

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

RUTHELLE FRANK, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

SCOTT WALKER, in his official capacity as
Governor of the State of Wisconsin, et al.,

Defendants.

Civil Action No. 2:11-cv-01128 (LA)

DECLARATION OF MATTHEW A. BARRETO

I, Matthew A. Barreto, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am currently an Associate Professor of Political Science and Director of the Washington Institute for the Study of Ethnicity, Race & Sexuality (WISER) at the University of Washington, Seattle. I am also an affiliated faculty member of the Center for Statistics and the Social Sciences (CSSS) at the University of Washington and an adjunct Associate Professor of Law in the University of Washington School of Law. I respectfully submit this Declaration in opposition to Defendants' motion to compel production of the names and telephone numbers of survey respondents.

2. In completing my analysis of the rates of possession of valid photo identification I did not consider personal identifying information such as name, telephone number, or address—indeed, I was not even able to see the names or telephone numbers of any respondents. Pacific Market Research held back any such identifying information from me because they are

confidential and cannot be revealed. My analysis was conducted blindly – a research term meaning that I was not able to know who I was analyzing, just the underlying data. Accordingly, I only considered the rates of possession and demographic characteristics such as a respondent's race or ethnicity. Further, accepted social science sampling theory explains that the specific individual who is interviewed is irrelevant, so long as the sample was randomly selected and randomly implemented – which was the case in this study. As explained in the full expert report, the main portion of the study relied on a random digit dial (RDD) sampling technique in which there is no existing list of names, phone numbers and addresses. Instead, RDD uses known area codes and prefix exchanges to randomly generate telephone numbers to dial. This has the advantage of ensuring that every possible eligible voter is equally likely to be contacted. From a generalizability and accuracy perspective, it does not matter whether the study interviewed John Doe or Jane Doe, so long as the phone number dialed was randomly selected.

3. Unless respondents are asked for their permission to share their survey results at the outset of a survey, public opinion researchers are guided by a very strong principle that it is never acceptable to share personal identifying information. In fact, standard industry practice requires that respondents be informed at the outset of the survey that all of their answers will be kept completely confidential. This gives the respondent the assurance that they can be 100% honest in their answers without any fear of their attitudes, opinions, or personal information being shared in the public or private sphere. The American Association of Public Opinion Researchers lists the principles of professional responsibility in dealing with subjects in its official code of ethics:

5. Unless the respondent explicitly waives confidentiality for specified uses, we shall hold as privileged and confidential all information that could be used, alone or in

combination with other reasonably available information, to identify a respondent with his or her responses. We also shall not disclose or use the names of respondents or any other personally-identifying information for non-research purposes unless the respondents grant us permission to do so.

6. We understand that the use of our research results in a legal proceeding does not relieve us of our ethical obligation to keep confidential all respondent-identifying information (unless waived explicitly by the respondent) or lessen the importance of respondent confidentiality.

Beyond the AAPOR code of ethics, as a University professor I am required to abide by the same standards of practice in dealing with human subjects. The University Institutional Review Board is governed by state law and places limits and conditions on the release of personally identifiable information if records are accessed without subjects' written consent. Finally, the research firm which implemented the study – Pacific Market Research – is also subject to the code of ethics standards of the National Market Research Association, and could face disciplinary action for violating subject confidentiality.

4. A properly drawn random sample survey is considered accurate at any given cross-section. That means that, although some people move in, or move out of the “have ID” category over time, the survey taken at any given point in time provides an accurate representation of the ID possession rate. For example, if three people who were interviewed and originally stated they did not have a driver's license have since obtained one, there may be many new potential voters who have just recently turned 18 and are now eligible to vote and do not have a valid photo ID – but these people were not 18 at the time our survey was implemented and thus not eligible to be sampled or interviewed. Likewise, someone who had a valid unexpired ID during our survey may have now let their ID expire and thus not have a valid ID today. Such changes over time do not affect the reliability of the cross-sectional sample.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 25, 2013

/s/ Matthew A. Barreto

MATTHEW A. BARRETO