

## **EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

EVAN MILLIGAN, et al.,

*Plaintiffs,*

vs.

WES ALLEN, et al.,

*Defendants.*

No. 2:21-cv-01530-AMM

Expert Report of Dr. Traci Burch

May 17, 2024

Scope of Report

I was asked by Plaintiffs' counsel in this case to evaluate evidence in Alabama and particularly the Black Belt Region concerning "the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process." This is known as Senate Factor 5 of the Senate Factors courts consider in evaluating a Section 2 claim under the Voting Rights Act. Specifically, I was asked to analyze whether and to what extent there are disparities in socioeconomic status between Black and White Alabamians that have been shown to affect voter registration and turnout. Where available, I was asked to calculate these data statewide as well as for Mobile County and certain counties in Alabama's Black Belt: Barbour, Bullock, Butler, Choctaw, Clarke, Conecuh, Crenshaw, Dallas, Escambia, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Montgomery, Perry, Pickens, Pike, Russell, Sumter, Washington, and Wilcox Counties. For my analysis, I rely on sources and methods commonly used by political scientists such as the analysis of survey and government data, agency reports, and the review of scholarly literature in political science and other related disciplines.

### Background and Qualifications

I am an Associate Professor of Political Science at Northwestern University and a Research Professor at the American Bar Foundation. I received my Ph.D. in Government and Social Policy from Harvard University in 2007.

Over the past 15 years, I have led several large, long-term quantitative and qualitative research projects on political participation in the United States. I have participated in and coauthored several book chapters and articles that examine race, political participation, and inequality, and I have been recognized as an expert on political behavior, barriers to voting, and political participation. My work has been widely cited and replicated and has won several awards. I have received several grants for my work. I routinely review the work of my peers for tenure, scholarly journals, university presses, and grants and have served as a reviewer for the American Political Science Review, The American Journal of Political Science, The Journal of Politics, Political Behavior, the National Science Foundation, Cambridge University Press, Princeton University Press, the University of Chicago Press, Oxford University Press, and many other entities.

I am the author of several books and articles examining voter turnout and political participation, race and ethnic politics, and criminal justice using multiple methods. In particular, my articles “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida’s Ex-Felons” and “Turnout and Party Registration among Criminal Offenders in the 2008 General Election,” which appeared in the peer-reviewed journals Law and Society Review and Political Behavior, respectively, included my calculations of felony disenfranchisement and voter turnout among people with felony convictions. My academic book on the community-level effects of criminal convictions on political participation, *Trading Democracy for Justice*, was published by the University of Chicago Press and also won multiple national awards from the American Political Science Association and its sections, including the Ralph J. Bunche Award for the best scholarly work that explores the phenomenon of ethnic and cultural pluralism and best book awards from the law and politics and urban politics sections. *Trading Democracy for Justice*, along with many of my articles, relies on the analysis of large criminal justice and voter registration data files.

In addition to my published work, I have conducted analyses of legal financial obligations, re-registration after felony convictions, and barriers to voting as an expert witness. I have testified in cases involving allegations of intentional racial discrimination under the *Arlington Heights* framework as well as racial discrimination in terms of equal access to the political process under Section 2 of the Voting Rights Act. I have also testified before the U.S. Commission on Civil Rights about the collateral consequences of felony convictions with respect to voting and other issues.

Several of these projects have involved conducting research on voting in North Carolina. I examined voting among people with felony convictions and people who live near people with felony convictions in North Carolina for my book *Trading Democracy for Justice*, as well as for several articles published in peer-reviewed journals. I also analyzed voter turnout among people with felony convictions for a case in North Carolina.

My curriculum vitae is provided in the appendix, which includes all cases in which I have provided deposition and trial testimony during the past four years and every article I have authored over the past ten years. I am being compensated at the rate of \$400 per hour for work in this case, plus expenses. My compensation does not depend on the opinions I render or the outcome of this litigation. In all cases where an opinion was issued, the courts accepted my expert testimony. I reserve the right to amend, modify, or supplement my analysis or opinions.

### Summary of Opinions

I offer the following opinions:

- Racial disparities in voter registration and turnout exist in Alabama. Statewide, my analysis shows disparities in voter registration between Black and White Alabamians for the past three general elections (2022, 2020, and 2018) and voter turnout disparities by race for the two elections for which I have data, 2020 and 2018.
- According to data from the Alabama Secretary of State, statewide, Black Alabamians were registered to vote at lower rates than White Alabamians for the 2022, 2020, and 2018 general elections.
- According to data from the Alabama Secretary of State, Black Alabama citizens were less likely to vote than White Alabama citizens in both the 2020 and 2018 general elections. The statewide turnout gap in 2020, as measured using vote totals by race from the Alabama Secretary of State, was 9.3 percentage points. In 2018, it was 3.3 percentage points. Data on voter turnout by race in 2022 are not yet available online.
- According to the state's data, Black residents of 20 of the 24 Alabama counties that I analyzed for this report also voted less than White residents. The gaps in turnout in 2020 ranged from 2 percentage points in Russell County to 18 percentage points in Escambia County. In 2018, the turnout gap reached as high as 13 points in Escambia and 12 points in Butler Counties.
- Statewide, there are large gaps in socioeconomic status between Black and White Alabama residents. White Alabamians are better off in terms of educational attainment, median income, poverty rates, unemployment rates, health insurance, and food stamp receipt relative to Black Alabamians. Black Alabamians also are disadvantaged in other factors such as access to a vehicle, a computer, and broadband internet at home. These disparities also are apparent in a majority of the counties that I analyzed.
- Educational attainment is an important predictor of voting. It is well-established in the political science literature that people with higher educational attainment vote at higher rates. Statewide and at the county level, Black adult Alabamians were less likely to have graduated from high school or to have attained a bachelor's degree than White Alabama adults.
- Research also associates health outcomes, criminal justice involvement, and other socioeconomic factors with voting.
- Black people faced, and continue to face, structural barriers and discrimination in education, employment, health, and criminal justice in Alabama that contribute to disparities in voter turnout.

## Methodology

My opinions in this case rely primarily on my analysis of several data sources, each of which are commonly used in political science: the American Community Survey,<sup>1</sup> the Current Population Survey Voting and Registration Supplement,<sup>2</sup> data from the Alabama Secretary of State,<sup>3</sup> the Cooperative Election Survey,<sup>4</sup> and the Survey of the Performance of American Elections.<sup>5</sup> I describe my analyses of these data below.

### *Socioeconomic Status*

Data on socioeconomic status by race in Alabama, at both the statewide and county levels, are taken from the 2021 American Community Survey. Statewide, I provide data from the 2021 1-year estimates. The county-level data are from the 2021 5-year estimates. I calculate several socioeconomic indicators for non-Hispanic White and non-Hispanic Black (alone or in

<sup>1</sup> The American Community Survey (ACS) is conducted by the U.S. Census Bureau on an ongoing basis. It contains more detailed demographic questions than the decennial census and is fielded more frequently. For this report, I use data from the 2021 1-year and 5-year estimates as noted. However, I am aware that the 2022 5-year data were released shortly after I completed this analysis. I also use data from the Citizen Voting Age Population (CVAP) Special Tabulation from the 2016-2020 5-Year American Community Survey, available online from <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.2020.html#list-tab-1518558936>

<sup>2</sup> The Current Population Survey (CPS) is fielded monthly by the U.S. Census Bureau and collects detailed economic and social data. For federal election cycles, the November CPS asks questions about voting participation. These data are widely used by political scientists to determine voter turnout. The Current Population Survey Voting and Registration data have been shown to overestimate voter turnout, and the problem is worse for Black respondents than White respondents. However, this problem is not as severe for Alabama as it is in other states. See Ansolabehere, Stephen, Bernard L. Fraga, and Brian F. Schaffner. 2022. "The Current Population Survey Voting and Registration Supplement Overstates Minority Turnout." *The Journal of Politics* 84 (3):1850-1855.

<sup>3</sup> These data on registration and votes cast by race are available online line from the Alabama Secretary of State at <https://www.sos.alabama.gov/sites/default/files/election-data/2021-06/2020%20General%20Election%20Participation%20by%20Race.pdf>

<sup>4</sup> The Cooperative Election Survey (CES) is funded by the National Science Foundation and administered by 60 teams of researchers across the U.S. The survey is large enough to allow for state-level analyses of voting. I used the Alabama sample of the 2020 CES, which has 947 responses. The CES validates votes, meaning that unlike the other surveys used here, the CES team verifies the voter registration and turnout of respondents independently rather than relying on self-reports.

<sup>5</sup> The Survey of the Performance of American Elections (SPAEE) is a large, national survey conducted by the MIT Election Data and Science Lab. I used the Alabama sample of the 2020 SPAEE, which has 200 respondents.

combination) Alabama residents.<sup>6</sup> I calculate educational attainment for adults aged 25 and older,<sup>7</sup> lack of health insurance for the civilian noninstitutionalized population ages 19-64,<sup>8</sup> and the civilian unemployment rate for the population age 16 and older<sup>9</sup> by race and ethnicity. I also calculate median income,<sup>10</sup> family poverty,<sup>11</sup> the presence of a vehicle,<sup>12</sup> computer and internet access,<sup>13</sup> and food stamp/SNAP reciprocity<sup>14</sup> by race and ethnicity of household head.

#### *Voter Registration and Turnout*

I calculate voter registration and turnout in Alabama statewide and at the county level using data from the Alabama Secretary of State (SOS). For voter registration, I calculate the total number of active registered voters as the numerator, divided by the total number of adult citizens able to vote (CVAP) as the denominator.<sup>15</sup> I calculate voter turnout using the total number of people who voted as the numerator, divided by the total number of adult citizens able to vote. To date, the state provides voter registration by race for 2022, 2020, and 2018 online, but voter turnout by race is only available for 2018 and 2020.

For comparison with the state's 2020 voter turnout data, I also examine voter registration and turnout using surveys. The 2020 Current Population Survey Voting and Registration Supplement (CPS) allows me to calculate voter turnout by race while taking educational attainment into account.<sup>16</sup> The analysis includes only adult Alabama citizens.

<sup>6</sup> Analyses for non-Hispanic Black alone do not differ substantially from the Black alone or in combination analyses but are available upon request.

<sup>7</sup> American Community Survey Table B15002

<sup>8</sup> American Community Survey Table B27011

<sup>9</sup> American Community Survey Table B23025

<sup>10</sup> American Community Survey Table B19013

<sup>11</sup> American Community Survey Table B17010

<sup>12</sup> American Community Survey Table B25044

<sup>13</sup> American Community Survey Tables B28001 & B28002

<sup>14</sup> American Community Survey Table B22001

<sup>15</sup> For the primary analysis of statewide and county level voter registration and turnout, I use the Alabama Secretary of State data on the number of registered voters and the number of votes cast in the general election, by race as the numerators. I divide these numerators by the citizen voting age population by race (non-Hispanic White alone and non-Hispanic Black alone or in combination). Estimates using Non-Hispanic Black alone produce similar results and are available upon request.

<sup>16</sup> For the CPS, turnout measures the total number of people who answered "Yes" to the voting question (PES1) divided by the total number of people who answered "No," "Refused," "Don't Know," or "No Response." This method produces the same results provided by the U. S. Census Bureau in Table 4b, "Voting and Registration in the Election of November 2020." Available online <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

Accessed 29 Jan 2024.

## Analysis

My analysis shows that there are large disparities in socioeconomic status and political participation between Black and White Alabama residents. The literature in political science shows that socioeconomic status affects political participation.

### *Voter Registration, Turnout, and Race*

In Alabama, White residents consistently vote at higher rates than Black residents. This relationship holds in each of the election cycles that I examined.<sup>17</sup> In 2022, the most recent state legislative election, 89.0% of non-Hispanic White Alabama residents were registered to vote statewide, compared with 84.0% of non-Hispanic Black (alone or in combination) Alabama residents.

In the 2020 general election, the last general election for which turnout data by race were reported by the Secretary of State, White turnout as a percentage of the CVAP was 66.3%, compared with Black turnout of 57.0%—a 9.3 percentage point gap statewide.<sup>18</sup> The Secretary of State's 2020 election data also show that statewide, 96.1% of White Alabamians were registered to vote, compared with 93.9% of Black Alabamians.<sup>19</sup> As shown in Table 1, turnout disparities also exist between Black and White residents in southwest Alabama as a whole: in 2020, the White turnout rate in the region was 64%, compared with 57% for Black people in southwest Alabama. Moreover, White turnout was higher in all but four of the counties at issue in this case, going as high as 18 percentage points in Escambia County and 17 percentage points in Barbour County.

Turnout disparities also characterize the 2018 general election. As calculated using data from the Secretary of State's office, the registration gap between White and Black Alabamians was very small in that election—88.4% of the White CVAP were registered to vote compared with 88.0% of the Black CVAP.<sup>20</sup> However, the statewide voter turnout gap persisted: 48.7% of White

<sup>17</sup> The evidence shows that White voters have voted at higher rates than Black voters in state legislative general elections in 2014 and 2010 as well. See Ansolabehere et al. 2022 (Supplemental Appendix).

<sup>18</sup> These estimates rely on data from the Alabama Secretary of State and the ACS CVAP special tabulation.

