Exhibit 3

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

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, *et al.*, *Plaintiffs*, v. DAMON CIRCOSTA, in his official capacity as Chair of the North Carolina State Board of Elections, et. al., *Defendants*.	No. 1:18-cv-01034

SECOND SUPPLEMENTAL EXPERT REPORT OF DR. BARRY C. BURDEN

Plaintiffs' Exhibit 460

This report is a second supplement to the preliminary expert report I submitted in this case on September 17, 2019, for purposes of preliminary injunction. My initial report concerned the likely effects of Senate Bill (S.B.) 824[1] in light of Section 2 of the Voting Rights Act (VRA). That initial expert report was followed by a first supplemental report submitted on December 15, 2019. The first supplemental report responded to the briefs and expert reports submitted on behalf of defendants and amici. The purpose of this second supplemental report is to update my initial report in light of relevant new academic research, data, court decisions, and other developments since my initial report and the adoption of House Bill (H.B.) 1169,[2] which amended the voter ID statute to allow use of public assistance ID cards.

I. Racial and Ethnic Group Differences in Voter Turnout in 2020

My initial report demonstrated that voter turnout rates among Black and Hispanic residents in North Carolina have generally been below those of whites. Based on two sources of data from the 2020 presidential election, white voter turnout in North Carolina continues to outpace that of minority groups. According to the North Carolina State Board of Elections, turnout rates among registered voters in the 2020 presidential election were 79% for whites but only 68% for Blacks and 59% for Hispanics.[3] Using a methodology similar to the one in my prior report, turnout rates among citizens of voting age were 71% for whites, 64% for Blacks, and 43% for Hispanics.[4] These gaps are substantial and enduring. The disparities in voter participation by race and ethnicity were not alleviated in 2020 despite historically high turnout in the presidential election.

II. New Research on the Deterrent Effects of Photo Voter ID Laws

My prior supplemental report responded to a report from an expert for amici that discussed several unpublished studies. One of those studies has now been published in its final peer-reviewed form and has particular relevance for this case. The article by Justin Grimmer and Jesse Yoder examines the immediate effect on voter turnout in the one election where the North Carolina voter ID law was in force, as well as the delayed effects that persisted in future elections where the law was no longer in force.[5] They conclude that the ID requirement can depress turnout both through a "mechanical effect" whereby voters without ID are prevented from voting at the polls and a "deterrent effect" whereby voters may not attempt to vote at all because they do not know the status of the law or because they believe – perhaps mistakenly –

[1] Codified as Session Law (S.L.) 2018-144.

[2] Codified as Session Law (S.L.) 2020-17.

[3] "N.C. Voter Turnout Statistics 2020 General Election" (*available at* https://s3.amazonaws.com/dl.ncsbe.gov/Press/NC%20Voter%20Turnout%20Statistics/voter_turnout_stats_20201103.pdf)

[4] These percentages are based on the number of voters in each group reported by the North Carolina State Board of Elections divided by the citizen age voting population (CVAP) for each group according to the 2015-2019 American Community Survey (ACS). Data from the 2021 ACS do not appear to be available at the time of this report.

[5] Justin Grimmer and Jesse Yoder (2021), "The Durable Differential Deterrent Effects of Strict Photo Identification Laws," *Political Science Research and Methods*, published online (*available at* https://doi.org/10.1017/psrm.2020.57).

that they lack the proper ID needed to vote. This can reduce turnout in future elections if potential voters are unaware that voter ID rules have become more accommodating.

Combining official administrative data on voter registration, voter turnout, and state ID possession, the authors estimate that in the March 2016 primary election, individuals without ID voted at a rate .7 percentage points lower than those with ID. The effect was even more significant in the 2016 general election, where turnout among those without ID was 2.6 percentage points lower than among those with ID, even though photo voter ID was not required in that election.[6] The effect even persisted to the 2018 general election, in which individuals without ID were 1.7 points less likely to vote than those with ID, despite photo voter ID not being required in 2018. The authors conclude that the "deterrent effect" in the two general elections was larger than the "mechanical effect" in the primary election because general election voters are less aware of election rules and did not have the benefit of the informational mailer about the law that was sent by the State Board of Elections to people believed to lack state ID only before the 2016 primary. Racial minorities are more impacted by the deterrent effect because a larger share of non-whites lack qualifying IDs.

Possession of IDs

A study by Matt Barreto, Stephen Nuño, Gabriel Sanchez, and Hannah Walker analyzes multiple national and state surveys conducted over seven years that ask respondents about whether they possess ID for voting purposes.[7] In each state survey, the definition of acceptable ID corresponds to the applicable state law; in the national surveys, the definition is more generally possession of a non-expired, state-issued ID. The authors find evidence across datasets that non-white individuals are approximately five to ten percentage points less like to possess ID than are white individuals. Accounting for demographic characteristics such as age, education, and income reduces the disparities in ID possession by race somewhat but does not eliminate them. That is, differing life circumstances such as lower levels of income are a factor behind lower ID possession among minority groups, but racial gaps persist even when accounting for these correlated variables. The Barreto *et al*. study thus demonstrates that preexisting racial differences in possession of IDs (such as the forms of ID required in S.B. 824) are widespread and persistent. The study's lead author also produced an expert report in this case that focused on ID possession rates in North Carolina. The analyses in the report that Barreto submitted in this case demonstrate that Blacks and Hispanics in North Carolina are generally between five and fifteen percentage points less likely to possess ID permitted for voting under S.B. 824.[8]

[6] These estimates are based on their most conservative and stringent models.

