

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Case No. 2:14 CV 00404

OHIO STATE CONFERENCE OF  
THE NATIONAL ASSOCIATION  
FOR THE ADVANCEMENT OF  
COLORED PEOPLE, LEAGUE OF  
WOMEN VOTERS OF OHIO,  
BETHEL AFRICAN METHODIST  
EPISCOPAL CHURCH, COLLEGE  
HILL COMMUNITY CHURCH  
PRESBYTERIAN, U.S.A., OMEGA  
BAPTIST CHURCH, A. PHILIP  
RANDOLPH INSTITUTE, and  
DARRYL FAIRCHILD,

Judge Peter C. Economus

Plaintiffs,

v.

JON HUSTED, in his official capacity  
as Ohio Secretary of State, and MIKE  
DEWINE, in his official capacity as  
Ohio Attorney General,

Defendants.

**ANALYSIS OF EFFECTS OF SENATE BILL 238 AND DIRECTIVE 2014-06  
ON EARLY IN-PERSON (EIP) ABSENTEE VOTING  
BY BLACKS AND WHITES IN OHIO**

**BY DR. DANIEL A. SMITH**

## **I. Background and Qualifications**

I am Dr. Daniel A. Smith, Professor of Political Science and University of Florida Research Professor (2010-2012). I received my Ph.D. in Political Science from the University of Wisconsin-Madison in 1994. For five academic years (2007-2011), I served as the Director of UF's Political Campaigning Program, which offers a Master of Arts degree in political science with a special emphasis on political campaigning and practical politics. I currently serve as the UF Department of Political Science Graduate Coordinator, in charge of the M.A. and Ph.D. programs. I am also President of ElectionSmith, Inc., a political consulting firm based in Gainesville, FL, specializing in empirical research on electoral processes in the American states.

For two decades I have conducted empirical research on electoral politics in the American states, focusing on the effect of political institutions on political behavior. I have written extensively on electoral process in the American states, including articles on early in-person voting in the American states, and have published more than 60 articles and book chapters, including many that have appeared in the discipline's top peer-reviewed journals, such as the *American Political Science Review*. I have also published two academic books on electoral processes in the American states, and I am the coauthor of a leading textbook, *State and Local Politics: Institutions and Reform*, 4<sup>th</sup> ed (2014). I have taught graduate seminars on State Politics, American Political Parties, The Politics of Direct Democracy, The Politics of Campaign Finance, and The Politics of Reform, and I also regularly teach a large undergraduate survey course, State and Local Politics. Several of my courses have readings on early voting in the American states as well as politics in Ohio. I am a former Senior Fulbright Scholar, and I have testified before the U.S. Senate and the Florida Legislature on voting and election issues in Florida. I have received numerous grants and awards for my work on campaigns and elections, including from the U.S. Department of State and the American Political Science Association. I

am currently serving as the elected President of the State Politics and Policy Section of the American Political Science Association. I have served as an expert witness in election-related litigation in several states, hired by both plaintiffs and defendants. In 2010, I was the lead author of the “Direct Democracy Scholars” *amicus brief* in *Doe v. Reed*, which was successfully argued by the Attorney General of the state of Washington before the U.S. Supreme Court, and my scholarship has been cited by the U.S. Supreme Court. Finally, I have been quoted by hundreds of journalists over the past decade on state politics and electoral processes, including in *The Economist*, *The New York Times*, *The Wall Street Journal*, *USA Today*, *The Washington Post*, *National Public Radio*, *Fox News*, *Voice of America*, the *Columbus Dispatch*, and the *Cleveland Plain Dealer*.

My curriculum vitae is provided in Appendix D. I have been assisted by Dr. Michael C. Herron (Dartmouth College) in compiling the data used in this report. I am being paid \$300 an hour for work in this case, plus related expenses.

## **II. Early In-Person (EIP) Absentee Voting in Ohio**

I have been asked by counsel for the Plaintiffs in this matter to analyze early in-person (EIP) absentee voting in Ohio. Specifically, I have been asked to assess whether reductions in EIP absentee voting resulting from the passage of Senate Bill 238 (“SB 238”) in 2014 and Secretary of State Jon Husted’s Directive 2014-06 are likely to have differential effects on black and white voters in Ohio.<sup>1</sup> Senate Bill 238 eliminates the first week of EIP absentee voting and

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<sup>1</sup> This report was largely written prior to June 11, 2014, when the court ordered Secretary Husted to set uniform hours including the last two days of the early voting period. The below analysis therefore includes the last two days of the early voting period.

Secretary Husted's Directive 2014-06 eliminates EIP absentee voting on the last two days of the early voting period, all Sundays, and some Saturdays.<sup>2</sup>

In conducting my analyses, I draw on publicly available data sources and use standard statistical methods. In short, I show that there is strong empirical evidence in Ohio that a greater proportion of blacks not only cast EIP absentee ballots than whites but do so on early voting days that have been eliminated by SB 238 and Directive 2014-06. As such, blacks in Ohio will likely be disproportionately and negatively affected in 2014 by the reduction in EIP absentee voting days caused by SB 238 and Directive 2014-06.

### **III. The Adoption and Reduction of Early In-Person Absentee Voting in Ohio**

In the aftermath of the 2004 General Election, the Ohio state legislature passed a law in 2005 creating EIP absentee voting. The law, HB 234, gave registered voters the right to cast a non-excuse absentee ballot in person at sites designated by County Boards of Elections (BOEs) as early as 35 days prior to Election Day.<sup>3</sup>

Under HB 234, Ohio's 88 county BOEs were granted considerable discretion with regard to the methods by which Ohio registered voters were permitted to cast EIP absentee ballots. Voters operating under HB 234 typically filled out paper absentee ballots in person, on the spot, and then cast their ballots. HB 234 also allowed voters to request absentee ballots at BOEs, leave BOE offices with ballots, and return later to cast ballots in person. Moreover, voters who request and receive their absentee ballots in the mail are permitted to return their ballots in

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<sup>2</sup> Senate Bill 238 amends Ohio Rev. Code §§ 3509.01, 3511.10, and is available: [http://www.legislature.state.oh.us/bills.cfm?ID=130\\_SB\\_238](http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_238). Secretary of State Jon Husted's Directive 2014-06 is available: <http://www.sos.state.oh.us/sos/upload/elections/directives/2014/Dir2014-06.pdf>.

<sup>3</sup> 2005 Ohio Laws 40 (Sub. H.B. 234), amending Ohio Rev. Code §§ 3509.02–3509.04.

person to BOEs. Finally, some BOEs apparently permit registered voters to cast “absentee” ballots in person in their offices on direct recording electronic (DRE) voting machines.

In Ohio under HB 234, EIP absentee voting included a so-called “Golden Week” of early voting. During this period, eligible voting age citizens were permitted to register to vote at BOE offices and then request absentee ballots that they could fill out and cast in person at that time.

In the 2012 General Election, Ohio’s Golden Week ran from Tuesday, October 2 through Tuesday, October 9, 2012.<sup>4</sup> Some counties permitted absentee ballots to be cast in person on Saturdays and Sundays. Although they were not allowed to distribute absentee ballots on Election Day, BOEs were permitted to accept absentee ballots dropped off at their offices until polls closed at 7:30 p.m. on November 6, 2012. In the 2012 General Election, EIP absentee voting ceased on Monday, November 5, the day before the election.

In February, 2014, the Ohio legislature passed and Governor John Kasich signed into law Senate Bill 238, which was followed by Secretary Husted’s Directive 2014-06. As a result of SB 238 and Directive 2014-06, the EIP absentee voting period in Ohio in the 2014 General Election will be considerably shorter. Under SB 238 and Directive 2014-06, county BOEs are to be open for EIP absentee voting on the following days and hours prior to the November 4, 2014

General Election:

- Tuesday, Oct. 7, through Friday, Oct. 10: 8 a.m. to 5 p.m.
- Tuesday, Oct. 14, through Friday, Oct. 17: 8 a.m. to 5 p.m.
- Monday, Oct. 20, through Friday, Oct. 24: 8 a.m. to 5 p.m.
- Saturday, Oct. 25: 8 a.m. to 4 p.m.
- Monday, Oct. 27, through Friday, Oct. 31: 8 a.m. to 5 p.m.
- Saturday, Nov. 1: 8 a.m. to 4 p.m.

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<sup>4</sup> According to data provided by the defendants in *Obama for America, et al. v. Husted, et al.*, there was considerable variation in previous elections concerning the dates and hours of EIP absentee voting made available by BOEs. “In 2008, six of Ohio’s 88 counties chose not to offer any EIP absentee voting on the Saturday prior to Election Day, nearly all chose not to do so on that Sunday, and all were open during their regular weekday business hours on that Monday.” “In 2010, when fewer voters were expected, fourteen counties chose not to offer any EIP absentee voting on that Saturday, nearly all chose not to do so on that Sunday, and all were open on that Monday.” See, *Obama for America, et al. v. Husted, et al.* (2:2012cv00636), p. 19.

#### **IV. Use of Early In-Person Absentee Voting in Ohio**

On Monday, November 5, 2012, the day before the 2012 General Election, Secretary Husted released a statewide report of “absentee ballots” that it compiled from a survey of county election officials:

As of today, nearly 1.8 million Ohioans had already cast their ballots. Of the more than 1.3 million absentee ballots that were mailed to voters during the absentee voting period, more than 1.1 million have already been returned, or 87.1 percent. In addition, more than 592,000 voters voted in person at their board of elections or designated vote center.

A subsequent 2013 press release (dated January 9, 2012 [sic]) issued by Secretary Husted stated that “more than 1.26 million voters cast an absentee ballot by mail,” in the 2012 General Election, “while more than 600,000 cast an absentee ballot in person.”

According to the Ohio Office of the Secretary of State, of the more than 5.63 million Ohioans who cast ballots in the November 6, 2012 General Election, roughly 600,000 voters cast EIP absentee ballots, accounting for nearly 11% of all ballots cast. More significantly, using official data as reported by the Office of the Secretary of State, EIP absentee ballots comprised roughly 32% of the 1.88 million absentee ballots cast domestically in the 2012 presidential election.<sup>5</sup> To the best of my knowledge the Office of the Ohio Secretary of State did not provide a breakdown for EIP absentee votes in Ohio’s 2008 General Election.<sup>6</sup> According to one estimate, though, the number of EIP absentee ballots cast in the 2008 presidential election was

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<sup>5</sup> For more details on the November 6, 2012 General Election, see: <http://www.sos.state.oh.us/SOS/elections/Research/electResultsMain/2012Results.aspx>.

