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EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE)
OF THE NAACP,)
et al.,)
Plaintiffs,)
vs.) Case No: 1:13-CV-658
)
)
PATRICK LLOYD MCCRORY, in his)
official capacity as the)
Governor of North Carolina,)
et al.,)
Defendants.)

LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, et al.,)
Plaintiffs,)
vs.) Case No: 1:13-CV-660
)
)
THE STATE OF NORTH CAROLINA,)
et al.,)
Defendants.)

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Case No: 1:13-CV-861
)
)
THE STATE OF NORTH CAROLINA,)
et al.,)
Defendants.)

VIDEOTAPED DEPOSITION
OF
M.V. HOOD, III, Ph.D.

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A P P E A R A N C E S

1
2
3 Counsel for NAACP Plaintiffs:
4 KIRKLAND & ELLIS
BY: RONALD ANGUAS, ESQ.
5 655 Fifteenth Street, N.W.
Washington, DC 20005
6 (202) 879-5078
ronald.anguas@kirkland.com
7
8 Counsel for League of Women Voters Plaintiffs:
9 SOUTHERN COALITION FOR SOCIAL JUSTICE
BY: GEORGE EPPSTEINER, ESQ.
10 1415 West Highway 54
Suite 101
11 Durham, NC 27707
(919) 323-3380
12 george@southerncoalition.org
13 ACLU
BY: DALE HO, ESQ.
14 125 Broad Street
18th Floor
15 New York, NY 10004
(212) 549-2693
dale.ho@aclu.org
16
17 Counsel for the United States of America Plaintiffs:
18
19 U.S. DEPARTMENT OF JUSTICE
BY: CATHERINE MEZA, ESQ.
SPENCER FISHER, ESQ.
20 TOBY MOORE, SOCIAL SCIENTIST
950 Pennsylvania Avenue, N.W.
21 Washington, DC 20530
(800) 253-3931
22 catherine.meza@usdoj.gov
spencer.fisher@usdoj.gov
23
24
25

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6 M.V. HOOD, III, Ph.D.
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8:58 A.M.

WEDNESDAY, APRIL 8, 2015

OGLETREE DEAKINS NASH SMOAK & STEWART
4208 SIX FORKS ROAD
SUITE 1100
RALEIGH, NORTH CAROLINA

By: Denise Myers Byrd, CSR 8340, RPR, CLR 102409-02

2

1
2 Counsel for Duke Plaintiff-Intervenor:
3 POYNER SPRUILL
BY: JOHN O'HALE, ESQ.
4 301 Fayetteville Street
Suite 1900
5 Raleigh, NC 27601
(919) 783-6400
johale@poynerspruill.com
6
7
8 Counsel for Defendants State of North Carolina and
9 Members of the State Board of Elections:
OGLETREE DEAKINS NASH SMOAK & STEWART
10 BY: THOMAS A. FARR, ESQ.
4208 Six Forks Road
11 Suite 1100
Raleigh, NC 27609
(919) 787-9700
12 thomas.farr@ogletreedeakins.com
13
14 Reported By:
15
16 DISCOVERY COURT REPORTERS
AND LEGAL VIDEOGRAPHERS
17 BY: DENISE MYERS BYRD, CSR 8340, RPR
4208 Six Forks Road
18 Suite 1000
Raleigh, NC 27609
(919) 649-9998
denise@discoverydepo.com
19
20
21
22
23
24
25

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1 Q. What's the basis for holding yourself out as an
 2 expert on voter turnout?
 3 A. Well, publishing in areas that touch on that.
 4 Q. Are there any other areas in which you consider
 5 yourself to be holding yourself out as an
 6 expert on in this case?
 7 A. Well, I think those are the two areas.
 8 Q. Which are the two areas? I'm sorry.
 9 A. Voter ID primarily and early voting.
 10 Q. You mentioned earlier that you testified in the
 11 Florida litigation on early voting, correct?
 12 A. Yes.
 13 Q. And you were deposed?
 14 A. Yes.
 15 Q. Do you remember testifying during your
 16 deposition in the Florida early voting case
 17 that you do not consider yourself to be a
 18 leading expert on early voting?
 19 A. Well, that was a while ago.
 20 Q. Do you remember testifying to that?
 21 A. Not specifically, but I'm sure you have the
 22 transcript.
 23 Q. Do you have any reason to believe that you did
 24 not --
 25 A. As I said, I don't remember it off the top of

25

1 my head.
 2 Q. Do you have any reason to believe that you did
 3 not say that during your deposition in the
 4 Florida litigation?
 5 A. No.
 6 Q. Has anything changed in the three years since
 7 that deposition to change your assessment?
 8 A. I'd have to go -- one second. Well, I don't
 9 know if this article was published before or
 10 after that deposition, this article on early
 11 voting that I talked about earlier.
 12 I did receive also a grant from the Pew
 13 Charitable Trust to study early voting in
 14 Georgia in 2008.
 15 Q. So that was in 2008. That was before your
 16 deposition in Florida, correct?
 17 A. The grant was, yes. I mean, again, there's
 18 sort of a lag period with publications.
 19 Q. Today you don't consider yourself to be one of
 20 the leading experts in early voting in the
 21 country, do you, Dr. Hood?
 22 MR. FARR: Objection.
 23 THE WITNESS: I would say I'm an
 24 expert, maybe not a leading expert.
 25 BY MR. HO:

