

Honorable John C. Coughenour

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

WASHINGTON DEMOCRATIC
CENTRAL COMMITTEE, et al.,

Plaintiff Intervenors,

LIBERTARIAN PARTY OF
WASHINGTON STATE, et al.,

Plaintiff Intervenors,

v.

STATE OF WASHINGTON, et al.,

Defendant Intervenors,

WASHINGTON STATE GRANGE,

Defendant Intervenors.

NO. CV05-0927-JCC

DECLARATION OF MATHEW
MANWELLER IN OPPOSITION TO STATE
AND GRANGE MOTIONS FOR SUMMARY
JUDGMENT

1 Mathew Manweller, being over the age of eighteen years, declares under the penalty of
2 perjury under the laws of the State of Washington as follows:

3 1. I am a Professor of Political Science at Central Washington University. A copy
4 of my professional resumé is attached as **Exhibit 1**. In 2009, I conducted a series of cognitive
5 experiments on Washington State voters. The purpose of the experiment was to determine
6 whether the ballot design under Washington's "Top-Two" primary confused voters about the
7 relationship between candidates on the ballot and Washington's political parties. I prepared a
8 paper, explaining the experiment and its results. A copy is attached as **Exhibit 2**. I conducted
9 the experiment, using three purposeful categories of participants. The Oxford Handbook on
10 Political methods recommends multiple samples in implementing experiment design to ensure
11 external validity of the results.
12

13 2. The experiment results indicated that voters are highly confused by the ballot
14 form used in the Top-Two system, both in the primary and general election. If you put the word
15 "Republican" under a candidate's name on a state ballot, there is a portion of the population that
16 will believe that that candidate is associated or the nominee of the Republican Party, and if you
17 put the word "Democrat" under a candidate's name on a state ballot, there is a portion of the
18 public that will believe that that person is the nominee or associated with the Democratic Party.
19

20 3. When faced with the Top-Two general election ballot using hypothetical
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1 candidates, 56.6% of “new voters”¹ perceived the candidates on the ballot were nominees of the
 2 political parties. Eighty-five percent (85%) perceived that the candidates were affiliated with the
 3 political party listed on the ballot and 93% perceived that candidates on the Top-Two general
 4 election ballot were associated with the political party listed. This was so even though the
 5 sample ballot included, word for word, the disclaimer used by the Secretary of State’s office on
 6 the ballot.

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 8 4. In the portion of the experiment conducted on “registered voters”² regarding the
 9 Top-Two general election ballot, 30% perceived the candidates as party nominees. A greater
 10 percentage, 42.3%, perceived the candidates as representatives of the party. The percentage of
 11 the registered voter subject group that perceived the candidates to be affiliated with the parties
 12 was 73.3%, and 81.6% perceived that the candidates listed on the general election ballot were
 13 associated with the party.

14 5. The third sample group that participated in the experiment, “active voters,”³
 15 likewise showed very high rates of confusion about the relationship between candidates and
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17
 18 ¹ Students at Central Washington University. I sent out an Email to the faculty at Central Washington University
 19 asking if they would be willing to volunteer their classes for a certain amount of time in which to allow their
 20 students to participate in the experiment. I got a series of yes answers that were very well distributed across the
 21 disciplines: Music classes, engineering classes, accounting classes, political-science classes, anthropology classes.
 22 We would go into the class and we would conduct the experiment. Based on the average age of CWU
 23 undergraduates, this population in the experiment would have voted from zero to two times. Within this group,
 24 some participants may not yet have registered to vote. All other experiment participants were drawn from registered
 25 voter lists maintained by the providers of the lists.

² These participants were drawn from a list of 1,500 email addresses of registered voters, and represented part of a
 list of registered voter email addresses that the Secretary of State’s office had provided Professor Donovan of
 Western Washington University and Professor Mark Baretto of the University of Washington access to conduct an
 online survey in October, 2008. I contacted the Secretary of State’s office to seek the complete universe of emails
 that had been provided to the other academics, but was told that the Secretary of State would not make the rest of the
 list available to me.

³ These experiment participants were drawn from a list of 3,000 voter emails provided by the Washington State
 Republican Party and 3,000 voter emails provided by the state Democratic Party.

1 parties when exposed to the Top-Two general election ballot. Thirty-five percent (35%) of the
2 group perceived the candidates as party nominees, again notwithstanding disclaimer language
3 included on the ballot they viewed. The portion perceiving candidates as representatives of the
4 party was 49%. As with the other experiment subject groups, higher percentages perceived
5 affiliation or association based on the Top-Two general election ballot - 76.6% of active voters
6 perceived the candidates were affiliated with the parties and 83.8% perceived that the candidates
7 were associated with the political parties.

8
9 6. The sample Top-Two general election ballot was derived directly from the ballot
10 form used in Kittitas County for the Top-Two election in 2008. I used a sample Top-Two
11 primary ballot based on the form used in Kittitas County in 2008. The sample traditional general
12 election ballot was based on the 2006 general election ballot used by Kittitas County. In each
13 case, I followed the layout of, and information provided on, the ballot from the County,
14 including, for example, reproducing "bold" type font where used.

15 7. Each participant in the experiment received only one of the three sample ballots
16 so that their reaction to the ballot would not be affected by information they might glean from
17 other ballot forms. The sample ballots presented were a traditional general election ballot, the
18 Top-Two primary ballot and a Top-Two general election ballot. The sample ballots presented
19 are attached as Appendix A to my paper, which was presented as a paper to the Western Political
20 Science Annual Meeting in April of this year. Appendix A is a sample of each ballot presented
21 to experiment participants with one exception. The double dagger to the left of the box for each
22 candidate did not appear in the sample ballots presented to experiment participants. The double
23

1 dagger symbol appeared unexpectedly when the final copy of the paper was printed for the
2 Western Political Science Association meeting.

