

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_

LEAGUE OF WOMEN VOTERS OF FLORIDA, FLORIDA  
AFL-CIO, AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 79  
(AFSCME), as organizations and as representatives of their  
members; and MARILYNN WILLS;

Plaintiffs,

v.

KURT S. BROWNING, in his official capacity as Secretary  
of State for 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.

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**DECLARATION OF ALMA GONZALEZ**

I, ALMA GONZALEZ, declare:

1. I am a resident and citizen of the United States and of the State of Florida. I reside at 1105 High Meadow Drive, Tallahassee, Florida 32311. I submit this declaration in support of plaintiffs' motion for a temporary restraining order.

2. I am a registered voter in the state of Florida and have been participating in voter registration drives for thirty-six years.

3. I serve as Special Counsel to Council 79 of the American Federation of State, County and Municipal Employees (“AFSCME”), the Florida Council of AFSCME International.

4. AFSCME is seeking to prevent enforcement of Fla. Laws 2007-30 §§ 1 and 2, which has forced it to stop its plans for member registration in advance of the 2008 election out of fear that AFSCME and the local unions it works with and their members will be unfairly subjected to severe and potentially ruinous fines as a result of their efforts to register the union’s members to vote.

#### **AFSCME**

5. AFSCME is a labor union that represents government employees. Council 79 is a separately incorporated, nonprofit organization. AFSCME’s primary mission is to advocate for the members of its bargaining unit in labor negotiations in the workplace. We also organize for social and economic justice in the workplace and through political action and legislative advocacy.

6. AFSCME Council 79 represents approximately 250,000 employees through 90 local unions in the state. It has more than 20,000 dues-paying members. AFSCME Council 79 has seven offices statewide, including our Tallahassee headquarters, offices in Jacksonville, Miami, Orlando, and Tampa, and satellite offices in Daytona Beach and Gainesville.

7. At the direction of the president of AFSCME Council 79, I oversee, coordinate, and facilitate the day-to-day operations of Council 79, including its

voter registration activities. I have worked for AFSCME since 1999, in much the same capacity.

**AFSCME Council 79's Voter Registration Activities**

8. AFSCME Council 79 has conducted voter registration in the state of Florida for at least twenty-seven years.

9. Because AFSCME's members are government employees, most of the workplace issues of importance to our members are eventually resolved by elected officials. Electoral participation of our members is therefore vital to our mission.

10. AFSCME Council 79's voter registration goal is that at least 75% to 85% of its bargaining unit is registered to vote. In past years, AFSCME International has provided us with a data file that lists members of our bargaining unit who are unregistered to vote. From that data file, the Council 79 undertakes a plan to target members.

11. Volunteer voter registration coordinators who are members of AFSCME Council 79 run our member-to-member voter registration drives. Paid AFSCME staff, including myself, train the coordinators in advance of the registration drives. Training consists of voter registration techniques, including messages we communicate to our members in connection with registering and voting, and the technical requirements of voter registration, including how to complete a voter registration form and where to submit the forms. Coordinators, in turn, provide the same training to local volunteers in the field.

12. In order to register members of our bargaining unit to vote, our drive volunteers often visit a union workplace to do voter registration. When assisting members of the bargaining unit in registering to vote, we train our volunteers to discuss the importance of voting as part of our struggle to have a voice in our workplaces.

13. When we collect a registration application from one of our members, we review it to ensure that it is completely and accurately filled out so that we may increase the likelihood that each member will be added to the voter rolls. We also endeavor to photocopy the application to enable us to contact local election officials about the status of the application and ask whether the applicant has been added to the voter rolls.

**The Success of the AFSCME Council 79's Voter Registration Drives Depends on Its Ability to Collect Voter Registration Applications**

14. In my experience registering voters, unless Council 79 not only assists its members to complete their application, but also collects completed applications, copies those applications, submits the original applications to the appropriate supervisor of elections before the relevant deadlines, and follows up to ensure that supervisors properly process the applications, the vast majority of applications completed by AFSCME's members are not likely to be submitted and processed in time for our members to vote.

15. In my experience, members are unable to complete and submit the applications without AFSCME's assistance; they become confused about the proper postage for the state's unusually sized, heavy cardstock application; they are unaware of the appropriate supervisor to whom the form should be mailed—especially where a

member lives in one county but works and fills in the form in another county; or they are unaware of the voter registration deadlines. These obstacles to registration are made more difficult by the fact that our members are often preoccupied with juggling family and work responsibilities.

16. In addition, many people we seek to register have not completed high school and may be functionally illiterate. As a result, they need help filling out the voter registration application.

17. In addition to collecting and submitting applications on behalf of members, AFSCME must follow up with supervisors of elections to ensure that the applications are properly processed. In 2000 and 2004, for instance, AFSCME learned that supervisors of elections were not processing a significant number of applications submitted by AFSCME's members. Following up with supervisors also allows AFSCME to help members resolve any problems with incomplete applications or missing information.

