

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

ONE WISCONSIN INSTITUTE, INC,
et al.,

Plaintiffs,

v.

Case No. 15-CV-324

MARK L. THOMSEN, *et al.*,

Defendants.

**DEFENDANTS' REPORT OF EFFORTS TO INFORM THE
GENERAL PUBLIC THAT IDS FOR VOTING
ARE AVAILABLE TO THOSE WHO ENTER THE IDPP**

Both DOT¹ and WEC² are ensuring that the public is aware that IDs valid for voting are available to those who enter the IDPP. Public information includes: press releases and earned media campaigns, traditional paid media, personal outreach to voter groups and voter outreach materials, social media, websites, signs at DMV service centers, and DMV field staff training to help ensure that the people interacting with IDPP applicants are providing accurate, useful information. In addition to public communication, DMV central office and field staff are working to ensure that anyone who enters the

¹ The Wisconsin Department of Transportation is referred to as "DOT." Within DOT, the Division of Motor Vehicles is referred to as "DMV."

² The Wisconsin Elections Commission is referred to as "WEC."

IDPP gets a photo ID, including sending IDs by overnight mail during the week before the election and the week of the election.

REPORT ON EFFORTS TO INFORM THE PUBLIC

I. WEC and DOT are informing the public through press releases and an earned media campaign.

WEC and DOT have successfully utilized the media to educate the public about the IDPP process. Press releases are a major component of this earned media campaign. For WEC, press releases are posted to its website and sent to distribution lists containing approximately 350 individuals representing television, newspapers, radio and interested community groups in Milwaukee, Madison and across the state. (Haas Decl. Ex. A:1.) DOT press releases are sent to nearly 580 media contacts, including several Spanish-language media outlets. (Boardman Decl. Ex. A:2; Ex. A2.)

On May 11, 2016, DOT issued a press release titled, “Emergency Rule Helps People Obtain Photo Identification for Voting.”³ (Boardman Decl. Ex A:1.) In this release, DOT references its internet site and describes the IDPP process:

This site also describes the petition process, which assists persons in obtaining proof of name and date of birth or proof of U.S. citizenship, if unavailable to the applicant. The process to obtain verification of name and date of birth/U.S. citizenship can take time, especially for out-of-state births, so DMV will now be issuing photo identification card

³ <http://wisconsin.gov/Pages/about-wisdot/newsroom/news-rel/063a-co-dmv.aspx> (last viewed Sept. 22, 2016.)

receipts no later than six (6) business days from receipt of the petition application. This identification card receipt, valid for the purposes of voting, is effective for 60 days, and will be renewed as long as the application remains in process. This will ensure customers have the identification needed to vote while their application remains in process.⁴

DOT issued another press release on August 12, 2016, titled, “Wisconsin DMV Reaching Out to Confirm Process for Obtaining Voter ID.”⁵ (Boardman Decl. Ex A:1.) This release is dedicated to explaining the free voter ID and IDPP process to the public:

If you do not have proof of name and date of birth, proof of U.S. citizenship, or proof of legal name change, DMV will assist you by initiating the petition process. You must fill out the DMV Petition Administrator application (in addition to the identification card application). Once you enter the process, you will receive a receipt that may be used to vote. Simply present the receipt at the polls when you vote, and you will have produced the required identification to vote.⁶

The press release also explains that IDs are valid for 60 days and they will be automatically renewed as long as the petition is pending.⁷ WEC issued a similar press release that same day titled, “Free Photo ID for Voting Now Available with One Trip to DMV.” (Haas Decl. Ex. A:1; Ex. A4.) It explains:

The ID Petition Process (IDPP) is used by the DMV to help people who are unable to provide certain documents necessary to get a regular

⁴ Id.

⁵ <http://wisconsindot.gov/Pages/about-wisdot/newsroom/news-rel/119a-co-dmv.aspx> (last viewed Sept. 22, 2016.)

⁶ Id.

⁷ Id.

state ID card for voting purposes. The DMV is now issuing special receipts that include the person's photograph. Such receipts will be sent to voters automatically within six business days of the voters coming into the DMV and applying. These receipts can be used immediately as photo ID for voting while the DMV reviews the person's application for a free state ID card.

(Haas Decl. Ex. A:1; Ex. A4.)

