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, No. 1:18-cv-01034

v.

DAMON CIRCOSTA, in his official
capacity as Chair of the North Carolina State Board
of Elections, et. al.,
Defendants

SUPPLEMENTAL EXPERT REPORT OF ALLAN J. LICHTMAN

Plaintiffs' Exhibit
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I. Purpose

This report supplements, with the consideration of newly available data, the information and analyses contained in the prior reports that I submitted in this litigation. Additional data and analyses confirm my conclusion that the passage of the S. 824 Photo Voter ID law in North Carolina demonstrates intentional discrimination.

II. Summary of Opinions

Adoption of the Bill Authorizing Photo Public Assistance IDs for Voting

- The adoption of HB 1169 authorizing the acceptance for voting of certain public assistance photo IDs only strengthens the finding of discriminatory intent. By this time, the information provided to legislators was that no such IDs existed. However, during the process for adoption of S. 824, when Republicans in the General Assembly rejected a similar amendment for public assistance photo IDs, they were not aware of this null set of photo public assistance identification.

Pattern of Ongoing Discrimination

- After the General Assembly adopted its 2018 photo voter ID law, S. 824, the General Assembly and the North Carolina Republican Party launched new racially discriminatory initiatives. These subsequent events matter because they strengthen my initial finding of discriminatory intent. They indicate that the photo voter ID law continued past discriminatory action by the North Carolina General Assembly and Republicans and that it was part of an ongoing pattern of racial discrimination.
- Following the 2020 general election, after African-American use of absentee

ballots increased dramatically and the White percentage of absentee ballots fell markedly, the North Carolina State Senate passed legislation to made it harder to count mail-in ballots cast by qualified voters in the state. As of this writing, the bill awaits House action.

- In June 2021, the Republican Party of North Carolina launched a 16-member "election integrity" committee. It aimed to intervene with election officials and the North Carolina State Board of Elections and make "statutory and administrative rule recommendations" and recruit poll observers and "election integrity volunteers." The Chair of the North Carolina Republican Party explicitly linked this initiative to the justifications of the 2018 law to deter alleged "fraud" and protect "election integrity."

Discriminatory Impact of North Carolina's voter photo ID law.

- Post-enactment information is significant because it provides a test of my finding on discriminatory impact. New data confirm this finding.
- An updated study based on individual voter files confirms the deterrent effect of photo voter identification on voting in North Carolina. The impact is more significant for racial minorities than for Whites.
- New data from the general election of 2020 shows that minorities face longer wait times at the polling place than White voters. This finding is important because long wait times discourage voting, and new photo identification requirements are likely to increase wait times even further.
- New data reveals discrimination against minority and White voters at polling stations in North Carolina in the 2020 General Election. Although photo ID was

not required to vote in 2020, polling results indicate that election officials requested photo ID from as many as 392,000 voters, with the burden falling disproportionately on minority voters. This finding is important because under SB824, election workers are required to interpret and enforce complex rules regarding voting standards, something that the General Assembly was aware of when it enacted the 2018 law.

Misleading and Pretextual Rationales for the adoption of S. 824

- Additional information tests and confirms the finding of my initial report that alleged non-racially discriminatory rationales for S. 824 regarding voter fraud and election integrity were false and pretextual.
- There was a continuing lack of voter impersonation or systematic fraud in the 2020 general election in North Carolina, even in the absence of a photo voter ID requirement. Republican leaders recognized that the election was fair and secure and claimed credit for this positive outcome. These results indicate that a photo voter ID requirement was not necessary for North Carolina to produce a fraud-free election in which voters could have confidence.
- New data confirms that states' enactment of photo ID laws generally does not increase confidence in elections. The evidence establishes that voter confidence is lower in states that require photo identification than in states that do not require a document or signature to vote. Further, completely contradicting the "public confidence" rationale, longitudinal evidence establishes that after the adoption of photo identification laws in states, voter confidence *declined* rather than increased, while perceptions of voter impersonation *increased* rather than

declined.

Additional Evidence of Rushed and Abnormal Legislative Process and Lack of a Bipartisan Process for S. 824, Despite State Senator Joel Ford's Backing

- Evidence from recently provided legislative emails shows—and the state trial testimony of Sabra Faires, an authority on administrative and political law—confirm the rushed and irregular process for adopting the Constitutional Amendment and implementing legislation for voter photo ID in North Carolina.
- Support for S. 824, by Senator Joel Ford, was not significant to the overall partisan nature of the adoption of S. 824.

III. Adoption of the Subsequent Bill HB 1169 Authorizing Photo Public Assistance IDs for Voting Confirms Discriminatory Intent

During the debates over S. 824, Democratic State Representative Bobbi Richardson proposed an amendment "that the I.D. that is issued by a branch, a department agency or entity of the United States or of this state for a government program of public assistance be added as one of the I.D.'s that could be presented." Richardson stated that "we have a lot of people on public assistance that have difficulty getting to and from different agencies" to obtain IDs or the documents needed to obtain IDs, and that allowing public assistance IDs would "eliminate a cost to these citizens" and ensure that "people on public assistance would not have greater challenges in order to qualify to vote."[1] The House defeated the amendment 38 to 68, with all voting Republicans and three Democrats voting no.[2] The Republicans who opposed the amendment at that time did not indicate that they believed that no such photo IDs existed. To the contrary, Representative Lewis argued that the problem with Richardson's amendment was that the state

[1] Audio Transcript of Legislative Day 161, (House Floor Consideration of S. 824) at 2:15:41 - 2:15:57 (December 5, 2018), available at https://www.ncleg.gov/Documents/9#2017-2018%20Session\Audio%20Archives\2018.
[2] General Assembly of North Carolina, Senate Bill 824, House Roll Call Vote Transcript for Roll Call #1321, Amendment 13, https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2017/H/1321.

had no control over federal public assistance IDs. Lewis said, "through the supremacy clause we have no way to impose our standards on the federal government," referring to federally issued public assistance IDs. Recognizing that S. 824 included federally issued military and veteran's IDs, Lewis tried to distinguish them from public assistance IDs: "Now some may say but wait you're taking military I.D.'s and veteran I.D.'s and that's because those are uniformly published and established what they look like and how they work." [3]

In 2020, the General Assembly included with HB 1169—an omnibus election reform bill intended to address election practices during the Covid pandemic—a provision identical to Representative Richardson's amendment that authorized for voting "An identification card issued by a department, agency, or entity of the United States government or this State for a government program of public assistance."[4]

Senator Warren Daniel, Chair of the Redistricting and Elections Committee, made the following statement in support of the photo public assistance ID provision:

> "But following the passage of that bill in 2018, the general assembly, we passed the implementing language after the voters directed us to do that. Early this year the courts enjoined the photo ID legislation as discriminatory purportedly because public assistance IDs were not included in the long list of hundreds of IDs that were approved in the legislation. To be extremely clear, we disagree with the court's conclusion that the implementing legislation is in any way discriminatory. So to remove any doubt, we are adding any ID card issued by the U.S. or state government for a program of public assistance to address the court's concerns."[5]

[3] Audio Transcript of Legislative Day 161, (House Floor Consideration of S. 824) at 2:17:17 - 2:17:35 (December 5, 2018), available at https://www.ncleg.gov/Documents/9#2017-2018%20Session\Audio%20Archives\2018; Sources for examples: DOD ID Card Reference Center, https://www.cac.mil/; National Science Foundation, Alternative IDs for NSF Access, https://www.nsf.gov/about/visit/alt-ids.jsp; The Military Wallet, https://themilitarywallet.com/veterans-id-card/; Military Benefits, https://militarybenefits.info/how-to-get-aveterans-id-card/; Uniformed Services ID Card, https://www.cac.mil/uniformed-services-id-card/; New Veterans Id Card Now Available, NCGWG, https://ncgwg.org/new-veterans-id-card-now-available/.

[4] H. 1169, 2019 Gen. Assemb., Reg. Sess. (N.C. 2020), "Ratified Bill," https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H1169v1.pdf.

[5] Senator Floor-House Bill 1169 Bipartisan Elections Act of 2020 (audio on file with counsel).

As indicated, Senator Daniel expected the amendment on photo public assistance IDs to improve the state's litigation position by responding to S. 824's initial, deliberate exclusion of such an amendment. However, Senator Daniel did not indicate that, unlike in 2018, members of the General Assembly now were making decisions based on information that the provision added no new authorized ID to S. 824 and was only cosmetic. Democratic State Representative Marcia Morey reminded the chamber of this fact during the debate. She said, "Adding this provision, I think there is a hope that this will take the litigation out of the courts by adding a new section - for anyone receiving federal public assistance, their photo ID can be used to vote." However, "There's a huge problem with that … There is no federal state assistance, public assistance that has a photo." Consequently, "This added section has no meaning because there are no public assistance photos" newly authorized under the amendment's language.[6] No member of the House or Senate rose to dispute Representative Morey's statement. Moreover, no evidence was presented during legislative debate that such public assistance photo IDs contemplated in this amendment existed. Unlike in 2018, when the legislature believed the amendment would expand the pool of IDs, the legislature believed in 2020 it did not. With that understanding, the legislature approved the amendment.

IV. Ongoing Racial Discrimination In North Carolina

As my preliminary report documented, the enactment of S. 824 was not an isolated incident but just one event in a long series of discriminatory actions by the North Carolina legislature intended to impair the right to vote of racial minorities. The Fourth Circuit found the 2013 photo voter ID bill, H 589, to violate the Constitution and the Voting Rights Act. Other

[6] *Ibid*.; Audio Transcript of Legislative Day 181, (House Floor Consideration of H. 1169) at 1:23:30 -1: 24:46 (June 11, 2020), available at https://www.ncleg.gov/DocumentSites/HouseDocuments/2019-2020 Session/Audio Archives/2020/06-11-2020.mp3.

courts struck down the legislature's redistricting plans as racially discriminatory. This trend continued after the enactment of S. 824. These enactments and other actions document an ongoing pattern of racially discriminatory intent that preceded and followed S. 824.

A. Republicans in the State Senate Voted to Restrict the Counting of Mail-In Ballots

Pursuant to yet another pretextual claim about voter integrity, the North Carolina State Senate voted along strict party lines in June 2021 to adopt SB 326, which would repeal the adopted 2009 law (SB 253), which Republicans unanimously supported, that authorized the counting of valid mail-in ballots postmarked by Election Day and received up to three days after election day. The 2021 bill, SB 326, named the "Election Day Integrity Act," would count only ballots received by 5pm on Election Day, regardless of the postmark. Unlike the partisan vote on repeal, the General Assembly adopted SB 253 unanimously, 109 to 0 in the House and 47 to 0 in the Senate.[7]

Two of SB 326's primary sponsors, Warren Daniel and Paul Newton, were in the State Senate in 2018 and voted for voter photo ID.[8] Every Republican Senator who served in the 2018 General Assembly and voted for the photo voter ID and who remained in office in 2021 also voted for SB 326. Every Democrat who had served in the 2018 General Assembly voted against SB 326. Republican Senators offered the same rationale for SB 326 in 2021 that they presented in 2018 for SB 824: election integrity. "Distrust in an election process can be just as damaging" as fraud, said the bill's sponsor Republican Senator Warren Daniel.[9] Daniel stated that the bill "is part of our ongoing effort to refine the [election] process, make it more secure and increase

[7] S.B. 253, 2009-2019 Gen. Assemb. (N.C. 2009), https://www.ncleg.gov/BillLookup/2009/S253.
[8] General Assembly of North Carolina, Senate Bill 824, Senate Roll Call Vote Transcript for Roll Call #824, https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2017/S/824. Senator Hise had an excused absence for the initial vote on voter photo ID but voted for the veto override.
[9] Will Doran, *NC Republicans Vote to Stop Mail-In Ballots from Being Counted After Election Day*, News & Observer, June 17, 2021, https://www.newsobserver.com/news/politics-government/article252130278.html.

election integrity."[10] Daniel and other sponsors from SB 824 in 2018 entitled the 2021 bill, the "Election Integrity Act."[11]

Republican assertions about the integrity of the 2020 election reveal that the rationale for this bill is pretextual. Indeed, the 2020 General Election—touted by Republican leaders as a model of security—took place under pandemic conditions where officials counted mail-in ballots postmarked by Election Day if received not just three days but up to nine days later. "In 2020, the North Carolina Republican Party led the nation in implementing an effective statewide strategy to protect the vote," said North Carolina Republican State Committee Chair Michael Whatley.[12]

A contradiction cuts to the heart of Republican support for back-tracking on the deadline for counting absentee ballots. A critical Republican rationale for enacting photo voter ID was voter support for such a measure. During the debates over the constitutional amendment for voter photo ID (HB 1092) in 2018 Representative David Lewis, Chair of the House Elections and Ethics Law Committee and a primary sponsor of HB 1092, said that "An overwhelming majority of North Carolinians, regardless of party affiliation, race or gender believe voter ID is common sense to ensure election integrity."[13] In 2018 Republicans ignored the poll data demonstrating that support for photo voter ID did not cross party or racial lines, with minorities and Democrats opposed.[14]

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[10] A.P. Dillon, *Election Integrity Act Filed at NC General Assembly*, N. State J. (Mar. 24, 2021), https://nsjonline.com/article/2021/03/election-integrity-act-filed-at-nc-general-assembly/.
[11] S.B. 326; 2021 Gen. Assemb. (N.C. 2021), https://trackbill.com/bill/north-carolina-senate-bill-326-election-integrity-act/2076843/.
[12] *The NCGOP Announces New Election Integrity Committee*, NCGOP (June 4, 2021), https://www.nc.gop/ncgop_election_integrity_committee.
[13] Audio Transcript of Legislative Day 151, (House Floor Consideration of H. 1092) at 1:30:20 - 1:30:32 (June 25, 2018), available at https://www.ncleg.gov/Documents/9#2017-2018%20Session\Audio%20Archives\2018.
[14] See Preliminary Expert Report of Allan J. Lichtman for Purposes of Preliminary Injunction, *N.C. State Conf. of the NAACP v. Cooper*, United States District Court, Middle District of North Carolina, September 17, 2019, pp. 60-63, tbl.17 and charts 14 and 15.

In 2021, Republicans ignored overwhelming public opposition to repealing the 3-day deadline for counting absentee ballots. According to a Strategic Partners Solutions April 2021 poll (released before the Senate passed SB 326 on June 16, 2021) depicted in Chart 1, 65%% of likely voters in North Carolina opposed rejecting such ballots received 3-days after Election Day, including a plurality of 48% of Republicans. Only 30% of likely voters supported the restriction, with 5% undecided.[15] The 65% level of opposition to SB 326 is ten percentage points higher than the 55% of voters who backed the 2018 Constitutional Amendment on voter photo ID.

As indicated in Chart 2, the April 2021 poll further showed that between 67% and 82% of likely North Carolina voters favor reforms to expand opportunities for voting and counting validly cast ballots. Of poll respondents, 67% favored "Providing voters with an opportunity to fix and error so they can have their ballots counted." 82% favored "Establishing and electronic ballot tracking system, which allows voters to know the status of their mail-in ballot." 78% favored "Allowing family members, caregivers, and household members to assist someone in filling their ballot." 71% favored "Increasing the number of days and hours for in person early voting." 76% favored "Requiring election officials to contact a voter before cancelling their voter registration."

[15] Memorandum from Paul Shumaker, Strategic Partners Solutions, LLC., on Survey on NC Voting Issues, (April 27, 2021), https://static1.squarespace.com/static/5ab92d8f266c071e567dd752/t/60887bacfddc1267ddc569c8/1619557295057/20210727+Secure+Democracy+-+Strategic+Partner+Solutions+NC.pdf.

CHART 1
VIEWS OF LIKELY VOTERS ON RESTRICTING MAIL-IN BALLOTS TO BE COUNTED ONLY IF RECEIVED BY ELECTION DAY, STRATEGIC PARTNERS SOLUTIONS APRIL 2021 POLL

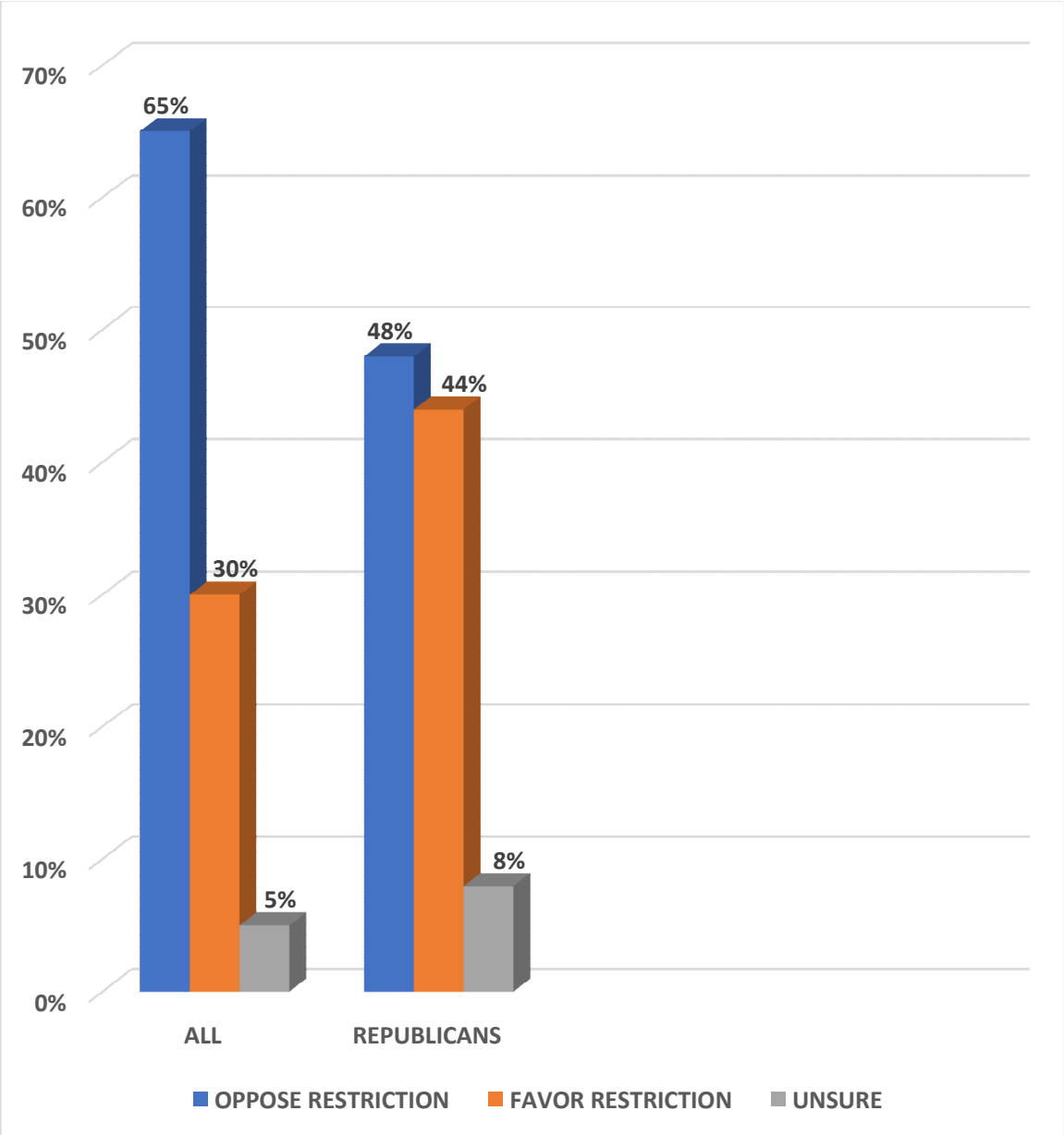
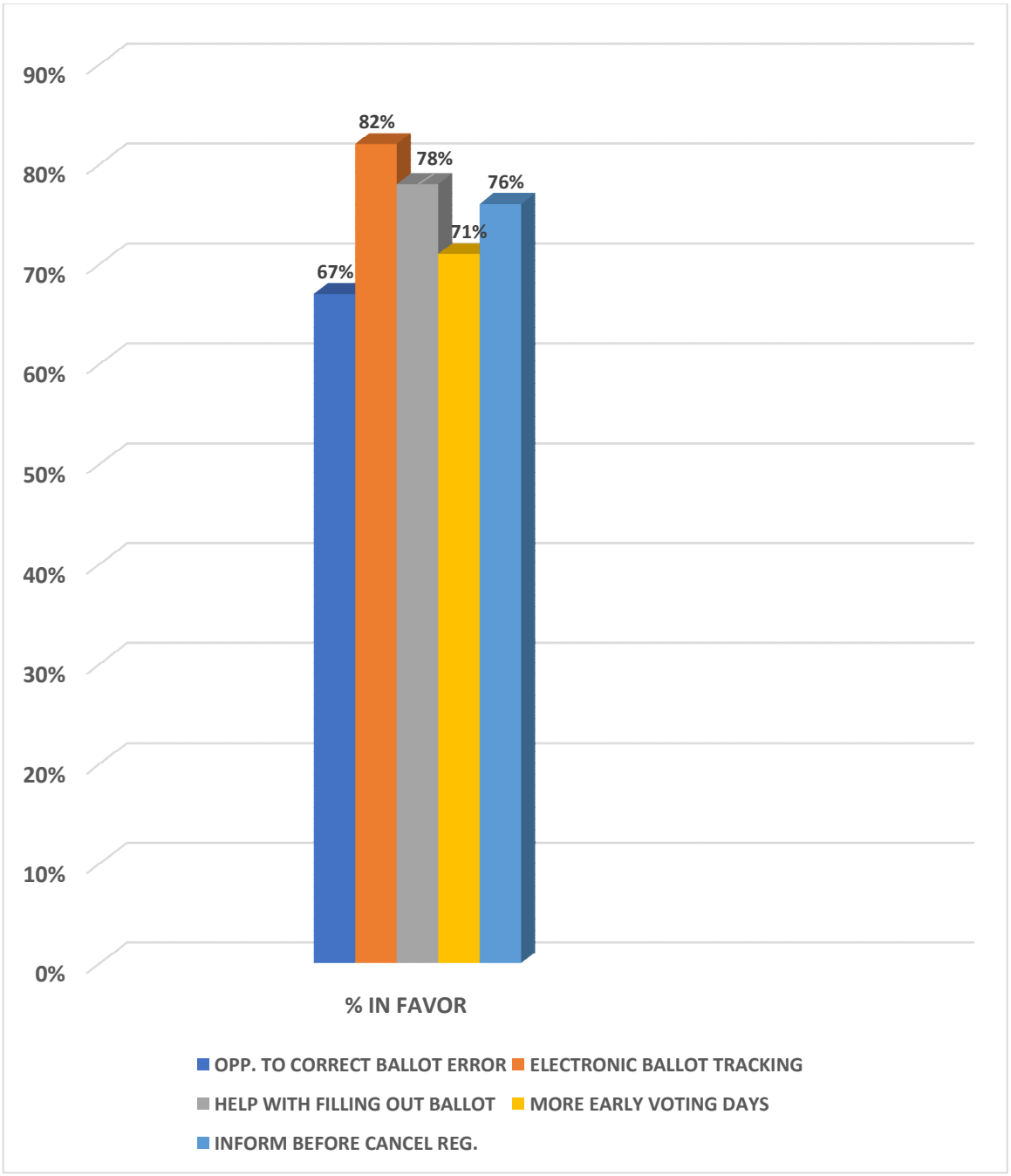


