Exhibit 1

Exhibit 10

Plaintiffs' Exhibit 272

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

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, *et al.*, *Plaintiffs*, v. ROY ASBERRY COOPER III, in his official capacity as the Governor of North Carolina, *et al.*, *Defendants*.	No. 1:18-cv-01034

PRELIMINARY EXPERT REPORT OF
LORRAINE C. MINNITE
FOR PURPOSES OF PRELIMINARY INJUNCTION

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I. SUMMARY OF OPINIONS[1]

I was asked by plaintiffs' attorneys in this case to provide an opinion on incidence of voter fraud in the U.S. and in North Carolina, and specifically, the incidence of voter impersonation in recent elections. Based on my extensive research on voter fraud in the United States, including in North Carolina, I conclude:

A. The empirical evidence makes clear that fraud committed by voters either in registering to vote or at the polls on Election Day is exceedingly rare, both nationally and in North Carolina.

B. Between 2000 and 2014, the North Carolina State Board of Elections (SBOE) referred just two cases of voter impersonation to county district attorneys for prosecution. Over the same period, there were no federal indictments for voter impersonation in North Carolina. More than 35 million votes (35,134,262) were cast in 16 federal primary and general elections alone between 2000 and 2014 in North Carolina. If we count the two referrals as *actual* cases of voter impersonation, the rate of voter impersonation fraud in these elections is .000006 percent.

C. Since 2014, following a period of sustained focus on investigating election crime by the SBOE, a state audit of the 2016 North Carolina presidential election identified just two cases of voter impersonation, both involving family members casting ballots for recently deceased relatives. There were 4,769,640 votes cast in that election, yielding a voter impersonation rate of .00004 percent.

D. Given the lack of evidence substantiating a problem, strict voter photo identification requirements, including those in North Carolina, are unjustified as necessary for the prevention of voter impersonation or other forms of voter fraud.

In Section II, I discuss my educational and professional background and qualifications. In Section III.A, I briefly discuss the historical background of voting requirements to set the context for my discussion of voter fraud nationally, and in North Carolina. In Section III.B, I examine the electoral process and define voter fraud as "the intentional corruption of the voting process by voters." Next, in Section III.C, I review the research reported in my 2010 academic study of voter fraud, *The Myth of Voter Fraud*, and demonstrate that voter fraud does not pose a threat to elections today, as some claim. I update the conclusions with a review of new research on voter fraud in U.S. elections. In Section III.D, I analyze the available data of specific cases of alleged voter fraud in North Carolina since 2000. Some of this material was gathered previously and analyzed for a

[1] This report is based on information that is currently available for my review. I reserve the right to update my report and opinions upon review of any additional documents or information produced in discovery and previously unavailable to me.

report prepared in support of my expert testimony in *North Carolina State Conference of the NAACP, et al. v. McCrory, et al.*,[2] a constitutional challenge to several features of H.B. 589, the Voter Information Verification Act of 2013 (or "VIVA"), codified as S.L. 2013-381, including the law's voter photo identification requirement.

II. BACKGROUND & QUALIFICATIONS

I am an associate professor and chair of the Department of Public Policy and Administration at Rutgers University-Camden. I received a Bachelor of Arts degree in History from Boston University, and two Master's Degrees and a Ph.D. in Political Science from the City University of New York. One of my areas of expertise is American Politics with a specialization in elections and the political process. Specifically, I study the incidence and effect of voter fraud in American elections.

In 2003, I co-authored a study of voter fraud with David Callahan for the public policy research and advocacy organization, Demos, titled, "Securing the Vote: An Analysis of Voter Fraud in The United States: Adapted from the 2003 Report, Securing the Vote." I updated this study with new material in 2007.[3] At that time, Demos published another report I wrote on voter fraud and same-day registration,[4] and in March of 2007, Project Vote, a national nonpartisan, nonprofit voting rights organization, published my report, "The Politics of Voter Fraud."[5] In June 2010, Cornell University Press published *The Myth of Voter Fraud*, my full-length scholarly treatment of the subject. The book analyzes the evidence of voter fraud and concludes that the widespread allegation that voter fraud is a rampant problem of unknown proportions in contemporary U.S. elections is unsupported by evidence, and that actual voter fraud is extremely rare. In *The Myth of Voter Fraud*, I conclude and provide evidence to show that having no basis in fact, these allegations are motivated by political interests, and are designed to make voting harder for certain populations. I provide an analysis of the role of the voter fraud myth in the contemporary voter ID debate in "Voter Identification Laws: The Controversy over Voter Fraud," published by Routledge in a 2012 book edited by Matthew J. Streb titled, *Law and Election Politics*.

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[2] *NAACP v. McCrory*, M.D.N.C., Case No. 1-13cv-658,herein referred to as *NAACP v. McCrory*.

[3] David Callahan & Lorraine C. Minnite, *An Analysis of Voter Fraud in The United States: Adapted from the 2003 Report, Securing the Vote*, DEMOS (Jan. 19, 2007), http://www.demos.org/publication/analysis-voter-fraud-united-states-adapted-2003-report-securing-vote.

[4] Lorraine C. Minnite, *Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security*," DEMOS , *https://www.brennancenter.org/sites/default/files/analysis/edr_fraud.pdf,* (last visited Sept. 15, 2019).

[5] Lorraine C. Minnite, *The Politics of Voter Fraud*, PROJECT VOTE http://www.projectvote.org/wp-content/uploads/2007/03/Politics_of_Voter_Fraud_Final.pdf, (last visited Sept. 15, 2019).

This report incorporates all of the research I have conducted on the subject of voter fraud and voter ID laws since 2001, cited above and published in peer-reviewed books and journals.[6] To update and expand my research on voter fraud in North Carolina, I analyzed the following materials for this report:

- Transcripts from hearings, proceedings, and floor debates of the full House and Senate of the North Carolina General Assembly, and various House committees, including the Elections, Finance, and Appropriations Committees, concerning H.B. 589 and amendments and substitutions, enacted as the Voter Information Verification Act of 2013, S.L. 2013-381; and the Joint Legislative Elections Oversight Committee;

- Audio recordings of the proceedings of the full House of Representatives of the North Carolina General Assembly for June 25, 26, 28, and 29, 2018, concerning H.B. 1092, enacted as S.L. 2018-128; and for November 29, December 4, and December 5, 2018, concerning S.B. 824, enacted as S.L. 2018-144;

- Materials produced by the North Carolina State Board of Elections, including press releases from May 2, 2014 to July 23, 2019; Numbered Memos from 1997 to 2019; meeting minutes from March 24, 2014 to July 24, 2019;[7] and other documents posted to the agency's website, such as post-election audit reports;

- Articles appearing in more than 70 different North Carolina newspapers and other news sources, focusing my analysis on articles appearing over the last fifteen years;

- All news releases by the North Carolina Attorney General's Office, from May 22, 2003 to February 3, 2015, and October 21, 2016 to July 22, 2019, and any other relevant documents I could find on the Attorney General's website, including legal opinions dating back to 1977;[8]

- Materials in evidence in *NAACP v. McCrory* and available in the Joint Appendix filed by parties in the appeal to the U.S. Court of Appeals for the Fourth Circuit Court:

[6] A complete list of my peer reviewed publications is set forth in my *Curriculum Vitae* at Appendix A.

[7] There are no minutes from SBOE meetings for 2015 posted to the SBOE website, and the only minutes from 2014 are for the March 24th meeting.

[8] In research for my expert reports in *NAACP v. McCrory*, legal opinions were posted on the North Carolina Attorney General's website from 1977 to 2015, the year I concluded that research. As of this writing (September 2019), the Attorney General's website lists legal opinions only up until November 8, 2010 (*see* https://ncdoj.gov/legal-services/legal-opinions-directory/ (last visited Sept. 15, 2019)). The only relevant document I found in 2015, was a letter dated July 26, 2013, from Attorney General Roy Cooper to Governor McCrory expressing the Attorney General's "strong opposition to the election reforms contained in House Bill 589," and asking the governor to veto the legislation.

- Other materials provided by counsel in *NAACP v. McCrory*, including but not limited to:
    - Depositions of Kim Westbrook Strach, taken April 16, 2014, July 1, 2014, March 24, 2015, and July 18, 2015;
    - Declaration of Kim Westbrook Strach, dated June 18, 2014;
    - Deposition of Marshall Tutor, taken March 19, 2015;
    - North Carolina State Board of Elections 2014 General Election – Citizenship Audit materials;
    - Letter from Kim Westbrook Strach, Executive Director, North Carolina State Board of Elections to the Hon. Chris Millis, dated February 6, 2015;
- Judge Thomas Schroeder's Memorandum Opinion and Order, *NAACP v. McCrory,* August 8, 2014;
- Opinions issued by the United States Court of Appeals for the Fourth Circuit in *NAACP v. McCrory*, October 1, 2014; and July 29, 2016;
- Press releases from the U.S. Attorney's Office for the Eastern District of North Carolina, and court records for 19 foreign nationals recently indicted by that office;
- Other materials produced by U.S. federal agencies, including the Government Accountability Office, and the Public Integrity Section of the Justice Department's Criminal Division;
- Additional blog posts, press releases and reports by advocacy groups, including but not limited to, Democracy North Carolina, Facing South, the Heritage Foundation, Media Matters, the Republican National Lawyers Association, and Voter Integrity Project-North Carolina;
- Additional materials, as cited in the footnotes.

III. DISCUSSION

A. Brief History of Voting Restrictions

The history of voting in the United States is generally told as a story of enfranchisement, as first property and tax-paying requirements fell away in the early decades of the nineteenth

century,[9] and prohibitions against race, gender and age discrimination were incorporated into the U.S. Constitution.[10] As a matter of formal constitutional protections and rights there is truth to the story. But the United States also has a long history of using electoral laws to suppress voting. Prior to the late nineteenth century, there were very limited voter registration requirements placed upon eligible voters.[11] The earliest of registration laws put the obligation on the government to enroll qualified voters, and allowed voters to register on Election Day.[12] The pool of eligible voters vastly expanded in the nineteenth century when property and tax-paying requirements for voter eligibility were mostly eliminated. By the end of the century, a competitive national party system was helping to produce the highest rates of voter turnout in U.S. history. At the same time, however, as the population of the United States swelled through the mass immigration of southern and eastern Europeans, states began adopting more onerous voter registration and voting laws, supplanting the restrictive effects of property requirements and shifting the burden of establishing voter eligibility away from the government to the individual.[13]

Following the emancipation of African Americans and the enfranchisement of black men by the Civil War Amendments, a counter-movement in the South arose to re-erect a system of racial subordination.[14] By the turn of the twentieth century, African Americans had been virtually purged from the electorate of the southern states, at first by the use of violent intimidation and trickery, and later by the introduction or reintroduction of a series of superficially color-blind requirements intended to circumvent the Fourteenth and Fifteenth Amendments.[15]

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[9] CHILTON WILLIAMSON, AMERICAN SUFFRAGE: FROM PROPERTY TO DEMOCRACY, 1760-1860 (Princeton Univ. Press, 1960).

[10] ALEXANDER KEYSSAR, THE RIGHT TO VOTE: THE CONTESTED HISTORY OF DEMOCRACY IN THE UNITED STATES (Basic Books, 2000).

[11] KEYSSAR, THE RIGHT TO VOTE, 151; JOSEPH P. HARRIS, THE REGISTRATION OF VOTERS IN THE UNITED STATES 65-66 (The Brookings Inst., 1929); *see also*, JOHN MARK HANSEN, ET AL., VOTER REGISTRATION, TASK FORCE ON THE FEDERAL ELECTION SYSTEM (TO ASSURE PRIDE AND CONFIDENCE IN THE ELECTORAL PROCESS) 2 (Nat'l Comm'n on Fed. Election Reform, Aug. 2001)

[12] CHARLES EDWARD MERRIAM, THE AMERICAN PARTY SYSTEM: AN INTRODUCTION TO THE STUDY OF POLITICAL PARTIES IN THE UNITED STATES (The Macmillan Company, 1929); HARRIS, THE REGISTRATION OF VOTERS, xi.

[13] FRANCES FOX PIVEN & RICHARD A. CLOWARD, WHY AMERICANS DON'T VOTE (Pantheon, 1988); DAYNA L. CUNNINGHAM, WHO ARE TO BE THE ELECTORS? A REFLECTION ON THE HISTORY OF VOTER REGISTRATION IN THE UNITED STATES 370-404 (*Yale Law and Policy Review* 9, no. 2 (1991).

[14] There is extensive literature on this subject. *See*, C. VANN WOODWARD, ORIGINS OF THE NEW SOUTH, 1877-1913, VOL. IX, A HISTORY OF THE SOUTH (Wendell Holmes Stephenson & E. Merton Coulter eds, La. State Univ. Press 1971); ALLEN W. TRELEASE, WHITE TERROR: THE KU KLUX KLAN CONSPIRACY AND SOUTHERN RECONSTRUCTION (La. State Univ. Press, 1971); and DOUGLAS A. BLACKMON, SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK AMERICANS FROM THE CIVIL WAR TO WORLD WAR II (Random House, Inc., 2008).

[15] *See* FRANCES FOX PIVEN, LORRAINE C. MINNITE & MARGARET GROARKE, KEEPING DOWN THE BLACK VOTE: RACE AND THE DEMOBILIZATION OF AMERICAN VOTERS (The New Press, 2009). The authoritative work on this

Voter registration requirements were especially important because of the degree to which they ceded discretion to local registrars and election officials. Thus, an 1873 Georgia law permitted local registrars to close their books to new registrants except during the planting and harvesting months or, in other words, during the time of the year that African American farm workers most likely would not be able to make the trip to the county seat to register to vote. Once word of the effectiveness of this stratagem and other election administration techniques to disfranchise blacks spread, similar laws followed in North Carolina[16] and Alabama.

Laws requiring voters to show their registration certificates before they were permitted to cast ballots were also effective in disfranchising African Americans in the South. Most states adopting personal registration closed registration periods long before an election, and it would not be uncommon for illiterate and impoverished migrant farm workers to lose track of their paperwork. In addition, this rule made blacks doubly vulnerable to harassment and attack as they made their way to the polling place. There are numerous accounts from the period of blacks walking to the county seat to vote and being set upon by white mobs who robbed them of their registration papers. For example, in November 1876, the Republican governor of Louisiana wrote to Republican National Committee officials in New York:

> Dispatches from Ouachita and Morehouse Parishes, near the Arkansas line, and West Feliciana near the Mississippi line, report that their parishes are now patrolled by the White League, reinforced by armed bodies from Arkansas and Mississippi. Most of the Republican leaders have been driven away or murdered. Under the State law voters are entitled to vote at any poll in the parish in which they reside. The colored people generally are attempting to reach the parish seats of those parishes in order to vote under the protection of the authorities. Numbers of them have been intercepted by the White League pickets, and their registration papers destroyed.[17]

Election fraud documented by early election reformers was not primarily committed by individual voters, who are the target of election reforms to widen the franchise, but instead by

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subject is J. MORGAN KOUSSER, THE SHAPING OF THE SOUTHERN POLITICS: SUFFRAGE RESTRICTION AND THE ESTABLISHMENT OF THE ONE-PARTY SOUTH (Yale Univ. Press, 1974).

[16] Logan writes of the suffrage qualification laws passed in North Carolina during the 1876-1877 legislative session: "The most thorough and wide sweeping of these enactments was the act to regulate elections. The wide, almost autocratic powers granted to the registrars and judges of elections, the residence requirements, and the right of one voter to challenge another – all of these pointed to the intent of the framers to disfranchise or reduce the number of Negro voters." *See* FRENISE A. LOGAN, *THE NEGRO IN NORTH CAROLINA, 1876-1894* 55 (Univ. of N.C. Press, 2011). For more on North Carolina's election law of 1877, see HELEN G. EDMONDS, NEGRO AND FUSION POLITICS IN NORTH CAROLINA, 1894-1901 Ch. 5 (Univ. of N.C. Press, 1979).

[17] *The Close of the Canvass*, NEW YORK TIMES, Nov. 7, 1876, at 1.

election officials and politicians.[18] In some places, corrupt politicians used the police to "colonize" closely contested elections with fraudulently registered voters.[19] Prior to the widespread adoption of the secret ballot in the late 1880s,[20] party agents arguably used "inflationary" corruption by buying votes and recycling voters.[21] Afterward, parties also pursued "deflationary" corruption by paying opponents to stay home or otherwise defeating their efforts to vote, using devices such as poll taxes, literacy tests, long residency periods and other onerous requirements for voter registration to further their goals. Reformers justified the enactment of voter registration as a means to subdue broader electoral fraud, yet it remains unclear whether the reforms played any part in reducing it.[22]

No conclusive tie between enfranchising reform and voter fraud has ever been proven. And yet, at each significant effort to protect and extend the right to vote since the great victories of the Civil Rights Movement, franchising opponents have argued that reduced barriers would lead to voter fraud. For example, the alleged fraud threat was taken up by congressional opponents in the debates over the Voting Rights Act of 1965, the Universal Voter Registration Act of 1977, and the National Voter Registration Act of 1993.[23] The political usefulness of the voter fraud myth however, has not been limited to national reform efforts. In the recent period of what one scholar

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[18] *See* JOSEPH P. HARRIS, ELECTION ADMINISTRATION IN THE UNITED STATES 375-376 (The Brookings Inst., 1934) ("Isolated, individual cases of election frauds are uncommon and unimportant. Election frauds cannot be carried on successfully and upon a wide scale without protection, without the pre-arrangement of election officers who will 'deliver' if necessary, and without the backing of a powerful political organization.")

[19] RICHARD L. MCCORMICK, FROM REALIGNMENT TO REFORM: POLITICAL CHANGE IN NEW YORK STATE, 1893-1910 44 (Cornell Univ. Press, 1981).

[20] In 1888, Kentucky experimented with the "Australian" or secret ballot in a Louisville municipal election and Massachusetts became the first state to legislate the reform. Over the next four years, another 36 states rapidly passed similar laws, with all but two adopting the secret ballot by 1910. *See* LIONEL E. FREDMAN, THE AUSTRALIAN BALLOT: THE STORY OF AN AMERICAN REFORM (Michigan State Univ. Press, 1968).

[21] Gary W. Cox & J. Morgan Kousser, *Turnout and Rural Corruption: New York as a Test Case*, AMERICAN JOURNAL OF POLITICAL SCIENCE, Nov. 1981 at 646-63.

[22] PAUL KLEPPNER, WHO VOTED? THE DYNAMICS OF VOTER TURNOUT 1870-1980, AMERICAN POLITICAL PARTY AND ELECTION SERIES 59-60 (Greenwood Pub. Group, Inc., 1982).

