

EXHIBIT 6

<p style="text-align: right;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO CELIA VALDEZ, GRACIELA GRAJEDA, ROANNA BEGAY, JESSE RODRIGUEZ, and ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW,</p> <p style="padding-left: 40px;">Plaintiffs, vs. NO: CV-09-668 JCH/DJS MARY HERRERA, in her official capacity as New Mexico Secretary of State, et al.,</p> <p style="padding-left: 40px;">Defendants.</p> <p>DEPOSITION OF DOROTHY FISHER May 5, 2010 8:55 a.m. Income Support Division, New Mexico HSD 655 Utah Avenue Las Cruces, New Mexico</p> <p>PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE, this deposition was: TAKEN BY: MS. SUSAN GERSHON Attorney for Plaintiffs</p> <p>REPORTED BY: Mary Abernathy Seal, RDR, CRR, NM CCR 69</p> <p>(390H) MAS</p>	<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 For the Plaintiffs: 3 SUSAN GERSHON, ESQ. 4 ALLEGRA CHAPMAN, ESQ. 5 DEMOS: A NETWORK OF IDEAS & ACTION 6 358 Chestnut Hill Avenue, Suite 303 7 Brighton, Massachusetts 02135 8 Phone: 617.232.5885 Fax: 617.232.7251 9 E-mail: achapman@demos.org 10 11 For the Defendants: 12 ADRIAN TERRY, ESQ. 13 ELAINE LUJAN, ESQ. 14 ATTORNEY GENERAL OF THE STATE OF NEW MEXICO 15 Post Office Drawer 1508 16 Santa Fe, New Mexico 87504 17 Phone: 505.827.6000 Fax: 505.827.5826 18 E-mail: aterry@nmag.gov 19 E-mail: elujan@nmag.gov 20 21 INDEX 22 EXAMINATION OF DOROTHY FISHER 23 By Ms. Gershon 3 24 REPORTER'S CERTIFICATE 96 25 WITNESS SIGNATURE/CORRECTION PAGE 98 26 27 EXHIBITS MARKED OR IDENTIFIED 28 Exhibit 1 Number of registrations 84 29 completed & sent to county clerk 30 31 Exhibit 2 Number of registration forms 90 32 handed out</p>
<p style="text-align: right;">Page 3</p> <p>1 DOROTHY FISHER, 2 after having been first duly sworn under oath, 3 was questioned, and testified as follows: 4 EXAMINATION 5 BY MS. GERSHON: 6 Q. Could you please state your name and 7 position for the record? 8 A. Dorothy Fisher, county director, west Dona 9 Ana County. 10 Q. And have you ever had your deposition 11 taken before? 12 A. No. Here? For the State? No. 13 Q. At all? 14 A. Yes, ma'am. 15 Q. What was that for? 16 A. Reference to an accident, car accident. 17 Q. And so I'm just going to briefly go 18 through -- you already know much of this. But if I 19 ask a question and it's not clear, please let me 20 know, and I'll try to ask a more clear question. 21 A. Okay. 22 Q. And if you do answer my question, I'm 23 going to assume that you understand what I was 24 asking. 25 A. Okay.</p>	<p style="text-align: right;">Page 4</p> <p>1 Q. Of course, the court reporter is taking 2 everything down, so if you can do your best to make 3 all of your statements orally, and then also not to 4 speak over -- you know, if you can wait for me to 5 finish my question, and I'll try to wait for you to 6 finish your replies. And if you think of something 7 that -- you know, if I ask a question and you answer 8 and then later you think, oh, there's some more 9 information, please just let me know. And if you 10 want to take a break or if you want to speak with 11 your attorney, please just answer the question that 12 I have asked and then you can take a break. 13 A. (Witness nods.) 14 Q. So have you done anything to prepare for 15 the deposition today? 16 A. No. Showed up. 17 Q. Okay. You haven't spoken to anyone other 18 than attorneys? 19 A. Correct. 20 Q. And you haven't reviewed any materials? 21 A. Correct. 22 Q. You haven't taken any notes for this -- 23 A. No. 24 Q. -- effort? Okay. Could you tell me a bit 25 about you, your background? Where you go to school?</p>

