

MICHAEL HAAS

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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 * * * * *
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15 VIDEOTAPED DEPOSITION OF MICHAEL HAAS
16 Friday, January 22, 2016
17 9:14 a.m.
18
19 Reported by: Lisa A. Creeron, RPR
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1 VIDEOTAPED DEPOSITION OF MICHAEL HAAS, a witness
2 in the above-entitled action, taken at the instance of the
3 plaintiffs, under the provisions of the Federal Rules of
4 Civil Procedure, taken pursuant to notice, before
5 LISA A. CREERON, a Registered Professional Reporter and
6 Notary Public in and for the State of Wisconsin, at the
7 Wisconsin Department of Justice, 17 West Main Street, in
8 the City of Madison, County of Dane, and State of
9 Wisconsin, on the 22nd day of January, 2016, commencing at
10 9:14 a.m.
11
12 A P P E A R A N C E S
13 BOBBIE L. WILSON,
14 PERKINS COIE, LLP,
15 Attorneys at Law,
16 505 Howard Street, Suite 1000,
17 San Francisco, California 94105, appearing
18 on behalf of the plaintiffs;
19
20 CLAYTON KAWSKI,
21 Assistant Attorney General,
22 WISCONSIN DEPARTMENT OF JUSTICE,
23 17 West Main Street,
24 Madison, Wisconsin 53703, appearing on
25 behalf of the defendants.
26
27 ALSO PRESENT: TODD CAMPBELL (Videographer)
28
29 * * * * *

1 I N D E X (Continued)

2	Exhibit	Identified
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6	(Original transcript is filed with Attorney Kaul)	
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MICHAEL HAAS

1 THE VIDEOGRAPHER: We are on the
 2 record. Seated before you is Mr. Michael Haas.
 3 This is Video No. 1 of his video deposition,
 4 taken pursuant to notice, at the instance of the
 5 plaintiffs, in the matter of One Wisconsin
 6 Institute, Incorporated, et al., plaintiffs, vs.
 7 Gerald C. Nichol, et al., defendants. This
 8 matter is pending in the United States District
 9 Court for the Western District of Wisconsin,
 10 Case No. 15-CV-324.

11 This deposition is taking place at the
 12 State of Wisconsin, Department of Justice,
 13 17 West Main Street, in Madison, Wisconsin. The
 14 date is Friday, January 22nd, 2016. The time is
 15 9:14 a.m. I am Todd Campbell, videographer with
 16 Campbell Legal Video Company of Milwaukee,
 17 Wisconsin. The court reporter is Lisa Creeron
 18 of Madison Freelance Reporters of Madison,
 19 Wisconsin.

20 Will counsel please first introduce
 21 themselves and whom they represent? Then the
 22 court reporter will swear in the witness.

23 MS. WILSON: Bobbie Wilson from
 24 Perkins Coie for the plaintiffs.

25 MR. KAWSKI: Clayton Kawski, assistant

5

1 think you know where I'm going; you finish your
 2 answer. If you need a break, let me know. The only
 3 thing I ask is if I have a question pending, unless
 4 it's one of privilege, that you respond before we
 5 take a break.

6 Is there any reason today that you cannot give
 7 me accurate and truthful testimony?

8 A No.

9 Q Can you tell me -- let's talk a little bit of
 10 background. What is your current position?

11 A I work at the Wisconsin Government Accountability
 12 Board. Currently I'm the division administrator for
 13 the elections division.

14 Q And you've been the -- in that position since what,
 15 January 2013?

16 A I'm sorry, yes, January 2013.

17 Q Okay. And can you describe for me currently what
 18 your duties are?

19 A Sure. I supervise and manage the elections division
 20 staff, which is approximately 25 individuals in
 21 addition to a contract IT team of four individuals,
 22 and our responsibilities are generally to administer
 23 and enforce Wisconsin election laws. So there's a
 24 variety of duties that are involved, but that's our
 25 general mission and responsibility.

7

1 attorney general at the Wisconsin Department of
 2 Justice for the defendants.

3 THE VIDEOGRAPHER: Thank you.

4 MICHAEL HAAS,
 5 called as a witness, being first duly
 6 sworn in the above cause, testified
 7 under oath as follows:

8 THE VIDEOGRAPHER: Please proceed.

9 EXAMINATION

10 BY MS. WILSON:

11 Q Good morning, Mr. Haas.

12 A Good morning.

13 Q My name is Bobbie Wilson, and I'm going to be taking
 14 your deposition today. You are a lawyer, right?

15 A Correct.

16 Q And so are you familiar with the -- sort of the rules
 17 of the game --

18 A Yes.

19 Q -- for depositions?

20 A Yes.

21 Q So I won't bore you with them again, but I will say
 22 that for the sake of the poor court reporter because
 23 I as a former New Yorker tend sometimes to talk fast
 24 and talk over folks that you -- we wait until each
 25 other is finished. I finish my question even if you

6

1 Q And when you say -- I'm sorry, what was the last part
 2 that you said?

3 (Reporter reads back requested portion of transcript)

4 Q There was a -- is there anything else associated with
 5 your particular position?

6 A Well, I guess in my position, there are also a
 7 variety of duties. I represent the division, I
 8 direct our staff, communicate a lot with our local
 9 election officials, municipal and county clerks. I
 10 work with the Legislature on pending legislation and
 11 implementing legislation that's been passed.
 12 Sometimes I also deal with the media and just acting
 13 as part of the management team for the agency.

14 Q Now, you said work with the Legislature on pending
 15 legislation. What sort of things do you do in that
 16 role?

17 A When the Legislature notifies us that they are
 18 working on legislation, a particular legislator may
 19 or may not contact us and ask us for input either to
 20 discuss policy issues or more frequently to discuss
 21 how the legislation would be implemented and any
 22 challenges or obstacles that we might see from either
 23 a state or local perspective.

24 Then we also, of course, testify in public
 25 hearings. Usually our director, Kevin Kennedy, or

8

MICHAEL HAAS

1 myself on election matters try to provide whatever
2 feedback we can about any amendments and then, of
3 course, after it's -- any legislation is passed, we
4 implement the law, and sometimes that results in
5 follow-up with the Legislature about any questions we
6 may have about what the Legislature intended.
7 Q Does -- when you're speaking with the Legislature, is
8 it simply -- are you doing it from the lens -- let me
9 rephrase.

10 When you're talking to the Legislature, are you
11 talking through the lens of the group of clerks that
12 you're responsible for, or are you speaking sort of
13 through the lens, if you understand my question, of
14 the voter?

15 MR. KAWSKI: Object to the form of the
16 question. You can answer.

17 A I think it depends. I think the expertise that we
18 would have to offer to the Legislature I would
19 categorize as being threefold. We can talk to the
20 Legislature about implementation issues at the state
21 level and then implementation at the local level.

22 There's a lot of coordination between our office
23 and local election officials because elections are
24 run at the municipal level in Wisconsin and then also
25 anything that we can perceive that might affect

1 Accountability Board from October 2008 until --
2 through December 2012.
3 Q And what were your duties there? And let's put it in
4 the time frame just before you took the next
5 position.
6 A Well, as one of the two staff attorneys, we
7 represented the entire agency, so that would be both
8 the elections division and the ethics division. And
9 so the agency being responsible for election law,
10 campaign finance law, lobbying law and the code of
11 ethics for public officials, there were a variety of
12 issues we worked on.

13 We worked with our staff on program initiatives,
14 obviously provided legal advice to both the staff and
15 to our board, prepared materials for our board to
16 make either policy or legal decisions, again worked
17 with local election officials when the agency was
18 involved in litigation. We would be involved in that
19 obviously and again working on legislative issues
20 either as legislation was being considered or in
21 trying to interpret it for our staff so they could be
22 administered properly.

23 Q And did you work in a particular subject matter area?

24 A You know, towards the end of that period, I think I
25 focused more on -- the assignments I received were

1 voters and the voting process and so that's -- you
2 know, that can involve, of course, both local clerks,
3 the election inspectors or poll workers and then also
4 voters and also other people that participate in the
5 process, such as election observers.

6 And so I think because we are involved with all
7 those parties, sometimes we can bring some expertise
8 to the discussion about what we have experienced or
9 observed.

10 Q And in advising or talking to the Legislature, do you
11 reach out to groups that might be affected by the
12 particular pending legislation?

13 A We're most likely to try to reach out to the local
14 election officials. There might be instances where
15 there are specific groups that would have some input,
16 but I think they are probably more likely to reach
17 out to us or to come to one of our board meetings to
18 express their opinions. We don't have really a
19 structured system of reaching out to any
20 organizations other than the organizations that
21 represent the local clerks.

22 Q We'll talk a little bit more about that, but let me
23 continue with a little background. So prior to this
24 position, what was your last position?

25 A I was one of the two staff counsel at the Government

1 focused more on the elections side. I was involved
2 in campaign finance issues.

3 There was a major campaign finance bill called
4 the Impartial Justice Act that was passed in 2010 and
5 we had to scramble a bit to get it in place for the
6 2011 Supreme Court election. That was a public
7 financing bill for Supreme Court candidates, and I
8 was the lead attorney in trying to make sure that the
9 agency implemented that law correctly.

10 I was involved also as a lead attorney on the
11 photo ID law, and I think Director Kennedy's approach
12 was that he wanted both of the attorneys to have
13 experience providing assistance to both of the
14 divisions. As things developed, I tended to get more
15 assignments in the elections division than the other
16 staff attorney. Shane Falk tended to focus more on
17 campaign finance, especially when we had some
18 significant campaign finance litigation that required
19 a lot of time and focus.

20 Q And when you used the term lead attorney, did that
21 give you different responsibilities?

22 A Well, it was just basically that for that subject
23 matter, I was the one responsible for making sure
24 that assignments got done is essentially what that
25 meant.

MICHAEL HAAS

1 Q And so when the voter ID law came into effect, you
2 were the main lawyer for that?
3 A Correct.
4 Q And -- I'm sorry.
5 A And when I was being the main lawyer did not exclude
6 the other attorney from participating. It was just
7 that we had to divide up priorities and we would
8 obviously consult with each other, but I was
9 designated as the attorney that the staff would come
10 to for questions or that might communicate with the
11 clerks or the Legislature about that topic.
12 Q What is the role of the -- can I use the term GAB?
13 A Sure.
14 Q What is its role? What does it do?
15 A Well, it was, as you may know, it developed out of
16 two prior agencies, the Elections Board and the
17 Ethics Board, and so the Legislature created the GAB
18 to begin in 2008 with the combined mission of taking
19 over those subject matters that I mentioned.
20 And so in general, as I said, we administer and
21 enforce laws related to Wisconsin elections, campaign
22 finance laws, the lobbying laws and the code of
23 ethics. And it's a lot of -- some of those subject
24 areas obviously interact with each other, but we
25 administer those laws.

13

1 administration is processing things at the state
2 level and then training the local election officials
3 and assisting the local election officials so that
4 they can administer elections.
5 We are also responsible for hosting and
6 maintaining the statewide voter registration system,
7 which contains all the data related to voters and
8 elections in Wisconsin, and it's really an election
9 management system for both our office and the local
10 clerks to be able to create ballots, create poll
11 books and, you know, manage all of the data that's
12 involved with elections.
13 So as I said, there's a variety of duties, but
14 those are I guess an overall description of our
15 general responsibilities.
16 Q And does the GAB enjoy a good reputation?
17 A It depends who you talk to.
18 Q What do you think?
19 A I think it has earned a good reputation. I guess I
20 would put it that way. I think there's been
21 obviously a lot of attention paid to the agency. I
22 think it has enjoyed a good reputation amongst
23 election officials and individuals in the elections
24 profession across the country. It's been the subject
25 of a number of studies or articles about the

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1 So on the campaign financing side, for instance,
2 all candidates running for state and federal office
3 file their nomination papers with us and our staff
4 counts the signatures and makes recommendations to
5 our board as to whether or not they qualify for the
6 ballot. State -- candidates for state office need to
7 file their campaign finance reports with our agency,
8 and we put all that data on our website so it's
9 available to the public.
10 We provide legal opinions and guidance to public
11 officials, candidates, lobbyists. We receive and
12 process complaints that people may have either about
13 a decision of a local election official or a
14 candidate for public office or a public official, and
15 then our board may rule on whether or not it believes
16 any violations of the law occurred.
17 On the campaign finance and ethics and lobbying
18 side, our board can impose penalties, financial
19 penalties against those actors. We can -- if there
20 is a complaint filed against a local election
21 official, we process that complaint and ultimately we
22 can issue a decision as to whether or not the local
23 election official violated the law or abused their
24 discretion.
25 But really the nuts and bolts of the election

14

1 structure of the agency and how that compares with
2 other states.
3 Obviously it's been involved in some high
4 profile and some controversial issues and events and
5 so not -- obviously not everybody agrees with the
6 decisions that either the staff or the board has
7 made. So I think we have a very dedicated,
8 professional staff that I think does its best every
9 day and despite a lot of outside distractions or
10 media attention or political controversy has really
11 done an excellent job in the tasks that it's
12 assigned.
13 Q Does the board investigate and then -- let me
14 withdraw that.
15 Does the board need someone to initiate a
16 complaint before it does any investigation?
17 A It is not required to, but in most cases a complaint
18 is initiated by an outside party. The board does
19 have the authority under the statutes to initiate an
20 investigation if it -- it becomes aware of a
21 potential issue.
22 Q And what did you do prior to the GAB?
23 A I was in private practice with a small general
24 practice firm for about 14 years.
25 Q And the Legislature has decided to get rid of the

16

MICHAEL HAAS

1 GAB, isn't that right?

2 A Correct.

3 Q And when is that going to be?

4 A That will be effective June 30th, 2016.

5 Q And if you know, what or who will take over all the

6 duties that you're doing now or -- I'm sorry, let me

7 rephrase that -- what the GAB is doing now?

8 A The legislation created two new agencies, an

9 Elections Commission and an Ethics Commission. The

10 Elections Commission will be solely responsible for

11 election laws, and the Ethics Commission will take

12 over jurisdiction of the other subject areas,

13 campaign finance laws, the ethics code for public

14 officials and the lobbying laws, which are now

15 generally the responsibilities of the ethics division

16 within the GAB. So that will be the division of

17 labor starting in July.

18 Q And did you have an opportunity to speak to the

19 Legislature about getting rid of the GAB?

20 A Yes. I'm trying to think if I testified about that

21 bill. I don't recall if I testified, but I've

22 certainly had discussions with individual legislative

23 staff and some legislators about the bill.

24 Q Was there any concern about getting rid of the GAB in

25 the middle of a presidential election?

17

1 day-to-day basis there's not going to be a lot of

2 impact for clerks or voters or the public, but there

3 are a lot of details that have to be addressed in the

4 transition.

5 Q Were you involved in any discussions about whether

6 there would be an impact on the voters, this change?

7 A Well, I think just general discussions internally and

8 it probably came up generally in discussions with

9 legislative staff.

10 Q And is there anything that the GAB is supposed to do

11 to make it easier for voters during this transition?

12 A Well, I don't know specifically if it's related to

13 the transition. We have a mission to educate voters

14 about election laws, and so that's something that has

15 been ongoing and is going to continue and would

16 happen regardless of whether there was a change in

17 the agency.

18 Q So I understand this, so the GAB doesn't -- when

19 you're talking to the Legislature about a new bill,

20 the GAB doesn't take a position, right? Am I right

21 about that?

22 A Most times it does not. In some cases our board has

23 specifically adopted a legislative agenda. For

24 instance, this session the board has approved a

25 motion in favor of enacting online voter

19

1 MR. KAWSKI: Object to the form. You

2 can answer.

3 A Was there any concern by who?

4 Q By you or anyone at the GAB.

5 A Our director, Kevin Kennedy, I think certainly

6 expressed that concern, that we're in the middle of a

7 presidential year, that's the pinnacle of a four-year

8 cycle and that we -- that the partisan primary in the

9 fall is in August, which is six weeks or so after the

10 transition, and he did express some concern about

11 making the change at that time.

12 Q Do you share it or did you share his concerns?

13 A I think it's certainly a concern and it's a

14 challenge. I think at the GAB, we've been through so

15 many different changes with legislation and just

16 events that have happened that our staff has become

17 pretty resilient. I think there's some concern about

18 local election officials and whether they feel it

19 will have any impact on them.

20 But I think at this point now that the bill has

21 been passed and enacted and we're in a transition

22 planning stage, there's less uncertainty amongst the

23 staff because they know that they are guaranteed

24 positions to transfer to one of the two new agencies.

25 So I think in general we are hoping that on a

18

1 registration, and it approved a number of other items

2 that our staff brought to them as a legislative

3 agenda.

4 But in many cases, a bill may come up that the

5 board has not had an opportunity to weigh in on, and

6 so our practice is to present testimony for the

7 information of the Legislature and not to take a

8 position for or against it, and I think in general

9 that's because we recognize we are an administrative

10 agency and not a policy-making body and our job is to

11 implement whatever laws are enacted.

12 Q But you guys are sort of on the ground, though,

13 right?

14 A Correct.

15 Q Where legislators tend to be up in the clouds

16 sometimes.

17 MR. KAWSKI: Object to the form of the

18 question.

19 MS. WILSON: I haven't asked a

20 question yet.

21 MR. KAWSKI: Sorry.

22 Q When you make -- when you see, for example, that a

23 piece of legislation may have an impact on the voters

24 and you testify to the legislative body, is your --

25 and I'm just trying to understand how you guys work.

20

MICHAEL HAAS

1 Are your views given deference?
 2 MR. KAWSKI: Object to the form.
 3 THE WITNESS: Go ahead and answer?
 4 Q Yeah.
 5 A It depends. And I don't know that I could answer
 6 that question. It's up to each individual legislator
 7 or committee. My experience in testifying in front
 8 of committees is that they have always received our
 9 testimony and expressed appreciation for it and in
 10 some cases it does result in some issues being
 11 addressed. In other cases, it may -- the issues that
 12 we identify may not be addressed in any amendments,
 13 but again those are policy decisions.
 14 Q So let's talk a little bit about what you do, if
 15 anything, to sort of stay abreast of the changes in
 16 the election laws. And there have been quite a few
 17 since 2010, right?
 18 A Correct.
 19 Q And so how do you stay abreast of all the changes in
 20 the job that you have currently?
 21 A A couple ways. We have a pretty close working
 22 relationship with legislative staff who work for the
 23 chairs of the election committees in both the
 24 Assembly and the Senate.
 25 We subscribe to legislative notices, so if a

21

1 and put it in a folder. But we have a public
 2 information officer who is pretty good about
 3 collecting newspaper articles and he'll send around
 4 links to those articles both to our staff and to our
 5 board so that the agency is generally kept aware of
 6 developments.
 7 Q Is part of your current job to talk to members of the
 8 press?
 9 A Sometimes it is. Not one of my primary
 10 responsibilities, but I have some experience doing
 11 that, and when our public information officer is out
 12 of the office for any reason, usually I'm the one
 13 who's designated to take media calls, and sometimes
 14 that might be responding directly to the media.
 15 Sometimes it may be just arranging contacts with our
 16 director, Kevin Kennedy.
 17 Q And are you also responsible in your current job for
 18 dealing with members of the public directly?
 19 A Yes, yes.
 20 Q And in what kinds of situations does that happen?
 21 A It could be a number of ways. I guess the things
 22 that come to mind are we receive phone calls every
 23 day from voters or members of the public. Again they
 24 might be thinking about filing a complaint. They
 25 might just have a question about what the law is and

23

1 bill is introduced, we know, and we know the status
 2 of it the entire way through. We get those daily
 3 updates, and we have -- and then we have both general
 4 and specific conversations with legislative staff
 5 about what's coming up, what the progress of a bill
 6 might be, what they expect to take on in any
 7 particular session. And so partly just developing
 8 those relationships and working with those people to
 9 make sure we know informally what the status is and
 10 then obviously we track it as it goes through the
 11 committee process and on the vote of the Legislature
 12 and we make sure that we understand the status
 13 because part of our job is to explain to local
 14 election officials what was enacted and how it should
 15 be implemented.
 16 And so both as staff attorney and in my current
 17 position, I've been involved in helping to track
 18 legislation and I guess interpret for local election
 19 officials and for our staff.
 20 Q And do you keep track of newspaper articles, for
 21 example, that are talking about the different
 22 changes?
 23 A Well, I read them. We don't necessarily keep a file
 24 of them. If there's something that I think is
 25 significant, I might try to save an electronic copy

22

1 whether or not it's been applied correctly.
 2 There are also members of the public that are
 3 involved in observing elections and some
 4 organizations that are active in that area, and that
 5 was one issue that I dealt with quite a bit and so
 6 they may also call up and have questions. They may
 7 have input into policy documents that we are
 8 preparing. We put out manuals on administering
 9 elections and we've had members of the public who
 10 have taken a particular interest in, for instance,
 11 voting at nursing home and at other adult care
 12 facilities, and that's -- we have a manual to
 13 describe what that process is supposed to look like,
 14 which our board -- we were asking our board to adopt
 15 and sign off on, and we had some members of the
 16 public who were very interested in that and they
 17 actually offered suggestions for improving that
 18 manual.
 19 I've also been asked to speak at some events of
 20 organizations that are interested in election laws
 21 and just about either new legislation or the new
 22 photo ID law or elections in general. When we've had
 23 activities that are more high profile, for instance,
 24 when Wisconsin was going through a series of recall
 25 elections and in controversies, sometimes we would

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MICHAEL HAAS

1 have individuals or groups of people that would show
 2 up at the office and they had complaints or an agenda
 3 that they wanted somebody to pay attention to. So
 4 sometimes I would just be the one to go out and
 5 communicate with them.

6 Q Would it be accurate to say that the GAB has input,
 7 some input -- could have some input into a pending
 8 piece of legislation, but once it's implemented, once
 9 the Legislature signs off on it, that your job, the
 10 job of the GAB is simply to implement that law?

11 A Yes. And I guess the only caveat is sometimes there
 12 are some gray areas in the law that the Legislature
 13 did not address and we're put in the position of
 14 trying to interpret what was intended, and in some
 15 cases we have to make a decision at the staff level
 16 simply to be able to answer questions on a daily
 17 basis and sometimes we determine that it's
 18 significant enough that we would like our board to
 19 essentially adopt or sign off on an interpretation of
 20 the legislation.

21 Q And going back just a second to how you keep abreast
 22 of the changes, do you read studies on voting
 23 patterns or studies on how -- on like, for example,
 24 the president's election commission report and things
 25 like that, do you read those kind of studies?

25

1 weigh in. But I usually don't -- well, in some cases
 2 I might sign off on the press release if it has to do
 3 with a subject area that I'm familiar with and that
 4 I'm responsible for. Kevin Kennedy has the ultimate
 5 sign off on it, but I certainly have an opportunity
 6 to provide input.

7 Q And if you saw something incorrect in a press
 8 release, you'd speak up and say something?

9 A If I noticed it, correct, yes.

10 Q Okay. As part of your current duties, do you also
 11 prepare Mr. Kennedy for testifying before the
 12 Legislature or any other body?

13 A In some cases. Again it's often a team project to
 14 prepare testimony, but oftentimes Director Kennedy
 15 will make the first draft of testimony and circulate
 16 it for input. In some cases where I've been
 17 primarily responsible for either the subject area or
 18 if we anticipate that I will be testifying, I might
 19 take a crack at the first draft and circulate it.

20 But Kevin is very open about taking input from
 21 the entire staff and he's been in the position for so
 22 long that he doesn't need a lot of preparation. He
 23 has the most knowledge about the history of the
 24 legislation of anybody in the office. But it always
 25 helps to toss out ideas and make sure everybody's on

27

1 A Yes, I specifically read the presidential commission
 2 report. There are a lot of reports that -- we
 3 subscribe to a number of blogs and that are just
 4 filled with articles or reports that I just don't
 5 have time to study and just try to keep an eye on
 6 things, but try to -- that report in particular, we
 7 reviewed it, we had staff meetings about how it might
 8 apply to Wisconsin elections, but there are a lot of
 9 academic studies or journalistic reports that I see
 10 come through the email but just don't have time to
 11 digest.

12 Q In your current position, do you have to approve or
 13 sign off on, for example, press releases?

14 A I will have -- often have input into the draft of a
 15 press release. The public information officer is the
 16 one typically who will draft them. But as with many
 17 projects, it's often a team approach and we'll try to
 18 make sure that whoever has some subject matter
 19 expertise in it is able -- has an opportunity to
 20 contribute.

21 I also in a prior job had some experience as --
 22 essentially as communicating with the media, being a
 23 press officer essentially and in the public sector,
 24 and so based on that experience, generally
 25 Kevin Kennedy has given me an opportunity to try to

26

1 the same page.

2 Q You used the word teamwork a couple of times. Does
 3 that mean that before a press release goes out or a
 4 position is taken by the GAB that there has to be a
 5 consensus amongst the group?

6 A Well, generally there is. Ultimately it's
 7 Director Kennedy's call, but usually we -- there
 8 isn't -- at least on the election side, usually a
 9 consensus develops and there's not a lot of dispute
 10 about the direction. It tends to be wordsmithing and
 11 how things are phrased.

12 Q So would you consider you have a lot of experience
 13 with election law?

14 A Compared to the average person, yes. Not compared
 15 to --

16 Q Mr. Kennedy?

17 A Yeah, or others around the country who are involved
 18 in election law.

19 Q Okay. And you've been involved in election law with
 20 the GAB since 2008?

21 A Yes.

22 Q Would you say that there have been -- and I might
 23 have asked you this already, and I apologize -- a lot
 24 of election law changes in Wisconsin since 2010-2011?

25 A Yes.

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1 Q Do you know how many changes there have been?
 2 A I don't know how many total. I seem to recall in one
 3 legislative session, maybe the 2011 session, a number
 4 in the 20s came up, but I don't remember the specific
 5 number.
 6 Q And that was just in one year?
 7 A In one two-year cycle.
 8 Q One two-year cycle. What impact does frequent
 9 changes in the election laws have on your group at
 10 the GAB?
 11 A Well, a number of things. We -- our staff first
 12 needs to make sure it stays up to date on the
 13 election law changes. We have to implement any
 14 changes that are required within our office and then
 15 we need to make sure we understand it well enough to
 16 communicate it to local election officials. And
 17 that's generally the progression we take is to make
 18 sure we understand the law, what we have to do and
 19 then we work on communicating that to clerks in a
 20 variety of ways.
 21 Q And how do you communicate that to clerks?
 22 A A couple of different ways. Our training involves
 23 regular communications to clerks that we post on our
 24 website that are available to all clerks with
 25 reminders that we send out every couple weeks to

1 check those communications and then our whole
 2 training program, which includes in-person
 3 presentations to clerks and it also involves regular
 4 Webinars.
 5 We have in the last couple of years transitioned
 6 to much greater use of Webinars. We used to have
 7 essentially phone conference training with clerks
 8 around the state and we've transitioned to using
 9 Webinars that clerks can either attend live or they
 10 can view. We post them after the fact and they're
 11 available for clerks -- clerks or election inspectors
 12 to view on their own time.
 13 Q Is there some type of -- you know how we have CLE as
 14 lawyers?
 15 A Um-hum, um-hum.
 16 Q Is there some type of mandatory training amount --
 17 withdraw it. Is there a mandatory amount of time
 18 they have to train on new election laws?
 19 A There is. We have statutes and administrative rules
 20 requiring, specifically requiring clerks and chief
 21 inspectors to have a specific number of hours of
 22 training.
 23 And so for a clerk in a two-year cycle, they're
 24 required to complete a three-credit three-hour core
 25 training prior to conducting their first election if

1 they're a new clerk and then they're also required to
 2 take an additional three hours of training during the
 3 two-year period in order to be certified for the next
 4 cycle. So essentially in a two-year cycle, they are
 5 required to take six credits.
 6 Many clerks participate in a lot more training
 7 than that between the Webinars and our in-person
 8 training, but that's a requirement for clerks.
 9 Q How much training do you offer a year on average to
 10 your clerks?
 11 A Let's see. It depends on the election cycle. We try
 12 to structure the timing of the training so it's most
 13 relevant for clerks. So in the last few weeks, I
 14 think we've had a Webinar each Wednesday the last
 15 three weeks getting ready for this election cycle.
 16 We publish a whole list of Webinars about six
 17 months in advance. I couldn't guess how many there
 18 are, but going into an even numbered year, we would
 19 have more Webinars than we would in an odd numbered
 20 year. And then we participate in two or three state
 21 conferences of county clerks and provide them with
 22 training that might be a three-hour training session.
 23 We also participate in the regional meetings of
 24 municipal clerks around the state. I was just at one
 25 last week where we provided three hours of training

1 on various election topics, and we will usually
 2 attend those regional meetings at least once an
 3 election cycle, sometimes twice depending on who
 4 wants to invite us to their meetings, and we also
 5 have our manuals that clerks are -- use essentially
 6 as their guide in managing elections.
 7 So we have an election administration manual to
 8 sort of walk them through the entire cycle of an
 9 election and then we have an Election Day manual
 10 focused on what election inspectors and clerks need
 11 to do on Election Day. We have some specialized
 12 manuals, as I mentioned, one having to do with voting
 13 at adult care facilities. We have a recall manual
 14 and a recount manual.
 15 So those, if there are legislative changes, we
 16 need to update those manuals to make sure that they
 17 are current.
 18 Q And that's all that is done by the -- what did you
 19 say 25, 26 folks that you supervise?
 20 A Yes.
 21 Q Are most of your clerks part time?
 22 A Yes. There was a study indicating that approximately
 23 two-thirds of the clerks were part time. That was
 24 sometime in 2010 or 2011 I think that survey was
 25 completed.

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1 Q And when you're thinking part time, what are you
2 thinking of hours per week?

3 A It could range I think probably between 10 and 30
4 hours a week.

5 Q Now, is the part time -- the clerks who are working
6 part time, is that a particular position or is that a
7 choice, in other words, that you can choose to work
8 part time as a clerk or you can choose to work full
9 time?

10 A Usually it's determined by the governing body. So we
11 have cities, villages, towns, and clerks can be
12 either elected or appointed depending on what the
13 governing body decides. And most clerks in Wisconsin
14 are appointed, but there are some clerks that are
15 elected. And many of the part-time clerks, they have
16 another primary job and this might be their second
17 job.

18 Q So does the GAB have any role in hiring or
19 supervising clerks?

20 A We do not hire or appoint clerks. We don't have any
21 authority to discipline clerks or to determine how
22 many hours a week they spend on election related
23 matters.

24 They're also responsible usually for a whole
25 variety of other tasks, budgeting or personnel or

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1 that we are providing up-to-date information and also
2 making sure that the new clerks are brought up to
3 speed as quickly as possible.

4 Q And I guess no way to know whether they read the
5 memos that you send about the new laws, right?

6 A Correct.

7 Q So of the 1,853 clerks, do you know what the
8 demographics are? Let me ask you that first.

9 A I do not. I have a just general idea communicating
10 with the clerks and getting to know them around the
11 state, I have some general idea that it tends to be
12 largely women in that position, a mix of clerks that
13 have been in that position for 30 years and some
14 brand new clerks, and the level of education and
15 expertise varies widely.

16 Q As does the amount of experience, I take it?

17 A Right. And that poses a challenge for our agency to
18 make sure that we are communicating effectively but
19 also to an audience that learns in a lot of different
20 ways, and that's just a continual issue that we pay
21 attention to in our training program.

22 Q Is there a minimum educational requirement to be a
23 clerk?

24 A No.

25 Q And do you know whether or not that your 1,853 clerks

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1 issuing dog licenses, a variety of things, and they
2 often remind us that all of the information we are
3 providing to them is -- goes along with all the other
4 duties that they have.

