

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

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

Plaintiffs,

v.

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

Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE, et al.,

Intervenor-Defendants.

Case No. 4:21-cv-186-MW/MAF
4:21-cv-187-MW/MAF
4:21-cv-201-MW/MAF
4:21-cv-242-MW/MAF

**PARTIES' NOTICE OF FILING DEPOSITION DESIGNATIONS IN LIEU
OF LIVE TESTIMONY FOR CERTAIN WITNESSES**

Plaintiffs, Defendants Florida Secretary of State Laurel M. Lee ("Secretary"),
Florida Attorney General Ashley Moody, Miami-Dade Supervisor of Elections
Christina White, and Defendant-Intervenors (together, the "Parties"),¹ hereby submit
the following annotated deposition transcripts in lieu of each respective deponent's
live testimony at trial (Attachments 1-3), with an associated table of Defendants'

¹ The sixty-five Defendant Supervisors of Elections other than Supervisors White and Latimer previously stipulated that they do not dispute the admissibility of any Parties' exhibits into evidence. ECF No. 402 at 46-47, ¶25. Supervisor Latimer joined in that stipulation. ECF No. 480 at 1-2 n.2.

objections and Plaintiffs' responses (Attachment 4):

1. 2021 10-22 Deposition Transcript of Elizabeth Guzzo – Trial Exhibit 166

- Depo. Ex. 1, 2021 10-11 Subpoena to Testify at a Deposition to the Office of the Attorney General – Trial Ex. 167

2. 2021 10-06 Deposition Transcript of Alan Hays – Trial Exhibit 168

- Depo. Ex. 3, Lake County Mail Ballot Drop Box image – Trial Exhibit 171
- Depo. Ex. 4, 2020 10-07 ClickOrlando.com Article, *Central Florida counties reporting record number of mail-in ballots this election* – Trial Exhibit 172
- Depo. Ex. 5, 2021 05-27 Email from Alan Hays (Lake) to Carol Dunaway (Jackson) re: SB90 Compliance for Convenience for our Voters – Trial Exhibit 173
- Depo. Ex. 7, Transcript of Alan Hays Comments from Committee on Governmental Oversight and Accountability – Trial Exhibit 175
- Depo. Ex. 10, Text string between David Ramba and Alan Hays (Lake) – Trial Exhibit 178
- Depo. Ex. 11, Transcript: Hays (Lake) comments at hearing – Trial Exhibit 179
- Depo. Ex. 12, 2021 04-30 Email from Alan Hays (Lake) to Vicki Davis (Martin) re: Legislative Report Final Edition for this Session – Trial Exhibit 180
- Depo. Ex. 13, 2021-02-21 Email from Alan Hays to Stephanie Kopelousos Re: Comments from Alan Hays – Trial Exhibit 181
- Depo. Ex. 15, Vote-by-Mail Drop Off Process – Trial Exhibit 183
- Depo. Ex. 17, Hays (Lake) text message – Trial Exhibit 185

3. 2021 10-11 Deposition Transcript of Craig Latimer – Trial Exhibit 211

- Depo. Ex. 1, 3 Talking Points – 2021 legislation – Trial Exhibit 212
- Depo. Ex. 2, 2021 04-30 Statement from Craig Latimer (Hillsborough), President of Florida Supervisors of Elections – Trial Exhibit 213
- Depo. Ex. 3, WUFT News Article, *Florida Supervisors of Elections Oppose Controversial Voting Bill 'SB90'* – Trial Exhibit 214
- Depo. Ex. 4, 2021 04-23 Florida Supervisors of Elections Statement on SB90 and HB7041 – Trial Exhibit 215
- Depo. Ex. 5, Talking Points – 2021 legislation – Trial Exhibit 216
- Depo. Ex. 6, 2021 04-22 Email from Gerri Kramer to Craig Latimer (Hillsborough) re: Points of Concern – Legislation – Trial Exhibit 217
- Depo. Ex. 7, 2021-03-11 Email from Craig Latimer Re: FSE Drop Box Recs – Trial Exhibit 218
- Depo. Ex. 8, Draft Recommendations for Florida Legislature on Drop Box Restrictions and Guidelines for 2021 - FSE Workgroup Recommendations – Trial Exhibit 219
- Depo. Ex. 9, Requested Amendments to CS/CS/CS/SB90 – Trial Exhibit 220
- Depo. Ex. 10, 2021 06-25 Affidavit of Peg Reese in Response to Plaintiffs' First Set of Requests for Production – Trial Exhibit 221
- Depo. Ex. 11, Text string between David Ramba, Alan Hays (Lake) and Craig Latimer ("Hillsborough) County SOE" – Trial Exhibit 222

4. Table of Objections and Responses

In addition to the references in the Table of Objections and Responses, Plaintiffs' objections are noted in the left margin of the deposition transcripts, using abbreviations reflected in legend on the cover of each deposition transcript. As reflected in the legend of the cover of each deposition transcript, the Parties' respective designations reflect the following color coding:

Yellow Highlighting = Plaintiffs' Designations

Gray Highlighting = Defendants' Designations

Green Highlighting = Mutual Designations

Respectfully submitted this 5th day of February, 2022.

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I HEREBY CERTIFY that on February 5, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel in the Service List below.

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League of Women Voters of Florida, Inc.

vs.

Laurel Lee

Deposition of:

ELIZABETH GUZZO

October 22, 2021

Vol 01

Legend for Designations:

Yellow Highlighting = Plaintiffs' Designations

Gray Highlighting = Defendants' Designations

Green Highlighting = Mutual Designations

Legend for Objections:

"P=" = Plaintiffs' Objection

"D=" = Defendants' Objection

401/402 = Relevance

602 = Foundation / Lack of Personal Knowledge

701 = Calls for Speculation

802 = Hearsay

C = Cumulative

Form = Assumes Facts Not in Evidence, Argumentative, or Vague

PHIPPS REPORTING

Raising the Bar!

Elizabeth Guzzo
October 22, 2021

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

CASE NO. 4:21 cv 186-MW/MAF
4:21 cv 187-MV/MAF
4:21 cv 201-MV/MAF
4:21 cv 242-MV/MAF

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

Plaintiffs,

vs.

LAUREL M. LEE, Florida
Secretary of State, et al.,
Defendants.

and

REPUBLICAN NATIONAL COMMITTEE,
NATIONAL REPUBLICAN SENATORIAL
COMMITTEE,
Intervenors-Defendants.

_____/

ZOOM 30(b)(6) DEPOSITION OF OFFICE OF THE ATTORNEY

GENERAL (Elizabeth Guzzo)

Friday, October 22, 2021

9:32 a.m. - 11:55 a.m.

Via Zoom

STENOGRAPHICALLY REPORTED BY:

SANDRA L. NARGIZ
RPR, CM, CRR, CRC, FPR, CCR-GA

Job No. 212964

Elizabeth Guzzo
October 22, 2021

Page 2

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Elizabeth Guzzo
October 22, 2021

Page 3

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Elizabeth Guzzo
October 22, 2021

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Elizabeth Guzzo
October 22, 2021

Page 5

1

2

I N D E X

3

WITNESS

PAGE

4

30(b)(6) OFFICE OF THE ATTORNEY GENERAL
(Elizabeth Guzzo)

5

Direct Examination by Mr. Fox

6

6

Cross Examination by Ms. Tarpley

63

7

CERTIFICATE OF OATH

85

8

CERTIFICATE OF REPORTER

86

9

READ AND SIGN LETTER

87

10

ERRATA SHEET

88

11

(STENOGRAPHER'S NOTE: All documents were sent to
Stenographer electronically. A digital exhibit
sticker was placed on the documents which were
marked during the proceeding.)

13

14

15

INDEX OF EXHIBITS

16

LEAGUE

17

NO.

DESCRIPTION

ID

18

1 Subpoena

11

2 Organization chart

14

19

3 Chapter 2021-11

49

20

HTFF

21

1 Responses to Plaintiffs' First Set of
Request for Production to Defendant
Ashley Moody

67

22

23

3 Responses to Plaintiffs' First Set of
Interrogatories to Defendant Ashley Moody

71

24

25

Elizabeth Guzzo
October 22, 2021

Page 6

1 The following Zoom proceedings began at 9:32 a.m.

2 THE STENOGRAPHER: Would you raise your
3 right hand, please? Do you swear or affirm
4 that the testimony you are about to give will
5 be the truth, the whole truth, and nothing but
6 the truth?

7 THE WITNESS: I do.

8 THE STENOGRAPHER: Thank you.

9 Thereupon,

10 30(b)(6) OFFICE OF THE ATTORNEY GENERAL

11 (Elizabeth Guzzo)

12 having been first remotely duly sworn or affirmed,

13 as hereinafter certified testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FOX:

16 Q Good morning, Ms. Guzzo.

17 A Good morning.

18 Q Is that how I should pronounce your last
19 name?

20 A It's Gu- -- it's actually Guzzo.

21 Q Okay. My apologies.

22 My name is David Fox. I'm an attorney
23 with the Elias Law Group, and I represent the
24 plaintiffs in one of the consolidated actions in
25 which this deposition is being taken, the League of

Elizabeth Guzzo
October 22, 2021

Page 7

1 Women Voters' case.

2 Could you just state your name for the
3 record?

4 A Elizabeth Guzzo.

5 Q And what's your business address?

6 A 400 South Monroe Street, Tallahassee,
7 Florida 32399, I believe.

8 Q Have you ever been deposed before?

9 A Yes.

10 Q How many times?

11 A Once.

12 Q What sort of case was it in?

13 A It was another legislative case.

14 Q How long ago?

15 A July 2020, I believe.

16 Q And were -- do you remember if at that
17 deposition you were testifying on behalf of the
18 office of the Attorney General as well?

19 A No. I was a fact witness.

20 Q Great. I will just go over a few ground
21 rules. Most of these will probably be familiar to
22 you from the last time you were deposed.

23 First of all, Sandi, the court reporter,
24 will transcribe my questions and your answers, so
25 it's important that we try to speak clearly and not

Elizabeth Guzzo
October 22, 2021

Page 8

1 talk over each other. That can be harder on Zoom,
2 so far you're doing great. So I just ask that you
3 wait for me to finish my question before you start
4 to answer, and I will do my best to wait for you to
5 finish your answer before I ask a question.

6 I apologize in advance if I interrupt you,
7 I don't intend to. And so please just let me know,
8 and I will let you finish your answer. Does that
9 sound okay?

10 A It does.

11 Q You are under oath, sworn to tell the
12 truth the same as if you were in court. Do you
13 understand that?

14 A I do.

15 Q And you're being deposed today as a
16 representative of the Florida Office of Attorney
17 General. Do you understand that?

18 A I do.

19 Q And so, therefore, you're answering on
20 behalf of the Office of Attorney General. You
21 understand that?

22 A Yes.

23 Q If I use the word "you" today outside of
24 these preliminary ground rule questions, I mean both
25 you personally and also the Office of Attorney

Elizabeth Guzzo
October 22, 2021

Page 9

1 General. If that's confusing for any particular
2 question, feel free to ask me to clarify, and I can
3 clarify it. Does that sound okay?

4 A Sure. Thanks.

5 Q In general, if you don't understand any
6 question that I ask, please ask me to clarify it,
7 otherwise, I'm going to assume that you understand
8 the question. Does that sound okay?

9 A Yes.

10 Q Your attorney may object to some questions
11 that I ask. If he does, it's fine for you to still
12 go on and answer unless he instructs you not to
13 answer. Does that sound okay?

14 A Yes.

15 Q And if at any time you want to take a
16 break, just let me know. The only thing I'll ask is
17 that if there's a question pending, that you answer
18 that question before we take a break. Does that
19 sound okay?

20 A Yes.

21 Q Great. I'd like you to pull up the
22 document that I've sent that's Exhibit 1., and I
23 will drop this in the chat as well. And could you
24 let me know when you have it up?

25 A It's up.

Elizabeth Guzzo
October 22, 2021

Page 10

1 Q Have you seen this document before?

2 A Yes.

3 Q What is it?

4 A It is the Response to Plaintiffs' First
5 Set of Requests for Production to Defendant Ashley
6 Moody.

7 Q That's Exhibit 1?

8 A Yes.

9 Q I may have sent the wrong document. Give
10 me one second, please.

11 A Okay.

12 MR. FARUQUI: And, David, just FYI, we --
13 the file we received has seven exhibits, and
14 they all say HTFF Exhibit 1 through 7.

15 MR. FOX: Oh, so that -- can we go off the
16 record for a second, Sandi?

17 MR. FARUQUI: Sure.

18 (Discussion off the record.)

19 BY MR. FOX:.

20 Q Do you now have in front of you a document
21 that is entitled: "Subpoena to testify at a
22 deposition in a civil action"?

23 A Yes, I have the correct one out.

24 Q Great.

25 MR. FOX: I'd like to mark that as

Elizabeth Guzzo
October 22, 2021

Page 11

1 Exhibit 1 to this deposition.

2 (League Exhibit 1 was marked for
3 identification.)

4 BY MR. FOX:

5 Q Have you seen this document before?

6 A I'm not sure.

7 Q Okay. If you could go down to page --

8 page 6 of the PDF file, it says -- it has Page No. 3

9 at the bottom. There's a heading towards the bottom

10 of the page, all caps in bold, that says "topics."

11 Can you let me know when you're there?

12 A Yes, we're there.

13 Q And do you see starting on that page and
14 continuing on the next few pages a list of nine
15 topics?

16 A Yes.

17 Q Have you seen these topics before?

18 A Yes.

19 Q When do you think you first saw them, if
20 you remember?

21 A Probably a few weeks ago.

22 Q And are you prepared to discuss these

23 topics on behalf of the Office of Attorney General
24 today?

25 A Yes.

Elizabeth Guzzo
October 22, 2021

Page 12

1 Q What did you do to prepare?

2 A I spoke with my attorneys, I reviewed over
3 discovery, read through these.

4 Q How long, approximately, do you think you
5 spoke with your attorneys in total?

6 A Maybe a few hours.

7 Q More than one meeting or one meeting?

8 A More than one.

9 Q And anyone aside from your attorneys
10 present?

11 A No.

12 Q And you said you reviewed discovery. What
13 do you mean by that?

14 A Some of the documents that we provided to
15 plaintiffs in their request for production.

16 MR. FARUQUI: Do you -- I'm sorry to
17 interrupt. Do you want this document still up?

18 MR. FOX: You can take it down.

19 MR. FARUQUI: Okay. And I am sorry, we
20 don't have multiple screens, so whenever you're
21 done with a document, if you could let us know
22 and we'll switch back to the video.

23 MR. FOX: Will do. Thank you, Bilal.

24 BY MR. FOX:

25 Q Did you review any documents in

Elizabeth Guzzo
October 22, 2021

Page 13

1 preparation for today that were not produced to us
2 in discovery?

3 A No.

4 Q Who's your employer?

5 A The Attorney General.

6 Q And how long have you worked for the
7 Attorney General?

8 A For the Attorney General's office, almost
9 eight years.

10 Q Have you been in the same position that
11 whole time?

12 A No.

13 Q What was the first position you held in
14 the Attorney General's office?

15 A It's titled legislative assistant,
16 probably.

17 Q And how long were you a legislative
18 assistant?

19 A Probably five years.

20 Q And what was your title after that?

21 A Then I was senior legislative aide.

22 Q And how long were you senior legislative
23 aide?

24 A Up until two months -- or until September.

25 Q And what's your title now?

Elizabeth Guzzo
October 22, 2021

Page 14

1 A Director of legislative affairs.

2 Q Who do you report to?

3 A Richard Martin.

4 Q And does anyone report to you?

5 A No.

6 Q Is there still -- is there now someone in
7 the office with the title legislative aide?

8 A No.

9 Q What's your educational background?

10 A I have a bachelor's of science from
11 Florida State.

12 Q So you're not an attorney?

13 A No.

14 MR. FOX: If you could put up exhibit,
15 what I'm going to mark as Exhibit 2.

16 Bilal, this was the file I sent called
17 Exhibit 2, and I will place it in the chat as
18 well.

19 (League Exhibit 2 was marked for
20 identification.)

21 MR. FARUQUI: We have it up.

22 BY MR. FOX:

23 Q Have you seen this document before?

24 A Yes.

25 Q And what is it?

Elizabeth Guzzo
October 22, 2021

Page 15

1 A It's the State of Florida, office of the
2 Attorney General, I'd say organizational structure
3 or chart.

4 Q And on the far-left side under
5 "legislative affairs," that's you?

6 A Yes.

7 Q And at the top is the Attorney General,
8 Ashley Moody?

9 A Yes.

10 Q Everyone in the office reports to the
11 Attorney General ultimately?

12 MR. FARUQUI: Object to form.

13 A Ultimately, yes.

14 BY MR. FOX:

15 Q Did you understand my question?

16 A Yes.

17 Q Do you see on the far right of this chart
18 the Office of Statewide Prosecution?

19 A Yes.

20 Q The Office of Statewide Prosecution
21 reports to the Attorney General?

22 A Yes.

23 Q What does the Office of Statewide
24 Prosecution do?

25 A Prosecutes multi-jurisdictional cases for

Elizabeth Guzzo
October 22, 2021

Page 16

1 the state that are referred to him.

2 Q And who would refer those cases to him?

3 A Different state attorneys would, or we
4 have the authorities listed out in the statutes that
5 define the Office of Statewide Prosecution.

6 Q And when you say that, how is that -- I
7 guess I want to understand what you -- what you mean
8 by that?

9 A There are certain items enumerated out
10 that we have the authority to prosecute certain
11 cases on. It has to be within our scope --

12 Q And when you say "we" --

13 A -- of that --

14 Q I'm sorry. I didn't mean to interrupt.

15 A You're good.

16 Q When you say "we," do you mean the Office
17 of Attorney General?

18 A Yes. Sorry.

19 Q Three columns from the left, do you see
20 the division called "criminal and capital appeals"?

21 A Yes.

22 Q Do you know, do they handle all criminal
23 appeals in the state of Florida?

24 A I'm not sure.

25 Q Okay. Florida also has state attorneys,

Elizabeth Guzzo
October 22, 2021

Page 17

1 right?

2 A Yes.

3 Q How many state attorneys, if you know?

4 A We have one for all the circuits in
5 Florida, so I'm not sure of the exact answer.

6 Q And what's the relationship between the
7 Office of Attorney General and the state attorneys?

8 A We don't oversee them.

9 Q And back on the chart, on the far-left
10 second row, do you see the general counsel?

11 A Yes.

12 Q What does the general counsel in the
13 Office of Attorney General do?

14 A He is one of the attorneys that oversees
15 issues that are brought to him, he handles formal
16 opinion requests. And as you can see, he has two
17 divisions that fall under him or her --

18 Q And -- sorry.

19 A -- him or her, whoever the general counsel
20 would be.

21 Q And you mentioned formal opinions. What
22 are formal opinion requests?

23 A We have an opinions division, as you can
24 see, and there's a process for either elected
25 officials or certain people that -- there's a

Elizabeth Guzzo
October 22, 2021

Page 18

1 process of how they can issue -- or request us to
2 issue a formal opinion, usually a legal question, or
3 it has to be something with how it pertains to their
4 role as an elected official.

5 Q Can an official ask for an opinion on any
6 question of Florida law?

7 A No.

8 Q What types of questions can an official
9 request an opinion regarding?

10 A I can't speak verbatim for what it says,
11 but for most elected officials, it needs to be
12 within their duties and role as the elected
13 official.

14 Q Could a state attorney request an opinion
15 from the Office of Attorney General?

16 A I'm not sure if they're listed as one of
17 them.

18 Q Are the opinions issued by the opinions
19 division binding on other state officials?

20 A I'm not sure how to answer that.

21 Q If a state official requested an opinion
22 but disagreed with that opinion, would the state
23 official be free to disregard the opinion?

24 A I'm not sure.

25 MR. FOX: You can take down that document,

Elizabeth Guzzo
October 22, 2021

Page 19

1 Bilal. Thank you.

2 MR. FARUQUI: Just a second. Okay.

3 BY MR. FOX:

4 Q If I use the term, which appears in the
5 subpoena, "challenged provisions," do you know what
6 I mean by that?

7 A Yes.

8 Q And just to make sure we're on the same
9 page, what I mean is drop box restrictions in Senate
10 Bill 90.

11 Do you know what I mean by that?

12 A Yes.

13 Q And I mean changes to the validity period
14 of vote-by-mail requests in Senate Bill 90.

15 Do you know what I mean by that?

16 A Yes.

17 Q I mean limits on the possession of
18 multiple vote-by-mail ballots by volunteers.

19 Do you know what I mean by that in Senate
20 Bill 90?

21 A Yes.

22 Q I mean warnings that third-party voter
23 registration organizations are required to convey to
24 potential voters.

25 Do you know what I mean by that in Senate

Elizabeth Guzzo
October 22, 2021

Page 20

1 Bill 90?

2 A Yes.

3 Q And I mean restrictions on nonpartisan
4 activities near polling places in Senate Bill 90.

5 Do you know what I mean by that?

6 A Yes.

7 Q What I want to understand is what -- and
8 I'll start with a general question. What is the
9 Office of Attorney General's role in enforcing those
10 challenged provisions that I just described?

11 A We do not administer elections.

12 Q The Office of Statewide Prosecution that
13 we talked about before, does that have authority to
14 prosecute violations of any of those provisions?

15 A Yes. If it's a multi-jurisdictional
16 criminal issue relating to, I would say, voter
17 fraud.

18 Q And when you refer to that authority, does
19 that apply to any of the challenged provisions in
20 particular?

21 A Yes. To the collection of multiple
22 ballots.

23 Q And the Office of Statewide Prosecution
24 reports to the Attorney General, right?

25 A Yes.

Elizabeth Guzzo
October 22, 2021

Page 21

1 Q Is there anyone in the Office of Attorney
2 General that could issue opinions regarding the
3 interpretation of the challenged positions?

4 A Can you repeat that?

5 Q Yes.

6 Is there anyone in the Office of Attorney
7 General that could issue opinions as to the proper
8 interpretation of any of the challenged provisions?

9 A I'm not sure.

10 Q Just as an example, if the Secretary of
11 State wanted to know how to interpret the
12 limitations on the buffer zone around polling
13 places, could the Secretary of State request a legal
14 opinion from the Office of Attorney General?

15 MR. FARUQUI: Object to form.

16 A I'm not sure if that would fall within the
17 scope of her duties, if it's something that we would
18 issue an opinion on.

19 BY MR. FOX:

20 Q If it did -- well, if -- if a state
21 attorney -- another example.

22 If a state attorney wanted an opinion on
23 the meaning of the ban on possessing multiple
24 vote-by-mail ballots, could a state attorney request
25 an interpretation from the Office of Attorney

Elizabeth Guzzo
October 22, 2021

Page 22

1 **General?**

2 A I'm not sure. I don't think that would be
3 something that we would issue one on.

4 Q And if one of those opinions could be
5 requested and issued, do you know whether that
6 opinion would be binding on the person who requested
7 it?

8 A I'm not sure.

9 Q We talked -- I asked you a few questions
10 earlier about state attorneys, right?

11 A Yes.

12 Q Is there anyone who can direct state
13 attorneys on the meaning of particular offenses
14 within their jurisdiction?

15 A I'm not sure.

16 Q If the Attorney General disagreed with a
17 state attorney on the meaning of one of the
18 challenged provisions, is there anything the
19 Attorney General could do?

20 A I'm not sure.

21 Q If the Attorney General disagreed with the
22 state attorney on the validity of one of the
23 challenged provisions, is there anything the
24 Attorney General could do?

25 A I'm not sure. We don't oversee the state

Elizabeth Guzzo
October 22, 2021

Page 23

1 attorneys.

2 Q But you're not sure if there might be
3 something that the Attorney General could do?

4 A Yes, I'm not sure.

5 Q If the Attorney General discovers a
6 criminal violation of one of the challenged
7 provisions that is within the state attorney's
8 jurisdiction, what would the Attorney General do?

9 MR. FARUQUI: Object to form.

10 BY MR. FOX:

11 Q Let me reask that question.

12 A Yeah.

13 Q If the Attorney General discovers a
14 violation, a criminal violation of one of the
15 challenged provisions that is within the authority
16 of the state attorneys, what could the Attorney
17 General do?

18 A I'm not sure what she could do.

19 Q Could the Attorney General refer it to a
20 state attorney for prosecution?

21 A I'm not sure of the structure of that.

22 Q Do you know if the Office of Attorney
23 General refers criminal offenses that it learns of
24 to state attorneys?

25 A I'm not sure.

Elizabeth Guzzo
October 22, 2021

Page 24

1 Q If the Attorney General believes that a
2 state attorney is wrongly refusing to prosecute a
3 particular crime among the challenged provisions, is
4 there anything the Attorney General can do?

5 A I'm not sure.

6 MR. FOX: Can you bring back up Exhibit 1,
7 please, Bilal.

8 MR. FARUQUI: I got it up. Is there a
9 particular page?

10 MR. FOX: Please go to page 7 of the PDF,
11 which is page 4 of the document based on the
12 page numbers on the document.

13 MR. FARUQUI: We're there.

14 BY MR. FOX:

15 Q Do you see under No. 2, it says, "The
16 office's authority to interpret and enforce Florida
17 election and voting law and actions that have been,
18 will be, or could be taken by the office to
19 interpret or enforce the challenge provisions"?

20 A Yes.

21 Q Did you prepare to testify on behalf of
22 the Office Attorney General, Office of Attorney
23 General about this topic?

24 A Yes.

25 Q What did you do to prepare?

Elizabeth Guzzo
October 22, 2021

Page 25

1 A I discussed with my attorneys.

2 Q Anything else?

3 A No.

4 Q Based on that preparation, you don't know
5 if the Office of Attorney General has any authority
6 to act if it believes that a state attorney is
7 wrongly refusing to prosecute a violation of one of
8 the challenged provisions?

9 A Can you repeat that?

10 Q Yes.

11 Based on your preparation on this topic,
12 you don't know whether the Office of Attorney
13 General has any authority to take action if the
14 Attorney General believes a state attorney is
15 wrongly refusing to prosecute a violation of one of
16 the challenged provisions?

17 A Yes, I'm not sure.

18 Q And you don't know under what
19 circumstances the Office of Attorney General has
20 authority to issue an interpretation of the
21 challenged provisions?

22 MR. FARUQUI: Object to form.

23 A Can you repeat that?

24 BY MR. FOX:

25 Q Do you know based on your preparation

Elizabeth Guzzo
October 22, 2021

Page 26

1 under what circumstances the Office of Attorney
2 General has the authority to issue an interpretation
3 of the challenged provisions?

4 A Yeah. I -- we do not issue the opinions
5 on that. If someone asks, it needs to be within the
6 scope of their duties.

7 Q But there are officials for whom the
8 challenged provisions are within the scope of their
9 duties, right?

10 A Yes. I mean, we have it listed out as to
11 who and what can ask, so yes, I'm not sure as to if
12 we could or couldn't.

13 Q So to be clear, you're not -- you don't
14 know under what circumstances the Attorney General's
15 office might issue an opinion as to the meaning of
16 any of the challenged provisions?

17 A Correct.

18 Q And you don't know whether any opinion
19 that was issued would or would not be binding on the
20 official that requested it?

21 A Yes.

22 MR. FOX: You can take down that document.

23 Thank you.

24 BY MR. FOX:

25 Q Does the Office of Attorney General have

Elizabeth Guzzo
October 22, 2021

Page 27

1 any role in receiving allegations of voter fraud?

2 A Can you repeat that?

3 Q Does the Office of Attorney General have

4 any role in receiving allegations of voter fraud?

5 A No, unless the case is referred to our

6 Office of Statewide Prosecution for a

7 multi-jurisdictional criminal case.

8 Q If a citizen -- do citizens sometimes

9 submit information about alleged voter fraud to the

10 Office of Attorney General?

11 A It could be possible.

12 Q And what does the Office of Attorney

13 General do if that information is submitted?

14 A If it comes in through our citizen

15 services hotline, it would be referred to the

16 correct party, either the supervisor of elections

17 for that county or local law enforcement, because

18 our office --

19 Q Would it ever be referred -- excuse me.

20 Please continue.

21 A I was going to say because our office is

22 not the correct entity for those complaints.

23 Q When the office receives complaints like

24 that, does the office do any investigation of those

25 complaints?

Elizabeth Guzzo
October 22, 2021

Page 28

1 A Unless it is referred back to our office
2 for the statewide prosecutor to review if it was a
3 multi-jurisdictional criminal case, that is when we
4 would do a review.

5 Q Other than that circumstance involving the
6 Office of Statewide Prosecution, if the office
7 receives information about alleged voter fraud, does
8 the office do any investigation of that information?

9 A I'm not sure.

10 Q Let me try to ask that more concretely.

11 If a citizen submits to your tip line
12 information about alleged voter fraud and your
13 office refers it to someone else, does your office
14 do an investigation before referring it?

15 A No. It is -- they are sent to, like I
16 said, the correct entity, whether it be in the
17 supervisor of elections or a local law enforcement.

18 Q And what I'm trying to understand --

19 A They would need -- sorry -- it would
20 need --

21 Q Excuse me.

22 A Sorry. It would need to be referred back
23 to our office if there was, from the supervisor of
24 elections or law enforcement or a state attorney, if
25 it was shown to be a multi-jurisdictional case, we

Elizabeth Guzzo
October 22, 2021

Page 29

1 would do the investigation then, or we could.

2 Q I want to ask you briefly about the 2020
3 elections in Florida.

4 Are you aware there were three elections
5 in Florida in 2020?

6 MR. FARUQUI: Object to form.

7 A Yes.

8 BY MR. FOX:

9 Q Does the Office of Attorney General follow
10 the progress of those elections?

11 MR. FARUQUI: Object to form.

12 A No, we do not personally monitor them.

13 BY MR. FOX:

14 Q Does the Office of Attorney General assess
15 after the fact whether those elections were
16 successful or not?

17 A No. We do not administer elections.

18 Q Does the Office of Attorney General have
19 any view on whether the 2020 elections in Florida
20 were successful?

21 MR. FARUQUI: Object to form.

22 A No. We don't administer elections, we
23 rely on what elections officials have told us that
24 the elections results were secure.

25

Elizabeth Guzzo
October 22, 2021

Page 30

1 BY MR. FOX:

2 Q The Secretary of State is principally
3 responsible for conducting elections in Florida,
4 right --

5 MR. FARUQUI: Object to form.

6 BY MR. FOX:

7 Q -- at the state level?

8 A Correct.

9 Q If the Secretary of State's office
10 concluded that the 2020 elections were successful,
11 safe, and secure, is there any reason that the
12 Office of Attorney General would disagree?

13 A No. We base it off of what elections
14 officials in the state say.

15 Q I've asked you some questions already this
16 morning about Senate Bill 90, right?

17 A Yes.

18 Q And is the office -- did the Office of
19 Attorney General generally follow the introduction
20 of Senate Bill 90 in the Florida legislature?

21 MR. FARUQUI: Object to form.

22 A No.

23 BY MR. FOX:

24 Q Are you aware of a bill called House Bill
25 7041?

Elizabeth Guzzo
October 22, 2021

Page 31

1 A No.

2 Q Did the Office of Attorney General have
3 any role in shaping Senate Bill 90 as it was
4 considered by the Florida legislature?

5 A No.

6 Q Did any legislator consult with the Office
7 of Attorney General regarding Senate Bill 90 before
8 that legislation was enacted?

9 A No.

10 Q Did the Office of Attorney General take
11 any position on Senate Bill 90 before that
12 legislation was enacted?

13 A No.

14 Q Did the Office of Attorney General hear
15 from supervisors of elections about Senate Bill 90
16 before Senate Bill 90 was enacted?

17 A Not that I'm aware of.

18 Q Did the Office of Attorney General hear
19 from members of the public about Senate Bill 90
20 before Senate Bill 90 was enacted?

21 A Not that I'm aware of.

22 Q Did the Office of Attorney General
23 communicate with anyone about Senate Bill 90 while
24 it was being considered by the legislature?

25 A Not that I'm aware of.

Elizabeth Guzzo
October 22, 2021

Page 32

1 Q Is it possible in Florida for legislators
2 to request opinions from the Office of Attorney
3 General about draft or proposed legislation?

4 A No.

5 Q And I, therefore, assume that no
6 legislator asked for an opinion from the Office of
7 Attorney General about Senate Bill 90 while it was
8 being considered?

9 A Not that I'm aware of.

10 Q Has anyone asked for an opinion from the
11 Office of Attorney General about Senate Bill 90
12 since it's been enacted?

13 MR. FARUQUI: I'm going to object to any
14 joint common interest privileged conversations
15 between the defendants.

16 MR. FOX: That's fair. Let me rephrase my
17 question.

18 BY MR. FOX:

19 Q Earlier you mentioned a formal opinion
20 issuing process within the Office of Attorney
21 General, right?

22 A Yes.

23 Q Specifically with respect to that formal
24 process of issuing formal opinions, has anyone
25 requested a formal opinion from the Office of

Elizabeth Guzzo
October 22, 2021

Page 33

1 Attorney General about Senate Bill 90 since Senate
2 Bill 90 was enacted?

3 A No.

4 Q Has the Office of Attorney General done
5 any analysis on the effects of Senate Bill 90 on
6 voting in Florida?

7 A No.

8 Q Any analysis on the effects of Senate
9 Bill 90 on black or Latino voters specifically?

10 A No, not that I'm aware of.

11 Q Has the Office of Attorney General done
12 any analysis on the costs of Senate Bill 90?

13 A No, not that I'm aware of.

14 Q Has the Office of Attorney General
15 reviewed any information on the effects of Senate
16 Bill 90 on voting in Florida?

17 MR. FARUQUI: I'm going to object to the
18 extent any work product after the litigation
19 would fall under this question and instruct the
20 witness not to answer about that.

21 MR. FOX: I'll rephrase the question.

22 BY MR. FOX:

23 Q Has the Office of Attorney General,
24 outside of any work product in this litigation,
25 reviewed any information on the effects of voting --

Elizabeth Guzzo
October 22, 2021

Page 34

1 on the effects of Senate Bill 90 on voting in
2 Florida?

3 A Can you say it one more time?

4 Q Yes.

5 Aside from any work product in this
6 litigation, has the Office of Attorney General
7 reviewed any information about the effects of Senate
8 Bill 90 on voting in Florida?

9 A No, not that I'm aware.

10 Q And aside from any work product in this
11 litigation, has the Office of Attorney General
12 reviewed any information on the effects of Senate
13 Bill 90 on black or Latino voters specifically?

14 A No, not that I'm aware of.

15 Q And aside from any work product in this
16 litigation, has the Office of Attorney General
17 reviewed any information on the costs resulting from
18 Senate Bill 90?

19 A I believe the Florida Elections Commission
20 had sent us some -- a request for more money if this
21 went through, but that was prior.

22 Q What is the Florida Elections Commission?

23 A It is -- it's -- it's housed within the
24 office in the -- in the budget sense. And during
25 the legislative process, they had requested some

Elizabeth Guzzo
October 22, 2021

Page 35

1 more funds if it were to go through. So I'm not
2 sure if that would be applicable to what you're
3 asking.

4 Q So the Florida Elections Commission is
5 within the Office of Attorney General?

6 MR. FARUQUI: Object to form.

7 A I don't -- no, not within -- I don't
8 believe the structure is.

9 BY MR. FOX:

10 Q So I think -- I'm just trying to
11 understand your prior answer. I think you said that
12 the office, the Florida Elections Commission
13 requested additional funding from the Office of
14 Attorney General if Senate Bill 90 were to be
15 passed. And I am trying to understand why that
16 would happen.

17 A Not from us. In the budget sense, they
18 are -- I'm -- I'm not sure as to how they're
19 attached, but it would have had to go through the
20 budgetary process. So not funds directly from us.
21 It would be from general revenue.

22 Q Does the Attorney General have any
23 authority over the Florida Elections Commission?

24 A Not that I'm aware of.

25 Q The Florida Elections Commission does not

Elizabeth Guzzo
October 22, 2021

Page 36

1 report to the Attorney General?

2 A Correct.

3 Q Aside from this request for additional
4 funds from the Florida Elections Commission, did the
5 Florida attorney general's office review any
6 information on the costs of Senate Bill 90?

7 A No, not that I'm aware of.

8 Q Do you know why the Florida Elections
9 Commission thought that -- or what the basis was for
10 the Florida Elections Commission's request for
11 additional money if Senate Bill 90 was passed?

12 A No. I'm just generally aware that there
13 was an e-mail in the production. I would have to
14 see it for specifics.

15 Q Okay. Are you familiar generally with
16 vote by mail in Florida?

17 A Generally.

18 Q Vote by mail has become more common in
19 Florida in the last several election cycles, right?

20 A Right, I'm not one to say.

21 Q Does the Office of Attorney General have
22 an opinion on vote by mail in Florida?

23 MR. FARUQUI: Object to form.

24 BY MR. FOX:

25 Q Yeah. Let me clarify that question.

Elizabeth Guzzo
October 22, 2021

Page 37

1 Does the Office of Attorney General have a
2 view on whether vote by mail in Florida is secure?

3 A No. We do not administer elections or
4 that, so we have not issued one that I'm aware of.

5 Q And aside from any formal opinion, does
6 the Office of Attorney General just have a view in
7 the everyday sense on whether vote by mail in
8 Florida is secure?

9 MR. FARUQUI: Object to form.

10 A No, not that I'm aware of.

11 BY MR. FOX:

12 Q Does the Office of Attorney General have a
13 view on whether vote by mail was secure specifically
14 in the 2020 election in Florida?

15 A No. We don't administer that, so we rely
16 on what other election officials have told us, that
17 it was secure.

18 Q Do you know what a drop box is in the
19 context of elections in Florida?

20 A Yes.

21 Q Does the Office of Attorney General have a
22 view on whether drop boxes for the return of
23 vote-by-mail ballots are secure?

24 A No. We don't administer those either, so
25 we, once again, rely on election officials and what

Elizabeth Guzzo
October 22, 2021

Page 38

1 they have said, that they are secure.

2 Q Has the Office of Attorney General done
3 any prosecutions related to drop boxes in 2020?

4 A Not that I'm aware of.

5 Q Any before 2020 that you're aware of?

6 A No, not that I can -- am aware of.

7 Q Do you know how Senate Bill 90 affects
8 drop boxes?

9 A I mean, from what it says in the bill,
10 that's the extent that our office has interpreted it
11 or reviewed it.

12 Q You're aware that Senate Bill 90 changed
13 the rules around the monitoring of drop boxes?

14 A Yes.

15 Q Changed the rules around the time when
16 certain drop boxes may be open for the delivery of
17 ballots?

18 A Yes.

19 Q And changed the rules around penalties if
20 the rules for drop boxes are violated?

21 A Yes.

22 Q Does the Office of Attorney General have
23 an understanding as to why those changes were made?

24 MR. FARUQUI: Let me object to the extent
25 this would be covering work product after the

Elizabeth Guzzo
October 22, 2021

Page 39

1 litigation. But the witness may answer to any
2 knowledge before litigation.

3 A So can you repeat that?

4 BY MR. FOX:

5 Q Does the Office of Attorney General have
6 an understanding of why the changes that Senate
7 Bill 90 made to drop boxes were made?

8 A No, not that I am aware of. We would --
9 we don't administer them or file -- or, you know,
10 legislation, so we would rely on the intent of the
11 legislature.

12 Q Does the Office of Attorney General have a
13 view on what State interests those changes to drop
14 boxes would serve?

15 MR. FARUQUI: Same objection.

16 A No. We would rely on the legislature or
17 other involved parties for the intent or the State
18 interest that they felt to pass the bill.

19 BY MR. FOX:

20 Q The Office of Attorney General did not
21 request that any of those changes to drop boxes be
22 made, right?

23 A No, not that I am aware of.

24 Q Are you familiar with how Senate Bill 90
25 affected the period for which vote-by-mail requests

Elizabeth Guzzo
October 22, 2021

Page 40

1 are valid and enforced?

2 A Yes.

3 Q Does the Office of Attorney General have a
4 view on the wisdom of that change?

5 MR. FARUQUI: Same objection.

6 MR. FOX: About -- just to be clear, about
7 the work product?

8 MR. FARUQUI: Yes. If you -- if you'd
9 like we can just make a standing objection as
10 to having her answer anything, you know, after
11 the litigation started. Is that fine?

12 MR. FOX: No. I'd actually prefer that
13 you object specifically to questions so I know
14 where I finish it.

15 MR. FARUQUI: That's fine.

16 A So can you repeat that?

17 BY MR. FOX:

18 Q Yes.

19 Does the Office of Attorney General have a
20 view on the wisdom of the changes that Senate
21 Bill 90 made to the period for which vote-by-mail
22 ballots are valid?

23 MR. FARUQUI: Object to the extent work
24 product is implicated.

25 A No, not that I'm aware of.

Elizabeth Guzzo
October 22, 2021

Page 41

1 BY MR. FOX:

2 Q Are you aware of any complaints that the
3 Office of Attorney General received about the
4 duration of vote-by-mail ballot requests before
5 Senate Bill 90?

6 A No.

7 Q Are you aware of any prosecutions by the
8 Office of Attorney General relating to the validity
9 period for vote-by-mail ballot requests before
10 Senate Bill 90?

11 A No, not that I'm aware of.

12 Q Is the Office of Attorney General aware of
13 any problems caused by the prior period for which
14 vote-by-mail ballot requests were valid?

15 A No, not that I'm aware of. We don't
16 administer that.

17 Q Does the Office of Attorney General have a
18 view on what State interests, if any, are served by
19 Senate Bill 90's changes to the vote-by-mail ballot
20 validity period?

21 MR. FARUQUI: Object to the extent work
22 product is implicated.

23 A No, we don't. We rely on the
24 legislator -- the legislature and any other election
25 officials for what State interests would be.

Elizabeth Guzzo
October 22, 2021

Page 42

1 BY MR. FOX:

2 Q Do you know what a third-party voter
3 registration organization is?

4 A Yes.

5 Q What is a third-party voter registration
6 organization?

7 A A group who is -- who gets other people to
8 register. I don't -- I guess solicitation of
9 voters.

10 Q Does the Office of Attorney General have a
11 role in regulating third-party voter registration
12 organizations?

13 A No, not that I'm aware of.

14 Q Does the Office of Attorney General
15 receive complaints about third-party voter
16 registration organizations?

17 A There may have been some in discovery
18 produced. I can't remember details.

19 Q If the Office of Attorney General does not
20 have a role in regulating third-party voter
21 registration organizations, what does it do if it
22 receives complaints about third-party voter
23 registration organizations?

24 A I'm sorry. Can you say it one more time?

25 Q Yeah. Let me -- let me ask a simpler

Elizabeth Guzzo
October 22, 2021

Page 43

1 question.

2 If the Office of Attorney General receives
3 complaints about third-party voter registration
4 organizations, does it forward them to the Secretary
5 of State?

6 A I would say either the Secretary of State
7 or supervisor of elections if it comes through our
8 hotline.

9 Q The Office of Attorney General wouldn't
10 investigate those complaints?

11 A Not that I'm aware of.

12 Q Are you familiar with the rules that apply
13 to third-party voter registration organizations
14 before Senate Bill 90?

15 A No.

16 Q Are you aware of the options that were
17 available to enforce deadlines applicable to
18 third-party voter registration organizations before
19 Senate Bill 90 was enacted?

20 A Sorry. Can you repeat that?

21 Q Yes.

22 Are you aware of the options that were
23 available to enforce deadlines on voter registration
24 forms before Senate Bill 90 was enacted?

25 A No.

Elizabeth Guzzo
October 22, 2021

Page 44

1 Q Does the Office of Attorney General have a
2 view on whether the enforcement mechanisms
3 applicable to third-party voter registration
4 organizations were adequate before the enactment of
5 Senate Bill 90?

6 MR. FARUQUI: Object to the extent work
7 product is implicated.

8 A No, not that I'm aware.

9 BY MR. FOX:

10 Q The Office of Attorney General did not
11 request any changes to the regulation of third-party
12 voter registration organizations; is that right?

13 A No, we did not.

14 Q Does the Office of Attorney General have a
15 view on what state interests, if any, are served by
16 Senate Bill 90's changes to the rules governing
17 third-party voter registration organizations?

18 MR. FARUQUI: Object to the extent work
19 product is implicated.

20 A No. We don't pass the legislation, so we
21 rely on the legislators and other election officials
22 to tell us what the interest would be or the
23 legislative intent.

24 BY MR. FOX:

25 Q Has the Office of Attorney General done

Elizabeth Guzzo
October 22, 2021

Page 45

1 any analysis of other ways of serving the goals of
2 Senate Bill 90's changes to the rules applicable to
3 third-party voter registration organizations?

4 MR. FARUQUI: Object to form.

5 A No, not that I'm aware of.

6 BY MR. FOX:

7 Q You're aware that one of the changes
8 Senate Bill 90 makes to third-party voter
9 registration organizations is to require that they
10 recite a warning to potential voters who may
11 register with them?

12 MR. FARUQUI: Object to form.

13 A Yes.

14 BY MR. FOX:

15 Q Does the Office of Attorney General have a
16 view on whether that required warning does anything
17 to prevent fraud specifically?

18 MR. FARUQUI: Object to the extent work
19 product is implicated.

20 A No. That would -- not that I'm aware of.

21 BY MR. FOX:

22 Q Before the enactment of Senate Bill 90, do
23 you agree that individuals were generally permitted
24 to collect vote-by-mail ballots as long as they were
25 not being paid to do so?

Elizabeth Guzzo
October 22, 2021

Page 46

1 A I'm sorry. Can you say that...

2 Q Yes.

3 Before Senate Bill 90, were individuals
4 generally permitted to collect vote-by-mail ballots
5 as long as they were not being paid to do so?

6 A I'm not sure.

7 Q Are you familiar with the rules that
8 govern possession of vote-by-mail ballots in Florida
9 before the enactment of Senate Bill 90?

10 A Generally aware.

11 Q And do you know whether those rules
12 allowed a volunteer to possess multiple vote-by-mail
13 ballots?

14 A No.

15 Q Let me try it this way. How did Senate
16 Bill 90, in your understanding, change the rules
17 applicable to the possession of vote-by-mail
18 ballots?

19 A That it changed that they could not have
20 more than one? Is that what you're asking?

21 Q I'm asking how Senate Bill 90 changed the
22 rules applicable to the possession of vote-by-mail
23 ballots?

24 A I'm not sure.

25 Q Do you have an understanding that Senate

Elizabeth Guzzo
October 22, 2021

Page 47

1 Bill 90 did change the rules applicable to the
2 possession of vote-by-mail ballots?

3 A Yes.

4 Q After Senate Bill 90, is a volunteer
5 allowed to possess three vote-by-mail ballots that
6 do not belong to immediate family members?

7 A I don't know.

8 Q Before Senate Bill 90, was a volunteer
9 allowed to possess three vote-by-mail ballots that
10 do not belong to immediate family members?

11 A I'm not sure.

12 Q Does the Office of Attorney General have
13 any view on whether the changes that Senate Bill 90
14 made to the rules governing the possession of
15 vote-by-mail ballots were necessary?

16 MR. FARUQUI: Object to the extent work
17 product is implicated.

18 A No, not that I'm aware of.

19 BY MR. FOX:

20 Q Is the Office of Attorney General aware of
21 any problems caused by a volunteer's possession of
22 multiple vote-by-mail ballots in Florida in 2020?

23 MR. FARUQUI: Object to the extent work
24 product is implicated.

25 A Not that I'm aware of.

Elizabeth Guzzo
October 22, 2021

Page 48

1 BY MR. FOX:

2 Q And outside of any work product produced
3 in this litigation, is the Office of Attorney
4 General aware of any problems caused by a
5 volunteer's possession of multiple vote-by-mail
6 ballots in 2018?

7 A I'm not sure.

8 Q Same question as for 2016?

9 A Same answer, I'm not sure.

10 Q Does the Office of Attorney General have a
11 view on what State interests, if any, are served by
12 Senate Bill 90's changes to the rules governing the
13 possession of vote-by-mail ballots?

14 MR. FARUQUI: Object to the extent work
15 product is implicated.

16 A No. We don't administer that, so we rely
17 on the legislature and other elected -- or election
18 officials to tell the intent and state interests.

19 BY MR. FOX:

20 Q Are you familiar with the changes that
21 Senate Bill 90 made to the rules governing the area
22 immediately around polling places?

23 A Generally.

24 Q How did Senate Bill 90 change the rules
25 governing the area immediately around polling

Elizabeth Guzzo
October 22, 2021

Page 49

1 **places?**

2 A I'm not sure what the exact language said.

3 MR. FOX: Well, can you pull up Exhibit 3.

4 (League Exhibit 3 was marked for
5 identification.)

6 MR. FARUQUI: Is it the bill? I think I
7 have it up.

8 MR. FOX: It is the bill.

9 MR. FARUQUI: Okay.

10 MR. FOX: I'll put this in the chat, and
11 mark it as Exhibit 3.

12 BY MR. FOX:

13 Q And just to make sure we're looking at the
14 same document. At the top of the screen, does it
15 say "Chapter 2021-11"?

16 A Yes.

17 Q Have you seen this before?

18 A Not -- I'm not sure if it was this exact
19 document, but I've seen Senate Bill 90.

20 Q And did you review Senate Bill 90 in
21 preparation for this deposition?

22 A Yes, I reviewed it.

23 MR. FOX: Could you turn to pages 24 and
24 25 of this document, which -- so start out
25 towards the bottom of page 24. What I want on

Elizabeth Guzzo
October 22, 2021

Page 50

1 the screen, Bilal, is Subsection B, which runs
2 from page 24 to 25.

3 MR. FARUQUI: On page 24 --

4 MR. FOX: At the very bottom.

5 MR. FARUQUI: I got -- I got it. Thank
6 you. Yeah, I looked at the wrong B.

7 BY MR. FOX:

8 Q Do you see here under Subsection B a
9 paragraph that begins "For the purpose of this
10 subsection" and then continues on to the next page?

11 A Yes.

12 Q And on -- well, let me start here.

13 Looking at this document, do you see that
14 some words are crossed out and some words are
15 underlined?

16 A Yes.

17 Q And is it your understanding that the
18 words that are crossed out are words that Senate
19 Bill 90 removed from this statute?

20 A Correct.

21 Q And the words that are underlined are
22 words that Senate Bill 90 added to this statute?

23 A Yes.

24 Q So do you see that Senate Bill 90 added to
25 the statute the words "and engaging in any activity

Elizabeth Guzzo
October 22, 2021

Page 51

1 with the intent to influence or effect of
2 influencing a voter"?

3 A Yes.

4 Q And that is in addition to the definition
5 of solicit or solicitation, right?

6 A Yes.

7 Q Does the Office of Attorney General have
8 an understanding of how that change to this
9 subsection affected the definition of the term
10 "solicit" or "solicitation"?

11 MR. FARUQUI: Object to the extent work
12 product is implicated.

13 A No. Only to the extent of what the bill
14 says that it does.

15 BY MR. FOX:

16 Q Has anyone asked the Office of Attorney
17 General for an opinion, a formal opinion, on the
18 effect of this language on the definition of solicit
19 or solicitation?

20 A No.

21 Q Could anyone in Florida state government
22 ask the Office of Attorney General for a formal
23 opinion on the effect of this change on the
24 definition of solicit or solicitation?

25 A I'm not sure.

Elizabeth Guzzo
October 22, 2021

Page 52

1 Q If such an opinion could be requested,
2 would it be binding on the official who requested
3 it?

4 A I'm not sure.

5 Q Do you have -- "you," the Office of
6 Attorney General, have any understanding of how
7 specifically the addition of this phrase that I read
8 before changes the scope of the prohibition on
9 solicitation?

10 MR. FARUQUI: Object to the extent work
11 product is implicated.

12 A Can you say that again?

13 BY MR. FOX:

14 Q Yeah.

15 Does the Office of Attorney General have
16 any understanding, outside of work product in this
17 litigation, as to how the addition of this phrase to
18 this definition changes the scope of what
19 solicitation is prohibited?

20 A Outside of what this language says or what
21 the legislative intent was from the legislature, not
22 that I am aware of.

23 Q Does the Office of Attorney General have
24 an understanding, aside from any work product in
25 this litigation, as to whether this addition of a

Elizabeth Guzzo
October 22, 2021

Page 53

1 phrase in this definition did change the scope of
2 solicitation that is prohibited?

3 A Not that I'm aware of.

4 Q And to your knowledge and the knowledge of
5 the Office of Attorney General, no one has requested
6 an interpretation from the Office of Attorney
7 General outside of this litigation on the meaning of
8 this new definition?

9 A You said to my knowledge?

10 Q And the knowledge of the OAG.

11 A Yes, I don't believe so.

12 Q Does the Office of Attorney General have
13 an opinion on what State interests, if any, are
14 served by this amendment to the definition of
15 solicit or solicitation?

16 MR. FARUQUI: Object to the extent work
17 product is implicated.

18 A No. We would rely on the legislature and
19 other election officials to let us know the State
20 interests.

21 BY MR. FOX:

22 Q The Office of Attorney General did not
23 request this change to this definition?

24 A No.

25 MR. FOX: We've been going for about an

Elizabeth Guzzo
October 22, 2021

Page 54

1 hour. I think now would be a good time to take
2 a short break. I have a slightly different
3 line of questions.

4 MR. FARUQUI: Okay.

5 (A recess took place from 10:36 a.m. to
6 10:45 a.m.)

7 BY MR. FOX:

8 Q Just a few more questions about the
9 third-party voter registration organizations
10 provisions in Senate Bill 90.

11 Do you recall we were talking about those
12 earlier?

13 A Yes.

14 Q Does the Office of Attorney General have
15 the authority to enforce the requirement that
16 third-party voter registration organizations issue a
17 warning to potential voters?

18 A I'm not sure of the specifics. I'd have
19 to look at the language.

20 Q Are you familiar with the term "voter
21 fraud"?

22 A Yes.

23 Q What does the term "voter fraud" mean to
24 you?

25 A It's kind of a broad definition of any

Elizabeth Guzzo
October 22, 2021

Page 55

1 fraudulent activity relating to voting in an
2 election.

3 Q And does the phrase "unlawful voting
4 conduct" have a meaning to you?

5 A Generally.

6 Q And what generally does it mean to you?

7 A Any unlawful activity, so illegal activity
8 relating to it.

9 Q And "it" being voting?

10 A Yes.

11 Q Does the Office of Attorney General ever
12 receive voter fraud complaints?

13 A I believe -- I mean, I'll have to look
14 back through specifics but, yes, we have, I'm sure.

15 Q And when you receive those complaints,
16 what does the Office of Attorney General do with
17 them?

18 A Same as mentioned before, we would refer
19 the complaints out to the supervisor of elections
20 office or local law enforcement. If -- if it was a
21 multi-jurisdictional criminal activity that was
22 referred to our statewide prosecution, they could
23 handle it; but if it's a constituent complaint,
24 that's when it would be referred to the other
25 divisions.

Elizabeth Guzzo
October 22, 2021

Page 56

1 Q And for those complaints that are referred
2 to the other divisions, does the Office of Attorney
3 General do any investigation of its own?

4 A If a case was referred to us, we would
5 investigate, from either, I guess, the Secretary of
6 State or if it's a multi-jurisdictional criminal
7 activity, then we would.

8 Q Under what circumstances would a case be
9 referred to the Office of Attorney General by the
10 Secretary of State?

11 MR. FARUQUI: Objection. Calls for
12 speculation.

13 BY MR. FOX:

14 Q Let me clarify my question. I'm not
15 asking for like discretionary determinations. I
16 just want to understand sort of the requirements --
17 well, let me -- let me start over.

18 Has the Secretary of State ever referred
19 voter fraud complaints to the Office of Attorney
20 General?

21 A I'm not sure if that was in the discovery
22 or not.

23 Q Aside from what was or wasn't in the
24 discovery, has the Secretary of State ever referred
25 voter fraud complaints to the Attorney General's

Elizabeth Guzzo
October 22, 2021

Page 57

1 office?

2 A I can't speak to -- or I'm not sure of
3 specifics.

4 Q I understand that voter fraud complaints
5 that involve multi-jurisdictional conduct might get
6 referred to the Attorney General's office of
7 Statewide Prosecution, right?

8 A Yes.

9 Q Could voter fraud complaints that do not
10 involve multi-jurisdictional conduct ever get
11 referred to the Office of Attorney General?

12 A Can you say that again?

13 Q Could election fraud complaints that do
14 not involve multi-jurisdictional criminal conduct
15 ever get referred to the Office of Attorney General?

16 A Third-party voter registration, our civil
17 department has an enforcement role.

18 Q And what is the nature of the civil
19 department's enforcement role concerning third-party
20 voter registration organizations?

21 A I'd have to refer to the statute for the
22 specifics.

23 Q Do you have a general understanding of
24 that role?

25 A Yes.

Elizabeth Guzzo
October 22, 2021

Page 58

1 Q What is that general understanding?

2 A I know that we can -- we have an
3 enforcement aspect and -- if there is a violation of
4 the third-party voter registration, if it's referred
5 to our office from the Secretary of State.

6 Q And if a violation of the third-party
7 voter registration requirement is referred to your
8 office from the Secretary of State, what can your
9 office do?

10 A I'd have to read the language
11 specifically. It's a civil enforcement.

12 Q Are you familiar with civil enforcement
13 actions that your office has brought against
14 third-party voter registration organizations?

15 MR. FARUQUI: Object to form.

16 A I'm not sure.

17 BY MR. FOX:

18 Q Do you have, does the Office of Attorney
19 General have a view on whether the civil enforcement
20 authority it has against third-party voter
21 registration organizations was sufficient before the
22 adoption of Senate Bill 90?

23 MR. FARUQUI: Objection to the extent work
24 product is implicated.

25 A Can you, please, say it again?

Elizabeth Guzzo
October 22, 2021

Page 59

1 BY MR. FOX:

2 Q Yes.

3 Does the Office of Attorney General have a
4 view on whether its civil enforcement authority with
5 respect to third-party voter registration
6 organizations was sufficient before the adoption of
7 Senate Bill 90?

8 MR. FARUQUI: Same objection.

9 A No, I'm not sure if we have.

10 BY MR. FOX:

11 Q Are you aware of complaints about
12 third-party voter registration organizations before
13 the adoption of Senate Bill 90?

14 A Anything that was produced in the
15 discovery would be what we have prior to this
16 litigation.

17 Q And sitting here, you don't have an
18 understanding of whether that included complaints
19 about third-party voter registration organizations?

20 A I can't recall the details of everything
21 that was in there.

22 Q Do you have an understanding of whether
23 the Office of Attorney General is aware of any
24 incident in which a voter was prevented from voting
25 because of a delay in a third-party voter

Elizabeth Guzzo
October 22, 2021

Page 60

1 registration organization's submission of voter
2 registration forms?

3 MR. FARUQUI: Objection to the extent work
4 product is implicated.

5 A Sorry. Can you say it one more time about
6 the delay?

7 BY MR. FOX:

8 Q Does -- is the Office of Attorney General
9 aware of any incident in which a voter was prevented
10 from voting because of a third-party voter
11 registration organization's delay in submitting
12 completed voter registration forms?

13 MR. FARUQUI: Same objection.

14 A Generally. I don't know the specifics.

15 BY MR. FOX:

16 Q Based on your preparation, you are not
17 aware of any such incident; is that right?

18 A I was made aware of an incident in
19 discovery, but I don't know the specifics of it.

20 Q What incident were you made aware of?

21 A From a supervisor of election saying that
22 they had had an instance of it.

23 Q Which county did that occur?

24 A I can't recall the specifics.

25 Q Do you recall when, what year, or what

Elizabeth Guzzo
October 22, 2021

Page 61

1 election?

2 A I don't.

3 Q Do you recall how many voters were
4 affected?

5 A No. I was not made aware of specifics.

6 Q Are you aware whether the Office of
7 Attorney General took enforcement action as a result
8 of that incident?

9 A No.

10 Q Is the Office of Attorney General aware of
11 any unlawful voting conduct in 2020 relating to drop
12 boxes?

13 A No, not that I'm aware of.

14 Q How about in 2018?

15 A No, not that I'm aware of.

16 Q Is the Office of Attorney General aware of
17 any unlawful voting conduct in 2020 relating to the
18 possession of multiple vote-by-mail ballots?

19 A Not that I'm aware of.

20 Q How about in 2018?

21 A Not that I'm aware of.

22 Q Is the Office of Attorney General aware of
23 any unlawful voting conduct in 2020 relating to the
24 four-year duration of requests for vote-by-mail
25 ballots?

Elizabeth Guzzo
October 22, 2021

Page 62

1 A Not that I'm aware of.

2 Q How about in 2018?

3 A Not that I'm aware of.

4 Q Is the Office of Attorney General aware of
5 any unlawful voting conduct relating to assistance
6 provided to persons with disabilities in 2020?

7 MR. FARUQUI: Object to form.

8 A No, not that I'm aware of.

9 BY MR. FOX:

10 Q How about in 2018?

11 A No, not that I am aware of.

12 MR. FARUQUI: Same objection.

13 MR. FOX: Ms. Guzzo, thank you very much
14 for your time. Those are all the questions I
15 have for you. I know that another plaintiff's
16 group also has questions.

17 Before we shift to that, I do just want to
18 say, Bilal, that I have serious concerns about
19 the witness's preparation in particular on the
20 topic of enforcement authority.

21 I think Topic 2 clearly covered a lot of
22 questions for which the witness was not
23 prepared to answer, including specifically the
24 enforcement authority for third-party voter
25 registration organizations. That's not my only

Elizabeth Guzzo
October 22, 2021

Page 63

1 concern, but it's one of the biggest concerns
2 since the office does have enforcement
3 authority and conceded as much. So I have to
4 reserve my rights on that. I am concerned
5 about that. But I don't have more questions
6 for the witness at this time.

7 MR. FARUQUI: Understood. We can talk
8 about it later.

9 MS. TARPLEY: So I do have some additional
10 questions, but I think some of them have been
11 covered, so it might be helpful to take a break
12 so I can review. Does 20 minutes sound okay?

13 MR. FARUQUI: Sure. Whatever you need.

14 (A recess took place from 10:57 a.m. to
15 11:20 a.m.)

16 CROSS EXAMINATION

17 BY MS. TARPLEY:

18 Q Well, my name is Carlton Tarpley with
19 Baker McKenzie. I'm appearing on behalf of
20 plaintiffs in the Harriet Tubman Freedom Fighters
21 case. I'm just going to ask a couple of questions.
22 Similar to Mr. Fox, when I refer to SB 90
23 as enacted or Section 7 of SB 90, I'm referring to
24 Section 7 of SB 90, which is Florida Chapter
25 2021-11. Is that okay?

Elizabeth Guzzo
October 22, 2021

Page 64

1 A Yes.

2 Q Great. And when I say "3PVR0," I'm
3 referring to third-party voter registration
4 organizations. Understood?

5 A Yes.

6 Q Florida Statute, Section 97.0575,
7 Subsection (4) states that: "If the Secretary of
8 State reasonably believes that a person has
9 committed a violation of this section, the Secretary
10 may refer the matter to the Attorney General for
11 enforcement."

12 "The Attorney General may institute a
13 civil action for violation of this section in order
14 to prevent a violation of this section. An action
15 for relief may include a permanent or temporary
16 injunction, a restraining order, or any other
17 appropriate order."

18 I am going refer to this as
19 Subsection (4). Is that okay?

20 A Yes.

21 Q With respect to Subsection (4), do you
22 know or are you aware of how the Florida Attorney
23 General handles referrals from the Secretary of
24 State?

25 MR. FARUQUI: Object to form.

Elizabeth Guzzo
October 22, 2021

Page 65

1 A I'm sorry. Can you say that again?

2 BY MS. TARPLEY:

3 **Q With respect to Subsection (4), do you**
4 **know how the Florida Attorney General handles**
5 **referrals from the Secretary of State?**

6 A The cases referred to us, it depends on
7 the facts and circumstances of the case for the
8 investigation.

9 **Q What type of facts and circumstances does**
10 **your office consider?**

11 A I'm not aware of the specifics that the
12 civil division investigates.

13 **Q Do you know if the office has any**
14 **documents setting forth procedures or protocols for**
15 **handling referrals?**

16 A I'm not aware.

17 **Q Is there an understanding within the**
18 **office regarding how referrals are handled?**

19 MR. FARUQUI: Object to form.

20 BY MS. TARPLEY:

21 **Q You may answer the question.**

22 A I'm not sure.

23 **Q Okay.**

24 A I'm not aware of any document or
25 understanding.

Elizabeth Guzzo
October 22, 2021

Page 66

1 Q Okay. And did you produce all documents

2 reflecting all actions taken by the AG under

3 Subsection (4) from 2012 to present?

4 MR. FARUQUI: Object to form.

5 A Can you say it one more time, did we

6 produce what?

7 BY MS. TARPLEY:

8 Q All documents reflecting all actions taken

9 by the AG under section -- Subsection (4) from 2012

10 to present?

11 MR. FARUQUI: Object to form.

12 A I cannot recall every single document, but

13 to the best of my knowledge, everything was

14 produced.

15 BY MS. TARPLEY:

16 Q I'm not talking about all documents. I'm

17 just talking about from 2012 to present.

18 MS. TARPLEY: I guess can we pull up what

19 has been marked as HTFF Exhibit 1.

20 MR. FARUQUI: We've got it up.

21 MS. TARPLEY: Great. Can we turn to

22 page 3?

23 THE STENOGRAPHER: Is anyone going to put

24 it in the chat box for the reporter?

25 MS. TARPLEY: Yes. I can -- I can e-mail

Elizabeth Guzzo
October 22, 2021

Page 67

1 it.

2 THE STENOGRAPHER: Okay. That will be
3 fine. At the end? Yeah, that's fine.

4 MS. TARPLEY: Perfect. Great.

5 MR. FARUQUI: We're on page 3.

6 (HTFF Exhibit 1 was marked for
7 identification.)

8 BY MS. TARPLEY:

9 Q Okay. Excuse me. I'm going to back up a
10 little bit.

11 What is this document?

12 A Can I scroll up? It is the responses to
13 plaintiffs' first set of request for production to
14 defendant Ashley Moody.

15 Q Okay. And can you turn to Page No. 6,
16 Request for Production No. 12.

17 A Okay.

18 Q And this -- and this reads -- or this
19 request states that -- excuse me.

20 This request is for "All documents and
21 communications regarding evidence or incidence of
22 fraud or registration fraud in connection with
23 third-party voter registration organizations,
24 including documents and communications regarding
25 reporting, investigating, identifying, or

Elizabeth Guzzo
October 22, 2021

Page 68

1 prosecuting incidences of said fraud."

2 Your response is "Responsive documents
3 have been produced. See Bates numbers stated in the
4 response there."

5 Do you stand by that answer?

6 A Yes.

7 Q So did you -- did you produce all
8 documents reflecting actions taken by the AG under
9 Subsection (4) with respect to third-party voter
10 registration organizations from 2012 to present?

11 MR. FARUQUI: Object to form.

12 A Yes, what we produced there is the
13 responsive documents.

14 BY MS. TARPLEY:

15 Q Has the AG initiated enforcement actions
16 under Subsection (4) against third-party voter
17 registration organizations without a referral from
18 the Secretary?

19 A Not that I'm aware of.

20 Q Okay. What type of civil actions has the
21 AG pursued with respect to Subsection (4)?

22 MR. FARUQUI: Object to form.

23 A Sorry. Can you say that again? What type
24 of civil actions?

25

Elizabeth Guzzo
October 22, 2021

Page 69

1 BY MS. TARPLEY:

2 Q -- has the AG pursued with respect to
3 Subsection (4)?

4 MR. FARUQUI: Same objection.

5 A I can't recall specifics. Anything that
6 was responsive to anything we would have received,
7 we produced.

8 BY MS. TARPLEY:

9 Q Okay. And are you aware of any instances
10 in which the AG has pursued injunctive relief?

11 A No, not that I'm aware of.

12 Q Are you aware of any instances in which
13 the AG has pursued any restraining orders against
14 third-party voter registration organizations?

15 A No, not that I'm aware of.

16 Q Did you produce all civil actions pursued
17 by the AG under Subsection (4) with respect to
18 third-party voter registration organizations that
19 occurred from 2012 to present?

20 MR. FARUQUI: Object to form.

21 A We produced all responsive documents to
22 the -- when requested, so I can't recall specifics
23 of everything.

24 BY MS. TARPLEY:

25 Q Can you confirm whether your office

Elizabeth Guzzo
October 22, 2021

Page 70

1 produced all enforcement actions against third-party
2 voter registration organizations for returning voter
3 registration forms late?

4 A I'm sorry, can you repeat that?

5 Q Can you confirm today that your office
6 produced all enforcement actions against a
7 third-party voter registration organization for
8 failing to return -- for -- excuse me. For
9 returning voter registration forms late?

10 A Yes, we produced all documents that
11 pertained to the request for production.

12 Q And can you confirm that your office
13 produced all enforcement actions against third-party
14 voter registration organizations for failing to
15 return voter registration forms during the 2012 to
16 present time frame?

17 A Yes, we produced all the documents that
18 were requested in the production.

19 Q With respect to Subsection (4), did the AG
20 pursue any criminal actions from 2012 to present?

21 MR. FARUQUI: Object to form.

22 A No, not that I am aware of.

23 BY MS. TARPLEY:

24 Q Are you aware of any enforcement actions
25 which the AG took with respect to third-party

Elizabeth Guzzo
October 22, 2021

Page 71

1 **registration, voter registration organizations from**
2 **2012 to present?**

3 A No, not that I'm aware of.

4 MS. TARPLEY: Can we pull up what has been
5 marked as HTFF Exhibit 3.

6 (HTFF Exhibit 3 was marked for
7 identification.)

8 MR. FARUQUI: All right.

9 MS. TARPLEY: And we'll refer to this as
10 Exhibit 5. Excuse me. My apologies. Not HTFF
11 Exhibit 3. Can we turn to Exhibit-- no, that's
12 correct. I apologize. HTFF Exhibit 3.

13 BY MS. TARPLEY:

14 **Q What is this document?**

15 A It says "Responses to plaintiffs' first
16 set of interrogatories to defendant Ashley Moody."

17 **Q Okay.**

18 MS. TARPLEY: And we'll refer to this as
19 Exhibit 5. If you can scroll to page 3 of 7.

20 MR. FARUQUI: Is there a particular
21 number?

22 MS. TARPLEY: Number 5.

23 MR. FARUQUI: We're there.

24 BY MS. TARPLEY:

25 **Q This asks you to "Identify all instances**

Elizabeth Guzzo
October 22, 2021

Page 72

1 where office suspected, investigated, or took any
2 enforcement action whatsoever against any
3 third-party voter registration organization from
4 2011 to present for any of the following activities:
5 A, returning voter registration forms outside the
6 statutory time period before an election; b,
7 returning voter registration forms after the voter
8 registration deadline before an election; C altering
9 a voter registration form; and D, any other
10 accusations of fraud related to a third-party voter
11 organization's handling of voter registration
12 forms."

13 Your answer was: "An answer may be
14 determined by examining the responses and documents
15 produced for Requests 12 through 17 of plaintiffs'
16 first set of request for production to defendant
17 Ashley Moody."

18 Do you stand by this answer?

19 A Yes.

20 Q Okay. I would like to shift back to
21 Section 97.0575 and talk a little bit about the
22 disclaimer and disclosure provisions of SB -- SB 90.
23 And when I say "disclaimer and disclosure
24 provisions," I'm referring to Subsection (3)a, "To
25 provide certain information to voter registration

Elizabeth Guzzo
October 22, 2021

Page 73

1 applicants." And this is the section that's being
2 challenged in this litigation.

3 Is that understood?

4 A Yes.

5 Q Okay. So once the Secretary makes a
6 referral for a violation of a disclaimer and
7 disclosure provision, what is the AG's process for
8 determining enforcement?

9 A I can't speak to specifics without
10 knowing, you know, facts or circumstances of an
11 individual case.

12 Q At a high level, is there a general
13 process in place?

14 A I can't speak to the specifics of it, but
15 I would assume the civil division would have that.

16 Q Okay. Are you aware --

17 A I'd have to see the statutory language.

18 Q Okay. Are you aware of any enforcement
19 guidelines with respect to violations of the
20 disclaimer and disclosure requirement?

21 A Can you repeat that?

22 Q Are you aware of whether or not the
23 Florida AG has any enforcement guidelines with
24 respect to violations of the disclaimer and
25 disclosure requirement?

Elizabeth Guzzo
October 22, 2021

Page 74

1 A Not that I'm aware of.

2 Q Do you know of someone who would be aware?

3 A I'm not sure. That would be the attorneys
4 in this case, maybe.

5 Q Are you aware of whether or not the AG can
6 enforce a violation of the disclaimer and disclosure
7 provision without a referral from the Secretary?

8 A I would need to read the -- or reference
9 the specifics of the statutory language.

10 Q Do you know what type of civil actions the
11 AG can pursue with respect to disclaimer and
12 disclosure provision violations?

13 A Once again, I'd have to reference the
14 specific statutory language.

15 Q Are you aware if the AG can pursue any
16 type of criminal actions for someone who violates
17 the disclaimer and disclosure provision?

18 MR. FARUQUI: Object to the extent work
19 product is implicated.

20 A No, I'm not aware.

21 BY MS. TARPLEY:

22 Q Do you know of someone who would be aware?

23 A The attorneys in this case, if they've
24 considered that.

25 Q So Subsection (4) allows the Attorney

Elizabeth Guzzo
October 22, 2021

Page 75

1 General to pursue an action for relief, such as an
2 injunction, restraining order, or any other order.

3 Do you know what could fall under any
4 other order for violations of the disclaimer and
5 disclosure requirement?

6 A I would say what a judge deems are in
7 order based on the individual facts and
8 circumstances of the case.

9 Q And what is this based off of?

10 A Can you clarify that?

11 Q Yeah.

12 Why would you say what a -- what a judge
13 deems applicable for the circumstances?

14 A Because it would depend on the facts and
15 circumstances of an individual case that is brought
16 before the judge.

17 Q Well, what about what the AG can pursue;
18 is there any type of relief besides an injunction or
19 restraining order that would be appropriate for the
20 disclaimer and disclosure requirement violation?

21 A I'm not an attorney, I can't speak to the
22 specifics of that.

23 Q Are you aware if the AG can revoke the
24 status of a third-party voter registration
25 organization for violating the disclaimer and

Elizabeth Guzzo
October 22, 2021

Page 76

1 disclosure requirement?

2 A No, I'm not aware.

3 Q Do you know who could be the subject of an
4 enforcement action for violation of the disclaimer
5 and disclosure provision?

6 A Can you repeat that?

7 Q Do you know who could be the subject of an
8 enforcement action for violation of the disclosure
9 and disclaimer provision?

10 A No.

11 Q Could enforcement be against a third-party
12 voter registration organization as an entity?

13 A I can't speak to the specifics of that.
14 I'm not the attorney, so I'm not sure.

15 Q Do you know whether or not enforcement
16 could be against individual members of a third-party
17 voter registration organization for violation of a
18 disclaimer and disclosure provision?

19 A I'd have to refer to the specifics of the
20 language. I'm not sure.

21 Q Are you aware if enforcement could be
22 against individual members of a third-party voter
23 registration organization?

24 A Again, I'm not sure of the specifics. I'd
25 have to see the language.

Elizabeth Guzzo
October 22, 2021

Page 77

1 Q And you're aware that one of the topics of
2 this deposition, as highlighted in Exhibit 1, is
3 "The office's authority to interpret and enforce
4 Florida election and voting laws and any actions
5 that have been, will be, or could be taken by the
6 office to interpret or enforce the challenged
7 provisions"?

8 A Yes.

9 Q You're aware, correct?

10 Okay. And so you can't speak to who would
11 be the subject of an enforcement action for
12 disclaimer and disclosure violations?

13 MR. FARUQUI: Object to form.

14 A No.

15 MS. TARPLEY: Similar to Mr. Fox, we have
16 concerns with the lack of knowledge that this
17 witness has with respect to the 30(b)(6)
18 topics, specifically, you know, the enforcement
19 and third-party voter registration organization
20 enforcement, so we leave open -- we leave this
21 deposition open and want to reserve that right.

22 MR. FARUQUI: All right. Well, I guess
23 since you're both addressing this, I think that
24 the witness repeatedly said that she'd like to
25 see the language of the statute, which I think

Elizabeth Guzzo
October 22, 2021

Page 78

1 is an entirely appropriate response to a
2 question asking somebody to interpret a
3 statute. So I disagree with the assessment.

4 MR. FOX: Bilal, there's a difference
5 between asking to see the language of the
6 statute about some specific question and
7 repeatedly not having preparation on the
8 general nature of the office's enforcement
9 authority.

10 The questions we asked were not limited to
11 sort of specific technical statutory questions.
12 Among other things, I asked a lot of questions
13 about in general the office's authority to
14 issue opinions and make -- take actions against
15 folks who -- against folks who -- like state
16 attorneys -- with respect to their enforcement.
17 There are a lot of things like that that are
18 not specific statutory questions and just
19 related to the office's enforcement authority
20 and determinative authority that are clearly
21 covered by Topic 2.

22 MR. FARUQUI: I understand --

23 MR. FOX: I don't think the issue is
24 limited to specifics and details of the
25 statute.

Elizabeth Guzzo
October 22, 2021

Page 79

1 MR. FARUQUI: I understand your concern,
2 and I think that the response to the questions
3 regarding the opinions was that she was aware
4 that -- of the process for opinions, and
5 she's -- she's told you that only certain
6 government entities can request opinions. She
7 did not know verbatim the list of entities that
8 could request opinions, which is entirely
9 understandable.

10 And she -- those -- that -- that entire
11 procedure and process is publicly available on
12 the Attorney General's website, including the
13 list of people who can request opinions and
14 whether they're binding or not.

15 So to the extent that the witness was
16 required to be prepared about things that are
17 publicly available, I think that would be
18 unduly burdensome and unreasonable to the needs
19 of the case for her to spend her time preparing
20 for things that are basically available
21 publicly and delineated by statute.

22 MR. FOX: It wasn't -- my question wasn't
23 limited to -- I wasn't asking for a specific
24 list of all officials who can interpret this
25 provision. What I asked is, among other

Elizabeth Guzzo
October 22, 2021

Page 80

1 things, if there was anyone who could request
2 an opinion on the meaning of the challenged
3 provisions, which is squarely and directly
4 within the topics and is not just a question
5 about what the statute means but also a
6 question about how the Office of Attorney
7 General applies and understands the statute.

8 MR. FARUQUI: I mean, I would direct you
9 to the statute. If you have additional
10 questions, you can -- excuse me. I would
11 direct you to our website which has an entire
12 page explaining the opinion process and who can
13 ask and whether it's binding or not.

14 I mean, I -- I can't believe you expected
15 me to prepare the witness to answer something
16 that was publicly available on the office's
17 website.

18 MR. FOX: So I think our opinions -- we're
19 going to have to disagree for right now. I'm
20 not going to try to respond repeatedly.

21 The other area of concern, I mean, the
22 witness had no knowledge of enforcement actions
23 taken against third-party voter registration
24 organizations at all. And that's not just
25 statutory information, it's also a question of

Elizabeth Guzzo
October 22, 2021

Page 81

1 what has been done and what can be done against
2 third-party voter registration organizations
3 and what the office thinks about the
4 sufficiency of its authority against
5 third-party voter registration organizations.

6 And that is a whole area that is directly
7 relevant, clearly within the topics, there was
8 just no preparation on it.

9 It's not the witness's fault, I want to be
10 clear about that. But we are -- I am very
11 concerned about that preparation issue.

12 MR. FARUQUI: And again, I disagree. The
13 witness told you that every enforcement --
14 well, I think if you review the records, you
15 can see that no enforcement action has been
16 taken ever. And the witness told you that
17 any -- any such cases, the documents have been
18 produced.

19 If you want to know the specifics of every
20 case, you can ask about a specific case and
21 show her the document. That's entirely up to
22 you.

23 But, I mean, the answer was everything
24 that this office ever done with respect to
25 third-party voter registrations that could be

Elizabeth Guzzo
October 22, 2021

Page 82

1 found based on the search terms, and et cetera,
2 et cetera, was produced. If -- if the
3 documents show that we've never taken an
4 enforcement action, I think you have your
5 answer.

6 MR. FOX: We're entitled -- I mean,
7 there's a reason why we take depositions after
8 we receive documents; we're entitled to ask an
9 informed representative of the office questions
10 about the issues. And we couldn't do it
11 because she wasn't prepared. Again, not her
12 fault, but a serious concern for us. So I
13 don't think we're going to resolve this just
14 here talking now.

15 MR. FARUQUI: No, I -- I understand
16 that -- that you're entitled to ask questions.
17 That's why we didn't oppose the deposition.
18 But to expect the witness to have every
19 document memorized and every statute memorized
20 is -- I don't think is within the realm of
21 reasonable preparation.

22 MR. FOX: Yeah. I just completely
23 disagree with that characterization of what we
24 were asking.

25 MR. FARUQUI: That's fine.

Elizabeth Guzzo
October 22, 2021

Page 83

1 MR. DEVANEY: I think the -- I'll just
2 chime in. I think the transcript will speak
3 for itself. We were asking questions regarding
4 just the basic enforcement responsibilities and
5 powers of the Attorney General under the
6 relevant statutes, which the witness was not
7 able to answer. Time and time again, it was "I
8 don't know, I'd have to refer to the attorneys
9 who worked on this case, the statute will speak
10 for itself."

11 I think the transcript, in fact, will
12 speak for itself, and we are going to leave
13 this deposition open. And if we choose to seek
14 to continue with another 30(b)(6) witness, or
15 with Ms. Guzzo, you can make any objections at
16 that point in time.

17 MR. FARUQUI: That's fine.

18 Was there anything else?

19 MR. FOX: Not from me.

20 MS. TARPLEY: No more questions from me.

21 MR. FARUQUI: Okay. Can we go off the
22 record now?

23 THE STENOGRAPHER: Okay. Off the record.

24 MR. FARUQUI: I'm sorry. I forgot -- can
25 we go back on? I'm sorry.

Elizabeth Guzzo
October 22, 2021

Page 84

1 The witness will read.

2 That's all I had.

3 We'll order a copy if anybody else orders.

4 MR. FOX: Yeah, we'll want a copy.

5 MR. DEVANEY: Yeah, we'll -- we'll order a
6 copy.

7 (Proceedings concluded at 11:55 a.m.)

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Elizabeth Guzzo
October 22, 2021

Page 85

CERTIFICATE OF OATH

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STATE OF FLORIDA)
COUNTY OF LEON)

I, the undersigned authority, certify that
30(b)(6) OFFICE OF THE ATTORNEY GENERAL (Elizabeth
Guzzo) remotely appeared before me on October 22,
2021 and was duly sworn.

SIGNED AND SEALED this 25th day of
October, 2021.



SANDRA L. NARGIZ, RPR, RMR, CRR, CCR
snargiz@comcast.net
Commission #GG172788
EXPIRES: APRIL 18TH, 2022

Elizabeth Guzzo
October 22, 2021

Page 86

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF LEON)

4 I, SANDRA L. NARGIZ, Registered

5 Professional Reporter, certify that I was authorized

6 to and did stenographically report the deposition of

7 30(b)(6) of OFFICE OF THE ATTORNEY GENERAL

8 (Elizabeth Guzzo); that a review of the transcript

9 was requested, and that the foregoing transcript,

10 pages 1 through 84, is a true record of my

11 stenographic notes.

12 I further certify that I am not a

13 relative, employee, attorney or counsel of any of

14 the parties, nor am I a relative or employee of any

15 of the parties attorney or counsel connected with

16 the action, nor am I financially interested in the

17 action.

18 DATED this 25th day of October, 2021.

19

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21



22

SANDRA L. NARGIZ, RPR, RMR, CRR, CRC
Notary Public
snargiz@comcast.net

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Elizabeth Guzzo
October 22, 2021

Page 87

1
2 October 25, 2021

3 OFFICE OF THE ATTORNEY GENERAL (Elizabeth Guzzo)
4 c/o BILAL AHMED FARUQUI, ESQUIRE
5 bilal.faruqui@myfloridalegal.com

6 RE: League of Women Voters, et al., vs.
7 Secretary Lee, et al.
8 Case No. 4:21 cv 186-MW/MAF

9 Dear Ms. Guzzo:

10 Please take notice that on October 22, 2021, you
11 gave your deposition in the above cause. At that
12 time you did not waive your signature.

13 The above-addressed attorney has ordered a copy of
14 the transcript and will make arrangements with you
15 to read their copy. Please execute the Errata
16 Sheet, which can be found at the back of the
17 transcript, and have it returned to us at
18 production@phippsreporting.com for distribution to
19 all parties.

20 If you do not read and sign the transcript within
21 thirty (30) days, the original, which has already
22 been forwarded to the ordering attorney, may be
23 filed with the Clerk of the Court.

24 If you wish to waive your signature now, please sign
25 your name to the blank at the bottom of this letter
and return to the address listed below.

Very truly yours,

20 Sandra L. Nargiz, RPR, CMR, CRR
21 Phipps Reporting, Inc.
22 1551 Forum Place, Suite 200-E
23 West Palm Beach, Florida 33401

I do hereby waive my signature.

24 30(b)(6) OFFICE OF THE ATTORNEY GENERAL
25 (Elizabeth Guzzo)
Job No. 212964

Elizabeth Guzzo
October 22, 2021

Page 88

1 ERRATA SHEET

2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

3 In Re: League of Women Voters, et al., vs. Secretary
Lee, et al.

4 Case No.: 4:21 cv 186-MW/MAF
30(b)(6) OFFICE OF THE ATTORNEY GENERAL
5 (Elizabeth Guzzo)

6 October 22, 2021

7 PAGE LINE CHANGE REASON

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18 Under penalties of perjury, I declare that I have
19 read the foregoing transcript of my deposition and I
20 hereby swear that my testimony therein was true at
the time it was given and is now true and correct,
including any corrections and/or amendments listed
above.

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23 Date 30(b)(6) OFFICE OF THE ATTORNEY GENERAL
(Elizabeth Guzzo)

24 Job No. 212964

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Elizabeth Guzzo
October 22, 2021

1

<p>Exhibits</p> <p>Exhibit 001 Guzzo 5:18 9:22 10:7,14 11:1, 2 24:6</p> <p>Exhibit 002 Guzzo 14:15,17,19 24:15</p> <p>Exhibit 003 Guzzo 11:8 49:3,4, 11</p> <p>Exhibit 001 HTF F Guzzo 5:21 10:14 66:19 67:6</p> <p>Exhibit 003 HTF F Guzzo 71:5,6,10,11, 12</p> <p>(</p> <p>(3)a 72:24</p> <p>(4) 64:7,19,21 65:3 66:3,9 68:9,16,21 69:3,17 70:19 74:25</p> <p>1</p> <p>1 9:22 10:7,14 11:1,2 24:6</p>	<p>66:19 67:6 77:2</p> <p>10:36 54:5</p> <p>10:45 54:6</p> <p>10:57 63:14</p> <p>11:20 63:15</p> <p>12 67:16 72:15</p> <p>17 72:15</p> <p>2</p> <p>2 14:15,17,19 24:15 62:21 78:21</p> <p>20 63:12</p> <p>2011 72:4</p> <p>2012 66:3,9,17 68:10 69:19 70:15,20 71:2</p> <p>2016 48:8</p> <p>2018 48:6 61:14,20 62:2,10</p> <p>2020 7:15 29:2,5, 19 30:10 37:14 38:3,5 47:22 61:11,</p>	<p>17,23 62:6</p> <p>2021-11 49:15 63:25</p> <p>24 49:23,25 50:2,3</p> <p>25 49:24 50:2</p> <p>3</p> <p>3 11:8 49:3,4, 11 66:22 67:5 71:5,6,11,12, 19</p> <p>30(b)(6) 6:10 77:17</p> <p>32399 7:7</p> <p>3PVRO 64:2</p> <p>4</p> <p>4 24:11</p> <p>400 7:6</p> <p>5</p> <p>5 71:10,19,22</p> <p>6</p> <p>6 11:8 67:15</p>	<p>7</p> <p>7 10:14 24:10 63:23,24 71:19</p> <p>7041 30:25</p> <p>9</p> <p>90 19:10,14,20 20:1,4 30:16, 20 31:3,7,11, 15,16,19,20, 23 32:7,11 33:1,2,5,9, 12,16 34:1,8, 13,18 35:14 36:6,11 38:7, 12 39:7,24 40:21 41:5,10 43:14,19,24 44:5 45:8,22 46:3,9,16,21 47:1,4,8,13 48:21,24 49:19,20 50:19,22,24 54:10 58:22 59:7,13 63:22,23,24 72:22</p> <p>90's 41:19 44:16 45:2 48:12</p> <p>97.0575 64:6 72:21</p> <p>9:32</p>
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Elizabeth Guzzo
October 22, 2021

2

6:1	administer 20:11 29:17, 22 37:3,15,24 39:9 41:16 48:16	53:14	aspect 58:3
A		analysis 33:5,8,12 45:1	assess 29:14
a.m. 6:1 54:5,6 63:14,15	adoption 58:22 59:6,13	answering 8:19	assessment 78:3
accusations 72:10	advance 8:6	apologies 6:21 71:10	assistance 62:5
action 10:22 25:13 61:7 64:13,14 72:2 75:1 76:4,8 77:11 81:15 82:4	affairs 14:1 15:5	apologize 8:6 71:12	assistant 13:15,18
actions 6:24 24:17 58:13 66:2,8 68:8,15,20,24 69:16 70:1,6, 13,20,24 74:10,16 77:4 78:14 80:22	affirm 6:3	appeals 16:20,23	attorney 6:10,22 7:18 8:16,20,25 9:10 11:23 13:5,7,8,14 14:12 15:2,7, 11,21 16:17 17:7,13 18:14,15 20:9,24 21:1, 6,14,21,22, 24,25 22:16, 17,19,21,22, 24 23:3,5,8, 13,16,19,20, 22 24:1,2,4, 22 25:5,6,12, 14,19 26:1, 14,25 27:3, 10,12 28:24 29:9,14,18 30:12,19 31:2,7,10,14, 18,22 32:2,7, 11,20 33:1,4, 11,14,23 34:6,11,16 35:5,14,22 36:1,5,21 37:1,6,12,21 38:2,22 39:5,
activities 20:4 72:4	affirmed 6:12	appearing 63:19	
activity 50:25 55:1,7, 21 56:7	AG 66:2,9 68:8, 15,21 69:2, 10,13,17 70:19,25 73:23 74:5, 11,15 75:17, 23	appears 19:4	
addition 51:4 52:7,17, 25	AG's 73:7	applicable 35:2 43:17 44:3 45:2 46:17,22 47:1 75:13	
additional 35:13 36:3,11 63:9 80:9	aide 13:21,23 14:7	applicants 73:1	
address 7:5	allegations 27:1,4	applies 80:7	
addressing 77:23	alleged 27:9 28:7,12	appropriate 64:17 75:19 78:1	
adequate 44:4	allowed 46:12 47:5,9	approximately 12:4	
	allows 74:25	Ashley 10:5 15:8 67:14 71:16 72:17	
	altering 72:8	aside 12:9 34:5,10, 15 36:3 37:5 52:24 56:23	
	amendment		

Elizabeth Guzzo
October 22, 2021

3

12,20 40:3,19 41:3,8,12,17 42:10,14,19 43:2,9 44:1, 10,14,25 45:15 47:12, 20 48:3,10 51:7,16,22 52:6,15,23 53:5,6,12,22 54:14 55:11, 16 56:2,9,19, 25 57:6,11,15 58:18 59:3,23 60:8 61:7,10, 16,22 62:4 64:10,12,22 65:4 74:25 75:21 76:14 79:12 80:6	available 43:17,23 79:11,17,20 80:16 aware 29:4 30:24 31:17,21,25 32:9 33:10,13 34:9,14 35:24 36:7,12 37:4, 10 38:4,5,6, 12 39:8,23 40:25 41:2,7, 11,12,15 42:13 43:11, 16,22 44:8 45:5,7,20 46:10 47:18, 20,25 48:4 52:22 53:3 59:11,23 60:9,17,18,20 61:5,6,10,13, 15,16,19,21, 22 62:1,3,4, 8,11 64:22 65:11,16,24 68:19 69:9, 11,12,15 70:22,24 71:3 73:16,18,22 74:1,2,5,15, 20,22 75:23 76:2,21 77:1, 9 79:3	14:9 Baker 63:19 ballot 41:4,9,14,19 ballots 19:18 20:22 21:24 37:23 38:17 40:22 45:24 46:4,8, 13,18,23 47:2,5,9,15, 22 48:6,13 61:18,25 ban 21:23 basis 36:9 Bates 68:3 believes 24:1 25:6,14 64:8 belong 47:6,10 biggest 63:1 Bilal 12:23 14:16 19:1 24:7 50:1 62:18 78:4 bill 19:10,14,20 20:1,4 30:16, 20,24 31:3,7, 11,15,16,19, 20,23 32:7,11 33:1,2,5,9,	12,16 34:1,8, 13,18 35:14 36:6,11 38:7, 9,12 39:7,18, 24 40:21 41:5,10,19 43:14,19,24 44:5,16 45:2, 8,22 46:3,9, 16,21 47:1,4, 8,13 48:12, 21,24 49:6,8, 19,20 50:19, 22,24 51:13 54:10 58:22 59:7,13 binding 18:19 22:6 26:19 52:2 79:14 80:13 black 33:9 34:13 bold 11:10 bottom 11:9 49:25 50:4 box 19:9 37:18 66:24 boxes 37:22 38:3,8, 13,16,20 39:7,14,21 61:12 break 9:16,18 54:2 63:11 briefly 29:2
attorney's 23:7 attorneys 12:2,5,9 16:3,25 17:3, 7,14 22:10,13 23:1,16,24 25:1 74:3,23 78:16 authorities 16:4 authority 16:10 20:13, 18 23:15 24:16 25:5, 13,20 26:2 35:23 54:15 58:20 59:4 62:20,24 63:3 77:3 78:9,13, 19,20 81:4	<hr/> B <hr/> bachelor's 14:10 background		

Elizabeth Guzzo
October 22, 2021

4

bring 24:6	changes 19:13 38:23	9:2,3,6 36:25 56:14 75:10	concern 63:1 79:1 80:21 82:12
broad 54:25	39:6,13,21 40:20 41:19	collect 45:24 46:4	concerned 63:4 81:11
budget 34:24 35:17	44:11,16 45:2,7 47:13	collection 20:21	concerning 57:19
budgetary 35:20	48:12,20 52:8,18	columns 16:19	concerns 62:18 63:1 77:16
buffer 21:12	Chapter 49:15 63:24	Commission 34:19,22 35:4,12,23,25 36:4,9	concluded 30:10
burdensome 79:18	characterization 82:23	Commission's 36:10	concretely 28:10
business 7:5	chart 15:3,17 17:9	committed 64:9	conduct 55:4 57:5,10, 14 61:11,17, 23 62:5
<hr/> C <hr/>	chat 9:23 14:17 49:10 66:24	common 32:14 36:18	conducting 30:3
Calls 56:11	circuits 17:4	communicate 31:23	confirm 69:25 70:5,12
capital 16:20	circumstance 28:5	communications 67:21,24	confusing 9:1
caps 11:10	circumstances 25:19 26:1,14 56:8 65:7,9 73:10 75:8, 13,15	complaint 55:23	connection 67:22
Carlton 63:18	citizen 27:8,14 28:11	complaints 27:22,23,25 41:2 42:15,22 43:3,10 55:12,15,19 56:1,19,25 57:4,9,13 59:11,18	consider 65:10
certified 6:13	citizens 27:8	completed 60:12	considered 31:4,24 32:8 74:24
cetera 82:1,2	civil 10:22 57:16, 18 58:11,12, 19 59:4 64:13 65:12 68:20, 24 69:16 73:15 74:10	conceded 63:3	consolidated 6:24
challenge 24:19	clarify		constituent 55:23
challenged 19:5 20:10,19 21:3,8 22:18, 23 23:6,15 24:3 25:8,16, 21 26:3,8,16 73:2 77:6 80:2			consult 31:6

Elizabeth Guzzo
October 22, 2021

5

context 37:19	deadline 72:8	depositions 82:7	75:4,20,25 76:4,9,18 77:12
continues 50:10	deadlines 43:17,23	described 20:10	disclosure 72:22,23 73:7,20,25 74:6,12,17 75:5,20 76:1, 5,8,18 77:12
conversations 32:14	deems 75:6,13	details 42:18 59:20 78:24	discovers 23:5,13
convey 19:23	defendant 10:5 67:14 71:16 72:16	determinations 56:15	discovery 12:3,12 13:2 42:17 56:21, 24 59:15 60:19
costs 33:12 34:17 36:6	defendants 32:15	determinative 78:20	discretionary 56:15
county 27:17 60:23	define 16:5	determined 72:14	discuss 11:22
covered 62:21 63:11 78:21	definition 51:4,9,18,24 52:18 53:1,8, 14,23 54:25	determining 73:8	discussion 10:18
covering 38:25	delay 59:25 60:6,11	difference 78:4	disregard 18:23
crime 24:3	delineated 79:21	direct 6:14 22:12 80:8,11	division 16:20 17:23 18:19 65:12 73:15
criminal 16:20,22 20:16 23:6, 14,23 27:7 28:3 55:21 56:6 57:14 70:20 74:16	delivery 38:16	directly 35:20 80:3 81:6	divisions 17:17 55:25 56:2
CROSS 63:16	department 57:17	Director 14:1	documents 12:14,25 65:14 66:1,8, 16 67:20,24 68:2,8,13 69:21 70:10, 17 72:14 81:17 82:3,8
crossed 50:14,18	department's 57:19	disabilities 62:6	
cycles 36:19	depend 75:14	disagree 30:12 78:3 80:19 81:12 82:23	
<hr/> D <hr/>	depends 65:6	disagreed 18:22 22:16, 21	
David 6:22 10:12	deposed 7:8,22 8:15	disclaimer 72:22,23 73:6,20,24 74:6,11,17	
	deposition 6:25 7:17 10:22 11:1 49:21 77:2,21 82:17		

Elizabeth Guzzo
October 22, 2021

6

draft 32:3	elections 20:11 27:16 28:17,24 29:3,4,10,15, 17,19,22,23, 24 30:3,10,13 31:15 34:19, 22 35:4,12, 23,25 36:4,8, 10 37:3,19 43:7 55:19	70:1,6,13,24 72:2 73:8,18, 23 76:4,8,11, 15,21 77:11, 18,20 78:8, 16,19 80:22 81:13,15 82:4	example 21:10,21
drop 9:23 19:9 37:18,22 38:3,8,13,16, 20 39:7,13,21 61:11			excuse 27:19 28:21 67:9,19 70:8 71:10 80:10
duly 6:12		enforcing 20:9	exhibit 9:22 10:7,14 11:1,2 14:14, 15,17,19 24:6 49:3,4,11 66:19 67:6 71:5,6,10,11, 12,19 77:2
duration 41:4 61:24	Elias 6:23	engaging 50:25	Exhibit-- 71:11
duties 18:12 21:17 26:6,9	elizabeth 6:11 7:4	entire 79:10 80:11	exhibits 10:13
<hr/> E <hr/>	employer 13:4	entirely 78:1 79:8 81:21	expect 82:18
e-mail 36:13 66:25	enacted 31:8,12,16,20 32:12 33:2 43:19,24 63:23	entities 79:6,7	expected 80:14
educational 14:9	enactment 44:4 45:22 46:9	entitled 10:21 82:6,8, 16	explaining 80:12
effect 51:1,18,23	enforce 24:16,19 43:17,23 54:15 74:6 77:3,6	entity 27:22 28:16 76:12	extent 33:18 38:10, 24 40:23 41:21 44:6,18 45:18 47:16, 23 48:14 51:11,13 52:10 53:16 58:23 60:3 74:18 79:15
effects 33:5,8,15,25 34:1,7,12		enumerated 16:9	<hr/> F <hr/>
eight 13:9	enforced 40:1	et 82:1,2	fact 7:19 29:15
elected 17:24 18:4, 11,12 48:17	enforcement 27:17 28:17, 24 44:2 55:20 57:17,19 58:3,11,12,19 59:4 61:7 62:20,24 63:2 64:11 68:15	everyday 37:7	
election 24:17 36:19 37:14,16,25 41:24 44:21 48:17 53:19 55:2 57:13 60:21 61:1 72:6,8 77:4		evidence 67:21	
		exact 17:5 49:2,18	
		EXAMINATION 6:14 63:16	
		examining 72:14	

Elizabeth Guzzo
October 22, 2021

7

facts 65:7,9 73:10 75:7,14	13 62:7,12 63:7,13 64:25 65:19 66:4, 11,20 67:5 68:11,22 69:4,20 70:21 71:8,20,23 74:18 77:13, 22 78:22 79:1 80:8 81:12 82:15,25	35:4,12,23,25 36:4,5,8,10, 16,19,22 37:2,8,14,19 46:8 47:22 51:21 63:24 64:6,22 65:4 73:23 77:4	24:6,10,14 25:24 26:22, 24 29:8,13 30:1,6,23 32:16,18 33:21,22 35:9 36:24 37:11 39:4,19 40:6, 12,17 41:1 42:1 44:9,24 45:6,14,21 47:19 48:1,19 49:3,8,10,12, 23 50:4,7 51:15 52:13 53:21,25 54:7 56:13 58:17 59:1,10 60:7, 15 62:9,13 63:22 77:15 78:4,23 79:22 80:18 82:6,22
failing 70:8,14		folks 78:15	
fall 17:17 21:16 33:19 75:3	fault 81:9 82:12	follow 29:9 30:19	
familiar 7:21 36:15 39:24 43:12 46:7 48:20 54:20 58:12	feel 9:2	following 6:1 72:4	
family 47:6,10	felt 39:18	follows 6:13	
far 8:2 15:17	Fighters 63:20	formal 17:15,21,22 18:2 32:19, 23,24,25 37:5 51:17,22	
far-left 15:4 17:9	file 10:13 11:8 14:16 39:9	forms 43:24 60:2,12 70:3,9,15 72:5,7,12	frame 70:16
FARUQUI 10:12,17 12:16,19 14:21 15:12 19:2 21:15 23:9 24:8,13 25:22 29:6, 11,21 30:5,21 32:13 33:17 35:6 36:23 37:9 38:24 39:15 40:5,8, 15,23 41:21 44:6,18 45:4, 12,18 47:16, 23 48:14 49:6,9 50:3,5 51:11 52:10 53:16 54:4 56:11 58:15, 23 59:8 60:3,	finish 8:3,5,8 40:14	forth 65:14	fraud 20:17 27:1,4, 9 28:7,12 45:17 54:21, 23 55:12 56:19,25 57:4,9,13 67:22 68:1 72:10
	first 6:12 7:23 10:4 11:19 13:13 67:13 71:15 72:16	found 82:1	
	five 13:19	four-year 61:24	
	Florida 7:7 8:16 14:11 15:1 16:23,25 17:5 18:6 24:16 29:3,5,19 30:3,20 31:4 32:1 33:6,16 34:2,8,19,22	Fox 6:15,22 10:15,19,25 11:4 12:18, 23,24 14:14, 22 15:14 18:25 19:3 21:19 23:10	fraudulent 55:1
			free 9:2 18:23
			Freedom 63:20
			front

Elizabeth Guzzo
October 22, 2021

8

10:20	Guzzo	12:6	68:1
funding	6:11,16,20	House	incident
35:13	7:4 62:13	30:24	59:24 60:9,
funds		housed	17,18,20 61:8
35:1,20 36:4	H	34:23	include
FYI	hand	HTFF	64:15
10:12	6:3	10:14 66:19	including
	handle	67:6 71:5,6,	62:23 67:24
G	16:22 55:23	10,12	79:12
general's	handled	I	individual
13:8,14 20:9	65:18		73:11 75:7,15
26:14 36:5	handles	identification	76:16,22
56:25 57:6	17:15 64:23	11:3 14:20	individuals
79:12	65:4	49:5 67:7	45:23 46:3
generally	handling	71:7	influence
30:19 36:12,	65:15 72:11	Identify	51:1
15,17 45:23	harder	71:25	influencing
46:4,10 48:23	8:1	identifying	51:2
55:5,6 60:14	Harriet	67:25	informed
goals	63:20	illegal	82:9
45:1	heading	55:7	initiated
govern	11:9	immediate	68:15
46:8	hear	47:6,10	injunction
governing	31:14,18	immediately	64:16 75:2,18
44:16 47:14	helpful	48:22,25	injunctive
48:12,21,25	63:11	implicated	69:10
government	hereinafter	40:24 41:22	instance
51:21 79:6	6:13	44:7,19 45:19	60:22
ground	high	47:17,24	instances
7:20 8:24	73:12	48:15 51:12	69:9,12 71:25
group	highlighted	52:11 53:17	institute
6:23 42:7	77:2	58:24 60:4	64:12
62:16	hotline	74:19	instruct
Gu-	27:15 43:8	important	33:19
6:20	hour	7:25	instructs
guidelines	54:1	incidence	9:12
73:19,23	hours	67:21	intend
		incidences	8:7

Elizabeth Guzzo
October 22, 2021

9

intent 39:10,17 44:23 48:18 51:1 52:21	29:1 56:3 65:8	73:10	7:13 13:15, 17,21,22
interest 32:14 39:18 44:22	involve 57:5,10,14	<hr/> L <hr/>	14:1,7 15:5 34:25 44:23 52:21
interests 39:13 41:18, 25 44:15 48:11,18 53:13,20	involved 39:17	lack 77:16	legislator 31:6 32:6 41:24
interpret 21:11 24:16, 19 77:3,6 78:2 79:24	involving 28:5	language 49:2 51:18 52:20 54:19 58:10 73:17 74:9,14 76:20,25 77:25 78:5	legislators 32:1 44:21
interpretation 21:3,8,25 25:20 26:2 53:6	issue 18:1,2 20:16 21:2,7,18 22:3 25:20 26:2,4,15 54:16 78:14, 23 81:11	late 70:3,9	legislature 30:20 31:4,24 39:11,16 41:24 48:17 52:21 53:18
interpreted 38:10	issued 18:18 22:5 26:19 37:4	Latino 33:9 34:13	level 30:7 73:12
interrogatories 71:16	issues 17:15 82:10	law 6:23 18:6 24:17 27:17 28:17,24 55:20	limitations 21:12
interrupt 8:6 12:17 16:14	issuing 32:20 24	laws 77:4	limited 78:10,24 79:23
introduction 30:19	items 16:9	league 6:25 11:2 14:19 49:4	limits 19:17
investigate 43:10 56:5	<hr/> J <hr/>	learns 23:23	line 28:11 54:3
investigated 72:1	joint 32:14	leave 77:20	list 11:14 79:7, 13,24
investigates 65:12	judge 75:6,12,16	left 16:19	listed 16:4 18:16 26:10
investigating 67:25	July 7:15	legal 18:2 21:13	litigation 33:18,24 34:6,11,16 39:1,2 40:11 48:3 52:17,25 53:7 59:16 73:2
investigation 27:24 28:8,14	jurisdiction 22:14 23:8	legislation 31:8,12 32:3 39:10 44:20	
	<hr/> K <hr/>	legislative	
	knowing		

Elizabeth Guzzo
October 22, 2021

10

local 27:17 28:17 55:20	76:16,22 memorized 82:19	57:18 78:8 new 53:8	56:11 58:23 59:8 60:3,13 62:12 69:4
long 7:14 12:4 13:6,17,22 45:24 46:5	mentioned 17:21 32:19 55:18	nine 11:14 nonpartisan 20:3	occur 60:23 occurred 69:19
looked 50:6	minutes 63:12	number 71:21,22	offenses 22:13 23:23
lot 62:21 78:12, 17	money 34:20 36:11 monitor 29:12	numbers 24:12 68:3	office's 24:16 77:3 78:8,13,19 80:16
<hr/> M <hr/>	monitoring 38:13	<hr/> O <hr/>	official 18:4,5,8,13, 21,23 26:20 52:2
mail 36:16,18,22 37:2,7,13	Monroe 7:6 months 13:24	OAG 53:10 oath 8:11	officials 17:25 18:11, 19 26:7 29:23 30:14 37:16, 25 41:25 44:21 48:18 53:19 79:24
mark 10:25 14:15 49:11	Moody 10:6 15:8 67:14 71:16 72:17	object 9:10 15:12 21:15 23:9 25:22 29:6, 11,21 30:5,21 32:13 33:17 35:6 36:23 37:9 38:24 40:13,23 41:21 44:6,18 45:4,12,18 47:16,23 48:14 51:11 52:10 53:16 58:15 62:7 64:25 65:19 66:4,11 68:11,22 69:20 70:21 74:18 77:13	once 7:11 37:25 73:5 74:13
marked 11:2 14:19 49:4 66:19 67:6 71:5,6	morning 6:16,17 30:16 multi- jurisdictional 15:25 20:15 27:7 28:3,25 55:21 56:6 57:5,10,14		open 38:16 77:20, 21
Martin 14:3	multiple 12:20 19:18 20:21 21:23 46:12 47:22 48:5 61:18		opinion 17:16,22 18:2,5,9,14, 21,22,23 21:14,18,22 22:6 26:15,18 32:6,10,19,25 36:22 37:5 51:17,23 52:1 53:13 80:2,12
Mckenzie 63:19		objection 39:15 40:5,9	
meaning 21:23 22:13, 17 26:15 53:7 55:4 80:2	<hr/> N <hr/>		
mechanisms 44:2	nature		
meeting 12:7			
members 31:19 47:6,10			

Elizabeth Guzzo
October 22, 2021

11

opinions 17:21,23 18:18 21:2,7 22:4 26:4 32:2,24 78:14 79:3,4,6,8,13 80:18	oversee 17:8 22:25 oversees 17:14 <hr/> p <hr/>	Perfect 67:4 period 19:13 39:25 40:21 41:9, 13,20 72:6 permanent 64:15 permitted 45:23 46:4 person 22:6 64:8 personally 8:25 29:12 persons 62:6 pertained 70:11 pertains 18:3 phrase 52:7,17 53:1 55:3 place 14:17 54:5 63:14 73:13 places 20:4 21:13 48:22 49:1 plaintiff's 62:15 plaintiffs 6:24 12:15 63:20 plaintiffs' 10:4 67:13 71:15 72:15 please	6:3 8:7 9:6 10:10 24:7,10 27:20 58:25 polling 20:4 21:12 48:22,25 position 13:10,13 31:11 positions 21:3 possess 46:12 47:5,9 possessing 21:23 possession 19:17 46:8, 17,22 47:2, 14,21 48:5,13 61:18 possible 27:11 32:1 potential 19:24 45:10 54:17 prefer 40:12 preliminary 8:24 preparation 13:1 25:4,11, 25 49:21 60:16 62:19 78:7 81:8,11 82:21 prepare 12:1 24:21,25 80:15
oppose 82:17 options 43:16,22 orders 69:13 organization 42:3,6 70:7 72:3 75:25 76:12,17,23 77:19 organization's 60:1,11 72:11 organizational 15:2 organizations 19:23 42:12, 16,21,23 43:4,13,18 44:4,12,17 45:3,9 54:9, 16 57:20 58:14,21 59:6,12,19 62:25 64:4 67:23 68:10, 17 69:14,18 70:2,14 71:1 80:24 81:2,5 outside 8:23 33:24 48:2 52:16,20 53:7 72:5	page 11:7,8,10,13 19:9 24:9,10, 11,12 49:25 50:2,3,10 66:22 67:5,15 71:19 80:12 pages 11:14 49:23 paid 45:25 46:5 paragraph 50:9 particular 9:1 20:20 22:13 24:3,9 62:19 71:20 parties 39:17 party 27:16 pass 39:18 44:20 passed 35:15 36:11 PDF 11:8 24:10 penalties 38:19 pending 9:17		

Elizabeth Guzzo
October 22, 2021

12

prepared 11:22 62:23 79:16 82:11	produce 66:1,6 68:7 69:16	prosecute 16:10 20:14 24:2 25:7,15	publicly 79:11,17,21 80:16
preparing 79:19	produced 13:1 42:18 48:2 59:14	Prosecutes 15:25	pull 9:21 49:3 66:18 71:4
present 12:10 66:3, 10,17 68:10 69:19 70:16, 20 71:2 72:4	66:14 68:3,12 69:7,21 70:1, 6,10,13,17 72:15 81:18 82:2	prosecuting 68:1	purpose 50:9
prevent 45:17 64:14	product 33:18,24 34:5,10,15 38:25 40:7,24 41:22 44:7,19 45:19 47:17, 24 48:2,15 51:12 52:11, 16,24 53:17 58:24 60:4 74:19	prosecution 15:18,20,24 16:5 20:12,23 23:20 27:6 28:6 55:22 57:7	pursue 70:20 74:11, 15 75:1,17
prevented 59:24 60:9		prosecutions 38:3 41:7	pursued 68:21 69:2, 10,13,16
principally 30:2		prosecutor 28:2	put 14:14 49:10 66:23
prior 34:21 35:11 41:13 59:15		protocols 65:14	<hr/> R <hr/>
privileged 32:14		provide 72:25	raise 6:2
probably 7:21 11:21 13:16,19	production 10:5 12:15 36:13 67:13, 16 70:11,18 72:16	provided 12:14 62:6	reads 67:18
problems 41:13 47:21 48:4	progress 29:10	provision 73:7 74:7,12, 17 76:5,9,18 79:25	realm 82:20
procedure 79:11	prohibited 52:19 53:2	provisions 19:5 20:10, 14,19 21:8 22:18,23 23:7,15 24:3, 19 25:8,16,21 26:3,8,16 54:10 72:22, 24 77:7 80:3	reask 23:11
procedures 65:14	prohibition 52:8		reasonable 82:21
proceedings 6:1	pronounce 6:18		reasonably 64:8
process 17:24 18:1 32:20,24 34:25 35:20 73:7,13 79:4, 11 80:12	proper 21:7	public 31:19	receive 42:15 55:12, 15 82:8
	proposed 32:3		received 10:13 41:3 69:6

Elizabeth Guzzo
October 22, 2021

13

receives 27:23 28:7 42:22 43:2	reflecting 66:2,8 68:8	relating 20:16 41:8 55:1,8 61:11, 17,23 62:5	represent 6:23
receiving 27:1,4	refusing 24:2 25:7,15	relationship 17:6	representative 8:16 82:9
recess 54:5 63:14	regarding 18:9 21:2 31:7 65:18 67:21,24 79:3	relevant 81:7	request 12:15 18:1,9, 14 21:13,24 32:2 34:20 36:3,10 39:21 44:11 53:23 67:13,16,19, 20 70:11 72:16 79:6,8, 13 80:1
recite 45:10	register 42:8 45:11	relief 64:15 69:10 75:1,18	requested 18:21 22:5,6 26:20 32:25 34:25 35:13 52:1,2 53:5 69:22 70:18
record 7:3 10:16,18	registration 19:23 42:3,5, 11,16,21,23 43:3,13,18,23 44:3,12,17 45:3,9 54:9, 16 57:16,20 58:4,7,14,21 59:5,12,19 60:1,2,11,12 62:25 64:3 67:22,23 68:10,17 69:14,18 70:2,3,7,9, 14,15 71:1 72:3,5,7,8,9, 11,25 75:24 76:12,17,23 77:19 80:23 81:2,5	rely 29:23 37:15, 25 39:10,16 41:23 44:21 48:16 53:18	requests 10:5 17:16,22 19:14 39:25 41:4,9,14 61:24 72:15
records 81:14	remotely 6:12	removed 50:19	require 45:9
refer 16:2 20:18 23:19 55:18 57:21 63:22 64:10,18 71:9,18 76:19	repeat 21:4 25:9,23 27:2 39:3 40:16 43:20 70:4 73:21 76:6	repeatedly 77:24 78:7 80:20	required 19:23 45:16 79:16
reference 74:8,13	registrations 81:25	rephrase 32:16 33:21	requirement 54:15 58:7 73:20,25 75:5,20 76:1
referral 68:17 73:6 74:7	regulating 42:11,20	report 14:2,4 36:1	requirements 56:16
referrals 64:23 65:5, 15,18	regulation 44:11	reporting 67:25	reserve 63:4 77:21
referred 16:1 27:5,15, 19 28:1,22 55:22,24 56:1,4,9,18, 24 57:6,11,15 58:4,7 65:6	related 38:3 72:10 78:19	reports 15:10,21 20:24	resolve
referring 28:14 63:23 64:3 72:24			
refers 23:23 28:13			

Elizabeth Guzzo
October 22, 2021

14

82:13	35:21	Sandi	Senate
respect	review	7:23 10:16	19:9,14,19,25
32:23 59:5	12:25 28:2,4	SB	20:4 30:16,20
64:21 65:3	36:5 49:20	63:22,23,24	31:3,7,11,15,
68:9,21 69:2,	63:12 81:14	72:22	16,19,20,23
17 70:19,25	reviewed	science	32:7,11 33:1,
73:19,24	12:2,12	14:10	5,8,12,15
74:11 77:17	33:15,25	scope	34:1,7,12,18
78:16 81:24	34:7,12,17	16:11 21:17	35:14 36:6,11
respond	38:11 49:22	26:6,8 52:8,	38:7,12 39:6,
80:20	revoke	18 53:1	24 40:20
response	75:23	screen	41:5,10,19
10:4 68:2,4	Richard	49:14 50:1	43:14,19,24
78:1 79:2	14:3	screens	44:5,16 45:2,
responses	rights	12:20	8,22 46:3,9,
67:12 71:15	63:4	scroll	15,21,25
72:14	role	67:12 71:19	47:4,8,13
responsible	18:4,12 20:9	search	48:12,21,24
30:3	27:1,4 31:3	82:1	49:19,20
responsive	42:11,20	second	50:18,22,24
68:2,13 69:6,	57:17,19,24	10:10,16	54:10 58:22
21	row	17:10 19:2	59:7,13
restraining	17:10	Secretary	senior
64:16 69:13	rule	21:10,13	13:21,22
75:2,19	8:24	30:2,9 43:4,6	sense
restrictions	rules	56:5,10,18,24	34:24 35:17
19:9 20:3	7:21 38:13,	58:5,8 64:7,	37:7
result	15,19,20	9,23 65:5	September
61:7	43:12 44:16	68:18 73:5	13:24
resulting	45:2 46:7,11,	74:7	serious
34:17	16,22 47:1,14	section	62:18 82:12
results	48:12,21,24	63:23,24	serve
29:24	runs	64:6,9,13,14	39:14
return	50:1	66:9 72:21	served
37:22 70:8,15	<hr/>	73:1	41:18 44:15
returning	<hr/>	secure	48:11 53:14
70:2,9 72:5,7	safe	29:24 30:11	services
revenue	30:11	37:2,8,13,17,	27:15
		23 38:1	serving
			45:1

Elizabeth Guzzo
October 22, 2021

15

setting 65:14	19 63:12	start 8:3 20:8	status 75:24
seven 10:13	South 7:6	49:24 50:12	statute 50:19,22,25
shaping 31:3	speak 7:25 18:10	56:17	57:21 64:6
she'd 77:24	57:2 73:9,14	started 40:11	77:25 78:3,6,
shift 62:17 72:20	75:21 76:13	starting 11:13	25 79:21
short 54:2	77:10	state 7:2 14:11	80:5,7,9
side 15:4	specific 74:14 78:6,	15:1 16:1,3,	82:19
Similar 63:22 77:15	11,18 79:23	23,25 17:3,7	statutes 16:4
simpler 42:25	81:20	18:14,19,21,	statutory 72:6 73:17
single 66:12	specifically 32:23 33:9	22 21:11,13,	74:9,14
sitting 59:17	34:13 37:13	20,22,24	78:11,18
slightly 54:2	40:13 45:17	22:10,12,17,	80:25
solicit 51:5,10,18,24	52:7 58:11	22,25 23:7,	Street 7:6
53:15	62:23 77:18	16,20,24 24:2	structure 15:2 23:21
solicitation 42:8 51:5,10,	specifics 36:14 54:18	25:6,14 28:24	35:8
19,24 52:9,19	55:14 57:3,22	30:2,7,14	subject 76:3,7 77:11
53:2,15	60:14,19,24	39:13,17	submission 60:1
somebody 78:2	61:5 65:11	41:18,25	submit 27:9
sort 7:12 56:16	69:5,22 73:9,	43:5,6 44:15	submits 28:11
sound 8:9 9:3,8,13,	14 74:9 75:22	48:11,18	submitted 27:13
	76:13,19,24	51:21 53:13,	submitting 60:11
	78:24 81:19	19 56:6,10,	subpoena 10:21 19:5
	speculation 56:12	18,24 58:5,8	subsection 50:1,8,10
	spend 79:19	64:8,24 65:5	51:9 64:7,19,
	spoke 12:2,5	78:15	21 65:3 66:3,
	squarely 80:3	State's 30:9	
	stand 68:5 72:18	stated 68:3	
	standing 40:9	states 64:7 67:19	
		statewide 15:18,20,23	
		16:5 20:12,23	
		27:6 28:2,6	
		55:22 57:7	

Elizabeth Guzzo
October 22, 2021

16

9 68:9,16,21 69:3,17 70:19 72:24 74:25 successful 29:16,20 30:10 sufficiency 81:4 sufficient 58:21 59:6 supervisor 27:16 28:17, 23 43:7 55:19 60:21 supervisors 31:15 suspected 72:1 swear 6:3 switch 12:22 sworn 6:12 8:11 <hr/> T <hr/> Tallahassee 7:6 Tarpley 63:9,17,18 65:2,20 66:7, 15,18,21,25 67:4,8 68:14 69:1,8,24 70:23 71:4,9, 13,18,22,24 74:21 77:15 technical	78:11 temporary 64:15 term 19:4 51:9 54:20,23 terms 82:1 testified 6:13 testify 10:21 24:21 testifying 7:17 testimony 6:4 Thanks 9:4 thing 9:16 thinks 81:3 third-party 19:22 42:2,5, 11,15,20,22 43:3,13,18 44:3,11,17 45:3,8 54:9, 16 57:16,19 58:4,6,14,20 59:5,12,19,25 60:10 62:24 64:3 67:23 68:9,16 69:14,18 70:1,7,13,25 72:3,10 75:24 76:11,16,22 77:19 80:23	81:2,5,25 three 16:19 29:4 47:5,9 times 7:10 tip 28:11 title 13:20,25 14:7 titled 13:15 top 15:7 49:14 topic 24:23 25:11 62:20,21 78:21 topics 11:10,15,17, 23 77:1,18 80:4 81:7 total 12:5 transcribe 7:24 truth 6:5,6 8:12 Tubman 63:20 turn 49:23 66:21 67:15 71:11 two 13:24 17:16 type 65:9 68:20,23 74:10,16	75:18 types 18:8 <hr/> U <hr/> ultimately 15:11,13 underlined 50:15,21 understandable 79:9 understands 80:7 unduly 79:18 unlawful 55:3,7 61:11, 17,23 62:5 unreasonable 79:18 <hr/> V <hr/> valid 40:1,22 41:14 validity 19:13 22:22 41:8,20 verbatim 18:10 79:7 video 12:22 view 29:19 37:2,6, 13,22 39:13 40:4,20 41:18 44:2,15 45:16 47:13 48:11
--	---	--	--

Elizabeth Guzzo
October 22, 2021

17

58:19 59:4 violated 38:20 violates 74:16 violating 75:25 violation 23:6,14 25:7, 15 58:3,6 64:9,13,14 73:6 74:6 75:20 76:4,8, 17 violations 20:14 73:19, 24 74:12 75:4 77:12 volunteer 46:12 47:4,8 volunteer's 47:21 48:5 volunteers 19:18 vote 36:16,18,22 37:2,7,13 vote-by-mail 19:14,18 21:24 37:23 39:25 40:21 41:4,9,14,19 45:24 46:4,8, 12,17,22 47:2,5,9,15, 22 48:5,13 61:18,24 voter 19:22 20:16	27:1,4,9 28:7,12 42:2, 5,11,15,20,22 43:3,13,18,23 44:3,12,17 45:3,8 51:2 54:9,16,20,23 55:12 56:19, 25 57:4,9,16, 20 58:4,7,14, 20 59:5,12, 19,24,25 60:1,9,10,12 62:24 64:3 67:23 68:9,16 69:14,18 70:2,7,9,14, 15 71:1 72:3, 5,7,9,10,11, 25 75:24 76:12,17,22 77:19 80:23 81:2,5,25 voters 19:24 33:9 34:13 42:9 45:10 54:17 61:3 Voters' 7:1 voting 24:17 33:6, 16,25 34:1,8 55:1,3,9 59:24 60:10 61:11,17,23 62:5 77:4 <hr/> W <hr/> wait	8:3,4 warning 45:10,16 54:17 warnings 19:22 ways 45:1 website 79:12 80:11, 17 weeks 11:21 whatsoever 72:2 wisdom 40:4,20 witness 6:7 7:19 33:20 39:1 62:22 63:6 77:17,24 79:15 80:15, 22 81:13,16 82:18 witness's 62:19 81:9 Women 7:1 word 8:23 words 50:14,18,21, 22,25 worked 13:6 wrong 10:9 50:6	wrongly 24:2 25:7,15 <hr/> Z <hr/> zone 21:12 Zoom 6:1 8:1
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UNITED STATES DISTRICT COURT

for the

Northern District of Florida

League of Women Voters of Florida, Inc. et al.