[23] *See, e.g.*, U.S. Congress, Senate Committee on the Judiciary, "To Enforce the 15th Amendment to the Constitution of the United States: Hearings on S.1564," 89th Cong., 1st sess., 1965; U.S. Congress, House Committee on House Administration, "To Establish a Universal Voter Registration Program, and for Other Purposes: Hearings on H.R. 5400," 95th Cong., 1st sess., 1977; and U.S. Congress, House Committee on House Administration, Subcommittee on Elections, "Hearing on Voter Registration," 103rd Cong., 1st sess., Jan. 26, 1993. For an important account of the movement to reform voter registration laws leading to the passage of the National Voter Registration Act of 1993, *see* FRANCES FOX PIVEN & RICHARD A. CLOWARD, WHY AMERICANS DON'T VOTE AND WHY POLITICIANS WANT IT THAT WAY (Beacon Press, 2000); *see also*, FRANCES FOX PIVEN, ET AL., KEEPING DOWN THE BLACK VOTE: RACE AND THE DEMOBILIZATION OF AMERICAN VOTERS (The New Press, 2009).

has called "the voting wars" leading to a flurry of restrictive new voting rules adopted at the state level, the alleged threat of voter fraud has been a common refrain.[24]

B. Defining "Voter Fraud"

Most statutes criminalizing what we might think of as voter fraud do not specifically define the term. Instead, nefarious election-related practices are prevented by federal and state laws making "voting more than once," or "falsifying records," or "to take corruptly the oath prescribed for voters," and the like illegal.[25] Nevertheless, the process of formulating precise definitions is critical in the social sciences because it is necessary for accurate measurement of empirical phenomena.[26] To develop the definition of voter fraud I used in *The Myth of Voter Fraud*, I examined the electoral process and looked at the capacity of actors or individuals playing different

[24] I note here just one recent example: As the North Carolina General Assembly debated the adoption of same-day registration in 2007, the North Carolina Republican Party issued a news release headlined "Same-Day Registration Carries High Risk for Voter Fraud" (North Carolina Republican Party, Press Release, July 2, 2007; on file with author). The release reported the remarks of Republican Leader Rep. Paul Stam who said that "the proposal for same-day registration and voting might be more palatable if accompanied by the same identification requirements we place on those who want to purchase certain decongestants at the drug store."

[25] A recent U.S. Government Accountability Office (GAO) study finds that from 2001 through 2017, U.S. Attorneys' Offices utilized approximately 100 different statutes in charging individuals with various election fraud-related violations. The most commonly charged violations were general conspiracy (18 U.S.C. § 371), general false statements (18 U.S.C. § 1001), and voting by non-citizens (18 U.S.C. § 611). *See* U.S. GAO, VOTER REGISTRATION: INFORMATION ON FEDERAL ENFORCEMENT AND EFFORTS AND STATE AND LOCAL LIST MANAGEMENT, REPORT TO CONGRESSIONAL REQUESTERS, GAO-19-485 (Jun. 2019) at 40-41. Another GAO study from 2014 identifies fourteen federal statutes under which *in-person* voter fraud could be prosecuted, including under Title 18 of the U.S. Code, sections 2, 241, 242, 371, 609, 611, 911, 1015(f), 1341, 1342, and 1343; and sections 1973i(c), 1973i(e), and 1973gg-10(2) of Title 42, Chapter 20. *See* U.S. GAO, ELECTIONS: ISSUES RELATED TO STATE VOTER IDENTIFICATION LAWS, REPORT TO CONGRESSIONAL REQUESTERS, GAO-14-634 (Sept. 2014) at 116. (Note: in 2014, the Office of the Law Revision Counsel of the U.S. House of Representatives editorially reclassified provisions relating to voting and elections from titles 2 and 42 into a new Title 52, Voting and Elections; *see* Editorial Reclassification Title 52, U.S. Code, https://uscode.house.gov/editorialreclassification/t52/index.html (last visited Sept. 15, 2019) Examples of state statutes outlawing various forms of voter fraud include, for example, the following: in North Carolina, it is a Class 1 felony for any person to "knowingly to swear falsely with respect to any matter pertaining to any primary or election" (N.C. Gen. Stat. § 163A-1389(4) (2018)) or "to take corruptly the oath prescribed for voters" (N.C. Gen. Stat. § 163A-1389(6) (2018)). In Texas a person commits a second degree felony if he or she "votes or attempts to vote in an election in which the person knows the person is not eligible to vote…knowingly votes or attempts to vote more than once in an election…" or "knowingly votes or attempts to vote a ballot belonging to another person, or by impersonating another person" (Tex. Elec. Code Ann. § 64.012 (2017)). California prohibits specific election related activity like fraudulent registration, voting in an election which one is not entitled to vote in, voting more than once (Cal. Elec. Code § 18560, 18561 (2011)), or to try to buy a vote with the promise of a job (Cal. Elec. Code § 18520 (2011)). In Minnesota, it is a felony to submit more than one absentee ballot or to assist another in submitting more than one absentee ballot, or alter another's absentee ballot (Minn. Stat. § 203B.03 (2019)). In New Jersey, it is a third degree crime to "fraudulently vote…or in any manner so interfere…with the voters lawfully exercising their rights of voting at the election, as to prevent the election or canvass from being fairly had and lawfully conducted" (N.J. Stat. Ann. § 19:34-11 (2005)).

[26] W. PHILLIPS SHIVELY, THE CRAFT OF POLITICAL RESEARCH 30-8 (Prentice Hall, 5th ed., 2002).

roles to impact the outcome and integrity of elections. Such actors include voters, campaign officials, elected officials, and election poll workers.

I examined the parts of the political process that different actors could corrupt, and found a distinction between what voters can corrupt given their role and access to the electoral process, compared to what other electoral actors can corrupt. Voters, like other actors, are only capable of corrupting that part of the electoral process to which they have access. To wit, voters cannot corrupt the election count because they do not count the ballots; only an official with broad access to the counting process can corrupt an entire count. But individual voters can corrupt their registration process and balloting by falsifying their records or identities on registration applications and/or fraudulently misrepresenting themselves to poll workers.

In the U.S., individuals commit voter fraud when they knowingly provide false information concerning their own voter eligibility credentials (*i.e.*, citizenship status, age, permanent address), or when they knowingly cast more than one ballot ("double voting"), or cast a ballot knowing that they are not eligible to vote. With some exceptions (*i.e.*, laws concerning age, felon disfranchisement, and mental incompetence), voter eligibility requirements are fairly standard across the states: one must be alive when casting a ballot, 18 years of age, a U.S. citizen, and not under state supervision for a conviction of a felony crime. In our geographically-based system of representation, voters are required to vote in the jurisdiction in which they live.

People who *knowingly* abrogate eligibility rules commit voter fraud. This may include so-called "non-citizen" voting or "felon" voting by individuals who vote *knowing* they are not eligible to vote because they are not U.S. citizens or because they have been convicted of a felony and not had their voting rights restored as required by state law. Voting in the name of a dead person is fraudulent when the person casting the ballot intentionally impersonates the dead voter. The voter fraud outlined here can be committed in person, at the polls, at early voting sites, or through the use of absentee or mail-in ballots.

By breaking up the electoral process according to its various stages and the actors that participate, I can derive a definition of voter fraud that centers on the behavior of individual voters, which is of primary interest in the current policy debates over new state laws restricting access to the ballot. Accordingly, my definition of voter fraud is "the *intentional corruption* of the *voting process* by *voters*." This definition is specific to the elements I research.[27]

[27] The U.S. Department of Justice prosecutes election crimes committed when there is a federal candidate on the ballot or when there is no federal candidate on the ballot, but there is jurisdiction to enforce federal criminal laws that potentially apply to both federal and non-federal elections. The federal government's definition of "election fraud" centers on the corruption of "the obtaining and marking of ballots, the counting and certification of election results, or the registration of voters." This definition is overly broad for the purpose of measuring election crime committed by voters because it includes acts of official malfeasance, such as ballot box stuffing or corruption of the count. *See*, RICHARD C. PILGER, FEDERAL PROSECUTION OF ELECTION OFFENSES, 22-26 (Government Printing Office, 8th ed. 2017), *available at* https://www.justice.gov/criminal/file/1029066/download). Because *voters* do not have access, those activities are not included in my definition of voter fraud. A. David Pardo puts the distinction between voter fraud and, more broadly, what I categorize as 'election fraud' another way: as a legal concept, voter

I emphasize the importance of intent in my definition, distinguishing election errors such as misspelled names and recording mistakes. I do this to keep the definition of voter fraud consistent with the legal concept of fraud and also with principles of election administration.[28]

Innocent administrative errors on the part of election officials and confusion on the part of voters can cause technically invalid ballots to be cast; however, there is an important distinction to be made between *invalid* registration and ballots and *fraudulent* registration and ballots. Fraudulent registration and ballots are invalid; but not all invalid registration and ballots are fraudulent. Thus, in measuring the incidence of voter fraud, it is important to first determine the validity of registrations and ballots, and then to identify, if possible, the intent on the part of the registrant or voter to register and vote and whether the ineligible or invalid registrant or voter knew that it was illegal to do so.

The research strategy outlined above is the one I have used in all of my work on the incidence of voter fraud over the last nearly twenty years. Because voter fraud is illegal, and because the available evidence for analyzing the incidence of voter fraud is not always conclusive on the question of intent, it is also important to research and understand the context and circumstances surrounding the behavior and the bare facts of alleged fraud.

The reasoning and logic I use to derive a definition of voter fraud for purposes of measuring the phenomenon led to the following conclusions:

1) it is important to identify who is committing the fraud. The electoral process is complex and multi-staged. Not all actors in the process have access to all parts of the process; therefore, not all forms of electoral fraud may be committed by all actors in the process;

2) there is an important distinction to be made between *voter* fraud and broader *election* fraud. Voter fraud is the intentional corruption of the electoral process by voters; election fraud encompasses all other forms of intentional corruption of the electoral process; and

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fraud "…is narrower than 'election fraud';" voter fraud is an offense "committed *by* or *through* the voter against the electoral process," whereas election fraud is constituted by offenses "committed *against* the voter." *See*, A. David Pardo, *Election Law Violations*, THE AMERICAN CRIMINAL JUSTICE REVIEW, 2008 at 320. In its definition of in-person voter fraud, the GAO includes the core ideas outlined in my definition of voter fraud. In their 2014 study, they define in-person voter fraud "…as involving a person who (1) attempts to vote or votes; (2) in person at the polling place; and (3) asserts an identity that is not the person's own, whether it be that of a fictional registered voter, dead registered voter, a false identity, or whether the voter uses a fraudulent identification," thus resulting in the intentional corruption of the voting process by a voter. See, U.S. GAO, ELECTIONS: ISSUES RELATED TO STATE VOTER IDENTIFICATION LAWS, REPORT TO CONGRESSIONAL REQUESTERS, GAO 14-634 at 7 (Sept. 2014)..

[28] According to the North Carolina State Board of Elections, "Administrative error and misunderstanding should be distinguished from systemic manipulation or intentional fraud." *See* NORTH CAROLINA STATE BOARD OF ELECTIONS, POST-ELECTION AUDIT REPORT: GENERAL ELECTION 2016 at 1 (Apr. 21, 2017).

3) invalid registration and balloting, which may be detected as anomalies or irregularities in electoral mechanics, may not be fraudulent; therefore, there are competing explanations for electoral anomalies and irregularities: invalid voter registrations and balloting may be caused by simple human error, confusion, and mistakes.

C. Analysis of the Incidence of Voter Fraud in Contemporary U.S. Elections

There are no officially compiled national or statewide statistics completely and reliably reporting all instances of voter fraud. Therefore, assessing the degree to which voter fraud is a "problem" in contemporary U.S. elections is not easy. I know of no political scientist, including myself, who argues that voters *never* commit fraud and have *never* committed fraud in the past. Arguing that it is "real" or pointing to American folklore as evidence – like the tales of corruption that some like to retell about the Civil War era's Boss Tweed or "Big" Tim Sullivan ("…every one of 'em good for four votes," according to Big Tim), the Gilded Age's Tammany Hall with its "floaters" and "repeaters" and their changing facial hair and disguises ,[29] or the voters who lined up and signed the poll book in alphabetical order in Alice, Texas in 1948 to vote in Lyndon Johnson's second U.S. Senate race – these are not arguments at all. In fact, they are a distraction. They tell us nothing about the prevalence of voter fraud in recent U.S. elections. Anecdote may serve to illustrate a point, but it is not the basis for valid or reliable inferences in social science because the evidence in anecdotes is not systematically collected or observed. It represents only itself.

The two most important sources of evidence of voter fraud are social scientific studies and official government investigations and reports.

Social scientific research finds very little evidence of voter fraud in contemporary U.S. elections. In 2014, the U.S. Government Accountability Office published a performance audit of issues related to state voter identification laws.[30] Part of the study involved a review of "academic literature, organizational studies, peer-reviewed journals, books, and other regularly cited research published from January 2004 through April 2014 to identify studies that attempted to estimate in-person voter fraud, using a documented methodology."[31] More than 300 studies were reviewed

[29] An early chronicler of the Tammany political machine, M.R. Werner, writes that one of Boss Tweed's lieutenants, "Big" Tim Sullivan, insisted that his "repeaters," or thugs paid to vote more than once, have whiskers: "When you've voted 'em with their whiskers on," he said, "you take 'em to a barber and scrape off the chin fringe. Then you vote 'em again with the side lilacs and a mustache. Then to a barber again, off comes the sides and you vote 'em a third time with the mustache. If that ain't enough and the box can stand a few more ballots, clean off the mustache and vote 'em plain face. That makes every one of 'em good for four votes." *See* M.R. WERNER, TAMMANY HALL at 439 (Greenwood Press, 1968).

[30] U.S. GAO, ELECTIONS: ISSUES RELATED TO STATE VOTER IDENTIFICATION LAWS, REPORT TO CONGRESSIONAL REQUESTERS, GAO-14-634 (Sept. 2014). For this report, the GAO was tasked only with identifying the challenges to determining a complete measure of in-person voter fraud, not with estimating the incidence of voter fraud overall.

[31] *Ibid.*, 7.

and analyzed by GAO staff to determine whether they contained data on in-person voter fraud and provided an adequate description of the methodology used for collecting the data. Studies based on anecdotal reports of in-person voter fraud were excluded from the analysis. Only five studies, including my 2010 book, *The Myth of Voter Fraud*, met the criteria.[32] While all of the studies had various limitations for estimating a complete count of cases of in-person voter impersonation, two GAO analysts and a GAO statistician reviewed each of the studies and determined that "the design, implementation, and analyses of the studies were sufficiently sound to support the studies' results and conclusions based on generally accepted social science principles."[33]

The five scientifically sound studies identified by the GAO find very little evidence of voter fraud in contemporary U.S. elections. Three of these studies use quantitative methods to identify anomalies in registration and voting data as proxies for voter fraud, finding very little fraud.[34] The News21 project (discussed in more detail below) and *The Myth of Voter Fraud* do not rely solely on quantitative methodologies, focusing instead on identifying actual instances of voter fraud in recent elections.

The Myth of Voter Fraud

[32] John S. Ahlquist, Kenneth R. Mayer, & Simon Jackman, *Alien Abduction and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment*, ELECTION LAW JOURNAL 2014 at 460-475; Ray Christensen & Thomas J. Schultz, *Identifying Election Fraud Using Orphan and Low Propensity Voters*, AMERICAN POLITICS RESEARCH, vol. 42 (2), Aug. 19, 2013 at: 311-345; M.V. Hood III & William Gillespie, *They Just Do Not Vote Like They Used To: A Methodology to Empirically Assess Election Fraud*, SOCIAL SCIENCE QUARTERLY, 93(1) at 76-94; LORRAINE C. MINNITE, THE MYTH OF VOTER FRAUD (Cornell Univ. Press, 2010); and Corbin Carson, *Exhaustive Database of Voter Fraud Cases Turns Up Scant Evidence That It Happens*, NEWS21 (Aug. 12, 2012), https://votingrights.news21.com/article/election-fraud-explainer/ (last visited Sept. 12, 2019).

[33] U.S. GAO, Elections: Issues Related to State Voter Identification Laws, Report to Congressional Requesters, GAO-14-634 at 3-4 (Sept. 2014).

[34] Hood and Gillespie performed an audit of the 2006 general election in Georgia "to ascertain the extent to which deceased registrants are being used in a fraudulent manner." Using a data mining technique, they initially identified 66 suspect ballots out of a total of approximately 2.1 million cast. Only four of the suspect ballots were cast in-person. Further research determined conclusively that none of the in-person ballots and almost none of the absentee ballots (57 of the remaining 62 suspect ballots) were fraudulently cast. Hood and Gillespie were not able to obtain enough information from county registrars to make a determination one way or the other about five of the absentee ballots. They found "no evidence that election fraud was committed under the auspices of deceased registrants" in Georgia's 2006 election (Hood and Gillespie, *They Just Do Not Vote Like They Used To*, at 76). Ahlquist, Mayer and Jackman use a different technique to search for proxies for voter impersonation in the 2012 national general election, finding "no evidence of systematic voter impersonation" in that election (Ahlquist *et al.*, *Alien Abduction and Voter Impersonation in the 2012 U.S. General Election*, at 30). Christensen and Schultz use yet another quantitative methods technique to search for anomalies in election returns that might indicate the presence of fraud. Their findings "…support the conclusion that electoral fraud, if it occurs, is an isolated and rare occurrence in modern U.S. elections" (Christensen and Schultz, *Identifying Election Fraud Using Orphan and Low Propensity Voters*, at 313).

I spent nearly ten years collecting and analyzing hard data and evidence using a wide variety of social science methods for *The Myth of Voter Fraud*, the first and only peer-reviewed book on the subject of voter fraud in contemporary U.S. elections. My main research question was, what is the incidence of voter fraud – defined as the intentional corruption of the electoral process by voters – in contemporary U.S. elections? After analyzing original data and concluding that voter fraud is exceedingly rare, I asked, what then explains the persistent and growing chorus of evidence-free allegations that voter fraud is in fact an unchecked threat to the integrity of U.S. elections? In other words, my book also addresses the question of how we might make sense of the disjuncture between stubborn claims that voter fraud is a significant threat to the integrity of U.S. elections and the contradictory facts.

To answer these questions, I used what is known in the social sciences as a "mixed methods" or "multimethod" research approach.[35] This intuitive methodology, which has been called the "third methodological movement" in the social sciences following the developments of quantitative ("traditionalist") and then qualitative ("revolutionary") methodologies,[36] integrates quantitative, qualitative, and archival styles of evidence and modes of analysis, to triangulate independent and imperfect sources of information from which the researcher then draws inferences. It is particularly suited to research projects where the sources of evidence are scattered and incomplete, or where any one source is otherwise too limited on its own to serve as the basis for reliable analysis and valid inference.