<sup>19</sup> The self-reported estimates of registration from the Current Population Survey, reported later in this section, may be a better estimate of voter registration. Registration rates depend on factors beyond the voters' control, such as list maintenance. Registration may be artificially high to the extent that registration rolls contain "deadwood." See Ansolabehere, Stephen and Eitan Hersh. "The Quality of Voter Registration Records: A State-by-State Analysis." Available online [https://vote-prod.s3.amazonaws.com/documents/reg\\_quality\\_report\\_8-5-10.pdf?AWSAccessKeyId=AKIAI4764GFDOFW6EPAQ&Signature=oKV5mL9HlqhBo3i8l9oW20kDoDo%3D&Expires=1706656438](https://vote-prod.s3.amazonaws.com/documents/reg_quality_report_8-5-10.pdf?AWSAccessKeyId=AKIAI4764GFDOFW6EPAQ&Signature=oKV5mL9HlqhBo3i8l9oW20kDoDo%3D&Expires=1706656438). Accessed 30 Jan 2024.

<sup>20</sup> Using the Current Population Survey, the Census Bureau calculates 2018 Turnout in the General Election for Non-Hispanic White adult citizens as 52.6%; for Black alone or in combination adult citizens turnout was 49.6. Registration rates were 71.3% and 67.4%, respectively. U.S. Census Bureau. Table 4b: Reported Voting and Registration by Sex, Race, and Hispanic Origin, for States: November 2018. Available online <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-583.html>. Accessed 22 Apr 2024.

Alabamians voted in the 2018 general election, compared with 45.4% of Black Alabamians. Moreover, as shown in Table 2, in southwest Alabama as a whole and in all but six of the 24 counties at issue in this case, White voters cast ballots at higher rates than Black voters.

Estimating statewide voter turnout by race using the 2020 Current Population Survey Voting and Registration Supplement (CPS) shows a turnout gap similar to that calculated using the statewide voter file for that year.<sup>21</sup> For non-Hispanic White Alabama residents, turnout in 2020 was 63.0%, compared with 54.9% of non-Hispanic Black (alone or in combination) Alabama residents—a gap of 8.1 percentage points.<sup>22</sup> The CPS data also show a 10-percentage-point gap in registration (71.0% for White and 61.0% for Black Alabama residents).<sup>23</sup>

*Table 1: Voter Turnout by Race in Alabama 2020 General Election. Source: Alabama Secretary of State Voter Data and 2020 American Community Survey Special Tabulation CVAP.*

COUNTY	BLACK ALONE OR IN COMBO, NOT HISPANIC	WHITE, NOT HISPANIC
BARBOUR	47%	64%
BULLOCK	60%	60%
BUTLER	55%	70%
CHOCTAW	71%	76%
CLARKE	66%	76%
CONECUH	57%	61%
CRENSHAW	56%	67%
DALLAS	61%	66%
ESCAMBIA	46%	64%
GREENE	77%	68%
HALE	68%	73%
LOWNDES	86%	94%
MACON	56%	65%

<sup>21</sup> Although the CPS has been shown to overestimate voter turnout, and to do so worse for minority voters in several states, Ansolabehere et al. 2022 show that the problem is less of a concern for Alabama in the years that they analyzed. I also find that CPS estimates are about 2-3 percentage points off from estimates obtained using the Alabama SOS data for each racial group.

<sup>22</sup> See also “Table 4b: Reported Voting and Registration by Sex, Race, and Hispanic Origin, for States: November 2020.”

<sup>23</sup> I also calculated voter turnout using the 2020 Cooperative Election Survey, which validates voter participation against independent records rather than relying on self-reports. For the CES, I report validated voter turnout, which is coded as responses other than “NA” to the variable “CL\_2020gvm” as the numerator, divided by the total number of Alabama adult citizens (the analysis was weighted by “commonweight” according to the CES codebook). Like the Secretary of State’s data and the CPS, the 2020 CES also showed a gap in turnout between Black and White Alabama respondents. However, the survey underestimated turnout for both groups relative to the CPS and the Secretary of State data. For Black CES respondents in Alabama, validated turnout was 37.6%; for White CES respondents, it was 55.4%.

<b>MARENGO</b>	70%	82%
<b>MOBILE</b>	57%	63%
<b>MONROE</b>	61%	70%
<b>MONTGOMERY</b>	52%	64%
<b>PERRY</b>	80%	61%
<b>PICKENS</b>	61%	66%
<b>PIKE</b>	42%	55%
<b>RUSSELL</b>	50%	52%
<b>SUMTER</b>	65%	63%
<b>WASHINGTON</b>	61%	77%
<b>WILCOX</b>	73%	78%
<b>REGION TOTAL</b>	57%	64%

Table 1: Voter Turnout by Race in Alabama 2018 General Election. Source: Alabama Secretary of State Voter Data and 2018 American Community Survey Special Tabulation CVAP.

COUNTY	BLACK ALONE OR IN COMBO, NOT HISPANIC	WHITE, NOT HISPANIC
BARBOUR	40%	47%
BULLOCK	45%	48%
BUTLER	47%	60%
CHOCTAW	59%	61%
CLARKE	55%	65%
CONECUH	50%	51%
CRENSHAW	48%	54%
DALLAS	50%	54%
ESCAMBIA	34%	47%
GREENE	66%	55%
HALE	58%	57%
LOWNDES	63%	70%
MACON	46%	51%
MARENGO	56%	62%
MOBILE	44%	44%
MONROE	54%	57%
MONTGOMERY	44%	51%
PERRY	66%	48%
PICKENS	52%	55%
PIKE	34%	41%
RUSSELL	37%	35%
SUMTER	55%	52%
WASHINGTON	51%	60%
WILCOX	58%	61%
REGION TOTAL	46%	48%

#### *Educational Attainment and Race*

Verba, Schlozman, and Brady explain in one of the most widely cited books in American politics, *Voice and Equality*, that resources such as time, money, and civic skills are important to voting and other forms of political participation precisely because such resources allow people to surmount the costs of participation more easily.<sup>24</sup> Socioeconomic status is an important factor in whether an individual votes<sup>25</sup> because socioeconomic status is related to the available time, money,

<sup>24</sup> Verba, Sidney, Kay Lehman Schlozman, and Henry E. Brady. *Voice and equality: Civic voluntarism in American politics*. Harvard University Press, 1995.

<sup>25</sup> See Verba, Schlozman, and Brady 1995; See also Burden, Barry C. "The dynamic effects of education on voter turnout." *Electoral studies* 28, no. 4 (2009): 540-549.

and civic skills an individual can devote to overcoming the costs of voting.<sup>26</sup> These costs can include the time it takes to acquire information about the candidates and issues or the process of registering, as well as the time or lost wages required to vote in person.<sup>27</sup>

Of the components of socioeconomic status, educational attainment is the most important predictor of voting. In fact, “[t]he powerful relationship between education and voter turnout is arguably the most well-documented and robust finding in American survey research.”<sup>28</sup> An analysis of research appearing in top-10 political science journals finds that most studies confirm the importance of individual socioeconomic status, particularly educational attainment, to voting.<sup>29</sup> Research also shows that the relationship between education and voting is a causal one.<sup>30</sup>

As is the case with other groups, education “is a very important individual-level determinant of Black political participation.”<sup>31</sup> It is widely known and accepted among political scientists that, when Black people reach educational parity with White people, they vote at similar or even higher rates.<sup>32</sup> However, unequal access to political resources such as education has been shown to lead to racial disparities in political participation.<sup>33</sup> As demonstrated below, educational opportunity is *not* available equally to Black and White people in Alabama.

My analysis of educational attainment by race in Alabama shows significant disparities between Black and White residents, both statewide and at the county level. According to Figure 1, a higher percentage of Black Alabama residents have not graduated from high school (or its equivalent) and a lower percentage have received bachelor’s degrees than White Alabama residents. Tables 3 and 4 show the percentage of Black and White residents who have not completed high school and who have attained a bachelor’s degree or higher, respectively, for selected Alabama counties. In Table 3, a higher proportion of Black residents has less than a high school diploma or its equivalent in all but two of the Black Belt counties. With respect to completing a four-year college degree, Table 4 shows that a higher proportion of White residents have earned a bachelor’s degree or higher relative to Black residents in every county except Russell. Among current students, there is a persistent test score gap between Black and White

<sup>26</sup> Smets, Kaat, and Carolien Van Ham. “The embarrassment of riches? A meta-analysis of individual-level research on voter turnout.” *Electoral studies* 32.2 (2013): 344-359.

<sup>27</sup> Verba, Schlozman and Brady 1995.

<sup>28</sup> Sondheimer, Rachel Milstein, and Donald P. Green. “Using experiments to estimate the effects of education on voter turnout.” *American Journal of Political Science* 54, no. 1 (2010): 174-189: 174.

<sup>29</sup> Smets and Van Ham 2013.

<sup>30</sup> Sondheimer and Green 2010.

<sup>31</sup> Tate, Katherine. *From Protest to Politics*. Cambridge: Harvard University Press, 1993; 225. Verba, Sidney, Kay Lehman Schlozman, Henry Brady, and Norman H. Nie. “Race, ethnicity and political resources: Participation in the United States.” *British Journal of Political Science* 23, no. 4 (1993): 453-497. Plutzer, Eric. “Demographics and the social bases of voter turnout.” In *The Routledge handbook of elections, voting behavior and public opinion*, pp. 69-82. Routledge, 2017.

<sup>32</sup> Tate 1993; Plutzer 2017.

<sup>33</sup> Verba, et al. 1993: 494.

students in English and Language Arts, Math, and Science.<sup>34</sup> According to the National Center for Education Statistics, in 2022, only 9 percent of Black Alabama 8<sup>th</sup> Graders were proficient in reading, compared with 30% of White Alabama 8<sup>th</sup> Graders.<sup>35</sup> Likewise, only 7% of Black Alabama 8<sup>th</sup> Graders were proficient in Math, compared with 27% of White Alabama 8<sup>th</sup> Graders.<sup>36</sup> In all but 4 of the 24 counties that I examined for this report, more than 30% of adults are classified as “low literacy.”<sup>37</sup>

These racial disparities are caused, in part, by historical and contemporary discrimination in elementary, secondary, and higher education that make Black Alabamians less likely to have graduated from high school and college relative to White Alabamians. The historical evidence of separate-but-unequal education in Alabama is clear. According to the Southern Educational Reporting Service 1961 Report, Alabama public education remained segregated into the 1960s even though several years had passed since the decision in *Brown v. Board of Education* in 1954.<sup>38</sup> By 1965, less than 1% of Black Alabama K-12 students were enrolled in integrated schools. In 1962, the Southern Education Reporting Service noted that all nine of Alabama’s public universities were segregated: seven universities, including the University of Alabama, and Auburn, enrolled only White students, while just two enrolled Black students.<sup>39</sup> K-12 desegregation did not begin in earnest in Alabama until the early 1970s after decisions in *Lee v. Macon County* and

<sup>34</sup> ELA: 31.8% vs. 59.5% proficiency; Math: 13.0% vs 39.2% proficiency; and Science 19.3% vs. 49.2% proficiency. See Alabama Department of Education (Report Card). Available online <https://reportcard.alsde.edu/OverallScorePage.aspx?ReportYear=2023&SystemCode=000&SchoolCode=0000>. Accessed 29 Jan 2024.

<sup>35</sup> “The Nation’s Report Card: 2022 Reading State Snapshot Report: Alabama Grade 8 Public Schools.” Available online <https://nces.ed.gov/nationsreportcard/subject/publications/stt2022/pdf/2023010AL8.pdf>. Accessed 16 May 2024.

<sup>36</sup> “The Nation’s Report Card: 2022 Mathematics State Snapshot Report: Alabama Grade 8 Public Schools.” Available online <https://nces.ed.gov/nationsreportcard/subject/publications/stt2022/pdf/2023011AL8.pdf>. Accessed 16 May 2024.

<sup>37</sup> According to PIAAC, low literacy, or literacy below level 1, is described as “Adults at this level can be considered at risk for difficulties using or comprehending print material. Adults at the upper end of this level can read short texts, in print or online, and understand the meaning well enough to perform simple tasks, such as filling out a short form, but drawing inferences or combining multiple sources of text may be too difficult. Adults who are below Level 1 may only be able to understand very basic vocabulary or find very specific information on a familiar topic. Some adults below Level 1 may struggle even to do this and may be functionally illiterate.” “US Skills Map: State and County Indicators of Adult Literacy.” Program for the International Assessment of Adult Competencies. Available online <https://nces.ed.gov/surveys/piaac/skillsmap/>. Accessed 16 May 2024.

<sup>38</sup> Southern Educational Reporting Service. 1961. A statistical summary, State by State, of segregation-desegregation activity affecting Southern schools from 1954 to present, together with pertinent data on enrollment, teachers, colleges, litigation and legislation. Southern Education Reporting Service: 1.

<sup>39</sup> Southern Educational Reporting Service 1961: 5.

