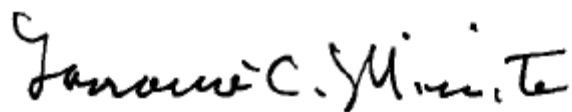


# EXPERT REPORT

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

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
Case No.: 1:13-cv-00658-TDS-JEP (D. N.C.)  
Judge Thomas D. Schroeder  
Magistrate Judge Joi Elizabeth Peake

February 12, 2015

A handwritten signature in black ink that reads "Lorraine C. Minnite". The signature is written in a cursive style with a large initial 'L' and 'M'.

**LORRAINE C. MINNITE, Ph.D.**

**TABLE OF CONTENTS**

I. Summary of Opinions ..... 1

II. Background & Qualifications ..... 1

III. Discussion ..... 3

    A. Brief History of Voting Restrictions ..... 3

    B. Defining “Voter Fraud” ..... 6

    C. Analysis of Voter Fraud Nationally ..... 8

    D. Examination of Voter Fraud in North Carolina Prior to the Enactment of HB  
        589/S.L. 2013-381 ..... 12

    E. The Legislative History to H.B. 589/S.L. 2013-381 ..... 17

    F. Public Perception of Voter Fraud ..... 18

    G. Analysis of Allegations of Voter Fraud in North Carolina Since the Enactment of  
        HB 589/S.L. 2013-381 ..... 23

IV. Conclusion ..... 39

## I. SUMMARY OF OPINIONS<sup>1</sup>

Based on my extensive research and analysis on contemporary voter fraud in United States elections, I conclude:

- A. The empirical evidence makes clear that fraud committed by voters either in registering to vote or at the polls on Election Day is exceedingly rare, both nationally and in North Carolina.
- B. Between 2000 and 2014, the North Carolina State Board of Elections referred just two cases of voter impersonation to county district attorneys for prosecution. Over the same period, there were no federal indictments for voter impersonation in North Carolina. More than 35 million votes (35,134,262) were cast in the 16 primary and federal elections alone between 2000 and 2014 in North Carolina. If we count the two referrals as cases of voter impersonation, the rate of voter impersonation fraud in these elections is .000005692449.
- C. Given the lack of evidence substantiating a problem, stringent photo identification requirements, including those in North Carolina, are not justified to reduce or prevent voter impersonation and other forms of voter fraud; nor is the elimination of Same Day Registration (SDR).

In Section II, I discuss my educational and professional background and qualifications. In Section III.A, I briefly discuss the historical background of voting requirements. In Section III.B, I examine the electoral process and define voter fraud as “the intentional corruption of the voting process by voters.” Next, in Section III.C, I review the research reported in my 2010 scholarly treatment of the subject of voter fraud, *The Myth of Voter Fraud*, and demonstrate that voter fraud does not pose a threat to elections as some claim. In Section III.D, I analyze the available data of specific cases of alleged voter fraud in North Carolina. In Section III.E, I review the legislative history of North Carolina’s voter identification (voter ID) law, including numerous references by lawmakers to an alleged problem with voter fraud, though no compelling evidence is ever presented. In Section III.F, I discuss arguments advanced by voter ID proponents relating to public confidence in the voting process. Finally, in Section III.G, I analyze recent allegations of voter fraud in North Carolina since the passage of S.L. 2013-381 and conclude that the alleged public fear of voter fraud is unsupported and therefore inadequate as a justification for voter ID laws or the elimination of SDR.

## II. BACKGROUND & QUALIFICATIONS

I am an associate professor in the Department of Public Policy and Administration at

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<sup>1</sup> This report is based on information that is currently available for my review. Discovery in this matter is ongoing. Therefore, I reserve the right to update my report and opinions upon review of any additional documents or information previously unavailable to me.

Rutgers, The State University of New Jersey-Camden. I received a Bachelor of Arts degree in History from Boston University, and two Master's Degrees and a Ph.D. in Political Science from the City University of New York. One of my areas of expertise is American Politics with a specialization in elections and the political process. Specifically, I study the incidence and effect of voter fraud in American elections.

In 2003, I co-authored a study of voter fraud with David Callahan for the public policy research and advocacy organization, Demos, titled, "Securing the Vote: An Analysis of Voter Fraud." I updated this study with new material in 2007.<sup>2</sup> At that time, Demos published a preliminary report I wrote on voter fraud and same-day registration,<sup>3</sup> and in March of 2007, I published a report, "The Politics of Voter Fraud," for Project Vote, a national nonpartisan, nonprofit voting rights organization.<sup>4</sup> In June 2010, Cornell University Press published *The Myth of Voter Fraud*, my full-length scholarly treatment of the subject. The book analyzes the evidence of voter fraud and concludes that the widespread allegation that voter fraud is a rampant problem of unknown proportions in contemporary U.S. elections is unsupported by evidence, and that actual voter fraud is extremely rare. In *The Myth of Voter Fraud*, I conclude and provide evidence to show that having no basis in fact, these allegations are motivated by political interests, and are designed to make voting harder for certain populations. I provide an analysis of the role of the voter fraud myth in the contemporary voter ID debate in "Voter Identification Laws: The Controversy over Voter Fraud," published by Routledge in 2012 book edited by Matthew J. Streb titled, *Law and Election Politics*.

This report incorporates all of the research I have conducted on the subject of voter fraud and voter ID laws since 2001, cited above and published in peer-reviewed books and journals.<sup>5</sup> To expand my research on supposed recent evidence of voter fraud in North Carolina, I analyzed the following (as set forth in Appendices D, E, and F):

- Transcripts from hearings, proceedings, and floor debates of the full House and Senate of the North Carolina General Assembly, and various House committees, including the Elections, Finance, and Appropriations Committees, concerning HB 589 and amendments and substitutions, enacted as the Voter Information Verification Act;
- Articles appearing in more than 70 different North Carolina newspapers and other news sources, focusing my analysis on articles appearing over the last ten years;

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<sup>2</sup> Lorraine C. Minnite, "An Analysis of Voter Fraud," (New York: Demos, 2007), *available at* <http://www.demos.org/publication/analysis-voter-fraud-united-states-adapted-2003-report-securing-vote>.

<sup>3</sup> Lorraine C. Minnite, "Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security," (New York: Demos, 2007), *available at* <http://www.demos.org/publication/election-day-registration-study-voter-fraud-allegations-and-findings-voter-roll-security>.

<sup>4</sup> Lorraine C. Minnite, "The Politics of Voter Fraud," (Washington, D.C.: Project Vote, 2007), *available at* <http://www.projectvote.org/newsreleases/222-new-report-examines-qthe-politics-of-voter-fraudq.html>.

<sup>5</sup> A complete list of my peer reviewed publications is set forth in my *Curriculum Vitae* at Appendix A.

- All news releases by the North Carolina Attorney General’s Office, from May 22, 2003 to February 3, 2015, and any other relevant documents I could find on the Attorney General’s website, including legal opinions dating back to 1977;<sup>6</sup>
- Various materials produced by the Defendants, including:
  - Letter from Gary O. Bartlett, then Executive Director, (North Carolina) State Board of Elections to Members of the House Elections Committee and the Appropriations Subcommittee on General Government of the North Carolina General Assembly, dated March 11, 2013;
  - North Carolina State Board of Elections, “Presentation to Joint Legislative Elections Oversight Committee,” by Kim Strach, Marc Burris, and Veronica Degraffenreid, dated April 2, 2014;
  - Declaration of Kim Westbrook Strach in this litigation, dated June 18, 2014;
  - North Carolina State Board of Elections 2014 General Election – Citizenship Audit materials provided by counsel;
  - Letter from Kim Westbrook Strach, Executive Director, North Carolina State Board of Elections to the Hon. Chris Millis, dated February 6, 2015;
- Additional blog posts, press releases and reports by advocacy groups, including, Voter Integrity Project North Carolina, Democracy North Carolina, Facing South, Media Matters and the Republican National Lawyers Association;
- Judge Thomas Schroeder’s Memorandum Opinion and Order, *North Carolina State Conference of the NAACP v. McCrory, et al.*, August 8, 2014;
- Opinion, United States Court of Appeals for the Fourth Circuit *NAACP v. McCrory, et al.*, October 1, 2014;
- Additional materials, as cited in the footnotes.

### III. DISCUSSION

#### A. Brief History of Voting Restrictions

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<sup>6</sup> The only document I found was a letter dated July 26, 2013, from Attorney General Roy Cooper to Governor McCrory expressing the Attorney General’s “strong opposition to the election reforms contained in House Bill 589,” and asking the governor to veto the legislation.

Prior to the late nineteenth century, there were very limited voter registration requirements placed upon eligible voters.<sup>7</sup> The earliest of registration laws put the obligation on the government to enroll qualified voters, and allowed voters to register on Election Day.<sup>8</sup> The pool of eligible voters vastly expanded in the nineteenth century when property and tax-paying requirements for voter eligibility were mostly eliminated. By the end of the century, a competitive party system was helping to produce the highest rates of voter turnout in U.S. history. At the same time, however, states began adopting more onerous voter registration and voting laws, supplanting the restrictive effects of property requirements and shifting the burden of establishing voter eligibility away from the government to the individual.<sup>9</sup>

The United States has a long history of using electoral rules to suppress voting. Following the emancipation of African Americans and the enfranchisement of black men by the Civil War Amendments, a reactionary, white supremacist counter-movement in the South arose to re-erect a system of racial subordination. As discussed more fully in the expert report of Dr. James Leloudis, by the turn of the twentieth century, African Americans had been virtually purged from the electorate of the southern states, at first by the use of violent intimidation and trickery, and later by the introduction or reintroduction of a series of superficially color-blind requirements intended to circumvent the Fourteenth and Fifteenth Amendments.<sup>10</sup>

Voter registration requirements were especially important because of the degree to which they ceded discretion to local registrars and election officials. Thus, an 1873 Georgia law permitted local registrars to close their books to new registrants except during the planting and harvesting months, or in other words, during the time of the year that African American farm workers most likely would be able to make the trip to the county seat to register to vote. Once word of the effectiveness of this stratagem and other election administration techniques to disfranchise blacks spread, similar laws followed in North Carolina<sup>11</sup> and Alabama.

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<sup>7</sup> Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the U.S.* (New York: Basic Books, 2000), 151; Joseph P. Harris, *The Registration of Voters in the United States* (Baltimore: Lord Baltimore Press, 1929), 65-66; see also, John Mark Hansen, et al., "Voter Registration," Reports of The Task Force on the Federal Election System (to accompany the Report of the National Commission on Election Reform, *To Assure Pride and Confidence in the Electoral Process*), National Commission on Federal Election Reform, August 2001, 2 (on file with author).

<sup>8</sup> Charles Edward Merriam and Harold Foote Gosnell, *The American Party System: An Introduction to the Study of Political Parties in the United States* (New York: The Macmillan Company, 1929); Harris, *Registration of Voters*, xi.

<sup>9</sup> Dayna L. Cunningham, "Who Are to Be the Electors? A Reflection on the History of Voter Registration in the United States," *Yale Law and Policy Review* 9, no. 2 (1991): 370-404.

<sup>10</sup> See Frances Fox Piven, Lorraine C. Minnite, and Margaret Groarke, *Keeping Down the Black Vote: Race and the Demobilization of American Voters* (New York: The New Press, 2009). The authoritative work on this subject is J. Morgan Kousser, *The Shaping of the Southern Politics: Suffrage Restriction and the Establishment of the One-Party South* (New Haven: Yale University Press, 1974).

<sup>11</sup> Logan writes of the suffrage qualification laws passed in North Carolina during the 1876-1877 legislative session: "The most thorough and wide sweeping of these enactments was the act to regulate elections. The wide, almost autocratic powers granted to the registrars and judges of elections, the residence requirements, and the right of one voter to challenge another – all of these pointed to the intent of the framers to disfranchise or reduce the number of

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

Dispatches from Ouachita and Morehouse Parishes, near the Arkansas line, and West Feliciana near the Mississippi line, report that their parishes are now patrolled by the White League, reinforced by armed bodies from Arkansas and Mississippi. Most of the Republican leaders have been driven away or murdered. Under the State law voters are entitled to vote at any poll in the parish in which they reside. The colored people generally are attempting to reach the parish seats of those parishes in order to vote under the protection of the authorities. Numbers of them have been intercepted by the White League pickets, and their registration papers destroyed.<sup>12</sup>

Election fraud documented by early election reformers was not primarily committed by individual voters, who are the target of election reforms to widen the franchise, but instead by election officials and politicians engaging in conspiracies who are unaffected by these types of reforms.<sup>13</sup> In some places, corrupt politicians used the police to “colonize” closely contested elections with fraudulently registered voters.<sup>14</sup> Reformers enacted voter registration as a means to subdue broader electoral fraud, yet it remains unclear whether the reforms played any part in reducing it.<sup>15</sup>

No conclusive tie between enfranchising reform and voter fraud has ever been proven.

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Negro voters.” See Frenise A. Logan, *The Negro in North Carolina, 1876-1894*, UNC Enduring Edition (Chapel Hill, N.C.: University of North Carolina Press, [1964] 2011), 55. For more on North Carolina’s election law of 1877, see chapter 5 “Fusion Election Law,” in Helen G. Edmonds, *Negro and Fusion Politics in North Carolina, 1894-1901* (Chapel Hill, N.C.: University of North Carolina Press, [1951] 1979).

<sup>12</sup> “The Close of the Canvass,” *New York Times*, November 7, 1876, 1.

<sup>13</sup> See Joseph P. Harris, *Election Administration in the United States* (Washington, D.C.: The Brookings Institution, 1934), 375-376 (“Isolated, individual cases of election frauds are uncommon and unimportant. Election frauds cannot be carried on successfully and upon a wide scale without protection, without the pre-arrangement of election officers who will ‘deliver’ if necessary, and without the backing of a powerful political organization.”)

<sup>14</sup> Richard L. McCormick, *From Realignment to Reform: Political Change in New York State, 1893-1910* (Ithaca: Cornell University Press, 1981), 44.

<sup>15</sup> Paul Kleppner, *Who Voted? The Dynamics of Voter Turnout 1870-1980*, American Political Party and Election Series (New York: Greenwood Publishing Group, Inc., 1982), 59-60.

The Civil Rights Era in American history marked a time of activism to promote, amongst other goals, voting rights. At each significant effort to protect and extend the right to vote, franchising opponents argued that reduced barriers would lead to voter fraud. For example, this alleged threat to election integrity created by reducing barriers of access was taken up by congressional opponents time and time again in the debates over the Voting Rights Act of 1965, the Universal Voter Registration Act of 1977, and the National Voter Registration Act of 1993.<sup>16</sup> More recently, the same time worn accusations were made by opponents of North Carolina's 2007 Same Day Voter Registration Bill.<sup>17</sup> Prior to the widespread adoption of the secret ballot in the late 1880s,<sup>18</sup> party agents arguably used "inflationary" corruption by buying votes and recycling voters.<sup>19</sup> Afterward, parties pursued "deflationary" corruption by paying opponents to stay home or otherwise defeating their efforts to vote, using devices such as poll taxes, literacy tests, long residency periods and other onerous requirements for voter registration to further their means.

## **B. Defining "Voter Fraud"**

No statute exists specifically defining "voter fraud." Instead, nefarious election-related practices are prevented by state laws making "double voting" or "falsifying records," and the like illegal.<sup>20</sup> Nevertheless, the process of formulating precise definitions is critical in the social

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<sup>16</sup> See, e.g., U.S. Congress, Senate Committee on the Judiciary, "To Enforce the 15th Amendment to the Constitution of the United States: Hearings on S.1564," 89th Cong., 1<sup>st</sup> sess., 1965; U.S. Congress, House Committee on House Administration, "To Establish a Universal Voter Registration Program, and for Other Purposes: Hearings on H.R. 5400," 95th Cong., 1st sess., 1977; and U.S. Congress, House Committee on House Administration, Subcommittee on Elections, "Hearing on Voter Registration," 103rd Cong., 1st sess., January 26, 1993. For an important account of the movement to reform voter registration laws leading to the passage of the National Voter Registration Act of 1993, see Frances Fox Piven and Richard A. Cloward, *Why Americans Don't Vote and Why Politicians Want It That Way* (Boston: Beacon Press, 2000); see also, Piven, et al., *Keeping Down the Black Vote*.

<sup>17</sup> As the North Carolina General Assembly debated the adoption of same-day registration, the North Carolina Republican Party issued a news release on July 2, 2007, headlined "Same-Day Registration Carries High Risk for Voter Fraud." The release reported the remarks of Republican Leader Rep. Paul Stam who said that "the proposal for same-day registration and voting might be more palatable if accompanied by the same identification requirements we place on those who want to purchase certain decongestants at the drug store," (on file with author).

<sup>18</sup> In 1888, Kentucky experimented with the "Australian" or secret ballot in a Louisville municipal election and Massachusetts became the first state to legislate the reform. Over the next four years, another 36 states rapidly passed similar laws, with all but two adopting the secret ballot by 1910. See Lionel E. Fredman, *The Australian Ballot: The Story of an American Reform* (East Lansing: Michigan State University Press, 1968).

<sup>19</sup> Gary W. Cox and J. Morgan Kousser, "Turnout and Rural Corruption: New York as a Test Case," *American Journal of Political Science* 25, no. 4 (November 1981), 646-63.

<sup>20</sup> For example, in North Carolina, prior to passage of HB589 and still today, it is a Class 1 felony for any person to "knowingly to swear falsely with respect to any matter pertaining to any primary or election" or "to take corruptly the oath prescribed for voters." N.C. Gen. Stat. § 163-275 (2013). In Texas it is a third degree felony to "vote or attempt to vote in an election in which the person knows the person is not eligible to vote; knowingly votes or attempts to vote more than once in an election; or knowingly impersonates another person and votes as the impersonated person." Tex. Elec. Code Ann. § 64.012 (2003). California prohibits specific election related activity like fraudulent registration, voting in an election which one is not entitled to vote in, voting more than once or to try to buy a vote with the promise of a job. Cal. Elec. Code § 18520 (1994). In Minnesota, it is a felony to submit more than one absentee ballot or to assist another in submitting more than one absentee ballot, or alter another's absentee



sciences because it allows accurate measurement of empirical phenomena.<sup>21</sup> To develop the definition of voter fraud, I examined the electoral process and looked at the capacity of various actors in the political process to impact the outcome and integrity of elections. Various actors with that capacity include, but are not limited to, voters, campaign officials, elected officials, and election poll workers.

I examined the parts of the political process that different actors could corrupt, and found a distinction between what voters can corrupt compared to what other electoral actors can corrupt. Voters are only capable of corrupting that part of the electoral process to which they have access. For example, voters cannot corrupt the election count; only an official with broad access could corrupt an entire count. But, individual voters can corrupt their registration process and balloting by falsifying their records or identity on a registration application and/or fraudulently misrepresenting themselves to poll workers.

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

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

By breaking up the electoral process according to its various stages and the actors that participate, I can specify my fraud definition to the data that I study: the behavior of individual voters. Accordingly, my definition of voter fraud is “the intentional corruption of the voting process by voters.” This definition is specific to the elements I research.<sup>22</sup>

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ballot. Minn. Stat. § 203B.03 (1999). In New Jersey, it is a third degree crime to “fraudulently vote...or in any manner so interfere...with the voters lawfully exercising their rights of voting at the election, as to prevent the election or canvass from being fairly had and lawfully conducted.” N.J. Stat. Ann. § 19:34-11 (2011).

<sup>21</sup> W. Phillips Shively, *The Craft of Political Research*, 5th ed. (Upper Saddle River, New Jersey: Prentice Hall, 2002), 30-8.

<sup>22</sup> The next best definition I found is provided by the U.S. Department of Justice. Their definition of “election fraud” is over-broad because it includes acts to intimidate voters and covers official malfeasance, such as ballot box stuffing or corruption of the count. See, Craig C. Donsanto and Nancy L. Simmons, *Federal Prosecution of Election Offenses*, 7th ed., U.S. Department of Justice, Criminal Division, Public Integrity Section (Washington, D.C.:

I emphasize the importance of intent in my definition, distinguishing election errors such as misspelled names and recording mistakes. Innocent administrative errors on the part of election officials and confusion on the part of voters can cause technically illegal ballots to be cast, however, they should not be included in a definition of fraud that limits itself to nefarious acts *intentionally* committed by voters.

### C. Analysis of Voter Fraud Nationally

There are no officially compiled national or statewide statistics reliably reporting the instances of voter fraud. Therefore, to study and measure the contemporary incidence of voter fraud for *The Myth of Voter Fraud*, I used a “mixed methods” research approach, which is common in the social sciences. This methodology utilizes qualitative, quantitative and archival research. I interviewed a wide range of people, including, but not limited to, prosecutors, defense lawyers, election officials, voters, academics, and people working on voter registration drives. Based on my extensive research, allegations of voter fraud, with few exceptions, tend to fall into one of the three following categories: unsubstantiated or false allegations of voter fraud made by the losers of close elections;<sup>23</sup> mischief;<sup>24</sup> and claims that later turned out to be based upon cases of voter error or administrative mistakes, but not fraud.<sup>25</sup>

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Government Printing Office, 2007). See also, U.S. Department of Justice, “Fact Sheet: Protecting Voting Rights and Preventing Election Fraud,” July 2, 2008, available at: <http://www.justice.gov/opa/pr/2008/July/08-crt-585.html>. Because voters do not have access to those activities, they are not included in my more accurate definition of voter fraud.

<sup>23</sup> For a discussion of fraud and the sore loser, see generally Michelle L. Robertson, “Election Fraud – Winning at All Costs: Election Fraud in the Third Circuit (*Marks v. Stinson*),” *Villanova Law Review* 40, no. 3 (1995): 869-925.

<sup>24</sup> “Mischief” refers to the various anecdotal cases of people “testing the system” by sending in voter registration applications for their house pets and children, or, as in the Iredell County, North Carolina case of Nancy Pasewicz Lever, who intentionally voted twice in one election, once with an absentee ballot and again in person on Election Day in 2008. Lever wanted to show it is easy to cast a vote twice. After she cast the second fraudulent ballot at the polls, having mailed in her first absentee ballot two weeks before, Lever called a radio station to confess, whereupon she was charged with a felony. The arrest, of course, undermines the credibility of Lever’s claim. See Jenn Peter, “Exposing Ease of Double Voting Could Land NC Woman in Jail,” *Election Journal Blog*, February 21, 2009, <http://www.electionjournal.org/2009/02/21/exposing-ease-of-double-voting-could-land-nc-woman-in-jail/>, last visited February 11, 2015.

<sup>25</sup> Minnite, “The Politics of Voter Fraud,” 12-13. For a discussion and extensive documentation of a slightly different set of categories of voter fraud, see also, Justin Levitt, “The Truth About Fraud,” Brennan Center for Justice, 2007; available at <http://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf>. For the research published in *The Myth of Voter Fraud*, I reviewed hundreds of news articles cited in a report by the now defunct American Center for Voting Rights, which purported to be “the most comprehensive and authoritative review of the facts surrounding allegations of vote fraud, intimidation and suppression made during the 2004 presidential election.” From this review I concluded that “among the more than one hundred cases cited of alleged voter fraud implicating nearly 300,000 potentially fraudulent votes in the 2004 election cycle, only about 185 votes could be confirmed as *possibly* tainted by fraud [emphasis added].”

The basis of the quantitative research in the book comes from a data set produced by the Administrative Office of the United States Courts that is available to researchers through the Inter-University Consortium for Political and Social Research (“ICPSR”).<sup>26</sup> This data set is a complete and total record of all indictments and cases tried annually in federal courts (district and appellate, including the United States Supreme Court).

In addition, I relied on the record of federal indictments generated during the first three years of a special program at the U.S. Department of Justice. In March 2001, United States Attorney General John Ashcroft announced the Ballot Access and Voting Integrity Initiative (“BAVII”).<sup>27</sup> The BAVII brought together civil rights and criminal division lawyers of the Justice Department for an Election Day program. The stated purpose of this program was to help attorneys recognize election fraud and voter intimidation and to provide their services to voters who receive complaints of the same.

After numerous unsuccessful attempts at locating information regarding voter fraud from the BAVII, including a Freedom of Information Act request made to four different units of the U.S. Department of Justice that took more than two years, an appeal, and the intervention of my U.S. Senator into the process, I found a case list of indictments brought under the program in the records of a congressional hearing held in 2006.<sup>28</sup> The list, which was prepared by the U.S. Department of Justice, records 95 indictments over the first three years of the program (FY2002 to FY2005). I concluded that this was a complete list of indictments brought under the BAVII for those three years by comparing it to Justice Department press releases announcing numbers of indictments brought under the program. I researched the BAVII indictments and concluded that only 40 of the 95 people indicted were voters; the other 55 people were associated with elections in other ways, for example, serving as campaign, party or election officials. Of the 40 voters indicted, only one case was brought in North Carolina (discussed *infra*, Section III.D). Among the remaining 55 indictments of non-voters, there was one additional case in North Carolina involving five people in a vote-buying scheme. In other words, of the 95 indictments during the studied time period, there were only two cases in North Carolina, involving six people, and only one of those people may have committed voter fraud.

Using the same standard for judging voter fraud crime rates as we do for other crimes (which is to calculate the incidence of crime from law enforcement statistics on arrests,

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<sup>26</sup> The ICPSR is an international consortium of about 700 academic institutions and research organizations that maintains a data archive of more than half a million files of research in the social sciences. See [www.icpsr.umich.edu](http://www.icpsr.umich.edu) for more information.

