

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

ONE WISCONSIN INSTITUTE, *et al.*,

Plaintiffs,

v.

Case No. 15-CV-324

MARK L. THOMSEN, *et al.*,

Defendants.

**DECLARATION OF KRISTINA BOARDMAN
REGARDING REPORT OF DMV'S INVESTIGATIONS
INTO IDPP COMPLIANCE**

I, Kristina Boardman, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Administrator of the Wisconsin Department of Transportation, Division of Motor Vehicles (DMV). I have held this position since February of 2016.

2. I am aware of recent reports about DMV service center staff providing customers with inaccurate or incomplete information about the IDPP.

3. Before these reports about inaccurate IDPP communications, DMV provided training updates about the IDPP procedures, including the operation of the Emergency Rule.

4. These training updates included information about the IDPP, including the fact that temporary IDs would be mailed directly to customers who were waiting more than 6 days for verification by CAFU.

5. These trainings were sent out on May 12, May 16, September 6, and September 23.

6. At the time of those trainings, DMV believed that the trainings we had provided were sufficient to ensure that customers would receive accurate, timely information about the IDPP.

7. In the months since the first training under the Emergency Rule, every IDPP applicant was mailed (at least) a receipt within six business days of his or her application.

8. Since the implementation of the Emergency Rule on May 13, 2016, 304 individuals have received temporary IDs through the IDPP.

9. Following the initial issuance of temporary IDs for previously submitted IDPP applications, 339 new applications have been submitted (*i.e.*, between May 14 and October 5, 2016).

10. From May 14, 2016, through October 5, 2016, 159 of the 339 new applicants have received temporary IDs. The remaining 180 applicants have

either received their eight-year ID credential or they withdrew from the petition process (cancelled).

11. I am not aware of any applicant who has entered the IDPP who has not been sent a temporary ID within the required five working days.

12. Aside from Zack Moore, I am not aware of any actual customer who lacks ready access to necessary documents, who has come into DMV after the emergency rule was implemented, but was not mailed a product valid for voting.

13. Since July 1, 2011, DMV has issued 504,054 free IDs for voting.

14. Since learning about the recent reports of inaccurate information about the IDPP, DMV has conducted a comprehensive evaluation and restructuring of our IDPP procedures and materials.

15. Many of these updates to procedures and materials were instituted pursuant to a directive issued by DOT Secretary Mark Gottlieb.

16. A true and correct copy of Secretary Gottlieb's directive is attached as Exhibit A.

17. Starting the week of October 3, 2016, DMV service centers implemented procedures to ensure that any applicant for a Wisconsin ID will be accurately informed about the IDPP, regardless of whether the customer informs staff that he needs the ID for voting, and regardless of what other documents the customer has.

18. These procedures are also intended to avoid any situation in which DMV field staff would make any judgment call about whether a particular customer should enter the IDPP to obtain an ID.

19. To implement these procedures, I began by contacting key DMV managers to communicate the importance of providing accurate information about the IDPP, and to establish an action plan to prevent communication errors in the future.

20. As part of my investigation, my staff and I have reviewed the materials about IDPP procedures that have been provided to field staff.

21. Starting the week of October 3, 2016, employees have been given an updated training module via the online learning management system, about how and when to enroll customers in the IDPP process. This training assignment is tracked, and employees who have not completed the module by October 7, 2016, will be contacted for immediate review with their supervisor.

22. Supervisors will also have one-on-one discussions with every DMV service center employee about the expectations for IDPP processing.

23. A checklist has been produced for employees and supervisors to complete and sign at the conclusion of the discussion.

24. A true and correct copy of this checklist is attached as Exhibit B.

25. On October 7, 2016, I received a report of how many employees had completed the required training and signed off on the checklist.

26. As of October 7, 2016, 374 employees out of 403 had completed the required training, and 357 employees had completed the one-to-one discussion with their supervisors.

27. A true and correct copy of that report is attached as Exhibit O.

28. On the morning of Friday, September 30, I sent an email to all DMV field staff, reminding them that anyone seeking an ID for voting will be able to receive that ID before the election.

29. In that same email, I emphasized that no one should leave a DMV service center believing that he or she will not be able to get an ID to vote in time for the election.

