THE IMPACT ON AFRICAN AMERICANS OF NORTH CAROLINA’S VOTER INFORMATION VERIFICATION ACT, S.L. 2013-381

North Carolina State Conference of the NAACP

v.

McCrory, et al.

United States District Court
Middle District of North Carolina
Case No.: 1:13-cv-00658

April 11, 2014

Allan J. Lichtman, Ph.D.
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I. SUMMARY OF OPINIONS

In this report I examine whether certain provisions in the Voter Information Verification Act, S.L. 2013-381 ("S.L. 2013-381") have a disproportionate impact on African American voters and would-be voters (collectively “African American voters”) in North Carolina. Based upon my review and analysis of the source materials described below, I have reached the following primary opinions about the effects of S.L. 2013-381 on African-American voters. Each of these opinions is explained in greater detail in the ensuing sections of this Report.

- The provisions of S.L. 2013-381 that: (1) prevent would-be voters from registering during the One Stop period; (2) eliminate the first week of the One Stop voting period; and (3) prohibit election officials from counting any provisional ballots cast in the wrong precinct, will individually and cumulatively have a disparate impact on African American voters, and will substantially impede the opportunities for African Americans to participate in the political process equally with whites. Specifically:
  
  o Elimination of New Registration During the One Stop Voting Period: The percentage of African American voters who newly registered during the One Stop voting period was much higher than the percentage of African Americans among all prior registered voters for the 2008, 2010, and 2012 general elections.
  
  o Elimination of the First Week of Opportunity to Update Registration Information During the One Stop Voting Period: During the One Stop voting period in the 2008, 2010, and 2012 general elections, African Americans changed or updated their registration at much higher rates overall when compared to their share of prior registered voters. And in the 2008 and 2012 general elections, African Americans updated their registration at higher rates during the first week of the One Stop voting period, as compared to the second and third weeks.
  
  o Elimination of the First Week of Early Voting: African Americans voted at much higher rates during the One Stop voting period in the 2008, 2010, and 2012 general elections than through other forms of voting. And in the 2008 and 2012 general elections, African Americans voted during the first week of the One Stop voting period at much higher rates compared to the second and third weeks.
  
  o Elimination of Out of Precinct Voting: The percentage of African Americans among out-of-precinct voters who cast partially counted provisional ballots in the 2008, 2010, and 2012 general elections is significantly greater than the percentage of African Americans among all other voters.

- S.L. 2013-381 does not change the timing for obtaining and filing mail-in absentee ballots, a method of voting used predominantly by whites, and leaves much of the current system in place. In addition, mail-in absentee voters are exempted from S.L. 2013-381’s photo ID requirement. Relative to their percentage of the overall electorate in 2008, 2010, and 2012, white voters were significantly overrepresented among absentee voters, and African Americans were significantly underrepresented among this group.
II. BACKGROUND & QUALIFICATIONS

I am a Distinguished Professor of History at American University in Washington, D.C., where I have been employed for 40 years. Formerly, I served as Chair of the History Department and Associate Dean of the College of Arts and Sciences at American University. I received my BA in History from Brandeis University in 1967 and my Ph.D. in History from Harvard University in 1973, with a specialty in the mathematical analysis of historical data. My areas of expertise include political history, electoral analysis, and historical and quantitative methodology.


My book, White Protestant Nation, was one of five finalists for the National Book Critics Circle Award for the best general nonfiction book published in America. My most recent book, FDR and the Jews, was published under the Belknap Imprint of the Harvard University Press, reserved for works of special significance and lasting impact. This book was an editor’s choice book of the New York Times in 2013, the winner of the world’s most prestigious prize in American Jewish Studies, the National Jewish Book Award, the Tikkun Olam Award for Holocaust Studies, and is a finalist for the Los Angeles Times Book Prize in History (winner announced in April, 2014).

I have worked as a consultant or expert witness for both plaintiffs and defendants in more than eighty voting and civil rights cases. These include several cases in the state of North Carolina. In the U. S. Supreme Court case, League of United Latin Am. Citizens (LULAC) v. Perry, 548 U.S. 399 (2006), the majority opinion written by Justice Kennedy authoritatively cited my statistical work several times. My work includes more than a dozen cases for the United States Department of Justice and cases for many civil rights organizations. I have also worked as a consultant or expert witness numerous times for state and local jurisdictions.

I am being compensated at a rate of $400 per hour for all work in this litigation. I have attached a CV and a table of cases as Appendix III of this report.
III. METHODOLOGY & MATERIALS REVIEWED

In this Report, I first examine turnout for the presidential and midterm elections of 2008, 2010, and 2012. I then explore the racial composition of persons in North Carolina who newly registered, changed their registration, and voted in-person during the One Stop voting period. I also examine the racial composition of voters who voted in the incorrect precinct but whose votes were partially counted, and, finally, voters who voted absentee by mail. My analysis focuses on the 2008, 2010, and 2012 general elections—the three general elections following North Carolina’s authorization of new and updated registration during the One Stop voting period.

My analysis draws upon the North Carolina State Board of Elections online database of registration statistics as well as the individual voter files provided by the state. As a study of the discriminatory impact of the new restrictions on registration and voting imposed under S.L. 2013-381, the Report focuses on percentage comparisons, not absolute numbers, which are meaningless in a state, like North Carolina, where the vast majority of the population is white. The report assesses whether or not the S.L. 2013-381 restrictions have a disparate impact on the African American voters’ opportunities to register and vote in North Carolina. Thus the Report relies primarily on percentage comparisons, which adjust for population difference between African Americans and whites.

IV. ANALYSIS

A. North Carolina’s Voter Information Verification Act, S. L. 2013-381.

This report examines the following consequential changes made by S.L. 2013-381 that potentially affect the opportunities available to African American voters to register and vote in North Carolina.

- It eliminates the opportunity to newly register during the One Stop voting period.
- It cuts the number of days for updating registration information and early voting during the One Stop voting period from 17 to 10 days.
- It requires no reduction of the total numbers of hours available during the One Stop voting period, but authorizes counties to seek waivers that exempt those counties from maintaining the same number of One Stop voting hours that the county offered in the previous general mid-term and presidential elections.
- It eliminates the prior practice of partially counting provisional ballots cast in the incorrect precinct.

Because each of these changes, individually and cumulatively, have the potential to restrict or change voters’ access to the polls, this Report assesses whether those impacts will be experienced disproportionately by African American voters. The report also examines the usage of mail-absentee voting, the only form of early voting that S.L. 2013-381 does not eliminate or restrict.
B. Voter Turnout in the Prior Election System, 2008-2012

In 2007 North Carolina for the first time added to its existing 17-day early voting period (“One Stop voting”) the opportunity for voters to newly register or update their registration. According to the bill’s proponents, the object of adding new opportunities to register or change one’s registration during the One Stop voting period was to increase voter turnout in North Carolina.¹ Prior to this change, as documented below, North Carolina had been among the lowest quartile of states in the nation in voter turnout.

Given its adoption in 2007, the combination of registration and One Stop voting was in effect for North Carolina’s presidential and congressional midyear elections from 2008 to 2012. Correspondingly, as documented below, voter turnout substantially increased, moving North Carolina from the bottom quartile to the top quartile of states in turnout. According to turnout data presented in Chart 1, turnout in presidential elections in North Carolina, which once lagged behind the nation, has far outpaced the national average since the state allowed voters to register or update registration during the One Stop voting period.

Presidential election turnout is most appropriate for cross-state comparison because state-specific factors such as the presence or absence of competitive statewide elections in other years can influence turnout.\(^2\) From 2004 to 2008, North Carolina had the largest turnout increase of any state in the nation. As indicated in Chart 2, prior to adoption of One Stop voting and same day registration, North Carolina ranked 37\(^{th}\) and 38\(^{th}\) respectively among the states in turnout for the presidential election years of 2000 and 2004. However, in 2008 North Carolina moved up to 22\(^{nd}\) and in 2012 North Carolina rose to 11\(^{th}\) in the nation in voter turnout, jumping ahead of 27 states since 2004. According to a study of One Stop registration in North Carolina, “Those results were achieved with little to no additional costs for local elections officials,” given that

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\(^2\) Turnout comparisons are based on presidential ballot turnout rather than total turnout at the polls, because a number of states do not keep track of the latter statistic. They are also based on citizen voting age population to Exclude from the comparison non-citizens who are not eligible to vote. Turnout data is obtained online from the United States Election Project at George Mason University, http://elections.gmu.edu/.
counties already had to open and staff polls for early voting. 3

C. New Registration During the One Stop Voting Period

Notwithstanding the significant progress in voter registration and turnout achieved through the implementation of the 2007 law (HB 91), the North Carolina legislature reversed course in the summer of 2013 with the introduction of S.L. 2013-381, which eliminated the opportunity to register for the first time during the 17-day One Stop voting period. The burden of

this restriction imposed by S.L. 2013-381 falls most heavily on African Americans who disproportionately registered during the One Stop voting period.

African Americans are the state’s largest minority group, comprising 21 percent of the state’s voting age population (22 percent counting multiracial African Americans) and currently 22.5 percent of registered voters. The analysis that follows examines the racial composition of new registrants during the One Stop voting periods for the 2008, 2010, and 2012 general elections. For this analysis, I have measured the discriminatory impact on African Americans of the elimination of opportunities to newly register during the One Stop voting period.

First, I compute the percentages of African Americans and whites among newly registered voters during the One Stop voting period for the general elections in 2008, 2010, and 2012, respectively.

Second, for each election, I compare these results with the percentage of African American and white voters that would be expected among new registrants if the proportion of each group using One Stop registration were equal to the proportion of group members registered prior to the One Stop voting period in each year. I obtain this comparison by subtracting from the One Stop registration percentages referenced above, the percentages of each group among prior registered voters. This percentage point difference will be positive if a greater share of group members registered during the One Stop voting period than would be expected from its share of prior registered voters. The difference will be negative if a smaller share of group members registered during the One Stop voting period than would be expected from its share of prior registered voters. For example, if African Americans comprised 20 percent of prior registered voters in 2012, but 25 percent of new One Stop registered voters in 2012, the percentage point difference would be +5.0 percentage points.

Third, for each election, I compute the percentage change, higher or lower, between each group’s share of newly registered voters during the One Stop voting period and the share of new One Stop registered voters that would be expected if the proportion of each group using One Stop registration were equal to the proportion of group members registered prior to the One Stop voting period in each year. I obtain this result by dividing the percentage point difference referenced above by each group’s percentage of prior registered voters. Following our example, the percentage change for African Americans in 2012 would be 25 percent higher (5%/20% = 25%) than what would be expected if the proportion of African Americans using One Stop registration were equal to the proportion of African Americans registered prior to the One Stop voting period in 2012.