Mixed methods is, therefore, the best methodological approach for the kind of research problems I faced. Since the publication of *The Myth of Voter Fraud*, other political scientists, including those whose work was reviewed by the GAO, and a few others, have used mostly quantitative methods to study election fraud. While I believe that such methods can be useful in detecting anomalous patterns in registration lists or other sources of electoral data, the most that we can learn from such studies is that anomalous patterns may (or may not) exist in the data.[37] Moreover, the mere existence of anomalous data is insufficient to demonstrate actual voter fraud.

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[35] *See* JOHN W. CRESWELL AND VICKI L. PLANO CLARK, DESIGNING AND CONDUCTING MIXED METHODS RESEARCH, (Sage Pubs., Inc., 3rd ed., 2017).

[36] ABBAS TASHAKKORI, CHARLES TEDDLIE, CHARLES B. TEDDLIE, HANDBOOK OF MIXED METHODS IN SOCIAL & BEHAVIORAL RESEARCH 5 (Sage Pubs., Inc., 2003).

[37] Important improvements to election administration in recent years have been centered on applying computer-based information technologies across a range of record-keeping and administrative functions important to maintaining election integrity. One of these functions is what is referred to as 'list maintenance,' or maintaining accurate voter rolls, as mandated by state and federal laws. Section 8 of the federal National Voter Registration Act of 1993, sets a regulatory floor for maintaining registration lists and governs conditions under which voter records may be removed. In addition, Section 303 of the Help America Vote Act of 2002, sets basic requirements for computerized list maintenance, including coordination with state agency death and felon records and the removal of duplicates from the files. Under HAVA, states are also required to collect either driver's license numbers or the last four digits of voter registration applicants' Social Security numbers for purposes of verifying application information. Federal law allows states to determine what constitutes a "match." List matching is also used by election agencies, such as the North Carolina State Board of Elections, to audit elections and flag irregularities for

In the absence of reliable or official data, I gathered my own from a wide range of sources.[38] My conclusions in *The Myth of Voter Fraud* about the rarity of voter fraud relies on all of this data, including a record of federal indictments generated during the first three years of a special program at the George W. Bush Administration's Department of Justice called the Ballot Access and Voting Integrity Initiative (BAVII). This initiative was specifically aimed at rooting out alleged voter fraud in federal elections. To be clear, it would not have been good social science to rely on only one source of evidence given the nature of my research questions and the lack of available data to examine the problems I set out to study. My conclusions about the incidence of voter fraud in

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review by agency personnel, and where appropriate, law enforcement. List matching alone cannot identify fraud, and poor execution will produce bad data. Indeed, there is an advanced statistical science of record linkage that incorporates probability theory, the construction and use of algorithms, data parsing and imputation strategies, and sophisticated methods for estimating error that make list matching exercises treacherous terrain for the amateur. For an overview, *see* WILLIAM E. WINKLER, OVERVIEW OF RECORD LINKAGE AND CURRENT RESEARCH DIRECTIONS, Research Report Series, Statistics #2006-2 (Feb, 8, 2006). *See also*, Ivan P. Fellegi & Alan B. Sunter, *A Theory of Record Linkage*, JOURNAL OF THE AMERICAN STATISTICAL ASSOCIATION, 64(328) at 1183-1210; Wendy Alvey & Bettye Jamerson, *Record Linkage Techniques – 1997, Proceedings of An International Record Linkage Workshop and Exposition*, FED. COMM. ON STATISTICAL METHODOLOGY (Mar. 20-21, 1997), https://nces.ed.gov/FCSM/pdf/RLT97.pdf; and PETER CHRISTEN, DATA MATCHING: CONCEPTS AND TECHNIQUES FOR RECORD LINKAGE, ENTITY RESOLUTION, AND DUPLICATE DETECTION (Springer, 2014).

[38] These included, but are not limited to, a review of all of the scholarly literature by historians, political scientists, and legal scholars on voter fraud in American history (of which, given the extensive literature on American elections and electoral behavior, there is very little); review and analysis of all pertinent federal and state election statutes erected to ensure the integrity of elections and criminalizing certain behaviors; broad and deep database searches of hundreds of news sources across the U.S. at the state and local levels (including wire services); searches of legal databases and case law, and review of relevant legal materials and opinions at the state and federal levels; documents and material produced through public records requests sent to thousands of election and law enforcement officials in every state; Freedom of Information Act requests to various agencies within the U.S. Department of Justice; analysis of a longitudinal data set produced by the Administrative Office of the United States Courts; analysis of voluminous records of contested federal and state elections; interviews with a wide range of people with relevant expertise, including, but not limited to, prosecutors, defense lawyers, election officials, voters, academics, and advocates working on voter registration drives; in-depth case studies in four states of the worst alleged cases of voter fraud since 2000; and collection and review of a wide range of reports, evaluations, studies, testimony and the like produced by the federal government (*i.e.*, audits by the U.S. Government Accountability Office, reports to Congress by the Congressional Research Service, reports produced by the U.S. Elections Commission and the U.S. Commission on Civil Rights, and transcripts and materials from congressional hearings), state legislatures and state government agencies (*i.e.*, data from the Elections Fraud Investigations Unit of the California Secretary of State's Office, a public complaints file from the Minnesota Secretary of State's Office established to comply with the federal Help America Vote Act of 2002; and a report from a broad investigation of allegations of voter fraud by the New Hampshire Attorney General's Office), national election reform task forces (*i.e.*, the Commission on Federal Election Reform and the Social Science Research Council National Research Commission on Elections and Voting), and a wide range of organizations, including party groups, good government and civic organizations, and other advocacy organizations, especially those claiming to find alarming evidence of voter fraud (*i.e.*, a report by an organization called the American Center for Voting Rights that claimed to be "the most comprehensive and authoritative review of the facts surrounding allegations of vote fraud, intimidation and suppression made during the 2004 presidential election" and reports compiled by the conservative Heritage Foundation and the Public Interest Legal Foundation).

contemporary U.S. elections most certainly do not rest solely upon prosecution records, as some have mistakenly claimed, but prosecution records are, nevertheless, an important indicator of the extent of the problem. Before I conclude this section with a discussion of social science research findings on the incidence of voter fraud since the publication of *The Myth of Voter Fraud*, I want to briefly review the book's analysis of the outcomes of the Justice Department's BAVII program. Those outcomes strongly challenge a common refrain from critics who, without evidence, claim that voter fraud is a large and looming problem demanding a policy response such as more stringent voter identification requirements, and that statistics drawn from law enforcement efforts against voter fraud crime are misleading because the law enforcement effort is allegedly so weak.

The U.S. Department of Justice's Ballot Access and Voting Integrity Initiative, 2002-2005

In March 2001, United States Attorney General John Ashcroft announced the creation of a Ballot Access and Voting Integrity Initiative ("BAVII").[39] The BAVII brought together civil rights and criminal division lawyers of the Justice Department for an Election Day program, the stated purpose of which was to help attorneys recognize election fraud and voter intimidation, and to provide their services to voters who make complaints of the same. In 2008, the long-time director of the Election Crimes branch of the Justice Department's Public Integrity Section stated, that at the time, "the investigation and prosecution of election crimes...was outranked [in official agency prioritization] only by crimes involving terrorism and espionage."[40]

After numerous attempts at locating information regarding voter fraud from the BAVII, including a Freedom of Information Act request made to four different units of the U.S. Department of Justice,[41] I found a case list of indictments brought under the program buried in the records of a congressional hearing held in 2006.[42] The list, which was prepared by the U.S. Department of Justice, records 95 people indicted or charged over the first three years of the program (FY2003 to FY2005). I concluded that this was a complete list of indictments brought under the BAVII for those three years by comparing it to Justice Department press releases announcing numbers of indictments brought under the program.[43] I researched the BAVII

[39] U.S. Department of Justice, Attorney General News Conference (Mar. 7, 2001), http://www.justice.gov/archive/ag/speeches/2001/0307civilrightspressconf.htm. *See also*, Dan Eggen & David A. Vise, *Ashcroft Takes On Voting Issues; Enforcement, Monitoring of Election Laws to Be Increased*, WASHINGTON POST, Mar. 8, 2001, at A19.

[40] R. MICHAEL ALVAREZ, THAD E. HALL & SUSAN D. HYDE , ELECTION FRAUD: DETECTING AND DETERRING ELECTORAL MANIPULATION 34(Brookings Inst., 2008).

[41] The Justice Department stonewalled my request. It took more than two years, formal appeals of various denials, and the intervention of my U.S. Senator before any materials were released to me.

[42] U.S. Congress, House Committee on House Administration, *Hearing on 'You Don't Need Papers to Vote?': Non-Citizen Voting and ID Requirements in U.S. Elections*, 109th Congress, 2d Sess., Jun. 22, 2006 at 245-54.

[43] A recent report by the U.S. Government Accountability Office examined proprietary data maintained by the Public Integrity Section of the U.S. Department of Justice's Criminal Division, and the Executive Office for United

indictments and concluded that only 40 of the 95 people indicted were in-person voters; the other 55 people were associated with elections in other ways, for example, serving as campaign, party, or election officials.[44] Of the 40 voters indicted, 26 pleaded or were found guilty by a jury. More than 200 million votes were cast in the 2002 and 2004 federal elections combined. Thus, we have an important example in which prosecutors vigorously pursued voter fraud cases, and yet almost no voter fraud was actually found or prosecuted.

More recent findings from a study by the U.S. Government Accountability Office (GAO) examining the federal enforcement effort against election fraud are consistent with my findings regarding the scant record of voter fraud in the 2002 and 2004 federal elections uncovered by the BAVII program. The GAO analyzed data for the period 2001 through 2017, drawn from two different U.S. Department of Justice case management systems used by the two Department components responsible for prosecuting election fraud – the Criminal Division's Public Integrity Section and the U.S. Attorneys' Office. Again, as noted above, the federal government defines election fraud broadly to include the corruption of "the obtaining and marking of ballots, the counting and certification of election results, or the registration of voters."[45] The data analyzed by the GAO goes beyond my careful and precise definition of voter fraud to include crimes committed by public officials, politicians and their campaigns, and fraud committed through voter intimidation, such as vote-buying conspiracies in which the powerful use money and other inducements to lure the powerless into selling their votes.[46] The GAO assessed the reliability of the databases and "found the data sufficiently reliable to provide information on the nature and characteristics of DOJ's efforts to address potential instances of election fraud."[47] Keeping in mind

States Attorneys to respond to queries regarding election fraud by several U.S. Senators. The GAO's study period extends beyond the period I examined for *The Myth of Voter Fraud*, but their findings for FY2002 through FY2005 are consistent with my own. *See* U.S. GAO, VOTER REGISTRATION: INFORMATION ON FEDERAL ENFORCEMENT EFFORTS AND STATE AND LOCAL LIST MANAGEMENT, REPORT TO REQUESTERS, GAO-19-485 (June 2019).

[44] Of the 40 voters indicted, only one case was brought in North Carolina. Among the remaining 55 indictments of non-voters, there was one additional case in North Carolina involving five people in a vote-buying scheme. In other words, of the 95 indictments during the studied time period, there were only two cases in North Carolina, involving six people, and only one of those people may have committed voter fraud.

[45] *See* note 27.

[46] "Public Integrity Section officials stated the Section did not focus its efforts on particular types of election fraud, but vote buying...was the most frequent type of election fraud related crime the Section prosecuted during the period of our review. Officials said vote buying is the most common type of election fraud related crime that has come to their attention in recent decades and noted that it tends to occur in communities that are more insular and isolated and have higher levels of poverty. For example, officials observed that in rural communities with high levels of poverty, some residents may be more vulnerable to vote-buying efforts due to their difficult circumstances or the power of local officials who seek to buy votes to provide or cut off needed services." GAO, *Voter Registration*, at 34-35.

[47] *Ibid*., 4.

that the GAO's analysis is overbroad for the purpose of this report, their principle findings are consistent with my findings in *The Myth of Voter Fraud* – that voter fraud is exceedingly rare:

> 1) Over the period of fiscal years 2001 through 2017, the Public Integrity Section initiated 1,408 criminal investigations or "matters," filing charges in 695 cases.[48] Of the total number of matters initiated, about two percent (33 matters) were categorized by Section attorneys as election fraud-related; of the total number of cases filed as a result of the Section's investigations, 19 cases involving 37 individual defendants were election fraud-related;[49]
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> 2) Over the same study period, U.S. Attorneys' Offices initiated more than 2.2 million criminal investigations, of which 525 were election fraud-related, two one-hundredths of a percent of their overall criminal matters. The U.S. Attorneys' Offices filed just over one million criminal cases during this time period; of these, 185 cases were election fraud-related, or the same two one-hundredths of a percent of their overall caseload. Fifteen of these cases were jointly filed by the U.S. Attorneys' Offices and the Public Integrity Section (and double counted in the Public Integrity Section equivalent category cited above);[50]
>
> 3) In sum, "[A]ccording to officials from EOUSA [the Executive Office of the U.S. Attorneys], which provides guidance, direction, and oversight to the U.S. Attorneys' Offices, election fraud was one of the least frequent crimes addressed by U.S. Attorneys' Offices." The GAO report continues: "Officials further noted that *election fraud related cases were taken seriously and thoroughly investigated when facts supporting such charges were uncovered*" (emphasis added).[51]

Using the same standard for judging voter fraud crime rates as we do for measuring other crimes, which is to assess the incidence of crime using law enforcement statistics on arrests, indictments and convictions, we must conclude that the scant evidence of arrests, indictments or convictions for any of the practices defined as voter fraud means that little fraud is being committed relative to the millions of votes cast each year in state, local, and federal elections. This is one reliable way to think about how much voter fraud is being committed, even if we are not able to conclusively determine a complete measure of actual voter fraud.

Current Social Scientific Evidence

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[48] "A matter is defined as an activity, such as an investigation, that has not yet resulted in the filing of a complaint, indictment, or information in court." *Ibid*., 3, n3.

[49] *Ibid*., 29-30.

[50] *Ibid*., 35-36.

[51] *Ibid*., 36.

Since the publication of *The Myth of Voter Fraud*, there have been only a handful of social scientific studies published on the incidence of voter fraud in contemporary U.S. elections. These include the three academic papers flagged by the GAO in their 2014 audit and mentioned above;[52] and two additional academic papers.[53] All of these papers rely only on quantitative methodologies and proxy measures to estimate the probability of fraud; only two, the papers by Ahlquist, *et al*., and Christensen and Shultz, address potential voter impersonation.[54]

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[52] Ahlquist, *et al.*, *Alien Abduction and Voter Impersonation in the 2012 U.S. General Election*; Christensen and Schulz, *Identifying Election Fraud Using Orphan and Low Propensity Voters*; and Hood and Gillespie, *They Just Do Not Vote Like They Used To*.

[53] In a 2019 working paper, Sharad Goel and colleagues use statistical techniques to look for proxy evidence of double voting in the 2012 presidential election. They find that "double voting is not currently carried out in such a systematic way that it presents a threat to the integrity of American elections." They estimate that "at most," one in 4,000 votes cast in 2012 were double votes, "with measurement error in turnout records possibly explaining a significant portion, if not all, of this." In other words, 1 in 4,000 votes could have been double votes, or the 2012 election could have had an administrative error rate producing the appearance of duplicates votes of roughly .025 percent. *See*, Sharad Goel, Marc Meredith, Michael Morse, David Rothschild & Houshmand Shirani-Mehr, One Person, One Vote: Estimating the prevalence of Double Voting in U.S. Presidential Elections at 26-27 (Jan. 17, 2019) (unpublished working paper). A second paper by Cottrell, Herron and Westwood, investigates claims made by President Donald J. Trump that his election in 2016 was tainted by massive voter fraud. The researchers use a variety of statistical modeling techniques and county-level election returns, census data, and other federal and state government data to estimate the likelihood of invalid non-citizen voting in that election. "Our empirical results share a common theme," they write. "[T]hey are inconsistent with fraud allegations made by Trump. The results are, however, consistent with various state-level investigations conducted in the initial months of 2017, all of which have failed to find any evidence of widespread voter fraud in the 2016 General Election." *See*, David Cottrell, Michael C. Herron & Sean J. Westwood, *An Exploration of Donald Trump's Allegations of Massive Voter Fraud in the 2016 General Election*, ELECTORAL STUDIES 51 at 123-142 (2018).

[54] Not included in this discussion are a set of methodology papers addressing various elections forensics techniques, including anomalous digit distributions in election data as a means for detecting election fraud. *See*, for example, Bernd Beber & Alexandra Scacco, *What the Numbers Say: A Digit-Based Test for Election Fraud*, POLITICAL ANALYSIS 20(2):211-234 (2012); Christian Breunig and Achim Goerres, *Searching for Electoral irregularities in an Established Democracy: Applying Benford's Law Tests to Bundestag Elections in Unified Germany*, ELECTORAL STUDIES 30(3): 534-545 (2011); Joseph Deckert, Mikhail Myagkov & Peter C. Ordeshook, *Benford's Law and the Detection of Election Fraud*, POLITICAL ANALYSIS 19(3): 245-268 (2011); WALTER MEBANE, ELECTION FORENSICS: THE SECOND DIGIT BENFORD'S LAW TEST AND RECENT AMERICAN PRESIDENTIAL ELECTIONS, (Cambridge Univ. Press 2011); Juraj Medzihorsky, *Election Fraud: A Latent Class Framework for Digit-Based Tests*, POLITICAL ANALYSIS 23(4): 506-517 (2015); Jacob M. Montgomery, et al., *An Informed Forensics Approach to Detecting Vote Irregularities*, POLITICAL ANALYSIS 23(4): 488-505 (2015). Most of this work addresses the detection of fraud in national elections and at the national level. In addition, I exclude a discredited paper published in 2014 the peer-reviewed journal, *Electoral Studies*, by Richman, Chattha, and Earnest that analyzes survey data and concludes that "non-citizens participate in U.S. elections, and that this participation has been large enough to change meaningful election outcomes including Electoral College votes, and Congressional elections." The methodology used by the authors was widely criticized as faulty, including by the political scientists who generated the survey data. *See*, Jesse T. Richman, Gulshan A. Chattha & David C. Earnest, Do Non-citizens Vote in U.S. Elections?, ELECTORAL STUDIES 36 (2014): 149-157 (2014); and the rebuttal, Stephen Ansolabehere, Smantha Luks & Brian F. Schaffner, *The Perils of Cherry Picking Low Frequency Events in Large Sample Surveys*, ELECTORAL STUDIES 40 (2015):" 409-410 (2015).