More press releases have followed. On August 30, 2016, DOT issued a press release titled, "People Who Need an ID to Vote are Encouraged to Get it Now."⁸ (Boardman Decl. Ex A:2.) In this release, voters are instructed:

For people who do not have all documents required to obtain a Wisconsin ID card, a petition process is available.

People who make use of this process are eligible to receive temporary identification card receipts that serve as a valid ID for voting. The receipts will be sent to customers within six business days of application. For those who apply during the election week, DMV will issue a photo ID receipt by overnight mail on the day that a person makes an application.⁹

The electronic press release contains a direct link to DOT's IDPP-specific webpage.¹⁰

DOT and WEC also issued press releases on September 15, 2016. DOT's release is titled, "Have the ID You Need to Vote? Check. If Not, Start

⁸ <http://wisconsindot.gov/Pages/about-wisdot/newsroom/news-rel/699-co-dmv.aspx> (last viewed Sept. 22, 2016.)

⁹ Id.

¹⁰ <http://wisconsindot.gov/Pages/dmv/license-drvs/how-to-apply/petition-process.aspx> (last viewed Sept. 22, 2016.)

the Process for Free ID to Vote Now.”¹¹ (Boardman Decl. Ex A:2.) It states, in part:

For persons who need to obtain new identification to show at the polls for voting, the DMV offers free IDs and has a voter ID Petition Process to help if the required documents are not readily available. Start now at wisconsin.dmv.gov or at a local DMV customer service center.¹²

WEC’s September 15, 2016, press release is titled, “DMV Offers Overnight Delivery of Free Photo ID Document Near Election,” and informs the public that

[t]he ID Petition Process (IDPP) is used by the DMV to help people whose documents to prove U.S. citizenship, name and date of birth, or legal name change are unavailable. The DMV is now issuing special receipts that include the person’s photograph to those who initiate the petition process . . .

(Haas Decl. Ex. A at 2; Ex. A7.) The press release goes on to instruct voters about the IDs and the renewal process. (Haas Decl. Ex. A7.)

These press releases are part of a plan to leverage earned media to inform the public about the IDPP. (Haas Decl. Ex. A:8.) The plan has proven to be successful, as several television, newspaper, and other news sources have reported on these press releases and the IDPP. (See Boardman Decl. Ex. A1.) As the November election draws near, additional press releases are planned that will promote the IDPP with the goal of generating more

¹¹ <http://wisconsin.dmv.gov/Pages/about-wisdot/newsroom/news-rel/139a-co-dmv.aspx> (last viewed Sept. 20, 2016.)

¹² Id.

news coverage. (Haas Decl. Ex. A:8.) Beginning the week of September 19, 2016, DOT press releases will be issued weekly; all of these releases will include reference to the ID petition process. (Boardman Decl. Ex. A:2.) A WEC press conference is also planned for September 26, 2016, and the IDPP will be specifically discussed. (Haas Decl. Ex. A:8.) Television, radio stations, and members of the public are expected to attend. (Haas Decl. Ex. A:8.)

Besides media contacts, WEC has also been in regular communication with municipal clerks and local election officials. Memorandums were issued to these election officials on July 29, August 2, August 12, and August 23 advising them of the status of this case. (Haas Decl. Ex. A:1–2; Ex. A1, A2, A3, A5.) WEC also held a full commission meeting on August 30, 2016, to discuss and approve a plan for implementing the Court’s decision. (Haas Decl. Ex. A:2.) Materials for the meeting were sent to a distribution list of media members, the Legislature, the Governor’s office and members of the public and were posted on the WEC’s website. (Haas Decl. Ex. A:2.) WisconsinEye recorded the August 30, 2016, meeting, which is now publicly posted.¹³ The Court’s requirement to educate the public on the existence of

¹³ <http://www.wiseye.org/Video-Archive/Event-Detail/evhdid/10845>
(last viewed Sept. 22, 2016.)

the IDPP was discussed and addressed at this meeting. (Haas Decl. Ex. A:2; Ex. A6.)

