IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

Case No.: 2006-cv-01268-PMP-RJJ

AMERICAN BROADCASTING COMPANIES, INC., THE
ASSOCIATED PRESS, CABLE NEWS NETWORK LP,
LLL, CBS BROADCASTING INC., FOX NEWS
NETWORK, L.L.C., and NBC UNIVERSAL, INC.,
Plaintiffs,

- vs. -

DEAN HELLER, in his official capacity as the
SECRETARY OF STATE OF NEVADA,
Defendant.

STATE OF NEW YORK  )
: ss.:
COUNTY OF NEW YORK  )

ROBERT Y. SHAPIRO, being duly sworn, hereby deposes and says:

1. I am a professor of political science and former chair of the department
of political science at Columbia University, and I am a member of the Board of Directors of
The Roper Center for Public Opinion Research. I also serve on the Editorial Board of the
journal Political Science Quarterly (where I have been acting editor during the summer months) and am the editor of "The Polls — Trends" section of the journal Public Opinion Quarterly.

2. The Roper Center for Public Opinion Research ("Roper Center") is a non-profit organization that was founded after the second world war by Dr. George Gallup and Elmo Roper as a national archive for public opinion data collected through the use of polls. The Roper Center has assembled and catalogued raw data from opinion polls conducted for nearly seventy years, and it has made them available to academic and other researchers for secondary data analysis. As a member of the Roper Center Board of Directors, I have been involved in evaluating, planning, and approving much of the Roper Center's archiving and dissemination activities. As a university professor of political science I have made extensive use of these polling data both for research and for teaching purposes, and I am familiar with how academic and other researchers have obtained access to the Roper Center's data as well as data made available by other survey data archives such as the Inter-University Consortium for Political and Social Research ("ICPSR"). As a participant in the editorial activities of political science and public opinion journals, I am familiar with how the use and quality of public opinion data are evaluated in the peer review editorial process for scholarly publication.

The Roper Center and Exit Polls

3. Since the mid-1970s The Roper Center has been one of the archives that serves as a repository for public opinion polling data gathered by the major television
networks, major newspapers, and other media and polling outlets, including data gathered through election day voters polls, that are commonly called "exit polls," since the data are collected from voters as they "exit" their places of voting. The organizations involved in exit polling have provided these polling data to The Roper Center for many years without charge.

4. At the present time, the exit poll data are provided to The Roper Center in a computer readable/electronic form along with the documentation needed in order to use the data accurately and productively. These data are then enhanced by the Roper Center for ease of access in electronic/computer readable form. The Roper Center then publicizes the availability of the data to a mailing list consisting of many thousands of organizations and individuals. This publicity is now done substantially through electronic mail so that a monthly mailing is now sent to provide potential data users of the availability of the latest data that The Roper Center has acquired. The Roper Center maintains an extensive internet website for information about its data holdings and activities that can be accessed at: http://www.ropercenter.uconn.edu/.

5. Individuals and organizations interested in accessing and using the data in the archive may proceed in different ways depending on whether they want to acquire complete data sets or simple reports of survey results in the form of overall survey responses or totals. The Roper Center has a user membership and fee structure for access to its data holdings, which can be obtained from the Center website or by contacting the Center directly. The Center provides information about its holdings through its website, through its electronic mailing list, or through direct communication.
Uses of the Exit Poll Data Available at The Roper Center

6. Exit poll data are utilized by a very wide range of scholars, teachers, and other researchers and analysts. This information is used very broadly and extensively by political scientists in the study of public opinion, voting, elections, and the political process. These data have also been used by sociologists in the study of American society, by public policy specialists in analyses of policymaking and by journalists in informing the public and its leaders about the opinions of the citizenry and the choices made by voters. The data are widely used by students, through college and university memberships with The Roper Center or the Inter-University Consortium for Political and Social Research, in preparing dissertations, theses, research papers for courses, conferences papers, and publications in the study of politics and society.

7. Exit poll data have been used in a vast number of articles and books. Attached as Exhibits A-E are just a few examples (described more fully below) of articles that have been published in the journal Political Science Quarterly, reporting on the exit poll data gathered in connection with national elections in 1988, 1992, 1996, 2000 and 2004. The exit polls are crucial to the research reported in these articles for two reasons. First, these polls provide data on the opinions and behavior of actual voters, not "likely" voters as identified from polls that ask their respondents to report — often unreliably — whether they will vote or have actually voted, depending on whether the poll is conducted before or after a particular election. Second, the exit polls constitute the only standardized and regular election polling done in every state of the United States plus the District of Columbia in presidential election
years. This is particularly important for studying voting behavior in the context of competition for states' votes in the Electoral College.