*Swann v. Charlotte-Mecklenburg*. The University of Alabama admitted its first Black students in 1963, when federal troops forced Governor George Wallace to step aside and allow Vivian Malone and Jimmy Hood to enroll in the university in line with a federal court order.<sup>40</sup> Even with the entry of Black students into the University in 1963, however, Alabama continued to maintain a separate and unequal system of higher education for decades thereafter.<sup>41</sup>

This long system of *de jure* educational segregation in Alabama still has clear effects on today's electorate. In 2020, 38.6 percent of votes in the Alabama general election were cast by people aged 60 and older—people who were at least school age in 1970, when Alabama still maintained separate and unequal schools for Black and White students statewide.<sup>42</sup> In other words, a substantial portion of Alabama's *current* electorate was educated under a discriminatory system of separate but unequal education.<sup>43</sup>

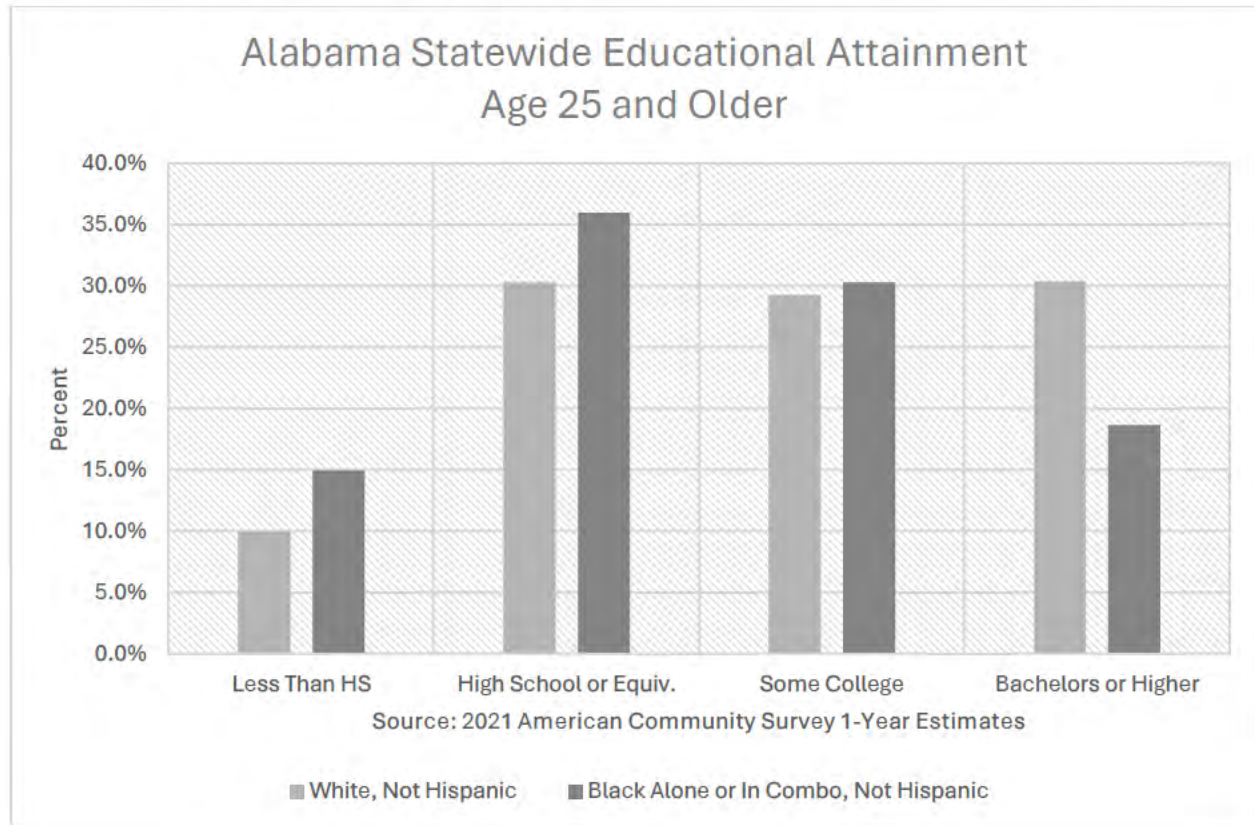
<sup>40</sup> Morris, Aldon, Walter Allen, David Maurrasse, and Derrick Gilbert. "White supremacy and higher education: The Alabama higher education desegregation case." *Nat'l Black LJ* 14 (1994): 59; 1.

<sup>41</sup> As summarized by the U.S. Court of Appeals for the Eleventh Circuit, "Among other things, the court found that vestiges of segregation remain in the Alabama public university system in the areas of faculty and administrative employment, state funding, facilities at HBIs, admissions policies at HWIs, and program duplication. *See id.* at 1368." *Knight v. Alabama*, 14 F.3d 1534, 1539 (11th Cir. 1994).

<sup>42</sup> This number likely underestimates the impacted portion of the electorate, since people age 55 in 2020 also would have been educated in segregated schools in the early grades. Alabama Secretary of State. General Election Participation by Age. Available online <https://www.sos.alabama.gov/sites/default/files/election-data/2021-06/2020%20General%20Election%20Participation%20by%20Age.pdf>. Accessed 2 Apr 2024.

<sup>43</sup> According to data from the Census Bureau, 64% of Alabamians aged 60 and older were born in Alabama.

*Figure 1: Alabama Statewide Educational Attainment for Adults Age 25 and Older, by Race.*  
*Source: American Community Survey 2021 1-Year Estimates.*



*Table 3: Percent of Alabama Adults Aged 25 and Older without a High School Diploma, by Race. Source: American Community Survey 2021 5-Year Estimates.*

COUNTY	WHITE, NOT HISPANIC	BLACK ALONE OR IN COMBO, NOT HISPANIC
BARBOUR	19%	29%
BULLOCK	7%	24%
BUTLER	10%	20%
CHOCTAW	19%	21%
CLARKE	13%	24%
CONECUH	14%	11%
CRENSHAW	16%	27%
DALLAS	10%	15%
ESCAMBIA	16%	23%
GREENE	13%	16%
HALE	11%	23%
LOWNDES	6%	18%
MACON	9%	18%
MARENGO	9%	19%
MOBILE	11%	13%
MONROE	17%	19%
MONTGOMERY	6%	16%
PERRY	18%	23%
PICKENS	11%	22%
PIKE	9%	16%
RUSSELL	11%	18%
SUMTER	7%	15%
WASHINGTON	15%	10%
WILCOX	13%	24%
REGION TOTAL	11%	17%

*Table 4: Percent of Alabama Adults Aged 25 and Older with a Bachelor's Degree or Higher, by Race. Source: American Community Survey 2021 5-Year Estimates.*

COUNTY	WHITE, NOT HISPANIC	BLACK ALONE OR IN COMBO, NOT HISPANIC
BARBOUR	17%	5%
BULLOCK	29%	7%
BUTLER	18%	10%
CHOCTAW	14%	8%
CLARKE	20%	6%
CONECUH	14%	10%
CRENSHAW	18%	6%
DALLAS	21%	14%
ESCAMBIA	15%	6%
GREENE	31%	8%
HALE	21%	12%
LOWNDES	32%	9%
MACON	24%	20%
MARENGO	21%	16%
MOBILE	27%	18%
MONROE	15%	9%
MONTGOMERY	46%	24%
PERRY	30%	14%
PICKENS	17%	8%
PIKE	35%	16%
RUSSELL	17%	17%
SUMTER	31%	15%
WASHINGTON	13%	11%
WILCOX	21%	7%
REGION TOTAL	27%	17%

In addition to the effects of Alabama's legally-mandated separate and unequal system of education on today's voters, several indicators show that Black students still do not receive the same educational experiences and lack the same educational opportunities as White students. A

recent, growing body of research shows that school funding matters for student achievement.<sup>44</sup> Alabama already is in the bottom ten states with respect to spending per student on public schools;<sup>45</sup> after excluding federal money, per-pupil expenditures in two-thirds of the Black Belt districts that I examined for this report were even lower than the state average.<sup>46</sup> A study by the University of Alabama finds that lower test scores between Black and White students in Alabama result from a lack of qualified math and science teachers and diminished access to broadband internet for students in the Black Belt.<sup>47</sup>

School segregation, along with other factors, is associated with student performance on assessment tests.<sup>48</sup> School segregation and inequality persist in Alabama and may have gotten worse since the 1990s.<sup>49</sup> Figure 2 shows that several school districts in the state are

<sup>44</sup> Lafortune, Julien, Jesse Rothstein, and Diane Whitmore Schanzenbach. "School finance reform and the distribution of student achievement." *American Economic Journal: Applied Economics* 10, no. 2 (2018): 1-26. Card, David, and A. Abigail Payne. "School finance reform, the distribution of school spending, and the distribution of student test scores." *Journal of public economics* 83, no. 1 (2002): 49-82. Jackson, C. Kirabo, Cora Wigger, and Heyu Xiong. "Do school spending cuts matter? Evidence from the Great Recession." *American Economic Journal: Economic Policy* 13, no. 2 (2021): 304-335. Jackson, C. Kirabo. "The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms." *The Quarterly Journal of Economics* 157 (2016): 218. Interestingly, Lafortune, Roghtsten, and Schanzenbach (2018) find that school funding reform did not help close income and racial gaps in achievement because funding increases did not flow in large amounts to the average low-income or minority student (4).

<sup>45</sup> U.S. Census Bureau. "2021 Public Elementary-Secondary Education Finance Data." Available online <https://www.census.gov/data/tables/2021/econ/school-finances/secondary-education-finance.html>. Accessed 17 Apr 2024.

<sup>46</sup> Eufaula City, Butler County, Demopolis City, Crenshaw County, Bullock County, Washington County, Troy City, Monroe County, Montgomery County, Phenix City, Russell County, Clarke County, Pike Road City, Dallas County, Pickens County, Selma City, Escambia County, Perry County, Brewton City, Linden City, Choctaw County, Thomasville city, Wilcox County, Pike County, Sumter County, Marengo County, Macon County, Barbour County, Greene County, Lowndes County. Office of Elementary and Secondary Education. "Per Pupil Expenditures: Alabama." Available online <https://oese.ed.gov/ppe/alabama/>. Accessed 18 Apr 2024. Crain, Trisha Powell. "How Much does Alabama School Funding Impact Student Achievement?" Al.com. Available online <https://www.al.com/news/2021/12/how-much-does-alabama-school-funding-impact-student-achievement.html>. Accessed 18 Apr 2024.

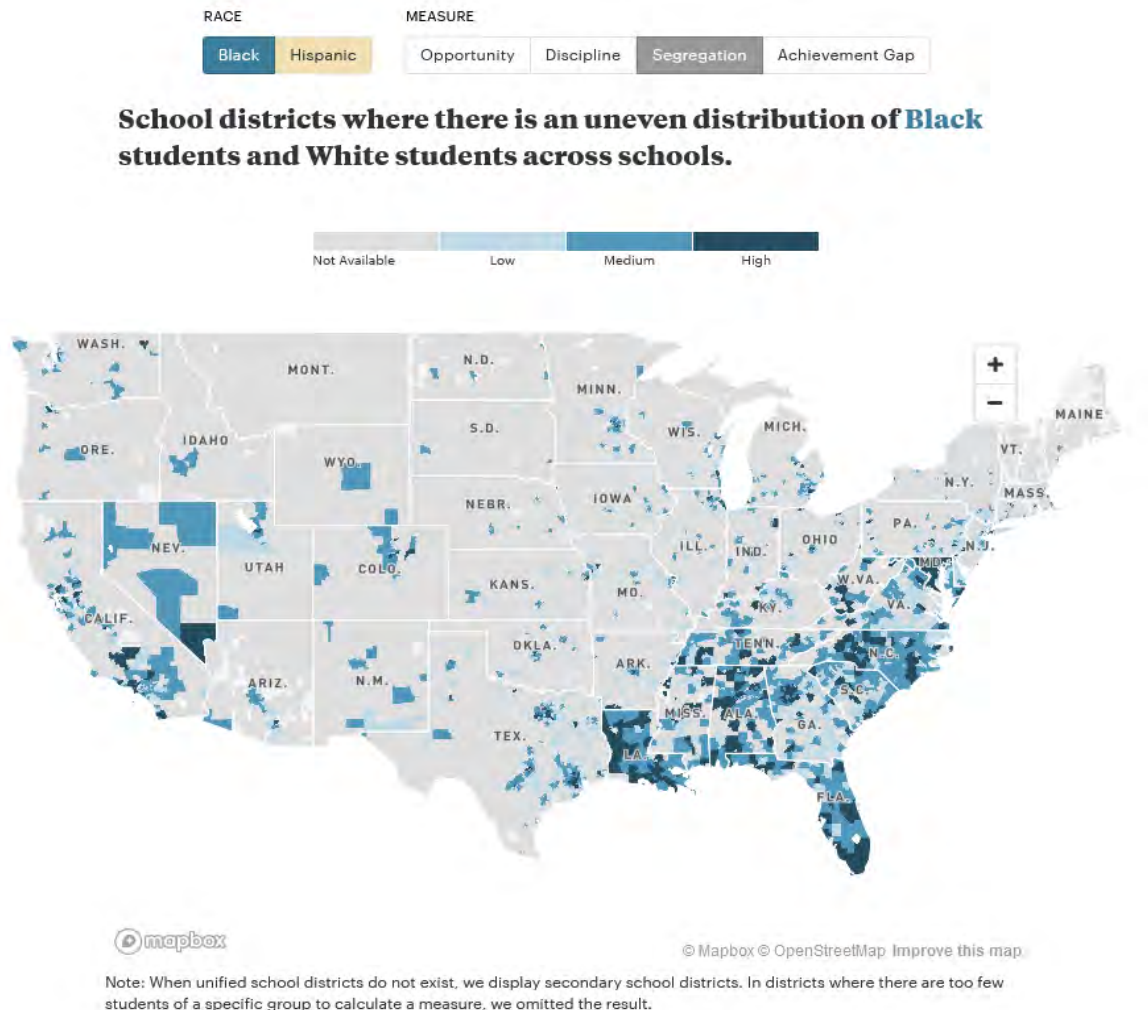
<sup>47</sup> Katsinas, Stephen G. et al. "Internet Disparities in Alabama & the Black Belt. Available online <https://ir-api.ua.edu/api/core/bitstreams/f817a3bf-aeca-4c7c-8030-7d20c8dff0c3/content>. Accessed 15 Apr 2024. O'Brien, Sean, et al. "K-12 STEM Education in Alabama's Black Belt." Available online <https://www.alreporter.com/wp-content/uploads/2022/03/STEM-in-K-12-Brief-Black-Belt-2022.pdf>. Accessed 15 Apr 2024.