<sup>6</sup> See, Ohio Secretary of State, “Absentee and Provisional Ballots and Supplemental Statistics, available: <http://www.sos.state.oh.us/sos/upload/elections/2008/gen/amendedgeneralcombined.pdf>.

approximately 512,000, roughly 9% of the 5.63 million total votes cast, and 29.5% of the 1.73 million domestic absentee ballots cast.<sup>7</sup>

The rate of EIP absentee ballots cast in Ohio in the 2010 General Election was lower than in the 2012 and 2008 General Elections, but still considerable in both absolute terms and as a percentage of the electorate.<sup>8</sup> Of the slightly more than one million Ohioans who voted domestic absentee ballots in 2010, roughly 183,000 cast EIP absentee ballots, approximately 17.8% of the total absentee ballots cast.<sup>9</sup>

## V. Early In-Person Absentee Voting in Ohio's 2012 General Election

The following analysis utilizes statewide voter files downloaded from the Office of the Ohio Secretary of State and absentee voter files obtained from Ohio county BOEs. These files were downloaded or otherwise obtained prior to June, 2014. Appendix A, Appendix B, and Appendix C detail the arduous tasks of data collection, data processing, and geocoding used in this analysis.

Based on absentee voter files obtained from 84 county BOEs, more than 639,000 Ohioans cast EIP absentee ballots during the 35 day early absentee voting period—October 2

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<sup>7</sup> Norman Robbins, Nora Kancelbaum, and Halle Lewis, "ANALYSIS OF EARLY IN-PERSON AND MAIL-IN ABSENTEE VOTING IN THE OHIO 2012 GENERAL ELECTION COMPARED TO 2008," *Northeast Ohio Voter Advocates*, p. 5. Available: <http://www.nova-ohio.org/analysis%20early-absentee%20voting%202012%20vers10%201-19-13.pdf>. The authors estimated that although blacks comprised only 28 percent of the VAP in Cuyahoga County according to the 2010 census, 56.4 percent of Cuyahoga County's 2008 EIP absentee voters were black, and that 15.6 percent of all votes by African Americans in the county were cast early in person.

<sup>8</sup> Drop-off in turnout in midterm elections, including the use of EIP absentee voting, is typical across the states. See Michael P. McDonald, "The Return of the Voter: Voter Turnout in the 2008 Presidential Election." *The Forum* 6 (2008): 1-10; Michael C. Herron and Daniel A. Smith, "Race, Shelby County, and the Voter Information Verification Act in North Carolina," 2014. Available: <http://www.dartmouth.edu/~herron/HerronSmithNorthCarolina.pdf>.

<sup>9</sup> For more details on the November 2, 2010 General Election, see: <http://www.sos.state.oh.us/sos/elections/Research/electResultsMain/2010results.aspx>. See also, Karl Kaltenthaler, "A Study of Early Voting in Ohio Elections," Ray C. Bliss Institute of Applied Politics, University of Akron, 2011, available: <http://www.uakron.edu/bliss/research/archives/2010/EarlyVotingReport.pdf>.

through November 5. Table 1 reports the total number of EIP absentee ballots cast across the 84 counties during the absentee voting period. Table 1 also reports the total number of EIP absentee ballots cast in the 84 counties during select EIP absentee voting days that would have been eliminated in 2012 had SB 238 and Directive 2014-06 been in effect. These days include the Golden Week (Tuesday, October 2 through Tuesday, October 9), Sunday, November 4, and Monday, November 5.

**Table 1: EIP Absentee Ballots Cast and EIP Absentee Ballots Cast on Select Days in 2012 General Election**

	<b>Number of EIP Absentee Ballots Cast</b>	<b>Percent of Total EIP Absentee Ballots Cast</b>
<b>Statewide Total (84 counties)</b>	639,747	100.00%
<b>Eliminated Days, Golden Week</b>	90,106	14.08%
<b>Eliminated Sunday, November 4</b>	29,822	4.66%
<b>Eliminated Monday, November 5</b>	41,570	6.50%
<b>Sum of Eliminated Golden Week, Final Sunday, and Final Monday</b>	161,498	25.24%

Drawing on the data in the absentee voter files obtained from the 84 BOEs, Table 1 reports that more than 90,000 EIP absentee ballots were cast in the 2012 General Election during the so-called Golden Week, nearly 30,000 EIP absentee ballots were cast on final Sunday of early voting, November 4, 2012, and more than 41,500 EIP absentee ballots were cast on Monday, November 5, 2012, the day before Election Day. *In sum, over 25% of all EIP absentee votes—more than 161,000—were cast during the Golden Week and the final Sunday and Monday of early voting period, days that would have been eliminated by SB 238 and Directive 2014-06 had they been in effect in the 2012 General Election.*

Table 2, below, reports the total number of EIP absentee ballots cast from October 2 through November 5, 2012, broken down by county.



**Table 2: Total Early In-Person Absentee Votes in 2012 General Election, by County**

ALLEN	5,720	GUERNSEY	1,467	MORROW	1,642
ASHLAND	4,011	HAMILTON	23,554	MUSKINGUM	8,756
ASHTABULA	4,220	HARDIN	1,864	NOBLE	1,678
ATHENS	4,874	HARRISON	565	PAULDING	2,171
AUGLAIZE	2,502	HENRY	2,523	PERRY	975
BELMONT	6,263	HIGHLAND	3,719	PICKAWAY	3,707
BROWN	2,317	HOCKING	1,908	PIKE	2,782
BUTLER	20,693	HOLMES	1,950	PORTAGE	10,723
CARROLL	1,748	HURON	3,152	PREBLE	2,144
CHAMPAIGN	3,412	JACKSON	1,715	PUTNAM	2,903
CLARK	11,801	JEFFERSON	2,994	RICHLAND	10,266
CLERMONT	9,177	KNOX	3,417	ROSS	7,269
CLINTON	3,214	LAKE	7,704	SANDUSKY	3,236
COLUMBIANA	3,,835	LAWRENCE	3,091	SCIOTO	5,700
COSHOCTON	2,321	LICKING	8,416	SENECA	3,666
CRAWFORD	2,450	LOGAN	4,740	SHELBY	3,653
CUYAHOGA	43,086	LORAIN	22,542	STARK	11,755
DARKE	4,325	LUCAS	22,720	SUMMIT	27,377
DEFIANCE	4,353	MADISON	2,263	TRUMBULL	11,044
DELAWARE	14,709	MAHONING	15,775	TUSCARAWAS	4,278
ERIE	9,181	MARION	3,032	UNION	5,622
FAIRFIELD	8,263	MEDINA	14,338	VINTON	1,224
FAYETTE	2,407	MEIGS	1,151	WARREN	16,585
FRANKLIN	71,479	MERCER	3,460	WASHINGTON	5,718
FULTON	3,524	MIAMI	4,702	WAYNE	7,116
GALLIA	1,967	MONROE	909	WILLIAMS	2,693
GEAUGA	3,820	MONTGOMERY	29,748	WOOD	8,305
GREENE	14,947	MORGAN	1,391	WYANDOT	1,330

All 84 counties in the dataset reported processing EIP absentee ballots on the final Saturday (November 3) as well as on the final Monday (November 5) of early absentee voting. Two counties (Ashland and Coshocton) reported having no EIP absentee ballots cast on the final Sunday (November 4) of EIP absentee voting.

The EIP absentee files provided by seven BOEs—Cuyahoga, Franklin, Hamilton, Richland, Stark, Trumbull, and Wayne—also included statewide voter identification numbers. The 10-digit identifications numbers from the county absentee voter files were matched with a December 2012 statewide voter file. By doing so, the number of voters who registered to vote

and proceeded to cast an EIP absentee ballot on the same day during the Golden Week (October 2 through October 9, 2012) could be determined. Table 3 reveals that 4,211 of the 77,232 citizens—some 5.5%—who registered to vote in these seven counties during Ohio’s Golden Week also cast EIP absentee ballots on the same day that they registered.<sup>10</sup> All of these days would have been eliminated had the 2014 legislation and Directive been in effect in 2012.

**Table 3: Registrations and EIP Absentee Ballots Cast on the Same Day in Seven Ohio Counties during Golden Week, 2012 General Election**

<b>Date</b>	<b>Voter Registrations</b>	<b>Voters Registering Who also Cast EIP Absentee Ballots</b>	<b>Percentage of Voters Registering Who also Cast EIP Absentee Ballots</b>
10/2/2012	5,908	417	7.1%
10/3/2012	6,387	401	6.3%
10/4/2012	7,305	414	5.7%
10/5/2012	8,177	500	6.1%
10/6/2012	4,394	35	0.8%
10/7/2012	527	0	0.0%
10/8/2012	1,832	6	0.3%
10/9/2012	42,702	2,438	5.7%
<b>Total</b>	<b>77,232</b>	<b>4,211</b>	<b>5.5%</b>

## **VI. Early In-Person Absentee Voting in Ohio’s 2010 General Election**

Following the same procedures and techniques as detailed above, I collected EIP absentee voter files for the 2010 General Election from five BOEs (Cuyahoga, Franklin, Hamilton, Montgomery, and Summit), Ohio’s most populous counties, each with a total population of over 500,000. The findings from these five counties—which account for more than one-third of the state’s population—are highly probative.

<sup>10</sup> This count of registrations in the seven counties that occurred during the Golden Week includes individuals who registered for the first time in Ohio or who updated an existing voter registration.

Early voting in 2010 began on September 28 and ran through November 1. The absentee voter files from the above five counties listed nearly 34,000 Ohioans who cast EIP absentee ballots during the 2010 early voting period.<sup>11</sup> Across these five counties, 3,654 EIP absentee ballots were cast during the Golden Week, which ran from September 28 through October 4, 2010. More than 1,800 voters cast EIP absentee ballots on the final Sunday, October 31, 2010, and more than 4,100 voters cast EIP absentee ballots on the final day of early voting, Monday, November 1, 2010.<sup>12</sup> Both of these EIP absentee voting days would have been eliminated had the 2014 SB 238 and Directive 2014-06 been in effect in 2010. *In sum, over 28% of all EIP absentee votes—more than 9,600—were cast during the Golden Week and the final Sunday and Monday of early voting period, days that would have been eliminated by SB 238 and Directive 2014-06 had they been in effect in the 2010 General Election.*

**Table 4: Total EIP Absentee Ballots Cast in Five Counties and EIP Absentee Votes Cast on Select Days, 2010 General Election**

	<b>Number of EIP Absentee Ballots Cast</b>	<b>Percent of Total EIP Absentee Ballots Cast</b>
<b>Total (Five counties)</b>	33,986	100.00%
<b>Eliminated Days, Golden Week</b>	3,654	10.75%
<b>Eliminated Sunday, October 31</b>	1,825	5.37%
<b>Eliminated Monday, November 1</b>	4,165	12.26%
<b>Sum of Eliminated Golden Week, Final Sunday, and Final Monday</b>	9,644	28.38%

<sup>11</sup> The 33,986 EIP absentee ballots cast in the five counties according to the individual voter file records obtained from the five BOEs is less than the 40,424 civilian EIP absentee ballots reported in the official 2010 statewide report. See Ohio Secretary of State, “Absentee Ballot Report,” 2010 Elections Results, General Election: November 2. Available: <http://www.sos.state.oh.us/sos/upload/elections/2010/gen/absentee-in.xls>.