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1 Q. Not a leading expert on early voting?
 2 MR. FARR: Objection.
 3 THE WITNESS: Well, an expert.
 4 BY MR. HO:
 5 Q. But my question is: Do you consider yourself
 6 to be one of the nation's leading experts on
 7 early voting?
 8 A. I haven't spent -- a good section of my
 9 research is not necessarily focused on early
 10 voting, that's true.
 11 Q. So you don't consider yourself to be one of the
 12 nation's leading experts on early voting?
 13 MR. FARR: Objection to the form.
 14 THE WITNESS: I would say I'm an expert
 15 on early voting, maybe not the leading expert
 16 on early voting.
 17 BY MR. HO:
 18 Q. Because there are some people whose research
 19 does focus primarily on early voting, correct?
 20 A. More than mine, yes, I think that's a fair
 21 statement.
 22 Q. Do you remember testifying in your Florida
 23 deposition that you do in fact -- you do
 24 consider Dr. Paul Gronke to be one of the
 25 nation's leading experts on early voting?

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1 A. Not specifically, but I don't know why -- I
 2 don't have any reason to believe I didn't say
 3 that. Is that fair?
 4 Q. That's fair.
 5 Does that remain your assessment today,
 6 that Dr. Gronke is one of the nation's leading
 7 experts on early voting?
 8 A. Given his focus and the fact that he's running
 9 the center on early voting at Reed College,
 10 yes.
 11 Q. Do you also remember testifying in your
 12 deposition in the Florida case that Dr. Charles
 13 Stewart is well respected in the field of
 14 political science?
 15 A. Yes.
 16 Q. Does that remain true today?
 17 A. Yes.
 18 Q. I want to talk a little bit about the opinions
 19 in your report now that we've talked about your
 20 background.
 21 A. Okay.
 22 Q. Generally speaking, is it your opinion that
 23 early voting cutbacks in this litigation has
 24 not caused a reduction in turnout?
 25 A. I haven't been -- I think that's fair. Let me

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1 election years, if that's the case, than
 2 midterm years.
 3 Q. Can you think of what some of those reasons
 4 might be?
 5 A. Sometimes it's data availability.
 6 Q. Anything else?
 7 A. Sometimes it's based on, for instance, when the
 8 election law was changed in the state and
 9 that's the closest proximate election, for
 10 instance. I mean, I think that happened in my
 11 case, so -- or in some of my research.
 12 Q. I'm sorry.
 13 A. Go ahead.
 14 Q. Any other reason why more of the studies may
 15 focus on presidential elections when attempting
 16 to analyze the effect of voting laws on turnout
 17 that you can think of?
 18 A. Well, like I said, I'm not -- there could be a
 19 myriad of reasons. You really have to look at
 20 the particular study or the article and see
 21 why -- you know, usually you lay out why you're
 22 choosing to analyze a particular set of
 23 elections or election over others. So there
 24 could be a lot -- a lot of reasons.
 25 Q. You'd agree, wouldn't you, Dr. Hood, there are

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1 a lot of factors that can affect turnout in a
 2 given election?
 3 A. I've probably said that before. Yes, I agree
 4 with that.
 5 Q. Would you also agree that there are a lot of
 6 factors that can affect early voting usage in
 7 an election?
 8 A. Certainly, yes.
 9 Q. In your opinion as a political scientist, what
 10 are some of the factors that can affect turnout
 11 in an election?
 12 A. Just generally turnout?
 13 Q. Yes.
 14 A. Well, certainly what elections are being
 15 offered. You know, different states have
 16 different types of cycles. So is there a
 17 presidential election and a bunch of state
 18 elections, for instance, or are state elections
 19 held in off years. I mean, so that's sort of
 20 the mix of elections that are held.
 21 How competitive those elections are.
 22 So -- and how competitive those elections are,
 23 you know, also leads to interest in the
 24 campaign on the part of voters. So voter
 25 interest is, again, a big issue in terms of

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1 whether someone turns out, you know, whether
 2 they're excited about it or they want to --
 3 they're really wanting to cast a no vote or
 4 whatever it is, you know. So that sets another
 5 factor, I would say.
 6 Q. So I think you mentioned three factors that can
 7 affect turnout, the mix of offices that are up
 8 for election?
 9 A. Right.
 10 Q. Competition?
 11 A. Right.
 12 Q. And voter interest or excitement?
 13 A. Right. I think that's fair, yes.
 14 Q. Other factors?
 15 A. Well, I mean, there are all kinds of things.
 16 Socioeconomic factors certainly have been
 17 talked about for decades by political
 18 scientists.
 19 Q. Other factors that can affect turnout in an
 20 election?
 21 A. I would say those are some big ones. I mean,
 22 anything that involves human behavior can
 23 involve sort of many different factors or a
 24 calculus for a particular individual, so...
 25 Q. How about the levels of spending that the