Plaintiff

v.

Laurel M. Lee, et al.

Defendant

Civil Action No. 4:21-cv-186-MW-MAF

30(b)(6) Office of AG
(Guzzo)**League 1**

S. Nargiz 10/22/21

Exhibit**167**

4:21-cv-186-MW/MAF

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Office of the Attorney General, 107 W. Gaines Street, The Collin Building, Tallahassee, FL 32399

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: See attached.

Place: By remote videographic means or as agreed.

Date and Time:

10/22/2021 9:30 am

Exhibit**167**

4:21-cv-186-MW/MAF

The deposition will be recorded by this method:

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 10/11/2021

CLERK OF COURT

OR

/s/ Fritz Wermuth

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs League of Women Voters of Florida Inc, et al.

, who issues or requests this subpoena, are:
Fritz Wermuth, King, Blackwell, Zehnder & Wermuth P.A., 25 East Pine St., Orlando FL 3280, FWermuth@kbzwlaw.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 4:21-cv-186-MW-MAF

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

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

Plaintiffs,

v.

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

Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE, and NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE,

Intervenor-Defendants.

Case Nos.: 4:21-cv-186-MW/MAF
4:21-cv-242-MW/MAF

ATTACHMENT TO SUBPOENA TO
FLORIDA OFFICE OF ATTORNEY GENERAL

Pursuant to Fed. R. Civ. P. 30(b)(6), Plaintiffs in Case No. 4:21-cv-186 (the “League Plaintiffs”) and Case No. 4:21-cv-242 (the “HTFF Plaintiffs”) provide the following description of the matters for examination at the deposition of the Florida Office of Attorney General.

DEFINITIONS

A. “Challenged Provisions” means any and all provisions of Senate Bill 90 at issue and challenged by Plaintiffs in these actions.

B. “Office” means the Office of Attorney General.

C. “Drop box” means a secured box provided by Supervisors of Elections offices where voters can physically return a vote-by-mail ballot in a sealed envelope.

D. “Senate Bill 90” refers to Senate Bill 90 (2021), Florida’s omnibus election legislation, signed into law by Governor DeSantis on May 6, 2021, and any prior versions of that bill, including but not limited to HB 7041 and any prior versions of that bill.

E. “Third-Party Voter Registration Organization” means any person, entity, or organization that collects any voter registration application, but does not include: (1) a person who seeks only to register to vote or collect a voter registration application from that person’s spouse, child, or parent, or (2) a person engaged in registering to vote or collecting voter registration applications as an employee or agent of the Division of Elections, supervisor of elections, Department of Highway Safety and Motor Vehicles, or an official voter registration agency.

F. “Unlawful voting conduct” includes fraud in connection with casting a vote (Fla. Stat. § 104.041); vote selling (Fla. Stat. §104.045); fraud in connection with vote-by-mail ballots and voting (Fla. Stat. § 104.047); corruptly influencing

voting (Fla. Stat. § 104.061); aiding, abetting, advising, or conspiring in voter fraud activity (Fla. Stat. § 104.091); unqualified electors willfully voting (Fla. Stat. § 104.15); voting a fraudulent ballot (Fla. Stat. § 104.16); voting in person after casting a vote-by-mail ballot (Fla. Stat. § 104.17); casting more than one ballot at any election (Fla. Stat. § 104.18); unlawful possession or tampering with a voting system (Fla. Stat. § 104.30); or any other type of voter or election fraud or voting-related misconduct that is prohibited by Florida or federal law.

G. “Vote-by-mail ballot” means a ballot that a voter requests and either picks up or has delivered to them so that the voter does not have to vote in-person during early voting or on election day.

H. “Volunteer assistance” refers to when a third-party organization or individual “physically possesses” a voter’s vote-by-mail ballot. Volunteer assistance includes, for example, the ballot delivery of a volunteer assistor and, more broadly, may include the ballot delivery of a third-party organization or individual that a Supervisor of Elections treats as volunteering to deliver a voter’s vote-by-mail ballot, aside from a common carrier.

TOPICS

1. Each State interest, if any, that the Office believes or contends each of the Challenged Provisions serves, promotes, or advances, and all facts and evidence supporting a connection between the Challenged Provisions and the State interest(s).

2. The Office's authority to interpret and enforce Florida election and voting law, and actions that have been, will be, or could be taken by the Office to interpret or enforce the Challenged Provisions.

3. All incidents before the enactment of Senate Bill 90 of which the Office is aware of unlawful voting conduct or attempted unlawful voting conduct relating to (1) drop boxes, (2) volunteer assistance, (3) the four-year duration of vote-by-mail ballot requests, (4) non-partisan activities within 150 feet of a polling place, (5) assistance provided with voting by mail for persons with disabilities; any investigation of such incidents; and the results of such investigations.

4. All complaints the Office has received from voters relating to alleged delays by Third Party Voter Registration Organizations in submitting voter registration forms, any investigations conducted of such complaints, and the results of such investigations.

5. The Office's understanding of how, if at all, Senate Bill 90's amendment to Fla. Stat. § 102.031(4)(b), changed the meaning of that provision, the basis for that understanding, and any guidance the Office has provided to anyone on that subject.

6. The success or failure of the 2020 general election in Florida in terms of election integrity and any other factors that the Office considers relevant in

evaluating success or failure, and the Office's understanding of what contributed to that success or failure.

7. All communications regarding Senate Bill 90 between the Office and the following individuals and entities: members of the Florida Legislature; the Florida Department of State; the Florida Governor's Office; any Florida Supervisor of Elections; Defendant-Intervenors; the National Republican Congressional Committee; the Election Integrity Committee; the Republican State Leadership Committee "Commission on Election Integrity"; Kathleen King; Senator Joseph Gruters; Senator Kathleen Passidomo; Representative Paul Renner; any Republican State or local officials; the Heritage Foundation; Heritage Action for America; and any of their employees, staff, contractors, consultants, advisors, agents, representatives, or anyone acting on their behalf.

8. Any analysis that the Office has conducted, information the Office has reviewed, and communications the Office has engaged in, concerning (1) the anticipated or actual effects of any of the Challenged Provisions on voting in Florida, (2) the anticipated or actual effects of any of the Challenged Provisions on Black or Latino voters, or (3) the anticipated or actual costs of implementing any of the Challenged Provisions and which entities would incur them.

9. The Attorney General's collection and production of documents in response to Plaintiffs' Requests for the Production of Documents, including but not

limited to the sources of documents that were collected, the means by which such documents were searched and reviewed, and any sources of potentially responsive documents that were not collected, searched, and reviewed.

RETRIEVED FROM DEMOCRACYDOCKET.COM

League of Women Voters of Florida, Inc.

vs.

Laurel Lee

Deposition of:

Alan Hays

October 06, 2021

Vol 1

Legend for Designations:

Yellow Highlighting = Plaintiffs' Designations

Gray Highlighting = Defendants' Designations

Green Highlighting = Mutual Designations

Legend for Objections:

"P=" = Plaintiffs' Objection

"D=" = Defendants' Objection

401/402 = Relevance

602 = Foundation / Lack of Personal Knowledge

701 = Calls for Speculation

802 = Hearsay

C = Cumulative

Form = Assumes Facts Not in Evidence, Argumentative, or Vague

PHIPPS REPORTING

Raising the Bar!

Alan Hays
October 06, 2021

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

CASE NO. 4:21 cv 186-MW/MAF
4:21 cv 187
4:21 cv 201
4:21 cv 242

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

vs.

LAUREL M. LEE, Florida
Secretary of State, et al.,
Defendants.

and

NATIONAL REPUBLICAN
SENATORIAL COMMITTEE, et al.,
Intervenors-Defendants.

ZOOM DEPOSITION OF ALAN HAYS

Wednesday, October 6, 2021

10:15 a.m. - 4:44 p.m.

Via Zoom

STENOGRAPHICALLY REPORTED BY:

SANDRA L. NARGIZ
RPR, CM, CRR, CRC, FPR, CCR-GA

Job No. 210346

Alan Hays
October 06, 2021

Page 2

1 APPEARANCES: (All appearing via Zoom.)

2

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6

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Alan Hays
October 06, 2021

Page 3

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Alan Hays
October 06, 2021

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40

Alan Hays
October 06, 2021

Page 5

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October 06, 2021

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Alan Hays
October 06, 2021

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Alan Hays
October 06, 2021

Page 8

1

I N D E X

2

WITNESS
ALAN HAYS

PAGE
12

3

Direct Examination by Ms. Sivalingam

12

4

Cross Examination by Mr. Nasser

133

Cross Examination by Mr. Budhu

157

5

Cross Examination by Mr. Jazil

181

Redirect Examination by

219

6

Ms. Sivalingam

Recross Examination by Mr. Nasser

220

7

CERTIFICATE OF OATH

224

8

CERTIFICATE OF REPORTER

225

READ AND SIGN LETTER

226

9

ERRATA SHEET

227

(STENOGRAPHER'S NOTE: All documents were sent to
Stenographer electronically. A digital exhibit
sticker was placed on the documents which were
marked during the proceeding.)

12

13

INDEX OF EXHIBITS

14

NO.

DESCRIPTION

ID

15

1 Notice of Taking Deposition (775736)

18

2 3-12-21 Florida Phoenix article (775735)

44

16

3 Photo of drop box (775733)

50

4 News 6 article of interview (775734)

54

17

5 E-mail chain, Hays/Dunaway (009418)

93

6 E-mail chain, Hays/Stamoulis (009422)

100

18

7 Transcript of Supv. Hays remarks to Senate

110

8 Senate Bill 90

118

19

9 Lake County survey response

118

10 Text message chat (008384)

123

20

11 Transcript, Hays comments at hearing

136

12 E-mail, Hays/Davis (KEY00009948)

141

21

13 2-21-21 E-mail, Hays/Kopelousos

152

14 REUSPSOIG recovered ballots e-mail chain

200

22

15 Vote-by-mail drop off process

209

16 9-10-2020 e-mail chain, Questions

215

23

re: drop boxes

17 Hays Text message

220

24

25

Alan Hays
October 06, 2021

Page 9

1 The following Zoom proceedings began at 10:15 a.m.

2 MR. BARDOS: Andy Bardos on behalf of the
3 witness.

4 MR. STAFFORD: William Stafford on behalf
5 of the Florida Attorney General.

6 MR. NASSERI: Cyrus Nasserri on behalf of
7 the NAACP plaintiffs.

8 MR. BUDHU: Ryan Budhu on behalf of
9 Florida Rising Together, plaintiffs.

10 MR. JAZIL: Mohammad Jazil on behalf of
11 the Secretary of State. With me is George
12 Meros on behalf of the Defendant Intervenor.

13 MR. DAINES: Kenneth Daines on behalf of
14 the Secretary of State.

15 MR. ZACHERL: Hi, good morning everybody,
16 this is Frank Zacherl, also on behalf of the
17 intervenors.

18 MR. GIBSON: Good morning, this is Ben
19 Gibson on behalf of the intervenors.

20 MS. GIBSON: Francesca Gibson on behalf of
21 the League plaintiffs.

22 MS. JOHNSON: Dianna Johnson on behalf of
23 Alachua County supervisor of elections.

24 MR. MARI: Frank Mari for supervisors of
25 elections for Brevard, Flagler, DeSoto,

Alan Hays
October 06, 2021

Page 10

1 Gilchrist, Gulf, Highlands, Jefferson and
2 Madison Counties.

3 MR. TODD: Stephen Todd on behalf of
4 defendant Craig Latimer for Hillsborough
5 County. Also with me is Peg Reese on behalf of
6 Craig Latimer.

7 MR. SALZILLO: Ben Salzillo on behalf of
8 defendant Joe Scott, Broward supervisor of
9 elections.

10 MR. VALDES: Michael Valdes on behalf of
11 the Miami-Dade supervisor of elections,
12 Christina White.

13 MS. HOULIHAN: Ashley Houlihan on behalf
14 of Palm Beach County supervisor of elections,
15 Wendy Link.

16 MS. ELLIS: Elizabeth Ellis on behalf of
17 Okaloosa County supervisor of elections, Paul
18 Lux.

19 MR. HERRON: Mark Herron on behalf of Mark
20 Earley, Leon County supervisor.

21 MS. JOHNSON: Kia Johnson on behalf of
22 David Stafford, Escambia County supervisor of
23 elections.

24 MS. ERDEYLI: Susan Erdelyi on behalf of
25 23 supervisors.

Alan Hays
October 06, 2021

Page 11

1 MR. OLIVO: Jerry Olivo on behalf of
2 Glades, Hardee, Hendry, Holmes, Levy and
3 Okeechobee Counties.

4 MS. SIVALINGAM: Before we begin, does
5 everybody have access to the exhibits that we
6 sent around? In particular, I want to make
7 sure Supervisor Hays is able to access them. I
8 know it's difficult and sometimes harder doing
9 depositions remotely.

10 THE WITNESS: I am going to need some
11 patience here. Here's the plaintiffs'
12 deposition exhibits that Andy sent to me. Good
13 grief. Zipped up, open.

14 MR. BARDOS: Danielle, I have 13 PDFs, I
15 don't have the password yet.

16 MS. SIVALINGAM: I sent it I think 10
17 minutes ago.

18 MR. BARDOS: I have it.

19 MS. SIVALINGAM: Okay. Good.

20 MR. BARDOS: I will forward the password
21 to you, Supervisor Hays.

22 (Discussion off record.)

23 THE WITNESS: Which one should I open?

24 MS. SIVALINGAM: I think we are going to
25 get to the exhibits in a little bit. My

Alan Hays
October 06, 2021

Page 12

1 colleague, Francesca, will put the name, the
2 file name of the documents that I want you to
3 pull up in the chat, and then we'll give you a
4 minute to pull it up and we'll go from there.

5 THE STENOGRAPHER: Would you raise your
6 right hand, please? Do you swear or affirm
7 that the testimony you are about to give will
8 be the truth, the whole truth, and nothing but
9 the truth?

10 THE WITNESS: I do.

11 THE STENOGRAPHER: Thank you.

12 Thereupon,

13 ALAN HAYS

14 having been first remotely duly sworn or affirmed,
15 as hereinafter certified, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. SIVALINGAM:

18 Q So good morning, again, Supervisor Hays,
19 and thank you for taking the time to be here today.
20 My name is Danielle Sivalingam, and I represent
21 several plaintiffs in this matter: Legal of Women
22 Voters of Florida, League of Women Voters of Florida
23 Education Fund, Florida Alliance for Retired
24 Americans, Cecile Scoon, Susan Rogers, Dr. Robert
25 Brigham and Alan Madison.

Alan Hays
October 06, 2021

Page 13

1 For ease, I am going to refer to my
2 plaintiffs as -- my clients as the League
3 plaintiffs. Unless I specify otherwise that I am
4 speaking about only one of my clients, please
5 understand me to use the term the League plaintiffs
6 to refer to all of my clients. Okay?

7 A Yes, ma'am.

8 Q And as you know, there are four cases
9 challenging Senate Bill 90, and the judge in all
10 four cases has permitted your testimony to be used
11 in each case, which means that you only need to sit
12 for the deposition, a deposition one time, and your
13 testimony today may be used in all four cases. For
14 this reason, there are attorneys representing the
15 other plaintiffs present here today and they may
16 conduct their own questioning once I am finished
17 with my questions for you today.

18 Can you please state your full name for
19 the record?

20 A My full name is Dixon Alan Hays, spelled
21 H-A-Y-S. Most people refer to me as Alan Hays. I
22 tell folks both my names are four letter words,
23 there is no E in either one of them. It's A-L-A-N,
24 H-A-Y-S.

25 Q Can you please also state your business

Alan Hays
October 06, 2021

Page 14

1 address?

2 A 1898 East Burleigh Boulevard, Post Office
3 Box 457, Tavares, spelled T-A-V-A-R-E-S, Florida,
4 32778.

5 Q Supervisor Hays, have you ever been
6 deposed before?

7 A Yes, ma'am.

8 Q About how many times?

9 A Once, probably 35 years ago.

10 Q Okay. Can you tell me a little bit about
11 that case and your role in it.

12 A Yes, ma'am, in my real life, in my
13 previous life, I was a practicing dentist, and one
14 of my patients sued a dentist who had performed some
15 treatment in their mouth and it was not
16 satisfactory; so they deposed me, as the current
17 dentist who had discovered the discrepancies in the
18 previous dentist's work. And so I told them -- I
19 answered their questions, and that is all I ever
20 heard of it.

21 Q Okay. Interesting. Well, so it sounds
22 like it's been a while since you've been deposed.

23 A It's been a while.

24 Q Just so that we are clear today, I am
25 going to go over some ground rules as a refresher on

Alan Hays
October 06, 2021

Page 15

1 **how these things go.**

2 **But before we do that, did you bring**
3 **anything with you to the deposition today?**

4 A I've got a briefcase for carrying the
5 laptops, I've got a bowl with some water in it, and
6 it's got some cooler things there to keep the water
7 cold, I've got my Gator booster Yeti cup that's got
8 water in it. And other than that, I am all you have
9 left.

10 **Q Okay.**

11 A I do have a pad of paper and a pen to take
12 notes if I want to.

13 **Q Sure. Sounds good. Do you have your cell**
14 **phone on you?**

15 A No, ma'am.

16 **Q Okay. And is your e-mail inbox open?**

17 A Yes.

18 **Q Okay. Is anyone trying -- other than your**
19 **attorney -- trying to contact you via e-mail about**
20 **the deposition?**

21 A Not that I am aware of. Forgive me for
22 interjecting here, but as far as I am concerned,
23 this e-mail is only for the -- I mean the --
24 whatever y'all -- exhibits and that's a big deal.
25 The e-mail can wait. I won't be fiddling with that.

Alan Hays
October 06, 2021

Page 16

1 Q Okay. Good. And I just ask that if
2 anyone aside from your attorney does try to contact
3 you about this deposition by phone or e-mail or
4 other method, that you tell me.

5 A Oh, okay.

6 Q Great. So I am going to go over the
7 ground rules for today's deposition. Given the
8 unusual circumstances that we are all living in in
9 this moment due to the COVID health crisis, I am not
10 in the room with you and we are all participating in
11 this deposition through videoconference technology.

12 And since this deposition is taking place
13 remotely over videoconference, I ask that you do
14 your best to turn off at least the sound on your
15 e-mail communication. And it sounds like you don't
16 have your cell phone on you, so I appreciate that,
17 just to minimize the distractions while the
18 deposition is taking place.

19 And I also ask that your microphone remain
20 on while we are on the record. If we go on break,
21 you can certainly mute it, but while we are on the
22 record, just so that there is no lag time, and I
23 will do the same.

24 During the deposition I will ask you
25 questions and you will answer them, and the court

Alan Hays
October 06, 2021

Page 17

1 reporter will be taking down my questions and your
2 answers. Your answers will be under oath, meaning
3 that you are swearing to their truthfulness and
4 accuracy. The oath you took today has the same
5 effect as if you were testifying in a court of law.
6 Do you understand?

7 A Sure.

8 Q Your answers need to be audible to ensure
9 an accurate record of the deposition, so no nodding
10 or shaking of the head. And please try to avoid
11 saying uh-huh or uh-uh, I will do the same.

12 Please wait for me to finish my question
13 before you answer for the sake of the court
14 reporter. And should your attorney object, please
15 also provide him an opportunity to state his
16 objection for the record before you begin your
17 answer. This is especially important during a video
18 deposition where a sound, that is not unusual for
19 software delays, to result in accidental and awkward
20 interrupting.

21 If my question is unclear to you, please
22 let me know and I will try to clarify for you. But
23 if you answer the question, I will assume that you
24 understood the question. Does that sound okay?

25 A Sure.

Alan Hays
October 06, 2021

Page 18

1 Q Now, as I referenced, your attorney may
2 object to some of my questions. The objections are
3 for the judge to consider later. You must still
4 answer my questions unless you are specifically told
5 not to do so by your attorney.

6 After the deposition the court reporter
7 will reduce your testimony into written form which
8 will be provided to you in a transcript. You will
9 have the opportunity to read the transcript and
10 correct any inaccuracies. But if you make any
11 changes to your testimony that are inconsistent with
12 the answers given during the deposition, I and the
13 other attorneys for the plaintiffs will be able to
14 comment on those discrepancies at trial.

15 Finally, if you need to take a break for
16 any reason at any time, please say so, I will only
17 ask that if a question is pending, that you answer
18 my question before we go to break. Okay.

19 Now we will pull up an exhibit. I would
20 like to ask the court reporter to please mark as
21 Exhibit 1 the notice of taking deposition of Alan
22 Hays.

23 (Exhibit 1 was marked for identification.)

24 BY MS. SIVALINGAM:

25 Q The document name is in the chat. Do you

Alan Hays
October 06, 2021

Page 19

1 have it up?

2 A Me? Yes, ma'am.

3 Q Okay. Great. Okay. I will ask the
4 question quicker for the next one.

5 Have you seen this document, Exhibit 1,
6 before?

7 A Probably, but honestly, I don't remember.

8 Q Okay. It is the notice of taking your
9 deposition.

10 A I understand that.

11 Q Do you understand that you are appearing
12 here today pursuant to this deposition notice which
13 has now been marked as Exhibit 1?

14 A Sure.

15 Q I want to ask you some questions about how
16 you prepared for today's deposition. Can you please
17 tell me how you prepared for the deposition today?

18 A Well, I reviewed probably a week or two
19 ago the answers that I had given to the multitude of
20 questions that were presented to us, and then I
21 spent time with my attorney getting some rules of
22 engagement, if you want to call it that, the
23 behavioral standards for me; said, Alan, you've got
24 to realize --

25 MR. BARDOS: Hold on, hold on, Alan, you

Alan Hays
October 06, 2021

Page 20

1 don't need to disclose -- I would ask you not
2 to disclose what we discussed.

3 THE WITNESS: Oh, okay.

4 MR. BARDOS: Go ahead if there is anything
5 else you did to prepare.

6 A Not that I recall, no. I just paid
7 attention to the instructions of my attorney.

8 BY MS. SIVALINGAM:

9 Q Great. I don't want to know anything that
10 you and your attorney discussed, of course. But
11 when you say you reviewed answers to questions, do
12 you mean interrogatories maybe?

13 A Yes, ma'am.

14 Q Okay.

15 A I am not understanding -- not being fluent
16 in your legal lingo, but when you said
17 interrogatories, I remembered that.

18 Q Okay. Sounds good. Other than your
19 attorney, did you speak with anyone about today's
20 deposition?

21 A Depends on how you define speak with
22 anyone about it. I have spoken to a multitude of
23 people. My entire office staff knows that I am
24 being deposed. I've got multitudes of friends, you
25 know, just -- but, you know, specifically this or

Alan Hays
October 06, 2021

Page 21

1 this or this, no. But, yes, in the general sense, I
2 have spoken to more people than I could ever
3 remember.

4 Q Okay. So it sounds like a lot of people
5 know that you are here. I guess -- I don't need to
6 know about that. But did you talk with anyone about
7 the substance of your testimony today, again, other
8 than your attorney?

9 A No.

10 Q Okay. Other than those questions and
11 interrogatories, did you review any other documents
12 in preparation for today's deposition?

13 A No. I'm sorry for the hesitation in the
14 definition of preparing, and I am not trying to
15 overthink the question, but, you know, at various
16 times since I knew this lawsuit had been filed, I
17 have reviewed the text of Senate Bill 90, I have
18 gone through a whole bunch of other things. But if
19 I am understanding the context of your question, no,
20 ma'am, I have not done any other preparation than
21 that which we just stated.

22 Q Okay. That's really helpful to know.

23 And as you can imagine, I will be
24 referencing Senate Bill 90 throughout the
25 deposition. And I will also reference some other

Alan Hays
October 06, 2021

Page 22

1 documents, so at certain times, it may come up have
2 you seen this before, or did you review it, those
3 might be some of the documents that you're thinking
4 of.

5 Okay. So now just I have to ask, is there
6 anything that might impair your ability to testify
7 accurately and truthfully today?

8 A No, ma'am.

9 Q Okay. You have not taken any medication,
10 alcohol or drugs that would impair your testimony
11 today?

12 A No, ma'am.

13 Q It's one of those that we have to ask to
14 make sure, right?

15 A You have a job to do, so do I.

16 Q If you answer otherwise, it would be
17 useful information in any event. Okay.

18 I have some questions about your
19 professional background and before you became
20 supervisor of elections for Lake County. And I
21 think you mentioned this. You are a dentist by
22 training?

23 A Yes, ma'am.

24 Q Before you were a dentist, is it right
25 that you were a member of the Coast Guard for four

Alan Hays
October 06, 2021

Page 23

1 **years?**

2 A Yes, ma'am.

3 Q **Thank you for your service.**

4 A I would do it again if I was needed.

5 Q **Wonderful. Is it correct that in 2004 you**

6 **became a member of the Florida House of**

7 **Representatives?**

8 A Yes, ma'am.

9 Q **And where did you represent?**

10 A At that time it was House District 25.

11 Q **Was Lake County in House District 25?**

12 A A portion of Lake County was in House

13 District 25, yes, ma'am. I had part of Lake County,

14 part of Seminole County and part of Volusia County,

15 all three.

16 Q **Okay. Is it correct that you served in**

17 **the Florida House of Representatives for about six**

18 **years?**

19 A For exactly six years, yes, ma'am.

20 Q **Through 2010 then?**

21 A That is correct.

22 Q **Okay. Then after that, you became a**

23 **member of the Florida Senate?**

24 A That is correct.

25 Q **What part of Florida did you represent in**

Alan Hays
October 06, 2021

Page 24

1 the Senate?

2 A The Senate districts changed.

3 Originally -- originally I had a larger portion of

4 Volusia County, a larger portion of Seminole County,

5 a portion of Marion County and a greater portion of

6 Lake County. And then I also later on had a portion

7 of Orange County. The districts change from time to

8 time, as you are aware. And I also in the Senate

9 had a great deal of Sumter County as well.

10 Q Okay. During your time in the Florida

11 Senate, is it correct that you served on the Senate

12 Ethics and Elections Committee?

13 A Yes, ma'am.

14 Q Can you tell me a little bit about your

15 work on that committee?

16 A I was on the -- well, I started to say on

17 the redistricting committee, but that was a separate

18 committee. My work on the ethics elections

19 committee was just sit there and consider the bills

20 and, you know, engage in the discussion and vote on

21 the bills. It's just like any other committee.

22 Q Sure. Did you gain insight or knowledge

23 into elections in Florida due to your work on the

24 committee?

25 A Yes, ma'am, but not to a great degree.

Alan Hays
October 06, 2021

Page 25

1 The actual mechanics of the administration of the
2 elections was -- I don't recall any discussion
3 during those years on that committee about the
4 mechanics of election administration.

5 But the general part of elections, just by
6 virtue of the committee, any bill that had to do
7 with elections came through our committee. But it
8 was not in the mechanical side of the elections.

9 Q Okay. Did you serve on any other
10 committees about elections during your time in
11 either the Florida House or the Florida Senate?

12 A Not that I recall.

13 Q Okay. After your time in the Florida
14 Senate, is it correct that immediately after you
15 became supervisor of elections for Lake County?

16 A Yes, ma'am.

17 Q Were you first elected as supervisor of
18 elections in 2016?

19 A Yes, ma'am.

20 Q In Florida, is the supervisor of elections
21 usually an elected position?

22 A In 66 of the 67 counties, the supervisor
23 is elected. In Miami-Dade County, currently the
24 supervisor there is appointed.

25 Q Okay. What is the term for a supervisor

Alan Hays
October 06, 2021

Page 26

1 of elections at least in Lake County?

2 A Four years.

3 Q Okay. Then were you just reelected in
4 2020?

5 A Yes, ma'am.

6 Q Okay. And would it be correct that your
7 term ends in 2024?

8 A Yes, ma'am.

9 Q Do you plan on running for re-election?

10 A Yes, ma'am.

11 Q Is it correct that the supervisor of
12 elections is a full-time position?

13 A Yes, ma'am.

14 Q So you don't currently have any other
15 jobs?

16 A That is correct.

17 Q Okay. Is it correct that the supervisor
18 of elections is a partisan rather than nonpartisan
19 office?

20 A Yes, ma'am.

21 Q And you were elected as a Republican,
22 correct?

23 A Yes, ma'am.

24 Q And does Republican remain your party
25 affiliation today?

Alan Hays
October 06, 2021

Page 27

1 A Absolutely.

2 Q Okay. Have you had any formal training in
3 election administration?

4 A Yes, ma'am.

5 Q Can you tell me about your training?

6 A Yes, ma'am. Number 1, five years almost
7 now of on-the-job experience but most, perhaps at
8 least equally important, the Association of
9 Supervisors here in Florida has put together a
10 30-course curriculum that the completion of which
11 leads to the designation of a master of certified
12 elections professional. And I have earned that
13 designation as being a certified elections
14 professional.

15 Q Okay. When did you attain that
16 certification?

17 A I would have to go look on the plaque, but
18 it was probably in 2018 or '19. I know as soon as I
19 was elected and took office, I immediately began the
20 completion of those courses. And they are in-person
21 courses, they were not being taught online at the
22 time, you literally had to go to the courses; and so
23 I made a very definitive effort on my part to earn
24 that designation. And I took several of my team
25 here with me to get their certification as well.

Alan Hays
October 06, 2021

Page 28

1 Q Okay. And you find that certification --
2 did you find it valuable?

3 A Yes, ma'am, quite valuable.

4 Q Can you describe for me the
5 responsibilities of the supervisor of elections in
6 Lake County?

7 A Yes, ma'am. I am -- I tell my team all
8 the time, I am the head coach of the team of
9 champions. And specifically my duties are to
10 oversee the administration of the election itself.
11 And the list would be probably this long
12 (indicating) of all the little bitty different
13 things.

14 And we have frequently had people come
15 through the office for tours and things, and
16 invariably they leave with an expression of, wow, I
17 had no idea how many details y'all have to take care
18 of in order to have a smooth election.

19 And we take great pride in being detailed
20 oriented, and I tell people, you know, I had, you
21 know, 30 years of training as a dentist and
22 practiced being very meticulous on details in the
23 patient's mouth, and I am very meticulous and
24 attentive to details in my administration of
25 elections here.

Alan Hays
October 06, 2021

Page 29

1 We have to secure the polling places; we
2 have to recruit and train all the election workers,
3 we have to make sure all the equipment is tested and
4 in working order; we have to make sure all is
5 deployed appropriately to the chosen election sites,
6 both early voting and election day; we have to
7 coordinate all of the vote-by-mail programs; we have
8 to do all of the tabulation; we have to do all of
9 the reporting; we have to do the auditing post
10 election, and it will just go and on.

11 There in 2018, of course, we had three
12 statewide recounts. A recount is a completely
13 different set of circumstances. And, you know, I
14 don't mean to be cute, but I could talk for a long,
15 long time about the duties. But I think if I've
16 answered your question, I will hush.

17 Q No, that was really helpful, thank you.
18 Mostly it has, but one thing I am not sure I heard
19 and I want to just confirm, is your office involved
20 with registering voters?

21 A Oh, yes, ma'am. Duh.

22 Q Okay. You may have mentioned this, I want
23 to make sure, is it right that you maintain
24 statistics on voting history and voter registration?

25 A Yes, ma'am.

Alan Hays
October 06, 2021

Page 30

1 Q Okay. And about how many elections --

2 A If I may, let me add there, too, a part of
3 that voter registration database maintenance is our
4 list maintenance program which is prescribed in
5 statute as to how we are to execute that to make
6 sure that our voter database is current and up to
7 date in every way that we possibly can. And we are
8 very attentive to that detail as well.

9 Q Okay. That sounds good. So about how
10 many elections have you run as the Lake County
11 supervisor of elections?

12 A Well, a multitude of municipal elections,
13 I've got five that are pending right now for this
14 year. I had seven, I think, in 2017. And then, of
15 course, we have done the '18 gubernatorial election,
16 and then we did the -- '19, we had city elections,
17 then in '20 we had both the presidential preference
18 primary, the regular primary, we also had the
19 primary in 2018 as well, and then we had the general
20 election in both '18 and in '20. And, you know,
21 honestly, I haven't counted them, but a bunch
22 anyhow.

23 Q And then would it be fair to say that
24 every primary, presidential primary and general
25 election since you were elected in 2016, you oversaw

Alan Hays
October 06, 2021

Page 31

1 **those elections?**

2 A Yes, ma'am. I would have been the
3 presiding officer over those elections, every
4 election that's been held in Lake County since
5 January of 2017.

6 Q Currently, how large is your staff at the
7 Supervisor of Elections office?

8 A Eighteen or twenty.

9 Q And is that about the same size that it
10 was during the 2020 general election?

11 A Oh, great day, no. During that 2020
12 election, we hired another probably 12 or 15 people
13 for temporary employment.

14 Q Okay. Out of those 12 to 15 individuals,
15 they were temporary?

16 A Yes, ma'am.

17 Q As supervisor of elections for Lake
18 County, who do you consider your constituents to be?

19 A Every registered voter and really every
20 citizen, because it's our hope that every eligible
21 citizen will become a registered voter and then will
22 make the effort to become informed about the
23 candidates and about the issues and turn out to
24 vote.

25 We are very deliberate in our efforts to

Alan Hays
October 06, 2021

Page 32

1 make sure that we register everyone who wants to be
2 registered. We go into multiple community events
3 all across the county, and then we also go into all
4 the high schools once a year to preregister the 16
5 and 17-year-olds and to register any 18-year-olds
6 that haven't previously been registered.

7 So we are very diligent in our effort to
8 make sure that people are aware that they can
9 register online, they can register in person, they
10 can go to any library and register there, they can
11 go to the DMV offices and register there.

12 Candidly, there is no excuse to not be
13 registered in Lake County, Florida. If you want to
14 be registered, there is multiple doors that are wide
15 open for you.

16 Q Okay. And then to the extent that we
17 haven't discussed this, I just want to make sure I
18 understand. What are your goals as supervisor of
19 elections?

20 A We have adopted as an office four points
21 of commitment, and the first and most important is
22 voter confidence. And everything that we do is
23 focused on making sure that we have earned the
24 confidence of those voters.

25 Our second goal of commitment is excellent

Alan Hays
October 06, 2021

Page 33

1 service. And we want every person with whom we
2 interact, whether it be in person, whether it be on
3 the phone or whether it be via e-mail or any other
4 way, we want them to realize that they are important
5 to us, we have been attentive to their needs, and we
6 have done the best of our ability to meet the
7 question that they had and to answer it as
8 completely as we could.

9 Our third point of emphasis and commitment
10 is accurate and efficient elections, and we are
11 going to do everything we know humanly possible to
12 make sure that every election, whether it be a
13 municipal election or presidential election, is done
14 to the highest level of integrity and accuracy.

15 And then we have our fourth point of
16 commitment is responsible financial stewardship
17 that -- the people of this county have trusted me
18 with \$4 million a year to say, Alan, here's your
19 budget, make sure you are a good steward of it and
20 use it wisely. And I have done so to the point I
21 have been able to return money to them every year
22 since I have been in office.

23 Q Okay. Thank you. So it sounds like you
24 know Lake County pretty well, and I would like you,
25 if you can, to tell me a little bit more about the

Alan Hays
October 06, 2021

Page 34

1 **county, including how many voters it has.**

2 A We have approximately 268,000 voters.

3 It's been interesting. I look back, in the 2016
4 presidential election there were -- I believe it was
5 240 something thousand -- anyhow, you have to do the
6 numbers.

7 But I do know that in the four intervening
8 years between 2016 and 2020, we added over 44,000
9 registrations to our registration database, new
10 registrations, over 44,000. We averaged over 11,000
11 voters per year during that four-year time period.

12 Lake County geographically sits almost in
13 the exact middle of the state bordered by Orange,
14 Seminole, Volusia, Putnam and Marion and Sumter and
15 Polk Counties and Osceola County. And we also -- we
16 are 97 miles from north to south and probably
17 60 miles east to west.

18 We previously, when I moved here in 1976,
19 were very heavy in agriculture, citrus being the
20 king. The freezes in the '80s decimated that
21 industry. We now have become in many areas,
22 particularly the south end of the county, a bedroom
23 community for Orlando.

24 The city of Clermont has now become the
25 largest city in the county; previously Leesburg was

Alan Hays
October 06, 2021

Page 35

1 the largest one; that Tavares has been the county
2 seat for multiple years, probably a hundred, I don't
3 know how many, long before I got here.

4 What other things do you want to know
5 about Lake County?

6 Q That was a lot of information, so I really
7 appreciate it. I think if I need anything else, I
8 will ask you throughout a little bit later. But
9 that gives me a good sense for the county, so thank
10 you.

11 Switching gears, I want to ask you some
12 questions about an association that you mentioned a
13 few minutes ago, the Florida Supervisor of
14 Elections. I think you already told me what it is.
15 Is it correct that you are a member of the FSE?

16 A Yes, ma'am.

17 Q Okay. What's your opinion of the FSE?

18 A I feel privileged to be a member of such
19 an esteemed group of dedicated public servants, and
20 I am not trying to curry favor with anybody. But
21 what I really wish our association could
22 successfully do is impart to the citizens of Florida
23 just how high a level of dedication and efficiency
24 and accuracy and all those other good things our
25 association is.

Alan Hays
October 06, 2021

Page 36

1 I have been so tickled to be at their -- I
2 have been at every association meeting since I was
3 sworn in, and I know I could count on one hand, but
4 honestly, I can't refer you to any specific time
5 when I have ever heard any partisan comments made.

6 The association is as neutral as neutral can be.

7 When I was in the Legislature, I was not
8 privy and, frankly, didn't give a hoot about the
9 politics. I was there about policy. And that's one
10 of the things I enjoy the most about this job here,
11 is I am somewhat like a referee on a football field.
12 I call fouls when I see them and the rest of the
13 time I try to stay out of the way, behind the scenes
14 and let the good things happen.

15 But we are all about policy, policy,
16 policy, follow the law. We are not going to get
17 into the political milieu. And the association does
18 just that.

19 They are a very dedicated group of
20 professional men and women, several of whom have
21 been there for 20 plus years. They have been very
22 generous with their support, their openness, sharing
23 ideas all the time back and forth.

24 I was moving into a new office building
25 and we had to do some modifications. I visited 10

Alan Hays
October 06, 2021

Page 37

1 other supervisors' offices, I borrowed their good
2 ideas, brought them here, incorporated those ideas
3 into the construction of our building here. And
4 they have just -- we all work together, and I don't
5 know which ones are Ds and which are Rs and it
6 really doesn't make any difference to any of us.

7 Q Okay. And is it correct that you are on
8 the FSE legislative committee?

9 A I have chaired that committee for the
10 last, I think, four years, maybe three. Anyhow,
11 yes, I am the chairman of that committee.

12 Q Okay. Now I want to ask you about the
13 2020 elections in Lake County. And in terms of
14 federal elections, there were three elections in
15 2020, is that right?

16 A Yes, ma'am.

17 Q Okay. The presidential preference
18 primary, the primary election, and the general
19 election?

20 A That's correct.

21 Q Okay. Most of my questions, unless I
22 state otherwise, are going to be about those
23 elections as a group. If your answer is different
24 for certain elections, definitely let me know;
25 otherwise, I will take your answer as being an

Alan Hays
October 06, 2021

Page 38

1 answer for all three of those federal elections.

2 A Okay.

3 Q Okay. So looking back on the 2020
4 elections in Lake County, would you say that the
5 elections were a success?

6 A Absolutely.

7 Q And why is that?

8 A Because we had very few hiccups, the
9 results came in on time and our audits proved that
10 we were accurate.

11 And we have received many, many, many
12 compliments from the citizens of Lake County on how
13 smooth the elections ran. Our election workers have
14 commented several times about how fulfilled they are
15 to be a part of the team, how pleased they are with
16 our training, the efficiency of it, the fact that we
17 didn't have any long lines, no waiting periods, no
18 power failures, I could go on and on and on. But
19 the 2020 elections in Lake County were an astounding
20 success.

21 Q Okay. Do you know what the voter turnout
22 was for the 2020 general election in Lake County?

23 A 80.28 percent. That's 80.28 percent.

24 Q Would you consider that to be a high
25 turnout?

Alan Hays
October 06, 2021

Page 39

1 A Yes, ma'am.

2 Q Okay. Is that higher than in other recent
3 presidential elections?

4 A I have no idea.

5 Q Okay. That's fine. If you don't know,
6 definitely let me know.

7 A I don't know.

8 Q Is high voter turnout important to you?

9 A Absolutely.

10 Q Okay. Now, how would you define a secure
11 election?

12 A There are a multitude of ways to define
13 security. Our security begins here with the
14 background checks on the people before we employ
15 them. Our security here extends to our e-mail,
16 where we can't just sign on with a password, we have
17 to have multifactor authentication to get on the
18 account. After you've typed in your password, you
19 get a code and that code changes every time you get
20 on.

21 The physical plant itself, we have over 20
22 security cameras, both external and internal, in
23 multiple rooms and in the warehouse. We have chain
24 of custody of every one of our tabulation machines.
25 Our boxes of equipment and supplies that go out are

Alan Hays
October 06, 2021

Page 40

1 sealed with numbered seals, those seal numbers are
2 recorded.

3 And all of our ballots, we count the
4 ballots when they come from the printer. We know
5 exactly how many we have got, we know exactly how
6 many we've deployed to each precinct and every early
7 voting site, and we make sure that the tabulation of
8 those ballots is complete with every election. We
9 go on then, of course, on election day with all the
10 tabulation of those ballots.

11 We do the audit, we make sure -- good Lord
12 of mercy, the thousands and thousands of dollars
13 that we have spent on cybersecurity, you and I both
14 could take a real nice vacation with that money.

15 But the multiple layers of security that
16 we have in several different positions through here,
17 both internally and at the county level and at the
18 state level and all sorts of firewalls, I could go
19 on and on and on. So all of these factors play a
20 key role in making sure the election is secure.

21 Q Okay. Would you say that the 2020
22 elections in Lake County were secure?

23 A Absolutely.

24 Q Okay. And all of those steps to make that
25 secure option that you described for me in detail,

Alan Hays
October 06, 2021

Page 41

1 those were employed in the 2020 elections in your
2 county?

3 A Yes, ma'am.

4 Q Okay. As an election administrator, are
5 you generally familiar with elections throughout the
6 state of Florida or at least the statewide --
7 actually, are you generally familiar with elections
8 throughout the state of Florida?

9 A Generally, yes, ma'am.

10 Q Okay. I only want to know to your
11 knowledge and to your understanding, would you say
12 that the 2020 general election Florida statewide was
13 a success?

14 A Absolutely.

15 Q Okay. And generally speaking, would those
16 be for the same reasons that you described regarding
17 Lake County?

18 A Yes, ma'am.

19 Q Okay. And to your knowledge as an
20 election administrator, would you say that the 2020
21 elections statewide in Florida were generally
22 secure?

23 A Yes, ma'am.

24 Q Okay. And would that be for similar
25 reasons that you described as to why the election in

Alan Hays
October 06, 2021

Page 42

1 Lake County was secure?

2 A Yes, ma'am.

3 Q Okay. So as you know, this lawsuit
4 involves the legality of Florida's Senate Bill 90,
5 which I may refer to as SB 90 for short. Did you
6 generally follow the introduction of SB 90 and its
7 counterpart HB7041 as it made its way through the
8 Florida Legislature from its introduction to its
9 passage?

10 A Yes, ma'am.

11 Q What was your opinion about SB 90 when it
12 was released initially?

13 A It was initially released the day before
14 the ethics and elections Senate committee was
15 scheduled to hear it the first time. It had three
16 sections. I thought the middle section was good, I
17 thought the first and third sections were not good,
18 and yet, I decided to not go to Tallahassee and let
19 my voice be heard.

20 The next week, what I considered a bad
21 bill became a horrible bill when it then had seven
22 sections, and I felt so strongly that I did go to
23 Tallahassee and I testified before the committee;
24 and I honestly don't remember which one it was now,
25 Senator Rodriguez was the chairman of it, if I

Alan Hays
October 06, 2021

Page 43

1 recall correctly.

2 But anyhow, I testified there and I told
3 them what I thought of the bill. And then, of
4 course, it went on and, holy cow, multiple changes,
5 you've got the track record in the record I am sure
6 of that bill. And, of course, I followed it right
7 on through the final passage of it.

8 Q Okay. Were you consulted in your capacity
9 as a supervisor of elections about Senate Bill 90 or
10 HB7041 before it was released?

11 A No, ma'am.

12 Q Did the FSE take an official position on
13 SB90, to your knowledge?

14 A Yes, ma'am.

15 Q What was the position?

16 A The position -- and I apologize, I don't
17 know exactly what stage, it was near the end of it,
18 but we put out a letter that stated that in its
19 present form, we did not support it.

20 Q Aside from speaking before the committee
21 about SB 90, can you give me just an overview of the
22 steps you took to oppose SB 90 such as lobbying your
23 state representative or senator?

24 A As you can imagine, I have several
25 colleagues there in the legislature with whom I

Alan Hays
October 06, 2021

Page 44

1 served. And I contacted several of them, I
2 contacted others whom I had not served with but they
3 knew of my current position and my track record in
4 Tallahassee multiple times, multiple ways, just
5 trying to explain to them what a travesty certain
6 parts of Senate Bill 90 were at that particular
7 time.

8 And to their credit, they did make
9 significant changes to the bill as it went through
10 the process.

11 Did they give us everything that we asked
12 for? No, ma'am, they did not. But they did -- they
13 did take some of our suggestions and incorporate
14 them into the bill, and a lot of it had to do with
15 deleting certain things from the bill.

16 Q Okay. I would like to now pull up an
17 article in the Florida Phoenix, it's entitled "GOP
18 Reforms: Only immediate family could help pick up
19 and deliver ballots; but what if there's no family
20 close by?" And my colleague has put the document
21 title in the chat.

22 (Exhibit 2 was marked for identification.)

23 MS. SIVALINGAM: Let me know when you have
24 it up.

25 THE WITNESS: There we go. Okay.

Alan Hays
October 06, 2021

Page 45

1 BY MS. SIVALINGAM:

2 Q This article is from the Florida Phoenix
3 dated March 12, 2021, and it quotes you in several
4 places. Do you recognize we'll call Exhibit 2?

5 A I have it here on the screen in front of
6 me, it's the first time I have ever seen it. So I
7 guess you could say I recognize it, but I have not
8 read this. I don't know anything about it.

9 Q Do you remember giving an interview to
10 Laura Cassels at the Florida Phoenix for an article?

11 A Okay. I will take your word for it. I do
12 not record the different people with whom I speak,
13 certainly not the reporters, good gracious alive.

14 Do you want me to read this thing for
15 content and see if it's accurate or not, or what?

16 Q I have a couple specific questions about a
17 couple statements, but if you feel more comfortable,
18 I certainly want you to feel comfortable discussing
19 the article, so whatever you need to do.

20 A Hang on, let me take a minute or two here.

21 Q Absolutely.

22 A (Examining Document.)

23 My elderly mother is still living, too.
24 She will be a hundred in February.

25 Q Oh, wow.

Alan Hays
October 06, 2021

Page 46

1 A (Examining Document.)

2 Okay. I've skimmed it.

3 Q Okay. I want to ask you about your
4 statement and most of the testimony -- well, your
5 statement before the Legislature where you said the
6 bill, Senate Bill 90, does not include a single one
7 of the top 10 priorities recommended by the
8 Supervisor of Elections Statewide Association of
9 which Hays is a member.

10 Did you, in fact, give that statement
11 before the Florida Senate?

12 A I don't recall. I have -- I can get a
13 copy of my remarks that I did read that day. I
14 don't recall making that statement at the time. As
15 a matter of fact, the bill did not include any of
16 our top 10 priorities, but I don't think I made that
17 statement in my testimony to the Senate. But there
18 again, I would have to review my written speech that
19 day.

20 Q Okay. But I am not asking about whether
21 or not the bill included those priorities. The
22 draft that you spoke on did not include those top 10
23 priorities, is that correct?

24 A Yes.

25 Q And then the final version of SB 90, did

Alan Hays
October 06, 2021

Page 47

1 it include any of the top 10 priorities recommended
2 by the Florida supervisor of elections?

3 A I am sorry, I would have to go back and
4 review that list of priorities and compare it with
5 the bill. I don't recall right now.

6 Q Okay.

7 A You see, this article was written right
8 after -- the only version of the bill was the second
9 version. This is when it was a seven-section
10 travesty -- my word, not theirs. But there were
11 many, many changes made to the bill as it progressed
12 through the process.

13 Q That's right. That's right. So you said
14 that near the end, the FSE released a statement
15 stating their official position on SB 90 and that
16 they did not support SB 90. Did that statement also
17 represent your views at least at the time?

18 A Absolutely.

19 Q Switching gears to talking about voting by
20 mail in Lake County, I want to make sure I
21 understand the process. These are questions, to the
22 extent it's different, so I am asking about before
23 SB 90.

24 Can you explain to me how a Lake County
25 voter could request a vote-by-mail ballot?

Alan Hays
October 06, 2021

Page 48

1 A They could go online to our website, they
2 could also fill out a voter registration application
3 requesting a vote-by-mail ballot. They could send
4 us -- they could make a phone call, they could come
5 in in person. There again, it's quite easy to
6 request a vote-by-mail ballot.

7 **Q Can voters renew their requests for a**
8 **vote-by-mail ballot by checking a box on the**
9 **envelope in which they returned their ballot in a**
10 **given election?**

11 A No, ma'am. Here in Lake County we did not
12 have that option available. It's one that I
13 certainly planned to incorporate, but I had a whole
14 host of preprinted envelopes that I did not want to
15 render them obsolete, so we did not offer that
16 convenience yet.

17 **Q How does your office go about sending Lake**
18 **County voters' vote-by-mail ballot?**

19 A We most of the time use the U.S. Postal
20 Service. There are some overseas voters who we
21 e-mail their ballots to them, the military and
22 overseas. But generally it's -- and we also have
23 some who come by to pick up their ballots in person.
24 But the overwhelming majority of our ballots go out
25 in the U.S. Postal Service.

Alan Hays
October 06, 2021

Page 49

1 Q Okay. And before SB 90, can you explain
2 to me all the ways in which a Lake County voter
3 could return their vote-by-mail ballot?

4 A Yes, ma'am. They could bring it into our
5 office in person. We have a drop box here that is
6 available throughout the whole time that we are
7 open. They could also take it to an early voting
8 site; all of our early voting sites have drop boxes.

9 We also had a drop box in the front of our
10 office in the edge of the parking lot there that had
11 three security cameras trained on it 24 hours a day.
12 And the opening of that box, I had it custom
13 tailored so that you could only put two or three
14 envelopes in there at a time. It's a very narrow --
15 I am trying to look at the camera here to see. The
16 opening is only probably a half to three-quarters of
17 an inch wide or high so that you can't put a whole
18 stack of envelopes in there.

19 The big thing, too, is you can't pour a
20 cup full of liquid in there either. When I was
21 designing the mailbox, I talked to a librarian who
22 had experience with library drop boxes for book
23 returns, and she cautioned me, she said, Alan, you
24 wouldn't believe the number of vandals that come by
25 and pour liquids in there, various other things that

Alan Hays
October 06, 2021

Page 50

1 didn't belong in the book return boxes. So I
2 incorporated her advice and custom tailored our box
3 so that it wouldn't be able to do that.

4 One of the three cameras that we have
5 picks up the license tag number of the vehicle if
6 they go by in a vehicle. People could walk up to
7 the box and put it in there. So we had our drop box
8 here, we have a drop box at early voting sites and,
9 of course, anybody can mail it, return mail, we pay
10 the postage for the return mail. I think that
11 pretty well covers everything.

12 Q Well, because you talked about it, can we
13 pull up -- I think I have a picture of the drop box,
14 but it is outside your office. It might be helpful
15 for referencing. I think I see now the slot you are
16 talking about.

17 MS. SIVALINGAM: Sandi, we can mark this
18 Exhibit 3.

19 (Exhibit 3 was marked for identification.)

20 A Yep, that's it.

21 BY MS. SIVALINGAM:

22 Q That's it. Okay. I want to come back to
23 that and we're probably going to be referencing it a
24 couple of times. But just to clarify, when you say
25 you made this slot small so that only a few ballots

Alan Hays
October 06, 2021

Page 51

1 could be put through it, you are talking about the
2 slot in this picture?

3 A Yes, ma'am.

4 Q One other thing I am not sure you
5 mentioned, but in terms of returning a vote-by-mail
6 ballot, again, before SB 90, put individuals, unpaid
7 individuals to return other individuals' ballots,
8 other voters ballots?

9 A Oh, yeah, the Florida Statutes, sure,
10 other people could -- as long as they were not paid,
11 they could go around and get them.

12 Q And then you said obviously voters could
13 return a ballot by mail. When did a voter need to
14 return their vote-by-mail ballot if they needed it
15 in the mail to ensure it would be counted by the
16 election day?

17 A Well, it would depend on the speed of the
18 postal service, but the law says I must have
19 physical possession of every one of those ballots no
20 later than 7:00 p.m. on election night unless they
21 are coming from overseas. The overseas voters have
22 a ten-day grace period to get them in. But for all
23 domestic returned ballots, I must have physical
24 possession of those by 7:00 p.m.

25 Q That makes sense. I should clarify, did

Alan Hays
October 06, 2021

Page 52

1 you recommend to voters, if they were returning
2 their ballot via mail, that they should get it in
3 the mail by a certain date to ensure that their
4 ballot was counted?

5 A We certainly did repeatedly. We noticed
6 them in multiple different ways and different times,
7 don't wait until the last minute. As soon as you
8 get this ballot, mark it and get it back in the mail
9 to us, or you can bring it by and drop it into our
10 drop box here, either one.

11 Q Did you ever recommend to voters they get
12 it in by at least a week before election day?

13 A Probably so.

14 Q Okay. But if a voter is returning a
15 ballot via drop box, getting it in shorter than a
16 week before election day, there would be no concern
17 then, would you agree with that?

18 A No, ma'am. They are welcome to bring it
19 to this box here at 6:58 p.m. on election night and
20 we'll still get it; because at 7 o'clock, I have two
21 staff people out there at that box to remove all the
22 ballots that are in it and bring them into the
23 office. Because this box sits right out in front of
24 our office, you see, and so we know then that once
25 that 7:00 p.m. harvest, so to speak, has been

Alan Hays
October 06, 2021

Page 53

1 executed, any ballots that might be in there the

2 next morning or later that night came in after

3 7:00 p.m. So if they want to wait until the very

4 last moment, then this is their best option.

5 Q Okay. I think you were pointing and you
6 said that box there. Just for the record, when you
7 were pointing, what were you pointing to?

8 A Pointing to the image, Exhibit --

9 Q Oh, Exhibit 3. Okay.

10 A Exhibit 3.

11 Q The drop box outside the supervisor's
12 office?

13 A Yes, ma'am, the drop box outside the
14 supervisor's office.

15 Q Okay. Thank you. Has voting by mail
16 increased in recent years in Lake County?

17 A Oh, absolutely.

18 Q Do you remember about how many Lake County
19 voters requested vote-by-mail ballots in the 2020
20 general election?

21 A I don't remember specifically. I'm
22 guessing somewhere in the neighborhood of 90,000. I
23 know we planned budget-wise to be prepared to mail
24 60,000 and we blew through that in a heartbeat. So
25 it was -- but I believe it was around 90,000 that we

Alan Hays
October 06, 2021

Page 54

1 mailed out and had around 68 or 70,000 returned, if
2 I recall correctly.

3 Don't hold me to those numbers. I will
4 have to check on them and see.

5 Q Okay. I do have an article where you were
6 interviewed about voting by mail that I think it
7 will refresh your recollection. So I am going to
8 have you pull up the article, it accompanied a video
9 interview that it appears that you did for News 6.
10 It's called "Central Florida counties reporting
11 record number of mail-in ballots this election."

12 (Exhibit 4 was marked for identification.)

13 BY MS. SIVALINGAM:

14 Q Do you have it up?

15 A Yes, ma'am.

16 Q Okay. Great. Do you recognize this
17 article or remember giving an interview to
18 Ms. Nadeen Yanes of WKMG?

19 A Oh, yeah. Yeah. Sure do.

20 Q Okay. So as of the date of this article,
21 you said about 29 percent of Lake County voters had
22 requested a mail-in ballot, is that accurate?

23 A Sure.

24 Q Okay.

25 A That's about 29 percent, according to

Alan Hays
October 06, 2021

Page 55

1 Nadine's figures, but be that as it may, I think I
2 heard you say 28 percent.

3 Q Twenty-nine. If I did, I apologize. I
4 meant to say 29. This was published -- this looks
5 like this article was published October 7.

6 Is it fair to say that you may have
7 received more requests for vote-by-mail ballots
8 after the date of publication of this article?

9 A That is correct.

10 Q Okay. And we already discussed what you
11 think was the percentage of Lake County voters who
12 requested a vote-by-mail ballot. Do you remember
13 what percentage of Lake County voters voted by mail
14 in the 2020 general election?

15 A Not off the top of my head, no, ma'am.

16 Q You said a record number of Lake County
17 voters requested a vote-by-mail ballot. And then
18 you said, everything that's here in the vote-by-mail
19 department is a record, no question.

20 Did a record number -- so did a record
21 number of Lake County voters end up voting by mail
22 in the 2020 general election?

23 A Yes, ma'am.

24 Q Do you know, to your knowledge, why that
25 was?

Alan Hays
October 06, 2021

Page 56

1 A You would have to ask each one of them to
2 be specific, but in general, I think everybody knows
3 that the pandemic that was prevailing at that time
4 was a major factor, and then we also have some who
5 did not trust the U.S. Postal Service to deliver
6 their ballot in a timely manner, if at all, and they
7 expressed to us on multiple occasions how grateful
8 they were for the drop box convenience, that they
9 could drop it off after hours or on the weekends or
10 things like that. And so just a multitude of
11 reasons, but the pandemic, of course, was the big
12 thing.

13 Q Thank you. A little bit later in the
14 article you say, here in Florida I feel very, very
15 comfortable in the security of the vote-by-mail
16 process and the validation of signature matching.
17 What is signature matching?

18 A Signature matching begins with the
19 recording of the signature of that voter on their
20 voter registration application. Sometimes that
21 signature is recorded on a signature pad at the
22 Department of Motor Vehicles, that would be a
23 discussion for another day on another lawsuit
24 probably.

25 But let's get through that and let's look

Alan Hays
October 06, 2021

Page 57

1 now at the envelope that has returned that ballot to
2 us. Before the envelope is opened and, actually, as
3 soon as it comes in, we immediately arrange the
4 envelopes so that all in a stack are positioned so
5 that the signature and the bar code that's on that
6 envelope are both visible on every envelope. And we
7 then run it through a signature verification machine
8 which uses the technology very similar to that which
9 a bank uses to verify the signature in the lower
10 right corner of a check.

11 And the machine reads the bar code which
12 tells the machine which voter record to access the
13 signature, and then it also takes a picture of the
14 signature on that envelope and it electronically
15 compares those two signatures.

16 If the machine verifies them as being
17 accurate and acceptable, then we accept it as well.

18 The machine may not even see a signature because
19 some envelopes are left blank, others other times it
20 just cannot verify it and it will give us -- at the
21 end of the batch, it gives us a list of all of the
22 names of the voters whose signature was verified, a
23 list of those that it was not verified, and then a
24 third list of whatever reason it did not make a
25 verification.

Alan Hays
October 06, 2021

Page 58

1 We then take that entire batch of -- and
2 the machine, at the same time, has put a batch
3 number and a sequence number and a time and date
4 stamp on every one of those envelopes. We take the
5 entire batch with those three sheets of reports and
6 give it to a human that has been trained in
7 signature recognition and comparison. We have a
8 list of eight specific points that they utilize to
9 compare the signature.

10 Another advantage we have is that if we
11 have multiple signatures in that voter's record, the
12 people verifying that signature on the envelope are
13 able to thumb back through those signatures and see
14 if they find the one that did match.

15 People need to understand there is a huge,
16 huge difference in signing an electronic pad at a
17 DMV versus signing on the back of an envelope at
18 your dining room table or at your kitchen counter
19 when the voter is returning that envelope to us. So
20 there is certainly likely to be discrepancies in the
21 electronic signature pad signature versus that
22 that's written on that envelope. But that voter may
23 very well have signed earlier a piece of paper that
24 we have recorded in their record, so we can verify
25 it that way.

Alan Hays
October 06, 2021

Page 59

1 If we then verify it, the envelope goes
2 into those records to be -- those ballots to be
3 tabulated later on.

4 If we do not verify it, if we deem that as
5 an unacceptable signature, we then notify the voter
6 to tell them we have an issue with their signature
7 and here's what you must do to resolve that issue.
8 We give them the step-by-step process to cure that
9 signature discrepancy, and we give them the deadline
10 of 5:00 p.m. on Thursday after the election. We
11 stress that multiple times.

12 We go through multiple ways -- number one,
13 we send them a letter via the postal service, but we
14 also, if they have been generous enough to give us
15 their e-mail address and/or their cell phone number,
16 we call them; if they don't answer, we leave them a
17 voice mail. And then we also can send them an
18 e-mail to alert them early on, here's an issue with
19 your signature, here's what you need to do to
20 resolve it.

21 And then once we get the resolution from
22 the voter, we then put their ballot in the stack to
23 be tabulated.

24 Does that pretty well cover it?

25 Q I think it does. Very thorough and thank

Alan Hays
October 06, 2021

Page 60

1 you for explaining that to me.

2 So then going back to the statement, here
3 in Florida I feel very, very comfortable in the
4 security of the vote-by-mail process and the
5 validation of signature matching.

6 Does that still reflect your views today?

7 A Yes, ma'am, certainly does.

8 Q I know we talked generally about security
9 at the 2020 election, but just in terms of the
10 security of the vote-by-mail process, were you
11 satisfied with the security of the vote-by-mail
12 process in the 2020 elections in Lake County?

13 A Yes, ma'am.

14 MS. SIVALINGAM: It has now been over an
15 hour of questioning, I think I would like to
16 take a little break. I want to make sure that
17 everyone gets a break. I think now is a good
18 time if it's a good time for you.

19 THE WITNESS: It's fine with me. How long
20 you want to break?

21 MS. SIVALINGAM: I only need five minutes.

22 (A recess took place from 11:29 a.m. to
23 11:35 a.m.)

24 BY MS. SIVALINGAM:

25 Q So before the break we were talking about

Alan Hays
October 06, 2021

Page 61

1 voting by mail. Do you anticipate that a
2 significant percentage of voters in Lake County will
3 continue to want to vote by mail in the future?

4 MR. BARDOS: Object to the form.

5 A Yes.

6 BY MS. SIVALINGAM:

7 Q To your knowledge --

8 A Did Andy say something?

9 MR. BARDOS: I said object to form for the
10 record, but go ahead.

11 A I expect a significant percentage will
12 probably want to continue to vote by mail.

13 BY MS. SIVALINGAM:

14 Q Okay. Do you think that voting by mail
15 helps decrease -- we talked about that. Let me go
16 back.

17 You testified that Lake County, at least
18 recently, hasn't had a problem with long lines at
19 the polls, right?

20 A That's correct.

21 Q Do you think that voting by mail helps
22 decrease long lines at the polls on voting day?

23 A You know, that's something you can't
24 quantify, but common sense would tell you that if
25 you have 5,000 more people voting by mail, that's

Alan Hays
October 06, 2021

Page 62

1 5,000 fewer people than you would have at the
2 polling place. But even those numbers are not
3 necessarily true because some people would vote by
4 mail instead of -- and not even think about going to
5 the polling place.

6 So I wouldn't want to speculate as to what
7 percentage or anything like that. But just on the
8 surface of it, one would think, but your thoughts
9 and my thoughts or someone else's thoughts may or
10 may not coincide.

11 Q Okay. Are you familiar with the term
12 "voter fraud"?

13 A Yes, ma'am.

14 Q Okay. Are you aware of any widespread
15 voter fraud in Lake County that occurred in the 2020
16 elections related to vote-by-mail ballots?

17 A No, ma'am.

18 Q To your knowledge, are you aware of any
19 widespread voter fraud in the state of Florida that
20 occurred in 2020 related to vote-by-mail ballots?

21 A No, ma'am.

22 Q We talked a little bit about drop boxes.
23 I do thank you for your testimony on that so far,
24 but I have some more questions about drop boxes.

25 How long has Lake County been using drop

Alan Hays
October 06, 2021

Page 63

1 boxes to collect ballots?

2 A Since before I came on, every early voting
3 site has had a drop box, and the Supervisor of
4 Elections office has always had a drop box. The box
5 outside, to my knowledge, the 2017 election of --
6 the municipal elections that were here, that's the
7 first time it has been used in Lake County. And it
8 was used successfully for all five of the big
9 elections. Actually, with every election, since
10 2017 through the 2020 general election, we had used
11 that outside drop box very successfully.

12 Q Okay. Lake County had 13 drop boxes
13 available in the 2020 elections, is that right?

14 A Yes, ma'am. No, actually, we had 14
15 because we had -- we had 12 early voting sites, each
16 of whom had a drop box, then we had the drop box
17 here in our office inside, and we also had the
18 external drop box. So that would be a total of 14
19 that we had.

20 Q Okay. Great. What are the hours of the
21 internal drop box, or what were the hours during the
22 2020 elections?

23 A The hours at the early voting sites were
24 10:00 a.m. till 6:00 p.m. every day that the early
25 voting site was operational. The hours for the drop

Alan Hays
October 06, 2021

Page 64

1 box here inside the office were a regular 8:00 to
2 5:00 office hours, and actually we stayed opened
3 until 6:00 p.m. So I would say -- to answer the
4 question, it was 8:00 a.m. to 6:00 p.m. here in the
5 office, and then, of course, the outside one was
6 available 24/7.

7 Q Okay. So I want to ask a few more
8 questions about the drop box that we see in
9 Exhibit 3 or we see a photo of it, the one outside
10 of your office.

11 Where specifically outside your office was
12 it located, including how far from your office?

13 A From the front door of my office to the
14 drop box is probably no more than 50 feet, would be
15 my guess. I can have someone measure it for you in
16 the next 20 or 30 minutes and give you exactly
17 because today, in that same site, we now have a U.S.
18 Postal Service drop box there. But forgive me for
19 not knowing whether it's 50 feet or 60 feet. But
20 it's close by and it's in plain view.

21 I can literally sit at my desk and see it,
22 and there are other people that work inside the
23 building that have clear view of it, plus it's on
24 24-hour camera surveillance by three cameras.

25 Q Right. Is it right that voters could

Alan Hays
October 06, 2021

Page 65

1 drive up or walk up and drop their ballots in the
2 drop box?

3 A Yes, ma'am, either/or.

4 Q Okay. For the 2020 general election, what
5 was the first day that voters could begin using the
6 drop box outside the Supervisor's office?

7 A I would have to go back and look at the
8 calendar, but it was the day that -- the same day
9 that we mailed them, which is 45 days ahead of time;
10 or actually we do that to overseas. It's probably
11 35 days ahead of the election. The day after we
12 mail them out we put the drop box out there and we
13 leave it for the entire time.

14 Q Okay. And this drop box pictured in
15 Exhibit 3, was it available the Monday before
16 election day?

17 A Yes, ma'am. It was available all the way
18 through election night.

19 Q That's right, you said that, as late as
20 the last pickup on election night.

21 A The box itself sits there for a day or two
22 after the election, but it doesn't do anybody any
23 good to put anything in it after 7:00 p.m.

24 Q Right. Understood. Okay. So going back
25 to my question about the Monday before election day,

Alan Hays
October 06, 2021

Page 66

1 in your experience and to your knowledge, is the
2 Monday before election day a popular day to vote?

3 A I have no idea.

4 Q Okay.

5 A I'm sorry, I don't pay any attention to
6 the daily totals.

7 Q That's fine. If you don't know, I want
8 you to tell me that.

9 Now I do have some more specific questions
10 about the monitoring. You mentioned that the drop
11 box in Exhibit -- pictured in Exhibit 3 outside of
12 the Supervisor of Elections office was monitored by
13 three cameras. I would like you to tell me where
14 the cameras were situated, including, to the best of
15 your knowledge, how far the cameras were from the
16 drop box.

17 A I know that there is -- two of them are up
18 high on the face of the building pointed toward the
19 box, and the third one is down low pointed toward
20 the box. I wouldn't begin to speculate the
21 distance. All I know is it's close enough that we
22 can determine -- probably determine what make and
23 model of the car it is, but then that third one, of
24 course, we have the license tag, now, only if they
25 drive through headed in one direction. If they

Alan Hays
October 06, 2021

Page 67

1 drive through headed the other direction, we get a
2 picture of the front of the car instead of the
3 license tag. But that's neither here nor there
4 right now.

5 Q But that would be if they were going --

6 A If they were driving through so that the
7 driver could sit in the driver's seat and get the
8 ballot into the box, then we would get a picture of
9 the license tag. If they are driving through so
10 that the passenger puts the ballot in the box, then
11 we just get the front of the vehicle.

12 Q Okay. Okay.

13 A We have the other two cameras that are
14 capturing the big picture, the wide angle view, if
15 you will.

16 Q Okay. The cameras would also capture
17 individuals who walk up and drop the drop box off --
18 the ballots off?

19 A Yeah.

20 Q Okay.

21 A And if I may add, those same cameras
22 capture the two people on my staff that go out every
23 day to retrieve the ballots from there. Anybody
24 that approaches -- all the activity around that
25 mailbox is on the camera 24/7.

Alan Hays
October 06, 2021

Page 68

1 Q Okay. Great. Who reviewed the camera
2 footage?

3 A Nobody that I know of.

4 Q As needed, would you or your staff review
5 the camera footage?

6 A Yes, if a need presented itself, my IT
7 director would review it along with myself and my
8 assistant supervisor would be the ones to review it,
9 absolutely.

10 Q Okay. During the 2020 general election,
11 there was no need to review the footage?

12 A That is correct.

13 Q And why is that?

14 A Because no one informed us of any
15 suspected misdeeds that might have been done there;
16 there was no evidence inside the box on any of the
17 ballots that there might have been any misdeeds
18 done; and we were busy taking care of administering
19 the election.

20 We don't have to go around -- we've got
21 much more important things to do than sit there and
22 watch all the night's activity at the drop box when
23 only the crickets and the raccoons were running
24 around.

25 Q Okay. Did the 24-hour drop box at the

Alan Hays
October 06, 2021

Page 69

1 Supervisor of Elections office also have any
2 in-person monitoring either during business hours or
3 after business hours?

4 A Yes, ma'am, the Secretary of State's
5 general counsel, Brad McVay, sent out a directive,
6 if I recall correctly, it was before the general
7 election, it may have been for the primary, but I
8 believe it was just for the general. We would have
9 to go back and check on that.

10 But anyhow, when that directive came out,
11 he said that it had to be an in-person monitoring,
12 so I then hired what we call rent-a-cop to come out
13 there and sit in their patrol car for hour upon
14 endless hour watching the night go by with no
15 activity at the box. But we continued the camera
16 surveillance through that entire time. But we did
17 have live monitoring.

18 We do everything we can to comply with the
19 letter of the law or the directives from the
20 division to the fullest extent. I am a free
21 thinker, but I am not a free actor.

22 Q Understood. And those contract -- I guess
23 the independent security firm that you hired, it
24 sounds like they did not find any suspicious
25 activity around the 24-hour drop box, is that right?

Alan Hays
October 06, 2021

Page 70

1 A That is correct, yes, ma'am.

2 Q Okay. But is it fair to say that you did
3 not have a security firm for the entire time that
4 the 24-hour drop box was available at least in some
5 of the elections? I want to know if there was a
6 point in time in 2020 when only the three security
7 cameras were monitoring that drop box after hours.

8 A There was definitely that point in time
9 through the PPP in March, our election, and all the
10 elections from 2017 through that PPP. And again, I
11 would have to go back and look and see when the
12 directive came out as to whether or not we had to
13 have live monitoring versus camera monitoring. But
14 I can get that answer for you this afternoon if we
15 ever break for lunch.

16 Q Okay. But for now, that's fine. To your
17 knowledge, from 2017 until you hired an independent
18 security firm, during the time when the drop box was
19 only monitored via video surveillance, was there any
20 suspicion of activity such as destruction of the box
21 or stealing of the ballots inside the box?

22 A None whatsoever.

23 Q Okay. Just quickly I want to go over the
24 other drop boxes that were available, the other I
25 guess 13 it would have been.

Alan Hays
October 06, 2021

Page 71

1 You testified that those were available --
2 or I guess there was 12 drop boxes available located
3 in early voting locations, right?

4 A Yes, ma'am.

5 Q And then they were available, not the one
6 inside your office, which you already told me about,
7 but the ones at early voting locations, they were
8 available between 10:00 a.m. and 6:00 p.m. daily?

9 A Yes, ma'am.

10 Q Do you remember what day that began on?

11 A Not off the top of my head.

12 Q Do you remember what day early voting in
13 Lake County in 2020 ended on?

14 A Yes. It ended on Saturday before the
15 election at 6:00 p.m. The election, I think, was on
16 November 8, was it not, which means that it would
17 have been on Saturday, November 6 at 6:00 p.m. that
18 early voting ended.

19 Q So then after that point, the only drop
20 boxes that would have been available would've been
21 the 24-hour box, and then would the box inside your
22 office have been available after early voting ended?

23 A Yes, ma'am.

24 Q But only during -- from 8:00 to 6:00,
25 right?

Alan Hays
October 06, 2021

Page 72

1 A That is correct.

2 Q Okay. Just wanted to make sure that I
3 fully understand.

4 Okay. In terms of monitoring of the drop
5 boxes at the early voting site, were those boxes
6 monitored?

7 A Yes, ma'am. Once the directive came out
8 from the Secretary of State's office, we complied
9 with that directive completely at every drop box.

10 Q Before that directive, were they
11 monitored?

12 A Yes, ma'am, but we did not have an
13 individual person that was assigned. The drop boxes
14 were positioned inside a large supply cabinet, and
15 those people who brought their ballots there were
16 put -- they would hand the ballot to one of the
17 election workers who would put them in.

18 Now then when we -- I think it may have
19 been during the primary that we went to the larger
20 boxes that we wound up setting on a table and
21 chaining the box to the table, and we had then a
22 person assigned to be there monitoring that box at
23 all times.

24 And the chain of custody of that ballot
25 began at that box because that monitor person had a

Alan Hays
October 06, 2021

Page 73

1 sheet of paper there with a bunch of blanks on it
2 and they were to record the name of the voter who
3 was written on that envelope so that we knew right
4 then that that envelope with that person's name on
5 it was written on that form, and that began the
6 chain of custody of that envelope.

7 It went into the box, then that night,
8 when the ballots were returned to our central
9 office, that chain-of-custody form came with the
10 envelopes so when we checked them in here to the
11 office, we knew exactly how many and who they
12 belonged to. And that chain of custody is still
13 part of our records.

14 Q And you produced those logs to us in
15 discovery, I believe.

16 I want to make sure that I understand
17 because I think you give a really great description
18 of how to go about dropping off the ballots in the
19 24-hour box, but I want to make sure that I
20 understand how the -- from A to Z, how somebody
21 would go about dropping off their ballot at the drop
22 box in the early voting site.

23 Would you describe it. So a voter -- let
24 me know if this is wrong. A voter approaches an
25 early voting site, walks inside, goes to the drop

Alan Hays
October 06, 2021

Page 74

1 box where an individual from your office is
2 monitoring the box; the person will put their ballot
3 in the box, and then the individual writes down
4 their name and logs the information, and then the
5 chain of custody proceeds as you described.

6 Can you please correct me if any of that
7 is wrong or add any detail that I omitted.

8 MR. BARDOS: Object to the form.

9 A The individual with the ballot envelope
10 comes in, presents that envelope to the monitor, who
11 then writes the name of the voter that's printed on
12 that envelope on the chain of custody sheet, and
13 then the envelope is positioned. We will allow the
14 voter to put it into the box, or the monitor can put
15 it into the box, either one.

16 But that -- and it may or may not be the
17 person who's actually delivering the envelope. It
18 may be a friend or a relative who's bringing the
19 envelope for the person. But we don't worry
20 about -- at least back then we didn't worry about
21 that, the identity of that person presenting it. We
22 simply recorded the name that was printed of the
23 voter whose ballot was supposed to be in that
24 envelope.

25

Alan Hays
October 06, 2021

Page 75

1 BY MS. SIVALINGAM:

2 Q That makes a lot of sense. Then this
3 monitor that you are describing, was that in every
4 instance a permanent employee of your office?

5 A No, ma'am, it was a paid election worker.

6 Q Does that mean temporary employee?

7 A Yes, ma'am.

8 Q In any instance would a volunteer have
9 been that individual that was monitoring the box?

10 A No, ma'am.

11 Q Okay. But in every instance, it was a
12 temporary worker, or most?

13 A Well, no. Here in the -- that monitored
14 the drop box in our office, we did have paid
15 permanent personnel monitoring that just by virtue
16 of the physical location of the box itself. And
17 they are right there right now today monitoring
18 that. But at all the early voting sites, the
19 monitor was one of the temporary trained election
20 workers.

21 Q Okay. That's really helpful just because
22 I know that it's a pretty specific process and can
23 potentially differ. So thank you for giving me that
24 detailed description.

25 One other question about those monitors.

Alan Hays
October 06, 2021

Page 76

1 Whether temporary or, I guess, in the instance of
2 inside your office, permanent employees at your
3 office, the individuals monitoring the drop boxes,
4 did they, to your knowledge, review the ballot
5 envelope to make sure it was signed?

6 A I would have to defer to my training
7 people to speak factually. It was my expectation
8 that they would do that, but in a case where
9 somebody -- I'm not aware of any instances where an
10 unsigned envelope went into the drop box. Perhaps
11 that's the best answer I can give you.

12 Q That's very helpful. To your knowledge,
13 were drop boxes popular in Lake County during the
14 2020 elections?

15 A Yes.

16 MR. BARDOS: Object to the form.

17 BY MS. SIVALINGAM:

18 Q Okay. Did you receive any comments from
19 voters about -- you or your staff receive any
20 comments from voters about the drop boxes?

21 A The only comments that I recall were those
22 who expressed appreciation for the accessibility of
23 the 24-hour drop box. I don't recall any others
24 relative to the early voting drop boxes. But, you
25 know, again, you have to understand the complexity

Alan Hays
October 06, 2021

Page 77

1 of our operation, and we don't pay any attention to
2 what I would consider trivial things like that.

3 I mean, it's important we get feedback
4 particularly if they have any way to improve the
5 system, but -- and of course, you get some that are
6 going to be loud and boisterous and express their
7 displeasure with certain things, but that's just
8 human nature.

9 But I am not aware of any specific
10 comments that I received anyhow relative to the drop
11 boxes or their accessibility or lack thereof.

12 Q Sure. But you did say that you received
13 some comments expressing appreciation about the
14 24-hour box, right?

15 A Yes, ma'am.

16 Q Okay. And were those -- I am wondering, I
17 guess, two things. I want to know what that
18 generally was and also whether -- and maybe your
19 counsel can speak to this, whether -- because I
20 don't remember seeing that in production, so if it
21 was maybe oral communication, but if it was written,
22 we would appreciate that being produced.

23 A I don't recall any written communication,
24 but, you know, as you go through the community --
25 even during elections we are not here in the office

Alan Hays
October 06, 2021

Page 78

1 24/7. We go to the grocery store, we go to church,
2 we go to the barber shop, places like that, and
3 people say, oh, man, we really like that drop box
4 you got out there, you know --

5 Q Sure.

6 A -- that sort of thing. So it's --

7 Q Can you hear me? There is a little bit of
8 lag on my side.

9 A I can hear you just fine.

10 Q Great. Then aside from what you just
11 said, can you speak to any other comments that you
12 received about the 24-hour drop box?

13 A In the 2020 election or in current
14 elections?

15 Q But you don't have a 24 -- or do you have
16 a 24-hour drop box in the current election?

17 A Well, the 24-hour drop box now is U.S.
18 Postal Service.

19 Q I want to talk about that in a minute, I
20 did see that -- in the 2020 elections.

21 A Then in the 2020 election, no, ma'am,
22 every -- I think I've related to you every comment
23 I've gotten.

24 Q Okay. That sounds good. Why did Lake
25 County choose to have a 24-hour drop box when it

Alan Hays
October 06, 2021

Page 79

1 first opened up in 2017?

2 A Because one of our goals when I took
3 office was to do everything that we could do to
4 enhance the election day experience for everyone,
5 whether it be the voter, whether it be the election
6 worker or whether it be my full-time staff or my
7 temporary staff. And by providing that convenience
8 of 24-hour access that is secure, we felt like that
9 was the right thing to do.

10 And I had consulted with supervisors in
11 other counties who had very successfully used it,
12 and so we decided to install one here and used it
13 very successfully.

14 Q Okay. If a vote-by-mail ballot is placed
15 in a drop box on the day before election day, that
16 ballot will be counted, right?

17 A Of course.

18 Q Can you be sure that if a vote-by-mail
19 ballot that is placed in a mailbox on the day before
20 election day will be counted?

21 A No, ma'am.

22 Q I am not sure if you know this, but do you
23 know about how many drop box ballots were voted in
24 Lake County the week before the election?

25 A No, ma'am.

Alan Hays
October 06, 2021

Page 80

1 Q Okay. Now I have a couple of questions
2 about what I think you already talked to me about,
3 these logs.

4 You referenced -- so did the County
5 maintain logs of voters who voted via drop box for
6 all three federal elections in the year 2020?

7 A I don't think we did so for the PPP. And
8 I would have to check on the primary, whether or not
9 we had them monitored. We maintained the logs on
10 all those who used the drop boxes when we had the
11 monitors in place, I will put it that way.

12 Q Okay.

13 A Except now -- let me back up a moment,
14 too.

15 We did not record those ballots that were
16 dropped into the 24-hour box by name. We did record
17 them by number because -- I never allow one person
18 to go out there to that drop box by themselves. We
19 always send two people out, and we record the name
20 of the two people or the initials of the two people
21 that are out there and the time of day and what day
22 it is; and then we bring the ballots inside, count
23 them all and record the number of ballots that were
24 in the box at that particular harvest. And that
25 does become a part of the 22-month retention record.

Alan Hays
October 06, 2021

Page 81

1 Q Okay. Did you have logs for the drop box
2 available inside the Supervisor of Elections office?

3 A Only after we were directed to have the
4 monitors by the Department of State.

5 Q But to the extent that you maintained logs
6 at other early voting locations, they were
7 maintained on the same basis at the early voting
8 location at your office, right?

9 A To the best of my recollection, yes,
10 ma'am.

11 Q Okay. So in terms of the drop box
12 available -- the 24-hour drop box, you said that you
13 recorded the number of voters who voted at that box.
14 I don't think that we have been provided with those
15 numbers. Could you produce those to us?

16 A Sure.

17 Q After this deposition is fine. They were
18 requested in discovery.

19 And do you know, to the extent they were
20 produced, that's fine, but that's something that we
21 haven't seen that -- your counsel can correct me if
22 they were produced -- the numbers, that would be
23 helpful to us.

24 MR. BARDOS: Danielle, I do think they
25 were produced and I will check on that for you.

Alan Hays
October 06, 2021

Page 82

1 MS. SIVALINGAM: Thanks. And if you could
2 just confirm, we would really appreciate it.

3 MR. BARDOS: Sure.

4 BY MS. SIVALINGAM:

5 Q Okay. Do you, Supervisor Hays, have a
6 sense of the types of voters who used the 24-hour
7 drop box? And I mean kind of asking for the
8 demographic information in terms of age and race.

9 A I don't have a clue.

10 Q Okay. Do you have any reason to believe
11 that the demographics of individuals who used the
12 drop box at the early voting location -- at early
13 voting locations differed from those who used the
14 Lake County 24-hour drop box?

15 A Again, I don't have a clue.

16 Q Fine.

17 A Danielle, maybe I am -- maybe I am
18 negligent in some way, but we pay no attention to
19 whether the person has hair or what color the hair
20 may be, what kind of clothes they are wearing, what
21 kind of car they are driving, whether they may be
22 this, they may be that. No, we don't care. If
23 it's -- if that person is a voter in Lake County, we
24 are going to give them 100 percent of our best
25 effort to enhance their election day experience in

Alan Hays
October 06, 2021

Page 83

1 whatever way it may be.

2 So I don't -- the only extent to which I
3 keep demographic records are those that are already
4 incorporated as part of the database. But I don't
5 care what color they are, I don't care if they even
6 have a tan or not. I mean literally, I am totally,
7 totally 100 percent neutral.

8 Q I want to be clear, I am not indicating
9 any kind of negligence. There is just some facts
10 that are relevant maybe in litigation that aren't
11 relevant, in your estimation anyway, to how you
12 conduct your job. So there is just different
13 inquiries and just because you don't have the
14 information, that's completely fine, it's just a
15 question that I have to ask as part of our discovery
16 in this case. And it's not implying anything really
17 and certainly not negligence.

18 A Okay.

19 Q By the way, not knowing is fine, but
20 sometimes I need to know whether or not you know.
21 And it's just to learn, you know, because if you
22 know, I am going to ask some other questions about
23 it. If you don't, we'll move on, which is what
24 we'll do now. Okay.

25 MR. BARDOS: Danielle, before we move on,

Alan Hays
October 06, 2021

Page 84

1 the document that you were talking about before
2 that you were looking for, I believe it said in
3 response to request number 2, we produced it on
4 July 6, a document entitled 2020 General
5 Election. I believe that's the document you
6 are looking for.

7 MS. SIVALINGAM: Okay. There is no Bates
8 stamp on that, is that correct?

9 MR. BARDOS: That is correct.

10 MS. SIVALINGAM: Okay. Thank you. We'll
11 take a look at that on a break and make sure
12 that it lines up with what we need, but I very
13 much appreciate it.

14 BY MS. SIVALINGAM:

15 Q All right. What changes do you

16 understand, Supervisor Hays, SB90 made to the law
17 concerning drop boxes in Florida?

18 A The only thing that I am aware of is the
19 fact that you can no longer have a camera-monitored
20 drop box, you have to have an employee of your
21 office monitoring it. And that's why we have the
22 postal service drop box out there instead of my own
23 drop box.

24 Q Okay. What is your opinion of SB 90's
25 requirement that drop boxes must be continuously and

Alan Hays
October 06, 2021

Page 85

1 **physically monitored, as opposed to surveilled via**
2 **video?**

3 MR. JAZIL: Object to the form.

4 A So do you want me to answer with my
5 opinion, or do you want me to be quiet?

6 BY MS. SIVALINGAM:

7 Q I want you to answer with your opinion.

8 A I think -- restate the question first,
9 please.

10 Q Sure. What is your opinion of SB 90's
11 requirement that the drop boxes must be continuously
12 and physically monitored, as opposed to surveilled
13 by video?

14 A I think it's absurd, in one word.

15 Q And why is that?

16 A Because there is no monitoring that I am
17 aware of, whether it be cameras or in person, of the
18 thousands of mailboxes that are available to voters
19 all across the state of Florida.

20 Right here in front of my office is now a
21 postal service drop box, and any voter can put any
22 ballot in there they want to, and I don't have to
23 have the cameras on there. I choose to keep the
24 cameras on there.

25 But just down the street at the post

Alan Hays
October 06, 2021

Page 86

1 office, there are two other drop boxes that are
2 drive-bys that they can put them in right there, and
3 the list goes on and on and on. And this
4 requirement not allowing camera surveillance is
5 absurd, in my opinion.

6 Q Is it fair to say that you think that your
7 drop boxes were secure when they were solely -- or
8 your drop box outside your office was secure when it
9 was monitored solely via video?

10 A I can best answer that by saying that it
11 has been there in place for every election since we
12 moved into this building, and I have had not one
13 instance of any kind of suspected malbehavior. So
14 security, yes, it is very secure and -- you know, it
15 is what it is.

16 Q Okay. One thing that we didn't discuss,
17 but are you familiar with the 25,000-dollar penalty
18 provision of SB 90?

19 A Oh, yes.

20 Q Can you explain to me your understanding
21 of how that works?

22 A My understanding is if that drop box at
23 any time is available for the -- to receive ballots
24 and it's not monitored, I am subject to a
25 25,000-dollar fine.

Alan Hays
October 06, 2021

Page 87

1 Q And to clarify, does it have to be
2 monitored by an employee of your office, or can it
3 be monitored by, for instance, the contract security
4 service you used last year, to your understanding?

5 A My recollection of the wording of the law
6 is it has to be an employee of my office, which in
7 my mind would preclude the rent-a-cop. Perhaps --
8 let me call him or her the contract security person.

9 Q That sounds good. Do you think that this
10 25,000-dollar fine required by SB 90 is necessary?

11 MR. JAZIL: Object to the form.

12 BY MS. SIVALINGAM:

13 Q You can answer.

14 A Are you asking me what I think?

15 Q Yes, I am.

16 A I think it's a slap in the face, I think
17 it's insulting, I think it is totally unnecessary,
18 unwarranted and completely out of order.

19 Q How, if at all, will the 25,000-dollar
20 fine impact Lake County's administration of drop
21 boxes in the 2022 election cycle?

22 A First point of impact will be very
23 specific in our training; we will make it clear to
24 the person that is in charge, the clerk of -- the
25 person in charge of those early voting sites, that

Alan Hays
October 06, 2021

Page 88

1 under no circumstances will that box be available
2 for the deposition of ballots without a monitor
3 being there because I am not going to subject myself
4 to that 25,000-dollar fine.

5 So we will train them there, we will make
6 sure that even if that person has to take a potty
7 break or if they have to go to get a drink of water
8 or for any other reason, before they leave that drop
9 box, they will have another person there to monitor
10 it, and that will be one of our employees.

11 Q Do you plan on double staffing any of your
12 drop boxes?

13 A We very well have been discussing that.
14 We have not made the final decision, but I would say
15 that if pressed on the decision today, yes, ma'am, I
16 will double staff it because I am just not going to
17 pay the 25,000-dollar fine.

18 Q Right. Will either the 25,000-dollar fine
19 or the requirement that drop boxes be monitored by
20 employees, will that pose a burden on your office?

21 A Well, it will certainly impose a financial
22 burden, but other than that, no big deal.

23 Q Can you explain the financial burden?

24 A Of course. The cost of the people that
25 you pay to sit there and monitor the thing and

Alan Hays
October 06, 2021

Page 89

1 particularly if we do decide to double staff it.

2 Q Okay. And those costs, will you either
3 have to cut other services, or will those costs
4 ultimately be borne by the taxpayers?

5 A The cost will be borne by the taxpayers.
6 We are not going to reduce our level of service.

7 Q Okay. You said in past years you were
8 able to, is it right, return certain -- return some
9 money to the voters, is that right, that goes in
10 line with your fourth goal of financial stewardship?

11 A Yes, ma'am.

12 Q Do you think that these financial burdens
13 on your office might affect your ability to return
14 funds to the voters in Lake County?

15 A Well, it will certainly diminish the
16 amount of the refund.

17 Q Okay. Okay. Now, very specifically
18 talking about a drop box, so not a USPS box, is it
19 correct that Lake County is not going to have a
20 24-hour drop box outside of the Supervisors of
21 Elections office during the 2020 election cycle?

22 A That is correct.

23 Q Is that because of SB 90?

24 A Hang on a minute. I think I misunderstood
25 you, Danielle. Did you say during the 2020 election

Alan Hays
October 06, 2021

Page 90

1 cycle?

2 Q 2022.

3 A 2022. Well, if the law will change and
4 we, as a supervisors' association, are going to
5 appeal to the legislators the change. But as the
6 law stands today, there will be no 24-hour drop box
7 available to the voters of Lake County except those
8 owned by the postal service.

9 Q Right. And just for now, I understand and
10 I do want to ask about your USPS box, but just
11 speaking about the drop box only and only speaking
12 about assuming SB 90 remains in place and your
13 current plans under the current law, to clarify -- I
14 just want to make sure I have this right -- Lake
15 County does not plan on having a 24-hour drop box
16 available outside the Supervisor of Elections office
17 during the 2022 election cycle?

18 A That is correct.

19 Q Thank you. And then is that because of
20 SB 90?

21 A Yes, ma'am.

22 Q Can you explain?

23 A What --

24 Q Explain why, explain why under SB 90 you
25 can't have it.

Alan Hays
October 06, 2021

Page 91

1 A It's included in the language of the law.

2 The law simply says that I have to have it monitored

3 by an employee of my office, and if I am not willing

4 to do that, then I can't have the box out there.

5 Q And it sounds like you are not willing to

6 do that?

7 A That is correct. I am not going to pay

8 again for the -- I apologize, I am having to think

9 of the contract security company. I am not going to

10 pay for one of them to sit out there for 24 hours a

11 day; that is, I think, a ludicrous use of the

12 taxpayer dollars and I am not going to do it.

13 Q Under SB 90, could you even pay for them,

14 or would it have to be an employee of your office?

15 A There you go. It would have to be an

16 employee of my office, and I am not willing to do

17 that either.

18 Q Okay. So does that mean that Lake County

19 will not have -- I guess I should say will in the --

20 just speaking about the 2022 election cycle, under

21 the current legal framework, with SB 90 in place,

22 will Lake County have a -- so then will Lake

23 County's drop boxes only be available to voters

24 during early voting hours?

25 MR. BARDOS: Object to the form.

Alan Hays
October 06, 2021

Page 92

1 BY MS. SIVALINGAM:

2 Q To your knowledge.

3 A Under the current law, our plan for the
4 '22 election is to have drop boxes available at all
5 of our early voting sites during early voting hours
6 and here in our office during the hours in which we
7 are open, which actually is longer than the early
8 voting hours. We open at the 8:00 a.m. every day,
9 Monday through Friday, and when early voting is
10 going on, we are even open those two Saturdays as
11 well.

12 So the drop box here in our office will be
13 available for them. All the drop boxes will be
14 available except the one outside camera monitored,
15 that's the only one that won't be and it's now
16 stored in our warehouse.

17 Q Stored in the warehouse? Okay. So I do
18 want to ask you about this USPS box outside your
19 office. And for me I think it would be most helpful
20 to look at an exhibit where you talk about it and
21 introduced the idea to the supervisors.

22 MS. SIVALINGAM: For my colleague, who is
23 going to put the name of the document up there,
24 it is the e-mail chain with Supervisor Hays and
25 other supervisors, including on the last chain,

Alan Hays
October 06, 2021

Page 93

1 Supervisor Carol Dunaway.

2 (Exhibit 5 was marked for identification.)

3 A Boy, how do you make this thing bigger?

4 BY MS. SIVALINGAM:

5 Q I know, it's a little bit -- I would use
6 the Zoom magnifying glass function.

7 MS. SIVALINGAM: And I'll have the court
8 reporter mark this as Exhibit 5.

9 A Direct me to what part you want.

10 BY MS. SIVALINGAM:

11 Q I do want to ask -- so I would like to
12 start at the first e-mail that you sent, it's dated
13 May 26, 2021, at 9:07 p.m. where it says
14 "Colleagues."

15 A Okay.

16 Q Do you recognize this e-mail chain as an
17 e-mail chain between yourself and several
18 supervisors of elections?

19 A Yes, ma'am.

20 Q Okay. Okay. I actually -- I would like
21 to have you explain -- well, in this e-mail, it
22 seems like you have an idea about how to address the
23 drop box issue since SB 90, is that right?

24 A Sure.

25 Q Can you explain the idea that you present

Alan Hays
October 06, 2021

Page 94

1 to the other supervisors in this e-mail?

2 A Well, the idea is very simple, in that our
3 voters had -- several of them had become accustomed
4 to bringing their vote-by-mail ballots here,
5 dropping them off in our private drop box. To allow
6 them to continue the convenience of this location, I
7 asked the postmistress if she would bring one of her
8 drop boxes down here and put it in and that's what
9 they did. So I am showing that to the rest of the
10 supervisors across the state, what I chose to do for
11 the convenience of my voters.

12 Q Okay. Thank you. You also say, "While we
13 don't have to staff it, it is located in the same
14 place as our earlier more secure box was located."

15 Why was the earlier -- by earlier, you
16 mean the drop box that we saw a picture of in
17 Exhibit 3, right?

18 A That's correct.

19 Q Okay. Why was that earlier drop box more
20 secure than the USPS box?

21 A Well, because the contents of that box are
22 handled only by employees of my office. It doesn't
23 go -- it comes directly from the voter directly into
24 our vote-by-mail department; it does not have to go
25 through the myriad of USPS stops along the way.

Alan Hays
October 06, 2021

Page 95

1 Now the box is -- the contents of that box
2 is retrieved by only one person, that person takes
3 it to the Tavares post office, it then goes from
4 there to the Lake Mary central postal facility, and
5 then hopefully the next day it comes back to us.

6 The postmistress recently did a test
7 herself and it was two days later before it came
8 back to the Tavares post office, and then it has to
9 come back to us.

10 So there is at least a two-day lag and
11 potentially longer lag before we get that ballot in
12 our hands.

13 So in that sense, it's more secure, in
14 that it's handled only by our office and not the
15 U.S. postal people. It's more secure in the sense
16 that we have two people retrieving the ballots
17 instead of only one.

18 And then the actual opening of the box
19 itself, the postal service box, please keep this
20 secure and don't tell the public, but a person with
21 ill intentions could take a gallon jug or any size
22 container of liquid and have somebody else open the
23 trap door and just pour the liquid right into the
24 thing and wet every one of those ballots down in
25 there, and then we would have to go through the

Alan Hays
October 06, 2021

Page 96

1 process of duplicating and running them -- it would
2 just ruin -- it wouldn't ruin them, hopefully, in
3 the sense of not allowing us to get any duplication
4 quality out of them, but at least it would be a real
5 mess. They could --

6 BY MS. SIVALINGAM:

7 Q I understand the concern and that concern
8 that you just described about pouring water or
9 another liquid over ballots in the USPS box; sounds
10 like you designed your drop box to avoid that issue.
11 To your knowledge, did something like that happen in
12 Lake County in the USPS boxes?

13 A No, ma'am.

14 Q Okay.

15 A That's why I don't want to talk outside
16 this circle here because we don't want to give
17 anybody any ideas.

18 Q Okay. This is -- I have to let you know
19 this is testimony that is public, but I guess -- I
20 hear you.

21 Okay. So thanks for explaining that.

22 Now, if you can read -- and I know the
23 font is small, but it looks like at 9:53 p.m. you
24 sent an e-mail to Supervisor Brian Corley of Pasco,
25 where at a certain point you say, "I just hope the

Alan Hays
October 06, 2021

Page 97

1 USPS gets the ballot test promptly."

2 Other than what we've discussed, why would
3 you have a concern about promptness with regard to
4 the USPS?

5 A Forgive me for chuckling at that question.

6 The U.S. Postal Service is notorious for tardy
7 deliveries. After saying that, though, let me add
8 that our experience here in Lake County has been
9 very, very good with those folks. We have had very
10 few late deliveries. But the postal service
11 recently put out a notice to the entire country
12 saying that rather than first-class mail being
13 delivered in three days, we should now expect it in
14 five days.

15 So that -- I think that sort of speaks to
16 itself, of the notorious U.S. Postal Service
17 delivery schedule has been degraded along the way
18 over the last several years.

19 Q Okay. To your knowledge, this USPS box
20 that you placed where the drop box used to be
21 outside the Lake County Supervisor's office, any
22 ballots placed inside there would still have to go
23 through the processing that you described, right?

24 MR. BARDOS: Object to the form.

25 A Restate the question.

Alan Hays
October 06, 2021

Page 98

1 BY MS. SIVALINGAM:

2 Q I will restate the question. Okay. You
3 said -- is it correct that you said that if a ballot
4 is placed inside a drop box, your election workers
5 empty the box and take it inside the Supervisor's
6 office and go through the chain of custody, right?
7 They go directly to your office, the ballots?

8 A That's correct.

9 Q I'm looking -- I want to clarify if -- to
10 the extent there is a difference with the USPS box
11 that's there now, the ballots would have to go
12 through processing through the U.S. Postal Service
13 before they reach your office?

14 A That is correct.

15 Can I call a timeout here a minute? My
16 computer with the exhibits on it has a battery
17 issue, which I thought we had it plugged in, but
18 apparently it's not working correctly. So if I
19 could take a break for a moment and get that solved.

20 MR. BARDOS: Yeah, let's go off the record
21 for a minute.

22 MS. SIVALINGAM: Sure.

23 (Discussion off record.)

24 THE WITNESS: I am back up and running.

25

Alan Hays
October 06, 2021

Page 99

1 BY MS. SIVALINGAM:

2 Q Because in your last -- in the last e-mail
3 in this chain in Exhibit 5, you say something to --
4 you say to Supervisor Dunaway that you were hoping
5 to get the postmaster to have pickup people leave
6 the ballots here with us instead of running them
7 through the center; I have not made the request yet,
8 but hopefully she will be in her election service
9 frame of mind so we -- as we near the election, this
10 will consent.

