

# **EXHIBIT 1 (part 6)**

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<p>1 Florence would work with them or Rachel Moscovitz 2 would have created. 3 Q. And you didn't oversee any of that? 4 A. I was interested in what they said, what 5 was sent out. 6 Q. Well, did you ever talk with Rachel 7 Moscovitz or any of the other people in charge of 8 collecting this data about what kind of data they 9 should be asking for? 10 A. Yes. 11 Q. Okay. Who did you talk to? 12 A. To Rachel, and I think I might have had a 13 conversation with Florence at one point near the end 14 of when she was doing this before she retired. And 15 that was providing a little clearer instruction to 16 the offices of the information they needed to 17 submit. However, what they created here is probably 18 similar to a nice, simple version to what I would 19 have done myself. 20 Q. I'm looking at the '09 version. I see 21 here that No. 3 says, "On line 5 enter the number of 22 registration forms that were completed and sent to 23 the county clerk. This figure should be less than 24 or the same amount as the number on line 4. It 25 should not be higher than the figure on line 5."</p>	<p>1 2009 report? 2 A. I -- no, I don't. I believe it is from 3 the logs that they keep, but, no, I don't. 4 Q. What logs do they keep? 5 A. The logs of what was turned over and 6 submitted to the county clerk's office. 7 Q. So they keep like separate -- 8 A. And, unfortunately, I guess I need to 9 clarify this. When I was in the field, we did 10 have -- maintain a log of the forms -- of the 11 numbered forms that we received from the county 12 clerk and what we provided back to the county clerk 13 completed. However if those procedures have 14 changed, I can't say to that one way or the other. 15 Q. Okay. But when you were doing it, you 16 weren't keeping tabs of the numbers of registration 17 forms handed out. You were keeping tabs of the 18 numbers coming in from the county clerk? 19 A. Correct. 20 Q. And then the number of completed ones 21 going to the county clerk? 22 A. Correct. 23 Q. But you don't know what the process is 24 that offices use to kind of tabulate all this data? 25 A. No.</p>
<p>Page 198</p> <p>1 Did something happen that caused this report to get 2 revised to include that instruction? 3 A. You know, I'm not aware of exactly what 4 had happened, but I think there was some confusion 5 of some offices getting those numbers possibly 6 reversed at times. But I can't say exactly what the 7 problem was. 8 Q. Aside from that, do you know of any, I 9 guess, technical problems that offices were having 10 in reporting their numbers? 11 A. No. 12 Q. I'd like this marked as Plaintiffs' 10. 13 I'll give a copy to Mr. Roth, his counsel. 14 (Exhibit 10 marked.) 15 Q. This is a -- it's a five-page document, 16 double-sided compilation of data reports. The front 17 page is entitled voter registrations, and it has a 18 list of offices and counties served along with an 19 Excel spreadsheet of numbers. Do you recognize 20 these sheets, Mr. Roth? 21 A. Yes. 22 Q. Before I ask about this, though, I want to 23 go back to that county office voter registration 24 report from '09. Do you know how each county office 25 captures the information that it reports on that</p>	<p>Page 200</p> <p>1 Q. And you've never told Rachel Moscovitz 2 that they have to do it a certain way? 3 A. No. 4 Q. So looking back at 10, are these reports 5 that you have reviewed? I'm noticing that the first 6 one is from 2004 and the last one is from '09. 7 A. I began reviewing these from 2007 forward. 8 Q. From 2007? 9 A. Yes. 10 Q. Say July of '07? 11 A. Yes. 12 Q. So I just want to maybe go through some of 13 these. I mean, in reviewing the numbers for '07, 14 did -- what kind of action did you take? 15 A. For '07, I don't recall taking any action 16 on these numbers. 17 Q. Let's look at the Espanola office. It's 18 on line 3. It looks like July, August, September, 19 October, November, all zeros. Then in December 20 there was 14. Did you ever contact the office to 21 see why they had reported receiving zero 22 applications five months in a row? 23 A. No, I did not. 24 Q. What about the Grants office? You'll note 25 that for the entire year of '07, zero</p>

