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2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE WESTERN DISTRICT OF WISCONSIN  
5 \* \* \* \* \*  
6 ONE WISCONSIN INSTITUTE, INC., et al.,  
7 Plaintiffs,  
8 -vs- Case No. 15-CV-324  
9 GERALD C. NICHOL, et al.,  
10 Defendants.  
11 \* \* \* \* \*  
12  
13  
14  
15 VIDEOTAPED 30(b)(6) DEPOSITION OF GAB  
16 DESIGNEE KEVIN J. KENNEDY  
17 Thursday, January 28, 2016  
18 9:18 a.m.  
19  
20 Reported by: Lisa A. Creeron, RPR  
21  
22  
23  
24  
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1 VIDEOTAPED 30(b)(6) DEPOSITION OF GAB DESIGNEE  
2 KEVIN J. KENNEDY, a witness in the above-entitled action,  
3 taken at the instance of the plaintiffs, under the  
4 provisions of the Federal Rules of Civil Procedure, taken  
5 pursuant to notice, before LISA A. CREERON, a Registered  
6 Professional Reporter and Notary Public in and for the  
7 State of Wisconsin, at the Wisconsin Department of  
8 Justice, 17 West Main Street, in the City of Madison,  
9 County of Dane, and State of Wisconsin, on the 28th day of  
10 January, 2016, commencing at 9:18 a.m.  
11  
12 A P P E A R A N C E S  
13 JOSHUA L. KAUL,  
14 PERKINS COIE, LLP,  
15 Attorneys at Law,  
16 One East Main Street, Suite 600,  
17 Madison, Wisconsin 53703, appearing on  
18 behalf of the plaintiffs;  
19 S. MICHAEL MURPHY,  
20 Assistant Attorney General,  
21 WISCONSIN DEPARTMENT OF JUSTICE,  
22 17 West Main Street,  
23 Madison, Wisconsin 53703, appearing on  
24 behalf of the defendants.  
25 ALSO PRESENT: TODD CAMPBELL (Videographer)  
\* \* \* \* \*

I N D E X

2	Examination by:	Page
3	Attorney Kennedy	7
4	Attorney Murphy	--
5	Exhibit	Identified
6	81 Summary of 2011-2012 election related legislative changes	8
7	82 Memo to GAB and others from K. Kennedy dated 4-14-14	11
8	83 Memo to Members of Senate and Assembly committees from K. Kennedy dated 2-10-14	12
9	84 State Elections Board meeting info from 2-1-79	23
10	85 Emails among M. Haas, K. Michaels and others dated in July 2014	27
11	86 Email to Interested Parties from N. Robinson dated 5-23-12	32
12	87 Memo to Interested Parties from N. Robinson dated 7-26-12	33
13	88 Email from B. Luchterhand to GAB help desk dated 11-6-12	35
14	89 Emails among R. Hein, R. Magney and others dated 8-7-12	39
15	90 Letter to Ross from K. Kratsch dated 8-6-12	40
16	91 Emails among K. Kratsch, S. Ertmer and others dated 8-6-12	39
17	92 Emails between L. Walsh and K. Backman dated 5-22-14	41

I N D E X (Continued)

2	Exhibit	Identified
3	93 Emails between D. Buerger and R. Houseman dated 3-6 and 3-7-12	45
4	94 Email from S. Kohlhausen to the Clerk List dated 10-21-14	48
5	95 Email from GAB help desk to R. Rydecki dated 10-6-14	49
6	96 Emails among N. Albrecht, B. Bell and others dated between 3-7 and 3-10-14	52
7	97 Letter from Governor Walker to the Senate dated 3-27-14	54
8	98 Emails among M. Haas, P. Pratt and others dated 8-7-14	56
9	99 Emails among R. Magney, S. Falk and others dated 10-30-12	58
10	100 Romney volunteer observer training information	59
11	101 Emails among N. Judnic, J. Schmieder and others dated 3-24 and 3-26-14	62
12	102 Testimony of Kevin Kennedy dated 10-13-15	64
13	103 Memo to the Governor's Office from GAB dated 11-18-15	67
14	104 WSJ news article dated 12-16-11	73
15	105 GAB survey of voter fraud complaints for November 2008 election	74
16	106 Memo to Members, GAB, from K. Kennedy dated for the March 30-31, '09 meeting	77

I N D E X (Continued)

Exhibit	Identified
107	Emails among S. Falk, D. Buerger and others dated 7-31-14 78
108	Email from J. Futrell to N. Robinson and others dated 7-26-11 81
109	GAB accessibility advisory group meeting minutes dated 7-14-11 82
110	Email from L. Hughes to D. Buerger dated 10-6-14 85
111	Emails between A. Coakley and M. Pike dated 9-18 and 9-19-14 86
112	Spreadsheets of data on absentee voting 99

\* \* \* \* \*

(Original transcript is filed with Attorney Kaul)

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THE VIDEOGRAPHER: We are on the record. Seated before you is Mr. Kevin J. Kennedy. This is Media No. 1 of the video deposition of the 30(b)(6) designee for the Government Accountability Board testimony given by Mr. Kevin J. Kennedy. The date is January 28th, 2016. The time is 9:18 a.m.

This deposition is being taken in the matter of One Wisconsin Institute, Incorporated, et al., vs. Gerald C. Nichol, et al., pending in the United States District Court, State of Wisconsin, Western District, Case No. 15-CV-324. This deposition is taking place at the State of Wisconsin, Department of Justice, 17 West Main Street in Madison, Wisconsin.

I am Todd Campbell, videographer with Campbell Legal Video Company of Milwaukee, Wisconsin. The court reporter is Lisa Creeron of Madison Freelance Reporters. Would counsel please first introduce themselves and state whom they represent, starting with the plaintiff, and then the court reporter will swear in the witness.

MR. KAUL: I'm Josh Kaul on behalf of

6

the plaintiffs.

MR. MURPHY: Mike Murphy on behalf of the deponent, Government Accountability Board. I'd like to note that this is the 30(b)(6) deposition of the Government Accountability Board. The person testifying today is Mr. Kevin Kennedy. This is one of two depositions where he has testified, but he is today appearing as the representative of the Government Accountability Board under Rule 30(b)(6).

KEVIN J. KENNEDY,  
called as a witness, being first duly sworn in the above cause, testified under oath as follows:

EXAMINATION

BY MR. KAUL:

Q Mr. Kennedy, let me start out by briefly talking about the nature of this deposition. Have you been a representative in a 30(b)(6) deposition before?

A No.

Q Okay. Are you familiar with the basic distinction between a 30(b)(6) deposition and a personal deposition?

A I believe so.

7

Q And just briefly to summarize that difference, is it your understanding that today you're testifying not on behalf of yourself and your own views but rather on behalf of the Government Accountability Board and its views?

A That's right.

Q I'm going to start out today by showing you a few documents, which this one we can mark as Kennedy 81, and I'll also show you Kennedy 82.  
(Exhibits 81 and 82 are marked for identification)

Q Starting with 81, do you recognize that document?

A Yes.

Q What is that?

A It is a summary of election related changes that was prepared by the agency staff of election law changes from the 2011-2012 legislative session.

Q And when you say agency staff, you mean the GAB?

A I mean the Government Accountability Board staff, yes.

Q And is this summary made available to particular groups or people?

A I believe it's posted on our website. It's made particularly available to municipal clerks who have the greatest need for seeing this information, but it would be a document that we would have on our

8

1 website.

2 Q Let me direct your attention to Page 11 of the

3 document, the last page. On that page there's a

4 summary of 2011 Wisconsin Act 227, is that right?

5 A Yes.

6 Q And the first provision discussed in that summary

7 talks about a provision that prohibits a municipal

8 clerk from returning an absentee ballot to a voter

9 once the voter mails or personally delivers the

10 ballot to the clerk except under specified

11 circumstances, is that right?

12 A That's right.

13 Q And it specifies that a ballot can be returned to a

14 voter if there is an improperly completed certificate

15 or no certificate, is that right?

16 A Yes.

17 Q And also that a ballot may be returned if the voter

18 returns a spoiled or damaged absentee ballot to the

19 clerk?

20 A Yes.

21 Q So aside from those exceptions, in what circumstances

22 prior to this law would clerks return absentee

23 ballots to voters?

24 MR. MURPHY: Object to form.

25 A Well, my recollection was there was no restriction,

1 that if there was a concern about the ballot that the

2 vote -- the ballot could be returned to the voter and

3 reissued. There was a note made on the absentee

4 ballot log to indicate that so that there was only

5 one ballot that was finally accepted, but it was my

6 recollection it was a pretty rare occurrence that

7 people would be asking for their ballot back. But

8 occasionally it was simply because the ballot had --

9 they had changed their mind.

10 One of the concerns I think in practice was that

11 voters would cast an absentee ballot and then they'd

12 show up at the polls and when they were told that

13 their absentee ballot had been -- that they had voted

14 an absentee ballot, if it hadn't been processed, the

15 voter would say I would rather vote here and then the

16 absentee ballot would be rejected because they

17 already voted at the polls.

18 Q Let me ask you about a scenario to make sure I

19 understand how the law would impact that. Say a

20 voter casts an absentee ballot by mail and

21 subsequently realizes that he overvoted, meaning that

22 he voted for two people for the same election. Prior

23 to this change in the law, that voter could have

24 requested to have his or her ballot returned and then

25 cast a new ballot, correct?

1 MR. MURPHY: Object to form.

2 A Yes. Again it didn't happen very often that I'm

3 aware of, but if that question were raised to our

4 office, we would tell the clerk if you can make it

5 work, reissue the ballot.

6 Q And now that would not be permissible, right?

7 MR. MURPHY: Object to the form.

8 A The advice that the agency would give the clerk is,

9 no, you cannot.

10 Q All right. Let me ask you about Exhibit 82. Once

11 you've had a chance to look at that, can you tell me

12 if you recognize that document?

13 A Okay.

14 Q What is that document?

15 A This is a summary of legislation that was enacted by

16 the Legislature in the 2013-2014 legislative session

17 that's relevant to the Government Accountability

18 Board.

19 Q Okay. And this was prepared by the GAB staff again?

20 A Yes, it was, by Brian Bell, who at the time was an

21 employee of the staff -- of the agency.

22 Q Okay. And do the contents of Exhibits 81 and 82

23 reflect the GAB's understanding of the provisions

24 discussed in those documents?

25 A Yes, they were prepared to -- you know, by the agency

1 staff for the board and its customers so that there

2 would be a readily available summary of what action

3 had happened in that legislative session that

4 impacted -- as it says, it's relevant to the GAB.

5 Q And are those documents meant to be comprehensive

6 summaries of election law legislation during the

7 sessions discussed?

8 A I'm not sure I would use the word comprehensive in

9 the sense that they don't go into great detail as to

10 the contents of the legislation. They're meant to

11 capture all of the relevant legislation, so in that

12 sense they would be comprehensive and they're meant

13 to provide a good reference point so that if people

14 need to dig deeper, they can find it. There's a

15 reference to the actual act so it can be looked up in

16 the originating bill.

17 Q Let me show you another document then which we'll

18 mark as Exhibit 83.

19 (Exhibit 83 is marked for identification)

20 A Okay.

21 Q First I just want to verify, I believe we received

22 this as three separate PDFs that were all in one

23 email, so I just want to confirm. My understanding

24 is that the third page is the first attachment to the

25 first two pages and then the fourth and fifth pages

1 are the second attachment to those -- to the letter  
 2 in the first two pages, is that correct?  
 3 A I don't know. I mean I'm familiar with the email,  
 4 but I don't recall the order of -- oh, are you saying  
 5 it's how it's referenced?  
 6 Q Yeah. So the document refers to -- let's see. The  
 7 letter -- let me find the relevant part here.  
 8 A Yeah.  
 9 Q Do you see what I'm referring to?  
 10 A I see what you're referring to. So Page 3 is the  
 11 first attachment.  
 12 Q Okay.  
 13 A And the second attachment would be Page 4.  
 14 Q And that continues onto Page 5, is that right?  
 15 A They refer to it as a third table on Page 5, which is  
 16 different.  
 17 Q Okay.  
 18 A It's -- on Page 4 it's two specific calendar years,  
 19 and on Page 6 it's all of the records in the  
 20 statewide voter registration system.  
 21 Q Okay. So who would this information -- first of all,  
 22 the letter says this was -- it indicates it was sent  
 23 to the Legislature. Was it in fact sent to the  
 24 Legislature?  
 25 A It was sent to members of the legislative standing

13

1 A There was -- it appears from the way the column is  
 2 structured that that number does not include the ones  
 3 that would show up in the 20 days before the  
 4 election, which would show up under the row late  
 5 registration. So these would just be clerks, the  
 6 second row of them, the clerks office should reflect  
 7 voter registration forms that were just turned into  
 8 the clerk's office but not during this special time,  
 9 and there was a distinction because they didn't  
 10 need -- at the time they did not need proof of  
 11 residence whereas late registration required proof of  
 12 residence. That doesn't mean that the clerks  
 13 accurately entered the data, but that would be the  
 14 purpose of creating those designations.  
 15 Q Okay. And do you know, would that include say voter  
 16 registration forms turned in by a voter registration  
 17 drive that was not being conducted by an SRD?  
 18 A We would be advising clerks to treat those as a mail  
 19 registration. That would be the advice the agency  
 20 would give if they were just dropped off by someone  
 21 because -- who was not a special registration deputy.  
 22 Q So this indicates that a little over nine percent in  
 23 2012 were -- of voter registration applications were  
 24 received at clerks' offices. Does that seem like a  
 25 high number to you for in-person registration

15

1 committees. It's addressed to the Senate Committee  
 2 on Elections and Urban Affairs and the Assembly  
 3 Committee on Campaigns and Elections.  
 4 I don't recall that it went specifically to all  
 5 legislators. I know there was an email that Brian  
 6 sent it, but so I don't remember if -- I'd have to  
 7 see the original email to see.  
 8 Q Okay. And were all the materials contained in this  
 9 document and sent collectively?  
 10 A Yes.  
 11 Q I have a couple questions on Page 4. And I'll focus  
 12 on the table with the header 2012 Approved Voter  
 13 Applications. My questions are going to be what some  
 14 of these rows refer to under the heading application  
 15 source.  
 16 A Okay.  
 17 Q First there's a row that says clerks office. Do you  
 18 know what that refers to?  
 19 A That would reflect voter registration applications  
 20 that are filed in the municipal clerk's office.  
 21 Q Okay. And would that include both registrations  
 22 submitted during open registration and after open  
 23 registration?  
 24 A No.  
 25 Q Okay. When were those submitted?

14

1 application during open registration?  
 2 A I don't know. I mean there's lots of reasons why  
 3 people would fill out a registration form in the  
 4 clerk's office. I mean it's a major point of  
 5 contact. So, you know, without more looking at a  
 6 longer period of time or talking to clerks what their  
 7 experiences are, I really don't -- I mean the agency  
 8 certainly is not in a position to do anything other  
 9 than say that the numbers are the numbers.  
 10 Q The next row lists special registration deputy, and  
 11 am I right in understanding that those are  
 12 applications that were received by special  
 13 registration deputies and then submitted to clerks?  
 14 A They were delivered to clerks by special registration  
 15 deputies, yes. I mean the idea is to track the  
 16 source of the application for the voter registration  
 17 and so these would be those that the source for --  
 18 the originating source was a special registration  
 19 deputy.  
 20 Q And the registrations received via mail, next row,  
 21 those would all have to have been postmarked during  
 22 the open registration period, correct?  
 23 A Yes.  
 24 Q So in 2012, those would not have been -- would not  
 25 have had to have been accompanied by proof of

16

1 residence?  
 2 A That's right.  
 3 Q And the same would be true for the special  
 4 registration deputy registrations in 2012, right?  
 5 A That's right, no proof of residence.  
 6 Q All right. And the next column or row, rather, has  
 7 late registration?  
 8 A Yes.  
 9 Q What type of registrations would those have been?  
 10 A Late registration, it refers -- it's a statutory  
 11 provision, but it's for those individuals who  
 12 register in the clerk's office after the close of  
 13 registration.  
 14 Q Okay. So those registrations would have had to have  
 15 been in person at the clerk's office?  
 16 A That's right.  
 17 Q So the only difference between those and the Election  
 18 Day registrations is that the late registrations  
 19 would have taken place prior to Election Day whereas  
 20 the Election Day registrations would have taken place  
 21 on Election Day, is that right?  
 22 A They would have taken place in that window of 20 days  
 23 before the election and -- I'm trying to think if in  
 24 2012 we had -- I don't recall whether or not we ended  
 25 on the Friday before the election or if it was still

1 the Monday before the election, but it would have  
 2 been during that period of time and the statutes --  
 3 there's a particular statutory provision that  
 4 authorizes that and it's titled Late Registration.  
 5 Q And I assume the terms for the 2010 chart are used  
 6 the same way as the terms for the 2012 chart?  
 7 A Yes.  
 8 Q And then on the final page of this document, again  
 9 the terms are being used the same way that we've been  
 10 discussing, right?  
 11 A That's right.  
 12 Q And with the chart on the final page of the document,  
 13 this is looking at all of the active voters in the  
 14 SVRS, is that right?  
 15 A The number appears to reflect the active voters in  
 16 the SVRS. I don't know if there's an explanation,  
 17 but that number is consistent with what I -- what we  
 18 would see at a given point in time as opposed to the  
 19 number of actual records.  
 20 Q Okay. So this -- okay. I'd like to ask you some  
 21 questions about voter registration provisions. This  
 22 first document was previously marked as Kennedy 10.  
 23 A Okay.  
 24 Q Do you recall reviewing this document previously?  
 25 A I do.

1 Q I'd like to ask you about the chart on the first page  
 2 of the document.  
 3 A Okay.  
 4 Q Which is about two-thirds of the way down, do you see  
 5 that?  
 6 A Yes, it's the only chart on the first page.  
 7 Q Can you explain what that chart is showing?  
 8 A The chart shows a record of voters whose proof of  
 9 residence was provided by corroborators and so for  
 10 the first column for each of those three elections,  
 11 those are the number of individuals who for their  
 12 proof of residence offered -- had someone vouch for  
 13 them as a corroborator.  
 14 The second column says, for those individuals,  
 15 how many of them had a driver's license record in our  
 16 statewide voter registration system. The third  
 17 column is how many had a Social Security number in  
 18 the voter registration system and some could have  
 19 nothing and some could have both.  
 20 Q Do you know why your staff was assessing the number  
 21 of people who used corroboration who had driver's  
 22 licenses issued by the state?  
 23 A I think it was a reflection of the questions that had  
 24 come in from the Milwaukee Journal Sentinel, and I  
 25 would have to go back and look, but I think one of

1 the concerns really was, well, people who need a  
 2 witness on Election Day might actually have an  
 3 identifying document, but it's not current enough to  
 4 use as proof of residence because it doesn't have --  
 5 because it's not current on the day of the election.  
 6 It's an expired driver's license or it has the wrong  
 7 address on it.  
 8 Q And these numbers indicate that that's with respect  
 9 to driver's licenses, that's correct for a large  
 10 percentage of people who use corroboration, is that  
 11 right?  
 12 A It shows that a large number of them who use  
 13 corroboration had a driver's license.  
 14 Q And those are Wisconsin driver's licenses  
 15 specifically, right?  
 16 MR. MURPHY: Object to form.  
 17 A I don't know. But generally we discourage clerks  
 18 from using out-of-state licenses because there's  
 19 nothing that they can use them for.  
 20 Q And why were Social Security -- why were you  
 21 analyzing the number of Social Security -- let me  
 22 rephrase that -- the number of people for whom you  
 23 had Social Security number information?  
 24 A I don't know why specifically that was done. I think  
 25 it was just we had the information, so we included

1 it. And I think looking at those numbers, there's a  
2 number of reasons why people want to know as much  
3 information about the people who used a corroborator  
4 for their proof of residence, and so it would just be  
5 an added piece of information that might have value  
6 in the legislative discussion.

7 Q Can Social Security numbers be used in connection  
8 with voter registration?

9 MR. MURPHY: Object to form.

10 A If a voter does not have a driver's license, they are  
11 required to give the last four digits of their Social  
12 Security number and if they have neither, they have  
13 to indicate that they have neither.

14 Q Okay. If an individual were to provide the last four  
15 of a Social Security number when he or she registered  
16 with a corroborator, for individuals for whom you had  
17 the Social Security number on file, you could have  
18 done a cross-check, is that right, to determine if  
19 they provided the accurate final four Social Security  
20 number digits?

21 A We could do that, yes.

22 Q Do you know if that was done or not?

23 A Well, you know, it may be that the source of that  
24 Social Security number was actually the registration  
25 form that the voter filled out. I mean when you fill

1 have to amend their registration because they move  
2 need a corroborator and we would probably have some  
3 data in the system on that they would have been an  
4 active voter but then their record got updated.

5 Q Okay. So if this data was pulled at the beginning of  
6 2011, the data for some of the prior elections, like  
7 the 2006 election, would likely understate the number  
8 of people who registered using corroboration, right?

9 A Well, the system would be -- anybody who was  
10 registered before 2006, we would not have been  
11 collecting that data.

12 Q Right. But what I mean is there were likely some  
13 voters who registered in 2006 through corroboration  
14 who were no longer in the system when this data was  
15 pulled?

16 A I don't know for sure.

17 Q Would you say that it's likely?

18 A I don't know for sure.

19 Q I'll mark this next one as Exhibit 84.

20 (Exhibit 84 is marked for identification)

21 Q All right. And these are a series of documents  
22 relating to an investigation that the State Elections  
23 Board conducted regarding whether high schools were  
24 offering voter registration, is that right?

25 A That's right.

1 out a voter registration form, you list some data and  
2 required fields are driver's license number. If not  
3 a driver's license number, then the last four digits  
4 of the Social Security number. So that information  
5 would be put into the system.

6 Q Were these statistics pulled out of the SVRS?

7 A They were.

8 Q So if an individual had -- who registered say in 2006  
9 had become inactive, would his or her registration be  
10 reflected in this chart?

11 A I'm not sure what they were pulling from in terms of  
12 active. My sense is we were looking at active voters  
13 on this because inactive voters, the vast majority of  
14 those are people who have passed away or who have  
15 canceled their registration because they've moved to  
16 another state.