<sup>12</sup> More than 1,500 EIP absentee votes were cast on the final Monday in Summit County; more than 1,000 were cast in Franklin County; more than 800 were cast in Cuyahoga County; nearly 700 were cast in Montgomery County; Hamilton County recorded only 9 EIP absentee votes on November 1, 2010.

## VII. Race and Early In-Person Absentee Voting in Ohio: Ecological Inference

What proportion of black and white voters in Ohio utilized EIP absentee voting in the 2012 General Election and on which days? In a few states, such as Florida and North Carolina, it is possible to use data from statewide voter files to pinpoint the number of EIP absentee ballots cast by minority and white voters on a given day of early voting.<sup>13</sup> Ohio does not record the races of registered voters; it is thus more challenging to assess racial patterns of EIP absentee voting. As such, I use several techniques to establish whether the propensity of blacks to cast EIP absentee ballots in Ohio is greater than that of whites. I focus on EIP absentee votes cast in the aggregate as well as on days that would have been eliminated by SB 238 and Secretary Husted's Directive 2014-06.<sup>14</sup>

Since Ohio does not record the races of voters, I use U.S. Census data to determine the geographic breakdown of the Ohio voting age population, by race, at the census block level—the smallest geographic unit for which the Census Bureau reports data.<sup>15</sup> The exercise of inferring EIP absentee voting rates by race using census blocks is an example of an ecological inference problem. When voting behavior is not directly observable, scholars often rely on various

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<sup>13</sup> See Michael C. Herron and Daniel A. Smith, "Race, Party, and the Consequences of Restricting Early Voting in Florida in the 2012 General Election," *Political Research Quarterly* 67 (2014) (OnlineFirst); Michael Herron and Daniel A. Smith, "Souls to the Polls: Early Voting in Florida in the Shadow of House Bill 1355," *Election Law Journal* 11 (2012): 331-47; Michael C. Herron and Daniel A. Smith, "Race, Shelby County, and the Voter Information Verification Act in North Carolina," available: <http://www.dartmouth.edu/~herron/HerronSmithNorthCarolina.pdf>.

<sup>14</sup> My approach here is in keeping with Bernard Grofman's recommendation to use a "full range of available techniques" in litigation (dealing with redistricting cases) in order to avoid errors in interpretation. See Bernard Grofman, "A Primer on Racial Bloc Voting Analysis," in *The Real Y2K Problem: Census 2000 Data and Redistricting Technology*, Nathan Persily, ed. New York: Brennan Center for Justice, New York University School of Law, 2000. For an analogous methodological approach dealing with redistricting, see Yishaiya Abosch, Matt Barreto, and Nathan Woods, "An Assessment of Racially Polarized Voting For and Against Latinos Candidates in California," in Ana Henderson (ed.), *Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power*. Berkeley, CA: UC Berkeley Public Policy Press, 2007.

<sup>15</sup> For details about census blocks, see: U.S. Census Bureau, "Using FactFinder," available: [http://factfinder2.census.gov/faces/nav/jsf/pages/using\\_factfinder5.xhtml](http://factfinder2.census.gov/faces/nav/jsf/pages/using_factfinder5.xhtml).

methods of ecological inference in voting rights litigation.<sup>16</sup> I use standard ecological inference methods in my analysis.

I begin by examining the bivariate correlation between the proportion of blacks over the age of 18 residing in census blocks and corresponding EIP absentee voting rates in those census blocks in the 2012 General Election. I then employ two empirical methods—homogeneous area analysis and the method of bounds—to characterize EIP absentee vote rates of blacks and whites.<sup>17</sup> I repeat this process when analyzing EIP absentee voting rates in Ohio’s five most populous counties in the 2010 General Election.

### **VIII. Bivariate Correlation: EIP Absentee Votes Cast by Blacks in Ohio, 2012 General Election**

I begin with an examination of the bivariate correlation between the proportion of blacks over the age of 18 residing in Ohio’s 365,344 census blocks with the EIP absentee voting rate in those census blocks in the 2012 General Election. This was done to determine if there was a relationship between the proportion of a census block’s black Voting Age Population (VAP) and the rate of EIP absentee ballots cast in that census block. To do this, I use 2010 U.S. Census data to calculate the black VAP in Ohio’s census blocks as well as to geocode the addresses of those

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<sup>16</sup> Most notably, ecological inference is used to estimate levels of racial bloc voting in the electorate. For an overview of ecological inference techniques, see Gary A. King, *A Solution to the Ecological Inference Problem: Reconstructing Individual Behavior from Aggregate Data*. Princeton: Princeton University Press, 1997; Bernard Grofman, Lisa Handley, and Richard G. Niemi, *Minority Representation and the Quest for Voting Equality*, New York: Cambridge University Press, 1992.

<sup>17</sup> Otis D. Duncan and Beverly Davis, “An Alternative to Ecological Correlation,” *American Sociological Review* 18 (1953): 665-66. Experts in numerous court cases dealing with voting rights and redistricting utilize one particular form of this method, homogeneous precinct analysis, to determine the voting behavior of a single racial or ethnic group residing in racially or ethnically homogeneous precincts (e.g., 100% black, 100% white, or 100% Hispanic). An advantage of homogeneous area analysis is that it yields completely certain information about the behavior of a subgroup in extreme cases, such as EIP absentee voting rates of blacks living in racially homogeneous census blocks. For an overview of these methods, see J. Morgan Kousser, “Ecological Inference from Goodman to King,” *Historical Methods* 34 (2001): 101-26.

registered voters who cast EIP absentee ballots, using the individual-level data obtained from the 84 county BOEs.<sup>18</sup>

Figure 1 plots the bivariate relationship between fraction black voting age residents and EIP absentee vote rate at the census block level in the 2012 General Election. Each dot in Figure 1 represents a census block, with the sizes of the dots proportional to the overall turnout in the census block. Block turnout includes all ballots cast, in any format, in the election. Figure 1 reveals a statistically significant and positive linear relationship between black VAP and the rate of EIP absentee ballots cast across census blocks, as indicated by the weighted least squares regression line superimposed over the dots.<sup>19</sup> In short, EIP absentee voting is disproportionately utilized in census blocks across Ohio with greater values of black VAP.<sup>20</sup>

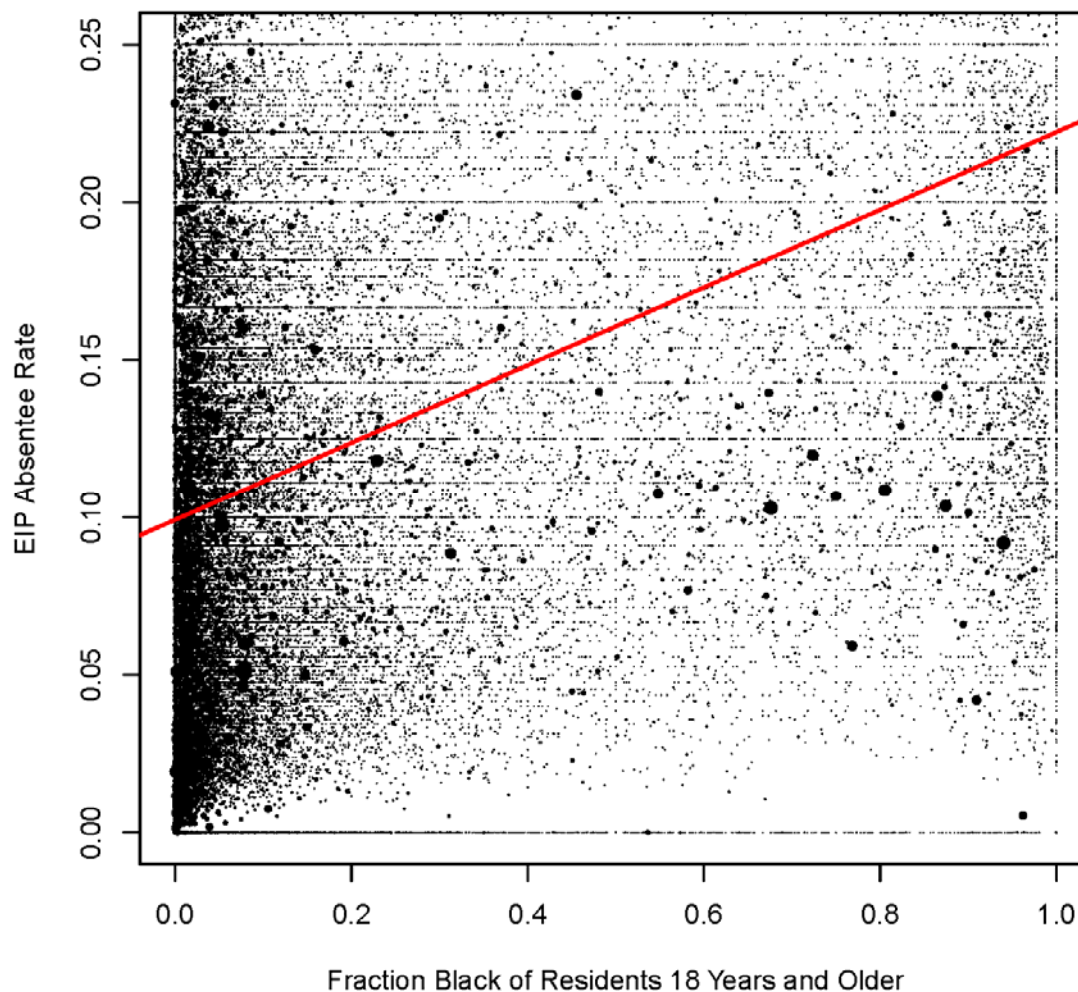
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<sup>18</sup> According to the 2010 U.S. Census, there were a total of 3,495 census blocks with 100% black VAP and 135,621 census blocks with 100% white VAP in Ohio, and a total of 6,270 census blocks with at least 90% black VAP and 184,00 census blocks with at least 90% white VAP. Census data available from 2010 Census Redistricting Data (Public Law 94-171) Summary File, File 2. Table P3. Variables: P0030001 Total population 18 years or older; P0030004 Population of one race 18 years or older, White alone; P0030004 Population of one race 18 years or older, Black or African American alone.

<sup>19</sup> Weighted by turnout in census block; includes only census blocks where count of EIP absentee voters is less than or equal to turnout (correlation = 0.174; standard error = 0.001; p-value = 0.000).

