

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

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

Plaintiffs,

vs.

KURT S. BROWNING, in his official capacity
as Secretary of State of the State of Florida, and
DONALD L. PALMER in his official capacity as
Director of the Division of Elections within the
Department of State for the State of Florida,


Defendants.

DECLARATION OF IVY KORMAN

Pursuant to 28 U.S.C. § 1746, Ivy Korman, Deputy Supervisor of Elections for Miami Dade County declares, under penalty of perjury, as follows:

1. My name is Ivy Korman and I am over the age of eighteen. I make this declaration based upon my personal knowledge.
2. I am currently Deputy Supervisor of Elections for Miami-Dade County.
3. In February, 2008, I testified in the trial of *Diaz, AFL-CIO, et al., v. Browning*. I was called to testify by the Plaintiffs.
4. The attached transcript excerpts taken by the Court's Court Reporter accurately recount the indicated portions of my trial testimony. All of my testimony in that case was under oath, accurate and truthful.

Executed on this 12th day of June 2008.


Ivy Korman

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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

Case No. 04-22572-CIV-KING

Plaintiffs.

vs.

Miami, Florida
February 5, 2008
9:00 a.m.

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

Defendant.

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

REPORTED BY:

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

1 APPEARANCES:

2 FOR THE PLAINTIFFS:

3 *Paul, Weiss, Rifkind, Wharton & Garrison, LLP*
4 BY: THOMAS P. ABT, ESQ.
5 BY: MICHAEL HALBERSTAM, ESQ.
6 BY: SARAH A. NOLAN, ESQ.
7 BY: SARAH KROLL-ROSENBAUM, ESQ.
8 1285 Avenue of the Americas
9 New York, NY 10019-6064
10 (212) 373-3111

11 FOR THE DEFENDANT:

12 *GrayRobinson, P.A.*
13 BY: PETER ANTONACCI, ESQ.
14 BY: ALLEN C. WINSOR, ESQ.
15 BY: ANDRE V. BARDOS, ESQ.
16 Suite 600
17 301 South Bronough Street (32301)
18 P.O. Box 11189
19 Tallahassee, Fl. 32302-3189
20 (850) 222-7717

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18 Q. Good afternoon, Ms. Korman.

19 A. Hi.

20 Q. Do you currently serve as the deputy supervisor of
21 elections for Miami-Dade County?

22 A. Yes, I do.

23 Q. And to whom do you report?

24 A. Lester Sola, supervisor of elections.

4 I think what he's trying to get at is are you aware or
5 has your experience taught you that people deliberately,
6 intentionally mess up the form when they fill it out so as
7 to, for whatever reason, cause you problems or because they
8 don't understand or for whatever reason do you know of
9 intentional failure to input information properly.

10 THE WITNESS: Yes.

11 THE COURT: You do. Now, how do you know that? Before
12 you blurt out what it is, I don't mean blurt out, how do you
13 know that, somebody has told you this?

14 THE WITNESS: No. Being with elections all the years
15 and especially presidential and things, I get a lot of forms
16 during these big election years filled out by other groups
17 that give me wrong information and things like that. And the
18 person can never get registered.

20

CROSS-EXAMINATION

21 BY MR. ANTONACCI:

22 Q. I want to go back to yesterday's testimony regarding the
23 2004 presidential election.

24 Did your office receive paper applications for voter
25 registration purposes just before the book closing deadline?

1 A. Yes.

2 Q. Approximately how many, in your recollection, did you
3 receive during that period?

4 A. About 10,000.

5 Q. And were those -- how were those 10,000 delivered to
6 your office?

7 A. Dropped off by somebody on book closing day.

8 Q. In lots of how many?

9 A. They were boxes. We got probably about 6,000 on book
10 closing day and a couple right before, about 10,000.

18 Q. What do you do first when you get a box full of
19 applications on book closing day.

20 THE COURT: What year?

21 MR. ANTONACCI: '04.

22 THE COURT: Thank you. What time frame now is --

23 MR. ANTONACCI: 2004, just before book closing. Let's
24 say one week before book closing.

25 THE WITNESS: Like in anything that we get, we would put

1 a stack, let's say 50 to 100, we would wrap it with the sort
2 sheet so we know that it was, let's say, an outside group as
3 opposed to mail. And then we would just put them together
4 and get them to staff to start working on.

5 BY MR. ANTONACCI:

6 Q. Do you try to deal with the complete applications first.

7 A. If while we're getting the 50 together we see that there
8 is an obvious problem, we pull that out and enter that, give
9 it to somebody to enter. But basically we're just struggling
10 to get everything done and just get them to the proper clerk
11 to process.

12 Q. In 2004, were you able to get all of those applications
13 into the system or were some put aside. Prior to the
14 election.

15 A. A lot were put to the side.

16 Q. All right. Now, in your experience during the 2004
17 presidential year just before book closing with respect to
18 this same group of applications that we're talking about,
19 were you able to determine whether those applications were
20 submitted at about the time that the voter signed the
21 registration card.

22 A. In some of the cases, the voter signed the card a couple
23 of months before and in some of the cases, there might not
24 have been a date, and in some of the cases it was within a
25 week or so.

1 Q. so a whole range of anywhere between a couple of months
2 and fairly contemporaneous with the delivery to your office?

3 A. Yes.

4 Q. Do you have any estimation, as you sit here today, of
5 how many were dated one month before the time they were
6 submitted.

7 A. No, sir.

8 Q. All right. Same set of questions with respect to the
9 2006 general election cycle. Did you have voter registration
10 applications dropped off just before the book closing
11 deadline.

12 A. Yes.

13 Q. In what volume?

14 A. A lot, but not like 10,000. The presidential years are
15 always much more.

16 Q. Refresh my recollection. How many did you say you got
17 in '04?

18 A. About 10,000 right at book closing.

19 Q. what about a week before?

20 A. Couple of thousand here and there.

21 Q. All right. So would you say 20,000 during the prior
22 week or less?

23 A. Less.

24 Q. All right. And do you know why you had fewer
25 applications that were received just before book closing in

1 2006 than you had in 2004?

2 A. There are not as many third party groups doing anything
3 on non-presidential years is one of them.

4 Q. How many third party groups, to your knowledge, to your
5 specific knowledge, were operating in Miami-Dade County
6 during 2004?

7 A. Probably about four that I know of.

8 Q. Did it include labor unions?

9 A. Make that five, yes.

10 Q. How else would you describe the atmosphere in your
11 office during the book closing period. What words would you
12 use for the judge to describe the atmosphere in addition to
13 fluid?

14 A. Pandemonium. Mostly we just have stuff -- everything is
15 happening all at that time. A perfect example is this past
16 election, we had 100,000 petitions we needed to do.

1 election day.

2 Q. During that pandemonium period, are you putting every
3 hour to good use for the purposes of preparing for the
4 election.

5 A. We were putting in a lot of overtime.

6 Q. Do you need additional time in your experience?

7 A. I need -- I always need, yes, I do.

-
- 12 Q. In your experience, have third party groups hoarded
13 voter registration applications and put them in your office
14 at the last minute?
15 A. Yes.