Since the August 30, 2016, meeting, WEC has continued to update forms, guidance documents, manuals and other materials available on its public websites. (Haas Decl. Ex. A:2.) WEC will also conduct a regularly scheduled meeting in Madison on Friday, October 14, 2016. (Haas Decl. Ex. A:2.) A written update on efforts to implement the Court's decision—including promotion of the IDPP—will be provided, made publicly available on the WEC website, and sent to a distribution list of media members, the Legislature and members of the public. (Haas Decl. Ex. A:2.) This meeting will also be recorded by WisconsinEye and posted on its website for the public to view. (Haas Decl. Ex. A:2.)

II. The public is being informed through traditional paid advertising.

The public is being informed about the IDPP through WEC's Bring it to the Ballot 2016 Fall General Election campaign. This is an update to campaigns that have been used for past elections. (Haas Decl. Ex. A:3; Ex. A8.) On June 13, 2016, WEC was appropriated \$250,000 to fund this campaign. (Haas Decl. Ex. A:6.) As recommended by WEC's retained advertising firm, this updated Bring it to the Ballot campaign includes paid advertisement on radio, television, online, bus interiors, and at movie

theaters. (Haas Decl. Ex. A:4–5; Ex. A9.) These messages are expected to be seen tens of millions of times, at a cost of \$249,975.22. (See Haas Decl. Ex. A9:7.) These types of paid advertising direct viewers to the Bring it to the Ballot campaign website¹⁴ and telephone number¹⁵ to obtain further information—both of which offer specific guidance on how to obtain a photo ID without a birth certificate. (See Section V *infra*; Haas Decl. Ex. A:5.)

A. Television and radio.

Starting July 11, 2016, the Bring it to the Ballot campaign commenced eight weeks of radio and television Public Service Announcements (PSAs). (Haas Decl. Ex. A:4.) The PSAs contain 15 second and 30 second advertisements explaining the photo ID requirement. One television PSA specifically states: “Need help? The DMV can help you figure out which documents you need. They can even track down your birth certificate.”¹⁶ In another television PSA, the viewer is instructed, “if you don’t have a birth certificate or other documents, the DMV can still help you get a free ID for

¹⁴ <http://www.bringitwisconsin.com> (last viewed Sept. 22, 2016.)

¹⁵ 1-866-VOTE-WIS

¹⁶ <http://www.bringitwisconsin.com/multimedia>, TV Ads, *How to get a free Wisconsin State ID (“Bring It to the Ballot” HOW TO A :30)*. (last viewed Sept. 22, 2016.)

voting.”¹⁷ A radio PSA similarly explains: “Not sure you have all the documents you need, the DMV can help.”¹⁸

These PSAs concluded airing on television and radio on September 5, 2016, at a cost of \$48,000. (Haas Decl. Ex. A:4.)

B. Online advertisements.

“Internet advertisements are much more powerful and permanent than television or newspaper advertisements, and are much more likely to have a lasting effect.” *IA, Inc. v. Thermacell Techs., Inc.*, 983 F. Supp. 697, 701 (E.D. Mich. 1997). WEC purchased online display ads, online video ads, YouTube ads, and in-feed ads on Facebook to promote the Bring it to the Ballot campaign. (Haas Decl. Ex. A:4–5; Ex. A9.) Through the use of “digital zip neighborhoods,” WEC is able to target minority groups, students, and groups in low socioeconomic datasets with its online ads, which are available on both desktop and mobile devices. (Haas Decl. Ex. A9:2–3.) Viewers of these online videos are referred to the Bring it to the Ballot campaign website and telephone number where they can get information on how to obtain a photo

¹⁷ <http://www.bringitwisconsin.com/multimedia>, TV Ads, *Wisconsin Voter Photo ID Law PSA (“Bring It to the Ballot” HOW TO B :30)*. (last viewed Sept. 22, 2016.)

¹⁸ <http://www.bringitwisconsin.com/multimedia>, Radio Ads, *Wisconsin Voter Photo ID Radio PSA How-To A*. (last viewed Sept. 22, 2016.)