<sup>48</sup> Reardon, Sean F., Demetra Kalogrides, and Kenneth Shores. "The geography of racial/ethnic test score gaps." *American Journal of Sociology* 124, no. 4 (2019): 1164-1221.

<sup>49</sup> See Mann, Bryan. And Rogers, Annah. (2021), Segregation Now, Segregation Tomorrow, Segregation Forever? Racial and Economic Isolation and Dissimilarity in Rural Black Belt Schools

characterized as high segregation. Nearly 40 districts in the state are still subject to court-ordered desegregation.<sup>50</sup>

Figure 2: Educational Segregation. Source: Pro Publica Miseducation Project.



These effects of discriminatory educational systems in Alabama are not limited to the era of *de jure* segregation. Courts have found that multiple school districts in Alabama provide Black

in Alabama. Rural Sociology, 86: 523-558 and “Justice Department Secures Resolution in Madison County, Alabama, School Desegregation Case.” Available online <https://www.justice.gov/opa/pr/justice-department-secures-resolution-madison-county-alabama-school-desegregation-case>. Accessed 29 Jan 2024.

<sup>50</sup> Griesbach, Rebecca. 2023. “Judge Says Racial Motivation Not At Play in Decision to Close Alabama School.” Available online <https://www.al.com/educationlab/2023/09/judge-says-racial-motivation-not-at-play-in-decision-to-close-alabama-school.html>. Accessed 8 Apr 2024.

students with unequal education to that provided to White students; districts began to remedy those disparities only in recent years. For instance, the Justice Department found in Madison County,

. . . that Black students faced unnecessary barriers to participating in gifted and advanced programs, that they were subjected to exclusionary discipline at disparate rates when compared to their white peers, that Black high schoolers were more likely than their White peers to be referred for subjective infractions, and that the district's recruitment and hiring processes left several schools without a single Black faculty member.<sup>51</sup>

There are several other examples of educational discrimination that have been remedied only recently (if at all) such as segregated proms,<sup>52</sup> extracurricular activities,<sup>53</sup> and other aspects of school quality such as access to Advanced Placement classes and student discipline.<sup>54</sup> In Jefferson County in 2018, courts blocked an attempt to secede from that county's district by mostly White residents of the city of Gardendale because the secession was motivated by racial discrimination against Black children.<sup>55</sup> These and other examples show the ways that local policies and structural inequalities leads to unequal educational outcomes between Black and White students in Alabama.

#### *Additional Measures of Socioeconomic Status and Race*

In addition to education, income, poverty, and other socioeconomic factors also affect voting to the extent that greater resources can make it easier to overcome the costs of voting, such as having the ability to afford time off work to go to the polls.<sup>56</sup> Much of the impact of socioeconomic status happens through education, because educational attainment affects income,

<sup>51</sup> US Department of Justice. "Justice Department Secures Resolution in Madison County, Alabama School Desegregation Case." Available online <https://www.justice.gov/opa/pr/justice-department-secures-resolution-madison-county-alabama-school-desegregation-case>. Accessed 8 Apr 2024. See also *Bennett et al. v. Madison County Board of Education*. Consent Order. <https://www.justice.gov/media/1229821/dl>.

<sup>52</sup> Gross, Jane and Ronald Smothers. 1994. "In Prom Dispute, a Town's Race Divisions Emerge." The New York Times. Available online. <https://www.nytimes.com/1994/08/15/us/in-prom-dispute-a-town-s-race-divisions-emerge.html>. Accessed 8 Apr 2024.

<sup>53</sup> US Department of Justice. "Justice Department Reaches Agreement with Alabama School District to End the Use of Race in Extracurricular Activities." Available online <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-alabama-school-district-end-use-race-extracurricular>. Accessed 8 Apr 2024.

<sup>54</sup> See, for example, consent orders in *Hereford v. Huntsville Board of Education* (available online <https://www.justice.gov/media/464346/dl> and <https://law.justia.com/cases/federal/district-courts/alabama/alndce/5:1963cv00109/108188/541/>), *Lee v. Macon County Board of Education* Calhoun County School System (available online <https://www.justice.gov/media/403291/dl>), *Lee v. Chambers County Board of Education* (available online <https://casetext.com/case/lee-v-bd-of-educ-1>).

<sup>55</sup> *Stout v. Jefferson Cnty. Bd. Of Educ.*, 882 F.3d 988 (11<sup>th</sup> Cir. 2018).

<sup>56</sup> Verba, Schlozman, and Brady 1995.

poverty, and employment.<sup>57</sup> However, these factors may exert an independent influence on voting as well.

Black people have faced and continue to face discrimination in employment in the United States. For instance, several famous audit studies (in which outcomes are compared between applicants who were identical on all factors other than race) show that racial differences in treatment persist even after controlling for education and human capital however measured. For instance, in an American Economic Review article that has been cited 7,288 times, Bertrand and Mullainathan find that identical resumes receive fewer callbacks for interviews when the name randomly assigned to the resume is more associated with Black Americans.<sup>58</sup> Gaddis also finds that racial gaps in employer responses persist after controlling for credentials (such as university selectivity).<sup>59</sup> Pager and Quillian find that Black applicants are penalized more for drug convictions than White applicants.<sup>60</sup>

Black workers in Alabama face several structural barriers to equal employment. There is evidence of discrimination in Alabama's labor market: Alabamians filed about 700 charges of racial discrimination with the U.S. Equal Employment Opportunity Commission EEOC in each of FY 2020, 2021, and 2022.<sup>61</sup> Nationally, about 15% of charges are found to have merit.<sup>62</sup> Moreover, areas where Black Alabamians live lack access to jobs: in particular, people living in Alabama's Black Belt have been shown to face structural barriers to employment such as a lack of manufacturing jobs and business growth.<sup>63</sup> According to a report by researchers at the University of Alabama, only 4 of the 24 Black Belt counties that they studied were above the statewide average of 22.4 businesses per 1,000 residents, while 8 were below 15 businesses per 1,000 residents.<sup>64</sup> Job loss to automation, which detrimentally affects low-skilled work, is expected to

<sup>57</sup> Long, Mark C. 2010. "Changes in the returns to education and college quality." *Economics of Education Review* 29 (3):338-347.

<sup>58</sup> Bertrand and Mullainathan 2004. For a more recent example, see Kline, Patrick, Evan K. Rose, and Christopher R. Walters. "Systemic discrimination among large US employers." *The Quarterly Journal of Economics* 137, no. 4 (2022): 1963-2036.

<sup>59</sup> Gaddis, S. Michael. "Discrimination in the credential society: An audit study of race and college selectivity in the labor market." *Social Forces* 93, no. 4 (2015): 1451-1479.

<sup>60</sup> Pager, Devah, and Lincoln Quillian. "Walking the talk? What employers say versus what they do." *American sociological review* 70, no. 3 (2005): 355-380.

<sup>61</sup> U.S. Equal Employment Opportunity Commission. "FY 2009-2022 EEOC Charge Receipts for AL." Available online <https://www.eeoc.gov/statistics/enforcement/charges-by-state/AL>. Accessed 5 Apr 2024.

<sup>62</sup> U.S. Equal Employment Opportunity Commission. "Race-Based Charges (charges filed with EEOC FY 1997-FY2022)" Available online <https://www.eeoc.gov/data/race-based-charges-charges-filed-eeoc-fy-1997-fy-2022>. Accessed 5 Apr 2024.

<sup>63</sup> Katsinas, Stephen G., Nathaniel J. Bray, Jonathan Bowen, Emily Grace Corley, Noel E. Keeney, Hunter Whann, and Emily Jacobs. "Black Belt Manufacturing and Economic Prospects." Available online <https://ir-api.ua.edu/api/core/bitstreams/a727f1dd-42a9-49f6-9fa7-5adc537a67fa/content>. Accessed 17 Apr 2024.

<sup>64</sup> Katsinas, et al. 2.

continue to plague the Black rural south in Alabama and other states.<sup>65</sup> Lack of high-speed internet access in the Black Belt also limits access to remote work.<sup>66</sup>

Data from the American Community Survey show that there are large disparities along several measures of socioeconomic status between Black and White Alabama residents. For instance, the median household income for Black Alabama households is \$36,104, compared with \$62,545 for White Alabama households. White-headed households also are richer in each of the counties analyzed in Figure 3. Black unemployment is more than twice as high as White unemployment statewide and Black unemployment rates in Southwest Alabama are higher in all but two of the counties depicted in Table 5. Statewide, Black family poverty is nearly three times as high as White family poverty. In several Black Belt counties, the racial disparity in family poverty is even greater: Black family poverty is six times as high as White family poverty in Wilcox County, 7 times as high in Marengo County, and eight times as high in Greene County (Table 6). Relatedly, a higher percentage of Black households than White households receive SNAP benefits (Table 7).

Computer and broadband access are important for educational and employment opportunities as well as for telehealth.<sup>67</sup> Black Belt counties do not have high speed internet coverage to the same extent as the rest of Alabama and the nation.<sup>68</sup> White households are more likely to have a computer at home statewide and in all but four of the Black Belt counties at issue in this case (Table 8); White families are more likely to have broadband internet access in all but Conecuh County (Table 9).

There are racial disparities in transportation access in Alabama. Statewide, Black Alabama households are more than twice as likely to lack access to a vehicle than White Alabama households. These disparities also are present in the counties I was asked to examine for this case as shown in Table 10. Studies have shown that polling place distance affects voter turnout, and those effects are related to transportation access.<sup>69</sup> In states with no- excuse absentee voting, people tend to offset issues accessing physical polling places by voting by mail instead; however, in states

<sup>65</sup> Contractor, Harin and Spencer Overton. 2019. "An Introduction to the Future of Work in the Black Rural South." Available online <https://jointcenter.org/wp-content/uploads/2019/12/Intro-to-the-Future-of-Work-in-the-Black-Rural-South.pdf>. Accessed 18 Apr 2024.

<sup>66</sup> Katsinas, Stephen G. Noel E. Keeney, Emily Jacobs, Emily Grace Corley, and Hunter Whann. "Internet Access Disparities in Alabama & the Black Belt." Available online <https://ir-api.ua.edu/api/core/bitstreams/f817a3bf-aeca-4c7c-8030-7d20c8dff0c3/content>. Accessed 18 Apr 2024.

<sup>67</sup> Katsinas et al. "Internet Access Disparities in Alabama & the Black Belt."

<sup>68</sup> Katsinas et al. "Internet Access Disparities in Alabama & the Black Belt."

<sup>69</sup> Brady, Henry E., and John E. McNulty. 2011. "Turning Out to Vote: The Costs of Finding and Getting to the Polling Place." *The American Political Science Review* 105 (1):115-134; Bagwe, Gaurav, Juan Margitic, and Allison Stashko. 2020. Polling Place Location and the Costs of Voting. Working Paper.

with limited absentee ballot options such as Alabama,<sup>70</sup> the “substitution to mail-in voting” is smaller.<sup>71</sup>

<sup>70</sup> National Conference of State Legislatures. 2022. "Table 2: Excuses to Vote Absentee." accessed 5 Dec 2022. <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-2-excuses-to-vote-absentee.aspx>.

<sup>71</sup> Bagwe, Margitic, and Stashko 2020: 4

*Figure 3: Median Income for Alabama Households, by Race of Householder. Source: 2021 American Community Survey 5-year Estimates.*