<sup>27</sup> U.S. Department of Justice, press conference, Washington, D.C., March 7, 2001, available at <http://www.justice.gov/archive/ag/speeches/2001/0307civilrightspresconf.htm>. See also, Dan Eggen and David A. Vise, “Ashcroft Takes On Voting Issues; Enforcement, Monitoring of Election Laws to Be Increased,” *Washington Post*, March 8, 2001, A19.

<sup>28</sup> U.S. Congress, House Committee on House Administration, “Hearing on ‘You Don’t Need Papers to Vote?’: Non-Citizen Voting and ID Requirements in U.S. Elections,” 109th Congress, 2d Sess., June 22, 2006, 245-54.

indictments and convictions), we must conclude that the scant evidence of arrests, indictments or convictions for any of the practices defined as voter fraud means that little fraud is being committed relative to the millions of votes cast each year in state, local and federal elections. The lack of an accurate centralized tracking system is itself evidence that voter fraud is not the threat to elections some claim it is.

Some argue that crime statistics are an invalid measure of the extent of voter fraud. Proponents of this view typically offer two reasons for this: 1) prosecutors are biased and do not pursue voter fraud cases; and 2) voter fraud escapes detection. Neither of these arguments is supported by evidence.

First, as described above, the federal government designed a program in 2001 to root out voter fraud in federal elections. In its first three years, under vigorous prosecution, this program produced just 40 indictments of voters, 26 of whom pleaded or were found guilty. More than 200 million votes were cast in the 2002 and 2004 federal elections combined. Thus, we have an important example in which it cannot be said that prosecutors do not pursue voter fraud cases, and yet almost no voter fraud was actually prosecuted. This suggests that, upon investigation, the potential cases identified did not turn out to be instances of fraud and/or that few potential cases were even identified. A Minnesota example also disputes the claim that voter fraud is not investigated.. In that state, county district attorneys are required by law to investigate complaints of voter fraud at risk of losing their jobs. My research into voter fraud in Minnesota between 1999 and 2005 turned up only one prosecuted case, however.<sup>29</sup>

Second, some argue that voter fraud is next to impossible to detect, and therefore, again, statistics from the law enforcement effort against it are irrelevant. This argument is not persuasive. It is simply illogical to argue that a lack of evidence that a phenomenon is occurring means it is widespread. All crime, including fraud, is meant to be concealed, and yet there are many types of fraud that are routinely detected and prosecuted. There is no reason to believe that voter fraud is less detectable than Social Security fraud, or counterfeiting, or tax evasion, or postal or wire fraud. These forms of fraud share qualities with voter fraud. For example, Social Security fraud can involve impersonation and making false claims about eligibility, counterfeiting can involve forgery and making false claims about identity, and tax evasion can involve false claims of residence; mail fraud statutes have been used to prosecute voter fraud. In federal fiscal year 2005, there were 183,284 criminal indictments brought in the federal courts.<sup>30</sup> Among these we find the following:

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<sup>29</sup> See, *The Myth of Voter Fraud*, 61-6.

<sup>30</sup> Federal Judicial Center, Federal Court Cases: Integrated Database, 1997, 2005 [computer file], conducted by the Federal Judicial Center, ICPSR04306, ICPSR04382, Ann Arbor, Mich.: Inter-University Consortium for Political and Social Research [producer and distributor]; author's calculations.

<b>Criminal charge<sup>31</sup></b>	<b>FY2005</b>
Election fraud violations <sup>32</sup>	60
Other fraud violations	
Citizenship fraud	776
Social Security fraud	1,980
False claims and statements	6,658
Counterfeiting	3,161
Postal, Internet, and wire fraud	6,929
Tax evasion	781
<b>Total criminal defendants</b>	<b>183,284</b>

These data suggest that the claim against a methodology relying on measures of law enforcement to assess the threat of voter fraud to the integrity of U.S. elections is of little merit. It is not unreasonable to estimate crime rates from data produced by the law enforcement effort against it. In the absence of contradictory or alternative evidence, such as expert opinion, crime statistics on voter fraud present benchmarks that can guide policymakers in establishing priorities and designing election systems to provide the widest possible access to the franchise.

Data collected in close elections and recounts provide the best documented cases of the operations of election administration, and therefore, generate data we can use to examine voting irregularities more closely. In these instances, the statistics on voter fraud committed in polling locations are virtually zero. An important example is the 2004 Washington State gubernatorial election, one of the most closely scrutinized elections in modern history. The initial winner lost on a recount spurring a blizzard of litigation that produced scrupulous documentation of the electoral process.<sup>33</sup> In the end, after allegations of voter fraud surfaced during trial proceedings, Chelan County Superior Court Judge, Honorable John E. Bridges, concluded that some 25 ballots or .0009 percent of the total 2,812,675 ballots cast were invalid because they were either cast in the names of deceased voters or were double votes.<sup>34</sup> What the judge did not find was

<sup>31</sup> At least one of the top five filing charges for each defendant falls into crime category.

<sup>32</sup> The Federal Court Cases Integrated Database (FCCID), which purports to be “the official public record of the business of the U.S. courts,” does not code indictments for voter fraud. Instead, it includes a category of “election law violations,” following the coding scheme of the Administrative Office of the U.S. Courts, which is responsible for compiling this data. I created a category of “election fraud violations” by excluding indictments for campaign finance violations, however, I was not able to further exclude non-voters. This measure, therefore, is not directly comparable to other sources of data on federal investigations and prosecutions of voter fraud cases cited in this report. On the FCCID, see Federal Judicial Center, “Description,” Federal Court Cases Integrated Database, 2005, conducted by the Federal Judicial Center ICPSR04382 (Ann Arbor, Mich.: Inter-University Consortium for Political and Social Research).

<sup>33</sup> See chapter 6 of *The Myth of Voter Fraud* for a case study of this election.

<sup>34</sup> “Final Judgment Dismissing Election Contest with Prejudice and Confirming Certification of Election of Christine Gregoire,” *Timothy Borders, et al. v. King County et al.*, Case No. 05-2-00027-3, Superior Court of the State of Washington for Chelan County, June 24, 2005.

voter fraud.<sup>35</sup> In Judge Bridges' words, "The Court concludes that, having neither pled nor disclosed . . . fraud [it] cannot now be claimed and that to the extent that it was claimed, neither the act of fraud nor the causation arising therefrom were proved by the higher burden of proof of clear, cogent and convincing."<sup>36</sup> Many of these ballots were mailed in for absentee voters, and the judge made no determination that any were in fact *fraudulently* (i.e., intentionally illegally) cast as opposed to attributable to a mistake.

Finally, where the authorities are focused on observing fraud in the polling places, there have been very few indictments nationally. As noted above, in the first three years of the BAVII, the Justice Department brought a total of 95 indictments against an array of voters, election workers, and party and public officials.<sup>37</sup> Committing voter fraud at the polling place would appear to be a most inefficient method for corrupting an election. The perpetrator must commit the crime in front of the very people charged with preventing it.<sup>38</sup>

#### **D. Examination of Voter Fraud in North Carolina Prior to the Enactment of HB 589/S.L. 2013-381**

North Carolina's principal elections agency, the SBOE, does not publish on its website research or data on voter fraud.<sup>39</sup> I could find no records or transcripts of meetings of the board,<sup>40</sup> or reports of investigations conducted by the agency.<sup>41</sup> The lack of basic information

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<sup>35</sup> In 2005, the King County Prosecutor Norm Maleng (a Republican) prosecuted eight criminal cases of voter fraud in the 2004 election. Seven of the eight were charged with voting for a deceased spouse, partner, or other relative, and one person was charged with voting twice after registering twice, once under his real name and again under an alias. All eight pleaded guilty. See Letter to Jonathan Bechtle from Norm Maleng, January 31, 2007 (on file with author). Some of the voter fraud perpetrators were in their seventies and eighties. The lawyer for one, Doris McFarland, age eighty-three, said his client "simply did not know what to do with the absentee ballot after her husband of 63 years, Earl, passed away" in the month before the election, so she signed his name and mailed the ballot. Another man, Robert Holmgren, age fifty-nine, told the judge for his case that "my wife died just before this election. My judgment was clouded by the grief, I'm really sorry for what I did." According to a news report, "The judge told each client the court was sorry for their losses and wished them luck." Gene Johnson, "Two Plead Guilty to Voting Twice in 2004 General Election," *Associated Press State & Local Wire*, June 2, 2005.

<sup>36</sup> *Ibid.*, 24.

<sup>37</sup> See BAVII cast list, U.S. Department of Justice, Criminal Division, Public Integrity Section, "Election Fraud Prosecutions and Convictions: Ballot Access and Voting Integrity Initiative, Oct. 2002 – Sept. 2005, n.d. (on file with author).

<sup>38</sup> For that reason, Craig Donsanto, the veteran former director of the Elections Crimes Branch of the Justice Department's Public Integrity Section, states that, "Most election fraud is easily recognized." Craig C. Donsanto, "Federal Jurisdiction Over Local Vote Fraud," *University of Baltimore Law Review* 13(1), 4.

<sup>39</sup> See <http://www.ncsbe.gov/ncsbe/> (last visited Mar. 17, 2014).

<sup>40</sup> Section 163-20(c) of the North Carolina General Statutes says that the minutes from SBOE board minutes "shall be recorded in a book which shall be kept in the office of the Board in Raleigh," but this does not mean that the minutes cannot be posted to the SBOE website.

<sup>41</sup> Section 163-22(d) gives the SBOE the power to "investigate when necessary or advisable, the administration of election laws, frauds and irregularities in elections in any county and municipality and special district, and shall report violations of the elections law to the Attorney General or district attorney or prosecutor of the district for

about the incidence of voter fraud in North Carolina is surprising given the SBOE's scope of statutory responsibility for election administration. Under North Carolina law, the SBOE is an "independent regulatory and quasi-judicial agency" with broad, centralized power to administer and supervise elections statewide. For example, the five-member board, appointed by the Governor from lists of nominees provided by the two major political parties, itself appoints all of the members of the 100 county boards of elections, and has the power to remove county election board members for incompetence, neglect or failure to perform duties. It "shall require...reports from the county boards and election officers as are provided by law, or as are deemed necessary by the Board, and shall compel observance of the requirements of the election laws by county boards of elections and other election officers."<sup>42</sup> Public disclosure of this information would go a long way toward educating citizens and lawmakers about the incidence of voter fraud in North Carolina and prevent the spread of misinformation to the public.

The single case of voter fraud in North Carolina that was prosecuted by the federal government during the first three years of the U.S. Department of Justice's BAVII (referenced *supra*, Section III.C) involved a young man named Joshua Workman, a Canadian citizen studying on a sports scholarship at Lees-McRae College in Banner Elk, North Carolina. Workman got involved with the local chapter of the College Republicans, and later was elected to the Executive Committee of the North Carolina Federation of College Republicans. At the age of 19, he was one of the youngest delegates to the Republican National Convention in 2000, and considered a rising star in the Republican Party. An article about Workman by Barry Yeoman that appeared in *IndyWeek* on August 9, 2000, states, that "At this moment, Joshua Workman might be the most sought-after North Carolinian anywhere in the country... Workman represents the best and brightest of this new generation [of young Republicans]... He recently became a U.S. citizen."<sup>43</sup> But this was not true.

On April 7, 2003, the U.S. Department of Justice charged Workman, "a Canadian citizen, with voting and related offenses in the 2002 and 2000 primary and general elections in Avery County in violation of 18 U.S.C. §§ 611, 911, 1001, and 1015(f)."<sup>44</sup> Section 611 prohibits voting in federal elections by "any alien." Section 911 states: "Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both." Section 1001 pertains to making false statements, and Section 1015(f) makes it illegal to knowingly make false statements claiming citizenship in order to register to vote or to vote in any federal, state or local election. On June 30, 2003, in a plea agreement, Workman pleaded guilty to the lesser charges of providing false information to election officials and to a federal agency, and returned to Canada.

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further investigation and prosecution." In addition, the chairman of the SBOE has the power to issue subpoenas and summon witnesses and to compel the production of papers, books, records and other evidence (*see* Section 163-23).

<sup>42</sup> Section 163-22(c).

<sup>43</sup> Barry Yeoman, "Generation Bush," *IndyWeek*, August 9, 2000, <http://barryyeoman.com/2000/08/generation-bush/> (last visited Mar. 17, 2004).

<sup>44</sup> The federal court records for *U.S. v. Workman* are not publicly available through the PACER system. However, the Workman indictment is briefly described in the BAVII case list, as discussed above (list on file with author).

The only other case from North Carolina among the 95 indictments on the U.S. Justice Department's BAVII case list is *U.S. v. Shatley*, a successfully prosecuted case of vote-buying in Caldwell County involving five people, two of whom, sisters Anita and Valerie Moore, pleaded guilty, with the other three indicted people later convicted in a jury trial. Wayne Shatley was the organizer of a widespread vote-buying scheme to buy votes for the Republican candidate for sheriff, Gary Clark, in the November 2002 election. According to court records, Shatley used \$5,000 to \$6,000 of his own money to pay individuals \$25 to vote for Clark. The court found that Shatley had induced Anita Moore to testify falsely before the Board of Elections that Shatley was not involved in the vote-buying scheme. Shatley had purchased Moore's house in a foreclosure auction and told her that whether she got her house back or not depended on her testimony.<sup>45</sup> It is important to note that in the context of contemporary U.S. elections, vote-buying, as a form of election corruption, always involves coercion and conspiracy. Given the secret ballot, it is not at all clear that paying a voter to vote one way or the other is ever effective. Unless there is collusion with corrupt election officials who find ways to observe vote choice, the vote purchaser has no way of knowing whether the financial incentive produces the desired result. Moreover, a voter taking money to vote for a particular candidate or party may not need the financial incentive to do so.

I have found only one other case of voter fraud in North Carolina prosecuted by the federal government after the first three years of the BAVII program. The case involved the registration and voting of a non-citizen named David Muhemedy who pled guilty to one charge of illegal voting by an alien (in the 2004 election). According to news reports, Muhemedy was taken to the U.S. from Zaire, now the Democratic Republic of the Congo, by his mother in 1990, when he was six years old. The mother applied for asylum and was denied. When Muhemedy was 11, he, his mother and younger sister were ordered deported, but remained in the country. At his 2006 hearing, Muhemedy's public defender argued that Muhemedy might not have known was not a citizen.<sup>46</sup>

The News21 investigative journalism team at the Walter J. Cronkite School of Journalism and Mass Communications at Arizona State University compiled cases of alleged voter fraud in the United States between 2000 and 2012. The project adopted the data collection methodology I used in *The Myth of Voter Fraud*, sending out more than 2,000 public records requests to state elections and law enforcement authorities, and the U.S. Department of Justice (and FBI).<sup>47</sup> They followed up these document requests with phone calls and emails, and reviewed more than 5,000

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<sup>45</sup> The details of the crime are cited in Shatley's unsuccessful appeal of his 33-month prison sentence, in *U.S. v. Shatley*, No. 05-4118, U.S. Court of Appeals for the 4th Circuit. See also, Dave Cruz, "Vote-buying Defendants Guilty," *News-Topic*, May 17, 2004 (on file with author).

<sup>46</sup> See, Jessica Rocha, "Voter Rolls Risky for Aliens," (*Raleigh News & Observer*, December 7, 2006).

<sup>47</sup> See the project's website for more information, <http://votingrights.news21.com/> (last visited Mar. 31, 2014). I served as an (unpaid) consultant on the research design and conducted a seminar for the students on the research methodology I used for *The Myth of Voter Fraud*. Their work replicates my approach and produces similar results with respect to a documented low incidence of voter fraud in contemporary U.S. elections.



court documents, official records and media reports. North Carolina was not forthcoming in responding to the public records requests. The project reports,

When North Carolina sent a summary without details, News21 queried the 44 district attorneys across the state and got a detailed response from one of them. But almost immediately, an official with the Administrative Office of the Courts intervened and told the others not to respond to the News21 request.<sup>48</sup>

That official was Tammy Smith, Public Records Officer of the North Carolina Administrative Offices of the Court. She also informed Steve Doig, one of the faculty supervisors of the News21 team, that, “After reviewing your request for public records, I have determined that I have no public records that meet your request...[and that]...**Information contained in our databases does not constitute a public record.**” (Emphasis in original)<sup>49</sup>

One of the reporters with News21, Corbin Carson, reported that Mark Davis, from the General Counsel’s Office of the Governor of North Carolina told him: “You’re not going to find much. In the last 100 years, there have been [*sic*] a minuscule amount of voter fraud cases. That’s why we vetoed the voter ID bill, it’s a non-issue.”<sup>50</sup>

While the News21 data from North Carolina may not be comprehensive, it reflects the best effort to obtain complete information about voter fraud since 2000 from state officials.<sup>51</sup> A searchable database created from this effort includes just 16 cases of alleged voter fraud in North Carolina dating back to 2000 (the Workman case is the earliest listed). At the time of the publication of News21’s online database in August 2012, the final disposition of 14 of the 16 cases was “unknown” or “pending.”<sup>52</sup> These cases involved two alleged forms of fraud, double voting (six people) and voting using a false address (eight people in one Statesville City Council election) but no cases of voter impersonation).<sup>53</sup>

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<sup>48</sup> See Corbin Carson, “Exhaustive Database of Voter Fraud Cases Turns Up Scant Evidence That It Happens,” News21 (“What public-records obstacles were encountered?”), <http://votingrights.news21.com/article/election-fraud-explainer/index.html> (accessed March 31, 2014).

<sup>49</sup> Letter from Tammy Smith to Mr. Doig, dated June 20, 2012 (on file with author).

<sup>50</sup> Email from Corbin Carson to Tasha Khan and Stephen Doig, dated July 20, 2012; <http://www.documentcloud.org/documents/402948-north-carolina-governors-office-response.html> (last visited Mar. 31, 2014). The documents received from North Carolina officials may be viewed here: <http://votingrights.news21.com/interactive/document-cloud-all/index.html> (last visited Mar. 31, 2014).

<sup>51</sup> The list of cases may be found by typing in North Carolina to this online database: <http://votingrights.news21.com/interactive/election-fraud-database/index.html>.

<sup>52</sup> The defendants in the other two cases, Joshua Workman and Horatio Johnson, pleaded guilty. The Workman case is described above. Johnson was charged with illegal voting for having cast a ballot while still under state supervision for a felony drug charge. He claimed he did not know he was ineligible to vote and pleaded guilty to common law obstruction of justice.

<sup>53</sup> Another instance of alleged voter fraud occurred in the town of Pembroke, North Carolina in an election for city council. The candidates allegedly brought a number of people to the town’s early voting or ‘one-stop’ location where certain potentially ineligible voters were allowed to register and vote. The SBOE simply ordered a new

In my review of the legislative record, I found no evidence presented by or to lawmakers considering HB 589 that would suggest voter fraud is a problem in the state of North Carolina. The most authoritative information on voter fraud compiled by state officials that I found is provided by the North Carolina SBOE, in a table titled, “Documented Cases of Voter Fraud in North Carolina,” dated March 11, 2013, and reproduced in Appendix F.<sup>54</sup>

This table contains the number of “voter fraud” cases referred to and investigated by the SBOE over a 12-year period, from 2000 to 2012, that the agency concluded merited referral to county district attorneys for further investigation. Across 11 types of voting or registration fraud (*i.e.*, double voting, non-citizen voting or registration, submitting fraudulent voter registration forms, etc.), by far, the largest category of alleged illegal votes cast is by people with felony convictions who have not yet had their voting rights restored (377 of 631 cases, or 60 percent, with 229 of those cases arising out of the 2008 election). In North Carolina, people convicted of felonies are prohibited from voting until they serve their entire sentence, including probation and parole. Their voter registration is cancelled, and they must re-register once their sentences are concluded. According Marshall Tutor, the elections investigator for the SBOE, many of the felon cases are people who are not aware of the law. “Some of them just don’t know,” he told the *Statesville Record & Landmark* in 2012.<sup>55</sup> In my research on voter fraud in other states, I have found similar patterns of illegal voting, with cases of alleged “felon” voting dominating what small amount of illegal voting there is, and little to no evidence that the individuals involved understood the rules governing the removal and restoration of their voting rights.

Only two referrals by the SBOE were for voter impersonation, and I have not been able to confirm the status of any of these cases. If we take the most restrictive view of voter fraud that might be prevented by a photo ID law, this is the hypothetical lower bound of a possible range of voter fraud incidents or cases in North Carolina occurring between 2000 and 2012. Of the 631 referrals on the SBOE’s 2013 list, we can exclude 53 that do not meet our basic definition of voter fraud (22 for vote-buying, one for illegal voter assistance, one for misrepresentation of election law, 28 for submitting fraudulent voter registration forms, and one for failing to deliver voter registration forms). The remaining 578 cases include double voting, illegal “felon” voting, voting by non-citizens, absentee ballot fraud, voter impersonation, and for providing a false address on a voter registration. Adding the two referrals made by the SBOE since the construction of the table and the passage of S.L. 2013-381 (the SBOE made one additional referral concerning an alleged case of vote-buying, but vote-buying is not included in these calculations), we have 580 potential cases of voter fraud. This number is the hypothetical upper bound of potential voter fraud over the period. There were 35,134,262 ballots cast in federal elections in North Carolina between 2000 and 2014. If we assume that all 580 referrals

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election, which is not unusual for small municipal elections.

<sup>54</sup> The table was included in a letter from Gary O. Bartlett, then Executive Director of the North Carolina State Board of Elections to Members of the House Elections Committee and the Appropriations Subcommittee on General Government of the North Carolina General Assembly.

<sup>55</sup> Jim McNally, “Official: Voting Fraud Rare in NC,” *Statesville Record & Landmark*, September 10, 2012.

are actual cases of voter fraud, we can estimate a range from two to 580, where the two represents cases of voter impersonation, and 580 equals all cases of voter fraud, including those that a photo ID would not prevent, but still would be of concern. We then can use this range of cases to calculate a potential voter impersonation/voter fraud rate in North Carolina in just the major federal and statewide elections held between 2000 and 2014 of 0.000005692449 to 0.001650810255. If we were to include all votes cast in non-federal elections in the calculations, the voter fraud rate would further shrink toward zero.

Based on my analysis of all of the materials noted in Section II *supra* and Appendices D, E and F, I conclude that in North Carolina the incidence of voter fraud, defined as the intentional corruption of the electoral process by voters, is exceedingly rare. Data from the different sources of information – the North Carolina General Assembly, the North Carolina Attorney General’s Office, the State Board of Elections, and the press reports from state newspapers and other news sources – each reiterate a common pattern of little to no voter fraud in the state.

### **E. The Legislative History to H.B. 589/S.L. 2013-381**

The legislative record and the testimony given at public hearings reveal a range of opinions about what problem the state’s new photo identification requirement is meant to address. For example, in the legislative record I reviewed there are numerous references by lawmakers to an alleged problem with voter fraud, though no objective evidence was ever presented. In a March 16, 2013 interview broadcast on MSNBC, however, the Speaker of the House, Thom Tillis, when asked why the North Carolina General Assembly was considering a voter ID bill when voter fraud in the state “was not rampant,” and other pressing problems like high unemployment were of concern, Tillis replied,

Well, we call this [HB 589] ‘restoring confidence in elections.’ *There is some voter fraud, but that’s not the primary reason for doing this.* There’s [sic] a lot of people who are just concerned with the potential risk of fraud, and in our state it could be significant. This is just a measure that we think makes three-fourths, nearly three-fourths of the population more comfortable and more confident when they go to the polls.<sup>56</sup>

(Emphasis added).

Citizens testifying at a public hearing before the House Elections Committee expressed a variety of opinions on voter identification, but presented no credible evidence of voter fraud. For example, Jay Delancy, executive director of the Voting Integrity Project, testified at the April 10, 2013 hearing that, “Our biggest catch of the year was finding 33 people who had registered to vote in both North Carolina and Florida. Actually, we found more than 300, but 33 of them had actually – we thought they voted.”<sup>57</sup> The SBOE investigated the group’s list and found cause to

<sup>56</sup> The MSNBC clip with Speaker Tillis’s comments is posted on WRAL’s website, *see* <http://www.wral.com/news/state/nccapitol/video/12231808/> (last visited Mar. 17, 2014).

<sup>57</sup> North Carolina House Committee on Elections, “Public Hearing on Voter Identification,” April 10, 2013, 10.

further investigate just five people for possible double voting.<sup>58</sup> Another speaker, Maria Gaither, who said she was a Certified Public Accountant, claimed erroneously that she could go into any polling place in her county during early voting, provide the names and addresses of her neighbors, obtain their ballots and vote, with the “slim” chance of being caught.<sup>59</sup> Many of the people testifying at the April 10 hearing supported a photo identification requirement, and appeared to have had their testimony prepared for them by the Voting Integrity Project of North Carolina.<sup>60</sup>

## F. Public Perception of Voter Fraud

In both the legislative record and the media reports in North Carolina I reviewed for this report, when supporters of a photo identification requirement who justify it as a solution to voter fraud are confronted with the fact that there is scant, if any, evidence of voter fraud in the state, the justification shifts to one of two arguments. One concedes the lack of evidence of voter fraud, but claims the perception of fraud indicates a lack of confidence in government. North Carolina House Speaker, Mr. Tillis, voiced this opinion when he said that the purpose of the (at the time) proposed legislation imposing a photo identification requirement on voters was to make three-fourths of the population feel more comfortable and confident when they go to the polls.<sup>61</sup>

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Delancy and the Voting Integrity Project of North Carolina have a poor track record of finding voter fraud. In 2012, they challenged the voter registration of 528 voters on the Wake County voter rolls who the group claimed were not citizens. Elections Board investigators found that 510 were U.S. citizens and dismissed the challenges at a preliminary hearing; it sustained just 18 challenges. Then, at a second hearing to further investigate, the Board dismissed nearly all of these challenges. According to a report by Laura Leslie for WRAL.com, “One voter was removed according to state law. Several others requested their own removal. About half supplied evidence of their eligibility to vote. Most of the rest were registered but had never voted.” See Laura Leslie, “Voter-fraud Activist ‘Frustrated’ by Outcome in Wake Co.,” WRAL.com, August 21, 2012, [http://www.wral.com/news/state/nccapitol/blogpost/11454426/?keepThis=true&TB\\_iframe=true&height=600&width=800](http://www.wral.com/news/state/nccapitol/blogpost/11454426/?keepThis=true&TB_iframe=true&height=600&width=800) (last visited Mar. 17, 2014). See also, Michael Hewlett, “County, Group at Odds Over Voter Rolls,” *Winston-Salem Journal*, September 27, 2012.

