Exhibit A
AFFIDAVIT OF ROBERT RODRIGUEZ

Robert Rodriguez, having been duly sworn, hereby states as follows:

1. I have personal knowledge of the facts set forth below, and if called to testify could and would testify competently thereto.

2. I am the Executive Director of SouthWest Organizing Project ("SWOP"), a nonpartisan Albuquerque-based community-organizing group founded in 1981. SWOP is a subsidiary of SouthWest Community Resources, Inc., a 501(c)(3) nonprofit nonpartisan organization incorporated in New Mexico. SWOP's office is located at 211 10th Street SW, Albuquerque, NM 87102-2919. I have been with SWOP since 1996. As Executive Director, my duties include overseeing SWOP's voter registration efforts in New Mexico.

SouthWest Organizing Project ("SWOP")

3. SWOP has approximately 600 members, primarily low- to moderate-income people of color, across New Mexico.

4. SWOP's mission is to empower the New Mexico communities that we serve—primarily Latinos and other people of color, low-income communities, and young people—to realize racial and gender equality and social and economic justice. SWOP accomplishes that mission by educating, organizing, and developing leadership in these communities.

5. SWOP currently has nine full-time employees, four permanent part-time employees, and other paid part-time workers as needed throughout the year. SWOP staff is composed primarily of people of color, predominately Latinos.
6. In addition, approximately 100 of SWOP's members volunteer their time throughout the year. Volunteer work is crucial to the success of our organization. Volunteers represent a valuable asset for SWOP in that they increase our capacity to provide services to the communities that we serve, allowing for immediate access. Volunteers are critical to SWOP's ability to undertake organized voter registration drives.

**SWOP's Voter Registration Activities**


8. SWOP's voter registration drives have tended to comprise approximately 20% of our staff's working hours during election years.

9. Since 1983, SWOP has registered over 30,000 people in New Mexico to vote. In 2000, SWOP registered approximately 1,000 voters in New Mexico. In 2003, SWOP began to register voters on a larger scale. In 2004, SWOP registered approximately 5,000 people to vote and engaged in voter mobilization as well, all in New Mexico. Of the roughly 5,000 voters registered by SWOP in 2004, approximately 80% were in Bernalillo County, approximately 10% were in Santa Fe County, and approximately 10% were in Eddy County.

10. It is my understanding that minority, impoverished, and young residents of New Mexico have low voter registration and voter participation levels. The first step in voting is voter registration. Registering voters is therefore central to achieving SWOP's organizational mission of empowering the communities that SWOP serves. If members
of those communities do not vote, it will be difficult to get elected officials to respond to their concerns.

11. In 2004, apart from SWOP’s regular employees, SWOP relied on approximately 100 unpaid volunteers for our voter registration drives in Albuquerque, Santa Fe, and Carlsbad, New Mexico. All SWOP canvassers received a 30-minute training, which I oversaw, on how to complete the New Mexico voter registration form.

12. Without the help of SWOP volunteers, I believe that it would have been impossible for SWOP to undertake an organized voter registration drive in 2004.

13. In 2004, SWOP targeted for voter registration SWOP members and individuals in the SWOP database who were not found on the county and state voter rolls by calling them or visiting their homes asking them to register. SWOP also targeted local high schools and college campuses to register students. SWOP workers also brought voter registration forms whenever they were doing community outreach at either public or private events. Also, SWOP workers brought clipboards or set up tables at various venues, including public-assistance agencies, local shopping centers, laundromats, and high schools. Although most of the voter registration undertaken by SWOP workers and volunteers in 2004 was structured, some was more sporadic and impromptu.

14. SWOP’s typical procedure when approaching potential registrants has been to give them nonpartisan educational materials on various issues, a voters’ guide, a SWOP newsletter, and a SWOP card or leaflet with SWOP’s phone number for the voter to call if they do not receive a voter identification card from the county within 30 days. SWOP representatives often discuss how civic engagement is key to having a healthy
democracy. This includes discussion of the importance of community involvement, including the importance of voting itself.

15. For example, in registering high school students in the past, SWOP representatives have given class presentations regarding the importance of voting and of registering to vote (including the historical context of the right to vote), discussed other SWOP programs, and engaged in dialogue with the students regarding voting logistics and issues.

16. In registering voters door-to-door, SWOP representatives have discussed the organization and how the prospective registrant first became involved with SWOP, discussed voting as a strategy toward community empowerment, and informed prospective voters of election logistics and process. Often, asking someone to register to vote leads to conversations about civic engagement and community empowerment.

17. In my experience, many potential voters think that their vote does not matter and that the process does not work for them. Others are excited to register and ultimately to vote. Frequently, local issues (e.g., traffic, youth issues, the education system) are discussed in the course of registering voters. Although registering voters in public centers generally involves shorter interaction time, these issues are discussed in that context as well.

