

## EXHIBIT 1

## **Expert Report of Dr. Michael P. McDonald** ***Fish v. Kobach*, No. No. 2:16-cv-02105**

### **Background and Qualifications**

My name is Michael P. McDonald. I am Associate Professor of Political Science at the University of Florida and a Non-Resident Senior Fellow at the Brookings Institution. I earned my undergraduate degree in Economics at the California Institute of Technology and my PhD in Political Science from the University of California, San Diego. I held a one-year post-doctoral position at Harvard University and have taught previously at Vanderbilt University; University of Illinois, Springfield; and George Mason University.

I am widely regarded as a leading expert on United States elections. I have published extensively on elections in peer-reviewed journals and I produce what many consider to be the most reliable turnout rates of the nation and the states.<sup>1</sup> I have specifically published peer-reviewed articles on the reliability of voter registration files<sup>2</sup> and matching algorithms as applied to voter registration files.<sup>3</sup> In the course of my election work, I have consulted for the United States Election Assistance Commission, the Department of Defense's Federal Voting Assistance Program, the media's National Exit Poll organization, the Associated Press, ABC News, and NBC News. I have been an expert witness in litigation specifically involving voter registration in

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<sup>1</sup> Michael P. McDonald and Samuel Popkin. 2001. "The Myth of the Vanishing Voter." *American Political Science Review* 95(4): 963-974

<sup>2</sup> Michael P. McDonald. 2007. "The True Electorate: A Cross-Validation of Voter File and Election Poll Demographics." *Public Opinion Quarterly* 71(4): 588-602.

<sup>3</sup> Michael P. McDonald and Justin Levitt. 2008. "Seeing Double Voting: An Extension of the Birthday Problem." *Election Law Journal* 7(2): 111-22.

Florida<sup>4</sup> and Washington.<sup>5</sup> I also have an extensive publishing record and experience testifying in redistricting and other election-related cases. Please see my curriculum vitae for more information. I am compensated at a rate of \$300 an hour for my work on this report.

I have agreed to serve as an expert in this lawsuit in order to evaluate certain aspects of Kansas's voter registration system. Kansas requires voter registrants to produce documentary proof of citizenship before they may vote in elections. Individuals who do not provide documentary proof of citizenship within 90 days of submitting their registration may be purged by state election officials from the voter registration rolls. I have been asked by Plaintiffs' lawyers to analyze characteristics of Kansas voter registrants who have been denied status as active registered voters due to their failure to provide documentary proof of citizenship. For this purpose, I analyze individuals' records on the Kansas voter registration list. I have also been asked to opine on how denial of such registration status may affect suspended registrants' likelihood of future voter participation in light of my analysis.

## Summary

I find that as of December 11, 2015, approximately 35,314 registrants have been placed on Kansas's list of suspended voters at any point since January 1, 2013 for failure to submit documentary proof of citizenship.<sup>6</sup> That number represents more than 14% of the 247,663 new

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<sup>4</sup> *League of Women Voters of Florida v. Browning* (08-21243-CV-ALTONAGA/BROWN).

<sup>5</sup> *Washington Association of Churches v. Reed* (CV06-0726).

<sup>6</sup> This statistic is computed by adding the number of registrants I identify on the Sept. 24 Suspense List for Reason Documentary Proof of Citizenship Not Provided to the number of registrants suspended for the same reason on the Dec. 11 Suspense List, then subtracting the number who remained on the Suspense List between Sept. 24 and Dec. 11 for this reason.

registrants added to voter lists in Kansas between January 1, 2013 and December 11, 2015. The approximately 35,314 suspended registrants represent around 83.6% of the total number of registrants who were placed on the “Suspense List” for any reason.<sup>7</sup> Of that number, approximately 12,227 individuals have been purged from Kansas’s voter list entirely. In addition, 10,587 registrants remained on Kansas’s Suspense List as of December 11, 2015. This amounts to a total of 22,814 registrants who have been purged or remain suspended, and have thereby been prevented from voting due to the documentary proof of citizenship requirement.

I find that registrants who have been placed on Kansas’s Suspense List for failure to submit documentary proof of citizenship tend to be younger and less likely to register with a political party than Active and Inactive registered voters. Individuals aged 18-29 are approximately three times more likely to be on the Suspense List for this reason in comparison to their proportion of Active and Inactive voters. Individuals who are not affiliated with a political party are approximately twice as likely to be on the Suspense List for failure to submit documentary proof of citizenship in comparison to their proportion of Active and Inactive voters.

From the preponderance of social science research, I conclude that the Kansas Secretary of State’s practice of denying registrants who fail to provide documentary proof of citizenship an opportunity to vote in federal elections has both an immediate and a long-term harm on the likelihood of those individuals participating in the political process. Furthermore, these harms will disproportionately be borne by young people and registrants unaffiliated with a political party.

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<sup>7</sup> This statistic is computed by adding together the statistics on the Sept. 24 and Dec. 11 Suspense Lists.

## Data Sources

The Kansas election management system is known as ELVIS, short for Election Voter Information System.<sup>8</sup> The ELVIS system is described as having a “real-time reporting capability,” meaning that the database is updated in real time as election officials add new registrants, update registrants’ information, or remove registrants.

It is my understanding from conversations with Jameson Beckner, Assistant Director of Elections in the Kansas Secretary of State’s office, that all transactions are logged by the ELVIS system. This means it is possible to recreate all data captured by the ELVIS system, including records of registrants, deleted from the system entirely.

The Kansas Secretary of State’s office will provide to the public a complete electronic list of every registered voter recorded in the ELVIS system.

