

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 9

1 MS. KRAMER: Counsel, I would ask that
2 we have the witness be in a room by herself, just for
3 the purposes of the deposition --

4 THE WITNESS: Okay.

5 MS. KRAMER: -- if possible.

6 MS. FORD: Jocelyn, is it easy enough
7 to ask your friend to go to a different room?

8 THE WITNESS: Yeah; they can go to a
9 different room.

10 MS. FORD: Okay.

11 THE WITNESS: They're working from
12 home, so give me one second.

13 REPORTER: Did we want to go off the
14 record, or just stand by for a second?

15 MS. KRAMER: I would just stand by for
16 a second, unless it takes longer than, you know, 30
17 seconds.

18 REPORTER: Okay.

19 THE WITNESS: Okay.

20 BY MS. KRAMER:

21 Q Thank you. And since I'm not in the actual
22 room with you, I'm not able to see what you have in
23 front of you or if someone else enters the room. Can
24 you let me know if someone does enter the room at any
25 point during this deposition?

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 10

1 A Yes. I can.

2 Q Thank you. And then, Ms. Heredia, do you
3 understand that you cannot ask your attorney's help to
4 respond to a particular question that's asked?

5 A I understand.

6 Q Okay. And your attorney may object to a
7 question that I ask, but you should still respond
8 unless your attorney instructs you not to respond.
9 Does that make sense?

10 A That makes sense.

11 Q Okay. And finally, if at any time you need
12 a break, just let me know, and we can go off the
13 record for five or ten minutes if that's needed.
14 Hopefully it won't take too long, so that won't be
15 necessary, but if you need a break, just let me know.

16 A Sounds good.

17 Q Okay.

18 MS. KRAMER: And at this time, can we
19 please put up what is marked as Exhibit A?

20 TECH CONCIERGE: Please stand by. This
21 is Exhibit A.

22 (Exhibit A was marked for
23 identification.)

24 BY MS. KRAMER:

25 Q Ms. Heredia, can you see this document?

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 11

1 A Yes.

2 Q Do you recognize this document?

3 A Yes, I do.

4 Q Okay. I just want to confirm that you
5 understand that you're appearing today pursuant to
6 this Notice.

7 A I understand.

8 Q Great. Okay. So I just have some
9 background questions I want to start with.

10 MS. KRAMER: Bailey, you can take the
11 exhibit off. Thank you.

12 Q Ms. Heredia, where is your current address
13 in Georgia?

14 A It is in Banks County. It is -- the actual
15 address is 304 Borders Road, Commerce, Georgia 30530.

16 Q And how long have you resided there for?

17 A That's a tough question. Approximately four
18 years.

19 Q And are you registered to vote from this
20 address?

21 A Yes.

22 Q How long have you voted from that address?

23 A So I can't recall, but I did vote from that
24 address for the presidential election and the -- the
25 special election.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

1 Q Okay. So the November election -- the 2020
2 election -- and the January runoff?

3 A That's correct.

4 Q Okay. Great. And what is your current
5 occupation?

6 A I am a remote worker, and I'm a researcher.

7 Q For what company?

8 A For AT&T.

9 Q What kind of research do you do for AT&T?

10 A User experience research.

11 Q And that's the only company that you
12 currently work for?

13 A That's correct.

14 Q Okay. And how long have you worked there
15 since?

16 A Approximately -- less than two years.

17 Q Okay. Great. When did you live in Atlanta,
18 Georgia?

19 A I lived in Atlanta in January and February
20 of 2020.

21 Q And why did you live in Atlanta during those
22 two months?

23 A Sure. For this job, the AT&T job, I -- so
24 I -- I got the job, and it was a temporary position at
25 the time, so I moved to Atlanta for the job.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 13

1 Q Okay. And when you moved there for your
2 job, did you change your mailing address to reflect
3 where you lived in Atlanta for that job?

