

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

CASE NO. 08-21243-CIV-ALTONAGA/Brown

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League of Women Voters of Florida, <i>et al.</i> ,	:
	:
Plaintiffs,	:
	:
vs.	:
	:
Kurt S. Browning, in his official capacity,	:
and Donald L. Palmer, in his official capacity,	:
	:
Defendants.	:

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**EXPERT DECLARATION OF MICHAEL P. MCDONALD**

1. I am Michael P. McDonald, an Associate Professor of Government and Politics at George Mason University. I received my BS in Economics from California Institute of Technology and my PhD from University of California, San Diego. I have published original research on voting and voter registration files, among other subject areas, in numerous peer-reviewed academic journals and am the co-author of one book and co-editor of another. Relevant to the subject matter of this report, I calculate turnout rates for those eligible to vote in an article published in the *American Political Science Review* and these statistics are used widely by academics, the media, and policymakers; I examine the validity of voter registration file data from selected states, including Florida, in an article published in *The Public Opinion Quarterly*; I conduct a statistical analysis of the pitfalls of list matching procedures in an article co-authored in *The Election Law Journal*; and I examine the turnout effects of state policies permitting statewide election day registration address transfers in an article published in *Political Behavior*. I served as a consultant and

grant reviewer for the United States Election Assistance Commission, analyzing their 2004 Election Day Survey and reviewing grants to assist states in collecting and disseminating precinct-level election data. Upon graduating from my undergraduate institution in 1989, I worked for a California firm whose primary responsibility was maintaining the state's elections and reapportionment database and in 2001 I consulted for the Arizona Independent Redistricting Commission. I thus have considerable expertise in understanding the intricacies of, managing, and analyzing large elections databases such as Florida's voter registration file. My full curriculum vita is attached as Exhibit 23.

2. I have been retained by Debevoise & Plimpton, LLP to analyze the timing of Florida voter registrations for the *League of Women Voters of Florida v. Browning*. This report is the sum of that analysis, all of which is entirely my own.

#### **The Voter Registration Data**

3. For the analysis conducted in this report, I examine the February 15, 2005 extract (hereafter "the extract") of the Florida voter registration file that I purchased directly from the Florida Department of State as part of my research conducted on the validity of voter registration files.<sup>1</sup> The extract contains 11,429,024 individual records.

4. The number of new registrations in the presidential elections years – those of the highest turnout rates – of 1988, 1992, 1996, 2000, and 2004 can be determined by examining the registration date field in the extract. At the request of plaintiff's counsel, I have calculated the number of new registrations initiated in a calendar year for the state

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<sup>1</sup> See Michael P. McDonald. 2007. "The True Electorate: A Cross-Validation of Voter File and Election Poll Demographics." *THE PUBLIC OPINION QUARTERLY* 71(4): 588-602.

of Florida and Broward, Hillsborough, Leon, Manatee, Miami-Dade, and Orange counties. These yearly statistics are provided in Table 1 and are presented in graphical form in Exhibits One through Seven.

<b>Year</b>	<b>Statewide</b>	<b>Broward County</b>	<b>Hillsborough County</b>	<b>Leon County</b>	<b>Manatee County</b>	<b>Miami-Dade County</b>	<b>Orange County</b>
<b>1988</b>	349,743	32,625	21,360	5,190	6,537	29,436	14,809
<b>1992</b>	569,467	54,425	36,087	9,152	9,761	42,920	27,487
<b>1996</b>	765,372	81,039	46,208	10,660	11,412	116,732	31,149
<b>2000</b>	857,862	82,750	57,644	14,279	14,686	95,712	48,900
<b>2004</b>	1,557,066	142,905	114,934	37,086	24,496	158,732	126,299

**Table 1. Number of New Registrations in a Calendar Year**

5. These patterns of new registrations in a calendar year are consistent with the increasing size of Florida's population and growing interest in voting. The numbers of new registrations have increased as new voters become of voting age or move into the state. They have also risen as turnout rates in the state have increased, reaching 65.9% of Floridians I estimate to be eligible to vote in the 2004 general election.<sup>2</sup>

6. A limitation of this analysis is that voter registration records are removed or "purged" from the extract as people move or become otherwise ineligible to vote. When I purchased the extract, I was informed by the Secretary of State office that it is the archived version most proximate to and following the 2004 general election. Even so, records were purged in the three months between the November election and the compilation of the extract, which I estimate to be 2.7% of persons who have a record of voting in the 2004 election.<sup>3</sup> Purging likely affects new registrations, with the number of

<sup>2</sup> See Michael P. McDonald and Samuel Popkin. 2001. "The Myth of the Vanishing Voter." *THE AMERICAN POLITICAL SCIENCE REVIEW* 95(4): 963-74. Updated turnout rate statistics are available at: <http://elections.gmu.edu/Turnout%201980-2006.xls>.

<sup>3</sup> McDonald *supra*, note 1 at 591.

purged records likely larger the further the temporal distance is from the date of the creation of the extract to a given election. Thus, the actual total number of new registrations in a given calendar year is almost certainly higher than what it reported in Table 1 and the difference between the reported and true number is likely larger for earlier elections.

### **New Voter Registrations by Week and Around Book Closing**

7. To assess the flow of new voter registrations throughout a calendar year, I calculate the number of new registrations as a percentage of all new registrations in a calendar year for 1988, 1992, 1996, 2000, and 2004. A week is defined as beginning on a Monday and ending on a Sunday. The number of new registrations are inclusive of only of days within a calendar year, so weeks at the beginning and end of the calendar year are truncated if they do not start on a Monday or end on a Sunday, respectively.

8. In 2000, the first week consisted of a Saturday and Sunday and the sequencing of weeks does not nicely align with the week of the close of registration (hereafter, “book closing”) date for other years. To align the weeks such that week of the book closing occurs in the same numbered week, the weeks in 2000 are shifted such that the second week is labeled the first week and the first week is not presented, although the number of new registrations from those the two days not presented is factored into the calendar year total.

9. The number of new registrations by week as a percentage of all new registrations in a calendar year for the state of Florida and for Broward, Hillsborough, Leon, Manatee, Miami-Dade, and Orange counties is plotted in Exhibits Eight through Fourteen. These figures show a pattern that is consistent with a recently published analysis of new

registrations in ten battleground locations in 2000: new registrations increase during campaign milestones, such as the book closing deadlines for the presidential preference primaries, state primaries, holidays such as the 4<sup>th</sup> of July (for example, 8,785 new registrations were recorded in Miami-Dade County on the Monday following Sunday, July 4, 2000), and most importantly, as the book closing deadline for the general election approaches.<sup>4</sup> The spike in new registrations just prior to the book closing date is consistent across all years and all seven jurisdictions analyzed in this report, or as one set of authors state, there is "...an unmistakable and across-the-board surge in registration associated with the fall closing date."<sup>5</sup>

10. I examine the flow of registrations around the date of book closing for the general election by focusing on the seven days before and after this book closing date. The number of new registrations in the seven days prior to book closing plus the day of book closing and the number of new registrations in the seven days following book closing, as a percentage of all new registrations in a calendar year, are plotted in Exhibits Fifteen through Twenty-One for the state of Florida and for Broward, Hillsborough, Leon, Manatee, Miami-Dade, and Orange counties.

11. With the exception of the low turnout 1996 general election, where I estimate 51.9% of eligible Florida voters cast a vote for president,<sup>6</sup> the flow of new registrations are near uniform across the five presidential elections and across all seven jurisdictions. Excluding 1996, the statewide rate prior to the day of the book closing plus the day of

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<sup>4</sup> See James G. Gimpel, Joshua J. Dyck, and Daron R. Shaw. 2007. "Election Year Stimulus and the Timing of Voter Registrations." *PARTY POLITICS* 13(3): 351-74.

<sup>5</sup> *Ibid*, p.364.

<sup>6</sup> McDonald and Popkin *supra*, note 2.

book closing ranges between 12.9% in 2000 to 19.5% in 1992; the largest variation for any of the six counties occurs for Hillsborough County, which ranges from 14.4% in 2000 and 20.9% in 1992.

### **Voting and the Timing of New Registration**

12. Registration is one step in the voting process and voting scholars generally recognize that registration signals an intention to vote.<sup>7</sup> I assess the voting rate of new registrants by examining their vote history in the 2004 general election. The percentage of new registrants in a week with a voting history in the 2004 general election is plotted in Exhibit 22. For the last week in Exhibit Twenty-Two, the reported percentage is for the Monday of the book closing date only and excludes new registrations in the remainder of the week. The remaining weeks following the date of the book closing are similarly removed from Exhibit Twenty-Two.

13. Exhibit Twenty-Two shows that as the date of the book close of the general election approaches, the percentage of new registrants who voted rises. From the beginning of the year to the date of the book closing 65.8% of all new registrants voted, compared to the 72.8% turnout rate among those who registered on the date of the book closing. The date of book closing experienced the highest volume of new registrations for any single day in 2004, accounting for 120,439 new registrations or 7.7% of all new registrations in the calendar year. Excluding the date of the book closing, 65.2% of all new registrants voted; the difference between this rate and the rate of those who

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<sup>7</sup> See, for example, Erikson, Robert S. Erickson. 1981. "Why Do People Vote? Because They Are Registered." *AMERICAN POLITICS QUARTERLY* 9: 259–76; Benjamin Highton. 1997. "Easy Registration and Voter Turnout." *THE JOURNAL OF POLITICS* 59(2): 565–75; Raymond E. Wolfinger and Rosenstone, Stephen. 1980. *WHO VOTES?* New Haven, CT: Yale University Press.


registered to vote on the date of book closing is 72.8%-65.2% or 7.6%. Exhibit Twenty-Two is thus consistent with the recent findings of a group of scholars who conclude, “Those who registered relatively late ended up voting at higher rates.”<sup>8</sup>

### **Conclusions**

14. I conclude from my analysis that although the volume of new registrations have increased in the past five presidential elections, the rate of new registrations throughout the calendar year and as the book closing nears has remained relatively constant. Furthermore, persons who register on the book closing date in 2004 are 7.6 percentage points more likely to vote than persons who register earlier in the calendar year.

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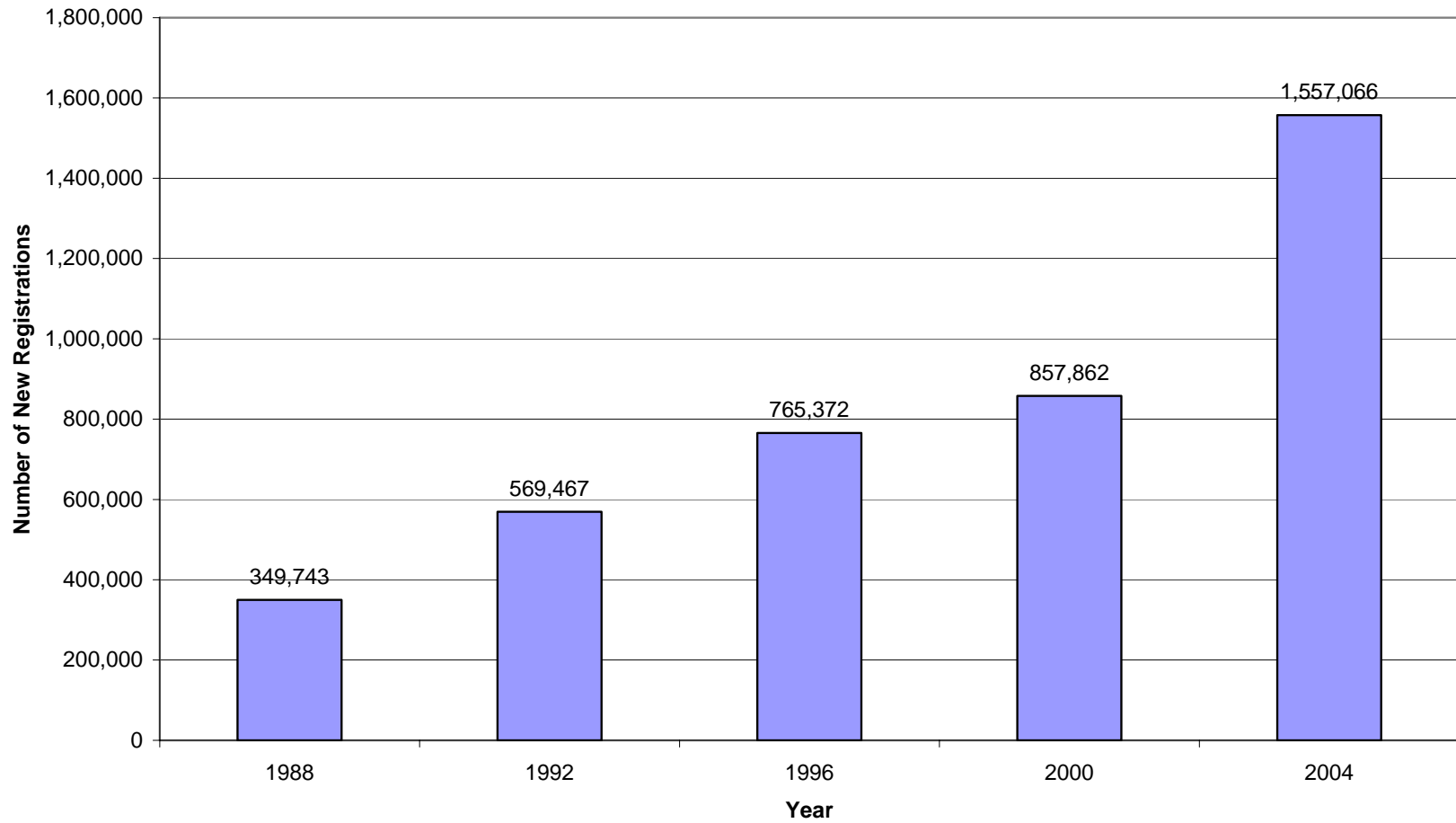
<sup>8</sup> Gimpel, Dyck, and Shaw, *supra* note 4 at 368.