55

1 campaigns engage in, can that affect turnout?
 2 A. Advertising?
 3 Q. Uh-huh.
 4 A. Sure. I think that's related back to the point
 5 I made about how competitive the race is. If
 6 there's -- if it's not competitive, I mean,
 7 neither side is probably going to be interested
 8 in spending a lot of money.
 9 Q. The -- sorry.
 10 A. That's true, so yes.
 11 Q. The particular tactics that campaigns use in
 12 their mobilization efforts, can that affect
 13 turnout as well?
 14 A. Sure. Mobilization on the part of political
 15 parties, for instance, can affect turnout.
 16 Q. You mentioned socioeconomic factors can affect
 17 turnout. What about other demographic
 18 characteristics, can that also affect turnout?
 19 A. Yes, although education still -- education
 20 level is probably the best, from what I've
 21 seen -- again, I don't think this has been
 22 disputed -- is the best sort of single
 23 predictor in terms of sociodemographic
 24 characteristics.
 25 Q. But other demographics like age --

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1 A. Uh-huh.
 2 Q. -- that can affect turnout?
 3 A. Yes. Yes.
 4 Q. Sex will that affect turnout?
 5 A. Yes, sometimes.
 6 Q. Race and ethnicity, can those things affect
 7 turnout levels?
 8 A. They can, yes.
 9 Q. Voting laws, can those affect turnout?
 10 A. There could be an effect, yes.
 11 MR. FARR: Dale, just whenever you're
 12 ready, can we take a break.
 13 MR. HO: Oh, yeah, I'm almost finished
 14 with this line of questioning.
 15 MR. FARR: Okay. Good.
 16 BY MR. HO:
 17 Q. So we've discussed a lot of factors. Anything
 18 else you can think of, Dr. Hood, that might
 19 affect turnout in an election?
 20 A. Well, I have -- I have tried to mention a
 21 bunch.
 22 Q. Yeah.
 23 A. And I'll just say that certainly that's not an
 24 exhaustive list.
 25 Q. So there's more factors? It would be hard to

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1 sit here -- we can spend all eight hours
 2 talking about it, right?
 3 A. I hope not, but yes.
 4 Q. Can these different factors affect turnout to
 5 different degrees in different kinds of
 6 elections? Like, for instance, might the level
 7 of competition or campaign spending have a
 8 different effect in a midterm as opposed to a
 9 presidential or the demographic composition of
 10 an electorate have a different effect on a
 11 midterm as opposed to a presidential election?
 12 MR. FARR: Object to the form.
 13 THE WITNESS: Well, we do -- the
 14 turnout rates, for instance, do vary by the
 15 type of election cycle, that's true. So from
 16 that, these factors usually produce different
 17 mixes of the turnout electorate, if you will,
 18 for a given election.
 19 BY MR. HO:
 20 Q. Am I understanding you correctly, then, to be
 21 saying that the factors that affect turnout can
 22 have different effects in different kinds of
 23 elections?
 24 A. You know, it's sort of a -- it's a tough
 25 question, sort of a chicken-and-egg question.

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1 We can see on the back end in terms of who
 2 turns out. Like if we have survey data, we can
 3 look at, you know, their age and sex and income
 4 level and education level. This is what the
 5 electorate looks like for a midterm a lot of
 6 times versus a presidential election year.
 7 To say that those factors produce a
 8 different turnout rate, I don't know that I can
 9 quite go to that level. Is that -- does that
 10 make sense?
 11 Q. I think so. I'm just trying to --
 12 A. Sort of a causality issue, really. We can
 13 observe what happens in the back end. Can't
 14 say that sometimes that those factors are what
 15 caused what we were observing happen happen.
 16 Q. But it's possible, right, that socioeconomic
 17 factors could matter to a different degree in a
 18 presidential election versus a midterm
 19 election, right, Dr. Hood?
 20 A. Well, again, I'm going to have to qualify that.
 21 I mean, it is true that we see a different -- a
 22 different electorate, if you will, show up and
 23 vote a lot of times in a midterm versus a
 24 general election, a presidential general
 25 election.