17 You know, in the previous document, you asked me  
18 about the number at the top, which is 3.3 million odd  
19 numbers, which is generally about where our active  
20 numbers rest, but the number of records in that  
21 system is significantly more on that, and so in  
22 trying to analyze data, we would be looking at those  
23 people who are currently active. I mean people also  
24 would be inactive if they were convicted of a felony,  
25 for example, on that. But people could register --

1 Q Let me first direct you to what I believe is the  
2 ninth page of the document that has the number 23 at  
3 the bottom, and it's a memorandum dated May 3 of  
4 1979.

5 A Yes.

6 Q Who is Gerald Ferwerda?

7 A Mr. Ferwerda was the executive director of the State  
8 Elections Board at the time of this memorandum.  
9 Actually they called it the executive secretary. So  
10 he was the agency head of the Elections Board.

11 Q Was he your predecessor?

12 A He was my predecessor. At the time he was my boss.

13 Q All right. And then let me direct your attention to  
14 a few pages after that to the page with the number 26  
15 on the bottom. And let me ask you to read the  
16 paragraph at the bottom of that page beginning with  
17 although not one.

18 A Do you want me to read it out loud or to myself?

19 Q I'm sorry. You can read it to yourself and then I  
20 will ask you a couple of questions.

21 A Okay.

22 Q Thank you. Okay. Now, in this paragraph,  
23 Mr. Ferwerda indicates that he is summarizing data to  
24 determine the productivity of the high school voter  
25 registration program.



1 A Yes.

2 Q And he then reports some statistics about the

3 percentage of high school seniors who are registered,

4 is that right?

5 A Yes.

6 Q Do you know, are the statistics he's reporting, are

7 those total number of high school seniors who are

8 registered, or are they the percentages of high

9 school seniors who registered at high school?

10 A I don't know. It appears that he was drawing the

11 numbers from the people who registered at high school

12 because that's where he was at when he was looking at

13 this. It appears to be that number.

14 Q Okay. So your understanding is that he's indicating

15 that for 1976 to '77, 5.8 percent of high school

16 seniors registered at their high school, is that

17 right?

18 A That's right.

19 Q And similarly, the next period, 1977 to '78, it would

20 be 4.3 percent of high school seniors registered at

21 their high school?

22 A Yes.

23 Q And for 1978 to '79, it was 2.9 percent of high

24 school seniors did so, is that right?

25 A That's what -- that would really be the only set of

25

1 numbers that he would have access to, so yes.

2 Q Okay. And did the Elections Board and then the GAB

3 keep statistics after that point in time about the

4 number of -- or the percentage of high school seniors

5 who registered at high school?

6 A This is the only study that was done before -- that

7 specifically reach out for this activity. There was

8 no statewide voter registration database before 2006.

9 So the kind of data we looked at in prior exhibits

10 that shows the source of registrations would not

11 appear.

12 Q Okay. And Mr. Ferwerda indicates that in the

13 three-year period he analyzed, just under 5,700 high

14 school students registered at their high school, is

15 that right?

16 A That's right.

17 Q Now, at the time that he was doing this analysis,

18 municipalities with 5,000 or fewer voters did not

19 have voter registration, right?

20 A They were not required to have it. Some of them did,

21 but most of them did not.

22 Q And do you know if his numbers, the percentage

23 numbers are a percentage of all high school students

24 in the state or just those in cities with

25 registration?

26

1 A It appears that those numbers were all high school

2 students in the state.

3 Q And do you know what --

4 A All high school seniors in the state.

5 Q Right. And do you know at this time approximately

6 what percentage of Wisconsin residents were subject

7 to the registration requirements?

8 A At that time I don't know. I know we had a pretty

9 good handle on it in 2006 when we were building the

10 statewide registration system.

11 Q And as of 2006, do you know what percentage were not

12 subject to voter registration?

13 A In 2006, the numbers that we were looking at in

14 assessing voter registration, we knew that there were

15 about 1,500 municipalities of the 1,851 at the time

16 who did not have voter registration, but 76 percent

17 of the population were in areas that had voter

18 registration.

19 Q And from the late 1970s to 2006, there was population

20 growth in Wisconsin, correct?

21 A Yes.

22 Q I'll mark this document as Exhibit 85.

(Exhibit 85 is marked for identification)

23

24 Q And you're welcome to look at it as much as you'd

25 like. I'm going to ask you about the first two pages

27

1 of the document.

2 A Okay.

3 Q First is it your understanding that this document

4 involves email exchanges among the GAB staff and the

5 clerk for the City of Brookfield?

6 A Yes, at least the first two pages.

7 Q All right. And this relates to difficulty that the

8 clerk in Brookfield was having registering voters at

9 nursing homes --

10 MR. MURPHY: Object to form.

11 Q -- because of the proof of residence requirement, is

12 that correct?

13 A Well, her specific question is not there, but I think

14 reading it in context, she's asking how to address --

15 better ways to address it. You know, where you've

16 directed it, it seems late in the conversation. It

17 simply points out -- and I haven't looked at the rest

18 of the document. I've only looked at Page 2 and 1.

19 It's clear that Mr. Haas was responding to the

20 Brookfield City Clerk and had a prior conversation

21 and I don't know if it was by email or by phone and

22 he was simply adding here is some more information

23 that we didn't talk about.

24 Q Okay. About halfway through the second page,

25 Mr. Haas is explaining that one of the options that

28

1 municipal clerks had available for ensuring that  
 2 nursing home residents had proof of residence would  
 3 be to send a letter from the clerk to the resident of  
 4 the nursing home because that letter would then be a  
 5 government document with the person's address, right?  
 6 A Well, that's not -- you wouldn't get that from that  
 7 particular paragraph, but from the full context, you  
 8 would know it was talking about nursing home voters.  
 9 Q Okay. And in response to that, at the bottom of the  
 10 first page -- actually is Kelly Michaels  
 11 Mr. Michaels or Ms. Michaels?  
 12 A Ms.  
 13 Q Okay. She indicates that she has concerns about  
 14 providing proof of residence for the purpose of  
 15 giving voters acceptable proof of residence, is that  
 16 right?  
 17 A That's right.  
 18 Q And then she writes, "I'm staying away from that," is  
 19 that right?  
 20 A That's what it says.  
 21 Q Do you know whether other municipal clerks had  
 22 concerns about this procedure?  
 23 A I don't know for sure on that, no.  
 24 Q Based on your experience, the GAB's experience in  
 25 administering elections, is this method of proving

1 residence more secure than the method that was in  
 2 place before documentary proof of residence was  
 3 required during the open registration period?  
 4 A I'm not sure exactly what you're driving at here. I  
 5 mean it's the same proof of residence requirement for  
 6 late registration. It's now been extended to  
 7 early -- to all registration forms. So why it would  
 8 be more secure in one situation than another, I'm not  
 9 quite sure why you're asking that.  
 10 Q Well, previously voters who registered during open  
 11 registration did not -- were not required to submit  
 12 documentary proof of residence, right?  
 13 MR. MURPHY: Object to form.  
 14 A They were not required to provide an identifying  
 15 document or a copy of one, no.  
 16 Q And now they are, right?  
 17 MR. MURPHY: Object to form.  
 18 A That's right.  
 19 THE WITNESS: Sorry.  
 20 Q And some voters since the change in the law have had  
 21 difficulty obtaining a form of proof of residence  
 22 with which they could register, right?  
 23 MR. MURPHY: Object to form.  
 24 A I think some voters always have difficulty finding a  
 25 proof of residence. It doesn't matter whether it was

1 later or before. There are just certain types of  
 2 documents that are required and either you have them  
 3 or you don't.  
 4 Q Prior to the change in the law, though, if a voter  
 5 registered during open registration, the voter didn't  
 6 need to have proof of residence, right?  
 7 A They did not need to have it.  
 8 Q But now voters, although they're required to have  
 9 documentary proof of residence, can use a letter sent  
 10 to them from the municipal clerk informing them that  
 11 their registration was not processed, for example, as  
 12 proof of residence, is that right?  
 13 MR. MURPHY: Object to form.  
 14 A Well, there would have to be a different  
 15 registration. I mean I don't think it quite works --  
 16 when they register to vote, they have to have the  
 17 documentary proof of residence. If they don't have  
 18 it, they're going to be informed that they don't. If  
 19 they wanted to re-register and use that letter, the  
 20 answer would be yes.  
 21 Q Okay.  
 22 A But the first time through, that would not be the  
 23 case.  
 24 Q Under prior law, the registration would have just  
 25 been processed the first time it was sent in if it

1 were sent during open registration, right?  
 2 MR. MURPHY: Object to form.  
 3 A That's one of the steps. They also receive a  
 4 confirmation mailing and if that mailing comes back  
 5 undeliverable, their registration is inactivated.  
 6 Q Right. And that hasn't changed, right?  
 7 A That has not changed.  
 8 Q This one we'll mark as Exhibit 86.  
 9 (Exhibit 86 is marked for identification)  
 10 A Okay.  
 11 Q Do you recognize that document?  
 12 A I do.  
 13 Q What is that?  
 14 A It is a memorandum that was prepared by the elections  
 15 division administrator at the time or on his behalf,  
 16 Nat Robinson, and it was about proof of residence for  
 17 college or university students.  
 18 Q And that was sent to -- where it says interested  
 19 parties, do you see that?  
 20 A I see that.  
 21 Q Do you know who it was sent to in particular?  
 22 A I'm not sure if it was -- who it was actually  
 23 distributed to.  
 24 Q Do the contents of that letter accurately reflect the  
 25 GAB's understanding as of the time it was sent?



1 A It reflects the advice the GAB staff was providing to  
2 local election officials and interested parties, most  
3 likely college students, university students and  
4 university administrators.  
5 Q Has the advice changed since that time?  
6 A I don't believe that it has.  
7 Q And would you agree that registration is particularly  
8 confusing for student voters?  
9 MR. MURPHY: Object to form.  
10 A I'm not sure that the board has taken a position on  
11 that.  
12 Q Does the GAB staff have a view on that?  
13 A I'm not sure that the GAB staff -- I mean they have  
14 practices. I'm not sure that institutionally we  
15 would have a position on that.  
16 Q Let me show you Exhibit 87.  
17 (Exhibit 87 is marked for identification)  
18 A Okay.  
19 Q Now, this is a memorandum that Nat Robinson sent  
20 again to interested parties, is that right?  
21 A That's right.  
22 Q And do you have the same understanding of interested  
23 parties here that you did with the last document?  
24 A Right. It was a general information document that we  
25 prepared whose primary audience would probably end up

1 Q All right. Let me show you a document we'll mark as  
2 Exhibit 88.  
3 (Exhibit 88 is marked for identification)  
4 A Okay.  
5 Q This is an email from an individual to the GAB help  
6 desk, is that right?  
7 A That's right.  
8 Q And is that -- well, is there a publicly available  
9 place for citizens to submit comments to the GAB?  
10 A Yes.  
11 Q Okay. And how do they do that?  
12 A They can -- well, obviously they can write to our  
13 address, but most often people will go online and  
14 there's a place where they can send comments.  
15 There's a specific place about complaints. I don't  
16 know if this originated from a complaint. Probably  
17 not because complaints go -- people who fill out an  
18 online complaint form, it goes to our public  
19 information officer. But people would see that they  
20 could send a comment to the agency and where it would  
21 go to would be the agency help desk.  
22 Q Okay. And in this email, is it your understanding  
23 that the voter was complaining that she was unable to  
24 cast a ballot, as was her husband, due to the  
25 residency rules?

1 being university and college students and people  
2 working with them in voter registration settings,  
3 which would include administrators.  
4 Q Okay. And the beginning of this memo indicates that  
5 the GAB has received a number of inquiries from  
6 students and municipal clerks and university and  
7 college representatives regarding a proper location  
8 for college students to cast votes. Do you see that?  
9 A Yes.  
10 Q And is that correct?  
11 A Yes.  
12 Q And the memorandum addressing that issue, this  
13 memorandum is approximately five and a half single  
14 spaced pages, is that right?  
15 A Yes.  
16 Q Do you know why the memorandum was that length?  
17 A Because we know that there are unique circumstances  
18 that apply to students in terms of their residence,  
19 in terms of the types of documents that they have  
20 accessible. There's a number of different groups  
21 that generate more sets of questions on this and so  
22 as a result even the statutes have specific  
23 provisions that deal just with students and so the  
24 idea was to gather all that information in place so  
25 it's an easy reference.

1 MR. MURPHY: Object to form.  
2 A Well, she describes the situation and she did not  
3 know what the residency rules were, so she did not  
4 have enough time when she showed up at the polls on  
5 Election Day to get back to the location where she  
6 could vote and chose not to.  
7 Q And that relates to my next question actually. Do  
8 you receive -- this complaint wasn't unique with  
9 respect to the residency rules -- let me rephrase  
10 that.  
11 Is it fair to say that you received other  
12 communications from voters who had difficulties  
13 voting because of the residency rules?  
14 A I really can't speak to that. I don't know for sure.  
15 Q Do you know whether -- well, does the GAB have an  
16 understanding as to the degree to which voters are  
17 familiar with the residency rules for voting in  
18 Wisconsin?  
19 A We don't have an objective evaluation of that. I  
20 mean we know that we try to design materials to  
21 provide information to voters about the requirements,  
22 including changes that went into effect during the --  
23 as they go into effect.  
24 Q In your experience, are most voters, by your  
25 experience, I mean the GAB's experience, are most

1 voters familiar with the residency rules?  
 2 MR. MURPHY: Object to form.  
 3 A I'm not sure that the agency looks at things in that  
 4 particular development. I mean they look at their  
 5 responsibility is to make as much information  
 6 available in forms that people can understand.  
 7 Residency would be one of those issues because it's  
 8 important not only for are you eligible to vote but  
 9 where you vote.  
 10 So we design materials -- particularly we have  
 11 the My Vote Wisconsin so people can see are you  
 12 currently registered, where do you vote, and it does  
 13 provide background information on the basic  
 14 qualifications to vote. The website has I know a  
 15 very specific, you know, section just for voters, and  
 16 it does talk about the qualifications. So that's  
 17 part of our job is to make sure that information is  
 18 available, and I think we tailor it for all the  
 19 components of voting, not just residency.  
 20 Q Has there been any public information campaign  
 21 conducted by the GAB or anyone else to your knowledge  
 22 regarding the change to the residency rules?  
 23 A By public information campaign, the only thing that I  
 24 would say that we did was change our forward facing  
 25 website, looked at our materials, discussed changes

1 will be 91.  
 2 (Exhibits 89 - 91 are marked for identification)  
 3 Q I guess I'll first ask you to review 89 if you  
 4 haven't already.  
 5 A Okay.  
 6 Q So 89 contains a couple emails involving GAB staff,  
 7 is that right?  
 8 A That's right.  
 9 Q And these emails were sent on August 7th of 2012, is  
 10 that right?  
 11 A Yes.  
 12 Q And the second page of Exhibit 89 indicates that  
 13 there are two attachments to that email?  
 14 A Yes.  
 15 Q And is it your understanding that -- I may have done  
 16 these out of order -- that 91 is the first attachment  
 17 identified there?  
 18 A I don't know if it's the first attachment. It makes  
 19 reference to an email from -- again I don't know what  
 20 the attachment is specifically, but the last email in  
 21 the string, which is the first on the page, has the  
 22 thank you for your kind words reference and it's tied  
 23 to the Winnebago County Clerk, Sue Ertmer, but I  
 24 don't have any reason to know if that's the actual  
 25 attachment there.

1 in various settings, but we did not engage in any  
 2 kind of media outreach.  
 3 You know, obviously there were media interviews  
 4 that were done by myself and other members of the  
 5 staff. We occasionally are called upon to speak at  
 6 groups, and these are the kind of things that we  
 7 would talk about, but there was no proactive taking  
 8 out media advertising.  
 9 Q According to this email, the voter had tears when she  
 10 was informed that she was not going to be able to  
 11 vote at her new residence, is that right?  
 12 MR. MURPHY: Object to form.  
 13 A The email says she was in tears.  
 14 Q In your experience, are voters often upset when they  
 15 learn that they're not able to vote?  
 16 A Well, this person commented that part of what it  
 17 appears maybe driving this was how rude the poll  
 18 worker was to her. But I think in my experience if a  
 19 person can't vote, if they're upset and that if we  
 20 get those kind of phone calls, it's because they took  
 21 the time to express their concerns or that kind of  
 22 contact.  
 23 Q I'm going to mark three documents which I believe go  
 24 together, but I'd like to ask you about that. So  
 25 this will be Kennedy 89, this will be 90, and this

1 Q Okay. And the second attachment, is it your  
 2 understanding that Exhibit 90 is that attachment?  
 3 A I could infer that that's what it is based on the  
 4 date, but again I don't know for sure.  
 5 Q Okay. And if these documents were produced  
 6 consecutively in this case, would that inform your  
 7 understanding as to whether --  
 8 A It would make sense.  
 9 Q It would make sense that they were attachments?  
 10 A Yes.  
 11 Q What I'd like to ask you about is the -- near the top  
 12 of Exhibit -- I forget how I marked them, the top of  
 13 Exhibit 91 -- no, I'm sorry, 90, do you see where the  
 14 writer refers to the residency rule?  
 15 A Yes.  
 16 Q And indicates that, "The FEC states 10 days and at  
 17 least half your county clerks post this as the law."  
 18 Do you see that?  
 19 A Yes.  
 20 Q All right. Now, at this point in time the residency  
 21 requirement was 28 days, right?  
 22 MR. MURPHY: Object to form.  
 23 A In August of 2012, which was when this was dated,  
 24 yes.  
 25 Q Do you know whether it's correct that the FEC at that

1 time indicated that the residency requirement was 10  
 2 days?  
 3 MR. MURPHY: Object to form.  
 4 A I do not know what the FEC states. He may have been  
 5 referring to a document that's prepared by the FEC,  
 6 but I don't know if he had a conversation with the  
 7 federal -- FEC I take to be the Federal Election  
 8 Commission in Washington, DC.  
 9 Q And do you know whether county clerks had information  
 10 on their websites at this time indicating that the  
 11 residency period was 10 days?  
 12 A We know that there were a number of county clerks who  
 13 had old information up and that we made an effort to  
 14 communicate that to them, that there were -- you  
 15 know, most government websites have a lot of  
 16 information. When the law changes, they don't always  
 17 catch everything, and that was one of the issues that  
 18 we were dealing with.  
 19 Q Do you know whether the Federal Election Commission  
 20 also had old information up?  
 21 A I don't know for sure. I wouldn't be surprised.  
 22 Q I'll mark this one as 92.  
 23 (Exhibit 92 is marked for identification)  
 24 A Okay.  
 25 Q This document is an email exchange between Lila Walsh

41

1 So the poll list was marked for those unique  
 2 individuals, a very small number of people, POR  
 3 required, but that designation in the voter  
 4 registration system changed on how we treat them.  
 5 That's what Lila was following up here is that if you  
 6 had someone who had registered to vote and had not  
 7 provided their proof of residence on the system, you  
 8 had to take special steps to deal with those  
 9 particular cases because it was now everybody had to  
 10 provide proof of residence. So we weren't going to  
 11 have that designation in there.  
 12 So what she was doing, and you can see it goes  
 13 on for several pages and lists the individuals,  
 14 providing them with specific instructions on how to  
 15 deal with a unique group of people that were in a  
 16 different situation prior to the change of the law.  
 17 Q Okay. And in response to that email, the clerk from  
 18 Menasha noted that the GAB website did not appear to  
 19 be updated with the new law requiring proof of  
 20 registration for everyone registering, is that right?  
 21 A That's right.  
 22 Q And this was approximately a month and a half after  
 23 the requirement was in effect, is that right?  
 24 A That's right.  
 25 Q And in response to that email, Ms. Walsh wrote that

43

1 and the clerk from Menasha, is that right?  
 2 A For the Town of Menasha, yes.  
 3 Q Who is Ms. Walsh?  
 4 A Lila Walsh was one of our voter registration  
 5 specialists who worked with municipal clerks to make  
 6 sure that their voter registration records were  
 7 correct and helped train them on using the statewide  
 8 voter registration system.  
 9 Q Okay. On the bottom of the second page of this  
 10 document, there's an email which she sent explaining  
 11 that the Town of Menasha had POR required voter  
 12 records that should be reviewed, do you see that?  
 13 A Yes.  
 14 Q And does POR required voter records mean that  
 15 registrations were entered into the system that were  
 16 not accompanied by proof of registration when they  
 17 were submitted?  
 18 A No. One of the confusing things was that when the  
 19 Help America Vote Act was passed and Wisconsin law  
 20 incorporated this provision, an individual who  
 21 registered to vote by mail who had never been  
 22 registered in the State of Wisconsin was required to  
 23 provide proof of residence in order to vote, and that  
 24 was the one -- one of the few cases where they would  
 25 get a provisional ballot if they showed up.