Signed  Executed on 6/6/08



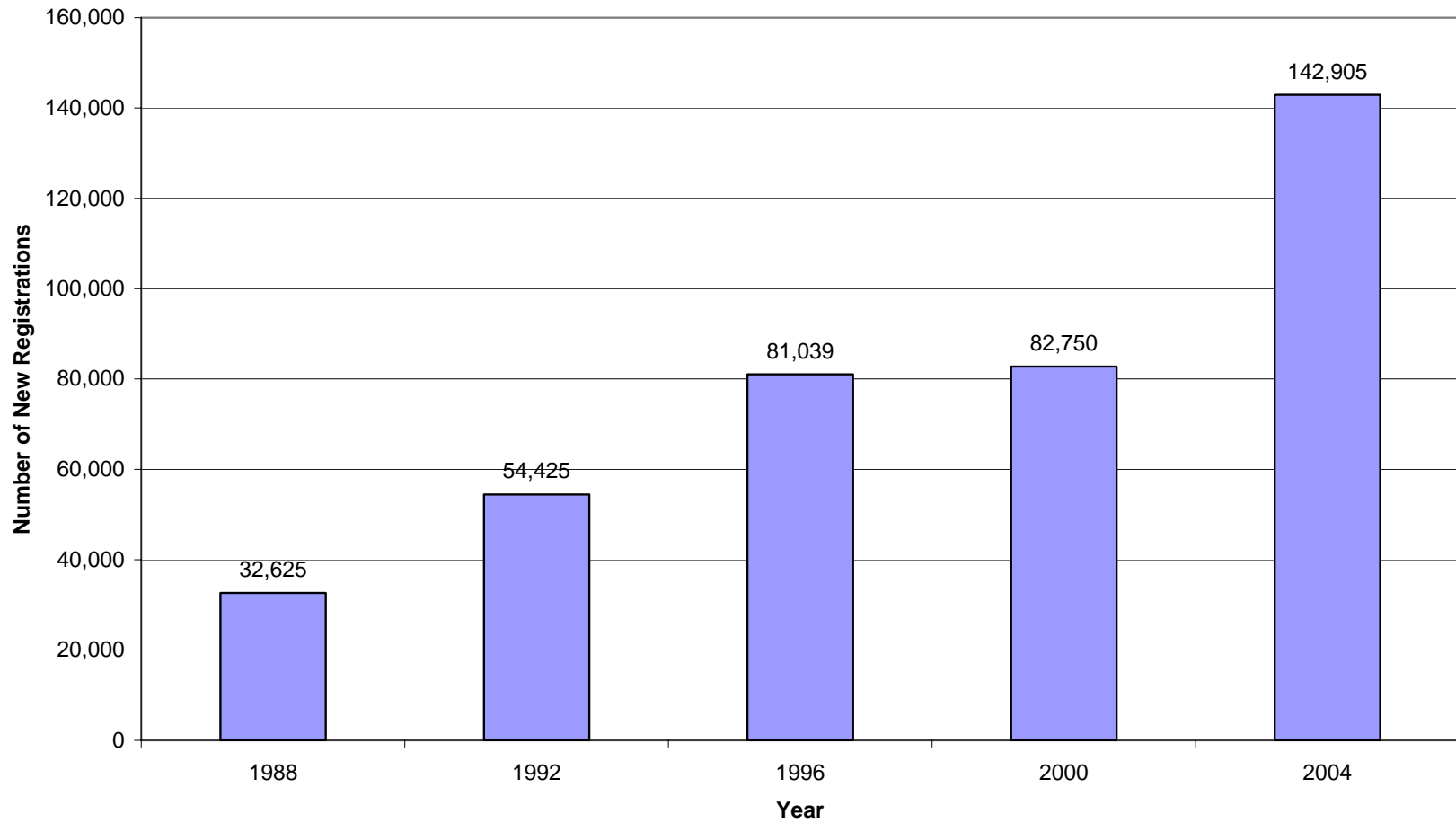
# **Exhibit 1**

**FIGURE ONE**  
**Total Number of New Registrations in a Calendar Year**  
**(Statewide)**



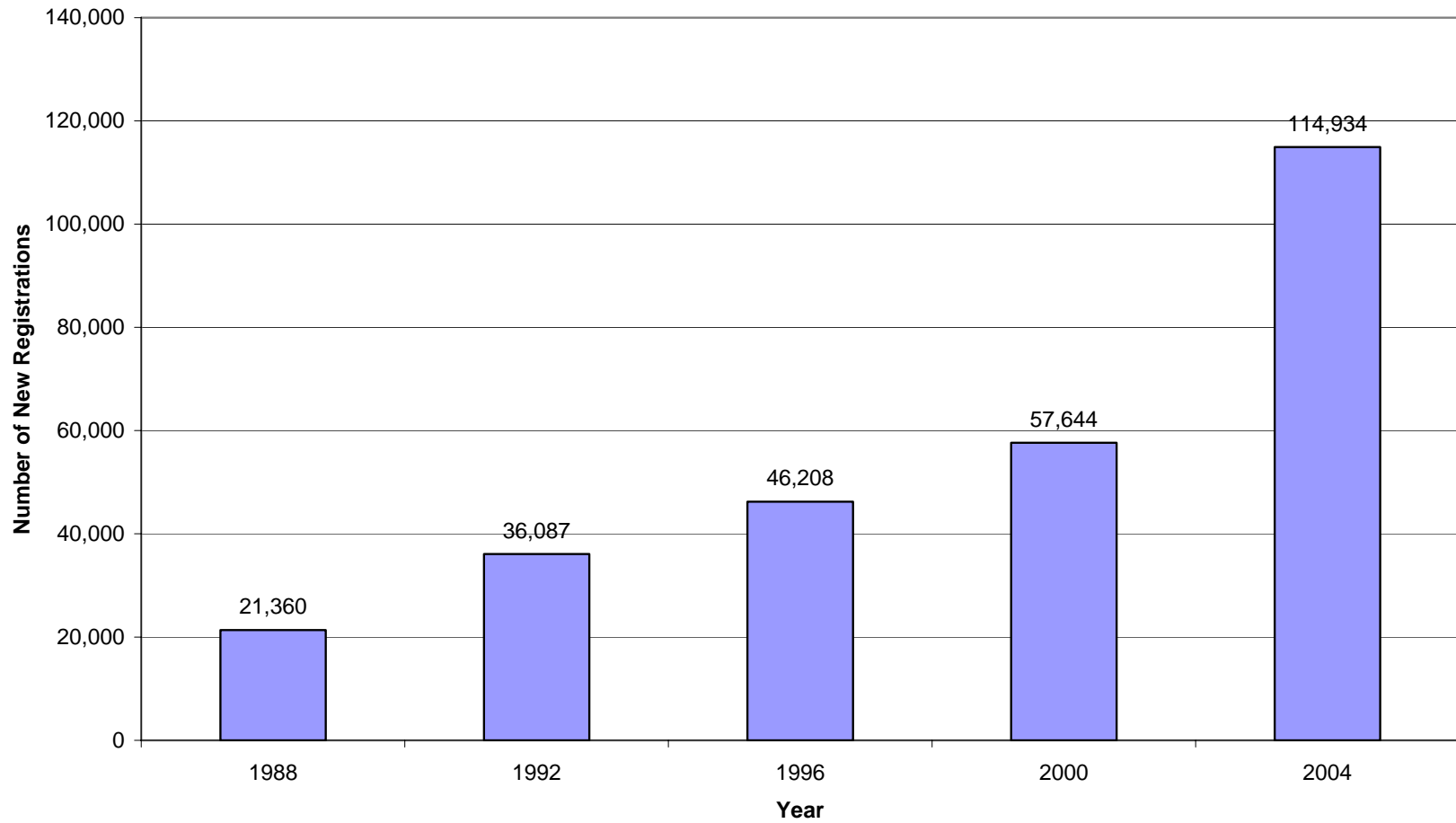
# **Exhibit 2**

**FIGURE TWO**  
**Total Number of New Registrations in a Calendar Year**  
**(Broward County)**



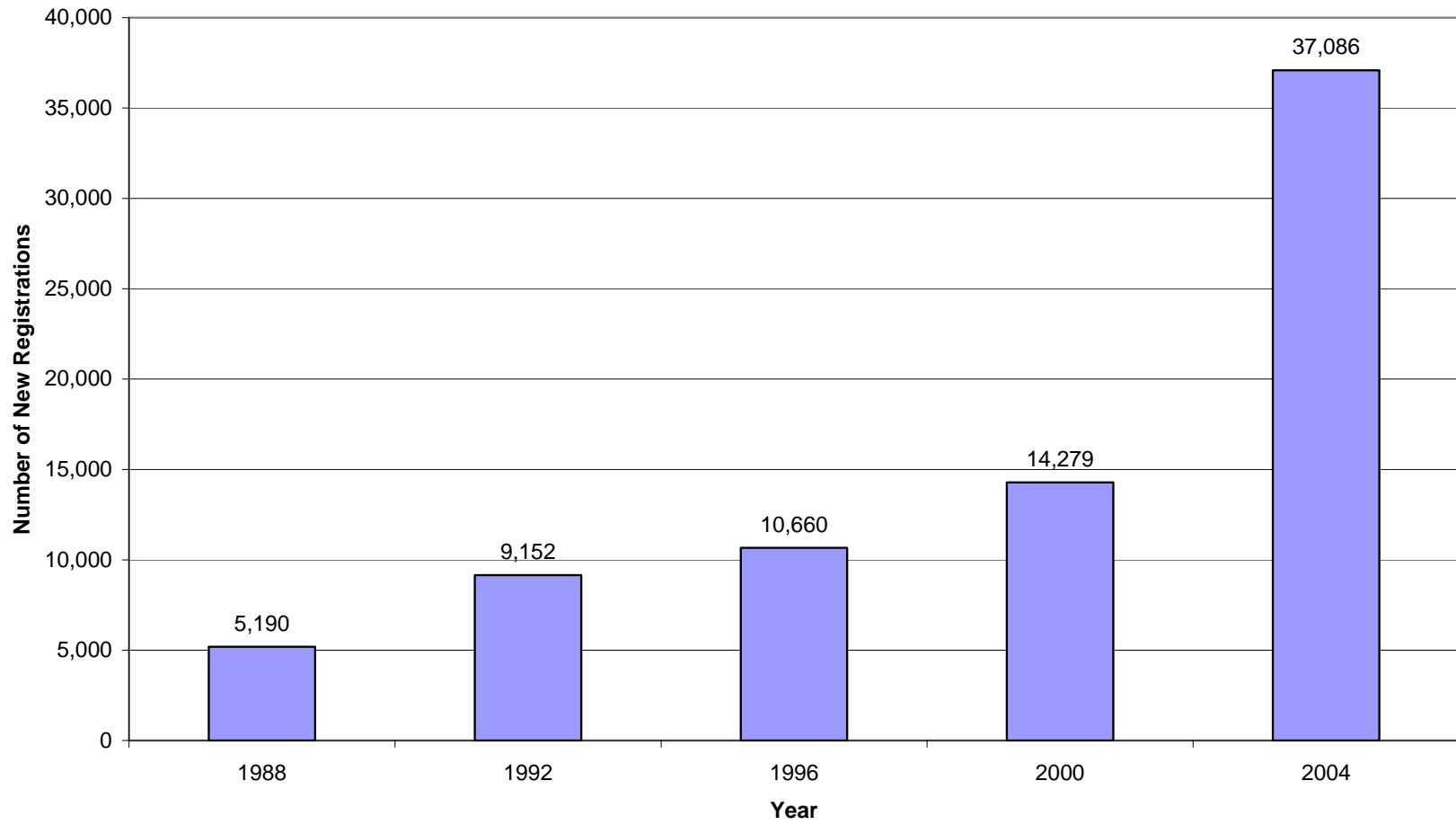
# **Exhibit 3**

**FIGURE THREE**  
**Total Number of New Registrations in a Calendar Year**  
**(Hillsborough County)**



# **Exhibit 4**

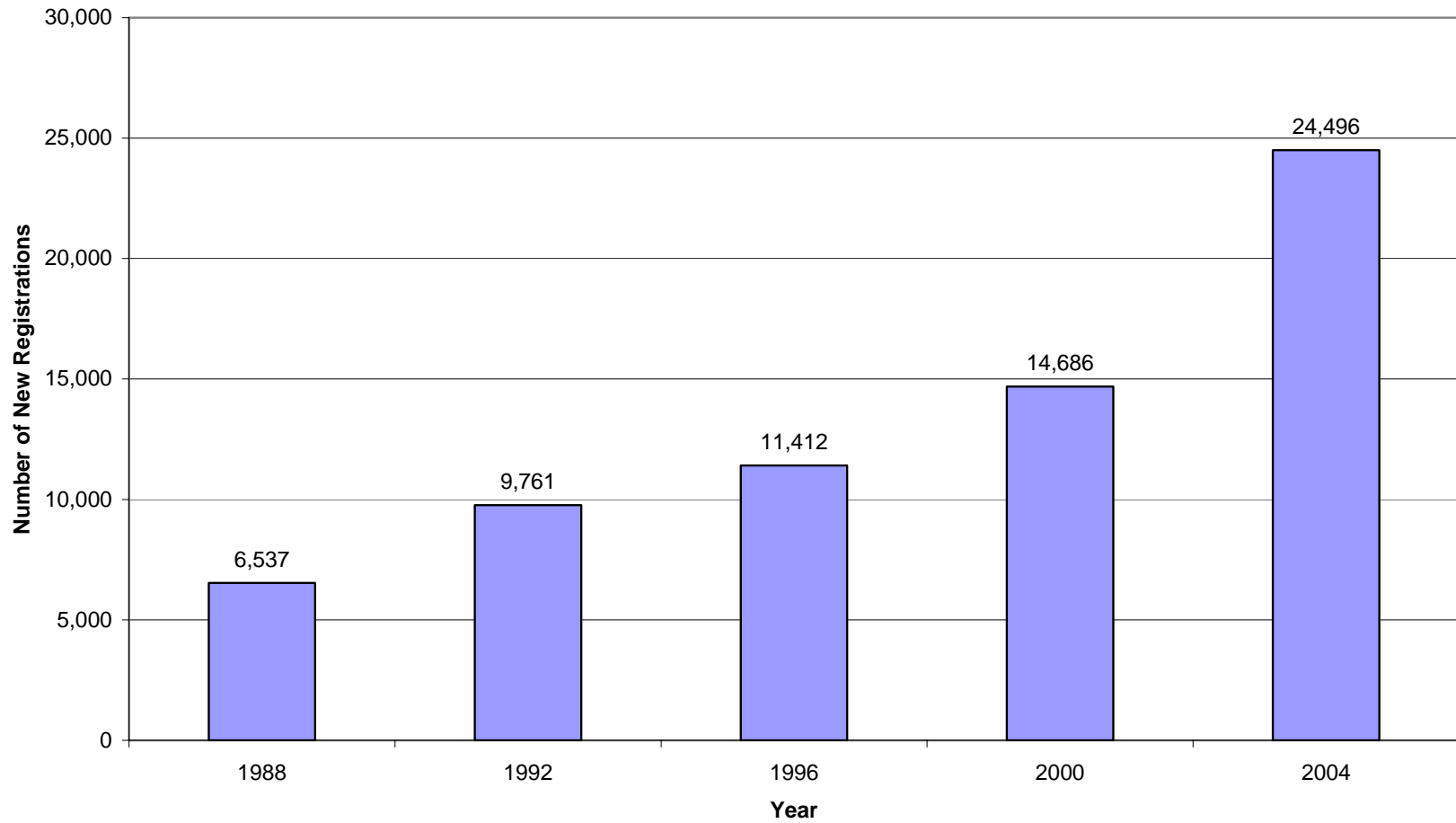
**FIGURE FOUR**  
**Total Number of New Registrations in a Calendar Year**  
**(Leon County)**





