

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

**CASE NO. 08-CV-21243-ALTONAGA/Brown**

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League of Women Voters of Florida, et al.,

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 DONALD P. GREEN  
ON BEHALF OF PLAINTIFFS**

**I. Qualifications**

1. My academic position is A. Whitney Griswold Professor of Political Science at Yale University. I received my doctorate in political science from University of California, Berkeley in 1988. I have taught political science at Yale University since 1989. I was promoted to Professor of Political Science in 1994. In 1996, I was appointed Director of Yale's Institution for Social and Policy Studies, an interdisciplinary policy center founded in 1968. I also hold a joint appointment in Yale's Department of Psychology. In 2003, I was elected Fellow of the American Academy of Arts and Sciences.

2. My expertise lies in the area of campaigns, elections and voter behavior. I regularly teach courses to undergraduate and graduate students on those topics. I have published extensively on, among other things, the topic of electoral campaigns, political parties, public opinion, and voter participation in leading political science journals such

as the *American Political Science Review*, *American Journal of Political Science*, *Journal of Politics*, *Electoral Studies*, *Political Research Quarterly*, and *Political Analysis*. A complete list of my publications is included in my curriculum vitae attached as Exhibit A. I recently co-authored the second edition of a book entitled *Get Out The Vote! How to Increase Voter Turnout* (Brookings Institution Press, 2008), which reports the results of more than one hundred studies of political campaigns and voter mobilization drives. In the course of conducting these studies and in the years since the book was published, I have worked closely with a wide array of partisan and nonpartisan campaigns, evaluating their efforts statistically and observing first hand their day-to-day operations.

3. Since 1989, I have taught a variety of classes in the field of American politics and served as a reviewer for every major academic journal in this field. I have been a member of the American Politics section of the American Political Science Association since 1984 and have made scores of presentations at professional meetings and lecture series around the country. In 2005, I was elected to the Council of the American Political Science Association. I also serve on the Board of Overseers of the American National Election Study. My scholarship has won recognition from the National Science Foundation and substantial financial support from the James Irvine Foundation, Pew Charitable Trusts, Smith Richardson Foundation, Harry Frank Guggenheim Foundation, and Russell Sage Foundation.

4. I am being paid \$250 per hour for my work on this case, plus expenses. During the past six years, I have testified as an expert in the following cases: *League of Women Voters of Florida v. Cobb*, *McConnell v. Federal Election Commission*,

*California Prolife Council et al. v. Fair Political Practices Commission et al.*, and  
*Daggett v. Webster, Acorn et al. vs. Bysiewicz.*

5. Based on my extensive experience studying campaigns and voter turnout in elections at local, state and federal level, I declare under penalty of perjury that the comments in this document are true and correct.

## **II. Distributing vs. Gathering Registration Forms**

6. Any law or administrative rule that has the effect of increasing the transaction cost of registering to vote has the concomitant effect of diminishing voter turnout. Political scientists disagree about the precise strength of this causal relationship, but there is no disagreement about the validity of this general principle or the fact that voter turnout rates are predicted to a statistically significant degree by the ease with which people in different jurisdictions can register to vote.

7. This principle applies directly to the question of whether voter registration forms are more likely to be completed by prospective registrants if these forms are distributed *and collected* by groups conducting voter registration drives, as opposed to merely being distributed by these groups. A group that distributes forms but does not gather completed forms in effect fobs the transaction cost of sending in the form onto the prospective registrant, lowering the probability that they will in fact register to vote.

8. Beyond cost-related concerns, it should be added that distributing forms without collecting them communicates an altogether different message to prospective registrants. When forms are distributed and gathered, the prospective registrant is implicitly told that his or her act of registration is of sufficient importance to merit the

patience of the person waiting to gather the forms. When a person simply hands out forms, the message is different; it is more akin to “Here is a form to fill out and mail. You are on your own. Good luck.”

9. It may be objected that voter registration workers could take a much more hands-on approach even when they do not collect completed forms. Volunteers, for example, may actively assist applicants as they complete the registration form and encourage them to find postage and a mailbox. This type of personal touch might characterize some small-scale volunteer campaigns, but this approach breaks down when applied to large-scale registration campaigns, which rely on a mix of volunteers and paid staff in order to cover large geographic areas, such as the State of Florida. Supervisors monitor the productivity of those conducting registration drives by counting the number of registration forms that they collect. Without the completed forms, it is difficult to know which workers are most productive or which areas generate the greatest number of new registrants. For these reasons, a group’s inability to gather completed forms undercuts the efficiency of a registration campaign. As the metric of productivity shifts from the number of completed forms gathered to the number of forms distributed, workers will naturally shift their emphasis in dealing with prospective registrants, favoring larger quantities of brief interactions.

