Exhibit 4

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

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, *et al.*, *Plaintiffs*, v. ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Elections, *et al.*, *Defendants,* and PHILLIP E. BERGER, in his official capacity as President Pro Tempore of the Senate, *et al.*, *Legislative Defendants-Intervenors.*	**No. 1:18-cv-01034**

Plaintiffs' Exhibit 1143

THIRD SUPPLEMENTAL EXPERT REPORT OF DR. BARRY C. BURDEN

This report is a third supplement to the preliminary expert report I initially submitted in this case on September 17, 2019 for purposes of preliminary injunction.[1] That initial report concerned the likely effects of Senate Bill (S.B.) 824 in light of Section 2 of the Voting Rights Act (VRA). Among other parts of that report, I analyzed the state's voter ID requirement with respect to the "Senate Factors" outlined in a U.S. Senate report that federal courts use to evaluate possible violations of the VRA.

My first supplemental report was filed on December 15, 2019 and responded to the briefs and expert reports submitted on behalf of defendants.[2] The second supplemental report was filed on October 18, 2021 and it provided updates on relevant new academic research, data, court decisions, and other developments since my initial report and the adoption of House Bill (H.B.) 1169, which amended the voter ID statute to allow use of public assistance ID cards. This third supplemental report provides a similar update to account for patterns in recent elections, the implementation of the photo voter ID requirements in recent North Carolina elections, new academic research on effects of voter ID laws, and other developments in North Carolina.

I. Racial and Ethnic Group Disparities in Voter Turnout

My prior reports demonstrated that voter turnout rates among Black and Hispanic residents in North Carolina have generally been below those of white residents.[3] Based on two different measures that were also analyzed in my prior reports, I show that white voter turnout in North Carolina continues to outpace that of minority groups. This disparity is important in this case because it demonstrates that non-white citizens in North Carolina have less robust habits of voter turnout that may be more easily disrupted by new costs of voting.

To compute the voter turnout rate, the numbers of votes cast must be divided by a denominator that represents the larger group of individuals who could have voted. I compute the turnout rate with two different denominators: (1) the number of people registered to vote at the time of the election and (2) an estimate of the number of people eligible to vote, whether or not they have registered.

Turnout rates based only on registered voters are frequently reported by election officials and media outlets because they are easier to compute. However, it can be a misleading portrayal of participation rates if groups register to vote at different rates. To compensate for this potential shortcoming, I also compute turnout among the Citizen Voting Age Population (CVAP), an approximation of the eligible voter pool provided by the U.S. Census Bureau. Because not all

[1] ECF No. 91, Ex. 4.

[2] ECF No. 108, Ex. M.

[3] See p. 7 of my initial report and p. 2 of my second supplemental report.

eligible individuals register to vote, the turnout rate among the CVAP will always be lower than among people who are registered.[4]

For both measures, the numerator – the number of votes cast by each racial and ethnic group – comes from the North Carolina State Board of Elections (NCSBE) "voter history state" files. In the table below I refer to this as this as quantity "A." The number of people in each racial and ethnic group who were registered to vote at the time of the election comes from the NCSBE's "registered voter stats" files. This is quantity "B." The CVAP for each racial and ethnic group comes from the Census Bureau's American Community Survey (ACS) five-year estimates.[5] This is quantity "C."

Table 1 reports the totals from these three sources and provides the voter turnout rates for each racial and ethnic group in three most recent federal elections in North Carolina. As expected, turnout for all groups was higher in the 2020 presidential election than in the 2018 and 2022 midterm elections.[6] In addition, the turnout rates based on registered voters are consistently higher than those based on the CVAP. More importantly, the turnout rates of white residents are uniformly higher than those of Black and Hispanic residents in all three elections regardless of the denominator used.

Table 1. Components and Estimates of Voter Turnout by Ethnic and Racial Groups

	2018			2020			2022		
	Black	Hispanic	White	Black	Hispanic	White	Black	Hispanic	White
Voted (A)	753,229	68,949	2,723,832	1,038,375	134,568	3,698,464	629,920	68,071	2,796,510
Registered (B)	1,557,970	197,115	4,856,014	1,520,368	228,233	4,704,278	1,507,359	264,233	4,820,870
CVAP (C)	1,613,385	291,935	5,184,045	1,654,355	342,410	5,284,240	1,642,750	360,960	5,238,105
Turnout Rate among Registered	48.3%	35.0%	56.0%	68.3%	59.0%	78.6%	41.8%	25.8%	58.0%
Turnout Rate among CVAP	46.7%	23.6%	52.5%	62.8%	39.3%	70.0%	38.3%	18.9%	53.4%

To help make the disparities in turnout easier to digest, Table 2 reports the *differences* in turnout rates between whites and each of the two minority groups in each election, measured in percentage points. As the table shows, white turnout continues to consistently outpace that of Black and Hispanic residents, whether as a share of each group's registered voters or CVAP. By three of the four measures, the disparities in turnout were actually greater in magnitude in 2022 than in the most recent prior elections. Black and Hispanic residents continue to be

[4] A better measure would the voting eligible population (VEP), which is not exactly the same as citizens of voting age (CVAP). Unfortunately such a measure is not available for individual racial and ethnic groups. I do not believe the general patterns of differences between groups would be appreciably different using VEP rather than CVAP.

[5] To identify ACS respondents' races and ethnicities, I use the categories of "Black or African American Alone," "Hispanic or Latino," and "White Alone." The 2018 estimates come from the 2014-2018 ACS, the 2020 estimates come from the 2016-2020 ACS, and the 2022 estimates come from the 2017-2021 ACS. (It appears that the 2018-2022 ACS estimates are not yet publicly available.)

[6] Turnout estimates for 2018 and 2020 differ slightly from those in my prior reports because newer CVAP data have been made available that had not been published when earlier reports were produced.

unrepresented among voters in North Carolina as a share of their total registrants or CVAP. These are not trivial or negligible differences. For example, if CVAP turnout among Black voters had between equal to that of whites in the 2022 elections (53.4%), the election would have seen almost a quarter million more Black voters (248,055) participate.

Table 2. Racial and Ethnic Disparities in Voter Turnout (in Percentage Points)

	White-Black Turnout Disparity Using:		White-Hispanic Turnout Disparity Using:	
	Registered Turnout	CVAP Turnout	Registered Turnout	CVAP Turnout
2018	+7.7 pts.	+5.8 pts.	+21.0 pts.	+28.9 pts.
2020	+10.3 pts.	+7.2 pts.	+19.6 pts.	+30.7 pts.
2022	+16.2 pts.	+15.1 pts.	+32.2 pts.	+34.5 pts.

II. Racial Polarization in Voting

The racial polarization in voting patterns that I documented in my initial report continues unabated. Black, Hispanic, and white voters in North Carolina tend to prefer different political parties and candidates by substantial margins. Senate Factor Two, racial polarization in voting, is a regular feature of recent North Carolina elections. As a Senate Factor, evidence of racial polarization also comprises part of the "totality of circumstances" that courts are to consider in claims of violations of Section 2 of the VRA.

According to media exit polls, in the 2020 presidential election, Black voters in North Carolina chose Joe Biden over Donald Trump at a rate of 92% to 7% while Hispanic voters preferred Biden 57% to 42%.[7] In contrast, whites favored Trump 66% to 33%. In the 2022 U.S. Senate election, Black voters preferred Democrat Cheri Beasley over Republican Ted Budd 93% to 5% while Hispanics also favored Beasley by a margin 52% to 46%. In contrast, white voters opted for Budd by a margin of 62% to 37%.

Racial polarization in voting is not merely a reflection of differing party loyalties in the general election. It is also manifest in primary elections in which all candidates are of the same political party. For example, in the 2020 Democratic presidential primary in North Carolina, exit polls show that white voters preferred Biden over Bernie Sanders 34% to 25% while Black voters favored Biden by a much larger margin of 62% to 17% and Hispanics supported Biden 42% to 35%.

[7] Because they are used by multiple media outlets, exit poll results are widely available. I rely on reports provided by CNN such as those for the 2020 general election available at https://www.cnn.com/election/2020/exit-polls/president/north-carolina (last visited March 19, 2024).