5 Q How much confidence do you have that the clerks are
6 participating in the training that the GAB is
7 providing?

8 A Well, we track their participation in the training
9 that they are -- the core training that they're
10 required to have. And it's hard to tell, for
11 instance, if we have a Webinar going on if clerks are
12 focused on it and learning from it immediately or if
13 they're preoccupied with something else in their
14 office while they're watching the Webinar.

15 But we may find out after the fact that maybe
16 there was a mistake or a challenge that arose that
17 might have been prevented if they were following the
18 training we provided. So we have 1,853
19 municipalities in Wisconsin, so that's how many
20 clerks there are for us to train.

21 And there's also quite a bit of turnover. The
22 estimate is that there's 25 percent turnover in those
23 clerks every year. And so we can train up clerks and
24 get them all set and they may leave for another
25 position. So it's a constant challenge to make sure

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1 are ethnically and racially diverse?

2 A I assume they, you know, in general reflect the local
3 population. And Wisconsin in some parts of the state
4 is ethnically diverse and in other parts it's not.

5 Q And do you know what contributes to the 25 percent
6 turnover?

7 A I think it is just a combination of individual
8 circumstances, what other opportunities individuals
9 have. Maybe sometimes it's local issues or local
10 politics. Some clerks have expressed to us that they
11 feel that regarding elections, a large number of
12 changes have caused them to think about whether or
13 not they want to stay in the position, but that may
14 not be the only reason that they decide to leave.

15 Q Because a large number of changes requires new
16 education, right?

17 A Correct.

18 Q Have you read the complaint, the amended complaint in
19 this case?

20 A I skimmed it briefly, yes.

21 Q And did you read Mr. Kennedy's deposition?

22 A No.

23 Q Would you say that the -- I think you called it the
24 photo ID law was one of the most sweeping changes
25 ever to occur in voter -- in election law in

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1 Wisconsin?

2 MR. KAWSKI: Object to the form of the

3 question.

4 A Well, I really only started paying attention closely

5 to election law really in 2008, and so I guess I

6 can't judge historically. I think it was one of the

7 most significant package of changes since I've been

8 involved at the GAB.

9 Q And why do you say it was the most significant

10 package of changes?

11 A Because it, first of all, impacts every voter, and so

12 that's -- be it a large general election will have

13 close to three million voters and so every individual

14 voter has to internalize that message about what they

15 need to be prepared to come to the polls and get a

16 ballot that they can cast.

17 And it also involved a lot of details as to what

18 individuals needed to do to obtain an ID, and that

19 message had to be communicated in an understandable

20 way not only to the public but also to clerks so that

21 clerks could answer questions and that they could

22 train their election inspectors.

23 There were also a number of other changes that

24 were involved in the voter photo ID law separate from

25 the requirement to present an ID. And so we needed

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1 to make sure we had a handle on all of those changes,

2 many of which went into effect even while the photo

3 ID requirement was stayed by the courts.

4 Q And when was the photo ID law, what year was that?

5 A 2011.

6 Q And so I think you told me you were the -- maybe I'm

7 misremembering this. What was your -- let me just

8 ask you. In 2011 what was your role with respect to

9 the photo ID law?

10 A I was a staff attorney at that time and so again I

11 got involved early on in the process from the time it

12 was introduced and we were looking at presenting

13 testimony through its consideration by the

14 Legislature and then helping to implement it.

15 Almost every individual in the elections

16 division was involved in the implementation. The

17 division was organized into teams to really evaluate

18 what the law did and to take on certain projects so

19 that we could make sure it was implemented

20 correctly.

21 Q And what -- were there specific things that you had

22 to do to make sure it was implemented correctly?

23 A Yes.

24 Q And what were those things?

25 A Well, we needed to make sure we updated all of our

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1 training materials. We had a specific responsibility

2 to create a public information and awareness program.

3 So that involved developing a budget and a plan for

4 exposing the public to what the law meant and what it

5 required.

6 We created in conjunction with an outside firm a

7 lot of resources like flyers, posters, public service

8 announcements for radio and TV. We had what we

9 called a Speakers Bureau where we would send out

10 staff to organizations that invited us to come and

11 speak about the law.

12 We created resources so that clerks could have

13 handy references about which photo IDs were

14 acceptable. We reviewed -- the law allowed student

15 photo IDs to be used if they were issued by a

16 university or college. So we worked with the

17 University of Wisconsin System and other private

18 universities and colleges to advise them about what

19 was required for photo ID. Many of those schools

20 would send us what they intended to use to ask for

21 our opinion as to whether or not it was acceptable.

22 We had to make sure that our staff was trained

23 on what the law required so that we could provide

24 advice and respond to phone calls and inquiries about

25 it. I know I'm missing other tasks, but it was just

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1 a whole slew of priorities that we had to take care

2 of to make sure it was implemented.

3 Q And with respect to the public, were there specific

4 groups that were targeted?

5 MR. KAWSKI: Object to the form.

6 A Well, I'd say I mean in general, first of all, we

7 were just targeting the entire state. Specifically

8 in the public outreach program, I think a certain

9 part of the public service announcements and

10 materials, I think there was a certain percentage of

11 that that we in some parts of the state wanted to

12 make sure we were reaching the entire population, so

13 there were -- some of those announcements may have

14 been placed with media that the outside firm expected

15 would be able to reach a certain audience more

16 effectively.

17 Q But wasn't there -- weren't there groups of people

18 who were particularly vulnerable to the changes that

19 you tried to reach out to? For example, the elderly?

20 MR. KAWSKI: Object to the form.

21 A That was certainly one of the arguments. And I think

22 our approach was -- I think actually the legislation

23 specifically stated that we had a responsibility to

24 reach out to segments of the population that might

25 have difficulty -- that either may not have a photo

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1 ID or that might have specific difficulty in
2 obtaining a photo ID. And so we tried to develop our
3 own materials to make sure the law was understandable
4 for those members of the public.

5 I guess I was speaking earlier more about the
6 public outreach which was really spearheaded and
7 developed by the outside firm that we contracted
8 with.

9 Q And who was that outside firm?

10 A It's called KW2. It's a local firm here in Madison,
11 Wisconsin.

12 Q And so they would develop public service
13 announcements for radio and TV?

14 A Right, with our input. We have a website called
15 Bring it to the Ballot, and that was our photo ID
16 website, and KW2 developed the website along with all
17 the public service announcements and all the
18 materials that can be downloaded from that site, but
19 our staff would review what they had proposed and had
20 a lot of input into the substance of what was
21 produced.

22 Q So you said that that was one of the arguments when I
23 asked you about the elderly and other groups. Did
24 you have any concern that with this photo ID, this
25 new law, that there would be certain groups like the

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1 spread the word that we would be available to speak
2 to those organizations.

3 Q Did you or the GAB go out and speak to particular
4 groups like, for example, the NAACP or the Lawyers
5 Committee on Civil Rights or any of those type
6 groups?

7 A Well, I don't recall specifically that those groups
8 were ones that invited us to speak. Our staff
9 certainly went out and spoke to I know groups in
10 Milwaukee, and I was at one of the presentations last
11 year. I just don't remember if it had -- if it was
12 just a neighborhood group. I think it was actually
13 connected with the church, but I don't remember the
14 name of the organization.

15 But we do have -- you know, we have ongoing
16 contact with attorneys, local attorneys especially
17 around election time that might be working with
18 national groups, and so we would communicate to them
19 if they had questions about what the law was. But we
20 took the approach that we would speak to any
21 organization that invited us, whether they were
22 partisan or nonpartisan. We wanted to just make sure
23 that the information got out there. And I would have
24 to look at the list of who we spoke to to know for
25 sure.

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1 elderly, African-Americans, Latinos, students who
2 might be -- where the law might -- that particular
3 law might be more of a burden for them than others?

4 MR. KAWSKI: Object to the form.

5 A We had a concern about making sure the law could be
6 implemented as smoothly as possible for everybody,
7 and so we would be -- you know, obviously we read all
8 the newspapers and what was being said about the law.
9 And so just in general, we wanted to have the most
10 effective communication program that we could have.
11 And that's no different from any other aspect of
12 legislative changes.

13 As I mentioned, there's been changes in voting
14 in adult care facilities. And so we would
15 communicate, try to make sure that we are connecting
16 with organizations that might represent elderly
17 voters, voters with disabilities or others that might
18 be specifically affected by it.

19 So the information that we were producing was
20 intended for the entire population. We would try to
21 outreach -- reach out to whatever organizations
22 wanted to have us talk to them, and so we, for
23 instance, communicated with every legislator and we
24 asked them to spread the word that if they were in
25 touch with local organizations, that they helped us

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1 Q But the GAB didn't reach out to groups on their own?
2 They were willing to go speak to groups, but they
3 didn't go find any groups to go talk to?

4 A Well, I think what we tried to do was we knew that we
5 could not obviously individually reach each voter.
6 So our approach was to try to communicate with
7 organizations that could also do the outreach and
8 sort of extend the information that we had. And so
9 that was the whole point of trying to task
10 legislators, who in your district could we come to
11 speak with, and if they gave us ideas, if they said
12 contact this organization, we would. Otherwise we
13 would respond to invitations.

14 Obviously groups like the League of Women Voters
15 have a lot of contact with our organization and they
16 invited us to a number of their meetings to speak.

17 Q With respect to the photo ID, the photo voter ID
18 implementation of the new law, how successful do you
19 think that the GAB was in communicating its message
20 to the public?

21 A I think we were successful doing as much as we could
22 with the resources we had. And the impact of that is
23 hard to measure at this point because it was only
24 implemented initially in a February election, small
25 turn-out election and now in a number of special

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1 elections, mostly local special elections in 2015.
 2 So it hasn't really been tested in a high
 3 turn-out partisan election yet, and so it's hard to
 4 gauge ultimately what the impact has been. But
 5 knowing what the staff did and what we produced and
 6 what's available, I think the agency did a pretty
 7 effective job.
 8 Q Then you say the resources and you'd also mentioned
 9 the budget. Was there a specific amount of money
 10 that the GAB had asked the Legislature for?
 11 A Well, the Legislature allocated a budget for a public
 12 information and outreach campaign. So that was part
 13 of the law. I don't know that we had any specific
 14 input or that anybody asked us what the figures
 15 should be. But we were directed to come up with a
 16 plan for how we would use those funds, and ultimately
 17 it needed to be approved by a legislative agency
 18 before we could implement that plan.
 19 Q And do you recall what that plan was in terms of how
 20 you were going to spend the money that was allocated?
 21 A Well, in general terms.
 22 Q Sure. What do you recall in general terms?
 23 A I'm guessing that the total number was somewhere
 24 between one and two million and then we allocated a
 25 good chunk of that to the contract with this outside

1 just recall reading about it. We would get calls
 2 about it. People might show up at our board meetings
 3 and provide public comments about it.
 4 And our general response was it's a policy
 5 decision of the Legislature. We're happy to listen,
 6 but ultimately we would advise that they would need
 7 to contact their legislator.
 8 Q But weren't there particular things -- I'm sorry,
 9 weren't there particular criticisms during the soft
 10 implementation period that had nothing to do with
 11 policy but was more of a practical nature?
 12 MR. KAWSKI: Object to the form.
 13 A Sure. There were concerns or criticisms about how it
 14 was going to be implemented.
 15 Q Weren't there concerns about long lines, for example?
 16 A Oh, I think there were concerns that people expected
 17 there to be longer lines and delays.
 18 Q And were there longer lines and delays?
 19 A I do not recall that there were, but again that may
 20 be because long lines are a result of a variety of
 21 factors and generally have not been a big issue in
 22 Wisconsin elections. In 2011 we had recall elections
 23 for certain Senate districts and I just -- I don't
 24 recall any major stories about long lines during the
 25 soft implementation.

1 firm to develop materials and then ultimately to try
 2 to buy media time so that the public service
 3 announcements could be broadcast.
 4 There were also some agency positions that were
 5 authorized, additional positions that were authorized
 6 in the bill so that we had additional staff to focus
 7 specifically on the photo ID law.
 8 So there is an entire plan that was produced and
 9 approved and implemented and I at this point can only
 10 really recall it in general terms.
 11 Q Okay. When did the photo voter ID law take effect?
 12 A In 2011.
 13 Q 2011, okay. Sorry.
 14 A And it initially in the 2011 elections, it was what
 15 we call soft implementation. So it did not become
 16 fully in effect until the February 2011 spring
 17 primary.
 18 Q That's just where I was going. With respect to the
 19 soft implementation, do you recall any concerns or
 20 criticisms at that time about the photo voter ID law?
 21 A Sure.
 22 Q And what do you recall?
 23 A Well, there were obviously people that oppose the law
 24 and were critical of it throughout the entire debate
 25 and implementation and obviously still are. So I

1 Q But weren't there also concerns during this soft
 2 implementation period from the clerks themselves who
 3 were at the forefront?
 4 A From some clerks, right.
 5 Q And what do you recall about those concerns?
 6 A Well, I guess similar to any legislative changes, and
 7 I mean the clerks, as I said, there's 1,853 municipal
 8 clerks and there's 72 county clerks and the county
 9 clerks are elected on a partisan basis. Municipal
 10 clerks are not. And so they have a variety of
 11 opinions about it.
 12 And some clerks like the photo ID law and
 13 thought it was a good idea and some did not and some
 14 clerks were just concerned about any changes, any
 15 significant changes and just sort of a concern about
 16 the unknown, about how things would play out. And so
 17 along the lines I think it was part of -- it was one
 18 of the concerns.
 19 Q But once it was implemented, given your experience
 20 and knowledge in talking to the clerks and the
 21 public, weren't there particular concerns that still
 22 exist today?
 23 MR. KAWSKI: Object to the form.
 24 A From some clerks, I would agree.
 25 Q Okay. And what were those that still exist today?

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1 A Well, I guess what I've heard expressed is still a
2 concern about whether voters are sufficiently aware
3 of the law, whether they've taken steps to obtain a
4 valid ID, whether there will be an increase in
5 provisional ballots and all that that entails, which
6 involves both voters and their own election
7 inspectors and whether that process will be followed
8 accurately.

9 You know, whether that would cause any delay in
10 really knowing who won an election because there
11 might be an increase in the original ballots that are
12 not returned potentially until the Friday after the
13 election, maybe concerns about some voters who may
14 not know that they have a valid ID or do not have a
15 valid ID and decide not to vote, not even to come to
16 the polls, I guess those are probably the main
17 concerns I've heard expressed.

18 Q And with respect to voters may not be significantly
19 aware, is this something you hear a lot about, is it
20 something that comes from one or two clerks? Where
21 does that come from?

22 MR. KAWSKI: Object to form.

23 A I think -- I don't know how to characterize it as a
24 lot or a little.

25 Q Um-hum.

1 keep our fingers crossed that things that we cannot
2 control do not disrupt an election, and those things
3 sometimes are not known unless you have a close
4 election and they come to light because there's more
5 media or more attention either from the public or the
6 media or because of the recount.

7 So like anybody I think who's charged with that
8 kind of responsibility, you're constantly trying to
9 come up with checklists to make sure that everything
10 is covered. So photo ID I think at this point in
11 my -- in our collective mind at the agency and in my
12 mind specifically, we look at it as one of the main
13 teaching points coming into the 2016 election cycle
14 and one of the main things that we want to focus on
15 with clerks and the public to make sure that they're
16 aware of what the requirements are.

17 There are other challenges and issues and
18 developments involving our agency and the structure
19 of our agency and the fact that just last week we
20 launched a brand new voter registration system. That
21 specifically is another major concern about how
22 clerks are going to be able to manage that system and
23 whether all the technology combined with the people
24 who need to use it, whether that's going to create
25 any problems in creating poll lists or ballots. So

1 A When we are presenting in front of clerks, we will
2 have interaction and exchange about the photo ID law
3 and we try to anticipate with any legislative change
4 what are things that clerks need to be aware of to be
5 prepared and to have their election inspectors
6 prepare. And so these also may be concerns that we
7 try to anticipate and just make clerks aware of and
8 sometimes they come to fruition and sometimes they
9 don't.

10 And sometimes it's just simply any change is --
11 some clerks perceive as kind of a disruption in the
12 way that they are used to conducting elections, and
13 that change in itself they feel might affect the
14 process at the polls.

15 Q But given your vast experience, what, if any, issues
16 that you see with the photo voter ID law that still
17 concern you?

18 MR. KAWSKI: Object to form.

19 Q If any.

20 MR. KAWSKI: Object to form.

21 A Well, so as the elections division administrator, I
22 mean anybody who's charged with trying to do
23 everything we can to make sure elections are pulled
24 off smoothly and without controversy, there's a
25 certain amount of let's prepare as much as we can and

1 that's something that in particular probably keeps my
2 elections supervisor up at night is thinking about
3 those potential issues.

4 So I think in the last few election cycles,
5 we've tried to develop a training program that has a
6 little bit of a theme to it and focus to it. And in
7 one election cycle, I think 2012, it was, okay,
8 there's been a lot of election law changes, so many
9 that clerks might get a little bit flustered and we
10 wanted to bring them back to the basics. So that's
11 what we called it, Back to the Basics, pay attention
12 to the basics and the fundamentals, and we tried to
13 build on that in 2014. And in 2016 I think is again
14 trying to identify what are the big challenges that
15 are going to affect the most number of people.

16 And in our minds, it's paying attention to photo
17 ID, making sure our new voter registration system
18 works properly and making sure that we manage the
19 transition to new agencies and that that does not
20 affect clerks or voters.

21 Q What is this new voter registration system? Can you
22 describe it for me?

23 A Sure. So with the funds from the Help America Vote
24 Act, part of that requirement was to create an
25 electronic database for a voter registration system

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1 that was developed and launched in Wisconsin in 2006.
 2 Prior to that, smaller communities in Wisconsin were
 3 not even required to have voter registration, and so
 4 the ones that did, we needed to transfer all of their
 5 local data to the statewide system.

6 And so now that that system is 10 years old, the
 7 last two years we focused on developing a plan to
 8 upgrade that and what it involved -- the main thing
 9 it involved was transitioning this custom-built
 10 system onto a Microsoft platform, and the technology
 11 was becoming outdated. The system was becoming less
 12 reliable or slower or clunkier I guess is the best
 13 way we could describe it, and we knew we had to be
 14 prepared to essentially replace it.

15 And so now there's a lot of IT work and work by
 16 our staff over the last two years and specifically in
 17 the last six to eight months to use this Microsoft
 18 dynamic CRM software, and that is now the platform
 19 for the voter registration system and the hope being
 20 that it has several advantages, newer technology,
 21 more reliable, faster technology. Also the intent is
 22 that it's easier for us to customize. Once it's in
 23 place, we hope that any changes require less IT
 24 coding and more things that can be done by our
 25 program staff and also the hope is that it will be

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1 All voters can go on that system and find out
 2 where they vote, who's going to be on their ballot,
 3 when their next election is. They can find out who
 4 their clerk is, where their polling place is. They
 5 could also start the registration process, although
 6 in Wisconsin, we do not have online registration yet,
 7 but they can obtain a registration form.

8 We also have a function that we call click and
 9 mail that allows them to input their personal data
 10 directly into the voter registration system, which
 11 starts the process, but their registration cannot be
 12 activated until the original form is submitted to the
 13 clerk.

14 And so the clerk then gets a notification that
 15 there's a pending registration and they can activate
 16 the registration, but the advantage is that the clerk
 17 does not have to do the data entry. It reduces the
 18 number of mistakes, data entry errors that we have.
 19 That function, specific function is on hold while we
 20 redevelop the My Vote Wisconsin website that will be
 21 launched in June. And because -- so it is connected
 22 to the voter registration system.

23 The data comes from the voter registration
 24 system and because we've launched the voter
 25 registration system, there's still some glitches to

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1 more usable for local election officials.

2 Our training program for our original voter
 3 registration system was a two-day, two and a half day
 4 training program and required a lot of time and
 5 commitment from clerks and now we have -- we do have
 6 some in-person training for clerks who never worked
 7 in the original system that we put on this week, but
 8 we are going to rely mainly on online training
 9 resources. So we have a training center online where
 10 they can view the manual that's been produced for the
 11 system as well as view videos and also participate in
 12 interactive tutorials.

13 So the hope is that it's going to be more usable
 14 and that it will serve the state for some time in the
 15 future.

16 Q Okay. So maybe I missed something. So is this for
 17 the clerks or for the voters?

18 A For clerks and for the GAB.

19 Q Okay.

20 A And although it is -- in one sense it is for voters
 21 because that system is the basis for another website
 22 we have called My Vote Wisconsin, and that's a
 23 website that voters can go to. Military and
 24 permanent overseas voters can download their ballot
 25 electronically and print it out and mail it back.

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1 work out between how those two websites interact.

2 Q In your opinion based on your experience and long
 3 work in the election area, this new voter
 4 registration system, the transition from the GAB to
 5 another entity, do you have any concerns that it's
 6 going to have a negative impact on the 2016
 7 presidential election?

8 MR. KAWSKI: Object to the form.

9 A It's as I said, it's on our radar as things that we
 10 need to pay attention to. So I look at it as our job
 11 is to make sure we're prepared, clerks are prepared
 12 and voters are prepared. And there is always
 13 something that we need to pay attention to to make
 14 sure that that happens, and those are three big
 15 developments that have not happened before all at one
 16 time.

17 Q Perfect storm?

18 MR. KAWSKI: Object to form.

19 A Well -- and we certainly implemented a voter
 20 registration system before, that I think we expect
 21 the transition to the new one is going to go more
 22 smoothly than the original one. There were a lot of
 23 concerns from clerks and complaints from clerks about
 24 the original system, but I don't recall any comments
 25 that that system impacted the voting process at all.

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1 So as I said, it's my job to be concerned --
 2 Q Right.
 3 A -- about a lot of different things and the
 4 implementation of it. But I don't have any opinion
 5 or guess as to whether ultimately it's going to
 6 affect voter participation.
 7 Q Are you okay? Do you need a break?
 8 A No, I'm fine. I'm good.
 9 Q Okay. In your experience, have there been any -- has
 10 there been any negative impact of the photo ID law
 11 since 2011?
 12 A It's hard to answer. I think it's kind of a broad
 13 question. I think it depends who you ask.
 14 Q I'm just asking you as the guy in charge, sort of in
 15 charge.
 16 A Well, it's had impacts, you know, that we've
 17 discussed. As administrators, it's had impact in the
 18 work we do and the priorities and what we have to pay
 19 attention to. But there's always something that we
 20 need to pay attention to, and so I don't really
 21 characterize them as positive or negative impacts.
 22 It's the work that we have to do.
 23 And Wisconsin, you know, it's been through
 24 pretty tumultuous political times in the last few
 25 years and so it's just sort of -- you know, it's all

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1 election that people were unable to vote because they
 2 didn't have photo ID?
 3 A We reached out to clerks who conducted special
 4 elections in 2015, since it's been in effect after
 5 the April spring election, and we specifically asked
 6 them did you need to issue any provisional ballots
 7 and were any provisional ballots cast, and for the
 8 most part what we heard was that there were no
 9 provisional ballots issued.
 10 In talking to or receiving feedback, I think one
 11 or two clerks told us that an individual showed up
 12 and did not have their ID and was told -- was given
 13 the option to cast a provisional ballot and then
 14 decided not to and left and did not return, but they
 15 didn't know whether it was because they did not have
 16 a photo ID at all or that they just decided not to
 17 come back with the photo ID. But that's, as I said,
 18 really anecdotal.
 19 Q Does the GAB track issues, not just with the photo
 20 ID, but with some of the other changes that have
 21 occurred since -- some of the numerous changes that
 22 have occurred since 2011?
 23 A Do we track?
 24 Q Do you track, for example, complaints about the
 25 various changes in the law? Let's start with that.

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1 in the mix about how people feel, what their
 2 perceptions are about policy changes. And so there's
 3 obviously been things that some people in Wisconsin
 4 feel have been divisive and so generally people would
 5 say when things are divisive, that the connotation is
 6 that people have a negative feeling about that.
 7 But there are certainly supporters of the law
 8 that think this is going to improve the election
 9 cycle, and part of my job is to be able to
 10 communicate and work with people across the spectrum.
 11 And so we try not to focus too much on whether we
 12 think some legislative change is positive or negative
 13 because somebody needs to be the one to make sure
 14 that gets implemented.
 15 And because of the -- because it's been used so
 16 infrequently so far and with small elections, I'm not
 17 really in a position to say whether it's had a
 18 negative impact on -- ultimately had a negative
 19 impact on the election process as a whole, taking
 20 into account concerns of voters, election officials,
 21 candidates or people who are concerned about either
 22 voter participation or potential voter fraud.
 23 Q Have you heard from your clerks or anywhere with
 24 respect to the voters, still on the voter photo ID
 25 law that in this very limited experience of this

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1 A So we -- there's a couple different ways that we
 2 might track their complaints or concerns. We don't
 3 keep something separate that is categorized by topic.
 4 When we receive complaints, we log them into a
 5 database, but often they're complaints about
 6 something that's not really under our jurisdiction
 7 and not really a complaint that we can address.
 8 In the three weeks surrounding an election, we
 9 specifically have a contact activity log and all of
 10 our staff at the elections division is required to
 11 log each call that they get in the week leading up to
 12 the election, the week of the election and the week
 13 after the election. And that's a way for us to try
 14 to track issues that are coming in and whether or not
 15 they've been resolved or whether they need any
 16 follow-up after the election, but we do not -- in
 17 some elections, we have generally sort of tried to
 18 categorize what the concerns are, but they're not
 19 probably as specific as you're alluding to.
 20 Usually it's a broad category that is this an
 21 issue related to a local election official or the
 22 polling place, is it a contact from a clerk or a
 23 voter or from the media. But they're not categorized
 24 by photo ID or absentee ballot issues or any other
 25 general category. We just haven't had a lot of time

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1 to digest and analyze the data that might come out
 2 from tracking those kinds of calls.
 3 Q Then how do you know then if something -- if there's
 4 a problem if you don't track it by category? Is it
 5 anecdotal?
 6 A So I mean we know specific problems that come up, and
 7 we'll have a little bit of a debriefing session after
 8 elections and say what did we hear collectively, how
 9 does that translate into what we're going to do in
 10 the future for training clerks or for reaching out to
 11 the public.
 12 Some election cycles, election observers have
 13 become a big issue, and so we have made them more of
 14 a priority to communicate with political parties and
 15 organizations that sponsor election observers and so
 16 that's increased the communication that we've done on
 17 that particular topic. We might hear different
 18 things in different parts of the state, too, just
 19 depending on what's going on. You know, it is a
 20 little bit of hit and miss because it depends on who
 21 contacts us or what we read in the paper.
 22 But I think we have probably 10 staff that are
 23 taking calls from voters and then another part of our
 24 staff who are taking calls from clerks about things
 25 like the voter registration system, and so I think we

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1 is that?
 2 A I think a combination of more contentious elections
 3 and some organizations who have taken more of an
 4 interest in what happens at the polling place and
 5 monitoring elections.
 6 And the Government Accountability Board when I
 7 first started was in the midst of promulgating an
 8 administrative rule to regulate the conduct of
 9 election observers, which the Elections Board had
 10 developed in the previous year or two, and so there's
 11 also been more focus on it from our office and by
 12 local clerks because just more observers have showed
 13 up at elections and so there's more potential for
 14 there to be questions from observers, questions about
 15 how to handle observers and potential for more people
 16 to become involved in discussions and disagreements
 17 at the polling place.
 18 And there's been some specific instances where
 19 there's been some fairly significant conflict between
 20 election observers either amongst themselves or
 21 conflict between specific election observers and some
 22 voters or election inspectors. And so we've tried to
 23 use that administrative rule -- tried to use that
 24 administrative rule as a way of getting everybody on
 25 the same page about what the rules were for their

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1 try to keep a pretty good finger on the pulse of
 2 what's going on in general around the state.
 3 Q Do you know how many of the voting public has access
 4 to computers?
 5 A No.
 6 Q Or some kind of mobile device?
 7 A No.
 8 Q And for those who don't have access to computers or
 9 mobile devices, is there some equivalent to your My
 10 Vote Wisconsin where you reach out to the public?
 11 A Something equivalent?
 12 Q That's non-computer focused for those who don't have
 13 computers.
 14 A You know, there are a lot of materials that are on --
 15 well, a lot of the information that is on My Vote
 16 Wisconsin. The other place to get it for most people
 17 would be from their local municipal clerk. And so
 18 some clerks will send out information in newsletters
 19 or with property tax bills at the end of the year to
 20 say these are the elections coming up, remember to
 21 get a photo ID, remember to register and could
 22 certainly answer questions about what offices are
 23 going to be on the ballot. But I don't know that
 24 there's anything equivalent to My Vote Wisconsin.
 25 Q You said that observers have become a big issue. Why

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1 conduct.
 2 And that also led us to reach out more to groups
 3 that we knew were sponsoring election observers to
 4 make sure that as they were training their election
 5 observers, they were aware of what the rules were.
 6 Q And for the record, what is an election observer?
 7 A In Wisconsin, any member of the public can observe
 8 elections, the public aspects of the elections at the
 9 polling place. So it could be an individual on their
 10 own or representing some organization who wants to --
 11 or a candidate -- or a campaign, I should say,
 12 representing a campaign. Candidates are not allowed
 13 to be election observers. But any other individual
 14 can come and be placed in a designated area where
 15 they are able to observe the process of issuing the
 16 ballots and also the registration process if there's
 17 a separate registration station.
 18 Q And there was a time where the distance between where
 19 they could stand changed, right?
 20 A Correct.
 21 Q And now they can stand within what, three to eight
 22 feet?
 23 A Correct.
 24 Q And is that of the registration or of the person
 25 voting? What is that area?

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MICHAEL HAAS

1 A The statutes I believe starts out saying it's three
2 to eight feet from the distance of the table where
3 ballots are being issued and then also states that
4 there should be -- if there is a registration
5 station, that there should also be an observation
6 area between three to eight feet of that as well.

7 Q But some of the polling places are like no bigger
8 than -- the one I go to is no bigger than someone's
9 garage. So how would that work exactly?

10 A Well, there is some language, there was both in our
11 administrative rule, which is not formally in effect
12 right now, and also language in the statute -- well,
13 I'm not sure if there's language in the statute, but
14 our administrative rule had some language saying
15 where physically feasible, the observation area was
16 to be between 6 and 12 feet.

17 And I don't know if those words are in the
18 statute, but the way we have administered it and
19 advised clerks to administer it is that three to
20 eight feet is also where physically feasible. They
21 need to be able to conduct elections, have room for
22 inspectors and voters and then they have some
23 flexibility to make some adjustments based on the
24 physical layout of the polling place.

25 Q In addition to the three to eight feet, was there a

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1 voting process.

2 Q Why does -- so GAB had a standard --

3 A Um-hum.

4 Q -- which they -- a thoughtful group thought was the
5 right standard, right?

6 A It was the standard that the GAB approved in an
7 administrative rule. It was the distance -- that
8 rule itself was the result of a pretty thorough
9 process of getting input from stakeholders. Both
10 political parties and other organizations met with
11 the Elections Board and the GAB over a period of a
12 year or two and they came up with that administrative
13 rule and it was promulgated a couple times as an
14 emergency rule.

15 It's never been approved as a permanent rule.
16 So that was in the collective judgment of all the
17 stakeholders and the agency, 6 to 12 feet was where
18 they settled on being an effective distance.