State Government Investigations and Reports

Other important sources of data for analyzing the incidence of voter fraud in U.S. elections are studies conducted by state agencies responsible for the administration of elections, and state law enforcement and auditing agencies. I review several such reports in *The Myth of Voter Fraud*,[55] and also in several subsequent expert reports prepared for plaintiffs in litigation challenging various election laws.[56] Despite variation in the context, scope, type of fraud examined, time period covered, and investigating agency involved, these studies demonstrate a clear and consistent pattern of findings: very little voter fraud, and irregularities and anomalies in the data are more likely the result of administrative or voter error or confusion than they are voter fraud.[57]

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[55] For example, as a result of public records requests sent to all Attorneys General and Secretaries of State, I obtained and analyzed all election fraud complaints referred to the California Secretary of State's Office for the period of 1994 to 2007; voter complaints collected by the Minnesota Secretary of State's Office from 2005 to 2006; investigation logs maintained by the Election Division of the Oregon Secretary of State's Office for all election law complaints for the period of 1991 to 2006; and a report of a broad investigation by the New Hampshire Attorney General's Office into concerns about voter fraud in the 2004 general election. *See* Ch. 4 of *The Myth of Voter Fraud*.

[56] *See* my expert reports in *League of Women Voters of New Hampshire, et al. v. Gardner*, State of New Hampshire Superior Court, Hillsborough, SS, Southern District, 2018; *Fish v. Kobach*, U.S. District Court for the District of Kansas, 2016-2018; *One Wisconsin Institute v. Nichols et al.*, U.S. District Court for the Western District of Wisconsin, 2016; *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District of Virginia, 2016; *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, 2015; *North Carolina State Conference of the NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina, 2014-2016; *Veasey v. Perry*, U.S. District Court for the Southern District of Texas, 2014-2015; and *Frank v. Walker/LULAC (formerly Jones) et al. v. Deininger*, U.S. District Court for the Eastern District of Wisconsin, 2012-2013.

[57] A number of states in recent years have conducted investigations of alleged voter fraud including those cited earlier in footnote 38, and in some of my expert reports cited in footnote 56, and others, for example: A multi-year investigation by the Iowa Secretary of State resulted in 27 prosecutions out of approximately 1.6 million votes cast; *see* Iowa Secretary of State Matt Schultz, DCI Voter Fraud Investigations Report, IOWA SECRETARY OF STATE (May 8, 2014), http://publications.iowa.gov/16874/1/DCI%20Voter%20Fraud%20Report%205-8-14.pdf (last visited Sept. 12, 2019); a 2013 voter fraud investigation by the Colorado Secretary of State alleged 155 non-citizens had illegally voted, however, upon further investigation by local prosecutors, almost none were charged (four people were charged, but only one man was eventually convicted of a false registration charge (*see*, Gessler Voter Sting Nets 1 Conviction Despite Accusation of Widespread Fraud, THE SENTINEL (Mar. 13, 2015), https://sentinelcolorado.com/news/gessler-voter-sting-nets-1-conviction-despite-accusation-widespread-fraud/ (last visited Sept. 12, 2019)).

D. Analysis of the Incidence of Voter Fraud in North Carolina

Evidence of Voter Fraud at the Federal Level, 1996-2019

I find that since 1996, the federal government has indicted 21 people for illegal voting in North Carolina, or fewer than one person per year. All 21 people were ineligible non-citizens charged with violating 18 U.S. Code Section 611 (among other offenses), which with a few exceptions, prohibits any alien from voting in any election where there is a candidate for federal office on the ballot.[58]

The first of these cases occurred during the first three years of the U.S. Department of Justice's BAVII, and involved a young man named Joshua Workman, a Canadian citizen studying on a sports scholarship at Lees-McRae College in Banner Elk, North Carolina. Workman got involved with the local chapter of the College Republicans, and later was elected to the Executive Committee of the North Carolina Federation of College Republicans. At the age of 19, he was one of the youngest delegates to the Republican National Convention in 2000, and considered a rising star in the Republican Party. An article about Workman by Barry Yeoman that appeared in *IndyWeek* on August 9, 2000, states that "At this moment, Joshua Workman might be the most sought-after North Carolinian anywhere in the country… Workman represents the best and brightest of this new generation [of young Republicans]… He recently became a U.S. citizen."[59] But this was not true.

On April 7, 2003, the U.S. Department of Justice charged Workman, a Canadian citizen, with "voting and related offenses in the 2002 and 2000 primary and general elections in Avery

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[58] 18 U.S.C. § 611. Voting by aliens:
(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless-
(1) the election is held partly for some other purpose;
(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and
(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.
(b) Any person who violates this section shall be fined under this title, imprisoned not more than one year, or both.
(c) Subsection (a) does not apply to an alien if —
(1) each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization);
(2) the alien permanently resided in the United States prior to attaining the age of 16; and
(3) the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States.

[59] Barry Yeoman, *Generation Bush*, INDYWEEK, August 9, 2000, *available at* http://barryyeoman.com/2000/08/generation-bush/ (Aug. 9, 2000).

County in violation of 18 U.S.C. §§ 611, 911, 1001, and 1015(f)."[60] As noted above, Section 611 prohibits voting in federal elections by "any alien;" Section 911 states "[w]hoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both;" Section 1001 pertains to making false statements; and Section 1015(f) makes it illegal to knowingly make false statements claiming citizenship in order to register to vote or to vote in any federal, state, or local election. On June 30, 2003, Workman pled guilty to the lesser charges of providing false information to election officials and to a federal agency, and returned to Canada.[61]

After the first three years of the BAVII program, voter fraud investigations and prosecutions at the federal level tapered off. Between 2006 and the enactment of the North Carolina Voter Information Verification Act of 2013 (VIVA),[62] I found only one case of alleged voter fraud in North Carolina prosecuted by the federal government. The case involved the registration and voting of a non-citizen named David Muhemedy who pled guilty to one charge of illegal voting by an alien in the 2004 election. According to news reports, in 1990, when he was six years old, Muhemedy was taken by his mother to the U.S. from Zaire, now the Democratic Republic of the Congo. The mother applied for asylum and was denied. When Muhemedy was 11, he, his mother, and younger sister were ordered deported, but remained in the country. At his 2006 hearing, Muhemedy's public defender argued that Muhemedy might not have known he was not a citizen.[63]

Since 2013, there were no further indictments for voter fraud crimes until the late summer of 2018, when the U.S. Attorney for the Eastern District of North Carolina announced

[60] The federal court records for *U.S. v. Workman* are not publicly available through the PACER system. However, the Workman indictment is briefly described in the BAVII case list, as discussed above (list on file with author).

[61] The only other case from North Carolina among the 95 indictments on the U.S. Justice Department's BAVII case list is *U.S. v. Shatley*, a successfully prosecuted case of vote-buying in Caldwell County involving five people, two of whom, sisters Anita and Valerie Moore, plead guilty, with the other three indicted people later convicted in a jury trial. Wayne Shatley was the organizer of a widespread vote-buying scheme to buy votes for the Republican candidate for sheriff, Gary Clark, in the November 2002 election. According to court records, Shatley used $5,000 to $6,000 of his own money to pay individuals $25 to vote for Clark. The court found that Shatley had induced Anita Moore to testify falsely before the Board of Elections that Shatley was not involved in the vote-buying scheme. Shatley had purchased Moore's house in a foreclosure auction and told her that whether she got her house back or not depended on her testimony.[61] It is important to note that in the context of contemporary U.S. elections, vote-buying, as a form of election corruption, always involves coercion and conspiracy. Given the secret ballot, it is not at all clear that paying a voter to vote one way or the other is ever effective. Unless there is collusion with corrupt election officials who find ways to observe vote choice, the vote purchaser has no way of knowing whether the financial incentive produces the desired result. Moreover, a voter taking money to vote for a particular candidate or party may not need the financial incentive to do so.

[62] The Voter Information Verification Act of 2013, is also referred to by its initiating legislation, H.B. 589, and is codified as S.L. 2013-381.

[63] *See*, Jessica Rocha, *Voter Rolls Risky for Aliens*, *NEWS & OBSERVER (RALEIGH)* Dec. 7, 2006.

the indictment of 19 foreign nationals for illegal voting in the 2012, 2014 or 2016 elections. Almost all qualified for court-appointed public defenders, and as of this writing, nearly all have pled guilty to mostly misdemeanor violations of 18 U.S.C. § 611(a) (Voting by Alien). None of these individual cases of illegal voting would have been prevented by the new voter photo identification requirement (S. 824) passed by the North Carolina legislature in 2018, because legal permanent residents can obtain forms of identification, such as a North Carolina driver's license, acceptable for purposes of voting under the new law.

North Carolina Voter Identification Verification Act of 2013 (H.B. 589)

For my expert report in *NAACP v. McCrory*, I reviewed the legislative record of the passage of the Voter Identification Verification Act of 2013, which made a raft of changes to North Carolina's election procedures tightening access to the ballot, including a new photo identification requirement to vote at the polls, the elimination of Same Day Registration, the elimination of out-of-precinct voting, reduction of days available for early voting, and the cancellation of pre-registration for 16- and 17-year-olds, among other reforms. The need to prevent voter fraud was a prominent rationale for the law as stated by its supporters.[64]

[64] I reviewed transcripts from the two public hearings held before the North Carolina House Committee on Elections (March 12, 2013, and April 10, 2013); proceedings before the North Carolina House Committee on Elections (March 13, 2013, April 3, 2013, April 10, 2013, and April 17, 2013); proceedings before the North Carolina House Finance Committee (April 18, 2013) and the North Carolina House Appropriations Committee (April 23, 2013); and floor debates in the North Carolina House (April 24, 2013, and July 25, 2013) and Senate (July 23, 2013, July 24, 2013, and July 25, 2013). The comments by lawmakers supporting H.B. 589 because it would address a problem with voter fraud are too numerous to list, but a few representative examples from the April 24, 2013 House floor debate serve to illustrate the point. Representative David Lewis, a prime sponsor of H.B. 589, opened the debate and his remarks this way: "We are here today because when voters are disenfranchised by the counting of improperly cast ballots or outright fraud, their civil rights are violated just as surely as if they had been denied the chance to vote...What voter fraud is there?..I will not stand before you today and list name by name or example after example, but I can tell you that the perception is that there needs to be an improvement in the integrity of the election system." Similarly, other supporters, such as Representatives Larry Pittman and John Blust, defended the bill on the grounds that it would address voter fraud. For example, Representative Pittman stated, "I'm offended by the suggestion that this bill is intended to suppress the vote of people who are not white because to me this bill seeks to address the issue of voter fraud." Representative Watt urged, "...don't take my word for the fact that voter fraud occurs. We have witnesses. We have experts. We have Supreme Court appointee, uh, justices and we have Chris Matthews of Hardball, who said that impersonation and voter fraud has gone on since the '50s. He said, 'this is how it happens, someone calls voters to ask them whether they intend to vote then all of a sudden, somebody goes and votes for them.' Said Matthews, quote, 'I know all about it in North Philly. It's what went on and I believe it still goes on.' John Fund & Hans von Spakovsky and their book on voter fraud, *Who's Counting*, said, 'investigations of voter fraud are inherently political because they often involve race, they often are not zealously pursued or prosecuted. Many federal and state prosecutions—prosecutors remain leery of tackling fraud or intimidation and sentences imposed for conviction are often far too light. While voting irregularities are common the number of people who have served hard time in jail in the last few years as a result of a conviction for voter fraud can be counted on your fingers. Several prosecutors told the authors they fear charges of racism or a return to Jim Crow vote suppression tactics if they pursue fraud cases.'" In an interview with the *Washington Post* in 2016, after a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit found the law intentionally racially discriminatory and unconstitutional, Representative Lewis maintained that he was "driven by a deep concern about voter fraud, particularly people showing up at polls and deliberately impersonating another person." See, William

But despite these claims, there was no credible evidence presented by or to lawmakers considering H.B. 589 that suggested that voter fraud, and especially voter impersonation, is a problem in the state of North Carolina.

Instead, lawmakers had information from the State Board of Elections (SBOE)[65] that suggested the *opposite* was true. On March 7, 2013, just prior to the introduction of H.B. 589, staff from the SBOE met with members of the House Appropriations Subcommittee on General Government. A week or so later, then SBOE executive director Gary Bartlett emailed members of the House Elections and House Appropriations Subcommittee on General Government a 33-page packet of additional information responding to questions and follow-up beyond the in-person presentation. A table titled, "Documented Cases of Voter Fraud in North Carolina" contains the number of "voter fraud" cases investigated by the SBOE over a 12-year period, from 2000 to 2012, that upon investigation, the agency concluded merited referral to county district attorneys for further investigation and review. [66]

It is important to point out that the SBOE's scope of statutory responsibility for election administration is broad. Under North Carolina law, the SBOE is an "independent regulatory and quasi-judicial agency" with centralized power to administer and supervise elections statewide. For example, the five-member board, appointed by the Governor from lists of nominees provided by the two major political parties, itself appoints all of the members of the 100 county boards of elections, and has the power to remove county election board members for incompetence, neglect, or failure to perform duties. It "shall require…reports from the county boards and election officers as are provided by law, or as are deemed necessary by the Board, and shall compel observance of the requirements of the election laws by county boards of elections and other election officers."[67]

Of the 631 total referrals on the SBOE's 2013 list, we can exclude 53 that do not meet our basic definition of voter fraud because the alleged crimes were not committed by individual voters (22 referrals were for vote-buying, one for illegal voter assistance, one for misrepresentation of election law, 28 for submitting fraudulent voter registration forms, and one for failing to deliver

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Wan, *Inside the Republican Creation of the North Carolina Voting Bill Dubbed the 'Monster' Law*, WASHINGTON POST, Sept. 2, 2016.

[65] As a function of legislation enacted in late 2016, the North Carolina State Board of Elections was merged into two other agencies and briefly changed its name to the Bipartisan State Board of Elections and Ethics Enforcement. Legal wrangling between the new governor and the state legislature ended with a state court finding the new board unconstitutional and the legislature passing a bill over the Governor's veto in late 2018, re-establishing the State Board of Elections as a separate entity and restoring its name. In this report, to avoid confusion, I will refer to the State Board of Elections, usually using the acronym, SBOE.

[66] Letter from Gary O. Bartlett to Committees of the North Carolina General Assembly, dated March 11, 2013, p. 23 (on file with the author).

[67] *See* North Carolina General Statutes, Elections and Ethics Enforcement Act, Section 163A-741(c).

voter registration forms). The remaining 578 cases consist of 377 cases of alleged illegal voting by persons with felony convictions,[68] 91 cases of alleged double voting, 58 cases of alleged registration or voting by non-citizens, 47 cases of alleged absentee ballot fraud, and three cases of allegedly providing a false address on a voter registration application.

Only two of the referrals were for alleged voter impersonation. I have not been able to determine the facts of one of these cases, the referral from 2004, so I cannot say whether North Carolina's voter photo identification law would have prevented it, if the alleged impersonation actually occurred. However, the second case appears to demonstrate that the new law is not necessary and that the established rules in place for identifying voters at the polls are a sufficient deterrent to voter impersonation.

In a sworn deposition taken as part of the litigation in *NAACP v. McCrory*, a long-time election crimes investigator for the SBOE, Mr. Marshall Tutor, stated that one of the two referrals for voter impersonation was the "O'Keefe investigation."[69] Tutor was referring to James O'Keefe, the conservative activist, videographer, and founder of an organization called Project Veritas, who in 2012 sent an undercover "reporter" faking a Spanish accent and a broken arm into a North Carolina polling place to "test" the system by impersonating a registered voter O'Keefe believed was not a U.S. citizen. The imposter voter secretly filmed his encounter with the poll worker, and on the video, the poll worker is shown following the rules in place at the time for releasing a ballot to a registered voter.[70] The poll worker repeatedly asks the imposter to sign the ATV or 'Authorized-to-Vote' form, swearing upon penalty of a felony crime, that he is who he says he is. In broken English, the imposter says he wants to go get his passport to prove his identity, but the poll worker informs him that the passport is not necessary; all that is required is that he swear to his identity by signing the poll book. The imposter leaves without signing and without voting, demonstrating the opposite of what O'Keefe was attempting to show, which was

[68] Bartlett states that "the largest number of criminal election law violations we receive and investigate deal with active felons registering and voting." This is born out by the data, where two-thirds of alleged voter fraud referrals (65 percent) are cases of alleged illegal felon voting. He notes that the North Carolina Constitution and General Statutes prohibit felons who have lost their voting rights from being registered or allowed to vote. But ambiguities in the controlling law and in sentencing practices create confusion and misunderstanding leading to voting violations. "It appears that many of these persons do not understand that upon a felony conviction they lose their voting rights," writes Bartlett. "When a judge sentences a felon, he goes through the judgment and informs the defendant of his rights and what will occur to him as a result of the conviction, Bartlett explains. "The defendant then expresses his or her understanding of the implications of the felony conviction and executes a document to that effect." He advises lawmakers that, "including a specific reference to losing one's current and future voter registration in the sentencing procedure and written sentencing document could make it more clear to the new felon."

[69] *NAACP v. McCrory*, Deposition of Marshall Tutor, March 19, 2015, Joint Appendix, Vol. 21, JA9587-JA9598. Tutor stated that the 2004 case involved in-person voter impersonation but could not recall any other details.

[70] The video may be viewed on O'Keefe's Project Veritas website, https://www.projectveritas.com/dead-people-receive-ballots/#fvp_NC-Non-Citizens-Voting2C-Dead-Offered-Ballots2C-UNC-Officials-Embrace-Voter-Fraud,2m04s (last visited Sept. 15, 2019).

that the lack of a photo identification requirement in North Carolina is an open door to voter fraud. What the Project Veritas video actually demonstrates is that requiring voters to swear their identity, upon penalty of a felony for lying, is an effective deterrent to voter impersonation at the polls. A burdensome photo identification requirement is not necessary.

During the period between the production of the "Documented Cases of Voter Fraud in North Carolina" table and the litigation over the VIVA, the SBOE made two additional referrals for voter fraud. Thus, over a roughly fifteen-year period, the SBOE referred 580 *potential* cases of voter fraud for further investigation by local prosecutors, two or possibly three for voter impersonation.[71]

In his 2015 deposition, Marshall Tutor states there are several sources of information regarding potential cases of voter fraud.[72] One is the county boards of elections. Another is the SBOE's voter registration list maintenance program. And a third is communications from the public. Tutor also states that local prosecutors are not required to report back to the SBOE on the outcome of any case referred to them by the SBOE for further investigation. Tutor said he encourages them to do so, and some do, but others do not. Although the county boards are not required to report back, given the SBOE's scope of authority over their operations, and the routine close contact with the local election boards, Tutor said that the likelihood that a case of voter fraud was charged by a local prosecutor that did not first come through the SBOE is "next to none."[73] This suggests that the number of referrals of potential voter fraud by the SBOE to local prosecutors is a reasonable measure of the possible scale of the problem.