The ELVIS system has a field identifying the status of a registrant as “Active,” “Inactive,” or in “Suspense.”<sup>9</sup> An individual is listed as suspended if Kansas election officials deem their application incomplete, including due to failure to produce documentary proof of citizenship. The Kansas Secretary of State’s office typically provides its list of “Active” and “Inactive” registrants to members of the public who request the Kansas voter file, and will provide registrants on the Suspense List upon request.

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<sup>8</sup> State of Kansas, *News Release: Thornburgh Announces Development of Election Voter Information System (ELVIS)*, Nov. 15, 2004, [http://www.kssos.org/other/news\\_releases/PR\\_2004/PR\\_111504\\_elvis.html](http://www.kssos.org/other/news_releases/PR_2004/PR_111504_elvis.html).

<sup>9</sup> The status field is `cde_registrant_status` and the codes entered into the database correspond to these three statuses are “A,” “I,” and “S.”

I analyze two lists of registrants in this report: one dated Sept 24, 2015 and another dated Dec 11, 2015. I understand that as of October 1, 2015, the Kansas Secretary of State initiated a policy to remove individuals from the State's list of voters if they remained in "Suspense" status for more than 90 days. I examined lists from September 24 and December 11, 2015 in part to gauge the effect of the purge policy on suspended voters in Kansas.

The first list, chronologically, is a copy of the Suspense List dated Sept. 24, 2015 provided to me by counsel. The Sept. 24, 2015 data is an extract from the complete ELVIS database in that it contains only registrants on the Suspense List and does not contain any Active or Inactive voters.<sup>10</sup> I understand from my conversations with Jameson Beckner that costly, complex programming is required to recover prior snapshots of the ELVIS system. For this reason, I relied on the version of the Suspense List supplied by counsel rather than requesting a fresh copy from the Kansas Secretary of State's office.

The second list is a Dec. 11, 2015 electronic copy of the statewide voter registration file produced by the Kansas Secretary of State's Office, which includes registrants categorized as in "Suspense" status. I requested and received these data from Jameson Beckner in the Kansas Secretary of State's office.

### **Characteristics of Kansas Active and Inactive Registered Voters**

I begin my analysis with a reference point, the characteristics of the 1,739,472 Active and Inactive registrants on the Dec. 11, 2015 voter registration list. By examining the date of

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<sup>10</sup> The data file was requested by Mary Bata, who I understand is affiliated with the American Civil Liberties Union. I have not had any direct contact with Ms. Bata, and the only indirect contact was the transmission of the data file to me by counsel.

registration listed in the voter rolls, I estimate that Kansas added approximately 247,663 individuals to the registration rolls between January 1, 2013 and December 11, 2015.

Active and Inactive registrants are designations made by Kansas election officials. Per the Kansas Secretary of State's office:<sup>11</sup>

An inactive voter is a registered voter who has been mailed a confirmation notice because the voter apparently moved *out of the county* and has not responded to the notice and has not voted in any election or otherwise contacted the election office. [KSA 25-2316c(e)(4)]

Inactive voters are eligible to vote, as per the Secretary of State's office, "At any rate, inactive voters are registered voters. Their names should be included on poll books sent to the polls on election day."<sup>12</sup>

Active voters are registrants who are not on the Suspense List but otherwise do not meet the Inactive voter criteria. Since both Active and Inactive registered voters are permitted to vote in Kansas, I analyze these two classifications together.

The Kansas voter registration file includes information regarding registrants' Age, Gender, and Party Registration. For some registrants there is missing data in the voter registration file provided to me. I have chosen to exclude these registrants from my summary statistics, a common practice among scholars to treat missing data. For this reason, the totals in the tables that follow for Age, Gender, and Party Registration may not equal the total number of registrants.

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<sup>11</sup> See Kansas Secretary of State, *Election Standards*, ch. I, "Voter Registration," July 7, 2014, at I-12 (brackets in original), [https://www.kssos.org/forms/elections/election\\_standards/ChapI-VoterRegistration.pdf](https://www.kssos.org/forms/elections/election_standards/ChapI-VoterRegistration.pdf).

<sup>12</sup> *Ibid.*

**Table 1. Dec. 11, 2015 Active and Inactive Registrants by Age, Gender and Party Affiliation**

<b>Age</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>18-29</b>	256,150	14.9%
<b>30-44</b>	429,050	24.9%
<b>45-59</b>	460,723	26.8%
<b>60+</b>	575,862	33.4%
<b>Total</b>	1,721,785	

<b>Gender</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>Female</b>	908,891	52.8%
<b>Male</b>	812,722	47.2%
<b>Unknown</b>	118	0.0%
<b>Total</b>	1,721,731	

<b>Party</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>Democratic</b>	410,794	23.9%
<b>Libertarian</b>	13,436	0.8%
<b>Republican</b>	762,680	44.3%
<b>Unaffiliated</b>	534,877	31.1%
<b>Total</b>	1,721,787	

The complete file of Active and Inactive registrants, provided in Table 1, provides a demographic baseline for the registered voter population in Kansas. Notable for the comparisons to the Suspense List analyses detailed below, Active and Inactive Kansas registrants tend to be older and affiliated with a political party. Only 14.9% of Active and Inactive registrants are age 18-29 and only 31.1% are Unaffiliated with a political party.

Recall that the ELVIS system is live, in that all transactions are processed in real time – the adding of new registrants, the deleting of registrations (also known as purging), and updates to existing records. Changes to the ELVIS system will thus occur among the Active and Inactive



registrants between Sept. 24, 2015 and Dec. 11, 2015, the dates of the data files analyzed in my report. I do not have the entire list of Active and Inactive registrants as of Sept. 24, 2015.

However, in my opinion, changes in the ELVIS system should not be so substantial as to greatly affect the distribution of Age, Gender, and Party Affiliation among the over 1.7 million Active and Inactive registrants in the roughly two and a half months between Sept. 24, 2015 and Dec. 11, 2015.

