

# Exhibit 3

## Expert Report of Dr. Traci Burch

## **DECLARATION OF DR. TRACI BURCH**

Pursuant to 28 U.S.C. § 1746, I, Traci Burch, make the following declaration:

### **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 am widely regarded 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 *Arlington Heights* and the Senate Factors 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 state court.

My curriculum vitae is provided in the appendix. 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. My prior expert engagements are set forth in my CV. In all cases where an opinion was issued, the courts accepted my expert testimony.

### Scope of the Report

For this case, I was asked by the attorneys for the plaintiffs to examine the passage of SB758 with respect to information relevant for evaluating the totality of the circumstances as it relates to Section 2 of the Voting Rights Act. I was asked to discuss information pertaining to Senate Factor 5, or “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,” particularly with respect to Black North Carolinians. I also was asked to discuss information that would be relevant for evaluating Senate Factor 6, or “the use of overt or subtle racial appeals in political campaigns” and Senate Factor 7, or “the extent to which members of the minority group have been elected to public office in the jurisdiction.”

In formulating my opinions, I relied on my analysis of standard sources for political scientists such as the reviews of scholarly literature and the analysis of demographic data, census data, historical records, and government reports and data where noted.

### Opinions Offered

1. Educational attainment is a fundamental explanatory factor for voter turnout, such that highly educated voters are more likely to turn out than voters with low educational attainment. Educational attainment gaps in North Carolina are the result of contemporary and historical discrimination.
2. Socioeconomic indicators such as income, poverty, employment, and homeownership have been shown to affect voting. There are large gaps in unemployment, income, poverty, and homeownership between Black and White North Carolina residents.
3. Health outcomes vary by race in North Carolina and health is another important predictor of voter turnout. For instance, Black North Carolinians are worse off than White North Carolinians with respect to life expectancy, infant mortality, cancer, and diabetes. Black North Carolina residents lack insurance at higher rates relative to White North Carolina residents.
4. Criminal justice involvement also has been shown to affect voting. Criminal justice outcomes vary by race in North Carolina. Black people are overrepresented among North Carolina’s arrestees and correctional populations. Research has shown that

racial discrimination plays a role in racial disparities in criminal justice in North Carolina.

5. Political campaigns in North Carolina have historically been and remain marked by implicit and explicit racial appeals. Racial appeals featured prominently in the 2022 U.S. Senate election and other candidates and political organizations have made racial appeals recently as well.
6. Black people are just over one-fifth of North Carolina's overall population, yet are underrepresented in several elected positions that I examined, including the governorship and the U.S. senate.

#### Senate Factor 5: the Extent of Racial Discrimination

I have been asked to provide information relevant for evaluating Senate Factor 5, or "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." I will examine disparities between Black and White residents of North Carolina both statewide and, where available, in the Black belt counties at issue in this case. As shown below, there are significant racial gaps between Black and White North Carolinians in socioeconomic status, health, and criminal justice.

#### *Education*

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>1</sup> Socioeconomic status is an important factor in an individual's ability to vote<sup>2</sup> because socioeconomic status is related to the available time, money, and civic skills an individual can devote to overcoming the costs of voting.<sup>3</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>4</sup>

Of the components of socioeconomic status, educational attainment is the most important predictor of voting. In fact, "The powerful relationship between education and voter turnout is

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<sup>1</sup> Verba, Sidney, Kay Lehman Schlozman, and Henry E. Brady. *Voice and equality: Civic voluntarism in American politics*. Harvard University Press, 1995.

<sup>2</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.

<sup>3</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>4</sup> Verba, Schlozman and Brady 1995.

arguably the most well-documented and robust finding in American survey research.”<sup>5</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>6</sup> Research also shows that the relationship between education and voting is a causal one.<sup>7</sup> Socioeconomic status also is an important mechanism that explains gaps in voting by race and ethnicity.<sup>8</sup>

Education is so important to voting that it is important to examine educational disparities when considering how racial disparities may shape the ability to vote. Black people historically have faced educational discrimination in North Carolina, which has hindered their ability to vote. Although the U. S. Supreme Court ruled segregation in public schools unconstitutional in *Brown v. Board of Education* in 1954, and Congress outlawed segregation in public accommodations in the Civil Rights Act of 1964, districts across the state failed to desegregate for several years after those rulings. For instance, by 1961, the Southern Educational Reporting Service found that in North Carolina only 11 out of the 173 K-12 school districts and 5 of 17 state universities had desegregated.<sup>9</sup> However, “desegregation” meant that only 203 out of more than 60,000 Black K-12 students attended schools with White children.<sup>10</sup> The process of desegregation accelerated later in the 1960s, partly as a result of court orders.<sup>11</sup> However, it is worth remembering that 19.7% of North Carolina’s citizen voting age population is age 55 or older and born in North Carolina, which means that about one-fifth of North Carolina’s current electorate is likely to have been educated during the time when the state’s districts were racially segregated by law.<sup>12</sup>

Current North Carolina students face school segregation and disparities in educational outcomes in the contemporary period. For instance, Duke University researchers found that school segregation has *increased* in North Carolina since 1998.<sup>13</sup> The index of dissimilarity (a

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<sup>5</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>6</sup> Smets and Van Ham 2013.

<sup>7</sup> Sondheimer and Green 2010.

<sup>8</sup> Verba, Sidney, Kay Lehman Schlozman, Henry Brady, and Norman H Nie. 1993. "Race, ethnicity and political resources: Participation in the United States." *British Journal of Political Science* 23 (4):453-497. See also Smets and Van Ham, 2013.

<sup>9</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: 28.

<sup>10</sup> Southern Education Reporting Service 1961: 28.

<sup>11</sup> Southern Education Reporting Service 1961: 28-29; see also *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, [402 U.S. 1](#) (1971).

<sup>12</sup> 2022 American Community Survey 1-Year Estimates, Tables C06001 and B29002.

<sup>13</sup> [Clotfelter](#), Charles, [Helen Ladd](#), Calen R. Clifton, Mavzuna Turaeva. “School Segregation at the Classroom Level in a Southern ‘New Destination’ State.” 2020. CALDER Working Paper

measure of segregation) for North Carolina elementary school segregation was .44, which is considered to be “moderately” segregated.<sup>14</sup> Elementary school segregation is considered high in Halifax, Washington, and Vance Counties, and moderate in Warren and Martin Counties.<sup>15</sup> Statewide, North Carolina has a persistent gap in proficiency between Black and White students, as shown in Figure 1. Within the Black belt counties at issue in this case, Black reading and math test scores are lower than White scores across the board (Figures 2 and 3). Racial disparities in school discipline also exist: Black students are 24.5% of North Carolina public school students,<sup>16</sup> but are 52.1% of students given short-term suspensions, 55.6% of students given long-term suspensions, and 64.6% of students expelled from North Carolina public schools.<sup>17</sup> School suspensions have been shown to increase subsequent arrests and other anti-social behavior in youth.<sup>18</sup>

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No. 230-0220-3. Available online <https://caldercenter.org/sites/default/files/WP%20230-0220-3.pdf>. Accessed 17 Nov 2023: 35.

<sup>14</sup> Diversity and Disparities Project. “Residential Segregation.” Brown University. Available online <https://s4.ad.brown.edu/projects/diversity/segregation2020/Default.aspx>. Accessed 17 Nov 2023.

<sup>15</sup> Clotfelter, et al. 2020: 47-48.

<sup>16</sup> North Carolina Department of Public Instruction. “Pupils in Membership by Race and Sex.” Available online <http://apps.schools.nc.gov/ords/f?p=145:15::NO:::>. Accessed 16 Nov 2023.

