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

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| UNITED STATES OF AMERICA,<br><br>*Plaintiff*,<br><br>v.<br><br>THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; and KIM W. STRACH, in her official capacity,<br><br>*Defendants*. | ) | Case No. 1:13-cv-861 (TDS-JEP) |

**UNOPPOSED MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF IN SUPPORT OF DEFENDANTS, AND REQUEST TO PARTICIPATE IN ORAL ARGUMENT**

Judicial Watch, Inc. ("Judicial Watch), the Allied Educational Foundation ("AEF"), and Christina Kelley Gallegos-Merrill ("Merrill") (collectively "proposed *amici*") by and through undersigned counsel respectfully move for leave to file the attached *amicus curiae* brief in support of Defendants and in Opposition to Plaintiff's Motion for Preliminary Injunction (ECF No. 96) in the above-captioned case. Undersigned counsel Chris Fedeli has contacted counsel for Plaintiff and Defendants in the above-captioned case, and both have indicated they do not oppose this motion for leave to file an *amicus curiae* brief.

In accordance with Local Rule 7.5(b), this Motion is being filed within the time permitted for Responses to Preliminary Injunction Motions. Proposed *amici* also request

leave to participate in oral argument. In support of this Motion, proposed *amici*[1] state as follows:

## NATURE OF THE MATTER BEFORE THE COURT

Plaintiff the United States has moved for a preliminary injunction enjoining the defendants in this matter from enforcing those provisions of North Carolina law contained in HB 589 that: eliminate same-day registration; reduce the number of days of early voting; and require provisional ballots to be cast in the proper precinct, on the grounds that such provisions violate Section 2 of the Voting Rights Act, 42 U.S.C. § 1973. The United States also has requested the appointment of federal observers pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a). Proposed *amici* wish to submit the attached *amicus curiae* brief in opposition to Plaintiff's motion and in support of Defendants.

## STATEMENT OF FACTS

Proposed *amici* adopt, and respectfully refer the Court to, the statement of facts contained in Defendants' Memorandum in Support of Their Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) (ECF No. 95, at 5-15).

[1] Pursuant to LR 7.5(d), no party or party's counsel authored either this brief or the proposed *amicus curiae* brief in whole or in part, and no party or person other than proposed *amici* contributed money towards the preparation and submission of either this brief or the proposed *amicus curiae* brief. Pursuant to LR 7.5(e), AEF is filing a corporate disclosure statement simultaneously herewith, and Judicial Watch's corporate disclosure statement previously filed in this case remains accurate. ECF No. 29.

## QUESTION PRESENTED

Whether this Court should grant this motion for leave to file an *amicus curiae* brief, and grant proposed *amici's* request for leave to participate in oral argument.

## ARGUMENT

The proposed *amici's* interest in this case is to ensure that North Carolina's elections are conducted with integrity and to ensure that all citizens have confidence in the legitimacy of election results. *Amici* are concerned that the relief requested by Plaintiff in this case, if granted, would have a chilling effect on voter confidence in the integrity of elections, both in North Carolina and nationwide. If North Carolina is compelled to reinstate same-day registration, to extend the early voting period by a week, and to permit out-of-precinct provisional ballots – and to do these things in the absence of any ability to verify the identity of voters by the use of a photo ID – many North Carolina citizens could have their votes diluted by unlawful ballots cast in the names of false or duplicate registrations. Furthermore, Plaintiff's requested injunction will undermine the confidence in integrity of elections among citizens. As the Supreme Court has noted, public confidence in the integrity of the electoral process encourages citizen participation in the democratic process. *Crawford et al. v. Marion County Election Board*, 553 US 181, 197 (2008). Conversely, a lack of integrity undermines confidence in the electoral system and discourages citizen participation in democracy.

Judicial Watch is a non-partisan, public interest organization headquartered in Washington, D.C. Founded in 1994, Judicial Watch seeks to promote accountability,

transparency and integrity in government, and fidelity to the rule of law. In furtherance of these goals, Judicial Watch regularly files *amicus curiae* briefs and prosecutes lawsuits on matters it believes are of public importance.

Judicial Watch is engaged in a multi-year legal effort to ensure states and counties are conducting elections with integrity as required by federal law, an effort Judicial Watch commenced in 2012[2] and has continued thorough 2014.[3] Oh behalf of its members, Judicial Watch has recently been engaged in litigation against the State of Indiana over election integrity,[4] and favorably settled a similar lawsuit against the State of Ohio.[5] During this process, Judicial Watch has developed knowledge, expertise, and insight into federal election laws and the careful balance they strike between ballot access and election integrity. Judicial Watch has previously appeared in this case as a proposed intervener. *See* ECF No. 50.

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[2] *See* Press Release, *2012 Election Integrity Project: Judicial Watch Announces Legal Campaign to Force Clean Up of Voter Registration Rolls,* Feb. 9, 2012, available at http://www.judicialwatch.org/press-room/press-releases/2012-election-integrity-project-judicial-watch-announces-legal-campaign-to-force-clean-up-of-voter-registration-rolls/.

[3] See Stephen Dinan, *States, D.C. are told to clean up voter rolls or be sued; Judicial Watch counters Obama*, The Washington Times, March 24, 2014, available at http://www.washingtontimes.com/news/2014/mar/24/states-dc-are-told-to-clean-up-voter-rolls-or-be-s/?page=all.

[4] See Eric Bradner, *Lawsuit seeks to force Indiana to purge voting rolls of deceased, those who have moved*, Evansville Courier-Press, July 21, 2012, available at http://www.courierpress.com/news/2012/jul/21/30pt-hed3-10-inches-of-story-goes-herep/.

[5] *See* Sam Howard, *Husted, voting rights groups settle on 'Motor Voter' Act case, Cleveland Plain Dealer*, January 13, 2014, available at http://www.cleveland.com/open/index.ssf/2014/01/husted_voting_rights_groups_se.html.

AEF is a nonprofit charitable and educational foundation based in Englewood, New Jersey. Founded in 1964, AEF is dedicated to promoting education in diverse areas of study. AEF regularly files *amicus curiae* briefs as a means to advance its purpose and has appeared as an *amicus curiae* in federal courts on numerous occasions.

AEF regularly participates in election law matters before federal courts. AEF was granted leave to appear as an *amicus* in two recent election integrity cases in Tennessee and Virginia.[6] AEF has also filed *amicus* briefs in related election law cases advocating broad protection of citizens' rights to participate in elections and to have their votes counted in ballot initiative and referendum measures.[7] Finally, AEF has regularly

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[6] *See Amicus Curiae* Brief of Judicial Watch and Allied Educational Foundation, *Democratic Party of Virginia v. Virginia State Board of Elections*, Case No. 1:13-01218 (filed with U.S District Court for the Eastern District of Virginia on October 16, 2013), available at http://alliededucationalfoundation.org/legalbriefs/2013%20Briefs/Democratic%20Party%20of%20VA%20v%20VA%20State%20Board%20of%20Elections%202013.PDF; *Amicus Curiae* Brief of Judicial Watch and Allied Educational Foundation, *Lincoln Davis and Tennessee Democratic Party v. Tre Hargett*, Case No. 2:12-00023 (filed with U.S District Court for the Middle District of Tennessee on June 8, 2012), available at http://www.scribd.com/doc/97003369/JW-Tennessee-Brief.

[7] *See Amicus Curiae* Brief of Judicial Watch and Allied Educational Foundation, *Citizens in Charge v. Husted*, Case No. 2:13-935 (filed with U.S District Court for the Southern District of Ohio on March 10, 2014), available at http://alliededucationalfoundation.org/legalbriefs/2014%20Briefs/Citizens%20in%20Charge%20v%20Husted.PDF; *see also Amicus Curiae* Brief of Judicial Watch and Allied Educational Foundation, *Hollingsworth v. Perry*, Case No. 12-144 (filed with U.S. Supreme Court on January 29, 2013), available at http://www.scribd.com/doc/122824908/Prop-8-JW-AEF-Amicus-Brief.

participated in federal cases involving so-called "benign" racial discrimination laws,[8] including a case involving a disparate impact racial test similar to the one at issue here.[9]

Ms. Merrill is a registered voter and a resident of North Carolina. In 2012, she was a Republican candidate for County Commissioner of Buncombe County, a race which she narrowly lost by 13 votes. Ms. Merrill alleges that this loss was due to same-day registration during early voting and to improperly cast ballots. Merrill Decl., ECF No. 26-2 at 5-6, ¶¶ 19-20. Merrill is running for Buncombe County Commissioner again in 2014 and wants to ensure that future North Carolina elections are conducted with integrity, so that election results can be easily and reliably verified as accurate.

Based on her direct experience with the electoral process in North Carolina, Ms. Merrill is concerned that a ruling from this Court reversing the repeal of same-day registration during early voting (or enjoining the enforcement of North Carolina's Photo ID law) would create the risk of unverifiable (and therefore unchallengeable) adverse election results. Merrill is also a registered voter of the State of North Carolina, and as

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[8] *See Amicus Curiae* Brief of Judicial Watch and Allied Educational Foundation, *Fisher v. University of Texas at Austin*, Case No. 11-345 (filed with U.S. Supreme Court May 29, 2012), available at http://sblog.s3.amazonaws.com/wp-content/uploads/2012/06/Final-11-345-JudicialWatch-Brief.pdf; *see also Amicus Curiae* Brief of Judicial Watch and Allied Educational Foundation, *Schuette v. Coalition to Defend Affirmative Action*, Case No. 12-682 (filed with U.S. Supreme Court July 1, 2013), available at http://alliededucationalfoundation.org/legalbriefs/2013%20Briefs/shuette%20v%20coalition%20(1).PDF.