<sup>58</sup> See email exchange between Jay Delancy and Don Wright, General Counsel for the North Carolina State Board of Elections, January 28, 2013 to March 5, 2013 (various dates), posted on the Voting Integrity Project of North Carolina’s website, <http://voterintegrityproject.com/wp-content/uploads/2013/03/FL-NC-Wright-email.pdf>.

<sup>59</sup> North Carolina House Committee on Elections, “Public Hearing on Voter Identification,” April 10, 2013, 13.

<sup>60</sup> See Zachary Roth, “Voter ID Supporters Stick to the Script – Literally,” MSNBC, April 11, 2013, <http://www.msnbc.com/politicsnation/voter-id-supporters-stick-the-script-li> (last visited Mar. 15, 2014). The group later posted a “Statement on Possible Errors,” promulgated by their research and as reported by supporters at the public hearing. The statement is dated April 12, 2013, and in part, reads, “Late this afternoon, we learned that some of our findings, revealed in the April 10 public Legislative hearing, may be inaccurate... While we regret this human error and apologize for any embarrassment it may have caused to the presenters and to election officials, we caution the public against losing sight of the undeniable fact that North Carolina’s voter rolls are so corrupted that, without an effective voter ID law, it will be impossible to know who is really voting.” See, [http://voterintegrityproject.com/poss\\_errors/](http://voterintegrityproject.com/poss_errors/) (last visited Mar. 15, 2014).

<sup>61</sup> See Jake Seaton, “Widespread Voter Fraud Not An Issue in NC, Data Shows,” *WNCN*, July 25, 2013, <http://www.wncn.com/story/22934120/widespread-voter-fraud-not-an-issue-in-nc-data-shows>, last visited February 11, 2015.

The second argument does not concede that there is very little voter fraud. Instead it turns logical inference on its head and sees what little evidence there is as the tip of the iceberg of *potentially* massive fraud. In other words, scant evidence of *actual* voter fraud is interpreted as convincing evidence of official malfeasance or neglect. This argument, however, does not address why the appropriate response to the problem, if true, is to pass and implement voter ID legislation that further burdens voters rather than to advance agency reform. Faulty reasoning of this kind is frequently relied upon by proponents of voter ID, including Mr. DeLancy of the Voting Integrity Project of North Carolina.<sup>62</sup>

With respect to the first argument, there is no evidence in the political science literature that supports the claim that there is any sort of crisis of confidence in the electoral process, or specifically, in voting systems that do not require voters to present a photo ID to cast a ballot.<sup>63</sup> For voter ID laws to boost public confidence in voting systems, they must address a problem that depresses public confidence. In the case of voter ID laws, what is that problem if it is not actual voter fraud or the worry and concern that voter fraud might occur in some future election?

By this logic we should expect the perception of fraud to depress confidence in the integrity of the electoral process, which in turn should lead to lower levels of turnout.<sup>64</sup> In one of the few academic studies to directly test a version of the public confidence justification for photo identification laws, however, researchers found no relationship between beliefs about the frequency or level of voter fraud and the likelihood of voting. In “*Vote Fraud in the Eye of the Beholder*,” Stephen Ansolabehere and Nathaniel Persily conclude that, “[a]lthough a sizable share of the population believes that vote fraud commonly or occasionally occurs, there is little or no relationship between beliefs about the frequency of fraud and electoral participation (reported, validated, or intended),”<sup>65</sup> and that, “[t]he lack of empirical support leads us to

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<sup>62</sup> For example, at the April 10 hearing, Delancy said, “Our State Board of Elections, in their view toward voter fraud, is more protective than proactive. We are very disappointed with them. We have done research. We have done the kind of data mining that we could do a lot better with it if we had the kind of information that our Election Board has. But the fact is, they don’t care to look at it; they are too busy doing other things.” See North Carolina House Committee on Elections, “Public Hearing on Voter Identification,” April 10, 2013, 10.

<sup>63</sup> For political scientists, the issue of “public confidence” in societal or governmental institutions is a thorny one, both theoretically and methodologically. Novices will benefit from the essays in Mark E. Warren’s edited volume, *Democracy and Trust* (New York: Cambridge University Press, 1999), which provides an overview of some of the issues and debates on this far-ranging subject. For a recent study of how different aspects of the voting experience, support for the winning candidate, and various demographic factors influence voter confidence in the electoral process, see Lonna Rae Atkeson, “Voter Confidence in 2010: Voter Identification Perceptions of Fraud, Winning and Losing and the Voting Experience,” Paper Prepared for Delivery to The Aftermath of *Bush v. Gore*; Ten Years Later, Center for the Study of Democracy, University of California, Irvine, 2011, <http://www.democracy.uci.edu/files/democracy/docs/conferences/2011/Voter%20Confidence%20-%20Lonna%20Atkeson.pdf>. It is important to point out that most academic studies of voter confidence assume the term means *confidence that one’s ballot was counted as cast*, not *confidence that no fraudulent ballot was cast*, which is more typical of how the concept is used by proponents of photo ID.

<sup>64</sup> Or, as Ansolabehere and Persily put it, “These arguments point to a specific empirical prediction. Perceptions of higher rates of vote fraud ought to correlate negatively with participation in the electoral process.” See Ansolabehere and Persily, “Vote Fraud in the Eye of the Beholder,” 1750.

<sup>65</sup> *Ibid.*, 1759.

conclude that, at least in the context of current American election practices and procedures, public perceptions do not provide a firm justification for voter identification laws.”<sup>66</sup>

Ansolahehere and Persily analyzed nationally representative surveys of the electorate in 2006, 2007, and 2008 that included questions about voter fraud. They define three distinct forms of fraud: what they called “voter fraud,” the illegal casting of ballots by non-citizens or double voting; “voter impersonation,” voting in the name of another; and “vote theft,” or the stealing or tampering with votes after they are cast. They then asked respondents to rate how frequently they believed each of these forms of fraud occurred. Ansolahehere and Persily report that nationwide in 2008, only 13% of respondents believed illegal voting by non-citizens and double voting is common, and only 9% believed voter impersonation – the only type of voter fraud that proponents claim this law would address – is very common.<sup>67</sup> A study by Lonna Rae Atkeson reports similar findings. In a post-election survey of New Mexico voters, “a rather paltry 8% mentioned [that over the last ten years, they had witnessed] illegal voting by non-citizens and filling out absentee ballots at senior homes.”<sup>68</sup>

When there is no evidence that voter fraud is an actual problem, proponents of voter ID laws shift to a fear of fraud as the justification. In the legislative debate over HB 589, the fear of fraud occurring in the future was expressed only by supporters of HB 589, who claimed voter ID would “protect integrity” and “increase confidence” in the electoral system, whereas no opponents expressed support for this theory. There is no evidence I could find in the public record of legislative debates that in general, the people of North Carolina have low confidence in the electoral system because photo identification is not required to vote. Further, there is no evidence in the public record that the public believes the existing identification rules (*i.e.*, various requirements to prove identity to register, signature-match to vote) are inadequate protection against voter fraud.

One important state court ruling on the constitutionality of a photo identification law addressed a problem with asserting a compelling state interest in combating the perception of voter fraud (*e.g.*, that it might be occurring now or that it might occur in the future) where no actual voter fraud could be found. In *Weinschenck v. State*, the Missouri Supreme Court states:

Appellants also urge that the State has a compelling interest in combating perceptions of voter fraud. While the State does have an interest in combating those perceptions, where the fundamental rights of Missouri citizens are at stake, more than mere perception is required for their abridgement. Perceptions are malleable.<sup>69</sup>

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<sup>66</sup> *Ibid.*, 1760.

<sup>67</sup> *Ibid.*, 1758.

<sup>68</sup> Atkeson, “Voter Confidence in 2010,” 17.

<sup>69</sup> 203 S.W.3d 201 (Mo. 2006), 218.

It is my opinion that developments in the public debate over HB589 fit a pattern observed in debates over voter ID laws elsewhere. Here, as elsewhere, proponents of photo identification requirements begin with justifications rooted in allegations about significant problems with voter fraud, and then, when no evidence can be mustered to document the alleged fraud, they cite concerns about perceptions and fears of fraud. They argue for greater prevention and the need to improve public confidence, and make claims about a lack of enforcement and prosecution of fraudsters. In my essay, “Voter Identification Laws: The Controversy Over Voter Fraud,”<sup>70</sup> I discuss such a pattern of *ex post facto* shifting rationales:

The most common argument for voter ID has two parts: first, it presupposes voter impersonation is a real and present danger to the integrity of elections, and second, that more stringent voter ID laws will help prevent or deter fraud.

A second approach accepts that evidence of voter impersonation is scant, but reasons that voter ID nevertheless is necessary as a prophylactic remedy because it is always possible to commit voter fraud. Both of these arguments adopt the view of many opponents of voter ID that voting is a fundamental right, but interpret the meaning of a right to vote in light of what they claim is a second and equally important right, the right to an “undiluted” vote, one not canceled out by fraud.<sup>71</sup> Each fraudulent vote, proponents argue, harms voting rights by negating an equal number of legitimate votes. Thus, so much of proponents’ rhetoric and imagery is infused with a purity myth. Voter ID has a role to play in ensuring the sanctity of the ballot and in preserving the sacredness of voting rights by protecting voters from the pollution of electoral corruption and vote dilution.

A third approach of proponents of voter ID deviates from this focus on the sanctity of individual voting rights. This argument explicitly rejects the notion that voter fraud, real or possible, is important to a rationale for voter ID. Voting itself is minimized because it is rare for one vote to ever determine the outcome of an election. Voting is equated to keeping the streets clean, or getting on an airplane, or buying a beer – an inconsequential everyday act of inconsequential everyday people. Since voting is as important as keeping the streets clean, corrupting it is like littering. For the individual neither voting nor its corruption matters that much, except for the threat to authority that could spread if voters gather too much distrust (presumably from seeing too much litter). What is most important is keeping up the appearance of a concern about littering because keeping up appearances is important to the maintenance of order, and social and political order matter a lot. Arguments for voter ID in this vein are like the ‘broken windows’ or order-maintenance theory of crime control; both emphasize

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<sup>70</sup> Lorraine C. Minnite, “Voter Identification Laws: The Controversy Over Voter Fraud,” in Matthew J. Streb, ed., *Law and Election Politics: The Rules of the Game*, 2nd ed., New York: Routledge, 88-133.

<sup>71</sup> J. Kenneth Blackwell and Kenneth A. Klukowski, “The Other Voting Right: Protecting Every Citizen’s Vote by Safeguarding the Integrity of the Ballot Box,” *Yale Law and Policy Review* 29 (2009), 107-123.

the importance of the appearance of order to the legitimacy of authority.<sup>72</sup> An order-maintenance argument for voter ID is concerned most with minimizing the appearance of corruption in elections. Voter ID laws are valued less as deterrents to voter fraud – since in fact, as adherents of this view usually concede, there may not even be a problem with voter fraud – and more for the signal they send to voters that authorities care about clean elections. This is believed to have a cascading positive effect on democracy; first, voter ID laws signal to voters that voting actually does matter as much if not more than buying alcohol, or boarding a plane, which should boost voter confidence. Knowing that the authorities are checking ID's in turn legitimizes electoral outcomes, and this legitimacy promotes trust in government. There are multiple problems with this reasoning, the most important of which is the utter lack of empirical evidence supporting it.<sup>73</sup>

Ansolahehere and Persily found that survey respondents who reported being asked to show voter ID “believe, if anything, that [voter impersonation] fraud is *more* prevalent,” not that the electoral system is more secure.<sup>74</sup> Interpreting this finding, they hypothesized that voter ID requirements “might be a symptom of voters’ fears of fraud, rather than a remedy,” likening a restrictive ID regime to the way a large police presence might heighten residents’ fears of crime. By this analogy, rather than alleviating a fear of fraud, stringent voter ID laws actually might cause voters to worry that a problem with voter fraud has made the laws necessary.<sup>75</sup> In other words, it is possible that restrictive ID laws could have the opposite effect on public confidence in the electoral process than what proponents of these laws allege.

Statements by elected and other government officials that voter fraud is a problem, therefore, can encourage a belief among the public that there is a big problem with voter fraud even when, as in the case of North Carolina, there is in fact no problem. Atkeson’s 2011 study of voters in New Mexico, for example, finds “that perceptions of fraud are mainly driven by media exposure to the 2000 and 2004 presidential election.”<sup>76</sup> Most citizens do not work in election administration or law enforcement, nor do they study the incidence of voter fraud. They are not equipped with the experience, knowledge or information they need to be able to judge the accuracy of claims about voter fraud made by politicians or other appropriately placed

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<sup>72</sup> Bradley Smith, “Broken Windows and Voting Rights,” *University of Pennsylvania Law Review* 156 (2007), 241-246.

<sup>73</sup> Minnite, “Voter Identification Laws,” 105-106. In an unpublished working paper, Alvarez, Atkeson, Hall and Sinclair found that the partisanship of survey respondents strongly influenced attitudes toward voter ID requirements and voter confidence. See R. Michael Alvarez, Lonna Rae Atkeson, Thad E. Hall, and J. Andrew Sinclair, “The Balance Between Preventing Fraud and Ensuring Participation: Attitudes Towards Voter Identification in New Mexico,” VTP Working Paper 106, Caltech/MIT Voting Technology Project, July 2011. See also, Ansolahehere and Persily, “Vote Fraud in the Eye of the Beholder;” Stephen D. Ansolahehere, “Effects of Identification Requirements on Voting: Evidence from the Experiences of Voters on Election Day,” *PS* 42 (2009), 127-130; and Atkeson, “Voter Confidence in 2010,” 2011.

<sup>74</sup> Ansolahehere and Persily, “Vote Fraud in the Eye of the Beholder,” 1756. (emphasis added).

<sup>75</sup> *Ibid.*, 1755 (note 43).

<sup>76</sup> Atkeson, “Voter Confidence in 2010,” 24.



government officials to whom they may defer for authority on the subject.

### **G. Analysis of Allegations of Voter Fraud in North Carolina Since the Enactment of HB 589/S.L. 2013-381**

My analysis of new reports from March 2014 to February 2015 produced no evidence of voter impersonation in North Carolina, however, a few issues concerning *allegations* of voter fraud merit attention, and I address them here.

#### *1) Allegations of voter fraud stemming from North Carolina's participation in the Interstate Voter Registration Data Crosscheck program*

On April 2, 2014, the North Carolina State Board of Elections (“SBOE”) made a presentation to the Joint Elections Oversight Committee of the North Carolina legislature on the implementation of S.L. 2013-381,<sup>77</sup> and other matters.<sup>78</sup> The part of the presentation that received the most media attention concerned the results of a voter registration list maintenance effort undertaken by the SBOE in 2014, through their participation in an “Interstate Crosscheck” program that compared a snapshot of North Carolina’s voter file to those of other states. As a result, the SBOE told the Committee they found:

- **“765** voters exact match of first and last name, DOB and last four of SSN--- registered in NC and another state and voted in NC and the other state in 2012 general election.
- **35,750** voters with first and last name and DOB match that are registered in NC and another state and voted in both in 2012 general election.
- **155,692** voters exact match of first and last name, DOB and last four of SSN--- registered in NC and another state and NC is not the latest date of registration or activity.

The SBOE stated that they were investigating the apparent duplicate registrations and potential 36,515 double votes.<sup>79</sup>

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<sup>77</sup> The law challenged in this litigation is sometimes referred to by its other names, HB 589, or the Voter Information Verification Act (“VIVA”).

<sup>78</sup> The SBOE’s presentation materials are available on the Committee’s website (*see* <http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=155&sFolderName=\2013-2014\Meeting%20Documents\April%202014>) (last visited Jan. 20, 2015); however, the Committee does not provide any meeting minutes or a transcript of the presentation here. A transcript of the presentation is included as Exhibit 1 in the Declaration of Kim Westbrook Strach, dated June 18, 2014, that is part of this litigation.

<sup>79</sup> *Ibid.* (see file labeled “SBOE\_JointCommitte\_April 2014”) *available at* [http://www.ncleg.net/documentsites/committees/JLElectionsOC/2013-2014/Meeting%20Documents/April%202014/SBOE\\_JointCommittee\\_April%202014.pdf](http://www.ncleg.net/documentsites/committees/JLElectionsOC/2013-2014/Meeting%20Documents/April%202014/SBOE_JointCommittee_April%202014.pdf), p. 35. In addition, the SBOE reported the results of a “10-year Death Audit” that included a finding of 81 deceased voters with voter histories “later than the date of their death.” It is not unusual to find some small

The Interstate Voter Registration Data Crosscheck Program or “The Kansas Project”<sup>80</sup>

S.L. 2013-381 changed the language of Section 18.1 G.S. 163-82.14(a), directing the SBOE to make not simply a “reasonable” effort to adopt a uniform nondiscriminatory list maintenance program, as required by federal law, but a “diligent effort not less than twice each year.” In addition, S.L. 2013-381 provides that the SBOE “may” enter into “data sharing agreements with other states to cross-check information on voter registration and voting records.”<sup>81</sup>

In 2013, the SBOE entered into one such agreement with the state of Kansas. According to Kansas Secretary of State Kris Kobach, the Interstate Crosscheck program was created by former Kansas Secretary of State Ron Thornburgh in 2005, among four Midwestern states (Kansas, Missouri, Nebraska and Iowa).<sup>82</sup> At a September 2013 public hearing in Cincinnati of the Presidential Commission on Election Administration (“PCEA”), Secretary Kobach explained how the program works:<sup>83</sup> Annually, in mid-January, participating states upload their statewide voter files to a secure FTP site maintained in the state of Arkansas. The files are analyzed by Information Technology (“IT”) personnel in the Kansas Secretary of State’s office, and data matches among registered voters across the participating states are separately uploaded to the Arkansas-managed FTP site by the beginning of February. Once each participating state downloads their individual file, Kansas officials destroy the data. To join the program, state election directors sign Memoranda of Understanding (“MOUs”) with the Kansas Secretary of

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number of voter records that evidence anomalies of this kind. In most cases, the discrepancies are explained by clerical error, or by voters dying shortly after filing early or absentee ballots. In a few cases, elderly spouses have filed absentee ballots for voters dying just before an election. I found one such case in Union County, North Carolina, in which a woman named Verna Roehm, age 75, pleaded guilty to a misdemeanor voter fraud charge. According to WSOC-TV, in 2012, Roehm’s husband told her “his final wish was to vote on the Republican ticket in the presidential election.” He died before the election, and Roehm filled out his absentee ballot and mailed it in to the Union County Election Board. See Kathryn Burcham, “Woman Charged for Fulfilling Husband’s Dying Wish of Voting,” WSOC-TV, Nov.26, 2014; <http://www.wsoc.tv/news/news/local/woman-charged-fulfilling-husbands-dying-wish-votin/njGhH/> (last visited Jan. 20, 2015).

<sup>80</sup> This program is known by various names, including the Interstate Voter Registration Crosscheck program, the Interstate Crosscheck program, Crosscheck, and the Kansas Project.

<sup>81</sup> General Assembly of North Carolina, Session Law 2013-381/House Bill 589, Session 2013, p. 30; <http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H589v9.pdf>.

<sup>82</sup> Statement of Secretary of State Kris Kobach to the Kansas House Elections Committee, January 22, 2014; [http://www.kslegislature.org/li\\_2014/b2013\\_14/committees/cte\\_h\\_electns\\_1/documents/testimony/20140122\\_03.pdf](http://www.kslegislature.org/li_2014/b2013_14/committees/cte_h_electns_1/documents/testimony/20140122_03.pdf).

<sup>83</sup> Presidential Commission on Election Administration, *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration*, January 2014, Appendix G.2 Public Meeting, Duke Energy Convention Center, Cincinnati, Ohio, Friday, September 20, 2013 (see (telephonic) testimony of Kansas Secretary of State Kris Kobach, pp. 36-41); <https://www.supportthevoter.gov/files/2013/11/PCEA-Cincinnati-Public-Meeting-Transcript-Day-2.pdf>; see also, Appendix G.3.9 for Secretary Kobach’s presentation materials; <https://www.supportthevoter.gov/appendix-g/>. The Commission’s final report may be found at <https://www.supportthevoter.gov> (last visited Jan. 20, 2015).

State's Office, and pledge to assign two staff personnel to the project, an election administrator and an information technology specialist. The taxpayers of Kansas provide the rest of the funding for this program, which in 2013 included 22 states and the data management of some 85 million voter registration records. Through aggressive outreach, Secretary Kobach has been expanding program participation, and in 2014, six more states, including North Carolina, joined, increasing the number of voter registration records "crosschecked" to 110 million.

Thus, the Interstate Crosscheck program provides states a static, single-point-in-time snapshot of each participating state's voter file compared against every other participating state's file. Kobach and other election officials testifying before the PCEA noted that the purpose of the program was two-fold, to allow election officials to: 1) check for duplicate voter registration records across state lines; and 2) to check for double voting in the previous year's election. In its final report to the President, the PCEA encouraged states to continue to work together to improve the accuracy of voter registration lists.<sup>84</sup>

However, there are myriad problems with what we know about the Interstate Crosscheck program that raise alarm bells about the reliability of the matched lists. These problems are relevant to the issue of voter fraud in North Carolina because the results of the State's participation in the program have been misinterpreted and misreported by lawmakers and pundits alike, as evidence of massive voter fraud in the State, when in fact there are a variety of non-fraud related explanations for the data. For example, on the same day as the SBOE's presentation to the Joint Elections Oversight Committee, then-House speaker Thom Tillis and Senate Leader Phil Berger issued a "Joint Statement on Newly Discovered, Alarming Evidence of Voter Error and Fraud." "These findings should put to rest ill-informed claims that problems don't exist and help restore the integrity of our elections process," said Tillis and Berger.<sup>85</sup> Representative Tim Moore added, "The big bombshell today is that you have documented voter fraud that has occurred... We have over 36,000 people who apparently voted in this state illegally and committed felonies."<sup>86</sup>

In fact, SBOE Executive Director Kim Strach had been careful *not* to label the Crosscheck data as evidence of fraud. According to Fox News, Strach told the Committee, "Could it be voter fraud? Sure, it could be voter fraud. Could it be an error on the part of a precinct person choosing the wrong person's name in the first place? It could be." When Strach was asked by Senator Bob Rucho to confirm that 50 dead people had voted, Strach declined to do so, adding, "I do want to stress that the reason could be precinct error."<sup>87</sup> Newsmax reported

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<sup>84</sup> *The American Voting Experience*, pp. 27-29.

<sup>85</sup> See the statement at <http://philberger.com/news/entry/tillis-berger-issue-joint-statement-on-newly-discovered-alarming-evidence-of-voter-error-and-fraud> (last visited Jan. 20, 2015).

<sup>86</sup> Drew Mackenzie, "North Carolina Identifies 36,000 Possible Voter Fraud Cases," Newsmax, April 3, 2014.

<sup>87</sup> See note 79; Strach presented the results of a ten-year audit of the voter file compared against death records and found 81 cases in which voters registered death dates that preceded being recorded as having voted in an election. Strach said the SBOE has identified clerical error in about 30 of those cases, leaving the remaining 50 cases unexplained.

that Strach noted that in the past, so-called “zombie” voters turned out to be clerical errors. “We’re in the process of looking at each of these to see,” she said. “That means either a poll or precinct worker made a mistake and marked the wrong person, or someone voted for them. That’s something we can’t determine until we look into each case.”<sup>88</sup>

The SBOE is right to treat data generated by the Interstate Crosscheck program with caution, and to investigate cases individually. Before crudely matched administrative records should ever be called evidence of “fraud,” the task at hand involves further interrogating the data for reliability (discussed in more detail below), eliminating likely clerical and human error, and then producing evidence of criminal intent.

There are at least three crucial problems with the Interstate Crosscheck program. The first is a *lack of transparency*. I have not been able to locate a copy of the MOU signed between Kansas and North Carolina. Thus, we do not know the conditions under which North Carolina is sharing its voter file with the state of Kansas, specifically, whether as required by state law,<sup>89</sup> Kansas is complying with North Carolina’s voter privacy provisions.<sup>90</sup> A six-month investigation of the Interstate Crosscheck program by a news organization reported a lack of cooperation in sharing reports or information about the conditions for participating in Crosscheck and the results of Crosscheck’s data match among nearly all election officials in the 22 states participating in the program at the time.<sup>91</sup>

This leads us to the second major problem with the Crosscheck program, its *reliability*. There is an advanced statistical science of record linkage and list matching that incorporates probability theory, the construction and use of algorithms, data parsing and imputation strategies, and sophisticated methods for estimating error.<sup>92</sup> At the very least, error in the administrative

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<sup>88</sup> Mackenzie, “North Carolina Identifies.”

<sup>89</sup> G.S. 163-82.14(a).