1. The 2008 General Election

Table 1 and Chart 3 report the results of my analysis of the racial composition of persons who newly registered during the One Stop voting period in 2008, using data from the State Board of Elections online database and from individual voter files obtained from the state.4 The results reported in Table 1 and Chart 3 demonstrate that, compared to the percentage of all

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4All information on new and updated registration and early voting during the One Stop voting period are obtained from the individual voter files. So too is information on the casting of provisional ballots and mail-in absentee ballots.
registered voters just prior to the beginning of the 17-day One Stop voting period in 2008, African Americans are substantially overrepresented among new One Stop registered voters, whereas whites are substantially underrepresented. In other words, compared to their share of registered voters, African Americans utilized the One Stop voting period to register to vote at a much higher rate than whites.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG NEW ONE STOP REGISTRANTS</th>
<th>PERCENT AMONG PRIOR REGISTERED VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>54.3%</td>
<td>74.3%</td>
<td>27% LOWER</td>
<td>-20.0%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>35.2%</td>
<td>21.1%</td>
<td>67% HIGHER</td>
<td>+14.1%</td>
</tr>
</tbody>
</table>

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter Registration File and Voter History One Stop File
CHART 3
NEW ONE STOP REGISTRATIONS AND ALL PRIOR REGISTERED VOTERS, BY RACE, 2008 GENERAL ELECTION, NORTH CAROLINA

% NEW ONE STOP

% ALL PRIOR REGISTERED VOTERS

WHITE
BLACK
According to Table 1 and Chart 3, African Americans comprised 35.2 percent of the 105,141 new One Stop registered voters in 2008, two-thirds larger than the 21.1 percent of African Americans among all prior registered voters in 2008, for a difference of +14.1 percentage points, higher than would be expected if the proportion of African Americans using One Stop registration were equal to the percentage of African Americans registered prior to the One Stop voting period in 2008. Table 1 and Chart 3 report the results of this same analysis for whites. Whites comprised 54.3 percent of the new One Stop registrants, more than quarter lower than the 74.3 percent of whites among all registered voters, for a difference of –20.0 percentage points. This is lower than would be expected if the proportion of whites using One Stop registration were equal to the percentage of whites registered prior to the One Stop voting period in 2008.

2. The 2010 General Election

Although many fewer North Carolinians registered or voted in the midterm elections of 2010 as compared to presidential election years, the results of analysis still show that African Americans disproportionately registered during the One Stop voting period. Table 3 and Chart 4 report the results of my analysis of the racial composition of persons who newly registered during the One Stop voting period in 2010. The results reported in Table 2 and Chart 4 demonstrate that compared to their percentage of all registered voters just prior to the beginning of the 17-day One Stop voting period in 2010, African Americans are overrepresented among new One Stop registered voters, whereas whites are underrepresented.

| TABLE 2 | NEW ONE STOP REGISTRATIONS AND ALL REGISTERED VOTERS, BY RACE, 2010 GENERAL ELECTION, NORTH CAROLINA TOTAL: 21,432 |
| ------------------------------------------------- | ------------------------------------------------- | ------------------------------------------------- | ------------------------------------------------- | ------------------------------------------------- |
| GROUP | PERCENT AMONG NEW ONE STOP REGISTRANTS | PERCENT AMONG REGISTERED VOTERS | PERCENT DIFFERENCE | PERCENTAGE POINT DIFFERENCE |
| WHITE | 63.6% | 73.2% | 13% LOWER | -9.6% |
| AFRICAN AMERICAN | 25.7% | 21.6% | 19% HIGHER | +4.1% |

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter Registration File and Voter History One Stop File
CHART 4
NEW ONE STOP REGISTRATIONS AND ALL PRIOR REGISTERED VOTERS, BY RACE, 2010 GENERAL ELECTION, NORTH CAROLINA
According to Table 2 and Chart 4, African Americans comprised 25.7 percent of the 21,432 new One Stop registered voters in 2010, nearly a fifth larger than the 21.6 percent of African Americans among all registered voters, prior to the One Stop voting period in 2010, for a difference of +4.1 percentage points, higher than would be expected if the proportion of African Americans using One Stop registration were equal to the percentage of African Americans registered prior to the One Stop voting period in 2010. Table 2 and Chart 4 additionally disclose that whites comprised 63.6 percent of the new One Stop registrants, 13 percent lower than the 73.2 percent of whites among all prior registered voters, for a difference of –9.6 percentage points. This is lower than would be expected if the proportion of whites using One Stop registration were equal to the percentage of whites registered prior to the One Stop voting period in 2010.

3. The 2012 General Election

In the presidential election year of 2012 as compared to the midterm election year of 2010, the number of voters and new registrants substantially increased. Once again the results of my analysis still show that African Americans newly registered at disproportionately higher rates during the One Stop voting period. Table 3 and Chart 5 report the results of my analysis of the racial composition of persons who newly registered during the One Stop voting period in 2012. The results reported in Table 3 and Chart 5 demonstrate that, compared to their percentage of all prior registered voters, African Americans are overrepresented among new One Stop registered voters, whereas whites are underrepresented.

According to Table 3 and Chart 5, African Americans comprised 33.7 percent of the 97,378 new One Stop registrants in 2012, about 50% higher than the 22.3 percent of African Americans among all prior registered voters, for a difference of +11.4 percentage points. This is higher than would be expected if the proportion of African Americans using One Stop registration were equal to the percentage of African Americans registered prior to the One Stop voting period in 2010. Table 3 and Chart 5 additionally disclose that whites comprised 53.7 percent of the new One Stop registrants, a quarter lower than the 71.6 percent of whites among all registered voters, for a difference of –17.9 percentage points. This is lower than would be expected if the proportion of whites using One Stop registration were equal to the percentage of whites registered prior to the One Stop voting period in 2012.

| TABLE 3 | NEW ONE STOP REGISTRATIONS AND ALL REGISTERED VOTERS, BY RACE, 2012 GENERAL ELECTION, NORTH CAROLINA TOTAL: 97,378 |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| GROUP           | PERCENT AMONG NEW ONE STOP REGISTRANTS | PERCENT AMONG REGISTERED VOTERS | PERCENT DIFFERENCE | PERCENTAGE POINT DIFFERENCE |
| WHITE           | 53.7%                                      | 71.6%                                    | 25% LOWER                                      | -17.9%                                   |
| AFRICAN AMERICAN| 33.7%                                      | 22.3%                                    | 51% HIGHER                                      | +11.4%                                   |

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter
Registration File and Voter History One Stop File
CHART 5
NEW ONE STOP REGISTRATIONS AND ALL PRIOR REGISTERED VOTERS, BY RACE, 2012 GENERAL ELECTION, NORTH CAROLINA
D. Updated Registration During the One Stop Period

S.L. 2013-381 limits the number of days available during the One Stop voting period for a registered voter to update her or his registration information, to reflect, for example, a name change or a move to a new location. The new law cuts the number of One Stop voting days from 17 to 10, eliminating the first week and reducing the total number of days by 41 percent. The law does purport to mandate that election officials provide the same number of early voting hours as in the previous midterm and general elections. Governor Pat McCrory and other advocates of S.L. 2013-381 emphasized this “total hours” requirement as a way to mitigate the negative effects of the reduction in the number of one-stop voting days on those affected, including African Americans. In late February 2014, the governor said on CNN that “We didn't shorten early voting. We compacted the calendar, but we're going to have the same hours in which polls are open in early voting and we're going to have more polls available … In fact, the legislation does not shorten the hours for early voting.”

However, under Section 25.3 of S.L. 2013-381, county Boards of Elections can seek and obtain from the State Board of Elections, waivers that authorize them “to reduce the number of hours established in subsection (g2) of this section for a primary or a general election.” According to media accounts of the early efforts of the various county boards to implement these provisions, it is already apparent that many of these County Boards are seeking and being granted waivers from the total hours requirement. As of late March 2014, 32 counties have sought and been granted such waivers for the 2014 primary elections and more waivers may be granted prior to the 2014 general election. Thus, the “total hours” requirement will have little or no mitigating effect on the negative impact of the reduction in the number of days available for updating registration in any of the localities that obtain waivers from that requirement.

The number of counties seeking and obtaining waivers may vary from one election to the next and cannot be predicted in advance. Thus, there are two potentially discriminatory effects on minorities imposed by provisions of S.L. 2013-381 that restrict opportunities to update registration during the One Stop voting period. First, the law creates an overall reduction in opportunities to update registration during the One Stop voting period in counties authorized to reduce the total number of One Stop voting hours. Second, even in counties with increased hours in the second and third weeks of the One Stop voting period, S.L. 2013-381 eliminates opportunities to update registration during the first week of what had been the 17-day One Stop voting period.

To assess the potential effect of this restriction on African American voters, I will first in this section examine the racial composition of all voters who updated their registrations during the One Stop voting period (“updated registrants”) in 2008, 2010, and 2012. I will then examine the racial composition of updated registrants during first week of the One Stop Voting period in these three elections, compared to the second and third weeks. The analysis of all updated One Stop registrations follows a methodology similar to that used in Section V on new One Stop registrations.

5 Governor McCrory quoted in Andrew Barksdale, “Early Voting Hours Reduced,” The Fayetteville Observer, 28 February 2014.
For all updated registered voters during the One Stop voting periods in 2008, 2010, and 2012, respectively, I compute the percentages of African Americans, and whites. I then compare these results with each group’s share of registered voters prior to the One Stop voting period in each year. As in the above Section, I obtain this comparison by subtracting the percentage of each group among all updated registrants from that group’s percentage share of registered voters prior to the One Stop voting period in each year. I then compute the percentage change, higher or lower, between each group’s percentage share of updated registrants during the One Stop voting period and its share of prior registered voters in each year. I obtain this result by dividing the percentage point difference referenced above by each group’s percentage of prior registered voters.

The methodology for examining the impact of eliminating the first week in which voters have the opportunity to update their registration during the One Stop voting period follows a similar approach. First, for the general elections in 2008, 2010, and 2012, I compute the percentages of African Americans and whites among all who updated their registration during the first week of the One Stop voting period. Second, I compare these figures with the percentage of each of these two group’s share of second and third week updated registrants.

I obtain this comparison by subtracting from each group’s percentage of first week updated registrants, the group’s percentage of second and third week updated registrants. This calculation provides the percentage point difference between first week and second and third week updated registrants. For example, if African American voters comprised 25 percent of first week updated registrants in 2012 and 20 percent of second and third week updated registrants, the difference would be +5.0 percentage points.

Third, I compute the percentage difference, higher or lower, between each group’s share of first week updated registrations and its share of second and third week updated registrations. I obtain this result by dividing the percentage point differences referenced above by each group’s share of second and third week updated registrations. For the above example the percentage difference would be 25 percent higher (5/20 = 25 percent).

The results of my analysis shows that the burden of new restrictions on updating registration during the first seven days of the One Stop voting period falls most heavily on African American registered voters. As compared to whites, African Americans have disproportionately updated their registration at higher rates during the One Stop period in all three general elections studied. African Americans have also updated their registration at higher rates in the first week than they did in the second and third weeks of the One Stop voting period in two of the three general elections studied: 2008 and 2012. The racially disparate first week results for the 2008 and 2012 elections are especially significant given that much larger numbers of African American updated their registration overall in the One Stop voting period and its first week, than in 2010. On balance, the elimination of the first week of the One Stop voting period and the restriction of hours in whichever counties seek and obtain waivers has a substantial disparate impact on African Americans.
1. The 2008 General Election

Table 4 and Chart 6 report the results of my analysis of the racial composition of persons who updated their registration at any time during the One Stop voting period in 2008. The results reported in Table 4 and Chart 6 demonstrate that compared to their percentage of all registered voters just prior to the beginning of the 17-day One Stop voting period in 2008, African Americans are overrepresented among voters who updated their registration during the One Stop voting period, whereas whites are underrepresented. African Americans comprised 35.8 percent of the 148,841 updated registrations during the 2008 One Stop voting period, more than two-thirds larger than the 21.1 percent of African Americans among all prior registered voters in 2008, for a difference of +14.7 percentage points. Table 4 and Chart 6 additionally disclose that whites comprised 58.3 percent of the updated One Stop registrants, more than a fifth lower than the 74.3 percent of whites among all prior registered voters, for a difference of –16.0 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG UPDATED REGISTRANTS</th>
<th>PERCENT AMONG PRIOR REGISTERED VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>58.3%</td>
<td>74.3%</td>
<td>22% LOWER</td>
<td>-16.0%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>35.8%</td>
<td>21.1%</td>
<td>70% HIGHER</td>
<td>+14.7%</td>
</tr>
</tbody>
</table>

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter Registration File and Voter History One Stop File
CHART 6
UPDATED ONE STOP REGISTRATIONS AND ALL PRIOR REGISTERED VOTERS, BY RACE, 2008 GENERAL ELECTION, NORTH CAROLINA

WHITE
BLACK

% UPDATED
ONE STOP

% ALL PRIOR REGISTERED VOTERS
Table 5 and Chart 7 report the results of my analysis of the racial composition of persons who updated their registration during the first week of the One Stop voting period as compared to weeks 2 and 3 of One Stop voting period in 2008. The results reported in Table 5 and Chart 7 demonstrate that African Americans are overrepresented among updated registrants during the first week of the One Stop voting period, whereas whites are underrepresented. African Americans comprised 40.2 percent of the voters who updated their registration in the first week of the One Stop voting period in 2008, 17 percent higher than the 34.5 percent of African Americans among second and third week updated registrants, for a difference of +5.7 percentage points. Table 5 and Chart 7 additionally disclose that whites comprised 53.8 percent of the first week updated registrants, a tenth lower than the 59.8 percent of whites among second and third week updated registered voters, for a difference of –6.0 percentage points.