[9] *See Amicus Curiae* Brief of Judicial Watch and Allied Educational Foundation, *American Insurance Association v. Department of Housing and Urban Development*, Case No. 1:13-966 (filed with U.S District Court for the District of Columbia on January 30, 2014), available at http://www.cfpbmonitor.com/files/2014/02/Amicus.pdf.

such she faces the same concerns of all North Carolina citizens that a lack of election integrity could lead to fraud, and the dilution or cancelling out of her vote. *Crawford v. Marion County Election Bd*., 472 F.3d 949, 952 (7th Cir. 2007), *aff'd* 553 U.S. 181 (2008). Merrill has previously appeared in this case as a proposed intervener. See ECF No. 50.

"The extent, if any, to which an amicus curiae should be permitted to participate in a pending action is solely within the broad discretion of the district court." *Waste Mgmt., Inc. v. City of York,* 162 F.R.D. 34, 36 (M.D. Pa. 1995); *see Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). While there is no rule governing the appearance of *amici* in a district court, the courts have recognized they have broad discretion whether to permit a non-party to participate as an *amicus curiae*. As explained by then-Judge Alito, "[e]ven when a party is well represented, an amicus may provide important assistance to the court." *Neonatology Assocs., P.A. v. Commissioner of Internal Revenue*, 293 F.3d 128, 132 (3rd Cir. 2002). Indeed, the federal courts regularly permit parties with various interests to appear as *amici*, reasoning that a "restrictive policy with respect to granting leave to file may [] create at least the perception of viewpoint discrimination." *Id.* at 133; *see also United States v. Alkaabi*, 223 F. Supp. 2d. 583, 592 (D.N.J. 2002).

**REQUEST FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT**

Proposed *amici* respectfully request leave of the Court for ten minutes of time on July 7, 2014, to present arguments opposing Plaintiffs' motion for a preliminary injunction.

## CONCLUSION

For the foregoing reasons, Judicial Watch, AEF, and Ms. Merrill, through their undersigned counsel, respectfully request the Court grant them leave to file the attached *amicus curiae* brief and to participate in the oral argument regarding the motion for a preliminary injunction.

Dated: June 18, 2014 Respectfully submitted:


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| *s/ H. Christopher Coates*<br>H. Christopher Coates<br>South Carolina Bar No. 80853<br>LAW OFFICE OF H. CHRISTOPHER COATES<br>934 Compass Point<br>Charleston, South Carolina 29412<br>Telephone:(843) 609-7080<br>Email: curriecoates@gmail.com<br>*Appearing Pursuant to Local Rule 83.1(d)* | *s/ Gene B. Johnson*<br>Gene B. Johnson<br>North Carolina Bar No. 15917<br>JOHNSON LAW FIRM, P.A.<br>P.O. Box 1288<br>Arden, North Carolina 28704<br>Telephone: (828) 650-0859<br>Facsimile: (828) 650-0913<br>Email: gbj@johnsonlawnc.com<br><br>*s/ Chris Fedeli*<br>Chris Fedeli<br>DC Bar No. 472919<br>JUDICIAL WATCH, INC.<br>425 Third Street, SW<br>Washington, DC 20024<br>Telephone: (202) 646-5172<br>Facsimile: (202) 646-5199<br>Email: cfedeli@judicialwatch.org<br>*Appearing Pursuant to Local Rule 83.1(d)* |

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of June, 2014, I transmitted the foregoing document to the parties by means of an electronic filing pursuant to the ECF system.

*s/ Chris Fedeli*
Chris Fedeli

**IN THE UNITED STATES DISTRICT COURT**
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| UNITED STATES OF AMERICA,<br><br>*Plaintiff*,<br><br>v.<br><br>THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; and KIM W. STRACH, in her official capacity,<br><br>*Defendants*. | ) | Case No. 1:13-cv-861 (TDS-JEP) |

**_AMICUS CURIAE_ BRIEF IN SUPPORT OF DEFENDANTS AND IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Judicial Watch, Inc., Allied Educational Foundation, and Christina Kelley Gallegos-Merrill respectfully submit this *amicus curiae* brief in support of Defendants and in opposition to Plaintiffs' motion for a preliminary injunction. This brief addresses particular issues of federal election law of which *amici* have knowledge and expertise.

As set forth below, *amici* will show (1) that an increase in turnout, including minority turnout, in primary elections held last month contradicts all of the predictions made by Plaintiffs, (2) that defining the injury required for a Section 2 vote denial claim in the way Plaintiffs request is contrary to existing law and would render the statute unmanageable to enforce, and (3) that Plaintiffs' approach to assessing the "tenuousness" of the policy reasons for the enactment of HB 589 is contrary to controlling Supreme Court case law that acknowledges the substantial nature of the interests North Carolina sought to address.

## Background Facts

*Amici* adopt, and respectfully refer the Court to, the statement of facts contained in Defendants' Memorandum in Support of Their Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) (ECF No. 95) at 5-15.

In addition, *amici* note that a recent primary election was held in North Carolina on May 6, 2014. As discussed in detail in point I below, data published by North Carolina establish that black turnout increased significantly in that election when compared to the last off-year primary held in May 2010, which took place before HB 589 was enacted.

## ARGUMENT

### I. The Increase in Black Turnout in the Recent Primary Elections Compared to the Last Such Elections Shows That Injunctive Relief is Not Warranted.

On May 6, 2014, thirteen days before the filing of the instant motion for a preliminary injunction, the State of North Carolina held primary elections for federal and state offices, including statewide primaries for the office of U.S. Senator. The North Carolina State Board of Elections (NCSBE) posted turnout data for these elections on its website soon after the elections, which data subsequently was updated. It also posted turnout data for the last off-year primary held in May 2010.

This data was analyzed by Dr. Steven A. Camarota, an expert retained by *amici*.[1] He confirms that the "May 4, 2010 election makes for a good comparison with the May 6, 2014 election because both were primary elections held in May of a non-presidential year." Camarota Decl., Ex. A at 1. He describes the result as a "natural experiment," because the "May 6, 2014 election is the first and only election to occur" after HB 589 repealed same-day registration and out-of-precinct ballots and restricted early voting. *Id.*

The results of this analysis – which may be reproduced using the publicly available data files – show that black turnout increased in 2014 by every meaningful measure. Black share of the total electorate increased. *Id.* at 2; Table 2. The percentage of black registered voters voting increased. *Id.*; Table 4. Using Census Bureau estimates,

[1] Attached hereto is the Declaration of Steven A. Camarota, Ph.D., which *amici* respectfully request the Court to consider. Exhibit A of that declaration is a report on turnout in the May 2014 primary elections, entitled "Estimating the Impact of HB 589: Black Turnout Before and After HB 589 was Implemented."

Dr. Camarota found an increase in turnout among blacks of voting age. *Id.* at 3; Table 5. Finally, while turnout increased across the board in May 2014, and while white turnout increased by 13.7%, black turnout increased much faster – by an astonishing 29.5%. *Id.* at 2; Table 1. Dr. Camarota concludes that "a comparison of the May 2010 primary and the May 2014 primary indicates that the new law will not negatively impact black participation in the election process in North Carolina." *Id.* at 3.

These results are devastating to Plaintiffs' case, because they contradict all of their experts' bases for asserting harm. Instead of a real-world test of the effects of HB 589, Plaintiffs have relied on elaborate analyses of its *probable* effects; and their experts have not been shy about predicting dramatic and dire consequences. As just one example, Dr. Charles Stewart opined that 915,426 North Carolina voters (204,959 black and 710,467 white) would have been "burdened" in the off-year elections of 2010 by the changes HB 589 makes to same-day registration, early voting, and out-of-precinct voting. ECF No. 101-2 at 12, ¶ 21 (figures for black voters); 13, ¶ 24 (for whites). He calculates that close to *2 million* North Carolina voters (769,492 black and 1,172,119 white) would have been "burdened" by those changes in 2012. *Id*. at 11, ¶ 19; 12, ¶ 22.

Given such testimony, we might expect turnout not just to decline following the implementation of HB 589, but to crash. On May 6, 2014, however, both total turnout and black turnout significantly increased. This outcome is not merely another piece of evidence for the Court to consider. Rather, it fundamentally undermines Plaintiffs' entire case by showing that all of the various models, hypotheses, correlations, and conjectures

presented in almost 900 pages of expert reports are unreliable, because they predicted the *opposite* of what happened.[2]

These facts also doom Plaintiffs' request for an injunction. Plaintiffs are unlikely to succeed on the merits of a claim asserting either discriminatory effect *or* intent if the challenged provisions of HB 589 do not, in fact, cause any discernible disadvantage to minority voters. Far from suffering irreparable harm, both black and white voters will, as the recent primary elections indicate, simply adapt to the new rules and continue to turn out to vote. Finally, in the absence of any such harm, no consideration based on a balance of the equities or on the public interest will weigh in favor of preliminary relief.

Because the only real-world test that we have belies the Plaintiffs' predictions of harm resulting from HB 589, their request for an injunction should be denied.