<sup>20</sup> This analysis is similar to a study of a single Ohio county (Cuyahoga) that uses a proportional rule method to estimate black EIP absentee votes in 2008 and 2012. See Norman Robbins, Nora Kancelbaum, and Halle Lewis, "ANALYSIS OF EARLY IN-PERSON AND MAIL-IN ABSENTEE VOTING IN THE OHIO 2012 GENERAL ELECTION COMPARED TO 2008," *Northeast Ohio Voter Advocates*, p. 5. Available: <http://www.nova-ohio.org/analysis%20early-absentee%20voting%202012%20vers10%201-19-13.pdf>. The authors use 2010 census data to estimate the racial composition of each census block in Cuyahoga County.

**Figure 1: Black VAP Census Blocks and EIP Absentee Votes in Ohio, 2012 General Election**



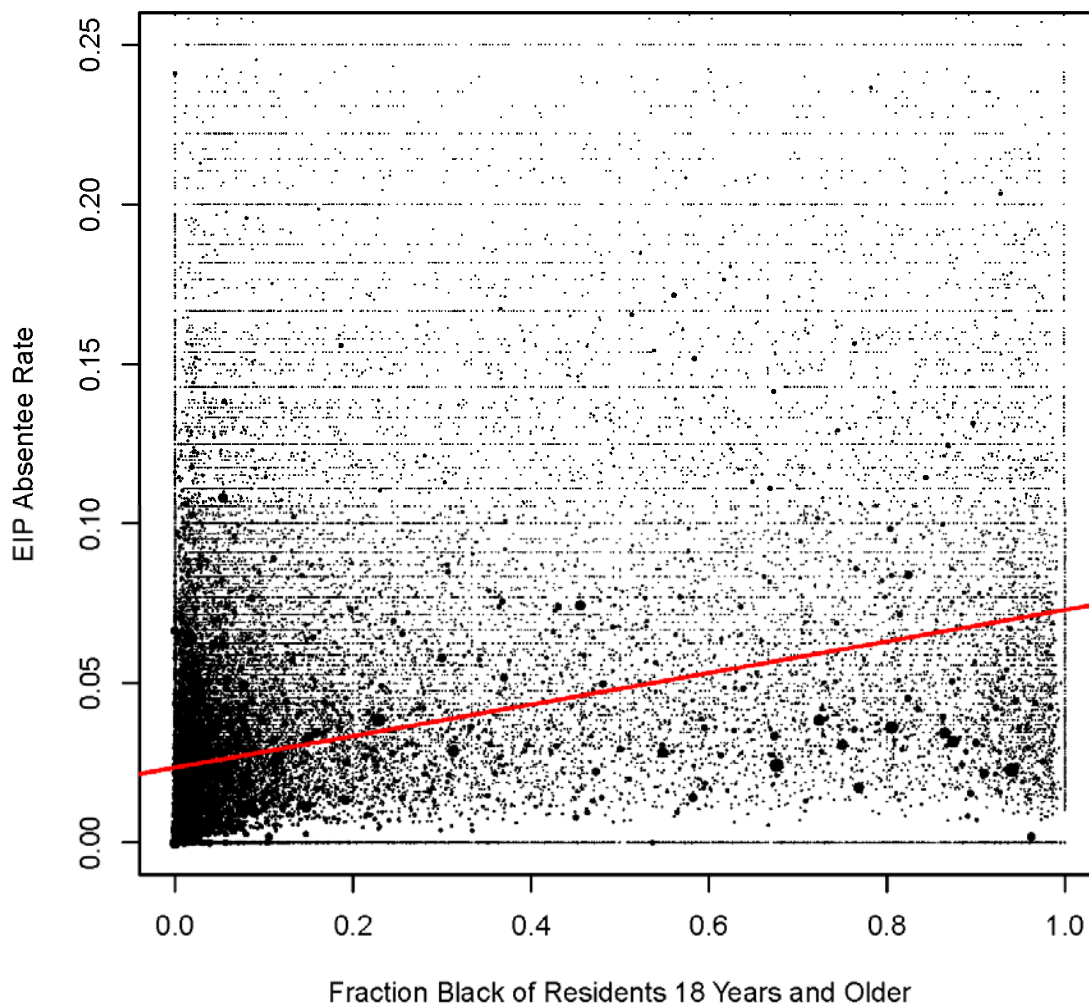
Was the rate of EIP absentee votes cast in more densely black VAP census blocks also higher on early voting days in 2012 that would have been eliminated by the 2014 regulations? Figure 2 plots black VAP and the EIP absentee vote rate on the days in 2012 that would have been eliminated by the 2014 regulations.<sup>21</sup> Again, as the proportion of black VAP in a census block increases, the rate of EIP absentee ballots cast is greater. This relationship is statistically

<sup>21</sup> Eliminated early voting days in 2012 would have been October 2-9, October 13-14, October 20-21, October 28, and November 4-5. Results hold when eliminated days are limited to October 2-9 and November 4-5.



significant, although the slope of the regression line in Figure 2 is not as steep as the regression line in Figure 1.<sup>22</sup>

**Figure 2: Black VAP Census Blocks and EIP Absentee Votes on Days in 2012 Ohio General Election that would have been Eliminated**



**IX. Homogeneous Area Analysis and Method of Bounds: Black and White EIP Voting Rates in Ohio, 2012 General Election**

Figure 3 plots black and white daily EIP absentee voting rates in homogeneous census blocks in the 2012 General Election, that is, EIP absentee voting rates in 100% black VAP and

<sup>22</sup> Weighted by turnout in census block; includes only census blocks where count of EIP absentee voters is less than or equal to turnout (correlation = 0.145; standard error = 0.001; p-value = 0.000).



100% white VAP census blocks, respectively. These daily EIP absentee voting rates are relatively small: they are the fraction of the total EIP absentee ballots cast by voters living in 100% black or 100% white census blocks on a given day, out of the total ballots cast by voters residing in those homogeneous census blocks in the 2012 General Election.<sup>23</sup>

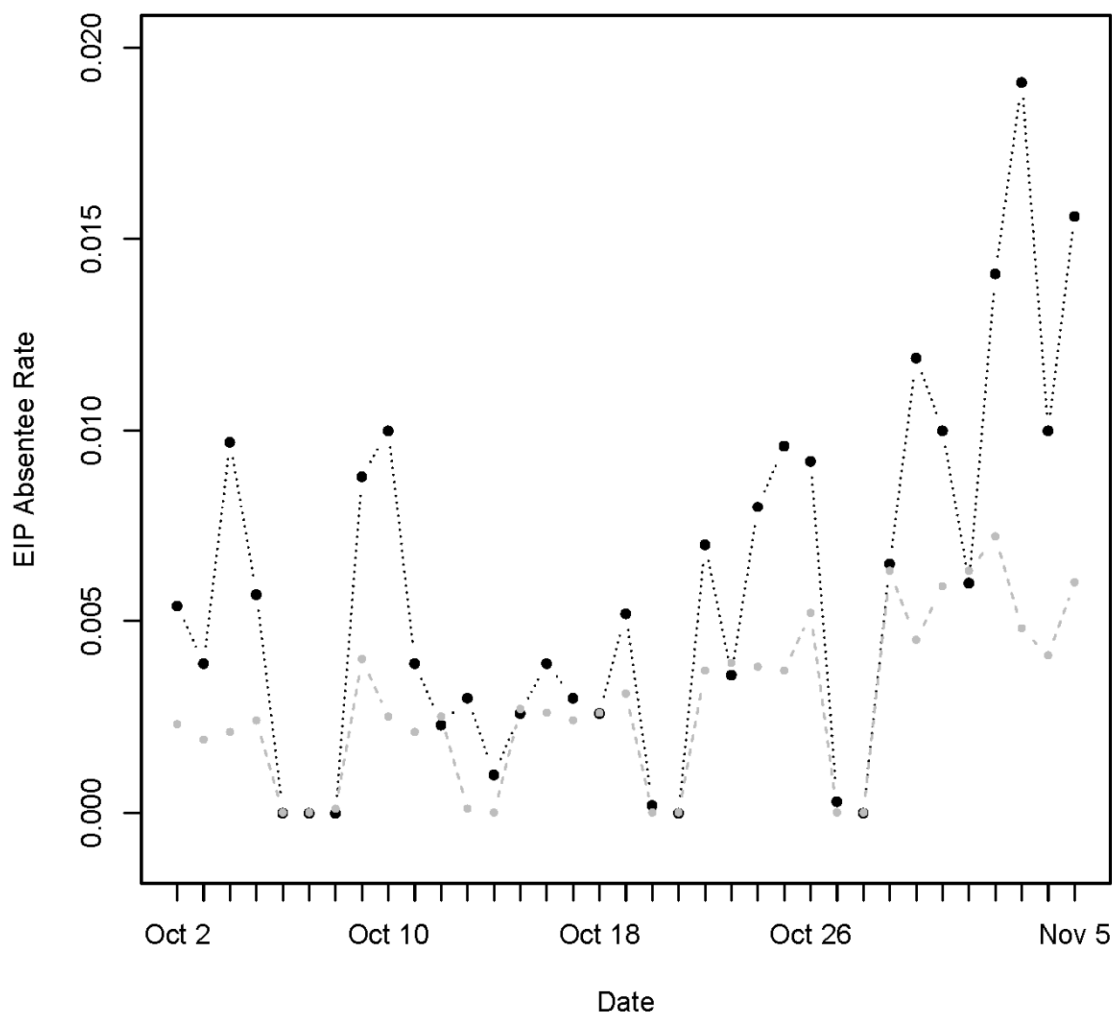
Figure 3 makes it clear that the rate of EIP absentee voting in 100% black VAP census blocks was much higher on nearly every day of the early voting period in 2012 than in 100% white VAP census blocks. Notably, the rate of EIP absentee voting in 100% black VAP census blocks (dark dots) was higher during the first and last weeks of early voting than in comparable 100% white VAP census blocks (light dots). For instance, nearly 1.5% of all votes in 100% black VAP census blocks were cast on the final Monday of early voting, November 5, a day that would have been cut by the 2014 law and Secretary Husted's Directive. These findings are dramatic: in racially homogeneous census blocks, blacks utilized EIP absentee voting at greater rates than whites in the 2012 General Election. In fact, the rate of EIP absentee ballots cast in 100% black census blocks was more than twice the comparable rate in 100% white census blocks. Overall, in homogenous black census blocks, roughly one in five voters in the 2012 General Election cast an EIP absentee ballot. In contrast, fewer than one in 10 votes cast by voters living in 100% white census blocks in the 2012 General Election was an EIP absentee ballot.<sup>24</sup> Moreover, in homogenous black census blocks, the rate was two to four times the rate in homogenous white census blocks during the first week of early voting.

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<sup>23</sup> In other words, daily black and white EIP absentee voting rates are calculated by dividing the number of EIP absentee votes cast that day in homogenous census blocks by the overall number of votes cast in those census blocks.