III. Ongoing Lack of Responsiveness on the Part of Elected Officials: S.B. 747

An auxiliary Senate Factor is the "lack of responsiveness on the part of elected officials to the particularized needs of minority group members."[8] My reports in this case have already documented the ways in which officials in North Carolina have been less responsive to Black and Hispanic residents than to white residents.[9] The ongoing lack of responsiveness to minority residents has continued to be apparent. I describe one relevant and recent development that demonstrates lesser consideration of minority group members in election law regulating same day voter registration (SDR).

Rather than pursue provisions that would ameliorate the disproportionate burdens of the state's voter ID requirement that were demonstrated in my previous reports, the state legislature has chosen to impose more restrictions on other aspects of voting, including the use of SDR. S.B. 747 was initially passed on August 17, 2023, was vetoed by Governor Roy Cooper one week later, and was then enacted by a veto override vote in the legislature on October 10, 2023.[10] While some elements of the bill deal with small technical matters, a significant aspect of the statute is that it imposes new demands on voters who use SDR during the early voting period (formerly known as "one-stop absentee voting"). The bill also moved the deadline for returning absentee ballots back in time by three days, eliminating the grace period that had allowed ballots postmarked by election day to arrive by Friday of that week.

People who use SDR must provide documentation that is not required of other registrants. Individuals must present approved voter ID and proof of residence via a "HAVA document" such as a current utility bill or bank statement.[11] These requirements are more extensive than for a person who registers by mail, at a government office, or online where the same degree of documentation is not required. People who register by these others means only need provide "HAVA documents" if they are unable provide a state driver's license number, DMV identification number, or the last four digits of a Social Security number.[12] Before enactment of S.B. 747, the NCSBE had explicit authority to add other documents to the list of acceptable "HAVA documents." With this authority revoked, people using SDR are certain to be subject to more demanding documentational requirements.

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[8] As explained in my initial report (p. 1 and p. 8), the U.S. Senate Committee on the Judiciary issued a report in 1982 that outlined seven numbered "Senate factors" as well as two unenumerated or auxiliary factors for courts to consider as they evaluate possible violations of Section 2 of the VRA.

[9] See pages 19-21 of my initial report and Section VI of my second supplemental report.

[10] Upon ratification by the state legislature, the bill was codified as Session Law 2023-140.

[11] See NCSBE Numbered Memo 2023-05 (updated January 29, 2024) for more details about acceptable "HAVA documents." The documents must be "current," which generally means that they are unexpired or were issued within the six months prior to presentation to an election official for purposes of registration. (https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2023/Numbered%20Memo%202023-03%20Photo%20ID%20and%20In-Person%20Voting.pdf).

[12] See the North Carolina Voter Registration Application available at https://s3.amazonaws.com/dl.ncsbe.gov/Voter_Registration/NCVoterRegForm_06W.pdf (last visited March 19, 2024).

In addition, under S.B. 747, same day registrants cast "retrievable" ballots rather than regular ballots. These retrievable ballots remain in this limbo status while the county board of elections undertakes several actions. These ballots are retrieved and not counted if officials are unable to verify voters' addresses. Within two business days after the SDR registration form is submitted, the county board of elections must begin the address verification process. After verification, the county board of elections is required to mail a non-forwardable postcard to the address of each same day registrant. If that mailing is returned as undeliverable before the day of the official election canvass, the voter's ballot is retrieved and not counted. The law does not require election officials to notify individuals when their registration applications have been cancelled and ballots discarded.

S.B. 747 by its terms adds to the costs of voting, but more and unequally so for voters who use SDR during the early voting period. Indeed, a recent federal court order imposed a preliminary injunction blocking implementation of "retrieving" and cancelling ballots of individuals when postcards mailed to them are returned as undeliverable, without providing voters proper notice and an opportunity to be heard.[13] The order concluded that the "undeliverable mail provision . . . will impose a substantial burden on same-day registrants" (p. 92). The court's order requires county boards of elections to engage in more extensive notice and cure actions in cases where a registration verification mailing is returned as undeliverable.[14]

The new and disproportionate burdens of SDR provisions in S.B. 747 are consequential for this case because of well-known and enduring differences between racial groups in the usage of SDR. In particular, Black voters are more likely than white voters to make use of SDR. Although this has already been established in prior reports and court decisions,[15] I provide additional evidence for the heavier usage by Black individuals in recent federal elections in North Carolina.

I collect evidence drawn from three sources to compute SDR usage rates by race. First, the numerator in computing the rate of usage is the total number of people in each election who used voter registration during the early voting period and had their addresses verified. This is taken from a report titled "NC Same-Day Registration Statistics" from the NCSBE and appears as quantity "A" in the table below. Second, I consider voter registration totals by race as a denominator. This information, which appears as quantity "B" of the table, is based on the number of Black and white registrants at the time of each election.[16] This permits me to compute the SDR usage rate relative to the total number of registered individuals in each racial group (A/B). Finally, a second and more relevant denominator, reported in row "C," is the number of people in each racial group who voted in the election. Information on turnout by race comes

[13] Order on Motion for Preliminary Injunction (ECF No. 68), *Voto Latino et al. v. Alan Hirsch et al.*, No. 1:23-cv-861 (M.D.N.C. Jan. 21. 2024).

[14] See footnote 11 of NCSBE Numbered Memo 2023-05 (updated January 29, 2024).

[15] See Declaration of Dr. Charles Stewart, Ph.D. in *United States of America v. The State of North Carolina et al.*, No. 1:13-CV-861 (M.D.N.C. Feb. 18, 2015) (ECF 269-1) and *North Carolina State Conference of the NAACP et al. v. Patrick L. McCrory et al*., 831 F.3d 204, 217, 237 (4th Cir. 2016). I am not aware of any expert analysis or judicial ruling that challenges the conclusion that Black voters are more likely than white voters to use SDR in North Carolina.

[16] Data are available from the NCSBE at https://vt.ncsbe.gov/RegStat/.

from voter history group-level counts provided by the NCSBE.[17] This permits me to compute the SDR usage rate among those who actually voted (A/C).

Table 3 shows that regardless of which of the two measures is used, Black voters were consistently more likely to use SDR than were white voters in the 2018, 2020, and 2022 elections.[18] Although the overall usage of SDR rises and falls somewhat between midterm and presidential elections, the racial gap is persistent. Looking across the elections and measures, Black voters used SDR at a rate between 133% and 188% that of white voters. These patterns would be familiar to elected officials attentive to politics in North Carolina, yet it did not deter legislators from enacting the restrictions in S.B. 747.[19]

Table 3. Usage of Same Day Registration by Racial Group

	2018		2020		2022	
	Black	White	Black	White	Black	White
SDR Usage (A)	39,260	76,502	81,995	153,671	24,055	58,750
Registered (B)	1,557,889	4,855,597	1,518,847	4,700,592	1,507,268	4,820,458
Voted (C)	753,229	2,723,832	1,038,375	3,698,464	629,920	2,796,510
SDR Usage Rate among Registered (A/B)	2.5%	1.6%	5.4%	3.3%	1.6%	1.2%
SDR Usage Rate among Voted (A/C)	5.2%	2.8%	7.9%	4.2%	3.8%	2.1%

It is clear that the new requirements that S.B. 747 imposes on the SDR process will fall more heavily on Black voters because they make greater use of SDR than do white voters.

IV. More Information about Burdens of Provisional Voting

Since my last report, more information about the implementation of S.B. 824 has become public that reveals the greater burden it places on Black and Hispanic voters compared to white voters. As I explained in previous reports, minority groups are more likely to incur literal and figurative "costs" of voting because they lack identification required by the law. As my initial report documented, Black and Hispanic residents of North Carolina have fewer resources such as income, employment, educational attainment, residential stability, and good health that have been shown to facilitate navigation of hurdles in the voting process.[20] My second supplemental report described the substantial financial and time costs that some voters will face in acquiring

[17] Data available from the NCSBE at https://www.ncsbe.gov/results-data/voter-history-data#stats.

[18] The NCSBE report does not include data for Hispanics, so they are omitted from this analysis.

[19] A federal court ruling found that legislators had requested data on the racial breakdown of SDR users and that racial disparities in usage of SDR was provided in legislative floor debate. *North Carolina State Conference of the NAACP et al. v. Patrick L. McCrory et al*., 831 F.3d 204, 217, 237 (4th Cir. 2016).

[20] See pages 14-18 of my initial report in the context of Senate Factor Five.

