

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

RUTHELLE FRANK, et al., on behalf of)	
themselves and all others similarly)	
situated,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 11-CV-1128
)	
SCOTT WALKER, in his official capacity)	
as Governor of the State of Wisconsin,)	
et al.,)	
)	
Defendants.)	
)	Milwaukee, Wisconsin
-----)	November 4, 2013
)	
LEAGUE OF UNITED LATIN AMERICAN)	
CITIZENS (LULAC) OF WISCONSIN, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 12-CV-185
)	
DAVID G. DEININGER, et al.,)	
)	
Defendants.)	

TRANSCRIPT OF COURT TRIAL - VOLUME 1
BEFORE THE HONORABLE LYNN ADELMAN
UNITED STATES DISTRICT JUDGE

U.S. Official Reporter: JOHN T. SCHINDHELM, RMR, CRR,
Transcript Orders: WWW.JOHNSCHINDHELM.COM

Proceedings recorded by computerized stenography,
transcript produced by computer aided transcription.



1 Q. Have you ever tried to get one?

2 A. Yes.

3 Q. When was that?

4 A. In 2005, I believe.

10:44 5 Q. And what happened when you tried to get that ID?

6 A. I didn't have a birth certificate.

7 Q. So where did you go to try and get the ID?

8 A. Motor vehicle.

9 Q. Okay. And when you got to motor vehicles, what happened?

10:45 10 A. They asked me did I have a birth certificates or anything
11 stating who I were. And I said no, because I was born in
12 Mississippi.

13 Q. Okay. And did you try and get a birth certificate from
14 Mississippi?

10:45 15 A. Yes.

16 Q. What did you have to do to try and get a birth certificate
17 from Mississippi?

18 A. They gave me a form at motor vehicle to send down to
19 Mississippi to try and locate a birth certificate, which I
10:45 20 filled out and sent down there. And they sent it back in
21 15 days and said there was no such person.

22 Q. And did you have to pay money to try and get the birth
23 certificate?

24 A. \$10.

10:45 25 Q. Did you get your money back?

1 A. No.

2 Q. And do you have any idea why they didn't have a record of
3 you?

4 A. Because I was -- I wasn't born in a hospital.

10:45 5 Q. Where were you born?

6 A. I was born at home by a midwife.

7 Q. Ms. Weddle, are you registered to vote in Wisconsin?

8 A. Yes.

9 Q. How long have you been registered to vote in Wisconsin?

10:46 10 A. Oh, about 25, 30 years.

11 Q. And have you ever worked at the polls in Wisconsin?

12 A. Yes, I did.

13 Q. When was that?

14 A. Last year.

10:46 15 Q. And what did you do?

16 A. I was helping people to sign in and, you know.

17 Q. And did you vote in the 2012 presidential election?

18 A. Yes, I did.

19 Q. And about how many years have you been voting?

10:46 20 A. Oh, a long time, about 25, 30 years.

21 Q. And what's the first candidate you remember voting for?

22 A. Oh, my God. President Carter. I voted for President
23 Carter, President -- I can't remember. It's been a long time
24 ago.

10:46 25 Q. That's fine. And how frequently have you voted between when

1 A. Good morning.

2 Q. Just have a few questions for you. You said you had voted
3 in the February of 2012 primary election.

4 A. Yes.

10:48 5 Q. Were you asked to show an ID for that election?

6 A. No.

7 Q. Where do you vote?

8 A. I vote at the school on 68th Street near my house on Silver
9 Spring.

10:48 10 Q. Okay. Have you ever driven a car in Wisconsin?

11 A. Yes.

12 Q. But you said you don't have a driver license.

13 A. No, I don't have one.

14 Q. Have you ever left the United States?

10:48 15 A. No.

16 Q. Are you currently receiving any Social Security benefits?

17 A. Yes.

18 Q. Do you have a Social Security card?

19 A. Yes.

10:48 20 Q. Are you receiving any Medicare, Medicaid benefits?

21 A. Yes.

22 Q. And how did you apply for those benefits?

23 A. I applied -- well, my mom first applied for me before she
24 died. And then I go -- now I just -- they don't ask me for no

10:49 25 ID.

1 Q. You do have a card that allows you to get those benefits?

2 A. Yes.

3 Q. You mentioned that you had gone to the DMV in 2005 to get an
4 ID; is that right?

10:49 5 A. Yes.

6 Q. Have you gone back to the DMV since that time?

7 A. No.

8 Q. Do you have a savings account?

9 A. No.

10:49 10 Q. Any other kind of account or credit card?

11 A. No.

12 Q. Have you ever been on an airplane?

13 A. No.

14 Q. Have you ever voted by absentee ballot?

10:49 15 A. No.

16 MR. KAWSKI: I have no further questions. Thank you.

17 THE WITNESS: Thank you.

18 THE COURT: I believe you're excused. Thank you.

19 (Witness excused at 10:49 a.m.)

10:49 20 THE COURT: Next witness?

21 EDDIE HOLLOWAY, PLAINTIFF WITNESS, DULY SWORN

22 THE COURT: Have a seat. State your name for the
23 record, spell your last name. And you gotta talk about an inch
24 from the mic.

10:50 25 THE WITNESS: My name is Eddie Holloway,

1 Q. Do you have an ID from any other state before you came to
2 Wisconsin?

3 A. My Illinois ID, yes.

4 Q. Is that Illinois ID expired?

10:52 5 A. Yes.