ID without a birth certificate.¹⁹ Specific information for individuals who lack necessary documents is also provided in one YouTube video, where viewers are instructed:

And if you're not sure you have everything you need, don't worry. Just bring the records you do have to the DMV. They'll be happy to help you figure out which documents you're missing. They can also track down your birth records, even if you were born in another state. Then all you need is an application for a free State ID. Just make sure to check the box that says "free ID for voting purposes" on your application. Once it's complete, you'll get a receipt that you can use at the polls until your state ID arrives by mail.²⁰

Overall, WEC's online display ads have been guaranteed to reach 11,764,706 individuals, or "impressions." (Haas Decl. Ex. A:4; Ex. A9:2.) The online videos ads have an estimated 3,473,945 impressions, the YouTube ads have an estimated 5,571,429 impressions, and the Facebook in-feed ads have an estimated 3,285,714 impressions. (Haas Decl. Ex. A:4-5; Ex. A9:2-4.) These online components to WEC's Bring it to the Ballot campaign cost \$156,910. (Haas Decl. Ex. A:4-5; Ex. A9:2-3.)

C. Pre-show advertisements at movie theaters.

Starting September 9, 2016, WEC's Bring it to the Ballot campaign includes pre-show advertisements at 52 movie theaters located throughout Wisconsin. (Haas Decl. Ex. A:4-5; Ex. A9:6.) A 30-second Bring it to the

¹⁹ See generally <http://www.bringitwisconsin.com/multimedia>, TV Ads.

²⁰ <http://www.bringitwisconsin.com/multimedia>, Videos, *How to Get a Free Wisconsin State ID for Voting Purposes Video*. (last viewed Sept. 22, 2016.)

Ballot PSA shows on all 388 screens at these theaters, four times per day, producing an estimated 917,705 impressions. (Haas Decl. Ex. A:4; Ex. A9:6.) These pre-show cinema advertisements will end October 13, 2016, at a cost of \$27,675. (Haas Decl. Ex. A:5; Ex. A9:6.)

D. Interior bus advertisements.

The Bring it to the Ballot campaign also includes advertisements in all transit buses in Milwaukee, Madison, and 12 other Wisconsin cities. (Haas Decl. Ex. A:5; Ex. A9:5.) The 11” x 28” interior signs will be in 741 buses, resulting in 5,739,994 estimated impressions. (Haas Decl. Ex. A:5; Ex. A9:5.) These bus advertisements cost \$17,390. (Haas Decl. Ex. A:5; Ex. A9:5.)

III. WEC and DOT are informing the public through personal outreach to voter groups and voter outreach materials.

Both WEC and DOT have engaged in outreach programs in an effort to inform the public about the IDPP. WEC has compiled a “Voter Outreach Kit for Clerks.” (Haas Decl. Ex. A:7; Ex. A11.) The comprehensive kit includes tools and resources that can be used by local election officials to reach out to voters in the community leading up to the November election. The kit includes news release templates, voter outreach handouts, a comprehensive guide to voting in Wisconsin with the photo ID requirement, presentation materials including a PowerPoint and presentation script, pre-recorded presentation video and materials packet, Bring It to the Ballot materials

such as posters and brochures, and WEC's social media plan. (Haas Decl. Ex. A:7; Ex. A11.)

WEC's "Voter Outreach Kit for Clerks" contains numerous references to the IDPP. The first template news release explains:

The DMV's ID Petition Process (IDPP) helps people who are unable to provide certain documents necessary to get a regular state ID card for voting purposes. If you do not have all the required documents for a regular state ID card, the DMV will now issue a special receipt that include your photograph. These photo receipts will be mailed to voters automatically within six business days of coming into the DMV and applying. During election week, receipts will be sent by overnight mail. These receipts can be used immediately as photo ID for voting while the DMV reviews the person's application for a free state ID card.

(Haas Decl. Ex. A11:4.) The second template news release also references the IDPP:

If you do not have a valid WI Driver's License or WI State ID you can receive a free WI State ID from your local DMV if you specifically request a free ID for voting purposes. If you don't have documentation, like a birth certificate, you can still get a free ID for voting after one visit to the DMV using their petition process. Please contact your local DMV or your Local Clerk for more information.

(Haas Decl. Ex. A11:5.) The contents of these news releases are echoed in the PowerPoint materials and presentation script. (Haas Decl. Ex. A11:55, 87.) This kit is made available electronically on WEC's website to the state's 1,854 municipal clerks and 72 county clerks. (Haas Decl. Ex. A:7.)