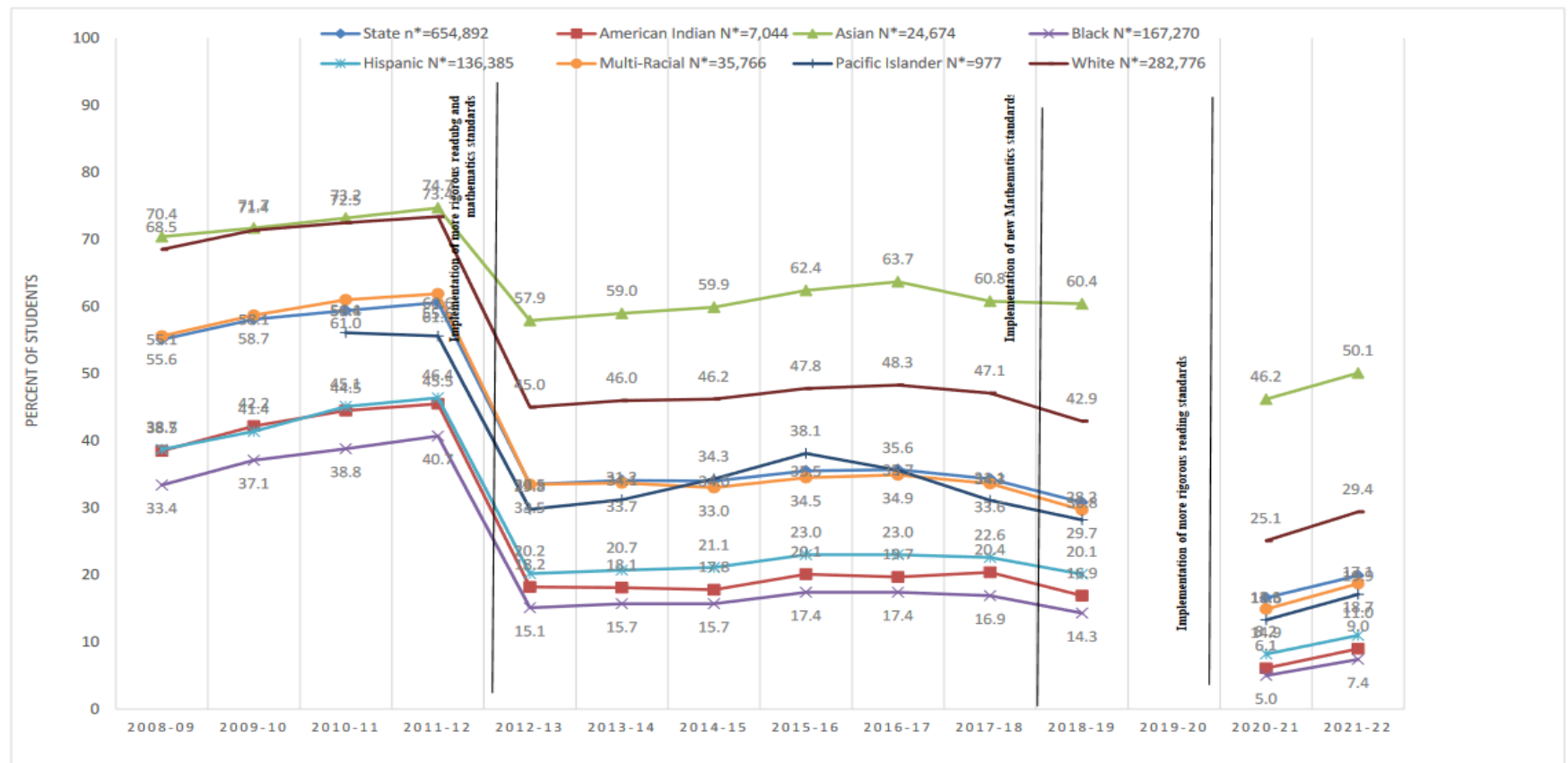
<sup>17</sup> North Carolina Department of Public Instruction. “Table S11 Short Term Long Term Expulsion by Sex Ethnicity (2021-2022).” Available online <https://www.dpi.nc.gov/tables11-short-term-long-term-expulsion-sex-ethnicity-2021-22>. Accessed 16 Nov 2023.

<sup>18</sup> Mowen, Thomas, and John Brent. 2016. “School discipline as a turning point: The cumulative effect of suspension on arrest.” *Journal of research in crime and delinquency* 53 (5):628-653; Hemphill, Sheryl A, John W Toumbourou, Todd I Herrenkohl, Barbara J McMorris, and Richard F Catalano. 2006. “The effect of school suspensions and arrests on subsequent adolescent antisocial behavior in Australia and the United States.” *Journal of adolescent health* 39 (5):736-744.

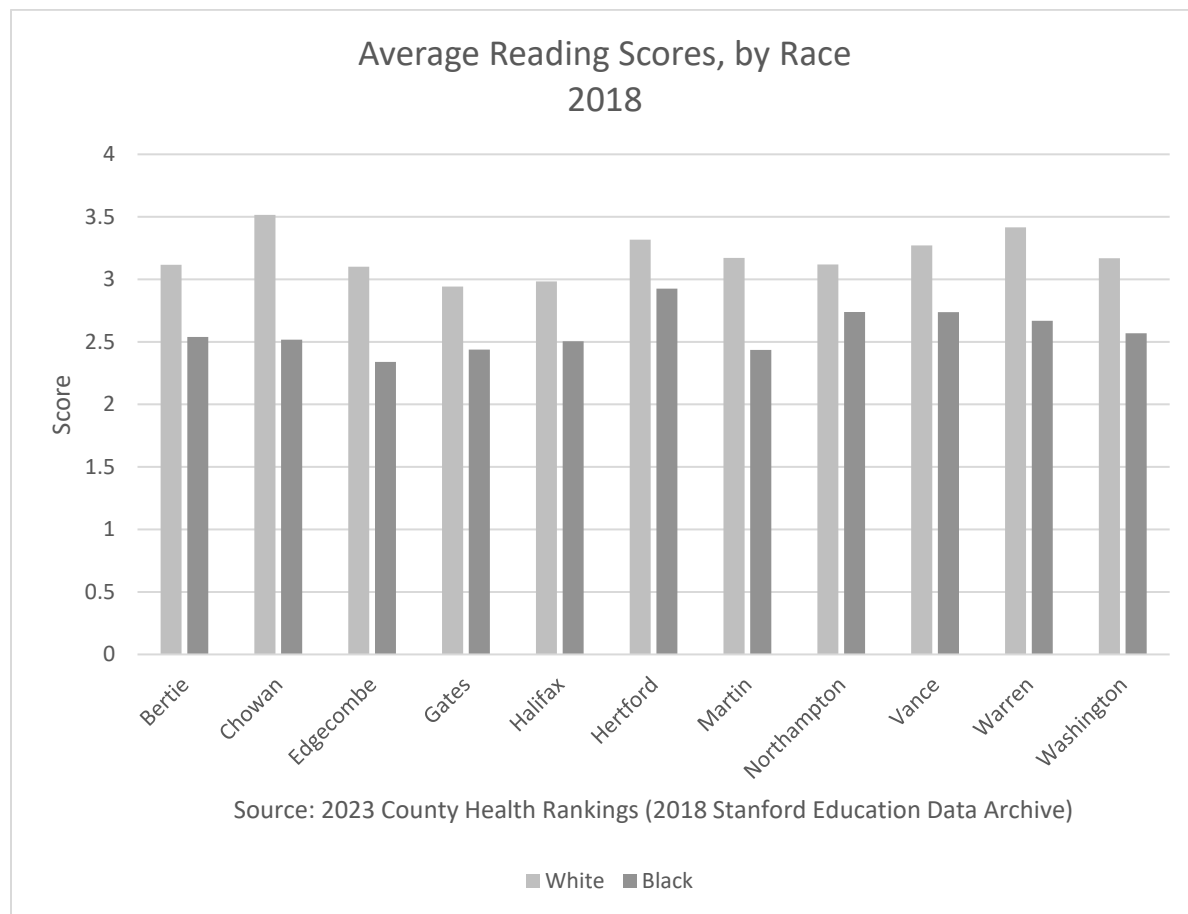
**Figure 1: Student Test Scores by Race in North Carolina, 2008-2022.** *Source:* North Carolina Department of Public Instruction. “Historical Trends and Results.” Available online <https://www.dpi.nc.gov/historical-trends-and-results/open>. Accessed 16 Nov 2023: 8.