[7] Matt A. Barreto, Stephen Nuño, Gabriel R. Sanchez, and Hannah L. Walker (2019), "The Racial Implications of Voter Identification Laws in America," *American Politics Research* 47:238-49.

[8] Preliminary Expert Report of Matthew A. Barreto, *North Carolina State Conference of the NAACP v. Cooper,* 1:18-cv-01034, Doc. 108-1 (filed November 15, 2019).

Impact of Ameliorative Provisions

A study by Bernard Fraga and Michael Miller analyzes reasonable impediment declarations (RIDs) as applied under the Texas photo voter ID law.[9] The authors find that the reasonable impediment option is not widely understood by the public in Texas and is thus underutilized. Usage of the declaration by voters is, therefore, a "lower bound" estimate of voters who lack ID but wish to vote. Analyzing voter data from the 2016 election and imputing information about voter demographics, the authors find that voters who used the declaration were much more likely to be Black or Hispanic than those groups' shares of the overall voting population. The author also found that many declaration users actually possessed acceptable ID at one time but had it lost or stolen or had recently moved so that their current ID did not reflect their current residence. About one-third of RID users were deemed to be experiencing "enduring" difficulties with ID, whereas others experienced more temporary disruptions. Although the study shows that the RID option in Texas was somewhat ameliorative, it fell far short of rectifying disparities in ID possession. Approximately 600,000 registered voters in Texas lacked qualifying ID, but the authors only uncovered evidence of 16,000 RIDs submitted by voters.

A study by Phoebe Henninger, Marc Meredith, and Michael Morse conducts a similar analysis that examines affidavits filed in Michigan by voters who possessed ID but were unable to show them.[10] The Michigan law is more forgiving than S.B. 824 in that a wider range of IDs are accepted[11] and any individual lacking ID may sign an affidavit and vote a regular ballot. Even with these ameliorating provisions, they find that voting without ID was much more likely among non-whites than whites. Whereas only .25% of whites who voted lacked access to IDs, .57% of Hispanics did and 1.57% of Blacks did.[12]

Impact on Voter Confidence

A purported justification for S.B. 824 is to bolster voter confidence in the voting system. A peer-reviewed study by Enrico Cantoni and Vincent Pons offers another analysis of whether photo voter ID laws influence voter confidence in election administration.[13] They find no effects of such laws on measures of either actual or alleged vote fraud incidents in the states. Photo ID laws

[9] Bernard L. Fraga and Michael G. Miller (forthcoming), "Who Does Voter ID Keep from Voting," *Journal of Politics*, published online June 21, 2021 (*available at* https://www.journals.uchicago.edu/doi/10.1086/716282).

[10] Phoebe Henninger, Marc Meredith, and Michael Morse (2021), "Who Votes Without Identification? Using Individual-Level Administrative Data to Measure the Burden of Strict Voter Identification Laws," *Journal of Empirical Legal Studies* 18:256-286.

[11] For example, the Michigan law allows a voter to use a driver's license issued by another state, a personal ID card issued by another state, a federal or state-issued voter ID, and a student ID from a high school, college, or university. *Id.*

[12] *Id*. at Table A5.

[13] Enrico Cantoni and Vincent Pons (forthcoming), "Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018" *Quarterly Journal of Economics*, published online May 22, 2021 (*available at* https://academic.oup.com/qje/advance-article-abstract/doi/10.1093/qje/qjab019/6281042). I cited a pre-publication version of this study in my first supplemental report in response to a discussion of it by an expert witness for amici.

also have no influence on the public's beliefs about the prevalence of voter impersonation, non-citizen voting, or double voting. These null findings highlight the tenuous nature of S.B. 824, which was justified in part because of an alleged need to shore up voter confidence. It is also entirely consistent with the multiple studies reviewed in my initial report that found no overall boost in public confidence or trust in the election system when states implemented photo voter ID laws.

In summary, recent studies confirm my prior opinion that S.B. 824 is likely to inhibit voter turnout and is substantially more burdensome for Black and Hispanic residents, in part because those individuals are less likely to possess acceptable ID. Reasonable impediment declarations may alleviate the burden to some degree, but such options are little understood and are generally underutilized by the electorate. Their greater use by minority voters than white voters confirms the disparity in ID possession and represents the lowest possible estimate of how much photo ID laws such as S.B. 824 deter voter participation. In addition, a principal rationale for S.B. 824, that it is needed to boost voter confidence in the election system, is highly tenuous because studies show no effect of stringent voter ID requirement on public confidence or beliefs about voter fraud.