Both WEC and DOT have also personally engaged voter groups in an effort to inform the public about the IDPP. WEC provides in-person speakers for various groups, and is hosting the fall meeting of the Accessibility

Advisory Committee September 27, 2016. (Haas Decl. Ex. A:3.) This is a consortium of advocacy groups that work with the WEC on a variety of election-related issues. (Haas Decl. Ex. A:3.) Information on how individuals can obtain a free ID for voting from the DOT will be discussed at this meeting, and these materials are likely to be distributed and presented by these groups statewide. (Haas Decl. Ex. A:3.)

DOT has similarly reached out to Wisconsin voter advocacy groups to encourage them to share DOT's social media posts referencing the ID petition process. (Boardman Decl. Ex. A:3–4.) These efforts include contacts with: Common Cause in WI, League of Women Voters of WI, Urban League Madison, wearewisconsin.org, WI Election Protection, Veterans Party of WI, and clerk for the City of Madison. (Boardman Decl. Ex. A:4.)

IV. WEC and DOT are using social media to inform the public.

Social media is an important component of advertising the IDPP. When information is posted to Facebook or Twitter, the “whole world” can have the information “within hours.” *United States v. Phillips*, 731 F.3d 649 (7th Cir. 2013). Social media is particularly important for reaching younger voters and voters without access to traditional media.

DOT posts IDPP-related information five times a week. (Boardman Decl. Ex. A at 2–3.) Example tweets include:

Need an ID to vote but lack the paperwork? DMV can help
http://bit.ly/_WIVoterID #WIVoterID

and

Is not having a birth certificate keeping you from getting an ID to vote?
DMV can help http://bit.ly/_WIVoterID #WIVoterID

(Boardman Decl. Ex. A:2.) These posts instantly reach 10,600 DOT Twitter followers, not counting any “retweets.” (Boardman Decl. ¶ 10.)

DOT also posts two IDPP-related Facebook posts per week, such as:

Want an ID to vote? Start here now: http://bit.ly/_WIVoterID Lost your birth certificate? No problem. DMV will start an ID Petition Process for you to verify your information. A receipt that’s valid to vote while the process is underway will be mailed to you directly.

#WIVoterID . . .

(Boardman Decl. Ex. A:3.) Those posts instantly reach 9,151 people, again excluding re-distribution by recipients. (Boardman Decl. ¶ 11.)

Each such post in Twitter or Facebook includes the “hashtag” #WIVoterID, and each post will track the number of people who click the link. The posts that result in the most people clicking to get more information—in other words, the most effective posts—will be displayed more frequently. (Boardman Decl. Ex. A:3.) DOT has also contacted communications directors of the Department of Administration, the Department of Children and Families, the Department of Agriculture, Trade and Consumer Protection, the Department of Tourism, the Department of

Workforce Development, and the Department of Veteran Affairs to encourage them to follow WisDOT on social media and share content. Certain agencies will be tagged and have content written specifically targeted to their followers. (Boardman Decl. Ex. A:3.)

The WEC has likewise designed a social media plan. (Haas Decl. Ex. A:7–8; Ex. A12.) It maintains Twitter and Facebook accounts, and also leverages the Twitter account of the former GAB. (Haas Decl. Ex. A:7.) WEC promptly tweets and posts IDPP-related information, such as a press release advertising “Free Photo ID for Voting Now Available with One Trip to DMV” and “DMV Offers Overnight Delivery of Free Photo ID Document Near Election.” (Haas Decl. Ex. A:1–2.)

WEC will make daily posts on both Facebook and Twitter through November 9. Facebook and Twitter will repeat messages about the voter ID requirements, and how to get an ID, including:

If you don't have documents like a birth certificate to get a free State of Wisconsin ID card, the DMV can still help you get an ID! Learn more here <http://www.bringitwisconsin.com/how-do-i-get-free-state-id-card>

and

Don't have an ID for voting or docs like a birth certificate? Get a free ID using the DMV's ID Petition Process <http://www.bringitwisconsin.com/how-do-i-get-free-state-id-card>

(Haas Decl. Ex. A; Ex. A12 (e.g. October 3, and October 12 posts).)²¹ Each of WEC's social media posts is designed to both spread the word about ID issuance and direct the public to additional resources, such as WEC and DMV webpages. (Haas Decl. Ex. A:7.) WEC will also "retweet" IDPP-related posts that are issued by DOT, further perpetuating the social media message. (Haas Decl. Ex. A:7.)