Fisher, Dorothy

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1 A. Where I went to school?
 2 Q. Uh-huh.
 3 A. I went to NMSU, graduated in May of 1990.
 4 Q. And was that a bachelor's degree?
 5 A. Yes, ma'am.
 6 Q. And is this your first position at the
 7 sort of whole Human Services Department
 8 organization, or have you previously worked for the
 9 Department of Human Services?
 10 A. I started in October of 1990 with Human
 11 Services.
 12 Q. And what was that job?
 13 A. I started as a caseworker in the Anthony
 14 ISD office.
 15 Q. And how long did you work there?
 16 A. Almost a year, or real close to a year.
 17 Q. And what did you do after that?
 18 A. I transferred to the Las Cruces office as
 19 a caseworker.
 20 Q. And how long did you work here as a
 21 caseworker?
 22 A. More or less three to four years as a
 23 caseworker.
 24 Q. And what happened after that?
 25 A. I was promoted to quality control.

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1 Q. And how long were you in quality control?
 2 A. Right around a year.
 3 Q. And what year was that, that you began in
 4 quality control, approximately?
 5 A. About 1993.
 6 Q. And I'm sorry, how long did you work there
 7 again?
 8 A. Quality control?
 9 Q. Yes.
 10 A. About a year.
 11 Q. About a year? So 1993, 1994, probably?
 12 A. More or less.
 13 Q. And what do you do after that time?
 14 A. Then I was promoted to a supervisor back
 15 with the ISD office in Las Cruces.
 16 Q. And how long were you in that position?
 17 A. Approximately nine years.
 18 Q. So that would be until around 2003; is
 19 that correct?
 20 A. For sure until August of 2003, because
 21 that's when I was promoted to this position.
 22 Q. Okay. And you have been in this position
 23 ever since?
 24 A. Yes.
 25 Q. And when you were a caseworker, what was

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1 your -- just very generally, what were you -- what
 2 was your role?
 3 A. Determining eligibility for all programs.
 4 Q. And did you do any voter registration
 5 services at that time?
 6 A. I don't remember. It's too long ago.
 7 Q. And do you remember, in quality control,
 8 did that have anything to do with voter
 9 registration?
 10 A. Quality control was in reference to the
 11 eligibility, determining if eligibility was done
 12 correctly.
 13 Q. And were you working directly with clients
 14 at that time, at all?
 15 A. I would do home visits. So a certain
 16 amount each month.
 17 Q. But, I'm sorry, you said there was no
 18 voter registration?
 19 A. I said it was in reference to reviewing
 20 eligibility.
 21 Q. Okay. And do you remember if you did
 22 anything with registering people to vote?
 23 A. No, I don't remember.
 24 Q. And when you were supervising the ISD
 25 office, can you tell me a little bit about what you

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1 were doing at that time, what the day-to-day job was
 2 for that?
 3 A. Managing a unit of I don't know how many
 4 people, five to six people of my own. As far as
 5 timely, employees coming in on time, managerial
 6 things, and ensuring eligibility was done correctly,
 7 reviewing cases.
 8 Q. And what was -- that was over all of the
 9 office here, the Las Cruces --
 10 A. One unit.
 11 Q. It was one unit? And how many units are
 12 there?
 13 A. I couldn't tell you back then. We used to
 14 be one office. Then we split into two offices. I
 15 have no idea how many units there were at the time.
 16 Q. Okay. And did that work -- did you work
 17 with voter registration at all at that time?
 18 A. I have no idea. I don't know. I don't
 19 recall. It's been too long.
 20 Q. And the employees that you were overseeing
 21 at that time -- how many of them were there?
 22 A. Approximately -- I'm just estimating --
 23 five to six. That was normal.
 24 Q. And what were their duties?
 25 A. Determine eligibility.