<table>
<thead>
<tr>
<th>YEAR AND GROUP</th>
<th>WEEK 1 PERCENT</th>
<th>WEEK 2 &amp; 3 PERCENT</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>53.8%</td>
<td>59.8%</td>
<td>10% LOWER</td>
<td>-6.0%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>40.2%</td>
<td>34.5%</td>
<td>17% HIGHER</td>
<td>+5.7%</td>
</tr>
</tbody>
</table>

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter Registration File and Voter History One Stop File

7 The totals on all analyses for changed registration in weeks 1, 2, 3 are very slightly lower than the overall totals for changed One Stop voters, because the date could not be identified for a small number of voters, well under one percent.
CHART 7
UPDATED ONE STOP REGISTRATIONS WEEK 1 COMPARED TO WEEKS 2 & 3, BY RACE, 2008 GENERAL ELECTION, NORTH CAROLINA

% UPDATED WEEK 1
% UPDATED WEEKS 2 & 3

WHITE  BLACK
2. The 2010 General Election

Table 6 and Chart 8 report the results of my analysis of the racial composition of persons who updated their registration at any time during the One Stop voting period in 2010. The results reported in Table 11 and Chart 8 demonstrate that, compared to their percentage of all registered voters just prior to the beginning of the seventeen-day One Stop registration period in 2010, African Americans are overrepresented among updated registrants, whereas whites are underrepresented. African Americans comprised 36.4 percent of the 39,833 updated registrants in 2010, more than two-thirds larger than the 21.6 percent of African Americans among all registered voters, prior to the One Stop voting period, for a difference of +14.8 percentage points. Table 6 and Chart 8 additionally disclose whites comprised 58.9 percent of the updated registrants, a fifth lower than the 73.2 percent of whites among prior registered voters, for a difference of −14.3 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG UPDATED ONE STOP REGISTRANTS</th>
<th>PERCENT AMONG PRIOR REGISTERED VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>58.9%</td>
<td>73.2%</td>
<td>20% LOWER</td>
<td>−14.3%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>36.4%</td>
<td>21.6%</td>
<td>69% HIGHER</td>
<td>+14.8%</td>
</tr>
</tbody>
</table>

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter Registration File and Voter History One Stop File
CHART 8
CHANGED ONE STOP REGISTRATIONS AND ALL PRIOR REGISTERED VOTERS, BY RACE, 2010 GENERAL ELECTION, NORTH CAROLINA
Table 7 and Chart 9 report the results of my analysis of the racial composition of persons who updated their registration during the first week of the 2010 One Stop voting period as compared to the second and third weeks. The results reported in Table 12 and Chart 9 demonstrate that African Americans are underrepresented among updated registrants during the first week, whereas whites are overrepresented.

According to Table 7 and Chart 9, African Americans comprised 32.9 percent of the first week updated One Stop registrants in 2010, which is about a tenth lower than the 37.1 percent of African Americans among all combined second and third week updated registrants, for a difference of -4.2 percentage points. Table 7 and Chart 9 additionally disclose that whites comprised 62.7 percent of updated registrants in the first week of the 2010 One Stop voting period, 8 percent higher than the 58.0 percent of whites among all second and third week updated One Stop registrants, for a difference of +4.7 percentage points.

<table>
<thead>
<tr>
<th>YEAR AND GROUP</th>
<th>WEEK 1 PERCENT</th>
<th>WEEK 2 &amp; 3 PERCENT</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>62.7%</td>
<td>58.0%</td>
<td>8% HIGHER</td>
<td>+4.7%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>32.9%</td>
<td>37.1%</td>
<td>11% LOWER</td>
<td>-4.2%</td>
</tr>
</tbody>
</table>

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter Registration File, Voter History One Stop File, and Absentee Correspondence File
CHART 9
UPDATED ONE STOP REGISTRATIONS WEEK 1 COMPARED TO WEEKS 2 & 3, BY RACE, 2010 GENERAL ELECTION, NORTH CAROLINA

% UPDATED WEEK 1
% UPDATED WEEKS 2 & 3

WHITE
BLACK
3. The 2012 General Election

Table 8 and Chart 10 report the results of my analysis of the racial composition of persons who updated their registration at any time during the One Stop voting period in 2012. The results reported in Table 8 and Chart 10 demonstrate that compared to their percentage of all prior registered voters in 2012, African Americans are overrepresented among updated registrants, whereas whites are underrepresented. African Americans comprised 44.8 percent of the 152,673 updated registrants in 2012, double the 22.3 percent of African Americans among all prior registered voters in 2012, for a difference of +22.5 percentage points. Table 8 and Chart 10 additionally disclose that whites comprised 47.3 percent of the updated registrants, about a third lower than the 71.6 percent of whites among all prior registered voters, for a difference of –24.3 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG UPDATED ONE STOP REGISTRANTS</th>
<th>PERCENT AMONG PRIOR REGISTERED VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>47.3%</td>
<td>71.6%</td>
<td>34% LOWER</td>
<td>-24.3%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>44.8%</td>
<td>22.3%</td>
<td>101% HIGHER</td>
<td>+22.5%</td>
</tr>
</tbody>
</table>

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter Registration File, Voter History One Stop File, and Absentee Correspondence File
CHART 10
UPDATED ONE STOP REGISTRATIONS AND ALL PRIOR REGISTERED VOTERS, BY RACE, 2012 GENERAL ELECTION, NORTH CAROLINA

% UPDATED ONE OP
% ALL PRIOR REGISTERED VOTERS

WHITE    BLACK
Table 9 and Chart 11 report the results of my analysis of the racial composition of persons who updated their registration during the first week of the 2012 One Stop voting period as compared to second and third weeks. The results reported in Table 9 and Chart 11 demonstrate that African Americans are overrepresented among updated registrants during the first week of One Stop voting, whereas whites are underrepresented. African Americans comprised 50.3 percent of the first week updated registrants in 2012, 18 percent larger than the 42.6 percent of African Americans among all second and third week updated registrants, for a difference of +7.7 percentage points. Table 9 and Chart 11 additionally disclose that whites comprised 42.0 percent of the first week updated registrants, 15% lower than the 49.4 percent of whites among all second and third week updated registrants, for a difference of -7.4 percentage points.

| TABLE 9 | UPDATED ONE STOP REGISTRATIONS BY DATE, WEEK 1 COMPARED TO WEEKS 2 & 3, BY RACE, 2012 GENERAL ELECTION, NORTH CAROLINA WEEK 1: 42,765, WEEKS 2 & 3, 109,465 |
| YEAR AND GROUP | WEEK 1 PERCENT | WEEK 2 & 3 PERCENT | PERCENT DIFFERENCE | PERCENTAGE POINT DIFFERENCE |
| WHITE | 42.0% | 49.4% | 15% LOWER | -7.4% |
| AFRICAN AMERICAN | 50.3% | 42.6% | 18% HIGHER | +7.7% |

Source: North Carolina State Board of Elections Online Database; SEIMS Database Voter Registration File, Voter History One Stop File, and Absentee Correspondence File
CHART 11
UPDATED ONE STOP REGISTRATIONS WEEK 1 COMPARED TO WEEKS 2 & 3, BY RACE, 2012 GENERAL ELECTION, NORTH CAROLINA

- % UPDATED WEEK 1
- % UPDATED WEEKS 2 & 3

WHITE
BLACK
E. One-Stop Early Voting

S.L. 2013-381 reduces the number of One Stop voting days at the polls from 17 to 10, eliminating the first week and cutting the number of days by 41 percent. As noted in the previous section, although the law purports to require election officials to provide the same number of early voting hours as in prior midterm and general elections, it authorizes counties to seek waivers from the State Board of Elections exempting them for the “total hours” requirement. As of late March, 2014, 32 counties have sought and obtained such waivers for the May 2014 Primary. Others may seek waivers prior to the 2014 general election. Therefore, this “total hours” requirement has little to no mitigating effect on the diminution of the number of days for early voting in the counties that have obtained waivers, and it is unclear what mitigating effect, if any, such a requirement will have on African American voting opportunities in other counties that have yet to seek a waiver. Thus, S.L. 2013-381 imposes both an overall restriction on opportunities to vote during the One Stop voting period as well as restrictions that arise from eliminating the first week of early voting, even if there are increased hours in the second and third weeks.

In this section, I examine the racial composition of voters who cast their ballots at any time during the One Stop voting period. Then I examine the racial composition of voters who cast their ballots during the first week of One Stop voting, as compared to the second and third weeks. The methodology follows that outlined in the previous section on updated registrations during the One Stop voting period, given that S.L. 2013-381’s new restrictions on the One Stop voting period apply equally to the updating of registration and the casting of early ballots.

The results of my analysis show that S.L. 2013-381’s elimination of the first seven One Stop voting days (combined with a waiver option for the “total hours” requirement) has a disparate impact on African American registered voters. As compared to whites, African Americans have disproportionately voted early during the One Stop voting period in all three elections studied. They also voted at disproportionately higher rates in the first week of the One Stop voting period in the 2008 and 2012 general elections, both of which had far more One Stop voters than the 2010 general election.