19 Q And you may not know this. So why the change?

20 MR. KAWSKI: Object to form.

21 A Well, one answer is because that's the choice that
22 the Legislature made, and unfortunately, sometimes
23 that's the only answer we can give --

24 Q Okay.

25 A -- to people. What we heard in the discussion, the

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1 change in an observer having the right to hear the
2 name of the voter and the voter's address?

3 A No, that was always --

4 Q That was always the case?

5 A That was always the case, yes.

6 Q With respect to the change from where the GAB had
7 said it and now the new change of three to eight
8 feet, what, if you know, is the purpose? What's --
9 how does it make for a more efficient election
10 process?

11 MR. KAWSKI: Object to the form.

12 A I don't know if it makes the election process more or
13 less efficient. I think the thought behind the
14 administrative rule and I believe behind the statute
15 is to provide an area where individuals can both see
16 and hear what's going on and the interaction between
17 election inspectors and voters.

18 There are some limitations on that, on what they
19 have a right to see and hear and challenge, but I
20 think the thought was to come up with some parameters
21 where clerks or chief inspectors could not make the
22 distance so far away that it affected the right under
23 the statutes to be able to observe the public aspects
24 of the voting process and to try to reach a balance
25 where election observers did not interfere with the

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1 debate is -- and what we have heard directly from
2 some observers is that in their opinion, six feet was
3 not close enough for them to effectively observe the
4 voting process. Or sometimes to hear. Sometimes
5 voters may not speak loud enough to be heard,
6 especially in a crowded polling place, and some
7 observers felt they needed to be closer to the
8 process.

9 Q So I guess I'm -- and I'm drawing on your expertise
10 here, but what's the purpose of the observer? Like
11 what is -- what I mean is so I go down a few blocks
12 from my house, there's a garage, there are three
13 people in it. I come in, I walk in, I get a -- they
14 take my name, I sign it. They give me the bunch of
15 papers, because it's California, you have 1,001
16 initiatives, and then I get it, I go behind this like
17 a lean-to thing, I do my thing, and then I take it
18 and I slip it into the machine. There's never
19 anybody around.

20 I mean what's the purpose of observers? What
21 is -- I guess my question is what is it they're
22 observing?

23 MR. KAWSKI: Object to form.

24 A I think there are two general areas that I think of.
25 One is people or organizations may generally be

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1 interested in the election process and they may want
 2 to be there and consider themselves to be sort of
 3 observers but sort of guardians to make sure
 4 everything is being done properly and to be able to
 5 document.

6 And as I said, it's a right that the statutes
 7 provide, and in elections we are always preaching
 8 that transparency is better. And so having members
 9 of the public there lends a certain level of
 10 confidence and having the ability to observe itself
 11 lends some confidence that the process is transparent
 12 and that the procedures are being followed. And as
 13 we get -- as election procedures and laws have become
 14 more complicated and specific, there are more steps
 15 to the process and some people just have an interest
 16 in making sure that it is done correctly.

17 The second, I think, general category is you
 18 have campaign organizations that are interested in
 19 sending observers and they are specifically tracking
 20 who votes, who checks in to vote so that they can
 21 come up with their list of people who voted and then
 22 they can convey that information to those campaigns
 23 because that's going to affect their get out to vote
 24 effort later in the day, so they're not spending time
 25 and resources contacting voters who have already

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1 voted.
 2 Q Is there a conflict between what an observer wants to
 3 do and a person's right of privacy?

4 MR. KAWSKI: Object to form.

5 A There can be, which I think is sort of embedded in
 6 the statutes, the right to a private ballot and the
 7 right of the public to observe. Now, the observers
 8 cannot go into the voting booth. They cannot observe
 9 how a ballot is being marked, and that has -- we have
 10 always kept that as a priority and tried to train and
 11 communicate to election observers that there's a
 12 limit to what they can observe.

13 Q And they're not supposed to talk to the voters?

14 A Correct.

15 Q But you've had complaints in some situations where
 16 some have, right?

17 A Yes.

18 Q And does the GAB have the ability to discipline that
 19 observer who's broken the rules?

20 A The GAB does not. The local election inspectors can
 21 take actions to have that person removed if they do
 22 not follow a lawful order of the chief inspector.

23 Q And there were some issues, weren't there, about
 24 taking photos, observers taking photos of people in
 25 the polling place?

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1 MR. KAWSKI: Object to form.

2 Q Do you recall that?

3 A Well, there's been an issue about whether or not
 4 cameras are allowed at the polling place, and the
 5 administrative rule prohibited cameras, but that
 6 directive of the GAB has been questioned by some and
 7 is -- and I don't recall specifically if we've had
 8 complaints or instances of observers taking photos.

9 With cell phone cameras, it's hard to tell if
 10 sometimes there's video or photos being taken. But
 11 it's certainly one of the issues that we highlight
 12 when we train and talk about rules for election
 13 observers.

14 Q And why is it a rule that cameras are not allowed?
 15 What's the thinking of the GAB?

16 MR. KAWSKI: Object to form.

17 A I think the basic thinking is that having cameras --
 18 allowing cameras at the polling place risks causing a
 19 disruption to voters or to election inspectors and
 20 cameras are allowed for the media. And having one
 21 observer using a camera might not be disruptive, but
 22 then you've opened it up to possibly a whole bank of
 23 observers pointing cameras at voters and that in some
 24 voters' minds tends to be a distraction or a
 25 disruption, and our focus is trying to protect the

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1 process without either voters or election inspectors
 2 being distractive or disruptive.

3 Q You said that the rules for the voting have become
 4 more complicated and specific. In your opinion, your
 5 knowledge and experience, has that had an impact on
 6 people's ability to vote?

7 MR. KAWSKI: Object to form.

8 A I just don't know.

9 Q Does the GAB keep track after a new election law is
 10 implemented about whether or not it has an impact on
 11 voter turnout?

12 A No.

13 Q Has the GAB commissioned or done any studies about
 14 whether or not any of these changes in the voting
 15 laws since 2011 have had any impact on voter turnout?

16 A No, we have not.

17 Q Does the GAB keep any information about the
 18 demographics of voters in turnouts, like who shows up
 19 at the polls to vote?

20 A We do not. You know, individual voter participation
 21 is recorded in the voter registration system. But we
 22 don't go back and calculate what percentage of the
 23 turnout was a certain age group. And the only
 24 demographics we have in the voter registration system
 25 are the gender and the age of the voter and their

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1 residence. So we don't have access to any other
2 demographic data about who's participated.
3 Q So is there no way for the GAB to know whether or not
4 these laws have had an impact on voter turnout since
5 2011?

6 MR. KAWSKI: Object to form.

7 A Well, there may possibly be some way. There hasn't
8 really been any effort to try to determine that,
9 whether there's been an impact.

10 Q Why not?

11 A Pardon?

12 Q Why not, not the jurisdiction of the GAB to --

13 A Right.

14 MR. KAWSKI: Object to form.

15 Q -- determine on no voter impact -- I mean voter
16 turnout?

17 MR. KAWSKI: Sorry. Object to form.

18 A Well, I think it's -- a couple of things. It's not
19 something we've been directed or asked to do. We
20 have over 150 specific statutory directives that our
21 agency is responsible for. So usually we have plenty
22 on our plate without trying to initiate projects that
23 we're not directly responsible for.

24 Q Do you know whether the change from the distance that
25 is now three to eight feet, whether that has caused

1 attention to on Election Day, but it's a profession
2 and so we have good staff who tries to stay in tune
3 with what's going on around the country.

4 Sometimes the campaigns are focusing on specific
5 tactics that we become aware of and we say, okay, how
6 is this going to impact election officials, in turn
7 how is it going to impact the process at the polls.
8 So I think just in general it's being aware of what's
9 happening on the ground, and fortunately, we have
10 this network of all of the local clerks who keep us
11 pretty informed about what's happening individually
12 or collectively or if they think that we're on base
13 or off target with what we expect to happen.

14 Q So is there -- so if a clerk complains about voter
15 confusion, if they're confused about the photo ID,
16 that they've come in and someone's complained or
17 someone didn't feel like they could vote or they
18 didn't know what to bring, is that something for the
19 clerk to deal with at the threshold level and then
20 communicate to you? Like how does it work in real
21 time?

22 MR. KAWSKI: Object to form.

23 A Well, usually clerks are interested, if they can, in
24 trying to resolve the problem as soon as possible.
25 And sometimes they don't know the answer and so they

1 more disruption with respect to observers since
2 there's been that change in the law?

3 MR. KAWSKI: Object to form.

4 A I don't know if it's caused more disruption. I think
5 the -- I just don't know if it's caused more -- how
6 to measure whether it's caused more or less
7 disruption.

8 Q How do you know -- how does the GAB know if
9 something's an issue for the board? In other words,
10 you've testified that people have opinions, you've
11 testified there have been complaints, but how do you
12 know when there's a problem, a real problem --

13 MR. KAWSKI: Object to form.

14 Q -- that's going to impact voters?

15 MR. KAWSKI: Object to form.

16 A You know, I think it's just generally having our
17 antennas up to pay attention to what clerks are
18 telling us, using our collective experience in the
19 field to try to anticipate what problems might arise,
20 and sometimes we're right and sometimes we're wrong.
21 And then just hearing the phone calls and emails that
22 we get.

23 You know, sometimes if there is a high turnout
24 during the in-person absentee voting process, that
25 might give us some signals about something to pay

1 contact us and we try to assist. And as I said,
2 sometimes it's after the fact where we may be
3 talking -- we may get a phone call from a clerk to
4 talk about a communication we sent out, for example,
5 and in that phone conversation, it might lead to what
6 else is happening at the local level, what are you
7 seeing and what are you hearing out there.

8 I've tried to make it a practice before major
9 elections to sit down with a list of maybe the 50
10 largest municipalities and check in with those clerks
11 and say what are you hearing, what are you expecting,
12 do you feel like your election inspectors are
13 prepared and your voters are prepared.

14 So we might hear about it as it's going on. If
15 we're asked to try to solve the problem, then we may
16 just hear about it after the fact. And as I said, we
17 also read about things in the paper. Sometimes we'll
18 get calls from a district attorney, too, about a
19 question about the election laws or something that
20 they've been asked to look into.

21 MS. WILSON: We have to change the
22 tape.

23 THE VIDEOGRAPHER: The time is 11:06.
24 We are off the record concluding Media No. 1 of
25 the deposition of Michael Haas.

MICHAEL HAAS

1 (Short recess is taken)
 2 THE VIDEOGRAPHER: The time is 11:16.
 3 This is the beginning of Media No. 2 in the
 4 deposition of Michael Haas. We are on the
 5 record.
 6 Q Mr. Haas, you testified in the Walker case in
 7 November 2013, correct?
 8 A Yes.
 9 Q And you've submitted a declaration in this case,
 10 correct?
 11 A Yes.
 12 Q Have you testified in any other proceedings? And I'm
 13 not talking about legislative. I mean legal.
 14 A With the GAB?
 15 Q Yes.
 16 A No.
 17 Q Any other depositions, whether as a staff attorney or
 18 as in your current position?
 19 A The deposition in the other -- there was a deposition
 20 in the other lawsuit, yes.
 21 Q Anything other than the deposition today, the one
 22 before and the testimony in November?
 23 A No.
 24 Q I'm going to mark the next exhibit, No. 39.
 25 Mr. Haas, take a look at it. Let me know when you're

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1 ready.
 2 (Exhibit 39 is marked for identification)
 3 A Okay.
 4 Q Have you seen this document before, Exhibit 39?
 5 A Yes.
 6 Q And can you tell me what it is?
 7 A It's an email chain which starts out with a
 8 communication that I sent to clerks alerting them
 9 that there was a significant election law bill that
 10 had been introduced or at least was being circulated,
 11 it appears, by Representative Stone, and then there's
 12 another email from Lori Stottler, who was at the time
 13 the Rock County Clerk in 2013, and she had responded
 14 to the general email that I had sent out to clerks.
 15 Q And is this the type of email that when you and I
 16 were talking earlier that you would send out when
 17 there's new legislation?
 18 A It's an example of it. I was referring more to what
 19 we call clerk communications, which are memos that we
 20 post on our website. This looks like we framed it
 21 more as a direct email that went out to clerks.
 22 Q And when you sent this out to clerks, is it just to
 23 let them know about the new legislation?
 24 A Yes.
 25 Q And it says -- where it says dear clerks, do you see

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1 that?
 2 A Yes.
 3 Q And it says, "Our staff will be reviewing this
 4 proposal to evaluate its impact upon current election
 5 procedures." Do you see that?
 6 A Yes.
 7 Q Was that done?
 8 A Well, I believe we would have reviewed it. I don't
 9 know if that review resulted in any subsequent
 10 communications. It would have depended on what
 11 happened with the legislation.
 12 Q And do you know what happened with the legislation?
 13 A I do not. I believe ultimately this looks like it
 14 was -- I believe this legislation ultimately did not
 15 pass.
 16 Q Did you understand that this -- let me withdraw that.
 17 You can put that aside. This is Exhibit 40.
 18 (Exhibit 40 is marked for identification)
 19 Q Take a look at that. Let me know when you're
 20 finished.
 21 A Okay.
 22 Q Have you seen this document before?
 23 A Yes.
 24 Q Can you tell me what it is?
 25 A It's a copy of testimony that I provided to a

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1 legislative committee. It appears to be on
 2 January 23rd, 2014.
 3 Q And do you see where it says under Assembly Bill 603,
 4 the last -- second to last sentence, "The voter
 5 cannot surrender their identifying document to the
 6 person collecting the registration form"? Do you see
 7 that sentence?
 8 A Yes.
 9 Q What was your concern there?
 10 A So it appears that the bill would require electors to
 11 provide proof of residence when they were registering
 12 to vote and previously a proof of residence document
 13 was not required if an individual registered to vote
 14 prior to 20 days before an election.
 15 And the concern -- the practical administrative
 16 concern we raised here is that some voters register
 17 in voter registration drives or with special
 18 registration deputies, and it was not clear whether
 19 they needed to submit their proof of residence
 20 document or whether they simply needed to display it
 21 to the special registration deputy, and we were just
 22 raising that concern for the Legislature.
 23 Q And was it something that the Legislature fixed?
 24 A I do not recall whether there was a specific
 25 amendment to change that.

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1 Q And if you look at the last paragraph under Assembly
 2 Bill 603 on Page 2, it says, "Under current law,
 3 these voters are sent a confirmation mailing. If it
 4 comes back undeliverable, the voter's registration is
 5 inactive" -- "inactivated." Sorry.

6 Do you recall that being addressed in the bill?

7 A I just do not recall whether there was a change to
 8 the bill. I mean this -- this paragraph, it appears
 9 that we were simply providing information about what
 10 the process was. I don't know that we were
 11 identifying it as a concern because that mailing is
 12 part of the process and continues to be part of the
 13 process.

14 We were simply explaining what happens in order
 15 to try to confirm that the voter lives at the address
 16 that is stated on the registration form.

17 Q But do you recall there being any concerns since 2011
 18 about this issue of confirmation mailing?

19 A Related to the mailing itself, I don't --

20 Q Being undeliverable and the voter's registration is
 21 inactivated?

22 A A concern about?

23 Q That happening to a voter.

24 A Oh, no. I mean that's been -- that had been part of
 25 the statutes and part of the process. I don't recall

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1 address some privacy concerns, but we would need to
 2 train clerks who would in turn need to train their
 3 poll workers that they were now only to record those
 4 limited number of digits for the account or any
 5 identifying number that was on the form, and that
 6 would be a change.

7 Q When there are changes, and I think we talked about
 8 this earlier, to the election laws and the -- is it
 9 always the case that the Legislature will give money
 10 to help implement those changes, or was it just
 11 exceptional in the photo voter ID circumstance?

12 A I think that's probably an exception where there was
 13 specific money allocated to implement the changes.

14 Q So does the GAB have to make sort of strategic
 15 decisions about its budget with respect to election
 16 laws and how much it can train and how much it can
 17 do?

18 A We certainly have to take our budget into account. A
 19 significant part of our budget is to HAVA funds,
 20 which we're expecting to have through mid to late
 21 2017, but that's part of the budget that is approved
 22 and we certainly have to take into account what the
 23 resources are that we have to produce materials and
 24 communicate with clerks. But I don't know that any
 25 of that -- I don't recall specific instances where a

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1 any specific concern being raised about that.

2 Q And if you'd look at Page 3, the last sentence which
 3 starts with while, do you see that?

4 A Yes.

5 Q While this will provide?

6 A Yes.

7 Q And at the end it says, "It will also create training
 8 challenges for poll workers." What did you mean
 9 there?

10 A Let me review --

11 Q Sure.

12 A -- what we had here. I know generally what we meant,
 13 but I was looking at the specific change here. It
 14 looks like we were referring specifically to a
 15 proposed amendment which would limit the number of
 16 digits that would need to be recorded related to a
 17 proof of residence document that a voter offered.

18 So, for instance, a bank statement is going to
 19 have an account number and there was some debate
 20 about whether those account numbers should be
 21 recorded by clerks, and we were simply stating that
 22 the amendment would potentially increase privacy
 23 because it would limit the number of digits to I
 24 believe the last four digits of the account number,
 25 and so we were simply pointing out that that may

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1 legislative change -- where we felt constrained in
 2 being able to communicate the change to clerks.

3 In other words, we didn't say, well, we cannot
 4 produce an update to the manual because we don't have
 5 the money to do it. Update manuals would have to be
 6 produced and copied and so it's sort of a sunk cost
 7 to have our staff create the manual and create any
 8 updates to it.

9 Q But it would affect, for example, possibly outreach
 10 to communities or to voters if there were changes in
 11 the law and there was no additional money?

12 A Possibly, but I don't recall that that has happened.
 13 I mean we have only a certain number of staff who are
 14 assigned the job of going out to give presentations.

15 So every agency would love to be able to hire
 16 more staff, to be able to duplicate that, and so we
 17 have to make decisions about where meetings are
 18 located throughout the state and how many people we
 19 expect and the type of audience.

20 So I think in general, we've taken the approach
 21 that if we're going to send -- if we are going to
 22 send out somebody to give a presentation in person,
 23 ideally we would like it to be an audience of people
 24 who have the capability to spread the word, as I
 25 said, maybe representatives of organizations who are

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1 active and also that it be essentially an event
 2 that's going to be worth the trip.
 3 If we're going to have somebody on the road all
 4 day, we prefer to have them speaking to an audience
 5 that's large enough to make the trip worth the time.
 6 And, you know, just also based on other priorities,
 7 we probably -- we may have declined some invitations
 8 just because of other priorities that are going on in
 9 the office.
 10 So I think in general budget constraints are
 11 always an issue, but I don't think it's had -- I
 12 think within that framework, I don't think we have
 13 said we can't send somebody to this location because
 14 we don't have the funds to pay for that trip.
 15 Q So even though there have been a number of laws
 16 since -- election law changes since 2011, it's had --
 17 are you saying it's had no real impact on your budget
 18 or your ability to do what you need to do in terms of
 19 implementing the law?
 20 A Well, you know, the question is compared to what.
 21 Compared to having a budget twice the size where we
 22 would be able to send out five people to focus on a
 23 region of the state and be more aggressive in
 24 soliciting, there's always more that can be done.
 25 I think relative to what had been done in the

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1 A To my recollection, I believe it is. The change to
 2 transition to new agencies has some funding aspects
 3 to it, but I don't think it is to increase the
 4 budget. It's simply to accommodate -- essentially
 5 separating the agency into two separate agencies and
 6 determining the salary range for specific positions
 7 and what piece of our current budget goes to which
 8 agency. But as far as funding a change in
 9 legislation, an election legislation, I think the
 10 photo ID law is the only one I can recall.
 11 Q I hand you what's going to be Exhibit 41.
 12 (Exhibit 41 is marked for identification)
 13 Q Take a look and let me know when you've had a chance
 14 to look at it.
 15 A Okay.
 16 Q Have you seen this document before?
 17 A Yes.
 18 Q And can you tell me what it is, please?
 19 A It's an email from Nathaniel Robinson, who is my
 20 predecessor as the elections division administrator,
 21 and it's an email to a handful of elections division
 22 staff as well as two staff attorneys, including me,
 23 from -- dated November 3rd, 2008 and it appears to be
 24 an email in which Mr. Robinson has provided a list of
 25 examples of concerns from voters and clerks and the

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1 past, it's -- obviously it's a state agency and every
 2 budget cycle we get directions about -- general
 3 directions about the budget and whether it can be
 4 increased or not increased. So that has to affect
 5 the amount and what we can do.
 6 Q The money that was allocated for the photo voter ID
 7 provision, was that all spent for that provision or
 8 was it spent elsewhere?
 9 A Well, I don't know the complete answer to that
 10 because of the back and forth with the law being in
 11 effect and not being in effect and the budget
 12 instructions we had. I believe that some of the
 13 funds that were dedicated to additional staff were
 14 not ultimately spent. They might have been -- right
 15 now I'm speculating a bit because I know that there
 16 were -- I was not involved.
 17 I was with all the budget discussions, but there
 18 may have been some of those funds that ended up being
 19 lapsed back at the end of a budget year. And right
 20 now, I think I just recently saw that we still have
 21 some funds that were designated as photo ID funds
 22 that we are still spending at this point.
 23 Q Since 2011, has that been the only time the
 24 Legislature has funded a change in the election laws?
 25 MR. KAWSKI: Object to form.

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1 public that he had documented starting around
 2 October 1, 2008, and he's requesting feedback from
 3 the elections division staff.
 4 Q Now, do you recall whether you gave specific
 5 feedback?
 6 A I do not recall that.
 7 Q And he says, "Please add this running list of
 8 examples."
 9 Do you recall that there's a list somewhere of
 10 examples of voter/clerk/public concerns?
 11 A I don't recall specifically whether there was a list.
 12 And I don't know if he meant that as there's a
 13 specific list that somebody has custody of or if this
 14 was just sort of a collective list.
 15 This was shortly after I had started with the
 16 agency and so I would have been really not as
 17 familiar with these topics as most of the other
 18 people that the email was sent to.
 19 Q And you would say that now in 2016 you're much more
 20 familiar, correct?
 21 A Yes, yes.
 22 Q Okay. On this, are there any in your knowledge and
 23 experience, are there any of the items on this list
 24 that still exist today that are examples of
 25 voter/clerk/public concerns about the election laws?

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1 MR. KAWSKI: Object to form.
 2 A I would say yes.
 3 Q And which ones would you say?
 4 A Well, going down the list, he's documenting that
 5 these were concerns related -- relate to us, not
 6 necessarily concerns of the staff. So the perception
 7 of widespread voter fraud, I think some people still
 8 have that perception. Whether or not it is true,
 9 that's still a perception that is conveyed to us
 10 occasionally.
 11 There's still confusion between early voting and
 12 absentee balloting, although I'm not sure that that
 13 has a real impact on voters. It's a little bit of a
 14 technical distinction that's more important for
 15 clerks.
 16 Q What do you mean?
 17 A Well, the way -- the GAB completed a study for the
 18 Legislature about whether or not Wisconsin should
 19 adopt early voting, that was shortly after I had
 20 started with the agency, and the distinction we made
 21 between early voting and what Wisconsin has, which we
 22 call in-person absentee balloting, is that with early
 23 voting, those ballots are cast and tabulated prior to
 24 Election Day. And with in-person absentee balloting,
 25 the ballots are simply marked and submitted by the

1 voters and then the clerk -- the municipal clerk
 2 collects them, transports them to the polling place
 3 or another location on Election Day and that's when
 4 those ballots are counted.
 5 So early voting was sort of a hot topic around
 6 that time. There was some policymakers that were
 7 encouraging the Legislature to change the law to
 8 authorize early voting and so we did a fairly
 9 significant study to give the Legislature information
 10 about what that would mean and what changes to the
 11 law would need to take place.
 12 Q And what conclusions did you come up to -- come up
 13 with?
 14 A I think what's -- my recollection is that the
 15 proposal or the study was presented to our board and
 16 received pretty significant public feedback, which we
 17 tried to incorporate into the report, and then the
 18 board at that time adopted a number of
 19 recommendations to the Legislature and then we
 20 forwarded that to the Legislature. The end result
 21 was that early voting was not adopted.
 22 I don't recall if there was even a bill
 23 introduced for it, but it took a significant amount
 24 of time and attention by the staff and by the board
 25 to research that.

1 Q Have you ever seen any studies that say that early
 2 voting actually helps voter turnout?
 3 A I think I've seen some studies or commentary
 4 suggesting that it does and others suggesting that it
 5 may not have an impact that could be measured on
 6 overall turnout.
 7 Q And at that time did the GAB form any conclusion
 8 about early voting, or were you just reporting on
 9 what it would mean in terms of implementing?
 10 A I believe our board based on the recommendations of
 11 the staff, that the board did go on record supporting
 12 early voting. There wasn't any specific bill.
 13 There were specific changes that were
 14 recommended in the report that the board at the time
 15 did not agree with the staff on and was not prepared
 16 to adopt and so I think -- I believe my recollection
 17 is that we communicated to the Legislature this is
 18 the action that our board took on the study and just
 19 provided that to the Legislature for their
 20 consideration.
 21 Q But the GAB did recommend early voting?
 22 A I believe it did. I'm not 100 percent certain, but I
 23 believe that it did recommend early voting, and the
 24 challenge was administratively how to change the
 25 statutes and then change the process.

1 Q And do you recall why it was a positive
 2 recommendation for early voting?
 3 A Well, our board is six -- it's a six-member board.
 4 They're former judges, and they might have all had
 5 different reasons.
 6 I think administratively one of the reasons that
 7 the staff would have recommended pursuing early
 8 voting is that processing a large quantity of
 9 absentee ballots on Election Day for some locations
 10 is a challenge, and they have to insert those ballots
 11 into the voting equipment either at slow times during
 12 the day or after voting hours are over, and we were
 13 trying to explore ways where that part of the job
 14 could be done before Election Day.
 15 Q Does a high amount of in-person absentee ballots lead
 16 to any delays?
 17 A Well, there's -- you mean delays on Election Day
 18 or --
 19 Q Election Day, yeah. Getting the results or anything
 20 like that.
 21 A Well, it's hard to tell. The delay -- I mean what
 22 has happened it seems like for high turn-out
 23 elections, because of the demand for early voting and
 24 it's promoted more and more by campaigns, we tend to
 25 sometimes see larger lines at the in-person absentee

1 voting before Election Day and that relieves some of
 2 the crowd on Election Day itself.
 3 We've heard stories of in-person absentee voting
 4 specifically here in Madison or Milwaukee where
 5 people would stand in line for maybe an hour to cast
 6 their ballot and then on Election Day the lines are
 7 much shorter. But some voters seem to feel that it's
 8 more convenient for them because they can choose the
 9 time where they can stand in line. So I don't know
 10 that it's necessarily created delays. In some cases
 11 it might have made the voting process go more quickly
 12 on Election Day.
 13 Q And in some cases, as you've described, there have
 14 been delays -- well, I should say long lines, that's
 15 what you said.
 16 A Long lines during the in-person absentee voting, yes.
 17 I think also, though, that clerks are -- it's a
 18 continual process of learning from one election cycle
 19 to the next.
 20 So I think clerks in Wisconsin who have been
 21 involved in it a while have also become better at
 22 preparing for lines during in-person absentee voting
 23 and made adjustments to make it go more quickly.
 24 Q It's not -- just a question. It's not high turnout
 25 because it's a presidential election, right? I mean

1 A I believe it did. I think we were a little over
 2 three million -- you know, the 2008 election stuck in
 3 my mind because we were focused on the numbers for
 4 the early voting study and because we participated in
 5 a program with the State of Minnesota and I recall
 6 each state having roughly 2.8 or 2.9 million voters,
 7 and I think since then it's crept up over three
 8 million.
 9 Q Did you ever speak to any legislators about why the
 10 early voting wasn't adopted?
 11 A I did not, no.
 12 Q Has there been -- how long has Wisconsin had
 13 in-person absentee ballot?
 14 A Quite a while. I don't know specifically how long.
 15 Q And you were going down the list to see what's still
 16 current today.
 17 A Sure. So concerns about voters not receiving
 18 absentee ballots after requesting them, my perception
 19 is that that is not a significant concern at this
 20 point, that we do not receive a lot of complaints
 21 about that. And in election administration, there
 22 are complaints that we hear a lot about and then
 23 there are complaints that might be an individual
 24 complaint, but they are very important to that
 25 individual voter.

1 even presidential elections may not be a high
 2 turnout, is that right?
 3 A Well, presidential elections in general tend to get
 4 the highest turnout of the four-year cycle. But it
 5 depends so much on candidates and what people are
 6 interested in.
 7 You know, we had a pretty high turnout for the
 8 special elections involving the recalls. But in
 9 general, I think we can count on the turnout being
 10 the highest in -- at the November general election,
 11 whether it's a presidential election or a
 12 gubernatorial election in the off years, and then
 13 generally speaking, the two spring elections are
 14 lower turnout and sometimes there is not a statewide
 15 office on the ballot for the spring election and so
 16 that would tend to be even lower turnout.
 17 Q Was the 2008 and 2012 presidential election the
 18 highest turnout in Wisconsin?
 19 A You mean during that year or --
 20 Q During the 2008, let's start with that one.
 21 A The highest turnout compared to the other
 22 elections -- well, compared to the other elections
 23 occurred in those years, yes, that would have been
 24 the highest turnout.
 25 Q And did 2012 beat 2008 presidential election turnout?

1 And so I think some of what Mr. Robinson has
 2 conveyed here, whether or not we receive a lot of
 3 complaints, when we receive a complaint about a voter
 4 not receiving an absentee ballot, we take it pretty
 5 seriously because it's obviously affecting that
 6 person's right to vote.
 7 Large crowds of voters standing in line to cast
 8 absentee ballots, you know, again I think that to me,
 9 2008 sticks out as an election where clerks were
 10 maybe not as prepared for the turnout for in-person
 11 absentee voting as they have been in the future. And
 12 so while that still might occur, I don't think it's
 13 something that we hear as frequently now.
 14 There's a concern about handicapped voters who
 15 are not able to vote on voting systems, that still
 16 comes up. We have a pretty aggressive program for
 17 accessibility at the polling place and so I think
 18 that there are more polling places that are prepared
 19 to assist voters who have disabilities.
 20 Q Is that curbside voting, or is that something else?
 21 A Well, it's something else. I think he's specifically
 22 referring here to voting equipment that -- accessible
 23 voting equipment and that sometimes voters might not
 24 be able to -- sometimes we've heard concerns that the
 25 accessible voting equipment is at the polling place,

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1 that it may not be turned on, that its use is not
 2 promoted and some -- and that there's a perception
 3 sometimes that if it's not going to be used by a lot
 4 of people, it's -- the money that it takes to program
 5 the equipment is not worth the effort.

6 So I think again this is a concern that we might
 7 hear and if it's an individual concern, it's
 8 something that we want to try to stay on top of and
 9 try to help fix. But I think over time, the
 10 accessibility of polling places in Wisconsin has
 11 improved.

12 Provisions to accommodate handicapped voters who
 13 wait in long lines for periods of time, you know, I
 14 think that's just a general concern about laying out
 15 and structuring the polling place. To me that
 16 doesn't rank as something now that we've heard a lot
 17 about more recently.

18 Concerns about clerks closing offices to the
 19 public and not allowing residents to cast absentee
 20 ballots, I think this is something that we have
 21 addressed with clerks over the last few election
 22 cycles because there are no uniform hours for
 23 municipal clerks, it's up to them or their
 24 municipality, but we have done much more to educate
 25 clerks about the need -- the requirement that they

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1 overall there's been much more education about what
 2 the rules are, and election inspectors have become
 3 more skilled at enforcing those rules.