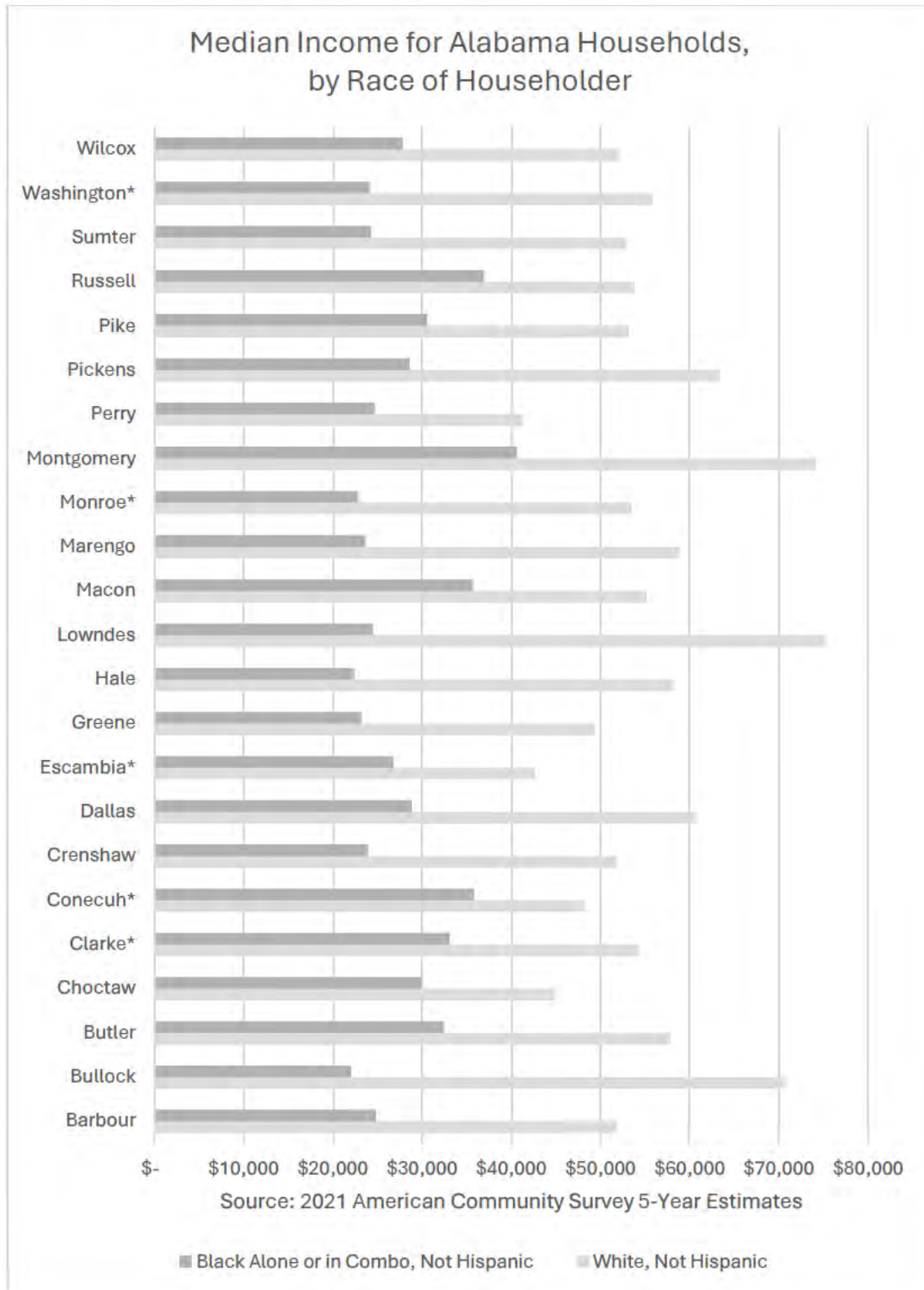


Table 5: Civilian Unemployment Rate for Age 16 and Older, by Race. Source: 2021 American Community Survey 5-year Estimates.

COUNTY	WHITE, NOT HISPANIC	BLACK ALONE OR IN COMBO, NOT HISPANIC
BARBOUR	5%	13%
BULLOCK	0%	4%
BUTLER	6%	8%
CHOCTAW	2%	11%
CLARKE	8%	18%
CONECUH	6%	3%
CRENSHAW	5%	4%
DALLAS	4%	11%
ESCAMBIA	8%	16%
GREENE	2%	12%
HALE	3%	10%
LOWNDES	0%	13%
MACON	9%	11%
MARENGO	4%	7%
MOBILE	4%	9%
MONROE	5%	20%
MONTGOMERY	4%	9%
PERRY	5%	26%
PICKENS	2%	14%
PIKE	4%	6%
RUSSELL	5%	9%
SUMTER	1%	9%
WASHINGTON	3%	10%
WILCOX	5%	18%
REGION TOTAL	4%	10%

*Table 6: Family Poverty in Alabama, by Race of Householder. Source: 2021 American Community Survey 5-year Estimates.*

COUNTY	WHITE, NOT HISPANIC	BLACK ALONE OR IN COMBO, NOT HISPANIC
BARBOUR	8%	33%
BULLOCK	0%	40%
BUTLER	7%	23%
CHOCTAW	9%	29%
CLARKE	9%	24%
CONECUH	8%	8%
CRENSHAW	5%	13%
DALLAS	7%	24%
ESCAMBIA	13%	32%
GREENE	5%	40%
HALE	7%	25%
LOWNDES	7%	22%
MACON	8%	19%
MARENGO	3%	23%
MOBILE	7%	23%
MONROE	7%	32%
MONTGOMERY	4%	24%
PERRY	7%	41%
PICKENS	7%	32%
PIKE	5%	16%
RUSSELL	11%	19%
SUMTER	16%	23%
WASHINGTON	14%	18%
WILCOX	5%	30%
REGION TOTAL	7%	24%

Table 7: SNAP/Food Stamp Receipt, by Race of Householder. Source: 2021 American Community Survey 5-year Estimates.

COUNTY	WHITE, NOT HISPANIC	BLACK ALONE OR IN COMBO, NOT HISPANIC
BARBOUR	15%	37%
BULLOCK	5%	33%
BUTLER	9%	26%
CHOCTAW	11%	36%
CLARKE	12%	32%
CONECUH	8%	16%
CRENSHAW	11%	41%
DALLAS	10%	36%
ESCAMBIA	8%	30%
GREENE	3%	33%
HALE	6%	40%
LOWNDES	6%	37%
MACON	9%	24%
MARENGO	5%	30%
MOBILE	9%	30%
MONROE	5%	20%
MONTGOMERY	6%	29%
PERRY	11%	40%
PICKENS	6%	28%
PIKE	6%	31%
RUSSELL	13%	26%
SUMTER	10%	33%
WASHINGTON	8%	24%
WILCOX	5%	44%
REGION TOTAL	8%	30%

*Table 8: Households without a Computer in Alabama, by Race of Householder. Source: 2021 American Community Survey 5-year Estimates.*

COUNTY	WHITE, NOT HISPANIC	BLACK ALONE OR IN COMBO, NOT HISPANIC
BARBOUR	15%	20%
BULLOCK	8%	24%
BUTLER	12%	23%
CHOCTAW	22%	19%
CLARKE	13%	28%
CONECUH	33%	25%
CRENSHAW	14%	33%
DALLAS	13%	26%
ESCAMBIA	21%	26%
GREENE	25%	29%
HALE	17%	28%
LOWNDES	11%	29%
MACON	11%	20%
MARENGO	17%	20%
MOBILE	8%	13%
MONROE	26%	44%
MONTGOMERY	7%	10%
PERRY	41%	35%
PICKENS	16%	16%
PIKE	12%	26%
RUSSELL	8%	16%
SUMTER	15%	25%
WASHINGTON	13%	28%
WILCOX	5%	26%
REGION TOTAL	10%	17%

*Table 9: Households without Internet Access in Alabama, by Race of Householder. Source: 2021 American Community Survey 5-year Estimates.*

COUNTY	NH WHITE ALONE	NH BLACK ALONE COMBO
BARBOUR	22%	32%
BULLOCK	13%	37%
BUTLER	15%	26%
CHOCTAW	28%	34%
CLARKE	18%	37%
CONECUH	41%	35%
CRENSHAW	23%	45%
DALLAS	16%	29%
ESCAMBIA	26%	43%
GREENE	28%	42%
HALE	24%	35%
LOWNDES	17%	40%
MACON	17%	25%
MARENGO	21%	29%
MOBILE	11%	26%
MONROE	30%	46%
MONTGOMERY	9%	15%
PERRY	41%	42%
PICKENS	24%	27%
PIKE	16%	31%
RUSSELL	14%	25%
SUMTER	18%	33%
WASHINGTON	20%	37%
WILCOX	11%	31%
REGION TOTAL	14%	26%

Table 10: Household Vehicle Access in Alabama, by Race of Householder. Source: 2021 American Community Survey 5-year Estimates.

COUNTY	WHITE, NOT HISPANIC	BLACK ALONE OR IN COMBO, NOT HISPANIC
BARBOUR	7%	17%
BULLOCK	0%	15%
BUTLER	4%	8%
CHOCTAW	6%	7%
CLARKE	2%	17%
CONECUH	3%	12%
CRENSHAW	3%	19%
DALLAS	2%	18%
ESCAMBIA	3%	12%
GREENE	6%	21%
HALE	3%	16%
LOWNDES	4%	13%
MACON	3%	11%
MARENGO	5%	15%
MOBILE	4%	12%
MONROE	5%	10%
MONTGOMERY	3%	10%
PERRY	6%	12%
PICKENS	5%	12%
PIKE	4%	12%
RUSSELL	4%	12%
SUMTER	1%	11%
WASHINGTON	1%	11%
WILCOX	5%	19%
REGION TOTAL	4%	12%

### *Race and Health*

Health status also affects voting. Several studies have associated poor health with lower voter turnout.<sup>72</sup> The effects of health on voting may take many pathways, such as reducing the

<sup>72</sup> Lyon, Gregory. 2021. "The Conditional Effects of Health on Voter Turnout." *Journal of Health Politics, Policy and Law* 46 (3):409-433. Pacheco, Julianna, and Jason Fletcher. 2015. "Incorporating health into studies of political behavior: Evidence for turnout and partisanship." *Political research quarterly* 68 (1):104-116. Blakely, Tony A, Bruce P Kennedy, and Ichiro

availability of free time and money that could otherwise be devoted to politics.<sup>73</sup> Impaired cognitive functioning or physical disability may also make voting more difficult.<sup>74</sup>

Overall indicators of health show that Black Alabamians are in worse health than White Alabamians. For instance, the rate of infant mortality is nearly three times higher for Black infants than White infants.<sup>75</sup> Overall life expectancy at birth varies by race in Alabama. Black women are expected to live over a year less than White women (77.6 vs. 78.8 years, respectively)<sup>76</sup> while Black men are expected to live 3.6 fewer years than White men (69.9 vs. 73.5 years, respectively).<sup>77</sup>

As with the other aspects of life that I discuss in this report, Black Alabamians face structural barriers to equal health outcomes. The lack of access to health care, healthy food, and sanitary living conditions especially affects those living in the Black Belt. These problems have been well documented by researchers.

Health care access is particularly salient for explaining racially disparate outcomes in health in Alabama. In Alabama, Black people are less likely to have health insurance than White people statewide and in all but three of the counties shown in Table 11. However, even with insurance, the health infrastructure in the Black Belt makes it difficult for people to find medical care. Timely response times matter for emergencies such as heart attacks and strokes.<sup>78</sup> Yet, most counties in the Black Belt lag other parts of the state with respect to the number and availability of hospital beds; Lowndes, Perry, and Pickens Counties do not have a hospital at all.<sup>79</sup> Worse health outcomes particularly in southwest Alabama have been linked to hospital closures.<sup>80</sup> These

Kawachi. 2001. "Socioeconomic inequality in voting participation and self-rated health." *American journal of public health* 91 (1):99.

<sup>73</sup> Pacheco and Fletcher 2015.

<sup>74</sup> Pacheco and Fletcher 2015.

<sup>75</sup> Alabama Department of Public Health. "Infant Mortality Alabama 2022." Available online <https://www.alabamapublichealth.gov/healthstats/assets/infantmortality2022.pdf>. Accessed 2 Feb 2024.

<sup>76</sup> Johnson, Catherine O., Alexandra S. Boon-Dooley, Nicole K. DeCleene, Kiana F. Henny, Brigitte F. Blacker, Jason A. Anderson, Ashkan Afshin et al. "Life expectancy for White, Black, and Hispanic race/ethnicity in US states: trends and disparities, 1990 to 2019." *Annals of Internal Medicine* 175, no. 8 (2022): 1057-1064. (Supplemental Tables).

<sup>77</sup> Johnson et al. 2022.

<sup>78</sup> Okubo, Masashi, Robert H. Schmicker, David J. Wallace, Ahamed H. Idris, Graham Nichol, Michael A. Austin, Brian Grunau et al. "Variation in survival after out-of-hospital cardiac arrest between emergency medical services agencies." *JAMA cardiology* 3, no. 10 (2018): 989-999.

<sup>79</sup> Jacobs, Emily, Hunter Whann, Emily Grace Corley, Jonathan Bowen, and Noel Keeny. "Healthcare: A Challenge in Alabama's Black Belt." Available online <https://ir-api.ua.edu/api/core/bitstreams/427aece5-bd8a-4a04-b9f3-d41f72e1b7cb/content>. Accessed 19 Apr 2024.

<sup>80</sup> Shah, Avani, Joseph Swain, and Hailey Lewy. "CONSIDERING HOSPITAL CLOSURES IN ALABAMA: NATIONAL POLICY IMPLICATIONS." *Innovation in Aging* 7, no. Suppl 1 (2023): 720.

problems are exacerbated by the digital divide: access to telemedicine is more difficult in regions where people lack access to computers and high speed internet.<sup>81</sup> Moreover, a study by the University of Alabama finds that accepting the federal Medicaid expansion under the Affordable Care Act would have alleviated many of the issues related to health care access faced by Alabamians.<sup>82</sup>

*Table 11: Health Insurance Access in Alabama, by Race. Source: 2021 American Community Survey 5-year Estimates.*

COUNTY	WHITE, NOT HISPANIC	BLACK ALONE OR IN COMBO, NOT HISPANIC
BARBOUR	13%	17%
BULLOCK	18%	14%
BUTLER	10%	27%
CHOCTAW	16%	24%
CLARKE	15%	22%
CONECUH	10%	17%
CRENSHAW	11%	14%
DALLAS	11%	19%
ESCAMBIA	19%	19%
GREENE	14%	30%
HALE	10%	13%
LOWNDES	9%	16%
MACON	9%	16%
MARENGO	10%	23%
MOBILE	10%	23%
MONROE	19%	22%
MONTGOMERY	10%	17%
PERRY	7%	21%
PICKENS	10%	20%
PIKE	7%	18%
RUSSELL	16%	16%
SUMTER	9%	21%
WASHINGTON	17%	20%
WILCOX	11%	21%
REGION TOTAL	14%	18%

<sup>81</sup> Katsinas et al. “Internet Access Disparities in Alabama & the Black Belt.”

<sup>82</sup> Jacobs, et al. “Health Care: A Challenge in Alabama’s Black Belt.”