4 A I did.

5 Q And it was just a temporary job?

6 A Yes. At the time it was.

7 Q So you changed your address with the Postal
8 Service. And did you change it back once you moved
9 from Atlanta?

10 A I did not. Because I still had access to
11 the apartment, so, you know, if I needed the mail, I
12 could get it. And to be honest, I don't even get that
13 much mail.

14 Q Did you have intentions of moving back to
15 that address, if you kept your mailing address in
16 Atlanta?

17 A That's hard to say. So in March, the
18 COVID-19 pandemic hit, and we were told that we would
19 be remote. And we were told that we -- that they
20 weren't even sure when we would go back to the office.
21 So, you know, I would be remote until my job told me
22 that I had to be in person.

23 Q Have you been in person with that job yet?

24 A In February, yes.

25 Q Of this year?

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 14

1 A Of 2020.

2 Q So -- sorry; I guess I'll clarify. You're
3 working remotely right now; is that what you --

4 A Correct.

5 Q Okay. And so, since February of last year,
6 have you gone back to working in person in Atlanta?

7 A No.

8 Q Okay. And is your mailing address still in
9 Atlanta?

10 A It's not.

11 Q It's not. Okay. When did you change your
12 address?

13 A I changed it -- I can't recall the exact
14 date, but I -- so we were supposed to be back into the
15 office in October, and then our job told us that we
16 would have to -- oh. And then in September, our job
17 told us that we would not go back into the office for
18 the rest of this year, and we would be remote
19 indefinitely, until they let us know otherwise. So
20 recently I changed my address back to Banks County,
21 because I don't know where I'll be. But ...

22 Q Okay. Okay. Thanks for clarifying that.
23 Okay. Let's start with a few questions just about the
24 2020 election. Did you vote in the 2020 primary
25 election?

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 29

1 A That's correct. I did not see her seal the
2 ballot.

3 Q Did you see any other people at the polling
4 location that day, while you were there, have to fill
5 out a paper ballot?

6 A Yes. I did, actually. A lady behind me.
7 She was, I believe, of Asian descent; I can't confirm.
8 She looked Asian -- of Asian descent. She also had to
9 fill out a paper ballot.

10 Q And when she finished filling out that
11 ballot, did you see where her ballot was placed?

12 A I did not. So I was in line before her, so,
13 you know, I -- I gave my ballot with the envelope to
14 the worker, and she said that I would need to provide
15 two forms of identification with my mailing address in
16 order for my vote to count. And then that's when she
17 went to the hallway, into a room.

18 And then at the same time, I could see that
19 this lady that was behind me was filling out a paper
20 ballot. But then at that point I left to go to
21 find -- either go home to find two forms of
22 identification, or -- I was going to -- I was going to
23 check my car to see if I had two forms of
24 identification there. So I didn't actually see what
25 happened to her ballot.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 30

1 Q Okay. And I just want to clarify that
2 before you gave your ballot to the election worker, or
3 who you believe was the election worker, you did place
4 it in the envelope. Right?

5 A No. I did not place it in the envelope.

6 Q Okay. So you gave her the open ballot and
7 then the envelope in the other hand? Or did she have
8 the envelope? I'm just trying to figure out how --

9 A Yeah. So I provided the envelope, and then
10 I provided my ballot. But I can't remember if I
11 folded it or I just gave it to her. But I do remember
12 that I did not put it inside the envelope. And I did
13 not seal it --

14 Q Okay.

15 A -- I provided both.

16 Q Okay. Thanks for clarifying that. And then
17 I just want to touch real fast on the lady behind you.
18 You said she was filling out a provisional ballot. Do
19 you know why she was?

20 A I don't know.

21 Q Okay. So you don't know if the lady behind
22 you was a voter being challenged or if she chose to
23 vote on a paper ballot?

24 A I -- I don't know. Yeah. I -- I wasn't --
25 like, they would talk to the people individually. So

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 31

1 I -- I don't -- I don't know. I didn't overhear
2 anything.

3 Q Okay. So they talked to her individually.
4 So when the election worker told you that your vote
5 was being challenged, did they talk to you
6 individually about that as well?