11 I just want to know, have you reached any
12 sort of agreement with the postmaster whereby the
13 ballots inside the USPS box outside the Supervisor's
14 office do not have to go through U.S. Postal Service
15 processing before they reach your office?

16 A To say we've reached an agreement I think
17 is -- that's one way to put it. But I did -- since
18 we are having five city elections right now, I did
19 call her since that e-mail was written and she said,
20 Alan, I am sorry, but we have to follow the rules,
21 and I certainly understand that. So the trip to the
22 post office, to Lake Mary, back to the post office,
23 and then to our office is the way that the postal
24 service is doing it.

25 Q When you say have to follow the rules --

Alan Hays
October 06, 2021

Page 100

1 A The postal service rules.

2 Q Right. Which means that the ballots have
3 to be processed?

4 A Yes, ma'am.

5 Q Okay. Let's pull up what I will mark as
6 Exhibit 6, it is --

7 MS. SIVALINGAM: Francesca, it's the
8 e-mail with Supervisor Hays at the top, the
9 last e-mail in the chain is at 3:02 p.m. on the
10 27th of May, 2021.

11 (Exhibit 6 was marked for identification.)

12 BY MS. SIVALINGAM:

13 Q Supervisor Hays, do you have that e-mail
14 up?

15 A Yes, ma'am.

16 Q We already talked about some things on
17 here, so I wanted to direct you to, I think, the
18 second-to-the-top e-mail of the chain where
19 Supervisor Stamoulis, I see the return-to-sender
20 policy for nonballots, that's the only wrinkle, that
21 sentence. Once you've had a chance to read it, I
22 just would like to know if you know what the
23 supervisor meant by that.

24 A Are you talking about the one that he sent
25 May 27 at 11:44:36 a.m.?

Alan Hays
October 06, 2021

Page 101

1 Q Oh, sorry, May 27 at 2:32 p.m.

2 A (Examining Document.)

3 What was your question again, Danielle?

4 Q You respond to the e-mail. Do you know
5 what he meant by, I see the return-to-sender policy
6 in that sentence, what he means by that sentence?

7 A Not particularly. The return-to-sender
8 policy for nonballots is the only wrinkle, I don't
9 know. I replied to him saying I agree they may be
10 confused, is the people may very well be confused
11 because it's a postal service box and they were
12 expecting it to be our box. But beyond that, I have
13 no idea.

14 Q Yeah, I wasn't entirely sure either. But
15 when you say, I agree that they may be confused, do
16 you mean voters may be confused as to whether it's a
17 drop box or a USPS box?

18 A Well, imagine yourself, you've become
19 accustomed to coming to the office and putting your
20 ballot in our white drop box. And you come
21 expecting to find that box there again and all of a
22 sudden that box is not there, but they've got this
23 blue box there. And the mental process you might go
24 through is, why in the world did they change this?
25 That's the point of confusion that I was

Alan Hays
October 06, 2021

Page 102

1 referring to there.

2 Q Okay.

3 A And to that point, I say I plan to put a
4 sign nearby informing those choosing to use the box,
5 that it is not a drop box for our office but,
6 instead, the USPS. We will be putting that out
7 there with each election season, particularly near
8 the end of the time when it might be critical for
9 the -- say the last week of -- before the election;
10 because if somebody drops it in there the day before
11 the election, they can pretty well kiss it goodbye,
12 it's highly unlikely that it will be here.

13 Q Do you have any concern that due to the
14 location of the USPS box, it may -- well, never
15 mind. I will move on.

16 Would you agree that -- do you know, I
17 guess, if every county in Florida is planning to
18 replace -- every county in Florida that had a
19 24-hour drop box is planning to replace that drop
20 box with a USPS box?

21 A I have not heard of any that are planning
22 to do that.

23 Q Okay.

24 MR. JAZIL: This is Mo for the Secretary.
25 I lodge an objection to the last question.

Alan Hays
October 06, 2021

Page 103

1 BY MS. SIVALINGAM:

2 Q Okay. Turning back, I do have one more
3 question about one of your e-mails on this chain.
4 This one is the e-mail Thursday, May 27 at 2:03 p.m.
5 from you to Supervisor Stamoulis. The line where
6 you say, of course, can you read that sentence? It
7 says, "Of course, my strong desire is to show the
8 Legislature how wrong their restrictions are and
9 have them allow us to again use our own secure
10 camera-monitored drop box available 24/7."

11 Would you agree then that the USPS box
12 that you placed outside the Lake County Supervisor's
13 office is an inadequate substitute for the 24-hour
14 drop box that was previously located there?

15 MR. BARDOS: Object to the form.

16 BY MS. SIVALINGAM:

17 Q You can still answer.

18 A It would be my opinion that the USPS box
19 is subjecting those ballots to an unnecessary chance
20 of being misplaced or disfigured or destroyed or
21 lost or anything else that would preclude those
22 votes from being counted.

23 And it's my firm conviction that the box
24 that we had out there that was monitored by the
25 cameras was exceptionally adequate and highly

Alan Hays
October 06, 2021

Page 104

1 secure.

2 Q Okay. And the provision of SB 90 that we
3 have been discussing concerning drop boxes,
4 including the fine and the requirement that -- a
5 continued monitoring by an employee, so I'm talking
6 about the whole provision, not just the monitoring
7 piece of it, do you think that this provision of
8 SB 90 will be a burden to voters?

9 MR. BARDOS: Object to the form.

10 A Do I think the provision of SB 90
11 requiring the monitoring of drop boxes will be an
12 imposition to the voters? Is that your question?

13 BY MS. SIVALINGAM:

14 Q A burden, inclusive of also the piece of
15 the provision that includes the fine.

16 MR. BARDOS: Object to the form.

17 A Well, if -- it's my recollection -- and
18 you lawyers will have to clarify for me, but I
19 believe the stipulation was -- on the \$25,000, it's
20 a civil fine, and if I am correct, that means I've
21 got to pay it out of my pocket, that the taxpayers
22 will not be able to pay that for me.

23 THE WITNESS: Is that correct, Andy?

24 MR. BARDOS: I can't help you out. You
25 are on your own for now.

Alan Hays
October 06, 2021

Page 105

1 A Well, you know, here you may -- directly,
2 no. I don't think -- I don't think the voters will
3 be directly affected in a manner that they will
4 notice that -- I mean, to Joe --

5 BY MS. SIVALINGAM:

6 Q Would it be helpful if I clarify, maybe
7 just is the removal of the 24-hour drop box a burden
8 to voters?

9 MR. BARDOS: Object to the form.

10 A Danielle, I really don't know how -- what
11 new information I have to offer --

12 BY MS. SIVALINGAM:

13 Q If you think you've answered, that's fine.

14 A -- that question because I think at least
15 I tried to be very clear that the utilization of a
16 postal service drop box is -- is subjecting those
17 ballots to potential disfigurement and other harms
18 that the voters would not have if they were using my
19 drop box. Does that answer your question?

20 Q Yes.

21 A Okay.

22 Q Okay. I want to make sure that -- I think
23 you told me earlier that no one had reported and you
24 were not familiar with any instances of suspicious
25 activity with regard to the 24-hour drop box. I am

Alan Hays
October 06, 2021

Page 106

1 curious as to all of the drop boxes available in
2 Lake County, including the ones available only
3 during early voting hours and the one in your
4 office, inside your office.

5 At any time during the 2020 elections, did
6 anyone monitoring the drop boxes report any problems
7 with the drop box?

8 A No, ma'am.

9 Q Okay.

10 MS. SIVALINGAM: Are you guys going to
11 take a lunch break?

12 MR. BARDOS: How much more do you think
13 you have, Danielle?

14 MS. SIVALINGAM: Probably about two hours,
15 maximum.

16 MR. BARDOS: Yeah, I think we should take
17 a lunch break then when it's a convenient time.

18 MS. SIVALINGAM: Whatever works for you.
19 I know it's close to his lunch there.

20 MR. BARDOS: Alan, what do you think?

21 THE WITNESS: The sooner, the better, I
22 guess.

23 MR. BARDOS: Let's take a lunch break then
24 and we can reconvene.

25 MR. JAZIL: Andy, this is Mo, just for

Alan Hays
October 06, 2021

Page 107

1 planning purposes, can we get a sense of how
2 many more cumulative hours of questioning folks
3 have? Because I know the Department of State,
4 and George is sitting here with me for the
5 intervenors, we have a few questions, too. We
6 just want to make sure we have adequate time.

7 MR. BARDOS: Anyone else who plans to ask
8 questions, what are your thoughts on that?

9 MR. NASSERI: For the NAACP plaintiffs, I
10 probably will not have -- I doubt it will be
11 over like an hour and a half, maybe two hours
12 at the absolute maximum, but I --

13 MS. SIVALINGAM: I will try to be
14 judicious. Of course, I do want to hear
15 Supervisor Hays to the fullest extent and don't
16 want to cut off anything important that he has
17 to say.

18 MR. BARDOS: Is anybody else planning at
19 this point to ask questions?

20 MR. BUDHU: Yeah, this is Ryan Budhu for
21 Florida Rising plaintiffs, I am looking at
22 maybe 45 minutes to an hour.

23 MR. BARDOS: Mo, do you think that gives
24 you the time you need?

25 MR. JAZIL: I would like to ask about an

Alan Hays
October 06, 2021

Page 108

1 hour and a half worth of questions. I am here
2 with George, so -- for the intervenors, and the
3 Secretary will streamline as much as possible.
4 I don't know if that puts you over seven hours.

5 MR. BARDOS: What if we take our lunch
6 break now and we can continue our planning
7 discussion. To the extent that the plaintiffs
8 can streamline and avoid duplication, I would
9 appreciate it.

10 THE WITNESS: That was going to be my
11 question, Andy, is how many -- Lord have mercy,
12 you are talking about six or seven hours here
13 additional, which I can stay, but how many of
14 these questions are going to be repetitive? I
15 am, candidly, not inclined to answer the same
16 question three different times just because
17 there is three different lawyers here, unless I
18 am absolutely required to.

19 MR. BARDOS: Yeah, let's go ahead and go
20 off the record for the lunch break at this
21 point. And I think that's important, if the
22 plaintiffs could streamline their questions. I
23 think we've made some of the same points
24 multiple times, and to the extent that other
25 plaintiff groups plan to ask the same

Alan Hays
October 06, 2021

Page 109

1 questions, it's enough if it's been done once
2 before. So let's try to be efficient when we
3 reconvene.

4 (A recess took place from 12:48 p.m. to
5 1:30 p.m.)

6 BY MS. SIVALINGAM:

7 Q So, Supervisor Hays, I'm going to switch
8 gears now and ask some questions about ballot
9 collection. And we already discussed, when you were
10 telling me about the different ways that folks can
11 return their ballots, that prior to SB 90's passage,
12 in Lake County unpaid individuals could return
13 voters' ballots to your office, is that right?

14 A Sure.

15 Q Okay. Did civic groups -- to your
16 knowledge, did civic groups in Lake County ever help
17 collect ballots?

18 A I could not give you any instance of such
19 occurrence that I'm aware of.

20 Q Can you explain what you understand to be
21 SB 90's change about ballot collection?

22 A Simplest way to say it is it prohibits
23 ballot harvesting, the details of which are not
24 right here on the tip of my tongue right now, I'm
25 sorry.

Alan Hays
October 06, 2021

Page 110

1 Q That's okay. Do you understand SB 90 to
2 make it a crime to return more than two ballots
3 unless those ballots belong to an immediate family
4 member as defined by statute?

5 A I think that would probably be correct.

6 Q Okay. So we -- I think we talked about
7 this and you said that you testified before the
8 Florida Senate about SB 90. And does it sound right
9 that those remarks would have been on or around
10 March 10, 2021?

11 A That's correct.

12 Q Okay. My colleague Mr. Nasserri had a
13 portion of your remarks those days transcribed and
14 I'd like to pull up that transcription and mark it
15 as -- I think we're on Exhibit 7. Is that right?

16 (Exhibit 7 was marked for identification.)

17 BY MS. SIVALINGAM:

18 Q And mark it as Exhibit 7 and I believe
19 your attorney just sent me that document. It wasn't
20 in the zip file that I sent, it was in Mr. Nasserri's
21 zip file that we also just had it sent to you
22 separately.

23 MR. BARDOS: I just e-mailed it to you,
24 Alan, maybe 5 to 10 minutes ago.

25 (Discussion of the record.)

Alan Hays
October 06, 2021

Page 111

1 THE WITNESS: Committee on government
2 affairs, I guess. Okay. There we are.

3 MS. SIVALINGAM: Yes. That's the one.

4 BY MS. SIVALINGAM:

5 Q Okay. So this is a transcription of your
6 remarks. To the extent anything doesn't seem
7 accurate, you should let me know. But we did -- or
8 Mr. Nasserri did endeavor to have them transcribed,
9 your remarks transcribed word for word to my
10 understanding.

11 Okay. So I have a question about remarks
12 on page 2, the second to the last box where it
13 should say, I think, Supervisor Hays, beginning with
14 "I don't know." And you might want to read Senator
15 Torres's question right before then to contextualize
16 your remarks.

17 I want to give you a minute to read it.
18 When you're done reading, will you let me know?

19 A (Examining Document.)

20 Okay, I'm through.

21 Q Okay. To your memory does this statement
22 accurately reflect a portion of your testimony
23 before the Florida Senate committee on government
24 oversight and accountability on or around March 10,
25 2021?

Alan Hays
October 06, 2021

Page 112

1 A Yes, ma'am.

2 Q Okay. Here you reference tax collectors
3 that have drop boxes in their offices similar to
4 drop boxes that banks use for night depositories.
5 Can you describe or explain what you mean by that?

6 A I think it's pretty well self-explanatory.
7 Are you not familiar with what bank drop boxes look
8 like?

9 Q I am not familiar with what a tax
10 collector -- actually, no, I'm not. Can you explain
11 that? Not at least potentially --

12 A Well, they vary in their construction and
13 I wouldn't attempt to go into all that kind of
14 detail but they're -- most of the time they're built
15 in, they're not just attached to the outside of the
16 building, they're built in and you -- and sometimes
17 it's something just simple as a mail slot in a door
18 that you can lift a little flap and stick stuff
19 through, but then other times it's a formal box that
20 you put stuff in.

21 I mean, I'm sorry, here in Florida we have
22 them all over the place. Everybody's familiar with
23 them.

24 Q Okay. I think I -- I think your
25 description makes sense now. And are you saying

Alan Hays
October 06, 2021

Page 113

1 here in your testimony that tax collectors have
2 something similar to that?

3 A Absolutely, that's what it says.

4 Q And by tax collector, just to clarify, is
5 that an official government worker or ...

6 A Here in Florida we have five
7 constitutional officers and the tax collector is one
8 of those.

9 Q Okay. Okay. So is it correct that you
10 testified that voters in Lake County have confused
11 drop boxes at tax collector offices for supervisor
12 of election drop boxes?

13 A No, ma'am, I didn't say anything about the
14 voters being confused that I recall.

15 Q Okay.

16 A I wouldn't suppose that they were. Just
17 the mere fact that the tax collector brought us the
18 ballots tells you that the voter accomplished their
19 purpose which was getting the ballot to us.

20 Q Okay. But -- okay. That's fair. So --
21 but you are saying that there was a phenomenon
22 whereby voters in Lake County dropped off -- at
23 least some voters dropped off vote-by-mail ballots
24 in tax collector drop boxes rather than official
25 supervisor of election drop boxes?

Alan Hays
October 06, 2021

Page 114

1 A That is correct.

2 Q And oftentimes tax collectors delivered
3 those ballots to you?

4 A That is correct.

5 Q Had they not -- and we don't know if they
6 haven't in certain instances -- you would not
7 receive those ballots as you do in the way that you
8 do in supervisor of election drop boxes?

9 A That's correct.

10 Q Okay. Just wanted to understand the
11 distinction.

12 So after the tax collector brought you
13 those ballots, did you accept them?

14 A Of course.

15 Q And did you process them?

16 A Absolutely.

17 Q And do you understand that process of tax
18 collectors bringing ballots to you, in the instance
19 of if it was more than two ballots, to still be
20 permitted under SB 90 restrictions on ballot
21 collection?

22 A I never gave it a thought.

23 Q Could you give it a thought?

24 A If I were, I would want to have the
25 language of Senate Bill 90 right here in front of me

Alan Hays
October 06, 2021

Page 115

1 and then analyze it. But for this discussion, I
2 think that's beyond my ability.

3 Q Well, I would like to know your opinion,
4 as a supervisor of election, as to whether you would
5 be able to accept these ballots that were dropped
6 off at tax collector offices rather than your office
7 or box, I should say, rather than your box. I'm
8 happy to have -- we can pull up the text of SB 90.

9 MR. BARDOS: This is a question he just
10 answered.

11 BY MS. SIVALINGAM:

12 Q Okay. Fair enough. Okay.

13 A Can I ask -- what are you fishing for?
14 Maybe I can help you get to the point.

15 Q Yeah, well, okay. If SB 90, as we've
16 discussed, right, says that other than immediate
17 family members, an individual can only return two
18 ballots, right, or else they face criminal
19 penalties?

20 A There again, I don't have the thing -- and
21 see, Senate Bill 90 went through several different
22 iterations and without the final copy here in front
23 of me, I'd prefer not to answer that specific a
24 question; but, you know ...

25 Q But I think then you should have SB 90 in

Alan Hays
October 06, 2021

Page 116

1 front of you if you're not sure about this
2 provision, because I have a couple questions about
3 this provision and I don't see a reason why you
4 shouldn't see the text.

5 A Maybe we better call a time out, go get
6 the bill.

7 Q I have the bill as one of the potential
8 exhibits.

9 A Oh, okay.

10 Q It would be -- let me pull it up. It's
11 one of the last ones in this zip file.

12 MS. GIBSON: I added it in the chat box.

13 MS. SIVALINGAM: Thank you.

14 THE WITNESS: Okay. Give me the line
15 number, please.

16 MS. SIVALINGAM: Can you give me a minute
17 to pull up the right line. I think -- can we
18 go off for a minute.

19 (Discussion off record.)

20 BY MS. SIVALINGAM:

21 Q It is page 47, beginning at line 1356 and
22 through line 1367.

23 A Any person that -- (unintelligible.)

24 THE STENOGRAPHER: If you are going to
25 read, please read out loud so I can understand

Alan Hays
October 06, 2021

Page 117

1 you.

2 THE WITNESS: Oh, I'm sorry, Sandi. Just
3 forgot it, I'm reading to myself. Yeah.

4 Okay, what's your question, Danielle?

5 BY MS. SIVALINGAM:

6 Q Sure. So I'm wondering if, let's say,
7 three or four vote-by-mail ballots were placed in a
8 tax collector's drop box and then that tax collector
9 brings those ballots to you, if that is a -- if you
10 can even accept those ballots or if that is in
11 violation of SB 90?

12 MR. BARDOS: And I'll object that it calls
13 for a legal conclusion.

14 BY MS. SIVALINGAM:

15 Q Okay. But you can answer.

16 A Well, you have to understand my office is
17 a ministerial office. We have no enforcement
18 ability, we have no investigative authority and no
19 prosecutorial authority. If we suspect anything is
20 amiss, we are to refer that to the state attorney's
21 office. And to be sticking right here, perhaps I
22 could turn in the tax collector to the state
23 attorney's office and let them take care of that.

24 Q Okay. But to your understanding, the tax
25 collector could not turn in more than two forms

Alan Hays
October 06, 2021

Page 118

1 **under this provision?**

2 MR. BARDOS: Hold on, hold on, let me
3 just -- same objection, calls for a legal
4 conclusion and asked and answered several
5 times.

6 BY MS. SIVALINGAM:

7 **Q Okay. I won't ask you again but I would**
8 **like an answer.**

9 A Well, I'm not a lawyer but I can read
10 where it says "any person." That would include you
11 or anybody else.

12 **Q Okay. All right. We'll move on.**

13 MS. SIVALINGAM: Mr. Salzillo, do you
14 intend to say something or --

15 MS. SIVALINGAM: Okay. I would like to
16 bring up Exhibit 8. This is the Lake County
17 survey response.

18 (Exhibit 8 was marked for identification.)

19 MR. BARDOS: Did we make Senate Bill 90 an
20 exhibit? Was that Exhibit 8?

21 MS. SIVALINGAM: Oh, you know what, you're
22 right. Let's do that. So then this is
23 Exhibit 9.

24 (Exhibit 9 was marked for identification.)

25 THE WITNESS: I've got it up.

Alan Hays
October 06, 2021

Page 119

1 BY MS. SIVALINGAM:

2 Q Okay. Do you recognize this document,
3 Exhibit 9?

4 A Oh, now I do, yes. That is the quiz that
5 came from the House of Representatives committee on
6 public integrity and elections. It was their
7 survey.

8 Q And did you fill out this survey in
9 Exhibit 9?

10 A Yes, I did.

11 Q Okay. Do you know around when you did?

12 A No, ma'am.

13 Q Okay. Go to page 4, right at the bottom.
14 Let me know when you're there.

15 A I'm there.

16 Q And can you just take a moment to read the
17 last bullet point?

18 A "Did you receive any reports of ballot
19 harvesting in your county." And the answer is "no."

20 Q Okay. What do you understand ballot
21 harvesting to mean?

22 A When people go out and collect bunches of
23 ballots. And "bunches" is an indeterminate number
24 but it is what it is.

25 Q Okay. And your survey response where you

Alan Hays
October 06, 2021

Page 120

1 say your county did not receive any reports about
2 ballot harvesting, that was in relation to the 2020
3 general election, right?

4 A Yeah, as far as I know all the questions
5 in that quiz were but, you know, that's been six
6 months ago or longer.

7 Q Okay. Well, did Lake County have a
8 problem with ballot harvesting in the 2018
9 elections, to your knowledge?

10 A To my knowledge, there has been no problem
11 with ballot harvesting in Lake County, Florida,
12 since I became supervisor of elections.

13 Q Thank you. All right. Earlier we
14 discussed the ways before SB 90 a voter could
15 request a vote-by-mail ballot. And one thing that
16 we have not discussed yet was the duration of a
17 voter's vote-by-mail request. So I have some
18 questions about that.

19 Before SB 90's passage, could a voter
20 request that their vote-by-mail status last for four
21 years?

22 A That is correct.

23 Q Or in other words, two general election
24 cycles?

25 A Right.

Alan Hays
October 06, 2021

Page 121

1 Q Or could voters simply request that their
2 vote-by-mail ballot be good for a single election?

3 A That is correct.

4 Q Okay. To your knowledge, did the majority
5 of voters in Lake County who requested a
6 vote-by-mail ballot request that ballot be good for
7 two general election cycles rather than a single
8 election?

9 A I haven't looked at those statistics and
10 really have no idea.

11 Q Okay. That's fine. Did anyone in Lake
12 County tell you that they wished that they could not
13 request a vote-by-mail ballot for two general
14 election cycles?

15 A Restate that question please.

16 Q Sure. Did any voter in Lake County tell
17 you that they wished they could not request that a
18 vote-by-mail ballot -- that their vote-by-mail
19 ballot request be good for two general election
20 cycles?

21 A I hate to be slow here. Are you asking me
22 did anybody complain because they could -- did they
23 say that they wished they could not request it for
24 two election cycles?

25 Q Exactly.

Alan Hays
October 06, 2021

Page 122

1 A No. Nobody said that.

2 Q Okay. What is your understanding of how
3 Senate Bill 90 changed the duration or permanency of
4 a vote-by-mail ballot request?

5 A Very simply. It cut it from a four-year
6 duration to a two-year duration. Instead of two
7 general election cycles, it's good for only one now.

8 Q Okay. Do you understand that the request
9 as now under Senate Bill 90 only -- the request for
10 a vote-by-mail ballot can only be good through the
11 end of the calendar year of the next general
12 election?

13 A Of course

14 Q Okay. And I just want to understand how
15 this works in practice because I think sometimes
16 when you talk about duration, it can be a little
17 theoretical.

18 So do you understand the law now to be
19 that if a Florida voter makes a request to
20 vote-by-mail on October 20th, 2022, and they make
21 the request for the maximum amount of time that they
22 can have a vote-by-mail request on file, their
23 request would now be expired by December 31st, 2022?

24 A That is -- I would expect a strict
25 interpretation of the wording of the bill, which is

Alan Hays
October 06, 2021

Page 123

1 now law.

2 Q Okay. And do you have a different

3 interpretation other than that strict

4 interpretation?

5 A No, ma'am, I have to go by what the lawyer

6 says.

7 Q Okay. Okay. But in this circumstance,

8 the request would have only been valid for one

9 election, right?

10 A That's right.

11 Q Okay. So earlier you testified that Lake

12 County does not have an option to request a

13 vote-by-mail ballot via check box on a ballot

14 envelope but you -- but is it right that you had

15 intended to do so in the future if possible?

16 A That is correct.

17 MS. SIVALINGAM: Okay. And I want to

18 bring up Exhibit 10. Right? Yes, we're on 10.

19 Okay. This is going to be the text message

20 chat.

21 (Exhibit 10 was marked for

22 identification.)

23 BY MS. SIVALINGAM:

24 Q Let me know once you've read it.

25 A Sure.

Alan Hays
October 06, 2021

Page 124

1 Q Okay. Exhibit 10 is a text message chain
2 with Hillsborough County SOE. Do you know if that's
3 Craig Latimer?

4 A Yes, ma'am.

5 Q And then also on the chain is David Ramba?

6 A Yes, ma'am.

7 Q Is David Ramba the FSE's lobbyist?

8 A Yes, ma'am.

9 Q Okay. And then you are also on the text
10 message chain?

11 A That is correct.

12 Q And we know that this document was
13 produced by Paul Lux, supervisor of elections for
14 Okaloosa County. So would you agree that where it
15 says Alan Hays, that is you?

16 A Absolutely. There is no other.

17 Q Great. And the text beneath your chain --
18 your name on the chain was, in fact, sent by you?

19 A I suppose so. I'd have to go back and
20 look through all of my own text messages if they're
21 still there. I have no idea.

22 Q No reason to believe it's not you, though?

23 A No.

24 Q Good. Okay. And in the text message
25 chain, Craig Latimer says "Ingoglia just said our

Alan Hays
October 06, 2021

Page 125

1 **check box is no good." Do you know what Supervisor**
2 **Latimer meant by that statement?**

3 A No, I don't because I don't -- I don't
4 recall the setting in which this exchange took
5 place.

6 Q Okay. All right. Do you think that after
7 SB 90 voters can no -- can you -- can you go through
8 with your intent to have the check box method of
9 requesting vote-by-mail ballots now that SB 90 is in
10 place?

11 A I will not go through with it.

12 Q -- explain why?

13 A I'm sorry, you broke up.

14 Q Can you explain why?

15 A Yeah, because the way I interpret Senate
16 Bill 90, the check box is no longer a valid way to
17 do it. That's one of the -- one of the things that
18 our association is going to attempt to get rectified
19 in this coming legislative session, try to explain
20 to them that the check box is being put there so
21 that the voter who has already provided us with the
22 necessary identification numbers, once we verify
23 that that signature on that return envelope is
24 indeed that of the voter whose it's supposed to be,
25 then we could take that check box as being put there

Alan Hays
October 06, 2021

Page 126

1 by that voter who is already a proven registered
2 voter and the identification numbers have come that
3 way as well.

4 So, you know, that's what we're going to
5 try to do.

6 Q Okay.

7 A The way the law is right now, I'm not
8 going to be doing the check box.

9 Q And can you briefly tell me why you would
10 have wanted to do a check box?

11 A For the convenience of the voter.

12 Q Okay. Does it make requesting
13 vote-by-mail ballots easier?

14 A Of course.

15 Q And does it make it less likely that
16 they'll forget to request a vote-by-mail ballot?

17 A Sure.

18 Q Sorry, you cut through for me on that?

19 A Sure.

20 Q Okay, thanks.

21 Turning back briefly to Exhibit 10, you
22 say "another way to make VBM difficult." Do you
23 remember what you meant by that?

24 A Not at this point. Again, I would have to
25 go back and try to reconstruct the whole setting of

Alan Hays
October 06, 2021

Page 127

1 what other ways might have been discussed. No.

2 Short answer to the question, I don't know.

3 Q All right. Thank you.

4 Aside from what we discussed with regard

5 to the check box, does the shorter validity period

6 affect your office's ability to plan and

7 administer -- the shorter validity period that we've

8 been discussing about vote-by-mail request ballots

9 affect your office's ability to plan and administer

10 elections?

11 A Not really.

12 Q Okay. Will there be any fiscal burden?

13 A I am sure that if one were to calculate

14 the fact that we would have to be taking clerical

15 time to enter the vote-by-mail requests every two

16 years instead of every four years, yes, that would

17 be considered a fiscal impact. But beyond that, I

18 don't know of any impact that it would have.

19 Q All right. So now switching gears again
20 entirely now to talk a little bit about registering
21 to vote.

22 And you went over the ways that a voter
23 can register to vote in Lake County earlier with me.
24 I think you mentioned in person at your office and
25 DMV -- at the DMV and online. Can voters also

Alan Hays
October 06, 2021

Page 128

1 register to vote using a third-party voter
2 registration organization?

3 A Sure.

4 Q Okay. Do you receive -- do you know about
5 how many voter registrations you receive annually
6 from voters who register to vote by third-party
7 voter registration organizations?

8 A No, ma'am.

9 Q Okay. Are you generally familiar with the
10 law governing voter registrations conducted by
11 third-party voter registration organizations in
12 Florida?

13 A Yes, ma'am.

14 Q Okay. Do you know what happens to voter
15 registration forms turned in after the, I believe
16 it's now a 14-day period that they have to turn in
17 ballots?

18 A I would have to --

19 MR. BARDOS: Objection. Objected to form.
20 Go ahead.

21 A I would have to dig out all the rules and
22 the procedures and everything. Just on its face, if
23 they -- we check the date and if it's turned in more
24 than 14 days after it was signed, then it should be
25 disallowed, would be my first reaction. But again,

Alan Hays
October 06, 2021

Page 129

1 I would have to check the law and the rules of the
2 division of elections, all that sorts of stuff.

3 BY MS. SIVALINGAM:

4 Q Okay. I hear you. That makes sense. Did
5 you have any problems in the 2020 election cycle
6 related to third-party voter registration
7 organizations turning in applications late?

8 A Not that I'm aware of.

9 Q Okay. Are you aware of any complaints
10 from voters about third-party voter registration
11 organizations turning in voter applications late in
12 Lake County? And now that question should apply
13 beyond just the 2020 election cycle.

14 A None that I'm aware of.

15 Q Okay. Are you aware of any incident in
16 Lake County where a voter was prevented from voting
17 because of a third-party voter registration
18 organization turning in a registration application
19 late?

20 A No, ma'am.

21 Q Okay. Now I have some questions about
22 in-person voting.

23 A About what?

24 Q In-person voting?

25 A Oh, okay.

Alan Hays
October 06, 2021

Page 130

1 Q I believe you mentioned Lake County did
2 not have long lines at the polls in 2020, is that
3 right?

4 A Yes.

5 Q How do you define a long line?

6 A Just on the face of it, it's a very
7 subjective term. But I'll put it this way: I did
8 not receive any complaints from any voters in any
9 precinct in Lake County complaining about an
10 excessive wait time in order for them to vote in
11 person.

12 Q Are you aware that at least some counties
13 in Florida have a history of long lines at the
14 polls?

15 A Sure.

16 Q Okay. In past elections have civic groups
17 or volunteers not associated with your office
18 provided water or food to voters in line waiting to
19 vote in Lake County?

20 A Not to my knowledge. See, we -- here's
21 the way we run things in Lake County. Within a
22 150-foot radius from the front door of the polling
23 place, whether it be early voting place or election
24 day place, there is a no solicitation zone in that
25 150-foot radius. We do not allow any activity, any

Alan Hays
October 06, 2021

Page 131

1 contact with the voters inside that radius except
2 for exit polling.

3 Once they come inside that 150-foot
4 radius, nobody is allowed to interact with them
5 except the election workers themselves.

6 Q Okay. And that would be even individuals
7 in a nonpartisan capacity?

8 A Ma'am, nobody means nobody.

9 Q Okay. Well, nobody aside from election
10 workers. Okay, that makes sense. Just wanted to be
11 sure but I do appreciate it.

12 Are there any other problems caused by
13 Senate Bill 90, in your view, that we have not yet
14 talked about?

15 A None that come to mind right offhand.

16 Q Okay. Have we already discussed all the
17 financial or administrative burdens that Senate
18 Bill 90 may impose on your office?

19 A As far as I know.

20 Q Have you submitted to the Board of County
21 Commissioners in your county a proposed budget for
22 2022?

23 A Sure.

24 Q And do you know -- I would just ask that
25 if you haven't produced that document, that it be

Alan Hays
October 06, 2021

Page 132

1 **produced.**

2 A We can produce it.

3 **Q Great.**

4 A Send you the same document that I sent to
5 the Board of County Commissioners.

6 **Q That's what we would want.**

7 A Okay.

8 **Q Okay.**

9 MS. SIVALINGAM: I think I am almost done
10 with my questioning. So before I finish I want
11 to just make sure I have everything. Can I
12 just take like three minutes to make sure?

13 MR. BARDOS: Yeah, no problem.

14 (Short pause.)

15 BY MS. SIVALINGAM:

16 **Q Okay. One more question, Supervisor Hays.**
17 **That budget that you submitted to the Board of**
18 **County Commissioners which you will produce to me,**
19 **do you know if it's been approved yet?**

20 A Yes, ma'am.

21 MS. SIVALINGAM: Okay. So those are all
22 the questions I have right now. After -- I may
23 have a couple more questions at the end after
24 the defendants ask a few questions. But that's
25 it for now.

Alan Hays
October 06, 2021

Page 133

1 MR. BARDOS: Okay. Thank you, Danielle.

2 Cyrus, are you next?

3 MR. NASSERI: Yes, I believe I'm up.

4 CROSS EXAMINATION

5 BY MR. NASSERI:

6 Q Okay. So good afternoon, Supervisor Hays.

7 A How are you?

8 Q My name is Cyrus Nasser and I represent
9 the Florida State Conference of the NAACP Disability
10 Rights Fund and Common Cause. I'm going to ask you
11 a few more questions.

12 Just for your information, so my clients
13 have a couple of claims that are different from
14 Danielle's so the topics are generally similar but
15 I'll try my best not to repeat anything because we
16 do have kind of different claims in this matter that
17 need different information.

18 So if we just quickly go back to your
19 experience. How many years have you been involved
20 in Florida, either government or elections?

21 A This is my 17th year.

22 Q Can you repeat that, sorry?

23 A This is my 17th year.

24 Q Seventeenth year. And how many years were
25 you in the state Senate?

Alan Hays
October 06, 2021

Page 134

1 A Six. I was in the House for six, I
2 served -- this is my fifth year, 12, 5 more makes 17
3 as supervisor.

4 Q Okay. And you've been a Republican for
5 that entire duration, is that correct?

6 A Absolutely.

7 Can I ask you a question?

8 Q Sure.

9 A What difference does it make? Republican
10 or Democrat or an NPA? I can tell you right now, in
11 this office we don't care.

12 Q I appreciate that. It's honestly just so
13 I can kind of cover my bases and get all the
14 information about you.

15 A Okay.

16 Q Yeah. I appreciate that and I can tell
17 that you're not partisan by the way that you -- the
18 law. So I appreciate that.

19 So -- okay. And I believe you said you
20 were on a committee, some sort of elections related
21 committee when you were in the legislature, is that
22 correct?

23 A Yes, sir.

24 Q So would you say that you are generally
25 experienced when it comes to elections in the state

Alan Hays
October 06, 2021

Page 135

1 of Florida?

2 A Not because of my legislative service.

3 Only since I've become supervisor of elections am I

4 experienced in the administration. People need to

5 understand there is a wide, wide chasm between

6 running a campaign and winning an election contest

7 versus the administration of an election.

8 I am the administrator of the elections

9 now as the supervisor of elections. Prior to this

10 role, I was the candidate who was winning the

11 elections. But believe you me, as a legislator I

12 knew nothing about the administration of elections

13 because I'd never worked one day in the office of an

14 elections supervisor.

15 Q Okay. I understand. Thank you.

16 MR. NASSERI: Okay. If I may, there is --

17 I'd like to pull up an exhibit, which -- Sandi,

18 can you remind me which number we're on at this

19 point.

20 THE STENOGRAPHER: I believe the next one

21 is 11.

22 THE WITNESS: I believe the next one would

23 be 11, but I'm not sure.

24 MR. NASSERI: Thank you for doing my job

25 for me. I'd like to mark this as Exhibit 11.

Alan Hays
October 06, 2021

Page 136

1 (Exhibit 11 was marked for
2 identification.)

3 BY MR. NASSERI:

4 Q And I believe you said earlier that you
5 did testify at a hearing regarding SB 90, is that
6 correct?

7 A Sure.

8 Q Okay. And I'll represent to you that this
9 is a -- well, first of all, do you recall what the
10 date of that hearing was?

11 A It's an earlier testimony. I think it was
12 March 10th, on or around March the 10th.

13 Q Okay. Well, I'll represent to you that
14 this a transcript of that, your statement to that
15 hearing. So does this look to you like an accurate
16 depiction of those statements?

17 A It looks like an accurate depiction of my
18 prepared remarks. After I completed this
19 presentation, I was then asked several questions by
20 the different senators.

21 Q Right. And I believe Danielle entered
22 that as an exhibit.

23 A Yes.

24 Q Okay. So if you could turn to -- I'd say
25 it's the -- page 1, there's a paragraph that starts

Alan Hays
October 06, 2021

Page 137

1 with "Mr. Chairman, if I were seeking to remodel my
2 home."

3 A That's correct.

4 Q Found that? Okay. So you stated that if
5 you were seeking to remodel your home, you would
6 seek the services and opinions of an architect, not
7 a dentist. In that analogy, who is the -- who would
8 be the architect?

9 A The person of my choosing who would know
10 about the design of a building.

11 Q Right. Right. But in the context of
12 SB 90, I think, what would be -- who is the person
13 who has this level of expertise that would be
14 similar to an architect in rebuilding your home?

15 A I explain that in the next paragraph.

16 Q Right.

17 A My role as elections supervisor of Lake
18 County, I'm asking each member of the legislature to
19 seek the opinions and take the advice of the
20 elections professionals in the state of Florida
21 before making significant changes to our statutes.
22 Those elections professionals to whom I refer there
23 is the supervisors of elections across the 67
24 counties.

25 Q Okay. And is it fair to say based on this

Alan Hays
October 06, 2021

Page 138

1 statement that at this time, you did not feel that

2 SB 90 was drafted with the -- properly consulting

3 supervisors of elections?

4 A Absolutely. I think you go on down the

5 next page, two or three paragraphs, you'll see

6 page 11, line 309 begins "a travesty." Those are my

7 words exactly and that's exactly what I looked at.

8 These remarks were crafted toward the

9 seven-section version of the bill which was the

10 second version that had come out. I referred to

11 that in my testimony earlier today.

12 Q Okay. So at the time of this version of

13 the bill, it's fair to say you didn't feel that the

14 SOEs had been consulted sufficiently?

15 A Hadn't been consulted at all.

16 Q Okay. And would you say, given your years

17 of experience in both the legislature and as an

18 elections supervisor, that that would be -- that's

19 unusual for a significant election bill?

20 MR. JAZIL: Object to form.

21 BY MR. NASSERI:

22 Q You can answer.

23 A I think it would probably be fair to say

24 that when I was sitting on the ethics and elections

25 committee, we didn't really have any significant

Alan Hays
October 06, 2021

Page 139

1 elections bills that I come by.

2 But regardless of that, my comments right
3 here indicate to most people who would read it -- or
4 even those who heard it -- that I was -- I was
5 asking the legislators, please don't try to do this
6 on your own because I've been there where you are
7 and I know you don't know anything about the
8 administration of elections.

9 Before you do something significant,
10 please come and ask the professional elections
11 community how is the best way to do it. They should
12 come to us, give us their goals, what they're trying
13 to accomplish and then let us guide them through
14 that process to achieve those goals instead of them
15 coming down with stuff that conflicts.

16 Q Okay. So to your knowledge, you're not
17 aware whether this is normal or not when it comes to
18 election bills?

19 MR. BARDOS: Object to form.

20 MR. JAZIL: Object to form.

21 A I haven't been a supervisor of elections
22 but five years. This is not the first one. We
23 had -- we had other bills. But see, here's another
24 thing, Cyrus. This -- the stage in the development
25 of Senate Bill 90 has to be taken into consideration

Alan Hays
October 06, 2021

Page 140

1 here. We, at this point, this is the first point at
2 which we injected ourselves into the discussion.
3 And from this point forward, through the
4 evolution of that bill, we did have frequent
5 interchanges with the legislators. But at this
6 point, my comments were directed to them in that
7 context.

8 BY MR. NASSERI:

9 Q Okay. I see. Thank you.

10 So -- well, actually let me take one quick
11 step back because you mentioned other bills,
12 election bills that you've seen in the five years
13 that you've been an elections supervisor. For those
14 bills, were SOEs consulted earlier in the process?

15 A No, I'll tell you the truth, I'm not aware
16 of any. Now, that doesn't mean that it didn't
17 happen. But I'm not aware of any situations where
18 SOEs were consulted first.

19 I do know that as an association,
20 approached some of the legislators with our issues
21 and said would you please sponsor this bill or that
22 bill and they cooperated very nicely with us.

23 So we've had -- in my five years here and
24 as at least three or four years I've been chairman
25 of the legislative committee, we've had a good

Alan Hays
October 06, 2021

Page 141

1 relationship with the legislators.

2 Q Okay. I understand. Let me switch gears
3 here.

4 MR. NASSERI: I'd like to mark as
5 Exhibit 12 the document I just put in the chat.
6 And, Supervisor Hays, that's going to be in --
7 it's not the folder that Danielle sent, it's
8 actually a separate folder.

9 MR. BARDOS: Supervisor Hays, these are in
10 the NAACP folder. If you'd like I can send
11 you, if I haven't done it, a version that is
12 not password protected.

13 (Exhibit 12 was marked for
14 identification.)

15 (Discussion off record.)

16 BY MR. NASSERI:

17 Q In the meantime I will ask you this: What
18 is your understanding of the rationale behind the
19 drop box restrictions in SB 90?

20 MR. BARDOS: Object to form.

21 A I couldn't -- I couldn't begin to even
22 pretend to get in the minds of the legislators and I
23 don't presume to know what they're thinking.

24 BY MR. NASSERI:

25 Q Okay. You mentioned earlier that there

Alan Hays
October 06, 2021

Page 142

1 is -- you've replaced the drop box in front of your
2 office with a USPS box, is that correct?

3 A Sure.

4 Q Do you know -- I think you mentioned also
5 that if somebody puts a ballot in the USPS box the
6 day of the election, it's not guaranteed to be
7 counted at as vote, is that correct?

8 A No, that's not what I said at all.

9 Q That wasn't what you said?

10 A No.

11 Q Can you clarify?

12 A What I said was when the ballot goes in
13 the USPS drop box, it then goes to the local post
14 office, it then goes to the mail center in Lake
15 Mary, and then it comes back to the local post
16 office and then it comes to us.

17 Q Right. And how many days does that
18 process take?

19 A In the current setting, two to three days.

20 Q Okay. Whereas in contrast, if the drop
21 box -- ballot drop box, you receive it immediately
22 afterwards?

23 A When I was allowed to use my own drop box,
24 it was put in and we took it out that same day.

25 Q Okay.

Alan Hays
October 06, 2021

Page 143

1 A Now this e-mail has come through.

2 Q Okay. Great.

3 A I'll pull up that attachment. Okay. And
4 this one was --

5 Q The 00948.

6 A There we go. Okay.

7 Q Okay. So do you recognize this e-mail
8 chain?

9 A Not offhand but let me look through it
10 here a little bit to see. Where do you want me to
11 go? To the bottom of it?

12 Q Yes, so I would say --

13 A Legislative wrap up. Okay. All right.
14 So what part do you want me to zero in on?

15 Q I'd like you to look at the second
16 paragraph of the first e-mail, the e-mail that was
17 sent at 8:15 a.m. on April 30th, 2021.

18 A Thirtieth. Okay.

19 Q And I believe you say that the -- it
20 starts with "we shall work next session to help all
21 legislators."

22 A Oh, there we are. Okay. That one. Okay.
23 Yeah, according to mine it was 8:15:29, "Thanks
24 Vicki. Rep Snyder calling you is great sign."
25 Okay. "We shall work next session to help all the

Alan Hays
October 06, 2021

Page 144

1 legislators understand how disingenuous and lame it
2 is to deny use of video monitoring of drop boxes
3 while allowing voters to use the US Postal Service
4 drop boxes that have no monitoring whatsoever. In
5 the meantime, I'm encouraging each SOE to deliver
6 that message."

7 Yeah, is that the paragraph to which
8 you --

9 Q Yeah, exactly. Yeah, exactly. So when
10 you said there that you want to help the legislators
11 understand how disingenuous it is, can you explain
12 what you meant by that?

13 A Well, perhaps a better word would have
14 been how absurd it is and ridiculous. Give me a
15 break. Anybody with half a brain can understand
16 that to put a ballot in a drop box that is out here
17 in front of my office under the camera surveillance
18 we described at length ad nauseam today is far more
19 secure than going through the traipsing back and
20 forth as we described just a few moments ago.

21 And so there you are. I mean, no
22 legislator yet has even attempted to explain to me
23 how their authorization of postal service drop boxes
24 is any safer than a drop box in front of my office.

25 Q Okay. So you think this provision is

Alan Hays
October 06, 2021

Page 145

1 unlikely to increase election security by your
2 understanding?

3 A Absolutely.

4 Q And are you aware of any other
5 justification for this restriction beyond election
6 security?

7 A No, that goes back to another TV interview
8 that I referenced earlier this morning when the lady
9 asked me "why are they doing this." I got better
10 things to do with my time than to try to figure out
11 why harebrain things like this come in.

12 And so I didn't bother to ask the
13 legislators "Why are you doing this this way?" I
14 tried to explain to them on multiple occasions that
15 this was bad idea, bad public policy, and it needn't
16 be done this way. And I might as well have talked
17 to you for all the good that it did.

18 Q Okay. I guess putting aside any trying to
19 get into the heads of legislators, in your opinion
20 as an election supervisor, is there any benefit to
21 this provision whatsoever?

22 MR. JAZIL: Object to form.

23 A To the provision that does what?

24 BY MR. NASSERI:

25 Q Sorry. Regarding the drop boxes requiring

Alan Hays
October 06, 2021

Page 146

1 in-person monitoring?

2 MR. BARDOS: Objection, asked and
3 answered.

4 A Oh, no, no, no, no, I definitely -- I
5 definitely see there's a benefit for requiring
6 in-person monitoring. But to outlaw the use of this
7 camera surveillance is what I object to on the part
8 of the legislators.

9 BY MR. NASSERI:

10 Q I see.

11 A If for nothing else, the -- having that
12 monitor there at the drop box in the early voting
13 site or here in my office is a good sign to instill
14 heightened voter confidence in the security of the
15 system. They don't just wander in and drop their
16 ballot into a box. They come in and it's very
17 formalized. As I indicated earlier, we begin the
18 chain of custody for that ballot at that particular
19 time.

20 Q Okay. Thank you. And kind of taking a
21 step back quickly, I believe you mentioned earlier
22 that when we were talking about -- I guess your
23 statement with Danielle about line lengths, you said
24 something along the lines of you couldn't
25 necessarily say that lines would be longer just

Alan Hays
October 06, 2021

Page 147

1 because vote-by-mail was harder, because some
2 people -- well, correct me if I'm misstating you
3 here, but because some people may not -- may not
4 vote at all if they don't vote by mail?

5 A No, I never said anything like that at
6 all.

7 Q Okay. So then would you say that if
8 vote-by-mail is more difficult to achieve, that in
9 person lines will be longer?

10 A That to me would be speculation and I'm
11 not willing to speculate.

12 Q Okay. Fair enough.

13 A There are so many different ways of voting
14 here in Florida and it's so convenient, frankly, I
15 don't see any reason for anybody to not be
16 registered nor do I see any reason for anybody not
17 to cast their ballot.

18 Q Let me switch gears to the -- I believe
19 earlier you spoke about the provision in SB 90
20 requiring or pertaining to how often people can
21 request vote-by-mail ballots. Is it your opinion
22 that requiring people to request ballots for every
23 election cycle will be an additional burden on your
24 office?

25 A It will require more frequent clerical

Alan Hays
October 06, 2021

Page 148

1 entries.

2 Q Okay. Would it increase costs for your
3 office?

4 A Sure.

5 Q Okay. Sorry, one second here.

6 I would like to talk for a minute about
7 ballot collection. Can you explain to me how the --
8 well, strike that. Scratch that.

9 A Would it help if we let you go ahead and
10 prepare your questions and have someone else come in
11 now that has their questions all lined up ready to
12 go; and come back later with your prepared
13 questions?

14 Q Yeah, well, if we can just take a quick
15 break here, I don't imagine I'll go very much longer
16 at all. So I think it probably makes more sense for
17 me to just knock these out.

18 MR. NASSERI: Can we take five off the
19 record?

20 MR. BARDOS: Let's do that.

21 (A recess took place from 2:39 p.m. to
22 2:45 p.m.)

23 BY MR. NASSERI:

24 Q Okay. All right. So let me very quickly
25 go back to the provision regarding having to renew

Alan Hays
October 06, 2021

Page 149

1 requests for ballots every election cycle. What is
2 your understanding of the rationale for this change?

3 MR. BARDOS: Object to form.

4 A I have no understanding and I didn't
5 attempt to. And there was two reasons: Number 1 is
6 I don't attempt to, you know, try to read between
7 the lines. But also this is nothing more than a
8 reversion to previous policy. You go back and look
9 clear back into the '90s, I guess '90 through I
10 think it was '07, it was one cycle at a time.

11 Then -- and it has changed back and forth.
12 And if I remember correctly it was in 2011 that it
13 changed from one election cycle to two cycles, which
14 means the four years. And then this year they
15 changed it back to the one election cycle, which is
16 the two-year time period.

17 So forgive me for not digging into details
18 too much but, as I said, it's just a reversion to a
19 previous policy.

20 BY MR. NASSERI:

21 Q Are you aware that some opponents of SB 90
22 argue that these changes were needed to prevent
23 voter fraud?

24 A I couldn't tell you day, time or person
25 but it doesn't surprise me.

Alan Hays
October 06, 2021

Page 150

1 Q And did you have any issues with voter
2 fraud under the previous rule?

3 MR. BARDOS: Object to form.

4 A Not as it related to the vote-by-mail
5 renewal cycle. The only voter fraud stuff we've had
6 problems with since I've been in this office had to
7 do with the third-party registration organization
8 activities of handling voter registration
9 applications but that's another story for another
10 day.

11 BY MR. NASSERI:

12 Q And during your tenure as the supervisor
13 of elections, are you aware of any instance of voter
14 fraud that would have been prevented had people had
15 to renew their requests for ballots every election
16 cycle?

17 MR. BARDOS: Object to form.

18 MR. JAZIL: Form.

19 BY MR. NASSERI:

20 Q Go ahead.

21 A No.

22 Q In Lake County do you have any -- sorry,
23 scratch that.

24 In Lake County do you have any safeguards
25 in place to ensure that voters who move are no

Alan Hays
October 06, 2021

Page 151

1 longer able to vote from their previous address?

2 A Yes, sir, we have several different
3 safeguards there. Number 1, we try to encourage all
4 voters, when they change address, to let us know.
5 The postal service can let us know through a return
6 mail-type thing. When the voters go to change their
7 address at the DMV on their driver's license, they
8 can let us know. So there's multiple opportunities
9 for them to let us know.

10 And thus we -- plus we have -- if the
11 voter sends us -- if they have -- if they have a
12 request on file, we send it to the address that is
13 listed in that voter's file. And if they have
14 moved, then the post office does not forward that
15 ballot, they send it back to us. All of our ballots
16 are nonforwardable.

17 Q And in your opinion are those safeguards
18 sufficient to prevent against fraud that might be
19 caused by somebody moving?

20 A Well, I've not seen any instances of
21 fraud, so I guess one could conclude that they
22 probably are.

23 Q I'd like to pull up --

24 MR. NASSERI: I would like to mark this as
25 Exhibit 13.

Alan Hays
October 06, 2021

Page 152

1 (Exhibit 13 was marked for
2 identification.)

3 MR. NASSERI: That would be in the same
4 folder that the previous exhibit was in.

5 A This is 9909.

6 BY MR. NASSERI:

7 Q Exactly. Once you have it open go to --
8 well, first of all, can you tell me whether you
9 recognize this e-mail?

10 A Oh, yeah. Sure do.

11 Q Okay. And to your knowledge, is this a --
12 or do you have any reason not to believe that this
13 is an accurate copy of this e-mail that you sent?

14 A Not at first glance, I don't have any
15 reason to disbelieve that.

16 Q Okay. Well, if you want to take a look
17 through, feel free to take your time. But the
18 portion I'm interested in is the middle of page 3.

19 A And that would be specifically what?

20 Q The portion -- I think it's the first
21 bullet that starts on page 3, about ballot
22 harvesting.

23 A Yes. "Put meaningful penalties on it;
24 however, there needs to be some limited
25 accommodation as in current statute or this action

Alan Hays
October 06, 2021

Page 153

1 may prohibit non-family members from dropping off
2 ballots for seniors or handicapped people who can't
3 or don't wish to go to the drop box. The current
4 limit is two ballots other than your own or that of
5 an immediate family member."

6 Q So can you explain your concern here, what
7 you mean?

8 A Yes. I think anybody who is familiar with
9 the history of elections not only in Florida but in
10 other states as well is familiar with all kinds of
11 horror stories about ballots that never made it to
12 the tabulation machines. And that was a direct
13 result of ballot harvesting.

14 I think that every registered voter
15 deserves to have their voice counted and thus the
16 practice of ballot harvesting needs to be very
17 tightly regulated if it's even allowed at all.
18 Personally I would say it's not allowed. But there
19 it is.

20 I say put meaningful penalties on it but
21 yet put some limited -- I mean, I don't know how to
22 say it any clearer than I said it right there in
23 black and white.

24 Q Right. So would you say that you have a
25 concern that people who are disabled or elderly

Alan Hays
October 06, 2021

Page 154

1 might not be able to return the ballot themselves?

2 A Cyrus, I made that point in my Senate
3 testimony.

4 Q Right. Yeah, I guess my question is, do
5 you think the present form of the bill addresses --
6 sorry. Scratch that.

7 So to clarify, so this e-mail, this was a
8 previous version of the bill, is that right?

9 A That is correct.

10 Q Okay.

11 A And we can put it in a real good frame.
12 You can see on the e-mail that it was in February,
13 the 21st, and actually this didn't -- if I remember
14 correctly, this didn't have anything to do with any
15 bill because I don't believe we were aware of the
16 bill at this time.

17 The governor had a big press conference
18 somewhere in South Florida and he put out this big
19 whoop-di-doo press release and had a bunch of
20 talking points on it, and this was my candid
21 assessment of all of those talking points. And I
22 explain all that in the preliminary remarks there in
23 the e-mail.

24 So this was not in reference to Senate

25 Bill 90 at all.

154:7-9

P=401/402
(assistance
claim
dismissed)

D=
Designation
will be
preserved
because
Plaintiffs
designate
120:7-12.

154:24-25

P=401/402
(assistance
claim
dismissed)

D=Designation will be
preserved because Plaintiffs
designate 120:7-12.

Alan Hays
October 06, 2021

Page 155

1 Q Okay. I see. That's very good actually.
2 But I guess just referencing this notion of limiting
3 ballot collection, were you concerned that this
4 could effectively prevent some handicapped people
5 from voting?

6 MR. BARDOS: Object to form.

7 MR. JAZIL: Object to the form.

8 BY MR. NASSERI:

9 Q Go ahead.

10 A Nasser (sic), I'm sorry, maybe I'm just
11 not comprehending. But it seems to me like I've
12 answered that question at least two or three times
13 already today. In my testimony before the Senate
14 committee I used my own personal mother as an
15 example and I stand by that testimony.

16 Q Okay. So just to clarify, the answer to
17 that is -- would you say that's "yes"?

18 A I'm not saying yes or no because you're --
19 I'm sorry, but your delivery of your question and
20 the couching this and that, no, I'm sorry. Listen,
21 I've addressed the ballot harvesting issue as far as
22 I'm concerned.

23 Q Okay. Fair enough. And I appreciate
24 that.

25 A Maybe it's because I'm not a lawyer that I

Alan Hays
October 06, 2021

Page 156

1 have difficulty following your starts and stops and
2 restarts and your hesitations and all this sort of
3 stuff.

4 For those of you that are coming up later
5 on today, please do us all a favor, have your
6 questions prepared. I understand how one answer
7 might stimulate another question but for goodness
8 sakes, ask the question. Let's get on with the
9 program.

10 Q I appreciate that. And, yeah, sorry, I'm
11 just trying -- I don't want to repeat things that
12 were already asked of you, so I'm trying to find
13 things that weren't already covered. So it takes
14 some time sometimes to kind of find what's
15 appropriate to ask.

16 But I think that's it for me for now. I
17 might ask a few things in response to other's
18 questions later. But thank you very much for your
19 time, Supervisor Hays. I appreciate you bearing
20 with me. Yeah, I know it's a tiring experience.

21 MR. BARDOS: Great. Thanks, Cyrus.

22 Someone from Florida Rising was planning to ask
23 questions?

24 MR. BUDHU: Yep, that's me, Ryan Budhu.

25 (Discussion off record.)

Alan Hays
October 06, 2021

Page 157

1 THE STENOGRAPHER: Back on the record.

2 CROSS EXAMINATION

3 BY MR. BUDHU:

4 Q Good afternoon, Mr. Hays. My name is Ryan
5 Budhu. I am an attorney for plaintiffs, for an
6 organization, Florida Rising Together, along with a
7 few other plaintiffs in a case in the Northern
8 District of Florida, 21 CV 201.

9 As you've been sitting here, you've been
10 answering questions. You may recall at the
11 beginning of your deposition you were given some
12 instructions by Danielle. You were informed that
13 you were under oath. Do you recall those
14 instructions?

15 A I suppose so. I couldn't tell you what
16 the first instruction was but, yes, I know I've been
17 under oath the whole time today. So is there a
18 specific instruction you want to point out to me?

19 Q No, just generally that you're under oath
20 and you're sworn to testify to tell the truth. Do
21 you recall that?

22 A Absolutely.

23 Q Okay. Excellent. And any of the rules
24 that Danielle gave you at the beginning of the
25 outset of the deposition, they're still in effect

Alan Hays
October 06, 2021

Page 158

1 even though I'm questioning you.

2 A Oh, yes.

3 Q You understand that?

4 A Yes.

5 Q Okay. In turn -- and I'd like to actually
6 jump to vote-by-mail. And I know you briefly gave
7 some testimony about the different ways that there
8 was procedure for requesting a vote-by-mail ballot.

9 Could you go through the different ways
10 prior to the enactment of SB 90, the different ways
11 that an individual could request a vote-by-mail
12 ballot?

13 A The ways of requesting a vote-by-mail
14 ballot prior to Senate Bill 90 and after Senate
15 Bill 90 are the same. The only thing that I recall
16 right off the top of my head that Senate Bill 90
17 changed is it just -- it hasn't changed the methods
18 at all; it's just changed the amount of information
19 that we must have to identify the voter who's
20 requesting the ballot or the party who is requesting
21 the ballot for the voter; we have to get identifying
22 information on the voter and we have to get
23 identifying information on the person requesting
24 that.

25 But other than that, the methods of

Alan Hays
October 06, 2021

Page 159

1 requesting a ballot have not changed at all.

2 Q Okay. So let's talk about that. Before
3 Senate Bill 90, what type of documentation or
4 information was necessary to get a vote-by-mail
5 ballot?

6 A People would call us and say, hey, send me
7 a vote-by-mail ballot. We would find out, okay,
8 what's your date of birth or some other way to look
9 them up. You can look up -- our database is
10 accessible through several different methods of
11 look-up. The most convenient one for some people is
12 to ask the date of birth, others ask address.

13 Anyhow, you look up that voter and you ask
14 them, okay, do you want your vote-by-mail ballot
15 just for this election or do you want it for all
16 elections going forward? And in last year's case
17 we'd say through the 2022 election. Well, they'd
18 say yes, you know, answer one way or the other and
19 you get it.

20 Now, when the data comes up, we make sure
21 that we're saying, okay, are you the voter, is it
22 your -- is this your address? Well, if they give us
23 the same address, then fine, we'll send it to them.

24 One of the things that the people need to
25 understand and the legislators were not aware of is

Alan Hays
October 06, 2021

Page 160

1 that many of our voters across the state registered
2 to vote before the driver's license or the Florida
3 ID number or the Social Security last four digits
4 were requirements for registration.

5 Consequently, those voters, if they have
6 not updated their registration information prior to
7 now, we don't have that information in our database.
8 So it did us no good to say, okay, give me the
9 driver's license number, or if we didn't have their
10 Social Security last four digits in their record, it
11 would do no good for us to ask them to give us that
12 because we're looking at blanks.

13 So we would -- give us your date of birth,
14 give us your address, that sort of thing, and we
15 could find out that we're making sure we send the
16 ballot to the correct person at the correct address.

17 Q Okay. So you mentioned an address, date
18 of birth. Were there any other ways prior to the
19 enactment of SB 90 that your office was able to
20 ensure that a request for a vote-by-mail ballot was
21 legitimate?

22 A Ryan, right offhand, you're dealing with
23 essentially a rookie supervisor. I can't think of
24 any just off the top of my head. I can certainly
25 attest to the conscientious level of our employees.

Alan Hays
October 06, 2021

Page 161

1 I do know that if the voter is
2 requesting -- or if prior to Senate Bill 90 and even
3 now after Senate Bill 90, if they're requesting the
4 ballot to be mailed to an address other than the one
5 that's on their record, then we must have a written
6 request signed by that voter before we can send it
7 to that other address.

8 So, no, I would say that that was pretty
9 much it. If I went to my voter registration
10 director, she could probably tell me one or two
11 other things I don't know. But for the sake of this
12 discussion, I've given you my answer.

13 Q Okay. And I'm going to focus now on that
14 identification number requirement that you kind of
15 talked about in SB 90.

16 You're aware that there are registered
17 voters who don't have a driver's license, a state ID
18 or Social Security number, correct?

19 A I'm aware that we have voters in our
20 database that do not -- for which we do not have
21 those identifying numbers.

22 Q Well, I'm asking, are you aware that there
23 are registered voters who don't have a driver's
24 license, a state ID or a Social Security number?
25 Not just in your database but just in general?

Alan Hays
October 06, 2021

Page 162

1 A No, I'm not aware of that. It's my
2 impression that everybody in the United States has a
3 Social Security number but I may be mistaken on
4 that.

5 Q Let's, I guess, go back to the process.
6 Under SB 90. What is your understanding what
7 happens if a voter who wants a vote-by-mail ballot,
8 doesn't have a driver's license number, a state
9 identification or Social Security number? Can your
10 office send them a vote-by-mail ballot?

11 A No. We're not going to send a
12 vote-by-mail ballot to anybody that we're not
13 supposed to.

14 Q Okay. Are you aware of --

15 A Wait just a minute, Ryan. We need -- I
16 think that might need a little amplification there.
17 We have taken the initiative to identify -- we
18 queried our database, we identified all of those
19 voters for whom we did not have one of those
20 identifying numbers. And we sent a letter to each
21 of those voters along with an application blank and
22 asked them to complete that application blank and
23 send it back to us.

24 And as we get those returns, we then input
25 that data. So that's what our office has done to

Alan Hays
October 06, 2021

Page 163

1 correct that data deficiency.

2 Q Do you have an idea of the financial costs
3 of that type of initiative?

4 A No, not off the top of my head. I do know
5 that there were, I believe, about 9,000 that we
6 identified within our county, but there were others,
7 I'm sure.

8 Q Okay. And just so I'm clear and just so
9 the record is clear, under SB 90, what's your
10 understanding of what happens if a voter provides an
11 identification number that doesn't match the number
12 in their voter record?

13 A They don't get a ballot. It's called
14 election integrity.

15 Q And just generally speaking, in your
16 experience, do voters know what identification
17 number they provided when they originally registered
18 to vote?

19 A No. Now, that was the real quick answer.
20 Many of them may recall registering at the DMV which
21 would give us the DL number but they don't recall
22 what the number is. They could look it up if they
23 got their driver's license near them but that's
24 about it.

25 Q But generally voters don't, you know,

Alan Hays
October 06, 2021

Page 164

1 don't know what identification number they provided
2 you when they originally registered to vote,
3 correct?

4 MR. BARDOS: Object to form.

5 A That's why when they call, we ask them --
6 we look on the record first and see what numbers we
7 have, and then we ask them to verify one of those
8 numbers. Some of them we have both the last four
9 digits of their social and their driver's license.
10 And most people know the last four digits of their
11 social and they can give it to us just quick like
12 that, be done.

13 BY MR. BUDHU:

14 Q And the reason why your office goes
15 through that questioning is because most voters
16 don't recall the original identification number that
17 they used to register to vote, correct?

18 A I suppose. I mean, what kind of question
19 is that?

20 Q Well, it's a question I asked. If you
21 would like me to rephrase, I can rephrase. But you
22 just kind of mentioned a process that your office
23 does to identify the number or identification number
24 that a voter used when they originally registered to
25 vote.

Alan Hays
October 06, 2021

Page 165

1 So I'm just asking, based on your
2 experience, do voters generally recall that
3 identification number that they used when they
4 registered to vote?

5 MR. BARDOS: Object to form. Asked and
6 answered.

7 BY MR. BUDHU:

8 Q You can answer.

9 A Yeah, I would say, you know, if you walked
10 up to a voter and say, do you remember the voter
11 registration -- or the number that you provided as
12 an identifying number? They'd look at you like what
13 kind of planet are you from? And they'd say, of
14 course, I don't remember.

15 But when they call here for their
16 vote-by-mail request, they are more likely to be in
17 the frame of mind -- and to help them out, we don't
18 try to play cat and mouse games with them. We say,
19 okay, can you give me the last four digits of your
20 social? We got it sitting right there on the screen
21 in front of us.

22 And if they give it -- we don't say, okay,
23 is the last four digit of your social 3728? We ask
24 them to give us those four digits. And then we can
25 verify it.

Alan Hays
October 06, 2021

Page 166

1 And if they don't -- if we don't have
2 that, then we say, okay, please give me your
3 driver's license number. And they do that. And we
4 can verify that. So that's the process.

5 Q Okay. And I'm going try to break this
6 down just so I get a better sense. So when someone
7 comes in or when someone is requesting a
8 vote-by-mail ballot, your office tries to verify.
9 They may verify by asking the last four digits of
10 the Social Security number, correct?

11 A Sure.

12 Q And they also may ask the last four digits
13 of a driver's license, is that correct?

14 A No, they ask for the whole driver's
15 license number. And we ask for the date of birth
16 and we ask for their name and their address. We
17 take the security of these ballots very, very
18 seriously.

19 Q And if someone doesn't have access or
20 doesn't recall the last four digits of their social
21 and doesn't have a driver's license, what's the
22 procedure there?

23 A We will mail them a voter registration
24 application, or they can go online to our website
25 and fill out the voter registration application.

Alan Hays
October 06, 2021

Page 167

1 And then that goes to the division of elections, and
2 they put it through their security screening process
3 and identification process, and then send to us the
4 name of that voter when it's ready to be recorded as
5 registered.

6 Q And I think we touched upon this briefly
7 but I just want to confirm. Has your office
8 estimated the total cost of complying with the
9 identification number match provision of SB 90?

10 A No.

11 Q Do you have a ballpark?

12 A No, sir.

13 Q Do you know when you might have an idea
14 about the estimated cost?

15 A Frankly, I don't plan to calculate it. We
16 just do it. I don't waste time fiddling with
17 numbers that are inconsequential. The law says do
18 it, I do it. And I don't care -- I do care what it
19 costs but I -- it's -- the law is the law. I have
20 no choice. So I just do it. And I'm not willing to
21 pay my clerical staff time to come up with numbers
22 like that.

23 Q Based on your experience, what impact do
24 you think the SB 90 requirement that voters provide
25 an identification number will have on voters in Lake

Alan Hays
October 06, 2021

Page 168

1 County?

2 A I'd say it would be negligible.

3 Q Well, what do you mean by negligible?

4 A I don't see it as making it any more
5 difficult to register and no more difficult to vote.
6 Florida has an outstanding track record over the
7 last five years of elections administration. The
8 2018 recounts for three statewide elections proved
9 to anybody that might have had any doubt of our
10 capability; there were only 2 counties out of 67
11 that had trouble with that recount. Both of those
12 supervisors have since been replaced.

13 And in 2020, only two years after that
14 '18, all 67 counties came through shining in a grand
15 way in the administration of that election.

16 And so that's where we are. We're a very
17 proud profession, we're a very proud association,
18 and we've done an outstanding job of providing
19 election services for the people of Florida.

20 Q And you kind of referenced that there are
21 about 9,000 voters in your database in Lake County
22 that might be affected by the identification number
23 requirement, correct?

24 A Well, you have to understand, none of
25 those people may even want a vote-by-mail ballot, so

Alan Hays
October 06, 2021

Page 169

1 this bill would not impact them at all.

2 Q Well, that's just speculating. I'm just
3 trying to nail down. So there's about 9,000 voters
4 that may be impacted by the number identification in
5 SB 90, correct, in your county?

6 MR. BARDOS: Form.

7 THE WITNESS: Go ahead, Andy. What did
8 you say?

9 MR. BARDOS: I said object to form.

10 A Okay. I'll put it directly, Ryan.
11 Those -- if 9,000 is indeed the correct number,
12 those people have already been impacted because we
13 have mailed them a communication from our office and
14 given them an opportunity to supply for us that
15 identifying data that previously was missing in
16 their record.

17 BY MR. BUDHU:

18 Q Well, I'm not trying to confirm the number
19 that you've tried to rectify in terms of them having
20 missing data. I'm trying to just get a sense of the
21 number from your testimony about the individuals in
22 Lake County that are impacted by the identification
23 number requirement of SB 90.

24 You had mentioned that there are 9,000
25 voters that have missing information in the database

Alan Hays
October 06, 2021

Page 170

1 that you were sending out these envelopes. So I
2 just want to confirm just that those were -- that
3 would be 9,000 voters who are impacted by the
4 identification number requirement of SB 90, correct?

5 MR. BARDOS: Object to form.

6 A I think I just answered the question a
7 moment ago. Now, I'm not going to speculate for you
8 or anyone else on how many of that 9,000 may or may
9 not want a vote-by-mail ballot. And for the sake of
10 this discussion, as I understand it, if they don't
11 want a vote-by-mail ballot, they're not going to be
12 impacted other than the fact that they received a
13 communication from us.

14 BY MR. BUDHU:

15 Q And so I'm not asking you to speculate.
16 And so I just want to confirm, you had mentioned
17 that there are about 9,000 voters that had missing
18 information in your database, correct?

19 A Ryan, I'm trying to be patient with you
20 but this is about the third or fourth time I've
21 confirmed that. Now, please do me a favor, don't
22 ask me that again. All right? Do you understand?

23 Q Okay. And so I'm just trying to get a
24 clean record here. So when I ask you a question,
25 it's so that I can get an answer, a straight answer.

Alan Hays
October 06, 2021

Page 171

1 You understand?

2 And to the extent that you don't
3 understand the question, to the extent that you feel
4 you can't answer it, you just let me know. But I'm
5 just asking sometimes either a yes-or-no question
6 very simply.

7 And I understand that this may have been a
8 question that maybe Danielle had asked or Cyrus had
9 asked or maybe even I had asked before. But I'm
10 just simply trying to get testimony down. I'm
11 trying to do my job. I know that you try to do your
12 job day in and day out.

13 So I'm just going to ask again, and this
14 is what we're doing, is we're just asking questions
15 and I'm just trying to get answers. So simple and
16 easy to read in a transcript.

17 So you had mentioned before that there
18 were 9,000 individuals who had missing information
19 in your database in Lake County, is that correct?

20 A That's correct.

21 Q And that would be about 9,000 individuals
22 who may be impacted by the SB 90 identification
23 number requirement, correct?

24 MR. BARDOS: Object to form. Asked and
25 answered four or five times.

Alan Hays
October 06, 2021

Page 172

1 BY MR. BUDHU:

2 Q You can answer.

3 A I'm refusing to answer the question. I
4 don't know how I can make it any more plain to you
5 than what I've already said. So if you want to
6 phrase it a different way or if you want to get on
7 with a real question, okay.

8 But I'm -- you're not going to drive me
9 into a corner and me say "yes" or "no" to something
10 that is speculative. I don't know how to say it any
11 more plain than I've already said it. So there you
12 have it.

13 Q Well, I'm trying to get to the universe of
14 voters that would be --

15 A I'm not about the universe, I'm about just
16 Lake County elections.

17 MR. BARDOS: Do we want to take a break?

18 THE WITNESS: I don't need a break, I need
19 the man to get on with the questioning.

20 BY MR. BUDHU:

21 Q With all due respect, I am questioning --

22 MR. BARDOS: Ryan. Ryan, I think he's
23 answered -- I think the issue is the way that
24 you're phrasing your question "may be
25 impacted." You know, it's speculation who

Alan Hays
October 06, 2021

Page 173

1 might or might not be impacted. And so I think
2 he's answered that. He's said it several times
3 already.

4 If you want to try to say it a different
5 way, if you're really asking something else,
6 that might be helpful. But "may be impacted"
7 is I think where we're getting caught up. And
8 he's answered that part to the best of his
9 ability three or four times already.

10 MR. BUDHU: Okay. Give me one second,
11 Mr. Hays. I'm going to try to think if there
12 is a way that I can rephrase this question.
13 All right?

14 (Short pause.)

15 BY MR. BUDHU:

16 Q Mr. Hays, based on your estimation there
17 are about 9,000 voters that, if they wanted to
18 request a vote-by-mail ballot, they would be
19 impacted by SB 90's identification number
20 requirement, correct?

21 MR. BARDOS: Object to form.

22 A If they wanted to request a vote-by-mail
23 ballot, it would depend on how they made that
24 request. And --

25

Alan Hays
October 06, 2021

Page 174

1 BY MR. BUDHU:

2 Q What do you mean by that?

3 A They could fill out a voter registration
4 application and request that vote-by-mail ballot.

5 And they could, in filling out that voter
6 registration application, they could provide one or
7 both of those identifying numbers and then the
8 problem would go away.

9 Q Okay. I'm going to go and move on towards
10 third-party voter registration organizations.

11 Prior to enactment of SB 90, did your
12 office receive registrations from third-party voter
13 registration organizations for voters outside of
14 Lake County?

15 A Yes, sir, from time to time we did.

16 Q Okay. How did your office handle those
17 types of registrations?

18 A We input the data and then we mailed the
19 form to the particular county of residence.

20 Q And how does that differ from how your
21 office handles registration for voters in your
22 county?

23 A It's pretty simple. The registration of
24 those voters in our county, we input the
25 registration data and the form stays right here with

Alan Hays
October 06, 2021

Page 175

1 us.

2 Q And does your office ever receive
3 registrations for someone outside of the county
4 through a means other than through a third-party
5 voter registration organization?

6 A Not that I'm aware of.

7 Q And with the enactment of SB 90, will your
8 office handle out-of-county registrations from
9 third-party voter registration organizations any
10 differently?

11 A Absolutely.

12 Q How so?

13 A We'll send them back to the third-party
14 organization. The third-party organization in the
15 first place is supposed to send them to us -- only
16 send to us only those whose addresses are in Lake
17 County.

18 Q And do you know how many out-of-county
19 registrations from third-party voter registration
20 organizations did your office process in 2020?

21 A No, I don't know that number offhand. But
22 to elaborate a little bit further on the previous
23 question even, this was -- this issue was one of
24 those requests from our association to the
25 legislature.

Alan Hays
October 06, 2021

Page 176

1 When we explained to them -- and I'll just
2 give you one example and there are probably several
3 others. But one example is one of the third-party
4 organizations had an office in Winter Park, which is
5 in Orange County. The physical location of that
6 office was closer to the Seminole County supervisors
7 office than it was to the Orange County supervisors
8 office.

9 So with the current law at that time, they
10 were able to take all of those third-party
11 registration organization applications, drop them at
12 the Seminole County office, and it put an
13 overwhelming undue burden on the Seminole County
14 office to process all of those things. And then we
15 had to hope and pray that we got the registration
16 information and we got the registration blank
17 itself. It created a bookkeeping nightmare.

18 So the legislature, at our request from
19 the association, put these provisions into Senate
20 Bill 90 that the TPROs must send the applications to
21 the supervisor's office in which the county -- in
22 whichever county that voter resides.

23 Q And I just -- and I think I got -- because
24 you had answered -- you'd gone back to a previous
25 question, so I just want to make sure that the

Alan Hays
October 06, 2021

Page 177

1 transcript is clear and we got an answer to my
2 previous question.

3 If you knew off the top of your head how
4 many out-of-county registrations the third-party
5 voter registration organizations that your office
6 processed in 2020?

7 A No, I don't.

8 Q Do you know how many out of state in 2020?

9 A As far as I know we didn't process any out
10 of state. Why would somebody out of state send us
11 an application to register to vote?

12 Q And I think you touched a little bit on
13 resources needed to process third-party voter
14 registration organizations' registration efforts.

15 Could you elaborate a little bit more in
16 2020, what are the resources that your office had to
17 expend in processing some of the third-party voter
18 registration organization voter registrations?

19 A The biggest example of interaction with
20 third-party applications in this office occurred in
21 mid to late February and early March of 2020 when we
22 were supplied with over 540 voter registration
23 applications from a third-party organization that
24 had been falsified.

25 Signatures had been forged, information

177:15-
178:18

P=401/402
(SB90
would not
prevent)

D=Relevant
because
demonstrates
3PVRos have
history of
fraud in
Florida, and
illustrates the
need for
legislature to
further
regulate 3PVRos
and importance
of notifying
voters of
alternative
methods of
registration
besides 3PVRos.

Alan Hays
October 06, 2021

Page 178

1 had been filled in that was incorrect. And when we
2 discovered this had been done, we turned it over to
3 the state attorney's office and it wound up with one
4 particular operator of that organization being
5 charged with 10 felony counts.

6 That happened just before the PPP and we
7 were having people who had been registered as
8 Democrats all their lives suddenly receiving from us
9 new voter information cards indicating they were now
10 Republicans. And they called and said, what on
11 earth are you doing? Why are you doing this? And
12 we said, well, we have this form that you filled out
13 requesting you be switched from D to R. Oh, no that
14 wasn't I.

15 Well, would you mind coming in and we'll
16 show you the form? They would come in, look at it,
17 said that's not my signature. And it's not my
18 handwriting either.

19 And I told you the end of the story or at
20 least the next chapter in the story. The end of the
21 story has not yet been written because of all the
22 court delays due to COVID, and so this person is
23 still waiting for her day in court.

24 Q So if I understand you correctly, there's
25 no conviction yet in that particular case, is that

Alan Hays
October 06, 2021

Page 179

1 correct?

2 A Yes.

3 Q And do you know if -- do you know the name
4 of that TPVRO?

5 A I believe it was Florida First. It was an
6 organization --

7 Q Do you recall the name -- sorry. I cut
8 you off.

9 A -- organization that was working for the
10 Republican Party of Florida or the National
11 Republicans, I'm not sure who hired them. But
12 anyhow they were trying to get Republicans
13 registered.

14 Q And in terms of the felony that -- or
15 felonies that you had referenced, do you know the
16 name of the individual who was charged?

17 A Well, it's interesting because when the
18 act was committed, her name was Cheryl Hall, and
19 she -- shortly after she turned herself in, she went
20 through some sort of legal proceeding I suppose and
21 changed her last name. And I don't recall right off
22 the top of my head what that was. We could find
23 that information and give it to you.

24 But she -- she wound up running for state
25 committee woman position in the general election.

Alan Hays
October 06, 2021

Page 180

1 The last name started with a A but I can't recall
2 offhand what it was.

3 MR. BUDHU: Yeah, to the extent that it
4 hasn't been provided, we'd ask counsel to
5 provide any information relating to that
6 fraudulent third-party voter registration
7 organization incident.

8 MR. BARDOS: We can discuss that.

9 BY MR. BUDHU:

10 Q Since the enactment of SB 90, have you
11 received registrations from third-party voter
12 registration organizations for voters outside of
13 your county?

14 A Yes, just yesterday as a matter of fact.

15 Q I'm sorry, could you repeat that?

16 A I said, yes, as recently as yesterday that
17 I know of.

18 Q And how has your office handled these
19 registrations?

20 A As far as I know we send it back to the
21 third-party organization telling them to send --
22 either that or we -- candidly the straight answer to
23 your question is I don't know. I'll have to find
24 out the details and get them to you.

25 Q But -- and I just want to confirm, do you

Alan Hays
October 06, 2021

Page 181

1 **send it back or you don't know?**

2 A I don't know. I pay people good money to
3 make those tasks happen. Had I known that was going
4 to be a question, I could have had the answer for
5 you but right now, I don't know.

6 **Q Do you know how many out-of-county voter**
7 **registrations your office has handled in 2021?**

8 A No.

9 MR. BUDHU: I have no further questions.
10 Thank you, Mr. Hays.

11 THE WITNESS: Thank you.

12 MR. BARDOS: Thanks, Ryan, for that. Mo,
13 are you next?

14 MR. JAZIL: Yes. Can you hear me?

15 THE WITNESS: Yes, sir.

16 MR. JAZIL: Would it be possible for us to
17 take a five-minute break. I'd like to use the
18 restroom.

19 MR. BARDOS: Yeah, this would be a good
20 time for me as well.

21 (A recess took place from 3:32 p.m. to
22 3:40 p.m.)

23 CROSS EXAMINATION

24 BY MR. JAZIL:

25 **Q Good afternoon, Supervisor Hays. My name**

Alan Hays
October 06, 2021

Page 182

1 is Mo Jazil. I'm a lawyer for the Secretary of
2 State's office and I've got with me George Meros,
3 who seems to be hiding but he's here.

4 A How are you guys doing?

5 Q We're doing better than you are, I think.

6 A I'm doing fine if you'd just make sure you
7 got your questions prepared and don't ask me the
8 same thing four different times.

9 Q Well, I'll try not to.

10 MR. MEROS: I got them written down right
11 here.

12 BY MR. JAZIL

13 Q So, Supervisor Hays, what we're going to
14 do is go through some of your legislative experience
15 first. I want to make sure that we have a few
16 things clear for some of our friends who are not
17 from Florida.

18 So as I understand it, you served in the
19 Florida legislature for 12 years, both in the House
20 and the Senate. In the Senate you served on the
21 Senate ethics and elections committee. Did I
22 understand that correctly from your prior testimony?

23 A That is correct.

24 Q And now you have a leadership position
25 with the Florida State Association of Supervisors of

Alan Hays
October 06, 2021

Page 183

1 Elections as the chair of their legislative

2 committee. Do I have that correct, sir?

3 A Yes, sir.

4 Q So, Supervisor Hays, while you were in the
5 legislature on the Senate ethics and elections
6 committee, did you have any elections related bills
7 come through your committee?

8 A I'm sure we did, Mo, but honestly I would
9 have to go back through the whole list that came
10 before -- that committee has consideration of all of
11 the appointments that are made throughout the whole
12 state. We do a lot of different things there in
13 addition to elections work.

14 And I don't know if it's a blessing or a
15 handicap, but out of my 12 years of service there, I
16 could not give you the topic or the bill number of
17 six bills that I filed and passed and all that
18 stuff. I have the ability to focus on the immediate
19 and when it's over with, win, lose or draw, it's
20 over with and I'm on down the road with something
21 else and I focus on that.

22 I don't know if that's a throwback to my
23 years as a dentist when I was focusing just on that
24 tooth and never looked at the teeth on either side
25 of it or not. But it is what it is.

Alan Hays
October 06, 2021

Page 184

1 So if you've got bills there that dealt
2 with elections that was on the committee when I was
3 there, I'll talk to that perhaps to the best of my
4 memory.

5 Q So let's not focus on the bills. As you
6 were making policy, did you hear from all
7 stakeholders involved? Did you hear from the
8 Democrats, the Republicans on issues as they came
9 up?

10 A I really never paid a whole lot of
11 attention to what group they were representing or
12 their -- what party they were representing. I had a
13 wide open door policy. I would almost listen to
14 anybody. I may not agree with them but I would at
15 least give them the courtesy of my time to express
16 their views on legislation, whatever it might have
17 been.

18 Q So had the League of Women Voters come to
19 you, you would have listened to them; had the NAACP
20 come to you, you would have listened to them; had
21 the Democrats or Republicans came, you would have
22 listened to them. Is that ...

23 A Absolutely, yes, sir.

24 Q And if they came to you with suggested
25 language or positions, you would consider those and

Alan Hays
October 06, 2021

Page 185

1 judge them on whether or not it's sound policy. Is
2 that an accurate understanding of your testimony
3 from earlier?

4 A Yes, sir.

5 Q Okay. So, Supervisor Hays, how many days
6 does a regular legislative session last?

7 A 60.

8 Q And --

9 A Now, that's the official formal session.
10 But you've got several weeks of committee meetings
11 leading up to that. I didn't -- it's been a while.
12 I would say probably six weeks of committee
13 meetings, perhaps seven. But the constitution calls
14 for a 60-day legislative session every year.

15 Q Yes, sir. And in your time both as a
16 legislator and now as a stakeholder for the
17 elections community, do you remember that time being
18 pretty jam packed with meetings, agendas and work to
19 be done, or was there a lot of time for you to deal
20 with issues?

21 A It was packed from the get-go to the final
22 sine die flag dropping, absolutely. It is 60 days
23 packed with meeting upon meeting upon meeting, and
24 the clock is rarely respected in terms of you start
25 at 8:00 and you quit at 5:00.

Alan Hays
October 06, 2021

Page 186

1 It was not uncommon for me to have
2 6:30 a.m. appointments with different people,
3 whether it be for breakfast or whether it be in my
4 office, and then till 10:00, 11 o'clock at night we
5 were still having consultations, whether it be phone
6 or whatnot. But, yeah, it's a very jam packed 60
7 days.

8 Q And in that jam packed 60 days, you also
9 had committee meetings, is that correct?

10 A Oh, sure.

11 Q And was it the norm for those committee
12 meetings to have time limits on how long a
13 particular speaker could come and share their
14 perspective with the committee?

15 A Oh, absolutely. Yeah, as a matter of fact
16 as chairman of the committee, on more than one
17 occasion I put time limits on each presenter and
18 said, you're allowed to present for one minute or
19 two minutes. It was very rare that any presenter
20 would get to go longer than three minutes if you had
21 to put a time limit on them.

22 Q But did you nevertheless allow
23 stakeholders to provide written comments to you,
24 letters?

25 A Oh, sure.

Alan Hays
October 06, 2021

Page 187

1 Q And did you read those, consider those?

2 A Sometimes. And if I didn't, I had my

3 staff read them and summarize them for me.

4 Q Okay. Supervisor Hays, let's talk a bit
5 about Senate Bill 90. Based on your testimony from
6 earlier today, my understanding is you were pretty
7 involved in the legislative process concerning what
8 became Senate Bill 90 as signed by the governor, is
9 that understanding correct?

10 A Yes, sir, I would have to say it is.

11 Q And my understanding is you did not like
12 the bill that was originally made public, you did
13 not like the subsequent version of the bill even
14 more?

15 A That's right.

16 Q And that second version of the bill is
17 what prompted you to go up to Tallahassee and share
18 your thoughts with the Florida legislature, is that
19 understanding correct, sir?

20 A Totally correct.

21 Q Did Senate Bill 90 become better during
22 the legislative process after your involvement and
23 that of the Florida State Association of Supervisors
24 of Elections?

25 A Significantly better.

Alan Hays
October 06, 2021

Page 188

1 Q Sir, did you and the association support
2 the final bill that was enacted and signed by the
3 governor?

4 A I don't know as I'm able to speak for the
5 association. But I do know that I supported the
6 bill as it was being -- as a matter of fact, I
7 communicated with some of the senators. There was
8 one particular exchange on the floor and I was
9 watching online, and one of the sponsors of the bill
10 or an amendment sponsor -- anyhow, one of the
11 speakers on the bill was asked the question, "Does
12 any supervisor support this?"

13 And I texted, I believe it was Senator
14 Boyd, I'm not sure but I believe it was Senator Boyd
15 that I texted and said that I support it.

16 And people need to understand the
17 legislative process as it is. It's -- particularly
18 there in that last week of session, Mo, it's a very,
19 very fluid operation. And I have seen bills just
20 change completely in the blink of an eye. Strike
21 all amendments are introduced at the last minute and
22 you look for a summary statement from a reliable
23 colleague that you can trust to tell you what's in
24 the bill. And then you make your decision on it.

25 And it's a very, very intense time. But

Alan Hays
October 06, 2021

Page 189

1 frankly, I didn't see anything in the mechanical
2 stuff of the passing of Senate Bill 90 that was
3 anything out of the ordinary. I have experienced it
4 for 12 years; just another day in the legislature as
5 far as we're concerned.

6 Q Understood. Supervisor Hays, I'd like to
7 follow up on something you just said, the strike all
8 amendments. Is that a tool in the legislator's
9 toolbox that's commonly used?

10 A Yes, sir, and forgive me for not
11 explaining it. I have to understand my audience.
12 None of y'all have been legislators perhaps.

13 But as the bills move through, if you have
14 one small section here, one small section there that
15 you would like to change, you can file an amendment
16 changing those one or two things. Sometimes it's
17 simply a punctuation mark or one or two words versus
18 a whole paragraph.

19 But if you're going to wind up making
20 multiple changes in the text of the bill, it's far
21 more logistically -- what's the word I'm looking
22 for -- it's more streamlined. Rather than filing a
23 series of six or eight different amendments, let's
24 just file one big amendment.

25 And all of these -- all of the changes

Alan Hays
October 06, 2021

Page 190

1 that are made are underlined or lined through. All
2 the deletions are lined through. So it's not like
3 you're trying to submit something with a smoke
4 covering over it. It's -- the changes are very
5 plain right there on the paper for you.

6 But instead of taking up endless hours of
7 voting and voting and voting on multiple, multiple
8 amendments, you just go through and do one big
9 amendment for the whole bill and it's called a
10 strike all.

11 Q Understood, Supervisor Hays. You talked a
12 bit about the four goals, the points of commitment
13 that y'all have at the supervisor of elections
14 office.

15 And as I understand them, they were,
16 number 1, voter confidence; number 2, providing
17 excellent service; number 3, providing accurate --
18 pardon me -- administering accurate and efficient
19 elections; and number 4, managing the office in a
20 financially responsible way.

21 Did I understand those four correctly,
22 sir?

23 A Yes, sir.

24 Q Let's talk a bit about excellent service.
25 My friends talked to you a bit earlier about the

Alan Hays
October 06, 2021

Page 191

1 education efforts that you undertake with your
2 voters.

3 Are you going to undertake education
4 efforts with voters to help them understand the
5 changes that Senate Bill 90 made?

6 A We already have undertaken that and we
7 will continue to do so.

8 Q And if constituents have questions about
9 how to ask for a vote-by-mail ballot or how to drop
10 off the vote-by-mail ballot or where to vote in
11 person, are those questions that you and your staff
12 answer?

13 MS. SIVALINGAM: Objection, form.

14 THE WITNESS: Pardon me?

15 MS. SIVALINGAM: I was just objecting for
16 to the record. Objection to form. Compound.

17 BY MR. JAZIL:

18 Q Okay. So we'll take those one at a time
19 because of the objection, Supervisor Hays.

20 Do you and your staff answer questions
21 from voters about how to vote by mail?

22 A Routinely.

23 Q Do you answer questions about how to use
24 drop boxes if people have questions?

25 A Absolutely.

Alan Hays
October 06, 2021

Page 192

1 Q Do you and your staff answer questions
2 about how to vote in person?

3 A Sure. We also put instructions like that
4 on our website and every vote-by-mail ballot that
5 goes out has instructions on it and deadlines are
6 listed there. Sometimes you wonder why do we get
7 questions when we have tried to go be so proactive
8 in giving instructions and information upfront.

9 But even when we do get those questions
10 that are bewildering to us as to their origin, we
11 still try to treat that voter with the same respect
12 that we would want to be treated if we were asking
13 similar questions. We don't say, well, we told you
14 that in the instructions. We go ahead and answer
15 the question.

16 Q And I appreciate that, Supervisor.
17 Supervisor, I'd like to turn your attention to an
18 exhibit that my friend Cyrus shared with you. I'm
19 going to use the screen share function so we both
20 look at it at the same time.

21 So this is what I believe has been marked
22 as Exhibit 13. These are your thoughts that you
23 shared with the Governor's Office on February 21st,
24 2021.

25 A As I said earlier, that was prior to any

Alan Hays
October 06, 2021

Page 193

1 bill that I'm aware of having been published at that
2 time.

3 Q Yes, sir. And so if we go to page 3,
4 there's this question here about "vote-by-mail
5 requests must be made each election year."

6 A Yep.

7 Q Do you see that?

8 A Sure do.

9 Q And there you suggest that requests not be
10 required every election year because there are
11 municipal elections that happen?

12 A That is correct.

13 Q Do you understand Senate Bill 90 as
14 requiring vote-by-mail requests to be made every
15 year?

16 A No, sir.

17 MS. SIVALINGAM: Objection to form. Calls
18 for a legal conclusion.

19 BY MR. JAZIL:

20 Q Supervisor Hays, my understanding of your
21 earlier testimony is there are going to be five
22 municipal elections held in your county this year,
23 is that correct?

24 A Yes, sir.

25 Q Are vote-by-mail requests that you have on

Alan Hays
October 06, 2021

Page 194

1 file from voters sufficient to vote by mail in those
2 five municipal elections?

3 A Yes, sir.

4 Q When you were talking to my friend
5 Danielle about the 2020 election, you said, quote,
6 there were very few hiccups. Do you recall saying
7 that, sir?

8 A Sure. That's a phrase I use frequently.

9 Q Okay. And then later you talked about the
10 540 voter registration forms that a third-party
11 voter registration group provided to you that were
12 let's say impermissibly marked. Do you recall that,
13 sir?

14 A I do.

15 Q Would that be one of the few hiccups that
16 you were referring to during the 2020 cycle?

17 A Yes, sir.

18 Q Sir, would you agree with me that we had a
19 safe and secure election in 2020?

20 A Absolutely.

21 Q But would you also agree with me that
22 there's no such thing as a perfect election?

23 A Unfortunately, I do have to agree with
24 that. And it's going to remain that way as long as
25 humans are doing it, you know.

Alan Hays
October 06, 2021

Page 195

1 Q Yes, sir. Supervisor Hays, as we were
2 talking about the changes made to Senate Bill 90
3 during the legislative process, there was your
4 testimony before the legislature in early March that
5 was discussed. And as part of that testimony there
6 were some discussion about your elderly mother being
7 able to vote. Do you recall that, sir?

8 A Absolutely.

9 Q Do you know whether or not your elderly
10 mother will be able to vote in the upcoming election
11 assuming, God willing, she is with us?

12 A Well, we pray every day that she's with us
13 and come February she'll hit a hundred. You're
14 invited to her party, all of you, who want to come.

15 For me it'll be the first time I've ever
16 been to a hundred-year-old birthday party, but
17 nevertheless. Let's keep it professional, Alan.

18 As far as I can see it, the way Senate
19 Bill 90 is structured, the way it passed and has
20 been implemented, I don't see anything in there that
21 would prohibit her from voting.

22 Q Okay.

23 A Truth be known, she drives to the polling
24 place and votes in person.

25 Q Good for her.

Alan Hays
October 06, 2021

Page 196

1 A Still driving in the daytime.

2 Q Supervisor Hays, as we are continuing to
3 talk about how voters return vote-by-mail ballots, I
4 want to -- well, strike that, please.

5 So your elderly mother goes to polls and
6 votes, like a lot of people. And when you go to the
7 polls and vote, there is 150-foot nonsolicitation
8 zone that applies. That's my understanding. Is
9 that your understanding as well, Supervisor Hays?

10 A Yes, sir.

11 Q And within that 150-foot nonsolicitation
12 zone, do you allow any interaction by third-party
13 groups, political parties, with the voters?

14 A No, sir.

15 MS. SIVALINGAM: Objection, asked and
16 answered.

17 BY MR. JAZIL:

18 Q And if someone wanted to get a bottle of
19 water while they're waiting in line, how would they
20 go about doing that? It's a hot day, they're
21 thirsty, they really need a drink. How would your
22 staff or anyone else help that person out and assist
23 them in line?

24 A My suggestion is that, number 1, the only
25 part of my staff that's going to be out there is the

Alan Hays
October 06, 2021

Page 197

1 poll deputy who is in charge of maintaining decorum
2 there inside that 150-foot mark and in the polling
3 place itself. And we don't make a habit of going
4 around asking people do you need water, do you need
5 food or anything like that.

6 Folks are welcome to bring their own
7 beverages with them if they'd like. But if there is
8 a party or any group or any individual that wants to
9 provide water or hot dogs or hamburgers or whatever
10 they want, you can set up a barbecue stand out there
11 at 151 feet away from the door. You can set up a
12 beer tent if you want to 151 feet away from the
13 door.

14 Outside of that 150-foot mark, I don't
15 have any control. But inside the 150-foot zone,
16 there's no solicitation, there's no appearance of
17 solicitation. The only people allowed to interact
18 there are the voters themselves and, as I mentioned
19 earlier this morning or sometime in the day, exit
20 polling.

21 Q Okay. And so suppose someone is waiting
22 in line and they're elderly and they're having a
23 hard time just standing up in line. How would your
24 staff deal with that situation, sir?

25 A If we become aware of it, we would

Alan Hays
October 06, 2021

Page 198

1 certainly do whatever the judgment of that
2 particular election worker deems appropriate for
3 that time. We could get them a chair, we could
4 invite them to come in, sit down in the shade or
5 something and wait their turn or something.

6 There's -- those type of forecast things,
7 Mo, are just really limitless and you just have to
8 rely on people. And, of course, the obvious best
9 thing to do is set up your polling place so that you
10 don't have those big long lines. But in spite of
11 your best efforts, sometimes these things are going
12 to occur.

13 But we just have to understand, if
14 somebody is there and, you know, if it's a physical
15 need, we're going to certainly address it. But if
16 it's something somebody just says, I want a drink of
17 water or I want a Pepsi or something like that, then
18 fine, ask the person in line next to you, hey, hold
19 my place, I'm going to get a drink. You want me to
20 bring you back a bottle too? And then take off and
21 then come back and get your place in line. It's not
22 rocket science.

23 Q And is that how you administered your
24 elections in 2020?

25 A Sure.

Alan Hays
October 06, 2021

Page 199

1 Q And in 2018?

2 A Sure.

3 Q And is that how you plan on administering
4 your elections in 2022?

5 A Sure.

6 Q Okay. Supervisor Hays, I'd like to turn
7 your attention to an exhibit that I have and I'd
8 like to ask a few questions about it. This is the
9 file titled "REUSPSOIG recovered ballots."

10 A Do I have that?

11 Q You should. Or I could just share screen.
12 Did that work out all right for you last time I did
13 it, sir?

14 A Worked out fine.

15 Q Okay. If you wouldn't mind just taking a
16 minute, Supervisor Hays, to take a look at this.
17 This is an e-mail from March 2021 regarding a U.S.
18 postal service investigation and I'll scroll down so
19 you see the first e-mail in the chain.

20 And if I scroll down some more, sir, to
21 the last page, your name is there -- misspelled, my
22 apologies, but it's misspelled. And this e-mail
23 references certain recovered unopened ballots in
24 Illinois. Do you recall what this investigation was
25 about, Supervisor Hays?

Alan Hays
October 06, 2021

Page 200

1 A No, sir.

2 Q Has the U.S. Postal Service contacted you
3 at all about these unopened ballots that were sent
4 to Illinois?

5 A Not that I recall.

6 Q Okay.

7 MR. JAZIL: Can we mark this as 13 (sic.)
8 (Exhibit 14 was marked for
9 identification.)

10 BY MR. JAZIL:

11 Q And, Supervisor Hays, I wanted to ask you
12 about it because I don't know what that
13 investigation is about and I figured I'd ask since I
14 had a chance.

15 Sir, I'd like to talk a bit more about
16 drop boxes now. It's an issue that's been the
17 subject of a lot of questions here and I've got a
18 few of my own.

19 Exhibit 3 is the picture of the drop box
20 that y'all have, the 24-hour drop box? Do you --

21 A Right.

22 Q Okay. So -- yeah, go ahead, Supervisor
23 Hays?

24 A It's the white one, not the blue one?

25 Q Yes, sir, the white one.

Alan Hays
October 06, 2021

Page 201

1 A Okay.

2 Q And I'm just a little confused about the
3 drop box conversation in general. Based on your
4 testimony from earlier today, it sounded like your
5 county has been using drop boxes since at least
6 2017. Is that correct?

7 A I believe the first time we used it was in
8 2018, because, see, I came into office in January of
9 2017 and we didn't move over here into this building
10 where we are now until 2018.

11 And there again, I would have to go back
12 and look at the record, but my best recollection is
13 in 2018 for the primary election we were in this
14 building and that was the first time that we used
15 the drop box out there. And it was famously
16 successful.

17 Q Okay. And was that a 24-hour drop box in
18 2018 as well, sir?

19 A Yes, sir.

20 Q And in 2018, did the drop box have the
21 three camera video monitoring set that you
22 described?

23 A Yes, sir.

24 Q And was the drop box shaped the same way
25 with the lid, as you described it, to make it

Alan Hays
October 06, 2021

Page 202

1 **difficult to put liquids in?**

2 A Yes, sir, there have been no structural
3 alterations to that drop box since the day it first
4 went out there.

5 Q And, Supervisor Hays, I know you're pretty
6 active with the state association. Do you know
7 whether other supervisors of elections have a
8 similar drop box design to limit liquids?

9 A Yes, sir, they do. And when I say it's
10 similar, we have to emphasize similar, not
11 identical.

12 Q Okay.

13 A But there are multiple designs that have
14 been used very successfully in several other
15 counties around -- as a matter of fact, I copied my
16 design from St. Johns County.

17 And Citrus County just recently, last
18 year, moved into a former bank building and their
19 drop box was built in when the building was
20 constructed. It was a night depository for the
21 bank. And now that -- even that box has to be
22 manned by an employee of the office if it's going to
23 be in compliance with Senate Bill 90, which is now
24 state law.

25 But short answer to your question, yes,

Alan Hays
October 06, 2021

Page 203

1 Mo, there's a lot of -- there are -- there's

2 several, anyhow, other offices that use the drop

3 boxes successfully.

4 Q But not all of them use a similar design?

5 A Oh, as far as I know, my mine is the only

6 one designed exactly like that.

7 Q Yes, sir. And my understanding is you

8 spoke to a librarian and designed your drop box this

9 way to prevent liquids from being thrown into the

10 drop box. Is my understanding correct, sir?

11 A That's correct, yes, sir.

12 Q And, Supervisor Hays, in just looking at

13 the picture of the drop box, could someone take fire

14 crackers, light them and throw them in the drop box?

15 MS. SIVALINGAM: Objection. Sorry, keep

16 going. I want you to finish your question, Mo,

17 sorry.

18 MR. JAZIL: Sure.

19 A I don't recall who the -- who the famous

20 philosopher was that said a fool is born every day,

21 but that -- I guess the imagination of one would be

22 the limit as to what they might try.

23 BY MR. JAZIL:

24 Q Sure. And, Supervisor Hays, I'm obviously

25 concerned about drop box security from my client's

Alan Hays
October 06, 2021

Page 204

1 perspective. So I am asking these questions and I

2 do appreciate your perspective on them. And ...

3 A Well, let me point out, Mo, that every --

4 literally every single U.S. Postal Service drop box

5 I've ever seen, you could drop a cherry bomb in,

6 much less a firecracker. So what's your point?

7 Q Sure. Sure. And that's worth exploring,

8 Supervisor Hays.

9 Is it your understanding that the

10 mailboxes that we have for the U.S. Postal Service

11 have mail other than ballots in them?

12 A Well, that's a known fact.

13 Q Okay. And your drop boxes, do they have

14 anything other than ballots in them?

15 A I don't recall getting anything other than

16 elections related information. We have had some

17 people put their voter registration applications in

18 there. But it came there because it was supposed to

19 come to us, you know.

20 But I'm not aware of any, shall we say

21 malicious mail or any goopy mail that -- now, we

22 have had -- crazy thing. We have had people drop

23 their return envelopes in there that were destined

24 for Orange County instead of Lake County, but they

25 were ballots nevertheless.

Alan Hays
October 06, 2021

Page 205

1 But to your point, I think with the mixed
2 bag, so to speak of mail pieces in a postal service
3 box as that in a supervisor's box, we -- all the
4 mail that we have gotten so far has been elections
5 related. We've not had anything that was not
6 related to elections to my knowledge.

7 Q So if I drop a cherry bomb in your drop
8 box, I would burn election related materials?

9 MS. SIVALINGAM: Objection to form. Calls
10 for speculation.

11 BY MR. JAZIL:

12 Q And you can go ahead and answer.

13 MR. JAZIL: And, Counsel, can we limit the
14 speaking objections. If I want to know what
15 the reason is, I'll ask? Let's just object to
16 form.

17 MS. SIVALINGAM: Oh, sure. Absolutely.
18 Apologies. But if -- but I will say -- sorry,
19 Mo. If you all could give me and the other
20 plaintiffs an opportunity to object so that
21 we're not all speaking over each other, I would
22 appreciate that.

23 BY MR. JAZIL:

24 Q Supervisor Hays, do you remember my
25 question?

Alan Hays
October 06, 2021

Page 206

1 A Yes, I do. And directly, I don't think
2 you can get a cherry bomb in that narrow slip.

3 Q What about firecrackers?

4 A Oh, yeah.

5 MS. SIVALINGAM: Objection to form.

6 A Firecrackers would go in it, and possibly
7 TNT bombs because of their structure. But the
8 cherry bombs as I remember are about yay big around
9 and I don't think one would fit in that narrow slit.

10 BY MR. JAZIL:

11 Q Fair enough. And Supervisor Hays, I
12 noticed on the picture that that drop box was bolted
13 down with four screws on the ground. Is that
14 understanding correct based on the pictures?

15 A That is correct. And it's got a big wad
16 of concrete on the bottom of it too and that
17 concrete is reinforced with steel in there.

18 Q Okay. So if I were to throw a chain
19 behind my truck and try to drive off with it, what
20 would happen?

21 MS. SIVALINGAM: Objection to form.

22 A Your guess is as good as mine. I've never
23 thought about that.

24 BY MR. JAZIL:

25 Q Okay.

Alan Hays
October 06, 2021

Page 207

1 A It would be speculative.

2 Q Okay. And --

3 A One thing about it, you would be on
4 camera, though.

5 Q I would be on camera, but my understanding
6 of your testimony is if I come with the passenger's
7 side facing the drop box, you wouldn't get my
8 license plate, would you?

9 A That's right.

10 Q All right.

11 A I'd see your bald head, though.

12 Q I'll wear a hat, Supervisor Hays.

13 But let me explore that some more. So in
14 2020, my understanding is y'all had a contract
15 security guard waiting out there looking at the drop
16 box, the 24-hour drop box, is that correct?

17 A That's correct.

18 Q And correct me if I'm wrong, my
19 understanding of your testimony earlier today is
20 that you don't feel comfortable using a contract
21 security guard because you don't consider that
22 contract security guard an employee of the
23 supervisors of elections office. Is my
24 understanding correct, sir?

25 A That's correct.

Alan Hays
October 06, 2021

Page 208

1 Q If you had some comfort that that contract
2 security guard is an employee of the supervisors of
3 elections office, would you consider keeping the
4 24/7 drop box as it is with the security guard
5 outside?

6 MS. SIVALINGAM: Objection to form.

7 A You know, that would be purely a fiscal
8 decision. I would have to look at it to decide, you
9 know, at probably \$18 an hour for 24 hours a day,
10 I'm not that good at math in the head, but
11 nevertheless it's a big chunk of money. And I
12 just -- frankly, I think it would be a poor
13 utilization of taxpayer dollars.

14 BY MR. JAZIL:

15 Q If you could make the money work, would
16 you do it?

17 MS. SIVALINGAM: Objection to form.

18 A No, I'm sorry, Mo. That one I can't
19 answer because if you could make the money work?
20 How are you going to make it work? Somebody going
21 to slip it in my back pocket? Are you going to
22 sweet talk the county commissioners into giving me
23 more money?

24 I'm sorry, that one, I think, is too
25 vague.

Alan Hays
October 06, 2021

Page 209

1 BY MR. JAZIL:

2 Q I understand. Supervisor Hays, I'd like
3 to turn your attention to a document titled "Request
4 for production number 6," the drop off process your
5 office provided. And I will share my screen so that
6 you can see it with me.

7 Sir, do you recall this --

8 A Yes, sir.

9 Q It's titled "Vote-by-mail drop off
10 process." Is this a process your office follows?

11 A Yes, sir. We originated it as far as I
12 recall.

13 Q Yes, sir.

14 MR. JAZIL: Sandi, could we go ahead and
15 mark this as the next numbered exhibit, 14.

16 (Discussion off the record.)

17 MR. JAZIL: So the prior one is 14, this
18 is 15.

19 (Exhibit 15 was marked for
20 identification.)

21 BY MR. JAZIL:

22 Q So, Supervisor Hays, here we have got a
23 drop off process that your office, as you just said,
24 originated. And this process requires among other
25 things that an election worker verify that the

Ex.15

P= 802

Alan Hays
October 06, 2021

Page 210

D=Defendants
offer Hays Ex.
15 (Trial Ex.
183) not for
the truth of
the matter
asserted by the
policy, but
only for the
existence of a
policy;
Supervisor Hays
testified based
on his personal
knowledge that
the policy was
followed.

Alternatively,
it is a record
kept and
maintained in
the course of a
regularly
conducted
activity of a
business,
organization,
occupation, or
calling under
FRE 803(6).

1 vote-by-mail ballot is sealed, an election worker

2 verify that the back of the envelope has a

3 signature. Do you see those two provisions, sir?

4 A Sure.

5 Q And is this the policy that your office

6 follows?

7 A Absolutely.

8 Q And does this policy require there to be

9 an actual human being there to ensure that the

10 envelope is sealed and the envelope has a signature?

11 A Of course.

12 Q Sir, have your constituents commented at

13 all to you about your staff ensuring that their

14 envelope is sealed or that the envelope has a

15 signature?

16 A None of them have commented, that I'm

17 aware of, to me on those specific things. I have

18 had several favorable comments about the overall

19 chain of custody beginning right there at the drop

20 box. I don't recall any negative feedback that we

21 have gotten from this process.

22 But if I may go a little bit further, you

23 see what all is involved here. This is in the early

24 voting site or here in our office. And for me to

25 expect a contract security guard to be out there at

Alan Hays
October 06, 2021

Page 211

1 11:30 at night or 4:30 in the morning doing this

2 sort of stuff is preposterous.

3 And so that would be a huge negative, to

4 answer your previous question about if money were no

5 object, my paraphrasing of your question. No, we're

6 not -- I just don't -- I just don't foresee parking

7 an employee of my office or a rent-a-cop out there

8 to do this kind of detailed paperwork.

9 Q Okay. But this process that you have,

10 Supervisor Hays, how does this align with the four

11 goals that y'all have? Does this help voter

12 confidence, does this promote excellent service

13 or -- can you ...

14 A Yes, sir. It helps in every way.

15 Q Okay. And help me understand how this

16 promotes voter confidence?

17 A Well, they realize, as I mentioned earlier

18 today, when they come up, they know that somebody is

19 there keeping an eye on that box. It's not just a

20 naked box sitting out there and different people can

21 come plop different things in it.

22 And we explain to them that the chain of

23 custody for this -- your ballot begins right here

24 with the completion of this data. And so we fill

25 out those forms there, and then we tell them that

Alan Hays
October 06, 2021

Page 212

1 tonight that ballot will be in the supervisor's
2 office in Tavares under camera surveillance and
3 nobody is going to tinker with it until we start the
4 processing of it, the signature verification and all
5 that.

6 If that doesn't enhance their confidence,
7 we don't need to worry about confidence on that
8 person's part.

9 Q And then, Supervisor Hays, in answering my
10 last question you talked about the security guard
11 monitoring your 24/7 drop box. Do you have a sense
12 of how many people use your 24/7 drop box after
13 business hours during the last election cycle?

14 A Quite a few. Quite a few. Gracious. You
15 come in on a Monday morning and you can see a whole
16 bunch of them that have accumulated over the
17 weekend. And sometimes just overnight you may have
18 20 or 30 in the box, you know.

19 Q Okay. So when I say after business hours,
20 I meant that to be after 5:00 p.m. Is that your
21 understanding of after business hours as well?