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[2] It is worth observing just how extraordinary Plaintiffs' motion is, in that it seeks to enjoin a validly enacted state law on the basis of highly speculative predictions about future events. *Compare, e.g., Stewart v. Blackwell,* 444 F.3d 843, 877-79 (6th Cir. 2006) (discussing preliminary injunction in the context of known failings of voting machines used in past elections). HB 589 has only been in effect since January 2014, and Plaintiffs have no direct evidence of any negative impact on minority voters. Accordingly, Plaintiffs have relied entirely on expert prognostications about what *will* happen.

To help make forecasts about one of the most unpredictable phenomena in American life – a popular election – Plaintiffs' experts have propounded multiple regression analyses regarding voter preferences; "counterfactual simulations" of voting methods; models predicting likely "wait times"; and an astonishing formula that predicts how long people willingly will stand in a line to vote (ECF No. 101-9 at 9). Common sense suggests that, given the opacity of the human behaviors that the experts sought to understand, we should be cautious about accepting their conclusions. As it turned out, the May 6, 2014, primary elections showed that these conclusions were wrong.

## II. Plaintiffs Misapprehend the Nature of an Injury Necessary to Establish a Section 2 "Results" Claim.

### A. Introduction.

Along with intentional discrimination, Section 2 proscribes "voting practices that 'operate, designedly or otherwise,'" to deny or abridge voting rights in contravention of the statute. *U.S. v. Charleston Cnty.*, 365 F.3d 341, 345 (4th Cir. 2004). The United States has asserted such a "results" claim. ECF No. 1, ¶¶ 68-79, 98.

As discussed below, such a claim requires Plaintiffs to show that a challenged voting practice caused members of a protected group to experience less "opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 42 U.S.C. § 1973(b). Implicit in the statutory language, and in the jurisprudence interpreting Section 2 "results" claims, is a requirement that any injury be sufficiently serious or beyond the reasonable control of a voter.

In their lawsuit, Plaintiffs claim that HB 589, which eliminates same-day registration, shortens the number of early voting days (while keeping the number of hours the same), and curtails the ability to cast a ballot in a precinct other than one's own – and which does so for *all* North Carolina voters – violates Section 2 by inflicting a disproportionate and unwarranted harm on black voters. In making this claim, Plaintiffs are applying Section 2 in a novel way. Specifically, Plaintiffs' lawsuit seeks to redefine the harm proscribed by Section 2 to include changes in electoral laws that voters could adapt to by simply altering their own voting behavior. This approach contrasts with the traditional way Section 2 has been used, which is to proscribe electoral practices that

significantly burden or disadvantage voters on the basis of their race.

If Plaintiffs' claims are accepted as a valid application of the law, then any electoral practice that a racial group of voters prefers and that has any differential impact on different races will be subject to a Section 2 challenge. Ultimately, Plaintiffs' theory would authorize courts to use Section 2 "results" claims as a vehicle to advance, if not to maximize, the political fortunes of particular minorities. As one foreseeable consequence, jurisdictions might simply conclude that it is unwise to make *any* changes to their existing electoral laws for fear that any subsequent change would lead to Section 2 litigation.

Plaintiffs' approach to Section 2 is wrong and should be rejected.

### B. A "Results" Claim Under Section 2 Requires a Plaintiff to Prove that a Challenged Practice Caused a Significant Injury.

Section 2 of the Voting Rights Act proscribes the "denial or abridgement of the right of any citizen of the United States to vote on account of race or color . . ." 42 U.S.C. § 1973(a). It provides that a violation

> is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected [against such denial or abridgement] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. . . .

42 U.S.C. § 1973(b).

As the language of the statute makes clear, the particular "result" that it prohibits really consists of two elements, both of which must be established. "The plain text of §

1973(b) and the cases applying it require § 2 plaintiffs to prove both unequal access *and* an inability to elect representatives of their choice." *Mark Wandering Medicine v. McCulloch*, 906 F. Supp. 2d 1083, 1088, 1090 (D. Mont. 2012), *vac. as moot on other grds.*, 544 F. App'x. 699 (9th Cir. 2013); citing, *inter alia, Chisom v. Roemer*, 501 U.S. 380, 397-8 (1991) (plaintiffs' burden is to show "that its members had less opportunity . . . to participate in the political processes *and* to elect legislators of their choice") (emphasis added in *Chisom*), citing *White v. Regester*, 412 U.S. 755, 766 (1973).[3]

These statutory requirements should apply both to vote denial claims as well as traditional vote dilution claims.

**1. Traditional Section 2 Vote Dilution Claims Have Always Required Proof That a Challenged Practice Caused a Significant Injury.**

In traditional vote dilution cases brought pursuant to the jurisprudence developed in *Thornburg v. Gingles*, 478 U.S. 30 (1986) and its progeny, the injury suffered by

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[3] Plaintiffs make no attempt to address the second element by showing that the challenged voting procedures will deprive black voters of the opportunity to elect their candidates of choice. Plaintiffs' failure in this regard is fatal to their Section 2 claim and to their motion for an injunction because this element is required by the statute.

In a related vein, it is telling that, while Plaintiffs rely on a number of the "Senate Factors" to show a likelihood of success on the merits, they do not rely on Senate Factor 7, the "extent to which members of the minority group have been elected to public office in the jurisdiction." *Thornburg v. Gingles*, 478 U.S. 30, 36-7 (1986); *see* ECF No. 113 at 44-54; ECF No. 98-1 at 20-28. According to the Fourth Circuit, Senate Factor 7 is one of the two "most important factors in the inquiry into the totality of the circumstances." *Charleston Cnty.*, 365 F.3d at 345 (vote dilution case); *see* http://www.census.gov/compendia/statab/2010/tables/10s0404.pdf (in 2002 North Carolina had a substantial number of black elected officials).

minority voters is both significant and real.

Consider, for example, a standard challenge to an at-large system for electing a city council. Elections held under the at-large electoral system allow even a relatively small majority of voters to elect *all* of the city council members. Electoral dominance is assured if the majority usually votes as a bloc against a well-defined racial minority. If the majority is white and the minority is black, even a sizable minority may never have a realistic chance to choose even a single city council member – regardless of how they turn out or vote or of any other measures they take.

In such a case, both the causation and the injury are clear. The electoral system, operating in the context of polarized voting patterns, denies black voters an equal opportunity to participate in the political process and to elect their representatives of choice. Stated simply, those voters have no practical ability to elect their preferred city council member. *See Gingles*, 478 U.S. at 48 ("The theoretical basis" for a claim "is that, where minority and majority voters consistently prefer different candidates, the majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters."); *U.S. v. Blaine Cnty.,* 363 F.3d 897, 912 n.21 (9th Cir. 2004) ("evidence of racial bloc voting provides the requisite causal link between the voting procedure and the discriminatory result").

*Amici* respectfully submit that the seriousness of the injury that forms the basis for a Section 2 vote dilution claim should inform this Court's analysis of what should be required to establish a vote denial claim like the one at issue here.

### 2. Vote Denial Claims Brought Under Section 2 Should Require Proof That a Challenged Practice Caused a Significant Injury.

A number of courts of appeal, including the Fourth Circuit, have emphasized that a "results"-based vote denial claim under Section 2 requires proof that a challenged practice caused the particular harm described in the text of the statute. In discussing causation, these courts repeatedly have stressed that it is not enough for a plaintiff merely to show that a challenged practice had a disproportionate impact on a particular race. *See Irby v. Virginia State Bd. of Elections*, 889 F.2d 1352, 1358 (4th Cir.1989) (Section 2 challenge to an appointed school board system rejected despite a "significant [racial] disparity" between the population and the school boards, because there was no "causal link between the appointed system and black under-representation."); *Gonzalez v. Ariz*., 677 F.3d 383, 406 (9th Cir. 2012) (*en banc*), *aff'd sub nom.*, *Arizona v. Inter Tribal Council of Ariz., Inc*., 133 S. Ct. 2247 (2013) (even though "Latinos had suffered a history of discrimination . . . socioeconomic disparities [and] racially polarized voting, " there was "no proof of a causal relationship between [the challenged] Proposition 200 and any alleged discriminatory impact on Latinos.");[4] *Smith v. Salt River Project Agric. Improvement & Power Dist*., 109 F.3d 586, 595 (9th Cir.1997) ("a bare statistical showing of disproportionate *impact* on a racial minority does not satisfy the § 2 'results' inquiry"), citing *Ortiz v. City of Philadelphia Office of the City Comm'rs,* 28 F.3d 306, 308 (3rd Cir.1994) (although "African-American and Latino voters are purged at

[4] The private plaintiffs' reliance on a panel decision in *Gonzalez* is misplaced given that it was superseded by the subsequent *en banc* ruling. ECF No. 98-1 at 28.

disproportionately higher rates than their white counterparts," Section 2 claim was not established where plaintiff "failed to prove that the purge statute caused minority voters to be removed . . . at disparate rates."); *Wesley v. Collins,* 791 F.2d 1255, 1261-62 (6th Cir. 1986) ("It is well-settled, however, that a showing of disproportionate racial impact alone does not establish a *per se* violation of the Voting Rights Act.").

These cases agree that "Section 2 plaintiffs must show a causal connection between the challenged voting practice and the prohibited discriminatory result." *Oritz,* 28 F.3d at 312. This prohibited discriminatory result exists where members of a protected class "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 42 U.S.C. § 1973(b). Indeed, a large part of the reason that a disproportionate racial impact, without more, is generally insufficient to establish a Section 2 "results" claim is precisely because a viable claim must entail an injury or a consequence that is serious enough to meet the standard set forth in the statute.