4 HAVA checks, I think that was also a hot topic
 5 in 2008 but is not really a controversial issue at
 6 this point. And then there was a lawsuit he
 7 mentioned involving the attorney general suing the
 8 Government Accountability Board. That lawsuit was
 9 dismissed, and that's also not really a current
 10 topic.

11 Q What was that suit about?

12 A That had to do with HAVA checks, what we call HAVA
 13 checks and the requirement under the HAVA law to
 14 match voters -- when a voter registers, a requirement
 15 to match the driver's license information or the
 16 Social Security number data that they list on the
 17 voter registration form with the DMV database or the
 18 Social Security database to see if that matches.

19 The attorney general had brought a lawsuit that
 20 was objecting in some way to the GAB's administration
 21 of that requirement or asking the court to try to
 22 clarify what the GAB had to do, and the board had
 23 made a determination that whether or not the HAVA
 24 check -- whether or not the two databases match
 25 exactly, that that did not impact the eligibility of

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1 are available for voters on specific deadlines like
 2 the last day of in-person absentee voting or the last
 3 day of registration, that we alert them that even if
 4 you do not have your regular office hours at that
 5 time, you have to be available to accommodate voters
 6 who might want to cast ballots or you have to
 7 publicize how somebody can contact you to make an
 8 appointment or we have filing deadlines as well.

9 So I think that's something we may still hear
 10 about, but I think it's a concern that's been
 11 addressed much more effectively.

12 Voters' attire at polling place, that's not
 13 something that I've really heard about. He may be
 14 referring to electioneering and voters wearing
 15 T-shirts with candidates' names on or buttons.
 16 That's something that we try to address before every
 17 election. I think the complaints we get about that
 18 are pretty rare. We have some training tips for
 19 clerks about how to handle those situations.

20 He also lists the observer rules, and that
 21 continues to be something that is a topic for
 22 training and a topic for concerns. There are some,
 23 you know, clerks in some areas that relay stories of
 24 observers who still are testing the rules or not
 25 complying with the rules, but I think in general

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1 a voter, and that attracted some attention and I
 2 think the attorney general at the time had some
 3 questions about whether that was the proper
 4 interpretation of HAVA and so ended up bringing a
 5 lawsuit and the circuit court dismissed that
 6 lawsuit.

7 Q Does the GAB work with the DMV currently to make sure
 8 that either in registration or at the polls that the
 9 addresses match up?

10 A We work really closely with them because when the
 11 voter registration system was initially built, we had
 12 to come up with a system for doing that match, and
 13 so -- and that has continued to develop. And when
 14 either agency is updating its technology, there's
 15 close cooperation to make sure that that process is
 16 going to stay intact. So we work closely with the
 17 DMV.

18 Q And you work with them closely under the new voter
 19 registration, what did you call it, the CRM?

20 A Oh, right. So what we used to call SVRS, we have now
 21 labeled WisVote. It's still the statewide voter
 22 registration system. Right, so we worked closely
 23 with the DMV to make sure that that process stayed
 24 intact with the new voter registration system.

25 So that's a requirement after somebody

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1 registers. So if there's a registration, I think you
2 asked about on Election Day, I mean that's a process
3 that occurs -- it doesn't occur instantly. There are
4 nightly batches of data that are submitted to DMV.
5 So it's not something that would affect the voter at
6 the polling place.

7 Q Has GAB had any issues with DMV with respect to their
8 responsiveness to issuing, for example, non-license
9 IDs?

10 MR. KAWSKI: Object to form.

11 A Oh, the state IDs?

12 Q Non-driver IDs, yeah, state IDs.

13 A Could you repeat the question?

14 Q Is the GAB aware of any issues with respect to the
15 DMV and issuing non-driver IDs --

16 MR. KAWSKI: Object to form.

17 Q -- that voters can use at the ballot box?

18 MR. KAWSKI: Sorry, object to form.

19 A The concerns I think that we heard expressed I think
20 are not specific to the state ID versus the driver's
21 license. There have been more general concerns about
22 availability of the DMV or to process for obtaining
23 either driver's license or state ID.

24 Q What do you mean by both of those? What do you mean
25 by the availability first?

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1 and properly through that process. And so since the
2 revision after the court cases with the petition
3 process that's been put in place, also fielding
4 questions about how that works and whether again the
5 line staff or the supervisor at the DMV is handling
6 applications appropriately.

7 Q Well, what do you mean when you say people being
8 treated consistently?

9 A I guess I would compare it to, you know, our training
10 of local clerks, the DMV needed to train all of their
11 line staff in something new, and whether or not
12 somebody was turned away for getting a driver's
13 license or a state ID in the past, that didn't affect
14 their ability to vote.

15 And so whether they were changing their process
16 or not understanding the law, we would tend to hear
17 about it because there would be a problem, and I
18 think that in some cases the DMV would find that
19 their staff maybe was either not applying the law
20 properly or maybe applying the standard that was too
21 strict in order to issue a driver's license or a
22 state ID. And so the DMV just used similar efforts I
23 think to try to make sure that their training was
24 consistent throughout the state and that the law was
25 administered consistently.

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1 A Just the variety of DMV branches and the office hours
2 that they might have, the proximity to people who
3 might use that branch and because my understanding is
4 a number of those branches are not open 40 hours a
5 week, I think it's something that the DMV has tried
6 to address specifically with relation to the photo ID
7 law.

8 So that was one concern that was expressed and
9 then just questions initially about individuals
10 trying to obtain a photo ID and how smoothly that
11 process would go or would not go at a particular
12 branch and so we've had quite a bit of contact with
13 the DMV, basically a direct line between the two
14 agencies to resolve any problems.

15 If we become aware of an individual who has
16 tried to obtain an ID and has run into a roadblock,
17 we have a higher level contact at DMV who will then
18 reach out to that branch and try to get it
19 resolved.

20 Q And what have been the types of roadblocks that
21 you've heard about?

22 A I think, you know, just initially in the
23 implementation of the law ensuring that the DMV line
24 staff understood what the law was and what was
25 required and that people were treated consistently

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1 Q Was the DMV considered a bit of a roadblock to people
2 getting state-issued IDs?

3 A By whom?

4 Q By the people who couldn't get state-issued IDs.

5 A I don't know. I assume if somebody had that kind of
6 result and they were at the DMV that they would place
7 some responsibility on the DMV for not being able to
8 get it. But I don't have any way to judge whether or
9 not that would be an accurate conclusion.

10 Q Right. But you heard about this, about this being an
11 issue, right? So it came to your attention?

12 A We heard about problems, but sometimes it was not --
13 they were not problems that could be, you know, laid
14 at the foot of the DMV. It might be that the voter
15 did not bring all the documentation that they had or
16 was not prepared and there had to be some education
17 with the voter to make sure that they brought the
18 right documentation.

19 And in some cases where there was incorrect
20 information given out by DMV staff, again as I said,
21 the state level DMV staff would reach out to that
22 branch and we would identify issues, let them know
23 who the individual was and they would always follow
24 up with us and let us know whether or not the problem
25 got resolved or not.

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1 Q But there's no way of telling the number of people
 2 who were turned away from the DMV who just didn't
 3 bother, right --
 4 A Not that I'm aware of.
 5 Q -- to come back?
 6 A Right. I don't know if the DMV kept any such
 7 statistics.
 8 Q Let me show you the next document. You also used the
 9 word appropriately. What did you mean by that?
 10 MR. KAWSKI: Object to form.
 11 Q You said the DMV was --
 12 MS. WILSON: Can you read back that
 13 place?
 14 (Reporter reads back previous answer)
 15 Q And what did you mean by handling applications
 16 appropriately?
 17 A Again this is all based on sort of anecdotes and
 18 complaints that we heard in some cases but making
 19 sure just in general that the law was being followed
 20 and if the individual brought in the documentation
 21 that the law required, that it would result in a
 22 driver's license or ID being issued, and there was
 23 some specific cases where that was a question and
 24 because again the DMV has branches throughout the
 25 state, one supervisor, you know, might have decided,

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1 A Sarah is -- her title is SVRS functional lead. So
 2 the best way for me to describe her position is she
 3 is really kind of the connection between the IT work
 4 and the program staff and interpreting how the
 5 election laws need to be implemented in SVRS and
 6 that -- in the statewide voter registration system,
 7 and so she has a technical background, but she also
 8 has a handle on what we call the election
 9 administration rules.
 10 Q And do you see the fourth paragraph, it starts with
 11 I've had voters?
 12 A Yes.
 13 Q "Express confusion because they are looking for
 14 information about 'early voting' and don't see those
 15 words. One guy said he didn't want to vote absentee,
 16 he wanted to vote early".
 17 Did you have any discussions with either -- with
 18 anyone at GAB about there still being some confusion
 19 about "early voting"?
 20 A I'm sure I did.
 21 Q And this confusion is still going on in October 2012,
 22 right?
 23 A I think there are -- some people, whether or not they
 24 were confused, some people still use the term early
 25 voting and they may not be aware of the distinction

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1 yeah, the documentation is correct and in another
 2 location that it was not correct. And so the goal
 3 was to try to make sure that it was both accurate and
 4 that it was consistent throughout the state.
 5 Q I show you, what, Exhibit 42. And, Mr. Haas, take a
 6 look at that and let me know when you're done.
 7 (Exhibit 42 is marked for identification)
 8 A Okay.
 9 Q And have you seen this document before?
 10 A Yes.
 11 Q And you are -- that's you in the to line, right?
 12 A Yes, as one of the individuals that both the emails
 13 was addressed to.
 14 Q And the top email is dated 10-5, 2012, right?
 15 A Right.
 16 Q What position does Reid hold, Reid Magney?
 17 A Reid Magney is our public information officer, and
 18 part of that is he's really in charge of our main
 19 website.
 20 Q And is this the My Vote Wisconsin website or the GAB
 21 website?
 22 A Reid is responsible for maintaining the GAB website,
 23 but he does get involved in also how the My Vote
 24 Wisconsin website is presented.
 25 Q And what is Sarah's position?

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1 that we make between early voting and in-person
 2 absentee voting, and it's always a temptation for our
 3 staff and for clerks just for shorthand to say early
 4 voting as voting that occurs early prior to the
 5 election, and the distinction is probably lost on
 6 most people that the ballot isn't actually counted
 7 early.
 8 So in some cases we might be -- by trying to
 9 distinguish between the terms, we might be creating
 10 confusion that the voter wasn't even aware was there
 11 because they are equating early voting with what the
 12 actual in-person absentee process is.
 13 Q And so do you recall if anything was -- because Reid
 14 says the voters who are expressing confusion don't
 15 see the words.
 16 A Yeah.
 17 Q Do you know if those words were added to the website
 18 or if any additional information was added to the
 19 website during this time?
 20 A I'm pretty sure it was not because we've been pretty
 21 adamant because of that distinction in not calling it
 22 early voting. In some cases we've tried to explain
 23 that distinction, but I think we've tried to stay
 24 away from using that term.
 25 Q But in other jurisdictions, right, absentee voting is

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1 done by mail? You get your absentee ballot, you mail
 2 it in. Doesn't that in itself cause some confusion?
 3 MR. KAWSKI: Object to form.
 4 A Does what cause confusion?
 5 Q That the -- what did you call it, in-person absentee
 6 ballot?
 7 A In person, right. So we -- Wisconsin also has
 8 absentee voting by mail, and I think the reason we
 9 try to stick with that term is because that's because
 10 the statutes call it absentee voting. There's no
 11 statute describing early voting, and the statute
 12 describes these are the ways you can request an
 13 absentee ballot by mail or in person and some voters
 14 can -- well, or you can request -- submit a request
 15 electronically.
 16 Q So in-person absentee ballot is counted later, right?
 17 A On Election Day.
 18 Q The night of the election?
 19 A Or during the day.
 20 Q During the day, okay.
 21 A The election inspectors process them as they can
 22 during the day.
 23 Q Can the result of the election happen before those
 24 ballots are counted?
 25 A No.

1 Q The next exhibit.
 2 (Exhibit 43 is marked for identification)
 3 Q Mr. Haas, look that over and let me know when you're
 4 finished.
 5 A Okay.
 6 Q And have you seen this document before?
 7 A Yes.
 8 Q And this is from you to some people at the GAB?
 9 A The initial email was from David Buerger, one of our
 10 election administration specialists, and then there
 11 is a response from me to the same group of people
 12 that he sent his email to.
 13 Q And did you write, "Thanks, David, these are good
 14 points for Reid and Meagan to keep in mind for
 15 continuing voter outreach and press releases"?
 16 A Yes.
 17 Q And you said, "It would be interesting to see if the
 18 results were much different if the poll was conducted
 19 much closer to a major election." Do you see that?
 20 A Yes.
 21 Q What did you mean by the last sentence?
 22 A Well, this, David was referring to a national poll
 23 that was conducted or at least he became aware of the
 24 results in January 2014, and it appears that the poll
 25 was conducted in September 2013, and it has to do

1 with how aware voters are of the rules related to
 2 early voting and voter registration, and I was simply
 3 making the observation that voters tend to be more
 4 aware of what the rules are closer to major
 5 elections. It's more in the forefront of their mind,
 6 and I just thought it would be interesting to know
 7 whether the results would be similar because this
 8 poll was not taken during the time of any major
 9 election.
 10 Q So during a major election, you would expect it to be
 11 even higher?
 12 A I would hope it to be higher, yes.
 13 Q Hope it to be higher, okay. And what is Meagan's
 14 job?
 15 A So Meagan Wolfe is our -- she's an elections
 16 specialist, and she is our voter outreach specialist.
 17 So she's the primary person for giving in-person
 18 presentations to the public and voter audiences. And
 19 she also is responsible for maintaining our Facebook
 20 page and our Twitter account. She will send out
 21 messages related to elections and voting.
 22 Q The GAB tweets, huh?
 23 A Yeah, we do.
 24 Q How many followers do you have?
 25 A I don't know. We tend to get more followers around

1 election time.
 2 Q Put that away.
 3 A We had one board member ask the question why are we
 4 on Twitter.
 5 Q What was the response?
 6 A Well, we explained to him that that was an effective
 7 way for us to try to communicate.
 8 MS. WILSON: Are we up to 44 or 45?
 9 THE REPORTER 44.
 10 (Exhibit 44 is marked for identification)
 11 Q Take a look at this and let me know when you're done.
 12 A Okay.
 13 Q Have you seen this document before?
 14 A Yes.
 15 Q Did you have any discussions with Mr. Hein or
 16 Mr. Rossman about the subject, trouble voting in
 17 St. Francis?
 18 A I'm sure we addressed it. I don't recall a specific
 19 conversation, but Ross Hein is our election
 20 supervisor. He may have taken the initiative to
 21 reach out to the voter and the clerk. We may have
 22 had a discussion or it might have been assigned to
 23 somebody else. But this kind of email is something
 24 that we would have responded to as quickly as we
 25 could.

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1 It appears that we received it fairly early in
 2 the morning on the day of the partisan primary in
 3 August, and that would have given us time to try to
 4 address it and make sure that this voter had been
 5 taken care of and that any problem at the polls was
 6 fixed for the rest of the day.
 7 Q Does the GAB track when it solves an issue like this?
 8 A Well, something like this because it happened on
 9 Election Day would have been part of our contact
 10 activity log, and that's a spreadsheet where we would
 11 record -- I would say if this came in as a phone
 12 call, it would have been tracked.
 13 Our contact activity log, we had not required
 14 the staff to enter email inquiries into the log
 15 because we assumed that there would be some record as
 16 far as an email follow-up that we could see how it
 17 was resolved.
 18 If this had come in in a phone call, the staff
 19 person would have recorded who had called, what the
 20 problem was and then what our response was or what we
 21 did to address it.
 22 Q And Mr. Rossman, it says GAB on behalf of the GAB
 23 help desk.
 24 A Right.
 25 Q Is that one of the call people that you talked about

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1 got clarified and the policy became only -- that they
 2 were only required to record phone calls.
 3 Q Do you recall in this -- I think you called it the
 4 day of the partisan primary, were there other issues
 5 with respect to the picture ID that you can recall?
 6 A There may have been. I wouldn't be surprised if
 7 there were some isolated incidents, but I don't know
 8 for sure.
 9 Q And why do you say isolated?
 10 A Well, because we made a specific effort ever since
 11 the photo ID law was enacted to make sure we were
 12 educating clerks about what the status was. And this
 13 in particular was a time where there was legal
 14 activity related to whether or not it was going to be
 15 in effect and we kept trying to hammer away that
 16 photo ID is not in effect and so any calls that we
 17 got would have, I think, been an exception.
 18 But sometimes either the clerks did not make a
 19 point of it or maybe didn't -- or an election
 20 inspector may have forgot what the status was and we
 21 would receive a call that I was told that photo ID
 22 was in effect.
 23 Q And this is despite all the training and education
 24 that you did?
 25 A Right. And I think as I said, they're fairly

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1 earlier?
 2 A He is one of three staff on our help desk that answer
 3 the -- basically the general help line for voters,
 4 and the help desk is -- if somebody sends an email to
 5 our general email address, they will receive it at
 6 the help desk.
 7 Q And with respect to your contact activity logs, are
 8 those kept in the normal course of business?
 9 A Yes.
 10 Q Are they ever deleted?
 11 A No.
 12 Q With respect to this trouble voting at St. Francis in
 13 August of 2014, if this were resolved by phone, in
 14 other words, if somebody had simply picked up the
 15 phone and called the person, would there be any
 16 activity noted?
 17 A It may or may not. I mean if it was a phone call, it
 18 might have been -- it might have resulted in the
 19 staff person sending an email to me to say it's been
 20 taken care of, but it also may not have been
 21 separately recorded anywhere.
 22 We've had some elections when we started using
 23 the contact activity log, in some elections, staff I
 24 think were required to or thought that they were
 25 required to also record emails and eventually that

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1 isolated in that it would sort of be pretty
 2 significant -- we would note it pretty significantly
 3 because we were so used to -- knowing what the status
 4 of the law, that it would catch our attention if
 5 somebody was told differently at the local level.
 6 (Exhibit 45 is marked for identification)
 7 Q Mr. Haas, take a look at this exhibit marked 45 and
 8 let me know when you've looked at it.
 9 A Okay.
 10 Q And have you seen this document before?
 11 A Yes.
 12 Q And it's -- can you tell me -- describe it for me,
 13 please.
 14 A Sure. It's an email I received from an attorney
 15 working for the Wisconsin -- the Republican Party of
 16 Wisconsin wanting to let me know that they had run
 17 into an issue in a township where voters were having
 18 difficulty scheduling times with the clerk to vote an
 19 in-person absentee ballot and indicating that the
 20 clerk or that this attorney was told that they were
 21 turned away by the town clerk, who said -- who
 22 claimed that there was no such thing as early voting
 23 and that they needed to either have an absentee
 24 ballot sent by mail or vote on Election Day. And I
 25 passed that along to David Buerger of our staff and

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1 asked him to investigate it.
 2 Q And do you recall the conclusion of his
 3 investigation?
 4 A I do not.
 5 Q If any. And would there be any place where it's
 6 documented at the GAB that this was resolved in one
 7 way or the other?
 8 A There may or may not be. If there was -- knowing
 9 David Buerger, I wouldn't be surprised if he had
 10 followed up with an email to let me know how it was
 11 resolved, but I couldn't guarantee that there was a
 12 document indicating what happened.
 13 Q Do you happen to know this particular clerk,
 14 Lane Ruhland?
 15 A It says the town clerk is Jean Judd.
 16 Q Oh, I'm sorry, yeah.
 17 A And I don't know her. The attorney who sent it to me
 18 was Lane Ruhland.
 19 Q So you don't know if it was a long-term clerk or
 20 somebody new?
 21 A I do not know that.
 22 Q Okay. I'll show you -- Mr. Haas, take a look at
 23 Exhibit 46, and let me know when you're finished.
 24 (Exhibit 46 is marked for identification)
 25 A Okay.

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1 Q And when was that, if you recall?
 2 A I think that might have been part of the photo ID
 3 law.
 4 Q So approximately 2011?
 5 A Right.
 6 Q And do you recall calling, too, and chatting with
 7 her?
 8 A I don't recall a specific conversation. I'm sure I
 9 did. I was really the primary author of the memo
 10 that is attached to the email.
 11 Q That was my next question. If you know, why are you
 12 making the call instead of Dave? It's because you
 13 were the primary author?
 14 A You know, I think that June 5th I think was the
 15 recall election, and David may have been passing it
 16 on to me just because of the volume of calls and that
 17 it appeared that this clerk, you know, was not
 18 pleased with maybe what she was hearing from David
 19 and he thought that maybe I could try to explain it
 20 and that the clerk might listen to a different voice
 21 on what the law was.
 22 Q Did the change make it easier or harder for students
 23 to vote?
 24 MR. KAWSKI: Object to form.
 25 A I think the change to 28 days, it affected more

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1 Q Have you seen this document before?
 2 A Yes.
 3 Q And can you describe it for me?
 4 A Sure. There's an email from the City of Fond du Lac
 5 Clerk to David Buerger of our staff describing a
 6 situation with a student who wanted to register and
 7 there appeared to be a disagreement about whether the
 8 student could register at his home address in Fond du
 9 Lac rather than at his campus address in Milwaukee,
 10 and David Buerger passed that along to me and asked
 11 me if I could contact the city attorney to discuss
 12 guidance that we have provided, that the GAB had
 13 provided about the subject of residency and voter
 14 registration and specifically for college students.
 15 Q And was there at the time a lot of confusion about
 16 this 28-day issue?
 17 A I think that was -- there was generally confusion on
 18 issues that come up with residency in general, and
 19 the change to 28 days I think just increased the
 20 number of questions because the 28-day requirement
 21 affected more people than the 10-day residency
 22 requirement did.
 23 Q And just for the record, it changed from 10 days to
 24 28 days, right?
 25 A Yes.

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1 students as to their eligibility to register to vote.
 2 You know, not the actual act of voting, but in order
 3 to register, just as with the general population,
 4 residency had to be established at least 28 days
 5 before an election and so that required a longer
 6 period of time to be located in one place.
 7 Q Did you have any discussions with any legislators
 8 about why the change from 10 to 28 days?
 9 A I don't recall specific conversations that I had. I
 10 may have. I just don't remember.
 11 Q Do you have any understanding of why the change was
 12 made from 10 to 28 days?
 13 A I guess just based on statements from the
 14 Legislature, reading what was in the paper, my
 15 understanding was that there was -- one reason or
 16 justification for it was to maybe bring that period
 17 more in line with other states that had a longer
 18 residency period, and the thought might be that
 19 Wisconsin would be more consistent with other states
 20 and then just maybe generally the idea that an
 21 individual should be established for a longer period
 22 of time in one location before they were eligible to
 23 vote there.
 24 Q But it made it harder for students to register,
 25 didn't it?

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1 MR. KAWSKI: Object to form.
 2 A Well, so students in Wisconsin really -- university
 3 and college students have the option to be registered
 4 and vote at either their home address or their
 5 college address, and so this would -- could make it
 6 more challenging for some students to register at
 7 their campus address. And as with anybody else, once
 8 registered at their campus address, it would require
 9 a longer period of time to change that registration
 10 to their home address. But it did not prevent a
 11 college student from registering or continuing to be
 12 registered at their home address and having the
 13 opportunity to vote there even if they were away at
 14 school for four years.
 15 Q So they could register at home, but they can't
 16 register both places?
 17 A Correct.
 18 Q Right. You said that -- and I take it you're
 19 speculating a bit about -- or maybe it's from
 20 conversations. Maybe you're basing it on something
 21 and you can correct me. Wisconsin wanted to be in
 22 line with other states, was that just with respect to
 23 the moving from 10 to 28? In other words, there are
 24 other states, for example, who have early voting.
 25 A Um-hum.

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1 Q But Wisconsin doesn't fall in line with those states.
 2 A Right.
 3 MR. KAWSKI: Object to form.
 4 A And I think that that's generally an argument you'll
 5 hear in any policy debate is if it benefits the
 6 argument to say we're in line with other states, that
 7 that will be an argument that's used. But it's
 8 obviously not a rule that's applied consistently
 9 across the board.
 10 Q I'm going to show you a document that's already been
 11 marked as Kennedy 2. Take a look at it. Let me know
 12 when you're ready.
 13 A Okay.
 14 Q Have you seen this document before?
 15 A Yes.
 16 Q And you are its author, right?
 17 A Yes.
 18 Q And did anybody else have input into this document?
 19 A I'm sure I circulated it to our staff to review
 20 before we issued it.
 21 Q Is that your usual practice?
 22 A Yes.
 23 Q It says corrected August 5th, 2014. Why was a
 24 correction needed, do you recall?
 25 A It was initially issued April 11th 2014 and page --

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1 it appears that maybe this is out of order a little
 2 bit. Page 2, which is I think the fourth page in the
 3 packet, indicates that we had struck out a clause
 4 having to do with whether or not proof of residency
 5 was required when a voter was only processing a name
 6 change at the polls.
 7 Q And that was incorrect?
 8 A We had changed our interpretation of the statute from
 9 the time we issued it in April until August.
 10 Q And do you know why you made that change?
 11 A Yeah. I recall having a pretty large meeting to try
 12 to hash it out. There was some uncertainty because
 13 of conflicting language in the statutes about what is
 14 required when a voter either changes their name or
 15 changes their address, and there was some language
 16 that could support the view that a new
 17 registration -- or that proof of residence was not
 18 required when that happened, and that was initially
 19 our conclusion when we issued the memo in April. And
 20 then we received questions about it.
 21 I recall receiving some phone calls from at
 22 least one attorney, you know, questioning that
 23 interpretation and then we revisited it, tried to
 24 look through all the relevant statutory citations and
 25 then we concluded that this was the more accurate

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1 interpretation. And it was also I think supported by
 2 the language in the statutes and also made the
 3 implementation of it a little bit easier because the
 4 rules were simplified with clerks. It removed one
 5 more exception to the general rule.
 6 Q And you came to that conclusion the second time
 7 around?
 8 A Right.
 9 Q It says subject, proof of residence now required for
 10 all voter registrations. Was there some change in
 11 the law or just change in interpretation?
 12 A No, that was a significant change in the law. 2013,
 13 Act 182 required every voter registration application
 14 to be accompanied by a proof of residence document I
 15 think except for military and overseas voters.
 16 Military voters are not required to register in
 17 Wisconsin.
 18 And prior to that law, if somebody registered
 19 earlier than 20 days before an election, proof of
 20 residence -- a proof of residence document was not
 21 required.
 22 Q Do you know why the change was made?
 23 A Again it was a legislative decision and I think some
 24 of the arguments that were offered in favor of it was
 25 then there would be a consistent rule for voters

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1 registering at any time of the year and that maybe
 2 clerks may not have the same certainty that the
 3 individual resided at the location that they put on
 4 their form if there was no document provided that
 5 established that residence during the open
 6 registration period before 20 days prior to an
 7 election.
 8 Q And is that for all voters all the time? In other
 9 words, if I voted for the last 10 years, do I still
 10 have to each time I vote show a proof of residency?
 11 A That's only when you register to vote or when you
 12 update your registration because your address has
 13 changed or your name has changed. So it's part of
 14 the registration process, not the voting process.
 15 Q And if you look at the -- where you say prior to the
 16 Act 182's enactment, do you see that sentence?
 17 A On which page?
 18 Q On page -- the next page, Page 2. You said yours
 19 might be out of order.
 20 A Yeah, so the second page here is Page 3.
 21 Q Okay. Do you have a Page 2?
 22 A Yes.
 23 Q I'll fix it later.
 24 A Prior, yes.
 25 Q So you see that sentence?

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1 A Yes.
 2 Q Do you know what interest is served by making that
 3 change, what election administration interest is
 4 served?
 5 MR. KAWSKI: Object to form.
 6 A Well, as far as administration, as I said, I guess
 7 the benefit would be consistency, that clerks would
 8 not have to apply a different rule 21 days before an
 9 election than they applied 19 days before the
 10 election. So I think administratively that's
 11 probably one benefit.
 12 Q Had there been complaints or had there been some
 13 problems caused by the difference?
 14 A Well, I guess I'd say as I indicated earlier with
 15 1,853 clerks, they all have differing opinions. Some
 16 of them want tighter restrictions and some liked
 17 things as they were and were not bothered by the fact
 18 that they were not seeing a proof of residence
 19 document. As I mentioned, on the back end there's a
 20 process to send out a mailing to verify the address,
 21 and so I think it was a mix of opinions.
 22 Q What about the voters, the people that it affects the
 23 most?
 24 MR. KAWSKI: Object to form.
 25 Q I understand the clerks, but what about the voters?

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1 MR. KAWSKI: Object to form.
 2 A So I don't recall hearing concerns from voters who
 3 wanted to register in that open registration period.
 4 There's always some individuals in groups who are
 5 also voters who were concerned that there was not a
 6 proof of residence requirement in place prior to that
 7 legislation.
 8 Q When did Wisconsin first require proof of residence,
 9 do you know?
 10 A I do not know.
 11 Q Then you say the next paragraph, "The new law will
 12 require changes in procedures for voters, clerks and
 13 special registration deputies."
 14 What did you mean by that?
 15 A Well, for voters, the main change is that they would
 16 have to provide proof of residence when they did not
 17 need to before in certain periods. Clerks needed to
 18 make sure that they were seen and collecting proof of
 19 residence documents if registration was sent in by
 20 mail. And they needed to note certain things in the
 21 statewide voter registration system about the proof
 22 of residence, and special registration deputies were
 23 now required to collect the proof of residence
 24 document when they were not required to do that
 25 before during the open registration period.

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1 Q So what happens once they collect it? What do they
 2 do with it?
 3 A I believe we had some guidance here about how long
 4 they needed to keep or retain the proof of residence
 5 document. They only needed -- they did not need to
 6 keep a proof of residence document if they registered
 7 in front of the clerk.
 8 Q Okay.
 9 A But if the registration was submitted by mail or
 10 through a registration drive, they needed to retain
 11 the proof of residence document.
 12 Q And then you say that, "Due to its immediate
 13 effective date, however, the GAB provides the
 14 following guidance and directives to voters and local
 15 election officials regarding the implementation of
 16 the act" -- I'm sorry, Act 182.
 17 How was this -- how was the guidance provided,
 18 for example, to the voters? How was that provided?
 19 A It was incorporated into information that we posted
 20 on our website, that was included in our training
 21 manuals, which then were applied by local clerks. We
 22 sometimes put out press releases or public documents.
 23 Often before -- leading up to an election, we would
 24 often put out a press release saying these are the
 25 top 10 things that voters should be aware of heading

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1 into an election. So I'm sure we tried to
2 communicate it in a number of ways.
3 Q Given the -- using your word from before, modified a
4 little bit, given -- let me start again. Strike
5 that.

6 Given the frequency of some of these changes in
7 the election laws and given the complexity and the
8 specificity, in your experience, does it not make --
9 does it not put a burden on the voters to try to keep
10 up with all of these changes without having the
11 benefit, frankly, of what some of your clerks have,
12 which is to have someone like you and someone in GAB
13 constantly giving them information?

14 MR. KAWSKI: Object to form.

15 A Well, I guess it's sort of a subjective judgment. I
16 think it depends on the voter. It depends on if
17 they're already registered, if they've moved, if
18 they've had to make any changes. And you know,
19 voters only need to know some of this information for
20 a specific period of time and then they can forget
21 about it. It's the election officials that we need
22 to train that need to be continually up to date on
23 it.