Tutor also said in his deposition that the policy of then SBOE executive director Gary Bartlett was to be conservative in deciding on what cases should be referred to local prosecutors, and to not make judgments about intent. Bartlett felt that determining intent is the job of prosecutors, not the SBOE. This idea shaped how Tutor did his job. By way of example, there were several cases of alleged double voting included on the SBOE's "Documented Cases of Voter Fraud in North Carolina" table that Tutor acknowledged were very likely not cases of fraud. For example, one case involved an 86-year old man who appeared to have voted absentee in North Carolina and Florida in the 2008 election. His sister provided a sworn statement that her brother,

[71] The SBOE made a third additional referral at this time that concerned an alleged case of vote-buying, but vote-buying is not included in our calculations of voter fraud cases. In 2014, a woman named Verna Roehm admitted that she voted her recently deceased husband's absentee ballot in the 2012 presidential election, stating she wanted to honor his last request to vote for the Republican candidate, Mitt Romney. According to a news report, the crime was discovered "during a regular audit by election officials…" *See* Kathryn Burcham, *Woman Charged for Fulfilling Husband's Dying Wish of Voting*, WSOCTV.COM, https://www.wsoctv.com/news/local/woman-charged-fulfilling-husbands-dying-wish-votin/113467209 (Nov. 26, 2014). I have not been able to confirm that this case is one of the two additional referrals for possible voter fraud made by the SBOE at this time, but I suspect that it may have been, given the timing.

[72] *NAACP v. McCrory*, Deposition of Marshall Tutor, March 19, 2015, Joint Appendix, Vol. 21, JA9588-JA9626.

[73] *Ibid*., JA9599.

who had moved in with her in North Carolina after living in Florida for many years, has memory issues, limited hearing, often gets lost, and that she has taken his car keys away and keeps his driver's license on her person. The man was seeing a doctor about whether he was suffering from dementia or Alzheimer's disease. Tutor said that it would not have been his decision about whether to forward this kind of case to prosecutors, that the case was forwarded because a violation, double voting, appeared to have taken place.[74]

I have not been able to find a comprehensive accounting of the outcome of the 580 referrals made by the SBOE to local prosecutors over the 2000 to 2014 period. The SBOE itself is unlikely to have a complete record because, as mentioned above, local prosecutors are not required to report back. One effort undertaken to collect this information is that of the News21 investigative journalism team at the Walter J. Cronkite School of Journalism and Mass Communications at Arizona State University. The year-long project compiled cases of alleged voter fraud in the United States between 2000 and 2012, replicating the data collection methodology I used in *The Myth of Voter Fraud*, by sending out more than 2,000 public records requests to state elections and law enforcement authorities in every state, the U.S. Department of Justice, and the FBI.[75] The student journalists followed up these document requests with phone calls and emails, and reviewed more than 5,000 court documents, official records and media reports, and found just over 2,000 alleged cases of a variety of forms of voter fraud nationwide, including ten cases of alleged voter impersonation over the twelve-year study period – or fewer than one case per year.

Unfortunately, North Carolina was not forthcoming in responding to the public records requests. The project reports:

> When North Carolina sent a summary without details, News21 queried the 44 district attorneys across the state and got a detailed response from one of them. But almost immediately, an official with the Administrative Office of the Courts intervened and told the others not to respond to the News21 request.[76]

That official was Tammy Smith, Public Records Officer of the North Carolina Administrative Office of the Courts. She also informed Steve Doig, one of the faculty supervisors of the News21 team, that, "After reviewing your request for public records, I have determined that I have no

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[74] *Ibid.*, JA9598, JA9600-JA9601.

[75] *See* the project's website, *Who Can Vote?*, NEWS21, https://votingrights.news21.com/ (last visited Sept. 5, 2019). I served as an (unpaid) consultant on the research design and conducted a seminar for the students on the research methodology I used for *The Myth of Voter Fraud*. Their work replicates my approach and produces similar results with respect to a documented low incidence of voter fraud in contemporary U.S. elections.

[76] *See* Corbin Carson, *Exhaustive Database of Voter Fraud Cases Turns Up Scant Evidence That It Happens*, NEWS21, https://votingrights.news21.com/article/election-fraud-explainer/ (last visited Sept. 5, 2019).

public records that meet your request…[and that]…Information contained in our databases does not constitute a public record."[77]

One of the reporters with News21, Corbin Carson, reported that Mark Davis, from the General Counsel's Office of the Governor of North Carolina, told him: "You're not going to find much. In the last 100 years, there have been [*sic*] a minuscule amount of voter fraud cases. That's why we vetoed the voter ID bill, it's a non-issue."[78]

While the News21 data from North Carolina is not comprehensive, it was a credible effort to obtain complete information at the state level about the incidence of voter fraud.[79] A searchable database created from the investigative reporting team's work includes just 15 cases of alleged voter fraud in North Carolina dating back to 2000 (the Workman case, discussed above, is the earliest listed). At the time of the publication of News21's online database in August 2012, the final disposition of 12 of the 15 cases was "unknown" or "pending."[80] The pending cases involved only two alleged forms of fraud – double voting (six people) and voting using a false address (six people in one Statesville City Council election). There were no cases of voter impersonation.[81]

For my expert report in *NAACP v. McCrory*, I relied on the SBOE's investigative referral data to estimate a voter fraud rate for North Carolina, based on the strict assumption that *all* of the SBOE's unproven referrals to prosecutors were in fact actual cases of voter fraud. There were 35,134,262 ballots cast in federal/state elections alone in North Carolina between 2000 and 2014. If we assume that all 580 referrals to prosecutors were actual cases of voter fraud, we can estimate a potential voter fraud rate in North Carolina in just the major federal and statewide elections held between 2000 and 2014 of 0.001650810255. If we were to include all votes cast in non-federal elections in the calculations, the voter fraud rate would likely shrink even further toward zero.

[77] Letter from Tammy Smith to Mr. Doig, dated June 20, 2012 (on file with author).

[78] Email from Corbin Carson to Tasha Khan and Stephen Doig, dated July 20, 2012 (on file with author)

[79] The list of cases may be found by typing in North Carolina to this online database: https://votingrights.news21.com/interactive/election-fraud-database/.

[80] The defendants in the other two cases, Joshua Workman and Horatio Johnson, pled guilty. The Workman case is described above. Johnson was charged with illegal voting for having cast a ballot while still under state supervision for a felony drug charge. He claimed he did not know he was ineligible to vote and pled guilty to common law obstruction of justice.

[81] Another instance of alleged voter fraud occurred in the town of Pembroke, North Carolina in an election for city council. The candidates allegedly brought a number of people to the town's early voting or 'one-stop' location where certain potentially ineligible voters were allowed to register and vote. The SBOE simply ordered a new election, which is not unusual for small municipal elections.

NAACP v. McCrory Findings

The Voter Information Verification Act of 2013 was challenged in the U.S. District Court for the Middle District of North Carolina on constitutional grounds that it violated the Fourteenth, Fifteenth, and Twenty-Sixth Amendments, as well as Section 2 of the Voting Rights Act of 1965, and was adopted with racially discriminatory intent.[82] After almost two years of court proceedings, including 25 days of trial, testimony by 21 expert witnesses and 112 fact witnesses, and nearly 25,000 pages of exhibits, Judge Thomas D. Schroeder rejected all challenges and upheld the law.[83]

Four months later, a three-judge panel of the Fourth Circuit Court of Appeals reversed the District Court ruling, commending the court for its thoroughness in evaluating the massive record in the case, but finding that in

> …holding that the legislature did not enact the challenged provisions with discriminatory intent, the court seems to have missed the forest in carefully surveying the many trees. This failure of perspective led the court to ignore critical facts bearing on legislative intent, including the inextricable link between race and politics in North Carolina.[84]

Reviewing the same massive record of evidence as the District Court, the Fourth Circuit came to a very different conclusion about the intent of the VIVA law, finding that "…the new provisions target African Americans with almost surgical precision."[85]:

> In sum, the array of electoral 'reforms' the General Assembly pursued in SL 2013-381 were not tailored to achieve its purported justifications, a number of which were in all events insubstantial. In many ways, the challenged provisions in SL 2013-381 constitute solutions in search of a problem. The only clear factor linking these various 'reforms' is their impact on African American voters. The record thus makes obvious that the 'problem' the majority in the General Assembly sought to remedy was emerging support for the minority party. Identifying and restricting the ways African Americans vote was an easy and effective way to do so. We therefore must conclude that race constituted a but-for cause of SL 2013-381, in violation of the Constitutional and statutory prohibitions on intentional discrimination.[86]

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[82] *NAACP v. McCrory*, M.D.N.C., Case No. 1-13cv-658, Second Amended Complaint [Dkt 51], Jan. 9, 2014.

[83] *NAACP v. McCrory*, M.D.N.C., Case No. 1-13cv-658, Opinion [Dkt 440], Apr. 25, 2016.

[84] *NAACP v. McCrory*, 831 F.3d 204, 214 (4th Cir. 2017).

[85] *Id.*

[86] *Id.* at 238.

Of course, as noted above, one of the prominent publicly stated rationales for H.B. 589 by supportive lawmakers, and specifically, the new voter photo identification requirements, was to prevent voter fraud. The Fourth Circuit opinion notes that "…the State has failed to identify even a single individual who has ever been charged with committing in-person voter fraud in North Carolina."[87] Moreover, the court found that by excluding all forms of identification disproportionately held by African Americans, while accepting forms of identification for purposes of qualifying for a free voter card that are not acceptable as valid for voting, the State enacted "seemingly irrational restrictions unrelated to the goal of combatting fraud."[88] In sum:

> …we do not ask whether the State has an interest in preventing voter fraud – it does – or whether a photo ID requirement constitutes one way to serve that interest – it may – but whether the legislature would have enacted SL 2013-381's photo ID requirement if it had no disproportionate impact on African American voters. The record evidence establishes that it would not have.[89]

North Carolina State Election Audits

S.L. 2013-381 requires the SBOE to make a "diligent effort" to audit the statewide voter registration list "not less than twice each year."[90] Information about the SBOE's schedule and procedure for conducting audits and final audit reports is difficult to find. A "10-Year Death Audit" in 2014, flagged some 81 people out of some 6.5 million registered voters who were recorded as having voted after a death date.[91] I have found no evidence that any of these 81 cases are cases of voter fraud and not clerical error.[92] Earlier, in 2007, an audit of the voter registration file by the North Carolina State Auditor purportedly found that some 380 deceased voters appeared to have voted in elections between 2004 and 2006, after their dates of death.[93] The SBOE

[87] *Id.* at 235.

[88] *Id.* at 236.

[89] *Id.* at 235.

[90] Codified at N.C.G.S.A. § 163A-877 (2018).

[91] Kim Strach, Marc Burris & Veronica Degraffenreid, *Presentation to Joint Legislative Elections Oversight Committee*, NORTH CAROLINA STATE BOARD OF ELECTIONS, https://wwwcache.wral.com/asset/news/state/nccapitol/2014/04/02/13534230/SBOE_JointCommittee_April_2014.pdf at Slide 36 (last visited Sept. 11, 2019).

[92] SBOE Executive Director Strach told the Joint Elections Committee of the North Carolina General Assembly that about 30 of the 81 voters appeared to have legally cast their votes early, using an absentee ballot, and then died before Election Day. See, Laura Leslie, *State Elections Officials Seek Tighter Security*, WRAL.COM, https://www.wral.com/state-elections-officials-seek-tighter-security/13533579/ (Apr. 2, 2014).

[93] David Ingram, *State, Feds Say Rolls Out of Date, Push Changes; Official Says No Need*, *CHARLOTTE OBSERVER*, June 15, 2007 at 1A.

investigated and found that in all cases, the voters had died during the absentee voting time period after having sent in an absentee ballot.[94]

An October 2014 "Citizenship Audit" of more than 10,000 registered voters whose records were compared to data provided by the North Carolina Division of Motor Vehicles (DMV) and the U.S. Department of Homeland Security ("USDHS") resulted in a list of 1,425 voters whose citizenship status was in question at the time of the 2014 election.[95] I have found no evidence that this audit has turned up evidence of voter fraud. For example, a November 14, 2014 report by the *Camel City Dispatch* (a now defunct online news daily in Winston-Salem) states the following:

> Out of the 1,425 names on the list, 73 were in Forsyth County…[A]t a special meeting that was also supposed to serve as a preliminary hearing only 2 challenges to voters were brought and both were dismissed and the votes certified. The first challenge was of Ms. Laura Lee. The contention made by the chief judge in the 708 precinct was that Ms. Lee is not an American citizen based on the state Board of Election's list…except that she is a natural born citizen who started voting in 2012's Presidential Election. Ms. Lee is a young, white lady who lives in Winston-Salem…The only other challenge was for a Mr. Mbop…but his challenger…didn't show up…so his vote was approved.
>
> When the State Board first issued its list many supporters of the 'massive voter fraud' conspiracy [theorists] like Forsyth BOE Chairman Ken Raymond were elated. At the time Raymond told Bertrand Gutierrez with the *Winston-Salem Journal*: 'There are a lot of people at the local and state level that are working hard to ensure the integrity of our voting process and to hear that there are 1,425 illegal registrations on our voter rolls is extremely troubling, especially since so many people are working to keep the voter rolls clean," Raymond said in an email.
>
> ...Out of those 1,425 state-wide and 73 'illegal' registrations here in Forsyth County exactly zero resulted in a rejected vote in the 2014 General Election.[96]

Another example is the case of Diana Roberts, a naturalized citizen residing in Charlotte at the time, who was erroneously flagged as a non-citizen in the audit. Roberts and her father are

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[94] *See* Letter from Gary Bartlett, Executive Director of the North Carolina State Board of Elections to the Hon. Leslie W. Merritt, Jr., State Auditor, dated June 13, 2007, p. 9 (on file with author).

[95] Benji Schwartz, *NC Board of Elections Finds 1,425 Non-Citizen Voters*, DAILYTARHEEL.COM (Oct. 28, 2014), http://www.dailytarheel.com/article/2014/10/nc-board-of%20elections%20finds%201425%20non-citizen%20voters

[96] Chad Nance, *Board of Elections Purge List a Bust in Forsyth County*, CAMEL CITY DISPATCH (Nov. 14, 2014), http://www.camelcitydispatch.com/board-of-elections-purge-list-a-bust-in-forsyth-county-6874/. I note that former Forsythe County Elections Board chair, Mr. Kenneth Raymond, currently serves on the SBOE and is a named defendant in this litigation.

refugees from the Liberian civil wars of the 1990s. They told Chris Kromm of *Facing South* that they were eager to become U.S. citizens and to participate in American democracy. Diana, an 18-year old high school senior registered to vote in September, two months before the 2014 general election. When they arrived at their polling place on the morning of Election Day, they were told by a poll worker that there was a problem with Diana's citizenship status and made to wait more than two hours while precinct officials "called downtown" for help. Mecklenburg County had received its list from the SBOE of some 300 registered voters whose citizenship status was in question just two days before. Tired and frustrated Diana left the polling place without casting a ballot and told Kromm that she did not plan on voting in the next election.[97]

Former SBOE Executive Director Kim Westbrook Strach explained the outcome of the 2014 Citizenship Audit in a letter to the Hon. Chris Millis, dated February 6, 2015: "Of the 1,454[98] flagged registrants," she wrote, "89 attempted to vote in the 2014 General Election. Various counties conducted independent research into citizenship status of the flagged registrants outside of the challenge process. In some instances, the registrant produced a valid U.S. Passport to poll workers prior to any challenge proceeding. Ultimately, elections officials challenged 24 registrants, *11 were sustained* (emphasis added).[99] The pattern of very large numbers of potential ineligible voters identified through crude list matching techniques being reduced to almost nothing once the matched files are investigated is typical of every incident of this kind that I know of.[100]

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[97] Chris Kromm, *Denying a Dream: Charlotte Voters Snared in N.C. Crackdown on Alleged Non-citizens*, FACING SOUTH (May 15, 2015), https://www.facingsouth.org/2015/05/denying-a-dream-charlotte-voters-snared-in-nc-crac.

[98] Over the course of the investigation, the number was revised upward by 29 cases over what was first reported in an October 24, 2014 press release. *See*, North Carolina State Board of Elections, *Board Finalizes Citizenship Audit*, (Oct. 24, 2014), https://www.ncsbe.gov/Press-Releases?udt_2226_param_detail=15.

[99] *See* Letter from Strach to Millis, February 6, 2015 (on file with author).

[100] Another example from North Carolina concerns a self-appointed watchdog group called the Voter Integrity Project-North Carolina and their troubling efforts to independently police the voter registration rolls. In 2013, the group compared lists of registered voters in North Carolina and Florida from the 2012 presidential election and identified about 500 Florida voters who listed alternate addresses in North Carolina and who voted in Florida. They then looked for those people in North Carolina's voter file and identified 33 who may have voted in North Carolina, based on a conclusion that their address in the North Carolina voter file "seemed to match" the address in the Florida voter file *See*, email from Jay DeLancy to Division of Elections, Florida Department of State, and Don Wright and Gary Bartlett of the North Carolina SBOE, dated January 28, 2013. The SBOE coordinated with the Florida Division of Elections and whittled the list down to nine people; however, four of those people were then excluded due to bad voter histories in the Florida voter file. The remaining five people, or just one percent of the original 500 flagged by a flawed list matching exercise were referred for prosecution. Of these five, according to an April 2, 2015 blog post by VIP-NC Director Jay DeLancy, two were being investigated by law enforcement officials in Rutherford and Moore Counties; one case in Wayne County was not pursued because the alleged double voter was elderly and perhaps confused; and in the other two cases, the district attorneys declined to investigate. *See*, Voter Integrity Project-North Carolina, *First Arrested FLANC Double Voter ID'd...as a Republican!*, VOTERINTEGRITYPROJECT.COM (Apr. 2, 2015), https://voterintegrityproject.com/first_flanc_id/. The VIP-NC claims in a press release announcing the results of a subsequent year-long research effort that, "News of those referrals helped the group convince the NC Legislature to join the Interstate Crosscheck program that resulted in last week's announcement, involving 35,000 North Carolina voters suspected of voting twice in the 2012 General Election."

The information concerning citizenship contained in North Carolina Division of Motor Vehicles (DMV) and U.S. Department of Homeland Security (USDHS) files is not "live" in the sense that it is updated in real time. The data reflects information gathered at the point of contact between people and these agencies. It easily could be outdated, leading to erroneous outcomes when matched to the voter file. Legal Permanent Residents and other non-citizens who are lawfully present in the U.S. are permitted to obtain driver's licenses in North Carolina; if they become U.S. citizens after obtaining driver's licenses, as many do, their citizenship status with the DMV will be inaccurate.[101] Voting rights groups have raised concerns about the potential for bias in citizenship audits relying on USDHS's SAVE database (*see* note 100), especially toward naturalized Latino citizens who may be improperly identified in this database.[102]

See Voter Integrity Project-North Carolina, *VIP-NC Reports 147 Suspected of 'Double Voting' in FL and NC Officials (sic)*, VOTERINTEGRITYPROJECT.COM (Apr. 8, 2014), https://voterintegrityproject.com/flanc-3/. More recently, in the months leading up to the 2016 presidential election, volunteers associated with the VIP-NC sent mailings to registered voters in several North Carolina counties, and then challenged voters based on a single piece of returned mail. As a result of VIP-NC's faulty, error-prone process, county election boards in Moore, Beaufort, and Cumberland counties purged between 3,500 and 4,000 voters beginning in August 2016. A federal judge ruled that the purges likely violated provisions of the National Voter Registration Act of 1993, and ordered the purged voters restored to the voter rolls. See, *North Carolina State Conference of the NAACP v. The North Carolina State Board of Elections*, M.D.N.C., Case No. 16-cv-1274, Order Granting Preliminary Injunction, Nov. 4, 2016. *See also*, Curt Devine, Drew Griffin & Scott Bronstein, *The Man Who Helped Purge Thousands from the Voter Rolls in North Carolina*, CNN.COM (Nov. 5, 2016), https://www.cnn.com/2016/11/05/politics/north-carolina-voter-rolls/index.html.