The Section 2 vote denial cases cited by Plaintiffs bear this out.[5] *See Brooks v. Gant*, Civ. 12-5003 at *23 (D.S.D. Sept. 27, 2012) (because a county had no courthouse, its Native American voters had to travel hours to another county for early voting, which "was substantially different from the voting opportunities afforded to the residents of other counties . . . and to the majority of white voters"); *Spirit Lake Tribe v. Benson Cnty.*, Civil File No. 2:10-cv-095 (D.N.D. Oct. 21, 2010) (closure of 7 of 8 polling sites

[5] *See* cases cited in ECF No. 113 at 22; ECF No. 98-1 at 16-17.

in a single county with a large Native American population); *Brown v. Dean*, 555 F. Supp. 502, 504 (D.R.I. 1982) (temporarily constraining move of a single polling site that would make it "considerably more difficult" to vote and "would be a substantial deterrent to voting by the members of the plaintiff class"). These three cases are distinguishable from the current case because they involved significant physical or time burdens associated with travel to a distant polling site.

Two cases relied upon by Plaintiffs concerned the use in some counties of punch card machines known to actually disenfranchise voters by causing ballots to be discarded. *Stewart v. Blackwell*, 444 F.3d 843, 847, 851, 879 (6th Cir. 2006) (remanding for further findings but seeming to support a claim involving the use by many, but not all, counties of punch card machines that did not warn about disqualifying overvotes where African Americans overvoted at far higher rates); *Sw. Voter Registration Educ. Project v. Shelley*, 344 F.3d 914, 918-19 (9th Cir. 2003) (*per curiam*) (upholding the denial of an injunction but acknowledging a "possibility of success on the merits" where some counties used punch card machines and "minority voters disproportionately reside in punch-card counties and . . . punch-card machines discard minority votes at a higher rate"). These cases are distinguishable because the punch card machines arbitrarily disenfranchised minority voters.

*Operation PUSH v. Allain*, 674 F. Supp. 1245, 1248-50 (N.D. Miss. 1987), *aff'd sub nom. Operation PUSH v. Mabus*, 932 F.2d 400 (5th Cir. 1991) involved a complex dual registration system requiring that voters already registered to vote in a county must,

if they lived in a city of a certain size, register again to be eligible to vote in city elections. This system, which had been instituted in previous incarnations for the express purpose of disenfranchising black voters, was found to disproportionately affect black voters trying to vote in municipal elections. *Id*. at 1250, 1255.[6] This case does not involve any kind of dual registration procedure.

One vote denial case cited by Plaintiffs that does support a more forgiving definition of what may constitute the denial of an equal opportunity "to participate in the political process and to elect representatives of . . . choice" is the recent decision in *Frank v. Walker*, Case No. 11-CV-01128, Case No. 12-CV-00185 (E.D. Wis., Apr. 29, 2014). Although that case concerned a photo ID requirement that is not the subject of this motion for a preliminary injunction, the decision does contravene *amici*'s position here as to how significant an injury must be to support a vote denial claim. The district court made clear that it would have issued its ruling "[e]ven if the burden of obtaining a qualifying ID proves to be minimal for the vast majority of Blacks and Latinos who will need to obtain one in order to vote . . ." *Id.* at *108.

The decision is contrary to the law in this circuit. The *Frank* decision held that "Section 2 protects against a voting practice that creates a barrier to voting that is more likely to appear in the path of a voter if that voter is a member of a minority group" and

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[6] *Harris v. Graddick*, 593 F. Supp. 128 (M.D. Ala. 1984), cited by the United States, did not involve voters but concerned the racially unbalanced appointment of Alabama poll officials. Note that *Obama for Am. v. Husted*, 697 F.3d 423, 425 (6th Cir. 2012), cited in ECF No. 98-1 at 57, concerned an Equal Protection challenge to an early voting system that treated overseas and military voters differently from other voters, and did not involve a Section 2 claim.

that has a "disproportionate impact." *Id.* at *93. A voting procedure that "may appear in the path" is simply not the same as one that actually causes a denial of the equal opportunity to participate and to elect representatives of choice. As set forth in detail above, the Fourth Circuit and other circuits cited require a showing that the challenged practice caused a result prohibited by the statute. See *Irby*, 889 F.2d at 1358; *Smith*, 109 F.3d at 595 ("a bare statistical showing of disproportionate *impact* on a racial minority does not satisfy the § 2 'results' inquiry"). *Frank* does not require such a causal connection, and therefore should not be considered persuasive authority by this Court.

### C. The Slight Inconveniences Imposed by HB 589 Should not Give Rise to a Section 2 "Results" Claim.

The injuries that have given rise to Section 2 "results" claims are different in kind from the inconveniences imposed by the practices challenged in this lawsuit. The difference may be expressed in terms of two primary dimensions: the *significance* of a requirement faced by voters, and the *control* that they have over that requirement.

For example, in a traditional vote dilution case, a community of voters may have no practical chance to elect even a single member of a legislature.[7] The affected voters in the minority community, moreover, have no control over this situation. They cannot modify their own behavior in a way that allows them to elect a preferred candidate, as long as they are a minority of the age-eligible voters in a jurisdiction with at-large

[7] A classic example is *U.S. v. Blaine Cnty.*, 157 F. Supp. 2d 1145 (D. Mont. 2001), *aff'd* 363 F.3d 897 (9th Cir. 2004). The County Commission there relied on at-large elections and staggered terms of office. 363 F.3d at 900. Despite a Native American population of 45.2% (*id.*), "no Native American [had] served as a County Commissioner in the eighty-six year history of Blaine County." 157 F. Supp. 2d at 1147.

elections and racial bloc voting.

Further, with the exception of the *Frank* case, the vote denial cases cited by Plaintiffs all concerned substantial physical and time burdens or else a significant risk of disenfranchisement. *E.g., Brooks*, Civ. 12-5003 at *23 (travel times of one to three hours led to "substantially different" voting opportunities); *Brown*, 555 F. Supp. at 504 (moving a particular polling site was a "substantial deterrent" to voting). All of these cases, moreover, concerned burdens that were unevenly distributed and that varied by the county, municipality, or residence of the voter. This meant that assignment of disadvantages to one voter as opposed to another was made on an arbitrary basis.

By contrast, the changes made by HB 589 apply equally throughout the state to every voter. And the demands are simply not as burdensome. North Carolina voters (1) must register 25 days in advance of an election;[8] (2) must forgo same-day registration (which most states do not have[9] and which North Carolina only instituted in 2007); (3) must "early vote" during the adjusted ten-day period; and (4) must vote in their own precinct. The voters in North Carolina are in complete control of these outcomes. They can adjust to the new law by making simple and minor changes to their own voting behaviors. As the turnout results for the May 2014 primary elections show, that is exactly what North Carolina's voters, including African American voters, managed to do.

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[8] Note that under federal law registration could have closed even sooner, or 30 days prior to an election. 42 U.S.C. § 1973gg-6(a)(1).

[9] *See* http://www.demos.org/publication/what-same-day-registration-where-it-available; http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx.

If the Court holds, as Plaintiffs request, that the slight inconveniences imposed by HB 589 (like voting within a ten- rather than a seventeen-day period) give rise to a Section 2 "results" claim, then there is no practical or principled limit to the reach of the statute. It is probable that most electoral laws affect different races to different extents. What has been required by Section 2 to date is the additional showing that any disparate impact is causally connected to the denial of an equal opportunity to participate in elections and to elect representatives of choice. Plaintiffs' approach would do away with this requirement.

Ultimately, the effect of Plaintiffs' approach to Section 2 "results" claims is to elevate the electoral preferences of minority voters to unassailable rights. The United States seems to admit this when it argues that the "alternatives of adding early or late hours at existing early voting sites are unlikely to alleviate the problem since these new hours are not the hours voters *want to use*" (ECF No. 113 at 29) or that "data demonstrate that same-day registration is *preferred* by a significantly higher percentage of black voters than white voters" (*id.* at 32). (Emphasis added.) The United States' theory seems to be that, as long as minority voters take advantage of procedures like same-day registration, early voting, or out-of-precinct voting at rates higher than white voters, then those procedures cannot be repealed or amended without violating Section 2.

This position is tantamount to arguing that one of the purposes of Section 2 is to

maximize minority voting strength.[10] This position has been specifically rejected by courts on a number of occasions. *See Bartlett v. Strickland*, 556 U.S. 1, 16, 20, 23 (2009) (Section 2 does not guarantee maximization of the political power of particular racial groups); *Johnson v. DeGrandy*, 512 U.S. 997, 116-17 (1994) (the failure to maximize is not a denial of the opportunity to participate equally in the electoral process); *Gonzales v. Aurora*, 535 F.3d 594, 598 (7th Cir. 2008); *Jacksonville Coalition For Voter Protection v. Hood*, 351 F. Supp. 2d 1326, 1335-36 (M.D. Fla. 2004); *Meza v. Galvin*, 322 F. Supp. 2d 52, 70 (D. Mass. 2004).