<sup>90</sup> These include G.S. 163-82.10, which spells out the official record of voter registration, and G.S. 163-82.10(b) which keeps confidential the date of birth of every voter registration applicant and registered voter, except under limited conditions, none of which apply to interstate data sharing agreements. I note the position adopted by SBOE Director Strach’s predecessor in 2007, when the U.S. Department of Justice asked North Carolina to provide a copy of the state’s voter registration list, including personal identifying information such as voters’ full names, dates of birth, addresses, dates of registration, voter history, and Social Security numbers. At that time, (former) Director Gary Bartlett replied, “In this age of identity theft, it is an untenable risk to download the data you requested to compact discs and transmit them via a courier service...” and, “...42 USC § 1974b does not appear to require nor does North Carolina law permit the provision of the voter-specific data on the scale or in the manner you requested.” See, Letter to Mr. John K. Tanner, Chief, Voting Section [U.S. Department of Justice] from Gary O. Bartlett, Executive Director of the North Carolina State Board of Elections, dated May 2, 2007 (on file with author).

<sup>91</sup> Greg Palast, “Jim Crow Returns: Millions of Minority Voters Threatened by Electoral Purge,” Al Jazeera America, October 29, 2014, <http://projects.aljazeera.com/2014/double-voters/index.html> (last visited Jan. 20, 2015). Palast contacted officials in all 22 states participating in the program in 2013.

<sup>92</sup> For an overview, see William E. Winkler, “Overview of Record Linkage and Current Research Directions,” Statistical Research Division, U.S. Census Bureau, Research Report Series, Statistics #2006-2, February 8, 2006. See also, Ivan P. Fellegi and Alan B. Sunter, “A Theory of Record Linkage,” *Journal of the American Statistical Association*, 64(328): 1183-1210; Wendy Alvey and Bettye Jamerson, eds. *Record Linkage Techniques – 1997*,

data to be matched must be taken into account, as it multiplies through the matching process when erroneous (*i.e.*, mistyped) data is matched to erroneous (*i.e.*, inaccurate) data using erroneous (*i.e.*, unscientific) methods.

And, in fact, unfounded allegations of voter fraud frequently rest on the production of bad data from uninformed, unscientific, or less than careful list matching efforts. For example, in 2013, officials in South Carolina compared the state's voter file to Department of Motor Vehicle records using Social Security numbers producing a list of more than 900 people who were identified as dead but voting in the 2010 election. It is not clear from published reports whether full or partial Social Security numbers were processed. Most likely, only partial numbers – the last four digits (the ‘the serial number’ portion) – were used as federal privacy laws generally prohibit the disclosure of Social Security numbers, except under specific limited conditions. This improves the matching process, but it is not fool-proof.<sup>93</sup> Moreover, there is little doubt that all three sources of data in the South Carolina example contain some amount of inaccurate, incomplete or otherwise erroneous data, and how officials accounted for the error remains unknown. I describe the outcome in, “Voter Identification Laws: The Controversy over Voter Fraud.”<sup>94</sup>

The Election Commission investigated a sample of 207 names from the list and found:<sup>95</sup>

- 106 cases were the result of clerical errors by poll managers:
  - Ninety-one cases were name recognition errors such as marking the deceased John Doe, Sr. as voting when John Doe, Jr. actually voted;
  - In six cases, the poll manager apparently began marking incorrect voter, realized mistake, but did not erase the original marks;
  - In five cases, election officials marked the wrong voter as voting absentee;
  - In three cases, election officials issued the absentee application in the wrong name.
  
- Fifty-six cases were the result of bad data matching. In these cases, it appears DMV used only the voter's social security number to match against the death file.

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Proceedings of An International Record Linkage Workshop and Exposition, March 20-21, 1997, Arlington, Virginia; <http://fcsn.sites.usa.gov/files/2014/04/RLT97.pdf>; and Peter Christen, *Data Matching: Concepts and Techniques for Record Linkage, Entity Resolution, and Duplicate Detection* (New York: Springer, 2014).

<sup>93</sup> There are only 10,000 possible combinations of four digit numbers from 0000 to 9999 (10X10X10X10), which means the odds that any two people share the same last four-digits of their Social Security number are relatively high.

<sup>94</sup> Lorraine C. Minnite, “Voter Identification Laws: The Case of Voter Fraud,” pp. 88-133 in Matthew J. Streb, ed., *Law and Election Politics: The Rules of the Game*, 2<sup>nd</sup> Ed. (New York: Routledge, 2013), 100.

<sup>95</sup> The following description of the findings cites directly from the South Carolina Elections Commission's official response to the South Carolina Attorney General.

The voters' names and dates of birth in these cases do not match the names and dates of birth in the death file. In these cases, there is no indication that the voter is deceased.

- Thirty-two cases were voter participation errors. Voter registration lists marked by poll managers are scanned electronically to record voter participation in each election. Stray marks on the lists and the sensitivity of the automatic scanner can lead to voters erroneously being given credit for voting in an election. In all of these cases, there is no corroborative information on voter registration lists, poll lists, or absentee applications indicating the voter actually voted.
- Three cases were the result of absentee ballots being issued to a voter, who then died before Election Day.
- Ten cases had insufficient information in the record to make a determination:
  - In seven cases, the signature on the poll list could not be matched to another voter;
  - In two cases, the poll list is missing making it impossible to match the signature to another person;
  - In one case, the signature on the poll list seems to match a voter in another precinct but could not be.<sup>96</sup>

In other words, the Commission, which assigned nearly half its staff of fifteen full-time employees for four weeks to comb through archived paper files, found strong, positive evidence that the allegedly dead voters mostly were not dead. In ninety-five percent of all cases of so-called "cemetery voting" alleged in the 2010 midterm election in South Carolina, human error accounts for nearly all of what the state's highest law enforcement official had informed the U.S. Department of Justice was fraud.<sup>97</sup>

We know little about the methodology used by IT personnel in the Kansas Secretary of State's Office who perform the list matching for the Interstate Crosscheck program. A 2012 study by the Franklin Center for Government & Public Integrity raises questions about the integrity of Kansas' own voter registration and voting data. The study examined the structure of the voter file and data quality and found many technical problems with missing data, miscoded data, and incomprehensible data fields. "Voter and election data are not helpful for looking for potential voter fraud in Kansas," the analyst concluded. "Comparing the list of voters in a precinct before an election with voter history from a precinct after an election is not possible in

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<sup>96</sup> Letter from Marci Andino, Executive Director, South Carolina Election Commission to The Honorable Alan Wilson, Attorney General of South Carolina, dated February 22, 2012 (on file with author).

<sup>97</sup> Associated Press, "South Carolina Attorney General Informs Justice Department of Voter Fraud," January 21, 2012.

Kansas in many counties.”<sup>98</sup>

Documents obtained by the American Civil Liberties Union of Pennsylvania (“ACLUPA”), including a copy of the MOU signed by Pennsylvania’s chief elections official in 2013, as well as other Crosscheck instructional materials shed some light on the methodological questions.<sup>99</sup> The MOU states that duplicate records will be identified by a match of first name, last name, and date of birth. When Philadelphia (Elections) Commissioner Stephanie Singer, who holds a Ph.D. in Mathematics, was told that Crosscheck matches records using only these three fields, she “audibly gasped,” reported AxisPhilly.com. “There are going to be a lot of David Lees on that list,” she said.<sup>100</sup>

The first page of Crosscheck’s “Instructions for County Election Officers” (dated March 2013), says, “The program compares voter registration data using the following fields: first name, middle name or initial, last name, date of birth, last four digits of Social Security number (if available).” In addition:

NOTE: If a voter’s record is included on the list provided to the CEO [County Election Officer], it means the records matched exactly on first name, last name and date of birth. For the middle name or initial, if the records are included it means they were either a match or not a non-match (ex: James in one record, J. in another would not be excluded). Social Security numbers are included for verification; the numbers might or might not match.<sup>101</sup>

These instructions are confusing and troubling because they suggest there will be a high rate of false positives.<sup>102</sup> In fact, officials with the Crosscheck program acknowledge that this, indeed, is the case. Another document in the ACLUPA materials from Pennsylvania’s experience with Crosscheck, titled “Interstate Voter Registration Data Crosscheck 2014 Participation Guide” (December 2013) states: “Experience in the crosscheck program indicates that a significant number of apparent double votes are false positives and not double votes. Many are the result of errors – voters sign the wrong line in the poll book, election clerks scan the wrong line with a

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<sup>98</sup> Earl Glynn, “Technical Analysis of Kansas Voter Registration Data,” Franklin Center for Government & Public Integrity, March 21, 2012; <http://franklincenterhq.org/4309/technical-analysis-of-kansas-voter-registration-data/> (last visited Jan. 21, 2015).

<sup>99</sup> For materials related to the ACLUPA’s effort to gather information about how the state intended to use the Crosscheck data, including a copy of the state’s MOU with Kansas, see <http://www.aclupa.org/our-work/legal/legaldocket/interstate-crosscheck-voter-registration-program/> (last visited Jan. 20, 2015).

<sup>100</sup> Isaiah Thompson, “Purge Machine: A Republican ‘Voter Fraud’ Program Flags Many Voters, Detects Little Fraud,” AxisPhilly.com, October 24, 2013; <http://axisphilly.org/article/interstate-crosscheck-voter-program/> (last visited Jan. 20, 2015).

<sup>101</sup> American Civil Liberties Union of Pennsylvania, *Interstate Crosscheck Voter Registration Program*, “Requested Documents – Interstate Crosscheck Voter Registration Program,” p. 7; [http://www.aclupa.org/files/5413/9715/1471/DOS\\_RTK\\_cover\\_letter\\_3-10-141.pdf](http://www.aclupa.org/files/5413/9715/1471/DOS_RTK_cover_letter_3-10-141.pdf).

<sup>102</sup> Thomas N. Herzog, Fritz J. Scheuren and William E. Winkler, *Data Quality and Record Linkage Techniques* (New York: Springer, 2007).

barcode scanner, or there is confusion over father/son voters (Sr. and Jr.).”<sup>103</sup>

As noted above, the North Carolina SBOE claimed that their Crosscheck list includes an exact match on first and last name, date of birth, and last four digits of the voters’ Social Security number for 765 voters registered in North Carolina and another state, who voted in North Carolina and the other state in 2012 general election. Palast’s analysis of Crosscheck’s double voter lists from Washington, Georgia and Virginia, however, raises questions about the matching methodology: “[T]he actual lists show that not only are middle names commonly mismatched and suffix discrepancies ignored, even birthdates don’t seem to have been taken into account. Moreover, Crosscheck deliberately ignores Social Security mismatches, in the few instances when the numbers are even collected..In the lists obtained by Al Jazeera America, alleged double votes were matched on first and last name only.”<sup>104</sup>

Without any further explanation of how the list matching is performed and the degree to which predictable administrative and human error are accounted for in the calculations, the outcomes reported to the Joint Elections Committee on April 2, 2014, and misreported as evidence of voter fraud are unreliable.<sup>105</sup> The SBOE has made a few referrals to district attorneys but it is not known whether those cases were identified from the Crosscheck double voting list.

The third problem with the Crosscheck program is that it *misrepresents the scale of the problem of double voting*, and therefore feeds what I have called “the myth of voter fraud.”<sup>106</sup> After nine years in operation, the record of successful prosecutions for double voting is practically zero. And yet, Secretary Kobach repeatedly promotes the falsity that double voting is “common” or even epidemic across the U.S.<sup>107</sup> In Secretary Kobach’s state of Kansas and by his own admission, the number of cases of double voting discovered through the Crosscheck program that were *referred to prosecution* is three in 2008, 11 in 2010, and seven in 2012. Of the 18 cases from 2010 and 2012, 15 were referred to county prosecutors, one was dismissed because the voter had died, one was referred to the FBI and one was referred to the Texas Attorney General’s Office because the voter allegedly voted in Kansas and Texas.<sup>108</sup> Secretary Kobach did not send the case to the corresponding Kansas county prosecutor, nor has he sent any

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<sup>103</sup> American Civil Liberties Union of Pennsylvania, *Interstate Crosscheck Voter Registration Program*, note 57. For more on why crudely matched large datasets are likely to produce “matches” between different people, see, Justin Levitt and Michael McDonald, “Seeing Double Voting: An Extension of the Birthday Problem,” *Election Law Journal* 7 (2): 111-22.

<sup>104</sup> Palast, “Jim Crow Returns.”

<sup>105</sup> As of the time of writing, I could find no information on the number of referrals made by the SBOE to law enforcement officers stemming from North Carolina’s 2014 Crosscheck data (discussed further below).

<sup>106</sup> Lorraine C. Minnite, *The Myth of Voter Fraud* (Ithaca, N.Y.: Cornell University Press, 2010).

<sup>107</sup> For example, Secretary Kobach told the PCEA that double voting “...is pretty common, and it – it seems to be widespread among – across the country, and across different age groups...,” a claim that is categorically unsupported by any data. See Presidential Commission on Election Administration, *The American Voting Experience*, Appendix G.2, p. 39.

<sup>108</sup> “Prosecutors Question Kobach Claims of Voter Fraud in Kansas,” Associated Press, February 10, 2015.



alleged cases of any kind of voter fraud to the U.S. Attorney's Office. The county prosecutor in at least one of the remaining seven cases was forced to drop it because the facts behind the case did not warrant prosecution. No one has been convicted of double voting in Kansas as a result of these referrals.<sup>109</sup>

Elsewhere, scattered cases of double voting have led to a few convictions. For example, four cases of double voting in the 2008 election were identified by Crosscheck and prosecuted in Arizona out of 2.3 million votes cast – a fraud rate of 0.0002 percent.<sup>110</sup> These numbers do not justify the hysteria promoted by claiming millions of voters are potentially violating state election laws and tainting the outcomes by double voting federal elections.<sup>111</sup>

I have discussed the Interstate Crosscheck program in some detail because North Carolina's participation in the program in 2014, and the way the data were reported produced much media coverage, confusion and unfounded allegations of widespread voter fraud in the state. Needless to say, North Carolina's new photo identification requirement would not address any of the alleged fraud since double voting typically does not involve voter impersonation.<sup>112</sup>

I turn now to the available official reports on the outcome of the SBOE's recent investigation into their Crosscheck list of potential double voters, and other forms of voter fraud.

## 2.) *Lack of data on voter fraud produced by the State*

Because I have not been able to query or discuss the SBOE's investigation directly with SBOE personnel, I instead rely on responses from Defendants in this case to two sets of requests for production and interrogatories submitted by Plaintiffs concerning the incidence of voter fraud in North Carolina.

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<sup>109</sup> *Ibid.*

<sup>110</sup> Mary Jo Pitzl, "Arizona Makes Example Out of Few Caught Voting Twice," *Arizona Republic*, December 30, 2012.

<sup>111</sup> Reacting to the news from North Carolina that the state had found "more than 35K incidents of 'double voting' in 2012," as *The National Review* put it (see Andrew Johnson, "N.C. Board Finds More than 35K Incidents of 'Double Voting' in 2012," *National Review Online*, April 2, 2014, <http://www.nationalreview.com/corner/374882/nc-state-board-finds-more-35k-incidents-double-voting-2012-andrew-johnson> (last visited Jan. 20, 2015)), the well-known political consultant and media pundit Dick Morris, appearing on the April 7, 2014, Fox News broadcast of "Hannity," said: "It's the most important data I've read in a year...The elections commissioner there, Kim Strach, did a study of those who voted in North Carolina who also voted in another state in 2012 and she found 35,500 people voted in North Carolina and voted in some other state...And only 27 states pool that data...so you're talking about probably over a million people that voted twice in this election. This is the first concrete evidence we've ever had of massive voter fraud. We've talked about it *ad nauseam*. This proves it." Jon Greenberg, "Dick Morris: There's Proof that Over 1 Million People Voted Twice in 2012," *Tampa Bay Times PunditFact*, April 10, 2014; <http://www.politifact.com/punditfact/statements/2014/apr/10/dick-morris/dick-morris-theres-proof-over-1-million-people-vot/> (last visited Jan. 20, 2015). PunditFact evaluated Morris' claim as 'False.'

<sup>112</sup> See note 115.

Plaintiffs' First Set of Requests for Production were filed on November 29, 2013 (to Patrick Lloyd McCrory in his official capacity as Governor of the State of North Carolina), and December 2, 2013 (to Members of the North Carolina State Board of Elections). The requests most relevant to the incidence of voter fraud are:

- *To Defendant McCrory*, Requests for Production Nos. 3 through 6 (for all documents and communications received or created by the Office of the Governor related to the incidence of in-person voter fraud and voter fraud involving absentee ballots in North Carolina from 1995 to present; and the procedures and budget for identifying or detecting in-person voter fraud and voter fraud involving absentee ballots).
- *To Defendant Members of the North Carolina State Board of Elections*, Request for Production Nos. 2 through 5, 7 (for all documents and communications related to any incident of in-person voter fraud, and voter fraud involving absentee ballots, Same Day Registration or standard (non-Same Day) registration from 1995 to the present, including but not limited to documents and communications related to the reporting, investigation, or prosecution of any instance [of] in-person voter fraud; and all documents and communications relating to the procedures and budget for identifying or detecting in-person voter fraud, and voter fraud involving absentee ballots).
- The relevant queries from Plaintiffs' Second Set of Interrogatories to Defendants, dated December 8, 2014, are Interrogatory Nos. 12, 13 and 17. Interrogatory No. 12 states: "Identify and describe all incidents, complaints, allegations, or investigations into acts of voter fraud in North Carolina since the enactment of H.B. 589." Interrogatory No. 13 asks: "State how many incidents of alleged voter fraud you referred to the Office of the North Carolina Attorney General and/or the office of any District Attorney in North Carolina for investigation since the enactment of H.B. 589, and of these referrals, how many resulted in a conviction. For each incident of alleged voter fraud, state whether the voter voted in person or by mail-in absentee ballot. Finally, Interrogatory No. 17 concerns the procedures for identifying non-citizens on the registration rolls."<sup>113</sup>

In their January 16, 2015 response to Plaintiffs' Second Set of Interrogatories to Defendants, No. 12 (which asks defendants to "Identify and describe all incidents, complaints, allegations, or investigations into acts of voter fraud in North Carolina since the enactment of H.B. 589"), Defendants state:

...the North Carolina State Board of Elections ("SBOE") receives countless reports of 'incidents' of voter fraud. While all alleged

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<sup>113</sup> Interrogatory No. 17 says: "Describe what action, if any, you have taken since the enactment of H.B. 589 to identify non-citizens currently registered to vote in the state of North Carolina, including the dates when you undertook to identify those individuals, how you identified them, what databases were used to identify them, and the reasons you decided to undertake such identification. For registered voters you identified as non-citizens, describe what action, if any, was taken by you to notify them that they had been identified as non-citizens, to notify county boards of elections of those individuals, or to remove those individuals from any list of registered voters."

incidents of voter fraud are investigated, no record is necessarily maintained of those reports deemed frivolous or meritless. The numbers of open investigations reported below are those cases or reports of incidents of voter fraud known to the SBOE that are deemed credible enough to merit further investigation:

Double voting/voting impersonation:	701 open investigations
Non-citizens voting or registered:	1454 open investigations
Felons voting:	24
Absentee ballot fraud:	approximately 200 open investigations
Voter registration fraud:	111 open investigations
Vote buying:	2 open investigations <sup>114</sup>

It is impossible to determine from the defendants' response why the number of open investigations for double voting is reported together with investigations for "voting impersonation," as these are distinct offenses. Double voting involves casting more than one vote, usually at different locations, whereas voter impersonation typically involves a voter presenting as someone else. I know of only a very few number of actual cases of double voting that also involve voter impersonation.<sup>115</sup>

That said, the number of open investigations is concerning; however, if they stem from the data produced by North Carolina's participation in the Interstate Crosscheck program, I feel quite confident in predicting that very few, if any of these investigations are likely to lead to prosecutions or convictions for criminal voter fraud, if the actual past performance of the Interstate Crosscheck program in leading to convictions for voter fraud in other states is any indicator. The broad matching criteria adopted by the program will likely produce a significant number of false positives.<sup>116</sup> I note that the defendants indicate that only three referrals of possible cases of voter fraud have been made by the SBOE to district attorneys since the enactment of S.L. 2013-381.<sup>117</sup>

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<sup>114</sup> Defendants' Response to Plaintiffs' Second Set of Interrogatories to Defendants, p. 5.

<sup>115</sup> The one that comes to mind concerned an elderly mentally incompetent woman in a wheelchair charged with impersonating her long-dead sister to obtain a second driver's license and vote twice in Texas in the 2008 election. See Zachary Roth, "Greg Abbott's Bogus Voter Fraud Crusade," *MSNBC.com*, March 24, 2014, available at <http://www.msnbc.com/msnbc/greg-abbott-bogus-voter-fraud-crusade>.

<sup>116</sup> I am not in a position to comment on the SBOE's budget or allocation of investigative capacity to move the investigations along. However, I note that in May 2014, about six weeks after the SBOE's presentation to lawmakers on the results of its participation in the Interstate Crosscheck program, it was reported that the SBOE hired Chuck Stuber, a 28-year veteran of the Federal Bureau of Investigation, to help with its investigation team (see Associate Press State Wire: North Carolina, "FBI Agent Joining NC Elections Investigations Team," May 27, 2014). However, as of November 2014, "...the State Board of Elections, which is looking into the [Interstate] cross-check claims, hadn't yet hired the investigators necessary to complete the inquiry." See Patrick Gannon, "Examine Election Laws," *Greenville Daily Reflector*, December 4, 2014.

<sup>117</sup> Defendants' Response to Plaintiffs' Second Set of Interrogatories to Defendants, p. 6 ("Two involved in-person

### 3) Problems with Additional Audits in 2014

As noted above, S.L. 2013-381 requires the SBOE to make a “diligent effort” to audit the statewide voter registration list “not less than twice each year.” Information about the SBOE’s schedule and procedure for conducting audits and final audit reports are difficult to find. As noted above (see footnotes 79 and 87), a “10-Year Death Audit” in 2014 flagged some 81 people out of some 6.5 million registered voters who were recorded as having voted after a death date. I have found no evidence that any of these 81 cases are cases of voter fraud, and not clerical error. In 2007, an audit of the voter registration file by the North Carolina State Auditor purportedly found that some 380 deceased voters appeared to have voted in elections between 2004 and 2006, after their dates of death. The SBOE investigated and found that in all cases, the voters had died during the absentee voting time period after having sent in an absentee ballot.<sup>118</sup>

A second “Citizenship” audit in October 2014 of more than 10,000 registered voters whose records were compared to data provided by the North Carolina Division of Motor Vehicles (DMV) and the U.S. Department of Homeland Security (“USDHS”) resulted in a list of 1,425 voters whose citizenship status was in question at the time of the 2014 election.<sup>119</sup> I have found no evidence that this audit has turned up evidence of voter fraud. For example, a November 14, 2014, report by the *Camel City Dispatch* (an online news daily in Winston-Salem) states the following:

Out of the 1,425 names on the list, 73 were in Forsyth County...[A]t a special meeting that was also supposed to serve as a preliminary hearing only 2 challenges to voters were brought and both were dismissed and the votes certified. The first challenge was of Ms. Laura Lee. The contention made by the chief judge in the 708 precinct was that Ms. Lee is not an American citizen based on the state Board of Election’s list...except that she is a natural born citizen who started voting in 2012’s Presidential Election. Ms. Lee is a young, white lady who lives in Winston-Salem...The only other challenge was for a Mr. Mbop...but his challenger...didn’t show up...so his vote was approved.

When the State Board first issued its list many supporters of the ‘massive voter fraud’ conspiracy theory like Forsyth BOE Chairman Ken Raymond were elated. At the time Raymond told Bertrand Gutierrez with the *Winston-Salem Journal*: ‘There are a lot of people at the local and state level that are working hard to ensure

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voting and one involved vote-buying allegations...”).

<sup>118</sup> See Letter from Gary Bartlett, Executive Director of the North Carolina State Board of Elections to the Hon. Leslie W. Merritt, Jr., State Auditor, dated June 13, 2007, p. 9 (on file with author).

<sup>119</sup> Benji Schwartz, “NC Board of Elections Finds 1,425 Non-Citizen Voters,” *dailytarheel.com*, October 28, 2014; <http://www.dailytarheel.com/article/2014/10/nc-board-of%20elections%20finds%201425%20non-citizen%20voters> (last visited Jan. 23, 2015). See Appendix II for a list of the number of suspected non-citizens by county prepared by the SBOE.

the integrity of our voting process and to hear that there are 1,425 illegal registrations on our voter rolls is extremely troubling, especially since so many people are working to keep the voter rolls clean,” Raymond said in an email...

Out of those 1,425 state-wide and 73 ‘illegal’ registrations here in Forsyth County exactly zero resulted in a rejected vote in the 2014 General Election.<sup>120</sup>

SBOE Executive Director Kim Westbrook Strach explained the outcome of the 2014 Citizenship Audit in a letter to the Hon. Chris Millis, dated February 6, 2015: “Of the 1,454<sup>121</sup> flagged registrants,” she wrote, “89 attempted to vote in the 2014 General Election. Various counties conducted independent research into citizenship status of the flagged registrants outside of the challenge process. In some instances, the registrant produced a valid U.S. Passport to poll workers prior to any challenge proceeding. Ultimately, elections officials challenged 24 registrants, *11 were sustained* (emphasis added).<sup>122</sup> The pattern of very large numbers of potential ineligible voters identified through crude list matching techniques being reduced to almost nothing once the matched files are investigated is typical of every incident of this kind that I know of.<sup>123</sup>

The information concerning citizenship contained in the DMV and USDHS files is not “live” in the sense that it is updated in real time. The data reflects information gathered at the point of contact between people and these agencies. It easily could be outdated, leading to

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<sup>120</sup> Chad Nance, “Board of Elections Purge List a Bust in Forsyth County,” Camel City Dispatch, November 14, 2014; <http://www.camelcitydispatch.com/board-of-elections-purge-list-a-bust-in-forsyth-county-6874/> (last visited Jan. 23, 2015).

