

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

LEAGUE OF WOMEN VOTERS
OF FLORIDA, INC., et al.,

4:21-cv-186-MW-MAF

Plaintiffs,

Consolidated for trial with:

4:21-cv-187-MW-MAF

4:21-cv-201-MW-MAF

4:21-cv-242-MW-MAF

v.

LAUREL M. LEE, in her official
Capacity as Secretary of State of
Florida, et al.,

Defendants,

and

NATIONAL REPUBLICAN
SENATORIAL COMMITTEE and
REPUBLICAN NATIONAL
COMMITTEE,

Intervenor-Defendants.

**STATE-LEVEL DEFENDANTS' AND INTERVENOR-DEFENDANTS'
LIST OF TRIAL CROSS EXAMINERS
AND CROSS EXHIBITS FOR FRIDAY, FEBRUARY 4, 2022**

Secretary of State Laurel M. Lee, Attorney General Ashley Moody (“State-level Defendants”) and Intervenor-Defendants, the Republican National Committee and National Republican Senatorial Committee, pursuant to this Court’s order during the proceedings on January 10, 2022, file their list of cross-examining

attorneys and cross exhibits for the witnesses designated by Plaintiffs for Friday, February 4, 2022:

Witness	Examiner (Plaintiff)	Exhibits (Direct)	Cross Examiner	Cross Exhibits
Christina White (LWV)	David Fox	Ex. 61 Ex. 271* Ex. 383* Ex. 386* Ex. 388* Ex. 389* Ex. 390 Ex. 392* Ex. 393* Ex. 588	Mo Jazil	Ex. 375 Ex. 378 Ex. 379 Ex. 383 Ex. 390 Ex. 672
<ul style="list-style-type: none"> Topics designated by Plaintiffs include: Burdens from, effects of, and lack of justifications for the challenged provisions of SB90; legislative proceedings on SB90. See ECF No. 533. 				
Jared Nordlund (FRT)	Miranda Galindo	None	Ben Gibson	Ex. 334 Ex. 336 Ex. 337
<ul style="list-style-type: none"> Topics designated by Plaintiffs include: UnidosUS's activities, standing, SB90-related burdens and injuries. See ECF No. 533. 				
Geraldine Thompson (FRT)	Janine Lopez	Ex. 426 Ex. 508 Ex. 528 Ex. 530	Mo Jazil	ECF No. 481-1
<ul style="list-style-type: none"> Topics designated by Plaintiffs include: Background on Florida legislature and legislative process; overview of SB90; concerns about SB90; anticipated burden/disparate impact of SB90; departures from ordinary legislative process in passage of SB90. See ECF No. 533. 				
Catherine Teti (LWV)	Francesca Gibson	None	Bilal Faruqui	None
<ul style="list-style-type: none"> Topics designated by Plaintiffs include: LWV's standing and SB90-related injuries. See ECF No. 530. 				
Robert Brigham	Frederick Wermuth	None	Bill Stafford	Ex. 76

(LWV)				
<ul style="list-style-type: none"> Topics designated by Plaintiffs include: Dr. Brigham's standing and SB90-related injuries. ECF No. 533. 				
Gary Farmer (FRT)	John Freedman	Ex. 424 Ex. 425 Ex. 428 Ex. 430 Ex. 469 Ex. 471 Ex. 473 Ex. 474 Ex. 475 Ex. 485 Ex. 489 Ex. 507 Ex. 539 Ex. 1064	Mo Jazil	Ex. 428 Ex. 430 Ex. 434 Ex. 435 Ex. 437 Ex. 438 Ex. 439 Ex. 441 Ex. 442 Ex. 444 Ex. 445 Ex. 448 Ex. 449 Ex. 450 Ex. 451 Ex. 452 Ex. 453 Ex. 456 Ex. 457 Ex. 463 Ex. 482 Ex. 485 Ex. 486 Ex. 487 Ex. 488 Ex. 489 Ex. 507 Ex. 545 ECF No. 481-2 ECF No. 481-3 2021 Florida Voting Rights Legislation Briefing & Messaging Training