As a practical matter, if Plaintiffs' Section 2 claims are upheld, the ruling could have the effect of simply freezing state and local electoral laws in place.[11] Any repeal of existing laws could lead to a challenge like the one before this Court. States would also want to avoid experimenting with new electoral laws because they would know that such laws may become impossible to repeal. Therefore, states may conclude that the best course is simply to stop making any changes to their voting laws. Judicial acceptance of

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[10] The United States also appears to adopt this view when it argues that Section 2 is violated because "African Americans have used" the voting procedures changed by HB 589 to "increase their influence over the local political process." *Id*. at 36-7. This implies that Section 2 mandates the "increase" of such "influence."

[11] If it achieved this result, Plaintiffs' theory of Section 2 liability could effectively reinstitute something like the statutory regime under Section 5 that existed prior to *Shelby Cnty. v. Holder*, 133 S. Ct. 2612 (2013). The United States' approach to this litigation appears to favor such an outcome, in that it argues that, while the *absence* of same-day registration, extended early voting, and out-of-precinct voting would not violate Section 2, the *repeal* of these provisions does. ECF No. 113 at 23-4. But it is not appropriate to use Section 2 as a surrogate for Section 5, as the statutes have different purposes. *See Bartlett*, 556 U.S. at 24-25; *Georgia v. Ashcroft*, 539 U.S. 461, 478 (2003); *Lowery v. Deal*, 850 F. Supp. 2d 1326, 1334 (N.D. Ga. 2012).

Plaintiffs' position would deter experimentation and change at the state and local level in an area of the law where experimentation needs to be encouraged. Such an unwarranted end is not required by Section 2 and should be avoided.

## III. The North Carolina General Assembly had a Substantial Interest in Passing HB 589.

Plaintiffs argue that the government interests put forward by proponents of HB 589 – promoting election efficiency, combatting voter fraud, and promoting public confidence in elections – are unsupported by the legislative history and do not justify that bill. ECF No. 113 at 46-52; ECF No. 98-1 at 42-50. Plaintiffs' purpose in so arguing is to appeal to Senate Factor 9, which asks whether a policy underlying a challenged practice is "tenuous." *See Gingles*, 478 U.S. at 37.

In making this argument, Plaintiffs ignore Supreme Court precedent establishing the state's interest in passing valid security legislation. In *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008), the Court heard a constitutional challenge to Indiana's photo ID law, a law that is similar, but not identical, to North Carolina's photo ID provision in HB 589.[12] In upholding the law, the Court observed:

[12] While North Carolina's photo ID law is not at issue in the motion for a preliminary injunction, Plaintiffs have raised the State's defense of that provision to show that its justifications are "tenuous." ECF No. 113 at 52, ECF No. 98-1 at 45-6. Further, as argued herein, the Supreme Court's reasoning in *Crawford* applies as well to other provisions repealed by HB 589.

> There is no question about the legitimacy or importance of the State's interest in counting only the votes of eligible voters. Moreover, the interest in orderly administration and accurate recordkeeping provides a sufficient justification for carefully identifying all voters participating in the election process. While the most effective method of preventing election fraud may well be debatable, the propriety of doing so is perfectly clear.

*Id*. at 196. In addition, the Court identified a second interest, namely, "public confidence in the integrity of the electoral process," which "has independent significance, because it encourages citizen participation in the democratic process." *Id*. at 197; *see Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) ("Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government.").

In *Crawford,* the Supreme Court expressly noted that the record contained "no evidence of [voter impersonation] fraud actually occurring in Indiana at any time in its history." *Id*. at 194. However, the Court reasoned that this failure was not determinative of Indiana's strong interest in preventing voting fraud, because fraud had occurred "in other parts of the country," and because "the risk of voter fraud [is] real [and] it could affect the outcome of a close election." *Id*. at 195-96; *see Green Party of Tenn. v. Hargett*, No. 2:13-cv-224 (E.D. Tenn., Feb. 20, 2014) at *14 (upholding photo ID law while noting that "Plaintiff's allegations of Tennessee's lack of empirical evidence of in-person fraud or that requiring photo identification will reduce it are irrelevant.").

The reasoning applied in *Crawford* to photo ID laws has been applied to other state interests related to electoral integrity. In *Doe v. Reed*, 561 U.S. 186, 191 (2010), the Supreme Court upheld against a First Amendment challenge a disclosure law concerning

those who sign referendum petitions. The Court held that the "State's interest in preserving the integrity of the electoral process" was "particularly strong with respect to efforts to root out fraud . . ." *Id.* at 197 (citing *Crawford* and *Purcell*).

Same-day registration raises the same kinds of concerns about the integrity of elections. For example, under the system in effect before the enactment of HB 589, verification of registration information had to be completed within two business days of the submission of the registration application. N.C. Gen. Stat. § 163-82.6A (d)(2012) (repealed by HB 589). If, therefore, a potential registrant submitted an application on the Saturday before the election, local officials had until election day to verify the information – during a very hectic period for those officials. Indeed, a concern for making sure that "county officials [had] more time to validate voters" who had registered during the early voting period was voiced by Senator Rucho, one of the primary sponsors of HB 589. ECF 113 at 13. Further, with respect to out-of-precinct voting, it is easy to imagine why a system that allows ballots to be cast in a precinct where the voter is not registered to vote would be viewed with suspicion by well-meaning legislators. Indeed, the North Carolina Supreme Court has expressly recognized that the "State's statutory residency requirement provides protection against election fraud . . ." *James v. Bartlett*, 359 N.C. 260, 270 (2005) (overruled by subsequent legislation).

But in a larger sense, the question of whether such rationales are convincing – or, as Plaintiffs would have it instead, "tenuous" – is beside the point. Clear Supreme Court precedent recognizes states' valid interests in attempting to ensure electoral integrity. *See*

*League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 999 F.2d 831, 870-1 (5th Cir. 1993) (substantiality of state's interest is different from limited issue of tenuousness, and can defeat liability).

In the legislative history of HB 589, its proponents claimed that preventing voter fraud and promoting public confidence in elections – the same two government interests deemed compelling in *Crawford* – justified the enactment of the challenged election procedures. Plaintiffs now ask this Court to scrutinize the public policy reasons given by members of the General Assembly for HB 589, and to do so without acknowledging that the Supreme Court has recognized the importance and legitimacy of these very interests. Plaintiffs demand particularized proof of the justifications offered in defense of these interests, although the Supreme Court in *Crawford* did not demand such proof. Plaintiffs' proposed inquiry should be rejected as inconsistent with how *Crawford* reviewed the assertion of the state interests of combatting voter fraud and encouraging public confidence in the context of challenges to voting laws. To allow this type of attack would be to allow an undue encroachment upon the legislative branch's prerogative to make the laws for the Tar Heel State.

## CONCLUSION

For all the foregoing reasons, *amici* respectfully urge the Court to DENY Plaintiffs' motion for a preliminary injunction.

Dated: June 18, 2014

Respectfully submitted:


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**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of June, 2014, I transmitted the foregoing document to the parties by means of an electronic filing pursuant to the ECF system.

*s/ Chris Fedeli*
Chris Fedeli

**Exhibit 1 – Camarota Declaration**

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

| | | |
|---|---|---|
| UNITED STATES OF AMERICA,<br><br>*Plaintiff*,<br><br>v.<br><br>THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; and KIM W. STRACH, in her official capacity,<br><br>*Defendants*. | ) | Case No. 1:13-cv-861 (TDS-JEP) |

**DECLARATION OF STEVEN CAMAROTA**

Pursuant to 28 U.S.C. § 1746, I, Steven Camarota, hereby state and declare as follows:

1. My name is Steven Camarota. I am over the age of eighteen and have personal knowledge of the facts set forth below.

2. My current position is Director of Research for the Center for Immigration Studies, a Washington, DC-based research institute that examines the consequences of legal and illegal immigration to the United States.

3. I hold a master's degree in political science from the University of Pennsylvania, a Ph.D. in public policy analysis from the University of Virginia, and a B.A. from Juniata College. During the course of obtaining these degrees, I received

graduate level training in the statistical study of human populations, which qualifies me to conduct demographic research on a professional basis.

4. In May 2014, I was retained by Judicial Watch, Inc. in my individual capacity to perform an analysis of black voter turnout in the May 6, 2014 primary election in North Carolina, and to compare it to turnout in the last non-presidential-year primary election of May 4, 2010.

5. I conducted my analysis using data files posted by the North Carolina State Board of Elections on their website. I then generated a report discussing my findings, which is attached hereto as Exhibit A, entitled: "Estimating the Impact of HB 589: Black Turnout Before and After HB 589 was Implemented." This report contains a complete statement of all my opinions and the basis and reasons for them, and all of the facts or data I considered in forming them.

6. Attached hereto as Exhibit B is a copy of my C.V., including a list of my publications.

7. In the previous four years I have testified as an expert witness in *Melendres v. Arpaio*, Case No. 2:07-cv-02513 (D. Ariz., Dec. 12, 2007), and as a fact witness in *Judicial Watch, Inc. v. King*, Cause No. 1:12-cv-800 (S.D. Ind., June 11, 2012).

8. I am being compensated for my work at the rate of $180 per hour.

I HEREBY DECLARE under penalty of perjury that the foregoing is true and correct. Executed on this 17th day of June, 2014 in Washington, DC.

Steven Camarota, Ph.D.

