

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 MARILYN WILLIS,  
Plaintiffs,

vs.

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

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DEPOSITION OF: ION SANCHO  
TAKEN AT THE INSTANCE OF: The DEFENDANTS  
DATE: June 16, 2008  
TIME: Commenced at  
Concluded at  
LOCATION: 315 South Calhoun Street  
Tallahassee, FL  
REPORTED BY: JUDY CHIN  
RPR, CRR

ACCURATE STENOGRAPHY REPORTERS, INC  
2894 REMINGTON GREEN LANE  
TALLAHASSEE, FL 32308 (850)878-2221

1 APPEARANCES:

2  
3 REPRESENTING PLAINTIFFS:

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5 ADVANCEMENT PROJECT  
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7 Washington, D.C. 20036  
8 (via phone)

9 REPRESENTING PLAINTIFF/LEAGUE:

10 CORY WHITING, ESQUIRE  
11 DEBEVOISE & PLIMPTON, LLP  
12 919 Third Avenue  
13 New York, New York 10022

14 REPRESENTING PLAINTIFFS:

15 LIDA RODRIGUEZ-TASEFF, ESQUIRE  
16 STACK, FERNANDEZ, ANDERSON &  
17 HARRIS, P.A.  
18 1200 Brickell Avenue, Suite 950  
19 Miami, Florida 33131-3255  
20 (via phone)

21 REPRESENTING DEFENDANTS:

22 ALLEN WINSOR, ESQUIRE  
23 GRAYROBINSON, P.A.  
24 301 South Bronough Street, Suite 600  
25 Tallahassee, Florida 32301

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1 STIPULATIONS

2 The following deposition of ION  
3 SANCHO was taken on oral examination, pursuant to  
4 notice, for purposes of discovery, and for use as  
5 evidence, and for other uses and purposes as may  
6 be permitted by the applicable and governing  
7 rules. Reading and signing is not waived.

8 \* \* \*

9 Thereupon,

10 ION SANCHO

11 was called as a witness, having been first duly  
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. WINSOR

15 Q Good morning, Mr. Sancho.

16 A Good morning.

17 Q My name is Allen Winsor, and I represent  
18 the defendants in this case.

19 I appreciate your time this morning,  
20 particularly on short notice.

21 I want to ask you some questions about  
22 your participation in cases other than the case  
23 that we are here talking about today.

24 Do you recall executing a declaration in  
25 the Diaz case in 2004?

1 A Yes.

2 Q And do you recall that your declaration  
3 was in opposition --

4 Actually, let me grab it here.

5 Do you recall that your declaration in  
6 2004 in the Diaz case was taking a position  
7 adverse to the Secretary of State?

8 A Yes.

9 Q Do you recall testifying at trial in  
10 that same case?

11 A Yes.

12 Q And you were called by the plaintiffs?

13 A Yes.

14 Q Do you recall giving a deposition in the  
15 case called SAFE, which I believe stands for  
16 Sarasota Alliance For Fair Elections versus the  
17 Secretary of State?

18 A Yes.

19 Q And do you recall taking the position in  
20 that case that was adverse to the Secretary of  
21 State?

22 A Yes.

23 MS. RODRIGUEZ-TASEFF: Objection. Calls  
24 for a legal conclusion.

25 BY MR. WINSOR

1 Q In the SAFE case, were you testifying on  
2 behalf of SAFE?

3 A I was testifying on behalf of SAFE.

4 Q Okay. And did you attend the Supreme  
5 Court oral argument in that case with the  
6 plaintiffs?

7 A Yes.

8 Q In the Wexler --

9 There were two Wexler cases. Do you  
10 recall there being two Wexler cases dealing with  
11 touch-screen machines?

12 A Vaguely. I know that there were -- I  
13 went to court once, and I gave a video affidavit I  
14 think in one.

15 Q Okay. And do you recall that one was --  
16 of the two cases, one was in federal court and one  
17 was in state court?