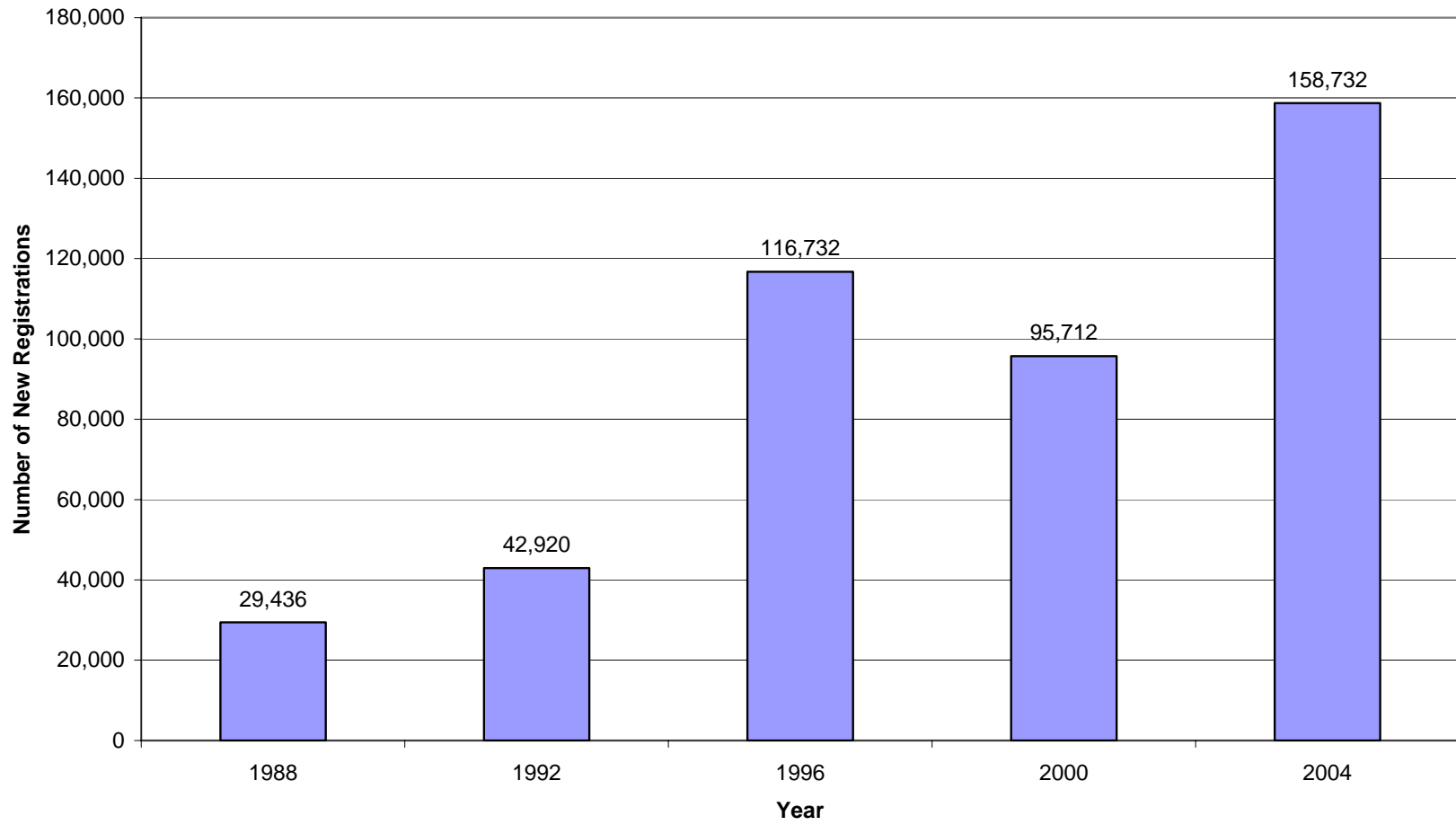
# **Exhibit 5**

**FIGURE FIVE**  
**Total Number of New Registrations in a Calendar Year**  
**(Manatee County)**



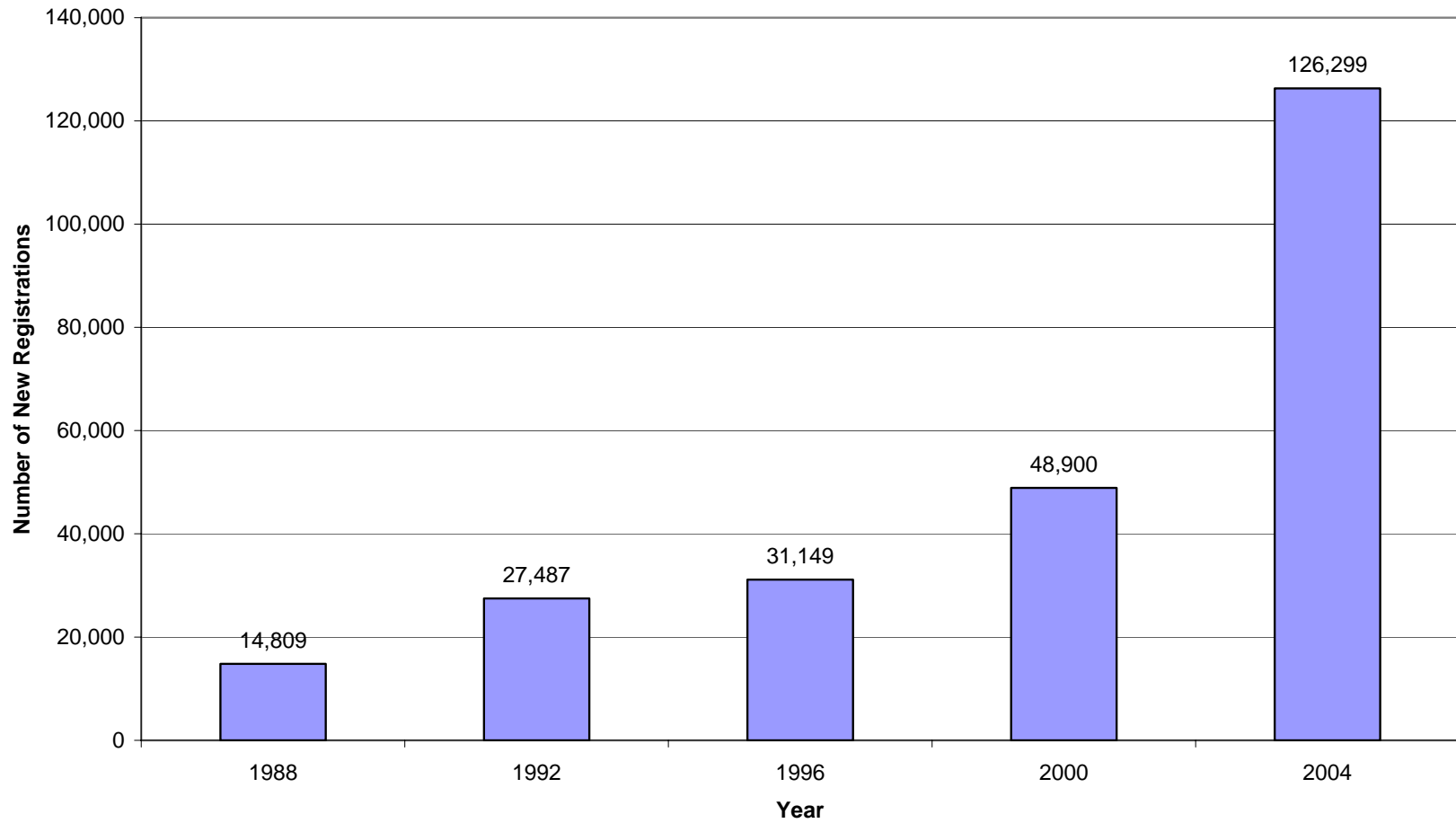
# **Exhibit 6**

**FIGURE SIX**  
**Total Number of New Registrations in a Calendar Year**  
**(Miami-Dade County)**



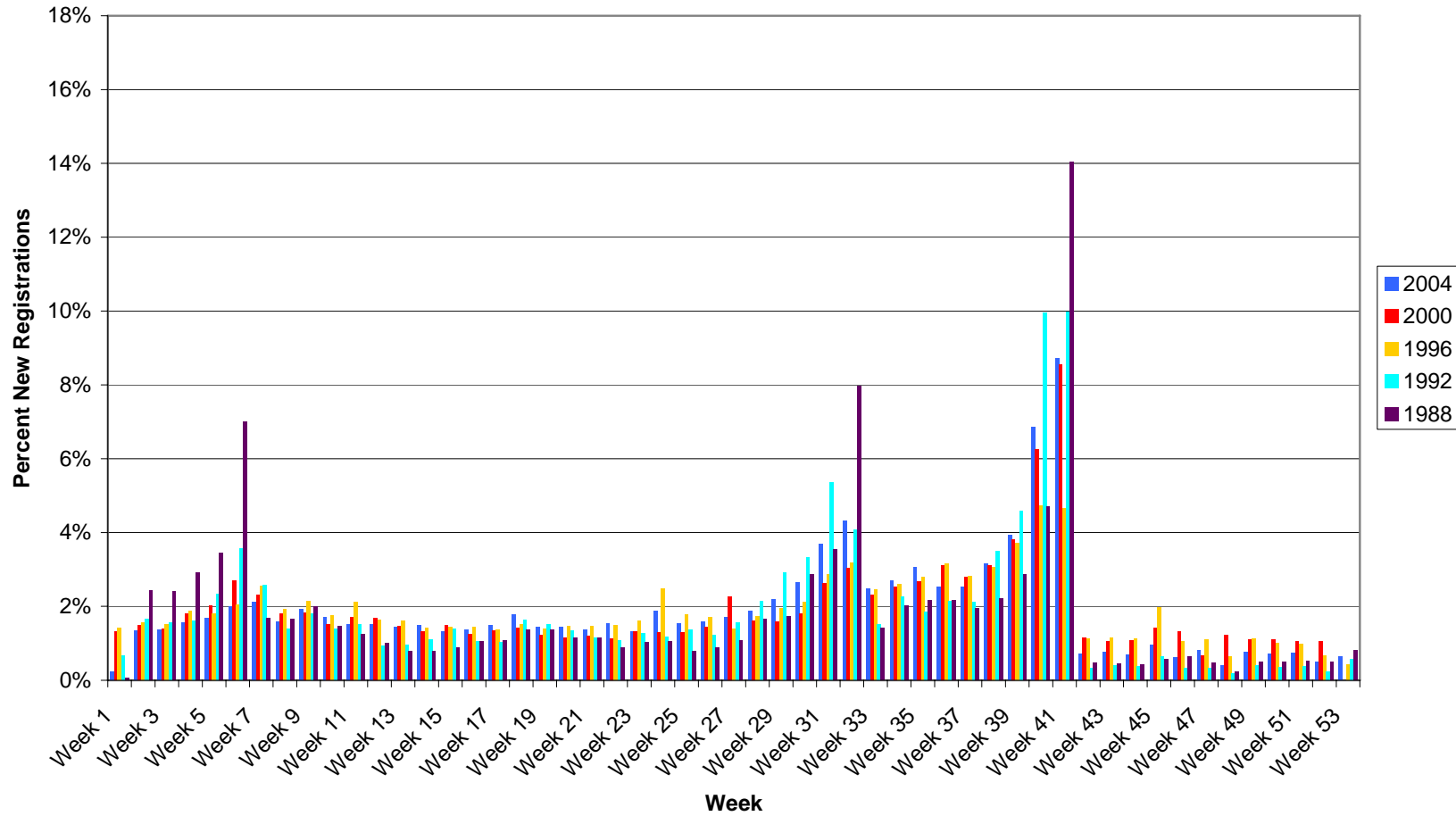
# **Exhibit 7**

**FIGURE SEVEN**  
**Total Number of New Registrations in a Calendar Year**  
**(Orange County)**



# **Exhibit 8**

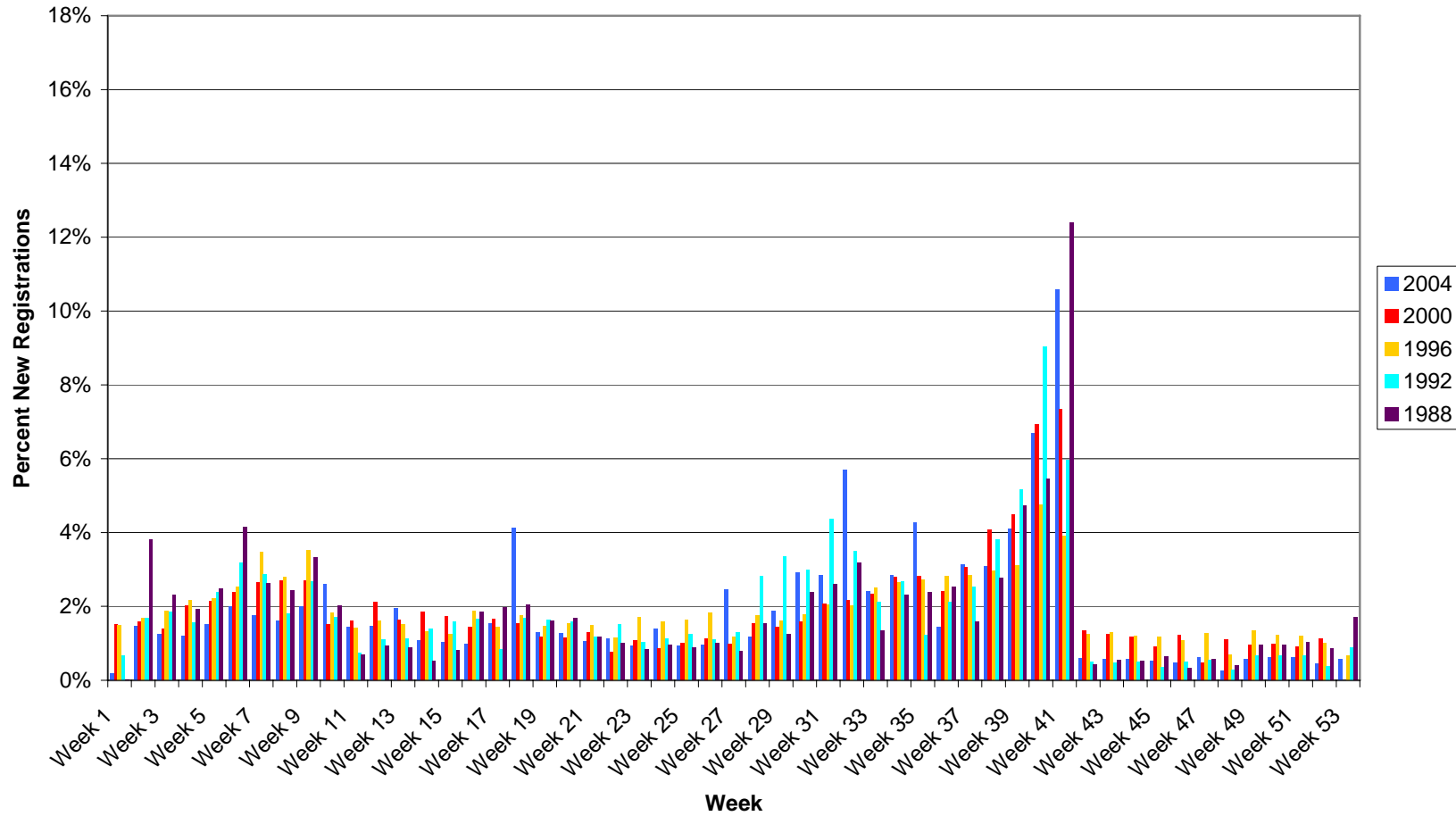