3 8. Each population in the experiment that reviewed the Top-Two primary ballot also
4 showed very high levels of confusion about the relationship between candidates expressing a
5 party preference on the ballot and the political parties. Among new voters, 25.7% understood
6 from the ballot that the candidates listed on the ballot were nominees of their respective political
7 parties. Still higher percentages perceived that the candidates were representatives (46.8%),
8 affiliates (73.4%) or associates (80.4%) of the political party.

9
10 9. The experiment participants in the “registered voter” group, after viewing the
11 Top-Two primary ballot also evidenced substantial confusion about the relationship between
12 candidates appearing on the ballot with expressed party preferences, and the political parties.
13 Among these voters, 29.4% believed that candidates on the primary ballot were party nominees;
14 34.6% believed the candidates were representatives of the party; 64.5% believed the candidates
15 were affiliated with the party, and 82% believed the candidates on the ballot were associated
16 with the party.

17 10. The “active voter” population in the experiment had somewhat lower levels of
18 confusion about candidate-party relationships on the Top-Two primary ballot, but the level was
19 still quite substantial. Within this category, 19.1% of participants in the experiment understood
20 that the candidates on the primary ballot were party nominees. As with the other types of voters,
21 the percentage understanding that the candidates with party preferences were connected to the
22 parties in some other way was greater: 37% understood the candidates to be representative of the
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1 party; 72.2% understood them to be affiliated with the party; and 75.6% understood the
2 candidates to be associated with the party.

3 11. The third ballot format used in the experiment was the traditional general election
4 ballot with just the party initial (R), (D) or (I) listed in connection with hypothetical candidates'
5 names. The Top-Two disclaimer language did not appear on this ballot format presented to the
6 participants. In this case, the correct answer would be that candidates listed on the ballot are
7 party nominees. Within the new voter population, 81.4% understood the candidate to be the
8 nominee. In the registered voter population who received the traditional partisan general election
9 ballot, 80.7% understood that the candidate was the party nominee. And, the active voter
10 population understood the candidate was the party nominee 75.5% of the time.

12 12. After reviewing the one sample ballot form provided to them, each participant in
13 the experiment was asked a series of questions. Those questions are reflected in Appendix B of
14 the report. The new voter population participated in the experiment "live." They received a hard
15 copy of one particular ballot format, and answered the questions while in the classroom. I
16 participated in proctoring all the "live" experiments. Discussion among participants was
17 prohibited, and the participants were instructed that no questions could be answered by the
18 proctors. This was done to avoid introducing bias into the results of a participant's
19 understanding of the ballot presented. No student was allowed to participate in the experiment
20 more than once.

21 13. The "registered voter" and "active voter" populations in the experiment
22 participated online. Based on the demographic data collected on the other two voter populations
23 in the experiment, those voters tended to be older and more educated than the "new voter"
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1 population.⁴ These participants were randomly assigned to receive one of the three ballot
2 formats. No online participant received more than one ballot format. A copy of the contact
3 “letter” sent inviting participation in the experiment is attached as **Exhibit 3**. Additional
4 information on the methodology of their participation is summarized at page 12 of my paper.
5 For all ballots, I used hypothetical candidate names so that participants would not draw on
6 information they might know about a particular, real candidate when responding to the ballot.

7
8 14. The experiment was designed to measure participants’ understanding of the ballot
9 format presented to them. Experiments to measure how people understand information are
10 called “cognitive experiments” and differ from public opinion research in political science,
11 which seeks to measure attitudes, or how people feel about a subject.

12 15. I have not received any compensation for preparing this declaration, or
13 compensation or reimbursement from any party for the conduct of the experiment or preparation
14 of my paper. I have been reimbursed by my university for a portion of the costs of conducting
15 the experiment, because my paper was an academic study. And I made it very clear to Mr.
16 White when he first approached me that I was publishing the results of my study regardless of
17 whether it helped him or hurt him and that this was something that I was doing as an academic,
18 not as a partisan or as a hired hand. And so it was very clear up front that the results get
19 published regardless of what those results are.

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21 16. I have reviewed Professor Donovan’s two papers, prepared in his capacity as an
22 expert witness for the state. His criticism of my experiment is based largely on the methodology

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24 ⁴ In his report criticizing the experiment, Professor Donovan asserts that the “registered voter” and “active voter”
25 populations are skewed toward younger, less experienced voters. The opposite is true.

1 for public opinion survey research. This seeks to measure attitudes and opinions, and is subject
2 to different protocols and methods from experiments seeking information about what participants
3 understand based on particular conditions. Had I been measuring whether the public liked the
4 Top-Two primary, Professor Donovan's criticisms of the experiment's design and
5 implementation would be relevant. However, he has fundamentally misunderstood what was
6 being measured in the experiment. His paper indicated that some additional data should have
7 been collected. The data was collected, but not presented in the original paper. I have attached,
8 as **Exhibit 4**, additional tables showing demographic data of experiment participants.
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11 DATED at _____, Washington, this ____ day of September, 2010.

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13 Signature page attached
14 Mathew Manweller
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11 DATED at Ellensburg, Washington, this 12TH day of September, 2010.

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14 Mathew Manweller