30. I also instructed staff to direct any questions about IDs for voting to their supervisors or the DMV's Technical Training Section.

31. A true and correct copy of that email is attached as Exhibit C.

32. The chief of the Technical Training Section, Glenn Green, has worked with his staff to develop the updated training module for all DMV field staff. Mr. Green has also participated in conference calls with DMV Regional Managers on this topic, and has addressed all Field Supervisors at an in-person meeting on October 4, 2016, on this same topic.

33. Starting the week of October 3, 2016, all DMV service centers have implemented a procedure that will provide every applicant for a

Wisconsin ID card with an ID card application (MV3004), an IDPP petition (MV3012), and an intake handout.

34. A true and correct copy of the intake handout is attached as Exhibit D.

35. A true and correct copy of the intake handout in Spanish is attached as Exhibit E.

36. The intake handout indicates that “DMV is committed to providing free identification to all eligible Wisconsin voters in time to have one’s vote counted.”

37. This intake handout also includes a hotline number for customers to call if they have any questions about the process of obtaining an ID to vote, or if they feel that they are not going to receive the identification needed to vote.

38. Additionally, all five-day offices (of which there are 30) have been instructed to queue ID card applicants to dedicated staff persons identified as Wisconsin ID card processing experts.

39. These local processing experts are field staff who have received additional training in IDPP procedures, and who are best suited to answer questions about applications for Wisconsin IDs.

40. These local experts also have access (as do all DMV staff) to the IDPP staff hotline for any questions of which the specialist is unsure.

41. This dedicated procedure for processing Wisconsin ID applications is intended to capture any customer seeking a Wisconsin ID, regardless of whether he tells staff that he needs the ID for voting.

42. Staff at five-day service centers have also been provided a specific “job-aid.”

43. The job-aid guides staff step-by-step through the ID application process, both at the information desk and at the processing counter.

44. A true and correct copy of that job-aid is attached as Exhibit F.

45. Also starting the week of October 3, 2016, DMV provided staff at part-time service centers (of which there are 62) with a separate job-aid to address the experience of customers not working through an “information desk.”

46. A true and correct copy of the 20-hour job-aid is attached as Exhibit G.

47. Because some of the part-time service centers are staffed with as little as one individual, with a single supervisor covering multiple offices in the region, it is not possible with current staffing to dedicate an individual at each office to handle applications for Wisconsin IDs, whether through the IDPP or otherwise.

48. Instead, staff at part-time service centers have been instructed to contact the internal IDPP hotline for assistance in processing all IDPP applicants.

49. Staff at those part-time centers also have on hand consistent materials that they can give to ID applicants about the IDPP.

50. This includes a takeaway letter that is provided to every customer who makes application via the petition process.

51. This letter includes a sample image of a “Voting Purposes Only” receipt, as well as notification that a receipt similar to the sample shown will be printed on secure paper and mailed to the customer within five days of application.

52. The letter also informs customers that the temporary ID will be sent via overnight mail for all applications made between October 31 and November 10.

53. A true and correct copy of the updated takeaway letter is attached as Exhibit H.

54. A true and correct copy of the updated takeaway letter in Spanish is attached as Exhibit I.

55. The takeaway letter at Exhibit H replaced a previous takeaway letter for IDPP applicants.

56. A true and correct copy of that takeaway letter is attached as Exhibit J.

57. As part of the investigation into how staff was conveying IDPP information, DMV learned that the previous takeaway letter (Exhibit J) did not provide accurate and complete information about the IDPP procedures.

58. DMV has developed the updated takeaway letter to correct any possible misperceptions about how the IDPP works.

59. The available processing resources for staff also includes a “corkboard” on the home screen of every field staff member’s monitor, with a large IDPP icon at the center of the corkboard.

60. By clicking on the IDPP icon, staff are directed to the available IDPP resources, including an IDPP checklist for staff, necessary forms for IDPP applications, a “Q&A” document, and the takeaway letter in Exhibit H, as well as other relevant resources. A screen-shot of the corkboard and IDPP resources is attached as Exhibit K.