# Exhibit A

# Estimating the Impact of HB 589

## Black Turnout Before and After HB 589 was Implemented

**Introduction:** In August of 2013 North Carolina enacted HB 589 which made changes to the state's election law. The changes affected when voters could register, the length of the early voting period, and the counting of out-of-precinct provisional ballots, among other things. These changes were implemented in January 2014. To determine whether the changes have adversely impacted black turnout, this analysis employs what can be described as a natural experiment. It compares the result from the May 6, 2014 primary election, which was the first election conducted after the changes were implemented, to the last non-presidential-year primary election, on May 4, 2010, which was conducted under the old election law. The findings show no discernable negative impact on voter turnout from HB 589. In particular, the share of registered non-Hispanic blacks who voted and their turnout rate relative to their population size were higher in the May 6, 2014 election under the new election law than in May 4, 2010 election under the old election law.

**Methods:** North Carolina asks those registering to vote to identify their race and, in a separate question, whether they are Hispanic. This information is posted to the North Carolina State Board of Elections (NCSBE) website as a downloadable text file. After each election the NCSBE also posts a data file showing, among other things, the race and ethnicity of those who voted.[1] These files allow for a comparison of the share of registered voters by race who voted in the May 4, 2010 primary election to the turnout of registered voters in the May 6, 2014 primary election.[2] The May 6, 2014 election is the first and only election to occur after the provisions of HB 589 were implemented. If the new law had an adverse impact on turnout it should show up in the May 6, 2014 election. The May 4, 2010 election makes for a good comparison with the May 6, 2014 election because both were primary elections held in May of a non-presidential election year.

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[1] The board of elections web site can be found here: http://www.ncsbe.gov/ncsbe/ and the data files for each election can be found here: ftp://alt.ncsbe.gov/ENRS/.

[2] The file named historystats05xx06xx2014 reports those who voted in the May 6, 2014 election and the file named voterStats05xx06xx2014 reports information on those registered to vote for that election. The files historystats05xx04xx2010 and voterstats05xx04xx2010 report the same information for the May 4, 2010 election. All four files are posted as text, which can be downloaded into MS Excel for analysis. The race variable in these files is "race_code" and the variable that identifies Hispanics is "ethnic_code." The race variable is of good quality. In 2010 and 2014 only 2.2 percent or less of those registering or voting in the May 4, 2010 and May 6, 2014 elections did not provide their race. The Hispanic variable is of lower quality; between 9 and 18 percent of those registering or voting did not indicate whether they were Hispanic. Table 7 at the end of this report shows the non-response rates for race and ethnicity from the NCSBE data files. Hispanics comprise only a modest share of eligible voters in the North Carolina. In the first quarter of 2014 the Census Bureau's Current Population Survey (CPS) shows that only 2.7 percent of adult (18+) citizens in the state were Hispanic and only 2 percent were Hispanic in 2010. Given their modest share of voting-age citizens, there is no question that most of those who did not report their ethnicity are not Hispanic.

In addition to using the NCSBE data, this analysis also uses public use data from the Census Bureau's Current Population Survey (CPS) from the first quarters of 2010 and 2014 to estimate the size of North Carolina's voting-age population by race.[3] With these population figures, it is possible to estimate the share of the voting-age population by race that turned out in the May 2010 and 2014 primary elections. The data also allows for an estimation of the share of the voting-age population that was registered to vote by race at the time of each election.

**Findings:** At end of this report are tables showing comparisons between the May 2010 and 2014 elections. Table 1 shows the number of blacks (Hispanic and non-Hispanic) and whites (Hispanic and non-Hispanic) who voted in the 2010 and 2014 election based on NCSBE data. Table 2 reports the racial shares of voters in each election. Table 3 reports registration figures for these same two elections. Table 4 shows the turnout rate for registered voters by race in 2010 and 2014. Overall, Table 1 indicates that the number of non-Hispanic blacks voting in the 2014 primary election was nearly 45,000 larger (29.5%) than in the 2010 primary election. The number of non-Hispanic whites voting increased only 13.7%. Table 2 shows that non-Hispanic blacks increased their share of those who voted from 17.2% of the total in the 2010 election to 19% in the 2014 election. In contrast, the share of voters who were non-Hispanic white declined. Table 4 indicates that the share of registered non-Hispanic blacks who voted was higher in 2014 than in 2010 — 13.4% versus 11.4%. This increase of 2 percentage points in the turnout of registered non-Hispanic blacks was larger than the increase for non-Hispanic whites (see Figure 1).

Tables 1 through 4 show that the number of non-Hispanic blacks voting, the share of registered non-Hispanic blacks voting and their share of the overall vote increased from 2010 to 2014. These increases were both relative to non-Hispanic whites and to the overall electorate. Therefore, the NCSBE data for the May 4, 2010 and May 6, 2014 elections show no evidence that HB 589 adversely impacted black participation.

Table 5 provides turnout and registration rates of the voting-age population using NCSBE data as the numerator and population estimates from the Census Bureau data as the denominator. The table shows that 10.9 percent of non-Hispanic blacks ages 18 and older voted in the May 2010 election compared to 12.7 percent in the May 2014 election. This increase is statistically

[3] Population estimates by race and age are only available from the Census Bureau at the state level though 2012. Therefore it is not possible to know what the size of the black population is in North Carolina using the Bureau's population estimates. However, the Census Bureau does create preliminary population estimates that they incorporate into the monthly Current Population Survey (CPS), which is collected for the Bureau of Labor Statistics by the Census Bureau. The CPS is designed to collect information on the nation's labor force. The public use files of the CPS can be used to provide estimates of the non-institutionalized population in North Carolina by race. As of this writing the January through March 2014 public use files of CPS are available at the Census Bureau's DataFarrett web site: http://dataferrett.census.gov/. Table 6 reports sample sizes, standards errors and 90 percent confidence intervals from the January, February, and March 2010 and 2014 CPS. Table 6 reads as follows: In the first quarter of 2014 there were 1.535 million voting age non-Hispanic blacks in North Carolina plus or minus about 100,000. They were 20.8 percent of the population plus or minus 1.3 percentage points.

significant using a 90 percent confidence level for the Census Bureau data.[4] The increase in non-Hispanic black turnout was roughly equal to the percentage point increase for non-Hispanic whites. Also, the percentage of non-Hispanic blacks registered in May 2014 relative to their population size was virtually unchanged from the May 2010 election. Taken together, the NCSBE data and the Census Bureau data presented in Table 5 indicate that the reforms in election law did not reduce the turnout rate or registration of non-Hispanic blacks in North Carolina.

**Conclusion:** This analysis uses a natural experiment that compares turnout in two similar elections, one before the implementation of certain provisions of HB 589 and one after its implementation. The findings show that the turnout of non-Hispanic blacks was as high or higher in the election after HB 589 was implemented than in the election before the law went into effect. This is the case both relative to non-Hispanic whites and the overall North Carolina population. These findings run counter to the claim that HB 589 will reduce non-Hispanic black registration or turnout. Instead, a comparison of the May 2010 primary and the May 2014 primary indicates that the new law will not negatively impact black participation in the election process in North Carolina.

[4] Based on the Current Population Survey (CPS) from the first quarter of 2014, there were 1,535,011 (±100,347) non-Hispanic blacks in North Carolina ages 18 and older. The CPS from the first quarter of 2010 shows there were 1,389,687 (±95,804) non-Hispanic blacks 18 and older in the state (see Table 6). Using the upper and lower bounds of these population estimates combined with the number of non-Hispanic black voters in 2010 and 2014 from the NCSBE data indicates that the increase of 1.9 percentage points (shown in Table 5) in the share of blacks who voted is statistically significant. (Due to rounding error, Table 5 shows a 1.8 percentage point increase not 1.9. The actual voter turnout for non-Hispanic blacks in 2010 was 10.86% and 12.73% in 2014, creating an increase of 1.87 percentage points that rounds to 1.9.) It is worth noting that the NCSBE data is not a sample so there is no confidence interval or margin of error to report. For a detailed explanation about how to calculate unbiased standard error and resulting confidence intervals for quarterly data from the CPS see this document at the Bureau of Labor Statistics web site: http://www.bls.gov/cps/eetech_methods.pdf.

## Table 1

### Turnout in the May 2010 and May 2014 Primary Elections in North Carolina

**Number voting**

| Category | Turnout May 2010 | Turnout May 2014 | Numerical increase in turnout 2010 to 2014 | Percentage increase in turnout 2010 to 2014 |
|---|---|---|---|---|
| **Black** | 151,015 | 195,578 | 44,563 | 29.5% |
| **Non-Hispanic Black** | 150,897 | 195,404 | 44,507 | 29.5% |
| **White** | 705,635 | 803,036 | 97,401 | 13.8% |
| **Non-Hispanic White** | 704,689 | 801,310 | 96,621 | 13.7% |
| **All** | 878,218 | 1,028,143 | 149,925 | 17.1% |

All figures are from the files posted at North Carolina's State Board of Elections' website.
Figures for whites and blacks are those reporting only one race.

## Table 2

### Vote shares in the May 2010 and May 2014 Primary Elections in North Carolina

| Race/ethnicity | Share of the Electorate May 2010 | Share of the Electorate May 2014 | Increase in the share of the electorate |
|---|---|---|---|
| Black | 17.2% | 19.0% | 1.8% |
| Non-Hispanic Black | 17.2% | 19.0% | 1.8% |
| White | 80.3% | 78.1% | -2.2% |
| Non-Hispanic White | 80.2% | 77.9% | -2.3% |
| All | 100.0% | 100.0% | n/a |

All figures are from the files posted at North Carolina's State Board of Elections' website.
Figures for whites and blacks are those reporting only one race.