<ul style="list-style-type: none"> Topics designated by Plaintiffs include: Background on Florida legislature and legislative process; overview of SB90; concerns about SB90; anticipated burden/disparate impact of SB90; departures from ordinary legislative process in passage of SB90. See ECF No. 533. 				
William Sauers (LWV)	Christina Ford	None	Karen Brodeen	Ex. 350
<ul style="list-style-type: none"> Topics designated by Plaintiffs include: Florida Alliance for Retired Americans' membership, operations, standing, SB90-related burdens and injuries. See ECF No. 530. 				
Morgan Kousser (FRT)	Brenda Wright	Ex. 13 Ex. 21 Ex. 22*	George Meros	Ex. 207 Ex. 208 Ex. 209 Ex. 210
<ul style="list-style-type: none"> Topics designated by Plaintiffs include: LWV's standing and SB90-related injuries. See ECF No. 530. 				

* State-Level Defendants and Intervenor-Defendants have made objections to any exhibits marked with an asterisk.

* * *

The above cross exhibits are those State-Level Defendants and Intervenor-Defendants reasonably expect may be used during cross-examination of Plaintiffs' witnesses. State-Level Defendants and Intervenor-Defendants reserve the right to use additional exhibits for impeachment purposes or during cross examination if the witness's testimony differs from the topics designated by Plaintiffs or from what is reasonably expected. Although State-Level Defendants and Intervenor-Defendants preserve their objections to certain of Plaintiffs' exhibits, should any contested

exhibits be admitted for direct examination, State-Level Defendants and Intervenor Defendants reserve the right to use those same exhibits during cross examination.

Dated: February 3, 2022

Respectfully submitted:

/s/ Mohammad O. Jazil

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National Republican Senatorial
Committee*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 3, 2022, a true and correct copy of the foregoing was filed via CM/ECF, which served a copy on all parties of record.

/s/ Amber Stoner Nunnally
Attorney

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2021 Florida Voting Rights Legislation Briefing & Messaging Training

PRESENTED BY

State Innovation Exchange
All Voting is Local Florida
ACLU Florida
NAACP Florida
Common Cause Florida
Voting Rights Lab

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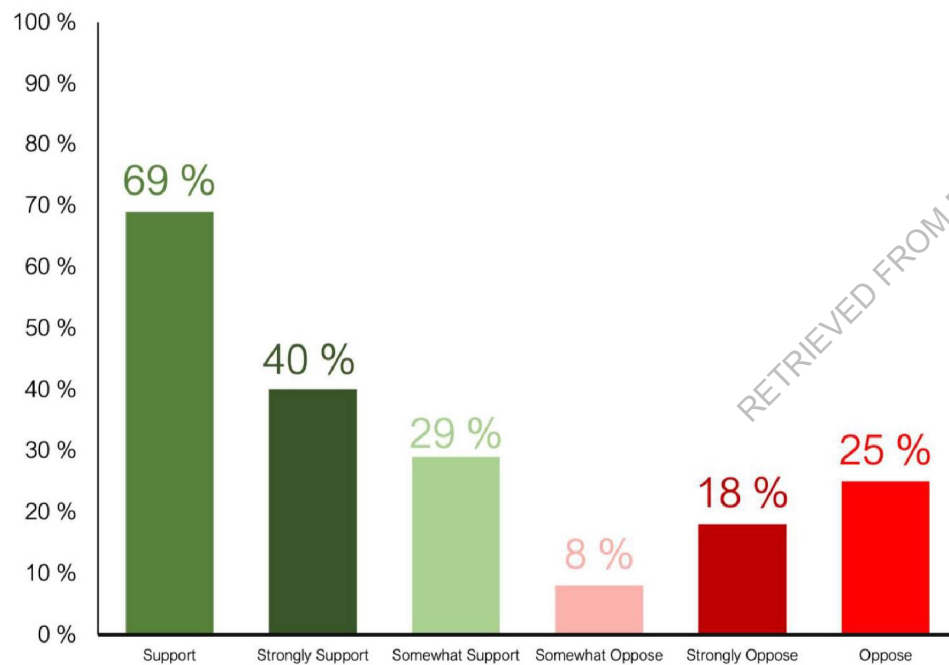