24 So certainly it's a change. Voters have to be
25 educated on the change and had to take additional

1 A Right.
2 Q And if they don't come up with the photo, then their
3 vote isn't counted?

4 A Correct.

5 Q So wouldn't that put them sort of on the same par as
6 someone who's lost the right to vote, like a felon?

7 MR. KAWSKI: Object to form.

8 A Well, no. A felon should not receive a ballot in the
9 first place. So I guess I would disagree. They're
10 in a little bit different situation.

11 Q But my vote is not counted. Isn't it the same?

12 A Oh, you're saying if the photo ID is not subsequently
13 provided?

14 Q Right.

15 A Again they've been able to cast a ballot. I guess in
16 that case whether it's because it's impossible or the
17 voter hasn't taken the steps to get an ID, in some
18 cases it may be the voter's option not to rectify
19 that provisional ballot. But it is not considered to
20 be -- to affect their eligibility to vote, which is
21 the case with a convicted felon who is still serving
22 a sentence.

23 Q But doesn't the photo ID -- it causes more work for
24 the clerks, right?

25 MR. KAWSKI: Object to form.

1 steps that they were not required to take sooner, and
2 whether or not that would be considered a burden or a
3 challenge I guess would be up to each individual.

4 Q But it's not for the voters, right, just a one-time
5 thing to know and to forget? Like, for example, if
6 you moved and you didn't realize, oh, shoot, I have
7 to change my -- I have to re-register, you could be
8 unable to vote because you might have waited until
9 the last minute, right?

10 MR. KAWSKI: Object to form.

11 A Well, so Wisconsin has Election Day registration, so
12 that's always a good backup. That resolves a lot of
13 issues as far as registration eligibility. Now that
14 we have the photo ID requirement, that is something
15 that is not as easily able to be resolved on Election
16 Day if you don't have a photo ID.

17 So, yes, they may need to know it more than
18 once, but I guess what I'm saying is it's not a
19 priority to remember year-round. They only need to
20 know when it's going to affect them.

21 Q So someone who doesn't have a photo ID the day of
22 election, do they get to vote provisionally?

23 A Yes.

24 Q But there's a limited time period that they have to
25 come up with a photo, right?

1 A It causes additional work than they had prior to the
2 law.

3 Q It causes additional work for the poll takers, right?

4 MR. KAWSKI: Object to form.

5 A Additional tasks, yes.

6 Q And it could conceivably result in a voter not -- a
7 voter's vote not being counted, right?

8 A Yes.

9 Q What election administration interest does it serve
10 given the three things I just listed?

11 MR. KAWSKI: Object to form.

12 Q Based on your knowledge and experience.

13 MR. KAWSKI: Object to form.

14 A Well, I think as far as administering -- issuing
15 ballots at the polling place or at the clerk's
16 office, I don't know that there is anything we've
17 identified to say that it's a benefit or a detriment.
18 I think in my mind at least it's a policy choice that
19 the Legislature decided that they wanted to implement
20 that, that's going to be one of the procedures that's
21 required, just like having to sign the poll list, and
22 it does require additional steps on behalf of the
23 voter.

24 I think one -- maybe one argument that's been
25 expressed that as a benefit to the election

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1 administration process is that election officials
 2 have -- it may lend some confidence, additional
 3 confidence for election inspectors to know that the
 4 person in front of them is who they say they are, so
 5 that's maybe a specific thing related to that voter.

6 You know, another argument that's been raised is
 7 just in general because that process is in place,
 8 more people have more confidence in the election
 9 process because that safeguard is there or that step
 10 is required.

11 Q And what about on the flip side?

12 MR. KAWSKI: Object to form.

13 A The flip side?

14 Q You said the benefits. What about the down side in
 15 your knowledge and experience?

16 A Well, administratively --

17 MR. KAWSKI: Object to form.

18 A Administratively anything that adds additional steps
 19 has the potential to increase the time it takes to
 20 process a voter at the polls. It has the potential
 21 to affect the ability of people to vote who would
 22 otherwise be allowed to vote without those steps.

23 So there's some potential that people may not be
 24 able to vote or may decide, you know, not to vote,
 25 and from an election administration perspective we're

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1 Q Has the GAB ever looked at the issue of voter fraud?

2 MR. KAWSKI: Object to form.

3 A Yes.

4 Q In what way has it done that?

5 A One specific way is that at one point we surveyed
 6 district attorneys throughout the state and asked
 7 them -- I think it was after the 2010 election if
 8 they had received any complaints of voter fraud and
 9 what the outcome of those cases was.

10 I think that's really the only way we attempted
 11 to measure it at one specific election. But then
 12 looking at voter fraud, I mean we certainly thought
 13 about what are the different ways that could happen.
 14 As I mentioned, we deal with district attorneys quite
 15 a bit. We've held Webinars for law enforcement and
 16 prosecutors to talk to them about the election laws
 17 and issues to think about and how to approach a
 18 potential case of voter impersonization.

19 And we have processes in place that are aimed at
 20 trying to detect voter fraud. The statewide voter
 21 registration system gives clerks and us the ability
 22 to determine whether it looks like somebody has voted
 23 in more than one location of the same election or is
 24 registered in two separate places. Obviously with
 25 the matching that we do with death lists in Wisconsin

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1 always interested in trying to increase the ability
 2 for people to participate in elections.

3 You know, any additional requirement, we are
 4 always also concerned about making sure it's applied
 5 consistently throughout the state and so it's another
 6 training thing that we have to pay attention to and
 7 that election -- that clerks and election inspectors
 8 have to pay attention to and to make sure everybody
 9 understands it and is applying it consistently and
 10 that it doesn't affect their ability to administer
 11 all of the other steps that are necessary.

12 Q When you were talking about the benefits, you said --
 13 I think you said -- I'm using my words -- the comfort
 14 of having the inspector know that it's the person.
 15 Has that been a big issue in Wisconsin?

16 MR. KAWSKI: Object to form.

17 Q People voting who aren't who they say they are?

18 MR. KAWSKI: Object to form.

19 A So in one sense it's been a big issue because some
 20 people have expressed that that's a concern of
 21 theirs. Whether -- it has not been -- at least as
 22 far as I know, it has not been a frequent -- what we
 23 would call a frequent occurrence that we've been made
 24 aware of that people have voted under somebody else's
 25 name.

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1 and felon lists, that's a regular process that we
 2 have that would help detect any potential voter
 3 fraud.

4 Q And when you used the word voter fraud, how do you
 5 define that?

6 A I guess as somebody who violates the laws as far as
 7 eligibility for voting. So those categories I think
 8 would be if they voted twice in one election, if
 9 they're not qualified to vote because they are
 10 serving a felon sentence, if somebody attempts to
 11 vote in another person's name or they attempt to
 12 register or vote in a location that they're not
 13 qualified to do so.

14 Q On that last one, because the rest seem to me to
 15 suggest intent, if you accidentally voted at the
 16 wrong place, would that be voter fraud in your mind?

17 A Well, in Wisconsin law, it has to be an intentional
 18 crime.

19 Q Yeah, okay. And when you were talking about that
 20 study that you did, what was the result of it? What
 21 did you learn? That was in 2008, right?

22 A It was following a general election, and I don't
 23 recall. I thought it was after 2010 because I had
 24 just started in 2008, but I could be wrong. But we
 25 found I think roughly half of the 72 district

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1 attorneys responded to the survey and there ended up
 2 being a handful of cases, complaints that were even
 3 filed.
 4 Our board also heard from the prosecutor in the
 5 Milwaukee County District Attorney's Office who came
 6 to one of our board meetings and explained how he
 7 handles those cases. I guess -- so it was I think a
 8 handful of cases that resulted in any court action.
 9 Q Out of how many voters?
 10 A Again roughly three million. I think another effort
 11 that we had was we undertook a matching process, as I
 12 said, with the State of Minnesota to determine
 13 whether any individuals had voted in both states, and
 14 I think that was -- I don't remember now if that was
 15 the 2008 or 2010 election.
 16 Q And the result of that?
 17 A A very few number of people who appeared to have
 18 voted in both states and we worked with the
 19 prosecutors in both states and the clerks in both
 20 states to try to determine whether there were any
 21 individuals, and I don't think that resulted in any
 22 convictions. I don't even know if there were any
 23 that turned out to be the same person. Sometimes it
 24 ended up being a family member with a similar name or
 25 often it was a data entry error. The wrong voter got

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1 A Myself, but mostly Allison Coakley.
 2 Q And you say mostly Allison Coakley. Why do you say
 3 that?
 4 A She is our training coordinator and so she would have
 5 drafted this memo listing the Webinars that were
 6 planned during this time period. Our practice is in
 7 most cases to list me as the author of communications
 8 that are issued to clerks along with the staff person
 9 who's the primary contact.
 10 Q And was this, where it says in the first paragraph
 11 Back to Basics, the program you were talking about
 12 earlier?
 13 A Well, this refers to that program in 2012. This is a
 14 memo from 2013 which we termed Building on the
 15 Basics. So that was sort of our theme for the 2014
 16 election cycle.
 17 Q And is this an indication of how you generally train
 18 through Webinar the clerks at the different
 19 locations?
 20 A Yes. So these would have been Webinars that we
 21 hosted and conducted at our office and were available
 22 for clerks to attend live and then would be made
 23 available for them to view afterwards.
 24 Q Now, is the training for the clerks free of charge,
 25 or do they have to contribute something?

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1 marked as participating.
 2 Q So no widespread voter fraud?
 3 A Right.
 4 MS. WILSON: Could we go off the
 5 record for a second?
 6 THE VIDEOGRAPHER: Off the record at
 7 1:04.
 8 (Discussion off the record)
 9 THE VIDEOGRAPHER: The time is 1:07.
 10 We are back on the record.
 11 (Exhibit 47 is marked for identification)
 12 Q Mr. Haas, take a look at --
 13 MS. WILSON: Did I give it to you?
 14 MR. KAWSKI: Do you have a copy?
 15 Q Wait a minute. Can I have that back for just a
 16 second?
 17 MS. WILSON: Somehow I didn't make a
 18 third copy. I apologize. So let me have you
 19 take a look and pass it to him. Sorry about
 20 that.
 21 MR. KAWSKI: That's all right.
 22 A Okay.
 23 Q Have you seen this document before?
 24 A Yes.
 25 Q Take a look. Okay. And you're the author?

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1 A It is free. Sometimes when we do in-person training,
 2 it depends on whatever organization is hosting the
 3 training, but we do not charge for the training.
 4 Q And when you do the training with the clerks, do you
 5 invite outsiders --
 6 MR. KAWSKI: Object to form.
 7 Q -- or organizations or other agencies?
 8 A No.
 9 Q And if you look at Page 2, who normally does the live
 10 teaching? Is that Allison Coakley or would it be
 11 different people?
 12 A It's usually our -- a small team of election
 13 specialists, and for these topics, mostly what we
 14 call our election administration specialists, which
 15 is a team of about six individuals.
 16 We have listed on here My Vote Wisconsin, so
 17 that might have also involved some of our SVRS staff.
 18 Allison usually participates in that she really runs
 19 the Webinar and is sort of the host and the traffic
 20 cop and is monitoring questions that come in online,
 21 but the substance of the training is usually done by
 22 other staff.
 23 Q Now, if you look at Page 3 under Election Day duties,
 24 special topics and situations, there's a list of six.
 25 Were these particularly problematic areas, areas that

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1 needed additional training? Like why are these
 2 listed here, if you know?
 3 A Yes, I think we identified those as areas that were
 4 either continuing topics that we thought needed
 5 attention, maybe things that we had not trained on in
 6 a while and that also things that might be timely.
 7 That was being presented in March of 2014. So we
 8 were leading up to a spring election and sometimes
 9 just a matter of reminders to refresh the
 10 participants about what the rules are.
 11 Q During the presidential election, do you increase the
 12 amount of training you do for clerks, or does it stay
 13 the same?
 14 A Well, I think it's pretty comparable in even numbered
 15 years versus odd numbered years. I think our
 16 training would increase during even numbered years or
 17 you can see this is the fall into the spring of --
 18 fall of an odd numbered year into the spring of an
 19 even numbered year and then we would put out another
 20 communication about training for the rest of that
 21 even numbered year.
 22 Q And what does it mean, assisting voters?
 23 A Assisting voters, I think that refers to voters who
 24 might need assistance because they have a disability
 25 and so training on the procedures for who can assist

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1 allowed to challenge on a more limited basis than an
 2 election inspector would be able to challenge a
 3 voter. But there's a specific process set out in our
 4 administrative rules for what happens when a voter is
 5 challenged and how that is resolved.
 6 Q Do you give any training with respect to
 7 challenging -- when an observer challenges voters
 8 taking into account that there may be biases that the
 9 observer has with respect to the voter?
 10 A Well, the general rule is that the challenger needs
 11 to have some firsthand knowledge that the person's
 12 not eligible and so we try to emphasize it cannot be
 13 some general unsupported challenge.
 14 Q And lastly, what is the absentee ballot log? Is that
 15 new?
 16 A No. That's been around, but that's simply the
 17 document that the status of absentee ballots are
 18 tracked, when were they requested, when were they
 19 issued and were they processed at the polls.
 20 MS. WILSON: We'll take a lunch
 21 break.
 22 THE VIDEOGRAPHER: The time is 1:16.
 23 We are going off the record concluding Media
 24 No. 2 in the deposition of Mr. Haas.
 25 (Lunch recess is taken)

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1 and what can that assister do to help the voter.
 2 Q And I might have asked you this or it might have
 3 just -- curbside voting, what's that?
 4 A So that is an option on Election Day or even during
 5 the in-person absentee voting. If a voter has a
 6 disability and they feel they cannot make it into the
 7 polling place, there's a process where a ballot is
 8 taken out to the curbside and they're permitted to
 9 vote in their vehicle. And we have issued some
 10 guidance to ensure that as much as possible that
 11 process is consistent with the process in the polling
 12 place.
 13 Q Do you recall an issue with an observer objecting to
 14 curbside voting?
 15 A I recall an issue with an observer being involved in
 16 curbside voting I believe in the City of Milwaukee
 17 and getting questions about how to handle the
 18 situation. I think that's partly what led to us
 19 providing more specific guidance about the process.
 20 Q Has the -- let me withdraw that. And what is
 21 challenging voters?
 22 A So it's a process where a voter's eligibility to vote
 23 can be challenged at the polls.
 24 Q Is that by the observer or by the poll person?
 25 A It could be by either one actually. Observers are

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1 (1:16 p.m. to 1:59 p.m.)
 2 THE VIDEOGRAPHER: We are on the
 3 record. The time is 1:59 p.m. This marks the
 4 beginning of Media No. 3 in the deposition of
 5 Mr. Michael Haas.
 6 Q Good afternoon. Just a little point of clarification
 7 for me. So when the original photo voter ID law came
 8 into effect, the GAB did a lot of outreach, right,
 9 before it was -- before the law was stayed or I
 10 forget what it's called, you know, a public outreach,
 11 training of clerks, that sort of thing, right?
 12 A Yes.
 13 Q And what was the time period between that and the
 14 time that the photo ID came back?
 15 A So it was stayed shortly after the February 2012
 16 spring primary and it remained stayed until shortly
 17 before the 2014 -- sometime I believe in September of
 18 2014. And then it was reinstated and then in October
 19 of 2014 it was stayed again by the U.S. Supreme
 20 Court. And it remained that way until after the
 21 April election of 2015.
 22 Q And since 2015, has the GAB done any public outreach
 23 similar to what they did when the law was first
 24 enacted?
 25 A What we did as far as public outreach was we updated

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1 all the materials both on our website and on the
 2 Bring it to the Ballot website. Because of the new
 3 petition process, we wanted to make sure the
 4 information was accurate.
 5 We updated the public service announcements,
 6 basically made sure that everything on that website
 7 was current and available for use. We also have
 8 continued our program of making public presentations
 9 to groups that invite us. There is not -- we have
 10 not had the same funding in order to place the public
 11 service announcements in any sort of media buy, so
 12 we've not done that.
 13 Q Anything else that you haven't done since it's been
 14 reinstated?
 15 A I think that's probably the main thing because that
 16 would have required additional funding and everything
 17 else we've just done internally with existing staff.
 18 Q Given the transition, has the -- oh, I think you said
 19 there is some money for the transition, right? I
 20 think you told me that.
 21 A Well, there's not -- for the agency transition?
 22 Q Yes.
 23 A There's not money that's been allocated for the
 24 transition process. I think what I was referring to
 25 is that there are some financial provisions to that

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1 Legislature to decide to create two new
 2 organizations?
 3 A Well, there's certainly examples of decisions that
 4 were identified as the majority party not being happy
 5 with -- you know, publicly and in conversations I had
 6 with individual legislators that they portrayed as
 7 sort of piling up and leading ultimately to the
 8 decision to create two different agencies. So there
 9 were a handful of pretty commonly known situations or
 10 incidents that they expressed their concerns and
 11 disagreement with.
 12 Q And what were those?
 13 A I think the ones that come to mind are maybe
 14 stretching back to the recall elections where there
 15 were some disagreements with decisions that the board
 16 made about the recall petitions. There were actually
 17 individuals on both sides of the aisle that disagreed
 18 with some of the decisions.
 19 The board had to make a lot of different
 20 administrative positions and they were in kind of
 21 unchartered territory and in some cases the law
 22 wasn't always clear. So we had complaints from both
 23 sides about how the recall petitions were processed
 24 and the time it took and what was being reviewed.
 25 So it was that whole category, there was debate

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1 legislation directing that the budget lines need to
 2 be separated.
 3 There has to be a determination made by the
 4 Department of Administration as to the pay range for
 5 the top position in each of the two commissions, but
 6 there's not been any additional funding for either
 7 the GAB operations or the transition process.
 8 Q Have you ever had any discussions with anyone in the
 9 Legislature that they were unhappy with the GAB and
 10 that's one of the reasons that they were going to
 11 form two separate agencies?
 12 A I've had conversations with legislators or
 13 legislative staff who have expressed that they were
 14 not happy with specific decisions with the GAB, and
 15 certainly as part of the public hearings and debate,
 16 there were public comments made by legislators that
 17 they were not happy with specific decisions and
 18 actions with the GAB.
 19 Q But that's not unusual, right, because some people
 20 are happy with you and some people not and then it
 21 depends on when it is?
 22 A Exactly.
 23 Q Okay. But was there anything specific that was said
 24 about either the organization or something the
 25 organization had been involved in which caused the

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1 about whether or not the GAB was interpreting the
 2 redistricting law appropriately, specifically the
 3 effective date in which elections the new districts
 4 were supposed to be used and which we were applying
 5 the effective date that was in the law and there was
 6 some disagreement in the Legislature about whether
 7 the new district should be used for the recall
 8 elections for state Senate districts.
 9 There was concern about how the GAB had designed
 10 the sample ballot for local clerks to use for the
 11 2014 election, and that was sort of a template that
 12 clerks could or could use. It was mandatory. I had
 13 a specific conversation with the Assembly speaker
 14 about that, about that decision.
 15 Then, of course, there was everything on the
 16 campaign finance side having to do with the agency's
 17 investigation of certain campaigns and individuals
 18 and groups and whether or not there were any
 19 violations of the campaign finance laws and that
 20 debate and dissatisfaction has been -- was building
 21 for a couple of years and so I think those are
 22 probably the main ones that some legislators pointed
 23 to as justification for creating a new model for our
 24 agency.
 25 Q And which legislators in particular?

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1 A Well, some were more vocal than others.
 2 Representative Knudson was I think one of the main
 3 authors in the State Assembly for the GAB
 4 restructuring bill, but certainly the Speaker,
 5 Senator Fitzgerald, a number of other Republican
 6 legislators were pretty outspoken about differences
 7 that they had with the GAB.
 8 Q Any others that you can recall?
 9 A Any other legislators?
 10 Q Yes.
 11 A Well, sure. I mean, you know, the ones that come to
 12 mind are probably the ones that when I would be
 13 attending in-person either public hearings of the
 14 committees or their votes on the bill, so most of the
 15 Republican legislators who were on the Assembly
 16 elections committee or the Senate election committee
 17 had pretty significant criticisms of the GAB.
 18 So I don't know that I can go down the list and
 19 name all of them, but I guess I would start with the
 20 committee members because they were most involved
 21 with that legislation.
 22 Q Any other criticisms other than the ones you just
 23 listed from these committee members and others?
 24 A There were, as I mentioned earlier, this back and
 25 forth regarding the election observer rules.

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1 working on the bill and these were the reasons why
 2 and that it became all part of the legislative debate
 3 as well.
 4 Q Is GAB's mandate to be nonpartisan or bipartisan?
 5 A Yes. Nonpartisan is required under the statutes.
 6 (Exhibit 48 is marked for identification)
 7 Q Mr. Haas, take a look at what's been marked as
 8 Exhibit 48 and let me know when you've had a chance
 9 to review it.
 10 A Okay.
 11 Q Have you seen this document before?
 12 A Yes.
 13 Q And what is it?
 14 A They're minutes of the board's open session on
 15 June 18th, 2015.
 16 Q And when you say open session, what do you mean?
 17 A So our board meets usually six to eight times a year
 18 and their meetings consist of an open session that's
 19 open to the public and then in most cases there's
 20 also a closed session to handle matters that are
 21 confidential under the law and that those sessions
 22 are not open to the public.
 23 Q And who drafts the minutes?
 24 A Reid Magney drafts the minutes and then we have a
 25 process where we circulate the minutes amongst, I

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1 Senator Lazich had some concerns about the
 2 administrative rule and whether that was appropriate.
 3 I don't know if that was really a justification or a
 4 reason for supporting the bill, but that was I think
 5 another -- one of the more significant issues that
 6 we've had back and forth with on the Legislature. So
 7 I'm sure there were other reasons that I'm just not
 8 recalling right now.
 9 Q And when you're getting these criticisms, do you get
 10 to say anything back?
 11 A Yes. Yes.
 12 Q I couldn't tell if it was that time or like the time
 13 the lady in the video was yelling at you. I wasn't
 14 sure.
 15 Okay. Any other -- anything else in terms of
 16 criticisms from the Legislature about the GAB?
 17 A Not that I can recall right now. I think those are
 18 the main items that were identified.
 19 Q Now, were these criticisms before the law was -- the
 20 change was made or was it during, after? When it was
 21 it?
 22 MR. KAWSKI: Object to form.
 23 A I think there were criticisms all leading up to the
 24 introduction of the law. On various occasions,
 25 different legislators would indicate that they were

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1 guess, four of us to review before they're finalized
 2 and then they are -- we also process where they are
 3 sent to the board members and they're given about a
 4 week or so to provide any input to see if they have
 5 any corrections before the minutes are finalized and
 6 then they are presented to the board at the following
 7 meeting for approval.
 8 Q And you were present at this meeting? That's your
 9 name down where it says staff present?
 10 A Yes.
 11 Q If you could turn -- I'm going to ask you a question
 12 about on Page 5 where it says report on voter ID
 13 implementation.
 14 A Yes.
 15 Q And these are the minutes from the June 18th, 2015
 16 session. It says that you made an oral presentation
 17 based on a written report.
 18 A Right.
 19 Q Where you described recent special elections which
 20 voter ID requirements were in effect and said
 21 implementation had gone smoothly for the most part.
 22 What do you mean, for the most part?
 23 A I think just that we had not heard of any consistent
 24 themes that there were problems from the clerks who
 25 had conducted special elections and that we had, as I

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1 mentioned earlier, heard of some isolated cases where
 2 voters did not have an ID in one or two cases and
 3 they decided not to vote for one reason or another.

4 I don't remember if there was anything else
 5 specifically that I was referring to, but it would
 6 have been captured in the written report that was in
 7 the board materials.

8 Q And if you turn back to Page 2, there was a personal
 9 appearance by Marian Matthews on behalf of League of
 10 Women Voters of Dane County?

11 A Right.

12 Q And she says approximately 9,000 Dane County
 13 registered voters may not have acceptable photo ID
 14 and talked about the concerns of the league. And
 15 then if you look back at Page 5, there's a paragraph
 16 where it says board members and the staff discussed
 17 the earlier comments of the League of Women Voters.
 18 What do you recall about those discussions?

19 A What I recall is that the summary of her comments
 20 indicates that the source of that estimate was the
 21 Dane County Clerk's Office, and we had provided data
 22 to the Dane County Clerk at his request.

23 He was trying to isolate individuals who did not
 24 have a photo ID who would be eligible to vote or who
 25 would be registered voters, and we tried to -- we

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1 A Because our concern was that voters needed some time
 2 to obtain an ID and we did not want to wait until an
 3 election was upon us in order to get the message out
 4 that they needed to take some steps to obtain a photo
 5 ID and that would take some time.

6 Q So I know you said that there was -- let me start
 7 again. Strike that.

8 With respect to the 9,000 voters that
 9 Ms. Matthews claimed, the GAB couldn't substantiate
 10 that number, right?

11 A We could not substantiate that specific number,
 12 right.

13 Q Was there a number you could substantiate?

14 A My recollection is that we did not take a stab at
 15 calculating that number because we knew that based on
 16 the data we had access to in the voter registration
 17 system, there were too many caveats to really be
 18 confident to know what the number was.

19 Q How big is Dane County?

20 A It includes the Madison area. I'm not sure exactly
 21 what the population is.

22 Q Was there any other discussion about what should
 23 be -- given that you didn't know the number, was
 24 there any other discussion about what should be done,
 25 if anything?

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1 provided him with some data from the statewide voter
 2 registration list, but there were also some caveats
 3 to that number because we could not really with any
 4 certainty calculate for sure how many registered
 5 voters did not have a photo ID just because of the
 6 nature of the data we had in it.

7 So I think that we expressed some concern that
 8 maybe that number was -- that we didn't really have a
 9 way of knowing whether or not that number was
 10 accurate.

11 Q Was there any discussions with Ms. Matthews about
 12 where she got that number from?

13 A Well, she indicated that she had received it from the
 14 Dane County Clerk in her public comments, and we knew
 15 because of our interaction with the Dane County Clerk
 16 what the source of that data was.

17 Q And it says, "They discussed," in the next sentence
 18 of that paragraph, "the current lack of funding for a
 19 statewide public education campaign about voter ID
 20 and whether the board should make a request of the
 21 Legislature." And then it says, "Director Kennedy
 22 said the Legislature has been informed that if they
 23 wish to have a campaign, now is the time to consider
 24 it."

25 Why was then now the time?

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1 A About what should be done to --

2 Q About Ms. Matthews' concern about the number of
 3 voters who may not be able to register.

4 A The discussion, the board's discussion was really
 5 centered on whether to request funding again for the
 6 statewide public education campaign. I don't think
 7 there was any request or discussion about trying to
 8 nail down a more definite figure.

9 Q And why did the board decide to take no action?

10 A Well, Director Kennedy had described what he was
 11 doing in the communication he had with the
 12 Legislature already, and the board just -- I think
 13 the consensus was the message had been conveyed to
 14 the Legislature, it's now in the Legislature's court
 15 as to whether or not they want to -- they wanted to
 16 provide any additional funding.

17 So they did not take up any motion other than
 18 that because they knew that Director Kennedy had
 19 talked -- had spoken to the Legislature, had conveyed
 20 that now would be the time for a public education
 21 campaign and they didn't see fit that any additional
 22 statement by the board would be necessary or
 23 useful.

24 Q So after Mr. Kennedy talked to the Legislature, he
 25 determined that they would not be interested in an

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1 appeal for more money for public outreach?
 2 A Well, I was in a meeting with Director Kennedy and
 3 Senator Lazich and he mentioned to her -- that was at
 4 least one of the contacts he had, and he made this
 5 request or indicated that if the Legislature was
 6 interested, we would need time to be able to use
 7 those funds and develop a public information campaign
 8 to place the ads, and at that time, at least in that
 9 meeting, it was just left as this is where we're at,
 10 if there are any funds available, this would be the
 11 time for the Legislature to make a decision.
 12 There wasn't any commitment beyond that or
 13 discussion that she specifically was either opposed
 14 or in favor of doing that. And he may have followed
 15 up with another phone call or a conversation with her
 16 or her aide, but there hasn't been any definite
 17 answer provided one way or the other.
 18 Q When you say may have followed up, do you know that
 19 for sure?
 20 A I believe he did because I think and it may have just
 21 been in passing while we were in the Capitol for a
 22 hearing or on a phone call related to something else,
 23 but I believe there's been at least one other
 24 conversation.
 25 Q And has there been any follow-up from Ms. Matthews

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1 about this issue, of the approximately 9,000 Dane
 2 County registered voters who may not have acceptable
 3 voter ID?
 4 A Not that I'm aware of.
 5 Q And the last sentence says, "He said the board's
 6 other option would be to make an emergency funding
 7 request later." What does that mean?
 8 A Well, an emergency funding request would be a request
 9 of the Legislature to appropriate funds that were not
 10 included in the budget.
 11 Q So not funds that the GAB already has?
 12 A Right.
 13 Q Okay. You can put that aside.
 14 MS. WILSON: I don't think my copy
 15 person likes you, Clay. Because for some
 16 reason, I've only got --
 17 MR. KAWSKI: If it makes sense, we can
 18 just position it so I can see it.
 19 MS. WILSON: Sure.
 20 MR. KAWSKI: That will work just fine.
 21 (Exhibit 49 is marked for identification)
 22 Q Handing you what's been marked Exhibit 49, take a
 23 look at it. It's fairly long, and just let me know
 24 when you're done.
 25 A Okay.

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1 Q Have you seen this document before?
 2 MR. KAWSKI: I'd like to point out for
 3 the record that this is not just one document.
 4 This is a series of email chains, memoranda that
 5 are very miscellaneous, incident logs, many
 6 other things in this packet.
 7 Q That was going to be my question, whether there was
 8 one document -- whether this was put together as one
 9 document or whether these are different documents
 10 because I had no way of telling.
 11 A Right. There are -- exactly, right. There are a
 12 number of other documents here that I don't think
 13 were intended to be presented as one document --
 14 Q Okay.
 15 A -- for any particular purpose.
 16 Q What I'm interested in is the very first page, and
 17 maybe you can help me figure out what goes with it,
 18 from Brian Bell, and you see you're cc'd there?
 19 A Yes.
 20 Q And do you recall seeing this document -- this page
 21 before, sorry?
 22 A Yes.
 23 Q Page 1. And can you tell me what this is, what
 24 Mr. Bell is reporting?
 25 A Yes. So Brian -- he really coordinated the contact

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1 activity log. So in every election, he would make
 2 sure that that log was prepared and ready for staff
 3 to use, and Brian was what we sort of referred to as
 4 our data guy, and so he loves data and loves
 5 analyzing data, and this was June 5th again, 2010,
 6 the date of the gubernatorial recall election, and he
 7 was indicating that as of one p.m., our staff had
 8 received a number of contacts and he observes more
 9 than we did all day on May 8th, which was the primary
 10 election for the recall. And he's itemizing what the
 11 top categories of inquiries were, how they were
 12 categorized by our staff after we received them.
 13 Q And did he do this out of his own self-interest or
 14 was he asked to do this?
 15 A I don't know if he was asked to do that, although he
 16 may have been looking at the other email from
 17 Mr. Robinson. He had informed Director Kennedy that
 18 Brian Bell was keeping an eye on it and he would
 19 share preliminary information. So I assume that he
 20 had a conversation with Brian and asked him to
 21 provide that.
 22 Q And with respect to the information that Mr. Bell has
 23 provided, were there any conversations with the
 24 people on this email about those figures?
 25 MR. KAWSKI: Object to form.