**FIGURE EIGHT**  
**New Registrations by Week as Percentage of All New Registrations in Year**  
**(Statewide)**





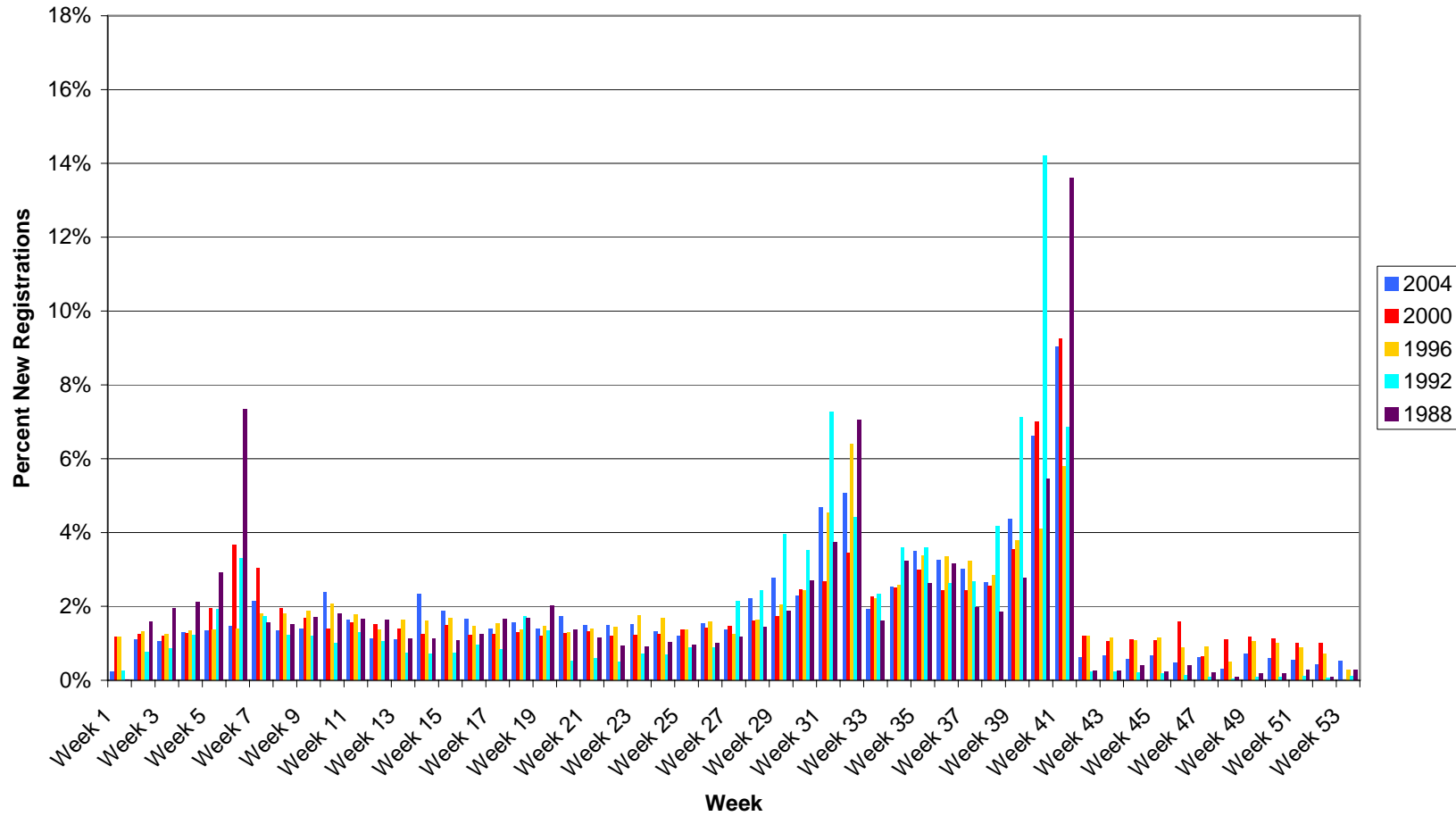
# **Exhibit 9**

**FIGURE NINE**  
**New Registrations by Week as Percentage of All New Registrations in Year**  
**(Broward County)**



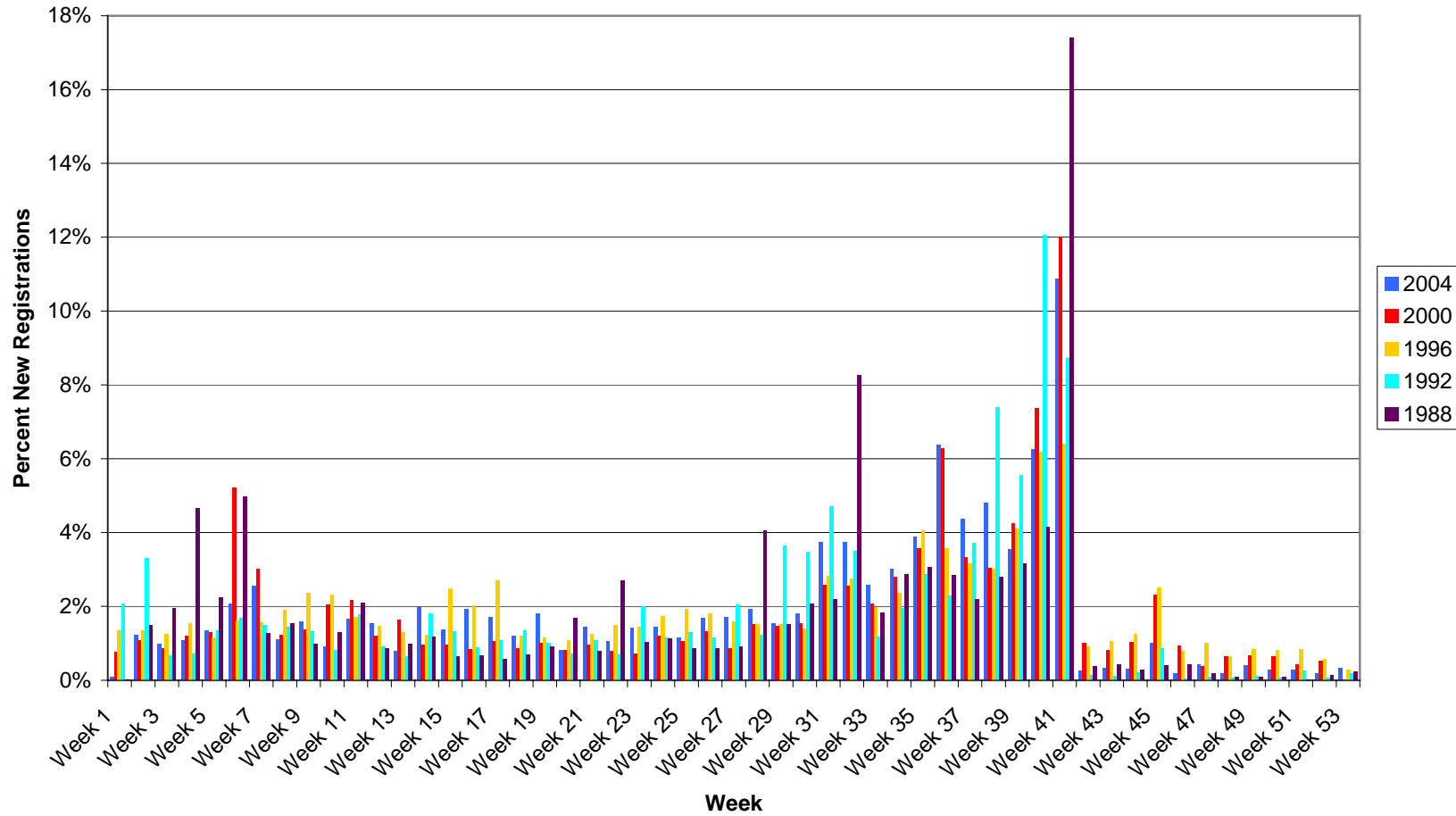
# **Exhibit 10**

**FIGURE TEN**  
**New Registrations by Week as Percentage of All New Registrations in Year**  
**(Hillsborough County)**