CHART 2
VIEWS OF LIKELY VOTERS ON REFORMS TO MAKE IT EASIER TO VOTE AND RESTRICT PARTISANSHIP APRIL 2021 POLL



Senate Republicans passed HB 326 after a 2020 upsurge in mail-in voting, disproportionately used by African American voters, resulting in a substantial reduction in the White share of this vastly augmented vote. As indicated in Table 1 and Chart 3, in 2016, 159,902 White voters voted by mail, accounting for 83.5% of all 191,601 mail-in votes. In 2020, mail-in voting in North Carolina soared from 191,601 to 1,001,879, an increase of 810,278 voters and 423%. The White voter share of the mail-in vote declined sharply from 83.5 percent in 2016 to 68.5 percent in 2020, a 15 percentage points and 18 percent decline. In contrast, voters not identified as Whites increased their share of the mail-in votes between the two elections from 16.5% to 31.5%, an increase of 15 percentage points and 90 percent. From just 31,699 votes in 2016, voters not identified as White raised their mail-in votes nearly tenfold to 315,747.[16]

This upsurge in minority as compared to White mail-in voters is not likely to be a temporary anomaly. Instead, as indicated in Table 2 and Chart 4, the Survey of the Performance of American Elections asked North Carolina mail-in voters whether they were very or somewhat likely to vote by mail again in future elections. As shown in Table 3 and Chart 5, 82.1 percent of non-White 2020 mail-in voters, indicated that they were very or somewhat likely to vote by mail again in the future. This result compares to 63.7 percent of White 2020 mail-in voters who professed this intention. Thus, the racial disparities that emerged in 2020 could well expand in future elections.

Further analysis demonstrates that 11,635 eligible North Carolina voters would have been disenfranchised in 2020 if the 5pm Election Day deadline had been in force.[17] As indicated in

[16] A separate tally of groups within the others is not feasible because the state data does not separate out Hispanics and incudes voters that did not designate a racial identity. The Table provides an equivalent comparison.
[17] North Carolina had temporarily in 2020 extended the deadline for receipt of mail-in ballots for 9 days in recognition of the pandemic. In late October, the U.S. Supreme Court rejected a petition by Republicans in North Carolina to roll back the 9 day deadline. *Moore v. Circosta*, 141 S.Ct. 46 (2020).

TABLE 1 CHANGES IN MAIL-IN VOTING GENERAL ELECTIONS OF 2016 TO 2020, BY RACE, NORTH CAROLINA				
GROUP	**2016 GENERAL**	**2020 GENERAL**	**DIFFERENCE PERCENTAGE POINTS**	**DIFFERENCE PERCENT**
TOTAL #	**191,601**	**1,001,879**	**NA**	**NA**
TOTAL %	**100%**	**100%**		
WHITE #	**159,902**	**686,132**		
WHITE % OF BALLOTS	**83.5%**	**68.5%**	**-15 POINTS**	**-18%**
ALL OTHERS #	**31,699**	**315,747**		
OTHERS % OF BALLOTS	**16.5%**	**31.5%**	**+15 POINTS**	**+91%**
Sources: *Absentee Voter Statistics 2020*, N.C. State Bd. of Elections (May 18, 2021), https://dl.ncsbe.gov/?prefix=ENRS/2020_11_03/; *Absentee Voter Statistics 2016*, N.C. State Bd. of Elections (Nov. 7, 2020) https://dl.ncsbe.gov/?prefix=ENRS/2016_11_08/.				

CHART 3
CHANGES IN MAIL-IN VOTING GENERAL ELECTIONS OF 2016 TO 2020, BY RACE, NORTH CAROLINA

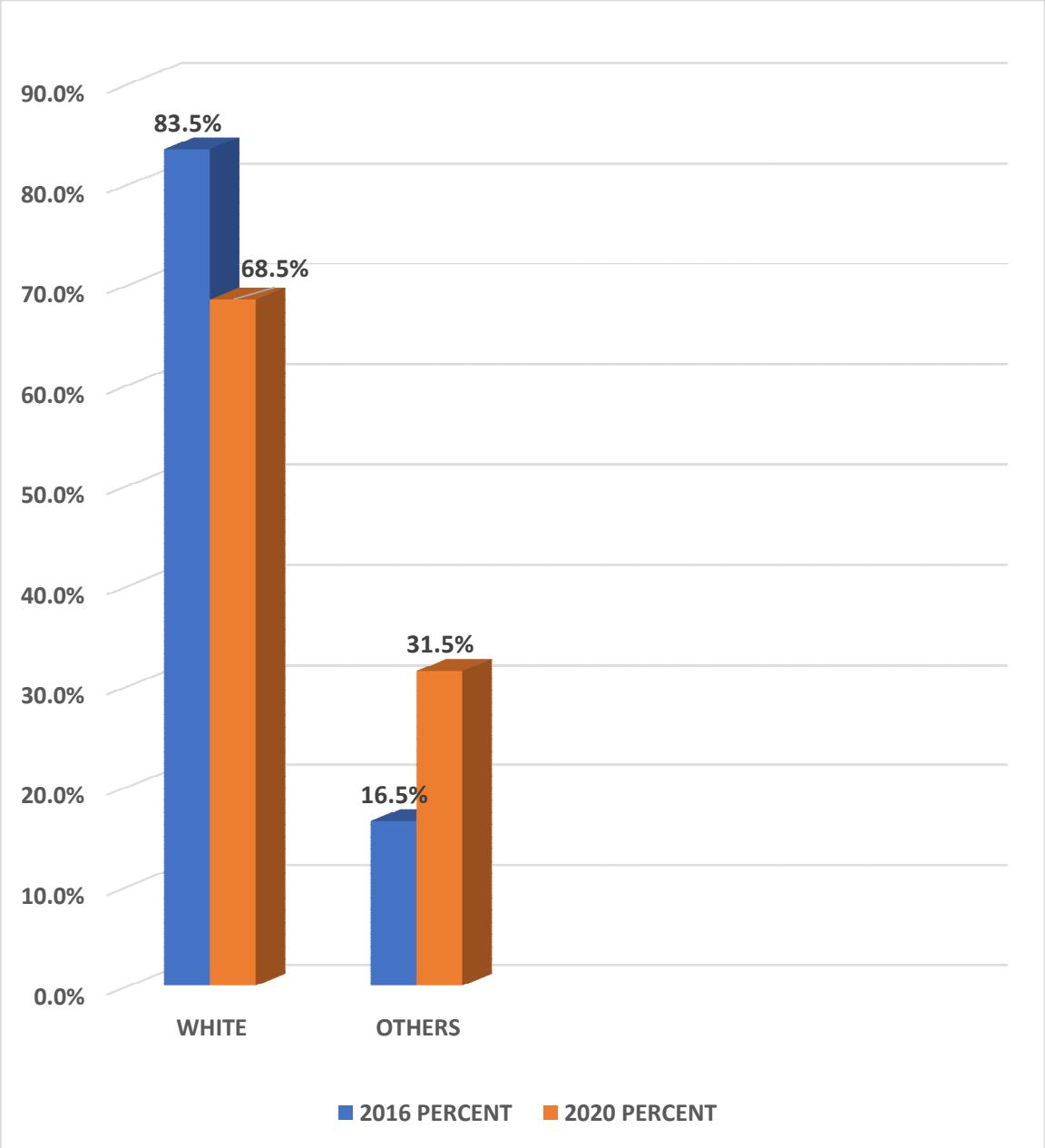


Table 3 and Chart 4, the White percentage of post-Election Day ballots of 62.3% is below the 68.5% of White voters among all mail-in voters in 2020. The "others" percentage of the post-Election Day ballots of 37.5% is above the 31.5% of others among all mail-in voters in 2020.

At the time of this writing, the State House has not yet acted upon SB 326. However, its party-line adoption by the North Carolina State Senate, one of the bodies responsible for enacting voter photo ID in 2018, demonstrates an ongoing intent by the Senate to impose racially discriminatory restrictions on voting following the adoption of S. 824.[18]

TABLE 2
LIKELIHOOD OF VOTING BY MAIL IN FUTURE ELECTIONS, 2020 MAIL-IN VOTERS, BY RACE, NORTH CAROLINA, 2020 GENERAL ELECTION

RACIAL GROUP	VERY OR SOMEWHAT LIKELY	PERCENT	PERCENTAGE DIFFERENCE WITH WHITES	PERCENT DIFFERENCE WITH WHITE
WHITES N = 157	**N = 100**	**63.7%**	**NA**	**NA**
ALL NON-WHITES N = 78	**N = 64**	**82.1%**	**+18.4 POINTS**	**+28.9%**

Survey of the Performance of American Elections, MIT Election Data & Sci. Lab, https://electionlab.mit.edu/research/projects/survey-performance-american-elections (last visited Oct. 14, 2021).

[18] Further demonstrating a pattern of intentional racial discrimination, the legislature enacted HB 17 in 2016, after the election of Roy Cooper as Governor. H.B. 17, 2016 Gen. Assemb., Extra Sess. (N.C. 2016). The bill, passed along straight party lines by the Republican majority in both houses, stripped from the Governor the power to make appointments to the University of North Carolina Board of Trustees, in effect vesting full power to appoint Trustees and Governors with Republican officials. H.B. 17/SL 2016-126, 2016 Gen. Assemb., Extra Sess. (N.C. 2016), https://www.ncleg.gov/BillLookup/2015E4/h17. This transfer of authority to the Republican legislature had predictable racially discriminatory effects. For example, in 2017 the now unanimously GOP-appointed Board eliminated the power of the UNC Center for Civil Rights to litigate cases. In 2019, the UNC Board of Governors and Trustees reached a settlement with the Sons of Confederate Veterans to pay them $2.5 million to take possession of a confederate statute that had been the subject of racial justice protests (the settlement was made without public meetings and was later struck down by a state court Judge). Most notably, in 2021 the Board of Trustees at UNC Chapel Hill initially declined to offer tenure to nationally acclaimed scholar and author Hannah Jones, igniting a national controversy.

CHART 4
LIKELIHOOD OF VOTING BY MAIL IN FUTURE ELECTIONS, 2020 MAIL-IN VOTERS, BY RACE, NORTH CAROLINA, 2020 GENERAL ELECTION

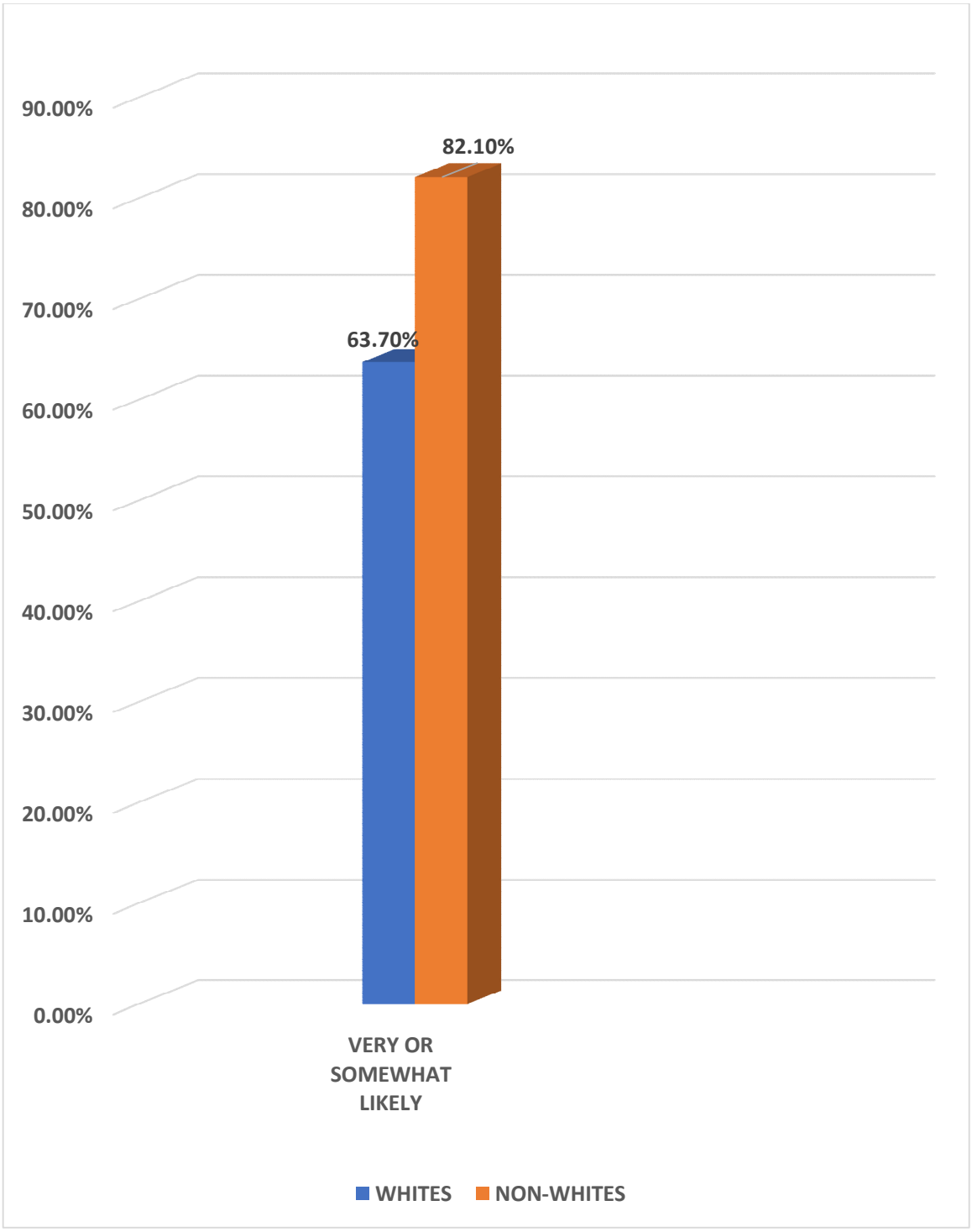
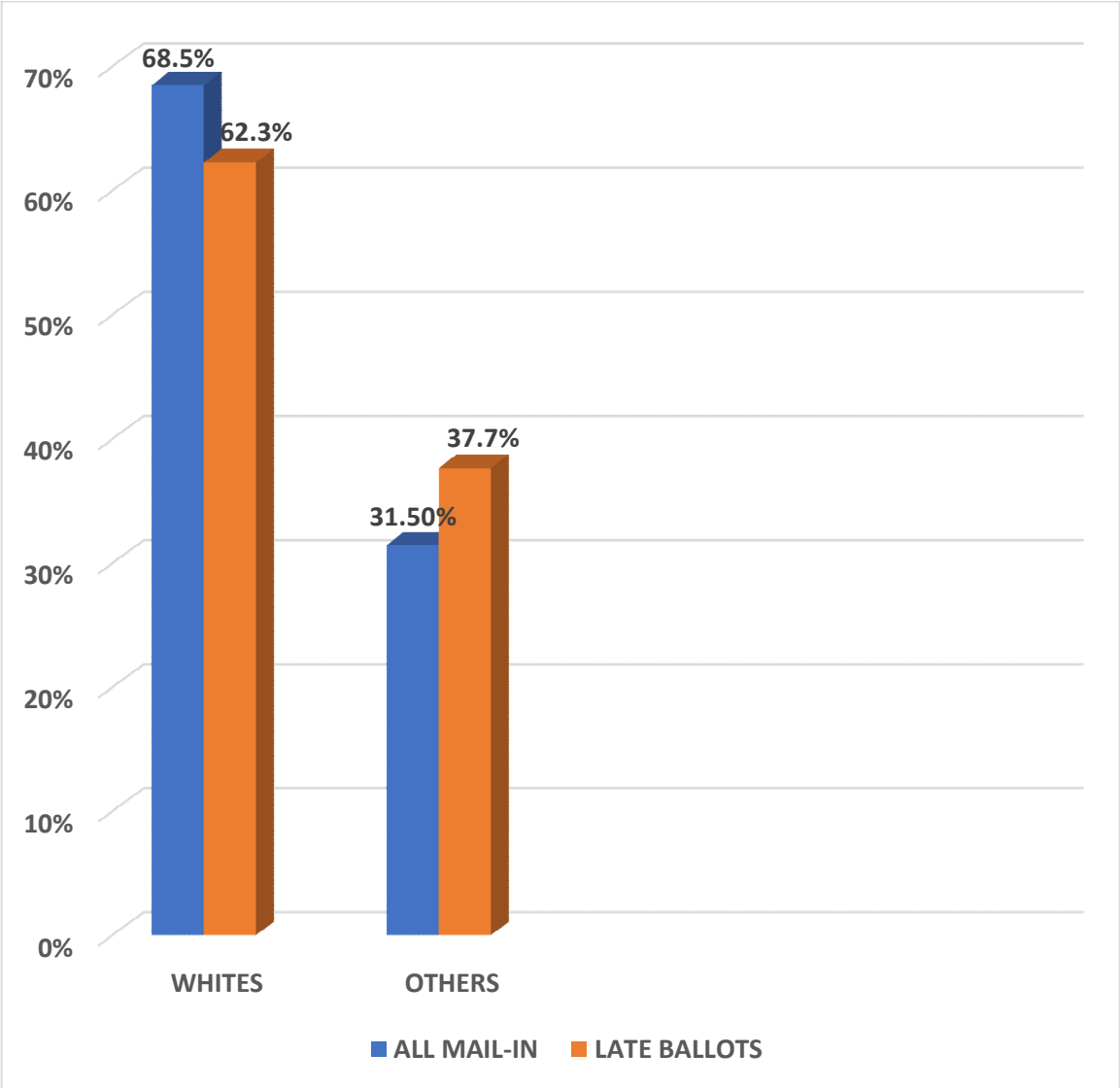