### **Methodology of Evaluating Suspense List**

In this Section, I describe the methods that I use to evaluate the reasons why registrants are on the Kansas Suspense List.

It is my understanding from conversations with Jameson Beckner that the Secretary of State's Office uses four category codes to classify incomplete voter registrations listed as being in "Suspense": (1) Documentary Proof of Citizenship Not Submitted, (2) Under Age, (3) Incomplete Application, and (4) UOCAVA.<sup>13</sup>

I requested, but was not provided, direct access to these category codes with the registration files because the Secretary of State's office deems this data confidential. I therefore used other publicly available data in the voter registration file to infer the reason why an individual registrant was placed on the Suspense List. As further described below, evaluating this other publicly available data allowed me to reasonably approximate and exclude registrants who were suspended for being categorized as Under Age, Incomplete Application, or UOCAVA.

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<sup>13</sup> UOCAVA is an acronym for Uniformed and Overseas Civilian Absentee Voting Act, a federal law that provides specifies special voting procedures for military (domestic and overseas) and overseas civilian voters. For more information, *see* Federal Voting Assistance Program, *The Uniformed and Overseas Citizens Absentee Voting Act Overview*, <https://www.fvap.gov/info/laws/uocava>.

To identify registrants on the Suspense List who are Under Age, I classify a registrant with a birthdate that indicates a person was less than age eighteen as of Sept. 24, 2015 or Dec. 11, 2015 as Under Age, depending on which list I am analyzing.<sup>14</sup>

Per the Secretary of State's office, the following reasons are given for a registrant to have an Incomplete Application: "missing name, missing signature, missing birth date, insufficient or improper address, illegible handwriting, or failure to provide evidence of U.S. citizenship."<sup>15</sup> From my conversation with Jameson Beckner, it is my understanding that the practice of the Secretary of State's office is to track the last reason, "failure to provide evidence of U.S. citizenship," separately from other reasons why a registrant may have an Incomplete Application.

To identify registrants with an Incomplete Application, I geocode registrant addresses; registrants without a geocoded address are classified as having an Incomplete Application. In addition, I classify registrants with a missing birth date as having an Incomplete Application. All registrants on the two Suspense Lists I analyze have a name entered into the ELVIS system, as I assume there are no registrants who have a missing name. I assume that if registrants' information is successfully entered into the ELVIS system, a registrant's application must be legible. I have no way to determine if an application is missing a registrant's signature.

Geocoding is a technique that matches an address against a table of known address ranges to pinpoint the geographic location of an address on a map. Geocoding is the technology that enables a person to type in an address on their web browser, phone, or other device and pinpoint

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<sup>14</sup> Birthdate is computed from the date\_of\_birth field in the ELVIS system.

<sup>15</sup> See *Election Standards*, ch. I, at I-8, [https://www.kssos.org/forms/elections/election\\_standards/ChapI-VoterRegistration.pdf](https://www.kssos.org/forms/elections/election_standards/ChapI-VoterRegistration.pdf).

the address on an electronic map. I used the Census Bureau's TIGER2012\_Roads and the Kansas Road Center file (0801) available from the Kansas Data Access and Support Center.<sup>16</sup> Addresses that were not geocoded do not have a valid address and are classified as having an Incomplete Application for that reason. Any address outside of Kansas will not be successfully geocoded and would also be classified as having an Incomplete Application.

I directed Russell Watkins, a Geographic Information Sciences specialist at the University of Florida, to perform the geocoding.

I identify registrants on the Suspense List who are UOCAVA voters from information in the ELVIS system.<sup>17</sup>

It is possible for a registrant to be classified in more than one of these three categories.

Registrants who are not classified by any of the three preceding methods, I classify as being on the Suspense List for the reason of Documentary Proof of Citizenship Not Submitted.

### **Characteristics of Registrants on the Sept. 24 Suspense List for Lack of Documentary Proof of Citizenship**

The focus of my report is to examine registrants placed on the Suspense List for failure to provide documentary proof of citizenship.

I begin my analyses of the Suspense Lists with the first, chronologically, dated Sept. 24, 2015. My classifications are reported in Table 2. I identify 32,171 of the 37,265 registrants, or

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<sup>16</sup> Kansas Data Access & Support Center Data Catalog, <http://www.kansasgis.org/catalog/index.cfm>.

<sup>17</sup> I classify UOCAVA registrants as those with a "Y" in either of two fields: ind\_mail\_military or ind\_mail\_foreign.

86.3%, as being on the Suspense List for the reason I identify as Documentary Proof of Citizenship Not Submitted.

**Table 2. Suspense List Classifications, Sept. 24, 2015**

<b>Reason</b>	<b>Number of Registrants</b>
<i>Documentary Proof of Citizenship Not Submitted</i>	32,171
<i>Under Age Alone</i>	1,351
<i>Incomplete Application Alone</i>	3,621
<i>UOCAVA Alone</i>	12
<i>Under Age and Incomplete Application</i>	109
<i>Incomplete Application and UOCAVA</i>	1
<b>TOTAL</b>	37,265

In Table 3, I present age, gender, and party registration statistics for registrants on the Sept. 24 Suspense List for the reason I identify as Documentary Proof of Citizenship Not Submitted. From the information presented in Table 3, I conclude registrants on the Sept. 24, 2015 Suspense List due to not providing citizenship documentation, compared to Active and Inactive registrants in Table 1, tend to be younger and unaffiliated with a political party. Notably, 39.8% of registrants on the Suspense List for reason of not providing citizenship documentation are age 18-29, compared to only 14.9% among Active and Inactive registrants. 57.7% of registrants on the Suspense List for reason of not providing citizenship documentation are Unaffiliated with a political party, compared to 31.1% among Active and Inactive registrants.