6 Q. What is the name on that ID?

7 A. Eddie Lee Holloway, Jr.

8 Q. And was there a time when you heard about the voter ID law
9 in Wisconsin?

10:52 10 A. Yeah. When I first got here.

11 Q. And what do you know about it?

12 A. That you have to have -- all I know is that you had to have
13 an ID to vote. And I didn't understand that because I had never
14 had to have an ID before.

10:52 15 Q. Did you -- when you say you had never had to have an ID
16 before, do you mean --

17 A. To vote.

18 Q. In order to vote?

19 A. Yeah.

10:52 20 Q. And when you learned that you needed an ID to vote at that
21 time, did you have an ID to vote?

22 A. No. My ID had expired.

23 Q. And when you said your ID, which?

24 A. My Illinois ID had expired, because I was using it.

10:53 25 Q. And was there a time when you tried to get an ID in

1 Q. And did the person at the DMV tell you what you had to do to
2 fix this problem?

3 A. Yeah. The lady helped me -- she told me to go downtown
4 to --

10:54 5 Q. Downtown Milwaukee?

6 A. Yeah, downtown Milwaukee to -- I forgot what they call it.

7 Q. That's okay. If you don't remember, you don't have to say.

8 A. Yeah.

9 Q. So she told you to go downtown. Did she do anything else to
10 help you fix this problem?

11 A. She gave me the number down there and where it was and --
12 yeah, that's -- she gave me at the DMV.

13 Q. And after the -- you went to the DMV, did you go downtown?

14 A. Yeah, I went down there.

10:55 15 Q. How did you get downtown?

16 A. My sister, she took me down there this time.

17 Q. How did she take you down there?

18 A. In her car.

19 Q. Do you drive?

10:55 20 A. No.

21 Q. And when you went to downtown Milwaukee, what did they tell
22 you?

23 A. I went and asked for, you know, what I need to do to get an
24 ID. And they said that I needed to call Springfield. That's
10:55 25 the state capitol in Illinois. Call Springfield, and I

1 needed -- first I needed to amend my birth certificate.

2 Q. Did they tell you how much that would cost?

3 A. They said four to \$600.

4 Q. Do you have four to \$600?

10:56 5 A. I don't have four to 600 cents.

6 Q. How much money were you taking in at that time?

7 A. I wasn't -- I was -- I really wasn't taking in money. My
8 sister would help me because I took care of her twins.

9 Q. So it was for baby-sitting?

10:56 10 A. Yeah.

11 Q. So after they -- downtown Milwaukee told you about
12 Illinois --

13 A. Yeah.

14 Q. -- did you contact the Illinois office?

10:56 15 A. Yes, I called Illinois.

16 Q. And what did they tell you first?

17 A. First they told me that I needed to get the amendment papers
18 to amend my birth certificate. So I caught the bus, went down
19 there --

10:56 20 Q. Went down where?

21 A. To Decatur, Illinois.

22 Q. How much does it cost to get down there?

23 A. \$180 roundtrip.

24 Q. And how long does it take to get down there?

10:56 25 A. 7 to 8 hours.

1 Q. One way 7 to 8 hours?

2 A. Yeah.

3 Q. So after you went to Illinois, what happened?

4 A. Okay. I got the amendment papers, filled it out, took them
10:57 5 to Springfield. Then when I got to Springfield, they said I
6 needed my high school records, vaccination. And I had my Social
7 Security card and my birth certificate. So that's what I needed
8 to get --

9 Q. I'm sorry to interrupt you.

10:57 10 A. Uh-huh.

11 Q. Did you have your vaccination records?

12 A. No.

13 Q. Do you know where they are?

14 A. No.

10:57 15 Q. Did the Springfield office tell you about the school or
16 vaccination records before that time?

17 A. No. That's when -- the second -- when I went there, they
18 told me that's what I needed. So I had to come back home
19 first -- I mean come here.

10:57 20 Q. And "here," you mean Milwaukee?

21 A. Yeah.

22 Q. Did you end up trying to get your school records?

23 A. I got the money back up to go back down there, and that's
24 when I got my school records.

10:57 25 Q. And when you say "back down there," do you mean Decatur,

1 Illinois?

2 A. Decatur.

3 Q. So you got your school records.

4 A. Yes.

10:58 5 Q. And then what did you do with them?

6 A. They're right there.

7 Q. After you got your school records from Decatur, Illinois --

8 A. I took them back to Springfield.

9 Q. How did you get to Springfield?

10:58 10 A. I had some friends from church take me.

11 Q. How did they take you?

12 A. In the car.

13 Q. Did you do anything else -- did you give your friends
14 anything for the ride?

10:58 15 A. Yeah. I gave them gas money to get there.

16 Q. Do you remember around how much that was?

17 A. They didn't charge me nothing but \$20. That was it.

18 Q. So when you got to Springfield with your school records --

19 A. Uh-huh.

10:58 20 Q. -- what happened?

21 A. I went and showed them what I had. Then they said I needed
22 something else.

23 Q. And what was that something else?

24 A. I needed a statement from the Social Security office.

10:58 25 Q. Did they tell you about the statement from the Social

1 Security before?

2 A. Each time I went down there, they told me one extra thing
3 that I needed.

10:59

4 Q. So -- and did you have your Social Security statement with
5 you?

6 A. No. I had to come back here and get it.

7 Q. Before you came back here -- before you came back to
8 Milwaukee --

9 A. Uh-huh.

10:59

10 Q. -- do you remember if you did anything else in Illinois to
11 try and get an ID?

12 A. I went to the DMV in Illinois too.

13 Q. What did you do there?

10:59

14 A. I showed them what I had, and they said I needed --
15 everything that I needed for to get my one here, I needed the
16 same thing to get it there.