III. Racial Implications

Although S.B. 824 is facially neutral, as it generally applies to all potential voters in North Carolina, history and research demonstrate that passage of such laws comes in response to changing racial dynamics and implementation of such laws often falls unevenly across racial groups.

As my initial report explained, photo voter ID laws and other requirements and limitations on voting tend to be adopted by Republican officeholders in response to growing minority voting populations. At least two academic studies have demonstrated this cause-and-effect relationship and are discussed in my prior report in evaluating the "tenuousness" of S.B. 824. As I explained in that section of my report, the motivation for measures such as S.B. 824 is not based in a factual understanding of serious vulnerabilities in the election administration system, but instead often has racial overtones and implications.[14]

The racial underpinnings of legislative support for voter ID laws can be seen in public opinion surveys. Such surveys are relevant in part because S.B. 824 was enacted in response to a public vote on a constitutional amendment in November 2018.[15] That measure passed with 55% of voters in favor and 45% opposed.

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[14] See the section on "Tenuousness of the Policy" in my initial report. Preliminary Expert Report of Dr. Barry C. Burden at 21-36, *North Carolina State Conference of the NAACP v. Cooper*, No. 1:18-cv-01034, Doc. 91-4 (filed October 9, 2019).

[15] As explained in my initial report, S.B. 824 went further than the language in the referendum, which only applied to a general requirement of providing photo ID requirement for people voting in person. That outcome reflected the views of the 48% of eligible voters who voted on that measure (3,693,104 votes according to the North Carolina State Board of Elections out of an eligible population of 7,663,854 according to the United States Elections Project). 2018 General Election Turnout Rates (*available at* http://www.electproject.org/2018g).

Research shows that members of the public with greater "racial resentment" – generally defined as believing that Blacks and members of other minority groups receive unfair advantages – are more supportive of voter ID requirements[16] and disproportionately believe that photo ID laws are effective.[17] This is true even after controlling demographic factors such as age and education, political preferences, and media consumption patterns. Passage of voter ID laws such as S.B. 824 may thus be a way for politicians to appeal to voters with higher levels of racial animosity. Legislative action that is based on these sorts of sentiments, rather than facts on the ground, is a key sign of the tenuousness of S.B. 824.

Implementation of voter ID laws often results in unequal treatment of voters from different racial groups. S.B. 824 allows some voters who arrive at the polls without acceptable ID to vote if they submit an approved "reasonable impediment" form. Exactly how this provision will be implemented and how the public will be informed about it are key concerns raised in my initial report. I concluded in my initial report that a lack of firm knowledge about the provision is likely to disproportionately deter voting by Black and Hispanic individuals relative to whites. Even if the information deficit is overcome, the discretion granted to poll workers and county boards of elections who review the declarations to determine their truthfulness remains a source of unequal treatment of voters by race and ethnicity. As my initial report documented, the statute provides little guidance on how boards of elections are to determine the validity of declarations. Evidence from the one election where S.B. 824 was in effect (March 2016) shows that poll workers were highly inconsistent in their implementation of the law. Black voters in that election were in fact much more likely to have their ballots rejected for lack of ID.

Inconsistent implementation in voter requirements is apparent even in the November 2020 election when S.B. 824 was not in force. Evidence can be seen in a survey of voters conducted immediately after election day that asked whether those voters had shown ID and why. The Survey of the Performance of American Elections (SPAE), a regular academic survey conducted across the country over several election cycles, included a representative sample of 1,000 registered voters in North Carolina and asked about whether and why they showed ID at the polls.[18] Two questions in the survey shed light on how white and non-white voters were differentially treated at the polls.

The first question asked the voter "how you were asked to identify yourself" when checking into the polling place to vote in person. Given that S.B. 824 was not in effect, most voters simply stated their names and addresses as required by law. Seventy-three percent of voters checked in this way and five percent showed their voter registration cards. Some voters – 19% – showed a license, state ID, passport, or military ID. Doing so voluntarily is not a problem but doing so because it was demanded by poll workers would violate the law.

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[16] David C. Wilson and Paul R. Brewer (2013), "The Foundations of Public Opinion on Voter ID Laws: Political Predispositions, Racial Resentment, and Information Effects," *Public Opinion Quarterly* 77:962-984.

[17] Paul Gronke, William D. Hicks, Seth C. McKee, Charles Stewart III, and James Dunham (2018), "Voter ID Laws: A View from the Public," *Social Science Quarterly* 100:215-232.

[18] The data and documentation for the survey are publicly available online at https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/FSGX7Z.

