

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

_____ /

JOINT NOTICE OF FILING
DEPOSITION TRANSCRIPTS WITH DESIGNATIONS

Plaintiffs and Defendant jointly file this notice of filing the following deposition transcripts with designated testimony highlighted. Plaintiffs' designations are highlighted in orange; Defendant's designations are highlighted in cyan.

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2. Todd Hannon
3. Larry Spring
4. Stephen Cody

Respectfully submitted January 29, 2024,

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-cv-24066-KMM

GRACE, INC., et al.,

Plaintiffs,

vs.

CITY OF MIAMI,

Defendant.

-----/

4343 W. Flagler Street
Suite 400
Miami, Florida
Wednesday, 10:00 a.m.
October 11, 2023

DEPOSITION

OF

CHRISTINA WHITE

Taken on behalf of the Plaintiffs

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APPEARANCES:

ACLU FOUNDATION OF FLORIDA, by
NICHOLAS L.V. WARREN, ESQ., (Via Zoom)
On behalf of the Plaintiffs.

DECHERT, LLP, by
CHRISTOPHER J. MERKEN, ESQ.,
Co-Counsel for the Plaintiffs.

GRAY ROBINSON, by
SYDNEY MICHELLE FELDMAN, ESQ.,
On behalf of the Defendant.

GERI BONZON-KEENAN, COUNTY ATTORNEY, by
MICHAEL B. VALDES, ASSISTANT COUNTY ATTORNEY, and
SOPHIA GUZZO, ASSISTANT COUNTY ATTORNEY,
On behalf of the Witness.

WITNESS

CHRISTINA WHITE

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E X H I B I T S

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1 THEREUPON:

2 CHRISTINA WHITE

3 was called as a witness by the Plaintiffs and, having
4 first been duly sworn, was examined and testified as
5 follows:

6 THE WITNESS: I do.

7 DIRECT EXAMINATION

8 BY MR. MERKEN:

9 Q. Good morning.

10 A. Good morning.

11 Q. Could you please state your name and spell it,
12 for the record?

13 A. Christina White, C-H-R-I-S-T-I-N-A, W-H-I-T-E.

14 Q. And could you please state your title?

15 A. Supervisor or Elections for Miami-Dade County.

16 Q. My name is Christopher Merken. I'm a lawyer at
17 Dechert. We represent the Plaintiffs in this case,
18 Grace, Inc. versus the City of Miami, 22-civ-24066, in
19 the U.S. District Court for the Southern District of
20 Florida.

21 MR. MERKEN: And could we do appearances
22 for everybody else?

23 MR. VALDES: Sure. Michael Valdes,
24 Assistant County Attorney, counsel for
25 Christina White.

1 MS. GUZZO: Sophia Guzzo, Assistant County
2 Attorney, counsel for Christina White.

3 MS. FELDMAN: Sidney Feldman, of Gray
4 Robinson, counsel for the City of Miami.

5 MR. MERKEN: Thank you.

6 BY MR. MERKEN:

7 Q. Ms. White, I know this is going to be boring,
8 going over the ground rules -- I'm sure you have heard
9 them before -- but this a deposition. A deposition is a
10 question and answer session. I will ask the questions.
11 You will answer those questions.

12 You took an oath a few minutes ago, and you
13 understand that, just like in court, you must answer
14 each and every question with complete truth and honesty?

15 We have a court reporter present, so you must
16 answer every question verbally. If the question calls
17 for a yes or no answer, you must answer yes or no. A
18 nod or uh-huh is not permitted, because the court
19 reporter may not take down everything you say. Do you
20 understand?

21 A. I do.

22 Q. We also need to do our best to speak slowly and
23 clearly and not talk over each other. I am guilty of
24 that frequently. I talk very quickly. I will do my
25 best. If I'm speaking too quickly, I'm sure the court

1 reporter will let me know, but please feel free to ask
2 me to slow down, but we want to make sure we get a clear
3 record.

4 Your counsel may object to the questions that I
5 ask. Even if counsel objects, you must still answer my
6 question, unless he directs you not to answer and you
7 decide to follow that instruction. Do you understand?

8 A. I do.

9 Q. If you don't understand my question, please
10 tell me. Please do not guess, just tell me if you don't
11 understand. I will do my best to rephrase, to make the
12 question clearer.

13 If you need a break at any time, please let me
14 know. We have coffee, water, rest rooms. We can't take
15 a break when a question is pending, but other than that,
16 I'm happy to take a break whenever you need.

17 This a corporate representative deposition,
18 also known as a Rule 30(b)(6) deposition. You have been
19 designated by the Miami-Dade County Elections Department
20 to answer questions on its behalf. This means you're
21 not testifying in your personal capacity, but as if you,
22 yourself, were the Elections Department. Do you
23 understand?

24 A. I do.

25 Q. I may refer to the Miami-Dade County Elections

1 Department as the County, the Elections Department, the
2 department or use the full name. I will try to be
3 consistent, but is it fair that you understand that any
4 permutation of that title, I am referring to the
5 Miami-Dade County Elections Department?

6 A. Yes, I do.

7 Q. I will try -- the same thing, I will try my
8 best to ask questions, such as, does the department
9 believe or is it the department's position, I may say
10 you, but, I mean -- after we get through the background
11 and the biographical information, I mean, the County.

12 Have you take any medications or substances
13 that might affect your ability to testify today?

14 A. No.

15 Q. Is there any other reason why you would be
16 unable to give your full, complete and accurate
17 testimony today?

18 A. No.

19 Q. And you understand that you are under oath and
20 you must give your full and truthful testimony?

21 A. Yes, I do.

22 Q. Have you been deposed before?

23 A. Yes.

24 Q. How many times?

25 A. Maybe five or six.

1 Q. What was the most recent time?

2 A. It was related to some laws that were passed by
3 the Legislature in Senate Bill 90.

4 Q. Of any of the five or six times you've been
5 deposed, have they involved elections or redistricting?

6 A. Elections, yes; but redistricting, no.

7 Q. With respect to elections, what were those
8 cases that you were deposed in?

9 A. There have been a variety of cases related to
10 candidate qualifying, and, then, again, like I said,
11 there have been, you know, several cases related to laws
12 that the Legislature implemented throughout the State of
13 Florida. So I was brought in, you know, as a witness,
14 to speak how we were implementing or were planning to
15 implement those things or what effect they had on
16 Miami-Dade.

17 Q. Have you ever been deposed as a 30(b)(6)
18 witness before?

19 A. Yes.

20 Q. Have you testified in any court cases?

21 A. Yes.

22 Q. Do you remember the names of those cases?

23 A. I do not.

24 Q. When you testified as a 30(b)(6) witness
25 before, was that on behalf of Miami-Dade County?

1 A. Yes, the Elections Department.

2 Q. And you've kind of answered this, but have you
3 spoken on behalf of the Elections Department in a
4 legislative or administrative setting?

5 A. Yes.

6 Q. Does that include legislative or administrative
7 settings not related to litigation?

8 A. So maybe you should elaborate on your question.

9 Q. Have you testified in hearings?

10 A. I have gone before the legislature, and also
11 before our Board of County Commissioners, to speak on
12 matters that relate to the department.

13 Q. Understood.

14 Have you ever been a party to a lawsuit
15 yourself?

16 A. Yes. I think we have been, right?

17 MR. VALDES: Are you talking about her
18 individually?

19 BY MR. MERKEN:

20 Q. I'm talking about you personally.

21 A. Oh, personally.

22 Q. This is biographical, yes.

23 A. Oh, no, I have not.

24 Q. You have not?

25 A. No.

1 Q. So you have not been a plaintiff?

2 A. No.

3 Q. You have not been a defendant?

4 A. No. No. No.

5 Q. Have you ever been a party in a criminal case?

6 A. No.

7 Q. Have you ever been arrested?

8 A. No.

9 Q. Now, when I say, "you," I'm referring to the
10 Elections Department. We have moved out of the
11 biographical realm.

12 A. Okay. Okay.

13 Q. You have been designated by the Elections
14 Department to answer questions on its behalf, right?

15 A. Yes.

16 Q. When did you learn that you would be testifying
17 in this capacity?

18 A. When I received the subpoena, which I think
19 was, you know, a few weeks ago.

20 MR. MERKEN: Mark this as Exhibit 1.

21 (Thereupon, Plaintiffs' Exhibit Number 1 was
22 marked for Identification.)

23 BY MR. MERKEN:

24 Q. You've just been handed what's been marked as
25 Plaintiffs' Exhibit 1. Do you recognize this document?

1 A. Yes.

2 Q. And what is this document?

3 A. This is a subpoena to testify at a deposition
4 in a civil action.

5 Q. And what's the date on this?

6 A. The date of the appearance or --

7 Q. The date of the subpoena.

8 A. Of the subpoena? I don't know. Is it 9/19/23?

9 Q. Yes.

10 A. Okay.

11 Q. And if you could please flip to the fourth
12 page.

13 A. The fourth page, you said?

14 Q. The last page, yes.

15 A. Uh-huh.

16 Q. And what does this page show?

17 A. This page shows the topics that we were going
18 to be discussing in today's deposition.

19 Q. Okay. We'll come back to this exhibit in one
20 moment.

21 Did you, yourself, receive this subpoena or did
22 somebody else at the County receive it?

23 A. Somebody in my office signed for it -- in my
24 office, I did not -- and then it was provided to me.

25 Q. And how did you prepare to testify today?

1 A. Well, of course, I reviewed these questions. I
2 spoke to my staff members, to make sure that, you know,
3 I understood and recalled some of the timelines and what
4 was required for us to perform these duties in the past,
5 and, of course, you know, reviewed it with my attorney.

6 Q. What staff members did you meet with?

7 A. Okay. So it would be -- do you want all of
8 their names individually?

9 Q. Yes, please.

10 A. Okay. So Angela Rivero, Robert Rodriguez,
11 Erika Sierra-Trujillo, Jose Ponce, Michael Johnson,
12 Michelle McClain, and Xavier Pichs, P-I-C-H-S.

13 Q. Besides those seven staff members, did you meet
14 with anybody else in the Elections Department to prepare
15 for your testimony?

16 A. I think I've covered everybody.

17 Q. Did you meet or communicate with any other
18 County employees, outside of the Elections Department,
19 to prepare for your testimony?

20 A. No.

21 Q. Did you meet or communicate with anybody from
22 the City of Miami to prepare for your testimony?

23 A. No.

24 Q. About how long did you spend meeting with your
25 staff members to prepare for your testimony?

1 A. I mean, it was a couple of hours, over several
2 days.

3 Q. Did you review any documents?

4 A. Yes.

5 Q. What documents did you review?

6 A. I reviewed the questionnaire and
7 correspondences between us and the City, you know, just
8 in terms of the normal protocols for what we receive
9 from them preparing for their elections. I looked at
10 some maps. I looked at cost estimates that were
11 prepared. I looked at like the procedures for
12 redistricting and reprecincting.

13 Q. So besides those four or five categories, is
14 there anything else you looked at?

15 A. Our election calendar in 2024, our election
16 calendar in 2023. I looked at some of the
17 correspondences, to refresh my memory on correspondences
18 that had occurred in the past.

19 Q. Anything else?

20 A. I think that covers it.

21 Q. Okay. Did you review the Complaint in this
22 case?

23 A. I don't know if I did.

24 Q. Have you reviewed any of the parties' initial
25 disclosures?

1 A. Can you elaborate on what that is?

2 Q. No, the initial disclosures that were made as
3 part of the litigation.

4 A. No.

5 Q. Have you reviewed any deposition transcripts
6 from any other witnesses?

7 A. No.

8 Q. Have you reviewed any other prior testimony in
9 this case?

10 A. No.

11 Q. Have you reviewed any other court filings?

12 A. The initial, I think, court filing. I don't
13 know the term for it. But when, I guess, the initial
14 case was settled, I did go through that, because I was
15 looking at the maps and the variations in the maps, but
16 I don't know what that court document is called.

17 Q. We'll take a look at some of them in a little
18 bit.

19 A. Okay.

20 Q. You mentioned you had reviewed maps. Do you
21 recall which maps those were that you had reviewed?

22 A. I just remember it was a page that had, you
23 know, the varying maps, the City's initial map, what the
24 plaintiffs' map looked like, and then the City's -- it
25 was like a spread -- not a spreadsheet, but like a page

1 that had all of the varying maps on it from one of the
2 court filings.

3 Q. Okay. Did you review any Miami-Dade County
4 documents?

5 A. Can you elaborate? I think I answered the
6 things that we reviewed, but if there something else
7 that you were looking for, maybe you can be more
8 specific.

9 Q. Sure.

10 So you had mentioned that there were policies
11 and protocols that the County has for election
12 administration. What are those policies and protocols?

13 A. So there's very many steps in redistricting and
14 reprecincting, 37 varying steps, in fact, and so I don't
15 have all of those committed to memory, and so I needed
16 to review, with my staff, exactly what it does take for
17 redistricting, what it took to do it the first time
18 around, and if we're ordered to do it again, what is it
19 going to take, so that I could properly represent to the
20 Court today the timelines that I would need to be put in
21 place, in order for us to be able to do this accurately.
22 And so that was -- the steps that it entails were
23 provided to me.

24 So I asked staff to prepare that. We talked
25 about it. We reviewed it, to make sure that I

1 understood it, and that's what I was referring to.

2 Q. To be clear, those 37 steps, is that only for
3 redistricting or is that for election administration,
4 generally?

5 A. That's for redistricting/reprecincting.

6 Q. Is there another set of policies or procedures
7 for general election administration?

8 A. I mean, that's a very broad question. We have
9 very many policies and procedures. I didn't necessarily
10 need to review any of those for this particular case,
11 but I did reference a questionnaire earlier on, that we
12 have, that we developed, that we provide to every single
13 city, not just the City of Miami, in the preparation of
14 their elections. And so, one of the questions on here
15 was, the relationship, I think it was, between the City
16 and the County. So I wanted to review what that looked
17 like, so that I could recall, you know, what we're
18 asking them for and what they're directing us to do, in
19 the preparation of their election. So I reviewed that,
20 as well.

21 Q. Thank you.

22 I'm also not asking just if you reviewed it,
23 but if it exists, if there is a written handbook policy
24 about election administration that Miami-Dade County
25 has?

1 A. Oh, okay. So, in that case, yes. There are
2 very many procedure manuals that we have --

3 Q. Approximately --

4 A. -- for varying tasks.

5 Q. Approximately how many manuals?

6 A. I don't want to guess how many.

7 Q. More than five?

8 A. Yes.

9 Q. More than ten?

10 A. Yes.

11 Q. More than twenty?

12 A. Yes.

13 Q. More than fifty?

14 A. Yes.

15 Q. Are there any --

16 A. Various divisions have different manuals, for
17 different functions that we have.

18 Q. Understood.

19 With respect to the 37 redistricting steps, is
20 that a single document?

21 A. It is now a single document, yes.

22 Q. Okay. Did you bring any documents with you
23 today?

24 A. Yes.

25 Q. What are those documents?

1 A. Well, what we're talking about now. So that I
2 make sure I properly represent the varying steps, I have
3 that here, and I also have cost estimates.

4 Q. Okay. Anything else?

5 A. No.

6 Q. Did you take any notes in preparing for today?

7 A. I mean, it's what essentially I have here, and,
8 yeah, some other things, just to sort of organize my
9 thoughts, sure.

10 Q. And in what format are those notes?

11 A. They are in a Word document.

12 Q. Okay. And you don't have those notes with you
13 today?

14 A. I do.

15 Q. You do have those notes, in addition to the two
16 sets of documents?

17 A. Yes. Yes.

18 Q. Okay. Without divulging the subject of
19 attorney/client communications, with whom did you speak,
20 on the counsel side, to prepare for today?

21 A. The two people that are in the room with me.

22 Q. And for about how long?

23 A. I would say, a couple of hours, over a couple
24 of days.

25 Q. Was anyone else, besides these two, present?

1 A. I don't believe so. No, not in these
2 conversations we had.

3 Q. Okay. Did you review any documents in those
4 meetings?

5 A. Yes.

6 Q. What were those documents?

7 A. The ones that I have in front of me.

8 Q. Anything else?

9 A. And, then, whatever -- I mean, you said you
10 were going to show me the court documents from the past,
11 right, from the previous -- I guess, earlier stages of
12 this case. We did look at that, as well, together.

13 Q. Anything else?

14 A. I don't believe so.

15 Q. Did you take any notes in those meetings?

16 A. It's the same notes.

17 Q. Do you think there was anything else you could
18 have done to prepare to testify today, that you did not
19 do?

20 A. No.

21 Q. Was there anybody else you could have talked
22 to?

23 A. I don't believe so. The people that I listed
24 there are my deputies and my GIS specialist. So I think
25 -- and my attorneys. So I think I've covered everyone.

1 Q. Okay. Do you live in the City of Miami?

2 A. No, I do not.

3 Q. Have you ever lived in the City of Miami?

4 A. No.

5 Q. How long have you served as Elections
6 Supervisor?

7 A. Nine years.

8 Q. Had you worked in the Elections Department
9 before serving as Elections Supervisor?

10 A. Yes.

11 Q. And what was the role?

12 A. Well, I've been there for over 16 years, and so
13 I've had varying leadership roles in the department.

14 Q. Can you walk me through, from when you started,
15 to the extent that you can recall, to serving as
16 Elections Supervisor, what those roles were?

17 A. Sure. So I first served as Senior Executive
18 Assistant to the Supervisor of Elections at the time.
19 Then I was appointed as Deputy Supervisor of Elections
20 over the Government Affairs and Media Relations
21 Division. Then I was appointed to Chief Deputy
22 Supervisor of Elections. And in 2015, I was appointed
23 by the mayor at the time as Supervisor.

24 Q. So the mayor, individually, appointed you to
25 each of those positions?

1 A. The Supervisor of Elections, at the time,
2 appointed me to the prior positions that I mentioned,
3 but the mayor appointed me as Supervisor.

4 Q. And who was the mayor who appointed you?

5 A. Carlos Gimenez.

6 Q. Have you ever worked for the City of Miami?

7 A. No.

8 Q. Have you ever worked for any other county?

9 A. No.

10 Q. Before the 16 years that you've spent at the
11 Elections Department, had you worked in elections
12 before?

13 A. No.

14 Q. Do you like working for the County?

15 A. Yes, I do.

16 Q. Why?

17 A. Well, while my job is not easy, it gives me a
18 great sense of pride to be able to serve the voters of
19 Miami-Dade County. I'm a public servant at heart, and
20 so I'm very happy doing what I do.

21 Q. Did you go to high school?

22 A. Yes.

23 Q. Did you graduate from high school?

24 A. Yes.

25 Q. Did you go to college?

1 A. Yes.

2 Q. Where did you go?

3 A. Florida International University.

4 Q. What was your major?

5 A. Environmental Science.

6 Q. Did you have any minors?

7 A. No.

8 Q. Do you have any post-college education?

9 A. No.

10 Q. Do you have any professional certifications?

11 A. No, uh-uh.

12 Q. Are there any professional certifications in
13 your field?

14 A. Yes.

15 Q. What are those?

16 A. One of them -- well, there's a State
17 certification, which is the Florida Certified Election
18 Professionals, and then there's also more of a
19 nationwide one, through the Election Center, and I'm
20 currently working through that one now.

21 Q. Are you a member of any trade organizations or
22 professional associations?

23 A. Yes. I'm a member of the Florida Supervisors
24 of Election Association.

25 Q. Any others?

1 A. Uh-uh.

2 Q. Do you hold any leadership role in that
3 organization?

4 A. I am the co-chair of the Canvassing Board
5 Training Committee, and I'm a member of the
6 Cybersecurity Task Force.

7 Q. Sounds like important work.

8 What does your current job, broadly, as
9 Supervisor of Elections, entail now?

10 A. So I oversee all elections in Miami-Dade
11 County, from municipal elections, to County, State and
12 Federal elections, ensuring that they're accurate and
13 accessible, and in adherence with all of the applicable
14 local, State and Federal laws. That entails -- it
15 includes, but not limited to, making sure our precincts
16 and polling places are accurately set up in our voter
17 registration system and tabulation system, so that
18 voters will be getting a correct ballot when they come
19 to vote, training all of our poll workers, coding the
20 election, preparing voting equipment, testing all of the
21 voting equipment, sending out Vote-by-Mail ballots,
22 administering up to 33 early voting sites, 758
23 precincts, 550 polling places, and, of course,
24 processing ballots, tabulating the results,
25 disseminating them to the public, post-election audit,

1 after every election, and certifying the election, in
2 the end, that the results are true and accurate.

3 Q. Wow. And you love doing that?

4 A. Very much.

5 Q. To whom do you report?

6 A. The mayor of Miami-Dade County.

7 Q. With whom do you work on a regular basis?

8 A. I have 130 staff members. I work with my
9 colleagues through -- that have my same position
10 throughout the State, the County Attorney's Office, the
11 Mayor's Office, and I probably should say that I do have
12 a chief, who is under the mayor, who I report directly
13 to, municipal clerks, candidates, major political
14 parties, activist groups, and the public.

15 Q. With whom do you work, in the Elections
16 Department, on a day-to-day basis?

17 A. I mean, day-to-day, I would say, my Deputy
18 Supervisor of Elections, my Assistant Deputy Supervisor
19 of Elections, and anybody else within my department that
20 I need to talk to, you know, regarding whatever is going
21 on at the time.

22 Q. And who is your deputy?

23 A. The people that I named before. I have six
24 deputies.

25 Q. And the Assistant Deputies are also on that

1 list?

2 A. Yes.

3 Q. Okay. Do you work in-person or do you work
4 remotely?

5 A. No, I'm in the office every day.

6 Q. You had mentioned that you report to the Mayor
7 of Miami-Dade County, and, more specifically, to his
8 (sic) chief. Did you have any conversations with either
9 the Mayor or the Mayor's chief about this litigation?

10 A. Just that this deposition was happening. Of
11 course, reporting up that this is something that I
12 needed to do, and that there was ongoing litigation, but
13 nothing, really, more specific than that.

14 Q. Were there any conversations between your
15 office and the Mayor's Office, between December 2022,
16 when this litigation commenced, and preparing for this
17 deposition?

18 A. I mean, I would just say, simply letting them
19 know, right. It's an obligation of mine to make sure
20 that my superiors know what it is that I'm working on.
21 I didn't have any specific conversations with them about
22 what I was going to be reviewing, but, yes, giving them
23 a heads up, sure.

24 Q. Did the Mayor or the Mayor's chief issue any
25 directives or any give you any instructions about this

1 litigation?

2 A. No.

3 Q. Are there individuals that you work with only
4 when elections are underway, as opposed to on a
5 day-to-day basis, besides the Mayor, parties, and the
6 constituencies that you already mentioned?

7 A. So we always have elections going on. You
8 know, if it's Tuesday, it's election day, we say in my
9 department. So, you know, that's a difficult question
10 to answer. I deal with people, as needed.

11 Q. Understood.

12 All right. I promise that's the end of the
13 biographical, and now we're really going to move into
14 the County questions.

15 So this is Topic 1, on Exhibit 1, and we
16 discussed this a little bit, but to confirm, there is
17 now a manual or a policy handbook on how to handle
18 redistricting?

19 A. It's more the steps that it takes to conduct
20 redistricting.

21 Q. So there's no formal policy or procedure?

22 A. No.

23 Q. How often does the City of Miami hold
24 elections?

25 A. Well, they have their regularly scheduled

1 election in odd years. It may or may not have a runoff
2 associated with it, right. That's to be determined.
3 So, scheduled, it would be every other year.

4 But, then, of course, special elections do come
5 up, as needed, if there's a vacancy that is created for
6 some reason. We'll conduct that. And, then, you know,
7 they also do have the option of adding questions onto
8 County-wide ballots. I don't recall, off the top of my
9 head, when they did that. That's something that I would
10 probably have to research, but that would be in
11 conjunction with an election that we're already running.

12 Q. In a regular election, which you said are on
13 the odd years, can you walk me through that process,
14 from start to finish? So when does the process start,
15 all of the way through certifying the election,
16 post-election?

17 A. Sure. So, when it's a regularly scheduled
18 election, it's in the Charter, so we already know that
19 it is happening. So it's on our election calendar. And
20 so, usually, no later than 90 days out, one of my staff
21 members will reach out to the City Clerk and have -- you
22 know, go through what's called, you know, the election
23 coordination questionnaire. So we are asking them at
24 this point to start directing us on how to conduct their
25 election, right. So we know we're having it and we know

1 the date.

2 So what races are on the ballot, when does
3 candidate qualifying end, are there questions that are
4 going to be on the ballot or do they want -- we have to
5 do English and Spanish, do they want Creole, also.
6 That's a decision that they make, because this is their
7 election, not ours, right, and who's on their canvassing
8 board, are they having early voting, how many sites,
9 what's the schedule going to be, what determines a
10 runoff, right. There's certain -- you know, a bunch --
11 are they paying for postage on their Vote-by-Mail
12 ballots. So it's a whole questionnaire that we go
13 through, so that we know how we are going to proceed
14 with running their election. They answer those
15 questions.

16 And then we wait for the candidate qualifying
17 -- well, with that, then we can start, you know,
18 reaching out to our polling places, start putting our
19 poll workers training calendar together, and start to
20 begin certain functions that are not related to the
21 ballot, right, certain things that we can get a head
22 start with, because we know we're running the election.

23 So then we're waiting for candidate qualifying
24 to end, which is a responsibility of the City Clerk.
25 They do all of the candidate qualifying. They do all of

1 the campaign finance stuff. And then they will tell us,
2 when it closes, these are the races, these are the
3 people that are on the ballot. We'll prepare what's
4 called the master ballot. We have them sign off on it,
5 to make sure that they agree this is correct, and then
6 we prepare -- do you want to go into exhaustive detail
7 about all of the steps?

8 Q. Please.

9 A. Okay. So then we prepare the actual ballot,
10 which we provide to them again, which they sign off on,
11 to say, yes, all of the contents are correct, send it to
12 the printer, so that we can get some test ballots. We
13 go through all of the various testing, to make sure that
14 we've coded the ballot correctly and that the printers
15 are printing them properly, feed them through a certain
16 number of tabulators, just to make sure that we've done
17 everything correctly. Then we can give the ballot order
18 to the printer.

19 We receive the Vote-by-Mail ballots at that
20 point, send those out to their voters, and, you know,
21 then proceed with setting, you know, all of the
22 logistics related to early voting, if they're having it,
23 which the City of Miami typically does, varying sites,
24 depending on the size of the elections, you know,
25 starting to place our poll workers in place, and that's

1 it.

2 Then we'll start to receive Vote-by-Mail
3 ballots. We conduct their early voting, and when
4 election day is completed, all of the results, of
5 course, are coming in. We're the ones that post them
6 onto the website.

7 It's their canvassing board, so throughout this
8 process, their three member canvassing board will be
9 coming into our office, reviewing Vote-by-Mail ballots
10 that we believe are presumed invalid, for them to make
11 the final determination on that. They also come back to
12 look at provisional ballots. And, then, after that, we
13 will certify the results to them. They ultimately
14 certify the election itself to their Commission.

15 We'll conduct the post-election audit for them,
16 and then that, really, at that point, concludes the
17 election, and then they swear in their elected officials
18 at that point.

19 I think I hit all of the high points.

20 Q. So, my understanding, and correct me if I'm
21 wrong, please, is that the process, generally, in a
22 regularly scheduled City of Miami election, generally
23 commences, from your end, about 90 days before the
24 election is scheduled to be held?

25 A. Yeah. No later than.

1 Q. When is your earliest it would commence, your
2 involvement?

3 A. I mean, you know, I think like we start, you
4 know, 120 to 90 days out, just to -- it depends on my
5 staff.

6 Q. Are there any particular members of your
7 department who are designated to handle the City of
8 Miami elections?

9 A. I mean, the one person, who is our election
10 coordinator -- her name is Liz Prieto -- she's the one
11 that most commonly will deal with not just the City of
12 Miami, but all City Clerks, but then she has superiors
13 that also will communicate with the clerks, because we
14 have relationships with everybody. So it just depends
15 on who they reach out to.

16 But, no, not specific to cities, right.
17 There's not a point person for the City of Miami, per
18 se.

19 Q. Okay. You had mentioned that it's a
20 collaborative process with the City, and we'll get more
21 into that in a little bit, but is there anybody at the
22 City, who is the City's point person, who generally does
23 the outreach to your department?

24 A. So it's typically two people, Todd Hannon, who
25 is the Clerk, and then his -- and, then, Sandra Forges,

1 who -- I don't know her title off-hand, but she's
2 somebody who deals directly with our department for
3 elections coordination.

4 Q. Is there -- I'm sorry.

5 A. No, it's okay. Those would be the two people.

6 Q. Is there anybody else?

7 A. Not commonly.

8 Q. Within that 90 to 120-day window that you've
9 mentioned, are there interim deadlines for tasks to be
10 accomplished? You ran through kind of an exhaustive
11 list of all of the steps, but is it the case that the
12 County has, say, at 87 days out, this need to be done,
13 at 80 days out, this needs to be done?

14 A. Yes. So we always ask for deadlines, right,
15 and hope that they're adhered to. So we do ask for all
16 ballot content and everything to be given to me no later
17 than 60 days prior to the election.

18 Q. Besides ballot content and other ballot-related
19 materials, are there any other internal deadlines?

20 A. In just the regular election administration,
21 just talking about conducting their election?

22 Q. Yes.

23 A. For a regularly scheduled election, it's the
24 dates that I've already given you. It changes when it's
25 a County-wide. When you're trying to piggyback onto a

1 County-wide election, it's a completely different
2 situation, because I have Statutes that I need to adhere
3 to, and I cannot wait around for a city to be giving me
4 content late, when I have a huge election to run.

5 So, yeah -- I mean, if there's any Resolutions
6 that need to be passed by the Commission, with
7 questions, let's say, or if they're setting up their
8 early voting dates and stuff like that, we always ask
9 for everything to be given to us no later than 60 days.

10 Q. You had mentioned a County-wide election and
11 the City piggybacking on that. Can you explain that a
12 little bit more?

13 A. Sure. So, in this case, when I use the term,
14 piggybacking, it's an election that we're already
15 running. So, in 2024, we're talking about the August
16 primary and the November general election. We are doing
17 those elections, anyway, because, of course, it's
18 required for all of the other, you know, County and
19 State and Federal races. So, the cities do have an
20 option, if they want to piggyback onto that election.
21 It's usually not because of a race, because those are in
22 their Charter, it's usually because they would add
23 questions, or if it just so happens that a vacancy
24 occurs and it aligns with our election, then we
25 typically agree to that, as long as they give us

1 everything that we need well in advance.

2 Q. So, in that context, and we'll talk about the
3 2024 election in a little bit, but in that context, what
4 do those deadlines look like, as opposed to the 90 to
5 120 days and 60 days you mentioned?

6 A. So I don't have any deadline committed to
7 memory right now, but it's certainly well before the
8 election. And I will tell you this, that even though
9 you want to put something on the November ballot, we set
10 things up as a cycle, right. So the August and November
11 election is considered one election cycle, and I don't
12 like to make changes. I don't like to make precinct
13 changes, I don't like to make polling place changes, I
14 don't like -- candidate qualifying, all of these things
15 have to end before -- well, candidate qualifying, I
16 should probably put that aside for a minute.

17 Everything needs to happen well in advance of
18 the August election, so that it's set and put in place.
19 One, off the top of my head, that I can confidently is,
20 if you are somebody that's putting races on the November
21 ballot, we ask that you have all candidate qualifying
22 ending and the names provided to us by August 23rd,
23 because the primary election is on August 20th, and I
24 know, within a couple of days after that election, who
25 is going to the November election. So I cannot wait

1 beyond that point.

2 So that would be a good example, that even
3 though the election is November, I need your ballot
4 content in August.

5 Q. Okay. We'll talk about the 2024 election in a
6 minute, but since we were in that zone, I just wanted to
7 mention that.

8 A. Okay.

9 Q. In a normal, regularly scheduled City election,
10 that occurs after redistricting has happened, what does
11 that process look like for receiving a map from the
12 City?

13 A. Depends on the election that we're talking
14 about, right. So, previously, I had asked for an August
15 1st deadline for their November election. I think you
16 probably know that, right?

17 Q. Yes.

18 A. So I asked for that, because, you know, that
19 would give us enough time to do the steps I'm sure we'll
20 get into a minute, for -- you know, in order to conduct
21 their election.

22 When we talk about 2024, I'm going to be asking
23 the Court for more time. If the Court decides that
24 there's a different map that is going to be provided to
25 the department, it's much earlier in the process,

1 because I need to have all of this work done well in
2 advance of us preparing for the '24 election cycle.

3 Q. Since we're there, what date would that date
4 be?

5 A. So I think the clearest way for me to describe
6 dates is to give two, and I'm going to work backwards,
7 because I really want this to be very clear to anybody
8 who is reading a transcript, right.

9 I already alluded to the fact that the way we
10 conduct elections is in cycles, right, and so I need to
11 have all precincts and all polling places confirmed,
12 without changes being made, and that's just to not
13 burden my staff, but more importantly, not to be
14 confusing to voters in a presidential election cycle, in
15 advance of the August primary election. And so all of
16 this needs to be in the voter registration system, my
17 tabulation system and also my automated Vote-by-Mail
18 system before candidate qualifying starts, and that's in
19 June, for August.

20 So when you start backing out from that, what I
21 need to have completely done and finished, and my
22 resources not being dedicated to this particular topic,
23 no later than -- this is my request to the Court -- by
24 May 15th. That's for me. That's for all of my internal
25 work to be done, so that my staff can focus their

1 attention and my resources on the presidential election
2 cycle, right. That's May 15th.

3 And so, if I back out from there, the question
4 is, well, how much time do I need? That is a question
5 that is very difficult for me to answer here today,
6 because I have no idea what the changes are going to be,
7 is it a little bit of a tweak? Are they major changes?
8 I have no idea. And so I need to have some sort of
9 deadline, to provide to the Court, that gives me
10 confidence that we will be able to do this work
11 accurately and with professionalism, and it's very, very
12 detailed work, 37 steps, that must be done in sequential
13 order.

14 And so my request to the Court is going to be
15 that all of this be complete, all, you know, court
16 cases, and like non-appealable, you know, this is the
17 final, final, final map, by March 31st of 2024.

18 Q. Thank you. We'll talk more about the 2024
19 election and that process, but that was a helpful clear
20 answer to the Court. I really appreciate that. It will
21 be crystal clear in the transcript.

22 How much does it cost to run the City of Miami
23 elections?

24 A. A regularly scheduled election?

25 Q. Yes, a regularly scheduled election.

1 A. A full City election is estimated at \$805,000,
2 and that takes into consideration their current early
3 voting model. I do know they do make changes from time
4 to time.

5 So, as of today, I can say, approximately
6 805,000.

7 Q. Are all of those costs, the 805,000, passed on
8 to the City?

9 A. Yes.

10 Q. None are absorbed by the County?

11 A. No.

12 Q. Is that pricing done on an election by election
13 basis?

14 A. Yes, it is, because costs fluctuate, right,
15 postage changes, and, again, you know, if they change
16 their early voting model and what have you, we will do
17 new estimates for them.

18 Q. So you mentioned postage changing, which I
19 think will be happening in 2024, and the early voting
20 model that the City uses. Are there other factors that
21 would impact the price of the election?

22 A. I mean, if we have changes in, you know, the
23 printing costs from our paper vendor. We do hire
24 temporary workers, so if there's a change in the
25 temporary rate, then, of course, all of those costs

1 would be passed on.

2 Q. Any other --

3 A. So I think -- so, I think, printing, postage,
4 temporary workers, and, then, early voting. I think
5 those are probably the biggest factors, variables, that
6 would impact it.

7 Q. Are there any variables on the County side that
8 would impact the price?

9 A. We pass on the direct cost.

10 Q. Okay. So all of the testimony we just heard
11 was about regularly scheduled elections. Now we're
12 going to move into special elections, if we could. How
13 does the County prepare for a special City of Miami
14 election, that is not concurrent with another regularly
15 scheduled election?

16 A. All of the steps that I've already described
17 would be applicable here, as well. I think the biggest
18 nuance that I should mention is just that, you know, at
19 this point, we're not prepared for this election, and so
20 there is communication that has to happen between my
21 office and the City Clerk, as it relates to the timing
22 of it. I know they do have -- and it depends, because
23 if it's a vacancy, I know that's in their Charter, it's
24 a little bit more -- not a little bit more, but a lot
25 more strict on when they can do it, and if it's not,

1 then, there's a little bit more flexibility, but what
2 has to happen is, by Florida Statute, the City Clerk has
3 to request approval from the Supervisor of Elections to
4 conduct said special election, and then we collaborate
5 on the dates that would work for both, and, then, once
6 that's agreed upon, then everything that I've already
7 described would happen.

8 Q. You said that the County and the City
9 collaborate on dates. How does that determination get
10 made?

11 A. It's largely, on our part, based upon
12 resources. I mean, if you look at our election
13 calendar, and I made that comment earlier, if it's
14 Tuesday, it's election day. You know, it's a bit funny,
15 but not really, because it's pretty true. So it just
16 depends on what other elections that we have going on,
17 and if we can accommodate it, and, you know, is there a
18 County-wide election coming up, where I have all of my
19 resources and equipment dedicated to that, that would be
20 a problem, right.

21 So, you know, working within the confines of
22 their requirement by law and what it is that we're able
23 to accomplish with resources, is usually how we get
24 there.

25 Q. What happens if the County cannot accommodate a

1 special election, when the City wants to hold it?

2 A. Then there's a provision in Florida Statute
3 that they're free to conduct the election on their own.
4 My only requirement is to turn over the voter
5 registration rolls to them. Thankfully, we've never had
6 to get to that point.

7 Q. Do you know what Statute that is?

8 A. Not off the top of my head.

9 Q. Is there anybody in your office that is
10 designated to handle special elections, as opposed to
11 regularly scheduled elections?

12 A. No.

13 Q. So, you said, once you know that there's going
14 to be a special election, and once that date for the
15 special election is set, then the same 37 odd steps
16 sequentially occur, right?

17 A. Well, the 37 steps were related to
18 redistricting.

19 Q. I'm sorry. I'm sorry.

20 A. Yeah. So, the questionnaire, the back and
21 forth, the directive from them on how they want us to
22 conduct the election, would be the same.

23 Q. Is there a different election coordination
24 questionnaire for a special election, as opposed to a
25 regular election?

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A. No.

Q. Are there any additional or different questions the County would ask the City, in preparing for the special election, as opposed to a regular election?

A. I cannot think of any, other than, you know, what we've already talked about, which is the date.

Q. And that same 90 to 120 days out is when the County would start its process of preparing for the election?

A. If we're lucky. We don't always have that luxury, truthfully, because if some -- and I don't know the City of Miami's Charter off the top of my head, but, in some instances, we don't always have that much time, but if it's a small city, then, you know, we're able to accommodate it.

Q. What is the least amount of time you've had to run a special election?

A. You're testing my memory on that. I'd have --

Q. If you remember.

A. I'd have to look into that.

Q. Are there different costs for a special election that is not concurrent with another election?

A. So, is your question, special, compared to a regular election?

Q. Yes.

1 A. Okay. So, meaning, a City of Miami special
2 election, versus a City of Miami regularly scheduled
3 election, is there a difference?

4 Q. Yes, with one qualification, a City of Miami
5 special election that is not concurrent with another
6 regularly scheduled election, and a regularly scheduled
7 City of Miami election.

8 A. As long as it's the same number of
9 jurisdictions at play here, right, like city versus city
10 or two district versus two districts, right, because
11 there will be a variable in the cost, I don't -- unless
12 they make a change, right, they say, I want to have
13 three days of early voting in six sites, and five days
14 of early voting in two sites or, you know, something
15 like that, as long as all of the variables are the same,
16 I can't see why there would be a different cost, right.

17 Like for -- just to take it one step further,
18 just to make sure I'm being clear, their regular
19 election estimate is a little bit more than their runoff
20 election, because in their runoff election, because of
21 the way that the timing of the cycle is, their early
22 voting is limited, so that brings the cost down. So, as
23 long as the variables are the same, the cost should be
24 the same.

25 Q. So assuming no City requested changes, like

1 different early voting, et cetera, that special
2 election -- a City special election -- would
3 approximately cost \$805,000?

4 A. If it was a standalone, is my verbiage, right,
5 on its own election, yes.

6 Q. Yes.

7 We're going to now move to the third category
8 of elections, if we could, and you alluded to this a
9 little bit already, but if the City of Miami wants to
10 hold a special election concurrent with other regularly
11 scheduled elections, County, Statewide, how does that
12 change the process on your end?

13 A. Okay. So taking redistricting and
14 reprecincting out of this scenario, we're just talking
15 about adding -- piggybacking onto a County-wide
16 election?