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1 But, again, if someone's -- someone's
 2 educational level is a good predictor to a
 3 presidential election, it's also a good
 4 predictor in a midterm election.
 5 Q. But it might be a good predictor to a different
 6 extent in a presidential election versus a
 7 midterm election in terms of that person's
 8 likelihood to turnout, right, Dr. Hood?
 9 MR. FARR: Objection to the form.
 10 THE WITNESS: The effect may be
 11 stronger, say, statistically.
 12 BY MR. HO:
 13 Q. And you'd agree, wouldn't you, Dr. Hood, that
 14 the effect might be stronger for any number of
 15 these factors in a presidential year as opposed
 16 to a midterm election, right, Dr. Hood?
 17 A. Say that one more time.
 18 Q. Sure. Let me try this again.
 19 A. Okay.
 20 Q. You would also agree that the strength of the
 21 various factors that we've discussed that can
 22 affect turnout could be different in a midterm
 23 election as opposed to a presidential election.
 24 A. I think it's possible, I'll say that. I'm not
 25 going to put a definitive yes on it.

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1 Q. Sorry.

2 A. Surveys can be validated as well. It's costly

3 and so it doesn't always happen.

4 Q. So the difference between the actual voting

5 records from a state -- and I'm going to refer

6 to that as validated data going forward.

7 A. Okay.

8 Q. You understand what I mean when I say validated

9 data?

10 A. Okay.

11 Q. And the difference between validated data from

12 the state is that it's going to be the actual

13 voting records from the state, whereas survey

14 data that hasn't been validated relies on

15 self-reporting from survey respondents.

16 Is that accurate, Dr. Hood?

17 A. Well, certainly in reference to whether or not

18 someone voted, yes, they're self-reporting that

19 fact on the survey.

20 Q. And unlike validated data, those self-reports

21 may or may not be accurate, correct, Dr. Hood?

22 A. It's possible. Yes, they could be off.

23 Q. And that's sometimes the case with the survey

24 that you mentioned here, the Current Population

25 data, the Census's CPS data?

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1 A. I do know the CPS data are not validated.

2 Q. Right.

3 A. So we're just not certain I guess is the bottom

4 line.

5 Q. And one of the problems of surveys you're

6 saying here, Dr. Hood, right, is that voters

7 responding to surveys sometimes incorrectly

8 report having voted when they haven't.

9 A. Well, I don't say that directly, but that's one

10 of the issues with using non-validated survey

11 data. Again, some survey data may be

12 validated. It just varies.

13 Q. Okay. When I use the term "survey data" for

14 the next hour of questioning or so, I'm going

15 to be referring to unvalidated survey data like

16 the CPS. Is that okay, Dr. Hood?

17 A. That's fine. And when you say validated data,

18 again, from the state, you're talking about the

19 voter registration and history files that are

20 put together by -- in North Carolina instead of

21 the State Board of Elections. Is that fair?

22 Q. Yes. Yes.

23 A. All right.

24 Q. So survey data can be inflated I think you say

25 here in this sentence, right?

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1 A. Well, I don't -- I don't use -- I mean, just to

2 be fair, I don't use the word "inflated" in

3 those two sentences, do I?

4 Q. You say "With the exception of exit polls,

5 issues related to turnout inflation" --

6 A. Oh, okay. Yes.

7 Q. -- "argue against the use of survey data like

8 the CPS."

9 A. Yes. That's one problem with using

10 non-validated survey data is that sometimes

11 turnout can be inflated in those surveys.

12 Q. And that's one of the reasons why you don't use

13 unvalidated survey data in this article,

14 correct, Dr. Hood?

15 A. Yes. That's one of the reasons we chose to use

16 the voter registration and history files, yes.

17 Q. So is it fair to say --

18 A. Plus the fact that hopefully you're very close

19 to having the population there anyway versus a

20 sample in a survey.

21 Q. And it's fair to say in your opinion that

22 measuring the effect of a voting law on turnout

23 by utilizing unvalidated survey data would not

24 be an appropriate research design?

25 MR. FARR: Objection.

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1 THE WITNESS: I probably would say -- I

2 would respond that where possible, I would use

3 validated data over unvalidated data if I was

4 trying to get at that question.

5 I mean, so in this case, I could use

6 validated data, I did.

7 I think someone using unvalidated

8 survey data would need to point -- you know,

9 would need to point that out that, you know,

10 I'm using these data. It's possible, though,

11 that they're not validated -- they're not

12 validated and because of that it's possible

13 that turnout could be slightly inflated.

14 BY MR. HO:

15 Q. And that's why you rely on official records

16 from the state, the validated data in your

17 report, correct, Dr. Hood?

18 A. Yeah, those are some of the reasons. Yes, I

19 think that's fair.

20 Plus, in this particular case -- if I

21 can continue for a second.