**Table 3. Sept. 24, 2015 Suspense List for Reason Documentary Proof of Citizenship Not Submitted by Age, Gender and Party Registration**

<b>Age</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>18-29</b>	12,807	39.8%
<b>30-44</b>	9,922	30.8%
<b>45-59</b>	6,469	20.1%
<b>60+</b>	2,973	9.2%
<b>Total</b>	32,171	

<b>Gender</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>Female</b>	16,212	50.5%
<b>Male</b>	15,849	49.4%
<b>Unknown</b>	40	0.1%
<b>Total</b>	32,101	

<b>Party</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>Democratic</b>	5,812	18.3%
<b>Libertarian</b>	508	1.6%
<b>Republican</b>	7,142	22.4%
<b>Unaffiliated</b>	18,358	57.7%
<b>Total</b>	31,820	

### **Characteristics of Registrants on the Dec. 11 Suspense List for Lack of Documentary Proof of Citizenship**

For the Dec. 11 Suspense List, the Kansas Secretary of State's Office provided me with near-contemporaneous summary statistics regarding how many registrants were placed in "Suspense" under each of the four identified classifications. On Dec. 22, 2015, Jameson Beckner provided me the number of registrants on the Kansas Suspense List, by Suspense classification, as 10:25am on that date. This information is reported in Table 4.

**Table 4. Kansas Secretary of State Internal Suspense List Classifications, Dec. 22, 2015**

<b>Reason</b>	<b>Number of Registrants</b>
<i>Documentary Proof of Citizenship Not Submitted</i>	14,251
<i>Under Age</i>	2,079
<i>Incomplete Application</i>	1,477
<i>UOCAVA</i>	93
<b>TOTAL</b>	17,900

The total number of registrants on the Suspense List as of Dec. 22, 2015 was 17,900. In the electronic file provided to me, the total number of registrants on the Suspense List as of Dec. 11, 2015 was 17,671. The addition of 229 registrants on the Suspense List between Dec. 11, 2015 and Dec. 22, 2015 reflects the fact that the ELVIS system is a live database with new registrants who became suspended during this eleven-day period.

I employ the same methodology used for the Sept. 24 Suspense List to estimate the number of registrants suspended in the four identified classifications. I provide my estimation of the number of these registrants on the Dec. 11, 2015 Suspense List in Table 5.

**Table 5. Suspense List Classifications, Dec. 11, 2015**

<b>Reason</b>	<b>Number of Registrants</b>
<i>Documentary Proof of Citizenship Not Submitted</i>	13,730
<i>Under Age Alone</i>	2,073
<i>Incomplete Application Alone</i>	1,711
<i>UOCAVA Alone</i>	6
<i>Under Age and Incomplete Application</i>	150
<i>Incomplete Application and UOCAVA</i>	1
<b>TOTAL</b>	17,671

The summary statistics provided by the Secretary of State's office on Dec. 22 provide a useful check on the methodology I employed to estimate which registrants were suspended for

failure to provide documentary proof of citizenship. In my opinion, the methodology I employed provides a close approximation of the actual numbers of registrants suspended for failure to provide documentary proof of citizenship: I estimate 13,730 such registrants as of Dec. 11, 2015 while the Secretary of State's office confirmed 14,251 registrants were suspended for this reason as of Dec. 22, 2015. The summary statistics will not be exactly the same since the voter registration file was provided to me on Dec. 11, 2015 and summary statistics of the reasons why registrants are on the Suspense List were provided to me on Dec. 22, 2015. However, these summary statistics are in general agreement.

This verification provides a degree of confidence that the methodology I used to evaluate individuals on the Sept. 24, 2015 Suspense List are also close approximations of the actual number of registrants suspended for failure to provide documentary proof of citizenship.

In Table 6, I present age, gender, and party registration statistics for registrants on the Dec. 11, 2015 Suspense List for the reason I identify as Documentary Proof of Citizenship Not Submitted.

From the information presented in Table 6, I conclude that registrants on the Dec. 11, 2015 Suspense List for the reason of not providing citizenship documentation, compared to Active and Inactive registrants in Table 1, tend to be younger and unaffiliated with a political party. Notably, 44.6% of registrants on the Suspense List for reason of not providing citizenship documentation are age 18-29, compared to only 14.9% among Active and Inactive registrants. 53.9% of registrants on the Suspense List for reason of not providing citizenship documentation are Unaffiliated with a political party, compared to 31.1% among Active and Inactive registrants.

**Table 6. Dec. 11, 2015 Suspense List for Reason Documentary Proof of Citizenship Not Submitted by Age, Gender and Party Registration**

<b>Age</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>18-29</b>	6,127	44.6%
<b>30-44</b>	3,924	28.6%
<b>45-59</b>	2,464	17.9%
<b>60+</b>	1,215	8.8%
<b>Total</b>	13,730	

<b>Gender</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>Female</b>	6,962	50.8%
<b>Male</b>	6,718	49.0%
<b>Unknown</b>	28	0.2%
<b>Total</b>	13,708	

<b>Party</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>Democratic</b>	2,720	19.8%
<b>Libertarian</b>	255	1.9%
<b>Republican</b>	3,355	24.4%
<b>Unaffiliated</b>	7,400	53.9%
<b>Total</b>	13,730	

**Change in Registration Status of Registrants on Sept. 24, 2015 Suspense List for Lack of Documentary Proof of Citizenship**

A large number of registrants who were suspended for failure to provide documentary proof of citizenship appear to have been purged from the registration rolls between Sept. 24 and Dec. 11, 2015. The Sept. 24, 2015 Suspense List has 19,594 more registrants than the Dec. 11, 2015 Suspense List. (The Sept. 24, 2015 Suspense List has a total of 37,265 registrants while the Dec. 11, 2015 Suspense List has a total of 17,671 registrants.) The large difference in numbers is predominantly due to the removal from the registration rolls of large numbers of registrants classified as not having submitted documentary proof of citizenship. I identify 18,441 fewer



registrants on the Dec. 11, 2015 Suspense List for reason of Documentary Proof of Citizenship Not Submitted than on the Sept. 24, 2015 Suspense List.