[101] The USDHS data retrieval system used in the Citizenship Audit, the Systematic Alien Verification for Entitlements or "SAVE" program, compiles millions of records from at least 12 databases containing information about people who have interacted with any of the different agencies that make up the sprawling U.S. immigration system. SAVE user agencies, which now include state election officials from certain counties in Arizona and at least four states (Iowa, Florida, Colorado, and since October 2014, North Carolina), sign Memoranda of Agreement ("MOAs") with the federal government outlining the specific ways the data will be queried and used and pay fees to access and submit queries to the SAVE system. The system is designed to check for benefit eligibility, not citizenship per se (it does not contain records on natural born citizens, for example). U.S. Government Accountability Office staff interviewed USDHS officials for a report on how federal data could be improved to aid election administration. The USDHS officials told the auditors that the SAVE program had limitations for the purpose of identifying non-citizens on the voter rolls. The report states a "…DHS official said that the SAVE Program is set up to query information based on the number on the alien's Arrival and Departure Record form (I-94) or an alien's DHS assigned 'A' number. It is a web-based system, and records are normally queried one at a time, although processing multiple records using the SAVE program is possible. Because voter registration is limited to U.S. citizens, voter registration records would not contain alien or form I-94 numbers. The SAVE Program can be queried by a social security number, name, and date of birth if the alien's 'A' number or I-94 number are unknown. However, DHS officials opined that using the SAVE Program would require additional verification of the person's identity, either automated or manual, as a precautionary measure before removing a person from a voter registration list based on a match." *See*, U.S. GOA, *Elections: Additional Data Could Help State and Local Elections Officials Maintain Accurate Voter Registration Lists*, GAO-05-478 (U.S. Printing Office, Jun. 2005) at 47.

[102] A Migration Policy Institute brief on the uses of the SAVE program for verifying the citizenship status of registered voters warns that the SAVE system "…may not include the names of certain categories of U.S. citizens who could be eligible to vote, for example:

The SBOE continued to refine and expand its post-election audit program after the 2014 election, and hired a retired FBI investigator to create a formal Investigations Division within the agency. With budgetary approval from the legislature, the new chief investigator then hired additional employees to staff the Division. But despite the expanded investigatory capacity, the number of cases of alleged voter impersonation or other fraudulent registration or balloting crimes committed by voters has not appreciably changed, as evidenced by an SBOE audit of the 2016 election.[103]

Turnout set a record in 2016, as the highest in state history. And like other recent elections in North Carolina, according to the authors of the SBOE's report, "…suspected cases of ineligible voters casting ballots and/or committing fraud represent a tiny fraction of that number."[104] To be precise, at the time of the release of the audit, the SBOE had referred just two cases of voter impersonation to prosecutors, one involving an absentee ballot, the other a vote cast in person at a polling place.[105] Both cases involved family members voting for recently deceased persons who wanted to vote Republican, and in both cases the perpetrators told investigators that they did not think that what they were doing was illegal. They blamed the stress of the situation for their illegal actions, and it appears that in at least one of the cases, the district attorney declined to prosecute.[106]

- Individuals born abroad who derived U.S. citizenship from their parents as minors but did not apply for or receive a certificate of citizenship.
- Individuals born abroad and adopted by U.S. citizen parents who did not apply for or receive a certificate of citizenship.
- Individuals whose naturalization status has not been updated in USCIS databases.
- Naturalized citizens with higher potential for name discrepancies, for example, if a name is transcribed from another alphabet or contain hyphens, prefixes, or suffixes.
- Naturalized citizens (in many cases, women post-marriage) who have changed their names, and whose correct name is not updated in immigration databases."

See Muzaffar Chishti & Faye Hipsman, *State Access to Federal Immigration Data Stirs New Controversy in Debate over Voting Rights*, MIGRATION POLICY INSTITUTE (Sept. 12, 2013), http://www.migrationpolicy.org/article/state-access-federal-immigration-data-stirs-new-controversy-debate-over-voting-rights.

[103] North Carolina State Board of Elections, *Post-Election Audit Report: General Election 2016* (Apr. 21, 2017), https://www.ncsbe.gov/press-releases?udt_2226_param_detail=162.

[104] *Ibid*., 2.

[105] *Ibid*., 6. In addition, the SBOE reported that through its list maintenance and data matching programs, it had identified 24 substantiated cases of double-voting, but cautioned that "…administrative errors by poll workers can lead to...false positives in audits that can only be detected by more detailed review" (p. 2). I have not been able to verify whether these cases are in fact cases of *fraudulent* voting.

[106] *Ibid*., Appendices 4.1 and 4.2.

The audit also identified a relatively small number of potentially invalid ballots cast in the 2016 election by two categories of ineligible voters: 1) people with felony convictions who have not yet had their voting rights restored; and 2) non-citizens legally present in the U.S., but who are barred from voting in North Carolina. Since such persons are permitted to obtain North Carolina driver's licenses, the photo identification requirement at issue in this litigation would not have prevented these people from casting ballots.[107]

The SBOE audit report stresses that of the roughly 500 alleged suspect votes cast in the 2016 election by ineligible voters with felony convictions, legal permanent residents, and double voters, "…no races – statewide or local – would have had a different outcome than the one already certified by the state."[108] Moreover, the SBOE "…strongly cautions readers not to refer to each of these cases as 'voter fraud.'"[109]

> The evidence suggests that participation by ineligible voters is neither rampant nor non-existent in North Carolina. Our audits suggest that in the 2016 general election, approximately 0.01% of ballots were cast by ineligible voters. Most incidents are isolated and uncoordinated, and detecting technical violations does not always prove purposefully unlawful conduct.[110]

Another way to think about the potentially invalid ballot rate is a one suspect ballot for every 9,389 legal ballots. We do not yet know how many of the potentially invalid ballots identified by the SBOE's audit were actually *fraudulent*.[111] What we do know from the publicly

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[107] Whereas the voters with felony convictions could have been registered to vote prior to their convictions and mistakenly left on the voter rolls as legitimate voters, it is not known how the non-citizens got registered. The SBOE's audit of the 2014 election identified "nearly 100" likely non-citizens who had been "improperly processed due to administrative error." *See* Letter from Kim Westbrook Strach to Rep. Chris Millis, dated February 6, 2015, p. 4. Mistakes by election officials, human error and confusion on the part of voters are more plausible explanations.

[108] SBOE, "Post-Election Audit Report," 1.

[109] *Ibid*., 7.

[110] *Ibid*. This same message is conveyed in a Powerpoint slide document prepared by the SBOE Investigations Division as training materials for local election directors, presented by Joan Fleming, the SBOE's Chief Investigator, at the annual meeting of the North Carolina Association of Directors of Elections in Wilmington, North Carolina (April 9-11, 2017); see here for a draft agenda including Ms. Fleming https://projects.ncsu.edu/mckimmon/cpe/opd/NCADE/pdf/daAgenda.pdf. The Powerpoint file was provided to me by attorneys in this litigation and is dated April 11, 2017. Slide 15 states: "Based on the evidence we currently have, voter fraud is **neither** 'rampant' nor is it 'non-existent.'" Most incidents are **isolated**, not coordinated" (emphasis in original; on file with the author).

[111] Attorneys in this litigation provided me with a document titled, "2016 Investigations Division Summary Chart," reflecting "cases opened and investigated by the N.C. State Board of Elections & Ethics Enforcement Investigations Division in calendar year 2016 and their dispositions as of December 31, 2017" (on file with author). It is difficult

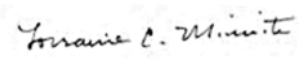
available evidence produced by investigators and prosecutors, is that administrative failings and mistakes, as well as voter error and confusion, and not an intent to commit fraud or dilute the votes of legally registered voters are much more likely to have generated the irregularities.

IV. CONCLUSION

Voters can only influence the part of the electoral process to which they have access, namely registering themselves to vote and casting their own votes. There is virtually no evidence that would suggest voters are systematically intentionally corrupting the electoral process, either nationally or in North Carolina. Accordingly, I conclude that stringent photo identification requirements to vote are not justified by claims that such requirements are needed to reduce or prevent voter impersonation forms of election fraud in North Carolina because as the empirical record makes clear, fraud committed by voters either in registering to vote or at the polls on Election Day is exceedingly rare.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,



Executed on: September 13, 2019

Lorraine C. Minnite

to precisely align the data reported in this chart with the data reported in the state audit of the 2016 election because, as stated in the document, many investigations arising out of the 2016 General Election audit were not opened until 2017. Nevertheless, the data indicates that of the 154 investigations of alleged voter fraud opened in 2016, only three concerned voter impersonation, and only one of these cases was "substantiated." It is not possible to determine from the chart whether this one "substantiated" case was referred to prosecutors for further investigation or led to a conviction.

APPENDIX A

Curriculum Vitae of Lorraine C. Minnite, Ph.D.

EDUCATION

The Graduate School and University Center of the City University of New York
Ph.D. in Political Science, 2000
Dissertation: "Identity, Voting Rights and the Remapping of Political Representation in New York City"
Honors: Distinction

M.Phil. in Political Science, 1994
Major field: American Politics
Minor field: Public Policy

M.A. in Political Science, 1992
Master's Thesis: "The Ecology of the Underclass: William Julius Wilson and the Chicago School"

Boston University, College of Liberal Arts
B.A. in History, 1983
Area of Concentration: American Civilization

ACADEMIC EXPERIENCE

Associate Professor
Rutgers, The State University of New Jersey – Camden Campus, 2011 to present.
Teach graduate courses in public policy and community development, and undergraduate courses in urban studies and voting rights.

Assistant Professor
Barnard College, Columbia University, January 2000 to 2011.
Taught undergraduate courses in American politics and urban studies.

Associate Director
The Center for Urban Research and Policy, Columbia University, December 1993 to 2000.
Responsible for the day-to-day management of the Center; wrote grant proposals and helped secure funding from government and private sources for all activities totaling nearly $2,000,000.

Instructor and Research Associate
Metropolitan Studies Department, New York University, Spring 1991.
Designed and taught a core course for undergraduates on the political and economic development of post-war American cities.

Assistant Program Director
Borough of Manhattan Community College, City University of New York, 1987 to 1990.
Assisted the Director in all administrative aspects of the BMCC Summer Immersion Program, a non-traditional, intensive, remedial education program.

Research Assistant and Data Analyst
CUNY Data Service, The Graduate School, City University of New York, 1987 to 1991.
Programmed and analyzed large data sets from the 1980 STF and PUMS (microdata) Census files, and the New York City Housing and Vacancy Surveys.

Research Assistant
Department of Political Science, The Graduate School, City University of New York, 1985 to 1987.
Worked on various research projects for Prof. Marilyn Gittell.

OTHER EMPLOYMENT

Research Director
Project Vote, 2010 to 2011.
Developed a research program and conducted research for a non-profit organization that runs voter registration drives, litigates violations of the National Voter Registration Act of 1993, and advocates for the voting rights of minorities, youth and the poor.

Issues Director
The Committee for David N. Dinkins, II, New York City, 1991 to 1993.
Conducted research for Mayor David N. Dinkins' campaign committee on a wide range of public policy issues and problems facing New York City.

Campaign Manager
McCabe for City Council, Brooklyn, New York, 1991.
Organized and administered a successful campaign for the Democratic Party nomination and the New York City Council seat in the 38th Council District.

Union Organizer
District 65/UAW, (AFL-CIO), Northeast Regional Office, Boston, Massachusetts, 1984 to 1985, Summer 1986.
Participated in the planning and implementation of a union organizing campaign; served as editor of a union local's newsletter; assisted negotiating committee in contract negotiations.

ACADEMIC AND PROFESSIONAL HONORS

Distinguished Alumni Award, Department of Political Science, CUNY Graduate School, 2014
Jay Sigler Award for Teaching Excellence, Rutgers-Camden Public Administration Student Association, 2013
Affiliated Faculty, Center for Community Leadership, Rutgers-Camden, 2013 to present
Affiliated Faculty, Center for Urban Research and Education, Rutgers-Camden, 2012 to present
Civic Engagement Faculty Fellow, Rutgers-Camden, 2012
Selected a "Top Wonk" in Democracy and Elections, The Agenda Project, 2012
2011 *Choice* Magazine "Outstanding Academic Title" for *The Myth of Voter Fraud*
Carnegie Corporation of New York Special Opportunities Fund Award ($50,000), 2007
Senior Fellow, Dēmos – A Network for Ideas and Action, 2006 to 2014
Member, Working Group on Immigration Challenges, The Century Foundation Homeland Security Project, 2004
Faculty Fellow, Institute for Social and Economic Research and Policy, Columbia University, 2002 to 2011
Member, Working Group on New York's Recovery from 9-11, Russell Sage Foundation, 2002 to 2005
Curriculum Development Award ($1,500), Barnard Project on Diaspora and Migration, 2000
CUNY Graduate School Dissertation Year Fellowship ($10,000), 1996-1997

PROFESSIONAL AFFILIATIONS

American Political Science Association
American Sociological Association

Association for Public Policy Analysis and Management
Scholars Strategy Network
Social Science History Association
Southern Political Science Association
Urban Affairs Association

TEACHING ACTIVITIES

Doctoral Supervision: Chair

Rutgers-Camden
Lew Bivona, *in-progress*
Jackie Bradley-McFarlane, *in progress*
Shaina Gaines, *in-progress*
Peggy Jean Craig McCaffery, *in-progress*
Dan Tarng, *in-progress*
Rasheda Weaver, *completed 5/17*
Curtis Williams, *in-progress*
Zachary Wood, *completed 5/19*

Doctoral Supervision: Committee Member

Rutgers-Camden
Spencer Clayton, *completed 5/19*
Ashley Nickels, *completed 5/16*
Wendy Osefo, *completed 7/16*
Jason Rivera, *completed 7/15*

External Examiner (Ph.D.)

Fielding Graduate School
Gregory Williams, *completed 10/18*

Courses Taught

Rutgers University-Camden (Graduate)
Alternative Development Strategies for Distressed Cities (Ph.D.)
Civic Engagement, Nonprofits and Community Development (Ph.D.)
Foundations of Policy Analysis (MPA and Executive MPA)
Politics of Community Development (Ph.D.)
Practicum in Community Development (Ph.D.)
Research Workshop (MPA)
Theory and History of Community Development (Ph.D.)
Urbanism and Sustainable Development in Cuba (Undergraduate and Graduate-level Study Trip)

Rutgers University-Camden (Undergraduate)
Honors College Seminar: The Right to Vote
Poverty and the Urban Environment

Barnard College, Columbia University (Undergraduate)
American Urban Politics
Contemporary Urban Problems
Dynamics of American Politics
Participation and Democracy

Senior Research Seminar in American Politics
Urban Myths and the American City

New York University (Undergraduate)
The Crisis of the Modern American City

Graduate Committee Examiner

Rutgers University, Ph.D. Program in Public Affairs/Community Development, Dissertation Committees (see above)
Columbia University Ph.D. Program in Political Science, Dissertation Committee, 12/00, 5/03, 5/09.
Columbia University School of Architecture, Planning and Preservation, Dissertation Proposal Committee, 2/08.
Columbia University School of Architecture, Planning and Preservation, Dissertation Committee, 4/10.
CUNY Graduate Center Ph.D. Program in Political Science, Dissertation Committee, 4/05, 5/06, 8/06.
CUNY Graduate Center Ph.D. Program in Political Science, Oral Doctoral Exam, 12/00.

PEER-REVIEWED PUBLICATIONS

Books

The Myth of Voter Fraud, Ithaca, New York: Cornell University Press, 2010.

Keeping Down the Black Vote: Race and the Demobilization of American Voters, New York: The New Press, 2009; co-authored with Frances Fox Piven and Margaret Groarke.

Journal Articles

"New Challenges in the Study of Right-wing Propaganda: Priming the Populist Backlash to 'Hope and Change,'" *New Political Science* 34:4 (2012), 506-526.

"Modeling Problems in the Voter ID-Voter Turnout Debate," *Election Law Journal* 8:2 (2009), 85-102; co-authored with Robert S. Erikson.

"Models, Assumptions, and Model Checking in Ecological Regressions," *Journal of the Royal Statistical Society* 164, Part 1 (2001), 101-118; co-authored with Andrew Gelman, David K. Park, Stephen Ansolabehere, and Phillip N. Price.

Chapters in Edited Volumes

"Voter Suppression," in Levon Chorbajian and Daniel Egan, eds., *Power and Inequality: Critical Readings for a New Era*, New York: Routledge, *forthcoming*; co-authored with Frances Fox Piven.

"Competing Concepts of Social Class: Implications and Applications for Community Development," in Mae Shaw and Marjorie Mayo, eds., *Class, Inequality and Community Development*, Bristol, UK: Policy Press at the University of Bristol, 2016; co-authored with Frances Fox Piven.

"The Voter Fraud Myth," in Benjamin E. Griffith, ed., *America Votes! Challenges to Election Law and Voting Rights*, Chicago: American Bar Association, 2016.

"Making Policy in the Streets," in James DeFilippis, ed., *Urban Policy in the Time of Obama*, Minneapolis: University of Minnesota Press, 2016*;* co-authored with Frances Fox Piven.

"Poor People's Politics," in David Brady and Linda Burton, eds., *Oxford Handbook of the Social Science of Poverty*, New York: Oxford University Press, 2016; co-authored with Frances Fox Piven.

"Crisis, Convulsion and the Welfare State," in Kevin Farnsworth and Zoë Irving, eds. *Social Policy in an Age of Austerity*, Policy Press, 2015; co-authored with Frances Fox Piven.

"Voter Identification Laws: The Controversy Over Voter Fraud," in Matthew J. Streb, ed., *Law and Election Politics: The Rules of the Game*, 2nd Ed., New York: Routledge, 2012.

"Lost in Translation? A Critical Reappraisal of the Concept of Immigrant Political Incorporation," in Jennifer Hochschild and John H. Mollenkopf, eds., *Bringing Outsiders In: Transatlantic Perspectives on Immigrant Political Incorporation*, Ithaca, New York: Cornell University Press, 2009.