17 Q. Yes.

18 A. Okay. So it's really not all that burdensome
19 for a city to piggyback onto our election, unless they
20 decide to add a bunch of questions, making the ballot
21 really long. Then that gets a little bit tricky. But
22 if we are already having a scheduled election, and they
23 ask for approval to piggyback, and adhere to our
24 deadlines, then -- in terms of, you know, providing us
25 with their candidate qualifying on time or providing us

1 with the questions on time, then it really is not much
2 of an impact to us or the election. So that's always
3 approved.

4 And, then, of course, they pay, not as much,
5 but they pay a portion of the election to piggyback,
6 which is mostly printing, postage, if it triggers an
7 additional page, that I wouldn't have to do anyway,
8 some, you know, ballot preparation costs, because now
9 I'm adding additional styles to the election. So there
10 is -- there's some cost to the City to do this, but it's
11 not as much as having a standalone.

12 Q. You mentioned that the City can request to
13 piggyback. Is there a formal request process or is it
14 the City Clerk calls your office and says, "We want to
15 have a special election next year"?

16 A. So we remind them, over and over, that they
17 have to ask us, by Florida Statute, for approval in
18 advance. So that would be the formality there. It
19 would be that they ask us, usually by e-mail, you know,
20 we're asking the Supervisor of Elections to add this
21 particular race or this many questions on the ballot,
22 and then we will reply back to them saying that, you
23 know, yes, we do approve that, as long as you -- and
24 then we give them the ballot deadlines, as long as you
25 do this, and agree to pay this, right, if they ask for a

1 cost estimate, and then that's really it.

2 Q. Has the County ever rejected a request from
3 anybody to have a special election -- a piggyback
4 special election?

5 A. I cannot recall a time where we said, no.

6 Q. You've mentioned, for all three of these, the
7 regularly scheduled Miami election, the special election
8 as a standalone, your words, and the special election
9 piggybacking, you mentioned the costs for the first two,
10 and I want to just make sure I'm clear on the cost for
11 the third, which is the City has a special election
12 concurrent with, piggybacked, on a County election.

13 A. Right. So, if the City -- if the City
14 piggybacks on a County-wide election, we're estimating
15 that to be about 115,000.

16 Q. And that's all in, the cost for the County to
17 run a special City election?

18 A. Yes.

19 Q. Now, you've mentioned runoffs, which we haven't
20 yet talked about, and I will have some more questions on
21 runoffs --

22 A. Small caveat. If there were additional
23 questions that were added, that would trigger additional
24 ballot pages, then they would take all of the cost of
25 that additional ballot page for the people in their City

1 and the associated postage for the Vote-by-Mail ballots,
2 as well, but this does not assume that that's the case.

3 Q. Understood. Thank you.

4 So, for runoffs, just briefly, what do the
5 costs for runoffs look like, and we can go category by
6 category, but for a regularly scheduled City election, a
7 special City election standalone, and a special City
8 election piggybacked?

9 A. Okay. So these are estimates, based upon
10 previous decisions that have been made by the City, in
11 terms of what we've already talked about, early voting
12 and such, but just to recap, to piggyback on a
13 County-wide election, I'm estimating it at about
14 115,000. If there is a runoff, that occurs after the
15 County-wide election, that does increase to \$507,000,
16 because that's not an election that we would hold. We
17 wouldn't be doing that otherwise. So if there is a
18 runoff, they would be responsible for all of those
19 direct costs.

20 Again, a standalone, using their previous early
21 voting model, is about 805,000, and their runoff, after
22 that election, is 606,000. And like I said, the reason
23 it's different is just the availability of early voting.

24 Q. And, then, for regularly scheduled elections?

25 A. That's what that is. That's the same thing.

1 Q. So, for standalone and for regularly scheduled,
2 a runoff is the same?

3 A. Yes.

4 Q. Okay. And you had said that for piggybacked
5 elections, the cost of the runoff is 507,000; is that
6 right?

7 A. Uh-huh.

8 Q. That's in addition to the 115,000?

9 A. Yes, if it goes to a runoff.

10 Q. If it goes to a runoff.

11 And, then, for a standalone and a regularly
12 scheduled election, the runoff cost would be 606,000 --

13 A. Yes.

14 Q. -- in addition to the 805,000?

15 A. Yes.

16 Q. Okay. I want to talk about redistricting.

17 What happens when the City of Miami prepares a new map
18 for the Miami City Commission? After they have prepared
19 that map, what happens on the County side?

20 A. So, first thing first, from the City Clerk,
21 because that is our contact, right, that we receive our
22 direction from, on all matters related to City
23 elections, right, we ask that it come from either Todd
24 or Sandra -- those are our two contacts -- telling us,
25 this is the map that we are going to be using for the

1 future, these are our new boundary lines.

2 And, then, from there, I'm happy to run through
3 all of these varying steps, if you want me to, but just
4 overview-wise, right, what we would first do is, take
5 the new district maps, overlay them on our precinct
6 maps, and start to do the research of, you know, what
7 does this mean, like how drastic are the changes, and
8 try to get a sense of how much work it's going to
9 entail. And, then, you know -- it's probably best if I
10 just read from this document, okay.

11 Okay. So I'm just going to hit highlights.
12 I'm not going to go into all of them, but you can ask
13 me, I guess.

14 Okay. So the first step is to review the
15 impact to current precincts, which is, I think, as I
16 started to say, you know, we overlay the new district
17 boundary lines over our current precincts and identify
18 how many precincts are impacted. This would consist of
19 either whole precincts or are we going to have to now
20 take that precinct and split it up.

21 We have to create the core boundary layer,
22 identifying every single district boundary identified
23 within that precinct, and this is used to determine if
24 we can take that precinct and consolidate it with
25 another one or if we're going to actually have to create

1 a brand new precinct by itself, because it doesn't share
2 representatives with anything else.

3 If a new precincts is needed, we have to
4 identify the precinct -- a new precinct number, one that
5 is not being used. And, then, from there, we start
6 doing the identification of how many voters are impacted
7 by this. Obviously, we have to quality assure all of
8 that stuff.

9 Then -- this is all done in our GIS system.
10 That's where we start. And, then, once we have all of
11 these steps completed, and we're confident in them,
12 that's when we can start moving it into our voter
13 registration system, which is the live production
14 system. And so, from there, we have to start
15 identifying each and every street range that needs to be
16 modified and moved, to account for the new lines,
17 quality assure all of those street ranges, and then we
18 update our precinct and City of Miami shapefiles,
19 provide that to the Miami-Dade County Information
20 Technology Department, to make sure that what we have in
21 our system is consistent with what they have in their
22 system, to make sure that no errors have been made.

23 We add all of the new precincts into the voter
24 registration system. We adjust the district values,
25 which means these precincts used to be, let's say, in

1 District 1, and now they're in District 2, adjust any
2 polling place assignments, right. So, at this point, we
3 are figuring out, were these precincts able to be
4 absorbed, and so, therefore -- and the polling place is
5 able to accommodate those additional people, or, if not,
6 that is when we have to actually start going out and
7 surveying the City of Miami, to determine if we can find
8 new polling locations. So it starts to get a little bit
9 more complicated and more timely there, if I have to
10 start surveying for new locations and trying to convince
11 an owner of a private facility to allow us to use that
12 facility.

13 So once all of the street ranges are identified
14 by precinct in our voter registration system, we then do
15 what's called a yellow dot analysis, and that's to make
16 sure that every single voter, in every single home, was
17 properly moved into the correct district. And there are
18 many exceptions that occur in this, because of alias
19 addresses and that type of thing, and so we'll have to
20 go one by one and research each one of these addresses,
21 and, you know, move them into -- you know, yes, we
22 reviewed them, and, yes, this has been done properly.

23 Once all of that is done in the system, we
24 provide these files to both, the tabulation team and our
25 automated vote -- automated absentee ballot system, so

1 that we can make sure that all of the precincts on their
2 end match all of the precincts on the voter registration
3 end, to make sure that not only the voters are going to
4 receive the correct ballot, but also that the tabulation
5 system is going to be ready to recognize that from the
6 system.

7 We have to update all of our asset management
8 systems to account for the new precinct numbers, and
9 then, you know, we already talked a little bit about the
10 polling place analysis.

11 That is -- a lot of what I've already talked
12 about is system type stuff. The polling places is
13 another function altogether, because there's a lot of
14 review and care that's taken into that. I don't want --
15 especially going into a presidential election cycle, we
16 need to make sure that we don't have too many people and
17 too much turnout going into any one location, and so we
18 really would have to review, one by one, to make sure
19 that if we're adding an extra hundred people here or 600
20 people there or a thousand people here, that the
21 location can accommodate it, parking, power, equipment,
22 all of these things, and, then, if not, you know, go out
23 and try to locate new locations.

24 My scheduling section needs to have all of this
25 in their system, too, so that we can have the poll

1 workers assigned to the proper new precincts. And once
2 all of that is done, then we can begin to generate new
3 voter information cards. That alone, is a very big
4 project, because what we need to do is extract them in
5 batches and send them out in batches.

6 So, are we talking about here, a few City of
7 Miami voters, a modest amount of City of Miami voters,
8 or all City of Miami voters? That's going to determine
9 how many batches of cards we need to generate, quality
10 assure and mail out, in a way that we can keep up with
11 the call volume, and, then, of course, all of the maps,
12 all of the statistics, all of the reports that all of
13 the candidates and parties -- that have to be produced,
14 quality assured and placed on the website.

15 That is just an overview of all of the steps
16 that need to happen.

17 Q. Thank you.

18 You mentioned GIS. What is GIS?

19 A. Okay. GIS is a Geographical Information
20 System. So it's basically electronic mapping. So we
21 receive, you know, the files electronically. That's
22 what we request from everybody that's done
23 redistricting, all of the various jurisdictions, and
24 then we place them over our GIS maps of our precinct
25 boundaries and our current existing boundaries, and we

1 start there.

2 Q. Just to confirm, you said that the County
3 requests GIS files from, say, the City of Miami?

4 A. Yes. Shapefiles, correct.

5 Q. Is a GIS file and a shapefile the same thing?

6 A. GIS, I guess I would categorize as more of like
7 the generic title of like the system itself, and the
8 shapefile is a specific type of file that we request
9 from the City.

10 Q. Who, at the County, handles the GIS process?

11 A. Xavier Pichs, P-I-C-H-S.

12 Q. Anybody else?

13 A. I mean, he's my GIS specialist, and then he has
14 superiors, but that is the main GIS person in my
15 department.

16 Q. What is a Block Assignment File?

17 A. I can't answer that confidently.

18 Q. Who, at the City, handles the GIS process?

19 A. As I said, we receive these files from the
20 Clerk, so I don't know who does them in the background.

21 Q. Would the County ever communicate directly with
22 the City's GIS folks?

23 A. Would they ever? I don't see why not, if they
24 had questions.

25 Q. Do you know of a time when that has happened?

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A. No.

MR. MERKEN: Please mark this as Exhibit

12.

(Thereupon, Plaintiffs' Exhibit Number 12 was marked for Identification.)

BY MR. MERKEN:

Q. I have handed you what's been marked as Plaintiffs' Exhibit 12. Do you recognize this document?

A. I don't believe I've seen this document before.

Q. I will represent to you that this is the City of Miami's reply brief in support of the City's Emergency Motion to Stay the Redistricting Order that they filed in the U.S. Court of Appeals for the Eleventh Circuit on August the 2nd, 2023.

A. Okay.

Q. If you could, please, turn to Page 9, and if you could look at Footnote 3. I'm going to read this, for the record, and I'd like you to confirm that I read it correctly.

It reads, "The Miami-Dade County's reprecincting process is complicated and time consuming (Docket Entry 24-30). The County needs detailed map with exact district boundaries. Id. The City had over a month to work with its Geographic Information Systems team to put the information together for the County."

1 With the Mandated Map, the County would have to start
2 from scratch, adding further confusion and delay, and
3 further running afoul of Purcell." Did I read that
4 correctly?

5 A. Yes.

6 Q. Do you know what the City and the County did
7 together, during that month that it said that the City
8 has worked to prepare the detailed GIS shapefiles?

9 A. Am I missing the month? When is this?

10 Q. This is the City's writing. They say that they
11 had a month --

12 A. But do you know like when this was, because I
13 can't speak to what happened over that month, unless I
14 know when --

15 Q. This would have been --

16 A. -- this is referring to, if at all, but that
17 would help?

18 Q. Right. Well, I guess a broader question is, in
19 2023, has the County worked with the City on shapefiles
20 or GIS processes at all?

21 A. Not to my knowledge, no.

22 Q. Has the County received any GIS shapefiles from
23 the City?

24 A. I mean, I know that we received their map on
25 the 1st, right, August 1st. I would have to look back

1 and see exactly what it was that they gave us. I think
2 they gave us what we asked for. I hadn't heard
3 otherwise.

4 Q. But you're not sure if the City provided you a
5 shapefile on August 1st?

6 A. No.

7 Q. We'll come back to this in a little bit.

8 Does the City re-assign voters to Districts 1,
9 2, 3, 4 and 5 or does the County do that, once a new map
10 is implemented?

11 A. Voters within the City?

12 Q. Yes.

13 A. Well --

14 Q. I can rephrase the question. I'm sorry if that
15 was a confusing question.

16 A. Yeah. Thank you.

17 Q. After reprecincting has occurred and the County
18 is provided with the map that will be used, does the
19 City or the County actually undertake the process of
20 moving voters from District 1 to District 2?

21 A. Okay. So you're talking about redistricting,
22 right, because you said reprecincting, so I just want to
23 be very clear?

24 Q. Yes. I'm sorry, redistricting.

25 A. Right. So the City provides us with the

1 boundary lines. We take the action of moving the voters
2 from one district into the other in our systems.

3 Q. Okay. Is there a discreet cost for that
4 process?

5 A. So we have not charged them for any of the
6 first go around. We did it as part of our larger
7 redistricting and reprecincting process, right, but if
8 we are doing this again, and it takes a significant
9 amount of time, I will be passing that charge onto them,
10 particularly as it relates to mailing new voter
11 information cards.

12 Q. Can you estimate, if this were to occur again,
13 what that cost would be?

14 A. Yes. So, this is an up to number. Up to
15 \$154,000. And, you know, again, I keep -- I guess I've
16 said it once, I feel like I'm going to say it a lot, I'm
17 at a disadvantage here, because if the Court orders a
18 new map, I have no idea what the severity of those
19 changes are going to be, right, how much time is it
20 going to take to do all of those 37 steps, is it a
21 little tweak or am I redoing all of the district
22 boundary lines, right?

23 So it could take us a small amount of time or a
24 large amount of time. How many polling places do I have
25 to go out and search for, how many voters is it

1 impacting? So I don't -- timing and costs are very hard
2 things for me to say here, but the up to \$154,000 is,
3 you know, for staff time and assuming that we're sending
4 all voters in the City of Miami new voter information
5 cards. So it would adjust, according to what we need to
6 do. That's the large bulk of the costs here.

7 Q. You mentioned that assumes that you would send
8 every City of Miami resident a new voter card. Would
9 there be a reason that you would not send every City of
10 Miami voter a new voter card, after redistricting has
11 occurred?

12 A. Yeah. I think it's just going to be a call --
13 you know, a last minute decision, on our part, as to how
14 many voters are impacted. You know, I don't feel the
15 need to send every voter a new voter information card,
16 if it's only affecting a small number of voters, but it
17 may get to a point where, if it's a significant number
18 of people impacted, then, you know, we may just make the
19 decision to send it to everybody.

20 Q. And that would primarily be a mailing cost -- a
21 printing and mailing cost?

22 A. Printing and mailing.

23 Q. What laws apply -- you mentioned some of them,
24 but what laws apply to a City of Miami City Commission
25 map and the County's implementation of their map?

1 A. That's a tough one. I mean, I think that, you
2 know, in terms of redistricting, there's obviously laws
3 that relate to them. That's not necessarily my
4 department, how they do that, but you're talking about
5 from our perspective?

6 Q. Yes.

7 A. If redistricting occurs, and then
8 reprecincting, which is an inevitable byproduct of
9 redistricting, just because, you know, it's part of
10 election administration, there are requirements in the
11 Florida Statutes that guide us on how we set up our
12 precincts.

13 So I don't know the Statutes off the top of my
14 head, but, you know, there are Statutes that require us
15 to take certain things into consideration when we're
16 creating our precincts, and, then, the approval of those
17 precincts, which have to go before the Board of County
18 Commissioners.

19 Q. Are there any Statutes that govern the costs of
20 election administration?

21 A. Not really, no.

22 Q. So there's no Statute that says it's capped at
23 a certain cost or must meet a minimum threshold?

24 A. No.

25 Q. So you've mentioned precincting a lot, and I

1 know that conflating redistricting and reprecincting can
2 be a bit of a problem. So can you walk me through what
3 reprecincting looks like, assuming you have received a
4 new map or in any election? What is reprecincting and
5 what does it look like?

6 A. Okay. So proper election administration would
7 mean that a single precinct has all of the same exact
8 representatives, right, so that when voters come into
9 that particular precinct, they all receive the same
10 exact ballot, unless, of course, it's a primary
11 election, and then there's a party differentiation. But
12 we're laying down Congressional, State Senate, State
13 House, County Commission, School Board, you name it,
14 City of Miami Commission Districts, all on top of each
15 other, and after you do all of that, there are boxes
16 that are created, all throughout the County, right, and
17 that's how you start building your precincts. So the
18 idea for, again, efficient and professional and error
19 free election administration, every precinct has all of
20 the same representatives.

21 So when new districts, now that we've done all
22 of the redistricting for all of the County and we've
23 done all of the reprecincting for all of the County, and
24 we are in great shape to have a very successful and
25 accurate election in 2024, if now a new map is provided

1 to us, which is okay, as long as it's all done within
2 the timelines that I'm hoping will be respected, then
3 those district lines will be dropped on top of our
4 current precinct lines.

5 If I didn't do anything further with that, then
6 those district lines are going to start splitting
7 precincts, right, and then I have, okay, then Precinct
8 1 -- the people in Precinct 1, as an example, now have
9 these representatives, and the other half have these
10 representatives. That's not a great situation to go
11 into a presidential election with. So, then, what do
12 you do next?

13 You start to embark upon phase two of
14 redistricting, which is reprecincting. So that's when
15 you start looking at every single precinct and start to
16 make decisions. Okay, so if Precinct 1 was split in
17 half, can I take the voters in that half of the precinct
18 and maybe consolidate them with somebody else? If you
19 can do that, that's fantastic. Great, re-draw the
20 precinct line to accomodate those people.

21 But then we have to ask ourselves what I had
22 said earlier, can it accommodate those additional
23 people? And hopefully it can, but, again, going into a
24 presidential election, high voter turnout, we want to be
25 conservative about these decisions, so that takes time.

1 That's an analysis, and review, and that's moving voters
2 again, after we just moved them once, right.

3 If you can't consolidate them to a neighboring
4 precinct, because they just don't share now any of the
5 same districts -- same representatives, then we have to
6 give it a new precinct number and figure out where is it
7 going. Are we going to leave it in the same polling
8 place or are we going to find a new one? And, then,
9 that's where all the field work really comes into play
10 for our research.

11 So you do that, so you can have voters of the
12 same -- with the same representatives voting within the
13 same precinct.

14 Q. Does the County ever administer elections with
15 split precincts?

16 A. Yes, we did, in 2022.

17 Q. What happens when that occurs? I know that
18 you've explained a little bit, but what happens when
19 there's a split precinct?

20 A. It's just more complicated. It's more
21 complicated for us, because it's just more of
22 everything, right. So it's more precincts, because now,
23 this precinct, the one scenario I described, it's a one
24 dot "0" and then a one dot one, So now we are adding to
25 the number of precincts, and when you start adding to

1 the number of precincts, that just makes all our work
2 internally more complicated, in terms of, you know,
3 coding the election, printing additional ballot styles.
4 That means we have to quality assure additional ballot
5 styles. That means we have to process more coming in to
6 our system, more boxes of ballots going out to the
7 precincts, poll workers are being told, "Now, you don't
8 just have one precinct, you have four or six precincts,"
9 depending on how many splits are occurring, and what is
10 very difficult for them is, they have to get that ballot
11 right. They need to make sure that you're getting one
12 dot "0", the next voter is gets one dot one, and that
13 gets even more complicated, in a primary election,
14 because for every one of those splits, there's three.
15 There's the Republican, the Democrat and the No Party
16 Affiliation.

17 And so it is really not the efficient and most
18 successful -- has it been done, yes, but is it the way
19 to go into the 2024 election cycle? It's my opinion
20 that that's not the way to do it.

21 Q. Understanding it may not be, and this is my
22 phrase, not yours, best practices, to have split
23 precincts, were there any problems with split precincts
24 in the 2022 election administration?

25 A. There were not.

1 Q. Are voters always assigned a new polling place
2 after redistricting?

3 A. No.

4 Q. What would impact the decision to reassign
5 voters or not reassign voters to a new polling place,
6 after redistricting?

7 A. I think I just answered that, probably, in my
8 long-winded response to the previous question. If there
9 is, you know, no impact to them, right -- I mean, not
10 every voter, in every precinct, is going to be impacted.
11 So I wouldn't change polling places for those people who
12 are not impacted. It would just be the consideration of
13 those who are.

14 Another possibility is, if a map was drawn --
15 if there was a new map that was adopted, if that map was
16 drawn to take into consideration the current precinct
17 lines and not split through precincts, that would also
18 help to expedite our work and it would not require those
19 voters to move from their precinct or their polling
20 location.

21 Q. Is there a current map that shows those current
22 precincts for the 2024 election?

23 A. Yes. From our department, you mean, that we
24 can provide?

25 Q. Yes.

1 A. Yes.

2 Q. Could you please provide that?

3 A. Sure.

4 Q. Thank you.

5 MR. VALDES: Do you want to take a break?

6 MR. MERKEN: I have one more segment, if
7 that's okay with you.

8 MR. VALDES: That's fine.

9 BY MR. MERKEN:

10 Q. If the City of Miami were to hold a special
11 election for all five City Commissioners in the 2024 --
12 in November of 2024, would that change any of the
13 answers that you've given so far this morning about what
14 that process would look like?

15 A. No, but I will take the opportunity to
16 reiterate a couple of things.

17 Q. Please.

18 A. My request, in order to have that happen with
19 as little burden to my department, is to, again, have a
20 finalized, non-appealable map completed by March 31st,
21 so that we can do all of our work seamlessly and
22 transition into proper election preparation, but, then,
23 the other really important thing is that candidate
24 qualifying must end no later than August 23rd.

25 Q. Okay. I think you've answered this, but just

1 so I'm clear on reprecincting, reprecincting has already
2 occurred for the November 2024 election, for all of the
3 offices that are being elected in November of 2024?

4 A. Yes.

5 Q. If the City of Miami were to hold a special
6 runoff election for the City Commission in late November
7 2024, after the 2024 general election, what would that
8 process look like, from the County's perspective, given
9 the work that it will already be doing for the November
10 2024 elections?

11 A. Thank you for that question. So my request
12 will be that the runoff election not be conducted any
13 sooner than four weeks after. I need at least four
14 weeks. There's significant post-election stuff that is
15 required by many Statutes after a presidential election,
16 and so I really need additional time to prepare for this
17 election.

18 Q. You said, at least four weeks. What would be
19 your ideal time for a runoff election, after the
20 November 2024 election?

21 A. I would say, four or five weeks is plenty --
22 not plenty, but four or five weeks is adequate.

23 Q. Is there any difference in cost to the City if
24 there is one City Commission special election -- excuse
25 me, a special election for one City Commission seat

1 versus two, versus four, versus five?

2 A. Cost-wise?

3 Q. Yes.

4 A. Yes.

5 Q. What is that difference in cost, approximately?

6 A. Well, the election that we had for them for

7 District 2 earlier this year was 176,000.

8 Q. So --

9 A. So, depending, you know --

10 Q. Would you just multiply that by the number

11 of --

12 A. More or less, yes.

13 Q. Okay. Would it be a burden on your office to

14 hold a special election in November of 2024 for the

15 Miami City Commission?

16 A. With the presidential?

17 Q. Yes.

18 A. As long as all of my deadlines are adhered to,

19 we will approve that.

20 Q. Okay.

21 MR. MERKEN: You want to take a break?

22 MR. VALDES: Yeah.

23 MR. MERKEN: All right. It's 11:15. Come

24 back at 11:20, please.

25 (Short recess taken.)

1 BY MR. MERKEN:

2 Q. Okay. I want to go over a few things that we
3 talked about before the break. First, you're confident
4 that your office can effectively and properly administer
5 a special election, if you receive the maps by the dates
6 you provided?

7 A. The special elections you're referring to is
8 piggybacking onto the --

9 Q. November 2024.

10 A. Then, yes.

11 Q. You had mentioned that zero split precincts and
12 a new map would make it easier to administer. If there
13 was zero split precincts in a new map, would that push
14 the date back by which you could receive a new map and
15 still effectively administer the election?

16 A. I'm not willing to do that, because I just
17 don't know how much work is going to be required right
18 now. So I would hope that those deadlines would still
19 be respected.

20 Q. Is there any circumstance which would result in
21 pushing those deadlines back, beyond what you've
22 provided?

23 A. No. Simply because I need to have this
24 completed in advance of preparing for the presidential
25 election cycle.

1 Q. I wanted to make sure I understood your
2 testimony about the per district cost of running
3 elections, because I may have gotten a little confused.
4 Approximately what is the per district cost for running
5 a special election?

6 A. So I don't know if you tried to do some math,
7 by multiplying out or something, which is what threw you
8 off. It's not really a per district, right. What I
9 have in front of me and what I've been discussing is
10 based on the historical elections that the City of Miami
11 has had, right. So, for District 2, I don't have, off
12 the top of my head -- I don't know how many days of
13 early voting, how many sites, right. So these are all
14 variables that would affect the cost.

15 When you ask me per district, this was just
16 this year and these were actuals, so that's why I can
17 give you that, right. The standalone full city cost
18 that I gave you, also, again, were based upon, you know,
19 what we're estimating with the early voting schedule,
20 and so, you know, I don't think it's that easy to just
21 go ahead and multiply it out.

22 Q. I appreciate the clarification.

23 A. Some districts may have more Vote-by-Mail
24 voters than others, and then that would affect postage,
25 right. There's just some nuances in there that would

1 affect it, but these are estimates that I'm comfortable
2 with now, that could be up or down just based upon
3 circumstances.

4 Q. Sure.

5 And if you don't mind, if we could just go over
6 them for my edification one more time.

7 A. Yeah.

8 Q. If you could just kind of run through them,
9 please.

10 A. Okay. So, to piggyback on a County-wide
11 election, we're estimating about 115,000. Should a
12 runoff, after that piggyback, become necessary, no less
13 than four weeks after the County-wide election, because
14 no early voting is going to be available for that, it's
15 \$507,000. A standalone election, at some other agreed
16 upon time, not in conjunction with a County-wide, using
17 the early voting model from the past, we're estimating
18 at about 805,000. And, then, if the runoff election is
19 conducted in just a few weeks after the election, early
20 voting is limited, so it's 606,000. So it went down a
21 little bit.

22 And, then, yeah -- the District 2 election was
23 176,000.

24 Q. So, the piggyback, the 115,000, that would be
25 the cost for the entire City, if all five Commission

1 Districts were up -- or four Commission Districts, it
2 would be approximately 115,000?

3 A. Yes.

4 Q. That is helpful for that. Thank you for the
5 clarification on that point.

6 A. And just so you understand, it's because we're
7 already training the poll workers. We're already
8 setting up the precincts, right. We're already doing
9 all of these things anyway, and so that cost is just
10 associated with them.

11 Q. Is there a different polling place for each
12 precinct?

13 A. No. In some polling places, there are more
14 than one.

15 Q. How does that work?

16 A. Well, you know, some precincts are just created
17 really small, right, not out of our discretion, it's
18 just the way -- I had described all of the various
19 district boundary lines dropping on top of each other.
20 Sometimes a precinct is created and it's really small,
21 maybe a hundred voters, 200 voters. We're not going to
22 have a polling place set up just for a small number of
23 voters, when we know a percentage of them are not going
24 to vote at all, a percentage of them are going to
25 Vote-by-Mail, and a percentage of them are going to vote

1 early, and so now we have -- just a random number -- 50
2 people showing up to vote on election day. We're not
3 going to set up an entire poll for that.

4 So we make these decisions, to say, okay, we'll
5 go ahead, and, you know, put you in a neighboring
6 polling location, that fits our other criteria, and,
7 therefore, that particular polling location may have
8 more than one, and that's how we do it.

9 Q. Are there polling places that would have more
10 than two precincts?

11 A. There are a few.

12 Q. More than three precincts?

13 A. I think, with three precincting, we've dealt
14 with that. I think we're at three or less.

15 Q. Okay.

16 A. Yeah.

17 Q. So you would never do four?

18 A. I don't know about never.

19 Q. It would be unlikely that the County would put
20 four precincts in one polling place?

21 A. I would like to look at our list, before
22 answering that, but it would be uncommon.

23 Q. Are there any polling places that are a single
24 precinct?

25 A. Yes.

1 Q. How does that decision, whether to have
2 multiple precincts in one polling place or one precinct
3 for one polling place work?

4 A. It's all based upon the dynamics of that
5 particular polling location. So I don't like changing
6 polling locations, right. My preference would always be
7 to send people to the same place they've always been
8 voting at forever, because people are a creature of
9 habit, and they usually just go to the same place
10 they've always gone to, which is another reason why I
11 don't like making any changes between August and
12 November. It is a set. So where you went in August,
13 you know exactly where to go in November.

14 So we look at each polling location uniquely,
15 and we look at its size, parking, the amount of power
16 and the number of people that we want to send there, can
17 it accommodate it, and if there's a precinct with 3,000
18 people, can that polling location accommodate them?
19 Yes, we have some precincts that have like 5,000 people
20 in them, but it's a larger facility, right, and so it's
21 all just based upon volume turnover assumptions and can
22 the polling place accommodate it. They're not all
23 created equal, and so we go one-by-one, polling place by
24 polling place, precinct by precinct, and start making
25 the decisions about which ones are going to be a single,

1 because it's big enough and we don't want to put too
2 many people there, or is it a couple of small ones, and
3 so, you know -- and the polling location can accommodate
4 it, and does it not make financial sense to have one for
5 each of them, and so all of that goes into the analysis.

6 MR. MERKEN: Would you please mark this as
7 Plaintiffs' 82-23?

8 (Thereupon, Plaintiffs' Exhibit Number 82-23
9 was marked for Identification.)

10 BY MR. MERKEN:

11 Q. I have handed you what I'll represent is the
12 City's 2022 map for the Miami of City Commission, which
13 has been marked as Plaintiffs' Exhibit 82-23. Are you
14 familiar with this map?

15 A. I have seen this map, and if that's what you're
16 representing, then, yes, this is what we would have been
17 provided and was part of our reprecincting plan.

18 Q. When did the Elections Department receive this
19 map?

20 A. I'm not sure if I recall what month. I want to
21 say it was May, but I'm not sure.

22 Q. May of --

23 A. -- '22.

24 Q. May of 2022 --

25 A. Yeah.

1 Q. -- approximately?

2 A. I think.

3 Q. From whom did the County receive this map?

4 A. From the City Clerk.

5 Q. And you testified earlier that's the normal
6 process for receiving a map, right?

7 A. Yes.

8 Q. What steps did the Elections Department take,
9 after receiving this map in or around May of 2022?

10 A. So we were waiting for them, because we were,
11 you know, little by little getting all of the other
12 jurisdictions' redistricting maps. So I had mentioned
13 earlier, right, it's Congressional, State House, State
14 Senate, County Commission, School Board, so that we
15 could do one holistic reprecincting, and so, you know,
16 once we got all of the varying district lines, that's
17 when we started to put together the County-wide
18 redistricting plan and then the subsequent reprecincting
19 plan.

20 Q. Did the County receive GIS or shapefile data
21 with this map?

22 A. See, I would have to go back and confirm with
23 my staff. I mean, I think the answer is, yes, because
24 that's what we had told them we needed, right, and I
25 wasn't told that we didn't receive the things that we

1 needed from the City.

2 Q. Fair enough.

3 A. Yeah.

4 Q. Did there come a time when the Elections
5 Department learned that this map would not be used for
6 the November 2023 elections?

7 A. Yes.

8 Q. When was that?

9 A. So that was in the end of July, I believe. I'm
10 sorry, I don't know the dates off the top of my head.

11 Q. From whom did the County find out that this map
12 would not be used?

13 A. From my attorney.

14 Q. What did the County do, after finding out that
15 this map would not be used for the November 2023
16 election?

17 A. So, what I recall is that we had the 2022 map,
18 we had the 2023 map, right, and then we were told --

19 Q. We haven't gotten to the 2023 map.

20 A. Oh, okay.

21 Q. I wanted to walk through between finding out
22 that this map would not be used --

23 A. Okay.

24 Q. -- and we'll get to that, but what happened
25 after the County found out that this map, the 2022 map,

1 would not be used?

2 A. I don't recall what we did after this one. I
3 have a clear recollection of what happened, you know,
4 after that, yeah.

5 Q. Okay. We'll get to that in just a moment.

6 A. Okay.

7 MR. MERKEN: Would you please mark this as
8 Plaintiffs' 82-37?

9 (Thereupon, Plaintiffs' Exhibit 82-37 was
10 marked for Identification.)

11 BY MR. MERKEN:

12 Q. I have handed you what's been marked
13 Plaintiffs' Exhibit 82-37, which says "P4 - Plaintiffs'
14 Map 4," and I'll represent to you that this is the
15 remedial map that the U.S. District Court for the
16 Southern District of Florida ordered the City of Miami
17 to use to remedy the 2022 map that was enjoined. Have
18 you seen this map before?

19 A. Yes.

20 Q. When did you first see this map?

21 A. I don't recall when I first saw it.

22 Q. How did the County receive this map?

23 A. And so maybe I misspoke on the other one,
24 because I think maybe I was actually referencing this
25 one. So we were instructed to use this one, right. I

1 didn't receive that information from the City, but my
2 department received it from my attorney.

3 Q. Should the County have received that
4 information from the City?

5 A. We had asked them for it, because, again, we
6 were waiting for direction from them on which map we
7 were going to be using for their November 2023 election,
8 so we did request it from them, and, you know, we were
9 expecting it, so that we could proceed.

10 Q. And the City never provided it?

11 A. They did not. They did not.

12 Q. When you received this map, did you receive any
13 other data, like shapefiles, with the map?

14 A. I know you've asked me that question a couple
15 of times. I just don't recall what was in the
16 attachments that we received regarding shapefiles.

17 MR. MERKEN: Could you mark this as
18 Plaintiffs' Exhibit 2, please?

19 (Thereupon, Plaintiffs' Exhibit Number 2 was
20 marked for Identification.)

21 BY MR. MERKEN:

22 Q. I have handed you what has been marked as
23 Plaintiffs' Exhibit 2, which is the City of Miami
24 Emergency Motion to Stay the District Court's Order,
25 which was dated July 31st, 2023, and it was filed in the

1 U.S. Court of Appeals for the Eleventh Circuit. Have
2 you seen this document before?

3 A. Give me a minute.

4 Q. Please.

5 A. So, yes, I have seen it.

6 Q. When did you first see it?

7 A. I was actually just reviewing this the other
8 day in preparation for this, because I wanted to look at
9 the differences in the maps, to refresh my memory.

10 Q. Had you seen this before you had began
11 preparing for this deposition?

12 A. No.

13 Q. If you could turn to Page 25, please. Near the
14 bottom of the page, and I'll read this, to confirm that
15 it is correct, the brief states, "The Order," which I am
16 parenthetically stating refers to the District Court's
17 Order, quotes, "throws out the core of districts for the
18 entire redistricting plan that have been in place since
19 1997 and draws an incumbent out of his district. This
20 change is sweeping and disruptive." Did I read that
21 accurately?

22 A. Yes.

23 Q. If you could please refer back to Exhibit
24 82-37, which is Plaintiffs' Map 4.

25 A. Okay.

1 Q. Do you agree with the City's statement that
2 this map, quote, throws out the core of districts for
3 the entire redistricting plan?

4 A. I can't answer that.

5 Q. Why not?

6 A. I -- maybe you should elaborate on your
7 question.

8 Q. I'm just asking, the City has argued that this
9 map, Plaintiffs' Map 4, throws out the core of the
10 districts for the entire redistricting plan that's been
11 in place since 1997. So my question is, if the
12 Elections Department agrees that Plaintiffs' Map 4
13 throws out the core of the districts that have been in
14 place since 1997?

15 A. And where -- I mean, I think I have to refer to
16 the 1997 map to answer that.

17 Q. You can also --

18 A. I'm not -- I'm sorry, go ahead.

19 Q. No, please.

20 A. No. No. No. Go on.

21 Q. That's fair.

22 A. Okay.

23 Q. Does the County agree that Plaintiffs' Map 4
24 would be, quote, sweeping and disruptive?

25 A. I mean, I just don't -- in what regard? I

1 don't know if that's a question for me to answer.

2 Disruptive how?

3 Q. In administering the elections.

4 A. So, regardless of the map that the Court seems
5 to find lawful, we will implement that. You know, I
6 don't know that my opinion about the map or the
7 districts or how disruptive it is to voters, you know,
8 is -- that's not for me to say. In order for us to be
9 able to conduct the election, we're fine with any map
10 that the Court finds to be lawful, as long as the
11 deadlines are adhered to.

12 Q. I appreciate that clarification.

13 A. Yeah.

14 Q. My question about the sweeping and disruptive
15 language is more directed at the County.

16 A. Okay.

17 Q. Does the County Elections Department believe
18 that this Plaintiffs' Map 4 would have been sweeping and
19 disruptive to the County to administer in elections
20 moving forward?

21 A. We will be able to make the changes and notify
22 the voters in time for the election.

23 Q. Okay.

24 MR. MERKEN: If you could please mark this
25 as Plaintiffs' Exhibit 3.

1 (Thereupon, Plaintiffs' Exhibit Number 3 was
2 marked for Identification.)

3 BY MR. MERKEN:

4 Q. I've handed you what has been marked as
5 Plaintiffs' Exhibit 3, which is the City of Miami's
6 Response to the Emergency Application to Vacate the
7 Eleventh Circuit Stay filed in the Supreme Court of the
8 United States on -- the date is actually not on the
9 brief. I'll confirm the date, but I am representing to
10 you that this is the brief that the City filed in the
11 Supreme Court.

12 A. Okay.

13 Q. Have you seen this document before?

14 A. No.

15 Q. If you could, please turn to Page 6.

16 MR. VALDES: Counsel, are you using the
17 pagination at the bottom of the document, Page
18 6?

19 MR. MERKEN: Yes. I may have done the
20 pagination on these, yeah, which is why I am
21 not quickly finding what I'm looking for. I
22 apologize.

23 BY MR. MERKEN:

24 Q. I'm sorry.

25 A. No problem.

1 Q. We're going to set that aside. My apologies
2 about that.

3 As of August 1st, 2023, did the County
4 Elections Department have a detailed map with the exact
5 district boundaries it needed to implement, the
6 court-ordered map, for the 2023 elections?

7 MR. VALDES: Objection to the form. When
8 you say, "Court-ordered map" --

9 BY MR. MERKEN:

10 Q. I'm sorry, Plaintiffs' Exhibit 82-37.

11 A. Okay.

12 Q. I'm sorry, Plaintiffs' Map 4.

13 A. Okay.

14 Q. As of August 1st, 2023, you said the County had
15 this map?

16 A. Yes, we did have this map.

17 Q. And the County had the data it needed to
18 implement this map?

19 A. To my knowledge, we did, yes.

20 Q. Would the County have had to start from scratch
21 with this map in implementing it for the elections?

22 MS. FELDMAN: Object to the form. What
23 election?

24 MR. MERKEN: The November 2023 elections.

25 THE WITNESS: And so what do you mean by

1 starting from scratch?

2 BY MR. MERKEN:

3 Q. I'm going to represent to you, the City has
4 said the County would have to start from scratch, which
5 would add confusion and delay to the election process,
6 if the County were to implement Plaintiffs' Map 4.

7 A. So, I mean, starting from scratch is not a
8 term -- so we had the City's map, right, then we were
9 provided the Plaintiffs' map, and then the City's map,
10 again, officially, from the City. There were a few days
11 in time where we were actually able to do some
12 preliminary work on both maps, because we didn't have a
13 choice, right. We had given a deadline, that we were
14 hoping was going to be respected, again, to be able to
15 do everything in a very methodical, orderly and
16 sequential order, that's necessary to get it all
17 completed, and so we were in a position where we were
18 like, okay, let's do some assessment on both maps, to
19 get a little bit of a head start, while we wait to see
20 which one is going to be final, and so there were some
21 preliminary steps that were done on the Plaintiffs' map,
22 as well as the City's map, waiting to find out from the
23 Court what the ultimate decision was going to be.

24 So, if this one was upheld, if that's the right
25 term to use here, then, you know, there were several

1 steps that we had started, if that answers your
2 question.