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1 Q And I'm specifically meaning where he says voter
 2 registration absentee ballots, do you see that list,
 3 and then there's a number next to them?
 4 A Yes. Was there a conversation about those numbers?
 5 Q About the -- well, I'm not quite sure what this is.
 6 Is this a result of the calls or a number of calls?
 7 A So I believe what it is is Brian at one o'clock, he
 8 would have access to the contact activity log. It's
 9 a database and all the staff enters information and
 10 so I believe he went into that log and said, okay, as
 11 of this time, there's a drop-down menu where you
 12 could classify each inquiry as to whether it had to
 13 do with one of these categories, and he just picked
 14 up the statistics about how many inquiries were
 15 categorized by staff under each of those listed
 16 categories.
 17 Q And does this information at the -- well, did this
 18 information tell you anything at the time?
 19 A It's just an overall real general picture. As I
 20 indicated earlier, we have not used that contact
 21 activity log for a lot of heavy analysis. And so we
 22 did not sit down on this Election Day and say, okay,
 23 we have X number of calls having to do with observers
 24 and change anything.
 25 It was more just a way for us to keep in touch

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1 anything unusual going on. It was basically I think
 2 a pretty standard spread of the types of inquiries
 3 that we would expect.
 4 Q Would you expect in 2012 to have -- so is that 80 a
 5 whole number or is that a percentage?
 6 A The way I read it is he's saying -- he's listing the
 7 number of contacts in each of those categories and
 8 then saying, okay, on May 8th, which was the primary
 9 election, that's how many calls we received for that
 10 category. And it's a little bit -- the other caveat
 11 is that basing it on one o'clock, that one p.m., that
 12 means that's what the staff has entered as of that
 13 time. They might have a stack of messages that they
 14 did not enter into the database.
 15 Q Did you have any concerns when you saw the numbers,
 16 especially let's say the voter registration number at
 17 80?
 18 A No, no particular concerns.
 19 Q And no concerns about any of the other numbers?
 20 A No.
 21 Q Now, do you know -- look at the next page. Do you
 22 know if -- this probably does not go with it, right?
 23 Because we could just take off the top.
 24 A So this is a printout of what is in the contact
 25 activity log. So each contact would result in this

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1 with what is going on on the ground, and we would
 2 have sort of ad hoc touch base meetings on any
 3 Election Day to say, okay, what is the staff hearing,
 4 are there consistent themes, things that we have to
 5 correct or emphasize. So I think this was just
 6 another way for Brian to try to quantify that.
 7 Q But it just has, for example, voter registration, but
 8 it doesn't tell you more than that, right?
 9 A Correct.
 10 Q So how is it, if it is, useful to you or how would it
 11 be useful to you?
 12 A Well, if he had, for instance, seen that 90 percent
 13 of the calls had to do with election observers, we
 14 would have maybe got our team together and say, hey,
 15 what are you hearing, what can we do, is there
 16 anything that we need to convey through the media, do
 17 we need to contact clerks.
 18 Similarly if we were seeing an extremely high
 19 number of voting equipment concerns, we might have
 20 reached out more to contact either clerks or the
 21 voting equipment vendors to see if this was all
 22 coming from one location or if it was widespread. So
 23 those would be examples of what we might use it for.
 24 Looking at these numbers here, I don't think we
 25 would make any specific conclusion that there was

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1 type of information being recorded by our staff. I'm
 2 sorry. You know what, looking at the title, that
 3 looks like it came from our My Vote Wisconsin
 4 website. So that's something different than the
 5 contact activity log where voters could use that site
 6 just to submit comments to the agency. The other
 7 pages beyond that are printouts from the contact
 8 activity log.
 9 Q But not necessarily related to Mr. Bell's June 12th
 10 first page?
 11 A Right. You can see some of the dates on the other
 12 pages indicate June 5th or 6th. So that would have
 13 been in the week leading up to that election.
 14 MS. WILSON: So why don't we do this
 15 for -- if it's okay with Clay and I'll replace
 16 it with a better -- can we just take off this
 17 top and he doesn't need to -- I'm just
 18 interested in the top one.
 19 MR. KAWSKI: Oh, okay. So just so
 20 it's clear, Exhibit 49 is just the top page?
 21 MS. WILSON: It's just the top page.
 22 Yeah. We'll just take that off.
 23 Q Oh, you just committed a felony -- and I'll take that
 24 back.
 25 A Is this the advice of my counsel?

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1 Q Oh, okay. Now, this may be the same but hopefully
 2 not. This is the next one.
 3 (Exhibit 50 is marked for identification)
 4 Q Sorry. I was supposed to say, Mr. Haas, I've handed
 5 you Exhibit 50. Let me know when you're finished
 6 reviewing it.
 7 A Okay.
 8 Q Have you seen this document before?
 9 A Well, again it appears to be a number of documents
 10 that are -- seem to be all related to election
 11 observers or observing elections in 2012, but it's a
 12 number of different documents.
 13 Q Can I see that for a second? So what's attached --
 14 so this is from you, right, the email on the top from
 15 Michael?
 16 A Yes.
 17 Q Okay. Michael Haas. August 7th, 2012.
 18 A Right.
 19 Q And attached -- and then it says attachments,
 20 Wisconsin election -- what's Prot?
 21 A Protection.
 22 Q Protection, June 2012 recall report. So where does
 23 the recall report end, if you know?
 24 A Well, it looks like it's roughly 25 pages and then
 25 there are some attachments. I don't know if the

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1 Q And had you been working with the legal coordinating
 2 committee of Wisconsin Election Protection and the
 3 lawyers committee for Civil Rights?
 4 A They would normally contact our office usually before
 5 partisan elections and the attorney, Ann Jacobs, is
 6 one attorney who was involved in that effort, and
 7 they would -- they would like to check in with us to
 8 see what are topics that we think are sort of at the
 9 top of the list of concerns or issues we were
 10 following.
 11 They would also sometimes share with us things
 12 that they thought we should be paying attention to.
 13 Attorney Jacobs also on occasion provides feedback
 14 about things that we publish, which seems to be one
 15 thing she addresses in her correspondence here, and
 16 has suggestions for us about trying to improve the
 17 effectiveness of those materials or how clear they
 18 are to understand.
 19 They consult with us because they have a lot
 20 of -- they have volunteers that go to polling places
 21 and they want to make sure in advance that whatever
 22 T-shirts that those volunteers are wearing that they
 23 do not violate the electioneering rules. So it was a
 24 pretty regular occurrence that they would be in touch
 25 with us, especially before partisan elections.

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1 attachments are part of the report or not. They
 2 appear to be some election observer logs.
 3 Q Do you recall if that was part of the report?
 4 A I do not recall without looking at the report.
 5 Q Okay. Let's do this just to make everybody's life
 6 easier. I'm just going to ask you about the email
 7 and the attached report and I'll fix that at a break.
 8 Why did you send this to Allison and Meagan, the
 9 election protection?
 10 A So Allison is our training coordinator and Meagan is
 11 our voter outreach election specialist, so I believe
 12 I thought they would be interested in the
 13 information. Allison from the perspective of are
 14 there things we can glean that might be helpful in
 15 our training of clerks and Meagan because she focuses
 16 on communicating with voters and what their rights
 17 are and what the rights of election observers are and
 18 how it affects voters at the polling place, and it
 19 also appears as though maybe they were going to
 20 participate in a telephone conference with me and
 21 with the attorney who sent us the report.
 22 Q And do you recall any discussions with them about the
 23 recommendations that are at Page 19 through 24?
 24 A My guess is that we would have discussed it, but I
 25 don't remember any specific conversation.

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1 Q So if you look at Page 19, they make some
 2 recommendations relating to voter registration. On
 3 the very top it says, the very first one is, "The GAB
 4 should provide greater guidance and clarity as to
 5 documents that are acceptable for registration."
 6 Did you agree or disagree with that
 7 recommendation?
 8 A After some time, we eventually modified our list -- I
 9 think a couple different times. We initially came up
 10 with a list of acceptable proof of registration
 11 documents and I think over time we would just expand
 12 that as we thought of new examples, particularly in
 13 the category of governmental documents that are
 14 acceptable, and I think that's what this report
 15 refers to.
 16 So over time I think we would add to that list
 17 either on our own at the suggestion of clerks or a
 18 group like this, but I also remember specifically I
 19 think this group and others thought it would be --
 20 and some clerks thought it would be helpful to have a
 21 list of documents that were not acceptable for proof
 22 of residence.
 23 So I do clearly remember that at some point we
 24 sort of changed course and decided we would go ahead
 25 and try to come up with a list of documents that were

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1 not acceptable, which was -- we had initially said,
 2 no, we're not going to do that because that's the
 3 whole wide universe of everything, but we eventually
 4 came up with a list of documents that maybe more
 5 commonly people thought were acceptable but were not
 6 and then we published that. So I think in that way,
 7 we did agree with this recommendation.
 8 Q And it says, "On June 5th there were too many
 9 eligible voters turned away unnecessarily because the
 10 document they used to try to prove residency was not
 11 specifically identified on any list or because poll
 12 workers did not understand the document was
 13 acceptable."
 14 Do you recall any discussions about eligible
 15 voters being turned away on June 5th?
 16 A I think just in general because it's mentioned here
 17 that that was most likely a topic of our follow-up
 18 phone conference.
 19 Q And what do you recall about those discussions, if
 20 anything?
 21 A I don't recall anything specifically about it. I
 22 would speculate that they expressed their concern
 23 that that -- that they thought that that was
 24 happening and what could be done about it in the
 25 future.

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1 Q Did they have any hard numbers?
 2 A Not that I recall.
 3 Q And did you look into the issue about poll workers
 4 who did not understand the documents -- that the
 5 document was acceptable?
 6 A If we had specific examples, we would try to follow
 7 up with the clerk to make sure that -- to try to
 8 verify whether that happened and also to emphasize
 9 what should be corrected in the training for future
 10 elections.
 11 Q Did you ever have a concern that the training doesn't
 12 work as well as it should given that some of these
 13 seem to be recurring themes?
 14 MR. KAWSKI: Object to form.
 15 A I think it's something that we always talk about as
 16 far as our training program. As I mentioned, we have
 17 a wide variety of clerks and then it's a constantly
 18 changing population. So we have to try to make sure
 19 we're keeping people up to date but also reinforcing
 20 messages over and over.
 21 Q And on Page 20, this is the first one where it says,
 22 "GAB should allow electronic verification of proof of
 23 residency."
 24 That's what we talked about earlier, that that's
 25 going to happen, right?

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1 A Right.
 2 Q And the next one, that the GAB should require posting
 3 of DMV license/identification information, is that
 4 something within the GAB's control?
 5 A Well, we could direct clerks that that should be
 6 posted at polling places. I do not know if we've
 7 done that.
 8 Q And do you know if the GAB is intending to do that?
 9 A We have not discussed that recently, so I would say
 10 no. I should -- I actually -- there might be a form
 11 of that taking place because we try to publicize the
 12 DMV phone number that they have dedicated for those
 13 issues and so there may be places where that is
 14 posted at the polling place or at least available to
 15 the election inspectors.
 16 Q And the issue about corroboration should be restored,
 17 was that a recommendation that the GAB agreed with?
 18 A Well, we took it as a recommendation that would need
 19 to be taken up with the Legislature.
 20 Q Because the Legislature had gotten rid of
 21 corroboration, right?
 22 A Right.
 23 Q And do you know why they had gotten rid of
 24 corroboration?
 25 A I guess not specifically except that the idea was

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1 that everybody was required to have proof of
 2 residence and that would replace the possibility of
 3 having corroboration.
 4 Q Did that change make it harder for people to vote?
 5 MR. KAWSKI: Object to form.
 6 A I don't know. Again in theory it might make it
 7 harder for some people to register who did not have
 8 proof of residence, but I don't know how many people
 9 that would be.
 10 Q Was there ever any discussion that you had with
 11 either -- with GAB, with folks at GAB that there are
 12 particular populations who for economic reasons may
 13 not have access to IDs?
 14 MR. KAWSKI: Object to form.
 15 A I think that was part of the general discussion when
 16 we were sort of ramping up to figure out how to
 17 implement that given that we had a statutory mandate
 18 to reach out to voters who might have difficulty
 19 obtaining an ID. So we would try to identify what
 20 groups of people that would be.
 21 Q Is that mandate an ongoing mandate or just when the
 22 law was implemented?
 23 A It was part of the legislation and I think we took it
 24 as an ongoing mandate.
 25 Q But you would agree that having somebody corroborate

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1 is a lot easier than going to the DMV and getting an
 2 ID, right?
 3 MR. KAWSKI: Object to form.
 4 A Assuming that you had somebody who would corroborate
 5 for you, that does not require getting additional
 6 documentation.
 7 Q If you know, are the IDs at the DMV, are they free?
 8 A Yes -- well, right. An individual can ask for a free
 9 ID to be used for voting purposes.
 10 Q But if they don't ask, what happens?
 11 A Then they would need to pay for the state ID. You
 12 know, somebody can go in and get a driver's license
 13 or they go in and get a state ID. They may be
 14 asked -- they may be obtaining a state ID for a lot
 15 of different reasons as a substitute to the driver's
 16 license, and it may not be specifically only for the
 17 purpose of voting. But the idea was if somebody
 18 needed an ID, a state ID for photo ID purposes, that
 19 they ought to be able to obtain one without paying
 20 for it.
 21 Q But only if they asked for it?
 22 A Correct.
 23 Q And the underlying information for getting an ID if
 24 they don't have that, they have to pay for that,
 25 right?

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1 specifically the chief inspectors?
 2 A Well, so chief inspectors are the poll worker who is
 3 in charge of each polling place, and so they're
 4 really setting the tone at that polling place and
 5 they are -- and the GAB is also responsible for
 6 directly providing training to chief inspectors like
 7 we are for clerks.
 8 The other poll workers, the other election
 9 inspectors are trained by the clerk and so this is
 10 something that the GAB could control and chief
 11 inspectors are -- they are one step, I guess, further
 12 removed from the process than clerks are because they
 13 are doing this job maybe four days a year or two days
 14 a year. And so I think the concern was to make sure
 15 that chief inspectors were being consistently trained
 16 and maybe to improve the content of the training for
 17 chief inspectors.
 18 Q But you offer training for the chief inspectors,
 19 right?
 20 A Right, right.
 21 Q And this second paragraph under improved training, it
 22 looks like they're asking specifically for training
 23 in terms of poll site and crowd management. Does the
 24 GAB not currently train with respect to poll site and
 25 crowd management?

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1 A The underlying what?
 2 Q You have to show some type of identification to get
 3 identification or even to get your license? You've
 4 got to fill out some forms, you might have to show
 5 certain documents, and getting those documents,
 6 copies of those documents cost money, don't they?
 7 MR. KAWSKI: Object to form.
 8 Q If you know.
 9 A In some cases it does. In other cases it may not.
 10 The waiver process that's become part of the law now
 11 I think has tried to address some of those concerns.
 12 Q Did the GAB put up on the website that you can get
 13 free IDs to vote?
 14 A Yes.
 15 Q Do you know if DMV has it anywhere that you can get a
 16 free ID to vote?
 17 A I do not know for sure.
 18 Q Is that something that was recommended to them by the
 19 GAB since you worked so closely together?
 20 A I don't know for sure. It may have come up in
 21 conversations as to whether they would be willing to
 22 do it or whether they -- any branches do, but I don't
 23 recall specific conversation where we asked them to.
 24 Q Then there's a recommendation that you improve
 25 training of chief inspectors statewide. Why

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1 A Well, first of all, I'd say in the paragraph above
 2 that, it talks about some other substantive things
 3 that they recommend we improve the training on.
 4 As far as poll site and crowd management, that's
 5 a different type of conversation or training because
 6 it's not something that we can point to in the
 7 statutes and say you must do this and this and this.
 8 What we've tried to do is maybe encourage best
 9 practices and help to brainstorm for what some new
 10 ideas might be, but I don't think for chief
 11 inspectors -- I don't know for sure, but I don't
 12 think we've had any specific training on crowd
 13 management and how to lay out the poll sites except
 14 for some general recommendations.
 15 Q Do you know what is meant when you say "training is
 16 necessary on substantive issues," this is in the
 17 first paragraph, "especially the registration issues
 18 that have profoundly changed in the past year" --
 19 we've talked about a little bit of that -- "such as
 20 ensuring that chiefs understand the difference
 21 between providing a driver's license number to
 22 register and displaying the license as identification
 23 or between a voter certifying he or she has lived in
 24 a location or" -- I guess that must be before 28 days
 25 and having to show a 28-day old document as proof of

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1 residency.
 2 Were some of those issues during -- that came up
 3 that prevented people from voting?
 4 A Well, I don't know necessarily for preventing people
 5 from voting, but they're just issues that arose and
 6 apparently their observers found that some chief
 7 inspectors had not like really internalized what
 8 those changes were.
 9 Q But those are changes that the GAB had spent time
 10 training, time and money training the chiefs on,
 11 isn't that right?
 12 A Yes.
 13 Q And where it says improve poll worker training, it
 14 says, "Some, but not all, municipalities require poll
 15 worker training before every election."
 16 I understood that the GAB required training in
 17 the municipalities.
 18 A So we -- under the statutes and administrative rules,
 19 there are specific training requirements, a number of
 20 required hours for clerks and for chief inspectors.
 21 What we refer to as regular poll workers or regular
 22 election inspectors, they're required to have
 23 training, but there's no specific number of hours and
 24 the training is left up to the municipal clerk. And
 25 sometimes the municipal clerk will rely partly on the

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1 working at one time.
 2 Q Does the GAB make a recommendation about that,
 3 though, like in high turn-out elections where the
 4 lines get very long and people are trying to vote?
 5 A Well, I think what we try to do in general is to
 6 remind clerks to prepare for that, and there's a
 7 number of ways that they can -- solutions or options
 8 that they can use. But we have not mandated any
 9 particular number of staff or any particular option
 10 that they have to adopt.
 11 Part of it is just a recognition again of just
 12 widely varying circumstances and one clerk's idea
 13 might work in one location and not in another for
 14 some reason and that's part of running the elections
 15 at the municipal level. And there isn't any
 16 statutory requirement that we can fall back on and
 17 point to to say this is what you have to have.
 18 Q There were complaints, not necessarily talking about
 19 Wisconsin, in the 2012 election about long lines in
 20 many areas of the country. Some of the criticism was
 21 directed at long lines in ethnic communities. Has
 22 Wisconsin experienced that problem?
 23 MR. KAWSKI: Object to form.
 24 A As I said earlier, I think in general long lines have
 25 not been a problem throughout the state. There are

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1 county clerk or another clerk to help them with that
 2 training.
 3 Q And did the GAB adopt the suggestion about increasing
 4 the poll worker staffing levels where it says high
 5 turn-out sites and sites with large number of same
 6 day registrants should have increased staffing and
 7 then it goes on to say given the complexities of the
 8 new registration requirements, the process of same
 9 day registration similarly takes longer, do you see
 10 that?
 11 A Right.
 12 Q Did the GAB adopt increased staffing levels?
 13 A Well, I think what we tried to communicate is what
 14 are some of the options for accommodating lines in
 15 larger turnout. So options like being able to have
 16 split shifts, so it maybe would have election
 17 inspectors who were not there for the full day and
 18 maybe committing more people to certain times of the
 19 day when you expect larger turnout.
 20 Often the poll books are split by sections of
 21 the alphabet to try to decrease the lines. There
 22 isn't any particular formula that I'm aware of to
 23 determine the number of staff that should be used,
 24 but those are all local decisions about how many
 25 inspectors are going to be -- that they will have

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1 places where lines have been longer in higher
 2 population areas, but I mean also as I indicated,
 3 sometimes those lines would appear more at the
 4 in-person absentee voting rather than on Election
 5 Day.
 6 Q How about in predominantly African-American
 7 communities?
 8 MR. KAWSKI: Object to form.
 9 A So the places I recall hearing stories about lines I
 10 think for the most part would be Madison, Milwaukee,
 11 maybe Racine. You know, at various times and various
 12 elections.
 13 Q And I don't know those communities. So what are the
 14 demographics of Racine, for example?
 15 A I don't know specific numbers, but they have a
 16 significant minority population in Racine, certainly
 17 in Milwaukee. I've actually participated in the
 18 in-person absentee voting in Madison, and compared to
 19 other communities in Wisconsin, it is more diverse,
 20 but certainly not as much as places like Milwaukee or
 21 Racine.
 22 Q And is there in Milwaukee or Racine, are the clerks
 23 given any special training or additional training
 24 given the high minority populations?
 25 MR. KAWSKI: Object to form.

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1 A So I guess I'd address Racine first, and specifically
 2 in 2012 they had issues that got a lot of public
 3 attention during the recall elections, and so we did
 4 provide some additional focus on Racine heading into
 5 the fall elections. We had conversations with the
 6 clerk and with the mayor brainstorming about how to
 7 recruit more election inspectors because that was
 8 really the root of the problem is not having enough
 9 people to do the job, and there were some mistakes
 10 made that again got a lot of attention because it
 11 involved the recall elections.

12 There were stories about ballot bags being, you
 13 know, kind of left open and accessible and not being
 14 secured. And so we went through a pretty significant
 15 effort to pay attention to Racine for the fall
 16 elections, and what we heard is that that paid off in
 17 the fall, that they had much fewer problems.

18 And it's not unusual, we've gone into a number
 19 of election cycles where we say, okay, are we hearing
 20 about specific problems in communities, do we need to
 21 target certain communities that we want to be in
 22 closer contact with for one reason or the other. So
 23 in that election cycle, Racine was one of those
 24 communities.

25 Milwaukee, we have pretty frequent contact with

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1 Q Are they given any additional funds by the
 2 Legislature because they have these unique problems?
 3 A No. Not that I'm aware of.
 4 Q If we turn to Page 23, do you recall any discussions
 5 about the voter ID cause for concern section where
 6 they say, "We are extremely concerned that should
 7 court injunctions be lifted, it will add another
 8 confusing layer of requirements for chiefs, clerks,
 9 poll workers and voters; will be cumbersome to
 10 administer and add to long" -- lines times and
 11 polls -- "and will be more likely to result in
 12 eligible voters being denied the right to vote than
 13 in preventing voter fraud -- a problem that continues
 14 to be alleged but still has not been proven."

15 Do you recall any discussions?

16 A I'm sure we talked to this group and others about it,
 17 that that was a concern that was being raised.

18 Q And is this something that the GAB can tackle, or is
 19 this an issue for the Legislature?

20 A You mean the potential confusion or --

21 Q The confusion, the cumbersomeness, the long lines,
 22 the eligible voters being denied the right to vote.
 23 Were there any specific discussions, if you can
 24 recall, about any of those issues?

25 A I'm sure there were just in the context of our

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1 Milwaukee. Instead of a clerk, they have an election
 2 commission, and so they have a staff which includes
 3 an executive director, and so I'm in touch with him
 4 pretty frequently on an ongoing basis. They have a
 5 challenge that other municipalities do not because
 6 they're the only city in Wisconsin that has to comply
 7 with Section 203 and provide voting materials in the
 8 Spanish language. And so we worked with them quite a
 9 bit.

10 They've had a lot of contact with the U.S.
 11 Department of Justice, and that's been again another
 12 sort of specific project we've had specific to that
 13 community that we've tried to assist them with. They
 14 have a challenge of having to recruit and train many
 15 more election inspectors than any other municipality,
 16 and I don't know how many inspectors they have
 17 exactly, but they have, I think, over a couple of
 18 hundred polling places in the city.

19 So it's a big effort and they have challenges
 20 that no other city has just logistically getting the
 21 supplies out to all these polling places, getting the
 22 ballots out and training election inspectors. And
 23 they -- so they will contact us if they're seeing
 24 issues or problems or have questions. It's not
 25 unusual.

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1 preparations for implementing the photo ID law. All
 2 of that went into why are we doing this and what can
 3 we do to help educate election workers and voters.
 4 Q Mr. Haas, your view is that you haven't -- that there
 5 hasn't -- and correct me if I'm wrong, that there
 6 hasn't been sufficient -- a sufficient election cycle
 7 maybe to know whether or not the voter ID laws and
 8 other changes made to the election laws are going to
 9 reduce voter turnout, did I get that right?

10 A Right. I guess I would not feel comfortable making
 11 any conclusions about whether there's been that
 12 impact yet based on the lack of experience we've had
 13 with all of these laws being in place for a high
 14 turn-out election.

15 Q But given your years of experience and what you
 16 call -- what you've already said is the complexity
 17 and the specificity of the laws and given the number
 18 of laws that have been changed since 2011 and on top
 19 of that the GAB's no longer going to exist before the
 20 2016 election, you have no public announcement
 21 outreach on the voter ID since it's been back since
 22 March and a number of other factors we've talked
 23 about today, have you no opinion about whether or not
 24 it's going to impact the 2016 election --

25 MR. KAWSKI: Object to form.

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1 Q -- given your --
 2 MS. WILSON: You can object in a
 3 second.
 4 Q Given your experience and knowledge in this area?
 5 MR. KAWSKI: Object to form.
 6 A You know, I really would not be confident making a
 7 prediction. I think we have really identified what
 8 the potential risks and impacts are, but there's some
 9 really things that are not knowable at this point and
 10 primarily how motivated are voters to vote in any
 11 particular election, and it's really difficult to
 12 compare turnout from one election to another because
 13 you have different candidates, you have voters that
 14 may or may not be motivated, and our mantra at the
 15 GAB is often we like to be able to rely on facts and
 16 data and I just don't think that there's been enough
 17 that we've seen that we can be confident making that
 18 direct link yet.
 19 MS. WILSON: Okay. I think what we'll
 20 do is what we did with the last document, Clay.
 21 So Exhibit 50 is going to be the top of the
 22 email and the attachment going to Page 25.
 23 MR. KAWSKI: I'll remove that portion
 24 then. Do you want this part back then?
 25 MS. WILSON: Yeah, sure. Too late to

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1 referring to this specific document.
 2 Q Okay.
 3 A We do have the website for My Vote Wisconsin at the
 4 end of the document, but I think we've also used it
 5 in our training of election officials as well.
 6 Q Have you ever used something like this in a public
 7 service announcement?
 8 A You know, I don't think the public service
 9 announcements talk about electronic proof of
 10 residence because they really focus on the voter ID
 11 law rather than registration.
 12 Q Do you know whether or not this electronic proof of
 13 residence for voter registration is sent to any
 14 organizations, any kind of other public outreach?
 15 A It may be something that we have included in some
 16 in-person registrations, and we would certainly
 17 provide it if we were asked to.
 18 Q Now, Mr. Haas, you're -- based on your knowledge and
 19 experience, you're pretty familiar with the different
 20 changes that have occurred in Wisconsin election law,
 21 right?
 22 A Uh-huh, yes.
 23 Q And you said that you skimmed, I think, the amended
 24 complaint?
 25 A Yes, I'm sorry. Sometime when it was initially

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1 save a tree.
 2 (Exhibit 51 is marked for identification)
 3 Q I am handing you or you've been handed what's been
 4 marked Exhibit 51. Take a look at it. It's a
 5 two-page document entitled Electronic Proof of
 6 Residence for Voter Registration. Let me know when
 7 you're finished looking at it.
 8 A Okay.
 9 Q Have you seen this document before?
 10 A Yes.
 11 Q Is this the document that you were referring to
 12 earlier that can be found on myvotewisconsin.com or
 13 myvote.wi.gov?
 14 A I'm not sure that -- I don't think I was referring to
 15 this document.
 16 Q Okay. Well, tell me, what is this document?
 17 A So this is one of our -- it's a document we produced
 18 at the GAB to inform voters and, frankly, clerks and
 19 election inspectors about the decision to permit the
 20 use of an electronic version of proof of residence to
 21 register to vote, and so we tried to encapsulate the
 22 main points in a format that was easy to understand.
 23 Q Then where can this be found usually, if you know?
 24 A Well, it may very well be posted on My Vote
 25 Wisconsin. It's just this -- I don't think I was

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1 filed, yes.
 2 Q Okay. Does the GAB always when it comes to an
 3 election law change get an opportunity to opine upon
 4 the changes before they happen?
 5 A Yes, we would at a public hearing of the committee
 6 that the law -- that the bill is in.
 7 Q So let's talk a little bit about -- we were talking
 8 before about how the GAB tries to be very cautious
 9 about using the term early vote versus in-person
 10 absentee voting, right?
 11 A Yes.
 12 Q Okay. But I've seen, and I'm sure you have, too,
 13 documents which talk about "early voting," and I
 14 think what is meant is in-person absentee voting,
 15 right?
 16 MR. KAWSKI: Object to form.
 17 A If you've seen documents, I think if we have used the
 18 term in our documents, we would try to make sure we
 19 clarify what we're meaning by early voting.
 20 Q And you said earlier that that -- trying to do that
 21 clarification might have caused some confusion.
 22 A Well, I think that we had some assertion by somebody
 23 that it may have caused confusion. And I think I
 24 also said that for most people that think of
 25 in-person absentee voting in Wisconsin, they just

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1 call it early voting, and they are not as particular
2 about what that means.
3 And so sometimes by the fact that we use the
4 term in-person absentee voting, that may create some
5 confusion that did not exist if we would just simply
6 give up and call it early voting like the rest of the
7 world does.
8 Q Did the in-person absentee voting, has that changed
9 since 2011?
10 A Yes, yes.
11 Q And how did it change?
12 A The hours that in-person absentee voting could occur
13 changed through legislation.
14 Q Was it reduced, the time?
15 A The number of hours were, yes.
16 Q Do you know why?
17 A Because the Legislature decided that there should be
18 more consistent availability for the opportunity to
19 conduct in-person absentee voting throughout the
20 state. That was one of the reasons I think that was
21 proposed or that was stated.
22 Q How does it do that given that reason?
23 A Because in-person absentee voting can now occur only
24 during weekdays on the two weeks prior to the
25 election and only during certain hours, and

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1 ballot mailed to them or to vote on Election Day.
2 Q But what's the election administration benefit there?
3 Like what's the interest? What's the benefit?
4 MR. KAWSKI: Objection, asked and
5 answered.
6 THE WITNESS: Do you want me to answer
7 or not?
8 Q Yeah.
9 MR. KAWSKI: Go ahead and answer
10 again.
11 A Again I think that the things that were identified
12 were trying to make it consistent throughout the
13 state, make the opportunity to vote consistent
14 throughout the state so that -- again this is an
15 argument that was made, that voters in one community
16 did not feel that they were being slighted or did not
17 have the same opportunity as voters at another
18 community.
19 One administrative benefit would be for some
20 clerks -- some clerks like the fact that in-person
21 absentee voting ends on the Friday before the
22 election because then they could focus on preparing
23 for Election Day. Prior to that law, in-person
24 absentee voting could take place up to the day before
25 the election, and we received a lot of concerns from

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1 therefore, one municipality cannot offer its voters
2 the opportunity to do that type of voting on a
3 weekend or prior to the third Monday before an
4 election where ballots may be available or in evening
5 hours beyond 7 o'clock at night, I believe.
6 Q So nobody can offer -- so no one can offer in-person
7 absentee voting on a weekend?
8 A Correct.
9 Q Did the GAB come out with a position -- not with a
10 position, I'm sorry. Did the GAB make any comments
11 to the Legislature about taking away weekend
12 in-person absentee voting?
13 A I'd have to look at the public testimony that we
14 offered. I wouldn't be surprised if we testified
15 about what we thought about issues that we just
16 thought the Legislature should consider and the
17 impact that it might have.
18 Q But doesn't taking away weekend -- the ability to
19 vote on the weekend impact a fair number of people
20 who have -- you know, work weekday jobs?
21 MR. KAWSKI: Object to form.
22 A Well, I think it impacts everybody. If they're
23 occupied during the week and that's the only option,
24 they would not have the option to vote in-person
25 absentee, they would not have the option to have a

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1 clerks when in-person absentee voting became more
2 popular that they would finish a full day of voting,
3 administering voting on Monday, and they had to turn
4 around and get ready for Election Day that night.
5 So at least as far as the weekend before the
6 election, I think that that's one benefit that was
7 identified.
8 Q And did you get information from the public or voters
9 that by taking away weekend voting, it affects their
10 ability to -- impacts their ability to vote?
11 A I think we probably heard that in some phone calls
12 and maybe some public comments that people offered at
13 our board meetings, and again all we could really do
14 is say that's a decision for the Legislature.
15 Q Let me just ask you this. We've already agreed there
16 have been a number of changes in election laws,
17 right, and we've already agreed that you have, for
18 lack of a better word, a certain amount of experience
19 and knowledge, and I don't want to use the word
20 expertise because that means something in the law, as
21 you know, but familiarity, let me use that word. Of
22 the changes in the law given what you know about how
23 people vote and how they live their lives, do you
24 find none of the changes problematic?
25 MR. KAWSKI: Object to form.