18 A Probably.

19 Q Okay. And tell me about the -- your  
20 participation in the federal court Wexler  
21 versus -- the Wexler case.

22 MS. RODRIGUEZ-TASEFF: Object to the  
23 form.

24 BY MR. WINSOR

25 Q You can go ahead.

1 A The Wexler case was a constitutional  
2 case, which I tried to talk him out of bringing.

3 Q Tried to talk --

4 A I didn't think it was a constitutional  
5 case.

6 What I was doing in the Wexler case, and  
7 I would like to say I was not a proponent of his  
8 case, but I could give testimony relative to the  
9 error rates of different kinds of voting systems.  
10 And since the State of Florida had experience with  
11 the use of optical scan versus touch-screen voting  
12 systems in the 2002 election cycle, I was aware of  
13 that data and I was presenting the data. I  
14 thought the data was compelling, but I don't  
15 actually consider myself a proponent of his  
16 lawsuit.

17 Q Okay.

18 A But since he brought the lawsuit, it was  
19 a forum to provide this explanation to everyone in  
20 the state as to what the difference between the  
21 voting technologies and its impact on voters, and  
22 so I provided my testimony on that basis.

23 Q Okay. And you were designated an expert  
24 by the plaintiffs in that case?

25 A By the court.

1 Q And by the plaintiffs?

2 A Yes.

3 Q And then in the related Wexler case that  
4 took place in state court, you were designated an  
5 expert by the plaintiffs in that case as well?

6 A Yes.

7 MR. WINSOR: That's all I have.

8 I thank you very much for your time.

9 MS. RODRIGUEZ-TASEFF: I have no  
10 questions. We will read.

11 (Thereupon, the deposition was concluded  
12 at 10:20 a.m.)

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CERTIFICATE OF OATH

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STATE OF FLORIDA                    )  
COUNTY OF LEON                    )

I, the undersigned authority, certify  
that said designated witness personally appeared  
before me and was duly sworn.

WITNESS my hand and official seal this  
16th day of June, 2008.

---

JUDY CHIN, RPR, CRR  
1-800-934-9090  
850-878-2221

1  
2 CERTIFICATE OF REPORTER

3  
4 STATE OF FLORIDA )  
5 COUNTY OF LEON )  
6

7 I, JUDY CHIN, Registered Professional  
8 Reporter, certify that the foregoing proceedings  
9 were taken before me at the time and place therein  
10 designated; that my shorthand notes were  
11 thereafter translated under my supervision; and  
12 the foregoing pages numbered 1 through 8 are a  
13 true and correct record of the aforesaid  
14 proceedings.

15  
16 I further certify that I am not a  
17 relative, employee, attorney or counsel of any of  
18 the parties, nor am I a relative or employee of  
19 any of the parties' attorney or counsel connected  
20 with the action, nor am I financially interested  
21 in the action.

22 DATED this 16th day of June, 2008.

23  
24 \_\_\_\_\_  
JUDY CHIN, RPR, CRR  
Notary Public  
25 1-800-934-9090  
850-878-2221

1 I have read the transcript of my deposition, pages  
2 1 through 8, and hereby subscribe to same,  
3 including any corrections and/or amendments listed  
4 below.

5 \_\_\_\_\_

6 Date:

7 ION SANCHO

8

9	Page/Line	Correction/Amendment	Reason for Change
10	_____	_____	_____
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24 Date of Deposition: June 16, 2008

25 Reporter: Judy Chin, RPR, CRR

1  
2 ACCURATE STENOTYPE REPORTERS, INC.  
3 2894 Remington Green Lane  
4 Tallahassee, Florida 32308  
5 (850) 878-2221  
6

7 June 16, 2008

8 Ion Sancho  
9 Office of the Supervisor of Elections  
10 315 South Calhoun Street  
11 Tallahassee, Florida 32301

12 Re: League of Women voters v Browning

13 Dear Mr. Sancho:

14 As you did not waive reading and signing of your  
15 deposition transcript, please make the necessary  
16 arrangements to read your transcript within the  
17 next 30 days at Accurate Stenotype Reporters, 2894  
18 Remington Green Lane, Tallahassee, Florida.

19  
20 Sincerely,

21  
22 Judy Chin, RPR, CRR

23 Enclosures (Errata Sheet and transcript.)  
24 cc: Counsel of Record  
25