42

1 there's still a lot of incorrect information on our  
 2 website and emphasized the word -- the phrase a lot,  
 3 is that right?  
 4 A Well, she put it in italics.  
 5 Q Okay. But otherwise that's right?  
 6 A Yes.  
 7 Q And is that your understanding as well?  
 8 A My understanding is we spent a lot of time trying to  
 9 identify all the documents that we had developed over  
 10 the course of years that needed to be changed.  
 11 Q And that's what she's referring to in Paragraph 3 of  
 12 that same email, right?  
 13 MR. MURPHY: Object to form.  
 14 A She's referring to the fact that, yes, we have to go  
 15 through and identify everything that's on our website  
 16 because there's a lot of information there.  
 17 Q And so every time that there's a change made to the  
 18 law, the elections laws, that means that GAB had to  
 19 go through and update all of its forms, is that  
 20 right?  
 21 A That's right.  
 22 Q And the same would be true for municipal and county  
 23 clerks?  
 24 MR. MURPHY: Object to form.  
 25 A It would be true, although they would also be relying

44

1 pretty heavily on our information. We've developed  
2 most of the forms on that. If they synthesized  
3 information and created their own form, the answer  
4 would be yes.  
5 Q And as the number of provisions that are passed  
6 increases, does that process become increasingly  
7 difficult?  
8 A It's much more -- it takes a lot to do it and as  
9 evidenced by the fact that it took us quite a bit of  
10 time to catch up to it.  
11 Q All right. This will be Exhibit 93.  
12 (Exhibit 93 is marked for identification)  
13 A Okay.  
14 Q Now, this document is an email exchange involving the  
15 clerk from the City of Beloit and David Buerger from  
16 the GAB, is that right?  
17 A That's right.  
18 Q And this relates to difficulties that the City of  
19 Beloit was having getting absentee ballots to voters  
20 who were temporarily overseas?  
21 MR. MURPHY: Object to form.  
22 A Yes.  
23 Q And the GAB has received other communications about  
24 voters who were temporarily overseas who were unable  
25 to get ballots in time for them to be cast, is that

1 Department of Justice puts on, states where someone  
2 is late getting -- municipalities getting that out  
3 that they would say you have to send it by express  
4 mail. They don't necessarily say FedEx, but they say  
5 express mail service.  
6 Q And do you know how much it would have cost the  
7 Beloit clerk to email that ballot to someone?  
8 A I don't know. But it's safe to assume that email  
9 was -- assuming you're only looking at the act of  
10 typing in the address and making the attachment,  
11 that's going to be whatever -- that's part of  
12 someone's daily duties. Whether you allocate that  
13 out, it's certainly not -- it's usually not a cost  
14 that's going to even be broken out.  
15 Q So the email would have been about 100 to \$130  
16 cheaper than the FedEx would have been?  
17 A I don't know what the allocation would have been for  
18 the city clerk, who gets paid a lot of money.  
19 Q Sure. The clerk would have had to allocate time to  
20 FedEx the ballot, right?  
21 A Sure.  
22 Q And an email would have arrived virtually  
23 immediately?  
24 A All the systems working as they should.  
25 Q But they were -- the clerk was not permitted to email

1 right?  
2 A Yes.  
3 Q And on the second page near the top, Mr. Buerger in  
4 the last sentence of this email suggests that Beloit  
5 may even want to consider an alternative form of  
6 shipping that might be faster like FedEx, is that  
7 right?  
8 A That's right.  
9 Q And in response to that, the clerk indicates that she  
10 looked into that option, is that right?  
11 A That's right.  
12 Q And that it would cost between 100 and \$130 to send  
13 the ballots?  
14 A That's what she says.  
15 Q And Mr. Buerger agreed that that's a prohibitively  
16 high cost, is that right?  
17 A That's what he says.  
18 Q And is that the GAB's view?  
19 A No. I think you can't extrapolate that. I think  
20 that's one individual commenting on the set of  
21 figures. I can't say that the GAB has taken a view  
22 on the cost of that. And in fact, under certain  
23 federal requirements, we would have to require that  
24 to be done for military and overseas voters.  
25 That's not an unusual requirement that the

1 this ballot, right?  
2 A That's right.  
3 Q This is Exhibit 94.  
4 (Exhibit 94 is marked for identification)  
5 Q First is it your understanding that this is an email  
6 that the GAB received by virtue of being a subscriber  
7 to the Clerk List?  
8 A Yes.  
9 Q And this is an email from the clerk from Mount  
10 Pleasant indicating that Mount Pleasant was swamped  
11 with in-person absentee voters?  
12 A That's right.  
13 Q Is it your understanding that Mount Pleasant was  
14 swamped with absentee -- in-person absentee voters?  
15 A This is my only indication of it.  
16 Q Did the GAB receive other communications about  
17 municipalities having lines or large numbers of  
18 voters for in-person absentee voting?  
19 A I'm sure that we did. I think we were all aware that  
20 there was a large number of people who were voting  
21 in-person absentee. I mean it was something that was  
22 talked about in preparing for the elections. It  
23 obviously made the clerks list. I don't know what  
24 the responses were to this.  
25 Q And this was in relation to the 2014 general

1 election, right?

2 A Yes.

3 Q Okay. So this type of comment was not unique at the

4 time, is that fair?

5 A I'm sure there were others. I don't know if they all

6 had the same wry sense of humor about sending us a

7 bill and putting a smiley face on it.

8 Q But with respect to lines for in-person absentee

9 voting and being swamped with voters, this comment is

10 not unique, right?

11 A Well, lines. Whether people used the term swamped,

12 there's nothing equivalent. I mean I think there was

13 media coverage about the fact that there was long

14 lines in many places. I'm sure there were other

15 comments from clerks as well. Again I did not see

16 what the clerk response to her comment was.

17 Q All right. This will be 95.

18 (Exhibit 95 is marked for identification)

19 A Okay.

20 Q All right. Now, this is an email that was sent to

21 the GAB help desk in October of 2014, is that right?

22 A Yes.

23 Q And the emailer indicates that her daughter will be

24 out of town on Election Day and during the in-person

25 absentee voting period, is that right?

49

1 A That's right.

2 Q And again would it be accurate to say that the GAB

3 has received other communications about individuals

4 who will be out of town during the period available

5 for in-person voting?

6 A Yes.

7 Q This emailer also indicates that her daughter is

8 reluctant to send her ballot through the email

9 because she's had her identity stolen twice, is that

10 right?

11 A No.

12 MR. MURPHY: Object to form.

13 A The answer is no. It appears she's talking about

14 registration, not about the ballot. Because it's the

15 identification that she's concerned about. She wants

16 to show her ID in order to register. That's the way

17 I read this document.

18 Q Okay. Well, at this time the voter ID law was

19 still --

20 A I understand that, but I'm just reading the ID -- you

21 know, to register to vote, she needed to show an

22 identifying document for proof of residence and

23 that's the only reason I can think of why she would

24 need an ID and so rather than mail in registration,

25 which would have been permitted back then at that

50

1 time but would have required an identifying document

2 for proof of residence.

3 Q She also at that time would have been under the

4 understanding that her -- well, the law at the time

5 was that she was also required to submit an ID, a

6 form of voter ID to cast a mail absentee ballot,

7 correct?

8 MR. MURPHY: Object to form.

9 A That's right, because the Seventh Circuit had

10 reinstated the voter ID law during that time period.

11 Q Have you, meaning the GAB, encountered other voters

12 who were concerned about identity theft?

13 A That issue was raised, yes.

14 Q And it was raised specifically in connection with the

15 requirement that copies of IDs be included with

16 absentee voting by mail, right?

17 A I think it was raised in a number of contexts, that's

18 why.

19 Q Does the GAB have a view on how to advise voters in

20 response to questions like this?

21 A I can't say that we have a view. I mean this is the

22 kind of question that our staff will get, and we will

23 try to work to problem solve it, walk them through

24 the various options that they have trying to address

25 their concerns. You know, it's kind of like an

51

1 individual case that you get.

2 Q This is Kennedy 96.

3 MR. MURPHY: Is this GAB 96?

4 MR. KAUL: You know, I have that --

5 that's because how they were written, but that's

6 because we've been using that format before.

7 They're all consecutively numbered. So I

8 frankly think we could just call them by the

9 number.

10 MR. MURPHY: That's fine.

11 MR. KAUL: I'll try to use that

12 convention going forward.

13 (Exhibit 96 is marked for identification)

14 A Okay.

15 Q Now, this is an email exchange between Neil Albrecht

16 and some members of the GAB staff, is that right?

17 A That's right.

18 Q And in the middle of the second page, Ross Hein sent

19 some data to Mr. Albrecht about in-person -- well,

20 about absentee voting generally and in-person

21 absentee voting in particular in the City of

22 Delafield, right?

23 A He gave him two numbers, right.

24 Q And Mr. Albrecht responded with some analysis of that

25 data and some other data?

52

1 A That's right.  
2 Q Does the data in Mr. Albrecht's email appear to be  
3 correct to you?  
4 A I'm assuming that -- again I don't know for sure.  
5 I'd have to look at that information. I mean he's --  
6 the City of Delafield is the information we gave him.  
7 I would think he has a handle on how many  
8 absentee ballots he had. I mean he was simply  
9 dividing that over a certain number of hours, which  
10 I'm not sure of, but it would probably have to  
11 reflect the number of hours that were available for  
12 in-person absentee voting.  
13 Q And on the hours, I'll note he says here assuming 90  
14 hours, do you see that?  
15 A Yes.  
16 Q And the legislation was ultimately modified so the  
17 total was 110 hours, is that right?  
18 A I don't recall.  
19 Q The period for in-person absentee voting is from 8  
20 a.m. to 7 p.m., right?  
21 A It is now, yeah. I don't remember what the original  
22 proposal was.  
23 Q Okay.  
24 A But I mean this was all taking place during that  
25 discussion.

1 Q So currently it's 110 hours rather than the 90 he  
2 assumed, though, right?  
3 A Yes.  
4 Q Okay. So that would have some impact on the number  
5 of voters per minutes or seconds, correct?  
6 A That's right.  
7 Q Do you know if the numbers for the in-person absentee  
8 voters in Big Bend appear approximately correct?  
9 A I don't know.  
10 Q This will be Exhibit 97.  
11 (Exhibit 97 is marked for identification)  
12 A Okay.  
13 Q Do you recognize this document?  
14 A Yes.  
15 Q What is this?  
16 A It appears to be the veto message coming from the  
17 governor with respect to Senate Bill 324, which  
18 became 2013 Wisconsin Act 146.  
19 Q And you say it appears to be. To the best of your  
20 knowledge, was this a true and accurate copy of that?  
21 A Yes.  
22 Q Did you, meaning anyone on behalf of the GAB, have  
23 any communications with the Governor's Office  
24 regarding this bill?  
25 A Yes.

1 Q What, if anything, do you recall about those  
2 communications?  
3 A We encouraged them to strike the 45 total hour  
4 limitation on the bill. I'm not sure what else we  
5 might have done on this, but because it was an  
6 appropriations bill, we thought that there could be  
7 some changes that would make it easier to administer.  
8 Q And what, if any, way in your experience did this  
9 bill ensure the integrity of the voting process?  
10 A I'm not sure that the GAB can speak to that.  
11 Q The GAB must have some views on what would help  
12 ensure the integrity of the voting process, correct?  
13 A But you asked about this in particular, and this is a  
14 policy decision on setting hours. The board doesn't  
15 normally go out and take strong positions on  
16 legislation in terms of integrity. They look at  
17 administrative concerns primarily.  
18 MR. MURPHY: You want a break?  
19 THE WITNESS: I'm okay.  
20 MR. KAUL: I think we've probably got  
21 about 15 minutes.  
22 THE VIDEOGRAPHER: Fifteen minutes.  
23 Q I'm happy to take one whenever you want.  
24 A Yeah, no.  
25 Q I'm also happy to keep moving if that's easier. I'd

1 like to switch gears and ask you about election  
2 observers. This will be 98.  
3 (Exhibit 98 is marked for identification)  
4 A Okay.  
5 Q All right. Now, this email string involves a  
6 constituent email sent to Representative Hutton's  
7 office which was then forwarded to the GAB, is that  
8 right?  
9 A That's right.  
10 Q And the constituent's email makes reference to the  
11 absentee voting process at a residential facility,  
12 Harwood, being private, is that right?  
13 A That's what they say, yes.  
14 Q And Mr. Haas ultimately responded to the legislative  
15 staff member who forwarded this communication, right?  
16 A Yes.  
17 Q All right. And I'd like to direct you to the second  
18 paragraph of his email. He writes that, "The  
19 Legislature has mandated that election observers must  
20 be allowed between three and eight feet of the  
21 location of where electors register and sign in at  
22 polling locations." Do you see that?  
23 A Yes.  
24 Q Does that rule apply when the special voting deputy  
25 process is being conducted at nursing homes?



1 A It does.  
2 Q And have others raised concerns about privacy  
3 relating to the location of the observers?  
4 A They have.  
5 Q The line we just discussed also mentions three to  
6 eight feet of the location where an elector is  
7 registering and signing in at polling locations?  
8 A Yes.  
9 Q Now, am I correct in understanding that some  
10 locations, some polling places, those two processes  
11 take place at the same location?  
12 MR. MURPHY: Object to form.  
13 Q Those processes meaning signing in and registering.  
14 A Your question is if they take place at the same place  
15 in the polling place?  
16 Q Exactly.  
17 A I don't recall that I have seen it, but it would make  
18 sense in smaller municipalities. Most polling places  
19 I've been in, if you need to register to vote, you go  
20 to a separate location.  
21 Q Okay. And observers are required to be within three  
22 to eight feet of each of those two locations,  
23 correct?  
24 A That's right.  
25 Q So there are essentially two observer areas in

57

1 Q I'm sorry, 100.  
2 (Exhibit 100 is marked for identification)  
3 Q And I'm not going to ask you specific questions about  
4 the content of that, but does that appear to you to  
5 be the attachment referred to?  
6 A Yes.  
7 Q Then going back to 99, let me first direct your  
8 attention to Page 4.  
9 A And?  
10 Q There's an email from Shane Falk.  
11 A Dated October 30th at 9:29?  
12 Q Yes.  
13 A Okay.  
14 Q First he writes, "This is pretty much the same stuff  
15 as from the RPW training guide that I reviewed." Do  
16 you see that?  
17 A Yes.  
18 Q And that's a reference to the Republican Party of  
19 Wisconsin training guide?  
20 A Yes. The reference to RPW training guide is, yes.  
21 Q Okay. And then the next sentence he says, "Remember  
22 all the issues we have had with We're Watching  
23 Wisconsin's training guides for observers."  
24 A Yes.  
25 Q And he says, "They were even more problematic"?

59

1 polling locations unless there's an overlap between  
2 the two?  
3 A There could be additional observing areas as well. I  
4 mean if a voter gets challenged, the observer can be  
5 within three to eight feet of wherever that location  
6 is. If an observer wants to observe ballots being  
7 deposited in a ballot box, they could be positioned  
8 in that area. But generally they focus their  
9 attention on the sign-in or the registration process.  
10 Q Okay. This will be Exhibit 99.  
11 (Exhibit 99 is marked for identification)  
12 A Okay.  
13 Q All right. This document is an email exchange among  
14 members of the GAB staff, right?  
15 A That's right.  
16 Q And at the top of the first page, Mr. Magney says,  
17 "Here's the Romney version, which is slightly  
18 different." Do you see that?  
19 A Yes.  
20 Q And at the very end of this exchange, there's an  
21 image indicating that there was a PDF attachment, do  
22 you see that?  
23 A Yes.  
24 Q Let me mark Exhibit 101.  
25 MR. MURPHY: 100.

58

1 A Yes.  
2 Q Do you know what he means by that?  
3 A He's referring to observer training guides that were  
4 put on by that group we had looked at where we were  
5 very concerned that they had inaccuracies in them.  
6 Q Do you recall what types of inaccuracies they had?  
7 A I don't recall.  
8 Q Is your recollection consistent with Mr. Falk's view  
9 that they were more severe than the ones in  
10 Exhibit 100?  
11 A Well, he's -- yes. My recollection is consistent  
12 with his comment.  
13 Q And then let me direct you to Page 1. There's  
14 another email from Mr. Falk?  
15 A Um-hum.  
16 Q In the second to third line of that email, he refers  
17 to problems you've seen in the past, particularly  
18 with Ardis. Do you see that?  
19 A I see that.  
20 Q And that's a reference to Ardis Cerny, is that right?  
21 A That's right.  
22 Q All right. In the next paragraph, he indicates that  
23 this can be handled at the polls in his opinion, do  
24 you see that?  
25 A Yes.

60

1 Q And that means that mistakes that are made by  
2 observers at the polls based on any guidance being  
3 reviewed here can be dealt with at the polls?  
4 MR. MURPHY: Object to form.  
5 A What is being said there is that the best use of our  
6 resources is to make sure that we're training the  
7 poll workers to address how to handle observers  
8 rather than trying to correct the training that goes  
9 to observers.  
10 Q And in the next sentence, he refers to the biggest  
11 issue being the driver's license numbers for  
12 suspended, rejected and revoked plus the expiration  
13 date of the driver's licenses. Do you see that?  
14 A Yes.  
15 Q Do you know what he's referring to there?  
16 A I don't.  
17 MR. KAUL: All right. Why don't we go  
18 off the record.  
19 THE VIDEOGRAPHER: The time is 11:13  
20 a.m. This concludes Media No. 1 in the  
21 deposition of the 30(b)(6) testimony.  
22 (Short recess is taken)  
23 THE VIDEOGRAPHER: The time is 11:37  
24 a.m. We are on the record. This marks the  
25 beginning of Media No. 2 of the Government

61

1 Do you see that?  
2 A Yes.  
3 Q Did you review these slides?  
4 A I did.  
5 Q Is it your understanding that that's an accurate  
6 characterization of the slide?  
7 MR. MURPHY: Object to form.  
8 A I don't recall, but you know, he provided a detailed  
9 response, so --  
10 Q Did you ever ask the Republican Party why they were  
11 encouraging election observers to sign in as  
12 concerned citizens?  
13 A No.  
14 Q And this method of signing in had been used before by  
15 the Republican Party of Wisconsin, right?  
16 MR. MURPHY: Object to form.  
17 A I don't know.  
18 Q Do you know whether the group from Waukesha that has  
19 had I think a couple different names, including We're  
20 Watching Wisconsin, encouraged their observers to  
21 sign in as concerned citizens?  
22 A I think they did.  
23 Q And many of the complaints that you've received  
24 regarding elections observers have involved people  
25 who signed in as concerned citizens, correct?

63

1 Accountability Board 30(b)(6) deposition  
2 testimony given by Mr. Kevin J. Kennedy.  
3 (Exhibit 101 is marked for identification)  
4 Q I just handed you an exhibit that's marked as  
5 Exhibit 101. I just have a few quick questions  
6 about this document.  
7 A Sure.  
8 Q First this is an email exchange between GAB staff and  
9 John Schmieder, is that right?  
10 A I believe that's how it's pronounced, yeah.  
11 Q And he is the political director for the Republican  
12 Party of Wisconsin?  
13 MR. MURPHY: Object to form.  
14 A That's how he identifies himself in this email.  
15 Q And he had sent the GAB slides from a PowerPoint for  
16 a presentation to election observers, is that right?  
17 A Yes.  
18 Q And Nate Judnic was responding with some suggestions  
19 about potential improvements for the slide, is that  
20 correct?  
21 A That's right.  
22 Q In the middle of Page 1, in a section beginning with  
23 Slide 8, observer rules, Mr. Judnic notes that the  
24 slide advised observers that they can sign in as  
25 either a concerned citizen or a Republican volunteer.

62

1 A I don't recall.  
2 Q That's all I have on that one. This will be  
3 Exhibit 102.  
4 (Exhibit 102 is marked for identification)  
5 A Okay.  
6 Q Do you recognize this document?  
7 A I do.  
8 Q What is this?  
9 A This is my testimony that was given before a joint  
10 legislative hearing on October 13th, 2015.  
11 Q All right. And this testimony related to the bill  
12 that eliminated the GAB, is that right?  
13 A Both versions -- both the Assembly version and the  
14 Senate version, yes.  
15 Q Okay. And let me direct your attention to the top of  
16 Page 2. Would you read that first paragraph into the  
17 record?  
18 A "The timing of the legislation is all wrong as we  
19 embark on a presidential election year similar to the  
20 2000 election cycle and implement the voter  
21 identification law. An evenly balanced commission of  
22 partisans is likely going to ensure gridlock on  
23 crucial administrative and enforcement issues during  
24 the 2016 election cycle and for years to come."  
25 Q Okay. And when you say that the timing of the

64

1 legislation is all wrong, what did you mean by that?  
 2 MR. MURPHY: Object to vague as to  
 3 whether you're asking GAB or Mr. Kennedy.  
 4 Q Well, let me go back a step actually. Was your  
 5 testimony here provided on behalf of the GAB?  
 6 A I don't think it's fair to say that. My opening  
 7 sentence says, "The Government Accountability Board  
 8 has not met to discuss taking a position on this  
 9 legislation. I am appearing here in my capacity as  
 10 the director and general counsel for the board."  
 11 And while I speak on behalf of the board, I had  
 12 no clearance for any of these comments.  
 13 Q Okay. Do you as the director and general counsel for  
 14 the board frequently speak on behalf of the board?  
 15 A I do.  
 16 Q And typically when your agency provides testimony at  
 17 the Legislature, you're the person who testifies,  
 18 right?  
 19 A That's right.  
 20 Q So did anybody else from the GAB provide testimony  
 21 regarding this issue?  
 22 A The board chair, Judge Nichol, did.  
 23 Q And were his comments about the timing of the  
 24 legislation similar?  
 25 A I don't recall that he addressed that at all.

65

1 A I see that.  
 2 Q What did you mean by that?  
 3 MR. MURPHY: Same objection.  
 4 A I'm going to say those are my characterizations.  
 5 Q And again what's your understanding of what  
 6 Mr. Kennedy meant by that?  
 7 A I think he meant that -- well, he meant that the  
 8 proponents of the legislation were willing to  
 9 mischaracterize, falsify or spin in this case  
 10 findings of the Legislative Audit Bureau to advance  
 11 the legislation.  
 12 Q All right. Let me show you another document. This  
 13 one we'll mark as Kennedy -- or as 103.  
 14 (Exhibit 103 is marked for identification)  
 15 A Okay.  
 16 Q Do you recognize this document?  
 17 A I do.  
 18 Q And what is this?  
 19 A This is a bill analysis that the Governor's Office  
 20 asked in this case of the Government Accountability  
 21 Board, but it asked it of all state agencies with  
 22 respect to legislation that may impact those  
 23 agencies.  
 24 Q And this is on behalf of the board, correct?  
 25 A This is prepared on behalf of the board.

67

1 Q What is your understanding as a representative of the  
 2 GAB as to what Mr. Kennedy meant when he referred to  
 3 the timing of the legislation being all wrong?  
 4 A That the idea of changing the governing structure of  
 5 the agency charged with administering elections in  
 6 the middle of the busiest, most complex part of the  
 7 four-year election cycle was not a prudent approach.  
 8 Q Okay. And doing so can undermine election  
 9 administration, correct?  
 10 A Are those words in there?  
 11 Q I'm asking you.  
 12 A Well, I think there are other words to describe it,  
 13 but I think it would create problems in public  
 14 confidence in administration of the elections. It  
 15 could create concerns about how -- well, let's just  
 16 leave it at that.  
 17 Q All right. Going down about three paragraphs,  
 18 there's a paragraph beginning with instead, do you  
 19 see that?  
 20 A Yes.  
 21 Q And you said that, "Instead, legislators have engaged  
 22 in a continuing series of exaggerated and unfounded  
 23 critiques of the board in the media."  
 24 MR. MURPHY: Object to form.  
 25 Q Do you see that?