Most registrants who had not submitted documentary proof of citizenship as of Sept. 24, 2015 were either purged entirely or remained on the Dec. 11, 2015 Suspense List. I can determine the Dec. 11, 2015 status of registrants on the Sept. 24, 2015 Suspense List by tracking the unique identification number in the Kansas ELVIS system. By linking this unique identification number in the Sept. 24 Suspense List with the Dec. 11 database that includes Active, Inactive, and Suspense List voters, I can determine if a registrant's status changed from Suspense to Active or Inactive voter, continued on the Suspense List, or was removed (or "purged") from the Kansas ELVIS system.

I employed this method of tracking unique identification numbers from the Sept. 24 Suspense List to determine in what manner individual registrants' status changed from Sept. 24 to Dec. 11. In Table 7, I present the Dec. 11 registration status of individuals on the Sept. 24 Suspense List due to Documentary Proof of Citizenship Not Submitted.

**Table 7. Dec. 11 Registration Status of Registrants on Sept. 24 Suspense List for Reason Documentary Proof of Citizenship Not Submitted.**

<b>Reason</b>	<b>Number of Registrants</b>	<b>Percent</b>
<i>Active Voter</i>	8,866	27.6%
<i>Inactive Voter</i>	491	1.5%
<i>Suspense List</i>	10,587	32.9%
<i>Purged</i>	12,227	38.0%
<b>TOTAL</b>	32,171	

Between Sept. 24 and Dec. 11, 2015, more than one-third of registrants (38.0% or 12,227 people) on the Kansas Suspense List for the reason Documentary Proof of Citizenship Not

Submitted were purged or removed from the voter registration file. Another third of registrants (32.9% or 10,587 people) remain on the Suspense List for failure to submit documentary proof of citizenship. A little more than a quarter of registrants (8,866 or 27.6%) were moved from the Suspense List to Active status.<sup>18</sup>

**Table 8. Registrants on Sept. 24, 2015 Suspense List for Reason Proof of Citizenship Not Submitted Purged as of Dec. 11, 2015, by Age, Gender and Party Registration**

<b>Age</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>18-29</b>	4,216	34.5%
<b>30-44</b>	3,651	29.9%
<b>45-59</b>	2,861	23.4%
<b>60+</b>	1,499	12.3%
<b>Total</b>	12,227	

<b>Gender</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>Female</b>	6,239	51.2%
<b>Male</b>	5,922	48.6%
<b>Unknown</b>	17	0.1%
<b>Total</b>	12,178	

<b>Party</b>	<b>Number of Voters</b>	<b>Percent</b>
<b>Democratic</b>	2,181	18.3%
<b>Libertarian</b>	163	1.4%
<b>Republican</b>	2,132	17.9%
<b>Unaffiliated</b>	7,421	62.4%
<b>Total</b>	11,897	

<sup>18</sup> A small number (491 or 1.5%) were moved from the Suspense List to Inactive registration status. By Kansas statute (KSA 25-2316c(e)(4)), Inactive registrants are those who have not recently communicated with election officials. Inactive registrants cannot be individuals initiating a new registration, since such a communication from the registrant to election officials would result in the registrant being designated in Active status. I therefore infer that election officials must have independently moved the registrant from the Suspense List to Inactive status without communicating with the individual.

I report the Age, Gender, and Party Affiliation of registrants who were purged in Table 8. When compared with active and inactive registered voters in Table 1, those registrants on the Sept. 24, 2015 Suspense List for reason of Documentary Proof of Citizenship Not Submitted who were purged by Dec. 11, 2015 tend to be younger, and tend to be unaffiliated with any party. Notably, 34.5% of registrants on the Suspense List for reason of not providing citizenship documentation are age 18-29, compared to only 14.9% among Active and Inactive registrants. 62.4% of registrants on the Suspense List for reason of not providing citizenship documentation are Unaffiliated with a party, compared to 31.1% among Active and Inactive registrants.

### **Effects on Voter Participation**

Election scholars often study the determinants of voting using a formula sometimes referred to as the “calculus of voting.”<sup>19</sup> This formula simply states that an individual will vote if the benefits outweigh the costs. An individual’s benefits are derived from the difference in the policy provided by an individual’s preferred candidate winning and the least-preferred candidate winning, multiplied by the subjective probability that the individual’s vote is decisive,<sup>20</sup> plus the satisfaction an individual receives from the civic duty of voting. Costs are typically framed as the effort individuals expend to become informed about candidates’ policies and the costs of overcoming barriers to voting. The voting formula suggests that voter participation is sensitive to costs, such that even small changes to costs can affect turnout. For example, bad weather has

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<sup>19</sup> William H. Riker and Peter C. Ordeshook. 1968. “A Theory of the Calculus of Voting.” *American Political Science Review* 62(1): 25-42.

<sup>20</sup> Michael P. McDonald and Caroline Tolbert. 2012. “Perceptions vs. Actual Exposure to Electoral Competition and Political Participation.” *Public Opinion Quarterly* 76(3): 538-54.

been found to lower turnout.<sup>21</sup> In another example, individuals' decisions to vote are sensitive to modest changes to how elections are run, such as the location of polling places.<sup>22</sup> From the calculus of voting perspective, Kansas's documentary proof of citizenship requirement would be expected to have deleterious effects on the likelihood of voting, particularly for young unaffiliated voters who are low-propensity voters most sensitive to changes in voting costs.