Polling + Messaging

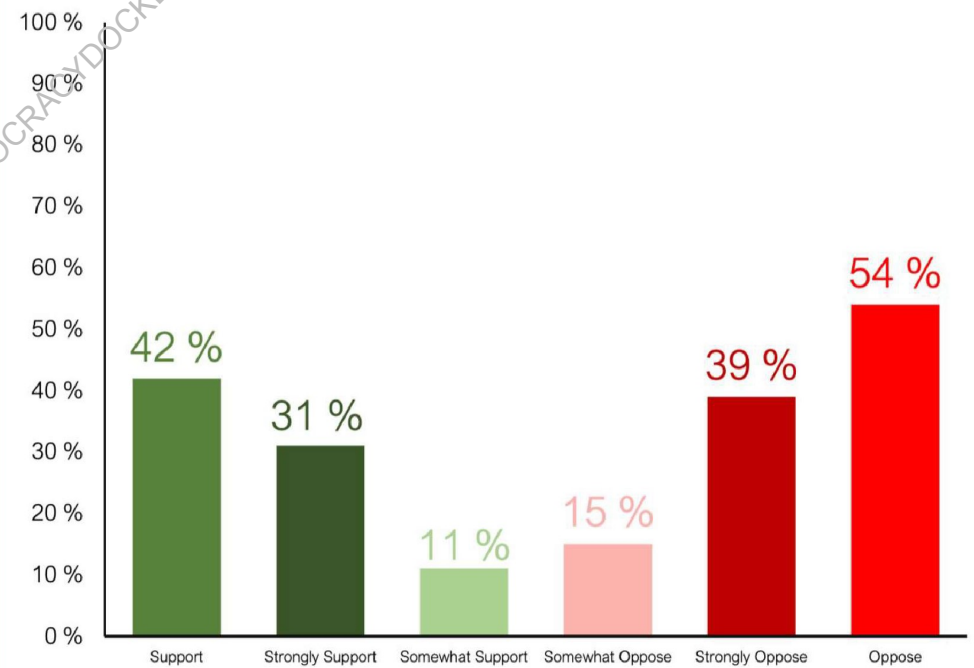
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Floridians Support Voter Assistance, Opposes Prohibiting the Practice

Ensuring that voters can have assistance from other people, such as friends, family members, caregivers, or community organizations, in returning their sealed mail ballot.