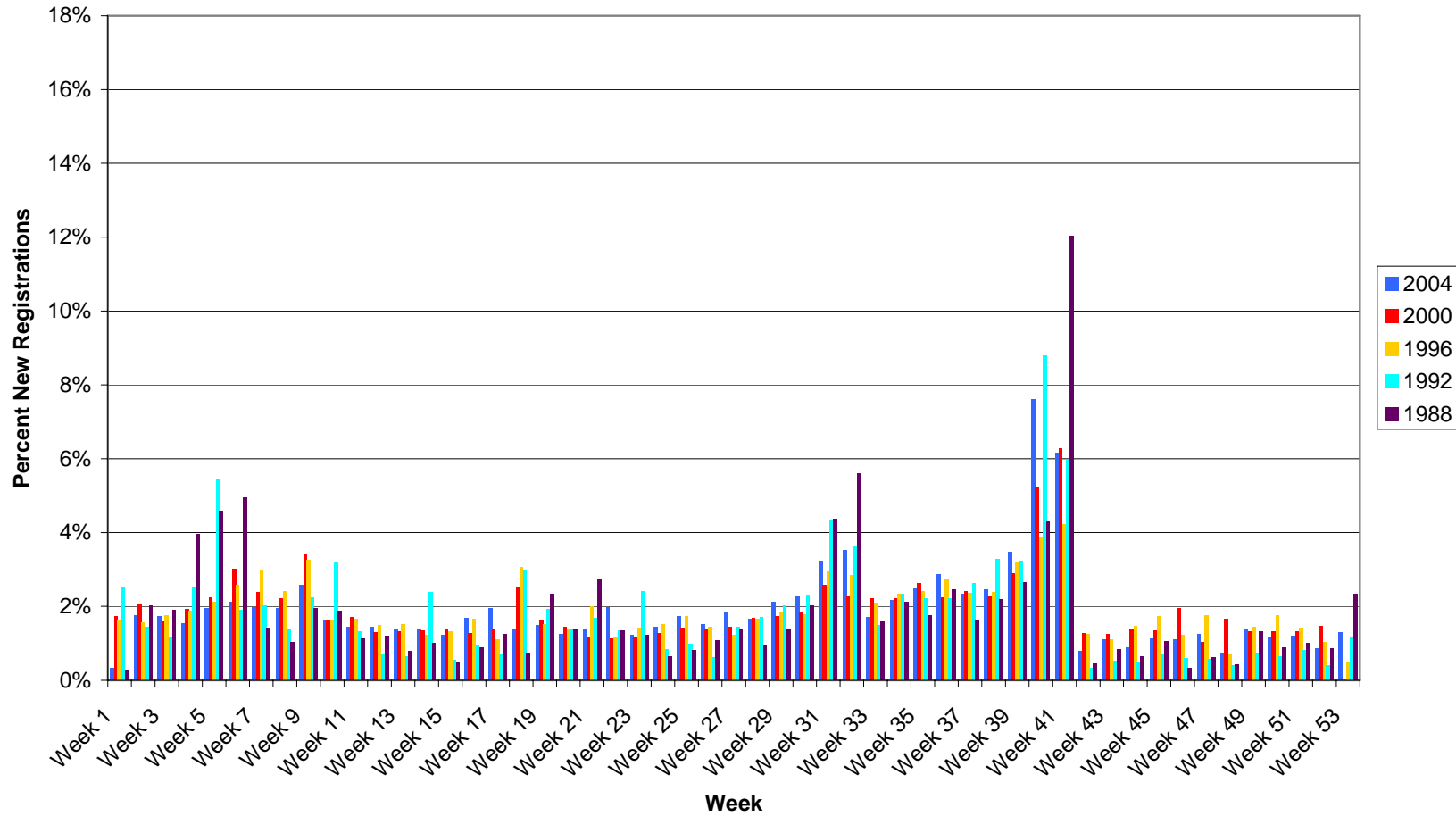
# **Exhibit 11**

**FIGURE ELEVEN**  
**New Registrations by Week as Percentage of All New Registrations in Year**  
**(Leon County)**



# **Exhibit 12**

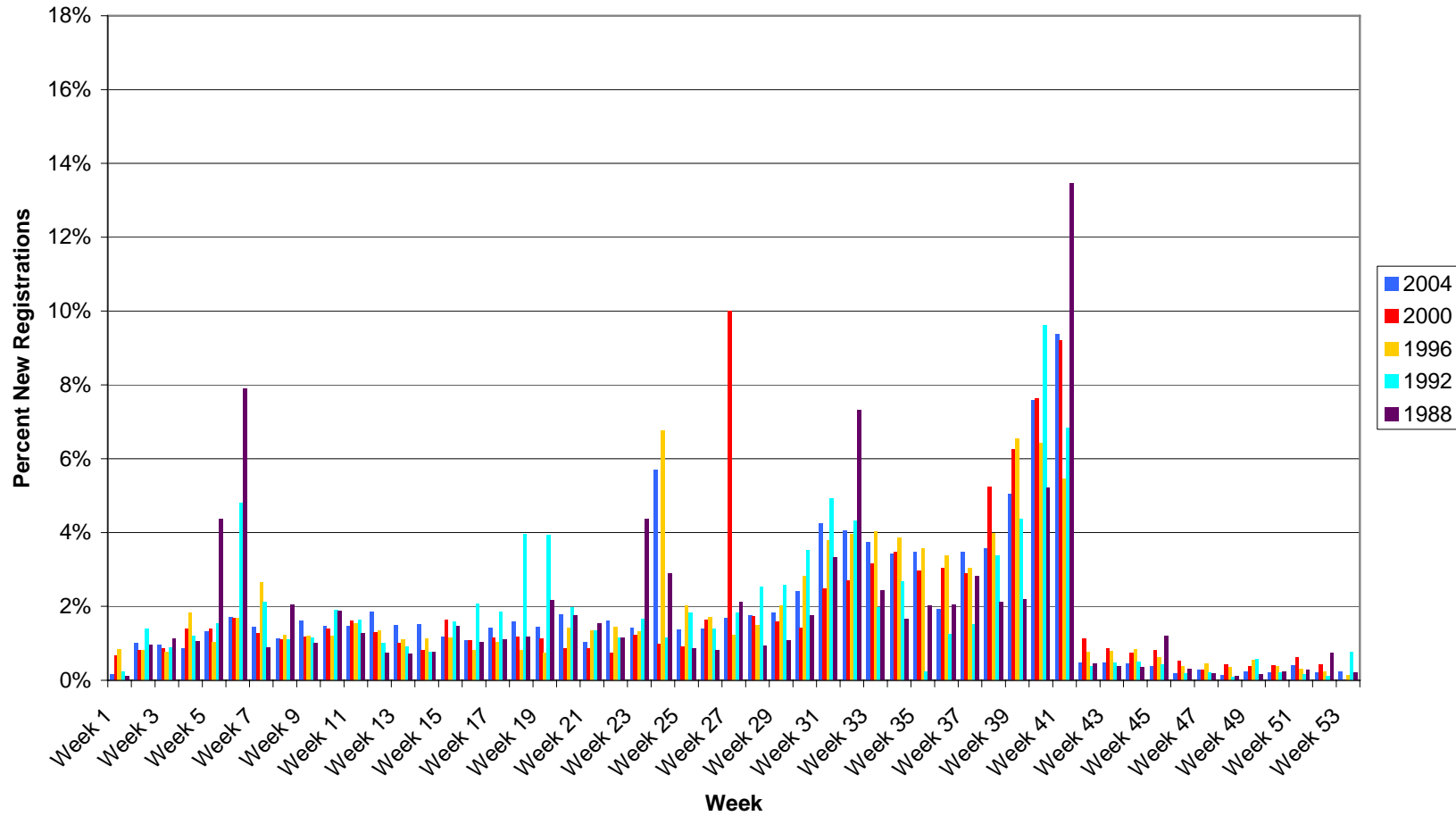
**FIGURE TWELVE**  
**New Registrations by Week as Percentage of All New Registrations in Year**  
**(Manatee County)**





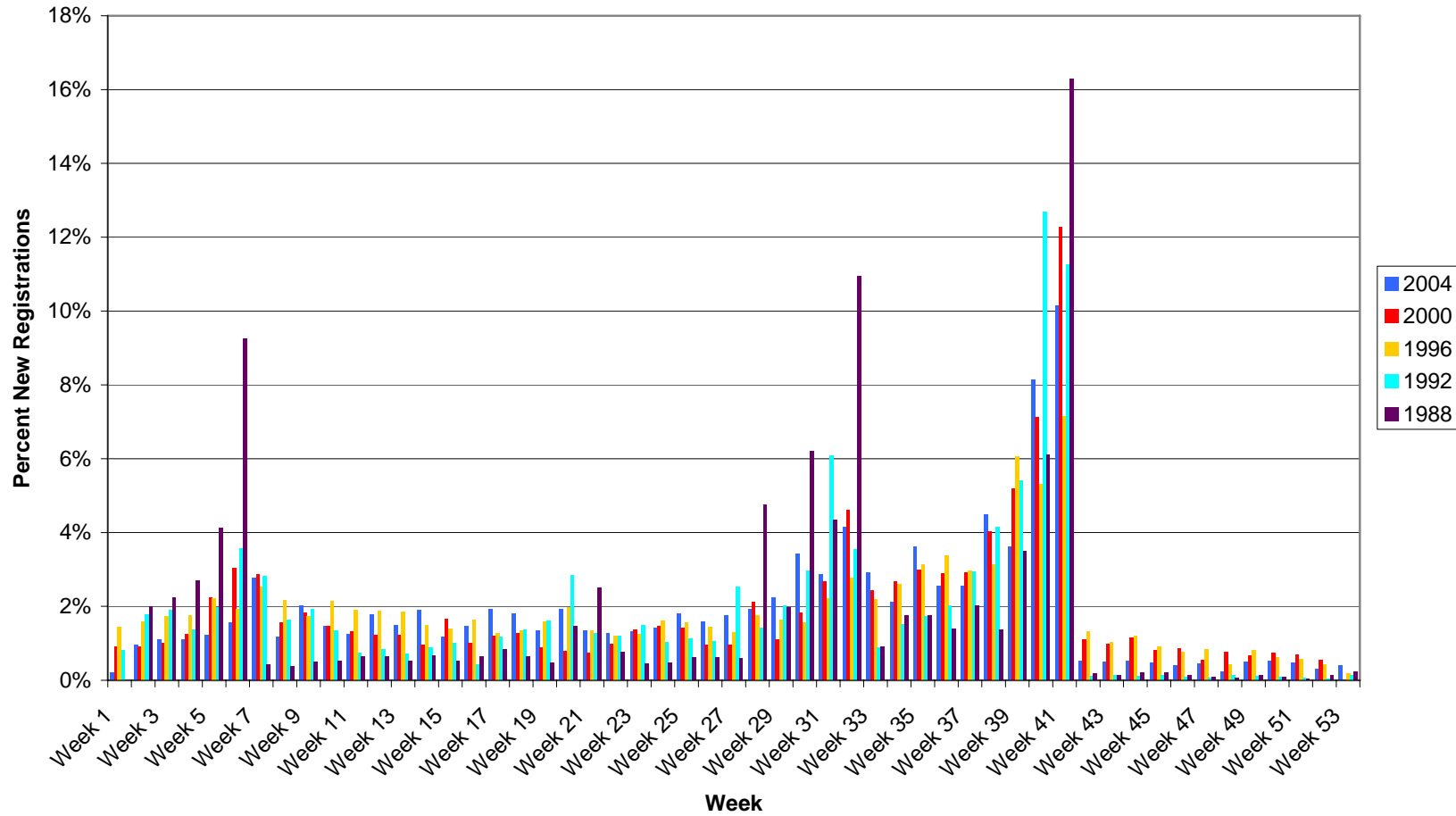
# **Exhibit 13**

**FIGURE THIRTEEN**  
**New Registrations by Week as Percentage of All New Registrations in Year**  
**(Miami-Dade County)**



