

EXHIBIT 15

Supplemental Report of Dr. Michael P. McDonald

I have been asked by Plaintiffs to analyze updated Kansas voter registration data from electronic files provided to me by Plaintiff's counsel. The first is the Suspense List as of March 31, 2016. The second is a list of registered voters whose registrations were canceled pursuant to a so-called "90-day rule."¹ I have also reviewed an affidavit submitted by Kansas Elections Director Bryan Caskey on September 29, 2016 in conjunction with this case.

From these updated files and documents, I find that of the 22,888 DMV registrants who were placed on the suspense list or whose registrations were canceled for failure to provide documentary proof of citizenship, 43.2% percent are between ages 18-29 and 53.4% percent are unaffiliated with a political party. The updated information supports my prior conclusion 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. The updated data does not alter my opinion that from the preponderance of social science research, 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.

¹ The files contain registrants' public data, as well as registrants' confidential data regarding the method by which the registration occurred and the reason why registrants' are or were on the Suspense List. This report does not disclose any confidential data in that it does not link any individual registration file with information regarding the method of registration or reason for being on the suspense list.

I have also been asked by Plaintiff's counsel to opine on whether the change in Kansas turnout from 2010 to 2014 can be attributed to the adoption of the proof of citizenship requirement. It is my opinion that changes to electoral rules are difficult to isolate from other causal factors related to turnout. The most likely explanation for the turnout increase between 2010 and 2014 lies primarily with the increased electoral competition in the Governor and U.S. Senate elections in 2014 compared to 2010. There does not appear to be any evidence demonstrating that the adoption of the proof of citizenship requirement has increased public confidence in Kansas elections. Nor is there any evidence in general of a relationship between public confidence in the electoral system and turnout, as it relates to voter identification laws

Does Public Confidence in the Electoral Process Lead to Higher Turnout?

On page 46 of Secretary Kobach's Response Brief, he states his opinion that Kansas's documentary proof of citizenship requirement may lead to increased turnout because "efforts to increase the integrity and security of the election process also increase participation"; However, there is no evidence for a connection between confidence in the integrity of the electoral process and citizen participation.

In an influential 2008 report, a pair of noted Stanford and Harvard scholars attempted to empirically test the claims that (1) voter identification laws inspire public confidence in the integrity of the electoral process and that (2) such confidence encourages citizen participation. These scholars found neither causal connection held:

We find that perceptions of fraud have no relationship to an individual's likelihood of turning out to vote. We also find that voters who were subject to stricter identification

requirements believe fraud is just as widespread as do voters subject to less restrictive identification requirements.²

Similarly, Defendants provide no evidence that such connections hold for Kansas.

Increase of Kansas Turnout from 2010 to 2014

Bryan Caskey notes in his declaration at ¶ 33 that “Kansas was one of only 14 states that increased voter turnout from 2010 to 2014.” The Kansas Secretary of State’s Office reports that the turnout in 2014 as a percentage of registered voters was 50.8% while the turnout in 2010 was 49.7%.³

There are many factors that affect turnout rates. Among the many motivations is voters’ interest in the election. Greater voter interest in the highly competitive 2014 Gubernatorial and U.S. Senate elections, compared to the blowout 2010 Gubernatorial and U.S. Senate elections, is the likely cause of increase of voter turnout from 2010 to 2014.

The 2014 Kansas Senate election was a closely-watched election, which included the spectacle of the Democrat, Chad Taylor, withdrawing in hopes defeating the Republican, Pat Roberts, by consolidating support behind an independent, Greg Orman. Secretary of State Chris Kobach attempted to keep Taylor’s name on the ballot, but lost by a unanimous decision in the Kansas Supreme Court.⁴ Mr. Kobach lost again in a subsequent attempt to force the Democratic

² Stephen Ansolabehere and Nathaniel Persily. 2008. “Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirements.” *Harvard Law Review* 121(7): 1737-74, p. 1738.

³ http://www.kssos.org/elections/elections_statistics.html

⁴ <http://www.kscourts.org/Cases-and-Opinions/opinions/SupCt/2014/20140918/112431.pdf>

Party to choose a candidate.⁵ Such high drama in front of the backdrop of pre-election polling averages that gave Orman a narrow 0.8 point lead⁶ likely stimulated voter participation in the 2014 election (Mr. Roberts won by 10.6 points).⁷ Likewise, the Governor's race was a nail-biter, with pre-election polling averages showing the Democrat, Paul Davis, leading the Republican, Sam Brownback, by 2.0 points⁸ (Mr. Brownback won by 3.7 points).⁹

In comparison, in the 2010 election neither the Senate nor the Governor election was close. The Republican, Jerry Moran, easily defeated the Democrat, Lisa Johnson, by 43.7 points and the Republican, Sam Brownback, easily defeated Democrat Tom Holland by 31.0 points.

The most likely explanation for the turnout increase between 2010 and 2014 is thus increased interest in the more competitive 2014 Governor and U.S. Senate elections.