This possibility is explored in a follow-up survey question. For those who showed photo ID, the survey asked whether they did so "because you were asked for it specifically, or because a picture ID was the most convenient form of identification for you to show?" Overall, 42% of people who showed photo ID said they were specifically asked, but even this problematic rate varied by race. Among white voters who showed photo ID, only 39% said they were asked but among non-white voters 49% were asked. Although voters' memories are imperfect and the sample of respondents in North Carolina who answered this question is small, the high rate at which voters were asked to show ID while S.B. 824 was not in effect signals a failure of poll workers to administer the law properly over even uniformly. The higher rate at which minority voters were subject to this illegal requirement raises concern about unequal treatment resulting in greater burdens on non-white voters.

This discriminatory pattern also raises concern about how minority voters' rights could be disproportionately inhibited by county Boards of Elections. Those boards have the ultimate authority to determine if a voter's reasonable impediment affidavit is truthful. The boards also have more discretion than do front line poll workers because S.B. 824 includes no concrete guidelines for determining whether an affidavit is acceptable. The state court in *Holmes v. Moore* found that "there is no articulable standard employed in the process" and "there is no appeal process for voters who have had their votes rejected."[19] The arbitrariness and finality of the board decision is made more problematic by the potential biases in the treatment of voters from different racial and ethnic backgrounds. As summarized in my initial report, an academic study by Ariel White has shown that county Boards of Elections in North Carolina displayed bias toward putative residents who were Hispanic compared to those who were non-Hispanic whites.[20]

IV. Public Assistance IDs

Enacted in June 2020, after my previous reports, H.B. 1169 added to the list of IDs that may be presented when voting. Specifically, the law allows use of "[a]n identification card issued by a department, agency, or entity of the United States government or this State for a government program of public assistance." On the surface, this addition seems like an ameliorating accommodation because it widens the range of IDs that voters may use, thus decreasing the burdens of the law, especially for individuals with lower incomes. However, upon closer scrutiny, it is apparent that the provision will have little to no practical impact in softening the disproportionate burdens imposed by S.B. 824.

As with other forms of ID, a public assistance ID must "contain a photograph of the registered voter." As far I know, none of the ID cards for state assistance programs such as the Supplemental Nutrition Assistance Program (SNAP, also known as "food stamps") and

[19] Final Judgment and Order in *Jabari Holmes et al. v. Timothy K. Moore et al.*, No. 18 CVS 15292, at paragraph 117 (N.C. Ct. App. September 17, 2021).

[20] See page 20 of my initial report. Preliminary Expert Report of Dr. Barry C. Burden in *North Carolina State Conference of the NAACP v. Cooper*, No. 1:18-cv-01034, Doc. 91-4 (filed October 9, 2019).

Medicaid, or federal programs such as Social Security and Medicare, currently contain photographs. Housing authorities in North Carolina do issue IDs to residents, but it is not clear if those are considered acceptable for voting under H.B. 1169 because they are issued by local rather than state or federal entities.[21] Other forms of photo ID available in North Carolina also appear to be ineligible for voting under H.B. 1124. For example, nonprofit organizations have been offering residents who do not have access to government IDs an alternative called a "FaithAction ID." That ID appears unacceptable for voting purposes even though it is issued with cooperation of local law enforcement and requires recipients to participate in an orientation.[22]

Thus, although a superficial consideration of H.B. 1169 may suggest that it ameliorates the burdens of S.B. 824, the amendment does not appear to expand the range of acceptable IDs in a meaningful way. My opinion about the disproportionate burdens of S.B. 824 is unchanged as a result of the amendment.

V. Suspended Driver's Licenses

Since my earlier reports, I have learned new information about the value of North Carolina driver's licenses for purposes of compliance with S.B. 824. A large majority of the state's adult residents possess driver's licenses, and they are expected to be the most common form of ID used under S.B. 824. However, because the law requires that IDs are "valid,"[23] a license that is suspended is excluded as an acceptable ID. The exclusion of suspended licenses seems unnecessary and unhelpful for meeting state interests; a suspended license with a photo would seem to be a just as useful as an active license for verifying a voter's identity.

This policy is important to highlight because a surprisingly large share of North Carolina residents have suspended licenses and the rate is greater among minority groups than whites. Having a suspended license inhibits the ability to vote both by making transportation to the polls more difficult (because driving privileges are revoked) and by making the most common form of voter ID under S.B. 824 invalid.

A recent analysis of administrative data from North Carolina indicates that approximately 15% of adult drivers possess licenses that are suspended.[24] Suspensions are typically due to traffic violations followed by a failure to appear in court and/or failure to pay legal fines or fees. These

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[21] Declaration of Kathleen Roblez, *North Carolina State Conference of the NAACP v. Cooper,* 1:18-cv-01034, Doc. 108-1 (filed November 15, 2019).

[22] "FAITHACTION ID PROGRAM," *available at* https://faithaction.org/wp-content/uploads/2019/07/2019-FaithAction-ID-Program-and-Network-Overview.pdf (last accessed October 1, 2021).

[23] S.L. 2018-144 §1.2(a).