22 A Yes, sir.

23 Q And you talked about the weekend. So from
24 5:00 p.m. on Friday evening to Monday morning, when
25 would your staff check that 24/7 drop box to check

Alan Hays
October 06, 2021

Page 213

1 how many ballots accumulated over the weekend?

2 A Monday morning probably about 9 o'clock.

3 Q Okay. So from Friday 5:00 to Monday at

4 9:00, you would have, as you put it, quite a few

5 ballots accumulate in there?

6 A Oh, yeah, I personally have seen over a

7 hundred.

8 Q Okay. Do you know how many of those

9 ballots were put into the drop box between say

10 8:00 p.m. Friday night and 8:00 a.m. Saturday

11 morning?

12 A No.

13 Q Do you have any way to find out how many

14 people put in ballots during those twilight hours,

15 let's call them that?

16 A We can go back and look at the video and

17 see how many vehicles went by but we couldn't see

18 how many ballots they put in. They may put in one

19 or they may put in two or three.

20 Q Okay. And my understanding of your

21 testimony with my friends earlier today was of the

22 people who are using that 24/7 drop box, you could

23 not speculate as to how many would choose to use

24 other drop boxes around the county. Is my

25 understanding correct, sir?

Alan Hays
October 06, 2021

Page 214

1 A I'm not sure that I recall a question even
2 of that type, but to give you a straight answer,
3 I've never given it any thought. If people bring it
4 here, they bring it here. If they want to take it
5 somewhere else, they take it there.

6 I mean, I got important things to do. I
7 don't sit around and try to figure out people's
8 motives in doing stuff that is within the law. I
9 don't even try to figure out why they do it outside
10 the law. It's worthless to me. I try to devote my
11 energy to things that are productive.

12 Q **Sure. So you don't know how many people**
13 **who use that 24/7 drop box would use other drop**
14 **boxes in the county?**

15 MR. NASSERI: Object to form.

16 A Oh, I don't know.

17 BY MR. JAZIL:

18 Q **Okay.**

19 A I mean, one could say, gracious sakes,
20 every one of them could be put in a postal service
21 drop box; we could just do away with all our drop
22 boxes completely.

23 But, no, I'm sorry. That one there is out
24 of the ballpark, I think.

25 Q **Fair enough. Supervisor Hays, I'm going**

Alan Hays
October 06, 2021

Page 215

1 to share with you two other exhibits that I have.

2 Okay. Supervisor Hays, take a minute to
3 look at this e-mail that you sent on Thursday,
4 September 10th, 2020.

5 A Right.

6 Q To Maria Matthews?

7 A Right.

8 Q You asked her a drop box question in that
9 e-mail, is that correct?

10 A Yes, sir.

11 Q Okay.

12 A And shame on me, I put a period instead of
13 a question mark. "Are we allowed to place drop
14 boxes at sites suitable for early voting before
15 early voting begins."

16 Q Yes.

17 A "Possibility being considered is to begin
18 drop box access on October 1st while early voting
19 begins October 19."

20 MR. JAZIL: So, Sandi, can we go ahead and
21 mark this as next exhibit.

22 (Exhibit 16 was marked for
23 identification.)

24 BY MR. JAZIL:

25 Q Do you recall sending that e-mail,

Alan Hays
October 06, 2021

Page 216

1 Supervisor Hays, to Maria Matthews?

2 A Sure.

3 Q Let's take a look at the next exhibit.

4 This is an e-mail that you sent September 16th to
5 Brad McVay?

6 A Yeah.

7 Q And if we scroll down we see a series of
8 questions related to drop boxes on page 2, is that
9 correct, sir?

10 A Yes, sir.

11 MR. JAZIL: And, Sandi, can we go ahead
12 and mark this as the next sequential exhibit.

13 BY MR. JAZIL:

14 Q So, Supervisor Hays, here's my question:
15 You mentioned earlier in your testimony that you got
16 some guidance from Brad McVay about drop boxes
17 before the 2020 election. In that guidance did Brad
18 McVay attempt to answer the questions that you and
19 other supervisors posed about drop boxes?

20 A As I recall, Mr. McVay sent us -- to all
21 supervisors -- a -- for lack of a better word --
22 directive or legal opinion -- I don't know what the
23 fancy word for it would be. But anyway, he sent us
24 a notification that the drop boxes had to be
25 monitored by employees of our office. And that was

Alan Hays
October 06, 2021

Page 217

1 the extent of it.

2 The -- you see, my objective in proposing
3 that we use sites that were suitable for early
4 voting such as city halls, fire stations, police
5 departments, other government buildings, libraries,
6 things like that, that statutes allow us to put
7 early voting sites in those.

8 But yet here, I had this drop box out
9 front for access to the voters and the drop box in
10 my business office here was accessible to the voters
11 before early voting began. And I was looking for a
12 way to expand that to the rest of the county. And
13 my efforts fell into the creek. That's a country
14 saying we have out here in hinterlands.

15 But Brad says, no, you got to have
16 employees and this and that and the other. I guess
17 you probably have Brad's reply to us as well that
18 you probably wanted to enter as an exhibit.

19 **Q I'll let Brad's reply speak for itself. I**
20 **just wanted to see whether or not Brad answered your**
21 **questions in his memo and ...**

22 MR. JAZIL: Supervisor Hays, I think I may
23 be done. If we can take just a five-minute
24 break and I'll confer with Mr. Meros here, make
25 sure I haven't missed something, maybe we can

Alan Hays
October 06, 2021

Page 218

1 come back then and I'll end with a question or
2 two and we'll be done from our perspective. If
3 you could just take a five-minute break.

4 (A recess took place from 4:27 p.m. to
5 4:35 p.m.)

6 BY MR. JAZIL:

7 Q Okay. Supervisor Hays, earlier today you
8 testified that there are so many convenient ways to
9 vote in Florida that there is absolutely no reason
10 for someone to fail to register or vote in the
11 state. Do you recall that testimony, sir?

12 A I do.

13 Q Does that still hold true after passage of
14 Senate Bill 90?

15 A Yes, sir.

16 MR. JAZIL: I have no further questions.
17 Mr. Meros.

18 MR. MEROS: Supervisor, George Meros. And
19 it's better than my image isn't there anyway.

20 I have one question which is a statement
21 rather than a question and that is: I win the
22 award for speaking to you without any questions
23 at all and I am quiet and done and have a good
24 evening.

25 THE WITNESS: Thank you, Mr. Meros.

Alan Hays
October 06, 2021

Page 219

1 And, Mo, you get a half a point for
2 putting him on for that as well.

3 (Discussion off record.)

4 MR. BARDOS: All right. So Danielle and
5 Cyrus had a few more questions and then I think
6 we'll be just about done, unless Mo or George
7 has a final follow-up.

8 THE WITNESS: All right. Lay it on me.
9 Who goes first?

10 REDIRECT EXAMINATION

11 BY MS. SIVALINGAM:

12 Q I'll go first. And I certainly am not
13 winning any awards in that, in the category that
14 George is today.

15 A You get the award for the most, honey.

16 Q I know. Okay, well, I'll take that. But
17 I only have one question.

18 A Okay.

19 Q Earlier today you discussed a situation
20 where someone working for a third-party voter
21 registration organization, Florida First, was
22 alleged to have submitted several fraudulent voter
23 registration applications.

24 To your knowledge, were any ballots
25 improperly voted as a result of the alleged voter

Alan Hays
October 06, 2021

Page 220

1 registration fraud that you described?

2 A No, ma'am.

3 MS. SIVALINGAM: Thank you. No further
4 questions from me. And I do thank you for your
5 time today.

6 THE WITNESS: Glad to do it.

7 RECROSS EXAMINATION

8 BY MR. NASSERI:

9 Q Okay, Supervisor Hays, I have about one
10 and a half minutes worth of questions, so bear with
11 me. I am going to quickly screen share something.
12 Okay.

13 (Discussion off record.).

14 BY MR. NASSERI:

15 Q I'm going to share this. Can you see
16 this, Supervisor Hays?

17 A Yes, I can.

18 MR. NASSERI: Okay. And, Sandi, I'd like
19 to enter this as exhibit number I believe is it
20 around 16 now?

21 THE STENOGRAPHER: I believe we're 17.

22 (Exhibit 17 was marked identification.)

23 BY MR. NASSERI:

24 Q Okay. So this is a text message, I
25 believe. Does this look familiar to you at all?

Alan Hays
October 06, 2021

Page 221

1 A It sure does.

2 Q Okay. And do you recall who you -- first
3 of all, did you send this text message?

4 A If I didn't send that identical one, I
5 certainly sent one very similar. I do think that's
6 the one I probably sent to Senate President Wilton
7 Simpson.

8 Q Okay.

9 A Now, I may have sent that to two or three
10 others legislators as well. It certainly expresses
11 my sentiments precisely.

12 Q Okay. So the last sentence here you say,
13 "Elimination of these is grossly inconvenient for
14 many hundreds of voters." Can you expand on what
15 "these" refers to?

16 A Of course. "These" refer to the drop
17 boxes under video surveillance.

18 Q Okay. And do you stand by this statement
19 that it would be "grossly inconvenient for many
20 hundreds of voters" to eliminate those?

21 A Absolutely.

22 Q Okay. And I believe you said earlier that
23 one of your -- the things that you aspire to is
24 having essentially -- you know, ideally would be
25 everyone voting in your county, is that correct?

Alan Hays
October 06, 2021

Page 222

1 A Yes, sir.

2 Q And do you think making voting grossly
3 inconvenient for hundreds of voters works in
4 furtherance of that goal?

5 MR. JAZIL: Object to form.

6 A I don't think that the elimination of the
7 video surveillance of drop boxes helps anybody.

8 BY MR. NASSERI:

9 Q And do you think it's possible that
10 people -- voters might be discouraged from voting if
11 voting is not convenient?

12 MR. JAZIL: Object to form.

13 A I don't -- I don't pretend to deal in the
14 possible or the impossible. The sad truth is many
15 people choose not to vote and they have multiple
16 reasons for doing so.

17 And as I've stated earlier today, it would
18 be my desire that every eligible citizen registers
19 and then takes the time to become an informed voter
20 and then conveys those informed decisions on their
21 ballot.

22 BY MR. NASSERI:

23 Q Right. But I guess just among the
24 conversations and communications you've had with
25 people in your county, is convenience a factor in

Alan Hays
October 06, 2021

Page 223

1 **whether people choose to vote or not?**

2 MR. JAZIL: Object to form.

3 A Cyrus, I'm sorry, but I can't get inside
4 the head of the voters.

5 BY MR. NASSERI:

6 **Q Okay.**

7 A We have -- we have polling places that are
8 a hundred yards from somebody's front door and they
9 won't walk that hundred yards to go and vote on
10 election day, or even on early voting. We have --
11 the list could go on for the next two or three
12 hours.

13 **Q No, I understand that. Okay.**

14 MR. NASSERI: Well, no further questions
15 from me. Thank you, Supervisor Hays, I really
16 appreciate you bearing with us on this long
17 day. That's all for me.

18 MR. BARDOS: Thank you, Cyrus. Anybody
19 else? Was that George?

20 MR. MEROS: Yeah.

21 MR. BARDOS: Would you like to make
22 another statement?

23 Okay. All right. I think that's a wrap.
24 Thanks, everybody. We will read.

25 (Proceedings concluded at 4:44 p.m.)

Alan Hays
October 06, 2021

Page 224

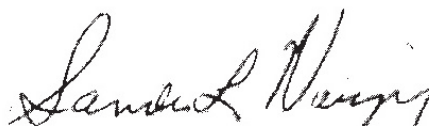
CERTIFICATE OF OATH

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STATE OF FLORIDA)
COUNTY OF LEON)

I, the undersigned authority, certify that
ALAN HAYS remotely appeared before me on October 6,
2021 and was duly sworn.

SIGNED AND SEALED this 12th day of
October, 2021.



SANDRA L. NARGIZ, RPR, RMR, CRR, CCR
snargiz@comcast.net
Commission #GG172788
EXPIRES: APRIL 18TH, 2022

Alan Hays
October 06, 2021

Page 225

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF LEON)

4 I, SANDRA L. NARGIZ, Registered
5 Professional Reporter, certify that I was authorized
6 to and did stenographically report the deposition of
7 ALAN HAYS; that a review of the transcript was
8 requested, and that the foregoing transcript, pages
9 1 through 223, is a true record of my stenographic
10 notes.

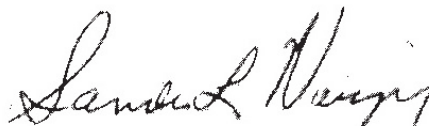
11 I further certify that I am not a
12 relative, employee, attorney or counsel of any of
13 the parties, nor am I a relative or employee of any
14 of the parties' attorney or counsel connected with
15 the action, nor am I financially interested in the
16 action.

17 DATED this 12th day of October, 2021.

18

19

20



21

SANDRA L. NARGIZ, RPR, RMR, CRR, CRC
Notary Public
snargiz@comcast.net

22

23

24

25

Alan Hays
October 06, 2021

Page 226

1
October 12, 2021

2
ALAN HAYS
3 c/o ANDRE V. BARDOS, ESQUIRE
andy.bardos@gray-robinson.com
4

5 RE: League of Women Voters, et al., vs.
Secretary Lee, et al.
6 Case No. 4:21 cv 186-MW/MAF

7 Dear Supervisor Hays:

8 Please take notice that on October 6, 2021, you gave
your deposition in the above cause. At that time
9 you did not waive your signature.

10 The above-addressed attorney has ordered a copy of
the transcript and will make arrangements with you
11 to read their copy. Please execute the Errata
Sheet, which can be found at the back of the
12 transcript, and have it returned to us at
production@phippsreporting.com for distribution to
13 all parties.

14 If you do not read and sign the transcript within
thirty (30) days, the original, which has already
15 been forwarded to the ordering attorney, may be
filed with the Clerk of the Court.

16 If you wish to waive your signature now, please sign
17 your name to the blank at the bottom of this letter
and return to the address listed below.

18 Very truly yours,
19

20 Sandra L. Nargiz, RPR, CMR, CRR
Phipps Reporting, Inc.
21 1551 Forum Place, Suite 200-E
West Palm Beach, Florida 33401
22

I do hereby waive my signature.

23
24

ALAN HAYS
Job No. 210346
25

Alan Hays
October 06, 2021

Page 227

1 ERRATA SHEET

2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

3 In Re: League of Women Voters, et al., vs. Secretary
Lee, et al.

4 Case No.: 4:21 cv 186-MW/MAF

5 ALAN HAYS

6 October 6, 2021

7 PAGE LINE CHANGE REASON

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20 Under penalties of perjury, I declare that I have
21 read the foregoing transcript of my deposition and I
22 hereby swear that my testimony therein was true at
the time it was given and is now true and correct,
including any corrections and/or amendments listed
above.

23

24

25 Date ALAN HAYS

Job No. 210346

26

Alan Hays
October 06, 2021

1

Exhibits	Exhibit 010 Hay s	0	60:22
Exhibit 001 Hay s	8:19 123:18, 21 124:1 126:21	00948 143:5	11:30 211:1
8:15 18:21,23 19:5,13	Exhibit 011 Hay s	07 149:10	11:35 60:23
Exhibit 002 Hay s	8:20 135:25 136:1	1	11:44:36 100:25
8:15 44:22 45:4	Exhibit 012 Hay s	1	12 31:12,14 45:3 63:15 71:2 134:2 141:5, 13 182:19 183:15 189:4
Exhibit 003 Hay s	8:20 141:5,13	18:21,23 19:5,13 27:6 136:25 149:5 151:3 190:16 196:24	12:48 109:4
8:16 50:18,19 53:9,10 64:9 65:15 66:11 94:17 200:19	Exhibit 013 Hay s	10 11:16 36:25 46:7,16,22 47:1 110:10, 24 111:24 123:18,21 124:1 126:21 178:5	13 11:14 63:12 70:25 151:25 152:1 192:22 200:7
Exhibit 004 Hay s	8:21 200:8	100 82:24 83:7	1356 116:21
8:16 54:12	Exhibit 015 Hay s	10:00 63:24 71:8 186:4	1367 116:22
Exhibit 005 Hay s	8:22 209:19	10:15 9:1	14 63:14,18 128:24 200:8 209:15,17
8:17 93:2,8 99:3	Exhibit 016 Hay s	10th 136:12 215:4	14-day 128:16
Exhibit 006 Hay s	8:22 215:22	11 135:21,23,25 136:1 138:6 186:4	15 31:12,14 209:18,19
8:17 100:6,11	Exhibit 017 Hay s	11,000 34:10	150-foot 130:22,25 131:3 196:7, 11 197:2,14, 15
Exhibit 007 Hay s	8:23 220:22	11:29	
8:18 110:15, 16,18	\$		
Exhibit 008 Hay s	\$18 208:9		
8:18 118:16, 18,20	\$25,000 104:19		
Exhibit 009 Hay s	\$4 33:18		
8:19 118:23, 24 119:3,9			

Alan Hays
October 06, 2021

2

151 197:11,12	20 30:17,20	84:4 89:21,25	64:24 68:25
16 32:4 215:22 220:20	36:21 39:21 64:16 212:18	106:5 120:2	69:25 70:4
16th 216:4	2004 23:5	129:5,13	71:21 73:19
17 134:2 220:21, 22	201 157:8	130:2 168:13	76:23 77:14
17-year-olds 32:5	2010 23:20	175:20 177:6, 8,16,21	78:12,16,17, 25 79:8 80:16
17th 133:21,23	2011 149:12	194:5,16,19	81:12 82:6,14
18 30:15,20 168:14	2016 25:18 30:25 34:3,8	198:24 207:14 215:4 216:17	89:20 90:6,15 102:19 103:13 105:7,25 200:20 201:17 207:16
18-year-olds 32:5	2017 30:14 31:5 63:5,10 70:10,17 79:1 201:6,9	2021 45:3 93:13 100:10 110:10 111:25 143:17 181:7 192:24 199:17	24/7 64:6 67:25 78:1 103:10 208:4 212:11, 12,25 213:22 214:13
1898 14:2	2018 27:18 29:11 30:19 120:8 168:8 199:1 201:8,10,13, 18,20	2022 87:21 90:2,3, 17 91:20 122:20,23 131:22 159:17 199:4	240 34:5
19 27:18 30:16 215:19	2020 26:4 31:10,11 34:8 37:13,15 38:3,19,22 40:21 41:1, 12,20 53:19 55:14,22 60:9,12 62:15,20 63:10,13,22 65:4 68:10 70:6 71:13 76:14 78:13, 20,21 80:6	2024 26:7	25 23:10,11,13
1976 34:18		20th 122:20	25,000-dollar 86:17,25 87:10,19 88:4,17,18
1:30 109:5		21 157:8	26 93:13
1st 215:18		21st 154:13 192:23	268,000 34:2
<hr/> 2 <hr/>		22 92:4	27 100:25 101:1 103:4
2 44:22 45:4 84:3 111:12 168:10 190:16 216:8		22-month 80:25	27th 100:10
		23 10:25	28 55:2
		24 49:11 78:15 91:10 208:9	29 54:21,25 55:4
		24-hour	

Alan Hays
October 06, 2021

3

2:03 103:4	3:40 181:22	212:20,24 213:3	7:00 51:20,24 52:25 53:3 65:23
2:32 101:1	<hr/> 4 <hr/>	<hr/> 6 <hr/>	<hr/> 8 <hr/>
2:39 148:21	4 54:12 119:13 190:19	6 54:9 71:17 84:4 100:6,11 209:4	8 71:16 118:16, 18,20
2:45 148:22	44,000 34:8,10	60 34:17 64:19 185:7,22 186:6,8	80.28 38:23
<hr/> 3 <hr/>	45 65:9 107:22	60,000 53:24	80s 34:20
3 50:18,19 53:9,10 64:9 65:15 66:11 94:17 152:18, 21 190:17 193:3 200:19	457 14:3	60-day 185:14	8:00 64:1,4 71:24 92:8 185:25 213:10
30 28:21 64:16 212:18	47 116:21	66 25:22	8:15 143:17
30-course 27:10	4:27 218:4	67 25:22 137:23 168:10,14	8:15:29 143:23
309 138:6	4:30 211:1	68 54:1	<hr/> 9 <hr/>
30th 143:17	4:35 218:5	6:00 63:24 64:3,4 71:8,15,17,24	9 118:23,24 119:3,9 213:2
31st 122:23	4:44 223:25	6:30 186:2	9,000 163:5 168:21 169:3,11,24 170:3,8,17 171:18,21 173:17
32778 14:4	<hr/> 5 <hr/>	6:58 52:19	90 13:9 21:17,24 42:4,5,6,11 43:9,21,22 44:6 46:6,25 47:15,16,23
35 14:9 65:11	5 93:2,8 99:3 110:24 134:2	<hr/> 7 <hr/>	
3728 165:23	50 64:14,19	7 52:20 55:5 110:15,16,18	
3:02 100:9	540 177:22 194:10	70,000 54:1	
3:32 181:21	5:00 59:10 64:2 185:25		

Alan Hays
October 06, 2021

4

49:1 51:6 86:18 87:10 89:23 90:12, 20,24 91:13, 21 93:23 104:2,8,10 110:1,8 114:20,25 115:8,15,21, 25 117:11 118:19 120:14 122:3,9 125:7,9,16 131:13,18 136:5 137:12 138:2 139:25 141:19 147:19 149:9,21 154:25 158:10,14,15, 16 159:3 160:19 161:2, 3,15 162:6 163:9 167:9, 24 169:5,23 170:4 171:22 174:11 175:7 176:20 180:10 187:5,8,21 189:2 191:5 193:13 195:2, 19 202:23 218:14 90's 84:24 85:10 109:11,21 120:19 173:19 90,000 53:22,25 90s 149:9	97 34:16 9909 152:5 9:00 213:4 9:07 93:13 9:53 96:23 <hr/> A <hr/> A-L-A-N 13:23 a.m. 9:1 60:22,23 63:24 64:4 71:8 92:8 100:25 143:12 186:2 213:10 ability 22:6 33:6 89:13 115:2 117:18 127:6, 9 173:9 183:18 absolute 107:12 absolutely 27:1 38:6 39:9 40:23 41:14 45:21 47:18 53:17 68:9 108:18 113:3 114:16 124:16 134:6 138:4 145:3 157:22 175:11 184:23 185:22	186:15 191:25 194:20 195:8 205:17 210:7 218:9 221:21 absurd 85:14 86:5 144:14 accept 57:17 114:13 115:5 117:10 acceptable 57:17 access 11:5,7 57:12 79:8 166:19 215:18 217:9 accessibility 76:22 77:11 accessible 159:10 217:10 accidental 17:19 accommodation 152:25 accompanied 54:8 accomplish 139:13 accomplished 113:18 account 39:18 accountability 111:24 accumulate 213:5 accumulated 212:16 213:1	accuracy 17:4 33:14 35:24 accurate 17:9 33:10 38:10 45:15 54:22 57:17 111:7 136:15, 17 152:13 185:2 190:17, 18 accurately 22:7 111:22 accustomed 94:3 101:19 achieve 139:14 147:8 act 179:18 action 152:25 active 202:6 activities 150:8 activity 67:24 68:22 69:15,25 70:20 105:25 130:25 actor 69:21 actual 25:1 95:18 210:9 ad 144:18 add 30:2 67:21
--	---	--	---

Alan Hays
October 06, 2021

5

74:7 97:7	adopted	108:19 128:20	amendment
added	32:20	148:9 150:20	188:10
34:8 116:12	advantage	155:9 169:7	189:15,24
addition	58:10	192:14 200:22	190:9
183:13	advice	205:12 209:14	amendments
additional	50:2 137:19	215:20 216:11	188:21 189:8,
108:13 147:23	affairs	Alachua	23 190:8
address	111:2	9:23	Americans
14:1 59:15	affect	Alan	12:24
93:22 151:1,	89:13 127:6,9	12:13,25	amiss
4,7,12	affected	13:20,21	117:20
159:12,22,23	105:3 168:22	18:21 19:23,	amount
160:14,16,17	affiliation	25 33:18	89:16 122:21
161:4,7	26:25	49:23 99:20	158:18
166:16 198:15	affirm	106:20 110:24	amplification
addressed	12:6	124:15 195:17	162:16
155:21	affirmed	alcohol	analogy
addresses	12:14	22:10	137:7
154:5 175:16	afternoon	alert	analyze
adequate	70:14 133:6	59:18	115:1
103:25 107:6	157:4 181:25	align	and/or
administer	age	211:10	59:15
127:7,9	82:8	alive	Andy
administered	agendas	45:13	9:2 11:12
198:23	185:18	alleged	61:8 104:23
administering	agree	219:22,25	106:25 108:11
68:18 190:18	52:17 101:9,	Alliance	169:7
199:3	15 102:16	12:23	angle
administration	103:11 124:14	allowed	67:14
25:1,4 27:3	184:14	131:4 142:23	annually
28:10,24	194:18,21,23	153:17,18	128:5
87:20 135:4,	agreement	186:18 197:17	answering
7,12 139:8	99:12,16	215:13	157:10 212:9
168:7,15	agriculture	allowing	answers
administrative	34:19	86:4 96:3	17:2,8 18:12
131:17	ahead	144:3	19:19 20:11
administrator	20:4 61:10	alterations	171:15
41:4,20 135:8	65:9,11	202:3	anticipate

Alan Hays
October 06, 2021

6

61:1	approached	association	16:2 17:14
apologies	140:20	27:8 35:12,	18:1,5 19:21
199:22 205:18	approaches	21,25 36:2,6,	20:7,10,19
apologize	67:24 73:24	17 46:8 90:4	21:8 110:19
43:16 55:3	appropriately	125:18 140:19	157:5
91:8	29:5	168:17 175:24	attorney's
apparently	approved	176:19 182:25	117:20,23
98:18	132:19	187:23 188:1,	178:3
appeal	approximately	5 202:6	attorneys
90:5	34:2	assume	13:14 18:13
appearance	April	17:23	audible
197:16	143:17	assuming	17:8
appearing	architect	90:12 195:11	audience
19:11	137:6,8,14	astounding	189:11
appears	areas	38:19	audit
54:9	34:21	attached	40:11
application	argue	112:15	auditing
48:2 56:20	149:22	attachment	29:9
129:18	arrange	143:3	audits
162:21,22	57:3	attain	38:9
166:24,25	article	27:15	authentication
174:4,6	44:17 45:2,	attempt	39:17
177:11	10,19 47:7	112:13 125:18	authority
applications	54:5,8,17,20	149:5,6	117:18,19
129:7,11	55:5,8 56:14	216:18	authorization
150:9 176:11,	Ashley	attempted	144:23
20 177:20,23	10:13	144:22	averaged
204:17 219:23	aspire	attention	34:10
applies	221:23	20:7 66:5	avoid
196:8	assessment	77:1 82:18	17:10 96:10
apply	154:21	184:11 192:17	108:8
129:12	assigned	199:7 209:3	award
appointed	72:13,22	attentive	218:22 219:15
25:24	assist	28:24 30:8	awards
appointments	196:22	33:5	219:13
183:11 186:2	assistant	attest	aware
appreciation	68:8	160:25	15:21 24:8
76:22 77:13		attorney	32:8 62:14,18
		9:5 15:19	

Alan Hays
October 06, 2021

7

76:9 77:9 84:18 85:17 109:19 129:8, 9,14,15 130:12 139:17 140:15,17 145:4 149:21 150:13 154:15 159:25 161:16,19,22 162:1,14 175:6 193:1 197:25 204:20 210:17 awkward 17:19 <hr/> B <hr/>	208:21 210:2 213:16 218:1 background 22:19 39:14 bad 42:20 145:15 bag 205:2 bald 207:11 ballot 47:25 48:3,6, 8,9,18 49:3 51:6,13,14 52:2,4,8,15 54:22 55:12, 17 56:6 57:1 59:22 67:8,10 72:16,24 73:21 74:2,9, 23 76:4 79:14,16,19 85:22 95:11 97:1 98:3 101:20 109:8, 21,23 113:19 114:20 119:18,20 120:2,8,11,15 121:2,6,13, 18,19 122:4, 10 123:13 126:16 142:5, 12,21 144:16 146:16,18 147:17 148:7 151:15 152:21 153:13,16 154:1 155:3, 21 158:8,12, 14,20,21	159:1,5,7,14 160:16,20 161:4 162:7, 10,12 163:13 166:8 168:25 170:9,11 173:18,23 174:4 191:9, 10 192:4 210:1 211:23 212:1 222:21 ballots 40:3,4,8,10 44:19 48:21, 23,24 50:25 51:7,8,19,23 52:22 53:1,19 54:11 55:7 59:2 62:16,20 63:1 65:1 67:18,23 68:17 70:21 72:15 73:8,18 79:23 80:15, 22,23 86:23 88:2 94:4 95:16,24 96:9 97:22 98:7,11 99:6,13 100:2 103:19 105:17 109:11,13,17 110:2,3 113:18,23 114:3,7,13, 18,19 115:5, 18 117:7,9,10 119:23 125:9 126:13 127:8 128:17 147:21,22 149:1 150:15 151:15 153:2,	4,11 166:17 196:3 199:9, 23 200:3 204:11,14,25 213:1,5,9,14, 18 219:24 ballpark 167:11 214:24 bank 57:9 112:7 202:18,21 banks 112:4 bar 57:5,11 barbecue 197:10 barber 78:2 Bardos 9:2 11:14,18, 20 19:25 20:4 61:4,9 74:8 76:16 81:24 82:3 83:25 84:9 91:25 97:24 98:20 103:15 104:9, 16,24 105:9 106:12,16,20, 23 107:7,18, 23 108:5,19 110:23 115:9 117:12 118:2, 19 128:19 132:13 133:1 139:19 141:9, 20 146:2 148:20 149:3 150:3,17
--	---	---	--

Alan Hays
October 06, 2021

8

155:6 156:21 164:4 165:5 169:6,9 170:5 171:24 172:17,22 173:21 180:8 181:12,19 219:4 223:18, 21	begin 11:4 17:16 65:5 66:20 141:21 146:17 215:17 beginning 111:13 116:21 157:11,24 210:19 begins 39:13 56:18 138:6 211:23 215:15,19 behalf 9:2,4,6,8,10, 12,13,16,19, 20,22 10:3,5, 7,10,13,16, 19,21,24 11:1 behavioral 19:23 belong 50:1 210:3 belonged 73:12 Ben 9:18 10:7 beneath 124:17 benefit 145:20 146:5 beverages 197:7 bewildering 192:10 big 15:24 49:19 56:11 63:8 67:14 88:22	154:17,18 189:24 190:8 198:10 206:8, 15 208:11 bigger 93:3 biggest 177:19 bill 13:9 21:17,24 25:6 42:4,21 43:3,6,9 44:6,9,14,15 46:6,15,21 47:5,8,11 114:25 115:21 116:6,7 118:19 122:3, 9,25 125:16 131:13,18 138:9,13,19 139:25 140:4, 21,22 154:5, 8,15,16,25 158:14,15,16 159:3 161:2,3 169:1 176:20 183:16 187:5, 8,12,13,16,21 188:2,6,9,11, 24 189:2,20 190:9 191:5 193:1,13 195:2,19 202:23 218:14 bills 24:19,21 139:1,18,23 140:11,12,14 183:6,17 184:1,5	188:19 189:13 birth 159:8,12 160:13,18 166:15 birthday 195:16 bit 11:25 14:10 24:14 33:25 35:8 56:13 62:22 78:7 93:5 127:20 143:10 175:22 177:12,15 187:4 190:12, 24,25 200:15 210:22 bitty 28:12 black 153:23 blank 57:19 162:21, 22 176:16 blanks 73:1 160:12 blessing 183:14 blew 53:24 blink 188:20 blue 101:23 200:24 Board 131:20 132:5, 17
---	--	---	--

Alan Hays
October 06, 2021

9

boisterous 77:6	52:10,15,19, 21,23 53:6, 11,13 56:8	16,19,25 106:7 111:12 112:19 115:7	112:3,4,7 113:11,12,24, 25 114:8
bolted 206:12	63:3,4,11,16, 18,21 64:1,8, 14,18 65:2,6, 12,14,21	116:12 117:8 123:13 125:1, 8,16,20,25 126:8,10	144:2,4,23 145:25 191:24 200:16 201:5 203:3 204:13
bomb 204:5 205:7 206:2	66:11,16,19, 20 67:8,10,17 68:16,22,25 69:15,25	127:5 141:19 142:1,2,5,13, 21,23 144:16, 24 146:12,16	213:24 214:14,22 215:14 216:8, 16,19,24 221:17 222:7
bombs 206:7,8	70:4,7,18,20, 21 71:21 72:9,21,22,25 73:7,19,22	153:3 200:19, 20 201:3,15, 17,20,24 202:3,8,19,21	Boy 93:3
book 49:22 50:1	74:1,2,3,14, 15 75:9,14,16 76:10,23	203:8,10,13, 14,25 204:4 205:3,8	Boyd 188:14
bookkeeping 176:17	77:14 78:3, 12,16,17,25 79:15,23	206:12 207:7, 16 208:4 210:20	Brad 69:5 216:5, 16,17 217:15, 20
booster 15:7	80:5,16,18,24 81:1,11,12,13 82:7,12,14	211:19,20 212:11,12,18, 25 213:9,22	Brad's 217:17,19
bordered 34:13	84:20,22,23 85:21 86:8,22 88:1,9 89:18, 20 90:6,10,	214:13,21 215:8,18 217:8,9	brain 144:15
born 203:20	11,15 91:4 92:12,18 93:23 94:5,	boxes 39:25 49:8,22 50:1 62:22,24 63:1,12 70:24	break 16:20 18:15, 18 60:16,17, 20,25 70:15
borne 89:4,5	14,16,19,20, 21 95:1,18,19 96:9,10	67:1,20 72:5, 13,20 76:3, 13,20,24	84:11 88:7 98:19 106:11, 17,23 108:6, 20 144:15
borrowed 37:1	97:19,20 98:4,5,10 99:13 101:11, 12,17,20,21,	77:11 80:10 84:17,25 85:11 86:1,7 87:21 88:12, 19 91:23	148:15 166:5 172:17,18 181:17 217:24 218:3
bother 145:12	22,23 102:4, 5,14,19,20 103:10,11,14, 18,23 105:7,	92:4,13 94:8 96:12 104:3, 11 106:1,6	breakfast 186:3
bottle 196:18 198:20			Brevard 9:25
bottom 119:13 143:11 206:16			
Boulevard 14:2			
bowl 15:5			
box 14:3 48:8 49:5,9,12 50:2,7,8,13			

Alan Hays
October 06, 2021

10

Brian 96:24	20 173:10,15 174:1 180:3,9 181:9	<hr/> C <hr/>	66:13,14,15 67:13,16,21 70:7 85:17, 23,24 103:25
briefcase 15:4	building 36:24 37:3 64:23 66:18 86:12 112:16 137:10 201:9, 14 202:18,19	cabinet 72:14	campaign 135:6
briefly 126:9,21 158:6 167:6	buildings 217:5	calculate 127:13 167:15	candid 154:20
Brigham 12:25	built 112:14,16 202:19	calendar 65:8 122:11	candidate 135:10
bring 15:2 49:4 52:9,18,22 80:22 94:7 118:16 123:18 197:6 198:20 214:3,4	bullet 119:17 152:21	call 19:22 36:12 45:4 48:4 59:16 69:12 87:8 98:15 99:19 116:5 159:6 164:5 165:15 213:15	candidly 32:12 108:15 180:22
bringing 74:18 94:4 114:18	bunch 21:18 30:21 73:1 154:19 212:16	called 54:10 163:13 178:10 190:9	capability 168:10
brings 117:9	bunches 119:22,23	calling 143:24	capacity 43:8 131:7
broke 125:13	burden 88:20,22,23 104:8,14 105:7 127:12 147:23 176:13	calls 117:12 118:3 185:13 193:17 205:9	capture 67:16,22
brought 37:2 72:15 113:17 114:12	burdens 89:12 131:17	camera 49:15 64:24 67:25 68:1,5 69:15 70:13 86:4 92:14 144:17 146:7 201:21 207:4, 5 212:2	capturing 67:14
Broward 10:8	Burleigh 14:2	camera- monitored 84:19 103:10	car 66:23 67:2 69:13 82:21
budget 33:19 131:21 132:17	burn 205:8	cameras 39:22 49:11 50:4 64:24	cards 178:9
budget-wise 53:23	business 13:25 69:2,3 212:13,19,21 217:10		care 28:17 68:18 82:22 83:5 117:23 134:11 167:18
Budhu 9:8 107:20 156:24 157:3, 5 164:13 165:7 169:17 170:14 172:1,	busy 68:18		Carol 93:1
			carrying 15:4
			case

Alan Hays
October 06, 2021

11

13:11 14:11 76:8 83:16 157:7 159:16 178:25 cases 13:8,10,13 Cassels 45:10 cast 147:17 cat 165:18 category 219:13 caught 173:7 caused 131:12 151:19 cautioned 49:23 Cecile 12:24 cell 15:13 16:16 59:15 center 99:7 142:14 central 54:10 73:8 95:4 certification 27:16,25 28:1 certified 12:15 27:11, 13 chain 39:23 72:24 73:6,12 74:5,	12 92:24,25 93:16,17 98:6 99:3 100:9,18 103:3 124:1, 5,10,17,18,25 143:8 146:18 199:19 206:18 210:19 211:22 chain-of- custody 73:9 chaining 72:21 chair 183:1 198:3 chaired 37:9 chairman 37:11 42:25 137:1 140:24 186:16 challenging 13:9 champions 28:9 chance 100:21 103:19 200:14 change 24:7 90:3,5 101:24 109:21 149:2 151:4,6 188:20 189:15 changed 24:2 122:3 149:11,13,15 158:17,18 159:1 179:21 changing	189:16 chapter 178:20 charge 87:24,25 197:1 charged 178:5 179:16 chasm 135:5 chat 12:3 18:25 44:21 116:12 123:20 141:5 check 54:4 57:10 59:9 80:8 81:25 123:13 125:1,8,16, 20,25 126:8, 10 127:5 128:23 129:1 212:25 checked 73:10 checking 48:8 checks 39:14 cherry 204:5 205:7 206:2,8 Cheryl 179:18 choice 167:20 choose 78:25 85:23 213:23 222:15	223:1 choosing 102:4 137:9 chose 94:10 chosen 29:5 Christina 10:12 chuckling 97:5 chunk 208:11 church 78:1 circle 96:16 circumstance 123:7 circumstances 16:8 29:13 88:1 citizen 31:20,21 222:18 citizens 35:22 38:12 citrus 34:19 202:17 city 30:16 34:24, 25 99:18 217:4 civic 109:15,16 130:16 civil 104:20
---	--	--	---

Alan Hays
October 06, 2021

12

claims 133:13,16	clothes 82:20	82:19 83:5	185:10,12
clarify 17:22 50:24 51:25 87:1 90:13 98:9 104:18 105:6 113:4 142:11 154:7 155:16	clue 82:9,15	comfort 208:1	186:9,11,14, 16
clean 170:24	coach 28:8	comfortable 45:17,18 56:15 60:3 207:20	committees 25:10
clear 14:24 64:23 83:8 87:23 105:15 149:9 163:8,9 177:1 182:16	Coast 22:25	comment 18:14 78:22	common 61:24 133:10
clearer 153:22	code 39:19 57:5,11	commented 38:14 210:12, 16	commonly 189:9
clerical 127:14 147:25 167:21	coincide 62:10	comments 36:5 76:18, 20,21 77:10, 13 78:11 139:2 140:6 186:23 210:18	communicated 188:7
clerk 87:24	cold 15:7	communications 222:24	communication 16:15 77:21, 23 169:13 170:13
Clermont 34:24	colleague 12:1 44:20 92:22 110:12 188:23	commissioners 131:21 132:5, 18 208:22	community 32:2 34:23 77:24 139:11 185:17
client's 203:25	colleagues 43:25 93:14	commitment 32:21,25 33:9,16 190:12	company 91:9
clients 13:2,4,6 133:12	collect 63:1 109:17 119:22	committed 179:18	compare 47:4 58:9
clock 185:24	collection 109:9,21 114:21 148:7 155:3	committee 24:12,15,17, 18,19,21,24 25:3,6,7 37:8,9,11 42:14,23 43:20 111:1, 23 119:5 134:20,21 138:25 140:25 155:14 179:25 182:21 183:2, 6,7,10 184:2	compares 57:15
close 44:20 64:20 66:21 106:19	collector 112:10 113:4, 7,11,17,24 114:12 115:6 117:8,22,25		comparison 58:7
closer 176:6	collector's 117:8		complain 121:22
	collectors 112:2 113:1 114:2,18		complaining 130:9
	color		complaints 129:9 130:8
			complete 40:8 162:22

Alan Hays
October 06, 2021

13

completed 136:18	concluded 223:25	99:10	context 21:19 137:11 140:7
completely 29:12 33:8 72:9 83:14 87:18 188:20 214:22	conclusion 117:13 118:4 193:18	consideration 139:25 183:10	contextualize 111:15
completion 27:10,20 211:24	concrete 206:16,17	considered 42:20 127:17 215:17	continue 61:3,12 94:6 108:6 191:7
complexity 76:25	conduct 13:16 83:12	constituents 31:18 191:8 210:12	continued 69:15 104:5
compliance 202:23	conducted 128:10	constitution 185:13	continuing 196:2
complied 72:8	confer 217:24	constitutional 113:7	continuously 84:25 85:11
compliments 38:12	conference 133:9 154:17	constructed 202:20	contract 69:22 87:3,8 91:9 207:14, 20,22 208:1 210:25
comply 69:18	confidence 32:22,24 146:14 190:16 211:12,16 212:6,7	construction 37:3 112:12	contrast 142:20
complying 167:8	confirm 29:19 82:2 167:7 169:18 170:2,16 180:25	consultations 186:5	control 197:15
Compound 191:16	confirmed 170:21	consulted 43:8 79:10 138:14,15 140:14,18	convenience 48:16 56:8 79:7 94:6,11 126:11 222:25
comprehending 155:11	conflicts 139:15	consulting 138:2	convenient 106:17 147:14 159:11 218:8 222:11
computer 98:16	confused 101:10,15,16 113:10,14 201:2	contact 15:19 16:2 131:1	conversation 201:3
concern 52:16 96:7 97:3 102:13 153:6,25	confusion 101:25	contacted 44:1,2 200:2	conversations 222:24
concerned 15:22 155:3, 22 189:5 203:25	conscientious 160:25	container 95:22	conveys 222:20
conclude 151:21	consent	contents 94:21 95:1	conviction
		contest 135:6	

Alan Hays
October 06, 2021

14

103:23 178:25 cooler 15:6 cooperated 140:22 coordinate 29:7 copied 202:15 copy 46:13 115:22 152:13 Corley 96:24 corner 57:10 172:9 correct 18:10 23:5, 16,21,24 24:11 25:14 26:6,11,16, 17,22 35:15 37:7,20 46:23 55:9 61:20 68:12 70:1 72:1 74:6 81:21 84:8,9 89:19,22 90:18 91:7 94:18 98:3,8, 14 104:20,23 110:5,11 113:9 114:1, 4,9 120:22 121:3 123:16 124:11 134:5, 22 136:6 137:3 142:2,7 147:2 154:9 160:16 161:18	163:1 164:3, 17 166:10,13 168:23 169:5, 11 170:4,18 171:19,20,23 173:20 179:1 182:23 183:2 186:9 187:9, 19,20 193:12, 23 201:6 203:10,11 206:14,15 207:16,17,18, 24,25 213:25 215:9 216:9 221:25 correctly 43:1 54:2 69:6 98:18 149:12 154:14 178:24 182:22 190:21 cost 88:24 89:5 167:8,14 costs 89:2,3 148:2 163:2 167:19 couching 155:20 counsel 69:5 77:19 81:21 180:4 205:13 count 36:3 40:3 80:22 counted 30:21 51:15 52:4 79:16,20	103:22 142:7 153:15 counter 58:18 counterpart 42:7 counties 10:2 11:3 25:22 34:15 54:10 79:11 130:12 137:24 168:10,14 202:15 country 97:11 217:13 counts 178:5 county 9:23 10:5,14, 17,20,22 22:20 23:11, 12,13,14 24:4,5,6,7,9 25:15,23 26:1 28:6 30:10 31:4,18 32:3, 13 33:17,24 34:1,12,15, 22,25 35:1,5, 9 37:13 38:4, 12,19,22 40:17,22 41:2,17 42:1 47:20,24 48:11,18 49:2 53:16,18 54:21 55:11, 13,16,21 60:12 61:2,17 62:15,25	63:7,12 71:13 76:13 78:25 79:24 80:4 82:14,23 89:14,19 90:7,15 91:18,22 96:12 97:8,21 102:17,18 103:12 106:2 109:12,16 113:10,22 118:16 119:19 120:1,7,11 121:5,12,16 123:12 124:2, 14 127:23 129:12,16 130:1,9,19,21 131:20,21 132:5,18 137:18 150:22,24 163:6 168:1, 21 169:5,22 171:19 172:16 174:14,19,22, 24 175:3,17 176:5,6,7,12, 13,21,22 180:13 193:22 201:5 202:16, 17 204:24 208:22 213:24 214:14 217:12 221:25 222:25 County's 87:20 91:23 couple 45:16,17 50:24 80:1
---	---	---	---

Alan Hays
October 06, 2021

15

116:2 132:23 133:13 courses 27:20,21,22 court 16:25 17:5,13 18:6,20 93:7 178:22,23 courtesy 184:15 cover 59:24 134:13 covered 156:13 covering 190:4 covers 50:11 COVID 16:9 178:22 cow 43:4 crackers 203:14 crafted 138:8 Craig 10:4,6 124:3, 25 crazy 204:22 created 176:17 credit 44:8 creek 217:13	crickets 68:23 crime 110:2 criminal 115:18 crisis 16:9 critical 102:8 CROSS 133:4 157:2 181:23 cumulative 107:2 cup 15:7 49:20 cure 59:8 curious 106:1 current 14:16 30:6 44:3 78:13,16 90:13 91:21 92:3 142:19 152:25 153:3 176:9 curriculum 27:10 curry 35:20 custody 39:24 72:24 73:6,12 74:5, 12 98:6 146:18 210:19 211:23	custom 49:12 50:2 cut 89:3 107:16 122:5 126:18 179:7 cute 29:14 CV 157:8 cybersecurity 40:13 cycle 87:21 89:21 90:1,17 91:20 129:5,13 147:23 149:1, 10,13,15 150:5,16 194:16 212:13 cycles 120:24 121:7, 14,20,24 122:7 149:13 Cyrus 9:6 133:2,8 139:24 154:2 156:21 171:8 192:18 219:5 223:3,18 <hr/> D <hr/> daily 66:6 71:8 Daines 9:13 Danielle 11:14 12:20 81:24 82:17	83:25 89:25 101:3 105:10 106:13 117:4 133:1 136:21 141:7 146:23 157:12,24 171:8 194:5 219:4 Danielle's 133:14 data 159:20 162:25 163:1 169:15, 20 174:18,25 211:24 database 30:3,6 34:9 83:4 159:9 160:7 161:20, 25 162:18 168:21 169:25 170:18 171:19 date 30:7 52:3 54:20 55:8 58:3 128:23 136:10 159:8, 12 160:13,17 166:15 dated 45:3 93:12 David 10:22 124:5,7 day 29:6 31:11 40:9 42:13 46:13,19 49:11 51:16 52:12,16 56:23 61:22
---	---	---	---

Alan Hays
October 06, 2021

16

63:24 65:5,8, 11,16,21,25 66:2 67:23 71:10,12 79:4,15,19,20 80:21 82:25 91:11 92:8 95:5 102:10 130:24 135:13 142:6,24 149:24 150:10 171:12 178:23 189:4 195:12 196:20 197:19 202:3 203:20 208:9 223:10, 17	decide 89:1 208:8 decided 42:18 79:12 decimated 34:20 decision 88:14,15 188:24 208:8 decisions 222:20 decorum 197:1 decrease 61:15,22 dedicated 35:19 36:19 dedication 35:23 deem 59:4 deems 198:2 defendant 9:12 10:4,8 defendants 132:24 defer 76:6 deficiency 163:1 define 20:21 39:10, 12 130:5 defined 110:4 definition 21:14	definitive 27:23 degraded 97:17 degree 24:25 delays 17:19 178:22 deleting 44:15 deletions 190:2 deliberate 31:25 deliver 44:19 56:5 144:5 delivered 97:13 114:2 deliveries 97:7,10 delivering 74:17 delivery 97:17 155:19 Democrat 134:10 Democrats 178:8 184:8, 21 demographic 82:8 83:3 demographics 82:11 dentist 14:13,14,17 22:21,24 28:21 137:7	183:23 dentist's 14:18 deny 144:2 department 55:19 56:22 81:4 94:24 107:3 departments 217:5 depend 51:17 173:23 Depends 20:21 depiction 136:16,17 deployed 29:5 40:6 deposed 14:6,16,22 20:24 deposition 11:12 13:12 15:3,20 16:3, 7,11,12,18,24 17:9,18 18:6, 12,21 19:9, 12,16,17 20:20 21:12, 25 81:17 88:2 157:11,25 depositions 11:9 depositories 112:4 depository 202:20
--	---	---	--

Alan Hays
October 06, 2021

17

deputy 197:1	detailed 28:19 75:24	digits 160:3,10	disclose 20:1,2
describe 28:4 73:23 112:5	211:8 details 28:17,22,24	164:9,10 165:19,24 166:9,12,20	discouraged 222:10
describing 75:3	109:23 149:17 180:24	diligent 32:7	discovered 14:17 178:2
description 73:17 75:24 112:25	determine 66:22	diminish 89:15	discovery 73:15 81:18 83:15
deserves 153:15	development 139:24	dining 58:18	discrepancies 14:17 18:14 58:20
design 137:10 202:8, 16 203:4	devote 214:10	direct 12:16 93:9 100:17 153:12	discrepancy 59:9
designation 27:11,13,24	Dianna 9:22	directed 81:3 140:6	discuss 86:16 180:8
designed 96:10 203:6,8	die 185:22	direction 66:25 67:1	discussed 20:2,10 32:17 55:10 97:2 109:9 115:16 120:14,16 127:1,4 131:16 195:5 219:19
designing 49:21	differ 75:23 174:20	directive 69:5,10 70:12 72:7,9,10 216:22	
designs 202:13	differed 82:13	directives 69:19	
desire 103:7 222:18	difference 37:6 58:16 98:10 134:9	directly 94:23 98:7 105:1,3 169:10 206:1	discussing 45:18 88:13 104:3 127:8
desk 64:21	differently 175:10	director 68:7 161:10	discussion 11:22 24:20 25:2 56:23 98:23 108:7 110:25 115:1 116:19 140:2 141:15 156:25 161:12 170:10 195:6 209:16 219:3 220:13
Desoto 9:25	difficult 11:8 126:22 147:8 168:5 202:1	Disability 133:9	
destined 204:23	difficulty 156:1	disabled 153:25	
destroyed 103:20	dig 128:21	disallowed 128:25	
destruction 70:20	digging 149:17	disbelieve 152:15	
detail 30:8 40:25 74:7 112:14	digit 165:23		disfigured 103:20

Alan Hays
October 06, 2021

18

disfigurement 105:17	documents 12:2 21:11	67:7	22 87:20
disingenuous 144:1,11	22:1,3	driver's 67:7 151:7	88:8,12,19
displeasure 77:7	dogs 197:9	160:2,9	89:18,20
distance 66:21	dollars 40:12 91:12	161:17,23	90:6,11,15
distinction 114:11	208:13	162:8 163:23	91:23 92:4,
distractions 16:17	domestic 51:23	164:9 166:3,	12,13 93:23
District 23:10,11,13	door 64:13 95:23	13,14,21	94:5,8,16,19
157:8	112:17 130:22	drives 195:23	96:10 97:20
districts 24:2,7	184:13	driving 67:6,9 82:21	98:4 101:17,
division 69:20 129:2	197:11,13	196:1	20 102:5,19
167:1	223:8	drop 49:5,8,9,22	103:10,14
Dixon 13:20	doors 32:14	50:7,8,13	104:3,11
DL 163:21	double 88:11,16 89:1	52:9,10,15	105:7,16,19,
DMV 32:11 58:17	doubt 107:10 168:9	53:11,13	25 106:1,6,7
127:25 151:7	draft 46:22	56:8,9 62:22,	112:3,4,7
163:20	drafted 138:2	24,25 63:3,4,	113:11,12,24,
document 18:25 19:5	draw 183:19	11,12,16,18,	25 114:8
44:20 45:22	drink 88:7 196:21	21,25 64:8,	117:8 141:19
46:1 84:1,4,5	198:16,19	14,18 65:1,2,	142:1,13,20,
92:23 101:2	drive 65:1 66:25	6,12,14	21,23 144:2,
110:19 111:19	67:1 172:8	66:10,16	4,16,23,24
119:2 124:12	206:19	67:17 68:22,	145:25
131:25 132:4	drive-bys 86:2	25 69:25	146:12,15
141:5 209:3	driver	70:4,7,18,24	153:3 176:11
documentation 159:3		71:2,19 72:4,	191:9,24
		9,13 73:21,25	200:16,19,20
		75:14 76:3,	201:3,5,15,
		10,13,20,23,	17,20,24
		24 77:10	202:3,8,19
		78:3,12,16,	203:2,8,10,
		17,25 79:15,	13,14,25
		23 80:5,10,18	204:4,5,13,22
		81:1,11,12	205:7 206:12
		82:7,12,14	207:7,15,16
		84:17,20,22,	208:4 209:4,
		23,25 85:11,	9,23 210:19
		21 86:1,7,8,	212:11,12,25
			213:9,22,24
			214:13,21
			215:8,13,18
			216:8,16,19,
			24 217:8,9

Alan Hays
October 06, 2021

19

221:16 222:7 dropped 80:16 113:22, 23 115:5 dropping 73:18,21 94:5 153:1 185:22 drops 102:10 drugs 22:10 Ds 37:5 due 16:9 24:23 102:13 172:21 178:22 Duh 29:21 duly 12:14 Dunaway 93:1 99:4 duplicating 96:1 duplication 96:3 108:8 duration 120:16 122:3, 6,16 134:5 duties 28:9 29:15	48:21 59:15, 18 92:24 93:12,16,17, 21 94:1 96:24 99:2,19 100:8,9,13,18 101:4 103:4 143:1,7,16 152:9,13 154:7,12,23 199:17,19,22 215:3,9,25 216:4 e-mailed 110:23 e-mails 103:3 Earley 10:20 earlier 58:23 94:14, 15,19 105:23 120:13 123:11 127:23 136:4, 11 138:11 140:14 141:25 145:8 146:17, 21 147:19 185:3 187:6 190:25 192:25 193:21 197:19 201:4 207:19 211:17 213:21 216:15 218:7 219:19 221:22 222:17 early 29:6 40:6 49:7,8 50:8 59:18 63:2, 15,23,24	71:3,7,12,18, 22 72:5 73:22,25 75:18 76:24 81:6,7 82:12 87:25 91:24 92:5,7,9 106:3 130:23 146:12 177:21 195:4 210:23 215:14,15,18 217:3,7,11 223:10 earn 27:23 earned 27:12 32:23 earth 178:11 ease 13:1 easier 126:13 east 14:2 34:17 easy 48:5 171:16 edge 49:10 education 12:23 191:1,3 effect 17:5 157:25 effectively 155:4 efficiency 35:23 38:16 efficient 33:10 109:2	190:18 effort 27:23 31:22 32:7 82:25 efforts 31:25 177:14 191:1,4 198:11 217:13 Eighteen 31:8 either/or 65:3 elaborate 175:22 177:15 elderly 45:23 153:25 195:6,9 196:5 197:22 elected 25:17,21,23 26:21 27:19 30:25 election 25:4 27:3 28:10,18 29:2,5,6,10 30:15,20,25 31:4,10,12 33:12,13 34:4 37:18,19 38:13,22 39:11 40:8,9, 20 41:4,12, 20,25 48:10 51:16,20 52:12,16,19 53:20 54:11 55:14,22 59:10 60:9 63:5,9,10
<hr/> E <hr/>			
e-mail 15:16,19,23, 25 16:3,15 33:3 39:15			

Alan Hays
October 06, 2021

20

65:4,11,16, 18,20,22,25 66:2 68:10,19 69:7 70:9 71:15 72:17 75:5,19 78:13,16,21 79:4,5,15,20, 24 82:25 84:5 86:11 87:21 89:21,25 90:17 91:20 92:4 98:4 99:8,9 102:7, 9,11 113:12, 25 114:8 115:4 120:3, 23 121:2,7,8, 14,19,24 122:7,12 123:9 129:5, 13 130:23 131:5,9 135:6,7 138:19 139:18 140:12 142:6 145:1,5,20 147:23 149:1, 13,15 150:15 159:15,17 163:14 168:15,19 179:25 193:5, 10 194:5,19, 22 195:10 198:2 201:13 205:8 209:25 210:1 212:13 216:17 223:10	22:20 24:12, 18,23 25:2,5, 7,8,10,15,18, 20 26:1,12,18 27:12,13 28:5,25 30:1, 10,11,12,16 31:1,3,7,17 32:19 33:10 35:14 37:13, 14,23,24 38:1,4,5,13, 19 39:3 40:22 41:1,5,7,21 42:14 43:9 46:8 47:2 60:12 62:16 63:4,6,9,13, 22 66:12 69:1 70:5,10 76:14 77:25 78:14, 20 80:6 81:2 89:21 90:16 93:18 99:18 106:5 119:6 120:9,12 124:13 127:10 129:2 130:16 133:20 134:20,25 135:3,8,9,11, 12,14 137:17, 20,22,23 138:3,18,24 139:1,8,10,21 140:13 150:13 153:9 159:16 167:1 168:7,8 172:16 182:21 183:1,5,6,13 184:2 185:17 187:24	190:13,19 193:11,22 194:2 198:24 199:4 202:7 204:16 205:4, 6 207:23 208:3 electronic 58:16,21 electronically 57:14 eligible 31:20 222:18 eliminate 221:20 elimination 221:13 222:6 Elizabeth 10:16 Ellis 10:16 else's 62:9 emphasis 33:9 emphasize 202:10 employ 39:14 employed 41:1 employee 75:4,6 84:20 87:2,6 91:3, 14,16 104:5 202:22 207:22 208:2 211:7 employees	76:2 88:10,20 94:22 160:25 216:25 217:16 employment 31:13 empty 98:5 enacted 188:2 enactment 158:10 160:19 174:11 175:7 180:10 encourage 151:3 encouraging 144:5 end 34:22 43:17 47:14 55:21 57:21 102:8 122:11 132:23 178:19,20 218:1 endeavor 111:8 ended 71:13,14,18, 22 endless 69:14 190:6 ends 26:7 energy 214:11 enforcement 117:17 engage
elections 9:23,25 10:9, 11,14,17,23			

Alan Hays
October 06, 2021

21

24:20	envelopes	evolution	23,24 119:3,9
engagement	48:14 49:14,	140:4	123:18,21
19:22	18 57:4,19	exact	124:1 126:21
enhance	58:4 73:10	34:13	135:17,25
79:4 82:25	170:1 204:23	EXAMINATION	136:1,22
212:6	equally	12:16 133:4	141:5,13
enjoy	27:8	157:2 181:23	151:25 152:1,
36:10	equipment	219:10 220:7	4 192:18,22
ensure	29:3 39:25	examining	199:7 200:8,
17:8 51:15	Erdelyi	45:22 46:1	19 209:15,19
52:3 150:25	10:24	101:2 111:19	215:21,22
160:20 210:9	ERDEYLI	excellent	216:3,12
ensuring	10:24	32:25 157:23	217:18
210:13	Escambia	190:17,24	220:19,22
enter	10:22	211:12	exhibits
127:15 217:18	essentially	exceptionally	11:5,12,25
220:19	160:23 221:24	103:25	15:24 98:16
entered	esteemed	excessive	116:8 215:1
136:21	35:19	130:10	exit
entire	estimated	exchange	131:2 197:19
20:23 58:1,5	167:8,14	125:4 188:8	expand
65:13 69:16	estimation	excuse	217:12 221:14
70:3 97:11	83:11 173:16	32:12	expect
134:5	ethics	execute	61:11 97:13
entitled	24:12,18	30:5	122:24 210:25
44:17 84:4	42:14 138:24	executed	expectation
entries	182:21 183:5	53:1	76:7
148:1	evening	exhibit	expecting
envelope	212:24 218:24	18:19,21,23	101:12,21
48:9 57:1,2,	event	19:5,13 44:22	expend
6,14 58:12,	22:17	45:4 50:18,19	177:17
17,19,22 59:1	events	53:8,9,10	experience
73:3,4,6	32:2	54:12 64:9	27:7 49:22
74:9,10,12,	Everybody's	65:15 66:11	66:1 79:4
13,17,19,24	112:22	92:20 93:2,8	82:25 97:8
76:5,10	evidence	94:17 99:3	133:19 138:17
123:14 125:23	68:16	100:6,11	156:20 163:16
210:2,10,14		110:15,16,18	165:2 167:23
		118:16,18,20,	182:14

Alan Hays
October 06, 2021

22

experienced 134:25 135:4 189:3	extends 39:15	factually 76:7	177:21 192:23 195:13
expertise 137:13	extent 32:16 47:22 69:20 81:5,19 83:2 98:10 107:15 108:7, 24 111:6 171:2,3 180:3 217:1	fail 218:10	federal 37:14 38:1 80:6
expired 122:23	external 39:22 63:18	failures 38:18	feedback 77:3 210:20
explain 44:5 47:24 49:1 86:20 88:23 90:22, 24 93:21,25 109:20 112:5, 10 125:12,14, 19 137:15 144:11,22 145:14 148:7 153:6 154:22 211:22	eye 188:20 211:19	fair 30:23 55:6 70:2 86:6 113:20 115:12 137:25 138:13,23 147:12 155:23 206:11 214:25	feel 35:18 45:17, 18 56:14 60:3 138:1,13 152:17 171:3 207:20
explained 176:1	face 66:18 87:16 115:18 128:22 130:6	falsified 177:24	feet 64:14,19 197:11,12
explaining 60:1 96:21 189:11	facility 95:4	familiar 41:5,7 62:11 86:17 105:24 112:7,9,22 128:9 153:8, 10 220:25	fell 217:13
explore 207:13	facing 207:7	family 44:18,19 110:3 115:17 153:5	felonies 179:15
exploring 204:7	fact 38:16 46:10, 15 84:19 113:17 124:18 127:14 170:12 180:14 186:15 188:6 202:15 204:12	famous 203:19	felony 178:5 179:14
express 77:6 184:15	factor 56:4 222:25	famously 201:15	felt 42:22 79:8
expressed 56:7 76:22	factors 40:19	fancy 216:23	fewer 62:1
expresses 221:10	facts 83:9	favor 35:20 156:5 170:21	fiddling 15:25 167:16
expressing 77:13		favorable 210:18	field 36:11
expression 28:16		February 45:24 154:12	figure 145:10 214:7, 9
			figured 200:13
			figures 55:1
			file

Alan Hays
October 06, 2021

23

12:2 110:20, 21 116:11 122:22 151:12,13 189:15,24 194:1 199:9 filed 21:16 183:17 filing 189:22 fill 48:2 119:8 166:25 174:3 211:24 filled 178:1,12 filling 174:5 final 43:7 46:25 88:14 115:22 185:21 188:2 219:7 Finally 18:15 financial 33:16 88:21, 23 89:10,12 131:17 163:2 financially 190:20 find 28:1,2 58:14 69:24 101:21 156:12,14 159:7 160:15 179:22 180:23 213:13 fine	39:5 60:19 66:7 70:16 78:9 81:17,20 82:16 83:14, 19 86:25 87:10,20 88:4,17,18 104:4,15,20 105:13 121:11 159:23 182:6 198:18 199:14 finish 17:12 132:10 203:16 finished 13:16 fire 203:13 217:4 firecracker 204:6 firecrackers 206:3,6 firewalls 40:18 firm 69:23 70:3,18 103:23 first-class 97:12 fiscal 127:12,17 208:7 fishing 115:13 fit 206:9 five-minute 181:17 217:23 218:3	flag 185:22 Flagler 9:25 flap 112:18 floor 188:8 Florida 9:5,9 12:22, 23 14:3 23:6, 17,23,25 24:10,23 25:11,13,20 27:9 32:13 35:13,22 41:6,8,12,21 42:8 44:17 45:2,10 46:11 47:2 51:9 54:10 56:14 60:3 62:19 84:17 85:19 102:17,18 107:21 110:8 111:23 112:21 113:6 120:11 122:19 128:12 130:13 133:9, 20 135:1 137:20 147:14 153:9 154:18 156:22 157:6, 8 160:2 168:6,19 179:5,10 182:17,19,25 187:18,23 218:9 219:21 Florida's 42:4	fluent 20:15 fluid 188:19 focus 161:13 183:18,21 184:5 focused 32:23 focusing 183:23 folder 141:7,8,10 152:4 folks 13:22 97:9 107:2 109:10 197:6 follow 36:16 42:6 99:20,25 189:7 follow-up 219:7 font 96:23 food 130:18 197:5 fool 203:20 footage 68:2,5,11 football 36:11 forecast 198:6 foresee
---	---	---	---

Alan Hays
October 06, 2021

24

211:6	146:17	69:20,21	fullest
forged	forms	152:17	69:20 107:15
177:25	117:25 128:15	freezes	fully
forget	194:10 211:25	34:20	72:3
126:16	forward	frequent	function
forgive	11:20 140:3	140:4 147:25	93:6 192:19
15:21 64:18	151:14 159:16	frequently	Fund
97:5 149:17	fouls	28:14 194:8	12:23 133:10
189:10	36:12	Friday	funds
forgot	Found	92:9 212:24	89:14
117:3	137:4	213:3,10	furtherance
form	four-year	friend	222:4
18:7 43:19	34:11 122:5	74:18 192:18	future
61:4,9 73:5,9	fourth	194:4	61:3 123:15
74:8 76:16	33:15 89:10	friends	
85:3 87:11	170:20	20:24 182:16	
91:25 97:24	frame	190:25 213:21	G
103:15 104:9,	99:9 154:11	front	gain
16 105:9	165:17	45:5 49:9	24:22
128:19 138:20	framework	52:23 64:13	gallon
139:19,20	91:21	67:2,11 85:20	95:21
141:20 145:22	Francesca	114:25 115:22	games
149:3 150:3,	9:20 12:1	116:1 130:22	165:18
17,18 154:5	100:7	142:1 144:17,	Gator
155:6,7 164:4	Frank	24 165:21	15:7
165:5 169:6,9	9:16,24	217:9 223:8	gave
170:5 171:24	frankly	FSE	114:22 157:24
173:21	36:8 147:14	35:15,17 37:8	158:6
174:19,25	167:15 189:1	43:12 47:14	gears
178:12,16	208:12	FSE's	35:11 47:19
191:13,16	fraud	124:7	109:8 127:19
193:17 205:9,	62:12,15,19	fulfilled	141:2 147:18
16 206:5,21	149:23 150:2,	38:14	general
208:6,17	5,14 151:18,	full	9:5 21:1 25:5
214:15 222:5,	21 220:1	13:18,20	30:19,24
12 223:2	fraudulent	49:20	31:10 37:18
formal	180:6 219:22	full-time	38:22 41:12
27:2 112:19	free	26:12 79:6	53:20 55:14,
185:9			22 56:2 63:10
formalized			

Alan Hays
October 06, 2021

25

65:4 68:10 69:5,6,8 84:4 120:3,23 121:7,13,19 122:7,11 161:25 179:25 201:3 generally 41:5,7,9,15, 21 42:6 48:22 60:8 77:18 128:9 133:14 134:24 157:19 163:15,25 165:2 generous 36:22 59:14 geographically 34:12 George 9:11 107:4 108:2 182:2 218:18 219:6, 14 223:19 get all 134:13 get-go 185:21 Gibson 9:18,19,20 116:12 Gilchrist 10:1 give 12:3,7 36:8 43:21 44:11 46:10 57:20 58:6 59:8,9, 14 64:16 73:17 76:11	82:24 96:16 109:18 111:17 114:23 116:14,16 139:12 144:14 159:22 160:8, 11,13,14 163:21 164:11 165:19,22,24 166:2 173:10 176:2 179:23 183:16 184:15 205:19 214:2 giving 45:9 54:17 75:23 192:8 208:22 Glad 220:6 Glades 11:2 glance 152:14 glass 93:6 goal 32:25 89:10 222:4 goals 32:18 79:2 139:12,14 190:12 211:11 God 195:11 good 9:15,18 11:12,19 12:18 15:13 16:1 20:18 30:9 33:19	35:9,24 36:14 37:1 40:11 42:16,17 45:13 60:17, 18 65:23 78:24 87:9 97:9 121:2,6, 19 122:7,10 124:24 125:1 133:6 140:25 145:17 146:13 154:11 155:1 157:4 160:8, 11 181:2,19, 25 195:25 206:22 208:10 218:23 goodbye 102:11 goodness 156:7 goopy 204:21 GOP 44:17 governing 128:10 government 111:1,23 113:5 133:20 217:5 governor 154:17 187:8 188:3 Governor's 192:23 grace 51:22 gracious	45:13 212:14 214:19 grand 168:14 grateful 56:7 great 16:6 19:3 20:9 24:9,25 28:19 31:11 54:16 63:20 68:1 73:17 78:10 124:17 132:3 143:2, 24 156:21 greater 24:5 grief 11:13 grocery 78:1 grossly 221:13,19 222:2 ground 14:25 16:7 206:13 group 35:19 36:19 37:23 184:11 194:11 197:8 groups 108:25 109:15,16 130:16 196:13 guaranteed 142:6 guard 22:25 207:15,
---	---	--	--

Alan Hays
October 06, 2021

26

21,22 208:2,4 210:25 212:10 gubernatorial 30:15 guess 21:5 45:7 64:15 69:22 70:25 71:2 76:1 77:17 91:19 96:19 102:17 106:22 111:2 145:18 146:22 149:9 151:21 154:4 155:2 162:5 203:21 206:22 217:16 222:23 guessing 53:22 guidance 216:16,17 guide 139:13 Gulf 10:1 guys 106:10 182:4 <hr/> H <hr/> H-A-Y-S 13:21,24 habit 197:3 hair 82:19 half 49:16 107:11 108:1 144:15 219:1 220:10	Hall 179:18 halls 217:4 hamburgers 197:9 hand 12:6 36:3 72:16 handicap 183:15 handicapped 153:2 155:4 handle 174:16 175:8 handled 94:22 95:14 180:18 181:7 handles 174:21 handling 150:8 handis 95:12 handwriting 178:18 Hang 45:20 89:24 happen 36:14 96:11 140:17 181:3 193:11 206:20 happened 178:6 happy 115:8 hard 197:23	Hardee 11:2 harder 11:8 147:1 harebrain 145:11 harms 105:17 harvest 52:25 80:24 harvesting 109:23 119:19,21 120:2,8,11 152:22 153:13,16 155:21 hat 207:12 hate 121:21 Hays 11:7,21 12:13,18 13:20,21 14:5 18:22 46:9 82:5 84:16 92:24 100:8, 13 107:15 109:7 111:13 124:15 132:16 133:6 141:6,9 156:19 157:4 173:11,16 181:10,25 182:13 183:4 185:5 187:4 189:6 190:11 191:19 193:20 195:1 196:2,9	199:6,16,25 200:11,23 202:5 203:12, 24 204:8 205:24 206:11 207:12 209:2, 22 211:10 212:9 214:25 215:2 216:1, 14 217:22 218:7 220:9, 16 223:15 HB7041 42:7 43:10 head 17:10 28:8 55:15 71:11 158:16 160:24 163:4 177:3 179:22 207:11 208:10 223:4 headed 66:25 67:1 heads 145:19 health 16:9 hear 42:15 78:7,9 96:20 107:14 129:4 181:14 184:6,7 heard 14:20 29:18 36:5 42:19 55:2 102:21 139:4 hearing 136:5,10,15
---	--	--	--

Alan Hays
October 06, 2021

27

heartbeat 53:24	39:2	hope 31:20 96:25	human 58:6 77:8
heavy 34:19	highest 33:14	176:15	210:9
heightened 146:14	Highlands 10:1	hoping 99:4	humanly 33:11
held 31:4 193:22	highly 102:12 103:25	horrible 42:21	humans 194:25
helpful 21:22 29:17 50:14 75:21 76:12 81:23 92:19 105:6 173:6	Hillsborough 10:4 124:2	horror 153:11	hundred 35:2 45:24 195:13 213:7 223:8,9
helps 61:15,21 211:14 222:7	hinterlands 217:14	host 48:14	hundred-year-old 195:16
Hendry 11:2	hired 31:12 69:12, 23 70:17 179:11	hot 196:20 197:9	hundreds 221:14,20 222:3
hereinafter 12:15	history 29:24 130:13 153:9	Houlihan 10:13	hush 29:16
Herron 10:19	hit 195:13	hours 49:11 56:9 63:20,21,23, 25 64:2 69:2, 3 70:7 91:10, 24 92:5,6,8 106:3,14 107:2,11 108:4,12 190:6 208:9 212:13,19,21 213:14 223:12	<hr/> I <hr/>
hesitation 21:13	hold 19:25 54:3 118:2 198:18 218:13	hour 60:15 69:13, 14 107:11,22 108:1 208:9	ID 160:3 161:17, 24
hesitations 156:2	Holmes 11:2	House 23:6,10,11, 12,17 25:11 119:5 134:1 182:19	idea 28:17 39:4 66:3 92:21 93:22,25 94:2 101:13 121:10 124:21 145:15 163:2 167:13
hey 159:6 198:18	holy 43:4	huge 58:15,16 211:3	ideally 221:24
hiccups 38:8 194:6,15	home 137:2,5,14		ideas 36:23 37:2 96:17
hiding 182:3	honestly 19:7 30:21 36:4 42:24 134:12 183:8		identical 202:11 221:4
high 32:4 35:23 38:24 39:8 49:17 66:18	honey 219:15		
higher	hoot 36:8		

Alan Hays
October 06, 2021

28

identification 18:23 44:22 50:19 54:12 93:2 100:11 110:16 118:18,24 123:22 125:22 126:2 136:2 141:14 152:2 161:14 162:9 163:11,16 164:1,16,23 165:3 167:3, 9,25 168:22 169:4,22 170:4 171:22 173:19 200:9 209:20 215:23 220:22	imagine 21:23 43:24 101:18 148:15 immediately 25:14 27:19 57:3 142:21 impact 87:20,22 127:17,18 167:23 169:1 impacted 169:4,12,22 170:3,12 171:22 172:25 173:1,6,19 impair 22:6,10 impart 35:22 impermissibly 194:12 implemented 195:20 implying 83:16 important 17:17 27:8 32:21 33:4 39:8 68:21 77:3 107:16 108:21 214:6 impose 88:21 131:18 imposition 104:12 impossible 222:14 impression 162:2	improperly 219:25 improve 77:4 in-person 27:20 69:2,11 129:22,24 146:1,6 inaccuracies 18:10 inadequate 103:13 inbox 15:16 inch 49:17 incident 129:15 180:7 inclined 108:15 include 46:6,15,22 47:1 118:10 included 46:21 91:1 includes 104:15 including 34:1 64:12 66:14 92:25 104:4 106:2 inclusive 104:14 inconsequential 167:17 inconsistent 18:11	inconvenient 221:13,19 222:3 incorporate 44:13 48:13 incorporated 37:2 50:2 83:4 incorrect 178:1 increase 145:1 148:2 increased 53:16 independent 69:23 70:17 indeterminate 119:23 indicating 28:12 83:8 178:9 individual 72:13 74:1,3, 9 75:9 115:17 158:11 179:16 197:8 individuals 31:14 51:6,7 67:17 76:3 82:11 109:12 131:6 169:21 171:18,21 individuals' 51:7 industry 34:21 information 22:17 35:6 74:4 82:8
---	---	---	---

Alan Hays
October 06, 2021

29

83:14 105:11 133:12,17 134:14 158:18,22,23 159:4 160:6,7 169:25 170:18 171:18 176:16 177:25 178:9 179:23 180:5 192:8 204:16 informed 31:22 68:14 157:12 222:19,20 informing 102:4 Ingoglia 124:25 initially 42:12,13 initials 80:20 initiative 162:17 163:3 injected 140:2 input 162:24 174:18,24 inquiries 83:13 inside 63:17 64:1,22 68:16 70:21 71:6,21 72:14 73:25 76:2 80:22 81:2 97:22 98:4,5 99:13 106:4	131:1,3 197:2,15 223:3 insight 24:22 install 79:12 instance 75:4,8,11 76:1 86:13 87:3 109:18 114:18 150:13 instances 76:9 105:24 114:6 151:20 instill 146:13 instruction 157:16,18 instructions 20:7 157:12, 14 192:3,5,8, 14 insulting 87:17 integrity 33:14 119:6 163:14 intend 118:14 intended 123:15 intense 188:25 intent 125:8 intentions 95:21	interact 33:2 131:4 197:17 interaction 177:19 196:12 interchanges 140:5 interested 152:18 interesting 14:21 34:3 179:17 interjecting 15:22 internal 39:22 63:21 internally 40:17 interpret 125:15 interpretation 122:25 123:3, 4 interrogatories 20:12,17 21:11 interrupting 17:20 intervening 34:7 Intervenor 9:12 intervenors 9:17,19 107:5 108:2 interview 45:9 54:9,17 145:7	interviewed 54:6 introduced 92:21 188:21 introduction 42:6,8 invariably 28:16 investigation 199:18,24 200:13 investigative 117:18 invite 198:4 invited 195:14 involved 29:19 133:19 184:7 187:7 210:23 involvement 187:22 involves 42:4 issue 59:6,7,18 93:23 96:10 98:17 155:21 172:23 175:23 200:16 issues 31:23 140:20 150:1 184:8 185:20 iterations 115:22
---	--	---	--

Alan Hays
October 06, 2021

30

	Joe 10:8 105:4	165:13 168:20 211:8	95:10,11
J			Lake
jam 185:18 186:6, 8	Johns 202:16	kinds 153:10	22:20 23:11, 12,13 24:6
January 31:5 201:8	Johnson 9:22 10:21	king 34:20	25:15 26:1 28:6 30:10
Jazil 9:10 85:3 87:11 102:24 106:25 107:25 138:20 139:20 145:22 150:18 155:7 181:14, 16,24 182:1, 12 191:17 193:19 196:17 200:7,10 203:18,23 205:11,13,23 206:10,24 208:14 209:1, 14,17,21 214:17 215:20,24 216:11,13 217:22 218:6, 16 222:5,12 223:2	judge 13:9 18:3 185:1 judgment 198:1 judicious 107:14 jug 95:21 July 84:4 jump 158:6 justification 145:5	kiss 102:11 kitchen 58:18 knew 21:16 44:3 73:3,11 135:12 177:3 knock 148:17 knowing 64:19 83:19 knowledge 24:22 41:11, 19 43:13 55:24 61:7 62:18 63:5 66:1,15 70:17 76:4,12 92:2 96:11 97:19 109:16 120:9, 10 121:4 130:20 139:16 152:11 205:6 219:24	31:4,17 32:13 33:24 34:12 35:5 37:13 38:4,12,19,22 40:22 41:17 42:1 47:20,24 48:11,17 49:2 53:16,18 54:21 55:11, 13,16,21 60:12 61:2,17 62:15,25 63:7,12 71:13 76:13 78:24 79:24 82:14, 23 87:20 89:14,19 90:7,14 91:18,22 95:4 96:12 97:8,21 99:22 103:12 106:2 109:12, 16 113:10,22 118:16 120:7, 11 121:5,11, 16 123:11 127:23 129:12,16 130:1,9,19,21 137:17 142:14 150:22,24 167:25 168:21 169:22 171:19 172:16 174:14 175:16 204:24
Jefferson 10:1	K		
Jerry 11:1	keeping 208:3 211:19 Kenneth 9:13 key 40:20 Kia 10:21		
job 22:15 36:10 83:12 135:24 168:18 171:11,12	kind 82:7,20,21 83:9 86:13 112:13 133:16 134:13 146:20 156:14 161:14 164:18,22	L	
jobs 26:15		lack 77:11 216:21 lady 145:8 lag 16:22 78:8	

Alan Hays
October 06, 2021

31

lame 144:1	155:25 182:1	143:13 182:14	186:24
language 91:1 114:25 184:25	lawyers 104:18 108:17	183:1 185:6, 14 187:7,22 188:17 195:3	level 33:14 35:23 40:17,18 89:6 137:13 160:25
laptops 15:5	Lay 219:8	legislator 135:11 144:22 185:16	Levy 11:2
large 31:6 72:14	layers 40:15	legislator's 189:8	librarian 49:21 203:8
larger 24:3,4 72:19	leadership 182:24	legislators 90:5 139:5 140:5,20 141:1,22 143:21 144:1, 10 145:13,19 146:8 159:25 189:12 221:10	libraries 217:5
largest 34:25 35:1	leading 185:11	legislature 36:7 42:8 43:25 46:5 103:8 134:21 137:18 138:17 175:25 176:18 182:19 183:5 187:18 189:4 195:4	library 32:10 49:22
late 65:19 97:10 129:7,11,19 177:21	leads 27:11		license 50:5 66:24 67:3,9 151:7 160:2,9 161:17,24 162:8 163:23 164:9 166:3, 13,15,21 207:8
Latimer 10:4,6 124:3, 25 125:2	League 9:21 12:22 13:2,5 184:18		lid 201:25
Laura 45:10	learn 83:21		life 14:12,13
law 17:5 36:16 51:18 69:19 84:16 87:5 90:3,6,13 91:1,2 92:3 122:18 123:1 126:7 128:10 129:1 134:18 167:17,19 176:9 202:24 214:8,10	leave 28:16 59:16 65:13 88:8 99:5	legitimate 160:21	lift 112:18
lawsuit 21:16 42:3 56:23	Leesburg 34:25	length 144:18	light 203:14
lawyer 118:9 123:5	left 15:9 57:19	lengths 146:23	limit 153:4 186:21 202:8 203:22 205:13
	legal 12:21 20:16 91:21 117:13 118:3 179:20 193:18 216:22	Leon 10:20	limited 152:24 153:21
	legality 42:4	letter 13:22 43:18 59:13 69:19 162:20	limiting 155:2
	legislation 184:16	letters	
	legislative 37:8 125:19 135:2 140:25		

Alan Hays
October 06, 2021

32

limitless 198:7	litigation 83:10	5,13 186:12 194:24 198:10 223:16	Lux 10:18 124:13
limits 186:12,17	live 69:17 70:13	longer 84:19 92:7 95:11 120:6 125:16 146:25 147:9 148:15 151:1 186:20	<hr/> M <hr/>
lined 148:11 190:1, 2	lives 178:8	look-up 159:11	machine 57:7,11,12, 16,18 58:2
lines 38:17 61:18, 22 84:12 130:2,13 146:24,25 147:9 149:7 198:10	living 16:8 45:23	looked 121:9 138:7 183:24	machines 39:24 153:12
lingo 20:16	lobbying 43:22	Lord 40:11 108:11	made 27:23 36:5 42:7 46:16 47:11 50:25 84:16 88:14 99:7 108:23 153:11 154:2 173:23 183:11 187:12 190:1 191:5 193:5, 14 195:2
Link 10:15	lobbyist 124:7	lose 183:19	Madison 10:2 12:25
liquid 49:20 95:22, 23 96:9	local 142:13,15	lost 103:21	magnifying 93:6
liquids 49:25 202:1,8 203:9	located 64:12 71:2 94:13,14 103:14	lot 21:4 35:6 44:14 49:10 75:2 183:12 184:10 185:19 196:6 200:17 203:1	mail 47:20 50:9,10 51:13,15 52:2,3,8 53:15,23 54:6 55:13,21 59:17 61:1,3, 12,14,21,25 62:4 65:12 97:12 112:17 142:14 147:4 166:23 191:21 194:1 204:11, 21 205:2,4
list 28:11 30:4 47:4 57:21, 23,24 58:8 86:3 183:9 223:11	location 75:16 81:8 82:12 94:6 102:14 176:5	loud 77:6 116:25	mail-in
listed 151:13 192:6	locations 71:3,7 81:6 82:13	low 66:19	
listen 155:20 184:13	lodge 102:25	lower 57:9	
listened 184:19,20,22	logistically 189:21	ludicrous 91:11	
literally 27:22 64:21 83:6 204:4	logs 73:14 74:4 80:3,5,9 81:1,5	lunch 70:15 106:11, 17,19,23 108:5,20	
	long 28:11 29:14, 15 35:3 38:17 51:10 60:19 61:18,22 62:25 130:2,		

Alan Hays
October 06, 2021

33

54:11,22	110:2 118:19	Mari	materials
mail-type	122:20	9:24	205:8
151:6	126:12,15,22	Maria	math
mailbox	132:11,12	215:6 216:1	208:10
49:21 67:25	134:9 159:20	Marion	matter
79:19	172:4 176:25	24:5 34:14	12:21 46:15
mailboxes	181:3 182:6,	mark	133:16 180:14
85:18 204:10	15 188:24	10:19 18:20	186:15 188:6
mailed	197:3 201:25	50:17 52:8	202:15
54:1 65:9	208:15,19,20	93:8 100:5	Matthews
161:4 169:13	217:24 223:21	110:14,18	215:6 216:1
174:18	makes	135:25 141:4	maximum
maintain	51:25 75:2	151:24 189:17	106:15 107:12
29:23 80:5	112:25 122:19	197:2,14	122:21
maintained	129:4 131:10	200:7 209:15	Mcvay
80:9 81:5,7	134:2 148:16	215:13,21	69:5 216:5,
maintaining	making	216:12	16,18,20
197:1	32:23 40:20	marked	meaning
maintenance	46:14 137:21	18:23 19:13	17:2
30:3,4	160:15 168:4	44:22 50:19	meaningful
major	184:6 189:19	54:12 93:2	152:23 153:20
56:4	222:2	100:11 110:16	means
majority	malbehavior	118:18,24	13:11 71:16
48:24 121:4	86:13	123:21 136:1	100:2 101:6
make	malicious	141:13 152:1	104:20 131:8
11:6 18:10	204:21	192:21 194:12	149:14 175:4
22:14 29:3,4,	man	200:8 209:19	meant
23 30:5 31:22	78:3 172:19	215:22 220:22	55:4 100:23
32:1,8,17	managing	Mary	101:5 125:2
33:12,19 37:6	190:19	95:4 99:22	126:23 144:12
40:7,11,24	manned	142:15	212:20
44:8 47:20	202:22	master	meantime
48:4 57:24	manner	27:11	141:17 144:5
60:16 66:22	56:6 105:3	match	measure
72:2 73:16,19	March	58:14 163:11	64:15
76:5 84:11	45:3 70:9	167:9	mechanical
87:23 88:5	110:10 111:24	matching	25:8 189:1
90:14 93:3	136:12 177:21	56:16,17,18	mechanics
105:22 107:6	195:4 199:17	60:5	25:1,4

Alan Hays
October 06, 2021

34

medication 22:9	Meros 9:12 182:2,10	33:18	170:17 171:18
meet 33:6	217:24	mind 87:7 99:9	misspelled 199:21,22
meeting 36:2 185:23	218:17,18,25	102:15 131:15	misstating 147:2
meetings 185:10,13,18 186:9,12	223:20	165:17 178:15	mistaken 162:3
member 22:25 23:6,23 35:15,18 46:9 110:4 137:18 153:5	mess 96:5	199:15	misunderstood 89:24
members 115:17 153:1	message 123:19 124:1, 10,24 144:6 220:24 221:3	minds 141:22	mixed 205:1
memo 217:21	messages 124:20	mine 143:23 203:5 206:22	Mo 102:24 106:25 107:23 181:12 182:1 183:8 188:18 198:7 203:1,16 204:3 205:19 208:18 219:1, 6
memory 111:21 184:4	method 16:4 125:8	minimize 16:17	model 66:23
men 36:20	methods 158:17,25 159:10	ministerial 117:17	modifications 36:25
mental 101:23	meticulous 28:22,23	minute 12:4 45:20 52:7 78:19 89:24 98:15, 21 111:17 116:16,18 148:6 162:15 186:18 188:21 199:16 215:2	Mohammad 9:10
mentioned 22:21 29:22 35:12 51:5 66:10 127:24 130:1 140:11 141:25 142:4 146:21 160:17 164:22 169:24 170:16 171:17 197:18 211:17 216:15	Miami-dade 10:11 45:23	minutes 11:17 35:13 60:21 64:16 107:22 110:24 132:12 186:19,20 220:10	moment 16:9 53:4 80:13 98:19 119:16 170:7
mercy 40:12 108:11	Michael 10:10	misdeeds 68:15,17	moments 144:20
mere 113:17	microphone 16:19	misplaced 103:20	Monday 65:15,25 66:2 92:9 212:15, 24 213:2,3
	mid 177:21	missed 217:25	money 33:21 40:14 89:9 181:2
	middle 34:13 42:16 152:18	missing 169:15,20,25	
	miles 34:16,17		
	milieu 36:17		
	military 48:21		
	million		

Alan Hays
October 06, 2021

35

208:11,15,19, 23 211:4	196:5	63:6 193:11, 22 194:2	214:15 220:8, 14,18,23
monitor	motives	mute	222:8,22
72:25 74:10, 14 75:3,19	214:8	16:21	223:5,14
88:2,9,25	Motor	myriad	Nasseri's
146:12	56:22	94:25	110:20
monitored	mouse		National
66:12 70:19	165:18	N	179:10
72:6,11 75:13	mouth		nature
80:9 85:1,12	14:15 28:23	NAACP	77:8
86:9,24 87:2, 3 88:19 91:2	move	9:7 107:9	nauseam
92:14 103:24	83:23,25	133:9 141:10	144:18
216:25	102:15 118:12	184:19	nearby
monitoring	150:25 174:9	Nadeen	102:4
66:10 69:2, 11,17 70:7,13	189:13 201:9	54:18	necessarily
72:4,22 74:2	moved	Nadine's	62:3 146:25
75:9,15,17	34:18 86:12	55:1	needed
76:3 84:21	151:14 202:18	nail	23:4 51:14
85:16 104:5, 6,11 106:6	moving	169:3	68:4 149:22
144:2,4	36:24 151:19	naked	177:13
146:1,6	multifactor	211:20	needn't
201:21 212:11	39:17	names	145:15
monitors	multiple	13:22 57:22	negative
75:25 80:11	32:2,14 35:2	narrow	210:20 211:3
81:4	39:23 40:15	49:14 206:2,9	negligence
months	43:4 44:4	Nasser	83:9,17
120:6	52:6 56:7	155:10	negligent
morning	58:11 59:11, 12 108:24	Nasseri	82:18
9:15,18 12:18	145:14 151:8	9:6 107:9	negligible
53:2 145:8	189:20 190:7	110:12 111:8	168:2,3
197:19 211:1	202:13 222:15	133:3,5,8	neighborhood
212:15,24	multitude	135:16,24	53:22
213:2,11	19:19 20:22	136:3 138:21	neutral
mother	30:12 39:12	140:8 141:4, 16,24 145:24	36:6 83:7
45:23 155:14	56:10	146:9 148:18, 23 149:20	News
195:6,10	multitudes	150:11,19	54:9
	20:24	151:24 152:3, 6 155:8	nice
	municipal		40:14
	30:12 33:13		

Alan Hays
October 06, 2021

36

nicely 140:22	noticed 52:5 206:12	numbered 40:1 209:15	objecting 191:15
night 51:20 52:19 53:2 65:18,20 69:14 73:7 112:4 186:4 202:20 211:1 213:10	notification 216:24	numbers 34:6 40:1 54:3 62:2 81:15,22 125:22 126:2 161:21 162:20 164:6,8 167:17,21 174:7	objection 17:16 102:25 118:3 128:19 146:2 191:13, 16,19 193:17 196:15 203:15 205:9 206:5, 21 208:6,17
night's 68:22	notify 59:5		objections 18:2 205:14
nightmare 176:17	notion 155:2	<hr/>	objective 217:2
nodding 17:9	notorious 97:6,16	O <hr/>	obsolete 48:15
non-family 153:1	November 71:16,17	oath 17:2,4 157:13,17,19	obvious 198:8
nonballots 100:20 101:8	NPA 134:10	object 17:14 18:2 61:4,9 74:8 76:16 85:3 87:11 91:25 97:24 103:15 104:9,16 105:9 117:12 138:20 139:19,20 141:20 145:22 146:7 149:3 150:3,17 155:6,7 164:4 165:5 169:9 170:5 171:24 173:21 205:15,20 211:5 214:15 222:5,12 223:2	occasion 186:17
nonforwardable 151:16	number 27:6 49:24 50:5 54:11 55:16,20,21 58:3 59:12,15 80:17,23 81:13 84:3 116:15 119:23 135:18 149:5 151:3 160:3,9 161:14,18,24 162:3,8,9 163:11,17,21, 22 164:1,16, 23 165:3,11, 12 166:3,10, 15 167:9,25 168:22 169:4, 11,18,21,23 170:4 171:23 173:19 175:21 183:16 190:16,17,19 196:24 209:4 220:19		occasions 56:7 145:14
nonpartisan 26:18 131:7			occur 198:12
nonsolicitation 196:7,11			occurred 62:15,20 177:20
norm 186:11			occurrence 109:19
normal 139:17			October 55:5 122:20 215:18,19
north 34:16			offer 48:15 105:11
Northern 157:7		Objected 128:19	offhand 131:15 143:9 160:22 175:21 180:2
notes 15:12			
notice 18:21 19:8,12 97:11 105:4			

Alan Hays
October 06, 2021

37

office	166:8 167:7	omitted	opportunities
14:2 20:23	169:13	74:7	151:8
26:19 27:19	174:12,16,21	on-the-job	opportunity
28:15 29:19	175:2,8,20	27:7	17:15 18:9
31:7 32:20	176:4,6,7,8,	online	169:14 205:20
33:22 36:24	12,14,21	27:21 32:9	oppose
48:17 49:5,10	177:5,16,20	48:1 127:25	43:22
50:14 52:23,	178:3 180:18	166:24 188:9	opposed
24 53:12,14	181:7 182:2	open	85:1,12
63:4,17 64:1,	186:4 190:14,	11:13,23	option
2,5,10,11,12,	19 192:23	15:16 32:15	40:25 48:12
13 65:6 66:12	201:8 202:22	49:7 92:7,8,	53:4 123:12
69:1 71:6,22	207:23 208:3	10 95:22	oral
72:8 73:9,11	209:5,10,23	152:7 184:13	77:21
74:1 75:4,14	210:5,24	opened	Orange
76:2,3 77:25	211:7 212:2	57:2 64:2	24:7 34:13
79:3 81:2,8	216:25 217:10	79:1	176:5,7
84:21 85:20	office's	opening	204:24
86:1,8 87:2,6	127:6,9	49:12,16	order
88:20 89:13,	officer	95:18	28:18 29:4
21 90:16	31:3	openness	87:18 130:10
91:3,14,16	officers	36:22	ordinary
92:6,12,19	113:7	operation	189:3
94:22 95:3,8,	offices	77:1 188:19	organization
14 97:21	32:11 37:1	operational	128:2 129:18
98:6,7,13	112:3 113:11	63:25	150:7 157:6
99:14,15,22,	115:6 203:2	operator	175:5,14
23 101:19	official	178:4	176:11
102:5 103:13	43:12 47:15	opinion	177:18,23
106:4 109:13	113:5,24	35:17 42:11	178:4 179:6,9
115:6 117:16,	185:9	84:24 85:5,7,	180:7,21
17,21,23	oftentimes	10 86:5	219:21
127:24 130:17	114:2	103:18 115:3	organizations
131:18 134:11	Okaloosa	145:19 147:21	128:7,11
135:13 142:2,	10:17 124:14	151:17 216:22	129:7,11
14,16 144:17,	Okeechobee	opinions	174:10,13
24 146:13	11:3	137:6,19	175:9,20
147:24 148:3	Olivo	opponents	176:4 177:5
150:6 151:14	11:1	149:21	180:12
160:19			
162:10,25			
164:14,22			

Alan Hays
October 06, 2021

38

organizations' 177:14	oversight 111:24	pandemic 56:3,11	party 26:24 158:20
oriented 28:20	overthink 21:15	paper 15:11 58:23 73:1 190:5	179:10 184:12 195:14,16 197:8
origin 192:10	overview 43:21	paperwork 211:8	Pasco 96:24
original 164:16	overwhelming 48:24 176:13	paragraph 136:25 137:15 143:16 144:7 189:18	passage 42:9 43:7 109:11 120:19 218:13
originally 24:3 163:17 164:2,24 187:12	owned 90:8	paragraphs 138:5	passed 183:17 195:19
originated 209:11,24	<hr/> p <hr/>	paraphrasing 211:5	passenger 67:10
Orlando 34:23	p.m. 51:20,24 52:19,25 53:3 59:10 63:24 64:3,4 65:23 71:8,15,17 93:13 96:23 100:9 101:1 103:4 109:4,5 148:21,22 181:21,22 212:20,24 213:10 218:4, 5 223:25	pardon 190:18 191:14	passenger's 207:6
Osceola 34:15		Park 176:4	passing 189:2
other's 156:17		parking 49:10 211:6	password 11:15,20 39:16,18 141:12
out-of-county 175:8,18 177:4 181:6		part 23:13,14,25 25:5 27:23 30:2 38:15 73:13 80:25 83:4,15 93:9 143:14 146:7 173:8 195:5 196:25 212:8	past 89:7 130:16
outlaw 146:6		participating 16:10	patience 11:11
outset 157:25	packed 185:18,21,23 186:6,8	parties 196:13	patient 170:19
outstanding 168:6,18	pad 15:11 56:21 58:16,21	partisan 26:18 36:5 134:17	patient's 28:23
overnight 212:17	paid 20:6 51:10 75:5,14 184:10	parts 44:6	patients 14:14
oversaw 30:25	Palm 10:14		patrol 69:13
overseas 48:20,22 51:21 65:10			Paul 10:17 124:13
oversee 28:10			pause

Alan Hays
October 06, 2021

39

132:14 173:14	159:6,11,24	75:4,15 76:2	44:17 45:2,10
pay	164:10	permitted	phone
50:9 66:5	168:19,25	13:10 114:20	15:14 16:3,16
77:1 82:18	169:12 178:7	person	33:3 48:4
88:17,25	181:2 186:2	32:9 33:1,2	59:15 186:5
91:7,10,13	188:16 191:24	48:5,23 49:5	photo
104:21,22	196:6 197:4,	72:13,22,25	64:9
167:21 181:2	17 198:8	74:2,17,19,21	phrase
PDFS	204:17,22	80:17 82:19,	172:6 194:8
11:14	211:20 212:12	23 85:17	phrasing
Peg	213:14,22	87:8,24,25	172:24
10:5	214:3,12	88:6,9 95:2,	physical
pen	222:10,15,25	20 116:23	39:21 51:19,
15:11	223:1	118:10 127:24	23 75:16
penalties	people's	130:11 137:9,	176:5 198:14
115:19 152:23	214:7	12 147:9	physically
153:20	Pepsi	149:24 158:23	85:1,12
penalty	198:17	160:16 178:22	pick
86:17	percent	191:11 192:2	44:18 48:23
pending	38:23 54:21,	195:24 196:22	picks
18:17 30:13	25 55:2 82:24	198:18	50:5
people	83:7	person's	pickup
13:21 20:23	percentage	73:4 212:8	65:20 99:5
21:2,4 28:14,	55:11,13	personal	picture
20 31:12 32:8	61:2,11 62:7	155:14	50:13 51:2
33:17 39:14	perfect	personally	57:13 67:2,8,
45:12 50:6	194:22	153:18 213:6	14 94:16
51:10 52:21	performed	personnel	200:19 203:13
58:12,15	14:14	75:15	206:12
61:25 62:1,3	period	perspective	pictured
64:22 67:22	34:11 51:22	186:14 204:1,	65:14 66:11
72:15 76:7	127:5,7	2 218:2	pictures
78:3 80:19,20	128:16 149:16	pertaining	206:14
88:24 95:15,	215:12	147:20	piece
16 99:5	periods	phenomenon	58:23 104:7,
101:10 119:22	38:17	113:21	14
135:4 139:3	permanency	philosopher	pieces
147:2,3,20,22	122:3	203:20	205:2
150:14 153:2,	permanent	Phoenix	
25 155:4			

Alan Hays
October 06, 2021

40

place 16:12,18 60:22 62:2,5 80:11 86:11 90:12 91:21 94:14 109:4 112:22 125:5, 10 130:23,24 148:21 150:25 175:15 181:21 195:24 197:3 198:9,19,21 215:13 218:4 places 29:1 45:4 78:2 223:7 plain 64:20 172:4, 11 190:5 plaintiff 108:25 plaintiffs 9:7,9,21 12:21 13:2,3, 5,15 18:13 107:9,21 108:7,22 157:5,7 205:20 plaintiffs' 11:11 plan 26:9 88:11 90:15 92:3 102:3 108:25 127:6,9 167:15 199:3 planet 165:13	planned 48:13 53:23 planning 102:17,19,21 107:1,18 108:6 156:22 plans 90:13 107:7 plant 39:21 plaque 27:17 plate 207:8 play 40:19 165:18 pleased 38:15 plop 211:21 plugged 98:17 pocket 104:21 208:21 point 33:9,15,20 70:6,8 71:19 87:22 96:25 101:25 102:3 107:19 108:21 115:14 119:17 126:24 135:19 140:1,3,6 154:2 157:18 204:3,6 205:1 219:1 pointed 66:18,19	pointing 53:5,7,8 points 32:20 58:8 108:23 154:20,21 190:12 police 217:4 policy 36:9,15,16 100:20 101:5, 8 145:15 149:8,19 184:6,13 185:1 210:5,8 political 36:17 196:13 politics 36:9 Polk 34:15 poll 197:1 polling 29:1 62:2,5 130:22 131:2 195:23 197:2, 20 198:9 223:7 polls 61:19,22 130:2,14 196:5,7 poor 208:12 popular 66:2 76:13	portion 23:12 24:3,4, 5,6 110:13 111:22 152:18,20 pose 88:20 posed 216:19 position 25:21 26:12 43:12,15,16 44:3 47:15 179:25 182:24 positioned 57:4 72:14 74:13 positions 40:16 184:25 possession 51:19,24 Possibility 215:17 possibly 30:7 206:6 post 14:2 29:9 85:25 95:3,8 99:22 142:13, 15 151:14 postage 50:10 postal 48:19,25 51:18 56:5 59:13 64:18 78:18 84:22 85:21 90:8 95:4,15,19
--	--	--	--

Alan Hays
October 06, 2021

41

97:6,10,16 98:12 99:14, 23 100:1 101:11 105:16 144:3,23 151:5 199:18 200:2 204:4, 10 205:2 214:20	precinct 40:6 130:9 precisely 221:11 preclude 87:7 103:21 prefer 115:23 preference 30:17 37:17 preliminary 154:22 preparation 21:12,20 prepare 20:5 148:10 prepared 19:16,17 53:23 136:18 148:12 156:6 182:7 preparing 21:14 preposterous 211:2 preprinted 48:14 preregister 32:4 prescribed 30:4 present 13:15 43:19 93:25 154:5 186:18 presentation 136:19	presented 19:20 68:6 presenter 186:17,19 presenting 74:21 presents 74:10 President 221:6 presidential 30:17,24 33:13 34:4 37:17 39:3 presiding 31:3 press 154:17,19 pressed 88:15 presume 141:23 pretend 141:22 222:13 pretty 33:24 50:11 59:24 75:22 102:11 112:6 161:8 174:23 185:18 187:6 202:5 prevailing 56:3 prevent 149:22 151:18 155:4 203:9 prevented 129:16 150:14	previous 14:13,18 149:8,19 150:2 151:1 152:4 154:8 175:22 176:24 177:2 211:4 previously 32:6 34:18,25 103:14 169:15 pride 28:19 primary 30:18,19,24 37:18 69:7 72:19 80:8 201:13 printed 74:11,22 printer 40:4 prior 109:11 135:9 158:10,14 160:6,18 161:2 174:11 182:22 192:25 209:17 priorities 46:7,16,21,23 47:1,4 private 94:5 privileged 35:18 privy 36:8 proactive 192:7
---	--	--	---

Alan Hays
October 06, 2021

42

problem 61:18 120:8, 10 132:13 174:8	212:4 produce 81:15 132:2, 18	promptly 97:1	147:19 148:25 167:9
problems 106:6 129:5 131:12 150:6	produced 73:14 77:22 81:20,22,25 84:3 124:13 131:25 132:1	promptness 97:3	provisions 176:19 210:3
procedure 158:8 166:22	production 77:20 209:4	properly 138:2	public 35:19 95:20 96:19 119:6 145:15 187:12
procedures 128:22	productive 214:11	proposed 131:21	publication 55:8
proceeding 179:20	profession 168:17	proposing 217:2	published 55:4,5 193:1
proceedings 9:1 223:25	professional 22:19 27:12, 14 36:20 139:10 195:17	prosecutorial 117:19	pull 12:3,4 18:19 44:16 50:13 54:8 100:5 110:14 115:8 116:10,17 135:17 143:3 151:23
proceeds 74:5	professionals 137:20,22	protected 141:12	punctuation 189:17
process 44:10 47:12, 21 56:16 59:8 60:4,10,12 75:22 96:1 101:23 114:15,17 139:14 140:14 142:18 162:5 164:22 166:4 167:2,3 175:20 176:14 177:9,13 187:7,22 188:17 195:3 209:4,10,23, 24 210:21 211:9	program 30:4 156:9	proud 168:17	purely 208:7
processed 100:3 177:6	programs 29:7	proved 38:9 168:8	purpose 113:19
processing 97:23 98:12 99:15 177:17	progressed 47:11	proven 126:1	purposes 107:1
	prohibit 153:1 195:21	provide 17:15 167:24 174:6 180:5 186:23 197:9	pursuant 19:12
	prohibits 109:22	provided 18:8 81:14 125:21 130:18 163:17 164:1 165:11 180:4 194:11 209:5	put 12:1 27:9 43:18 44:20 49:13,17 50:7 51:1,6 58:2 59:22 65:12, 23 72:16,17 74:2,14 80:11 85:21 86:2
	promote 211:12	proving 79:7 168:18 190:16,17	
	promotes 211:16	provision 86:18 104:2, 6,7,10,15 116:2,3 118:1 144:25 145:21,23	
	prompted 187:17		

Alan Hays
October 06, 2021

43

92:23 94:8 97:11 99:17 102:3 112:20 125:20,25 130:7 141:5 142:24 144:16 152:23 153:20,21 154:11,18 167:2 169:10 176:12,19 186:17,21 192:3 202:1 204:17 213:4, 9,14,18,19 214:20 215:12 217:6 Putnam 34:14 puts 67:10 108:4 142:5 putting 101:19 102:6 145:18 219:2 <hr/> Q <hr/> quality 96:4 quantify 61:24 queried 162:18 question 17:12,21,23, 24 18:17,18 19:4 21:15,19 29:16 33:7 55:19 64:4	65:25 75:25 83:15 85:8 97:5,25 98:2 101:3 102:25 103:3 104:12 105:14,19 108:11,16 111:11,15 115:9,24 117:4 121:15 127:2 129:12 132:16 134:7 154:4 155:12, 19 156:7,8 164:18,20 170:6,24 171:3,5,8 172:3,7,24 173:12 175:23 176:25 177:2 180:23 181:4 188:11 192:15 193:4 202:25 203:16 205:25 211:4,5 212:10 214:1 215:8,13 216:14 218:1, 20,21 219:17 questioning 13:16 60:15 107:2 132:10 158:1 164:15 172:19,21 questions 13:17 14:19 16:25 17:1 18:2,4 19:15, 20 20:11 21:10 22:18 35:12 37:21	45:16 47:21 62:24 64:8 66:9 80:1 83:22 107:5, 8,19 108:1, 14,22 109:1,8 116:2 120:4, 18 129:21 132:22,23,24 133:11 136:19 148:10,11,13 156:6,18,23 157:10 171:14 181:9 182:7 191:8,11,20, 23,24 192:1, 7,9,13 199:8 200:17 204:1 216:8,18 217:21 218:16,22 219:5 220:4, 10 223:14 quick 140:10 148:14 163:19 164:11 quicker 19:4 quickly 70:23 133:18 146:21 148:24 220:11 quiet 85:5 218:23 quit 185:25 quiz 119:4 120:5 quote 194:5	quotes 45:3 <hr/> R <hr/> raccoons 68:23 race 82:8 radius 130:22,25 131:1,4 raise 12:5 Ramba 124:5,7 ran 38:13 rare 186:19 rarely 185:24 rationale 141:18 149:2 re-election 26:9 reach 98:13 99:15 reached 99:11,16 reaction 128:25 read 18:9 45:8,14 46:13 96:22 100:21 103:6 111:14,17 116:25 118:9 119:16 123:24
---	--	---	--

Alan Hays
October 06, 2021

44

<p>139:3 149:6 171:16 187:1, 3 223:24 reading 111:18 117:3 reads 57:11 ready 148:11 167:4 real 14:12 40:14 96:4 154:11 163:19 172:7 realize 19:24 33:4 211:17 reason 13:14 18:16 57:24 82:10 88:8 116:3 124:22 147:15,16 152:12,15 164:14 205:15 218:9 reasons 41:16,25 56:11 149:5 222:16 rebuilding 137:14 recall 20:6 25:2,12 43:1 46:12,14 47:5 54:2 69:6 76:21,23 77:23 113:14 125:4 136:9 157:10,13,21 158:15</p>	<p>163:20,21 164:16 165:2 166:20 179:7, 21 180:1 194:6,12 195:7 199:24 200:5 203:19 204:15 209:7, 12 210:20 214:1 215:25 216:20 218:11 221:2 receive 76:18,19 86:23 114:7 119:18 120:1 128:4,5 130:8 142:21 174:12 175:2 received 38:11 55:7 77:10,12 78:12 170:12 180:11 receiving 178:8 recent 39:2 53:16 recently 61:18 95:6 97:11 180:16 202:17 recess 60:22 109:4 148:21 181:21 218:4 recognition 58:7 recognize 45:4,7 54:16</p>	<p>93:16 119:2 143:7 152:9 recollection 54:7 81:9 87:5 104:17 201:12 recommend 52:1,11 recommended 46:7 47:1 reconstruct 126:25 reconvene 106:24 109:3 record 11:22 13:19 16:20,22 17:9,16 43:5 44:3 45:12 53:6 54:11 55:16,19,20 57:12 58:11, 24 61:10 73:2 80:15,16,19, 23,25 98:20, 23 108:20 110:25 116:19 141:15 148:19 156:25 157:1 160:10 161:5 163:9,12 164:6 168:6 169:16 170:24 191:16 201:12 209:16 219:3 220:13 recorded 40:2 56:21 58:24 74:22 81:13 167:4</p>	<p>recording 56:19 records 59:2 73:13 83:3 recount 29:12 168:11 recounts 29:12 168:8 recovered 199:9,23 RECROSS 220:7 recruit 29:2 rectified 125:18 rectify 169:19 REDIRECT 219:10 redistricting 24:17 reduce 18:7 89:6 reelected 26:3 Reese 10:5 refer 13:1,6,21 36:4 42:5 117:20 137:22 221:16 referee 36:11 reference 21:25 112:2</p>
--	--	--	---

Alan Hays
October 06, 2021

45

154:24	31:19,21	181:7	remains
referenced	32:2,6,13,14	regular	90:12
18:1 80:4	126:1 147:16	30:18 64:1	remarks
145:8 168:20	153:14 160:1	185:6	46:13 110:9,
179:15	161:16,23	regulated	13 111:6,9,
references	163:17 164:2,	153:17	11,16 136:18
199:23	24 165:4	reinforced	138:8 154:22
referencing	167:5 178:7	206:17	remember
21:24 50:15,	179:13	related	19:7 21:3
23 155:2	registering	62:16,20	42:24 45:9
referred	29:20 127:20	78:22 129:6	53:18,21
138:10	163:20	134:20 150:4	54:17 55:12
referring	registers	183:6 204:16	71:10,12
102:1 194:16	222:18	205:5,6,8	77:20 126:23
refers	registration	216:8	149:12 154:13
221:15	29:24 30:3	relating	165:10,14
reflect	34:9 48:2	130:5	185:17 205:24
60:6 111:22	56:20 128:2,	relation	206:8
Reforms	7,11,15	120:2	remembered
44:18	129:6,10,17,	relationship	20:17
refresh	18 150:7,8	141:1	remind
54:7	160:4,6 161:9	relative	135:18
refresher	165:11	74:18 76:24	remodel
14:25	166:23,25	77:10	137:1,5
refund	174:3,6,10,	release	remotely
89:16	173,21,23,25	154:19	11:9 12:14
refusing	175:5,9,19	released	16:13
172:3	176:11,15,16	42:12,13	removal
regard	177:5,14,18,	43:10 47:14	105:7
97:3 105:25	22 180:6,12	relevant	remove
127:4	194:10,11	83:10,11	52:21
register	204:17	reliable	render
32:1,5,9,10,	219:21,23	188:22	48:15
11 127:23	220:1	rely	renew
128:1,6	registrations	198:8	48:7 148:25
164:17 168:5	34:9,10	remain	150:15
177:11 218:10	128:5,10	16:19 26:24	renewal
registered	174:12,17	194:24	150:5
	175:3,8,19		
	177:4,18		
	180:11,19		

