

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

ONE WISCONSIN INSTITUTE, INC., *et al.*,

Plaintiffs,

v.

Case No. 15-CV-324

MARK L. THOMSEN, *et al.*,

Defendants.

**DECLARATION OF JOSHUA L. KAUL IN SUPPORT OF PLAINTIFFS' MOTION
FOR RELIEF RELATING TO THE VOTER ID LAW**

I, Joshua L. Kaul, am an attorney with the firm of Perkins Coie LLP, and counsel for the Plaintiffs. I make this declaration in support of Plaintiffs' motion for relief relating to the voter ID law.

1. **Exhibit A** to this declaration is a true and accurate copy of an updated version of PX342 that counsel for Defendants produced to Plaintiffs' counsel subsequent to the status conference held on September 12, 2016. That document is confidential and a copy will be hand-delivered to the Court on a disc.

2. Attached hereto as **Exhibit B** is a true and accurate copy of the IDPP error report for the period between 2/1/16 and 7/30/16. Counsel for Defendants produced this document to Plaintiffs' counsel subsequent to the status conference held on September 12, 2016.

3. **Exhibit C** to this declaration is a true and accurate copy of an updated version of PX341 that counsel for Defendants produced to Plaintiffs' counsel subsequent to the status

conference held on September 12, 2016. That document is confidential and a copy will be hand-delivered to the Court on a disc.

4. **Exhibit D** to this declaration contains true and accurate copies of a number of audio recordings (some of which are split into two parts). Most of the audio recordings correspond with the transcripts that have been filed as exhibits to the declarations of Molly McGrath and Susan McGrath. For example, Exhibit A to Molly McGrath's declaration is a transcript of an audio recording of a discussion involving Ms. McGrath, Zack Moore, and DMV employees; that audio recording is part of **Exhibit D** to this declaration. Notably, Exhibit B to Molly McGrath's declaration is a transcript of only part of the corresponding audio. In addition, **Exhibit D** to this declaration contains an audio recording of the discussion involving Noreen Glover, Molly McGrath, and DMV employees described in paragraphs 20-22 of Molly McGrath's declaration; a transcript of that audio recording has not been prepared. Because **Exhibit D** consists of audio files, it will be hand-delivered to the Court on a disc.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct to the best of my knowledge.

Dated this 4th day of October, 2016.

s/ Joshua L. Kaul
Joshua L. Kaul

EXHIBIT A
to Declaration of Joshua L. Kaul

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Exhibit B

BFS Voter ID Petition Process Error Bureau Report

BACKGROUND

On 9/15/14, the Bureau of Field Services (BFS) implemented a Voter ID Petition Process (IDPP) in which customers whose documentation for proof of name & date of birth or proof of name change is unavailable could apply for a Wisconsin ID that would be acceptable for voter identification. The information provided by the customer on their petition application (MV3012) is passed through an adjudication process with staff from the Driver Eligibility Unit (DEU), Wisconsin Department of Health Services (DHS) and the Compliance, Audit & Fraud Unit (CAFU) prior to issuance of a Voter ID. BFS staff was trained on the procedures for correctly handling an IDPP application.