17 Q. Did you get a new Illinois ID?

18 A. No.

10:59

19 Q. When you came back to Milwaukee, did you try to get the
20 Social Security statement that Springfield asked for?

21 A. I got two of them.

22 Q. Why did you get two?

23 A. To make sure I had everything I needed.

10:59

24 Q. And did you take the Social Security statement back to
25 Illinois?

1 A. I don't have money to get there yet.

2 Q. How much money are you taking in right now?

3 A. 775.

4 Q. And what is that from?

11:00 5 A. Disability.

6 Q. And did you ever call Springfield to see if you could just
7 mail documents to them?

8 A. No. You can't mail them; you can't fax them; you can't do
9 none of that.

11:00 10 Q. Is that what they told you?

11 A. Yes.

12 Q. So sitting here today, do you have a new birth certificate
13 with the correct name?

14 A. No.

11:00 15 Q. And do you have a Wisconsin ID?

16 A. No.

17 Q. Do you have a Wisconsin driver's license?

18 A. No.

19 Q. Do you have a military ID?

11:00 20 A. No.

21 Q. Do you have a tribal ID from an Indian tribe?

22 A. No.

23 Q. Do you have a college ID?

24 A. No.

11:00 25 Q. Do you have a U.S. passport?

1 A. Right.

2 Q. Do you have anything else with your picture on it?

3 A. Uh-uh.

4 Q. That's a no?

11:01 5 A. No.

6 Q. And how did you get your Illinois driver's license?

7 A. I got it when I was in school. I had them all these years.

8 Q. And you had that renewed over the years?

9 A. Uh-huh, until I got a DUI and that was the end of driving so
11:02 10 I just got an ID.

11 Q. And when was that?

12 A. Oh, Lord, that's about 20 years ago.

13 Q. And about when did you move to Wisconsin?

14 A. Five years ago. It will be six years March 18th.

11:02 15 Q. And when you went to the DMV the first time here in
16 Wisconsin, you brought a birth certificate. That's right?

17 A. Right.

18 Q. And you brought your Illinois state ID card. That's
19 correct?

11:02 20 A. Right.

21 Q. And you brought a Social Security card, right?

22 A. Right.

23 Q. And you talked to -- how many people did you talk to at DMV?

24 A. One person. She said 400 to \$600. I was done with all of
11:02 25 it.

1 Q. Do you have a bank account, Mr. Holloway?

2 A. No.

3 Q. Do you receive government benefits?

4 A. Disability. Yeah.

11:03 5 Q. Social Security disability?

6 A. Yeah. That's what they said.

7 Q. Are you on Medicaid or BadgerCare?

8 A. No.

9 Q. Do you receive any FoodShare?

11:03 10 A. If they keep cutting them, I probably won't get any.

11 Q. When did you first apply for FoodShare?

12 A. When I first got here, five years ago.

13 Q. And did you need to go somewhere physically to apply for
14 FoodShare?

11:03 15 A. Yeah. I had to go over there on -- where the Y is. Where
16 they let people sleep at night.

17 Q. So somewhere in Milwaukee here?

18 A. Yeah.

19 Q. And what did you need to bring to get your FoodShare?

11:03 20 A. I just -- my ID was valid then, so that's all I needed was
21 my ID.

22 Q. Your ID was valid when you first applied for FoodShare?

23 A. Uh-huh.

24 Q. And that was what year again?

11:03 25 A. Oh, boy. I don't know exactly what year it was. But it's

1 Q. Do you have a naturalization certificate?

2 A. No.

3 Q. Do you have a tribal ID card?

4 A. No, I do not.

11:48 5 Q. Do you have a student ID card?

6 A. No, I do not.

7 Q. Do you have a nondriver photo ID?

8 A. No.

9 Q. Have you ever had a nondriver photo ID?

11:48 10 A. No.

11 Q. Do you have any other type of ID with your picture on it?

12 A. No, I do not.

13 Q. You said you had a veterans ID card.

14 What do you use your veterans ID card for?

11:48 15 A. Basically for hospital and medication purposes.

16 Q. Does it have an expiration date on it?

17 A. No.

18 Q. Have you ever tried to get an ID from the DMV?

19 A. Yes, I have.

11:49 20 Q. Why did you decide to do that?

21 A. For one, it was for voting purposes, and it was also needed
22 for job purposes also along with housing.

23 Q. And when was that?

24 A. Along with housing, you have to have a state ID from the

11:49 25 State of Wisconsin.

1 A. Harold Vincent.

2 Q. What do you do for a living?

3 A. City of Milwaukee Department of Public Works as an inventory
4 assistant 2.

04:04 5 Q. Who is the main person who helps to take care of your
6 mother?

7 A. I do.

8 Q. After the Wisconsin photo ID came out -- photo ID law came
9 out, what did you do to help your mother vote?

04:04 10 A. Well, we made an attempt to go to the motor vehicle
11 department but without a birth certificate she wasn't able to
12 get an ID.

13 Q. What did you do to try to get a birth certificate for her?

14 A. We sent one off to the State of Louisiana.

04:04 15 Q. I'm going to hand you what's been marked as Frank
16 Plaintiffs' Exhibit 591. Do you recognize this document?

