

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ONE WISCONSIN INSTITUTE, *et al.*,

Plaintiffs,

v.

Case No. 15-CV-324

GERALD C. NICHOL, *et al.*,

Defendants.

DECLARATION OF GABE JOHNSON-KARP

I, Gabe Johnson-Karp, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am one of Defendants' attorneys in the above-captioned action. I make this declaration based upon my personal knowledge and in support of Defendants' response to the Court's order and response the Plaintiff's motion for relief.

2. Attached hereto as **Exhibit A** is a true and correct copy of a transcript that was prepared from an audio received by the Wisconsin Department of Justice regarding Zack Moore's September 22, 2016 visit to the Madison East DMV Customer Service Center.

3. Attached hereto as **Exhibit B** is true and correct copies of 31 audio recordings. The audio recordings correspond with the transcripts that

have been filed as Exhibits 101–131 to the declarations of David Fish, Craig Lindgren, and Greg Jenswald documenting quality assurance checks performed at DMV locations in: Appleton, Baraboo, Beaver Dam, Beloit, Darlington, Elkhorn, Fond du Lac, Green Bay, Madison West—Hill Farms, Janesville, Madison—Odana, Madison East, Manitowoc, Milwaukee Central, Milwaukee Downtown, Milwaukee Northeast, Milwaukee Northwest, Milwaukee Southeast, Milwaukee Southwest, Oshkosh, Pewaukee, Platteville, Portage, Wisconsin Rapids, Reedsburg, Richland Center, Sheboygan, Stevens Point, Watertown, Wautoma, and West Bend. Because **Exhibit B** consists of audio files, it will be hand-delivered to the Court on a disc.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 7th day of October, 2016.

/s/ Gabe Johnson-Karp
GABE JOHNSON-KARP

TRANSCRIPT OF AUDIO RECORDING

Transcribed by: SANDRA L. McDONALD

1 issue one without it.
 2 FEMALE CUSTOMER: Is there not the
 3 petition process available?
 4 (Unrelated background conversation)
 5 EMPLOYEE 1: So this is where we
 6 call -- hang on a second.
 7 (Unrelated background conversation)
 8 EMPLOYEE 2: Thanks a lot, all right.
 9 So you've never had an ID in Wisconsin before,
 10 right?
 11 MR. MOORE: No.
 12 EMPLOYEE 2: No driver's license or
 13 anything like that?
 14 MR. MOORE: No.
 15 EMPLOYEE 2: And then do you have your
 16 birth certificate?
 17 MR. MOORE: No.
 18 EMPLOYEE 2: Oh, I was like what is
 19 that? Okay, yep. And you've got your Social --
 20 so we've just got to check identity, so this is
 21 one thing. Yeah, you've got plenty of identity.
 22 MR. MOORE: I see that.
 23 EMPLOYEE 2: And then what do you have
 24 for residency?
 25 MR. MOORE: My paycheck stub.

3

1 EMPLOYEE 1: Hi, how are you today?
 2 MR. MOORE: I'm good. How are you?
 3 EMPLOYEE 1: All right. What can I do
 4 for you today?
 5 MR. MOORE: I came to get a Wisconsin
 6 ID.
 7 EMPLOYEE 1: A Wisconsin ID? Okay.
 8 Do you have an ID from a different state?
 9 MR. MOORE: Yeah, Illinois.
 10 EMPLOYEE 1: Illinois? All right. So
 11 we need a couple things, a birth certificate or
 12 passport, and you need proof of Wisconsin
 13 residency, which would be like a utility bill, a
 14 bank statement, a lease statement, things like
 15 that. So you have to have those two things
 16 before you can get a Wisconsin ID.
 17 MR. MOORE: Well, I've got a
 18 paycheck stub with my address on it and my
 19 Social Security card.
 20 EMPLOYEE 1: It has to be a birth
 21 certificate or passport.
 22 MR. MOORE: So my birth certificate is
 23 in Illinois, so --
 24 EMPLOYEE 1: Okay. You're going to
 25 have to get it. I cannot give you -- we can't