## Table 3

### Registration for the May 2010 and May 2014 Primary Elections in North Carolina

| Category | Registration May 2010 | Registration May 2014 | Numerical Increase in Registration 2010 to 2014 | Percentage increase in Registration 2010 to 2014 |
|---|---|---|---|---|
| Black | 1,322,309 | 1,463,672 | 141,363 | 10.7% |
| Non-Hispanic Black | 1,319,606 | 1,459,234 | 139,628 | 10.6% |
| White | 4,478,797 | 4,621,316 | 142,519 | 3.2% |
| Non-Hispanic White | 4,460,801 | 4,591,562 | 130,761 | 2.9% |
| All | 6,118,134 | 6,517,104 | 398,970 | 6.5% |

All figures are from the files posted at North Carolina's State Board of Elections' website.
Figures for whites and blacks are those reporting only one race.

## Table 4

### Turnout of Registered Voters for the May 2010 and May 2014 Primary Elections in North Carolina

| Category | Turnout rate for registered voters May 2010 | Turnout rate for registered voters May 2014 | Increase in turnout rate of registered voters 2010 to 2014 |
|---|---|---|---|
| Black | 11.4% | 13.4% | 1.9% |
| Non-Hispanic Black | 11.4% | 13.4% | 2.0% |
| White | 15.8% | 17.4% | 1.6% |
| Non-Hispanic White | 15.8% | 17.5% | 1.7% |
| All | 14.4% | 15.8% | 1.4% |

All figures are from the files posted at North Carolina's State Board of Elections' website.
Figures for whites and blacks are those reporting only one race.

## Table 5

**Turnout and Registration Rates in the May 2010 and May 2014 Primary Elections in North Carolina using NCSBE and Census Bureau data.**

| Category | Turnout May 2010* | Registration May 2010* | 2010 18+ population from CPS** | Turnout rate 18+ population 2010 | Registration rate 18+ population 2010 |
|---|---|---|---|---|---|
| Black | 151,015 | 1,322,309 | 1,409,196 | 10.7% | 93.8% |
| Non-Hispanic Black | 150,897 | 1,319,606 | 1,389,687 | 10.9% | 95.0% |
| White | 705,635 | 4,478,797 | 5,109,819 | 13.8% | 87.7% |
| Non-Hispanic White | 704,689 | 4,460,801 | 4,713,838 | 14.9% | 94.6% |
| All | 878,218 | 6,118,134 | 6,891,715 | 12.7% | 88.8% |

| Category | Turnout May 2014* | Registration May 2014* | 2014 18+ population from CPS** | Turnout rate 18+ population 2014 | Registration rate 18+ population 2014 |
|---|---|---|---|---|---|
| Black | 195,578 | 1,463,672 | 1,551,477 | 12.6% | 94.3% |
| Non-Hispanic Black | 195,404 | 1,459,234 | 1,535,011 | 12.7% | 95.1% |
| White | 803,036 | 4,621,316 | 5,310,197 | 15.1% | 87.0% |
| Non-Hispanic White | 801,310 | 4,591,562 | 4,779,247 | 16.8% | 96.1% |
| All | 1,028,143 | 6,517,104 | 7,376,913 | 13.9% | 88.3% |

*Figures are from North Carolina's State Board of Elections, as shown in Table 1 through 4.

**Figures come from the public use files of the January, February and March Current Population Survey for 2010 and 2014. Figures for whites and blacks are those reporting only one race.

## Table 6

### Population Figures for North Carolina from the Current Population Survey by Race

**2010**

| Category | 2010 18+ population from CPS | 2010 Standard Error | 90% Confidence Interval ± | Share of total 18+ population | Standard Error for population share of 18+ population | Sample size |
|---|---|---|---|---|---|---|
| Black | 1,409,196 | 58,799 | 96,430 | 20.4% | 0.79% | 1,224 |
| Non-Hispanic Black | 1,389,687 | 58,417 | 95,804 | 20.2% | 0.78% | 1,209 |
| White | 5,109,819 | 107,401 | 176,137 | 74.1% | 0.80% | 4,661 |
| Non-Hispanic White | 4,713,838 | 103,270 | 169,362 | 68.4% | 0.85% | 4,317 |
| All | 6,891,715 | 124,105 | 203,533 | 100.0% | n/a | 6,210 |

**2014**

| Category | 2014 18+ population from CPS | Standard Error | 90% Confidence Interval ± | Share of total 18+ population | Standard Error for population share of 18+ population | Sample size |
|---|---|---|---|---|---|---|
| Black | 1,551,477 | 61,491 | 100,844 | 21.0% | 0.77% | 1,088 |
| Non-Hispanic Black | 1,535,011 | 61,187 | 100,347 | 20.8% | 0.76% | 1,081 |
| White | 5,310,197 | 109,425 | 179,457 | 72.0% | 0.80% | 4,711 |
| Non-Hispanic White | 4,779,247 | 103,965 | 170,502 | 64.8% | 0.85% | 4,237 |
| All | 7,376,913 | 128,224 | 210,287 | 100.0% | n/a | 6,201 |

Population figures are from the public use files of the January, February and March Current Population Survey for 2010 and 2014. Figures for whites and blacks are those reporting only one race.

## Table 7

### Number and Percentage of Missing Values for NCSBE data for Race and Hispanic Variables

| Race Ethnicity | Number Missing May 2014 voters | Number Missing May 2014 registration | Number Missing May 2014 vote | Number Missing May 2014 registration |
|---|---|---|---|---|
| Race | 5,315 | 99,656 | 9,433 | 145,350 |
| Hispanic | 78,891 | 984,576 | 113,587 | 1,174,352 |
| **Race Ethnicity** | **Percentage Missing May 2010 vote** | **Percentage Missing May 2010 registration** | **Percentage Missing 2014 vote** | **Percentage Missing 2014 registration** |
| Race | 0.6% | 1.6% | 0.9% | 2.2% |
| Hispanic | 9.0% | 16.1% | 11.0% | 18.0% |

All figures are from the files posted at North Carolina's State Board of Elections website. Missing values are those in which the individual did not provide his race or ethnicity.

# Exhibit B

**STEVEN A. CAMAROTA, Ph.D.**
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**EDUCATION:**

**University of Virginia** — Charlottesville, VA
Ph.D. Policy Analysis, May 1997

**University of Michigan** — Ann Arbor, MI
ICPSR Summer statistics program, 1994

**University of Pennsylvania** — Philadelphia, PA
M.A. in Comparative Politics, August 1988

**Juniata College** — Huntington, PA
Bachelor of Arts, May 1987

**RELEVANT EMPLOYMENT:**

**Center for Immigration Studies** — Washington, DC
Director of Research, 2000 to present
Resident Scholar, 1996 to 2000

**Census Bureau/Sabre Systems** — Washington, DC
Lead Researcher evaluating data for the Census Bureau
2000 to 2007

**OUTSIDE REVIEWER FOR FOLLOWING REFEREED JOURNALS:**
*Demography, the American Journal of Sociology, the Quarterly Review of Economics and Statistics*, and *Industrial and Labor Relations Review.*

**SELECTED PUBLICATIONS:**

I have worked for the Center for Immigration studies for 17 years and the total number of publications I have written is extensive, including opinion pieces, blogs, and other articles all of which should be available at the Center's web site: http://cis.org/Camarota-Publications.

**Journals/book chapters**

Forthcoming: "The Fiscal and Economic Impact of Immigration: The Current Debate" in *Guide to U.S. Economic Policy*. Editors: Robert E. Wright and Thomas W. Zeiler, CQ Press 2014.

Immigration and an Aging America in *Public Policy and Aging Report*, National Academy on an Aging Society, spring 2012, Vol. 22, Num. 2

"Immigration and Black Americans: Accessing the Impact" in *The Impact of Illegal Immigration on the Wages and Employment Opportunities of Black Workers,* US Commission on Civil Rights Chair: Gerald A. Reynolds, August 2010

"Immigration's Impact on Public Coffers in the United States" in *The Effects of Mass Immigration on Canadian Living Standards and Society* edited by Herbert Grubel. Fraser Institute, 2009.

"Immigrant Employment Gains and Native Losses 2000-2004" in *Debating Immigration,* Editor: Carol M. Swain. Princeton University Press, 2007.

"How the Terrorists Get In" *The Public Interest,* Fall 2002

"The Impact of Immigration on the U.S. Labor Market" with Mark Krikorian. in *Globalization and Wages*, Editors: Albert Fishlow and Karen Parker Council on Foreign Relations Press. 1999.

"Immigration and the Census: Which States are Losing Seats in the House?" with Dudley L. Poston. *Campaign and Elections,* December 1999.

"The Effect of Immigration on the Earnings of Low-skilled Native Workers: Evidence from the June 1991 Current Population Survey," *Social Science Quarterly,* Vol 78 #2, June 1997.

**US Census Bureau (Sabre System Inc. contract):**

*Examining the American Community Survey Data Collection Process for Sources of Non-Sampling Error: Findings from Focus Groups of Survey Interviewers* 2001.

*Assessing the Quality of Data Collected on the Foreign Born: An Evaluation of the American Community Survey Pilot Study* with Jeffery Capizzano 2004.

*Assessing the Quality of Data Collected on the Foreign Born: An Evaluation of the American Community Survey, Full Study Findings* with Jeffery Capizzano 2004.

*Evaluation of Subnational ACS Foreign-Born Data* with Jeffery Capizzano 2005.