<sup>24</sup> This analysis complements a recent study estimating the 2008 General Election EIP absentee vote rate by blacks in Cuyahoga County using census tract data. See Russell Weaver and Sonia Gill, "Early Voting Patterns by Race in Cuyahoga County, Ohio: A Statistical Analysis of the 2008 General Election," *Voting Rights Research Brief*, Lawyers' Committee for Civil Rights Under Law, October 2012. Available:

**Figure 3: Homogeneous Black and Homogeneous White Census Blocks and Daily EIP Absentee Rates, 2012 General Election**



A limitation of homogeneous area analysis is that the observed behavior in such areas—the rates of EIP absentee voting by blacks and whites in racially homogenous census blocks—may not be identical to rates in racially heterogeneous census blocks. In order to address this possibility, I analyze EIP absentee voting in the 2012 General Election in nearly homogeneous census blocks. For census blocks that are nearly homogeneous, the method of bounds—my

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[http://www.lawyerscommittee.org/admin/site/documents/files/EarlyVoting\\_Cuyahoga\\_Report.pdf](http://www.lawyerscommittee.org/admin/site/documents/files/EarlyVoting_Cuyahoga_Report.pdf). Using King's ecological inference estimation technique, Weaver and Gill report that in the 2008 General Election slightly more than 8% of all Cuyahoga County voters cast a ballot in person prior to Election Day. They estimate that over 77% EIP absentee voters in the county were African Americans, and that black voters were 20 times more likely to cast EIP absentee ballots than white voters in 2008.

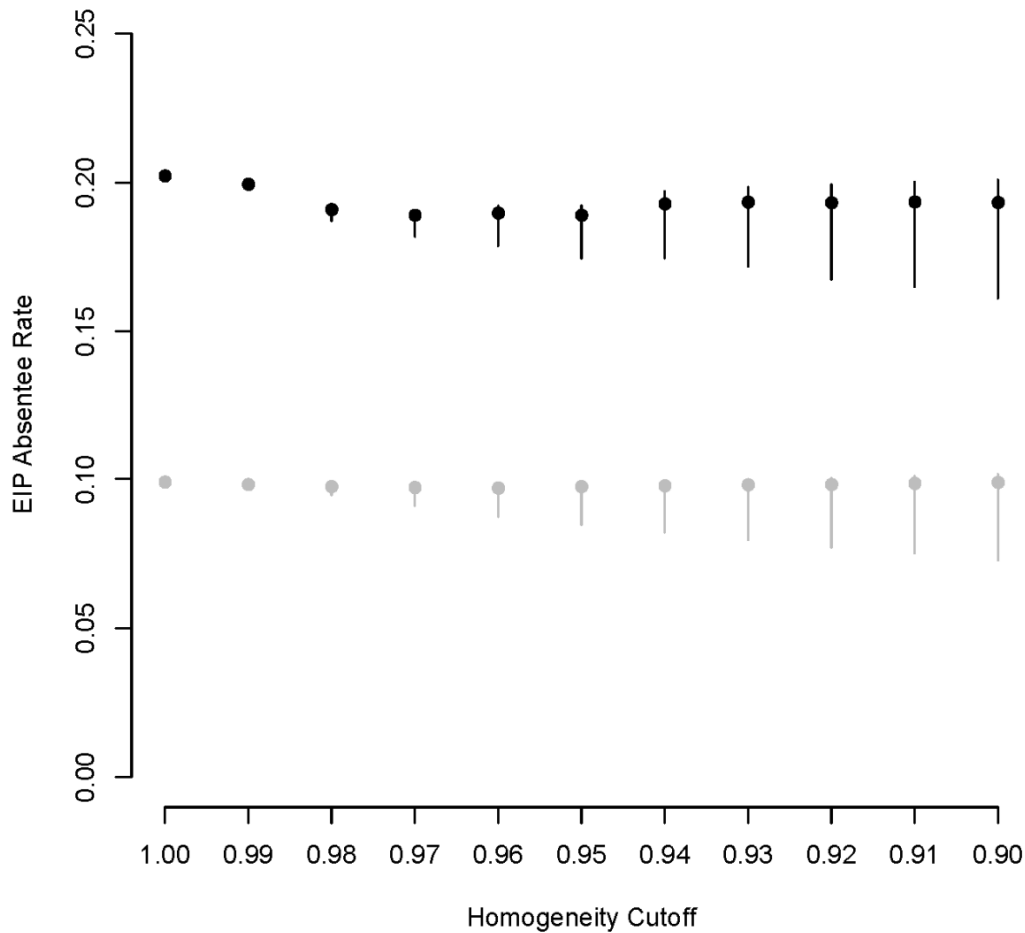
second ecological inference method—provides deterministic information on race-based EIP absentee voting rates; in particular, this method provides logical bounds on individual-level EIP absentee voting rates. The method of bounds is based on an accounting identity, and the bounds that it generates are deterministic. Logically, the method derives a range within which a particular rate of interest necessarily resides. For example, when applied to nearly homogeneous black census blocks, the method specifies both a minimum and a maximum possible black EIP absentee voting rate.<sup>25</sup>

Figure 4 provides evidence that there were differences in rates of EIP absentee voting by blacks and whites in the 2012 General Election. Black and white EIP absentee voting rates are calculated by dividing the total number of EIP absentee votes cast in census blocks with a given proportion of black (or white) VAP by the overall number of votes cast in those census blocks. The figure shows that black EIP absentee voting rates, based on census blocks with at least 90% black VAP, were appreciably higher than corresponding white EIP absentee voting rates in comparable census blocks. This conclusion follows from the fact that at every level of homogeneity level in Figure 4, the logical bounds on black EIP absentee voting rates do not overlap with corresponding logical bounds on white EIP absentee voting rates. In short, in the 2012 General Election, EIP absentee voting rates in nearly homogeneous black census blocks were consistently higher than those in nearly homogeneous white census blocks.

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<sup>25</sup> See Alexander A. Schuessler, “Ecological Inference,” *Proceedings of the National Academy of Sciences* 96 (1999): 10578-81.

**Figure 4: EIP Absentee Vote Rates in Census Blocks with 90% to 100% Black VAP and in Census Blocks with 90% to 100% White VAP, 2012 General Election**



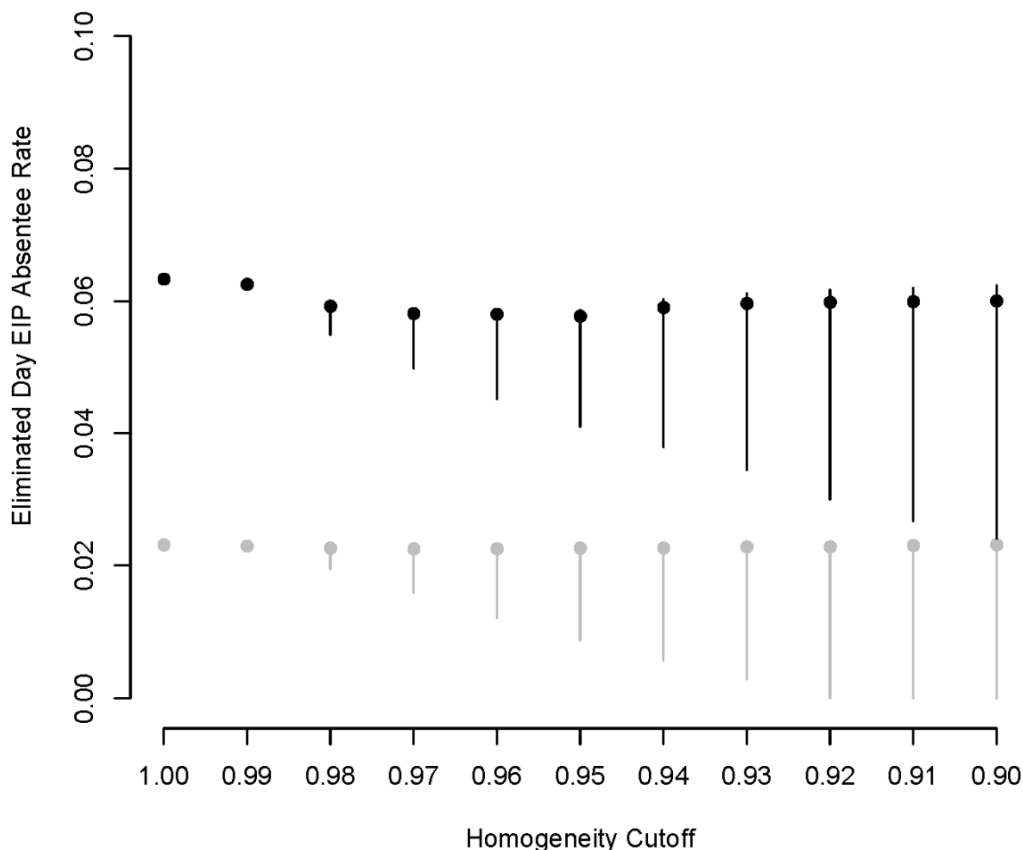
**X. Black and White EIP Absentee Voting in 2012 General Election on EIP Absentee Days that would have been Eliminated by SB 238 and Directive 2014-06**

I extend my analysis of EIP absentee voting rates of blacks and whites in the 2012 General Election by examining patterns of votes cast on days that would have been eliminated had SB 238 and Directive 2014-06 been in effect two years ago. Using the same data and methods described above, Figure 5 plots rates of EIP absentee voting on days in the 2012 General Election that would have been eliminated by the 2014 regulations. It focuses on

homogeneous (100% black VAP) and nearly homogenous black census blocks, as well as homogeneous and nearly homogeneous white census blocks.

Figure 5 shows that nearly homogenous black census blocks had greater rates of EIP absentee voting than nearly homogenous white census blocks in the 2012 General Election on days that would have been eliminated by the 2014 restrictions. The darker colored dots and their associated logical bounds are, in almost every case pictured, consistently greater than the lighter colored dots and their associated logical bounds.

**Figure 5: EIP Absentee Vote Rate in 2012 General Election in Census Blocks with 90% to 100% Black VAP and 90% to 100% White VAP on Days that would have been Eliminated**



**XI. Homogeneous Area Analysis and Method of Bounds: Black and White EIP Voting Rates in Five Ohio Counties, 2010 General Election**

I extend the homogeneous area analysis and application of method of bounds to the 2010 General Election, focusing on EIP absentee votes cast in homogenous and nearly homogeneous black and in comparable white census blocks across Ohio's five most populous counties (Cuyahoga, Franklin, Hamilton, Montgomery, and Summit).<sup>26</sup> As with the foregoing analysis of the 2012 General Election, I begin by presenting a bivariate correlation between black VAP in census blocks and associated EIP absentee voting rates in the 2010 General Election. The scatterplot in Figure 7 reveals that, as the proportion of black VAP in a census block increases, the rate of EIP absentee ballots cast in the 2010 General Election also increases. Each dot in the figure represents a census block with the sizes of the dots proportional to the overall census block turnout. Although overall EIP absentee voting was considerably lower in 2010 than in 2012, Figure 7 highlights a significant, positive linear relationship between black VAP and the EIP absentee ballot rate, as indicated by the weighted OLS regression line superimposed over the dots.<sup>27</sup>

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<sup>26</sup> See Ohio Secretary of State, "Ohio Population by Counties," *2010 Census Data*. Available: <http://www.sos.state.oh.us/SOS/reshape/census.aspx>.