<sup>121</sup> Over the course of the investigation, the number was revised upward by 29 cases over what was first reported in an October 24, 2014 press release. See, North Carolina State Board of Elections, “Board Finalizes Citizenship Audit,” October 24, 2014, [http://www.ncsbe.gov/ncsbe/press-releases?udt\\_2226\\_param\\_detail=15](http://www.ncsbe.gov/ncsbe/press-releases?udt_2226_param_detail=15); last visited February 11, 2015.

<sup>122</sup> See Letter from Strach to Millis, February 6, 2015; (on file with author).

<sup>123</sup> Another example from North Carolina concerns a watchdog group called the Voter Integrity Project-North Carolina and their efforts to independently police the voter registration rolls. In 2013, the group compared lists of registered voters in North Carolina and Florida from the 2012 presidential election and identified about 500 Florida voters who listed alternate addresses in North Carolina and who voted in Florida. They then looked for those people in North Carolina’s voter file and identified 33 who may have voted in North Carolina, based on a conclusion that their address in the North Carolina voter file “seemed to match” the address in the Florida voter file (See, email from Jany DeLancy to Division of Elections, Florida Department of State, and Don Wright and Gary Bartlett of the North Carolina SBOE, dated January 28, 2013. The SBOE coordinated with the Florida Division of Elections and whittled the list down to nine people, however, four of those people were then excluded due to bad voter histories in the Florida. The remaining 5 people, or just 1 percent of the original 500 flagged by a flawed list matching exercise were referred for prosecution. I do not know the outcome of these referrals. The VIP-NC claims in a press release announcing the results of a similar year-long research effort that, “News of those referrals helped the group convince the NC Legislature to join the Interstate Crosscheck program that resulted in last week’s announcement, involving 35,000 North Carolina voters suspected of voting twice in the 2012 General Election.” See Voter Integrity Project-North Carolina, “VIP-NC Reports 147 Suspected of ‘Double Voting’ in FL and NC Officials, April 8, 2014; <http://voterintegrityproject.com/flanc-3/>; last visited February 11, 2015.

erroneous outcomes when matched to the voter file. Legal Permanent Residents and other non-citizens who are lawfully present in the U.S. are permitted to obtain driver's licenses in North Carolina; if they become U.S. citizens after obtaining a driver's license, as many do, their citizenship status with the DMV will be inaccurate.

Similarly, the USDHS data retrieval system used in the Citizenship Audit, the Systematic Alien Verification for Entitlements or "SAVE" program compiles millions of records from at least 12 databases containing information about people who have interacted with any of the different agencies that make up the sprawling U.S. immigration system. SAVE user agencies, which now include state election officials from certain counties in Arizona and at least four states (Iowa, Florida, Colorado, and since October 2014, North Carolina), sign Memoranda of Agreement ("MOAs") with the federal government outlining the specific ways the data will be queried and used,<sup>124</sup> and pay fees to access and submit queries to the SAVE system. The system is designed to check for benefit eligibility, not citizenship per se (it does not contain records on natural born citizens, for example). A U.S. Government Accountability Office report on how federal data could be improved to aid election administration interviewed officials at the USDHS who told the auditors the SAVE program had limitations for the purpose of identifying non-citizens on the voter rolls:

...DHS official said that the SAVE Program is set up to query information based on the number on the alien's Arrival and Departure Record form (I-94) or an alien's DHS assigned "A" number. It is a web-based system, and records are normally queried one at a time, although processing multiple records using the SAVE program is possible. Because voter registration is limited to U.S. citizens, voter registration records would not contain alien or form I-94 numbers. The SAVE Program can be queried by a social security number, name, and date of birth if the alien's "A" number or I-94 number are unknown. However, DHS officials opined that using the SAVE Program would require additional verification of the person's identity, either automated or manual, as a precautionary measure before removing a person from a voter registration list based on a match.<sup>125</sup>

A recent Migration Policy Institute brief on the uses of the SAVE program for verifying the citizenship status of registered voters concurred with these assessments, concluding that the SAVE system,

...may not include the names of certain categories of U.S. citizens who could be eligible to vote, for example:

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<sup>124</sup> I was unable to find the SBOE's MOA on the agency's website, however, a copy of Iowa's SAVE MOA may be found here: <http://sos.iowa.gov/elections/pdf/SAVEMOA.pdf>.

<sup>125</sup> U.S. Government Accountability Office, Elections: Additional Data Could Help State and Local Elections Officials Maintain Accurate Voter Registration Lists, GAO-05-478 (Washington, D.C.: U.S. Printing Office, June 2005), 47.

- Individuals born abroad who derived U.S. citizenship from their parents as minors but did not apply for or receive a certificate of citizenship.
- Individuals born abroad and adopted by U.S. citizen parents who did not apply for or receive a certificate of citizenship.
- Individuals whose naturalization status has not been updated in USCIS databases.
- Naturalized citizens with higher potential for name discrepancies, for example, if a name is transcribed from another alphabet or contain hyphens, prefixes, or suffixes.
- Naturalized citizens (in many cases, women post-marriage) who have changed their names, and whose correct name is not updated in immigration databases.<sup>126</sup>

Voting rights groups have raised concerns about the potential for bias in citizenship audits relying on SAVE, especially toward naturalized Latino citizens who may be improperly identified in the SAVE database.<sup>127</sup> In July 2013, 13 states led by Colorado Secretary of State Scott Gessler, petitioned the U.S. Department of Homeland Security for access to SAVE for purposes of identifying non-citizens on their voter registration rolls.<sup>128</sup> Colorado and Florida became the first two states to use SAVE in this way.<sup>129</sup>

Florida, where more than half of the state's naturalized citizens are Latino, had begun auditing its rolls for non-citizens at the direction of the state's new governor more than a year before. The Department of State began with a list of 182,000 potential non-citizens produced through a match of the DMV and voter files. It then whittled the list down to some 2,700 possible non-citizens, which was sent to county elections supervisors for processing. The *Miami Herald* reported that 87 percent of the people on the list were non-white minorities, and 58 percent were Hispanic. As the registrars worked on their individual lists to confirm citizenship status, it became clear that most of those identified by the Secretary of State were citizens. The federal government then sued to stop the purge under the Voting Rights Act. Florida counter-

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<sup>126</sup> Muzaffar Chishti and Faye Hipsman, "State Access to Federal Immigration Data Stirs New Controversy in Debate over Voting Rights," Migration Policy Institute, September 12, 2013; <http://www.migrationpolicy.org/article/state-access-federal-immigration-data-stirs-new-controversy-debate-over-voting-rights> (last visited Jan. 24, 2015).

<sup>127</sup> Advancement Project, *Segregating American Citizenship: Latino Voter Disenfranchisement in 2012*, September 24, 2012; <http://www.advancementproject.org/resources/entry/segregating-american-citizenship-latino-voter-disenfranchisement-in-2012>; last visited February 11, 2015.

<sup>128</sup> Janelle Ross, "Voter Roll Purges Could Spread to At Least 12 States," *Huffington Post*, July 31, 2012; [http://www.huffingtonpost.com/2012/07/31/voter-roll-purge\\_n\\_1721192.html](http://www.huffingtonpost.com/2012/07/31/voter-roll-purge_n_1721192.html); last visited February 11, 2015.

<sup>129</sup> Maricopa County, Arizona was granted permission to use SAVE for voter registration purposes, however they use the database for checking citizenship status when a voter first registers to vote rather than to remove voters from the registration rolls. See, Amy Sherman, "While Florida Halts SAVE Non-Citizen Voter Purge, Other States Proceed Ahead," *Miami Herald* Blog, April 2, 2014; <http://miamiherald.typepad.com/nakedpolitics/2014/04/while-florida-halts-save-non-citizen-voter-purge-other-states-proceed-ahead.html>; last visited February 11, 2015.

sued for access to the SAVE data, and the federal government sued the state again under provisions of the NVRA.<sup>130</sup> In the end about 85 registered voters were removed from Florida's registration rolls, but not before a second non-citizen purge effort was announced in 2013, only to be scrapped in 2014 when it became clear again that the SAVE database would not produce reliable results.<sup>131</sup>

To summarize the foregoing discussion and analysis of evidence of voter fraud in North Carolina:

- The Defendants' in this case have provided information on the number of open investigations into ineligible non-citizens on North Carolina's registration rolls (1,454), double voting and voter impersonation (reported together as 701), "felon" voting ( 24), absentee ballot fraud (approximately 200, which may overlap with other alleged fraud cases), and voter registration fraud (111), *but no data on the number of non-citizens, double voters, voter impersonators, "felons," or absentee voters actually casting fraudulent ballots.*
- Concerns about potential voter fraud in North Carolina in 2014 were driven by S.L. 2013-381's new requirements for voter registration list maintenance and initiatives undertaken by the SBOE to comply with these requirements. These efforts included but may not have been limited to participation in the Interstate Voter Registration Data Crosscheck program, and various "death" and "citizenship" audits of the voter file.
- The resulting lists of matched records and discrepancies were seized upon by lawmakers and pundits as evidence of massive voter fraud in the state, when, in fact, *there has been no actual evidence presented of fraud intentionally committed by voters.* This gulf between the perception of fraud and the actual record of fraud is productive of what I have called *the myth of voter fraud* – an inaccurate, politically-driven story about phantom criminal voters undermining the integrity of elections.
- In assessing the vulnerability of electoral processes and procedures to voter fraud, it is important to pay special attention to the science of record linkage and the accuracy of matched lists. Auditing of the voter file is an important administrative tool available to elections officials who are responsible for maintaining accurate lists of properly and legally registered voters. But auditing should be done in ways that carefully and accurately match data records and identify sources of error in the data.

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<sup>130</sup> Rachel Weiner, "Florida's Voter Purge Explained," *Washington Post*, June 18, 2012; [http://www.washingtonpost.com/blogs/the-fix/post/floridas-voter-purge-explained/2012/06/18/gJQAhvcNIV\\_blog.html](http://www.washingtonpost.com/blogs/the-fix/post/floridas-voter-purge-explained/2012/06/18/gJQAhvcNIV_blog.html); last visited February 11, 2015.

<sup>131</sup> Amy Sherman, "Charlie Crist Says Florida 'Put Together a List of Over 100,000 People That They Thought Were Ineligible to Vote; Came Out There Were Less Than 10,'" *PolitiFact Florida*, September 12, 2013; <http://www.politifact.com/florida/statements/2013/sep/12/charlie-crist/charlie-crist-says-secretary-state-put-together-li/>; last accessed February 11, 2015.



- Problems with the Interstate Crosscheck program and North Carolina's recent participation in it, including a lack of transparency in the methodology utilized by the Kansas Secretary of State Office to match state voter files, the demonstrated unreliability of the matched data produced by the program, and the misrepresentation of the scale of double voting raise significant concerns about claims of fraud stemming from Crosscheck-derived list maintenance programs in North Carolina.
- Moreover, the mere matching of names tells us little about voter fraud in the state. North Carolina election laws, like those of other states and the federal government, require a showing of intent in the commission of voter fraud.<sup>132</sup> Ruling out administrative and clerical error as the source of the data discrepancies produced by new list maintenance programs is not enough for a finding of fraud.

#### IV. CONCLUSION

Voters can only influence the part of the electoral process to which they have access, namely casting their own votes. There is virtually no evidence available suggesting that voters are intentionally corrupting the electoral process, either nationally or in North Carolina. Accordingly, I conclude that stringent photo identification requirements to vote are not justified by claims that such requirements are needed to reduce or prevent voter impersonation forms of election fraud because as the empirical record makes clear, fraud committed by voters either in registering to vote or at the polls on Election Day is exceedingly rare. Similarly, the elimination of SDR by S.L. 2013-381 on grounds that SDR opens the door to voter fraud is not justified by the record or the facts on the actual incidence of voter fraud in North Carolina.

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<sup>132</sup> See North Carolina General Statutes § 163-275 (declaring it a Class I felony “(1) For any person fraudulently to cause his name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure his name or that of any other person to be placed upon the registration books in any precinct when such registration in that precinct does not qualify such person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of such other voter;...(4) For any person knowingly to swear falsely with respect to any matter pertaining to any primary or election;...(6) For any person to take corruptly the oath prescribed for voters; (7) For any person with intent to commit a fraud to register or vote at more than one precinct or more than one time, or to induce another to do so, in the same primary or election, or to vote illegally at any primary or election...”).

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## APPENDIX A

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

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#### EDUCATION

##### **The Graduate School and University Center of the City University of New York**

**Ph.D.** in Political Science, 2000

*Dissertation:* “Identity, Voting Rights and the Remapping of Political Representation in New York City”

*Honors:* Distinction

**M.Phil.** in Political Science, 1994

*Major field:* American Politics

*Minor field:* Public Policy

**M.A.** in Political Science, 1992

*Master’s Thesis:* “The Ecology of the Underclass: William Julius Wilson and the Chicago School”

##### **Boston University, College of Liberal Arts**

**B.A.** in History, 1983

*Area of Concentration:* American Civilization

*Honors:* Cum Laude

#### ACADEMIC EXPERIENCE

##### **Associate Professor**

*Rutgers, The State University of New Jersey – Camden Campus, 2011 to present.*

Teach graduate courses in public policy and community development and undergraduate courses in urban studies.

##### **Assistant Professor**

*Barnard College, Columbia University, January 2000 to 2011.*

Taught undergraduate courses in American politics and urban studies.

##### **Associate Director**

*The Center for Urban Research and Policy, Columbia University, December 1993 to 2000.*

Responsible for the day-to-day management of the Center; wrote grant proposals and helped secure funding from government and private sources for all activities totaling nearly \$2,000,000.

##### **Instructor and Research Associate**

*Metropolitan Studies Department, New York University, Spring 1991.*

Designed and taught a core course for undergraduates on the political and economic development of post-war American cities.

##### **Assistant Program Director**

*Borough of Manhattan Community College, City University of New York, 1987 to 1990.*

Assisted the Director in all administrative aspects of the BMCC Summer Immersion Program, a non-traditional, intensive,

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

remedial education program.

### **Research Assistant and Data Analyst**

*CUNY Data Service, The Graduate School, City University of New York, 1987 to 1991.*

Programmed and analyzed large data sets from the 1980 STF and PUMS (microdata) Census files, and the New York City Housing and Vacancy Surveys.

### **Research Assistant**

*Department of Political Science, The Graduate School, City University of New York, 1985 to 1987.*

Worked on various research projects for Prof. Marilyn Gittell.

## **OTHER EMPLOYMENT**

### **Research Director**

*Project Vote, 2010 to 2011.*

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

### **Issues Director**

*The Committee for David N. Dinkins, II, New York City, 1991 to 1993.*

Conducted research for Mayor David N. Dinkins' campaign committee on a wide range of public policy issues and problems facing New York City.

### **Campaign Manager**

*McCabe for City Council, Brooklyn, New York, 1991.*

Organized and administered a successful campaign for the Democratic Party nomination and the New York City Council seat in the 38th Council District.

### **Union Organizer**

*District 65/UAW, (AFL-CIO), Northeast Regional Office, Boston, Massachusetts, 1984 to 1985, Summer 1986.*

Participated in the planning and implementation of a union organizing campaign; served as editor of a union local's newsletter; assisted negotiating committee in contract negotiations.

## **ACADEMIC AND PROFESSIONAL HONORS**

Distinguished Alumni Award, Department of Political Science, CUNY Graduate School, 2014

Jay Sigler Award for Teaching Excellence, Rutgers-Camden Public Administration Student Association, 2013

Affiliated Faculty, Center for Community Leadership, Rutgers-Camden, 2013 to present

Affiliated Faculty, Center for Urban Research and Education, Rutgers-Camden, 2012 to present

Civic Engagement Faculty Fellow, Rutgers-Camden, 2012

Selected a "Top Work" in Democracy and Elections, The Agenda Project, 2012

2011 *Choice* Magazine "Outstanding Academic Title" for *The Myth of Voter Fraud*

Carnegie Corporation of New York Special Opportunities Fund Award (\$50,000), 2007

Senior Fellow, Dēmos – A Network for Ideas and Action, 2006 to 2014

Member, Working Group on Immigration Challenges, The Century Foundation Homeland Security Project, 2004

Faculty Fellow, Institute for Social and Economic Research and Policy, Columbia University, 2002 to 2011

Member, Working Group on New York's Recovery from 9-11, Russell Sage Foundation, 2002 to 2005

Curriculum Development Award (\$1,500), Barnard Project on Diaspora and Migration, 2000

CUNY Graduate School Dissertation Year Fellowship (\$10,000), 1996-1997

## PROFESSIONAL AFFILIATIONS

American Political Science Association  
American Sociological Association  
European Sociological Association  
Planners Network  
Social Science History Association  
Urban Affairs Association

## TEACHING ACTIVITIES

### Doctoral Supervision: Chair

#### *Rutgers-Camden*

Jiro Arase-Barham, *in-progress*  
Dan Tarng, *in-progress*  
Zachary Wood, *in-progress*

### Doctoral Supervision: Member of Committee

#### *Rutgers-Camden*

Ashley Nickels, *in-progress*  
Wendy Osefeo, *in-progress*  
Jason Rivera, *in-progress*

### Courses Taught

#### *Rutgers-Camden (Graduate)*

Alternative Development Strategies for Distressed Cities (PhD)  
Civic Engagement, Nonprofits and Community Development (PhD)  
Foundations of Policy Analysis (MPA and Executive MPA)  
Politics of Community Development (PhD)  
Practicum in Community Development (PhD)  
Research Workshop (MPA)

#### *Rutgers-Camden (Undergraduate)*

Poverty and the Urban Environment

#### *Barnard College*

American Urban Politics  
Contemporary Urban Problems  
Dynamics of American Politics  
Participation and Democracy  
Senior Research Seminar in American Politics  
Urban Myths and the American City

#### *New York University*

The Crisis of the Modern American City

### Graduate Committee Examiner

Columbia University Ph.D. Program in Political Science, Dissertation Committee, 12/00, 5/03, 5/09.  
Columbia University School of Architecture, Planning and Preservation, Dissertation Proposal Committee, 2/08.  
Columbia University School of Architecture, Planning and Preservation, Dissertation Committee, 4/10.  
CUNY Graduate Center Ph.D. Program in Political Science, Dissertation Committee, 4/05, 5/06, 8/06.

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

CUNY Graduate Center Ph.D. Program in Political Science, Oral Doctoral Exam, 12/00.

## PEER-REVIEWED PUBLICATIONS

### *Books*

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

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

### *Journal Articles*

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

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

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

### *Chapters in Edited Volumes*

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

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

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

"Poor People's Politics," in David Brady and Linda Burton, eds., *Oxford Handbook of Poverty and Society*, New York: Oxford University Press, *forthcoming* (2015); co-authored with Frances Fox Piven.

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

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

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

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

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

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

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

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

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

## **OTHER PUBLICATIONS**

### ***Chapter in Conference Proceedings***

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

### ***Encyclopedia Entries***

"The Underclass," in *The International Encyclopedia of Social and Behavioral Sciences*, Elsevier, *forthcoming*; co-authored with Paul J. Jargowsky.

"Welfare," in *The International Encyclopedia of Social and Behavioral Sciences*, Elsevier, *forthcoming*; co-authored with Joan Maya Mazelis.

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

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

### ***Book Reviews***

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

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

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

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

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

### ***Research Reports, Memoranda and Briefs***

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

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

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

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

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

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

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

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

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

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

### **Journalism**

My expertise on elections and voter fraud was sought and widely cited and I was quoted in print and broadcast media during the 2008, 2010 and 2012 election seasons, including, for example, in the following: *The New Yorker Magazine*, *The New Republic*, *Mother Jones*, *The Wall Street Journal*, *In These Times*, *American Prospect*, *Washington Monthly*, *Monthly Review*, *New Left Review*, *The New York Times*, *The Washington Post*, Associated Press, McClatchy, Al Jazeera English (*Fault Lines*, Washington, D.C.), WZBC (*News*, Boston), WBAI (*Democracy Now!*, New York), WNYC (*The Brian Lehrer Show*, New York), WHYY (*Radio Times*, Philadelphia), NPR (*Morning Edition*, Washington, D.C.), CBS News, ABC News Radio, Salon.com, Talking Points Memo, Alternet, The Huffington Post, Slate Magazine, and CQ Researcher, among others.

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

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

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

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

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

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

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

## **UNPUBLISHED PAPERS, PRESENTATIONS AND REPORTS**

### **Works in Progress**

“Does Concentration Worsen Poverty? The Case of Philadelphia”

“Voter Purging Under the National Voter Registration Act of 1993”

“When A Mistake is A Mistake: Human Error in Election Administration”

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

“Felony Disfranchisement and the New Three-Fifths Rule”

***Conference Participation, Papers and Invited Presentations***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Invited Roundtable Participant, “Voter Disenfranchisement in American Politics,” 82<sup>nd</sup> Annual Meeting of the Southern Political Science Association, New Orleans, January 6-8, 2011.

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

Discussant, “Immigrant Voters: Asian Americans and the 2008 Election,” Immigration Seminar Series, Graduate School



EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

and University Center of the City University of New York, May 4, 2009.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"The Importance of Full Disclosure of Non-response Due to Refusals and the Nature of Potential Bias in Phone Surveys,"

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

with Robert Y. Shapiro, evening workshop presentation to the New York City chapter of the American Association for Public Opinion Research, New York City, March 9, 1999.

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

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

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

**Research Reports**

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

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

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

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

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

**Congressional Testimony, Amicus Filings and Expert Witness Participation in Court Cases**

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

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

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

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

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

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

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

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

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

## EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

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

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

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

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

## RESEARCH GRANTS

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

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

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

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

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

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

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

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

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

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

## SERVICE

*College and University*

## EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Member, Rutgers-Camden Department of Public Policy & Administration Ph.D. Committee, 2014-present  
Member, Rutgers-Camden Department of Public Policy & Administration Ph.D. Exam (Theory) Committee, 2014-present  
Member, General Education Committee, Subcommittee on Engaged Civic Learning, 2013-2014.  
Marshal, Rutgers-Camden Commencement, 2013, 2014.  
Member, Rutgers-Camden Department of Political Science Search Committee, 2013.  
Member, Rutgers-Camden Department of Public Policy & Administration Search Committee, 2012, 2013.  
Director, Undergraduate Urban Studies Program, Rutgers-Camden, 2011-to present.  
Member, Ford Faculty Seminar on Inequality in New York, Barnard College, 2009-2010.  
Panelist, "Obama and the Immigrant Vote," Barnard Forum on Migration, October 30, 2008.  
Panel Moderator, "Is Democracy Democratic?" at the Thirty-Third Annual *The Scholar and the Feminist Conference*, Barnard College, March 11, 2008.  
Participant, Mellon 23 Assembly, Macalester College, St. Paul, Minnesota, February 15-17, 2008.  
Panelist, "Election Reflections: The Bush Legacy and the Coming Presidential Elections," Barnard College, Oct. 8, 2007.  
Member, *The Scholar and the Feminist Conference* Planning Committee, Barnard Center for Research on Women, 2006.  
Member, Faculty Programs and Governance Committee, 2005-2007 (on leave Spring 2007).  
Member, Faculty Committee, Barnard Leadership Initiative, 2005-2007 (on leave Spring 2007).  
Member, Medalist Committee, Barnard College, 2004-2006, 2007-2009 (on leave Spring 2007).  
Member, Columbia University Seminar in Political and Social Thought, 2004 to 2011.  
Faculty Mentor, Francene Rodgers Scholarship Program, Barnard College, Summer 2004.  
Panel Moderator, "Governance by the Media: Feminists and the Coming Election," at the Twenty-Ninth Annual *The Scholar and the Feminist Conference*, Barnard College, April 3, 2004.  
Member, Ph.D. Subcommittee in Urban Planning, Columbia University School of Architecture, Planning and Preservation, 2003 to 2011.  
Member, Columbia University Seminar on Globalization, Labor, and Popular Struggles, 2001 to 2011.  
Member, Columbia University Seminar on the City, 2001 to 2011.  
Faculty Mentor, Columbia University Graduate School of Arts and Sciences Summer Research Program, 2001.  
Advisory Board Member, Barnard Center for Research on Women, 2000 to 2011.  
First Year Adviser, Barnard College, 2000 to 2004, 2009 to 2011.  
One-Year Replacement Member, Committee on Programs and Academic Standing, Barnard College, 2000-2001.

### **Professional**

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

Seminar Speaker, Carnegie-Knight News21 Initiative Reporting Seminar on Voting Rights, The Walter Cronkite School of Journalism and Mass Communication, Arizona State University, February 2, 2012.  
Member, Best Book Committee, Urban Section, American Political Science Association, 2010-2011, 2012-2013.  
Executive Council Member, Urban Section, American Political Science Association, 2005-2006, 2008-2010.  
Member, Charles A. McCoy Career Achievement Award, New Politics Section, APSA, 2008-2009.  
Member, Best Dissertation Committee, Urban Section, American Political Science Association, 2008-2009.  
Co-chair, Local Host Committee, American Sociological Association Annual Conference, 2006-2007.  
Nominating Committee, Urban Section, American Political Science Association, 2006-2007.  
Chair, Piven and Cloward Award Committee, New Political Science Section, American Political Science Association, 2005-6.  
Member, Best Paper Committee, Urban Section, American Political Science Association, 2005-2006.  
Editorial Board Member, *Working USA: The Journal of Labor and Society*, 2004 to present.  
Grant Reviewer, Research Award Program, The City University of New York, 2003.  
Member, New York Colloquium on American Political Development, 2001 to 2011.