TABLE 3 MAIL-IN BALLOTS RECEIVED THREE DAYS AFTER GENERAL ELECTION DAY, 2020, BY RACE, NORTH CAROLINA				
GROUP	**3-DAY LATE BALLOTS**	**% OF 3-DAY LATE BALLOTS 2020**	**ALL MAIL-IN BALLOTS**	**% OF ALL MAIL-IN BALLOTS**
TOTAL	**11,635**	**100%**	**1,001,879**	
WHITE	**7,243**	**62.3%**	**686,132**	**68.5%**
OTHERS	**4,392**	**37.7%**	**315,747**	**31.5%**

CHART 5
MAIL-IN BALLOTS RECEIVED THREE DAYS AFTER GENERAL ELECTION DAY, 2020, BY RACE, NORTH CAROLINA



B. Republicans In North Carolina Revive Discriminatory "Election Integrity" Plan

In June 2021 Donald Trump visited North Carolina to promote his "big lie" that Democrats stole the 2020 presidential election at the State Republican Party Convention. The 2020 presidential election, he said, "will go down as the crime of the century and our country is being destroyed by people who perhaps have no right to destroy it." He added, "I'm talking about thousands of people, thousands and thousands of people, dead people. Illegal aliens voting. Indians getting paid to vote in certain states." Trump used these false allegations[19] to urge his audience to assure "election integrity." He said, "If you don't have election integrity and if you don't have strong borders, our country can be run like a dictatorship and that's what they'd like to do."[20]

At the time of his visit, consistent with the emphasis on "election integrity" to justify the adoption of voter photo ID in North Carolina,[21] the state's Republican Party created a 16-member Election Integrity Committee ("EIC"). In forming this committee, Republican State Chair Michael Whatley said that election integrity is "an issue we must address head-on to move

[19] Among the many sources debunking Trump's claim of widespread voter fraud in the 2020 presidential elections, see, for example, Michael Balsamo, *Disputing Trump Barr Says No Widespread Election Fraud*, AP News (Dec. 1, 2020), https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d; Julie Grace Brufke, *Former GOP Lawmakers Call on Trump to Accept Election Results*, The Hill (Nov. 9, 2020), https://thehill.com/homenews/house/525161-former-gop-lawmakers-call-on-trump-to-accept-election-results; Nick Corasaniti, Reid J. Epstein & Jim Rutenberg, *The Times Called Officials in Every State: No Evidence of Voter Fraud*, N.Y. Times, Nov. 10, 2020, https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html; Christopher Krebs, *Donald Trump Fired Me for Saying This, But I'll Say it Again: The Election Wasn't Rigged*, *Wash. Post*, Dec. 1, 2020, https://www.washingtonpost.com/opinions/christopher-krebs-trump-election-wasnt-hacked/2020/12/01/88da94a0-340f-11eb-8d38-6aea1adb3839_story.html; Joint Statement by the Cybersecurity and Infrastructure Security Agency (CISA), the Election Infrastructure Government Coordinating Council (GCC), and the Election Infrastructure Sector Coordinating Council (SCC) (Nov. 12, 2020), https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election; Hope Yen, *Fact Check: Yes, Trump Lost the Election Despite What He Says*, AP News (May 6, 2021), https://apnews.com/article/donald-trump-michael-pence-electoral-college-elections-health-2d9bd47a8bd3561682ac46c6b3873a10.

[20] Former President Donald Trump, Speech at the North Carolina GOP Convention Dinner (June 5, 2021), https://www.rev.com/blog/transcripts/donald-trump-speech-transcript-at-north-carolina-gop-convention-dinner-june-5.

[21] Preliminary Expert Report of Allan J. Lichtman for Purposes of Preliminary Injunction at 111, *North Carolina State Conference of NAACP v. Cooper*, No. 1:18-cv-01034 (M.D.N.C. Sept. 17, 2019).

forward as a party and as a country." According to the party, the committee will engage with county election boards and the State Board of Elections, make "statutory and administrative rule recommendations," and recruit poll observers and "election integrity volunteers."[22] Former North Carolina State Senator Buck Newton, who voted for the 2013 VIVA legislation before leaving the Senate in 2016, chairs the EIC.

Republican "election integrity" efforts and the recruitment of election "volunteers" nationally and in North Carolina have a long and ongoing history of targeting minorities for intimidation to discourage their participation in elections. This practice of voter suppression became sufficiently widespread that in response to lawsuits in 1982 and again in 1987, the National Republican Party agreed to consent decrees in federal court that prohibited the national party from engaging in election integrity or anti-fraud activities that targeted minority voters.

After the initial consent decree, North Carolina, Republicans continued their self-styled "ballot security" efforts primarily targeted at minorities. In 1990, when Republican incumbent U.S. Senator Jesse Helms was locked in a tight race with African American Democrat Harvey Gant, the North Carolina Republican Party sponsored a so-called "ballot security" program. The party sent tens of thousands of postcards into predominantly African-American precincts without a party label. The cards warned that it is a federal crime to give false information to an election official and incorrectly claimed that voters had to live in the same precinct for thirty days before an election. A suit brought against this practice by the United States Department of Justice

[22] Avi Bajpai, *As Trump Visits, NCGOP Prepares for 2022 by Forming a Committee on Election Integrity*, News & Observer, June 6, 2021, https://www.newsobserver.com/article251925033.html.

resulted in a separate consent decree between the state party and the Helms campaign with the federal government.[23]

In 1998, GOP officials in Mecklenburg and Cumberland counties planned to videotape voters in some heavily Democratic precincts, saying it was to prevent voting fraud. State GOP spokesman Richard Hudson said poll-watching programs targeted heavily Democratic voter registration precincts, not minority voters. However, complaints led the Justice Department to send letters indicating that videotaping minority voters at or near the polls violates the Voting Rights Act.[24]

In 2009, federal Judge Dickinson Debevoise, who had presided over the 1980s lawsuits, denied a Republican National Committee motion to end the consent decree. The U.S. Court of Appeals for the Third Circuit upheld his ruling. Judge Debevoise provided a clear justification for why Republicans try to limit minority voting "Minority voters continue to overwhelmingly support Democratic candidates. As long as that is the case, the RNC and other Republican groups may be tempted to keep qualified minority voters from casting their ballots, especially in light of the razor-thin margin of victory which many elections have been decided in recent years." After reviewing all evidence of alleged voter fraud presented by the Republican National Committee he found, "In fact, even a cursory investigation of the prevalence of voter intimidation demonstrates that ballot security initiatives have the potential to unfairly skew

[23] *Helms Campaign Signs Consent Decree on Racial Postcards*, N.Y. Times, Feb. 28, 1992, https://www.nytimes.com/1992/02/28/us/the-1992-campaign-helms-campaign-signs-decree-on-racial-postcards.html.

[24] Jim Abrams, *Videotaping Voters Won't Be Allowed\ A Justice Department Warning Addresses the Republican Party and its Plan To Videotape Voters in Heavily Democratic Precincts in Two North Carolina Counties to Prevent People From Voting More Than Once*, News & Record (Nov. 2, 1998), https://greensboro.com/videotaping-voters-wont-be-allowed-a-justice-department-warning-addresses-the-republican-party-and-its/article_aa3a48ba-f0a6-5654-87ef-2dbcc1abbe55.html.

election results by disenfranchising qualified voters in far greater numbers than the instances of in-person fraud that may occur during any given race."[25]

In North Carolina, during the 2012 elections, the state NAACP received some 600 complaints during the early voting period about voter intimidation and suppression. The State Board of Elections found the complaints from voters sufficiently credible to issue an official memorandum warning that voters in the early voting period were deliberately given false and misleading information about the elections. These included voters being told they could vote by phone or online; voters being told that if they are affiliated with a certain political party they must vote on Wednesday, rather than on Election Day Tuesday; and voters being told that if they have an outstanding traffic ticket they cannot vote.[26]

Also in North Carolina, a group called the Voter Integrity Project headed by Jay DeLancy has launched a ballot security program. According to a CNN profile, DeLancy co-opted his tactics from True the Vote, a well-funded yet controversial conservative group in Texas that prioritizes "citizen enforcement of the voter laws." A particular target for the Voter Integrity Project has been Buncombe County, a Democratic majority county that voted 56 percent for Obama in 2012. According to Sarah Zambon, president of Asheville League of Women Voters, "of the 80 precincts in Buncombe County, all of VIP's challenges came from 11 precincts, most of them low income or minority—communities that are more likely to have more people living under one roof. "After three years of work and countless volunteer hours, DeLancy has no cases

[25] *Democratic Nat'l Comm. v. Republican Nat'l Comm.*, 671 F.Supp.2d 575, 610 (D.N.J. 2009), *aff'd*, 673 F.3d 192 (3rd Cir. 2012).
[26] Forward Justice, *The Struggle for Voting Rights in North Carolina*: *2006–2021*, 30-32 (2021), http://civilrightsdocs.info/pdf/voting/vra/2021/VRAA-2021-StateReport-NorthCarolina-ForwardJustice.pdf.

of fraud to show," CNN reported in 2014.[27] As noted below, DeLancy also testified in favor of S. 824.

The analyses above further demonstrate that the 2018 adoption of SB 824 was not an isolated episode. Instead, it is part of an extended pattern of racially discriminatory actions by the Republican majority in the General Assembly and the Republican Party of North Carolina. This pattern outlined in Table 4 of eleven discriminatory actions over a single decade from 2011 to 2021 documents that SB 824 was one in an ongoing series of racially discriminatory acts by the State legislature, demonstrating a continuing pattern of discrimination.

[27] *Ibid*., at 30-31; Leigh Ann Caldwell, *Vigilante or Vindicator?: One Man's Bid to Root Out Voter Fraud*, CNN (June 8, 2014), https://www.cnn.com/2014/06/06/politics/north-carolina-voting-fraud/index.html.

TABLE 4
SB 824 FITS WITHIN A PATTERN OF ONGOING RACIAL DISCRIMINATION IN NORTH CAROLINA

ACTION	DATE	SOURCE
General Assembly Racially Gerrymanders State Legislative Districts.	**2011**	*North Carolina v. Covington*, 138 S.Ct. 2548 (2018)
General Assembly Racially Gerrymanders Congressional Districts.	**2011**	*Cooper v. Harris*, 137 S.Ct. 1455 (2017)
General Assembly Adopts Voter Information And Verification Act, Including Voter ID.	**2013**	*North Carolina NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016)
State Senate failed to place on the ballot a referendum repealing the state's literacy test.	**2013**	H.B. 311, 2013-2014 Gen. Assembl. (N.C. 2013)
Republicans Mislead the Court About Drawing a Remedial Plan for the State Legislature: Preserved Super-majority needed for voter Photo ID law.	**2017**	*Common Cause, et al., v. David Lewis*, North Carolina, Country of Wake, Superior Court Division, 18CVS 014001, Common Cause Filing, Exhibit C, 5 June 2019
General Assembly Partisan Gerrymanders State Legislative Districts in Remedial Plan.	**2017**	*Common Cause, et al., v. David Lewis*, Wake County Superior Court, 18CVS014001, Judgement (September 3, 2019)
General Assembly Reduces the Availability of Polling Places.	**2018**	S.B. 325, 2017-2018 Gen. Assembl. (N.C. 2018)
General Assembly Adopts Voter Photo ID Law Again	**2018**	H.B. 1092/SL 2018-128, 2017-2018 Gen. Assemb., Reg. Sess. (N.C. 2018); S.B. 824/SL 2018-144, 2017-2018 Gen. Assemb., Reg. Sess. (N.C. 2018),
Senate Passes Bill to Reduce the Time for Counting Absentee Ballots by Three Days.	**2021**	S.B. 326, 2021 Gen. Assembl. (N.C. 2021)
Republican Party Revives "Election Integrity" Efforts.	**2021**	Avi Bajpai, *As Trump Visits, NCGOP Prepares for 2022 by Forming a Committee on Election Integrity*, News & Observer, June 6, 2021, https://www.newsobserver.com/article251925033.html

V. Confirmation of the Discriminatory Impact of S. 824 in North Carolina

C. An Update of a Stanford University Study Confirms the Deterrent Effect in North Carolina of Voter Photo ID

In an update of their 2019 study cited in my initial report, Stanford University researchers, Justin Grimmer and Jesse Yoder, confirm the deterrent effect on voters of photo voter identification laws on those lacking authorized IDs and the disproportionate impact on Black and non-White voters in North Carolina. The study also confirms the state's negligence in properly and promptly informing voters about the status of photo voter ID requirements. The analyses that the researchers conducted on individual voter files resulted in several significant findings.[28]

* The photo voter ID law in place for North Carolina's 2016 primary election "caused a 0.7 percentage point decline in turnout in the primary election among those who did not match to a state-issued ID, compared to those who did have state ID."

* After the Fourth Circuit struck down the photo voter ID requirement, "there was no subsequent letter sent to inform voters that photo identification was no longer required."

* "The change in the law without notifying voters created confusion about what was necessary to vote and as a result the effect of the ID law persisted after the law was repealed."

* "Even though the ID law was suspended, individuals without a state-issued ID were 2.6 percentage points less likely to turnout in the 2016 general election than voters with ID. This effect persisted beyond the 2016 election, though the magnitude of the effect decreased: in the 2018 general election, individuals without valid identification were 1.7 percentage points less likely to turnout, and there was no deterrent effect in the primary election."

[28] Justin Grimmer & Jesse Yoder, *The Durable Differential Deterrent Effects of Strict Photo Identification Laws*, Pol. Sci. Rsch. & Methods: First View, Jan. 2021, at 1. All subsequent data is from this study.

* Those lacking ID … are more likely to be non-white." Blacks are 22.9 percent in the full voter file, but 39.0 percent among registrants not matched to DMV IDs. Hispanics are 2 percent in the full voter file, but 4.7 percent of the unmatched. Other non-Whites are 3.6 percent in the full voter file, but 5.9 percent of the unmatched.

* "Voter ID laws do disproportionately burden Democrats and racial minorities because they are less likely to hold photo identification."

* "Looking at the 2016 general election, for example, 0.06 percent of registered White voters were deterred by the ID law, while 0.13 percent of registered Black voters were deterred by the law. This illustrates how the voter ID law can have disproportionate effects on turnout by race. Black registrants are much more likely to lack ID than White registrants, so they bear a larger burden of the turnout reduction even though the size of the effect among those without ID is not larger for Black voters than for White voters."

* Even though Whites comprised 72 percent of voters in the 2016 general election, about half of the number of non-ID holders deterred from voting were non-White (2,533 of 5,110 = 49.6%). Blacks comprised 21 percent of voters, but nearly double the percent of those deterred (1,993 of 5,110 = 39%).

However, the study does not measure the full impact of the deterrent effect because it does not consider potential voters who possess authorized IDs but may not be aware that they do so. It also underestimates the deterrent of the new 2018 law (SB 824) because the study identifies a too low 3 percent of registered voters who lack DMV ID, based on an earlier matching exercise by the state. An updated analysis using 2019 data presented for this litigation by Professor

Michael C. Herron found that 8.1 percent of registered voters were unmatched to DMV IDs.[29] Professor Herron additionally found that African Americans and other minorities were substantially overrepresented among registered voters unmatched to DMV IDs and that these racial disparities are consistent across the counties of North Carolina.[30]

D. A New Analysis by a University Of Michigan Researcher Confirms the Gap in Photo ID Possession Between Whites and Blacks in North Carolina.

A December 2020 analysis by Kevin Quinn, a political science professor at the University of Michigan, presented in the state photo voter ID litigation (*Holmes v. Moore*), examined DMV IDs and a broader range of qualifying IDs. These additional IDs included free voter ID cards, and ID cards issued by schools and IDs and certain government agencies. He did not have access "to other relevant federal ID databases (such as the U.S. passport database, military ID databases), local government employee databases, and some of the information on college, university, and state employee IDs is partial." He explains, however, why this lack of information did not materially impact his conclusions.[31]

Professor Quinn found that the percentage of North Carolina unmatched registered voters is more than double 3 percent—6.5%. He additionally found that "7.61% of African American voters lack one of the forms of Qualifying ID mentioned above. This corresponds to 113,570 African American voters. On the other hand, 5.47% of White voters lack these same forms of Qualifying ID.[32]

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[29] Preliminary Expert Report of Michael C. Herron for Purposes of Preliminary Injunction at 18, *North Carolina State Conference of NAACP v. Cooper*, No. 1:18-cv-01034 (M.D.N.C.).
[30] *Ibid.*, at 22.
[31] Expert Report of Kevin Quinn at 43-54, *Holmes v. Moore*, No. 8 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Dec. 20, 2020).
[32] *Ibid.*, at 3.

Professor Quinn additionally found that "The Black-White disparity in ID possession is larger for likely voters than for unlikely voters. For instance, African Americans who voted in 2016 are 2.0 times more likely to lack Qualifying ID issued by the DMV, SBE, Schools or Agencies than whites who voted in 2016." He found this same level of 2.0 disparity for the 2018 midterm elections.

Professor Quinn's results are consistent with the findings of my initial report based on responses to the Survey of the Performance of American Elections. The Survey queried voters about the full range of the photo IDs authorized in S. 824, including driver's licenses, U.S. passports, tribal, military and veteran's IDS, student IDs, and state and local government issued IDs. The only difference is that it does not ask whether student and state and local government IDs are expired. It does query about the expiration of driver's licenses and passports. As indicated in Table 3 of my preliminary September 2019 report, when considering the full range of photo ID possession, including public assistance IDs, Blacks are 2.5 times less likely to hold authorized IDs than Whites: 8.4% versus 3.2%, for a disparity of 5.2 percentage points.[33]

Members of the General Assembly were aware of the results of earlier analysis by Professor Quinn, submitted in his expert report for the state-court *Currie* litigation in 2015 on HB 589. The Quinn analysis was presented to the General Assembly in debates over S. 824.[34] The earlier Quinn report found that" at least 5.9% of registered North Carolina voters lacked identification acceptable for voting under HB 589," and that "In 2015, African Americans were more than twice as likely as Whites to lack identification acceptable for voting under HB 589."[35]

[33] Preliminary Expert Report of Allan J. Lichtman for Purposes of Preliminary Injunction at 24, *N.C. State Conf. of NAACP v. Cooper*, No. 1:18-cv-01034 (M.D.N.C. Sept. 17, 2019).
[34] Senate Floor-Senate Bill 824 Implementation of Voter ID Constitutional Amendment (audio on file with counsel).
[35] Expert Report of Kevin Quinn, *Currie v. North Carolina*, No. 13-CVS-1419 (Sup. Ct. N.C., Orange Cnty.); Expert Report of Kevin Quinn at 7-8, *Holmes*, No. 8 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Dec. 20, 2020).

Moreover, the specific issue of the even greater no-match rate among Black voters after accounting for suspended licenses was documented in detail in my expert report and testimony in the *McCrory* litigation.[36] This information was almost certainly known by the North Carolina legislature when it chose to once again only allow "valid" forms of photo ID in enacting SB 824.