The food environment also affects health outcomes.<sup>83</sup> As shown in Figure 4, several areas within Southwest Alabama qualify as “food deserts,” meaning low-income census tracts in which a significant number or share of the residents live more than 10 miles from the nearest supermarket.<sup>84</sup> People living in such areas are less likely to eat a healthy, plant-based diet, which matters for overall health.<sup>85</sup>

In Alabama’s Black Belt, many households lack access to quality sanitation.<sup>86</sup> In this area, the soil makes cost-effective on-site sanitation prohibitively expensive.<sup>87</sup> Sanitation issues can lead to water-borne illnesses and parasites, which have been found to be prevalent in Alabama.<sup>88</sup>

<sup>83</sup> Ghosh-Dastidar, Bonnie, Deborah Cohen, Gerald Hunter, Shannon N. Zenk, Christina Huang, Robin Beckman, and Tamara Dubowitz. “Distance to store, food prices, and obesity in urban food deserts.” *American journal of preventive medicine* 47, no. 5 (2014): 587-595. Testa, Alexander, Dylan B. Jackson, Daniel C. Semenza, and Michael G. Vaughn. “Food deserts and cardiovascular health among young adults.” *Public health nutrition* 24, no. 1 (2021): 117-124. Cooksey-Stowers, Kristen, Marlene B. Schwartz, and Kelly D. Brownell. “Food swamps predict obesity rates better than food deserts in the United States.” *International journal of environmental research and public health* 14, no. 11 (2017): 1366. Dixon, Brittney N., Umelo A. Ugwoaba, Andrea N. Brockmann, and Kathryn M. Ross. “Associations between the built environment and dietary intake, physical activity, and obesity: a scoping review of reviews.” *Obesity Reviews* 22, no. 4 (2021): e13171.

<sup>84</sup> USDA. “Economic Research Service Atlas.” Available online <https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas/>. Accessed 19 Apr 2024.

<sup>85</sup> Gray, Marquita S., Sindhu Lakkur, Virginia J. Howard, Keith Pearson, James M. Shikany, Monika Safford, Orlando M. Gutiérrez, Natalie Colabianchi, and Suzanne E. Judd. “The association between residence in a food desert census tract and adherence to dietary patterns in the REGARDS cohort.” *Food and public health* 8, no. 4 (2018): 79.

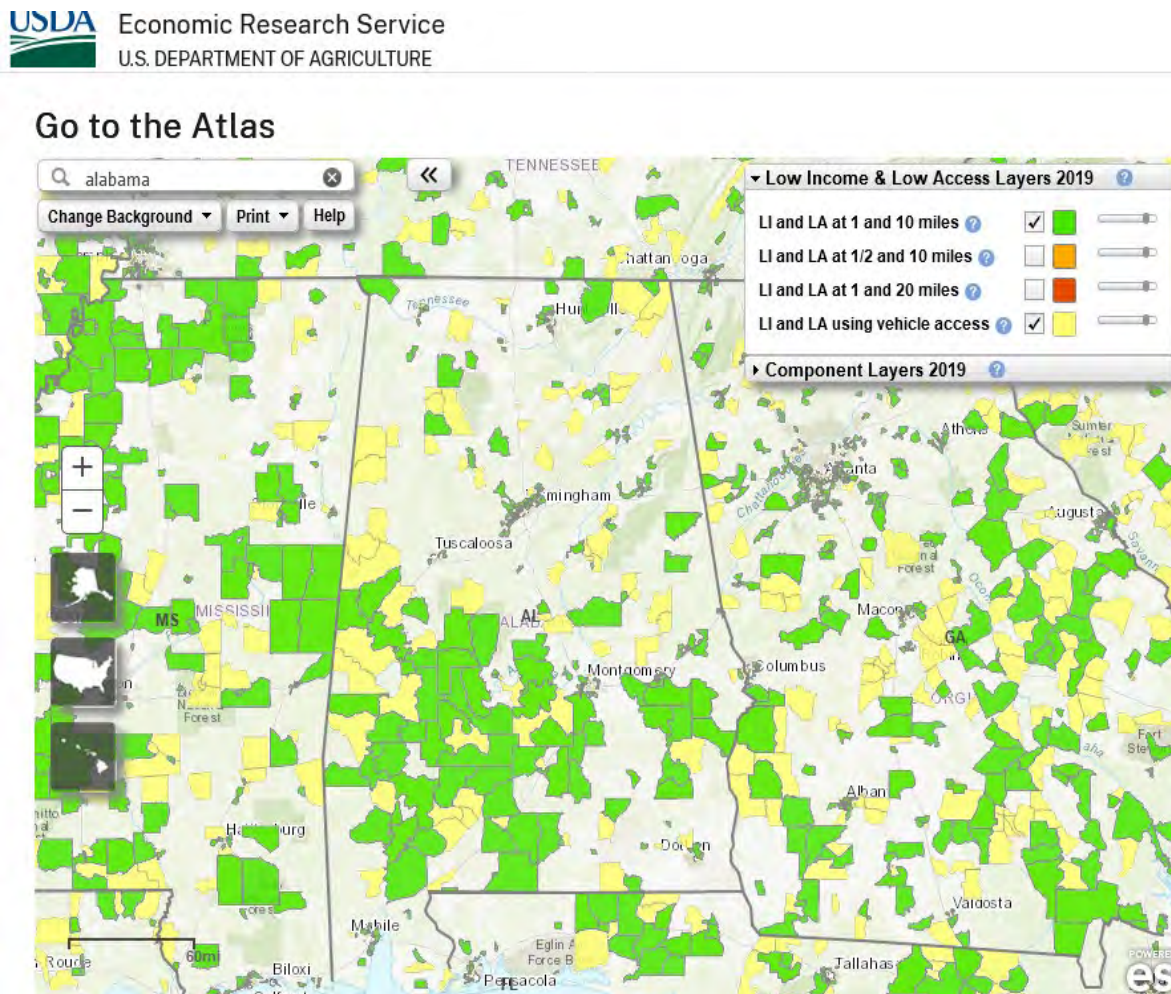
<sup>86</sup> Winkler, Inga T., and Catherine Coleman Flowers. “America’s dirty secret: The human right to sanitation in Alabama’s Black Belt.” *Colum. Hum. Rts. L. Rev.* 49 (2017): 181.

<sup>87</sup> Cook Wedgworth, Jessica, and Joe Brown. “Limited access to safe drinking water and sanitation in Alabama’s Black Belt: a cross-sectional case study.” *Water Quality, Exposure and Health* 5, no. 2 (2013): 69-74. Izenberg, Maxwell, Olivia Johns-Yost, Pauline D. Johnson, and Joe Brown. “Nocturnal convenience: the problem of securing universal sanitation access in Alabama’s black belt.” *Environmental Justice* 6, no. 6 (2013): 200-205.

<sup>88</sup> McKenna, Megan L., Shannon McAtee, Patricia E. Bryan, Rebecca Jeun, Tabitha Ward, Jacob Kraus, Maria E. Bottazzi, Peter J. Hotez, Catherine C. Flowers, and Rojelio Mejia. “Human intestinal parasite burden and poor sanitation in rural Alabama.” *The American journal of tropical medicine and hygiene* 97, no. 5 (2017): 1623. Pilkington, Ed. 2017. “Hookworm, a Disease of Extreme Poverty, is Thriving in the US South. Why?” *The Guardian*. Available online <https://www.theguardian.com/us-news/2017/sep/05/hookworm-lowndes-county-alabama-water-waste-treatment-poverty>. Accessed 18 Apr 2024. Hotez, Peter J. “Neglected infections of poverty in the United States of America.” *PLoS neglected tropical diseases* 2, no. 6 (2008): e256. Gilpin, Lindsey. 2018. “The Rural South’s Invisible Public Health Crisis.” *Montgomery Advertiser*. Available online <https://www.montgomeryadvertiser.com/story/news/local/alabama/2018/07/06/story-first-series-ways-communities-addressing-rise-poverty-related-tropical-diseases-poor-sewage/754311002/>. Accessed 19 Apr 2024. Bisanzio, Donal, Elisa Martello, Katherine Izenour, Kelly Stevens,

Lowndes County has been ground-zero for these issues: the US Departments of Justice and Health and Human Services investigated the Lowndes County Health Department and the Alabama Department of Public Health related to issues of safe wastewater disposal and management.<sup>89</sup>

Figure 4: Census Tracts with Low Income and Low Access to Supermarkets. Source: USDA Economic Research Service.



Ramandeep Kaur, Benjamin A. McKenzie, Moritz Kraemer, Richard Reithinger, and Sarah Zohdy. "Arboviral diseases and poverty in Alabama, 2007–2017." *PLOS Neglected Tropical Diseases* 15, no. 7 (2021): e0009535.

<sup>89</sup> US Department of Justice. 2023. "Departments of Justice and Health and Human Services Announce Interim Resolution Agreement in Environmental Justice Investigation of Alabama Department of Public Health." Available online <https://www.justice.gov/opa/pr/departments-justice-and-health-and-human-services-announce-interim-resolution-agreement>. Accessed 19 Apr 2023.

### *Race and the Criminal Justice System*

A growing body of research shows that criminal-justice interactions affect political behavior. Several studies have shown that, for individuals, contact with the criminal-justice system, from police stops, to arrest, to incarceration, directly decreases voter turnout.<sup>90</sup> Primarily, criminal-justice contact decreases turnout through “the combined forces of stigma, punishment and exclusion” which impose “barriers to most avenues of influence” and diminish “factors such as civic capacity, governmental trust, individual efficacy, and social connectedness that encourage activity.”<sup>91</sup>

The criminal-justice system also affects voting in Alabama. Alabama denies the right to vote to people in prison, on probation, or on parole who have been convicted of felonies involving “moral turpitude”.<sup>92</sup> People with felony convictions also are denied the right to vote even after they are no longer under supervision if they have not paid fines or fees or were convicted of certain crimes.<sup>93</sup> According to estimates from the Sentencing Project, 318,681 people (8.6% of the voting eligible population) were barred from voting in Alabama elections in 2022 due to a felony conviction.<sup>94</sup> For Black Americans in Alabama, the rate is higher: the Sentencing Project estimates that 14.7% of otherwise-eligible Black people in Alabama cannot vote due to a felony conviction.<sup>95</sup>

This racial disparity in felony disenfranchisement reflects racial disparities in convictions and sentencing. For instance, although most Alabamians are White, Black people constitute the majority of the people in prison and on probation in Alabama. According to the Bureau of Justice Statistics, at the end of 2021, 53.3% of people in prison and 51.6% of people on probation were Black, compared with 41.1% and 46.0% White, respectively.<sup>96</sup>

<sup>90</sup> Burch, Traci. 2011. “Turnout and Party Registration among Criminal Offenders in the 2008 General Election.” *Law and Society Review* 45 (3):699-730. Weaver, Vesla M, and Amy E Lerman. 2010. “Political consequences of the carceral state.” *American Political Science Review* 104 (04):817-833.

<sup>91</sup> Burch, Traci. 2007. *Punishment and Participation. How Criminal Convictions Threaten American Democracy.*

<sup>92</sup> Alabama Secretary of State. “Crimes Involving Moral Turpitude Include.” Available online <https://www.sos.alabama.gov/sites/default/files/voter-pdfs/Updated%20Version%20of%20Moral%20Turpitude%20Crimes.pdf>. Accessed 1 Feb 2024.

<sup>93</sup> Alabama Secretary of State. “Convicted of a Felony? You May Still Be Able to Vote.” Available online <https://www.sos.alabama.gov/sites/default/files/Voting-Rights-Final-Version.pdf>. Accessed 30 Jan 2024.

<sup>94</sup> Uggen, Christopher, Ryan Larson, Sarah Shannon, and Robert Stewart. 2022. “Locked Out 2022: Estimates of People Denied Voting Rights Due to a Felony Conviction.” Available online <https://www.sentencingproject.org/app/uploads/2022/10/Locked-Out-2022-Estimates-of-People-Denied-Voting.pdf>. Accessed 30 Jan 2024; 16.

<sup>95</sup> Uggen et al. 2022: 17.

<sup>96</sup> Bureau of Justice Statistics. “Prisoners in 2021—Statistical Tables.” Available online <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/p21st.pdf>. Accessed 2 Feb 2024. Bureau of Justice Statistics. “Probation and Parole in the United States, 2021.” Available online <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ppus21.pdf>. Accessed 2 Feb 2024.

There is ample evidence that racial disparities in arrest, conviction, and sentencing are influenced by racial discrimination. For instance, scholars have documented that racial disparities in arrest are caused partially by factors that make it more likely that police will stop or search Black people, such as spatially differentiated policing, racial residential segregation, and discrimination (Beckett, Nyrop, and Pfingst 2006; Gelman, Fagan, and Kiss 2007; Ousey and Lee 2008; Pierson et al. 2020). Racial disparities also exist in bail decisions<sup>97</sup> and in sentencing in federal and state courts.<sup>98</sup> These disparities in the operation of the criminal justice system persist even after accounting for legally relevant factors such as criminal history, crime type, or other behavioral factors.

Research on racial differences in imprisonment shows the proportion of the disparity that is explained by differential arrest rates by race has “declined substantially since the 1980s, approximating 55% during the 2000s.”<sup>99</sup> Even in the 1980s, racial disparities in arrest for violent or other crimes explained less than half of the Black/White imprisonment gap in Alabama.<sup>100</sup> Disparities in arrests still do not account for the racial imprisonment gap in Alabama today. Data from the FBI’s Uniform Crime Report show that a majority of people arrested for committing crimes in Alabama in 2022 were *White*, not Black.<sup>101</sup> Moreover, only 80 more Black people were arrested for committing crimes against persons in Alabama than White people in 2022—a low number that cannot account for the 2:1 incarceration difference between Black and White violent offenders.<sup>102</sup> Prison *admissions* also cannot explain the large incarceration disparity—more White people are admitted to prison than Black people in Alabama.<sup>103</sup> In other words, most of the people getting arrested for crimes and admitted to prison in Alabama are White, but most of the people in prison in Alabama are Black.