ID and that these individuals are often not well positioned incur these costs, which rises above the usual burdens of voting.[21]

The State makes "free" IDs for voting available at county boards of elections offices and DMVS to individuals who lack them. However, my second supplementary report in this case documented the costs of acquiring those IDs (see p. 13). Boards of elections require relatively little documentation from people who want to acquire IDs for voting, but each county has only one office, which is generally not open outside of regular business hours and can be quite far from a person's residence. DMVs have more locations but also require more documentation. Moreover, 17 counties do not even have DMV locations.[22] Since my prior report, I have learned of significant ongoing problems with the North Carolina DMV that include understaffing, long wait times, and limited appointments that are oversubscribed.[23] These administrative difficulties make a DMV an even less practical means for providing many residents with IDs. For both the boards of elections and DMV options, transportation is likely to be a significant barrier because individuals seeking free IDs generally lack driver's licenses that would suffice for voting in North Carolina.

For residents unable to acquire ID, provisional voting is possible. However, the provisional voting provisions of S.B. 824 place burdens on voters who lack acceptable forms of ID. Because Black and Hispanic voters have been shown to be less likely to possess acceptable ID, they will be required to use provisional voting at higher rates even though they have fewer resources to successfully negotiate the administrative requirements.

An individual attempting to vote in person either on election day or during early voting but who is unable to present an accepted ID may cast a provisional ballot in one of two ways.[24] I describe this as a *dual system* of provisional voting for voters without ID.

First, an individual voting in person at their polling place may cast what I call a "traditional" provisional ballot. It is traditional in that this form of provisional voting existed for years before the adoption of S.B. 824. Such a ballot will only be counted if, after already voting by provisional ballot, the individual travels to their county board of elections office by the day before the county canvass to provide acceptable ID.[25] (If the voter does not return with acceptable ID, the provisional ballot is not counted.) In my prior reports I have analyzed the difficulty and cost involved with travel to a voter's county board of elections. Among other things, each county has only one office and its open hours are generally during the day on

[21] See pages 12-14 of my second supplemental report in the context of *Brnovich v. DNC*.

[22] https://www.dailytarheel.com/article/2023/08/city-free-voter-id-county-board-of-elections-voting-november-elections-nc-supreme-court (last visited March 19, 2024).

[23] For example, see https://www.newsobserver.com/news/politics-government/article286051471.html (last visited March 30, 2024).

[24] An individual who attempts to vote by mail without providing a photocopy of an acceptable ID may submit an ID Exception Form with the ballot. This process differs from in-person voting in two ways. First, the "traditional" provisional ballot is not an option. Second, the individual receives the ballot before being asked to show ID, whereas an in-person voter must first present acceptable ID before being issued a ballot.

[25] For statewide general elections the deadline is the second Thursday after election day.

weekdays. Many individuals would be challenged to get access to reliable transportation and have enough free time and resources to travel to and from the board of elections office for this purpose.

Second, a voter may complete an ID Exception Form and cast a provisional ballot. The ID Exception Form allows a voter to indicate that they are exempt from the ID requirement because they were a victim of a natural disaster, have a religious objection to being photographed, or faced a "reasonable impediment" that prevented the person from presenting ID. The impediments include (but are not limited to) inability to get ID because of factors such as transportation or work schedule, having an ID that is stolen or misplaced, or other reasons provided by the individual.[26] According to NCSBE guidance, the county board of elections is "required to approve and count the provision ballot unless the county board unanimously finds that the form was falsely completed" (Numbered Memo 2023-03, p. 2). This decision "must be based on facts, not speculation" and "it is not the county board's role to second-guess the *reasonableness* of the voter's asserted impediment" (p. 13, emphasis in original). Any true written reason that the voter faced an impediment should be accepted, including "a statement that the voter was not aware of the photo ID requirement" (p. 14).

A voter whose ID Exception Form is challenged is notified and must appear in person at specific time and place if they wish to contest the challenge.[27] Attending this hearing and the additional documentation it might require are additional burdens of time and expense on these voters. NCSBE staff have recommended that a voter not be burdened by calling them to a hearing if members of the board of elections have already indicated they would not vote unanimously to reject a provisional ballot.[28] At its February 15, 2024 meeting, the NCSBE ultimately adopted a rule that only four of five county board of elections members must vote in favor to call a voter for a hearing.[29]

Importantly, voters are to be informed about both ways of casting provisional ballots. According to NCSBE Numbered Memo 2023-03, "Every [in-person] voter without an acceptable photo ID must be offered <u>both</u> options" (p. 2, emphasis in original). When given the choice, most voters would presumably prefer the reasonable impediment process to the "traditional" process.

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[26] A list of the reasonable impediments can be found on the NCSBE web site at https://www.ncsbe.gov/voting/voter-id#exceptions (last visited March 25, 2024).

[27] As an example, letters issued to voters in Guilford County after the November 2023 municipal elections required them to attend a hearing at 9:00 AM on Friday, November 17, 2023 at the Old Guilford County Courthouse. It is likely that many individuals would have difficulty attending such a meeting with at most eight days' notice (letters are dated November 9, 2023). See https://southerncoalition.org/wp-content/uploads/2024/01/2024.01.16_Voter-Photo-ID-Permanent-Rules-Comment-Ltr.pdf, Ex. 1 (last visited April 4, 2024).

[28] This advice was given at the North Carolina State Board of Elections Winter Conference for county election officials that took place on February 4-6, 2024. According to a transcript of the recording provided by counsel in this case, a speaker I believe is NCSBE Associate General Counsel Adam Steele said to county officials, ". . . if your board members decide they review it and at least one of them decides, not, I'm not going to say that's false, then there's no reason to put the voter through the process to bring them in where they're thinking my ballot might not count. It just doesn't make any sense." (CBOE_006333-75, at Pg. 32).

[29] https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-02-15/State%20Board%20of%20Elections%20Meeting-20240215.mp4 (last visited April 4, 2024).

Completing the ID Exception Form effectively ends the voter's administrative responsibilities at the polling place; a board of elections would be obligated to accept a ballot for counting as long as the form is not completed falsely. In contrast, using a "traditional" provisional ballot is riskier and more costly because it requires a subsequent action by the voter in which they must appear at their county board of elections by the end of the day before the county canvass to present ID in person. This is a time-intensive commitment that requires additional travel on a separate day to a different location during business hours and by a fixed deadline.[30]

V. Voter ID Implementation in November 2023 Municipal Elections and 2024 Presidential Primary

The November 2023 municipal elections were the first in which voter ID was required of voters per S.B. 824. The second significant election cycle in which voter ID was required was the March 2024 presidential primary.

The November 2023 elections took place in municipalities across the state. The most prominent races include those for Charlotte-Mecklenburg school board and municipal offices in Charlotte, Durham, and Fayetteville. More typical were city, town, and village elections for commissioners, council members, and mayors. Some of the state's largest cities such as Greensboro and Winston-Salem did not hold municipality-wide elections. Most of the offices on the ballot were officially nonpartisan. The March 2024 presidential primary drew more voter interest across the state, but nonetheless resulted in lower turnout than other recent presidential primaries in North Carolina because of the less competitive nomination contests in both major political parties.

Turnout in these contests was much lower – by millions of voters – than is likely to be seen in the November 2024 presidential election. The smaller and less representative voter pools who took part in November 2023 and March 2024 are almost certainty more knowledgeable about the political process, have more voting experience, are more likely to possess acceptable ID, and have more relevant resources to help them navigate administrative hurdles in the voting process. Nonetheless, while the difficulties voters is these elections are likely to be lower, it is possible to glean some insights about implementation of S.B. 824 and anticipate how much larger a role implementation concerns will play in the presidential election. However, there are significant limits on the inferences than can be drawn about racial disparities resulting from S.B. 824 in the presidential election. This is particular true for the November 2023 municipal elections were took place selectively rather than as a single statewide contest.

[30] Technically a voter might travel to the county board of elections on the same day that they cast a provisional ballot at their local polling place, but this is unlikely in part because the board of elections is farther from home for most voters and will close earlier in the day than will the polling place. It is also possible for a voter to cast a ballot at a board of elections site during the early voting period.

A. Voter Turnout

According to the NCSBE voter history file, 515,032 individuals cast ballots in the November 2023 election.[31] This is less than one fifth of the number of ballots cast in the November 2022 elections. It is less than one tenth of the number cast in the November 2020 presidential election, which is a much closer approximation of expected voter turnout in the November 2024 elections.