Alan Hays
October 06, 2021

46

rent-a-cop 69:12 87:7 211:7	47:17 133:8 136:8,13	126:12 158:8, 13,20,23 159:1 161:2,3 166:7 178:13	respect 172:21 192:11
Rep 143:24	representative 43:23		respected 185:24
repeat 133:15,22 156:11 180:15	Representatives 23:7,17 119:5	requests 48:7 55:7 127:15 149:1 150:15 175:24 193:5,9,14,25	respond 101:4
repeatedly 52:5	representing 13:14 184:11, 12		response 84:3 118:17 119:25 156:17
repetitive 108:14	Republican 26:21,24 134:4,9 179:10	require 147:25 210:8	responsibilitie s 28:5
rephrase 164:21 173:12	Republicans 178:10 179:11,12 184:8,21	required 87:10 108:18 193:10	responsible 33:16 190:20
replace 102:18,19		requirement 84:25 85:11 86:4 88:19 104:4 161:14 167:24 168:23 169:23 170:4 171:23 173:20	rest 36:12 94:9 217:12
replaced 142:1 168:12	request 47:25 48:6 84:3 99:7 120:15,17,20 121:1,6,13, 17,19,23 122:4,8,9,19, 21,22,23 123:8,12 126:16 127:8 147:21,22 151:12 158:11 160:20 161:6 165:16 173:18,22,24 174:4 176:18 209:3	requirements 160:4	restarts 156:2
replied 101:9		requires 209:24	restate 85:8 97:25 98:2 121:15
reply 217:17,19		requiring 104:11 145:25 146:5 147:20, 22 193:14	restriction 145:5
report 106:6		residence 174:19	restrictions 103:8 114:20 141:19
reported 105:23		resides 176:22	restroom 181:18
reporter 17:1,14 18:6, 20 93:8		resolution 59:21	result 17:19 153:13 219:25
reporters 45:13	requested 53:19 54:22 55:12,17 81:18 121:5	resolve 59:7,20	results 38:9
reporting 29:9 54:10	requesting 48:3 125:9	resources 177:13,16	retention 80:25
reports 58:5 119:18 120:1			Retired 12:23
represent 12:20 23:9,25			

Alan Hays
October 06, 2021

47

retrieve 67:23	19:18 20:11 21:17 68:1	19:21 99:20, 25 100:1	215:20 216:11 220:18
retrieved 95:2	ridiculous 144:14	128:21 129:1 157:23	satisfactory 14:16
retrieving 95:16	Rights 133:10	run 30:10 57:7 130:21	satisfied 60:11
return 33:21 49:3 50:1,9,10 51:7,13,14 89:8,13 109:11,12 110:2 115:17 125:23 151:5 154:1 196:3 204:23	Rising 9:9 107:21 156:22 157:6	running 26:9 68:23 96:1 98:24 99:6 135:6 179:24	Saturday 71:14,17 213:10
return-to-sender 100:19 101:5, 7	road 183:20		Saturdays 92:10
returned 48:9 51:23 54:1 57:1 73:8	Robert 12:24	Ryan 9:8 107:20 156:24 157:4 160:22 162:15 169:10 170:19 172:22 181:12	SB 42:5,6,11 43:21,22 46:25 47:15, 16,23 49:1 51:6 84:24 85:10 86:18 87:10 89:23 90:12,20,24 91:13,21 93:23 104:2, 8,10 109:11, 21 110:1,8 114:20 115:8, 15,25 117:11 120:14,19 125:7,9 136:5 137:12 138:2 141:19 147:19 149:21 158:10 160:19 161:15 162:6 163:9 167:9,24 169:5,23 170:4 171:22 173:19 174:11 175:7 180:10
returning 51:5 52:1,14 58:19	rocket 198:22	<hr/> S <hr/>	
returns 49:23 162:24	Rodriguez 42:25	sad 222:14	
REUSPSOIG 199:9	Rogers 12:24	safe 194:19	
reversion 149:8,18	role 14:11 40:20 135:10 137:17	safeguards 150:24 151:3, 17	
review 21:11 22:2 46:18 47:4 68:4,7,8,11 76:4	rookie 160:23	safer 144:24	
reviewed	room 16:10 58:18	sake 17:13 161:11 170:9	
	rooms 39:23	sakes 156:8 214:19	
	Routinely 191:22	Salzillo 10:7 118:13	
	Rs 37:5	Sandi 50:17 117:2 135:17 209:14	SB90 43:13 84:16
	ruin 96:2		
	rule 150:2		
	rules 14:25 16:7		

Alan Hays
October 06, 2021

48

scenes 36:13	seat 35:2 67:7	seeking 137:1,5	send 48:3 59:13,17
schedule 97:17	second-to-the-top 100:18	self-explanatory 112:6	80:19 132:4
scheduled 42:15	Secretary 9:11,14 69:4	Seminole 23:14 24:4	141:10
schools 32:4	72:8 102:24	34:14 176:6,	151:12,15
science 198:22	108:3 182:1	12,13	159:6,23
Scoon 12:24	section 42:16 189:14	Senate 13:9 21:17,24	160:15 161:6
Scott 10:8	sections 42:16,17,22	23:23 24:1,2,	162:10,11,23
scratch 148:8 150:23	secure 29:1 39:10	8,11 25:11,14	167:3 175:13,
154:6	40:20,22,25	42:4,14 43:9	15,16 176:20
screen 45:5 165:20	41:22 42:1	44:6 46:6,11,	177:10
192:19 199:11	79:8 86:7,8,	17 110:8	180:20,21
209:5 220:11	14 94:14,20	111:23 114:25	181:1 221:3,4
screening 167:2	95:13,15,20	115:21 118:19	sending 48:17 170:1
screws 206:13	103:9 104:1	122:3,9	215:25
scroll 199:18,20	144:19 194:19	125:15	sends 151:11
216:7	security 39:13,15,22	131:13,17	seniors 153:2
seal 40:1	40:15 49:11	133:25 139:25	sense 21:1 35:9
sealed 40:1 210:1,	56:15 60:4,8,	154:2,24	51:25 61:24
10,14	10,11 69:23	155:13	75:2 82:6
seals 40:1	70:3,6,18	158:14,16	95:13,15 96:3
season 102:7	86:14 87:3,8	159:3 161:2,3	107:1 112:25
	91:9 145:1,6	176:19	129:4 131:10
	146:14 160:3,	182:20,21	148:16 166:6
	10 161:18,24	183:5 187:5,	169:20 212:11
	162:3,9	8,21 189:2	sentence 100:21 101:6
	166:10,17	191:5 193:13	103:6 221:12
	167:2 203:25	195:2,18	sentiments 221:11
	207:15,21,22	202:23 218:14	separate 24:17 141:8
	208:2,4	221:6	separately 110:22
	210:25 212:10	senator 42:25 43:23	September 215:4 216:4
	seek 137:6,19	111:14	
		188:13,14	
		senators 136:20 188:7	

Alan Hays
October 06, 2021

49

sequence 58:3	185:6,9,14 188:18	shop 78:2	significant 44:9 61:2,11 137:21 138:19,25 139:9
sequential 216:12	set 29:13 197:10, 11 198:9 201:21	short 42:5 127:2 132:14 173:14 202:25	Significantly 187:25
series 189:23 216:7	setting 72:20 125:4 126:25 142:19	shorter 52:15 127:5,7	signing 58:16,17
servants 35:19	seven-section 47:9 138:9	shortly 179:19	similar 41:24 57:8 112:3 113:2 133:14 137:14 192:13 202:8, 10 203:4 221:5
serve 25:9	Seventeenth 133:24	show 103:7 178:16	simple 94:2 112:17 171:15 174:23
served 23:16 24:11 44:1,2 134:2 182:18,20	shade 198:4	showing 94:9	Simplest 109:22
service 23:3 33:1 48:20,25 51:18 56:5 59:13 64:18 78:18 84:22 85:21 87:4 89:6 90:8 95:19 97:6, 10,16 98:12 99:8,14,24 100:1 101:11 105:16 135:2 144:3,23 151:5 183:15 190:17,24 199:18 200:2 204:4,10 205:2 211:12 214:20	shaking 17:10	sic 155:10 200:7	simply 74:22 91:2 121:1 122:5 171:6,10 189:17
	shame 215:12	side 25:8 78:8 183:24 207:7	Simpson 221:7
	shaped 201:24	sign 39:16 102:4 143:24 146:13	sine 185:22
	share 186:13 187:17 192:19 199:11 209:5 215:1 220:11,15	signature 56:16,17,18, 19,21 57:5,7, 9,13,14,18,22 58:7,9,12,21 59:5,6,9,19 60:5 125:23 178:17 210:3, 10,15 212:4	single 46:6 121:2,7 204:4
	shared 192:18,23	signatures 57:15 58:11, 13 177:25	sir 134:23 151:2 167:12 174:15 181:15 183:2, 3 184:23 185:4,15
	sharing 36:22	signed 58:23 76:5 128:24 161:6 187:8 188:2	
	she'll 195:13		
	sheet 73:1 74:12		
services 89:3 137:6 168:19	sheets 58:5		
session 125:19 143:20,25	shining 168:14		

Alan Hays
October 06, 2021

50

187:10,19	sitting	205:9,17	138:14
188:1 189:10	107:4 138:24	206:5,21	140:14,18
190:22,23	157:9 165:20	208:6,17	software
193:3,16,24	211:20	219:11 220:3	17:19
194:3,7,13,	situated	size	solely
17,18 195:1,7	66:14	31:9 95:21	86:7,9
196:10,14	situation	skimmed	solicitation
197:24	197:24 219:19	46:2	130:24
199:13,20	situations	slap	197:16,17
200:1,15,25	140:17	87:16	solved
201:18,19,23	Sivalingam	slip	98:19
202:2,9	11:4,16,19,24	206:2 208:21	somebody's
203:7,10,11	12:17,20	slit	223:8
207:24 209:7,	18:24 20:8	206:9	sooner
8,11,13	44:23 45:1	slot	106:21
210:3,12	50:17,21	50:15,25 51:2	sort
211:14 212:22	54:13 60:14,	112:17	78:6 97:15
213:25 215:10	21,24 61:6,13	slow	99:12 134:20
216:9,10	75:1 76:17	121:21	156:2 160:14
218:11,15	82:1,4 84:7,	small	179:20 211:2
222:1	10,14 85:6	50:25 96:23	sorts
sit	87:12 92:1,22	189:14	40:18 129:2
13:11 24:19	93:4,7,10	smoke	sound
64:21 67:7	96:6 98:1,22	190:3	16:14 17:18,
68:21 69:13	99:1 100:7,12	smooth	24 110:8
88:25 91:10	103:1,16	28:18 38:13	185:1
198:4 214:7	104:13 105:5,	Snyder	sounded
site	12 106:10,14,	143:24	201:4
40:7 49:8	18 107:13	social	sounds
63:3,25 64:17	109:6 110:17	160:3,10	14:21 15:13
72:5 73:22,25	111:3,4	161:18,24	16:15 20:18
146:13 210:24	115:11	162:3,9	21:4 30:9
sites	116:13,16,20	164:9,11	33:23 69:24
29:5 49:8	117:5,14	165:20,23	78:24 87:9
50:8 63:15,23	118:6,13,15,	166:10,20	91:5 96:9
75:18 87:25	21 119:1	SOE	south
92:5 215:14	123:17,23	124:2 144:5	34:16,22
217:3,7	129:3 132:9,	SOES	154:18
sits	15,21 191:13,		
34:12 52:23	15 193:17		
65:21	196:15 203:15		

Alan Hays
October 06, 2021

51

speak 20:19,21 45:12 52:25 76:7 77:19 78:11 188:4 205:2 217:19	speculative 172:10 207:1	Stafford 9:4 10:22	134:25 137:20 160:1 161:17, 24 162:8 177:8,10 178:3 179:24 182:25 183:12 187:23 202:6, 24 218:11
speaker 186:13	speech 46:18	stage 43:17 139:24	State's 69:4 72:8 182:2
speakers 188:11	speed 51:17	stakeholder 185:16	stated 21:21 43:18 137:4 222:17
speaking 13:4 41:15 43:20 90:11 91:20 163:15 205:14,21 218:22	spelled 13:20 14:3	stakeholders 184:7 186:23	statement 46:4,5,10,14, 17 47:14,16 60:2 111:21 125:2 136:14 138:1 146:23 188:22 218:20 221:18 223:22
speaks 97:15	spent 19:21 40:13	Stamoulis 100:19 103:5	statements 45:17 136:16
specific 36:4 45:16 56:2 58:8 66:9 75:22 77:9 87:23 115:23 157:18 210:17	spite 198:10	stamp 58:4 84:8	states 153:10 162:2
specifically 18:4 20:25 28:9 53:21 64:11 89:17 152:19	spoke 46:22 147:19 203:8	stand 155:15 197:10 221:18	statewide 29:12 41:6, 12,21 46:8 168:8
speculate 62:6 66:20 147:11 170:7, 15 213:23	spoken 20:22 21:2	standards 19:23	stating 47:15
speculating 169:2	sponsor 140:21 188:10	standing 197:23	stations 217:4
speculation 147:10 172:25 205:10	sponsors 188:9	stands 90:6	statistics 29:24 121:9
	St 202:16	start 93:12 185:24 212:3	status 120:20
	stack 49:18 57:4 59:22	started 24:16 180:1	statute
	staff 20:23 31:6 52:21 67:22 68:4 76:19 79:6,7 88:16 89:1 94:13 167:21 187:3 191:11,20 192:1 196:22, 25 197:24 210:13 212:25	starts 136:25 143:20 152:21 156:1	
	staffing 88:11	state 9:11,14 13:18,25 17:15 34:13 37:22 40:18 41:6,8 43:23 62:19 81:4 85:19 94:10 107:3 117:20, 22 133:9,25	

Alan Hays
October 06, 2021

52

30:5 110:4 152:25 statutes 51:9 137:21 217:6 stay 36:13 108:13 stayed 64:2 stays 174:25 stealing 70:21 steel 206:17 STENOGRAPHER 12:5,11 116:24 135:20 157:1 220:21 step 140:11 146:21 step-by-step 59:8 Stephen 10:3 steps 40:24 43:22 steward 33:19 stewardship 33:16 89:10 stick 112:18 sticking 117:21 stimulate 156:7	stipulation 104:19 stops 94:25 156:1 store 78:1 stored 92:16,17 stories 153:11 story 150:9 178:19, 20,21 straight 170:25 180:22 214:2 streamline 108:3,8,22 streamlined 189:22 street 85:25 stress 59:11 strict 122:24 123:3 strike 148:8 188:20 189:7 190:10 196:4 strong 103:7 strongly 42:22 structural 202:2 structure 206:7	structured 195:19 stuff 112:18,20 129:2 139:15 150:5 156:3 183:18 189:2 211:2 214:8 subject 86:24 88:3 200:17 subjecting 103:19 105:16 subjective 130:7 submit 190:3 submitted 131:20 132:17 219:22 subsequent 187:13 substance 21:7 substitute 103:13 success 38:5,20 41:13 successful 201:16 successfully 35:22 63:8,11 79:11,13 202:14 203:3 sudden 101:22 suddenly 178:8	sued 14:14 sufficient 151:18 194:1 sufficiently 138:14 suggest 193:9 suggested 184:24 suggestion 196:24 suggestions 44:13 suitable 215:14 217:3 summarize 187:3 summary 188:22 Sumter 24:9 34:14 supervisor 9:23 10:8,11, 14,17,20,22 11:7,21 12:18 14:5 22:20 25:15,17,20, 22,24,25 26:11,17 28:5 30:11 31:7,17 32:18 35:13 43:9 46:8 47:2 63:3 66:12 68:8 69:1 81:2 82:5 84:16 90:16 92:24 93:1 96:24
--	--	--	---

Alan Hays
October 06, 2021

53

99:4 100:8, 13,19,23 103:5 107:15 109:7 111:13 113:11,25 114:8 115:4 120:12 124:13 125:1 132:16 133:6 134:3 135:3,9,14 137:17 138:18 139:21 140:13 141:6,9 145:20 150:12 156:19 160:23 181:25 182:13 183:4 185:5 187:4 188:12 189:6 190:11, 13 191:19 192:16,17 193:20 195:1 196:2,9 199:6,16,25 200:11,22 202:5 203:12, 24 204:8 205:24 206:11 207:12 209:2, 22 211:10 212:9 214:25 215:2 216:1, 14 217:22 218:7,18 220:9,16 223:15	supervisors 9:24 10:25 27:9 79:10 89:20 92:21, 25 93:18 94:1,10 137:23 138:3 168:12 176:6, 7 182:25 187:23 202:7 207:23 208:2 216:19,21 supervisors' 37:1 90:4 supplied 177:22 supplies 39:25 supply 72:14 169:14 support 36:22 43:19 47:16 188:1, 12,15 supported 188:5 suppose 113:16 124:19 157:15 164:18 179:20 197:21 supposed 74:23 125:24 162:13 175:15 204:18 surface 62:8 surprise 149:25 surveillance	64:24 69:16 70:19 86:4 144:17 146:7 212:2 221:17 222:7 surveilled 85:1,12 survey 118:17 119:7, 8,25 Susan 10:24 12:24 suspect 117:19 suspected 68:15 86:13 suspicion 70:20 suspicious 69:24 105:24 swear 12:6 swearing 17:3 sweet 208:22 switch 109:7 141:2 147:18 switched 178:13 switching 35:11 47:19 127:19 sworn 12:14 36:3 157:20 system	77:5 146:15 <hr/> T <hr/> T-A-V-A-R-E-S 14:3 table 58:18 72:20, 21 tabulated 59:3,23 tabulation 29:8 39:24 40:7,10 153:12 tag 50:5 66:24 67:3,9 tailored 49:13 50:2 takes 57:13 95:2 156:13 222:19 taking 12:19 16:12, 18 17:1 18:21 19:8 68:18 127:14 146:20 190:6 199:15 talk 21:6 29:14 78:19 92:20 96:15 122:16 127:20 148:6 159:2 184:3 187:4 190:24 196:3 200:15 208:22 talked 49:21 50:12
---	---	--	---

Alan Hays
October 06, 2021

54

60:8 61:15 62:22 80:2 100:16 110:6 131:14 145:16 161:15 190:11,25 194:9 212:10, 23 talking 47:19 50:16 51:1 60:25 84:1 89:18 100:24 104:5 108:12 146:22 154:20,21 194:4 195:2 Tallahassee 42:18,23 44:4 187:17 tan 83:6 tardy 97:6 tasks 181:3 taught 27:21 Tavares 14:3 35:1 95:3,8 212:2 tax 112:2,9 113:1,4,7,11, 17,24 114:2, 12,17 115:6 117:8,22,24 taxpayer 91:12 208:13 taxpayers	89:4,5 104:21 team 27:24 28:7,8 38:15 technology 16:11 57:8 teeth 183:24 telling 109:10 180:21 tells 57:12 113:18 temporary 31:13,15 75:6,12,19 76:1 79:7 ten-day 51:22 tent 197:12 tenure 150:12 term 13:5 25:25 26:7 62:11 130:7 terms 37:13 51:5 60:9 72:4 81:11 82:8 169:19 179:14 185:24 test 95:6 97:1 tested 29:3 testified 12:15 42:23	43:2 61:17 71:1 110:7 113:10 123:11 218:8 testify 22:6 136:5 157:20 testifying 17:5 testimony 12:7 13:10,13 18:7,11 21:7 22:10 46:4,17 62:23 96:19 111:22 113:1 136:11 138:11 154:3 155:13, 15 158:7 169:21 171:10 182:22 185:2 187:5 193:21 195:4,5 201:4 207:6,19 213:21 216:15 218:11 text 21:17 115:8 116:4 123:19 124:1,9,17, 20,24 189:20 220:24 221:3 texted 188:13,15 theoretical 122:17 thereof 77:11 thing 29:18 45:14 49:19 51:4	56:12 78:6 79:9 84:18 86:16 88:25 93:3 95:24 115:20 120:15 139:24 151:6 158:15 160:14 182:8 194:22 198:9 204:22 207:3 things 15:1,6 21:18 28:13,15 35:4,24 36:10,14 44:15 49:25 56:10 68:21 77:2,7,17 100:16 125:17 130:21 145:10,11 156:11,13,17 159:24 161:11 176:14 182:16 183:12 189:16 198:6,11 209:25 210:17 211:21 214:6, 11 217:6 221:23 thinker 69:21 thinking 22:3 141:23 third-party 128:1,6,11 129:6,10,17 150:7 174:10, 12 175:4,9, 13,14,19 176:3,10
---	---	--	--

Alan Hays
October 06, 2021

55

177:4,13,17, 20,23 180:6, 11,21 194:10 196:12 219:20	63:24 186:4	220:5 222:19	207:19 211:18
thirsty	time	timely	213:21 218:7
196:21	12:19 13:12	56:6	219:14,19
Thirtieth	16:22 18:16	timeout	220:5 222:17
143:18	19:21 23:10	98:15	today's
thought	24:7,8,10	times	16:7 19:16
42:16,17 43:3	25:10,13	14:8 21:16	20:19 21:12
98:17 114:22, 23 206:23	27:22 28:8	22:1 38:14	Todd
214:3	29:15 34:11	44:4 50:24	10:3
thoughts	36:4,13,23	52:6 57:19	told
62:8,9 107:8	38:9 39:19	59:11 72:23	14:18 18:4
187:18 192:22	42:15 44:7	108:16,24	35:14 43:2
thousand	45:6 46:14	112:19 118:5	71:6 105:23
34:5	47:17 48:19	155:12 171:25	178:19 192:13
thousands	49:6,14 56:3	173:2,9 182:8	tongue
40:12 85:18	58:2,3 60:18	tinker	109:24
three-quarters	63:7 65:9,13	212:3	tonight
49:16	69:16 70:3,6, 8,18 80:21	tip	212:1
throw	86:23 102:8	109:24	tool
203:14 206:18	106:5,17	tiring	189:8
throwback	107:6,24	156:20	toolbox
183:22	112:14 116:5	title	189:9
thrown	122:27 127:15	44:21	tooth
203:9	130:10 138:1, 12 145:10	titled	183:24
thumb	146:19	199:9 209:3,9	top
58:13	149:10,16,24	TNT	46:7,16,22
Thursday	152:17 154:16	206:7	47:1 55:15
59:10 103:4	156:14,19	today	71:11 100:8
215:3	157:17	12:19 13:13, 15,17 14:24	158:16 160:24
tickled	167:16,21	15:3 17:4	163:4 177:3
36:1	170:20 174:15	19:12,17 21:7	179:22
tightly	176:9 181:20	22:7,11 26:25	topic
153:17	184:15	60:6 64:17	183:16
till	185:15,17,19	75:17 88:15	topics
	186:12,17,21	90:6 138:11	133:14
	188:25 191:18	144:18 155:13	Torres's
	192:20 193:2	156:5 157:17	111:15
	195:15 197:23	187:6 201:4	total
	198:3 199:12		63:18 167:8
	201:7,14		

Alan Hays
October 06, 2021

56

totally 83:6,7 87:17 187:20	44:5 47:10 138:6	209:3	uh-huh 17:11
totals 66:6	treat 192:11	turned 128:15,23 178:2 179:19	uh-uh 17:11
touched 167:6 177:12	treated 192:12	turning 103:2 126:21 129:7,11,18	ultimately 89:4
tours 28:15	treatment 14:15	turnout 38:21,25 39:8	unacceptable 59:5
TPROS 176:20	trial 18:14	TV 145:7	unclear 17:21
TPVRO 179:4	trip 99:21	twenty 31:8	uncommon 186:1
track 43:5 44:3 168:6	trivial 77:2	Twenty-nine 55:3	underlined 190:1
train 29:2 88:5	trouble 168:11	twilight 213:14	understand 13:5 17:6 19:10,11 32:18 47:21 58:15 72:3 73:16,20 76:25 84:16 90:9 96:7 99:21 109:20 110:1 114:10, 17 116:25 117:16 119:20 122:8,14,18 135:5,15 141:2 144:1, 11,15 156:6 158:3 159:25 168:24 170:10,22 171:1,3,7 178:24 182:18,22 188:16 189:11 190:15,21 191:4 193:13 198:13 209:2
trained 49:11 58:6 75:19	truck 206:19	two-day 95:10	
training 22:22 27:2,5 28:21 38:16 76:6 87:23	true 62:3 218:13	two-year 122:6 149:16	
traipsing 144:19	trust 56:5 188:23	type 159:3 163:3 198:6 214:2	
transcribed 110:13 111:8, 9	trusted 33:17	typed 39:18	
transcript 18:8,9 136:14 171:16 177:1	truth 12:8,9 140:15 157:20 195:23 222:14	types 82:6 174:17	
transcription 110:14 111:5	truthfully 22:7	<hr/> U <hr/>	
trap 95:23	truthfulness 17:3	U.S. 48:19,25 56:5 64:17 78:17 95:15 97:6,16 98:12 99:14 199:17 200:2 204:4,10	
travesty	turn 16:14 31:23 117:22,25 128:16 136:24 158:5 192:17 198:5 199:6		

Alan Hays
October 06, 2021

57

211:15 223:13 understanding 20:15 21:19 41:11 86:20, 22 87:4 111:10 117:24 122:2 141:18 145:2 149:2,4 162:6 163:10 185:2 187:6, 9,11,19 193:20 196:8, 9 203:7,10 204:9 206:14 207:5,14,19, 24 212:21 213:20,25 understood 17:24 65:24 69:22 189:6 190:11 undertake 191:1,3 undertaken 191:6 undue 176:13 unintelligible 116:23 United 162:2 universe 172:13,15 unnecessary 87:17 103:19 unopened 199:23 200:3 unpaid 51:6 109:12	unsigned 76:10 unusual 16:8 17:18 138:19 unwarranted 87:18 upcoming 195:10 updated 160:6 upfront 192:8 USPS 89:18 90:10 92:18 94:20, 25 96:9,12 97:1,4,19 98:10 99:13 101:17 102:6, 14,20 103:11, 18 142:2,5,13 utilization 105:15 208:13 utilize 58:8 <hr/> v <hr/> vacation 40:14 vague 208:25 Valdes 10:10 valid 123:8 125:16 validation 56:16 60:5	validity 127:5,7 valuable 28:2,3 vandals 49:24 vary 112:12 VBM 126:22 vehicle 50:5,6 67:11 vehicles 56:22 213:17 verification 57:7,25 212:4 verified 57:22,23 verifies 57:16 verify 57:9,20 58:24 59:1,4 125:22 164:7 165:25 166:4,8,9 209:25 210:2 verifying 58:12 version 46:25 47:8,9 138:9,10,12 141:11 154:8 187:13,16 versus 58:17,21 70:13 135:7 189:17 Vicki	143:24 video 17:17 54:8 70:19 85:2,13 86:9 144:2 201:21 213:16 221:17 222:7 videoconference 16:11,13 view 64:20,23 67:14 131:13 views 47:17 60:6 184:16 violation 117:11 virtue 25:6 75:15 visible 57:6 visited 36:25 voice 42:19 59:17 153:15 volunteer 75:8 volunteers 130:17 Volusia 23:14 24:4 34:14 vote 24:20 31:24 61:3,12 62:3 66:2 127:21, 23 128:1,6 130:10,19
---	--	--	---

Alan Hays
October 06, 2021

58

142:7 147:4 151:1 160:2 163:18 164:2, 17,25 165:4 168:5 177:11 191:10,21 192:2 194:1 195:7,10 196:7 218:9, 10 222:15 223:1,9	voted 55:13 79:23 80:5 81:13 219:25 voter 29:24 30:3,6 31:19,21 32:22 38:21 39:8 47:25 48:2 49:2 51:13 52:14 56:19,20 57:12 58:19, 22 59:5,22 62:12,15,19 73:2,23,24 74:11,14,23 79:5 82:23 85:21 94:23 113:18 120:14,19 121:16 122:19 125:21,24 126:1,2,11 127:22 128:1, 5,7,10,11,14 129:6,10,11, 16,17 146:14 149:23 150:1, 5,8,13 151:11 153:14 158:19,21,22 159:13,21 161:1,6,9 162:7 163:10, 12 164:24 165:10 166:23,25 167:4 174:3, 5,10,12 175:5,9,19 176:22 177:5,	13,17,18,22 178:9 180:6, 11 181:6 190:16 192:11 194:10,11 204:17 211:11,16 219:20,22,25 222:19 voter's 58:11 120:17 151:13 voters 12:22 29:20 32:24 34:1,2, 11 48:7,20 51:8,12,21 52:1,11 53:19 54:21 55:11, 13,17,21 57:22 61:2 64:25 65:5 76:19,20 80:5 81:13 82:6 85:18 89:9,14 90:7 91:23 94:3,11 101:16 104:8, 12 105:2,8,18 113:10,14,22, 23 121:1,5 125:7 127:25 128:6 129:10 130:8,18 131:1 144:3 150:25 151:4, 6 160:1,5 161:17,19,23 162:19,21 163:16,25 164:15 165:2	167:24,25 168:21 169:3, 25 170:3,17 172:14 173:17 174:13,21,24 180:12 184:18 191:2,4,21 194:1 196:3, 13 197:18 217:9,10 221:14,20 222:3,10 223:4 voters' 48:18 109:13 votes 103:22 195:24 196:6 voting 29:6,24 40:7 47:19 49:7,8 50:8 53:15 54:6 55:21 61:1,14,21, 22,25 63:2, 15,23,25 71:3,7,12,18, 22 72:5 73:22,25 75:18 76:24 81:6,7 82:12, 13 87:25 91:24 92:5,8, 9 106:3 129:16,22,24 130:23 146:12 147:13 155:5 190:7 195:21 210:24 215:14,15,18 217:4,7,11
vote-by-mail 29:7 47:25 48:3,6,8,18 49:3 51:5,14 53:19 55:7, 12,17,18 56:15 60:4, 10,11 62:16, 20 79:14,18 94:4,24 113:23 117:7 120:15,17,20 121:2,6,13,18 122:4,10,20, 22 123:13 125:9 126:13, 16 127:8,15 147:1,8,21 150:4 158:6, 8,11,13 159:4,7,14 160:20 162:7, 10,12 165:16 166:8 168:25 170:9,11 173:18,22 174:4 191:9, 10 192:4 193:4,14,25 196:3 209:9 210:1			

Alan Hays
October 06, 2021

59

221:25 222:2, 10,11 223:10	watching 69:14 188:9	wet 95:24	WKMG 54:18
<hr/> W <hr/>	water 15:5,6,8 88:7 96:8 130:18 196:19 197:4, 9 198:17	whatnot 186:6	woman 179:25
wad 206:15	ways 39:12 44:4 49:2 52:6 59:12 109:10 120:14 127:1, 22 147:13 158:7,9,10,13 160:18 218:8	whatsoever 70:22 144:4 145:21	women 12:21,22 36:20 184:18
wait 15:25 17:12 52:7 53:3 130:10 162:15 198:5	wear 207:12	whichever 176:22	Wonderful 23:5
waiting 38:17 130:18 178:23 196:19 197:21 207:15	wearing 82:20	white 10:12 101:20 153:23 200:24,25	wondering 77:16 117:6
walk 50:6 65:1 67:17 223:9	website 48:1 166:24 192:4	whoop-di-doo 154:19	word 45:11 47:10 85:14 111:9 144:13 189:21 216:21,23
walked 165:9	week 19:18 42:20 52:12,16 79:24 102:9 188:18	wide 32:14 49:17 67:14 135:5 184:13	wording 87:5 122:25
walks 73:25	weekend 212:17,23 213:1	widespread 62:14,19	words 13:22 120:23 138:7 189:17
wander 146:15	weekends 56:9	William 9:4	work 14:18 24:15, 18,23 37:4 64:22 143:20, 25 183:13 185:18 199:12 208:15,19,20
wanted 72:2 100:17 114:10 126:10 131:10 173:17,22 196:18 200:11 217:18,20	weeks 185:10,12	Wilton 221:6	worked 135:13 199:14
warehouse 39:23 92:16, 17	Wendy 10:15	win 183:19 218:21	worker 75:5,12 79:6 113:5 198:2 209:25 210:1
waste 167:16	west 34:17	wind 189:19	workers 29:2 38:13 72:17 75:20 98:4 131:5,10
watch 68:22		winning 135:6,10 219:13	
		Winter 176:4	
		wisely 33:20	
		wished 121:12,17,23	

Alan Hays
October 06, 2021

60

working 29:4 98:18 179:9 219:20	<hr/> y <hr/>	189:4	
works 86:21 106:18 122:15 222:3	y'all 15:24 28:17 189:12 190:13 200:20 207:14 211:11	yes-or-no 171:5	
world 101:24	Yanes 54:18	yesterday 180:14,16	
worry 74:19,20 212:7	yards 223:8,9	Yeti 15:7	
worth 108:1 204:7 220:10	yay 206:8	<hr/> z <hr/>	
worthless 214:10	year 30:14 32:4 33:18,21 34:11 80:6 87:4 122:11 133:21,23,24 134:2 149:14 185:14 193:5, 10,15,22 202:48	Zacherl 9:15,16	
would've 71:20	year's 159:16	zip 110:20,21 116:11	
wound 72:20 178:3 179:24	years 14:9 23:1,18, 19 25:3 26:2 27:6 28:21 34:8 35:2 36:21 37:10 53:16 89:7 97:18 120:21 127:16 133:19,24 138:16 139:22 140:12,23,24 149:14 168:7, 13 182:19 183:15,23	Zipped 11:13	
wow 28:16 45:25		zone 130:24 196:8, 12 197:15	
wrap 143:13 223:23		Zoom 9:1 93:6	
wrinkle 100:20 101:8			
writes 74:3,11			
written 18:7 46:18 47:7 58:22 73:3,5 77:21, 23 99:19 161:5 178:21 182:10 186:23			
wrong 73:24 74:7 103:8 207:18			



Exhibit

171

4:21-cv-186-MW/MAF

A. HAYS

Exhibit 3

S. Nargiz 10/6/21



84°

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172

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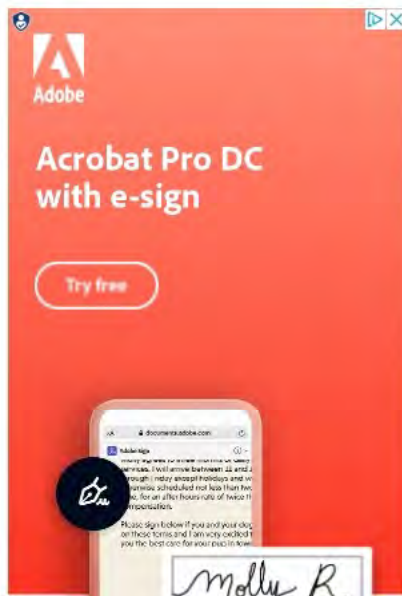
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Central Florida counties reporting record number of mail-in ballots this election

Lake County Supervisor of Elections office seeing 84% increase in mail-in ballots



LAKE COUNTY, Fla. – Lake County Supervisor of Elections Alan Hays said 2020 is breaking records when it comes to the number of voters wishing to cast their ballot by mail.

According to the latest numbers Monday afternoon, 76,073 voters of the now more than 261,475

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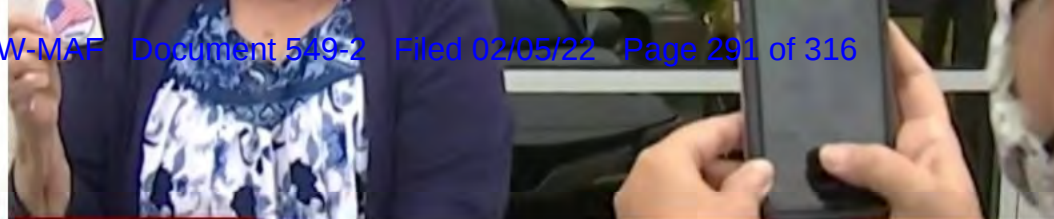
1 HOUR AGO

Casey DeSantis, wife of Florida Gov. Ron DeSantis, diagnosed with breast cancer



1 HOUR AGO

Victims, carjackers still missing after weekend crime



LAKE COUNTY, Fla. – Lake County Supervisor of Elections Alan Hays said 2020 is breaking records when it comes to the number of voters wishing to cast their ballot by mail.

According to the latest numbers Monday afternoon, 76,073 voters of the now more than 261,475 registered to vote have requested a mail-in ballot. That's about 29%.

[TRENDING: DeSantis to lift restaurant limits in Fla. | Here's how to track your mail-in ballot | How can I tell difference between flu and COVID-19?]

Moreover, Hays said in 2016 only 41,244 voters requested mail-in ballots which means this year is an 84% increase compared to the last Presidential Election.



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BY RYAN BISSON, MS, CGC GENETIC COUNSELOR, ORLANDO HEALTH

"That's a record number for Lake County," Hays said. "Everything this year in the vote-by-mail department is a record. No question."

Outside of the Supervisor of Elections office, there was a steady stream of cars and people dropping off their ballots inside their ballot box, while others waited to get buzzed inside to hand-deliver their ballot in person, like Dorothy Smith, 87.

"I decided that I wanted to make sure my vote was counted," she said. "Because I really don't trust the post office right now."

Hays said there is a growing concern in the election integrity but tells voters not to worry.

"Here in Florida, I feel very, very comfortable in the security of the vote-by-mail process and in the validation of the signature matching," Hays said. "In fact, last week we had a conference call with the post office and they are doing everything that they can do to handle the ballots properly."

Hays adds the ballot box in front of the elections office is monitored by not one - but three security cameras and they empty the box almost every hour. Inside, the ballots go into a room under lock and key where they get their signatures validated and where they stay until they are ready to be counted.

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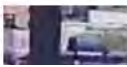
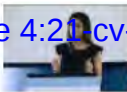
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office and they are doing everything that they can do to handle the ballots properly."

Hays adds the ballot box in front of the elections office is monitored by not one - but three security cameras and they empty the box almost every hour. Inside, the ballots go into a room under lock and key where they get their signatures validated and where they stay until they are ready to be counted.



"Right now our No. 1 priority is to make sure that we verify all the signatures as quickly as possible so we have as much time for these voters to resolve any mis-match issues with the signatures," Hays said. "Then on the 14th of October we will begin the actual open of the ballots and tabulation that will continue right on to Election Day."

Hays said the deadline to request a vote-by-mail ballot is Oct. 24 and they must be returned to Supervisor of Elections office by 7 p.m. on Election night. He did say the increase of mail-in ballots could delay election results.

"One county in 2016 received 10,000 ballots on Election day from the post office, there is no way they would have gotten to them on election night but every one was counted," Hays said. "The late arrival of ballots can delay the publication of the results even though they arrive late, they still need to have every signature verified."



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It's why he says to get your ballots in by "yesterday."

Here's a breakdown of what other Central Florida counties are seeing in mail-in ballots this year:

MARION COUNTY

2020 - Requested: 85,194; Returned: 16,515

2016 - Requested: 45,426; Returned: 38,016

ORANGE COUNTY

2020 - Request: 290,232 vote-by-mail, an increase by 24.6% and growing

2016 - 218,817 vote-by-mail ballots requested, 159,512 ballots were returned and counted

VOLUSIA COUNTY

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2016 - 218,817 vote-by-mail ballots requested, 159,512 ballots were returned and counted

VOLUSIA COUNTY

2020 - 158,046 mailed as of Oct. 3

2016 - 93,183 mailed; 75,528 returned

OSCEOLA COUNTY

2020 - Requested: 89,728; Returned: 20,098 as of Oct. 7

2016 - Requested: 59,555; Returned: 45,533

News 6 reached out to every local supervisor of elections office about their mail-in ballot totals and is still waiting to hear back from some. This story will be updated with more responses as they come in.

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ABOUT THE AUTHOR:



Nadeen Yanes

Nadeen Yanes joined News 6 as a general assignment reporter in 2016. She grew up in Leesburg and graduated from the University of Florida. Nadeen has won three Associated Press Awards for her reporting on the Pulse Nightclub shooting, the trial of the Pulse gunman's wife and the capture of an accused cop killer, Markeith Loyd.

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Chris agnew · OCTOBER 5, 2020

Uh oh....Dave's going to lose it..!

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1

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<https://www.clickorlando.com/news/local/2020/10/05/central-florida-counties-reporting-record-number-of-mail-in-ballots-this-election/>

Timestamp

Mon Oct 04 2021 10:38:20 GMT-0500 (Central Daylight Time)

ACTIVE CONVERSATIONS



Family, attorney say more safeguards could have prevent...

14



'Just glad to be home:' Hospitalized officer recovers fro...

18

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Titusville natives open new restaurant in hometown



42 MINUTES AGO

Construction worker struck, killed by dump truck in Orlando



1 HOUR AGO

Casey DeSantis, wife of Florida Gov. Ron DeSantis, diagnosed with breast cancer



1 HOUR AGO

Victims, carjackers still missing after weekend crime spree in Orange County



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Timestamp

Mon Oct 04 2021 10:38:20 GMT-0500 (Central Daylight Time)

From: Hays, Alan
Sent time: 05/27/2021 10:12:08 AM
To: Carol Dunaway <carol@jacksoncountysoc.org>
Subject: Re: SB 90 Compliance For The Convenience of our Voters

Carol,

At this time, you are correct except we pay return postage so our voters don't need to bother.

I'm hoping to get the postmaster to have their pickup people leave the ballots here with us instead of running them through the center. I have not made that request yet but hopefully she will be in her "election service" frame of mind as we near the election this will consent.

Get [Outlook for iOS](#)

From: Carol Dunaway <carol@jacksoncountysoc.org>
Sent: Thursday, May 27, 2021 10:07:18 AM
To: Hays, Alan <alan@lakevotes.com>
Subject: Re: SB 90 Compliance For The Convenience of our Voters

A. HAYS

Exhibit 5

S. Nargiz 10/6/21

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alan,

Good Morning. Quick question about your new blue box. It's genuinely a USPS box in which ballots and all other types of mail can be deposited - all requiring postage. The mail will be retrieved by the USPS and taken to a processing center and then ultimately delivered back to your office.

Is that correct? If not— what's your arrangement with the USPS?

Thanks so much,

Carol Dunaway

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Exhibit

173

4:21-cv-186-MW/MAF

From: Hays, Alan <alan@lakevotes.com>
Sent: Wednesday, May 26, 2021 8:54:44 PM
To: Aletris Farnam <vote@voteglades.com>; Amanda Seyfang <amanda_seyfang@bradfordcountyfl.gov>; Bill Keen <info@sumterelections.org>; Bobby Beasley <bbeasley@votewalton.com>; Brenda Hoots <supervisor@hendryelections.org>; Carol Dunaway <carol@jacksoncountysoc.org>; Carol Rudd <crudd@wcsoe.org>; Charles Overturf <charles.overturf@putnam-fl.com>; Chris Anderson <anderson@voteseminole.org>; Chris Chambliss <cchambliss@clayelections.com>; Chris Milton <chris.milton@bakercountyfl.org>; Christina White <christina.white@miamidade.gov>; Connie Sanchez <elections@gilchrist.fl.us>; Craig Latimer <clatimer@hcsoc.org>; Dana Southerland <taylorellections@gtcom.net>; David Ramba <david@rambaconsulting.com>; David Stafford <dstafford@escambivotes.com>; Deborah Osborne <debbie.osborne@unionflvotes.com>; Diane Smith <diane@hardeecountyelections.com>; Gertrude Walker <gertrude@slcelections.com>; Grant Conyers <vote@libertyelections.com>; Heath Driggers <hdriggers@votemadison.com>; Heather Riley <heather@votefranklin.com>; Janet Adkins <jadkins@votenassau.com>; Jennifer Edwards <jennifer.edwards@colliervotes.gov>; Jennifer Kinsey <jkinsey@suwanneevotes.com>; Joe Scott <jscott@browardsoe.org>; John Hanlon <jhanlon@votegulf.com>; Joseph (Joe) R. Morgan <jmorgan@wakullaelection.com>; Joyce Griffin <info@keys-elections.org>; Julie Marcus <jmarcus@votepinellas.com>; Katie Lenhart <klenhart@flaglerelections.com>; Kim Barton <kbarton@alachuacounty.us>; Laura Hutto <lhutto@hamiltonvotes.com>; Leslie Swan <lswan@voteindianriver.com>; Lisa Lewis <llewis@volusia.org>; Lori Edwards <loriedwards@polkelections.com>; Lori Scott <LScott@votebrevard.com>; Mark Anderson <baysuper@bayvotes.org>; Mark Earley <earlym@leoncountyfl.gov>; Mark Negley <mnegley@votedesoto.com>; Marty Bishop <soe@jeffersoncountyfl.gov>; Melissa Arnold <melissa@voteokeechobee.com>; Mike Hogan <mhogan@coj.net>; Paul Lux <plux@co.okaloosa.fl.us>; Paul Stamoulis <paulstamoulis@charlottevotes.com>; Penny Ogg <pogg@votehighlands.com>; Ron Turner <rturner@sarasotavotes.com>; Sharon Chason <schason@votecalhoun.com>; Shirley Anderson <shirley.anderson@hernandovotes.com>; Shirley Knight <shirleyknight@gadsdensoe.com>; Starlet Cannon <dixiecountysoc@bellsouth.net>; Tammy Jones <tammy@votelevy.com>; Tappie Villane <villane@santarosa.fl.gov>; Therisa Meadows <therisa@holmeselections.com>; Tomi S. Brown <election@votecolumbia.com>; Tommy Doyle <tdoyle@lee.vote>; Travis Hart <lafayettesoc@gmail.com>; Vicki Davis <vdavis@martinvotes.com>; Vicky Oakes <voakes@votesjc.com>; Wendy Link <wendylink@pbcelections.org>; Bill Cowles <bill@ocfelections.com>; Mary Jane Arrington <maryjane@voteosceola.com>; Mike Bennett <mike@votemanatee.com>; Ron Labasky <rlabasky@bplawfirm.net>; Wesley Wilcox <wwilcox@votemarion.com>
Subject: Fw: SB 90 Compliance For The Convenience of our Voters

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From: Hays, Alan <alan@lakevotes.com>
Sent: Wednesday, May 26, 2021 9:53 PM
To: Brian E. Corley <bcorley@pascovotes.com>
Subject: Re: SB 90 Compliance For The Convenience of our Voters

My election workers won't have anything to do with this box, it is a USPS box!!

Not to be monitored by me, not to be opened by me, nothing more than a convenience for my voters who have become accustomed over the last 5 elections to bringing their VBM's to be dropped into the box in our parking lot.

Thanks to the so-called wisdom of our stellar legislature, those voters will now have to use the USPS box instead of our private box. UGH!!! I just hope USPS gets the ballots to us promptly.

From: Brian E. Corley <bcorley@pascovotes.com>
Sent: Wednesday, May 26, 2021 9:43 PM
To: Hays, Alan <alan@lakevotes.com>
Cc: Amanda Seyfang <amanda_seyfang@bradfordcountyfl.gov>; Bobby Beasley <BBeasley@votewalton.com>; Bill Cowles <bill@ocfelections.com>; Brenda Hoots <supervisor@hendryelections.org>; Carol A. Dunaway <carol@jacksoncountysoc.org>; Chris Anderson <anderson@voteseminole.org>; Chris Chambliss <CChambliss@clayelections.com>; Chris Milton <chris.milton@bakercountyfl.org>; Christina White <christina.white@miamidade.gov>; Connie Sanchez <elections@gilchrist.fl.us>; Craig Latimer <clatimer@hcsoc.org>; Carol Rudd <crudd@wcsoe.org>; Dana Southerland <taylorellections@gtcom.net>; David Ramba <david@rambaconsulting.com>; David Stafford <dstafford@escambivotes.com>; Diane Smith <diane@hardeecountyelections.com>; Mark Earley <earlym@leoncountyfl.gov>; Gertrude Walker <gertrude@slcelections.com>; Grant Conyers <vote@libertyelections.com>; Heath Driggers <hdriggers@votemadison.com>; Heather Riley <heather@votefranklin.com>; Joyce Griffin <info@keys-elections.org>; Bill Keen <info@sumterelections.org>; Janet Adkins <jadkins@votenassau.com>; Jennifer Edwards <jennifer.edwards@colliervotes.gov>; Jennifer Kinsey <jkinsey@suwanneevotes.com>; Joe Scott <jscott@browardsoe.org>; John Hanlon <jhanlon@votegulf.com>; Joseph (Joe) R. Morgan <jmorgan@wakullaelection.com>; Kim Barton <kbarton@alachuacounty.us>; Katie Lenhart <klenhart@flaglerelections.com>; Laura Hutto <lhutto@hamiltonvotes.com>; Lisa Lewis <llewis@volusia.org>; Lori Edwards <loriedwards@polkelections.com>; Lori Scott <LScott@votebrevard.com>; Leslie Swan <lswan@voteindianriver.com>; Julie Marcus <jmarcus@votepinellas.com>; Mark Anderson <baysuper@bayvotes.org>; Marty Bishop <soe@jeffersoncountyfl.gov>; Mary Jane Arrington <maryjane@voteosceola.com>; Maureen Baird <MBaird@votecitrus.gov>; Melissa Arnold <melissa@voteokeechobee.com>; Mike Bennett <mike@votemanatee.com>; Mike Hogan <mhogan@coj.net>; Mark Negley <mnegley@votedesoto.com>; Paul Lux

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Nice!

Just be sure one of your early voting workers doesn't have a bathroom emergency... could be an expensive potty trip ... Just a mere \$25,000 fine to you my friend

Regards,

Brian Corley, MPA
Supervisor of Elections
Pasco County
"Repeat a lie often enough and it becomes the truth" Joseph Goebbels

On May 26, 2021, at 9:07 PM, Hays, Alan <alan@lakevotes.com> wrote:

OUTSIDE EMAIL: Take caution with links or attachments.

Colleagues,

The voters of Lake County will now have the convenience of dropping off their VBM ballots right in front of our office while our office is in compliance with SB 90! Thanks to the cooperation of our wonderful USPS Postmaster, we now have a USPS drop box in our front parking lot.

While we don't have to staff it, it is located at the same place our earlier, more secure, box was located. Therefore we have continued to have the new box monitored by all three cameras.

We shall endeavor to continue to serve the needs of our voters is the best way possible while complying with the law.

All the best,
Alan





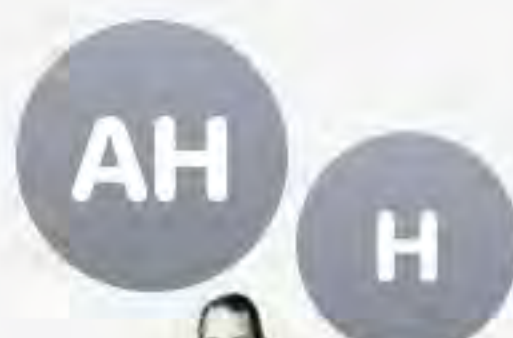
Committee on Governmental Oversight and Accountability

Senator Stewart	Thank you. I don't know whether to call you Senator Hays or Commissioner. Either one I'm sure will do. I would like to know and I know you read through this bill and every word is there any suggestions you would have that would improve our election performance.
Chairman	You are recognized .
Supervisor Hays	Thank you Senator Stewart that's an excellent question. Our association of supervisors has submitted 10 priorities that we are making suggestions proactive suggestions to improve the voting process. I can read them if you'd like Mr. Chairman or I can just let you ... we can have them sent to everyone by email which ever it would be your preference.
Chairman	Senator Stewart do you have preference?
Senator Stewart	Well, I don't know who has received these. I don't know if the bill sponsor has seen them or received them. I know I have not so I am curious because there may very well be improvements that are needed for a better election performance. But I'm not certain that this bill takes care of it in fact seems like, I'm not sure what it seems like but I'd like to know what you feel.
Supervisor Hays	Senator Stewart perhaps I might clarify. As I just stated that nothing in this bill is on our list of suggestions with the exception of that one section giving us the authorization to begin canvassing to vote by mail ballot after the logic and accuracy testing is completed. That's the only thing that we are in favor of in this bill.
Chairman	Seeing no further questions. Senator Torres you are recognized.

Senator Torres	Former Senator Hays this is Senator Torres. My question is on the drop boxes would you say 90% of the drop boxes or more are secured in secure locations?
Supervisor Hays	Senator Torres the rule promulgated by the division of elections requires every dropbox in the State of Florida to be monitored. To the best of my knowledge that rule was followed to the letter in this past election. There have been all sorts of allegations about this or that or the other but I have yet to see anybody who can give us concrete evidence that that rule was violated. I know what happened in Lake County and here's another question sir, who's going to monitor the US Postal Service boxes? You know I'm sorry but there's a dichotomy here that I personally cannot deal with, you're not gonna pay for a cop to stand at the Post Office box are you? You are going to disallow the use of the Postal Service and require those ballots to be returned to us? I think not. I think this bill needs a lot of work.
Senator Torres	I have one more question. The question I have Mr. Hays is are there other on those lockboxes or the dropboxes rather, do we have other uses for that like dropping off registration forms or sometimes candidates can drop off some of their forms. Do you know if that's being used as well in those dropboxes?
Supervisor Hays	I don't know I'm sure the ones that are manned are not done that way but we have tax collectors that have dropboxes in their offices similar to dropboxes that banks use for night depositories. And tax collectors actually brought mail ballots to our office that were dropped in their dropbox. Just like the post office brings us ballots that were dropped in their dropboxes. So, they bring all sorts of things like that that are put in the tax collectors boxes and the mail boxes.
Senator Torres	Follow up Sir.

Chairman	We're going to do one more. We have a lot of people who want to speak Senator Torres and then we're going to leave this alone.
Senator Torres	But you would say that let's say a tax collector would have somebody filling out a register form could drop it off in the dropbox. Am I correct?
Supervisor Hays	Senator Torres, we have no control over the American public and they put all sorts of things in those boxes. The voter registration application can be done online, it can be brought in and hand delivered to our office, it can also be mailed to us and yes, some people take that voter restoration application and drop it in the tax collectors dropbox and they turn around and bring it to our office. That's just the way life is out there in the real world.
Chairman	I'll just ask one question. I heard you mention the vote by mail procedure and your concerns with the Post Office. Do you have any evidence that the Postal Service in Lake County has not delivered your ballots or has misdirected your ballots?
Supervisor Hays	No Sir.
Chairman	Are you promoting vote by mail?
Supervisor Hays	But I can assure you that not one of their dropboxes, their Post Office dropboxes is manned by any security personnel in any form at all.
Chairman	Have you ever heard of a US postal security dropbox in Lake County being burglarized, vandalized or stolen?
Supervisor Hays	No sir.
Chairman	Thank you sir. I appreciate your time. Thank you for your testimony. Next we're moving to Mark Early who is the Leon County Supervisor of Elections

10:48 ↗



3 People >

David Ramba

At least we should be
done in an hour

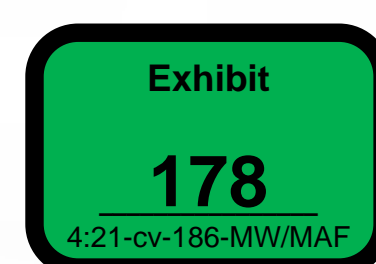


Alan Hays

Yes



Hillsborough County SOE



Ingoglia just said our
checkbox is no good



Alan Hays

Another way to make
VBM difficult



Yep



iMessage



Good Morning Chair Rodrigues and members,

I must comment it is quite different to testify from the civic center instead of from the podium when I was presenting bills a few short years ago.

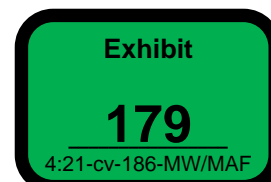
Thank you for the time to speak this morning on this PCS for SB 90.

The accolades each of you have heard from our Governor and our Secretary of State relating to the outstanding administration of the 2020 elections are absolutely true. Those elections were superbly accomplished under extremely complicated conditions. Those elections were very transparent and efficient. We election professionals of Florida are deservedly proud of the job done by everyone including the voters.

Mr. Chairman, if I were seeking to remodel my home, I would seek the services and opinions of an architect and a building contractor, I would not ask a dentist how to do the remodel.

Sir, now in my role as the Elections Supervisor of Lake County, I am asking each member of the legislature to seek the opinions and take the advice of the elections professionals of the State of Florida before making significant changes to our statutes.

Please take a walk with me through the PCS. Page 5, line 138 restricts the pickup of a VBM to an immediate family member. Do you have any idea how many people like my mother don't have immediate family members living near them thus aren't able to have their ballot picked up? Current law allows the voter to "designate in writing a person to pick up the ballot for the elector." Please leave current language as the law.



Page 9, line 241 is good policy and we appreciate the Governor's previous order enabling this improvement and now this proposal codifies that good policy.

Page 11, line 309 begins a travesty. All of us are aware of the perils, perceived or actual, of trusting the USPS to deliver ballots on time. Last year in the general election, 4.4 million Floridians returned their VBM for tabulation. Of those 4.4 million, 1.5 million were placed in drop boxes. If you allow section 5 of this PCS to stand as it is currently worded, you have outlawed the use of drop boxes, and you have just played havoc on 1.5 million Floridians not to mention the added burden on the Supervisors of Elections. Is that really your intention?!

Now for page 12, line 336, Section 7.....

The true estimated statewide cost of this one section is \$14-16 million dollars. Meeting the requirements stated in Section 1 of this PCS necessitates sending the information to us in a manner other than a postcard. This section will require us supervisors to mail the 6 million voters who received VBM ballots last year, to let them know their request currently valid through 2022, has been invalidated by this legislature. If they want a VBM for the 2022 election, they must now go through another, more involved process to request a VBM. Do you really wish incur or impose on the counties, this expense and alienate 6 million voters?!!

Thank you for your time and I'm happy to answer any questions you may have.

From: Hays, Alan
Sent time: 04/30/2021 08:15:29 AM
To: Vicki Davis <vdavis@martinvotes.com>
Subject: Re: LEGISLATIVE REPORT Final Edition for this session (I expect!!)

Thanks Vicki. Rep. Snyder calling you is a great sign the contact program is working as designed. He considers you his subject matter expert thus he called you for guidance!! Yea!!

We shall work next session to help all the legislators understand how disingenuous and lame it is to deny use of video monitoring of drop boxes while allowing voters to use the USPS drop boxes that have no monitoring whatsoever. In the meantime, I'm encouraging each SOE to deliver that message to the legislators as they come in contact with them.

I appreciate you,
 Alan

From: Vicki Davis <vdavis@martinvotes.com>
Sent: Friday, April 30, 2021 8:06 AM
To: Hays, Alan <alan@lakevotes.com>
Subject: RE: LEGISLATIVE REPORT Final Edition for this session (I expect!!)

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

One of my reps called me yesterday (Rep. John Snyder) wanting to know if SOE's supported the bill, this was prior to SB90 coming back late afternoon. John is a freshman legislator and didn't know how to respond to me when I told him SOE's did not support the bill, which included the ID requirements. He had been asked to debate the bill on the floor on behalf of the Republican legislators. Thank goodness Senator Simpson agreed to take out the ID requirements!

Thank you, Alan, for all of your efforts and use of your knowledge of the legislative process having served in both chambers.

Have a restful weekend,
 Vicki

Vicki Davis, CERA, MFCEP
 Martin County Supervisor of Elections

772-288-5637 office
 772-288-5765fax
www.MartinVotes.com



RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit

180

4:21-cv-186-MW/MAF

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Hays, Alan <alan@lakevotes.com>
Sent: Friday, April 30, 2021 7:57 AM
To: Vicki Davis <vdavis@martinvotes.com>; Mark Earley <Mark.Earley@leonvotes.gov>; Wesley Wilcox <WWilcox@votemarion.gov>; Paul Lux <plux@co.okaloosa.fl.us>; rturner@sarasotavotes.com; clatimer@votehillsborough.gov; David Ramba <david@rambaconsulting.com>
Subject: Re: LEGISLATIVE REPORT Final Edition for this session (I expect!!)

Thanks Vicki. I'm quite proud of the effort each of our members put into this challenge.

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From: Vicki Davis <vdavis@martinvotes.com>
Sent: Friday, April 30, 2021 7:24:10 AM
To: Hays, Alan <alan@lakevotes.com>; Mark Earley <Mark.Earley@leonvotes.gov>; Wesley Wilcox <WWilcox@votemarion.gov>; Paul Lux <plux@co.okaloosa.fl.us>; rturner@sarasotavotes.com <rturner@sarasotavotes.com>; clatimer@votehillsborough.gov <clatimer@votehillsborough.gov>; David Ramba <david@rambaconsulting.com>
Subject: RE: LEGISLATIVE REPORT Final Edition for this session (I expect!!)

A. HAYS

Exhibit 12

S. Nargiz 10/6/21

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Good Morning Alan, David and Team,

Many, many thanks for all of your efforts throughout this legislative session. What started out as very restrictive and concerning bills is now much more manageable from an administrative level and also for our voters due to your investment of time and dedication to the process.

I appreciate each of you and your leadership throughout this tumultuous session.

Sine die,
Vicki

Vicki Davis, CERA, MFCEP
Martin County Supervisor of Elections

772-288-5637 office
772-288-5765fax
www.MartinVotes.com



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Hays, Alan <alan@lakevotes.com>

Sent: Thursday, April 29, 2021 9:56 PM

To: Amanda Seyfang <amanda_seyfang@bradfordcountyfl.gov>; Bobby Beasley <bbeasley@votewalton.com>; Bill Cowles <bill@ocfelections.com>; Brenda Hoots <supervisor@hendryelections.org>; Brian Corley <bcorley@pascovotes.com>; Carol A. Dunaway <carol@jacksoncountysoe.org>; Chris Anderson <anderson@voteseminole.org>; Chris Chambless <cchambless@clayelections.com>; Chris Milton <chris.milton@bakercountyfl.org>; Christina White <christina.white@miamidade.gov>; Connie Sanchez <elections@gilchrist.fl.us>; Craig Latimer <clatimer@hcsoc.org>; Carol Rudd <crudd@wcsoe.org>; Dana Southerland <taylor@elections@gtcom.net>; David Ramba <david@rambaconsulting.com>; David Stafford <dstafford@escambivotes.com>; Diane Smith <diane@hardeecountyelections.com>; Mark Earley <earlym@leoncountysfl.gov>; Gertrude Walker <gertrude@slcelections.com>; Grant Conyers <vote@libertyelections.com>; Heath Driggers <hdriggers@votemadison.com>; Heather Riley <heather@votefranklin.com>; Joyce Griffin <info@keys-elections.org>; Bill Keen <info@sumterelections.org>; Janet Adkins <jadkins@votenassau.com>; Jennifer Edwards <jennifer.edwards@colliervotes.gov>; Jennifer Kinsey <jkinsey@suwanneevotes.com>; Joe Scott <jscott@browardsoe.org>; John Hanlon <jhanlon@votegulf.com>; Joseph (Joe) R. Morgan <jmorgan@mywakulla.com>; Kim Barton <kbarton@alachuacounty.us>; Katie Lenhart <klenhart@flaglerelections.com>; Laura Hutto <lhutto@hamiltonvotes.com>; Lisa Lewis <llewis@volusia.org>; Lori Edwards <loriedwards@polkelections.com>; Lori Scott <lscott@votebrevard.com>; Leslie Swan <lswan@voteindianriver.com>; Julie Marcus <jmarcus@votepinellas.com>; Mark Anderson <baysuper@bayvotes.org>; Marty Bishop <soe@jeffersoncountyfl.gov>; Mary Jane Arrington <maryjane@voteosceola.com>; Maureen Baird <mbaird@votecitrus.gov>; Melissa Arnold <melissa@voteokeechobee.com>; Mike Bennett <mike@votemanatee.com>; Mike Hogan <mhogan@coj.net>; Mark Negley <mnegley@votedesoto.com>; Paul Lux <plux@co.okaloosa.fl.us>; Paul Stamoulis <paulstamoulis@charlottevotes.com>; Penny Ogg <pogg@votehighlands.com>; Charles Overturf <charles.overturf@putnam-fl.com>; Ron Labasky <rlabasky@bplawfirm.net>; Ron Turner <rturner@sarasotavotes.com>; Sharon Chason <schason@votecalhoun.com>; Shirley Anderson <shirley.anderson@hernandovotes.com>; Shirley Knight <shirleyknight@gadsdensoe.com>; Starlet Cannon <dixiecountysoc@bellsouth.net>; Tammy Jones <tammy@votelevy.com>; Tommy Doyle <tdoyle@lee.vote>; Therisa Meadows <therisa@holmeselections.com>; Tomi S. Brown <election@votecolumbia.com>; Travis Hart <lafayettesoc@gmail.com>; Deborah Osborne <debbie.osborne@unionflvotes.com>; Vicki Davis <vdavis@martinvotes.com>; Vicky Oakes <voakes@votesjc.com>; Tappie Villane <villane@santarosa.fl.gov>; Aletris Farnam <vote@voteatlades.com>; Wendy Link <wendylink@pbcelections.org>; Wesley Wilcox <wwilcox@votemarion.com>

Subject: LEGISLATIVE REPORT Final Edition for this session (I expect!!)

First, the good news..... A HUGE THANK YOU to David Ramba, Craig Latimer, Paul Lux for riding the roller coaster of these last 3 days!! Holy Cow, what a ride it has been. Mark Earley, Wesley Wilcox, and Ron Turner were right there for us as well. No team has ever tried with more effort than those guys and honestly, we did pretty darn good. With the help of many of you, we took what began as a real stink-pot of a bill that became much worse, then we were able to finally get it to a tolerable level. No, it isn't a clear victory for us, but when last did we have a legislative bill that we liked every aspect of it? We shall live to fight another day and for now let us be thankful the legislators did listen to us on most things.

I so deeply appreciate each of you who contacted your legislators. Several of you were in touch with David, Craig, or me trying to determine what can be done next and that effort was quite effective and appreciated by us all.

SB 90 did pass tonight shortly after 9 and is on its way to the Governor. I have attached to this email the final language passed by the Senate then by the House.
You can read it and see the changes we will need to make.

David and I will have a report at the summer meeting and at that time we will have a synopsis of the changes for distribution. One glaring change is except for the drop boxes in our offices, drop boxes now must be monitored by living people, at all times, and are to be available only during Early Voting hours of operation. **We are NOT allowed to have them monitored by video only.** Another issue we weren't fully successful on was the acceptance of private money. We are specifically able to accept donated spaces for polling places though.

As you will see we were successful in eliminating the horrific provision requiring those depositing ballots into drop boxes to provide ID. That was a huge victory for us!!

Since next year's session begins in January, perhaps we will be able to convince the legislature they need to revise the restrictions on drop box use.

I am going to sign off for now but again, a huge thank you for a group victory!!!

All the best,
Alan

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Attorney-Client Communication

From: Hays, Alan
Sent: Sunday, February 21, 2021 10:41 PM
To: stephanie.kopelousos@eog.myflorida.com
Subject: Comments from Alan Hays

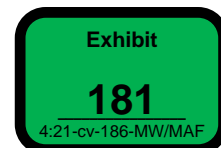


Hello Stephanie,

In light of the press release last Friday having to do with elections, I offer the following thoughts. I am not speaking officially for the FSE Association, I am speaking only as Alan Hays, Supervisor of Elections of Lake County, Florida. If I may, please allow me some general comments first, then I will be specific to each bullet point of the release.

I agree with the Governor's comments relating to the fine administration of the 2020 elections. I am confident the Governor's executive order was significant in providing us the flexibility to adapt to the unusual circumstances in which we found ourselves operating. We appreciate very much, his leadership! The executive order played a very essential role in allowing the voting centers in Bay and Gulf Counties. That same order was very helpful in guiding the legislature to put into statute the authority to begin canvassing vote by mail ballots 22 days before the election day. The elections professionals of Florida administered all three of the 2020 elections in a very efficient and accurate manner and all Floridians are proud of that fete.

It is my thought that anyone proposing changes to the Florida Election Code must consider the vast differences of the various sized counties in Florida. Many of our counties have fewer than 10,000 registered voters and processes that work in large counties simply will not work in the smaller counties. Those differences require flexibility in statute to allow those Supervisors of Elections in each county to customize



their processes to meet the needs of their citizens. I readily recognize we must have statutory constraints in order to maintain the integrity and uniformity of the election and at the same time allow flexibility. An example of that need relates to the use of drop boxes in Madison County which is completely different from the use of drop boxes in Pinellas County. There are many other examples but I won't bore you with too many.

The FSE Association has provided a list of priorities for this legislative session. Please use that list because it comes from the election professionals of Florida, it is well thought out, and it has been discussed at length by the Association. I am sure the Association is willing to work with the Governor's office and the legislature to craft modifications deemed as improvements. The current statutes worked quite well in 2020 so let's take that into consideration as we go forward.

I have taken the liberty to provide comments to each bullet point in the release. My comments are in **bold print** below. Please encourage your team and the legislators to seek input from the Association before making significant changes to the current statutes. The Association members are the election professionals who take great pride in administering fair and accurate elections in a very efficient manner. They want to be able to continue this high level of performance.

I truly appreciate your time considering this very important subject!! Here are my comments:

Ballot Integrity

- Address the use of ballot drop boxes. **Monitoring is a good idea but remember USPS is not monitored. It will be especially helpful to allow drop box placement in other governmental offices with monitoring. PLEASE allow these drop boxes to be available only during regular hours of operation of that office. Don't require them to be open same hours as EV hours. Another thing to consider is requiring each ballot placed into the drop box to be logged in on a log book. This will be the first step in the chain of custody for that ballot and can be accomplished by the person monitoring**

the box. I did this for the 2020 general at each EV site. Of course we don't do that at the USPS drop boxes but neither do we monitor those boxes to prevent deposits of multiple ballots by harvesters.

- Address ballot harvesting so that no person may possess ballots other than their own and their immediate family. **Yes! Put meaningful penalties on it. However, there needs to be some limited accomodation as in current statute or this action may prohibit non-family members from dropping off ballots for seniors or handicapped people who can't or don't wish to go to the drop box. The current limit is 2 ballots other than your own or that of an immediate family member.**
- No mass mailing of vote-by-mail ballots—only voters who request a ballot should receive a ballot. **Yes! Keep current statute.**
- Vote-by-mail requests must be made each election year. **We can live with this even though it creates more work. It really should be worded "must be made each even numbered year" because many counties have municipal elections every year. I am one of those counties! The proposal of voiding those VBM requests currently on file is quite expensive (\$6-8 Million) and will create a host of angry voters at the last**

minute. This is in SB 90, Section 3. Please let those requests on file stand.

- **Vote by mail ballot signatures must match the most recent signature on file. This is may be good but due to changing signatures it can create many more cures. Our current system allows us to scroll through previous signatures to see if one of them matches the envelope. People sign their names from different posture positions plus those signatures coming from DMV license offices often are poor matches. Thus if the DMV signature is the latest one, the chances of matching the envelope signature are not good. If you REALLY want to tighten it down, require voters desiring VBM to send a signed request with a copy of their photo ID with signature on it, to us every even numbered year. That way we will have a current signature and the photo ID at the same time. The signature on the request can then be compared to the ID signature before mailing the ballot so we know it is a valid request. This is a rabbit hole we likely don't wish to travel in!!**

Transparency in the Elections Process

- Political parties and candidates cannot be shut out from observing the signature matching process. **If "observe" is defined as being allowed to view the process through windows, this may work. Otherwise it will create chaos!! BAD IDEA!! We dare not set up the public as judges of validity of signatures!! They haven't been trained, they are partisan, and the only way this should be thought of is to hire handwriting experts for each county. We dare not allow the public into our secure spaces and that's what it would take. Are you proposing to allow the public to stand over the shoulder of my operators? NOT going to happen without huge objections!!! If you want the public to be able to look into the room through a window, ok, but that's really impractical due to the physical limitations of the various office structures across the state. It will also set us up to criticism because the public will be too far away to really see for comparison (second guessing) the signatures. I'm not aware of any real objections to how this worked in 2020 so why tinker with it?**
- Supervisors of Elections must post over-vote ballots to be considered by the canvassing board on their website before the

canvassing board meets. **If required to post overvotes, why not undervotes as well? This is completely absurd!!** There is nothing to be gained from this. The meetings of the canvassing board are noticed and the public is able to attend if they want to see how it's done. The sheer numbers of overvoted ballots will add hours to the process. I'm speaking literally of thousands. It will take hours of time we do not have and only add to the second guessing by the public. There is not time available to do this. **NOT A GOOD IDEA!**

- Prohibits counties from receiving grants from private third-party organizations for "get out the vote" initiatives. **What??!! DOS took \$400 K last year themselves and used it for voter education if I'm not mistaken. I took \$196,000 and none of it was used for GOTV activities. GOTV at election time is done by parties and other interested groups, not SOE. I bought a central count tabulator for over \$100 K with mine and paid for the new early voting site we put into practice for the general election.**

Transparency in Elections Reporting

- Requires real-time reporting of voter turnout data at the precinct level. **This will necessitate purchase of electronic poll books by some counties since not all of them currently have them. I expect the instruments are \$2,500 each PLUS annual fees that are not cheap either. Fiscally constrained counties can't afford this mandate.**
- Supervisors of Elections must report how many ballots have been requested, how many have been received, and how many are left to be counted. **This is worded too generally to be clear, but my first reaction is totally negative. What we do now is just fine. Why do you want to add more steps in the middle of a time of high stress already? When do you expect this report to be made? If it is during the election day activities, forget it, we are too busy. If it is after the election, we do that already. If you are speaking only of VBM's not tabulated by 7:00 PM on election night, a system for that can be devised. Every ballot that is used currently is accounted for. Allow me to explain: We inventory the number of sheets of paper sent with each ballot on demand printer used in EV. We then compare the count of voters checked in with the number of ballots tabulated plus the number of voided or**

spoiled ballots at that site each day. The chain of custody follows those ballots back to our office each day. For VBM, we know daily how many are mailed, how many are returned, how many have signature issues, how many have been tabulated, so those who feel a need to know can do the math. As for ED ballots, each precinct submits a reports detailing each ballot issued, spoiled, and tabulated. The ballots are counted in the precincts then the results are transmitted back to our office that evening. My thought is this idea came from seeing the states that didn't begin counting VBM until election day. Our canvassing VBM begins early enough for us to usually be completely finished by 7:00 PM on election night. Only if we are blasted with a huge number of returned VBM ballots on the last day or two will you see a backlog of ballots waiting to be tabulated. IF that backlog does occur, as I stated earlier, we can devise a report for that occurrence.

VIII. Vote-by-Mail Drop Off Process

- 1) Voter enters Early Voting location to drop off Vote-by-Mail ballot.
- 2) Election Worker will take possession of Vote-by-Mail ballot.
- 3) Verify that the Vote-by-Mail envelope is sealed.
- 4) Verify the back of the envelope has a signature.
- 5) Election Worker must log the voter's name, date and time on Vote-By-Mail Custody Log.
- 6) Election Worker will place Vote-by-Mail ballot into secure drop box.
- 7) At end of day, Election Worker will fill out Vote-by-Mail Custody Slip and give to Clerk.
- 8) Election Worker and Clerk open VBM Ballot Box and collect VBM Ballots, placing them in Blue Transport Bag then seal bag.
- 9) Clerk gives Blue Transport Bag (including custody log, slip and ballots) to Zone Courier at drop off location.

Vote-By-Mail Custody Log				
Early Voting Site: _____				
Verify the name (issued to) on the VBM envelope is the same as the signature.				
Voter Name On Envelope <i>Please Print</i>	Envelope Signed	Election Board Member Clerk / Asst. Clerk <i>Please Print</i>	Date	Time
1	Y / N			
2	Y / N			
3	Y / N			
4	Y / N			
5	Y / N			
6	Y / N			
7	Y / N			

Vote-By-Mail Custody Log

Vote By Mail Custody Slip	
Early Voting Site: _____ Date: ____/____/____	
CLERK SIGNATURE: X	WITNESS SIGNATURE: X
Number of V-B-M envelopes being transported: <div style="border: 1px solid black; width: 40px; height: 30px; margin: 10px auto;"></div>	
End of Day Attach VBM Log Sheet from Binder Band and Place in Blue Supply Transport Bag	
Support Staff Signature _____	Date _____
V-B-M Staff Signature _____	Date _____

Vote-By-Mail Custody Slip

Exhibit

183

4:21-cv-186-MW/MAF

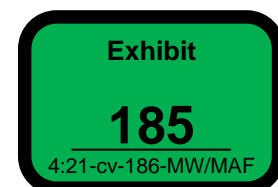
A. HAYS

Exhibit 15

S. Nargiz 10/6/21

Does no one realize or care how stupid it looks to outlaw video surveillance of the Dropbox in front of the SOE offices when no USPS dropboxes are monitored whatsoever?!!!
Elimination of these is grossly inconvenient for many hundreds of voters.

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League of Women Voters of Florida, Inc.

vs.

Laurel Lee

Deposition of:

Craig Latimer

October 11, 2021

Vol 01

Legend for Designations:

Yellow Highlighting = Plaintiffs' Designations
Gray Highlighting = Defendants' Designations
Green Highlighting = Mutual Designations

Legend for Objections:

"P=" = Plaintiffs' Objection
"D=" = Defendants' Objection
401/402 = Relevance
602 = Foundation / Lack of Personal Knowledge
701 = Calls for Speculation
802 = Hearsay
C = Cumulative
Form = Assumes Facts Not in Evidence Argumentative or Vague

PHIPPS REPORTING

Raising the Bar!

Craig Latimer
October 11, 2021

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

CASE NO. 4:21 cv 186-MW/MAF

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

Plaintiffs,

vs.

LAUREL M. LEE, Florida
Secretary of State, et al.,
Defendants.

and

NATIONAL REPUBLICAN
SENATORIAL COMMITTEE, et al.,

Intervenors-Defendants.

ZOOM-VIDEO RECORDED DEPOSITION OF CRAIG LATIMER

Monday, October 11, 2021
11:00 a.m. - 4:04 p.m.

VIA ZOOM

STENOGRAPHICALLY REPORTED BY:

SANDRA L. NARGIZ
RPR, CM, CRR, CRC, FPR, CCR-GA

Job No. 211210

Craig Latimer
October 11, 2021

Page 2

1 APPEARANCES: (All appearing via Zoom.)

2

3 ON BEHALF OF THE PLAINTIFF THE LEAGUE OF WOMEN
4 VOTERS FLORIDA, INC/LEAGUE OF WOMEN VOTERS OF
5 FLORIDA EDUCATION FUND, INC.:

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24

25

Craig Latimer
October 11, 2021

Page 3

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7 ON BEHALF OF THE DEFENDANT ATTORNEY GENERAL
8 ASHLEY MOODY:

9 OFFICE OF ATTORNEY GENERAL
10 PL-01 The Capitol
11 Tallahassee, FL 32399
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13 ON BEHALF OF THE DEFENDANT ALACHUA COUNTY
14 SUPERVISOR OF ELECTIONS:

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18 ON BEHALF OF THE DEFENDANTS BAKER, BAY, BRADFORD,
19 CALHOUN, COLUMBIA, DIXIE, FRANKLIN, GADSDEN,
20 HAMILTON, JACKSON, LAFAYETTE, LIBERTY, NASSAU,
PUTNAM, SANTA ROSA, ST. JOHNS, SUMTER, SUWANNEE,
TAYLOR, UNION, WAKULLA, WALTON, WALTON COUNTIES
21 SUPERVISORS OF ELECTIONS:

22 MARKS GRAY
23 1200 Riverplace Boulevard #800
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25

Craig Latimer
October 11, 2021

Page 4

1 APPEARANCES (continued)

2

3 ON BEHALF OF THE DEFENDANTS BREVARD, DESOTO,
4 FLAGLER, GILCHRIST, GULF, HIGHLANDS, JEFFERSON,
5 MADISON COUNTIES SUPERVISORS OF ELECTIONS:

6

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10 407.897.5150
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21 todds@hillsboroughcounty.org

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24 SUPERVISOR OF ELECTIONS:

25

26 PINELLAS COUNTY ATTORNEY'S OFFICE
27 315 Court Street
28 Clearwater, FL 33756
29 727.464.3354
30 BY: KELLY L. VICARI, ESQUIRE
31 kvicari@pinellascounty.org

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33 ON BEHALF OF THE DEFENDANT ESCAMBIA COUNTY
34 SUPERVISOR OF ELECTIONS:

35 ESCAMBIA COUNTY ATTORNEY'S OFFICE
36 221 Palafox Place, #430
37 Pensacola, FL 32502
38 850.595.4970
39 BY: KIA MA'RENE JOHNSON, ESQUIRE
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41

42

Craig Latimer
October 11, 2021

Page 5

1 APPEARANCES: (continued)

2 ON BEHALF OF THE DEFENDANT BROWARD COUNTY
3 SUPERVISOR OF ELECTIONS:

4 BROWARD COUNTY ATTORNEY'S OFFICE
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7 ON BEHALF OF THE DEFENDANTS GLADES, HARDEE,
8 HENDRY, HOLMES, LEVY, OKEECHOBEE COUNTIES
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9 HENDERSON FRANKLIN STARNES & HOLTE
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13 steven.gendreau@henlaw.com

14 ON BEHALF OF DEFENDANT OKALOOSA SUPERVISOR OF
15 ELECTIONS:

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19 ON BEHALF OF THE DEFENDANT VOLUSIA COUNTY
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Craig Latimer
October 11, 2021

Page 6

1
2 APPEARANCES: (continued)

3 ON BEHALF OF THE DEFENDANT PALM BEACH COUNTY
4 SUPERVISOR OF ELECTIONS:

5 PALM BEACH COUNTY SUPERVISOR OF ELECTIONS OFFICE
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8 561.656.6200
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11 ON BEHALF OF THE INTERVENOR REPUBLICAN NATIONAL
12 COMMITTEE/NATIONAL REPUBLICAN SENATORIAL
13 COMMITTEE:

14 SHUTTS & BOWEN
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16 Miami, FL 33131
17 305.358.6300
18 BY: FRANK A. ZACHERL, III, ESQUIRE
19 fzacherl@shutts.com

20 ALSO PRESENT:

21 Peg Reese, Hillsborough County
22 Mary Helen, Farris, Hillsborough County
23 Kim Acres, Holtzman Vogel
24 Gerald Ruiz, Miami
25 Dustin Chase

Craig Latimer
October 11, 2021

1	I N D E X		Page 7
2	WITNESS		PAGE
3	CRAIG LATIMER		11
4	Direct Examination by Mr. Zacherl		11
	Cross Examination by Mr. Daines		78
5	Cross Examination by Ms. Madduri		87
	Cross Examination by Mr. Cavataro		151
6	Cross Examination by Mr. Budhu		176
	Redirect Examination by Mr. Zacherl		185
7	Recross Examination by Mr. Daines		190
	Cross Examination by Mr. Todd		193
8			
	CERTIFICATE OF OATH		196
9			
	CERTIFICATE OF REPORTER		197
10			
	READ AND SIGN LETTER		198
11			
	ERRATA SHEET		199
12			
13	(STENOGRAPHER'S NOTE: All documents were sent to		
14	Stenographer electronically. A digital exhibit		
15	sticker was placed on the documents which were		
	marked during the proceeding.)		
16	INDEX OF EXHIBITS		
17			
	NO.	DESCRIPTION	ID
18	1	Talking points for 2021 Legislation	84
19	2	8-30-21 Latimer Statement	96
	3	4-21-21 News article	100
20	4	Statement	108
	5	Talking Points	114
21	6	4-22-21 E-mail	122
	7	3-11-21 E-mail	131
22	8	FSE Draft Recommendations	131
	9	FSE Requested Amendments	135
23	10	LOWV Affidavit	139
	11	Texts between Latimer, Ramba and Hays	17
24			
25			

Craig Latimer
October 11, 2021

Page 8

1 The following Zoom proceedings began at 11:00 a.m.

2 MR. TODD: Stephen Todd, I represent
3 Mr. Latimer.

4 I have a question for you. By what means
5 is a video of this deposition being taken?

6 THE STENOGRAPHER: It's going to be
7 recorded through Zoom.

8 MR. TODD: I will make a note on the
9 record, before we get started, I would object
10 to any other means of taking video besides what
11 you just described.

12 MR. ZACHERL: I represent intervenor
13 defendants.

14 Do counsel agree we can proceed by Zoom?
15 We do agree?

16 MR. TODD: On behalf of Mr. Latimer, I
17 just agreed to taking the video of this
18 deposition video via Zoom that's authorized by
19 our court reporter, but I would object to
20 taking any other recording of this deposition
21 besides those means.

22 MR. ZACHERL: I don't know if we have
23 someone from plaintiffs' side to indicate
24 consent.

25 MR. CAVATARO: For the NAACP plaintiffs, I

Craig Latimer
October 11, 2021

Page 9

1 consent.

2 MS. MADDURI: For the League of Women
3 Voters, plaintiffs also consent.

4 MR. BUDHU: This is Ryan Budhu for Florida
5 Rising Together plaintiffs, we consent as well.

6 MR. DAINES: For the Secretary of State
7 defendant, we consent.

8 MR. STAFFORD: Florida Attorney General
9 General consents as well.

10 MR. ZACHERL: I am Frank Zacherl with
11 Shutts & Bowen, I represent the intervenor
12 defendants. Good morning, everybody.

13 MR. DAINES: I am Kenneth Daines with
14 Holtzman Vogel representing the Secretary of
15 State defendant.

16 MR. TODD: I am Stephen Todd from the
17 Hillsborough County Attorney's Office, I
18 represent the deponent, Mr. Latimer.

19 MR. STAFFORD: Bill Stafford from the
20 Florida Attorney General's office, representing
21 the Attorney General.

22 MS. MADDURI: This is Lali Madduri
23 representing League of Women Voters plaintiffs.

24 MR. CAVATARO: This is Ben Cavataro, I
25 represent the NAAC plaintiffs. Good morning,

Craig Latimer
October 11, 2021

Page 10

1 everyone.

2 MR. BUDHU: This is Ryan Budhu, I
3 represent the Florida Rising Together
4 plaintiffs, along with my colleague Jillian
5 Williams.

6 MS. LOTT: London Ott is present on behalf
7 of Volusia County.

8 MS. JOHNSON: Good morning, this is Diana
9 Johnson on behalf of Alachua County supervisor
10 of elections.

11 MS. VICARI: Kelly Vicari on behalf of
12 Pinellas County supervisor of elections.

13 MR. JANOUSEK: Good morning, everybody,
14 Attorney John Janousek on behalf of several
15 supervisors of elections. For the counties
16 Desoto, Gilchrist, Jefferson, Brevard, Flagler,
17 Highlands, Gulf and Madison.

18 MR. GENDREAU: Good morning, everyone,
19 Steven Gendreau on behalf of the following
20 supervisors of elections: Glades, Hardee,
21 Hendry, Okeechobee, and Levy. Kia Johnson on
22 behalf of Escambia County supervisor of
23 elections.

24 MS. ELLIS: Elizabeth Ellis on behalf of
25 Okeechobee supervisor of elections.

Craig Latimer
October 11, 2021

Page 11

1 MR. TODD: I'd also note that Peg Reese
2 and Mary Helen Farris are on the call on behalf
3 of Mr. Latimer:

4 MS. SIVALINGAM: Danielle Sivalingam also
5 for plaintiffs.

6 MR. ZACHERL: I think that might be
7 everybody, Sandi.

8 THE STENOGRAPHER: Would you raise your
9 right hand, please? Do you swear or affirm
10 that the testimony you are about to give will
11 be the truth, the whole truth, and nothing but
12 the truth?

13 THE WITNESS: I do.

14 THE STENOGRAPHER: Thank you.
15 Thereupon,

16 CRAIG LATIMER
17 having been first remotely duly sworn or affirmed,
18 as hereinafter certified testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ZACHERL:

21 Q Good morning, Supervisor Latimer, just
22 what you wanted to do, spend your day with a bunch
23 of lawyers.

24 I represent the intervenor defendants, and
25 this is our opportunity to take your deposition, so

Craig Latimer
October 11, 2021

Page 12

1 we are going to try to plow through it as quickly as
2 we can. I am known for taking short depositions,
3 and I am hoping we can live up to that here.

4 First, why don't you go ahead and tell us
5 your name and spell it for the record, please.

6 A Sure. It's Craig, C-R-A-I-G, Latimer,
7 L-A-T-I-M-E-R, Hillsborough County supervisor of
8 elections.

9 Q Have you ever been deposed, sir?

10 A Yes.

11 Q Under what circumstances and how many
12 times?

13 A Several hundred times, I spent 35 years in
14 law enforcement.

15 Q Okay. All right. So you know, I am not
16 going to go over the rules. Let's just try not to
17 talk over each other so the court reporter can write
18 everything down, and please tell me if you don't
19 understand any of my questions. Okay?

20 A Yes.

21 Q Do you understand that you are testifying
22 under oath today?

23 A I do.

24 Q Okay. Have you ever been a plaintiff in
25 any lawsuit in your life other than like -- I don't

Craig Latimer
October 11, 2021

Page 13

1 **need to know about personal injury lawsuits or**
2 **anything like that, but a plaintiff in any other**
3 **kind of lawsuit?**

4 A Not that I can think of.

5 Q **And what about as a defendant, have you**
6 **ever been sued before?**

7 A Yes.

8 Q **Can you describe those cases for us or**
9 **that case?**

10 A My capacity with the sheriff's office.

11 Q **Okay. Were those civil rights type cases?**

12 A They ranged from unlawful arrest, so,
13 yeah, and job loss.

14 Q **Got it. Employment type cases. Okay.**

15 **So what did you do to prepare for today's**
16 **deposition today?**

17 A Met with my attorney several times, a
18 couple hours maybe, read over the cases, I reviewed
19 the interrogatories.

20 Q **Did you look at any documents besides the**
21 **answers to interrogatories?**

22 A Yeah, I looked at the responses that we
23 gave to the high committee on their survey and
24 looked over some of the other data that we had
25 compiled and e-mails.

Craig Latimer
October 11, 2021

Page 14

1 Q Other than speaking with your attorney,
2 did you speak with anyone else to prepare for the
3 deposition?

4 A No.

5 Q This morning are you taking any medication
6 that might affect your ability to testify?

7 A No.

8 Q Okay. Do you have any medical conditions
9 or anything that would affect your testimony?

10 A No.

11 Q Tell me just briefly about your
12 educational background. Do you have a college
13 degree?

14 A I do, University of South Florida.

15 Q When did you graduate?

16 A 1985.

17 Q What was your degree?

18 A Industrial technical education.

19 Q Okay. And then besides that degree, do
20 you have any other formal education?

21 A Other than professional affiliations, no.

22 Q Okay. Do you hold any professional
23 licenses of any kind?

24 A No.

25 Q Okay. You said -- earlier, I think you

Craig Latimer
October 11, 2021

Page 15

1 **said you are retired law enforcement, is that right?**

2 A That is correct.

3 Q Okay. How long did you work in law
4 **enforcement and where did you work?**

5 A I started at the Tampa Police Department
6 as a crime scene investigator trainee, was there for
7 about two and a half years, and then went to the
8 Hillsborough County Sheriff's Office, where I spent
9 the next 35.

10 Q How high did you rise up in the ranks
11 **there?**

12 A I retired as a major.

13 Q Okay. In your current position as
14 **supervisor of elections -- and I am sort of the**
15 **mercenary trial lawyer in this case, okay, so I am**
16 **not really an election lawyer so you have to bear**
17 **with me on some of the terminology. But tell me**
18 **about your job as supervisor of elections. How long**
19 **have you been in that job?**

20 A I first started in the office here as a
21 chief of staff in 2009, and then I was elected to
22 supervisor in 2012 and then reelected in '16 and
23 '20.

24 Q Okay. Have you had opposition in the
25 **elections that you've participated in since you**

Craig Latimer
October 11, 2021

Page 16

1 first took the job?

2 A In 2012, I had opposition.

3 Q And since then, no opposition?

4 A That is correct.

5 Q Okay. Had you ever been elected to any
6 office before you were elected to the supervisor of
7 elections position?

8 A No.

9 Q Did you have any sort of experience with
10 elections, other than voting obviously, but
11 experience working with elections or education or
12 anything prior to being elected as a supervisor of
13 elections?

14 A I mentioned I was chief of staff when I
15 came to the office here in 2009 through 2013 before
16 I took office, so I had four years of on-the-job
17 training.

18 Q And what about besides that, sir, anything
19 else?

20 A No.

21 Q Okay. Can you describe for us what your
22 job is as the supervisor of elections in
23 Hillsborough County?

24 A Yes, to conduct all of the federal, state,
25 municipal elections within my jurisdiction and also

Craig Latimer
October 11, 2021

Page 17

1 to maintain the voter rolls, also do voter
2 education.

3 Q Okay. In your job, is one of your
4 responsibilities arranging for the sending out of
5 vote-by-mail ballots?

6 A Yes.

7 Q Are you responsible for setting up early
8 voting sites?

9 A Yes.

10 Q Are you responsible for monitoring the
11 150-foot, I guess they call it a no-solicitation
12 zone or something like that outside of a polling
13 location?

14 A We have personnel that are assigned to
15 that, yes.

16 Q Okay. Are you responsible for setting up
17 drop boxes?

18 A Yes.

19 Q Are you the one that makes the decision,
20 or is your office the one who makes the decision
21 regarding the location of drop boxes?

22 A And following the law, yes.

23 Q What do you mean by "and following the
24 law;" how does that involve or relate to the
25 locations of these drop boxes?

Craig Latimer
October 11, 2021

Page 18

1 A So the drop boxes can be at early vote
2 sites or sites that would qualify to be early vote
3 sites.

4 Q Okay.

5 A My four offices.

6 Q Got it. And that was one of my questions,
7 you may as well address it now. So where are your
8 offices in Hillsborough County?

9 A I have four offices, one in the downtown
10 county center, one out on Falkenburg Road, which is
11 our operations center, actually, and then I have
12 southeast and northwest offices.

13 Q Okay. Which one is the main office, the
14 one downtown?

15 A Actually the elections service center I
16 would say is our main office, that's where
17 everything takes place out here.

18 Q Okay. Is that in the Falkenburg location?

19 A Yes.

20 Q All right. In terms of the other
21 responsibilities, I just want to make sure I get an
22 overview. Is your office responsible for tabulating
23 the ballots after they have been cast?

24 A Yes.

25 Q And are you responsible for reporting the

Craig Latimer
October 11, 2021

Page 19

1 results of elections to the -- I guess it's the
2 state division of elections?

3 A That is correct.

4 Q And then is -- does your office accept
5 voter registration forms from third-party voter
6 registration organizations?

7 A Yes.

8 Q I think you said this before, but I want
9 to make sure I get it. You have never been elected
10 to any other office besides the Supervisor of
11 Elections office, is that right?

12 A Correct.

13 Q Are you personally registered to vote in
14 Hillsborough County?

15 A Yes.

16 Q Do you know how many registered voters
17 voted by mail in the last election, which I guess
18 would be 2020, in Hillsborough County?

19 A Yeah, we had I think about 337,800 people
20 voted by mail.

21 Q Okay. And then do you also know how many
22 registered voters voted early in the 2020 election
23 in Hillsborough County?

24 A 272,642.

25 Q That's amazing. You got good recall

Craig Latimer
October 11, 2021

Page 20

1 there, sir.

2 In 2020, how many days of early voting did

3 Hillsborough County have, do you remember that?

4 A Yes. I always offer the maximum number of
5 days for all the elections.

6 Q Okay. Okay. And that would be true,
7 that's your plan for 2022 as well?

8 A Absolutely.

9 Q Do you know how many voters voted on
10 election day in Hillsborough County in 2020?

11 A Almost 107,000.

12 Q And then if you look at all the -- if you
13 look at all the different ways people voted and all
14 the people who did vote, what was the full -- total
15 turnout, if you know? And then I would also like to
16 know that as a percentage of the total registered
17 voters.

18 A That would be 77 percent turnout of all
19 the registered voters is what we had.

20 Q Do you know what that number is?

21 A 717,000 plus.

22 Q Okay. Okay. Is it your view that in 2020
23 your office provided Hillsborough County voters with
24 adequate opportunities to vote in the 2020 election?

25 A Yes.

Craig Latimer
October 11, 2021

Page 21

1 Q Did you get -- specifically on the
2 vote-by-mail, because that's one of the issues in
3 the case, did you get feedback from your voters
4 regarding the voting by mail in the 2020 election;
5 and if so, what was that feedback?

6 A I just could give you anecdotal comments
7 about the ease of it and being able to track your
8 ballot back.

9 Q Did you get any complaints about voting by
10 mail in the 2020 election?

11 A Anecdotally, yes.

12 Q What were those complaints?

13 A That people shouldn't vote by mail because
14 it's not safe.

15 Q Were they any more specific as to why they
16 didn't think it was safe?

17 A No.

18 Q Anything else in terms of complaints
19 besides that in the 2020 election on voting by mail?

20 A Not that I recall.

21 Q You personally, when you voted, how do you
22 typically cast your ballot?

23 A Usually I vote early; I have voted by
24 mail. I rarely vote on election day because I am
25 pretty busy.

Craig Latimer
October 11, 2021

Page 22

1 Q Understood. Is it your general -- let me
2 ask you this: Why is it that you voted by mail
3 sometimes and voted in person other times?

4 A Just the ease of it, voted by mail, and
5 then again, I have kind of rearranged my schedule
6 that I can get around to the early vote sites during
7 early voting, and so I will take advantage at one of
8 the sites and vote early.

9 Q When you have voted by mail -- let's just
10 go through the last few elections, did you vote by
11 mail in 2020?

12 A No.

13 Q How about in 2018 or 2016?

14 A No.

15 Q So it would have been earlier than that?

16 A Yeah, I think in 2008 and maybe '10 or
17 '12.

18 Q Okay. Since then, you have always cast
19 your ballot in person early?

20 A Yes.

21 Q All right. I want to ask you a little bit
22 about the lawsuit, I told you I like to get through
23 things, so we are just going to try to move through
24 it.

25 Are you able to tell me -- without

Craig Latimer
October 11, 2021

Page 23

1 divulging the contents of communications with your
2 lawyer; I don't want to hear what you talked about
3 with your lawyer, but are you able to tell me what
4 this lawsuit is about?

5 A Which one?

6 Q These four lawsuits that are pending. I
7 say "this lawsuit," it's really the consolidated
8 case.

9 A A variety of things, issues with vote by
10 mail, issues with drop boxes, putting undue burden
11 on people; it's in layman's terms.

12 Q Understood. Understood. Have you read
13 the law that's at issue in this case which we have
14 been referring to as Senate Bill 90?

15 A Yes.

16 Q What in your mind does Senate Bill 90
17 address?

18 A Can you be more specific?

19 Q Yeah, I can. That's a bad -- you are
20 right, that's a bad question. I guess what I am
21 getting to is, how in your mind does Senate Bill 90
22 or did Senate Bill 90 change Florida's election
23 laws?

24 MR. TODD: Object to the form.

25

Craig Latimer
October 11, 2021

Page 24

1 BY MR. ZACHERL:

2 Q You can answer, sir.

3 A Okay. How did it change the election law,
4 is that the question?

5 Q Yes, sir.

6 A Well, one thing is it now requires someone
7 requesting a vote-by-mail ballot to include a
8 driver's license number, a Florida identification
9 number, last four of your Social.

10 Q Right.

11 A It also limits it now to one election
12 cycle instead of two. It also addresses drop boxes
13 and the hours of operation and third-party voter
14 registration organization rules.

15 Q Is there any provision of Senate Bill 90
16 that you find troubling?

17 A Can you be more specific again? I think I
18 would just be speculating.

19 Q Well, is there any -- is there any
20 provision in Senate Bill 90 that you object to?

21 A I think it's putting a little bit more
22 burden on the voter who wants to vote by mail, also
23 the part about not being able to possess more than
24 two ballots, that will affect me directly. It seems
25 like I've got a bunch of neighbors that think I am a

Craig Latimer
October 11, 2021

Page 25

1 drop box at my house. So I won't be able to accept
2 those anymore.

3 Q Right. Anything else that you find --
4 that you object to in the law?

5 A I was noting things that I thought were
6 going to be troublesome, not that I totally objected
7 to it.

8 Q Understood. Understood. And I am not
9 trying to put -- I should have said that in the
10 beginning, I am never trying to put words in your
11 mouth; and just like you just did, I appreciate it
12 when you point that out if I have done that. So
13 don't be shy about doing that.

14 Do you think that any of the provisions in
15 Senate Bill 90, in your mind, are acceptable?

16 MR. TODD: Object to the form.

17 A Yeah. Again, I think that it puts an
18 undue burden on a voter specifically who vote by
19 mail, where we have got somebody that's registered
20 to vote, had been verified by the State that they
21 are who they say they are, they've made a request
22 for vote by mail, and now they are going to have to
23 turn around and rerequest that vote by mail,
24 including additional information as far as a
25 driver's license or last four.

Craig Latimer
October 11, 2021

Page 26

1 And I think the example I would use is
2 that most people know the last four of their Social,
3 they don't know their driver's license number. And
4 that probably we are going to have the driver's
5 license number on file and not the last four. So
6 it's going to lead to confusion.

7 BY MR. ZACHERL:

8 Q Okay. I should know this, but I don't.
9 Has Hillsborough County conducted any elections
10 since Senate Bill 90 became law?

11 A No.

12 Q Okay. Just a general question sort of in
13 response to what you have been saying. In your
14 opinion, does the State of Florida have a
15 responsibility to ensure that elections in Florida
16 are free, fair and accurate?

17 A Absolutely.

18 Q How does your office play a role in
19 ensuring that?

20 A We are the ones that conduct the election.

21 Q And is there anything that -- well, that's
22 a bad question.

23 Let me ask a couple more questions about
24 the State first.

25 So is there any way that the State can

Craig Latimer
October 11, 2021

Page 27

1 ensure free, fair, accurate elections other than by
2 passing statutes, to your knowledge?

3 A Rules, administrative rules.

4 Q Any other way?

5 A Not that I can think of.

6 Q Okay. Is it fair to say that the role
7 that your office plays is simply to enforce the laws
8 or the administrative regulations that are enacted?

9 A We do follow the law and the rules that
10 have been enacted.

11 Q Okay. In the legislative process leading
12 up to the enactment of Senate Bill 90, were you
13 involved in that process, sir?

14 A Yes.

15 Q Can you describe for us your involvement?

16 A Yes. I was the president of the state
17 association during this last year, last election
18 cycle, so I was involved in numerous phone calls and
19 e-mails back and forth with our lobbyists and with
20 Alan Hays, who was the chair of the legislative
21 committee.

22 Q Did you ever go up to Tallahassee and
23 testify?

24 A I did not.

25 Q How was it that you communicated your

Craig Latimer
October 11, 2021

Page 28

1 views on the law, the proposed law, I guess at that
2 time?

3 A A lot of it was phone calls, conference
4 calls; there was some in writing, also, talking
5 about different provisions.

6 I think you have to go back to, you know,
7 when this bill was originally introduced, between
8 the House bill and the Senate bill, it did
9 everything from try to wipe out all standing
10 requests for vote by mail that were on file, it had
11 provisions in it that you were going to have to show
12 identification and basically have an affidavit that
13 you were in possession of your spouse's ballot. So
14 there was a lot of things that we were looking at to
15 try and make sure that we could keep them within the
16 lines.

17 Q Is it fair to say that as a result of your
18 input, the bill was changed before it became law?

19 A It is a fair statement.

20 Q Okay. Do you feel like you had adequate
21 opportunity to participate in the legislative
22 process?

23 A Adequate opportunity, I don't know that we
24 were listened to.

25 Q Okay. Okay. I understand. I guess the

Craig Latimer
October 11, 2021

Page 29

1 Legislature was hearing from a lot of different
2 people and groups during the legislative process, is
3 that your understanding?

4 A I can't speak to that.

5 Q Fair enough. Fair enough. And then just
6 one other question just generally on the law.

7 Is it always the case that you agree with
8 every -- in your capacity as supervisor of
9 elections, that you agree with every election law
10 that's passed in Florida?

11 A Can you rephrase that? I don't understand
12 what you are saying.

13 Q Yeah. I mean, it takes me back to when I
14 was a prosecutor many, many years ago and, you know,
15 there was a death penalty in Florida, right, and
16 even if I didn't agree with the death penalty, it
17 was my job to carry it out if it came up. It never
18 did, knock on wood.

19 But what I am asking is, as supervisor of
20 elections, is it your practice to follow the laws
21 even if you don't agree with them?

22 A Follow the laws and the administrative
23 rules.

24 Q Okay. All right. And have you always
25 agreed with every law and administrative rule that

Craig Latimer
October 11, 2021

Page 30

1 has come out since you have been in this job?

2 A Probably not. I can't think of a specific
3 example right now.

4 Q Okay. Okay. Let me talk about some of
5 the specific issues that have been raised in this
6 litigation, and I am going to ask you for your views
7 on these.

8 The first one is the drop boxes.

9 Obviously you said you know what a drop box is. Are
10 you able to describe that for us?

11 A Yeah. We utilize a large, probably two,
12 two and a half foot by two and a half foot box with
13 a lock on it and a seal, has a slit in the top to be
14 able to put return vote-by-mail ballots in.

15 Q How does the process in Hillsborough
16 County work for voting by mail, dropping off a
17 vote-by-mail ballot in the drop box?

18 A So we had drop boxes at all the early
19 voting sites during early voting hours. And in
20 2020, during the pandemic, I opted to move them from
21 inside the building area to outside, where they
22 could just be a drive up and drop off for
23 contactless voting.

24 Q Right.

25 A And we would have tents set up, as long as

Craig Latimer
October 11, 2021

Page 31

1 weather permitted, and had at least two people that
2 would monitor that box.

3 Q What exactly did you have the monitors
4 doing?

5 A Protecting the box, making sure that it
6 wasn't getting overflowing with ballots, contacting
7 the office if they needed to get a replacement.

8 Q You mean a replacement box?

9 A Yes.

10 Q Did the monitors and the elections that
11 you've had so far with drop boxes, did they do
12 anything with regard to looking at the ballot to
13 make sure it was signed and sealed or anything else?

14 A We would encourage the people to make sure
15 you signed and dated your ballot before you drop it.

16 Q Did the monitors do anything to keep track
17 of each ballot as it went into the box, make a
18 notation somewhere or keep a list or anything like
19 that?

20 A No.

21 Q Okay. And what about at the main site;
22 you mentioned the early voting sites, did you have a
23 drop box at the main site?

24 A What are you calling the main site?

25 Q The -- I guess you have early voting at

Craig Latimer
October 11, 2021

Page 32

1 the main sites, that's a bad question, you are

2 right, you are right. I was thinking of the

3 Falkenburg location.

4 So at all locations, you had early voting,

5 I guess, right?

6 A All four of my offices had early voting.

7 Q Got it. Got it. Okay. Like I said, I am

8 really not an election guy, so bear with me, please.

9 Once the ballots were put into the drop

10 box, who would collect them out of the drop box, and

11 then how would they do that and where would they

12 take them?

13 A Yeah, so a courier would then retrieve the

14 box, bring it back to our office, the sealed numbers

15 would be matched, they would be taken into the

16 secure vote-by-mail area, they would then be put

17 through our Relia-Vote machine to accept and cancel

18 the ability to vote any further.

19 Q Okay.

20 A They are time stamped at that point, also.

21 Q And then where do the ballots go from

22 there?

23 A Eventually they will go to an opening

24 process, and then --

25 Q Go ahead. I'm sorry.

Craig Latimer
October 11, 2021

Page 33

1 A And then after the opening, it would go
2 to -- first you have signature verification, then it
3 would go to an opening process, then ultimately the
4 ballots would be removed from the envelope in the
5 secrecy sleeve and go to tabulation.

6 Q The signature verification process, is
7 that something that was done mechanically by a
8 machine, was it done by humans, some combination of
9 the two; how did that work?

10 A Humans.

11 Q Did each ballot go through signature
12 verification?

13 A Yes.

14 Q Okay. With regard to the courier that you
15 mentioned earlier, does the courier -- is that a
16 full-time employee of the Supervisor of Elections or
17 is that an outside company?

18 A Sometimes it's a full-time employee,
19 sometimes it's a full-time temporary employee. We
20 don't use any other services.

21 Q Okay. Okay. Did you have a schedule
22 where the ballots would be picked up from the boxes
23 at particular times, or did you just, as it filled
24 up, you would empty it out and put it back out?

25 A I think that the interrogatories contain

Craig Latimer
October 11, 2021

Page 34

1 all that information. We actually gave the outline
2 from our poll worker training manual on how to
3 request a box if you needed one and when they would
4 be picked up at the end of the early voting day.

5 Q And I have seen your answers to
6 interrogatories, I am just curious as to what you
7 recall. Do you remember if there was scheduled
8 collection times to pick up the ballots, or was it
9 something that was done just on an as-needed basis?

10 A If they didn't need a replacement box
11 because it was overflowing, then they would be
12 picked up at the end of the day, at the end of the
13 early voting hours.

14 Q Got it. Okay. Okay. In Hillsborough
15 County in 2020, did you have 24-hour drop box voting
16 ability at any of your locations?

17 A I did at the main office, at the election
18 service center.

19 Q Was the box monitored by someone 24 hours
20 a day?

21 A It was ultimately, yes.

22 Q And who was it that would do that
23 monitoring? Was it people who worked for your
24 office, full-time employees or temporary election
25 employees, or who was it?

Craig Latimer
October 11, 2021

Page 35

1 A We had law enforcement and we had
2 temporary employees that worked for the office.

3 Q Okay. Why was it that you went to 24-hour
4 staffing to make sure the drop box was monitored at
5 all times?

6 A That was based on a memo that was put out
7 by the Secretary of State's office, that they
8 interpret the law that we needed to have it
9 physically manned, not just video surveillance.

10 Q Did you feel comfortable, as a former law
11 enforcement officer, having law enforcement officers
12 do that monitoring?

13 A Absolutely.

14 Q Okay. This is not exactly pertinent, but
15 I am curious, it might be. For how long has
16 Hillsborough County been using drop boxes?

17 A I know since 2009.

18 Q Okay. So it's been a while. It's not a
19 recent development. Has the design of the boxes
20 changed or the manufacturer, how solid they are or
21 anything like that?

22 A No.

23 Q All right. Are you able to tell -- I may
24 know this already. Was it -- did you have four drop
25 boxes available for the 2020 election, one in each

Craig Latimer
October 11, 2021

Page 36

1 of the early voting locations?

2 A I'm sorry, you said four boxes?

3 Q Yeah. That's a terrible question. How

4 many boxes -- how many drop boxes did you have

5 available for voters in the 2020 election? Let me

6 ask you that.

7 A I had 26 early voting sites.

8 Q Okay.

9 A That included the four offices. So I

10 would've had a box at every early voting site during

11 early voting hours, and then outside of early voting

12 hours, they would be at the four offices.

13 Q Okay. At the four offices, you would have

14 those boxes staffed by someone 24 hours a day after

15 the Secretary of State issued that guidance?

16 A No, I only had one 24-hour box at the

17 election service center. The other ones were 8:00

18 to 5:00 basically.

19 Q Got it. Okay. Okay. Who was it that --

20 well, I guess it would be your office, right; you

21 guys are the ones who selected the locations for

22 early voting, the 26 locations?

23 A Correct.

24 Q Okay. The day before the election in 2020

25 in Hillsborough County, did your office have any

Craig Latimer
October 11, 2021

Page 37

1 drop boxes available?

2 A My four offices did.

3 Q Okay. What about the other 22 locations,

4 I guess, did you have --

5 A No. Early voting was over, we had nothing
6 there.

7 Q Okay. Got it. I am just trying to think
8 what else I have on drop boxes. Oh, one other
9 thing.

10 In some of the other depositions of
11 supervisors of elections around the state, they have
12 had 24-hour monitoring with cameras. In
13 Hillsborough County, did you have monitoring with
14 cameras of your drop boxes?

15 A I did at the 24-hour drop box at the
16 election service center, I have video surveillance
17 on that.

18 Q Is that still in place today?

19 A The video surveillance is in place.

20 Q Okay. Is that something that was reviewed
21 ever? Did anybody ever look at the footage, or was
22 it just there in case you needed it if there was
23 some damage or something like that?

24 A It would have been reactive reviewed.

25 Q Got it. Got it. Do you save the footage,

Craig Latimer
October 11, 2021

Page 38

1 or does it get taped over after an amount of time?

2 A We save it for quite a while.

3 Q All right. The people that were staffing
4 the drop boxes, were they able to -- in addition to
5 making sure that the ballot was signed and that it
6 was sealed, were they able to give any other
7 assistance to voters like answer questions, provide
8 information, et cetera?

9 A Sure, yes.

10 Q Okay. And did you give training to them
11 on how to do that, or is that just something they
12 would have known as part of their job?

13 A It would be part of the poll worker
14 training, questions might be -- if I decide I want
15 to vote in person, what do I do with this ballot,
16 things like that.