The North Carolina State Testing Results, 2021–22

**Figure 2b. 1992–93 to 2021–22 End-of-Grade General Test Results**  
**Statewide Percent of Students At or Above Proficiency in Both Reading and Mathematics**  
**Grades 3–8, for All Ethnicities (continued)**

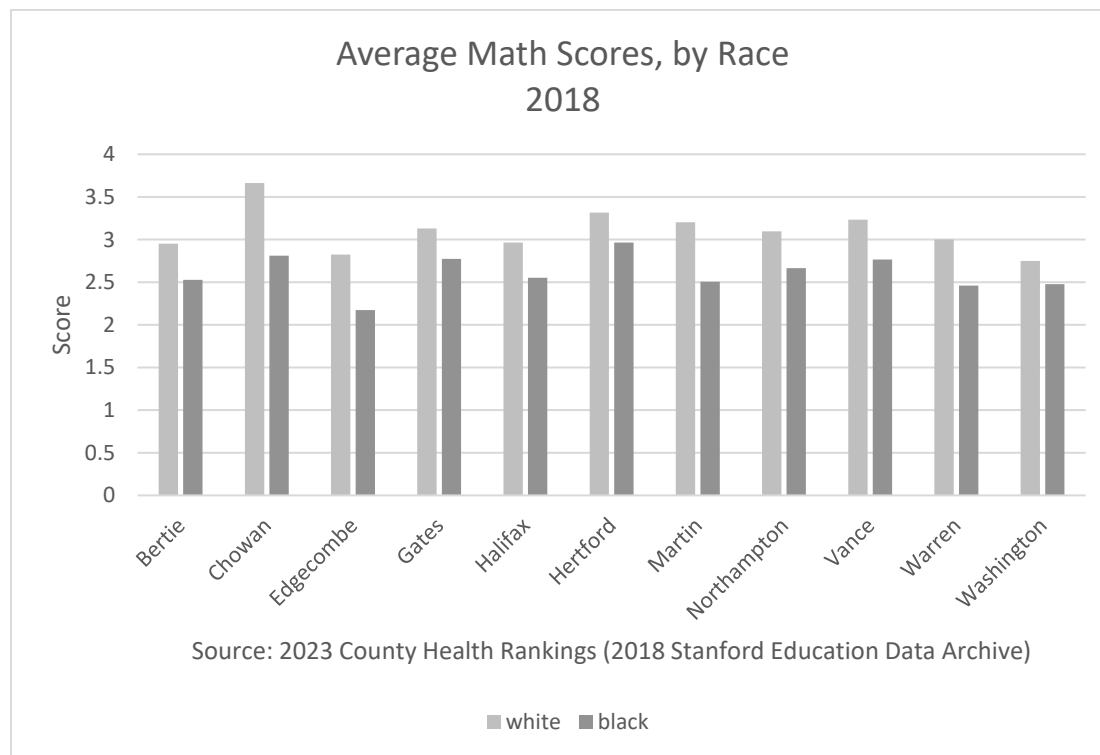


**Figure 2: Average Reading Scores, by Race, 2018.** Source: County Health Rankings & Roadmaps, 2023 County Health Rankings. Available online <https://www.countyhealthrankings.org/explore-health-rankings/rankings-data-documentation>. Accessed 15 Nov 2023.





**Figure 3 Average Math Scores, by Race, 2018.** Source: County Health Rankings & Roadmaps, 2023 County Health Rankings. Available online <https://www.countyhealthrankings.org/explore-health-rankings/rankings-data-documentation>. Accessed 15 Nov 2023.



Historical and contemporary educational disparities such as these have led to disparities in educational attainment among the people of North Carolina. Although there have been gains in educational attainment over time, racial gaps persist. Data from the 2021 5-Year American Community Survey, which is conducted by the U.S. Census Bureau, show that White<sup>19</sup> adults aged 25 and older are far more likely than Black adults in North Carolina to have earned a bachelor's or postgraduate degree. Statewide, 25.6% of Black North Carolinians over the age of 25 have earned a bachelor's or postgraduate degree, compared with 40.0% of White North Carolinians.<sup>20</sup> On the opposite end of the scale, 10.9% of Black North Carolina residents over the age of 25 have not earned a high school diploma or equivalent, compared with 6.7% of White North Carolina residents.<sup>21</sup> As shown in Figures 4 and 5, these patterns are repeated at the

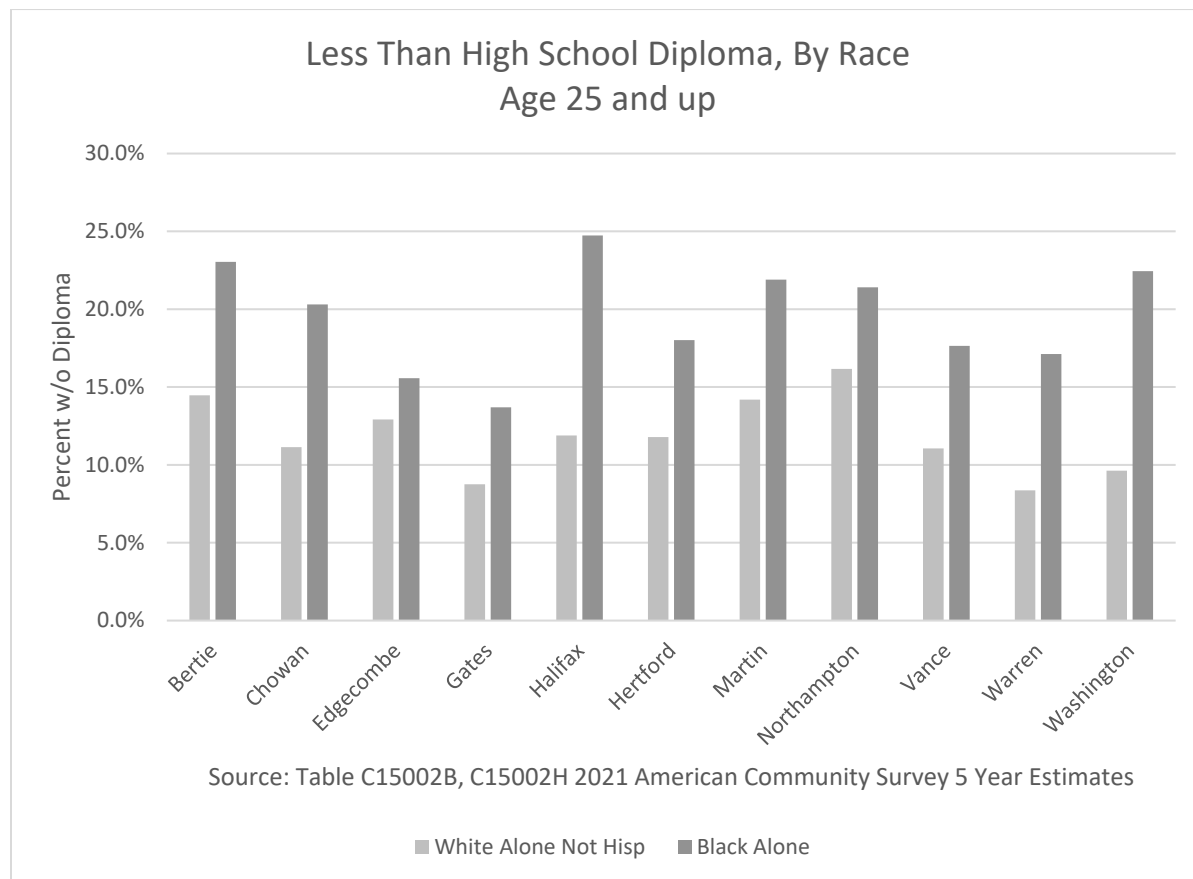
<sup>19</sup> In all data from the American Community Survey, White refers to White alone, non-Hispanic, and Black refers to Black Alone.

<sup>20</sup> 2022 American Community Survey 1-Year Estimates, Tables B15002B and B15002H.

<sup>21</sup> 2022 American Community Survey 1-Year Estimates, Tables B15002B and B15002H.