3 Q. It does. It does. Thank you.

4 At that point in time, you had also received
5 the City's 2023 map, right?

6 A. Right.

7 Q. Because you testified that you were working on
8 both sets of maps to prepare to implement one or the
9 other? Yes?

10 A. Yes.

11 Q. Okay. The amount of work that had to be done
12 to implement the City's map -- the City's 2023 map, and
13 the amount of work that had to be done to implement
14 Plaintiffs' Map 4, was that the same amount of work for
15 one map or the other map?

16 A. So, once we realized what the impact of each
17 was going to be, are you asking about the work that
18 would then succeed that, or in those preliminary stages?

19 Q. Both, and we can break those down. So you had
20 said that you had started -- the County had started to
21 do preliminary work on both, Plaintiffs' Map 4 and the
22 City's 2023 map.

23 A. Uh-huh.

24 Q. What I'm trying to get at is, the amount of
25 work that would have had to be done for either map,

1 would that have been the same work that would have had
2 to be done if the County had been told, we're
3 implementing the City's 2023 map or Plaintiffs' Map 4?

4 A. So my staff has represented that the
5 Plaintiffs' map actually would have taken a bit less
6 time for us to do, than the City's map, because of
7 something that I had alluded to earlier on, which is
8 that the district -- and I don't know if this was
9 coincidental or if it was taken into account in the
10 front end, but what was happening is that the district
11 lines -- the new district lines, the proposed district
12 lines, took into consideration full precincts.

13 And so, what that was going to require on our
14 end, in the system, was to just take the district
15 boundary lines and move them over, to just change where
16 the precincts were going to lie. So that the precincts
17 that were in District 1, let's say, now they're in
18 District 2, whereas -- and so that's work, of course,
19 steps within our system to make sure that all of the
20 street ranges were done properly, and, you know, all of
21 our quality assurance and all of that, that I mentioned
22 earlier. All of that still has to be on the system, but
23 not as much of the field work of identifying polling
24 places, and it didn't have as big of an impact on voters
25 moving to new polling locations. So that ended up

1 being, you know, less work on us, whereas the City's map
2 split more precincts, and so not only did it take all of
3 the work in the system of, again, moving all of the
4 street ranges and doing all of the things that we need
5 in our various systems, but it also then required us to
6 do the additional polling place work, of where are we
7 now going to move all of these people. I hope that was
8 clear.

9 Q. Crystal.

10 Were there any other differences from the
11 County's perspective implementing Plaintiffs' Map 4 over
12 the City's 2023 map?

13 A. Maybe you can elaborate.

14 Q. Sure.

15 You gave examples of where the Plaintiffs' map
16 was more cognizant, my words, not yours, of the
17 precincts, and the City's map split more precincts,
18 which required more on the ground work. Were there
19 other differences, from the County's perspective, in the
20 work it would take to implement one map over the other
21 map?

22 A. I don't know what else to add to that.

23 Q. Okay.

24 MR. MERKEN: Mark this as Exhibit 13,
25 please.

1 (Thereupon, Plaintiffs' Exhibit Number 13 was
2 marked for Identification.)

3 MS. FELDMAN: Just to be clear, have these
4 been disclosed, the extent of the documents
5 that you're providing, in the Rule 26
6 disclosures?

7 MR. MERKEN: They're all public files, so I
8 presume so.

9 MS. FELDMAN: Okay.

10 BY MR. MERKEN:

11 Q. I'm handing you what's been marked as
12 Plaintiffs' Exhibit 13, which is a letter dated August
13 2nd, 2023, to the Clerk of Court of the U.S. Court of
14 Appeals for the Eleventh Circuit, and it says, "Citation
15 of Supplemental Authority in GRACE, Inc, versus City of
16 Miami," signed by Nicholas Warren of the ACLU. I'm
17 going to represent to you that this was filed in the
18 Eleventh Circuit as part of the appeal process. If you
19 could turn to page 2.

20 This is a tweet or an "X," I'm not sure which
21 one we're calling it now, from Christina Vazquez, who
22 says, and I'm going to quote this, for the record, it
23 says, "@MDCElections spokesperson confirms requested
24 from the City a copy of the map the majority of the
25 Commissioners approved in June. We did ask for the maps

1 so that we can do certain preliminary work with both
2 sets of maps while waiting for an order from the
3 Appellate Court." Did I read that correctly?

4 A. Yes.

5 Q. And that was on August the 2nd, 2023?

6 A. Uh-huh.

7 Q. Who gave that statement, if you can recall?

8 A. I would be guessing, because, I mean, at that
9 point in time, I only had one spokesperson, but I don't
10 know for sure.

11 Q. Okay. Who was your one spokesperson at that
12 time?

13 A. Robert Rodriguez.

14 Q. So, as of August 2nd, 2023, the County could
15 have implemented either map?

16 A. Yes.

17 MR. MERKEN: Mark this as Exhibit 5,
18 please.

19 (Thereupon, Plaintiffs' Exhibit Number 5 was
20 marked for Identification.)

21 THE WITNESS: I feel like now is a good
22 time to put on the record that part of the
23 reason that we were able to do this, is because
24 I had two very experienced GIS specialists at
25 the time. There was somebody that worked under

1 Xavier, who I had mentioned earlier, who is no
2 longer with the department, and so now I have
3 somebody, who is relatively new, that just
4 started in that role, and so I don't want to
5 misrepresent to the Court that this type of
6 activity, where I'm on a dual track, can
7 continue, right, which is why I continue to
8 reiterate the importance of us getting a
9 finalized map, one time, starting from Step 1,
10 all of the way down to 37, as soon as possible,
11 just to make sure that we do it properly and
12 accurately.

13 BY MR. MERKEN:

14 Q. Understood.

15 I've handed you what's been marked Plaintiffs'
16 Exhibit 5. This has a Bates stamp range. Just for the
17 record, the Bates stamp range is COM24066 --

18 A. I'm sorry, where are you?

19 Q. I'm sorry, I'm just reading the Bates stamp,
20 for the record.

21 A. Oh, okay.

22 Q. COM24066-003283.

23 MS. FELDMAN: Again, I don't think that
24 these were included in the Rule 26 disclosures,
25 so just to the extent that they weren't, we

1 would object, on that basis.

2 MR. MERKEN: Noted.

3 BY MR. MERKEN:

4 Q. Do you recognize this document?

5 A. Okay. Give me a second.

6 Q. Please.

7 A. Okay. Yes, I do recall it now.

8 Q. And what is this document?

9 A. Okay. Let me see. I want to see about the
10 shapefile here.

11 Q. Sure.

12 A. Okay. Yeah, it doesn't specifically mention --
13 okay, so this is from Nicole, who I don't know, which is
14 why I didn't reference her earlier. I think she might
15 be new. I'm not sure.

16 So this is an e-mail to me, saying that we are
17 to proceed with using the City's map.

18 Q. Okay. What happened after your office received
19 this map on August 1st, 2023?

20 A. We started doing the same, you know,
21 preliminary work that we were doing with the Plaintiffs'
22 map, right, which is, you know, about four or five of
23 the first initial steps that we were able to do.

24 Q. What was the format of the map that was sent
25 along with this?

1 A. So that's the part that I just don't recall.

2 Q. Okay. Did the County receive any other -- has
3 the County received any other correspondence or
4 communication from the City regarding implementation of
5 the 2023 map?

6 A. Since this?

7 Q. Yes.

8 A. Not that I came across in my review.

9 Q. Okay. You can set all of these aside.

10 A. All right.

11 MR. VALDES: Counsel, with respect to
12 Plaintiffs' Exhibit 5, do you have the original
13 e-mail, with the attachments associated with
14 them?

15 MR. MERKEN: I do, in my e-mails, because I
16 was copied on it. This was what was produced
17 to us in discovery, so this is what we were
18 using, but we can go through the e-mails --

19 MR. VALDES: Okay. We'd be happy to
20 provide the attachment, so you can see what
21 format they were in.

22 MR. MERKEN: I appreciate that. We will
23 take you up on that.

24 BY MR. MERKEN:

25 Q. I just have a handful of questions about the

1 administration of the February 2023 special election,
2 because that was not involved -- the February 2023
3 election was not impacted at all by this litigation,
4 right?

5 A. Right.

6 Q. So how did the February 2023 special election
7 operate, from the County's perspective, in terms of
8 timing and administration?

9 A. Really, no differently than what I've already
10 described, right. I mean, we were put on notice that a
11 vacancy occurred, and, therefore, a special election was
12 going to be necessary. My recollection is that the
13 vacancies do have a bit of a tighter timeline, which is
14 what I also alluded to earlier, right, but it's, you
15 know, one district within the City of Miami. As long as
16 the timing wasn't in the way of a County-wide or
17 something like that, you know, that we work with
18 everybody, because of the Charter. The Charters are
19 strict. Sometimes they don't have that flexibility.

20 And so I think we did that in a bit less time,
21 because the timing of it worked out for us, but every
22 step that I've already described, would have also, you
23 know, applied to that election.

24 Q. And you mentioned the cost, but just so it's in
25 the same place in the transcript, that was approximately

1 \$176,000?

2 A. Yes. Uh-huh.

3 Q. With respect to the November 2023 election for
4 the Miami City Commission, what steps are you taking to
5 prepare for that election?

6 A. Well, I mean, for us, the election is here. We
7 just placed Vote-by-Mail ballots in the mail yesterday,
8 so people are voting in that election, and so, you know,
9 at this point, our polling places are confirmed, our
10 poll workers -- I believe we're still in the process of
11 training our poll workers. Vote-by-Mail ballots are
12 out. We'll continue to process those as they are
13 coming in. Their equipment testing is coming up
14 shortly, which is a public test, for the candidates and
15 the public, to come in and observe that we coded
16 everything properly and that the machines are working,
17 and early voting begins on October 28th.

18 So, you know, ramping up with temporary workers
19 and making sure we're ready for that, to get those
20 locations set up, and, you know, making sure that we
21 have the proper number of poll workers, sending out
22 those assignment letters, so they know where to show up
23 on election day, and, you know, their canvassing board
24 will be coming in to meet, I'm sure, in the next week or
25 two, to start looking at Vote-by-Mail ballots, and then

1 tabulate results and certify the election.

2 Q. And then start all over again?

3 A. Yeah.

4 Q. How much, if you know, is the November 2023
5 election going to cost the City of Miami for the County
6 to administer?

7 A. That's a three district. So I didn't actually
8 ask for that estimate from my staff.

9 Q. Okay. And like with other elections, if
10 there's a runoff, that would increase the cost?

11 A. Right. Depending on how many voter runoff,
12 right.

13 Q. Right.

14 Okay. I just have a handful of questions about
15 the relationship between the City and the County. We
16 covered some of this, but just so that I'm clear on it
17 all.

18 Is there any written agreement between the City
19 and the County with respect to elections administration?

20 A. Formalized, no, but, you know, there's a lot of
21 correspondence by e-mail back and forth about these
22 things, and like I said, the questionnaire that I spoke
23 to. You know, we receive Resolutions from them, that
24 their Board has called for certain things, but a formal
25 agreement, formal contract, no.

1 Q. Does the City timely pay the County for its
2 elections administration?

3 A. To my knowledge, yes.

4 Q. Has there ever been a time when the City has
5 refused to pay the County the full amount requested?

6 A. Not to my knowledge, no.

7 Q. How would the Elections Department assess the
8 quality of the relationship between the City and the
9 County, with respect to elections administration?

10 A. I think we have a great relationship with the
11 City Clerks there.

12 Q. Does that depend on whether it's a regular
13 election or special election?

14 A. No.

15 MR. MERKEN: Okay. Do you want to take a
16 five-minute break? I think we're done, but I
17 just want to --

18 MR. VALDES: Yeah.

19 (Short recess taken.)

20 BY MR. MERKEN:

21 Q. Okay. I just have one or two questions about
22 2025.

23 A. Okay.

24 Q. There are currently three City Commission
25 districts up for election in 2025, right?

1 A. Yes.

2 Q. Would there be any additional burden to the
3 County, to administer that election, if all five
4 districts, instead of the three districts, were up for
5 election in 2025?

6 A. No.

7 Q. Would there be any additional cost?

8 A. Yes. Cost-wise, yes.

9 Q. And what would those additional costs be?

10 A. It would be associated with, you know, the
11 additional training -- the additional temporary workers
12 that we would need, the additional poll workers that we
13 would need, the additional polling places that we would
14 need, but I think the mayoral race is on the 2025
15 election.

16 Q. That's my understanding, as well.

17 A. Okay. So, then, if that's the case, it's
18 coming to me now, then there would be no burden at all,
19 and it wouldn't affect the cost, because we're already
20 doing those things, anyway, for the full City.

21 Q. That's all of the questions that I have. Just
22 in closing, has all of the testimony you gave today been
23 truthful?

24 A. Yes.

25 Q. Is all of the testimony you gave today

1 complete?

2 A. Yes. I believe so, yes.

3 Q. Do you wish to correct any statements that you
4 made?

5 A. No.

6 MR. MERKEN: I have no further questions.

7 CROSS EXAMINATION

8 BY MS. FELDMAN:

9 Q. I'm going to have just a few questions. If you
10 can give me a moment to just gather my thoughts and just
11 scroll back here.

12 A. Okay.

13 Q. Okay. So, again, just a couple of questions,
14 very briefly. I think that you had testified earlier
15 that implementing the Plaintiffs' Map 4, before the
16 November '22 election, would have required somewhat less
17 work than implementing the City's map, to the extent
18 that it aligned better with the precincts; is that
19 correct?

20 A. Yes.

21 MR. VALDES: Object to the form. I believe
22 you said the 2022 election. I think you meant
23 the 2023.

24 MS. FELDMAN: I did. Thank you very much.

25 THE WITNESS: Sorry. So, yes, that is what

1 the GIS people have represented, correct.

2 BY MS. FELDMAN:

3 Q. Okay. And just to clarify, and if you could
4 look at Plaintiffs' Map 4, and then the '22 enjoined
5 map, which was Plaintiffs' Exhibit -- I don't recall
6 what the number off the top of my head -- 82-23 and
7 82-37.

8 A. Okay.

9 Q. So I just want to clarify, in terms of -- does
10 your testimony in any way relate to how implementing one
11 map versus the other might impact voter confusion in
12 different districts? In other words, would the
13 implementation of one map -- or Plaintiffs' map create
14 more or less voter confusion than the implementation of
15 the City's map?

16 A. Had we done one or the other, is that your
17 question?

18 Q. Yes.

19 A. I mean, that's very difficult to say, but in
20 the Plaintiffs' map, by moving just the district lines
21 in certain precincts, those people -- those voters, they
22 would have been able that stay with their same precinct
23 number, in their same polling location, right. So, in
24 the City's map, there was more voter movement, because
25 the new line being -- by splitting a precinct, we had

1 to, you know, leave some and move some, and so more
2 voters moved with the City of Miami's map, but, you
3 know, we took it very seriously, with our outreach,
4 leading up to the election, and we're going to continue
5 to do this for the entire County, because there's been
6 reprecincting and redistricting all over Miami-Dade
7 County, and notify all voters of the changes, in every
8 way. So, you know, regardless, voters were notified by
9 mail that there was a change, so hopefully they will not
10 be confused.

11 Q. So, in terms of -- you know, other than the
12 precinct location that the voter is going to, in terms
13 of voter confusion, you know, what candidates are on the
14 ballot, what district am I located in, if Plaintiffs'
15 map -- for example, District 1, if Plaintiffs' map moves
16 more voters out of District 1 and into a different
17 district -- if the City's map retains a greater core of
18 District 1 than the Plaintiffs' map, you're not speaking
19 to whether that would create more or less confusion, are
20 you?

21 A. No, I'm not representing that.

22 Q. And the same thing with respect to candidates
23 being able to canvass and to reach out to their voters,
24 if the lines change more in the Plaintiffs' map, you're
25 not speaking to whether it would prejudice or cause

1 confusion among the candidates, are you?

2 A. No, I'm not making those kinds of claims, no.
3 For my microcosm and this larger issue, it's all about
4 just doing things in a timely manner, so voters can be
5 appropriately notified, right. That's one of the
6 reasons why our deadlines are what they are, so we can
7 do our part to do outreach, and, then, you know, the
8 City can do the outreach to the candidates, so that
9 they're clear -- or potential candidates, so that
10 they're clear.

11 Q. Understood. Thank you.

12 I think that's all of my questions -- and just
13 to clarify, that would be with respect to every -- so I
14 used District 1 as an example, but you have the same
15 testimony as to District 2, 3, 4 and 5?

16 A. Yes, I do.

17 MS. FELDMAN: Thank you.

18 MR. MERKEN: Anything for you?

19 MR. VALDES: Nothing for us.

20 MR. MERKEN: We're good. Thank you.

21 MR. VALDES: We'll read.

22 (Thereupon, the reading and signing not
23 being duly waived, the deposition was concluded
24 at 12:20 p.m.)

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DEPONENT

Sworn to and subscribed before me this _____
day of _____, 2023.

NOTARY PUBLIC

CERTIFICATE OF OATH

STATE OF FLORIDA :
SS
COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that CHRISTINA WHITE personally appeared before me and was duly sworn.

WITNESS my hand and official seal in the City of Miami, County of Miami-Dade, State of Florida, this 23rd day of October, 2023.



NIEVES SANCHEZ

Notary Commission Number HH 385498
My Notary Commission expires August 11, 2027

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA :
SS
COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did report the deposition of CHRISTINA WHITE; that a review of the transcript was requested; and that the transcript is a true and complete 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, nor am I financially interested in the action.

DATED this 23rd day of October, 2023.



NIEVES SANCHEZ

1 BAILEY & SANCHEZ COURT REPORTING, INC.
2 (305) 358-2829

3 October 23, 2023
4

5 Christina White
6 c/o Michael B. Valdes
7 Geri Bonzon-Keenan, County Attorney
8 111 N.W. First Street
9 Suite 2800
10 Miami, Florida 33130

11 RE: Grace, Inc. vs. City of Miami

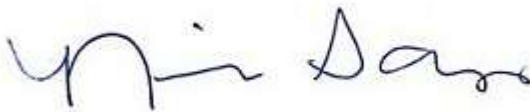
12 Dear Ms. White

13 The transcript of your deposition, taken in the
14 above-styled cause on October 11, 2023, is at my office
15 awaiting your examination and signature. PLEASE
16 TELEPHONE BEFORE COMING IN so that we may arrange a
17 convenient time.

18 Please be advised that unless I hear from you by
19 November 23, 2023, I will forward the original of your
20 deposition to the deposing attorney, as though you had
21 read and signed your deposition.

22 IN THE EVENT a copy of the transcript is being sent to
23 the witness by counsel, kindly instruct the witness to
24 make any changes thereto on a separate sheet of paper
25 and refer to the page number and line number which
corresponds to the change desired. DO NOT MAKE THE
CORRECTIONS ON THE TRANSCRIPT. If you have any
questions, please call.

Very truly yours,



22 NIEVES SANCHEZ
23 Court Reporter

24 cc: Christopher J. Merken, Esq.
25 Sydney Michelle Fledman, Esq.

ERRATA SHEET

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IN RE: GRACE, INC., ET AL. vs. CITY OF MIAMI
DEPOSITION OF TODD HANNON
TAKEN OCTOBER 6, 2023

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

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SIGNATURE

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-cv-24066-KMM

GRACE, INC., et al.,

Plaintiffs,

vs.

CITY OF MIAMI,

Defendant.

-----/
4343 W. Flagler Street
Suite 400
Miami, Florida
Friday, 10:05 a.m.
October 6, 2023

DEPOSITION
OF
TODD HANNON

Taken on behalf of the Plaintiffs
Pursuant to a Notice of Taking Deposition

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APPEARANCES:

ACLU FOUNDATION OF FLORIDA, by
CAROLINE A. MCNAMARA, ESQ.,
NICHOLAS L.V. WARREN, ESQ., and
DANIEL B. TILLEY, ESQ., and
On behalf of the Plaintiffs.

DECHERT, LLP, by
CHRISTOPHER J. MERKEN, ESQ.,
Co-Counsel for the Plaintiffs.

GRAY ROBINSON, by
CHRISTOPHER N. JOHNSON, ESQ., and
On behalf of the Defendant.

WITNESS

TODD HANNON

Direct Examination (By Ms. McNamara)

3

E X H I B I T S

Plaintiffs' Exhibit Number 7	11
Plaintiffs' Exhibit Number 8	77
Plaintiffs' Exhibit Number 9	116

1 THEREUPON:

2 TODD HANNON

3 was called as a witness by the Plaintiffs and, having
4 first been duly sworn, was examined and testified as
5 follows:

6 THE WITNESS: I do.

7 DIRECT EXAMINATION

8 BY MS. MCNAMARA:

9 Q. Can you, please, state and spell your name, for
10 the record?

11 A. My name is Todd Hannon. Todd, T-O-D-D, last
12 name, Hannon, H-A-N-N-O-N.

13 Q. My name is Caroline McNamara. I am an attorney
14 representing the Plaintiffs in this case. It's Grace,
15 Incorporated versus the City of Miami, Case Number
16 22-cv-24066, in the Southern District of Florida.
17 Everyone has been identified.

18 So we're here for deposition today. It's a
19 question and answer session. I'm going to ask you
20 questions, and then you just answer them.

21 A. Okay.

22 Q. And since it's like in court, you have been
23 sworn in, it's expected that you'll tell the truth. Do
24 you understand that?

25 A. Yes. Yes.

1 Q. We have the court reporter, who is recording
2 this, so it's important that your answers are verbal.

3 A. Understood.

4 Q. And your counsel has the ability to object to
5 questions. You need to answer the question, unless
6 counsel instructs you not to answer, and you decide to
7 follow that instruction.

8 If you don't understand, you can tell me. I
9 could repeat the question, clarify it.

10 And if you need any breaks, we can take a
11 break. It's just that you can't take a break while a
12 question is pending.

13 Do you have any questions about that so far?

14 A. No.

15 Q. And this is a corporate representative
16 deposition. You are here representing the City of
17 Miami. Do you understand that?

18 A. Yes.

19 Q. And the City of Miami has designated you to
20 answer questions on its behalf.

21 A. Yes.

22 Q. Have you taken any medications or substances
23 that would affect your ability to testify this morning?

24 A. No.

25 Q. Any medical conditions or anything else that

1 could affect your ability to testify?

2 A. No.

3 Q. Any other reason, besides those, that you might
4 not be able to testify truthfully today?

5 A. No.

6 Q. Have you been deposed before?

7 A. Yes.

8 Q. Was that in your role that you're currently in
9 or elsewhere?

10 A. Yes, in my role as City Clerk.

11 Q. How many times, would you say, you've been
12 deposed before?

13 A. Maybe two to three.

14 Q. Can you tell me, one of the times, what was
15 that case about?

16 A. It's been a while. So one of them had to do
17 with a special election that the City held for a ballot
18 question, and, essentially, there were -- the attorney
19 representing, I guess, the Plaintiff, was simply asking
20 questions about the noticing, such as, for a special
21 election, what time frame do you have to notice the
22 special election within, how did we notice the special
23 election, along those lines.

24 MS. MCNAMARA: Should we go off the record
25 for a second?

1 (Short recess taken.)

2 BY MS. MCNAMARA:

3 Q. And in that case, were you testifying as a
4 representative of the City of Miami or was it in your
5 individual capacity?

6 A. Oh, no, as a representative of the City of
7 Miami, the City Clerk.

8 Q. Do you remember another case in which you were
9 deposed?

10 A. I can't remember the exact specifics of the
11 case. It's been a long time. It's been years since
12 I've been deposed.

13 Q. It's been years? All good.

14 A. Which is a good thing for me, no complaints.

15 Q. Have you ever given testimony like in a City
16 Commission hearing or a government hearing like that?

17 A. Testimony in a government hearing?

18 Q. Like have you ever shown up before a government
19 body and been sworn in and testified, like they do in
20 Congress on TV, or something like that?

21 A. No. No.

22 Q. Have you ever given public statements on behalf
23 of the City of Miami?

24 A. No. I usually give it to the Office of
25 Communications. We have a Communications Director for

1 that.

2 Q. Would you describe yourself as being an
3 internal employee of the City of Miami, as opposed to a
4 public facing employee?

5 A. That's the way I perceive myself, yes.

6 Q. Have you ever been involved in any lawsuits,
7 outside of your work?

8 A. No.

9 Q. Have you ever been a party to a criminal case?

10 A. No.

11 Q. Have you ever been arrested?

12 A. No.

13 Q. Or charged with a crime?

14 A. No.

15 Q. When did you learn that you would be testifying
16 on behalf of the City of Miami for this deposition?

17 A. I believe, about a week ago.

18 Q. Did you do anything to prepare for this
19 deposition?

20 A. I reviewed the City's Charter and the City's
21 Code, and some invoices, you know, from previous
22 elections.

23 Q. Did you talk to anybody else about it to
24 prepare?

25 MR. JOHNSON: And don't talk about any

1 conversations you had with counsel. Those
2 would be privileged.

3 THE WITNESS: But if I had a meeting, would
4 I --

5 MR. JOHNSON: If counsel is present, then
6 don't discuss what was discussed.

7 THE WITNESS: Okay.

8 Then, no.

9 BY MS. MCNAMARA:

10 Q. So you didn't like, say, go down to talk to
11 someone else in the office and say, "Hey, tell me about
12 what's going on," with something related to the
13 deposition?

14 A. No.

15 Q. Would you say that you are familiar with the
16 information that is covered in the topics, such that you
17 did not feel that you needed to talk to other people to
18 know what's going on?

19 A. To the extent that the City Clerk is involved,
20 yes. I didn't feel as though there was any real
21 necessity for me to speak with anybody else.

22 Q. Were there specific individuals you talked to,
23 who are non-lawyers, who are employees of the City, even
24 when maybe you met with lawyers, just the names of them?

25 A. Again, I didn't have a conversation with

1 anyone, really, outside of reading, you know, the
2 Charter, the Code, going over some invoices and so
3 forth, when I learned about the fact that I was going to
4 be deposed.

5 Q. Did you review any documents?

6 A. You know, the City of Miami City Commission
7 Resolution that called for a general municipal election
8 this November. I looked at some invoices from previous
9 elections, from like a special election and a general
10 election. I went back and looked at the Code,
11 particularly, I think, Section 49 -- I'm sorry, Charter
12 Section 49, and of the Code, Chapter 16 or Section 16,
13 but nothing beyond, really, what I would normally look
14 at.

15 Q. The materials that you looked at, have those
16 been produced to us in the discovery?

17 A. Well, I don't know.

18 Q. Do you know what a Bates number is?

19 A. No, I do not.

20 Q. Like a stamp with the numbering that signifies
21 a document that's been marked for keeping track in a
22 court case.

23 A. I'm not aware of submitting any documents that
24 would have a Bates number, no.

25 Q. Does the City of Miami use an internal document

1 management system that puts serial numbers on documents
2 you print out?

3 A. Not serial numbers, no. When it comes to
4 legislation, we use what's called Mediatrix (phonetic)
5 to administer legislation, documents that are associated
6 with agendas, documents that are submitted into the
7 record during City Commission meetings, but they're not
8 given a unique number or anything. It's usually
9 associated with the file ID.

10 Oh, here we go. When it comes to legislation,
11 resolutions, ordinances, there's something known as a
12 file ID, and so for you to be able to find it within our
13 Mediatrix system, you need to have either the file ID
14 number or the enact number.

15 And so what we'll do on documents that's either
16 accompanying -- or, normally, submitted into the record
17 during City Commission meetings, we'll write the file ID
18 number on the document, but we don't have any kind of
19 internal system that assigns a number to documents, like
20 submittals and backup documents, no.

21 Q. Did you review any of the court filings, like
22 our complaint or any court rulings?

23 A. No. No.

24 Q. Did you review any transcripts of other
25 depositions, for example, Mr. De Grandy's deposition,

1 which we took on Monday?

2 A. No.

3 Q. Did you -- I'll withdraw that.

4 MS. MCNAMARA: I'm going to mark this as
5 Plaintiffs' Exhibit 7.

6 MR. JOHNSON: Could we go get the coffee?

7 MS. MCNAMARA: Oh, sure.

8 (Thereupon, Plaintiffs' Exhibit Number 7 was
9 marked for Identification.)

10 (Short recess taken.)

11 BY MS. MCNAMARA:

12 Q. This is Plaintiffs' Exhibit 7. Here's the
13 marked copy for you. Do you recognize this document?

14 A. Yes.

15 Q. You've looked at it before?

16 A. Yes.

17 Q. Can you describe what it is?

18 A. Plaintiffs' Notice of Rule 30(b)(6) Deposition,
19 and essentially there are some subject matters that are
20 going to be covered during the deposition.

21 Q. And do you understand that you've been
22 designated for some of the specific numbered topics on
23 this?

24 A. Yes.

25 Q. And which ones are those that you've been

1 designated to testify to?

2 A. The first and second subject matters.

3 Q. And you feel comfortable discussing those
4 subject matters today?

5 A. Yes.

6 Q. All right. You can look at that, but I'm not
7 going to ask -- I mean, you can keep it, but I'm going
8 to move on now.

9 A. Okay.

10 Q. So do you live in the City of Miami yourself?

11 A. Yes.

12 Q. What district do you live in?

13 A. District 4.

14 Q. What neighborhood?

15 A. What neighborhood would that be considered?

16 It's West. It's over by the Shell Lumber store. So I
17 don't know if that's a neighborhood, but west of 27th.

18 Q. How long have you lived there?

19 MR. SPRING: Shenandoah.

20 THE WITNESS: That's Shenandoah? Sorry.

21 My apologies. I should probably know that.

22 I'd say, about a year and a half.

23 BY MS. MCNAMARA:

24 Q. Have you lived elsewhere, within the City of
25 Miami, before that?

1 A. Yes. Just down the street, where it was in
2 District 2, Southwest 27th and Bird, over by the
3 Flanigan's, if you need a reference point.

4 Q. How long have you been living in the City of
5 Miami?

6 A. I would like -- I believe, around ten years,
7 I'd like to say. Around ten years.

8 Q. What is your educational background?

9 A. I have a Bachelor's Degree from the University
10 of California Berkeley in political science and a minor
11 in public policy.

12 Q. Do you have any professional certifications?

13 A. No.

14 Q. And what is your current job title with the
15 City of Miami?

16 A. City Clerk.

17 Q. Are you based in City Hall?

18 A. Yes.

19 Q. Do you work in-person?

20 A. Yes.

21 Q. Do you ever do remote work or --

22 A. Normally, no. It's usually in-person.

23 Q. When did you start as the City Clerk?

24 A. January of 2013.

25 Q. And you've been in that position continuously

1 since then?

2 A. Yes.

3 Q. How did you obtain that position?

4 A. I was appointed by the City Commission. It's a
5 Charter officer position.

6 Q. Did you hold any positions in the City of Miami
7 prior to that?

8 A. Yes. I was originally employed with the City
9 of Miami back in February of 2006. I started out as a
10 Legislative Services Representative 1, an entry level
11 position. I was promoted to Legislative Services
12 Supervisor. And, then, from Legislative Services
13 Supervisor, I was promoted to Assistant City Clerk.
14 And, then, from Assistant City Clerk, I was appointed to
15 City Clerk.

16 Q. Were you surprised when they appointed you to
17 be the City Clerk?

18 A. I like to think that I earned it, but, no, I
19 was happily surprised.

20 Q. Did they tell you beforehand or they --

21 A. No. No. It's all done at the Commission
22 Meeting, and it's done by vote, and so you're left on
23 pins and needles until the actual vote is taken. It's a
24 little nerve-racking.

25 Q. Does it have a set term?

1 A. Well, every two years, I believe it's pursuant
2 to the Charter, you're up for reappointment. And so
3 essentially -- it's tied with every election cycle. So
4 as the election cycle is -- as it's completed, then you
5 basically will put a Resolution on an agenda to
6 determine if they're going to reappoint you or not.

7 Q. Have you ever had any situations during your
8 tenure when you were concerned that you wouldn't be
9 reappointed?

10 A. No.

11 Sorry, I'm not trying to jinx it, but --

12 Q. Do you have relationships with the individual
13 City Commissioners themselves?

14 A. I mean, professional relationships, but not
15 personal, no. I don't hang out or go to dinner with
16 anybody.

17 Q. Do you have a direct report, who is considered
18 your boss?

19 A. I have five different bosses.

20 Q. Who is the first of those five bosses?

21 A. Well, the District 1 City Commissioner,
22 District 2 City Commissioner -- so it's the City
23 Commissioners that are my bosses.

24 Q. So you report directly to the Commissioners?

25 A. Yes.

1 Q. And they control whether you stay in the
2 position or not?

3 A. Correct.

4 Q. But you don't report to the City Attorney?

5 A. No.

6 Q. Or the City Manager?

7 A. No. Not even the Mayor.

8 Q. Is there any mechanism in the City for, say,
9 the voters to vote you out or call a recall or
10 something?

11 A. No.

12 Q. It's only through the Commission?

13 A. Yes.

14 Q. But in theory -- I mean, I'm not saying this is
15 happening, but, in theory, if there was like a movement
16 of, new Clerk for Miami, the way people would do it is,
17 they would have people run for the Commission, and they
18 might run on that, and, then, when they're sworn in --

19 A. Yes. Yes. Uh-huh.

20 Q. Okay. But nothing like that has ever happened?

21 A. No.

22 Q. Are you aware of that happening for previous
23 City Clerks?

24 A. No.

25 Q. What was your previous job, before you joined

1 the City of Miami?

2 A. I worked for the pro tem of the California
3 State Senate Don Perata. I worked out of his district
4 offices as a district representative.

5 Q. How long were you doing that?

6 A. I would say, four to five years.

7 Q. Did you have other jobs in California
8 government prior to that?

9 A. Prior to that? No. I was in the military for
10 six years, from 1990 to '96. I graduated from college
11 in 2001. So, after I graduated from college in 2001, I
12 started working for the State Senator.

13 Q. What branch of the military were you in?

14 A. Me? United States Navy.

15 Q. What was your rank that you left at?

16 A. Operations Specialist 3rd Class Petty Officer.

17 Q. Were you on boats?

18 A. Yes.

19 Q. Did you travel anywhere overseas?

20 A. Yes, I've been all over the Far East and the
21 Middle East and the South Pacific.

22 Q. Did you like that?

23 A. Oh, it was the greatest decision ever made,
24 hands down.

25 Q. How did you end up coming to the City of Miami?

1 A. So I have family in West Palm Beach, and so,
2 essentially, I'd been out in California for a long time,
3 and I guess, as you get a little older, you begin to
4 realize that being closer to family sometimes is more
5 important than enjoying living in one of the best states
6 in the country -- again, I'm biased -- and realized that
7 it was probably time to head back east.

8 Q. Let's say that there was a rivalry between
9 California and Florida, would you put yourself on the
10 California side of that rivalry?

11 A. Without a question.

12 Q. I won't make you --

13 A. Just saying.

14 Q. So can you describe what your job entails, like
15 as a summary?

16 A. Briefly, I'm the Clerk of the Board. So I work
17 with Commissioners on their legislation. Essentially,
18 we are a repository for City Commission documents,
19 whether it's current or archived documents. I oversee
20 the lobbyist registration program for the City. I
21 conduct the elections for the City. So that's just a
22 few of the things to name.

23 Q. Do you have any people who report to you?

24 A. Yes. There's an office of twelve, including
25 myself. I have an Assistant City Clerk, and a

1 Legislative Services Supervisor. There are four people
2 in the Legislative Division, two in the Records
3 Division. So it's a total of twelve, but they all
4 answer or, I guess -- I'm responsible for supervising
5 them.

6 Q. You testified a minute ago that you have a
7 professional working relationship with the Commissioners
8 and they are the ones who you report to. Do you have
9 personal relations with them outside of that?

10 A. No.

11 Q. What about any Former Commissioners?

12 A. No. I mean, they will call me if they need
13 something related to the City Clerk's Office. No
14 personal relationship, but definitely still a
15 professional. If they need legislation, if they need
16 minutes, something along those lines, you know, previous
17 City Commissioners can contact me, just like anyone else
18 from the public, to make a public records request.

19 Q. Do you see them regularly, when you're at work
20 at City Hall?

21 A. No.

22 Q. Are they often elsewhere?

23 A. The Commissioners? Yes.

24 Q. Do you see them outside of the context of an
25 organized meeting that's being held?

1 A. Very rarely.

2 Q. What about Mayor Suarez?

3 A. I do not see him.

4 Q. Have you met him before?

5 A. Well, I've met him, but, I mean, it's been a
6 while since we have actually interacted.

7 Q. Does he have any interaction with your role as
8 the City Clerk?

9 A. Well, the Mayor can veto City Commission
10 legislation. So, essentially, I do work with the
11 Mayor's Office to ensure that we take up what's known as
12 a Mayor Signature Report. So any legislation that's
13 subject to veto by the Mayor, we put it in a report.
14 We'll essentially -- we take it to his chief of staff,
15 not to the Mayor personally, but essentially we do have
16 a relationship with the Mayor's Office when it comes to
17 his Mayor veto authority.

18 Q. Do you know Miguel De Grandy?

19 A. Yes.

20 Q. How long have you known him?

21 A. I would say, since I became City Clerk, 2013,
22 when he helped us with a redistricting back then.

23 Q. Do you have a relationship with him, outside of
24 the context of redistricting?

25 A. No.

1 Q. How would you describe your relationship with
2 him over the years?

3 A. Just professional. If he needed something from
4 the Clerk's Office, again, related to legislation or
5 minutes or so forth or public notices, that was the
6 extent of it.

7 Q. Are you the person he would come to if he needs
8 information in his work consulting for the City to do
9 the maps?

10 A. No, not to do the maps, but if he needed,
11 maybe, historical information, such as the legislation
12 that the Commission passed when it came to the
13 redistricting back in 2013, the maps that were produced.
14 I don't produce any maps. That's usually done by -- I
15 don't know, I think it's done by the GIS Department, but
16 I'm not sure who, but I would provide him more with
17 historical documents.

18 Q. Are there other departments within the City of
19 Miami government that you interact with on a day-to-day
20 basis?

21 A. On a day-to-day basis? Yes.

22 Q. What's the main other -- outside of the City
23 Clerk's Office, what is the main other organization you
24 work with in the City of Miami?

25 A. It really depends on, day-to-day, what we're

1 working on. It could be someone who needs an agreement
2 attested from the Department of Real Estate and Asset
3 Management. It could be the City Attorney's Office that
4 needs us to unlock a file, so they can make some kind of
5 change, maybe to a piece of legislation that had to do
6 with amendments. It could come from the Hearing Board's
7 Office, when they're sending us information for -- a
8 public notice pertaining to a lower board. It really
9 just changes every day.

10 Q. Do you work at all with staff for the
11 individual Commissioners?

12 A. Yes.

13 Q. Are they considered like colleagues that you
14 work with on a regular basis?

15 A. Colleagues, yes. Not in a daily basis. Again,
16 only when they need something from the Clerk's Office.

17 Q. Okay. Do you know Stephen Cody?

18 A. Yes. Yes. I had worked with him, with Mr. De
19 Grandy, back in 2013, and then for this latest
20 redistricting.

21 Q. How has it been working with him, in your
22 experience?

23 A. We've always had a professional relationship.

24 Q. And do you know Miami-Dade County Supervisor of
25 Election Christina White?

1 A. Yes.

2 Q. How long have you known her?

3 A. Since, at the very least, 2013.

4 Q. Is that when she began as the --

5 A. I don't remember when --

6 Q. That's when you became the Clerk?

7 A. Yes.

8 Q. Okay. Is she the only Supervisor of Elections
9 you've worked with?

10 A. I believe so. I remember -- so, I apologize, I
11 think it was Penny, but I think I worked with her more
12 as an Assistant City Clerk, if I remember correctly.
13 That's going way far back. I'm sorry, I don't remember
14 her actual -- her official name, but I just remember
15 Penny, and then primarily working with Christina.

16 Q. Do you know when Christina White's term is up
17 as Supervisor of Elections?

18 A. Well, it's my understanding that there's going
19 to be a requirement that the Sheriff's position -- well,
20 I guess -- I was going to say, Sheriff -- the Sheriff's
21 position, the Supervisor of Elections, will now be
22 elected, and I think that's starting in 2024, I believe.

23 Q. So that would be on the Fall 2024 election?

24 A. It's my understanding.

25 Q. But that's run by the County?

1 A. Correct.

2 Q. Do you have any role in how the County runs
3 their elections, outside of the City --

4 A. No.

5 Q. Do you know -- I'm going to go through a list
6 of the Plaintiffs in this case and just ask you if you
7 know them. Do you Daniela Pierre?

8 A. The name doesn't sound familiar, but if I saw
9 the face, it's possible. I'm sorry, I didn't mean --
10 you see a lot of people in the City.