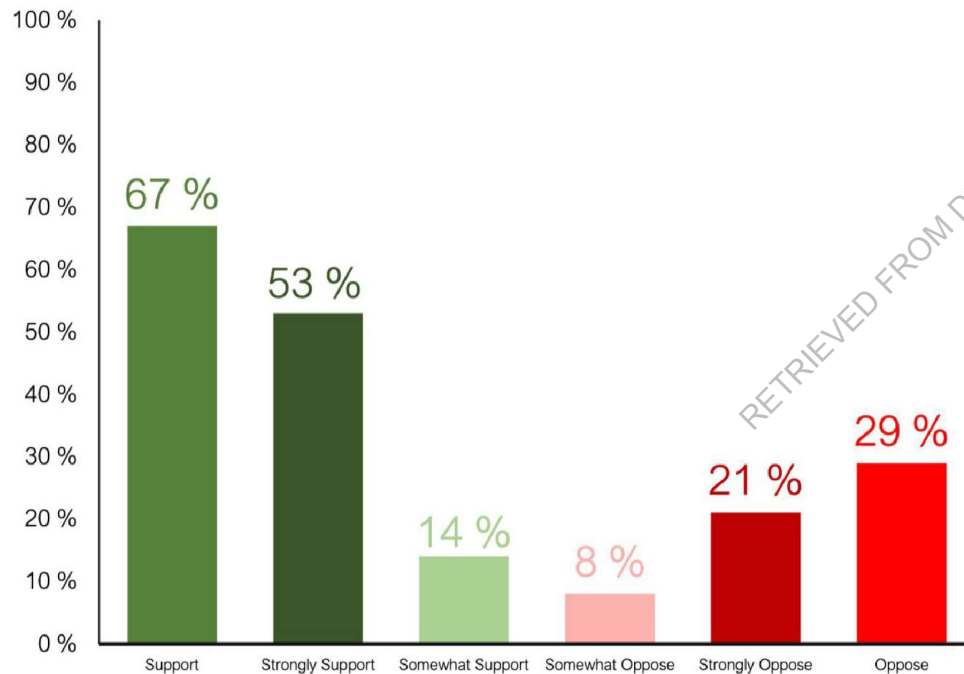
Prohibiting anyone from dropping off another voter's mail ballot in a drop box.



Floridians Support Pro-Voter Policies

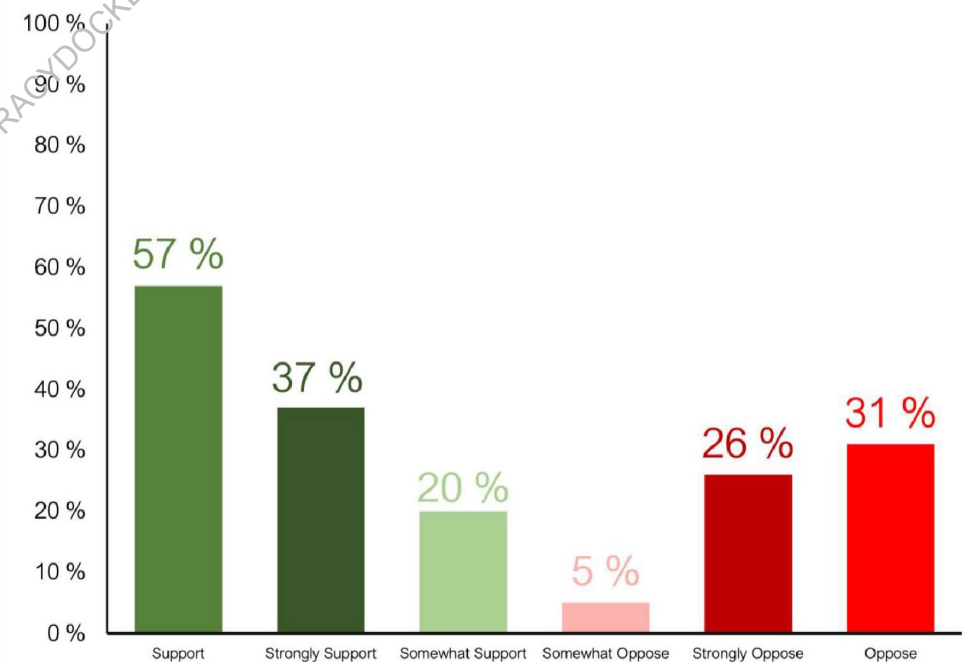
Increasing early voting days

Increasing the number of days of in-person early voting from eight days to at least 2 full weeks.



Notification about fines/fees to vote

Requiring the Department of State to send people returning home from prison a notice regarding the amount of money they owe to be able to register to vote.