17 A. Yes.

18 Q. What is this document?

19 A. That's a document for request of a birth certificate for my
04:05 20 mother.

21 Q. In which state?

22 A. Louisiana.

23 Q. Did you fill that out?

24 A. Yes.

04:05 25 Q. Why did you fill it out?

1 A. Because they needed someone next of kin to fill it out and
2 pay for it and mail it off for her.

3 Q. Why couldn't your mother?

4 A. I believe they need someone to be a witness.

04:05 5 Q. Did you have to submit your photo ID as part of that
6 application?

7 A. Yes, I did.

8 Q. Does your mother have photo ID?

9 A. I don't believe so.

04:05 10 Q. Did it cost money to send this form to Louisiana?

11 A. Yes, it did.

12 Q. How much?

13 A. \$15.

14 Q. What did you receive from Louisiana in response?

04:06 15 A. I received a birth certificate but it was for my Auntie June
16 Rose Brown.

17 Q. I'm going to handled up what's been marked as Frank
18 plaintiff Exhibit 592. Do you recognize this document?

19 A. Yes, I do.

04:06 20 Q. What is this document?

21 A. It's a document from the State of Louisiana, Department of
22 Health and Hospitals.

23 Q. Is this what you received in response?

24 A. (No response.)

04:06 25 Q. It's double sided if you want to take a look at the other

1 pages.

2 (Witness peruses document.)

3 A. Yes. This is correct.

4 Q. And whose birth certificate is that?

04:07 5 A. That's my Auntie's, June.

6 Q. When was June born?

7 A. I believe it says 1942.

8 Q. And your mother was born when?

9 A. 1938.

04:07 10 Q. Did you ever receive any other paperwork from Louisiana?

11 A. No, I didn't.

12 Q. Did you receive your mother's birth certificate?

13 A. No, we did not.

14 MS. PRINC: No further questions. Thank you.

04:07 15 CROSS-EXAMINATION

16 BY MR. KAWSKI:

17 Q. Good afternoon, Mr. Brown.

18 A. Hi.

19 Q. My name is Clay Kawski and I represent the defendants in
04:07 20 this case. I just have a couple questions for you about the
21 Exhibit 592 that you got back from the State of Louisiana.

22 A. Uh-huh.

23 Q. When you received that did you make any effort to follow up
24 with Louisiana?

04:08 25 A. I believe I might have tried to call them, but it's been

1 awhile. I don't know if I was able to get through to them.

2 Q. Did it seem strange to you that they sent you the wrong
3 birth certificate? I mean, it appeared that you filled out the
4 paperwork correctly.

04:08 5 A. Yes, it did.

6 Q. But you didn't follow up with them or ask why they sent you
7 the wrong one?

8 A. Like I said, I believe that I did, I tried to contact where
9 I had sent it to but I wasn't able to get through to anybody.

04:08 10 MR. KAWSKI: No further questions.

11 THE COURT: Thank you, Mr. Brown. I believe you're
12 excused.

13 (Witness excused at 4:08 p.m.)

14 MS. ROTKER: Your Honor, I think I've been designated
04:08 15 to lay out what the situation is right now.

16 THE COURT: Yeah.

17 MS. ROTKER: If I might. So, you were right and we
18 have sped through people. We have a couple -- the Frank
19 Plaintiffs have and are prepared to introduce video depositions
04:09 20 of two witnesses who as I understand it the state is stipulating
21 are unavailable. For right now we're talking about Ruthelle
22 Frank who lives up near Wausau and has a heart condition right
23 now and was deposed by video, and Nancy Lee Wilde who is
24 deceased. We were going to significant to the Court that we set
04:09 25 up to play them now which we are prepared to do. I will

1 Q. Thank you.

2 A. In my work, it's very important that I tell the truth and
3 guide people in the right way. So I wanted to see exactly what
4 you needed to do in order to get a birth certificate in
02:27 5 Milwaukee. By that time, there was a law that said if you were
6 born in Milwaukee, you could get a free birth certificate.

7 There were four or five gentlemen at Hadley apartments
8 who didn't have birth certificates and were not born in
9 Milwaukee, but Mr. Robertson was. So I decided that I was going
02:28 10 to take him down to a vital records to see what the process was.
11 We went to vital records, I helped him fill out his application,
12 and we sat there for about three minutes. And then the clerk
13 came back over to us and said that she had no record of
14 Mr. Robertson's birth. She then said that we would have to go
02:28 15 to Madison to get a delayed birth certificate.

16 Q. And the delayed birth certificate, did they tell you how
17 much that would cost?

18 A. That would be \$25 for the delayed birth certificate.

19 Q. And were there any other documents that were required?

02:29 20 A. They wanted documents, if I could remember correctly, from
21 when he was seven years old going to elementary school.

22 Q. And how old is he today?

23 A. He's 86-plus, I believe. I'm not sure of his age right now.

24 Q. So they wanted elementary school records from 80 years ago.

02:29 25 A. Yes.

1 Q. And \$25.

2 A. And \$25. Now, I would have helped him, but you know, that's
3 almost like doing genealogy research and I just didn't really
4 have the time to go that deep into getting a birth certificate
02:29 5 for him.

6 Q. And so then what happened? Was he able to get the birth
7 certificate?

8 A. No, he was not.

9 Q. And so then was he able to get an ID for voting purposes?

02:29 10 A. No, he was not.

11 Q. And so if Act 23 were in effect today, would he be able to
12 vote?

13 A. No, he would not.

14 Q. Now, if Act 23 were in effect, do you think that these
02:29 15 obstacles that you've been talking about would prevent other
16 African-American voters that you encountered from voting?

