

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

LEAGUE OF WOMEN VOTERS OF
FLORIDA, ET AL.,

Plaintiffs,

vs.

Case No.: 08-CV-21243

KURT S. BROWNING, ET AL.,

Defendants.

June 9, 2008

9:15 a.m.

DEPOSITION OF PHILLIP E. BUDDY JOHNSON, taken
by Plaintiffs, at Election Service Center, 2514
Falkenburg Road, Tampa, Florida, before
Patty Carlson, Certified Realtime Reporter and
Notary Public within and for the State of Florida.

Elisa Dreier Reporting Corp. (212) 557-5558
780 Third Avenue, New York, NY 10017

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P R O C E E D I N G S

PHILLIP E. BUDDY JOHNSON, called as a witness
by the Plaintiff, having been first duly sworn,
testified as follows:

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6 Q. How can you tell that an application that's
7 mailed in or comes in to your office and is
8 hand-delivered comes from a third-party group as opposed
9 to the applicant, him- or herself?

10 A. If it's indicated we can tell; if it's not, we
11 can't.
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9 Q. Could you describe briefly the categories of
10 tasks that your office must complete in the months
11 leading up to the registration deadline for a federal
12 election? Just provide me with an overview.

13 A. The category of tasks that my office --

14 Q. Must undertake in the months before the
15 registration deadline for a federal election.

16 A. Tasks in the entire operation or just in voter
17 services?

18 Q. The entire operation. Could you --

19 A. Sure.

20 Q. Just catalog them briefly.

21 A. In the area of voter services, of course, it's
22 our strong, strong objective to register everyone that
23 we are aware wants to be registered; that would be the
24 primary responsibility of voter services. It's also our
25 responsibility to have correct records, voter

1 registration records -- addresses, signatures -- based
2 on what information that we get. We advertise -- we
3 voter educate -- educate voters to that end. Any
4 petitions that would -- initiatives, we are responsible
5 for getting those done accurately and in a timely
6 fashion.

7 Q. The petitions must be processed prior to the
8 voter registration deadline; is that right?

9 A. That's a whole different timeline for
10 petitions --

11 Q. Okay.

12 A. -- whether they're local, whether state,
13 federal kinds of petitions. Of course we have subsets
14 in voter services, but those are the primary
15 responsibilities.

16 We have equipment issues which would be the
17 transition to the new voting system in this year, which
18 is quite a task getting that equipment accepted, and
19 then the planning for deployment for early voting and
20 election day. There's training involving in that.

21 Then I guess the other area, large area, would
22 be that of poll-worker recruitment and training.
23 There's a host of legal issues.

24 Q. And could you tell me after the registration
25 deadline for a federal election what are the tasks that

1 occupy you during those 29 days?

2 A. After --

3 Q. Between the registration deadline and election
4 day, what are the tasks that your office is focusing on
5 during that period?

6 A. Well, I may have -- I may have included some
7 things in your question that you just asked that maybe
8 should have been reserved for this one.

9 The deployment of the equipment, of course,
10 would come in that period of time between book closing
11 and election day given that that's when early voting and
12 precinct voting happens.

13 The preparation of the tabulation system,
14 poll-worker training, many items that don't require as
15 many of our full-time employees but that's where we wrap
16 up with temporary employees. Then, of course, our
17 permanent staff and additional temporaries that are
18 hired are busy with the critical component of
19 maintaining all the records, management of the
20 operation. We continue to receive applications during
21 that 29-day period that allow people to be registered
22 for the next election.

23 Q. But you're not processing those applications
24 during that period; is that correct?

25 A. Well, the term we use is we would enter that

1 information into the system.

2 Q. I see. But they're not becoming registered?

3 A. They are becoming registered but not eligible
4 for that upcoming election within the 29-day period.

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Q. So turning back to 2004, there were third-party groups doing voter registration in Hillsborough County in 2004; is that right?

A. Yes.

Q. How many groups were conducting voter

1 registrations in Hillsborough County in 2004?

2 A. I don't know that number.

3 Q. Do you know the names of any third-party
4 groups?

5 A. I know League of Women Voters; the political
6 parties, ACORN, and there were additional ones whose
7 names I don't remember.

8 Q. And how did you learn about these groups doing
9 the third-party voter registration in your county?

10 A. Oftentimes they indicate -- well, number one,
11 they're often in the news. Number two, they often
12 indicate on their submissions who they are. We log that
13 in our mail log and that's it.

14 Q. Did you have any meetings or communications
15 with these groups or did anyone on your staff have any
16 meetings or communications with these groups in 2004?

17 A. Staff would, yes.
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3 Q. You testified at the Diaz trial, did you not,
4 that your office received a bundle of 27,000 voter
5 registration applications on the last day before book
6 closing in 2004? Do you recall that trial testimony?

7 A. Yes.

8 Q. When did you first learn that?

9 A. That day from my staff.

10 Q. Who told you that?

11 A. I don't know the person. It was -- everybody
12 in the office knew it happened.
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Q. Has your office ever received voter applications from a third-party group after the book-closing date for a general election -- for a federal election? Pardon me.

A. Has the office ever received voter registration for --

Q. Applications from third-party groups after the book-closing date for a federal election.

A. I'm sure we have.

1 Q. Okay. How do you know that?

2 A. Yes. In the course of -- the answer is yes.

3 Q. Okay. How do you know that? What's the basis
4 of your knowledge?

5 A. It's just -- I just know that we have. We
6 receive applications all the time from all sources after
7 the book closing. If you're looking for a specific
8 case, then I don't have one for you.

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Q. Would you agree that given that -- and taking a

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1 look at Exhibit No. 4, given that these sheets appear to
2 have been created on a nearly daily basis or at least on
3 business days that there is a strong likelihood that the
4 date of the sheet is the date on which the applications
5 were delivered to your office?

6 A. No.

7 Q. Why not?

8 A. I tried my best to explain that to you earlier.
9 This date has nothing to do with timing except for the
10 work flow in the office. Once the applications are in
11 the office, the detail of this recording is relevant;
12 but the date here does not relate with all of its --
13 with everything that you've described to the working and
14 the purpose of the document.

15 Q. Okay. Let me put it to you a different way.
16 The date on the upper left-hand corner could really only
17 logically correspond with the date that these
18 applications came in on the sheet or applications that
19 came in prior to that date; is that correct?

20 A. We went through this before. I will just say
21 to you again that this date has nothing to do with the
22 assignment dates or anything. It's a date that's
23 attached to the form. And then the distribution of the
24 work is handled and that's Sharon, our 17-year
25 veteran -- this is her internal document. It is not an

1 audit. It relates in no way. I don't know how to make
2 it any clearer than that.

3 Q. If, for example, you have on the first page of
4 Exhibit 4 the date of 9-1-04, if applications came in
5 after that date, why wouldn't they simply be put in the
6 corresponding date in which they were received in your
7 office?

8 A. They might --

9 Q. 9-3-04, 9-7-04? Why would be they recorded on
10 9-1-04?

11 A. They could very well be; that may be exactly
12 correct. What my testimony to you is is that this is a
13 document that tracks who is doing the work and when.
14 It's not intended to capture when we received the
15 applications, the physical applications; that's not its
16 intent. You know, maybe we should not date the page at
17 all. It might be easier.