66

1 Q And this was sent to the Governor's Office prior to  
 2 his signing the legislation?  
 3 A It was.  
 4 Q And does this document accurately reflect the GAB's  
 5 views with respect to the bill that eliminated the  
 6 GAB?  
 7 A This was shared with board members and they were  
 8 offered the opportunity to provide comments before it  
 9 was sent, so yes.  
 10 Q All right. Let me direct you to Page 2. The third  
 11 paragraph in Section 3, which has the header Policy  
 12 Significance, the memo states that, "The effective  
 13 date of the bill will create significant  
 14 administrative problems for the conduct of elections  
 15 in the upcoming presidential election year?"  
 16 A Yes.  
 17 Q What types of administrative problems does the GAB  
 18 anticipate will take place as a result of the timing  
 19 of that bill?  
 20 A Well, as it points out, there's a discontinuity of  
 21 the oversight of the agencies. There's a transition  
 22 in leadership, and that could mean the impact is hard  
 23 to say. It just breaks up the continuity of what's  
 24 been in place for the past eight years.  
 25 Q And there are, I think you said before, over 1,500

68

1 municipal clerks in Wisconsin. Is that number right,  
2 or is that a different number?  
3 A 1,853.  
4 Q Thank you.  
5 A Plus 72 county clerks.  
6 Q Okay. So over 1,900 total clerks. Based on the  
7 GAB's experience, is it helpful to election  
8 administration to have a strong central election  
9 administration agency?  
10 A I think that's the role of the agency is to be -- I'm  
11 not sure about how strong it is, but it's to provide  
12 uniform guidance and direction.  
13 Q And one of the concerns that the agency had about the  
14 Elections Board that will replace it is that there  
15 could be partisan gridlock, is that right?  
16 A That was one of the criticisms of it, yes.  
17 Q And if that were the case, that would potentially  
18 leave municipal clerks without central guidance on  
19 issues of election administration?  
20 A Potentially, yes.  
21 Q The end of the paragraph we were discussing before  
22 says, "Quite simply, the effective date of this  
23 bill -- roughly five months prior to a major  
24 federal/state election -- is irresponsible, if not  
25 reckless, and could have major impacts on voters

1 across the State of Wisconsin." Is that right?  
2 A That's right.  
3 Q And that's an accurate summary of the GAB's view?  
4 A It is.  
5 Q And then let me direct your attention to the next  
6 page. The first full paragraph talks about both the  
7 rolling out of a new statewide voter registration  
8 system and updating its voter information portal as  
9 well as full implementation of the voter ID law?  
10 A Yes.  
11 Q And it says, "These projects could be subject to  
12 unnecessary and potentially catastrophic delay  
13 because of the change in the agency management  
14 structure negatively affecting the work of county and  
15 municipal clerks and ultimately the services provided  
16 to the voters." Do you see that?  
17 A I do.  
18 Q And the projects that it's referring to, that that  
19 sentence is referring to include the project of  
20 implementing the voter ID law in full, is that right?  
21 A That's right.  
22 Q And the following paragraph indicates that the  
23 sweeping restructuring of the GAB would erode public  
24 confidence, is that correct?  
25 A That's right.

1 Q And did the GAB follow a public opinion polling  
2 regarding the elimination of the GAB at this time?  
3 A Did the GAB what?  
4 Q Follow a public opinion polling about the public's  
5 view about the elimination of the GAB.  
6 A No.  
7 Q We were just discussing public confidence. Is it  
8 your understanding that that was one of the  
9 rationales that the Legislature relied upon for some  
10 of the election laws that are at issue in this case?  
11 MR. MURPHY: Object to form.  
12 A I understand that the proponents of the legislation  
13 used that rationale to advocate for the passage.  
14 Q In the following paragraph under administrative  
15 significance, the memorandum indicates that the  
16 uncertainty during the debate of the bill eliminating  
17 the GAB prompted an exodus of high level talented  
18 staff, is that correct?  
19 A That's correct.  
20 Q And does the exodus of high level talented staff  
21 undermine election administration?  
22 A Well, you lose people with experience. You lose  
23 people with passionate commitment for their jobs. I  
24 would say the answer is yes.  
25 Q And as a result of the bill eliminating the GAB, the

1 staff other than the director and general counsel  
2 have the option of remaining employed in election  
3 administration for the state, is that right?  
4 MR. MURPHY: Object to form.  
5 A Well, I'm not even sure it's an option. All of the  
6 existing staff except the person holding the position  
7 of director and general counsel automatically  
8 transfer to the new commissions.  
9 Q And is there any guarantee in the legislation that  
10 those individuals will have the same positions in the  
11 new agencies --  
12 MR. MURPHY: Object to form.  
13 Q -- that they currently hold?  
14 A The legislation doesn't address that. It requires  
15 the Department of Administration to develop a plan  
16 for allocating the staff.  
17 Q So it's possible, for instance, that somebody  
18 currently working on elections could be moved to the  
19 Ethics Board?  
20 MR. MURPHY: Object to form.  
21 A I think that's speculation. The plan requires my  
22 input and recommendations, and I don't know what  
23 would happen beyond what I recommend.  
24 Q And the decision will ultimately be made by the  
25 Department of Administration?

1 A Subject to approval by the Joint Committee on  
2 Finance.  
3 Q At the end of that paragraph we were just discussing,  
4 the memorandum in reference to the exodus of high  
5 level staff says, "All signs point to this trend  
6 continuing once the bill is signed." Do you see  
7 that?  
8 A Yes.  
9 Q Is that still the GAB's view?  
10 A Yes.  
11 Q And is it your understanding that there have been  
12 calls for the elimination of the GAB dating as far  
13 back as 2011?  
14 A Yes.  
15 Q And that includes calls for that by then Assembly  
16 Speaker Jeff Fitzgerald, is that right?  
17 A I know that he made that -- he's one of the  
18 individuals who did, yes.  
19 Q And that was back in 2011?  
20 A I don't recall when.  
21 Q Okay. Let me just show you a news article. This is  
22 Exhibit 104.  
23 (Exhibit 104 is marked for identification)  
24 Q Does this document refresh your memory as to when --  
25 A It does.

73

1 A I don't.  
2 Q Let me direct your attention to, I guess, Section 4.  
3 A Okay.  
4 Q That section summarizes six complaints that had  
5 resulted in the filing of a court action. Is that  
6 right?  
7 A That's right.  
8 Q And one of those complaints according to this related  
9 to somebody who allegedly voted without necessary  
10 qualifications or residency?  
11 A That's right.  
12 Q And then there's another category with five cases and  
13 it states falsely procuring registration or making  
14 false statement to election official. Do you see  
15 that?  
16 A Yes.  
17 Q Do you have an understanding of what that means more  
18 specifically?  
19 A Generally that's the statute that charges people who  
20 falsify a voter registration form.  
21 Q Okay. So if somebody were to submit a voter  
22 registration form under the name Mickey Mouse and if  
23 that weren't their actual name, that's the statute  
24 that would apply?  
25 A Right.

75

1 Q And when was it that Speaker Fitzgerald was initially  
2 calling for the elimination of the GAB?  
3 A Well, the article is dated December 2011.  
4 Q I'm sorry, December?  
5 A 2011.  
6 Q And is it in fact your understanding that he was  
7 calling for the elimination of the GAB at that time?  
8 A Yes.  
9 Q All right. I'm going to shift gears here. All  
10 right. This will be Exhibit 105.  
11 (Exhibit 105 is marked for identification)  
12 Q Do you recognize this document?  
13 A I do.  
14 Q What is this?  
15 A This was a survey that the Government Accountability  
16 Board staff sent out to district attorneys around the  
17 state following the November 2008 election. Or at  
18 least a compilation of the results of the survey.  
19 Q All right. And this survey indicates that --  
20 actually do you know -- before I ask the next  
21 question, do you know when this document was  
22 prepared?  
23 A No.  
24 Q Do you know approximately how long after the election  
25 it was prepared?

74

1 Q If there were any cases of voter impersonation fraud,  
2 would that be listed differently?  
3 MR. MURPHY: Object to form.  
4 A It would be a different citation.  
5 Q Okay. So is it fair to infer then that there were  
6 zero court actions filed involving alleged voter  
7 impersonation fraud in the November 2008 election?  
8 A Based on the survey, yes.  
9 Q And in 2008, the then Attorney General Van Hollen  
10 sent investigators to polling locations throughout  
11 the state, correct?  
12 MR. MURPHY: Object to form.  
13 A He sent a number of Department of Justice officials,  
14 many of them were attorneys, to act as observers at  
15 the polling place. Some of them may have been  
16 investigators.  
17 Q And then Section 5 indicates that at least as of the  
18 time that this was prepared, there was a total of one  
19 felony conviction for election related fraud  
20 resulting from the 2008 election, is that right?  
21 A That's right.  
22 Q There's a reference to pending cases as well. Do you  
23 see that?  
24 A Yes.  
25 Q Do you know what happened with those?

76

1 A I don't.  
 2 Q And do you know what the one conviction was for?  
 3 A I don't.  
 4 Q Let me show you a related document. This will be  
 5 106.  
 6 (Exhibit 106 is marked for identification)  
 7 A Okay.  
 8 Q Do you recognize this document?  
 9 A I do.  
 10 Q And what is it?  
 11 A It's a report prepared by staff counsel Mike Haas for  
 12 a board meeting on a survey that we conducted that we  
 13 just discussed the results of.  
 14 Q Okay. And the second and third pages of this  
 15 document contain samples of the letters that were  
 16 sent to district attorneys to obtain responses to  
 17 that survey and a sample survey, correct?  
 18 A That's right.  
 19 Q This information was provided to the Government  
 20 Accountability Board, is that right?  
 21 A That's correct.  
 22 Q Were the results of the survey provided to the board?  
 23 A Yes, they were.  
 24 Q And was that in a public session?  
 25 A It was.

1 this, do you see that?  
 2 A Yes.  
 3 Q And he is correct, isn't that right?  
 4 A He is.  
 5 Q Let me turn to another exhibit.  
 6 A Let me back up. I'm familiar with this case. And so  
 7 let me change my answer on that because my  
 8 understanding of this case is that this individual  
 9 did vote in the name of other people.  
 10 Q Okay.  
 11 A And he did vote in person in someone else's name and  
 12 he voted by absentee in some person's name.  
 13 Q And if he had voted absentee in someone else's name  
 14 with their identification, he could have done so even  
 15 with the voter ID law in place, correct?  
 16 A He could have.  
 17 Q And this individual was caught, is that right?  
 18 A He was.  
 19 Q And was the voter ID law in effect in the election in  
 20 which he cast these ballots?  
 21 A He cast his ballot over several elections. These  
 22 charges covered several different elections.  
 23 Q And was the voter ID law in effect during those  
 24 elections?  
 25 A I don't believe so.

1 Q So that information was publicly available?  
 2 A Yes.  
 3 Q Do you know if the results were presented directly to  
 4 the Legislature in any way?  
 5 A I don't believe they were.  
 6 Q And does the date of this memorandum indicate to you  
 7 approximately when the survey data was collected?  
 8 A Yes.  
 9 Q And when is that?  
 10 A Early March of 2009.  
 11 Q Do you know whether there were any cases of voter  
 12 fraud that were filed in court based on the 2008  
 13 election following this survey?  
 14 A I don't.  
 15 Q This will be 107.  
 16 (Exhibit 107 is marked for identification)  
 17 A Okay.  
 18 Q This is an email exchange among GAB staff following  
 19 the State Supreme Court's ruling on the  
 20 constitutionality under state law of the voter ID  
 21 law, right?  
 22 A Yes.  
 23 Q And focusing on Mr. Falk's email at the top of  
 24 Page 1, he refers to a particular case of voter fraud  
 25 and states that the photo ID would not have stopped

1 Q And he was caught despite that, right?  
 2 A That's right.  
 3 Q And he was prosecuted?  
 4 A Yes.  
 5 Q That incident occurred after the voter ID law had  
 6 been passed, is that right?  
 7 MR. MURPHY: Object to form.  
 8 A Some of the incidents I know did, yes.  
 9 Q It came to public light after the --  
 10 A Yes.  
 11 Q Let me show you a document that was previously marked  
 12 as Lowe 56.  
 13 A Okay.  
 14 Q Now, in the top, the first email at the top of Page 1  
 15 is from Adam Harvell, is that right?  
 16 A That's right.  
 17 Q Who is he?  
 18 A He's an employee of the Government Accountability  
 19 Board.  
 20 Q And what's his position?  
 21 A Currently he works in the ethics division as a lead  
 22 ethics staff person. He used to be a trainer in the  
 23 elections division.  
 24 Q Okay. And at the time he sent this email, was he a  
 25 trainer in the elections division?



1 A I'm thinking he was in transition between the two,  
2 which is why he was cleaning out his files.  
3 Q And at the end of his email, he indicates that it  
4 will be nearly impossible for homeless people to get  
5 a state ID. Do you see that?  
6 MR. MURPHY: Object to form.  
7 A He does. That's what the email says.  
8 Q And that is accurate, right?  
9 MR. MURPHY: Object to form.  
10 A It's accurate that what the email says.  
11 Q Is his assessment accurate?  
12 A I'm not sure I'm in a position to answer that.  
13 Q All right. This is 108.  
14 (Exhibit 108 is marked for identification)  
15 Q And this relates to -- well, I guess first, this is  
16 either an email exchange or a calendar invite among  
17 GAB staff, is that right?  
18 A I think it's just an email exchange.  
19 Q And this relates to a meeting in which staff  
20 discussed the impact of the voter ID law on Wisconsin  
21 voters with disabilities?  
22 A And we had that discussion with our accessibility  
23 advisory group.  
24 Q Okay. And is that a part of the GAB staff?  
25 A No. The accessibility advisory group is a number of

1 Q And subsection d states that there's no specific  
2 training for clerks or poll workers with a focus on  
3 physical disabilities and making a determination that  
4 someone cannot sign the poll book, no guidance is  
5 offered by GAB. Do you see that?  
6 A Yes.  
7 Q Was that correct at this time, do you know?  
8 A I think that accurately describes our training in the  
9 area of persons with disabilities, yes.  
10 Q Has there been any change made to the training since  
11 then?  
12 A I don't recall.  
13 Q The following subsection e says, "GAB will recommend  
14 that clerks be hesitant to exercise this discretion."  
15 Do you know what discretion is being referred  
16 to?  
17 A There is a -- there was a provision in the voter ID  
18 law that exempted people from signing the poll book  
19 if the poll workers could determine the person was  
20 unable to physically sign.  
21 Q And why was the GAB recommending that clerks be  
22 hesitant to exercise the discretion?  
23 A I'm not sure if this reflects that we were willing to  
24 do this as much as it reflects the notes that were  
25 taken at the meeting about the concerns that were

1 individuals that come from organizations or are  
2 individuals -- either organizations that represent  
3 people with disabilities or are people with  
4 disabilities.  
5 Q Okay. And let me show you a related document. This  
6 is 109.  
7 (Exhibit 109 is marked for identification)  
8 A Okay.  
9 Q Does this appear to you to be the attachment to  
10 Exhibit 108?  
11 A Yes.  
12 Q I'm going to ask you some specific questions about  
13 109 in a minute, but just generally based on this  
14 accessibility meeting and any additional  
15 accessibility meetings you had, did GAB staff develop  
16 an understanding of any particular difficulties that  
17 disabled voters may face with the voter ID law?  
18 A I think they identified a number of issues that  
19 needed to be addressed, yes.  
20 Q What issues do you recall?  
21 A I don't.  
22 Q Then let's look at 109. There's a Section No. 1 on  
23 the first page with the heading Signature Requirement  
24 on Poll Book?  
25 A Yes.

1 identified.  
2 Q Does the GAB or has the GAB provided guidance about  
3 that issue?  
4 A I don't know.  
5 Q Subsection h at the bottom of the page states that,  
6 "An exemption must be sought at every election." Do  
7 you see that?  
8 A Yes.  
9 Q Is that correct?  
10 A I'm not sure. I'd have to look at this to see what  
11 they're talking about an exemption for.  
12 Q Let me ask a slightly different question. Is it  
13 correct that a voter to be excused from signing the  
14 poll book must seek an exemption based on disability  
15 at every election?  
16 A That's my understanding, yes.  
17 Q And then turning the page in subsection i, it says,  
18 "GAB will advocate for the exemption to be determined  
19 once and with no need for another decision to be made  
20 in the future." Do you see that?  
21 A Yes.  
22 Q Do you know whether GAB has advocated for that  
23 change?  
24 A I don't.  
25 Q Do you know whether that change has been made?

1 A I don't.  
2 Q So to your knowledge, does it remain true that voters  
3 must be exempted every time they vote to be exempted  
4 from the requirement that they sign the poll book?  
5 A That's my understanding at the moment, yes.  
6 Q You can put those aside. This is 110.  
7 (Exhibit 110 is marked for identification)  
8 A Okay.  
9 Q Do you know who Laurie Hughes is?  
10 A Only by the indication at the bottom of the email.  
11 Q And this is an email that she sent to Mr. Buerger at  
12 the GAB, is that right?  
13 A That's right.  
14 Q And in it she is relaying that residents in the Fox  
15 Valley had informed staff that in Appleton, voters  
16 had to wait an hour and a half to be issued a free  
17 voter ID, is that right?  
18 A I'm not sure that's entirely accurate. She's  
19 indicating that a few residents were told by staff at  
20 DMV that they would have to wait an hour and a half.  
21 Q Okay. And that was to obtain a free voter ID?  
22 A Yes.  
23 Q Has the GAB received other complaints about waiting  
24 times at the DMV?  
25 A Well, we received complaints about processes with the

85

1 is correct that the voter either has to pay for a  
2 replacement or obtain a different form of photo ID in  
3 order to vote in that election?  
4 MR. MURPHY: Object to form.  
5 A Well, she states that she either has to pay for a  
6 replacement driver's license or use some other form.  
7 I don't think she necessarily agrees with the  
8 individual's assessment.  
9 Q Is Ms. Coakley's statement correct?  
10 A It's correct that states law does not allow you to  
11 have both DMV products, a driver's license and a  
12 state-issued ID card. It's also correct that if you  
13 lose your driver's license, if you want it back -- if  
14 you want it fixed, you have to pay to get it  
15 replaced, and if you don't have that, then there are  
16 other forms of ID that can be used, and she  
17 referenced them.  
18 Q Let me ask you a question about Act 23, and I have a  
19 copy of it if that's helpful, but let me just ask if  
20 you remember. To the best of your recollection, did  
21 Act 23 contain a provision regarding a public  
22 informational campaign being conducted?  
23 MR. MURPHY: Object to form.  
24 A Yes.  
25 Q And specifically it indicated that in conjunction

87

1 DMV and we have a process where we are in touch with  
2 someone at DMV and pass those complaints along for  
3 them to rely on them. Some of them deal with wait  
4 times. There are a lot of times it's just  
5 misunderstandings, but we let DMV sort those out.  
6 Q What are the other issues that arise?  
7 A I don't recall.  
8 Q This will be 111.  
9 (Exhibit 111 is marked for identification)  
10 A Okay.  
11 Q Now, this -- these emails begin with an email from a  
12 person named Mara Pike to the GAB help desk, is that  
13 right?  
14 A Yes.  
15 Q And Ms. Pike is relaying that she lost her driver's  
16 license and can't get a voter ID from the DMV unless  
17 she surrenders her driving privilege?  
18 MR. MURPHY: Object to form.  
19 A And it goes on to say that pays a fee in order to  
20 vote, which I would assume means to get her  
21 replacement driver's license.  
22 Q Okay. And Allison Coakley sent a response to this  
23 email, is that right?  
24 A She did.  
25 Q And so she indicates that the voter's understanding

86

1 with the first regularly scheduled primary and  
2 election at which the voter identification  
3 requirements initially applied, the GAB was supposed  
4 to conduct a public informational campaign for the  
5 purpose of informing prospective voters of the voter  
6 identification requirements contained in Act 23, is  
7 that right?  
8 MR. MURPHY: Object to form.  
9 A That's my recollection of the requirement, yes.  
10 Q And as an administrative matter, how did the GAB  
11 interpret the requirement that a public information  
12 campaign be conducted in the first regularly  
13 scheduled primary and election at which the ID law  
14 would apply?  
15 MR. MURPHY: Object to form.  
16 Q And let me try to clarify the question. Which  
17 elections did the GAB regard as the first primary and  
18 regularly scheduled election?  
19 A Well, the first primary and regularly scheduled  
20 election would have been February and April of 2012,  
21 and we prepared a campaign to cover the whole period  
22 of 2012.  
23 Q Okay. And through the presidential election?  
24 A That's right.  
25 Q And so the voter ID law was originally enjoined

88

1 between the 2012 primary, spring primary and the 2012  
2 April spring election, is that right?  
3 A That's right.  
4 Q The GAB had never completed its public information  
5 campaign, is that right?  
6 A We haven't done any broadcasts since following the --  
7 since just before the April election.  
8 Q And before the law was enjoined, did the GAB plan to  
9 do a public informational campaign between the date  
10 when it was enjoined and the November 2012 election?  
11 A We did.  
12 Q Since the law, the voter ID law has been put into  
13 effect, has the GAB been able to conduct a similar  
14 campaign to the one that it had anticipated doing?  
15 A We updated all of the broadcast materials to reflect  
16 the changes in the law as a result of the state  
17 Supreme Court ruling. We will update them again to  
18 reflect the restructuring of the agency that's  
19 sponsoring the advertising. We've made them  
20 available, but we have not contracted out to  
21 broadcast them, but we have everything available. We  
22 continue to do public presentations on the voter ID  
23 law. One's taking place as we speak.  
24 Q The GAB had originally intended to do advertising,  
25 correct?

1 private groups to try to get the word out?  
2 A We do that now. As I indicated, we're doing it at  
3 the moment. We meet with local groups, put on  
4 presentations. We have presentation materials to  
5 share with groups. We issue press advisories. We  
6 provide our clerks with access and the public with  
7 access to all of the voter information materials  
8 related to voter ID.  
9 Q And the GAB also relies in part on private groups and  
10 individuals to educate voters about other changes to  
11 election laws, is that right?  
12 A Yes.  
13 Q And one of those groups is a group known as Citizen  
14 Action Education Fund, is that right?  
15 A I don't know specifically.  
16 Q Are you familiar with that group?  
17 A I am.  
18 Q And that group does voter education and outreach, is  
19 that right?  
20 MR. MURPHY: Object to form.  
21 Q If you know.  
22 A That's my understanding.  
23 Q And those efforts relate to the changes to election  
24 law that have been made in the last five years, is  
25 that right?