[24] Brandon L. Garrett and William Crozier (2019), "Driver's License Suspension in North Carolina," Duke University School of Public Law and Theory Legal Series Paper 2019-27 *(available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3355599). This could be regarded as an upper estimate. It is not clear if this includes non-citizens or others who were ineligible to vote. In addition, some of the individuals could have died or moved out of state.

suspensions show a strong racial disparity. Although residents of driving age in North Carolina are 21% Black and 8% Hispanic, Blacks comprise 41% of suspensions and Hispanics comprise 21% of suspensions. Both kinds of suspensions are costly for individuals to reverse. A follow-up survey found that 8% of North Carolina respondents had suspended licenses and another 5% did not know if they had suspended licenses.[25] As with the administrative data, the survey showed a glaring racial disparity, with non-whites being more likely to have suspended licenses.

Analysis by Professor Kevin Quinn of University of Michigan (in his expert declaration in a related state case concerning S.B. 824, *Holmes v. Moore*) examined whether suspended licenses contributed to disparities in acceptable forms of ID across racial and ethnic groups. In comparing the state's voter registration file with the state's driver's license database, Quinn discovered that the overall "no-match rate" increased substantially from 5.88% to 12.51% when suspended, surrendered, and inactive licenses were considered as invalid forms of ID that people possessed.[26] An updated analysis accounting for these problematic forms of ID also showed a disparity in ID possession between whites and Blacks that was much greater than would be the case if those forms of ID were acceptable for voting under S.B. 824. The non-possession rate for white registrants increased from 5.47% to 12.45%, while the non-possession rate for Black registrants increased from 7.61% to 26.41%, thus increasing the disparity between the races from 2.14 percentage points to sizable 18.8 percentage points.[27] As noted above, these possession rates for valid licenses are highly consistent with estimates Professor Matthew Barreto provided in his expert report based on a survey of North Carolina residents.[28]

Having a suspended license in North Carolina can lead a person into a web of fines, fees, and complications that are difficult to overcome. A person issued a traffic citation is typically allowed to pay a fee or appear in court to contest the citation. The call to court is issued by a notice that is mailed to the individual. Failure to appear typically results in a license suspension. However, a recent mail survey of Wake County drivers with suspended licenses found that at least one third of the addresses on file were deemed undeliverable by the United States Postal

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[25] Expert Report of Kevin Quinn at 31-32, *Currie et al. v. State of North Carolina et al.,* No. 13-CVS-1419 (Orange County Sup. Ct. May 18, 2015) (attached as Appendix B to the Expert Report of Kevin Quinn, Ph.D., *Jabari Holmes et al. v. Timothy K. Moore et al.*, No. 18 CVS 15292 (N.C. Ct. App. Dec. 14, 2020)). The disparity between the administrative data showing a higher suspension rate and the survey showing a lower suspension is less than it seems if the 8% who are report suspensions and the 5% who do not know are combined to form 13% who lack knowledge their licenses remain unsuspended. The disparity could also be due to drivers listed in the administrative data who have since moved out of the state, misunderstanding or unwillingness to report about suspended licenses among some survey respondents, and the sampling error inherent in sample surveys.

[26] Expert Report of Kevin Quinn, *Currie et al. v. State of North Carolina et al.* at 31-32, No. 13-CVS-1419 (Orange County Sup. Ct. May 18, 2015) (attached as Appendix B to the Expert Report of Kevin Quinn, Ph.D., *Jabari Holmes et al. v. Timothy K. Moore et al.*, No. 18 CVS 15292 (N.C. Ct. App. Dec. 14, 2020).

[27] Expert Report of Kevin Quinn, Ph.D. at 12-13 *Jabari Holmes et al. v. Timothy K. Moore et al.*, No. 18 CVS 15292 (N.C. Ct. App. Dec. 14, 2020).

[28] Preliminary Expert Report of Matthew A. Barreto, *North Carolina State Conference of the NAACP v. Cooper,* 1:18-cv-01034, Doc. 108-1 (filed November 15, 2019).

Service.[29] This suggests that many people have suspended licenses because they were not effectively served with notices about necessary court appearances. Failure to appear – often without proper notice – results in a loss of form of ID needed to vote under S.B. 824. It also leads to additional costs. A $200 fee is imposed for failure to appear in court. This is on top of the other fees that must be paid to reinstate a suspended license: a $70 restoration fee, a $50 service fee, and a $140.25 fee if the citation is the result of a charge of driving while intoxicated (DWI).[30] – that makes reestablishing a person's license for voting purposes more costly.[31]

VI. Ongoing Lack of Responsiveness on the Part of Elected Officials

One factor in the U.S. Senate report that courts use to evaluate possible violations of the VRA is a "lack of responsiveness on the part of elected officials to the particularized needs of minority group members." My initial report documented ways in which officials in North Carolina has been less responsive to Black and Hispanic residents.[32] Since that report was submitted, the ongoing lack of responsiveness to minority residents has continued to be apparent.

Recent actions of the state legislature display insensitivity if not outright disregard for minority residents in North Carolina. I briefly note two examples from the 2021-2022 legislative session.