17 A. It would prevent them from voting, yes.

18 Q. I want to talk for a moment now about the February 2012
19 elections.

02:30 20 Did you and citizens action undertake any special
21 efforts related to Act 23 surrounding the February 2012
22 elections?

23 A. Well, again, the work that we do at Citizen Action is done
24 with coalition partners. We just can't do things by ourselves.
02:30 25 So we had a group of coalition partners that did election

1 helped people acquire in those seven years?

2 A. Actually acquire, that's close to six -- somewhere between
3 six and 700.

05:44

4 Q. Okay. And you said that's how many you've helped -- how
5 many people you've helped acquire a birth certificate.

6 How many people do you think overall you have worked
7 with to get a birth certificate?

05:44

8 A. It's been a lot more than that. It's hard to get an exact
9 number because some people come up with hopeless cases and we
10 don't even initiate paperwork because we know we're not going to
11 get anywhere. Out of about 700 applications that I've worked
12 with, there were roughly -- close to 170 that we could not
13 obtain birth certificates for.

05:45

14 Q. So you're saying that you helped about six to 700 people
15 acquire birth certificates, and then there was another 170 or so
16 that you couldn't help, people you couldn't help?

17 A. Right, correct.

18 Q. Okay. And that's over the entire time.

19 A. Correct.

05:45

20 Q. Okay. And who were the people that come to you at St. Ben's
21 for birth certificates? What's the demographics of that
22 population?

05:45

23 A. Predominantly homeless people. People who are in shelters,
24 people who are on the streets. People who have recently been
25 discharged from prison or jail and people who are involved in

1 A. I did.

2 Q. How old were you when you joined around?

3 A. 18.

4 Q. How long did you serve?

10:25 5 A. 2 years.

6 Q. And how did you leave the army?

7 A. Honorably discharged.

8 Q. After you left the army did you at some point get a veterans
9 ID?

10:26 10 A. I did.

11 Q. Do you remember how you got it?

12 A. I went through the VA.

13 Q. And on your VA card is there a photo of you?

14 A. There is.

10:26 15 Q. Is there a name?

16 A. Yes, sir.

17 Q. And generally what do you use the VA card for?

18 A. Health issues, obtaining documents pertaining to my wartime.

19 Q. And did you eventually come to Wisconsin?

10:26 20 A. I did.

21 Q. Do you remember around when?

22 A. 2007.

23 Q. And was there a time when you became homeless?

24 A. There was.

10:26 25 Q. Just real briefly how did that happen?

1 Q. And where were you born?

2 A. I was born in Louisville, Mississippi.

3 Q. Were you born in a hospital?

4 A. No, midwife.

03:21 5 Q. Do you currently have a birth certificate?

6 A. No, I don't.

7 Q. Have you ever had a birth certificate?

8 A. No, I haven't.

9 Q. And why not?

03:21 10 A. Pardon?

11 Q. How come you never had a birth certificate?

12 A. Because every time I send for my birth certificate they
13 claim they can't find it or something or is something wrong.

14 And I done sent money down there about four or five times trying
03:21 15 to get my birth certificate.

16 Q. All right, we'll get to that in a second. Where do you
17 live?

18 A. I live 4244 North Teutonia.

19 Q. And how long have you lived in Wisconsin?

03:22 20 A. I lived here ever since 1970 -- '74.

21 Q. 1974?

22 A. Uh-huh.

23 Q. And in Milwaukee the whole time?

24 A. Yes.

03:22 25 Q. And what's your racial background? What race are you?

1 A. I'm black. You can look at me and tell that.

2 (General laughter.)

3 BY MR. OSTROW:

03:22

4 Q. Thank you, Ms. Thompson. Do you go to Cross Lutheran
5 Church?

6 A. Yes.

7 Q. How often do you go?

8 A. I go every Wednesday. I help with the meal program.

9 Q. And how long have you been going there?

03:22

10 A. Oh, about 3 months and a half now, I think.

11 Q. I want to talk to you a little bit about identifications.

12 Do you currently have a Wisconsin driver's license?

13 A. No, I don't.

14 Q. Have you ever had a Wisconsin driver's license?

03:22

15 A. No.

16 Q. Have you ever had a driver's license?

17 A. No -- in Mississippi. In Lewisville, Mississippi I had a
18 driver's license.

03:23

19 Q. And when you moved to Wisconsin did you bring the license
20 with you?

21 A. Yes.

22 Q. Did you ever renew it?

23 A. No. I think I renewed it twice because I went back to
24 Mississippi and had them renewed, you know.

03:23

25 Q. And is that license now expired?

1 A. Yeah.

2 Q. And when did it expire?

3 A. In '80.

4 Q. In 1980?

03:23 5 A. Uh-huh.

6 Q. Do you have a U.S. passport?

7 A. No.

8 Q. Do you have a U.S. military ID?

9 A. No.

03:23 10 Q. Do you have a naturalization certificate?

11 A. No.

12 Q. Do you have a tribal ID for Native American?

13 A. No.

14 Q. What about a student ID card?

03:23 15 A. No.

16 Q. Have you ever had a student ID card?

17 A. No.

18 Q. Do you have a bank account?

19 A. I got my money on a card. They tell me go to the bank and

03:23 20 then they put it on the card. I don't know.