7 A Yes, they did. And it wasn't, like,
8 individually, like, in a room or anything. It was --
9 you know, people are around; there's people close by
10 submitting their ballot in -- on a machine; there's
11 people in line. But she would keep her voice down
12 when she was speaking to -- to certain people.

13 Q Okay. So she didn't, like, raise her voice
14 when she was telling you that you were being
15 challenged. It wasn't some announcement to the
16 polling location.

17 A Right. It wasn't an announcement. But
18 whoever was voting by paper ballot, they would make --
19 you know, they made me and the other woman step aside
20 as other people were able to cast their ballot on the
21 machine.

22 Q Okay. But it was not public why people were
23 voting by paper ballot, based on your experience?

24 A While I was there, it was not public. But I
25 do know that my name, along with other challenged

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 32

1 voters' names, were published on the Banks County
2 website. And it was public information for six
3 months.

4 Q Okay.

5 MS. KRAMER: Bailey, can we please pull
6 up Exhibit E?

7 TECH CONCIERGE: This is Exhibit E.

8 (Exhibit E was marked for
9 identification.)

10 BY MS. KRAMER:

11 Q Ms. Heredia, does this look familiar to
12 you -- this PDF of the website of Banks County?

13 A Yes. That's familiar. That's what I was
14 referencing --

15 Q Okay.

16 A -- in my previous question.

17 Q Okay, perfect. So can you tell me who -- or
18 I guess can you clarify: This is obviously the Banks
19 County website, and not another organization's website
20 that has, I guess, the challenge list that you're
21 referring to?

22 A Correct. This is the Banks County website.

23 Q Okay. And was this challenge list published
24 on any other website, to your knowledge?

25 A To my knowledge, no. But anything that's on

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 33

1 the internet can be downloaded, replicated, put
2 elsewhere. So it could be anywhere else.

3 Q I understand that. But I'm just kind of
4 more asking that to your knowledge, that you know of,
5 you have not seen this challenge list any other place
6 but the Banks County website?

7 A Correct.

8 Q Okay. Give me one second, Ms. Heredia. On
9 this website, did you personally ever click or
10 download the challenge list?

11 A I clicked on it, but I did not download
12 it -- downloaded it for my reference.

13 Q Do you know of anybody that did download it?

14 A I'm not.

15 Q Okay. So to your knowledge, this hasn't
16 really been put elsewhere. Like I said, to your
17 knowledge, this list hasn't been put elsewhere but
18 just this website.

19 MS. FORD: I'm going to just object
20 that it calls for some speculation.

21 THE WITNESS: Right.

22 MS. KRAMER: I understand. I'm just
23 asking the witness just to her knowledge, just right
24 now, if she knows of it being published anywhere else.

25 THE WITNESS: I don't know.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

1 BY MS. KRAMER:

2 Q Okay. And I just want to clarify that what
3 you're viewing, and also to your knowledge, this
4 website's not operated by True the Vote; correct?

5 A That's correct.

6 Q And it doesn't appear to be operated by any
7 of the defendants, in your opinion?

8 A That's correct. To what I can see on
9 this -- until "Banks County, Georgia," until the
10 "Resources" line, I -- I don't remember --

11 Q We can scroll.

12 A -- recently.

13 MS. KRAMER: Thank you, Bailey.

14 Q So, Ms. Heredia, did you see any of the
15 defendants' names on this website?

16 A I did not.

17 Q Okay. Thank you.

18 MS. KRAMER: Bailey, can we please pull
19 up Exhibit F again?

20 TECH CONCIERGE: This is Exhibit F.

21 MS. KRAMER: Perfect. Perfect.

22 BY MS. KRAMER:

23 Q Okay. Ms. Heredia, I just want to go back
24 and just kind of discuss the basis of the challenge,
25 from what's in the complaint and from what you

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 42

1 VIDEOGRAPHER: The time is 15:09; we're
2 back on the record.

3 MS. KRAMER: Great. Bailey, can we
4 please pull up Exhibit L?

5 TECH CONCIERGE: Please stand by. This
6 is Exhibit L.

7 (Exhibit L was marked for
8 identification.)