22 Q. Sure.

23 A. We had a listing of registrants who were on

24 Georgia's no-match list, if I can use that

25 terminology, and so that doesn't really help us

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1 with the survey, you know, but it does help us
 2 if we have the registration data in that we
 3 can -- we can match those registrants back into
 4 the registration databases, which is what we
 5 do.
 6 Q. I want to show you another article that you've
 7 written, Dr. Hood.
 8 (WHEREUPON, Plaintiffs' Exhibit 377 was
 9 marked for identification.)
 10 THE WITNESS: Okay.
 11 BY MR. HO:
 12 Q. This is Exhibit 377. And what is this,
 13 Dr. Hood?
 14 A. This is another article we wrote that also
 15 happens to be published in the State Politics &
 16 Policy Quarterly.
 17 Q. Can you turn to Page 6 of this article.
 18 A. Okay.
 19 Q. Do you see the header that says Vote
 20 Overreporting in Survey Research?
 21 A. Yes.
 22 Q. Can you read the first sentence after that.
 23 A. "The tendency for surveys to record a higher
 24 rate of voting than verified data is an
 25 accepted reality of social science, documented

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1 repeatedly since the 1950s."
 2 Q. Can you explain that sentence for us, Dr. Hood?
 3 A. Again, it's -- it's what we've been talking
 4 about, issues with non-validated survey data in
 5 that there's a citation here -- there have been
 6 a lot of political science studies that have
 7 sought to document that over-reporting can be
 8 an issue in non-validated survey data,
 9 over-reporting related specifically to voter
 10 turnout.
 11 Q. And if you would turn to the next page,
 12 Dr. Hood, Page 7. Do you see the last
 13 paragraph at the bottom of the page that starts
 14 "The turnout literature"?
 15 A. Yes.
 16 Q. Could you read that sentence, please.
 17 A. "The turnout literature makes it clear that
 18 blacks consistently overreport voting at higher
 19 rates than whites."
 20 Q. I think you missed an "abundantly" right before
 21 "clear."
 22 A. "The turnout literature makes it clear that" --
 23 Q. Oops, my mistake.
 24 For the clarity of the record, could
 25 you read that sentence again. I apologize.

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1 A. "The turnout literature makes it clear that
 2 blacks consistently overreporting voting at
 3 higher rates than whites."
 4 Q. What does that mean?
 5 A. Well, at least -- again, this is an article we
 6 wrote that specifically tries to look at black
 7 turnout first from sort of a historic
 8 perspective using national surveys and then
 9 specifically in Georgia in 2008 where, again,
 10 we have some validated data to make some
 11 inferences about over-reporting issues.
 12 This sentence is simply referring to
 13 the fact that previous academic research -- and
 14 there are a bunch of cites listed there,
 15 actually quite a few cites -- going back in
 16 time have found that this can be a problem.
 17 Q. And --
 18 A. That over-reporting on the part of black
 19 respondents in surveys can be a problem.
 20 Q. So just to summarize what we've been talking
 21 about, unvalidated surveys sometimes have a
 22 problem with voters over-reporting whether or
 23 not they actually voted, correct, Dr. Hood?
 24 A. That's correct.
 25 Q. And that over-reporting problem can vary in

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1 magnitude depending upon the racial group that
 2 we're looking at, right, Dr. Hood?
 3 A. At least in the past, yes, there have been some
 4 differential effects found by race.
 5 Q. And specifically African Americans have been
 6 found to over report voting at a higher rate
 7 than whites in unvalidated surveys, right,
 8 Dr. Hood?
 9 A. Yes. I mean, according to what other political
 10 scientists in the past have found, yes.
 11 Q. And they found this to be true of the Census
 12 Bureau's CPS data, correct, Dr. Hood?
 13 A. Again, I'm just going to have to say that
 14 without reviewing some of this work again -- I
 15 know this work refers to surveys. I don't know
 16 if these particular researchers cited here,
 17 without looking again, were looking
 18 particularly at CPS data. It's possible. I'm
 19 just saying I don't know.
 20 Q. But you stated in your article that we talked
 21 about, the Much-Ado article, that the turnout
 22 inflation problem is a problem with unvalidated
 23 survey data like the CPS, correct, Dr. Hood?
 24 A. Well, again, that's given as an example, that's
 25 true, that it could occur in the CPS.

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1 Q. Do you recall in your --
 2 A. I mean, I didn't do a study on that.
 3 Q. Do you recall in your expert report in the
 4 Florida litigation that you stated that the
 5 Census Bureau's CPS data suffers from many
 6 inaccuracies due to the over-reporting rate?
 7 A. I may have said that.
 8 Q. Do you have any reason --
 9 A. No, I don't have any reason to believe I didn't
 10 say that.
 11 Q. And do you remember stating in your Florida
 12 report, quote, "I do not believe any credible
 13 conclusions can be drawn from this data," end
 14 quote, in reference to the Census Bureau's CPS
 15 data?
 16 A. I'd have to sort of see what the context of
 17 that was, that particular statement.
 18 Q. Do you dispute that you made that statement?
 19 MR. FARR: Do you have his report, by
 20 chance? It might help if he saw his report.
 21 MR. HO: Sure.
 22 (WHEREUPON, Plaintiffs' Exhibit 378 was
 23 marked for identification.)
 24 THE WITNESS: Okay.
 25 BY MR. HO:

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1 Q. This is Exhibit 378, Dr. Hood. This is the
 2 expert report that you provided in the early
 3 vote voting litigation in Florida in 2012,
 4 correct?
 5 A. Correct.
 6 Q. Can you turn to Page 31, please.
 7 A. Okay.
 8 Q. Do you see the header that says Census Bureau
 9 Data?
 10 A. Yes.
 11 Q. Can you read the second sentence listed there.
 12 A. Okay. "But as explained below, I do not
 13 believe any credible conclusions can be drawn
 14 from this data."
 15 Q. And by "this data," are you referring to the
 16 Census Bureau CPS data?
 17 A. Yes, although I'm -- I'm -- just one minute,
 18 please. Let me.
 19 Q. Sure, take your time.
 20 A. Let me just review myself, here.
 21 Okay. This specifically -- now, this
 22 sentence that I just read does refer to CPS
 23 data, but it's talking about using CPS data to
 24 analyze third party registration activities,
 25 not necessarily turnout per se.

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1 So I think that's an important point
 2 with this. And that was a -- from my memory,
 3 that was one of the issues in this particular
 4 case. It was about early voting to a large
 5 extent in Florida, but there was also a couple
 6 of other issues. One was on constitutional
 7 amendments, state constitutional amendments,
 8 and there was another one on third party
 9 registration activity. So that's what that
 10 sentence is referring to.
 11 Q. Well, can you read the next three sentences in
 12 your report.
 13 A. The next paragraph?
 14 Q. Yes.
 15 A. Okay. "The CPS data are based on self-reported
 16 estimates of registration and turnout. Unlike
 17 the registration and voting data maintained by
 18 the State of Florida, none of the CPS data are
 19 validated. Because the CPS data are
 20 self-reported, they produce highly inflated
 21 reports of registration and turnout."
 22 Q. Can you read the next sentence too.
 23 A. "Indeed, a litany of political science research
 24 has shown that people who are surveyed will
 25 falsely report that they have registered to

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1 vote or have voted."
 2 Q. And can you read the next sentence.
 3 A. Okay. "These studies have also shown that
 4 over-reporting is often higher among African
 5 American respondents as compared to Anglo
 6 respondents."
 7 Q. Has anything changed in the last three years to
 8 alter your views expressed in that paragraph?
 9 A. Okay. Here's what I would say: The CPS
 10 surveys are still non-validated survey data.
 11 There's still the possibility for
 12 over-reporting, especially related to turnout,
 13 in the surveys.
 14 I mean, so since the format of the
 15 survey hasn't changed, then, no, it's still a
 16 potential problem.
 17 Q. So the reason one cannot, in your words, draw
 18 credible conclusions from the CPS data is
 19 because of this over-reporting problem, right,
 20 Dr. Hood?
 21 A. Well, again, now, just to be specific, that one
 22 sentence was about third party registration
 23 activities that the CPS had some questions in
 24 there on. I'm talking about that.
 25 Q. But the inaccuracies that you're referring to

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1 registration organization, correct, Dr. Hood?
 2 A. From what I remember, that was one of the
 3 issues in the case, yes, and -- yes. I mean,
 4 that's an accurate description of what was
 5 going on in the case, yes.
 6 Q. And you didn't have validated data about method
 7 of registration in Florida, did you, Dr. Hood?
 8 A. No. I don't -- I don't think anyone did.
 9 Q. So --
 10 A. I don't think the state could provide that.
 11 Q. So you said that CPS data about method of
 12 registration was unreliable, not that it was
 13 less reliable than validated data in comparison
 14 but just that it was unreliable by itself,
 15 right, Dr. Hood?
 16 MR. FARR: Objection.
 17 THE WITNESS: That's what it says, yes.
 18 BY MR. HO:
 19 Q. And it's unreliable because of the
 20 over-reporting problem that we've talked about,
 21 right, Dr. Hood?
 22 A. That's one of the issues, yes.
 23 Q. And you wouldn't draw credible conclusions from
 24 that data because of the over-reporting
 25 problem, right, Dr. Hood?

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1 A. Well, again, just to be perfectly candid, I
 2 have used CPS data in some research. Again, if
 3 the choice is presented to use validated data,
 4 I'm going to use validated data always.
 5 Q. But that's not what you were saying in this
 6 report. You weren't saying that if the choice
 7 is to use validated data versus CPS data, I'm
 8 going to use validated data. You said the CPS
 9 data by itself is unreliable and you can't draw
 10 credible conclusions from it, right, Dr. Hood?
 11 MR. FARR: Objection.
 12 THE WITNESS: That's what the statement
 13 in the report says, yes.
 14 BY MR. HO:
 15 Q. Are there any other reasons that you are aware
 16 of other than the over-reporting problem that
 17 we've talked about earlier that one cannot draw
 18 credible conclusions from the CPS data?
 19 A. Well, I mean, there might be a lot of reasons
 20 why someone would use CPS data for a lot of
 21 different things to study.
 22 We've been talking about over-reporting
 23 in terms of turnout. So as it relates to
 24 voting, that's a big issue obviously.
 25 Q. Have you heard of the non-response rate with