1. The 2008 General Election

Table 10 and Chart 12 report the results of my analysis of the racial composition of persons who voted at the polls during the One Stop voting period in 2008. The results reported in Table 10 and Chart 12 demonstrate that, compared to their percentage share of all voters in 2008, African Americans are overrepresented among those voting early at the polls, whereas whites are underrepresented. African Americans comprised 28.4 percent of the 2,422,366 One Stop voters at the polls in 2008, which is almost double the 14.6 percent of African Americans among all other voters, for a difference of +13.8 percentage points. Table 10 and Chart 12 additionally disclose that whites comprised 66.7 percent of One Stop voters at the polls, 17 percent lower than the 80.2 percent of whites among all registered voters, for a difference of – 13.5 percentage points.
### TABLE 10
ONE STOP VOTING AT THE POLLS BY RACE, 2008 GENERAL ELECTION, NORTH CAROLINA TOTAL: 2,422,366 (56%)

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG EARLY VOTERS AT THE POLLS</th>
<th>PERCENT AMONG ALL OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>66.7%</td>
<td>80.2%</td>
<td>17% LOWER</td>
<td>-13.5%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>28.4%</td>
<td>14.6%</td>
<td>95% HIGHER</td>
<td>+13.8%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File
CHART 12
EARLY ONE STOP VOTERS AT POLLS & ALL OTHER VOTERS, BY RACE, 2008 GENERAL ELECTION, NORTH CAROLINA

% EARLY VOTERS AT POLLS
% ALL OTHER VOTERS

WHITE
BLACK
Table 11 and Chart 13 report the results of my analysis of the racial composition of persons who voted at the polls during the first week, as compared to the second and third weeks, of the 2008 One Stop voting period. The results reported in Table 11 and Chart 13 demonstrate that African Americans are overrepresented among One Stop voters during the first week, whereas whites are underrepresented. African Americans comprised 31.8 percent of the first week One Stop voters at the polls in 2008, nearly a fifth larger than the 26.9 percent of African Americans among second and third week One Stop voters, for a difference of +4.9 percentage points. Table 11 and Chart 13 additionally disclose that whites comprised 63.9 percent of the first week One Stop voters, which is 6 percent lower than the 68.0 percent of whites among second and third week voters, for a difference of 4.1 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>WEEK 1 PERCENT</th>
<th>WEEK 2 &amp; 3 PERCENT</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>63.9%</td>
<td>68.0%</td>
<td>6% LOWER</td>
<td>-4.1%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>31.8%</td>
<td>26.9%</td>
<td>18% HIGHER</td>
<td>+4.9%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File and Absentee Correspondence File
CHART 13
EARLY ONE STOP VOTERS AT THE POLLS, WEEK 1 COMPARED TO WEEKS 2 & 3, BY RACE, 2008 GENERAL ELECTION, NORTH CAROLINA

% VOTED WEEK 1
% VOTED WEEKS 2 & 3

WHITE
BLACK
2. The 2010 General Election

Table 12 and Chart 14 report the results of my analysis of the racial composition of One Stop voters at the polls in 2010. The results reported in Table 12 and Chart 14 demonstrate that, compared to their percentage of all other voters, African Americans are overrepresented among One Stop voters at the polls, whereas whites are underrepresented. African Americans comprised 21.5 percent of the 906,722 One Stop voters at the polls in 2010, about a tenth larger than the 19.3 percent of African Americans among all other voters in 2010, for a difference of +2.2 percentage points. Table 12 and Chart 14 additionally disclose that whites comprised 75.4 percent of One Stop voters at the polls, 2 percent lower than the 76.8 percent of whites among all other voters, for a difference of – 1.4 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG EARLY VOTERS AT POLLS</th>
<th>PERCENT AMONG ALL OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>75.4%</td>
<td>76.8%</td>
<td>2% LOWER</td>
<td>-1.4%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>21.5%</td>
<td>19.3%</td>
<td>11% HIGHER</td>
<td>+2.2%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File
CHART 14
EARLY ONE STOP VOTERS AT THE POLLS & ALL OTHER VOTERS, BY RACE, 2010 GENERAL ELECTION, NORTH CAROLINA

% EARLY VOTERS AT POLLS
% OTHER VOTERS

WHITE  BLACK
Table 13 and Chart 15 report the results of my analysis of the racial composition of early voters at the polls during the first week of the 2010 One Stop voting period as compared to the second and third weeks. The results reported in Table 13 and Chart 15 demonstrate that African Americans are underrepresented among One Stop voters during the first week, whereas whites are overrepresented. According to Table 13 and Chart 15, African Americans comprised 17.5 percent of One Stop first week voters in 2010, 23 percent lower than the 22.7 percent of African Americans among all second and third week voters, for a difference of -5.2 percentage points. Table 13 and Chart 15 additionally disclose that whites comprised 79.9 percent of the first week One Stop voters in 2010, 8 percent higher than the 74.2 percent of whites among all second and third week voters, for a difference of +5.7 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>WEEK 1 PERCENT</th>
<th>WEEK 2 &amp; 3 PERCENT</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>79.9%</td>
<td>74.2%</td>
<td>8% HIGHER</td>
<td>+5.7%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>17.5%</td>
<td>22.7%</td>
<td>23% LOWER</td>
<td>-5.2%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File and Absentee Correspondence File
CHART 15
EARLY ONE STOP VOTERS AT THE POLLS, WEEK 1 COMPARED TO WEEKS 2 & 3, BY RACE, 2010 GENERAL ELECTION, NORTH CAROLINA

<table>
<thead>
<tr>
<th></th>
<th>% VOTED WEEK 1</th>
<th>% VOTED WEEKS 2 &amp; 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>80%</td>
<td></td>
</tr>
<tr>
<td>BLACK</td>
<td>20%</td>
<td></td>
</tr>
</tbody>
</table>

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3. The 2012 General Election

Table 14 and Chart 16 report the results of my analysis of the racial composition of persons who voted at the polls during the One Stop voting period in 2012. The results reported in Table 14 and Chart 16 demonstrate that, compared to their percentage of all other voters, African Americans are overrepresented among One Stop voters, whereas whites are underrepresented. African Americans comprised 28.8 percent of the 2,558,060 One Stop voters in 2012, 86 percent higher than the 15.5 percent of African Americans among all other voters in 2012, for a difference of +13.3 percentage points. Table 14 and Chart 16 additionally disclose that Whites comprised 65.4 percent of the One Stop voters, 16 percent lower than the 78.0 percent of whites among all other voters, for a difference of –12.6 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG ONE STOP VOTERS</th>
<th>PERCENT AMONG ALL OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>65.4%</td>
<td>78.0%</td>
<td>16% LOWER</td>
<td>-12.6%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>28.8%</td>
<td>15.5%</td>
<td>86% HIGHER</td>
<td>+13.3%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File
CHART 16
EARLY ONE STOP VOTERS AT THE POLLS AND ALL OTHER VOTERS, BY RACE, 2012 GENERAL ELECTION, NORTH CAROLINA

% EARLY VOTERS AT POLLS

% ALL OTHER VOTERS

WHITE
BLACK
Table 15 and Chart 17 report the results of my analysis of the racial composition of persons who voted at the polls during the first week of the 2012 One Stop voting period as compared to the second and third weeks. The results reported in Table 25 and Chart 17 demonstrate that African Americans are overrepresented among One Stop voters during the first week, whereas whites are underrepresented. African Americans comprised 32.8 percent of the first week voters at the polls in 2012, nearly a quarter more than the 26.6 percent of African Americans among all second and third week voters, for a difference of +6.2 percentage points.

Table 15 and Chart 17 additionally disclose that whites comprised 62.1 percent of the early first week voters, 8 percent lower than the 67.2 percent of whites among second and third week voters, for a difference of –5.1 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>WEEK 1 PERCENT</th>
<th>WEEK 2 &amp; 3 PERCENT</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>62.1%</td>
<td>67.2%</td>
<td>8% LOWER</td>
<td>-5.1%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>32.8%</td>
<td>26.6%</td>
<td>23% HIGHER</td>
<td>+6.2%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File and Absentee Correspondence File
CHART 17
EARLY ONE STOP VOTERS AT THE POLLS, WEEK 1 COMPARED TO WEEKS 2 & 3, BY RACE, 2012 GENERAL ELECTION, NORTH CAROLINA

<table>
<thead>
<tr>
<th>Race</th>
<th>Week 1</th>
<th>Weeks 2 &amp; 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLACK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

% EARLY VOTERS WEEK 1
% EARLY VOTERS WEEKS 2 & 3
F. The Impact of Prohibiting the Partial Counting of Provisional Ballots Cast in the Wrong Precinct

S.L. 2013-381 also abolishes the previous practice of partially counting provisional ballots cast by voters in the incorrect precinct. The analysis below examines the racial composition of voters who cast “wrong precinct” provisional ballots that were partially counted in the 2008, 2010, and 2012 general elections. The individual voter files provide information on provisional ballots including wrong precinct ballots that previously have been partially counted in statewide or presidential elections. Most of these ballots include the racial identification of the voter. The number that do not (5 percent or fewer in each election) are too small to affect the analytic results. The analytic procedure used here for assessing the racial impact of eliminating the partial counting of provisional ballots follows precisely the methodology outlined in Section IV-C on new One Stop registrations, given that S.L. 2013-381 eliminates entirely both new registrations during the One Stop voting period and the partial counting of provisional ballots cast in the wrong precinct.

1. The 2008 General Election

Table 16 and Chart 18 report the results of my analysis of the racial composition of voters who cast partially counted provisional ballots in the 2008 general election. The results reported in Table 16 and Chart 18 demonstrate that compared to their percentage of all other voters, African Americans are overrepresented among voters who cast provisional ballots in the wrong precinct and whose ballots were partially counted (“out-of-precinct voters”), whereas whites are underrepresented. African Americans comprised 30.1 percent of the 2,388 out-of-precinct voters whose voter files include race identifying information (out of a total of 2,506 partially counted provisional ballots), more than a third larger than the 22.2 percent of African Americans among all other voters in 2008, for a difference of +7.9 percentage points. Table 15 and Chart 18 additionally disclose that whites comprised 59.8 percent of the out-of-precinct voters, nearly a fifth less than the 72.7 percent of whites among all other voters, for a difference of -12.9 percentage points.

8 The voter files contain information identifying provisional ballots as “wrong precinct,” as well as those falling into other categories. The files also indicate which wrong precinct ballots were partially counted.

9 The difference of 118 partially counted provisional ballots (5% of the total) represents the partially counted provisional ballots in 2008 that lack racial identification in the voter files.
<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG OUT-OF-PRECINCT VOTERS</th>
<th>PERCENT AMONG ALL OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>59.8%</td>
<td>72.7%</td>
<td>18% LOWER</td>
<td>-12.9%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>30.1%</td>
<td>22.2%</td>
<td>36% HIGHER</td>
<td>+7.9%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Provisional Voter File and Voter History File
2. The 2010 General Election

Table 17 and Chart 19 report the results of my analysis of the racial composition of out-of-precinct voters who cast partially counted provisional ballots in 2010. The results reported in Table 17 and Chart 19 demonstrate that, compared to their percentage of all other voters, African Americans are overrepresented among out-of-precinct voters, whereas whites are underrepresented. African Americans comprised 56.5 percent of the 2,501 out-of-precinct voters whose voter files include race identifying information (of a total of 2,635)\(^{10}\), nearly triple the 20.0 percent of African Americans among all other voters, for a difference of +36.5 percentage points. Table 17 and Chart 19 additionally disclose that whites comprised 34.7 percent of the partially counted provisional ballots, less than half of the 76.4 percent of whites among all other voters, for a difference of -41.7 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG OUT-OF-PRECINCT VOTERS</th>
<th>PERCENT AMONG OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>34.7%</td>
<td>76.4%</td>
<td>55% LOWER</td>
<td>-41.7%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>56.5%</td>
<td>20.0%</td>
<td>183% HIGHER</td>
<td>+36.5%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Provisional Voter File and Voter History File

\(^{10}\) The difference of 134 partially counted provisional ballots (5% of the total) represents the partially counted provisional ballots in 2010 that lack racial identification in the voter files.
CHART 19
OUT-OF-PRECINCT VOTERS AND OTHER VOTERS BY RACE,
2010 GENERAL ELECTION, NORTH CAROLINA

<table>
<thead>
<tr>
<th>Race</th>
<th>Partially Counted Provisionals</th>
<th>% All Other Voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLACK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3. The 2012 General Election

Table 18 and Chart 20 report the results of my analysis of the racial composition of out-of-precinct voters who cast partially counted provisional ballots in 2012. The results reported in Table 32 and Chart 20 demonstrate that compared to their percentage of all other voters, African Americans are overrepresented among out-of-precinct voters, whereas whites are underrepresented. African Americans comprised 35.0 percent of the 3,349 out-of-precinct voters in 2012 whose voter files include race identifying information (of a total of 3,417),\textsuperscript{11} over 50% more than the 23.0 percent of African Americans among all other voters, for a difference of +12.0 percentage points. Table 18 and Chart 20 additionally disclose that whites comprised 51.9 percent of out-of-precinct voters, more than a quarter fewer than the 70.9 percent of whites among all other voters, for a difference of -19.0 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG OUT-OF-PRECINCT VOTERS</th>
<th>PERCENT AMONG OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>51.9%</td>
<td>70.9%</td>
<td>27% LOWER</td>
<td>-19.0%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>35.0%</td>
<td>23.0%</td>
<td>52% HIGHER</td>
<td>+12.0%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Provisional Voter File and Voter History File

\textsuperscript{11} The difference of 68 partially counted provisional ballots (2% of the total) represents the partially counted provisional ballots in 2012 that lack racial identification in the voter files.
CHART 20
OUT-OF-PRECINCT VOTERS AND OTHER VOTERS BY RACE,
2012 GENERAL ELECTION, NORTH CAROLINA

<table>
<thead>
<tr>
<th></th>
<th>% PARTIALLY COUNTED PROVISIONALS</th>
<th>% ALL OTHER VOTERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLACK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
G. Mail-in Absentee Voters

The casting of absentee ballots by mail is one form of early voting that remains available after S.L. 2013-381, without any new restriction on the period of time allowed for casting such ballots. In North Carolina a voter can cast a mail-in absentee ballot without having to explain why she or he is unable to vote in person during the One Stop voting period or on Election Day. About 95 percent of these absentee votes were cast by civilians within the United States. The remainder were cast by military personnel and civilians residing abroad. In sharp contrast to other forms of registration and voting eliminated or restricted under S.L. 2013-381, whites are substantially overrepresented among mail-in absentee voters, whereas African Americans are disproportionately underrepresented. This holds true for all three general elections included in this study.