The people who voted in the November 2023 municipal elections thus represent an extremely small share of the electorate. The NCSBE voter registration snapshot for the election indicates that, based on an eligible voting population of approximately eight million individuals, this equates to a voter turnout rate of 6.4%.[32] Even limiting the scope to people with active voter registrations at the time of the election (6,480,268 according to the state's voter registration "snapshot" file), the turnout rate is only slightly higher at 7.9%.[33] Limiting the scope further to only registered voters and only those residing in municipalities were taking place raises the turnout rate to 15.9%.[34]

Turnout in the March 2024 presidential primary election was significantly higher than in the November 2023 municipal elections. The NCSBE voter history file records 1,765,193 ballots cast.[35] Yet this represents only 21.9% of voting eligible population and less than one third of the number of ballots cast in the 2020 presidential election in North Carolina.

Because they are low turnout events that engage only a small subset of voters, participants in off-cycle local elections and even presidential primary elections tend to be demographically unrepresentative of the wider electorate.[36] In particular, voters in local off-year elections are

[31] The voter history file was accessed on January 16, 2023 and might slightly underreport the total number of votes to the degree that voter registration records have been removed since the election due to triggering events such as confirmed death of a voter.

[32] Professor Michael McDonald of the University of Florida estimates the "voting eligible population" (VEP) as 7,966,968 at the time of the November 2022 general election and 8,067,643 at the time of the March 5, 2024 presidential primary. See https://election.lab.ufl.edu/2024-presidential-nomination-contests-turnout-rates/ (last visited March 5, 2024).

[33] Turnout rates were even lower in the September and October municipal elections, which were technically the first to operate with S.B. 824's voter ID requirement in effect.

[34] NCSBE, "2023 Municipal Election Turnout," https://www.ncsbe.gov/results-data/voter-turnout/2023-municipal-election-turnout (last visited March 5, 2024).

[35] The voter history file was accessed on March 25, 2024 and might slightly underreport the total number of votes to the degree that voter registration records have been removed since the election due to triggering events such as confirmed death of a voter. This differs slightly form the reported turnout of 1,790,838 ballots cast on the NCSBE "voter turnout" web page, https://www.ncsbe.gov/results-data/voter-turnout (last visited March 25, 2024).

[36] See Sarah F. Anzia (2013), *Timing and Turnout: How Off-Cycle Elections Favor Organized Groups*, University of Chicago Press. Because both Joe Biden and Donald Trump had essentially secured their paths to winning their parties' nominations for president, turnout was lower than would normally be observed if at least one of the two major parties was experiencing a more competitive contest.

significantly older and whiter than the broader electorate.[37] These groups are also more likely to possess acceptable voter ID and have resources that are helpful for navigating administrative aspects of voting, including bureaucratic procedures related to provisional ballots. Indeed, a prior study of provisional voting in North Carolina demonstrated that white voters were more successful in having their ballots counted than were Black and other non-white voters, even after accounting for different practices across county boards of election.[38]

I analyze the racial and ethnic composition of the voters who participated in the November 2023 municipal elections and the March 2024 primary election as compared to the November 2020 presidential election. I use the "voter history stats files" provided by the NCBSE that provide counts of various categories of voters who took part in each election.[39]

Table 4 shows voters in both the November 2023 municipal elections and March 2024 primary elections were whiter and less likely to be Hispanic than voters in the November 2020 election. The only surprising pattern in the table is that Black voters are more heavily represented in the November 2023 elections. That appears to reflect the particular set of municipalities that held elections at that time, as compared to the truly statewide elections that took place in November 2020 and March 2024. Nearly one quarter of all votes cast in the municipal elections came from Mecklenburg County, the county with the state's largest Black population. In general the evidence shows that presidential election voters are more racially and ethnically diverse than in other elections in North Carolina where the new voter ID requirement has actually been implemented.

Table 4. Race and Ethnicity of Voters in the November 2020, November 2023, and March 2024 Elections

	November 2020	November 2023	March 2024
Black	18.7%	23.%	14.9%
Hispanic	2.4%	1.5%	1.2%
White	66.7%	68.3%	78.1%

[37] See Vladimir Kogan, Stéphane Lavertu, and Zachary Peskowitz (2018), "Election Timing, Electorate Composition, and Policy Outcomes: Evidence from School Districts." *American Journal of Political Science* 62:637-651.

[38] Thessalia Merivaki and Daniel A. Smith (2020), "A Failsafe for Voters? Cast and Rejected Provisional Ballots in North Carolina," Political Research Quarterly 73:65-78.

[39] https://www.ncsbe.gov/results-data/voter-history-data#stats (last visited March 30, 2024).

B. Provisional Ballots

In the November 2023 elections, the state's provisional ballot data file lists 3,743 provisional ballots issued, of which 1,620 were not counted.[40] Black voters were more likely to have their provisional ballots rejected: 43.2% not counted compared to 38.6% for white voters.[41]

Of the provisional ballots issued, two main reasons relate to the voter ID requirement.[42] These reflect the two forms of provisional voting described above. First, reflecting use of the ID Exception Form, 260 provisional ballots were due to "ID not provided – exception – reasonable impediment." Of these, 43 (16.5%) were not counted. Second, reflecting use of the "traditional" process, 220 provisional ballots were issued due to "ID not provided – no exception form/return with ID." Of these, 185 ballots (84.1%) were not counted. White voters were slightly more likely to cast provisional ballots for these two reasons. Among all provisional voters, 14.7% of white cast them for reason related to ID versus a rate of 12.5% for Black voters.

It is worth examining more closely how the new reasonable impediment reason for casting a provisional ballot was implemented. Following the process outlined in S.B. 824, some voters who cast provisional ballots using the photo ID exception form were notified by county boards of elections that the truth of the reasons they selected was being challenged. However, in some cases these notification letters appeared to rely on factual grounds that seem unlikely to be within the knowledge of county board members, especially so immediately after election day.[43] For example, voter Andrea Rickard of High Point indicated on a photo ID exception form that she could not get ID due to "lack of transportation" and "disability or illness." She was then informed in a letter that the Guilford County Board of Elections doubted the truth of those reasons because, among other possible grounds, "you were able to obtain transportation and were well enough to vote, but not did not utilize the same resources to obtain and present Photo ID." Nedra Curtain, who indicated her ID was "lost, stolen, or misplaced" was informed in a similar letter that the Guilford County Board of Elections did not believe those reasons were true.[44]

It is difficult to know what reliable information or knowledge members of the county's board of elections could have about these voters' personal circumstances to make such assertions. In both cases the board was unable to muster a unanimous vote of its members to reject, so the ballots were counted, but the process imposed additional burdens on the right to vote, and indicates that the photo voter ID law is not being implemented in the manner described by the State. At least one media report suggested that Guilford County challenged these reasonable impediment declarations because the chair of the county's board believed it was "worthwhile looking at their

[40] I downloaded the file on January 22, 2024.

[41] Only 67 self-identified Hispanic voters cast provisional ballots and only 15 of those were not counted.

[42] A small number of voters (4) were issued provisional ballots for lack of ID due to religious objection.

[43] Letters to voters who cast provisional ballots in the November 7 election were dated November 9, 2023. See https://southerncoalition.org/wp-content/uploads/2024/01/2024.01.16_Voter-Photo-ID-Permanent-Rules-Comment-Ltr.pdf (last visited April 4, 2024).

[44] Letters from Guilford County Board of Elections and accompanying ID Exception Forms (November 9, 2023), CBOE_006246-53.

statements rather closely."[45] A report based on direct observations by a coalition of nongovernmental advocacy groups found that some board members in Pitt County were confused about not being able to reject ballots because they found a voter's reasonable impediment to be unacceptable.[46] The report also observed that Union County board of elections members wished to reject provisional ballots when they deemed the impediments provided were unacceptable or unreasonable. This is despite NCSBE guidance that boards should not rely on "speculation" or "opinion."[47]

Counties showed concerning variation in the degree to which they issued and counted provisional ballots due to reasonable impediments. In line with what I would expect of an election with extremely low turnout, most counties issued only a few provisional ballots because of reasonable impediments and in most cases they were counted. For example, Wake County issued six such ballots and ultimately counted all of them.