"Environmental Risk and Childhood Disease in an Urban Working Class Caribbean Neighborhood," in Sherrie L. Baver and Barbara Lynch Deutsch, ed., *Beyond Sun and Sand: Caribbean Environmentalisms*, New Brunswick, NJ: Rutgers University Press, 2006; co-authored with Immanuel Ness.

"Outside the Circle: The Impact of Post-9/11 Responses on the Immigrant Communities of New York City," in John H. Mollenkopf, ed., *Contentious City: The Politics of Recovery in New York City*, New York: Russell Sage Foundation, 2005.

"Between White and Black: Asian and Latino Political Participation in the 2000 Presidential Election in New York City," in William E. Nelson, Jr. and Jessica Lavariega Monforti, eds., *Black and Latino/a Politics: Issues in Political Development in the United States*, Miami: Barnhardt and Ash, 2005; co-authored with John Mollenkopf.

"The Changing Arab New York Community," in Kathleen Benson and Philip M. Kayal, eds., *A Community of Many Worlds: Arab Americans in New York City*, Syracuse: Syracuse University Press, 2002; co-authored with Louis Abdellatif Cristillo.

"Social Capital, Political Participation and the Urban Community," in Susan Saegert, J. Phillip Thompson, and Mark Warren, eds., *Social Capital and Poor Communities*, New York: Russell Sage Foundation, 2001; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

"Patterns of Neighborhood Change," in John H. Mollenkopf and Manuel Castells, eds., *Dual City: Restructuring New York*, New York: Russell Sage, 1991; co-authored with Frank F. DeGiovanni.

OTHER PUBLICATIONS

Chapter in Conference Proceedings

"The Political Participation of Immigrants in New York," in *In Defense of the Alien: Proceedings of the 2000 Annual National Legal Conference on Immigration and Refugee Policy*, Vol. XXIII. New York: Center for Migration Studies, 2001; co-authored with Jennifer Holdaway and Ronald Hayduk.

Encyclopedia Entries

"Voter Participation," in *The Encyclopedia of Social Work*, 20th ed., New York: Oxford University Press, 2008, online version, 2013; co-authored with Frances Fox Piven.

"The Underclass," in *The International Encyclopedia of Social and Behavioral Sciences*, 2nd Ed., Waltham, Mass.: Elsevier, 2016; co-authored with Paul J. Jargowsky.

"Welfare," in *The International Encyclopedia of Social and Behavioral Sciences*, 2nd Ed., Waltham, Mass.: Elsevier, 2016; co-authored with Joan Maya Mazelis.

"The Working Families Party," in Immanuel Ness, ed. *The Encyclopedia of American Third Parties*, Armonk, New York: M.E. Sharpe, Inc., 2000.

Book Reviews

Waiting for the Cemetery Vote, by Tom Glaze*, American Review of Politics*, (Spring/Summer 2012).

Election Fraud: Detecting and Deterring Electoral Manipulation edited by R. Michael Alvarez, Thad Hall and Susan D. Hyde, *Election Law Journal* 8:3 (2009).

Governing From Below: Urban Regions and the Global Economy by Jefferey M. Sellers, Cambridge University Press, 2002, in *Political Science Quarterly* Vol. 118, No. 4 (Winter 2003-2004).

Social Class, Politics, and Urban Markets: The Makings of Bias in Policy Outcomes by Herman L. Boschken, Stanford, CA: Stanford University Press, 2002, in *The International Journal of Urban and Regional Research*, Vol. 27, No. 4 (December 2003).

The Miami Fiscal Crisis: Can A Poor City Regain Prosperity? by Milan J. Dluhy and Howard A. Frank, Westport, Connecticut: Praeger Publishers, 2002, in *Political Science Quarterly* Vol. 117, No. 4 (Winter 2002-2003).

Research Reports, Memoranda and Briefs

The Misleading Myth of Voter Fraud in American Elections, Key Findings Brief, Scholars Strategy Network, February 2014.

Latino New Yorkers in the 2008 Presidential Election: The New Americans Exit Poll, New York Latino Research Network (NYLARNet) at The University of Albany, Fall 2011.

Research Memo: First-time Voters in the 2008 Election, Project Vote, Washington, D.C., April 2011.

An Analysis of Who Voted (And Who Didn't Vote) in the 2010 Election, Project Vote, Washington, D.C., November 2010.

Research Memo: Debunking the Tea Party's Election Night Message, Project Vote, Washington, D.C., October 26, 2010.

What Happened to Hope and Change? A Poll of 2008 Voters, Project Vote, Washington, D.C., September 2010.

Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security, Dēmos – A Network for Ideas and Action, New York, November 2007.

The Politics of Voter Fraud, Project Vote, Washington, D.C., March 2007.

Securing the Vote: An Analysis of Election Fraud, Dēmos – A Network for Ideas and Action, 2003, New York; updated 2007; co-authored with David Callahan.

Journalism

My expertise on elections and voter fraud was sought and widely cited and I was quoted in print and broadcast media in every federal election since 2008, including, for example, in the following: *The New Yorker Magazine*, *The New Yorker Radio Hour*, *The New Republic*, *Mother Jones*, *The Wall Street Journal*, *In These Times*, *American Prospect*, *Washington Monthly*, *Monthly Review*, *New Left Review*, *The New York Times*, *The Washington Post*, *The Christian Science Monitor, Associated Press*, McClatchy, Al Jazeera English (*Fault Lines*, Washington, D.C.), WZBC (*News*, Boston), WBAI (*Democracy Now!*, New York), WNYC (*The Brian Lehrer Show*, New York), WHYY (*Radio Times*, Philadelphia), NPR (*Morning Edition*, Washington, D.C.), CBS News, ABC News Radio, Salon.com, Talking Points Memo, Alternet, The Huffington Post, Slate Magazine, and CQ Researcher, among many others.

"Why the Democrats and Movements Need Each Other," *In These Times* (cover story), October 17, 2017; co-authored with Frances Fox Piven.

"The Power of Disruption: An Interview with Frances Fox Piven," *Global Dialogue: Newsletter for the International Sociological Association* 5(4): December 2015.

"The Myth of Voter Fraud," BillMoyers.com, March 9, 2015.

"Movements Need Politicians – And Vice Versa," *The Nation*, October 22, 2012; co-authored with Frances Fox Piven.

"The Other Campaign: Who Gets To Vote," *New Labor Forum*, May 2012; co-authored with Frances Fox Piven.

"Why We Need ACORN," *Los Angeles Times*, April 22, 2010; co-authored with Frances Fox Piven.

"Re-Drawing the Map of U.S. Politics," *Red Pepper*, April, 2008; co-authored with Frances Fox Piven.

"N.C. Rejects Politics of Fear," *The Charlotte Observer*, Charlotte, North Carolina, July 18, 2007.

"They Are Arriving: Immigrants Are Gaining Power in New York's Voting Booths," *New York Daily News,* New York, July 24, 2005.

"Albany's Making Bad Elections Worse," *New York Daily News,* New York, August 22, 2004.

UNPUBLISHED PAPERS, PRESENTATIONS AND REPORTS

Works in Progress

"*Demosprudence* and Grassroots Struggles to Protect and Expand the Right to Vote"

"Does Concentration Worsen Poverty? The Case of Philadelphia"

"Human Error in Election Administration"

"Felony Disfranchisement and the New Three-Fifths Rule"

"The Voting Rights of the Poor"

Conference Participation, Papers and Invited Presentations

"Human Error in Election Administration," paper presented at the 89th Annual Meeting of the Southern Political Science Association, New Orleans, January 4-6, 2018.

Invited Panelist, "Impasses: Beyond Social Democracy," Transcending Pessimism, Reimagining Democracy: A Conference in Honor of Leo Panitch, York University, Toronto, October 6-7, 2017.

Invited Lecture, "The Politics of Voting: Who Shall Be the Electors?" Saul O. Sidore Lecture Series, Centers on Race, Class and Gender in a Divided America, University of New Hampshire-Manchester, Manchester, New Hampshire, March 21, 2017.

"Deadwood and Disenfranchisement: Maintaining Election Lists in the United States," paper presented at the 87th Annual Meeting of the Southern Political Science Association, New Orleans, January 12-14, 2017; co-authored with Margaret Groarke.

Invited Speaker, "Defending Democracy: How Political Scientists Are Engaging in the Fight Over Voting Rights (And Why You and Your Dept. Should Too)," roundtable presented by the Scholars Strategy Network at the 112th Annual Meeting of the American Political Science Association, Philadelphia, September 1-4, 2016.

Invited Panelist, "Beyond Neoliberalism: Social Justice after the Welfare State," Symposium Sponsored by the Center for the Study of Social Difference, Women Creating Change, the Heyman Center for the Humanities, and the History Department at Columbia University, New York City, April 2, 2016.

Invited Panelist, "Voting Rights at 50," 22nd Annual First Monday Celebration, Eric R. Neisser Public Interest Program, Rutgers School of Law, Newark, New Jersey, October 7, 2015.

Panel Organizer and Chair, "Electoral Rules, Voting and Turnout: New Pathways for Research," panel at the 111th Annual Meeting of the American Political Science Association, San Francisco, September 3-6, 2015.

"Community and Class in a Neoliberal Age," paper presented at the 110th Annual Meeting of the American Sociological Association, Chicago, August 22-25, 2015; co-authored with Frances Fox Piven.

"Black Urban Liberalism: A Case Study of Democratic Inclusion and Economic Exclusion in Philadelphia, 1970-2010," paper presented at the 45th Annual Meeting of the Urban Affairs Association, Miami, April 8-11, 2015.

Invited Speaker, "Does Concentration Worsen Poverty? The Philadelphia Case," Center for Urban Research and Education, Rutgers University, Camden, December 12, 2014.

Invited Speaker, "The State of Voting Rights," sponsored by the Atlanta Chapter of the Scholars Strategy Network, Atlanta, December 2, 2014.

"The Poverty of Politics in a Northern City: A Case Study of Democratic Inclusion and Economic Exclusion in Philadelphia, 1970-2000," paper presented at the 39th Annual Meeting of the Social Science History Association, Toronto, November 6-9, 2014.

"Crisis, Convulsion and the Welfare State," roundtable presentation at the 109th Annual Meeting of the American Sociological Association, San Francisco, August 16-19, 2014; co-authored with Frances Fox Piven.

"Making Policy in the Streets," paper presented at the 44th Annual Meeting of the Urban Affairs Association, San Antonio, March 20, 2014; co-authored with Frances Fox Piven.

Invited Panelist, "Voter Suppression, Equal Rights, and the Promise of Democracy," sponsored by the Scholars Strategy Network, the Center for American Political Studies, and the Malcolm Wiener Center for Social Policy, Harvard University, March 6, 2014.

"Crisis, Convulsion and the Welfare State," paper presented at the 11th Annual Meeting of the European Sociological Association, Torino, Italy, August 28-31, 2013; co-authored with Frances Fox Piven.

Invited Panelist, "Anatomy of A Public Interest Lawsuit: Voter ID Legislation – A Public Interest Legal Challenge," sponsored by Penn Law Clinical Programs, Lawyering in the Public Interest, Toll Public Interest Center, American Constitution Society and the Civil Rights Law Project, University of Pennsylvania Law School, Philadelphia, Pennsylvania, November 5, 2012.

Invited Panelist, "Disenfranchise This: The Cost of Voter Suppression," 19th Annual First Monday Celebration, Eric R. Neisser Public Interest Program, Rutgers School of Law, Newark, New Jersey, October 3, 2012.

Invited Panelist, "The Voting Rights Act: Where Do We Go From Here?" Rutgers University Law Review Symposium, Trenton, New Jersey, April 13, 2012.

Invited Panelist, "Voting Rights," Civil Rights Law Society, Columbia University Law School, New York City, March 20, 2012.

Invited Panelist, "Race and Public Policy," conference at George Mason University School of Public Policy, Arlington, Virginia, October 10, 2011.

Invited Panelist, "Organizing the Poor for Rights: The Work of Frances Fox Piven," 107th Annual Meeting of the American Political Science Association, Seattle, September 1-4, 2011.

"Is Political Polarization Good or Bad for Democracy?," paper presented at the 69th Annual Meeting of the Midwest Political Science Association, Chicago, March 30-April 2, 2011.

Invited Roundtable Participant, "Voter Disenfranchisement in American Politics," 82nd Annual Meeting of the Southern Political Science Association, New Orleans, January 6-8, 2011.

Invited Panelist, "Voter Participation," New York City Charter Revision Commission, New York City, June 2, 2010.

Discussant, "Immigrant Voters: Asian Americans and the 2008 Election," Immigration Seminar Series, Graduate School and University Center of the City University of New York, May 4, 2009.

"Purging Voters Under the NVRA," paper presented at the 67th Annual Meeting of the Midwest Political Science Association, Chicago, April 2-5, 2009; co-authored with Margaret Groarke.

Invited Panelist, "Democracy in America: The African-American Experience – Then, Now and Future," U.S. Mission to the United Nations, New York, March 17, 2009.

Invited Speaker, "Voter Suppression in the 2008 Presidential Election," Funders Committee for Civic Participation, Washington, D.C., December 9, 2008.

Invited Panelist, "Stealing the Vote in 2008," A Panel Discussion at New York University, October 16, 2008.

Invited Panelist, "Keeping Down the Vote: Vote Suppression and the 2008 Election," Sarah Lawrence College, September 23, 2008.

"Modeling Problems in the Voter ID-Voter Turnout Debate," paper presented at the 8th Annual State Politics and Policy Conference, Temple University, Philadelphia, May 30-31, 2008; co-authored with Robert S. Erikson.

Panelist, "Keeping Down the Black Voter: Race and the Demobilization of American Voters," *Left Forum*, New York, March 16, 2008.

Panel Discussant, "Group Mobilization, Partisanship, Ideas, and Leadership: The Los Angeles and New York Mayoral Elections of 2005," 102nd Annual Meeting of the American Political Science Association, Philadelphia, August 31-September 3, 2006.

"Re-thinking Immigrant Political Incorporation," paper presented at the 36th Annual Meeting of the Urban Affairs Association, Montreal, Canada, April 19-22, 2006.

"Immigrant Politics in an Age of Terror," paper presented at the 101st Annual Meeting of the American Political Science Association, Washington, D.C., September 1-4, 2005.

Panel Discussant, "Immigrants As Local Political Actors," 100th Annual Meeting of the American Political Science Association, Chicago, September 1-4, 2004.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, August 5, 2004.

"The Impact of 9/11 on Immigrant Politics in New York, With a Focus on Arab, Muslim, and South Asian Immigrant Communities," Columbia University Seminar on the City, New York City, March 23, 2004.

Invited Participant, "The Impact of Post-9/11 Immigration and Law Enforcement Policies," The Century Foundation, New York City, February 4, 2004.

Workshop Participant, Multi-race Study Group, *Harvard CAPS Workshop on Methodologies to Study Immigrant Political Incorporation*, Harvard University, Cambridge, October 30-31, 2003.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, July 10, 2003.

Panelist, "Rebuilding Post-War Iraq: Domestic and International Implications;" Community Forum, Barnard College, New York City, April 21, 2003.

"Political Participation and the Neglected Role of Spatial Form;" paper presented at the 33rd Annual Meeting of the Urban Affairs Association, Cleveland, Ohio, March 27-30, 2003.

Invited Speaker, "Teach-In on Iraq;" Barnard College, New York City, November 8, 2002.

Panelist, "Colloquium on Responding to Violence," in honor of Virginia C. Gildersleeve Lecturer, Jody Williams, Barnard Center for Research on Women, Barnard College, New York City, October 25, 2002.

Panel Moderator, "Who is Brooklyn?" at *The Future of Brooklyn* Conference, Brooklyn College, June 7, 2002.

"Asian and Latino Participation in New York City: The 2000 Presidential Election," paper presented at the 97th Annual Meeting of the American Political Science Association, San Francisco, August 29 – September 2, 2001; co-authored with John H. Mollenkopf.

Organizer and Panelist, *The Changing Face of New York's Electorate: The Immigrant Vote in 2000 and Beyond*, A Panel Discussion and Media Briefing sponsored by the New York Immigration Coalition and Barnard College, New York City, May 2, 2001.

Organizer and Panelist, *The Muslim Communities in New York City Project; A One-Day Conference*, sponsored by the Center for Urban Research and Policy and the Middle East Institute at the School of International and Public Affairs, Columbia University, New York City, April 30, 2001.

Panelist, *Democratizing New York City; Re-imagining City Government*, sponsored by the Center for Humanities, CUNY Graduate Center, New York City, March 27, 2001.

Organizer and Panel Moderator, *Independent Politics in A Global World*, sponsored by the Independent Politics Group, CUNY Graduate Center, New York City, October 6-7, 2000.

"Political Capital and Political Participation," paper presented at the 96th Annual Meeting of the American Political Science Association, Washington, D.C., August 31-September 3, 2000; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

"The Political Participation of Immigrants in New York," at *Immigrant Political Participation in New York City; A One-Day Working Conference*, sponsored by the Center for Urban Research/CUNY and the International Center for Migration, Ethnicity, and Citizenship, New York City, June 16, 2000

"The Muslim Community in New York City Project," with Louis Abdellatif Cristillo; *Muslims in New York: An Educational Program for Religious Leaders in New York City*, seminar on faith traditions in New York; sponsored by the Interfaith Center of New York and the Imans Council of New York, New York City, June 14, 2000.

"The Political Participation of Immigrants in New York," Session VI on *Integration of Immigrants and Their Descendants,* Center for Migration Studies 20th Annual National Legal Conference on Immigration and Refugee Policy, Washington, D.C., March 30-31, 2000.

"The Changing Arab New York Community," with Louis Abdellatif Cristillo; *A Community of Many Worlds: Arab Americans in New York City*, symposium sponsored by the Museum of the City of New York, New York City, February 5-6, 2000.

"The Political Incorporation of Immigrants in New York," paper presented at the 95th Annual Meeting of the American Political Science Association, Atlanta, September 1-4, 1999; co-authored with Jennifer Holdaway and Ronald Hayduk.

"Political Capital and Political Participation," co-authored with Ester R. Fuchs and Robert Y. Shapiro; paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999.

"Racial and Ethnic and Urban/Suburban Differences in Public Opinion and Policy Priorities," paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999; co-authored with Ester R. Fuchs, Robert Y. Shapiro, and Gustavo Cano.

"The Importance of Full Disclosure of Non-response Due to Refusals and the Nature of Potential Bias in Phone Surveys," with Robert Y. Shapiro, evening workshop presentation to the New York City chapter of the American Association for Public Opinion Research, New York City, March 9, 1999.

"White, Black and Latino Voter Turnout in the 1993 New York City Mayoral Election: A Comparison of Ecological Regression Techniques and Exit Poll Data," paper presented at the 94th Annual Meeting of the American Political Science Association, Boston, September 4, 1998; co-authored with David K. Park and Daniel M. Slotwiner.