First, earlier this year both chambers of the legislature approved H.B. 324, a bill that would prevent all public school teachers and other employees from promoting ideas about race including: that a meritocracy is racist, that the United States was created so that members of one race could oppress members of another race, and that a person should feel discomfort or anguish as a result of their race.[33] This form of curricular censorship is contrary to history. It is also pointedly dismissive of minority students and their families in a state where a Fourth Circuit panel judgement confirmed that "North Carolina has a long history of race discrimination generally and race-based vote suppression in particular."[34]

Second, S.B. 326, a bill approved by the State Senate earlier this year, would repeal a law adopted unanimously in the state legislature just 12 years earlier allowing absentee ballots postmarked by election day to be counted as long as they were received no later than three days

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[29] Brandon L. Garrett, Karima Modjadidi, and William Crozier (2020), "Undeliverable: Suspended Driver's Licenses and the Problem of Notice," *UCLA Criminal Justice Law Review* 4:185-198.

[30] North Carolina Department of Transportation, "Driver License Restoration" (*available at* https://www.ncdot.gov/dmv/license-id/license-suspension/Pages/driver-license-restoration.aspx).

[31] S.B. 824 provides for issuance of a "special identification card" to drivers whose licenses are seized or surrendered, "upon receipt by the Division of the seized or surrendered document." S.L. 2018-144 § 1.3(a).

[32] See pages 19-21 of my initial report. Preliminary Expert Report of Dr. Barry C. Burden at 19-21, *North Carolina State Conference of the NAACP v. Cooper*, No. 1:18-cv-01034, Doc. 91-4 (filed October 9, 2019).

[33] North Carolina General Assembly, 2020-2021 Session, House Bill 324, https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H324v6.pdf.

[34] *North Carolina State Conference of the NAACP v. McCrory*, 831 F.3d 204, 223 (4th Cir. 2016).

after election day.[35] S.B. 326 would instead require ballots to arrive on election day, thus removing the three-day grace period. The timing of this bill's introduction reveals the disregard of many elected officials to the needs of minority residents. Absentee voting in North Carolina has traditionally been used more heavily by white voters than non-white voters. That changed in 2020. Between 2016 and 2020, the share of mail-in votes cast by non-white voters went from 16.5% of the total mail vote cast to 31.5% of the mail vote cast.[36]

Hanging over these legislative efforts is the recent enactment of racially gerrymandered districts by the North Carolina General Assembly. My initial report provided a reminder of this history, including the decisions of federal courts to strike down legislative districts drawn just a decade ago as racial gerrymanders that "packed" Black voters in a way that violated the U.S. Constitution and the Voting Rights Act.[37]

VII. Brnovich v. DNC

The U.S. Supreme Court recently issued opinions about the constitutionality of Section 2 of the Voting Rights Act to regulate election laws that might deny or abridge the right to vote. In the case of *Brnovich et al. v. Democratic National Committee et al.*, the Court's majority affirmed that "Section 2 of the Voting Rights Act provides vital protection against discriminatory voting rules" that would "abridge" the right to vote among minority populations. The court offered several "guideposts" for considering whether election laws violated Section 2 of the Voting Rights Act. Those guideposts can be evaluated empirically in this case.

One guidepost is "[t]he degree to which a voting rule departs from what was standard practice when §2 was amended in 1982." The majority asserted that the rules in use in 1982 serve as an appropriate benchmark for evaluating the burden of current rules.

The voter ID requirement being challenged in this case is far more stringent than the requirements in place in 1982. At that time, a person wishing to cast a ballot in person in North Carolina generally identified themselves by stating their name and address and then signing the poll book. This procedure was in place for decades and was the standard in 1982 when VRA was amended.[38] It is my opinion that the requirements of S.B. 824 are a substantial departure from

[35] North Carolina General Assembly, 2020-2021 Session, Senate Bill 326 (Third Edition June 16, 2021), https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S326v3.pdf.

[36] Data on North Carolina State Board of Elections, Absentee Voter Statistics (*available at* https://dl.ncsbe.gov/?prefix=ENRS/2020_11_03/ and https://dl.ncsbe.gov/?prefix=ENRS/2016_11_08/).

[37] See pages 12-13 of my initial report. Preliminary Expert Report of Dr. Barry C. Burden at 12-13, *North Carolina State Conference of the NAACP v. Cooper*, No. 1:18-cv-01034, Doc. 91-4 (filed October 9, 2019).

[38] To my knowledge, the only notable change in voter ID requirements since 1982 was the adoption of the federal Help America Vote Act (HAVA) in 2002. That law required individuals who registered for the first time and did so by mail to show identification when voting for the first time. However, the forms of permissible ID under HAVA include current utility bills, bank statements, government checks, paychecks, or other government documents showing the name and address of the voter, a far wider range than is allowed under S.B. 824.

those in place in 1982, requiring a voter to provide one of a handful of specific forms of photo ID to receive a ballot.