17 Q Okay. If one of your -- and I know this
18 is a hypothetical question and your attorney may
19 object, but I just want to know how it worked.

20 If there was a situation where one of your
21 poll workers who were monitoring the drop box saw
22 that a ballot was not signed, would they tell the
23 voter, hey, your ballot is not signed?

24 A It was their practice to just speak to the
25 voter and to make sure, is your ballot signed and

Craig Latimer
October 11, 2021

Page 39

1 dated?

2 Q Okay. Would they tell them that it needed
3 to be sealed as well?

4 A I don't recall that ever being a problem,
5 to tell you the truth.

6 Q Okay. Understood. Understood. I am just
7 trying to get a sense of how it worked.

8 Did you ever have any feedback from voters
9 on that process of dropping off at the drop box and
10 interacting with the poll workers and whether that
11 was valuable to them or a benefit to them?

12 A Again, anecdotally, as I mentioned before.
13 Yeah, it was ease of operation, you know; I was able
14 to drive right up, drop my ballot off.

15 Q I am curious about something, and this
16 again betrays my lack of knowledge about elections,
17 but do you keep track of the -- from election to
18 election, do you keep track of the rejection rate
19 for signatures?

20 A We do.

21 Q In 2020, are you able to tell me whether
22 the -- by the way, I should've said this in the
23 beginning, also. If you don't know an answer, you
24 can just tell me you don't know. You don't have to
25 know anything.

Craig Latimer
October 11, 2021

Page 40

1 Are you able to tell me, in 2020, whether
2 the vote-by-mail rejection rate for signatures went
3 up or down from the prior election?

4 MR. TODD: Object to the form.

5 A It -- from my recollection, it went down.

6 BY MR. ZACHERL:

7 Q Okay. And does that mean that more
8 signatures were accepted in 2020 than in the prior
9 election?

10 MR. TODD: Object to the form.

11 A That is correct. And I would attribute
12 that mainly to that there is a remedy in state law
13 now if you fail to sign or your signature doesn't
14 match, to give you an opportunity to correct it.

15 BY MR. ZACHERL:

16 Q Okay. Got it. Okay. Do you think that's
17 a beneficial change to Florida law to have the --
18 that process where the voter can fix that issue?

19 A Yes.

20 Q Is it your view that the people, the
21 presence of the people at the vote-by-mail locations
22 contributed at all to the reduction in signature
23 rejection rates?

24 A I don't think that's a correlation at all.

25 Q Okay. Fair enough. Just trying to get my

Craig Latimer
October 11, 2021

Page 41

1 mind around it.

2 Couple other scenarios that came in my
3 mind. One of them is, what would happen if somebody
4 from Pinellas County dropped off a ballot in your
5 county?

6 A We would make every effort to get it to
7 Pinellas County, or any county for that fact.

8 Q Okay. All right. Would that be something
9 where you would just reject the vote, or was there a
10 formal process for how you would get it to the other
11 county?

12 A Yeah, if there was time to mail it, we
13 would mail it; and if there wasn't, we would try and
14 arrange to meet halfway or whatever the case may be.

15 Q Understood. In your experience, and let's
16 just use 2020 as an example, was it a common
17 occurrence for voters from other counties to drop
18 off their ballots with your office in Hillsborough
19 County?

20 A I wouldn't call it common, but we did have
21 a handful; actually had some from different states,
22 too. So go figure. But quite frankly, I think we
23 received more through the U.S. Post Office that were
24 for other counties delivered to us.

25 Q Got it. Okay. That's interesting. Were

Craig Latimer
October 11, 2021

Page 42

1 those deliveries by mail?

2 A Yes.

3 Q Okay. This is a more general question,
4 more related to Senate Bill 90, but is it your view
5 that having poll workers there at the drop boxes and
6 being available to answer questions and help the
7 voters with their ballots, signing, sealing,
8 et cetera, does that provide a benefit to voters in
9 Hillsborough County?

10 A Absolutely.

11 Q Okay. Other than what we have just talked
12 about, are there any other benefits, in your view,
13 to having the drop box staffed with one of your
14 employees or your volunteers besides what we talked
15 about?

16 A To be fair, we have no volunteers. Poll
17 workers have to be paid by law.

18 Q Okay.

19 A But, yes, I think it also lends to an
20 appearance of security that the voter knew that
21 their ballot was being protected and was going to
22 get back to our office.

23 Q Got it. Got it. Okay. I am trying to
24 think of what else I have on drop boxes.

25 Oh, in 2020, are you aware of any

Craig Latimer
October 11, 2021

Page 43

1 violations of election law that related to drop
2 boxes in Hillsborough County?

3 A I am not.

4 Q In 2020, did you have any instances of
5 vandalism at the drop boxes?

6 A No.

7 Q Did you have a concern about vandalism?

8 A I really didn't because I had people
9 there, and also since they were outside of the
10 polling site, I had the poll deputy that was also in
11 the vicinity or able to observe.

12 Q Got it. Okay. And I may have asked you
13 this earlier, but, you know, this is just a lot of
14 information today, so forgive me. What feedback did
15 you get from Hillsborough County voters, if any, in
16 2020 with regard to the drop boxes?

17 A I answered that previously.

18 Q Okay. So I will find it. You don't have
19 to say it again.

20 How does -- how does -- let's talk about
21 the impact of Senate Bill 90 on drop boxes and then
22 we'll move on to the next topic.

23 How does Senate Bill 90 change the law
24 with regard to drop boxes?

25 MR. TODD: Object to the form.

Craig Latimer
October 11, 2021

Page 44

1 A Actually, it doesn't change it drastically
2 because we already had in law that you had to have
3 drop boxes at the early voting sites. I think it
4 did add that you can only have them during early
5 voting hours, so that would negate having it on a
6 Monday or Sunday if you didn't have early voting on
7 Sunday; and then, of course, the additional
8 information that if one of my people leaves that box
9 unattended, I can get a 25,000-dollar civil fine.

10 BY MR. ZACHERL:

11 Q Right. Right. Anything else, anything
12 else besides what you just described, to your
13 understanding?

14 A Not that I can think of at this time.

15 Q And in 2022, do you still plan on having
16 the same 26 drop boxes that you had in 2020?

17 A I am losing two of my sites, I am trying
18 to secure some more right now. But Amalie Arena and
19 Raymond James Stadium won't be available because
20 they are back to having fans in place now.

21 Q Got it, got it. That fact, the fact that
22 you are losing two of your sites, that's just
23 related to the economy opening up, it's not related
24 to Senate Bill 90, right?

25 A That is correct. And as I said, I am

Craig Latimer
October 11, 2021

Page 45

1 looking for replacements, and who knows, I may have
2 27 by the time we finish.

3 Q Got it. Got it. And other than those two
4 locations, are you going to have the same locations
5 in 2022 for drop boxes that you had in 2020?

6 A Right now, yes, that's barring any
7 unforeseen catastrophes of a site burning down or
8 damage or something that we wouldn't be able to use
9 it, but yes.

10 Q Understood. Understood. Are you going to
11 do anything different in 2022 with regard to
12 staffing and securing the drop boxes than you did in
13 2020?

14 A No.

15 Q Are you going to do anything different
16 with regard to collecting the ballots out of the
17 drop box and that process that you described earlier
18 in 2022 than you did in 2020?

19 A Plan to use the same process.

20 Q Okay. Okay. You mentioned the
21 25,000-dollar fine, and I had forgotten to ask you
22 about that earlier. As a result of that potential,
23 are you going to do anything different in 2022 than
24 you would have done in 2020 with regard to the drop
25 boxes?

Craig Latimer
October 11, 2021

Page 46

1 A We're going to make sure that the people
2 unequivocally know that that box can't be left for a
3 single second.

4 Q Left alone you mean?

5 A Yes.

6 Q Okay. Okay. I think that's everything I
7 have on drop boxes. You may have answered this:
8 Has the design of the drop boxes changed since you
9 have been using them in Hillsborough County?

10 A No.

11 Q Okay. All right. So let's talk about --
12 let's talk about the next topic under the law that's
13 been challenged in this case, which is this issue of
14 line warming. Do you know what line warming refers
15 to?

16 A I believe so.

17 Q What is that, sir?

18 A It's where people would walk the line and
19 make sure that, you know, if somebody needed an
20 umbrella if they were in the sun or if they needed
21 something to drink, along those lines.

22 Q In the past, before Senate Bill 90, what
23 has your office done to enforce the 150-foot
24 nonsolicitation zone around your polling locations?

25 A We have a poll deputy at every site. Some

Craig Latimer
October 11, 2021

Page 47

1 of the early vote sites actually had two outside to
2 monitor.

3 Q Anything else?

4 A I think the -- one beauty of Hillsborough
5 County is in the past and hopefully will continue is
6 that we don't have lines, so there is not a lot of
7 line warming to be done.

8 Q Got it. Is that because of all the
9 different ways that people can vote, in your view?

10 A I believe so.

11 Q We have heard testimony from other
12 supervisors of elections on this, so I've learned a
13 little bit about it. Does your office allow people
14 who are not in line to have any interaction with
15 people who are in line within 150 feet of a polling
16 location?

17 A As I said, we don't generally have lines,
18 number one; but, yes, 150-foot no solicitation would
19 mean that you shouldn't be having any contact with
20 somebody that's in that line, if there is one.

21 Q Would that be true even with regard to
22 something like handing them water or food?

23 A Correct.

24 Q Okay. Is it your -- I just don't know how
25 it works in Hillsborough, which is a shame because I

Craig Latimer
October 11, 2021

Page 48

1 actually grew up in Hillsborough; I should know

2 this, but I don't.

3 When you have lines, does your staff ever

4 distribute anything like food, water, umbrellas,

5 anything to the people who are in line?

6 A No. We do have a process that if somebody

7 has some type of disability that would burden them

8 to stand for a while, we'll put a chair up by the

9 door and then ask the person that's right in front

10 of them to let us know when they get up there, we'll

11 give them a card usually, and then they can give the

12 card and we know that person gets to go in at that

13 point.

14 Q Okay. Okay. In the 2020 election -- I

15 think you answered this -- but is it accurate to say

16 that Hillsborough County did not have any long

17 lines?

18 A That is 100 percent correct.

19 Q That's good. Congratulations.

20 With regard to -- let me ask about Senate

21 Bill 90 and how it impacts this now. With regard to

22 Senate Bill 90, do you understand the law to

23 prohibit your staff from providing water to voters

24 who are waiting in line?

25 A I do not.

Craig Latimer
October 11, 2021

Page 49

1 Q Okay. Do you -- well, does Senate Bill 90
2 impact your staff's ability to help someone who's
3 having difficulty standing in line, as you described
4 earlier?

5 A No.

6 Q Okay. I am just trying to think of what
7 else I have on the line warming issue.

8 Are you going to do anything -- are you
9 going to do anything different in 2022 relating to
10 the nonsolicitation zone than you did in 2020 as a
11 result of the passage of Senate Bill 90?

12 A Senate Bill 90 also places a 150-foot
13 no-solicitation zone around a drop box. So as I
14 described, I have got drop boxes that are outside of
15 voting sites, so it will add to the 150-foot
16 no-solicitation zone.

17 Q Okay. I understand. I understand. So
18 you are basically going to have to enforce that zone
19 around all those drop boxes as well, is that what
20 you are saying?

21 A Correct.

22 Q Understood. Understood. I am just trying
23 to think if there is anything else I have on the
24 line warming issue. If I think of it, I'll come
25 back to it.

Craig Latimer
October 11, 2021

Page 50

1 Let's talk about -- you mentioned earlier
2 the third-party voter registration organizations,
3 and I know that's one of the provisions that's being
4 challenged in these lawsuits. First of all, can you
5 tell us what -- just generally what a third-party
6 voting registration organization does?

7 A They register voters.

8 Q Do they do anything else besides register
9 voters?

10 A No, not that I am aware of.

11 Q Are you able to describe how these groups
12 go about registering voters?

13 A I personally have never been next to one
14 of them when they were doing it, so I guess the
15 answer would be no.

16 Q Okay. In Hillsborough County, and let's
17 just say in the 2020 election, to start off, do you
18 recall having any issues with third-party voting
19 registration organizations?

20 A Very minor issues. I know we had some
21 turned in late applications but not late that the
22 person didn't get registered to be able to vote in
23 the election.

24 Q Okay.

25 A That's all I can recall.

Craig Latimer
October 11, 2021

Page 51

1 Q Are you able to recall in the 2020
2 election any allegations of fraud or wrongdoing
3 levied against any third-party voting registration
4 organizations?

5 A Not in Hillsborough County.

6 Q Okay. And my questions are all about
7 Hillsborough, so thank you for that.

8 With regard to the earlier elections,
9 let's say 2018 and 2016, do you recall having any
10 issues other than these occasional late votes that
11 don't result in the vote not being cast? Any other
12 issues with regard to third-party voter registration
13 organizations in those two elections?

14 A Yeah, we have in the past had where it
15 appears that people may be fraudulently filling out
16 the application and signing it for the voter, they
17 are already registered, changing parties, things
18 like that.

19 Q When you -- how does that come to your
20 attention?

21 A Several ways. I have had the actual
22 third-party organization come to me and say, we
23 think we had a problem here, here's the applications
24 we are talking about. And we've had voters that we
25 send them a new voter information card with a change

Craig Latimer
October 11, 2021

Page 52

1 of party, and they are like, I didn't do that.

2 Q When you get a report like that,
3 regardless of where it comes from, what do you do
4 with it?

5 A We would contact law enforcement if there
6 was a need for that, and also we are going to notify
7 the State.

8 Q Who do you -- do you contact the state
9 attorney's office, do you contact the sheriff's
10 office; who do you contact?

11 A Sheriff's office.

12 Q Okay. And then at the State of Florida,
13 who would you contact?

14 A Division of elections.

15 Q Okay. And when you make those contacts,
16 is there a document process where we would be able
17 to see a document record of those contacts?

18 A I don't have anything available that I
19 recall.

20 Q Okay. Is there a particular form that
21 your staff has to fill out, for example, when one of
22 these reports comes in?

23 A No.

24 Q Is anybody in your office trained to spot
25 fraudulent voter registration forms?

Craig Latimer
October 11, 2021

Page 53

1 A Can you be more specific?

2 Q Yeah. You are right, that was an awkward
3 question.

4 What I am getting to is, do you provide
5 training to your employees with regard to these
6 voter registration organizations, these third-party
7 groups?

8 A No.

9 Q Okay.

10 A Let me back up. Yes, we do provide
11 training, in that they have to verify the number of
12 applications, verify the number of the third-party
13 organizations on the registration application. So,
14 yeah, there is some training.

15 Q That's what I was anticipating. Obviously
16 you have these groups bringing these forms in, and
17 it sounds like -- is it fair to say that you track
18 the number of ballots or -- I'm sorry, the number of
19 registrations that you get from each organization?

20 A Yes.

21 Q Okay. Is there a limit, to your
22 understanding, in Senate Bill 90 on the number of
23 registrations that a third-party voter registration
24 organization can bring to your office?

25 A I don't recall seeing that cap on that.

Craig Latimer
October 11, 2021

Page 54

1 Q Do the third-party voter registration

2 organizations typically bring the registration

3 applications to your office physically, or do they

4 mail them in, or how do they get to you?

5 A Generally, they are brought in physically.

6 Q Do they ever mail them?

7 A Yes.

8 Q Okay. And other than keeping track of the

9 number of registration applications that you would

10 get from one of these groups, does your -- are your

11 employees trained to do anything else with regard to

12 the registration applications they receive?

13 A Input them into the Florida voter

14 registration system.

15 Q And then just as a matter of process, what

16 happens after that; once it's inputted into the

17 system, what happens?

18 A The State will make a match, as I

19 mentioned earlier, on whatever identification is

20 furnished, and then they will send back through the

21 portal to us things are good to go basically.

22 Q Is it your understanding that these

23 third-party voter registration organizations have a

24 fiduciary responsibility to the voters that they are

25 registering?

Craig Latimer
October 11, 2021

Page 55

1 A In what regard?

2 Q Let me ask it differently. Like I said
3 earlier, if you don't know, it's fine to say you
4 don't.

5 But is it your understanding that the law
6 imposes on third-party voter registration
7 organizations a fiduciary duty to the registrants
8 from whom they are collecting these registration
9 applications?

10 A SB 90 requires them to tell them how they
11 can vote or how they can register on online and also
12 some statement about that they've got 14 days to get
13 them to my office, and they may be late and some
14 other verbiage that was put into the bill.

15 Q Right, right. I am going to ask you about
16 that in a minute.

17 Let me ask you about that now, actually,
18 now that I am thinking about it. Do you believe
19 that those provisions of Senate Bill 90 that require
20 third-party voter registration organizations to
21 communicate certain things to registrants, do you
22 believe that those provisions are problematic or do
23 you object to them in any way?

24 A I don't have an opinion on that.

25 Q Okay. Have you heard anything from any of

Craig Latimer
October 11, 2021

Page 56

1 your voters with regard to any provisions of Senate
2 Bill 90 as it relates to third-party voting
3 registration organizations?

4 A Not relating to third-party voter
5 registration organizations.

6 Q Okay. And then you mentioned earlier that
7 you had the experience of a third-party voting
8 registration organization turning in their
9 application late. And I think I heard you say that
10 you are not aware of a situation where that ever
11 resulted in a voter being unable to cast their
12 ballot, is that fair?

13 A To my recollection, yes.

14 Q Would that be true for say the last three
15 elections, 2020, 2018, 2016?

16 A Yes.

17 Q Okay. And this is another hypothetical
18 question that your lawyer might object to, but if it
19 were to happen that a third-party voter registration
20 organization turned in an application after the book
21 closing deadline, what would the consequences be?

22 MR. TODD: Object to that one.

23 A Again, I think that would call for a lot
24 of speculation.

25

Craig Latimer
October 11, 2021

Page 57

1 BY MR. ZACHERL:

2 Q Well, in that situation, would the voter
3 be able to vote in that election?

4 A No.

5 Q Okay. To your understanding, would they
6 be able to vote in the next election, based on that
7 registration?

8 A They will be able to vote when that
9 registration has been verified by the State and
10 accepted. And they could always vote a provisional
11 ballot, too.

12 Q That was going to be my next question. Is
13 it your understanding that they would be able to
14 vote a provisional ballot?

15 A Yes.

16 Q And would that count for the election?

17 A That would be up to the canvassing board,
18 but generally if a person is not duly registered,
19 then they are not going to be voting.

20 Q Okay. Do you know what other criteria are
21 used to determine whether a provisional ballot will
22 count for that election?

23 A Again, that would be up to the canvassing
24 board, whether they accept or reject that
25 provisional ballot.

Craig Latimer
October 11, 2021

Page 58

1 Q Is the canvassing board under your
2 supervision?

3 A No.

4 Q So do you have anybody on your staff
5 who -- I am trying to figure out a way to ask the
6 question that makes sense. Do you have anybody on
7 your staff that would be involved in the process of
8 determining whether a provisional ballot would be
9 counted?

10 A I am on the canvassing board as long as I
11 am not on the ballot.

12 Q Okay. So besides you, anybody else?

13 A No, other than the other members of the
14 board.

15 Q Understood. Understood. Yeah. Do you
16 have other employees that are members of that board?

17 A No.

18 Q Okay.

19 A It's very specific in statute who can
20 serve on the canvassing board.

21 Q Okay. I am trying to think if I have
22 anything else on voting registration. I don't think
23 I do. If I do, I will come back to it.

24 So let's talk -- you mentioned earlier

25 something else about the vote-by-mail registration

Craig Latimer
October 11, 2021

Page 59

1 only being applicable to one election cycle, as
2 opposed to two election cycles. Do you remember
3 that?

4 A Yes.

5 Q Okay. And I think you said something
6 about that being more burdensome because now the
7 person has to register for vote-by-mail for every
8 election cycle, is that right?

9 A And it's an administrative burden on us,
10 too.

11 Q Well, that's what I was going to ask you
12 about. How has that provision of Senate Bill 90
13 actually impacted you so far to date?

14 A It hasn't because right now all of the
15 requests that are on file, all 346,000 of them, will
16 be good through 2022.

17 Q Okay. So what you are anticipating is
18 that in 2022 and then going forward, when those
19 expire, you are going to have more work for your
20 people to process those applications every cycle?

21 A Both processing the application and voter
22 education, mailings to get information out to
23 people.

24 Q Got it.

25 A Additionally, we used to have a check box

Craig Latimer
October 11, 2021

Page 60

1 on the back of the envelope that qualified as a
2 written request because it was signed, dated, and
3 they would check the box they wanted to continue to
4 receive vote by mail, and now that would require the
5 additional information we discussed.

6 Q With regard to voter education -- that was
7 one of the things I meant to ask you earlier about
8 your office -- when there is a change in either the
9 Florida election law or the Florida election
10 regulations, is it your office's practice to educate
11 voters in Hillsborough County on those changes?

12 A If it's going to impact the voter,
13 absolutely.

14 Q Okay. That's a fair point. What sort of
15 voter education efforts does your office undertake
16 to do that education?

17 A We specifically have a voter's guide that
18 we publish with up-to-date information on the three
19 ways to vote, how to register to vote, how to
20 request a vote-by-mail ballot.

21 We also do a monthly newsletter that we
22 get out, speak to different groups, use social media
23 as best as we can, and also get word out to the
24 media so that we can get whatever changes are taking
25 place that they can reiterate.

Craig Latimer
October 11, 2021

Page 61

1 Q Anything else that you can think of?

2 A Not that I can think of right now.

3 Q And then this process -- my assumption is
4 this process has been ongoing since you have been
5 the supervisor of elections; in other words, there's
6 always going to be a voter's guide, there's always
7 going to be the monthly newsletter, there's always
8 going to be the outreach to the media for all the
9 elections from 2012 through the present?

10 A Correct.

11 Q Okay. Does your office encourage in those
12 election -- in those educational materials, excuse
13 me, does your office encourage voters to vote by
14 mail or request vote-by-mail ballots?

15 A Not specifically. This past election we
16 did due to the pandemic, we wanted to give the
17 people the opportunity so that they didn't feel like
18 they were going to get shut out because they didn't
19 want to go inside a polling site or an early vote
20 site.

21 Q How was it that you disseminated that
22 information, or how was it that you notified voters
23 of that or advised voters of that?

24 A For every voter that did not have a
25 request for a vote-by-mail ballot on file, we mailed

Craig Latimer
October 11, 2021

Page 62

1 a piece to them talking about how they could get
2 vote-by-mail and, of course, how they could early
3 vote and election day. And that information is also
4 included with every voter information card that's
5 sent out.

6 Q Okay. Okay. This may have been because
7 of the pandemic, but I am just curious about the
8 statistics. Did you find that more voters requested
9 a vote-by-mail ballot in the 2020 election cycle
10 than in prior cycles?

11 A Absolutely.

12 Q The way -- this is -- again, I am not an
13 election guy, so bear with me.

14 A That's okay, I am not an attorney.

15 Q Say again?

16 A I am not an attorney.

17 Q We'll do it together, we'll get through
18 this. The reason I am saying that is I need to
19 understand how the cycles work.

20 So before Senate Bill 90, if somebody had
21 requested a vote-by-mail ballot in 2020, would that
22 request still be good for the 2022 election?

23 A It depends. When a person makes a
24 request, they can request it for a specific election
25 or they can request it through the next two general

Craig Latimer
October 11, 2021

Page 63

1 elections.

2 Q Okay. So if they had requested it through
3 the next two general elections, then the request
4 would still be good for the 2022?

5 A Correct.

6 Q If they had done that, would your office
7 still send them a vote by mail -- let me ask it
8 differently.

9 For the people who only requested it for
10 one election cycle, would you send -- in 2020, would
11 you send in 2022 a vote-by-mail ballot to them even
12 if they had not requested it?

13 A Absolutely not.

14 Q Okay. All right. I am just trying to
15 think of what else on the vote-by-mail I want to ask
16 you.

17 How does the process -- I know that we
18 have this in my class-action practice in trying to
19 track people down who move. How does the process of
20 a voter changing addresses impact the vote-by-mail
21 process in Hillsborough County, to your knowledge?

22 A We have a pretty transit area here and
23 people are moving all the time, so I've always used
24 the estimate that annually we'll probably deal with
25 about 40,000 people that have moved. Just off the

Craig Latimer
October 11, 2021

Page 64

1 top of my head -- and this is -- I am not saying
2 this is totally accurate -- I think we had about
3 10,000 vote-by-mail ballots that were returned
4 undeliverable because the people had a forwarding
5 address and you can't forward that ballot, or some
6 other national change of address that had taken
7 place. That was out of 447,000 ballots we sent, I
8 think.

9 Q With those ballots, would you -- your
10 office send them out to the new address on the
11 change address form yourself?

12 A No, it cancels it at that point. The
13 person would have to rerequest.

14 Q Okay. What about -- you know, what about
15 people who move from one county to another county;
16 when somebody moves say from Hillsborough County to
17 Pinellas County, do they have to register to vote in
18 Pinellas County?

19 A Yes.

20 Q Once they are in --

21 A Excuse me, they don't have to register,
22 they just have to update their address if they are
23 already registered.

24 Q Okay. All right. That's what I was
25 wondering. So if somebody in Hillsborough County

Craig Latimer
October 11, 2021

Page 65

1 moved to Pinellas County and they didn't update
2 their address, would they be -- and somehow they got
3 the ballot, vote-by-mail, would they be eligible to
4 vote in Hillsborough County?

5 A If someone moved to Pinellas County, that
6 ballot would not have gotten to them because you
7 can't forward vote-by-mail ballots.

8 Q Okay. So that's pretty much impossible
9 unless, I guess, the resident who got it hands it to
10 them or something like that, right?

11 A Correct.

12 Q Okay. I got it. For the returned
13 ballots, other than what you described, is there
14 anything that your office does to ensure that the
15 voter gets the vote-by-mail ballot?

16 A You said for the returned ballots, so you
17 lost me.

18 Q Returned as undeliverable, I'm sorry, for
19 the vote-by-mail ballots that were returned as
20 undeliverable.

21 A No, not at that point. When you are
22 talking middle of an election, we are down to crunch
23 time there, we don't even have time to go through
24 those 10,000 ballots to see what the address change
25 is on them at that point.

Craig Latimer
October 11, 2021

Page 66

1 **Q Okay. All right.**

2 MR. ZACHERL: So we have been going for
3 about an hour, and I actually don't have that
4 much more. As I told you, I take pretty short
5 depositions. I would like to take a bathroom
6 break if it's okay with everyone; but if it's
7 okay with everyone, I would like to just finish
8 my questioning before we break for lunch. Is
9 that okay with you guys?

10 MR. TODD: Sure.

11 MR. ZACHERL: Okay. So let's take just --
12 we'll come back at 12:20. That's eight minutes
13 from now. Then I will finish up and then we
14 can take a lunch break. Is that okay?

15 MR. TODD: That's fine.

16 MR. ZACHERL: Okay. Thank you.

17 (A recess took place from 12:12 p.m. to
18 12:20 p.m.)

19 BY MR. ZACHERL:

20 **Q Supervisor Latimer, you are still under**
21 **oath, sir. We are just going to talk about the**
22 **ballot harvesting provisions.**

23 I had a look at my notes during the break,
24 and I am not sure I have much more to go. But I
25 want to ask you about Senate Bill 90's changes to

Craig Latimer
October 11, 2021

Page 67

1 that law.

2 So first of all, can you just tell us what
3 ballot harvesting is, if you know?

4 A I am not certain I know.

5 Q Are you familiar with the process of one
6 person returning signed ballots to your office for
7 other people?

8 A I didn't understand that.

9 Q Well, you mentioned earlier -- you are
10 right, these are terrible questions.

11 You mentioned earlier that in your case
12 that a provision that a person could not take more
13 than two ballots back was going to affect you
14 personally because you are sort of a de facto drop
15 box for people that you know. So that's what I
16 was -- that's what I am referring to by ballot
17 harvesting. That's a term of art within this world.

18 But are you familiar with the practice of
19 one person returning the votes of other people in
20 Hillsborough County?

21 A So if we can go back a minute, I have read
22 some stuff about ballot harvesting, and my
23 understanding is that that occurs when a person is
24 giving an unmarked and not sealed ballot in an
25 envelope to another individual.

Craig Latimer
October 11, 2021

Page 68

1 Q Okay. Got it. That may be accurate in
2 terms of what the term actually means. I was just
3 curious what your understanding of it was and you've
4 clarified that.

5 A I think there was a case out of North or
6 South Carolina where that was occurring, they
7 actually ended up reversing the election or undoing
8 the election.

9 And back to your original question, I am
10 not aware of anybody collecting unmarked open
11 ballots in Hillsborough County.

12 Q That was one of my questions. Are you
13 familiar in Hillsborough County with -- or does it
14 happen in Hillsborough County, let's ask it that
15 way, that you have one person who returns the votes
16 of other people to your office?

17 A Yes. Anecdotally I've seen people that
18 have brought their neighbors', they might live in an
19 apartment complex and they bring five or six
20 neighbors' ballots in and drop them off, too. I
21 have seen people anecdotally with more than two
22 ballots. I don't know if it's their immediate
23 family member or who it is.

24 Q Is it your understanding that under Senate
25 Bill 90, a person can only return nonfamily members'

Craig Latimer
October 11, 2021

Page 69

1 ballots up to an amount of two, in addition to their
2 own ballot?

3 A That's correct. The way I understand it
4 is you can bring as many immediate family and your
5 own ballot, and then you can possess no more than
6 two per election of nonfamily members.

7 Q Now, on this issue, prior to the enactment
8 of Senate Bill 90, was there any limit on the number
9 of completed ballots that a person could return for
10 nonfamily members?

11 A Not that I am aware of.

12 Q Prior to the enactment of Senate Bill 90,
13 did your office keep any statistics or keep track of
14 circumstances where one person would return other
15 people's ballots?

16 A No.

17 Q Okay. Now let's talk about after Senate
18 Bill 90. Since the enactment of Senate Bill 90, is
19 your office going to do anything to track people who
20 return other people's ballots? And by that --
21 that's a bad question, I know, but what I mean is,
22 if I bring in a ballot for myself and then I bring
23 in a ballot for my buddy Joe and my buddy Steve,
24 will you write down somewhere that Frank Zacherl
25 brought in ballots for these other two people?

Craig Latimer
October 11, 2021

Page 70

1 A No.

2 Q Are you going to keep any records of me in
3 that circumstance bringing ballots for other people?

4 A I don't believe that's required in the
5 statute.

6 Q The reason I am asking is, in Hillsborough
7 County, since the enactment of Senate Bill 90, would
8 it be possible for someone to bring in other
9 people's ballots two at a time, so they come in
10 multiple times and they bring in -- they come in
11 five times, two ballots each time, so they've
12 returned 10 ballots of nonfamily members, would that
13 be possible in Hillsborough County under your
14 current plans for how to administer the elections
15 going forward?

16 A That would call for speculation and a
17 hypothetical situation that we haven't encountered
18 in an election yet.

19 Q What I'm asking, though, is your office
20 planning on doing anything to prevent that
21 circumstance from occurring?

22 A I don't believe the statute requires that.

23 Q Okay. Okay. So that's -- you're not
24 going to do anything to prevent that from happening?

25 A You know, I don't know whether you are

Craig Latimer
October 11, 2021

Page 71

1 bringing a family member's, and I don't know who
2 your immediate family members are by name. There is
3 no enforcement or checks and balances on that in the
4 statute.

5 Q Okay. Okay. Prior to Senate Bill 90, you
6 have mentioned a number of times anecdotal reports
7 from voters, and that's what I am referring to now,
8 Supervisor Latimer. But did you ever hear any
9 voters in your county comment or provide feedback
10 that they were relying on other people to return
11 their ballot for them?

12 A Anecdotally, yes, I have had people tell
13 me that my neighbor is going to bring my ballot back
14 for me or my neighbor brought my ballot back for me.

15 Q Has anybody from the Hillsborough County
16 voting community, I guess, or voters in Hillsborough
17 County, since Senate Bill 90 has been enacted, have
18 you gotten any feedback from voters in Hillsborough
19 County about this provision of Senate Bill 90?

20 A Not that I recall.

21 Q Okay. Excuse me, let's talk about 2020
22 just to start as an example. I am trying to
23 understand how it happened before and after Senate
24 Bill 90.

25 Did you have volunteer groups or other

Craig Latimer
October 11, 2021

Page 72

1 groups in Hillsborough County that would collect
2 ballots and return them to your offices?

3 A I don't have any information on that.

4 Q Prior to 2020, did your office -- or prior
5 to Senate Bill 90, so this would be applicable in
6 the 2020 election, did your office have any
7 requirement that a group that was going to do that,
8 return other people's ballots, register their
9 organization with your office?

10 A No.

11 Q Okay. Since Senate Bill 90 was enacted,
12 do you have any plans to require any registration
13 like that going forward?

14 A I don't recall seeing anything like that
15 in the statute.

16 Q Okay. Okay. I am just trying to think
17 what else I have on this ballot harvesting issue.
18 You are doing a good job of getting right to it, so
19 we are going quickly.

20 A I am going to have to stop doing it.

21 Q Yeah, we booked a while, but I think I
22 told your counsel back when I just don't take very
23 long depositions. I have a good sense of your
24 testimony now.

25 Did you ever have a circumstance where --

Craig Latimer
October 11, 2021

Page 73

1 and this is prior to the enactment of Senate
2 Bill 90. Did you ever have a circumstance where one
3 of these groups that returns ballots returned them
4 late so that they couldn't be counted?

5 A Not that I am aware of.

6 Q Okay. Are you familiar -- let's just say
7 in the last three elections -- well, let's go back
8 to when you became supervisor in 2012. Are you
9 familiar with any fraud in Hillsborough County that
10 is related to this ballot harvesting that we have
11 been discussing?

12 A I am not.

13 Q Are you familiar or are you aware of any
14 criminal prosecutions or criminal charges that were
15 made or alleged in Hillsborough County regarding
16 this ballot harvesting we have been talking about?

17 A No.

18 Q Okay. All right.

19 MR. ZACHERL: I think that is all the
20 questions I have for you, sir. If you can just
21 give me a minute -- I did go over my notes
22 prior to getting back on the record. Seems
23 like I made one note. Just give me a minute.

24 No, I think I have asked you everything I
25 needed to ask you. Let me ask just a couple

Craig Latimer
October 11, 2021

Page 74

1 general questions.

2 BY MR. ZACHERL:

3 Q Is there anything that we haven't talked
4 about that you take issue with in Senate Bill 90?

5 A Not that I can think of.

6 Q Okay. And is it your contention -- let me
7 ask you this: You are not a plaintiff, but do you
8 believe that any of the provisions of Senate Bill 90
9 should be stricken as unconstitutional?

10 MR. TODD: Object to the form.

11 A I wouldn't speculate on that.

12 BY MR. ZACHERL:

13 Q All right. And is it going to be an undue
14 hardship on your office to implement the provisions
15 of Senate Bill 90?

16 A As I stated before, it's going to cause a
17 tremendous administrative burden on our office with
18 just having to process these things every cycle, as
19 opposed to every two cycles, and the additional
20 information that's required that we have to verify,
21 so it will cause an administrative burden.

22 Q Anything else besides that?

23 A Not that I can think of.

24 Q And then there was questioning of another
25 supervisor of elections deposition about the law.

Craig Latimer
October 11, 2021

Page 75

1 Is it your understanding that the law in Florida
2 previously was that you had to renew vote by mail
3 every election cycle, and then they changed it in
4 Tallahassee to be every other election cycle, and
5 now they've changed it back to where it originally
6 was, are you aware of that?

7 A I am. I believe that was in 2011 that
8 they changed it back to one cycle, and then the next
9 year they changed it right back to two cycles.

10 Q Okay. Okay. Based on that experience,
11 did you see any additional administrative burden
12 when you went to the one cycle?

13 A Absolutely. Number one, it wiped out
14 everything that we had on file at that point --

15 Q Right.

16 A -- the election which -- and ironically,
17 we had a city of Tampa election right after that,
18 and I think we started with like a hundred people
19 that had requests on file from several hundred
20 thousand. So it took my communications team a lot
21 of effort and work to build that back up.

22 Q Right. Right.

23 MR. ZACHERL: I don't have any other
24 questions for you right now. I am pretty sure
25 that others on the Zoom might have questions,

Craig Latimer
October 11, 2021

Page 76

1 Supervisor. But thank you very much for your
2 time this morning and I hope this wasn't too
3 painful.

4 THE WITNESS: Thank you.

5 MR. TODD: Just kind of taking a survey,
6 who else is going to be questioning this
7 witness?

8 MR. DAINES: I will be for the Secretary
9 of State.

10 MR. TODD: Dan, you got any questioning?

11 MS. MADDURI: I will be questioning for
12 the League of Women Voters plaintiff.

13 MR. TODD: We have three attorneys for
14 questioning.

15 MR. CAVATARO: I will be questioning for
16 NAACP plaintiffs.

17 MR. TODD: So we have four.

18 MR. BUDHU: Sorry, this is Ryan Budhu for
19 the Florida Rising plaintiffs, I will also be
20 questioning briefly.

21 MR. TODD: Have y'all predecided who is
22 going to be questioning first, second, third,
23 fourth?

24 MS. MADDURI: I will be going first for
25 the plaintiffs.

Craig Latimer
October 11, 2021

Page 77

1 MR. TODD: Okay. Very good. What is your
2 consensus regarding a break for lunch, we need
3 one? We just dive right in?

4 What's the witness' pleasure? Craig, you
5 want a break?

6 THE WITNESS: Yeah, I will take a break
7 for lunch and we'll come back at it then.

8 MR. TODD: How long do we need?

9 THE WITNESS: Twenty minutes, thirty
10 minutes.

11 MR. ZACHERL: How about one o'clock?

12 MR. TODD: One o'clock works.

13 MS. MADDURI: One o'clock, will the
14 representative from the Secretary of State
15 begin, or did you want me to go then?

16 MR. DAINES: That was my preference, if
17 that's okay. I just have a few follow-up
18 questions to the questions that have already
19 been asked.

20 MS. MADDURI: That's fine with me.

21 MR. ZACHERL: We'll see you guys at 1:00.
22 Thank you.

23 (A recess took place from 12:36 p.m. to
24 1:00 p.m.)

25 MR. DAINES: I am also joined here by Kim

Craig Latimer
October 11, 2021

Page 78

1 Acres from Holtzman and Vogel, she is my
2 colleague who will be assisting with just one
3 or two quick exhibits. I really don't have
4 that many -- I don't have too many follow-up
5 questions from what have already been asked so
6 far.

7 But thank you, Supervisor Latimer.

8 CROSS EXAMINATION

9 BY MR. DAINES:

10 Q As a reminder, I represent defendant
11 Secretary of State Lee. And if you ever need to
12 take a break or if you don't understand any of the
13 questions I am asking, please don't hesitate to let
14 me know.

15 You understand that you are still under
16 oath at this time?

17 A I do.

18 Q Thank you, by the way, for your helpful --
19 I thought that your testimony was very helpful in
20 helping us understand how the process works in
21 Hillsborough County.

22 So as I understand your testimony, you
23 said that Hillsborough has -- well, let's talk
24 specifically about 2020 elections. Hillsborough had
25 26 drop box locations, including 22 early voting

Craig Latimer
October 11, 2021

Page 79

1 sites that you mentioned, correct?

2 A So all four of my offices are early voting
3 sites, also.

4 Q Okay.

5 A So 26 total early voting sites and then
6 four offices after early voting hours.

7 Q Gotcha. And so that makes for a total of
8 26 drop boxes that -- one for each of those sites,
9 is that correct?

10 A Correct.

11 Q Okay. And you mentioned that only the
12 election service center location was a 24/7 drop
13 box, meaning that that was the only one where
14 ballots could be deposited 24 hours a day throughout
15 the week, is that correct?

16 A That is correct. We had a slot installed
17 through our front facade so that it was a secure
18 24-hour drop box.

19 Q And after normal voting hours at the
20 election service center, you mentioned that law
21 enforcement at that point continued monitoring that
22 drop box, is that correct?

23 A I had a mix of law enforcement and
24 employees.

25 Q Employees, okay. Would you say that was

Craig Latimer
October 11, 2021

Page 80

1 unduly burdensome for your office to have that drop
2 box monitored in that way?

3 A I had video surveillance on it, so I
4 wasn't really concerned with it. But it cost us a
5 lot of money.

6 Q Okay. Would you say that it was feasible
7 to offer that option to your voters?

8 A The 24-hour drop box?

9 Q Yes.

10 A Yes. I wanted to give any available
11 opportunity for a voter to return their ballot.

12 Q Okay. Great. As I recall -- and this is
13 just making sure that I am clear on testimony that
14 you have given, you said that SB 90 didn't change
15 your county's procedures for drop boxes drastically,
16 with the exception of the 25,000-dollar penalty that
17 you said will require more careful monitoring, is
18 that accurate?

19 A That is correct.

20 Q Okay. And I recall that you said that
21 drop boxes are currently only available at your
22 22 -- so let me -- sorry, let me back up. Strike
23 that.

24 So during early voting hours, your drop
25 boxes are available at all 26 locations, is that

Craig Latimer
October 11, 2021

Page 81

1 correct?

2 A That is correct.

3 Q But I also recall you saying that for 22
4 of the -- of the 26, which are the 22 -- or sorry,
5 strike that.

6 So for 22 of the locations, I believe you
7 said that they are not available during the day or
8 two before an election for early voting. Could you
9 clarify?

10 A Yes. I use the maximum number of days for
11 early voting, 14 days, it takes me through that last
12 Sunday before the election. So on Monday and
13 Tuesday, there is no drop boxes at early vote sites.
14 The only drop boxes are at my four offices.

15 Q Okay. And that was for the -- you said
16 for the Monday and the Tuesday, Tuesday being the
17 election day?

18 A Correct.

19 Q Okay. Now, that was the way that you did
20 it prior to the enactment of SB 90, correct?

21 A Correct.

22 Q So that was the way that you did it in the
23 2020 elections. How about the 2018 elections?

24 A Same way.

25 Q So it's safe to say that the practice of

Craig Latimer
October 11, 2021

Page 82

1 not having those 22 sites open during the Monday and
2 the Tuesday before an election was not something
3 that -- was not something you did in response to
4 SB 90?

5 A Can you try that again? Restate that,
6 please.

7 Q In other words, you were doing -- you were
8 keeping those drop boxes closed on those two days
9 prior to SB 90, correct?

10 A Correct.

11 Q So SB 90 had nothing to do with the
12 decision to not have those drop boxes open on those
13 two days?

14 A I have never had them open except during
15 early voting.

16 Q You mentioned that you think the
17 requirement to provide a driver's license number or
18 the last four digits of a Social Security number is
19 burdensome on voters requesting a vote-by-mail
20 ballot. Do you recall that testimony?

21 A I do.

22 Q And I was just wondering, is that based on
23 something that voters have communicated to you
24 personally or to your staff?

25 A We have talked about it internally, that

Craig Latimer
October 11, 2021

Page 83

1 it's going to cause the interaction with the voter,
2 they are going to have to come up with that driver's
3 license number or the last four of their Social,
4 whichever one we can verify.

5 In addition, I talked about that we had
6 the check box on the back of the return envelope for
7 vote by mail and we'll no longer do that because I
8 am not going to have a spot there for somebody to
9 post their driver's license number or last four of
10 their Social with their signature.

11 Q Right. But I guess what I am asking is,
12 do you have any reason or evidence to believe that
13 it will be burdensome to voters, or are you
14 speculating?

15 A I am speculating at this point, we haven't
16 had an election. Everybody is still good until
17 2022.

18 Q Gotcha. And relatedly, have any of your
19 constituents indicated to you that SB 90 will
20 prevent them from being able to vote in future
21 elections?

22 A I don't have any information of that.

23 Q You haven't heard anybody tell you that as
24 a result of the provisions that we've discussed
25 today, that they won't be able to access the ballot?

Craig Latimer
October 11, 2021

Page 84

1 A That is correct, I have not heard that at
2 all.

3 Q Okay.

4 MR. DAINES: Kim, if we could pull up what
5 I have called Exhibit B, which is three talking
6 points for the 2021 legislation.

7 And we will -- if we could have this
8 marked as Exhibit 1 for the record.

9 (Exhibit 1 was marked for identification.)

10 BY MR. DAINES:

11 Q Kim is going to share that in the chat.
12 Supervisor Latimer, do you have that exhibit in
13 front of you by chance?

14 A I do.

15 Q Do you recognize -- well, let me first
16 represent that this is a document your office
17 produced in response to request for production in
18 this litigation.

19 Do you recognize these talking points?

20 A I do.

21 Q Who prepared them?

22 A Along with my chief communication officer,
23 Jerry Cramer, and myself.

24 Q Feel free to review them if you need to,
25 but I am wondering if you -- as you sit here today,

Craig Latimer
October 11, 2021

Page 85

1 if you agree with these talking points?

2 MR. TODD: Object to the form. Time

3 frame.

4 A I do agree with them.

5 BY MR. DAINES:

6 Q Okay. You mentioned in your earlier

7 testimony that SB 90 changed as a result of the

8 input of the state association, FSE. Do you recall

9 that testimony?

10 A I do.

11 Q I wonder if -- I wonder if we can look at

12 this first talking point that says that,

13 "Supervisors of elections worked throughout the

14 legislative session to make sure legislators

15 understood the impact their proposals would have on

16 voters and were successful in preventing some of the

17 most onerous proposals from making it into

18 legislation, including canceling vote-by-mail

19 requests that are currently on file and removing

20 drop boxes altogether."

21 Is that an accurate description of what

22 took place prior to the enactment of SB 90 into law?

23 A I think it is, yes.

24 Q How long did you personally spend talking

25 to legislators about the impact of SB 90, if you can

Craig Latimer
October 11, 2021

Page 86

1 recall?

2 A I spent very little time speaking to
3 legislators. All of our work was done through our
4 lobbyist, Dave Ramba, and our legislative committee.

5 Q And is it fair to say that those
6 individuals spent a good amount of time talking with
7 legislators about the impact of SB 90?

8 A I would let them testify to that.

9 Q Okay. Based on your knowledge as
10 president of FSE and as a supervisor who is heavily
11 involved with FSE, do you believe that the efforts
12 of the Florida supervisors of elections played any
13 role in shaping the final version of SB 90 that
14 became law?

15 A As I stated there, we were able to prevent
16 some of the most onerous proposals from making it
17 into the legislation.

18 Q So isn't it true, then, that the
19 Legislature responded to these particular concerns
20 expressed by the supervisors and resulted in a bill
21 that you were happier with?

22 A From my understanding, there was more than
23 just the supervisors that were providing input on
24 some of the onerous proposals.

25 Q Right. So would you say, then, that the

Craig Latimer
October 11, 2021

Page 87

1 input of the supervisors, though, resulted in a bill

2 that you personally were happier with?

3 A I think it resulted in us getting a lot of

4 things removed that were contemplated by the

5 Legislature that would have been extremely difficult

6 to deal with on our end.

7 Q That makes sense. And you believe that

8 the later version was more favorable to voters than

9 the earlier iteration that you talked about before?

10 A Yes.

11 Q Okay. Just one last question. From your

12 perspective, is even one fraudulent vote in your

13 county too many for an election?

14 A Absolutely.

15 MR. DAINES: If I could just have two
16 minutes to make sure -- to check my notes. Can
17 we go off the record for two minutes?

18 (Short pause.)

19 MR. DAINES: I don't have any further
20 questions, so thank you, Supervisor Latimer.

21 THE WITNESS: Thank you.

22 MR. TODD: Is it Ms. Madduri next?

23 MS. MADDURI: Yes.

24 CROSS EXAMINATION

25

Craig Latimer
October 11, 2021

Page 88

1 BY MS. MADDURI:

2 Q Good afternoon, Supervisor Latimer, my
3 name is Aldi Madduri and I represent some of the
4 plaintiffs in one of the four cases that we are
5 having this deposition in today. That's the League
6 of Women Voters plaintiffs.

7 I would start by just talking about the
8 FSE. What is the FSE?

9 A It's a statewide association of the
10 supervisors of elections.

11 Q What is the FSE's mission or purpose?

12 A I will read it to you if you would like.

13 Q Or if you want to just summarize what you
14 understand it to be, that works for me.

15 A The mission statement is, "The FSE exists
16 to assist its members in conducting fair, honest and
17 accurate elections by providing continuing education
18 and certification programs that encourage the
19 highest level of professionalism; to assist Florida
20 citizens become better informed about voting and be
21 prepared to participate in the electoral process;
22 and to create a forum where the Supervisors can
23 regularly express their joint opinions on important
24 election issues."

25 Q You said it has members. Are the members

Craig Latimer
October 11, 2021

Page 89

1 the supervisors of elections in Florida?

2 A All 67 supervisors of elections belong to
3 the association.

4 Q Do you have any current role or title in
5 the FSE?

6 A I am the immediate past president.

7 Q Okay. So then recently you were the
8 president?

9 A That is correct.

10 Q Okay. Approximately what dates were you
11 in that role?

12 A From June of 19 -- or '20 to June of '21
13 basically.

14 Q Okay. So you were president during the
15 2020 August primary election?

16 A Yes.

17 Q As well as the general election in 2020?

18 A Yes.

19 Q And you were also the president as SB 90
20 and related bills were considered and passed by the
21 Florida legislature, is that right?

22 A Correct.

23 Q Okay. Was part of your role as president
24 of FSE to work with other supervisors to understand
25 challenges that folks were facing and to help

Craig Latimer
October 11, 2021

Page 90

1 resolve those challenges?

2 A Can you be a little bit more specific?

3 Q Sure. Did you work with other supervisors
4 to proactively identify issues that you all faced in
5 administration and then to look for coordinated
6 solutions or look for ways to fix those things or
7 improve elections?

8 A Yes, as I stated in the mission statement,
9 that's what we are there for.

10 Q Was there a committee or a working group
11 or something like that dedicated towards SB 90 and
12 related legislation? I will say when I say SB 90, I
13 am also referring to the House bill, the
14 counterpart, I believe it's 7041.

15 A Yes, 7041. We have -- one of the standing
16 committees for the association is the Legislative
17 Affairs Committee.

18 Q So the Legislative Affairs Committee would
19 have monitored SB 90 and formed, I guess, opinions
20 on that or weighed in on that; I think you mentioned
21 that in some of your previous testimony?

22 A Yes.

23 Q What were your duties as president?

24 A To facilitate the association, make sure
25 that we had good communication, select different

Craig Latimer
October 11, 2021

Page 91

1 committee members to head up committees.

2 Q Was there any process to solicit opinions
3 from other SOEs about various issues?

4 A It's an open forum. A lot of the issues
5 actually get generated up from other supervisors
6 that -- things that are happening in their
7 jurisdiction or something that they might have seen
8 in the law or something, some trend that's taking
9 place.

10 Q And have you had any other roles in the
11 FSE besides president and now former president?

12 A Secretary, treasurer, vice president. So
13 yes.

14 Q Okay. Have you served on any committees?
15 I know you mentioned the Legislative Affairs
16 Committee.

17 A I have sat on several of the committees
18 over the years, yes.

19 Q What's your opinion of the FSE?

20 A It's a great association. It's a total
21 bipartisan group that -- as I say all the time, that
22 the biggest advocate for any voter is your
23 supervisor of elections, and I would add regardless
24 of their party affiliation.

25 Q Through the FSE or otherwise, would you

Craig Latimer
October 11, 2021

Page 92

1 agree that you've had many interactions with other
2 supervisors about election administration in
3 Florida?

4 A Yes.

5 Q Would you say that you have had many
6 interactions with other Florida supervisors about
7 SB 90?

8 A Yes.

9 Q Would you agree that you have gained a
10 general understanding of how elections are
11 administered in other counties in Florida?

12 A We are all bound by the same state
13 statutes and administrative rules.

14 Q Okay. So elections generally function
15 similarly across all the counties?

16 A Correct.

17 Q Through interactions about SB 90, would
18 you say that you've gained an understanding of how
19 other supervisors thought SB 90 would impact
20 election administration in their counties?

21 A Can you be a little bit more specific?

22 Q Sure. Just generally I am wondering if
23 you, in your interactions with other supervisors or
24 in the time that you have spent working on SB 90,
25 considering SB 90, if you, beyond just your own

Craig Latimer
October 11, 2021

Page 93

1 county in Hillsborough, did you also gain kind of an
2 understanding of how the bill would impact elections
3 in other counties?

4 A As I stated, we all follow the same state
5 statute, so that would have the same impact in every
6 county.

7 Q I think we already covered your
8 background, but I just have two specific questions I
9 don't think we covered. Have you done any trainings
10 in election administration?

11 A I am a graduate of the CERA program with
12 the election center, which is a national
13 Certification of Election Registration
14 Administrators.

15 Q I think I noticed on some of the documents
16 that your office produced that you received
17 something called the Governor's Sterling Award? Can
18 you tell me what --

19 A That is correct.

20 Q Sorry, I didn't mean to cut you off. Can
21 you tell me what that is?

22 A Yes, it's similar to the Malcolm Baldrige
23 Award except on a statewide level. It's about
24 performance management, data usage and doing what
25 you say you are doing.

Craig Latimer
October 11, 2021

Page 94

1 Q How large is your staff in Hillsborough?

2 A I've got about 45 full-time employees.

3 Q And do you have a rough estimate of how
4 many temporary employees you employ during -- during
5 election seasons?

6 A Yes. We'll bring on close to 40 to 50
7 full-time temporary employees and, of course, as
8 early voting and election day starts, upwards of
9 2500 poll workers.

10 Q Do you use any volunteers in any capacity?

11 A I do not.

12 Q Do you know what your annual budget is off
13 the top of your head?

14 A It ranges 14 to 16 million.

15 Q Hillsborough is one of the largest
16 counties in Florida, right?

17 A We are the fourth largest county for
18 voters.

19 Q Corresponding to how many voters you have,
20 is your staff also among the larger staffs in
21 Florida?

22 A I can't answer that.

23 Q I would like to talk about the 2020
24 election now, the elections that occurred in 2020.
25 So there were three statewide elections, right?

Craig Latimer
October 11, 2021

Page 95

1 A Correct.

2 Q Presidential primary and then a primary
3 and then the general?

4 A Presidential preference primary and the
5 primary and then the general.

6 Q And you oversaw those elections?

7 A I did.

8 Q Okay. Do you believe that the 2020
9 elections in Hillsborough were secure?

10 A I do.

11 Q Why do you say that?

12 A I would go to a tremendous amount of
13 extent to make sure that, number one, we have got a
14 secure physical premise here, we have got
15 cybersecurity in place, and we also conduct the
16 required logic and accuracy test and required
17 post-election audit.

18 Q In your opinion, were the elections in
19 2020 successful?

20 A Yes.

21 Q Is that true for both Hillsborough and for
22 Florida?

23 A I believe so. I think the president, the
24 governor and the Secretary of State all said we had
25 a successful election.

Craig Latimer
October 11, 2021

Page 96

1 MS. MADDURI: I am going to pull up an
2 exhibit. My colleague will share it in the
3 chat for everyone and it's -- we have
4 internally marked it as Exhibit A, and I think
5 we'll mark it as Exhibit 2 to the deposition.
6 (Exhibit 2 was marked for identification.)

7 BY MS. MADDURI:

8 Q Did you receive that, Supervisor Latimer?

9 A Is that the three talking points? Oh, no,
10 there is --

11 Q There's another one now.

12 MR. TODD: Is this the interrogatory
13 answers?

14 MS. MADDURI: No. It's, I believe, a
15 statement from Supervisor Latimer that's dated
16 April 30, 2021.

17 A I am having an issue getting it up here.
18 Okay. I got it now. Right. From 4-30-2021?

19 BY MS. MADDURI:

20 Q That's right.

21 MS. MADDURI: Mr. Todd, do you have it as
22 well? Or if there's an issue accessing it, I
23 just want to make sure you --

24 MR. TODD: Yes, ma'am, all set. Thank
25 you.

Craig Latimer
October 11, 2021

Page 97

1 BY MS. MADDURI:

2 Q Supervisor Latimer, do you recognize this
3 document?

4 A I do.

5 Q What is it?

6 A It was a statement that my office put out
7 right after the election SB 90 was passed.

8 Q Did you help prepare it?

9 A I did.

10 Q Okay. And how was it -- how was it sent
11 out?

12 A This was actually distributed mainly to
13 the media to try and slow down personal appearances
14 to get the statement out.

15 Q I am sure it was a very busy time.

16 So in the first full paragraph, you said,
17 or your office, in the statement you said, "As
18 supervisor of elections, we are unwavering in our
19 commitment to keeping our elections both secure and
20 accessible. We did that in 2020 to universal
21 acclaim. Our elections ran smoothly, voters
22 participated in record numbers, and election results
23 were verified with audits in every county in
24 Florida, as provided for in our current law."

25 You also said, "My colleagues and I will

Craig Latimer
October 11, 2021

Page 98

1 continue to work every day to increase voter
2 participation and maintain the integrity of our
3 elections following any new requirements established
4 by our lawmakers."

5 Do you still agree with that statement?

6 A As I said before, we follow the law.

7 Q Absolutely. And do you also agree with
8 the rest of that paragraph?

9 A I do.

10 Q And then if you would scroll down to the
11 last paragraph, it says, "After days of debate, our
12 hope is that the initial and unnecessary call for
13 election reform will not detract from the confidence
14 that was well earned in 2020."

15 Do you still agree with that statement?

16 A I do.

17 Q What did you mean by unnecessary call for
18 election reform?

19 A Because we finished the election and the
20 Governor and Secretary of State and others came out
21 and said what a fantastic election we had run. As a
22 matter of fact, I think the Governor said we should
23 be a model for the country, and then turned right
24 around and all of a sudden we need election reform.

25 Q Is it fair to say that from your

Craig Latimer
October 11, 2021

Page 99

1 perspective, that nothing occurred in 2020 during
2 those elections that prompted a need for election
3 reform?

4 A That's up to the Legislature, it's not up
5 to me.

6 Q You also said -- I think in the
7 second-to-the-last sentence, you said, [As read]:
8 "Throughout the legislative process, legislators who
9 supported and opposed the bill commented on our
10 performance in 2020 over and over."

11 In any of those comments, did you hear
12 from legislators that there had been problems in the
13 2020 election?

14 A It actually says commended our
15 performance, not commented on it. And there were
16 several of them during committee sessions that
17 talked about what a great job we did, what a great
18 election we had.

19 Q Did any of them -- did you hear any of
20 them raise any concerns about problems that had
21 arisen in 2020?

22 A No, I didn't.

23 Q What about from any other Florida-elected
24 official?

25 A Not that I am aware of.

Craig Latimer
October 11, 2021

Page 100

1 Q Did you hear from any legislator that

2 SB 90 was needed to address any issues with the 2020

3 elections?

4 A I did not.

5 Q And same for any other Florida-elected

6 officials?

7 A I can't answer for others.

8 Q I am sorry, did you hear from any other --

9 A I did not.

10 Q -- elected officials?

11 We might come back to this exhibit, but we

12 can move on for now. I will ask my colleague to put

13 in the chat what we have labeled internally as

14 Exhibit B, and we'll mark that as Exhibit 3 to the

15 deposition.

16 (Exhibit 3 was marked for identification.)

17 BY MS. MADDURI:

18 Q Supervisor, let me know when you have been

19 able to pull that up.

20 A I am working on it.

21 Q Please take your time. I appreciate you

22 accommodating us with this electronic procedure.

23 A I believe I have. Is that about opposing

24 the controversial voting bill?

25 Q Correct. It's a news article. So this is

Craig Latimer
October 11, 2021

Page 101

1 an article that's dated April 21st, 2021, and do you
2 recall giving an interview or commenting for this
3 article?

4 A I don't recall at this time. I mean, my
5 name is in there, so obviously I said something.

6 Q If you scroll to page 3, I believe you're
7 quoted saying, "To me, this bill doesn't make any
8 sense. Why would you try to make it harder on the
9 voter?"

10 A I don't have a page 3.

11 Q Okay. It is -- it's page 3 of the PDF,
12 and it's the page that starts -- the first full
13 sentence on the page is, "The president of the
14 Florida Supervisors of Elections ..."

15 A I got it. I have it now. Thanks.

16 Q Okay. Apologies for the format. So on
17 that page it's quoting you saying, "To me, this bill
18 doesn't make any sense, why would you try to make it
19 harder on the voter?"

20 Do you still agree with that statement?

21 A I think I spoke to that talking about how
22 the voter was going to have to provide additional
23 information on a request for vote by mail, and plus,
24 they are going to have to reup that request every
25 election cycle.

Craig Latimer
October 11, 2021

Page 102

1 Q Okay. It's in reference to that
2 provision. Do you still agree with this statement?

3 A I do.

4 Q So a little bit farther down on that same
5 page, kind of a little -- about halfway, the article
6 quotes you as saying, "I haven't seen any fraud, and
7 I haven't heard one of the legislators cite a
8 specific instance of fraud as they debated the
9 bill."

10 Do you still agree that you haven't seen
11 any fraud?

12 A I am trying to find the statement there.
13 I don't see it. Can you read it to me again?

14 Q Sure. It's about halfway down that page,
15 a little bit more than halfway down that page.

16 A I got it now. I haven't seen any fraud, I
17 haven't heard one of the legislators cite a specific
18 incident of fraud as they debated the bill, correct?

19 Q Correct.

20 A Yes.

21 Q And then at the bottom of that page, it's
22 the last few words on this page, it says, "To me,
23 this bill in no way, shape or form can do anything
24 to curb any voter fraud that may be occurring."

25 And that's on both pages 3 and the next

Craig Latimer
October 11, 2021

Page 103

1 page. Do you see that?

2 A I do.

3 Q Do you still agree with that statement?

4 A I think you need to read the whole

5 statement. If you are going to vote in person,

6 there is somebody watching you give us that

7 signature, so to me, this bill in no way, shape or

8 form can do anything to curb voter fraud that may be

9 occurring.

10 Q Do you agree with the full statement?

11 A I do.

12 Q I didn't mean to take it out of context at

13 all.

14 A I do.

15 Q I would like to shift and talk about drop

16 boxes now. I think you confirmed this, but is it

17 the case that more Hillsborough residents voted by

18 mail in 2020 than in previous elections, is that

19 right?

20 A That is correct.

21 Q Do you know if you received many first

22 time vote-by-mail requests in 2020?

23 A If we received first time requests for

24 vote by mail?

25 Q So for example, people who hadn't

Craig Latimer
October 11, 2021

Page 104

1 previously voted by mail.

2 A I would say so, just by the number of
3 requests that we had.

4 Q Has voting by mail generally increased in
5 Hillsborough in recent years? And I mean, I know
6 COVID obviously played a specific role that you
7 already discussed, but even aside from that, in your
8 time as supervisor, have you seen vote by mail
9 become used more increasingly often?

10 A Generally over the years, a third of our
11 voters vote by mail, a third early vote and a third
12 vote on election day. Obviously with COVID in 2020,
13 that changed the dynamics a little bit. We usually
14 averaged between 65 to 70 percent of our voters vote
15 prior to election day, and in the 2020 election,
16 85 percent of our voters voted prior to election
17 day.

18 Q Did a significant portion of Hillsborough
19 residents use drop boxes in the 2020 election?

20 A I am sorry, could you say that again.

21 Q Did a significant portion of Hillsborough
22 residents use drop boxes to vote in 2020?

23 A Yes, we had a good amount that used the
24 drop boxes.

25 Q Do you have a sense of roughly how many

Craig Latimer
October 11, 2021

Page 105

1 voters that was?

2 A It was about 45 percent of the returned
3 vote-by-mail ballots, so we had 337,800 returns, so
4 45 percent of that.

5 Q How, if you have a view on this, did the
6 use of voting by mail potentially affect wait times
7 for voting in person?

8 A I don't have a sense of that.

9 Q Did the heavier use of voting by mail and
10 using drop boxes cause any issues for you or your
11 office?

12 A No, it did not.

13 Q You believe voting by mail is a secure
14 method of voting in your county?

15 A I am sorry, is it a what method?

16 Q A secure method of voting.

17 A Absolutely.

18 Q Can you tell me a little bit about why you
19 think it's a secure method of voting?

20 A As I stated previously, to get a vote by
21 mail ballot, you first off have to be a registered
22 voter. When you register to vote, you are supplying
23 identification and information that the State is
24 able to make a match to verify you are who you say
25 you are. You then have to request that ballot. We

Craig Latimer
October 11, 2021

Page 106

1 don't just send ballots out.

2 When we get that ballot back, you had to
3 have signed the oath on the outside of the envelope,
4 and we physically compare that signature to the
5 signatures that we have on file.

6 Q Do you believe that voting by mail is a
7 secure method in Florida, more broadly outside of
8 Hillsborough?

9 A We all follow the exact same laws and
10 administrative rules, so I would say it would be
11 safe and secure.

12 Q Are you aware of any widespread fraud in
13 Hillsborough County related to elections?

14 A I'm not.

15 Q What about in Florida?

16 A Couldn't answer that.

17 Q Are you familiar with any confirmed
18 incidents of voter fraud in Hillsborough?

19 A We have several cases that we have
20 referred to law enforcement. I don't have a
21 follow-up status on those.

22 Q Okay. I think you already said this, but
23 I want to make sure we got it on the record clearly.
24 Are you familiar with any incidents of fraud in
25 Hillsborough related to drop boxes?

Craig Latimer
October 11, 2021

Page 107

1 A No, I am not. No.

2 Q We'll come back to drop boxes. I want to
3 ask you about SB 90 now and the passage of it. Did
4 you generally follow the introduction of SB 90 and
5 its counterpart as it was introduced and made its
6 way through the Legislature?

7 A What was the question in there? I am
8 sorry.

9 Q Did you follow the process and the bill as
10 it went through the Legislature?

11 A Yes.

12 Q Did you have any thoughts about SB 90 when
13 it was released?

14 A We had several discussions. I don't
15 remember the -- I think the House bill was
16 actually -- was the House bill first released or
17 SB 90?

18 Q I think HB 7041 might have been released
19 first.

20 A We had discussion with our legislative
21 affairs committee and with our lobbyist, Dave Ramba,
22 along with our executive director, Ron LaBasky. So,
23 yeah, we had a lot of discussion following it.

24 Q When it was first introduced, did you have
25 any concerns -- I should say when I am saying SB 90,

Craig Latimer
October 11, 2021

Page 108

1 I do intend -- I mean to refer to both of the bills
2 HB 7041 and SB 90 and the various iterations as it
3 went.

4 Did you have any concerns when it was
5 first released?

6 A I don't remember the exact first release
7 of the bill, what it called for.

8 Q Did you take any positions on -- any
9 public positions on SB 90 while it was being
10 considered in the Legislature?

11 A The association did, yes.

12 Q What was that position?

13 A At the time we put it out, this was
14 obviously before it was finalized, we were opposed
15 to both forms of the House bill and the Senate bill
16 as they stood.

17 Q I think I know what you are referring to.
18 I'll pull up an exhibit. We've internally marked
19 this as Exhibit E. And we'll put it in the chat.

20 (Exhibit 4 was marked for identification.)

21 A Yes, I am looking at it.

22 BY MS. MADDURI:

23 Q Is this the statement that you are
24 referring to?

25 A Yes. This was put out on the -- as the

Craig Latimer
October 11, 2021

Page 109

1 Florida Supervisors of Elections, as the
2 association.

3 Q Were you involved in preparing that?

4 A Yes.

5 Q Did the FSE put out any other statements
6 after this one about the bill?

7 A I don't recall.

8 Q At this time -- I think it was about a
9 week before the bill was actually passed -- why was
10 this the position of the FSE?

11 A Because there is some onerous parts in
12 this, as the legislation was leading up. I think --
13 as a matter of fact, correct me if I am wrong, but I
14 think this went all the way to the last day. On the
15 last day, they filed a strike-all bill in the
16 Senate, with a whole new set of circumstances in it.
17 So the way it was, I don't recall at the time what
18 some of the issues were. We would have to go back
19 and look at the bill.

20 Q Okay. I would like to go back to look at
21 I think what we marked as Exhibit 2. In the chat it
22 would be the one that says Exhibit A, which is your
23 April 30th statement.

24 A Got it.

25 Q Okay. I think one of the other attorneys

Craig Latimer
October 11, 2021

Page 110

1 already asked you about there was a sentence that
2 described -- in the second paragraph, the first
3 sentence, "During this legislative session,
4 supervisors of elections spent hours talking to
5 legislators about how the proposed legislation would
6 impact voters."

7 And I think you already said that you
8 didn't personally speak with many legislators,
9 correct?

10 A That is correct.

11 Q Do you know what exactly this is referring
12 to when it says that the proposed legislation would
13 impact voters and how it would impact voters?

14 A I think this goes back to what I continue
15 to say, that the first iterations of this bill had
16 some extremely onerous steps in it. One of them was
17 to if you want to bring your spouse's ballot, you
18 are going to have to have an affidavit signed, an
19 attestation that you have permission to have that
20 ballot. And in addition, it was going to wipe out
21 all of the requests for vote by mail that were on
22 file at the time.

23 So it was a compilation of numerous things
24 throughout the session that we were continuing to
25 try and impact.

Craig Latimer
October 11, 2021

Page 111

1 Q Do you have any understanding of why those
2 changes were made?

3 A I do not.

4 Q The FSE never issued a statement in
5 support of SB 90, did it?

6 A Did not.

7 Q And then if you scroll down to the third
8 full paragraph, the last sentence there I believe
9 referring to the enacted legislation, it says,
10 "However, this legislation still makes requesting
11 vote-by-mail ballots and returning those ballots
12 harder."

13 A Yes.

14 Q Is that still your view?

15 A It is.

16 Q And in what ways does the legislation make
17 it harder to request the vote-by-mail ballot and
18 harder to return that ballot?

19 A The request for vote by mail obviously is
20 by adding the driver's license for identification or
21 last four of Social when you've already got somebody
22 that's been verified by the State has furnished that
23 information before; in addition, it makes it harder
24 because it starts to limit the hours that you can
25 have drop boxes available to just the early voting

Craig Latimer
October 11, 2021

Page 112

1 hours instead of outside those hours, which some
2 other counties were doing. I didn't do it in
3 Hillsborough County, but other counties did.

4 Q So you understand the SB 90 might be
5 limiting the hours the drop boxes are available in
6 other counties, is that right?

7 A It would make returning ballots harder in
8 some cases.

9 Q Okay. I think we are done with this
10 exhibit, and I want to direct you back to the
11 exhibit that one of the other attorneys showed you,
12 which is the three talking points document. It's
13 Exhibit 1, and it's the first document that's in the
14 chat there.

15 A Hang on. It's not letting me pull it up,
16 but I have it here. The three talking points, 2021
17 legislation?

18 Q Yes, that's right.

19 A Okay.

20 Q So the second -- I guess the second
21 talking point or the second full paragraph there, it
22 says, "Let's not lose sight of the fact that we
23 already have strong laws and that enabled us to run
24 our 2020 election with accessibility and integrity."
25 Do you see that?

Craig Latimer
October 11, 2021

Page 113

1 A I do.

2 Q Do you agree with that statement?

3 A I do.

4 Q And then I think the final talking point
5 there, it says, "The legislation that passed makes
6 it harder to request and return vote-by-mail
7 ballots," and then it appears to list a few ways in
8 which -- in which -- a few ways in which the
9 legislation makes it harder to request.

10 Do you agree that the legislation makes it
11 harder to request and return a vote-by-mail ballot
12 by prohibiting the use of secure 24-hour drop boxes
13 with camera surveillance?

14 A It puts an undue burden on the supervisor
15 of elections that has to fund that if they are going
16 to have to have somebody there in person.

17 MR. DAINES: I object to the form of the
18 previous question.

19 BY MS. MADDURI:

20 Q I got distracted. Would you mind saying
21 your answer again. I can repeat the question.

22 A Go ahead and repeat the question.

23 Q Do you agree that the legislation makes it
24 harder to request and return vote-by-mail ballots by
25 prohibiting the use of the secure 24-hour drop boxes

Craig Latimer
October 11, 2021

Page 114

1 **with camera surveillance?**

2 MR. DAINES: Same objection.

3 MR. TODD: Could you have the witness
4 (sic) read back the answer instead of having
5 him give a different answer to the same
6 question, please, addressed to Ms. Madduri.

7 MS. MADDURI: Ms. Nargiz, would you mind
8 reading that back?

9 THE STENOGRAPHER: Sure.

10 (Requested portion was read.)

11 MR. TODD: I request to read back the
12 initial answer given to the question in lieu of
13 having him answer the same question again.

14 THE STENOGRAPHER: I'm sorry, I thought
15 that was the last answer that I read back.

16 MS. MADDURI: Yeah, I am good with
17 understanding that. We can move on. Can you
18 pull up -- I think we are done with this
19 exhibit, we can move on. The next one, we've
20 labeled it internally as Exhibit G.

21 THE WITNESS: Okay.

22 (Exhibit 5 was marked for identification.)

23 BY MS. MADDURI:

24 **Q Have you seen this document before?**

25 A I have.

Craig Latimer
October 11, 2021

Page 115

1 Q Did you help prepare it?

2 A I did.

3 Q What is it?

4 A It was more talking points.

5 Q Okay. In paragraph 2 it says, "Do we look
6 for ways to improve? Of course. But sweeping
7 election reform was not needed or requested by the
8 Supervisors of Elections."

9 Do you agree with that statement that
10 sweeping election reform was not needed in Florida
11 this year?

12 A I do.

13 Q And do you agree that the supervisors did
14 not request any sweeping election reform?

15 A I do.

16 Q The next sentence in that same paragraph
17 says, "And making a lot of changes all at once has
18 the potential to create voter confusion, more
19 cumbersome administration and bureaucracy and worst
20 of all an erosion in the voters' confidence we've
21 worked so hard to earn."

22 Do you agree that making a lot of changes
23 at once can create voter confusion?

24 A Yes.

25 Q Do you agree that it can also result in

Craig Latimer
October 11, 2021

Page 116

1 more cumbersome administration and bureaucracy?

2 A Yes.

3 MR. TODD: Object to the form.

4 BY MS. MADDURI:

5 Q Do you also agree that making a lot of
6 changes all at once can result in erosion of the
7 confidence you've worked so hard to earn?

8 MR. DAINES: Object to the form.

9 A Especially right after we were commended
10 for running a great safe and secure election, yes.

11 BY MS. MADDURI:

12 Q Did you hear from any voters or other
13 organizations about Senate Bill 90?

14 A Yes. As I mentioned before, anecdotally,
15 we've had calls from voters wanting to know do I
16 have to sign up for vote-by-mail again, confusion.
17 Same way with some of the third-party registration
18 organizations, you know, what do we have to do now,
19 what's next? And we would refer them to the state
20 website.

21 Q Prior to the introduction of SB 90 or
22 HB 7041, had you been consulted about the bills
23 before they were released?

24 A I don't understand your question.

25 Q Prior to the bills actually being

Craig Latimer
October 11, 2021

Page 117

1 introduced in the Legislature, had anyone consulted
2 you about the bills or the proposed changes?

3 A No.

4 Q Okay. This is about the drop boxes now
5 and I think we covered a lot of ground here, so I
6 don't think this will be too many questions.

7 So I understand you offered a 24-hour box
8 in 2020 that was located at I think what you
9 described as sort of your main office, is that
10 right?

11 A Yes, at the election service center on
12 Falkenburg Road.

13 Q And I think you also described that it was
14 a slot in front of the door, is that right?

15 A Yes, it was built into the side of our
16 door.

17 Q How large was the opening where you could
18 put a ballot in?

19 A Large enough to slide a ballot in.

20 Q Okay. Not much larger than how much space
21 you would need for a ballot?

22 A Correct. Ballot envelope, actually not
23 the ballot.

24 Q Right. Was that drop box available before
25 early voting?

Craig Latimer
October 11, 2021

Page 118

1 A Yes.

2 Q How long before early voting was it
3 available?

4 A We opened the boxes in the offices the day
5 we sent out the domestics, which is 40 days before
6 the elections.

7 Q Okay. I think you mentioned that the box
8 had been secured both through video surveillance and
9 also by in-person monitoring, is that right?

10 A That's correct.

11 Q Was there any period of time where the box
12 was monitored only by video surveillance?

13 A Not to my knowledge.

14 Q So for the entire 40 days, you had someone
15 in person there 24 hours a day?

16 A I had staff there and we only -- I am
17 sorry, let me clarify. We only had the 24-hour drop
18 box during early voting.

19 Q Okay. And I think you said this, but is
20 it right that you added the in-person monitoring
21 because of a directive that you got from the
22 Secretary of State?

23 A There was an e-mail with an opinion on it,
24 yes.

25 Q Okay. And you said that both law

Craig Latimer
October 11, 2021

Page 119

1 enforcement and some of your employees monitored the
2 box, right?

3 A Yes.

4 Q I wanted to make sure, I think I was a
5 little confused earlier when some of the other
6 questions were being asked. I think in your
7 discovery responses you had said that you -- you
8 said you would be discontinuing that 24-hour box.
9 Is that still your plan?

10 A I am sorry, I couldn't understand you.

11 Q I can ask you without that. Do you plan
12 to offer a 24-hour box in 2022?

13 A Probably not at this point. I don't think
14 that the rate of return for the number of ballots we
15 got really weighs out for the money we had to spend.
16 We'll revisit it again.

17 Q When you said the money you had to spend,
18 do you mean to monitor it in person?

19 A Yes, to have somebody physically monitor
20 it.

21 Q Do you have any understanding of if other
22 counties plan to remove drop boxes because of the
23 in-person monitoring requirement?

24 A I can't answer that.

25 Q Then you had three other boxes that were

Craig Latimer
October 11, 2021

Page 120

1 at other office branches, correct?

2 A Correct.

3 Q Okay. What were those physical structures
4 like?

5 A One office is at the county center
6 downtown on the 16th floor, the other two offices
7 are in strip mall type structures.

8 Q So are those boxes indoors or outdoors?

9 A Indoors, except during early voting.

10 Q I think you mentioned that you moved them
11 outside so people can drive through and drop off
12 their ballots?

13 A Correct.

14 Q And what is the structure of the drop box
15 when you had it outside?

16 A It was on a table under a pop-up tent with
17 at least two people monitoring it.

18 Q And then you also offered, I think,
19 another 22 drop boxes at your early voting sites
20 that were available during early voting hours,
21 right?

22 A Correct.

23 Q Were those boxes similarly structured?

24 A Yes.

25 Q And they were sealed or locked in some

Craig Latimer
October 11, 2021

Page 121

1 way?

2 A They have a padlock on them and a seal
3 with a recorded seal number on it.

4 Q And am I right that the slots or whatever
5 thing you would place the ballot in is also
6 similarly small, in that it can take a ballot in an
7 envelope that's not much bigger than that?

8 A Yes.

9 Q Other than law enforcement that you had
10 help monitor the 24-hour box, were any of the drop
11 boxes monitored by someone who was not one of your
12 permanent employees?

13 A They would have been poll workers at the
14 early vote sites that we hire specifically for early
15 voting time.

16 Q Did the boxes have any -- I understand
17 from some of your discovery responses that they had
18 sort of like a laminated notice on the box that
19 would remind voters to sign their envelopes, is that
20 right?

21 A That is correct. And it would sit over
22 the slot so that you would physically have to pull
23 it up to put your ballot in. But again, we had
24 workers there that were verbally talking to the
25 voters and making sure that they signed and dated

Craig Latimer
October 11, 2021

Page 122

1 them and that they weren't trying to give up a
2 ballot to go vote in person either.

3 Q I am going to pull up another exhibit
4 here. We've internally marked it as Exhibit K.

5 A Okay.

6 (Exhibit 6 was marked for identification.)

7 BY MS. MADDURI:

8 Q Do you recognize this e-mail?

9 A I do.

10 Q Okay. And it looks like it was sent to
11 you on April 22nd, 2021?

12 A Yes.

13 Q I think you already said this, but Gerri
14 Kramer is your chief communications officer, is that
15 right?

16 A That is correct.

17 Q Okay. So the e-mail is points of concern,
18 and then the first paragraph there it says, [As
19 read]: "Limits vote-by-mail drop box early voting
20 days/hours, that's a great disservice to voters,
21 especially those who like to drop off on Monday or
22 Tuesday, when it's too late to mail it. They
23 wouldn't be able to do -- they wouldn't be able to
24 do that the way this legislation is currently
25 written."

Craig Latimer
October 11, 2021

Page 123

1 Do you agree with that statement?

2 A I agreed with it at the time because it
3 had just drop boxes during early voting, it didn't
4 have any other time, I believe.

5 Q Okay. Is it your understanding now that
6 you can offer a drop box at other times if it's
7 located at one of your offices?

8 A Correct.

9 Q Okay. Is it your understanding that you
10 can't offer a drop box outside of early voting hours
11 at any location that is not one of your offices?

12 A Yes. You can't -- you can't have it at an
13 early vote site that's not open, how's that?

14 Q On the cost of drop boxes, do you
15 anticipate any changes in your costs from what you
16 had in 2020 for future elections?

17 A I am sorry, could you ask that again, I
18 didn't quite follow it.

19 Q Sure. I am going to try to be clearer. I
20 am curious if you anticipate any increases in the
21 costs of monitoring drop boxes in future elections
22 as compared to 2020?

23 A Depending on how many early vote sites I
24 have, yes, it could increase if I increase early
25 vote sites.

Craig Latimer
October 11, 2021

Page 124

1 Q Sure. And the reason I am asking is
2 because in one of your discovery responses -- and I
3 can pull it up if that will be easier, but your
4 office says that you estimate the cost of operating
5 drop boxes may change due to SB 90, as we may staff
6 the drop boxes with three poll workers for all
7 elections.

8 A Right, we are talking about that.

9 Q And in 2020, I think you said that you
10 staffed drop boxes with two poll workers, is that
11 right?

12 A Correct.

13 Q Why are you considering increasing that to
14 three poll workers?

15 A Because of the 25,000-dollar fine, I don't
16 want to put us in a position where somebody has
17 moved away from the box and left it unattended.

18 Q Okay. So if you decided to staff with
19 three people instead of two people, naturally that
20 would increase your costs of monitoring those drop
21 boxes, right?

22 A Yes.

23 Q I think you already testified that your
24 voters really appreciated having drop boxes as an
25 option to vote, is that right?

Craig Latimer
October 11, 2021

Page 125

1 A Yes.

2 Q Do you believe that drop boxes allowed
3 more people to vote by mail?

4 A I think it allowed people to know their
5 ballot was going to reach our office on time.

6 Q In your view, was the requirement to have
7 drop boxes monitored in person necessary to prevent
8 any misconduct with drop boxes?

9 MR. DAINES: Object to the form.

10 A I am sorry, could you restate that?

11 BY MS. MADDURI:

12 Q Sure. In your view, was the change to
13 require in-person monitoring of drop boxes, was that
14 necessary to prevent some sort of tampering with the
15 drop boxes?

16 A I can't answer that. You would have to
17 ask the Legislature what they did that for.

18 Q But in your view as an administrator, did
19 you believe that you -- that that change was needed?

20 MR. TODD: Object to the form.

21 MR. DAINES: Object to the form.

22 A I don't have an opinion on that, quite
23 frankly.

24 BY MS. MADDURI:

25 Q Did you -- do you think that video

Craig Latimer
October 11, 2021

Page 126

1 surveillance of drop boxes is a sufficient way to
2 secure drop boxes?

3 A Depending on what the drop box is.

4 Q Do you mean in terms of what the physical
5 structure of the drop box is?

6 A Right. For instance, a 24-hour drop box,
7 yes, I think that video surveillance, because you've
8 got a building and structure there that's going to
9 keep somebody from doing any tampering.

10 Obviously when we are standing out in the
11 tent, I want at least two people standing there all
12 the time. And as I mentioned earlier, the poll
13 deputy is out there, also, to be able to observe.

14 Q And the box that you had at those sites,
15 that's -- I am assuming that's not some sort of
16 physical structure that's built into the ground or
17 otherwise secured physically, right?

18 A It is not. It's a portable box with
19 handles on it.

20 Q Okay. Got it. When a voter returns their
21 vote-by-mail ballot by mail, is there a number of
22 days or amount of time that your office advises the
23 voter to allot for that to reach you?

24 A Yes. As a matter of fact, we start
25 talking when it gets within the week before the

Craig Latimer
October 11, 2021

Page 127

1 election that you are at that limit, you need to
2 start considering just bringing it to the office.

3 Q And this is probably obvious, but when a
4 ballot is placed in the drop box, you receive that
5 that same day, correct?

6 A Correct.

7 Q Do you have any sense of how long it does
8 actually take for a ballot to reach you after it's
9 mailed or the range of days that that takes?

10 A You know, I looked at a lot of ballots
11 that were coming in, especially the late ones; I
12 wanted to see how long it was taking. And it was
13 literally taking a day in the mail if it was mailed
14 locally here. If it was out of state, it could take
15 two days.

16 Q In your experience, are there voters who
17 prefer to use drop boxes over the mail? Have you
18 encountered any voters like that?

19 A Anecdotally I've heard voters say that
20 they enjoy dropping it at the box because they know
21 it's going to get to our office that day.

22 Q Have you heard any other reasons that
23 voters like using the drop boxes?

24 A I have not.

25 Q Are you familiar with the U.S. Postal

Craig Latimer
October 11, 2021

Page 128

1 Service's recent announcement regarding planned
2 delays and slowdowns in their delivery of mail?

3 A I read something in the paper about it,
4 yes.

5 Q Do you have a sense of how much longer
6 that might cause mail ballots -- how much longer
7 that might increase how long it takes a mailed
8 ballot to get to you?

9 A I couldn't answer that.

10 Q I would like to pull up another exhibit,
11 we have it labeled as Exhibit M, M as in Mary.

12 A Yes.

13 (Exhibit 7 was marked for identification.)

14 BY MS. MADDURI:

15 Q Do you recognize this document?

16 A I do.

17 Q What is it?

18 A This was a draft recommendation from a
19 work group that I had put together to come up with
20 suggestions, recommendations to the Legislature on
21 drop boxes.

22 Q You said you were involved in preparing
23 it, right?

24 A I was not.

25 Q Oh, you were not. But you were familiar

Craig Latimer
October 11, 2021

Page 129

1 with it?

2 A Yes.

3 Q Okay. On page 2 of the document, there is
4 a proposed revision in section A on that page. And
5 it says, "Secure drop boxes at the Supervisor's
6 office may be available at any time for voters to
7 place a voted vote-by-mail ballot if the secure drop
8 box is monitored physically or electronically."

9 Do you see that?

10 A I do.

11 Q Is this a revision that the FSE proposed
12 to the Legislature?

13 A This was a document that was prepared by
14 the work group that I had appointed, and it was
15 transmitted to our lobbyist. I don't know if he
16 presented it to the Legislature in whole or in bits
17 or pieces or what. So I couldn't answer that.

18 Q Okay. Do you know if he ever proposed
19 including the option to electronically monitor drop
20 boxes?

21 A Again, this legislation changed so many
22 times. Originally, they wanted to do away with drop
23 boxes, and then one of the first changes, they put
24 them back, but it had to be monitored by law
25 enforcement at every site. Then it changed again.

Craig Latimer
October 11, 2021

Page 130

1 So this was an ongoing process.

2 Q I think I am understanding that you are
3 not sure if that specific change to allow for video
4 surveillance was proposed?

5 A I do not know.

6 Q But is it fair to say that the FSE -- it
7 was the position of the FSE that video surveillance
8 was a good option for those 24-hour boxes?

9 A This was a proposal by the work group that
10 went forward.

11 Q What do you mean when you say went
12 forward?

13 A To the lobbyist and the legislative
14 committee to work with.

15 Q So the working group, the FSE working
16 group proposed this?

17 A It was an FSE work group, but it never
18 went back to the association; it went straight to
19 the legislative committee --

20 Q Okay. And -- I am sorry, go ahead.

21 A And the lobbyist.

22 Q Okay. And who was in the work group, the
23 FSE work group?

24 A Supervisor Marcus from Pinellas County, I
25 think Supervisor Link from Palm Beach County, and I

Craig Latimer
October 11, 2021

Page 131

1 don't remember the other -- I can get it for you,
2 but I just don't remember off the top of my head
3 right now.

4 Q Sure. Just roughly, is it like five
5 supervisors, ten supervisors?

6 A Yeah, it was like a handful, five or six
7 maybe.

8 Q Okay. I am going to pull up another
9 exhibit, we have it labeled as Exhibit N.

10 (Exhibit 8 was marked for identification.)

11 A Okay.

12 BY MS. MADDURI:

13 Q So this is an e-mail. Do you recognize
14 it?

15 A Yes.

16 Q Okay. Did you send this e-mail?

17 A I did.

18 Q The top one at least?

19 A Yes.

20 Q I want to ask you about the statement you
21 made that says, "I think it is good to put in
22 electronic monitoring, we can negotiate that."

23 A Yes.

24 Q What do you mean by "We can negotiate
25 that"?

Craig Latimer
October 11, 2021

Page 132

1 A This is in March 11th actually, early on
2 in the process, and I don't remember the exact
3 context of why I said that. I mean, there was some
4 talk about that one of the legislators was calling a
5 drop box actually a voting site. So there was just
6 conversation around that, but I don't remember the
7 exact context of that.

8 Q So you don't remember if any related
9 negotiations took place with this?

10 A I do not.

11 Q I think you said there might have been a
12 specific legislator that wanted to define drop boxes
13 as voting sites. Do you remember who that was?

14 A I don't.

15 Q You've already testified that you didn't
16 have any problems with any of your drop boxes. To
17 your knowledge, did anyone who was monitoring a drop
18 box ever have to intervene or prevent any sort of
19 tampering with the drop box?

20 A Not that I am aware of.

21 Q Are you aware of any problems with drop
22 box tampering or drop box security in any other
23 election besides 2020, besides in 2020?

24 A Are you talking about in Hillsborough
25 County?

Craig Latimer
October 11, 2021

Page 133

1 Q In Hillsborough County.

2 A I am not aware of any.

3 Q I think you said that drop boxes have been
4 used in Hillsborough since at least 2009, right?

5 A Correct.

6 Q Your reference to 2009, is that based on
7 when you became involved in elections there?

8 A Yes. And they could have been involved
9 before, I just don't have any knowledge of it.

10 Q Understood. You've discussed the
11 25,000-dollar fine a few times now. I'm just
12 curious if you have any opinions on that, whether
13 you think that fine is necessary and what you think
14 about it.

15 A I don't think it was necessary.

16 Q I think you've already testified that you
17 are planning to be very, I think, be quite strict in
18 how you monitor drop boxes to make sure that you
19 don't incur that fine.

20 A Right.

21 Q And I think so far you said that you might
22 staff it with three people because of the fine. Is
23 there any other -- are there any other changes that
24 you might make to your drop box administration
25 because of the fine?

Craig Latimer
October 11, 2021

Page 134

1 A Not that I can think of at this time.

2 MS. MADDURI: I am ready to move on from
3 drop boxes. We have been going, I think,
4 almost an hour and a half. Do you need to take
5 a quick break?

6 THE WITNESS: I am good.

7 MS. MADDURI: Everybody good? Is the
8 court reporter good? I want to make sure she
9 is good; she is the one doing the hardest work.

10 THE STENOGRAPHER: I'm fine, thank you.

11 BY MS. MADDURI:

12 Q Going to the vote-by-mail ballot request
13 that we talked about today.

14 So before SB 90, is it your understanding
15 that a voter could make a request for the
16 vote-by-mail ballot and that would be valid for two
17 general election cycles?

18 A Correct.

19 Q Did you have any problems with that
20 standing request that lasted for two general
21 elections?

22 A I did not because the voter has the option
23 if they don't care to vote the vote-by-mail ballot,
24 they can come vote in person.

25 Q Did you receive any complaints from voters

Craig Latimer
October 11, 2021

Page 135

1 about the duration of the requests that could be for
2 two general elections?

3 A I would go on record to tell you that
4 probably 95 percent of the voters have no idea how
5 many cycles it's good for. They think once they
6 sign up, it's good to go.

7 Q So they may even think it's lots longer
8 than the two general election cycles?

9 A And that's one of the reasons we used to
10 have the check box on the return envelope, so they
11 could just check that and continue to stay updated.

12 Q And if you know, did a lot of your
13 residents use that check box?

14 A Very, very much.

15 MS. MADDURI: Let's pull up another
16 exhibit, it's Exhibit Q by our numbering.

17 (Exhibit 9 was marked for identification.)

18 MS. MADDURI: I am sorry, Sandi, would you
19 mind telling me which exhibit we are on?

20 MR. DAINES: By on my count, we are on
21 Exhibit 9.

22 BY MS. MADDURI:

23 Q Supervisor Latimer, do you have that
24 document up?

25 A I do.

Craig Latimer
October 11, 2021

Page 136

1 Q Do you recognize that document?

2 A I remember seeing this, yes.

3 Q What is it?

4 A This is some more recommendations -- and I
5 don't remember who this came from; it was another
6 supervisor -- and changing some of the language. So
7 this would have been, again, sent to the Legislative
8 Affairs Committee and the lobbyist.

9 Q And in the second sort of paragraph there
10 that says to replace line 811, the first full
11 sentence says, "Vote-by-mail voters may also check a
12 box on a vote-by-mail return envelope certificate to
13 renew their vote-by-mail request, and if their
14 ballot is accepted, no further information is
15 required for the request."

16 Do you see that?

17 A I do.

18 Q So would that basically -- that proposed
19 change, would that basically keep in place the
20 process that you had in Hillsborough County?

21 A In numerous counties.

22 Q In numerous counties, including
23 Hillsborough, I take it?

24 A Correct.

25 Q And sort of like the other proposed

Craig Latimer
October 11, 2021

Page 137

1 changes, would this have been sent to your lobbyist,

2 I think Mr. Ramba was his name?

3 A Correct.

4 Q Okay. Do you know if he or anyone else

5 presented this to the Legislature?

6 A I can't answer that.

7 Q Did you think that the check box that you

8 had on the vote-by-mail envelope and that many other

9 counties had as well, did you think that was a

10 secure way of having voters request their

11 vote-by-mail ballots?

12 A Yes.

13 Q Do you think having the ability -- let me

14 try again.

15 Do you think having the vote-by-mail

16 request be valid for two general election cycle has

17 increased the number of voters who vote by mail?

18 MR. DAINES: Object to the form.

19 A As I stated previously, most of the voters

20 have no idea that they have to reup their request

21 for vote by mail.

22 BY MS. MADDURI:

23 Q So do you think this change that makes the

24 vote-by-mail request ballots for only one general

25 election cycle will cause confusion in voters?

Craig Latimer
October 11, 2021

Page 138

1 A I think it will, yes.

2 MR. TODD: Object to the form.

3 BY MS. MADDURI:

4 Q Is it possible that some voters won't
5 realize that their requests are not on file until
6 it's too late?

7 MR. TODD: Object to the form.

8 A As I stated previously, one of the things
9 we'll be doing is trying to communicate with the
10 voters to let them know that they need to
11 reestablish that vote-by-mail request. So it's
12 going to increase the administrative burden on our
13 offices.

14 BY MS. MADDURI:

15 Q Do you see any benefits to this change
16 that limits the duration of a vote-by-mail request?

17 A Which change?

18 Q That limits the duration of a vote-by-mail
19 request to one general election cycle.

20 A I am sorry, can you go ahead restate that?

21 Q Sure. Do you see any benefits to changing
22 the duration of the vote-by-mail request from two
23 general elections to one general election?

24 A I do not.

25 Q When you receive a vote-by-mail request,

Craig Latimer
October 11, 2021

Page 139

1 **how does your office process it?**

2 A It depends on how it's received, if it's
3 by telephone, or in person, or online. The request
4 is entered into our system to show that they've got
5 a request on file, and it integrates with our voter
6 registration system so that we know that person is
7 going to receive a vote-by-mail ballot.

8 Q So when you get the request, does someone
9 in your office take that request and input the
10 information into your system?

11 A Yes.

12 Q I would like to pull up what we've marked
13 as Exhibit H.

14 MS. MADDURI: And this will be Exhibit 10.
15 (Exhibit 10 was marked for
16 identification.)

17 A Okay.

18 BY MS. MADDURI:

19 Q We can scroll to page 6. I guess, do you
20 recognize this document?

21 A Yes.

22 Q Were you involved in preparing the
23 document?

24 A I was not.

25 Q Did you review it?

Craig Latimer
October 11, 2021

Page 140

1 A I did. I am on it.

2 Q I would like to go to page 6. And I think
3 here there is a table of estimated costs around
4 processing vote-by-mail requests. Do you see that?

5 A I do.

6 Q Okay. In 2016, you estimated that the --
7 your office estimated the cost to be about \$150,000
8 to process all the requests that you received that
9 year?

10 A Yes.

11 Q Okay. For 2018, that was about \$160,000?

12 A Yes.

13 Q And for the 2020 election, it was 313,000
14 or so?

15 A Yes.

16 Q So under SB 90 -- had SB 90 been in place,
17 is it fair to say that anyone who had made a request
18 for a vote-by-mail ballot in 2016, who had asked for
19 that request to be in place for more than just one
20 election, if SB 90 had been in place, that request
21 actually would have expired at the end of 2016?

22 A I don't agree with that.

23 Q If someone makes a request for
24 vote-by-mail ballot prior to a general election, so
25 say in October 2022, is it your understanding that

Craig Latimer
October 11, 2021

Page 141

1 that request for a vote-by-mail ballot would then
2 expire at the end of that year?

3 A If they requested it in 2022?

4 Q Right.

5 A So the way the law currently is, is it's
6 good for one election cycle. So no matter when you
7 would request it in that year, that election cycle,
8 it would expire after that election.

9 Q Okay. So if I requested a ballot in
10 September of 2022, it would expire following the
11 general election in 2022?

12 A Correct.

13 Q Okay. What I am trying to get at here is
14 that all of these voters who requested ballots in
15 2016, and that cost about \$150,000 for your office
16 to process, had SB 90 been in place, any requests
17 that were standing requests for more than one
18 election, those would have expired after the 2016
19 general election, correct?

20 A Correct.

21 Q And so all of those individuals, if they
22 chose to vote by mail again, would have to rerequest
23 their ballot, correct?

24 MR. DAINES: Object to the form.

25 A Correct.

Craig Latimer
October 11, 2021

Page 142

1 BY MS. MADDURI:

2 Q So that would significantly increase the
3 cost on your office to process these ballots,
4 correct?

5 A I mentioned before that this was going to
6 cause an administrative burden on us, cost being one
7 of them.

8 Q Do you think that the shorter validity
9 period affects your office's ability to plan for
10 elections at all?

11 A No.

12 Q When you receive a vote-by-mail ballot
13 request, how long does it typically take your office
14 to process that request and send out a ballot?

15 A The request is processed that day. If
16 it's requested during the period when we are mailing
17 out ballots, we've got two days to get the ballot
18 out by law.

19 Q Is there a deadline by which voters have
20 to request vote-by-mail ballots for an election?

21 A Yes.

22 Q What is that?

23 A I don't remember off the top of my head
24 now; seven days, nine days. I don't remember
25 exactly.

Craig Latimer
October 11, 2021

Page 143

1 Q Some number of days shortly before the
2 election?

3 A Right, so we've got time to get the ballot
4 out and they've got time to mail it back basically.

5 Q In your view, is it possible that your
6 office will receive more vote-by-mail requests
7 closer to an election than you have in past
8 elections?

9 MR. TODD: Object to the form.

10 A I don't know. You are asking two
11 questions here. Can you try that again, comparing
12 to past elections or something?

13 BY MS. MADDURI:

14 Q Sure. I am wondering -- since you can't
15 have a standing request for more than one general
16 election going forward and you don't have this check
17 box method that a lot of voters used in the past, I
18 am wondering if you are expecting any increase in
19 the volume of vote-by-mail requests that you would
20 get closer to an election?

21 A I have no idea.

22 Q I know you also testified that you plan to
23 expend some resources to notify voters of this
24 change. Have you made any determinations of how
25 much -- how much of your budget you are going to

Craig Latimer
October 11, 2021

Page 144

1 devote to that?

2 A Not yet.

3 Q Do you have any sense of what it might

4 cost?

5 A Not yet.

6 Q I would like to chat with you briefly
7 about the provision that limits how many ballots an
8 individual can return on behalf of other voters.

9 I think you already testified that voters
10 in Hillsborough County or individuals in
11 Hillsborough County have been returning ballots
12 upwards of two ballots prior to SB 90's enactment?

13 A Like I said, anecdotally, I have seen
14 people come in with several ballots.

15 Q Do you have any sense of what types of
16 voters were having other people return their ballots
17 for them?

18 A I have no idea, other than myself that I
19 stated about my neighbors all want to drop them off
20 at my house.

21 Q Understood. Does your office dispatch any
22 employees to collect ballots from voters?

23 A Under supervised voting legislation, yes,
24 where we go into the assisted living facility.

25 Q Other than the assisted living facilities,

Craig Latimer
October 11, 2021

Page 145

1 does your office dispatch anyone to collect ballots
2 from a voter who otherwise says they need help
3 returning it?

4 A Not to my knowledge, we never have.

5 Q Is that something you are planning to do
6 in future elections?

7 A Not at this time.

8 Q I would like to go back to what we've
9 marked as Exhibit 6, and it's marked as Exhibit K in
10 the chat.

11 A Okay.

12 Q I think right at the end of the e-mail,
13 the last paragraph there, it says, "Limiting the
14 possession of ballots. That has not been an issue
15 in our county. It's a solution looking for a
16 problem. What we heard today is" -- I am sorry,
17 that's actually the only part that I am asking you
18 about.

19 Let me say that again. It says, "Limiting
20 the possession of ballots, that has not been an
21 issue in our county. It's a solution looking for a
22 problem."

23 Do you see that?

24 A I do.

25 Q What do you understand, if you have an

Craig Latimer
October 11, 2021

Page 146

1 understanding, of it's a solution looking for a
2 problem to mean?

3 A Well, somebody can take 20 ballots and
4 drop them in a blue U.S. post office mailbox and
5 there is nobody there to monitor it and know what
6 relation anybody is to anybody else.

7 Q Is it your view that SB 90 wouldn't do
8 anything to address that?

9 A It would not.

10 Q In that same sentence it also says, "That
11 has not been an issue in our county." Do you have
12 an understanding of what that means?

13 A We haven't had an issue with people
14 bringing ballots into the office.

15 Q So you are not aware of any improper
16 ballot collection return in Hillsborough?

17 A No, I am not.

18 Q I would like to move on and talk to you
19 about the third-party voter registration
20 organization.

21 Do you receive voter registrations from
22 third-party organizations in your county?

23 A As I stated previously, yes.

24 Q Do you have any reference of how many you
25 get every year?

Craig Latimer
October 11, 2021

Page 147

1 A I don't have that number off the top of my
2 head.

3 Q Okay. You have a lot of them right off
4 the top of your head?

5 A I believe we may have answered that in
6 interrogatories, I don't know though.

7 Q I can check that. Do you think that the
8 activities of third-party voter registration
9 organizations to register voters is important for
10 voters?

11 A I think it's certainly another avenue to
12 give people an opportunity to register, yes.

13 Q Do you think that third-party registration
14 organizations might reach voters who would otherwise
15 not register to vote?

16 A I couldn't answer that.

17 Q Do you have any sense of what types of
18 voters use the services of third-party voter
19 registration organizations?

20 A I don't know.

21 Q I believe you testified that you receive
22 some third-party voter registration organization
23 forms late on occasion, is that right?

24 A Correct.

25 Q If you know, would you say that that's a

Craig Latimer
October 11, 2021

Page 148

1 small percentage overall of the forms that you do
2 receive from third-party voter registration
3 organizations?

4 A I can tell you off the top of my head that
5 since 2016 we've had 411 registrations turned in
6 late. As I previously stated, none of those
7 contributed to somebody not being registered to vote
8 and not being able to vote. We get thousands and
9 thousands of third-party voter registration
10 organization applications.

11 Q I think you mentioned that you have
12 received some questions or comments about the --
13 about SB 90 restrictions on third-party voter
14 registration organizations, is that right?

15 A Yes.

16 Q What were the substance of some of those
17 comments or questions, to the best of your
18 recollection?

19 A What are the changes, what do we have to
20 do now?

21 Q Okay. They are asking about how to
22 comply?

23 A Yes.

24 Q I think you said that you directed them to
25 the state department?

Craig Latimer
October 11, 2021

Page 149

1 A Division of Elections website, they have
2 got an entire section on there.

3 Q Okay. I am quite near the end of this. I
4 appreciate your bearing with me and plowing through
5 this segment.

6 I think you mentioned that Hillsborough
7 County hasn't had a significant problem with lines
8 recently, is that right?

9 A That is correct.

10 Q Is that -- is that the case for 2020?

11 A I think it's several things. I stated
12 earlier that usually upwards of 65 to 70 percent of
13 our voters go prior to election day, so then I am
14 distributing the election day voters cross 290
15 polling sites throughout the county. So it tends to
16 move quickly, and we don't mount up lines.

17 And early vote sites, I continue to build
18 every year. I think the first year I was elected we
19 had 15 early vote sites, we are up to 26 now and
20 having conversation about possibly two more in areas
21 that are experiencing rapid growth. So we have got
22 plenty of opportunities for people to vote.

23 Q Has the -- has this been the case the
24 entire time you have been supervisor, you generally
25 haven't experienced many lines during elections,

Craig Latimer
October 11, 2021

Page 150

1 either during early voting or on election day?

2 A Yeah, we've had some lines on the last day
3 of early voting, but the lines moved rapidly. And I
4 am not talking about a hundred people in line, I am
5 talking about maybe 20 or 30 in line and it's moving
6 rapidly.

7 Q Off the top of your head, can you estimate
8 what the longest amount of time a voter in
9 Hillsborough has waited that you've heard of to
10 vote?

11 A I would say well under 30 minutes.

12 MS. MADDURI: Do you mind if we take a
13 five-minute break for me to just look back over
14 my notes and see if I'm done?

15 MR. TODD: That's fine. Thank you.

16 Mr. Cavataro, are you next?

17 MR. CAVATARO: Yes, I am up.

18 MR. TODD: How much do you think you have
19 in terms of time, roughly?

20 MR. CAVATARO: I will aim to wrap up under
21 an hour, perhaps well under, but I will give
22 myself some room and say an hour.

23 MR. TODD: Mr. Budhu, I think you had some
24 questions?

25 MR. BUDHU: Yeah, I will be well under an

Craig Latimer
October 11, 2021

Page 151

1 hour as well.

2 MR. TODD: There was somebody else, but I
3 can't recall who it was that wanted to question
4 the witness. Maybe I am incorrect. So I guess
5 that's it.

6 (A recess took place from 2:50 p.m. to
7 3:00 p.m.)

8 MS. MADDURI: I am done. I just want to
9 say thank you, Supervisor Latimer, for your
10 time.

11 THE WITNESS: Thank you very much, ma'am.

12 CROSS EXAMINATION

13 BY MR. CAVATARO:

14 Q Good afternoon, Supervisor Latimer.

15 A Good afternoon.

16 Q Thank you for being with us today. My
17 name is Ben Cavataro, and I represent the Florida
18 conference of NAACP, Common Cause, and Disability
19 Rights Florida in this case.

20 You understand, of course, you are still
21 under oath?

22 A I do.

23 Q All the ground rules that Mr. Zacherl and
24 Mr. Daines and Ms. Madduri went over, they still
25 apply here.

Craig Latimer
October 11, 2021

Page 152

1 And if I say SB 90, of course, you
2 understand it to mean Senate Bill 90 and then any of
3 the companion bills, including House Bill 7041?

4 A I do.

5 Q We already discussed Hillsborough County
6 and your role in the Supervisor's Office and your
7 history of public service. I just wanted to go over
8 one more thing. Hillsborough County is the fourth
9 largest county in Florida, is that right?

10 A By voters. Actually, we have a higher
11 population than Palm Beach County, but Palm Beach
12 County has more voters than we do.

13 Q So it's the third largest by population
14 and the fourth largest by registered voter
15 population?

16 A Yes, by registered voters.

17 Q Is it fair to say that Hillsborough is a
18 diverse county in terms of ethnicity and race?

19 A Absolutely.

20 Q And is it fair to say that the number of
21 registered voters in the county is also diverse by
22 ethnicity and race?

23 A Yes.

24 Q And is it fair to say that the
25 Hillsborough County voter base, the voter group is

Craig Latimer
October 11, 2021

Page 153

1 diverse in terms of people with disabilities?

2 A Yes.

3 Q Great. And only because I don't think we
4 covered it earlier, how long is each term as a
5 county supervisor of elections?

6 A Four years.

7 Q And because you were elected in 2020,
8 would that make your current term extend out to
9 January of 2025?

10 A That is correct.

11 Q You testified earlier about the role of
12 your office in voter education. Do you consider
13 increasing voter turnout to be a goal of your
14 office?

15 A We certainly -- my goal is that we have
16 everyone that's eligible to be registered to vote
17 is, in fact, registered and all the registered
18 voters have an opportunity to cast that ballot.

19 Q I want to talk a little bit about FSE, the
20 Florida Supervisors of Election Association. You
21 testified earlier that it was a bipartisan group.
22 Would it also be fair to call it nonpartisan?

23 A Yes.

24 Q If I pause, it's because I am trying to
25 spare you repeated questions.

Craig Latimer
October 11, 2021

Page 154

1 A That's fine.

2 Q As a general matter, do you think it's
3 important that voters have multiple options in terms
4 of the method to cast their ballot?

5 A Absolutely.

6 Q Why is that?

7 A Well, I think the simple explanation is
8 that some people might not have transportation, so
9 they can vote by mail; some people have
10 transportation but have different work hours and
11 they have the opportunity to early vote; and then,
12 of course, election day, which I always say is the
13 last day to vote, not the first day, for people that
14 want to vote on election day.

15 And I want all three methods of voting and
16 people across those three methods of voting because
17 I don't want lines.

18 Q Thank you. We discussed earlier about
19 vote-by-mail security and the different measures
20 that have been taken. Would you agree -- strike
21 that.

22 Is it fair to say that there is layered
23 security for vote by mail and that security doesn't
24 rely on any one thing?

25 A You have to be a little bit more specific

Craig Latimer
October 11, 2021

Page 155

1 on that one.

2 Q Would you agree that for vote-by-mail
3 ballots, there is many different security methods,
4 not just one?

5 A I think what I stated previously was that
6 to even get a vote-by-mail ballot, you first have to
7 be a registered voter. To be a registered voter,
8 you have to supply a driver's license number,
9 Florida ID, last four Social so the state can make a
10 match on your information. Then you can become a
11 voter, then you can request a vote-by-mail ballot.
12 You have to request that ballot, we send
13 it to you. When you send it back, you also have to
14 sign the oath on the back of the envelope, and then
15 that signature is physically compared with the
16 signatures we have on file.

17 Q So the signature match and the voter
18 registration match are both security measures that
19 pertain to vote by mail?

20 A Yes.

21 Q Is the secrecy envelope considered a
22 security measure as well?

23 A I don't think so. I think it's -- I know
24 it's helpful to us when we are going through the
25 ballot process so we are able to maintain the

Craig Latimer
October 11, 2021

Page 156

1 sanctity of the ballot; we don't know who you voted
2 for. So yeah, I don't know that I would call it a
3 total security feature.

4 Q Is it right that you testified earlier
5 that vote-by-mail ballots can't be forwarded?

6 A That is correct.

7 Q Do you consider that to be a safety
8 feature, or a security feature, rather?

9 A Yes.

10 Q Thank you. I want to turn a bit to the
11 legislative process leading up to the enactment of
12 Senate Bill 90.

13 Am I correct that earlier you testified
14 that there were others involved in speaking to the
15 state legislature about SB 90 other than the
16 supervisors?

17 A Yes.

18 Q And who were those people, if you can
19 recall?

20 A I can't give you a name right off the bat.
21 I remember I watched several of the committee
22 meetings and there were people there from various
23 organizations that spoke to the legislators, too.

24 Q Do you know if a group called the Heritage
25 Foundation or Heritage Action for America was

Craig Latimer
October 11, 2021

Page 157

1 involved?

2 MR. DAINES: Object to the form.

3 A I have no direct knowledge of that.

4 BY MR. CAVATARO:

5 Q Thank you. Prior to SB 90, prior to 2021,

6 in fact, did you monitor any election-related

7 legislation that was pending in the state

8 legislature?

9 A Prior to 2021?

10 Q Prior to 2021.

11 A No.

12 Q You testified earlier that Senate Bill 90

13 was changed many times throughout the legislative

14 process, is that correct?

15 A Yes.

16 Q Is it correct that there was a strike-all

17 amendment or multiple strike-all amendments during

18 the consideration of the bill?

19 A As I remember it, yes.

20 Q Would you consider Senate Bill 90 to have

21 been rushed through the legislative process?

22 A I couldn't answer that.

23 Q Is it fair to say that most of the

24 provisions of Senate Bill 90 were not in response to

25 requests from supervisors of elections?