Most obviously, an earnest registrant is denied their opportunity to vote if they do not provide documentary proof of citizenship. Registering to vote is not simply a necessary precondition to casting a vote; it is a strong signal that an individual wishes to participate in America's democracy. A seminal scholarly article on the subject is aptly entitled, "Why Do People Vote? Because They Are Registered."<sup>23</sup>

Furthermore, the act of registration is a gateway to future political participation. Denying a registrant's ability to participate in one election will likely depress their voting propensities in future elections, leading to a lifetime of lower participation. There is scholarly consensus that voting in an election increases the propensity of a registrant to participate in subsequent elections. Survey researchers have long understood that past voting participation predicts future voting participation. As early as 1960, the venerable Gallup survey asked survey respondents

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<sup>21</sup> Thomas G. Hansford and Brad T. Gomez. 2010. "Estimating the Electoral Effects of Voter Turnout." *American Political Science Review* 104 (2): 268-88.

<sup>22</sup> John E. McNulty, Conor M. Dowling and Margaret H. Ariotti. 2009. "Driving Saints to Sin: How Increasing the Difficulty of Voting Dissuades Even the Most Motivated Voters." *Political Analysis* 17:435-55; Moshe Haspel and H. Gibbs Knotts. 2005. "Location, Location, Location: Precinct Placement and the Costs of Voting." *Journal of Politics* 67:560-73.

<sup>23</sup> Robert S. Erikson. 1981. "Why Do People Vote? Because They Are Registered." *American Politics Quarterly* 9(3): 259-76.

their past voting history in order to predict voting in an upcoming election.<sup>24</sup> Another highly respected polling organization, Pew Survey Research, uses similar questions in their likely voter models.<sup>25</sup> In recent years, survey researchers have supplemented their surveys with direct measures of past voting history available from voter registration files, and they find that election officials' records of registrants' past voting ably predicts future voting propensities.<sup>26</sup>

Probing deeper as to why past voting predicts future voting, scholars find voting is habitual and as such, “turnout in a given presidential election is a powerful determinant of turnout in the subsequent presidential contest.”<sup>27</sup> Voters learn where and how to vote: for example, where their polling location is and how to request an absentee ballot application, if needed. It is not surprising that when voters' habits are disrupted, such as by moving to a new polling location or state, their turnout rates tend to drop.<sup>28</sup> Following this logic, a new

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<sup>24</sup> Paul Perry. 1960. “Election Survey Procedures of the Gallup Poll.” *Public Opinion Quarterly* 24:531-42.

<sup>25</sup> Pew Research Center. 2016. “Can Likely Voter Models Be Improved? Evidence from the 2014 U.S. House Elections.” [http://www.pewresearch.org/files/2016/01/PM\\_2016-01-07\\_likely-voters\\_FINAL.pdf](http://www.pewresearch.org/files/2016/01/PM_2016-01-07_likely-voters_FINAL.pdf).

<sup>26</sup> Todd Rogers and Masahiko Aida. 2013. “Vote Self-Prediction Hardly Predicts Who Will Vote, and Is (Misleadingly) Unbiased.” *American Politics Research*, 503-528.

<sup>27</sup> Donald P. Green and Ron Shachar. 2000. “Habit Formation and Political Behavior: Evidence of Consuetude in Voter Turnout.” *British Journal of Political Science* 30(4): 561-73. *See also* Eric Plutzer. 2002. “Becoming a Habitual Voter: Inertia, Resources, and Growth in Young Adulthood” *American Political Science Review* 96(1): 41-56; and Alan S. Gerber, Donald P. Green, and Ron Shachar. 2003. “Voting May Be Habit-Forming: Evidence from a Randomized Field Experiment,” *American Journal of Political Science* 47(3): 540-50.

<sup>28</sup> Michael P. McDonald. 2008. “Portable Voter Registration.” *Political Behavior* 30(4): 491-501; Peverill Squire, Raymond E. Wolfinger, and David P. Glass. 1987. “Residential Mobility and Voter Turnout.” *American Political Science Review* 81(1): 45-65; Richard J. Timpono. 1998. “Structure, Behavior, and Voter Turnout in the United States.” *American Political Science Review* 92(1): 145-58.

registration requirement deters turnout,<sup>29</sup> and generally, turnout rates tend to lower the more difficult the act of voting is.<sup>30</sup>

From the preponderance of social science research, I therefore conclude that the Kansas Secretary of State's practice of requiring documentary proof of citizenship has both an immediate and a long-term harm on voter participation.

Furthermore, the analysis presented in this report establishes that these harms will disproportionately be borne by young people and voters who are not affiliated with a political party. Not only are these voters more likely to be on the Kansas Suspense List for the reason of failure to provide documentary proof of citizenship; registration costs tend to more strongly affect lower-propensity voters, those who tend to be younger people or people who do not

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<sup>29</sup> Barry C. Burden and Jacob R. Neihsel. 2013. "Election Administration and the Pure Effect of Voter Registration on Turnout." *Political Research Quarterly* 66(1):77-90.

<sup>30</sup> See, for example, Steven J. Rosenstone and Raymond E. Wolfinger. 1978. *Who Votes?* New Haven: Yale University Press; Staci L. Rhine. 1992. "An Analysis of the Impact of Registration Factors on Turnout in 1992." *Political Behavior* 18(2): 171-85; Glenn E. Mitchell and Christopher Wlezien. 1995. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate." *Political Behavior* 17(2): 179-202; Benjamin Highton. 1997. "Easy Registration and Turnout." *The Journal of Politics* 59(2): 565-75; Jan E. Leighley and Jonathan Nagler. 2013. *Who Votes Now? Demographics, Issues, Inequality, and Turnout in the United States*. Princeton: Princeton University Press. My contributions to this extensive literature include: Michael P. McDonald. 2008. "Portable Voter Registration." *Political Behavior* 30(4): 491-501; and Michael P. McDonald and Matthew Thornburg. 2010. "Registering the Youth: Preregistration Programs." *New York University Journal of Legislation and Public Policy* 13(3): 551-72.

strongly associate with a political party.<sup>31</sup> As a pair of scholars write, imposing additional voting costs leads “younger people [to be] more inclined to simply not vote at all.”<sup>32</sup>

Thus, in my opinion, adding an administrative burden on voters to provide citizenship documentation will disproportionately decrease the likelihood that young and unaffiliated Kansas will seek to register and vote in future federal elections.


