Exhibit 16

Expert Report and Declaration of Dr. Fred Conrad
September 25, 2008
DECLARATION OF DR. FREDERICK CONRAD

I, Frederick Conrad, declare under penalty of perjury that the following is true and correct to the best of my knowledge.

1. I am Frederick Conrad, Associate Research Professor in the Institute for Social Research at the University of Michigan. My areas of expertise are Survey Methodology, Cognitive Psychology and Human-Computer Interaction. In the last of these areas I have published several articles and a book with my research collaborators on the usability of electronic voting. My current curriculum vita is attached. All of my research involves quantitative analyses of empirical data. I conduct these analyses using the same type of methods I have used in the current project.

2. On September 16, 2008, I was asked by Plaintiffs to conduct precinct-level analyses of voter data to determine if foreclosures in Macomb County occur disproportionately in Democratic precincts. I agreed to do this work on a pro bono basis and enlisted the assistance of Ms. Tonya Rice, a doctoral student in the Political Science Department at the University of Michigan. I have worked with Ms. Rice for over a year on another study and have great respect for her abilities and intellect. She will be paid $15.00 per hour for her work on this project.

3. **Summary of Results.** The results are quite clear. Foreclosures are disproportionately common in precincts where the majority of votes cast in recent elections were for the Democratic candidate: 3772 of 6687 (56.4%) foreclosures in the current study occurred in precincts where a majority of the votes were cast for the Democratic candidate in the 2004 Presidential election and 4749 of 6876 (69.1%) foreclosures occurred in majority Democratic precincts in the 2006 Gubernatorial election. In addition, 4179 of 6687 (62.5%) of the foreclosures occurred in precincts for which the percentage for the Democrat was higher than the county-wide percentage of 48.7 in the 2004 Presidential election. For the 2006 Gubernatorial election, 4161 out of 6876 (60.5%) of the foreclosures occurred in precincts for which the percentage for the Democrat was higher than the county-wide percentage of 52.2, i.e., in particularly Democratic precincts. Furthermore the analyses indicate that as the percent of Democratic votes in a precinct increases so does the number of foreclosures. From another perspective, the average number of foreclosures is higher in Democratic than non-Democratic precincts (where 50% or fewer of the votes were cast for the Democratic candidate): Using the 2004 Presidential election results, the average number of foreclosures in Democratic precincts was 42% higher than in non-Democratic precincts and using the 2006 results there were 22% more foreclosures in Democratic than non-Democratic precincts. The patterns are similar if, instead of majority Democratic precincts, we apply the “more Democratic than the county percentage” criterion. Using the 2004 Presidential results there were 42% more foreclosures in this type of Democratic precinct than in the others and using the 2006 Gubernatorial results there were 26% more in Democratic than other precincts. All of
these differences are statistically significant. It is the convention among social
scientists that results are statistically significant and therefore considered credible if a
particular result can be expected to occur by chance 5 in 100 times or less. In this case
these differences are all significant beyond the 1 in 100 level and most are significant
beyond the 1 in 1000 level indicating that they are highly reliable.

4. Method. The key activities in this project were obtaining the data, preparing it for
analysis and conducting the analyses.

a. Obtaining the Data: I obtained the foreclosure list from the Macomb County
Legal News (http://www.legalnews.com/Macomb/Default.aspx), an on-line
publication that provides a tool for compiling foreclosure lists based on
specifications submitted by the user. We requested all foreclosure notices in
Macomb County from January 1, 2008 until the day of the request (September
18, 2008) and were provided a list of 7575 foreclosures including a street
address for each. We copied the results into an Excel spreadsheet. In order to
connect each listed foreclosure to a precinct it was necessary to convert
addresses into geographical indicators, in particular, zip+4 codes. These codes
were provided by Catalist, a provider of detailed voter data at the national
level. We then connected the zip+4 codes to the corresponding precincts for
each of the 2004 and 2006 elections. Precinct boundaries can change between
elections, meaning that a given address may be in one precinct in one election
and a different precinct in another. For that reason, I could not simply use the
current precinct of an address to interpret the historical precinct-level results
reported on the Michigan Secretary of State’s web site. For each zip+4 code,
NCEC Services maintains the precinct-level results for the precinct in which
the zip + 4 code was situated during any given election. I provided the list of
foreclosure notices, including the zip+4 codes, to NCEC Services and NCEC
Services returned the precinct-level results for each foreclosed address,
including the number of votes for the Democratic candidate, the number of
votes for the Republican candidate and the number of votes for several minor
party candidates in the corresponding precinct for both the 2004 Presidential
and 2006 Gubernatorial elections. Thus, by using NCEC Services zip+4 code
data, I was able to avoid problems related to shifting precinct boundaries.