2

1 EMPLOYEE 2: That's perfect, yeah,
 2 absolutely. And where were you born, just out
 3 of curiosity?
 4 MR. MOORE: In Chicago.
 5 EMPLOYEE 2: In Chicago? Okay.
 6 You -- so how the petition process works is you
 7 wouldn't get anything today, and what we have to
 8 do is validate with Illinois that your
 9 information is correct. If you ever get a
 10 driver's license, though, you'll have to show a
 11 birth certificate, so I don't know if -- if it's
 12 easier to try and order one and actually bring
 13 in the birth certificate where you'd get a
 14 product right away, or we can start the petition
 15 process for you. I mean, it's totally up to
 16 you. I can just tell you that you won't get
 17 anything today, and it's contingent upon
 18 Illinois responding.
 19 MR. MOORE: Oh, okay.
 20 EMPLOYEE 2: So if -- like if you have
 21 your birth certificate somewhere and it's just
 22 like, you know, obviously down there, if
 23 somebody could mail it or whatever, it's a lot
 24 easier.
 25 MR. MOORE: Uh-huh.

4

1 EMPLOYEE 2: However, we can still do
 2 it either way. I just want to let you know if
 3 you ever get a driver's license, you'll have to
 4 show the birth certificate.
 5 MR. MOORE: So how long would it take
 6 if I did the petition?
 7 EMPLOYEE 2: It's contingent about the
 8 State --
 9 MR. MOORE: Oh, okay.
 10 EMPLOYEE 2: -- in Illinois
 11 responding, so I don't know how long that will
 12 take.
 13 MR. MOORE: I think I'll try to call
 14 and get my birth certificate sent up.
 15 EMPLOYEE 2: Will you? Yeah, yeah,
 16 you have everything else you need.
 17 MR. MOORE: Okay.
 18 EMPLOYEE 2: Each one of these things
 19 will work just fine.
 20 MR. MOORE: Okay.
 21 EMPLOYEE 2: Yeah, yeah. It's totally
 22 up to you, though, like I said.
 23 MR. MOORE: Yeah, I'm gonna call my
 24 sister and have her send my birth certificate.
 25 EMPLOYEE 2: Oh, okay.

5

1 FEMALE CUSTOMER: Do you know how much
 2 a birth certificate is?
 3 EMPLOYEE 2: I can print it out for
 4 you from Illinois, like all the information. I
 5 know in Wisconsin what they are. I don't know
 6 what they are in Illinois.
 7 FEMALE CUSTOMER: So we have to buy
 8 that birth certificate in order to vote?
 9 EMPLOYEE 2: Well, if she -- no. So
 10 you said that she might have the birth
 11 certificate?
 12 MR. MOORE: Yeah.
 13 EMPLOYEE 2: So if she has --
 14 FEMALE CUSTOMER: Okay.
 15 EMPLOYEE 2: -- the birth certificate,
 16 it's just a matter of mailing it.
 17 FEMALE CUSTOMER: Okay.
 18 EMPLOYEE 2: I don't know what
 19 Illinois charges for birth certificates. I can
 20 look it up for you.
 21 FEMALE CUSTOMER: Yeah.
 22 EMPLOYEE 2: But it would be easier
 23 for you and you would probably get it faster,
 24 but it's totally up to you. We can do it either
 25 way.

6

1 MR. MOORE: No, I'll just have my
 2 sister mail it.
 3 EMPLOYEE 2: Okay, perfect, yeah,
 4 yeah.
 5 MR. MOORE: That will be better.
 6 EMPLOYEE 2: Yeah.
 7 FEMALE CUSTOMER: Could we start this
 8 and then in case or --
 9 EMPLOYEE 2: Well, I wouldn't start it
 10 if you're going to mail it --
 11 EMPLOYEE 1: Because that will be --
 12 EMPLOYEE 2: -- because then this is
 13 doing double work.
 14 EMPLOYEE 1: Yeah.
 15 FEMALE CUSTOMER: Okay. Because I
 16 read about that you could just get -- like show
 17 up with whatever documents you have and you'd
 18 get a free ID for voting.
 19 EMPLOYEE 2: We can start the petition
 20 process, but it's contingent upon Illinois
 21 responding.
 22 FEMALE CUSTOMER: Okay.
 23 EMPLOYEE 2: So we don't know how long
 24 that would take with Illinois. If you have the
 25 birth certificate and it's just a matter of it