V. The public is being informed through DOT and WEC websites and through signs and digital banners at DMV service centers.

The websites of both WEC and DOT include information about the IDPP. These are particularly useful locations for IDPP information, because it is where people are already likely to look for information about elections or ID products.

WEC maintains a comprehensive "Bring it to the Ballot"²² website to inform voters about the ID election matters, including the IDPP. (Haas Decl. Ex. A:5.) The website has information in English and Spanish,²³ and has comprehensive voter-ID related information, such as what forms of ID are

²¹ See also eg., https://twitter.com/wi_elections, <https://www.facebook.com/WisconsinGovernmentAccountabilityBoard/> (September 20 and 21, 2016 posts) (last viewed Sept. 22, 2016)

²² <http://www.bringitwisconsin.com/> (last viewed Sep. 22, 2016.)

²³ <http://www.bringitwisconsin.com/informaci%C3%B3n-en-espa%C3%B1ol> (last viewed Sept. 22, 2016.)

valid for voting,²⁴ exceptions to the ID requirement,²⁵ and how to get a state ID card,²⁶ including locations of DMV service centers.²⁷ The page titled “How do I get a free state ID card” has a prominent bold section directed to those who may be eligible for the IDPP:

If you do not have a birth certificate or other documents, you can still obtain a document for voting after one visit to the DMV using its petition process, known as IDPP. More information is available here.²⁸

That link brings the public to the DMV webpage that describes the IDPP.

WEC also maintains a “MyVote Wisconsin” website in English²⁹ and Spanish.³⁰ (Haas Decl. Ex. A:7.) This website is where voters go to find their polling place, registration information, and sample ballots. (Haas Decl. Ex. A:7.) The site has a page dedicated to the photo ID requirement, including information that:

²⁴ <http://www.bringitwisconsin.com/do-i-have-right-photo-id> (last viewed Sept. 22, 2016.)

²⁵ <http://www.bringitwisconsin.com/are-there-exceptions-new-law> (last viewed Sept. 22, 2016.)

²⁶ <http://www.bringitwisconsin.com/how-do-i-get-free-state-id-card> (last viewed Sept. 22, 2016.)

²⁷ <http://www.bringitwisconsin.com/locate-dmv> (last viewed Sept. 22, 2016.)

²⁸ <http://www.bringitwisconsin.com/how-do-i-get-free-state-id-card> (last viewed Sept. 22, 2016.)

²⁹ <https://myvote.wi.gov/en-us/> (last viewed Sept. 22, 2016.)

³⁰ <https://myvote.wi.gov/es-es/> (last viewed Sept. 22, 2016.)

A document petition process is available at the WI DMV if you apply for a State of Wisconsin ID card and your documents to prove U.S. citizenship, name and date of birth, and/or legal name change are unavailable. If you do not have the documents mentioned above, DMV staff may be able to work with you to verify your records through other means. You can still get a free State of Wisconsin ID card receipt after one visit the DMV even if you are unable to provide the documents listed above. . . .³¹

And the main WEC website includes information, including a prominent link titled:

New Free State ID Card Policy for People without Birth Certificates

The Wisconsin Division of Motor Vehicles has a new policy to help people get a free state ID card.³²

That link directs the public to further information about the IDPP.

The WEC also has a dedicated page devoted to photo ID law information.³³ (Haas Decl. Ex. A:6.) That webpage includes links to press releases, clerk communications, and a link to “Learn about getting a free Wisconsin ID card **even if you do not have a birth certificate.**” The WEC website also has a guide to “Voting In Wisconsin and the Voter Photo Identification Law.”³⁴ (Haas Decl. Ex. A:6; Ex. 10.) That guide informs voters that:

³¹ <https://myvote.wi.gov/en-us/PhotoIDRequired> (last viewed Sept. 22, 2016.)

³² <http://elections.wi.gov/> (last viewed Sept. 22, 2016.)

³³ <http://www.gab.wi.gov/elections-voting/photo-id> (last viewed Sept. 22, 2016.)