21 Q. So you have a debit card that you use.

22 A. Yeah.

23 Q. And your Social Security checks.

24 A. Yeah.

03:23 25 Q. Do they go straight into that?

1 A. Card.

2 Q. Go right on the card?

3 A. Uh-huh.

4 Q. When you got that did you need to show a photo

03:24 5 identification?

6 A. No, I didn't.

7 Q. Do you have any other IDs?

8 A. I got them packed up somewhere at home, some old IDs, but I

9 never found them because I got about eight boxes of papers and

03:24 10 stuff I'm saving.

11 Q. Do you have a Medicare ID?

12 A. Uh-huh.

13 Q. Does it have your photo on it?

14 A. No.

03:24 15 Q. Can it be used for voting, do you know?

16 A. Not as I know of.

17 Q. Do you have a Social Security card?

18 A. Yes.

19 Q. Could you use that to vote?

03:24 20 A. Yes, I reckon so because that's what I show it and my

21 Medicare card when I go.

22 Q. Do you ever need a photo in your daily life?

23 A. No.

24 Q. Does anyone ever ask you they need to see a photo ID from

03:24 25 you?

1 A. No.

2 Q. Have you ever tried to get a photo ID from the Department of
3 Motor Vehicles?

4 A. Here, yes.

03:25 5 Q. Here in Milwaukee?

6 A. Yes.

7 Q. About how many times have you tried to do that?

8 A. About four or five times, I think.

9 Q. Have you ever been successful?

03:25 10 A. No.

11 Q. How come?

12 A. They tell me I need my birth certificate. And then one time
13 the lady had me to bring all of my children birth certificate,
14 take it down to her, and I carried them down there so, you know.
03:25 15 Then she said she couldn't use them.

16 Q. Did you go by yourself?

17 A. My daughter went with me, Carol.

18 Q. She took you. And when the DMV told you she couldn't use
19 all those documents to get you an ID, what did you do then?

03:25 20 A. Go home.

21 Q. What did she tell you you needed in order to get --

22 A. She turned around, she told me I needed my birth certificate
23 and I told her I hadn't been able to get my birth certificate
24 because I've been sending money to Jackson, Mississippi to try
03:25 25 to get my birth certificate.

1 Q. About how many times did you try to get your birth
2 certificate from Mississippi?

03:26

3 A. I sent \$10 twice, that's when it was \$10 apiece. And then I
4 went and I sent \$12, you know. And I showed you that letter I
5 got, they want me to send 25 now. And every time I send my
6 money they don't send it back to me.

7 Q. Did they ever send you a birth certificate?

8 A. No.

9 Q. So they kept your money and no birth certificate.

03:26

10 A. That's right.

11 Q. And was that a lot of money for you?

12 A. Yes, way the time is now. \$3 is a lot of money for me.

13 Q. Do you currently have a job?

14 A. No, I draw my husband's pension.

03:26

15 Q. So that money is coming from your husband --

16 A. It's Social Security and a VA.

17 Q. I want to switch topics a little to voting. Are you
18 registered to vote here in Milwaukee?

19 A. I filled out a card and I've been voting every year.

03:26

20 Q. How long have you been voting for? When is the first time
21 you remember voting?

22 A. I think here it was in 1975.

23 Q. Here in Wisconsin was the first time.

24 A. Yes. Uh-huh.

03:27

25 Q. When was the first time you voted at all?

1 (Recess taken at 10:14 a.m.)

2 THE COURT: Raise your right hand.

3 DEWAYNE SMITH, PLAINTIFF WITNESS, DULY SWORN

4 THE COURT: Okay. State your name, spell your name
10:16 5 and talk right into that mic real close.

6 THE WITNESS: Dewayne Smith, D-E-W-A-Y-N-E, S-M-I-T-H.

7 DIRECT EXAMINATION

8 BY MS. PRINC:

9 Q. Good morning, Mr. Smith.

10:16 10 A. Good morning.

11 Q. When were you born?

12 A. // // // 61.

13 Q. Where were you born?

14 A. Pine Bluff, Arkansas.

10:16 15 Q. For the record what race are you?

16 A. Black.

17 Q. How far did you go in school?

18 A. Eighth.

19 Q. When did you move to Wisconsin?

10:16 20 A. Back in '68, '69, one of the two.

21 Q. Have you lived in the Milwaukee area since then?

22 A. Yes.

23 Q. Do you work now?

24 A. Not at the moment.

10:17 25 Q. How do you support yourself?

1 A. Well, I get a QUEST Card. Then I do some -- what you
2 call -- I help the landlord fix up his house.

3 Q. How much do you receive a month with your QUEST Card?

4 A. 189 now.

10:17 5 Q. Do you receive any other benefits?

6 A. No.

7 Q. Do you have health insurance?

8 A. Forward card.

9 Q. Mr. Smith, did you vote in last year's presidential
10:17 10 election?

11 A. Yes.

12 Q. Did you vote before that?

13 A. Yes.

14 Q. Was there ever a time when you were not allowed to vote?

10:17 15 A. Yes.

16 Q. About when was that?

17 A. Back in 1990.

18 Q. Why were you not allowed to vote?

19 A. Had a felony on me.

10:17 20 Q. What was that felony?

21 A. Driving without owner's consent.

22 Q. Did you plead guilty?

23 A. Yeah, I had to.

24 Q. Do you remember submitting a declaration in this case?

10:18 25 A. Yes.

1 substantial. I know it has to conform to the name.