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1 A I guess I'm not sure what you mean by problematic.
 2 Problematic for the date --
 3 Q The voter.
 4 A Oh, for the voter?
 5 MR. KAWSKI: Same objection.
 6 A There clearly have been voters who have said that
 7 it's problematic for them. And so if it's
 8 problematic for them, it's something that we want to
 9 pay attention to to try to reduce or eliminate the
 10 problem. And so it's something we need to pay
 11 attention to.
 12 Q But I mean you as the professional, you as the person
 13 charged with the running an organization where 25
 14 people, 26 people report to you, you're in charge of
 15 educating the public, educating the clerks, do you
 16 not find any of these changes and the number of
 17 changes, the complexity of some of the changes, you
 18 the professional, you don't find any of that
 19 problematic --
 20 MR. KAWSKI: Object to form.
 21 Q -- for the voter?
 22 MR. KAWSKI: Object to form.
 23 A So I think and maybe a part of my view is influenced
 24 by the fact that we've become a little bit used to
 25 the amount of changes and maybe my answer seven or

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1 Q Let's turn to there was -- we talked about that. Do
 2 you recall -- just one more question about the
 3 elimination of the weekend voting. Do you recall any
 4 clerks speaking with the GAB about them not wanting
 5 there to be an elimination of the weekend voting?
 6 A I recall getting comments both in our office and
 7 hearing them in public testimony that some clerks
 8 thought they preferred to keep the flexibility that
 9 they had, and that occurred not only with this bill,
 10 but when we had the discussions about early voting,
 11 that topic came up as well about when it could be
 12 offered, when it could not be offered.
 13 And there was an earlier version of the bill
 14 that passed that I think restricted even further what
 15 hours could be offered, and there was an amendment to
 16 it I believe that it did not limit the number of
 17 hours. I believe it was restricted to 40 hours a
 18 week or something like that, and that restriction was
 19 removed. So there were certain clerks that expressed
 20 their concern.
 21 Q And do you know from any conversations with the
 22 Legislature why the change in the limit of times for
 23 in-person absentee voting from 8 a.m. to 7 p.m.? Is
 24 that the same set -- is that the same as what we
 25 talked about before, to make it uniform, so-called

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1 eight years in would be different than it would be if
 2 this is my first or second year sort of in the
 3 election field.
 4 So I think we have and within our agency
 5 conditioned ourselves to say we're not -- we're going
 6 to focus on solving the problem and we know those
 7 concerns are out there and all we can do is the best
 8 we can do and whether -- as I alluded to earlier, a
 9 small percentage -- sometimes a small percentage of
 10 problems or voters who are affected monopolize a
 11 large percentage of our time and so we just have to
 12 allocate as best we can how we prioritize issues and
 13 our efforts and our staff, and I think the clerks
 14 went through a two or three-year period of sort of
 15 one shock after another of political developments --
 16 the statewide recount and recalls for two consecutive
 17 years, the statewide recall, some recounts of those
 18 recall elections, photo ID law, a lot of different
 19 changes, and some -- I think some, both in our office
 20 and the clerks, feel like they've sort of been
 21 through the gauntlet and feel like they've taken that
 22 on and adjusted and they're more inclined to accept
 23 that there's going to be continual changes in the
 24 election laws and we just have to do our best to help
 25 the voters adjust to those changes.

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1 uniform?
 2 A Make it uniform throughout the state, right, but
 3 trying to allow some flexibility so there would be
 4 some evening hours available.
 5 Q 7 o'clock, huh? You can tell I live in a different
 6 place because 7 o'clock is barely -- we talked a
 7 little bit about corroboration before. Do you recall
 8 any discussions with any legislator about -- I'm
 9 sorry, withdrawn.
 10 Did the GAB take a position on the elimination
 11 of corroboration? I withdraw that one too.
 12 Did the GAB express a view to the Legislature
 13 about eliminating corroboration?
 14 A I'm sure it was addressed in the public testimony. I
 15 just don't specifically know. Again that would have
 16 been something where we were testifying for
 17 information and not for or against the bill.
 18 So I think we would have tried to highlight if
 19 there were any administrative issues that we
 20 anticipated.
 21 Q In any of the changes since 2011, the GAB has not
 22 testified for or against the bill, right? Or am I
 23 wrong?
 24 A Well, there's I know at least one example, I don't
 25 know if I mentioned earlier, but there's a bill

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1 pending which would authorize online registration.
 2 Q Right.
 3 A And that's one where our board formally took a vote
 4 in support of that.
 5 Q Right.
 6 A And so that's one where we've offered testimony. We
 7 testified in favor of that. I think just recently I
 8 provided testimony on a bill having to do with the
 9 training cycles for clerks and other election
 10 officials, and the board had gone on record
 11 supporting that as part of our legislative agenda,
 12 although not the specific bill, so we felt like we
 13 were able to testify in support of that.
 14 Q But the GAB being a supporter of a particular bill in
 15 those examples you gave, the two examples, that's the
 16 exception, not the rule, right?
 17 A Yes, yes.
 18 Q Why are those two circumstances different?
 19 A Only because our board took a vote specifically on
 20 those proposals or on the concepts. And our board
 21 because it only meets several times a year, they
 22 don't always have the opportunity to meet while a
 23 bill is pending and take a vote on whether or not to
 24 support it.
 25 Q The voter ID bill was raised by the Legislature a

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1 Q I'm just curious. Why would someone want to present
 2 an ID?
 3 A I think the theory was that they felt strongly
 4 everybody needed to present a photo ID and they
 5 wanted to demonstrate how it could be done.
 6 Q Gotcha.
 7 A And that they were willing to be subject to that
 8 requirement and that they felt that that would
 9 inspire more confidence in the integrity of the
 10 election.
 11 Q And there was also a change about requiring
 12 documentation of proof of residence while registering
 13 except for overseas and military voters, right?
 14 A Right.
 15 Q And do you recall when that occurred?
 16 A I think that was part of the 2013 legislative
 17 session.
 18 Q Do you recall whether or not the GAB gave testimony
 19 to the Legislature about that provision?
 20 A I'm sure we did, yeah.
 21 Q Would all of your -- let me ask you this. Would all
 22 of your testimony on these various changes of the
 23 bill, is that all public record?
 24 A Yes.
 25 Q And is it kept up on your website, or is it something

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1 number of times, right, over the years?
 2 A Yes.
 3 Q Has the board ever taken a position on the voter ID
 4 bill, any voter ID bill?
 5 A No. Before the law was enacted, we had some
 6 individuals come to the board and specifically ask
 7 the board several times to support a photo ID law.
 8 Some people wanted the GAB to enforce a photo ID
 9 requirement without any statute, and I remember
 10 eventually that topic was placed on the board meeting
 11 as a separate agenda item so we could address those
 12 concerns and we provided a staff report, which the
 13 board adopted, and essentially the position was that
 14 this is a policy decision for the Legislature and
 15 more specifically there were people who wanted to be
 16 able to voluntarily provide a photo ID when they got
 17 to the table and they wanted the GAB's blessing on
 18 that process and we recommended and the board said,
 19 no, that's not allowed because that has the potential
 20 for confusing people who might be in line and who
 21 might be hearing, overhearing that there's a photo ID
 22 requirement or misinterpreting what the law is.
 23 So the board went on record saying that that was
 24 not to be allowed at polling places, and that was
 25 maybe a year or two before the law actually passed.

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1 that one would have to ask for in the Freedom of
 2 Information Act?
 3 A No. We usually post it all. On our website, I think
 4 there's a tab for news and notices and Reid Magney
 5 tries to post all the public testimony that we
 6 provide.
 7 Q And that's over the years, or is it archived
 8 somewhere else?
 9 A As far as I know, it's just accumulated over the
 10 years since the GAB started in 2008.
 11 Q Okay. There was also a change in requiring college
 12 administrators to provide proof of U.S. citizenship
 13 on dorm lists that college students may use to
 14 register. Did the GAB discuss that with the
 15 Legislature?
 16 A I believe that was part of our testimony on the bill
 17 as well, on the photo ID bill.
 18 Q And did the GAB think that it was going to cause any
 19 difficulties?
 20 A I don't recall specifically what we said. I would
 21 imagine that we just highlighted it as a change that
 22 could be significant. I think what we learned after
 23 the law was passed is that most universities and
 24 colleges were not willing to provide that list with
 25 the citizenship requirement because they had their

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1 own privacy concerns, and I don't know if we knew
2 that at the time we testified or not. But I think
3 the result of that is that less colleges and
4 universities used that dorm list than may have in the
5 past.
6 Q And was part of the reason for that that there was
7 some issue with federal law?
8 A I believe so.
9 Q So do you know the number of colleges that actually
10 abide by this provision?
11 A That use -- issue the dorm lists?
12 Q Um-hum, yes.
13 A I'm not aware of any for sure that do. I'm pretty
14 confident that the UW Systems colleges and
15 universities, I think there are 26 of those
16 institutions, they do not. At one point I heard that
17 maybe some private college was, but I don't recall
18 which one. And our sense is that it's not widely
19 used, if at all.
20 Q And did the Legislature make a change given that it's
21 not widely used, if at all?
22 A No.
23 Q There was also a change by eliminating the
24 requirement that special registration deputies be
25 appointed at high schools. Do you recall that?

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1 A -- if we were not supporting the bill, sometimes the
2 authors of the bill would take that as taking a
3 position against it even though we were simply trying
4 to identify issues.
5 Q Is there anywhere in the GAB where you keep the
6 results of when you testify or speak to the
7 Legislature and whether or not they adopt -- let's
8 say, for example, you make a recommendation for a
9 tweak in the law or a change in what they're
10 proposing. Do you keep that anywhere, whether or not
11 the Legislature agreed with you, didn't agree with
12 you?
13 A No.
14 Q Do you have any sense in the job that you have
15 currently whether or not the GAB has any influence
16 with the Legislature on the election laws?
17 A In some cases. I just testified last week, I think,
18 on a bill and the committee acknowledged the concerns
19 that we raised. There was a bipartisan bill, and we
20 had a follow-up phone conference with the author and
21 some other individuals, and there's going to be an
22 amendment introduced to fix those concerns.
23 You know, as far as influence where the
24 Legislature says, yeah, we will adopt what you're
25 suggesting, if it's -- I think that if it's in

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1 A Yes.
2 Q And in talking to the Legislature, do you know the
3 reason for that?
4 A No, not specifically, no.
5 Q Is there any election administration interests that
6 could be gleaned from eliminating the requirement
7 that special registration deputies be appointed at
8 high schools?
9 MR. KAWSKI: Object to form.
10 A I guess one that I could only speculate on is trying
11 to either centralize or focus the registration
12 process in fewer places, which might lead to better
13 control of it. But that's just speculation.
14 Q Has it led to better control?
15 MR. KAWSKI: Object to form.
16 A I have no idea.
17 Q And did the GAB take -- not take a position, but did
18 the GAB speak on that issue to the Legislature?
19 A I would have to check if it was in our testimony.
20 And again it may have been just simply to highlight
21 what's in the current law and what would change and
22 again without taking a position, although sometimes
23 our testimony when we would say we are simply
24 providing information --
25 Q Right.

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1 general, as a general statement, if it's a policy
2 decision, policy/political decision, if our concerns
3 are viewed in that lens, generally they don't have a
4 lot of impact as far as changing the bill.
5 If they're convinced that they are things that
6 can make the administration go more smoothly, then
7 they might be more inclined to address them within
8 the bill.
9 Q The other changes that they -- the Legislature
10 eliminated the requirement that in certain
11 circumstances special registration deputies be
12 appointed at or sent to private high schools or
13 tribal schools, is that right?
14 A Yes.
15 Q Do you know the reason for that elimination?
16 A No.
17 Q Do you recall whether the GAB commented on that?
18 A I don't. That I think in the context of all the
19 other legislative changes, I don't think that got a
20 lot of attention. We may have testified about it,
21 but I don't recall specifically.
22 Q Was there any election administration interest in
23 eliminating the special registration deputies be
24 appointed or sent to private schools or tribal
25 schools?

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1 MR. KAWSKI: Object to form.
 2 A Again speculating the one issue we've heard over the
 3 years is that some individuals or groups or clerks
 4 even are not real crazy about having any special
 5 registration deputies because they feel that there
 6 tend to be errors in the voter registration forms
 7 that are sent in as a result of voter registration
 8 drives and that they are interested in minimizing the
 9 opportunity for people to register to vote outside of
 10 direct contact with the municipal clerk. And so that
 11 may have been part of the concern that at least that
 12 opportunity would be eliminated.
 13 Q What is it that the special deputies do that caused
 14 that issue?
 15 A Well, the special registration deputies or SRDs, they
 16 have to be trained and approved by the municipal
 17 clerk for that municipality. But beyond that,
 18 there's kind of a wide variety of how much attention
 19 to detail they pay. You know, do they promptly
 20 submit the voter registration form, is it sent to the
 21 right clerk.
 22 I think over the last year or two since the
 23 proof of residence law was changed, what we've heard
 24 quite a bit of is that clerks receive voter
 25 registration forms from SRDs or voter registration

1 drives that do not include the proof of residence.
 2 So then the clerk has to do extra work to send it
 3 back to the voter and request the voter registration
 4 form, and I guess I'd also say that voter
 5 registration drives can be conducted by people who
 6 are not SRDs. And so some of those mistake can come
 7 from people who are not trained as special
 8 registration deputies, but they -- it sort of gets
 9 lumped into this same process.
 10 Q There was also a change that prohibits local
 11 governments from requiring landlords to distribute
 12 voter registration forms to new tenants. Did the GAB
 13 take a view about that?
 14 A That one was in a separate section of the statutes,
 15 and I don't recall really even that coming up or that
 16 it was an issue. I remember reading something about
 17 that maybe it was targeted to a particular
 18 municipality, but I don't have really any specific
 19 recollection of that change.
 20 Q But what's the election administration interest,
 21 what's the --
 22 MR. KAWSKI: Object to form.
 23 A I don't know.
 24 Q There was also the elimination of statewide, keeping
 25 only municipal specific special registration deputies

1 or SRDs, right?
 2 A Yes.
 3 Q Did the GAB take a view of that?
 4 A I'm guessing that we provided testimony. Again I'm
 5 kind of guessing that Kevin Kennedy would have been
 6 the one to provide that or else I would have had a
 7 more specific recollection. But our practice is to
 8 try to offer public testimony on any election related
 9 rules.
 10 Q And would that usually be Mr. Kennedy or would it
 11 just depend whether it be him or you?
 12 A In most cases, it was Kevin Kennedy. In some cases
 13 it was me. Just depending on his availability or
 14 sometimes we had multiple bills happening or hearings
 15 happening and so I would present the testimony.
 16 Q And are you two the primary people who presented
 17 testimony from 2011 to present when there are changes
 18 in election laws, or is there another person or two?
 19 A I think that's correct and I would be -- I would
 20 probably have been presenting testimony more
 21 frequently since I've been in this position, but I
 22 did -- I remember testifying on the photo ID bill at
 23 least once. So it would probably be one of the two
 24 of us.
 25 Q Now, there was also a change that increased the

1 residency requirement for voting for the office other
 2 than president and vice president from 10 to 28 days
 3 before the election. I think we talked a little bit
 4 about that earlier, didn't we?
 5 A Yes.
 6 Q Do you recall whether or not the GAB took a view on
 7 that?
 8 A I'm sure we presented testimony about it.
 9 Q Now, when you say you're sure you presented
 10 testimony, are you having a present recollection or
 11 you're not sure or what do you mean?
 12 A Well, it's just something that is not at the top of
 13 my mind, and I just know that that's a significant
 14 enough change that we would have presented testimony.
 15 Q And why is it a significant enough change?
 16 A Because it's almost tripling the duration of the
 17 period that somebody had to establish residency and
 18 it had a broad enough impact that we would have
 19 wanted to comment on it and provide our input to the
 20 Legislature.
 21 Q Do you recall any discussions with concerned citizens
 22 or voters about this particular change?
 23 A I'm sure we had discussions with individual voters
 24 who call but also discussion with members of the
 25 public or represented organizations that would come

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1 to our board and submit testimony to our board.
 2 Q And was there also a change that provided that
 3 individuals who move within the state later than 28
 4 days before an election must vote at their previous
 5 ward or election district for all offices, do you
 6 recall that?
 7 A Right. That same law was in effect. It just applied
 8 to 10 days rather than 28 days.
 9 Q Okay. So that law was in effect before?
 10 A Right.
 11 Q And also got expanded?
 12 A Right.
 13 Q Do you know of any election administrative interests
 14 in doing -- making that change?
 15 MR. KAWSKI: Object to form.
 16 A I guess I would just refer back to what we discussed
 17 earlier about the 28 days and as far as possible
 18 policy arguments.
 19 Q And this change we've talked about a little bit
 20 requiring that an area for election observers be
 21 placed between three and eight feet from the table at
 22 which voters obtain their ballot and register to
 23 vote, was that what you would consider a significant
 24 change?
 25 A Significant in the sense that the whole topic of

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1 Q And what is the benefit, if any, to the election
 2 administration process?
 3 MR. KAWSKI: Object to form.
 4 A The benefit of eliminating that option?
 5 Q If there's one.
 6 A I'm not sure. And that is not a change that I guess
 7 that I can recall really specifically getting
 8 involved in.
 9 Q There was a change that declined to allow overseas
 10 voters to vote a straight ticket for non-national
 11 offices on the Federal Write-in Absentee Ballot form.
 12 Does that sound familiar to you?
 13 A Yes.
 14 Q And does that just affect military voters or all --
 15 A I believe it affects military -- all UOCAVA voters
 16 for military voters and voters who are overseas
 17 permanently.
 18 Q And do you recall any discussions with the
 19 Legislature about -- or legislators about that
 20 particular provision?
 21 A No.
 22 Q Any discussion -- strike that. Does that provision
 23 make voting if you're overseas harder?
 24 MR. KAWSKI: Object to form.
 25 A I don't know, to be honest.

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1 election observers and their behavior was significant
 2 and something that we have been dealing with since
 3 2008 and so maybe not as significant for voters but
 4 for election officials and those observers.
 5 MS. WILSON: Okay. I think we have to
 6 change the tape.
 7 THE VIDEOGRAPHER: The time is 3:52.
 8 We are going off the record concluding Video
 9 No. 3 in the deposition of Michael Haas.
 10 (short recess is taken)
 11 THE VIDEOGRAPHER: The time is 4:03.
 12 We are on the record. This marks the beginning
 13 of Media No. 4 of the deposition of
 14 Michael Haas.
 15 MS. WILSON: What was my last
 16 question?
 17 (Reporter reads back previous portion of transcript)
 18 Q And there was another change in the law, right, the
 19 elimination of straight ticket voting on the official
 20 ballot?
 21 A Yes.
 22 Q What is straight ticket voting?
 23 A It's the ability to -- in a general election to mark
 24 your ballot for all candidates of one political party
 25 or the other.

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1 Q Let me rephrase. What is the effect of changing that
 2 provision?
 3 MR. KAWSKI: Object to form.
 4 Q As a practical matter?
 5 A Can you read what the change was?
 6 Q Declining to allow overseas voters to vote a straight
 7 ticket for non-national offices on the Federal
 8 Write-in Absentee Ballot form.
 9 A And the question was?
 10 Q What's the practical effect of that?
 11 MR. KAWSKI: Object to form.
 12 A Well, that would mean that those voters would need to
 13 vote for each individual candidate on the ballot
 14 rather than being able to mark one party and vote for
 15 all those candidates with essentially one vote.
 16 Q Do you see any down side to changing the law based on
 17 your knowledge and experience?
 18 MR. KAWSKI: Object to form.
 19 A I just don't know because I don't know how popular of
 20 an option that was or how widely it was used.
 21 Q So the law also changed and eliminated the option to
 22 obtain absentee ballots by fax or email for all but
 23 overseas and military voters. Were you aware of
 24 that?
 25 A Yes. There was a couple of changes, but that was the

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1 end result. A couple of changes I think in the same
 2 legislative session about who was able to obtain
 3 ballots electronically.
 4 Q Do you know in talking to the legislators why that
 5 change was made?
 6 A I recall that there was some clerk input, and again I
 7 don't think there was a consensus opinion, but some
 8 clerks liked the option to transmit ballots
 9 electronically and some did not, and so maybe the
 10 authors had heard from one side or the other and
 11 determined that was the best way to go.
 12 But as I said, there was a couple changes in the
 13 same session, and they were trying to work towards a
 14 consistent rule, and I think some clerks wanted to
 15 have a black and white rule rather than leaving it up
 16 to the discretion of the clerks as to who could be
 17 sent a ballot electronically.
 18 Q But isn't it easier to send something electronically
 19 than send it any other way?
 20 MR. KAWSKI: Object to form.
 21 A Assuming that the voter has access to be able to
 22 download it electronically.
 23 Q Right.
 24 A It's certainly faster.
 25 Q So what's the benefit? What's the election

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1 administrative benefit? What's the -- why change it?
 2 MR. KAWSKI: Object to form.
 3 A Of restricting that option?
 4 Q Yeah.
 5 A The only thing I can think of is one previous
 6 iteration of it was that it was not clearly spelled
 7 out in the law who had that ability, who had that
 8 option, and so again maybe to make it consistent
 9 throughout the state, the Legislature decided we are
 10 going to decide and they settled on this group. As
 11 to why that option is not provided for all other
 12 voters, I don't know what the rationale would be.
 13 Q There's also a change which prohibits the returning
 14 of absentee ballots to voters to correct certain
 15 mistakes. Do you recall that?
 16 A Yes.
 17 Q Is that something that the GAB weighed in on in favor
 18 of making that change?
 19 A I don't believe that we took a position on it, on
 20 that bill. We may have provided testimony, but I
 21 don't think the board had taken a position on it.
 22 Q So where's the electorate interest -- the election
 23 administration interests in not letting someone fix
 24 their -- not letting someone fix their absentee
 25 ballot, doesn't that mean that if there's a mistake,

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1 they don't get to vote?
 2 MR. KAWSKI: Object to form.
 3 A They could if -- if they had thought that they had
 4 made a mistake, they could spoil the ballot up to the
 5 deadline for requesting an absentee ballot. But
 6 there used to be something, an option we referred to
 7 as beat your ballot and if you had voted by absentee
 8 ballot and you changed your mind and you then showed
 9 up at the polls, if your absentee ballot had not been
 10 processed yet, you had the ability to vote at the
 11 polling place and then your absentee ballot would be
 12 rejected once they got around to processing it.
 13 And that's no longer an option now under this
 14 bill. And so one rationale might be once you voted
 15 by absentee ballot, that's your opportunity to vote
 16 and you shouldn't have the opportunity to then cast
 17 another ballot. You decided what your election day
 18 is and you cast your ballot early.
 19 Q So you don't have the right to change your mind or
 20 the ability to change your mind?
 21 A Right.
 22 Q Does this prohibition save the GAB or the State of
 23 Wisconsin any money by not allowing people to change
 24 their mind?
 25 MR. KAWSKI: Object to form.

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1 A I don't know that there's a financial impact. I
 2 would guess that maybe it reduces -- it may on the
 3 margins reduce the number of ballots that have to be
 4 handled because people do not have that opportunity
 5 and then the election inspectors don't have to go
 6 through the process of rejecting a ballot, and every
 7 step along the way there's always the opportunity for
 8 human error, and that's one small way where one step
 9 would be eliminated.
 10 Q Well, what if the human error was you just picked the
 11 wrong guy or gal?
 12 MR. KAWSKI: Object to form.
 13 Q Right, isn't that a possibility, human error?
 14 A It is a possibility. But I guess I go back to the
 15 statutes express that voting by absentee ballot is a
 16 privilege. It's not considered to be a right, and if
 17 a voter has chosen for whatever reason to submit
 18 their ballot by absentee ballot before Election Day,
 19 they assume the risk that they might for some reason
 20 change their mind after they've submitted their
 21 ballot.
 22 Q So voting by absentee ballot is a privilege, not a
 23 right. Is that in the statute?
 24 A It is.
 25 Q But it's just another way to vote, so why wouldn't

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1 that be a right?
 2 MR. KAWSKI: Object to form.
 3 A Well, there's a policy statement. I believe it's
 4 Section 6.86 that talks about sort of a preamble to
 5 absentee voting rules that makes that statement that
 6 it's a privilege. It needs to be accompanied by
 7 measures that protect the integrity of the ballot and
 8 the integrity of the election process and so anybody
 9 who takes advantage of that privilege also is
 10 subjected to whatever procedures are in place for it.
 11 Q Now, we've already talked about requiring voters --
 12 the change that requires voters to present one of a
 13 limited number of photo IDs in order to have their
 14 vote counted. And that was a change from there being
 15 no law that required you to present proof of
 16 identification, right?
 17 A Correct.
 18 Q I think Mr. Kennedy said it was -- how did he put it,
 19 a change that hadn't been seen since 18 something,
 20 1896 or something like that, he said. In that
 21 situation, why doesn't the GAB take a position on
 22 something as -- I know Clay is going to object, but
 23 I'm going to say it anyway, something as radical as
 24 requiring voter ID?
 25 MR. KAWSKI: Object to form.

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1 specifically we did a lot of research and provided
 2 information to the board separate from the public
 3 testimony, sort of a summary about which states had
 4 photo ID laws in place and how this, the proposed law
 5 compared to some of those other states and some of
 6 the legal changes that were brought to those laws.
 7 Q So the GAB doesn't concern itself with whether or not
 8 the law might be wrong?
 9 MR. KAWSKI: Object to form.
 10 Q Their job is simply to implement it, is that right?
 11 MR. KAWSKI: Same objection.
 12 A I guess the only wrinkle I would say is our board is
 13 a board of former judges and so they are in tune with
 14 constitutional issues and may not be experts in
 15 election law, but if they saw something that they
 16 thought was clearly unconstitutional, they might
 17 direct us to or at least raise that concern.
 18 But there's obviously a wide range of policy
 19 choices in election law, and I think our board
 20 recognized that we could not be in the business of
 21 advocating those choices as a nonpartisan board
 22 because it quickly would become perceived as being
 23 taking a side politically. And the board would want
 24 to make sure it preserved its role to be seen as a
 25 nonpartisan agency.

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1 A I think from the outset, the policy of
 2 Director Kennedy and the board has been -- or the
 3 approach has been that we are an administrative
 4 agency and we're responsible for administering the
 5 election laws, whatever the election laws are, trying
 6 to provide the best advice we can to the Legislature
 7 about potential advantages or disadvantages or
 8 constitutional issues if they exist, but recognizing
 9 ultimately that we are an administrative branch and
 10 not the policymakers and just having that sensitivity
 11 about what the role is of the agency and only taking
 12 a position in support of or in opposition to the bill
 13 when our board has reached a consensus on it and they
 14 direct us to take that -- to take a specific
 15 position.
 16 Q You said constitutional. Do you speak on it if you
 17 think something unconstitutional?
 18 A If there has been case law or there's clear
 19 constitutional ramifications, then that's something
 20 that we might raise in the public testimony.
 21 Q Do you raise it in the public testimony if it might
 22 be argued that it's unconstitutional?
 23 A Yeah, we certainly might raise issues that this has
 24 been tried or addressed before in other states. This
 25 is what they've run up against. This is --

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1 Q But is that something that the board would raise on
 2 its own, or does it look to you and Mr. Kennedy to
 3 let them know of a constitutional issue?
 4 A I think usually they would -- if we had the
 5 opportunity to discuss it with the board, they would
 6 be in the first instance relying on staff analysis of
 7 it, and that might prompt some discussion by the
 8 board members.
 9 Q And is the staff at GAB -- did it give the
 10 Legislature a certain amount of deference?
 11 A In what?
 12 Q In whether they decide they're going to take a side
 13 for or against a particular provision.
 14 A Sure.
 15 Q Because the GAB is an administrative body?
 16 A Exactly.
 17 Q Okay. I'm going to hand you what's been marked as
 18 Kennedy 19. I'm just going to go through some
 19 documents now, and hopefully I won't keep you too
 20 much longer.
 21 A Okay.
 22 Q I hand you what's marked as Kennedy 19, and let me
 23 know when you're --
 24 A Okay.
 25 Q Have you seen this document before?

