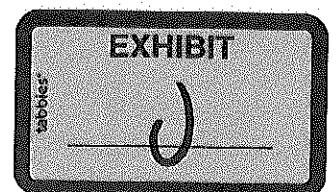


23 (Exhibit 5 marked for identification.)

24 Q. (BY MR. GARCIA) I show you what's marked Exhibit

25 5, and I'll just ask you if you've ever seen that

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1 before.

2 A. This is Kevin Stout. I have reviewed this  
3 registration.

4 Q. Was that registration received by your office?

5 A. Yes.

6 Q. In what -- why did you review that registration?

7 A. We reviewed that registration on the press -- the  
8 media saying that a person of the age of 13 or 15 had  
9 registered to vote, and gave us a last name but no first  
10 name, no address or anything else.

11 Q. Does the media -- it was the media that gave you  
12 a last name?

13 A. Yes.

14 Q. What actions, if any, did your office take with  
15 respect to that registration?

16 A. This registration, in its current form, is valid.  
17 Mr. Stout's father called, and had a conversation with  
18 one of our staff members, mentioning that he was an APD  
19 officer, and that his son was not -- was either 13 or  
20 15, and had registered to vote. However, the original  
21 registration shows a birth date that places this  
22 applicant at 23 years old.

23 Kevin's father also mentioned that he, through  
24 his own research, being an APD officer, found that the  
25 Social Security was a Social Security from a registered

1 voter from, I believe, Otero County. However, we have  
2 asked the father to remove -- the father, then, must  
3 write a letter to us to remove this person's  
4 registration. On its face, it is valid.

5 Q. Is there anything in your normal procedures for  
6 processing registrations and incorporating them into the  
7 voter database, or the voter system, excuse me, is there  
8 anything in those systems that would have enabled your  
9 office to determine that this was not a proper  
10 registration?

11 MR. LANDERS: I'm going to object to the form.

12 A. And I need to ask you to determine what would  
13 identify this as not proper in our system. I don't  
14 understand that question.

15 Q. (BY MR. GARCIA) This registration was processed  
16 through your system?

17 A. Yes.

18 Q. Did anything go wrong with your system in the  
19 processing of this registration?

20 MR. VARGAS: Object to the form.

21 MR. LANDERS: Object to the form.

22 A. No, sir. The registration was unique within our  
23 county -- or, I'm sorry, not the registration, the  
24 Social Security.

25 I guess I would add to that, if a registrant

1 tries -- if somebody tries to register to vote, and the  
2 date of birth is clearly making them 15 years old, or  
3 whatever, we don't -- we can't enter that voter in the  
4 system. We make a process of not doing that.

5           However, if the voter is 17 years old, and will  
6 be 18 by election day, we do have a method to handle  
7 those areas. I must clarify that if somebody is going  
8 to be 18 November 2nd, and registers January 1st --  
9 November 2nd of 2004, and registered January 1st, 2004,  
10 we are not going to put that person in the system until  
11 all elections between that period have exhausted,  
12 because if -- then it would be incorrect.

13           Q. (BY MR. GARCIA) Can you tell me, from looking at  
14 this, what precinct this has been assigned to?

15           A. 461.

16           Q. If someone showed up at precinct 461 on election  
17 day, and presented themselves as Kevin Stout, would they  
18 be allowed to vote?

19           MR. VARGAS: Object to the form.

20           MR. LANDERS: Object to the form. Foundation,  
21 speculation.

15 Q. Did you ever discuss problems you were having  
16 with ACORN with any representative of ACORN, including  
17 Matt?

18 MR. LANDERS: Object to the form.

19 A. Yes.

20 Q. (BY MR. GARCIA) What problems did you discuss?

21 A. We were having problems with some of their field  
22 workers, again, by not filling out the form, having  
23 information -- you know, we were getting some Social  
24 Security hits in our system. In other words,  
25 registrants would come in with a Social Security that

1 belonged to somebody completely different, which caused  
2 us to notify both applicants, to say which is your --  
3 you know, who has the correct social and who's  
4 incorrect, yes.

5 Q. Any other problems, that you can think of, you  
6 would have discussed?

7 A. At any time --

8 Q. Yes.

9 A. -- while I've been in the Bureau of Elections?

10 Q. Well, regarding ACORN.

11 A. We had discussions with them two years ago. We  
12 were receiving registration cards for them -- from them  
13 that identified people who didn't want to be on the  
14 voter system, particularly people who were not  
15 United States citizens. And we did meet with the  
16 attorney -- district attorney at that time, and turned  
17 those over, but the person we met with has now passed  
18 on.

19 Q. Who was that?

20 A. I believe Peone?

21 MR. LANDERS: Joe Peone, yeah.

22 A. And we had some issues with ACORN.

23 Q. (BY MR. GARCIA) Have you met with law  
24 enforcement in this election cycle --

25 MR. LANDERS: Object to the form.