Panel Discussant, "Race, Rights, and American Politics;" panel at the 27th Annual Meeting of the Northeastern Political Science Association and International Studies Association-Northeast, Newark, New Jersey, November 9-11, 1995.

"Assessing the Quality of Political Reform: Redistricting and the Case of New York City," paper presented at the Annual Meeting of the New York State Political Science Association, Albany, New York, April 22, 1994.

Research Reports

How to Think About Voter Participation, White Paper, New York City Charter Revision Commission, July 2010.

The Myth of Voter Fraud, White Paper, Dēmos – A Network for Ideas and Action, May 2002.

Evaluation of the New York Immigration Coalition's '200,000 in 2000: New Americans Pledging to Strengthen Democracy and New York' Initiative, Final Report to the New York Foundation, with John H. Mollenkopf, August 2001.

A Study of Attitudes Among Low-Income Parents Toward Environmental Health Risks and Childhood Disease: The Brooklyn College COPC Survey, with Immanuel Ness, June 2001.

Political Participation and Political Representation in New York City; With a Special Focus on Latino New Yorkers, Report of the Columbia University/Hispanic Education and Legal Fund Opinion Research Project, co-authored with Robert Y. Shapiro and Ester R. Fuchs, December 1997.

Expert Participation in Federal and State Voting Rights Cases

Expert Witness, *League of Women Voters of New Hampshire v. Gardner*, State of New Hampshire Superior Court, Hillsborough, SS, Southern District, 2018.

Expert Witness, *Fish v. Kobach*, U.S. District Court for the District of Kansas, 2016-2018.

Expert Witness, *One Wisconsin Institute v. Nichols et al.*, U.S. District Court for the Western District of Wisconsin, 2016.

Expert Witness, *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District of Virginia, 2016.

Expert Witness, *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, 2015.

Expert Witness, *North Carolina State Conference of the NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina, 2014-2016.

Expert Witness, *Veasey v. Perry*, U.S. District Court for the Southern District of Texas, 2014-2015.

Expert Witness, *Frank v. Walker/LULAC (formerly Jones) et al. v. Deininger*, U.S. District Court for the Eastern District of Wisconsin, 2012-2013.

Expert Witness, *Applewhite v. Commonwealth of Pennsylvania*, Commonwealth Court of Pennsylvania, 2012-2013.

Expert Report, *Rutgers University Student Assembly et al. v. Middlesex County Board of Elections*, Superior Court of New Jersey/Middlesex County, 2011.

Expert Witness, *Democratic National Committee, et al. v. Republican National Committee, et al.*, U.S. District Court in the District of New Jersey, 2008-2009.

Amicus Filings and Congressional and Other Testimony

U.S. Commission on Civil Rights Briefing, "An Assessment of Minority Voting Rights Obstacles in the United States," Raleigh, North Carolina, February 2, 2018 (oral and written testimony).

Shelby County, Alabama v. Holder; U.S. Supreme Court, Brief of Historians and Social Scientists as *Amici Curiae* in Support of Respondents, February 1, 2013 (signatory).

League of Women Voters v. Rokita; Supreme Court of Indiana, Brief of *Amici Curiae* Lonna Rae Atkeson, Matt A. Barreto, Lorraine C. Minnite, Jonathan Nagler, Stephen A. Nuño and Gabriel Ramon Sanchez in Opposition to Defendant's Petition to Transfer, November 2009.

U.S. Senate Committee on Rules and Administration, *Hearing on In-Person Voter Fraud: Myth and Trigger for Voter Disenfranchisement?*, March 12, 2008 (invited written testimony).

Expert Witness, U.S. House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, *Oversight Hearing on Voter Suppression*, February 26th, 2008 (oral and written testimony).

William Crawford, et al. v. Marion County Election Board, et al.; Indiana Democratic Party, et al. v. Todd Rokita et al.; U.S. Supreme Court, Brief of *Amici Curiae* The Brennan Center for Justice, Demos: A Network for Ideas and Action, Lorraine C. Minnite, Project Vote, and People for the American Way Foundation *in Support of Petitioners*, November 2007.

William Crawford, et al. v. Marion County Election Board, et al.; Indiana Democratic Party, et al. v. Todd Rokita et al.; U.S. Supreme Court, Brief of *Amici Curiae* of Historians and Other Scholars *in Support of Petitioners*, November 2007 (signatory).

Fact Witness, *ACORN et al. v. Bysiewicz*, U.S. District Court in the District of Connecticut, 2004-2005.

RESEARCH AND OTHER GRANTS

Principle Investigator, "Camden City Exit Poll," Rutgers Research Council Award, 2018-2019 ($2,000).

Co-Recipient, Rutgers University Centers for Global Advancement and International Affairs, 2016 ($10,000).

Recipient, Rutgers-Camden Learning Abroad Office, Course Development Grant, 2015 ($1,000).

Principle Investigator, "The Political Exclusion of the Urban Poor," Rutgers Research Council Award, 2013-2014 ($3,000).

Recipient, RU FAIR ADVANCE (NSF) Rutgers-Camden Travel Award, March/April 2013 ($1,590).
Funded by the Rutgers University Office for the Promotion of Women in Science, Engineering, and Mathematics (SciWomen) Institutional Transformation grant from the ADVANCE program of the National Science Foundation.

Principal Investigator, "University Collaborative Exit Poll," November 2008 to October 2009 ($30,000). Funded by Columbia University Institute of Social and Economic Research and Policy, Center for Urban Research at the Graduate School and University Center of the City University of New York, and the New York Latino Research and Resources Network at the University of Albany, State University of New York.

Co-Principal Investigator, "2006 New Americans Exit Poll," November 2006 to October 2007 ($10,000). Funded by the Graduate School of Arts and Sciences, Columbia University.

Recipient, Special Assistant Professor Leave Travel Grant, September 2003 to September 2005 ($7,700). Funded by the Provost's Office, Winston Fund, Barnard College.

Recipient, Conference Grant, September 2003 to September 2005 ($3,000). Funded by the Provost's Office, Forman Fund, Barnard College.

Member, Working Group on New York's Recovery from September 11th, June 2002 to June 2005 ($30,000). Funded by the Russell Sage Foundation.

Principal Investigator, "2002 New Americans Exit Poll," December 2002 to March 2003 ($1,800). Funded by the Faculty Research Fund of Barnard College.

Principal Investigator, "Evaluation of the New York Immigration Coalition's '200,000 in 2000' Campaign," July 2000 to July 2001 ($40,000). Barnard College, Columbia University. Funded by the New York Foundation.

Co-Principal Investigator, "Muslim Communities in New York City," July 1998 to July 2001 ($350,000). The Center for Urban Research and Policy, Columbia University. Funded by the Ford Foundation.

SERVICE

College and University

Invited Panelist, "Voting Law in the 2016 Election: Perspectives from Political Science, Public Policy and Public Law," Rutgers University, Camden, New Jersey, December 7, 2016.
Member, Steering Committee, Rutgers University-Camden International Conference on Sustainable Community Development and STEAM Fields: What We Can Learn from A Changing Cuba," October 31 – November 3, 2016.
Chair, Department of Public Policy and Administration, Rutgers-Camden, 2016 to present.
Member, Advisory Committee, Continuing Education Program in Historic Preservation, Rutgers-Camden, 2016 to present.
Member, Global Research and Education Committee, Rutgers-Camden, 2016-2017.
Member, Tenure and Third-Year Review Committees, Department of Political Science, Rutgers-Camden, 2015 to present.
Member, Rutgers-Camden Department of Public Policy & Administration Ph.D. Committee, 2014-present.
Co-Organizer, "Symposia on Urban Poverty and Inequality," Rutgers University-Camden, February 4, February 19, April 2, and April 22, 2014.
Member, Rutgers-Camden Department of Public Policy & Administration Ph.D. Exam (Theory) Committee, 2013-present.
Member, General Education Committee, Subcommittee on Engaged Civic Learning, Rutgers-Camden, 2013-2014, 2015.
Marshal, Rutgers-Camden Commencement, 2013, 2014.
Member, Rutgers-Camden Department of Political Science Search Committee, 2013.
Member, Rutgers-Camden Department of Public Policy & Administration Search Committee, 2012, 2013.
Director, Undergraduate Urban Studies Program, Rutgers-Camden, 2011 to 2016.

Member, Ford Faculty Seminar on Inequality in New York, Barnard College, 2009-2010.
Panelist, "Obama and the Immigrant Vote," Barnard Forum on Migration, October 30, 2008.
Panel Moderator, "Is Democracy Democratic?" at the Thirty-Third Annual *The Scholar and the Feminist Conference*, Barnard College, March 11, 2008.
Participant, Mellon 23 Assembly, Macalester College, St. Paul, Minnesota, February 15-17, 2008.
Panelist, "Election Reflections: The Bush Legacy and the Coming Presidential Elections," Barnard College, Oct. 8, 2007.
Member, *The Scholar and the Feminist Conference* Planning Committee, Barnard Center for Research on Women, 2006.
Member, Faculty Programs and Governance Committee, 2005-2007 (on leave Spring 2007).
Member, Faculty Committee, Barnard Leadership Initiative, 2005-2007 (on leave Spring 2007).
Member, Medalist Committee, Barnard College, 2004-2006, 2007-2009 (on leave Spring 2007).
Member, Columbia University Seminar in Political and Social Thought, 2004 to 2011.
Faculty Mentor, Francene Rodgers Scholarship Program, Barnard College, Summer 2004.
Panel Moderator, "Governance by the Media: Feminists and the Coming Election," at the Twenty-Ninth Annual *The Scholar and the Feminist Conference*, Barnard College, April 3, 2004.
Member, Ph.D. Subcommittee in Urban Planning, Columbia University School of Architecture, Planning and Preservation, 2003 to 2011.
Member, Columbia University Seminar on Globalization, Labor, and Popular Struggles, 2001 to 2011.
Member, Columbia University Seminar on the City, 2001 to 2011.
Faculty Mentor, Columbia University Graduate School of Arts and Sciences Summer Research Program, 2001.
Advisory Board Member, Barnard Center for Research on Women, 2000 to 2011.
First Year Adviser, Barnard College, 2000 to 2004, 2009 to 2011.
One-Year Replacement Member, Committee on Programs and Academic Standing, Barnard College, 2000-2001.

Professional

I have reviewed numerous journal articles for the *American Political Science Review*, *American Journal of Political Science*, *American Review of Politics, British Journal of Industrial Relations*, *Community Development Journal, Election Law Journal, Ethnic and Racial Studies*, *Journal of Electoral Studies, Journal of Ethnic and Migration Studies*, *Law and Society Review*, *New Political Science, Perspectives on Politics*, *Political Behavior, Political Communication, Political Research Quarterly, Political Science Quarterly*, *Public Opinion Quarterly, Urban Affairs Review*, and *Working U.S.A.: The Journal of Labor and Society*; and book proposals and manuscripts for Blackwell Publishers, Lexington Books, Routledge, M.E. Sharpe, Inc., New York University Press, and The New Press.

Chair, Social Science History Association President's Book Award Selection Committee, 2018.
Co-Organizer, "Insurgency from Below and the Future of American Democracy: A Conference in Celebration of the Work of Frances Fox Piven and Richard A. Cloward," Graduate School and University Center of the City University of New York, New York City, October 11, 2017.
Member, Social Science History Association President's Book Award Selection Committee, 2017.
Invited Speaker, Voting Rights Institute Expert Witness Training Conference, sponsored by The Campaign Legal Center, the American Constitution Society and Harvard University Center for Governmental and International Studies, Cambridge, September 14, 2016.
Dissertation Fellowship Reviewer, Center for Engaged Scholarship, 2016-present.
Faculty Presenter, American Bar Association, "The Voter Fraud Myth, Voter ID, Immigration and Voting Rights, and State Legislative Reapportionment," February 18, 2016 (1.5 CLE credits).
Co-Chair, Scholars Strategy Network, New Jersey Chapter, 2015 to present.
Consulting Expert, U.S. Government Accountability Office, Issues Related to State Voter Identification Laws, May 2013.
Guest Seminar Speaker, Carnegie-Knight News21 Initiative Reporting Seminar on Voting Rights, The Walter Cronkite School of Journalism and Mass Communication, Arizona State University, February 2, 2012.
Member, Best Book Committee, Urban Section, American Political Science Association, 2010-2011, 2012-2013.
Executive Council Member, Urban Section, American Political Science Association, 2005-2006, 2008-2010.
Member, Charles A. McCoy Career Achievement Award, New Politics Section, APSA, 2008-2009.
Member, Best Dissertation Committee, Urban Section, American Political Science Association, 2008-2009.
Co-chair, Local Host Committee, American Sociological Association Annual Conference, 2006-2007.
Nominating Committee, Urban Section, American Political Science Association, 2006-2007.

Chair, Piven and Cloward Award Committee, New Political Science Section, American Political Science Association, 2005-6.
Member, Best Paper Committee, Urban Section, American Political Science Association, 2005-2006.
Editorial Board Member, *Working USA: The Journal of Labor and Society*, 2004 to present.
Grant Reviewer, Research Award Program, The City University of New York, 2003.
Member, New York Colloquium on American Political Development, 2001 to 2011.

Community

Invited Speaker, National Organization for Women, South Jersey 'Alice Paul' Chapter, Moorestown, New Jersey, February 14, 2018.
Invited Speaker, Annual Fall Meeting of the Mercer County Division of Elections, Clerks Workshop, October 3, 2017.
Invited Keynote Speaker, League of Women Voters of Burlington County, New Jersey, Annual Fall Conference, Moorestown Friends, Moorestown, New Jersey, September 18, 2017.
Poll Worker, Gloucester County (NJ) Board of Elections, (Republican Party Representative), 2017 to present.
Faculty Adviser and Organizer, Graduate Student Conference on State and Local Economic Development Policy, The Neighborhood Center, Camden, New Jersey, April 17, 2016; March 28, 2017.
Invited Panelist, "Voting Fraud, Voter Suppression: Myths and Realities," League of Women Voters of Connecticut Education Fund Annual Fall Conference, Darien Library, Darien, Connecticut, October 24, 2015.
Member, Participatory Budgeting in New York City Research Board, Community Development Project of the Urban Justice Center, 2013-2015.
Invited Speaker, Registrar's of Voters Association of Connecticut, Annual Meeting, Cromwell, CT, April 12, 2012.
Keynote Speaker, Federal Aviation Administration William J. Hughes Technical Center 2012 Black History Month Celebration, Atlantic City, New Jersey, February 15, 2012.
Organizer, "National Teach-in on Debt, Austerity and How People Are Fighting Back," Judson Memorial Church, New York City, April 11, 2011.
Host Committee, New York State Immigrant Action Fund, 2010.
Board Member, The Left Forum, 2009 to 2013.
Member, New York City Comptroller-Elect John Liu Transition Committee Working Group on External Affairs, 2009.
Board Member, Project Vote, 2008-2009.
Speaker, "The Immigrant Voter in New York City," New York Voter Assistance Commission, New York City, May 19, 2005; Citizens Union, New York City, May 18, 2005; New York Immigration Coalition, New York City, February 17, 2005; New York City Central Labor Council, New York City, April 28, 2004.
Speaker, "The Post-9/11 Crackdown on Immigrants," Coney Island Avenue Project, Brooklyn, New York, March 25, 2004.
Volunteer, *New York Immigration Coalition*, Voter Registration at INS Naturalization Ceremonies, 1998 to 2002.

PAID CONSULTANTSHIPS

American Civil Liberties Union Voting Rights Project, 2016-2018
Wrote expert reports and testified at trial for plaintiffs in *Fish v. Kobach*, U.S. District Court for the District of Kansas.

Perkins Coie, LLP, 2015-2018.
Wrote expert reports and testified at trial for plaintiffs in *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, Eastern Division; *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District in Virginia, Richmond Division; and *One Wisconsin v. Wisconsin Government Accountability Board* in the U.S. District of the Western District of Wisconsin; and wrote expert report for plaintiffs in *League of Women Voters of New Hampshire v. Gardner*, State of New Hampshire Superior Court, Hillsborough SS., Southern District.

Kirkland & Ellis, LLP, 2014-2016.
Wrote expert reports and testified at trial for plaintiffs in *North Carolina State Conference of NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina.

Dechert, LLP, 2014
Wrote expert report for plaintiffs and testified at trial in *Veasey v. Perry*, U.S. District Court for the Southern District of

Texas.

Arnold & Porter LLP, 2012-2013.
Wrote expert reports for plaintiffs (2012, 2013) and testified (2012) at trial in *Applewhite v. Commonwealth of Pennsylvania*, Commonwealth Court of Pennsylvania.

New York City Charter Revision Commission, 2010.
Analyzed the problem of voter participation in New York City and possible solutions for consideration by Commissioners as they prepared ballot referenda to be placed before the voters in 2010.

New York Latino Research and Resources Network at the University of Albany, State University of New York, 2008.
Analyzed survey and other data and wrote report on Latino political participation in New York City and New York State in the 2008 presidential election.

New York Immigration Coalition, New York, New York, 2006.
Provided technical assistance to a three-city exit poll survey project for the 2006 national midterm elections.

Brennan Center for Justice at New York University School of Law, 2004-2005.
Provided expert report on voter fraud and testified as a fact witness in *ACORN, et al. v. Bysiewicz,* Civil Action No. 3:04-CV-1624 (MRK), U.S. District Court for the District of Connecticut.

Howard Samuels State Management and Policy Center, Graduate School and University Center of CUNY, 2002.
Consulted on survey design for a project on the efficacy of community-based organizations.

Dēmos, New York, New York, 2001 to 2002.
Researched and wrote a study of voter fraud in contemporary American politics.

1199 Child Care Fund, New York, New York, 2000 to 2002.
Prepared demographic data for Fund-eligible union members and their children.

(7/19)

APPENDIX B

LIST OF EXPERT TESTIMONY SINCE 2014

- *League of Women Voters of New Hampshire v. Gardner*, Civ. No. 226-2017-cv-433, State of New Hampshire Superior Court, Hillsborough, SS, Southern District, 2018.
- *Fish v. Kobach*.
- *One Wisconsin Institute v. Nichols et al*.
- *Lee v. Virginia State Board of Elections*.
- *Ohio Democratic Party v. Husted*.
- *North Carolina State Conference of the NAACP v. McCrory*.
- *Veasey v. Perry*, Civ. No. 2:13-cv-00193 (S.D. Tx. 2014).
- *Lulac v. Deininger*, Civ. No. 2:12-cv-00185 (E.D. Wis. 2013).
- *Applewhite v. Pennsylvania*, No. 330 MD 2012 (Pa. Cmmw. Ct. 2014).

APPENDIX C

STATEMENT OF COMPENSATION

• Lorraine C. Minnite, Ph.D.	$200 per hour
• Travel & Expenses	Reimbursed at cost