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1 applications -- zero completed voter registration  
 2 applications had been received at that office.  
 3 A. No, I did not.  
 4 Q. And you didn't take any action with any of  
 5 the other offices that had low numbers?  
 6 A. The significant point that we started to  
 7 increase our efforts and where I began doing more  
 8 contacts was in very late 2007.  
 9 Q. Okay. So December of '07?  
 10 A. I can't tell you if it was November or  
 11 December, but at the very end of the year is when I  
 12 began working with the offices around this issue  
 13 more.  
 14 Q. Okay. Was anyone doing it for the  
 15 remainder of '07 aside from you?  
 16 A. You mean the beginning?  
 17 Q. Yeah.  
 18 A. Prior to that, I would have no idea. I  
 19 was in a job that would not have -- I would not have  
 20 been involved with those discussions.  
 21 Q. So -- and you didn't -- in preparation for  
 22 this deposition you didn't talk to anybody to find  
 23 out who before July of '07 was reviewing the data on  
 24 completed registration forms from offices?  
 25 A. No.

1 Q. So, for example, TOC, I'm guessing that's  
 2 Truth or Consequences?  
 3 A. Yes.  
 4 Q. For each month in '08, you know, there is  
 5 no more than six completed voter registration  
 6 applications received by the Truth or Consequences  
 7 office. Did you reach out to the regional manager  
 8 about that?  
 9 A. Not about that specific office. One of  
 10 the pieces, though, too, that I would look at this  
 11 when evaluating is keeping in perspective of the  
 12 client base and the number of applications these  
 13 offices might get, and that's an extremely small  
 14 number. Proportionately I don't know if that's  
 15 really that far off track of what might have been  
 16 happening.  
 17 Q. What kind of office traffic does Truth or  
 18 Consequences get?  
 19 A. Very little.  
 20 Q. Do you know how much?  
 21 A. I don't know what their daily traffic is.  
 22 I was there last week, and I did not see a single  
 23 client in the building the three hours I was there.  
 24 Q. Did you ever compare this data against  
 25 foot traffic for the Truth or Consequences office?

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1 Q. So what did you start doing in November or  
 2 December of '07?  
 3 A. Reminding staff -- or reminding offices  
 4 and the regional managers that we needed to become  
 5 attentive to this requirement.  
 6 Q. How many offices did you remind?  
 7 A. I did not remind offices individually. It  
 8 was the five regional managers.  
 9 Q. Okay. And in '07 did you remind all seven  
 10 regional managers or did you have specific  
 11 conversations with them?  
 12 A. These would have been those quarterly  
 13 meetings. That would have been a generic discussion  
 14 with all five of them at once.  
 15 Q. Did you discover anything about how  
 16 offices in any of these regions were providing voter  
 17 registration services at this time?  
 18 A. No.  
 19 Q. Let's look at '08. Did you review the  
 20 data for this whole year?  
 21 A. Yes.  
 22 Q. So it looks like the numbers were a bit  
 23 better, but there are still quite a few that had  
 24 numbers in the single digits, right?  
 25 A. Yes.

1 A. We do not track foot traffic. I just  
 2 happen to know the Albuquerque ones just because  
 3 recently that was something I looked into. But we  
 4 do not track the actual foot traffic of people  
 5 coming in and out of our doors every day. We do  
 6 have data reports that show the number of  
 7 applications we receive.  
 8 Q. Do you compare it against those numbers?  
 9 A. From my knowledge of those offices, yes.  
 10 I may not take both documents side by side, but I am  
 11 very familiar with all these offices and the number  
 12 of applications versus the next office that they  
 13 would get.  
 14 Q. So do you compare -- when looking at these  
 15 reports, will you compare, I guess, offices with  
 16 similar application numbers? Sorry, what were you  
 17 saying before? It's not foot traffic, it's  
 18 something else --  
 19 A. The number of applications.  
 20 Q. Yeah. So will you compare offices that  
 21 receive similar numbers of completed benefit  
 22 applications against others to see how they're  
 23 faring as far as voter registration applications?  
 24 A. Yes. Again, it's not a side-by-side  
 25 comparison. So when I look at this and see

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1 Tucumcari, Quay and we see T or C, those are very  
 2 similar sized offices. And so that would be a  
 3 comparison that I might also make, is look at the  
 4 similar size office, and also just knowing what are  
 5 the application rates and what are the type of  
 6 counties these are, is it people that we did see six  
 7 months ago just reapplying or is it new people that  
 8 might be coming in the doors.