1 A That was part of our original campaign, yes.  
2 Q Okay. And there are no plans currently for  
3 advertising relating to the voter ID law between now  
4 and the 2016 presidential election, though, is there?  
5 A Not at this point.  
6 Q And after the voter ID law was put back into effect,  
7 you requested that several hundred thousand dollars  
8 be released to the GAB for a public informational  
9 campaign, is that right?  
10 A That's right.  
11 Q Has that money been released?  
12 A It was not released. We did do some advertising in  
13 that period of time when the ID law was back in place  
14 before the 2014 election.  
15 Q Do you recall how much money was spent on that?  
16 A I don't recall.  
17 Q Do you know if it was under \$100,000?  
18 A I don't know.  
19 Q How does the GAB -- well, let me rephrase that.  
20 The GAB has indicated that it would be  
21 impossible for it to get word out about the voter ID  
22 law to every voter in the State of Wisconsin, is that  
23 right?  
24 A That's right.  
25 Q And so is it correct that it intends to work with

1 MR. MURPHY: Object to form.  
2 A I don't know specifically, but they would be one of  
3 the groups that would be able to access our  
4 materials.  
5 Q Where or how are your materials made publicly  
6 available?  
7 A We have a website that is specifically dedicated to  
8 voter identification. It's called Bring it to the  
9 Ballot. I think it's bringit.wi.gov.  
10 Q And how, if at all, are outreach materials made  
11 available to non-Internet users?  
12 A Well, as I said, we make presentations to groups,  
13 groups contact. We have a staff person who's  
14 dedicated to voter services who does some outreach of  
15 her own in identifying groups that we've identified  
16 in the past since the law was passed.  
17 We regularly point it out to our municipal  
18 clerks and encourage them for their local groups to  
19 access the website or to -- for the clerks to  
20 download our materials and share them.  
21 Q Okay. So just to summarize, you have one staff  
22 person dedicated to outreach, is that right?  
23 A That's right.  
24 Q And staff also make presentations to groups?  
25 A They do.

1 Q And then you encourage municipal clerks to reach out?  
2 A We do.  
3 Q Any other forms of outreach that are not web based?  
4 A We do press availabilities and press releases.  
5 Q I have a question about the implementation of the  
6 voter ID law. If a voter has changed his or her last  
7 name say from when a voter gets married, is a voter  
8 able to use a form of ID with a different last name?  
9 A The name has to conform, so probably not. A  
10 hyphenated name, I think you could make the case it's  
11 conformed.  
12 Q Is there any direction that's been given to municipal  
13 clerks on that?  
14 A I believe just on the general concept of that the  
15 name needs to conform to the name on the  
16 identification.  
17 Q But it's possible that in some places a hyphenated  
18 name would be accepted but in other places not?  
19 A I don't know.  
20 Q What if the middle initials are different, but the  
21 name is otherwise the same?  
22 A The advice we would give would be generally that --  
23 actually I don't know.  
24 Q And is the GAB monitoring current legislation  
25 relating to the voter ID law?

93

1 a bit more complex than that.  
2 Q Okay. What's your understanding?  
3 A My understanding is that prohibiting municipalities  
4 from issuing identification, I mean there's a number  
5 of different factors in it, but it limits which  
6 municipalities can issue ID cards and then it also  
7 limits what those ID cards could be used for.  
8 Q And one of the limitations is that they could not be  
9 used for voting, right?  
10 MR. MURPHY: Object to form.  
11 A That's my understanding.  
12 Q Does the GAB have a position on that legislation?  
13 A The board has not taken a position on that.  
14 Q Do you anticipate that it will?  
15 A I do not anticipate that it will.  
16 Q I apologize if I asked you this when you were deposed  
17 in your individual capacity, but the GAB has a  
18 variety of information on its website, right?  
19 A That's right.  
20 Q And subject to any oversights about updating old  
21 forms, is it your understanding that the information  
22 on the GAB website is generally true and accurate?  
23 A That's our goal is to endeavor to make sure it's true  
24 and accurate.  
25 Q Okay. I just have a few other quick topics. Has the

95

1 A Yes.  
2 Q One bill currently pending would prevent FoodShare  
3 recipients from using photo IDs to vote, is that  
4 right?  
5 A I'm not sure if that's exactly -- there's a couple of  
6 pieces of legislation. I'm not sure which one you're  
7 referring to.  
8 Q Let me go back a step. So individuals who receive  
9 public assistance, food assistance in Wisconsin do so  
10 through a program called FoodShare, is that right?  
11 MR. MURPHY: Object to form.  
12 A That's my understanding.  
13 Q And Wisconsin -- the Legislature is currently  
14 considering a bill to create photo identifications  
15 for FoodShare recipients, is that right?  
16 MR. MURPHY: Object to form.  
17 A Maybe. I don't recall specifically.  
18 Q Okay. And do you know whether any such legislation  
19 specifically exempts that proposed form of ID for use  
20 for voting?  
21 A I don't recall the legislation, so I don't know.  
22 Q There is another bill pending that would prevent  
23 municipalities from issuing forms of identification  
24 that could be used for voting, is that right?  
25 A That's not my understanding of the legislation. It's

94

1 GAB ever made an assessment of the racial diversity  
2 of clerks in Wisconsin?  
3 A I don't know if we have or not. And I say that  
4 because I know that we contracted to have a survey  
5 done, but I don't know if that was a factor on that.  
6 You know, there was -- it's not -- if we did, it's  
7 not something that I've highlighted.  
8 Q Do you have any understanding, you, the GAB, as to  
9 how the demographics of the clerks in Wisconsin  
10 differ, if at all, from the state's population as a  
11 whole?  
12 A No.  
13 Q I have the same question for you with respect to  
14 elections inspectors.  
15 A The only thing we track with election inspectors is  
16 age.  
17 Q And is it accurate that election inspectors are  
18 significantly older than the state's population as a  
19 whole?  
20 A Yes.  
21 Q And do you know what percentage of the clerks in the  
22 state speak Spanish?  
23 MR. MURPHY: Object to form.  
24 A I don't.  
25 Q And what about election inspectors?

96

1 A I don't.  
 2 Q Do you know whether any municipalities in Wisconsin  
 3 make a specific effort to recruit election inspectors  
 4 who speak languages other than English?  
 5 A Well, Milwaukee is required by federal law to do it.  
 6 Otherwise I don't know specifically. My  
 7 understanding is from conversations that that is a  
 8 factor. It's something we encourage.  
 9 Q A factor where?  
 10 A To -- we encourage municipal clerks that have a large  
 11 speaking population to recruit. I don't know how  
 12 effectively they do that or what they do, but it's  
 13 something we try to make sure people are sensitive  
 14 to.  
 15 Q Did GAB staff review the Presidential Commission on  
 16 Election Administration's report?  
 17 A Yes.  
 18 Q Did the GAB take any position with respect to any of  
 19 the content of the report?  
 20 A No.  
 21 Q Is it your understanding that one conclusion of that  
 22 report is that no voter should have to wait in line  
 23 for more than 30 minutes to cast a ballot?  
 24 A Yes.  
 25 Q Does the GAB share that view?

97

1 We are back on the record.  
 2 Q Director Kennedy, just one last topic I want to go  
 3 over before we leave today. There's an exhibit in  
 4 front of you that's been marked as Exhibit 112. Do  
 5 you see that?  
 6 A Yes.  
 7 Q And is this a printout of a spreadsheet that contains  
 8 data about both weekday and weekend in-person  
 9 absentee voting?  
 10 A It is.  
 11 Q And a copy of this spreadsheet was provided to the  
 12 Legislature, is that right?  
 13 A I'm not sure.  
 14 Q Do you recall that you provided some data regarding  
 15 early voting to the Legislature prior to the bill  
 16 that eliminated weekend and evening early voting?  
 17 A I do recall. I'm not sure if this is the document  
 18 that was provided to the Legislature because I've  
 19 been unable to find a transmittal with this document.  
 20 Q Okay.  
 21 A So I'm not certain that this was, but we did provide  
 22 other data based on our -- what we call our GAB 190  
 23 forms, which are the post-election surveys which do  
 24 have data and which was what was referenced in my  
 25 earlier testimony to the Senate that was in my prior

99

1 A The GAB hasn't taken a position on that.  
 2 Q Are you aware that the GAO in 2014 issued a report  
 3 regarding voter identification laws?  
 4 A Yes.  
 5 Q And did GAB staff review that report?  
 6 A Yes.  
 7 Q And is it your understanding that the report found  
 8 that voter identification laws decreased voter  
 9 turnout?  
 10 A I don't remember.  
 11 Q Is it your understanding that the report found that  
 12 voter ID laws decreased turnout for African-American  
 13 voters in particular?  
 14 A I don't remember.  
 15 Q Were any results from that report relayed to  
 16 officials outside of the GAB?  
 17 MR. MURPHY: Object to form.  
 18 A I don't know.  
 19 MR. KAUL: Could we go off the record?  
 20 THE VIDEOGRAPHER: Off the record at  
 21 12:41.  
 22 (Discussion off the record)  
 23 (Short recess is taken)  
 24 (Exhibit 112 is marked for identification)  
 25 THE VIDEOGRAPHER: The time is 1:27.

98

1 testimony.  
 2 Q Okay. And what type of data is contained in those  
 3 forms?  
 4 A In these forms or the prior forms?  
 5 Q The GAB 190s.  
 6 A The GAB 190 forms, which are all on our website, are  
 7 a series of post-election questions that track how  
 8 many people voted, how many people voted absentee.  
 9 Beginning in 2010, we tracked whether they voted  
 10 in-person absentee or by mail absentee.  
 11 We didn't break it down other than in those  
 12 formats, but we also have total absentee voters,  
 13 military voters, a lot of characteristics -- that's  
 14 where we get the information about the age of poll  
 15 workers that I referenced earlier. So it's about  
 16 a -- it's a fairly large amount of data that we  
 17 collect as part of a survey that we have to report to  
 18 the Federal Election -- or the U.S. Election  
 19 Assistance Commission.  
 20 Q Okay.  
 21 A And that information was transmitted to the  
 22 Legislature with that data.  
 23 Q The GAB 190 data?  
 24 A Yes.  
 25 Q And do you know if you have a copy of that still?

100

1 A I believe we supplied that to you.  
2 Q Okay. And does that contain an aggregation of these  
3 columns here? So, for example, would it have a total  
4 of the number of weekday in-person absentee voters  
5 for the June 2012 recall election?  
6 A That data is not broken down by weekday and weekend.  
7 It's broken down by in-person absentee and other  
8 absentee.  
9 Q Okay. Is it broken down by ward or municipality or  
10 in some other fashion?  
11 A It's broken down by ward.  
12 Q Okay. And then just briefly, this contains data from  
13 three elections, is that right?  
14 A That's right.  
15 Q And the left-hand column indicates which election the  
16 data is from?  
17 A Yes.  
18 Q And moving right, the next column shows the county  
19 for which the data in a particular row is reported,  
20 is that right?  
21 A That's right.  
22 Q And the next column over is the municipality?  
23 A That's right.  
24 Q And then the next column over is the ward?  
25 A That's right.

101

1 electors but for the Federal Elections Commission as  
2 well as state statutory data.  
3 It focuses first on how many votes were cast at  
4 an election. It focuses on voter registration  
5 overall statistics, how many people were registered  
6 at the close of registration, how many people were  
7 registered late and how many people register on  
8 Election Day. It focuses on absentee ballots. Since  
9 2010 it's a bit more detailed than it was prior to  
10 that time because it breaks out in-person absentee  
11 voting from other absentee voting, but that's the  
12 breakout that it has.  
13 It also collects -- as I said, there's a lot of  
14 detailed data on military and overseas voting, which  
15 includes how many of those ballots were rejected and  
16 the different types of reasons they were rejected  
17 because it was federal requirements. It contains  
18 general information about the type of voting  
19 equipment that is used in a municipality, and it  
20 contains information about poll workers.  
21 It's a pretty comprehensive set of data. And we  
22 track it down to the ward level. Most states track  
23 it at the county level on up.  
24 Q And is that data publicly available?  
25 A Yes, it is.

103

1 Q All right. And then the weekday in-person column, is  
2 that the total turnout in that ward for weekday  
3 in-person absentee voting in the election listed on  
4 the far left?  
5 A That is the number that we were able to assign to  
6 weekday in-person absentee voting based on the  
7 information that's in our database.  
8 Q Okay. And likewise for weekend in-person absentee  
9 voting for that column, is that the total number of  
10 voters who cast in-person absentee ballots on the  
11 weekend in the listed ward and the listed election?  
12 A Yes.  
13 Q And is it your understanding that this data was  
14 transmitted to me earlier today?  
15 A That's right.  
16 Q All right. And then just briefly circling back to  
17 the GAB 190 forms you were describing before, can you  
18 provide an overview of what information would be  
19 included in those? I know you've mentioned some  
20 specific aspects, but --  
21 A The GAB 190 form is a survey, a post-election survey  
22 that we've been doing for years that keeps getting  
23 bigger and bigger, as the clerks will tell you, and  
24 it includes federally mandated requirements that we  
25 have to report on both for military and overseas

102

1 Q And where is it publicly available?  
2 A It's on our website under the statistics tab.  
3 MR. KAUL: Okay. I don't have any  
4 further questions. Mike, do you have anything?  
5 MR. MURPHY: No questions.  
6 MR. KAUL: I think we can conclude the  
7 deposition then.  
8 THE VIDEOGRAPHER: We are going off  
9 the record. This concludes the deposition and  
10 Media No. 2 of the testimony of the Government  
11 Accountability Board 30(b)(6) designee,  
12 testimony given by Mr. Kevin J. Kennedy.  
13 (1:35 p.m.)  
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23  
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104



ERRATA SHEET

1 Witness Name: GAB 30(b) (6) - KEVIN KENNEDY
2 Date Taken: January 28, 2016
3 Case Name: One Wisconsin v. Gerald Nichol, et al.
4 Page/Line Reads Should Read Reason
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6
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11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 Kevin J. Kennedy

<Dates>
1/29/17 106:28.
10-13-15 4:34.
10-21-14 4:8.
10-30-12 4:24.
10-6-14 4:11, 5:14.
11-18-15 4:37.
11-6-12 3:35.
2-1-79 3:23.
2-10-14 3:20.
2012 april 89:1.
3-10-14 4:15.
3-26-14 4:31.
3-27-14 4:18.
3-7-12 4:5.
4-14-14 3:16.
5-22-14 3:47.
5-23-12 3:29.
7-14-11 5:11.
7-26-11 5:8.
7-26-12 3:32.
7-31-14 5:5.
8-6-12 3:41, 3:44.
8-7-12 3:38.
8-7-14 4:21.
9-19-14 5:17.
August 7th 39:9.
December 2011 74:3.
January 28, 2016 1:22, 105:3.
January 28th, 2016 67.
January, 2016 2:10, 106:12.
January, 2016 106:23.
July 2014 3:26.
June 2012 101:5.
March 30-31 4:46.
May 3 24:3.
November 2008 4:42, 74:17, 76:7.
November 2012 89:10.
\$100,000 90:17.
\$130 46:12.
47-15.
'09 4:47.
77 25:15.
78 25:19.
79 25:23.
(1:35 104:13.
-vs- 1:11.
.
.<1>.
1 63, 61:20, 62:22, 78:24, 80:14, 82:22.
1,500 27:15, 68:25.
1,851 27:15.
1,853 69:3.
1,900 69:6.
1. 28:18, 60:13.
10 40:16, 41:1, 41:11.
10. 18:22.
100 4:26, 46:12, 47:15, 58:25, 59:2, 60:10.
100 59:1.
101 4:29, 62:3.
101. 58:24, 62:5.
102 4:33, 64:4.
102. 64:3.
103 4:36, 67:14.
103. 67:13.
104 4:39, 73:23.
104. 73:22.
105 4:41, 74:11.
105. 74:10.
106 4:45, 77:6.
106. 77:5.
107 5:4, 78:16.
107. 78:15.
108 5:7, 81:14, 82:10.
108. 81:13.
109 5:10, 82:7, 82:13.
109. 82:6, 82:22.
11 3:15, 9:2.
110 5:13, 53:17, 54:1, 85:7.
110. 85:6.
111 5:16, 86:9.
111. 86:8.
112 5:19, 98:24.
112. 99:4.
11:13 61:19.
11:37 61:23.
12:3:18.
12-16-11 4:39.
12:41, 98:21.
13th 64:10.
146 54:18.
15 55:21.
15-CV-324 1:11, 6:13.
17 2:8, 2:23, 6:15, 106:13.
190 99:22, 100:6, 100:23, 102:17, 102:21.
190s 100:5.
1970s 27:19.
1976 25:15.
1977 25:19.
1978 25:23.
1979. 24:4.
1:27. 98:25.
.<2>.
2 28:18, 61:25, 104:10.
2 64:16, 68:10.
29 25:23.
20 15:3, 17:22.
2000 64:20.
2006 22:8, 23:7, 23:10, 23:13, 27:9, 27:11, 27:13, 27:19.
2006 26:8.
2006 76:9, 76:20, 78:12.
2009 78:10.
2010 18:5, 100:9, 103:9.
2011 9:4, 23:6, 73:13, 73:19, 74:5.
2011-2012 3:12, 8:16.
2012 14:12, 15:23, 16:24, 17:4, 17:24, 18:6, 39:9, 40:23, 88:20, 88:22, 89:1.
2013 54:18.
2013-2014 11:16.
2014 48:25, 49:21, 90:14, 98:2.
2015 64:10.
2016 64:24, 90:4.
227 9:4.
23 3:22, 24:2, 87:18, 87:21, 88:6.
26 24:14.
27 3:25.
28 40:21.
28th 2:9, 106:12, 106:23.
.<3>.
3 13:10, 44:11, 68:11.
3-24 4:30.
3-6 4:5.
3-7 4:14.
3.3 22:18.
30 97:23.
30(b) 1:20, 2:1, 6:4, 7:4, 7:11, 7:23, 7:26, 61:21, 62:1, 104:11, 105:2, 106:10.
30th 59:11.
32 3:28.
324 54:17.
33 3:31.
35 3:34.
39 3:37, 3:43.
.<4>.
4 13:13, 13:18.
4. 14:11, 59:8, 75:2.
4.3 25:20.
40 3:40.
41 3:46.
45 4:4, 55:3.
107

1 STATE OF WISCONSIN )
2 ) ss.
3 COUNTY OF DANE )
4
5 I, LISA A. CREERON, a Registered Professional
6 Reporter and Notary Public in and for the State of
7 Wisconsin, do hereby certify that the foregoing is a
8 true record of the deposition of the GAB 30(b) (6)
9 designee-KEVIN KENNEDY, who was first duly sworn by me;
10 having been taken on the 28th day of January, 2016, at the
11 Wisconsin Department of Justice, 17 West Main Street, in
12 the City of Madison, County of Dane, and State of
13 Wisconsin, in my presence, and reduced to writing in
14 accordance with my stenographic notes made at said time
15 and place.
16 I further certify that I am not a relative
17 or employee or attorney or counsel for any of the
18 parties, or a relative or employee of such attorney
19 or counsel, or financially interested in said action.
20 In witness whereof, I have hereunto set my hand
21 and affixed my seal of office this 28th day of January,
22 2016.
23
24 Notary Public, State of Wisconsin
25 My Commission Expires: 1/29/17