11 Q. No, I know. I mean, if you don't them
12 personally, that's what I am trying to find out.

13 A. Oh, okay, personally. Got it.

14 Q. What about Harold Ford?

15 A. No.

16 Q. Caroline Donaldson?

17 A. No.

18 Q. The Revered Nathaniel Robinson?

19 A. No. I mean, he's been at City Commission
20 meetings.

21 Q. You recognize him from the Commission?

22 A. Yes.

23 Q. But you don't have an outside relationship with
24 him?

25 A. No.

1 Q. What about Clarice Cooper?

2 A. No.

3 Q. What about Steven Miro?

4 A. I know him, from when he worked for
5 Commissioner Carollo, in his professional capacity, but
6 not outside of work, no.

7 Q. Yanelis Valdes?

8 A. No.

9 Q. Jared Johnson?

10 A. No.

11 Q. Rebecca Pelham?

12 A. No.

13 Q. Alexander Contreras?

14 A. No.

15 Q. So let's go to Topic 1.

16 A. Okay.

17 Q. Can you read Topic 1 off of Plaintiffs' Exhibit
18 Number 7?

19 A. "The administration of City of Miami elections,
20 including the cost and burden of holding special
21 elections."

22 Q. So how often does the City of Miami hold
23 elections?

24 A. Well, ours is on an odd year election cycle
25 every two years.

1 Q. Do you ever hold even year elections?

2 A. Only unless it's a special election, and before
3 -- I just want to make sure, so we're just kind of
4 speaking from the same page, when you talk about a
5 special election versus a general election, and just
6 bear with me, so I don't bore you too much, but pursuant
7 to the Charter, when there's a vacancy for the Office of
8 the Mayor or a City Commissioner, the Commission has two
9 options. One, they can either appoint or they can hold
10 a special election.

11 A special election is different from our
12 regularly scheduled general municipal elections, because
13 a special election has a shorter qualifying period, five
14 days, and there's no runoff.

15 And so, with our general municipal elections,
16 when they're held, you know, every two years, on the odd
17 year election cycle, there's almost a three-week
18 qualifying period, and then there's a runoff. So, in a
19 special election, it's a plurality vote, but in a
20 general election, you have to get fifty percent plus
21 one. If you don't, then it goes to a runoff.

22 So I just want to kind of make sure we're on
23 the same page, when we start talking about special
24 versus general municipal elections, so that, you know,
25 you understand that there is a difference, at least when

1 it comes to the Charter, in that particular scenario.

2 There is a difference between the type of election.

3 Q. For a general election, are they always held in
4 November?

5 A. Of the odd year, yes.

6 Q. Is there a primary or other preliminary
7 election before that?

8 A. We do not have a primary.

9 Q. So everyone runs, and, then, depending on if
10 one person gets a majority, they get the seat, and if
11 there's two, then they run in a runoff afterwards?

12 A. Yes.

13 Q. Is the runoff considered part of the general
14 election?

15 A. Yes.

16 Q. It's not like -- like you said before, it's not
17 considered a special election?

18 A. No.

19 Q. And a special election -- in order to hold a
20 special election, does the City Commission have to
21 declare it?

22 A. Yes.

23 Q. Is it done through a Resolution?

24 A. Yes.

25 Q. How often does that happen, would you say?

1 A. Well, from the standpoint of when there has
2 been a vacancy, not very often. Recently, you know,
3 with the District 2 Commissioner, that was something
4 unique, because when the District 5 Commissioner had
5 vacated his seat, when he was elected as County
6 Commissioner -- a Miami-Dade County Commissioner, the
7 Commission decided to appoint, and so we didn't have to
8 have a special election for that vacancy, but for the
9 District 2 vacancy, they decided that they didn't want
10 to make an appointment, so they scheduled a special
11 election, and so that was the most recent special
12 election we've had, which was held in February of this
13 year.

14 Q. Do you remember when the previous special
15 election, before that one, was held?

16 A. It would have been over a decade ago, I'm
17 assuming, because I'm trying to -- I think it would have
18 been with Commissioner Spence-Jones, but that would have
19 been around, wow, 2007, maybe. 2007, I'm thinking.
20 It's been a while. I'm sorry, so I just don't remember
21 the exact year.

22 Q. Would you say that it's a rare occurrence to
23 hold a special election in Miami for the City?

24 A. Yes. For a vacancy, yes. Now, we do have
25 special elections for ballot questions, but that doesn't

1 involve, you know, a qualifying period, there isn't a
2 vote for an actual candidate to fill, you know, a City
3 Commission seat, so that is something entirely
4 different, but we do have special elections for Charter
5 amendment -- for any kind of ballot question.

6 Q. Do you ever have the Charter amendment or
7 ballot questions on the regular general election?

8 A. Yes. For a City of Miami odd year election
9 cycle, yes.

10 Q. So how do you determine whether the ballot
11 initiative would be on the regular general election
12 ballot versus on a special election ballot?

13 A. Well, again, the special election ballot is
14 something entirely different, you know, from the
15 standpoint of the purpose that it's being called, and so
16 let's focus on the general municipal election. You can
17 have a ballot question tied in with that, simply because
18 it's an election that you have already scheduled, and
19 so -- essentially, there's nothing, I guess you're
20 saying, preventing you from having a ballot question on
21 a general municipal election? I'm just trying to
22 understand the question a little better. Maybe I'm
23 not --

24 Q. Is there a regular schedule -- for example,
25 let's say that every ballot initiative that needs to go

1 on a ballot gets held for the next general election, or
2 is it, let's say, oh, we don't want to wait six months,
3 let's go ahead and have the election now? How is
4 that --

5 A. Oh, I don't believe we could call a special
6 election just for a ballot question.

7 Q. So when would there be a special election for a
8 ballot question?

9 A. It would be held either during our normal
10 election year -- you know, odd year election year cycle
11 in November or we would try and piggyback off of the
12 County during an even year election.

13 Sorry, is that making sense? I apologize.

14 Q. I'm curious -- I'm trying to figure out, how is
15 the choice made, whether or not to just be part of the
16 regular general election versus making a special
17 election for the ballot question.

18 A. We could, essentially, work, I think, with the
19 Elections Department to request that. If we wanted to
20 have a City-wide special election for a ballot question,
21 we would need to work with the Elections Department, to
22 see if they would be able to assist us with a City-wide,
23 you know, special election, just for the ballot
24 question.

25 I think I understand it a little bit better

1 now. So, I think, yeah, we would work with the County.
2 If we wanted to have a stand-alone election for a ballot
3 question, then we would need to work with the County to
4 ensure that they could assist us with a City-wide
5 election for that ballot question.

6 Q. Are there any ballot questions on the November
7 2023 ballot this year?

8 A. No.

9 Q. Is it too late for them to be added?

10 A. Yes.

11 Q. Is there a deadline for when you would have to
12 have a ballot question presented in order to get on the
13 regular election ballot?

14 A. Yes. The County usually provides us with those
15 deadlines and that's what we work with.

16 Q. The deadline is set by the County?

17 A. Yes.

18 Q. Does the City have any influence, like if you
19 said, "Hey, we need an extra week, so push this back"?

20 A. Potentially. It just depends on, you know, the
21 length of the ballot, maybe how many elections that they
22 have going on at the same time, because I know they
23 provide election services to all municipalities in
24 Miami-Dade County, but I think we could probably get a
25 little extra time, but they do have their own

1 requirements when it comes to being able to code the
2 ballot, to be able to draft the ballot and then to be
3 able to get it to the printers, to ensure that, you
4 know, we meet their deadlines.

5 Q. What was the deadline for this year for that?

6 A. I don't remember, off the top of my head.

7 Q. Was there any plans to have ballot initiatives
8 this year that didn't go through?

9 A. No, there was no -- there were no ballot
10 questions planned for this November election.

11 Q. Did you do any work related to ballot
12 initiative elections during this calendar year?

13 A. During this calendar year, no.

14 Q. What about 2022?

15 A. I do not remember any in 2022, no.

16 Q. Are you aware of any that are in the works for
17 the future?

18 A. Not at this time, no.

19 Q. So, going back to the election, not the ballot
20 initiatives, but individual representative elections,
21 how many elected positions are in the City of Miami?

22 A. Six.

23 Q. Is that the five Commission seats, plus the
24 Mayor?

25 A. Yes.

1 Q. Are there any other seats that are elected
2 within the City of Miami government?

3 A. Elected by the voters?

4 Q. Yes.

5 A. I'm only aware of the six.

6 Q. Is there any plans, that you're aware of, to
7 add additional seats? Like, for example, we talked
8 about the Supervisor of Elections and the Sheriff
9 switching over for the County. Is there any similar
10 plans in the City to add additional elective seats?

11 A. I'm not aware of any.

12 Q. Are there term limits for the number of terms
13 you can serve?

14 A. Yes.

15 Q. Is that true, both, for Mayor and Commissioner?

16 A. Yes.

17 Q. What are those term limits?

18 A. Two consecutive four-year terms.

19 Q. What if you serve for four years, take four
20 years off, and then run again, does that still qualify
21 for term limits or could you serve two consecutive years
22 after?

23 A. It's my understanding you can serve two
24 conservative years after, as long as you have that gap.
25 That's my understanding.

1 Q. So, under your understanding, one person could
2 hold two consecutive seats, take four years off, then
3 run and hold two more consecutive four-year seats and
4 then take four years off?

5 A. My apologies, they serve two consecutive terms,
6 they take four years off, and then they run again? Yes,
7 that's would be my understanding.

8 Q. So it's only you're prevented from having a
9 third consecutive term?

10 A. That is my understanding, yes.

11 Q. Are there any rules related to, if someone
12 joins in the middle of a term, how they count that?

13 A. It's my understanding it's not applied -- it's
14 not a full consecutive term. So we'll take Commissioner
15 Reyes, Commissioner Manolo Reyes. I can't remember when
16 he -- it was a special election, and this was years ago,
17 to fill a vacant seat, and he was able to serve two
18 years of Mayor Suarez's four-year term. Those two years
19 were not considered a four-year term, and so he gets to
20 serve two consecutive four-year terms after that two
21 years, if that's making sense.

22 Q. Is that the current status for Commissioner
23 Reyes? The current consecutive terms that he's on right
24 now are the terms where he started replacing Mayor
25 Suarez?

1 A. So he served two years of the remaining
2 four-year term of Commissioner Suarez, at the time,
3 before he was elected Mayor, and then he served four
4 years. He served one consecutive term. Now he's up for
5 re-election for his final -- his second consecutive
6 term. So he will be term limited out in 2027.

7 Q. What about Commissioner Carollo, what is his
8 status, as far as terms and term limits?

9 A. He will be term limited in 2025. That will be
10 two full four-year consecutive terms.

11 Q. And what about Commissioner Sabina Covo of
12 District 2?

13 A. Well, she gets two four-year consecutive terms,
14 because the special election that she was elected in
15 allowed her to serve just the remaining term of
16 Commissioner Russell's four-year term. So she will be
17 able to serve for two consecutive four-year terms.

18 Q. And what is the status of Commissioner King?

19 A. She's currently serving her first term. So she
20 would be allowed to serve another four-year consecutive
21 term.

22 Q. And she's not up for election this year; is
23 that correct?

24 A. No.

25 Q. So she's halfway through her first term?

1 A. Yes. Yes.

2 Q. Are you aware if the City of Miami has
3 considered amending the Charter to change the length of
4 the term?

5 A. I'm not aware.

6 Q. Or to add -- you know, let's say, repeal the
7 term limits or make it so you can serve longer periods
8 of time?

9 A. I'm not aware, no.

10 Q. Have you ever had any conversations within the
11 City of Miami about the possibility of that?

12 A. No.

13 Q. Has the City of Miami ever considered switching
14 from odd number years to even number years for
15 elections?

16 A. Well over a decade ago, there was a discussion,
17 but it didn't move beyond just a discussion, and I
18 wasn't the City Clerk at the time. I just remember
19 that, because I believe I was Assistant City Clerk at
20 the time.

21 Q. Do you know why it didn't move forward?

22 A. I don't remember, no.

23 Q. Are you aware of any analyses of the benefits
24 comparatively between having odd and even year
25 elections?

1 A. I believe there was some information associated
2 with the discussion, like a backup document, but I don't
3 remember the specifics.

4 Q. Do you have a personal view?

5 A. I do not, no. That's up to the voters.

6 Q. Does it ever cause issues, where, like in your
7 job, you say, maybe it would be easier if this was on an
8 even number year, instead of odd number year?

9 A. Again, that's the will of the Commission and
10 it's up to the voters to decide what type of election
11 cycle they'd like for us to have.

12 Q. So the law tells you what the election
13 structure is and then you execute it?

14 A. Yes.

15 Q. Have you ever had any issues with that or like
16 situations --

17 A. No.

18 Q. -- where you say, "We can't do this"?

19 A. No, again, because I think we've got the best
20 elections department in the entire state.

21 Q. Does the City ever hold recall elections?

22 A. Well, we've never held a recall election. I
23 know that a recall was initiated -- I can't remember
24 when -- maybe three years ago, but it didn't meet the
25 threshold needed to move to an actual recall election.

1 Q. What is that threshold?

2 A. I'd have to look at the Charter. I don't
3 remember off the top of my head. It's kind of detailed.

4 Q. Is it something that you deal with on any
5 frequency?

6 A. No.

7 Q. If a recall was actually organized and
8 happened, was successful, would that be a surprise?

9 A. No. I mean, if they were able to meet the
10 threshold in the period to hold a recall election, then
11 that's what we would do.

12 Q. Are you aware of the City evaluating the
13 possibility of any recall elections over recent years?

14 A. No.

15 Q. Has anyone from the public ever communicated to
16 the City -- you know, threatened to organize a recall,
17 if you don't, say, support some position in the
18 government?

19 A. Not that I'm aware of.

20 Q. Would you classify the threat of a recall as a,
21 you know, political tactic that is used in the City,
22 that's relevant to what happens in the City?

23 A. I think it's part of a democracy.

24 Q. But it's not one that is like actively going on
25 in the City of Miami?

1 A. No.

2 Q. And going back to like the Charter amendments,
3 the non-candidate ballots, can you describe the process
4 for how a Charter amendment gets on the ballot?

5 A. Well, first, we need to request permission from
6 the County, from the Miami-Dade County Elections
7 Department, if we could have an election, and it would
8 be called a special election, to hold a City-wide -- a
9 City-wide special election for a Charter amendment
10 question or a ballot question. Once we get approval
11 from the Supervisor of Elections, then the Commission
12 essentially would pass legislation indicating what the
13 question entails, the language that makes up the
14 question, and essentially assigning a date for that
15 special election.

16 Q. When you testified just a moment ago, you said
17 that the County Supervisor of Elections approves it.

18 A. Well, no, the date.

19 Q. The date?

20 A. Only the date, not the legislation.

21 Q. What triggers going to the County Supervisor of
22 Elections to ask for the date?

23 A. I believe it's a State Statute. I don't
24 remember the exact State Statute, but municipalities
25 need to request from the Supervisor of Elections

1 permission to hold a special election that's not -- you
2 know, it's not piggybacking off of their own election.

3 Q. Does the City Commission pass through
4 Resolution potential ballot initiatives on their own?
5 Like they say, "We want to put this on the ballot, we're
6 going to pass this," and then put it forward?

7 A. No. I always ask the Supervisor of Elections
8 first, to have that approval.

9 Q. Do you know where the initiative comes from in
10 the beginning? Let's say no one has heard anything
11 about a potential ballot initiative. Who is the first
12 potential step or person that brings it up?

13 A. I believe they would -- they would have a
14 discussion item at a City Commission meeting, to see if
15 there is the will to have a ballot question presented to
16 the voters, and, then, the Commission would then direct
17 the City Attorney to draft that ballot question. Then
18 it would have to come back to the Commission for their
19 approval.

20 Q. Do the voters have the ability to petition for
21 that on their own, separate from the Commission?

22 A. Yes. It's in the Charter, and I just don't
23 remember it verbatim.

24 Q. Would you say it's more common for the City
25 Commission to instigate the ballot initiative or for the

1 public to petition the process to do that?

2 A. The City Commission.

3 Q. How much space does it take on a ballot to put
4 a ballot initiative?

5 A. I don't know how much space. Maybe an eighth
6 of a page, not -- you know, it depends on the length, I
7 guess, of the question. It could be -- not a quarter
8 page, but -- the way that the ballot is set up, there's
9 two columns. So you're not taking up like a full page
10 or a half a page. It's more like, we'll say, a quarter
11 of a page.

12 Q. Are you involved in the placement of the City's
13 ballot questions on the ballot?

14 A. No. That's done by the Elections Department.
15 Basically, they will code it. They format it. They do
16 everything that they need to ensure that the ballot
17 meets the specifications of State Statute, and, you
18 know, that they can use it with their voting equipment.

19 Q. Are you responsible for presenting the
20 information to the County that they use to then put the
21 ballot through?

22 A. Yes.

23 Q. That is your responsibility?

24 A. Yes.

25 Q. Is that also true for the candidate elections?

1 A. Yes. I provide the list of candidates to the
2 County Elections Department.

3 Q. Is the list of the candidates and the list of
4 ballot initiatives done separately?

5 A. No. Basically, the candidates will come first,
6 and then the questions would come afterward. And I
7 believe that's pursuant to State Statute or maybe the
8 Florida Administrative Code, one or the other, but
9 candidates always come first.

10 Q. Do you present all of that information at the
11 time to the County? Do you say, "Here's what we need on
12 this ballot, here's everything"?

13 A. Not necessarily at one time. We may have the
14 ballot question first, so that could be sent to them, so
15 that they know exactly -- so they can start the
16 translation, as well. My apologies, the Elections
17 Department has their own in-house Spanish and Creole
18 interpreters. So it allows them to start working on the
19 translation, and I guess, it's an idea as to how they
20 may need to format the ballot, and, then, because our
21 qualifying period is so late within the elections
22 process, they may get the ballot question first and we
23 send them the candidates later.

24 Q. So would you say that the practice you have is
25 to send something over when it's ready for them to

1 consider?

2 A. Yes.

3 Q. And the earlier, the better?

4 A. Yes.

5 Q. Does the City do anything related to the

6 translations into Spanish or Creole?

7 A. No. We leave that to the Elections Department.

8 Q. Is all of the City business done in English?

9 A. City business?

10 Q. I'm sorry, I'll withdraw that.

11 The information related to elections, such as

12 the names of the candidates and the text of the ballot

13 initiatives or Charter amendments, are those all

14 presented in English only?

15 A. No, English, Spanish and Haitian Creole.

16 Q. That's on the ballot?

17 A. Yes.

18 Q. What does the City present to the County?

19 A. Oh, I'm sorry. My apologies. English.

20 Q. When the City is considering language for a
21 ballot initiative, do they consider how it will appear
22 in the translated languages before they come up with the
23 final language?

24 A. I'm not involved in that part of the process,
25 so I don't know.

1 Q. Do you have any role in the translation into
2 other languages?

3 A. No.

4 Q. That's all done by the County?

5 A. Yes.

6 Q. Has there ever been additional languages to the
7 ballot?

8 A. No.

9 Q. Or removing languages from the ballot?

10 A. No.

11 Q. Is that any aspect of your job?

12 A. No. If someone wanted to have an additional
13 language, and if that's what was required, then that's
14 what we'd do.

15 Q. Is there a specific amount of space that the
16 City has access to on the County's ballot?

17 A. No. I think we would just -- if it were to
18 move to a second page -- let's say, a hypothetical,
19 where the page -- where the ballot is one page, and,
20 then, because of our ballot question, it moves us into
21 two pages, we would just have to pay for the extra cost
22 associated with the ballot --

23 Q. How is the cost --

24 A. -- for the length of the ballot, I apologize.

25 Q. How is that cost determined?

1 A. By the Elections Department.

2 Q. Does the standard agreement say, oh, if it's
3 one page, it's \$10, and if it's two pages, it's \$20?

4 A. You know, there's no standard agreement as to
5 like what the price is. I think it has a lot to do with
6 how much it takes up on the second page, if there's more
7 translation required. So I think there are many
8 different variables, I think, that go into the overall
9 cost.

10 Q. At what point is the cost for a specific ballot
11 determined?

12 A. That's done by the Elections Department. We
13 usually will get an estimate before the election, and
14 then we'll get a final invoice afterwards.

15 Q. Is there ever any discussion within the City of
16 Miami that we need to limit the amount of things we put
17 on the ballot because we don't want to go over a certain
18 budget price?

19 A. No.

20 Q. Is there any concern about the cost of how much
21 it will be, on the ballot, when you're determining what
22 goes on the ballot?

23 A. That would be up to the Commissioners. So I'm
24 not involved in that part of the discussion. I would
25 let them know, if we already have a full page, and this

1 could be leading to a second page, you know, we would
2 certainly, you know, share that information with them,
3 and it would be up to them to decide whether or not the
4 extra cost would be something that they'd want to incur.

5 Q. Has anyone within the City ever asked you to
6 reduce the cost of elections?

7 A. No.

8 Q. Do you think that would be necessary?

9 A. Again, that's the will of the Commission.

10 Q. Do you think that the City gets a good deal on
11 the prices it pays to the County on the elections?

12 A. Pennies on the dollar.

13 Q. Are there any other options, other than going
14 through the County?

15 A. I do not believe so.

16 Q. Is it statutorily required that the City run
17 their elections through the County?

18 A. No. It's just that they are the most
19 professional, the most efficient. They have the
20 equipment, the resources, the personnel, the logistics.
21 I just couldn't imagine not, you know, using them for an
22 election.

23 Q. Has the City ever discussed running its own
24 elections separately?

25 A. No.

1 Q. Do you know if they've done that in the past?

2 A. To the best of my knowledge, no.

3 Q. Do you think it would be a good idea to do
4 that?

5 A. No.

6 Q. Has the County ever told you they don't want to
7 do the City elections?

8 A. They've never told us, no, but, depending on
9 the election year -- so if we were doing something in an
10 even year election cycle, they would most likely want us
11 to piggyback off of the already scheduled elections.
12 There's one in March -- like let's just take 2024.
13 There's one in March. There's one in August. There's
14 one in November. I do not believe they would want us to
15 have a stand-alone special election, when there's
16 already three elections scheduled for next year.

17 MS. MCNAMARA: Okay. Do we want to take a
18 break?

19 MR. JOHNSON: Sure.

20 (Short recess taken.)

21 BY MS. MCNAMARA:

22 Q. So why are there three elections scheduled for
23 next year with the County?

24 A. You know, again, those aren't my elections, so
25 I'm assuming it's pursuant to State Statute and Federal

1 Law.

2 Q. Does it vary year to year? Are you aware of
3 how the County sets up its election timelines?

4 A. No, I'm not.

5 Q. So how does the City prepare to hold an
6 election? Like what is the beginning of the process for
7 the general election?

8 A. So we will request an estimate from the
9 Elections Department well in advance -- most likely, a
10 year in advance, so we can ensure that it's a part of
11 our budget for that upcoming fiscal year. So I'll have
12 the cost associated with the election. And, then,
13 essentially -- case in point, we'll take 2023, the
14 Commission, around April, will pass a Resolution
15 basically memorializing that we're having a general
16 municipal election for whatever the offices are, and
17 that's something that I transmit to the Miami-Dade
18 County Elections Department.

19 Q. If that process didn't happen, would there not
20 be a general municipal election next year?

21 A. I don't know the answer to that question. I
22 think that would have to be the City Attorney's Office,
23 to decide, you know, whether or not the election could
24 be held.

25 Q. Has there been a planned odd number year when

1 you thought there would be a general municipal election
2 and it didn't happen?

3 A. No. We've always had our elections when they
4 were supposed to be scheduled.

5 Q. How often are there runoffs?

6 A. It really varies. Some elections -- I don't
7 think we had -- I don't think we had a runoff in 2020.
8 I don't remember. But it varies. It varies. I think,
9 primarily, depending on the number of candidates on the
10 ballot. I think that's the driver.

11 Q. Does holding a runoff increase the cost of the
12 election?

13 A. Yes.

14 Q. Do you pay separately for the runoff
15 afterwards?

16 A. The County Elections Department will include it
17 all in the final invoice.

18 Q. How often do they invoice?

19 A. Just after the election cycle.

20 Q. So, it's like, they don't say, you know, like
21 every month you pay a certain amount of money spread
22 out --

23 A. No.

24 Q. It's not like you have a subscription?

25 A. No.

1 Q. It's a matter of, the election is run, and,
2 then, at the end of the election cycle, they say, this
3 how much it cost?

4 A. Yes.

5 Q. And they include the runoff cost with the
6 general election cost?

7 A. Yes. If I remember correctly, yes.

8 Q. Do they break it down?

9 A. They do. They have it broken down in certain
10 categories, such as when it comes to the personnel --
11 personnel associated with the polling locations, when it
12 comes to early voting, when it comes to their own
13 election staff that's being used to assist, when it
14 comes to logistics. They have to either have their own
15 trucks or rent trucks to take the voting equipment to
16 the various polling locations.

17 There is a cost associated with the coding of
18 the ballot, printing of the ballot. There's a cost
19 associated with vote by mail, when it comes to postage
20 that the City pays. So it's broken down.

21 Q. Who is responsible for overseeing that process
22 on the City's side, as far as paying the invoices and
23 reviewing them?

24 A. The Finance Department.

25 Q. Do they seek input from you?

1 A. No. We send them the invoice and it's simply
2 paid.

3 Q. Is there ever any negotiation, about the amount
4 on the invoice, after it's been sent?

5 A. No. I think we're all very aware that we're
6 getting the better end of the deal. I'm just being
7 honest.

8 Q. Does the County ever ask, hey, can we increase
9 the price?

10 A. Surprisingly not.

11 Q. We don't want to give them any ideas, if they
12 read this transcript and say, wait a minute.

13 When is the money allocated in the budget for
14 an election?

15 A. It's usually done for that -- well, from what I
16 understand, it's usually done for that fiscal year. So
17 we recently passed the budget, on October 1st -- well,
18 September 28th, but it goes into effect October 1st, and
19 that has the built-in estimated cost, you know, for the
20 November election.

21 Q. Does it ever diverge significantly from the
22 budgeted cost?

23 A. No.

24 Q. Is it a significant line item, that you're
25 aware of, within the budget?

1 A. It's my understanding, and the CFO can correct
2 me if I'm wrong, but I think we have a billion dollar
3 budget, so I don't think it's that much overall.

4 Q. Who would you say is the person within the City
5 who is responsible for overseeing the City's elections?

6 A. It would be the City Clerk, me.

7 Q. That's you?

8 A. Yes.

9 Q. Is there anyone else, who you would say is also
10 responsible, beyond you?

11 A. No. I am essentially the person who conducts
12 and certifies the election.

13 Q. Do you consult with the City Manager's Office
14 on that?

15 A. Regarding the election?

16 Q. Yes.

17 A. If I need assistance with polling locations or
18 early voting sites or parking, but not when it comes to
19 the actual election itself, if you know what I mean,
20 from the standpoint of like qualifying, from what we
21 send to the Elections Department as it relates to the
22 ballot, but there may be a supporting role, but more,
23 again, from the sense of what we may need for a
24 particular location, if we need some assistance with
25 parking, things like that.

1 Q. Do the individual Commissioners or the
2 Commission as a body have a role in the election? Do
3 you interact with them, as far as that?

4 A. Other than just the passage of the Resolution,
5 no.

6 Q. What about the City Attorney's Office?

7 A. Well, they assist us with the drafting of the
8 legislation to make sure that it's legally sufficient,
9 and if we have any questions, I guess, regarding the
10 State Statute or something, we would ask the City
11 Attorney's Office, but that's only if we need them to
12 answer certain questions.

13 Q. So your department controls the process?

14 A. Yes.

15 Q. Are you involved in the implementation of a new
16 map after redistricting?

17 A. The implementation? No. And, I guess, what I
18 mean by that is that, if we're talking about
19 implementation from the standpoint of like the zoning
20 program that the City uses, and any other resources,
21 like programs and so forth, no, that would be a
22 different department. I'm simply really just a
23 repository for the legislation that would have adopted
24 the redistricting and the maps associated with that
25 legislation. I would be the repository for that

1 information.

2 Q. Does it matter to you, for your job, what the
3 map actually looks like?

4 A. No.

5 Q. Are you involved in precincting?

6 A. No.

7 Q. Do you get that information from others within
8 the City?

9 A. No.

10 Q. Does it come from the County?

11 A. Yes.

12 Q. Does the City have any influence on how
13 reprecincting done?

14 A. No.

15 Q. Are there additional costs charged by the
16 County related to implementing the new map?

17 A. Any costs to implement the new map? I mean,
18 they send out the voter registration cards. They send
19 out the updated voter registration cards. They take
20 care of that cost. I don't know of any cost that the
21 City incurs, when it comes to the implementation of the
22 new map. Again, talking about the voter registration
23 cards, they have to update their voter information
24 systems, but they don't charge us for that.

25 Q. So, like you said, the County does not charge

1 the City for the costs of being prepared to run
2 elections with the new map?

3 A. No.

4 Q. The only cost is related to the ballot?

5 A. Yes.

6 Q. Are you aware of requirements of reprecincting,
7 like whether they have to do it or not --

8 A. Yeah, I'm not familiar with that. No.

9 Q. Would you say that you have no involvement in
10 the precinct level of work?

11 A. Yes.

12 Q. Has anyone ever suggested that you should be
13 involved in that?

14 A. No.

15 Q. Do you want to be involved in that?

16 A. No.

17 Q. Is there a time line for when the map gets put
18 into place, as opposed to when you submit the actual
19 ballot contents?

20 MR. JOHNSON: Objection to form.

21 BY MS. MCNAMARA:

22 Q. You can answer. It's a pretty weird question,
23 but --

24 A. So if you could repeat the question, I'm sorry.

25 Q. Yeah. I'll pull it back.

1 What is the time line for beginning to be able
2 to send materials to the County for an upcoming
3 election?

4 A. That's determined by the Elections
5 Department -- they would let us know -- because it takes
6 them time to re-tool their systems, so that whatever the
7 new map entails, they have the right voter information
8 for those voters. So I think they try and give us a
9 deadline as to when something of that nature should be
10 done, so that they have enough time to get everything in
11 place, so that we can, you know, carry out our election
12 like we normally would.

13 Q. Does that deadline change year to year or
14 election to election?

15 A. When it comes to a new map, we only do that
16 every ten years, so it's not very common.

17 Q. Is there like, let's say, August 1st, for a
18 November election -- is there a general time, like, say,
19 August 1st or September 1st or something, that is kind
20 of the known target of this is the point in which
21 everything needs to be finalized?

22 A. The Miami-Dade Elections Department will
23 communicate that to us -- to the City, I'm sorry.

24 Q. At the beginning of the calendar year, let's
25 say, on January 1st, 2023, do you have a sense of when

1 the County will communicate that the deadline -- when
2 the deadline is?

3 MR. JOHNSON: Objection, predicate.

4 THE WITNESS: Deadline for what, for a
5 ballot question or election?

6 BY MS. MCNAMARA:

7 Q. What is the deadline this year to put materials
8 on the November 2023 election ballot?

9 A. They gave us a deadline. I just don't remember
10 what the date was. But the Supervisor of Elections did
11 give us that deadline that we would need to meet, when
12 it came to placing a ballot question on our general
13 municipal election. I just don't remember the exact
14 date.

15 Q. Do you know when they gave you the deadline?

16 A. Oh, yes, earlier in the year.

17 Q. Is it the first quarter of the year?

18 A. I don't remember. I know it was very early on,
19 though. We had plenty of advanced notice as to when.

20 Q. Are there other years in which you felt you did
21 not have plenty of advance notice?

22 A. No. They always give us advance notice.

23 Q. Do you ever have any concerns that you're
24 running out of time to prepare the materials that you
25 need to send to the County for the election?

1 A. I've never had that issue, no.

2 Q. Does that vary when it's a special election?

3 A. So are we talking -- and my apologies -- are we
4 talking about a special election, where we're
5 piggybacking off of our general municipal election or
6 piggybacking off of maybe a County-wide election? I've
7 never had time constraints when it has involved a ballot
8 question being placed on, whether it's our election or
9 piggybacking off of a County-wide election.

10 Q. Do you recall there was a special election held
11 earlier this year for District 2?

12 A. Right.

13 Q. What was the time line that was available for
14 preparing the materials for the ballot for that special
15 election?

16 A. See, in that particular case, it's very unique,
17 I don't think we would have enough time to place a
18 ballot question on a special election to fill a vacancy,
19 whether it's for the Mayor or City Commission, simply
20 because, within ten days of the vacancy occurring for
21 the Mayor -- for any elected official, within ten days,
22 the Commission either appoints or schedules a special
23 election. And, then, after a five-day qualifying
24 period, which immediately follows the ten-day period to
25 appoint or schedule the special election, you have to

1 have that election within the 38th or 45th day, after
2 the fifth day of the qualifying. So I do not believe
3 there would be enough time to place a ballot question,
4 on a special election, where you're filling a vacancy
5 for an elected office.

6 Q. And how much time do you have to put the names
7 of the candidates who are up for the special election
8 positions?

9 A. As soon as the qualifying period is over, it
10 has to go to the Elections Department.

11 Q. Does the City have any issues complying with
12 that timing?

13 A. No.

14 Q. Was it a challenge this year to comply with
15 that timing on that election?

16 A. No.

17 Q. How much does it cost the City to run a general
18 municipal election?

19 A. Around 900,000.

20 Q. Is that an average amount?

21 A. It would be an average.

22 Q. Does it vary significantly?

23 A. No. And that's for City-wide.

24 Q. And City-wide, does that mean the mayorial
25 election is going on?

1 A. Yes.

2 Q. Setting aside the ballot questions, just for
3 the candidates, are there any City-wide elected
4 positions other than the mayor?

5 A. No.

6 Q. All of the Commission positions, is it true
7 that only the people who live in the districts that are
8 up for election see those positions on their ballot?

9 A. Yes. So, again, let me make sure I understand.
10 We have one election cycle where it's District 3, 5 and
11 mayor, and, of course, that's City-wide. So someone who
12 live in District 3 will get to vote for the Commissioner
13 in District 3 and they get to vote for the mayor. But
14 we have another election cycle, where it's 1, 2 and 4 --
15 Districts 1, 2 and 4, my apologies, for this election
16 cycle. And so someone who lives in District 1 will only
17 get to vote for that District 1 candidate. They won't
18 get to vote for the District 2 or District 4 candidate.

19 Q. So someone who lives in District 3, will they
20 have City lines on their ballot this Fall?

21 A. No, because District 3 is not up for election
22 this year.

23 Q. How much does it cost to run a City-wide
24 election, when the mayor election is not on the ballot,
25 so on the 1, 2 and 4?

1 A. It's around 600,000, five to six.

2 Q. So it's more expensive when the mayor is, also?

3 A. Yes, because it's City-wide.

4 Q. Is that because of the space it takes up on the
5 ballot?

6 A. I think it's just because of the fact that you
7 have a larger number of voters participating in an
8 election. You have more polling locations, more
9 ballots, more personnel is needed. So it's City-wide.
10 You're not just focusing on three districts, so the cost
11 increases.

12 Q. Can you list the costs that factor into --
13 let's pull that back.

14 What are the factors that determine the cost of
15 the election, for a general municipal election?

16 A. There are a number of costs. Again, we could
17 start with personnel alone, from the Elections
18 Department. You need people to man the polling
19 locations. You have early voting sites. You have to --
20 some locations, I think, the Elections Department has to
21 potentially rent. Then you're talking about the
22 voting -- us using their personnel, when it comes to
23 logic and accuracy tests, when it comes to doing the
24 tabulation, when it comes to using their trucks, you
25 know, logistically, to get the voting machines out to

1 the various precincts and polling locations. I mean,
2 you're increasing the number of precincts alone for a
3 City-wide significantly. And that's just some of the
4 costs. There are numerous costs involved. It's the
5 same cost, but just on a larger scale.

6 Q. Are there any fixed costs that you have to pay,
7 regardless of the size or scope of the election?

8 A. Yes. You know, the printing of the ballots,
9 when it comes to vote by mail, postage on the ballots,
10 when it comes to election personnel working at the
11 precincts on election day, early voting and so forth,
12 you still need to have the trucks to be able to get the
13 equipment and resources to the various polling
14 locations.

15 Q. What about if you're having a special election
16 for just one seat, how much would that cost?

17 A. For District 2, it was around 220,000.

18 Q. Do you know what the cost was the previous time
19 before that?

20 A. I do not.

21 Q. That was a decade ago, you said?

22 A. It was a while ago.

23 Q. Has there been any evaluation of potential
24 costs if there had been a special election for District
25 1 currently?

1 A. No, because essentially we are just using the
2 model that we just had with District 2. It would be
3 very similar. We're anticipating the cost to be
4 something similar.

5 Q. Does the cost vary depending on which district
6 it is? Like is District 1 more expensive to run an
7 election than District 2?

8 A. It wouldn't be significant. If you have more
9 voters, the cost goes up a little, bit because you have
10 to print more ballots and so forth, but we're not
11 talking a significant increase.

12 Q. So if you had a district -- setting aside what
13 the current districts are, but in the previous cycle,
14 when we went into redistricting, District 2 had more
15 population than the other districts. So does that mean
16 that it would cost more to run an election in District
17 2, if it had more people in the population?

18 A. It would cost more, but, again, it wouldn't be
19 a significant increase.

20 Q. Do you have a sense of how much the
21 difference -- you said \$900,000 is an entire City
22 municipal election. How much of that would be the
23 difference of how many ballots are being sent out to
24 different districts?

25 A. I don't have a sense of what it would cost, but

1 I know there wouldn't be a significant increase. I just
2 don't know what the exact amount would be or even an
3 estimate, but it wouldn't be a significant increase.

4 Q. How much do you consider a significant increase
5 to be?

6 A. Hundreds of thousands of dollars.

7 Q. So if it costs \$50,000 more, would that be a
8 significant increase?

9 A. No, I do not believe so.

10 Q. But if it were \$150,000 more?

11 A. Yes.

12 Q. Is it cheaper to hold a special election at a
13 time that the County is already holding other elections?

14 A. Yes.

15 Q. How much cheaper is it?

16 A. My apologies for using this term, significantly
17 lower. It would be significantly lower.

18 Q. So for the 2023 District 2 special election,
19 was that the only election held for that special
20 election on the County?

21 A. Well, that was a City of Miami election, so it
22 was a stand-alone election for the City of Miami for the
23 District 2 vacancy. So it wasn't like we were
24 piggybacking off of the County's election. So, like in
25 2024, and I'm just going to use that as an example, if

1 we were to piggyback off of the August primary or the
2 November general, then the cost would be reduced
3 significantly, because we don't have to have our own
4 polling locations, we'd be using the County's polling
5 locations, we'd be using their logistics, we'd be using
6 basically all of their resources. What they would need
7 to do is, print the ballot, code the ballot specifically
8 for us, but that's not nearly as expensive as having to
9 pay for the personnel and the trucks and everything else
10 that goes on into having an actual election.

11 Q. Is it cheaper to hold a special election in an
12 even numbered year or an odd numbered year?

13 A. So if you're talking about a special election
14 of like a ballot question, it would probably be cheaper
15 to have it on during our election cycle, simply because
16 we're already having an election and you're only adding
17 now that -- so, if you were to try and have a ballot
18 question this November, the cost would increase
19 significantly, because now you've gone from just three
20 districts to City-wide. So if you were trying to do a
21 ballot question in November, our cost would increase
22 significantly, because now you're using every single
23 precinct, every single polling location in the City of
24 Miami for this November election, but if this was a
25 mayoral election, where we're already having a City-wide

1 -- so, let's say, 2025 -- then the cost wouldn't be that
2 significant, because we're already having a City-wide
3 election, and the only thing that we're doing is just
4 adding on to the ballot a ballot question or two or
5 however many ballot questions you want to add.

6 Same concept, to a certain extent, would apply
7 to an even year election cycle. The County's already
8 having an election. They're already using their
9 resources for all of the polling locations within the
10 City of Miami, as well as early voting and so forth.
11 And so, really, what they would be doing is, they would
12 be creating a ballot specifically for the City, so that
13 we could add our ballot question, you know, to that
14 election cycle, to their August or November election.

15 Q. When the County is running an even year
16 election and the City has something to be in that
17 election, do you pay for the cost of the polling places?

18 A. I think they give us a significant discount, if
19 we do it all. I think, primarily, what we're paying for
20 is, some of their personnel, some of the cost that they
21 incur when it comes to the ballot, maybe some percentage
22 of the personnel that are being used at the polling
23 places, but, again, it's dramatically lower than what
24 you would find in a stand-alone City of Miami city-wide
25 election.

1 Q. Other than what we've discussed so far, are
2 there any other factors that influence the cost of a
3 special election?

4 A. Yeah, we've spoken about them.

5 Q. Can you describe the process for determining
6 how to deal with the current vacancy in District 1?

7 A. Well, the City Commission has addressed the
8 vacancy by simply allowing the November 7th election to
9 be used to fill that vacancy.

