

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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NORTH CAROLINA STATE)
CONFERENCE OF THE NAACP,)
et al.,)
)
Plaintiffs,)
)
v.) Civil Action No.
) 1:13-CV-658
)
PATRICK LLOYD MCCRORY, in his)
official capacity as the)
Governor of North Carolina,)
et al.,)
)
Defendants.)

_____)
)
LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, et al.,)
)
Plaintiffs,)
v.) Civil Action No.
) 1:13-CV-660
)
THE STATE OF NORTH CAROLINA)
et al.,)
)
Defendants.)

_____)
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UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
v.) Civil Action No.
) 13-CV-861
)
THE STATE OF NORTH CAROLINA,)
et al.,)
)
)
Defendants.)

_____)

APPEARANCES OF COUNSEL

On behalf of the Plaintiffs:

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Also Present: Trae Howerton, videographer

DEPOSITION OF ASHLEY VANDEWART LASHER, a witness
called on behalf of Defendants, before April Marsh, Notary
Public, Shorthand Reporter, in and for the State of North
Carolina, at Ward & Smith, P.A., 82 Patton Avenue,
Asheville, North Carolina, on Monday, January 18, 2016,
commencing at 10:15 a.m.

1 Q. I'll talk to you about that off the record.

2 And so any post-graduate education?

3 A. No.

4 Q. How about your work history starting -- and
5 did you work while you were in school at Chapel Hill?

6 A. I did, but simple jobs, waiting tables,
7 internships, things like that.

8 Q. Where did you intern?

9 A. Let's see. I interned for the NC State
10 Alumni Magazine and I also interned at a small
11 publication called Carolina Woman.

12 Q. Anywhere else?

13 A. Oh, I did also intern for a nonprofit
14 organization, the Orange County Rape Crisis Center.

15 Q. And this was all while you were in college?

16 A. Uh-huh.

17 Q. Is that yes?

18 A. Yes.

19 Q. And what is your current employment?

20 A. I work for the Literacy Council of Buncombe
21 County, and I'm the executive director there.

22 Q. You're the executive director. How long
23 have you been the executive director?

24 A. I've been the executive director right at
25 three years.

1 Q. Okay. How long have you been with the
2 Literacy Council?

3 A. Six years.

4 Q. Okay. What did you do between graduating
5 college and going to work with the Literacy Council?

6 A. I worked for two other nonprofits here in
7 Asheville. I started off by working for Big Brothers
8 Big Sisters of Western North Carolina, and then I
9 worked for a small environmental nonprofit between.
10 And I did take a few months off between two of those
11 jobs to do some traveling.

12 Q. Tell me a little bit about the Literacy
13 Council of Buncombe County. Is it part of a broader
14 network or is it just a local countywide
15 organization?

16 A. It's a good question and it's one that I
17 get a lot.

18 Q. Thank you.

19 A. We are a small independent 501C3
20 organization. So we have our own board of directors
21 that govern the organization, and we are only tied to
22 other organizations through membership associations.
23 So we are a member of Proliteracy, which is a
24 worldwide organization, and we are a member of the
25 North Carolina Center For Nonprofits and a member of

1 the North Carolina Literacy Association, but none of
2 those organizations govern our work.

3 Q. Okay. If I'm not mistaken, there are 100
4 counties in North Carolina. Does every county have a
5 literacy council?

6 A. No, unfortunately not.

7 Q. Do you know how many counties do?

8 A. I don't off the top of my head.

9 Q. If you don't know, that's fine.

10 A. I can't speculate.

11 Q. Yeah, don't speculate. That is totally
12 fine. So the Literacy Council of Buncombe County is
13 a 501C3?

14 A. Uh-huh.

15 Q. Yes?

16 A. Yes.

17 Q. And it's governed by a board?

18 A. Yes.

19 Q. How many board members are there?

20 A. We currently have, I believe, 12 at this
21 moment.

22 Q. When was the Literacy Council established?

23 A. We were established between 1986 and 1987,
24 depends on which establishing document you're looking
25 at.

1 Q. So it's been in existence for, if my math
2 is right, about 20 years?

3 A. About 30.

4 Q. 30 years. I'm older than I think. Okay.
5 And has it had the same -- well, strike that.

6 What is the mission of the Literacy Council
7 of Buncombe County?

8 A. The mission of the Literacy Council is
9 increase comprehensive literacy and English language
10 skills through specialized instruction by trained
11 tutors and access to literacy resources.

12 Q. And what are your duties and
13 responsibilities as the ED?

14 A. I manage the entire organization, so I
15 manage our staff team, and I provide leadership and
16 oversight to all of our programming areas. I
17 participate fully in all of our fundraising
18 activities and I act as a liaison between the
19 organization and the staff and our board of directors
20 who govern us.

21 Q. How many staff members do you have?

22 A. We have five paid staff members and one
23 AmeriCorps member.

24 Q. I know what AmeriCorps is, but tell me
25 about that. Does AmeriCorps provide you with a

1 person to work?

2 A. We contract with AmeriCorps through an
3 organization called SCALE out of Carrboro. I believe
4 that stands for the Student Coalition for Action in
5 Literacy Education.

6 So we contract with them, and we do have a
7 full-time AmeriCorps member who's on our team for a
8 year's contract.

9 Q. Okay. Do I recall correctly that you said
10 you worked with the council for about six years?

11 A. Uh-huh.

12 Q. Yes?

13 A. Yes. I'll have to get used to that.

14 Q. Yes. Prior to going to work for the
15 council, you testified that you worked at other
16 nonprofits. Did you ever work for any agency or
17 organization involved in literacy?

18 A. No.

19 Q. Okay. Are you a member of any
20 organizations, professional, social or otherwise?

21 A. Through our membership with the North
22 Carolina Literacy Association, I'm a member of their
23 board of directors.

24 Q. Okay. What duties and responsibilities do
25 you have with that, if any?

1 A. I am the president of their board, which
2 means that I call board meetings, set the agenda for
3 those meetings and also provide leadership in our
4 activities throughout the year, which include an
5 educational conference that we put on once annually.

6 Q. You said that was the North Carolina
7 Literacy --

8 A. Association.

9 Q. -- Association? Okay. And is that also a
10 nonprofit C3?

11 A. I'm not positive that it's a C3. I know
12 that it's an independent nonprofit.

13 Q. How did you come to be a board member?

14 A. It's an elected position. And so I was
15 invited and then elected. So invited to consider
16 becoming a board member and then elected by the
17 membership.