9 BY MS. KRAMER:

10 Q Ms. Heredia, does this document look
11 familiar to you?

12 A Yes. I provided this document.

13 Q And was this what you received from U.S.P.S.
14 when you changed your mailing address?

15 A That's correct.

16 Q And just so I know, because I don't believe
17 it has it on this document, this was when you changed
18 your mailing address from Banks County to Atlanta
19 during 2020; right?

20 A That's correct.

21 Q Okay. And you have not submitted another
22 one of these forms until September of 2021?

23 A Actually, I submitted another one previously
24 to September of 2021.

25 Q When did you submit another one of these?

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 43

1 A I believe it was March of 2021, because
2 the -- this mailing -- this mailing -- this forwarding
3 mailing address was set to Decatur, Georgia, and the
4 contract for the apartment for this -- for
5 Decatur -- expired. So I wanted to have another, you
6 know -- I -- so because the contract expired for the
7 Decatur apartment, I then got another apartment in
8 West Midtown. So I submitted a change of address to
9 West Midtown in March of 2021. And then I submitted
10 another change of address for Banks County in --
11 around September 2021.

12 Q Okay. So just to clarify, you had not
13 submitted a change of address form -- let me rephrase
14 that. To clarify, during the 2020 election cycle,
15 this was the only change of address form that you had
16 filed with U.S.P.S.?

17 A Yes. That's correct.

18 Q And this is what they had on file -- the
19 Atlanta address -- as your mailing address. Right?

20 A Yes. That's correct.

21 Q Okay. And from March 2021 to September of
22 2021, your mailing address was then West Midtown?

23 A That's correct.

24 Q Okay. And it wasn't until recently -- I'm
25 just trying to get these dates right. And it wasn't

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 44

1 until recently that you submitted another change of
2 address form to have your mailing address be in Banks
3 County?

4 A Correct. I don't know the exact date, but
5 it was around September.

6 Q So fairly recently.

7 A Fairly recent; correct.

8 Q Okay. Okay. Just wanted to clarify that.
9 Great.

10 MS. KRAMER: Bailey, we can take this
11 exhibit down.

12 Q So Ms. Heredia, I want to discuss with you
13 next kind of like the basis for this lawsuit under
14 which you felt as though you were being intimidated
15 and targeted. What made you feel intimidated?

16 A So when I went to go vote, I -- you know,
17 I'm relatively new to voting. And I thought it would
18 be a super-easy process; you know, just get in line
19 and you cast your vote. But it ended up being a
20 longer process for me.

21 I -- I learned that my vote was being
22 challenged as I was there, and I actually didn't know
23 what that even meant. And -- and when I was
24 challenged, I was the only Hispanic there voting. And
25 I noticed that the only other race besides white who I

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 45

1 believe was also challenged -- well, she casted a
2 paper ballot -- was Asian.

3 I put it -- you know, I connected the two,
4 and I thought that they were -- people of color were
5 being challenged. And that made me feel intimidated.
6 And like I said, I didn't know what that even was, and
7 I didn't even know if it was legal. So that made me
8 feel intimidated.

9 Q But to clarify what you testified earlier,
10 you don't know if the lady that was behind you -- the
11 Asian lady -- if she was being challenged or not. You
12 just know that she was voting by provisional ballot.
13 Right?

14 A That's correct.

15 Q Okay. And while you were at the polling
16 location, you said that you voted via provisional
17 ballot and this other lady. About how long would you
18 say that you were at that polling location for?

19 A Maybe three to four hours. So I -- when I
20 went to vote, I think I voted early -- actually, I
21 can't remember. But there was a line and, you know, I
22 got in line to vote; and then when I casted my vote
23 through the paper ballot, I was told that I would have
24 to provide two forms of identification saying that I
25 do live in Banks County.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 46

1 And so because of that, I either had to go
2 all the way home and find, you know, the forms of
3 identification; or, you know, at the time, I decided
4 to search my car. So I searched my car for those two
5 forms, and then I had to get back in line -- like, the
6 back of the line -- and wait in line again. So it
7 took longer than I expected.