18. Although SWOP typically does not ask new registrants to become SWOP members, when SWOP reaches out to those already in the SWOP database, we ask those individuals if they would like to become SWOP members at the same time that we ask them to register to vote. In addition, new registrants, who are often told they will be
contacted and encouraged to vote, are added to SWOP's database. As a result, they receive the SWOP newsletter, which includes a membership form and additional information about the organization. New registrants are also often given a copy of the current SWOP newsletter when they register to vote.

19. SWOP enters registrants' information into our central database. The database, which contains information going back 15 years, contains contact information for our members, our donors, those whom we have registered to vote, people who have signed SWOP petitions, purchased items from SWOP, or attended SWOP events. The approximately 8,000 individuals in the SWOP database receive our newsletter, which we publish two to four times per year. The information in the database is also used for our get-out-the-vote efforts. In 2004, for example, SWOP undertook a get-out-the-vote campaign with our entire membership and database entrants, including new registrants.

20. In 2004, SWOP tried to get registration applications to the clerk's office as soon as possible. Although voter registration forms were not always submitted within 48 hours of completion, voter registration forms have always been submitted by SWOP before the voter registration deadline.

21. SWOP has taken various quality-control measures to prevent late, incomplete, incorrect, or lost submissions. For example, in 2004, our Field Organizer Victoria Rodriguez, who was a full-time SWOP staff member, reviewed every voter registration application gathered in Albuquerque before it was submitted to Bernalillo County, checking the date on each form to ensure that forms were being returned to
SWOP from our employees and volunteers in a timely fashion. She also made random spot-check telephone calls to ensure the accuracy of the collected forms.

22. Although SWOP has, in the past, submitted completed applications by mail, we prefer to deliver completed voter registration forms in person directly to the County Clerk’s office because that method involves less risk of error and loss and results in faster registration. In 2004, Victoria Rodriguez delivered the forms from our registration drives in Bernalillo County to the clerk’s office approximately every other day, usually in person (although occasionally via United States mail). Although we attempted to return forms promptly, we did not always return all forms to the county clerk within 48 hours of completion. For instance, sometimes we would register voters in Bernalillo County who were from other counties in New Mexico, in which case the forms were mailed directly to the relevant county’s clerk’s office.

The Impact of New Mexico’s Voter Registration Law on SWOP’s Voter Registration Activities

23. Since New Mexico’s third-party registration law was enacted, SWOP has significantly reduced our voter registration activity, primarily because of a dramatic decrease in the number of workers and volunteers who are willing to register voters.

24. For instance, SWOP did not register any voters in advance of the October 2005 Albuquerque mayoral election, which also included ballot initiatives to raise the minimum wage and provide public financing for local elections. We instead engaged only in get-out-the-vote initiatives in 2005.

25. In 2006, SWOP also did not run any organized voter registration drives, although we did register a few voters, probably less than 100. By way of contrast, we
registered 5,000 voters in New Mexico in 2004. In 2006, SWOP had only four or five paid employees registering voters, mostly in and around Albuquerque. We enlisted our 2006 volunteers to engage in get-out-the-vote efforts, instead of registration drives, because our volunteers were not certified to register voters under New Mexico’s voter registration law. The reduction in the size and scale of our drives was a direct result of New Mexico’s training and other requirements imposed on third-party registration agents.

26. In 2008, SWOP currently has just two employees (including me) and one intern who are certified to register voters in New Mexico, and we all work out of Albuquerque. To date, we have registered fewer than 100 voters in a “catch as catch can” add-on to our youth programming. When the one other SWOP employee and one SWOP intern who are certified to register voters in New Mexico go to high schools in the Albuquerque area to speak with students about various issues, they bring voter registration forms with them. All 2008 voter registration by SWOP has been ancillary to our youth programming and has been done by these two SWOP representatives.

27. Our organization has no plans to undertake a full-scale voter registration drive in New Mexico this year because of the burdens of New Mexico’s third-party registration law. We still plan to engage in voter education and get-out-the-vote initiatives, but not to register voters except in the very limited ancillary capacity that we are undertaking now. If the third-party registration law were repealed or invalidated, we would engage in an organized voter registration drive prior to the upcoming election.
28. The principal reason why SWOP has cut back on voter registration activities since the new law was passed is that it is much more difficult to use volunteers to register voters in New Mexico now because of the penalties associated with the new law. Without volunteers, it is impossible for SWOP to undertake an organized voter registration drive. Also, the three SWOP individuals who are certified to register voters in New Mexico all work out of Albuquerque, making registration efforts in areas like Carlsbad impossible. This is in stark contrast to the 100-plus employees and volunteers who engaged in voter registration on behalf of SWOP in multiple counties of New Mexico in 2004.

29. SWOP leadership does not feel comfortable encouraging workers or volunteers to register voters because of what we perceive to be an unreasonable amount of risk attached. SWOP does not have a line item in the budget for penalties and I am not sure whether a violation of the law, even unintentional, would be covered by our liability insurance or somehow impact our volunteer board of directors. This inability to protect volunteers from risk makes us less able to use volunteers in organized voter registration drives.