18 Q. Okay. Any other memberships of
19 organizations or clubs or anything of that sort?

20 A. And you said professionally and personally
21 or just professionally?

22 Q. Both.

23 A. I also serve on the board of directors for
24 the Jewish Community Center of Asheville.

25 Q. Okay. Is that it?

1 of your position with the North Carolina Literacy
2 Association, there might be some bleed over. But
3 unless you correct me or unless you state we're going
4 to go on the premise of when you talk about the
5 community, and what you're talking about in terms of
6 literacy rates is here in Buncombe County only,
7 correct?

8 A. Yes. Although I do have information about
9 statewide rates as well, and I'm happy to delineate
10 the two.

11 Q. Yes. Just for clarity sake.

12 Let's talk about literacy rates. Is "low
13 literacy" a term of art in your field?

14 A. It is a term that our organization uses,
15 yes. We tend to shy away from using the word
16 "illiterate" because it has so much negative
17 association, so much baggage with it.

18 We want our students to feel very
19 comfortable and welcomed in our organization, and
20 sometimes the word "illiterate" can feel very
21 uncomfortable.

22 Q. So what does "low literacy" mean in your
23 professional view?

24 A. According to the National Assessment of
25 Adult Literacy, which was done in 2003, it's the most

1 recent, most comprehensive national assessment that
2 has regional and local numbers associated with it.
3 According to that assessment, there are four
4 different literacy levels that they broke people down
5 into.

6 There is below basic literacy level, a
7 basic literacy level, an intermediate literacy level
8 and a proficient literacy level.

9 Q. Okay.

10 A. So at my organization, we typically work
11 with people in the below basic and basic literacy
12 levels.

13 Q. Okay. Can you define "basic" and "below
14 basic" by a grade level?

15 A. I cannot. I can give you examples of tasks
16 that people at those levels can and cannot complete,
17 if that's helpful.

18 Q. Yeah. That would be good.

19 A. So at a below basic level, an individual
20 may be able to sign their name, may not be able to
21 sign their name, may be able to search a very short
22 basic piece of text and locate specific pieces of
23 information, but they cannot read and comprehend even
24 simple text.

25 At the lower end of that level, we have

1 adults who need to learn the name of each letter in
2 the alphabet and the sound that each letter makes.
3 So anywhere from that up through being able to search
4 a short paragraph and locate very, very common sight
5 words based on the shape that those words make.

6 At the basic level, an individual can read
7 a short piece of text, read and comprehend a short
8 piece of text if the sentence construction is
9 relatively simple and the vocabulary is very, very
10 common and uses quite a few sight words.

11 An intermediate reader can read slightly
12 more complicated sentence structures, understand a
13 little bit less common vocabulary, has a higher level
14 of reading comprehension and a higher level of
15 reading speed.

16 And then a proficient reader is someone who
17 could, for example, read and comprehend a legal
18 document.

19 Q. Okay. I think you mentioned students.

20 A. Yes.

21 Q. So does the literacy council provide
22 instruction on reading and writing?

23 A. Yes.

24 Q. Tell me about that.

25 A. We train volunteer tutors to work with our

1 students. They work one-on-one and in small group
2 environments. We use research-based curricula to
3 work with all of our students.

4 We have -- until very recently we have had
5 three core programs. Most recently we did add a
6 fourth. And those three core programs provide direct
7 instruction to students.

8 Q. Where do you get your students from?

9 A. It depends on the program. For the purpose
10 of this case, we're really talking about two of our
11 three programs. Our third works with children, so
12 they're not of voting age.

13 Our two programs that work with adults are
14 adult education and English for speakers of other
15 languages, and in those two programs students hear
16 about us in different ways.

17 In English for speakers of other languages,
18 students mostly learn about our organization and the
19 fact that they can come to us for help with learning
20 English through word of mouth.

21 We have a strong immigrant community here,
22 and the Literacy Council of Buncombe County has a
23 good reputation within that community for being able
24 to help people improve their English literacy skills.

25 Adult education is a little bit more

1 complicated. There is a lot more shame associated
2 with being a native English-speaking adult who cannot
3 read, write or spell in their own language.

4 So it's a very isolating issue for people
5 that oftentimes don't know that there are people like
6 them in their community. So they're not talking
7 about their issue and learning about the Literacy
8 Council through word of mouth.

9 In that organization, they typically learn
10 about us through referrals from other organizations
11 where they may be accessing services or referrals
12 from a trusted member in that faith-based community
13 who may know about their struggles or a family
14 member.

15 Q. When you say "other services," could that
16 be, like, government agencies?

17 A. Could be.

18 Q. Or maybe the United Way?

19 A. Great example, yes.

20 Q. Okay. Does the council have a classroom to
21 provide this instruction?

22 A. We do. We have two dedicated classrooms.
23 But we serve 350 students per year; 300 if we're just
24 talking about adults. So two classrooms is really
25 not enough space to provide that instruction.

1 Our tutors and our students meet in any
2 nook and cranny they can find. Sometimes they meet
3 in schools after the schools close. We have
4 contracts with schools that allow us to do that.
5 Sometimes churches, sometimes cafes or community
6 centers or fire stations, even in our own offices.

7 We have tables and chairs set aside for
8 after office hours. We stay open until 8 o'clock
9 Tuesday, Wednesday and Thursday. So tutors and
10 students actually meet in our own employees' offices
11 as well.

12 Q. So you said approximately 300 adult
13 students per year?

14 A. Yes.

15 Q. And then so during -- is it a 12-month
16 period? A nine-month period? What is a year?

17 A. It's a 12-month period.

18 Q. So during that 12-month period, how many
19 times would the location move for a particular
20 student?

21 A. Hopefully a tutor and a student are very
22 consistent with the day of the week, time of the day
23 and the location that they meet. We find that
24 they're more successful with consistency.

25 Our tutors and our students, we require

1 that they meet two hours per week. And so we do hope
2 that that's consistent, but we always know that our
3 students are facing a lot of different barriers.

4 Some of them work multiple jobs. Our tutors go on
5 vacation. We have holidays.

6 So there are weeks when they may miss a
7 week or meet somewhere different as a result of some
8 of those things.

9 Q. If there is a change in schedule or change
10 in location, how is that communicated to the student?

11 A. Typically a tutor and a student have each
12 other's phone numbers and they communicate over the
13 phone.

14 Q. Okay. If you know, do they usually
15 communicate over the phone by speaking or by
16 sometimes by texting?

17 A. Usually by speaking. Most of our students
18 struggle with texting because of their literacy
19 skills. Likewise, they would struggle with sending
20 or receiving an e-mail.