b. Preparing the Data for Analysis

i. The first step in this process was to assure that the vote totals provided
by NCEC Services matched the vote totals published by the Michigan
Secretary of State. We made this comparison for all precincts in which
foreclosures occurred in five arbitrarily selected townships. We did
this at the township level because the Secretary of State did not
associate absentee ballots with particular precincts but only with the
townships in which they were cast. NCEC Services assigns the
township-wide absentee votes to precincts proportional to the Election
Day votes in those precincts. This difference in approach is eliminated
when looking at township vote totals. In four of the five townships
there were perfect matches between the two data sources for the 2004 Presidential election with the totals differing by just one vote in the fifth township; for the 2006 Gubernatorial election, the totals from the Secretary of State and NCEC Services matched perfectly in three towns and were off by only 1 and 2 votes in the other two cases, negligible differences given the large number of votes in each precinct. This exercise convinced us that the data provided by NCEC Services was entirely credible.

ii. The next step in preparing the data was to remove duplicate foreclosure notices as we determined that some addresses received multiple foreclosure notices. We automatically flagged duplicate addresses and then manually inspected the name of the property owner for each potential duplicate. If the same name appeared with the same address we manually deleted the duplicate record. This reduced the number of foreclosures in our data set by about 7% to 7069.

iii. In the third step we examined the missing cases, i.e., those foreclosures for which we did not have precinct-level election data. There were 193 of these in each election (not all the same cases). In 151 of these cases there was no zip+4 code, primarily because each of the addresses was somehow defective. This resulted in a data set of 6877 usable foreclosures. These data were imported into Statistical Package for the Social Sciences (SPSS), a widely used analytic tool for social scientists and students which I use frequently. There were additional missing data for the two elections for miscellaneous reasons, 5.4% of the cases from the 2004 election and 2.7% from the 2006 election.

iv. Finally, we created measures of precinct partisanship for the two elections by computing the percent of Democratic votes out of the total votes cast and then labeling cases in which this percentage was greater than 50% as Democratic and the others as Non-Democratic. We also used the more-Democratic-than-the-county Percent, as discussed earlier, to identify Democratic and Non-Democratic precincts from a slightly different perspective.

5. Analyses. Our basic question was whether in these data there are more foreclosures in Democratic than Non-Democratic precincts. We addressed this through three complementary analyses. First, we asked if a larger percent of the foreclosures occurs in Democratic precincts, using both definitions of Democratic precincts in both elections. This gives us an overview of the data. We then asked what the relationship is between number of foreclosures and number of votes for the Democratic candidate, across all precincts. If the two counts are positively and significantly correlated this suggests that the exact definition of a Democratic precinct is not critical but, more generally, precincts that vote more Democratic (no matter how we define this) tend to be in geographic regions in which more foreclosures occur. Third, we asked if the
average number of foreclosures in Democratic precincts (both definitions, both elections) is larger than in Non-Democratic precincts. This is important because if there are more Democratic than Non-Democratic precincts in the county, that alone could be responsible for a larger percentage of foreclosures in Democratic precincts (the topic of our first analysis). However, if the average number of foreclosures is larger in Democratic counties then it cannot be the result of the number of precincts that vote Democratic. This would suggest, all other things being equal, that in any one Democratic precinct the number of foreclosures is likely to be higher than in any one non-Democratic precinct.