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1 Q. When a client has filled out a voter
 2 registration form, would the caseworker review that
 3 form to make sure that it's complete?
 4 A. No.
 5 Q. What would happen after a client fills out
 6 a voter registration form?
 7 A. Once it's filled out, the customer is done
 8 with it, they give it to the caseworker, the
 9 greeter, customer service. They put it in a bin and
 10 they're all routed to one box for me, and at the end
 11 of the day, I count them, keep my number, and then
 12 put them in the mail bin.
 13 Q. And what do you do with that number?
 14 A. At the first of every month I report it up
 15 the central office.
 16 Q. Do you report how many there were total
 17 for the month or by day?
 18 A. I keep it by day, but I report on the
 19 first for the entire month.
 20 Q. And in the report -- I'm sorry, do you
 21 break it down and say, "I received, you know, X on
 22 Monday and X on" --
 23 A. No, one number for the month.
 24 Q. And does anyone take a look in the forms
 25 at the question about whether the individual wants

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1 or wants to fill it out, we need to document what
 2 was said and that it was discussed.
 3 Q. Where do you get your voter registration
 4 forms?
 5 A. Janice Jiron is her name. She calls us
 6 periodically if we need more. County clerk, I
 7 guess. They bring them to us. Anytime we're low,
 8 my secretary will call in, if she notices we're
 9 running low, and they'll deliver them to us.
 10 Q. And how many would you say there would be
 11 would count as running low?
 12 A. I have no idea. I don't keep a -- I don't
 13 know.
 14 Q. How often would you say that you run low
 15 and get a new delivery?
 16 A. I have no idea.
 17 Q. So your secretary is in charge of that?
 18 A. Making sure that we don't run out, yes.
 19 Q. I'm sorry, what's his or her name?
 20 A. Stella Flores.
 21 Q. And has she been instructed about when she
 22 should request more voter registration forms?
 23 A. She's been instructed we're never to run
 24 out.
 25 Q. Has she been instructed more specifically

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1 to register to vote after the forms are completed?
 2 A. Which forms?
 3 Q. I'm sorry. After application forms for
 4 benefits are completed, does anyone review them to
 5 look specifically at whether the client answered the
 6 question about whether they'd like to register to
 7 vote?
 8 A. The caseworker is supposed to review it at
 9 the time, so that should be the first time.
 10 Supervisors will -- managers will review cases
 11 periodically to ensure, you know, random things are
 12 being correctly -- forms are done, interviews are
 13 done correctly. So they'll look at it at that time.
 14 We also have a case reader that reviews all food
 15 stamp approvals, and there's our third catch right
 16 there. And they try to review it at the same time.
 17 Q. And if a reviewer noticed that that
 18 section was not being filled out, what would happen?
 19 A. They let the manager know. And then,
 20 again, retraining. Making sure, reminding
 21 everybody, "Let's go through this, make sure it's
 22 filled out."
 23 Q. What would retraining consist of?
 24 A. Telling the teams, everybody, that they
 25 need to make sure, whether the customer fills it out

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1 than that, or is it her responsibility to determine?
 2 A. It's her responsibility.
 3 Q. And how many does the -- I guess does the
 4 person who brings the voter registration forms bring
 5 at any one time?
 6 A. I have no idea.
 7 Q. And have you ever had any problems with
 8 getting enough forms?
 9 A. Yes. Recently they ran out.
 10 Q. When was that?
 11 A. Within the last month or two months ago.
 12 Q. And what did you do?
 13 A. We kept calling to bug them. We had
 14 already checked with other offices to see if we
 15 could get any from them, but they were all in the
 16 same situation.
 17 Q. And did you consider any future plans to
 18 avoid running out in the future?
 19 A. Well, they're our suppliers, so if they
 20 ran out, I don't have any control of that.
 21 Q. So it was the person that you get it from
 22 who ran out?
 23 A. Correct.
 24 Q. And do you know if they have taken any
 25 actions to avoid running out in the future?