Even with small number of provisional ballots being cast in the November 2023 municipal elections, there are troublesome signs that election workers did not follow consistent protocols in how they directed voters without ID. For example, Mecklenburg County issued 81 provisional ballots due to reasonable impediment exception claims, but rejected 26, more than one-third of the total. Mecklenburg County also issued 53 "traditional" provisional ballots and rejected 47 (89%) of them. In contrast, Durham County, which issued just 14 provisional ballots due to reasonable impediments and counted the vast majority of them (12, or 86%), also issued 33 "traditional" provisional ballots and rejected all but one of them (97% rejected).

For the March 5, 2024 primary election, the state's provisional ballot data file lists 11,498 provisional ballots issued, of which 5,912 were not counted.[48] Among this set of provisional ballot voters, White voters were more likely to have their provisional ballots rejected (48.9% versus 44.4% for Black voters).

Of the provisional ballots, 557 were "traditional" provisionals issued for lack of ID, 409 (73.4%) of which were not counted. Provisionals issued due to a reasonable impediment exception form totaled 619, 58 of which (9.4%) were not counted. This gulf in rejection rates for the two forms of provisional ballots mimics the disparity observed in the November 2023 municipal elections.

[45] Lynn Bonner, "Voting Rights Groups Find New Photo ID Law Caused Trouble for Voters and County Officials," NC Newsline, December 7, 2023.

[46] Democracy North Carolina, "CBOE Monitoring Report: November 2023 Municipal Election," https://democracync.org/wp-content/uploads/2024/02/2023-November-CBOE-Report-January-2024-FINAL-v2.pdf (last visited April 4, 2024).

[47] NCSBE Numbered Memo 2023-03, p. 13.

[48] I downloaded the file on March 25, 2024. The file lists 197 ballots a pending and 807 as partially counted.

Among voters who cast provisional ballots, Black voters were more likely to use both options than were white voters. When combined, these two forms related to voter ID accounted for 14.5% of Black voters' provisional ballots but only 10.9% of white voters' provisional ballots.[49]

The total number of voters participating in each county will naturally vary due to underlying differences in the population sizes and the interest in differing municipal elections that took place in November 2023. This variation in voter turnout will somewhat naturally cause some counties to have more provisional ballots than others simply because they are serving more voters. However, it is not "natural" to see that in one populous county (Mecklenburg) voters without ID predominantly used the exception form for reasonable impediments while in another populous county (Durham) voters without ID predominantly used the "traditional" provisional ballot option. It seems unlikely that a voter informed of both provisional voting options would choose the "traditional" one that entails a larger time, administrative, and potential financial commitment rather than completing the exception form truthfully to end their responsibilities.

Counties continued to show variability in issuance of the two types of provisional ballots even in the higher turnout March 2024 presidential primary, even though that election occurred after the NCSBE engaged in additional public education and provided additional guidance to county election administrators.[50] The mix of the two types of provisional ballots differed substantially from one county to the next. On one side of the "dual system" were counties issued more reasonable impediment forms than "traditional" provisional ballots such as Brunswick (69% of the two types) and Durham (57%). On the other side were counties that issued a larger share of "traditional" provisional ballots such as Buncombe (28%), Union (39%), and Wake (42%).[51] As a result of these disparities, voters who were unable to present accepted photo ID in Brunswick and Durham counties had their provisional ballots rejected almost half (47%) of the time while voters without ID in Buncombe, Union, and Wake counties had their provisional ballots rejected only about one third (35%) of the time.

Because the March 5 primary took place recently, additional information about the election might become available to me after the filing of this report that could affect my opinions.

Poll workers undergo training to guide their work but are also susceptible to biases and other imperfections that lead them to exercise discretion in different ways from one poll worker to the next and from one voter to the next. Research has documented how election workers at times use their discretion to interpret rules and guidance for voters in similar circumstances in different

[49] Hispanic voters comprise a quite small number of provisional voters and are not analyzed here because of the lack of information provided by such sparce information.

[50] The NCSBE held a statewide training conference for county election officials that include guidance on implementing the photo ID requirement on February 5 and 6, 2024 (https://www.ncsbe.gov/news/events/state-board-meeting-feb-5-6-2024-statewide-training-conference). The NCBSE educational campaign was announced on February 13, 2024 (https://www.ncsbe.gov/news/press-releases/2024/02/13/state-board-launches-photo-id-educational-campaign#:~:text=The%20State%20Board%20of%20Elections,Your%20Vote.").

[51] To avoid drawing conclusions based on percentages from counties with small numbers of provisional ballots, I selected these counties for examination because each of them issued at least 25 provisional ballots for lack of photo ID.

ways.[52] Professor Ariel White's report in a related case challenging the voter ID law in North Carolina further the ways that discretion among election workers can lead to biased outcomes.[53] Two academic studies of the implementation of photo requirements in different states find that voters identified with minority groups were more likely to be asked for ID than were white voters.[54]

Knowing about the risk of discretion leading to differential treatment, it is likely that the divergent patterns in the two counties reflect nonuniform processes in which voters were provided with inconsistent guidance. The observer report mentioned above confirmed that voters who arrived at voting locations without acceptable ID "were treated differently in different counties.[55] Some reporting even documents cases of North Carolina poll workers and chief judges not applying the rules about addresses on photo IDs properly or consistently.[56] As I explain below, it appears that voters were steered toward different forms of provisional balloting from one county to the next.

State and county election officials have administered the provisional ballot system related to voter ID in two low turnout elections and have demonstrated difficulty in implementing the rules in a fair and consistent fashion. It seems clear that the system in currently in place in which voters lacking ID are supposed to be provided with two options will not be implemented in a fully consistent fashion across the state in the future, especially in upcoming high turnout federal elections.

Recall the guidance in NCSBE Numbered Memo 2023-03, which asserts "Every [in-person] voter without an acceptable photo ID must be offered both options" (p. 2, emphasis in original). That is, an election worker facing an individual who wishes to vote without ID must inform the person of both (1) the "traditional" provisional ballot option that requires a voter to return to a county board of elections with proof of ID and (2) the ID Exception Form that includes the reasonable impediment provisions.

Even in the extremely low turnout municipal elections where experienced and resource-rich voters tend to dominate, some signs of arbitrary treatment of voters and racial disparities in use of the reasonable impediment option are apparent. These disparities are likely to continue or

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[52] See Mara Suttmann-Lea (2020), "Poll Worker Decision Making at the American Ballot Box," *American Politics Research* 2:1-5.

[53] Expert report of Ariel White, Ph.D. in *Jabari Holmes et al. v Timothy K. Moore et al.*, County of Wake, 18 CVS 15292, December 14, 2020.

[54] Lonna Rae Atkeson, Yann P. Kerevel, R. Michael Alvarez, and Thad E. Hall (2014), "Who Asks for Voter Identification? Explaining Poll-Worker Discretion," *Journal of Politics* 76:944–957 and Rachel V. Cobb, D. James Greiner, and Kevin M. Quinn (2012), "Race-Neutral Manner? Evidence from the City of Boston in 2008," *Quarterly Journal of Political Science* 7:1-33.

[55] Democracy North Carolina, "CBOE Monitoring Report: November 2023 Municipal Election." https://democracync.org/wp-content/uploads/2024/02/2023-November-CBOE-Report-January-2024-FINAL-v2.pdf (last visited April 4, 2024).

[56] https://triad-city-beat.com/on-primary-election-day-a-look-at-how-the-new-voter-id-law-and-poll-observers-are-impacting-voters/ (last visited April 4, 2024).

even escalate in the November 2024 presidential election when the voter turnout will be several times that seen in the off-year municipal elections and presidential primary. Several million voters with less experience and few resources are currently set to encounter the voter ID requirement for the first time in November 2024.

The NCSBE has begun an educational campaign to inform potential voters about the voter ID requirement and provisional ballot options in elections taking place in 2024. It remains to be seen whether these educational efforts will be effective enough to make potential voters in North Carolina's upcoming presidential election sufficiently knowledgeable to be aware of state voter ID requirements and what actions they might need to take in advance of the election to be compliant. As I have documented in my prior reports, Black and Hispanic individuals in North Carolina and the rest of the country are generally less likely to possess acceptable forms of ID, are less aware of voter ID requirements, and have fewer resources that help them facilitate hurdles necessary to acquire ID. This makes discretionary behavior by poll workers that might steer voters toward one form of provisional voting rather than another especially consequential for minority voters.