7

1 mailing, I would do that, honestly.
 2 FEMALE CUSTOMER: Okay. So even if
 3 you initiate the petition process, you're not
 4 going to get --
 5 EMPLOYEE 2: Why even start it if you
 6 have the birth certificate and you're planning
 7 on mailing it? You know what I mean?
 8 FEMALE CUSTOMER: Right, but I'm just
 9 wondering how that would work like for -- like
 10 if you initiate the petition process, do you
 11 get an ID --
 12 EMPLOYEE 1: No.
 13 EMPLOYEE 2: No --
 14 FEMALE CUSTOMER: -- for voting?
 15 EMPLOYEE 2: -- you don't get anything
 16 right away.
 17 EMPLOYEE 1: You don't get anything.
 18 FEMALE CUSTOMER: Okay. So even if we
 19 start the petition process, then it takes eight
 20 weeks?
 21 EMPLOYEE 2: Right.
 22 EMPLOYEE 1: Right.
 23 FEMALE CUSTOMER: So he won't be able
 24 to vote?
 25 EMPLOYEE 1: Right.

8

1 EMPLOYEE 2: Well, I don't know.
 2 They're working on that, so it's kind of up in
 3 the air right now. So if you want more
 4 information, we can get you the supervisor out
 5 there at Window 3. Let me do that. Do you want
 6 to get an urgent ticket?
 7 EMPLOYEE 1: Sure.
 8 FEMALE CUSTOMER: Does your sister
 9 have one for sure?
 10 MR. MOORE: Yeah, yeah.
 11 EMPLOYEE 2: Danny, can you answer
 12 some questions about the ID program?
 13 MR. MOORE: So I'll just have her mail
 14 it out. That will be easier.
 15 EMPLOYEE 2: This gentleman over
 16 here.
 17 EMPLOYEE 1: Go over to the one that's
 18 on the phone. Go wait right over there.
 19 EMPLOYEE 2: He's just wondering if
 20 he -- I don't know how it works so -- okay,
 21 well, because I think what he's going to do is
 22 just have his sister mail him the birth
 23 certificate because I said we wouldn't give him
 24 anything today, yeah, but so if you just want to
 25 tell him the same thing I said, yeah. Go to

9

1 SUPERVISOR: Uh-huh.
 2 MR. MOORE: But I'm trying to figure
 3 out the other process. Like how long would that
 4 take?
 5 SUPERVISOR: Six to eight weeks.
 6 MR. MOORE: Oh.
 7 SUPERVISOR: That's what I'm saying.
 8 If you know where your birth certificate is,
 9 it's definitely faster to get it, you know, even
 10 if you have to drive down there and get it and
 11 come back.
 12 MR. MOORE: Okay.
 13 SUPERVISOR: You know what I'm saying?
 14 Because if we do that process, it does -- we
 15 have to scan in all the information, fax it over
 16 to that department that handles those
 17 situations, and then they contact the state you
 18 were born in, and then they have to verify your
 19 name and date of birth, and that all takes
 20 longer than if you just have it in your hand --
 21 MR. MOORE: Okay.
 22 SUPERVISOR: -- you know, because it
 23 all depends on how quickly that department, you
 24 know, verifies the information and gets back to
 25 us. And then we've got to produce it, and then

11

1 Window 2, and they'll help you out, okay?
 2 Thanks.
 3 FEMALE CUSTOMER: That's if your
 4 sister knows, right? Is that going to be a pain
 5 for her?
 6 MR. MOORE: No, she said that she --
 7 (Recording inaudible)
 8 FEMALE CUSTOMER: Okay.
 9 SUPERVISOR: Can I help you?
 10 FEMALE CUSTOMER: Hey.
 11 SUPERVISOR: Did she give you the G
 12 ticket?
 13 MR. MOORE: Yeah.
 14 FEMALE CUSTOMER: Yeah.
 15 SUPERVISOR: All right. So what's
 16 going on?
 17 MR. MOORE: I'm trying to get a
 18 Wisconsin ID so I can vote.
 19 SUPERVISOR: Okay.
 20 MR. MOORE: I don't have my birth
 21 certificate, but I've got everything else.
 22 SUPERVISOR: Okay.
 23 MR. MOORE: And then the other -- the
 24 other officer, she said I could have my sister
 25 mail my birth certificate down here.