10 Q. Is that also considered a special election, in
11 addition to being the general municipal election for the
12 coming term?

13 A. No. It's my understanding that the City
14 Attorney's Office issued an opinion basically stating
15 that the November -- since there was already an election
16 scheduled for District 1 on November 7th, that will
17 serve as the election for the vacant District 1 seat.
18 So you had a full qualifying period, and if someone does
19 not receive 50 percent plus one of the vote in the
20 general, then there will be a runoff for that District 1
21 seat.

22 Q. For a general municipal election, once the
23 results have been certified, how long does it take for
24 the winners to be sworn in?

25 A. Five days after I've received the official

1 election's results from the Supervisor of Elections.

2 Q. Does that change for a special election?

3 A. It would be the same, after I receive the
4 official election results.

5 Q. So, hypothetically, let's say there was no
6 general municipal election this year, and instead it was
7 just the special for the District 1 -- they didn't do
8 what they're doing. They were just, we're going to have
9 a District 1 special election, and the vote was
10 certified on November 10th, then the person who wins
11 that election would take office on the 11th or whatever
12 the next business day is?

13 A. Not even business day; calendar day. So,
14 essentially, if I receive the official election results
15 from the Supervisor of Election on the 10th, that
16 candidate could be sworn in on the next day, on the
17 11th.

18 Q. But if it's the general municipal election,
19 they have to wait five days?

20 A. Pursuant to the Charter.

21 Q. Is there any like practical difference in that
22 outcome between those? Do you think it would make a
23 difference, the four days delay?

24 A. I don't know the answer to that question. I
25 just know that that's what I follow.

1 Q. And so for this year, the election -- District
2 1 is already up for re-election anyway, and so it would
3 just be the same as if Former Commissioner Diaz de la
4 Portilla had not been suspended?

5 A. Yes.

6 Q. For you, has the fact that he was suspended
7 altered the cost of this election?

8 A. No.

9 Q. Have you considered the possibility, if he were
10 to win re-election and the Governor suspends him again,
11 that then there would need to be a special election next
12 year?

13 A. I think that would be up to the Commission, if
14 they want to either appoint or schedule a special
15 election.

16 Q. But there has been no discussion of the
17 possibility of needing to hold a special election next
18 year for District 1, if whoever wins were to be
19 re-suspended or otherwise lose?

20 A. Not as of this time.

21 Q. Is there any discussion in the budgeting for
22 this year that was just finished about saving money for
23 special elections for 2024?

24 A. No.

25 Q. Do you do that in other years?

1 A. Again, when we know that there's an election
2 coming up, yes, we do plan, we do get the estimate from
3 the Elections Department. I believe I have an estimate
4 for a District 1 stand-alone special election ready to
5 go, and I'm not sure if I really shared that with the
6 Budget Office, because we're simply just waiting to see
7 what happens on November 7th.

8 Q. How much is that estimate?

9 A. It's going to be the same as what we pretty
10 much spent for the District 2 special election earlier
11 this year.

12 Q. And what was that?

13 A. The County's cost is around 180,000 and then we
14 have to throw in about another 40,000 for public notices
15 associated with the election. So it comes to about 210,
16 220.

17 Q. Is there any cost if the City Commission
18 appoints a replacement?

19 A. No.

20 Q. So if the City Commission appoints a new
21 Commissioner, that doesn't impact your job at all, as
22 far as elections?

23 A. An election wouldn't be required, so, no, it
24 would not.

25 Q. In the budgeting process for your department,

1 do you set out any sort of reserve to have available for
2 costs that come up, such as special elections?

3 A. Well, elections costs do not come out of my
4 budget. It comes out of, I think -- well, I'll let the
5 CFO explain, but I believe it comes out of an NDA
6 account, non-departmental account, and so it's my
7 understanding that that's where the funds are usually
8 set aside for a City of Miami election. We provide the
9 information to the Budget Office, and then the Budget
10 Office essentially includes that, however it needs to be
11 included, in the overall budget.

12 Q. Would you say that the potential costs of
13 special elections is a concern of your department, when
14 you're planning the next year's --

15 A. No. Again, that's not a decision that I make.
16 So it's up to the Commission to decide whether or not
17 they want to have a special election and incur those
18 costs.

19 Q. Are there any additional costs, that you can
20 incur, beyond what's required, when you're running an
21 election?

22 A. Any additional --

23 Q. I mean, just for example, if you wanted to
24 upgrade to have leather seats, you pay extra. Are there
25 any like perks that you can get to like, you know, we

1 want to have a fancier election?

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

3 Q. It's all fixed?

4 A. Yes, it's my understanding.

5 Q. Do you get the same treatment from the County
6 as the other municipalities within the County does?

7 A. I wouldn't have any reason to believe
8 otherwise. Again, I have no problems putting this on
9 the record, the Miami-Dade Elections Department is hands
10 down, without question, the best Elections Department in
11 this State, and I would go as far as to say, in the
12 country. I have a tremendous amount of respect for the
13 work they do.

14 Q. Do you ever talk to City election
15 administrators from, say, Hialeah or other cities in
16 Miami-Dade County?

17 A. No.

18 Q. There's no discussion of comparing notes, how
19 much are you paying?

20 A. No. We know that we're getting the better
21 deal.

22 Q. Yeah, it all sounds right to me.

23 MR. JOHNSON: Off the record for a second.

24 (Discussion off the record.)

25 BY MS. MCNAMARA:

1 Q. If you run a special election that's on an even
2 numbered years that the County is doing especially -- is
3 the only thing that they're doing, for the City, and,
4 then, that election goes to a runoff, is there
5 additional costs for the runoff for the County that they
6 will charge you?

7 A. So if we were piggybacking off of the County's
8 election, and then we have a runoff, then, yes, the City
9 would incur costs associated with that runoff, because
10 we're no longer piggybacking off the County.

11 Q. Does the County ever have runoffs otherwise?

12 A. Well, their primary is their general election,
13 and, then, their November election is essentially the
14 general. That's my understanding of how that works. So
15 maybe the best way to explain this is, they have their
16 County Commissioners up for election in August, and if
17 there's a runoff, that runoff would be held in November.
18 That's my understanding of how the County Commission
19 works. I'm not involved, but that's my understanding.

20 Q. If the City has a runoff, that's the only thing
21 on the ballot; is that correct?

22 A. Because it would be a stand-alone. We're no
23 longer piggybacking off of the County's election, so it
24 would be a stand-alone runoff and we would incur those
25 costs.

1 Q. Is that invoiced separately from the other
2 special election?

3 A. I believe it probably would be, in that
4 circumstances.

5 Q. By comparison, when it's a general municipal --

6 A. But, again, I'm sorry, I don't know. I don't
7 know, because it's not something that we've ever run
8 into.

9 Q. So, by comparison, in the general municipal
10 election context, the invoice comes after the runoff is
11 over, if it happens, because it's considered one
12 election?

13 A. If I remember correctly. I don't think we get
14 two separate invoices. But, again, if there were, they
15 would have the cost associated with the general and then
16 you would just have the cost associated with the runoff,
17 but I just don't remember if it's two separate or one.
18 I'd like to think that it's one, but I just don't
19 remember.

20 Q. Do you know if it's more expensive to hold a
21 runoff during a year of an odd numbered general
22 municipal election or if it's more expensive to hold a
23 runoff if it's run on an even year through a special
24 election?

25 A. I don't know the answer to that question. I

1 would assume it would probably be the same.

2 Q. How much does a runoff cost, as opposed to the
3 general election?

4 A. From what I know, it's usually similar to what
5 you would see with like a special election, because if
6 it's just for that district, you're talking around
7 180,000 or so forth. But if it's City-wide, if you're
8 having a runoff, let's say, for mayor, and it's
9 City-wide, then the cost would be, I think, commensurate
10 with what you would see with a City of Miami general
11 election that's run City-wide.

12 Q. And the cost is per seat?

13 A. Per district, and then the number of voters in
14 that district and the resources needed to hold an
15 election for that district.

16 Q. Have you ever had a runoff in which multiple
17 Commission seats were both in the runoff?

18 A. I've only -- from what I recall, it's usually
19 just been one. I don't remember a situation where two
20 seats have led to a runoff. I just don't remember.

21 Q. If two seats did lead to a runoff, would you
22 estimate that it would cost twice as much as the one
23 seat?

24 A. Yes.

25 Q. For this 2023 general municipal election, is

1 your work on the ballot done?

2 A. Yes.

3 Q. When you hand it off to the County, is your
4 work done at that point?

5 A. Well, no. The County will essentially --
6 again, they need to format the ballot, they need to code
7 the ballot, and then they'll place the names on the
8 ballot, and then they will send what's called a master
9 ballot back to me. I will review the master ballot, to
10 make sure the names are all spelled correctly, in the
11 correct order and so forth, and then I sign off on that
12 master ballot and then I'll send it back to the
13 Elections Department. So I do need to sign off on what
14 they would call the master ballot, that they'll use then
15 for the IVotetronics and every other ballot that's used
16 in the election.

17 Q. Do you interact with the County during that
18 time?

19 A. Yes.

20 Q. Who do you interact with at the County?

21 A. Primarily their Governmental Division, since
22 it's their Governmental Division that's assisting
23 municipalities with the elections. That's who I would
24 be working with.

25 Q. Is there a specific person you've worked with

1 most recently in that context?

2 A. I just forgot her name. Elizabeth Prieto, if I
3 remember correctly.

4 Q. Anyone else you recall?

5 A. We could be working with Deputy Supervisor of
6 Election Roberto Rodriguez, but it's -- primarily, I
7 think it would be Elizabeth, simply because she is the
8 initial point of contact, you know, with the
9 municipalities when it comes to the ballots.

10 Q. Do you enjoy working with her?

11 A. Absolutely.

12 Q. Have you ever had any disagreements?

13 A. None.

14 Q. Is that true for everyone you've worked with
15 over at the County?

16 A. Every single person I've worked with at the
17 County, yes.

18 Q. That's great.

19 A. It is. It truly is. It's something that I
20 just feel very -- I'm just happy to be able to share
21 that, because, like you said, it's not as common as you
22 would like it to be.

23 Q. All right.

24 MS. MCNAMARA: This is Plaintiffs' Exhibit

25 8.

1 (Thereupon, Plaintiffs' Exhibit Number 8 was
2 marked for Identification.)

3 BY MS. MCNAMARA:

4 Q. The reporter has handed you Plaintiffs' Exhibit
5 8. Do you recognize this document? You can take some
6 time to look at it. It's two pages.

7 A. Yeah, I see that I was copied on it. So, yes.
8 Oh, two pages. Yes.

9 Q. So who is Nicole Ewan? Is that how you say her
10 name?

11 A. Yes. She's the Assistant City Clerk for the
12 City of Miami.

13 Q. How many Assistant City Clerks do you have?

14 A. Just one.

15 Q. And she works directly for you?

16 A. Yes.

17 Q. How do you enjoy working with her?

18 A. She is tremendous. I wouldn't have been City
19 -- I definitely want to put this on the record. I
20 wouldn't have been City Clerk for the past ten years if
21 it wasn't for her, plain and simple.

22 Q. Has she been your assistant throughout all of
23 those ten years?

24 A. Yes.

25 Q. Did you work together prior to you becoming the

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clerk?
A. Yes.
Q. Why did she send this e-mail? Did you tell her to send it?
A. I was in Virginia visiting my dad and stepmother at the time, so she was authorized to be able to send this e-mail on my behalf.
Q. And when you say that, you're referring to the e-mail at the bottom of the first page?
A. Oh, yes. Thank you.
Q. Tuesday, August 1st, 2023, 3:25 p.m.?
A. Yes.
Q. And what is the purpose of that e-mail?
A. So this was, essentially, to communicate the legislation and the map associated with the latest redistricting to the County.
Q. Would you have sent this e-mail, if you hadn't been on vacation?
A. Absolutely, yes.
Q. Do you have any disagreements with the content of the e-mail that Nicole sent?
A. No.
Q. Did you approve it?
A. I saw it, so, yes, I would say I approved it.
Q. Did she write it herself?

1 A. That I do not know.

2 Q. Is this a type of e-mail that's sent regularly?

3 A. No, because of the nature of redistricting, and
4 it's something that we do once only every ten years,
5 that this wouldn't be a common e-mail.

6 Q. Do you know why this e-mail was sent, on the
7 day it was sent?

8 A. So the Elections Department had requested the
9 naps that they were going to use for the reprecincting,
10 so the voter registration cards could be sent by August
11 1st.

12 Q. Was there any discussion of sending it earlier
13 than August 1st?

14 A. No. Not to my knowledge, no.

15 Q. Do you usually send it on the day that it's
16 due?

17 A. Again, it just depends on the nature of the
18 subject.

19 Q. And, then, if you turn back over to the top, so
20 this was sent, I see it is indicating, 3:25 p.m., on
21 Tuesday, August 1st. And, then, above it, there's an
22 e-mail from Vanessa Innocent, responding, and it says,
23 Tuesday, August 1st at 3:42 p.m. Looks like she's
24 confirming receipt of the e-mail. Would you agree with
25 that characterization?

1 A. Yes.

2 Q. And who is Vanessa Innocent?

3 A. I want to say that she's an Assistant Deputy
4 Supervisor of Elections.

5 Q. Have you worked with her before?

6 A. Yes.

7 Q. Do you enjoy working with her?

8 A. Very much so.

9 Q. And, then, on top, Nicole responds, it looks
10 like a few hours later, saying, "You're welcome." Is
11 there anything else, that you're aware of, that happened
12 in this interaction, other than just them both writing
13 back and forth, thank you, that was easy to do?

14 A. Not that I'm aware of, no.

15 Q. Are you aware of any further discussions
16 related to this, after this was sent?

17 A. No.

18 Q. All right. You can --

19 A. Okay.

20 Q. You never know, we might come back to it, but
21 that's my questions for that.

22 A. Understood.

23 Q. I mean, there's two topics, and obviously some
24 of the topics overlap, we've been talking about the
25 County, but I'm planning now to move to Topic 2.

1 Can you pull back up Plaintiffs' Exhibit 7 and
2 read to me what Topic 2 is off of that?

3 A. "The relationship between the City of Miami and
4 the Miami-Dade County Elections Department."

5 Q. So how would you describe that relationship?

6 A. As an excellent relationship, very
7 professional, and, you know, one that I've never had an
8 issue with, when it comes to any of the elections that
9 I've dealt with, as it relates to their assistance.

10 Q. Is it a formal relationship?

11 A. Yes. I mean, formal relationship from the
12 standpoint that they provide us with election services
13 and assistance.

14 Q. Do you have a written contract?

15 A. No, we've never had a written contract, to the
16 best of my knowledge, with the Elections Department, for
17 the services and assistance they provide.

18 Q. How do you determine the nature of the
19 interaction? Like is there some sort of Statute or
20 guidelines that say how you'll interact or that governs
21 it?

22 A. Well, I guess, pursuant to the Charter and the
23 City Code, you know, I'm empowered to exercise all of
24 the powers to be able to conduct the functions and
25 duties of an election. And so, essentially, I work with

1 the Elections Department, as the official representative
2 of the City, when it comes to the conducting of
3 elections.

4 Q. Is there a set schedule of prices that the
5 County uses?

6 A. Not that I'm aware of, no. You know, like I
7 said, early on in the year, we'll ask for an estimate,
8 so we have a general idea of how much the election is
9 going to cost, and that rarely deviates from what we get
10 when it comes to the final invoice.

11 Q. But there's nothing written down, separate from
12 the individual year to year negotiations, of how that
13 would go?

14 MR. JOHNSON: Objection, predicate.

15 THE WITNESS: I mean, they send me an
16 election verification form that asks for
17 information, such as when is our qualifying
18 period, do you have a runoff, do you want us to
19 pay for the postage when it comes the to vote
20 by mail. So I do sign an election verification
21 form.

22 BY MS. MCNAMARA:

23 Q. Is this every year?

24 A. For our elections, yes, all of our elections.

25 Q. So that is the odd numbered years?

1 A. Yes.

2 Q. Odd numbered year budgets are enacted the
3 previous year?

4 A. So it would be for -- so just like we were
5 talking about a little earlier, the budget for this
6 fiscal year, that encompasses the November election, was
7 passed -- was implemented on October 1st, passed
8 September 28th. So we had an estimate for the cost that
9 was built in for the fiscal year 23-24 budget, which
10 accommodates the District 1, 2 and 4 election.

11 Q. Is the City of Miami on an October 1st fiscal
12 year?

13 A. Yes.

14 Q. So, today is, let's say, October 6th. This is
15 the first week of your fiscal year?

16 A. Yes.

17 Q. And so the general municipal elections for 2023
18 is in the current budgeted year that we're in right now?

19 A. Yes.

20 Q. Is that true, also, if you happen to have any
21 elections in March or August of 2024?

22 A. So, for planned elections, we'll have the
23 estimate in advance, but if a special election case in
24 -- well, we had plenty of time to prepare for the
25 District 2 vacancy, but let's say, District 1, if they

1 decided to have a special election, then I would have
2 needed to -- which we already have -- receive, you know,
3 an estimate. It wouldn't have been built in to this
4 current fiscal year, because the budget has already been
5 passed. So, essentially, I think, it would have to come
6 from some other reserve account that the City has.

7 Q. And, then, the general County election that's
8 being held in November of 2024, that would be part of
9 the next fiscal year's budget?

10 A. So, our current budget goes from October 1st,
11 2023 until September 30th, 2024. So if we're to do
12 something in August, it would be with the current fiscal
13 year budget. But, then, if we were to do something in
14 November of 2024, it would be the fiscal year 24-25
15 budget.

16 Q. Do you have any reason to think that the budget
17 for the next fiscal year, 24-25, will be more or have
18 more money allocated for elections than otherwise?

19 A. We don't have any elections in '24 or '25, up
20 to the fiscal year.

21 Q. Uh-huh.

22 A. There would maybe be some money set aside for
23 noticing, because that occurs usually in September, but
24 the 25-26, that fiscal year, we would have had to have
25 some funds allocated, because that's when we're going to

1 be having the City-wide, for mayor, District 3 and
2 District 5, in 2025. Is that what we're talking about?

3 Q. Yes. So if we assume that there are no special
4 elections, there's the November 2023 general municipal
5 election that's going to happen, that's on this current
6 fiscal year?

7 A. Yes.

8 Q. The next fiscal year, which begins October 1st,
9 2024 through September 30th, 2025, you do not expect to
10 hold any actual elections during that time?

11 A. Correct.

12 Q. Although you have testified that there are some
13 costs preparing for the November election that happen
14 before --

15 A. Yes. There's some notices that we will go
16 ahead and publish in September, and maybe even August,
17 to prepare for the November 2025 election.

18 Q. And the actual costs of the November 2025
19 election that the County will invoice to you after the
20 election goes on the '25 to '26 fiscal year budget?

21 A. Yes. Yes.

22 Q. How does it feel that we're talking about 2025
23 and 2026?

24 A. I'm just trying to get to November 7th.

25 Q. Do you have any plans after the election ends?

1 Do you take vacation immediately?

2 A. I wish it was that simple.

3 Q. How long do you have to keep working on the
4 election materials after the election is over?

5 A. It still takes additional time, because if
6 everyone wins on November 7th, then you still have to
7 prepare for the swearing in, and then there are still
8 responsibilities when it comes to making sure that the
9 incoming elected official has filled out all of the
10 appropriate forms, such as, you know, ethics training
11 and financial disclosure and so forth. So it's an
12 ongoing process.

13 Q. Is there ever any negotiations between the City
14 and County over the cost and pricing?

15 A. No.

16 Q. And you don't want there to be?

17 A. No, because, again, I know that we're getting
18 the better end of the deal.

19 Q. Okay. Is there any one, other than the County,
20 that the City pays in connection with election
21 administration?

22 A. No.

23 Q. Do you have any other vendors who you hire?

24 A. Well, let me -- so, to give a little context,
25 we require that our campaign treasurer report be

1 submitted electronically. So we do have an outside
2 vendor, when it comes to the submission of campaign
3 treasurer reports. And so while that's not necessarily,
4 quote/unquote, like a part of the election cost, because
5 if you're a candidate running in 2025, you're going to
6 have to start filing your campaign treasurer reports
7 electrically. So there is an outside cost with the
8 vendor that we use, VR Systems, when it comes to the
9 filing of campaign treasury reports, but that's maybe
10 \$5,000 a year, \$6,000 a year.

11 Q. How long has that system been in place?

12 A. I would say, close to about ten years. When I
13 became City Clerk, I think we had the opportunity to
14 implement that.

15 Q. Did you work with it prior to it being
16 electronic filing?

17 A. Before the electronic filing, it was all done
18 by paper.

19 Q. Do you prefer the electronic or the paper?

20 A. Electronic, yes.

21 Q. Has it made your life easier?

22 A. Yes, and increased transparency.

23 Q. Has it influenced the cost of running the
24 election?

25 A. We're talking about \$5,000, \$6,000, so I would

1 say, no.

2 Q. Do you consider that there are any significant
3 expenses in the budget absent the money you pay to the
4 County?

5 A. No.

6 Q. Is your salary or like your personnel costs for
7 your office to run generally, considered in the cost of
8 elections?

9 A. No, but I'm going to start to think that maybe
10 I should start to align my salary with the number of
11 elections we have in any given year, but, no.

12 Q. Give yourself a bonus. And they are like, why
13 is the City having twelve elections next year?

14 A. But, no, it does not.

15 Q. Okay. Do you ever sign contracts on behalf of
16 the City yourself?

17 A. No, I do not.

18 Q. Are you involved in procurement or any choice
19 of vendors, in general?

20 A. Well, when it came to the vendor that we use,
21 VR Systems, I mean, the Manager entered into the
22 agreement with VR Systems. So that was something that
23 we had recommended to the Manager, as being a vendor
24 that we thought was highly qualified to be able to
25 provide the services needed.

1 Q. So how does that process work, when you are
2 choosing that? Do you give a recommendation to the
3 Manager, and then the Manager handles everything from
4 there?

5 A. Yes.

6 Q. Is there any issues with that, in general?

7 A. I've never experienced any issues, no, but,
8 again, we're not talking about a million dollar
9 contract. So the threshold is so slow, that it doesn't
10 really have the same scrutiny as if I was trying to -- I
11 don't know, if VR Systems is going to require \$500,000,
12 to provide us with the same service.

13 Q. Are you involved in any contracting, outside of
14 the election context? I mean, similar to how you
15 contracted with VR Systems for this, is there anything
16 else, that's not an election thing, that you experience
17 with contracting with a vendor and then handing it off
18 to the City Manager?

19 A. That's usually handled by the Procurement
20 Department.

21 Q. Would you describe it as a regular part of your
22 job?

23 A. No.

24 Q. Is the contract for VR Systems the only
25 contract like that, that you have, where you've procured

1 something?

2 A. We've procured other services through the
3 Procurement Department. FTR is a recording system that
4 we use, For The Record, when it comes to recording City
5 Commission meetings. We also have an online equipment
6 system for our passport operation, but the Procurement
7 Department assisted us with those vendors.

8 Q. Do you ever hold any audits of the cost of
9 elections after the fact?

10 A. We've never had an audit of the elections after
11 the fact.

12 Q. Has there ever been a question raised that too
13 much money is being spent on elections by the City?

14 A. I think a lot of people realize that we're
15 getting pennies on the dollar for the services that we
16 get in return.

17 Q. Okay. Has the City ever refused to pay the
18 County for an election?

19 A. For an election? No.

20 Q. Is there a dispute process in place if you
21 needed to?

22 A. Since we've never rejected or denied paying an
23 invoice, I don't know the answer to that question.

24 Q. What if something happens -- let's say there's
25 a hurricane or something -- and the cost of the election

1 is significantly higher than it would have otherwise
2 been expected, is that extra cost born by the City or
3 the County?

4 A. I don't know. I've never experienced a
5 situation like that. First, I don't know how the County
6 would want to deal with those incurred extra expenses.

7 Q. But that's not something that has happened for
8 you before?

9 A. Not while I've been City Clerk.

10 Q. Do you ever recall a situation when a general
11 municipal election was rescheduled due to a hurricane?

12 A. To the best of my knowledge, no, from what I
13 can remember.

14 Q. Is that also true for special elections that
15 are held at other times of the year?

16 A. If there was going to be a hurricane --

17 Q. A hurricane or, let's say, a weather-related
18 event, that causes something to be rescheduled. You've
19 set an election for February 1st, and the something
20 happens and it has to be pushed to March 1st, has that
21 ever happened?

22 A. No.

23 Q. Do you ever recall an election, that was in the
24 works and in place, then being rescheduled for another
25 time?

1 A. Not to my knowledge, no.

2 Q. Do you ever consider the possibility of that
3 happening as part of budgeting and costs preparations?

4 A. No.

5 Q. Do you think it's likely that would ever
6 happen?

7 A. No.

8 Q. How would you feel if the election, let's say,
9 this November 2023 municipal election, was pushed and
10 happened in December, instead of November, just for no
11 particular reason?

12 A. I mean, since it's our election, I don't see
13 why there would be any additional cost. If we were
14 piggybacking off of the County, maybe there would be
15 additional costs, because we no longer would be able to
16 piggyback on their election, but since it's our
17 election, I don't know why there would be additional
18 costs.

19 Q. In a year in which you have a general municipal
20 election, do you have a general schedule of what you
21 expect to do during that year to make that election
22 happen?

23 A. Yes.

24 Q. Is it consistent year to year?

25 A. Yes.

1 Q. When do you begin preparing for the November
2 2023 municipal election?

3 A. January of 2023, if not earlier.

4 Q. Are you currently doing any work for the 2025
5 general municipal election?

6 A. At this time, no.

7 Q. Are you still doing any work related to the
8 2021 November municipal election?

9 A. No.

10 Q. How long after the November 2021 municipal
11 election was it before you finished work related to that
12 election?

13 A. Maybe a month, at the most, later.

14 Q. Is it common that you work on two separate
15 general municipal elections at the same time?

16 A. They're so far spaced out that I would say, no,
17 and the reason why I talk about how there's still more
18 work to be done, after a general election, you have
19 termination reports. And so candidates, within 90 days
20 of, you know, either being elected or defeated, have,
21 within 90 days, to submit their termination reports to
22 ensure that their contributions met their expenditures
23 and so forth. So it's really just kind of wrap up
24 work.

25 MS. MCNAMARA: Let's look at the time.

1 It's 12:10. I mean, I think we're pretty close
2 to ending Topics 1 and Topics 2. Do you want
3 to take a break, we'll assess, and then we can
4 come back?

5 MR. JOHNSON: Yes. I don't want to do a
6 lunch break or anything.

7 MS. MCNAMARA: My plan is to do a lunch
8 break once we're done with Todd and then we can
9 reassess and then we can come back.

10 MR. JOHNSON: Okay. How much time do you
11 need?

12 MS. MCNAMARA: Ten minutes now.

13 (Short recess taken.)

14 BY MS. MCNAMARA:

15 Q. Does the law tell you what the structure of the
16 election will be?

17 A. So can you elaborate on "structure"?

18 Q. You're told what to do based on the law, and
19 then you execute it; is that correct?

20 A. Yes.

21 Q. Do you have any discretion in that process of
22 how the election was operated?

23 A. No. I do not believe so, no.

24 Q. We talked a little bit about extra costs. Does
25 the length of the ballot cost extra? Like if there's

1 four inches of page versus two inches of page --

2 A. It goes by page. So if it's just on one page,
3 then there's no extra cost, per se. I wouldn't think
4 anything significant. I think we incur an additional
5 cost, but it's not significant, when you start having
6 two or three pages associated with your election, the
7 length of the ballot.

8 Q. And I believe you testified earlier that no
9 one's ever asked you to reduce the cost of elections?

10 A. No.

11 Q. Do you consider the cost of the elections
12 something that is a policy that you put in place?

13 A. I think that's pursuant to the Charter and
14 State Statutes.

15 Q. Is that a political question for the
16 Commission?

17 A. But it's definitely not a question for me to
18 answer.

19 Q. Okay. So you were talking about before how you
20 started to work on the November of 2023 election in
21 January or maybe a little bit earlier. What do you do
22 in the beginning?

23 A. It's just a roadmap. I guess I should
24 elaborate. It's not like we're doing any substantial
25 work. It's more knowing when the campaign treasury

1 reports are going to be due, when -- the last day to
2 register to vote. For us, it's just a time line of
3 important dates, essentially, that we work on towards
4 the beginning of the year, so we know what we need to be
5 doing, when we need to be doing it.

6 Q. You're planning it out, so you don't have any
7 surprises?

8 A. Yes.

9 Q. Let's say, on January 1st -- assume it's true,
10 let's assume that January 1st was the first day you
11 worked on this election, and you came in and someone
12 said, "Hold on. Hold on. We've got to put this off for
13 two months and we're going to start on March 1st
14 instead," how would that impact your time line and your
15 work?

16 A. Well, we would simply just need to work with
17 the Miami-Dade Elections Department to ensure that we
18 can accommodate for that length of time that the
19 election has been moved it. So, you know, again, it
20 wouldn't require a tremendous amount of work on my side,
21 just from the standpoint of, you know, the timelines and
22 the deadlines that we have for a regularly scheduled
23 election. We would just have to adjust to this new
24 election date.

25 Q. Do you talk to someone at the County and give

1 them a heads up, that you need to revise the time line?

2 A. Oh, absolutely.

3 Q. Does that happen regularly?

4 A. No.

5 Q. Do you recall the last time you had to do that?

6 A. I don't know if I've ever had to do that, from
7 what I can recall.

8 Q. Has there ever been a time when the County is
9 asking you to hurry up or do something faster?

10 A. When it comes to our regularly scheduled
11 elections, they will usually give us the time frame in
12 which they need various documents. And so where they've
13 asked us to hurry up, not that I recall.

14 Q. So, after the initial period of laying out the
15 schedule, what's the next bit of important work that you
16 do on the election preparation?

17 A. I guess it would be the preparation of public
18 notices.

19 Q. When does the first public notice need to go
20 out?

21 A. For a general municipal election, I believe
22 it's around August. So a couple of months before the
23 actual election occurs.

24 Q. When do you begin drafting that notice?

25 A. Maybe the month prior.

1 Q. How complicated is that process?

2 A. Not very complicated.

3 Q. Do you need the entire month or is it just a
4 matter of you plan it out a month in advance to make
5 sure you get it done?

6 A. We plan out a month in advance just so that we
7 can begin to work with the County to begin the
8 translation for the notices. So that's where the bulk
9 of the work, I think, occurs, just making sure that we
10 have the notice done, so it can be translated.

11 Q. Are there like approval steps, like you have to
12 get it approved by the attorney's office or anyone else?

13 A. Yes. We do show the City Attorney's Office
14 what the notice will entail, and then they will, you
15 know, indicate whether or not any changes need to be
16 made. And, then, after we get their approval, then we
17 would send it to the Elections Department for
18 translation.

19 Q. Do you ever get in a situation where the
20 deadline is looming and you're in a hurry, because
21 you're waiting on someone else to approve something?

22 A. No, I've never run into that problem before.

23 Q. Would you say, as a general matter, that you
24 run on schedule?

25 A. Yes.

1 Q. Do you have experience with situations where
2 the schedule has gotten messed up?

3 A. No.

4 Q. How do you think it would be, if that did
5 happen?

6 A. I guess it would depend on what the situation
7 entails. Can you elaborate?

8 Q. What if -- like you said, August 1st is the
9 deadline for the notice.

10 A. Well, it's not really the deadline for the
11 notice. We send them out in August. We have to send
12 them out within a particular time frame. So there's
13 flexibility there.

14 Q. Let's say it's June 1st and you're planning on
15 August 1st being when you send out the notices, and on
16 June 1st, you get a message that actually the notice
17 needs to go out on July 1st, instead of August 1st. How
18 would that impact the work that you do?

19 A. So, essentially, I guess, I would just have to
20 expedite the approval process from the City Attorney's
21 Office, and if the Elections Department can perform the
22 translation, but I've never experienced something like
23 that before, so I don't exactly know.

24 Q. Have you ever been in a situation where you
25 needed to hire like extra contract staff to help you get

1 work done, because you don't have enough personnel to
2 get the work done?

3 A. No.

4 Q. What is the City's role in candidate
5 qualifying?

6 A. So I'm the qualifying officer for the City, and
7 so when it comes to qualifying, there are various
8 documents that are required. There's an affidavit of
9 candidate that we review, and that either myself or a
10 deputy can notarize. And so, between the affidavit of
11 candidate, there is a financial disclosure form that's
12 required, and then the State of Florida's non-partisan
13 oath for candidates is required.

14 Q. Is there anything that happens between the
15 notice period and the candidate qualifying period?

16 A. Well, the notice brings attention to the
17 qualifying period. So, essentially, we're just
18 preparing, I guess, in between the time that the notice
19 goes out and the qualifying period. We're answering any
20 questions the candidates may have or preparing, making
21 sure that we have all extra forms, but that usually is
22 just preparation for the qualifying period.

23 Q. Are there any specific tasks that you have to
24 do to prepare for the election, prior to the notices?

25 A. Other than I'm receiving an estimate from the

1 Elections Department, which is something that we do for
2 our regularly scheduled elections. We come up with our
3 deadlines, you know, early on in the year, so that we
4 can go ahead and go over, again, you know, when campaign
5 treasury reports are due, when -- you know, the last
6 date to register to vote and so forth, when the
7 qualifying period will begin, when various notices go
8 out, but that's primarily what's involved in the
9 preparation.

10 Q. And, then, once the candidate qualifying
11 begins, what is your role in that?

12 A. So, once it begins, again, the Clerk serves as
13 the qualifying officer. So we receive the qualifying
14 documents, and we make sure that they are complete, you
15 know, on their face, that there aren't any -- what you
16 would call any defects with the qualifying documents,
17 and that's usually what the qualifying process entails.

18 Q. When does the qualifying period end?

19 A. It's a specific period of time, and it's laid
20 out pursuant to the Charter. I believe it's no greater
21 than 60 days before an election and no less than 45.
22 There's a window that you always have before your
23 general municipal election for the qualifying period.

24 Q. Once the candidates are qualified, what other
25 responsibilities do you have for the election?

1 A. So, once they've been qualified, then we need
2 to start to send that information to the candidates --
3 the names of the candidates to the Elections Department,
4 so that they can draft the master ballot. And like I
5 was explaining before, the Elections Department will
6 draft the master ballot, they will send it back to me
7 for my approval, and so then they use that master
8 ballot, again, for the IVotetronics, the optical, so
9 forth, vote by mail.

10 Then we also need to start preparing for the
11 canvassing board activities, which involves logic and
12 accuracy testing. So I go up to the Elections
13 Department, where they perform a test on a sample number
14 of voting machines, and they'll do a tabulation from the
15 number.

16 So, logic and accuracy involves basically a
17 sample number of voting machines, where ballots are fed
18 in, where they've already been pre-filled out, and so
19 once those ballots are fed through the machines, then
20 the Elections Department will tabulate those results and
21 then there's just a report that's produced, that I sign,
22 showing that the ballots that were run through the
23 voting machines match what was tabulated.

24 Q. And this is done before the election?

25 A. Yes.

1 Q. And this is just to make sure there's no
2 problems?

3 A. That's required, pursuant to State Statute, is
4 my understanding.

5 Q. How long does that period take?

6 A. It's just a day, maybe it takes them a couple
7 of hours, two or three hours.

8 Q. After that's done, is the ballot ready to be
9 sent to the County -- materials on the ballot?

10 A. Oh, I'm sorry.

11 Q. Is this before the --

12 A. My apologies. The finalizing of the ballot is
13 done before logic and accuracy. So the ballot is done.
14 Yeah, we're done with the ballot. Essentially what
15 they're getting ready to do, I'm sure they're in the
16 process of printing it and getting ready to send the
17 vote by mail ballots out, if not this week, early next
18 week. So that part of the process is done.

19 Now we get into more of the kind of nuts and
20 bolts, I guess you could say, with logic and accuracy
21 testing, and then, you know, the submittal of campaign
22 treasury reports. We'll have early voting coming up
23 towards the end of the month, so we start to prepare for
24 the next phase of the election.

25 Q. Do you know what the County is doing during

1 this time?

2 A. I don't know specifically. I just know that
3 they do it very well.

4 Q. Do you communicate during that period?

5 A. I mean, they're letting us know when vote by
6 mail ballots are going out, when we need to appear for
7 the logic and accuracy testing. So they're handling the
8 operation side of the election.

9 Q. Does the same thing happen for a special
10 election that's being held separately from the general
11 municipal election?

12 A. Yes.

13 Q. Does it take longer or less time when it's just
14 a special election?

15 A. It's the same process, so essentially the same
16 amount of time. You may have -- the logic and accuracy
17 testing may be happening a little sooner, simply because
18 there's a shorter period of time between when the
19 qualifying period ends for that election and the
20 election is actually going to occur, but there isn't
21 that much of a difference.

22 Q. Is there any cost to holding the election
23 concurrent with the County scheduled election, when you
24 have a special election?

25 A. So -- yeah, if you could elaborate.

1 Q. Let's say that the County is already running
2 their election, and you're adding a special -- you know,
3 District 1, let's just say, has an election that's going
4 to be put on that ballot. What additional costs does
5 the City bear to fit into that County election ballot?

6 A. You know, I believe, and -- I don't know
7 exactly, but I believe it would be more the cost
8 associated with the ballot, because whereas before the
9 County didn't have to worry about creating a ballot for
10 the City for District 1, now they do have to create a
11 ballot, so there would be cost incurred associated with
12 the ballot, but if we're still using their polling
13 locations and we're using, you know, their canvassing
14 board and we're using all of their resources, the cost
15 wouldn't be that significant.

16 Q. Is the City's ballot separate from the rest of
17 the ballot that the County puts out?

18 A. Well, I mean, if it's a County-wide election,
19 then obviously everyone in the County is getting a
20 ballot. We're just adding on to that ballot. And so,
21 essentially, that becomes our ballot, because we're
22 adding either a candidate or a question to it, but it's
23 still going to include all of the other information that
24 the other voters would be receiving in the County. So
25 if it's like a County-wide referendum question, they

1 would now just see, in District 1, this additional part
2 to their ballot for a candidate.

3 Q. Does the City bear any of the costs for the
4 County's lines on the ballot?

5 A. No. Well, let me rephrase that, because we now
6 -- that is now our ballot. Again, sorry, if I'm not
7 being clear, but if it's a County-wide election, and
8 let's just say it's a Charter amendment question that is
9 going to every voter in Miami-Dade. So we don't incur
10 any cost, because it's going to every voter in
11 Miami-Dade County, because the County is having an
12 election to pose a Charter amendment question. But if
13 we now add something to that ballot, that ballot becomes
14 ours, per se, from the standpoint that they now have to
15 code it a little differently, is my understanding, and
16 so we would now pay to be able to add that candidate or
17 question to the ballot, but, again, it's not -- it's not
18 a significant cost, but there would be some cost
19 associated, because now it becomes our ballot for the
20 City of Miami, because they have to code it in a
21 different way, is my understanding.

22 Q. Does it change the cost of the public notices
23 when you hold a special election that's concurrent with
24 the County election?

25 A. Well, we wouldn't have any public notices, if

1 we don't have an election. So there's no cost incurred
2 for the County having its County-wide election, but
3 there would be some cost incurred for having a piggyback
4 off of a Miami-Dade County election.

5 Q. And are there any costs that come in that
6 piggyback situation that we haven't already discussed
7 here?

8 A. Not -- again, the public notices would be an
9 additional cost, but outside of that, not that I would
10 be aware of.

11 Q. So if there is a County -- a regular County
12 election coming up, and the City has a special election
13 that is going onto that ballot, there is a separate
14 notice that the City needs to do?

15 A. Yes. Yes.

16 Q. In addition to the notice that the County does?

17 A. Yeah. The County will do its own notice as to
18 what it needs to do to comply with State Statute, and
19 then we would have to notice the special election in
20 accordance with State Statute.

21 Q. Do other municipalities that are also on that
22 ballot do the same thing, do their own notices?

23 A. It would be my understanding, yes.

24 Q. I think you mentioned costs of parking at some
25 point related to elections.

1 A. I don't know if there's a cost associated with
2 parking, but we would help them, if they're having a
3 hard time with parking. So let me put it this way,
4 there are some polling locations, particularly Downtown,
5 that don't have a lot of parking, and so what we
6 normally do is, we work with the Miami Parking Authority
7 to -- I guess, they put like bags or something over it,
8 so that, you know, it's reserved for voting only and so
9 I don't know if that's necessarily really a cost, but
10 it's something that we would help the Elections
11 Department with, the managing of it.

12 Q. Is the goal to have parking available for
13 voters?

14 A. Yes.

15 Q. Does it also provide parking for the poll
16 workers?

17 A. Yes, we do need to provide parking for the poll
18 workers, as well.

19 Q. What about early voting, how much early voting
20 does the City do on a City general municipal election?

21 A. Nine days.

22 Q. How many days of early voting does the County
23 do on their general election?

24 A. Two weeks, I believe, two full weeks.

25 Q. If the City has a special election that's on

1 the County, do you get the full two weeks that the
2 County does?