Analysis of March 31, 2016 Suspense List

I was provided by Plaintiff's counsel a file which I understand to be the Kansas Suspense List as of March 31, 2016.¹⁰ The file contains protected confidential information regarding

⁵ <http://talkingpointsmemo.com/livewire/kansas-senate-race-lawsuit-district-court-ruling>

⁶ http://www.realclearpolitics.com/epolls/2014/senate/ks/kansas_senate_roberts_vs_orman-5216.html

⁷ <http://www.kssos.org/elections/14elec/2014%20General%20Election%20Official%20Results.pdf>

⁸ http://www.realclearpolitics.com/epolls/2014/governor/ks/kansas_governor_brownback_vs_davis-4146.html

⁹ http://www.kssos.org/elections/10elec/2010_General_Election_Results.pdf

¹⁰ The file is entitled "Suspense03312016.Supplementing3.xlsx"

registrants' reason for being on the Suspense List and the source of the voter registration, which can include registration agencies deemed confidential by the 1993 National Voter Registration Act. No confidential information is disclosed in this report.

In Table 1, I provide summary statistics of the reasons why registrants are on the Suspense List. In my previous report, I requested, but was not provided, codes indicating the reasons why a registrant was on the Suspense List. In my previous report, I estimated the reasons why a registrant was on the Suspense List. Unlike my previous report, the reasons presented in Table 1 are derived from the actual codes as recorded in the ELVIS system. I note there is a previously undocumented reason code called "Federal Form" or "FO"; I disregard these registrants in the analysis that follows.

Reason	Number of Registrants
<i>Proof of Citizenship Not Submitted</i>	13,983
<i>Federal Form</i>	258
<i>Under Age</i>	2,636
<i>Incomplete Application</i>	1,095
<i>UOCAVA</i>	238
TOTAL	18,210

Table 1. Suspense List Classifications, March 31, 2016

Of the 18,210 registrants on the March 31, 2016 Suspense List, 14,241 registrants are identified as being on the list for the reason Proof of Citizenship Not Submitted.¹¹ Of these,

¹¹ The confidential data validates the previous methods I used to estimate the reasons why registrants were on the Suspense List. The distribution of the reasons for registrants' being on the March 31, 2016 Suspense List are similar to the distribution from my estimation method. For example, I estimate that 77.7% of registrants on the December 11, 2015 Suspense List were for the reason of Proof of Citizenship Not Submitted while 78.2% of registrants on the March 31,

10,171 registrations originated from Department of Motor Vehicles Offices, DMV Online Address Change of Address (Internet Voter Registration), or were Motor Vehicle Online Registration (Internet Voter Registration).¹²

Following the analysis in my previous report, In Table 2 I compute the age, gender, and party registration distributions for these registrants. As before, I exclude registrants with missing data, which is why the numbers may not sum to 10,171. From the information presented in Table 2, I reach similar conclusions as my previous report: registrants on the March 31, 2016 Suspense List for the reason of not providing citizenship documentation, compared to Active and Inactive registrants in Table 1 of my first report, tend to be younger and unaffiliated with a political party. Notably, 58.6% of DMV 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.¹³

2016 Suspense List are coded as Proof of Citizenship Not Submitted. I would not expect these percentages would be exactly the same as the number of registrants on the Suspense List increased from 17,671 to 18,210 from Dec. 11, 2015 to March 31, 2016. Furthermore, I do not believe that I correctly classified everyone on the December 11, 2015 Suspense List; however, where errors exist they appear to be negligible and random given the similar percentages from my estimation procedure and the updated data provided by Defendants in this case.

¹² These are identified by the codes “MV”, “MVC” and “MVO” in the field “cde_source_of_info”.

¹³ In addition, I identify 203 DMV registrants (or 2.0%) on the Suspense List for the reason of Proof of Citizenship Not Submitted as being under voting age. It appears that when a registrant on the Suspense List is classified as Proof of Citizenship Not Submitted and is also Under Age, Proof of Citizenship Not Submitted takes precedence over Under Age.

45.6% of DMV 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.

Age	Number of Voters	Percent
<18	203	2.0%
18-29	5,960	58.6%
30-44	2,373	23.3%
45-59	1,175	11.6%
60+	460	4.5%
Total	10,171	

Gender	Number of Voters	Percent
Female	5,185	51.0%
Male	4,976	48.9%
Unknown	10	0.1%
Total	10,171	

Party	Number of Voters	Percent
Democratic	2,705	26.6%
Libertarian	188	1.8%
Republican	2,640	26.0%
Unaffiliated	4,636	45.6%
Total	10,169	

Table 2. DMV Registrations on March 31, 2016 Suspense List for Reason Proof of Citizenship Not Submitted by Age, Gender and Party Registration

Analysis of the 90-Day Rule List

I was provided by Plaintiff's counsel a file which I understand to be a list of registrants who have been canceled from the Suspense List by the Secretary of State's office if they

appeared on this list more than 90 days, as of March 31, 2016.¹⁴ This so-called “90-day rule” was initiated on Oct. 1, 2015. This 90-day rule list otherwise includes similar confidential information as to the reason why a registrant was on the Suspense List and the source of the registrant’s registration. Again, no confidential information is disclosed in this report.