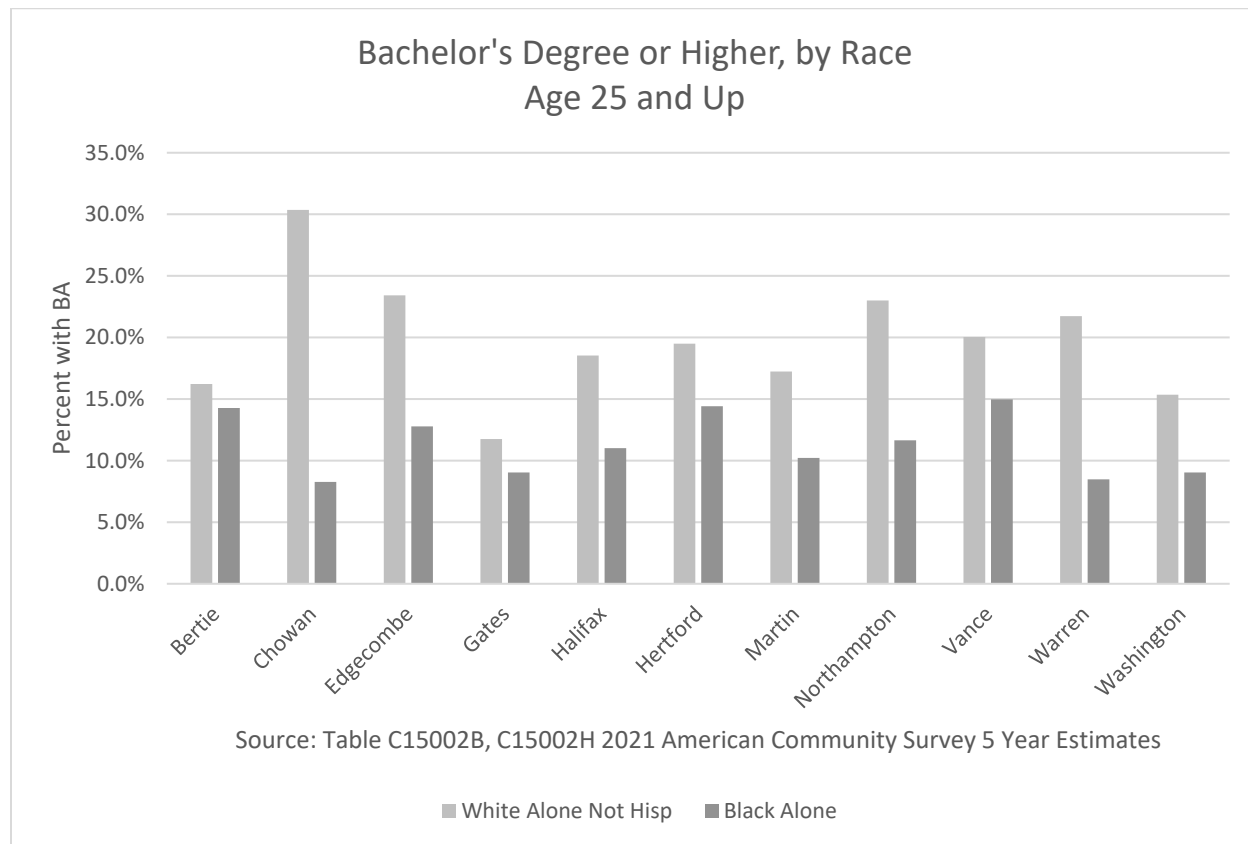
county level: Black residents are less likely to have finished high school and less likely to have bachelor's degrees than White residents.<sup>22</sup>

**Figure 4: Less than High School Diploma, by Race. Source: 2021 American Community Survey 5-year Estimates**



<sup>22</sup> U.S. Census Bureau. "Sex By Educational Attainment for The Population 25 Years And Over (White Alone, Not Hispanic Or Latino)." American Community Survey, Acs 5-Year Estimates Detailed Tables, Table C15002h, 2021, <https://data.census.gov/Table/Acsdt5y2021.C15002h?Q=RaceVehicle&T=Education&G=050xx00us37015,37041,37065,37073,37083,37091,37117,37131,37181,37185,37187>. Accessed On November 16, 2023. U.S. Census Bureau. "Sex By Educational Attainment for The Population 25 Years and Over (Black Or African American Alone)." American Community Survey, ACS 5-Year Estimates Detailed Tables, Table C15002B, 2021, <https://data.census.gov/table/ACSDT5Y2021.C15002B?q=racevehicle&t=Education&g=050XX00US37015,37041,37065,37073,37083,37091,37117,37131,37181,37185,37187>. Accessed on November 16, 2023.

**Figure 5: Bachelor's Degree or higher, by Race. Source: 2021 American Community Survey 5-year Estimates**



### *Income, Poverty, and Employment*

Income, poverty, and other socioeconomic factors 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>23</sup> Much of the impact of socioeconomic status happens through education, because education affects income, poverty, and employment.<sup>24</sup> However, decades of persistent discrimination in employment and access to capital also contribute to economic disparities.

In North Carolina, Black residents are worse off economically than their White counterparts. For instance, the median income of North Carolina households headed by Black people, at \$42,996, is more than \$20,000 less than the median income of White households (\$68,259).<sup>25</sup> Within the Black belt counties at issue in this case, White households also have

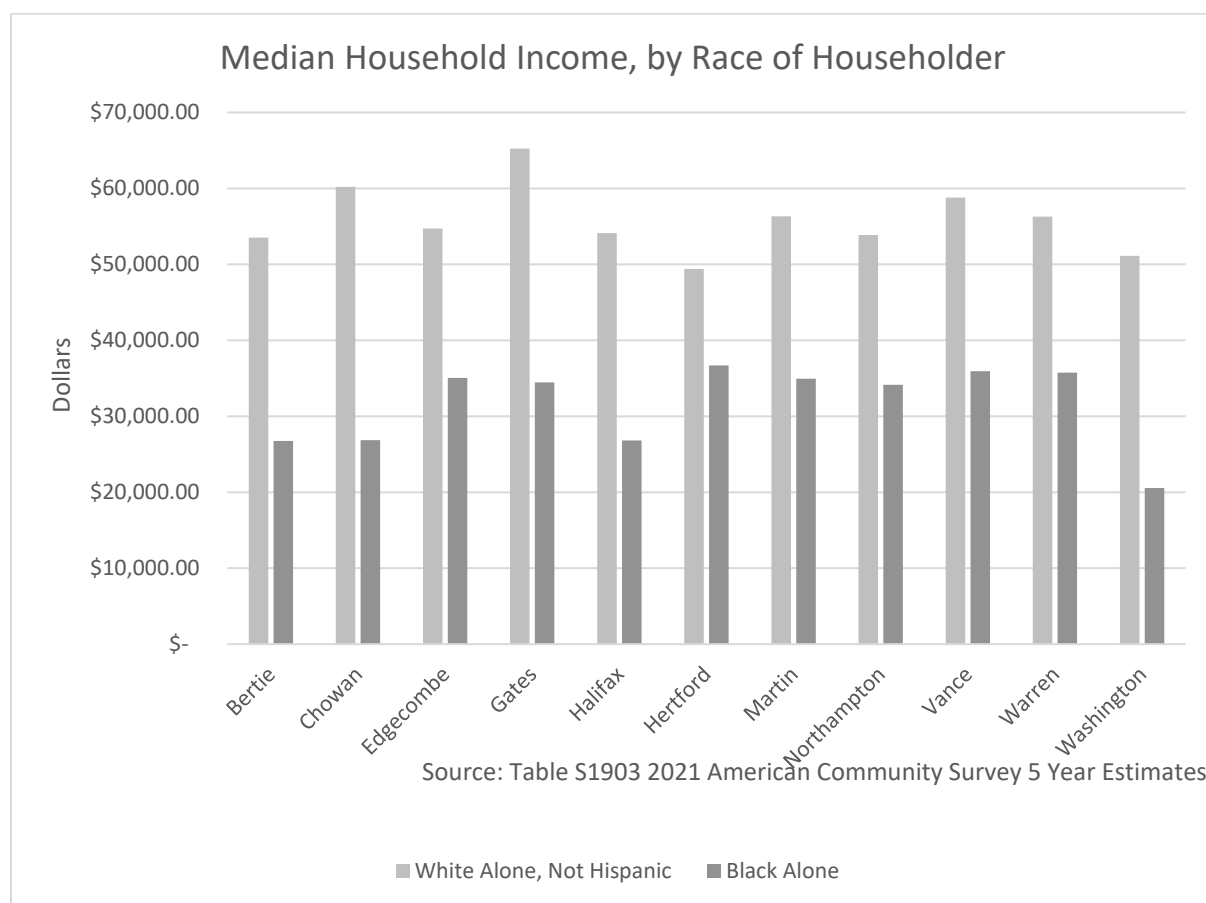
<sup>23</sup> Verba, Schlozman, and Brady 1995.

<sup>24</sup> Long, Mark C. 2010. "Changes in the returns to education and college quality." *Economics of Education Review* 29 (3):338-347. doi: <https://doi.org/10.1016/j.econedurev.2009.10.005>.

<sup>25</sup> 2021 American Community Survey 5-Year Estimates, Table S1903.

much higher incomes than Black households as shown in Figure 6. There are racial disparities in family poverty in North Carolina as well: the poverty rate for families headed by White people is 6.3%, while the poverty rate for Black-headed families is 17.3%.<sup>26</sup> As shown in Figure 7, Black family poverty rates at the county level can be double, even triple the rate found for White families. Statewide, the Black unemployment rate, at 8.3%, is higher than the White unemployment rate, which is 4.3%.<sup>27</sup> County-level unemployment rates are higher for Black residents than White residents as well (Figure 8).