SOEs Oppose; Voters trust SOEs

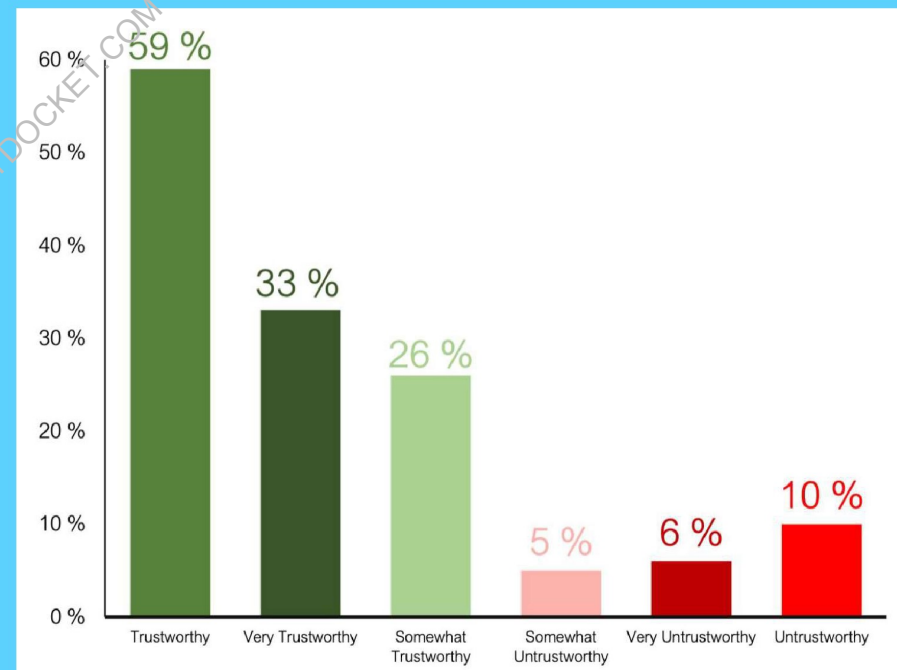
ELECTIONS

GOP's proposed changes to Florida election laws will cost voters, elections supervisors argue

The state's supervisors of elections have united in opposition to the proposed sweeping changes to vote-by-mail.

Florida's voting changes bill could put personal info at risk, Republican election supervisor warns

Trustworthiness of SOEs



WHAT DO WE MEAN BY MESSAGING?

- **Public-facing words / language** that we use when we talk about voting
- **The broader narrative** around our work
- **This is not necessarily what you will say in a closed door meeting** with legislators, you may need more policy details or specific rebuttals to arguments.
- **But you should incorporate these frames** and ideas as much as possible

- **ANIMATE** people on our side,
who are pro-voter
- **PERSUADE** those are conflicted
- **MARGINALIZE** our opposition,
who are anti-voter

**GOAL OF
OUR
MESSAGING**

DEFINING OUR AUDIENCE

ANIMATE

28% ARE
PRO-VOTER

FREE AND FAIR ELECTION

- In America, every eligible American can cast a ballot and every eligible ballot is counted so that the will of the people prevails.
- In America, every voter can cast a ballot and every ballot is counted so that the will of the people prevails.

PRIORITIES

- Making sure every eligible American can vote / Ensuring every eligible American has the freedom to vote
- Making voting [safe / secure] and accessible

MARGINALIZE

34% ARE
ANTI-VOTER

FREE AND FAIR ELECTION

- In America, only legal votes are counted and we take every measure necessary to eliminate fraud

PRIORITY

- Ensuring our elections are free of voter fraud and illegal voting

PERSUADE

39% ARE
CONFLICTED

MIX OF PRO-VOTER AND ANTI-VOTER
ATTITUDES, OR ARE UNSURE

- **LEAD** with shared values:
 - Freedom
 - Voice
 - Inclusive democracy
 - Choice
- **CHARACTERIZE** **opposition** as erecting barriers to silence specific voices and render clear the role of race
- **POSITION** **voters as the protagonists** who, by acting together, can move us forward as a country – in contrast to how opposition sets us back

**KEY
GUIDANCE**

- **FOCUS** on the creation of good rather than the amelioration of harm
- **HIGHLIGHT** the tangible, positive outcomes voting can deliver
- **AVOID** the opposition frame and **PIVOT** to our frame of freedom
- **DO NOT REPEAT** accusations, even to refute.