30. In addition, we have been informed that paid workers and volunteers must attend scheduled training sessions run by the county clerk in whichever county they reside before they can register voters. In Bernalillo County, the times of the training sessions are limited and mainly inconvenient for SWOP’s workers; almost all have been during business hours (with only one or two on weekends or evenings). The sessions are held in downtown Albuquerque, where it is difficult to find free or inexpensive parking.
SWOP used to train its workers whenever and wherever it was convenient for them, usually on weekends in SWOP’s office. The government-run trainings are more than an hour long and require workers to fill out paperwork and provide significant personal information about themselves. I have heard that the Bernalillo County Clerk’s office will now arrange a group training session for larger statewide organizations if asked to, but I am not aware of such accommodation being made for a smaller or local group.

31. Some SWOP members who have been able to attend the trainings have found them intimidating. In the training that Victoria Rodriguez and I attended in early 2006, we were told, for example, that if our specific individual voter registration numbers did not match up with the specific serial numbers on the forms that we were given, there would be penalties and that “really bad things would happen.” We were scared and frustrated. We were made to feel at the training that we were doing something wrong by wanting to register voters.

32. Before we attended the training, we were planning for SWOP to undertake a significant voter registration program in 2006, but after attending the training, we abandoned those plans both because of the potential penalties and the inconvenient time and place of the training, which our employees and volunteers would have to attend before they could assist in our efforts to register voters. The potential penalties were especially discouraging because we did not want to subject our employees and volunteers to civil and criminal liability. SWOP would have undertaken a registration drive in 2006 but for the penalties of the law and the training requirement.
33. Another aspect of the new law that has made volunteer-driven voter registration drives more difficult is the lack of availability of the voter registration forms under the law. Upon completion of my training requirement with the county clerk’s office, I received about 50 state voter registration forms, printed by the state, from the Bernalillo County Clerk. I did not request any additional forms and am unaware of how one would obtain additional forms. Individuals are required to account for all forms that we receive from the county, including blank forms. Even in 2004, SWOP had difficulty obtaining sufficient quantities of forms from the county. There were inconsistent and unclear rules with respect to obtaining forms, and the county clerk at times ran out of blank forms for organized voter registration drives.

34. In the training that I attended in early 2006, I specifically recall asking whether we could also use the federal form to register voters and that I was told that the federal form was not allowed and that we had to use the state forms that we were given in order to register voters. I was told that only “this form” (referring to the state form) with “these numbers” (referring to the serial numbers on my stack of designated forms) would be accepted from me. I was told that this was because the state wanted to be able to trace the person registered to the agent who registered that person.

35. The 50-form limit is onerous and would present an additional barrier were we to attempt to engage in large-scale voter registration. In addition, the logistics of keeping specific forms linked to each SWOP registration agent would present an administrative nightmare were there to be as many SWOP-affiliated registration agents as we would need to run a drive. Even if a SWOP worker does not mean to violate the
law—if, for example, two workers accidentally mix up their forms or if a volunteer who is not certified unknowingly assists a person to register to vote at an event—the penalties are severe.

36. We can no longer give out voter registration forms for people to send in on their own but must instead collect the forms. Because the forms request a Social Security number, people are sometimes reluctant to hand the form back and would prefer to mail it themselves. But that is no longer an option.

37. In addition to the difficulty of obtaining forms, if we were undertaking a voter registration initiative this year, we would probably have to direct significant additional resources to ensuring that quality control is completed within the 48 hours mandated by the law.

38. New Mexico’s current law prevents people from spontaneously registering their friends, family, and neighbors to vote as part of their civic duty. I believe that a person should not have to jump through elaborate hoops to help others become engaged in politics and their community through something so fundamental to democracy as registering to vote. I believe that it is already difficult enough to vote. Finally, I believe that additional barriers to registration only exacerbate low voter participation in the communities that SWOP serves; every extra layer is an impediment to democracy.

39. The likelihood of SWOP undertaking voter registration initiatives for 2008 would increase greatly if the requirements of the third-party law—especially the training and registration requirements—were no longer in force. If not for these requirements, we would likely begin a voter registration operation for 2008 almost immediately. We
would also likely encourage all of our workers and volunteers to carry voter registration forms with them to visits and events and to seek out prospective voters and encourage and assist them to register to vote. We would also likely reach out to individuals in the SWOP database who are not yet registered to vote. But I believe that this law is stopping us from engaging in this outreach.

40. As a result, I believe that there will be people in the communities that SWOP serves—young people, new citizens, people who recently moved into or within New Mexico, people in geographic areas of New Mexico with low voter-participation rates (e.g., parts of Albuquerque and southeast New Mexico), lower- and middle-class people of color—who will not register to vote, not get the benefit of our get-out-the-vote efforts, and (as a result) will simply not vote.

The foregoing is true and correct to the best of my knowledge.