6. Results and Discussion.

a. As indicated in Paragraph 3, the overall percentages do suggest that foreclosures are disproportionately common in majority Democratic precincts, 56.4% and 69.1% for the 2004 and 2006 elections respectively and 62.5% and 60.5% in the more-Democratic-than-the-county precincts for the two elections, respectively.

b. The correlations between number of Democratic votes and number of foreclosures per precinct were both positive and highly significant. The particular statistic we used was Spearman’s rho which is appropriate for testing relations in count data which may not be normally distributed. The values were .26 and .19, for the 2004 and 2006 elections respectively. Both are significant beyond the 1 in 100 level indicating that the relationship is very strong in these data. The correlations are modest in size (a perfect correlation is 1.0) indicating that they do not entirely explain the relationship between foreclosures and voting patterns but the sample is large enough to easily detect this relationship.

c. Finally, the average number of foreclosures is larger in Democratic than non-Democratic precincts, as indicated in Paragraph 3. Using the majority Democratic definition for the 2004 Presidential data, the average number of foreclosures is 14.6 in Non-Democratic precincts and 20.8 in Democratic precincts – an increase of 42%. This difference is significant beyond the 1 in 1000 level, indicating that a chance of obtaining a difference of this size by chance is extremely rare and giving us confidence in the finding. The story is very similar for the 2006 Gubernatorial data. The average number of foreclosures in Non-Democratic precincts is 15.5 and increases by 22% to 18.9 in Democratic precincts. Again, this is highly significant: a difference of this size can be expected by chance 8 in 1000 times. Results from parallel analyses with the more Democratic than the county definition mirror the majority Democratic results. For the 2004 Presidential outcomes, the average number of foreclosures in Non-Democratic precincts is 14.6 and increases by 42% to 20.8 for Democratic precincts, significant beyond the 1 in 1000 level. In the 2006 Presidential results, the average number of foreclosures in Non-Democratic precincts is 15.5 and increases by 26% to 19.5, significant at the 1 in 1000 level.
7. **Conclusion.** I was originally asked to investigate the possibility that foreclosures were concentrated in Democratic precincts in Macomb County. We have conducted a series of straightforward analyses – simple comparisons. My examination of these data leads me to the clear conclusion that the answer is yes – foreclosures occur more in Democratic precincts, by either definition that we used, than in Non-Democratic precincts.

Frederick Conrad

In Ann Arbor, MI
September, 2008

Frederick G. Conrad

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Education

Current Research
Survey Methodology:
New data collection methods such as interactive web surveys and virtual
interviewers; Interviewer-respondent interaction; reliability of pretesting techniques

Other:
Usability of electronic voting systems; role of public events in personal memory

Professional Employment
2006 – present: Research Associate Professor, Institute for Social Research, University of
Michigan
Adjunct Associate Professor of Psychology, University of Michigan
Research Associate Professor, Joint Program in Survey Methodology,
University of Maryland

2002-2006:  Associate Research Scientist, Institute for Social Research, University of
Michigan and Research Associate Professor, Joint Program in Survey
Methodology, University of Maryland


1989 – 1991:  Principal Software Engineer, Artificial Intelligence Research Group,
Digital Equipment Corporation.

**Visiting and Adjunct Appointments, Consulting, Graduate Assistantships**

June, 2000: Visiting Scholar, Department of Research Methodology, Vrije Universiteit of Amsterdam, Netherlands (laboratory of Dr. Wil Dijkstra).

1998 to 2002: Adjunct Assistant Professor, Joint Program for Survey Methodology, University of Maryland.

1998: Adjunct Associate Professor, Department of Psychology, George Mason University.

1998: Instructor, Summer School for Advanced Social Science Methodology, Swiss National Science Foundation, at L'Università della Svizzera Italiana, Lugano, Switzerland.


1991: Consultant, Center for Survey Research, University of Massachusetts at Boston.


1977 – 1978: Research Assistant to Edward Smith, Psychology Department, Stanford University, and Summer, 1977, Psychology Department, Rockefeller University.

**Grants and Awards**

09/08 – 08/09 “Collaborative Research: Acoustic Properties, Listener Perceptions, and Outcomes of Interactions between Survey Interviews and Sample Persons,” National Science Foundation grant SES-0819734. Principal investigator, Robert Groves, University of Michigan; parallel award to Jose Benke, Michigan State University.

05/07 – 04/12 “Improving the Design of Health Surveys on the Web,” National Institutes of Health grant # R01 HD041386-04A1, Principal investigator Roger Tourangeau, University of Michigan.
03/07 – 02/10  “Disability, Time Use, and Well-being Among Middle-Aged and Older Married Couples,” National Institutes of Health grant # P01 AG029409-01 Principal investigator Vicki Friedman, University of Medicine and Dentistry of New Jersey School of Public Health.