**KEY
GUIDANCE**

MOVE FORWARD MESSAGE

No matter our race, background or zip code most of us believe that for democracy to work, it must include us all. Throughout our history, we have fought to ensure more Americans have our right to vote honored and that every American is able to cast their vote and have it counted. But a handful of politicians want to take us backwards, making it harder to vote and creating barriers to register for Black, young and new Americans. They hope to divide and distract us while they block policies that Americans favor, from providing economic support to delivering vaccines to restoring our infrastructure. To move forward together as a nation, we must ensure that every American can cast a ballot so we are able to elect leaders who govern in our interests and make the promise of our democracy real for us all.

Lead with values

Remind about history

Frame us as forward, them backward

Highlight what we can deliver, their failure

Shift toward future goals and vision

FREEDOM TO VOTE MESSAGE

Most of us, no matter our color, origin, or gender, want America to be a place where freedom is for everyone, we all have an equal say, and we have a transparent elections process we can trust. But today, when all voters should have the freedom to vote equally, a handful of politicians want to put up barriers to silence many of our voices based on what we look like or where we live. Together, we can ensure every American has the freedom to vote and that the results of our elections reflect the will of the people.

Lead with values

Center freedom

Frame them as silencing us

Shift toward future goals and vision

- Automatic Voter Registration
- Early Voting
- Ballot Cure Process
- Ballot Pre-Processing
- Ballot Tracking
- Online Voter Registration
- Election Day Holiday
- Voting Rights Restoration
- Pre-paid postage

**COUNTER
WITH
PRO-VOTER
POLICIES**

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LANGUAGE FOR RESTRICTIVE POLICIES

Policy	Language To Use	Best Practice
VOTER ID	<p><i>Restricting types of IDs you can use to vote</i></p> <p><i>Forcing people to carry a specific type of ID to vote</i></p>	Do not specify or focus on the various types of ID that can be used
ABSENTEE WITNESS REQUIREMENT	<i>Requiring voters to get a witness to authorize their private ballot</i>	Emphasize privacy of your ballot and vote
ABSENTEE NOTARY REQUIREMENT	<i>Requiring voters to pay an officially authorized person, or notary, to sign their absentee ballot before submitting it to be counted</i>	Emphasize that notarization requires payment
EXCUSE- REQUIRED ABSENTEE VOTING	<p><i>Threatening voters who request an absentee ballot with felony prosecution if they cannot prove an excuse such as illness, active military status, or will be out-of-state at the time of election</i></p> <p><i>Barring people from voting by mail unless they provide an excuse</i></p>	Use a negative frame to talk about restrictions instead of simply talking about the requirement of needing an excuse.

LANGUAGE FOR RESTRICTIVE POLICIES

Policy	Language To Use	Best Practice
VOTER PURGING	<i>Deleting people from the voter rolls after they miss voting in recent elections</i>	There's little difference in describing this as "purging" "deleting" and "eliminating." However, it's best to characterize folks not participating as "miss voting."
REDUCING EARLY/ IN-PERSON VOTING	<i>Reducing the number of locations where people can cast their ballots (early).</i> <i>Restricting when early voting locations are open.</i>	Highlight policies that reduce access for everyday voters.
THIRD PARTY RETURN	<i>Ensure voters can have necessary assistance from community organizations returning their sealed ballot</i>	Frame this positively as assistance instead of talking about banning this practice.