[Signature]
Robert Rodriguez

Sworn to before me this 20th day of June 2008 in Albuquerque, NM

[Official Seal]
SANDRA MONTES
Notary Public
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: Dec 5, 2010
Exhibit B
AFFIDAVIT OF KATRYN E. FRAHER

Katryn E. Fraher, having been duly sworn, hereby states as follows:

1. I have personal knowledge of the facts set forth below, and if called to testify could and would testify competently thereto.

2. I am a member of Students for New Mexico Public Interest Research Group ("Students for NMPIRG"), a student group at the University of New Mexico at Albuquerque ("UNM") that conducts its own issue-oriented campaigns and participates in issue-oriented campaigns conducted by the New Mexico Public Interest Research Group ("NMPIRG"), which is a 501(c)(4) organization, and the New Mexico Public Interest Research Group Education Fund ("NMPIRG Education Fund"), which is a non-partisan 501(c)(3) organization.

3. I have been a member of Students for NMPIRG since the fall of 2005, and have played a key role in coordinating voter registration efforts that we have conducted on behalf of the NMPIRG Education Fund since that time. I was the President of Students for NMPIRG from fall 2005 through spring 2007, and I continue to do work for Students for NMPIRG in an administrative capacity and as a coordinator of various issue campaigns.

4. As far as I am aware, Students for NMPIRG is the only group presently conducting voter registration drives for the NMPIRG Education Fund, and we are the only group that has done so since the 2004 election. I understand that a group of students at New Mexico State University in Las Cruces may eventually seek to join in conducting voter registration activities for the NMPIRG Education Fund.
New Mexico Public Interest Research Group Education Fund

5. The NMPIRG Education Fund is a non-partisan, non-profit 501(c)(3) charitable organization incorporated in New Mexico and headquartered in Albuquerque that funds campaigns to protect consumers and promote good government. The organization seeks to provide a voice on behalf of the public interest, as opposed to special interests. The NMPIRG Education Fund identifies problems and solutions, educates the public on important policy issues, and attempts to offer New Mexico residents opportunities for civic participation. Its sister organization NMPIRG, which is also incorporated in New Mexico and headquartered in Albuquerque, has a similar mission, but is organized as a 501(c)(4) entity. Students for NMPIRG participates in campaigns run by both NMPIRG and the NMPIRG Education Fund, and we also initiate some of our own campaigns.

6. Students for NMPIRG presently has approximately 1,500 students in its mailing database and about 200-300 students who we refer to as members because they have worked for more than an hour on our campaigns. We have a core group of around 20-30 members.

7. The campaigns in which we participate – whether voter registration drives, environmental petitions, or fundraising efforts – frequently involve the need to communicate our message to as many students as possible. One way that we do this is through a process called “tabling,” in which we set up a table in a public place, such as the UNM Student Union, to engage students regarding the subject of the campaign. The other principal way that we communicate with students is by sending individual
canvassers with clipboards out into public places, such as the UNM campus walkways, to communicate with passersby.

8. Our campaigns are important not only because of the issues we advocate, but also because we use these campaigns to recruit new volunteers and members for Students for NMPIRG. Whenever someone agrees to register to vote, for example, we also ask them if they would like to fill out a “General Interest Card,” in which we ask which of our issue campaigns they are interested in assisting. In my experience, as many as one in three students who agree to sign a petition or register to vote will also fill out a General Interest Card. We add the name of anyone who fills out a General Interest Card to our database and, to the extent that person works on one of our campaigns for more than an hour, we consider him or her to be a member of Students for NMPIRG.

9. I have found that the key to running a successful campaign is the recruitment of casual volunteers to join our 20-30 core organizers in canvassing efforts. Without volunteers, the core organizers cannot accomplish nearly as much. Although it can be difficult to convince students to devote large, contiguous portions of their time to any specific cause, I have found that many students are amenable to contributing several hours here and there to our campaigns, sometimes on a Saturday or Sunday. We have even sometimes been able to spontaneously recruit volunteers in the middle of an afternoon campaign to help out for a few hours.

10. By maximizing the number of student volunteers tabling or canvassing on behalf of our campaigns, we are able to reach the maximum number of students with our message.
**NMPiRG Education Fund’s Voter Registration Activities**

11. One of the NMPiRG Education Fund campaigns in which we participate is the “New Voters Project.” The New Voters Project is a non-partisan voter registration campaign organized by “the Student PIRGS,” a national federation of the Student PIRG organizations in various states. Because there is currently no Student PIRG chapter in the state of New Mexico, we participate in the New Voters Project through the NMPiRG Education Fund, which has provided us with funding for a paid organizer in certain semesters to assist in voter registration efforts. Eventually, we would like to start a Student PIRG chapter in New Mexico if we can get sufficient funding.

12. Students for NMPiRG seek to register voters through the same tabling and canvassing process that we use for other issue campaigns. Certain events are particularly conducive to voter registration efforts. For instance, we usually register 250 or more new voters (including some parents) during freshmen orientation each fall.