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<sup>31</sup> Paul R. Abramson, John H. Aldrich, Brad T. Gomez and David W. Rohde. 2015. *Change and Continuity in the 2012 Elections*. Los Angeles, CA: Sage Publications.

<sup>32</sup> See Henry E. Brady and John E. McNulty. 2011. “Turnout Out to Vote: The Costs of Finding and Getting to the Polling Place.” *American Political Science Review* 105(1): 115-134, p. 128.

I declare that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on February 25, 2016.

  
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## **Education**

Post-Doctoral Fellow. Harvard University. August 1998 – August 1999.  
Ph.D. Political Science. University of California, San Diego. February, 1999.  
BS Economics. California Institute of Technology. June, 1989.

## **Awards**

Tides Foundation Pizzigati Prize. 2013. Winner, Software in the Public Interest for DistrictBuilder.

Strata Innovation Award. 2012. Winner, Data Used for Social Impact for DistrictBuilder.

American Political Science Association, Information and Technology Politics Section. 2012. Winner, Software of the Year for DistrictBuilder.

*Politico*. 2011. Top Ten Political Innovations for DistrictBuilder.

GovFresh. 2011. 2nd Place, Best Use of Open Source for DistrictBuilder.

Virginia Senate. 2010. Commendation, Virginia Redistricting Competition.

American Political Science Association, Information and Technology Politics Section. 2009. Winner, Software of the Year for BARD.

## **Publications**

### *Books*

Michael P. McDonald and John Samples, eds. 2006. *The Marketplace of Democracy: Electoral Competition and American Politics*. Washington DC: Brookings Press.

Micah Altman, Jeff Gill, and Michael P. McDonald. 2003. *Numerical Issues in Statistical Computing for the Social Scientist*. Hoboken, NJ: Wiley and Sons.

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Trelles, Alejandro, Micah Altman, Eric Magar, and Michael P. McDonald. 2016 (forthcoming). "Datos abiertos, transparencia y redistribución en México." *Política y Gobierno* 23(2).

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Michael P. McDonald and Kimball Brace. "EAC Survey Sheds Light on Election Administration." *Roll Call*. Oct. 27, 2005.

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Michael P. McDonald. 2004. "Democracy in America?" *La Vanguardia*. Barcelona, Spain.

Michael P. McDonald. 2003. "Enhancing Democracy in Virginia." *Connection Newspapers*. March 24.

Michael P. McDonald. 2001. "Piecing Together the Illinois Redistricting Puzzle." *Illinois Issues*. March, 2001.



Samuel Popkin and Michael P. McDonald. 2000. "Turnout's Not as Bad as You Think." *The Washington Post*. Nov. 5: B-1.

Samuel Popkin and Michael P. McDonald. 1998. "Who Votes? A Comparison of NES, CPS, and VNS Polls." *DLC Bluebook*. Sept. 1998.

### *Software Packages*

Micah Altman, Michael P. McDonald, and Azavea. 2012. "DistrictBuilder." Open source software to enable public participation in redistricting. Source code available at Github. Project website, <http://www.districtbuilder.org>.

Micah Altman and Michael P. McDonald. 2007. "BARD: Better Automated Redistricting." R package available through CRAN. Source code available at Sourceforge.

Micah Altman, Jeff Gill, and Michael P. McDonald. 2004. "Accuracy: Tools for testing and improving accuracy of statistical results." R package available through CRAN.

## **Grants**

Election Reform Forum. 2014. (\$13,000). Project funded by Democracy Fund to support public forum on Florida election reform.

New York Redistricting. 2011. (\$379,000). Project funded by the Sloan Foundation to provide for public redistricting in New York and continued software development.

Citizen Redistricting Education, Supplement. (\$50,000). Project funded by the Sloan Foundation, money to support development of redistricting software.

National Redistricting Reform Coordination. 2009-2010. (\$100,000). With Thomas Mann and Norman Ornstein. Project funded by Joyce Foundation to support coordination of national redistricting reform efforts by the Brookings Institution and the American Enterprise Institute.

Citizen Mapping Project. 2009-2010. (\$124,000 & \$98,000). With Micah Altman, Thomas Mann, and Norman Ornstein. Project funded by the Sloan Foundation. An award to George Mason University enables development of software that, essentially, permits on-line redistricting through commonly used internet mapping programs. A second award to the Brookings Institution and American Enterprise Institute provides organizational support, including the convening of an advisory board.

Citizen Redistricting Education. 2010. (\$104,000). Project funded by the Joyce Foundation. Provides for redistricting education forums in five Midwestern state capitals in 2010 and other continuing education efforts.

Pre-Registration Programs. 2008-9. (\$86,000). Project funded by the Pew Charitable Trusts' Make Voting Work Initiative to examine pre-registration programs (voter registration for persons under age 18) in Florida and Hawaii.

Sound Redistricting Reform. 2006-9. (\$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.

Electoral Competition Project. 2005-6. (\$200,000) Project funded by The Armstrong Foundation, the Carnegie Corporation of New York, the JEHT Foundation, The Joyce Foundation, The Kerr Foundation, Inc., and anonymous donors. Jointly conducted by the Brookings Institution and Cato Institute to investigate the state of electoral competition in the United States.