21 However, some of our students are really
22 proud when the day comes when their studies have paid
23 off enough to where they can text with their tutor.

24 Q. So 300 per year. Is that because there are
25 only 300 low literacy people in Buncombe County or is

1 it because that's the maximum capacity you have that
2 you have tutors for?

3 A. There is a much greater need than we have
4 the ability to serve. We are limited by staff
5 capacity, by the availability of volunteer tutors,
6 and always funding plays into that as well.

7 Q. Let's go back to an earlier question I
8 asked you when you said Caitlin contacted you in
9 December; is that right? Just last month?

10 A. I believe it was the beginning of December.

11 Q. What was your understanding of the lawsuit
12 prior to that, if any?

13 A. I don't recall having any understanding of
14 the lawsuit before that.

15 Q. Okay. I think you testified earlier that
16 you remember when the legislation was being
17 considered or discussed; is that accurate?

18 A. I remember loose conversation in the media
19 and among other nonprofit organizations about it, but
20 not very detailed and not very specific.

21 Q. Okay. So is it fair to say that you
22 weren't following the legislation when it was in the
23 general assembly in 2013?

24 A. I was not.

25 Q. You already testified that you don't

1 A. Winston-Salem.

2 Q. Yes. Let's talk a little bit about the
3 North Carolina photo ID law. Have you read that
4 statute?

5 A. I have not.

6 Q. If I used the phrase "reasonable
7 impediment," does that mean anything to you?

8 A. It does.

9 Q. Tell me what it means to you.

10 A. I attended a legislative briefing put on by
11 the local United Way. Actually, they conduct
12 multiple ones across the state. I attended the one
13 for the western part of the state in the beginning of
14 December, and there was a presentation about the
15 voter ID law at the legislative briefing at which
16 time they talked about the Reasonable Impediment
17 Declaration. So I learned a little bit about it
18 there.

19 Q. Was that before you were contacted by
20 Caitlin or after?

21 A. Ironically, it was two or three business
22 days after. But I had already signed up to go and
23 planned to go, and I typically do attend this annual
24 legislative briefing.

25 Q. And so is that the first time you heard

1 poll worker?

2 A. I have not.

3 Q. Have you ever served as a poll manager?

4 A. No.

5 Q. Have you ever served as a poll watcher?

6 A. No.

7 Q. Have you ever worked with any organization
8 on voter outreach?

9 A. With the Literacy Council of Buncombe
10 County, we do provide information and assistance for
11 our students on voting. So organizationally, yes, we
12 do that. But that's as far as that goes for me
13 personally.

14 Q. Okay. Have you ever worked on a voter
15 registration drive other than your students at the
16 council, where you try and get people registered to
17 vote?

18 A. I have not.

19 Q. Have you ever worked either as a volunteer
20 or intern with pay with any political party on voting
21 issues?

22 A. I think once in high school I volunteered
23 for a kids voting day. That's it.

24 Q. For a kids voting day in high school?

25 A. Right. So where children come in with

1 their parents and practice casting a ballot,
2 although, of course, they're children. So their
3 ballot is not counted, but to get children accustomed
4 to the process of vote.

5 Q. Got it. So you've reviewed the Reasonable
6 Impediment Declaration, as you said, correct?

7 A. Yes. The draft, yes.

8 Q. The draft. Okay. But you haven't looked
9 at the Board of Elections website?

10 A. I have not.

11 Q. Okay. Did you look at any other documents
12 to prepare for today?

13 A. I reviewed information about my own
14 organization and about literacy in our state and in
15 our county. So I reviewed relevant documents about
16 literacy rates, really.

17 Q. Okay. I'm not asking you for a legal
18 analysis or a legal conclusion, but I am going to ask
19 you your -- as a witness in this case now, your
20 understanding of how the photo ID requirement works
21 in North Carolina in conjunction with the Reasonable
22 Impediment Declaration.

23 A. I'll tell you about what I learned based on
24 that presentation at the legislative briefing. I
25 believe that section of the briefing was about

1 Q. How many students does the council have
2 right now, about 300?

3 A. Adult students, about 300.

4 Q. Oh, adult students.

5 A. Active we would have some fewer because we
6 have natural attrition and training new tutors and
7 bringing new students on and orienting them, so about
8 300.

9 Q. I'm not asking for a precise number. But
10 just for our purposes here, we'll know that it's an
11 approximate number. Okay?

12 Of those 300 students, do you know if any
13 of them lack photo ID?

14 A. I know that many of our students lack
15 driver's licenses because they will oftentimes set
16 that as one of their personal literacy goals, to get
17 their driver's license. I don't know if they may
18 have other forms of photo identification, but I feel
19 pretty confident that we do have students that do
20 lack photo identification.

21 We don't ask to see it during their
22 orientation, so I have no scientific way of gauging
23 it.

24 Q. It sounds like -- tell me if this is
25 accurate. I don't want to mischaracterize anything

1 you said, but it sounds like you feel pretty
2 confident that at least some people don't have a
3 driver's license because otherwise why would they
4 make that a goal, right?

5 A. I feel very confident that some of our
6 students do not have driver's license or any form of
7 photo identification.

8 Q. Well, I want to parse it out between
9 driver's license because I can understand if someone
10 says, "One of my literacy goals is to be able to get
11 a driver's license." By definition, I think you
12 could safely say that they don't have one.

13 But the rest of the folks, you don't know
14 for sure one way or the other if they have a photo
15 ID?

16 A. No, we don't ask that information.

17 Q. Okay. Do you know how many of your
18 students are registered voters?

19 A. I do not know how many are registered
20 voters. I do know that some of them set a personal
21 literacy goal of registering to vote and voting.

22 Q. Okay. You may have testified to this
23 earlier: Do y'all help them with registering to vote
24 if they're unregistered?

25 A. If it's one of their personal literacy

1 goals, yes, we provide their tutor with information
2 and resources so that they can help them through that
3 process.

4 Q. Do you inform them that literacy is not a
5 requirement to be a registered voter? It's not a
6 legal requirement.

7 A. I don't think we provide them with that
8 specific piece of information.

9 Q. Are you aware that literacy is not a legal
10 requirement to be a registered voter?

11 A. I am aware.

12 Q. Okay. We talked a little while ago about
13 the four different levels of literacy. Do your
14 students fall exclusively into the basic or below
15 basic?