A recent study by researchers at the University of Maryland provides evidence that these disparities persist.[57] Using a nationally representative survey of the electorate, they find that about 9% of adult citizens lack driver's license, by far the most common form of ID used in states with strict voter ID requirements. More relevant to the VRA claims in this case, the rate of non-possession is much higher among Black citizens (28%) and Hispanic citizens (27%) than among white citizens (5%).[58] Based on other extensive evidence I have reviewed and documented in this case, I have no reason to believe that racial disparities apparent nationwide would be absent in North Carolina.

While training and public education and necessary and helpful, they do not resolve a fundamental concern about the voter ID law. The "dual system" that is supposed to offer voters who without ID to vote provides two paths to casting provision ballots is especially likely to suffer uneven implementation.

Respectfully Submitted, this fourth day of April 2024,

Dr. Barry C. Burden

[57] Jillian Andres Rothschild, Samuel B. Novey, and Michael J. Hamner (January 2024), "Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge," University of Maryland, https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%202023%20survey%20Key%20Results%20Jan%202024%20%281%29.pdf (last visited March 5, 2024).

[58] The share of residents without ID is lower when state ID cards are also considered, but the report does not disaggregate these percentage for different racial and ethnic groups.

APPENDIX A

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March 18, 2024

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Mughan, Anthony, and Barry C. Burden. 1998. "Hillary Clinton and the President's Reelection." In *Reelection 1996: How Americans Voted*, eds. Herbert F. Weisberg and Janet M. Box-Steffensmeier. Chatham House Publishers.

Burden, Barry C., and Aage R. Clausen. 1998. "The Unfolding Drama: Party and Ideology in the 104th House." In *Great Theatre: The American Congress in the 1990s*, eds. Herbert F. Weisberg and Samuel C. Patterson. Cambridge University Press.

Mughan, Anthony, and Barry C. Burden. 1995. "The Candidates' Wives." In *Democracy's Feast: Elections in America*, ed. Herbert F. Weisberg. Chatham House.

Book Reviews

Burden, Barry C. 2017. Review of *Election Administration in the United States: The State of Reform after* Bush v. Gore, eds. R. Michael Alvarez and Bernard Grofman. *Perspectives on Politics*.

Burden, Barry C. 2014. Review of *Getting Primaried: The Changing Politics of Congressional Primary Challenges* by Robert G. Boatright. *Congress & the Presidency*.

Burden, Barry C. 2009. Review of *Minority Report: Evaluating Political Equality in America* by John D. Griffin and Brian Newman. *Public Opinion Quarterly*.

Burden, Barry C. 2009. Review of *The American Voter Revisited*, ed. Michael S. Lewis-Beck, William G. Jacoby, Helmut Norpoth, and Herbert F. Weisberg. *Political Science Quarterly*.

Burden, Barry C. 2003. Review of *Learning by Voting: Sequential Choices in Presidential Primaries and Other Elections* by Rebecca B. Morton and Kenneth C. Williams. *Public Choice*.

Burden, Barry C. 2002. Review of *Elements of Reason: Cognition, Choice, and the Bounds of Rationality*, ed. Arthur Lupia, Mathew D. McCubbins, and Samuel L. Popkin. *Journal of Economic Literature*.

Reports

Benjamin, Andrea, and Barry C. Burden. 2021. "Consequences of Final-Five Voting for Communities of Color."

Burden, Barry C. 2021. "The Experiences of Municipal Clerks and the Electorate in the November 2020 General Election in Wisconsin."

Burden, Barry C., and Trey Grayson. 2021. "Report on the Cyber Ninjas Review of the 2020 Presidential and U.S. Senatorial Elections in Maricopa County, Arizona."

Bland, Gary, and Barry C. Burden. 2013. "Electronic Registration Information Center: Stage 1 Evaluation." Report to the Pew Charitable Trusts.

Burden, Barry C., and Brian J. Gaines. 2013. "Administration of Absentee Ballot Programs." Testimony and report to the Presidential Commission on Election Administration.

Burden, Barry C., and Jeffrey Milyo. 2013. "The Recruitment and Training of Poll Workers." Testimony and report to the Presidential Commission on Election Administration.

Burden, Barry C. 2010. *Polling Place Incidents in the November 2008 General Election*. Report to the Wisconsin Government Accountability Board.

Burden, Barry C., David T. Canon, Stéphane Lavertu, Kenneth R. Mayer, and Donald P. Moynihan. 2009. *2008 Wisconsin Election Data Collection Grant Program Evaluation Report*. Report to the Wisconsin Government Accountability Board.

Burden, Barry C., and Janet M. Box-Steffensmeier. 1998. "Vote Likelihood and Institutional Trait Questions in the 1997 NES Pilot Study." Report to American National Election Study Board of Overseers.

Op-Eds, Blog Posts, and Other Publications

Burden, Barry C., and Robert M. Stein. 2024. "The Americans on the Front Lines of Elections." Brookings FixGov blog.

Burden, Barry C. 2023. "Paper Ballots Are Good, but Accurately Hand-Counting Them All is Next to Impossible." The Conversation. September 5.

Burden, Barry C., and Trey Grayson. 2022. "Michael Gableman's Vendetta Over Wisconsin's 2020 Election Must End – Before He Wreaks Havoc on the Next One." *Milwaukee Journal Sentinel*. May 11.

Burden, Barry C., and Trey Grayson. 2021. "Wisconsin is Ready to Move on from the 2020 Election. Why Can't Michael Gableman?" *Milwaukee Journal Sentinel*. October 26.

Burden, Barry C. 2021. "Ranked-Choice Voting is Worth a Look." *The Capital Times*. October 4.

Burden, Barry C., Julia Nestel, and Rochelle Snyder. 2021. "It Takes (At Least) Two to Do Democracy." Mischiefs of Faction. May 3.

Albert, Laura A., and Barry C. Burden. 2021. "Is It Possible to Have Safe and Equitable Elections?" *The Hill*. February 24.

Burden, Barry C., and Reid Ribble. 2020. "Be Patient as the Votes Are Carefully Counted." *Wisconsin State Journal*. October 21.

Burden, Barry C. 2020. "Mail-in Balloting Surged Last Month. Don't Let That Ease Your Worries." The Fulcrum. May 28.

Burden, Barry C., Robert M. Stein, and Charles Stewart III. 2020. "More Voting by Mail Would Make the 2020 Election Safer for Our Health. But It Comes with Risks of Its Own." The Monkey Cage (*Washington Post*). April 7.

Burden, Barry C. 2020. "Democratic Voters Aren't Only Voting on 'Electability.' They're Just as Interested in Candidates' Stands on the Issues." The Monkey Cage (*Washington Post*). March 4.

Burden, Barry C., and Rochelle Snyder. 2018. "In the 2018 Midterms, Many More People Are Running – and Far More Seats Are Contested – Than We've Seen for a Generation." The Monkey Cage (*Washington Post*). October 17.

Burden, Barry C., and David T. Canon. 2018. "The Supreme Court Decided Not to Decide Wisconsin's Gerrymandering Case. But Here's Why It Will Be Back." The Monkey Cage (*Washington Post*). June 19.

Burden, Barry C. and Robert Yablon. 2018. "No Bright Line Ruling Likely on SCOTUS Gerrymandering Cases." *The Hill*. June 14.

Burden, Barry C. 2018. "Same-Day Registration Could Save the Day." *Wisconsin State Journal*. June 10.

Burden, Barry C. 2017. "Trump's Base Wants to Hold on to the Past at All Costs." *Los Angeles Times*. November 5.

Burden, Barry C. 2017. "Everything You Need to Know about the Supreme Court's Big Gerrymandering Case." The Monkey Cage (*Washington Post*). October 1.

Burden, Barry C. 2017. "Wisconsin's Retirement System is a Competitive Advantage." *Milwaukee Journal Sentinel*. June 15.

Ansolabehere, Stephen, Barry C. Burden, Kenneth R. Mayer, and Charles Stewart III. 2016. "The Wisconsin Recount May Have a Surprise in Store After All." The Monkey Cage blog (*Washington Post*). December 5.

Burden, Barry C., and Evan Crawford. 2016. "Hillary Clinton's Absence in Wisconsin Reflects Her Strength—and One Weakness." *Wisconsin State Journal*. October 29.

Burden, Barry C. 2016. "To Win, Trump Needs to Get Non-College Grads to the Polls. Here's Why That Will Be Hard." The Monkey Cage (*Washington Post*). June 13.