61. Also starting the week of October 3, 2016, the DMV website pages entitled, “Obtaining an identification (ID) card” and “Wisconsin ID card for voting purposes – petition process” have been updated. Those pages now include language at the top regarding DMV’s commitment to providing free identification to all eligible Wisconsin voters in time to have one’s vote counted. These pages also include information regarding the public voter ID

hotline for anyone who has any questions about obtaining an ID for the purpose of voting.

62. The DMV's ID application page is available at <http://wisconsindot.gov/Pages/dmv/license-drvs/how-to-apply/id-card.aspx>.

63. The DMV's petition process page is available at <http://wisconsindot.gov/Pages/dmv/license-drvs/how-to-apply/petition-process.aspx>.

64. A true and correct copy of a screenshot of the DMV ID application page is attached as Exhibit L.

65. A true and correct copy of a screenshot of the DMV petition process page is attached as Exhibit M.

66. This public voter ID hotline is staffed by individuals specially trained in handling IDPP issues.

67. A hotline has also been established for field staff to call with any questions about the IDPP.

68. On Tuesday, October 4, 2016, DMV held a meeting for all field supervisors.

69. At that meeting, all field supervisors were instructed that any customer requesting an ID for voting should be guided through the new protocols put in place. This means that in addition to advising customers of the documentation requirements for obtaining a state ID, that every

interaction must include details about receiving an ID receipt that is good for voting. All field supervisors were reminded that anyone entering the petition process will be mailed a receipt from central office within five working days.

70. On September 29, 2016, I learned about a story in *The Nation*, which discussed instances of some individuals having difficulty obtaining IDs at some DMV service centers.

71. The following day, I also learned about a follow-up story in the *Milwaukee Journal Sentinel*, discussing the same incidents as *The Nation* story.

72. I have since learned about reports relating to ten other DMV service centers, in which inaccurate or incomplete information about the IDPP was provided to customers or volunteers with the group Vote Riders.

73. On September 29, 2016, after learning about the events raised in *The Nation* story, I immediately began investigating the allegations in that story, and also began a Division-wide investigation into how DMV field staff were informing customers about IDPP procedures.

74. This investigation included identifying staff involved in the transactions and assessing what errors might have occurred.

75. One of the situations discussed in *The Nation* story involved a man named Claudell Boyd, and occurred at the Madison West DMV service center.

76. Mr. [REDACTED] initial ID application listed his name as “[REDACTED],” which corresponded to the spelling of his name on his birth certificate.

77. On July 29, 2016, Mr. [REDACTED] was issued a Wisconsin ID card in the name “[REDACTED],” corresponding to the spelling of his name on his birth certificate and his ID application.

78. After Mr. [REDACTED] received his ID in the name “[REDACTED],” he returned to the DMV service center, seeking to change the name on his ID card to “[REDACTED],” which is the name he has used his entire life.

79. When Mr. [REDACTED] attempted to obtain an ID with the proper spelling of his name, he was told he could not use the IDPP to correct that error, and instead needed to change his name on his birth certificate to obtain a corrected ID card. He was not told that he could use the common-law name change procedure.

80. The proper DMV procedure for someone in Mr. [REDACTED] situation is to use a common-law name change form.

81. The common-law name change procedure allows someone who has used one name his entire life to obtain an ID in that name, when his document proving name and date of birth (*e.g.*, birth certificate) includes a misspelling of that name.

82. After I learned about Mr. [REDACTED] situation, I directed staff at the Madison West DMV location to review the common-law name change procedure.

83. On September 29, 2016, I directed staff to reissue Mr. [REDACTED] product with the name "[REDACTED]." Mr. [REDACTED] was mailed an updated receipt, and his ID card has been processed for printing and mailing.

84. Mr. [REDACTED] should now have the necessary ID to vote in the November 2016 election.

85. I have also directed supervisors at every other DMV service center to instruct all staff about the proper procedure for correcting a misspelling, as in Mr. [REDACTED] situation.

86. If a customer uses the common-law name change procedure to correct a misspelling in an identity document (as occurred with Mr. [REDACTED]), the customer would not need to enter the IDPP.

87. The IDPP is intended to allow people to obtain an ID valid for voting when they are unable to obtain the documents necessary to prove name and date of birth, or citizenship.

88. DMV service center staff have been trained to inform customers about the IDPP when the customer does not have all the necessary documents for an ID.