16 A. Not exclusively, but mostly, yes.

17 Q. Based on representations from counsel
18 across the table, it's my understanding that you
19 believe that low literacy -- your students, low
20 literacy people in Buncombe County, would have
21 difficulty navigating the Reasonable Impediment
22 process; is that fair to say?

23 A. Yes.

24 Q. Tell me why.

25 A. Forms, written forms, are very difficult

1 for people with low literacy skills as is computer
2 literacy and oftentimes access to computers and the
3 Internet.

4 Oftentimes people who are low literate also
5 live in poverty, so that transitions into a lack of
6 access to the Internet and computers. So finding
7 information about this process online would be very,
8 very difficult as would filling out the paperwork.

9 Q. If I tell you -- if I represent to you that
10 in order to even encounter the Reasonable Impediment
11 Declaration that a person first has to be a
12 registered voter, do you dispute that?

13 A. Could you repeat the question?

14 Q. Sure. I want to make sure we're on the
15 same page in terms of the facts.

16 I'm representing to you that under the law
17 of North Carolina in order to ever even encounter the
18 Reasonable Impediment Provision a voter first has to
19 be registered -- a person has to first be registered
20 to vote. Do you dispute that?

21 A. I can just give you my understanding from
22 the presentation.

23 Q. Yeah.

24 A. My understanding from the presentation is
25 that someone can learn about the process through any

1 A. No.

2 Q. And so my point is that anyone who is going
3 to encounter the Reasonable Impediment Provision has
4 already registered themselves to vote.

5 MS. SWAIN: I'm just going to object to the
6 form.

7 MR. BOWERS: That's fine. Noted.

8 BY MR. BOWERS:

9 Q. Do you dispute that? Do you have any
10 reason to dispute that?

11 A. That someone would need to be registered
12 before they see the form?

13 Q. Well, you can see it publicly. But before
14 they can actually use it to be able to cast a ballot?

15 A. Right. They would have to be registered
16 and show up at a polling place to use it. I don't
17 dispute that.

18 Q. So I'm laying that as a foundation to ask
19 you, if a person -- in your experience as the
20 director of the council, if a person has been able to
21 register to vote, do you dispute that -- do you see
22 any reason why they wouldn't also be able to fill out
23 or access the Reasonable Impediment Declaration?

24 A. I do see reasons why someone who has
25 already registered to vote would still struggle with

1 filling out that form.

2 Q. Tell me why.

3 A. So our students are -- in spite of the fact
4 that they are low literate, many of them are highly,
5 highly intelligent people and develop remarkable
6 coping skills to get through their day-to-day lives
7 as adults in our community without basic literacy
8 skills.

9 These coping skills are imaginative
10 oftentimes, but they work for students. And they
11 include relying on trusted family members and friends
12 to assist them in filling out paperwork when needed.

13 So someone could certainly receive
14 assistance filling out the paperwork in order to
15 register to vote, and therefore be registered to vote
16 and then show up at the polling place and not have
17 the skills to fill out that form.

18 Q. Are you aware that a voter can have someone
19 help them, anyone of their choosing, to help fill out
20 the Reasonable Impediment Declaration?

21 A. I was not aware that it could be anyone of
22 their choosing.

23 Q. I will represent to you that it can be. So
24 that same person, trusted family member or trusted
25 family friend that helped them register could also

1 help them with the Reasonable Impediment Declaration,
2 correct?

3 A. They could.

4 Q. How about, you mentioned that some of your
5 students access services from other organizations,
6 correct?

7 A. Yes.

8 Q. Okay. Many times, not always, but many
9 times especially with government services, a person
10 has to fill out some sort of form to access those
11 service, correct?

12 A. Sometimes, yes.

13 Q. Sometimes.

14 So if a person, a low literacy person, has
15 been able to navigate the Medicare or Medicaid
16 process, for example, is there any reason why they
17 wouldn't also be able to navigate the Reasonable
18 Impediment process?

19 A. Filling out paperwork in general for
20 someone with low literacy skills is a very
21 intimidating process. It's frightening. They fear
22 risk of negative repercussions if they make mistakes
23 on forms. And the higher stakes the form is, the
24 more amplified that fear becomes. And they do often
25 make mistakes on forms, very often.

1 So I do believe that any time there is
2 paperwork to be filled out for one of our students,
3 it is a barrier to them receiving whatever is on the
4 other side of that form, whether it's food stamps and
5 public assistance, whether it's entry paperwork into
6 a homeless shelter or whether it's registering to
7 vote or a Reasonable Impediment Declaration. It's
8 very difficult.

9 Q. And I don't dispute that a bit. But you
10 would at least acknowledge that if that person has
11 been able to access those services by filling out
12 paperwork, then it's possible that they could also
13 navigate the Reasonable Impediment Declaration?

14 A. It's possible that they could use coping
15 strategies to do so, but it would be very difficult
16 and it is a barrier, yes.

17 Q. Would it help if the Reasonable Impediment
18 Declaration is pre-populated with information and all
19 they have to do is sign it?

20 A. It could help, but there are still
21 barriers. There are still barriers there.

22 Q. Would those barriers be more economic and
23 socioeconomic or would literacy -- literacy is always
24 a barrier for these folks, correct?

25 A. Correct.

1 Q. But the barriers that you're talking about,
2 would it be more associated with economic than
3 literacy if a form is pre-populated?

4 A. No, the socioeconomic factors definitely do
5 exist and they do exist disproportionately for people
6 with low literacy skills, but the barrier of literacy
7 would still impact someone on filling out a
8 pre-populated form.

9 Q. Okay.

10 A. In order to sign a form, someone needs to
11 feel confident, reasonably confident that the
12 information that they are signing about is factual,
13 and if you can't read the information on the form,
14 then it's very difficult to sign that the information
15 there is factual.

16 Q. Can you identify by name as we sit here
17 today any person who will not be able to vote in
18 North Carolina due to the Reasonable Impediment
19 Provision of the photo ID law?

20 A. No.

21 MR. BOWERS: I think I'm probably done.
22 Can with take a short break and go off the
23 record?

24 MS. SWAIN: Yes, I think we should.

25 VIDEOGRAPHER: Going off the record. The

1 A. No.

2 Q. Or any other documentation that maybe you
3 didn't prepare or that you had access to and provided
4 to Caitlin?

5 A. Yes, there was information from the
6 National Assessment of Adult Literacy on the
7 breakdown of descriptions of basic, below basic,
8 intermediate and proficient literacy levels and what
9 that really looks like in a person's day-to-day life,
10 also information about the assessments that we use to
11 determine a student's literacy level before we match
12 them with a tutor.