8. Exhibit A is the following article: Everett Carll Ladd, "The 1988 Elections: Continuation of the Post-New Deal System." Political Science Quarterly 104 (Spring 1989): 1-18. The late Dr. Ladd was the world renowned Director of the Roper Center who wrote widely on American politics. He wrote several major articles on elections that were published in Political Sciences Quarterly. This 1989 article offered an analysis of the 1988 election and used exit poll data to compare the presidential choices of whites, blacks, and Hispanics in specific southern states. Dr. Ladd also used exit poll data to examine how different other social groups voted, and also how these groups differed in their party identification and in their ideological self-identification.

9. Exhibit B is another article by Dr. Ladd, based on exit poll data from the 1992 election: Everett Carll Ladd, "The 1992 Vote for President Clinton: Another Brittle Mandate?" Political Science Quarterly 108 (Spring 1993): 1-28. In this article, Dr. Ladd used exit poll data to focus on patterns of ethnic and religious group voting and on the gender gap. Dr. Ladd also used the exit poll data to examine the possible effect of other factors such as education level and general outlook toward government.

10. Exhibit C is a third article by Dr. Ladd; this one provides his analysis of issues illuminated by exit poll data gathered from voters on election day in 1996: Everett Carll Ladd, "1996 Vote: The 'No Majority' Realignment Continues." Political Science Quarterly 112 (Spring 1997): 1-28. In this article, Dr. Ladd used exit poll data to see how the
publics in different states differed in their attitudes toward calls for "less government." He also used exit poll results to examine how religious service attendance was related to voters' presidential choices, their partisan identification, and their self-described liberal-conservative ideology. The article also reported other extensive exit poll data on social groups and presidential and congressional voting.

11. Exhibit D is an article by a widely respected Rutgers University political science professor who provides an analysis of the 2000 presidential election: Gerald M. Pomper, "The 2000 Presidential Election: Why Gore Lost." Political Science Quarterly 116 (Summer 2001): 201-223. Dr. Pomper uses exit poll data to compare presidential voting by different social groups in the 1992, 1996, and 2000 elections. He also uses the exit poll data to examine how perceptions of national economic conditions and voters' financial situations influenced voting, and how other issues and evaluations of the candidates' personal traits affected voting behavior.

12. Exhibit E is an article by three widely respected political science professors from Michigan State University and Duke University, who provide an analysis of the 2004 presidential election: Paul R. Abramson, John H. Aldrich and David W. Rohde, "The 2004 Presidential Election: The Emergence of a Permanent Majority?" Political Science Quarterly 120 (Spring 2005): 33-57. The authors use exit poll data to conclude that voter decisions were based largely upon retrospective evaluations in which President Bush was perceived by a narrow margin to have been a successful president as well as a leader who
would be successful in combating terrorism. They also argue that pundits may have exaggerated the role of social divisions in the election.

13. In my own teaching and writing in the field of political science, I have personally used exit polling results extensively. In my courses on public opinion, political behavior and voting, I have lectured and taught on exit polling methods and data analysis, drawing on information made available through The Roper Center, the ICPSR, or polling data made available in mass media reports or websites. In addition, there are a number of excellent books that I assign or use in my classes that report and analyze exit poll results. Two examples of such books are: Paul R. Abramson, John H. Aldrich, and David Rohde, Change and Continuity in the 2000 and 2002 Elections, Washington, D.C.: Congressional Quarterly Press: 2003; and Harold W. Stanley and Richard G. Niemi, Vital Statistics on American Politics 2003-2004, Washington, D.C.: Congressional Quarterly Press, 2003. In addition, before the 1996 election, I edited a book that included direct and indirect discussions of exit polls results: Understanding Presidential Elections" Trends and New Developments, New York: The Academy of Political Science, 1996. I am planning to do research and writing during my sabbatical this year that will examine exit poll data, including the expected 2006 exit polls, to study public opinion, voting, and American policymaking.
14. To conclude, exit polling and the regular archiving and dissemination of exit poll data are extraordinarily useful for academic scholarship, teaching, and all manner of research on American politics and society. It would be a terrible loss to those who study our elections if reliable exit poll data were not available nationwide.

Robert Y. Shapiro

Sworn to before me this 23rd day of September, 2006

Notary Public

REGINA FINNEGAN
Notary Public, State of New York
No. 01F14671778
Qualified in Kings County
Commission Expires March 30, 2007

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