### **Community**

## EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Member, Participatory Budgeting in New York City Research Board, Community Development Project of the Urban Justice Center, 2013 to present.

Invited Speaker, Registrar's of Voters Association of Connecticut, Annual Meeting, Cromwell, CT, April 12, 2012.

Keynote Speaker, Federal Aviation Administration William J. Hughes Technical Center 2012 Black History Month Celebration, Atlantic City, New Jersey, February 15, 2012.

Organizer, "National Teach-in on Debt, Austerity and How People Are Fighting Back," Judson Memorial Church, New York City, April 11, 2011.

Host Committee, New York State Immigrant Action Fund, 2010.

Board Member, The Left Forum, 2009 to 2013.

Member, New York City Comptroller-Elect John Liu Transition Committee Working Group on External Affairs, 2009.

Board Member, Project Vote, 2008-2009.

Speaker, "The Immigrant Voter in New York City," New York Voter Assistance Commission, New York City, May 19, 2005; Citizens Union, New York City, May 18, 2005; New York Immigration Coalition, New York City, February 17, 2005; New York City Central Labor Council, New York City, April 28, 2004.

Speaker, "The Post-9/11 Crackdown on Immigrants," Coney Island Avenue Project, Brooklyn, New York, March 25, 2004.

Volunteer, *New York Immigration Coalition*, Voter Registration at INS Naturalization Ceremonies, 1998 to 2002.

## PAID CONSULTANTSHIPS

### ***Dechert, LLP, 2014***

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

### ***Kirkland & Ellis, LLP, 2014.***

Wrote expert report for plaintiffs in *North Carolina State Conference of NAACP v. McCrory*, U.S. District Court for the Middle District of Texas.

### ***Arnold & Porter LLP, 2012-2013.***

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

### ***New York City Charter Revision Commission, 2010.***

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

### ***New York Latino Research and Resources Network at the University of Albany, State University of New York, 2008.***

Analyzed survey and other data and wrote report on Latino political participation in New York City and New York State in the 2008 presidential election.

### ***New York Immigration Coalition, New York, New York, 2006.***

Provided technical assistance to a three-city exit poll survey project for the 2006 national midterm elections.

### ***Brennan Center for Justice at New York University School of Law, 2004-2005.***

Provided expert report on voter fraud and testified as a fact witness in *ACORN, et al. v. Bysiewicz*, Civil Action No. 3:04-CV-1624 (MRK), U.S. District Court for the District of Connecticut.

### ***Howard Samuels State Management and Policy Center, Graduate School and University Center of CUNY, 2002.***

Consulted on survey design for a project on the efficacy of community-based organizations.

### ***Dēmos, New York, New York, 2001 to 2002.***

Researched and wrote a study of voter fraud in contemporary American politics.

### ***1199 Child Care Fund, New York, New York, 2000 to 2002.***

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Prepared demographic data for Fund-eligible union members and their children.

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**APPENDIX B**

**LIST OF EXPERT TESTIMONY SINCE 2010**

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- *Veasey v. Perry*, Civ. No. 2:13-cv-00193 (S.D. Tx. 2014).
- *Lulac v. Deininger*, Civ. No. 2:12-cv-00185 (E.D. Wis. 2013).
- *Applewhite v. Pennsylvania*, No. 330 MD 2012 (Pa. Cmmw. Ct. 2014).



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**APPENDIX C**

**STATEMENT OF COMPENSATION**

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- Lorraine C. Minnite, Ph.D                      \$100 per hour
- Travel & Expenses                              Reimbursed at cost

**APPENDIX D**

**MATERIALS CONSIDERED AS OF APRIL 11, 2014  
IN SUPPORT OF EXPERT REPORT AND OPINIONS**

This report incorporates all of the research I have conducted on the subject of voter fraud and voter identification laws since 2001, including the research that I conducted while writing *The Myth of Voter Fraud* and other articles that I have published in peer-reviewed journals. In addition to the materials cited in this report, I considered the following items:

Document Date	Filename Or Description	Beg Bates	End Bates	Category
3/11/2013	North Carolina State Board of Elections, Documented Cases of Voter Fraud			Data Table
3/12/2013	Public Hearing on Voter Identification	SBE00000698	SBE00000866	Public Hearing
3/13/2013	Testimony of Allison Riggs before the House Elections Committee	SBE00000867	SBE00000871	Legislative Testimony
3/13/2013	Testimony of Bob Hall before the North Carolina House Elections Committee	SBE00000872	SBE00000875	Legislative Testimony
3/13/2013	Testimony of Francis X. De Luca before the North Carolina House Elections Committee	SBE00000876	SBE00000879	Legislative Testimony
3/13/2013	Testimony of Hans A. von Spakovsky before the North Carolina House Elections Committee	SBE00000880	SBE00000892	Legislative Testimony
3/13/2013	Testimony of Keesha Gaskins before the North Carolina House Elections Committee	SBE00000893	SBE00000895	Legislative Testimony
3/13/2013	Transcript of Proceedings before the North Carolina House Elections Committee	SBE00000897	SBE00000988	Committee Proceeding
04/03/2013	CTRL-ADV-00010426 - Transcript of Proceeding before the North Carolina House Elections Committee			Committee Proceeding
4/10/2013	Transcript of the Proceedings	SBE00001018	SBE00001069	Committee Proceeding
4/10/2013	Public Hearing on Voter Identification	SBE00001070	SBE00001231	Public Hearing
4/17/2013	League of Women Voters of North Carolina, Super Majority Supports Giving Voters a Non-Photo Option And Opposes Restrictions that Target Particular Groups	SBE00001243	SBE00001246	Article
4/17/2013	Transcript of Proceedings before the North Carolina House Elections Committee	SEB00001261	SBE00001404	Hearing
4/18/2013	CTRL-ADV-00010918 - Transcript of Proceedings before the North Carolina House Finance Committee			Committee Proceeding
4/23/2013	Transcript of Proceeding before the North Carolina House Appropriations Committee	SBE00000613	SBE00000671	Committee Proceeding

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
4/24/2013	CTRL-ADV-00009671 - Hearing Transcript			Hearing
4/24/2013	Proceedings of Floor Session	SBE00001688	SBE00001868	Hearing
7/23/2013	Senate Debate on HB 589 VIVA/Election Reform, Rules Meeting	SBE00001997	SBE00002074	Rules Meeting
7/24/2013	Senate Debate on HB 589 VIVA/Election Reform, Senate Session, 2nd Reading	SBE00002186	SBE00002328	Senate Session
7/25/2013	Trasncript of Floor Debate (Excerpted) HB 589 and Proposed Amendments	SBE00001869	SBE00001990	Floor Debate
7/25/2013	Senate Debate on HB 589 VIVA/Election Reform, Senate Session, 3rd Reading	SBE00002084	SBE00002185	Senate Session
7/26/2013	Letter from North Carolina Attorney General Roy Cooper to Governor Pat McCrory regarding HB 589			Letter
2011-2012 Session	CTRL-ADV-00013176 - NCGA Sessions			Hearing
5/22/2003-3/14/2014	News Releases, North Carolina Attorney General's Office			News Releases
No date	CTRL-ADV-00010958 - K&E LLP Hearing 01 Track 1			Hearing
No date	CTRL-ADV-00011118 - K&E LLP Hearing 04 Track 1			Hearing
4/3/2013	Transcript of Proceedings before the North Carolina House Elections Committee	SBE00001453	SBE00001539	
4/3/2013	Transcript of Proceedings before the North Carolina House Elections Committee	SBE00001540	SBE00001626	
	News21, Election Fraud in America			<a href="http://votingrights.news21.com/interactive/election-fraud-database/index.html">http://votingrights.news21.com/interactive/election-fraud-database/index.html</a>
5/22/2003-3/14/2014	News Releases - North Carolina Attorney General's Office			<a href="http://www.ncdoj.gov/News-and-Alerts/News-Releases-and-Advisories.aspx">http://www.ncdoj.gov/News-and-Alerts/News-Releases-and-Advisories.aspx</a>
6/14/2004	Autograph required to vote on July 20 (Robesonian, The (Lumberton NC))			Newspaper article
6/28/2004	Officials: Voters must now sign register at polls (Daily Advance, The (Elizabeth City NC))			Newspaper article
7/17/2004	Davis alleges voter fraud - Candidate wants feds to monitor Tuesday's vote (Daily Advance, The (Elizabeth City NC))			Newspaper article
7/21/2004	Butterfield rolls across 1st District (Rocky Mount Telegram (NC))			Newspaper article
8/1/2004	Gauging the Integrity of N.C. elections (News & Observer, The (Raleigh NC))			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
10/8/2004	Improper Voter Registrations Warrant Sheriff's Attention - Alamance County's Sheriff Finds Evidence that Illegal Immigrants Have Registered to Vote. The State Must Protect the Election System's Integrity. (Greensboro News & Record (NC))			Newspaper article
10/24/2004	Voters Found on Both N.C., S.C. Rolls - Miscount, Fraud Possible As Election Officials Not Cross-Checking Lists (Charlotte Observer, The (NC))			Newspaper article
10/25/2004	Voters already casting ballots (Robesonian, The (Lumberton NC))			Newspaper article
10/28/2004	Elections officials field few registration complaints No suspected fraud in any of Durham, Orange reports (Herald-Sun, The (Durham NC))			Newspaper article
10/29/2004	State Preparing to Deal with Possible Voter Fraud - Officials Seeing Signs that Violations are Likely (Winston-Salem Journal (NC))			Newspaper article
10/31/2004	Protecting democracy on Election Day (Chapel Hill News, The (NC))			Newspaper article
10/31/2004	ID is the key (News & Observer, The (Raleigh NC))			Newspaper article
11/1/2004	Record Early Voter Turnout Changes Political Landscape - For Most People It's A Matter of Convenience, but Success Means Elections Officials Must Figure Out How to Keep the Process Running Smoothly (Greensboro News & Record (NC))			Newspaper article
11/3/2004	Orange voters swamp election count (Chapel Hill News, The (NC))			Newspaper article
11/14/2004	Ballot Blues: Poll problems hurt process (Rocky Mount Telegram (NC))			Newspaper article
11/16/2004	Take the 'Surprise!' Out of Election System - Four Suggestions Could Go Far Toward Fixing Our Election Day Problems (Charlotte Observer, The (NC))			Newspaper article
12/1/2004	In Brief (Charlotte Observer, The (NC))			Newspaper article
12/2/2004	In Brief (Charlotte Observer, The (NC))			Newspaper article
1/19/2005	Justices Question Balloting - N.C.'s Top Court Asks State If Out-of-Precinct Voting Aids Fraud (Charlotte Observer, The (NC))			Newspaper article
7/25/2005	Imagine Voting At Your Local Mall, Uptown Hotel - Plan Would Let You Cast			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	Ballot At A Place More Convenient To Work (Charlotte Observer, The (NC))			
7/27/2005	'Any precinct' passes key vote (Chapel Hill News, The (NC))			Newspaper article
10/17/2005	50 Workers Fired Amid Fraud Claims - 680 Ballot Boxes Removed From Tally Over Suspicions of Tampering (Charlotte Observer, The (NC))			Newspaper article
1/17/2006	Little Election Fraud Found - Commission Throws Out Less Than 1% of Ballots From December Vote (Charlotte Observer, The (NC))			Newspaper article
5/31/2006	GOP bill proposes photo IDs for voters (Greensboro News & Record (NC))			Newspaper article
8/30/2006	WEB: Morgan Loses Election Fraud Case on All Counts (Pilot, The (Southern Pines, NC))			Newspaper article
4/9/2007	Elections board's powers unique in N.C. (Star-News (Wilmington NC))			Newspaper article
5/13/2007	Ex-Aide on McHenry Campaign Indicted - Lay Faces Charles of Election Law Violation Available Details Hint at Residency Issue Case is Politically Motivated, Congressman Says (Charlotte Observer, The (NC))			Newspaper article
5/15/2007	Ex-DA Says Case Wasn't Blocked - Official Handed Off Voter Fraud Case After Being Elected District Judge (Charlotte Observer, The (NC))			Newspaper article
5/19/2007	Former Aide To McHenry Turns Himself In (Charlotte Observer, The (NC))			Newspaper article
6/5/2007	Senate committee OKs bill to allow one-stop voting (Laurinburg Exchange, The (NC))			Newspaper article
6/15/2007	N.C. Pressed On Voter Listings - State, Feds Say Rolls Out Of Date, Push Changes Official Says No Need (Charlotte Observer, The (NC))			Newspaper article
6/16/2007	State, feds examine possible voting problems (Greensboro News & Record (NC))			Newspaper article
6/17/2007	The Right To Vote - Auditor Merritt Has 'Sensitive Information' To Explain (Charlotte Observer, The (NC))			Newspaper article
6/20/2007	Auditor, Elections Director Clash Over Voter Rolls - Conflict Over Accuracy Of Voter Eligibility Also Brings Allegations Of Partisanship (Winston-Salem Journal (NC))			Newspaper article
6/21/2007	Voter Registration Bill Passes Senate -			Newspaper

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	May Stall In House Because Of Requirement For English-Only Ballots N.C. Legislature (Charlotte Observer, The (NC))			article
6/21/2007	'Awkward' Auditor - Merritt Didn't Produce When Lawmakers Provided Pulpit (Charlotte Observer, The (NC))			Newspaper article
6/21/2007	Senate OKs Early Vote - Backers Of Legislation Say It Will Help Increase Voter Registration (Winston-Salem Journal (NC))			Newspaper article
6/23/2007	Bill Put On Hold In State Senate - Spanish-Language Voter-Registration Forms Are Debated (Winston-Salem Journal (NC))			Newspaper article
7/12/2007	Form of same-day voter registration approved by NC Legislature Wednesday (Laurinburg Exchange, The (NC))			Newspaper article
7/12/2007	Voter Bill Heads To Governor - Revised Proposal Would Allow Registration At 'One-Stop' Sites (Winston-Salem Journal (NC))			Newspaper article
7/18/2007	N.C. Rejects Politics Of Fear - Republicans Are Using Fear Of Voter Fraud To Make It Harder To Vote (Charlotte Observer, The (NC))			Newspaper article
8/5/2007	Columbia Men Admit Federal Election Fraud - Officials Say Pair Sought Support For Proposed High-Stakes Bingo Hall (Charlotte Observer, The (NC))			Newspaper article
8/5/2007	Two Columbia men plead guilty to election fraud (Mt. Airy News, The (NC))			Newspaper article
8/10/2007	Probation For Former McHenry Worker (Charlotte Observer, The (NC))			Newspaper article
8/26/2007	Expanding Democracy - N.C. Lawmakers Remove An Unnecessary Limit On Voting (Charlotte Observer, The (NC))			Newspaper article
10/10/2007	Ex-Dunn mayor gets job back (Fayetteville Observer, The (NC))			Newspaper article
11/21/2007	Hearing set on Pittsboro election (News & Observer, The (Raleigh NC))			Newspaper article
11/26/2007	Race colors election fight (News & Observer, The (Raleigh NC))			Newspaper article
11/28/2007	Protest in mayoral election dismissed (News & Observer, The (Raleigh NC))			Newspaper article
12/7/2007	Election dispute goes to state (News & Observer, The (Raleigh NC))			Newspaper article
12/9/2007	State Board to decide local election protest (Chapel Hill News, The (NC))			Newspaper article
12/10/2007	Vote dispute going to new level - State			Newspaper

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	board to hear Chatham allegations (Chapel Hill Herald (NC))			article
3/27/2008	SBI: No findings yet in Stallings fraud probe - Parrish sought agency probe in February (Daily Advance, The (Elizabeth City NC))			Newspaper article
5/2/2008	N.C. voters don't have to worry about Ids - Requirements different for one-stop voting (Mt. Airy News, The (NC))			Newspaper article
5/14/2008	No outcomes changed by canvass (Daily Reflector, The (Greenville, NC))			Newspaper article
9/19/2008	Elections chief asks for voter fraud probe - Ashe wants state to examine 80 registration forms (Herald-Sun, The (Durham NC))			Newspaper article
10/16/2008	GOP alleges voter fraud (News & Observer, The (Raleigh NC))			Newspaper article
10/16/2008	No evidence of voter purging in N.C. (Sampson Independent, The (Clinton NC))			Newspaper article
10/17/2008	FBI Investigating Phony Applications - Acorn Accused Of Coordinating The Fraud Timing Called 'Highly Suspicious.' (Charlotte Observer, The (NC))			Newspaper article
10/25/2008	Orange turns out for early voting - By Friday morning, 21% of those registered had voted (Chapel Hill Herald (NC))			Newspaper article
10/29/2008	Don't believe everything you read: E-mail making its way around the nation alleging voter fraud proves untrue (Free Press, The (Kinston NC))			Newspaper article
10/29/2008	New elections officer combats fraud (Princeton News-Leader (NC))			Newspaper article
10/29/2008	Council of State races will bring new faces to some offices (Star-News (Wilmington NC))			Newspaper article
10/30/2008	It's all hearsay: Lester Jarman attributes heart of his e-mail to a mystery man (Free Press, The (Kinston NC))			Newspaper article
10/31/2008	Bill Clinton, Obama And A Voting Law (Charlotte Observer, The (NC))			Newspaper article
11/1/2008	Durham early voting extended - Board votes to keep polls open until 5 p.m. today (Herald-Sun, The (Durham NC))			Newspaper article
11/2/2008	When voting early meant voter fraud (Herald-Sun, The (Durham NC))			Newspaper article
11/4/2008	Mother to challenge vote by her disabled son (Herald-Sun, The (Durham NC))			Newspaper article
11/7/2008	Does Voting Procedure Invited Possible Fraud? (Pilot, The (Southern Pines, NC))			Newspaper article
11/25/2008	Voter fraud appeal delays oath of office			Newspaper

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	(Fayetteville Observer, The (NC))			article
11/27/2008	Local GOP to take case to state (Fayetteville Observer, The (NC))			Newspaper article
2/19/2009	Two charged with voter fraud (Statesville Record & Landmark (NC))			Newspaper article
9/9/2009	State elections - board probes - possible 2007 - voter fraud (Star-News (Wilmington NC))			Newspaper article
9/16/2009	State officials to visit Topsail after allegations of voter fraud surface - TOPSAIL VOICE (Topsail Voice, The (Hampstead, NC))			Newspaper article
10/30/2009	City Council features four contested races - Economy, crime are top issues (Robesonian, The (Lumberton NC))			Newspaper article
12/3/2009	Fair Bluff on track to new election - Scott asks for four to be charged with voter fraud (News Reporter, The (Whiteville NC))			Newspaper article
12/5/2009	Four admit they voted in election but were ineligible - Others defend residency in Fair Bluff (News Reporter, The (Whiteville NC))			Newspaper article
12/1/2009	Dixon's election protest dropped (News Reporter, The (Whiteville NC))			Newspaper article
12/22/2009	State board rules on Fair Bluff race - Britt, Scott plan for new election. (News Reporter, The (Whiteville NC))			Newspaper article
12/30/2009	Topsail Beach voter fraud investigation ends without any charges (Star-News (Wilmington NC))			Newspaper article
1/6/2010	Topsail Beach commissioner cleared in voter fraud cases - TOPSAIL VOICE (Topsail Voice, The (Hampstead NC))			Newspaper article
2/16/2010	City feeling pressure to change its election system (News Herald, The (Morganton NC))			Newspaper article
4/3/2010	Meredith: 2003 election fraud allegations baseless (Fayetteville Observer, The (NC))			Newspaper article
5/6/2010	Legislator alleges fraud in his loss (Fayetteville Observer, the (NC))			Newspaper article
5/28/2010	Possible voter fraud under investigation (Fayetteville Observer, The (NC))			Newspaper article
6/29/2010	Blanks cleared of vote fraud (Fayetteville Observer, The (NC))			Newspaper article
7/2/2010	Blanks cleared - State investigation shows no wrongdoing in voting controversy (Bladen Journal (Elizabethtown NC))			Newspaper article
7/11/2010	Other Balloting Reforms Should Take Precedence (Pilot, The (Southern Pines			Newspaper article



EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	NC))			
8/24/2010	Mayoral candidate accused of voter fraud (Robesonian, The (Lumberton NC))			Newspaper article
8/25/2010	Candidate allegedly voted for self twice (Fayetteville Observer, The (NC))			Newspaper article
9/25/2010	Meredith, GOP warn of possible lawsuits (Fayetteville Observer, The (NC))			Newspaper article
10/16/2010	Early voting period offers ease, convenience (Rocky Mount Telegram (NC))			Newspaper article
10/27/2010	Poll observers upset voters - Randall supporters blamed (News & Observer, The (Raleigh NC))			Newspaper article
10/27/2010	Randall's tea party poll observers harass voters (Raleigh Examiner (NC))			Newspaper article
10/28/2010	Close eyes - Problems with some poll observers in Wake County indicate a possibility of intimidation. (News & Observer, The (Raleigh NC))			Newspaper article
10/28/2010	Editorial - Voting-machine problems caused by simple human error (Star-News (Wilmington NC))			Newspaper article
10/29/2010	Concerns grow about election fraud and voter intimidation (Charlotte Observer, The (NC))			Newspaper article
10/30/2010	More Vote Fraud in NC ? 2,660 People Over Age Of 110 Filing Absentee Ballots (Charlotte Examiner (NC))			Newspaper article
11/7/2010	Why the 'voter fraud' myth won't die (Herald-Sun, The (Durham NC))			Newspaper article
11/15/2010	State GOP seeks photo ID to vote (Fayetteville Observer, The (NC))			Newspaper article
12/6/2010	N.C. GOP Readies Push For Photo IDs For Voters - Backers Say It Will Prevent Fraud, But Foes Say That Isn't A Problem In State (Charlotte-Observer, The (NC))			Newspaper article
12/7/2010	Would photo ID fix non-existent problem? - Proposal isn't much of a barrier to voting, or voter fraud, either. (Charlotte Observer, The (NC))			Newspaper article
12/7/2010	The voter ID debate (Mt. Airy News, The (NC))			Newspaper article
12/8/2010	Top conservative priority symbolizes a dark, pessimistic new era (Richmond County Daily Journal (Rockingham NC))			Newspaper article
12/10/2010	Voter ID not a pressing issue (Greensboro News & Record (NC))			Newspaper article
1/22/2011	Coffman allegations examined (Winston-Salem Journal (NC))			Newspaper article
1/28/2011	Bob Hall - Requiring ID to vote a waste of			Newspaper