13 MR. BOWERS: Could I get copies of those,
14 too?

15 MS. SWAIN: Of course.

16 BY MR. BOWERS:

17 Q. And then lastly, with your students, do you
18 know what the racial makeup of your students is?

19 A. I don't have it scientifically, but I can
20 give you an overview of approximations.

21 Q. Before you do -- that's fine, but before
22 you do that, do y'all capture that information, like,
23 on intake forms?

24 A. We do.

25 Q. Okay. So you would have access to it?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes. I'm sorry. You can tell I'm a
4 rookie.

5 Q. Actually, you're doing much better than
6 most seasoned veterans.

7 So the breakdown that you can give me
8 sitting here today, would it be possible -- if you
9 had the numbers with you, could you give me precise
10 data?

11 A. Yes.

12 Q. But you're going to give me ballpark data
13 here today based on your general understanding of
14 your population, correct?

15 A. Yes.

16 Q. Okay. And what is that?

17 A. So in the English for Speakers of Other
18 Languages Program, which we call ESOL, it's close to
19 50/50 male/female, weighted a little bit on the
20 female side, and the majority of students in that
21 program are age ranged 30 to 60.

22 85 to 90 percent of those students are
23 Spanish-speaking students, Latino, Latina. Ten to
24 15 percent are Eastern European. We have a large
25 Ukrainian population here in Asheville. And then a

1 couple, one to two percent, other.

2 Q. I should have asked you this earlier:

3 We're talking about 300 adult students?

4 A. Yes.

5 Q. For the ESOL and the other class, the other

6 adults, is it about 50/50, about 150 each?

7 A. Not even close, unfortunately.

8 Q. Okay. Tell me about that.

9 A. Our ESOL program serves about 250 students

10 per year.

11 Q. Okay.

12 A. The adult education program serves about 50

13 students per year. There are quite a few reasons for

14 the differences there.

15 Q. What are they?

16 A. As I mentioned earlier, there is a lot of

17 shame associated with not being able to read, write

18 and spell in your own language. So it's very

19 emotionally difficult for someone to come forward and

20 ask for assistance in the adult education program and

21 they're less likely to be talking about their issues

22 within their community so it's harder for them to

23 learn about our services, whereas there is not a lot

24 of shame associated with saying, "I'm from Ecuador

25 and I want to learn English and my neighbor down the

1 road from Columbia learned English and so I'm going
2 to go to the same place they went to."

3 So it's really a matter of shame and
4 information sharing.

5 Q. Of the approximately 50 adult ed students,
6 what is the racial breakdown on them?

7 A. So the racial breakdown is approximately
8 50/50 Caucasian/African American.

9 Q. How about male/female?

10 A. Again, it's about 50/50 but differently
11 from the ESOL program which is weighted a little bit
12 more towards the female side. Adult education is
13 weighted a little bit more toward the male side.

14 Q. Do you know what the racial makeup is of
15 Buncombe County at large?

16 A. I don't know the exact numbers, but I do
17 look at census numbers for grant applications pretty
18 regularly and my understanding is that African
19 Americans only make up less than ten -- I believe
20 it's less than ten percent of Buncombe County
21 residents. I would have to consult the census to get
22 a more accurate number.

23 Q. Okay. Of the 300 combined adult students
24 that you have at any one time, do you know how many
25 of them are employed either full time or part time?

1 Q. What information do you require when a
2 student says, "Yeah, I want to access your services"?

3 A. We require them to participate in an intake
4 assessment where we're looking at certain literacy
5 skills so that we can determine the best way to meet
6 their needs.

7 We ask for quite a bit of information, but
8 again don't require it. So for example, home
9 address, we would like to know that information so
10 that we can mail them things if they're at a high
11 enough literacy level to be able to read their mail,
12 but we don't require that they give that to us.

13 The really important thing that we need is
14 their phone number so that we can be in touch with
15 them about their tutoring, but there are times when
16 even that is difficult for a student to give either
17 because they're homeless, because their phone number
18 changes often or because, as is often the case with
19 dyslexic students, they invert the numbers on their
20 phone number and accidentally give it incorrectly.

21 Q. So can you tell us as we're sitting here
22 right now what information that you require or is
23 none of the information required; it's just
24 requested?

25 A. It's required that they participate in the

1 MS. SWAIN: I hate to do this, but I think
2 we may need to take just a quick break because I
3 think I will have some questions. This will be
4 very quick, maybe a five-minute break and then
5 come back on the record.

6 MR. BOWERS: Sure.

7 VIDEOGRAPHER: Going off the record. The
8 time is 11:49 a.m.

9 (RECESS TAKEN.)

10 VIDEOGRAPHER: Going back on the record.
11 The time is 11:55 a.m.

12 EXAMINATION

13 BY MS. SWAIN:

14 Q. Ms. Lasher, my name is Caitlin Swain. We
15 have met before. I have a few questions for you this
16 afternoon as well.

17 Could you please restate your name for the
18 record.

19 A. Yes. Ashley Vandewart Lasher.

20 Q. Earlier today you were asked some questions
21 about the programs that the Literacy Council
22 undertakes.

23 Can you talk to me about what brings your
24 clients to the adult education program?

25 A. The typical student in the adult education

1 program has one of two goals. Of course there are a
2 range of goals, but the typical student is looking to
3 improve their employment opportunities, so either get
4 a job or get a better job or earn a promotion; and
5 secondly, to be able to help their children or
6 grandchildren in school.

7 So sometimes that means reading to a child
8 or grandchild, sometimes that means being able to
9 read notes that that kid is bringing home from school
10 or helping with homework.

11 Usually there is a specific life event such
12 as a layoff or the inability to read a children's
13 book that will help someone garner the courage to
14 make that first phone call.

15 Q. And what about what brings clients to the
16 ESOL program?

17 A. That program, not surprisingly, is very
18 similar. Those students are also seeking to improve
19 their employment opportunities and to help their kids
20 in school.

21 Similarly to an adult education student,
22 someone with limited English language skills would
23 also struggle reading a note that their kid brings
24 home from school or participating in a parent/teacher
25 conference.

1 In the adult education program sometimes
2 students also have a goal of earning their GED, and
3 sometimes in the English for speakers of other
4 languages program, the student also has a goal of
5 passing the U.S. nationalization exam.

6 Q. You spoke earlier about how people learn
7 about the services of the council.

8 In addition to the referrals, are there any
9 other ways that people learn about the services that
10 you provide?

11 A. We try to put information out in the
12 community in a nonprinted format since reading is
13 such a challenge for our students. So we try to have
14 some sort of an appearance on the local news station,
15 sometimes radio, news outlets that someone with low
16 literacy skills can access.