<sup>97</sup> Arnold, David, Will Dobbie, and Crystal S. Yang. “Racial bias in bail decisions.” *The Quarterly Journal of Economics* 133, no. 4 (2018): 1885-1932.

<sup>98</sup> Rehavi, M. Marit, and Sonja B. Starr. “Racial disparity in federal criminal sentences.” *Journal of Political Economy* 122, no. 6 (2014): 1320-1354; Abrams, David S., Marianne Bertrand, and Sendhil Mullainathan. “Do judges vary in their treatment of race?.” *The Journal of Legal Studies* 41, no. 2 (2012): 347-383; Feigenberg, Benjamin, and Conrad Miller. “Racial Divisions and Criminal Justice: Evidence from Southern State Courts.” *American Economic Journal*. 13, no. 2 (2021): 207–40; Alesina, Alberto, and Eliana La Ferrara. 2014. “A Test of Racial Bias in Capital Sentencing.” *The American Economic Review* 104 (11): 3397–433.

<sup>99</sup> Baumer, Eric P. “Reassessing and redirecting research on race and sentencing.” *Justice Quarterly* 30, no. 2 (2013): 231-261; 238.

<sup>100</sup> Crutchfield, Robert D., George S. Bridges, and Susan R. Pitchford. “Analytical and aggregation biases in analyses of imprisonment: Reconciling discrepancies in studies of racial disparity.” *Journal of Research in Crime and Delinquency* 31, no. 2 (1994): 166-182.

<sup>101</sup> Federal Bureau of Investigation. “Crime Data Explorer.” Available online <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/arrest>. Accessed 8 Apr 2024. Alabama Department of Corrections 2023.

<sup>102</sup> Federal Bureau of Investigation. “Crime Data Explorer.”

<sup>103</sup> See Alabama DOC Monthly Statistical reports, which can be found here: <https://doc.alabama.gov/StatReports>.

This disconnect between arrest rates, prison admissions, and the makeup of the prison population shows that incarceration in Alabama is influenced by a more complex set of factors than just who commits crimes—even than just the severity of crimes. Prosecutorial discretion or sentencing disparities, for instance, may explain that disconnect (for example, if Black people are convicted more often, sentenced more harshly or serve more time, and thus stay longer in prison than White people). Research shows that there is, in fact, racial bias in criminal justice in Alabama. Prosecutors in Alabama have been found to use peremptory strikes against potential Black jurors in a racially discriminatory manner.<sup>104</sup> Moreover, even after controlling for legally-relevant factors that might explain disparities such as crime severity, criminal history, and demographic context, Black people still receive longer sentences than White people in Alabama.<sup>105</sup>

#### *Race and Voting Access*

Most voting in Alabama takes place in person. There are racial disparities in access to polling places in Alabama. First, there is a racial disparity in wait times at polling places in the state. Studies that use cell phone data to study wait times at polling places find that Black voters have longer wait times than White voters in Alabama.<sup>106</sup>

Alabama requires photo identification to vote. Studies have shown racial disparities in access to photo identification in Alabama; an analysis of 2016 data found “1.37% of white, 2.44% of Black, and 2.29% of Hispanic registered voters lack any form of acceptable photo ID.”<sup>107</sup> Poll workers can vouch for the identity of a voter in the absence of photo identification.<sup>108</sup> However, there are racial disparities in knowing poll workers as well. The 2020 SPAE asks if a voter personally knew the person who checked them in to vote. In Alabama, 19.4% of White respondents knew the person who checked them in to vote, compared with 15.4% of Black voters (the overall sample size was 108 White and 26 Black voters).<sup>109</sup>

<sup>104</sup> See *Madison v. Commissioner, Alabama Department of Corrections* ([https://scholar.google.com/scholar\\_case?case=6333162242108775170&hl=en&as\\_sdt=206&as\\_vis=1https://www.google.com/search?client=firefox-b-l-d&q=b.+https%3A%2F%2Fscholar.google.com%2Fscholar\\_case%3Fcase%3D6333162242108775170%26hl%3Den%26as\\_sdt%3D206%26as\\_vis%3D1](https://scholar.google.com/scholar_case?case=6333162242108775170&hl=en&as_sdt=206&as_vis=1https://www.google.com/search?client=firefox-b-l-d&q=b.+https%3A%2F%2Fscholar.google.com%2Fscholar_case%3Fcase%3D6333162242108775170%26hl%3Den%26as_sdt%3D206%26as_vis%3D1)) and *McGahee v. Alabama Department of Corrections* (<https://caselaw.findlaw.com/court/us-11th-circuit/1218771.html>) for examples.

<sup>105</sup> Feigenberg and Miller 2021; Appendix table A2. Available online <https://www.aeaweb.org/content/file?id=14354>. Accessed 8 Apr 2024.

<sup>106</sup> Supplemental Appendix Figure B.2. Chen, M. Keith, Kareem Haggag, Devin G. Pope, and Ryne Rohla. "Racial disparities in voting wait times: Evidence from smartphone data." *Review of Economics and Statistics* 104, no. 6 (2022): 1341-1350.

<sup>107</sup> *Greater Birmingham Ministries v. Merrill*, 284 F. Supp. 3d 1253, 1269 (N.D. Ala. 2018). Experts for the Alabama Secretary of State also found racial disparities in the possession of photo identification. *Greater Birmingham Ministries v. Merrill*, 284 F. Supp. 3d 1253, 1269 (N.D. Ala. 2018).

<sup>108</sup> Alabama Secretary of State. “Alabama Photo Voter Identification.” Available online <https://www.sos.alabama.gov/alabama-votes/photo-voter-id>. Accessed 30 Jan 2024.

<sup>109</sup> Calculated with data weighted by “weight.”

For people who are eligible to vote absentee, fulfilling the requirements also may pose difficulties because of racial disparities in socioeconomic status. Alabama recently passed a law S.B. 1 that limits the ability of people and civic groups to assist people with their absentee ballot applications. S.B. 1 will likely make it more difficult for the disproportionate number of Black Alabamians with lower literacy skills to vote absentee.<sup>110</sup> Alabama also requires absentee voters to prove their identities by using government documents or a notary. To provide this information, people wishing to vote absentee need access to a computer to scan and print identity documents or the financial means to pay for a notary. As shown in a previous section of this report, Black Alabamians are less likely to have access to computers and the internet at home. In my study of Alabama notaries in 2020, I found that the cost of using a notary to verify identity on ballots was expensive. Of the 42 notaries we were able to reach, 23 said they charged \$5 or less to notarize ballots, 6 said they charged \$10, and 13 said they charged more than \$10. There also may be additional travel costs assessed for the notary to come to the voter.<sup>111</sup>

### Conclusion

My review of the data makes it clear that there is a disparity between Black and White Alabama residents with respect to voter registration and turnout. According to the Alabama Secretary of State's data, Black voter registration and turnout has been lower than White registration and turnout in all recent elections for which data are available. Moreover, Black turnout has lagged White turnout in recent elections in most of the counties that are at issue in this case.

Socioeconomic status is an important factor for voting. The evidence that I analyzed for this report, in line with the scholarly literature in political science, supports the finding that people with higher educational attainment are more likely to vote. The data show that Black Alabamians are worse off in terms of educational attainment relative to White Alabamians, both statewide and in the specific counties I was asked to analyze. These disparities can be linked to historical and contemporary racial discrimination in education. Black people in Alabama also are worse off relative to White people along a host of other socioeconomic measures that also can affect voting participation, such as income, poverty, unemployment, health insurance, and access to computers, internet, and vehicles at home.

My analysis also highlights disparities in health and criminal justice, which political science research has shown to affect political participation. Overall indicators of health show that Black people are less healthy than White people in Alabama. Likewise, Black people have higher incarceration, probation, and disenfranchisement rates than White people in Alabama.

Finally, my examination of factors related to voting rules shows additional disparities that may affect the ability of Black Alabamians to participate equally in the electoral process. First, a disproportionate number of Black Alabamians have lost the right to vote due to a felony conviction. Second, Black voters face more barriers to voting absentee and are less likely to have photo

<sup>110</sup> Chandler, Kim. "Alabama Enacts New Restrictions on Absentee Ballot Requests." AP Available online <https://apnews.com/article/alabama-legislature-absentee-voting-7e2548402d40eab250fbfdd3fde10453>. Accessed 17 May 2024.

<sup>111</sup> Burch Expert Declaration in *People First Alabama v. Merrill*, 467 F. Supp. 3d 1179 (N.D. Ala. 2020).

identification and to know their poll workers, which would prevent them from being able to vote without a photo identification.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of May, 2024

A handwritten signature in black ink, appearing to read "Travis Burkh". The signature is written in a cursive, flowing style with a large initial 'T' and a long, sweeping underline.

## Traci Burch

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### Employment

- Associate Professor, Northwestern University Department of Political Science (2014-Present)
- Research Professor, American Bar Foundation (2007- Present)
- Assistant Professor, Northwestern University Department of Political Science (2007-2014)

### Education

- *Harvard University*  
Ph.D. in Government and Social Policy  
Dissertation: *Punishment and Participation: How Criminal Convictions Threaten American Democracy*  
Committee: Jennifer Hochschild (Chair), Sidney Verba, and Gary King
- *Princeton University*  
A.B. in Politics, *magna cum laude*

### Publications

- Levi, Ron, Traci Burch, and Robert L. Nelson. 2023. "Streets, Suites, and States: John Hagan's Contributions to the Study of Law, Power, and Inequality." *Law & Social Inquiry* 48(4): 1109-1116.
- Burch, Traci. 2023. "Which Lives Matter: Factors Shaping Public Attention to and Protest of Officer-Involved Killings." *Cambridge Elements in Race, Ethnicity, and Politics*.
- Burch, Traci. 2022. "Adding Insult to Injury: the Justification Frame in Official Narratives of Officer-Involved Killings." *Journal of Race, Ethnicity, and Politics*.
- Burch, Traci. 2022. "Officer-Involved Killings and the Repression of Protest." *Urban Affairs Review*.
- Burch, Traci. 2021. "Not All Black Lives Matter: Officer-Involved Deaths and the Role of Victim Characteristics in Shaping Political Interest and Voter Turnout." *Perspectives on Politics*.
- Kay Lehman Schlozman, Philip Edward Jones, Hye Young You, Traci Burch, Sidney Verba, Henry E. Brady. 2018. "Organizations and the Democratic Representation of Interests: What Happens When Those Organizations Have No Members?" *Perspectives on Politics*.

- Burch, Traci. 2016. “Political Equality and the Criminal Justice System.” In Resources, Engagement, and Recruitment. Casey Klofstad, ed. Philadelphia: Temple University Press.
- Burch, Traci. 2016. “Review of The First Civil Right by Naomi Murakawa.” *The Forum*.
- Kay Lehman Schlozman, Philip Edward Jones, Hye Young You, Traci Burch, Sidney Verba, Henry E. Brady. 2015. “Louder Chorus – Same Accent: The Representation of Interests in Pressure Politics, 1981-2011.” In Darren Halpin, David Lowery, Virginia Gray, eds. The Organization Ecology of Interest Communities. New York: Palgrave Macmillan.
- Burch, Traci. 2015. “Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Criminal Sentencing.” *Journal of Empirical Legal Studies* 12(3): 395-420.
- Burch, Traci. 2014. “The Old Jim Crow: Racial Residential Segregation and Neighborhood Imprisonment.” *Law & Policy* 36(3) 223-255.
- Burch, Traci. 2014. “The Effects of Imprisonment and Community Supervision on Political Participation.” Detaining Democracy Special Issue. *The Annals of the American Academy of Political and Social Science* 651 (1) 184-201.
- Burch, Traci. 2013. Trading Democracy for Justice: Criminal Convictions and the Decline of Neighborhood Political Participation. Chicago: University of Chicago Press.
- Hochschild, Jennifer, Vesla Weaver, and Traci Burch. 2012. Transforming the American Racial Order. Princeton: Princeton University Press.
- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Traci Burch, and Phillip Jones. 2012. “Who Sings in the Heavenly Chorus? The Shape of the Organized Interest System.” In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.
- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Phillip Jones, and Traci Burch. 2012. “Political Voice through Organized Interest Activity.” In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.
- Burch, Traci. 2012. “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida’s Ex-Felons.” *Political Behavior* 34 (1); 1-26.
- Burch, Traci. 2011. “Turnout and Party Registration among Criminal Offenders in the 2008 General Election.” *Law and Society Review* 45(3): 699-730.