2 Q. Okay. And the photo ID, they also have to check that the
3 photo ID reasonably resembles the voter, right?

4 A. That's correct.

10:31 5 Q. Some IDs can be a little bit old, right?

6 A. Driver's licences can last eight years, yes.

7 Q. And people's appearance can change in that time.

8 A. Some of us have gotten better looking.

9 Q. There you go.

10:31 10 (General laughter.)

11 BY MS. ROTKER:

12 Q. Also to clarify, the photo ID does not have to have the
13 voter's voting address, correct?

14 A. That's correct.

10:32 15 Q. That point as to whether or not the photo ID -- and normally
16 here we're talking about driver's licences or state ID cards --
17 that question of whether the address on the license has to be
18 the address in the poll book has been a significant source of
19 confusion, hasn't it?

10:32 20 A. I don't know.

21 Q. Has it been some source of confusion?

22 A. I really could not address that.

23 Q. Okay. We'll get to that back again a little later. If
24 voters don't have that photo ID all they can do is vote a
10:32 25 provisional ballot, right?

1 Q. And the GAB at times received questions from voters about
2 how they could get a state ID if they lacked the underlying
3 documentation that the DMV required; isn't that correct?

4 A. Yes.

10:15 5 Q. And a particularly common question you received from voters
6 was about how they could get an ID if they lacked a birth
7 certificate, correct?

8 A. Yes.

9 Q. Voters asked what they should do if they cannot afford a
10:16 10 birth certificate, correct?

11 A. Yes.

12 Q. Voters asked what they should do if they never had a birth
13 certificate, correct?

14 A. Yes.

10:16 15 Q. Voters asked what they should do if their birth certificate
16 was destroyed, correct?

17 A. Yes.

18 Q. And voters asked what they should do if the name on their
19 birth certificate was spelled incorrectly.

10:16 20 A. Yes.

21 Q. Voters asked what they should do if the name on their birth
22 certificate was spelled differently than other documents they
23 had.

24 A. Yes.

10:16 25 Q. Prior to the photo ID law, the GAB had never previously

1 obtain is free, right, Professor Hood?

2 A. If you're referring to the time it would require them to go
3 to the DMV office and get a free ID, yes.

4 Q. So the answer is yes, it imposes a cost, right?

12:03 5 A. Well, not -- again not a monetary cost.

6 Q. It's an institutional cost, right?

7 A. It's a cost in terms of time to the voter.

8 Q. And it's a cost.

9 MR. KAWSKI: Objection. Asked and answered.

12:03 10 THE COURT: He may answer.

11 THE WITNESS: Yes, but it's not a monetary cost.

12 BY MR. STEINER:

13 Q. And you found in Georgia that there was a suppressive effect
14 of the voter ID law, right?

12:03 15 MR. KAWSKI: Objection. Asked and answered.

16 THE COURT: He may answer.

17 THE WITNESS: My study of the implementation of the
18 Georgia voter ID law found that across the two election cycles
19 in which it was implemented turnout was probably down to about
12:03 20 .43 percentage points.

21 BY MR. STEINER:

22 Q. And you keep talking about .43 percentage points as if it's
23 not that much. But you're familiar with the fact that there are
24 over 3 million registered voters in the State of Wisconsin and
12:04 25 over 4 million eligible voters, right?

1 A. Yes.

2 Q. So that .43 percent, if you translate that to real terms and
3 real people, that's more than 10,000 people that you would
4 predict wouldn't be able to vote -- or would not go to vote
12:04 5 under a photo ID law, right?

6 A. I don't think I can take that number derived for the Georgia
7 situation and apply it directly to Wisconsin.

8 Q. So in Georgia your .43 percent translated to suppression of
9 about 20,000 voters, right, based on Georgia's voting
12:04 10 population?

11 A. I don't remember exactly. It may be in the article itself.

12 Q. Sounds ballpark, right?

13 A. I have said before I hate to do math on the stand, but --

14 Q. How many registered voters --

12:04 15 A. It's an academic question --

16 THE COURT: You can't talk over.

17 BY MR. STEINER:

18 Q. How many registered voters are there in the State of
19 Georgia?

12:04 20 A. Well, now there are over 5 million. Now, this was back in
21 2008.

22 Q. And four-tenths of a percent of 5 million is 20,000 people,
23 right?

24 A. Yes.

12:05 25 Q. And in your professional opinion, you would predict the same

1 Q. And if you could, turn to page 34.

2 A. Okay.

3 Q. Apologize.

4 (Brief pause.)

5 BY MR. STEINER:

6 Q. So if you could, turn to page 34 of your transcript,
7 Professor Hood.

8 A. Okay.

9 Q. And do you recall being asked the following questions and
10 giving the following answer, starting at line 22.

11 "QUESTION: I take it, then, that you would agree as a
12 matter of your professional opinion that the Wisconsin voter ID
13 law, if given effect, is likely to suppress voter turnout in the
14 State of Wisconsin.

15 "ANSWER: Yes, but a very -- a very small effect, if
16 it does occur."

17 Do you remember giving that testimony, Professor Hood?

18 A. Well, yes.

19 Q. And it was truthful testimony when you gave it?

20 A. Yes.

21 Q. And you're not changing that testimony today, right?

22 A. No.

23 Q. By the way, you spent a lot of time this morning comparing
24 Georgia -- sorry, comparing Wisconsin not only to Georgia but
25 also to South Carolina, right?

1 if there's anything that would refresh your recollection just
2 let me know if you can't remember.

3 A. I thought it was in December or something. Something around
4 there.

04:43 5 Q. Okay. Do you remember which DMV location you went to?