1. The 2008 General Election

Table 19 and Chart 21 report the results of my analysis of the racial composition of mail-in absentee voters in 2008. The results reported in Table 19 and Chart 21 demonstrate that African Americans are substantially underrepresented among absentee voters, whereas whites are substantially overrepresented. According to results reported in Table 19 and Chart 21, African Americans comprised only 7.3 percent of the 227,529 absentee voters in 2008, which is more than triple the 23.1 percent of African Americans among all other voters, for a difference of -15.8 percentage points. Whites comprised a very large 88.6 percent of absentee voters, 23 percent more than the 71.8 percent of whites among other voters, for a difference of +16.8 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG ALL MAIL-IN ABSENTEE VOTERS</th>
<th>PERCENT AMONG ALL OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>88.6%</td>
<td>71.8%</td>
<td>23 PERCENT HIGHER</td>
<td>+16.8</td>
</tr>
<tr>
<td>BLACK</td>
<td>7.3%</td>
<td>23.1%</td>
<td>68 PERCENT LOWER</td>
<td>-15.8</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File
CHART 21
ALL MAIL ABSENTEE VOTERS AND OTHER VOTERS, BY RACE, 2008 GENERAL ELECTION, NORTH CAROLINA

% OF ABSENTEE VOTERS
% OF NON-ABSENTEE VOTERS

0% 10% 20% 30% 40% 50% 60% 70% 80% 90%

WHITE  BLACK
2. The 2010 General Election

Table 20 and Chart 22 report the results of my analysis of the racial composition of mail-in absentee voters in 2010. According to Table 19 and Chart 22, African Americans comprised only 8.9 percent of the 55,954 absentee voters in 2010, well more than double the 20.3 percent of African Americans among all other voters, for a difference of -11.5 percentage points. Whites comprised a very large 87.9 percent of absentee voters, compared to 76.5 percent among non-absentee voters, for a difference of +11.4 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG ALL MAIL-IN ABSENTEE VOTERS</th>
<th>PERCENT AMONG ALL OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>87.3%</td>
<td>76.1%</td>
<td>15 PERCENT HIGHER</td>
<td>+11.2</td>
</tr>
<tr>
<td>BLACK</td>
<td>8.9%</td>
<td>20.3%</td>
<td>57 PERCENT LOWER</td>
<td>-11.5</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File
CHART 22
ALL MAIL ABSENTEE VOTERS AND OTHER VOTERS, BY RACE, 2010 GENERAL ELECTION, NORTH CAROLINA
3. The 2012 General Election

Table 21 and Chart 23 report the results of my analysis of the racial composition of mail-in absentee voters in 2012. According to results reported in Table 21 and Chart 23, African Americans comprised 8.6 percent of the 218,552 mail-in absentee voters in 2012, which is 64 percent lower than the 23.7 percent of African Americans among all other voters, for a difference of -15.1 percentage points. Whites comprised 85.6 percent of absentee voters, more than a fifth higher than the 70.2 percent of whites among all other voters, for a difference of +15.4 percentage points.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG ALL MAIL-IN ABSENTEE VOTERS</th>
<th>PERCENT AMONG ALL OTHER VOTERS</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>85.6%</td>
<td>70.2%</td>
<td>22 PERCENT HIGHER</td>
<td>+15.4</td>
</tr>
<tr>
<td>BLACK</td>
<td>8.6%</td>
<td>23.7%</td>
<td>64 PERCENT LOWER</td>
<td>-15.1%</td>
</tr>
</tbody>
</table>

Source: SEIMS Database Voter History File
CHART 23
ALL MAIL ABSENTEE VOTERS AND OTHER VOTERS, BY RACE, 2012 GENERAL ELECTION, NORTH CAROLINA
H. Conclusion

My conclusion, based on the above analysis, is that S.L. 2013-381 has a significant disparate impact on African American voters by: (1) eliminating the opportunity to register for the first time during the One Stop voting period; (2) restricting the One Stop voting period from 17 to 10 days, thereby limiting the opportunity to update one’s registration and to vote during what was initially the first seven days of the One Stop voting period; and (3) prohibiting the counting of provisional ballots cast in the wrong precinct. Indeed, the cumulative impact of all of these provisions affects many more voters than the independent impact of any one provision by itself.

In contrast, one method of early voting that S.L. 2013-382 left largely intact is mail-in absentee voting. As my analysis shows, the overwhelming majority of mail-in absentee voters are white, and African American voters use mail-in absentee voting at significantly lower rates compared to their percentage share of registered voters. S.L. 2013-381 in many ways targets and restricts methods of registration and voting that have traditionally been used by African American voters at disproportionately higher rates.
APPENDIX A

Curriculum Vitae

Allan J. Lichtman
9219 Villa Dr.
Bethesda, MD 20817

(240) 498-8738 h
(202) 885-2411 o

EDUCATION

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

PhD, Harvard University, Graduate Prize Fellow, 1973

PROFESSIONAL EXPERIENCE

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

Instructor, Brandeis University, 1970, quantitative history.

Assistant Professor of History, American University, 1973-1977

Associate Professor of History, American University, 1977-1978

Professor of History, American University, 1979 –

Distinguished Professor, 2011 -

Expert witness in more than 80 redistricting, voting rights and civil rights cases (see Table of Cases attached)

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

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

Regular political analyst for CNN Headline News, 2003-2006

HONORS AND AWARDS

Outstanding Teacher, College of Arts and Sciences, 1975-76
Outstanding Scholar, College of Arts and Sciences, 1978-79

Outstanding Scholar, The American University, 1982-83

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

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

American University summer research grant, 1978 & 1982

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

Graduate Student Council, American University, Faculty Award, 1982


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

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

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

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

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

Organization of American Historians, Distinguished Lecturer, 2004 -

Selected by the Teaching Company as one of America’s Super Star Teachers.”

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

Keynote Speaker, International Forecasting Summit, 2007 and 2008

Cited authoritatively by United States Supreme Court in statewide Texas Congressional redistricting case _LULAC v. Perry_ (2006)

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

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

Elected Member, PEN American Center, 2009
Appointed Distinguished Professor, 2011

SCHOLARSHIP

A. Books


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

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


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


Monograph:


B. Scholarly Articles


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

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


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


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


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

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


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


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


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


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

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


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


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


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


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


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


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

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


edition, with Daniel Rohrer and Jerome Corsi, 1979)

C. Selected Popular Articles

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


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

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

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

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


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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

"Quotas Aren't The Issue," NEW YORK TIMES, Op Ed Page (December 7, 1994)

"History According to Newt," WASHINGTON MONTHLY (May, 1995)


“Race Was Big Factor in Ballot Rejection, BALTIMORE SUN Op Ed (March 5, 2002)

“Why is George Bush President?” NATIONAL CATHOLIC REPORTER (Dec. 19, 2003)


“Why Obama is Colorblind and McCain is Ageless,” JEWISH DAILY FORWARD (June 26, 2008)

“Splintered Conservatives McCain,” POLITICO (June 24, 2008)
“Will Obama be a Smith or a Kennedy,” NATIONAL CATHOLIC REPORTER (October 17, 2008)


Bi-weekly column, THE MONTGOMERY JOURNAL, GAZETTE 1990 - present

Election-year column, REUTERS NEWS SERVICE 1996 & 2000

D. Video Publication


TEACHING

Ongoing Courses


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

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

TELEVISION APPEARANCES

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

Regular political commentary for NBC News Nightside.
Regular political commentary for Voice of America and USIA.

Regular political commentary for America’s Talking Cable Network.

Regular political commentary for the Canadian Broadcasting System.

Regular political commentary for CNN, Headline News

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

CBS New Consultant, 1998 and 1999

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

**RADIO SHOWS**

I have participated in more than 2000 radio interview and talk shows broadcast nationwide, in foreign nations, and in cities such as Washington, D. C., New York, Atlanta, Chicago, Los Angeles and Detroit. My appearances include the Voice of America, National Public Radio, and well as all major commercial radio networks.

**PRESS CITATIONS**

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


**SELECTED CONFERENCES, PRESENTATIONS, & LECTURES: UNITED STATES**

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


"A Psychological Model of American Nativism," Bloomsberg State Historical Conference, April 1975
"Methodology for Aggregating Data in Education Research," National Institute of Education, Symposium on Methodology, July 1975, with Laura Irwin

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

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

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

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


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

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

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

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


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

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

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


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

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

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

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

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


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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

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


Keynote Speaker, Hubert Humphrey Fellows, Arlington, Virginia, 2007-2008

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


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

Feature Presentation, American Political History, Rockford Illinois School District, July 2008
American University Honors Program Tea Talk on the Election, September 2008

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

Keynote Speaker, International Forecasting Summit, Boston, September 2008

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

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

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

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

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

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

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


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

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

SELECTED CONFERENCES, PRESENTATIONS, & LECTURES: INTERNATIONAL

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

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

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

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

Featured Lectures, US Department of State, Scotland and England, including Oxford University, University of Edinburg, and Chatham House, June 2004
Keynote Speech, American University in Cairo, October 2004

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

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

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

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

DEPARTMENTAL AND UNIVERSITY SERVICE

Department of History Council 1973 -

Undergraduate Committee, Department of History 1973-1977

Chair Undergraduate Committee, Department of History 1984-1985

Graduate Committee, Department of History, 1978-1984

Freshman Advisor, 1973-1979

First Year Module in Human Communications, 1977-1979

University Committee on Fellowships and Awards 1976-1978

University Senate 1978-1979, 1984-1985

University Senate Parliamentarian and Executive Board 1978-1979

Founding Director, American University Honors Program, 1977-1979

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

University Grievance Committee, 1984-1985

Member, University Honors Committee 1981-1982

College of Arts and Sciences Curriculum Committee 1981-1982
Jewish Studies Advisory Board, 1982-1984

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

Chair, College of Arts and Sciences Faculty Colloquium, 1983

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

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

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

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

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

Chair, Distinguished Professor Search Committee 1991

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

Board Member, The American University Press, 1991-1995

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

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

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

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

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

Elected Member, University Provost Search Committee, 1995-1996

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

Department Chair, 1999-2001

CAS Research Committee, 2006-2007

University Budget and Benefits Committee, 2008
Chair, Personnel Committee, Department of History, 2010-

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

**OTHER POSITIONS**

Director of Forensics, Brandeis University, 1968-71

Director of Forensics, Harvard University, 1971-72

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

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

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

1. Directing a national conference on techniques for studying historical and contemporary families held at the Smithsonian in June 1976.
2. Chairing a public session at the Smithsonian on how to do the history of one's own family.
3. Helping to direct the Sixth International Smithsonian Symposium on Kin and Communities in America (June 1977).
4. Editing the volume of essays from the symposium.