48 4:7.
49 4:10.
.
.<5>.
5 13:14, 13:15, 78:17.
5,000 26:18.
5,700 26:13.
58 25:15.
52 4:13.
53 703 2:17, 224.
54 4:17.
56 4:20.
55. 80:12.
58 4:23.
59 4:26.
.
9-18 5:17.
90 3:40, 38:25, 40:2, 40:13, 53:13, 54:1.
91 3:43, 39:2, 39:16, 40:13.
91. 39:1.
92 3:46, 41:23.
92 41:22.
93 4:4, 45:12.
93. 45:11.
94 4:7, 48:4.
94. 48:3.
95 4:10, 49:18.
95. 49:17.
96 4:13, 52:3, 52:13.
96. 52:2.
97 4:17, 54:11.
97. 54:10.
98 4:20, 56:3.
98. 56:2.
99 4:23, 5:19, 58:11, 59:7.
99. 58:10.
9:18 1:23, 2:10, 6:7.
9:29 59:11.
.
82 8:9, 11:10.
83 3:18, 12:19.
83. 12:18.
84 3:22, 23:20.
84. 23:19.
85 3:25, 5:13, 27:23.
85. 27:22.
86 3:28, 5:16, 32:9.
86. 32:8.
87 3:31, 33:17.
87. 33:16.
88 3:34, 35:3.
88. 35:2.
89 3:37, 38:25, 39:2, 39:3, 39:6, 39:12.
.
.<9>.
9-18 5:17.
90 3:40, 38:25, 40:2, 40:13, 53:13, 54:1.
91 3:43, 39:2, 39:16, 40:13.
91. 39:1.
92 3:46, 41:23.
92 41:22.
93 4:4, 45:12.
93. 45:11.
94 4:7, 48:4.
94. 48:3.
95 4:10, 49:18.
95. 49:17.
96 4:13, 52:3, 52:13.
96. 52:2.
97 4:17, 54:11.
97. 54:10.
98 4:20, 56:3.
98. 56:2.
99 4:23, 5:19, 58:11, 59:7.
99. 58:10.
9:18 1:23, 2:10, 6:7.
9:29 59:11.
.
.<A>.
A 1:25, 25, 5:16, 106:7.
am 1:23, 2:10, 6:8, 53:20, 61:20, 61:24.
able 38:10, 38:15, 89:13, 92:3, 93:8, 102:5.
above 7:16.
above-entitled 2:2.
acceptable 29:15.
accepted 10:5, 93:18.
access 26:1, 91:6, 91:7, 92:3, 92:19.
accessibility 81:22, 81:25, 82:14, 82:15.
accessible 34:20.
accessibility 5:10.
accompanied 16:25, 42:16.
accordance 106:16.
According 38:9, 75:8.
Accountability 6:5, 7:3, 7:5, 7:10, 8:4, 8:18, 11:17, 62:1, 65:7, 67:20, 74:15, 77:20, 80:18, 104:11.
accurate 21:19.
97 54:10.
502 54:20, 63:5, 70:3, 81:8, 81:10, 81:11, 85:18, 95:22, 95:24, 96:17.
accurately 15:13, 32:24, 68:4, 83:8.
across 70:1.
Act 9:4, 12:15, 42:19, 47:9, 54:18, 76:14, 87:18, 87:21, 88:6.
Action 2:2, 12:2, 75:5, 91:14, 106:21.
actions 76:6.
active 18:13, 18:15, 22:12, 22:19, 22:23, 23:4.
activity 26:7.
actual 12:15, 18:19, 39:24, 75:23.
Actually 20:2, 21:24, 24:9, 29:10, 32:22, 36:7, 65:4, 74:20, 93:23.
Adam 80:15.
added 21:5.
adding 28:22.
additional 58:3, 82:14.
address 20:7, 28:14, 28:15, 29:5, 35:13, 47:10, 51:24, 61:7, 72:14.
addressed 14:1, 65:25, 82:19.
addressing 34:12.
administer 55:7.
administering 29:25, 66:5.
Administration 66:9, 66:14, 69:8, 69:9, 69:19, 71:21, 72:3, 72:15, 72:25, 97:16.
administrative 55:17, 64:23, 68:14, 68:17, 71:14, 88:10.
administrator 32:15.
administrators 33:4, 34:3.
advance 67:10.
advertising 38:8, 89:19, 89:24, 90:3, 90:12.
advice 11:8, 15:19, 33:1, 33:5, 93:22.
advised 51:19, advised 62:24.
108

advising 15:18,  
advisories 91:5,  
advisory 5:10,  
81:23, 81:25,  
advocate 71:13,  
84:18,  
advocated 84:22,  
Affairs 182,  
affecting 70:14,  
affixed 106:23,  
African-american  
98:12,  
age 96:16,  
100:14,  
agencies 67:21,  
67:23, 68:21,  
72:11,  
agency 8:15, 8:17,  
11:8, 11:21, 11:25,  
15:19, 16:7, 24:10,  
35:20, 35:21, 37:3,  
65:16, 66:5, 69:9,  
69:10, 69:13,  
70:13, 89:18,  
aggregation  
101:2,  
agree 33:7,  
agreed 46:15,  
agrees 87:7,  
al 1:7, 1:13, 6:11,  
105:4,  
Albrecht 4:13,  
52:15, 52:19,  
52:24, 53:2,  
alleged 76:6,  
allegedly 75:9,  
Allison 86:22,  
allocate 47:12,  
47:19,  
allocating 72:16,  
allocation 47:17,  
allow 87:10,  
allowed 56:20,  
already 10:17,  
39:4,  
alternative 46:5,  
although 24:17,  
31:8, 44:25,  
amend 23:1,  
America 42:19,  
among 3:25, 3:37,  
3:43, 4:13, 4:20,  
4:23, 4:23, 5:4,  
28:4, 58:13, 78:18,  
81:16,  
amount 100:16,  
analysis 26:17,  
52:24, 67:19,  
analyze 22:22,  
analyzed 26:13,  
analyzing 20:21,  
answer 31:20, 45:3,  
50:13, 71:24, 79:7,  
81:12,  
anticipate 68:18,  
95:14, 95:15,  
anticipated  
89:14,  
anybody 23:9,  
65:20,  
apologize 95:16,  
appear 26:11, 43:18,  
53:2, 54:8, 59:4,  
82:9,  
appearing 2:17,  
2:24, 7:9, 65:9,  
appears 15:1, 18:15,  
25:10, 25:13, 27:1,  
38:17, 50:13,  
54:16, 54:19,  
Appleton 85:15,  
application 14:14,  
16:1, 16:16,  
Applications 14:13,  
14:19, 15:23,  
16:12,  
applied 88:3,  
apply 34:18, 56:24,  
75:24, 88:14,  
approach 66:7,  
appropriations  
55:6,  
approval 73:1,  
Approved 14:12,  
approximately 27:5,  
34:13, 43:22, 54:8,  
74:24, 78:7,  
April 88:20, 89:7,  
Ardis 60:18,  
60:20,  
area 58:8, 83:9,  
areas 27:17, 57:25,  
58:3,  
arise 86:6,  
around 74:16,  
arrived 47:22,  
article 4:39, 73:21,  
74:3,  
aside 9:21, 85:6,  
aspects 102:20,  
Assembly 3:19,  
14:2, 64:13,  
73:15,  
assessing 19:20,  
27:14,  
assessment 81:11,  
87:8, 96:1,  
assign 102:5,  
Assistance 94:9,  
100:19,  
Assistant 2:21,  
assume 18:5, 47:8,  
86:20,  
assumed 54:2,  
assuming 47:9,  
53:4, 53:13,  
attachment 12:24,  
13:1, 13:11, 18:13,  
39:16, 39:18,  
39:20, 39:25, 40:1,  
40:2, 47:10, 58:21,  
59:5, 82:9,  
attachments 39:13,  
40:9,  
attention 92:24, 13,  
58:9, 59:8, 64:15,  
70:5, 75:2,  
Attorney 2:21, 35,  
3:7, 5:23, 76:9,  
106:19,  
106:20,  
Attorneys 2:15,  
74:16, 76:14,  
77:16,  
audience 33:25,  
Audit 67:10,  
August 40:23,  
authorizes 18:4,  
automatically  
72:7,  
availabilities  
93:4,  
available 8:20, 8:23,  
12:2, 29:1, 35:8,  
37:6, 37:18, 50:4,  
53:11, 78:1, 89:20,  
89:21, 92:6, 92:11,  
103:24, 104:1,  
aware 11:3, 48:19,  
98:2,  
away 22:14,  
29:18,  
< B >,  
B, 3:34, 4:13,  
back 10:7, 19:25,  
32:4, 36:5, 50:25,  
59:7, 65:4, 73:13,  
73:19, 79:6, 87:13,  
90:6, 90:13, 94:8,  
99:1, 102:16,  
background  
37:13,  
Backman 3:47,  
balanced 64:21,  
Ballot 9:8, 9:10,  
9:13, 9:17, 9:18,  
10:1, 10:2, 10:4,  
10:5, 10:7, 10:8,  
10:11, 10:13,  
10:14, 10:16,  
10:20, 10:24,  
10:25, 11:5, 35:24,  
42:25, 47:7, 47:20,  
48:1, 50:8, 50:14,  
51:6, 58:7, 79:21,  
92:9, 97:23,  
ballots 9:23, 45:19,  
45:25, 46:13, 53:8,  
58:6, 79:20,  
102:10, 103:8,  
103:15,  
Based 29:24, 40:3,  
61:2, 69:6, 76:8,  
78:12, 82:13,  
84:14, 93:3, 99:22,  
102:6,  
basic 7:25,  
37:13,

clearance 65:12,  
Clerk 4:8, 9:8, 9:10,  
9:19, 11:4, 11:8,  
14:20, 15:8, 15:4,  
17:12, 17:15, 28:5,  
28:8, 28:20, 29:3,  
31:10, 39:23, 42:1,  
43:17, 45:15, 46:9,  
47:7, 47:18, 47:19,  
47:25, 48:7, 48:9,  
49:16,  
clerks 8:23, 9:22,  
14:17, 15:5, 15:6,  
15:12, 15:18,  
15:24, 16:6, 16:13,  
16:14, 20:17, 29:1,  
29:21, 34:6, 40:17,  
41:9, 41:12, 42:5,  
44:23, 48:23,  
49:15, 69:1, 69:5,  
69:6, 69:18, 70:15,  
83:2, 83:14, 83:21,  
91:6, 92:18, 92:19,  
93:1, 93:13, 95:2,  
96:9, 96:21, 97:10,  
102:23,  
close 17:12,  
103:6,  
Coakley 5:16, 86:22,  
87:9,  
COIE 2:14,  
collect 100:17,  
collected 78:7,  
collecting 23:11,  
collectively 14:9,  
collects 103:13,  
college 32:17, 33:3,  
34:1, 34:7,  
34:8,  
column 15:1, 17:6,  
19:10, 19:14,  
19:17, 101:15,  
101:18, 101:22,  
101:24, 102:1,  
102:9,  
columns 101:3,  
come 64:24,  
comes 32:4,  
coming 54:16,  
commencing  
2:10,  
comment 35:20,  
49:3, 49:9, 49:16,  
60:12,  
commented  
38:16,  
commenting  
46:20,  
comments 35:9,  
35:14, 49:15,  
65:12, 65:23,  
68:8,  
Commission 41:8,  
41:19, 64:21,  
97:15, 100:19,  
103:1, 106:28,  
commissions  
72:8,  
commitment  
71:23,  
Committee 14:1,  
14:3, 73:1,  
committees 3:19,  
14:1,  
communicate  
41:14,  
communication  
56:15,  
communications  
36:12, 45:23,  
48:16, 50:3, 54:23,  
55:2,  
Company 6:18,  
compilation  
74:18,  
complaining  
35:23,  
complaint 35:16,  
35:18, 36:8,  
complaints 4:42,  
35:15, 35:17,  
63:23, 75:4, 75:8,  
85:23, 85:25,  
86:2,  
completed 9:14,  
88:4,  
complex 66:6,  
56:1,  
components  
37:19,  
comprehensive  
12:5, 12:8, 12:12,  
103:21,  
concept 93:14,  
concern 10:1,  
concerned 50:15,  
51:12, 60:5, 62:25,  
63:12, 63:21,  
63:25,  
concerns 10:10,  
20:1, 29:13, 29:22,  
38:21, 51:25,  
55:17, 57:2, 66:15,  
69:13, 83:25,  
conclude 104:6,  
concludes 61:20,  
104:9,  
conclusion  
97:21,  
conduct 68:14, 88:4,  
89:13,  
conducted 15:17,  
23:23, 37:21,  
56:25, 77:12,  
87:22, 88:12,  
confidence 66:14,  
70:24, 71:7,  
confirm 122:3,  
confirmation  
32:4,  
confirm 93:9,  
93:15,  
confirmed  
93:11,  
confusing 33:8,  
42:18,  
conjunction  
87:25,  
connection 21:7,  
51:14,  
consecutively 40:6,  
52:7,  
consider 46:5,  
considering  
94:14,  
consistent 18:17,  
60:8, 60:11,  
constituent 56:6,  
56:10,  
constitutionality  
78:20,  
contact 16:5, 38:22,  
92:13,  
contain 77:15,  
87:21, 101:2,  
contained 14:8,  
88:6, 100:2,  
contains 39:6, 99:7,  
101:12, 103:17,  
103:20,  
content 59:4,  
97:19,  
contents 11:22,  
12:10, 32:24,  
context 28:14,  
29:7,  
contexts 51:17,  
continue 89:22,  
Continued 4:1,  
5:1,  
continues 13:14,  
continuing 66:22,  
73:6,  
continuity 68:23,  
contracted 89:20,  
96:4,  
convention  
52:12,  
conversation 28:16,  
28:20, 41:6,  
conversations  
97:7,  
convicted 22:24,  
conviction 76:19,  
77:2,  
copies 51:15,  
copy 30:15, 54:20,  
87:19, 99:11,  
100:25,  
correct 10:25, 13:2,  
16:22, 20:9, 27:20,  
28:12, 34:10,  
40:25, 42:7, 51:7,  
53:3, 54:5, 54:8,  
55:12, 57:9, 57:23,  
61:8, 62:20, 63:25,  
66:9, 67:24, 70:24,  
71:18, 71:19,  
76:11, 77:17,  
77:21, 79:3, 79:15,

became 54:18,  
become 22:9,  
45:6,  
begin 86:11,  
Beginning 23:5,  
24:16, 34:4, 61:25,  
62:22, 66:18,  
100:9,  
behalf 2:18, 2:25,  
6:25, 7:2, 8:3, 8:4,  
32:15, 54:22, 65:5,  
65:11, 65:14,  
67:24, 67:25,  
believe 7:28, 8:22,  
12:21, 24:1, 33:6,  
38:23, 62:10, 78:5,  
79:25, 93:14,  
101:1,  
Bell 4:13, 11:20,  
Beloit 45:15, 45:19,  
46:4, 47:7,  
Bend 54:8,  
best 54:19, 61:5,  
87:20,  
better 28:15,  
beyond 72:23,  
Big 54:8,  
bigger 102:23,  
biggest 61:10,  
Bill 12:16, 49:7,  
54:17, 54:24, 55:4,  
55:6, 55:9, 64:11,  
67:19, 68:5, 68:13,  
68:19, 69:23,  
71:16, 71:25, 73:6,  
94:2, 94:14, 94:22,  
99:15,  
bit 45:9, 95:1,  
103:9,  
Board 3:22, 6:5, 7:3,  
7:6, 7:10, 8:4,  
8:18, 11:18, 12:1,  
23:23, 24:8, 24:10,  
26:2, 33:10, 55:14,  
62:1, 65:7, 65:11,  
65:14, 65:22,  
66:23, 67:21,  
67:24, 67:25, 68:7,  
69:14, 72:19,  
74:16, 77:12,  
77:20, 77:22,  
80:19, 95:13,  
104:11,  
board 65:10,  
Book 82:24, 83:4,  
83:18, 84:14,  
85:4,  
boss 24:12,  
bottom 24:3, 24:15,  
24:16, 29:9, 42:9,  
84:5, 85:10,  
box 58:7,  
break 55:18,  
100:11,  
breakout 103:12,  
breaks 68:23,  
103:10,  
Brian 11:20, 14:5,  
briefly 7:21, 8:1,  
101:12,  
102:16,  
Bring 92:8,  
bringit.wi.gov  
92:9,  
broadcast 89:15,  
89:21,  
broadcasts 89:6,  
broken 47:14, 101:6,  
101:7, 101:9,  
101:11,  
Brookfield 28:5,  
28:8, 28:20,  
Burger 4:4, 5:4,  
5:13, 45:15, 46:3,  
46:15, 85:11,  
building 27:9,  
Bureau 67:10,  
busiest 66:6,  
< C >,  
C 1:13, 6:11,  
calendar 13:18,  
81:16,  
call 52:8, 99:22,  
called 7:14, 24:9,  
38:5, 92:8,  
67:24, 67:25, 68:7,  
74:7,  
calls 38:20, 73:12,  
73:15,  
campaign 37:20,  
37:23, 87:22, 88:4,  
88:12, 88:21, 89:5,  
89:9, 89:14, 90:1,  
90:9,  
Campaigns 14:3,  
Campbell 2:27, 6:17,  
6:18,  
canceled 22:15,  
capacity 65:9,  
95:17,  
capture 12:11,  
card 87:12,  
cards 95:6, 95:7,  
Case 1:11, 6:13,  
31:23, 40:6, 52:1,  
67:9, 67:20, 69:17,  
71:10, 78:24, 79:6,  
79:8, 93:10,  
105:4,  
cases 42:24, 43:9,  
75:12, 76:1, 76:22,  
78:11,  
cast 10:11, 10:25,  
34:8, 35:24, 45:25,  
51:6, 79:20, 79:21,  
97:23, 102:10,  
103:3,  
casts 10:20,  
catastrophic  
70:12,  
catch 41:17,  
45:10,  
category 75:12,  
caught 79:17,  
80:1,  
cause 7:16,  
central 69:8,  
69:18,  
Cerny 60:20,  
certain 31:1, 46:22,  
53:9, 99:21,  
certainly 16:8,  
47:13,  
certificate 9:14,  
9:15,  
certify 106:9,  
106:18,

chair 65:22,  
challenged 58:4,  
chance 11:11,  
change 10:23,  
30:20, 31:4, 37:22,  
37:24, 43:16,  
44:17, 70:13, 79:7,  
83:10, 84:23,  
84:25,  
changed 10:9, 32:6,  
32:7, 33:5, 43:4,  
44:10, 93:6,  
changes 3:13, 8:14,  
8:15, 36:22, 37:25,  
41:16, 55:7, 89:16,  
91:10, 91:23,  
changing 66:4,  
characteristics  
100:13,  
characterization  
63:6,  
characterizations  
67:4,  
charged 66:5,  
charges 75:19,  
79:22,  
chart 18:5, 18:6,  
18:12, 19:1, 19:6,  
19:7, 19:8,  
22:10,  
cheaper 47:16,  
chose 36:6,  
circling 102:16,  
Circuit 5:9,  
circumstances 9:11,  
9:21, 34:17,  
citation 76:4,  
cities 26:24,  
Citizen 62:25,  
91:13,  
citizens 35:9, 63:12,  
63:21, 63:25,  
City 2:8, 28:5, 28:20,  
45:15, 45:18,  
47:18, 52:21, 53:6,  
106:14,  
Civil 2:4,  
clarify 88:16,  
cleaning 81:2,  
clear 28:19,  
83:7, 84:9, 84:13,  
87:1, 87:9, 87:10,  
87:12, 89:25,  
90:25,  
corroboration  
19:21, 20:10,  
20:13, 23:8,  
23:13,  
corroborator 19:13,  
21:3, 21:16,  
23:2,  
corroborators  
19:9,  
cost 46:12, 46:16,  
46:22, 47:6,  
47:13,  
counsel 6:20, 66:10,  
65:13, 72:1, 72:7,  
77:11, 106:19,  
106:21,  
County 2:9, 39:23,  
40:17, 41:9, 41:12,  
44:22, 69:5, 70:14,  
101:18, 103:23,  
106:3, 106:14,  
couple 14:11, 24:20,  
39:6, 63:19,  
94:5,  
course 44:10,  
Court 1:3, 6:12,  
6:19, 6:23, 75:5,  
76:6, 78:12, 78:19,  
89:17,  
cover 88:21,  
coverage 49:13,  
covered 79:22,  
create 66:13, 66:15,  
68:13, 94:14,  
created 45:3,  
creating 15:14,  
CREFFON 1:25, 2:5,  
6:19, 106:7,  
criticisms 69:16,  
critiques 66:23,  
cross-check  
21:18,  
crucial 64:23,  
current 20:3, 20:5,  
93:24,  
Currently 22:23,  
37:12, 54:1, 72:13,  
72:18, 80:21, 90:2,  
94:2, 94:13,  
customers 12:1,  
cycle 64:20, 64:24,  
66:7,  
< D >,  
D 4:4, 5:4, 5:13,  
daily 47:12,  
damaged 9:18,  
Dane 2:9, 106:3,  
106:14,  
data 5:19, 15:13,  
22:1, 22:22, 23:3,  
23:5, 23:6, 23:11,  
23:14, 24:23, 26:9,  
52:19, 52:25, 53:2,  
78:7, 99:8, 99:14,  
99:22, 99:24,  
100:2, 100:16,  
100:22, 100:23,  
101:6, 101:12,  
101:16, 101:19,  
102:13, 103:2,  
103:14, 103:21,  
103:24,  
database 26:8,  
102:7,  
Date 6:7, 40:4,  
61:13, 68:13,  
69:22, 78:6, 89:9,  
105:3,  
Dated 3:16, 3:20,  
3:26, 3:29, 3:32,  
3:35, 3:38, 3:41,  
3:44, 3:47, 4:5,  
4:8, 4:11, 4:14,  
4:18, 4:21, 4:24,  
4:30, 4:33, 4:37,  
4:39, 4:46, 5:5,  
5:8, 5:11, 5:14,  
5:17, 24:3, 40:23,  
59:11, 74:3,  
dating 73:12,  
daughter 49:23,  
50:7,  
David 45:15,  
Day 29, 17:18,  
17:19, 17:20,  
17:21, 20:2, 20:5,  
36:5, 49:24, 103:8,  
106:12,  
106:23,  
days 15:3, 17:22,  
40:16, 40:21, 41:2,  
41:11,  
DC 41:8,  
deal 34:23, 43:8,  
43:15, 86:3,  
dealing 41:18,  
dealt 61:3,  
debate 71:16,  
December 74:4,  
decision 55:14,  
72:24, 84:19,  
deceased 98:8,  
98:12,  
dedicated 92:7,  
92:14, 92:22,  
deeper 12:14,  
Defendants 1:15,  
2:25,  
degree 36:16,  
Deltafield 52:22,  
53:6,  
delay 70:12,  
delivered 16:14,  
delivers 9:9,  
demographics  
96:9,  
Department 2:7,  
2:22, 6:15, 47:1,  
72:15, 72:25,  
76:13, 106:13,  
deponent 7:3,  
deposed 56:16,  
deposited 58:7,  
DEPOSITION 1:20,  
2:1, 6:4, 6:9, 6:14,  
7:5, 7:22, 7:23,  
7:26, 7:27, 61:21,  
62:1, 104:7, 104:9,  
106:10,  
depositions 7:8,  
deputies 16:13,  
16:15,  
deputy 15:21, 16:10,  
16:19, 17:4,  
56:24,  
describe 66:12,  
describes 36:2,  
83:8,  
describing  
102:17,  
design 36:20,  
37:10,  
designation 43:3,  
43:11,  
designations  
15:14,  
DESIGNEE 1:21,  
2:1, 6:4,  
104:11,  
designee-kevin  
106:11,  
desk 3:35, 4:10,  
35:6, 35:21, 49:21,  
86:12,  
despite 80:1,  
detail 12:9,  
detailed 63:8, 103:9,  
103:14,  
determination  
83:3,  
determine 21:18,  
24:24, 83:19,  
determined  
84:18,  
develop 72:15,  
82:15,  
developed 44:9,  
45:1,  
development  
37:4,  
differ 98:10,  
difference 8:1,  
17:17,  
different 13:16,  
31:14, 34:20,  
43:16, 63:19, 69:2,  
76:4, 79:22, 84:12,  
87:2, 93:8, 93:20,  
95:5, 103:16,  
different 58:18,  
differently 76:2,  
difficult 45:7,  
difficulties 36:12,  
45:18, 82:16,

**difficulty** 28:7, 30:21, 30:24.  
**dig** 12:14.  
**digits** 21:11, 21:20, 22:3.  
**direct** 9:2, 24:1, 24:13, 56:17, 59:7, 60:13, 64:15, 68:10, 70:5, 75:2.  
**directed** 28:16.  
**direction** 69:12, 93:12.  
**directly** 78:3.  
**Director** 24:7, 62:11, 65:10, 65:13, 72:1, 72:7, 99:2.  
**disabilities** 81:21, 82:3, 82:4, 83:3, 83:9.  
**disability** 84:14.  
**disabled** 82:17.  
**discontinuity** 68:20.  
**discourage** 20:17.  
**discretion** 83:15, 83:22.  
**discretion.** 83:14.  
**discuss** 65:8.  
**discussed** 9:6, 11:24, 12:7, 37:25, 57:5, 77:13, 81:20.  
**discussing** 18:10, 69:21, 71:7, 73:3.  
**Discussion** 21:6, 53:25, 81:22, 98:22.  
**distinction** 7:25, 15:9.  
**distributed** 32:23.  
**District** 1:3, 14, 6:12, 6:13, 74:16, 77:16.  
**diversity** 96:1.  
**dividing** 53:9.

