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.\(^1\) 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

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.

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

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.²

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.³ Purging likely affects new registrations, with the number of

³ 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 4th 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. 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.”

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, 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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5 Ibid, p.364.
6 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.\(^7\) 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

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.”\(^8\)

**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.

\(^8\) 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)
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)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of New Registrations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>21,360</td>
</tr>
<tr>
<td>1992</td>
<td>36,087</td>
</tr>
<tr>
<td>1996</td>
<td>46,208</td>
</tr>
<tr>
<td>2000</td>
<td>57,644</td>
</tr>
<tr>
<td>2004</td>
<td>114,934</td>
</tr>
</tbody>
</table>
Exhibit 4
FIGURE FOUR
Total Number of New Registrations in a Calendar Year
(Leon County)

Year | Number of New Registrations
---|---
1988 | 5,190
1992 | 9,152
1996 | 10,660
2000 | 14,279
2004 | 37,086
Exhibit 5
FIGURE FIVE
Total Number of New Registrations in a Calendar Year
(Manatee County)

Year | Number of New Registrations
---|---
1988 | 6,537
1992 | 9,761
1996 | 11,412
2000 | 14,686
2004 | 24,496
Exhibit 6
FIGURE SIX
Total Number of New Registrations in a Calendar Year
(Miami-Dade County)

Year


Number of New Registrations

29,436 42,920 116,732 95,712 158,732
Exhibit 7
FIGURE SEVEN
Total Number of New Registrations in a Calendar Year
(Orange County)

Number of New Registrations

Year


14,809 27,487 31,149 48,900 126,299
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 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)
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)

<table>
<thead>
<tr>
<th>Year</th>
<th>Seven days before (plus day of) book closing</th>
<th>Seven days after book closing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>15.8%</td>
<td>0.2%</td>
</tr>
<tr>
<td>1992</td>
<td>20.9%</td>
<td>0.2%</td>
</tr>
<tr>
<td>1996</td>
<td>7.0%</td>
<td>2.9%</td>
</tr>
<tr>
<td>2000</td>
<td>14.4%</td>
<td>1.4%</td>
</tr>
<tr>
<td>2004</td>
<td>14.8%</td>
<td>0.9%</td>
</tr>
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</table>
Exhibit 18
FIGURE EIGHTEEN
New Registrations Before and After Book Closing
as Percentage of All New Registrations in Year
(Leon County)
FIGURE NINETEEN
New Registrations Before and After Book Closing as Percentage of All New Registrations in Year (Manatee County)
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)

<table>
<thead>
<tr>
<th>Year</th>
<th>Seven days before (plus day of) book closing</th>
<th>Seven days after book closing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>17.8%</td>
<td>0.2%</td>
</tr>
<tr>
<td>1992</td>
<td>23.8%</td>
<td>0.1%</td>
</tr>
<tr>
<td>1996</td>
<td>11.0%</td>
<td>1.6%</td>
</tr>
<tr>
<td>2000</td>
<td>17.5%</td>
<td>1.2%</td>
</tr>
<tr>
<td>2004</td>
<td>17.5%</td>
<td>0.9%</td>
</tr>
</tbody>
</table>
Exhibit 22
FIGURE TWENTY-TWO
Percentage of New Registrants who Voted by Week in 2004
(Statewide)
Exhibit 23
Dr. Michael P. McDonald

Associate Professor, George Mason University
Non-Resident Senior Fellow, Brookings Institution

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Education

Publications

Books


Peer Reviewed Journal Articles


**Law Review Articles**


**Peer Reviewed Book Chapters**


**Non-Peer Reviewed Book Chapters**


**Selected Working Papers (available upon request)**


Michael P. McDonald. 2007. "Income Inequality and Voter Turnout."

**Non-Peer Reviewed Journal Articles, Reports, and Opinion-Editorials**


33


Software Packages
Micah Altman and Michael P. McDonald. 2007. "Better Automated ReDistricting (BARD)." 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.

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


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


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


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


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


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


State Politics and Policy Quarterly
• Guest Editor. Dec 2004 issue.
• Editorial Board Member 2004-present.

Related Professional Experience

Media Consultant
Redistricting/Election Expert Witness/Consulting Expert

- 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, Gorden 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


Campaign/Political Consultant