3 A. Yes.

4 Q. Does that cost you anything extra to get that?

5 A. Again, I don't believe we incur that much cost
6 associated with that part of the election process,
7 because they're already paying for those sites. The
8 only thing that we're doing is adding to the ballot.
9 And so they've already secured those sites. They
10 already have their personnel -- you know, trained their
11 personnel for those particular sites. They're already
12 providing the equipment for those sites. So I do not
13 believe we would incur -- if anything, it may be a
14 nominal charge, if that.

15 Q. What about for a runoff?

16 A. That's when we incur all of those costs by the
17 City. The City would incur those costs.

18 Q. Do you do early voting on a runoff?

19 A. We do. It's something I'm very proud, so I can
20 put it on the record, that I was able to implement
21 runoff voting. We never had it before. And I'm not
22 trying to, you know, brag or anything, but it's
23 something I'm very proud of, because we didn't have
24 runoff -- I'm sorry, we didn't have early voting for
25 runoffs until I became City Clerk. We do three days.

1 It's usually a Friday and then Saturday and Sunday
2 before the election.

3 Q. If you had a special election that was on the
4 County's general election, on an even numbered year, and
5 it led to a runoff, would you do the same amount of
6 early voting that the City would do in a City odd
7 numbered year or would you do the amount of early voting
8 that the County would do in their general?

9 A. If we're piggybacking off the County, we're
10 going with what the County has or provides.

11 Q. So, hypothetically, November of 2024, let's say
12 that District 5 is, for whatever reason, up for election
13 in a special election, and then it goes to a runoff
14 later, after November. That runoff election would be
15 the only election being held by the County; is that
16 correct?

17 A. Right, for the City of Miami.

18 Q. And it's your understanding that the County
19 would control how much early voting is done for that
20 runoff?

21 A. Yes. We would request three, like we normally
22 would, for our runoffs, but it would be up to them to
23 decide if they could accommodate that request.

24 Q. And then they charge you based on how much it
25 costs to do that?

1 A. Yes.

2 Q. If you told them you wanted seven early days
3 for the runoff instead of three, would it cost more?

4 A. It would, but it's just not possible.

5 Q. Okay. So it's just three days?

6 A. We were lucky to get three days.

7 Q. Okay. And no one else does the runoffs; is
8 that right? I mean, the County doesn't?

9 A. Yes. It's my understanding.

10 Q. Do you know of any other municipalities in
11 Miami-Dade that do the runoff structure the way the City
12 does?

13 A. I know Miami Beach, I believe, does. Since we
14 were able to request it, I think they are also asking
15 for it, but I don't know about the others. Our election
16 cycle is usually aligned with Homestead, Hialeah and
17 Miami Beach. So I just know Miami Beach, that they do
18 like three days for a runoff, and they have fewer sites,
19 as well.

20 Q. What would the impact be on the City's election
21 prep work if you started roadmapping and doing other
22 prep in March instead of in January?

23 A. Can you repeat the question?

24 Q. What would the impact be on the City's election
25 prep work, if you started roadmapping and doing other

1 prep in March instead of January?

2 A. I don't think it would have that much effect.

3 Again, the roadmap is really for us to know -- it's a

4 very simple document, that just kind of lines out

5 various -- that outlines various deadlines, what should

6 we be doing, what should we be doing, public notices,

7 you know, again, campaign treasury report, when the

8 qualifying period begins, when it comes to poll

9 watchers. It's just a document that provides us with a

10 timeline.

11 Q. What if, instead of starting in March, you

12 started in April?

13 A. I don't think it would have that much of an

14 impact.

15 Q. Is that the same if it's May?

16 A. Well, as we start getting closer then -- you

17 kind of know what you're facing as you get closer to the

18 actual election. So I would prefer to try to do it to

19 earlier rather than later.

20 Q. Would the City be capable of implementing a

21 City-wide special election in November of 2024?

22 A. That would be up to the Elections Department,

23 but we would simply be requesting a piggyback. We would

24 be requesting a City-wide to piggyback off of their

25 November election. The question becomes whether or not

1 they could assist us with a runoff, because our runoff
2 is basically two weeks after the general, and so, with
3 them, they are, I'm sure, still with their canvassing
4 board, probably still getting through vote by mail
5 ballots, trying to get their certification to the
6 Division of Elections, but it's not something that would
7 be out of the ordinary to ask, because, again, we're
8 requesting to piggyback off of an already established
9 election.

10 Q. How much of a burden would it be on your office
11 if that were to happen?

12 A. If we were to piggyback off of the County
13 election?

14 Q. If you were to hold a City-wide special
15 election in November 2024.

16 A. I don't see it as being a burden. It would be
17 something that we would pretty much treat like a general
18 municipal election on an odd year election cycle.

19 Q. Would it be a burden on other departments of
20 the City, other than your department?

21 A. I do not believe so.

22 Q. And were there any issues relating to
23 conducting the District 2 special election?

24 A. No.

25 Q. Was it any burden on the City, in general,

1 related to that?

2 A. I mean, it's a tighter time frame in which
3 you're having to get things done, so granted, obviously,
4 it's stressful, but, no, we've done it before, and so we
5 know what the work entails.

6 Q. Do you have an estimate of how much you think
7 it would cost to hold a City-wide special election in
8 November of 2024?

9 A. It would definitely be below the 900,000. I
10 can't give you an exact amount, but it would be lower.

11 Q. Would you expect it to be higher than 500,000?

12 A. I wouldn't expect it to be, no.

13 Q. Would you expect it to be higher than 300,000?

14 A. That I don't know. It's been a while since
15 we --

16 Q. And in that situation, would it vary if there
17 was one seat -- I mean, it's City-wide, so -- City-wide,
18 you're taking into account that everyone in the City is
19 getting a ballot, and it would be cheaper if you were
20 limited to, say, only one district?

21 A. So if there was just one -- yes. I understand.

22 Q. Instead of a City-wide special election, it was
23 just an individual --

24 A. Yes, it's fewer ballots, as long as we're
25 piggybacking off of the County.

1 Q. Okay. Do you consider the cost of that to be
2 significant?

3 A. I mean, I guess that would really be up to the
4 Commissioners to determine if the cost is significant.
5 It's whatever I'm instructed to do.

6 Q. If the Commissioners instructed you to hold a
7 City-wide special election in November of 2024, would
8 you be prepared to do that?

9 A. Yes, again, upon the approval of the Elections
10 Department.

11 Q. Once they tell you what to do, then you're able
12 to do it?

13 A. Yes.

14 Q. Have they ever told you to do something and you
15 thought, I can't do that?

16 A. No.

17 Q. Can you imagine a situation where that might
18 happen?

19 A. Because I've never experienced it, I just don't
20 know of a situation where that would occur.

21 Q. All right. I have one last document. I think
22 we'll say this is Plaintiffs' Exhibit 9.

23 (Thereupon, Plaintiffs' Exhibit Number 9 was
24 marked for Identification.)

25 BY MS. MCNAMARA:

1 Q. This has been marked as Exhibit 9 for the
2 Plaintiffs. Do you recognize this document?

3 A. No.

4 Q. Have you ever looked at it before?

5 A. No.

6 Q. Do you generally look at legal materials or
7 briefs that are filed on behalf --

8 A. No.

9 Q. Okay. Can you turn to Page 9 of this brief?
10 And, then, down, you see Footnote 3 at the bottom of
11 this page?

12 A. Yes.

13 Q. Can you read the first sentence of that
14 footnote?

15 A. "The Miami-Dade County's reprecincting process
16 is complicated and time consuming."

17 Q. Can you read the second sentence?

18 A. "The County needs a detailed map with exact
19 district boundaries."

20 Q. And can you read the third sentence?

21 A. "The City had over a month to work with its
22 Geographic Information Systems team to put the
23 information together for the County."

24 Q. Can you describe the process of the Geographic
25 Information Systems team, what they do in that

1 situation?

2 A. I'm not involved in that process, so I don't
3 know.

4 Q. Do you have any involvement at all in how that
5 goes?

6 A. No.

7 Q. Are you aware of the cost of that?

8 A. No.

9 Q. Do you understand that this is referring to
10 what just happened in --

11 A. Yes.

12 Q. -- whatever, August, July, like a month or two
13 ago?

14 A. I do understand.

15 Q. Were you involved -- scratch that.

16 Were you involved in any way in that process
17 there?

18 A. No.

19 Q. Do you know what the City was doing in the
20 month of July of 2023 related to implementing the new
21 map?

22 A. I do not, no, I'm not involved in that
23 process.

24 Q. Do you know what was going on prior to the
25 e-mail that we looked at earlier being sent on August

1 1st, that was Exhibit 8, that we went over?

2 A. Well, I know that the Elections Department had
3 given us the deadline for August 1st to submit the maps
4 that we would use for the November 7th election. I am
5 familiar with that.

6 Q. What would have happened if the map that had
7 been implemented was, instead of the map that the City
8 passed, the map that the Court ordered on July 30th?

9 A. Whatever map I'm given is the map that I work
10 with. So I don't know the answer to that question.

11 Q. I mean, let's say that you had gotten the map
12 on July 30th, when the Court issued its ruling, and you
13 were told, you know -- all of this didn't happen,
14 there's no appeal, they just said, "All right, that's
15 the map. It's July 30th. Go forward." How would that
16 have worked out for you?

17 A. I would have submitted it to the Elections
18 Department, and it seems like since the Elections
19 Department gave an August 1st deadline, that they would
20 have been able to perform the reprecincting in the time
21 they needed for our November election.

22 Q. And just to be clear, the Elections Department
23 is hired to conduct elections for the City; is that
24 correct?

25 A. I don't know if I would say hired. I know that

1 we use their services and their assistance, and they
2 provide us with the support for the operations side of
3 election, but they're not indemnified or anything like
4 that. So they're not hired by me.

5 Q. What if you wanted to choose -- and I know that
6 you don't want to choose someone else, but let's say you
7 wanted to, could you do that?

8 A. I don't think it's possible -- I really
9 don't -- when you look at the totality of what an
10 election entails, and I don't know who would even
11 provide those services.

12 Q. Have you ever talked to other municipalities
13 that might do something other than work through their
14 counties?

15 A. No.

16 Q. Do you ever discuss with municipalities outside
17 of Miami-Dade County?

18 A. No.

19 MS. MCNAMARA: All right. No more
20 questions for you from us.

21 MR. JOHNSON: I have no questions. Read.

22 (Thereupon, the reading and signing not
23 being duly waived, the deposition was concluded
24 at 12:59 p.m.)

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DEPONENT

Sworn to and subscribed before me this _____
day of _____, 2023.

NOTARY PUBLIC

1 CERTIFICATE OF OATH

2 STATE OF FLORIDA :
3 SS
4 COUNTY OF MIAMI-DADE:

5 I, NIEVES SANCHEZ, Court Reporter, and a
6 Notary Public for the State of Florida at Large, do
7 hereby certify that TODD HANNON, personally appeared
8 before me and was duly sworn.

9 WITNESS my hand and official seal in the
10 City of Miami, County of Miami-Dade, State of Florida,
11 this 18th day of October, 2023.



12 -----
13 NIEVES SANCHEZ

14 Notary Commission Number HH 385498
15 My Notary Commission expires August 11, 2027

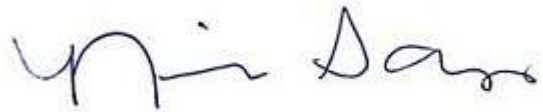
16 REPORTER'S DEPOSITION CERTIFICATE

17 STATE OF FLORIDA :
18 SS
19 COUNTY OF MIAMI-DADE:

20 I, NIEVES SANCHEZ, Court Reporter and a Notary
21 Public for the State of Florida at Large, do hereby
22 certify that I was authorized to and did report the
23 deposition of TODD HANNON; that a review of the
24 transcript was requested; and that the transcript is a
25 true and complete 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, nor am I financially interested in
the action.

DATED this 18th day of October, 2023.



NIEVES SANCHEZ

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BAILEY & SANCHEZ COURT REPORTING, INC.
(305) 358-2829

October 18, 2023

Todd Hannon
c/o Christopher N. Johnson
Gray Robinson
333 S.E. 2nd Avenue
Suite 3200
Miami, Florida 33131

RE: Grace, Inc. vs. City of Miami

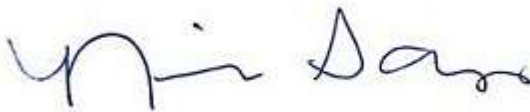
Dear Mr. Hannon:

The transcript of your deposition, taken in the above-styled cause on October 6, 2023, is at my office awaiting your examination and signature. PLEASE TELEPHONE BEFORE COMING IN so that we may arrange a convenient time.

Please be advised that unless I hear from you by November 18, 2023, I will forward the original of your deposition to the deposing attorney, as though you had read and signed your deposition.

IN THE EVENT a copy of the transcript is being sent to the witness by counsel, kindly instruct the witness to make any changes thereto on a separate sheet of paper and refer to the page number and line number which corresponds to the change desired. DO NOT MAKE THE CORRECTIONS ON THE TRANSCRIPT. If you have any questions, please call.

Very truly yours,



NIEVES SANCHEZ
Court Reporter

cc: Caroline A. McNamara, Esq.

ERRATA SHEET

IN RE: GRACE, INC., ET AL. vs. CITY OF MIAMI
DEPOSITION OF TODD HANNON
TAKEN OCTOBER 6, 2023

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-cv-24066-KMM

GRACE, INC., et al.,

Plaintiffs,

vs.

CITY OF MIAMI,

Defendant.

-----/

4343 W. Flagler Street
Suite 400
Miami, Florida
Friday, 2:05 a.m.
October 6, 2023

DEPOSITION
OF
LARRY SPRING

Taken on behalf of the Plaintiffs
Pursuant to a Notice of Taking Deposition

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APPEARANCES:

ACLU FOUNDATION OF FLORIDA, by
CAROLINE A. MCNAMARA, ESQ.,
NICHOLAS L.V. WARREN, ESQ., and
DANIEL B. TILLEY, ESQ., and
On behalf of the Plaintiffs.

DECHERT, LLP, by
CHRISTOPHER J. MERKEN, ESQ.,
Co-Counsel for the Plaintiffs.

GRAY ROBINSON, by
CHRISTOPHER N. JOHNSON, ESQ., and
On behalf of the Defendant.

WITNESS

LARRY SPRING

Direct Examination (By Ms. McNamara)

3

1 THEREUPON:

2 LARRY SPRING

3 was called as a witness by the Plaintiffs and, having
4 first been duly sworn, was examined and testified as
5 follows:

6 THE WITNESS: Yes.

7 DIRECT EXAMINATION

8 BY MS. MCNAMARA:

9 Q. Can you state your name, for the record,
10 please?

11 A. Larry Spring.

12 Q. And I'm Caroline McNamara. I'm doing the
13 deposition. We already did all of the intros, so we can
14 skip over that.

15 You said you have been deposed before?

16 A. Yes, I have.

17 Q. About how many times?

18 A. Too many to count, actually.

19 Q. Are those in this representative role for the
20 City or --

21 A. A number of them, yes.

22 Q. Have you done them in a context other than in
23 your role with the City of Miami?

24 A. My context has been City Manager in other
25 cities.

1 Q. Okay. What is your job title?

2 A. I am the Chief Financial Officer and Assistant
3 City Manager.

4 Q. And when did you start that job?

5 A. Most recently, June of 2022.

6 Q. Did you hold that job previously, before that
7 period?

8 A. I did.

9 Q. Okay. When were the previous period when you
10 held that?

11 A. I was with the City from January of 2003 to
12 June of 2011. During that tenure, I served as Assistant
13 City Manager, initially over budget, strategy and
14 grants, and then was promoted in 2006 to Chief Financial
15 Officer, literally that same job that I'm in now.

16 Q. What did you do, during the period when you
17 weren't in the City, between them?

18 A. I started my own company, consulting company,
19 which I continue to operate. I was Corporate Director
20 of Productivity and Decision Support for Jackson Health
21 Systems, so I was a County employee. And I was City
22 Manager of the City of North Miami.

23 Q. And, then, did you leave the position at the
24 City of North Miami to come back to the City of Miami?

25 A. I did not.

1 Q. What was in between?

2 A. I continued to run my consulting company.

3 Q. And how did it end up that you came back to the
4 City of Miami in your current position?

5 A. City of Miami was one of my consulting clients,
6 and my predecessor, Fernando Casamayor, left to go back
7 to the County, and the City Manager asked me, since I
8 was familiar with the role, to step back in the role.

9 Q. Were you happy to do that?

10 A. I love the City, so, yes.

11 Q. Have you enjoyed working for the City
12 throughout your tenure, the various years?

13 A. Overall, yes, I'd say I have.

14 Q. Okay. All right. I do want to back up a
15 little bit, just to go over -- you did say you've been
16 deposed before. You're familiar with the format, with
17 the fact that you're under oath?

18 A. Uh-huh. Sorry, yes.

19 Q. Do you have any reason you're unable to testify
20 truthfully today?

21 A. No.

22 Q. And no medication or you ate a big lunch and --

23 A. Those red beans were good, but, you know, no
24 reason.

25 Q. All right. And you understand that if you need

1 a break, you can ask for a break --

2 A. Absolutely.

3 Q. -- if you need me to repeat a question, all of
4 that stuff.

5 Have you ever testified, outside the context of
6 a deposition?

7 A. In court, yes.

8 Q. What were the circumstances of that?

9 A. Probably the biggest I can recall is the SEC
10 matter with the City of Miami.

11 Q. Were you at trial testifying?

12 A. I testified at trial, yes.

13 Q. And that was in your role as --

14 A. At that point, I guess, as CFO, but I was no
15 longer with the City when I was asked to testify.

16 Q. Are there other times that you've testified in
17 trials?

18 A. Not in trials, no. No.

19 Q. Do you know the name of the case that was that
20 SEC case?

21 A. It was SEC versus City of Miami.

22 Q. And what year was that?

23 A. I think that case finally made it to court in
24 2013. I couldn't tell you the month. I believe that
25 was the time frame.

1 Q. Have you ever been a party in a lawsuit?

2 A. No.

3 Q. Have you ever been a party in a criminal case?

4 A. No.

5 Q. Have you ever been arrested?

6 A. No.

7 Q. So you have no criminal background?

8 A. No.

9 Q. Do you have any professional certifications?

10 A. Yes. I'm a licensed CPA. I am a licensed real
11 estate broker and realtor. Those are my official
12 certifications.

13 Q. When did you obtain your CPA?

14 A. Oh, my goodness, a long, long time ago. I
15 think, around 1999, 2000.

16 Q. Have you maintained that consistently since
17 then?

18 A. Yes, I have.

19 Q. Are you subject to any disciplinary
20 authorities?

21 A. Never.

22 Q. Anyone ever file a complaint against you for
23 your CPA work?

24 A. No.

25 Q. When did you become a licensed realtor?

1 A. In June of 2020.

2 Q. Have you maintained that consistently since
3 then?

4 A. Yes, I have.

5 Q. Are you subject to any, you know, ethical or
6 professional standards as a realtor?

7 A. None whatsoever.

8 Q. Has anyone ever brought a complaint about you
9 as a realtor?

10 A. Just that I sell houses really fast.

11 Q. Please, put that in.

12 And do you understand that you've been
13 designated by the City of Miami to speak on its behalf
14 today?

15 A. Yes.

16 Q. Are you happy about this fact?

17 A. I'm here to serve. I'm here to serve.

18 MS. MCNAMARA: Do we still have the same
19 exhibits from before? Can I use --

20 THE REPORTER: I am going to give you all
21 of them.

22 BY MS. MCNAMARA:

23 Q. So Plaintiffs' Exhibit 7, which I believe is
24 the one on the bottom, the deposition notice --

25 A. Yes.

1 Q. -- do you recognize this document?

2 A. Yes, I do.

3 Q. And you've looked at it before?

4 A. Yes.

5 Q. Are you aware of which of those topics you're
6 designated to testify for?

7 A. My understanding, I'm here to answer questions
8 regarding the third topic.

9 Q. Can you read the third topic off of that
10 document?

11 A. Sure. "The ordinary processes of City
12 Commission business and administration, including the
13 development and adoption of the annual budget."

14 Q. When did you learn that you would be testifying
15 in this capacity?

16 A. Maybe a week ago, maybe ten days.

17 Q. What did you do to prepare for today?

18 A. Nothing.

19 Q. Is that because we're talking about what you do
20 every day and you know it?

21 A. Yes.

22 Q. Are there other people who know more about this
23 topic than you?

24 A. I will say, no.

25 Q. Do you have anybody who reports to you?

1 A. Yes.

2 Q. Did you talk to any of them about what they're
3 working on, in preparation for this?

4 A. No.

5 Q. Do they give regular reports on what they're
6 working on?

7 A. I have bi-weekly staff meetings. So it's not
8 specific to this case, it's just in general.

9 Q. Did you meet with any other City Officials to
10 prepare for this meeting?

11 A. Absolutely not.

12 Q. Do you regularly meet with any of the
13 Commissioners?

14 A. At least an hour every week.

15 Q. Is that in individual sessions?

16 A. Yes.

17 Q. And that's every week, so does that mean you
18 spend --

19 A. It could be 30 minutes, could be 45, it could
20 be an hour and a half, but --

21 Q. And that's for --

22 A. For general business.

23 Q. And that's for each Commissioner?

24 A. Yes.

25 Q. So if we add, five Commissioners, an hour, it

1 might be five hours a week, in theory?

2 A. Yes.

3 Q. Do you meet with their staff separately?

4 A. Sometimes, yes, but generally they're in the
5 other discussion.

6 Q. Do you work at City Hall in person?

7 A. I have two work locations, 444 Southwest 2nd
8 Avenue, which is the administration building, and I have
9 an office at Pan American Drive, at City Hall.

10 Q. Do you go into City Hall regularly?

11 A. I would say, probably two days a week, on
12 average, a little bit more on a Commission week.

13 Q. Do you ever meet with the full Commission, like
14 in a meeting, publicly?

15 A. Only at Commission Meetings.

16 Q. Have you ever spoken publicly at the meetings
17 to the Commission in public?

18 A. Too many times to count.

19 Q. What do you generally discuss with the
20 Commissioners in your weekly meetings?

21 A. Typically those discussions are regarding the
22 general agenda of the City, that is, you know,
23 forthcoming. They'll be some drill downs on, you know,
24 specific initiatives they may have. One of the
25 departments that reports to me is Community Development.

1 That's a department -- as an example, that's the
2 department that oversees all of our entitlement grant
3 funding from the Federal Government, that's the money we
4 deploy out to the community. So, you know, each
5 Commissioner gets to set policy around that.

6 So, you know, we specify, you know, what are
7 their desires. We talk about how we're performing, that
8 type of thing, for the most part.

9 Q. Do you interact with other City Officials,
10 other than the City Commissioners?

11 A. I interact with the Mayor. I interact with
12 the -- I still call him a City Official, the City
13 Manager, who is my boss, I interact with the City Clerk,
14 and I interact with the other constitutional officer,
15 the City Attorney.

16 Q. So you stated that the City Manager is your
17 boss. Is that your direct report, is the City manager?

18 A. Yes, it is.

19 Q. And who's that?

20 A. Art Noriega.

21 Q. And how's your relationship with him?

22 A. I'd say, very good.

23 Q. What is the nature of how you interact with him
24 on a regular basis?

25 A. We probably talk every day, you know, or five

1 business days at least a week. I'm generally in charge
2 of, you know, finance, budget, procurement, a lot of the
3 internal services, in addition to asset management. So
4 I have a number of initiatives going on. So I'll talk
5 to him, like I said, at least once a day, if not several
6 times a day.

7 Q. Does he dictate what you work on?

8 A. Yeah. I mean, generally, yes. He provides me
9 with my assignments.

10 Q. Do you have any discretion on how you choose
11 what you wish to work on?

12 A. I have a large area of responsibility, so
13 within the context of that, no, but I do get special
14 projects from time to time that will be, you know,
15 assignments that he'd like for me to pursue or lead.

16 Q. Preparing for this, did you review any written
17 documents?

18 A. I did nothing to prepare.

19 Q. Okay. Your life is your preparation for this.

20 A. I guess. I will tell you, I don't know nothing
21 about this, but -- the subject matter, the litigation
22 subject matter.

23 Q. Okay. So you have not looked at any court
24 filings in this case?

25 A. No. It's not my area.

1 Q. Okay. Do you live in the City of Miami?

2 A. I do.

3 Q. Do you know what district you live in?

4 A. I live in District 2.

5 Q. What neighborhood?

6 A. Omni.

7 Q. How long have you lived there?

8 A. I've lived there now for eight years.

9 Q. Did you live in the City of Miami prior to
10 that?

11 A. Yes.

12 Q. And where was that?

13 A. I lived in Brickell and in the Roads.

14 Q. Is that in District 3?

15 A. So, in Brickell, District 2; in the Roads, it
16 was District 3 or it is District 3 still.

17 Q. Have you live continuously -- like when did you
18 first move to the City of Miami?

19 A. In February of 2003, when I first joined the
20 City.

21 Q. And where were you before then?

22 A. In South Dade, so the Colonial Drive area.

23 Q. So how did you choose to come to the City of
24 Miami for work?

25 A. I got divorced, and the Mayor said, "We pay you

1 enough that you should be living in the City." So I
2 found an apartment that day.

3 Q. There you go.

4 A. And never left.

5 Q. You mentioned your consulting work. Have you
6 had professional employment for another entity, other
7 than a government entity, in your career?

8 A. Oh, absolutely.

9 Q. What was the last private entity that you
10 worked for?

11 A. With my consulting?

12 Q. Separate from your consulting.

13 A. Oh, last prior --

14 Q. If you were an employee.

15 A. Oh, if I was an employee? The last private
16 employer I had was to TotalBank, which was a financial
17 institution here, based in Miami.

18 Q. And when was that? What was the period?

19 A. That period was from 1997 until 2003 or the end
20 of 2002.

21 Q. And what is your educational background?

22 A. I hold a Bachelor's of Science in Management,
23 with a Major in Accounting from Tulane University, and I
24 have matriculated through certificate programs at the
25 University of Columbia -- or Columbia University School

1 of Engineering and Harvard School of Business.

2 Q. Do you have any advanced like degrees or
3 certificates?

4 A. I do have a certificate in entrepreneurialship
5 from Harvard University.

6 Q. So, going back to Topic Number 3, how often
7 does the City Commission develop a budget?

8 A. So we -- and I'm bifurcating my answer. So we
9 have an annual budget development process, that results
10 in the annual budget appropriation every year, that is
11 due -- has to be approved and forwarded to the State and
12 the County by September 30th every year. During the
13 fiscal year, we will have amendments to that budget from
14 time to time, as may be necessary, but typically, at
15 least, you know -- you'll have at least two amendments
16 every fiscal year, a mid year, and then a close-out
17 amendment, and then you have the original appropriation.

18 Q. The two amendments, those are planned ahead of
19 time to happen every year?

20 A. Time-wise, yes. We know generally when we want
21 to bring those forward.

22 Q. And what is the purpose of having those
23 amendments?

24 A. To account for additional revenues or grants we
25 may receive during the fiscal year and to deal with

1 additional expenditures that may need to be addressed
2 from time to time via an appropriation action by the
3 City Commission.

4 Q. And do you ever have other amendments, other
5 than those, the mid year and the --

6 A. No.

7 Q. Could it come up that you needed to, if there
8 was some significant concern about the budgeting or the
9 finances?

10 A. Yes.

11 Q. Has that ever happened before?

12 A. In my 20 odd years of my involvement with the
13 City, not really.

14 Q. Would you say, in general, that the City is run
15 fiscally soundly?

16 A. I absolutely would.

17 Q. Have there ever been periods when you were
18 concerned about that?

19 A. Yes.

20 Q. When was the last time you had a concern about
21 that?

22 A. 2008 to 2010.

23 Q. Just generally speaking, what was the basis for
24 that?

25 A. We were in a financial environment in this

1 country where there was a huge real estate bust. The
2 City of Miami and the Miami region happened to be the
3 epicenter of that. Simultaneous to that, we have two
4 pension plans -- two, you know, employee pension plans,
5 that were suffering losses that, by contract, the City
6 had to fill in the gap, if you will, financially. All
7 of that came together at one time. So we were eating
8 into our reserves.

9 The result of that was a declaration of
10 financial urgency by the City, which is a State
11 designation, which allowed us to actually impose Union
12 contracts and make changes to the pension, in order to
13 ride through that financial kind of crisis period.

14 Q. Was the SEC case that you testified in arising
15 out of that period of time?

16 A. Timing-wise -- no. It occurred -- it arose out
17 of bond transactions that occurred after that time
18 period.

19 Q. So it wasn't connected to that --

20 A. No, it was not.

21 Q. Was there ever any allegations of impropriety
22 or mismanagement in the period of the downturn that you
23 talked about?

24 A. No.

25 Q. It was just a matter of, everyone was suffering

1 and it was happening here?

2 A. Right. Yes.

3 Q. You talked about the updating to the current
4 fiscal year budget. Setting that aside, what is the
5 timeline on the annual budgeting process?

6 A. So, typically, we will start our preparation
7 process between January and February. What that entails
8 is us sending out communications to the various
9 departments, please start readying yourself to, you
10 know, make your request. We also align our strategy --
11 general strategy, to the budget allocation. So we're
12 asking for your goals and objectives.

13 The Budget Analyst and Budget Department, that
14 report to me, start doing their forecasting for the next
15 fiscal year. So they're gathering financial data from
16 numerous sources, so that they can kind of come up with
17 a methodical formulate means of supporting one of those
18 forecasts.

19 Q. You say you talk to people about what you're
20 expecting. Is that talking to the Commissioners or is
21 that talking to the staff of the City, who are operating
22 it?

23 A. So, typically, the commencement of that process
24 is just talking to staff, you know, talking to police
25 operations, fire, GSA, you know, what are, you know, our

1 car replacement needs. You know, we're literally
2 gathering all of the information.

3 Probably, as we get into the June time frame is
4 when we formally engage with the City Commissioners and
5 the Mayor. By Charter, the budget is actually the
6 Mayor's presentation. So, at that point, we have, you
7 know -- through the City Manager, of course, we've kind
8 of formulated what our recommendation is with regards to
9 the millage setting, fee setting, those matters, and we
10 present that information, initially, individually, to
11 the Elected Officials and get their feedback. We
12 synthesize it and then we come up with a final proposed
13 budget that is shared with the community.

14 There is also community impact. We do public
15 meetings. We do several of those during that process,
16 as well, to kind of see what citizens are concerned with
17 or what financial priorities there are, and we try to
18 include all of that in the final proposed budget that
19 gets presented in September for consideration and
20 approved by the City Commission.

21 Q. And once you've submitted it in September, is
22 it, you've handed it off to the Commission and now
23 they're responsible for it?

24 A. At that point, by our Charter, they have line
25 item authority to change the budget in any way, shape or

1 form they choose.

2 Q. If they do that, do they ask you to change it
3 on their behalf?

4 A. It's a directive to the City Manager or through
5 the City Manager, to make whatever those changes are.

6 Q. And you just completed that process for this
7 year?

8 A. Yes, we did.

9 Q. How did that process go?

10 A. Fairly -- well, minus a couple of things that
11 everyone knows has occurred with one of our
12 Commissioners, it was a fairly smooth process.

13 Q. How long does it take to work out that process,
14 starting from when you submitted it to the point --

15 A. Nine months.

16 Q. Okay. And so that's, essentially, from January
17 1st to September 30th?

18 A. Correct.

19 Q. Do you ever finish early?

20 A. No. We were changing that final proposed
21 literally up to an hour before the actual meeting
22 occurred.

23 Q. When you're designing the budget, before you
24 submit it, do you take into account potential new
25 projects or Ordinances that the Commission is working on

1 or is it just based on what was already under the law
2 and you were going to be doing anyway?

3 A. We try to be very forward thinking and take
4 into account any and every input that we can. So that
5 will include Federal law changes, State law changes,
6 some pending, City Commission Ordinance changes,
7 potential policy changes that they are intending to
8 make, requests that they make, priorities that they
9 share. So, yes, everything.

10 Q. If a Commissioner is thinking -- let's say,
11 it's April and one of the Commissioners is thinking
12 about trying to pursue a new initiative or create
13 something that would have a budget impact, would you
14 expect the Commissioner or their staff to reach out to
15 you to discuss the potential budget impacts at that
16 point?

17 A. Yes, but I will tell you, we're a little bit
18 more proactive, so we're constantly going to them
19 engaging. And when I say, "We," myself, the Manager,
20 the Budget Director, and, you know, the staff, and, in
21 some cases, some of my colleagues, you know, the other
22 Assistant City Managers, as well, in their engagement
23 with the Elected Officials in their areas.

24 Q. And that's part of what you talked about, say,
25 the hour a week or whatever with each one?

1 A. Yes. Yes.

2 Q. You're just meeting with them and asking them
3 what they're working on, do you have anything that's
4 budget-wise, let's talk about it?

5 A. Right. They'll tell us.

6 Q. Do they ever ask, is this something that looks
7 good to you or do they ask --

8 A. Well, no. They're like, I want to do this,
9 please add it, make sure it's in the budget.

10 Q. Do they ever ask your advice?

11 A. Yeah, they do. They don't listen to it, but --

12 Q. I was going to say, do they listen to your
13 advice?

14 A. I'm like the five-year senior in the
15 organization. I've developed a lot of respect. I think
16 it's earned. And so they tend to, you know, take
17 counsel from me when it comes to financial matters.

18 Q. Do you ever tell them something, you say,
19 "That's not a good idea" or "That's going to be a real
20 big issue"?

21 A. As with any relationship, absolutely.

22 Q. Does that happen often?

23 A. No, not often, but it does happen.

24 Q. Have there been situations where you gave
25 advice not to do something and they did it anyway?

1 A. Yes.

2 Q. Does it ever cause problems for you?

3 A. No.

4 Q. It just comes with the territory?

5 A. Yes.

6 Q. How much City staff work time would you say is
7 spent on the budgeting process?

8 A. Oh, my God, thousands of hours.

9 Q. Do you have an estimate of like what percentage
10 of the staff time, of your staff, that you oversee, that
11 is dedicated just to the budget?

12 A. 20 people, times 1,600 hours, somewhere
13 probably in there.

14 Q. What are the other major tasks that you and
15 your department are responsible for, separate from
16 budgeting?

17 A. I have finance, which is the accounting
18 function of the City. I have community development,
19 which is the grants entitlement. I have grants
20 administration. I have risk management. And I'm
21 missing -- I have procurement, and I have asset dream or
22 asset management, the department of real estate.

23 Q. Are you involved with municipal bond offerings?

24 A. I lead every one of them myself.

25 Q. How much staff do you have that support that?

1 A. So we have both, internal and external staff
2 supplements. So PFM is our financial advisor. We
3 engage five underwriting banks, so all of their staff,
4 outside bond counsel, internal bond counsel, and
5 typically I have my Finance Director and my Treasurer
6 that work on that.

7 Q. Is the Commission involved in the bond
8 underwriting or issuing process?

9 A. They're part of the process, because they
10 provide the authorization for me to proceed with the
11 transaction. So there's a Commission -- so there's a
12 bond ordinance passed for each offering.

13 Q. How many bond offerings have you done in 2023?

14 A. None.

15 Q. How many have you done in 2022?

16 A. None.

17 Q. Is that normal?

18 A. It can be, yes.

19 Q. When was the last time you did a bond offering,
20 that you recall?

21 A. My last one was for the Marlins garage, the
22 Marlins Stadium garage, and I think that had to have
23 been 2010.

24 Q. So it is not a regular occurrence every year?

25 A. It kind of depends on what's -- you know,

1 what's happening. So, for instance, the City citizens
2 approved a bond referendum authorizing the City to issue
3 up to 400 million dollars in bond proceeds for four
4 different categories. I can go issue that debt at any
5 time, with the limitation of the millage rate I can
6 assess in order to pay the debt service on an annual
7 basis.

8 So, right now, and you asked about 2023, I'm
9 doing a bond issuance in two weeks for 285 million,
10 which was just approved by the City Commission. We are
11 already planning to do another, at least, probably 200
12 million of that same referendum. I'm trying to push
13 them before the end of the calendar year, but it looks
14 like it will be January of 2024. So it's a little wacky
15 right now.

16 Q. Are the Commissioners involved in that?

17 A. Only with regards to prioritizing the projects
18 that are being funded and authorizing the bond
19 ordinance, and if we wanted to do another referendum,
20 they would have to approve that referendum to go out to
21 the voting constituency to be considered.

22 They're not involved in the mechanics of the
23 actual issuance of the debt.

24 Q. Are the Commissioners involved in the oversight
25 of the finances of the City?

1 A. From the budgetary standpoint, policy setting,
2 yes. They do not get involved in the day-to-day
3 operations.

4 Q. Outside of the budgeting process, what specific
5 interactions or duties do you have with the Commission
6 that you have to work with regularly?

7 A. I mean, I have to keep it in the context of my
8 position. I'm an Assistant City Manager, so I assist
9 the Manager in running the day-to-day operations of the
10 City. So picking up garbage, policing, public safety,
11 parks, all of that. I could be assigned to do any -- to
12 oversee any portion of that, based on the Manager's
13 will. So, basically, anything associated with
14 implementing or operating any of the policy decisions
15 that the City Commission has and directs the Manager to
16 follow, I could be responsible for, you know,
17 implementing or overseeing.

18 Q. When there is a Commission -- whenever the
19 Commission is down a Commissioner, like right now we
20 only have four Commissioners, do you notice it in your
21 work? Does it impact your work?

22 A. Given that I've gone through this at the City
23 like five or six times, no, it doesn't. We are here
24 to -- you know, the City Commission is the board. You
25 know, I'm the Chief Financial Officer. So we have a

1 business to run and we run the business.

2 Q. So you were in the office and doing your work
3 in early 2023 When Commissioner Russell resigned; is
4 that correct?

5 A. Yes, I was.

6 Q. What was the impact to your work during the
7 period between when Commissioner Russell resigned and
8 when Commissioner Covo took that seat?

9 A. No impact to my work.

10 Q. Has there been any impact to your work, during
11 the current time, since Former Commissioner Diaz de la
12 Portilla was suspended?

13 A. No impact to my work.

14 Q. Was there any period this summer, when
15 Commissioner Carollo was unavailable, due to outside
16 obligations?

17 A. No impact to my work.

18 Q. Is that true, in general, in these situations?

19 A. Yes, it is.

20 Q. When was the last time you recall a reduction
21 in the number of Commissioners impacting your work in a
22 significant way?

23 A. The period, I think it was either '08, '09,
24 between -- the administrative change between Mayor Diaz
25 and Mayor Regalado. We had two Commissioners removed

1 simultaneously from office, and then we had an election,
2 a special election, and I recall, during that time, we
3 probably had a six-week period where we couldn't
4 actually hold a meeting, because there was a runoff. So
5 we only had like one -- I think two duly elected,
6 certified Commissioners, and the others were in the
7 process, if you will. So that was the only time I
8 recall that we just couldn't have a board meeting.
9 Still did day-to-day operations, you know, all of that
10 stuff did take place.

11 Q. What is the quorum requirement for the City
12 Commission to have a meeting?

13 A. Three.

14 Q. And so as long as there are three active
15 Commissioners, they can act and bind the Commission?

16 A. Yes.

17 Q. And that would be through a vote of two of
18 them?

19 A. It's actually a vote of three of them.

20 Q. Like are they required to be unanimous?

21 A. No.

22 Q. It's just the three of them act, and however
23 they get there?

24 A. Correct.

25 Q. Had there been any preparations or

1 considerations for the possibility currently, while we
2 only we have four active Commissioners, what would
3 happen if another one were to leave?

4 A. No. No.

5 Q. Do you have any concern that that would happen?

6 A. No.

7 Q. Since the time when that you discussed, you
8 know, the 2008 era, when two of the Commissioners left
9 at once, has there ever been a time when you thought
10 that it was possible that there would be that level of
11 disruption of the Commission?

12 A. No.

13 Q. Do you worry about that now at all?

14 A. I don't.

15 Q. What about the staff of the Commissioners,
16 like, for example, does the staff for the District 1
17 Commissioner stay in place when the Commissioner is
18 gone?

19 A. As an operating concern, we do our best as, you
20 know, I'll call it, swift management, to not disrupt
21 those individuals, you know. Those are employees of the
22 City, that have families and count on their paychecks,
23 and so we leave them in place. They're still doing
24 things. You know, they're working. They're not sitting
25 at home. So they're working, waiting on the elected

1 position to be filled, and, you know, then, whatever
2 decisions will be made, will be made.

3 Q. Does that staff still perform constituent
4 services?

5 A. Yes, they do.

6 Q. Have you heard any complaints about lack of
7 constituent services in District 1 since the
8 Commissioner was removed?