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	time, tax dollars (StarNews (Wilmington NC))			article
1/30/2011	GOP lawmakers determined to pass voter ID bill (Rocky Mount Telegram (NC))			Newspaper article
2/3/2011	Voter photo IDs will take money state doesn't have - N.C. Perspectives (Observer News Enterprise, The (Newton NC))			Newspaper article
2/4/2011	Voter ID: Throwback to Bad Old Days? (Pilot, The (Southern Pines NC))			Newspaper article
2/6/2011	Legislators split on vote ID (Robesonian, The (Lumberton NC))			Newspaper article
2/7/2011	League of Women Voters Opposes Voter Photo I D (StarNews (Wilmington NC))			Newspaper article
2/15/2011	Coffman's critics call for probe (Winston-Salem Journal (NC))			Newspaper article
2/17/2011	FSU students lobby against voter ID bill (Fayetteville Observer, The (NC))			Newspaper article
2/18/2011	SBI finds no voter fraud in Forsyth (Winston-Salem Journal (NC))			Newspaper article
2/19/2011	Vote probe involved a single case (Winston-Salem Journal (NC))			Newspaper article
2/19/2011	Correction (Winston-Salem Journal (NC))			Newspaper article
2/20/2011	The real cost of voter identification (Durham Examiner (NC))			Newspaper article
2/21/2011	ID opponents exaggerate threat (Fayetteville Observer, The (NC))			Newspaper article
2/24/2011	Elections board clears Coffman (Winston-Salem Journal (NC))			Newspaper article
2/26/2011	Coffman cleared, more political issues (Winston-Salem Journal (NC))			Newspaper article
2/27/2011	Critics united against Coffman (Winston-Salem Journal (NC))			Newspaper article
3/9/2011	A non-existent problem (Chapel Hill News, The (NC))			Newspaper article
3/13/2011	Legislators to take up voter ID - Republicans and Democrats debate the extent of voter fraud in the state. (News & Observer, The (Raleigh NC))			Newspaper article
3/15/2011	Voter ID bill gets first look by N.C. House panel (Rocky Mount Telegram (NC))			Newspaper article
3/15/2011	N.C. considers whether to ask voters for IDs (Greensboro News & Record (NC))			Newspaper article
4/1/2011	Ex-official takes deal on voting fraud (Robesonian, The (Lumberton NC))			Newspaper article
4/3/2011	Meads: Bill puts voter ID burden on elections boards (Daily Advance, The (Elizabeth City NC))			Newspaper article
4/5/2011	Students protest GOP voter ID bill (Greensboro News & Record (NC))			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
4/19/2011	Haley calls on tea partyers to push for voter IDs, other changes - Possible GOP presidential candidate Bachmann also speaks at tax day rally. (Charlotte Observer, The (NC))			Newspaper article
5/12/2011	Cut to early voting advances (Winston-Salem Journal (NC))			Newspaper article
5/23/2011	Savvy Citizen Elections - Voter ID laws take hold in other states - GOP officials says laws curb fraud at polls, but Democrats say the true motivation is political. (Charlotte Observer, The (NC))			Newspaper article
6/7/2011	Republican lawmakers return to stronger voter ID bill (Rocky Mount Telegram (NC))			Newspaper article
6/8/2011	Bill backs partisan judicial races - GOP-led House vote among several that will change elections. Senate passes bill to end straight-ticket voting. (Charlotte Observer, The (NC))			Newspaper article
6/9/2011	Final vote on Voter ID Card legislation could come today (Charlotte Examiner (NC))			Newspaper article
6/9/2011	Big voter turnouts and perceptions of fraud (News & Observer, The (Raleigh NC))			Newspaper article
6/9/2011	N.C. voter ID bill gets final House approval (Rocky Mount Telegram (NC))			Newspaper article
6/10/2011	Voter ID bill easily passes House (Charlotte Observer, The (NC))			Newspaper article
6/15/2011	GOP legislators continue push for photo ID of voters (Rocky Mount Telegram (NC))			Newspaper article
6/16/2011	Final voter ID mandate appears headed for veto (Rocky Mount Telegram (NC))			Newspaper article
6/17/2011	Voter ID bill advances to governor - Elected voices (Observer News Enterprise, The (Newton NC))			Newspaper article
6/22/2011	Voter ID bill should be signed into law - Editorial (Mt. Airy News, The (NC))			Newspaper article
6/22/2011	Perdue vows to fight voter ID legislation (Statesville Record & Landmark (NC))			Newspaper article
6/23/2011	Voting should require I.D. (Herald-Sun, The (Durham NC))			Newspaper article
6/23/2011	Even after veto, war of words over Voter ID bill continues (Raleigh Examiner (NC))			Newspaper article
6/23/2011	Governor vetoes voter ID pushed by Republicans (Rocky Mount Telegram (NC))			Newspaper article
6/24/2011	Perdue vetoes voter ID bill - Daniel, Blackwell say law would help safeguard			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	elections (News Herald, The (Morganton NC))			
7/26/2011	House fails to override veto of voter ID mandate (Rocky Mount Telegram (NC))			Newspaper article
6/27/2011	Perdue puts her stamp on GOP legislation (Rocky Mount Telegram (NC))			Newspaper article
7/27/2011	Democrats fighting voter ID bill in General Assembly - Discussion of a new law that requires an ID to legally vote (Anson Record, The (Wadesboro NC))			Newspaper article
7/28/2011	Councilman investigated for dual vote registration (Daily News, The (Jacksonville NC))			Newspaper article
8/11/2011	3 Wake residents arrested for voter fraud (News & Observer, The (Raleigh NC))			Newspaper article
8/12/2011	Double-voting charges lodged - Wake DA says IDs not a factor (News & Observer, The (Raleigh NC))			Newspaper article
8/16/2011	Still one vote (News & Observer, The (Raleigh NC))			Newspaper article
8/17/2011	89-year-old man arrested in voter fraud sweep (Rocky Mount Telegram (NC))			Newspaper article
8/18/2011	Elderly veteran takes issue with voting charge (Rocky Mount Telegram (NC))			Newspaper article
11/21/2011	DA: Probe of votes 'shouldn't take long' (Statesville Record & Landmark (NC))			Newspaper article
11/30/2011	NC attorney says local voter ID laws have problems (Associated Press State Wire: North Carolina (NC))			Newspaper article
12/1/2011	Sources say report calls for charges against Huggins (Statesville Record & Landmark (NC))			Newspaper article
12/21/2011	2 cases of voter fraud alleged (Daily Advance, The (Elizabeth City, NC))			Newspaper article
1/18/2012	In Catawba County voter fraud case, attorney says voter ID law could help (Hickory Daily Record (NC))			Newspaper article
2/18/2012	Jackson charged with voter fraud in Montgomery County (Courier-Tribune, The (Asheboro NC))			Newspaper article
2/21/2012	Kirkman: Video has slowed elections investigation (Statesville Record & Landmark (NC))			Newspaper article
3/6/2012	Council members standing by Huggins, (Statesville Record & Landmark (NC))			Newspaper article
3/7/2012	Politician charged in voter fraud case - A Statesville official is accused of helping family members vote illegally (Charlotte Observer, The (NC))			Newspaper article
3/8/2012	Laghari: Voter fraud charges have been			Newspaper

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	upsetting (Statesville Record & Landmark (NC))			article
3/11/2012	NAACP to challenge state voting laws before U.N. (Charlotte Observer, The (NC))			Newspaper article
3/18/2012	Election errors (News & Observer, The (Raleigh NC))			Newspaper article
3/20/2012	Board endorses voter ID bill - Wake commissioners - vote along party lines; Democrats blast Chairman Coble for 'divisive' tactics (News & Observer, The (Raleigh NC))			Newspaper article
3/27/2012	Forsyth Backs Voter ID Measure (Winston-Salem Journal (NC))			Newspaper article
4/15/2012	Brooks: No plans to challenge Stallingses at polls (Daily Advance, The (Elizabeth City NC))			Newspaper article
5/17/2012	Blog refutes voter fraud allegations (News & Observer, The (Raleigh NC))			Newspaper article
5/24/2012	Sting' video of vote fraud called wrong (News & Observer, The (Raleigh NC))			Newspaper article
7/3/2012	No photo ID required for NC voters (Mt. Airy News, The (NC))			Newspaper article
7/6/2012	No Voter IDs for at Least This Year (Pilot, The (Southern Pines NC))			Newspaper article
7/30/2012	Watchdogs: Dead people still on voter list (News & Observer, The (Raleigh NC))			Newspaper article
8/4/2012	Could tougher voting laws squelch the youth vote (Rocky Mount Telegram (NC))			Newspaper article
8/10/2012	DA mum on future of EC election case (Daily Advance, The (Elizabeth City NC))			Newspaper article
8/10/2012	Names of dead on voter rolls challenged (Daily Advance, The (Elizabeth City NC))			Newspaper article
8/15/2012	Ado About Little (Pilot, The (Southern Pines NC))			Newspaper article
9/2/2012	Group: 30,000 on voting rolls dead (Charlotte Observer, The (NC))			Newspaper article
9/6/2012	Moore lawmen say felon committed voter fraud (Fayetteville Observer, The (NC))			Newspaper article
9/8/2012	Our view: Never on a Sunday (Laurinburg Exchange The NC))			Newspaper article
9/9/2012	Group is pushing absentee voting (Greensboro News & Record (NC))			Newspaper article
9/10/2012	Official: Voting fraud rare in NC (Statesville Record & Landmark (NC))			Newspaper article
9/12/2012	Election board analyzes voter list - Nonprofit combed rolls for dead people (News & Observer, The (Raleigh NC))			Newspaper article
9/18/2012	Elections board already working on list of dead 'voters' (Charlotte Observer, The			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	(NC))			
9/18/2012	NCCU panelists see voter suppression in state (Herald-Sun, The (Durham NC))			Newspaper article
9/20/2012	In voter ID rulings, an emerging message - Judges to states: Find ways to help voters meet requirements (Charlotte Observer, The (NC))			Newspaper article
9/24/2012	Republicans look for voter fraud, find little (Associated Press State Wire: North Carolina (NC))			Newspaper article
9/24/2012	Voter ID battles churn in key states - Impact on election debated; appeals in some states continue, including S.C. (Charlotte Observer, The (NC))			Newspaper article
9/24/2012	Our View: Voter fraud hunt a solution in search of a problem (Daily Advance, The (Elizabeth City NC))			Newspaper article
9/24/2012	County Has Best Record in Removing Dead Voters from Rolls (Pilot, The (Southern Pines NC))			Newspaper article
9/27/2012	County, group at odds over voter rolls (Winston-Salem Journal (NC))			Newspaper article
10/1/2012	NC GOP fires voter sign-up firm over Florida fraud (Associated Press State Wire: North Carolina (NC))			Newspaper article
10/1/2012	State looks at firm that GOP hired to enlist voters - Questionable registrations in Florida prompt N.C. leaders to fire firm amid election officials' review (Charlotte Observer, The (NC))			Newspaper article
10/1/2012	State looks at firm GOP hired - After Florida scandal, N.C. Republican Party fires voter recruiter (News & Observer, The (Raleigh NC))			Newspaper article
10/4/2012	Voter found party changed - Affiliation flipped in a GOP voter drive (News & Observer, The (Raleigh NC))			Newspaper article
10/6/2012	The Coffman Decision And Registration (Winston-Salem Journal (NC))			Newspaper article
10/13/2012	Efforts made in connection with Election Day program (Richmond County Daily Journal (Rockingham NC))			Newspaper article
10/14/2012	NAACP highlights report alleging racial bias in ID efforts - Civil rights group urges early voting at N.C. conference (News & Observer, The (Raleigh NC))			Newspaper article
10/21/2012	Voting By The Margins (Greensboro News & Record (NC))			Newspaper article
11/1/2012	Voting complaints up this year - Officials spending time debunking rumors on when			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	and how to vote (News & Observer, The (Raleigh NC))			
11/3/2012	Number of 112 Year Old Registered Democrat Voters Now at 3,020 in North Carolina (Charlotte Examiner (NC))			Newspaper article
11/3/2012	Early voting ends Saturday (Sun Journal (New Bern NC))			Newspaper article
11/5/2012	SBO: FB post not evidence of voter fraud (updated) (Carteret County News-Times, The (Morehead City NC))			Newspaper article
11/5/2012	Joke post on voter fraud draws threats (Carteret County News-Times, The (Morehead City NC))			Newspaper article
11/6/2012	Elections officials: Facebook post intended as joke (Daily News, The (Jacksonville NC))			Newspaper article
11/6/2012	Long-term care and dignified voting (News & Observer, The (Raleigh NC))			Newspaper article
11/7/2012	N.C. voting is largely free of problems (News & Observer, The (Raleigh NC))			Newspaper article
11/25/2012	Lyons pleads guilty in voter fraud case (News & Observer, The (Raleigh NC))			Newspaper article
12/1/2012	Steinburg: Challenges show need for voter ID (Daily Advance, The (Elizabeth City NC))			Newspaper article
12/21/2012	Elections Officials Cleaning up Rolls (Pilot, The (Southern Pines NC))			Newspaper article
12/22/2012	Election chaos has effect on entire state (Herald-Sun, The (Durham NC))			Newspaper article
1/7/2013	Huggins' case moved to next month (Statesville Record & Landmark (NC))			Newspaper article
1/8/2013	Board to pursue voter fraud case (Laurinburg Exchange, The (NC))			Newspaper article
1/9/2013	McCrory not wedded to photo ID requirement to vote (Associated Press State Wire: North Carolina (NC))			Newspaper article
1/10/2013	Republicans take the reins - Party now rules House, Senate; offers softer stance on law requiring voters to show photo ID (Charlotte Observer, The (NC))			Newspaper article
1/11/2013	From O-pinion, the editorial board's blog - McCrory, Tillis wisely open to compromise on voter ID bill - About 613,000 N.C. voters, nearly 1 in 10, have no DMV-issued photo ID (Charlotte Observer, The (NC))			Newspaper article
1/11/2013	Scotland elections board pursues voter fraud case (Fayetteville Observer, The (NC))			Newspaper article
1/11/2013	Voter I.D. shift? (News & Observer, The			Newspaper

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	(Raleigh NC))			article
1/13/2013	Any NC voter ID law will face legal, GOP obstacles (Associated Press State Wire: North Carolina (NC))			Newspaper article
1/13/2013	Voter ID agreement now looks possible (Greensboro News & Record (NC))			Newspaper article
1/14/2013	Voter ID push may soften (News Reporter, The (Whiteville NC))			Newspaper article
1/16/2013	Tar Heel View: On voter ID legislation (Richmond County Daily Journal (Rockingham NC))			Newspaper article
1/25/2013	Voter ID the hot topic in Raleigh (Free Press, The (Kinston NC))			Newspaper article
1/27/2013	Voter ID bound to pass; will photo be required? - Voter identification (News & Observer, The (Raleigh NC))			Newspaper article
02/15/2013	Lightfoot won't be charged with voter fraud (Winston-Salem Journal (NC))			Newspaper article
02/21/2013	Voter fraud cases won't be pursued (Statesville Record & Landmark (NC))			Newspaper article
2/22/2013	Bill targets immigrant licenses - Monroe lawmaker says Tata exceeds authority with plan for new IDs (Charlotte Observer, The (NC))			Newspaper article
2/22/2013	Non-citizen note on N.C. licenses unique (Winston-Salem Journal (NC))			Newspaper article
2/23/2013	Planned driver's license irks some noncitizens (Winston-Salem Journal (NC))			Newspaper article
3/6/2013	GOP preps for voter ID bill - Party remains confident it can pass measure; new Elon poll supports that (Charlotte Observer, The (NC))			Newspaper article
3/6/2013	Confidential GOP preps for voter ID bill - Democrats say it's more of the same; poll shows bill has support (News & Observer, The (Raleigh NC))			Newspaper article
3/7/2013	NAACP leader vows to fight voter ID effort (Associated Press State Wire: North Carolina (NC))			Newspaper article
3/8/2013	NAACP to fight voter ID - Proposed photo requirement likened to discriminating poll tax (News & Observer, The (Raleigh NC))			Newspaper article
3/8/2013	NAACP leader vows to fight voter ID effort (Rocky Mount Telegram (NC))			Newspaper article
3/12/2013	Public to speak out on photo ID to vote in NC (Associated Press State Wire: North Carolina (NC))			Newspaper article
3/12/2013	Editorial: Debating Voter IDs (Daily Reflector, The (Greenville NC))			Newspaper article
3/13/2013	Public Speaks out on photo ID to vote in			Newspaper



EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	NC (Associated Press State Wire: North Carolina (NC))			article
3/13/2013	Crowd speaks out on voter ID - Opponents see bad faith; supporters say the idea is sensible (Charlotte Observer, The (NC))			Newspaper article
3/13/2013	Gilbert challenges 60 voters' residence (Daily Advance, The (Elizabeth City, NC))			Newspaper article
3/13/2013	Voter ID proposal attracts a crowd - Opponents see bad faith. Their anger confounds proponents. (News & Observer, The (Raleigh NC))			Newspaper article
3/13/2013	Public weighs in on voter ID (Robesonian, The (Lumberton NC))			Newspaper article
3/14/2013	NC House committee hears more about voter ID (Associated Press State Wire: North Carolina (NC))			Newspaper article
3/14/2013	Voter ID law causes friction - Supporters, opponents cite data to back up their positions (News & Observer, The (Raleigh NC))			Newspaper article
3/19/2013	Voters' rights march planned for Sunday (Courier-Tribune, The (Asheboro NC))			Newspaper article
3/22/2013	Debate on Voter IDs Renewed (Pilot, The (Southern Pines NC))			Newspaper article
3/29/2013	NC NAACP, other groups oppose early voting limits (Associated Press State Wire: North Carolina (NC))			Newspaper article
4/2/2013	Groups oppose reducing early voting (Daily Reflector, The (Greenville NC))			Newspaper article
4/3/2013	NC House committee hosts voter ID discussion (Associated Press State Wire: North Carolina (NC))			Newspaper article
4/3/2013	Ignoring real voter fraud (Sylvia Herald & Ruralite, The (NC))			Newspaper article
4/5/2013	Early voting could shrink (Greensboro News & Record (NC))			Newspaper article
4/8/2013	House offers welcome changes to ID law (Rocky Mount Telegram (NC))			Newspaper article
4/11/2013	Supporters of voter ID get their say at hearing (News & Observer, The (Raleigh NC))			Newspaper article
4/12/2013	For the Record - No voter fraud in North Carolina? Check provisional ballots (Charlotte Observer, The (NC))			Newspaper article
4/17/2013	Lawmakers not targeting true vote fraud (Charlotte Observer, The (NC))			Newspaper article
4/17/2013	Feedback - Nothing broken with N.C.'s provisional ballot system (Charlotte Observer, The (NC))			Newspaper article
4/21/2013	ESCU's Gilchrist vows voter address			Newspaper

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	changes (Daily Advance, The (Elizabeth City NC))			article
4/22/2013	NC NAACP calls for protest of GOP initiatives (Associated Press State Wire: North Carolina (NC))			Newspaper article
4/23/2013	Bill seeks to limit felon votes - Critics say the bill aims to suppress voting rights of African-Americans (Charlotte Observer, The (NC))			Newspaper article
4/23/2013	Ex-felons may have to wait to vote - Critics: Bill would block minority voting rights (News & Observer, The (Raleigh NC))			Newspaper article
4/24/2013	Voter ID bill passes NC House along party lines (Associated Press State Wire: North Carolina (NC))			Newspaper article
4/24/2013	Costly solution to a nonexistent problem (Winston-Salem Journal (NC))			Newspaper article
4/24/2013	Voter ID bill passes NC House along party lines (Associated Press State Wire: North Carolina (NC))			Newspaper article
4/25/2013	House passes voter ID bill - Measure to require photo at polls heads to Senate (Charlotte Observer, The (NC))			Newspaper article
4/25/2013	Voter ID takes step closer to law - State House passes measure 81-36; Democrats vow court challenge (News & Observer, The (Raleigh NC))			Newspaper article
4/27/2013	The voters no one is talking about (Herald-Sun, The (Durham NC))			Newspaper article
5/1/2013	State House passes Voter ID bill - Next stop is Senate approval (Anson Record, The (Wadesboro NC))			Newspaper article
5/2/2013	Goodman explains ID vote (Laurinburg Exchange, The (NC))			Newspaper article
5/3/2013	Possible voter fraud under investigation (News Reporter, The (Whiteville NC))			Newspaper article
5/8/2013	Panel indicts voter fraud suspect (McDowell News, The (Marion NC))			Newspaper article
6/19/2013	Double vote topic hearing (News Reporter, The (Whiteville NC))			Newspaper article
6/26/2013	NC senator: Voter ID bill moving ahead with ruling (Associated Press State Wire: North Carolina (NC))			Newspaper article
7/18/2013	NC Senate rolls out voter ID proposal (Associated Press State Wire: North Carolina (NC))			Newspaper article
7/19/2013	Senate voter ID bill cuts options - Unlike House version, student IDs not allowed (News & Observer, The (Raleigh NC))			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
7/23/2013	NC bill would place new restrictions on voting (Associated Press State Wire: North Carolina (NC))			Newspaper article
7/23/2013	Moral Monday rally held in Greensboro (Greensboro News & Record (NC))			Newspaper article
7/23/2013	Voter ID bill draws protesters - House, Senate versions differ on forms of acceptable identification (Charlotte Observer, The (NC))			Newspaper article
7/23/2013	N.C. bill would place new restrictions on voting (Rocky Mount Telegram (NC))			Newspaper article
7/23/2013	'Raleigh is our Selma' (Winston-Salem Journal (NC))			Newspaper article
7/24/2013	NC bill would place new restrictions on voting (Associated Press State Wire: North Carolina (NC))			Newspaper article
7/24/2013	Dems cry foul at sweeping vote changes - Bill cuts back early voting, easy registration, and requires photo IDs to vote (Charlotte Observer, The (NC))			Newspaper article
7/25/2013	NC Senate approves GOP-backed election changes (Associated Press State Wire: North Carolina (NC))			Newspaper article
7/25/2013	Senate gives voter ID law initial OK - Final approval today would send measure to the N.C. House (Charlotte Observer, The (NC))			Newspaper article
7/25/2013	Elections officials split on Voter ID bill (Daily Advance, The (Elizabeth City NC))			Newspaper article
7/25/2013	Voter ID proposal reviews mixed (Fayetteville Observer, The (NC))			Newspaper article
7/25/2013	Lawmakers oppose voter ID bill (Laurinburg Exchange, The (NC))			Newspaper article
7/26/2013	NC lawmakers approve GOP-backed election changes (Associated Press State Wire: North Carolina (NC))			Newspaper article
7/26/2013	Mooneyham: Fraud risk raised by bill encouraging absentee ballots (Daily Reflector, The (Greenville OH))			Newspaper article
7/26/2013	McLaurin: Voter bill strayed (Laurinburg Exchange, The (NC))			Newspaper article
7/27/2013	McCrory not familiar with all of bill he's to sign (Associated Press State Wire: North Carolina (NC))			Newspaper article
7/31/2013	Sweeping regulations for North Carolina voters (Tribune, The (Elkin NC))			Newspaper article
8/3/2013	Governor set to sign voting bill (Rocky Mount Telegram (NC))			Newspaper article
8/12/2013	McCrory quietly signs sweeping NC elections bill (Associated Press State Wire:			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	North Carolina (NC))			
8/13/2013	Pat McCrory: Voter ID central reform (Daily Reflector, The (Greenville NC))			Newspaper article
8/13/2013	NAACP files suit against voter bill (Daily Reflector, The (Greenville NC))			Newspaper article
8/14/2013	Suits fight new voting laws - People and organizations behind the legal challenges outline their strategies (Charlotte Observer, The (NC))			Newspaper article
8/14/2013	The battle of the ballot (Fayetteville Observer, The (NC))			Newspaper article
8/14/2013	Foolish fix - The governor offers shallow rhetoric to justify an oppressive Voter ID law. (News & Observer, The (Raleigh NC))			Newspaper article
8/14/2013	Lawsuits fight state's new voting laws - People, organizations behind legal challenges outline their strategies (News & Observer, The (Raleigh NC))			Newspaper article
8/14/2013	Experts: Voting law mirrors trend (Winston-Salem Journal (NC))			Newspaper article
8/15/2013	NC election boards move to curtail student voting (Associated Press State Wire: North Carolina (NC))			Newspaper article
8/17/2013	The voters some would like to forget - Associate Editor (Charlotte Observer, The (NC))			Newspaper article
8/17/2013	Education, voting rights under attack (Fayetteville Observer, The (NC))			Newspaper article
8/17/2013	Elections law goes beyond voter ID (Winston-Salem Journal (NC))			Newspaper article
8/19/2013	Forsyth elections chair to move on student voting (Associated Press State Wire: North Carolina (NC))			Newspaper article
8/22/2013	CEOs hear Colin Powell hit NC voting law changes (Associated Press State Wire: North Carolina (NC))			Newspaper article
8/23/2013	Colin Powell slams N.C. voting law - New law will hurt GOP, minorities, he says (Charlotte Observer, The (NC))			Newspaper article
8/24/2013	Despite furor, voters won't see many changes - Biggest election changes hit in 2014, 2016 (News-Topic, The (Lenoir NC))			Newspaper article
8/24/2013	Full effects of new voting laws still unknown (StarNews (Wilmington NC))			Newspaper article
8/29/2013	Solving It Together - Crowd challenges N.C. lawmakers on voter ID, airport - Lively forum highlights partisan divide within Mecklenburg delegation (Charlotte			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	Observer, The (NC))			
9/3/2013	Students to defend voting rights - N.C. elections board will hear 3 cases (News & Observer, The (Raleigh NC))			Newspaper article
9/17/2013	McCrory absent as NC NAACP protests at mansion (Associated Press State Wire: North Carolina (NC))			Newspaper article
9/17/2013	Youths bring vigor to 'Moral Monday' - College NAACP groups fight GOP measures on education, voting rights (Charlotte Observer, The (NC))			Newspaper article
9/17/2013	Poll: Voter ID popular, other election changes less so (Greensboro News & Record (NC))			Newspaper article
9/26/2013	Special ID line (News & Observer, The (NC))			Newspaper article
9/27/2013	Email could create confusion about removing voters' names (Sun Journal (New Bern NC))			Newspaper article
9/28/2013	Southern states are moving to tighten voting rules (Associated Press State Wire: North Carolina (NC))			Newspaper article
9/30/2013	Justice Dept sues North Carolina over voter law (Associated Press State Wire: North Carolina (NC))			Newspaper article
9/30/2013	NC Republicans vow to fight US DOJ over voter laws (Associated Press State Wire: North Carolina (NC))			Newspaper article
10/1/2013	Voter ID suit spurs praise, caution U.S. Department of Justice says state's election law is discriminatory in intent (Charlotte Observer, The (NC))			Newspaper article
10/1/2013	Praise, trepidation greet voter ID lawsuit U.S. calls state's new law discriminatory (News & Observer, The (Raleigh NC))			Newspaper article
10/20/2013	Voting fight: Is it race or politics? Challengers to North Carolina's voting laws must prove 'intentional discrimination' (News & Observer, The (Raleigh NC))			Newspaper article
10/22/2013	Officials attack election-law suits Claims disputed that the objective is to suppress the African-American vote (Charlotte Observer, The (NC))			Newspaper article
10/23/2013	Elections board sets policy for colleges (Winston-Salem Journal (NC))			Newspaper article
10/26/2013	Star turn A Buncombe County GOP leader embarrasses himself and his party on national TV. (News & Observer, The (Raleigh NC))			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
10/31/2013	Lawsuits over N.C. voting law head to court (Greensboro News & Record (NC))			Newspaper article
11/12/2013	A vote for early voting (News & Observer, The (Raleigh NC))			Newspaper article
11/12/2013	Officials handling public record requests, accusations (Winston-Salem Journal (NC))			Newspaper article
11/13/2013	Voter fraud charges dropped in plea agreement (Courier-Tribune, The (Asheboro NC))			Newspaper article
11/15/2013	6 churches join elections suit NAACP challenges N.C. voting law changes; other plaintiffs sign on (News & Observer, The (Raleigh NC))			Newspaper article
12/10/2013	Unemployment Benefits to Require Photo ID (Pilot, The (Southern Pines NC))			Newspaper article
12/11/2013	Parties to argue voting law trial date At issue are challenges to extensive changes to N.C. elections (News & Observer, The (Raleigh NC))			Newspaper article
12/11/2013	State board to hear Sharpsburg election protest appeal (Rocky Mount Telegram (NC))			Newspaper article
12/16/2013	Judicial Watch supports voter ID Conservative group takes up cause of unsuccessful 2012 Buncombe County candidate (Charlotte Observer, The (NC))			Newspaper article
12/20/2013	State board orders new Pembroke election (Robesonian, The (Lumberton NC))			Newspaper article
12/21/2013	New election ordered for council (Fayetteville Observer, The (NC))			Newspaper article
1/3/2014	Pembroke revote set for March 11 - Pridgen hired to lead elections office (Robesonian, the (Lumberton NC))			Newspaper article
1/5/2014	Voter watch group gets local data (Robesonian, The (Lumberton NC))			Newspaper article
1/6/2014	DMV issues no-fee voter ID, charges others (Tribune, The (Elkin NC))			Newspaper article
1/7/2014	The battles ahead (News & Observer, The (Raleigh NC))			Newspaper article
1/13/2014	Sides clash on new voting laws Advocates take issue to court - and the court of public opinion (News & Observer, The (Raleigh NC))			Newspaper article
1/18/2014	Voters can prepare for ID requirement (Carteret County News-Times, The (Morehead City NC))			Newspaper article
1/25/2014	Lawmakers try to block voter law subpoenas Critics of N.C.'s new ID legislation seek email, other correspondence (Charlotte Observer, The			Newspaper article

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Document Date	Filename Or Description	Beg Bates	End Bates	Category
	(NC))			
1/31/2014	Under wraps Republican lawmakers are hiding information on their negotiations on voter ID (News & Observer, The (Raleigh NC))			Newspaper article
2/2/2014	Barber: GOP, history at odds (Daily Advance, The (Elizabeth City NC))			Newspaper article
2/21/2014	Judge tells state to answer requests N.C. voter-law case (Greensboro News & Record (NC))			Newspaper article
2/21/2014	Hearing in voter-law case will focus on documents (Greensboro News & Record (NC))			Newspaper article
2/22/2014	Judge tells state to answer requests in voter-law case (Greensboro News & Record (NC))			Newspaper article
3/8/2014	New election laws present potential snags (Carteret County News-Times, The (Morehead City NC))			Newspaper article
3/11/2014	Do-over election flips Pembroke results - Three challengers elected; Dial ousted (Robesonian, The (Lumberton NC))			Newspaper article

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**APPENDIX E**  
**MATERIALS CONSIDERED AS OF FEBRUARY 12, 2014**  
**IN SUPPORT OF EXPERT REPORT AND OPINIONS**

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In addition to the materials listed in Appendix D, I reviewed the following materials for the period March 18, 2014 to February 3, 2015.