10

1 we've got to send it to you, you know. It's
 2 just -- it's a much lengthier process than what
 3 people think, all right?
 4 MR. MOORE: Okay.
 5 SUPERVISOR: Have you ever had a
 6 Wisconsin ID before or a driver's license?
 7 MR. MOORE: Never.
 8 SUPERVISOR: No? All right. Do you
 9 have something to show your address?
 10 MR. MOORE: Yeah, my paycheck stub.
 11 SUPERVISOR: Okay, excellent. So if
 12 you've got your paycheck stub, your
 13 identification card, and it looks like you might
 14 have had your Social Security card too? Yep, so
 15 that little piece that we're missing is that
 16 birth certificate, so if you can get that faster
 17 than a couple weeks, it's definitely going to be
 18 to your benefit, because if you had that birth
 19 certificate, we'd print that out to you right
 20 away.
 21 MR. MOORE: Okay.
 22 SUPERVISOR: All right?
 23 FEMALE CUSTOMER: I thought there was
 24 like you could get an ID if you -- like the sign
 25 over there, it's like, "No birth certificate, no

12

1 problem," you can get an ID to vote.
2 SUPERVISOR: You can. It just takes
3 the time.
4 FEMALE CUSTOMER: So even if we just
5 start the petition process, he wouldn't get
6 anything temporarily that says you can vote?
7 SUPERVISOR: No. So that's why it's
8 just -- you know, it's just much better if you
9 have that birth certificate --
10 FEMALE CUSTOMER: Yeah.
11 SUPERVISOR: -- than going through
12 that process.
13 FEMALE CUSTOMER: Yeah.
14 SUPERVISOR: Because that process
15 takes time.
16 FEMALE CUSTOMER: Like six to eight
17 weeks, you're saying, too?
18 SUPERVISOR: Uh-huh.
19 FEMALE CUSTOMER: And November is
20 like -- what -- and if his sister doesn't have a
21 birth certificate, do you know how much that is
22 in Illinois?
23 SUPERVISOR: I can give you some
24 information on that.
25 FEMALE CUSTOMER: So it's either like

13

1 six to eight weeks and he might not be able to
2 vote or --
3 SUPERVISOR: Yeah.
4 FEMALE CUSTOMER: -- pay for the birth
5 certificate?
6 SUPERVISOR: Uh-huh. And I know that
7 they've been saying they're trying to speed that
8 process up, but the thing that hinges on that
9 whole process is how quickly that state gets
10 back to us.
11 FEMALE CUSTOMER: Right.
12 SUPERVISOR: You know?
13 FEMALE CUSTOMER: So it's like
14 Cook County, you do the math.
15 SUPERVISOR: That's what I'm saying.
16 Like if you really want to bet on Illinois
17 getting back to us quickly, that's probably not
18 the best, the best scenario there. Let me just
19 see if this will bring up what I want.
20 FEMALE CUSTOMER: I actually have
21 another question too. If we were going to start
22 the petition process, would you have to void his
23 Illinois ID?
24 SUPERVISOR: No.
25 FEMALE CUSTOMER: Okay.

14

1 SUPERVISOR: No, that only gets voided
2 when he gets the product.
3 FEMALE CUSTOMER: Okay.
4 SUPERVISOR: Let's see what this has.
5 All right, yep. So it looks like -- Illinois,
6 right?
7 MR. MOORE: Yeah.
8 SUPERVISOR: All right. So in
9 Illinois it looks like it's going to be about
10 \$15 to get the certified copy. That's the spot
11 that you'd have to get it to. You might want to
12 Google that, because I'm sure there's probably
13 like a website or a number that you might want
14 to call before you try so that you can figure
15 out what you might actually need to get that
16 birth certificate reproduced for you, all right?
17 FEMALE CUSTOMER: So at this point
18 like close to the election, it's easier to just
19 pay for and get the birth certificate and make
20 sure you have an ID --
21 SUPERVISOR: Yeah, it's just -- yeah,
22 when it's this close.
23 FEMALE CUSTOMER: -- than do the
24 petition process?
25 SUPERVISOR: Like I said, because we