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<p>1 to say September. That's a guess. And we didn't</p> <p>2 have our trainer. It was a trainer from central</p> <p>3 office.</p> <p>4 Q. And what sort of thing was discussed at</p> <p>5 this civil rights training?</p> <p>6 A. Civil rights. I'm not being smart, but</p> <p>7 what we're required to do, what the laws are.</p> <p>8 Q. So can you give me an example of one of</p> <p>9 the ways that that would relate to the office?</p> <p>10 A. That we don't turn anybody away.</p> <p>11 Q. And was voter registration discussed at</p> <p>12 the civil rights training?</p> <p>13 A. I don't think so.</p> <p>14 Q. And when the trainer comes in, is everyone</p> <p>15 in the office involved in those trainings or only</p> <p>16 some people?</p> <p>17 A. If it's the civil rights, like this one,</p> <p>18 it's a required one every year. Everyone's</p> <p>19 mandatory to go.</p> <p>20 Q. Are there other trainings that are not</p> <p>21 mandatory for everyone to attend?</p> <p>22 A. Yes.</p> <p>23 Q. What would be an example of that?</p> <p>24 A. Like the self-employment one that I'm</p> <p>25 setting up. My clerical staff doesn't need to</p>	<p>1 attend that. They don't determine -- they don't do</p> <p>2 anything in reference to that.</p> <p>3 Q. And when was the last time that there was</p> <p>4 a training that involved voter registration in any</p> <p>5 way?</p> <p>6 A. A few months ago.</p> <p>7 Q. And what kind of training was that?</p> <p>8 A. Voter registration. What the requirements</p> <p>9 are.</p> <p>10 Q. So that was a specific voter registration</p> <p>11 training?</p> <p>12 A. I think it was combined with something</p> <p>13 else. I think it was combined with a -- what was</p> <p>14 the topic? PERA's a different -- new thing we were</p> <p>15 doing.</p> <p>16 Q. When was the last general training? I'm</p> <p>17 sorry. Are there general trainings about what a</p> <p>18 person's duties are?</p> <p>19 A. What what are?</p> <p>20 Q. What a worker's duties are, in general</p> <p>21 what they're required to do when they see a client,</p> <p>22 for example.</p> <p>23 A. As I just said earlier, weekly meetings</p> <p>24 with management. That's all related to the team</p> <p>25 each week. Those are considered all trainings</p>
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<p>1 because we're updating everything. And then I try</p> <p>2 to conduct a general staff meeting each month.</p> <p>3 Q. And before the voter registration training</p> <p>4 that occurred a couple of months ago, when was the</p> <p>5 last one before that?</p> <p>6 A. I have no idea.</p> <p>7 Q. Do you remember if it was in the year</p> <p>8 prior to that training?</p> <p>9 A. I have no idea.</p> <p>10 Q. When a new staff member comes on board,</p> <p>11 how are they trained?</p> <p>12 A. The regional trainer will do -- we have a</p> <p>13 formalized training that the regional trainer will</p> <p>14 do. She's located in the back side of our building,</p> <p>15 so it's very convenient. So it's like a week or</p> <p>16 two. I don't know what the exact time is, maybe</p> <p>17 three weeks now, they'll do a formal training. But</p> <p>18 before we send them to training, they are here</p> <p>19 usually a 30-day period, and so it's observing, the</p> <p>20 new person observing all the different aspects of</p> <p>21 the job, the immediate supervisor sitting with them,</p> <p>22 doing -- just starting him or her up and introducing</p> <p>23 all the policies. Because we do a lot of different</p> <p>24 programs, and different policies for each one. So</p> <p>25 it's a lot of just observing, sitting in with</p>	<p>1 coworkers. And then we send them to formal</p> <p>2 training, and then afterwards it's a lot of</p> <p>3 one-on-one with the immediate supervisor for close</p> <p>4 to a year.</p> <p>5 Q. And would the new person be given any sort</p> <p>6 of instruction manual?</p> <p>7 A. All the regulations.</p> <p>8 Q. What would that be the regulations as</p> <p>9 they're created by the central agency?</p> <p>10 A. Program regulations. And then they're</p> <p>11 also given the -- there's a huge training packet</p> <p>12 that they start reviewing.</p> <p>13 Q. And do the program regulations that</p> <p>14 they're given include voter registration?</p> <p>15 A. I don't know. I don't know.</p> <p>16 Q. And is that -- and the training packet</p> <p>17 that they're given -- does that include information</p> <p>18 on voter registration?</p> <p>19 A. I don't know.</p> <p>20 Q. What sort of things does the training</p> <p>21 packet include?</p> <p>22 A. I apologize. I haven't hired somebody in</p> <p>23 such a long time because we're on a hiring freeze.</p> <p>24 It's not fresh in my head what's in there. It does</p> <p>25 have the different programs that we offer. It has</p>