**Written Congressional Testimony:**

*The Fiscal and Economic Impact of Immigration on the United States*
Testimony Prepared for the Joint Economic Committee, May 8, 2013

*Why Less-Skilled Immigration and Amnesty Are so Costly to Taxpayers*
Testimony Prepared for Senate Committee on the Judiciary April 22, 2013

*Immigration and the U.S. Economy* September 30, 2010
Testimony before the House Judiciary Committee Subcommittee on Immigration, Citizenship,

Refugees, Border Security and International Law.

*Immigration's Impact on U.S. Workers* November 19, 2009
Testimony before the House Judiciary Committee Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.

*The H-2B Visa Program and a "Shortage" of American Workers* April 16, 2008
Testimony before the House Judiciary Committee Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.

*Immigration, Social Security, and The Labor Market* June 19, 2007
Testimony before the House Judiciary Committee, Subcommittee on Immigration and Claims.

*Immigration's Impact on American Workers* May 9, 2007
Testimony before the House Judiciary Committee, Subcommittee on Immigration and Claims.

*Immigration's Impact On American Workers* August 29, 2006
Testimony before House Judiciary Committee, Subcommittee on Immigration and Claims.

*Immigration's Impact on Public Coffers, Federal and Local* August 24, 2006
Testimony before for the House Judiciary Committee Subcommittee on Immigration and Claims.

*Immigration's Impact on Public Coffers* July 26, 2006
Testimony before House Ways and Means Committee.

*Analysis of the Senate Amnesty Plan: S2611 Repeats Many of the Mistakes of the Past* July 18, 2006
Testimony before House Judiciary Committee Subcommittee on Immigration, Border Security, and Claims.

*The Impact of Non-Citizens on Congressional Apportionment* December 6, 2005.
Testimony before the House Committee on Oversight and Government Reform Subcommittee on Federalism and the Census.

*Immigrant Job Gains and Native Job Losses 2000 to 2004* May 4, 2005
Testimony before House Judiciary Committee Subcommittee on Immigration, Border Security, and Claims.

*What's Wrong With the Visa Lottery?* April 29, 2004
Testimony before the U.S. House Subcommittee on Immigration, Border Security, and Claims.

*Impact of Immigration On American Workers* October 30, 2003
Testimony before the U.S. House Subcommittee on Immigration, Border Security, and Claims.

*Threats to National Security: The Asylum System, The Visa Lottery, and 245(i)* October 9, 2002
Testimony before the U.S. House Subcommittee on Immigration, Border Security, and Claims.

*Making Interior Enforcement Work* June 19, 2002
Testimony before the U.S. House Judiciary Committee Subcommittee on Immigration and Claims.

*Immigration and Terrorism* October 12, 2001
Testimony before the U.S. Senate Committee on the Judiciary Subcommittee on Technology Terrorism and Government Information.

*The Impact of Immigration on U.S. Population Growth* August 2, 2001
Testimony before the U.S. House Subcommittee on Immigration, Border Security, and Claims.

*The Impact of Mass Immigration on the Poor* March 11, 1999.
Testimony before the U.S. House Subcommittee on Immigration, Border Security, and Claims.

**Selected Center for Immigration Studies Publications:**

*Is There a STEM Worker Shortage?*
*A look at employment and wages in science, technology, engineering, and math,*
with Karen Zeigler, May 2014.

*How Many New Voters Would S.744 Create?*
*A look at the electoral implications of the Gang of Eight immigration bill,* October 2013.

*Shifting the Balance: How the Gang of Eight bill and immigration generally shift seats in the House of Representatives,* November 2013.

*Immigrant Gains and Native Losses In the Job Market, 2000 to 2013,* with Karen Zeigler, July 2013.

*Who Voted in 2012? Results from the Census Bureau's November Voting and Registration Supplement,* May 2013.

*Are There Really Jobs Americans Won't Do? A detailed look at immigrant and native employment across occupations,* with Karen Zeigler, May 2013.

*Projecting Immigration's Impact on the Size and Age Structure of the 21st Century American Population,* December 2012.

*Projecting the 2012 Hispanic Vote Shares Nationally and in Battleground States,*
with Karen Zeigler, August 2012.

*Immigrants in the United States, 2010: A Profile of America's Foreign-Born Population,* August 2012.

*Declining Summer Employment Among American Youths,* December 2011.

*The Hispanic Vote in 2010 No Discernible Trend*, with Ashley Webster, May 2011.

*Welfare Use by Immigrant Households with Children A Look at Cash, Medicaid, Housing, and Food Programs*, April 2011.

*Immigration and Economic Stagnation: An Examination of Trends 2000 to 2010,* November 2010.

*The Hispanic Vote in the Upcoming 2010 Elections,* with Ashley M. Webster, October 2010.

*A Drought of Summer Jobs: Immigration and the Long-Term Decline in Employment Among U.S.-Born Teenagers,* with Karen Jensenius, May 2010.

*Religious Leaders vs. Members: An Examination of Contrasting Views on Immigration,* December 2009.

*Business and Labor on Immigration: Contrasting Views of Leaders vs. Rank and File,* February 2010.

*Immigration and Crime: Assessing a Conflicted Issue* with Jessica Vaughan, *November* 2009.

*Public Opinion in Mexico on U.S. Immigration: Zogby Poll Examines Attitudes* October 2009.

*A Shifting Tide: Recent Trends in the Illegal Immigrant Population,* with Karen Jensenius, July 2009.

*Immigration to the United States and World-Wide Greenhouse Gas Emissions* with Leon Kolankiewicz, August 2008.

*Immigrants in the United States, 2007: A Profile of America's Foreign-Born Population,* November 2007.

*100 Million More: Projecting the Impact of Immigration On the U.S. Population, 2007 to* 2060, August 2007.

*Illegitimate Nation: An Examination of Out-of-Wedlock Births Among Immigrants and Natives,* June 2007.

*Dropping Out: Immigrant Entry and Native Exit From the Labor Market, 2000-2005,March 2006.*

*Immigrants at Mid-Decade: A Snapshot of America's Foreign-Born Population in 2005,* December 2005.

*Births to Immigrants in America: 1970 to 2002,* July 2005.

*Immigration in an Aging Society: Workers, Birth Rates, and Social Security*, April 2005.

*The High Cost of Cheap Labor: Illegal Immigration and the Federal Budget,* August 2004.

*Remaking the Political Landscape: The Impact of Illegal and Legal Immigration on Congressional Apportionment*, October 2003.

*Where Immigrants Live: An Examination of State Residency of the Foreign Born by Country of Origin in 1990 and 2000* with Nora McArdle, September 2003.

*Outsmarting Smart Growth: Population Growth, Immigration, and the Problem of Sprawl,* with Roy Beck and Leon Kolankiewicz, August 2003.

*Back Where We Started: An Examination of Trends in Immigrant Welfare Use Since Welfare Reform,* March 2003.

*Elite vs. Public Opinion: An Examination of Divergent Views on Immigration,* with Roy Beck,

December 2002.

*Immigrants in the United States - 2002: A Snapshot of America's Foreign-Born Population,* November 2002.

*The Open Door: How Militant Islamic Terrorists Entered and Remained in the United States 1993-2001,* May 2002.

*The New Ellis Islands: Examining Non-Traditional Areas of Immigrant Settlement in the 1990s* with John Keeley, September 2001.

*Immigration from Mexico: Assessing the Impact on the United States,* July 2001.

*The Slowing Progress of Immigrants: An Examination of Income, Home Ownership, and Citizenship, 1970-2000,* March 2001.

*Without Coverage: Immigration's Impact on the Size and Growth of the Population Lacking Health Insurance* with James Edwards, July 2000.

*Reconsidering Immigrant Entrepreneurship: An Examination of Self-Employment Among Natives and the Foreign-Born,* January 2000.

*Importing Poverty: Immigration's Impact on the Size and Growth of the Poor Population in the United States,* September 1999.

*The Wages of Immigration: The Effect on the Low-Skilled Labor Market,* January 1998.

**Selected Conference Papers/Poster Presentations:**

"Evaluating the Role of Immigration in U.S. Population Projections," Annual Meeting of the Population Association of America," May 2012.

"Assessing the Accuracy of Data Collected on the Foreign Born: Findings from an Evaluation of the American Community Survey," Annual Meeting of the Population Association of America, April 2005.

"Assessing the Accuracy of Data Collected on the Foreign Born in the ACS," Annual Meeting of the Population Association of America, April 2001.

"The Impact of Immigration on the Incidences of Poverty in the United States, Annual Meeting of the Population Association of America, April 1999.

"The Determinates of Attitudes Toward Immigrants," Annual Meeting of the Midwestern Political Science Association, April 1998.

"The Effects of Labor Market Competition on Attitudes Toward Immigrants," Annual Meeting of the Western Political Science Association, March 1998.

"The Effect of Immigrant Competition on the Wages of Blacks," Annual Meeting of the Association for Public Policy Analysis and Management, November 1997.

“Public Services Used and Taxes Paid by Immigrants in the United States,” Annual Meeting of the American Sociological Association, August 1997.

“The Consequences of Immigration for Low-skilled Minorities,” Annual Meeting of the Western Economic Association, July 1997.

"Policy Responses of State and Local Governments to Welfare Reform for Immigrants," Annual Meeting of the Association of Public Policy Analysis and Management, October 1996

"The Wage Consequences of Immigration for the Native-born Poor," Annual Meeting of the New York State Political Science Association, April 1995