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1 respect to the CPS data, Dr. Hood?
 2 A. Well, I couldn't cite it for you.
 3 Q. But are you -- I'm not asking you to cite the
 4 exact non-response rate. But have you heard
 5 about how the Census Bureau treats
 6 non-respondents to the CPS?
 7 A. No. I mean, I may have read it at some point.
 8 Q. So are you aware of the fact that CPS treats
 9 people who do not respond to the CPS as though
 10 they did not vote, Dr. Hood?
 11 A. Yes, I believe I've read that at some point.
 12 Q. And you've read that some political scientists
 13 think that that distorts the turnout
 14 information reported by the CPS, Dr. Hood?
 15 A. Well, I haven't read that from a political
 16 scientist. I'm not saying that someone hasn't
 17 written on that.
 18 Q. Have you heard of Michael McDonald at the
 19 University of Florida?
 20 A. Yes.
 21 Q. Have you read Dr. McDonald's work about the
 22 non-response rate in the CPS, Dr. Hood?
 23 A. I've read some of his work. I can't -- I can't
 24 recall if I've read that particular piece of
 25 work or not.

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1 Q. Are you familiar with his finding that the
 2 non-response rate to the CPS varies among
 3 different racial groups?
 4 A. Just -- not off the top of my head. I'm not
 5 saying -- I mean, obviously, if you're telling
 6 me, he probably wrote that in an article and we
 7 can look at it.
 8 Q. So just to sum up --
 9 A. Okay.
 10 Q. -- what you said in this report, Dr. Hood --
 11 A. You're talking about the Florida report?
 12 Q. Yes.
 13 A. Okay.
 14 Q. As a political scientist in this report, you
 15 said you would not draw a credible conclusion
 16 from the CPS data, right, Dr. Hood?
 17 A. That's what I say in the report, yes.
 18 Q. And you're also saying that you would not ask a
 19 court to draw credible conclusions based on the
 20 CPS data, right, Dr. Hood?
 21 A. Well, this was written for court. So, yes, you
 22 can make that inference.
 23 Q. I want to look at another one of your articles,
 24 Dr. Hood.
 25 ///

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1 (WHEREUPON, Plaintiffs' Exhibit 379 was
2 marked for identification.)
3 BY MR. HO:
4 Q. Take a few moments to look at that, Dr. Hood,
5 and let me know when you're ready.
6 A. Okay, this looks familiar.
7 Q. What is this, Dr. Hood?
8 A. This is an article that we wrote -- "we" being,
9 again, Charles Bullock and myself -- an article
10 on early voting in Georgia in 2008.
11 Q. And you published this article in the Election
12 Law Journal in 2011, right, Dr. Hood?
13 A. That's correct, that's what it says.
14 Q. And this was published before your report in
15 the Florida early voting case, right, Dr. Hood?
16 A. I'm assuming so. I mean, I'm assuming so. I'm
17 just trying to remember.
18 Q. Well, this is 2011. The Florida report was
19 2012.
20 A. Right. The Florida report I think was -- I was
21 working on it in 2011.
22 Q. Okay.
23 A. I mean, it's about congruent, I'll admit to
24 that.
25 Q. And in this paper, broadly speaking, you're

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1 attempting to evaluate the effectiveness of
2 efforts to increase early in-person voting in
3 Georgia, right?
4 A. That's fair, yes.
5 Q. And it was published in the Election Law
6 Journal?
7 A. Yes.
8 Q. What is that journal?
9 A. It's a -- it's a specialty journal, I guess you
10 would say, that looks at issues, one of
11 election law and election administration. So
12 there's sort of a cross-fertilization, if you
13 will, from social scientists and legal
14 scholars. It is peer-reviewed.
15 Q. Is there a reason you sought to publish in the
16 Election Law Journal specifically?
17 A. Well, this topic fit with what that journal
18 did.
19 Q. Do you have an opinion as to the quality of the
20 journal?
21 A. Well, for election law issues, it's the only
22 specialty journal I know of that deals with
23 that, I mean, wholly deals with those things.
24 Q. Who's the editor of the journal?
25 A. Right now it's Paul Gronke.

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1 Q. Can you turn to Page 104 of your article.
2 A. Okay.
3 Q. Do you see the header at the top left column
4 that says Previous Research?
5 A. Yes.
6 Q. What's the purpose of this section?
7 A. Well, any academic article should give
8 background information on the topic you're
9 studying and what other scholars have said
10 about the topic before you delve into it.
11 Q. And so specifically you're providing a summary
12 of the previous research on early voting,
13 right?
14 A. Up to that point, yes.
15 Q. And you said that's typical in any academic
16 article to provide a summary of the research in
17 the area that you're writing about?
18 A. I certainly think so. I mean, it's called --
19 you know, we usually call it the literature
20 review. It can be titled different things.
21 Yeah, it's a key component of any academic
22 article.
23 Q. Would you say it's something that's expected in
24 a peer-reviewed article to provide a literature
25 review?