³⁴ <http://www.gab.wi.gov/node/3628> (last viewed Sept. 22, 2016.)

If you don't have your documents, DMV can still help through their petition process. . .

and

***WHAT IF I DON'T HAVE THE DOCUMENTS NEEDED TO GET A STATE OF WISCONSIN ID CARD?**

A document verification process is available at the WI DMV if you apply for a State of Wisconsin ID card and your documents to prove U.S. citizenship, name and date of birth, and/or legal name change are unavailable. If you do not have the documents mentioned above, DMV staff may be able to work with you to verify your records through other means.

(Haas Decl. Ex. A10:12.)

Potential voters who are interested in getting a state ID may also start their inquiry at the DOT or the DMV. The front page of the DOT website has a link titled "Need ID to vote? Get it now."³⁵ And DMV maintains a webpage, in both English and Spanish, explaining that a petition process is available if any person does not have documentation, or would otherwise be required to pay a fee to get documentation.³⁶ An IDPP-specific webpage is also maintained in both English and Spanish, titled "Wisconsin ID card for voting

³⁵ <http://wisconsindot.gov/Pages/home.aspx> (last viewed Sept. 22, 2016.)

³⁶ <http://wisconsindot.gov/Pages/dmv/license-drvs/how-to-apply/id-card.aspx> (last viewed Sept. 22, 2016.)

purposes - petition process” which explains the process and includes links to the MV3012 form that initiates the process.³⁷

Public signage is not limited to websites. Anyone who wants an ID but cannot or does not want to look for information online is likely to go to a DMV service center. And each of DMV’s 81 permanent service centers has a prominent sign posted, saying:

Get your ID to Vote! No birth certificate? No problem! Ask us how.

(Boardman Decl. Ex. A:5; Ex. 7.) The same message is displayed on service center media screens, rotated with other messages. (Boardman Decl. Ex. A:5.) Anyone who wants an ID but does not have available documentation can learn about the IDPP through a visit to the MyVote webpage, the Bring it to the Ballot webpage, the WEC webpage, the DOT website, the DMV website, or through a sign and media screen at a DMV service center.

VI. DMV training and procedures help ensure accurate customer information and proper ID issuance.

DMV has implemented a variety of training measures and procedural updates to aid staff in effectively processing ID petitions and giving customers accurate information.

³⁷ <http://wisconsindot.gov/Pages/dmv/license-drvs/how-to-apply/petition-process.aspx> (last viewed Sept. 22, 2016.)

A. Field staff training.

Staff at DMV service centers have received updated training procedures and checklists to ensure that staff are aware that IDPP applicants can receive their valid ID by simply filling out the applications for a Wisconsin ID card (MV3004) and the IDPP application for applicants with unavailable documentation (MV3012). (Boardman Decl. Ex. A:4.) If a customer simply completes those forms, the processor shall process the application. (Boardman Decl. Ex. A:4.) Thus, field staff are now trained to ensure that anyone who fills out these forms will receive a photo ID, mailed to them within six days of their application. (Boardman Decl. Ex. A:4.)

Even individuals who do not have documents proving their identity or place of residence will be able to receive an ID simply by filling out the application forms. (Boardman Decl. Ex. A:4; *see also* Boardman Decl. Ex. A3 (IDPP guide for customers without all documents); Boardman Decl. Ex. A4 (IDPP checklist).) The checklist that field staff use when processing ID petitions shows that if either proof of residence or proof of identity are missing, staff are to “continue processing” the application. (Boardman Decl. Ex. A4.) Field staff are informed that an IDPP application should not be rejected for lack of any documents; if an applicant fills out the two applications, they will receive an ID. (Boardman Decl. Ex. A:2; *see also* Boardman Decl. Ex. A3; Boardman Decl. Ex. A4.)

Field staff have also been trained to inform IDPP applicants that their ID will be mailed to them within six business days, that the ID will be valid for 60 days, and that the ID will be renewed, automatically and indefinitely, while the petition is being processed. (Boardman Decl. ¶ 14; Boardman Decl. Ex. A:2; *see also* Boardman Decl. Ex. A4.) And after an applicant completes her IDPP application, field staff provide the applicant with a letter explaining the process and what they can expect, both in terms of processing their application and receiving renewals. (Boardman Decl. Ex. A4.)