10. This shift in productivity metrics is likely to occur even among unpaid volunteers. Although unpaid volunteers do not have a direct economic incentive to meet quotas, their organizational leadership has an incentive to generate quantitative productivity data as a means of justifying fundraising requests to potential donors. The leadership will therefore change the way in which they train and deploy registration

volunteers. The net effect of these changing organizational imperatives is lower quality interactions with prospective registrants, which in turn undercuts the effectiveness of voter registration efforts.

11. One of the key lessons generated by the experimental literature on voting is that the personal touch is crucial to success. Consider the experimental evidence on the effects of face-to-face communication on voter turnout. As I demonstrate in my *Get Out the Vote* book, a variety of studies have established that a get-out-the-vote script is far more influential when delivered in person rather than by phone. Making direct personal contact with voters makes a difference. At the same time, the specific content of the get-out-the-vote appeal tends not to alter its effectiveness. I interpret this pattern to mean that most of what is communicated at the doorstep is symbolic: voters are informed by the mere fact that someone has taken the trouble to encourage them to vote that others care deeply about their participation. In much the same way, I believe, registration efforts that gather completed registration forms implicitly underscore the importance of participation.

12. In sum, there are three reasons to expect a registration form distribution campaign to be less effective than a registration form distribution and collection campaign. The latter (1) imposes fewer transaction costs on prospective registrants, (2) more effectively communicates the importance of voter participation, thereby increasing the motivation to vote, and (3) relies on productivity metrics that sustain incentives for high quality interactions between canvassers and prospective registrants.

### **III. Probable Effects of Penalizing Groups for Gathering Completed Forms**

13. Any legal rules that make it risky for groups to gather completed forms will put these groups out of the business of conducting what might be called “neighborhood outreach” registration campaigns. By neighborhood outreach campaigns, I mean the kinds of campaigns in which individuals are visited at their homes or approached in public places and encouraged to complete registration forms. Large-scale registration campaigns of this kind were responsible for the record-breaking surge in voter registration in swing states during the summer of 2004.

14. Why will this style of registration campaign die out? The answer is that the success of a face-to-face encounter with a prospective registrant hinges on the ability to gather the completed registration card. Otherwise, the neighborhood registration campaign is analogous to a direct mail campaign, in which voters are merely given registration materials. Direct mail campaigns are generally much less expensive than campaigns that involve the hiring and supervision of a ground operation. The economics of (merely) distributing registration cards will eliminate neighborhood outreach campaigns.

15. A growing number of political observers are expressing concern about the de-personalization of politics and sense of political disengagement that it engenders. Any policy that impedes local outreach efforts and replaces them with automated and impersonal campaign tactics threatens to undercut this form of local civic engagement.

#### **IV. Impairing Registration Efforts Results in Lower Voter Turnout**

16. Registration campaigns during the weeks prior to the close of registration function as a stepping stone to the voter education and voter mobilization efforts that lead

up to Election Day. Neighborhood registration activity – the process of meeting voters and registering them – provides three direct benefits to any get-out-the-vote effort. First, it builds a personal relationship between the voter and the canvasser (or the canvasser’s organization). Voters, particularly residents of low-income communities, often complain about the tendency of candidates to pay attention to them only in the closing days of a campaign. By establishing a personal relationship well before Election Day, a registration campaign builds trust in the political process, conveys the authenticity of the group’s commitment to the community, and signals the group’s interest in bringing new voters into the political process.

17. Second, the process of registering voters facilitates voter education and get-out-the-vote campaigns directly. New registrants’ contact information becomes immediately available to the group that registers them, facilitating the rapid creation of databases that make timely get-out-the-vote campaigns possible. This data-basing aspect of a registration drive is of special importance to groups that have as part of their mission the mobilization of certain demographic groups. For example, in my extensive experience assembling and analyzing voter files, I have found that in local jurisdictions registration rolls do not include key pieces of information, such as race, ethnicity, or age. A group endeavoring to mobilize new registrants from one or more of these demographic segments would have difficulty doing so on the basis of the registration list alone. This information gap is overcome when new registrants are met face-to-face during the voter registration process.

18. Finally, the process of registering voters may enhance the effectiveness of get-out-the-vote contacts in the closing days of the election. Although experimental evidence

on this point is mixed, there is, on balance, reason to believe that the most effective get-out-the-vote drives are carried out by groups that register and then re-contact the people they aim to mobilize. This register-and-re-contact mobilization strategy seems more effective than a mobilization strategy that targets newly registered people with whom the organization had no prior contact.

## **V. Summary**

19. Laws that impede voter registration efforts harm the electoral system. The particular law at issue in this case changes the incentive structure within which registration campaigns operate in ways that I believe will diminish voter turnout and impair the representation of groups that would otherwise be the targets of voter registration drives.

Signed  Executed on 5/14/08