05/06 – 08/06  Rackham Graduate School (University of Michigan) Spring/Summer Fellowship for Support of a Doctoral Student

10/05 – 09/08  “Animated Agents in Self-Administered Surveys” National Science Foundation grant SES 0551300. Principal investigator; co-PI Michael Schober, New School for Social Research.


03/05 – 02/06  “Envisioning the Survey Interview of the Future,” a workshop to foster synergy between survey methodologists and communication technologists. National Science Foundation grant SES-0454832. Principal investigator with Michael Schober, New School for Social Research (Co-PI). Supplemental award made to organize follow-up workshop in United Kingdom in 2007.


06/01/03-05/31/06  “Visual and Interactive Issues in the Design of Web Surveys,” National Institute of Child Health and Human Development, National Institutes of Health, grant # R01 HD041386-01A1. Roger Tourangeau (PI) and Mick Couper (both at University of Michigan).

06/01/03-05/31/06  “An Assessment of voting technology and ballot design.” National Science Foundation grant IIS0306698. Paul Herrnson (PI, University of Maryland), Ben Bederson (University of Maryland), Richard Niemi (University of Syracuse), Mike Traugott (University of Michigan).

2001-2004  “Visual and interactive features of web surveys” National Science Foundation grant SES0106222, Co-Principal Investigator with Roger Tourangeau (PI), University of Michigan, Mick Couper (Co-PI), University of Michigan and Reginald Baker (Co-PI), MS-Interactive.

2001  United States Department of Labor Secretary’s Exceptional Achievement Award.

2000-2003  “Adaptive interfaces for collecting survey data from users” National Science Foundation grant IIS-0081550, Co-Principal Investigator with Michael Schober (PI), New School University.
1999-2001  “The cognitive basis of seam effects in panel surveys” National Science Foundation grant SES-99-07414, Government Partner with Lance Rips (PI), Northwestern University.


1997  United States Department of Labor Secretary’s Exceptional Achievement Award

1995  Annual Research Practicum, Joint Program on Survey Methodology, University of Maryland; proposed project (on behalf of Bureau of Labor Statistics) about improving occupational classification of survey respondents by asking about their skills.

1985, 1986  Co-authored two proposals with Lance Rips, University of Chicago, to study sentence comprehension, funded by the Benton Foundation awarded to Lance Rips.

Publications

Books


Journal articles and book chapters


Manuscripts Under Review and In Preparation


Conference Proceedings


**Invited Presentations**


Conrad, F.G. (December, 2001). Generic and individual misconceptions of survey questions. Institute for Social Research, University of Michigan


Conrad, F.G. (February, 1989). Learning to program in LISP with an intelligent tutoring system. Southwest Research Institute, San Antonio, TX.

Conrad, F.G. (February, 1989). Learning to program in LISP with an intelligent tutoring system. Boeing Research and Technology Center, Ridley Park, PA.


Conference and Workshop Presentations Not in Proceedings


Conrad, F.G. & Schober, M.F. (September, 2007). Considerations in adopting new technologies for survey interviews. Presentation at the “Envisioning the survey interview of the future” workshop. Southampton, UK


Yan, T., Conrad, F.G., Couper, M.P. & Tourangeau, R. (May, 2007). Should I stay or should I go: The effects of progress indicators, promised duration, and questionnaire length on completing web surveys. Paper presented at the
annual conference of the American Association for Public Opinion Research, Anaheim, CA.


Conrad, F. (September, 2003). Invited participant in National Science Foundation sponsored workshop on e-rulemaking, Arlington, VA.


Conrad, F.G. (1997). Modeling survey participants to reduce measurement error. Second Advanced Seminar on Cognitive Aspects of Survey Methodology (by invitation), Charlottesville, VA.


Discussant

Papers in session on “Questionnaire Development in Survey Instruments,” American Association for Public Opinion 2004, Phoenix, AZ.

Papers in session on “Questionnaire Design,” American Association for Public Opinion Research 2003, Nashville, TN.


Papers in session on “When participants have unequal knowledge,” American Association for Artificial Intelligence Fall Symposium: Psychological Models of Communication in Collaborative Systems, North Falmouth, MA, 1999.