Consultant to John Anderson campaign for president, 1980.

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


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

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

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

Reliance Materials


U.S. Census Bureau (2012), 5-year American Community Survey.

Data files extracted from the North Carolina State Election Information Management System, produced by the North Carolina State Board of Elections on February 3, 2014.


APPENDIX C

List of Expert Testimony

Newton, et al. vs. Alabama (U. S. District Court, Alabama) 2013

North Carolina NAACP v. North Carolina (State Superior Court, North Carolina) 2013

Texas v. United States (Voter ID) (U. S. District Court, District of Columbia) 2012

Texas v. United States (Redistricting) (U.S. District Court, District of Columbia) 2012

Coalition for Equity and Excellence in Higher Education v. Maryland Higher Education Committee, et al. (U.S. District Court, Maryland) 2012


Perez, et al. v. Perry, et al. (U. S. District Court, Texas) 2011

United States vs. Demario James Atwater (U. S. District Court, North Carolina) 2010

Boddie v. Cleveland School Board, Mississippi (U.S. District Court, Mississippi) 2010
SUR-REBUTTAL EXPERT REPORT

North Carolina State Conference of the NAACP
v.
McCrory, et al.

United States District Court
Middle District of North Carolina
Case No.: 1:13-cv-00658

May 2, 2014

Allan J. Lichtman, Ph.D.
I. SUMMARY OF OPINIONS

In this report, I respond to declarations submitted by defendants on April 25, 2014. These include the declarations of Thomas H. Fetzer, Jr., Donald Schroeder, Janet R. Thornton, Sean P. Trende, and Thomas Hofeller.

After examining these declarations, I conclude that the declarations do not refute my quantitative empirical findings in my April 11 report regarding racial disparities in the use of the registration and voting opportunities eliminated or restricted by the 2013 Voter Information Verification Act, S.L. 2013-381. They also do not refute my findings on mail-in absentee ballots, the only form of early voting not eliminated or reduced in its timing, and utilized disproportionately by whites. Primarily, these declarations address matters that are peripheral to the issue of whether S.L. 2013-381 imposes a disparate burden on African American voters’ opportunities to register and vote in North Carolina. The following quantitative findings from my April 11 report are not refuted by any of the five declarations submitted by plaintiffs:

That African Americans disproportionately:

1. Used the One Stop voting period to register newly.
2. Used the One Stop voting period to update registrations.
3. Updated their registrations during the first week of the One Stop voting period as compared to the second and third weeks.
4. Cast in-person ballots during the One Stop voting period.
5. Cast in-person ballots during the first week of the One Stop voting period as compared to the second and third weeks.

And whites disproportionately:

7. Cast mail-in absentee ballots—the only form of early voting disproportionately used by whites rather than African Americans.

The declarations of Thornton, Trende, and Hofeller do indirectly address some of the conclusions drawn from these findings. Their discussion on these points does not withstand scrutiny, however.

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1 As correctly noted by in the Declaration of Janet Thornton, my work to this point focuses on the impact of S.L. 2013-381’s provisions on African Americans. This is by far the largest and most politically active minority group in North Carolina. The demonstration that S.L. 2013-381 imposes disparate burdens on African Americans does not rule out a later finding that it also does so for Latinos.
A. FETZER DECLARATION

The Fetzer declaration focuses on claims that early voting results in early, increased and inefficient spending by campaigns. But it does not include any research design or methodology; it presents no empirical data; and, in addition, Mr. Fetzer’s opinions are contradicted by scholarly studies. For example, Andrew E. Busch of the University of Denver found that the belief that early voting drives up campaign costs is not supported by his analysis of Colorado elections. 2 A study by Philip J. Zakahi found that while the existence of early voting had a very modest 10 percent influence on the timing of campaign expenditures, he also found that this timing is not influenced by “variables measuring either the number of days from the election at which early voting begins or the percentage of the electorate voting early.”3

Similarly, a study by Johanna Dunaway and Robert M. Stein found that while early voting had a modest influence on the timing of advertising expenditures it had no such influence on the amount of spending: “Spending, both per ad and per household [was] significantly greater in non-early voting states for the 2000 House and Senate races but higher in early voting states for the same contests in 2004. Spending differences for gubernatorial races are not observed between early and non-early voting states in either year.”4

B. SCHROEDER DECLARATION

Dr. Schroeder’s declaration focuses on claims that provisions of S.L. 2013-381 are not out of line with voting procedures in other states. However, Mr. Schroeder includes no information or analysis on the disparate impact on African Americans in North Carolina of any of the S.L. 2013-381 provisions that it discusses.

In addition, there are significant problems with Dr. Schroeder’s claim that S.L. 2013-381 puts North Carolina within the mainstream of other American states. First, he addresses S.L. 2013-381’s photo ID provision. He says that “at least 18 additional states have voter photo identification requirements in place to take effect on or before the 2016 elections.” (Schroeder Decl. at 3) Clearly, this puts North Carolina not in the mainstream, but out of step with 31 other states (62 percent) and the District of Columbia.

Schroeder also says that “[i]n every instance, including NC, there are accommodations made for those who do not have a government issued ID” (Id. at 3, emphasis added). There are multiple problems with this claim. Unlike North Carolina, not all photo ID states require a photo

---

ID issued by the government. For example, according to a compilation by the National Conference of State Legislatures, the great majority of photo ID states allow voters to present photo identification issued by non-governmental private colleges and universities. These states include Alabama, Arkansas, Florida, Hawaii, Kansas, Louisiana, Michigan, Mississippi, New Hampshire, Pennsylvania, Rhode Island, South Dakota, Virginia, and Wisconsin.5

Also, the “accommodations” for those without authorized photo ID in North Carolina are much more rigid than those of many other states. The National Conference of State Legislatures draws an important distinction between “strict” and non-strict” photo voter ID states: In “strict” states, voters without an authorized photo ID can only vote by provisional ballot, which will be counted only if they produce an authorized photo ID within a specified time period. In “non-strict states,” however, “Voters without ID have other options for casting a regular ballot. They may be permitted to sign an affidavit of identity, or poll workers may be able to vouch for them if they know them personally. In these "non-strict" states, voters who fail to bring ID on Election Day aren't required to return to election officials and show ID in order to have their ballot counted.”6

Thus the difference between “strict” and “non-strict” states influences whether potential voters lacking authorized photo IDs can cast a regular ballot. North Carolina is one of the “strict” photo identification states, which means that North Carolina voters who do not possess any of the forms of photo ID accepted under S.L. 2013-381 do not have the same opportunity to cast a regular ballot compared to voters in “non-strict” photo ID states, such as Alabama, Florida, Idaho, Hawaii, Louisiana, Michigan, New Hampshire, Rhode Island, South Carolina, and South Dakota.

Schroeder next addresses states that, unlike North Carolina, authorize some form of student identification. He says that of twelve states that authorize student IDs, “most (seven) require those wanting to vote absentee by mail to give a reason for not being able to vote in person.” (Schroeder Decl. at 3). However, North Carolina’s “no excuse” mail-in absentee ballots are, by a wide margin, cast in disproportionately higher numbers by white rather than African American voters. Thus the availability of “no excuse” mail-in ballots in North Carolina, does not alleviate the racial disparities produced by its photo ID law.

Next, Schroeder compares North Carolina’s procedures for registering early with those of other states. However, he misstates North Carolina procedures, writing that “North Carolina no longer allows voters to register on Election Day” (Id. at 4, emphasis added). In fact, North Carolina had never authorized voters to register on Election Day. As indicated in my April 11 report, Section IV A, North Carolina since 2007 had authorized voters to register during the One Stop voting period, which ended on the Saturday prior to Election Day. This is the provision repealed by S.L. 2013-381, not Election Day registration.

---

5 Laws in Pennsylvania and Wisconsin are stayed given the final outcome of litigation.

Schroeder additionally claims that North Carolina’s reduction of early voting days from 17 to 10, puts it at “about the median of all States in making in-person early voting available” (Id. at 6). However, Schroeder’s own data clearly refutes this claim as demonstrated in Table 1. According to the results reported in Table 1, compiled from Schroeder’s data, S.L. 2013-381’s reduction of early voting days to 10 puts North Carolina out of step with 83 percent of all other early voting states. In addition, according to the Presidential Commission on Election Administration, “[e]arly voting states, on average, provide 19 days for voting,” nearly double the number provided under North Carolina’s new law.7 Moreover, Schroeder’s unsourced data is not fully accurate. He lists California among the states without early in-person voting (Id. at 6). However, California authorizes early voting with deadlines set by county, with a county average of 21 days. In addition, Colorado, Oregon and Washington, listed as non-early voting states, conduct their elections by mail, all with voting periods longer than 10 days.8

<table>
<thead>
<tr>
<th>TABLE 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATES OTHER THAN NORTH CAROLINA WITH MORE, THE SAME, AND FEWER THAN THE 10 EARLY VOTING DAYS AUTHORIZED UNDER S.L. 2013-381</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>NUMBER OF OTHER EARLY VOTING STATES</td>
</tr>
<tr>
<td>PERCENT OF OTHER EARLY VOTING STATES</td>
</tr>
</tbody>
</table>

Source: Declaration of Donald Schroeder, Table, p. 6

C. THORNTON DECLARATION

Thornton’s declaration focuses on voter turnout, overall, and by race. None of the analyses presented in Thornton’s declaration require any modification of my initial conclusions.

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Thornton first claims that factors other than the availability of early voting influences voter turnout. This claim does not refute my findings that changes in registration and voting opportunities under S.L. 2013-381 disproportionately impact African Americans. I make no claim in my work that state laws regarding registration and voting are the only factors influencing voter turnout. But the quantitative evidence shows they are important factors.

The data presented by Dr. Thornton also sustains the finding that the 2007, pre-S.L. 2013-381 expansion of registration and voting opportunities had a positive impact on African American turnout relative to white turnout. Dr. Thornton’s Table 1 on page 8 of her declaration presents a comparison of turnout rates by race for a pre- and post-2007 election: the midterm elections of 2006 and 2010. As replicated in Table 2, Dr. Thornton’s data shows that as expected both white and African American midterm turnout increased after North Carolina’s 2007 passage of the expansionary election laws. However, African Americans expanded their turnout far more than whites.

According to Dr. Thornton’s data, presented below in Table 2, from 2006 to 2010, African American turnout increased by 42.8 percent (from 28.3 percent to 40.4 percent). In contrast, between these two midterm elections, white turnout rose by 17.2 percent (from 39.0 percent to 45.7 percent).