13. When we engage in tabling and canvassing to register voters, we are encouraged to have a “rap,” or a personalized method of asking people to get registered to vote. For instance, I like to begin by simply asking people if they are registered to vote. This question frequently leads to a conversation in which people ask me why they should vote, or express cynicism about the voting process. I explain to them why voting is important, and how it is the only way to change policies that they may not agree with. I also frequently explain to people facts about the process of voting itself – for instance, many people do not know the date of upcoming elections, and many people do not realize that they do not have be 18 to register to vote, so long as they will be 18 at the time of the
next election. Because we are a non-partisan organization, I avoid talking about specific candidates. However, I do frequently tell prospective voters some of the projects we are working on in an effort to get them to join our organization.

14. In addition to tabling and canvassing, we also register voters in classes – particularly large freshman classes. I get permission from the professor before addressing a class. If the professor agrees, I talk to the class about civic responsibility and why it is important to register to vote. In particular, I like to point out that a really large percentage of our nation is under 30, but that we are vastly under-represented in the electorate. I also explain that I am with Students for NMPIRG, and I describe what we do in our specific issue campaigns, in case anyone wants to fill out a General Interest Card in addition to registering to vote. After I am done speaking for a few minutes, students who would like to register to vote or fill out General Interest Cards raise their hands, at which point I hand out voter registration forms and General Interest Cards and then collect them.

The Effect of New Mexico’s Third-Party Voter Registration Law on the NMPIRG Education Fund’s Voter Registration Activities

15. Since the enactment of the new law in summer 2005, Students for NMPIRG and the NMPIRG Education Fund have registered fewer students than we would have in the absence of the law. Specifically:

a. In fall semester of 2005, Students for NMPIRG, along with our paid organizer, Erin Eccleston, registered only approximately 600 people. I am confident that we would have had more volunteers helping our effort and would have registered more students to vote if not for the New Mexico
statute.

b. In the fall semester of 2006, Students for NMPIRG, along with our paid organizer, Jamison Tessneer, registered approximately 1,000 new voters. I am confident that we would have had more volunteers helping our effort and would have registered more students to vote if not for the New Mexico statute.

c. In 2008, we again expect to have a paid organizer, and would like to register approximately 5,000 people in advance of the presidential election. We will register fewer voters than we could in the absence of the New Mexico statute, and we may not be able to reach this goal.

16. One reason why we have registered fewer voters under the new law is that the new law makes it very difficult for us to recruit casual volunteers who are essential to our voter registration drives. Although students have generally proven willing and able to help with a few hours of their time here and there, it is nearly impossible to get enough students to spend the time necessary to get certified either downtown or at a designated training session — all in advance of the actual voter registration canvassing. The new law’s certification requirement destroys the spontaneity that is one of the keys to our campaigns.

17. For instance, I first learned about the new law on August 21, 2005, when I was planning to register voters at a campus-orientation event for incoming freshmen. I had arranged in advance of the event for a number of student volunteers to help me register voters that day. However, before the event got underway, I received a call from
Jeanne Bassett, the Executive Director of NMPIRG and the NMPIRG Education Fund, who told me that neither I nor any of our volunteers could register voters until we were certified. We had to cancel our plans to conduct voter registration that day.

18. Although I attended a mandatory registration training session and got certified on August 22, 2005, there are a number of reasons why it is difficult to get substantial numbers of student volunteers who are more casually involved in Students for NMPIRG certified:

a. With the exception of three on-campus registration sessions since 2005, the training is typically given only at the County Clerk’s office in downtown Albuquerque. It is difficult to walk to the training location from campus, and the bus ride to the training can take as long as 30 minutes each way. The bus can also be particularly difficult for disabled students. For instance, I have chronic arthritis, and am sometimes unable to use the public transportation in Albuquerque. For those students who may have a car, there is limited street parking at the County Clerk’s office, and many students are not willing to pay for parking to attend training.

b. Training sessions at the County Clerk’s Office are typically given only twice per week, and only during business hours. Training sessions are held on Tuesday and Thursday afternoons. Because class schedules are usually the same on those days, students who cannot attend a training on one day frequently cannot make it on either day. Moreover, students who have jobs have great difficulty attending these classes.
c. Even students who have cleared time to attend training sessions have often found that the sessions are cancelled at the last minute, sometimes without advance warning. Individuals are required to register for the classes 24 hours or more in advance, and classes are frequently canceled when the County Clerk’s office determines that there is going to be insufficient attendance. Students who come to the class even a little bit late have been denied admission altogether.

d. The training session itself – at least the one I attended on August 22, 2005 – is intimidating. I recall that the instructor told us about the new law’s 48-hour return requirement and explained that if we lost just one form, or if we didn’t return all of our forms within 48 hours, we would be guilty of a felony. I do not remember any mention of any fine or penalty less severe than a felony.

19. In 2005, apart from our paid organizer, I was the only member of Students for NMPIRG who was certified to register voters. Since 2005, we have been able to get more of our members certified. During the height of our voter registration activities in 2006, we had as many as 35 certified members of Students for NMPIRG. We currently have 15-20 certified members, and we hope to get up to 50 certified members for our fall 2008 voter registration activities. These numbers have been achieved in part because of the County Clerk’s willingness to hold a training session on campus in 2006, and two different sessions so far in 2008. I am grateful for the County Clerk’s assistance, but despite the County’s Clerk’s efforts, we are still not able to get a large enough number of
casual registration-drive volunteers certified.