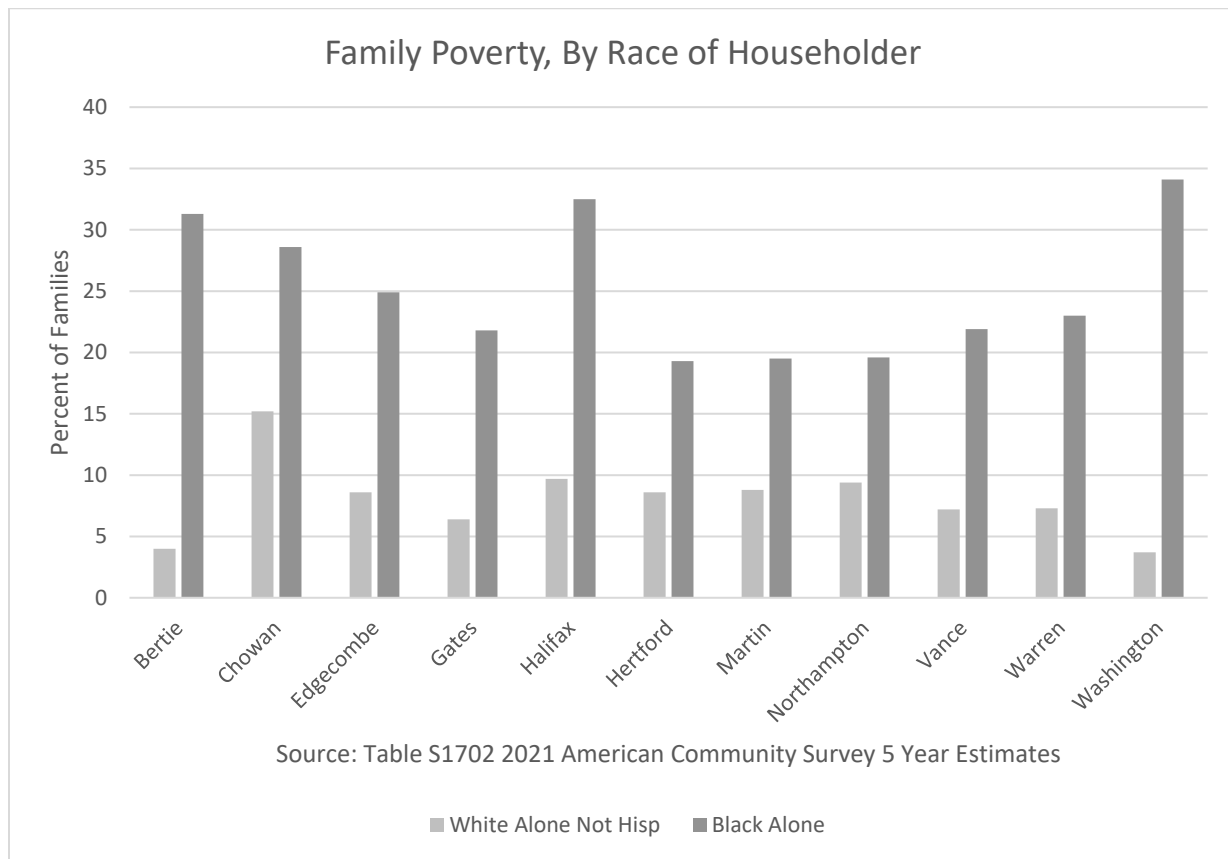
**Figure 6: Median Household Income by Race. Source: U.S. Census Bureau. "MEDIAN INCOME IN THE PAST 12 MONTHS (IN 2021 INFLATION-ADJUSTED DOLLARS)." American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1903, 2021, . Accessed on November 15, 2023.**



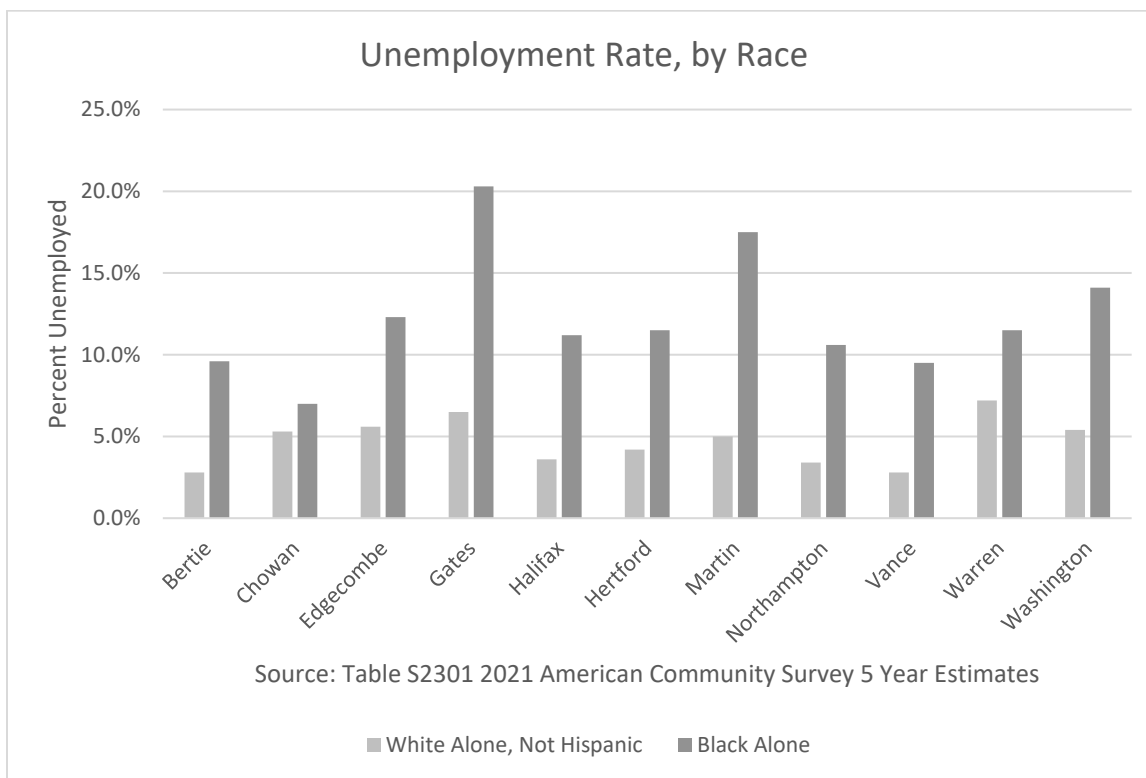
<sup>26</sup> 2021 American Community Survey 5-Year Estimates, Table S1702.

<sup>27</sup> 2021 American Community Survey 5 Year Estimates, Table S2301.

**Figure 7: Family Poverty, by Race. Source: 2021 American Community Survey 5-Year Estimates, Table S1702.**



**Figure 8: Unemployment, by Race. Source: U.S. Census Bureau. "EMPLOYMENT STATUS." American Community Survey, ACS 5-Year Estimates Subject Tables, Table S2301, 2021. Accessed on November 15, 2023.**



Other aspects of socioeconomic status matter as well. For instance, homeownership is important because residency requirements have been shown to reduce voter registration and turnout, largely because residential mobility increases the administrative burden of maintaining registration.<sup>28</sup> Renters are more mobile than owners and are less likely to vote. There is a gap in homeownership rates by race in North Carolina: 74.9% of White householders own their homes, compared with just 47.1% of Black householders.<sup>29</sup>

### Health

Health status also may affect voting. Several studies have associated poor health with lower voter turnout.<sup>30</sup> The effects of health on voting may take many pathways, such as

<sup>28</sup> Highton, Benjamin. 2000. "Residential mobility, community mobility, and electoral participation." *Political Behavior* 22 (2):109-120.

<sup>29</sup> 2021 American Community Survey 5 Year Estimates, Table S2502.