9 A. I have not.

10 Q. Did you hear anything along those lines related
11 to District 2, during the time between Commissioner
12 Russell and Commissioner Covo?

13 A. I did not.

14 Q. Have you ever had concerns that you've heard
15 expressed to you -- concerns from other people,
16 expressed to you, about constituent services in any
17 district in Miami?

18 A. I mean, the normal -- in the normal course of
19 business, of course, but not in relation to someone not
20 being there to serve -- not being present in the elected
21 seat.

22 Q. How does the fact that it's an election year
23 impact the work that you do with the Commission related
24 to budget?

25 A. You know, again, I've been doing this for a

1 very long time. In my view, the only thing I've ever
2 seen is that there tends to be more conservatism when it
3 comes to assessment of the millage and of setting of
4 fees. It seems there will be a prioritization of
5 projects, you know, that we need to get them done, so
6 there's, you know, a push to really broadcast and really
7 show results. So that's the biggest thing I see ever.

8 Q. Was that true for this year's budgeting
9 process?

10 A. It absolutely was.

11 Q. Do you see a difference between the
12 Commissioners who are up for re-election and the ones
13 who aren't, during this process, when you work with them
14 individually?

15 A. No.

16 Q. Would you say that a Commissioner that's up for
17 re-election is less engaged in the budgeting process
18 than the one that isn't?

19 A. No, they're very well engaged in the budget
20 process.

21 Q. If you didn't know it was an election year and
22 you were just -- but you had done your job for many
23 years and you were dropped in, would you be able to tell
24 whether a Commissioner was up for re-election or not,
25 based on your interactions and request --

1 A. With my eyes closed.

2 Q. You would know that they were up for
3 re-election?

4 A. Yes.

5 Q. Is that based, you're saying, on like the
6 conservatism of how careful they want to be with things?

7 A. That's a portion of it.

8 Q. Is it also like their body language?

9 A. No. They're very focused on constituent
10 services. Not to say they're not focused all of the
11 time, but there's a heightened level of focus during
12 re-election time, because they are typically trying to,
13 oh, yeah, I did this already, I did this already, you
14 need to know.

15 Q. Has there ever been a situation where there was
16 something that needed to be done in the City, you know,
17 related to the Commission and the administration, and
18 because it was an election year, that was unable to be
19 done?

20 A. No.

21 Q. Is there ever anything that the Commission or
22 the City is supposed to do, that they don't do because
23 of what you would assess as like fear of political
24 impacts in the election?

25 A. No.

1 Q. Would you say that the budget process runs
2 similarly whether it's an election year or non-election
3 year?

4 A. The process, absolutely runs the same every
5 year.

6 Q. Do you prefer it election years or non-election
7 years?

8 A. It doesn't matter to me. The information that
9 I provide, the feedback that I give, is always focused
10 on the running of the business. So I will make -- you
11 know, not that they're always accepted, but we will make
12 professional recommendations with regards to, again, fee
13 setting, dollar allocations to certain things that we
14 know need to be addressed the same way every year,
15 regardless of whether it's an election year or not.

16 Q. Does the staffing of your department change
17 whether it's an election year or not?

18 A. No.

19 Q. Is that true across the City?

20 A. Yes.

21 Q. There's never any, oh, it's an election year,
22 so we need to get more people working?

23 A. No. You know, there's a hard line between
24 their political staff and our staff. So that stuff
25 is -- I don't even know -- that's their private stuff.

1 We have our 4,600 employees and they're here.

2 Q. Is there any impact of a special election,
3 outside of the regular course, on this work?

4 A. No, not really. I mean, you know, other than
5 an invoice, no.

6 Q. You haven't had an experience where, let's say,
7 you were going to go and work on the budget, and one of
8 the Commissioners said, you know what, I've got a
9 special election coming up. I know no one else is
10 dealing with it, but just don't anything, don't talk to
11 me right now?

12 A. Never.

13 Q. They always meet with you, when you want to
14 meet with them?

15 A. Every time.

16 Q. That's nice.

17 A. No, it's not, for the record.

18 Q. What is the procedure that the City follows
19 before holding a public meeting?

20 A. Generally speaking, I don't know the specific
21 mechanics, you know, of that detail. I couldn't one,
22 two, three, four it, but there's always -- the biggest
23 thing, there's a public notice requirement before every
24 public meeting.

25 Q. Are you involved in that process?

1 A. Thank God, not at all.

2 Q. You don't contribute any language that gets put
3 into it?

4 A. Never.

5 Q. That's probably good.

6 Do you see the agendas for the public meetings
7 before they're finalized?

8 A. I'm part of a draft agenda, and this is related
9 to the general City Commission agenda, specifically. So
10 I see that agenda, and we review it usually 30 days
11 before it is to be published.

12 Q. Are there any types of public meetings in which
13 that process is not followed?

14 A. None that I'm aware of.

15 Q. Are there any like emergency justifications for
16 not following those processes?

17 A. No. You always have to give notice. Even if
18 it's 24 hours, you have to give notice.

19 Q. Do you consider the elections part of the
20 ordinary business administration of the City Commission?

21 A. I consider it part of the ordinary course of
22 the City's business, yes. It doesn't -- it is not a
23 part of the administration's business.

24 Q. Are you involved at all in the planning of
25 elections?

1 A. No.

2 Q. Are you involved at all in the administration
3 of the elections?

4 A. No.

5 Q. Do you have any inside knowledge of what
6 happens, before the rest of the public, as to what
7 happens in elections?

8 A. No.

9 Q. You sit and watch the results just like
10 everyone else?

11 A. Well, as a citizen of Miami, I'm a voter, so
12 I'm being at the polls.

13 MR. JOHNSON: It's a little concerning if
14 you see the results before the election.

15 BY MS. MCNAMARA:

16 Q. I can't imagine that you'd be like, oh, yeah,
17 they run it by me, and I say, yeah, change it --

18 A. And, remember, that data and all of that stuff
19 is with the County's Elections Department.

20 Q. Oh, right. Absolutely.

21 Do you have any relationships with the County
22 in your work?

23 A. Plenty.

24 Q. What kind of interactions do you have with the
25 County?

1 A. I interact with my counterparts at the County
2 quite often with regards to intergovernmental issues,
3 typically, you know, obviously, more focused on
4 financial matters, but could be a property or, you know,
5 we need to do something in collaboration, because it's
6 in the City, but it's their street. You know, it could
7 be a number of things.

8 Q. Are you involved in the invoicing and payment
9 of invoice processed for the elections to the County?

10 A. I am charged with overseeing finance, so they
11 process the invoice.

12 Q. Have you ever had an issue with an invoice for
13 the City -- a City invoice from the County Elections?

14 A. No.

15 Q. Do you foresee that it's likely that you would
16 ever have an issue with that?

17 A. No.

18 Q. How significant is the cost of running
19 elections to the City's budget?

20 A. Fairly minute.

21 Q. So how much is the annual budget for this year?

22 A. One billion sixty-eight million.

23 Q. What was last year's budget?

24 A. 965 hundred million, so just shy of a billion.

25 Q. What about 2021?

1 A. I don't know that one right off the top of my
2 head.

3 Q. Would you say it's going up --

4 A. It's absolutely going up.

5 Q. Always goes up?

6 A. Yeah. Yeah, it always goes up.

7 Q. Would you attribute that to inflation or --

8 A. No. No. No. There is a natural increase in
9 fees and costs, also, so, you know, you have to offset
10 that. So, yes, it always goes up.

11 Q. Have you ever been told that you need to
12 significantly lower the budget to get it back down?

13 A. People have used those words with me, but then
14 I have to give them context, and so significant might
15 be, I'll cut a million dollars over here, but that's not
16 significant.

17 Q. If you had to guess the percentage of the
18 annual budget that's dedicated to elections, what would
19 you guess?

20 A. .0001, something like that. It's a very small
21 number. And, remember, it's not every year, so -- and,
22 then, we save money, I know, when we do have election
23 cycles that fall within the County's election cycle. So
24 that's a little bit cheaper, but, yeah, it's very
25 insignificant.

1 Q. Is there an approval process for expenditures
2 that need to be signed off by someone within the City?

3 A. Yeah. We use the Oracle ERP system, that has
4 the approval hierarchies already built into the system.
5 So say you initiated an invoice and you were a part of
6 my organization. It will go through whatever the
7 hierarchy is. I won't necessarily approve it. It may
8 be -- depending on the dollar amount, it will go to your
9 supervisor and that's all that's needed for it. If
10 you're a manager, and that's all that's needed, or the
11 Finance Director, that's all that's needed, but not
12 necessarily to me.

13 I think the only expenditures I really approve
14 on a regular basis is that of the City Manager.

15 Q. And why do you approve the expenses of the City
16 Manager?

17 A. Because he can't approve it himself, and he's
18 the number one person in our organization, and it can't
19 be approved by the Elected Officials, because they're
20 not part of the day-to-day operations.

21 Q. Are there thresholds for amounts that influence
22 the level of approval needed?

23 A. Absolutely.

24 Q. What is the lowest threshold?

25 A. I couldn't tell you.

1 Q. What is the high threshold?

2 A. A billion dollars, whatever that appropriation
3 is.

4 Q. Where would you put election expenses on that
5 continuum of very small to very high?

6 A. I mean, I know it tends to be in between 200 to
7 maybe a half million bucks, so probably not that high.

8 MS. MCNAMARA: It's approaching 3:00. Do
9 you want to stop and talk?

10 Do you want to take a break?

11 THE WITNESS: If you need to take a caucus,
12 I'm definitely for that, if you need to.

13 (Short recess taken.)

14 BY MS. MCNAMARA:

15 Q. So, at the earlier portion, you testified that
16 the impact of election years on the performance of the
17 Commission during the budgeting process mostly reflects,
18 you know, more interesting constituent services?

19 A. Conservatism and results.

20 Q. Yeah. Are there any other impacts that you see
21 to the budgeting process as a result of it being an
22 election year?

23 A. No.

24 Q. In an average election year, can you tell the
25 difference -- let's cut that off.

1 Can you tell the difference between an election
2 year in which there's two Commissioners and the Mayor
3 up, versus an election year where there's three
4 Commissioners up?

5 A. No.

6 Q. What if all five of the Commissioners happen to
7 be up for election, do you think that would change it?

8 A. It's going to be an interesting year.

9 Q. Why do you say that?

10 A. This is a personal response. You have the
11 opportunity to have 100 percent turnover in elected
12 officials, which would undoubtedly result in a hundred
13 percent potential change in how policy is derived and
14 implemented, and, you know, that would be a lot, a lot
15 of change at one time, without having, you know, some
16 historical, political knowledge, on the dais, and, you
17 know, potentially some level of balance, but that's a
18 personal thing.

19 Q. Do you think that a Commissioner whose up for
20 re-election, and, therefore, uncertain whether they will
21 still be in the position six months from now, behaves
22 differently in the budget process from one who is in the
23 middle of their term and is not concerned about whether
24 they're going to be there in six months?

25 A. No, because, generally -- and the reason why I

1 said it doesn't change a lot, remember, this is their
2 one and only time a year that they get to really have an
3 impact on the operations via the money. So they can
4 say, only hire -- I'm only going to give you money to
5 hire five people, or they can eliminate a specific
6 position, you know. So they're always engaged, because
7 it's that one and only opportunity to do so, you know,
8 the big time to do so.

9 Q. Does the presence of it being an election year
10 negatively impact the ordinary operations of the
11 Commission?

12 A. No.

13 Q. Is that true regardless of the number of
14 Commissioners who are up for re-election?

15 A. Yes.

16 Q. If there happens to be all five Commissioners
17 up for re-election, let's say, right now, in November of
18 2023, do you think that would have negatively impacted
19 the budgeting process that you just completed?

20 A. No.

21 Q. Do you think it would negatively impact any
22 other administration processes that you're involved in?

23 A. I mean, I might quit, but --

24 Q. It would negatively impact you, because you
25 would leave.

1 A. Again, it's a personal thing. I've been
2 through this. I've been a City Manager in a city. I've
3 gone through political change, a lot of it, here, in my
4 tenure here. So, for me, personally, yeah, I'll
5 probably make some different decisions for me, but I'm
6 also the guy who's been through five City Managers, and
7 I've been through a lot, change-wise, not negative, but
8 budget process-wise. No, they're still going to, I want
9 five of these, you know, I want two of this, I want this
10 to happen, I want to support this CBO. All of those
11 things are still going to be there. And, again, I go
12 back to the same thing, the only thing I know generally
13 happens is, they're very conservative with regards to
14 the millage assessment. By that I mean, they typically
15 want to reduce taxes during that time, and that's what
16 happens. Like last year, it happened, and you saw, this
17 year, it happened again.

18 MS. MCNAMARA: No further questions from
19 us.

20 MR. JOHNSON: No Cross. Read.

21 (Thereupon, the reading and signing not
22 being duly waived, the deposition was concluded
23 at 3:07 p.m.)

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DEPONENT

Sworn to and subscribed before me this _____
day of _____, 2023.

NOTARY PUBLIC

CERTIFICATE OF OATH

STATE OF FLORIDA :
SS
COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that LARRY SPRING personally appeared before me and was duly sworn.

WITNESS my hand and official seal in the City of Miami, County of Miami-Dade, State of Florida, this 17th day of October, 2023.



NIEVES SANCHEZ

Notary Commission Number HH 385498
My Notary Commission expires August 11, 2027

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA :
SS
COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did report the deposition of LARRY SPRING; that a review of the transcript was requested; and that the transcript is a true and complete 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, nor am I financially interested in the action.

DATED this 17th day of October, 2023.



NIEVES SANCHEZ

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October 17, 2023

Larry Spring
c/o Christopher N. Johnson
Gray Robinson
333 S.E. 2nd Avenue
Suite 3200
Miami, Florida 33131

RE: Grace, Inc. vs. City of Miami

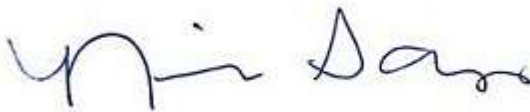
Dear Mr. Spring:

The transcript of your deposition, taken in the above-styled cause on October 6, 2023, is at my office awaiting your examination and signature. PLEASE TELEPHONE BEFORE COMING IN so that we may arrange a convenient time.

Please be advised that unless I hear from you by November 17, 2023, I will forward the original of your deposition to the deposing attorney, as though you had read and signed your deposition.

IN THE EVENT a copy of the transcript is being sent to the witness by counsel, kindly instruct the witness to make any changes thereto on a separate sheet of paper and refer to the page number and line number which corresponds to the change desired. DO NOT MAKE THE CORRECTIONS ON THE TRANSCRIPT. If you have any questions, please call.

Very truly yours,



NIEVES SANCHEZ
Court Reporter

cc: Caroline A. McNamara, Esq.

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ERRATA SHEET

IN RE: GRACE, INC., ET AL. vs. CITY OF MIAMI
DEPOSITION OF LARRY SPRING
TAKEN OCTOBER 6, 2023

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-cv-24066-KMM

GRACE, INC., et al.,

Plaintiffs,

vs.

CITY OF MIAMI,

Defendant.

-----/

Tuesday, 10:00 a.m.
October 10, 2023

ZOOM VIDEOCONFERENCE DEPOSITION

OF

STEPHEN CODY, ESQ.

Taken on behalf of the Plaintiffs
Pursuant to a Notice of Taking Deposition

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APPEARANCES:

ACLU FOUNDATION OF FLORIDA, by
NICHOLAS L.V. WARREN, ESQ., and
On behalf of the Plaintiffs.

GRAY ROBINSON, by
GEORGE LEVESQUE, ESQ., and
JASON L. UNGER, ESQ.,
On behalf of the Defendant.

WITNESS

STEPHEN CODY, ESQ.

Direct Examination	3
Cross Examination	62

1 THEREUPON:

2 (The following proceedings were held.)

3 THE REPORTER: Do you have an ID that you
4 can show up to the camera?

5 THE WITNESS: I don't have one --

6 THE REPORTER: Or if the attorneys want to
7 stipulate that that is Mr. Cody, that is
8 acceptable, also.

9 MR. WARREN: I'm fine attesting that this
10 is Steve Cody.

11 MR. LEVESQUE: I can verify that that is
12 Steve Cody.

13 THEREUPON:

14 STEPHEN CODY, ESQ.

15 was called as a witness by the Plaintiffs and, having
16 first been duly sworn, was examined and testified as
17 follows:

18 THE WITNESS: I do.

19 DIRECT EXAMINATION

20 BY MR. WARREN:

21 Q. Good morning, Mr. Cody. My name is Nicholas
22 Warren. I'll be taking your deposition.

23 First of all, I'd like to acknowledge that I
24 recognize you and acknowledge that you are Stephen Cody.

25 A. Well, thank you. I've been here most of my

1 life.

2 Q. Have you ever been deposed before?

3 A. Yes, I have.

4 Q. Okay. And have you ever taken or defended a
5 deposition?

6 A. Oh, yes.

7 Q. I figured. So I won't belabor all of the
8 introductory ground rules and overview too much, because
9 you understand the format.

10 This is a question and answer session.
11 Everything will be taken down by Ms. Sanchez, the court
12 reporter. Do you understand that you'll need to answer
13 clearly and preferably with a yes or no, something like
14 that? We will, of course, try not to talk over each
15 other, to make sure that Ms. Sanchez can take everything
16 down accurately.

17 We're interested today in finding out
18 everything you know about the events that I'm going to
19 ask about relevant to this lawsuit. So, for that
20 reason, I'm looking for full and complete answers to the
21 questions that I'm going to ask. Do you understand
22 that?

23 A. I do.

24 Q. If I don't state a question very well, if you
25 don't understand it, just ask me to rephrase it. It's

1 my job to ask understandable questions, so let me know
2 if I'm doing a bad job and I'll try my best to rephrase.

3 It may be that you might not recall something.
4 You may have, at one point, known the answer to a
5 question, but don't anymore. If there's something that
6 might jog your memory, we might be able to provide it to
7 you, so just let me know if that's the case.

8 If you need to take a break, that's fine, just
9 let me know. I only ask that you -- that we not take a
10 break, if a question is pending, before you provide an
11 answer.

12 I'm also not anticipating this going too, too
13 long. I'd be surprised if it went more than a couple of
14 hours, just to let you know.

15 Let's see, because it's so critical that we get
16 your complete and accurate answers, I just want to ask
17 whether you're taking any medications or anything else
18 that may make it difficult for you to understand and
19 answer questions today?

20 A. No.

21 Q. Okay. Thank you.

22 You mentioned that you had been deposed before.
23 About how many times?

24 A. If I had to guess, and this is a guesstimate,
25 maybe nine, ten times.

1 Q. Do you remember the last time?

2 A. Probably about fifteen years ago.

3 Q. Okay. And do you remember what the subject
4 matter of that deposition was?

5 A. That was to give an opinion about a fee that
6 was being sought in a case by another attorney.

7 Q. Okay. Have you ever been a party to a lawsuit?

8 A. Yeah.

9 Q. And about how many do you think?

10 A. Nine, ten times.

11 Q. When was the last one?

12 A. The last one was in 2021.

13 Q. What was the nature of that lawsuit?

14 A. I am a member of the Palmetto Bay Village
15 Council. The person that I beat, basically, took it as
16 an affront that I beat him, and when I responded to some
17 of the attacks he's made against me, his feelings were
18 hurt, and he claimed that I defamed him.

19 Q. What is the status of that lawsuit?

20 A. That's still pending.

21 And the one prior to that was, he also sued me,
22 for the same reason, but different things that I said,
23 but in that case, he claimed that three of my e-mails
24 caused his heart efficiency to drop by 65 percent.

25 Q. Caused his heart efficiency to drop?

1 A. Yes, his heart function to drop 65 percent.

2 Q. Okay.

3 A. So it's going to be interesting to talk to his
4 cardiologist, when we get to that, but, you know.

5 Q. Have you ever been a plaintiff in a lawsuit?

6 A. Yes.

7 Q. And what are those cases?

8 A. Well, the one that comes to mind was -- well, a
9 couple. I brought actions to get public records under
10 Chapter 119 of the Florida Statutes. And I think there
11 may have been three of those, maybe, over the years.

12 Q. Any besides public records lawsuits?

13 A. No. I don't recall any.

14 Q. Okay. Thank you.

15 Did you prepare for today's deposition?

16 A. I did have a conversation with Mr. Unger and
17 George, and I apologize, I don't know whether it's
18 Levesque or Levesque, but with George, on Saturday, and
19 we talked for about 45 minutes.

20 Q. Did you do anything else to prepare, besides
21 that meeting?

22 A. No.

23 Q. No review of any documents?

24 A. No.

25 Q. All right. Did you speak with anyone, besides

1 Mr. Unger and Mr. Levesque, in preparation for the
2 deposition?

3 A. No.

4 Q. All right. Okay. Turning now to the City of
5 Miami redistricting process after the 2020 census --

6 A. Uh-huh.

7 Q. -- when did you begin performing work on that
8 redistricting process?

9 A. That would have been in 2021, probably the
10 Fall.

11 Q. And how did your involvement begin? How did
12 you become involved in the City's --

13 A. I received a call from Miguel De Grandy. We
14 had done the two prior redistrictings, and so he
15 basically told me, it's time to get the band back
16 together. He asked me if I was interested in doing it,
17 and I told him okay.

18 And then we went about setting forth the
19 contracts that we were going to be working under, and
20 when those got signed, I got to work.

21 Q. Okay. On that subject, what was your fee
22 arrangement for the redistricting work?

23 A. I got -- well, I charged them a flat \$50,000
24 fee, which would cover everything from the moment we
25 signed up, until the time that they adopted a plan. And

1 after that, if they wanted me to do any further work, I
2 would be billing them at \$500 an hour.

3 Q. And did they end up wanting you to do
4 additional work?

5 A. No.

6 Q. That's a "No"?

7 A. Yes, that's a no.

8 Q. Okay. So the contracts were finalized, and
9 then you began work?

10 A. Yes.

11 Q. What work were you doing? Can you walk me
12 through what work you were engaged in, from the
13 beginning, after the 2020 census?

14 A. Okay. Well, I first wanted to establish a
15 baseline, so I got the most recent boundary map for the
16 City of Miami, and then I -- and that would be showing
17 not only the City boundaries, but the boundaries of the
18 five then existing districts, and inputted that into the
19 software, and then prepared a report, with Miguel, on
20 the status, and, you know, how things look currently,
21 based upon the 2020 census figures.

22 Q. And you said, "How things looked." Was that
23 looking at just total population from the 2020 census or
24 anything additional?

25 A. Well, I mean, all of the -- that was looking at

1 the public law, I believe it's 94-171 data, which deals
2 with population, population by race, population by
3 Hispanic or not, and then voting age population, and all
4 of those categories, and then also look at voter
5 registration data, because that was included in the
6 software that we were using.

7 Q. What program is that?

8 A. It was a program that the State of Florida put
9 together for its redistricting.

10 Q. Florida Redistricting, I think it's called.

11 A. Right. Well, you access it on the website,
12 FloridaRedistricting.gov. And so I set up an account,
13 and had several versions, when I would do something to
14 lay it out. It would generate reports, that gave me an
15 indication of how voters in each of those districts
16 voted in certain statewide races, and so that's
17 preliminarily what I did.

18 Q. Okay. And how was that preliminary information
19 used? You gave that to Mr. De Grandy and then?

20 A. Well, I prepared a report. I gave all of our
21 report styling to the members of the City Commission,
22 but made sure that Todd, the City Clerk, had it in both,
23 digital format, so he can post it on the website, if he
24 wanted to, as well as hard copies.

25 We then -- the two of us had a meeting with

1 each of the members of the City Commission, in fact,
2 several, over the entire process, to talk about various
3 things.

4 Q. Those are the public meetings -- the public
5 redistricting meetings that happened --

6 A. No. We also had some individually with them,
7 in their offices.

8 Q. I see.

9 Is it your understanding that you have a --
10 that the work you were doing, that was not made public,
11 is attorney work product?

12 A. I don't have an understanding, one way or the
13 other. I would leave that to the City, whether they
14 wanted to claim that it was attorney work product.

15 Q. Okay. Is it your understanding that the
16 meeting -- private meetings that you had with City
17 Commissioners or their staff are protected by some type
18 of privilege?

19 A. Again, if the City wants to assert a privilege,
20 they can. I don't have an opinion, one way or the
21 other.

22 Q. Okay. Okay. We may get into that a little bit
23 more later on.

24 A. Fine.

25 Q. So you did the preliminary work. What other

1 work did you do at the beginning of the redistricting
2 process in 2021?

3 A. Well, I went back and tried to familiarize
4 myself with the different neighborhoods and communities
5 of interest, took a look at what changes had been made
6 over the past ten -- I mean, I live in Miami. Well, I
7 believe in Palmetto Bay, which is a suburb south of
8 Miami, but to familiarize myself with some of the
9 changes that have gone on in the City of Miami
10 demographically. I looked at some of the census data
11 from the last census, the 2010 census, in order to see
12 what kind of -- more to refresh my recollection and get
13 an idea of what kind of trends we were looking at, in
14 terms of the increase or the decrease of any constituent
15 population group.

16 Q. Did you analyze racially polarized voting?

17 A. Yes.

18 Q. Can you talk more about that analysis and what
19 you did?

20 A. Sure. Well, what I did was, I went to the
21 website of the Supervisor of Elections for Miami-Dade
22 County, and I downloaded the registration data for all
23 of the precincts in the County, the registration data
24 for all of the elections that had taken place, focusing
25 mostly on County-wide elections. So that would be

1 Statewide elections, because they would cover the entire
2 County, as well as County-wide elections. It's kind of
3 hard to do -- well, I actually may have -- because I had
4 the data, I may have looked at, I think I did, City
5 elections, but the City elections are done by district.

6 I mean, I was involved also with the lawsuit
7 that eventually caused the City to adopt districts, but
8 I didn't rely on -- I looked at it, but I did not rely
9 upon it, you know, but there are two accepted
10 methodologies to see if there is polarization in voting
11 by either race or ethnicity, and I had done that kind of
12 analysis going back into the 1990s.

13 I was the attorney who handled the case that
14 brought single-member districts to Miami-Dade County's
15 Commission and to the Miami-Dade County's School Board,
16 and because, in neither case, the plaintiffs, who hired
17 me, provided me with the resources, I learned how to do
18 the analysis myself. I have a political science degree,
19 but, you know -- and so I did that kind of analysis in
20 the City of Miami, and then drew upon what I had learned
21 through those prior matters, because I also looked at
22 it, besides -- during the 1980s, involving the County
23 and the School Board, but in the recurring
24 redistrictings, I looked at it, to make sure that there
25 was still evidence of racially polarized voting going

1 on.

2 Q. And what did you find?

3 A. I found that -- well, drawing upon the baseline
4 of it being incredibly significantly County-wide, back
5 when I did the School Board and the County case, moving
6 forward, it still existed, not to the same -- I wasn't
7 getting the same high R score values when I did the
8 regression analysis, but when I did a scattergram of the
9 results versus the different ethnic indicators, I did
10 see a significant degree of racial polarized voting,
11 especially in cases where you either had a candidate who
12 was of a particular minority group, and cases where the
13 candidate might not be a member of a minority group, but
14 he identified -- either identified with the group or the
15 group identified with him.

16 Q. Okay. And when you say you found patterns of
17 racially polarized voting, I imagine, did you first look
18 to confirm or assess whether each racial group was
19 politically cohesive?

20 A. Well, that's part of it. I mean, there is a
21 methodology called Homogeneous Precinct Analysis, which,
22 under the standard that was adopted by the Supreme Court
23 under the Thornburg versus Gingles case, advocated only
24 looking at those precincts that were 90 percent or
25 greater of an ethnic or racial group, which is tough in

1 the City of Miami, because I don't think we had any at
2 the time -- for the past ten years or so, any precincts
3 that were 90 percent or greater. So, you know, you can
4 drop the baseline down, but you do that with the
5 understanding that that gives you less reliability, but
6 you can still see patterns. And so when I did that, I
7 still saw that there were patterns.

8 The thing that I found, when I did the Carrie
9 Meek and Xavier Suarez's cases, in South Florida, we had
10 a function of shifting coalitions, and this is
11 especially true back before you had a large cohort of
12 non-Cuban Hispanics in the voting population. You had
13 shifting coalitions in that, when you had a Black
14 candidate running against a White candidate, Hispanics
15 would coalesce with Whites and vote against the Black
16 candidate. And when you had a Hispanic candidate
17 running against a non-Hispanic White candidate, the
18 Black voters would vote with the White non-Hispanic
19 voters against the Hispanic candidate. So you could see
20 those shifting coalitions going back and forth being
21 built.

22 It became less important, in a City like Miami,
23 as over the years, the percentage of non-Hispanic Whites
24 has decreased, you know, from the 2000 population census
25 to the one that we had in 2020.

1 Q. So, for the most recent cycle, you found that
2 voting was racially polarized between Black and other
3 voters?

4 A. Yes.

5 Q. Did you find that voting was racially polarized
6 between Hispanic and other voters?

7 A. Yes, to some degree, but by the time that you
8 get into the last part of the cycle, the non-Hispanic
9 Whites, who had been the predominant voting population
10 of registered voters, became less and less. I mean,
11 they dropped to a plurality, and, then, eventually, to a
12 minority. So their effect on the outcome of an election
13 was not -- became insignificant.

14 Q. Did you find -- so you mentioned the shifting
15 coalitions in past decades.

16 A. Yes.

17 Q. Did you find coalition voting or crossover
18 voting in more recent elections?

19 A. Not really. Not really. And, again, that was
20 looking at County elections or County-wide elections in
21 Dade County. Well, I don't know if I'd call it Dade
22 County.

23 But, yeah, I mean, I did, to some degree, but I
24 did the analysis, but did not see that there was a
25 coalition between White and Hispanic voters that

1 prevented the election of a Black candidate.

2 Q. But maybe talking more precisely about
3 crossover voting, some percentage of White voters, for
4 example, cross over to support Black preferred
5 candidates?

6 A. Well, yeah. I mean, in some instances -- for
7 instance, if you take the Barack Obama election, that
8 had a tremendous amount of support among Whites, among
9 Blacks, and while we don't have voter data -- well, we
10 do have registration data by age and ethnicity. I don't
11 think the numbers were high enough so I felt comfortable
12 doing an analysis and using that as part of my -- you
13 know, telling them that.

14 As somebody that lives down here, second and
15 third generation people of Cuban descent are more
16 liberal than the people who came over, like my wife,
17 that's a refugee.

18 Q. Would you say that the patterns of crossover
19 voting with White or Hispanic -- a segment of White or
20 Hispanic voters crossing over to support Black preferred
21 candidates, would you say that that crossover voting is
22 significant in recent elections?

23 A. I don't really know, because I didn't do it in
24 the City of Miami, and that would be the determinative,
25 because if I looked at it -- if I look at it as the

1 County as a whole, it would take in voters in Pinecrest
2 or Palmetto Bay, where I live, or it might take in large
3 portions of Coral Gables, which had -- you know, it's a
4 wealthier community. The demographics and background
5 and social characteristics of the population are
6 different than the population that you would find in
7 Flagami or, you know, Little Gables which is part of the
8 City of Miami.

9 Q. Not yet --

10 A. Well, I understand Coral Gables wants it, too,
11 so there may be, you know, a gun fight over that.

12 Q. To back up a little bit, so when you were doing
13 your RPB analysis, you were looking at all precincts
14 County-wide or just precincts within the City of Miami?

15 A. Just precincts in the City of Miami.

16 Q. Okay.

17 A. But that gives you -- I mean, I would look at
18 it from the standpoint of, does racially polarized
19 voting exist. I wasn't looking at it in terms of what
20 level do I have to put in a district to make it perform
21 for this particular racial or ethnic group.

22 Q. So that second question of what, in this case,
23 Black percentage would you need in a district to be able
24 to perform or to be able to usually perform, you weren't
25 looking at that question?

1 A. No, but I was basing it upon my understanding
2 of both, the law, psat practices. I mean, I've drawn
3 districts in other areas, and so I'm familiar with the
4 standards. It used to be that, you know, you would try
5 to draw a district, especially given evidence of
6 racially polarized voting, and you'd try to make the
7 district as high in numbers of the ethnicity, race, in
8 order to assure that they will be able to elect the
9 candidate of choice, if the coalition doesn't hold.

10 Given our history of shifting coalitions here
11 in Dade County, I was looking for a way to draw a
12 district that was going to be as sturdy in population,
13 especially for District 5, as I could.

14 Q. Okay. Going back a little bit just to drill
15 down a little bit further on what precisely you were
16 getting from the Supervisor's website, so you were
17 taking the precinct level results of the elections that
18 you were studying, right?

19 A. Right.

20 Q. And you had the information on -- were you
21 using voter -- the current snapshot of voter
22 registration by race in each precinct and comparing
23 election results to current registration or did you have
24 kind of a snapshot in time from each election
25 registration by race?

1 A. I was using registration numbers that were for
2 the book closing for each election that I looked at. So
3 I did not use 2000 election data to try to analysis a
4 1992 election.

5 Q. Okay.

6 A. I know an expert that appeared in one of the
7 cases I had, Allan Lichtman, who actually did that,
8 representing the State of Florida, and when I pointed
9 out that he did that, he was not happy with me, but that
10 was as an attorney, not as an expert.

11 Q. You're really dating yourself if you remember
12 when Allan Lichtman was appearing as an expert for the
13 State of Florida.

14 A. Like I said, I've worked --

15 Q. He's on the other side now.

16 A. I worked on the redistricting back in 1982. I
17 was Bill Sawdoski's legislative aide. Bill was very
18 heavily involved in the redistricting, and so,
19 consequently, I was very heavily involved with the
20 redistricting, and that's where I learned to do a lot of
21 this stuff. This is back at a time when the computers
22 we used practically ran on steam. So this was my fifth
23 redistricting cycle, so I am dated, you know.

24 MR. WARREN: Off the record briefly, Ms.
25 Sanchez.

1 (Discussion off the record.)

2 BY MR. WARREN:

3 Q. So you had the book closing voter registration
4 by race for each precinct that you were looking at?

5 A. Right, and for each election that I was looking
6 at, that I had to match up.

7 Q. And comparing that to precincts level results?

8 A. Correct.

9 Q. Okay. But did you compare the -- sorry, I'll
10 rephrase that.

11 So you were looking at, for each election
12 studied, the total registered voters by race, by
13 precinct, not the voters who actually voted by race in
14 each precinct?

15 A. No, but I did look at turnout, in terms of, am
16 I seeing a system -- like, for instance, going back to
17 the 1980s, when I did that -- and, in fact, going back
18 to the '80s, actually, when I was working at Bill
19 Sadowski, one of the things we looked at was voter
20 turnout in different communities, when it was actually
21 repressed, and we may be heading back there now, in
22 terms of what the government is doing, but see what kind
23 of turnout you were getting, and that can inform you as
24 to whether there is a greater need to draw these
25 districts, but that's also one of those of Zimmer vs.

1 McKeithen, an old Fifth Circuit District -- or Fifth
2 Circuit, excuse me, Court of Appeals opinion, that the
3 Supreme Court cited in Thornburg, saying that these,
4 while none of them are dispositive, they are all
5 illuminative.

6 And so, yeah, I looked at voter turnout to make
7 sure that there was not -- you know, in a race where you
8 were only getting 10 percent of the Black population
9 turning out, 90 percent of the White population turning
10 out, that would warrant an investigation as to why. If
11 it was a question of 62 versus 63, you know, it would
12 not.

13 Q. Okay. One thing that was mentioned at the
14 preliminary injunction hearing in this case, I don't
15 know -- did you attend the preliminary injunction
16 hearing?

17 A. No.

18 Q. Did you review the transcript after?

19 A. No.

20 Q. Did you hear about the testimony that was given
21 at that hearing from anybody?

22 A. I read a newspaper article about it. I had not
23 been retained by the City to work with them on either
24 that hearing and this lawsuit or the subsequent map that
25 was drawn or to give an opinion as to any of the maps

1 that the ACLU and Grace have put forward.

2 Q. Okay. So one thing that was -- that Mr. De
3 Grady testified at the preliminary injunction hearing is
4 that you did an analysis to confirm the presence of the
5 three Gingles preconditions in the City of Miami. Is
6 that an accurate summation of your --

7 A. Yes.

8 Q. Okay. So you did that with respect to Black
9 voters and confirmed that the Gingles preconditions are
10 present for Black voters?

11 A. Yes.

12 Q. Did you --

13 A. And I also did it for Hispanic voters.

14 Q. And what did you conclude with respect to
15 Hispanic voters?

16 A. Well, I mean, the first Gingles precondition,
17 is the population large enough and compact enough to
18 form a majority in any single-member district, the
19 answer to that questions is yes. The second criteria,
20 does the minority group show political cohesion, I
21 looked at that, and I'm especially looking at some of
22 those County-wide -- you know, statewide, national and
23 county-wide races that cover the City of Miami, as well.
24 Yeah, that Black voters were showing great political
25 cohesion.

1 Again, the Gillum race stands out, for
2 Governor, against Ron DeSantis. I can't remember the
3 name of the attorney general that we had, who ran in
4 that same election, in the general election. There was
5 greater support for him in the Black community, and Bill
6 Nelson versus Rick Scott. And while neither of them are
7 African-American, I wanted to see if there was a
8 division between how Black voters and other components
9 of the population voted, and so I noticed that, you
10 know, White voters voted at a higher percentage, I
11 believe, for Bill Nelson. Hispanic voters, in that
12 race, did not support him.

13 Q. Okay. And so, for Hispanic voters, with the
14 second Gingles precondition, same thing, the conclusion
15 was that Hispanic voters are usually generally --

16 A. Politically cohesive, yes.

17 Q. And the same thing with the third Gingles
18 precondition for Hispanic voters?

19 A. Well, looking at it -- I mean, the standard, as
20 announced by Gingles was, do White voters. And, so,
21 again, in Miami-Dade County, you have to look at
22 non-Hispanic White as a component, as opposed to just
23 White, because White voters will pick up White
24 Hispanics. So you have to use that figure.

25 But, yeah, I saw political cohesive voting

1 among Hispanics. Again, by the time we got to the end
2 of the election cycle -- excuse me, the census cycle,
3 non-Hispanic White voters, I think, were 15 percent of
4 the registered voters in the City of Miami, and they
5 were about the same number as Black voters, although
6 Black voters were compact, in terms of their residence
7 patterns. Non-Hispanic White voters were not.

8 So as much as everybody would like to say that
9 District 2 is the White district, that was silly, you
10 know.

11 Q. Would a fair characterization of the third
12 Gingles precondition be -- well, as it was stated in
13 Gingles, that the White majority vote sufficiently as a
14 bloc usually to defeat the minority groups' preferred
15 candidate?

16 A. Well, that's a characterization of the Gingles
17 criteria, yes.

18 Q. Okay. So that's true of Black voters, the
19 majority of the electorate in the City of Miami usually
20 defeats -- usually votes sufficiently as a bloc to
21 defeat the Black preferred candidate in elections within
22 the City of Miami, right?

23 A. If those elections were held just in the City
24 of Miami.

25 Q. Right.

1 A. And then drawing upon data from the City of
2 Miami precincts. Now, granted, those candidates may not
3 have been defeated, because of the support of people in
4 the County or in the State, but if we were just
5 restricting the election to the City of Miami, then,
6 yeah.

7 Q. Sure.

8 So turning to Hispanics then, is it usually
9 true that the majority in the City of Miami vote
10 sufficiently as a bloc usually to defeat the choice of
11 Hispanic voters?

12 A. No, because Hispanic voters are now 70 plus
13 percent of the registered voters, and there isn't a
14 group -- the non-Hispanic groups combined are not large
15 enough to defeat the preferred candidate of Hispanics,
16 The math just doesn't work that way.

17 Q. Does that mean that the third Gingles
18 precondition isn't present with respect to Hispanic
19 voters in the City?

20 A. Well, if we were looking at it today, and the
21 City of Miami were still using at large elections, I do
22 not think -- and this is an opinion, I do not think that
23 there would be a viable case today, under Section 2 or
24 the 14th Amendment, on behalf of the Hispanic voter,
25 because there's a very great likelihood that you would

1 have five Hispanic City-wide elected Commissioners on
2 the City Commission.

3 Q. So, Mr. De Grady, at the preliminary injunction
4 hearing, testified that you found -- you confirmed that
5 the three Gingles preconditions were present for
6 Hispanic voters in the City?

7 A. Yes.

8 Q. Do you think that, at the time you did that
9 analysis, that was incorrect or correct, based on what
10 we've been discussing with Hispanics being a majority of
11 the City electorate?