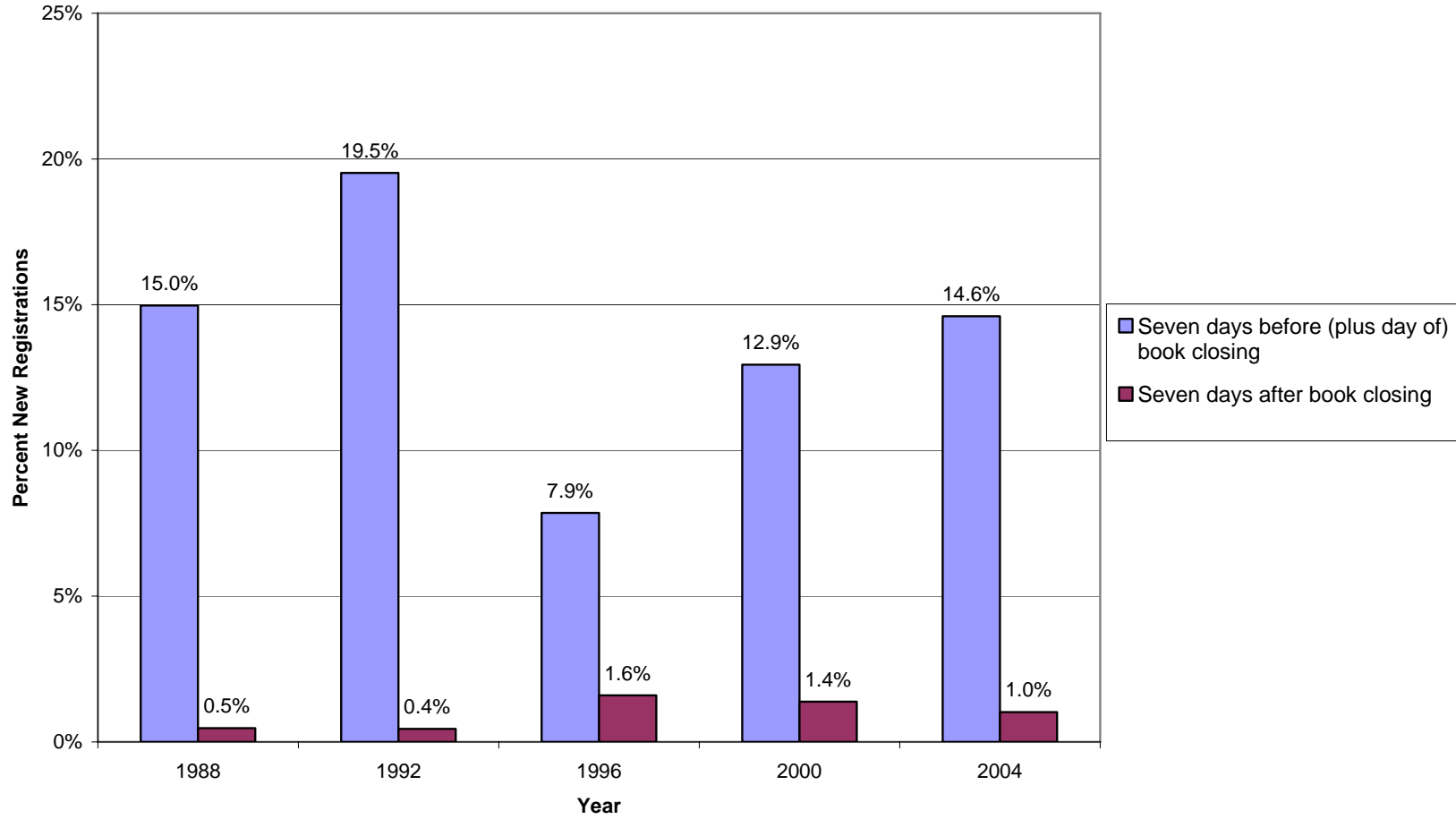
# **Exhibit 14**

**FIGURE FOURTEEN**  
**New Registrations by Week as Percentage of All New Registrations in Year**  
**(Orange County)**



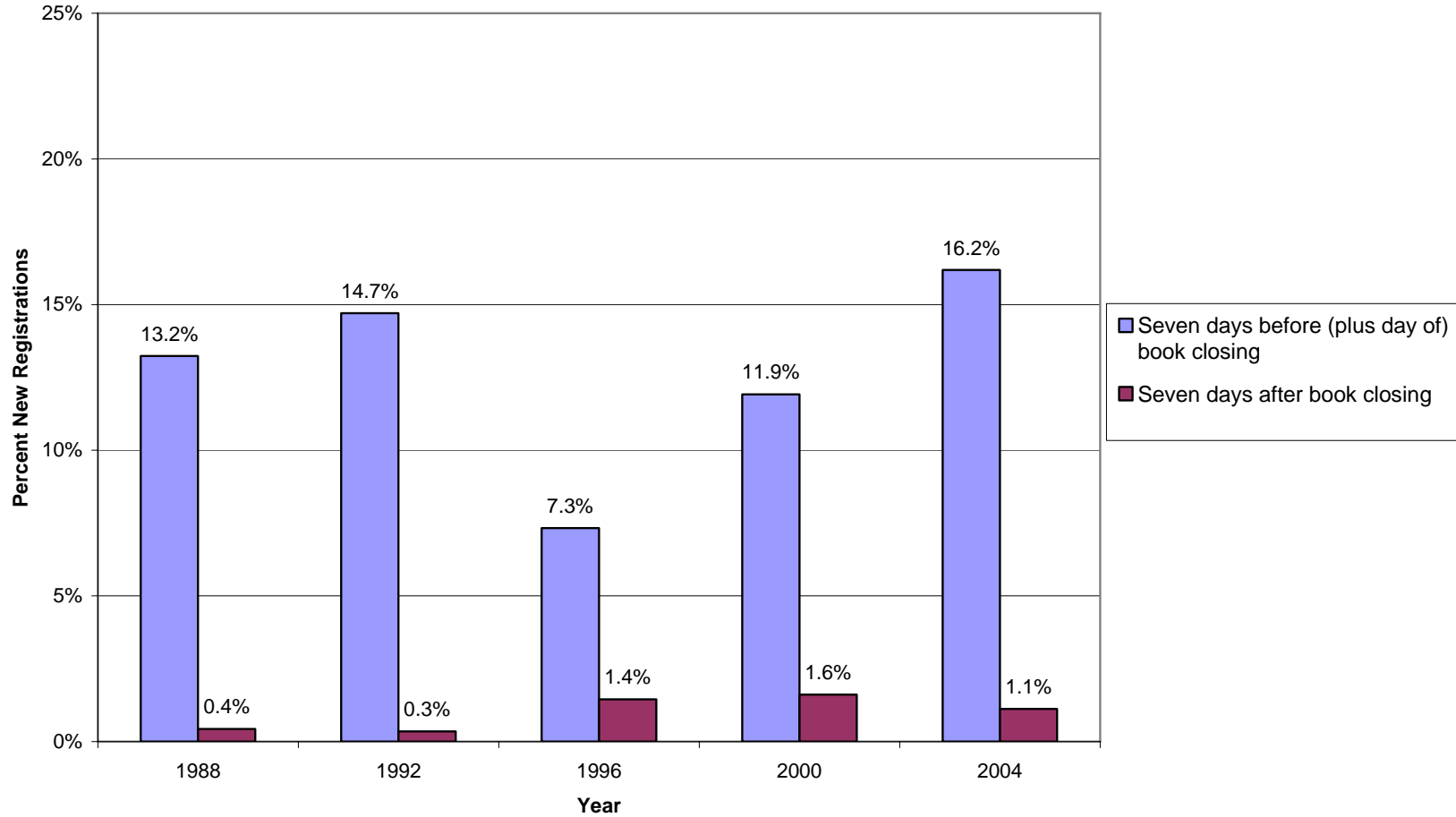
# **Exhibit 15**

**FIGURE FIFTEEN**  
**New Registrations Before and After Book Closing**  
**as Percentage of All New Registrations in Year**  
**(Statewide)**



# **Exhibit 16**

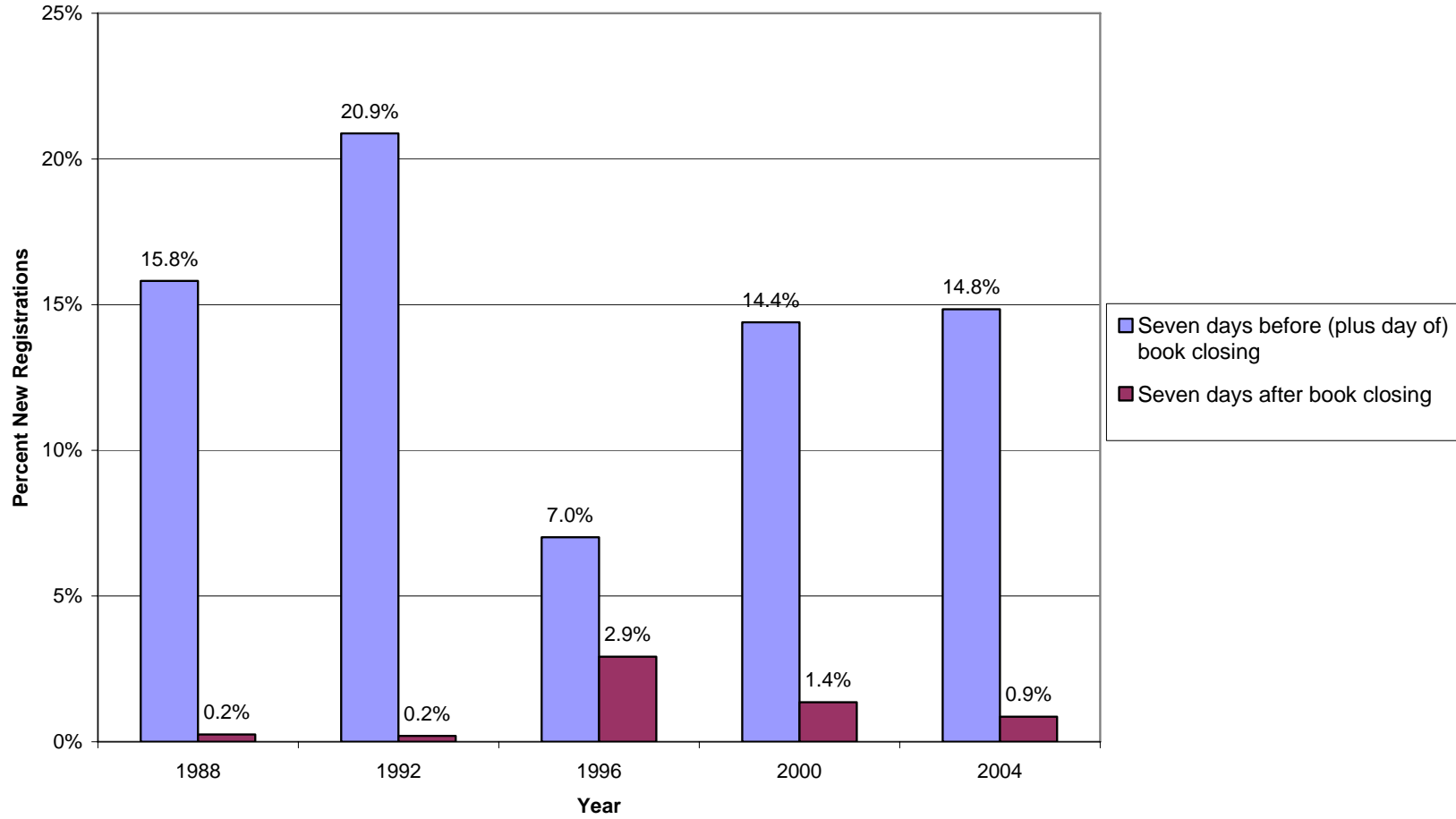
**FIGURE SIXTEEN**  
**New Registrations Before and After Book Closing**  
**as Percentage of All New Registrations in Year**  
**(Broward County)**