- Burch, Traci. 2011. “Fixing the Broken System of Financial Sanctions.” *Criminology and Public Policy* 10(3).
- Hochschild, Jennifer; Vesla Weaver, and Traci Burch. 2011. “Destabilizing the American Racial Order.” *Daedalus* 140; 151-165.
- Burch, Traci. 2009. “Can the New Commander-In-Chief Sustain His All Volunteer Standing Army?” *The Dubois Review on Race* 6(1).
- Burch, Traci. 2009. “Review of *Imprisoning Communities*, by Todd Clear.” *Law and Society Review* 43(3) 716-18.
- Burch, Traci. 2009. “American Politics and the Not-So-Benign Neglect of Criminal Justice,” in The Future of American Politics, ed. Gary King, Kay Schlozman, and Norman Nie. (New York: Routledge).
- Schlozman, Kay Lehman and Traci Burch. 2009. “Political Voice in an Age of Inequality,” in America at Risk: Threats to Liberal Self-Government in an Age of Uncertainty, ed. Robert Faulkner and Susan Shell (Ann Arbor: University of Michigan Press).
- Hochschild, Jennifer and Traci Burch. 2007. “Contingent Public Policies and the Stability of Racial Hierarchy: Lessons from Immigration and Census Policy,” in Political Contingency: Studying the Unexpected, the Accidental, and the Unforeseen, ed. Ian Shapiro and Sonu Bedi (New York: NYU Press).

## Grants

- Co-Principal Investigator. “Fellowship and Mentoring Program on Law and Inequality.” September 1, 2020 to August 31, 2023. \$349, 313. National Science Foundation.

## Honors and Fellowships

- American Political Science Association 2014 Ralph J. Bunche Award (for Trading Democracy for Justice).
- American Political Science Association Urban Section 2014 Best Book Award (for Trading Democracy for Justice).
- American Political Science Association Law and Courts Section 2014 C. Herman Pritchett Award (for Trading Democracy for Justice).
- Research grant, Stanford University Center for Poverty and Inequality (2012).

- American Political Science Association E. E. Schattschneider Award for the best doctoral dissertation in the field of American Government (2009)
- American Political Science Association William Anderson Award for the best doctoral dissertation in the field of state and local politics, federalism, or intergovernmental relations (2008)
- American Political Science Association Urban Section Best Dissertation in Urban Politics Award (2008)
- Harvard University Robert Noxon Toppan Prize for the best dissertation in political science (2007)
- Institute for Quantitative Social Sciences Research Fellowship (2006-07)
- *European Network on Inequality* Fellowship (2005)
- Research Fellowship, The Sentencing Project (2005)
- Doctoral Fellow, Malcolm Weiner Center for Inequality and Social Policy (2004-07)

#### **Professional Service**

- Co-Editor, *Law and Social Inquiry* (Editor beginning July 2024)
- APSA Law and Courts Section Best Paper Award Committee (2020-2021)
- APSA Elections, Public Opinion, and Voting Behavior Executive Committee (2020-2023)
- General Social Survey Board of Overseers (2020-2024)
- APSA Kammerer Prize Committee (2017)
- Associate Editor, *Political Behavior* (2015-2019)
- APSA Law and Courts Section, Lifetime Achievement Award Prize Committee (2014-2015)
- Law and Society Association, Kalven Prize Committee (2013-2014)
- American Political Science Association, Urban Politics Section Dissertation Prize Committee (2012-13)
- American Political Science Association, Urban Politics Section Executive Committee (2012-13)

- Law and Society Association Diversity Committee, (2012-2013)
- American Political Science Association, Urban Politics Section Program Co-Chair (2011)
- Associate Editor, *Law and Social Inquiry*
- American Political Science Association, Urban Politics Section Book Prize Committee (2009)
- Reviewer for *The American Political Science Review*, *Public Opinion Quarterly*, *American Politics Research*, *Time-Sharing Experiments in the Social Sciences*, etc.

### **Presentations and Invited Talks**

- “Which Lives Matter?” Race, Ethnicity, and Politics Workshop. Harvard University, Cambridge MA. March 2024.
- “Reenfranchisement and the Limits of Policy Feedback.” Princeton University Center for the Study of Democratic Politics. February 2024.
- Harvard University, Cambridge, MA. Panel on Reform and Representation. Race, Electoral Systems, and Reform Conference. September 2023.
- Northwestern University, Evanston, IL. “Chicago Area Behavior Conference: The Politics of Officer Involved Killings.” May 2023.
- Loyola University, Chicago, IL. “Hartigan Lecture: Limits on the Use of Force by Police: Perspectives from Law, Courts, and the Public.” February 2023.
- American Political Science Association Annual Conference, Montreal, Canada. “Not All Black Lives Matter: Officer-Involved Deaths and the Role of Victim Characteristics in Shaping Political Interest and Voter Turnout.” September 2022.
- University of Pennsylvania. Virtual. “Voice and Representation in American Politics.” April 2021.
- University of Michigan. Virtual. “Which Lives Matter? Factors Affecting Mobilization in Response to Officer-Involved Killings.” February 2021.
- University of Pittsburgh. Virtual. “Policing and Participation.” November 2020.
- Hamilton College Constitution Day Seminar. Virtual. “Racial Protests and the Constitution.” September 2020.

- New York Fellows of the American Bar Foundation. New York, NY. “Police Shootings and Political Participation.” March 2020.
- Pennsylvania State University, State College, PA. “Effect of Officer Involved Killings on Protest. November 2019.
- Princeton University. Princeton NJ. “Effects of Police Shootings on Protest among Young Blacks.” November 2019.
- Missouri Fellows of the American Bar Foundation. Branson, MO. Police Shootings and Political Participation in Chicago. September 2019.
- Northwestern University. “Police Shootings and Political Participation.” November, 2018.
- Princeton University. Princeton, NJ. “Police Shootings and Political Participation.” September, 2018.
- University of California at Los Angeles. Los Angeles, CA. “Police Shootings and Political Participation.” August, 2018.
- American Bar Association Annual Meeting. Chicago, IL. “Police Shootings and Political Participation.” August 2018.
- American Bar Endowment Annual Meeting. Lexington, KY. “Effects of Police Shooting in Chicago on Political Participation.” June 2018.
- Vanderbilt University. “Effects of Police Shootings in Chicago on Political Participation.” April 2018.
- Washington University in St. Louis. “Effects of Pedestrian and Auto Stops on Voter Turnout in St. Louis.” February 2018.
- Fellows of the American Bar Foundation, Los Angeles. “Assaulting Democracy.” January 2018.
- Northwestern University Reviving American Democracy Conference. Panel presentation. “Barriers to Voting.” January 2018.
- University of Illinois at Chicago. “Effects of Police Shootings in Chicago on Political Participation.” October, 2017.
- Chico State University. “Constitution Day Address: Policing and Political Participation.” September, 2017.

- Fellows of the American Bar Foundation, Atlanta, Georgia. “Policing in Georgia.” May 2017.
- United States Commission on Civil Rights. Testimony. “Collateral Consequences of Mass Incarceration.” May 2017.
- Northwestern University Pritzker School of Law. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” April 2017.
- University of California at Los Angeles. Race and Ethnic Politics Workshop. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” March 2017.
- University of North Carolina at Chapel Hill. American Politics Workshop. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” February 2017.
- National Bar Association, St. Louis MO. “Political Effects of Mass Incarceration.” July 2016.
- Harvard University, Edmond J. Safra Center for Ethics. Inequalities/Equalities in Cities Workshop. April 2016.
- American Political Science Association Annual Meeting. September 2015. “Responsibility for Racial Justice.” Discussant.
- St. Olaf College. April 2015. “The Collateral Consequences of Mass Incarceration.”
- Northwestern University. Institute for Policy Research. February 2015. “The Civic Culture Structure.”
- Texas A&M University. Race, Ethnicity, and Politics Workshop. September 2014. “Trading Democracy for Justice.”
- Columbia University Teachers College. The Suburban Promise of Brown Conference. May 2014. “Can We All Get Along, Revisited: Racial Attitudes, the Tolerance for Diversity, and the Prospects for Integration in the 21<sup>st</sup> Century.”
- University of Kentucky. Reversing Trajectories: Incarceration, Violence, and Political Consequences Conference. April 2014. “Trading Democracy for Justice.”
- University of Chicago. American Politics Workshop. March 2014. “How Geographic Differences in Neighborhood Civic Capacity Affect Voter Turnout.”
- Kennedy School of Government, Harvard University. February 2014. “Trading Democracy for Justice.”

- University of Michigan. American Politics Workshop. December 2013. “Trading Democracy for Justice.”
- Yale University. American Politics and Public Policy Workshop. September 2013. “Trading Democracy for Justice.”
- American Political Science Association Annual Meeting. August 2013. “The Heavenly Chorus Is Even Louder: The Growth and Changing Composition of the Washington Pressure System.” With Kay Lehman Schlozman, Sidney Verba, Henry Brady, and Phillip Jones.
- National Bar Association, Miami Florida, July 2013. “The Collateral Consequences of Mass Imprisonment.”
- Loyola University. American Politics Workshop. December 2012. “Mass Imprisonment and Neighborhood Voter Turnout.”
- Marquette University School of Law. November 2012. “The Collateral Consequences of Mass Imprisonment.”
- Yale University. Detaining Democracy Conference. November 2012. “The Effects of Imprisonment and Community Supervision on Political Participation.”
- Brown University. American Politics Workshop. October 2012. “Mass Imprisonment and Neighborhood Voter Turnout.”
- American Bar Association National Meeting, August 2012. “Mass Imprisonment: Consequences for Society and Politics.”
- University of Madison-Wisconsin. American Politics Workshop. March 2012. “The Spatial Concentration of Imprisonment and Racial Political Inequality.”
- American Political Science Association Annual Meeting. 2011. “Theme Panel: How Can Political Science Help Us Understand the Politics of Decarceration?”
- University of Pennsylvania. Democracy, Citizenship, and Constitutionalism Conference. April, 2011. “Vicarious Imprisonment and Neighborhood Political Inequality.”
- University of Chicago School of Law. Public Laws Colloquium. Chicago, IL. November, 2010. ““The Effects of Neighborhood Incarceration Rates on Individual Political Efficacy and Perceptions of Discrimination.”
- Pomona College. November, 2010. “Incarceration Nation.”

- University of Washington. Surveying Social Marginality Workshop. October 2010. “Using Government Data to Study Current and Former Felons.”
- American Bar Foundation, Chicago, IL, September 2010. “The Effects of Neighborhood Incarceration Rates on Individual Political Attitudes.”
- Northwestern University. Chicago Area Behavior Conference. May 2010. “Trading Democracy for Justice: The Spillover Effects of Incarceration on Voter Turnout in Charlotte and Atlanta.”
- Annual Meeting of the Law and Society Association, Chicago, IL, May 2010. “Neighborhood Criminal Justice Involvement and Voter Turnout in the 2008 General Election.”
- Annual Meeting of the Southern Political Science Association, Atlanta, GA, January 2010. “The Art and Science of Voter Mobilization: Grassroots Perspectives on Registration and GOTV from Charlotte, Atlanta, and Chicago.”
- University of Illinois at Chicago. Institute for Government and Public Affairs. November 2009. “Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election.”
- Annual Meeting of the American Political Science Association, Toronto, Ontario, Canada, September 2009. “‘I Wanted to Vote for History:’ Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election.”
- Harris School of Public Policy, University of Chicago. American Politics Workshop. December 2008. “Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation.”
- Northwestern University School of Law. Law and Political Economy Colloquium. November 2008. “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons.”
- University of California, Berkeley. Center for the Study of Law and Society. October 2008. “Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation.”
- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons.”
- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. “Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation.”

- Midwest Political Science Association Conference, Chicago, IL, April 2007. Paper: “Concentrated Incarceration: How Neighborhood Incarceration Decreases Voter Registration.”

### **Additional Activities**

- Expert witness in *Kelvin Jones vs. Ron DeSantis, etc. et al.* (U.S. District Court for the Northern District of Florida Consolidated Case No. 4:19-cv-00).
- Expert witness in *Community Success Initiative, et al., Plaintiffs v. Timothy K. Moore* (Superior Court, Wake County, NC Case No. 19-cv-15941).
- Expert witness in *People First of Alabama v. Merrill* (U.S. District Court in Birmingham, Alabama, Case No. 2: 20-cv-00619-AKK)
- Expert witness in *Florida State Conference of the NAACP v. Lee* (U.S. District Court in the Northern District of Florida, Case No. 4:21-cv-00187-MW-MAF)
- Expert witness in *One Wisconsin Institute Inc. v. Jacobs* (U.S. District Court in the Western District of Wisconsin, Case No. 15-CV-324-JDP).
- Expert witness in *Alpha Phi Alpha Fraternity Inc., et al. v. Raffensperger* (U.S. District Court for the Northern District of Georgia, Case No. 1:21-cv-05337-SCJ)
- Expert witness in *Robinson, et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil Action No. 22-cv-00211).
- Expert witness in *Nairne, et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil Action No. 3:22-cv-00178 SDD-SDJ).
- Expert witness in *White, et al. v. State Board of Election Commissioners, et al.* (U. S. District Court for the Northern District of Mississippi, Civil Action No. 4:22-cv-00062-SA-JMV).
- Expert witness in *Honorable Terry Petteway et al. v. Galveston County et al.* (U.S. District Court for the Southern District of Texas, Galveston, Civil Action No. 3:22-cv-57-JVB).
- Expert Witness in *Tennessee Conference of the NAACP et al. v. Lee, et al.* (U.S. District Court for the Middle District of Tennessee, Nashville, Civil Action No. 3:20-cv-01039).
- Expert Witness in *Mi Familia Vota et al. v. Fontes et al.* (U.S. District Court for the District of Arizona, Civil Action No. CV-22-00509-PHX-SRB).

- Expert Witness in *Voice of the Experienced et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil Action No. 3:23-cv-00331-JWD-SDJ)
- Expert Witness in *Stone v. Allen* (U.S. District Court for the Northern District of Alabama, Southern Division, Civil Action No. 2:21-cv-01531-AMM).