After careful consideration of the Quinn Report, critiques by defendants' experts, and Quinn's response, the majority opinion in the *Holmes* litigation found "that Professor Quinn's results are reliable and establish that African American voters are more likely than White voters to lack a form of qualifying ID under S.B. 824."[37]

Significantly, these analyses understate the percentage of North Carolina registered voters who lack authorized IDs, because they do not consider canceled, revoked, inactive, or suspended driver's licenses. SB 824 makes clear that only "valid" forms of photo ID may be used for purposes of voting.[38] Professor Quinn found that 1.28 million DMV records fell into these categories. There are significant racial differences in these categories of DMV records according to Professor Quinn's analysis. If registered voters matched to cancelled, revoked, inactive or suspended licenses were properly categorized as registrants unmatched to authorized IDs under S. 824, the racial disparities between Blacks and Whites rise substantially. The percentage of Black voters on the no-match list increases to 26.41%. In comparison, the

[36] *See* Response Report of Allan J. Lichtman in *NAACP v. McCrory*, Civil Action Nos. 13-cv-658, 13-cv-660, 13-cv-861 (M.D. N.C Mar. 24, 2015), at 9; Plaintiffs' Joint Proposed Findings of Fact and Conclusion of Law Regarding Photo ID Claims, *McCrory*, Civil Action Nos. 13-cv-658, 13-cv-660, 13-cv-861 (M.D. N.C. Feb. 24, 2016).
[37] *Holmes*, No. 18 CVS 15292, at 55 (Sup. Ct. N.C., Wake Cnty. Sept. 17, 2021) (final judgment and order granting permanent injunction).
[38] *See* S.B. 90, § 1.2(a)

percentage of White voters on the no-match list rises to 12.45%, widening the disparity in the non-possession of authorized IDs between Black and White voters to a ratio of 2.1 to 1.[39]

A 2019 study by Duke University Professors confirms the racial disparities in suspended or revoked licenses in North Carolina. They examined driver's licenses suspended or revoked in North Carolina for failure to pay fines and court costs associated with a violation or failure to appear in court. The researchers found that "These driver's license suspensions are heavily disproportionate in their imposition on black and Latinx drivers." Of those with suspended or revoked licenses as of 2018, 30.7 were White, 41.0% Black, 1.6% Native American <1% Asian, 21.4% Hispanic, and 5.1% other minorities. They note that for North Carolinians of driving age (16+) "21% are black, 8% are Latinx, and 65% are white." The authors additionally found that poverty cannot explain these racial disparities: "We find that the relationship between the number of people in poverty and the number of suspensions in a county is dependent on race ... This suggests that poverty functions differently for whites than it does for blacks."[40]

E. Minorities Experienced Longer Wait Times at the Polls Than Whites in North Carolina, a Problem for Voter Photo ID

An additional impediment to minority voter participation under S. 824 arises from the longer wait times at the polls experienced by minority as compared to White voters. This disparity matters because long wait times deter voting. In general elections with substantial turnout, the extra time to validate IDs, and arrange for provisional ballots and reasonable impediment affidavits will likely lead to additional wait times. As indicated in Table 5 and Chart 6, new combined data from the 2020 Cooperative Congressional Election Study and the Survey

[39] Expert Report of Kevin Quinn at 12-13 fn. 13, *Holmes*, No. 8 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Dec. 20, 2020).
[40] Brandon L. Garrett & William Crozier, Driver's License Suspension in North Carolina: A Report Analyzing Data from 1986-2018, at 2, 6, 8 (2019).

of the Performance of American Elections demonstrates that 21.7 percent of Black voters and 18.7 percent of non-White voters in North Carolina experienced wait times at the polls of more than 30 minutes, compared to 14.8 percent of White voters.[41]

As further indicated in Table 6, in the combined surveys, 7.9 percent of reported non-voters in North Carolina's 2020 general election said they did so because the line at the polls was too long. Although the sample sizes are too small for statistical significance, the point estimates show that the turnout effect is more significant for Black voters and other non-White voters than for White voters. The analysis does not include the unique, pandemic-specific impact of those who reported that they did not vote for fear of COVID-19.

TABLE 5 WAIT TIMES AT THE POLLS BY RACE, NORTH CAROLINA, GENERAL ELECTION OF 2020		
RACIAL GROUP	**WAIT TIME 31 MINS+**	**PERCENT**
WHITES N = 1342	**N = 198**	**14.8%**
BLACKS N = 277	**N = 60**	**21.7%**
ALL NON-WHITES N = 423	**N = 79**	**18.7%**
Sources: *Cooperative Congressional Election Study (CCES)*, Harv. Univ. (2020), https://cces.gov.harvard.edu/; *Survey of the Performance of American Elections*, MIT Election Data & Sci. Lab, https://electionlab.mit.edu/research/projects/survey-performance-american-elections (last visited Oct. 14, 2021).		

[41] The difference in wait times between Blacks and Whites is statistically significance at <.01 and the difference between all minorities and Whites is statistically significant at <.1.

CHART 6
WAIT TIMES AT THE POLLS BY RACE, NORTH CAROLINA, GENERAL ELECTION OF 2020

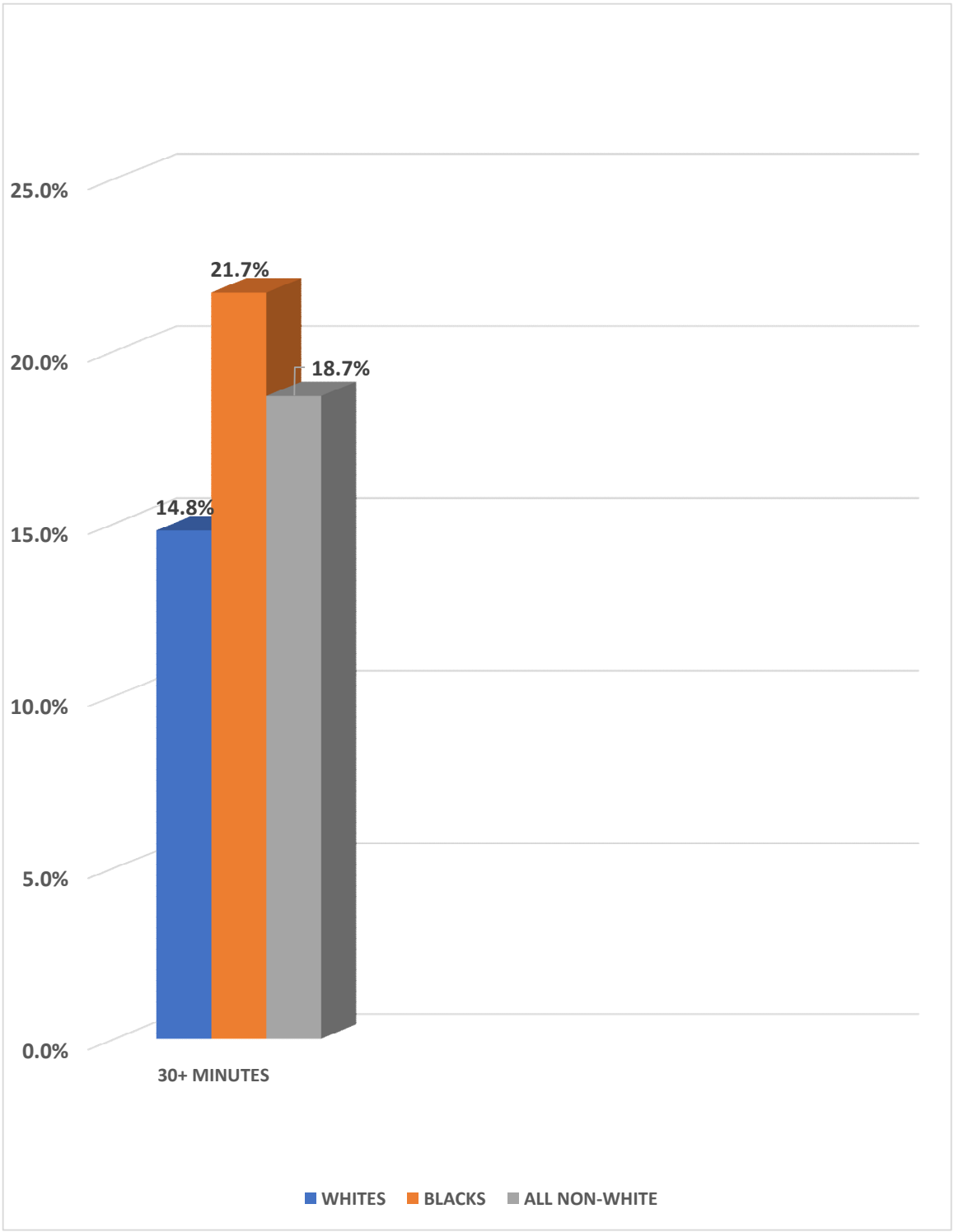


TABLE 6 RESPONDENTS SAYING DID NOT VOTE BECAUSE LINE WAS TOO LONG, BY RACE NORTH CAROLINA, 2020 GENERAL ELECTION		
RACIAL GROUP REPORTING NON-VOTING	**DID NOT VOTE BECAUSE OF LONG LINE**	**PERCENTAGE**
WHITES N = 106	**N = 4**	**3.8%**
BLACKS N = 38	**N = 3**	**7.9%**
ALL NON-WHITES N = 59	**N = 6**	**10.2%**
ALL GROUPS COMBINED N = 165	**N=13**	**7.9%**
Sources: *Cooperative Congressional Election Study (CCES)*, Harv. Univ. (2020), https://cces.gov.harvard.edu/. Sample sizes are too small for racial differences to be statistically significant; *Survey of the Performance of American Elections*, MIT Election Data & Sci. Lab, https://electionlab.mit.edu/research/projects/survey-performance-american-elections (last visited Oct. 14, 2021).		

The additional burdens placed on voters and poll officials from S. 824 were noted during the 2018 legislative debates. Democratic Senator Chadhuri said, "This amendment that requires election officials to scrutinize every voter identification or create longer lines, increase election costs by millions of dollars and make it much harder to vote."[42] Democratic Senator Teresa Van Duyn said, "This bill punishes voters because they didn't know or can't comply with the constant changes in election laws. This bill poses significant risk to keeping voters from exercising their constitutional right to vote. This bill uses provisional ballot as a bandaid for every flaw included in the bill. That alone would create an enormous burden on local election boards who are tasked with certifying election results."[43]

F. Racial Discrimination by Election Officials at the Polls

New data from the 2020 SPAE discloses substantial discrimination against African Americans and other minorities at the polls in North Carolina. Laws exist on paper, but their implementation takes place in the real world. Implementation is crucial for voter identification requirements. Their enforcement occurs not at the national, state, or county level but at the point of contact between voters and local officials at polling places. More than 2600 election day polling places in North Carolina must recruit local poll workers.[44]

Racial discrimination at polling stations occurs through substantial racial differences in photo identification requests made by election workers. North Carolina did not require a photo ID to vote in the 2020 general election. Yet overall, according to data from the 2020 Survey of the Performance of American Elections, polling officials incorrectly asked 7.1 percent of

[42] Senate Floor-House Bill 1092 Constitution Amendment Requiring Voter Photo ID (audio on file with counsel)
[43] Senate Floor-Senate Bill 824 Implementation of Voter ID Constitutional Amendment (audio on file with counsel).
[44] *Polling Place Data, N.C. State Bd. Elections*, https://www.ncsbe.gov/results-data/polling-place-data (last visited Oct. 14, 2021).

4,526,276 North Carolina voters who voted in-person early or on Election Day. This amounts to 385,000 voters.

As shown in Table 7 and Chart 7, this incorrect request led to significant racial disparities. As indicated in Table 7 and Chart 7, Black voters were about twice as likely as White voters to be requested for photo identification in the 2020 general election. The data show that poll workers requested photo ID from 12.6% of Black voters, compared to only 5.4% of White voters, which amounts to a discrepancy of 133 percent. Among all non-White voters, the difference with White voter was just slightly less, with 12.2 percent of non-White voters asked to submit photo identification in the general election of 2020.

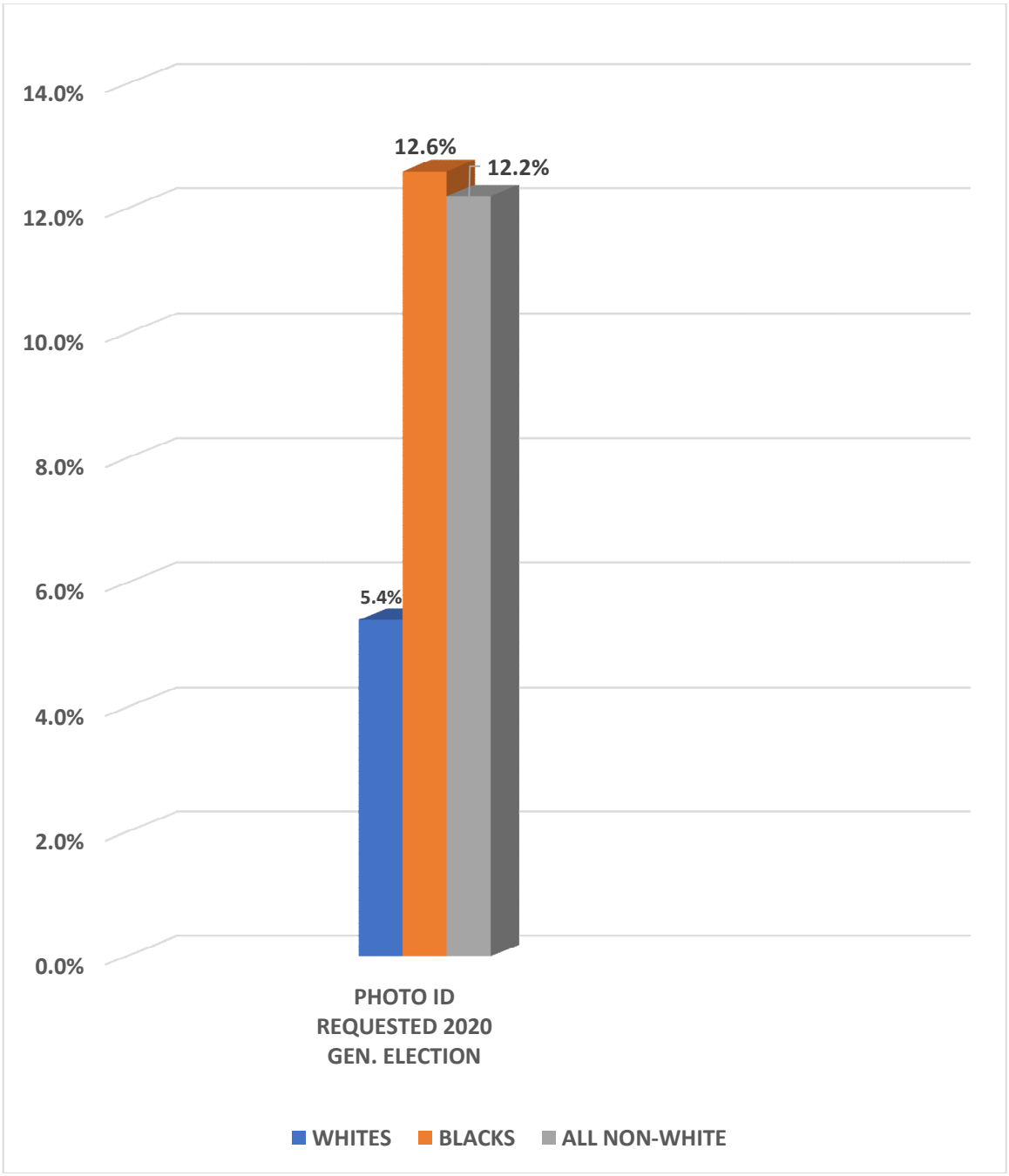
About 10 percent of 2020 general election voters in North Carolina were first-time voters. Under the Help American Vote Act of 1992 (HAVA) requirements, some first-time voters who did not provide a driver's license number or the last four digits of their Social Security number when registering had to submit a form of ID when they voted. But it need not be a photographic ID.[45] Limitation of the analysis to non-first-time voters yields essentially identical results. The findings of the SPAE study for North Carolina are consistent with numerous other studies showing discriminatory treatment of minorities by election officials.[46]

[45] Bipartisan State Bd. of Elections & Ethics Enf't, State of North Carolina Election Official Resource Manual § 8.3.1 (2017). Authorized non-photo IDs include "the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document."

[46] *See generally* Stephen Ansolabehere, *Effects of Identification Requirements on Voting: Evidence From the Experiences of Voters on Election Day*, 42 PS: Pol. Sci. & Pol. 127 (2009); Lonna Rae Atkeson et al., *A New Barrier to Participation: Heterogeneous Application of Voter Identification Policies*, 29 Electoral Stud. 66 (2010); Rachael V. Cobb, D. James Greiner & Kevin M. Quinn, *Can Voter ID Laws Be Administered in a Race-Neutral Manner?: Evidence From the City of Boston in 2008*, 7 Q. J. Pol. Sci. 1 (2010); Charles Stewart III, *Voter ID: Who Has Them; Who Shows Them*, 66 Okla. L. Rev. 21 (2013); Ariel White, Noah L. Nathan & Julie K. Faller, *What Do I Need to Vote?: Bureaucratic Discretion and Discrimination By Local Election Officials*, 109 Am. Pol. Sci. Rev. 129 (2015).

TABLE 7 VOTERS AT POLLS ASKED TO SUBMIT PHOTO ID, BY RACE, NORTH CAROLINA, 2020 GENERAL ELECTION		
RACIAL GROUP	**ASKED TO SUBMIT PHOTO ID**	**PERCENTAGE**
WHITES N = 520	**N = 28**	**5.4%**
BLACKS N = 119	**N = 15**	**12.6%**
ALL NON-WHITES N = 172	**N = 21**	**12.2%**
ALL WHITES & MINORITIES N= 692	**N=49**	**7.1%**
Source: *Survey of the Performance of American Elections*, MIT Election Data & Sci. Lab, https://electionlab.mit.edu/research/projects/survey-performance-american-elections (last visited Oct. 14, 2021)..		

CHART 7
VOTERS AT POLLS ASKED TO SUBMIT PHOTO ID, BY RACE, NORTH CAROLINA, 2020 GENERAL ELECTION



VI. New Evidence Confirms That the Main Rationales for S. 824, Regarding Fraud and Voter Confidence Were Misleading and Pretextual

New information from the North Carolina State Board of Elections (NCSBE) shows an ongoing absence of fraud, especially identity fraud, in the 2020 general election. From September 1, 2020, to April 27, 2021, NCSBE data disclosed that it referred 38 cases of voter fraud for prosecution out of 5,545,848 ballots cast in the election (equal to less than one-thousandth of one percent). In addition, of these referrals, 33 of 38 related to allegations of illegal voting by individuals on felony probation or post-release supervision, which had nothing to do with voter identification issues and may be due to mistakes by those who believed they were eligible to vote.[47]

Republicans in North Carolina acknowledged that the 2020 election in their state—with no photo ID requirement in place—was secure and fair. "In 2020, the North Carolina Republican Party led the nation in implementing an effective statewide strategy to protect the vote," said state GOP party chair Michael Whatley. Donald Trump exempted North Carolina from his list of allegedly cheating states. "North Carolina produced a big victory for us, without a fraudulent outcome—missing ballots, illegal voting, dead people voting, and all of the other Democrat tricks," Trump said.[48] Pat Gannon, the North Carolina State Board of Elections (NCSBE) spokesperson, said in 2021, "There is no evidence whatsoever of any type of widespread election fraud in North Carolina."[49]

In 2018, the Republicans who pushed through the constitutional amendment and law on photo voter ID also knew full well that there was virtually no voter impersonation in North

[47] Avi Bajpai, *As Trump Visits, NCGOP Prepares for 2022 by Forming a Committee on Election Integrity*, News & Observer, June 8, 2021, https://www.newsobserver.com/article251925033.html.
[48] *Ibid*.
[49] *The GOP's Feverish Hunt for NC Election Fraud Uncovers a Shocking Result–Clean Elections*, News & Observer, Mar. 28, 2021, https://www.newsobserver.com/opinion/article250241160.html.

Carolina through 2018. The NCSBE had reported similar null findings of fraud at the time, as documented in my initial report.[50]

Similarly, new evidence confirms that photo voter IDs do not increase voter confidence in elections, contrary to the assertions made without evidence by backers of S. 824. New data from the 2020 Survey of the Performance of American Elections (SPAE), reaffirms the conclusions of my initial report. The 2020 data, like the 2016 data, demonstrates that such laws do not increase voter confidence in elections. The SPAE results show that, to the contrary, such statewide laws appear to have no correlation with voter confidence in the elections in their states. Table 8 and Charts 8 and 9 compare states with photo voter ID laws to five states with no identification or signature requirements. That is, voters in these states do not have to present any form of ID or sign a poll book in order to vote. They only need to state their name and address. According to the rationales that legislators in North Carolina provided for the adoption of SB 824, these states should exhibit the least voter confidence in the integrity of elections. As indicated in Table 8, voters are, to the contrary, more confident about their statewide election systems in the 5 states with no statewide documentation or signature requirements for voting than in the 17 states with statewide photo voter identification requirements.[51]

According to Table 9 and Chart 10, 80.7% of voters in the least restrictive states are confident in the integrity of the statewide vote, compared to 76.3% of voters in the photo voter ID states. This difference is statistically significant at the stringent .01 level in social science.

[50] N.C. State Bd. of Elections, Post-Election Audit Report: 2016 General Election 2, app. 4.2 (2017), https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report_2016%20General%20Election/Post-Election_Audit_Report.pdf.

[51] The five non-documentary, non-signature states are: CA, MA, MD, ME, and VT. The seventeen photo voter ID states are: AL, AR, FL, GA, ID, IN, KS, KY, LA, MI. MS, RI, SC, SD, TN, TX, WI. Strict ID laws require further action to present an ID or swear an affidavit.