6 A. Yes, the one on 76th and Mill Road.

7 Q. Do you remember what documents you brought along?

8 A. Yeah, we brought his birth certificate, his Social Security
9 card. He had a picture county ID that he would use for

04:44 10 identification.

11 Q. Okay. Did he bring anything with his name and address on
12 it?

13 A. Yes, and a utility bill too.

14 Q. How long did you wait to see a customer service agent at the
04:44 15 DMV at that time?

16 A. Probably an hour, an hour and a half, you know, with the
17 line. Somewhere in there.

18 Q. And what happened when your father got up to the counter to
19 try to get his ID?

04:44 20 A. Well, we presented everything and the woman looked at it.

21 And because of his original birth certificate his name was
22 spelled A-N-D-R-O, or Andro it's almost pronounced, more of the
23 Slovak spelling of Andrew.

24 Q. And did his Social Security card have a different name on
04:44 25 it?

1 A. Correct.

2 Q. Okay. But you were aware, again as part of your job helping
3 manage photo ID implementation, that there were a lot of
4 different kinds of document-related concerns that voters raised,
05:54 5 right?

6 A. Yes.

7 Q. One of those also included concerns about name change
8 documentation requirements for married voters, right?

9 A. Yes.

05:54 10 Q. And that if a married voter changed their name they would
11 have to provide additional documents such as a marriage or a
12 divorce certificate as well as a birth certificate, right?

13 A. That is my understanding, correct.

14 Q. Okay. Let's take a look at Exhibit 524, Frank 524, page 3.
05:55 15 And you were also in charge of the GAB help desk, right, or at
16 least some of the help desk staff?

17 A. Correct.

18 Q. If you see the third page of that, it is an e-mail that was
19 sent to you, correct?

05:55 20 A. Yes, that's correct.

21 Q. And this is a true and accurate copy of the e-mail?

22 A. Yes, it appears to be.

23 MS. ROTKER: Move to admit Frank 524.

24 MR. KAWSKI: Just a moment. I haven't found what
05:55 25 you're talking about yet.

1 MS. ROTKER: It's the third page of -- the document is
2 an e-mail from Nadya Perez-Reyes to Ross Hein.

3 MR. KAWSKI: I'm still not seeing it. Okay, I do see
4 it now. Yes. No objection.

05:55 5 THE COURT: So ordered.

6 MS. ROTKER: Okay. Thank you.

7 BY MS. ROTKER:

8 Q. And again, this is a concern that was raised with an
9 85-year-old woman's birth certificate with her maiden name, a
10 Social Security card and electric bill with her married name,
11 and information that DOT was requiring her to account for the
12 difference between the name on her birth certificate and the
13 other documents by providing the marriage certificate, right?

14 A. Yes, that's correct.

05:56 15 Q. And again, to your knowledge, someone who had to get a
16 marriage certificate or a divorce certificate would likely have
17 to pay for those documents as well, right?

18 A. I'm not aware of the costs associated with that. Or if
19 there is a fee.

05:56 20 Q. Okay. As part of your job to help voters get ID you've also
21 gotten contacts from voters who were never issued a birth
22 certificate, right?

23 A. Yes, that is correct.

24 Q. Where voter says DMV won't process the ID without a birth
05:56 25 certificate, and in those cases because of your limited staff

1 A. Yes.

2 Q. And you were inquiring about what some of the documentation
3 requirements were, right?

4 A. Yes, that's correct.

06:03 5 Q. And, in fact, what your first inquiry, if you go to page 2
6 of the document, you say, "The example I have heard is minor
7 name variations in the first name and also the last name where
8 there has been a slight change in the way their name is
9 presented on the Social Security card and all other personal
06:03 10 identifiers."

11 Right?

12 A. Yes.

13 Q. So you were asking her a general question about how DMV
14 would deal with that situation, right?

06:03 15 A. Yes.

16 Q. And if you go back to page 1, her response was, "First, that
17 the documentation requirements had not changed regarding proof
18 of name and date of birth or identity." Right?

19 A. Yes.

06:04 20 Q. And if you look at the next paragraph it says, and the first
21 sentence reads: "We do attempt to work with customers to review
22 their documents and provide information on how they documents
23 can be amended if appropriate." Right?

24 A. Yes.

06:04 25 Q. "The name on your birth certificate is the legal name, that

1 is what we need on the product." Right?

2 A. Yes.

3 Q. Now, GAB again does not provide -- is not in a position to
4 help a voter amend their birth certificate, right?

06:04 5 A. Correct, we do not have the authority to change a birth
6 certificate directly.

7 Q. But you also do not have the authority to sit down with the
8 voter, figure out what paperwork the voter would need to change
9 their birth certificate, help take the voter to vital records,
06:04 10 do those paperwork tasks or those kind of assistance, that kind
11 of one-on-one level of assistance for the voter, right?

12 A. What we do is we provide them the resource to get them the
13 answer. So we essentially refer them to vital records in this
14 case.

06:05 15 Q. And if they have to amend it that would again be something
16 that the voter would have to figure out ultimately how to do
17 that, right?

18 A. Correct.

19 Q. And if there were costs involved, again those would be
06:05 20 either costs of time or costs of money that the voter would
21 bear, right?

22 A. Correct.

23 Q. Okay. You also knew generally that there were concerns
24 about voters such as Amish-Mennonite communities who didn't have
06:05 25 birth certificates and Social Security cards, right?