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1 A. If I got an article to review and it didn't
2 have a literature review, yes, that would be a
3 problem.
4 Q. You'd send it back?
5 A. Yes.
6 Q. And in a literature review, you try to be
7 objective, right, Dr. Hood?
8 A. I try to be objective, period. I mean --
9 Q. And in the literature review?
10 A. Yes. Yes, of course. Yes. I mean, you want
11 to -- you know, if there are things that
12 conflict with your theory, you want to put
13 those out there, and if there are things that
14 support your theory, you want to put those out
15 there. You want to be comprehensive, I guess
16 is the word.
17 Q. So if the literature on a particular issue is
18 mixed, in your effort to be comprehensive, you
19 would try to present both sides of that issue,
20 right, Dr. Hood?
21 A. I think that's fair, yes.
22 Q. And presenting only one side of an issue in a
23 literature review, that wouldn't be
24 comprehensive, right, Dr. Hood?
25 A. That's correct.

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1 Q. Presenting one side of an issue in a literature
 2 review would be inconsistent with prevailing
 3 standards for peer-review in political science,
 4 right, Dr. Hood?
 5 A. Correct.
 6 Q. And here you provide a comprehensive, balanced
 7 review of the literature on early voting,
 8 right?
 9 A. Certainly attempt to. I mean, that doesn't
 10 mean, again, that you cited every single thing
 11 that's ever been written on a particular topic,
 12 so...
 13 Q. But just to give one example, in the first
 14 paragraph you include a summary of previous
 15 research concerning the effect of early voting
 16 on turnout, right, Dr. Hood?
 17 A. Yes.
 18 Q. And you discuss some findings from some studies
 19 suggesting that early voting increases turnout
 20 as well as some studies suggesting that it
 21 doesn't increase turnout, right, Dr. Hood?
 22 A. That's correct, yes.
 23 Q. And that balanced discussion, that's the
 24 comprehensive look that you were describing
 25 earlier that's consistent with prevailing

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1 standards in political science, presenting both
 2 sides of an issue, right?
 3 A. Yes.
 4 Q. If you got an article that presented only one
 5 side of an issue and you knew that there were
 6 two sides in the political science literature,
 7 would you send that back?
 8 A. I would certainly not necessarily reject it,
 9 but say this needs to be -- this section needs
 10 to be worked on.
 11 Q. Right. You wouldn't let something like that
 12 get through peer-review without adjustment,
 13 right, Dr. Hood?
 14 A. There would be an adjustment, I agree.
 15 Q. In the third paragraph on the left-hand column,
 16 there's a paragraph that starts with the word
 17 "Finally." Could you read that first sentence,
 18 please.
 19 A. Okay. "Finally, research on early in-person
 20 voting has focused on other potential benefits
 21 such as improved accuracy in tabulating votes
 22 and potential cost savings."
 23 Q. And fair to say that in your literature review
 24 summary, you found that early in-person voting,
 25 according to the existing literature, does

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1 result in increased accuracy related to
 2 counting votes?
 3 MR. FARR: Objection.
 4 THE WITNESS: Well, can you say that
 5 again.
 6 BY MR. HO:
 7 Q. Sure. Fair to say in your literature review
 8 that you found that researchers have concluded
 9 that early in-person voting does result in
 10 increased accuracy as it relates to counting
 11 votes?
 12 A. Yes. Now, we didn't study that in this
 13 article, but we're citing some other
 14 researchers that did study that.
 15 Q. And was there any literature that you're aware
 16 of suggesting that early voting does not
 17 increase the accuracy of counting votes?
 18 A. None that I can think of, no.
 19 Q. You also say the verdict is still out as to
 20 whether or not early voting yields cost
 21 savings, right?
 22 A. I'm reading.
 23 Q. Sure. Take your time.
 24 A. Yes, it does say that. Yes.
 25 Q. Anything changed since you published this

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1 article in 2011 that would alter your views as
 2 to whether or not the verdict is still out as
 3 to early in-person voting effectuating cost
 4 savings?
 5 A. Well, I think -- I think this article itself
 6 touches on that a little bit and -- and I'd
 7 have to look and see what we wrote in the
 8 conclusion. I do talk somewhere about -- I
 9 don't want to make up words. Let me look and
 10 see if I can find what else --
 11 Q. Take your time.
 12 A. Okay. I do talk about a mix of cost and
 13 benefits in terms of, you know, the number of
 14 early voting sites open and the locations and
 15 hours and things like that.
 16 So, I mean, in answer to your question,
 17 this particular article itself touches a little
 18 bit on that.
 19 Q. Has it changed your views as to whether or not
 20 the verdict is still out on cost savings
 21 associated with early voting?
 22 A. I don't think there's a definitive answer on
 23 that question from political science, if that's
 24 fair.
 25 Q. Do you have an opinion?

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General Information

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