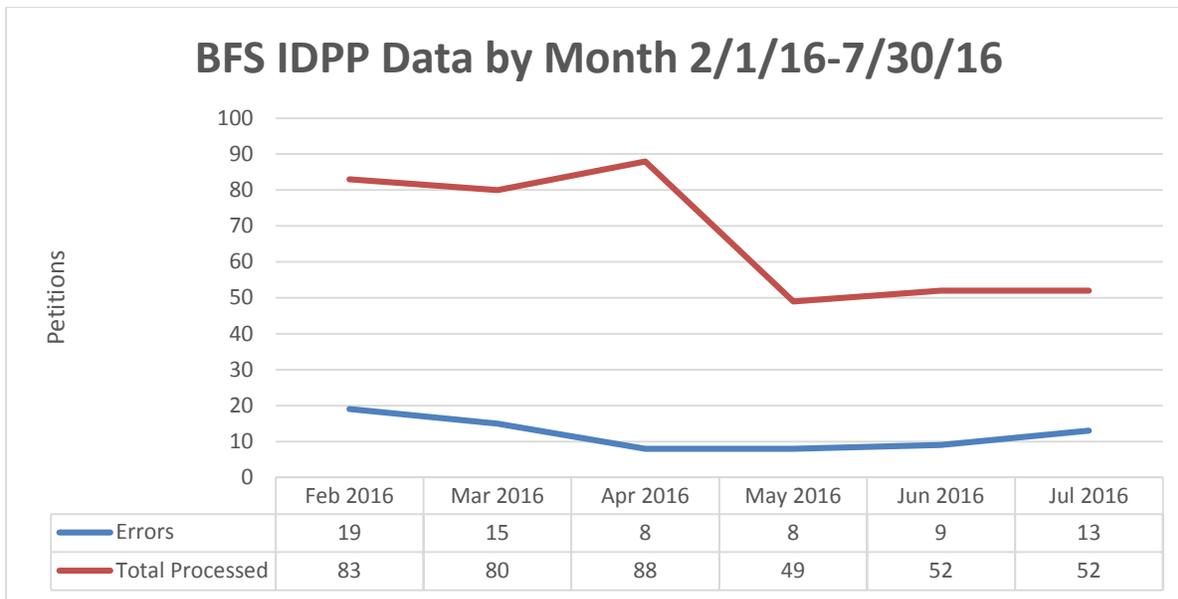
SCOPE

CAFU began tracking errors made by BFS during IDPP on 9/29/14. These errors were found either by DEU or CAFU. Each error was reported to the BFS Technical & Training Section so that corrective action could be taken and additional training could be applied. This report represents petitions processed between 2/1/16 and 7/30/16.

OUTCOME

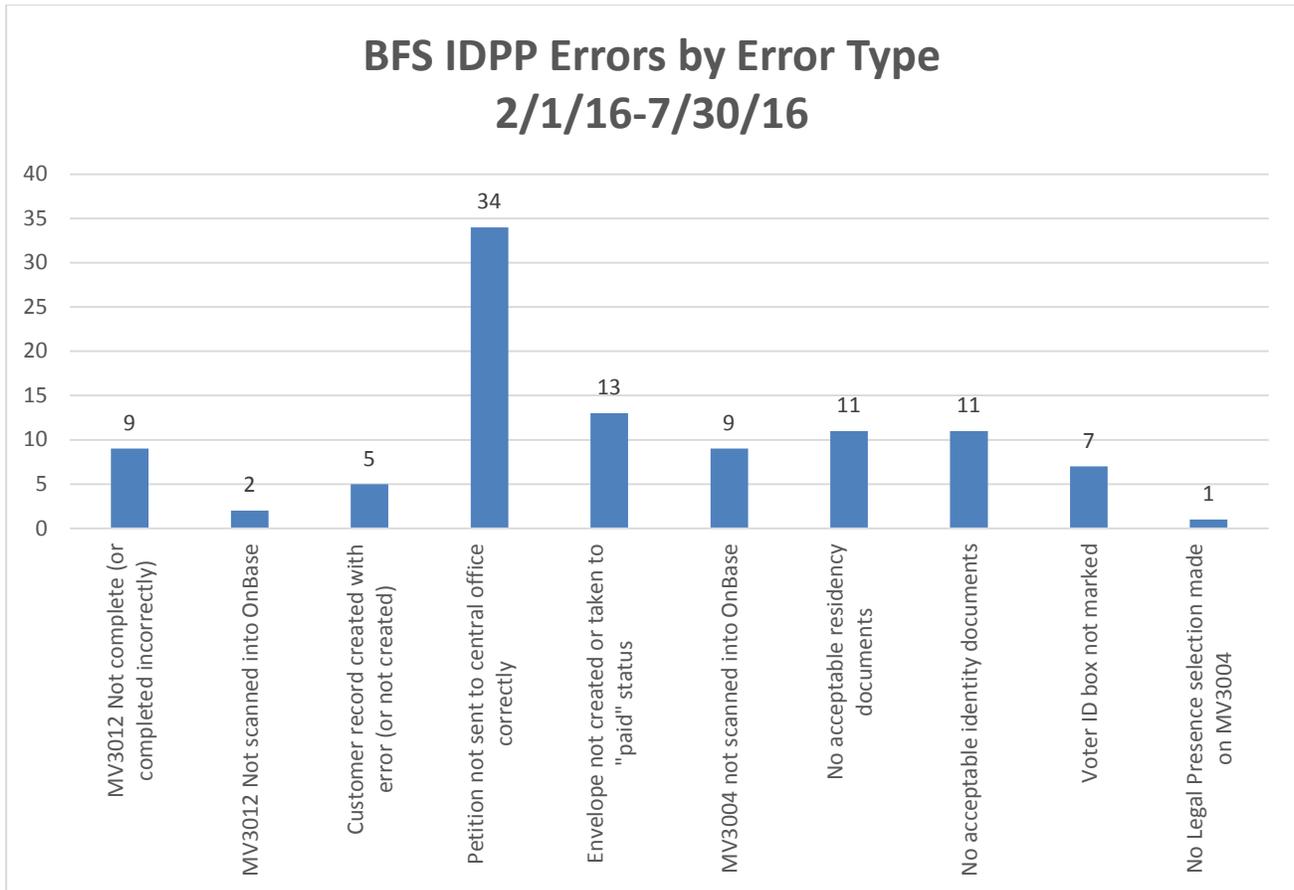
From approximately 6/9/16 through 6/29/16, BDS failed to follow procedures on reporting IDPP BFS errors to CAFU. An attempt was made to determine how many errors were found during that timeframe, however there is no way to determine if all errors were found. Because of this, actual accuracy rates during June may have been lower than what is shown in this report.