<sup>30</sup> Blakely, Tony A, Bruce P Kennedy, and Ichiro Kawachi. 2001. "Socioeconomic inequality in voting participation and self-rated health." *American journal of public health* 91 (1):99. Lyon, Gregory. 2021. "The Conditional Effects of Health on Voter Turnout." *Journal of Health*

reducing the availability of free time and money that could otherwise be devoted to politics.<sup>31</sup> Impaired cognitive functioning or physical disability also may make voting more difficult.<sup>32</sup> Poor health is likely the reason that voter turnout declines in old age.<sup>33</sup> People with disabilities also are less likely to vote; problems with polling place accessibility only partially explain this gap.<sup>34</sup>

Black residents of North Carolina, by many measures, suffer worse health outcomes than White residents of the state. There are significant racial gaps in life expectancy at birth, which is a more general measure of overall health. White North Carolinians are expected to live 78.1 years, which is more than 3 years longer than the life expectancy for Black North Carolinians (74.7 years).<sup>35</sup> These racial disparities in life expectancy are apparent at the county level as well (Figure 9). With respect to specific measures of health, infant mortality among Black babies, at 12.1 per 1,000 live births, is more than twice as high as the mortality rate for White babies (5.1 per 1,000 live births).<sup>36</sup> Moreover, despite lower incidence rates of cancer between Black and White North Carolinians (427.8 per 100,000 vs. 433.9 per 100,000, respectively), Black invasive cancer mortality is higher than that of White North Carolinians (165.1 per 100,000 vs. 148.5 per 100,000).<sup>37</sup> Statewide diabetes rates are higher for Black North Carolinians than White North Carolinians as well (17.4% vs. 9.2% respectively).<sup>38</sup> Health insurance coverage is slightly lower for Black North Carolinians: 9.1% of Black residents of the state are uninsured, compared with 6.4% of White residents.<sup>39</sup>

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*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.

<sup>31</sup> Pacheco and Fletcher 2015.

<sup>32</sup> Pacheco and Fletcher 2015.

<sup>33</sup> Pacheco and Fletcher 2015.

<sup>34</sup> Schur, Lisa, Mason Ameri, and Meera Adya. 2017. "Disability, voter turnout, and polling place accessibility." *Social Science Quarterly* 98 (5):1374-1390. Schur, Lisa, Todd Shields, Douglas Kruse, and Kay Schriener. 2002. "Enabling democracy: Disability and voter turnout." *Political Research Quarterly* 55 (1):167-190.

<sup>35</sup> North Carolina State Center for Health Statistics. "Life Expectancy." Available online <https://schs.dph.ncdhhs.gov/data/lifexpectancy/>. Accessed 15 Nov 2023.

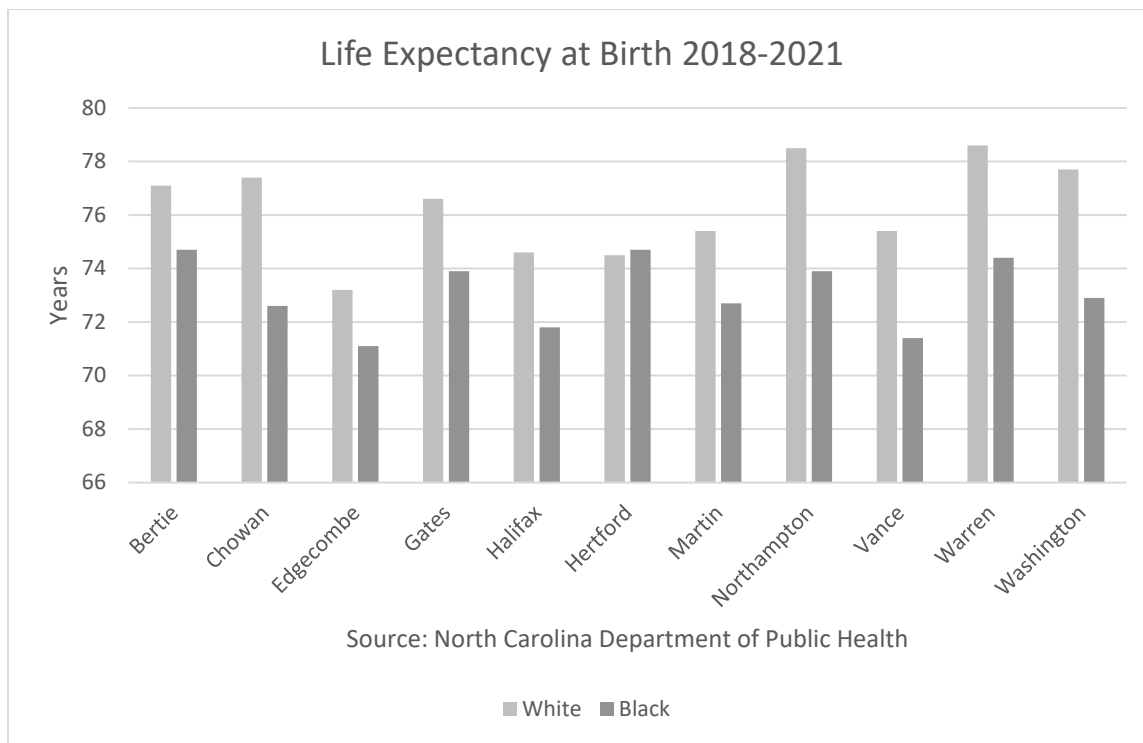
<sup>36</sup> North Carolina State Center for Health Statistics. "2021 North Carolina Infant Mortality Report, Table 1A." Available online <https://schs.dph.ncdhhs.gov/data/vital/ims/2021/2021-IMR-TABLE-1A-FINAL.html>. Accessed 16 Nov 2023.

<sup>37</sup> Centers for Disease Control. "United States Cancer Statistics: Data Visualizations." Available online <https://gis.cdc.gov/Cancer/USCS/#/AtAGlance/>. Accessed 16 Nov 2023.

<sup>38</sup> Centers For Disease Control. "Diagnosed Diabetes." Available online <https://gis.cdc.gov/grasp/diabetes/diabetesatlas-surveillance.html#>. Accessed 16 Nov 2023.

<sup>39</sup> 2021 American Community Survey 5-Year Estimates, Table S2701.

**Figure 9: Life Expectancy at Birth 2018-2021.** Source: North Carolina State Center for Health Statistics. “Life Expectancy.” Available online <https://schs.dph.ncdhhs.gov/data/lifexpectancy/>. Accessed 15 Nov 2023.



### *Criminal Justice*

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>40</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>41</sup>

<sup>40</sup> Burch, Traci. 2007. "Punishment and Participation: How Criminal Convictions Threaten American Democracy." Ph.D., Program in Government and Social Policy, Harvard University. Lerman, Amy E, and Vesla M Weaver. 2014. *Arresting citizenship: The democratic consequences of American crime control*: University of Chicago Press. Weaver, Vesla M, and Amy E Lerman. 2010. "Political consequences of the carceral state." *American Political Science Review* 104 (04):817-833.

<sup>41</sup> Burch 2007: 12.



There are racial disparities in contact with the criminal justice system in North Carolina. Black people make up 20.0% of North Carolina's adult population,<sup>42</sup> but are 44.1% of arrestees,<sup>43</sup> 52.9% of North Carolina's prisoners and 44.2% of people serving time in the community.<sup>44</sup> These disparities in arrest and punishment may not be explained solely by disparities in crime rates.<sup>45</sup>

Racial discrimination still is an important contributor to the disproportionate representation of Black people in the criminal justice system in North Carolina today. Racial disparities in arrests 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.<sup>46</sup> For instance, in an extensive study of millions of traffic stops in North Carolina, Baumgartner and his coauthors (2017) find that Black North Carolina drivers are more likely to be searched and arrested than White drivers.<sup>47</sup> Baumgartner and coauthors (2017) also find that Black males have the highest likelihood of being searched during a traffic stop in the state.<sup>48</sup>

### *Conclusion*

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<sup>42</sup> 2022 American Community Survey 1-Year Projections. Table S0201.

<sup>43</sup> Federal Bureau of Investigation. "Crime Data Explorer: Arrests in North Carolina, Arrestee Race." Available online <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/arrest>. Accessed 16 Nov 2023.

<sup>44</sup> North Carolina Department of Adult Correction. "Automated System Query." Available online <https://webapps.doc.state.nc.us/apps/asqExt/ASQ>. Accessed 16 Nov 2023.

<sup>45</sup> Mitchell, Ojmarrh, and Michael S Caudy. 2017. "Race differences in drug offending and drug distribution arrests." *Crime & Delinquency* 63 (2):91-112.

<sup>46</sup> Beckett, Katherine, Kris Nyrop, and Lori Pfingst. 2006. "Race, drugs, and policing: Understanding disparities in drug delivery arrests." *Criminology* 44 (1):105-137. Gelman, Andrew, Jeffrey Fagan, and Alex Kiss. 2007. "An analysis of the New York City police department's "stop-and-frisk" policy in the context of claims of racial bias." *Journal of the American statistical association* 102 (479):813-823. Ousey, Graham C, and Matthew R Lee. 2008. "Racial disparity in formal social control: An investigation of alternative explanations of arrest rate inequality." *Journal of Research in Crime and Delinquency* 45 (3):322-355. Pierson, Emma, Camelia Simoiu, Jan Overgoor, Sam Corbett-Davies, Daniel Jenson, Amy Shoemaker, Vignesh Ramachandran, Phoebe Barghouty, Cheryl Phillips, and Ravi Shroff. 2020. "A large-scale analysis of racial disparities in police stops across the United States." *Nature human behaviour* 4 (7):736-745.