**division** 32:15, 80:21, 80:23, 80:25.  
**DIV** 85:20, 85:24, 86:1, 86:2, 86:5, 86:16, 87:11.  
**documentary** 30:2, 30:12, 31:9, 31:17.  
**documents** 8:8, 11:24, 12:5, 28:21, 31:2, 34:19, 38:23, 40:5, 44:9.  
**doing** 26:17, 43:12, 66:8, 89:14, 91:2, 102:22.  
**dollars** 90:7.  
**done** 20:24, 21:18, 21:22, 26:6, 38:4, 39:15, 46:24, 55:5, 79:14, 89:6, 96:5.  
**down** 19:4, 66:17, 100:11, 101:6, 101:7, 101:9, 101:11, 103:22.  
**download** 92:20.  
**drawing** 25:10.  
**drive** 15:17.  
**driver** 19:15, 19:21, 20:6, 20:9, 20:13, 20:14, 21:10, 22:2, 22:3, 61:11, 61:13, 86:15, 86:21, 87:6, 87:11, 87:13.  
**driving** 30:4, 38:17, 88:17.  
**dropped** 15:20.  
**due** 35:24.  
**duly** 7:14, 106:11.  
**during** 12:6, 14:22, 15:8, 16:1, 16:21, 18:2, 30:3, 30:10, 31:5, 32:1, 36:22, 49:24, 50:4, 51:10, 53:24, 64:23, 71:16, 79:23.  
**duties** 47:12.

**eliminating** 71:16, 71:25.  
**elimination** 71:2, 71:5, 73:12, 74:2, 74:7.  
**emailer** 49:23, 50:7.  
**Emails** 3:25, 3:37, 3:43, 3:46, 4:4, 4:13, 4:20, 4:23, 4:29, 5:4, 5:16, 39:6, 39:9, 86:11.  
**embark** 64:19.  
**emphasized** 44:2.  
**employed** 72:2.  
**employee** 11:21, 80:18, 106:19, 106:20.  
**enacted** 11:15.  
**encountered** 51:11.  
**encourage** 92:18, 93:1, 97:8, 97:10.  
**encouraged** 55:3, 63:20.  
**encouraging** 63:11.  
**end** 33:25, 58:20, 69:21, 73:3, 81:3.  
**endeavor** 95:23.  
**ended** 17:24.  
**enforcement** 64:23.  
**engage** 38:1.  
**engaged** 66:21.  
**English** 97:4.  
**enjoined** 88:25, 89:8, 89:10.  
**enough** 20:3, 36:4.  
**ensure** 55:9, 55:12, 64:22.  
**ensuring** 29:1.  
**entered** 15:13, 42:15.  
**entirely** 85:18.

**eliminating** 71:16, 71:25.  
**elimination** 71:2, 71:5, 73:12, 74:2, 74:7.  
**emailer** 49:23, 50:7.  
**Emails** 3:25, 3:37, 3:43, 3:46, 4:4, 4:13, 4:20, 4:23, 4:29, 5:4, 5:16, 39:6, 39:9, 86:11.  
**embark** 64:19.  
**emphasized** 44:2.  
**employed** 72:2.  
**employee** 11:21, 80:18, 106:19, 106:20.  
**enacted** 11:15.  
**encountered** 51:11.  
**encourage** 92:18, 93:1, 97:8, 97:10.  
**encouraged** 55:3, 63:20.  
**encouraging** 63:11.  
**end** 33:25, 58:20, 69:21, 73:3, 81:3.  
**endeavor** 95:23.  
**ended** 17:24.  
**enforcement** 64:23.  
**engage** 38:1.  
**engaged** 66:21.  
**English** 97:4.  
**enjoined** 88:25, 89:8, 89:10.  
**enough** 20:3, 36:4.  
**ensure** 55:9, 55:12, 64:22.  
**ensuring** 29:1.  
**entered** 15:13, 42:15.  
**entirely** 85:18.

**full** 29:7, 70:6, 70:9, 70:20.  
**Fund** 91:14.  
**Futrell** 5:7.  
**future** 84:20.

**group** 5:10, 43:15, 60:4, 63:18, 81:23, 81:25, 91:13, 91:16, 91:18.  
**groups** 8:21, 34:20, 38:6, 91:1, 91:3, 91:5, 91:9, 91:13, 92:3, 92:12, 92:13, 92:15, 92:18, 92:24.  
**gather** 34:24.  
**gave** 52:23, 53:6.  
**gears** 56:1, 74:9.  
**General** 2:21, 33:24, 48:25, 65:10, 65:13, 72:1, 72:7, 76:9, 93:14, 103:18.  
**Generally** 20:17, 22:19, 52:20, 58:8, 75:19, 82:13, 93:22, 95:22.  
**generate** 34:21.  
**Gerald** 1:13, 6:11, 24:6, 105:4.  
**gets** 47:18, 53:4, 93:7.  
**getting** 45:19, 47:2, 102:22.  
**give** 11:8, 15:20, 21:11, 93:22.  
**given** 6:6, 18:18, 62:2, 64:9, 93:12, 104:12.  
**giving** 29:15.  
**goal** 95:23.  
**governing** 66:4.  
**Government** 6:5, 7:3, 7:5, 7:10, 8:4, 8:18, 11:17, 29:5, 41:15, 61:25, 65:7, 67:20, 74:15, 77:19, 80:18, 104:10.  
**Governor** 4:17, 4:36, 54:17, 54:23, 67:19, 68:1.  
**great** 12:9.  
**greatest** 8:24.  
**gridlock** 64:22, 69:15.

**group** 5:10, 43:15, 60:4, 63:18, 81:23, 81:25, 91:13, 91:16, 91:18.  
**groups** 8:21, 34:20, 38:6, 91:1, 91:3, 91:5, 91:9, 91:13, 92:3, 92:12, 92:13, 92:15, 92:18, 92:24.  
**growth** 27:20.  
**guarantee** 72:9.  
**guess** 39:3, 75:2, 81:15.  
**guidance** 61:2, 69:12, 69:18, 83:4, 84:2.  
**guide** 59:15, 59:19, 59:20.  
**guides** 59:23, 60:3.

**hearing** 64:10.  
**heavily** 45:1.  
**Help** 3:35, 4:10, 35:5, 35:21, 42:19, 49:21, 55:11, 86:12.  
**helped** 42:7.  
**helpful** 69:7, 87:19.  
**hereby** 106:9.  
**hereunto** 106:22.  
**hesitant** 83:14, 83:22.  
**high** 15:25, 23:23, 24:24, 25:3, 25:7, 25:8, 25:9, 25:11, 25:15, 25:16, 25:20, 25:21, 25:23, 26:4, 26:5, 26:13, 26:14, 26:23, 27:1, 27:4, 46:16, 71:17, 71:20, 73:4.  
**highlighted** 96:7.  
**hold** 72:13.  
**holding** 72:6.  
**Hollen** 76:9.  
**home** 29:2, 29:4, 29:8.  
**homeless** 81:4.  
**homes** 28:9, 56:25.  
**hour** 55:3, 85:16, 85:20.  
**hours** 53:9, 53:11, 53:13, 53:14, 53:17, 54:1, 55:14.  
**Houseman** 4:5.  
**Hughes** 5:13, 85:9.  
**humor** 49:6.  
**hundred** 90:7.  
**husband** 35:24.  
**Hutton** 56:6.  
**hydrated** 93:10, 93:17.

**<I>**.  
**idea** 16:15, 34:24, 66:4.  
**identification** 8:10, 12:19, 23:20, 27:23, 32:9, 33:17, 35:3, 39:2, 41:23, 45:12, 48:4, 49:18, 50:15, 52:13, 54:11, 56:3, 58:11, 59:2, 62:3, 64:4, 64:21, 67:14, 73:23, 74:11, 77:6, 78:16, 79:14, 81:14, 82:7, 85:7, 86:9, 88:2, 88:6, 92:8, 93:16, 94:23, 96:24.  
**identifications** 94:14.  
**Identified** 3:10, 4:2, 5:2, 39:17, 82:18, 84:1, 92:15.  
**identifies** 62:14.  
**identity** 44:9, 44:15.  
**identifying** 20:3, 30:14, 50:22, 51:1, 92:15.  
**identity** 50:9, 51:12.  
**ids** 51:15, 94:3.  
**image** 58:21.  
**immediately** 47:23.  
**impact** 10:19, 54:4, 67:22, 68:22, 81:20.  
**impacted** 12:4.  
**impacts** 69:25.  
**impersonation** 76:1, 76:7.  
**implement** 64:20.  
**implementation** 70:9, 93:5.  
**implementing** 70:20.  
**important** 37:8.  
**impossible** 81:4.

113

115

**equipment** 103:19.  
**equivalent** 49:12.  
**erode** 70:23.  
**EFFRATA** 106:1.  
**Ertmer** 3:43, 39:23.  
**essentially** 57:25.  
**et** 1:7, 1:13, 6:11, 105:4.  
**Ethics** 72:19, 80:21, 80:22.  
**evaluation** 36:19.  
**evening** 99:16.  
**evenly** 64:21.  
**everybody** 43:9.  
**everyone** 43:20.  
**everything** 41:17, 44:15, 89:21.  
**evidenced** 45:9.  
**Exactly** 30:4, 57:16, 94:5.  
**exaggerated** 68:22.  
**EXAMINATION** 3:3, 7:19.  
**example** 22:25, 31:11, 101:3.  
**except** 9:10, 72:6.  
**exceptions** 9:21.  
**exchange** 41:25, 45:14, 52:15, 58:13, 58:20, 62:8, 78:18, 81:16, 81:18.  
**exchanges** 28:4.  
**excused** 84:13.  
**executive** 24:7, 24:9.  
**exempted** 83:18, 85:3.  
**exemption** 84:16, 84:11, 84:14, 84:18.  
**exempts** 94:19.  
**exercise** 83:14, 83:22.  
**Exhibits** 8:10, 11:22, 26:9, 39:2.

**existing** 72:6.  
**exodus** 71:17, 71:20, 73:4.  
**experience** 29:24, 36:24, 36:25, 38:14, 38:18, 55:8, 69:7, 71:22.  
**experiences** 16:7.  
**expiration** 61:12.  
**expired** 20:6.  
**Expires** 106:28.  
**explain** 19:7.  
**explaining** 28:25, 42:10.  
**explanation** 18:16.  
**express** 38:21, 47:3, 47:5.  
**extended** 30:6.  
**extrapolate** 46:19.

**<F>**.  
**face** 49:7, 82:17.  
**facility** 56:11.  
**facing** 37:24.  
**fact** 13:23, 44:14, 45:9, 46:22, 49:13, 74:6.  
**factor** 36:5, 97:8, 97:9.  
**factors** 95:5.  
**fair** 36:11, 49:4, 65:6, 76:5.  
**fairly** 100:16.  
**Falk** 4:23, 5:4, 59:10, 60:8, 60:14, 78:23.  
**false** 75:14.  
**falsely** 75:13.  
**falsify** 67:9, 75:20.  
**familiar** 7:25, 13:3, 36:17, 37:1, 79:6, 91:16.  
**far** 73:12, 102:4, 101:10.

**faster** 46:6.  
**February** 88:20.  
**FEC** 40:16, 40:25, 41:4, 41:5, 41:7.  
**Federal** 2:4, 41:7, 41:19, 46:23, 97:5, 100:18, 103:1, 103:17.  
**federal/state** 69:24.  
**federally** 102:24.  
**Fedex** 46:6, 47:4, 47:16, 47:20.  
**fee** 86:19.  
**feet** 56:20, 57:6, 57:22, 58:5.  
**felony** 22:24, 76:19.  
**Ferwerda** 24:6, 24:7, 24:23, 26:12.  
**few** 8:7, 24:14, 42:24, 62:5, 85:19, 95:25.

**fewer** 26:18.  
**fields** 22:2.  
**Fifteen** 55:22.  
**fifth** 12:25.  
**figures** 46:21.  
**file** 21:23, 14:20, 5:23, 76:6, 78:12.  
**files** 81:2.  
**filing** 75:5.  
**fill** 16:3, 21:25, 35:17.  
**filled** 21:25.  
**final** 18:8, 18:12, 21:19.  
**finally** 10:5.  
**Finance** 73:2.  
**financially** 106:21.  
**find** 12:14, 13:7, 99:19.  
**finding** 30:24.  
**findings** 67:10.  
**fine** 52:10.  
**Fitzgerald** 73:16, 74:1.

**five** 34:13, 69:23, 75:12, 91:24.  
**fixed** 87:14.  
**focus** 14:11, 58:8, 83:2.  
**focuses** 103:3, 103:4, 103:8.  
**focusing** 78:23.  
**Follow** 71:1, 71:4.  
**following** 43:5, 70:22, 71:14, 74:17, 78:13, 78:18, 83:13, 89:6.  
**follows** 7:18.  
**food** 94:9.  
**Foodshare** 94:2, 94:10, 94:15.  
**foregoing** 106:9.  
**forget** 40:12.  
**format** 52:6.  
**formats** 100:12.  
**forms** 15:7, 15:16, 30:7, 37:6, 44:19, 45:2, 87:16, 93:3, 94:23, 95:21, 99:23, 100:3, 100:4, 100:6, 102:17.  
**forward** 37:24, 52:12.  
**forwarded** 56:7, 56:15.  
**found** 98:7, 98:11.  
**four** 21:11, 21:14, 21:19, 22:3.  
**four-year** 66:7.  
**fourth** 12:25.  
**Fox** 85:14.  
**frankly** 52:8.  
**fraud** 4:41, 76:1, 76:7, 76:19, 78:12, 78:24.  
**free** 85:16, 85:21.  
**Freelance** 6:20.  
**frequently** 65:14.  
**Friday** 17:25.  
**front** 99:4.

**90:21**.  
**improperly** 9:14.  
**improvements** 62:19.  
**in-person** 15:25, 48:11, 48:14, 48:18, 48:21, 49:8, 49:24, 50:5, 52:19, 52:20, 53:12, 53:19, 54:7, 99:8, 100:10, 101:4, 101:7, 102:1, 102:3, 102:6, 102:8, 102:10, 103:10.  
**inaccuracies** 60:5, 60:6.  
**inactivated** 32:5.  
**inactive** 22:29, 22:13, 22:24.  
**INC.** 1:7.  
**incident** 80:5.  
**incidents** 80:8.  
**include** 14:21, 15:2, 15:15, 34:3, 70:19.  
**included** 20:25, 51:15, 102:19.  
**includes** 73:15, 102:24, 103:15.  
**including** 36:22, 63:19.  
**Incorporated** 6:10, 42:20.  
**incorrect** 44:1.  
**increases** 45:6.  
**increasingly** 45:6.  
**indicate** 10:4, 20:8, 21:13, 78:6.  
**indicated** 41:1, 87:25, 90:20, 91:2.  
**indicates** 13:22, 15:22, 24:23, 26:12, 29:13, 39:4, 39:12, 40:16, 46:9, 49:23, 50:7, 60:22, 70:22, 71:15.

**74:19, 76:17, 81:3, 86:25, 101:15, indicating** 25:14, 41:10, 48:10, 58:21, 85:19.  
**indication** 48:15, 85:10.  
**individual** 21:14, 22:8, 35:5, 42:20, 46:20, 52:1, 79:8, 79:17, 87:8, 95:17.  
**individuals** 17:11, 19:11, 19:14, 21:16, 43:2, 43:13, 50:3, 72:10, 73:18, 82:1, 82:2, 91:10, 94:8.  
**inter** 40:3, 76:5.  
**into** 32:2.  
**inform** 40:6.  
**informational** 87:22, 88:4, 89:9, 90:8.  
**informed** 31:18, 38:10, 85:15.  
**informing** 31:10, 88:5.  
**initially** 74:1, 88:3.  
**initials** 93:20.  
**input** 72:22.  
**inquiries** 34:5.  
**inspectors** 96:14, 96:15, 96:17, 96:25, 97:3.  
**instance** 2:3, 72:17.  
**instead** 66:18, 66:21.  
**Institute** 1:7, 6:10.  
**institutionally** 33:14.  
**instructions** 43:14.  
**integrity** 55:9, 55:12, 55:16.  
**intended** 89:24, 90:25.

**Interested** 3:28, 3:31, 32:18, 33:2, 33:20, 33:22, 106:21.  
**interpret** 88:11.  
**interviews** 38:3.  
**introduce** 6:21.  
**investigation** 23:22.  
**investigators** 76:10, 76:16.  
**invite** 81:16.  
**involved** 63:24.  
**involves** 28:4, 56:5.  
**involving** 39:6, 45:14, 76:6.  
**irresponsible** 69:24.  
**issue** 34:12, 51:13, 61:11, 65:21, 71:10, 84:3, 91:5, 95:6.  
**issued** 19:22, 85:16, 98:2.  
**issues** 37:7, 41:17, 59:22, 64:23, 69:19, 82:18, 82:20, 86:6.  
**issuing** 94:23, 95:4.  
**italics** 44:4.

**<J>**.  
**J.** 1:21, 2:2, 4:30, 5:7, 6:3, 6:6, 7:12, 6:22, 104:12, 105:44.  
**Jeff** 73:16.  
**job** 37:17.  
**jobs** 71:23.  
**John** 62:9.  
**Joint** 64:9, 73:1.  
**Josh** 6:25.  
**JOSHUA** 2:13.  
**Journal** 19:24.  
**Judge** 65:22.  
**Judith** 4:29, 62:18, 62:23.

**Justice** 28, 2:22, 6:15, 47:1, 76:13, 106:13.

**<K>**.  
**K** 3:16, 3:20, 3:25, 3:40, 3:43, 3:47, 4:46.  
**KALL** 2:13, 5:23, 6:25, 7:20, 52:4, 52:11, 55:20, 61:17, 98:19, 104:3, 104:6.  
**keep** 26:3, 55:25.  
**keeps** 102:22.  
**Kelly** 29:10.  
**KENNEDY** 1:21, 2:2, 3:5, 3:16, 3:20, 4:33, 4:46, 6:3, 6:6, 7:7, 7:12, 7:21, 8:8, 8:9, 18:22, 38:25, 52:2, 62:2, 65:3, 66:2, 67:6, 67:13, 99:2, 104:12, 105:2, 105:44, 106:11.  
**Kevin** 1:21, 2:2, 4:33, 6:3, 6:6, 7:7, 7:12, 6:22, 104:12, 105:2, 105:44.  
**Kind** 26:9, 38:2, 38:6, 38:20, 38:21, 39:22, 51:22, 51:25.  
**knowledge** 37:21, 54:20, 85:2.  
**known** 91:13.  
**Kohlhagen** 4:7.  
**Kratsch** 3:40, 3:43.