Burden, Barry C., and Jordan Hsu. 2016. "Will Record Republican Turnout in the Primaries Translate into a Trump Win in November? Probably Not. Here's Why." The Monkey Cage (*Washington Post*). March 15.

Burden, Barry C. 2016. "How Donald Trump is Breaking the Rules of U.S. Politics." Political Studies Association blog. March 2.

Burden, Barry C. 2015. "FEC Isn't Right Model for Wisconsin." *Wisconsin State Journal*. September 18.

Burden, Barry C., David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan. 2014. "Keep Hands off the GAB." *Milwaukee Journal Sentinel*. October 15.

Burden, Barry C. 2014. "How Political Scientists Informed the President about Election Reform." The Monkey Cage (*Washington Post*). January 23.

Burden, Barry C., and Kevin J. Kennedy. 2013. "State Ranks High on Election Performance." *Milwaukee Journal Sentinel*. February 7.

Burden, Barry C., David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan. 2012. "Election-Day Registration Works Here." *Milwaukee Journal Sentinel*. December 26.

Burden, Barry C. 2012. "A Portrait of the Wisconsin Municipal Clerk." *The Municipality*.

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Burden, Barry C., and Kenneth R. Mayer. 2010. "Voting Early, but Not So Often." *The New York Times*. October 25.

Burden, Barry C. 2009. "Representation as a Field of Study." In *The Future of Political Science: 100 Perspectives*, ed. Gary King, Kay Lehman Schlozman, and Norman Nie. Routledge.

Burden, Barry C. 2003. "Chronology of the 2000 Presidential Campaign." In *Models of Voting in Presidential Elections: The 2000 U.S. Election*, ed. Herbert F. Weisberg and Clyde Wilcox. Stanford University Press.

Burden, Barry C. 1998. "Chronology of the 1996 Presidential Campaign." In *Reelection 1996: How Americans Voted*, ed. Herbert F. Weisberg and Janet M. Box-Steffensmeier. Chatham House Publishers.

Burden, Barry C. 1995. "Chronology of the 1992 Presidential Campaign." In *Democracy's Feast: Elections in America*, ed. Herbert F. Weisberg. Chatham House Publishers.

Honors and Awards

Kellett Mid-Career Award, UW Graduate School (2022-2027)

Political Research Quarterly Outstanding Reviewer Award (2017) – given to the top 20 reviewers of the year

Association for Politics and the Life Sciences Best Professional Paper (2015) – *given by the APLS for the best paper given by faculty members at the annual conference* – "How Different Forms of Health Matter to Political Participation: The Roles of Cognitive, Physical, and General Health," with Jason M. Fletcher, Pamela Herd, Bradley M. Jones, and Donald P. Moynihan.

State Politics and Policy Best Journal Article Award (2015) – *given by the State Politics and Policy section of the APSA for best article published in the previous year* – "Election Laws, Mobilization, and Turnout: The Unexpected Consequences of Electoral Reform," with David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan

Jewell-Loewenberg Award (2015) – *given by the Legislative Studies section of the APSA for the best article published in* Legislative Studies Quarterly *in the previous year* – "Sore Loser Laws and Congressional Polarization," with Bradley M. Jones and Michael S. Kang

Vilas Associates award, UW Graduate School (2014-2016)

American Journal of Political Science Super Reviewer (2014)

Robert H. Durr Award (2014) – *given by the Midwest Political Science Association for the best paper applying quantitative methods to a substantive problem in political science* – "Election Laws and Partisan Gains: The Effects of Early Voting and Same Day Registration on the Parties' Vote Shares," with David Canon, Kenneth Mayer, and Donald Moynihan

H. I. Romnes Faculty Fellow, UW Graduate School (2010-2015)

Licking Valley Schools "Wall of Pride" Award (2009) – *given by Licking Valley Local School*

District to alumni who distinguished themselves professionally or made notable contributions to society

Hamel Family Faculty Fellow, UW College of Letters and Science (2008-2013)

University Residence Hall Favorite Instructor Award (2007 & 2018)

Nominated for Everett Mendelsohn Excellence in Graduate Mentoring Award (2006)

Emerging Scholar Award (2005) – *given by the Political Organizations and Parties section of the APSA for significant research by a scholar receiving her or his doctorate within the past seven years*

Wittenberg University Outstanding Young Alumnus Award (2002) – *given to a graduate of the last decade to recognize professional achievement*

Council of Graduate Schools/University Microfilms International Distinguished Dissertation Award (2000) – *given to recognize best dissertation completed nationwide in the social sciences between 1998 and 2000*

Alpha Lambda Delta Award for superior instruction of freshman students (1999)

OSU Presidential Fellow (1998)

Francis R. Aumann Award for best OSU graduate student conference paper (1996 & 1997)

Malcolm Jewell Award (1996) – *best graduate student paper presented at the 1995 Southern Political Science Association meeting*

Ohio Board of Regents Fellow (1993-1995)

Phi Beta Kappa (1993)

Wittenberg University Student Leader of the Year (1992-1993)

Jeffrey Y. Mao Alumni Award in Political Science (1992)

Grants

MIT Election and Data Science Lab, "The Front Lines of Elections: Poll Workers in the New Election Administration Environment" (2022-2023, with co-PI Robert Stein)

Institute for Political Innovation: "Final Five Voting Research Project" (2021, co-PI with Andrea Benjamin)

Tommy G. Thompson Center on Public Leadership: "Planning Wisconsin Elections in a Pandemic Crisis" (2020-2021)

National Science Foundation: "Election Sciences Conference 2018" (2018-2019, co-PI with Paul Gronke and Charles Stewart III)

Joyce Foundation: "State Election Landscapes" (2017-2018, co-PI with Doug Chapin, Edward Foley, Steven Huefner, and Charles Stewart III)

Vilas Associates award: "The Genetic, Personality, and Health Origins of Political Participation" (2015-2017)

UW Graduate School Research Committee: "Political Participation among Older Americans"

(2014-2015, co-PI with Donald P. Moynihan)

Center for Demography of Health and Aging: "Political Participation of Older Americans: The Role of Social and Genetic Factors" (2013-2014, co-PI with Jason Fletcher and Moynihan)

Pew Charitable Trusts: "Measuring Elections Performance Project," (2012-2103, with head PI Charles Stewart III)

Wisconsin Government Accountability Board: "Analysis of Polling Place Incident Logs" (2011-2012, head PI with Canon, Mayer, and Moynihan)

UW Graduate School Research Committee: "The Consequences of Electing Election Officials" (2009-2010)

Pew Center on the States: "Early Voting and Same Day Registration in Wisconsin and Beyond" (2008-2009, head PI with Canon, Mayer, and Moynihan)

U.S. Election Assistance Commission, Election Data Collection Grant Program: subcontractor on grant to the Wisconsin Government Accountability Board (2008-2010, head PI with Canon, Mayer, and Moynihan)

UW Graduate School Research Committee: "The Puzzling Geography of Federal Spending," (2007-2008)

UW Graduate School Research Committee: "The Political Economy of the Japanese Gender Gap" (2006-2007)

Center for American Political Studies: "Democracy, Divided Government, and Split-Ticket Voting" (2006)

Joseph H. Clark fund award: "The Limits of Representation" (2004-2006)

Reischauer Institute of Japanese Studies: "Accountability, Economics, and Party Politics in Japan" (2004-2006)

Time-sharing Experiments in the Social Sciences: "Affect and Cognition in Party Identification" (2004, with Casey A. Klofstad)

Harvard Faculty of Arts & Sciences Course Innovation Funds: "The Practice of Political Science" (2003)

Dirksen Congressional Center Congressional Research Award: "The Discharge Rule and Majoritarian Politics in the House of Representatives" (2002-2003)

Reischauer Institute of Japanese Studies Curriculum Enrichment Grant: "Electoral Politics in America and Japan" (2002)

Center for Basic Research in the Social Science: "Affect and Cognition in Party Identification" (2001)

Joseph H. Clark fund award: "Affect and Cognition in Party Identification" (2001-2002)

Joseph H. Clark fund award: "Ideology in Congressional Elections" (2000-2001)

NSF Doctoral Dissertation Improvement Grant: "Candidates' Positions in Congressional Elections" (1997)

Teaching and Advising

Undergraduate courses:

American Political Parties
Introduction to American Politics
Elections and Voting Behavior
American Public Opinion
Election Reform in America
The U.S. Congress
Techniques of Political Analysis
Electoral Politics in America and Japan
The Practice of Political Science Research