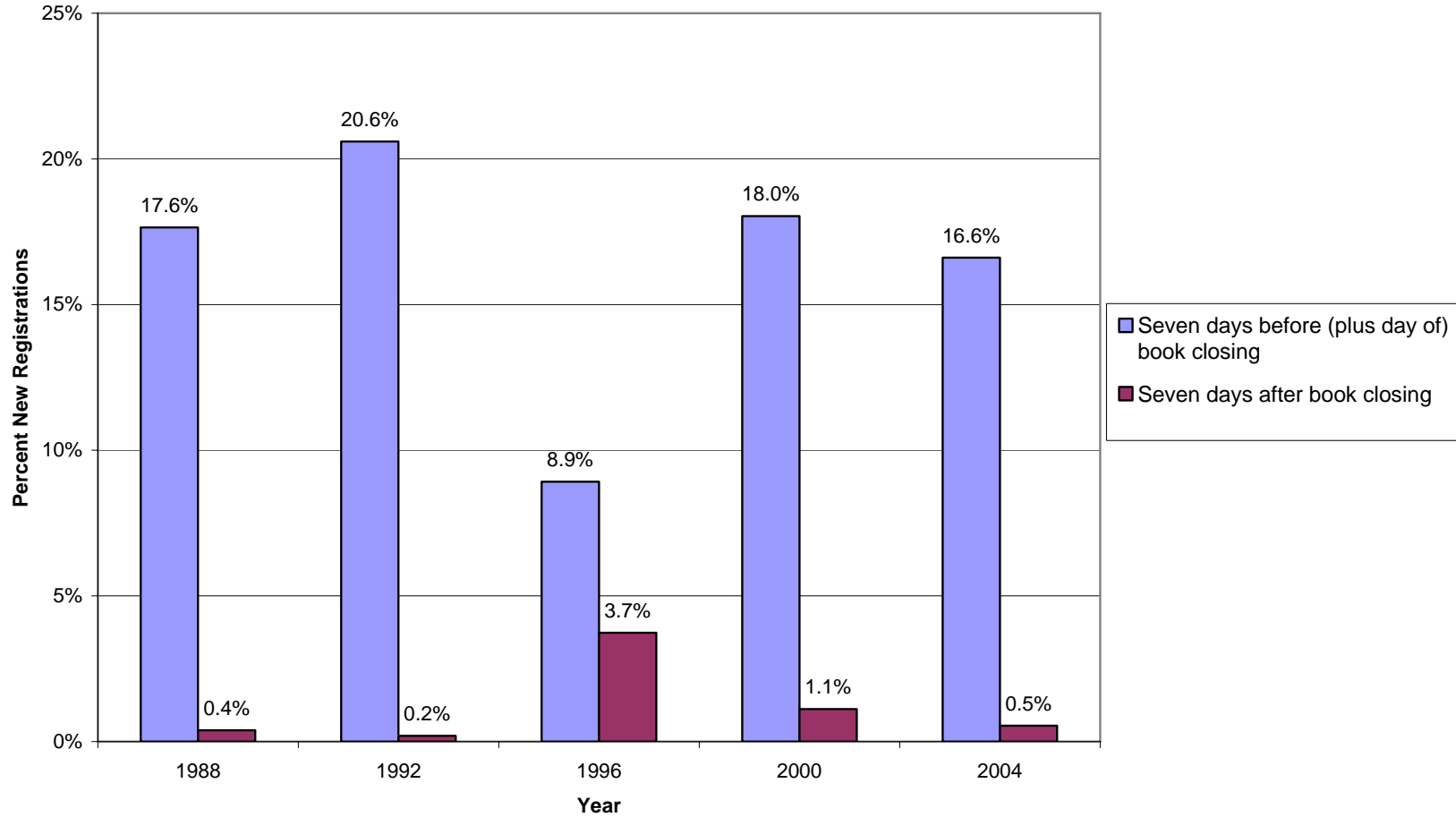
# **Exhibit 17**

**FIGURE SEVENTEEN**  
**New Registrations Before and After Book Closing**  
**as Percentage of All New Registrations in Year**  
**(Hillsborough County)**



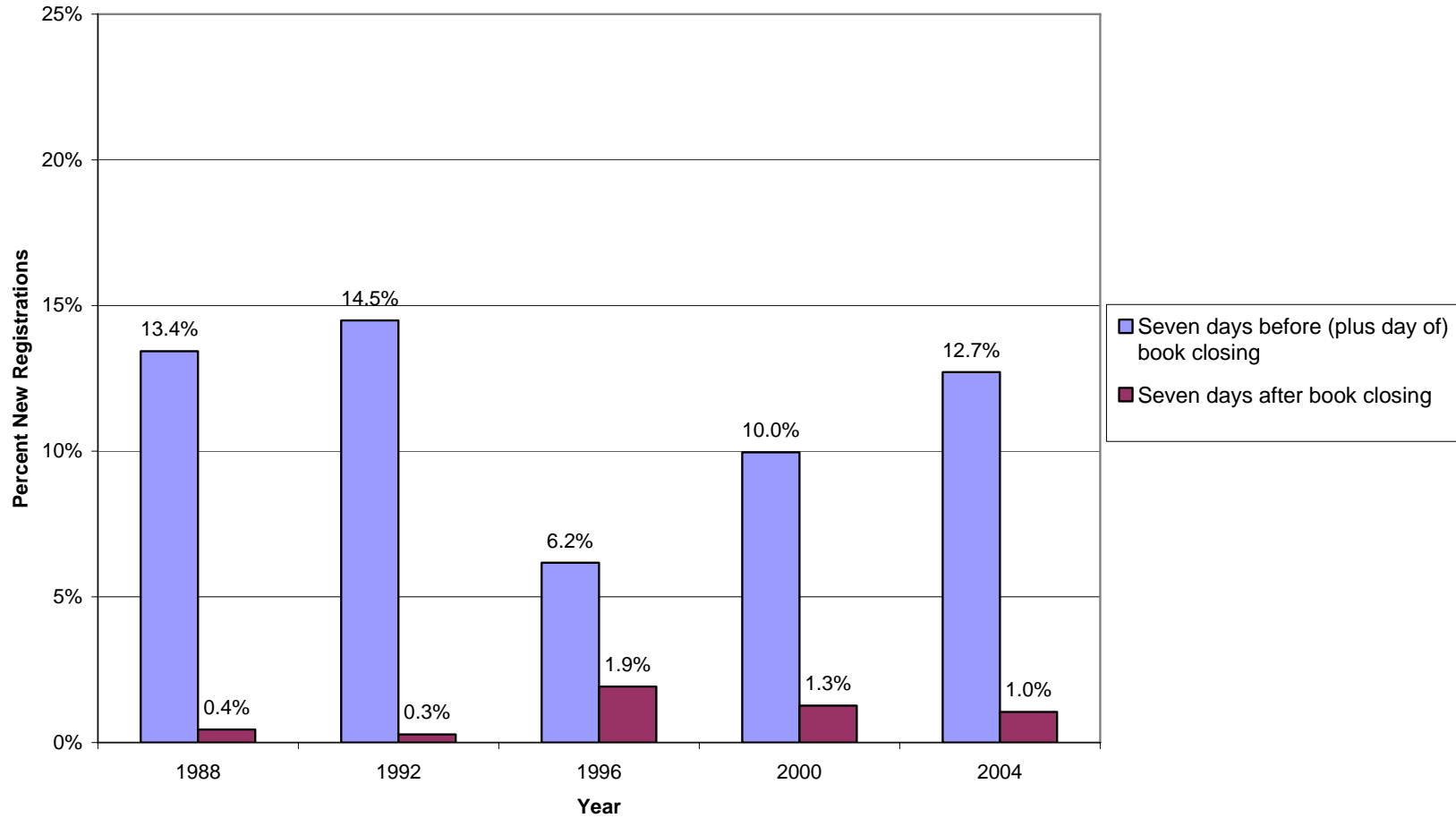
# **Exhibit 18**

**FIGURE EIGHTEEN**  
**New Registrations Before and After Book Closing**  
**as Percentage of All New Registrations in Year**  
**(Leon County)**



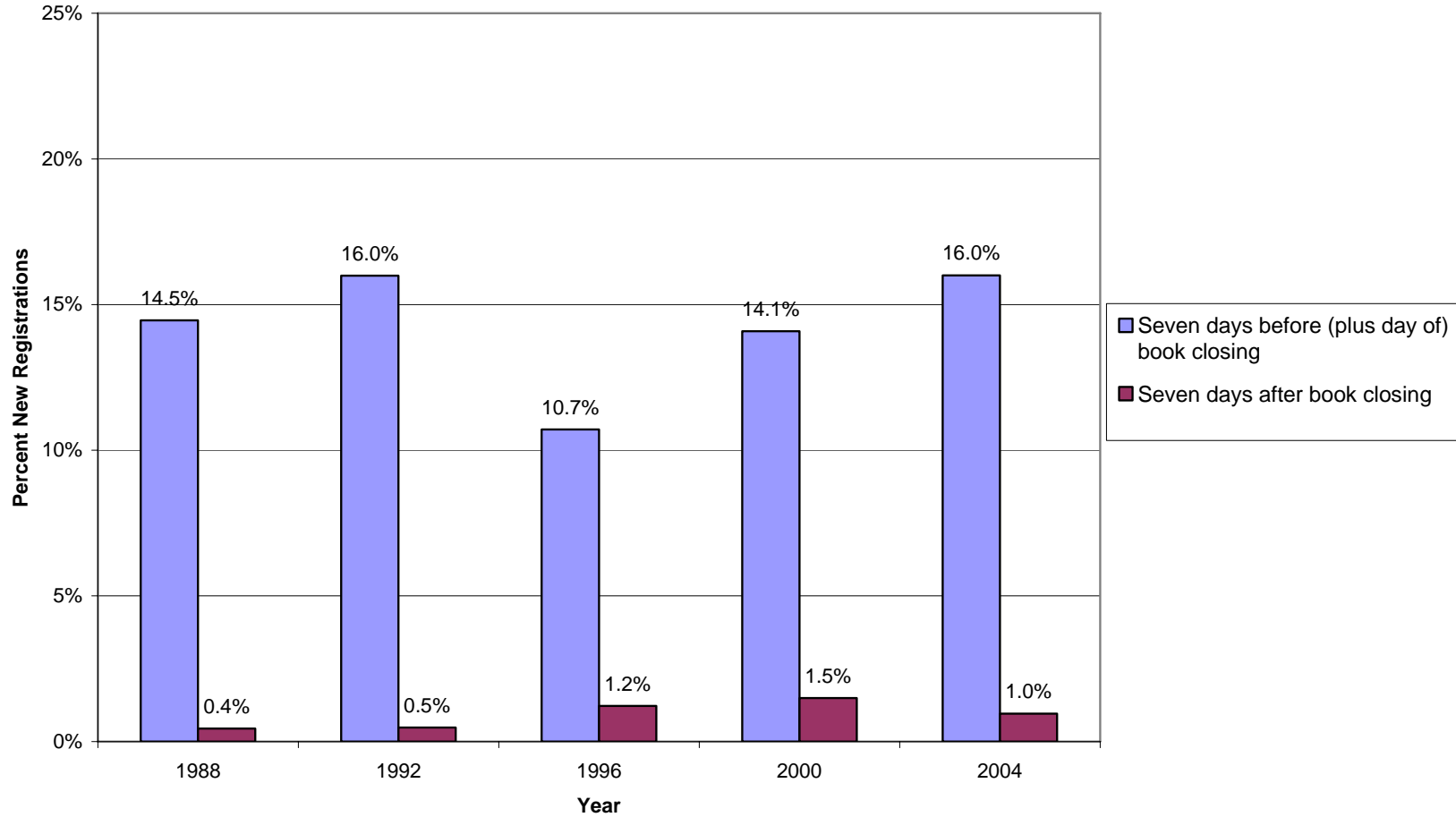
# **Exhibit 19**

**FIGURE NINETEEN**  
**New Registrations Before and After Book Closing**  
**as Percentage of All New Registrations in Year**  
**(Manatee County)**



# **Exhibit 20**

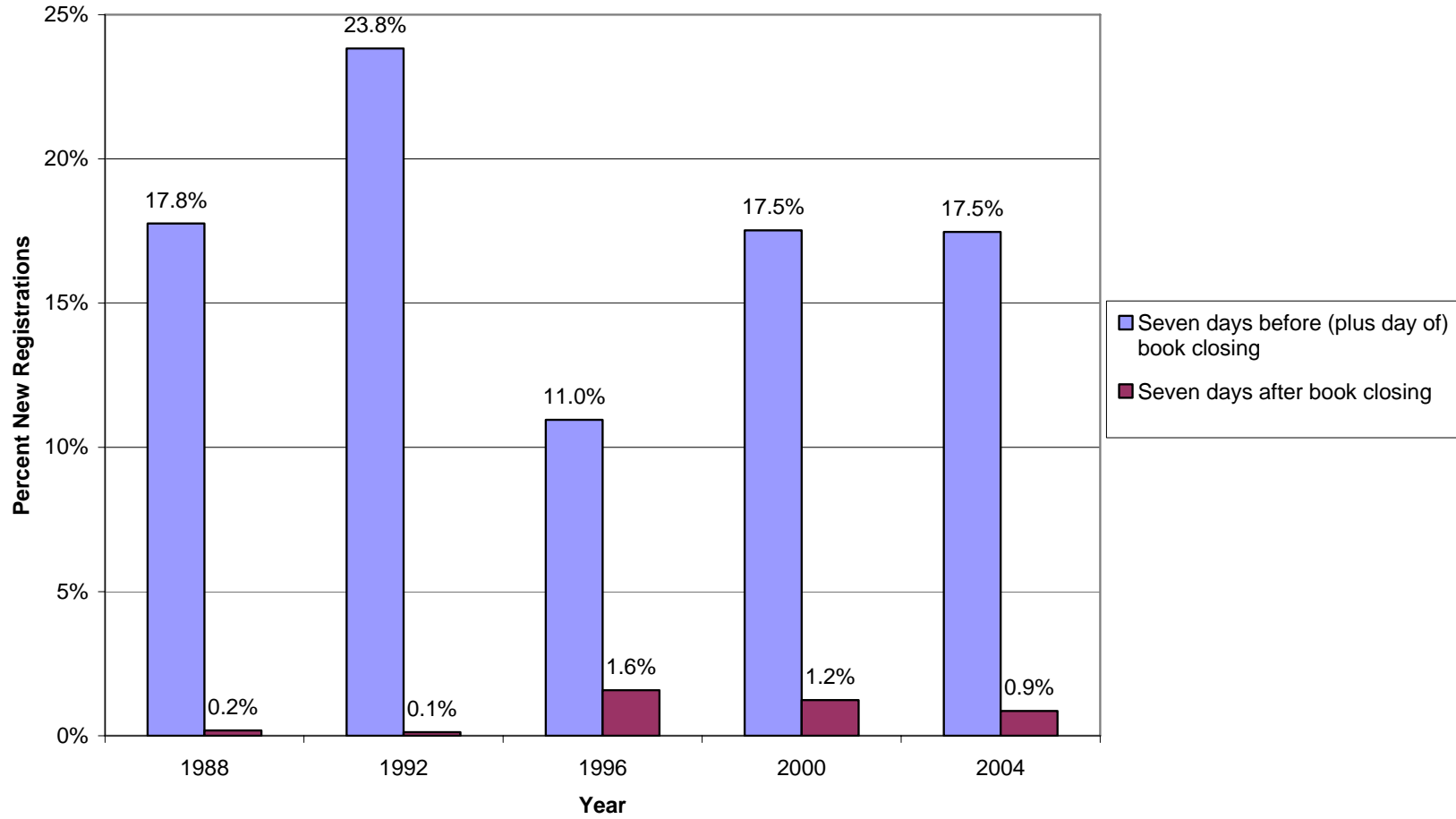
**FIGURE TWENTY**  
**New Registrations Before and After Book Closing**  
**as Percentage of All New Registrations in Year**  
**(Miami-Dade County)**