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

ICPSR Data Document Initiative. 1999. Awarded beta test grant. Member, advisory committee on creation of electronic codebook standards.

## **Academic Experience**

*Courses Taught:* Public Opinion and Voting Behavior, Parties and Campaigns, Comparative Electoral Institutions, Intro to American Politics, Congress, Legislative Politics, Research Methods, Advanced Research Methods, Freshman Seminar: Topics in Race and Gender Policies, and Legislative Staff Internship Program.

### University of Florida

- Associate Professor. August 2014 - Present.

### George Mason University

- Associate Professor. May 2007 - May-2014.
- Assistant Professor. Aug 2002 - May, 2007.

### The Brookings Institution

- Non-Resident Senior Fellow. January 2006 - Present.
- Visiting Fellow. June 2004 - December 2006.

### University of Illinois, Springfield.

- Assistant Professor. Aug 2000 - June 2002.  
Joint appointment in Political Studies Department and Legislative Studies Center.

Vanderbilt University.

- Assistant Professor. Aug 1999 – Aug 2000.

Harvard-MIT Data Center. Post-Doctoral Research Fellow. Sept. 1998 – Aug 1999.

Developed Virtual Data Center, a web-based data sharing system for academics. Maintained Record of American Democracy (U.S. precinct-level election data).

University of California-San Diego

- Assistant to the Director for University of California, Washington DC program. Sept 1997 – June 1998.  
Instructor for research methods seminar for UCSD Washington interns.
- Visiting Assistant Professor. Spring Quarter 1997.
- Visiting Assistant Professor. Summer Session, Aug 1996 and Aug 1997.
- Teaching Assistant/Grader. Aug 1991 – March 1997.

## **Professional Service**

*State Politics and Policy Quarterly*

- Guest Editor. Dec 2004 issue.
- Editorial Board Member 2004-2010.

*National Capital Area Political Science Association*, Member, Council, 2010-2012.

*Non-Profit Voter Engagement Network*, Member, Advisory Board. 2007-present.

*Overseas Vote Foundation*, Member, Advisory Board. 2005-2013.

*Virginia Public Access Project*, Member, Board of Directors. 2004-2006.

*Fairfax County School Board Adult and Community Education Advisory Committee*, Member. 2004-2005.

## **Related Professional Experience**

Media Consultant

- Associated Press. Nov. 2010. Worked “Decision Desk.”
- Edison Media Research/Mitofsky International. Nov. 2004; Nov. 2006; Feb. 2008; Nov. 2008. Worked national exit polling organization's "Decision Desk."
- ABC News. Nov. 2002. Worked "Decision Desk."
- NBC News. Aug 1996. Analyzed polls during the Republican National Convention.

Redistricting/Elections Consultant.

- Consultant. Federal Voting Assistance Program. 2014-2015. Analyzed voting experience of military and overseas voters.

- Expert Witness. 2013-2014. *Page v. Virginia State Board of Elections*. No. 3:13-cv-678 (E.D.VA).
- Expert Witness. 2013-2014. *Delgado v. Galvin*. (D. MA).
- Consultant. 2012-13. Federal Voting Assistance Program. Analyzed voting experience of military and overseas voters.
- Gerson Lehrman Group. 2012. Provided election analysis to corporate clients.
- Expert Witness. 2011-2012. *Backus v. South Carolina*, No. 3:11-cv-03120 (D.S.C.).
- Expert Witness. 2012. *Wilson v. Kasich*, No. 2012-0019 (Ohio Sup. Ct.).
- Consulting Expert. 2011-2012. Bondurant, Mixson, and Elmore, LLP. (Review of Georgia's state legislative and congressional redistricting Section 5 submission).
- Consultant. 2012. New Jersey Congressional Redistricting Commission.
- Expert Witness. 2011. *Perez v. Texas*. No. 5:11-cv-00360 (W.D. Tex.).
- Expert Witness. 2011. *Wilson v. Fallin*, No. O-109652 (Okla. Sup. Ct.).
- Consultant. 2011. Virginia Governor's Independent Bipartisan Advisory Redistricting Commission.
- Consultant. 2011. New Jersey Legislative Redistricting Commission.
- Expert Witness. 2010. *Healey v. State, et al.*, (USDC-RI C.A. No. 10-316--S).
- Research Triangle Institute. 2008-2009. Consultant for Election Assistance Commission, 2008 Election Day Survey.
- U.S. State Department. 2008. Briefed visiting foreign nationals on U.S. elections.
- Expert Witness. 2008. *League of Women Voters of Florida v. Browning* (08-21243-CV-ALTONAGA/BROWN).
- Pew Center for the States. 2007. Consultant for Trends to Watch project.
- Expert witness. 2007. *Washington Association of Churches v. Reed* (CV06-0726).
- Electoral Assistance Commission. 2005. Analyzed election administration surveys.
- Arizona Independent Redistricting Commission. 2001-2003. Consultant.
- Expert Witness. 2003. *Minority Coalition for Fair Redistricting, et al. v. Arizona Independent Redistricting Commission* CV2002-004380 (2003).
- Expert witness. 2003. *Rodriguez v. Pataki* 308 F. Supp. 2d 346 (S.D.N.Y 2004).
- Consulting expert. 2002. *O'Lear v. Miller* No. 222 F. Supp. 2d 850 (E.D. Mich.)
- Expert witness. 2001-2002. *In Re 2001 Redistricting Cases* (Case No. S-10504).
- Consulting Expert. 2001. *United States v. Upper San Gabriel Valley Municipal Water District* (C.D. Cal. 2000).
- California State Assembly. 1991. Consultant.
- 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, Gordon Shwenkmeyer (a national political telemarketing firm), Southern California Gas, and Justice Department for the voting rights case *Garza v LA Board of Supervisors*.