18. In order to conduct this follow up, AFSCME attempts to photocopy each application we collect from our members. This procedure allows us to provide proof that we submitted a voter registration application on behalf of a member. In addition, it allows us to contact our members if a supervisor identifies a problem with the application, and to send voter education materials, including materials about candidates and issues, to our members.

**The Amended Third-Party Voter Registration Law Forced AFSCME Council 79 to Halt its Voter Registration Activities**

19. Several weeks ago, the Secretary of State announced that he intends to enforce the amended law, effective April 30, 2008.

20. Prior to that announcement, AFSCME Council 79 was planning to engage in extensive voter registration activities for the 2008 elections. These were designed to register members and retirees, and to support the efforts of non-profit organizations in registering non-members.

21. AFSCME International had set a target for Council 79 to register an additional 3-5% of our members, including active members and retirees in 2008. To accomplish this goal, Council 79 had intended to identify unregistered members and train its local members to conduct voter registration.

22. AFSCME Council 79 was also participating in a voter registration effort called Labor 2008 that was being undertaken, collectively, by all labor unions that are members of the AFL-CIO. Labor 2008 had planned to engage in voter registration of unregistered union members in Florida in advance of the 2008 election.

23. The amended law has forced AFSCME Council 79 to halt these voter registration activities due to the law's ambiguity, which could create a risk of huge fines for the Council's local unions and their members who engage in voter registration. Until AFSCME Council 79 receives clarification on how to interpret the amended law and concludes that it can operate and bear the potential liability under the amended law,

AFSCME Council 79 will be forced to refrain from engaging in any voter registration activities.

24. For example, the amended law fails to define an “affiliate organization” or when an individual is liable as a separate third-party organization. Due to this ambiguity, Council 79, its local unions, and their members will remain vulnerable for annual fines of thousands of dollars. Since Council 79 lacks day-to-day control over its local unions, it would be unable to ensure the local union’s full compliance with the amended law. If the local unions were subject to their own separate fines, many of them, which have annual budgets of less than \$1,000, could not afford the fines. Moreover, union members who volunteer to register other members would be severely burdened if they were treated as individual third-party organizations and forced to pay fines up to \$1,000. Finally, AFSCME Council 79 would be unable to pay fines on behalf of its local unions and/or members on the order of \$90,000 (\$1,000 per local) or as much as \$200,000 (\$1,000 per member).

25. Each local union or member who conducts voter registration risks incurring substantial fines because of the decentralized voter registration drives that Council 79 conducts with the local unions. Each of the local union members who coordinate these drives are responsible for collecting voter registration applications and delivering them to election officials in the manner prescribed by the new law.

26. Although member coordinators are trained to submit applications before the voter registration deadline, some of these coordinators—for various innocuous reasons—will likely not submit some applications in the manner prescribed by the new

law, including its requirement that applications be submitted to an election official within ten days of the date of the applicant's signature.

27. For instance, some of our local unions may have members who live in different counties. Those unions may have meetings only once a month. When individual members engage in one-on-one voter registration with others in their bargaining unit, they may only turn over their forms to a coordinator once a month, well after ten days have passed. Once the coordinator receives all those forms, they must sort them by county, copy them, and drive to each county to turn in those forms to election supervisors.

28. AFSCME Council 79 has determined that neither it nor its local unions will be eligible for a three-fourths reduction of any fines under the new law because they will not be able to comply with the requisite quarterly reporting provisions. Due to the autonomous nature of our local unions, it would be severely burdensome and extraordinarily costly for the AFSCME Council 79 to divert one or more of its employees away from their current responsibilities to contacting each of our more than 90 local unions every quarter to compile an accurate and detailed report providing the date and location of every instance in which one of our members collects a voter registration application.

29. Many of Council 79's local unions have no computers or offices, and only one volunteer staff member. Reporting their drives and individual registration activities would require the hundreds of volunteers who engage in voter registration for the local unions to maintain records of every date and location where they registered

voters. This is severely burdensome for volunteers, including members of operational units who, for example, register members at multiple locations and on multiple dates throughout Florida's cities and counties. For Council 79 to administer and oversee the production of quarterly reports that require input from hundreds of volunteers across the state would severely tax the Council's personnel and cause it to divert significant resources from its registration activities to reporting.

30. Unless and until AFSCME Council 79 obtains clarification on the risks associated with its engaging in voter registration under the amended law, the amended law will continue to force Council 79 to refrain from its voter registration activities. As a result, the amended law has and continues to interfere with Council 79's intent to engage in political speech and action through voter registration and the political participation of its members.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_\_ day of April 2008, in Tallahassee, Florida

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Executed this 20<sup>th</sup> day of April 2008, in Tallahassee, Florida

  
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