B. Updates to procedures for DEU and CAFU

In addition to the trainings and procedure updates to field staff, there have been updates in the procedures for DMV's Driver Eligibility Unit (DEU) and Compliance, Audit and Fraud Unit (CAFU). (*See* Boardman Decl. Ex. A:4; *see generally* Boardman Decl. Ex. A5 (DEU Guide, IDPP Processing Procedure); Boardman Decl. Ex. A6 (CAFU Procedure, Processing ID Petition Process Applications).)

DEU's procedures make clear that "IDPP applications are high priority and should be handled within two hours of receipt into the IDPP inbox. All issuance needs to be completed by the end of the day." (Boardman Decl. Ex. A5:2.)

Like field staff procedures, DEU procedures make clear that "customers may or may not show proof of identity and proof of residency." (Boardman

Decl. Ex. A5:2.) Also, the procedures make clear that applications “which are not fully completed, or which lack residency or identity documentation will not be rejected, but will be forwarded to CAFU for research.” (Boardman Decl. Ex. A5:2.)

These procedures include the particular steps for processing various types of IDPP applications, including general applications from service centers, applications from foreign-born applicants, incomplete applications, applications that include varying types of errors, and applications that the applicant seeks to cancel. (Boardman Decl. Ex. A5:1, 3–15.) The procedures also outline the steps for handling direct contacts from IDPP applicants. (Boardman Decl. Ex. A5:15.)

CAFU procedures for “Processing ID Petition Process Applications,” which is an update to Exhibit DX294 at trial, shows the numerous steps that CAFU investigators undertake when processing a petition. (See Boardman Decl. Ex. A6.) Although much of CAFU’s work is behind the scenes to the actual issuance of IDs, the procedures also include steps for the initial issuance of IDs and renewal. (See Boardman Decl. Ex. A:4–5; Boardman Decl. Ex. A6:2, 7–8.)

As noted at trial, the first IDs issued under the emergency rule were mailed the week of May 13, 2016. (Boardman Decl. Ex. A:4.) The first renewal IDs were then mailed on July 1, 2016, and the second renewals on

August 31, 2016. (Boardman Decl. Ex. A 4.) These renewal IDs were issued to every applicant who received an initial ID on May 13, unless the applicant received a permanent ID card or initiated a cancellation, or unless the ID was returned to DMV as undeliverable and there was no forwarding address or valid phone number on file. (Boardman Decl. Ex. A:4–5.) The renewal IDs issued on August 31 will remain valid through the fall election. (Boardman Decl. Ex. A:5.) Additional renewals will be sent 10 days prior to expiration, ensuring that there will be no gap where a petitioner will not have a valid ID. (Boardman Decl. Ex. A:5.)

C. DMV’s procedures to confirm delivery of IDs to all applicants in “suspend” or “denied” status prior to the emergency rule.

In addition to the ongoing processing of new IDPP applications, all IDPP applicants from the time of trial have now been mailed IDs (or, in the case of four plaintiffs, hand-delivered to counsel), as well as renewals where applicable (e.g., where the applicant has not yet been issued a permanent ID). (See Boardman Decl. ¶ 12.) This includes every IDPP applicant who was listed as “suspended” or “denied” at the time of trial. (See Boardman Decl. ¶ 12.) Some IDs sent to those previously “denied” or “suspended” were returned undeliverable. (Boardman Decl. ¶ 13.) For any IDs returned undeliverable where DMV had a phone number on file, staff called the number and attempted to get an updated address. (Boardman Decl. ¶ 13.)

D. DMV's procedures to ensure that voters get their IDs in the week before and week of an election.

To address concerns that first-class mail may not be fast enough near election time, DMV will send IDs by overnight mail during the week before and the week of the election. (See Boardman Decl. Ex. A:1; see also <http://wisconsin.gov/Pages/dmv/license-drvs/how-to-apply/petition-process.aspx>.)

CONCLUSION

Information about the IDPP and availability of IDs has been widely distributed, and will continue to be advertised through the election. DMV and WEC are using traditional advertising methods, social media, and direct personal outreach. In addition, DMV is carefully administering the process to ensure that anyone who is eligible for the IDPP will have a valid ID for the November general election.

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Respectfully submitted,

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