17 We also have these small business
18 card-sized cards that just say "free help to read,"
19 which are very, very common sight words that someone
20 with even the lowest levels of literacy can
21 oftentimes recognize, and we will leave those cards
22 around town or with some of our referral sites so
23 that students can help learn more about us, so "free
24 help to read" and then our phone number.

25 Q. How do you determine how pervasive literacy

1 issues are in Buncombe County?

2 A. The only way that I know of to tell how
3 pervasive literacy issues are in our county is
4 through the National Assessment of Adult Literacy,
5 the survey that I mentioned earlier that was
6 performed in 2003.

7 According to that survey, Buncombe County
8 residents, ten percent of adult Buncombe County
9 residents perform at a below basic literacy level.

10 And according to that same survey,
11 14 percent of North Carolinian adults perform at a
12 below basic literacy level.

13 Q. What does that transfer into in Buncombe
14 County, ten percent, in terms of the numbers, if you
15 know?

16 A. I don't. I'm terrible with remembering
17 numbers. I'm sorry.

18 But when it comes to determining how
19 pervasive the need is for our English language
20 learners, which is a little bit different than the
21 NAAL survey, I do look at census data. And the
22 census does capture how many adults or how many
23 individuals -- what percentage of individuals in
24 Buncombe County do not speak English at home. And
25 right now I believe that's about seven and a half

1 percent.

2 Q. You mentioned earlier that the need is
3 greater than the number that you -- the number of
4 people who you serve. Can you explain more how you
5 know that?

6 A. Yes. Because ten percent of Buncombe
7 County adults is certainly many, many more than the
8 50 students that we currently serve in adult
9 education.

10 I can also tell you that we have had a
11 waiting list for our ESOL program potential students
12 I believe ever since we launched the program about
13 20 years ago, but certainly we've had a waiting list
14 for the past ten years consistently. And that
15 waiting list fluctuates in length, but we've never
16 gotten to the bottom of it.

17 Q. The literacy -- the Literacy Association,
18 tell me about that a little bit more.

19 A. So the North Carolina Literacy Association
20 is a professional organization aimed at providing
21 support to community-based organizations such as the
22 Literacy Council of Buncombe County that are working
23 to improve literacy in their own communities, in
24 their own local communities.

25 The NC Literacy Association's main activity

1 at this point in time is putting on an educational
2 conference for employees of community-based
3 organizations across the state, and we do that once
4 annually.

5 Q. What is the membership of the Literacy
6 Association?

7 A. It's mostly community-based organizations
8 like ours. We do oftentimes have representation from
9 the North Carolina Community College System office as
10 part of our membership. And there are also a few
11 individuals who have worked within the literacy world
12 who choose to be members as well but aren't
13 necessarily affiliated with one community-based
14 organization.

15 Q. How many literacy councils from other
16 counties belong to the association?

17 A. I don't know exactly, but I believe it's --
18 I think it's about 80 at this time.

19 Q. 80?

20 A. I think.

21 Q. Okay. Let's talk a little bit more about
22 the questions that Mr. Bowers was asking you about
23 completing forms.

24 What challenges do people in your adult
25 education program face when completing forms, to your

1 knowledge?

2 A. There are quite a few challenges. One is
3 reading the questions that the form is asking, which
4 is very difficult for someone with dyslexia or who
5 has low literacy skills for other reasons.

6 There is the act of writing the information
7 on the form, which there is also a learning
8 difference called dysgraphia, which presents itself
9 more in writing than in reading. So that would be
10 very difficult for someone with dysgraphia.

11 Oftentimes forms have small font sizes,
12 which makes it more difficult to read. Oftentimes
13 our students will invert letters and numbers,
14 particularly our dyslexic students, which makes the
15 information on the form invalid.

16 If you invert two of the numbers in your
17 Social Security number, that's a useless piece of
18 information, or if you invert the letters in your
19 address. It may be sent to a completely different
20 street. So that's another challenge.

21 But just as important as those technical
22 difficulties is an emotional difficulty with filling
23 out a form. Again, our students often feel very
24 ashamed of their challenges with literacy, and
25 filling out a form really showcases these challenges

1 to whoever is reading the form, to whoever is sitting
2 next to them as they fill it out.

3 So they are at times ashamed of childish
4 handwriting, very afraid that they will make a
5 mistake and that there will be negative repercussions
6 to that mistake. So this fear and intimidation is a
7 real barrier as well.

8 Q. You talked about reading the question.
9 What vocabulary issues might someone who you are
10 serving face when confronted with the form?

11 A. I can give you a really common example. We
12 recently launched a new program at the Literacy
13 Council and designed a new intake survey for
14 participants in that program. And we wanted to make
15 the survey as accessible for low literate individuals
16 as possible.

17 We did want to capture for this program the
18 income levels of the participants. But rather than
19 writing "household income level" on the form, which
20 contains vocabulary words that are not as common and
21 are difficult for people with low literacy skills, we
22 actually wrote out "How much money does everyone in
23 your house make in a year if you add it all up?"

24 So while there are more words in that
25 sentence, the vocabulary is much more accessible. So

1 we were very cognizant of that as we created this new
2 form.

3 Q. What challenges do people in your ESOL
4 program face in completing forms?

5 A. Again, vocabulary. Vocabulary is a big
6 issue for our English language learners.

7 So again, to use the example of household
8 income, so those are not as common vocabulary words
9 that would also be difficult for a student in our
10 ESOL program.

11 Q. In your experience, how do your clients
12 respond to the challenges with completing forms?

13 A. Oftentimes a student will choose not to
14 fill out a form rather than to attempt to fill it out
15 and risk filling it out incorrectly.

16 MR. BOWERS: At this time I'm going to
17 object to this line of questioning based on
18 hearsay because we haven't established if
19 Ms. Lasher knows this from personally
20 interviewing these folks or if she's heard it
21 from her own employees.

22 So I'm just going to object to all of this
23 about challenges and shame on the grounds of
24 hearsay.

25 BY MS. SWAIN:

1 Q. Okay. Ms. Lasher, I'm going to ask you --
2 I want to turn your attention to the outreach session
3 that you described earlier.

4 Did you learn -- can you describe what you
5 learned about the Reasonable Impediment process from
6 that presentation?

7 A. I learned that the Reasonable Impediment
8 Declaration is an option for people who don't fit
9 into other exemptions for photo voter ID, but I
10 didn't learn much about the process that someone
11 would go through in order to make that declaration.
12 I just learned that it's an option.