89. Where a customer tells DMV service center staff that the customer has all the necessary documents, but simply did not bring them with him to the DMV, the staff member might conclude that the documents are not “unavailable,” as required to submit an IDPP application.

90. It is my understanding that this is what occurred in another situation discussed in *The Nation* and the *Milwaukee Journal Sentinel*, involving an individual named Zack Moore.

91. Mr. Moore presented at the Madison East DMV to obtain a Wisconsin ID.

92. It is my understanding that Mr. Moore possessed all the necessary documents for a Wisconsin ID, but had not brought one of the documents (his birth certificate) with him to the service center.

93. I have listened to the recording of Mr. Moore’s interaction with DMV service center staff.

94. A transcript of that recording is attached to the Declaration of Gabe Johnson-Karp as Exhibit A.

95. Mr. Moore told staff that his birth certificate was with his sister in Illinois.

96. It is my understanding of that interaction that Mr. Moore seemed agreeable to collecting his birth certificate from his sister and proceeding

with an ID application using his birth certificate as his proof of name and date of birth.

97. For example, on the recording, Mr. Moore can be heard saying “I think I’ll try to call and get my birth certificate sent up,” “Yeah, I’m gonna call my sister and have her send my birth certificate,” and “So I’ll just have her mail it out. That will be easier.” (See Johnson-Karp Decl., Ex. A, 5:13–14, 23–24; 9:13–14.)

98. It is also my understanding of that interaction that Mr. Moore did not initially tell the service center staff that Mr. Moore was seeking an ID for the purpose of voting.

99. DMV staff have been trained to guide customers into the IDPP when the customer states that he needs an ID for voting.

100. Because the Wisconsin ID card is the second most widely used identification document in Wisconsin, a customer might want an ID card for any number of reasons unrelated to voting.

101. Since learning about the issues raised in The Nation story, regarding DMV counter staff providing inaccurate or incomplete information about the IDPP, I have undertaken multiple measures to ensure that DMV staff are able to accurately inform customers about the IDPP.

102. One goal of these measures is to address situations like that involving Mr. Moore, in which the individual does not immediately inform staff that he needs the ID for voting.

103. DMV does not dispute that the recordings indicate that some DMV employees conveyed inaccurate information about IDPP procedures.

104. On October 6, 2016, I contacted Molly McGrath, via VoteRiders, in an attempt to help Mr. Moore obtain an ID.

105. On that same day Ms. McGrath responded to me.

106. My understanding is that while Mr. Moore has difficulty traveling due to not having ready access to a car, Ms. McGrath would try to locate Mr. Moore so that DMV could work with him to obtain an ID.

107. [REDACTED] was issued a Wisconsin ID on September 21, 2016.

108. [REDACTED] was entered into the IDPP on October 3, 2016, and will be issued at least a temporary ID by October 10, 2016.

109. The Bureau of Field Services' (BFS) recent updates for processing ID petitions provide that an individual who presents at the service center without proof of residence or identity will nonetheless be entered into the IDPP.

110. A true and correct copy of BFS's procedures for processing applications without proof of residence or identity is attached as Exhibit N.

111. On October 4 and 5, 2016, I developed a plan to send out Wisconsin state troopers to engage in IDPP quality assurance checks at DMV field offices.

112. Working with DOT leadership, I developed a geographically diverse plan for the troopers to follow, including which DMV locations to target.

113. These 31 locations were intended to provide a statewide sample of DMV employees' understanding of the IDPP procedures at both five-day and part-time offices.

114. Working with the Division of State Patrol, I cooperated in the development of hypothetical questions that were intended to capture whether field staff were properly implementing the IDPP procedures under typical customer interactions.

115. Due to time constraints for this court filing and the wide geographical area to cover, the troopers were not instructed to engage in in-depth probing about various hypothetical situations. Instead, the questions were intended to mimic, based upon my experience, the typical customer interaction with DMV field staff.

116. The troopers were instructed to remain "undercover," so as not to indicate the nature of the investigation to field staff.

117. I am not aware of anyone within the Bureau of Field Services who knew about these efforts ahead of time.

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

Dated this 7th day of October, 2016.

/s/ Kristina Boardman
KRISTINA BOARDMAN