<sup>47</sup> Baumgartner, Frank R., Derek A. Epp, Kelsey Shoub, and Bayard Love. "Targeting young men of color for search and arrest during traffic stops: evidence from North Carolina, 2002–2013." *Politics, Groups, and Identities* 5, no. 1 (2017): 107-131.

<sup>48</sup> Baumgartner, Frank R., Leah Christiani, Derek A. Epp, Kevin Roach, and Kelsey Shoub. "Racial Disparities in Traffic Stop Outcomes." In *Duke Forum for Law & Social Change*, vol. 9, no. 1, pp. 21-53. Duke University School of Law, 2017.

As I have shown in this section, there are racial disparities between Black and White North Carolinians with respect to the factors that research has shown to affect voter turnout. Black people are worse off than White people in North Carolina in terms of educational attainment, income, poverty, employment, health, and criminal justice outcomes. These disparities partly can be traced to contemporary and historical discrimination.

#### Senate Factor 6: Racial Appeals in Campaigns

Whether politics is marked by “the use of overt or subtle racial appeals in political campaigns” is another consideration of Section 2 of the Voting Rights Act. A deep and robust literature on racial appeals in campaigns exists in political science.<sup>49</sup> Writing in 2001, Mendelberg argued that a “norm of racial equality,” which held that “southern segregation and the ideology of white supremacy were illegitimate” gained ascendancy in the U.S.<sup>50</sup> The norm of racial equality meant that using explicitly racist rhetoric or espousing explicitly racist policy positions would not help, and may even hurt, politicians.<sup>51</sup> However, because “racial attitudes are still a potent force in American politics,” candidates still have an incentive to appeal to white racial fears.<sup>52</sup> These two phenomena, the need to appear racially egalitarian while activating racial attitudes, means that campaigns would work to activate white voters’ negative racial attitudes through covert or implicit means such as images or coded language.<sup>53</sup>

Implicit racial appeals make racial attitudes and concerns more salient in the minds of voters, even without explicitly mentioning or referring to a particular race or group.<sup>54</sup> Implicit racial appeals may rely on certain code words or issues, use images of Black exemplars, or a combination of both, to make race more salient to voters.<sup>55</sup> In particular, Caliendo and McIlwain highlight racist appeals, which “prime antiminority racial fear, resentment, and bias . . . through a variety of audiovisual and textual cues that associate persons of color with long-standing, negative,

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<sup>49</sup> Hutchings, Vincent L, and Nicholas A Valentino. 2004. "The centrality of race in American politics." *Annu. Rev. Polit. Sci.* 7:383-408. Stephens-Dougan, LaFleur. 2021. "The Persistence of Racial Cues and Appeals in American Elections." *Annual Review of Political Science* 24:301-320.

<sup>50</sup> Mendelberg, Tali. 2001. *The Race Card: Campaign Strategy, Implicit Messages, and the Norm of Equality*. Princeton: Princeton University Press: 70.

<sup>51</sup> Mendelberg 2001.

<sup>52</sup> Valentino, Nicholas A, Vincent L Hutchings, and Ismail K White. 2002. "Cues that matter: How political ads prime racial attitudes during campaigns." *American Political Science Review* 96 (1):75-90: 76.

<sup>53</sup> Valentino, Hutchings, and White 2002; Mendelberg 2001.

<sup>54</sup> Valentino, Hutchings, and White 2002; Mendelberg 2001.

<sup>55</sup> Valentino, Hutchings, and White 2002.

racial stereotypes.”<sup>56</sup> These implicit racial appeals can rely on code words such as “inner-city” or “sanctuary city” or reference crime, welfare, and illegal immigration.<sup>57</sup> More broadly, McIlwain and Caliendo argue that racial appeals in television ads typically include elements such as, “a salient stereotype, most often those of criminality, laziness, taking undeserved advantage, and the charge of liberalism (read, ‘extreme’ liberal, ‘dangerously’ liberal, ‘radical,’ etc.); a minority opponent’s image; all-White, noncandidate images; and an exposed audience that includes a high percentage of White potential voters.”<sup>58</sup> The conventional wisdom based on studies conducted primarily before the elections of Presidents Obama and Trump argued that these kinds of implicit racial appeals were more effective than explicit racial appeals, which could backfire.<sup>59</sup> However, recent studies suggest that candidates can increase their vote share by making explicit racial appeals.<sup>60</sup>

The 1988 Willie Horton ad targeting Michael Dukakis is probably the most famous example of an implicit racial appeal.<sup>61</sup> In this ad:

“... the narrator of the spot states that Willie Horton, a convicted murderer, received multiple weekend furlough passes from prison, during the last of which, the narrator informs us, he ‘fled, kidnapping a young couple, stabbing the man and repeatedly raping

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<sup>56</sup> McIlwain, Charlton D, and Stephen M Caliendo. 2014. "Mitt Romney's racist appeals: How race was played in the 2012 presidential election." *American Behavioral Scientist* 58 (9):1157-1168: 1159.

<sup>57</sup> Brader, Ted, Nicholas A Valentino, and Elizabeth Suhay. 2008. "What triggers public opposition to immigration? Anxiety, group cues, and immigration threat." *American Journal of Political Science* 52 (4):959-978; Collingwood, Loren, and Benjamin Gonzalez O'Brien. 2019. *Sanctuary cities: The politics of refuge*: Oxford University Press, USA; Hurwitz, Jon, and Mark Peffley. 2005. "Playing the race card in the post-Willie Horton era: The impact of racialized code words on support for punitive crime policy." *Public Opinion Quarterly* 69 (1):99-112; Valentino, Hutchings and White 2002.

<sup>58</sup> McIlwain and Caliendo 2014: 1159.

<sup>59</sup> Stephens-Dougan 2021; White, Ismail K. 2007. "When race matters and when it doesn't: Racial group differences in response to racial cues." *American Political Science Review* 101 (2):339-354; Valentino, Hutchings and White 2002; Mendelberg 2001.

<sup>60</sup> Reny, Tyler T, Ali A Valenzuela, and Loren Collingwood. 2020. "'No, you're playing the race card': Testing the effects of anti-black, anti-Latino, and anti-immigrant appeals in the post-Obama era." *Political Psychology* 41 (2):283-302; Valentino, Nicholas A, Fabian G Neuner, and L Matthew Vandenbroek. 2018. "The changing norms of racial political rhetoric and the end of racial priming." *The Journal of Politics* 80 (3):757-771; Stephens-Dougan 2021; Christiani, Leah. 2021. "When are explicit racial appeals accepted? Examining the role of racial status threat." *Political Behavior*:1-21; Major, Brenda, Alison Blodorn, and Gregory Major Blascovich. 2018. "The threat of increasing diversity: Why many White Americans support Trump in the 2016 presidential election." *Group Processes & Intergroup Relations* 21 (6):931-940.

<sup>61</sup> Hurwitz and Peffley 2005; Valentino, Hutchings and White 2002; Mendelberg 2001.

his girlfriend.’ While the ad could have conveyed exactly the same information without graphics, NSPAC elected to superimpose the most menacing possible picture of Horton, a Black man, over the narrative.”<sup>62</sup>

The ad never explicitly mention’s Horton’s race, but the ad does incorporate many of the elements common to implicit racial appeals as expressed in the literature: evoking the salient stereotype of criminality and the charge of liberalism by using images of a Black exemplar, in this case, Horton’s mugshot.

There are prominent examples of racial appeals in North Carolina politics. Jesse Helms is described by Mendelberg as “the anomalous example of a politician who continued to use explicitly racial appeals after the early 1970s.”<sup>63</sup> Most notably, in the 1990 North Carolina senate election, Jesse Helms used racial appeals against his Black opponent, Harvey Gantt:

“A preceding ad by Helms had this message: ‘How did Harvey Gantt become a millionaire? He used his position as mayor and his minority status to get himself and his friends a free TV station license from the government. Only weeks later, they sold out—to a white-owned corporation for \$3.5 million. The black community felt betrayed, but the deal made the mayor a millionaire. Harvey Gantt made government work for Harvey Gantt.’”<sup>64</sup>

During that same senate race, the Helms campaign also ran “a now-infamous, explicitly racial ad in which a pair of white hands crumples a job rejection letter with the blame placed on a ‘minority.’”<sup>65</sup> In the 1984 senate race, Helms “charged in 1984 that his Democratic opponent in the North Carolina senatorial contest was colluding with Jesse Jackson to register ‘hundreds of thousands of blacks’ who would vote as a bloc against him.”<sup>66</sup>

Jesse Helms died in 2008, but one can still find racial appeals in North Carolina politics in more recent elections. There were several racially-charged ads during the 2022 North Carolina senate race between now-Senator Ted Budd, who is White, and Cheri Beasley, who is Black. For instance, like the Horton ad, attack ads attempted to blame Beasley for crimes committed by people after their early release from prison.<sup>67</sup> The ads never explicitly mention race, but similar to the Horton ad, a Club for Growth ad about crime features a White victim and prominently displays

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<sup>62</sup> Hurwitz and Peffley 2005: 100.