13 Q. And was -- what information or handouts
14 were provided during that presentation?

15 A. I didn't receive any handouts about that
16 specifically or about the voter ID portion of that
17 legislative briefing.

18 I believe there may have been some handouts
19 available in the hallway afterwards if someone had a
20 special interest and wanted to pick them up.

21 Q. Do you know whether a form, whether a copy
22 of the form of the Reasonable Impediment Declaration
23 was provided?

24 A. I don't know.

25 Q. Ms. Lasher, I am going -- since that

1 presentation, have you had the opportunity to review
2 a draft of the Reasonable Impediment Declaration that
3 was provided to you?

4 A. Yes, I have.

5 Q. Did I provide that to you?

6 A. Yes.

7 Q. Ms. Lasher, I'm going to hand you what we
8 will mark as exhibit -- I'm going to say one for the
9 Lasher deposition, but I'm not sure where we are on
10 the numbers for exhibits.

11 (EXHIBIT NO. 1 MARKED FOR IDENTIFICATION.)

12 MS. SWAIN: And I will represent for the
13 record that this is the form that has been
14 provided by plaintiffs by counsel for the State
15 as the draft Reasonable Impediment Declaration
16 form.

17 BY MS. SWAIN:

18 Q. Ms. Lasher, do you need a moment to review
19 this form?

20 A. Yes. Thank you.

21 From your review of the form, what did you notice,
22 if anything, about this form's difficulty level in
23 comparison to other forms your clients use that you were
24 speaking about earlier?

25 MR. BOWERS: Pardon my interruption. I'm

1 going to object because this seems to be asking
2 for expert testimony and the witness has already
3 sworn that she's not an expert in literacy. You
4 can go ahead and answer, with that objection.

5 THE WITNESS: What I noticed on this form
6 that would be difficult for our students are a
7 couple of different things. One is the small
8 font. Another is the level of vocabulary that
9 is used is a higher level vocabulary.

10 Honestly, the words "Reasonable Impediment"
11 and "declaration" are higher level vocabulary
12 just in the title of the form.

13 I noticed that some boxes ask for a check
14 yes or no and sometimes the "yes" or "no" is
15 next to the question and sometimes it's
16 underneath the question, and at times people who
17 are dyslexic have trouble with spatial issues on
18 printed documents. So that would be a
19 challenge.

20 I also noticed that this form has one
21 sentence in particular that would be quite
22 intimidating for our students, and that sentence
23 is "Fraudulently or falsely completing this form
24 is a class one felony under Chapter 163 of the
25 NC General Statutes."

1 That sentence has very high level
2 vocabulary. It would be very difficult for our
3 students to understand. Our students may
4 understand the word "felony," and if that's the
5 only word they understand in that sentence, be
6 very fearful of completing this document and
7 very fearful of completing it incorrectly.

8 As I mentioned earlier, they often make
9 mistakes when completing documents so that would
10 just amplify that fear of making that honest
11 mistake on this form.

12 BY MS. SWAIN:

13 Q. When you are speaking now, are you speaking
14 about adult -- your adult literacy clients?

15 A. Yes.

16 Q. And would there be particular -- how would
17 you describe difficulties that might be faced by
18 ESOL?

19 A. That is mostly an issue of vocabulary.
20 This higher level vocabulary would be pretty
21 inaccessible -- would be inaccessible for the
22 majority of our students.

23 Only the highest level students at the
24 Literacy Council in our ESOL program would be able to
25 complete this form, and even they would likely need

1 help from their tutor.

2 Q. In your job, do you regularly assess the
3 difficulty of forms that your clients might face?

4 A. Not formally, no.

5 Q. Based on your experience, do you have any
6 knowledge of the difficulties that people with low
7 literacy have filling out forms?

8 A. Yes.

9 Q. And have you described that here today?

10 A. Yes.

11 Q. Is this the kind of form that the Literacy
12 Council might assist in training your clients on how
13 to use if it was one of their goals?

14 A. If it was a student's goal to fill out this
15 form, we would absolutely have their tutor work with
16 them on it. However, being able to fill this form
17 out on their own would be a long, long-term goal for
18 some of our students.

19 And therefore it would have to honestly be
20 filled out together in conjunction with a tutor. And
21 the tutor would absolutely be able to assist them in
22 doing that, and that is within their realm of
23 tutoring if that is one of their students' goals.

24 Q. Ms. Lasher, can you describe how income
25 inequalities impact your clients?

1 A. Yes. Many people with low literacy skills
2 or who do not speak English live in poverty. It's
3 very difficult to get a living wage job if you can't
4 read, write, spell or speak English.

5 I believe that the local poverty level
6 currently in Buncombe County is about 17 percent, and
7 according to Proliteracy, 43 percent of Americans
8 with low literacy skills live in poverty. So you see
9 that there is a big difference between the general
10 population that lives in poverty and people with low
11 literacy skills who live in poverty.

12 So our students are oftentimes navigating
13 any number of different barriers to their success in
14 meeting their goals. We have students who are
15 homeless. We have students who work multiple jobs
16 and still live in poverty.

17 Many of our students lack transportation.
18 Many lack child care. I'm trying to think of other
19 barriers to their educational success that are
20 related to poverty, but there are quite a few.

21 Q. And I believe that earlier you described
22 the problem of literacy as a hidden problem. What do
23 you mean by that?

24 A. It's interesting, as I'm out in the
25 community talking about the work of the Literacy

1 Council, and as I'm talking with a friend who knows
2 me well or a family member, most people don't
3 understand the true need for literacy instruction in
4 our community.

5 For example, I got a phone call about a
6 year ago from a local journalist who had a colleague
7 run into someone in the community who couldn't tell
8 the difference between a pizza restaurant and a
9 Chinese restaurant and asked for this colleague's
10 assistance, "Which one of these is the pizza
11 restaurant?"

12 And the colleague said, "Well, gosh, it's
13 that one right there." And the individual disclosed
14 that the reason they couldn't tell was because they
15 couldn't read.

16 So this was so shocking to the journalist
17 that she called me. She said, "Does this really
18 happen? Does this really happen here in Buncombe
19 County where people can't tell the difference between
20 the pizza restaurant and the Chinese restaurant?"

21 And that is someone who should be very in
22 tune with our community's needs who really have no
23 awareness that that need is there.

24 MR. BOWERS: I'm going to object to that
25 last piece of testimony as hearsay and double

1 hearsay and maybe even triple hearsay with all
2 of the people in that. Anyway, hearsay and I'll
3 move to strike it later.