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1 look correct to you?
 2 A. I'm assuming they're correct.
 3 Q. Do you remember reporting that, for
 4 example, there were zero voter registration forms
 5 completed in the first four months of the year?
 6 A. Do I remember reporting that? No. I
 7 reported each month. But I don't recall the
 8 numbers.
 9 Q. I noticed that in December of 2009, there
 10 were 38 and there were 15 in October of 2009, and
 11 then in the previous months of the year there
 12 weren't more than five in any month. Do you know of
 13 a reason why there might have been any change at
 14 that time?
 15 A. December 1 we switched to the process
 16 model.
 17 Q. And why would switching to the process
 18 model have changed the number of voter registration
 19 forms sent in?
 20 A. Because it's more controllable, more --
 21 we're able to observe and make sure things are being
 22 done.
 23 Q. By more controllable, do you just mean
 24 more able to observe?
 25 A. Observe.

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1 A. No.
 2 Q. Do you ever ask your caseworkers why they
 3 weren't getting any voter registrations?
 4 A. Did I ever ask them why they were not?
 5 Q. Uh-huh.
 6 A. No, I have never asked them why they were
 7 not. I would make sure that they were aware they
 8 were required to ask at those interviews.
 9 Q. Did you ever ask your caseworkers if they
 10 were asking clients?
 11 A. Yes.
 12 Q. And what did they say?
 13 A. "Yes."
 14 Q. Did they ever say that they were not?
 15 A. No.
 16 Q. Do you ever gather people together and
 17 mention the low numbers of voter registrations?
 18 A. Gather people together? I would have
 19 weekly management meetings. They would have weekly
 20 unit meetings. General staff meeting once a month.
 21 Reminding them. Reminding of the requirements.
 22 Q. Do the management meetings ever discuss
 23 the number of voter registrations?
 24 A. The number? I don't know if we ever
 25 specifically discussed actual numbers, but I would

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1 Q. In what ways were you not able to observe
 2 previously?
 3 A. Caseworkers were in individual offices
 4 throughout the building. Now they're -- intake is
 5 together, my processing team is together. My clerk,
 6 my customer service are in one spot.
 7 Q. So do you believe that when they weren't
 8 being observed, caseworkers weren't asking about
 9 voter registration?
 10 A. I don't know.
 11 Q. Why did you mention being able to observe
 12 caseworkers as a reason that there might have been
 13 more voter registrations?
 14 A. Because previously they were in individual
 15 offices; it's impossible to see what's going on.
 16 Now they're all together.
 17 Q. And how would the observation make voter
 18 registrations more likely?
 19 A. I don't know if it makes it more likely or
 20 not. But where they're at now, you can stand in one
 21 place and see the whole thing and hear what's going
 22 on.
 23 Q. And with regard to the months in which
 24 there were zero voter registrations, do you know why
 25 that might have been?