TABLE 8 CONFIDENCE IN ELECTIONS, STATES WITH PHOTO ID REQUIREMENT, COMPARED TO FIVE STATES WITH NO DOCUMENTARY OR SIGNATURE REQUIREMENTS FOR VOTING			
GROUP OF STATES	**VERY CONFIDENT**	**SOMEWHAT CONFIDENT**	**SUM**
"How confident are you that votes in [your state] were counted as voters intended?"			
WITH PHOTO ID REQUIREMENT	**47.8%**	**28.3%**	**76.1%**
5 STATES, NO ID, SIGNATURE	**58.1%***	**22.6%**	**80.7%****
Source: *Survey of the Performance of American Elections*, MIT Election Data & Sci. Lab, https://electionlab.mit.edu/research/projects/survey-performance-american-elections (last visited Oct. 14, 2021).			

CHART 8
CONFIDENCE IN ELECTIONS, % VERY OR SOMEWHAT CONFIDENT, STATES WITH PHOTO ID REQUIREMENT, COMPARED TO FIVE STATES WITH NO DOCUMENTARY OR SIGNATURE REQUIREMENTS FOR VOTING

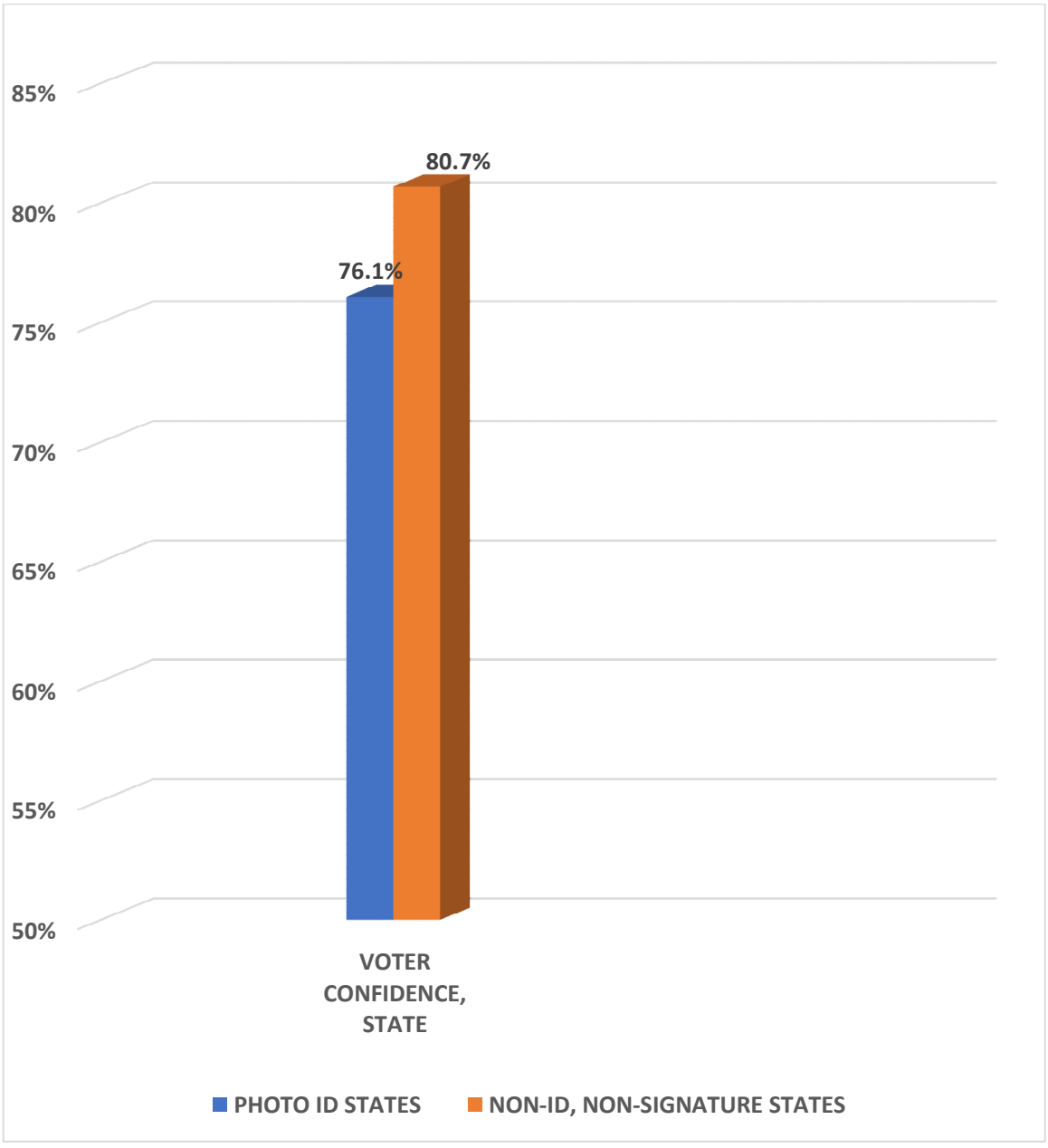
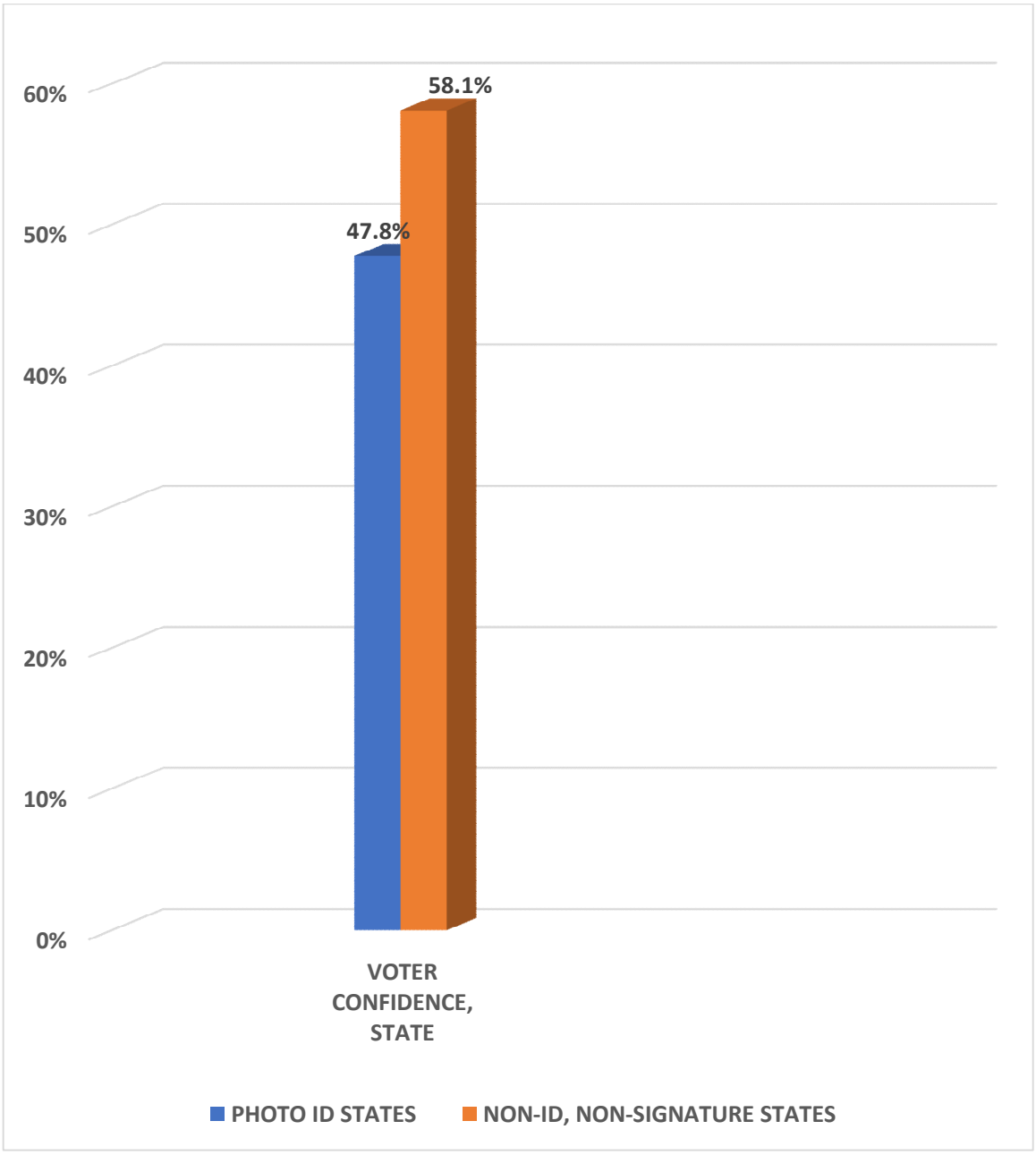


CHART 9
CONFIDENCE IN STATEWIDE VOTE, % VERY CONFIDENT ONLY, STATES WITH PHOTO ID REQUIREMENT, COMPARED TO FIVE STATES WITH NO DOCUMENTARY OR SIGNATURE REQUIREMENTS FOR VOTING



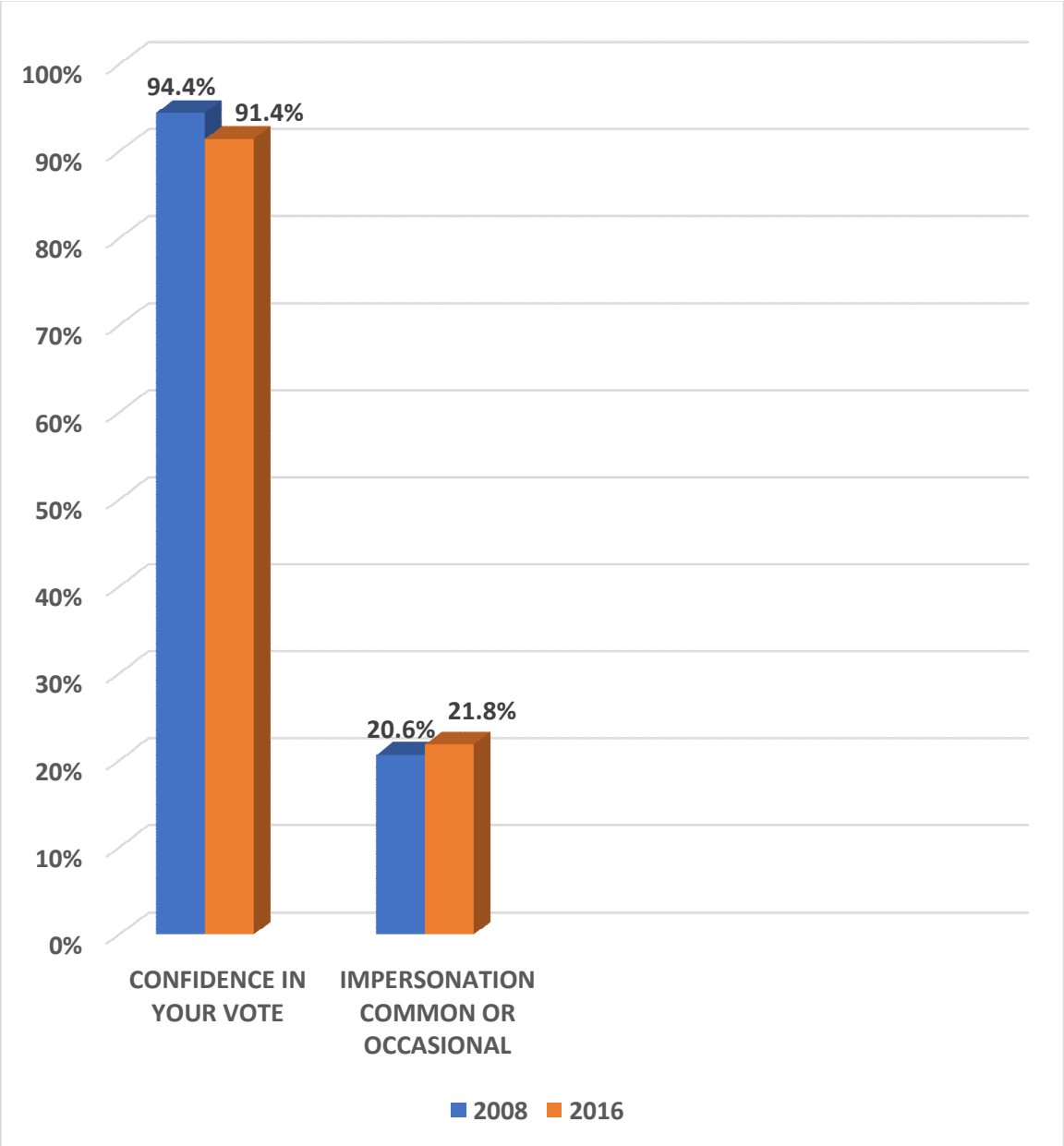
A breakdown of the results demonstrates the gap is wider between the two groups of states regarding those who are not just confident but *very confident* in the integrity of the statewide vote. According to Table 8 and Chart 9, 58.1% of voters in the least restrictive states are very confident in the integrity of the statewide vote, compared to 47.8 percent of voters in the photo voter ID states. This difference is statistically significant beyond the stringent .01 level in social science.

A longitudinal analysis confirms that adoption of voter photo ID laws in states does not increase voter confidence. This analysis compares voter confidence before and after the adoption of voter photo ID laws in the states. After the election of Barack Obama in 2008, many states, almost exclusively controlled by Republicans, adopted voter photo ID laws. Table 9 and Chart 10 examine before and after data from the Survey of the Performance of American Elections for ten states that adopted photo voter ID laws after the 2008 presidential election that were in effect for the 2016 presidential election. The 2008 survey does not ask about confidence regarding the statewide vote but includes another confidence measure about voting. It also asks how often respondents believed that voter impersonation occurred in their state. Both these measures provide points of comparison in Table 9.

Two key findings emerge from these results. First, there was no crisis of confidence in the photo ID states before they adopted voter photo Identification laws. The results show that more than 94 percent of respondents in these states were confident that their vote would be counted as intended and not falsified by persons attempting to vote in their name in person or absentee. Similarly, only about a fifth of respondents indicated that voter impersonation occurred commonly or even occasionally in their state. Second, the results show that the adoption of voter photo ID did not increase confidence in the integrity of elections. Conversely, confidence in the

TABLE 9 CONFIDENCE IN ELECTIONS, 2008 TO 2020 STATES THAT ADOPTED PHOTO ID AFTER 2008 AND IN EFFECT FOR 2020, SURVEY OF THE PERFORMANCE OF AMERICAN ELECTIONS, 2020				
COMPARISON	**VERY OR SOMEWHAT CONFIDENT IN YOUR VOTE 2008**	**VERY OR SOMWHAT CONFIDENT IN YOUR VOTE 2016**	**VOTER IMPERSONATION COMMON OR OCCASIONAL 2008**	**VOTER IMPERSONATION COMMON OR OCCASIONAL 2016**
PHOTO ID CHANGE 2008 TO 2016	**94.4%**	**91.4%***	**20.6%**	**21.8%**
Source: *Survey of the Performance of American Elections*, MIT Election Data & Sci. Lab, https://electionlab.mit.edu/research/projects/survey-performance-american-elections (last visited Oct. 14, 2021).				

CHART 10
CONFIDENCE IN ELECTIONS, 2008 to 2020 STATES THAT ADOPTED PHOTO ID AFTER 2008 AND IN EFFECT FOR 2020, SURVEY OF THE PERFORMANCE OF AMERICAN ELECTIONS, 2020



integrity of a person's vote actually *declined* from 94.4% in 2008 to 91.4% in 2016, after the adoptions of photo voter ID laws, a statistically significant difference. The belief that voter impersonation occurs commonly or occasionally slightly increased from 20.6% to 21.8%, although the difference is not statistically significant.

In sum, the most recent data for the 2020 general election demonstrates that adoption of photo voter ID requirements is associated with reduced and not increased voter confidence about the integrity of the vote. In addition, a longitudinal analysis shows that following the adoption of voter photo ID laws registered voters are less confident, not more confident, in the integrity of their states' voting systems.

VII. Further Evidence of a Rushed and Irregular and Partisan Process for Adopting the Voter Photo ID Constitutional Amendment and Implementing Legislation.

Legislative emails indicate that Republicans were pressuring the State Board of Elections on a rushed basis to minimize the number of registered voters unmatched to Department of Motor Vehicles photo IDs and maximize voter fraud indications. On December 12, 2017, Mark Coggins, a staffer for Republican Representative David Lewis, the Chair of the House Committee on Elections and Ethics Law, emailed Joshua Lawson, the General Counsel for the State Board of Elections, and Board Director Kim Strach. He cc'ed Neal Inman, Counsel to Lewis.

Coggins asked, "Do you have, deep down in your archives, the data that our friend Marc Burris [IT Director for the Board of Elections] has been working on for the past several years that show the number of NCians believed to be on the voter rolls without a photo ID?" Coggins additionally asked, "And any subsequent data on why that number is so high, potential data issues with an accurate assessment of the number, and steps you all have taken to bring that number down? We had an interview today where the correspondent referenced the ~300,000

people the NCSBE found that are on the voter rolls who didn't have photo ID. We of course mentioned this report in our explanation that the NCSBE at the time hadn't done much voter roll maintenance." Coggins added, "But at the end of the day, I know the number wasn't actually that high, and if it was, there were several caveats to it. Any and all help is appreciated."[52]

Lawson responded on January 8, 2018, that Brian Neesby, the Board's Chief Data Officer, would privately provide detailed no-match information, including the "raw data. He wrote that "Brian Neesby [Chief Data Officer] is about *to call you* on a few [unspecified] caveats, but find relevant documents attached, *the raw data here*, and explanation below, along with an excerpt from Judge Schroeder's Opinion."[53] (emphasis added) The "raw data" would include information on race and racial disparities in matching rates because in North Carolina persons register by race.[54]

In her testimony for the state court *Holmes* litigation Democratic Representative Pricey Harrison indicated that the information privately provided to Representative Lewis many months before the House debates was not presented to the house elections committee on which she served:

> Q. You mentioned again the 200,000 about North Carolinians that wouldn't have an ID. Can you tell me during this meeting was house elections committee given any updated data regarding voter ID possession rates?
>
> A. We were not.
>
> Q. And was the house elections committee in this meeting given any updated analysis on the impact this proposed bill would have on African American voters?

[52] Email from Mark Coggins, Pol'y Advisor, Rep. David R. Lewis, to Joshua Lawson, Gen. Counsel, North Carolina State Bd. of Elections, and Kim Strach, Dir., North Carolina State Bd. of Elections (Dec. 12, 2017) (on file with counsel, Holmes_SBOE_POD_017897) (referring to Judge Schroeder's opinion in *N.C. State Conf. of NAACP v. McCrory*, 182 F. Supp.3d 320 (M.D.NC 2016)).
[53] Email from Joshua Lawson, Gen. Counsel, North Carolina State Bd. of Elections, to Mark Coggins, Pol'y Advisor, Rep. David R. Lewis (Jan. 8, 2018) (on file with counsel, Holmes_SBOE_POD_016365).
[54] *Voter Registration Data*, N.C. State Bd. Of Elections, https://www.ncsbe.gov/results-data/voter-registration-data (last visited Oct. 14, 2021).

A. We were not.

Q. What about any analysis on other voters of color?

A. We were not.[55]

Lawson also detailed changes in the state's matching procedures that resulted in a reduction of unmatched registrants from 318,643 to 301,391 and ultimately to 254,391 in a 2014 attached report that also includes the racial breakdown of unmatched registrants. He did not mention that expert witnesses for the Plaintiffs in the *McCrory* litigation that he referenced challenged this reduced number.[56]

A correspondent listed as John Merlin (likely John Pizzo, the Research Director of the Voter Integrity Project, who is also head of Merlin Productions), pressured the State Board of Elections for information on "suspected voter fraud cases for 2015, and 2017." He complained about delays in responding to his request. "Your crew is holding information about voter fraud which is pertinent to the coming election and the proposed constitutional amendment to require affirmative voter identification," he wrote on August 8, 2018. Gannon responded three days later, "As I've stated previously, we do not have the information you are requesting all in one place (although we're working toward that), and we are creating a special document for 2017 as we did with 2016." Merlin in an email that cc'ed DeLancy continued to complain about the lack of responsiveness to all his requests on voter fraud. He commented to DeLancy: "Jay, enough is enough. I think we should move ahead with a lawsuit against the NCBE" for its lack of responsiveness. He said regarding fraud charges, "I find it odd that 64% of those charged are

[55] Transcript at 28, *Holmes v. Moore*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 20, 2021).
[56] Email from Joshua Lawson, Gen. Counsel, North Carolina State Bd. of Elections, to Mark Coggins, Pol'y Advisor, Rep. David R. Lewis (Jan. 8, 2018) (on file with counsel, Holmes_SBOE_POD_016365).