20. Even though we had 35 certified members in 2006, not all of those 35 members ultimately worked with Students for NMPIRG to register voters. Moreover, of the members who did work with Students for NMPIRG, we rarely had more than a fraction of those registered members available in any one voter canvassing day. Most of our volunteers on any given day are casual volunteers who are not certified and cannot directly register votes. We still try to use these volunteers by asking them to walk around campus and bring prospective voters back to a table where a certified student can help students to fill out voter registration forms. The fact that most of our student volunteers cannot fill out registration forms, however, makes them much less productive than a certified canvasser would be. It is hard enough to convince someone to register to vote using a clipboard with voter registration forms. It is even harder to ask a student to walk across the campus to a remote table to register to vote.

21. Apart from the effects of the certification requirement, the new law’s requirement that we only obtain 50 forms at a time has also limited the number of voters that Students for NMPIRG has registered. On the same day that I attended my training session, I called the County Clerk’s office to ask if I could use the federal form available online, instead of the state forms to which access is restricted, but was told that I should use the state voter registration form. During voter registrations drives in 2005 and 2006, we routinely ran out of New Mexico voter registration forms and would have to suspend operations until we could get more forms. After forms were completed, I would often review the forms, enter the voters’ names and addresses into our computer database, and
then take the forms downtown to the County Clerk’s office. This process usually took an hour. Then I would return to the table with more forms from the County Clerk’s office and start to register voters again. It was a very inefficient process.

22. Since the fall of 2006, the County Clerk’s office has allowed me to take out as many as 200 voter registration forms at a time. Prior to that time, I was only allowed to take out 50 forms at a time, and I am not aware of any other students who have been permitted to take out more than 50 forms at a time. This increased number of forms is sufficient, given our present volume this semester. However, it is unclear whether 200 forms are going to suffice when our operations are in full swing in the fall of 2008. In addition, there is no guarantee that the County Clerk’s office will continue to allow me to take out 200 forms at a time. If the County Clerk’s office continues to limit the number of forms we can take out at a time, then our registration efforts will be severely burdened, and we will register fewer voters than we otherwise could.

23. The new law’s 48-hour-return requirement also reduces the number of new registrations that Students for NMPIRG can collect and process. Before returning voter registration forms, Students for NMPIRG members must count them, review them, enter the information into our database, and return them. Complying with the 48-hour deadline gives us less time to review forms.

24. In order to meet the 48-hour deadline in 2006, I often missed class and skipped other activities in order to get the forms in on time. I believe that others student had a similar experience. The 48-hour-return requirement significantly cut into Students for NMPIRG’s other activities in 2006 because of the time required to get the forms in
within 48 hours. For example, in 2006, we did not have time to train new volunteers or phone bank because we were spending time attempting to get forms turned around quickly. As Students for NMPIRG President at the time, I decided to prioritize voter registration, but the onerous requirements of the law meant that we lost members who were unhappy doing the additional clerical work, and who were unable to work on other campaigns that interested them more.

25. In addition to the rigors of the 48-hour deadline itself, the civil and criminal penalties associated with failure to turn in a form within 48 hours have also led us to lose volunteers. We do our best to try to return forms within the prescribed 48-hour period, but the reality is that in our small, hectic office, forms are sometimes misplaced for a day or two. On more than one occasion, students have come to me in tears because they momentarily neglected certain registration forms that they collected, rendering the forms more than 48 hours old. For instance, in the fall of 2006, one student came to me and told me that she had found 2-3 forms in her backpack that were collected a week ago. She was hysterical because she was afraid of the penalties that might be imposed. I was able to calmly talk to the County Clerk’s office and explain the situation, and the office accepted the forms without penalty. However, to my knowledge, that student has never volunteered for Students for NMPIRG again since that time.

26. Based on my knowledge of the students that conduct our voter registration drives, I believe that if a $250 penalty or a criminal penalty were ever applied against one of Students for NMPIRG’s members, many of our students would permanently stop registering voters.
The foregoing is true and correct to the best of my knowledge.

Katryn E. Fraher

Sworn to before me this 26th day of June, 2008 in Albuquerque, NM

Notary Public
Exhibit C
AFFIDAVIT OF JAMISON TESSNEER

Jamison Tessneer, having been duly sworn, hereby states as follows:

1. I have personal knowledge of the facts set forth below, and if called to testify could and would testify competently thereto.

2. From August 2006 to April 2007, I served as a paid campus organizer who helped the members of the group Students for New Mexico Public Interest Research Group ("Students for NMPIRG") at the University of New Mexico in Albuquerque to organize and run various issue-oriented campaigns for the New Mexico Public Interest Research Group ("NMPIRG") and the New Mexico Public Interest Research Group Education Fund ("NMPIRG Education Fund").

