't have the statewide system. Each county had
18 their own system back then.

19 Q. Now, with respect to voter registration applications that
20 are received by mail today, well, they'd be processed as you
21 previously testified?

22 A. Yeah, they will be processed. If we received them in our
23 office now, they will be processed in our office.

6 THE COURT: All right. And at that time you received, in
7 your words, thousands of applications the week or the two weeks
8 prior to book closing day. Now, and those you sent out to
9 individual county supervisors of voting.

10 THE WITNESS: Yes, sir.

11 THE COURT: You divided them up by the application and if
12 it was Dade County or Liberty County, you sent it out.

13 THE WITNESS: Yes, sir.

14 THE COURT: All right. And you probably have records
15 somewhere but right now do you have any idea of the breakdown of
16 these thousands how many went to large counties, small counties,
17 anything like that?

18 THE WITNESS: No, sir.

19 THE COURT: You couldn't tell me at this point without
20 checking records or whatever, how many of those thousands in '04
21 you forwarded to say Liberty County who has one lady with one
22 part-time applicant.

23 THE WITNESS: No, sir.

24 BY MR. ANTONACCI:

25 Q. were you even keeping records? Excuse me.

1 A. No, s -ir. We di~~dn~~'t even keep records back then. we sorted
2 them and s hipped them to the county.

3 Q. wh~~y~~ were you going about this so quickly?

4 A. we~~ll~~, becau~~se~~ we needed to get them down to the counties
5 so the counties cou~~ld~~ get them on their voter registration system
6 and people would be eligible to vote.

02/29/2008 17:45 FAX 1 202 833 4362

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**Women's Voices. Women Vote.**Page Gardner
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Washington DC 20036Tel. 202.659.9570
Fax 202.833.4362
Web www.wv.org

February 28, 2008

Hon. Kurt Browning
Secretary of State
Florida Department of State
R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250

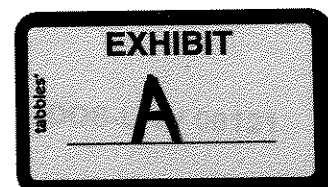
Dear Secretary Browning:

As you may know, the Voter Participation Center, a project of *Women's Voices. Women Vote*, recently sent a large scale mailing to Florida that included the national mail voter registration form created by the Election Assistance Commission. The purpose of the mailing was to encourage unregistered citizens to register to vote. Our early returns show that this has been a particularly successful mailing, with 34,413 registration applications already returned in Florida. We are very excited about the number of new registrants, who hopefully will also become new voters in your next election.

As part of this registration program, we wanted to let you know that we are now sending a "Second Notice" to 688,000 individuals who received the first mailing. We expect that this mailing will arrive in homes during the week of March 3. Your registration office can expect to receive returns soon thereafter. This mailing is virtually identical to the first mailing, but has a "Second Notice" stamp on the cover. The mailing encourages citizens who have not previously registered to vote - or those who have moved and need to re-register to vote - to participate in the political process by registering to vote, and by casting a ballot on Election Day. The mailings indicate that by law, a citizen must register to vote by submitting an application to the appropriate elections officials to be eligible to vote. The mailings clearly and specifically state that a number of prerequisites exist before a person may register to vote. The mailing also notes that registration is voluntary.

In addition, this mailing - like its predecessor - includes an email address so that individuals can remove themselves from our mailing list. However, due to printing schedules, we were NOT able to remove people who asked to be dropped from our lists after receiving the first mailing. These individuals will, therefore, receive this last mailing before being removed from our lists. Individuals who opted out by email were notified of this second mailer during the "opt out" process. We also told individuals who called our office that they would be likely to receive one more mailing from us before being removed from our lists. Nevertheless, we were not able to communicate with everyone who contacted our office. We wanted to notify you of this situation as it may generate some calls to your state and local offices.

Census data shows that there are more than 1.1 million unmarried women who are not registered to vote in Florida. Like you, our goal at WVWV and the Voter Participation Center is to make sure that as many of these women as possible are able to register to vote. We have found that the mail registration



form is one of the most convenient ways for these busy women to register. As noted above, we are mailing the form to 688,000 women in Florida and wanted to give you advance notice of this mailing. Based on our past experience, you can expect to receive about 17,000 applications, although we cannot be certain of the total.

As before, the mailings will be sent to individuals WVWV believes are unregistered, based on exhaustive research using the best available data. Every name that we mailed to was a name that is currently available to any and all entities from a large commercial data company. WVWV intends to communicate only with those individuals who would be required to register to vote in order to participate in the upcoming elections. However, our attempts to identify only unregistered unmarried women will not be perfect as no list-based process is. We ask you to bear that in mind and urge anyone who calls confused as to their registration status to check with the appropriate state officials or go to our website.