Democrats when only 38% of voters are registered as Democrats. What could account for this huge disparity? What is the racial make-up of these individuals? That will be my next PRR [Public Records Request]."[57]

Representative Cleveland then weighed in with the State Board on behalf of Merlin's (Pizzo's) requests. His comment to Strach, a Republican appointee who testified for the state in the McCrory litigation, discloses the partisan intent behind the push for voter photo ID. Cleveland emailed on "Kim – I know he is a pain, but I do not see why his requests are not honored. What is going on? I do believe they [Voter Integrity Project] *are on the same side we are on* or does the SBOE have an agenda of their own?" (emphasis added) Strach does not deny that she is on the same side as Cleveland and the Project and says that "I can assure you we do not have any agenda…"[58]

Additional information further confirms the rushed and irregular process for adopting the Constitutional Amendment on voter photo ID and the implementing legislation. The testimony of Democratic Representative Pricey Harrison in the state *Holmes* trial indicates that contrary to

[57] Email from John Merlin, Rsch. Dir., Voter Integrity Project, to Patrick Gannon, North Carolina State Bd. of Elections (Sept. 22, 2018) (on file with counsel, Holmes_SBOE_POD_018916). *See generally* Judicial Watch, *Tom Fitton: Trump NOT Wrong About Voter Fraud—DOJ Can & Should Investigate!*, *YouTube* (Nov. 25, 2018), https://www.youtube.com/watch?v=pByGUuw81BI&list=PL6Bb86iVe_GvEGcLZ1TTZzWEKUOb5LKBA&index=18; Bill Miller & Tanya Luna, *More Voters Than Eligible Adults?: Group Makes Dubious Claim About California*, McClatchy (Aug. 9, 2017), https://www.mcclatchydc.com/news/nation-world/national/mcclatchys-america/article166213202.html; Robert O'Harrow Jr., *Videos Show Closed-Door Sessions of Leading Conservative Activists: 'Be Not Afraid of the Accusations That You're a Voter Suppressor,' Wash. Post*, Oct. 14, 2020, https://www.washingtonpost.com/investigations/council-national-policy-video/2020/10/14/367f24c2-f793-11ea-a510-f57d8ce76e11_story.html; Lee Rood, Jason Clayworth & Brianne Pfannenstiel, *Reporting Delays, App Glitches Raise Questions Again About First-in-the-Nation Iowa Caucus*, Des Moines Reg. (Feb. 3, 2020), https://www.desmoinesregister.com/story/news/elections/presidential/caucus/2020/02/03/election-2020-iowa-caucus-problems/4618371002/.

[58] Email from Rep. George Cleveland to Kim Strach, Dir., North Carolina State Bd. of Elections (Sept. 23, 2018) (on file with counsel, Holmes_SBOE_POD_018915). It is worth noting that as the planned time for filing S .824 approached (28 November 2018), Representative Lewis's counsel continued emailing the State Board on Thanksgiving Day 2018.

standard procedure, HB 1092 was referred to the committee on rules rather than the committee on elections:

> "So, it was filed in the seventh of June and it passed first reading on June 11th, which is when it would have appeared on the calendar. And then it was at that point it was referred to the committee on elections and ethics laws, but that—that referral was with—that referral was withdrawn and re-referred to the committee on rules which is interesting because elections is the committee of jurisdictions for this but it was sent to the committee on rules, skipped the elections committee and reported out of rules on June 21st."[59]

Representative Harrison further explained the significance of referral to the committee on rules rather than elections. She testified, "Rules committee isn't where you normally receive much public input, public comment on the bill and only one committee in the House, that was—the Senate was very rushed as well."[60]

Representative Harrison further notes that the process was especially rushed and irregular for legislation of the magnitude of a constitutional amendment:

> "Well, what I mean by that is we're amending our Constitution, we're proposing to amend the Constitution. And—and that's—that's a really significant change and it's difficult to undo if you don't get it right and this just seemed to be a fairly rushed—a rushed process and when you take it in the context that there were several constitutional amendments being considered at the same time, my opinion is based on my experience in the legislature was that was north of inadequate consideration and certainly inadequate public input on part of this effort."[61]

Representative Harrison also noted the lack of adequate public input on the implementing legislation SB 824:

> "Well, I feel like public comment on this particular issue was very important. There were a lot of strong opinions … I was hoping that the House would hear from the public as we considered this bill as normal practice."[62] Representative Harrison said that when the House committee met on December 3, she recalled that there was no public commentary and "I believe they may have allowed a few to speak on the fourth, the next day." She added, "I do think people came expecting to testify on

[59] Transcript at 8, *Holmes*, No. 18 CVS 15292.
[60] *Ibid*., at 9.
[61] *Ibid*., at 10.
[62] *Ibid*., at 23.

> the third but there was not time if I recall correctly, so it was moved to the fourth but I believe some of those people couldn't make it back but there were a handful of public commenters on that on December 4th."[63]

Additional information from the testimony of Sabra Faires, an authority on the North Carolina legislative process, also confirms the irregular and rushed process involved with adopting a voter photo ID constitutional amendment in 2018.

Faires testified that HB 1092 authorizing a vote on the constitutional amendment for voter photo ID was enacted in the 2018 "short session" of the General Assembly. She testified that it is "not the normal practice" to propose a constitutional amendment in the short session of the General Assembly. Rather since 1971, "in all but three instances a constitutional amendment was enacted in the long session and that makes sense because constitutional amendments you would imagine would require deliberation and some time for consideration." Two of the three exceptions, she said, involved relatively minor matters. The third exception was an "unusual circumstance," in which the legislature responded to "a prior act of the General Assembly being held unconstitutional."[64]

Faires testified that the time between ratification of HB 1092 and the vote on the legislation was far more truncated than usual, giving voters less time to consider the proposal and interested parties to debate its merits. She noted that the average time between ratification and voting was 337 days, compared to just 130 days for HB 1092.[65] Faires additionally testified that compared to an average of approximately 143 days between the introduction and ratification of a constitutional amendment in the General Assembly, the comparable time for HB 1092 was just 22 days.[66]

VIII. S. 824 was not a Bipartisan Measure, Despite Support by Black Democratic Senator

[63] *Ibid*, at 23, 97.
[64] Transcript at 4-6, *Holmes v. Moore*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 14, 2021).
[65] *Ibid*., at 9.
[66] *Ibid*., at 11.

Joel Ford

Senator Ford's testimony in the state litigation and other information demonstrates that he was a lame-duck outlier[67] with no future in the Democratic party. His support for the bill turned on a fundamental misunderstanding of a provision that Ford considered definitive for his support. Ford's decisions were not indicative of Black or Democratic Support for S. 824.

When Senator Ford chose to co-sponsor S.B. 824, he had already lost his primary decisively to a Democratic challenger, garnering 40.7% of the vote to 51.9% for winning candidate Mujtaba A. Mohammed.[68] Mohammed had criticized Ford for supporting "a reckless Republican agenda," and promised to be a more reliable Democrat.[69] After this primary defeat, Ford endorsed the 2018 reelection of Republican State Senator Jeff Tarte in Senate District 41. According to a report in *The Charlotte Observer*, Ford's "endorsement comes as North Carolina Democrats have been working hard to flip seats in the state legislature come November," to break the Republicans' super-majority in the State Senate. "Tarte's seat is seen by Democrats as one of the most flippable, in large part because he's running in a redrawn district that went for Hillary Clinton in 2016," the *Observer* reported. The Tarte campaign featured Ford's endorsement in an initial "six figures" ad campaign.[70] Subsequently, in 2020, Ford endorsed Republican Senator Joyce Krawiec for her reelection campaign in District 31. Krawiec, like Ford, was one of three primary Senate sponsors of S. 824.

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[67] Ford lost the Democratic primary with just 40.7% of the vote to 51.9% for Mujtaba Mohammed, with the remaining votes scattered between two minor contenders. *05/08/2018 Official Local Election Results-Statewide*, N.C. State Bd. of Elections, https://er.ncsbe.gov/?election_dt=05/08/2018&county_id=0&office=NCS&contest=0 (last visited Oct. 14, 2021).

[68] *Ibid*.

[69] *Charlotte Attorney Mujtaba Mohammed Will Enter NC Senate Race Against Joel Ford*, WSOC-TV (Feb. 6, 2018), https://www.wsoctv.com/news/local/charlotte-attorney-will-enter-nc-senate-race-against-joel-ford/675460512/.

[70] Ely Portillo, *This Republican State Senator From Mecklenburg Just Picked Up an Unusual Endorsement*, Charlotte Observer, Sept. 18, 2018, https://www.charlotteobserver.com/news/politics-government/article218139920.html.

In his trial testimony, Ford said that he was upset and disappointed about how he was treated by the Democratic Party and considered "switching parties."[71] By fall 2018, when the General Assembly was considering S. 824, he was no longer caucusing with Democrats.[72] In an earlier podcast, played during the state trial, Ford characterized himself as "a man without a party."[73] Also, after his primary loss and votes for voter photo ID, in March 2021, the Republican-controlled General Assembly appointed Ford to the Board of Governors for the 17-institutions University of North Carolina system. As reported by NC Policy Watch, among 24 members, Ford became the Board's only appointee identified as a Democrat. When informed that he would be the only Democrat, Ford responded, "Wow. "I guess if confirmed you can reclassify me as a unicorn."[74]

Senator Ford testified at trial that when he agreed to sponsor S. 824, he believed that under the bill, "that the technology exists like it did in 2013 and I believe that that the photos would be made available to the registered voters on early voting and on election day." (p. 171). When asked whether photo IDs would be made available "At all of the places where people could vote on election day and during early voting, right?" Ford reiterated, "Yes, that is my understanding, that is my interpretation of the legislation that was passed."[75] Ford said that he would not have supported the bill unless it provided photo IDs at early voting sites and at the polls on election day. He testified that "I was insistent that free voter photo ID had to be

[71] Transcript at 135, 143, 183, *Holmes*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 20, 2021).
[72] *Ibid*., at 184.
[73] Transcript at 21, *Holmes*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 23, 2021).
[74] Joe Killian, *Democrat Joel Ford, Straddling the Political Fence Between Right And Left, Elected to Conservative UNC Board of Governors*, NC Pol'y Watch (Mar. 18, 2021), http://www.ncpolicywatch.com/2021/03/18/democrat-joel-ford-straddling-the-political-fence-between-right-and-left-appointed-to-conservative-unc-board-of-governors/, http://www.ncpolicywatch.com/2021/03/18/democrat-joel-ford-straddling-the-political-fence-between-right-and-left-appointed-to-conservative-unc-board-of-governors/.
[75] Transcript at 171, *Holmes*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 20, 2021).

provided during that particular time as well as on election day in order for me to be able to participate. *Had that not been inserted my name would not be on this bill*."[76] (emphasis added)

Thus, Ford had conditioned his support for S. 824 on a misunderstanding. Voter photo IDs are not available on Election Day under S. 824, which stipulates that "Voter photo identification cards shall be issued at any time, except during the time period between the end of one-stop voting for a primary or election as provided in G.S. 163A-1300 and election day for each primary and election."[77] Ford testified that Republican staffers who worked with him on S. 824 knew that the bill, even with Ford's amendment, did not provide for photo IDs on Election Day but failed to correct his misunderstanding by informing him of this make-or-break omission:

> Q. Okay. And despite the fact that you believed that the process was collaborative and that you were working in good faith with your Republican colleague, none of them, nobody told you before the bill was enacted that they believed it did not provide for free ID on election day; is that correct?
>
> A. That is correct.[78]

Although Ford claimed that the process for adopting voter photo ID in 2018 was bipartisan, he has an idiosyncratic view that one vote from a member of the opposition party constitutes bipartisanship.[79] Since he was not caucusing with Democrats, he did not know whether Democrats in the General Assembly agreed with his assessment. In fact, Democrats who testified in the *Holmes* litigation emphatically disagreed. Democratic Senator Gladys Robinson testified that the process for adopting S. 824 was not bipartisan "because it did not have bipartisan discussion, bipartisan development or input."[80]

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[76] Transcript at 8, *Holmes*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 23, 2021).
[77] S.B. 824, 2017 Gen. Assemb. § 163A-869.1 (N.C. 2017), "Ratified Bill," https://www.ncleg.gov/Sessions/2017/Bills/Senate/PDF/S824v6.pdf.
[78] Transcript at 33, *Holmes*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 23, 2021). See generally *ibid*., at 29-33.
[79] Transcript at 156, *Holmes*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 20, 2021).
[80] Transcript at 25-26, *Holmes*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 21, 2021).

Representative Harrison testified that "I don't see how you could call that process [for adopting S. 824] bipartisan at all . . . there might have been a few votes, I participated in bipartisan legislation and this is not what it looks like." She added, "Bipartisan legislation is legislation where both parties work across the aisle actively together from the get-go to craft legislation for the betterment of our state and this was—this was a very partisan effort and voter—voter and elections legislation is rarely bipartisan but on the voter identification just given the history of our state on this issue, it just—you just can't consider it bipartisan."[81]

During the adoption of voter photo ID in 2018, no Senate or House Democrat voted for HB 1092. Senator Ford joined his Democratic colleagues in voting no. Two Senate Democrats, Ford, and Donald Davis, voted for SB 824, as did two House Democrats, Kenneth Goodman, and Duane Hall.[82] Beyond Ford, no other Democratic Senator broke ranks to vote for the override of Democratic Governor Roy Cooper's veto. Only one Democratic Representative did so, Duane Hall. Like Ford, Hall was an outlier and a lame-duck member after losing decisively in the Democratic primary with just 26.5% of the vote amid charges of sexual harassment. Before the primary, top North Carolina Democrats had called for his resignation.[83]

IX. Conclusions

The information and analysis presented in this supplemental report confirm and strengthen the conclusions of my initial report in this litigation. Even after the adoption of S.

[81] Transcript at 43-45, *Holmes*, No. 18 CVS 15292 (Sup. Ct. N.C., Wake Cnty. Apr. 20, 2021).
[82] H.B. 1092/SL 2018-128, 2017-2018 Gen. Assemb., Reg. Sess. (N.C. 2018), "Const. Amendment-Require Photo ID to Vote," https://www.ncleg.gov/BillLookup/2017/H1092; S.B. 824/SL 2018-144, 2017-2018 Gen. Assemb., Reg. Sess. (N.C. 2018), "Implementation of Voter ID Const. Amendment," https://www.ncleg.gov/BillLookup/2017/S824.
[83] Billy Ball, *Top Democrats Call on Rep. Duane Hall to Resign Amid Sexual Misconduct Allegations*, NC Pol'y Watch (Feb. 28, 2018), http://www.ncpolicywatch.com/2018/02/28/top-democrats-call-rep-duane-hall-resign-amid-sexual-misconduct-allegations/; *05/08/2018 Official Local Election Results-Statewide*, N.C. State Bd. of Elections, https://er.ncsbe.gov/?election_dt=05/08/2018&county_id=0&office=NCS&contest=0 (last visited Oct. 14, 2021).

824, North Carolina Republicans continued undaunted to act officially in the legislature and as a party to engage in acts of discrimination against minorities in North Carolina. The enactment of S. 824 was not an isolated event but is part of an ongoing pattern of discriminatory actions, mainly by the General Assembly, from 2011 to 2021. Republicans in North Carolina have held predominant political power during the last decade and have used it aggressively against minorities.

The information and analysis of this report confirm the discriminatory impact of S. 824. An updated study by Stanford University researcher confirms the deterrent effect of voter photo ID laws. This analysis, moreover, likely understates the discriminatory impact of S. 824 substantially. It significantly underestimates the percentage of registered voters lacking DMV identification. It does not consider suspended, revoked, canceled, and inactive licenses, which disproportionately impact minorities in North Carolina. Further evidence of discriminatory impact follows from the disproportionate experience of long wait times at the polls by minorities, which is a deterrent to voting and likely will be exacerbated by attempts to implement the confusing and administratively complex provisions of S. 824. In addition, new evidence discloses discrimination at the polls by the officials that would administer the complex requirements of S. 824.

The supplemental report confirms that the justifications offered by proponents of S. 824 to protect against fraud and maintain election integrity were misleading, pretextual and simply inaccurate. Instances of ineligible voting in the 2020 elections in North Carolina, with no photo ID required, was vanishingly small. Republicans took credit for a fair and fraud-free election which contradicts their claim that S. 824 was essential to prevent fraud and establish voter confidence in the integrity of North Carolina elections. Cross-section data from voter surveys

show that the states with voter ID laws have less confidence in the integrity of elections than states with the least restrictive rules for voting. Longitudinal analysis shows that after the adoption of voter photo IDs, confidence in the integrity of elections declined and belief about the occurrence of voter impersonation increased.

I reserve the right to supplement and amend my opinions as additional information and data becomes known to me.

Respectfully submitted,

Executed on: October 18, 2021

Allan J. Lichtman

Curriculum Vitae

Allan J. Lichtman
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EDUCATION

BA, Brandeis University, Phi Beta Kappa, Magna Cum Laude, 1967

PhD, Harvard University, Graduate Prize Fellow, 1973

PROFESSIONAL EXPERIENCE

Teaching Fellow, American History, Harvard University, 1969-73

Instructor, Brandeis University, 1970, quantitative history.

Assistant Professor of History, American University, 1973-1977

Associate Professor of History, American University, 1977-1978

Professor of History, American University, 1979 –

Distinguished Professor, 2011 -

Expert witness in more than 90 redistricting, voting rights and civil rights cases

Associate Dean for Faculty and Curricular Development, College of Arts & Sciences, The American University 1985-1987

Chair, Department of History, American University, 1997- 2001

Regular political analyst for CNN Headline News, 2003-2006

HONORS AND AWARDS

Outstanding Teacher, College of Arts and Sciences, 1975-76

Outstanding Scholar, College of Arts and Sciences, 1978-79

Outstanding Scholar, The American University, 1982-83

Outstanding Scholar/Teacher, The American University, 1992-93 (Highest University faculty award)

Sherman Fairchild Distinguished Visiting Scholar, California Institute of Technology, 1980-81

American University summer research grant, 1978 & 1982

Chamber of Commerce, Outstanding Young Men of America 1979-80

Graduate Student Council, American University, Faculty Award, 1982

Top Speaker Award, National Convention of the International Platform Association, 1983, 1984, 1987

National Age Group Champion (30-34) 3000-meter steeplechase 1979

Eastern Region Age Group Champion (30-34) 1500 meter run 1979

Defeated twenty opponents on nationally syndicated quiz show, TIC TAC DOUGH, 1981

Listing in Marquis, WHO'S WHO IN THE AMERICA AND WHO'S WHO IN THE WORLD

McDonnell Foundation, Prediction of Complex Systems ($50,000, three years), 2003-2005

Organization of American Historians, Distinguished Lecturer, 2004 -

Selected by the Teaching Company as one of America's Super Star Teachers."

Associate Editor, International Journal of Operations Research and Information Systems, 2008 -

Keynote Speaker, International Forecasting Summit, 2007 and 2008

Cited authoritatively by United States Supreme Court in statewide Texas Congressional redistricting case *LULAC v. Perry* (2006)

Interviews nominated by the Associated Press for the Edward R. Murrow Award for broadcasting excellence.

WHITE PROTESTANT NATION: THE RISE OF THE AMERICAN CONSERVATIVE MOVEMENT: Finalist for the 2008 National Book Critics Circle Award in general nonfiction.

Elected Member, PEN American Center, 2009

Appointed Distinguished Professor, 2011

FDR AND THE JEWS: Designated for Belknap Imprint of the Harvard University Press, reserved for works of special distinction and lasting value; *New York Times* editors' choice book for 2013, submitted for Pulitzer Prize 2013, winner of Tikkun Olam Award for Holocaust Studies, winner of National Jewish Book Award in American Jewish Studies, finalist for Los Angeles Times Book Award in History.

THE CASE FOR IMPEACHMENT: Independent bookstore bestseller, Amazon.com bestseller in several academic categories, *Newsweek*, best new book releases, April 18, 2017.