<b>Article Headline</b>	<b>Date Published</b>
<a href="#">Claims of disenfranchisement are ‘pure nonsense’</a> , Sylva Herald & Ruralite, The (NC)	March 19, 2014
<a href="#">McCrary’s voter ID defense rings hollow</a> , News & Record (Greensboro, NC)	March 22, 2014
<a href="#">No surpression</a> , Carteret County News-Times, The (Morehead City, NC)	March 22, 2014
<a href="#">‘Moral Monday’ protesters decry cuts to education, Medicaid</a> , Statesville Record & Landmark (NC)	March 24, 2014
<a href="#">A political crime wave</a> , Carteret County News-Times, The (Morehead City, NC)	March 28, 2014
<a href="#">Not a political debate</a> , Carteret County News-Times, The (Morehead City, NC)	March 29, 2014
<a href="#">Repeal of registration for youth is ‘bullying’</a> , News & Record (Greensboro, NC)	March 29, 2014
<a href="#">Groups fighting voter ID law say state holding documents</a> , News & Record (Greensboro, NC)	March 30, 2014
<a href="#">Documents debated in voter ID suit</a> , News & Record (Greensboro, NC)	March 31, 2014
<a href="#">Suppressing Voting Rights in N.C.</a> , Pilot, The (Southern Pines, NC)	April 1, 2014
<a href="#">NC probes questionable ballots from 2012 election</a> , Associated Press State Wire: North Carolina (NC)	April 2, 2014
<a href="#">NC voter audit suggests widespread fraud</a> , Associated Press State Wire: North Carolina (NC)	April 2, 2014
<a href="#">State BOE finds data suggesting dual voting</a> , Robesonian, The (Lumberton, NC)	April 2, 2014
<a href="#">State’s new voting law will likely lower voter participation</a> , Sylva Herald & Ruralite, The (NC)	April 2, 2014
<a href="#">Attorney: NC photo ID wouldn't stop 2-state voting</a> , Associated Press State Wire: North Carolina (NC)	April 3, 2014
<a href="#">Review finds 765 N.C. cases of potential voter fraud</a> , News & Observer, The	April 3, 2014



(includes Chapel Hill News) (Raleigh, NC)	
<a href="#">Voting rights advocate say ID won't thwarted alleged fraud</a> , Robesonian, The (Lumberton, NC)	April 3, 2014
<a href="#">Faking It</a> , Fayetteville Observer, The (NC)	April 4, 2014
<a href="#">No final tally - Republicans say their voter suppression laws are justified. Not so fast.</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	April 4, 2014
<a href="#">Slender Evidence of 'Voter Fraud'</a> , Pilot, The (Southern Pines, NC)	April 4, 2014
<a href="#">Too much voting</a> , News & Record (Greensboro, NC)	April 4, 2014
<a href="#">Voter fraud exists</a> , Carteret County News-Times, The (Morehead City, NC)	April 4, 2014
<a href="#">Editorial: No help for 'voter ID' law</a> , Daily Reflector, The (Greenville, NC)	April 5, 2014
<a href="#">The truth on election fraud</a> , Robesonian, The (Lumberton, NC)	April 5, 2014
<a href="#">DA asks help in election-fraud probe</a> , Robesonian, The (Lumberton, NC)	April 6, 2014
<a href="#">Election Day of the living dead</a> , Fayetteville Observer, The (NC)	April 6, 2014
<a href="#">N.C. voter fraud! (Or maybe not.) - Hold the cheering until state completes probe - into duplicate voting</a> , Charlotte Observer (NC)	April 6, 2014
<a href="#">Voter fraud probe expands</a> , Fayetteville Observer, The (NC)	April 6, 2014
<a href="#">Deadline looms, primary voters - End of same-day registration among changes in voting law</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	April 7, 2014
<a href="#">Some ethics questions for Republicans</a> , Robesonian, The (Lumberton, NC)	April 7, 2014
<a href="#">Heeding voter fraud call</a> , Sylva Herald & Ruralite, The (NC)	April 9, 2014
<a href="#">Voter fraud alleged, yet to be proven</a> , Tideland News, The (Swansboro, NC)	April 9, 2014
<a href="#">Voter fraud information released, District Attorney seeks answers</a> , Reidsville Review, The (NC)	April 9, 2014
<a href="#">Mooneyham: Voter-fraud jury still out</a> , Daily Reflector, The (Greenville, NC)	April 10, 2014
<a href="#">N.C. editorial: Improper ballots</a> , Daily Reflector, The (Greenville, NC)	April 13, 2014
<a href="#">Court aims at photo ID law</a> , Spring Hope Enterprise & The Bailey News (NC)	May 1, 2014
<a href="#">NC voting law to get first test in primary</a> , Associated Press State Wire: North Carolina (NC)	May 5, 2014
<a href="#">Voters meet new N.C. voting laws - Photo ID not needed now, but will be in '16</a> , Charlotte Observer (NC)	May 7, 2014

<a href="#">Voting laws didn't bring the worst</a> , Robesonian, The (Lumberton, NC)	May 8, 2014
<a href="#">Hood: No voter suppression</a> , Daily Reflector, The (Greenville, NC)	May 10, 2014
<a href="#">Voter rights group says match does not mean fraud</a> , Associated Press State Wire: North Carolina (NC)	May 12, 2014
<a href="#">4 reps may have duplicate voter info - Group urges Assembly not to give in to 'hysteria' on voter ID</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	May 13, 2014
<a href="#">Judge considers voter ID arguments</a> , Winston-Salem Journal (NC)	May 13, 2014
<a href="#">McCrory pushes voter ID for jobless benefits</a> , Robesonian, The (Lumberton, NC)	May 13, 2014
<a href="#">Library to host voter forum - Talk will center on election changes</a> , Smithfield Herald, The (NC)	May 14, 2014
<a href="#">Numbers mislead with the sheriff's race</a> , Robesonian, The (Lumberton, NC)	May 16, 2014
<a href="#">Flawed law allows absentee votes to be nullified</a> , Winston-Salem Journal (NC)	May 19, 2014
<a href="#">FBI agent joining NC elections investigations team</a> , Associated Press State Wire: North Carolina (NC)	May 27, 2014
<a href="#">FBI agent to retire, join state elections agency - Stuber is known for his probes into political corruption</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	May 27, 2014
<a href="#">Probe</a> , Fayetteville Observer, The (NC)	May 27, 2014
<a href="#">It'S Funding election investigators would be wise</a> , News-Topic, The (Lenoir, NC)	May 28, 2014
<a href="#">State elections board needs investigators</a> , Rocky Mount Telegram (NC)	May 29, 2014
<a href="#">Voter impersonation is very rare and risky</a> , News & Record (Greensboro, NC)	June 2, 2014
<a href="#">If GOP really is serious about right to vote ...</a> , News & Record (Greensboro, NC)	June 10, 2014
<a href="#">Plaintiffs gear up for voter ID hearing</a> , News & Record (Greensboro, NC)	July 2, 2014
<a href="#">Register to vote at 17 at N.C. DMV? - Confusion reigns since elections overhaul bill took effect in Sept.</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	July 3, 2014
<a href="#">Hearing draws national attention</a> , Winston-Salem Journal (NC)	July 6, 2014
<a href="#">Court hears debate on voting laws</a> , Daily Reflector, The (Greenville, NC)	July 7, 2014
<a href="#">North Carolina voting law changes fight in court</a> , Associated Press State Wire: North Carolina (NC)	July 7, 2014

<a href="#">North Carolina's voter law tested in federal court Monday</a> , Courier-Tribune, The (Asheboro, NC)	July 7, 2014
<a href="#">Lawyers spar over effects of N.C.'s elections overhaul</a> , Courier-Tribune, The (Asheboro, NC)	July 8, 2014
<a href="#">Chance of voter fraud stressed</a> , News & Record (Greensboro, NC)	July 9, 2014
<a href="#">Voter fraud front and center at hearing</a> , Winston-Salem Journal (NC)	July 9, 2014
<a href="#">Final arguments held in hearing on NC voting laws</a> , Associated Press State Wire: North Carolina (NC)	July 10, 2014
<a href="#">Scope of voting changes eyed - Judge asks how nixing N.C. laws could affect other states</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	July 11, 2014
<a href="#">Trinity man charged in voter fraud case</a> , Courier-Tribune, The (Asheboro, NC)	July 15, 2014
<a href="#">Silly debate</a> , Winston-Salem Journal (NC)	August 2, 2014
<a href="#">Judge: NC vote can be held with GOP-backed changes</a> , Associated Press State Wire: North Carolina (NC)	August 8, 2014
<a href="#">Election can be held with GOP-backed changes</a> , Winston-Salem Journal (NC)	August 9, 2014
<a href="#">Judge: New voting rules OK</a> , News & Record (Greensboro, NC)	August 9, 2014
<a href="#">Lawyers: NC voting suits continue despite ruling</a> , Associated Press State Wire: North Carolina (NC)	August 11, 2014
<a href="#">Voter ID law heads to court - Locals share mixed opinions</a> , Laurinburg Exchange, The (NC)	August 13, 2014
<a href="#">6,000 lack proper voter ID locally - Critics say new laws will suppress votes</a> , Robesonian, The (Lumberton, NC)	August 15, 2014
<a href="#">Voter ID won't suppress votes, it will ensure that elections are fair</a> , Robesonian, The (Lumberton, NC)	August 18, 2014
<a href="#">The election law fight</a> , Winston-Salem Journal (NC)	August 30, 2014
<a href="#">Bob Hall: Straight-ticket ban less-known, but key voting restriction</a> , Daily Advance, The (Elizabeth City, NC)	September 3, 2014
<a href="#">New voting law makes it tougher for nursing home residents to vote</a> , Rocky Mount Telegram (NC)	September 4, 2014
<a href="#">Absentee balloting underway</a> , Carteret County News-Times, The (Morehead City, NC)	September 5, 2014
<a href="#">Appeals court sets quick date on NC voting law</a> , Associated Press State Wire: North Carolina (NC)	September 9, 2014

<a href="#">Federal appeals court to weigh in on N.C. voter laws before November elections</a> , Courier-Tribune, The (Asheboro, NC)	September 10, 2014
<a href="#">Group: NC restrictions deny hundreds of votes</a> , Associated Press State Wire: North Carolina (NC)	September 10, 2014
<a href="#">Watchdog group: New laws will depress votes</a> , Robesonian, The (Lumberton, NC)	September 10, 2014
<a href="#">Report shows impact of new voting law</a> , Rocky Mount Telegram (NC)	September 13, 2014
<a href="#">'A distraction' on Statesville City Council</a> , Statesville Record & Landmark (NC)	September 14, 2014
<a href="#">Republicans want fewer people to vote</a> , News & Record (Greensboro, NC)	September 14, 2014
<a href="#">NAACP: Berger ad attempt to quash vote - Group sues to have it stopped</a> , Robesonian, The (Lumberton, NC)	September 16, 2014
<a href="#">Sen. Phil Berger subject of NC elections complaint</a> , Associated Press State Wire: North Carolina (NC)	September 16, 2014
<a href="#">North carolina voter law creates hardship for its senior citizens</a> , Nashville Graphic, The (NC)	September 17, 2014
<a href="#">Conservative group holds forum on Voter ID law</a> , Sun Journal (New Bern, NC)	September 18, 2014
<a href="#">NC Republicans see positives with voter ID credit</a> , Associated Press State Wire: North Carolina (NC)	September 21, 2014
<a href="#">Appeals court hears NC voter suppression case</a> , Associated Press State Wire: North Carolina (NC)	September 25, 2014
<a href="#">Groups appeal to use old election rules</a> , Robesonian, The (Lumberton, NC)	September 25, 2014
<a href="#">Board of Elections launches inquiry - AFP voter registration mailers are the target of formal complaint</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	September 30, 2014
<a href="#">State Board of Elections launches inquiry - Complaint: Inaccurate voter registration mailers trying to suppress vote</a> , Charlotte Observer (NC)	September 30, 2014
<a href="#">Court blocks voting change - Same-day registration restored, but reduction of early voting remains</a> , Charlotte Observer (NC)	October 2, 2014
<a href="#">Court restores two rules for voters</a> , News & Record (Greensboro, NC)	October 2, 2014
<a href="#">Ex-wife says she, Meredith applied for benefits</a> , Fayetteville Observer, The (NC)	October 2, 2014
<a href="#">Locals react to Court of Appeals voting decision</a> , Courier-Tribune, The (Asheboro, NC)	October 2, 2014
<a href="#">Bud Wright: US Supremes may play role in NC voter suppression</a> , Daily Advance, The (Elizabeth City, NC)	October 3, 2014

<a href="#">Little upheaval from voting ruling - Fretting over proximity to election is unwarranted</a> , Charlotte Observer (NC)	October 3, 2014
<a href="#">The effort to suppress voters</a> , Robesonian, The (Lumberton, NC)	October 3, 2014
<a href="#">Britt: Same-day provision 'ripe' for fraud - Ongoing probe shows cases of illegal voting</a> , Robesonian, The (Lumberton, NC)	October 4, 2014
<a href="#">Voting remains easy despite 'stringent' laws</a> , Robesonian, The (Lumberton, NC)	October 4, 2014
<a href="#">Editorial: Shifts in voting law</a> , Daily Reflector, The (Greenville, NC)	October 7, 2014
<a href="#">Supreme Court upholds ban on same-day vote - Friday is last day to register</a> , Robesonian, The (Lumberton, NC)	October 8, 2014
<a href="#">Court won't delay voting law - U.S. Supreme Court majority: 2013 changes can apply in November</a> , Charlotte Observer (NC)	October 9, 2014
<a href="#">Last chance to register for Election Day</a> , Rocky Mount Telegram (NC)	October 9, 2014
<a href="#">Same-day registration, provisional ballots still possible in November</a> , Free Press, The (Kinston, NC)	October 9, 2014
<a href="#">Voting law restored by high court</a> , Laurinburg Exchange, The (NC)	October 9, 2014
<a href="#">Court's unfortunate decision</a> , Herald-Sun, The (includes Raleigh Extra and Chapel Hill Herald) (Durham, NC)	October 10, 2014
<a href="#">Courts try to block needed election reforms</a> , Rocky Mount Telegram (NC)	October 10, 2014
<a href="#">High court action on voting aims to avoid chaos</a> , Associated Press State Wire: North Carolina (NC)	October 10, 2014
<a href="#">Court orders on voting rights mostly about timing</a> , Associated Press State Wire: North Carolina (NC)	October 11, 2014
<a href="#">Editorial: Voting law no help to GOP</a> , Daily Reflector, The (Greenville, NC)	October 11, 2014
<a href="#">Koerber-Audette: Media demonize NC's commonsense voting laws</a> , Daily Advance, The (Elizabeth City, NC)	October 12, 2014
<a href="#">Law meant to curb turnout</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	October 12, 2014
<a href="#">Changes unlikely to affect turnout</a> , Laurinburg Exchange, The (NC)	October 13, 2014
<a href="#">Changes won't decide election</a> , Robesonian, The (Lumberton, NC)	October 13, 2014
<a href="#">Court ruling on election law reignites a timely debate</a> , Jefferson Post (NC)	October 17, 2014
<a href="#">Laws on Voter ID are Fair and Reasonable</a> , Pilot, The (Southern Pines, NC)	October 17, 2014

<a href="#">High court balks at last-minute voting changes</a> , Associated Press State Wire: North Carolina (NC)	October 18, 2014
<a href="#">Ask a Reporter: How is voter fraud prevented without photo ID?</a> , News & Record (Greensboro, NC)	October 19, 2014
<a href="#">Koerber-Audette: Voter fraud easier than new voting laws' detractors claim</a> , Daily Advance, The (Elizabeth City, NC)	October 19, 2014
<a href="#">Pinehurst Stopping Voter Fraud</a> , Pilot, The (Southern Pines, NC)	October 21, 2014
<a href="#">The changing faces of voter fraud</a> , Robesonian, The (Lumberton, NC)	October 22, 2014
<a href="#">N.C. Senate race takes ugly turn</a> , Fayetteville Observer, The (NC)	October 23, 2014
<a href="#">State expects to finish verifying flagged voters Friday</a> , News & Record (Greensboro, NC)	October 24, 2014
<a href="#">Koerber-Audette: Generous absentee voting put lie to suppression complaints</a> , Daily Advance, The (Elizabeth City, NC)	October 26, 2014
<a href="#">Barber: Voting fights extremism</a> , Daily Advance, The (Elizabeth City, NC)	October 27, 2014
<a href="#">12 on list cast votes</a> , Winston-Salem Journal (NC)	October 29, 2014
<a href="#">A welcome crackdown</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	October 30, 2014
<a href="#">Undercover video targets Mecklenburg candidates - Controversial activist James O'Keefe says workers' actions are "almost beyond belief"</a> , Charlotte Observer (NC)	October 31, 2014
<a href="#">Campaign staffer resigns amid video flap - Conservative group alleges voter fraud - in undercover sting</a> , Charlotte Observer (NC)	November 1, 2014
<a href="#">Early voting a yawner so far in Robeson County</a> , Robesonian, The (Lumberton, NC)	November 1, 2014
<a href="#">In defense of practice of democracy in North Carolina</a> , Herald-Sun, The (includes Raleigh Extra and Chapel Hill Herald) (Durham, NC)	November 2, 2014
<a href="#">Feds have eye on local elections - Robeson County only one in NC being monitored</a> , Robesonian, The (Lumberton, NC)	November 3, 2014
<a href="#">Political groups prep for voting changes - Requirements roll out under watchful eyes</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	November 3, 2014
<a href="#">Voter fraud? Questions for O'Keefe - Conservative filmmaker shows something in Charlotte, but what?</a> , Charlotte Observer (NC)	November 3, 2014
<a href="#">America's most trusted news source not so trustworthy</a> , Herald-Sun, The (includes Raleigh Extra and Chapel Hill Herald) (Durham, NC)	November 4, 2014

<a href="#">Robeson monitored by federal officials</a> , Fayetteville Observer, The (NC)	November 4, 2014
<a href="#">Update: Voters experience few hiccups</a> , News & Record (Greensboro, NC)	November 4, 2014
<a href="#">Biggest fraud of all: Voter I.D. bogeyman</a> , Courier-Tribune, The (Asheboro, NC)	November 5, 2014
<a href="#">Cannon vote stirs up trouble - Former Charlotte mayor, now a felon, is not supposed to cast ballot</a> , Charlotte Observer (NC)	November 5, 2014
<a href="#">Trying to vote early</a> , Winston-Salem Journal (NC)	November 5, 2014
<a href="#">Cannon back in court for vote - Casting a ballot could make former mayor an inmate 2 weeks early</a> , Charlotte Observer (NC)	November 6, 2014
<a href="#">Former NC mayor gets house arrest for illegal vote</a> , Associated Press State Wire: North Carolina (NC)	November 6, 2014
<a href="#">Democrats use voter I.D. laws to scare up black voters</a> , News & Record (Greensboro, NC)	November 7, 2014
<a href="#">For voting, Cannon gets home detention - Judge chides ex-mayor for causing community more pain</a> , Charlotte Observer (NC)	November 7, 2014
<a href="#">Creeping Crawl Of Voter Fraud</a> , Charlotte Examiner (NC)	November 8, 2014
<a href="#">Kersey faces fraud claims - Accused of buying votes</a> , Laurinburg Exchange, The (NC)	November 13, 2014
<a href="#">Election outcome stands following the local canvass - State investigation into fraud claims continue</a> , Laurinburg Exchange, The (NC)	November 14, 2014
<a href="#">Board of Elections certifies results</a> , Winston-Salem Journal (NC)	November 15, 2014
<a href="#">Fansler raises questions about vote totals</a> , Winston-Salem Journal (NC)	November 15, 2014
<a href="#">Patrick Cannon's ballot has been removed</a> , Charlotte Observer (NC)	November 15, 2014
<a href="#">Jones' protest accuses vote buying, intimidation - State probe continues</a> , Laurinburg Exchange, The (NC)	November 17, 2014
<a href="#">LETTER: Kersey's campaign based on defamation of Jones' character</a> , Laurinburg Exchange, The (NC)	November 17, 2014
<a href="#">Gannon: Examine election laws</a> , Daily Reflector, The (Greenville, NC)	December 4, 2014
<a href="#">Needed: Long Look at North Carolina Election Laws</a> , Pilot, The (Southern Pines, NC)	December 5, 2014
<a href="#">State's death-records system must be updated</a> , News Herald, The (Morganton, NC)	December 5, 2014
<a href="#">State dismisses ousted Scotland sheriff's election protest - Jones has 10 days to appeal</a> , Richmond County Daily Journal (Rockingham, NC)	December 9, 2014

<a href="#">Appeal for new election denied</a> , Fayetteville Observer, The (NC)	December 10, 2014
<a href="#">Bring death records into this century</a> , Herald-Sun, The (includes Raleigh Extra and Chapel Hill Herald) (Durham, NC)	December 11, 2014
<a href="#">Sheriff doesn't owe seat to pizza - Board of Elections won't call for new vote in Scotland County</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	December 11, 2014
<a href="#">Vote-buying allegations prompt review</a> , Courier-Tribune, The (Asheboro, NC)	December 15, 2014
<a href="#">Critics of voter ID take case to court - Voting-rights groups say that lawmakers violated the state constitution with 2013 law</a> , Charlotte Observer (NC)	January 30, 2015
<a href="#">Upcoming photo ID requirement to vote in NC weighed in court</a> , Associated Press State Wire: North Carolina (NC)	January 30, 2015
<a href="#">Ruling on voter ID is weeks away - A Wake County judge heard opposing arguments Friday</a> , News & Observer, The (includes Chapel Hill News) (Raleigh, NC)	January 31, 2015
<a href="#">Ex-Charlotte mayor, indicted for casting illegal vote</a> , Associated Press State Wire: North Carolina (NC)	February 3, 2015
<a href="#">Editorial: Valid concerns from both sides of voter ID</a> , Daily Dispatch, The (Henderson, NC)	February 10, 2015



**APPENDIX F**

**DOCUMENTED CASES OF VOTER FRAUD  
IN NORTH CAROLINA**

Documented Cases of Voter Fraud in North Carolina

Voter fraud may take various forms: double voting; impersonation; voting when ineligible (non- U.S. citizen or currently serving an active felony sentence) voter registration issues or matters related to absentee voting. The State Board of Elections, to the greatest extent permitted by resources, investigates all allegations of voter fraud. Most allegations prove to be unfounded, lack criminal intent, or cannot be substantiated; however, in those cases where there is reasonable suspicion of voter fraud, the matter is turned over to the appropriate district attorney's office.

We have made a careful review of our files and the table below shows the number of voter fraud matters by type, that after investigation, our office believed merited a referral to the district attorney's office.

Voter Fraud Type	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Voting - Double			6		3		2		4	26 <sup>1</sup>	14	6	30
Voting - Felons			12		37	7	2	1	6	229 <sup>2</sup>			83
Non-citizen voter registration/voting	1	2		13	1	1	5		23		7 <sup>3</sup>	3	2
Voting - Absentee Fraud				28						5	7	3	4
Voting - Vote Buying/Selling				5				16					1
Voting - Impersonation					1								1
Voting - Illegal voter assistance					1								
Misrepresentation of election law					1								
Voter Registration - Fraudulent forms					3		4	1	16			4	
Voter Registration - Residency							2			1			
Voter Registration - Failure to deliver					1								

<sup>1</sup> The majority of these incidents occurred in the 2008 General Election.

<sup>2</sup> The majority of the referrals in 2009 concluded investigations from the 2008 General Election.

<sup>3</sup> As of March 11, 2013, these matters are still pending investigation.