EMBRACE	REPLACE	WHY
<p>Deliberate barriers to voting</p> <p>Denying/Protect our freedom to vote</p> <p>Anti-voter bills</p>	<p>Obstacles/hurdles to voting</p> <p>Voter suppression</p> <p>Fight voter suppression</p>	<p>“Voter suppression” is a phrase that is unfortunately not understood by many. We can make this issue more concrete for our audiences by naming how certain politicians erect “deliberate barriers to voting.” It’s best to frame as “barriers” which seem imposed and more difficult to overcome than “obstacles” and “hurdles.”</p>
<p>Freedom to vote</p> <p>Cast our ballots freely, safely and equally</p> <p>[The principle of] one person, one vote</p> <p>Right to vote</p>	<p>Voting rights</p>	<p>Freedom to vote is a very strong frame for us, garnering greater support and intensity across measures. Safety - especially in our present pandemic context - was also deeply resonant; as was situating voting within the frame of equality either by simply calling for it or evoking it.</p> <p>While personalizing voting as “my right” resonated, voting rights is a more abstract phrase that dampens emotion and sense of immediate impact for listener.</p>

EMBRACE	REPLACE	WHY
<p>Safe and accessible elections [for all]</p> <p>Transparent process we can trust</p>	<p>Election security</p> <p>Election integrity</p>	<p>While voters register agreement with messages that try to reclaim “election security” and “integrity” for our side, our research showed that this approach backfires by actually increasing support for anti-voter policies. The phrase “election security” evokes a conservative law enforcement frame that feeds our opposition’s narrative.</p>
<p>Americans</p> <p>Voters</p> <p>Eligible Americans*</p> <p>* only in certain circumstances</p>	<p>Citizens</p> <p>Eligible citizens</p> <p>Eligible voters</p> <p>Every American</p>	<p>When we qualify “voter” with a word like “eligible,” we reinforce a right-wing frame suggesting there are ineligible voters who cast “illegal” ballots. Because our elections are conducted properly, people who are voting are eligible, so we should simply call them “voters.” When talking about the broader pool of people who are eligible to vote but might or might not be participating, we are best served most of the time by simply saying “Americans.” The exception is when we are specifically discussing voter registration or other more challenging policy specifics, when the phrase “eligible Americans” is helpful.</p>

EMBRACE	REPLACE	WHY
Make voting safe and accessible	Make it easier to vote	Unfortunately, many people do not think it should be “easy” to vote. However, the concept of voting as safe and accessible is a highly rated value across the board.
Vote by mail	Vote absentee	In our survey, enabling voters to “vote by mail in every state” significantly outperformed enabling voters to “vote absentee in every state” with our base and persuadables in both support and intensity. Voting by mail became familiar to most voters as another safe simple way to cast a ballot in the 2020 election, whereas “absentee” implies some sort of aberrant circumstances and even voter neglect or failure to vote the “normal” way.
National standards for voting access	Uniform standards Minimum standards	In our survey, voters enthusiastically embraced “national standards for voting access” and overwhelmingly rejected right-wing arguments that states should establish their own rules in elections.

EMBRACE	REPLACE	WHY
<p>Fair Representation</p> <p>Make the promise of democracy real for us all</p>	<p>Democracy reform</p> <p>Fix our democracy</p> <p>Restore democracy</p> <p>Revive democracy</p> <p>Fix our broken system</p>	<p>“Democracy reform” is a non-starter for our base and persuadables, who rank it last in a broad list of priorities for the country. We generally use the word “reform” to describe altering something undesirable rather than creating something good.</p> <p>“Democracy reform” also, along with phrases like “fix our democracy,” suggests that democracy has already been fully established in the U.S., as opposed to being an ideal we have yet to ever reach.</p>
<p>Guarantee that Americans have a say in key decisions that impact our lives [like pandemic relief, health care, and our families economic well-being]</p>	<p>Improve our democracy</p> <p>Fix our democracy</p>	<p>In emphasizing why we need to pass progressive policies around voting and elections, our conflicted voters were significantly more likely to rank it as urgent and necessary when tied directly back to having a say in tangible outcomes, rather than broad notions of improving democracy.</p>



Thank you!

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