Winner of the Alfred Nelson Marquis Life Time Achievement Award for top 5% of persons included in Marquis WHO'S WHO, 2018.

Listed by rise.global as # 85 among 100 most influential geopolitical experts in the world.

SCHOLARSHIP

A. Books

PREJUDICE AND THE OLD POLITICS: THE PRESIDENTIAL ELECTION OF 1928 (Chapel Hill: University of North Carolina Press, 1979)

PREJUDICE AND THE OLD POLITICS: THE PRESIDENTIAL ELECTION OF 1928 (Lanham, MD: Lexington Books, 2000), reprint of 1979 edition with new introduction.

HISTORIANS AND THE LIVING PAST: THE THEORY AND PRACTICE OF HISTORICAL STUDY (Arlington Heights, Ill.: Harlan Davidson, Inc., 1978, with Valerie French)

ECOLOGICAL INFERENCE (Sage Series in Quantitative Applications in the Social Sciences, 1978, with Laura Irwin Langbein)

YOUR FAMILY HISTORY: HOW TO USE ORAL HISTORY, PERSONAL FAMILY ARCHIVES, AND PUBLIC DOCUMENTS TO DISCOVER YOUR HERITAGE (New York: Random House, 1978)

KIN AND COMMUNITIES: FAMILIES IN AMERICA (edited, Washington, D. C.: Smithsonian Press, 1979, with Joan Challinor)

THE THIRTEEN KEYS TO THE PRESIDENCY (Lanham: Madison Books, 1990, with Ken DeCell)

THE KEYS TO THE WHITE HOUSE, 1996 EDITION (Lanham: Madison Books, 1996)

THE KEYS TO THE WHITE HOUSE, (Lanham: Lexington Books Edition, 2000)

THE KEYS TO THE WHITE HOUSE, POST-2004 EDITION (Lanham: Lexington Books Edition, 2005)

THE KEYS TO THE WHITE HOUSE, 2008 EDITION (Lanham: Rowman & Littlefield, 2008)

WHITE PROTESTANT NATION: THE RISE OF THE AMERICAN CONSERVATIVE MOVEMENT (New York: Grove/Atlantic Press, 2008)

THE KEYS TO THE WHITE HOUSE, 2012 EDITION (2012, Lanham: Rowman & Littlefield)

FDR AND THE JEWS, (Cambridge: Harvard University Press, Belknap Imprint, 2013, with Richard Breitman).

THE KEYS TO THE WHITE HOUSE, 2016 EDITION (Lanham: Rowman & Littlefield)

THE CASE FOR IMPEACHMENT (HarperCollins, April 2017, updated paperback January 2018)

THE EMBATTLED VOTE IN AMERICA: FROM THE FOUNDING TO THE PRESENT (Harvard University Press, 2018)

REPEAL THE SECOND AMENDMENT: THE CASE FOR A SAFER AMERICA (St. Martin's Press, 2020)

THE KEYS TO THE WHITE HOUSE, 2020 EDITION (Lanham: Rowman & Littlefield, 2020)

THIRTEEN CRACKS: CLOSING DEMOCRACIES LOOPHOLES ((Lanham: Rowman & Littlefield, forthcoming, fall 2021)

Monographs:

"Report on the Implications for Minority Voter Opportunities if Corrected census Data Had Been Used for the Post-1990 Redistricting: States With The Largest Numerical Undercount," UNITED STATES CENSUS MONITORING BOARD, January 2001

"Report on the Racial Impact of the Rejection of Ballots Cast in the 2000 Presidential Election in the State of Florida," and "Supplemental Report," in VOTING IRREGULARITIES IN FLORIDA DURING THE 2000 PRESIDENTIAL ELECTION, United States Commission on Civil Rights, June 2001

B. Scholarly Articles

"The Federal Assault Against Voting Discrimination in the Deep South, 1957-1967," JOURNAL OF NEGRO HISTORY (Oct. 1969) REF

"Executive Enforcement of Voting Rights, 1957-60," in Terrence Goggin and John Seidel, eds., POLITICS AMERICAN STYLE (1971)

"Correlation, Regression, and the Ecological Fallacy: A Critique," JOURNAL OF INTERDISCIPLINARY HISTORY (Winter 1974) REF

"Critical Election Theory and the Reality of American Presidential Politics, 1916-1940," AMERICAN HISTORICAL REVIEW (April 1976) REF

"Across the Great Divide: Inferring Individual Behavior From Aggregate Data," POLITICAL METHODOLOGY (with Laura Irwin, Fall 1976) REF

"Regression vs. Homogeneous Units: A Specification Analysis," SOCIAL SCIENCE HISTORY (Winter 1978) REF

"Language Games, Social Science, and Public Policy: The Case of the Family," in Harold Wallach, ed., APPROACHES TO CHILD AND FAMILY POLICY (Washington, D. C.: American Association for the Advancement of Science, 1981)

"Pattern Recognition Applied to Presidential Elections in the United States, 1860-1980: The Role of Integral Social, Economic, and Political Traits," PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCE (with V. I. Keilis-Borok, November 1981) REF

"The End of Realignment Theory? Toward a New Research Program for American Political History," HISTORICAL METHODS (Fall 1982)

"Kinship and Family in American History," in National Council for Social Studies Bulletin, UNITED STATES HISTORY IN THE 1980s (1982)

"Modeling the Past: The Specification of Functional Form," JOURNAL OF INTERDISCIPLINARY HISTORY (with Ivy Broder, Winter 1983) REF

"Political Realignment and `Ethnocultural` Voting in Late Nineteenth Century America," JOURNAL OF SOCIAL HISTORY (March 1983) REF

"The `New Political History:`Some Statistical Questions Answered," SOCIAL SCIENCE HISTORY (with J. Morgan Kousser, August 1983) REF

"Personal Family History: A Bridge to the Past," PROLOGUE (Spring 1984)

"Geography as Destiny," REVIEWS IN AMERICAN HISTORY (September 1985)

"Civil Rights Law: High Court Decision on Voting Act Helps to Remove Minority Barriers," NATIONAL LAW JOURNAL (with Gerald Hebert, November 10, 1986).

"Tommy The Cork: The Secret World of Washington`s First Modern Lobbyist," WASHINGTON MONTHLY (February 1987).

"Discriminatory Election Systems and the Political Cohesion Doctrine," NATIONAL LAW JOURNAL (with Gerald Hebert, Oct. 5, 1987)

"Aggregate-Level Analysis of American Midterm Senatorial Election Results, 1974-1986," PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES (Dec. 1989, with Volodia Keilis-Borok) REF

"Black/White Voter Registration Disparities in Mississippi: Legal and Methodological Issues in Challenging Bureau of Census Data," JOURNAL OF LAW AND POLITICS (Spring, 1991, with Samuel Issacharoff) REF

"Adjusting Census Data for Reapportionment: The Independent Role of the States," NATIONAL BLACK LAW JOURNAL (1991)

"Passing the Test: Ecological Regression in the Los Angeles County Case and Beyond," EVALUATION REVIEW (December 1991) REF

Understanding and Prediction of Large Unstable Systems in the Absence of Basic Equations," PROCEEDINGS OF THE INTERNATIONAL SYMPOSIUM ON CONCEPTUAL TOOLS FOR UNDERSTANDING NATURE (with V. I. Keilis-Borok, Trieste, Italy, 1991).

"The Self-Organization of American Society in Presidential and Senatorial Elections," in Yu. Krautsov, ed., THE LIMITS OF PREDICTABILITY (with V.I. Keilis-Borok, Nauka, Moscow, 1992).

"'They Endured:' The Democratic Party in the 1920s," in Ira Foreman, ed., DEMOCRATS AND THE AMERICAN IDEA: A BICENTENNIAL APPRAISAL (1992).

"A General Theory of Vote Dilution," LA RAZA (with Gerald Hebert) 6 (1993). REF

"Adjusting Census Data for Reapportionment: The Independent Role of the States," JOURNAL OF LITIGATION (December 1993, with Samuel Issacharoff)

"The Keys to the White House: Who Will be the Next American President?," SOCIAL EDUCATION 60 (1996)

"The Rise of Big Government: Not As Simple As It Seems," REVIEWS IN AMERICAN HISTORY 26 (1998)

“The Keys to Election 2000,” SOCIAL EDUCATION (Nov/Dec. 1999)

“The Keys to the White House 2000,” NATIONAL FORUM (Winter 2000)

“What Really Happened in Florida’s 2000 Presidential Election,” JOURNAL OF LEGAL STUDIES (January 2003) REF

"The Keys to Election 2004," SOCIAL EDUCATION (January 2004)

"History: Social Science Applications," ENCYCLOPEDIA OF SOCIAL MEASUREMENT (Elseveir, 2006)

"The Keys to the White House: Forecast for 2008," SPECIAL FEATURE, *FORESIGHT: THE INTERNATIONAL JOURNAL OF APPLIED FORECASTING* 3 (February 2006), 5-9 with response: J. Scott Armstrong and Alfred G. Cuzan, "Index Methods for Forecasting: An Application to the American Presidential Elections."

"The Keys to the White House: Updated Forecast for 2008," *FORESIGHT; THE INTERNATIONAL JOURNAL OF APPLIED FORECASTING* 7 (Fall 2007)

"The Keys to the White House: Prediction for 2008," SOCIAL EDUCATION (January 2008)

"The Keys to the White House: An Index Forecast for 2008," INTERNATIONAL JOURNAL OF FORECASTING 4 (April-June 2008) REF

"The Updated Version of the Keys," SOCIAL EDUCATION (October 2008)

"Extreme Events in Socio-Economic and Political Complex Systems, Predictability of," ENCYCLOPEDIA OF COMPLEXITY AND SYSTEMS SCIENCE (Springer, 2009, with Vladimir Keilis-Borok & Alexandre Soloviev)

"The Keys to the White House: A Preliminary Forecast for 2012" INTERNATIONAL JOURNAL OF INFORMATION SYSTEMS & SOCIAL CHANGE (Jan.-March 2010) REF

"The Keys to the White House: Forecast for 2012," FORESIGHT: THE INTERNATIONAL JOURNAL OF APPLIED FORECASTING (Summer 2010)

"The Keys to the White House: Prediction for 2012," SOCIAL EDUCATION (March 2012)

"The Keys to the White House: Prediction for 2016," SOCIAL EDUCATION (February 2016)

"The Keys to the White House," SOCIAL EDUCATION (October 2016)

"The Keys to the White House: Forecast for 2016," WORLD FINANCIAL REVIEW (January-February 2016)

"Barack Obama" in James M. Banner, Jr., ed., PRESIDENTIAL MISCONDUCT: FROM GEORGE WASHINGTON TO TODAY (New Press, 2019)

"The 2020 Presidential Election: How the Keys Are Pointing**," SOCIAL EDUCATION, Jan./Feb. 2020.**

“The Keys to the White House: Forecast for 2020,” HARVARD DATA SCIENCE REVIEW (Oct. 2020) REF

"The Alternative-Justification Affirmative: A New Case Form," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Charles Garvin and Jerome Corsi, Fall 1973) REF

"The Alternative-Justification Case Revisited: A Critique of Goodnight, Balthrop and Parsons, `The Substance of Inherency,`" JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Jerome Corsi, Spring 1975) REF

"A General Theory of the Counterplan," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Daniel Rohrer, Fall 1975) REF

"The Logic of Policy Dispute," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Daniel Rohrer, Spring 1980) REF

"Policy Dispute and Paradigm Evaluation," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Daniel Rohrer, Fall 1982) REF

"New Paradigms For Academic Debate," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (Fall 1985) REF

"Competing Models of the Debate Process," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (Winter 1986) REF

"The Role of the Criteria Case in the Conceptual Framework of Academic Debate," in Donald Terry, ed., MODERN DEBATE CASE TECHNIQUES (with Daniel Rohrer, 1970)

"Decision Rules for Policy Debate," and "Debate as a Comparison of Policy Systems," in Robert 2, ed., THE NEW DEBATE: READINGS IN CONTEMPORARY DEBATE THEORY (with Daniel Rohrer, 1975)

"A Systems Approach to Presumption and Burden of Proof;" "The Role of Empirical Evidence in Debate;" and "A General Theory of the Counterplan," in David Thomas, ed., ADVANCED DEBATE: READINGS IN THEORY, PRACTICE, AND TEACHING (with Daniel Rohrer, 1975)

"Decision Rules in Policy Debate;" "The Debate Resolution;" "Affirmative Case Approaches;" "A General Theory of the Counterplan;" "The Role of Empirical Evidence in Debate;" and "Policy Systems Analysis in Debate," in David Thomas, ed., ADVANCED DEBATE (revised edition, with Daniel Rohrer and Jerome Corsi, 1979)

C. Selected Popular Articles

"Presidency By The Book," POLITICS TODAY (November 1979) Reprinted:

LOS ANGELES TIMES

"The Grand Old Ploys," NEW YORK TIMES
Op Ed (July 18, 1980)

"The New Prohibitionism," THE CHRISTIAN CENTURY (October 29, 1980)

"Which Party Really Wants to `Get Government Off Our Backs`?" CHRISTIAN SCIENCE MONITOR Opinion Page (December 2, 1980)

"Do Americans Really Want `Coolidge Prosperity` Again?" CHRISTIAN SCIENCE MONITOR Opinion Page (August 19, 1981)

"Chipping Away at Civil Rights," CHRISTIAN SCIENCE MONITOR Opinion Page (February 17, 1982)

"How to Bet in 1984. A Presidential Election Guide," WASHINGTONIAN MAGAZINE (April 1982) Reprinted: THE CHICAGO TRIBUNE

"The Mirage of Efficiency," CHRISTIAN SCIENCE MONITOR Opinion Page (October 6, 1982)

"For RIFs, It Should Be RIP," LOS ANGELES TIMES Opinion Page (January 25, 1983)

"The Patronage Monster, Con`t." WASHINGTON POST Free For All Page (March 16, 1983)

"A Strong Rights Unit," NEW YORK TIMES Op Ed Page (June 19, 1983)

"Abusing the Public Till," LOS ANGELES TIMES Opinion Page (July 26, 1983)

The First Gender Gap," CHRISTIAN SCIENCE MONITOR Opinion Page (August 16, 1983)

"Is Reagan A Sure Thing?" FT. LAUDERDALE NEWS Outlook Section (February 5, 1984)

"The Keys to the American Presidency: Predicting the Next Election," TALENT (Summer 1984)

"GOP: Winning the Political Battle for `88," CHRISTIAN SCIENCE MONITOR, Opinion Page, (December 27, 1984)

"The Return of `Benign Neglect`," WASHINGTON POST, Free For All,
(May 25, 1985)

"Selma Revisited: A Quiet Revolution," CHRISTIAN SCIENCE MONITOR, Opinion Page, (April 1, 1986)

"Democrats Take Over the Senate" THE WASHINGTONIAN (November 1986; article by Ken DeCell on Lichtman`s advance predictions that the Democrats would recapture the Senate in 1986)

"Welcome War?" THE BALTIMORE EVENING SUN, Opinion Page, (July 15, 1987)

"How to Bet in 1988," WASHINGTONIAN (May 1988; advance prediction of George Bush's 1988 victory)

"President Bill?," WASHINGTONIAN (October 1992; advance prediction of Bill Clinton's 1992 victory)

"Don't be Talked Out of Boldness," CHRISTIAN SCIENCE MONITOR, Opinion Page (with Jesse Jackson, November 9, 1992)

"Defending the Second Reconstruction," CHRISTIAN SCIENCE MONITOR, Opinion Page (April 8, 1994)

"Quotas Aren't The Issue," NEW YORK TIMES, Op Ed Page (December 7, 1994)
"History According to Newt," WASHINGTON MONTHLY (May, 1995)
“A Ballot on Democracy,” WASHINGTON POST Op Ed (November 1, 1998)
“The Theory of Counting Heads vs. One, Two, Three,” CHRISTIAN SCIENCE MONITOR Op Ed (June 22, 1999)
“Race Was Big Factor in Ballot Rejection, BALTIMORE SUN Op Ed (March 5, 2002)
“Why is George Bush President?” NATIONAL CATHOLIC REPORTER (Dec. 19, 2003)
“In Plain Sight: With the Public Distracted, George W. Bush is Building a Big Government of the Right,” NEWSDAY, (August 7, 2005)
“Why Obama is Colorblind and McCain is Ageless,” JEWISH DAILY FORWARD (June 26, 2008)
“Splintered Conservatives McCain,” POLITICO (June 24, 2008)
“Will Obama be a Smith or a Kennedy,” NATIONAL CATHOLIC REPORTER (October 17, 2008)
“What Obama Should Do Now,” POLITICO (Jan. 22, 2010)
“Why Democrats Need Hillary Clinton in 2016,” THE HILL, June 11, 2014
“How Corporations Buy Our Government,” THE HILL, July 1, 2014
“Who Rules America,” THE HILL, August 12, 2014
“The End of Civil Discourse?” THE HILL, September 10, 2014
“Pass the Ache Act and Stop Destroying Appalachia?” THE HILL, October 28, 2014
“Democrats Have No One to Blame But Themselves,’ THE HILL, November 7, 2014
“Donald Trump’s Best Friend: Bernie Sanders,” THE HILL March 10, 2016
“Trump Had One Thing Right About Abortion,” THE HILL, April 1, 2016
“What is so Progressive About Sanders’ Old-Fashioned Protectionism,” April 7, 2016
“Sanders is Only Helping Trump by Staying in Race,” THE HILL, June 30, 2016
“7 Pieces of Advice for Hillary Clinton,” THE HILL, July 25, 2016
“Donald Trump’s Call For Russia To Hack Hillary Clinton’s Email Is A New Low For American Politics — And Maybe A Crime, NEW YORK DAILY NEWS, July 27, 2016

"Here's the Big Speech Clinton Needs to Make," THE HILL, September 9, 2016

"The Real Story Behind Trump's Tax Returns," THE HILL, October 3, 2016
"Trump is Establishment No Matter What He Says," THE HILL, October 12, 2016
"Trump Brings the Big Lie About Voter Fraud," THE HILL, October 19, 2016
"How a New Clinton Presidency Will Change American Politics Forever," THE HILL, October 22, 2016
"The Media is Rigging the Election by Reporting WikiLeaks Emails," THE HILL, October 26, 2016
"Why James Comey Must Resign Now," THE HILL, November 3, 2016
"Why Trump is Vulnerable to Impeachment," USA TODAY, April 18, 2017
"Donald Trump Meet the Real Andrew Jackson," THE HILL, May 5, 2017
"Why Does Trump's Voter Fraud Commission Really Wants Your Personal Voter Information," THE HILL, August 3, 2017
"Trump is a Lot Closer to Being Impeached, TIME.COM, November 2, 2017
"American Democracy Could be at Risk in the 2018 Elections," VICE December 20, 2017
"We are One Tantrum Away From Accidental War With North Korea," THE HILL, January 25, 2018
"Democrats Can't Survive on Anti-Trumpism Alone," TIME.COM, January 28, 2018
"Don't Expect the Mueller Investigation to End Anytime Soon," VICE March 21, 2018
"President Trump Faces Political Disaster if he Tries to Fire Mueller," THE HILL April 5, 2018
"Framers Fail: Voting is a Basic Right But They Didn't Guarantee it in the Constitution," USA TODAY, September 26, 2018

Suppressing Voting Rights is as Old as the Republic, But the Tactics Change," ZOCALO, October 8, 2018

"Voter Fraud Isn't a Problem in America. Low Turnout Is," WASHINGTON POST, Made for History, October 22, 2018

"Here are five ways a Democratic US House might try to impeach Donald Trump," LONDON SCHOOL OF ECONOMICS, US CENTRE, October 26, 2018.