9 Q. Okay. So what about Farmington? That's a  
 10 pretty populous region, like the region -- or the  
 11 county that Farmington serves, is that a pretty  
 12 populous county or does it see a lot of completed  
 13 benefits applications?

14 A. It has a very significant application rate  
 15 for SNAP benefits but very little for cash benefits.

16 Q. Okay. So what are like three offices on  
 17 this list that have a comparable -- that receive a  
 18 comparable number of benefits applications or  
 19 recertifications?

20 A. Santa Fe and Farmington would be along the  
 21 similar comparison.

22 Q. Okay.

23 A. McKinley would be about the same size too.

24 Q. So McKinley, Santa Fe, and Farmington.

25 Well, did it strike you as odd that McKinley's

1 what did you tell Mr. Delgado to do? Is that his  
 2 name, Mr. Delgado?

3 A. Yes. I can't recall what those  
 4 conversations were, but it was a continued push and  
 5 effort to work on those offices and improving the  
 6 number of registrations, but I think one of the --  
 7 you know, feedback that I would hear too from  
 8 offices is the clients' themselves interest in  
 9 registering.

10 Q. And that's always a possibility, sure.

11 A. Yeah.

12 Q. But you didn't tell him, you need to start  
 13 training your office -- you need to amp up the voter  
 14 registration training in your office?

15 A. Not amping up the voter registration but  
 16 amping up the staff meeting the requirements or  
 17 adhering to the requirements.

18 Q. And you didn't tell him that he should sit  
 19 in on a couple of interviews to see if they're doing  
 20 it?

21 A. No.

22 Q. And you didn't do any spot checks to make  
 23 sure it's getting done?

24 A. No.

25 Q. Do you know what accounts for the low

1 numbers were far off from Farmington's numbers?

2 A. Yes.

3 Q. So what did you do about that?

4 A. This was again -- and, actually, I can  
 5 correct a statement now that I actually see  
 6 McKinley. This was the other office that I had  
 7 pinpointed Mr. Albert Delgado in his region about  
 8 the numbers and to work on that.

9 Q. So what did you tell Mr. Delgado to do  
 10 about this?

11 A. To look into this, to try to find a better  
 12 way of increasing registrations.

13 Q. When did you first tell him to do that?

14 A. I cannot remember the date that that would  
 15 have occurred.

16 Q. Well, was it in the first six months of  
 17 the year or the last six months of the year?

18 A. It would have been in the first six months  
 19 of the year.

20 Q. Okay. So the numbers didn't improve in  
 21 the seventh or the eighth or the ninth or the tenth  
 22 or the eleventh or the twelfth month, correct?

23 A. Correct.

24 Q. So each time you got an additional month's  
 25 data and saw that the numbers weren't improving,

1 numbers for October, November, and December for some  
 2 sites with better numbers earlier in the year?

3 A. No, I do not. I do think that -- you  
 4 know, again, this goes back to that other GI that if  
 5 I remember right, there was an October cutoff date  
 6 for people to vote in the next election. So I  
 7 cannot only theorize and not answer a question of  
 8 people's interest in registering to vote once an  
 9 election is over. So that's just a hypothetical.  
 10 So I do not have a clear answer for that.

11 Q. Did you at the end of December of '08 ask  
 12 a lot of offices who had zeros in both those months  
 13 about why they had zeros?

14 A. No, I did not.

15 Q. And, again, the sheet that we're looking  
 16 at -- which sheet are you looking at? I'm looking  
 17 at the number of registration forms handed out.

18 A. Yes.

19 Q. Because then if you look at the next page  
 20 also for '08, that's number of registrations  
 21 completed and sent to county clerks, and the numbers  
 22 differ. So sometimes clients complete the voter  
 23 registration applications on-site, sometimes they  
 24 take them home and mail them in?

25 A. Correct.