This bolsters the analysis in my initial report of the "tenuousness" of S.B. 824. As the 1982 Senate Report explained, an election law is deemed to be tenuous if it "markedly departs from past practices." My report provided substantial evidence on the tenuousness of the law in terms of being unnecessarily burdensome on minority residents, not providing sufficient remedies for those unable to obtain identification, and not meeting state interests or meaningfully improving elections.

Establishing another guidepost, the majority in *Brnovich* also concluded that the burdens of a challenged practice must be considered in light of the "state's entire election system" and the "political process as a whole." Since 1982, North Carolina has implemented practices such as same day voter registration and early voting, but these are not relevant to the photo voter ID requirement. These options are simply not available to voters who are unable to comply with the photo ID requirements of S.B. 824. In Arizona, the challenged provisions related to absentee voting were countered by other substitutable provisions available to the same voters. In North Carolina, alternative voting practices such as early voting are not available at all for a voter who lacks a photo ID, and thus do not reduce the impact of the photo voter ID requirement.

Another "guidepost" in *Brnovich* concerns the magnitude of the burden that an election practice imposes on white and minority residents. In its majority opinion, the Court reiterated for Section 2 to be violated, the process to vote must exceed the "usual burden" of voting and be more than "[m]ere inconvenience." It is my opinion that the burdens imposed by the voter ID requirement in S.B. 824 impose significant burdens and that those burdens fall more heavily on Black and Hispanic voters than whites.

Although many voters may not have difficulty complying with the law, my initial report in this case explained in detail how the totality of the circumstances in North Carolina make the voting process significantly more arduous for minority voters, to the degree that the voter ID mandate will deter or dissuade significant numbers from participating in elections. Here I recap my analysis of these burdens.

First, Blacks and Hispanics are less likely to possess acceptable IDs. I documented these disparities above, and they are confirmed by other sources. Matching of voter registration records and DMV data by the North Carolina State Board of Elections in 2013 also demonstrated the disparity ID possession. Among white registrants, between 3.0% and 8.5% lacked both a driver's license and state ID, depending on the method used and pool of registrants being examined.[39] Among Black registrants, the equivalent rates of non-possession where 6.0% to 13.2%. This matching method is imperfect as it does not account for additional forms of

[39] I computed these statistics by comparing Table 2 (numbers of registrants) and Table 6 (numbers of non-matches between the registration and DMV databases) in Michael D. Herron and Daniel A. Smith (2016), "Race, Shelby County, and the Voter Information Verification Act in North Carolina," *Florida State University Law Review* 43:465-505. Note that my presentation reports percentages for each group, the method preferred by the majority in *Brnovich*. Data on Hispanics were not presented in the article.

acceptable ID such as passports and military IDs. A similar matching effort by the State Board of Elections in 2019 revealed that 4.9% of registered non-Hispanic whites lacked state ID while 10.6% of Blacks and 11.1% of Hispanics lacked ID, as detailed in the expert report of Michael Herron.[40] Drawing on surveys of North Carolina registered voters about IDs they possessed including non-state forms such as passports and military IDs, a report submitted in this case from Allen Lichtman found that only 4.1% of whites lacked all of them whereas 15.1% of Blacks did. While these studies vary somewhat, it is fair to summarize that they point to approximately one in 10 Black registered voters in North Carolina without ID whereas approximately one in 20 whites lack ID, with these numbers increasing significantly if surrendered, suspended and inactive driver's licenses are considered.

Second, the costs for obtaining "free" state IDs can be significant. The two locations for acquiring a "free" state ID for voting purposes impose different but substantial costs. County boards of elections do not require much documentation from applicants who wish to apply for ID, but individuals must apply in person and board offices are often far from where individuals live. Each county has only one such office, so a person needs free time and transportation to make the trip. Division of Motor Vehicles (DMV) offices are more plentiful, but their offices require the applicant to provide three approved documents, several of which such as passports and military IDs actually suffice for voting under S.B. 824 and thus are not likely to be possessed by people applying for state IDs. Acquiring these documents requires time and often money. As I explained in my initial report, a study of compliance with voter ID laws akin to S.B. 824 in other states estimated that time away from work, costs of documents, and travel expenses faced by real individuals typically total between $75 and $175 in tangible costs and could run higher.[41] In addition, groups who face significant barriers to obtaining a "free" state ID, such as individuals with disabilities and victims of domestic violence, are disproportionately non-White.[42]

These tangible costs are apparent in the personal situations described by affected voters who have submitted declarations in this case. Consider the declaration of Jeanette Dumas. Ms. Dumas is a Black woman, is a resident of Moore County, is a registered voter, and is politically active. However, her driver's license has expired because she is no longer able to drive due to vision

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[40] Preliminary Expert Report of Michael C. Herron, *North Carolina State Conference of the NAACP v. Cooper,* 1:18-cv-01034, Doc. 108-1 (filed October 9, 2019).