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1 remind them to remind our units that this was a
 2 requirement.
 3 Q. Do you ever discuss there being a problem
 4 in offering voter registrations?
 5 A. What kind of problem?
 6 Q. Any kind of problem.
 7 A. Me asking if there was a problem? Is that
 8 what you're --
 9 Q. Or alerting them to there being a problem,
 10 either one.
 11 A. I wasn't aware we had a problem.
 12 Q. Does it seem like not registering any
 13 voters in a month would indicate a problem?
 14 A. No.
 15 Q. Did you ever discuss the numbers of voter
 16 registrations with anyone in your office?
 17 A. Actual numbers? I don't recall if we ever
 18 discussed actual numbers.
 19 Q. Do you ever discuss sort of the amount but
 20 without using specific numbers?
 21 A. I would discuss and explain that we were
 22 required to do voter registration at all those
 23 required intervals and remind them not to forget to
 24 do that.
 25 Q. And did you ever discuss with Cindy the

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<p>1 numbers of voter registrations that your office was 2 completing? 3 A. Actual numbers? 4 (A discussion was held off the record.) 5 A. I don't recall if we discussed actual 6 numbers. 7 Q. Sorry. Going back to conversations with 8 people within the office, when you were discussing 9 the voter registrations with them and reminding 10 them, would you ever mention why you were reminding 11 them? 12 A. Because it's a requirement to do that. 13 Q. Would you ever mention any other reasons 14 for discussing it? 15 A. I don't recall. 16 Q. I'm sorry, when was the last office 17 meeting or office manager meeting -- I'm sorry, I'm 18 getting the term wrong. The last meeting with the 19 supervisors within the office. 20 A. With Anthony? We had one yesterday. 21 Q. And did you discuss voter registration at 22 that meeting? 23 A. I believe we did. 24 Q. What did you say about voter registration 25 at that meeting?</p>	<p>1 A. Remind everybody at every interaction with 2 customers to ask if they want to register to vote. 3 Q. And was that the only thing you said on 4 the subject? 5 A. I don't recall. 6 Q. And the last time you discussed voter 7 registration with Cindy, do you recall what you 8 discussed? 9 A. I think the last time I had a discussion 10 with her, I let her know that I was trying to get it 11 that everybody at every interaction. Not just the 12 three requirements, but at every interaction with a 13 customer, to offer it. 14 Q. And why did that come up? 15 A. I have no idea. 16 Q. Did she ask you about it? 17 A. I have no idea. 18 Q. Did you have any concerns about it? 19 A. About voter registration? 20 Q. Right. 21 A. No. 22 (Exhibit 2 marked.) 23 Q. Do you recognize that document that I have 24 just given you? 25 A. Is it not the same as the other one? Oh.</p>
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<p>1 Okay. Yes. 2 Q. And what is it? 3 A. Number of registration forms handed out. 4 Q. And looking at the first page, which is 5 the year of 2008, on the Dona Ana West, it looks 6 like the last two months, November and December, the 7 number is zero. Do you know why that was? 8 A. I have no idea. 9 Q. And on the third page, which is 2009, do 10 those look like the correct numbers of registrations 11 that were handed out? 12 A. I don't recall. I don't know. 13 Q. When you have been observing caseworkers 14 or the greeter discuss voter registration with 15 clients, have you ever seen a client say that they 16 would like to register to vote? 17 A. Yes. 18 Q. More than once? 19 A. Yes. 20 Q. Do you have any ballpark figure of how 21 many times? 22 A. No. 23 Q. Have you, in observing, seen a client say 24 that they did not wish to register to vote? 25 A. Yes.</p>	<p>1 Q. Do you have any sense of how often each of 2 those, you know -- of the interactions you have 3 observed, do you have a sense of what percentage of 4 the time the individual registers? 5 A. I have no idea. 6 Q. What percentage of interactions would you 7 say you observe in the office? 8 A. I have no idea. 9 Q. Would you say you observe half of the 10 interactions with clients? 11 A. No. 12 Q. Would you say you observe a quarter of the 13 interactions with clients? 14 A. I have no idea. 15 Q. Prior to the process model being 16 implemented in December of 2009, did you observe 17 interactions with clients? 18 A. Yes. 19 Q. Do you recall in any of those interactions 20 an individual saying that they did wish to register 21 to vote? 22 A. Yes. 23 Q. More than once? 24 A. Yes. 25 Q. More than ten times?</p>