<table>
<thead>
<tr>
<th></th>
<th>WHITE TURNOUT</th>
<th>AFRICAN AMERICAN TURNOUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006 MIDTERM ELECTION</td>
<td>39.0%</td>
<td>28.3%</td>
</tr>
<tr>
<td>2010 MIDTERM ELECTION</td>
<td>45.7%</td>
<td>40.4%</td>
</tr>
<tr>
<td>DIFFERENCE IN PERCENTAGE POINTS</td>
<td>+6.7 PERCENTAGE POINTS</td>
<td>+12.1 PERCENTAGE POINTS</td>
</tr>
<tr>
<td>DIFFERENCE IN PERCENT</td>
<td>+17.2 PERCENT</td>
<td>+42.8 PERCENT</td>
</tr>
</tbody>
</table>

Source: Declaration of Janet Thornton, Table 1, p. 8

Next, Dr. Thornton notes that most of the increase in registration in North Carolina occurred between 1972 and 2000, rather than from 2008 to 2012. First, this is a misleading comparison given that it compares a 28-year period with a 5-year period. Second, it deals only with overall registration, not registration by race. Third, although not mentioned in her text, Dr. Thornton’s Table 3, titled “Presidential Participation Statistics for North Carolina,” (Thornton Decl. at 12), also shows that from 1972 to 2000, the percentage of registered voters actually participating in elections actually declined, then rose after 2000.
Dr. Thornton then presents an analysis of the racial composition of census tracts in which early voting centers were located in 2012. She finds that such tracts had a higher percentage of African Americans, but a lower percentage of whites and Latinos than tracts without an early voting site. She concludes, “[t]herefore it is possible that the use of one-stop voting is impacted by the ease of access to a location for African American voters relative to others,” (Id. at 14 (emphasis added)). Assuming the accuracy of her findings, as demonstrated in Table 3, the racial differentials between tracts with and without early voting sites is far too low to have any substantial impact on racial disparity in the use of early voting in 2012.

<table>
<thead>
<tr>
<th>TABLE 3</th>
<th>COMPARISON OF RACIAL DISPARITY AMONG ONE STOP VOTERS, WITH RACIAL DIFFERENTIALS IN TRACTS WITH EARLY VOTING SITES, 2012 GENERAL ELECTION, NORTH CAROLINA</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP</td>
<td>PERCENT AMONG ONE STOP VOTERS</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>28.8%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>25.4%</td>
</tr>
<tr>
<td>WHITE</td>
<td>65.4%</td>
</tr>
<tr>
<td>WHITE</td>
<td>65.6%</td>
</tr>
</tbody>
</table>

Source: Table 14, Lichtman Report, April 11, 2014; Declaration of Janet Thornton, Figure 3, p. 15

According to the data presented in Table 3, the percentage of African Americans among all early voters in 2012 is 86 percent higher than the percentage of African Americans among other voters, with a +13.3 percentage point gap. The percentage of whites among all early voters
in 2012 is 16 percent lower than the percentage of whites among other voters, with a -12.6 percentage point gap.

The disparity in the rate at which African Americans and whites use early voting is far greater than the differentials in the racial composition of census tracts with and without early voting sites in 2012. The percentage of African Americans in census tracts with 2012 early voting sites is 20 percent higher than the percentage of African Americans in tracts without early voting sites, with a percentage point gap of 4.3 percentage points. The percentage of whites in census tracts with 2012 early voting sites is 4 percent lower than the percentage of whites in tracts without early voting sites, with a percentage point gap of -2.7 percentage points.

The differential in the racial composition of a particular census tract, small as it may be, is actually inflated because it presumes a one-to-one linear relationship between racial disparities in a census tract, and voting at early voting sites located within that tract. Census tracts are relatively small geographic units. According to the 2010 Census there were 2,195 Census tracts in North Carolina.9 Voters can easily travel from one census tract to another; therefore the racial composition of a census tract has less predictive value of the composition of early voters than Dr. Thornton’s analysis suggests.

Furthermore, whites have a significant advantage over African Americans in accessing polling places due to a greater availability of vehicles per household. According to the 2010-2012 U.S. Census, American Community Survey, 14.5 percent of African American households in North Carolina lacked an available vehicle, compared to just 4.3 percent of white households. Given that people are unlikely to walk more than a few blocks to the polls, Moshe Haspel and H. Knott Gibbs found that the availability of a vehicle has a dramatic effect on turnout even for relatively small distances of less than about seven-tenths of a mile: “[w]hen automobiles are universally available (vehicle available = 1), voters are much less sensitive to changes in distance.”10 Dr. Thornton conducts a similar analysis for Sunday voting sites in 2012, which has the same problems as indicated above.

Dr. Thornton also suggests that the elimination of same-day registration in North Carolina may not have a substantial impact on African American registration and voting opportunities because 95 percent of African American are already registered to vote.11 However, Dr. Thornton fails to take into account several key factors. First, each year substantial numbers of young North Carolinians become eligible to register and vote and these new potential registrants and voters are disproportionately African American. According to the 2010-2012 American Community Survey, 19.3 percent of African Americans are between the ages of 5 and 17, compared to 14.8 percent of whites.

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11 This claim is also contradicted by another plaintiffs’ expert, Dr. Thomas Hofeller, who argues that such high registration rates are inflated by people who since left the state. (See Hofeller Declaration at 17).
Finally, Dr. Thornton suggests that any analysis of the racial impact of eliminating the partial counting of provisional ballots cast out of precinct is speculative. In fact, my analysis of this matter involves no speculation. I provided for each election a precise counting of the racial composition of the voters who cast partially counted provisional ballots outside their correct precinct. In each case, African Americans were disproportionately represented among such ballots, which accords with the greater mobility of African Americans as compared to whites in North Carolina.

D. TRENDE DECLARATION

Similar to the Schroeder declaration, Mr. Trende’s declaration also focuses on cross-state comparisons. Nothing in the Trende declaration undermines the findings and conclusions of my report, however. And additional examination of Trende’s study of cross-state trends, including his recounting of the scholarly literature, reveals numerous problems.

Trende’s first significant claim is that by reducing its in-person early voting days from 17 to 10, North Carolina moved closer to the median number of early voting days of 49 states, which he claims is 12. The problem with this analysis is that his median includes states that do not have early voting, which he codes as zero for his analysis. When the proper comparison is conducted, with other early voting states, it is clear that North Carolina’s reduction from 17 to 10 early voting days places it far outside the mainstream of early voting states. As cited above, the Presidential Commission on Election Administration, found that “[e]arly voting states, on average, provide 19 days for voting,” nearly twice that provided by North Carolina. Trende’s finding is also refuted by the Schroeder declaration. Schroeder’s data, replicated in Table 1 above, states that, among early voting states, 25 states had periods longer than the 10 days under S.L. 2013-381; 2 states had early voting for 10 day periods; and only 3 states had early voting for less than 10 days.

Trende’s own data, presented in Figure 1 (p. 11) of his declaration, demonstrates that among early voting states, the median (as opposed to the average) number of days for early voting is 15—50 percent larger than the number of days authorized under S.L. 2013-381. Trende’s data is also inconsistent with the data presented by Schroeder. Schroeder finds that three early voting states other than North Carolina had less than 10 days of early voting. Trende finds that four such states had early voting periods of less than 10 days. Also, Schroeder finds that 25 states had early voting periods longer than 10 days. Trende finds that 27 such states had early voting periods longer than 10 days. Beyond these issues, this comparative analysis has no bearing on whether the reduction, from 17 to 10 days, of opportunities to vote and update registration during the One Stop voting period has a disproportionate impact on African Americans.

Likewise Trende conducts an elaborate analysis of the various states that include provisions similar to the pre-S.L. 2013-381 election laws in North Carolina. There are several shortcomings in Trende’s analysis, however. For example, Trende states that “[p]resently, eleven states, plus the District of Columbia, allow same-day registration. These state laws are summarized in Exhibit 6.” (Trende Decl. at 12). However, according to Trende’s own data presented in Exhibit 6, in addition to the 11 states and the District of Columbia that allow Election Day registration, 18 additional states (not referenced by Trende as Election Day
registration states) allow persons to register less than 25 days before Election Day and thus have a more expansive registration period than that allowed under S.L. 2013-381. In other words, the majority of states have more expansive registration opportunities than are authorized under S.L. 2013-381.

There is a far simpler, appropriate, and more direct analysis for comparing North Carolina with other states than the study that Trende attempts. This alternative examines how many other states have in place the restrictive election procedures newly adopted in North Carolina under S.L. 2013-381. This includes: a “strict” photo identification law with no authorization for student or government employee photo identification; a registration period that closes 25 days prior to Election Day; no partial counting of out-of-precinct ballots; and no pre-registration for 16 and 17-years olds. As demonstrated in Table 4 not a single state in the union or the District of Columbia matched North Carolina’s post-S.L. 2013-381 restrictions. And only two other states have matched as many as four of S.L. 2013-381’s restrictions: Mississippi and Texas.

<p>| TABLE 4 |
| COMPARISON OF STATES’ VOTING LAWS WITH NORTH CAROLINA’S 2013 S.L. 2013-381 |</p>
<table>
<thead>
<tr>
<th>STATES WITH “STRICT” PHOTO ID LAWS: NCSL DEFINITION</th>
<th>ALLOW STUDENT OR GOV’T EMPLOYEE ID</th>
<th>HAVE REGISTRATION PERIOD OF LESS THAN 25 DAYS</th>
<th>HAVE EARLY VOTING OF MORE THAN 10 DAYS</th>
<th>COUNT WRONG-PRECINCT BALLOTS</th>
<th>REGISTER 16-YEAR OLDS+</th>
<th>COUNT OF “NO’S”</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARKANSAS</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>3</td>
</tr>
<tr>
<td>GEORGIA</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>3</td>
</tr>
<tr>
<td>INDIANA</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>3</td>
</tr>
<tr>
<td>KANSAS</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>1</td>
</tr>
<tr>
<td>MISSISSIPPI</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>4</td>
</tr>
<tr>
<td>NORTH CAROLINA</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>5</td>
</tr>
<tr>
<td>PENNSYLVANIA*</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>3</td>
</tr>
<tr>
<td>TENNESSEE</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>3</td>
</tr>
<tr>
<td>TEXAS</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>4</td>
</tr>
<tr>
<td>VIRGINIA</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>3</td>
</tr>
<tr>
<td>WISCONSIN*</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>2</td>
</tr>
</tbody>
</table>


* Laws struck down by courts, pending final outcome of litigation.

Trende presents an extended analysis purporting to show that trends in the increase in African American registration and turnout are similar in Mississippi and North Carolina from 1980 to 2012. However, Trende’s analysis of Mississippi and North Carolina relies on self-reported data from the Current Population Survey. This survey is highly inaccurate for North
Carolina, where data reflecting registration by race can serve as a check on the survey results. For example, the 2008 Current Population reports that 974,000 (it uses rounded numbers) African Americans (including multi-race) were registered to vote in North Carolina. However, the State Board of Elections reported that 1,355,000 African Americans were registered to vote in North Carolina in November 2008. The Survey then shows that for 2010, the number of African American registered voters inexplicably declined to 910,000, whereas the State Board of Elections data showed that African American registration held relatively steady at 1,339,000. The survey then shows over the next two years the number of black registered somehow climbed by nearly 400,000 (more than 40 percent) to 1,303,000, in 2012 which is much more closely aligned with the Board of Election figure of 1,493,000 for November 2012. These anomalies in the Current Population Survey’s self-reported results make it unreliable for comparisons on African American registration rates between North Carolina and other states.

Trende also claims that African American relative to white turnout increases gradually over many years in both North Carolina and the nation. The only comparative data that he provides is on trends in African American turnout displayed in Figure 9 on page 23 and reproduced below. Trende writes that “[t]he two trendlines largely move in tandem” (Trende Decl. 24). However, the data presented by Trende in Figure 9 tell a very different story.

![Fig 9: African American Voter Participation Nationally and in NC](image)

Just prior to the institution of the 2007 system in North Carolina, the national and North Carolina African American turnout are almost equal. However, North Carolina’s African American turnout then increases at a much faster rate than national African American turnout. The percentage point gap between African American turnout in North Carolina and the nation more than triples from 2004 to 2012, expanding from about 4 percentage points in 2004 to about
14 percentage points in 2012. And Trende’s suggestion that African American voters will simply adjust to S.L. 2013-381’s voting restrictions is unsupported by his data or methodology.