Craig Latimer
October 11, 2021

Page 158

1 MR. DAINES: Object to the form.

2 A That is fair to say.

3 BY MR. CAVATARO:

4 Q Could you repeat the answer?

5 A That is fair to say.

6 Q Thank you. I would like to call up an
7 exhibit, if you will bear with me.

8 MR. CAVATARO: My internet is not quite
9 cooperating. We'll just speak to it.

10 BY MR. CAVATARO:

11 Q You testified earlier that you didn't
12 speak directly to the members of the legislature
13 regarding Senate Bill 90, is that right?

14 A I had conversation with several
15 legislators. I didn't go to Tallahassee. There was
16 some phone calls.

17 Q Who were the members of the FSE who were
18 most directly involved in talking to the members of
19 the legislature?

20 A Alan Hays, Lake County supervisor, he
21 actually testified before a committee. Mark Earley,
22 I believe did, too. And I don't remember who else
23 at this point. I know several of the FSE members
24 talked to their local delegations over a period.

25 Q Would you say that the legislative process

Craig Latimer
October 11, 2021

Page 159

1 leading up to the final bill took place over a very
2 compressed time period?

3 A I wouldn't know how to compare that.

4 Q I would like to talk very briefly about
5 drop boxes, trying to avoid redundancy to what you
6 discussed with Ms. Madurri, but you will forgive me
7 if there is some overlap.

8 Do outdoor drop boxes, in your opinion,
9 offer any advantages over indoor drop boxes?

10 A As I stated, we actually moved them
11 outdoors as a safety precaution during COVID. So
12 that was the motivation. I know in our Falkenburg
13 Road office, we would literally have hundreds and
14 hundreds of people a day that would come in here to
15 drop off their ballots, so we moved all that
16 outside.

17 Q So is it the case that public health would
18 be one advantage of outdoor versus indoor drop
19 boxes?

20 A That was exactly why we did this. But
21 then the feedback from the voters was great about I
22 just drove right up there and was able to drop it
23 off.

24 Q Are drop boxes more important to some
25 voters than others?

Craig Latimer
October 11, 2021

Page 160

1 A I think so.

2 Q And for which voters would drop boxes be
3 most valuable or useful?

4 A As I said before, people would remark to
5 me, I know it's getting to your office today, I am
6 going to put it in the drop box.

7 Q And based on your discussions with the
8 other supervisors, are drop boxes more important to
9 some counties than to other counties?

10 A I can't answer that.

11 Q Is Hillsborough County, as a large county,
12 differently situated from some smaller counties in
13 terms of election administration?

14 A You have to be more specific.

15 Q Is it more challenging to administer an
16 election in a large county than to a small county?

17 A I don't think so. Every county has to do
18 the same thing, and it doesn't matter how big you
19 are, you got to do vote by mail, you got to do early
20 vote, you got to do election day. And we are all
21 bound by the same statutes. The difference is in
22 the economy of scale, how many employees you have
23 doing it.

24 Q Turning to the -- on drilling down a
25 little deeper on the drop boxes, you testified

Craig Latimer
October 11, 2021

Page 161

1 earlier, I think, there were 26 drop boxes at the
2 early voting sites and then four office drop boxes
3 after early voting hours, is that correct?

4 A Correct.

5 Q And then of the drop boxes at the early
6 voting sites, were those drive-up drop boxes?

7 A Yes, we had them outside in drive-up areas
8 as long as weather was permitting, obviously
9 watching lightening. And we have storms and in
10 August and even into November.

11 Q So those drop boxes were contact free?

12 A Yes.

13 Q And again, was that for public health
14 reasons?

15 A Yes.

16 Q Did voters -- did any voter remark to you
17 on contact-free voting and whether they favored or
18 disfavored it?

19 A Not in those terms; the anecdotal examples
20 I gave where people just talked about how easy it
21 was to drive up and didn't even have to get out of
22 their car.

23 Q Got it. Bear with me one second. I want
24 to talk about 24-hour drop boxes which have been
25 touched on before. Are there advantages to 24-hour

Craig Latimer
October 11, 2021

Page 162

1 drop boxes versus drop boxes with more limited

2 hours?

3 A I think for certain voters that may

4 have -- they work 12-hour shifts, which would be the

5 same as early voting and office hours, so they would

6 have the opportunity to drop them outside of regular

7 business hours.

8 Q Are there any other groups of voters for

9 whom 24-hour drop boxes would be especially

10 important?

11 A Insomniacs. I don't know.

12 Q Would you say voters with childcare

13 responsibilities might find 24-hour drop boxes more

14 useful than voters without such responsibilities?

15 A I would say anybody that --

16 MR. DAINES: Object to form. Sorry, sir,

17 go ahead.

18 A I would say that anybody who's not able to

19 hit a drop box during the early voting hours outside

20 of that it would be beneficial to them.

21 BY MR. CAVATARO:

22 Q Is it important, in your opinion, to

23 provide voters with a drop box to accept

24 vote-by-mail ballots prior to the beginning of the

25 early voting period?

Craig Latimer
October 11, 2021

Page 163

1 A Yes, and we do.

2 Q Why is that important?

3 A Well, we send the ballots out 40 days
4 before the election, and people are literally
5 bringing them back the next day or two.

6 Q Does SB 90, in your understanding, allow
7 supervisors to accept grant monies to fund
8 election-related activities?

9 A It does not anymore.

10 Q Does SB 90, in your understanding, bar
11 supervisors from accepting grants of any kind?

12 A I am sorry, accepting what?

13 Q Accepting grants of any kind.

14 A Directly related to conducting the
15 election.

16 Q And that would include drop boxes,
17 correct?

18 A Speculation, I don't know.

19 Q You testified earlier that the
20 Hillsborough County Supervisor's Office doesn't use
21 volunteers or unpaid volunteers, is that correct?

22 A Correct.

23 Q Do you understand SB 90 to allow you to
24 use unpaid volunteers if you wanted to?

25 A I don't know.

Craig Latimer
October 11, 2021

Page 164

1 Q If the use of drop boxes is limited, would
2 that particularly affect voters who don't own cars?

3 MR. DAINES: Object to the form.

4 A Limited in what way, sir?

5 BY MR. CAVATARO:

6 Q If drop boxes become less available in
7 terms of number or location or hours.

8 A I don't understand the correlation of just
9 because they don't have a car.

10 Q Does the use of -- does the availability
11 of drop boxes advantage voters who may have
12 transportation difficulties?

13 MR. TODD: Object to the form.

14 A I always tell people if for some reason
15 you can't get it to the drop box, drop it in the
16 mail, I pay the return postage.

17 BY MR. CAVATARO:

18 Q I want to talk a little bit about the U.S.
19 Postal Service mailboxes versus the drop boxes,
20 which was discussed a little bit before, so I will
21 try not to repeat prior questioning.

22 Do you ever have a concern that the U.S.
23 Postal Service might lose vote-by-mail ballots that
24 are mailed by voters?

25 A I am sure that's always a possibility.

Craig Latimer
October 11, 2021

Page 165

1 Q Do you ever have a concern that the U.S.
2 Postal Service might deliver a ballot from a voter
3 after the deadline?

4 A That does occur. I think I stated
5 previously that that's what I was really looking at,
6 the dates of when these ballots were postmarked and
7 actually looking at the date they were signed by the
8 voter, the date they were postmarked and then when
9 we received them. And it was amazing -- I remember
10 one particular one we received two days after the
11 election, and it had been signed and dated the day
12 after the election. So it only took one day, but it
13 was two days late.

14 Q Is your understanding that U.S. Postal
15 Service mailboxes are usually monitored?

16 A I don't have any knowledge of that.

17 Q Are drop boxes established by your office
18 within your control more than U.S. Postal Service
19 mailboxes?

20 A Are they more what?

21 Q Pardon me. Are drop boxes more within
22 your control than USPS mailboxes?

23 A Absolutely. I don't staff USPS mailboxes.

24 Q I would like to talk briefly about the
25 vote-by-mail repeat request limitation that was

Craig Latimer
October 11, 2021

Page 166

1 discussed before.

2 Is it your experience that voters with

3 disabilities take advantage of vote by mail?

4 A Again, anecdotally, that's kind of

5 interesting, because we offer disability marking

6 devices at all of our in-person voting, both early

7 vote and vote by mail, and many of the people with

8 disabilities like to use that.

9 Q Have you noticed, in the course of your

10 work as supervisor, any voting groups that were

11 particularly apt to use vote by mail, standing

12 vote-by-mail requests?

13 A Can you restate that?

14 Q In your experience as supervisor of

15 elections, do you think that there are certain

16 voting groups that are more likely to request to get

17 a vote-by-mail ballot in each election?

18 A I don't have any information on that.

19 Q Do you know why the Legislature included

20 in Senate Bill 90 the vote-by-mail repeat request

21 provision?

22 MR. DAINES: Object to the form.

23 A What is the repeat request provision?

24 BY MR. CAVATARO:

25 Q The limitation on the duration of a

Craig Latimer
October 11, 2021

Page 167

1 standing vote-by-mail ballot request.

2 A I do not.

3 Q You testified earlier that the

4 vote-by-mail provision regarding the duration of

5 requests for vote-by-mail ballots poses an

6 administrative burden for your office, is that

7 correct?

8 A Yes.

9 Q And is it correct that you testified that

10 cost is an aspect of the administrative burden?

11 A Yes.

12 Q Do you have any sense of how to quantify

13 that cost even roughly?

14 A I think we answered that in the

15 interrogatories. We had some projections in there.

16 Q Are there other forms of administrative

17 burden other than a financial burden?

18 A Having to hire additional people to keep

19 up with the workload, additional temporary

20 employees, that's going to increase our mailing, so

21 both ends.

22 Q Is an increase in training an aspect of

23 the administrative burden that this provision

24 incurs?

25 A Sure. We provide training to all our

Craig Latimer
October 11, 2021

Page 168

1 employees, whatever duties and responsibilities they
2 have.

3 Q With respect to the financial burden of
4 this provision, are there other programs or
5 activities that you would prefer to spend the money
6 on?

7 A Well, I prefer not to spend taxpayer money
8 on additional anything.

9 Q During the debate in the legislature
10 regarding the bill, did the supervisors of elections
11 express concern over this provision regarding
12 vote-by-mail requests?

13 A Let me remind you, and I think we still
14 can do this, too, the original part of the bill was
15 going to wipe out all requests on file, which was
16 huge. And we really didn't want it to go to one, we
17 wanted it to stay at two. And there was no logic to
18 do that, to take it to one.

19 Q Are you aware of any instance of voter
20 fraud that would have been prevented by this
21 provision that we've just been discussing?

22 MR. TODD: Object to the form.

23 A No, I am not aware.

24 BY MR. CAVATARO:

25 Q In your view, prior to the enactment of

Craig Latimer
October 11, 2021

Page 169

1 Senate Bill 90, were there sufficient safeguards in
2 place to protect against vote-by-mail voter fraud?

3 A I think I've stated already what the
4 process is.

5 Q I would like to touch on very briefly the
6 nonsolicitation provision of Senate Bill 90 related
7 to the 150 feet. Do you understand the provision
8 that I am referring to?

9 A I do.

10 Q Have you and your office interpreted the
11 nonsolicitation provision of Florida law to bar any
12 contact between -- any contact with a voter within
13 the 150-foot zone?

14 A I believe the statute refers to exactly
15 what it is, solicitation, that there is a
16 prohibition to solicit a voter within the 150-foot.

17 Q How do you define solicitation?

18 A Trying to encourage somebody to vote for a
19 person or for or against a referendum.

20 Q So is it fair to say that not every
21 contact with a voter within the 150-foot zone would
22 constitute solicitation?

23 A It would depend on the situation.

24 Q If all other things are equal, if it
25 becomes more difficult to vote by mail, does that

Craig Latimer
October 11, 2021

Page 170

1 **increase the likelihood that people vote in person?**

2 MR. TODD: Object to the form.

3 A I think that's an individual decision. We
4 saw a huge jump in vote by mail during COVID, and we
5 are having internal discussions now is that going to
6 hold up, or are people going to go back to voting in
7 person.

8 BY MR. CAVATARO:

9 Q And returning a bit to the nonsolicitation
10 provision, if a nonpartisan volunteer provides a
11 bottle of water to a voter on his or her way into
12 the polling place, is that prohibited solicitation?

13 A I would not put up with that because I
14 don't have any idea what that person is talking to
15 the voter about. And what I have told groups
16 already is I don't care if you set up a tent and a
17 water station at 160 feet, they can get the bottle
18 on their way by.

19 Q So is it fair to say there is an aspect of
20 judgment involved in enforcing the nonsolicitation
21 provision?

22 A Absolutely.

23 Q I want to turn briefly to third-party
24 ballot collection.

25 You testified earlier that you are aware

Craig Latimer
October 11, 2021

Page 171

1 anecdotally of voters asking neighbors to turn in
2 their vote-by-mail ballots for them, is that
3 correct?

4 A Yep, very much aware.

5 Q And with apologies if this is redundant,
6 why did voters ask their neighbor to return the
7 ballot for them?

8 A Various reasons: Sick, didn't have
9 transportation, they were going, it made it easy,
10 whatever.

11 Q Of the voters that had others return
12 ballots on their behalf, were some of those voters
13 individuals with disabilities?

14 A I can't answer that specifically.

15 Q Other than neighbors, did caretakers for
16 those with an illness or injury sometimes return
17 vote-by-mail ballots on behalf of the person for
18 whom they were taking care of?

19 A I have no direct knowledge of that.

20 Q You mentioned briefly earlier the
21 supervised facilities or the supervised voting
22 provision of Florida law. Do you understand the
23 provision to which I am referring?

24 A Yes.

25 Q My understanding is that people who are

Craig Latimer
October 11, 2021

Page 172

1 eligible voters, who are registered to vote who live
2 in certain supervised facilities, are able to vote
3 at those facilities. Is that -- does that reflect
4 your understanding as well?

5 A A vote-by-mail ballot, yes.

6 Q And do you know which facilities qualify
7 for the supervised voting provision of Florida law?

8 A It's in statute. I don't know it right
9 off the top of my head.

10 Q Would assisted living facilities be
11 eligible?

12 A I believe so.

13 Q And would nursing facilities be eligible?

14 A I believe so.

15 Q But other forms of communal housing would
16 not be eligible, is that correct?

17 A I would have to refer back to the statute,
18 so I can't really answer that.

19 Q Do you know off the top of your head --
20 and I realize you may not -- whether hospitals are
21 sites where the supervised voting provision could
22 apply?

23 A I don't believe so.

24 Q And what about group homes, would they be
25 eligible for supervised voting?

Craig Latimer
October 11, 2021

Page 173

1 A Again, I would have to refer to the
2 statute.

3 Q For people living in facilities that are
4 not eligible for supervised voting, would the
5 third-party ballot collection restrictions of Senate
6 Bill 90 make it more difficult for those residents
7 to return their ballots?

8 MR. DAINES: Object to the form.

9 A Again, there is nothing to prohibit them
10 from dropping it in the mailbox, where we are paying
11 the return postage, so there is no penalty on them.

12 MR. CAVATARO: Can we go off the record
13 for about five minutes while I look over my
14 notes? Mr. Todd, are you okay with that?

15 MR. TODD: Fine.

16 (A recess took place from 3:32 p.m. to
17 3:35 p.m.)

18 BY MR. CAVATARO:

19 Q I just placed in the Zoom chat function an
20 exhibit that is marked NAACP Latimer Deposition
21 Exhibit G.

22 MR. CAVATARO: Sandi, I confess, I don't
23 know what number we're up on.

24 MS. MADDURI: I believe it's going to be
25 Exhibit 11.

Craig Latimer
October 11, 2021

Page 174

1 (Exhibit 11 was marked for

2 identification.)

3 BY MR. CAVATARO:

4 Q Supervisor Latimer, are you able to open

5 that exhibit?

6 A Yes. I am looking at it.

7 Q Do you recognize this document?

8 A Just refreshing my memory here, it looks

9 like a chat between me, Dave Ramba and Alan Hays.

10 Q Great. Could you remind us who Mr. Ramba
11 is?

12 A He is our lobbyist, Dave Ramba.

13 Q By our lobbyist, you mean the Florida
14 Supervisors of Elections Association?

15 A Yes, I am sorry, FSE's lobbyist.

16 Q No problem. And then Mr. Hays is the Lake
17 County supervisor of elections, is that correct?

18 A He is former senator, current Lake County
19 supervisor of elections, and he's head of the
20 Legislative Affairs Committee.

21 Q Do you recall what time this text message
22 conversation occurred?

23 A I do not.

24 Q Is it fair to say it occurred during the
25 legislative consideration of Senate Bill 90?

Craig Latimer
October 11, 2021

Page 175

1 A Yes.

2 Q Did you write "Ingolia just said our check
3 box is no good"?

4 A I don't remember writing that. And I
5 wouldn't have had any direct knowledge of that, to
6 be truthful with you, so I would assume that was
7 either Alan or Ramba. I know it says Hillsborough
8 County SOE. But I don't recall saying that.

9 Q Do you see the part at the -- toward the
10 end where Supervisor Hays writes another way to make
11 the VBM difficult?

12 A Yes.

13 Q Do you understand VBM to be vote by mail?

14 A Yes.

15 Q And what's your understanding, if you have
16 an understanding, what Supervisor Hays was trying to
17 convey?

18 A I think it goes back to the check box that
19 we have been talking about, that this is a method
20 used by numerous supervisors of elections and that
21 it's an easy way to keep the people on the rolls, to
22 get a requester -- to keep them active for
23 requesting a vote-by-mail ballot.

24 Q And do you believe that at least part of
25 the intent behind this provision of Senate Bill 90

Craig Latimer
October 11, 2021

Page 176

1 was to make vote by mail more difficult?

2 A I can't answer that.

3 Q Bear with me about 30 seconds, I just want
4 to check to make sure I covered what I need to
5 cover.

6 A Yes, sir.

7 (Short pause.)

8 MR. CAVATARO: All good here. Thank you,
9 Supervisor Latimer, for your time.

10 MR. TODD: Mr. Budhu.

11 MR. BUDHU: Yep, yep, I'm on deck. Are we
12 on the record still?

13 THE STENOGRAPHER: Yes.

14 CROSS EXAMINATION

15 BY MR. BUDHU:

16 Q Good afternoon, Mr. Latimer, my name is
17 Ryan Budhu, I am an attorney, I represent plaintiffs
18 Florida Rising Together in this action. I
19 understand that you have been questioned under oath
20 here today. A few of my colleagues have given you
21 ground rules, you understand that those ground rules
22 are still in effect?

23 A I do.

24 Q Okay. I think in terms of questioning, I
25 won't be long. I do have a few areas I would like

Craig Latimer
October 11, 2021

Page 177

1 to give -- to ask you a few questions.

2 So turning straight to vote by mail, and I
3 wanted to ask you, prior to enactment of SB 90, in
4 your experience, were there sufficient election
5 protection procedures in place regarding vote by
6 mail?

7 A I believe so.

8 Q And based on your understanding, I believe
9 that you testified earlier today that you weren't
10 aware of any widespread voter fraud in Hillsborough
11 County during the 2020 election, correct?

12 A That is correct.

13 Q And you are not aware of any widespread
14 fraud in Hillsborough County in any prior election,
15 correct?

16 A Since 2012, I can tell you that, no, I am
17 not aware, 2010, actually.

18 Q Got it. And I also believe you gave a
19 little bit of testimony here earlier today about the
20 procedure for requesting a vote-by-mail ballot,
21 correct?

22 A Yes.

23 Q And you kind of walked us through a little
24 bit about the documentation that was necessary, is
25 that right?

Craig Latimer
October 11, 2021

Page 178

1 A Yes.

2 Q Just if you could just generally explain
3 how your office checks to make sure requests for a
4 vote-by-mail ballot is legitimate.

5 A Well, as I stated previously, first off,
6 you have to be a registered voter. To be a
7 registered voter, you have to supply a Florida
8 driver's license, Florida ID card, last four of your
9 Social, and the State makes a match on that
10 information. The voter then has to request that
11 vote-by-mail ballot, so they've got to be a
12 registered voter, then they've got to request it.

13 When we get that ballot envelope back,
14 they've had to sign the oath on the outside of the
15 envelope and date it. And then we physically
16 compare the signature to the signature we have on
17 file to verify that it is, in fact, that voter.

18 Q Okay. Could you explain to me how exactly
19 SB 90 changed the process for requesting a
20 vote-by-mail ballot?

21 A It's added an additional provision now
22 that to request a vote-by-mail ballot, you must
23 include your Florida driver's license number, your
24 Florida ID card number or the last four of your
25 Social.

Craig Latimer
October 11, 2021

Page 179

1 Q And you are aware that there are some
2 registered voters who don't have access to a
3 driver's license?

4 A Yes.

5 Q And there are Florida voters who don't
6 have access to an ID card, correct?

7 A Yes.

8 Q And there are even some Florida voters who
9 don't have access to a Social Security number,
10 correct?

11 A I am not aware of that.

12 Q Well, I am not asking if that -- they do
13 or do not have a Social Security number but that
14 they may not have access to their Social Security
15 number, is that right?

16 A I don't have any knowledge of that.

17 Q Okay. Under SB 90, what's your
18 understanding of what happens if a voter who wants a
19 vote-by-mail ballot doesn't have access to their
20 driver's license number, state identification number
21 or Social Security number?

22 A The way the law is written, it says we
23 have to be able to verify for those.

24 Q In that scenario above, can your office
25 send them a vote-by-mail ballot?

Craig Latimer
October 11, 2021

Page 180

1 A Not without verifying it.

2 Q And has your office kind of implemented
3 any type of follow-up procedures for voters who
4 don't have access to their driver's license, their
5 identification, their state identification, or a
6 Social Security number?

7 A We haven't had that occur yet. We are not
8 getting a lot of requests right now either. There
9 is also we are looking at different things, and
10 we've also been talking to the Division of
11 Elections; I know that was a topic at our summer
12 conference.

13 I apologize for the sunlight that's now
14 coming right through the middle of me here.

15 And we had a lot of discussion around
16 that, and there was some direction on how to
17 possibly use the DAVID driver's license database to
18 verify information.

19 Q But as you sit here right now, there's no
20 finalized procedure for those category of folks,
21 correct?

22 A I do not have a finalized procedure in my
23 office.

24 Q In your experience, do voters know or
25 recall what identification number they provided when

Craig Latimer
October 11, 2021

Page 181

1 they registered to vote?

2 A I think I mentioned that earlier that just

3 about everybody knows the last four of their Social.

4 But I would challenge probably 90 percent of the

5 people on this call right now can't recite their

6 driver's license number without looking at it.

7 Q Has your office or have you estimated the

8 cost of complying with that identification number

9 match provision of SB 90?

10 A We have not.

11 Q As a result, is it currently funded in

12 your budget?

13 A I am sorry, is what funded?

14 Q The cost of complying with SB 90's

15 identification number requirement. I assume because

16 there is no finalized procedure, it wouldn't be

17 funded, or at least it wouldn't be reflected in your

18 budget, is that correct?

19 A It's not reflected in my budget at this

20 point.

21 Q Based on your experience, what impact do

22 you think the SB 90 identification number

23 requirement will have on voters in your county?

24 A I don't know. We are going to have to

25 wait and see.

Craig Latimer
October 11, 2021

Page 182

1 Q Well, based on your experience, do you
2 have an anticipated impact, do you have any type of
3 thoughts about what the impact will be?

4 A I don't. I think I kind of addressed this
5 earlier, that if somebody contacts us and they give
6 us the last four of their Social and we don't have
7 that, we are going to talk them back to their
8 driver's license and they will have to furnish us
9 with that so we can do the verification.

10 Q I am going to move to third-party voter
11 registration organizations, I am just going to call
12 them 3PVRs. You understand if I am referring to
13 3PVRs, I am referring to third-party voter
14 registration organizations?

15 A I do.

16 Q Prior to the enactment of SB 90, did your
17 office receive registrations for 3PVRs for voters
18 outside your county?

19 A Yes.

20 Q How did your office handle these types of
21 registration?

22 A We would have to input them and then they
23 would end up going to the county the person lived
24 in.

25 Q How did that differ from registrations of

Craig Latimer
October 11, 2021

Page 183

1 voters inside of your county, that are located

2 inside your county?

3 A So I can just tell you that this really

4 impacts large counties and metropolitan areas

5 because a lot of these 3PVRs, they operate in

6 surrounding counties around me, but they bring all

7 of them to my county, so I get strapped with having

8 to do all the input on them. So I can tell you that

9 the supervisors are not opposed to this portion of

10 this bill at all.

11 Q Do you have a sense of how many

12 out-of-county registrations your office handled in

13 the 2020 general election?

14 A Thousands.

15 Q And what type of resources were needed to
16 process those registrations?

17 A We have to bring on temporary employees,
18 train them, go through the process.

19 Q Do you have a general sense of the number
20 of temporary employees that you have to bring on to
21 handle these registrations?

22 A I don't have that information off the top
23 of my head.

24 Q Do you have a sense of maybe the funding
25 or some of the numbers in terms of hiring those

Craig Latimer
October 11, 2021

Page 184

1 employees to handle these registrations?

2 A I don't.

3 Q Prior to SB 90, did your office find that
4 3PVR0s had submitted any type of fraudulent
5 applications or that there was any type of fraud
6 associated with 3PVR0s?

7 A Yes.

8 Q And how many instances?

9 A I can't tell you exactly. I think, again,
10 I spoke to this earlier that we -- specifically, I
11 had one of the 3PVR0s come in and told me that they
12 felt that one of their employees was falsifying
13 applications and that they had since fired them.
14 So, yeah, we've had several instances like that.

15 Q But to the best of your knowledge, there
16 are no ballots that were cast that were a result of
17 any fraud allegedly perpetuated by any 3PVR0s,
18 correct?

19 A That is correct.

20 Q And -- actually withdrawn.

21 MR. BUDHU: If I could just have one
22 minute off the record, I am just going to see
23 if I have anything else.

24 (Short pause.)

25

Craig Latimer
October 11, 2021

Page 185

1 MR. BUDHU: Mr. Latimer, I have no further
2 questions for you. Thank you for your time.

3 THE WITNESS: Thank you, sir.

4 MR. ZACHERL: Stephen, this is Frank. Is
5 there anybody else that said they wanted to ask
6 questions before I do follow up?

7 MR. TODD: I don't hear any. I do have a
8 few follow up, but I will let you go first.

9 REDIRECT EXAMINATION

10 BY MR. ZACHERL:

11 Q I am going to be real quick, Supervisor
12 Latimer, to try to finish up.

13 The first thing I want to just follow up
14 on is the questioning earlier about the delays with
15 the U.S. Post Office. Do you remember those
16 questions?

17 A I think so.

18 Q Well, what I wanted -- I just want to
19 drill down a little bit on your understanding of the
20 new U.S. Post Office policies. Is it your
21 understanding that the U.S. Post Office recently
22 came out and said there may be delays in some
23 categories of mail going forward?

24 A I read the newspaper or read a newspaper
25 article, and I remember bits and pieces of it, three

Craig Latimer
October 11, 2021

Page 186

1 to five days; but it talked about if it's mailed
2 within that same area, that it may get there sooner.
3 So I would have to go back and refresh totally what
4 was said.

5 Q Do you recall that the post office
6 announced that if you had first-class mail traveling
7 in the same local region, that it would still have a
8 two-day delivery time?

9 A That's what I was referring to, in the
10 same area.

11 Q Okay. Okay. It's really long-distance
12 mail going across the country that's being impacted,
13 correct?

14 A Because you are going by ground instead of
15 air.

16 Q Yes, sir. Yes, sir. Then I am going to
17 try something and this is going to be a big
18 experiment, so if I screw this up, I apologize to
19 everyone, but I am going to try to share my screen.
20 And if I can do this and I figure out how to do
21 it -- let's see if we can do this.

22 Hold on. You know, I can't do it, I'm
23 sorry. I'm going to have to go into my preferences
24 and fix this.

25 So I am just going to ask you questions.

Craig Latimer
October 11, 2021

Page 187

1 One of the exhibits that you looked at earlier --
2 and I don't know the exhibit number, I apologize,
3 but it was the talking points for the 2021
4 legislation. Do you remember that?

5 A I think there was two of them, actually.

6 Q Yeah. And the one I want to ask you
7 about, I think you will remember it, it's just there
8 was some language in there about the potential to
9 create voter confusion and the potential for there
10 to be an erosion of confidence in the process. Do
11 you recall that?

12 A I do.

13 Q And really my question is very simple,
14 would you agree with me that, as we sit here today,
15 those are only potentialities, it's speculation as
16 to whether those two things that you mentioned will
17 actually come to pass, is that accurate?

18 MR. CAVATARO: Object to the form.

19 A I don't know. I have seen some polling
20 out there that's been done talking about erosion of
21 confidence and whether elections are secure and
22 stuff, so I don't know that I could totally agree
23 with you.

24 BY MR. ZACHERL:

25 Q When you say the polling about elections

Craig Latimer
October 11, 2021

Page 188

1 being secure, can you elaborate on what you mean by
2 that?

3 A Yeah, that, for instance, vote by mail is
4 a secure process, especially in our state. I don't
5 probably need to sit here and give a history lesson
6 of what we have gone through the last few months
7 with the different attacks on the election system.

8 Q Well -- but what I was getting to, though,
9 is, if anything, the changes to the -- and the
10 changes in Senate Bill 90 would make the voting
11 system more secure and more safe, wouldn't you
12 agree?

13 A How so?

14 Q Well, that's what I am asking you. I
15 mean, there is more specific verification
16 requirements, there is more immediate need to renew
17 vote-by-mail registration. Don't those things,
18 although they may cost more money for the
19 supervisors of elections, don't those things
20 increase the security of the elections?

21 A Well, I don't know that I can agree with
22 that. As I stated previously, that to even get a
23 vote-by-mail ballot, you have got to be a registered
24 voter. And then we are actually verifying that
25 signature on the envelope against the signature we

Craig Latimer
October 11, 2021

Page 189

1 have on file, which the voter can also track that
2 ballot back to my office and see when it is approved
3 and counted and it's accepted and counted. There's
4 a lot of provisions that are in place already to
5 keep that safe and secure.

6 Q We may be saying the same thing. Let me
7 ask you differently.

8 Is it your testimony that Senate Bill 90
9 in any way reduces the security of the voting
10 process in Florida, in your mind?

11 A I don't think so.

12 Q Okay. That's really what I was getting
13 to. Then just one more thing, sir, before I cut you
14 loose at least for me for today. I think you said
15 this earlier, but then I got a little confused
16 about -- you said something about -- it deals with
17 line warming and it deals with giving out water and
18 food.

19 I think you said it's hard to distinguish
20 between who is doing what within 150 feet, so if
21 they are going to give out water, they have to give
22 out water beyond 150 feet. Was that your testimony?

23 A Yes, it is. If somebody is trying to get
24 within 150 feet to do anything with a voter, unless
25 I've got one of my workers right with them, we have

Craig Latimer
October 11, 2021

Page 190

1 no idea what they are saying to that voter. So we
2 immediately ask them to move outside the 150. We
3 don't have a problem with that here, though, quite
4 frankly.

5 Q I hear you. And the reason I am asking
6 the question is because, in these talking points,
7 one of the things it says is, fortunately, one thing
8 this bill does not do is prohibit giving food and
9 water to voters in line to vote, it just prohibits
10 campaigning in that area. Would you agree with
11 that?

12 A Yes.

13 MR. ZACHERL: I don't have any further
14 questions, sir. Thank you again for all your
15 time today. I appreciate it.

16 MR. TODD: Mr. Daines has some questions.

17 MR. DAINES: Yes, thank you.

18 RECROSS EXAMINATION

19 BY MR. DAINES:

20 Q Just this will be really quick.
21 Supervisor Latimer, as I recall earlier you were
22 asked about whether video surveillance was
23 sufficient to secure a drop box and you responded
24 that that depends on the drop box. Do you remember
25 that?

Craig Latimer
October 11, 2021

Page 191

1 A Yes.

2 Q And you gave the example of a 24-hour box
3 that's located in a building, which I believe is
4 consistent with the one 24-hour box that you have
5 described previously, is that accurate?

6 A Correct.

7 Q As I recall, you said that that building
8 location would prevent someone from doing tampering,
9 do you recall that?

10 A I talked about how it was built into the
11 wall and the slot was only as big as the -- a little
12 bit larger than the envelope. I don't recall saying
13 it would prevent tampering.

14 Q Okay. So is it safe to say then that --
15 well, let me ask it a different way. Would that
16 prevent tampering then? Would that prevent
17 tampering?

18 A I am sure if somebody had intention to do
19 that, they could tamper it in some way by pouring
20 something into it or throwing a firecracker in it.

21 Q Right. And so just to make sure I am
22 clear on your perspective on this, even with the
23 location within the building and with security
24 cameras that were monitoring it 24 hours a day,
25 seven days -- as many days as the box is available,

Craig Latimer
October 11, 2021

Page 192

1 it would -- that the cameras and the location within
2 the building would not prevent tampering with the
3 ballots through, for example, pouring gasoline on
4 the ballots into the slot?

5 A Using that same example, just because I
6 had a law enforcement officer inside my office at
7 2 o'clock in the morning, they wouldn't have had
8 time to respond out to keep that from happening
9 either.

10 Q Okay. Would you agree that having a
11 physical presence at the box would be more likely to
12 prevent putting a foreign substance like
13 firecrackers or gasoline in than the cameras by
14 themselves?

15 A I think it's totally hypothetical. Like I
16 said, you could certainly have somebody within
17 20 feet of the thing and not be able to stop
18 whatever the person's intentions were.

19 Q Okay.

20 MR. DAINES: That is all the questions I
21 have. So thank you.

22 THE WITNESS: Thank you.

23 MR. TODD: Anyone else? I just have some
24 brief follow up.

25

Craig Latimer
October 11, 2021

Page 193

1 CROSS EXAMINATION

2 BY MR. TODD:

3 Q Addressing this, Mr. Latimer, you've
4 candidly expressed some of your views regarding
5 Senate Bill 90 and its impact. I would like to take
6 a moment to talk about the issue of voter confidence
7 in Hillsborough County, following up with
8 Mr. Zacherl's questioning. Okay?

9 A Yes.

10 Q I have a handful of questions. If you run
11 into a citizen in the grocery store today who's
12 expressed to you that they don't know anything about
13 Senate Bill 90 and they wondered what the impact
14 would be on the voting process, how would you
15 respond?

16 A I would tell them it's not going to impact
17 the voting process, that we have a very safe and
18 secure process, and I would reiterate, which I do
19 often, talking about that we do the public logic and
20 accuracy test before an election, we do the post
21 audit after the election. We also know how many
22 check-ins we have at in-person voting, so we know
23 how that balances up with how many voters we have
24 that have cast ballots.

25 The same way with vote by mail, we know

Craig Latimer
October 11, 2021

Page 194

1 what we've sent out and we know what we've gotten
2 back.

3 Q Following up with that, do you have any
4 concerns today that any part of Senate Bill 90 will
5 prevent any qualified registered voter from voting
6 in Hillsborough County?

7 A I don't.

8 Q Likewise, do you have any concerns today
9 that any part of Senate Bill 90 will prevent any
10 qualified voter from registering to vote in
11 Hillsborough County?

12 A No.

13 Q And lastly, are you concerned today that
14 any part of Senate Bill 90 will prevent any legally
15 cast vote from being counted in Hillsborough County?

16 A Absolutely not.

17 Q Is it your belief that Hillsborough County
18 voters have more options for the method they use to
19 vote than at any time in Hillsborough County's
20 history?

21 A Absolutely.

22 Q And lastly, should Hillsborough County
23 voters have confidence in the protection of the
24 secrecy of their ballot cast in future elections?

25 A Yes, they should.

Craig Latimer
October 11, 2021

Page 195

1 MR. TODD: I don't have any further
2 questions. Thank you.

3 We'll read. And I guess we are done.

4 MR. ZACHERL: We'll waive. This is Frank,
5 I believe we'll be ordering.

6 MR. CAVATARO: The NAACP plaintiffs will
7 be ordering a copy of the transcript.

8 MS. MADDURI: Same for the League of Women
9 Voters, plaintiff.

10 (Proceedings concluded at 4:04 p.m.)
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RETRIEVED FROM DEMOCRACYDOCKET.COM

Craig Latimer
October 11, 2021

Page 196

1 CERTIFICATE OF OATH

2

3 STATE OF FLORIDA)

4 COUNTY OF LEON)

5

6

7

8 I, the undersigned authority, certify that

9 CRAIG LATIMER remotely appeared before me on October
10 11, 2021 and was duly sworn.

11

12 SIGNED AND SEALED this 12th day of
13 October, 2021.

14

15

16

17

18



19

SANDRA L. NARGIZ, RPR, RMR, CRR, CCR
snargiz@comcast.net
Commission #GG172788
EXPIRES: APRIL 18TH, 2022

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Craig Latimer
October 11, 2021

Page 197

CERTIFICATE OF REPORTER

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STATE OF FLORIDA)
COUNTY OF LEON)

I, SANDRA L. NARGIZ, Registered
Professional Reporter, certify that I was authorized
to and did stenographically report the deposition of
CRAIG LATIMER; that a review of the transcript was
requested, and that the foregoing transcript, pages
1 through 195, is a true record of my stenographic
notes.

I further certify that I am not a
relative, employee, attorney or counsel of any of
the parties, nor am I a relative or employee of any
of the parties' attorney or counsel connected with
the action, nor am I financially interested in the
action.

DATED this 12th day of October, 2021.



SANDRA L. NARGIZ, RPR, RMR, CRR, CRC
Notary Public
snargiz@comcast.net

Craig Latimer
October 11, 2021

Page 198

1
October 12, 2021

2
CRAIG LATIMER
3 c/o STEPHEN M. TODD, ESQUIRE
todds@hillsboroughcounty.org
4

5 RE: League of Women Voters, et al.,
vs. Secretary Lee, et al.
6 Case No. 4:21 cv 186-MW/MAF

7 Dear Mr. Latimer:

8 Please take notice that on October 11, 2021, you
gave your deposition in the above cause. At that
9 time you did not waive your signature.

10 The above-addressed attorney has ordered a copy of
the transcript and will make arrangements with you
11 to read their copy. Please execute the Errata
Sheet, which can be found at the back of the
12 transcript, and have it returned to us at
production@phippsreporting.com for distribution to
13 all parties.

14 If you do not read and sign the transcript within
thirty (30) days, the original, which has already
15 been forwarded to the ordering attorney, may be
filed with the Clerk of the Court.

16 If you wish to waive your signature now, please sign
17 your name to the blank at the bottom of this letter
and return to the address listed below.

18 Very truly yours,
19 

20 Sandra L. Nargiz, RPR, CMR, CRR
Phipps Reporting, Inc.
21 1551 Forum Place, Suite 200-E
West Palm Beach, Florida 33401

22 I do hereby waive my signature.

23
24 _____
CRAIG LATIMER
Job No. 211210
25

Craig Latimer
October 11, 2021

Page 199

1 ERRATA SHEET

2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

3 In Re: League of Women Voters, et al., vs. Secretary
Lee, et al.

4 Case No.: 4:21 cv 186-MW/MAF

5 CRAIG LATIMER

6 October 11, 2021

7 PAGE LINE CHANGE REASON

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20 Under penalties of perjury, I declare that I have
21 read the foregoing transcript of my deposition and I
22 hereby swear that my testimony therein was true at
the time it was given and is now true and correct,
including any corrections and/or amendments listed
above.

23

24

25

Date
Job No. 211210

CRAIG LATIMER

Craig Latimer
October 11, 2021

1

Exhibits	Exhibit 011 La timer	14	2009
Exhibit 001 La timer	7:23 173:25 174:1	55:12 81:11 94:14	15:21 16:15 35:17 133:4,6
7:18 84:8,9 112:13	\$	15	2010
Exhibit 002 La timer	\$150,000 140:7 141:15	149:19	177:17
7:19 96:5,6 109:21	\$160,000 140:11	150	2011
Exhibit 003 La timer	1	47:15 169:7 189:20,22,24 190:2	75:7
7:19 100:14, 16	1	150-foot	2012
Exhibit 004 La timer	84:8,9 112:13	17:11 46:23 47:18 49:12, 15 169:13,16, 21	15:22 16:2 61:9 73:8 177:16
7:20 108:20	10	16	2013
Exhibit 005 La timer	22:16 70:12 139:14,15	15:22 94:14	16:15
7:20 114:22	10,000 64:3 65:24	160	2016
Exhibit 006 La timer	100 48:18	170:17	22:13 51:9 56:15 140:6, 18,21 141:15, 18 148:5
7:21 122:6 145:9	107,000 20:11	16th	2018
Exhibit 007 La timer	11 173:25 174:1	120:6	22:13 51:9 56:15 81:23 140:11
7:21 128:13	11th	19	2020
Exhibit 008 La timer	132:1	89:12	19:18,22 20:2,10,22,24 21:4,10,19 22:11 30:20 34:15 35:25 36:5,24 39:21 40:1,8 41:16 42:25 43:4,16 44:16 45:5, 13,18,24 48:14 49:10 50:17 51:1 56:15 62:9,21 63:10 71:21 72:4,6 78:24 81:23 89:15, 17 94:23,24
7:22 131:10	12 22:17	1985	
Exhibit 009 La timer	12-hour 162:4	14:16	
7:22 135:17, 21	12:12 66:17	1:00	
Exhibit 010 La timer	12:20 66:12,18	77:21,24	
7:23 139:14, 15	12:36 77:23	2	
		2	
		96:5,6 109:21 115:5 129:3 192:7	
		20	
		15:23 89:12 146:3 150:5 192:17	
		2008	
		22:16	

Craig Latimer
October 11, 2021

2

95:8,19 97:20 98:14 99:1, 10,13,21 100:2 103:18, 22 104:12,15, 19,22 112:24 117:8 123:16, 22 124:9 132:23 140:13 149:10 153:7 177:11 183:13	24-hour 34:15 35:3 36:16 37:12, 15 79:18 80:8 113:12,25 117:7 118:17 119:8,12 121:10 126:6 130:8 161:24, 25 162:9,13 191:2,4	30 96:16 150:5, 11 176:3 30th 109:23 313,000 140:13 337,800 19:19 105:3 346,000 59:15 35 12:13 15:9 3:00 151:7 3:32 173:16 3:35 173:17 3pvros 182:12,13,17 183:5 184:4, 6,11,17	45 94:2 105:2,4 4:04 195:10 <hr/> 5 <hr/> 5 114:22 50 94:6 5:00 36:18 <hr/> 6 <hr/> 6 122:6 139:19 140:2 145:9 65 104:14 149:12 67 89:2 <hr/> 7 <hr/> 7 128:13 70 104:14 149:12 7041 90:14,15 107:18 108:2 116:22 152:3 717,000 20:21 77 20:18
2021 84:6 96:16 101:1 112:16 122:11 157:5, 9,10 187:3 2022 20:7 44:15 45:5,11,18,23 49:9 59:16,18 62:22 63:4,11 83:17 119:12 140:25 141:3, 10,11 2025 153:9 21 89:12 21st 101:1 22 37:3 78:25 80:22 81:3,4, 6 82:1 120:19 22nd 122:11 24 34:19 36:14 79:14 118:15 191:24	24/7 79:12 25,000-dollar 44:9 45:21 80:16 124:15 133:11 2500 94:9 26 36:7,22 44:16 78:25 79:5,8 80:25 81:4 149:19 161:1 27 45:2 272,642 19:24 290 149:14 2:50 151:6 <hr/> 3 <hr/> 3 100:14,16 101:6,10,11 102:25	4 <hr/> 4 108:20 4-30-2021 96:18 40 94:6 118:5,14 163:3 40,000 63:25 411 148:5 447,000 64:7	

Craig Latimer
October 11, 2021

3

<hr/> <p style="text-align: center;">8</p> <hr/> <p>8 131:10 811 136:10 85 104:16 8:00 36:17</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 135:17,21 90 23:14,16,21, 22 24:15,20 25:15 26:10 27:12 42:4 43:21,23 44:24 46:22 48:21,22 49:1,11,12 53:22 55:10, 19 56:2 59:12 62:20 68:25 69:8,12,18 70:7 71:5,17, 19,24 72:5,11 73:2 74:4,8, 15 80:14 81:20 82:4,9, 11 83:19 85:7,22,25 86:7,13 89:19 90:11,12,19 92:7,17,19, 24,25 97:7 100:2 107:3,</p>	<p>4,12,17,25 108:2,9 111:5 112:4 116:13, 21 124:5 134:14 140:16,20 141:16 146:7 148:13 152:1, 2 156:12,15 157:5,12,20, 24 158:13 163:6,10,23 166:20 169:1, 6 173:6 174:25 175:25 177:3 178:19 179:17 181:4, 9,22 182:16 184:3 188:10 189:8 193:5, 13 194:4,9,14</p> <p>90's 66:25 144:12 181:14</p> <p>95 135:4</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>ability 14:6 32:18 34:16 49:2 137:13 142:9</p> <p>absolutely 20:8 26:17 35:13 42:10 60:13 62:11 63:13 75:13 87:14 98:7 105:17 152:19 154:5 165:23</p>	<p>170:22 194:16,21</p> <p>accept 19:4 25:1 32:17 57:24 162:23 163:7</p> <p>acceptable 25:15</p> <p>accepted 40:8 57:10 136:14 189:3</p> <p>accepting 163:11,12,13</p> <p>access 83:25 179:2, 6,9,14,19 180:4</p> <p>accessibility 112:24</p> <p>accessible 97:20</p> <p>accessing 96:22</p> <p>acclaim 97:21</p> <p>accommodating 100:22</p> <p>accuracy 95:16 193:20</p> <p>accurate 26:16 27:1 48:15 64:2 68:1 80:18 85:21 88:17 187:17 191:5</p> <p>Acres 78:1</p> <p>action</p>	<p>156:25 176:18</p> <p>active 175:22</p> <p>activities 147:8 163:8 168:5</p> <p>actual 51:21</p> <p>add 44:4 49:15 91:23</p> <p>added 118:20 178:21</p> <p>adding 111:20</p> <p>addition 38:4 69:1 83:5 110:20 111:23</p> <p>additional 25:24 44:7 60:5 74:19 75:11 101:22 167:18,19 168:8 178:21</p> <p>Additionally 59:25</p> <p>address 18:7 23:17 64:5,6,10,11, 22 65:2,24 100:2 146:8</p> <p>addressed 114:6 182:4</p> <p>addresses 24:12 63:20</p> <p>Addressing 193:3</p>
--	---	--	--

Craig Latimer
October 11, 2021

4

adequate 20:24 28:20, 23	affect 14:6,9 24:24 67:13 105:6 164:2	aim 150:20	anecdotal 21:6 71:6 161:19
administer 70:14 160:15	affects 142:9	air 186:15	anecdotally 21:11 39:12 68:17,21 71:12 116:14 127:19 144:13 166:4 171:1
administered 92:11	affidavit 28:12 110:18	Alachua 10:9	announced 186:6
administration 90:5 92:2,20 93:10 115:19 116:1 133:24 160:13	affiliation 91:24	Alan 27:20 158:20 174:9 175:7	announcement 128:1
administrative 27:3,8 29:22, 25 59:9 74:17,21 75:11 92:13 106:10 138:12 142:6 167:6, 10,16,23	affiliations 14:21	Aldi 88:3	annual 94:12
administrator 125:18	affirm 11:9	allegations 51:2	annually 63:24
Administrators 93:14	affirmed 11:17	alleged 73:15	answers 13:21 34:5 96:13
advantage 22:7 159:18 164:11 166:3	afternoon 88:2 151:14, 15 176:16	allegedly 184:17	anticipate 123:15,20
advantages 159:9 161:25	agree 29:7,9,16,21 85:1,4 92:1,9 98:5,7,15 101:20 102:2, 10 103:3,10 113:2,10,23 115:9,13,22, 25 116:5 123:1 140:22 154:20 155:2 187:14,22 188:12,21 190:10 192:10	allot 126:23	anticipated 182:2
advised 61:23	agreed 29:25 123:2	allowed 125:2,4	anticipating 53:15 59:17
advises 126:22	ahead 12:4 32:25 113:22 130:20 138:20 162:17	altogether 85:20	anymore 25:2 163:9
advocate 91:22		Amalie 44:18	apartment 68:19
affairs 90:17,18 91:15 107:21 136:8 174:20		amazing 19:25 165:9	apologies 101:16 171:5
		amendment 157:17	apologize 180:13 186:18 187:2
		amendments 157:17	appearance 42:20
		America 156:25	appearances
		amount 38:1 69:1 86:6 95:12 104:23 126:22 150:8	

Craig Latimer
October 11, 2021

5

97:13	arisen	175:6 181:15	Award
appears	99:21	assuming	93:17,23
51:15 113:7	arrange	126:15	aware
applicable	41:14	assumption	42:25 50:10
59:1 72:5	arranging	61:3	56:10 68:10
application	17:4	attacks	69:11 73:5,13
51:16 53:13	arrest	188:7	75:6 99:25
56:9,20 59:21	13:12	attention	106:12
applications	art	51:20	132:20,21
50:21 51:23	67:17	attestation	133:2 146:15
53:12 54:3,9,	article	110:19	168:19,23
12 55:9 59:20	100:25 101:1,	attorney	170:25 171:4
148:10 184:5,	3 102:5	9:8,20,21	177:10,13,17
13	185:25	10:14 13:17	179:1,11
apply	as-needed	14:1 38:18	awkward
151:25 172:22	34:9	62:14,16	53:2
appointed	aspect	176:17	
129:14	167:10,22	attorney's	<hr/> B <hr/>
appreciated	170:19	9:17 52:9	back
124:24	assigned	attorneys	21:8 27:19
approved	17:14	76:13 109:25	28:6 29:13
189:2	assist	112:11	32:14 33:24
Approximately	88:16,19	attribute	42:22 44:20
89:10	assistance	40:11	49:25 53:10
April	38:7	audit	54:20 58:23
96:16 101:1	assisted	95:17 193:21	60:1 66:12
109:23 122:11	144:24,25	audits	67:13,21 68:9
apt	172:10	97:23	71:13,14
166:11	assisting	August	72:22 73:7,22
area	78:2	89:15 161:10	75:5,8,9,21
30:21 32:16	association	availability	77:7 80:22
63:22 186:2,	27:17 85:8	164:10	83:6 100:11
10 190:10	88:9 89:3	avenue	106:2 107:2
areas	90:16,24	147:11	109:18,20
149:20 161:7	91:20 108:11	averaged	110:14 112:10
176:25 183:4	109:2 130:18	104:14	114:4,8,11,15
Arena	153:20 174:14	avoid	129:24 130:18
44:18	assume	159:5	143:4 145:8
			150:13
			155:13,14

Craig Latimer
October 11, 2021

6

163:5 170:6 172:17 175:18 178:13 182:7 186:3 189:2 194:2 background 14:12 93:8 bad 23:19,20 26:22 32:1 69:21 balances 71:3 193:23 Baldrige 93:22 ballot 21:8,22 22:19 24:7 28:13 30:17 31:12, 15,17 33:11 38:5,15,22, 23,25 39:14 41:4 42:21 56:12 57:11, 14,21,25 58:8,11 60:20 61:25 62:9,21 63:11 64:5 65:3,6,15 66:22 67:3, 16,22,24 69:2,5,22,23 71:11,13,14 72:17 73:10, 16 80:11 82:20 83:25 105:21,25 106:2 110:17, 20 111:17,18 113:11 117:18,19,21,	22,23 121:5, 6,23 122:2 125:5 126:21 127:4,8 128:8 129:7 134:12, 16,23 136:14 139:7 140:18, 24 141:1,9,23 142:12,14,17 143:3 146:16 153:18 154:4 155:6,11,12, 25 156:1 165:2 166:17 167:1 170:24 171:7 172:5 173:5 175:23 177:20 178:4, 11,13,20,22 179:19,25 188:23 189:2 194:24 ballots 17:5 18:23 24:24 30:14 31:6 32:9,21 33:4,22 34:8 41:18 42:7 45:16 53:18 61:14 64:3,7, 9 65:7,13,16, 19,24 67:6,13 68:11,20,22 69:1,9,15,20, 25 70:3,9,11, 12 72:2,8 73:3 79:14 105:3 106:1 111:11 112:7 113:7,24 119:14 120:12 127:10 128:6	137:11,24 141:14 142:3, 17,20 144:7, 11,12,14,16, 22 145:1,14, 20 146:3,14 155:3 156:5 159:15 162:24 163:3 164:23 165:6 167:5 171:2,12,17 173:7 184:16 192:3,4 193:24 bar 163:10 169:11 barring 45:6 base 152:25 based 35:6 57:6 75:10 82:22 86:9 133:6 160:7 177:8 181:21 182:1 basically 28:12 36:18 49:18 54:21 89:13 136:18, 19 143:4 basis 34:9 bat 156:20 bathroom 66:5 Beach 130:25 152:11	bear 15:16 32:8 62:13 158:7 161:23 176:3 bearing 149:4 beauty 47:4 begin 77:15 beginning 25:10 39:23 162:24 behalf 10:6,9,11,14, 19,22,24 11:2 144:8 171:12, 17 belief 194:17 belong 89:2 Ben 9:24 151:17 beneficial 40:17 162:20 benefit 39:11 42:8 benefits 42:12 138:15, 21 betrays 39:16 big 160:18 186:17 191:11 bigger 121:7
--	---	--	--

Craig Latimer
October 11, 2021

7

biggest 91:22	bills 89:20 108:1 116:22,25 117:2 152:3	17 31:2,5,8, 17,23 32:10, 14 34:3,10, 15,19 35:4 36:10,16 37:15 38:21 39:9 42:13 44:8 45:17 46:2 49:13 59:25 60:3 67:15 78:25 79:13,18,22 80:2,8 83:6 117:7,24 118:7,11,18 119:2,8,12 120:14 121:10,18 122:19 123:6, 10 124:17 126:3,5,6,14, 18 127:4,20 129:8 132:5, 18,19,22 133:24 135:10,13 136:12 137:7 143:17 160:6 162:19,23 164:15 175:3, 18 190:23,24 191:2,4,25 192:11	43:2,5,16,21, 24 44:3,16 45:5,12,25 46:7,8 49:14, 19 79:8 80:15,21,25 81:13,14 82:8,12 85:20 103:16 104:19,22,24 105:10 106:25 107:2 111:25 112:5 113:12, 25 117:4 118:4 119:22, 25 120:8,19, 23 121:11,16 123:3,14,21 124:5,6,10, 21,24 125:2, 7,8,13,15 126:1,2 127:17,23 128:21 129:5, 20,23 130:8 132:12,16 133:3,18 134:3 159:5, 8,9,19,24 160:2,8,25 161:1,2,5,6, 11,24 162:1, 9,13 163:16 164:1,6,11,19 165:17,21
bill 9:19 23:14, 16,21,22 24:15,20 25:15 26:10 27:12 28:7,8, 18 42:4 43:21,23 44:24 46:22 48:21,22 49:1,11,12 53:22 55:14, 19 56:2 59:12 62:20 66:25 68:25 69:8, 12,18 70:7 71:5,17,19,24 72:5,11 73:2 74:4,8,15 86:20 87:1 90:13 93:2 99:9 100:24 101:7,17 102:9,18,23 103:7 107:9, 15,16 108:7, 15 109:6,9, 15,19 110:15 116:13 152:2, 3 156:12 157:12,18,20, 24 158:13 159:1 166:20 168:10,14 169:1,6 173:6 174:25 175:25 183:10 188:10 189:8 190:8 193:5,13 194:4,9,14	bipartisan 91:21 153:21 bit 22:21 24:21 47:13 90:2 92:21 102:4, 15 104:13 105:18 153:19 154:25 156:10 164:18,20 170:9 177:19, 24 185:19 191:12 bits 129:16 185:25 blue 146:4 board 57:17,24 58:1,10,14, 16,20 book 56:20 booked 72:21 bottle 170:11,17 bottom 102:21 bound 92:12 160:21 Bowen 9:11 box 25:1 30:9,12,	boxes 17:17,21,25 18:1 23:10 24:12 30:8,18 31:11 33:22 35:16,19,25 36:2,4,14 37:1,8,14 38:4 42:5,24	branches 120:1 break 66:6,8,14,23 77:2,5,6 78:12 134:5

Craig Latimer
October 11, 2021

8

150:13	191:3,7,23	108:7 156:24	134:23 170:16
Brevard	192:2	calling	171:18
10:16	built	31:24 132:4	careful
briefly	117:15 126:16	calls	80:17
14:11 76:20	191:10	27:18 28:3,4	caretakers
144:6 159:4	bunch	116:15 158:16	171:15
165:24 169:5	11:22 24:25	camera	Carolina
170:23 171:20	burden	113:13 114:1	68:6
bring	23:10 24:22	cameras	carry
32:14 53:24	25:18 48:7	37:12,14	29:17
54:2 68:19	59:9 74:17,21	191:24 192:1,	cars
69:4,22 70:8,	75:11 113:14	13	164:2
10 71:13 94:6	138:12 142:6	campaigning	case
110:17 183:6,	167:6,10,17,	190:10	13:9 15:15
17,20	23 168:3	cancel	21:3 23:8,13
bringing	burdensome	32:17	29:7 37:22
53:16 70:3	59:6 80:1	canceled	41:14 46:13
71:1 127:2	82:19 83:13	85:18	67:11 68:5
146:14 163:5	bureaucracy	cancels	103:17
broadly	115:19 116:1	64:12	149:10,23
106:7	burning	candidly	151:19 159:17
brought	45:7	193:4	cases
54:5 68:18	business	canvassing	13:8,11,14,18
69:25 71:14	162:7	57:17,23	88:4 106:19
buddy	busy	58:1,10,20	112:8
69:23	21:25 97:15	cap	cast
budget		53:25	18:23 21:22
94:12 143:25	C	capacity	22:18 51:11
181:12,18,19	C-R-A-I-G	13:10 29:8	56:11 153:18
Budhu	12:6	94:10	154:4 184:16
9:4 10:2	call	car	193:24
76:18 150:23,	11:2 17:11	161:22 164:9	194:15,24
25 176:10,11,	41:20 56:23	card	catastrophes
15,17 184:21	70:16 98:12,	48:11,12	45:7
185:1	17 153:22	51:25 62:4	categories
build	156:2 158:6	178:8,24	185:23
75:21 149:17	181:5 182:11	179:6	category
building	called	care	180:20
30:21 126:8	84:5 93:17		

Craig Latimer
October 11, 2021

9

Cavaturo 9:24 76:15 150:16,17,20 151:13,17 157:4 158:3, 8,10 162:21 164:5,17 166:24 168:24 170:8 173:12, 18,22 174:3 176:8 187:18 195:6	chance 84:13 change 23:22 24:3 40:17 43:23 44:1 51:25 60:8 64:6,11 65:24 80:14 124:5 125:12, 19 130:3 136:19 137:23 138:15,17 143:24 changed 28:18 35:20 46:8 75:3,5, 8,9 85:7 104:13 129:21,25 157:13 178:19 changing 51:17 63:20 136:6 138:21 charges 73:14 chat 84:11 96:3 100:13 108:19 109:21 112:14 144:6 145:10 173:19 174:9 check 59:25 60:3 83:6 87:16 135:10,11,13 136:11 137:7 143:16 147:7 175:2,18 176:4 check-ins	193:22 checks 71:3 178:3 chief 15:21 16:14 84:22 122:14 childcare 162:12 chose 141:22 circumstance 70:3,21 72:25 73:2 circumstances 12:11 69:14 109:16 cite 102:7,17 citizen 193:11 citizens 88:20 city 75:17 civil 13:11 44:9 clarified 68:4 clarify 81:9 118:17 class-action 63:18 clear 80:13 191:22 clearer 123:19 close 94:6	closed 82:8 closer 143:7,20 closing 56:21 colleague 10:4 78:2 96:2 100:12 colleagues 97:25 176:20 collect 32:10 72:1 144:22 145:1 collecting 45:16 55:8 68:10 collection 34:8 146:16 170:24 173:5 college 14:12 combination 33:8 comfortable 35:10 commended 99:14 116:9 comment 71:9 commented 99:9,15 commenting 101:2 comments 21:6 99:11 148:12,17
---	--	---	--

Craig Latimer
October 11, 2021

10

commitment 97:19	comparing 143:11	conducting 88:16 163:14	23:7
committee 13:23 27:21 86:4 90:10, 17,18 91:1,16 99:16 107:21 130:14,19 136:8 156:21 158:21 174:20	compilation 110:23	conference 28:3 151:18 180:12	constituents 83:19
committees 90:16 91:1, 14,17	compiled 13:25	confess 173:22	constitute 169:22
common 41:16,20 151:18	complaints 21:9,12,18 134:25	confidence 98:13 115:20 116:7 187:10, 21 193:6 194:23	consulted 116:22 117:1
communal 172:15	completed 69:9	confirmed 103:16 106:17	contact 47:19 52:5,8, 9,10,13 161:11 169:12,21
communicate 55:21 138:9	complex 68:19	confused 119:5 189:15	contact-free 161:17
communicated 27:25 82:23	comply 148:22	confusion 26:6 115:18, 23 116:16 137:25 187:9	contacting 31:6
communication 84:22 90:25	complying 181:8,14	Congratulations 48:19	contactless 30:23
communications 23:1 75:20 122:14	compressed 159:2	consensus 77:2	contacts 52:15,17 182:5
community 71:16	concern 43:7 122:17 164:22 165:1 168:11	consent 9:1,3,5,7	contemplated 87:4
companion 152:3	concerned 80:4 194:13	consents 9:9	contention 74:6
company 33:17	concerns 86:19 99:20 107:25 108:4 194:4,8	consequences 56:21	contents 23:1
compare 106:4 159:3 178:16	concluded 195:10	consideration 157:18 174:25	context 103:12 132:3, 7
compared 123:22 155:15	conditions 14:8	considered 89:20 108:10 155:21	continue 47:5 60:3 98:1 110:14 135:11 149:17
	conduct 16:24 26:20 95:15	consistent 191:4	continued 79:21
	conducted 26:9	consolidated	continuing 88:17 110:24

Craig Latimer
October 11, 2021

11

contributed 40:22 148:7	134:18 136:24 137:3 141:12, 19,20,23,25 142:4 147:24 149:9 153:10 156:6,13 157:14,16 161:3,4 163:17,21,22 167:7,9 171:3 172:16 174:17 177:11,12,15, 21 179:6,10 180:21 181:18 184:18,19 186:13 191:6	counties 10:15 41:17, 24 92:11,15, 20 93:3 94:16 112:2,3,6 119:22 136:21,22 137:9 160:9, 12 183:4,6	145:15,21 146:11,22 149:7,15 152:5,8,9,11, 12,18,21,25 153:5 158:20 160:11,16,17 163:20 174:17,18 175:8 177:11, 14 181:23 182:18,23 183:1,2,7 193:7 194:6, 11,15,17,22
control 165:18,22		country 98:23 186:12	
controversial 100:24		county 9:17 10:7,9, 12,22 12:7 15:8 16:23 18:8,10 19:14,18,23 20:3,10,23 26:9 30:16 34:15 35:16 36:25 37:13 41:4,5,7,11, 19 42:9 43:2, 15 46:9 47:5 48:16 50:16 51:5 60:11 63:21 64:15, 16,17,18,25 65:1,4,5 67:20 68:11, 13,14 70:7,13 71:9,15,17,19 72:1 73:9,15 78:21 87:13 93:1,6 94:17 97:23 105:14 106:13 112:3 120:5 130:24, 25 132:25 133:1 136:20 144:10,11	county's 80:15 194:19
conversation 132:6 149:20 158:14 174:22	correlation 40:24 164:8		couple 13:18 26:23 41:2 73:25
convey 175:17	cost 80:4 123:14 124:4 140:7 141:15 142:3, 6 144:4 167:10,13 181:8,14 188:18		courier 32:13 33:14, 15
cooperating 158:9	costs 123:15,21 124:20 140:3		court 12:17 134:8
coordinated 90:5	counsel 72:22		cover 176:5
copy 195:7	count 57:16,22 135:20		covered 93:7,9 117:5 153:4 176:4
correct 15:2 16:4 19:3,12 36:23 40:11,14 44:25 47:23 48:18 49:21 61:10 63:5 65:11 69:3 79:1,9,10,15, 16,22 80:19 81:1,2,18,20, 21 82:9,10 84:1 89:9,22 92:16 93:19 95:1 100:25 102:18,19 103:20 109:13 110:9,10 117:22 118:10 120:1,2,13,22 121:21 122:16 123:8 124:12 127:5,6 133:5	counted 58:9 73:4 189:3 194:15		COVID 104:6,12 159:11 170:4
	counterpart 90:14 107:5		Craig 11:16 12:6 77:4
			Cramer 84:23
			create

Craig Latimer
October 11, 2021

12

88:22 115:18, 23 187:9	7	165:11	deadline
crime	cycles	dates	56:21 142:19
15:6	59:2 62:10,19	89:10 165:6	165:3
criminal	74:19 75:9	Dave	deal
73:14	134:17 135:5,	86:4 107:21	63:24 87:6
criteria	8	174:9,12	deals
57:20		DAVID	189:16,17
cross	D	180:17	death
78:8 87:24	Daines	day	29:15,16
149:14 151:12	9:6,13 76:8	11:22 20:10	debate
176:14 193:1	77:16,25 78:9	21:24 34:4,	98:11 168:9
crunch	84:4,10 85:5	12,20 36:14,	debated
65:22	87:15,19	24 62:3 79:14	102:8,18
cumbersome	113:17 114:2	81:7,17 94:8	decide
115:19 116:1	116:8 125:9,	98:1 104:12,	38:14
curb	21 135:20	15,17 109:14,	decided
102:24 103:8	137:18 141:24	15 118:4,15	124:18
curious	151:24 157:2	127:5,13,21	decision
34:6 35:15	158:1 162:16	142:15	17:19,20
39:15 62:7	164:3 166:22	149:13,14	82:12 170:3
68:3 123:20	173:8 190:16,	150:1,2	deck
133:12	17,19 192:20	154:12,13,14	176:11
current	damage	159:14 160:20	dedicated
15:13 70:14	37:23 45:8	163:5 165:11,	90:11
89:4 97:24	Dan	12 191:24	deeper
153:8 174:18	76:10	days	160:25
cut	Danielle	20:2,5 55:12	defendant
93:20 189:13	11:4	81:10,11	9:7,15 13:5
cybersecurity	data	82:8,13 98:11	78:10
95:15	13:24 93:24	118:5,14	defendants
cycle	database	126:22 127:9,	9:12 11:24
24:12 27:18	180:17	15 142:17,24	define
59:1,8,20	date	143:1 163:3	132:12 169:17
62:9 63:10	59:13 165:7,8	165:10,13	degree
74:18 75:3,4,	178:15	186:1 191:25	14:13,17,19
8,12 101:25	dated	days/hours	delays
137:16,25	31:15 39:1	122:20	128:2 185:14,
138:19 141:6,	60:2 96:15	de	22
	101:1 121:25	67:14	

Craig Latimer
October 11, 2021

13

delegations 158:24	27:15 30:10 50:11	difficulty 49:3	discussion 107:20,23 180:15
deliver 165:2	description 85:21	digits 82:18	discussions 107:14 160:7 170:5
delivered 41:24	design 35:19 46:8	direct 11:19 112:10 157:3 171:19 175:5	disfavored 161:18
deliveries 42:1	Desoto 10:16	directed 148:24	dispatch 144:21 145:1
delivery 128:2 186:8	determinations 143:24	direction 180:16	disseminated 61:21
department 15:5 148:25	determine 57:21	directive 118:21	disservice 122:20
depend 169:23	determining 58:8	directly 24:24 158:12, 18 163:14	distinguish 189:19
Depending 123:23 126:3	detract 98:13	director 107:22	distracted 113:20
depends 62:23 139:2 190:24	development 35:19	disabilities 153:1 166:3,8 171:13	distribute 48:4
deponent 9:18	devices 166:6	disability 48:7 151:18 166:5	distributed 97:12
deposed 12:9	devote 144:1	discontinuing 119:8	distributing 149:14
deposited 79:14	Diana 10:8	discovery 119:7 121:17 124:2	dive 77:3
deposition 11:25 13:16 14:3 74:25 88:5 96:5 100:15 173:20	differ 182:25	discussed 60:5 83:24 104:7 133:10 152:5 154:18 159:6 164:20 166:1	diverse 152:18,21 153:1
depositions 12:2 37:10 66:5 72:23	difference 160:21	discussing 73:11 168:21	division 19:2 52:14 149:1 180:10
deputy 43:10 46:25 126:13	differently 55:2 63:8 160:12 189:7		divulging 23:1
describe 13:8 16:21	difficult 87:5 169:25 173:6 175:11 176:1		document 52:16,17 84:16 97:3 112:12,13
	difficulties 164:12		

Craig Latimer
October 11, 2021

14

114:24 128:15 129:3,13 135:24 136:1 139:20,23 174:7 documentation 177:24 documents 13:20 93:15 domestics 118:5 door 48:9 117:14, 16 downtown 18:9,14 120:6 draft 128:18 drastically 44:1 80:15 drill 185:19 drilling 160:24 drink 46:21 drive 30:22 39:14 120:11 161:21 drive-up 161:6,7 driver's 24:8 25:25 26:3,4 82:17 83:2,9 111:20 155:8 178:8, 23 179:3,20 180:4,17 181:6 182:8	drop 17:17,21,25 18:1 23:10 24:12 25:1 30:8,9,17,18, 22 31:11,15, 23 32:9,10 34:15 35:4, 16,24 36:4 37:1,8,14,15 38:4,21 39:9, 14 41:17 42:5,13,24 43:1,5,16,21, 24 44:3,16 45:5,12,17,24 46:7,8 49:13, 14,19 67:14 68:20 78:25 79:8,12,18,22 80:1,8,15,21, 24 81:13,14 82:8,12 85:20 103:15 104:19,22,24 105:10 106:25 107:2 111:25 112:5 113:12, 25 117:4,24 118:17 119:22 120:11,14,19 121:10 122:19,21 123:3,6,10, 14,21 124:5, 6,10,20,24 125:2,7,8,13, 15 126:1,2,3, 5,6 127:4,17, 23 128:21 129:5,7,19,22 132:5,12,16,	17,19,21,22 133:3,18,24 134:3 144:19 146:4 159:5, 8,9,15,18,22, 24 160:2,6,8, 25 161:1,2,5, 6,11,24 162:1,6,9,13, 19,23 163:16 164:1,6,11, 15,19 165:17, 21 190:23,24 dropped 41:4 dropping 30:16 39:9 127:20 173:10 drove 159:22 due 61:16 124:5 duly 11:17 57:18 duration 135:1 138:16, 18,22 166:25 167:4 duties 90:23 168:1 duty 55:7 dynamics 104:13 <hr/> E <hr/> e-mail 118:23 122:8, 17 131:13,16	145:12 e-mails 13:25 27:19 Earley 158:21 earlier 14:25 22:15 33:15 43:13 45:17,22 49:4 50:1 51:8 54:19 55:3 56:6 58:24 60:7 67:9,11 85:6 87:9 119:5 126:12 149:12 153:4, 11,21 154:18 156:4,13 157:12 158:11 161:1 163:19 167:3 170:25 171:20 177:9, 19 181:2 182:5 184:10 185:14 187:1 189:15 190:21 early 17:7 18:1,2 19:22 20:2 21:23 22:6,7, 8,19 30:18,19 31:22,25 32:4,6 34:4, 13 36:1,7,10, 11,22 37:5 44:3,4,6 47:1 61:19 62:2 78:25 79:2,5, 6 80:24 81:8, 11,13 82:15 94:8 104:11
--	---	--	--

Craig Latimer
October 11, 2021

15

111:25 117:25 118:2,18 120:9,19,20 121:14 122:19 123:3,10,13, 23,24 132:1 149:17,19 150:1,3 154:11 160:19 161:2,3,5 162:5,19,25 166:6	41:6 75:21 efforts 60:15 86:11 elaborate 188:1 elected 15:21 16:5,6, 12 19:9 100:10 149:18 153:7 election 15:16 19:17, 22 20:10,24 21:4,10,19,24 23:22 24:3,11 26:20 27:17 29:9 32:8 34:17,24 35:25 36:5, 17,24 37:16 39:17,18 40:3,9 43:1 48:14 50:17, 23 51:2 57:3, 6,16,22 59:1, 2,8 60:9 61:12,15 62:3,9,13,22, 24 63:10 65:22 68:7,8 69:6 70:18 72:6 75:3,4, 16,17 79:12, 20 81:8,12,17 82:2 83:16 87:13 88:24 89:15,17 92:2,20 93:10,12,13 94:5,8,24 95:25 97:7,22	98:13,18,19, 21,24 99:2, 13,18 101:25 104:12,15,16, 19 112:24 115:7,10,14 116:10 117:11 127:1 132:23 134:17 135:8 137:16,25 138:19,23 140:13,20,24 141:6,7,8,11, 18,19 142:20 143:2,7,16,20 149:13,14 150:1 153:20 154:12,14 160:13,16,20 163:4,15 165:11,12 166:17 177:4, 11,14 183:13 188:7 193:20, 21 election- related 157:6 163:8 elections 10:10,12,15, 20,23,25 12:8 15:14,18,25 16:7,10,11, 13,22,25 18:15 19:1,2, 11 20:5 22:10 26:9,15 27:1 29:9,20 31:10 33:16 37:11 39:16 47:12 51:8,13 52:14	56:15 61:5,9 63:1,3 70:14 73:7 74:25 78:24 81:23 83:21 85:13 86:12 88:10, 17 89:1,2 90:7 91:23 92:10,14 93:2 94:24,25 95:6,9,18 97:18,19,21 98:3 99:2 100:3 101:14 103:18 106:13 109:1 110:4 113:15 115:8 118:6 123:16, 21 124:7 133:7 134:21 135:2 138:23 142:10 143:8, 12 145:6 149:1,25 153:5 157:25 166:15 168:10 174:14,17,19 175:20 180:11 187:21,25 188:19,20 194:24 electoral 88:21 electronic 100:22 131:22 electronically 129:8,19 eligible 65:3 153:16 172:1,11,13, 16,25 173:4
--	--	--	--

Craig Latimer
October 11, 2021

16

Elizabeth 10:24	13 88:18 169:18	121:7 135:10 136:12 137:8 155:14,21 178:13,15 188:25 191:12	exception 80:16
Ellis 10:24	end 34:4,12 87:6 140:21 141:2 145:12 149:3 175:10 182:23	envelopes 121:19	excuse 61:12 64:21 71:21
employ 94:4			executive 107:22
employee 33:16,18,19	ended 68:7	equal 169:24	exhibit 84:5,8,9,12 96:2,4,5,6 100:11,14,16 108:18,19,20 109:21,22 112:10,11,13 114:19,20,22 122:3,4,6 128:10,11,13 131:9,10 135:16,17,19, 21 139:13,14, 15 145:9 158:7 173:20, 21,25 174:1,5 187:2
employees 34:24,25 35:2 42:14 53:5 54:11 58:16 79:24,25 94:2,4,7 119:1 121:12 144:22 160:22 167:20 168:1 183:17,20 184:1,12	ends 167:21	erosion 115:20 116:6 187:10,20	
Employment 13:14	enforce 27:7 46:23 49:18	Escambia 10:22	
empty 33:24	enforcement 12:14 15:1,4 35:1,11 52:5 71:3 79:21,23 106:20 119:1 121:9 129:25 192:6	established 98:3 165:17	
enabled 112:23	enforcing 170:20	estimate 63:24 94:3 124:4 150:7	
enacted 27:8,10 71:17 72:11 111:9	enjoy 127:20	estimated 140:3,6,7 181:7	
enactment 27:12 69:7, 12,18 70:7 73:1 81:20 85:22 144:12 156:11 168:25 177:3 182:16	ensure 26:15 27:1 65:14	ethnicity 152:18,22	exhibits 78:3 187:1
encountered 70:17 127:18	ensuring 26:19	Eventually 32:23	exists 88:15
encourage 31:14 61:11,	entered 139:4	evidence 83:12	expecting 143:18
	entire 118:14 149:2, 24	exact 106:9 108:6 132:2,7	expend 143:23
	envelope 33:4 60:1 67:25 83:6 106:3 117:22	EXAMINATION 11:19 78:8 87:24 151:12 176:14 185:9 190:18 193:1	experience 16:9,11 41:15 56:7 75:10 127:16 166:2, 14 177:4 180:24 181:21 182:1
		examples 161:19	

Craig Latimer
October 11, 2021

17

experienced 149:25	facility 144:24	fans 44:20	26:5 28:10 59:15 61:25
experiencing 149:21	facing 89:25	fantastic 98:21	75:14,19 85:19 106:5
experiment 186:18	fact 41:7 44:21 98:22 109:13	Farris 11:2	110:22 138:5 139:5 155:16
expire 59:19 141:2, 8,10	112:22 126:24 153:17 157:6 178:17	farther 102:4	168:15 178:17 189:1
expired 140:21 141:18	facto 67:14	favorable 87:8	filed 109:15
explain 178:2,18	fail 40:13	favored 161:17	fill 52:21
explanation 154:7	fair 26:16 27:1,6 28:17,19 29:5	feasible 80:6	filled 33:23
express 88:23 168:11	40:25 42:16 53:17 56:12 60:14 86:5	feature 156:3,8	filling 51:15
expressed 86:20 193:4, 12	88:16 98:25 130:6 140:17 152:17,20,24	federal 16:24	final 86:13 113:4 159:1
extend 153:8	153:22 154:22 157:23 158:2, 5 169:20	feedback 21:3,5 39:8 43:14 71:9,18 159:21	finalized 108:14 180:20,22 181:16
extent 95:13	170:19 174:24	feel 28:20 35:10 61:17 84:24	financial 167:17 168:3
extremely 87:5 110:16	Falkenburg 18:10,18 32:3 117:12 159:12	feet 47:15 169:7 170:17 189:20,22,24 192:17	find 24:16 25:3 43:18 62:8 102:12 162:13 184:3
<hr/> F <hr/>	falsifying 184:12	felt 184:12	fine 44:9 45:21 55:3 66:15 77:20 124:15 133:11,13,19, 22,25 134:10 150:15 154:1 173:15
facade 79:17	familiar 67:5,18 68:13 73:6,9,13 106:17,24 127:25 128:25	fiduciary 54:24 55:7	finish
faced 90:4	family 68:23 69:4 71:1,2	figure 41:22 58:5 186:20	
facilitate 90:24		file	
facilities 144:25 171:21 172:2,3,6,10, 13 173:3			

Craig Latimer
October 11, 2021

18

45:2 66:7,13 185:12 finished 98:19 firecracker 191:20 firecrackers 192:13 fired 184:13 first-class 186:6 five-minute 150:13 fix 40:18 90:6 186:24 Flagler 10:16 floor 120:6 Florida 9:4,8,20 10:3 14:14 24:8 26:14,15 29:10,15 40:17 52:12 54:13 60:9 75:1 76:19 86:12 88:19 89:1,21 92:3, 6,11 94:16,21 95:22 97:24 101:14 106:7, 15 109:1 115:10 151:17,19 152:9 153:20 155:9 169:11	171:22 172:7 174:13 176:18 178:7,8,23,24 179:5,8 189:10 Florida's 23:22 Florida-elected 99:23 100:5 folks 89:25 180:20 follow 27:9 29:20,22 93:4 98:6 106:9 107:4,9 123:18 185:6, 8,13 192:24 follow-up 77:17 78:4 106:21 180:3 food 47:22 48:4 189:18 190:8 foot 30:12 footage 37:21,25 foreign 192:12 forgive 43:14 159:6 forgotten 45:21 form 23:24 25:16 40:4,10 43:25 52:20 64:11 74:10 85:2 102:23 103:8	113:17 116:3, 8 125:9,20,21 137:18 138:2, 7 141:24 143:9 157:2 158:1 162:16 164:3,13 166:22 168:22 170:2 173:8 187:18 formal 14:20 41:10 format 101:16 formed 90:19 forms 19:5 52:25 53:16 108:15 147:23 148:1 167:16 172:15 fortunately 190:7 forum 88:22 91:4 forward 59:18 64:5 65:7 70:15 72:13 130:10, 12 143:16 185:23 forwarded 156:5 forwarding 64:4 Foundation 156:25 fourth 76:23 94:17	152:8,14 frame 85:3 Frank 9:10 69:24 185:4 195:4 frankly 41:22 125:23 190:4 fraud 51:2 73:9 102:6,8,11, 16,18,24 103:8 106:12, 18,24 168:20 169:2 177:10, 14 184:5,17 fraudulent 52:25 87:12 184:4 fraudulently 51:15 free 26:16 27:1 84:24 161:11 front 48:9 79:17 84:13 117:14 FSE 85:8 86:10,11 88:8,15 89:5, 24 91:11,19, 25 109:5,10 111:4 129:11 130:6,7,15, 17,23 153:19 158:17,23 FSE's 88:11 174:15
--	--	--	--

Craig Latimer
October 11, 2021

19

full 20:14 97:16 101:12 103:10 111:8 112:21 136:10	general 9:8,9,21 22:1 26:12 42:3 62:25 63:3 74:1 89:17 92:10 95:3,5 134:17,20 135:2,8 137:16,24 138:19,23 140:24 141:11,19 143:15 154:2 183:13,19	giving 67:24 101:2 189:17 190:8	122:20 153:3 159:21 174:10
full-time 33:16,18,19 34:24 94:2,7		Glades 10:20	grew 48:1
function 92:14 173:19		goal 153:13,15	grocery 193:11
fund 113:15 163:7		good 9:12,25 10:8, 13,18 11:21 19:25 48:19 54:21 59:16 62:22 63:4 72:18,23 77:1 83:16 86:6 88:2 90:25 104:23 114:16 130:8 131:21 134:6,7,8,9 135:5,6 141:6 151:14,15 175:3 176:8, 16	ground 117:5 126:16 151:23 176:21 186:14
funded 181:11,13,17	General's 9:20		group 72:7 90:10 91:21 128:19 129:14 130:9, 15,16,17,22, 23 152:25 153:21 156:24 172:24
funding 183:24	generally 29:6 47:17 50:5 54:5 57:18 92:14, 22 104:4,10 107:4 149:24 178:2		groups 29:2 50:11 53:7,16 54:10 60:22 71:25 72:1 73:3 162:8 166:10, 16 170:15
furnish 182:8		Gotcha 79:7 83:18	
furnished 54:20 111:22	generated 91:5	governor 95:24 98:20, 22	growth 149:21
future 83:20 123:16, 21 145:6 194:24	Gerri 122:13	Governor's 93:17	guess 17:11 19:1,17 23:20 28:1,25 31:25 32:5 36:20 37:4 50:14 65:9 71:16 83:11 90:19 112:20 139:19 151:4 195:3
G	Gilchrist 10:16	graduate 14:15 93:11	
gain 93:1	give 11:10 21:6 38:6,10 40:14 48:11 61:16 73:21,23 80:10 103:6 114:5 122:1 147:12 150:21 156:20 177:1 182:5 188:5 189:21	grant 163:7	
gained 92:9,18		grants 163:11,13	
gasoline 192:3,13		great 80:12 91:20 99:17 116:10	guidance 36:15
gave 13:23 34:1 161:20 177:18 191:2			
Gendreau 10:18,19			

Craig Latimer
October 11, 2021

20

guide 60:17 61:6	happened 71:23	health 159:17 161:13	13:23 15:10
Gulf 10:17	happening 70:24 91:6 192:8	hear 23:2 71:8 99:11,19 100:1,8 116:12 185:7 190:5	higher 152:10
guy 32:8 62:13	happier 86:21 87:2	heard 47:11 55:25 56:9 83:23 84:1 102:7,17 127:19,22 145:16 150:9	highest 88:19
guys 36:21 66:9 77:21	hard 115:21 116:7 189:19	hearing 29:1	Highlands 10:17
<hr/> H <hr/>	Hardee 10:20	heavily 86:10	Hillsborough 9:17 12:7 15:8 16:23 18:8 19:14, 18,23 20:3, 10,23 26:9 30:15 34:14 35:16 36:25 37:13 41:18 42:9 43:2,15 46:9 47:4,25 48:1,16 50:16 51:5,7 60:11 63:21 64:16, 25 65:4 67:20 68:11,13,14 70:6,13 71:15,16,18 72:1 73:9,15 78:21,23,24 93:1 94:1,15 95:9,21 103:17 104:5, 18,21 106:8, 13,18,25 112:3 132:24 133:1,4 136:20,23 144:10,11 146:16 149:6 150:9 152:5, 8,17,25 160:11 163:20 175:7 177:10,
half 15:7 30:12 134:4	harder 101:8,19 111:12,17,18, 23 112:7 113:6,9,11,24	heavier 105:9	
halfway 41:14 102:5, 14,15	hardest 134:9	Helen 11:2	
hand 11:9	hardship 74:14	helpful 78:18,19 155:24	
handful 41:21 131:6 193:10	harvesting 66:22 67:3, 17,22 72:17 73:10,16	helping 78:20	
handing 47:22	Hays 27:20 158:20 174:9,16 175:10,16	Hendry 10:21	
handle 182:20 183:21 184:1	HB 107:18 108:2 116:22	hereinafter 11:18	
handled 183:12	head 64:1 91:1 94:13 131:2 142:23 147:2, 4 148:4 150:7 172:9,19 174:19 183:23	Heritage 156:24,25	
handles 126:19		hesitate 78:13	
hands 65:9		hey 38:23	
Hang 112:15		high	
happen 41:3 56:19 68:14			

Craig Latimer
October 11, 2021

21

14 193:7 194:6,11,15, 17,19,22 hire 121:14 167:18 hiring 183:25 history 152:7 188:5 194:20 hit 162:19 hold 14:22 170:6 186:22 Holtzman 9:14 78:1 homes 172:24 honest 88:16 hope 76:2 98:12 hoping 12:3 hospitals 172:20 hour 66:3 134:4 150:21,22 151:1 hours 13:18 24:13 30:19 34:13, 19 36:11,12, 14 44:5 79:6, 14,19 80:24 110:4 111:24 112:1,5	118:15 120:20 123:10 154:10 161:3 162:2, 5,7,19 164:7 191:24 house 25:1 28:8 90:13 107:15, 16 108:15 144:20 152:3 housing 172:15 how's 123:13 huge 168:16 170:4 humans 33:8,10 hundred 12:13 75:18, 19 150:4 hundreds 159:13,14 hypothetical 38:18 56:17 70:17 192:15 <hr/> I <hr/> ID 155:9 178:8, 24 179:6 idea 135:4 137:20 143:21 144:18 170:14 190:1 identification 24:8 28:12 54:19 84:9 96:6 100:16	105:23 108:20 111:20 114:22 122:6 128:13 131:10 135:17 139:16 174:2 179:20 180:5, 25 181:8,15, 22 identify 90:4 illness 171:16 immediately 190:2 impact 43:21 49:2 60:12 63:20 85:15,25 86:7 92:19 93:2,5 110:6,13,25 181:21 182:2, 3 193:5,13,16 impacted 59:13 186:12 impacts 48:21 183:4 implement 74:14 implemented 180:2 important 88:23 147:9 154:3 159:24 160:8 162:10, 22 163:2 imposes 55:6 impossible 65:8	improper 146:15 improve 90:7 115:6 in-person 118:9,20 119:23 125:13 166:6 193:22 incident 102:18 incidents 106:18,24 include 24:7 163:16 178:23 included 36:9 62:4 166:19 including 25:24 78:25 85:18 129:19 136:22 152:3 incorrect 151:4 increase 98:1 123:24 124:20 128:7 138:12 142:2 143:18 167:20,22 170:1 188:20 increased 104:4 137:17 increases 123:20 increasing 124:13 153:13 increasingly 104:9
---	--	---	--

Craig Latimer
October 11, 2021

22

incur 133:19	85:8 86:23 87:1 139:9	internal 170:5	156:14 157:1 158:18 170:20
incurs 167:24	182:22 183:8	internally 82:25 96:4	involvement 27:15
individual 67:25 144:8 170:3	54:16	100:13 108:18 114:20 122:4	ironically 75:16
individuals 86:6 141:21 144:10 171:13	inside 30:21 61:19 183:1,2 192:6	internet 158:8	issue 23:13 40:18 46:13 49:7,24 69:7 72:17 74:4 96:17,22 145:14,21 146:11,13 193:6
indoor 159:9,18	Insomniacs 162:11	interpret 35:8	issued 36:15 111:4
indoors 120:8,9	installed 79:16	interpreted 169:10	issues 21:2 23:9,10 30:5 50:18,20 51:10,12 88:24 90:4 91:3,4 100:2 105:10 109:18
Industrial 14:18	instance 102:8 126:6 168:19 188:3	interrogatories 13:19,21 33:25 34:6 147:6 167:15	
information 25:24 34:1 38:8 43:14 44:8 51:25 59:22 60:5,18 61:22 62:3,4 72:3 74:20 83:22 101:23 105:23 111:23 136:14 139:10 155:10 166:18 178:10 180:18 183:22	instances 43:4 184:8,14	interrogatory 96:12	
	integrates 139:5	intervene 132:18	
	integrity 98:2 112:24	intervenor 9:11 11:24	
	intend 108:1	interview 101:2	
	intent 175:25	introduced 28:7 107:5,24 117:1	
	intention 191:18	introduction 107:4 116:21	
	intentions 192:18	investigator 15:6	
informed 88:20	interacting 39:10	involve 17:24	James 44:19
Ingolia 175:2	interaction 47:14 83:1	involved 27:13,18 58:7 86:11 109:3 128:22 133:7, 8 139:22	Janousek 10:13,14
initial 98:12 114:12	interactions 92:1,6,17,23		January 153:9
injury 13:1 171:16	interesting 41:25 166:5		Jefferson 10:16
input 28:18 54:13			Jerry
			<hr/> J <hr/>

Craig Latimer
October 11, 2021

23

84:23	Kim	laminated	17:22,24
Jillian	77:25 84:4,11	121:18	23:13 24:3
10:4	kind	language	25:4 26:10
job	13:3 14:23	136:6 187:8	27:9 28:1,18
13:13 15:18,	22:5 76:5	large	29:6,9,25
19 16:1,22	93:1 102:5	30:11 94:1	35:1,8,10,11
17:3 29:17	163:11,13	117:17,19	40:12,17
30:1 38:12	166:4 177:23	160:11,16	42:17 43:1,23
72:18 99:17	180:2 182:4	183:4	44:2 46:12
Joe	knew	larger	48:22 52:5
69:23	42:20	94:20 117:20	55:5 60:9
John	knock	191:12	67:1 74:25
10:14	29:18	largest	75:1 79:20,23
Johnson	knowledge	94:15,17	85:22 86:14
10:8,9,21	27:2 39:16	152:9,13,14	91:8 97:24
joined	63:21 86:9	lasted	98:6 106:20
77:25	118:13 132:17	134:20	118:25 121:9
joint	133:9 145:4	lastly	129:24 141:5
88:23	157:3 165:16	194:13,22	142:18 169:11
judgment	171:19 175:5	late	171:22 172:7
170:20	179:16 184:15	50:21 51:10	179:22 192:6
jump	Kramer	55:13 56:9	lawmakers
170:4	122:14	73:4 122:22	98:4
June	L	127:11 138:6	laws
89:12	L-A-T-I-M-E-R	147:23 148:6	23:23 27:7
jurisdiction	12:7	165:13	29:20,22
16:25 91:7	Labasky	Latimer	106:9 112:23
K	107:22	9:18 11:3,16,	lawsuit
keeping	labeled	21 12:6 66:20	12:25 13:3
54:8 82:8	100:13 114:20	71:8 78:7	22:22 23:4,7
97:19	128:11 131:9	84:12 87:20	lawsuits
Kelly	lack	88:2 96:8,15	13:1 23:6
10:11	39:16	97:2 135:23	50:4
Kenneth	Lake	151:9,14	lawyer
9:13	158:20	173:20 174:4	15:15,16
Kia	174:16,18	176:9,16	23:2,3 56:18
10:21	Lali	185:1,12	lawyers
	9:22	190:21 193:3	11:23
		law	layered
		12:14 15:1,3	154:22

Craig Latimer
October 11, 2021

24

layman's 23:11	157:13,21 158:25 174:20,25	83:3,9 111:20 155:8 178:8, 23 179:3,20 180:4,17 181:6 182:8	list 31:18 113:7
lead 26:6	legislator 100:1 132:12	licenses 14:23	listened 28:24
leading 27:11 109:12 156:11 159:1	legislators 85:14,25 86:3,7 99:8, 12 102:7,17 110:5,8 132:4 156:23 158:15	lieu 114:12	literally 127:13 159:13 163:4
League 9:2,23 76:12 88:5 195:8	legislature 29:1 86:19 87:5 89:21 99:4 107:6,10 108:10 117:1 125:17 128:20 129:12,16 137:5 156:15 157:8 158:12, 19 166:19 168:9	life 12:25	litigation 30:6 84:18
learned 47:12	legitimate 178:4	lightening 161:9	live 12:3 68:18 172:1
leaves 44:8	lends 42:19	likelihood 170:1	lived 182:23
Lee 78:11	lesson 188:5	Likewise 194:8	living 144:24,25 172:10 173:3
left 46:2,4 124:17	letting 112:15	limit 53:21 69:8 111:24 127:1	lobbyist 86:4 107:21 129:15 130:13,21 136:8 137:1 174:12,13,15
legally 194:14	level 88:19 93:23	limitation 165:25 166:25	lobbyists 27:19
legislation 84:6 85:18 86:17 90:12 109:12 110:5, 12 111:9,10, 16 112:17 113:5,9,10,23 122:24 129:21 144:23 157:7 187:4	levied 51:3	limited 162:1 164:1,4	local 158:24 186:7
legislative 27:11,20 28:21 29:2 85:14 86:4 90:16,18 91:15 99:8 107:20 110:3 130:13,19 136:7 156:11	Levy 10:21	limiting 112:5 145:13, 19	locally 127:14
	license 24:8 25:25 26:3,5 82:17	limits 24:11 122:19 138:16,18 144:7	located 117:8 123:7 183:1 191:3
		lines 28:16 46:21 47:6,17 48:3, 17 149:7,16, 25 150:2,3 154:17	location 17:13,21 18:18 32:3 47:16 79:12 123:11 164:7 191:8,23 192:1
		Link 130:25	

Craig Latimer
October 11, 2021

25

locations 17:25 32:4 34:16 36:1, 21,22 37:3 40:21 45:4 46:24 78:25 80:25 81:6	losing 44:17,22 loss 13:13 lost 65:17 lot 28:3,14 29:1 43:13 47:6 56:23 75:20 80:5 87:3 91:4 107:23 115:17,22 116:5 117:5 127:10 135:12 143:17 147:3 180:8,15 183:5 189:4 lots 135:7 LOTT 10:6 lunch 66:8,14 77:2, 7	122:7 125:11, 24 128:14 131:12 134:2, 7,11 135:15, 18,22 137:22 138:3,14 139:14,18 142:1 143:13 150:12 151:8, 24 173:24 195:8 made 25:21 73:15, 23 107:5 111:2 131:21 140:17 143:24 171:9 Madison 10:17 Madurri 159:6 mail 19:17,20 21:4,10,13, 19,24 22:2,4, 9,11 23:10 24:22 25:19, 22,23 28:10 30:16 41:12, 13 42:1 54:4, 6 60:4 61:14 63:7 75:2 83:7 101:23 103:18,24 104:1,4,8,11 105:6,9,13,21 106:6 110:21 111:19 122:22 125:3 126:21 127:13,17 128:2,6	137:17,21 141:22 143:4 154:9,23 155:19 160:19 164:16 166:3, 7,11 169:25 170:4 175:13 176:1 177:2,6 185:23 186:6, 12 188:3 193:25 mailbox 146:4 173:10 mailboxes 164:19 165:15,19,22, 23 mailed 61:25 127:9, 13 128:7 164:24 186:1 mailing 142:16 167:20 mailings 59:22 main 18:13,16 31:21,23,24 32:1 34:17 117:9 maintain 17:1 98:2 155:25 major 15:12 make 18:21 19:9 28:15 31:13, 14,17 35:4 38:25 41:6
lock 30:13 locked 120:25 logic 95:16 168:17 193:19 London 10:6 long 15:3,18 30:25 35:15 48:16 58:10 72:23 77:8 85:24 118:2 127:7, 12 128:7 142:13 153:4 161:8 176:25 long-distance 186:11 longer 83:7 128:5,6 135:7 longest 150:8 looked 13:22,24 127:10 187:1 loose 189:14 lose 112:22 164:23	M machine 32:17 33:8 Madduri 9:2,22 76:11, 24 77:13,20 87:22,23 88:1,3 96:1, 7,14,19,21 97:1 100:17 108:22 113:19 114:6,7,16,23 116:4,11		

Craig Latimer
October 11, 2021

26

46:1,19 52:15 54:18 85:14 87:16 90:24 95:13 96:23 101:7,8,18 105:24 106:23 111:16 112:7 119:4 133:18, 24 134:8,15 153:8 155:9 173:6 175:10 176:1,4 178:3 188:10 191:21	Marcus 130:24 mark 96:5 100:14 158:21 marked 84:8,9 96:4,6 100:16 108:18,20 109:21 114:22 122:4,6 128:13 131:10 135:17 139:12,15 145:9 173:20 174:1 marking 166:5 Mary 11:2 128:11 match 40:14 54:18 105:24 155:10,17,18 178:9 181:9 matched 32:15 materials 61:12 matter 54:15 98:22 109:13 126:24 141:6 154:2 160:18 maximum 20:4 81:10 meaning 79:13 means	68:2 146:12 meant 60:7 measure 155:22 measures 154:19 155:18 mechanically 33:7 media 60:22,24 61:8 97:13 medical 14:8 medication 14:5 meet 41:14 meetings 156:22 member 68:23 member's 71:1 members 58:13,16 69:6,10 70:12 71:2 88:16,25 91:1 158:12, 17,18,23 members' 68:25 memo 35:6 memory 174:8 mentioned 16:14 31:22	33:15 39:12 45:20 50:1 54:19 56:6 58:24 67:9,11 71:6 79:1,11, 20 82:16 85:6 90:20 91:15 116:14 118:7 120:10 126:12 142:5 148:11 149:6 171:20 181:2 187:16 mercenary 15:15 message 174:21 Met 13:17 method 105:14,15,16, 19 106:7 143:17 154:4 175:19 194:18 methods 154:15,16 155:3 metropolitan 183:4 middle 65:22 180:14 million 94:14 mind 23:16,21 25:15 41:1,3 113:20 114:7 135:19 150:12 189:10 minor
--	---	---	---

Craig Latimer
October 11, 2021

27

50:20	129:8,24	120:10 124:17	neighbor
minute	165:15	150:3 159:10, 15	71:13,14 171:6
55:16 67:21	monitoring	moves	neighbors
73:21,23	17:10 34:23	64:16	24:25 144:19
184:22	35:12 37:12, 13 38:21	moving	171:1,15
minutes	79:21 80:17	63:23 150:5	neighbors'
66:12 77:9,10	118:9,20	multiple	68:18,20
87:16,17	119:23 120:17	70:10 154:3	news
150:11 173:13	123:21 124:20	157:17	100:25
misconduct	125:13 131:22	municipal	newsletter
125:8	132:17 191:24	16:25	60:21 61:7
mission	monitors		newspaper
88:11,15 90:8	31:3,10,16	<hr/> N <hr/>	185:24
mix	monthly	NAAC	no-solicitation
79:23	60:21 61:7	9:25	17:11 49:13, 16
model	months	NAACP	nonfamily
98:23	188:6	76:16 151:18	68:25 69:6,10 70:12
moment	morning	173:20 195:6	nonpartisan
193:6	9:12,25 10:8, 13,18 11:21	Nargiz	153:22 170:10
Monday	14:5 76:2	114:7	nonsolicitation
44:6 81:12,16	192:7	national	46:24 49:10
82:1 122:21	motivation	64:6 93:12	169:6,11 170:9,20
money	159:12	naturally	normal
80:5 119:15, 17 168:5,7	mount	124:19	79:19
188:18	149:16	needed	North
monies	mouth	31:7 34:3 35:8 37:22 39:2 46:19,20 73:25 100:2 115:7,10 125:19 183:15	68:5
163:7	25:11	negate	northwest
monitor	move	44:5	18:12
31:2 47:2	22:23 30:20	negotiate	notation
119:18,19	43:22 63:19	131:22,24	31:18
121:10 129:19	64:15 100:12	negotiations	note
133:18 146:5	114:17,19	132:9	11:1 73:23
157:6	134:2 146:18		notes
monitored	149:16 182:10		66:23 73:21
34:19 35:4	190:2		
80:2 90:19	moved		
118:12 119:1	63:25 65:1,5		
121:11 125:7			

Craig Latimer
October 11, 2021

28

87:16 150:14 173:14 notice 121:18 noticed 93:15 166:9 notified 61:22 notify 52:6 143:23 noting 25:5 November 161:10 number 20:4,20 24:8, 9 26:3,5 47:18 53:11, 12,18,22 54:9 69:8 71:6 75:13 81:10 82:17,18 83:3,9 95:13 104:2 119:14 121:3 126:21 137:17 143:1 147:1 152:20 155:8 164:7 173:23 178:23,24 179:9,13,15, 20,21 180:6, 25 181:6,8, 15,22 183:19 187:2 numbering 135:16 numbers 32:14 97:22 183:25	numerous 27:18 110:23 136:21,22 175:20 nursing 172:13 <hr/> O <hr/> oath 12:22 66:21 78:16 106:3 151:21 155:14 176:19 178:14 object 23:24 24:20 25:4,16 38:19 40:4,10 43:25 55:23 56:18, 22 74:10 85:2 113:17 116:3, 8 125:9,20,21 137:18 138:2, 7 141:24 143:9 157:2 158:1 162:16 164:3,13 166:22 168:22 170:2 173:8 187:18 objected 25:6 objection 114:2 observe 43:11 126:13 obvious 127:3 occasion 147:23	occasional 51:10 occur 165:4 180:7 occurred 94:24 99:1 174:22,24 occurrence 41:17 occurring 68:6 70:21 102:24 103:9 occurs 67:23 October 140:25 offer 20:4 80:7 119:12 123:6, 10 159:9 166:5 offered 117:7 120:18 office 9:17,20 13:10 15:8,20 16:6, 15,16 17:20 18:13,16,22 19:4,10,11 20:23 26:18 27:7 31:7 32:14 34:17, 24 35:2,7 36:20,25 41:18,23 42:22 46:23 47:13 52:9, 10,11,24 53:24 54:3 55:13 60:8,15	61:11,13 63:6 64:10 65:14 67:6 68:16 69:13,19 70:19 72:4,6, 9 74:14,17 80:1 84:16 93:16 97:6,17 105:11 117:9 120:1,5 124:4 125:5 126:22 127:2,21 129:6 139:1,9 140:7 141:15 142:3,13 143:6 144:21 145:1 146:4, 14 152:6 153:12,14 159:13 160:5 161:2 162:5 163:20 165:17 167:6 169:10 178:3 179:24 180:2,23 181:7 182:17, 20 183:12 184:3 185:15, 20,21 186:5 189:2 192:6 office's 60:10 142:9 officer 35:11 84:22 122:14 192:6 officers 35:11 offices 18:5,8,9,12 32:6 36:9,12, 13 37:2 72:2
--	---	---	---

Craig Latimer
October 11, 2021

29

79:2,6 81:14 118:4 120:6 123:7,11 138:13 official 99:24 officials 100:6,10 Okeechobee 10:21,25 on-the-job 16:16 onerous 85:17 86:16, 24 109:11 110:16 ongoing 61:4 130:1 online 55:11 139:3 open 68:10 82:1, 12,14 91:4 123:13 174:4 opened 118:4 opening 32:23 33:1,3 44:23 117:17 operate 183:5 operating 124:4 operation 24:13 39:13 operations 18:11 opinion	26:14 55:24 91:19 95:18 118:23 125:22 159:8 162:22 opinions 88:23 90:19 91:2 133:12 opportunities 20:24 149:22 opportunity 11:25 28:21, 23 40:14 61:17 80:11 147:12 153:18 154:11 162:6 opposed 59:2 74:19 99:9 108:14 183:9 opposing 100:23 opposition 15:24 16:2,3 opted 30:20 option 80:7 124:25 129:19 130:8 134:22 options 154:3 194:18 ordering 195:5,7 organization 24:14 50:6 51:22 53:19, 24 56:8,20 72:9 146:20 147:22 148:10	organizations 19:6 50:2,19 51:4,13 53:6, 13 54:2,23 55:7,20 56:3, 5 116:13,18 146:22 147:9, 14,19 148:3, 14 156:23 182:11,14 original 68:9 168:14 originally 28:7 75:5 129:22 Ott 10:6 out-of-county 183:12 outdoor 159:8,18 outdoors 120:8 159:11 outline 34:1 outreach 61:8 overflowing 31:6 34:11 overlap 159:7 oversaw 95:6 overview 18:22 <hr/> P <hr/> p.m.	66:17,18 77:23,24 151:6,7 173:16,17 195:10 padlock 121:2 pages 102:25 paid 42:17 painful 76:3 Palm 130:25 152:11 pandemic 30:20 61:16 62:7 paper 128:3 paragraph 97:16 98:8,11 110:2 111:8 112:21 115:5, 16 122:18 136:9 145:13 Pardon 165:21 part 24:23 38:12, 13 89:23 145:17 168:14 175:9,24 194:4,9,14 participate 28:21 88:21 participated 15:25 97:22
--	--	---	--

Craig Latimer
October 11, 2021

30

participation 98:2	23:6 157:7	20:18 48:18	192:18
parties 51:17	people 19:19 20:13, 14 21:13	104:14,16 105:2,4 135:4 149:12 181:4	personal 13:1 97:13
parts 109:11	23:11 26:2 29:2 31:1,14 34:23 38:3	percentage 20:16 148:1	personally 19:13 21:21 50:13 67:14 82:24 85:24 87:2 110:8
party 52:1 91:24	40:20,21 43:8 44:8 46:1,18 47:9,13,15 48:5 51:15	performance 93:24 99:10, 15	personnel 17:14
pass 187:17	59:20,23 61:17 63:9, 19,23,25	period 118:11 142:9, 16 158:24 159:2 162:25	perspective 87:12 99:1 191:22
passage 49:11 107:3	64:4,15 67:7, 15,19 68:16, 17,21 69:19, 25 70:3	permanent 121:12	pertain 155:19
passed 29:10 89:20 97:7 109:9 113:5	71:10,12 75:18 103:25 120:11,17 124:19 125:3, 4 126:11 133:22 144:14,16	permission 110:19	pertinent 35:14
passing 27:2	146:13 147:12 149:22 150:4 153:1 154:8, 9,13,16 156:18,22 159:14 160:4 161:20 163:4 164:14 166:7 167:18 170:1, 6 171:25 173:3 175:21 181:5	permitted 31:1	phone 27:18 28:3 158:16
past 46:22 47:5 51:14 61:15 89:6 143:7, 12,17	people's 69:15,20 70:9 72:8	permitting 161:8	physical 95:14 120:3 126:4,16 192:11
pause 87:18 153:24 176:7 184:24	percent	perpetuated 184:17	physically 35:9 54:3,5 106:4 119:19 121:22 126:17 129:8 155:15 178:15
pay 164:16		person 22:3,19 38:15 48:9,12 50:22 57:18 59:7 62:23 64:13 67:6,12,19,23 68:15,25 69:9,14 103:5 105:7 113:16 118:15 119:18 122:2 125:7 134:24 139:3, 6 169:19 170:1,7,14 171:17 182:23	pick 34:8
paying 173:10		person's	picked 33:22 34:4,12
PDF 101:11			piece 62:1
Peg 11:1			pieces 129:17 185:25
penalty 29:15,16 80:16 173:11			
pending			

Craig Latimer
October 11, 2021

31

Pinellas 10:12 41:4,7 64:17,18 65:1,5 130:24	plans 70:14 72:12	94:9 121:13 124:6,10,14 126:12	41:23 83:9 146:4 185:15, 20,21 186:5 193:20
place 18:17 37:18, 19 44:20 60:25 64:7 66:17 77:23 85:22 91:9 95:15 121:5 129:7 132:9 136:19 140:16,19,20 141:16 151:6 159:1 169:2 170:12 173:16 177:5 189:4	play 26:18	polling 17:12 43:10 46:24 47:15 61:19 149:15 170:12 187:19,25	post-election 95:17
places 49:12	played 86:12 104:6	pop-up 120:16	postage 164:16 173:11
plaintiff 12:24 13:2 74:7 76:12 195:9	plays 27:7	population 152:11,13,15	Postal 127:25 164:19,23 165:2,14,18
plaintiffs 9:3,5,23,25 10:4 11:5 76:16,19,25 88:4,6 176:17 195:6	pleasure 77:4	portable 126:18	postmarked 165:6,8
plan 20:7 44:15 45:19 119:9, 11,22 142:9 143:22	plenty 149:22	portal 54:21	potential 45:22 115:18 187:8,9
planned 128:1	plow 12:1	portion 104:18,21 114:10 183:9	potentialities 187:15
planning 70:20 133:17 145:5	plowing 149:4	poses 167:5	potentially 105:6
	point 25:12 32:20 48:13 60:14 64:12 65:21, 25 75:14 79:21 83:15 85:12 112:21 113:4 119:13 158:23 181:20	position 15:13 16:7 108:12 109:10 124:16 130:7	pouring 191:19 192:3
	points 84:6,19 85:1 96:9 112:12, 16 115:4 122:17 187:3 190:6	positions 108:8,9	practice 29:20 38:24 60:10 63:18 67:18 81:25
	Police 15:5	possess 24:23 69:5	precaution 159:11
	policies 185:20	possession 28:13 145:14, 20	predecided 76:21
	poll 34:2 38:13,21 39:10 42:5,16 43:10 46:25	possibility 164:25	prefer 127:17 168:5, 7
		possibly 149:20 180:17	preference 77:16 95:4
		post	preferences 186:23

Craig Latimer
October 11, 2021

32

premise 95:14	preventing 85:16	problems 99:12,20 132:16,21 134:19	processing 59:21 140:4
prepare 13:15 14:2 97:8 115:1	previous 90:21 103:18 113:18	procedure 100:22 177:20 180:20,22 181:16	produced 84:17 93:16
prepared 84:21 88:21 129:13	previously 43:17 75:2 104:1 105:20 137:19 138:8	procedures 80:15 177:5 180:3	production 84:17
preparing 109:3 128:22 139:22	146:23 148:6 155:5 165:5 178:5 188:22 191:5	proceedings 195:10	professional 14:21,22
presence 40:21 192:11	primary 89:15 95:2,4, 5	process 27:11,13 28:22 29:2 30:15 32:24 33:3,6 39:9 40:18 41:10 45:17,19 48:6 52:16 54:15 58:7 59:20 61:3,4 63:17, 19,21 67:5 74:18 78:20 88:21 91:2 99:8 107:9 130:1 132:2 136:20 139:1 140:8 141:16 142:3,14 155:25 156:11 157:14,21 158:25 169:4 178:19 183:16,18 187:10 188:4 189:10 193:14,17,18	professionalism 88:19
present 10:6 61:9	prior 16:12 40:3,8 62:10 69:7,12 71:5 72:4 73:1,22 81:20 82:9 85:22 104:15,16 116:21,25 140:24 144:12 149:13 157:5, 9,10 162:24 164:21 168:25 177:3,14 182:16 184:3	processed 142:15	program 93:11
presented 129:16 137:5			programs 88:18 168:4
president 27:16 86:10 89:6,8,14,19, 23 90:23 91:11,12 95:23 101:13			prohibit 48:23 173:9 190:8
Presidential 95:2,4			prohibited 170:12
pretty 21:25 63:22 65:8 66:4 75:24			prohibiting 113:12,25
prevent 70:20,24 83:20 86:15 125:7,14 132:18 191:8, 13,16 192:2, 12 194:5,9,14	proactively 90:4		prohibition 169:16
	problem 39:4 51:23 145:16,22 146:2 149:7 174:16 190:3		prohibits 190:9
prevented 168:20	problematic 55:22		projections 167:15
			prompted 99:2
			proposal 130:9
			proposals 85:15,17 86:16,24
			proposed 28:1 110:5,12 117:2 129:4, 11,18 130:4,