Organizer/Chair of Conference Sessions


Organized/chaired panel “Envisioning the Survey Interview of the Future,” at the conference of the Association for Survey Computing, September 13, 2007, Southampton, UK.


Co-organizer with Michael Schober, Roundtable at annual meeting American Association for Public Opinion Research, “Envisioning the Survey Interview of the Future,” May 20, 2006, Montreal, QB.

Co-organizer with Michael Schober, Workshop “Envisioning the Survey Interview of the Future,” November 4-6, 2005, University of Michigan, Ann Arbor, MI.

Chaired session “Sampling II,” at annual AAPOR conference, Miami, FL.


**Teaching Experience**

*Program in Survey Methodology, University of Michigan; Joint Program in Survey Methodology, University of Maryland; and Summer Institute in Survey Research Techniques, University of Michigan*
• Social and Cognitive Foundations of Survey Measurement, taught or co-taught 12 times between 1998 and 2008
• Advanced Seminar in Cognition and Survey Research, co-taught, 2007
• Envisioning the survey interview of the future, taught three times between 2006 and 2008.
• Questionnaire Design, co-taught, 2003
• Data Collection Methods, taught/co-taught 9 times between 2003 and 2008.
• Introduction to Survey Research, team taught 2003 and 2004.
• Fundamentals in Survey Methodology, coordinated team-taught graduate course in some years and taught multiple sessions in all years (7 times between 2004-2008).
• Doctoral Seminar in Survey Methodology, taught 3 week module, 2002, 2003
• Survey Design Seminar, Program in Survey Methodology, University of Michigan, taught/co-taught, 2003-4, 2004-5, 2006 (in some years a two term sequence, in others one term)

Certificate Program in Survey Methodology, Odum Institute for Research in the Social Sciences, University of North Carolina.
Survey Interviewing Techniques, one day short course (2007)

Psychology Department, George Mason University
Human-Technology Interaction: Cognition and Usability, graduate seminar (1998)

Swiss Summer School, Swiss National Science Foundation, at L’Università della Svizzera Italiana
Reducing Survey Measurement Error, one week doctoral course (1998)

Department of Psychology, Carnegie Mellon University
Introduction to Symbolic Processing (LISP programming), undergraduate course, (1987, 1988)

Guest lecturer
- University of Illinois, Library and Information Science distance learning program (1998 - 2002): various topics in web site usability evaluation
- New School University, Department of Psychology (2002): data quality in cognitive interviewing
- Free University (Amsterdam), Department of Research Methodology: data quality in cognitive interviewing;
- George Mason University, Department of Public Administration (1993,1994): statistical applications of expert systems.

Doctoral Dissertation Committees
Currently (2007) serving on two (chairing one) at the University of Michigan, one at the University of Maryland, and one at the New School for Social Research
Previously served on committees at University of Michigan (3), University of Maryland (2), New School of Social Research (4), Vrije Universiteit of Amsterdam, and George Mason University

**Professional Activities**

Associate Editor, *Journal of Official Statistics* (since 2002)
Member of Editorial Board, *Public Opinion Quarterly*

Reviewer/Panelist:

*Acta Psychologica*

*American Education Research Association*

*Applied Cognitive Psychology*

*Assessment*


*Discourse Processes*

*International Journal of Public Opinion Research*

*Glaser Foundation*

*Human-Communication Research*

*Journal of the American Statistical Association*

*Journal of Marketing*

*Journal of Official Statistics*

*Lawrence Erlbaum Associates, Publishers*

*Memory and Cognition*

National Academy of Science, Committee on National Statistics Panel to Review the Agricultural Management Survey

National Institutes of Health (Grant review panel)

National Science Foundation (Various panels in Computer Science and the Social Sciences)

Oxford University Press

*Psychological Bulletin*

*Psychological Science*

*Public Opinion Quarterly*

*Sociological Research and Methods*

*Survey Methodology*

John Wiley & Sons, Inc.

Program Editor, *The Third Practical Aspects of Memory Conference*

Member American Association for Public Opinion Research Education Committee, 2005-6.

**Professional Memberships**
American Association for Public Opinion Research
Association for Psychological Science
Cognitive Science Society
Psychonomic Society
Society for Applied Research in Memory and Cognition
Society for Text and Discourse
Special Interest Group in Computer Human Interaction, Association for Computing Machinery