"The Midterm Results Will Reveal What Drives Voters: A Love or Hate of Trump," THE GUARDIAN, November 5, 2018

X. "Unless Democrats Find a 2020 Candidate Like Beto O'Rourke, Trump May Well Be Set to Win" THE DAILY CALLER, November 7, 2018

"Why Nancy Pelosi Should be the Next Speaker, FORTUNE, November 27, 2018

"Its Well Past Time to Restructure the U.S. Senate," DAILY CALLER, December 4, 2018

XI. "The Seven Crucial Takeaways From William Barr's Confirmation Hearings," SPECTATOR USA, January 16, 2019

"Did Democrats Forfeit, 2020" THE HILL March 14, 2019

"Barr's 'Summary' Of The Mueller Report Hardly Vindicates Trump," DAILY CALLER, March 25, 2019

"Collusion and Obstruction by Trump remain Open Questions after Attorney General's "Summary" of the Mueller Report," ARTSFORUM, March 26, 2019

"21 Questions for Robert Mueller," THE HILL, April 24, 2019

With U.S. Representative Al Green, "Congress Has a Duty to go Through With the Impeachment and Trial of Donald Trump," THE HILL, May 17, 2019

"If Democrats Want to Beat Trump, They Need to Take off the Gloves in the Primary," GQ, June 26, 2019

"Why Impeachment Of William Sulzer Is Solid Precedent For Donald Trump," THE HILL, September 9, 2019

"Not Futile To Impeach," NY DAILY NEWS, September 25, 2019

XII. "Why Impeachment Favors Democrats In The Election," THE HILL, September 28, 2019

"If Trump is Impeached, Pence Should Go Too," TPM, October 7, 2019

"Time to Stop Talking 'Quid Pro Quo," and Start Looking at Actual Crimes," THE HILL, November 13, 2019

"Of all the Presidential Impeachment Inquiries, This is the One That Transcends Politics the Most," POLITICO, November 16, 2019

"Bill Barr's Dangerous Celebration of Unchecked Presidential Power, NEW YORK DAILY NEWS, November 25, 2019

XIII. "What Trump Really Wanted From Ukraine Was Not About Enemies," THE HILL, November 25, 2019

"Pelosi, Schiff Should Take More Time If They Want A Successful Impeachment Effort," DAILY CALLER, November 29, 2019

"It's Our Political System, Not Impeachment, That Is Broken. And Only Politics Can Fix It," POLITICO, December 6, 2019

"The 2010s Were the Decade That Brought Democracy to the Breaking Point," TPM, December 23, 2019

XIV. "Will Roberts Call Balls and Strikes at the Impeachment Trial," THE HILL, December 30, 2019

"The Bill Clinton Trial Cannot Serve as the Model for the Donald Trump Trial," THE HILL, January 8, 2020

"What Law Did Donald Trump Break?" THE HILL, January 23, 2020

XV. "The Flawed Case of Alan Dershowitz," THE HILL, January 30, 2020

"What Will the History Books Say About This Impeachment," POLITICO, February 5, 2020

XVI. "Why Bernie Sanders is Electable," THE HILL, February 24, 2020

"The Ugly History of Trump's Looting/Shooting Threat," NEW YORK DAILY NEWS, May 29, 2020

"What Joe Biden Must do Now," THE HILL, June 10, 2020

"Bad Economies do not Threaten Lives," (with Sam Lichtman), THE HILL, July 6, 2020

"He Predicted Trump's Win in 2016: Now He's Ready to Call 2020," NEW YORK TIMES VIDEO, August 5, 2020

"Time to Jettison Horse Race Polls," THE HILL, November 19, 2020

"Here is the Smoking Gun Evidence to Back Impeachment of Donald Trump," THE HILL, February 8, 2021.

XVII. "There's No Constitutional Question: The Senate Can Try Trump," NEW YORK DAILY NEWS, February 8, 2021

Bi-weekly column, THE MONTGOMERY JOURNAL, GAZETTE 1990 - 2013
Election-year column, REUTERS NEWS SERVICE 1996 & 2000

Contributor: THE HILL, 2014-present

D. Video Publication

"Great American Presidents," The Teaching Company, 2000.

TEACHING

Ongoing Courses

The History of the U. S. I & II, The Emergence of Modern America, The U. S. in the Twentieth Century, United States Economic History, Historiography, Major Seminar in History, Graduate Research Seminar, Colloquium in U. S. History Since 1865, The American Dream, The Urban-Technological Era, Senior Seminar in American Studies, Seminar in Human Communication.

New Courses: Taught for the first time at The American University

Quantification in History, Women in Twentieth Century American Politics, Women in Twentieth Century America, Historians and the Living Past (a course designed to introduce students to the excitement and relevance of historical study), **Historians and the Living Past for Honors Students**, How to Think: Critical Analysis in the Social Sciences, Pivotal Years of American Politics, **Government and the Citizen (Honors Program),** Introduction to Historical Quantification, Public Policy in U. S. History, **Honors Seminar in U.S. Presidential Elections**, America's Presidential Elections, What Is America?, **Honors Seminar on FDR, Jews, and the Holocaust**.

TELEVISION APPEARANCES

More than 1,000 instances of political commentary on NBC, CBS, ABC, CNN, C-SPAN, FOX, MSNBC, BBC, CBC, CTV, NPR, VOA, and numerous other broadcasting outlets internationally, including Japanese, Russian, Chinese, German, French, Irish, Austrian, Australian, Russian, Swedish, Danish, Dutch, and Middle Eastern television.

Regular political commentary for NBC News Nightside.

Regular political commentary for Voice of America and USIA.

Regular political commentary for America's Talking Cable Network.

Regular political commentary for the Canadian Broadcasting System.

Regular political commentary for CNN, Headline News

Consultant and on-air commentator for NBC special productions video project on the history of the American presidency.

CBS New Consultant, 1998 and 1999

Featured appearances on several History Channel specials including *The Nuclear Football* and *The President's Book of Secrets*.

RADIO SHOWS

I have participated in many thousands of radio interview and talk shows broadcast nationwide, in foreign nations, and in cities such as Washington, D. C., New York, Atlanta, Chicago, Los Angeles and Detroit. My appearances include the Voice of America, National Public Radio, and well as all major commercial radio networks.

PRESS CITATIONS

I have been cited many hundreds of times on public affairs in the leading newspapers and magazines worldwide. These include, among many others,

New York Times, Washington Post, USA Today, Los Angeles Times, Wall Street Journal, Miami Herald, Washington Times, St. Louis Post Dispatch, Christian Science Monitor, Philadelphia Inquirer, Time, Newsweek, Business Week, Le Monde, Globe and Mail, Yomuiri Shimbun, Die Welt, El Mundo, and South China Post, among others.

SELECTED CONFERENCES, PRESENTATIONS, & LECTURES: UNITED STATES

Invited participant and speaker, Bostick Conference on Fogel and Engerman`s TIME ON THE CROSS, University of South Carolina, November 1-2, 1974

"Critical Election Theory and the Presidential Election of 1928," Annual Meeting of the American Historical Association, December 1974

"A Psychological Model of American Nativism," Bloomsberg State Historical Conference, April 1975

"Methodology for Aggregating Data in Education Research," National Institute of Education, Symposium on Methodology, July 1975, with Laura Irwin

Featured Speaker, The Joint Washington State Bicentennial Conference on Family History, October 1975

Featured Speaker, The Santa Barbara Conference on Family History, May 1976

Chair, The Smithsonian Institution and the American University Conference on Techniques for Studying Historical and Contemporary Families, June 1976

Panel Chair, Sixth International Smithsonian Symposium on Kin and Communities in America, June 1977

"The uses of History for Policy Analysis," invited lecture, Federal Interagency Panel on Early Childhood Research, October 1977

Invited participant, Conference on "Child Development within the Family - Evolving New Research Approaches," Interagency Panel of the Federal Government for Research and Development on Adolescence, June 1978

Commentator on papers in argumentation, Annual Meeting of the Speech Communication Association, November 1978

Commentator on papers on family policy, Annual Meeting of the American Association for the Advancement of Science, Jan. 1979

"Phenomenology, History, and Social Science," Graduate Colloquium of the Department of Philosophy," The American University, March 1979

"Comparing Tests for Aggregation Bias: Party Realignments of the 1930`s," Annual Meeting of the Midwest Political Science Association March 1979, with Laura Irwin Langbein

"Party Loyalty and Progressive Politics: Quantitative Analysis of the Vote for President in 1912," Annual Meeting of the Organization of American Historians, April 1979, with Jack Lord II

"Policy Systems Debate: A Reaffirmation," Annual Meeting of the Speech Communication Association, November 1979

"Personal Family History: Toward a Unified Approach," Invited Paper, World Conference on Records, Salt Lake City, August 1980

"Crisis at the Archives: The Acquisition, Preservation, and Dissemination of Public Documents," Annual Meeting of the Speech Communication Association, November 1980

"Recruitment, Conversion, and Political Realignment in America: 1888- 1940," Social Science Seminar, California Institute of Technology, April 1980

"Toward a Situational Logic of American Presidential Elections," Annual Meeting of the Speech Communication Association, November 1981

"Political Realignment in American History," Annual Meeting of the Social Science History Association, October 1981

"Critical Elections in Historical Perspective: the 1890s and the 1930s," Annual Meeting of the Social Science History Association, November 1982

Commentator for Papers on the use of Census data for historical research, Annual Meeting of the Organization of American Historians, April 1983

"Thirteen Keys to the Presidency: How to Predict the Next Election," Featured Presentation, Annual Conference of the International Platform Association, August 1983, Received a Top Speaker Award

"Paradigms for Academic Debate," Annual Meeting of the Speech Communication Association, November 1983

Local Arrangements Chair, Annual Convention of the Social Science History Association, October 1983

"Forecasting the Next Election," Featured Speaker, Annual Convention of the American Feed Manufacturers Association, May 1984

Featured Speaker, "The Ferraro Nomination," Annual Convention of The International Platform Association, August 1984, Top Speaker Award

"Forecasting the 1984 Election," Annual Convention of the Social Science History Association Oct. 1984,

Featured Speaker, "The Keys to the Presidency," Meeting of Women in Government Relations October 1984

Featured Speaker, "The Presidential Election of 1988," Convention of the American Association of Political Consultants, December 1986

Featured Speaker, "The Presidential Election of 1988," Convention of the Senior Executive Service of the United States, July 1987

Commentary on Papers on Voting Rights, Annual Meeting of the American Political Science Association, September 1987.

Commentary on Papers on Ecological Inference, Annual Meeting of the Social Science History Association, November 1987.

Featured Speaker: "Expert Witnesses in Federal Voting Rights Cases," National Conference on Voting Rights, November 1987.

Featured Speaker: "The Quantitative Analysis of Electoral Data," NAACP National Conference on Voting Rights and School Desegregation, July 1988.

Panel Chair, "Quantitative Analysis of the New Deal Realignment," Annual Meeting of the Social Science History Association, Nov. 1989.

Keynote Speaker, Convocation of Lake Forest College, Nov. 1989.

Featured Speaker, The American University-Smithsonian Institution Conference on the Voting Rights Act, April 1990

Panel Speaker, Voting Rights Conference of the Lawyer's Committee for Civil Rights Under Law, April 1990

Panel Speaker, Voting Rights Conference of the NAACP, July 1990

Panel Speaker, Voting Rights Conference of Stetson University, April 1991

Panel Chair, Annual Meeting of the Organization of American Historians, April, 1992

Panel Speaker, Symposium on "Lessons from 200 Years of Democratic Party History, Center for National Policy, May 1992

Olin Memorial Lecture, U.S. Naval Academy, October 1992

Commentator, Annual Meeting of the Organization of American Historians, April, 1993

Panel presentation, Conference on Indian Law, National Bar Association, April 1993

Feature Presentation, Black Political Science Association, Norfolk State University, June 1993

Feature Presentation, Southern Regional Council Conference, Atlanta Georgia, November, 1994

Master of Ceremonies and Speaker, State of the County Brunch, Montgomery County, February, 1996

Feature Presentation, Predicting The Next Presidential Election, Freedom’s Foundation Seminar on the American Presidency, August 1996

Feature Presentation, Predicting The Next Presidential Election, Salisbury State College, October 1996

Feature Presentation on the Keys to the White House, Dirksen Center, Peoria, Illinois, August, 2000

Feature Presentation on American Political History, Regional Conference of the Organization of American Historians, August 2000

Testimony Presented Before the United States Commission on Civil Rights Regarding Voting Systems and Voting Rights, January 2001

Testimony Presented Before the United States House of Representatives, Judiciary Committee, Subcommittee on the Constitution, February 2001

Testimony Presented Before the United States Senate, Government Operations Committee, Regarding Racial Differentials in Ballot Rejection Rates in the Florida Presidential Election, June 2001

Testimony Presented Before the Texas State Senate Redistricting Committee, Congressional Redistricting, July 2003

Testimony Presented Before the Texas State House Redistricting Committee, Congressional Redistricting, July 2003

American University Honors Program Tea Talk on the Election, September 2004

Feature Presentation, The Keys to the White House, International Symposium on Forecasting, June 2006.

Feature Presentation, The Keys to the White House, International Symposium on Forecasting, New York, June 2007.

Keynote Speaker, Hubert Humphrey Fellows, Arlington, Virginia, 2007-2013

Feature Presentation, Forecasting 2008, Annual Meeting of the American Political Science Association, Chicago, August 2007

Keynote Speaker, International Forecasting Summit, Orlando, Florida, February 2008.

Feature Presentation on the Keys to the White House, Senior Executive's Service, Washington, DC, June 2008

Feature Presentation, American Political History, Rockford Illinois School District, July 2008

American University Honors Program Tea Talk on the Election, September 2008

Featured Lecture, Keys to the White House, American Association for the Advancement of Science, Washington, DC, September 2008

Keynote Speaker, International Forecasting Summit, Boston, September 2008

Keynote Lecture, Hubert Humphrey Fellows, Arlington, Virginia October 2008

Featured Lectures, Keys to the White, Oklahoma Central and East Central Universities, October 2008

Bishop C. C. McCabe Lecture, "Seven Days until Tomorrow" American University, October 28, 2008

Featured Lecture, WHITE PROTESTANT NATION, Eisenhower Institute, December 2008

American University Faculty on the Road Lecture, **"Election 2008: What Happened and Why?" Boston, February 2009**

Critic Meets Author Session on WHITE PROTESTANT NATION, Social Science History Association, November 2009

American University Faculty on the Road Lecture, **"The Keys for 2012" Chicago, April 2010**

Keynote Speaker, Hubert Humphrey Fellows, Arlington, Virginia October, 2010, 2011

Panel Participant, Search for Common Ground, Washington, DC, April 2011

Presentation, The Keys to the White House, International Symposium on Forecasting, June 2012

SELECTED CONFERENCES, PRESENTATIONS, & LECTURES: INTERNATIONAL

Featured Speaker, World Conference on Disarmament, Moscow, Russia, November 1986

Delegation Head, Delegation of Washington Area Scholars to Taiwan, Presented Paper on the promotion of democracy based on the American experience, July 1993

Lecture Series, American History, Doshisha University, Kyoto, Japan, December 2000

Lectures and Political Consultation, Nairobi, Kenya, for RFK Memorial Institute, October 2002

Featured Lectures, US Department of State, Scotland and England, including Oxford University, University of Edinburg, and Chatham House, June 2004

Keynote Speech, American University in Cairo, October 2004

Feature Presentation on the Keys to the White House, University of Munich, June 2008

Featured Lectures, US Department of State, Russia, Ukraine, Slovenia, Austria, and Romania, 2008-2010

Paper Presentation, Fourth International Conference on Interdisciplinary Social Science, Athens, Greece, July 2009

Featured Lectures, US Department of State, India, Korea, and Belgium 2012

Panel Speaker, Economic Forun, Krynica, Poland, 2013

DEPARTMENTAL AND UNIVERSITY SERVICE

Department of History Council 1973 -

Undergraduate Committee, Department of History 1973-1977

Chair Undergraduate Committee, Department of History 1984-1985

Graduate Committee, Department of History, 1978-1984

Freshman Advisor, 1973-1979

First Year Module in Human Communications, 1977-1979

University Committee on Fellowships and Awards 1976-1978

University Senate 1978-1979, 1984-1985

University Senate Parliamentarian and Executive Board 1978-1979

Founding Director, American University Honors Program, 1977-1979

Chair, College of Arts and Sciences Budget Committee 1977-1978, 1982-1984

University Grievance Committee, 1984-1985

Member, University Honors Committee 1981-1982

College of Arts and Sciences Curriculum Committee 1981-1982

Jewish Studies Advisory Board, 1982-1984

Mellon Grant Executive Board, College of Arts & Sciences, 1982-1983

Chair, College of Arts and Sciences Faculty Colloquium, 1983

Chair, College of Arts and Sciences Task Force on the Department of Performing Arts, 1984-1985

Local Arrangements Chair, National Convention of the Social Science History Association, 1983

Chair, Rank & Tenure Committee of the Department of History, 1981-1982, 1984-1985

Board Member, Center for Congressional and Presidential Studies, The American University, 1988-1989

Chair, Graduate Committee, Department of History, 1989 - 1991

Chair, Distinguished Professor Search Committee 1991

Member, College of Arts & Sciences Associate Dean Search Committee, 1991

Board Member, The American University Press, 1991-1995

Chair, Subcommittee on Demographic Change, The American University Committee on Middle States Accreditation Review 1992-1994

Member, Dean's Committee on Curriculum Change, College of Arts and Sciences 1992-1993

Member, Dean's Committee on Teaching, College of Arts and Sciences 1992

Co-Chair, Department of History Graduate Committee, 1994-1995

Vice-Chair, College of Arts & Sciences Educational Policy Committee, 1994-1995

Elected Member, University Provost Search Committee, 1995-1996

Chair, Search Committee for British and European Historian, Department of History, 1996

Department Chair, 1999-2001

CAS Research Committee, 2006-2007

University Budget and Benefits Committee, 2008

Chair, Personnel Committee, Department of History, 2010-11, 2012-13

Chair, Term Faculty Search Committee, Department of History, 2011

OTHER POSITIONS

Director of Forensics, Brandeis University, 1968-71

Director of Forensics, Harvard University, 1971-72

Chair, New York-New England Debate Committee, 1970-71

Historical consultant to the Kin and Communities Program of the Smithsonian Institution 1974-1979

Along with general advisory duties, this position has involved the following activities:

1. directing a national conference on techniques for studying historical and contemporary families held at the Smithsonian in June 1976.

2. chairing a public session at the Smithsonian on how to do the history of one's own family.

3. helping to direct the Sixth International Smithsonian Symposium on Kin and Communities in America (June 1977).

4. editing the volume of essays from the symposium.

Consultant to John Anderson campaign for president, 1980.

I researched and wrote a study on "Restrictive Ballot Laws and Third-Force Presidential Candidates." This document was a major component of Anderson's legal arguments against restrictive ballot laws that ultimately prevailed in the Supreme Court (Anderson v. Celebreeze 1983). According to Anderson's attorney: "the basis for the majority's decision echoes the themes you incorporated in your original historical piece we filed in the District Court."

Statistical Consultant to the George Washington University Program of Policy Studies in Science and Technology, 1983

I advised researchers at the Policy Studies Program on the application of pattern recognition techniques to their work on the recovery of communities from the effects of such natural disasters as earthquakes and floods.

Consultant to the New York City Charter Revision Commission, 2000-2006

I analyzed the implications of non-partisan elections for voting rights issues for the Charter Revision Commissions appointed by mayors Rudy Giuliani and Michael Bloomberg.

ALLAN J. LICHTMAN, CASES (DATES APPROXIMATE)
DEPOSITION, AFFIDAVIT, OR ORAL TESTIMONY

LULAC v. Pate (Iowa District Court, Johnson County), 2021

McConchie v. Illinois State Board of Elections (U.S. District Court, Illinois), 2021

City of South Miami v. DeSantis **(**U.S. District Court for the Southern District of Florida), 2020

Bruni v. Hughs (U.S. District Court for the Southern District of Texas), 2020

NAACP v. Cooper (U.S. District Court for the Middle District of North Carolina), 2019

Jason Gonzales v. Michael J. Madigan (U.S. District Court for the Northern District of Illinois), 2019

Anne Harding v. County of Dallas, (U.S. District Court for the Northern District of Texas), 2018

Pico Neighborhood Association v. Santa Monica (State Superior Court, California), 2018

Benisek v. Lamone, (U.S. District Court, Maryland), 2017

Arizona Democratic Party v. Reagan (U.S. District Court, Arizona), 2017

Perez v. Abbott (U.S. District Court for the Western District of Texas), 2017

Terrebonne Parish NAACP v. Jindal (U.S. District Court for the Middle District of Louisiana), 2017

Feldman v. Arizona Secretary of State (U.S. District Court for the District of Arizona), 2016, 2017

Covington v. North Carolina (U. S. District Court Middle District of North Carolina) 2016

One Wisconsin Institute v. Nichols (United States District Court for the Western District of Wisconsin) 2016

Lee v. Virginia State Board of Elections (United States District Court for the Eastern District of Virginia) 2016

League of Women Voters v. Detzner, (Circuit Court for the Second Judicial Circuit, Leon County) 2015

North Carolina State Conference of the NAACP v. McCrory (U. S. District Court Middle District of North Carolina) 2015