3. As an organizer, I attempted to teach my students how to become effective leaders. I would estimate that I spent 70% of my time organizing voter registration activities and 30% of my time organizing other campaigns regarding poverty, the environment, and other issues.

NMPIRG Education Fund Voter Registration Activities

4. In advance of the 2006 election, from August to November 2006, I helped Students for NMPIRG to conduct a voter registration drive called "the New Voters Project" on behalf of the NMPIRG Education Fund. The New Voters Project is a non-partisan, national voter registration drive organized by the Student PIRGS, in which the NMPIRG Education Fund was participating.

5. Students for NMPIRG registered just over 1,000 new voters in advance of the 2006 election, in addition to perhaps an additional 25-100 other voters after the
6. To my knowledge, Students for NMPIRG was the only organization that participated in the New Voters Project on behalf of the NMPIRG Education Fund in 2006.

7. When I arrived at the University of New Mexico in Albuquerque ("UNM") in August 2006, I established what I thought was a conservative goal of registering 1,400 students to vote. I felt that 1,400 new voters was a conservative number because I had worked in 2004 as a campus organizer at the University of Minnesota in Duluth, which has a student body of approximately 10,000 students, and we were able to register 800 voters. Because UNM has a student body of roughly 26,000 students, I felt that registering 1,400 students would be an attainable goal.

8. During the course of our 2006 voter registration drive in New Mexico, Students for NMPIRG was not able to come close to registering 1,400 students, and we were ultimately forced to drop our registration target to 1,000 students. I believe that the New Mexico voter registration statute is the reason that we were unable to reach our goal of 1,400 new voter registrations, and that I was unable to register as many voters proportionately at UNM as I was in Minnesota in 2004.

9. The biggest obstacle that the new law posed to our voter registration drive was the requirement that each student participating in voter registration be certified and attend a mandatory training class at the office of the County Clerk in downtown Albuquerque. It was a constant challenge to get students certified downtown because:
a. Classes were only given on Tuesdays and Thursdays, downtown during business hours, and many students could not attend these sessions due to classes or job obligations or transportation difficulties.

b. Even those students who showed up for the classes were often unable to get certified because the classes were cancelled without warning. In particular, numerous classes were cancelled without notice in the crucial weeks leading up to the October 2006 voter registration deadline.

c. In my experience, it is difficult enough to convince students to show up for scheduled meetings on campus. Getting students to come downtown for a training session is very difficult to achieve.

10. We were ultimately only able to get 5-10 students certified downtown during the entire fall semester of 2006. However, we were successful in getting the County Clerk’s office to hold a training session on campus in the fall of 2006. We were therefore able to get another 25 or so students registered during that session, giving us a core group of 30-35 students who were certified for our 2006 voter registration campaign.

11. In addition to our core group of 30-35 students, we relied upon an additional group of 50 broader volunteers. Because those students were not certified, however, they were much less effective at encouraging students to register than they otherwise would have been. Although we would send these volunteers out into the field to ask prospective voters to come back to a table where certified students could sign them up to vote, this process was highly inefficient and led to fewer registrations for two reasons:
a. First, this practice meant that the certified students sitting at tables could not walk around and themselves register new voters – they were busy merely processing the forms brought in by the non-certified volunteers, and could not add significantly to the voter registration totals.

b. Second, the non-certified volunteers were less effective than if they had been certified because they often had to send voters across campus to register at a table in a different location. Asking students to register on the spot can be difficult, but convincing them to walk a distance to register is even more difficult.

12. The productivity of our voter registration drive was decreased even further because the certification requirement eliminated the spontaneity that can be key to voter registration drives. In my prior experience conducting voter registration drives, we were often successful in getting passersby not only to register to vote, but also to spontaneously grab clipboards and start to register new voters on the spot. This is obviously something that we could not do under the new law.

13. In addition, I have found that classroom registration is more difficult under the new law. One of the most effective tools at registering large numbers of young people at one time is to address large classes of students. In my experience, however, the biggest constraint in getting students to do classroom registration is that young people are terrified of public speaking. Only a fraction of the 30-35 certified students that we had in 2006 were willing or able to address large classrooms. If we were able to draw upon an additional 50 non-certified volunteers to register classrooms, I am confident that we
would have been able to go to more classrooms to register more students in 2006.

14. Apart from the certification and training requirements of the new law, the requirement that each certified registration agent take out only 50 forms at a time, and return their own 50 forms before they obtain new forms, was a logistical nightmare for us. Early on in the fall of 2006, I tried to ease the burden of this provision by volunteering to return forms on behalf of my students. I was expressly told by an employee of the County Clerk that we could not return forms on behalf of another person. Another employee of the County Clerk's office later called me indicating that he would allow me to turn in forms on behalf of my students, so long as I returned them directly to him. However, I still could not pick up forms on behalf of my students, and each student was therefore forced to go back to the County Clerk's office every single time he or she ran out of forms. I frequently ran trips back and forth to the County Clerk with my students to try to get more forms. These trips were a tremendous waste of time and money that could have been spent actually registering new voters.