<sup>27</sup> Weighted by turnout in census block; includes only census blocks where count of EIP absentee voters is less than or equal to turnout (correlation = 0.237; standard error = 0.001; p-value = 0.000).

**Figure 7: Black VAP Census Blocks and EIP Absentee Votes in Ohio, 2010 General Election (Five Counties)**

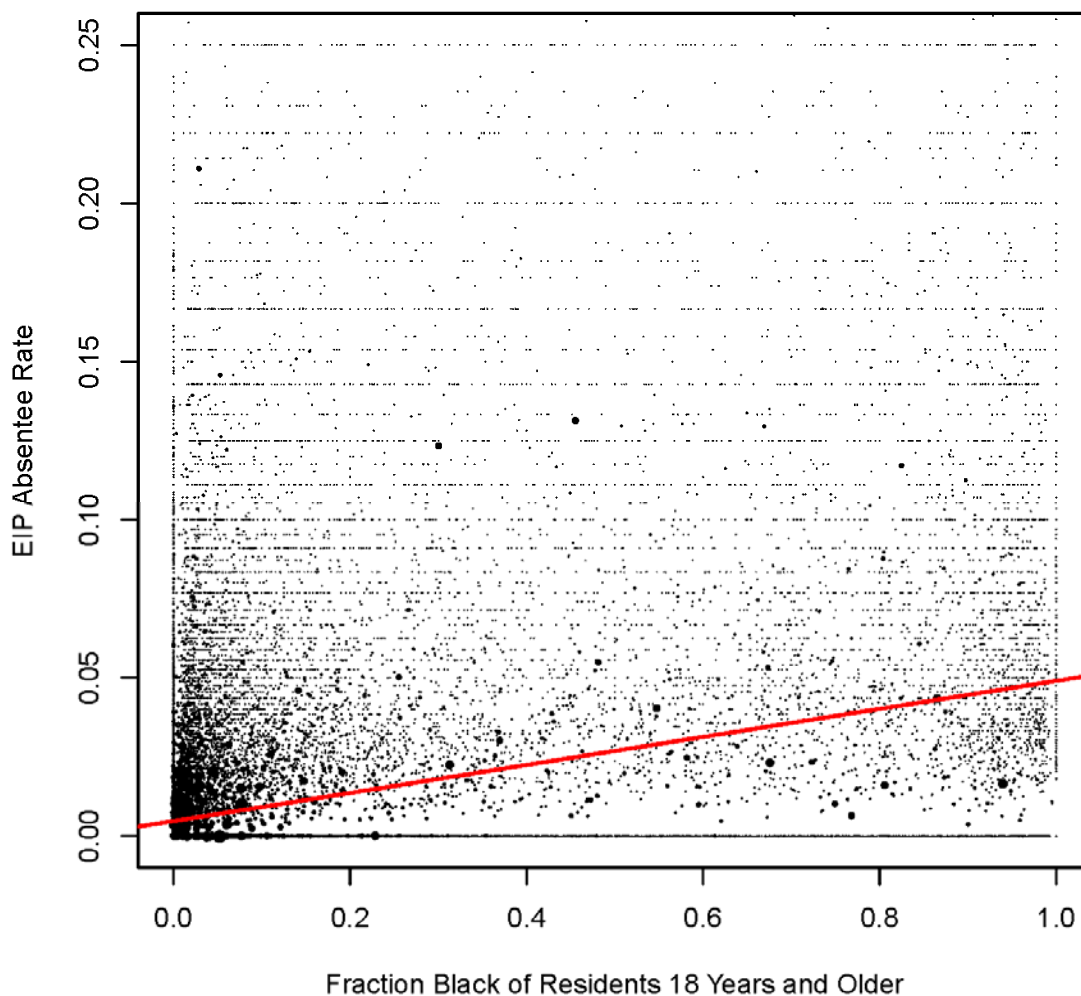


Figure 8 plots the bivariate correlation between black VAP and the EIP absentee vote rate in the five counties on the days in 2010 that would have been eliminated by the 2014 regulations.<sup>28</sup> As the proportion of black VAP in a census block increases, Figure 8 reveals that the rate of EIP absentee ballots cast in a census block is greater. This relationship is statistically

<sup>28</sup> Eliminated early voting days in 2010 would have been September 28-30, October 1-4, October 9-11, Oct 16-17, October 24, October 31, and November 1. Results hold when eliminated days are limited to September 28-30, October 1-4, October 31, and November 1.

significant, although the slope of the regression line in Figure 8 is not as steep as the regression line in Figure 7.<sup>29</sup>

**Figure 8: Black VAP Census Blocks and EIP Absentee Votes on Days in 2010 Ohio General Election that would have been Eliminated (Five Counties)**

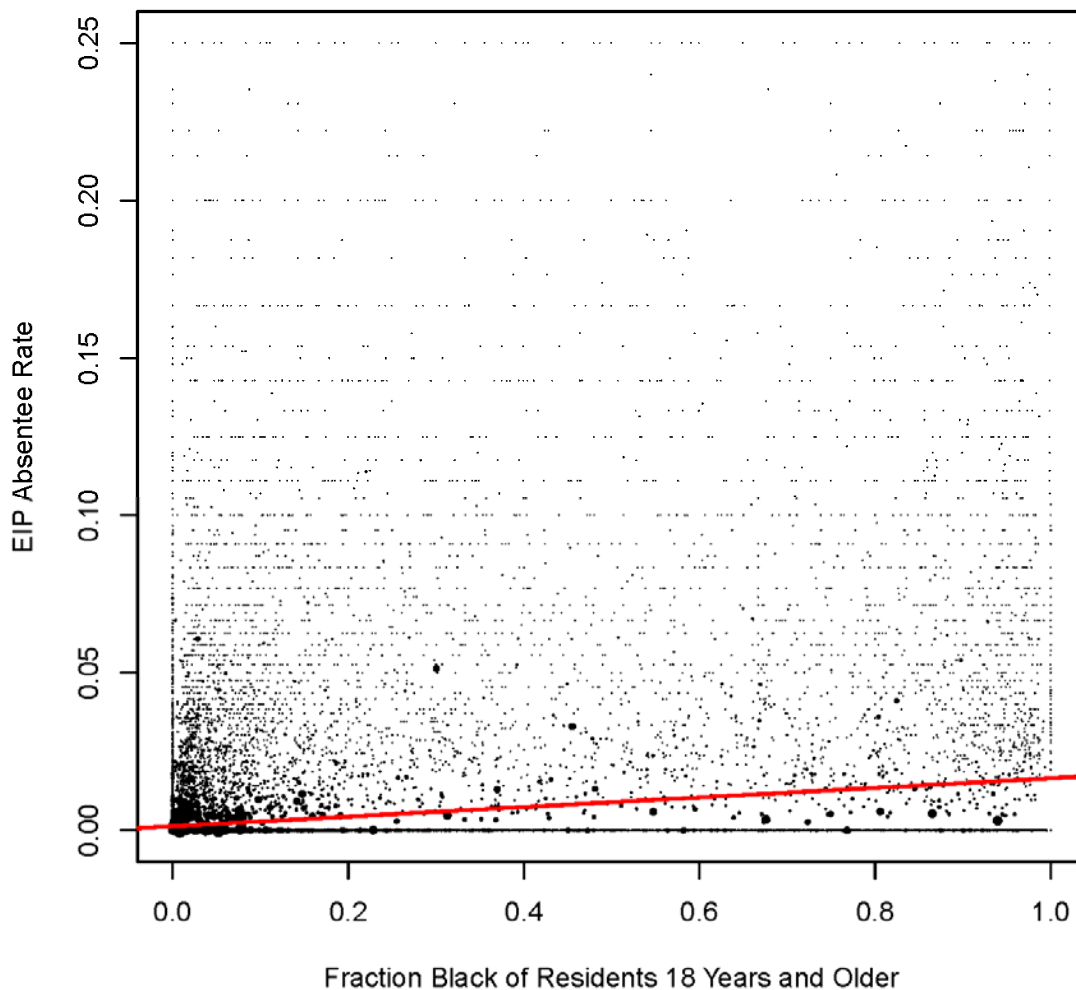


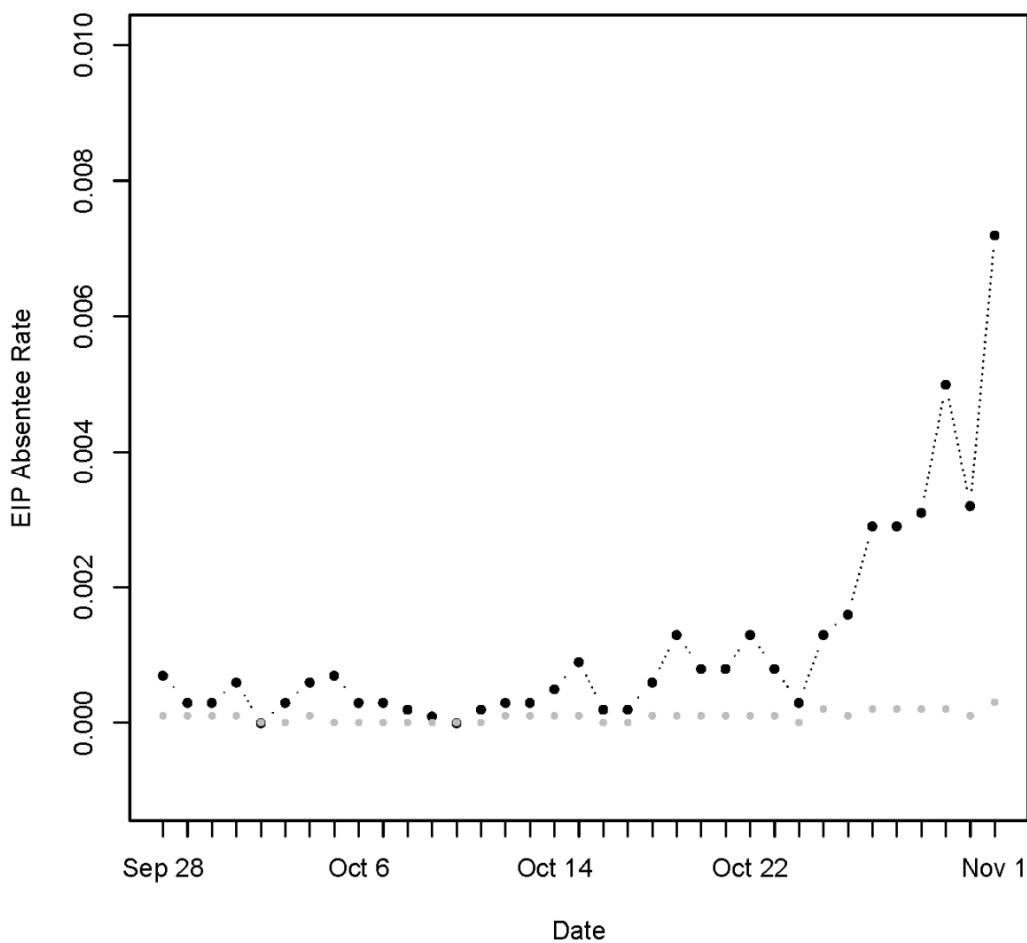
Figure 9 displays the rates of EIP absentee voting in 100% black census blocks and the EIP absentee voting rates in 100% white census blocks, by day, across the five counties. On

<sup>29</sup> Weighted by turnout in census block; includes only census blocks where count of EIP absentee voters is less than or equal to turnout (correlation = 0.156; standard error = 0.001; p-value = 0.000).