4 BY MS. SWAIN:

5 Q. Ms. Lasher, I want to ask you about your
6 client's coping strategies.

7 Can you describe some of the coping
8 strategies that your clients may undertake?

9 MR. BOWERS: I'm going to object to that to
10 the extent that it calls for hearsay.

11 THE WITNESS: I can tell you about one of
12 our students as a really great example. This
13 student's name is Hank, and he is profoundly
14 dyslexic and came to us 10 to 15 years ago to
15 receive tutoring.

16 He worked with his tutor for years and
17 years and years and just a few years ago came
18 back to the Literacy Council and very proudly
19 told us, "My reading has progressed. I can now
20 read a menu when I go out to eat. I have spent
21 my entire life going to a restaurant and
22 ordering a hamburger because I know most
23 restaurants have hamburgers and I don't want to
24 rely on my wife or server to read the menu to
25 me, but I can now read that for myself."

1 question. We only know that information when that
2 happens to be the student's goal.

3 Q. But at least some students have reported to
4 you that they have become or reported to someone at
5 the council that they have become registered voters?

6 A. Yes.

7 Q. Okay. Do you know if those people have a
8 qualifying photo ID?

9 A. I do not know.

10 Q. Do you know if any of your students are
11 noncitizens?

12 A. I do not know.

13 Q. Ms. Swain asked you a series of questions
14 about challenges that some of your students may have
15 and also about shame or being ashamed. Have you
16 personally talked to students about those precise
17 issues?

18 A. Yes.

19 Q. In your role as executive director, is that
20 part of your normal duties?

21 A. It's my job to know our organization as
22 well as I can, to be the best representative
23 possible, and I can only do so if I get to know our
24 tutors and I get to know our students and if I know
25 their stories and can share their stories in the

1 community.

2 Q. Would you say that you have talked to a
3 representative sample of your students personally
4 about challenges and shame?

5 A. No. Well --

6 Q. A representative sample, I'm not a
7 statistician.

8 A. Yeah. I guess it depends on the definition
9 of "representative sample."

10 Q. Well, you said "no," so what is your
11 definition?

12 A. I was in my mind thinking 50 percent or
13 more, which I have not.

14 Q. If you could put a percentage on it, what
15 would you put, that you've talked to specifically
16 about their coping strategies, their challenges and
17 specifically feeling ashamed when filling out forms?

18 A. Specifically feeling ashamed when filling
19 out forms?

20 Q. Yes, ma'am.

21 A. Few. Specifically feeling ashamed as a
22 result of their lack of literacy skills, many more.
23 I'd say at least ten percent.

24 Q. With just the broad lack of literacy
25 skills, ten percent?

1 person who was a small business owner had a wife who
2 would help him fill out forms, then it's possible
3 that she could also help him register to vote?

4 MS. SWAIN: I'm going to just object. It
5 calls for speculation.

6 BY MR. BOWERS:

7 Q. Correct?

8 A. It's possible but not definite.

9 Q. But it's not definite that he -- it's also
10 possible that he has a qualifying photo ID as well,
11 correct?

12 A. Yes, that is possible.

13 Q. Look at this form one more time, please,
14 ma'am. Towards the top under the bar code it says,
15 "Voter registration/update form." Do you see that?

16 A. Yes.

17 Q. As I described to you earlier today, in
18 order to even encounter this form, a person first has
19 to be a registered voter. Do you acknowledge that?

20 A. Yes.

21 Q. So that means that person has, in some form
22 or fashion, navigated the voter registration process,
23 correct?

24 A. At the time of their registration, yes.

25 Q. Okay. And sitting here today, you can't

1 identify by name one person that you are aware of who
2 cannot fill out this form?

3 A. I could name many of our students by name
4 who could not fill out this form.

5 Q. Hold on a second. Earlier you told me you
6 haven't met with any single student about this form.

7 A. Based on my knowledge of their literacy
8 skills, but not based on them telling me that they
9 couldn't fill it out.

10 Q. That's what I'm getting at. So you have no
11 knowledge of anyone who -- earlier today, and we can
12 ask her to read it back -- earlier today I think you
13 testified that you can't name someone by name who
14 will be unable to vote because of the Reasonable
15 Impediment Provision, correct?

16 A. Correct.

17 MR. BOWERS: Okay. We'll leave it at that.

18 No more questions.

19 MS. SWAIN: Let's just take two minutes.

20 Sorry. Let's go off the record for two minutes.

21 VIDEOGRAPHER: Going off the record, the
22 time is 12:27.

23 (RECESS TAKEN.)

24 VIDEOGRAPHER: Going back on the record,
25 the time is 12:32 p.m.

FURTHER EXAMINATION

1
2 BY MS. SWAIN:

3 Q. Ms. Lasher, do you gather information from
4 your staff as a regular part of your job on the
5 challenges faced by your clients?

6 A. Yes.

7 Q. And is the information that you gather used
8 by you in your role as an executive director?

9 A. Yes.

10 Q. Do you regularly gather information from
11 staff as a part of your job as executive director on
12 emotional barriers such as shame that are experienced
13 by your clients?

14 A. Yes.

15 Q. What information did your staff share with
16 you about the Reasonable Impediment Declaration?

17 MR. BOWERS: I'm going to object. Hearsay.

18 But go ahead and answer.

19 THE WITNESS: I shared this document with
20 our staff and particularly with the program
21 directors who work specifically with our
22 students and conduct the intake assessments when
23 they first become students and also train the
24 volunteer tutors.

25 Their feedback was very similar to mine.

1 Our ESOL director said she felt like her
2 students would likely not even attempt to fill
3 out a form this complicated, and our adult
4 education director also talked about vocabulary,
5 font size and also the fear in filling it out
6 incorrectly.

7 MR. BOWERS: Again, I'm going to object to
8 those characterizations of third-party comments,
9 and we're going to move to strike any testimony
10 that is not the witness's own.

11 BY MS. SWAIN:

12 Q. Do you today know what would qualify as a
13 reasonable impediment?

14 A. Only those specifically listed on this form
15 because I have seen the form.

16 MS. SWAIN: I have no further questions.

17 Thank you, Ms. Lasher.

18 MR. BOWERS: We're done. Thank you.

19 VIDEOGRAPHER: This concludes the video
20 deposition of Ashley Lasher. Time going off the
21 record is 12:34 p.m.

22 (SIGNATURE RESERVED.)

23 (DEPOSITION CONCLUDED AT 12:34 P.M.)