8 Q I understand. Just a guess: How long were
9 you actually inside the physical polling location for?
10 Not the line, but where you go to actually vote and
11 give the election worker your ID and things like that.
12 How long would you say you were in that room for?

13 A Twenty minutes, roughly.

14 Q Okay. And you don't remember if you voted
15 early or if you voted on election day?

16 A I -- I don't remember.

17 Q Okay. So you were inside that room where
18 the voters are for about 20 minutes, and you were the
19 only Hispanic person that you saw, being challenged
20 during that time. Are you aware that there were
21 multiple days to go vote in person in Georgia?

22 A Yes. I'm aware.

23 Q Okay. So there could have been other people
24 being challenged on different days, but you didn't see
25 any of them.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 47

1 MS. FORD: Objection. Calls for
2 speculation.

3 MS. KRAMER: I'll rephrase.

4 BY MS. KRAMER:

5 Q So you say that you felt intimidated because
6 you were the only Hispanic person there that was being
7 challenged, that you saw. I'm just clarifying that
8 that you were only in that room for a period of
9 approximately 20 minutes out of the entire time of
10 early voting and election day voting. And that's that
11 time period in which you felt intimidated.

12 A So the Banks County -- where you go vote in
13 Banks County, it's a very, very small room. I believe
14 there's only two machines, and they were only letting
15 two people vote, and then one person who was in line,
16 in the location.

17 So in that little tight space, I was only
18 there for 20 minutes; but actually at the location
19 where, you know, the line -- the line actually wrapped
20 around the building, because there was just not enough
21 space to be inside the voting -- like, inside the
22 actual building, which -- so I was actually there for
23 around three to four hours. And that's the period
24 that I felt very intimidated. Like, even when I went
25 home, I was still shocked.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 59

1 whether my vote was counted, and it was on the Banks
2 County website -- the phone number. And I called
3 several times, and nobody picked up.

4 Q When was the last time that you called Banks
5 County to figure out if your vote was counted?

6 A Maybe February of 2020. So like, within the
7 same time frame; not recently.

8 Q Do you mean to say February 2021?

9 A Oh, sorry. February of 2021.

10 Q That's okay. And so at what point -- about
11 when did Fair Fight reach out to you?

12 A I don't remember the exact date, but I
13 remember it was months later.

14 Q Months later. So like, months had passed
15 since the last time you had tried to call the
16 elections office to figure out if your vote was
17 counted?

18 A It was so long ago that I don't remember the
19 exact date. But it could have been a month later,
20 months later -- I can't -- I can't say when it was. I
21 just don't remember.

22 Q Okay. That's fine. When you tried to reach
23 the elections office in Banks County, did you ever
24 leave a message with the County?

25 A I don't remember if that was possible.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 60

1 Q Did you ever file a complaint with the
2 County?

3 A No.

4 Q Did you ever email the County?

5 A No. I don't -- I don't even know where --
6 like, who to email about it.

7 Q Okay. So who did you call at Banks County,
8 if you went to the website?

9 A At this point in time, I don't remember. So
10 on the website, there was just -- it said, like, you
11 know, polling hours; you know, information on how to
12 vote; and then it was, like, if you have any
13 questions, issues, whatever, the number was there.

14 Q Okay. Do you have a guess of about how many
15 times you called that number -- just a rough guess?

16 A Maybe, like, five times.

17 Q Okay. But you didn't try to reach out to
18 the County another -- or did you look through the
19 County website to find if there was an email address?

20 A I was looking for, like, any type of contact
21 information. So I feel like if there was an email, I
22 would have found it. All I remember was there being a
23 phone number.