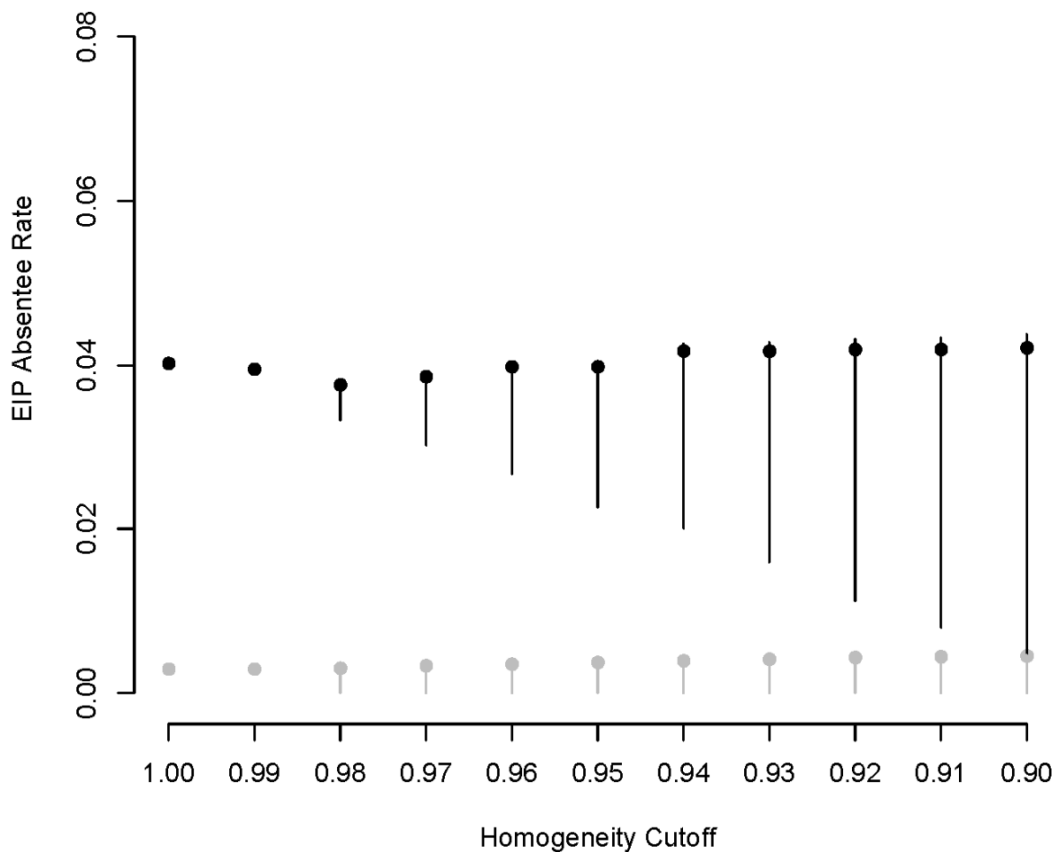
nearly every day of EIP absentee voting in 2010, the EIP absentee voting rate was higher in 100% black census blocks than in 100% white census blocks. The rates of EIP absentee voting in homogeneous black census blocks were relatively large during the final days of early voting, especially the final Monday prior to Election Day, a day that would have been cut by the 2014 regulations. In short, the homogenous area analysis confirms that blacks residing in 100% black census blocks in the five counties were more likely than comparable whites to utilize EIP absentee voting in the 2010 General Election. Specifically, the EIP absentee voting rate in 100% black census blocks was roughly four times the comparable rate in completely homogeneous white census blocks.

**Figure 9: Homogeneous Black VAP and Homogeneous White VAP Census Blocks and Daily EIP Absentee Rates in Five Ohio Counties, 2010 General Election**



As with the 2012 analysis, I now turn to the method of bounds to study 2010 General Election EIP absentee voting rates in nearly homogenous black and white census blocks. Figure 10 reveals that EIP absentee voting rates in nearly homogenous black census blocks were higher than comparable EIP absentee voting rates in nearly homogeneous white census blocks in the 2010 General Election. Across the five counties, the darker colored dots and their corresponding logical bounds are consistently higher than the lighter color dots and their corresponding logical bounds.

**Figure 10: EIP Absentee Vote Rates in Census Blocks with 90% to 100% Black VAP and 90% to 100% White VAP, 2010 General Election**



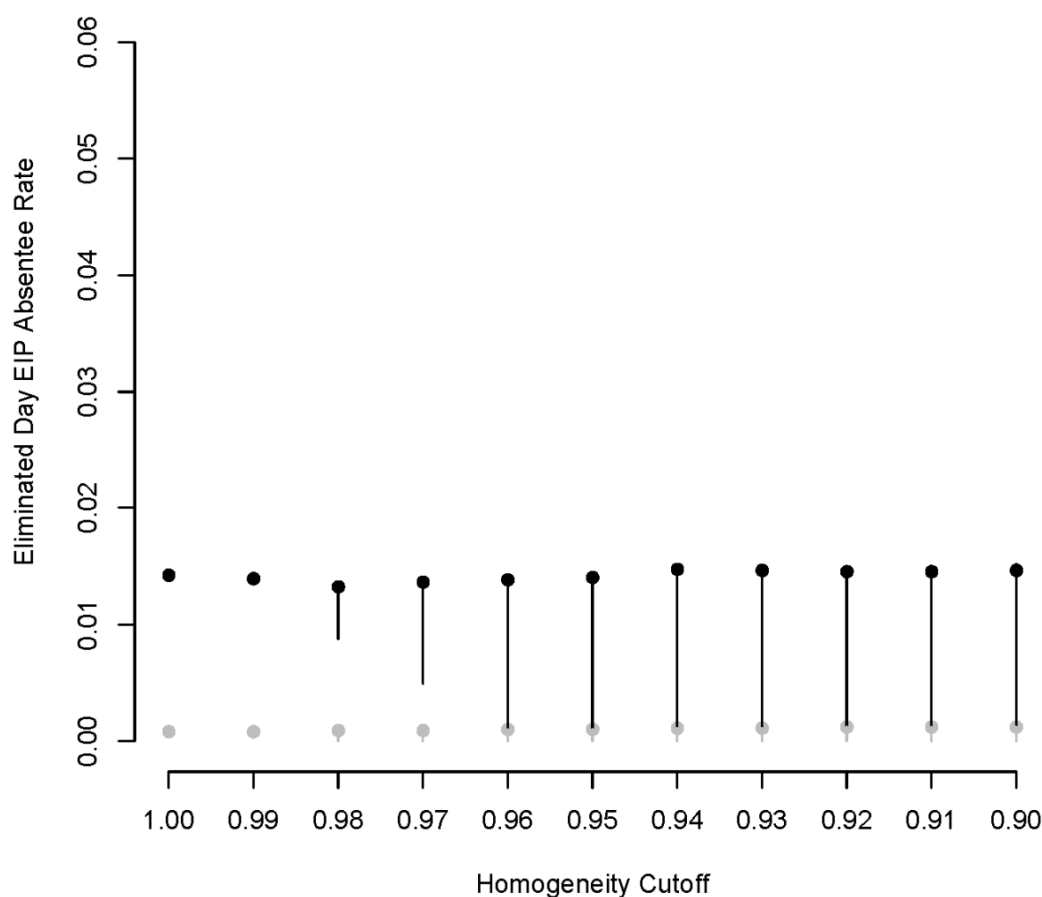
**XII. Black and White EIP Absentee Voting in 2010 General Election on EIP Absentee Days that would have been Eliminated by SB 238 and Directive 2014-06**

Finally, I extend the analysis of 2010 EIP absentee voting rates of blacks and whites in Ohio's five most populous counties by examining patterns of votes cast on days that would have been eliminated had the 2014 reforms been in place during the 2010 General Election. Figure 11 plots EIP absentee voting rates in homogeneous and nearly homogeneous black and comparable white census blocks on days that would have been eliminated had the 2014 legislation and directive been operative in 2010.<sup>30</sup> In Ohio's five most populous counties, census blocks with at least 98% black VAP had higher EIP absentee voting rates than comparable white census blocks on the days that would have been eliminated had the 2014 law and directive been in effect. As the bounds characterizing near racial homogeneity are relaxed, the true values of black and white EIP absentee voting on days that would have been eliminated become more difficult to distinguish, although findings from the bivariate correlation (Figure 8) and the homogenous area analysis of black and white EIP absentee voting by day indicate that blacks will be more likely than whites in future elections to be negatively affected by the 2014 law and directive.

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<sup>30</sup> The eliminated early voting days in 2010 would have been September 28-30, October 1-October 4, October 9-11, October 16-17, October 24, October 31, and November 1. The results hold when eliminated days are restricted to September 28-30, October 1-4, October 31, and November 1.

**Figure 11: EIP Absentee Vote Rate in 2010 General Election in Census Blocks with 90% to 100% Black VAP and 90% to 100% White VAP on Days that would have been Eliminated**



### XIII. Current Population Survey: Race and Early In-Person Absentee Voting

I now turn to individual-level data from the Current Population Survey (CPS) Voting and Registration Supplement, which is conducted in November of election years jointly by the U.S. Census Bureau and the U.S. Bureau of Labor Statistics.<sup>31</sup> Although it does not ask early voters

<sup>31</sup> The CPS is “a common dataset in voting analysis” used by political scientists to estimate voter turnout. Indeed, “the CPS is one of the most accurate among all election surveys,” and as such, “the consequences for statistical inference are minor,” particularly with regard to possible differential rates of EIP absentee voting across racial groups. See Barry Burden, et al., “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform,” *American Journal of Political Science* 58 (2014): 95–109, p. 101. See also Benjamin Highton, “Self-reported versus proxy-reported voter turnout in the current population survey,” *Public Opinion Quarterly*, 69 (2005): 113–123; Raymond E. Wolfinger and Steven J. Rosenstone. 1980. *Who Votes?* New Haven, CT: Yale

on which day they voted, the CPS November Supplement provides additional evidence that black voters in Ohio were disproportionately more likely to cast EIP absentee ballots in the 2012 and 2008 General Elections.