Graduate courses:

American Politics Field Seminar
Mass Political Behavior
Congressional Politics
American Political Parties
Readings on Advanced Statistical Methods
Empirical Methods of Political Inquiry
American Political Institutions
Readings on Interest Group Politics
American Politics Workshop
Political Science as a Discipline and Profession

Primary advising of doctoral students (year, placement):

Levi Bankston (2023, Analyst Institute)
Evan Crawford (2018, University of San Diego)
Department of Political Science award for best dissertation in American politics
Larry Czeponis (current)
Michael DeCrescenzo (2020, DRW Holdings)
Jess Esplin (current)
Matthew Holleque (2012, Obama for America, BlueLabs, Facebook)
Veronica Judson (current)
Bradley Jones (2016, Pew Research Center, Meta, YouGov)
Dimitri Kelly (2013, Linfield College)
Matthew Kim (current)
Yujin Kim (2014, University of Wisconsin Survey Center)
Jacob Neiheisel (2013, University of Buffalo)
Jacqueline Qiu (current)
Matthew Shor (2023, McGraw Hill)
Rochelle Snyder (2024, Coe College)
Logan Vidal (2015 MA, Wisconsin state legislature & DCCC)
Amber Wichowsky (2010, Marquette University)
Carl Albert Dissertation Award for best dissertation in legislative studies

Professional and University Service

Journal editorial boards:

Journal of Election Administration Research and Practice (2021-present)
Japanese Journal of Political Science (2018-present)
Election Law Journal (2013-present)
Electoral Studies (2011-present)
Political Research Quarterly (2014-2016)
Legislative Studies Quarterly (2011-2013)

Other outside service:

MPSA Nominations Committee for the Election of Offices (2022)
MIT Election Data and Science Lab advisory committee (2017-present)
Election Performance Index Advisory Board, Pew Center on the States (2010-2014)
APSA Elections, Public Opinion, and Voting Behavior organized section Communications Director (2012-2015)
APSA Legislative Studies organized section council (2009-2011)
APSA Political Organizations and Parties organized section council (2005-2007)
APSA Ad Hoc Committee on Member Communications (2013)

Conference section head:

Electoral Campaigns, MPSA annual meeting (2017)
Political Organizations and Parties, APSA annual meeting (2006)
Political Methodology, SPSA annual meeting (2001)

Conference organizer:

Wisconsin Election Landscapes (2019)
Election Sciences, Reform, and Administration (ESRA) conference, *co-chair* (2018)
Society for Political Methodology annual meeting, *co-chair* (2017)
Elections Research Center symposiums (2016, 2018, 2020, & 2022)
Democracy, Divided Government, and Split-Ticket Voting conference (2006)

Award committees:

Philip E. Converse Book Award for the best book published at least five years prior on elections, public opinion, and voting (*chair*, 2023)
Best Article published in *Political Behavior* in the previous year (*chair*, 2021)
Best Paper Presented by a Graduate Student at the 2019 MPSA meeting (*chair*, 2019)
Legislative Studies organized section Jewell-Loewenberg Award for the best article published in *Legislative Studies Quarterly* in the previous year (*chair*, 2016)
Elections, Public Opinion, and Voting Behavior organized section graduate student travel award committee (2013-2015)
Political Organizations and Parties organized section/*Party Politics* award committee for the best paper presented at the 2006 APSA annual meeting (*chair*, 2007)
Political Organizations and Parties organized section Emerging Scholar Award committee (*chair*, 2013)

Invited presentations:

Boston University, Brookings Institution, Dartmouth College, Japan National Press Club, Kwansei Gakuin University, Northwestern University, Ohio University, Stanford University, State Bar of Wisconsin, University of Chicago, SUNY-Stony Brook, University of Houston, University of Iowa, University of Minnesota, University of Missouri-Columbia, University of North Carolina-Chapel Hill, University of Notre Dame, University of Rochester, University of Texas at Austin, Utah State University, Wisconsin Academy of Sciences, Arts, and Letters, University of Wisconsin-Eau Claire, Wittenberg University, Yale University, & other organizations and community forums

University of Wisconsin Department of Political Science service:

Director, Elections Research Center (2015-present)
Associate Chair/Director of Graduate Studies (2007-2012)
Graduate Admissions and Fellowships, *chair*
Graduate Program Committee, *chair*
Teaching Assistant Evaluation Committee, *chair*
American Politics Faculty Search Committee, *chair*
Race and Ethnics Politics Faculty Search Committee
Preliminary Examination Appeals Committee
Graduate Program Committee
Budget and Development Committee
Special Appointments Committee
American Politics Field Chair

Other University of Wisconsin service:

Faculty Senate
L&S Teaching Fellow Anniversary Symposium Planning Committee
L&S C-GRS Faculty Executive Committee
Graduate School Social Studies Fellowships Committee
Social Studies Divisional Executive Committee
Principal Investigator Committee, Graduate School
University of Wisconsin Survey Center Steering Committee
Tommy G. Thompson Center on Public Leadership Faculty Advisory Board
Graduate School Cluster Advisory Committee
PROFS Steering Committee
Morgridge Center for Public Service Board of Advisors
BadgersVote Faculty Co-Chair
First Generation Badger Task Force

Harvard University service:

American Politics Faculty Search
Graduate Admissions
Government Concentration/Board of Senior Examiners
Teaching Fellow Coordinator
American Politics Field Coordinator
Center for Government and International Studies planning subcommittee

Truman Scholarship Nomination
Eben Fiske Studentship Nomination
Political Communication Faculty Search, Kennedy School of Government

Documentary film appearances:
Whose Vote Counts (2020)
Slay the Dragon (2019)
Fahrenheit 11/9 (2018)
An Unreasonable Man (2006)

Expert Consulting and Public Service

Dane County Redistricting Commission (2002-2021)

Expert witness:
United States of America v. The State of Georgia et al., U.S. District Court, Northern District of Georgia (2023)
Democratic National Committee and Democratic Party of Wisconsin v. Marge Bostelmann et al., U.S. District Court, Western District of Wisconsin (2020)
The Andrew Goodman Foundation v. Marge Bostelmann et al., U.S. District Court, Western District of Wisconsin (2019-2020)
North Carolina State Conference of the NAACP et al. v. Roy Asberry Cooper III et al., U.S. District Court, Central District of North Carolina (2019-2021)
League of United Latin American Citizens of Iowa et al. v Iowa Secretary of State Paul Pate, Polk County District and Supreme Court of Iowa (2018-2019)
County of Los Angeles v. State of California et al., Superior Court, County of Los Angeles, State of California (2018)
Chelsea Collaborative et al. v. William Francis Galvin et al., Suffolk County Superior Court, Commonwealth of Massachusetts (2017)
One Wisconsin Institute Inc. et al. v. Judge Gerald C. Nichol et al., U.S. District Court, Western District of Wisconsin (2016)
North Carolina State Conference of the NAACP et al. v. Patrick Lloyd McCrory et al., U.S. District Court, Middle District of North Carolina (2014-2016)
Ohio State Conference of the NAACP et al. v. Jon Husted et al., U.S. District Court, Southern District of Ohio (2014)
United States of America v. State of Texas, U.S. District Court, Southern District of Texas (2014)
League of United Latin American Citizens of Wisconsin et al. v. Judge David G. Deininger et al., U.S. District Court, Eastern District of Wisconsin (2013)

Academic researcher, Presidential Commission on Election Administration, established by presidential Executive Order 13639 (2013)

Research consultant, via Research Triangle International Institute and the Pew Charitable Trusts, for evaluation of the Electronic Registration Information Center (2012-2017)

Amicus Curiae

Political science professors supporting appellees and cross-appellants and affirmance in the Utah Supreme Court case of *League of Women Voters of Utah et al. v. Utah State Legislature et al.* (2023)

Political science professors in support of appellees and affirmance in the U.S. Supreme Court cases of *Robert A. Rucho et al. v. Common Cause et al.* and *Linda H. Lamone et al. v. O. John Benisek et al.* (2019)

Political science professors in support of appellees and affirmance in the U.S. Supreme Court case of *Beverly R. Gill et al. v. William Whitford et al*. (2017)

Political science professors in support of petitioners in the Supreme Court of Pennsylvania case of *League of Women Voters of Pennsylvania et al. v. The Commonwealth of Pennsylvania* (2017)