12 A. I think doing the analysis was correct, yes.

13 Q. And the conclusion was that the third
14 precondition was present for Hispanics?

15 A. Well, I mean, I did find that there was
16 evidence of racially polarized voting. Was it
17 sufficient to usually defeat their preferred candidate?
18 Today, probably not, but has it existed in the past --
19 and very often, the way the Hispanic voters vote, versus
20 the way that Black voters vote, is different. And so,
21 to get a baseline, again, of how do Hispanic voters
22 vote, that analysis needed to be done.

23 Q. Okay. That makes sense. Thank you.

24 Did you use -- I guess, so you did this -- you
25 did an analysis, RPB. Gingles preconditions are

1 present. At a certain point, draft maps are being made,
2 right?

3 A. Right. Well, as I said, the first thing I did
4 was draw a present -- well, a 2020 map, using the then
5 existing districts, to see if we had a problem, given
6 the population growth. You know, if, for instance, the
7 population in each of the five districts had grown
8 uniformly, then, there wouldn't be a need to redistrict,
9 because there would be no substantial deviation from the
10 Black population. So that was the first thing that I
11 had to do, and then look at that, to see where,
12 basically, the growth had taken place, just of the gross
13 population.

14 Q. So I want to fast-forward a little bit to when
15 draft maps are being drafted.

16 A. Okay.

17 Q. Who was involved in that process? How did that
18 play out?

19 A. It was me, sitting here, in my garage office.
20 I have got a 42-inch high definition resolution monitor,
21 because I have vision problems, and it's great to blow
22 it up and -- I mean, your head is about two feet tall,
23 from where I'm sitting right now, and then I just
24 started looking at the maps and trying to -- because
25 before we started drawing maps, we did go before the

1 Commission, we gave them a breakdown. I think -- Todd
2 has a report. I don't know if you've obtained it. And
3 I think that we even did a PowerPoint on where the City
4 was, in terms of population, where the growth had
5 occurred, which districts were above ideal population,
6 and which districts were below ideal population, given
7 that growth.

8 And I believe the first hearing we had with the
9 Commission, we asked them to lay out for us the commonly
10 used criteria that they may want us to emphasize, things
11 like retaining the core of existing districts, whether
12 we were going to use a Congressional standard of
13 deviation, which meant, as close to zero as possible, or
14 whether we wanted to go within the maximum limit of, you
15 know, up to 10 percent deviation from the highest to the
16 lowest population district, whether we were to look at
17 communities of interest, which they understood to be
18 neighborhoods, whether we were going to use natural or
19 man-made boundaries.

20 We also made them aware of the fact that we
21 could not, and I, frankly, would not, try to break up
22 census blocks. You know, because in some instances,
23 I've been aware of someone saying, "Well, I know that
24 block there. I want this apartment building, which is
25 over here, but the rest of it, I don't want." No. If

1 it's a census block, that's what you're getting. And I
2 didn't see the -- I also went through to see if there
3 were any anomalies in the data. From the censuses we
4 used, there was an error that put, I believe, a small
5 residential neighborhood, with only about 10 houses,
6 they gave a population of like over 500 people, and so
7 something went wrong, something got inputted wrong, but
8 the time for the City to have notified the Census Bureau
9 had expired. So I could not go back there and say, even
10 though it says this number, 500, I know that it's
11 probably about maybe -- maybe 80, so I'm going to use
12 that figure, because I had to use the 97-141 data that
13 was given to me, and that's what I drew it on.

14 Q. So you were drafting different options using
15 the criteria that the Commission had adopted in the
16 Commission Meeting?

17 A. Yes.

18 Q. At that point, had you met with individual
19 Commissioners yet?

20 A. I don't recall. I think I may have, because
21 they -- one of the criteria was to keep the core of
22 existing districts. I think I may have made an attempt
23 to equalize out the populations, and then used that as a
24 map, and went with Miguel and we sat down. I believe I
25 made a 24 by 36 map, you know, large format print, for

1 each of the Commissioners, and as I was going along, I
2 believe I also made sure that Todd got one.

3 Q. And that was before you presented the very
4 first draft map in early February 2022?

5 A. I believe so, and we got some feedback from
6 some Commissioners.

7 Q. Do you remember the feedback that you got?

8 A. We got some that said, "Oh, I really like this
9 neighborhood. I have friends who live over here. I
10 want them to stay in my district. Can you do that?"

11 And it was always, "I've got to look at the
12 numbers. And so if I can do that, everything balances
13 out, I'll see what I can do. If I can't, I'll let you
14 know."

15 Q. Do you remember any feedback that you got from
16 Commissioners that you did incorporate into the drafts
17 that you presented in public meetings?

18 MR. LEVESQUE: Objection, and I'm going to
19 instruct him not to answer on the basis of
20 privilege.

21 BY MR. WARREN:

22 Q. Mr. Cody, will you follow that instruction?

23 A. I guess I'm going to. I don't -- once --
24 privilege is kind of like honor, once you lose it, it's
25 kind of hard to get it back. So I will heed George, but

1 I would not take it as an offense if you ask the Judge
2 or the Magistrate to consider the issue, and if you want
3 to come back, we can come back.

4 Q. Mainly, right now, I just want to be clear what
5 the scope of the privilege is and what you're refusing
6 to answer on the grounds of privilege. I think it may
7 be quick and easy for me to ask whether conversations
8 that you had with Commissioners, outside of public
9 meetings, whether you'll refuse to answer questions
10 about those conversations?

11 MR. LEVESQUE: I would certainly be
12 asserting privilege for those conversations,
13 based upon attorney work product, and
14 instructing him not to answer, if that helps
15 you.

16 MR. WARREN: That helps.

17 BY MR. WARREN:

18 Q. Okay. So, another question I have about the
19 work you were doing on draft maps relates to District 5
20 and what role, if any, you played in analyzing whether a
21 particular draft configuration of District 5 would
22 continue to perform for Black voters.

23 A. I did that throughout.

24 Q. And could you walk me through what you did when
25 you were looking at that?

1 A. Well, the voter registration data that we had
2 was imperfect, because the State of Florida and any data
3 vendor that you go to, when you ask them to give you
4 voter registration data, they have data for a precinct.
5 They have not geocoded individual voters to individual
6 blocks. So if, for instance, you take half of the
7 voters or half the population of a precinct, you are
8 assumed to take half the voters and an even half of
9 every demographic constituent.

10 So that may not be the case. You may have,
11 within that block, a building, which, for instance, is
12 overwhelmingly Black and a building over here which is
13 overwhelmingly White, but in terms of that software, it
14 will say, okay, you took half of the Blacks and half of
15 the Whites or the Hispanics or whoever, while it may not
16 be true. But when it comes to things like that, you're
17 doing this based upon guesstimates.

18 To give you a -- besides a hundred percent
19 data, it's all pretty much based upon understanding and
20 experience and that kind of thing. So I would look at
21 the data, but I would know that, depending on the
22 precincts that we split -- and we didn't do it based
23 upon precincts, because the County was in the process of
24 reprecincting the entire County and were waiting on the
25 City of Miami's district lines, and that's how they

1 would use those as cookie cutters, and then get the
2 smallest component, and that would become a precinct.

3 So if we used the 2000 year precincts as our
4 building blocks, that wouldn't translated over to what
5 would happen in the plan, after it had been adopted,
6 under the new precincts.

7 Q. So a couple of questions from that. One is,
8 did you have a geocoded voter file that you were looking
9 at or no?

10 A. No.

11 Q. Okay. And, second, when you said you were
12 looking at data to analyze whether a potential district
13 could perform, what exactly were you looking at?

14 A. What I was looking at was, again, when the
15 district -- when I would look at a conceptual district,
16 I would use the FloridaRedistricting.gov software to
17 generate reports, and I would say, okay, I want to see
18 how -- you know, the population, the demography, the
19 voting age population, the registered voters, you know,
20 the constituencies of the registered voters and then
21 how, for each of those component elections, did those
22 candidates do.

23 Q. Do you have a particular threshold of Black
24 voting age population that you were mindful of when you
25 were reconfiguring District 5?

1 A. I was looking to get it as high as possible.
2 In years past or cycles past, I believe that we got up
3 to in the 60s. That was not possible, just due to the
4 gentrification that had gone on in District 5. You
5 know, the hurricane that we had back in the early '80s
6 (sic), Hurricane Andrew, was the start of the -- well, I
7 mean, if you want to go back -- you can go back into the
8 '50s, when they moved I-95 directly through Liberty City
9 and Overtown and split that community, but then
10 Hurricane Andrew helped accelerate the depopulation.

11 A lot of those people moved to like Miramar and
12 South Broward, and that led to re-development of that
13 core inter-wedge or intercity wedge, you know, that
14 District 5 is.

15 Q. You mentioned, past cycles. Is it fair to
16 characterize your approach or the City's approach in
17 2003 and 2013, that, in District 5, you were trying to
18 get the Black population as high as it could be?

19 A. Well, we were trying to get the Black
20 population high enough to give us a performing district,
21 in light of the level of polarization that we had seen
22 in those particular, you know, ten-year cycles prior to
23 our sitting down and doing the maps, you know. You
24 know, I wasn't worried about how voters were voting in
25 the 1980s when I was doing the 2010 election, because a

1 good many of them were dead, and, you know, new
2 populations have moved in, but focusing mostly on the
3 ten years prior.

4 But I did -- I did want to, in this election,
5 to get that number as high as possible, because there
6 was not sufficient population to draw a second district
7 where Blacks could have -- Black voters could have a
8 determinative outcome in the election. If I put them --
9 a number of them into it, it probably would have turned
10 out to be two or three, maybe four percent of the
11 district population, in District 2, that would not have
12 made, you know -- even with the Black growth in voters,
13 it would not have been determinative, and putting them
14 in District 1 would not have an effect on a district
15 that still was going to be 70 percent Hispanic.

16 So, to my mind, there would not have been no --
17 I was not diluting anybody, and I was not packing
18 anyone, and I was not cracking any population group.

19 Q. So because it wasn't possible to increase the
20 Black population in any of the surrounding districts in
21 a way that would have a significant impact on the
22 outcome of an election, it made sense to get the Black
23 population of District 5 as high as it could be?

24 MR. LEVESQUE: Object to the form.

25 You can answer it.

1 THE WITNESS: Okay. Yeah -- well, given
2 the trends that I had seen over the twenty plus
3 years that I've been working on the City of
4 Miami's redistrictings, and having a pretty
5 good idea that this outflow of population was
6 going to continue happening, I didn't feel, for
7 instance, that putting a district at, let's
8 say, 45 percent, crossing my fingers, that
9 enough White voters or second generation
10 Hispanic voters would vote with them, to give
11 them the candidate of their choice, was
12 something that I wanted to put all of my chips
13 on, and I thought it was safer to try to retain
14 as many of the Black voters -- you know, Black
15 voting age population within District 5.

16 BY MR. WARREN:

17 Q. And you felt that you achieved that in the map
18 that the City eventually passed?

19 A. Yes, the one that they passed when I was
20 working with them, yes.

21 Q. Okay. That's helpful. Thank you.

22 You mentioned one metric that you were looking
23 at was Black voting age population.

24 A. Yes.

25 Q. And you also mentioned that you were looking at

1 registered voters, which was in the legislature
2 software?

3 A. Yes.

4 Q. How were you factoring in voter registration by
5 race in your analysis of whether a given configuration
6 would perform for Black voters?

7 A. Well, I was looking to see if Black voters
8 would constitute nearly a majority. I mean, the
9 standards that have been adopted by the Court, going
10 back to Thornburg and coming down through the cases that
11 have been decided since then, they say you draw
12 districts based upon population. I was mindful of what
13 voter registration was by race, but I did not -- again,
14 because of the inherent inaccuracy of the data, because
15 once you start splitting precincts up, you're just
16 getting a guess of what you would have, the best number,
17 in my mind, was Black voting age population, as opposed
18 to registration.

19 You know, registration kind of gave you a
20 thumbnail as to where that district would be, but only
21 really a suggestion. So I did not put a lot of weight
22 on that.

23 Q. And what about election results for past
24 elections?

25 A. Well, that was included in the software, and so

1 when I would generate a report, I would go out to the
2 columns that included the different races, you know, all
3 of it. It had, in the software, all ten years' worth of
4 statewide elections, and so I would generate all of
5 those, some of which I would not pay a whole lot of
6 attention to, some of them, in terms of the Black
7 population, were very important.

8 I can tell you that the Black population in the
9 City of Miami did not support Marco Rubio in his last
10 election. So if you wanted an example of -- you know,
11 but the Hispanic population in the City of Miami voted
12 for him overwhelmingly, you know. But as I said, it's
13 an indicator, it's not necessarily, in my mind,
14 determinative. You know, you have to fall within the
15 population guidelines, within the margins that are
16 allowable, and then these other criteria become, you
17 know, less certain, but certainly things to be evaluated
18 and considered.

19 Q. And when you're referring to, you have to fall
20 within the population guidelines, are you talking about
21 total equal population or something else?

22 A. Yes, total population.

23 Q. Okay. When you were looking at election
24 results from past elections, did you have a particular
25 candidate vote share that you said, well, if this drops

1 below this threshold, that that's a concern, or if the
2 Black preferred candidate is not going to prevail in a
3 certain percentage of these elections that I'm studying,
4 that's going to be a problem? Did you look at it that
5 way or not --

6 A. I looked at it more in terms of -- I'm sorry,
7 did you want --

8 MR. LEVESQUE: If I can, object to the
9 form.

10 THE WITNESS: Okay. Sorry.

11 Yeah. I didn't set out with a threshold
12 and said, this is the bright line that I'm
13 going to apply, but I would just look at the
14 results in each of the elections, for each of
15 the generated districts, and I would see, you
16 know, for instance, in District 5, how did that
17 vote work out, how did it work in the other
18 four districts for each of these candidates.

19 BY MR. WARREN:

20 Q. Do you recall, in any map that you were looking
21 at for District 5, was there ever an instance where the
22 Black preferred candidate in any of the past elections
23 was not going to prevail?

24 MR. LEVESQUE: Objection.

25 MR. WARREN: What's the basis of the

1 objection?

2 MR. LEVESQUE: When you're referring to any
3 of the past maps for District 5, it's not clear
4 if you're talking about for 2022, 20 -- it's
5 pretty broad.

6 BY MR. WARREN:

7 Q. Any of the maps that you were drafting and
8 looking at in the 2020 cycle, when you were looking at
9 District 5 and looking at past election results in the
10 legislature software, was there ever an instance where
11 the Black preferred candidate would not have prevailed
12 in the draft boundaries of District 5?

13 A. I don't recall any instance where that
14 happened.

15 Q. Would that have been a concern, if there had
16 been an election where the Black preferred candidate
17 didn't prevail?

18 A. It would have been, because it might have been
19 an indication that either there's a problem with
20 political cohesion, but that sort of begs the question
21 of, is that a Black preferred candidate, and I would
22 want to do some further analysis. For instance, in
23 Miami-Dade County, at one point, we had eight County
24 Commissioners who were elected from residence districts
25 but at large, and an at large elected mayor, all acting

1 as a legislative body, not an executive major.
2 We did, at one point, have a Black County
3 Commissioner, we had a Hispanic County Commissioner, but
4 neither one of which were the preferred candidate of
5 either of those communities. So, yes, using that as an
6 example, I would say that would concern me, and that did
7 concern me, in that case. And one of the reasons I got
8 involved and volunteered to be a non-paid attorney for
9 so many years was that I saw that pattern and those
10 candidates didn't have an equal opportunity to get
11 elected.

12 Q. So going back to analyzing the 2020 draft maps,
13 if you had -- let's say you had to draw a district and
14 there were few elections in the legislature software
15 that the Black preferred candidate would not have
16 succeeded within the boundaries of that district, you
17 looked at what was going on underneath the surface there
18 and you find that, well, in that election, Black voters
19 were not as cohesive as normal, that would impact your
20 analysis of how relevant those elections were?

21 A. I can't answer that question. You're asking me
22 to speculate based upon a whole bunch of different
23 layers of what ifs. I can tell you what I did. I'm not
24 going to, frankly, speculate on what I would have done
25 had some of the data been different. I'd have to look

1 at it.

2 Q. Okay. Going back to, you had mentioned that
3 you just weren't going to draw a District 5 with a 45
4 percent Black voting age population; is that a fair
5 characterization?

6 A. If I could draw one that was higher, yes. If
7 45 percent -- if an influence district was the best that
8 we could have accomplished, I would have encouraged the
9 County Commissioners -- excuse me, the City
10 Commissioners to adopt a plan that at least does that,
11 and I think that's backed up by the recent decision out
12 of the Supreme Court involving Alabama, where they said
13 you had to draw one Black majority district and one
14 strong influence district. So I think that there is
15 some merit in drawing an influence seat, but where I had
16 an instance where I could draw a majority Black voting
17 age population district, I would have said, we need to
18 draw that --

19 Q. I see.

20 A. -- especially where the excess population above
21 that couldn't be moved to a neighboring district where
22 it would help determine the outcome of that election, in
23 terms of the Black preferred candidate. But, again,
24 looking at this area of the law, as far as I understand
25 it, a minority group that could only be four or five

1 percent of a district doesn't have the right to be in
2 another district. The Supreme Court has drawn the
3 lines.

4 Q. I see.

5 So, because you could draw a District 5 with an
6 over 50 percent Black voting age population, it wasn't
7 advisable to draw one below 50 percent?

8 A. I didn't think it was advisable, although --
9 no, scratch that, I didn't think it was advisable.

10 Q. And in the end, the Commission did adopt a
11 District 5 with over 50 percent BVAP?

12 A. Yes.

13 Q. Okay. Going back a little bit to past cycles,
14 are you -- do you remember any discussion of the 65
15 percent rule coming up in past redistricting cycles?

16 A. Oh, yeah.

17 Q. Can you talk about what the 65 percent rule is
18 and how it factored in, in previous decades?

19 A. Okay. Well, my understanding from just being a
20 student of this whole process, especially coming out of
21 an era, the '60 and '70s -- well, I mean, going back to
22 the '60s, when Black -- we had to enact a Voting Rights
23 Act to ensure that people had an opportunity to register
24 to vote, and when dealing and working through that whole
25 inertia against registration, putting a district at

1 something like 65 percent, if you could, would mean that
2 you were building a castle around this voting
3 population. It was secure from outside onslaughts of
4 people not wanting to vote the way -- and would give
5 this group, as the Court has said, a reasonable
6 opportunity to elect a candidate of their choice.

7 So, yes, 65 percent, at one point, early on,
8 was one of the bright-lines, and, then, you know, in the
9 literature, it was like, well, what if you could only
10 get 62 percent, was 62 percent okay. We did draw large
11 percentage districts in the City of Miami, in terms of
12 Black population, in the 2000, 2010 census, but that's
13 because we had the population.

14 I mean, I don't know if you're familiar with
15 Midtown. Okay. Midtown, that re-development, moved a
16 whole lot of people out of the City of Miami, the
17 overwhelming majority of whom were Black, and the people
18 who could afford to move into the condos that they built
19 was not the population that was moved out. So that
20 decreased the Black population.

21 Q. In 2003 and in 2013, do you recall a
22 bright-line, like 65 percent, being used in drawing
23 District 5?

24 A. I believe we were -- well, we were always
25 looking to see was there a population large enough and

1 compact enough to do as many districts, as could be
2 done, in terms of majority. And then we would say,
3 okay, well, how high a majority could we do. At no
4 point did we ever see that we could do two districts,
5 and that continued.

6 One of the questions was, when we got the
7 census data, and, you know, Miguel and I were hired, I
8 went to go, just to make sure -- I pretty much knew, but
9 I wanted the statistics to show me.

10 Q. Okay.

11 A. And so, you know, I looked at the present -- or
12 at least the 2020 census figures for District 5 and saw
13 that it was, I believe, the least populated district in
14 the City. Again, I have not reviewed, and it's been a
15 year and a half since I looked at the stuff, but
16 District 5 was way underpopulated. So part of the
17 challenge is, how do we bring people in, without
18 diluting the cohesive minority group that's here, and so
19 we had to work around the edges.

20 Q. And looking for areas with as high a Black
21 population around the edges to add, as you could?

22 A. As we could, yeah.

23 Q. Okay.

24 A. I mean, it might have been easier had they
25 said, you know what, forget the boundaries, start with a

1 fresh map and start drawing districts, and it may have
2 been easier to get something else or get something
3 higher, but having been told to use the core of the
4 existing districts, and the other criteria that's going
5 through those different check boxes, the District 5 that
6 we came up with in that plan was the one that fit those
7 criteria and met our understanding of the law.

8 Q. Okay. I wanted to follow up on something that
9 you said about past cycles. You know, you said that
10 first we look to see whether you could draw more than
11 one Black performing district in every decade. You
12 confirmed that it's not possible, right?

13 A. Right.

14 Q. And, then, at that point, the goal then is to
15 shore up the one Black performing district with as high
16 a Black population as you can get?

17 A. Right. Now, one of the things that was talked
18 about publicly by Commissioners during all of those
19 cycles was, should we amend our Charter to add more
20 seats? The Dade County Commission went from eight seats
21 and the mayor to thirteen, because that's what they
22 proposed during the remedy phase that we had in that
23 case, and so a Judge could order, you know, via the
24 Supremacy Clause, a remedy that is not provided for in
25 your government documents, and especially since they

1 were the ones that proposed it. You know, we did get
2 some citizens who intervened, who complained about what
3 the County did. So, I mean, I'm aware of it, and had we
4 gone to seven or nine, could there have been more
5 African-American majority voting age population
6 districts, very possibly.

7 I didn't do a full analysis. My back of the
8 envelope was, maybe, but they first had to amend the
9 Charter, and to do that, they had to take up a Charter
10 amendment election or get sued under the Voting Rights
11 Act and offer that as a settlement, but dealing with the
12 situation I had before me, yeah, I could not -- I could
13 not, in any of those cycles, see a way to draw two Black
14 voting age population districts, even setting aside
15 would they perform or not or do you have an opinion as
16 to whether they would perform, just in terms of those
17 numbers, no.

18 Q. So, knowing that, then, the goal is to shore up
19 the existing district with as high a Black population as
20 possible, right?

21 A. No. The goal is to draw a district that allows
22 the members of the cohesive minority group to elect
23 their candidate of choice, and, again, given the amount
24 of polarized voting that I saw, I did not see the sense
25 in importing large numbers of, especially, Hispanic

1 voters, into District 5, and, then, saying, let's cross
2 our fingers and hope that it performs, when I know that
3 if I had kept the Black population, voting age
4 population, there, it would very probably perform, where
5 if you move that population out, it would be a coin
6 toss.

7 Q. You say it would be a coin toss. Is that
8 assessment looking at recent election results or
9 something else?

10 A. It's based upon the analysis that I had done,
11 and also my understanding of the political conflicts
12 between non-Hispanic Blacks, Hispanics and non-Hispanic
13 Whites.

14 Q. Okay.

15 A. And so diluting the Black population in
16 District 5 below a majority, and especially, in light of
17 the likely trend of the deforestation, if you will, of
18 the Black population in that district, it didn't make
19 sense to me to try to calculate what today is the bare
20 minimum that will perform in this next election cycle,
21 and not try to take into account movements of population
22 over time. We did that in -- after the 2000 census. We
23 did that during in the 2010 census. We looked at
24 population trends during this cycle, too. We were not
25 interested in just making sure that a Black preferred

1 candidate got elected from District 5, in 2023, and then
2 through the remaining elections, until the next
3 redistricting cycle, we didn't care. We tried to take
4 that into consideration.

5 Q. You mentioned relying on population trends to
6 make that prediction?

7 A. Yeah. Well, I mean, one of the things that we
8 looked at in past cycles, I mean, this is -- again, I
9 don't know if you're from Miami --

10 Q. My family is.

11 A. Okay. Well, if you grew up down here, and you
12 knew Bill Sadowski, you probably grew up down here, but
13 I don't know if you recall, but on Biscayne Boulevard,
14 in Downtown, right across from the water, there were
15 numerous empty areas that were parking lots, and the
16 developer owned them, and didn't do anything but have
17 those parking lots.

18 Those have been developed now into these
19 massive condo towers, and the people who moved in,
20 again, just like Midtown, were not African-American
21 voting age population. So you've had both, a
22 diminution, in terms of the gross numbers decreasing,
23 and also the numbers of other ethnicities increasing,
24 and what we did was try to account for the fact that
25 we're probably going to continue that pattern of either

1 the non-Hispanic Black population increasing and/or the
2 none -- well, the Hispanic; and the Black population
3 decreasing.

4 Q. So based on past history and the past trend,
5 the expectation is that that trend will continue?

6 A. Yes. I expect it to continue.

7 Q. Okay. One second.

8 Going back to past cycles, again, I'm trying to
9 relive the history, since you've got so much of it in
10 your head.

11 A. That's a nice way of saying I'm old.

12 Q. The role that the 65 percent, you know, rule of
13 thumb played in the Commission's crafting of District 5
14 in 2003 and 2013, would you say that the Commission was
15 applying a 65-percent rule of thumb in those cycles?

16 A. I don't recall. I honestly just do not recall.
17 Also one of the hazards of being old.

18 Q. I'll have to take your word for it.

19 A. I have socks older than you, so --

20 Q. Okay. I don't have a response to that.

21 I think this is most of what I wanted to talk
22 about. I guess, there was a lot of discussion in the
23 Commission meeting about gentrification and guarding
24 against the impact of future gentrification in District
25 5. Beyond what you already stated, how did that factor

1 into your assessment of whether a potential District 5
2 would continue performing?

3 A. I mean, I knew through the meetings that they
4 were concerned about that. That's something that I had
5 been aware of, for the three election -- three census
6 cycles that we, you know, worked on, and I've seen. So
7 what they said really didn't have a whole lot of impact
8 on me or my approach.

9 Q. Okay. I'm just looking over to see what else I
10 want to wrap up with.

11 Your involvement in the process concluded after
12 the Commission passed the map in 2022?

13 A. Yes. Well, there were some cleanup things I
14 had to -- I think Todd couldn't read the thumb drive
15 that I gave him at that last meeting, so I had to
16 regenerate that, but in terms of doing work or analyses,
17 no.

18 Q. Okay. Okay. Going back to -- you said, you
19 know, you would not have advised drawing a 45 percent
20 BVAP district because of the risk that such a number
21 had, and the fact that you could draw one over 50
22 percent; is that a fair characterization?

23 A. Right. And that there was no benefit to be
24 achieved in another district by moving that Black
25 population to another district.

1 Q. Okay. Okay. And those reasons -- I guess
2 those are -- it almost doesn't really matter, then,
3 whether a 45 percent BVAP district, looking at all of
4 the recent elections where there's racially polarized
5 voting, would perform for the Black preferred candidates
6 in those elections, because of the other reasons that
7 you just mentioned, it just doesn't matter?

8 A. Well, again, you come at this from the
9 standpoint of, with that software, you are
10 disarticulating the election results for a precinct and
11 breaking them up evenly for all of the blocks within
12 that precinct. So it doesn't necessarily follow that a
13 45 percent district will give you that result, because
14 you don't know where, within that district, those
15 particular voters are. That's only for us to associate,
16 at least legally, here's the ballot that was slid into
17 the machine, and here's, you know, Mrs. Alvarez. I can
18 associate her, and I know how Mrs. Alvarez voted, and if
19 I can do that with enough people, I can tell you I know
20 exactly how these people, regardless of where they are,
21 which blocks they're in, I can tell you how they voted.
22 You can't do that.

23 So the best you do are estimates, and I am not
24 comfortable saying that, at 45 percent, you're going to
25 get the results, because that data doesn't exist, just

1 like the citizenship data doesn't exist on a block
2 level. It is data which comes from a community survey,
3 just like a political polling survey. It's not tied
4 down to each block and each house. I get, in the
5 computer, the surveyors will give a number, which I
6 believe is a rolling five-year average, of citizenship
7 within the geographic area, meaning the city or the
8 county or the state, but not what is it in this
9 particular block bounded by US-1.

10 So I can't say, I know that I could draw a
11 district with this, because I applied the City's
12 citizenship number city-wide, either in general or for a
13 particular ethnic group, and that gives me the
14 citizenship level in this district. You can't do that,
15 and you can't say that, at 45 percent, you're going to
16 get that result. I think you need to go as high as
17 possible, not to the point where you're packing.

18 I mean, I have seen instances, in other cases,
19 where they wanted to take a Black district to 90
20 percent. The attitude, when I did the Carrie Meek case
21 on the County was, we don't mind there being a Black
22 County Commissioner. We, the White community, just want
23 to be the one who picks him. And so I think that you
24 run too much risk of uncertainty, if you say that we're
25 going to assume the data exists and shows certain things

1 concretely, when it doesn't.

2 Your background is kind of blurred. Your face
3 is clear. The background is blurred. Your face is a
4 hundred percent data. The blurriness behind you is the
5 survey data, and I can tell that you have some kind of
6 painting with yellow and orange over your left shoulder.
7 I can't tell you what it shows or who it is, but I can
8 get an indication that there's a painting behind -- or
9 an illustration behind your shoulder. That doesn't mean
10 that I can tell you exactly what that is.

11 And if you say, we're going to use citizenship,
12 we're going to take that voting data and use it
13 concretely, when that's not what it's really there for.
14 You're inviting error and mistake.

15 Q. So because there's a margin of error in the
16 reconstituted election results, when you're splitting
17 precincts, because there's a margin of error in citizen
18 voting age population in the American Community Survey,
19 you know, you're suspicious of relying on that, it's
20 better just to use --

21 A. Well, no. It's not -- I didn't even get into
22 margin of error. What I talked about is, there is no
23 way to disaggregate the information from the city level
24 down to each individual block, and so that would be like
25 me plucking a hair from your head and saying, I can tell

1 what color your eyes are. Those two things are not
2 related. So there's no way for me to just say, I've got
3 this huge number, the entire city. You know, I'm going
4 to assume that the citizenship level for the entire city
5 is what's in this particular City block. You can't do
6 that.

7 I mean, it may be tempting, and from a
8 marketing standpoint, if you're a marketer and you got
9 your MBA in marketing, if you say, I want to sell beans
10 to the residents of this community, and I know that you
11 have a certain number of Hispanics who like "frijoles,"
12 and, you know, our study shows us that our Black
13 residents prefer three bean salad, that may tell you
14 something, but it's not going to tell you about the
15 behavior in this one individual household. Citizenship
16 data is not going to tell you what that is, in one
17 particular household, and if you can't do that, you then
18 can't aggregate it out into a perspective district that
19 you've put together. It doesn't work.

20 Q. Are you familiar -- and this is reminding me of
21 this -- are you familiar with the Census Bureau's use of
22 differential privacy in this past census?

23 A. Somewhat.

24 Q. It brings to mind some of the same issues with
25 imprecision or error in the --

1 A. Do you mean the fact that if they have a very
2 low population in a particular census block, they will
3 suppress the data? So, I mean, if you know that it's in
4 a farm area and there are two households that live on
5 this particular block, we will not report race,
6 ethnicity, other factors, at that block level, for that
7 block, because we don't want to -- or just one family
8 living there, we don't want to give data so somebody
9 could target them. Is that what you're talking about
10 of --

11 Q. Yeah. My understanding is that every census
12 block had some level of uncertainty injected into it
13 now.

14 A. It depends on what you're trying to protect.
15 You would -- I don't know of any of the census blocks in
16 the City of Miami -- let me take that back. I'm not
17 aware of there being a substantial number of census
18 blocks that only have one or two residents. We do have
19 a number that have no population, but those are out in
20 the bay, but I don't know -- I would have to look. I
21 don't know of any that would have that population data
22 suppressed, but it would show up once you start
23 aggregating.

24 Q. So your understanding of differential privacy
25 is that, unless you're talking about a census block with

1 an extremely small number of a couple of people, that
2 the data is accurate?

3 A. Well, no. The data is accurate, but the data
4 may not be -- the data at the block level may be
5 suppressed. It's not that it's not accurate. You may
6 not be able to see what's in that particular block, but
7 when you pulled back and you saw, at the next level of
8 geography -- let's say you said, okay, show me the City.
9 Those would have those two people in that tiny, tiny
10 de-populated district included in that number, but when
11 you went back down to that regular level, you wouldn't
12 be able to see what the characteristics are of that
13 particular -- and this is -- you know, again the 94 --
14 97-1 -- it's either 97-141 or 94-171, yeah, but it is
15 not that we have that each district has an amount of
16 error built into it.

17 There may be error in the sense that people
18 didn't respond and -- my son worked as an enumerator
19 for the census many, many cycles ago, and it may be that
20 you had to go out, knock on doors, for somebody who
21 didn't respond. In the end, you can accept, by talking
22 to a couple of neighbors, "Do you know who lives there?
23 Do you know how many kids they have? Do you know if
24 anybody is over the age of 18," and with several
25 sources, you can say, okay, we feel comfortable in

1 reporting, for that household, this is the number, and
2 that may be an error, but just like that 550 person
3 block -- you know, a ten-house block was an error, sure.

4 There are errors in the census, but when you
5 come to redistricting, you start with the assumption
6 that that congressionally mandated data, which Congress
7 this last cycle through said, we're not going to collect
8 census data -- I mean, they had been doing it on the
9 long form, but they said, we're not going to do it on
10 the long form or the short form, the short form being
11 the a hundred percent, everybody got those questions.
12 And, then, a certain percentage got the rest of the
13 questions, characterizing them as the long form people.

14 You know, but the hundred percent data, you
15 have to assume it's accurate; population, voting age
16 population, population by race, population by ethnicity,
17 voting age population by race and ethnicity. And, then,
18 beyond that, you know, you can take into account things
19 like the Zimmer factors, what is the income level, and
20 you could say, okay, I can get that data for the City,
21 and I know that people, who have a lower income --
22 especially during the '70s, people with a lower income
23 level tend to vote at lower rates than people of a
24 higher income status. You could take that into account,
25 but you have to understand the differences between the

1 different kind of data, and to say that, well, there's
2 uncertainty built into all of this, well, there might
3 be, but the law presumes that the hundred percent data
4 is correct, and that's what we draw congressional
5 districts on and that's what we draw state districts on,
6 and that's what I used in drawing these districts.

7 Q. A question, going back to the precinct election
8 results and using the election results from the
9 legislature software in estimating what the given
10 election results would be in a proposed district, do you
11 know how the legislature used the election results in
12 their software in analyzing VRA compliance?

13 A. I'm not sure. In 2000, Miguel De Grandy and I
14 represented the Florida House of Representatives, and
15 Jason Unger was part of our team. So I know that the
16 data was available at that point. I'm not aware as to
17 whether state legislators looked at it, other than from
18 the standpoint of, let me see the district that I live
19 in, how did they vote for this candidate or that
20 candidate.

21 Q. Talking about not 20 years ago, but this last
22 cycle --

23 A. Right.

24 Q. -- do you know how the legislature used the
25 election results in its software in the 2020 cycle?

1 A. No. No.

2 Q. Okay. I think I only have one other question,
3 which is just to clarify, because you had mentioned
4 that -- well, you had mentioned packing, and I think you
5 said that a goal was to get the Black, as high as
6 possible, but not to the point where you're packing, and
7 I just wanted --

8 A. Correct.

9 Q. -- to clarify what your understanding of
10 packing is.

11 A. My understanding of packing is that, that is
12 concentrating a population of a protected class, that
13 could have formed a majority in one -- well, in more
14 than one district, for instance, into to just one
15 district, where if I have an area that's a hundred
16 percent African American, and I say, no, no, I'm going
17 to -- well, I can make a district that's a hundred
18 percent African-American population, or I could make,
19 you know, if I wanted, a 150 percent African-American
20 district, but I'm going to split that population among
21 three districts, so that Black voters can't elect a
22 candidate of choice in any of the three, but if I had
23 done it in two, I could do it, but instead, I'm going to
24 do it in one, and pack them together like sardines, and
25 they get one elected voice in the representative body

1 that, you know, we're talking about.

2 Q. First of all, if you're able to draw a 150
3 percent African-American district, I think you should
4 increase your fee, but --

5 A. Well, no. I mean, if you had enough
6 population, so that you could do -- you have enough
7 population, that's compact, and it's 150 percent of the
8 ideal district population, and you decide to split that
9 out over three or four or five districts, that's where
10 the problem comes in, and you try to put, let's say, all
11 of them in one, and then you dilute the rest, that would
12 be packing.

13 Q. Okay.

14 A. Now, obviously, it's not the only example of
15 packing, but just off the top of my head.

16 Q. That makes sense. So, to summarize, to you,
17 packing is where you increase the concentration of a
18 protected class in a district, but if the levels were
19 decreased -- or that's done at the expense of creating
20 an additional majority seat nearby?

21 A. One or more majority seats, yeah.

22 MR. WARREN: Okay. I don't think I have
23 any more questions. Thank you.

24 CROSS EXAMINATION

25 BY MR. LEVESQUE:

1 Q. Mr. Cody, I've got just one question on that
2 last topic that you were discussing.

3 A. Sure.

4 Q. If you were able to draw District 5 with a max
5 Black population, ignoring all of the other directions
6 that the City Council gave you, such as keeping the core
7 of the existing districts, voter cohesion and some of
8 the other instructions that they gave --

9 A. Right.

10 Q. -- put all of those to the side and draw a max
11 Black, would you be able to draw a district that was
12 higher than 50.3 percent?

13 A. Well, without engaging in violating the law in
14 other ways, like trying to extend a tendril out the
15 width of a street to get a pocket of Black population,
16 assuming those rules still exist, and that I'm not, you
17 know, gerrymandering, no. Like I could extend -- go
18 down 95, the width of 95, until it got to US-1, go down
19 the width of US-1, then go up and capture the Black
20 Grove and make that part of District 5. Would that
21 withstand a legal challenge under the 14th Amendment,
22 that that was a violation of other voters' rights, I
23 don't think.

24 Q. So would it be fair to say, then, that the
25 population -- the Black voting age population that you

1 captured in the current district was generally
2 geographically compact, so that what you've got is
3 really what you've got, and there's not really another
4 way to draw it, if you're going to do a Black district
5 that is a majority Black district?

6 A. If you're looking for majority, which, again,
7 was one of the key words that we saw on the Gingles
8 decision, Miguel and I, the goal was to draw a district
9 that had a majority Black voting age population, and so,
10 yeah, given that as the criteria -- I mean, could I have
11 gotten to 50 percent plus one person? Maybe. But it
12 wouldn't have made sense in terms of keeping a
13 neighborhood together. I pretty much came down to where
14 I was trying to make sure that I wasn't dividing a Black
15 neighborhood, such that somebody would say, okay, I live
16 across the street from you, but I've got this other
17 County Commissioner, who may not care about my concerns,
18 but you've got the one in District 5, and I got thrown
19 out of District 5.

20 So I think 51.03 percent was probably the best
21 that we could do -- the best we could do within the law,
22 without looking at any other criteria.

23 MR. LEVESQUE: That's all for me, Mr. Cody.

24 THE WITNESS: Thank you, sir.

25 MR. UNGER: No questions from me.

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MR. WARREN: I think we are done.

MR. LEVESQUE: Okay. We'll read.

(Thereupon, the reading and signing not being duly waived, the deposition was concluded at 11:45 a.m.)

DEPONENT

Sworn to and subscribed before me this _____
day of _____, 2023.

NOTARY PUBLIC

CERTIFICATE OF OATH

STATE OF FLORIDA :
SS
COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that STEPHEN CODY, ESQ. appeared before me via Zoom and was duly sworn.

WITNESS my hand and official seal in the City of Miami, County of Miami-Dade, State of Florida, this 19th day of October, 2023.



NIEVES SANCHEZ

Notary Commission Number HH 385498
My Notary Commission expires August 11, 2027

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA :
SS
COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did report the deposition of STEPHEN CODY, ESQ.; that a review of the transcript was requested; and that the transcript is a true and complete 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, nor am I financially interested in the action.

DATED this 19th day of October, 2023.



NIEVES SANCHEZ

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October 19, 2023

Stephen Cody, Esq.
c/o George Levesque, Esq.
Gray Robinson
333 S.E. 2nd Avenue
Suite 3200
Miami, Florida 33131

RE: Grace, Inc. vs. City of Miami

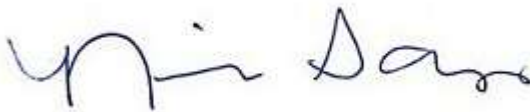
Dear Mr. Cody:

The transcript of your deposition, taken in the above-styled cause on October 10, 2023, is at my office awaiting your examination and signature. PLEASE TELEPHONE BEFORE COMING IN so that we may arrange a convenient time.

Please be advised that unless I hear from you by November 19, 2023, I will forward the original of your deposition to the deposing attorney, as though you had read and signed your deposition.

IN THE EVENT a copy of the transcript is being sent to the witness by counsel, kindly instruct the witness to make any changes thereto on a separate sheet of paper and refer to the page number and line number which corresponds to the change desired. DO NOT MAKE THE CORRECTIONS ON THE TRANSCRIPT. If you have any questions, please call.

Very truly yours,



NIEVES SANCHEZ
Court Reporter

cc: Nicholas L.V. Warren, Esq.