Trende also attempts an analysis showing that North Carolina has politically become a more competitive state in recent years. This is another tangent. Increasing competitiveness might contribute to explaining why North Carolina, candidates, parties, and voters, might have become more involved politically. It cannot explain the racial disparities uncovered in my report.

E. HOFELLER DECLARATION

Dr. Hofeller first addresses the state’s matching of registered voters with Department of Motor Vehicles photo identification records. Although my report does not address photo identification, I will briefly identify the shortcomings in Dr. Hofeller’s analysis. Most telling is what he excludes. Despite an extensive analysis of the unmatched registrants file, he never once even mentions the finding that unmatched registrants, active registrants, and actual 2012 voters in the state’s analysis include a disproportionately high percentage of African Americans and a disproportionately lower percentage of whites. As demonstrated in Table 5, these racial disparities are quite substantial and do not diminish for active registered voters and actual 2012 voters. Rather than examining the racial disparities that are at the heart of issues regarding S.L. 2013-381’s photo identification requirements, Dr. Hofeller is intent only upon showing that unmatched registrants include a disproportionate percentage of college and university students.

**TABLE 5**

REGISTERED AND ACTUAL 2012 GENERAL ELECTION VOTERS UNMATCHED IN NORTH CAROLINA DMV DATABASE BY RACE, REVISED APRIL 2013 STATE STUDY

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT AMONG UNMATCHED</th>
<th>PERCENT AMONG UNMATCHED</th>
<th>PERCENT DIFFERENCE</th>
<th>PERCENTAGE POINT DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ALL REGISTERED VOTERS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WHITE</td>
<td>54.2%</td>
<td>71.9%</td>
<td>25% LOWER</td>
<td>-17.7%</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>33.8%</td>
<td>21.9%</td>
<td>54% HIGHER</td>
<td>+11.9%</td>
</tr>
<tr>
<td><strong>ALL ACTIVE REGISTERED VOTERS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WHITE</td>
<td>53.9%</td>
<td>71.6%</td>
<td>25 PERCENT LOWER</td>
<td>-17.7</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>34.4%</td>
<td>21.8%</td>
<td>58 PERCENT HIGHER</td>
<td>+12.6</td>
</tr>
<tr>
<td><strong>ALL ACTUAL 2012 GENERAL ELECTION VOTERS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WHITE</td>
<td>53.6%</td>
<td>72.0%</td>
<td>26 PERCENT LOWER</td>
<td>-18.4%</td>
</tr>
</tbody>
</table>
AFRICAN AMERICAN | 35.6% | 22.7% | 57 PERCENT HIGHER | +12.9%


Dr. Hofeller also notes that most of the unmatched registrants in the state’s analysis registered to vote since 2000, with most of those since 2004. This is not completely surprising given that from 2004 to the time of the state’s matching efforts, the number of registered voters in North Carolina soared from about 5.08 million to 6.43 million, even after a substantial purging effort by the state. Young persons, the bulk of new registrants, also have particularly low levels of driver’s license possession. This is particularly true of African Americans as compared to whites, as demonstrated by the nationwide survey reported in Table 10. These findings persist even when considering temporary permits, which may not ultimately become licenses.

<table>
<thead>
<tr>
<th>TABLE 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATIONAL SURVEY OF POSSESSION OF DRIVER’S LICENSES AND LEARNER’S PERMIT BY RACE, AGES 18-20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENT WITH LICENSE</th>
<th>PERCENTAGE POINT DIFFERENCE WITH WHITES</th>
<th>STATISTICAL SIGNIFICANCE OF DIFFERENCE</th>
<th>PERCENT WITH LICENSE OR PERMIT</th>
<th>PERCENTAGE POINT DIFFERENCE WITH WHITES</th>
<th>STATISTICAL SIGNIFICANCE OF DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITE</td>
<td>79%</td>
<td>NA</td>
<td>NA</td>
<td>89%</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>AFRICAN AMERICAN</td>
<td>55%</td>
<td>24%</td>
<td>&lt;.0001</td>
<td>78%</td>
<td>11%</td>
<td>&lt;.001</td>
</tr>
</tbody>
</table>


Dr. Hofeller then eliminates from his analysis of the 318,643 unmatched registrants those who have not voted since before the end of 2003, narrowing his set of unmatched registrants to 203,971. In attempting to show the disproportionate representation of college students among the unmatched, Dr. Hofeller first examines the distribution of unmatched registrants by county. He finds that of the counties with unmatched registrants in excess of 2,000, 13 are among the 15 with college enrollments of 4,000 or more. However, of the five counties with the largest numbers and the highest proportions of unmatched registrants (Durham, Cumberland, Guilford, Mecklenburg, and Wake), four of those counties have African American populations far in excess of the 22 percent for the state of North Carolina: Cumberland, 37 percent, Durham, 39 percent, Guilford, 34 percent, Mecklenburg, 32 percent. Wake has an African American population of 21 percent, close to statewide percentage.\(^\text{12}\)

\(^{12}\) See the monograph, Laura Irwin and Allan J. Lichtman, *Ecological Inference* (Sage, 1978).
Through an analysis of maps, Dr. Hofeller also finds that unmatched registrants are more heavily concentrated in student areas: Fayetteville, Wilson, Raleigh/Chapel Hill, Elizabeth City, Rocky Mount, Raleigh, Winston/Salem and Highpoint. Yet, with the lone exception of Chapel Hill, these are also cities with disproportionately larger African American populations compared to the percentage of African Americans in the state (22 percent): Fayetteville, 42 percent; Wilson, 40 percent; Raleigh, 29 percent; Elizabeth City, 54 percent; Rocky Mount, 61 percent; Winston/Salem, 35 percent; Highpoint, 32 percent; Chapel Hill, 9.7 percent. Dr. Hofeller additionally finds that in Durham County, the percentage of unmatched registrants in the 18-25 range is disproportionately high. However, the African American population of Durham County at 39 percent is also 77 percent higher than the percentage of African Americans statewide (22 percent).

Dr. Hofeller then addresses One Stop voting. He does not refute any of my findings about racial disparities in new registration, updated registration, and voting during the One Stop voting period. Nor does he challenge my findings about racial disparities in the rates at which voters updated registration and voted between the first week of the One Stop voting period and the second and third weeks. Rather he examines only the placement of One Stop voting centers and their hours. Dr. Hofeller goes on to claim that, in 2012, majority Democratic election boards located One Stop polling places to favor the Democrats and made One Stop voting centers (including those with longer hours) more accessible to heavily Democratic African Americans. Notably, Dr. Hofeller provides no direct evidence and his circumstantial evidence cannot sustain the weight of his charge.

For instance, Dr. Hofeller purports to examine the racial composition of those residing within 3 miles from One Stop voting centers with 120 to 126 hours of availability, compared to the racial composition of those residing within 3 miles of One Stop voting centers with 82 hours of availability. However, he examines only Wake County without providing any methodology for the selection of this one county or for generalizing beyond Wake County, and finds that African Americans were disproportionately represented within a 3 miles distance of One Stop voting centers.

Dr. Hofeller’s analysis fails because it does not take into account the size of the populations in Wake County within his three-mile diameter. The larger the populations, the greater the need for extended hours at a voting center. The data that Dr. Hofeller presents establishes this relationship between hours and population. He states, “The group of centers open for 120+ hours has a 2010 total adult population of 286,401 within 3 miles. While the group of centers open 82 hours has an equivalent adult population of 160,257 within 3 miles.” (Hofeller Decl. at 16). However, a population of 286,401 is not “equivalent” to a population of 160,257, but is 79 percent higher. As indicated in Table 13, using Dr. Hofeller’s data, the number of voting age persons per hour within 3 miles of the 120+ hour voting centers is actually much greater than the number of voting age persons per hour within 3 miles of the 82 hour voting centers in Wake County.
The city of Raleigh in Wake County, which has just 17 percent of the county’s area (142.9 square miles/835.2 square miles), contains 47 percent of the county’s voting age population (310,656/666,380) according to the 2010 US Census. Voting age African Americans are heavily concentrated in the city of Raleigh, whereas whites are heavily concentrated in the county’s outlying areas. According to the 2010 Census, 64 percent of Wake County’s voting age African Americans live in Raleigh, compared to 41 percent of whites, a gap of 23 percentage points. Given that virtually everyone in Raleigh lives within three miles of a One Stop voting center (see Dr. Hofeller’s map 15), it explains why African Americans in Raleigh are more likely than whites to live within three miles of a 120+ hour voting center.

Moreover, Dr. Hofeller provides no methodology to determine whether the distance he examined (within 3 miles of a 120+ hour voting center) provides greater access to the polls during the One Stop voting period. There are good reasons to believe that it does not. First, the relationship between distance from a voting center and the likelihood of voting is non-linear. According to this scholarship, even a short distance of just .7 miles within a concentrated urban center like Raleigh is more consequential than distances of 6 to 10 miles in more open areas.13

Second, Dr. Hofeller analysis does not take into account the fact that whites households are more than three times as likely to have a vehicle available as African American households (14.5 percent versus 4.3 percent). As the scholarship demonstrates, the availability of vehicles is highly correlated with access to polls even at small distances. Third, Dr. Hoeffler only examines distances from residences, he does no consider distances from places of employment or schooling. According to recent data compiled by Governing a publication that provides information on states and localities, 50.6 percent of Raleigh’s workforce commute to the city

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**TABLE 7**

<table>
<thead>
<tr>
<th></th>
<th>VOTING AGE POPULATION WITHIN A THREE-MILE DIAMETER</th>
<th>VOTING AGE POPULATION PER HOUR*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>120+ HOUR VOTING CENTERS</strong></td>
<td>286,401</td>
<td>2,273</td>
</tr>
<tr>
<td><strong>82 HOUR VOTING CENTERS</strong></td>
<td>160,257</td>
<td>1,954</td>
</tr>
</tbody>
</table>

* Using the higher number of 126 hours indicated in the Declaration of Dr. Hofeller declaration. Source: Hofeller Declaration, p. 16.
from outside locations and 36.6 percent of Raleigh’s workers, commute from the city to outside location.\textsuperscript{14}

Thus, for these many reasons, Hofeller’s analysis of a single county in North Carolina does not indicate a Democratic plan to influence the outcome of the 2012 general election. Moreover, it certainly cannot account for the greater use by African Americans than whites of One Stop voting centers to vote, register newly, or to update registration.

Dr. Hofeller next provides an analysis of racial and party differentials in the casting of out-of-precinct ballots in the 2010 general election (he does not include 2008 or 2012) according to the distance between the precinct at which the voter was registered and the precinct where he or she voted. He does not explain the import of this analysis or why he selected 2010, when his previous analysis of distances from One Stop voting centers focused on 2012. Regardless, his findings do not refute my finding that, as compared to whites, African Americans are disproportionately represented among voters who cast partially counted provisional ballots out of precinct. According to the U.S. Census, American Community Survey, 2010 5-year estimates, over the course of a year 17.2 percent of African Americans moved within the state, compared to 10.7 percent of whites. The African American within-state mobility rate is 61 percent higher than the white rate, for a gap of 6.5 percentage points. This racial difference in mobility helps explain why African Americans vote out-of-precinct, and use One Stop voting period to adjust their registration at much higher rates than whites.

In short, the analysis in defendants’ expert declarations do not refute my conclusions that African Americans disproportionately: use One Stop voting to vote, register newly, and update registration; use the first week of the One Stop voting period to vote and update registration; and cast partially counted provisional ballots out of precinct. And it still remains unrefuted that the S.L. 2013-381 provisions restricting these methods of registering and voting will have a disparate impact on African Americans in North Carolina.