During the timeframe of 2/1/16-7/30/16, 411 IDPP applications were processed by BFS and 72 of those applications contained an error. This represents an accuracy rate of 82%. During the last report period (8/3/15-1/30/16), the accuracy rate was 74%. For the 72 transactions containing errors in this report period, 100 errors were noted meaning that at least one application had multiple errors. The chart below represents the total number of petitions processed and the total number of petitions with errors found each month from 2/1/16-7/30/16. During April, more petitions were filed than during any other month during this reporting period and the least amount of errors were made.



BFS Voter ID Petition Process Error Bureau Report

The following chart represents the type of errors found. The most common error type was that the petition was not sent to central office correctly meaning the email BFS is required to send to DEU either was not sent, was sent to the wrong email address, or did not contain the appropriate information. Often, the email contained several documents in addition to the petition which could result in DEU releasing highly restricted PII to DHS. This error accounted for 34% of all errors. The next most common error was the work envelope not being created or being created incorrectly.



The following chart indicates how many errors were made in each region during the timeframe and shows the overall accuracy for that region based on the total number of petitions processed by that region.

Region	# of Petitions with Errors	# of Petitions Processed	Total Accuracy
NE	8	43	81%
NC	7	22	68%
NW	5	15	67%
SE	35	251	86%
SW	17	73	77%
BFS Total	72	404	82%

BFS Voter ID Petition Process Error Bureau Report

On 5/9/16, BFS Technical & Training Section implemented a plan to record and track IDPP errors made in BFS that require BFS follow-up in order for the petition to proceed through the process. The new plan includes a spreadsheet that is used by CAFU and regional management. The newly implemented plan directs BFS staff on what to do with a petition for which the process was initiated but not completed because of an error made by BFS staff. When following the plan, BFS staff attempts to contact the customer by phone, sends the customer a letter and if the customer does not respond to the first letter within a week, sends a second letter. BFS is responsible for logging information and if the customer still does not return to a DMV Customer Service Center, CAFU begins their process for contacting the customer and suspending the petition if no contact is made. Since this change was made, 15 records have been added to the spreadsheet, 10 records have been resolved, and 3 records are still pending with BFS and 2 have begun the process with CAFU.

CONCLUSION

Errors made by BFS for Voter ID Petition Process customers negatively impact the petition process and may affect a resident's ability to vote. The accuracy rate improved during this report period however the third most frequent errors ("no acceptable residency documents" and "no acceptable identity documents") often require a customer to return to a DMV Customer Service Center in order to be entered into the petition process and take considerably more time for BFS staff and central office staff to complete the transaction. It is important for BFS and TTS to continue addressing IDPP training items with staff and to provide a refresher training to all staff prior to the November elections in order to ensure that IDPP transactions are processed accurately and efficiently.

TARGET TRAINING ITEMS FOR IDPP

- Correctly sending the MV3012 petition to Central Office
- Creating a work envelope and completing it to "Paid" status
- Scanning documents used as proof of primary residence
- Scanning documents used as proof of identity

EXHIBIT C
to Declaration of Joshua L. Kaul

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EXHIBIT D
to Declaration of Joshua L. Kaul

Audio Recordings
DVD Hand-Delivered to Court