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1 A Yes.
 2 Q And this is written by you?
 3 A Well, the first email was from Kevin Kennedy to our
 4 elections division staff, which I was copied on, and
 5 then I had responded with -- to alert our staff about
 6 a phone conversation I had with the executive
 7 director of the City of Milwaukee Election
 8 Commission.
 9 Q And you said, "Just FYI, when we talked to Neil" --
 10 what is it, Albrecht?
 11 A Albrecht.
 12 Q "At mid-morning today, he said that when he opened
 13 voting, the line was three blocks long and that 1,000
 14 people had already voted."
 15 Do you recall any specific discussions with him
 16 about why the line was three blocks long?
 17 A I don't recall specifically. I think we both knew it
 18 was a presidential election, they were expecting high
 19 turnout, and we were just trying to document what it
 20 actually was, and I think by indicating 1,000 people
 21 had already voted, that meant by the time I had
 22 talked to him at mid-morning.
 23 Q And he goes on to say that some observers were being
 24 very aggressive and that he authorized that one
 25 observer who he describes as out of control be given

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1 Milwaukee that tried to insist on observing voters as
 2 they were in the voting booth rather than staying in
 3 the observation area or being confrontational with
 4 either voters or election inspectors.
 5 Q Do you know why he would give what he described as an
 6 out-of-control individual a final warning and not
 7 just call law enforcement?
 8 A Well, under our administrative rule for election
 9 observers, there's a process outlined to say that the
 10 chief inspector can give a warning, a lawful order to
 11 any observer and then if that order is not complied
 12 with, then they are authorized to contact law
 13 enforcement and law enforcement is then required to
 14 remove the person.
 15 It's the one instance where the chief inspector
 16 can really direct law enforcement and law enforcement
 17 is not supposed to have any discretion. They're
 18 supposed to remove them. So obviously that's a
 19 pretty drastic remedy, and I believe in this case
 20 Neil had been called to the site where the absentee
 21 voting was taking place and he took it upon himself
 22 to step in and give the individual a warning and said
 23 if you don't comply, then we're going to call law
 24 enforcement.
 25 Q Did anything ever -- was there any follow-up for the

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1 a final warning before being removed by law
 2 enforcement.
 3 Do you recall any specific discussions about
 4 observers being aggressive and who they were?
 5 A Yes.
 6 Q What do you recall?
 7 A I don't know if it was this election. There was one
 8 pretty notable incident where a group of observers
 9 had confronted a voter, had challenged the voter's
 10 ability to register, a young first-time voter, and
 11 ultimately that voter left the polling place because
 12 he, after having said basically I give up, I'm not
 13 going to vote, a group of observers is what was
 14 described to us as essentially surrounded him and
 15 were continuing to harass him and I think that, if I
 16 recall correctly, I think that maybe it ended up
 17 where he tore up his voter registration application
 18 or something like that.
 19 That was really, I remember really disturbed
 20 Neil, what he had heard and witnessed, and I don't
 21 recall for sure, but it may have been in 2012. The
 22 only other time it might have been would have been
 23 the 2014 election, but I'm guessing that it was 2012.
 24 There were also some other incidents involving
 25 observers that -- at the in-person absentee voting in

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1 young man who didn't get a chance to vote?
 2 A You know, I seem to remember that Neil followed up
 3 with the young man and encouraged him to come back
 4 and to vote, and I don't recall if he ever did.
 5 Q Did you and Neil discuss that the observer was
 6 attempting to intimidate this young man because he
 7 thought -- who he thought he was going to vote for?
 8 A Well, there was certainly discussion that it appeared
 9 that the voter was being intimidated, but I don't
 10 recall that we discussed why.
 11 Q You can put that aside. The next one is Kennedy 21.
 12 I've handed you Kennedy 21. Let me know when you've
 13 had a chance to look it over.
 14 A Okay.
 15 Q The very top email, is that from you?
 16 A Yes.
 17 Q And you say, "I just wanted to pass along this email
 18 exchange so everyone has a feel of the atmosphere in
 19 Milwaukee after one day of voting. I would expect we
 20 will hear about this story during public comments at
 21 the board meeting."
 22 What did you mean by the first sentence, meaning
 23 specifically so everyone has a feel of the atmosphere
 24 in Milwaukee?
 25 A Well, it was being sent to our entire staff in the

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1 elections division, and any one of them may have
 2 fielded calls about incidents at polling places
 3 during the in-person absentee voting period, and I
 4 just wanted to give them a heads up about that this
 5 is what was happening in Milwaukee, that we were
 6 aware of it and we wanted to continue to keep an eye
 7 on it.
 8 Q And what exactly was happening in Milwaukee?
 9 A Well, without reading the entire exchange, it
 10 appeared that this --
 11 Q Just a summary.
 12 A There was a disagreement between the election
 13 inspectors and an observer about conduct at the
 14 location where in-person absentee voting was taking
 15 place.
 16 Q And this was the issue of taking pictures, right?
 17 A I believe so. Yes, yes. And although I would note
 18 that Mr. Albrecht's email describes a couple of other
 19 activities that he felt were violations of the
 20 observer rules.
 21 Q Right. So when you were referring to the atmosphere
 22 in Milwaukee, was it specifically about the violation
 23 of the observer rules or was something -- was it
 24 other things?
 25 A It was the atmosphere involving tension that had

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1 Q And if I recall correctly, Shane Falk is a lawyer,
 2 right?
 3 A Correct.
 4 Q And you're on this email in the to column with some
 5 other folks from the GAB, correct?
 6 A Yes.
 7 Q Did you have any discussions with Shane about this --
 8 the very first email, the top?
 9 A We may have. I mean our -- his office, the other
 10 staff attorney's office and my office are all in a
 11 row, and so we have pretty regular contact throughout
 12 the day.
 13 Q Do you know what he meant when he said, "This is an
 14 article that should go to the board so that they are
 15 aware of the impact of Ardis, Mary Ann and their
 16 close connections to the Legislature"? Did you have
 17 any discussions about that?
 18 A I don't recall any specific discussions, but I think
 19 I know what he was trying to get at here.
 20 Q What was he trying to get at?
 21 A I think Ardis Cerny, Mary Ann Hanson and some other
 22 individuals that are in that organization, they would
 23 often come to our board and present public comments
 24 about things that the board was doing, things that
 25 they disagreed with maybe or had concerns about, and

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1 occurred between the observers and the election
 2 officials and the voters I think just in general.
 3 Q And before -- had there been any sort of prewarning
 4 that there would be issues in Milwaukee of this
 5 nature?
 6 A I don't recall anything specifically. Milwaukee
 7 obviously is our largest municipality and we feel
 8 like at the state level in order to have a successful
 9 state election, things need to go well in our largest
 10 municipalities, and so as I mentioned, Neil and I
 11 have pretty regular phone contact and I was probably
 12 generally aware -- certainly I was familiar with the
 13 person he's writing to here because she attends a lot
 14 of our board meetings and so we were aware that her
 15 organization would be providing observers in the City
 16 of Milwaukee and that there was some possibility for
 17 some tension.
 18 Q And Milwaukee is also your largest minority city,
 19 right?
 20 A Yes.
 21 Q You can put that one away. I'm going to hand you
 22 what's been marked Kennedy Exhibit 23. Take a look
 23 at it and let me know when you're -- when you've had
 24 a chance to look at it.
 25 A Okay.

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1 they would also lobby the Legislature, and we are
 2 involved with this on a daily basis, and I think
 3 Shane was just trying to let the board know or get
 4 the board some background about who was coming to the
 5 board meetings and what their perspective was.
 6 We have a board of six members, and one member
 7 rotates every year or leaves every year, and so it's
 8 a constant effort to try to let the board know what
 9 we know. So I think that's what he was
 10 encouraging.
 11 Q What is their group, what is it, Waukesha --
 12 A Right.
 13 Q Women Watching Wisconsin Elections?
 14 A I think that organization has gone by a couple of
 15 different names. At one point it was called We Are
 16 Watching Wisconsin Elections. This title has been
 17 shortened sometimes to the Waukesha Women's Group,
 18 things like that.
 19 Q But what kind of group is it, if you know?
 20 A It's -- you know, really my contact has been really
 21 with these two individuals and maybe one or two
 22 others that attend our board meetings. So they've
 23 taken an interest in elections, they regularly attend
 24 our board meetings. They regularly attend public
 25 hearings of the election committees, and they are

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1 interested in election procedures.
 2 They've advocated for a long time things like
 3 the photo ID law and anything that they perceive as
 4 impacting election integrity. They examined our
 5 processes for the HAVA checks, for instance, and
 6 raised concerns that they have and maybe will come to
 7 our board and say do you realize this is what your
 8 staff is doing and we think they should be doing more
 9 or less or something different.
 10 Q Are they bipartisan?
 11 A I think they describe themselves as a nonpartisan
 12 organization. I think in general our perception is
 13 that their perspective is more from the conservative
 14 angle. And I say that specifically because some of
 15 the same individuals I think have been involved in,
 16 for instance, training election inspectors for the
 17 Republican Party or I should say election observers,
 18 not election inspectors.
 19 Q She takes credit for -- somebody takes credit for 16
 20 new laws. Is that accurate?
 21 A The number of laws or --
 22 Q Yeah.
 23 A -- taking credit?
 24 Q Well, "Then I complained and look what happened, 16
 25 new laws."

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1 A I think looking at the email from Reid Magney, it
 2 says this is a blog post by Cindy Silken.
 3 Q Okay. Do you read blog posts as part of your current
 4 duties?
 5 A Usually only if Reid Magney circulates them.
 6 Q Sends it to you, okay.
 7 A Usually it's not fan mail.
 8 Q Yeah, no. Do you recall having any discussions with
 9 the board about the impact of Ardis, Mary Ann and
 10 their close connection to the Legislature?
 11 A I don't recall any specific discussions with the
 12 board as a whole. There might be -- I think there
 13 may have been like individual discussions in passing
 14 with certain board members if they might have more
 15 questions about what's going on, what are you guys
 16 dealing with.
 17 Q There wasn't any discussion that we have to watch for
 18 these people because they're close to the Legislature
 19 and they could give us a hard time?
 20 A No. And any board member who was on the board for
 21 more than six months would pretty quickly become
 22 familiar with who they were and what their
 23 perspective was.
 24 Q Okay. Put that one away. I hand you what is Kennedy
 25 Exhibit 24. And take a look at it. Let me know when

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1 you're done.
 2 A Okay.
 3 Q Have you seen this series of emails before?
 4 A Yes.
 5 Q And you're on the top email from Nathaniel Robinson
 6 to you, right?
 7 A Right.
 8 Q And in the second email, you say to Nate, "We've
 9 always known of this tie."
 10 What did you mean, we've always known of this
 11 tie?
 12 A Essentially that this group was somehow affiliated
 13 with the Republican Party or at least individuals
 14 that are involved or active with the Republican
 15 Party.
 16 Q And did the GAB get involved or participate in
 17 training some of its observers?
 18 A No.
 19 Q Did the Waukesha GOP folks send their materials to
 20 you for review?
 21 A Not that I recall.
 22 Q Have they ever reached out to you to get the GAB's
 23 input on their training materials for their
 24 observers?
 25 A I do not believe they have.

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1 Q Did you read the attachment that Nathaniel sent?
 2 A Yes.
 3 Q Did you have any concerns about it at the time?
 4 A As I noted in the email, I was mostly wanting to make
 5 sure that people just generally knew what was going
 6 on. A lot of different organizations train election
 7 observers, and we sometimes review the materials that
 8 they're going to use if they want us to.
 9 And again because of our nonpartisan nature and
 10 the fact that we want elections to be administered in
 11 a nonpartisan way, I expressed here that hopefully
 12 they were giving out accurate information because
 13 based on our experience, we thought that sometimes
 14 that was not the case with this group.
 15 Q Thus Nate's comment?
 16 A Nat's comment, yes.
 17 Q Nat's comment, sorry. We can put that away. The
 18 next exhibit is Kennedy 29. Take a look at that and
 19 tell me when you're finished.
 20 A Okay.
 21 Q Remind me who Dave Buerger is.
 22 A He's one of our election administration specialists.
 23 He's one of our more experienced election
 24 specialists.
 25 Q And you are in that very first email, it was sent to

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1 you as well, right?
 2 A Yes.
 3 Q Do you recall what this discussion was about? I see
 4 that Shane Falk says in the middle email, "Charge any
 5 voter ID for students? Can anyone say 'poll tax'!
 6 If DMV offers it for free, shouldn't the
 7 universities?"
 8 Do you know what he's referring to?
 9 A Yes. I believe there's an indication that college
 10 students in the UW System might be charged to obtain
 11 a photo ID. The original email from the attorney for
 12 the University of Wisconsin System ends with the
 13 statement that most of the UW System campuses plan to
 14 charge student segregated fees for the expense as
 15 authorized by the student government.
 16 Q And that was caused by the change in the law?
 17 A Well --
 18 Q Because they needed these IDs?
 19 A Right, they needed to have an ID that complied with
 20 the law and the regular student ID cards did not
 21 comply with the statute. And so they were looking at
 22 producing a separate student ID that would comply
 23 with the photo ID law.
 24 Q But it would come at a cost?
 25 A Yes.

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1 Q And do you know if Shane was drawing a legal
 2 conclusion that in fact that could be a poll tax?
 3 A I think that was his sort of quick editorial comment
 4 on it.
 5 Q And a poll tax would be unconstitutional, wouldn't
 6 it?
 7 A Right. I think, though, the segregated fees, it's
 8 not clear to me that the students were being charged
 9 individually, but maybe the campus would take the
 10 costs out of their pot of what are called segregated
 11 fees for administering the program.
 12 Q And then David talks about the feds offering passport
 13 certificate of naturalization for free. Oh, he says
 14 as soon as.
 15 A Right.
 16 Q Was that a possibility?
 17 A I think David Buerger is also an attorney, and so
 18 there's a certain amount of banter back and forth
 19 about just playing devil's advocate and inserting
 20 sort of policy or legal arguments.
 21 Q But he does say that the free ID, so-called free ID
 22 in quotes requires a birth certificate which costs
 23 \$20 minimum.
 24 A Correct.
 25 Q Was there any follow-up with respect to the charge to

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1 the students by GAB?
 2 A No. And in reading the email, I mean it does seem to
 3 indicate that the program would be funded by this pot
 4 of segregated fees rather than being a charge for any
 5 student who requested one of the IDs. As David
 6 indicates, much like how taxes are paying for the
 7 free state IDs from the Department of Motor Vehicles.
 8 Q And do you know whether -- what UW ultimately did?
 9 A They did produce a separate student ID card.
 10 Q Do you know whether they charged the students for it?
 11 A I do not know for sure. I don't believe that they
 12 did.
 13 Q And what's that based on?
 14 A I think just based on our contacts with Attorney Lind
 15 and the UW System. I don't recall ever hearing that
 16 they were charging students. And I think if they
 17 were, that that would probably be something we would
 18 know.
 19 Q I hand you what's Kennedy Exhibit 31. Look it over
 20 and let me know when you've had a chance to do that.
 21 A Okay.
 22 Q Have you seen this email chain before?
 23 A Yes.
 24 Q And you're on the -- in the to line with some other
 25 folks from GAB?

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1 A Yes.
 2 Q Do you recall whether or not GAB -- I'm sorry, Ross
 3 says, "This should definitely be part of our outreach
 4 and Jo and I have been discussing/identifying groups
 5 that we will be reaching out to."
 6 Do you know whether or not GAB in fact reached
 7 out to either Rock the Vote or the Department of
 8 Civil Rights?
 9 A I do not know, but I think that Ross was referring to
 10 groups that might have been mentioned in this --
 11 Q Article?
 12 A The last part of the article mentions the Department
 13 of Civil Rights connecting with groups that are
 14 unlikely to have current state identification cards,
 15 and we were trying to track down what that was a
 16 reference to.
 17 And I think Ross in the end was saying it would
 18 be great if we can get this list and add it to the
 19 groups that we should be reaching out to.
 20 Q And do you know if that occurred?
 21 A I do not know.
 22 Q Did anyone follow up on -- it says, "The Department
 23 of Civil Rights has developed an extensive outreach
 24 plan after identifying key groups that do not have
 25 current Wisconsin driver's licenses or state ID

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1 cards."
 2 Did anyone at GAB attempt to reach any of these
 3 groups who might not have a current Wisconsin
 4 driver's license or state ID card?
 5 A Well, I think in general not as a result of this
 6 article or because we necessarily got a list
 7 resulting from it. Reading it, it's unclear whether
 8 the groups they mean are these demographics or some
 9 types of groups that individuals would be associated
 10 with, and I don't really know the answer to that.
 11 I was not the division administrator at the time
 12 so would not necessarily have been following up with
 13 whether or not it was done.
 14 Q Okay. And I want to hand you Kennedy Exhibit 32.
 15 A Okay.
 16 Q Let me know when you're done.
 17 A Oh, sure, yes.
 18 Q Have you seen this document before?
 19 A Yes.
 20 Q Now, how is it that you saw this document?
 21 A It was something that I would have reviewed as part
 22 of our work with the photo ID law. It was produced
 23 in early January of 2011 by professors at the
 24 University of Wisconsin and we were in the mode of
 25 trying to really collect any information we could,

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1 Q 52.
 2 (Exhibit 52 is marked for identification)
 3 MR. KAWSKI: And, Clay, this is the
 4 same. It's just double-sided.
 5 Q Take a look at Exhibit 52 and let me know when you're
 6 finished.
 7 A Okay.
 8 Q This is the declaration that you submitted in support
 9 of defendants' motion for summary judgment, correct,
 10 in this case?
 11 A Yes.
 12 Q I'm going to ask you about some of the exhibits. The
 13 Exhibit A, maybe I'm missing it, do you know when
 14 that was created?
 15 A I am guessing that it was created after the photo ID
 16 law was passed as one of a number of documents where
 17 we tried to sort of condense and crystallize what the
 18 requirements were as a result of that law.
 19 Q And you say in your declaration that, "This is a true
 20 and correct copy of the voter registration guide
 21 created by GAB to aid voters."
 22 Where was this published?
 23 A Well, we would have posted this on the Bring it to
 24 the Ballot website. We may have posted it on the
 25 main GAB website. It would have been made available

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1 any literature we could about photo ID laws, and this
 2 group had conducted some research or reviews and they
 3 provided us with the summary.
 4 Q And did this summary impact any of the -- impact your
 5 approach to the voter ID laws at all?
 6 A I think it was part of the -- you know, the
 7 literature that added to our knowledge about issues
 8 that we should be aware of, populations that we
 9 should pay attention to that might need assistance
 10 with the photo ID law.
 11 Q And did you have any meetings with any of the
 12 professors or individuals who were in the front line?
 13 A I did not, and I do not know if Director Kennedy did.
 14 Q When the document talks about vulnerable groups, are
 15 the vulnerable groups that they're talking about
 16 minority groups, students, the elderly, to name a few
 17 in here, consistent with the other information that
 18 you had about who were vulnerable populations with
 19 respect to the voter ID law?
 20 A Were they consistent? Yes, I think they were largely
 21 consistent.
 22 Q Okay. I'm going to show you --
 23 MS. WILSON: So this is going to be
 24 the next exhibit, which is what?
 25 THE REPORTER: 52.

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1 to clerks as a tool that they could use as well.
 2 Q Would it be posted anywhere else that was not a clerk
 3 or not a website?
 4 A Well, I think not by us. It would have been made
 5 available if anybody else wanted to use it and post
 6 it. Sometimes we find that some of the materials we
 7 produce end up in public libraries and other public
 8 locations.
 9 Q And do you know if this Exhibit A did end up in a
 10 public library or other public location?
 11 A I do not know for sure.
 12 Q Let's take a look at Exhibit B. This is a proof of
 13 residence created by GAB to aid voters. Do you know
 14 when this was created?
 15 A Yes. I believe it was also another document that was
 16 created following the passage of the photo ID law.
 17 Q And do you know where it was published, if anywhere?
 18 A I guess similarly it would have been on our Bring it
 19 to the Ballot website, maybe on our main website,
 20 distributed to clerks as well. And I think all of
 21 these similar documents we would also take out on the
 22 road if we were making in-person presentations. It
 23 became part of a packet that would accompany our
 24 presentations.
 25 Q And do you know for sure that that was the case?

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MICHAEL HAAS

1 A If what was?

2 Q You just said that the rest of the exhibits would

3 have been a packet, right, for your road shows?

4 A Yes.

5 Q Do you know that for sure, or are you guessing?

6 A There is a Bring it to the Ballot packet later. The

7 document I guess is Exhibit F, and I think that is

8 the packet that I believe would accompany our

9 in-person presentations, and that packet may have

10 changed as we modified it, but some of these fact

11 sheets would have ended up in that packet.

12 Q And that would be places that you and I talked about

13 where you were invited to come and speak?

14 A Yes.

15 Q You meaning the GAB.

16 A Right. And also we let clerks know where they could

17 find our PowerPoint presentations in these types of

18 packets, and sometimes they would make presentations

19 locally.

20 Q And do you recall a clerk making presentations

21 locally as you sit here today?

22 A I recall being told of some specific clerks that were

23 doing that, but I don't recall who.

24 Q Do you know whether Exhibit -- sorry, I'll do this

25 one at a time. Do you know whether Exhibit B was

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1 in F that you call the packet more widely

2 disseminated other than online?

3 A You know, I believe that we printed that packet and

4 at some point made some resources available to public

5 libraries because we felt that that was one facility

6 that is likely to be available statewide in a lot of

7 communities, and I don't recall if it was

8 specifically this packet or some of our other

9 resources. But that may have -- it may have also --

10 we may have also distributed it to public libraries,

11 but I do not know that for sure.

12 Q Mr. Haas, if you know, who decides what photos will

13 go up on -- like, for example, in the documents in

14 Exhibit F? Is it the public relations group?

15 A I'm trying to find which photos you're referring to.

16 Q Oh, there's a bunch. There's one on 21, there's one

17 on 18, 17, 13, 11, a bunch on 7. I take it these are

18 actual people. But is this the public relations

19 group of the GAB?

20 A I believe that these are documents that we created.

21 The things that the other firm would have created are

22 more likely to be what's -- something that's -- there

23 are brochures later on that have the Bring it to the

24 Ballot theme, and that's what the outside firm

25 created. I believe these are documents that our

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1 made available to the general public?

2 A Yes, it was.

3 Q Okay. And where would that have been?

4 A I think the same outlets I described, on our

5 websites, possibly being distributed and also being

6 made available to clerks.

7 Q Anything other than clerks and online and possible

8 road shows?

9 A You know what, we may have -- I know we were making

10 an effort to keep the Legislature apprised of what we

11 were doing, so we may have also sent out a

12 communication to the Legislature saying this is where

13 you and your constituents can find these resources.

14 Q Is it the same with Exhibit D, that it would have

15 been available on the website?

16 A Certainly. And that is not specific to the photo ID

17 law. That's the voter registration application, so

18 that would have always been available on our website.

19 Q Okay. Same thing for Exhibit F -- I'm sorry,

20 Exhibit E, also available on the website?

21 A Right. The application for absentee ballot, yes.

22 Q We've already talked about Exhibit F. Other than --

23 let me go back to F for a second. Other than some of

24 the road shows you did and the clerks who may have

25 done some training, was this packet, these documents

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1 staff collectively created.

2 Q Okay. Because it has the Bring it to the Ballot on

3 the first one?

4 A Well, it has the Bring it to the Ballot notation on

5 the bottom.

6 Q Yeah.

7 A But I don't believe that this is -- I believe that

8 that packet, which is Exhibit F, is a document that

9 our staff created.

10 Q You don't believe or do believe?

11 A I do believe it is.

12 Q Okay.

13 A Those materials, in that we sort of slapped the Bring

14 it to the Ballot brand on the top and looking at --

15 it's got the GAB seal and the state seal. I think

16 the documents that the outside firm created tended to

17 have less text and were -- so Exhibit G would have

18 documents that were created by the outside firm.

19 Q Okay. So the outside firm would be H -- G, H and I,

20 G, H -- I guess G and H, right?

21 A Actually H, we would have created that because we

22 were -- had a project going where we tried to collect

23 actual examples of actual acceptable photo ID and so

24 we created that document.

25 Q Okay. But G is the outside firm?

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MICHAEL HAAS

1 A Yes.
 2 Q And Exhibit I, is this something that's on your
 3 website?
 4 A Yes.
 5 Q And has it always been on your website?
 6 A Well, again I think this was -- I believe this is
 7 something that was produced after the photo ID law
 8 was passed, and part of our intent was to try to
 9 incorporate the photo ID requirements within other
 10 regular training and information materials. So it
 11 became part of the process and not simply presented
 12 as a separate issue.
 13 Q Okay.
 14 A So that looks like it is all materials really
 15 relating to absentee voting rules. And within that
 16 we tried to explain the impact of the photo ID law
 17 for different categories of absentee voters.
 18 Q And was this, what's in Exhibit I, made available
 19 elsewhere other than a website?
 20 A Again I think it was part of the presentations both
 21 to election officials as well as to any public
 22 presentations. These are the type of documents that
 23 we would bring. I've been in presentations even
 24 recently to municipal clerks where we have again gone
 25 over these type of documents.

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1 Q When you've been talking about presentations, are
 2 they just to municipal clerks or are they also to the
 3 broader public or usually you've been invited by a
 4 group who's putting something together for the
 5 broader public?
 6 A Really all three. Our presentations to clerks, and
 7 those count for their training requirements, and any
 8 organization that invites us. We also have some
 9 initiatives related to voters with disabilities. We
 10 have an advisory committee for that initiative, and
 11 we try to reach out to organizations representing
 12 those individuals and make presentations to them.
 13 So that would be a particular category of voters
 14 again trying to hit audiences that themselves can
 15 then spread the word and reach out to groups that
 16 they represent and then just public presentations
 17 that might be put on by a municipality, League of
 18 Women Voters or any other organization.
 19 Q Is there any way to figure out how many people you
 20 may have presented to since the -- sorry, since the
 21 voter ID law came into effect?
 22 A I know for a while, we were keeping track because we
 23 wanted to be able to report to our board what the
 24 efforts were that we were taking and so we -- during
 25 the initial rollout, we sort of had a running list of

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1 which groups we had made presentations to, and we may
 2 have even tried to estimate what the attendance was
 3 at those events.
 4 Q And is that running list still available?
 5 A It should be. And I don't know if we have kept the
 6 same list for more recent presentations. But we
 7 certainly have records of all of our presentations
 8 because it becomes part of our general report for
 9 every board meeting.
 10 Q And have you done any of these presentations to
 11 groups, put aside the clerks for a minute, to groups
 12 or the more general public since March of '15?
 13 A Yes. Our staff has, yes.
 14 Q And do you know how many they have done?
 15 A I'm guessing between 10 and 20.
 16 Q And do you know the -- do you have any idea of the
 17 size of the audiences?
 18 A It varies. I attended one in Milwaukee where there
 19 were maybe 20 to 25 people, but again they were
 20 activists that were there to learn so that they could
 21 present it to other people.
 22 Q Do they tend to be people who then go talk to other
 23 people?
 24 A That's our intent. And that was our general approach
 25 when we were given the responsibility to reach out to

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1 voters is we knew we couldn't touch everybody in the
 2 state, so we wanted to try to have that multiplying
 3 effect.
 4 Q For any of the Exhibits A through J, we didn't really
 5 talk about J, but J is similar to the exhibit that we
 6 saw earlier, right, that I gave you separately?
 7 A Yes.
 8 Q For any of the exhibits that are a part of your
 9 declaration, are any of them in a language other than
 10 English?
 11 A Not in this packet. We have -- I believe the
 12 documents that we prepared are not, but I believe the
 13 documents that are on the Bring it to the Ballot
 14 website are available in the Spanish language. We
 15 have the voter registration form that is available in
 16 both Spanish and Hmong language.
 17 MS. WILSON: Can we go off the record
 18 for just a second?
 19 THE VIDEOGRAPHER: Off the record at
 20 5:13.
 21 (Discussion off the record)
 22 THE VIDEOGRAPHER: We are on the
 23 record at 5:18.
 24 (Exhibit 53 is marked for identification)
 25 Q I've handed you, Mr. Haas, a document we've marked as

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MICHAEL HAAS

1 Exhibit 53. Have you had a chance to look it over?
 2 A Yes.
 3 Q Have you seen this document before?
 4 A Yes.
 5 Q Did you have any -- where have you seen it before?
 6 Let me ask you that first.
 7 A Well, in our office. This is a letter that
 8 Director Kennedy sent to U.S. Representative
 9 Gwen Moore.
 10 Q And did you have any input into the content of the
 11 letter?
 12 A I think I probably reviewed it. I believe that
 13 Mr. Kennedy drafted the letter.
 14 Q Did you have any discussions with him about the
 15 contents of the letter?
 16 A I believe so, yes.
 17 Q Did you have any discussions about the figure that's
 18 cited, that over 11,000 voters who were mailed
 19 absentee ballots prior to the recent court decision
 20 that allowed for implementation of Act 23 in this
 21 election?
 22 A Yes, we discussed that issue.
 23 Q Okay. What do you recall about those discussions?
 24 A Well, as the letter indicates, there was some
 25 confusion about what that figure represented and she

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1 A Yes, yes.
 2 Q And what was the distance that you said that they
 3 were permitted to tell them to stand?
 4 A The new law established a distance be from three to
 5 eight feet from the location of the tables where
 6 voters received ballots or registered.
 7 Q What discretion, if any, does the local election
 8 official have with regard to that law?
 9 A The primary -- under the statutes and under the
 10 previous administrative rule were there for clerks
 11 and the chief inspector to determine any space within
 12 that distance could be used, and it's up to the clerk
 13 and the chief inspector to lay out the polling place
 14 and to determine whether the distance is going to be
 15 under the current law three feet or four feet or up
 16 to eight feet.
 17 The observers do not have a right to be as close
 18 as three feet, and in fact, there's an overlap
 19 between the new law and the old administrative rule
 20 between six and eight feet where if clerks previously
 21 had stationed election observers six feet away, they
 22 could continue with that practice.
 23 Q So under the current state of the law, local election
 24 officials can tell people -- can tell observers you
 25 cannot stand within four feet of the registration

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1 had contacted our office with her concerns, and this
 2 was Director Kennedy's response.
 3 Q Was there any follow-up after Mr. Kennedy sent this
 4 letter?
 5 A I don't recall if -- I do not believe that we
 6 received any response from Representative Moore.
 7 Q Any other discussions from her or her office that
 8 this was a continuing issue?
 9 A Not that I know of.
 10 MS. WILSON: Thank you. I think I'm
 11 done. Thank you for your time unless you
 12 have --
 13 MR. KAWSKI: I just have one follow-up
 14 question. And did you want -- you said you have
 15 no further questions, correct?
 16 MS. WILSON: I have no further --
 17 unless you have -- unless I have to follow up to
 18 your follow-up.
 19 MR. KAWSKI: Sure.
 20 EXAMINATION
 21 BY MR. KAWSKI:
 22 Q Mr. Haas, several hours ago you talked about a
 23 requirement or a law that would permit local election
 24 officials to tell election observers where to stand.
 25 Correct?

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1 table or voters, is that right?
 2 A That's correct.
 3 Q Instead they could tell them you have to stand as far
 4 away as six feet from those folks?
 5 A That is an option, yes.
 6 Q So in other words, it leaves to the discretion of the
 7 local election official where in that three to
 8 eight-foot zone they tell people to stand?
 9 MS. WILSON: Objection, form.
 10 A That's correct. The clerk and the chief inspector
 11 can designate and in effect narrows -- narrow that
 12 zone, as you said, to five feet away or six to eight
 13 feet away as long as it is no further away than eight
 14 feet again where physically feasible is the caveat
 15 that we put on it.
 16 Q And the administrative rule you talked about, is that
 17 in effect currently?
 18 A It is currently not in effect as a promulgated
 19 administrative rule. When the permanent rule reached
 20 the final stages, which was approval by the
 21 Legislature in 2015, the Legislature did not allow it
 22 to be approved and it lapsed at the end of the year
 23 because of the time limits for promulgating the rule,
 24 and so at this point we do not have an administrative
 25 rule.

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MICHAEL HAAS

1 Our guidance to clerks has been to continue to
 2 use essentially what was in the administrative rule
 3 with the exception of the distance, which is now set
 4 by statute, but all the other requirements that were
 5 in the administrative rule, our approach has been to
 6 say that is the board's interpretation of the
 7 statutes and that's how we advise clerks to implement
 8 the law.

9 MR. KAWSKI: I have no further
 10 questions.

11 REEXAMINATION

12 BY MS. WILSON:

13 Q But there's no rule?

14 A There's no administrative rule on the books, that's
 15 correct.

16 MS. WILSON: Thank you. That's it.

17 THE VIDEOGRAPHER: We are off the
 18 record. This concludes the video deposition of
 19 Mr. Michael Haas containing four media. The
 20 time is 5:24 p.m.

21 (5:24 p.m.)

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 MICHAEL HAAS, who was
 9 first duly sworn by me; having been taken on the 22nd day
 10 of January, 2016, at the Wisconsin Department of Justice,
 11 17 West Main Street, in the City of Madison, County of
 12 Dane, and State of Wisconsin, in my presence, and reduced
 13 to writing in accordance with my stenographic notes made
 14 at said time and place.

15 I further certify that I am not a relative
 16 or employee or attorney or counsel for any of the
 17 parties, or a relative or employee of such attorney
 18 or counsel, or financially interested in said action.

19 In witness whereof, I have hereunto set my hand
 20 and affixed my seal of office this 23rd day of January,
 21 2016.

23 Notary Public, State of Wisconsin
 24 My Commission Expires: 1/29/17
 25

1 ERRATA SHEET

2 Witness Name: Michael Haas
 3 Date Taken: January 22, 2016
 4 Case Name: One Wisconsin v. Gerald Nichol, et al.

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