15. I once specifically asked officials at the County Clerk's Office if we could use federal voter registration forms, instead of the state forms, to avoid the 50-form requirement. I was told that we should use the state forms. I did not press the issue or try to get my students to use the federal forms because I did not want to get any of my students in trouble.

16. As with the 50-form requirement, the 48-hour requirement forced me and certain of my students to make many more trips to the County Clerk than we otherwise would have, costing us valuable time that could have been spent registering new voters.
In the absence of the 48-hour requirement, we would have made one or two trips to the County Clerk’s office a week, rather than the one or two trips a day that we made in 2006.

17. I also found the criminal and civil penalties associated with the 48-hour requirement to be extremely chilling to the entire process of voter registration. The certification class that I attended made a point of emphasizing the penalties that could be applied if one missed the 48-hour deadline. Several of our volunteers who were trained never actually registered any voters, and I believe they may have been scared off by the training session.

18. The 48-hour requirement led to many incidents in which my students came to me in a frightened state because they had accidentally held onto a voter registration form beyond the 48-hour deadline, and were afraid they would get in trouble. I told them that we would work through the issue, but I could not guarantee them that there would be no punishment. The possibility of penalties—criminal penalties in particular—cast a shadow on the entire process of voter registration. I cannot quantify the precise effect that the prospect of penalties and jail time had on my students’ willingness to volunteer, but I am confident that we would have had more volunteers, and more enthusiastic and productive volunteers, if not for the New Mexico law.

19. In my experience, voter registration drives are generally a very positive experience for students. I view voter registration as an opportunity for young people to begin to talk to their peers about issues that matter, to build their leadership skills, and to begin to become involved in the political process. I am personally very concerned that if
I cannot even get young people to feel comfortable registering people to vote, I will never be able to make them comfortable participating in the broader political process. I firmly believe that fewer young people in New Mexico are involved in the political process today because of the chilling effect of the new law on our voter registration operations in 2006.

The foregoing is true and correct to the best of my knowledge.

[Signature]
Jamison Tessneer

Sworn to before me this 30th day of June, 2008 in Minneapolis, Minnesota

[Signature]
Notary Public
Exhibit D
Exhibit E
OFFICE OF THE SECRETARY OF STATE
Bureau of Elections
State Capitol North Annex, Suite 300
Santa Fe, New Mexico 87503

VOTER REGISTRATION AGENT IDENTIFICATION FORM
Pursuant to Chapter 1, Article 4, NMSA 1978, "Registration agents who either register or assist persons to register to vote on behalf of an organization that is not a state or federal agency shall register with the secretary of state..."
Please complete the following:

<table>
<thead>
<tr>
<th>ORGANIZATION'S NAME</th>
<th>POST OFFICE BOX OR ROUTE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>STREET ADDRESS</td>
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</tr>
<tr>
<td>CITY</td>
<td>STATE</td>
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<tr>
<th>LAST NAME</th>
<th>FIRST NAME</th>
<th>MIDDLE INITIAL</th>
<th>POST OFFICE BOX OR ROUTE NUMBER</th>
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<td>STREET ADDRESS</td>
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<td>CITY</td>
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<tr>
<td>SOCIAL SECURITY NUMBER</td>
<td>DATE OF BIRTH</td>
<td>REGISTRATION AGENT ID NUMBER</td>
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</tbody>
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The New Mexico State Election Code requires Registration Agents to deliver Certificates of Registration to the Secretary of State or the County Clerk within 48 hours of their completion. The State Election Code also prohibits the following:

**1-20-3. Registration offenses.**
Registration offenses consist of performing any of the following acts willfully and with knowledge and intent to deceive any registration officer or to subvert the registration requirements of the law or rights of any qualified elector:

A. signing or offering to sign a certificate of registration when not a qualified elector;
B. falsifying any information on the certificate of registration;
C. soliciting, procuring, aiding, abetting, inducing or attempting to solicit, procure, aid, abet or induce any person to register or attempt to register with the name of any other person, whether real, deceased or fictitious; or
D. destroying the certificate of registration of any qualified elector, or removing such certificate from its proper binder or file, except as provided in the Election Code [Chapter 1 NMSA 1978].

Whoever commits a registration offense is guilty of a fourth degree felony and shall have their third party registration status revoked.

Having been appointed as a Registration Agent by and for the organization identified above and having read and understood the requirements and penalties shown above, I do hereby swear that I will obey the laws of the State of New Mexico regarding my duties as a Registration Agent.

Signed: ____________________________

Subscribed and sworn to before me this

_____ day of ______________________, 20__

_______________________________
SIGNATURE

_______________________________
TITLE

My commission/term expires ______________________

OFFICIAL SEAL

NOTARY PUBLIC
STATE OF NEW MEXICO

WHITE COPY - Secretary of State
CANARY COPY - Registration Agent
PINK COPY - FILE

NMVR-5