Of the 18,456 registrants whose registrations were canceled pursuant to the 90-day rule, 16,749 were identified as appearing on the Suspense List for the reason Proof of Citizenship Not Submitted. Of these, 12,717 are registrations that are identified as originating from Department of Motor Vehicles Offices, DMV Online Address Change of Address (Internet Voter Registration), or were Motor Vehicle Online Registration (Internet Voter Registration).

In Table 3, I provide age, gender and party statistics for DMV registrants who were on the March 31, 2016 90-day rule list for reason Proof of Citizenship Not Submitted. The information presented in Table 4, is similar to my previous analysis of registrants removed from the voter registration file between Sept. 24, 2015 and December 11, 2015. DMV registrants on the March 31, 2016 90-day rule list for the reason of not providing citizenship documentation, compared to Active and Inactive registrants in Table 1 of my first report, tend to be younger and unaffiliated with a political party. Notably, 30.8% of DMV registrants on the 90-day rule list for reason of not providing citizenship documentation are age 18-29, compared to only 14.9% among Active and Inactive registrants.¹⁵ 59.7% of DMV registrants on the 90-day rule list for reason of not providing citizenship documentation are Unaffiliated with a political party, compared to 31.1% among Active and Inactive registrants.

¹⁴ The file is entitled “90DayRule.supplementing.4.xlsx”

¹⁵ In addition, I identify 14 DMV registrants (or 0.1%) on the 90-day rule list for the reason of Proof of Citizenship Not Submitted as being under voting age.

Age	Number of Voters	Percent
<18	14	0.1%
18-29	3,916	30.8%
30-44	4,005	31.5%
45-59	3,181	25.0%
60+	1,600	12.6%
Total	12,716	

Gender	Number of Voters	Percent
Female	6,253	49.2%
Male	6,450	50.7%
Unknown	7	0.1%
Total	12,710	

Party	Number of Voters	Percent
Democratic	2,244	17.9%
Libertarian	203	1.6%
Republican	2,591	20.7%
Unaffiliated	7,476	59.7%
Total	12,514	

Table 3. DMV Registrations on March 31, 2016 90-Day Rule List for Reason Proof of Citizenship Not Submitted by Age, Gender and Party Registration

Combined Analysis of Suspense List and 90-Day Rule List

In Table 4, I combine the statistics in Table 2 and Table 3 to provide an overall appraisal of the DMV registrants either purged from the ELVIS system for reason of not providing citizenship documentation or are on the Suspense List as of March 31, 2016. Recalling previous statistics, there are 10,717 DMV registrants who were on the March 31, 2016 Suspense List and

10,171 DMV registrants on the March 31, 2016 90-day list, for a total of 22,888 DMV registrants.

Age	Number of Voters	Percent
<18	217	0.9%
18-29	9,876	43.2%
30-44	6,378	27.9%
45-59	4,356	19.0%
60+	2,060	9.0%
Total	22,887	

Gender	Number of Voters	Percent
Female	11,438	50.0%
Male	11,426	49.9%
Unknown	17	0.1%
Total	22,881	

Party	Number of Voters	Percent
Democratic	4,949	21.8%
Libertarian	391	1.7%
Republican	5,231	23.1%
Unaffiliated	12,112	53.4%
Total	22,683	

Table 4. March 31, 2016 Suspense List and 90-Day Rule List for Reason Proof of Citizenship Not Submitted by Age, Gender and Party Registration

Since the tendencies of the March 31, 2016 Suspense List and 90-day rule list are in the same direction, the statistics in Table 5 are largely consistent with previous tables. DMV registrants either on the March 31, 2016 Suspense List or 90-day rule list for the reason of not providing citizenship documentation, compared to Active and Inactive registrants in Table 1 of my first report, tend to be younger and unaffiliated with a political party. Notably, 45.5% of

these registrants are age 18-29, compared to only 14.9% among Active and Inactive registrants.¹⁶ 50.9% of these registrants are Unaffiliated with a political party, compared to 31.1% among Active and Inactive registrants.


Registration Date Anomalies

I note anomalies contained within the confidential data that were provided to me, with respect to the implementation of the proof of citizenship law that requires persons registering on or after Jan. 1, 2013 to provide proof of citizenship. On the Suspense list, I note 134 registrants have a voter registration date on or before Dec. 28, 2012, which is a date prior to the cut-off data under Kansas law requiring Proof of Citizenship Not Submitted. Similarly, 443 registrants appearing on the 90-day rule list have a voter registration date on or before Dec. 26, 2012.

¹⁶ In addition, I identify 217 DMV registrants (or 0.9%) on the Suspense List or 90-day rule list for the reason of Proof of Citizenship Not Submitted as being under voting age.

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

Executed on April 11, 2016.


Michael McDonald