**<L>**.  
**L** 2:13, 3:46, 5:13.  
**languages** 97:4.  
**large** 20:9, 20:12, 48:17, 48:20.

114

116



97:10, 100:16, 101:17, 102:10, 103:11, 104:12, 105:13, 106:14, 107:15, 108:16, 109:17, 110:18, 111:19, 112:20, 113:21, 114:22, 115:23, 116:24, 117:25, 118:26, 119:27, 120:28, 121:29, 122:30, 123:31, 124:32, 125:33, 126:34, 127:35, 128:36, 129:37, 130:38, 131:39, 132:40, 133:41, 134:42, 135:43, 136:44, 137:45, 138:46, 139:47, 140:48, 141:49, 142:50, 143:51, 144:52, 145:53, 146:54, 147:55, 148:56, 149:57, 150:58, 151:59, 152:60, 153:61, 154:62, 155:63, 156:64, 157:65, 158:66, 159:67, 160:68, 161:69, 162:70, 163:71, 164:72, 165:73, 166:74, 167:75, 168:76, 169:77, 170:78, 171:79, 172:80, 173:81, 174:82, 175:83, 176:84, 177:85, 178:86, 179:87, 180:88, 181:89, 182:90, 183:91, 184:92, 185:93, 186:94, 187:95, 188:96, 189:97, 190:98, 191:99, 192:100, 193:101, 194:102, 195:103, 196:104, 197:105, 198:106, 199:107, 200:108, 201:109, 202:110, 203:111, 204:112, 205:113, 206:114, 207:115, 208:116, 209:117, 210:118, 211:119, 212:120, 213:121, 214:122, 215:123, 216:124, 217:125, 218:126, 219:127, 220:128, 221:129, 222:130, 223:131, 224:132, 225:133, 226:134, 227:135, 228:136, 229:137, 230:138, 231:139, 232:140, 233:141, 234:142, 235:143, 236:144, 237:145, 238:146, 239:147, 240:148, 241:149, 242:150, 243:151, 244:152, 245:153, 246:154, 247:155, 248:156, 249:157, 250:158, 251:159, 252:160, 253:161, 254:162, 255:163, 256:164, 257:165, 258:166, 259:167, 260:168, 261:169, 262:170, 263:171, 264:172, 265:173, 266:174, 267:175, 268:176, 269:177, 270:178, 271:179, 272:180, 273:181, 274:182, 275:183, 276:184, 277:185, 278:186, 279:187, 280:188, 281:189, 282:190, 283:191, 284:192, 285:193, 286:194, 287:195, 288:196, 289:197, 290:198, 291:199, 292:200, 293:201, 294:202, 295:203, 296:204, 297:205, 298:206, 299:207, 300:208, 301:209, 302:210, 303:211, 304:212, 305:213, 306:214, 307:215, 308:216, 309:217, 310:218, 311:219, 312:220, 313:221, 314:222, 315:223, 316:224, 317:225, 318:226, 319:227, 320:228, 321:229, 322:230, 323:231, 324:232, 325:233, 326:234, 327:235, 328:236, 329:237, 330:238, 331:239, 332:240, 333:241, 334:242, 335:243, 336:244, 337:245, 338:246, 339:247, 340:248, 341:249, 342:250, 343:251, 344:252, 345:253, 346:254, 347:255, 348:256, 349:257, 350:258, 351:259, 352:260, 353:261, 354:262, 355:263, 356:264, 357:265, 358:266, 359:267, 360:268, 361:269, 362:270, 363:271, 364:272, 365:273, 366:274, 367:275, 368:276, 369:277, 370:278, 371:279, 372:280, 373:281, 374:282, 375:283, 376:284, 377:285, 378:286, 379:287, 380:288, 381:289, 382:290, 383:291, 384:292, 385:293, 386:294, 387:295, 388:296, 389:297, 390:298, 391:299, 392:300, 393:301, 394:302, 395:303, 396:304, 397:305, 398:306, 399:307, 400:308, 401:309, 402:310, 403:311, 404:312, 405:313, 406:314, 407:315, 408:316, 409:317, 410:318, 411:319, 412:320, 413:321, 414:322, 415:323, 416:324, 417:325, 418:326, 419:327, 420:328, 421:329, 422:330, 423:331, 424:332, 425:333, 426:334, 427:335, 428:336, 429:337, 430:338, 431:339, 432:340, 433:341, 434:342, 435:343, 436:344, 437:345, 438:346, 439:347, 440:348, 441:349, 442:350, 443:351, 444:352, 445:353, 446:354, 447:355, 448:356, 449:357, 450:358, 451:359, 452:360, 453:361, 454:362, 455:363, 456:364, 457:365, 458:366, 459:367, 460:368, 461:369, 462:370, 463:371, 464:372, 465:373, 466:374, 467:375, 468:376, 469:377, 470:378, 471:379, 472:380, 473:381, 474:382, 475:383, 476:384, 477:385, 478:386, 479:387, 480:388, 481:389, 482:390, 483:391, 484:392, 485:393, 486:394, 487:395, 488:396, 489:397, 490:398, 491:399, 492:400, 493:401, 494:402, 495:403, 496:404, 497:405, 498:406, 499:407, 500:408, 501:409, 502:410, 503:411, 504:412, 505:413, 506:414, 507:415, 508:416, 509:417, 510:418, 511:419, 512:420, 513:421, 514:422, 515:423, 516:424, 517:425, 518:426, 519:427, 520:428, 521:429, 522:430, 523:431, 524:432, 525:433, 526:434, 527:435, 528:436, 529:437, 530:438, 531:439, 532:440, 533:441, 534:442, 535:443, 536:444, 537:445, 538:446, 539:447, 540:448, 541:449, 542:450, 543:451, 544:452, 545:453, 546:454, 547:455, 548:456, 549:457, 550:458, 551:459, 552:460, 553:461, 554:462, 555:463, 556:464, 557:465, 558:466, 559:467, 560:468, 561:469, 562:470, 563:471, 564:472, 565:473, 566:474, 567:475, 568:476, 569:477, 570:478, 571:479, 572:480, 573:481, 574:482, 575:483, 576:484, 577:485, 578:486, 579:487, 580:488, 581:489, 582:490, 583:491, 584:492, 585:493, 586:494, 587:495, 588:496, 589:497, 590:498, 591:499, 592:500, 593:501, 594:502, 595:503, 596:504, 597:505, 598:506, 599:507, 600:508, 601:509, 602:510, 603:511, 604:512, 605:513, 606:514, 607:515, 608:516, 609:517, 610:518, 611:519, 612:520, 613:521, 614:522, 615:523, 616:524, 617:525, 618:526, 619:527, 620:528, 621:529, 622:530, 623:531, 624:532, 625:533, 626:534, 627:535, 628:536, 629:537, 630:538, 631:539, 632:540, 633:541, 634:542, 635:543, 636:544, 637:545, 638:546, 639:547, 640:548, 641:549, 642:550, 643:551, 644:552, 645:553, 646:554, 647:555, 648:556, 649:557, 650:558, 651:559, 652:560, 653:561, 654:562, 655:563, 656:564, 657:565, 658:566, 659:567, 660:568, 661:569, 662:570, 663:571, 664:572, 665:573, 666:574, 667:575, 668:576, 669:577, 670:578, 671:579, 672:580, 673:581, 674:582, 675:583, 676:584, 677:585, 678:586, 679:587, 680:588, 681:589, 682:590, 683:591, 684:592, 685:593, 686:594, 687:595, 688:596, 689:597, 690:598, 691:599, 692:600, 693:601, 694:602, 695:603, 696:604, 697:605, 698:606, 699:607, 700:608, 701:609, 702:610, 703:611, 704:612, 705:613, 706:614, 707:615, 708:616, 709:617, 710:618, 711:619, 712:620, 713:621, 714:622, 715:623, 716:624, 717:625, 718:626, 719:627, 720:628, 721:629, 722:630, 723:631, 724:632, 725:633, 726:634, 727:635, 728:636, 729:637, 730:638, 731:639, 732:640, 733:641, 734:642, 735:643, 736:644, 737:645, 738:646, 739:647, 740:648, 741:649, 742:650, 743:651, 744:652, 745:653, 746:654, 747:655, 748:656, 749:657, 750:658, 751:659, 752:660, 753:661, 754:662, 755:663, 756:664, 757:665, 758:666, 759:667, 760:668, 761:669, 762:670, 763:671, 764:672, 765:673, 766:674, 767:675, 768:676, 769:677, 770:678, 771:679, 772:680, 773:681, 774:682, 775:683, 776:684, 777:685, 778:686, 779:687, 780:688, 781:689, 782:690, 783:691, 784:692, 785:693, 786:694, 787:695, 788:696, 789:697, 790:698, 791:699, 792:700, 793:701, 794:702, 795:703, 796:704, 797:705, 798:706, 799:707, 800:708, 801:709, 802:710, 803:711, 804:712, 805:713, 806:714, 807:715, 808:716, 809:717, 810:718, 811:719, 812:720, 813:721, 814:722, 815:723, 816:724, 817:725, 818:726, 819:727, 820:728, 821:729, 822:730, 823:731, 824:732, 825:733, 826:734, 827:735, 828:736, 829:737, 830:738, 831:739, 832:740, 833:741, 834:742, 835:743, 836:744, 837:745, 838:746, 839:747, 840:748, 841:749, 842:750, 843:751, 844:752, 845:753, 846:754, 847:755, 848:756, 849:757, 850:758, 851:759, 852:760, 853:761, 854:762, 855:763, 856:764, 857:765, 858:766, 859:767, 860:768, 861:769, 862:770, 863:771, 864:772, 865:773, 866:774, 867:775, 868:776, 869:777, 870:778, 871:779, 872:780, 873:781, 874:782, 875:783, 876:784, 877:785, 878:786, 879:787, 880:788, 881:789, 882:790, 883:791, 884:792, 885:793, 886:794, 887:795, 888:796, 889:797, 890:798, 891:799, 892:800, 893:801, 894:802, 895:803, 896:804, 897:805, 898:806, 899:807, 900:808, 901:809, 902:810, 903:811, 904:812, 905:813, 906:814, 907:815, 908:816, 909:817, 910:818, 911:819, 912:820, 913:821, 914:822, 915:823, 916:824, 917:825, 918:826, 919:827, 920:828, 921:829, 922:830, 923:831, 924:832, 925:833, 926:834, 927:835, 928:836, 929:837, 930:838, 931:839, 932:840, 933:841, 934:842, 935:843, 936:844, 937:845, 938:846, 939:847, 940:848, 941:849, 942:850, 943:851, 944:852, 945:853, 946:854, 947:855, 948:856, 949:857, 950:858, 951:859, 952:860, 953:861, 954:862, 955:863, 956:864, 957:865, 958:866, 959:867, 960:868, 961:869, 962:870, 963:871, 964:872, 965:873, 966:874, 967:875, 968:876, 969:877, 970:878, 971:879, 972:880, 973:881, 974:882, 975:883, 976:884, 977:885, 978:886, 979:887, 980:888, 981:889, 982:890, 983:891, 984:892, 985:893, 986:894, 987:895, 988:896, 989:897, 990:898, 991:899, 992:900, 993:901, 994:902, 995:903, 996:904, 997:905, 998:906, 999:907, 1000:908, 1001:909, 1002:910, 1003:911, 1004:912, 1005:913, 1006:914, 1007:915, 1008:916, 1009:917, 1010:918, 1011:919, 1012:920, 1013:921, 1014:922, 1015:923, 1016:924, 1017:925, 1018:926, 1019:927, 1020:928, 1021:929, 1022:930, 1023:931, 1024:932, 1025:933, 1026:934, 1027:935, 1028:936, 1029:937, 1030:938, 1031:939, 1032:940, 1033:941, 1034:942, 1035:943, 1036:944, 1037:945, 1038:946, 1039:947, 1040:948, 1041:949, 1042:950, 1043:951, 1044:952, 1045:953, 1046:954, 1047:955, 1048:956, 1049:957, 1050:958, 1051:959, 1052:960, 1053:961, 1054:962, 1055:963, 1056:964, 1057:965, 1058:966, 1059:967, 1060:968, 1061:969, 1062:970, 1063:971, 1064:972, 1065:973, 1066:974, 1067:975, 1068:976, 1069:977, 1070:978, 1071:979, 1072:980, 1073:981, 1074:982, 1075:983, 1076:984, 1077:985, 1078:986, 1079:987, 1080:988, 1081:989, 1082:990, 1083:991, 1084:992, 1085:993, 1086:994, 1087:995, 1088:996, 1089:997, 1090:998, 1091:999, 1092:1000, 1093:1001, 1094:1002, 1095:1003, 1096:1004, 1097:1005, 1098:1006, 1099:1007, 1100:1008, 1101:1009, 1102:1010, 1103:1011, 1104:1012, 1105:1013, 1106:1014, 1107:1015, 1108:1016, 1109:1017, 1110:1018, 1111:1019, 1112:1020, 1113:1021, 1114:1022, 1115:1023, 1116:1024, 1117:1025, 1118:1026, 1119:1027, 1120:1028, 1121:1029, 1122:1030, 1123:1031, 1124:1032, 1125:1033, 1126:1034, 1127:1035, 1128:1036, 1129:1037, 1130:1038, 1131:1039, 1132:1040, 1133:1041, 1134:1042, 1135:1043, 1136:1044, 1137:1045, 1138:1046, 1139:1047, 1140:1048, 1141:1049, 1142:1050, 1143:1051, 1144:1052, 1145:1053, 1146:1054, 1147:1055, 1148:1056, 1149:1057, 1150:1058, 1151:1059, 1152:1060, 1153:1061, 1154:1062, 1155:1063, 1156:1064, 1157:1065, 1158:1066, 1159:1067, 1160:1068, 1161:1069, 1162:1070, 1163:1071, 1164:1072, 1165:1073, 1166:1074, 1167:1075, 1168:1076, 1169:1077, 1170:1078, 1171:1079, 1172:1080, 1173:1081, 1174:1082, 1175:1083, 1176:1084, 1177:1085, 1178:1086, 1179:1087, 1180:1088, 1181:1089, 1182:1090, 1183:1091, 1184:1092, 1185:1093, 1186:1094, 1187:1095, 1188:1096, 1189:1097, 1190:1098, 1191:1099, 1192:1100, 1193:1101, 1194:1102, 1195:1103, 1196:1104, 1197:1105, 1198:1106, 1199:1107, 1200:1108, 1201:1109, 1202:1110, 1203:1111, 1204:1112, 1205:1113, 1206:1114, 1207:1115, 1208:1116, 1209:1117, 1210:1118, 1211:1119, 1212:1120, 1213:1121, 1214:1122, 1215:1123, 1216:1124, 1217:1125, 1218:1126, 1219:1127, 1220:1128, 1221:1129, 1222:1130, 1223:1131, 1224:1132, 1225:1133, 1226:1134, 1227:1135, 1228:1136, 1229:1137, 1230:1138, 1231:1139, 1232:1140, 1233:1141, 1234:1142, 1235:1143, 1236:1144, 1237:1145, 1238:1146, 1239:1147, 1240:1148, 1241:1149, 1242:1150, 1243:1151, 1244:1152, 1245:1153, 1246:1154, 1247:1155, 1248:1156, 1249:1157, 1250:1158, 1251:1159, 1252:1160, 1253:1161, 1254:1162, 1255:1163, 1256:1164, 1257:1165, 1258:1166, 1259:1167, 1260:1168, 1261:1169, 1262:1170, 1263:1171, 1264:1172, 1265:1173, 1266:1174, 1267:1175, 1268:1176, 1269:1177, 1270:1178, 1271:1179, 1272:1180, 1273:1181, 1274:1182, 1275:1183, 1276:1184, 1277:1185, 1278:1186, 1279:1187, 1280:1188, 1281:1189, 1282:1190, 1283:1191, 1284:1192, 1285:1193, 1286:1194, 1287:1195, 1288:1196, 1289:1197, 1290:1198, 1291:1199, 1292:1200, 1293:1201, 1294:1202, 1295:1203, 1296:1204, 1297:1205, 1298:1206, 1299:1207, 1300:1208, 1301:1209, 1302:1210, 1303:1211, 1304:1212, 1305:1213, 1306:1214, 1307:1215, 1308:1216, 1309:1217, 1310:1218, 1311:1219, 1312:1220, 1313:1221, 1314:1222, 1315:1223, 1316:1224, 1317:1225, 1318:1226, 1319:1227, 1320:1228, 1321:1229, 1322:1230, 1323:1231, 1324:1232, 1325:1233, 1326:1234, 1327:1235, 1328:1236, 1329:1237, 1330:1238, 1331:1239, 1332:1240, 1333:1241, 1334:1242, 1335:1243, 1336:1244, 1337:1245, 1338:1246, 1339:1247, 1340:1248, 1341:1249, 1342:1250, 1343:1251, 1344:1252, 1345:1253, 1346:1254, 1347:1255, 1348:1256, 1349:1257, 1350:1258, 1351:1259, 1352:1260, 1353:1261, 1354:1262, 1355:1263, 1356:1264, 1357:1265, 1358:1266, 1359:1267, 1360:1268, 1361:1269, 1362:1270, 1363:1271, 1364:1272, 1365:1273, 1366:1274, 1367:1275, 1368:1276, 1369:1277, 1370:1278, 1371:1279, 1372:1280, 1373:1281, 1374:1282, 1375:1283, 1376:1284, 1377:1285, 1378:1286, 1379:1287, 1380:1288, 1381:1289, 1382:1290, 1383:1291, 1384:1292, 1385:1293, 1386:1294, 1387:1295, 1388:1296, 1389:1297, 1390:1298, 1391:1299, 1392:1300, 1393:1301, 1394:1



titled 18:4.	61:8.	34:6.	97:25.
today 7:6, 7:9, 8:2,	turn 79:5.	unless 58:1,	views 8:3, 8:5,
8:7, 9:3,	turned 15:7,	86:16.	55:11, 68:5,
10:2:14.	15:16.	unnecessary	virtually 47:22.
Todd 2:27, 6:17.	turning 84:17.	70:12.	virtue 48:6.
together 38:24.	tumout 98:9, 98:12,	unusual 46:25.	volunteer 4:26,
took 38:20, 45:9.	10:22.	upcoming 68:15.	62:25.
top 22:18, 40:11,	twice 50:9.	update 44:19,	Vote 10:2, 10:15,
40:12, 46:3, 58:16,	two 7:7, 10:22,	89:17.	31:16, 36:6, 37:8,
64:15, 78:23,	12:25, 13:2, 13:18,	updated 23:4, 48:19,	37:9, 37:11, 37:12,
80:14.	27:25, 28:6, 39:13,	89:15.	37:14, 38:11,
topic 99:2.	52:23, 57:10,	updating 70:8,	38:15, 38:19,
topics 95:25.	57:22, 57:25, 58:2,	95:20.	42:19, 42:21,
total 25:7, 53:17,	81:1.	upset 38:14,	42:23, 43:6, 50:21,
55:3, 69:6, 78:18,	two-thirds 19:4.	38:19,	57:19, 79:9, 79:11,
100:12, 101:3,	type 17:9, 49:3,	Urban 14:2.	85:3, 86:20, 87:3,
10:22, 102:9.	100:2, 103:18.	users 92:11.	94:3.
touch 86:1.	types 31:1, 34:19,	using 20:18, 23:8,	voted 10:13, 10:17,
Town 42:2, 42:11,	60:6, 68:17,	42:7, 52:6,	10:22, 75:9, 79:12,
49:24, 50:4.	103:16.	94:3.	79:13, 100:8,
track 16:15, 96:15,	typically 65:16.	.	100:9.
100:7, 103:22.	typing 47:10.	.	voters. 70:16.
tracked 100:9.	.	<V>.	votes 34:8,
train 42:7.	.	v. 105:4.	103:3.
trainer 80:22,	<U>.	vague 65:2.	voting 5:20, 36:13,
80:25.	ultimately 53:16.	Valley 65:15.	36:17, 37:19,
training 4:26, 59:15,	56:14, 70:15,	value 21:5.	48:18, 48:20, 49:9,
59:19, 59:20,	72:24.	Van 76:9.	49:25, 50:5, 51:16,
59:23, 60:3, 61:6,	Um-hum 60:15.	variety 95:18.	52:20, 52:21,
61:8, 83:2, 83:8,	unable 35:23, 45:24,	various 38:1,	53:12, 53:19, 55:9,
83:10.	83:20, 99:19.	51:24.	55:12, 56:11,
transcript 5:23.	uncertainty	vast 22:13.	56:24, 94:20,
transfer 72:8.	71:16.	verify 12:21.	94:24, 95:9, 99:9,
transition 68:21,	undeliverable	version 58:17,	99:15, 99:16,
81:1.	32:5.	64:13, 64:14.	102:3, 102:6,
transmittal	undermine 66:8	versions 64:13.	102:9, 103:11,
99:19.	71:21.	veto 54:16.	103:14,
transmitted 100:21,	understand 10:19,	via 16:20.	103:18.
102:14.	37:6, 50:20,	Video 6:4, 6:18.	vouch 19:12.
treat 15:18, 43:4.	71:12.	VIDEOGRAPHER	vs 6:11.
trend 73:5.	understate 23:7.	227, 6:1, 6:17,	.
true 17:3, 44:22.	unfounded	55:22, 61:19,	<W>.
44:25, 54:20, 85:2,	66:22.	61:23, 98:20,	wait 85:16, 85:20,
95:22, 95:23,	uniform 69:12.	98:25, 104:8.	86:3, 97:22.
106:10.	unique 34:17, 36:8,	VIDEOTAPE 1:20,	waiting 85:23.
try 36:20, 51:23,	43:1, 43:15, 49:3,	21.	walk 51:23.
52:11, 88:16, 91:1,	49:10.	view 33:12, 46:18,	Walker 4:17.
97:13.	United 1:3, 6:12.	46:21, 51:19,	Walsh 3:46, 41:25,
trying 17:23, 22:22,	university 32:17,	51:21, 60:8, 70:3,	42:3, 42:4,
44:8, 51:24,	33:3, 33:4, 34:1,	71:5, 73:9,	

43:25.	whole 88:21, 96:11,	66:12.
wanted 31:19.	96:19.	work 11:5, 51:23,
wants 50:15,	whom 6:21, 20:22,	70:14, 90:25.
58:6.	21:16.	worked 42:5.
ward 101:9, 101:11,	will 6:23, 24:20,	worker 38:18.
101:24, 102:2	35:13, 38:25, 39:1,	workers 61:7, 88:2,
102:11,	45:11, 49:17,	83:19, 100:15,
103:22.	49:23, 50:4, 51:22	103:20.
Washington	54:10, 56:2, 58:10,	working 34:2, 47:24,
41:8.	64:2, 68:13, 68:18,	72:18.
Watching 59:22	69:14, 72:10,	works 31:15,
63:20.	72:24, 74:10, 77:4,	80:21.
Waukesha 63:18.	78:15, 81:4, 83:13,	write 35:12.
ways 28:15.	84:18, 86:8, 89:17,	writer 40:14.
web 93:3.	95:14, 95:15,	writes 29:18, 56:18,
website 8:22, 9:1,	102:23.	59:14.
37:14, 37:25,	willing 67:8,	writing 106:15.
43:18, 44:2, 44:15,	83:23.	written 52:5.
92:7, 92:19, 95:18,	window 17:22.	wrote 43:25.
95:22, 100:6,	Winnebago	wry 49:6.
104:2.	39:23.	WSJ 4:39.
websites 41:10,	Wisconsin 1:4, 1:7,	.
41:15.	2:7, 2:9, 2:17,	<Y>.
weekday 99:8.	2:22, 2:24, 6:10,	year 64:19,
101:4, 101:6,	6:13, 6:15, 6:16,	68:15.
102:1, 102:2,	6:19, 9:4, 20:14,	years 13:18, 44:10,
102:6.	27:6, 27:20, 36:18,	64:24, 68:24,
weekend 99:8.	37:11, 42:19,	91:24, 102:22.
99:16, 101:6,	42:22, 54:18,	yourself 8:3,
102:8, 102:11.	59:19, 59:23,	24:19.
welcome 27:24.	62:12, 63:15,	.
West 28, 2:23, 6:15,	63:20, 69:1, 81:20,	<Z>.
106:13.	90:22, 94:9, 94:13,	zero 76:6.
Western 1:4,	96:2, 96:9, 97:2	
6:13.	105:4, 106:1,	
whatever 47:11.	106:9, 106:13,	
whenever 55:23.	106:15.	
whereas 15:11,	106:27.	
17:19.	Wisconsin. 70:1.	
whereof 106:22.	within 57:21,	
wherever 58:5.	58:5.	
Whether 17:24,	without 16:5, 69:18,	
23:23, 29:21,	75:9.	
30:25, 36:15, 40:7,	Witness 2:2, 6:24,	
40:25, 41:9, 41:19,	7:14, 20:2, 30:19,	
47:12, 49:11,	55:19, 105:2,	
63:18, 65:3, 78:11,	106:22.	
84:22, 84:25,	word 12:8, 44:2	
94:18, 97:2,	90:21, 91:1.	
100:9.	words 39:22, 66:10,	