<sup>63</sup> Mendelberg 2001: 100.

<sup>64</sup> McIlwain, Charlton and Stephen M. Caliendo. 2011. *Race Appeal: How Candidates Invoke Race in U.S. Political Campaigns*. Philadelphia: Temple University Press: 40-41.

<sup>65</sup> Mendelberg 2001: 101.

<sup>66</sup> Mendelberg 2001: 8.

<sup>67</sup> Gabriel, Trip. 2022. “North Carolina TV Stations Pull an Attack Ad Against Cheri Beasley, A Democrat Running for Senate.” *New York Times*. Available online <https://www.nytimes.com/2022/06/03/us/politics/cheri-beasley-attack-ad.html>. Accessed 16 Nov 2023.

images of Black men in custody on the same screen with an image of Cheri Beasley.<sup>68</sup> The imagery of an National Republican Senatorial Committee ad about crime also features White victims and images of Beasley.<sup>69</sup> Ted Budd won that senate race.

Explicit racial appeals also take place in North Carolina politics. For example, at a campaign event with Senator Budd, President Trump asked if the crowd knew what the “N-word is” when telling a story about Vladimir Putin.<sup>70</sup> When some people in the crowd reportedly responded by yelling a racial slur,<sup>71</sup> President Trump responded, “No, no, no, it’s the nuclear word.”<sup>72</sup> Representative Madison Cawthorn’s campaign, in 2020, put up “A new attack website” that included “an explicitly racist broadside against his opponent, Moe Davis (D-N.C.), for associating himself with people who want to ‘ruin white males.’”<sup>73</sup> Racial appeals already have been made in the 2024 race for attorney general between Representative Jeff Jackson and Representative Dan Bishop. According to the News and Observer:

“Calling the Democrat a “Chinese Social Media Star,” Bishop released a mock statement made to look like it was from Jackson’s campaign. It was written in Chinese, and included a translation that said Jackson was a “Tiktok star who wants to make North Carolina soft on crime” and was “helping China spy on North Carolina.” At the top, it included the logo for Jackson’s campaign. Posting the mock statement on X, formerly Twitter, Bishop wrote that it was “for our unamerican friends.”<sup>74</sup>

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<sup>68</sup> Club for Growth. “Good Person.” Available online <https://www.youtube.com/watch?v=gipaxcSHoaA>. Accessed 16 Nov 2023.

<sup>69</sup> NRSC. “NC: Victims.” Available online <https://www.youtube.com/watch?v=TidAbar7E2U>. Accessed 16 Nov 2023.

<sup>70</sup> [https://twitter.com/brenonade/status/1573473754453254145?s=20&t=vL6\\_5ydkUo-w5iviklDi1A](https://twitter.com/brenonade/status/1573473754453254145?s=20&t=vL6_5ydkUo-w5iviklDi1A)

<sup>71</sup> Capehart, Jonathan. 2022. “Trump’s Flirtation with the N-Word Cannot Be Ignored.” *The Washington Post*. Available online <https://www.washingtonpost.com/opinions/2022/10/08/trump-n-word-rally-dangerous/>. Accessed 16 Nov 2023.

<sup>72</sup> [https://twitter.com/brenonade/status/1573473754453254145?s=20&t=vL6\\_5ydkUo-w5iviklDi1A](https://twitter.com/brenonade/status/1573473754453254145?s=20&t=vL6_5ydkUo-w5iviklDi1A)

<sup>73</sup> Miller, Tim. 2020. “Madison Cawthorn’s Racist Website.” *The Bulwark*. Available online <https://www.thebulwark.com/madison-cawthorns-racist-website/>. Accessed 16 Nov 2023. See also “Washington Through and Through.” Available online <https://web.archive.org/web/20201022031459/https://www.moetaxes.com/washington>. Accessed 16 Nov 2023.

<sup>74</sup> Bajpai, Avi. 2023. “NC Democrats Slam Bishop for ‘Racist’ Post About Jeff Jackson’s TikTok Use.” *The News and Observer* Available online <https://www.newsobserver.com/news/politics-government/article281096863.html>. Accessed 16 Nov 2023.

This ad has been criticized as anti-Chinese and anti-Asian.<sup>75</sup>

#### Senate Factor 7: Black Elected Officials

Black North Carolinians are slightly underrepresented in some offices relative to their share of the population with respect to Senate Factor 7, or “the extent to which members of the minority group have been elected to public office in the jurisdiction.” There have been no Black people elected as Governor of North Carolina. Mark Robinson, elected in 2020, currently serves as the first Black Lieutenant Governor of North Carolina and is running for Governor in 2024. No Black people have been elected to the U.S. Senate from North Carolina and 11 Black people have been elected to the U.S. House.<sup>76</sup>

Currently in the North Carolina state legislature, Black members are close to parity with the share of Black people in the state population, but slightly underrepresented in the state Senate. There are 26 Black House members, or 21.6% of the chamber. There are 9 Black senators, making

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<sup>75</sup> Bajpai 2023.

<sup>76</sup> United States House of Representatives. “History Art and Archives.” Available online <https://history.house.gov/People/Search?Term=Search&SearchIn=LastName&ShowNonMember=true&ShowNonMember=false&Office=&Leadership=&State=NC&Party=&ContinentalCongress=false&BlackAmericansInCongress=true&BlackAmericansInCongress=false&WomenInCongress=false&HispanicAmericansInCongress=false&AsianPacificAmericansInCongress=false&CongressNumberList=41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118&CurrentPage=1&SortOrder=LastName&ResultType=Grid&PreviousSearch=Search%2CLastName%2C%2C%2C%2C%2CFalse%2CTrue%2CFalse%2C41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118%2CLastName>. Accessed 16 Nov 2023.



up 18.0% of the chamber.<sup>77</sup> Several cities in North Carolina have Black mayors, including Fayetteville,<sup>78</sup> Durham,<sup>79</sup> and Charlotte.<sup>80</sup>

### Summary

To conclude, this report has surveyed evidence related to Senate Factors 5, 6, and 7 as they relate to the passage of SB 758. As I have shown, with respect to Senate Factor 5, there are persistent gaps between Black and White North Carolinians on several indicators of socioeconomic, health, and criminal justice outcomes. Black North Carolina residents are worse-off than White North Carolina residents along each of the dimensions that I analyzed in this report. With respect to Senate Factor 6, I discuss several recent examples of advertisements and campaign rhetoric that the political science literature would categorize as implicit or explicit racial appeals. With respect to Senate Factor 7, Black North Carolinians are underrepresented relative to their share of the population for several elected offices, including the governorship, the U.S. Senate, and the state senate.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 21, 2023.



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<sup>77</sup> Vaughan, Dawn Baumgartner. 2023. “How Do NC Lawmakers Compare to the Rest of the State’s Population? What the Data Shows.” *The News and Observer*. Available online <https://www.newsobserver.com/news/politics-government/article271897427.html>. Accessed 16 Nov 2023.

<sup>78</sup> “Mayor Mitch Colvin.” Available online <https://www.fayettevillenc.gov/city-council/city-council-members/mayor-mitch-colvin>. Accessed 17 Nov 2023.

<sup>79</sup> “Elaine M. O’Neal.” Available online <https://www.durhamnc.gov/1329/About-the-Mayor>. Accessed 17 Nov 2023.

<sup>80</sup> “Meet the Mayor: Mayor Vi Lyles.” Available online <https://www.charlottenc.gov/City-Government/Leadership/Mayor/Meet-the-Mayor>. Accessed 17 Nov 2023.

## 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

- 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**

- 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**

- 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 *Voice of the Experienced et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil No. 3:23-cv-00331-JWD-SDJ).
- Expert Witness in *Mi Familia Vota, et al. v. Fontes*, (U.S. District Court for the District of Arizona, Civil No.2:22-cv-00509-SRB).