15

1 really can't give a super hard as to make sure
2 of when you're going to get it, just based on
3 those variable pieces of information getting to
4 us in time, you know, so if you want to
5 guarantee that you'll have it on time, that's --
6 I know that here in Wisconsin if you go to the
7 Department of Records, they print it out for you
8 in like 20 minutes and if you pay four more
9 bucks, you get a whole other copy, you know.
10 FEMALE CUSTOMER: Yeah.
11 SUPERVISOR: I don't know if Illinois
12 has got that same option or not, but I
13 definitely think they should be able to print it
14 off the same day.
15 FEMALE CUSTOMER: Uh-huh. That's
16 expensive, though, for a ballot, you know?
17 SUPERVISOR: Yeah, well, it's actually
18 \$24 here in Wisconsin, so it's actually on the
19 cheaper end, which is weird because Illinois is
20 usually so much expensiver than anything, so --
21 FEMALE CUSTOMER: Yeah.
22 SUPERVISOR: But the good thing is you
23 get the ID for free, so --
24 FEMALE CUSTOMER: Uh-huh, okay. Thank
25 you.

16

<p><Q> question 14:21. questions 9:12. quickly 11:23, 14:9, 14:17. . <R> read 7:16. really 14:16, 16:1. Recording 1:11, 10:7, 17:7, 18:10, 18:11. Records 16:7. reporter 18:9. reproduced 15:16. residency 2:13, 3:24. responding 4:18, 5:11, 7:21. . <S> SANDRA 1:13, 188. saying 11:7, 11:13, 13:17, 14:7, 14:15. says 13:6. scan 11:15. scenario 14:18. seal 18:14. second 3:6. Security 2:19, 12:14. send 5:24, 12:1. sent 5:14. set 18:13. shorthand 18:9. show 4:10, 5:4, 7:16, 12:9. sign 12:24. sister 5:24, 7:2, 9:8, 9:22, 10:4, 10:24, 13:20. situations 11:17. Six 11:5, 13:16, 14:1.</p>	<p>Social 2:19, 3:19, 12:14. somebody 4:23. somewhere 4:21. speed 14:7. spot 15:10. start 4:14, 7:7, 7:9, 7:19, 8:5, 8:19, 13:5, 14:21. State 2:8, 5:8, 11:17, 14:9, 18:1, 18:18. statement 2:14, stub 2:18, 3:25, 12:10, 12:12. super 16:1. SUPERVISOR 9:4, 10:9, 10:11, 10:15, 10:19, 10:22, 11:1, 11:5, 11:7, 11:13, 11:22, 12:5, 12:8, 12:11, 12:22, 13:2, 13:7, 13:11, 13:14, 13:18, 13:23, 14:3, 14:6, 14:12, 14:15, 14:24, 15:1, 15:4, 15:8, 15:21, 15:25, 16:11, 16:17, 16:22, 17:1. . <T> temporarily 13:6. Thanks 3:8, 10:2, 17:3, 17:4. they'll 10:1. they've 14:7. though 4:10, 5:22, 16:16. ticket 9:6, 10:12. today 2:1, 2:4, 4:7, 4:17, 9:24. totally 4:15, 5:21, 6:24. Transcribed 1:13, 18:9. TRANSCRIPT 1:11. transcription 18:11.</p>	<p>true 18:11. try 4:12, 5:13, 15:14. trying 10:17, 11:2, 14:7. two 2:15. . .<U> Unrelated 3:4, 3:7. urgent 9:6. utility 2:13. . .<V> validate 4:8. variable 16:3. verifies 11:24. verify 11:18. void 14:22. voided 15:1. vote 6:8, 8:24, 10:18, 13:1, 13:6, 14:2. voting 7:18, 8:14. . .<W> wait 9:18. website 15:13. weeks 8:20, 11:5, 12:17, 13:17, 14:1. weird 16:19. welcome 17:1. whatever 4:23, 7:17. whereof 18:13. whole 14:9, 16:9. Will 5:11, 5:15, 5:19, 7:5, 7:11, 9:14, 14:19. Window 9:5, 10:1. Wisconsin 2:5, 2:7, 2:12, 2:16, 3:9, 6:5, 10:18, 12:6, 16:6, 16:18, 18:1, 18:18.</p>	<p>without 3:1. witness 18:13. wondering 8:9, 9:19. work 5:19, 7:13, 8:9. working 9:2. works 4:6, 9:20. . .<Y> Yep 3:19, 12:14, 15:5.</p>
--	--	---	--

Exhibit B

to the Declaration of Gabe Johnson-Karp

CD of All Audio Recording from State Troopers

(CD hand-delivered to the Court)