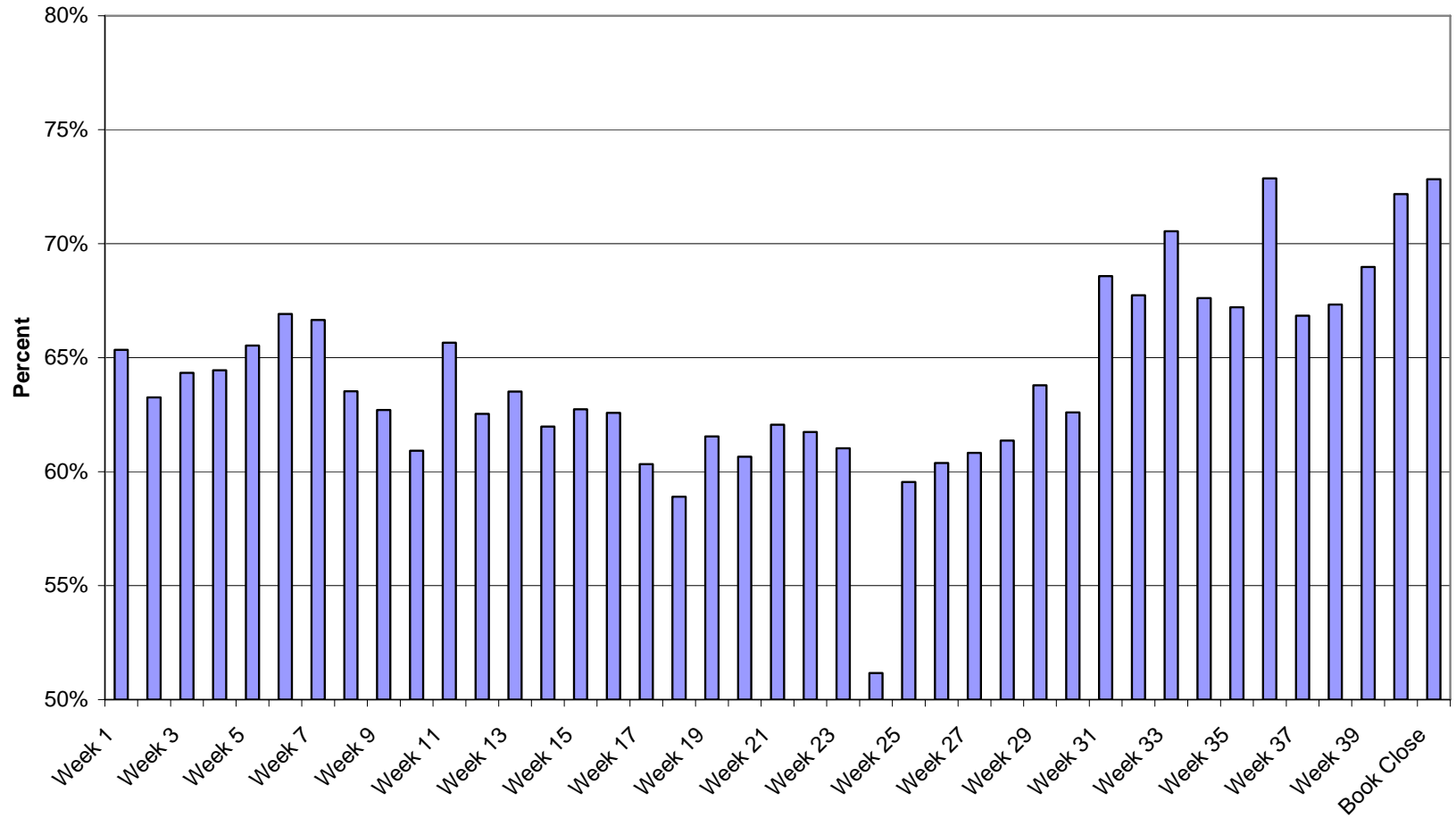
# **Exhibit 21**

**FIGURE TWENTY-ONE**  
**New Registrations Before and After Book Closing**  
**as Percentage of All New Registrations in Year**  
**(Orange County)**



# **Exhibit 22**

**FIGURE TWENTY-TWO**  
**Percentage of New Registrants who Voted by Week in 2004**  
**(Statewide)**



# **Exhibit 23**

## Dr. Michael P. McDonald

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### **Education**

Post-Doctoral Fellow. Harvard University. August 1998 – August 1999.  
Ph.D. Political Science. University of California, San Diego. February, 1999.  
BS Economics. California Institute of Technology. June, 1989.

### **Publications**

#### **Books**

Michael P. McDonald and John Samples, eds. 2006. *The Marketplace of Democracy: Electoral Competition in American Politics*. Washington DC: Brookings Institution Press.

Micah Altman, Jeff Gill, and Michael P. McDonald. 2003. *Numerical Issues in Statistical Computing for the Social Scientist*. Hoboken, NJ: Wiley and Sons.

#### **Peer Reviewed Journal Articles**

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- Kimball Brace and Michael P. McDonald. 2005. "Report to the US Election Assistance Commission on the Election Day Survey." Washington, DC: Sept 27, 2005.
- Michael P. McDonald. 2004. "2001: A Redistricting Odyssey." *State Politics and Policy Quarterly* 4(4): 369-370.
- Michael P. McDonald. 2004. "Up, Up, and Away! Turnout in the 2004 Presidential Election." *The Forum* 4(2).
- Michael P. McDonald 2004. "The Numbers Prove that 2004 May Signal More Voter Interest." *Milwaukee Journal Sentinel*. Milwaukee, WI.
- Michael P. McDonald. 2004. "Democracy in America?" *La Vanguardia*. Barcelona, Spain.
- Michael P. McDonald. 2004. "Drawing the Line on the 2004 Congressional Elections." *Legislative Studies Section Newsletter* (Fall, 2004): 14-18.
- Michael P. McDonald. 2003. "Enhancing Democracy in Virginia." *Connection Newspapers*. March 24, 2003.
- Michael P. McDonald. 2003. "California Recall Voting: Nuggets of California Gold for Political Behavior." *The Forum* (1)4.
- Michael P. McDonald. 2001. "Piecing Together the Illinois Redistricting Puzzle." *Illinois Issues*. March, 2001.
- Samuel Popkin and Michael P. McDonald. 2000. "Turnout's Not as Bad as You Think." *The Washington Post*. Nov. 5: B-1.
- Micah Altman and Michael P. McDonald. 1999. "Resources for Testing and Enhancement of Statistical Software" in *The Political Methodologist* 9(1).
- Michael P. McDonald. 1999. "Representational Theories of the Polarization of the House of Representatives" in *Legislative Studies Section Newsletter, Extension of Remarks* 22(2): 8-10.
- Samuel Popkin and Michael P. McDonald. 1998. "Who Votes? A Comparison of NES, CPS, and VNS Polls." *Bluebook*. Sept. 1998. Washington, DC: Democratic Leadership Council.

### **Software Packages**

- Micah Altman and Michael P. McDonald. 2007. "Better Automated ReDistricting (BARD)." R package available at CRAN.
- Micah Altman, Jeff Gill, and Michael P. McDonald. 2004. "Accuracy: Tools for testing and improving accuracy of statistical results." R Package available at CRAN.

### **Grants**

- Better Redistricting Reform. 2006-2008. \$405,000. Project funded by the Joyce Foundation, conducted jointly with the Brennan Center for Justice at NYU to investigate impacts of redistricting reform in Midwestern states.
- Electoral Competition Project. 2005-2006. \$200,000. Project funded by Armstrong Foundation, the Carnegie Corporation of New York, the JEHT Foundation, The Joyce Foundation, The Kerr Foundation, Inc., and anonymous donors. Joint Brookings Institution and Cato Institute investigation into electoral competition.

Provost Summer Research Grant. \$5,000. 2004. George Mason University.

ICPSR Data Document Initiative. 1999. Awarded beta test grant. Member, advisory committee on creation of electronic codebook standards.

### ***Academic Experience***

#### **Courses Taught**

Public Opinion and Voting Behavior, Parties and Campaigns, Methods (Graduate-level Regression Analysis), Research Methods (Undergraduate), Introduction to American Politics, Congress, Legislative Politics, Freshman Seminar: Topics in Race and Gender Policies, and Legislative Staff Internship Program.

#### **Academic Employment History**

George Mason University. Associate Professor, May 2002-Present. Assistant Professor, Aug 2002-May 2007.

The Brookings Institution. Non-Resident Senior Fellow June 2006-Present. Visiting Fellow, June 2004-June 2006.

University of Illinois, Springfield. Assistant Professor, Aug 2000-June 2002.

Vanderbilt University. Assistant Professor (non-tenure track), Aug 1999-Aug 2000.

Harvard-MIT Data Center. Post-Doctoral Research Fellow, Sept. 1998-Aug 1999.

University of California-San Diego UC-San Diego in Washington DC, Assistant to the Director, Sept 1997-June 1998. Visiting Assistant Professor, Spring Quarter 1997, Summer Session, Aug 1996 and Aug 1997. Teaching Assistant/Grader Aug 1991 – March 1997.

### ***Professional Service***

The Non-Profit Voter Engagement Network. 2007-Present. Member, Advisory Board.

The Tobin Institute. 2006-Present. Member, Elections Working Group.

Overseas Vote Foundation. 2005-present. Member, Advisory Board.

Virginia Public Access Project. 2005-2006. Member, Board of Directors.

Fairfax County Adult and Community Education Advisory Board. 2005-2006. Member.

American Political Science Association. 2005. Member, Representation and Voting Taskforce.

### **State Politics and Policy Quarterly**

- Guest Editor. Dec 2004 issue.
- Editorial Board Member 2004-present.

### ***Related Professional Experience***

#### **Media Consultant**

- Mitofsky International and Edison Media Research. Nov. 2004, Nov. 2006, and Feb. and (tentatively) Nov. 2008. Called election outcomes for national exit poll.
- ABC News. Nov. 2002. Called election outcomes.
- NBC News. Aug 1996. Analyzed polls during the Republican National Convention.

### **Redistricting/Election Expert Witness/Consulting Expert**

- Pew Center for the States. 2007-Present. Consultant for Vital Signs project.
- Expert witness. 2007. *Washington Association of Churches v Reed* (CV06-0726).
- Electoral Assistance Commission. 2005. Analyzed election administration surveys.
- Arizona Independent Redistricting Commission. 2001-2003. Consultant.
- Expert witness. 2003. *Minority Coalition for Fair Redistricting, et al. v. Arizona Independent Redistricting Commission* CV2002-004380 (2003).
- Expert witness. 2003. *Rodriguez v Pataki* 308 F. Supp. 2d 346 (S.D.N.Y 2004).
- Consulting expert. 2002. *O'Lear v. Miller* No. 222 F. Supp. 2d 850 (E.D. Mich.)
- Expert witness. 2001-2002. *In Re 2001 Redistricting Cases* (Case No. S-10504).
- Consulting Expert. 2001. *United States v. Upper San Gabriel Valley Municipal Water District* (C.D. Cal. 2000).
- California State Assembly. 1991. Consultant.
- Pactech Data and Research. Research Associate. Aug 1989 – June 1991. Performed database development and statistical analysis for a California political consulting firm's clients including: Democratic National Committee, Gordon Shwenkmeyer (a national political telemarketing firm), Southern California Gas, and Justice Department for the voting rights case *Garza v LA Board of Supervisors*.

### **Polling Consultant**

- Hickman-Brown. July, 2000. Analyzed national and state level exit and CPS polls for use in various campaigns.
- Jose de Venecia, Speaker of the Philippines. Feb 1997.
- Joong-Ang Ilbo/RAND. Oct 1996. Analyzed survey of Korean national security attitudes.
- Decision Research. Research Analyst. Aug 1994–Dec 1994.
- UCSD. Nov. 1991. Conducted and analyzed survey of student attitudes.

### **Campaign/Political Consultant**

- Campaign Consultant. 2003. Ron Christian for Virginia State Senate.
- Campaign Manager. 2003. Theresa Martinez for Virginia Assembly.
- Senior Consultant. 1998. California State Assembly. Nov.–Dec 1998. Consultant on various programming projects.
- Computer Analyst. 1998. Democratic Party of California.
- Computer Analyst. 1996. Susan Davis for California Assembly.
- Computer Analyst. 1996. Howard Wayne for California Assembly.
- Intern. June – Sept 1995. UC-San Diego, Science and Technology Policy and Projects. Identified university federal contracts and grants and tracked congressional activity affecting those funds. Helped organize conference on future of U.S. science and technology policy.