[41] Richard Sobel (2014), "The High Cost of 'Free' Photo Voter Identification Cards," Charles Hamilton Houston Institute for Race and Justice, Harvard University Law School (*available at* http://charleshamiltonhouston.org/wp-content/uploads/2015/01/FullReportVoterIDJune2014.pdf). Lost wages could be significant in North Carolina, especially for travel to a county seat to acquire ID at a Board of Elections. My initial report noted that North Carolina is one of a minority of states that does not require employers to provide employees with time off work for voting, paid or unpaid.

[42] *See, e.g.,* Nanette Goodman, Michael Morris, Kelvin Boston, *Financial Inequality: Disability, Race and Poverty in America*, National Disability Institute (Feb. 8, 2019) ("African Americans are also more likely to have a disability. Fourteen percent of working-age African Americans have a disability compared with 11 percent of Non-Hispanic Whites and eight percent of Latinos. In fact, African Americans are more likely than Non-Hispanic Whites to have a disability in every age group"); Asha DuMonthier, Chandra Childers and Jessica Milli, *The Status of Black Women in the United States*, Institute for Women's Policy Research (June 7, 2017) (finding that Black women are more likely to "experience physical violence from intimate partner," "experience higher rates of psychological abuse," and are disproportionately affected by sexual violence).

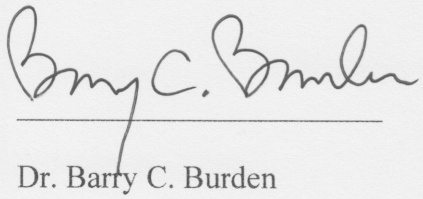
impairments. She does not possess other forms of ID acceptable for voting under S.B. 824 and would need to acquire a "free" ID from a DMV or Board of Elections office to be able to vote. The nearest DMV is located in Aberdeen, approximately a 26-mile round trip from her home in West Bend. The nearest Board of Elections Office is located in Carthage, which is also approximately a 26-mile round trip from her home. Public transportation is not a possibility. Because of her limited income, paying for private transportation would be a substantial financial burden. It appears that the only feasible approach for Ms. Dumas to vote would be to use the reasonable impediment option and hope that the Moore County Board of Elections will – using the language of S.B. 824 – "determine" that she submitted a provisional ballot "only due to the inability to provide proof of identification." Based on her declaration, there is no evidence that she is aware of the option.

These costs are well beyond the "usual" burdens of voting and they affect more than a trivial number of North Carolina residents. These costs generally cannot be avoided by other means of voting because ID is necessary to use any of the voting options available in North Carolina. In addition, as explained above, voters in particular circumstances such as holding a suspended license often accumulate additional fines and fees that could make acquiring ID a daunting administrative and financial morass. In reviewing the Senate Factors, my initial report documented disparities in income, wealth, health, and access to transportation put minority residents in North Carolina as a disadvantage for complying with the law.

To summarize, the disadvantage to minority residents under S.B. 824 is two-fold. Blacks and Hispanics are less likely than whites to have acceptable ID in the first place and are also more likely to lack the resources such as wealth and transportation needed to acquire ID. Unlike the "usual burdens" of voting such as finding and traveling to one's precinct polling place if not voting by mail, the cost of obtaining ID in North Carolina can be substantial and the cost is more likely to fall on minority residents who are less able to pay the cost.

In conclusion, having reviewed new research, legislation, court decisions, data, and other developments since my initial report was submitted in this case, my prior conclusions remain unchanged. Analysis of the Senate Factors to understand the impact of S.B. 824 in North Carolina continues to show that the law places a disproportionate burden on Black and Hispanic residents compared to whites, that the seeming ameliorative provisions of the law do not remedy the racial and ethnic disparities, and that the rationale for the law is highly tenuous.

Respectfully Submitted, this 18th day of October 2021,



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Authored and Co-Authored Books

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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

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 Harvard University 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

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" (co-PI with Jason Fletcher and Moynihan, 2013-2014)

Pew Charitable Trusts: "Measuring Elections Performance Project," (with head PI Charles Stewart III, 2012-2013)

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

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" (head PI with Canon, Mayer, and Moynihan, 2008-2009)

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

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" (with Casey A. Klofstad, 2004)

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:

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 (placement):
Levi Bankston (current)
Evan Crawford (2018 University of San Diego)
Department of Political Science award for best dissertation in American politics
Michael DeCrescenzo (2020 DRW Holdings)
Jess Esplin (current)
Matthew Holleque (2012 Obama for America campaign, BlueLabs, & Facebook)
Jordan Hsu (current - co-chair)
Bradley Jones (2016 Pew Research Center)
Dimitri Kelly (2013 Linfield College)
Yujin Kim (2014 University of Wisconsin Survey Center)
Jacob Neiheisel (2013 University of Buffalo)
Matthew Shor (current)
Rochelle Snyder (current)
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 boards and councils:
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)
Democracy, Divided Government, and Split-Ticket Voting conference (2006)

Award committees:
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, 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, & many other universities, 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 Search Committee, *chair*
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

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:
- *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 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)

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)