Craig Latimer
October 11, 2021

33

16 136:18,25	25 58:8		148:12,17
prosecutions	provisions	Q	150:24 153:25
73:14	25:14 28:5,11	qualified	177:1 185:2,
prosecutor	50:3 55:19,22	60:1 194:5,10	6,16 186:25
29:14	56:1 66:22	qualify	190:14,16
protect	74:8,14 83:24	18:2 172:6	192:20 193:10
169:2	157:24 189:4	quantify	195:2
protected	public	167:12	quick
42:21	108:9 152:7	question	78:3 134:5
Protecting	159:17 161:13	23:20 24:4	185:11 190:20
31:5	193:19	26:12,22 29:6	quickly
protection	publish	32:1 36:3	12:1 72:19
177:5 194:23	60:18	38:18 42:3	149:16
provide	pull	53:3 56:18	quoted
38:7 42:8	84:4 96:1	57:12 58:6	101:7
53:4,10 71:9	100:19 108:18	68:9 69:21	quotes
82:17 101:22	112:15 114:18	87:11 107:7	102:6
162:23 167:25	121:22 122:3	113:18,21,22	quoting
provided	124:3 128:10	114:6,12,13	101:17
20:23 97:24	131:8 135:15	116:24 151:3	
180:25	139:12	187:13 190:6	R
providing	purpose	questioned	race
48:23 86:23	88:11	176:19	152:18,22
88:17	put	questioning	raise
provision	25:9,10 30:14	66:8 74:24	11:8 99:20
24:15,20	32:9,16 33:24	76:6,10,11,	raised
59:12 67:12	35:6 48:8	14,15,20,22	30:5
71:19 102:2	55:14 97:6	164:21 176:24	Ramba
144:7 166:21,	100:12	185:14 193:8	86:4 107:21
23 167:4,23	108:13,19,25	questions	137:2 174:9,
168:4,11,21	109:5 117:18	12:19 18:6	10,12 175:7
169:6,7,11	121:23 124:16	26:23 38:7,14	ran
170:10,21	128:19 129:23	42:6 51:6	97:21
171:22,23	131:21 160:6	67:10 68:12	range
172:7,21	170:13	73:20 74:1	127:9
175:25 178:21	puts	75:24,25	ranged
181:9	25:17 113:14	77:18 78:5,13	13:12
provisional	putting	87:20 93:8	ranges
57:10,14,21,	23:10 24:21	117:6 119:6	
	192:12	143:11	

Craig Latimer
October 11, 2021

34

94:14	22:5	128:1	reduction
ranks	reason	recently	40:22
15:10	62:18 70:6	89:7 149:8	redundancy
rapid	83:12 124:1	185:21	159:5
149:21	164:14 190:5	recess	redundant
rapidly	reasons	66:17 77:23	171:5
150:3,6	127:22 135:9	151:6 173:16	reelected
rarely	161:14 171:8	recite	15:22
21:24	recall	181:5	Reese
rate	19:25 21:20	recognize	11:1
39:18 40:2	34:7 39:4	84:15,19 97:2	reestablish
119:14	50:18,25	122:8 128:15	138:11
rates	51:1,9 52:19	131:13 136:1	refer
40:23	53:25 71:20	139:20 174:7	108:1 116:19
Raymond	72:14 80:12,	recollection	172:17 173:1
44:19	20 81:3 82:20	40:5 56:13	reference
reach	85:8 86:1	148:18	102:1 133:6
125:5 126:23	101:2,4	recommendation	146:24
127:8 147:14	109:7,17	128:18	referendum
reactive	151:3 156:19	recommendations	169:19
37:24	174:21 175:8	128:20 136:4	referred
read	180:25 186:5	record	106:20
13:18 23:12	187:11 190:21	12:5 52:17	referring
67:21 88:12	191:7,9,12	73:22 84:8	23:14 67:16
99:7 102:13	receive	87:17 97:22	71:7 90:13
103:4 114:4,	54:12 60:4	106:23 135:3	108:17,24
10,11,15	96:8 127:4	173:12 176:12	110:11 111:9
122:19 128:3	134:25 138:25	184:22	169:8 171:23
185:24 195:3	139:7 142:12	recorded	182:12,13
reading	143:6 146:21	121:3	186:9
114:8	147:21 148:2	records	refers
ready	182:17	70:2	46:14 169:14
134:2	received	RECROSS	reflect
real	41:23 93:16	190:18	172:3
185:11	103:21,23	REDIRECT	reflected
realize	139:2 140:8	185:9	181:17,19
138:5 172:20	148:12 165:9,	reduces	reform
rearranged	10	189:9	98:13,18,24
	recent		
	35:19 104:5		

Craig Latimer
October 11, 2021

35

99:3 115:7, 10,14	registrants 55:7,21	related 42:4 43:1 44:23 73:10 89:20 90:12 106:13,25 132:8 163:14 169:6	175:4 185:15, 25 187:4,7 190:24
refresh 186:3	registration 19:5,6 24:14 50:2,6,19 51:3,12 52:25 53:6,13,23 54:1,2,9,12, 14,23 55:6,8, 20 56:3,5,8, 19 57:7,9 58:22,25 72:12 93:13 116:17 139:6 146:19 147:8, 13,19,22 148:2,9,14 155:18	relatedly 83:18	remind 121:19 168:13 174:10
refreshing 174:8		relates 56:2	reminder 78:10
regard 31:12 33:14 43:16,24 45:11,16,24 47:21 48:20, 21 51:8,12 53:5 54:11 55:1 56:1 60:6		relating 49:9 56:4	remotely 11:17
region 186:7		relation 146:6	remove 119:22
register 50:7,8 55:11 59:7 60:19 64:17,21 72:8 105:22 147:9, 12,15	registrations 53:19,23 146:21 148:5 182:17,25 183:12,16,21 184:1	release 108:6	removed 33:4 87:4
registered 19:13,16,22 20:16,19 25:19 50:22 51:17 57:18 64:23 105:21 148:7 152:14, 16,21 153:16, 17 155:7 172:1 178:6, 7,12 179:2 181:1 188:23 194:5	regular 162:6	released 107:13,16,18 108:5 116:23	removing 85:19
registering 50:12 54:25 194:10	regularly 88:23	Relia-vote 32:17	renew 75:2 136:13 188:16
	regulations 27:8 60:10	rely 154:24	repeat 113:21,22 158:4 164:21 165:25 166:20,23
	reiterate 60:25 193:18	relying 71:10	repeated 153:25
	reject 41:9 57:24	remark 160:4 161:16	rephrase 29:11
	rejection 39:18 40:2,23	remedy 40:12	replace 136:10
	relate 17:24	remember 20:3 34:7 59:2 107:15 108:6 131:1,2 132:2,6,8,13 136:2,5 142:23,24 156:21 157:19 158:22 165:9	replacement 31:7,8 34:10
			replacements 45:1
			report 52:2
			reporter 12:17 134:8

Craig Latimer
October 11, 2021

36

reporting 18:25	requested 62:8,21 63:2, 9,12 114:10	rerequest 25:23 64:13 141:22	82:5 125:10 138:20 166:13
reports 52:22 71:6	115:7 141:3, 9,14 142:16	resident 65:9	restrictions 148:13 173:5
represent 9:11,18,25 10:3 11:24 78:10 84:16 88:3 151:17 176:17	requester 175:22	residents 103:17 104:19,22 135:13 173:6	result 28:17 45:22 49:11 51:11 83:24 85:7 115:25 116:6 181:11 184:16
representative 77:14	requesting 24:7 82:19 111:10 175:23 177:20 178:19	resolve 90:1	resulted 56:11 86:20 87:1,3
representing 9:14,20,23	requests 28:10 59:15 75:19 85:19 103:22,23 104:3 110:21 135:1 138:5 140:4,8 141:16,17 143:6,19 157:25 166:12 167:5 168:12, 15 178:3 180:8	resources 143:23 183:15	results 19:1 97:22
request 25:21 34:3 60:2,20 61:14,25 62:22,24,25 63:3 84:17 101:23,24 105:25 111:17,19 113:6,9,11,24 114:11 115:14 134:12,15,20 136:13,15 137:10,16,20, 24 138:11,16, 19,22,25 139:3,5,8,9 140:17,19,20, 23 141:1,7 142:13,14,15, 20 143:15 155:11,12 165:25 166:16,20,23 167:1 178:10, 12,22	require 55:19 60:4 72:12 80:17 125:13	respond 192:8 193:15	retired 15:1,12
	required 70:4 74:20 95:16 136:15	responded 86:19 190:23	retrieve 32:13
	requirement 72:7 82:17 119:23 125:6 181:15,23	response 26:13 82:3 84:17 157:24	return 30:14 68:25 69:9,14,20 71:10 72:2,8 80:11 83:6 111:18 113:6, 11,24 119:14 135:10 136:12 144:8,16 146:16 164:16 171:6,11,16 173:7,11
	requirements 98:3 188:16	responses 13:22 119:7 121:17 124:2	returned 64:3 65:12, 16,18,19 70:12 73:3 105:2
	requires 24:6 55:10 70:22	responsibilities 17:4 18:21 162:13,14 168:1	returning 67:6,19 111:11 112:7 144:11 145:3
		responsibility 26:15 54:24	
		responsible 17:7,10,16 18:22,25	
		rest 98:8	
		restate	

Craig Latimer
October 11, 2021

37

170:9	room	Sandi	scheduled
returns	150:22	11:7 135:18	34:7
68:15 73:3	rough	173:22	screen
105:3 126:20	94:3	sat	186:19
reup	roughly	91:17	screw
101:24 137:20	104:25 131:4	save	186:18
reversing	150:19 167:13	37:25 38:2	scroll
68:7	rule	SB	98:10 101:6
review	29:25	55:10 80:14	111:7 139:19
84:24 139:25	rules	81:20 82:4,9,	seal
reviewed	12:16 24:14	11 83:19	30:13 121:2,3
13:18 37:20,	27:3,9 29:23	85:7,22,25	sealed
24	92:13 106:10	86:7,13 89:19	31:13 32:14
revision	151:23 176:21	90:11,12,19	38:6 39:3
129:4,11	run	92:7,17,19,	67:24 120:25
revisit	98:21 112:23	24,25 97:7	sealing
119:16	193:10	100:2 107:3,	42:7
rights	running	4,12,17,25	seasons
13:11 151:19	116:10	108:2,9 111:5	94:5
rise	rushed	112:4 116:21	second-to-the-
15:10	157:21	124:5 134:14	last
Rising	Ryan	140:16,20	99:7
9:5 10:3	9:4 10:2	141:16 144:12	seconds
76:19 176:18	76:18 176:17	146:7 148:13	176:3
Road	<hr/> S <hr/>	152:1 156:15	secrecy
18:10 117:12	safe	157:5 163:6,	33:5 155:21
159:13	21:14,16	10,23 177:3	194:24
role	81:25 106:11	178:19 179:17	Secretary
26:18 27:6	116:10 188:11	181:9,14,22	9:6,14 35:7
86:13 89:4,	189:5 191:14	182:16 184:3	36:15 76:8
11,23 104:6	193:17	scale	77:14 78:11
152:6 153:11	safeguards	160:22	91:12 95:24
roles	169:1	scenario	98:20 118:22
91:10	safety	179:24	section
rolls	156:7 159:11	scenarios	129:4 149:2
17:1 175:21	sanctity	41:2	secure
Ron	156:1	scene	32:16 44:18
107:22		15:6	79:17 95:9,14
		schedule	97:19 105:13,
		22:5 33:21	

Craig Latimer
October 11, 2021

38

16,19 106:7, 11 113:12,25 116:10 126:2 129:5,7 137:10 187:21 188:1,4,11 189:5 190:23 193:18 secured 118:8 126:17 securing 45:12 security 42:20 82:18 132:22 154:19,23 155:3,18,22 156:3,8 179:9,13,14, 21 180:6 188:20 189:9 191:23 segment 149:5 select 90:25 selected 36:21 Senate 23:14,16,21, 22 24:15,20 25:15 26:10 27:12 28:8 42:4 43:21,23 44:24 46:22 48:20,22 49:1,11,12 53:22 55:19 56:1 59:12 62:20 66:25	68:24 69:8, 12,17,18 70:7 71:5,17,19,23 72:5,11 73:1 74:4,8,15 108:15 109:16 116:13 152:2 156:12 157:12,20,24 158:13 166:20 169:1,6 173:5 174:25 175:25 188:10 189:8 193:5,13 194:4,9,14 senator 174:18 send 51:25 54:20 63:7,10,11 64:10 106:1 131:16 142:14 155:12,13 163:3 179:25 sending 17:4 sense 39:7 58:6 72:23 87:7 101:8,18 104:25 105:8 127:7 128:5 144:3,15 147:17 167:12 183:11,19,24 sentence 99:7 101:13 110:1,3 111:8 115:16 136:11 146:10	September 141:10 serve 58:20 served 91:14 service 18:15 34:18 36:17 37:16 79:12,20 117:11 152:7 164:19,23 165:2,15,18 Service's 128:1 services 33:20 147:18 session 85:14 110:3, 24 sessions 99:16 set 30:25 96:24 109:16 170:16 setting 17:7,16 shame 47:25 shape 102:23 103:7 shaping 86:13 share 84:11 96:2 186:19 sheriff's 13:10 15:8	52:9,11 shift 103:15 shifts 162:4 short 12:2 66:4 87:18 176:7 184:24 shorter 142:8 shortly 143:1 should've 39:22 show 28:11 139:4 showed 112:11 shut 61:18 Shutts 9:11 shy 25:13 sic 114:4 sick 171:8 side 117:15 sight 112:22 sign 40:13 116:16 121:19 135:6 155:14 178:14
---	--	--	---

Craig Latimer
October 11, 2021

39

signature 33:2,6,11 40:13,22 83:10 103:7 106:4 155:15, 17 178:16 188:25	66:21 73:20 162:16 164:4 176:6 185:3 186:16 189:13 190:14	slide 117:19	solid 35:20
signatures 39:19 40:2,8 106:5 155:16	sit 84:25 121:21 180:19 187:14 188:5	slit 30:13	solution 145:15,21 146:1
signed 31:13,15 38:5,22,23,25 60:2 67:6 106:3 110:18 121:25 165:7, 11	site 31:21,23,24 36:10 43:10 45:7 46:25 61:19,20 123:13 129:25 132:5	slot 79:16 117:14 121:22 191:11 192:4	solutions 90:6
significant 104:18,21 149:7	sites 17:8 18:2,3 22:6,8 30:19 31:22 32:1 36:7 44:3,17, 22 47:1 49:15 79:1,3,5,8 81:13 82:1 120:19 121:14 123:23,25 126:14 132:13 149:15,17,19 161:2,6 172:21	slots 121:4	sooner 186:2
significantly 142:2		slow 97:13	sort 15:14 16:9 26:12 60:14 67:14 117:9 121:18 125:14 126:15 132:18 136:9,25
signing 42:7 51:16		slowdowns 128:2	sounds 53:17
similar 93:22		small 121:6 148:1 160:16	South 14:14 68:6
similarly 92:15 120:23 121:6		smaller 160:12	southeast 18:12
simple 154:7 187:13	situated 160:12	smoothly 97:21	space 117:20
simply 27:7	situation 38:20 56:10 57:2 70:17 169:23	social 24:9 26:2 60:22 82:18 83:3,10 111:21 155:9 178:9,25 179:9,13,14, 21 180:6 181:3 182:6	spare 153:25
single 46:3		SOE 175:8	speak 14:2 29:4 38:24 60:22 110:8 158:9, 12
sir 12:9 16:18 20:1 24:2,5 27:13 46:17	Sivalingam 11:4	SOES 91:3	speaking 14:1 86:2 156:14
	sleeve 33:5	solicit 91:2 169:16	specific 21:15 23:18 24:17 30:2,5 53:1 58:19 62:24 90:2
		solicitation 47:18 169:15, 17,22 170:12	

Craig Latimer
October 11, 2021

40

92:21 93:8 102:8,17 104:6 130:3 132:12 154:25 160:14 188:15 specifically 21:1 25:18 60:17 61:15 78:24 121:14 171:14 184:10 speculate 74:11 speculating 24:18 83:14, 15 speculation 56:24 70:16 163:18 187:15 spell 12:5 spend 11:22 85:24 119:15,17 168:5,7 spent 12:13 15:8 86:2,6 92:24 110:4 spoke 101:21 156:23 184:10 spot 52:24 83:8 spouse's 28:13 110:17 Stadium 44:19 staff 15:21 16:14	48:3,23 52:21 58:4,7 82:24 94:1,20 118:16 124:5, 18 133:22 165:23 staff's 49:2 staffed 36:14 42:13 124:10 staffing 35:4 38:3 45:12 Stafford 9:8,19 staffs 94:20 stamped 32:20 stand 48:8 standing 28:9 49:3 90:15 126:10, 11 134:20 141:17 143:15 166:11 167:1 start 50:17 71:22 88:7 126:24 127:2 started 15:5,20 75:18 starts 94:8 101:12 111:24 state 9:6,15 16:24	19:2 25:20 26:14,24,25 27:16 36:15 37:11 40:12 52:7,8,12 54:18 57:9 76:9 77:14 78:11 85:8 92:12 93:4 95:24 98:20 105:23 111:22 116:19 118:22 127:14 148:25 155:9 156:15 157:7 178:9 179:20 180:5 188:4 State's 35:7 stated 74:16 86:15 90:8 93:4 105:20 137:19 138:8 144:19 146:23 148:6 149:11 155:5 159:10 165:4 169:3 178:5 188:22 statement 28:19 55:12 88:15 90:8 96:15 97:6, 14,17 98:5,15 101:20 102:2, 12 103:3,5,10 108:23 109:23 111:4 113:2 115:9 123:1 131:20	statements 109:5 states 41:21 statewide 88:9 93:23 94:25 station 170:17 statistics 62:8 69:13 status 106:21 statute 58:19 70:5,22 71:4 72:15 93:5 169:14 172:8,17 173:2 statutes 27:2 92:13 160:21 stay 135:11 168:17 STENOGRAPHER 11:8,14 114:9,14 134:10 176:13 Stephen 9:16 185:4 steps 110:16 Sterling 93:17 Steve 69:23 Steven 10:19
--	---	---	---

Craig Latimer
October 11, 2021

41

stood 108:16	substance 148:16 192:12	76:1 78:7 84:12 86:10	supplying 105:22
stop 72:20 192:17	successful 85:16 95:19, 25	87:20 88:2 91:23 96:8,15 97:2,18	support 111:5
store 193:11	sudden 98:24	100:18 104:8 113:14	supported 99:9
storms 161:9	sued 13:6	130:24,25 135:23 136:6	surrounding 183:6
straight 130:18 177:2	sufficient 126:1 169:1 177:4 190:23	149:24 151:9, 14 153:5	surveillance 35:9 37:16,19 80:3 113:13 114:1 118:8, 12 126:1,7 130:4,7 190:22
strapped 183:7	suggestions 128:20	158:20 166:10,14 174:4,17,19 175:10,16 176:9 185:11 190:21	survey 13:23 76:5
stricken 74:9	summarize 88:13	Supervisor's 129:5 152:6 163:20	swear 11:9
strict 133:17	summer 180:11	supervisors 10:15,20 37:11 47:12 85:13 86:12, 20,23 87:1 88:10,22 89:1,2,24 90:3 91:5 92:2,6,19,23 101:14 109:1 110:4 115:8, 13 131:5 153:20 156:16 157:25 160:8 163:7,11 168:10 174:14 175:20 183:9 188:19	sweeping 115:6,10,14
strike 80:22 81:5 154:20	sun 46:20		sworn 11:17
strike-all 109:15 157:16,17	Sunday 44:6,7 81:12		system 54:14,17 139:4,6,10 188:7,11
strip 120:7	sunlight 180:13		<hr/> T <hr/>
strong 112:23	supervised 144:23 171:21 172:2,7,21,25 173:4		table 120:16 140:3
structure 120:14 126:5, 8,16	supervision 58:2		tabulating 18:22
structured 120:23	supervisor 10:9,12,22,25 11:21 12:7 15:14,18,22 16:6,12,22 19:10 29:8,19 33:16 61:5 66:20 71:8 73:8 74:25	supply 155:8 178:7	tabulation 33:5
structures 120:3,7			takes 18:17 29:13 81:11 127:9
stuff 67:22 187:22			
submitted 184:4			

Craig Latimer
October 11, 2021

42

128:7	193:19	67:17 68:2	22
taking	Tallahassee	153:4,8	text
12:2 14:5	27:22 75:4	terminology	174:21
60:24 76:5	158:15	15:17	thing
91:8 127:12,	Tampa	terms	24:6 37:9
13 171:18	15:5 75:17	18:20 21:18	121:5 152:8
talk	tamper	23:11 68:2	154:24 160:18
12:17 30:4	191:19	126:4 150:19	185:13 189:6,
43:20 46:11,	tampering	152:18 153:1	13 190:7
12 50:1 58:24	125:14 126:9	154:3 160:13	192:17
66:21 69:17	132:19,22	161:19 164:7	things
71:21 78:23	191:8,13,16,	176:24 183:25	22:23 23:9
94:23 103:15	17 192:2	terrible	25:5 28:14
132:4 146:18	taped	36:3 67:10	38:16 51:17
153:19 159:4	38:1	test	54:21 55:21
161:24 164:18	taxpayer	95:16 193:20	60:7 74:18
165:24 182:7	168:7	testified	87:4 90:6
193:6	team	11:18 124:23	91:6 110:23
talked	75:20	132:15 133:16	138:8 149:11
23:2 42:11,14	technical	143:22 144:9	169:24 180:9
74:3 82:25	14:18	147:21	187:16
83:5 87:9	telephone	153:11,21	188:17,19
99:17 134:13	139:3	156:4,13	190:7
158:24 161:20	telling	157:12	thinking
186:1 191:10	135:19	158:11,21	32:2 55:18
talking	temporary	160:25 163:19	third-party
28:4 51:24	33:19 34:24	167:3,9	19:5 24:13
62:1 65:22	35:2 94:4,7	170:25 177:9	50:2,5,18
73:16 84:5,19	167:19	testify	51:3,12,22
85:1,12,24	183:17,20	14:6 27:23	53:6,12,23
86:6 88:7	ten	86:8	54:1,23 55:6,
96:9 101:21	131:5	testifying	20 56:2,4,7,
110:4 112:12,	tent	12:21	19 116:17
16,21 113:4	120:16 126:11	testimony	146:19,22
115:4 121:24	170:16	11:10 14:9	147:8,13,18,
124:8 126:25	tents	47:11 72:24	22 148:2,9,13
132:24 150:4,	30:25	78:19,22	170:23 173:5
5 158:18	term	80:13 82:20	182:10,13
170:14 175:19		85:7,9 90:21	thirty
180:10 187:3,		177:19 189:8,	77:9
20 190:6			

Craig Latimer
October 11, 2021

43

thought	33:23 34:8	told	16:17 34:2
25:5 78:19	35:5 70:10,11	22:22 66:4	38:10,14
92:19 114:14	71:6 105:6	72:22 170:15	53:5,11,14
thoughts	123:6 129:22	184:11	167:22,25
107:12 182:3	133:11 157:13	top	trainings
thousand	title	30:13 64:1	93:9
75:20	89:4	94:13 131:2,	transcript
thousands	today	18 142:23	195:7
148:8,9	12:22 13:16	147:1,4 148:4	transit
183:14	37:18 43:14	150:7 172:9,	63:22
throwing	83:25 84:25	19 183:22	transmitted
191:20	88:5 134:13	topic	129:15
time	145:16 151:16	43:22 46:12	transportation
28:2 32:20	160:5 176:20	180:11	154:8,10
38:1 41:12	177:9,19	total	164:12 171:9
44:14 45:2	187:14 189:14	20:14,16	traveling
63:23 65:23	190:15 193:11	79:5,7 91:20	186:6
70:9,11 76:2	194:4,8,13	156:3	treasurer
78:16 85:2	today's	totally	91:12
86:2,6 91:21	13:15	25:6 64:2	tremendous
92:24 97:15	Todd	186:3 187:22	74:17 95:12
100:21 101:4	9:16 11:1	192:15	trend
103:22,23	23:24 25:16	touch	91:8
104:8 108:13	40:4,10 43:25	169:5	trial
109:8,17	56:22 66:10,	touched	15:15
110:22 118:11	15 74:10	161:25	troublesome
121:15 123:2,	76:5,10,13,	track	25:6
4 125:5	17,21 77:1,8,	21:7 31:16	troubling
126:12,22	12 85:2 87:22	39:17,18	24:16
129:6 134:1	96:12,21,24	53:17 54:8	true
143:3,4 145:7	114:3,11	63:19 69:13,	20:6 47:21
149:24 150:8,	116:3 125:20	19 189:1	56:14 86:18
19 151:10	138:2,7 143:9	train	95:21
159:2 174:21	150:15,18,23	183:18	truth
176:9 185:2	151:2 164:13	trained	11:11,12 39:5
186:8 190:15	168:22 170:2	52:24 54:11	truthful
192:8 194:19	173:14,15	trainee	175:6
times	176:10 185:7	15:6	
12:12,13	190:16 192:23	training	
13:17 22:3	193:2 195:1		

Craig Latimer
October 11, 2021

44

Tuesday 81:13,16 82:2 122:22 turn 25:23 156:10 170:23 171:1 turned 50:21 56:20 98:23 148:5 turning 56:8 160:24 177:2 turnout 20:15,18 153:13 Twenty 77:9 two-day 186:8 type 13:11,14 48:7 120:7 180:3 182:2 183:15 184:4,5 types 144:15 147:17 182:20 typically 21:22 54:2 142:13 <hr/> U <hr/> U.S. 41:23 127:25 146:4 164:18, 22 165:1,14, 18 185:15,20, 21	ultimately 33:3 34:21 umbrella 46:20 umbrellas 48:4 unable 56:11 unattended 44:9 124:17 unconstitutiona l 74:9 undeliverable 64:4 65:18,20 understand 12:19,21 28:25 29:11 48:22 49:17 62:19 67:8 69:3 71:23 78:12,15,20, 22 88:14 89:24 112:4 116:24 117:7 119:10 121:16 145:25 151:20 152:2 163:23 164:8 169:7 171:22 175:13 176:19,21 182:12 understanding 29:3 44:13 53:22 54:22 55:5 57:5,13 67:23 68:3,24 75:1 86:22 92:10,18 93:2 111:1 114:17	119:21 123:5, 9 130:2 134:14 140:25 146:1,12 163:6,10 165:14 171:25 172:4 175:15, 16 177:8 179:18 185:19,21 understood 22:1 23:12 25:8 39:6 41:15 45:10 49:22 58:15 85:15 133:10 144:21 undertake 60:15 undoing 68:7 undue 23:10 25:18 74:13 113:14 unduly 80:1 unequivocally 46:2 unforeseen 45:7 universal 97:20 University 14:14 unlawful 13:12 unmarked 67:24 68:10	unnecessary 98:12,17 unpaid 163:21,24 unwavering 97:18 up-to-date 60:18 update 64:22 65:1 updated 135:11 upwards 94:8 144:12 149:12 usage 93:24 USPS 165:22,23 utilize 30:11 <hr/> v <hr/> valid 134:16 137:16 validity 142:8 valuable 39:11 160:3 vandalism 43:5,7 variety 23:9 VBM 175:11,13 verbally 121:24
---	--	---	---

Craig Latimer
October 11, 2021

45

verbiage 55:14	views 28:1 30:6 193:4	121:14 122:2 123:13,23,25 124:25 125:3 134:23,24 137:17,21 141:22 147:15 148:7,8 149:17,19,22 150:10 153:16 154:9,11,13, 14,23 155:19 160:19,20 166:3,7,11 169:18,25 170:1,4 172:1,2 175:13 176:1 177:2,5 181:1 188:3 190:9 193:25 194:10,15,19	140:4,18,24 141:1 142:12, 20 143:6,19 154:19 155:2, 6,11 156:5 162:24 164:23 165:25 166:12,17,20 167:1,4,5 168:12 169:2 171:2,17 172:5 175:23 177:20 178:4, 11,20,22 179:19,25 188:17,23
verification 33:2,6,12 182:9 188:15	violations 43:1		
verified 25:20 57:9 97:23 111:22	Vogel 9:14 78:1		
verify 53:11,12 74:20 83:4 105:24 178:17 179:23 180:18	volume 143:19		
verifying 180:1 188:24	volunteer 71:25 170:10		
version 86:13 87:8	volunteers 42:14,16 94:10 163:21, 24		
versus 159:18 162:1 164:19	Volusia 10:7		voted 19:17,20,22 20:9,13 21:21,23 22:2,3,4,9 103:17 104:1, 16 129:7 156:1
Vicari 10:11	vote 18:1,2 19:13 20:14,24 21:13,23,24 22:6,8,10 23:9 24:22 25:18,20,22, 23 28:10 32:18 38:15 41:9 47:1,9 50:22 51:11 55:11 57:3,6, 8,10,14 60:4, 19 61:13,19 62:3 63:7 64:17 65:4 75:2 81:13 83:7,20 87:12 101:23 103:5, 24 104:8,11, 12,14,22 105:20,22 110:21 111:19	vote-by-mail 17:5 21:2 24:7 30:14,17 32:16 40:2,21 58:25 59:7 60:20 61:14, 25 62:2,9,21 63:11,15,20 64:3 65:3,7, 15,19 82:19 85:18 103:22 105:3 111:11, 17 113:6,11, 24 116:16 122:19 126:21 129:7 134:12, 16,23 136:11, 12,13 137:8, 11,15,24 138:11,16,18, 22,25 139:7	voter 17:1 19:5 24:13,22 25:18 38:23, 25 40:18 42:20 50:2 51:12,16,25 52:25 53:6,23 54:1,13,23 55:6,20 56:4, 11,19 57:2 59:21 60:6, 12,15 61:24 62:4 63:20 65:15 80:11 83:1 91:22 98:1 101:9,
view 20:22 40:20 42:4,12 47:9 105:5 111:14 125:6,12,18 143:5 146:7 168:25			

Craig Latimer
October 11, 2021

46

19,22 102:24 103:8 105:22 106:18 115:18,23 126:20,23 134:15,22 139:5 145:2 146:19,21 147:8,18,22 148:2,9,13 150:8 152:14, 25 153:12,13 155:7,11,17 161:16 165:2, 8 168:19 169:2,12,16, 21 170:11,15 177:10 178:6, 7,10,12,17 179:18 182:10,13 187:9 188:24 189:1,24 190:1 193:6 194:5,10 voter's 60:17 61:6 voters 9:3,23 19:16, 22 20:9,17, 19,23 21:3 36:5 38:7 39:8 41:17 42:7,8 43:15 48:23 50:7,9, 12 51:24 54:24 56:1 60:11 61:13, 22,23 62:8 71:7,9,16,18 76:12 80:7	82:19,23 83:13 85:16 87:8 88:6 94:18,19 97:21 104:11, 14,16 105:1 110:6,13 116:12,15 121:19,25 122:20 124:24 127:16,18,19, 23 129:6 134:25 135:4 136:11 137:10,17,19, 25 138:4,10 141:14 142:19 143:17,23 144:8,9,16,22 147:9,10,14, 18 149:13,14 152:10,12,16, 21 153:18 154:3 159:21, 25 160:2 161:16 162:3, 8,12,14,23 164:2,11,24 166:2 171:1, 6,11,12 172:1 179:2,5,8 180:3,24 181:23 182:17 183:1 190:9 193:23 194:18,23 195:9 voters' 115:20 votes 51:10 67:19	68:15 voting 16:10 17:8 20:2 21:4,9, 19 22:7 30:16,19,23 31:22,25 32:4,6 34:4, 13,15 36:1,7, 10,11,22 37:5 44:3,5,6 49:15 50:6,18 51:3 56:2,7 57:19 58:22 71:16 78:25 79:2,5,6,19 80:24 81:8,11 82:15 88:20 94:8 100:24 104:4 105:6, 7,9,13,14,16, 19 106:6 111:25 117:25 118:2,18 120:9,19,20 121:15 122:19 123:3,10 132:5,13 144:23 150:1, 3 154:15,16 161:2,3,6,17 162:5,19,25 166:6,10,16 170:6 171:21 172:7,21,25 173:4 188:10 189:9 193:14, 17,22 194:5	 <hr/> W <hr/> wait 105:6 181:25 waited 150:9 waiting 48:24 waive 195:4 walk 46:18 walked 177:23 wall 191:11 wanted 11:22 60:3 61:16 80:10 119:4 127:12 129:22 132:12 151:3 152:7 163:24 168:17 177:3 185:5, 18 wanting 116:15 warming 46:14 47:7 49:7,24 189:17 watched 156:21 watching 103:6 161:9 water 47:22 48:4,23 170:11,17
---	---	---	---

Craig Latimer
October 11, 2021

47

189:17,21,22 190:9 ways 20:13 47:9 51:21 60:19 90:6 111:16 113:7,8 115:6 weather 31:1 161:8 website 116:20 149:1 week 79:15 109:9 126:25 weighed 90:20 weighs 119:15 whichever 83:4 widespread 106:12 177:10,13 Williams 10:5 wipe 28:9 110:20 168:15 wiped 75:13 withdrawn 184:20 witness' 77:4 Women 9:2,23 76:12 88:6 195:8 wondered	193:13 wondering 64:25 82:22 84:25 92:22 143:14,18 wood 29:18 word 60:23 words 25:10 61:5 82:7 102:22 work 15:3,4 30:16 33:9 59:19 62:19 75:21 86:3 89:24 90:3 98:1 128:19 129:14 130:9,14,17, 22,23 134:9 154:10 162:4 166:10 worked 34:23 35:2 38:19 39:7 85:13 115:21 116:7 worker 34:2 38:13 workers 38:21 39:10 42:5,17 94:9 121:13,24 124:6,10,14 189:25 working 16:11 90:10 92:24 100:20 130:15	workload 167:19 works 47:25 77:12 78:20 88:14 world 67:17 worst 115:19 would've 36:10 wrap 150:20 write 12:17 69:24 175:2 writes 175:10 writing 28:4 175:4 written 60:2 122:25 179:22 wrong 109:13 wrongdoing 51:2 <hr/> y <hr/> y'all 76:21 year 27:17 75:9 115:11 140:9 141:2,7 146:25 149:18 years 12:13 15:7	16:16 29:14 91:18 104:5, 10 153:6 <hr/> z <hr/> Zacherl 9:10 11:6,20 24:1 26:7 40:6,15 44:10 57:1 66:2,11, 16,19 69:24 73:19 74:2,12 75:23 77:11, 21 151:23 185:4,10 187:24 190:13 195:4 Zacherl's 193:8 zone 17:12 46:24 49:10,13,16, 18 169:13,21 Zoom 75:25 173:19
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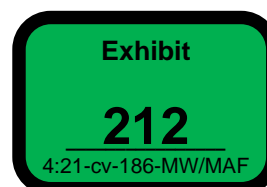
3 Talking Points – 2021 legislation

Supervisors of Elections worked throughout the legislative session to make sure legislators understood the impact their proposals would have on voters, and were successful in preventing some of the most onerous proposals from making it into legislation – including cancelling Vote By Mail requests that are currently on file and removing drop boxes altogether.

Let's not lose sight of the fact that we already had strong laws in that enabled us to run our 2020 election with accessibility and integrity. And our performance was lauded by President Trump, Governor DeSantis, Secretary of State Laurel Lee, and all the legislators who spoke for and against this new bill during this legislative session.

The legislation that passed makes it harder to request and return Vote By Mail ballots:

- prohibits the use of secure 24-hour drop boxes with camera surveillance
- requires voters to submit a new Vote By Mail request every election cycle, and those requests have to include their DL or SSN
- places a two-ballot limit (with the exception of immediate family members) on how many mail-in ballots someone could gather and turn in on behalf of the elderly or sick and disabled voters





Craig Latimer
Supervisor of Elections
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4/30/2021

Statement from Craig Latimer, Hillsborough County Supervisor of Elections and President of the Florida Supervisors of Elections

As Supervisors of Elections, we are unwavering in our commitment to keeping our elections both secure and accessible. We did that in 2020, to universal acclaim. Elections ran smoothly, voters participated in record numbers, and election results were verified with audits in every county in Florida, as provided for in our current election law. My colleagues and I will continue to work every day to increase voter participation and maintain the integrity of our elections, following any new requirements established by our lawmakers.

During this legislative session, Supervisors of Elections spent hours talking to legislators about how proposed legislation would impact voters. For example, in 2020 our voters overwhelmingly appreciated the peace of mind that came from dropping their mail ballot off in a secure drop box, because they knew that by using the drop box instead of a mailbox, their ballot would be received on time. We should be looking for cost-effective ways to expand their use, including the use of secure 24-hour drop boxes with camera surveillance. Instead, the new legislation prohibits that.

Fortunately, proposals that would have been the most disenfranchising, such as cancelling Vote By Mail requests that voters currently have on file, were dropped from the final version of the bill. However, this legislation still makes requesting Vote By Mail ballots and returning those ballots harder.

After days of debate, our hope is that the initial and unnecessary call for election reform will not detract from the confidence that was well-earned in 2020. Indeed, after the 2020 General Election, Governor DeSantis said that we had “finally vanquished the ghosts of Bush vs. Gore,” praising our ability to count 11 million votes quickly and holding Florida up as an example for other states to follow. Throughout this legislative process, legislators who supported and opposed the bill commended our performance in 2020, over and over. I look forward to continuing to earn the trust of my community as I work to preserve our most precious right to participate in our democratic government.

Exhibit

213

4:21-cv-186-MW/MAF

C. LATIMER

Exhibit 2

S. Nargiz 10/11/21

VoteHillsborough.gov



(813) 744 - 5900

Fred B. Karl County Center

601 E. Kennedy Blvd., 16th Floor, Tampa, FL 33602

Robert L. Gilder Elections Service Center

2514 N. Falkenburg Rd., Tampa, FL 33619

See website for regional office locations.



A provision in the proposed Florida law would have required dropboxes like this one outside the Alachua County Supervisor of Elections office to be monitored. (Grace Banahan/WUFT News)

Exhibit

214

4:21-cv-186-MW/MAF

C. LATIMER

Exhibit 3

S. Nargiz 10/11/21

FLORIDA SUPERVISORS OF ELECTIONS OPPOSE CONTROVERSIAL VOTING BILL 'SB 90'

By Grace Banahan

🕒 April 21, 2021 📁 Florida Votes, Government and politics

A proposed bill in the Florida Legislature is calling for increased voting regulations, including limiting ballot drop-off box hours and requiring a wet signature on file. All 67 of Florida's Supervisors of Elections oppose the bill.

The election administration bill, SB 90, has currently passed through all three of its Senate committees, but was postponed on its second reading on Tuesday. Its comparable bill in the House, HB 7041, has passed through two of its three committees and resides in the House State Affairs Committee.

The bill's sponsor, Sen. Dennis Baxley, considers the regulations a way of taking a proactive approach to addressing potential election issues in the state.

"I know that safeguarding and maintaining the integrity of our elections is important to all of us," Baxley said during a committee hearing. "It wasn't that long ago that we were the butt of every joke about

elections.”

The president of the Florida Supervisors of Elections and the Hillsborough County Supervisor of Elections Craig Latimer believes this bill would add obstacles to voters.

“To me, this bill doesn’t make any sense,” he said. “Why would you try to make it harder on the voter?”

The signature matching addition to the bill requires supervisors to compare a pen-on-paper signature with a voter’s current signature. Without a paper, or “wet,” signature on file, the ballot must be rejected.

These measures are proposed in the name of combating voter fraud, which Latimer considers a non-issue.

“I haven’t seen any fraud and I haven’t heard one of the legislators cite a specific incident of fraud as they debated the bill,” he said.

Even if fraud was a prevalent issue in the state, Latimer said the signature regulations the bill calls for wouldn’t do anything to stop it.

“If you go to a driver’s license bureau there’s actually an official in front of you that’s watching you sign,” he said. “If you go to vote in-person, there’s somebody watching you give us that signature. To me, this bill in ^

no way, shape or form can do anything to curb any voter fraud that may be occurring.”

A previous version of the bill called for completely banning drop boxes, but an amendment changed the language to allow for drop boxes during early voting hours. Latimer still sees administrative issues with the regulations of the boxes.

“With the amendment, drop boxes are only available during early voting hours,” he said. “Well, what about before early voting starts and after early voting ends? How will you get your ballot back to me?”

In Florida, ballots are mailed out during a 7-day window between 40 and 33 days before an election as required by state law. Latimer said this bill will affect the voters who immediately fill out their ballots and drop them off at a ballot box well before early voting begins.

Currently, Hillsborough County has four drop boxes that are available outside of early voting, as well as boxes at all early voting sites. This bill would prohibit the operation of those drop boxes, a condition that Latimer said might result in their removal.

“With the way this is written, I would have to remove drop boxes,” he said.

Hillsborough County isn't the only county that would have to change their drop box practices if the proposed bill becomes law. Bradford County Supervisor of Elections Amanda Seyfang said the requirements laid out in the bill would be impractical for the county.

According to the bill text, ballot drop boxes must be monitored in-person by an employee. Since 2001, the Bradford County Supervisors of Elections Office typically runs an entire election with a three-person staff.

For the rural county, designating an employee to watch the drop box is a waste of resources.

"I could not give up one of my staff members to just sit at our drop box all day long, nor could I afford with my budget to hire another staff member just to do that," Seyfang said.

Bradford County's ballot drop box has been located outside the courthouse in Starke ever since drop boxes were allowed. Seyfang says it was used significantly even before the pandemic.

"If the bill passes with that current language, I would have to just pull my drop box," Seyfang said. "There's no way a county my size could afford it."

Bradford County's drop box is under 24/7 video surveillance. In the 2020 general election, 1,073 of the 3,844 returned vote-by-mail ballots were returned at the drop box location.

Seyfang notes some minor favorable parts of the bill, including a stipulation that a grandchild would be considered an immediate family member. Currently, only a grandparent is considered an immediate family member and not a grandchild.

Seyfang's main worry is the voters who have no wet signature to be compared. The Florida Legislature passed a law in 2015 that allowed digital voter registration beginning in 2017.

"If anybody has registered to vote for the first time since the law allowed it back in 2017, we would not have a wet signature on file for them," Seyfang said. "That's a lot of voters if you think about the increases in voter registration since 2017."



FLORIDA SUPERVISORS OF ELECTIONS

PO Box 350 | Tallahassee, FL 323021 | Telephone: (850) 599-9120

April 23, 2021

Florida Supervisors of Elections Statement

Florida Supervisors of Elections (FSE) does not support SB90 or HB7041 in their current form, but continues to share information with the legislature.

###

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Exhibit

215

4:21-cv-186-MW/MAF

C. LATIMER

Exhibit 4

S. Nargiz 10/11/21

Talking Points – 2021 legislation

Supervisors of Elections are unwavering in our commitment to keeping our elections both secure and accessible. Let's not lose sight of the fact that we already had strong laws in that enabled us to run our 2020 election with accessibility and integrity. And our performance was lauded by President Trump, Governor DeSantis, Secretary of State Laurel Lee, and all the legislators who spoke for and against this new bill during this legislative session.

Do we look for ways to improve? Of course. But sweeping election reform was not needed or requested by Supervisors of Elections. And making a lot of changes all at once has the potential to create voter confusion, more cumbersome administration and bureaucracy, and worst of all, an erosion of the confidence we've worked so hard to earn.

During this legislative session, Supervisors of Elections spent hours talking to legislators about how proposed legislation would impact voters. Proposals that would have been most disenfranchising were dropped from the final version of the bill, including:

- Cancelling Vote By Mail requests that are currently on file
- Removing drop boxes altogether
- Restricting the signatures we could look at when verifying Vote By Mail ballots

The legislation that passed:

- prohibits the use of secure 24-hour drop boxes with camera surveillance
- requires voters to submit a new Vote By Mail request every election cycle, and those requests have to include their DL or SSN
- means that voters will no longer be able to check a box on their Vote By Mail return envelope to renew their mail ballot request
- places a two-ballot limit (with the exception of immediate family members) on how many mail-in ballots someone could gather and turn in on behalf of the elderly or sick and disabled voters

Encouraging Vote By Mail is one of the ways we avoid lines at in-person voting, so if fewer voters vote by mail, that could affect wait times during in-person voting. Fortunately, one thing this bill does not do is prohibit giving food and water to voters in line to vote – it just prohibits campaigning in that area.

After days of debate, our hope is that the initial and unnecessary call for election reform will not detract from the confidence that was well-earned in 2020. to participate in our democratic government.



From: Gerri Kramer
Sent: Thursday, April 22, 2021 4:26 PM EDT
To: Craig Latimer; Craig Latimer
Subject: Points of concern - legislation

We oppose SB90 or HB7041 in their current form but we continue to share information with legislators.

Points of concern:

Limits Vote By Mail drop off to Early Voting days/hours — that's a great disservice to voters, especially those who like to drop off on Monday or Tuesday, when it's too late to mail it. They wouldn't be able to do that the way this legislation is currently written.

There's a part in the bill requiring ballots with any undervoted races to be reviewed and duplicated if there are any markings. We had 650,000 undervoted races on Vote By Mail ballots in the last election. So we would be pulling hundreds of thousands of ballots. Process already in place - manual recount. Slow down the process.

In 2018, one of the races we physically looked at more than 15,000 undervotes and only a handful had any markings in those races.

Limiting the possession of ballots — that has not been an issue in our county. It's a solution looking for a problem. What we heard today is that you could turn in two at a time, day after day, so I'm not sure what their intention here is.

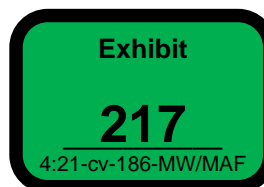
Gerri Kramer
Chief Communications Officer
Representing Craig Latimer, Hillsborough County Supervisor of Elections
Governor's Sterling Award Recipient

Our Vision: To be the best place in America to vote!

Direct: [\(813\) 367-8827](tel:(813)367-8827) Cell: [\(813\) 415-4337](tel:(813)415-4337) Email: gkramer@hcsoc.org
VoteHillsborough.org

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From: Craig Latimer
Sent: Thursday, March 11, 2021 2:22 PM EST
To: David Ramba; Alan Hays; Ron Labasky; Paul Lux; Lori Scott; Julie Marcus; Chris Chambless; jennifer.edwards@colliercountyfl.gov; lafayettesoe@gmail.com; jenkins@votenassau.com; vdavis@martinvotes.com; travis@lafayettevotes.com; Wendy Sartory Link; lswan@voteindianriver.com
Subject: RE: FSE Drop Box Recs

Dave,
Ref "c"
Worded a little awkward

, that any such site (should this say drop box instead of site?) must be physically monitored and staffed during the hours of the site (Does this mean the hours the site is open or should it be consistent with the hours the other actual early vote sites are open) that otherwise qualifies as an early voting

I think it is good to put in electronic monitoring. We can negotiate that

Craig Latimer, CERA
Hillsborough County Supervisor of Elections
Governor's Sterling Award Recipient

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From: David Ramba <david@rambaconsulting.com>
Sent: Thursday, March 11, 2021 1:47 PM
To: Alan Hays <alan@lakevotes.com>; Ron Labasky <rlabasky@bplawfirm.net>; Paul Lux <plux@co.okaloosa.fl.us>; Lori Scott <lscott@votebrevard.gov>; Julie Marcus <jmarcus@votepinellas.com>; Craig Latimer <clatimer@hcsoe.org>; Chris Chambless <cchambless@clayelections.com>; jennifer.edwards@colliercountyfl.gov; lafayettesoe@gmail.com; jenkins@votenassau.com; vdavis@martinvotes.com; travis@lafayettevotes.com; Wendy Sartory Link <wendylink@pbcelections.org>; lswan@voteindianriver.com
Subject: FSE Drop Box Recs



EXTERNAL EMAIL: Exercise Caution with links or attachments.

The new language in paragraph 2 I believe reflects our conversation from this morning. I would welcome your input on this for submittal to the Legislature.

David Ramba

Sent from my iPad

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Draft Recommendations for Florida Legislature on Drop Box Restrictions and Guidelines for 2021 - FSE Workgroup Recommendations

101.69 Voting in person; return of vote-by-mail ballot.—

(1) The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election or at an early voting site, notwithstanding that the elector has requested a vote-by-mail ballot for that election. An elector who has returned a voted vote-by-mail ballot to the supervisor, however, is deemed to have cast his or her ballot and is not entitled to vote another ballot or to have a provisional ballot counted by the county canvassing board. An elector who has received a vote-by-mail ballot and has not returned the voted ballot to the supervisor, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct or to an early voting site. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector does not return the ballot and the election official:

(a) Confirms that the supervisor has received the elector's vote-by-mail ballot, the elector shall not be allowed to vote in person. If the elector maintains that he or she has not returned the vote-by-mail ballot or remains eligible to vote, the elector shall be provided a provisional ballot as provided in s. [101.048](#).

(b) Confirms that the supervisor has not received the elector's vote-by-mail ballot, the elector shall be allowed to vote in person as provided in this code. The elector's vote-by-mail ballot, if subsequently received, shall not be counted and shall remain in the mailing envelope, and the envelope shall be marked "Rejected as Illegal."

(c) Cannot determine whether the supervisor has received the elector's vote-by-mail ballot, the elector may vote a provisional ballot as provided in s. [101.048](#).

SUBSTANTIALLY REWRITTEN BELOW - NOT STRIKE AND UNDERLINED

(2) The supervisor shall allow an elector who has received a vote-by-mail ballot to physically return a voted vote-by-mail ballot to the supervisor by



placing the envelope containing his or her marked ballot in a secure drop box.

- (a) Secure drop boxes shall be placed at the main office of the supervisor at each branch office of the supervisor. Secure drop boxes at a supervisor's office may be available at any time for voters to place a voted vote-by-mail ballot if the secure drop box is monitored physically or electronically.
- (b) Secure drop boxes shall be placed at all early voting sites, and shall be only available for use during the hours of the early voting site, and shall be physically monitored during any time that a voter can place a voted vote-by-mail ballot into the drop box by an election worker of the supervisors office, security officer or a sworn law enforcement officer.
- (c) Secure drop boxes may also be placed at any other site that would otherwise qualify as an early voting site under s. [101.657](#)(1); provided, however, that any such site must be physically monitored and staffed during the hours of the site that otherwise qualifies as an early voting site by an election worker of the supervisors office, security officer or a sworn law enforcement officer.
- (d) All voted ballots shall be collected at the end of each day a drop box is available and returned to the supervisor's office. No ballots may be left unattended or unmonitored in a drop box overnight.

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We are requesting the following amendments to CS/CS/CS/SB 90:

Replace lines 707 – 713:

ballot containing an overvoted race, if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure. A duplicate shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). A

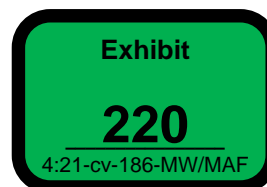
Replace line 811:

social security number. Vote-by-mail voters may also check a box on a vote-by-mail return envelope certificate to renew their vote-by-mail request, and if their ballot is accepted no further information is required for the request. However, an absent uniformed service

Replace line 969:

s.101.657 (1). Except for secure drop boxes at an office of the supervisor, a secure drop box may only be used

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

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

Plaintiffs,

CASE NO.: 4:21-cv-186-MW-MAF

v.

LAUREL M. LEE, in her official capacity
As Florida Secretary of State, et al.,

Defendants.

AFFIDAVIT OF PEG REESE IN RESPONSE TO PLAINTIFFS'
FIRST SET OF REQUESTS FOR PRODUCTION

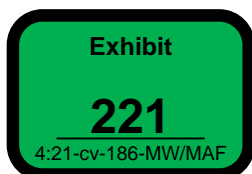
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, personally appeared Margaret
“Peg” Reese, who, having been first duly sworn, deposes and says:

1. I am over the age of eighteen and competent to make this declaration.
I am competent to testify to my direct knowledge regarding the matters and issues
addressed herein.

2. I am currently employed by Craig Latimer, Supervisor of Elections for
Hillsborough County as a Chief of Staff. I have been employed in this position since
February 2009.



3. With regard to Plaintiffs' First Set of Requests for Production, I submit the following responses:

REQUEST NO. 4:

Drop boxes are continuously attended and checked. Boxes are emptied at least daily, more frequently if/as needed.

Prior to Early Voting, an SOE staff member at County Center, the Northwest Regional office, and the Southeast Regional office submits a helpdesk ticket alerting the warehouse that either they are in receipt of VBM ballots that need to be retrieved or that they are in need of a replacement ballot box prior to closing. Warehouse staff retrieve ESC's box daily, at the end of the day, unless Voter Services staff notifies the warehouse that they need an empty box prior to closing.

During Early Voting, unless warehouse staff are notified by an Early Voting site or one of our offices that they need an empty box prior to closing, boxes are retrieved daily at closing by Early Voting couriers at Early Voting sites and by Warehouse staff at SOE offices.

On Election Day, we retrieve boxes at our offices at 10am, 2pm, 4pm, and 7pm.

Ballots cast via drop boxes are entered as received by our office on the day following casting/retrieval. These ballots are processed as are all Vote By Mail ballots, with a time stamp on the outer return envelope issued when the ballot is processed through the ReliaVote machine. Signature verification then proceeds as per normal processing of Vote By Mail ballots.

REQUEST NO. 34:

Drop Boxes Planned for 2022 Elections:

Apollo Beach Community Center	664 Golf and Sea Blvd., Apollo Beach, FL 33572
Austin Davis Public Library	17808 Wayne Road, Odessa, FL 33556
Bloomington Regional Public Library	1906 Bloomington Ave., Valrico, FL 33596
Bruton Memorial Library	302 W McLendon St., Plant City, FL 33563
C. Blythe Andrews, Jr. Public Library	2607 E Dr. Martin Luther King Jr. Blvd., Tampa, FL 33610

Fred B. Karl County Center	601 E Kennedy Blvd., Tampa, FL 33602
Jan Kaminis Platt Regional Library	3910 S Manhattan Ave., Tampa, FL 33611
Jimmie B. Keel Regional Public Library	2902 W Bearss Ave., Tampa, FL 33618
Maureen B. Gauzza Public Library	11211 Countryway Blvd., Tampa, FL 33626
New Tampa Regional Library	10001 Cross Creek Blvd., Tampa, FL 33647
North Tampa Branch Library	8916 N Blvd., Tampa, FL 33604
Northdale Recreation Center	15550 Spring Pine Dr., Tampa, FL 33624
Port Tampa Community Center	4702 W McCoy St., Tampa, FL 33616
Providence West Community Center	5405 Providence Rd., Riverview, FL 33578
Riverview Branch Library	10509 Riverview Dr., Riverview, FL 33578
Robert L. Gilder Elections Service Center	2514 N Falkenburg Rd., Tampa, FL 33619
SouthShore Regional Library	15816 Beth Shields Way, Ruskin, FL 33573
Northwest Elections Office	4575 Gunn Highway, Tampa, FL 33624
Southeast Elections Office	10020 S US Hwy. 301, Riverview, FL 33578
USF TECO Hall (David C. Anchin Center)	4110 USF Apple Drive, Tampa, FL 33620
Temple Terrace Public Library	202 Bullard Parkway, Temple Terrace, FL 33617
Town 'N Country Regional Public Library	7606 Paula Drive, Tampa, FL 33615
West Tampa Branch Library	2312 W Union Street, Tampa, FL 33607
University Area Community Center	14013 N 22nd Street, Tampa, FL 33613

Hours of Operation:

All Sites:

Primary: All EV Maximum days, 10 AM to 6 PM

General: All EV Maximum days, 7 AM to 7 PM

SOE Offices:

July 14 – August 23, business days and hours, with extended hours during Early Voting and Election Day

September 29 -- November 8: business days and hours, with extended hours during Early Voting and Election Day

Removal of previously used sites:

Amalie Arena and Raymond James Stadium are unavailable as early voting sites and thus will not be used for drop boxes. Attempts are underway to secure alternative/replacement locations for early voting and drop box placement.

The SOE 24 hour drop box at the Elections Service Center will be discontinued.

REQUEST NO. 35:

Drop boxes are available in Hillsborough County during early voting hours, which are from 10 AM to 6 PM for primary elections, and from 7 AM to 7 PM during general elections. Early voting is offered for the maximum number of days allowed by law.

Drop boxes are available at the permanent offices of the Supervisor of Elections from the day that domestic civilian ballot are mailed out (7/14/2022 for the primary and 9/29/2022 for the general) during business hours (8AM to 5 PM) on weekdays until early voting begins, at which time drop boxes at these locations are available until 6 PM (primary) or 7 PM (general) and on weekends (10AM to 6 PM for primary and 7 AM to 7 PM for the general).

Drop boxes are available at the permanent offices of the Supervisor of Elections the Monday before election day from 8 AM to 5 PM , and on election day from 7 AM to 7 PM.

We intend to use the same Early Voting sites as we did in 2020, with the exception of the Amalie Arena and Raymond James Stadium – both of which were available during the pandemic but are not available post-pandemic. Additional or replacement sites may be added, and if so will have drop boxes available.

REQUEST NO. 39:

See RFP 4:

Drop boxes are continuously attended and checked. Boxes are emptied at least daily, more frequently if/as needed.

Prior to Early Voting, an SOE staff member at County Center, the Northwest Regional office, and the Southeast Regional office submits a helpdesk ticket alerting the warehouse that either they are in receipt of VBM ballots that need to be retrieved or that they are in need of a replacement ballot drop box prior to closing. Warehouse staff retrieve ESC's box daily, at the end of the day, unless Voter Services staff notifies the warehouse that they need an empty box prior to closing.

During Early Voting, unless warehouse staff are notified by an Early Voting site or one of our offices that they need an empty box prior to closing, boxes are retrieved

daily at closing by Early Voting couriers at Early Voting sites and by Warehouse staff at SOE offices.

On Election Day, we retrieve boxes at our offices at 10am, 2pm, 4pm, and 7pm.

Ballots cast via drop boxes are entered as received by our office on the day following casting/retrieval. These ballots are processed as are all Vote By Mail ballots, with a time stamp on the outer return envelope issued when the return envelope is processed through the ReliaVote machine. Signature verification then proceeds as per normal processing of Vote By Mail ballots.

After postal or hand delivered VBM ballots are received by our staff, the return envelopes are scanned into the Reliavote machine, the voter's return envelope is associated with their record in our voter registration database, and trained staff conduct signature verification. Each envelope has a time stamp when scanned by the Reliavote machine. All ballots (received via drop boxes, USPS, etc.) are processed the day after receipt, with the exception of ballots received on election day when processing occurs continually throughout the day.

Ballots are not batched or coded according to method of receipt.

Ballots are not differentiated, coded or otherwise marked based on which drop box they were deposited into.

VBM ballots, hand-delivered or dropped off at a drop box, that were sent out by another county, but delivered to our county are delivered by our staff to the USPS for delivery to the proper elections office. If such ballots are received by our office within three days of an election, we send the ballots to the correct elections office via FEDEX or personal delivery.

VBM requests received by mail or otherwise on paper are scanned into our database by staff in the mailroom, associated with a voter's record, and processed by Voter Services staff. VBM requests received electronically via our website are associated with a voter's record and processed by Voter Services staff.

As to cost of processing Vote By Mail requests, the following table shows data from the 2016, 2018 and 2020 election cycles. The cost is calculated at one request per minute using the wages/costs for the lowest paid position which performs these duties. Please note that some of these requests may be good for an entire election cycle.

Year	Election	Absentee Requests	Processing Hours	Lowest Hr Rate	Cost
2016	2016 PPP	149,761	2,496	\$15.72	\$39,237.38
	2016 Primary	175,443	2,924	\$15.72	\$45,966.07
	2016 General	251,250	4,188	\$15.72	\$65,827.50
2016 Total		576,454	9,608	\$15.72	\$151,030.95
2018	2018 Primary	215,345	3,589	\$19.80	\$71,063.85
	2018 General	270,096	4,502	\$19.80	\$89,131.68
2018 Total		485,441	8,091	\$19.80	\$160,195.53
2020	2016 PPP	178,551	2,976	\$19.80	\$58,921.83
	2016 Primary	336,394	5,607	\$19.80	\$111,010.02
	2016 General	434,962	7,249	\$19.80	\$143,537.46
2020 Total		949,907	15,832	\$19.80	\$313,469.31

REQUEST NO. 40:

Main and permanent branch offices of the Supervisor of Elections are:

Fred B. Karl County Center
601 E. Kennedy Blvd., 16th Floor
Tampa, FL 33602

Robert L. Gilder Elections Service Center
2514 North Falkenburg Rd.
Tampa, FL 33619

Northwest Regional Office
4575 Gunn Hwy.
Tampa, FL 33624

Southeast Regional Office
10020 South U.S. Hwy. 301
Riverview, FL 33578

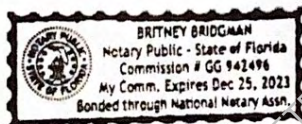
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25
day of June 2021.

Margaret Peg Reese
Margaret "Peg" Reese
Affiant

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, by **Margaret "Peg" Reese** as Chief of Staff for CRAIG LATIMER, SUPERVISOR OF ELECTIONS FOR HILLSBOROUGH COUNTY, who is ☒ personally known to me or ☐ produced identification in the form of N/A, and who after being first duly sworn, states that the foregoing Responses are true and correct to the best of her knowledge and belief.

SWORN TO AND SUBSCRIBED before me this 25 day of June, 2021.



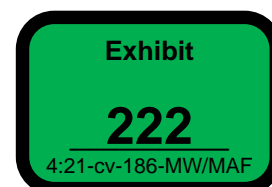
My Commission Expires: 12-25-23

Britney Bridgman
Notary Public, State of Florida

Britney Bridgman
Printed Name of Notary

NAAACP Latimer Dep. Exhibit G

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10:48 ↗



3 People >

David Ramba

At least we should be done in an hour

Alan Hays

Yes

Hillsborough County SOE

Ingoglia just said our checkbox is no good

Alan Hays

Another way to make VBM difficult

Yep



iMessage



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

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

Plaintiffs,

v.

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

Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE, et al.,
Intervenor-Defendants.

Case No. 4:21-cv-186-MW/MAF
4:21-cv-187-MW/MAF
4:21-cv-201-MW/MAF
4:21-cv-242-MW/MAF

Parties' Table of Objections and Responses

Witness

Page No.

Deposition of Elizabeth Guzzo taken October 22, 2021	1
Deposition of Alan Hays taken October 6, 2021	7
Deposition of Craig Latimer taken October 11, 2021	24

<u>Deposition of Elizabeth Guzzo taken October 22, 2021</u>			
Designating Party	Page Range	Objection	Response
Plaintiffs	30:1-14	30:1-7 • Object to Form - Vague, see <i>Cincinnati Ins. Co. v. Serrano</i> , No. 11-2075-JAR, 2012 U.S. Dist. LEXIS 1363, at *13 (D. Kan. Jan. 5, 2012). Form objection preserved, vague as to meaning of “conducting elections”.	• <i>Cincinnati Insurance Co. v. Serrano</i> does not address the phrase “conducting elections” and in fact holds that an objection that a question is “vague” is usually improper, because “[o]nly the witness knows whether she understands a question, and the witness has a duty to request clarification if needed,” and “[i]f defending counsel feels that an answer evidences a failure to understand a question, this may be remedied on cross-examination.”
Plaintiffs	32:5-9	• Relevance, see Fed. R. Evid. 401, 402.	• What the Florida legislature considered is relevant to the state’s interest, if any, in the Challenged Provisions. The witness was speaking for the OAG as a 30(b)(6) representative, within the scope of the subpoena (See Subpoena, Exhibit 167– ECF No. 461-15).
Plaintiffs	33:4-7	• Relevance, see Fed. R. Evid. 401, 402.	• Whether the Attorney General has done any analysis is relevant to the state’s interest, if any, in the Challenged Provisions, and the intent behind them.
Plaintiffs	39:1-25	39:20-23 • Relevance, see Fed. R. Evid. 401, 402.	• Whether the Attorney General requested the changes in the bill is relevant to the state’s interest, if any, in the Challenged Provisions, and the intent behind them.

Deposition of Elizabeth Guzzo taken October 22, 2021

Designating Party	Page Range	Objection	Response
Plaintiffs	44:1-45:20	<p>44:25-45:3</p> <ul style="list-style-type: none"> Object to form - Argumentative/assumes facts not in evidence; question assumes that there are other ways of serving the goals of changes to 3PVRO requirements. <i>Garcia v. Clark</i>, No. 1:10-CV-00447-LJO, 2012 U.S. Dist. LEXIS 51771, 2012 WL 1232315, at *2 (E.D. Cal. Apr. 12, 2012). <p>45:7-13</p> <ul style="list-style-type: none"> Object to form - argumentative; question states a legal conclusion that SB 90 requires "recitation" (i.e. verbal warnings). See <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). 	<p>44:25-45:3</p> <ul style="list-style-type: none"> Question does not assume anything but merely asks whether the OAG had conducted analysis of any other ways of serving SB 90's goals. Whether OAG has attempted to use other ways to serve SB 90's goals is relevant to the state's interest, if any, in the Challenged Provisions. <i>Garcia v. Clark</i> merely granted a motion to compel interrogatory response, noting that assuming facts not in evidence may be the basis for a trial objection, and says nothing about this particular question. <p>45:7-13</p> <ul style="list-style-type: none"> Question does not state a legal conclusion but merely asks the witness to confirm her understanding of the statute's requirements.
Plaintiffs	53:12-24	<p>53:22-24</p> <ul style="list-style-type: none"> Relevance, see Fed. R. Evid. 401, 402. 	<ul style="list-style-type: none"> Whether the Attorney General requested the changes in the bill is relevant to the state's interest, if any, in the Challenged Provisions, and the intent behind them.
Plaintiffs	56:23-57:3	<ul style="list-style-type: none"> Relevance, see Fed. R. Evid. 401, 402. 	<ul style="list-style-type: none"> To the extent that Defendants assert SB 90 is justified by voter fraud, whether the Secretary in fact referred any voter fraud complaints to the OAG is relevant to the state's

<u>Deposition of Elizabeth Guzzo taken October 22, 2021</u>			
Designating Party	Page Range	Objection	Response
			<p>interest, if any, in the Challenged Provisions, and the intent behind them. Whether the OAG was aware of such complaints having been referred is also relevant to the state's interest, if any, in the Challenged Provisions. The witness was speaking for the OAG as a 30(b)(6) representative, within the scope of the subpoena (See Subpoena, Exhibit 167 – ECF No. 461-15).</p>
Plaintiffs	57:13-58:16	<p>58:12-16</p> <ul style="list-style-type: none"> • Object to form - assumes facts not in evidence; OAG has not filed any enforcement actions against 3PVROs. See <i>Garcia v. Clark</i>, No. 1:10-CV-00447-LJO, 2012 U.S. Dist. LEXIS 51771, 2012 WL 1232315, at *2 (E.D. Cal. Apr. 12, 2012). 	<ul style="list-style-type: none"> • Question did not assume anything. If no enforcement actions have been brought the witness could say no. • <i>Garcia v. Clark</i> merely granted a motion to compel interrogatory response, noting that assuming facts not in evidence may be the basis for a trial objection, and says nothing about this particular question.
Plaintiffs	63:17-66:14	<p>64:21 - 65:8</p> <ul style="list-style-type: none"> • Objection – cumulative. It is already stipulated that "With respect to enforcement of Section 97.0575(3)(a), the Attorney General does not have any written or unwritten procedures or protocols specifically addressing referrals from the Secretary pursuant to 97.0575(4)." (See ECF 402, p. 38, para. 53). See <i>AG Equip. Co. v. AIG Life Ins.</i> 	<ul style="list-style-type: none"> • The stipulated fact does not render this cumulative, because the witness's answer referring to "facts and circumstances" goes beyond the stipulated fact and provides additional information. • <i>AG Equip. Co. v. AIG Life Ins. Co</i> affirmed a finding that a judge who sustained cumulative objections was not biased; it has nothing to do with pretrial stipulations.

Deposition of Elizabeth Guzzo taken October 22, 2021

Designating Party	Page Range	Objection	Response
		Co., 636 F. Supp. 2d 1210, 1235 (N.D. Okla. 2009).	
Plaintiffs	68:2-21	<p>68:18-19</p> <ul style="list-style-type: none"> Objection – cumulative. It is already stipulated that "The Attorney General has pursued no enforcement actions against 3PVRs since 2012." (See ECF 402, p. 31, para. 17). See <i>AG Equip. Co. v. AIG Life Ins. Co.</i>, 636 F. Supp. 2d 1210, 1235 (N.D. Okla. 2009). <p>68:20-21</p> <ul style="list-style-type: none"> Object to form – Assumes facts not in evidence; OAG has not filed any enforcement actions against 3PVRs. See <i>Garcia v. Clark</i>, No. 1:10-CV-00447-LJO, 2012 U.S. Dist. LEXIS 51771, 2012 WL 1232315, at *2 (E.D. Cal. Apr. 12, 2012). 	<p>68:18-19</p> <ul style="list-style-type: none"> This provides additional information beyond the stipulation—namely, that there were no enforcement actions “initiated,” in addition to not having been “pursued.” <i>AG Equip. Co. v. AIG Life Ins. Co.</i> affirmed a finding that a judge who sustained cumulative objections was not biased; it has nothing to do with pretrial stipulations. <p>68:20-21</p> <ul style="list-style-type: none"> Question assumes nothing, the witness could have said that there were no enforcement actions filed. <i>Garcia v. Clark</i> merely granted a motion to compel interrogatory response, noting that assuming facts not in evidence may be the basis for a trial objection, and says nothing about this particular question.
Plaintiffs	69:2-15	<p>69:2-3</p> <ul style="list-style-type: none"> Object to form - Assumes facts not in evidence; OAG has not filed any enforcement actions against 3PVRs. See <i>Garcia v. Clark</i>, No. 1:10-CV-00447-LJO, 2012 U.S. Dist. LEXIS 51771, 2012 WL 1232315, at *2 (E.D. Cal. Apr. 12, 2012). 	<p>69:2-3</p> <ul style="list-style-type: none"> Question assumes nothing, the witness could have said that there were no enforcement actions filed. <i>AG Equip. Co. v. AIG Life Ins. Co.</i> affirmed a finding that a judge who sustained cumulative objections was not biased; it has nothing to do with pretrial stipulations.

Deposition of Elizabeth Guzzo taken October 22, 2021

Designating Party	Page Range	Objection	Response
		<p>69:9-15</p> <ul style="list-style-type: none"> • Objection – cumulative. It is already stipulated that "The Attorney General has pursued no enforcement actions against 3PVROs since 2012." (See ECF 402, p. 31, para. 17). <i>See AG Equip. Co. v. AIG Life Ins. Co.</i>, 636 F. Supp. 2d 1210, 1235 (N.D. Okla. 2009). 	<p>69:9-15</p> <ul style="list-style-type: none"> • This provides additional information beyond the stipulation—namely, that there were no seeking of injunctions or restraining orders, specifically. • <i>Garcia v. Clark</i> merely granted a motion to compel interrogatory response, noting that assuming facts not in evidence may be the basis for a trial objection, and says nothing about this particular question.
Plaintiffs	70:19 – 71:3	<p>70:19-20</p> <ul style="list-style-type: none"> • Object to form - argumentative; question assumes legal conclusion that subsection 4 would authorize criminal actions. <i>See United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). 	<p>70:19-20</p> <ul style="list-style-type: none"> • Question is asking about the factual presence of such actions, not about the legal authority and does not assume anything.
Plaintiffs	72:20-73:19	<p>73:5-11</p> <ul style="list-style-type: none"> • Objection - cumulative; It is already stipulated that "With respect to enforcement of Section 97.0575(3)(a), the Attorney General does not have any written or unwritten procedures or protocols specifically addressing referrals from the • Secretary pursuant to 97.0575(4)." (See ECF 402, p. 38, para. 53). <i>See AG Equip. Co. v. AIG Life Ins. Co.</i>, 636 F. 	<p>73:5-11</p> <ul style="list-style-type: none"> • The stipulated fact does not render this cumulative, because the witness's answer referring to "facts and circumstances" goes beyond the stipulated fact and provides additional information • The stipulated fact does not address • whether there are other non-systematic approaches to handling referrals in the AG's office, therefore it is not cumulative.

Deposition of Elizabeth Guzzo taken October 22, 2021

Designating Party	Page Range	Objection	Response
		<p>Supp. 2d 1210, 1235 (N.D. Okla. 2009).</p> <p>73:12-15</p> <ul style="list-style-type: none"> • Objection - cumulative; It is already stipulated that "With respect to enforcement of Section 97.0575(3)(a), the Attorney General does not have any written or unwritten procedures or protocols specifically addressing referrals from the Secretary pursuant to 97.0575(4)." (See ECF 402, p. 38, para. 53). See <i>AG Equip. Co. v. AIG Life Ins. Co.</i>, 636 F. Supp. 2d 1210, 1235 (N.D. Okla. 2009). 	<p>73:12-15</p> <ul style="list-style-type: none"> • The stipulated fact does not directly address whether at a high level there is a general process in place for handling referrals in the AG's office, aside from protocols or procedures, therefore it is not cumulative. • <i>AG Equip. Co. v. AIG Life Ins. Co.</i> affirmed a finding that a judge who sustained cumulative objections was not biased; it has nothing to do with pretrial stipulations.

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
Plaintiffs	26:17 – 27:14	26:21 – 27:1 <ul style="list-style-type: none"> • Relevance, see Fed. R. Evid. 401, 402. See 134:9-11. 	<ul style="list-style-type: none"> • Goes to credibility, as the evidence will show that SB 90 was passed along partisan lines. Indeed, the RNC is a Intervenor-Defendant.
Plaintiffs	39:10 – 43:19	43:15 – 43:19 <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. 	43:15 – 43:19 <ul style="list-style-type: none"> • FSE's statement is admissible not for the truth of any factual matter asserted by FSE, but rather to show what FSE's official position was. • The fact that FSE opposed the law is itself relevant to the lack of justifications for the law, and to the Legislature's purposes in passing SB 90.
Plaintiffs	46:3 – 46:19	<ul style="list-style-type: none"> • Lack of Foundation, see Fed. R. Evid. 602. • Lack of Personal Knowledge, see Fed. R. Evid. 602 ("A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter."). ("I don't recall. . . I would have to review my written speech that day.") 	<ul style="list-style-type: none"> • Withdraw designation of 46:12-14 ("I don't recall . . . time." and 46:16-19 ("but I don't think . . . that day.") • The remainder of the witness's answer ("As a matter of fact, the bill did not include any of our top priorities") falls within the witness's personal knowledge, is relevant, and is not contrary to his statement that he does not remember what he said that day. • Any objection to that portion of the answer was waived because not contemporaneously made. • In any event, this is a party-opponent statement as to which personal knowledge is not, required. See Wright & Miller, Fed. Practice & Procedure § 6782.

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
Plaintiffs	47:13 – 47:18	<ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. 	<ul style="list-style-type: none"> FSE’s statement is admissible not for the truth of any factual matter asserted by FSE, but rather to show what FSE’s official position was. The fact that FSE opposed the law is itself relevant to the lack of justifications for the law, and to the Legislature’s purposes in passing SB 90. The witness’s agreement with the FSE statement concerns his own views of SB 90, which is also not hearsay.
Plaintiffs	51:12 – 53:4	52:11 – 52:13 <ul style="list-style-type: none"> Speculation, Fed. R. Evid. 701. (“Probably so.”) 	52:11 – 52:13 <ul style="list-style-type: none"> Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified what witness meant by “probably so.” Whether the witness had recommended to voters that they mail their ballots a week in advance is within the witness’s personal knowledge and is not speculative. In any event, this is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782.
Plaintiffs	55:16 – 60:13	55:24 – 56:12 <ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. (“They expressed to us on multiple occasions how grateful they were for the drop box convenience, that they could drop it off after 	<ul style="list-style-type: none"> The statements of voters are admissible as their then-existing mental or emotional state (Fed. R. Evid. 803(3))—they were “grateful” and why. In any event, this is a party-opponent statement as to which personal knowledge is

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
		hours or on the weekends or things like that.”)	not required. See Wright & Miller, Fed. Practice & Procedure § 6782.
Plaintiffs	60:25 – 61:12	<ul style="list-style-type: none"> • Lack of Foundation, see Fed. R. Evid. 602. • Calls for Speculation, (“I expect a significant percentage will probably want to continue to vote by mail.”), Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602 (“A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.”). • Object to Form - Vague, see <i>Cincinnati Ins. Co. v. Serrano</i>, No. 11-2075-JAR, 2012 U.S. Dist. LEXIS 1363, at *13 (D. Kan. Jan. 5, 2012). (Form objection preserved, vague as to meaning of “a significant percentage”). 	<ul style="list-style-type: none"> • The witness’s answer is based on his years of experience as a Supervisor of Elections, providing adequate foundation. • In any event, this is a party-opponent statement as to which personal knowledge is not reqd. See Wright & Miller, Fed. Practice & Procedure § 6782. • “A significant percentage” is not inadmissibility vague. Witness was instructed to ask for clarification if he did not understand a question and evidently understood this one. [17:21-24]. • <i>Cincinnati Insurance Co. v. Serrano</i> does not address the phrase “a significant percentage” and in fact holds that an objection that a question is “vague” is usually improper, because “[o]nly the witness knows whether she understands a question, and the witness has a duty to request clarification if needed,” and “[i]f defending counsel feels that an answer evidences a failure to understand a question, this may be remedied on cross-examination.”
Plaintiffs	66:9 – 67:25	66:20 – 66:25 <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. (“I wouldn’t begin to 	<ul style="list-style-type: none"> • Objection waived because not contemporaneously made. Had an objection been made,

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
		speculate the distance. . . . we can . . . probably determine what make and model of the car it is”).	<p>counsel could have clarified what the witness did and did not know, and the basis for it.</p> <ul style="list-style-type: none"> • The witness described what he did know about the position of the cameras, while <i>declining</i> to speculate on the precise distance. The information that he did provide is relevant to the security provided by the cameras and within his personal knowledge. • In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See Wright & Miller, Fed. Practice & Procedure</i> § 6782.
Plaintiffs	68:4 – 70:22	<p>68:10 – 68:24</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. (Speculates that because “no one informed us of any suspected misdeeds that might have been done there” and “there was no evidence inside the box on any of the ballots” that there was “no need” to review the footage). 	<p>68:10 – 68:24</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. • The witness is Supervisor of Elections for Lake County and is describing what his office in fact did and its reasons for doing it, which is not speculative and as to which he has personal knowledge. • In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See Wright & Miller, Fed. Practice & Procedure</i> § 6782.

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
Plaintiffs	76:12 – 77:15	76:12 – 76:15 <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Object to Form - Vague, <i>see Cincinnati Ins. Co. v. Serrano</i>, No. 11-2075-JAR, 2012 U.S. Dist. LEXIS 1363, at *13 (D. Kan. Jan. 5, 2012). (Form objection preserved, vague as to meaning of “popular”). 	76:12 – 76:15 <ul style="list-style-type: none"> • The witness is Supervisor of Elections for Lake County and would know whether the office’s drop boxes were heavily used—i.e., whether they were popular. • In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See Wright & Miller</i>, Fed. Practice & Procedure § 6782. • As to vagueness, <i>Cincinnati Insurance Co. v. Serrano</i> does not address the word “popular” and in fact holds that an objection that a question is “vague” is usually improper, because “[o]nly the witness knows whether she understands a question, and the witness has a duty to request clarification if needed,” and “[i]f defending counsel feels that an answer evidences a failure to understand a question, this may be remedied on cross-examination.”
		76:18 – 77:11 <ul style="list-style-type: none"> • Hearsay, <i>see</i> Fed. R. Evid. 801, 802. 	76:18 – 77:11 <ul style="list-style-type: none"> • The voters’ statements at 76:21-23 are their then-existing mental or emotional state (that they appreciated the drop boxes) and so admissible under Fed. R. Evid. 803(3).

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>77:12 – 77:15</p> <ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. 	<ul style="list-style-type: none"> The remainder of witness's answer does not involve hearsay at all. <p>77:12 – 77:15</p> <ul style="list-style-type: none"> The voter's statements expressing appreciation are their then-existing mental or emotional state and so admissible under Fed. R. Evid. 803(3).
Plaintiffs	78:24 – 79:21	<p>79:10 – 79:13</p> <ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. 	<p>79:10 – 79:13</p> <ul style="list-style-type: none"> There is no out-of-court statement here. The witness states what he did—consulted with supervisors in other counties who had very successfully used it” and what he decided based on those conversations. In any event, the Supervisors are all party opponents, so any implied statement is admissible as a party-opponent statement.
Plaintiffs	84:15 – 84:23	<ul style="list-style-type: none"> Calls for a legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). 	<ul style="list-style-type: none"> This testimony goes to the witness's factual understanding of the law and his reasons for removing a drop box, not to a legal interpretation of the statute. In any event, this is not contested—the parties agree that, as the witness says, you can no longer have a camera-monitored drop box after SB 90.

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
Plaintiffs	85:10 – 87:18	<p>85:10 – 85:14</p> <ul style="list-style-type: none"> • Relevance, see Fed. R. Evid. 401, 402. <p>87:1 – 87:8</p> <ul style="list-style-type: none"> • Calls for a legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). <p>87:9 – 87:18</p> <ul style="list-style-type: none"> • Relevance, see Fed. R. Evid. 401, 402. • Object to Form - Vague, see <i>Cincinnati Ins. Co. v. Serrano</i>, No. 11-2075-JAR, 2012 U.S. Dist. LEXIS 1363, at *13 (D. Kan. Jan. 5, 2012). (Form objection preserved, vague as to meaning of “necessary”). 	<p>85:10 – 85:14</p> <ul style="list-style-type: none"> • The fact that the witness, a longstanding Supervisor of Elections, thinks the in-person monitoring requirement is “absurd” goes to the lack of justification for that requirement. <p>87:1 – 87:8</p> <ul style="list-style-type: none"> • This testimony goes to the witness’s factual understanding of the law and his reasons for removing a drop box, not to a legal interpretation of the statute. <p>87:9 – 87:18</p> <ul style="list-style-type: none"> • The fact that the witness, a longstanding Supervisor of Elections, thinks the \$25,000 fine is “a slap in the face,” “insulting,” and “totally unnecessary, unwarranted, and completely out of order” goes to the lack of justification for that provision. • As to vagueness, <i>Cincinnati Insurance Co. v. Serrano</i> does not address the word “necessary” and in fact holds that an objection that a question is “vague” is usually improper, because “[o]nly the witness knows whether she understands a question, and the witness has a duty to request clarification if needed,” and “[i]f defending counsel feels that an answer evidences a failure to understand a question, this

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
			may be remedied on cross-examination.”
Plaintiffs	91:13 – 91:17	91:13 – 91:17 <ul style="list-style-type: none"> • Calls for a legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). 	91:13 – 91:17 <ul style="list-style-type: none"> • This testimony goes to the witness’s factual understanding of the law and his reasons for removing a drop box, not to a legal interpretation of the statute.
Plaintiffs	92:17 – 96:13	94:19 – 96:5 <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	94:19 – 96:5 <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness’s knowledge. • The witness is being asked about a prior statement in which he described his drop box as “more secure” than the USPS mailbox that replaced it as a result of SB 90, and is explaining why he characterized it that way. His explanation concerns the activities of his own office, and falls within his personal knowledge. • In any event, this is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782.
Plaintiffs	96:18 – 97:18	97:10-18 <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802 (postal service notice being offered for the truth of the matter asserted 	<ul style="list-style-type: none"> • The underlying postal service notice is admissible as a public record under Fed. R. Evid. 803(8) – a statement of a public office setting forth that office’s activities.

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
		that the USPS will have difficulties with promptness).	<ul style="list-style-type: none"> In any event, admissible not only for the truth of the matter asserted but also for the effect on listeners, including the witness and voters, who will need to adjust mail delivery expectations as a result of the Post Office's statement, whether or not it is true.
Plaintiffs	99:2 – 100:4	<ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. 	<ul style="list-style-type: none"> Admissible not for truth of any factual matter asserted but for the outcome of the conversation: that witness was unable to reach an arrangement with the Post Office whereby ballots deposited in the USPS mailbox outside his office would be delivered directly to him, without intermediate processing.
Plaintiffs	102:2 – 102:12	102:7 – 102:12 <ul style="list-style-type: none"> Speculation, Fed. R. Evid. 701. 	<ul style="list-style-type: none"> Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness's knowledge. The witness's assertion is based on his personal knowledge and experience serving as Supervisor of Elections for many years. In any event, this is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782.
Plaintiffs	103:2 – 104:1	<ul style="list-style-type: none"> Calls for Speculation, Fed. R. Evid. 701. ("It would be my 	<ul style="list-style-type: none"> There is ample foundation and basis for this testimony in the

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>opinion that the USPS box")</p> <ul style="list-style-type: none"> • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<p>witness's prior explanation of the differences between mail-handling and drop boxes. <i>E.g.</i>, 94:21-96:5.</p> <ul style="list-style-type: none"> • In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See Wright & Miller, Fed. Practice & Procedure</i> § 6782.
Plaintiffs	122:14 – 123:16	<p>122:18 – 123:1</p> <ul style="list-style-type: none"> • Calls for a legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). <p>123:2 – 123:6</p> <ul style="list-style-type: none"> • Calls for a legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). • Hearsay, see Fed. R. Evid. 801, 802. <p>123:7 – 123:10</p> <ul style="list-style-type: none"> • Calls for a legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<p>122:18 – 123:1</p> <ul style="list-style-type: none"> • The witness is explaining his own factual understanding of the law, which is relevant as he will be the one to apply it in Lake County. <p>123:2 – 123:6</p> <ul style="list-style-type: none"> • The witness expressly declines to offer any legal conclusion and does not convey any out-of-court statement. <p>123:7 – 123:10</p> <ul style="list-style-type: none"> • The witness is explaining his own factual understanding of the law, which is relevant as he will be the one to apply it in Lake County. • Lack of personal knowledge objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness's knowledge. • The witness's answer reflects how he will apply the law in his own county as Supervisor

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
			<p>of Elections, as to which he has personal knowledge.</p> <ul style="list-style-type: none"> In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See Wright & Miller, Fed. Practice & Procedure</i> § 6782.
Plaintiffs	125:6 – 126:17	<p>126:12–14</p> <ul style="list-style-type: none"> Calls for Speculation, Fed. R. Evid. 701. Lack of Personal Knowledge, see Fed. R. Evid. 602. <p>126:15–17</p> <ul style="list-style-type: none"> Calls for Speculation, Fed. R. Evid. 701. Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<p>126:12–14</p> <ul style="list-style-type: none"> Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness's knowledge. The witness is the Supervisor of Elections for Lake County and has experience with this system, providing ample basis for his testimony. In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See Wright & Miller, Fed. Practice & Procedure</i> § 6782. <p>126:15–17</p> <ul style="list-style-type: none"> Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness's knowledge. The witness is the Supervisor of Elections for Lake County and has experience with this system, providing ample basis for his testimony. In any event, this is a party-opponent statement as to

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
			which personal knowledge is not required. <i>See Wright & Miller, Fed. Practice & Procedure § 6782.</i>
Plaintiffs	127:12 – 127:18	<ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. (“[I]f one were to calculate . . .”) • Lack of Personal Knowledge, see Fed. R. Evid. 602. (“But beyond that, I don’t know of any impact it would have.”) 	<ul style="list-style-type: none"> • Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for and extent of the witness’s knowledge. • The witness explained the extent of his knowledge—there would be some fiscal impact, but he does not know exactly what it would be. That testimony is relevant to show the effects of the provision, and within his personal knowledge as a Supervisor of Elections. • In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See Wright & Miller, Fed. Practice & Procedure § 6782.</i>
Plaintiffs	144:15 – 145:17	144:15 – 144:20 <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. 	144:15 – 144:20 <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness’s knowledge. • The witness amply explained the basis for this statement, including at 94:21-96:5, and is not speculating. • In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See Wright &</i>

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>144:21 – 144:24</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. <p>145:4–17</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802 (“... the lady asked me ‘why are they doing this.’”) 	<p>Miller, Fed. Practice & Procedure § 6782.</p> <p>144:21 – 144:24</p> <ul style="list-style-type: none"> • The witness does not convey any out-of-court statement, much less for the truth of a factual assertion, but instead refers to the <i>lack</i> of any statement. <p>145:4–17</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness’s knowledge. • The witness statement that he does not know of any other justifications for the challenged law is a matter within his personal knowledge and relevant, since the witness is an experienced Supervisor of Elections. • The witness’s statement that he tried to explain to legislators that the law was bad policy is within his personal knowledge and relevant to the purposes of the law. • In any event, this is a party-opponent statement as to which personal knowledge is not required. <i>See</i> Wright & Miller, Fed. Practice & Procedure § 6782. • As to hearsay, the quoted question “Why are they doing this?” does not contain an

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
			assertion of fact and thus is not hearsay.
Plaintiffs	150:12 – 151:22	<p>150:12–21</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. <p>151:17 – 151:22</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. (“I guess one could conclude that they probably are.”) 	<p>150:12–21</p> <ul style="list-style-type: none"> • The witness was asked about and testified to his own awareness of fraud events, which as Supervisor of Elections he would have reason to be aware of, had they occurred. • In any event, this is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. <p>151:17 – 151:22</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness’s knowledge. • The witness was asked about and offered his own opinion about the sufficiency of safeguards, as to which he clearly has personal knowledge, and which is based on his experience as Lake County Supervisor of Elections. He expressly explains the basis for that opinion in his answer—that he has not seen any instances of fraud. • In any event, this is a party-opponent statement as to which personal knowledge is not required. See Wright &

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
			Miller, Fed. Practice & Procedure § 6782
Defendants	153:6-19	153:6-19 <ul style="list-style-type: none"> • Fed. R. Evid. 401 and 402 (Assistance claim dismissed; discussion of ballot collection is irrelevant) • Fed. R. Evid. 802 (Hays Exhibit 13, marked as an exhibit at 152:1-2, is Trial Ex. 181, to which Plaintiffs maintain their hearsay objection, which was timely asserted in the Exhibit List, ECF No. 402-1 at 38.) 	<p>Defendants will preserve this designation because Plaintiffs designate material related to ballot harvesting, including at 120:7-12.</p> <p>Regarding Hays Exhibit 13, Defendants take the position that objection to exhibits in deposition designations is improper because exhibits are admitted as a matter of course if the accompanying testimony is admitted.</p> <p>Nevertheless, Hays Exhibit 13 (Trial Ex. 181) is offered here not for the truth of the matter asserted, but to show that the State was notified of the Supervisor's concerns and recommendations.</p>
Defendants	154:7-9; and 154:24-25	154:7-9; and 154:24-25 <ul style="list-style-type: none"> • Fed. R. Evid. 401 and 402 (Assistance claim dismissed; discussion of ballot collection is irrelevant) 	Defendants will preserve this designation because Plaintiffs designate material related to ballot harvesting, including at 120:7-12.
Defendants	177:15-178:18	<ul style="list-style-type: none"> • Fed. R. Evid. 401 and 402 ("SB90 would not prevent") 	<ul style="list-style-type: none"> • Relevant because demonstrates 3PVRs have a history of fraud in Florida, and thus illustrates the need for the legislature to further regulate 3PVRs and the importance of notifying voters of alternative methods of registration besides 3PVRs.
Plaintiffs	202:17-24	<ul style="list-style-type: none"> • Legal conclusion, <i>see United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). 	<ul style="list-style-type: none"> • The witness is describing his factual understanding of the

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
			<p>effects of Senate Bill 90, not a legal conclusion.</p> <ul style="list-style-type: none"> In any event, it is not disputed that Senate Bill 90 requires drop boxes to be manned.
Plaintiffs	208:1-25	<p>208:8–13</p> <ul style="list-style-type: none"> Speculation, Fed. R. Evid. 701 (“I would have to look at it to decide”) 	<ul style="list-style-type: none"> Defendant does not speculate on the exact amount and states that spending would be a poor utilization of taxpayer dollars, which does not depend on the exact calculation.
Defendants	209:22 – 210:21	<ul style="list-style-type: none"> Fed. R. Evid. 802 (Hays Exhibit 15, marked as an exhibit at 209:19-20, is Trial Ex. 183, to which Plaintiffs maintain their hearsay objection, which was timely asserted in the Exhibit List, ECF No. 402-1 at 38.) 	<p>Defendants take the position that objection to exhibits in deposition designations is improper because exhibits are admitted as a matter of course if the accompanying testimony is admitted.</p> <p>Nevertheless, Defendants offer Hays Exhibit 15 (Trial Ex. 183) not for the truth of the matter asserted by the policy, but only for the existence of a policy; Supervisor Hays testified based on his personal knowledge that the policy was followed.</p> <p>Alternatively, it is a record kept and maintained in the course of a regularly conducted activity of a business, organization, occupation, or calling under FRE 803(6).</p>
Plaintiffs	220:21 – 222:7	<p>221:2 – 221:11</p> <ul style="list-style-type: none"> Lack of Personal Knowledge, see Fed. R. Evid. 602. (“If I didn’t send that identical one, I certainly sent one very similar.”) (“I may have sent 	<p>221:2 – 221:11</p> <ul style="list-style-type: none"> Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness’s

<u>Deposition of Alan Hays taken October 6, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>that to two or three others [sic] legislators as well.”)</p> <p>222:2 – 222:7</p> <ul style="list-style-type: none"> • Object to Form - Assumes Facts Not in Evidence, <i>Garcia v. Clark</i>, No. 1:10-CV-00447-LJO, 2012 U.S. Dist. LEXIS 51771, 2012 WL 1232315, at *2 (E.D. Cal. Apr. 12, 2012) (Form objection preserved, 222:5). • Speculation, Fed. R. Evid. 701. 	<p>knowledge and the extent of his recollection.</p> <ul style="list-style-type: none"> • The witness is describing his own text messages, and he relays the extent of his knowledge and does not go beyond it. • The witness’s statement that he probably sent such text messages (or one very similar) to a Senator is relevant to the information before the legislature in connection with SB 90. • In any event, this is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. <p>222:2 – 222:7</p> <ul style="list-style-type: none"> • The question does not assume anything – it quotes from the witness’s own statement, in which he in fact described the law in that way. • The witness’s opinion that the elimination of video surveillance of drop boxes does not help anyone is not speculative, but is based on his years of experience as Supervisor of Elections in Lake County, and is fully explained in earlier testimony.

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
Plaintiffs	25:14 – 26:6	<p>25:17 – 26:6</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. See 82:16 – 83:17 (“I am speculating at this point, we haven’t had an election.”) • Lack of Personal Knowledge, see Fed. R. Evid. 602 (“A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.”). See also 82:16 – 83:17 (“I am speculating at this point, we haven’t had an election.”) 	<p>25:17 – 26:6</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Had an objection been raised, counsel could have clarified the basis for the witness’s knowledge and opinions. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is describing his own opinions, as to which he has personal knowledge. • The witness’s opinions are based on his years of experience as a Supervisor of Elections.
Plaintiffs	27:11 – 28:24	<p>28:23–24</p> <ul style="list-style-type: none"> • Lack of Personal Knowledge, see Fed. R. Evid. 602 (“A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.”). (“I don’t know that we were listened to.”) • Speculation, Fed. R. Evid. 701. 	<p>28:23–24</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Had an objection been raised, counsel could have clarified the basis for the witness’s knowledge and opinions. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is describing his own opinions, as to which he has personal knowledge.

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
			<ul style="list-style-type: none"> • The witness's opinions are based on his years of experience as a Supervisor of Elections. • The witness was asked whether he believes he had adequate opportunity to participate in the legislative process; he answered "I don't know that we were listened to"; use of "I don't know" in this context does not demonstrate that the witness did not know the answer to the question.
Plaintiffs	47:11 – 48:13	<p>47:18–20</p> <ul style="list-style-type: none"> • Legal conclusion, <i>see United States v. Barile</i>, 236 F.3d 749, 760 (4th Cir. 2002). <p>47:21-23</p> <ul style="list-style-type: none"> • Legal conclusion, <i>see United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). 	<p>47:18–20</p> <ul style="list-style-type: none"> • Form objection not made at the deposition is waived. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). • The question does not call for a finding of law; the question asks the witness, in his capacity as a Supervisor of Elections, about the practice of his office in certain factual circumstances. • The witness is explaining his own factual understanding of the law, which is relevant as he will be the one to apply it in Hillsborough County. <p>47:21-23</p> <ul style="list-style-type: none"> • Form objection not made at the deposition is waived. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). • The question does not call for a finding of law; the question asks the witness, in his capacity as a Supervisor of Elections, about the practice of his office

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
			<p>in certain factual circumstances.</p> <ul style="list-style-type: none"> • The witness is explaining his own factual understanding of the law, which is relevant as he will be the one to apply it in Hillsborough County.
Plaintiffs	58:24 – 60:5	<p>59:9–10</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. See 59:11 – 59:16 (“It hasn’t because right now all of the requests that are on file . . . will be good through 2022.”). 	<p>59:9–10</p> <ul style="list-style-type: none"> • The question does not call for speculation; the witness responds referencing the factual changes which will be imposed by SB90. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is describing his own opinions, as to which he has personal knowledge. • The witness’s opinions are based on his years of experience as a Supervisor of Elections. • The witness is explaining his factual understanding of the law, which is relevant as he will be the one to apply it in Hillsborough County.
Plaintiffs	74:13 – 75:21	<p>74:16–21</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. See 59:11 – 59:16 (“It hasn’t because right now all of the requests that are on file . . . will be good through 2022.”). 	<p>74:16–21</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶14 & Fed. R. Civ. P. 32(d)(3)(B). Had an objection been raised, counsel could have clarified the basis for the witness’s knowledge and opinions.

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
			<ul style="list-style-type: none"> • The witness is describing his own opinions, as to which he has personal knowledge. • The witness's opinions are based on his years of experience as a Supervisor of Elections. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782.
Plaintiffs	88:2 – 113:16	<p>95:21-25</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. <p>98:17-24</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. 	<p>95:21-25</p> <ul style="list-style-type: none"> • The witness is describing his own opinions, as to which he has personal knowledge. • The witness's opinions are based on his years of experience as a Supervisor of Elections. • The witness's reference to the President, Governor, and SoS statements admissible not for the truth of any factual matter asserted by President, Governor, or SoS, but rather to show what their official position was. <p>98:17-24</p> <ul style="list-style-type: none"> • The question asks the witness about a statement released by his office after SB90 was passed, that he testified he helped prepare; • The question asks the witness about a statement of a party-opponent and is not hearsay under FRE 801;

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
		<p>99:6-18</p> <ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. <p>99:19-22</p> <ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. <p>100:1-4</p> <ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. 	<ul style="list-style-type: none"> the statement is not presented for the truth of the matter asserted but to demonstrate the effect of those statements on the witness's office. <p>99:6-18</p> <ul style="list-style-type: none"> The question asks the witness about a statement released by his office after SB90 was passed, that he testified he helped prepare; The question does not contain an assertion of fact and thus is not hearsay; The question asks the witness about a statement of a party-opponent and is not hearsay under FRE 801. <p>99:19-22</p> <ul style="list-style-type: none"> The question asks the witness about a statement released by his office after SB90 was passed, that he testified he helped prepare; The question does not contain an assertion of fact and thus is not hearsay; The question asks the witness about a statement of a party-opponent and is not hearsay under FRE 801 <p>100:1-4</p> <ul style="list-style-type: none"> The question does not contain an assertion of fact and thus is not hearsay; the witness is responding based on his own experience, about which he has personal knowledge.

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>100:25 – 101:5</p> <ul style="list-style-type: none"> • Lack of Personal Knowledge, see Fed. R. Evid. 602 (“A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.”). (“I don’t recall at this time.”) • Hearsay, see Fed. R. Evid. 801, 802. <p>101:16–25</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. • Speculation, Fed. R. Evid. 701. (“I think I spoke to that talking about”) 	<ul style="list-style-type: none"> • The question asks the witness about a statement of a party-opponent and is not hearsay under FRE 801 <p>100:25 – 101:5</p> <ul style="list-style-type: none"> • The witness is shown a news article in which he is quoted, and asked about the statements he made in the article. • The question asks the witness about a statement of a party-opponent and is not hearsay under FRE 801. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. <p>101:16–25</p> <ul style="list-style-type: none"> • Form objection not made at the deposition is waived. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). This could have been cured by establishing more definitively that witness has no reason to dispute accuracy of the quote. • The witness is shown a news article in which he commented, and asked about the statements he made in the article. • The question asks the witness about a statement of a party-opponent and is not hearsay under FRE 801. • This is a party-opponent statement as to which personal knowledge is not, in any event,

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
		<p>102:4–20</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. 	<p>required. See Wright & Miller, Fed. Practice & Procedure § 6782.</p> <p>102:4–20</p> <ul style="list-style-type: none"> • Form objection not made at the deposition is waived. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). This could have been cured by establishing basis for personal knowledge. • The question asks the witness about a statement of a party-opponent and is not hearsay under FRE 801. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782.
		<p>103:3–11</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. 	<p>103:3–11</p> <ul style="list-style-type: none"> • Form objection not made at the deposition is waived. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Witness's basis for personal knowledge could have been established through questioning. • The witness is describing his own opinions, as to which he has personal knowledge. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782.
		<p>104:2–3</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701 	<p>104:2–3</p>

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>106:6-11</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701 • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Additional questioning could have established witnesses basis for making the statement. • The witness is responding as to the 2020 elections process in Hillsborough County, which he testified he oversaw, and about which he has personal knowledge. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. <p>106:6-11</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. Had an objection been raised, counsel could have clarified the basis for the witness's knowledge. • The witness is describing his own opinions, as to which he has personal knowledge. • The witness's opinions are based on his years of experience as a Supervisor of Elections. • In any event, this is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782.

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
		<p>109:8-19</p> <ul style="list-style-type: none"> • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Hearsay, see Fed. R. Evid. 801, 802. • Speculation, Fed. R. Evid. 701 <p>111:7-15</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. <p>111:16 - 112:3</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. See 82:16 – 83:17 (“I am speculating at this point, we haven't had an election.”) • Lack of Personal Knowledge, see Fed. R. Evid. 602. See also 82:16 – 83:17 (“I am speculating at this point, we haven't had an election.”) 	<p>109:8-19</p> <ul style="list-style-type: none"> • Witness testifying about the contents of an FSE statement that he has established he helped prepare, about which he has personal knowledge. • This is a party-opponent statement which is not hearsay under FRE 801, and as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. <p>111:7-15</p> <ul style="list-style-type: none"> • This is a party-opponent statement which is not hearsay under FRE 801, • Not hearsay; the witness has established that he prepared the statement referenced. <p>111:16-112:3</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). If raised, witness additional questions could have elicited basis for witness’ testimony. • The witness is describing his own assessment of the impact of SB 90, as to which he has personal knowledge. • The witness’s opinions are based on his years of experience as a Supervisor of Elections. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller,

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
		<p>112:4 – 112:8</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. <p>113:10-18</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Object to Form - Compound question (“Do you agree that the legislation makes it harder to request and return a vote-by-mail ballot by . . . ?”), see <i>Atunnise v. Mukasey</i>, 523 F.3d 830, 835 (7th Cir. 2008) (“There is a reason why courts disfavor compound 	<p>Fed. Practice & Procedure § 6782.</p> <ul style="list-style-type: none"> • The witness is explaining his factual understanding of the law, which is relevant as he will be the one to apply it in Hillsborough County. <p>112:4-8</p> <ul style="list-style-type: none"> • The witness is explaining his factual understanding of the law, which is relevant as he will be the one to apply it in Hillsborough County. • The witness is describing his own understanding of the law, as to which he has personal knowledge. • The witness’s statement is based on his years of experience as a Supervisor of Elections. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. <p>113:10-18</p> <ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • Question does not call for a legal conclusion; the witness is explaining his factual understanding of the law, which is relevant as he will be

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>questions posed to witnesses during trial; they are likely to elicit an ambiguous response.”). (Form objection preserved at 113:16-18.)</p> <ul style="list-style-type: none"> • Legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). Object to Form - Assumes Facts Not in Evidence, <i>Garcia v. Clark</i>, No. 1:10-CV-00447-LJO, 2012 U.S. Dist. LEXIS 51771, 2012 WL 1232315, at *2 (E.D. Cal. Apr. 12, 2012) (Form objection preserved). 	<p>the one to apply it in Hillsborough County.</p> <ul style="list-style-type: none"> • The witness is describing his own understanding of the law, as to which he has personal knowledge. • The witness’s statement is based on his years of experience as a Supervisor of Elections. • Question did not assume anything; question asked for the witness’s opinion as to the provisions of SB90. • Question is not compound; question uses “request and return” as two related actions under the vote-by-mail provisions of SB90.
Plaintiffs	115:25—144:5	<p>115:25 – 116:3</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. Object to Form - Compound question (“Do you agree that the legislation makes it harder to request and return a vote-by-mail ballot by . . . ?”), (Form objection preserved). See <i>Atunnise v. Mukasey</i>, 523 F.3d 830, 835 (7th Cir. 2008). <p>116:5–10</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<p>115:25 – 116:3</p> <ul style="list-style-type: none"> • The witness is describing his opinions, as to which he has personal knowledge. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See <i>Wright & Miller</i>, Fed. Practice & Procedure § 6782. • The witness’s opinion is based on his years of experience as a Supervisor of Elections. • The question is not compound because “administration” and “bureaucracy” are related concepts. <p>116:5–10</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶14 & Fed. R. Civ. P.

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>116:12–20</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. <p>126:4-9</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. 	<p>32(d)(3)(B). If raised, witness additional questions could have elicited basis for witness' testimony.</p> <ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is describing his own opinions, as to which he has personal knowledge. • The witness's statement is based on his years of experience as a Supervisor of Elections. <p>116:12–20</p> <ul style="list-style-type: none"> • Out of court statements not offered for the truth of any factual matter but rather to show that the witness received questions from the public. <p>126:4-9</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for witness answer could be established through further questioning. For 125:25-126:3, questioner rephrased after initial objection and there was no further objection. • Not speculative; the witness explains that the situation depends, and explains with an example.

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
		<p>127:16-21</p> <ul style="list-style-type: none"> Hearsay, see Fed. R. Evid. 801, 802. ("Anecdotally I've heard voters say . . .") <p>130:22-131:3</p> <ul style="list-style-type: none"> Lack of Personal Knowledge, see Fed. R. Evid. 602. "... I don't remember the other . . . I just don't remember off the top of my head right now." <p>131:4-7</p> <ul style="list-style-type: none"> Speculation, Fed. R. Evid. 701. <p>131:24-132:7</p> <ul style="list-style-type: none"> Lack of Personal Knowledge, see Fed. R. Evid. 602. ("... I don't remember the exact context of why I said that.") 	<ul style="list-style-type: none"> The witness is describing his own opinions, as to which he has personal knowledge. The witness's statement is based on his years of experience as a Supervisor of Elections. <p>127:16-21</p> <ul style="list-style-type: none"> Hearsay exception; present sense impression; statement against interest. <p>130:22-131:3</p> <ul style="list-style-type: none"> This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. Witness' answer indicates he did have personal knowledge as to several members of the work group, and he testified that he was part of the FSE, so would have personal knowledge as to its members. <p>131:4-7</p> <ul style="list-style-type: none"> Witness testified that he was part of the FSE, so would have personal knowledge as to its members. <p>131:24-132:7</p> <ul style="list-style-type: none"> Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for witness answer could be established through further questioning.

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
		<p>135:7-11</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. <p>137:23 - 138:2</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • Witness asked about the contents of an email that he wrote, about which he has personal knowledge. <p>135:7-11</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶ 4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for witness answer could be established through further questioning. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • Witness is testifying as to his personal experience as a Supervisor of Elections. <p>137:23 - 138:2</p> <ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is providing his own opinions, based on his years of experience as a Supervisor of Elections, about which he has personal knowledge.

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>138:4-13</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. <p>141:21-25</p> <ul style="list-style-type: none"> • Calls for a legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<p>138:4-13</p> <ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is providing his own opinions, based on his years of experience as a Supervisor of Elections, about which he has personal knowledge. <p>141:21-25</p> <ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is explaining his factual understanding of the law, which is relevant as he will be the one to apply it in Hillsborough County.
Plaintiffs	148:16 – 148:23	<p>148:16-20</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. <p>148:21-23</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. 	<p>148:16-20, 21-23</p> <ul style="list-style-type: none"> • Out of court statements not offered for the truth of any factual matter but rather to show that the witness received questions from the public.
Plaintiffs	156:13 – 170:22	<p>156:13-23</p> <ul style="list-style-type: none"> • Lack of Personal Knowledge, see Fed. R. Evid. 602. (“I can’t give you a name right off the bat.”) 	<p>156:13-23</p> <ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782.

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
		<p>157:23-158:2</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Object to Form - Vague as to time and version/iteration of Senate Bill 90, and meaning of "were not in response to requests." see <i>Cincinnati Ins. Co. v. Serrano</i>, No. 11-2075-JAR, 2012 U.S. Dist. LEXIS 1363, at *13 (D. Kan. Jan. 5, 2012). Form objection preserved at 158:1. <p>159:17-23</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Hearsay, see Fed. R. Evid. 801, 802, as to lines 159:21-23. <p>160:2-6</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. 	<p>157:23-158:2</p> <ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness's response is based on personal knowledge from his experience as a Supervisor of Elections during the SB90 legislative process. • The question is not vague. The witness was able answer, and objecting counsel could have asked for clarification during re-direct. <p>159:17-23</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for foundation and basis for personal knowledge could have been established through further questioning. • This is a party-opponent statement which is not hearsay under FRE 801, and as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • In any event, this is not hearsay. Witness is describing what he observed. <p>160:2-6</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P.

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
Designating Party	Page Range	Objection	Response
		<p>161:16-22</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. <p>162:12-20</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Object to Form - Lack of Foundation, see Fed. R. Evid. 602. (Objection preserved at 162:16-17) <p>164:1-9</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Lack of Foundation, see Fed. R. Evid. 602. 	<p>32(d)(3)(B). Basis for foundation could have been established through further questioning.</p> <ul style="list-style-type: none"> • Any out-of-court statements of the voters are present sense <p>161:16-22</p> <ul style="list-style-type: none"> • Any out-of-court statements of the voters are present sense. <p>162:12-20</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶ 4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for foundation and basis for personal knowledge could have been established through further questioning. • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness's testimony is based on his experience as a Supervisor of Elections, on which he has personal knowledge. <p>164:1-9</p> <ul style="list-style-type: none"> • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness's testimony is based on his experience as a Supervisor of Elections, on which he has personal knowledge.

Deposition of Craig Latimer taken October 11, 2021

Designating Party	Page Range	Objection	Response
		<p>166:2-8</p> <ul style="list-style-type: none"> • Hearsay, see Fed. R. Evid. 801, 802. <p>166:19 – 167:2</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Object to Form - Lack of Foundation, see Fed. R. Evid. 602. (Objection preserved at 166:22). <p>168:19-23</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<p>166:2-8</p> <ul style="list-style-type: none"> • No out of court statement presented. • The witness's testimony is from his personal knowledge based on years of experience as a Supervisor of Elections. <p>166:19-167:2</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for personal knowledge could have been established through further questioning. • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. <p>168:19-23</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for personal knowledge could have been established through further questioning. • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is describing his own opinions, based on his years of experience as a Supervisor of Elections, as to which he has personal knowledge.

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
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		<p>169:17-19</p> <ul style="list-style-type: none"> • Calls for a legal conclusion, see <i>United States v. Barile</i>, 286 F.3d 749, 760 (4th Cir. 2002). <p>169:24 – 170:7</p> <ul style="list-style-type: none"> • Calls for Speculation, Fed. R. Evid. 701. • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Lack of Foundation, see Fed. R. Evid. 602. 	<ul style="list-style-type: none"> • The witness's testimony is based on his factual understanding of the law, which is relevant as he will be the one to apply it in Hillsborough County. <p>169:24 – 170:7</p> <ul style="list-style-type: none"> • The witness is describing his own opinions, as to which he has personal knowledge. • This is a party-opponent statement as to which personal knowledge is not required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness's opinions are based on his years of experience as a Supervisor of Elections.
Plaintiffs	175:2 – 182:9	<p>175:2-8</p> <ul style="list-style-type: none"> • Lack of Personal Knowledge, see Fed. R. Evid. 602. ("I don't remember writing that. And I wouldn't have had any direct knowledge of that . . .") 	<p>175:2-8</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for witness answer could be established through further questioning. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • Foundation and personal knowledge established at 174:8-9. • Personal knowledge of the email in question established; witness testified he did not write the particular sentence highlighted in the email chain.

<u>Deposition of Craig Latimer taken October 11, 2021</u>			
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		<p>175:15-23</p> <ul style="list-style-type: none"> • Lack of Personal Knowledge, see Fed. R. Evid. 602. • Calls for Speculation, Fed. R. Evid. 701. 	<p>175:15-23</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for witness answer could be established through further questioning. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • The witness is describing his own opinions, as to which he has personal knowledge. • The witness's opinions are based on his years of experience as a Supervisor of Elections.
Plaintiffs	190:20 – 192:18	<p>192:5-9</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. 	<p>192:5-9</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for witness answer could be established through further questioning. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. See Wright & Miller, Fed. Practice & Procedure § 6782. • Question does not call for speculation; question asks for the witness's perspective/opinion based on his personal experience as a Supervisor of Elections.

Deposition of Craig Latimer taken October 11, 2021

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		<p>192:15-18</p> <ul style="list-style-type: none"> • Speculation, Fed. R. Evid. 701. (“I think it’s totally hypothetical.”) • Lack of Personal Knowledge, see Fed. R. Evid. 602. 	<p>192:15-18</p> <ul style="list-style-type: none"> • Objection waived because not contemporaneously made. ECF 403 ¶4 & Fed. R. Civ. P. 32(d)(3)(B). Basis for witness answer could be established through further questioning. • This is a party-opponent statement as to which personal knowledge is not, in any event, required. <i>See Wright & Miller, Fed. Practice & Procedure</i> § 6782. • The witness is describing his own opinions, as to which he has personal knowledge. • The witness’s opinions are based on his years of experience as a Supervisor of Elections.