24 Q Okay. Besides calling the elections office
25 and the voter rights hotline, did you call any

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 61

1 other -- well, I guess you talked to the Secretary of
2 State, you said. Did you talk to any other hotlines
3 or people, officials, about your concerns about your
4 vote?

5 A I just talked to Christina when -- I just
6 talked to the hotline, and then Christina contacted me
7 from Fair Fight. So just them and the Banks County
8 contact.

9 Q Okay. Have you talked to anybody from Banks
10 County up to this point?

11 A No.

12 Q Were you ever notified that you had been
13 removed from the voter list?

14 A I have not been -- have I been contacted?

15 Q Correct.

16 A I have not been contacted.

17 Q So to your knowledge, you are still on that
18 voter list in Banks County?

19 A To my knowledge, I could still be on that
20 challenged voter list.

21 Q Okay. I'm just clarifying that no one's
22 contacted you, and that you haven't received anything
23 notifying you, that you're in jeopardy of being taken
24 off the list.

25 A You say in jeopardy of being taken off the

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 62

1 list of challenged voters?

2 Q No; not of challenged voters. Of being
3 taken off the list of registered voters for Banks
4 County.

5 A Correct. I have not been contacted by
6 anyone from Banks County.

7 Q Okay. And just to clarify, since February
8 of this year, you haven't tried to reach back out to
9 Banks County to find out if your vote was counted?

10 A That's correct. I haven't contacted Banks
11 County. But I did -- I don't know, I guess
12 recently -- look at the voter registration page to see
13 if there was anything that would say if my vote was
14 counted or not.

15 Q Okay. And you're still able to log into the
16 Banks County -- are you still able to log into your
17 voter registration page for the State of Georgia?

18 A Yes.

19 Q And it still says that you're a registered
20 voter?

21 A Yes.

22 Q Okay. Just making sure. So after Fair
23 Fight reached out to you -- or I guess -- who from
24 Fair Fight reached out to you?

25 A The only person I remember is Christina.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 63

1 Q You haven't talked to anybody else involved
2 with Fair Fight about this?

3 A My lawyer, Uzoma; and that's all, I believe.

4 Q And did she approach you, I guess, about
5 being a plaintiff in this lawsuit?

6 MS. FORD: Objection to the extent this
7 is going to get into attorney-client, confidential
8 conversations.

9 MS. KRAMER: I'll rephrase.

10 BY MS. KRAMER:

11 Q Did you ask to be a plaintiff in this
12 lawsuit, or did someone ask you to be a plaintiff in
13 this lawsuit?

14 MS. FORD: Jocelyn, I'm just going to
15 object and instruct you not to answer, to the extent
16 that you're going to reveal any conversations that you
17 had with me or Uzoma.

18 Q Who all did you communicate with regarding
19 your concerns about being intimidated as a voter?

20 A The hotline and Christina.

21 Q When you called the hotline, did they have
22 you fill out any kind of complaint or form or
23 documentation describing your experience?

24 A They took my story and what happened, and
25 that was all.

Fair Fight, Inc., Et Al. Vs. True The Vote, Et Al

Page 64

1 Q And did they only communicate with you via
2 phone, or did they ever communicate with you in other
3 ways?

4 A Just phone. Oh -- yeah; just phone --

5 Q Do you know --

6 A -- the hotline.

7 Q Oh, sorry.

8 A So for the hotline, it was just phone. And
9 then I've communicated with Christina through email.

10 Q Okay. I understand that. I was just more
11 trying to verify for the hotline that you called. And
12 do you recall the name of that hotline or where you
13 found that phone number?

14 A I don't remember the phone number; don't
15 remember, like, the actual name of the hotline. I
16 just know it was a voter rights hotline.

17 Q Okay. I'm trying to figure out where you
18 found that number. Did you Google it? Did you ask a
19 friend? How did you come across -- how did you know
20 to call this hotline?

21 A I'm pretty sure I Googled it.

22 Q Do you recall what you Googled when you were
23 trying to find out who to call?

24 A I think I -- so before I even called the
25 hotline, I did research on what being a challenged