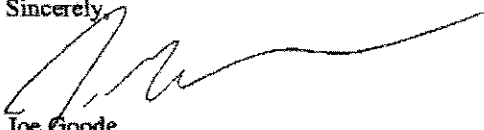
In addition to the voter registration form, the mailing provides the website address of the Voter Participation Center, www.voterparticipationcenter.org. The VPC website enables individuals to use an online voter registration form if they prefer, and also includes a form for mail recipients to unsubscribe from our list if they do not wish to receive further mailings. For individuals who want to check their registration status, we are also including on our website links to other organizations that provide registration look-up services. But we recommend that individuals check with their local registrar to determine their registration status.

In preparation to sending these mailings, our mail vendor contacted the State of Florida Elections Division to ensure our mailings abide by Florida voter registration laws. Via phone and email, our mail vendor confirmed that Florida accepts the NVRA form on 8.5 x 11 standard weight paper, and verified the return address for the registration applications.

Please feel free to either forward this letter to state election officials you deem appropriate or if you prefer, please provide me with a county or jurisdiction list of registration officials and my office would be pleased to provide them with a copy of this letter.

WVWV is a 501(c)(3) nonprofit organization that seeks to mobilize unmarried women¹ and other underrepresented constituencies to register to vote and to go to the polls, regardless of whatever party affiliation or candidate preferences they may have. Unmarried women are currently underrepresented in the political process, and are significantly less likely to register or vote than their married counterparts. Only 59 percent of unmarried women who were of voting age and U.S. citizens voted in the last presidential election. WVWV does not support or endorse any candidates or political parties; instead, we endorse only the idea that women should exercise their right to make their voice heard and have their vote counted. Should you have any questions, please contact me at (202) 659-9570.

Sincerely,



Joe Groode
Executive Director
Women's Voices. Women Vote

¹ Women who are single, separated, divorced or widowed. Nationally, more than 15 million unmarried women were not registered to vote in the 2004 presidential election.

**THIRD PARTY ORGANIZATIONS REGISTERED UNDER
SECTION 97.0575, FLORIDA STATUTES**

ACORN

Alachua County Democratic Black Caucus

Bealls' Home Outlet – Melbourne

City of Gainesville

Farm Worker Ministry, Inc.

For April 2006 only – Roy Allen, school teacher working with Seniors

Indian River County Branch NAACP

LPJ Worship and Praise Ministries, Archer, Florida

National Coalition on Black Civic Participation, Inc. – Black Youth Vote! Florida

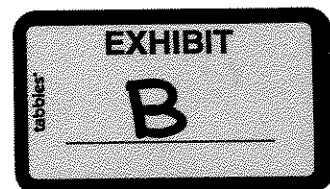
Pensacola Branch NAACP #5124

People for the American Way Foundation, Mi Familia Vota

Santa Fe Community College Student Government

Teamsters Local Union No. 385

United Transportation Union Florida PAC



BILL COWLES
Supervisor of Elections
Orange County, Florida



OUR MISSION IS TO:
Ensure the integrity of the electoral process.
Enhance public confidence.
Encourage citizen participation.

June 5, 2008

Ms. Susannah Randolph, State Political Director
Orlando ACORN
120 E. Colonial Drive
Orlando, FL 32801

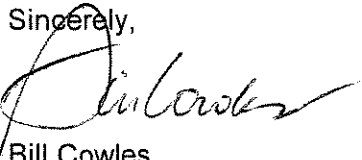
Dear Ms. Randolph:

While we appreciate the work ACORN is doing in the community to extend voter registration opportunities to our residents, I must take this opportunity to outline for you several problems we're encountering with your applications. My staff has discussed these problems with your courier, Thomas, when he visits the office each week but we're seeing the problems continue and I feel it necessary to bring this to your attention.

- Illegible handwriting – we simply can't read the handwriting.
- Duplicate applications – we're finding duplications within a single submission of applications.
- Blank/Incomplete applications – we're receiving a high number of incomplete applications but the ones that are particularly disappointing are the ones that are blank with the exception of just one check box marked or the ones with a name and signature and no other information.
- Irregularities on questions #5 & #6 – we find applications that are seemingly fabricated with slight variations in the date of birth and/or FDL and SS numbers.
- Signature discrepancies – we're finding applications for the same person that have dramatically different signatures.

I'm asking that you use any and all means available to improve the quality of the registration work being submitted by ACORN's workers. Far too many people are now under the impression that you have registered them to vote and will be upset when they receive a letter from us denying the application – if the letter can even reach them. If ACORN continues to submit such poor work, this is only going to cause confusion and frustration at the polls on Election Day. ACORN is hurting the very people it intends to help.

Sincerely,


Bill Cowles
Supervisor of Elections

cc: Sarah Jane Bradshaw, Florida Division of Elections

SECRETARY OF STATE
DIVISION OF ELECTIONS

08 JUN -9 AM 10:11