Nationally, as in Ohio, the use of early voting has increased across the country.<sup>32</sup> Over the past decade, EIP absentee voting in particular has gained considerable popularity in the states where it has been introduced, leading one early voting expert to dub it a “quiet revolution.”<sup>33</sup> According to the CPS, in the 2000 General Election less than 5% of all respondents said they had voted early and in person prior to Election Day.<sup>34</sup> By 2012, roughly 14% of voters nationwide said they had cast EIP absentee votes in the presidential election. In the 2012 General Election, more than 10% of CPS respondents in Ohio reported voting early and in person in the election, two percentage points more than what respondents reported in 2008.

Initial scholarly studies reported that EIP absentee voters tended to differ from Election Day voters mainly in terms of their interest in politics and their partisanship.<sup>35</sup> More recent

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University Press, 1980. Michael J. Hanmer, *Discount Voting: Voter Registration Reforms and Their Effects*. New York: Cambridge University Press, 2009.

<sup>32</sup> Michael McDonald, “The Return of the Voter: Voter Turnout in the 2008 Presidential Election.” *The Forum* 6 (2008): 1-10.

<sup>33</sup> Paul Gronke, “Early Voting: The Quiet Revolution in American Elections,” in *Law and Election Politics: The Rules of the Game*, edited by Matthew J. Streb, 2 ed., pp. 134-48. New York: Routledge, 2013.

<sup>34</sup> “The Voting and Registration Supplement to the Current Population Survey (CPS) employs a large sample size and has a very high response rate,” report Aram Hur and Chris Achen, “and thus is often regarded as the gold standard among turnout survey.” See Aram Hur and Christopher H. Achen, “Coding Voter Turnout Responses in the Current Population Survey *Public Opinion Quarterly*, 77 (2013): 985-93. I am interested in possible differences in the use of EIP absentee voting between black and white voters; as such, concerns over the U.S. Census’s coding decisions of nonvoters and possible non-response bias in the CPS with regard to overall turnout rates are mitigated. See also, Michael P. McDonald, “The True Electorate: A Cross-Validation of Voter Registration Files and Election Survey Demographics,” *Public Opinion Quarterly* 71 (2007): 588-602.

<sup>35</sup> See, for example, Robert Stein, “Early Voting,” *Public Opinion Quarterly* 62 (1998): 57-69; Robert Stein and Patricia Garcia-Monet, “Voting Early but Not Often,” *Social Science Quarterly* 78 (1997): 657-71; Paul Gronke, “Early Voting Reforms and American Elections,” *William & Mary Law Review* 17 (2008): 423-52; Grant Neeley and Lilliard E. Richardson, “Who is Early Voting? An Individual Level Examination,” *Social Science Journal* 38 (2001): 381-92.

studies, though, using survey data or observed data from statewide voter files, have found that EIP absentee voters tend to differ from Election Day voters in terms of their race and ethnicity. Specifically, scholars have found that racial and ethnic minorities—most notably African Americans—tend to utilize EIP absentee voting more than non-Hispanic whites.<sup>36</sup>

Survey data from the 2008 and 2012 CPS November Supplement reinforce the scholarly findings that blacks are more likely than whites to cast ballots early and in person. This holds for the nation as a whole as well as in Ohio.<sup>37</sup> According to recent CPS November Supplements, the rate of EIP absentee ballots cast by black voters has increased nationally in presidential elections. In the 2000 November Supplement, approximately 5% of African Americans reported casting EIP absentee ballots in the presidential election. The rate of blacks voting EIP absentee ballots jumped to roughly 13% in 2004. By 2008, more than one-in-three black respondents reported casting an EIP absentee ballot in the General Election, and in the 2012 General Election, the November CPS reported that roughly 35% of all blacks cast EIP absentee ballots. Since 2008,

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<sup>36</sup> Regarding national survey data, see, for example, R. Michael Alvarez, Ines Levin, and J. Andrew Sinclair, “Making voting easier: convenience voting in the 2008 408 Presidential Election,” *Political Research Quarterly* 65 (2012): 248-62. Regarding observed data from a statewide voter file, see Michael C. Herron and Daniel A. Smith, “Race, Party, and the Consequences of Restricting Early Voting in Florida in the 2012 General Election,” *Political Research Quarterly* 67 (2014) (OnlineFirst); Michael Herron and Daniel A. Smith, “Souls to the Polls: Early Voting in Florida in the Shadow of House Bill 1355,” *Election Law Journal* 11 (2012): 331-47; Burden, et al., “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform,” *American Journal of Political Science* 58 (2014): 95–109.

<sup>37</sup> The CPS collects data about the civilian non-institutionalized population living in the US; the survey typically is conducted in the third week of the month. The November Supplement includes several supplementary questions of all persons 18 years of age and older about their registration and voting in the General Election. As with any sample survey, the CPS contains two types of error: sampling and nonsampling. For details, see, U.S. Census Bureau, “Source and Accuracy Statement for the November 2008 CPS Microdata File on Voting and Registration,” pp. 16-3—16-4. Available: <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2008/sa2008.pdf>.

the rate of EIP absentee ballots cast by blacks nationally has exceeded the rate of EIP absentee ballots cast by whites.<sup>38</sup>

In Ohio, EIP absentee voting reflects these national statistics. According to the November CPS, in the 2012 General Election, 19.55% of blacks reported voting EIP absentee ballots in Ohio, whereas 8.91% of whites in the state reported they voted EIP absentee ballots. The statistically significant results indicate that black voters were more likely to cast EIP absentee ballots in the 2012 General Election than white voters.<sup>39</sup> Similarly, according to the 2008 CPS November Supplement, 19.88% of blacks reported casting EIP absentee ballots in Ohio, whereas 6.18% of whites reported doing so. Again, the results are statistically significant, indicating that blacks were more likely than whites to cast EIP absentee ballots in the 2008 General Election.<sup>40</sup> These individual-level findings bolster the homogeneous area and method of bounds analyses previously discussed.

#### **XIV. Conclusion**

The foregoing analysis using public data and employing standard social science methods indicates that blacks in Ohio have higher EIP absentee voting rates than whites, and that in the two most recent General Elections, blacks disproportionately cast EIP absentee ballots on days that would have been eliminated under SB 238 and Directive 2014-06. In addition, individual-

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<sup>38</sup> See, U.S. Census Bureau, "Voting and Registration in the Election of November 2012," Government Printing Office, Washington, DC, available: <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html>.

<sup>39</sup> A Chi-square goodness of fit test indicates that the observed percentages of white and black voters in Ohio casting EIP absentee ballots in the 2012 General Election, as reported in the CPS 2012 November Supplement, differed significantly from one another:  $X^2(1) = 23.29$ ,  $N = 1,656$ ,  $p < .001$ .


<sup>40</sup> A Chi-square goodness of fit test indicates that the observed percentages of white and black voters in Ohio casting EIP absentee ballots in the 2008 General Election, as reported in the CPS 2008 November Supplement, differed significantly from one another:  $X^2(1) = 41.33$ ,  $N = 1,707$ ,  $p < .001$ .

level CPS data indicate that blacks in Ohio relied more heavily on EIP absentee voting than whites in the 2008 and 2012 General Elections. Overall, my findings provide strong empirical evidence that in future elections voting age blacks residing in Ohio will be disproportionately affected by the reductions in EIP absentee voting.



I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct to the best of my knowledge.

Dated: June 27, 2014



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Daniel A. Smith, Ph.D.

## **Appendix A: Data Collection of Early In-Person (EIP) Absentee Votes from Ohio's County Board of Elections**

Ohio county Boards of Elections (BOEs) make available to the public an “absentee voters list” that provide individual-level data on the day on which a voter cast an absentee ballot in a given election. There is considerable heterogeneity across the state’s 88 BOEs with respect to their data collection, data formatting, and public access, making the collection and subsequent analysis of EIP absentee voting records fairly arduous.<sup>1</sup> Some BOEs make these individual-level data easily available for download, while others do not. Where available, EIP absentee voting records for the 2012 General Election were downloaded directly from websites of more than 50 BOEs. Other BOEs were contacted directly to obtain electronic individual-level EIP absentee data for the 2012 General Election. Some BOEs made available machine-readable CSV (comma-separated values) files; others only provide electronic or scanned PDF (portable document format) files, or DBF (DataBase File) files. In the end, through direct data downloads or contact with various BOE staffs, usable absentee voter files were obtained from 84 of Ohio’s 88 counties for the 2012 General Election and from five counties for the 2010 General Election.<sup>2</sup>

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<sup>1</sup> During the 2012 General Election, political scientist and elections scholar Michael McDonald wrote, “We are not getting the best data out of Ohio. The state has what is known as “bottom up” election administration where the local counties are preeminent. There is no central reporting of mail ballots as can be found in many other states. So, we are left with deciphering a dated and stale Ohio Secretary of State report of statewide early vote activity and collecting local data where it is available (and these two sources conflict).” See Michael P. McDonald, “Early Voting Mesmerizing,” *Huffington Post*, October 26, 2012. Available: [http://www.huffingtonpost.com/michael-p-mcdonald/early-voting-mesmerizing\\_b\\_2027200.html](http://www.huffingtonpost.com/michael-p-mcdonald/early-voting-mesmerizing_b_2027200.html). In general, Ohio’s BOEs have considerable discretion with respect to the software and technology that they use to collect and make available to the public their voter registration and absentee voting data. State law requires each BOE to determine the validity of voter registration applications, record the date of voter registrations, and file and retain these applications. Each BOE is charged with assigning a unique county voter identification number for each voter in the county. See Chapter 111-18, “Statewide Voter Registration Database,” 111-18-01, “Converting voter registration applications into electronic files.” <http://codes.ohio.gov/oac/111-18>.

<sup>2</sup> The BOEs of four counties—Adams, Hancock, Ottawa, and Van Wert—did not provide electronic versions of their absentee voter files from the 2012 General Election.

There is a considerable lack of uniformity across Ohio's 88 BOEs with regard to how EIP absentee voters are classified and coded (as discussed more in Appendix B).<sup>3</sup> The electronic files obtained from the 84 BOEs used a variety of fields and codes to designate whether a voter cast an absentee ballot in person. Some BOEs' EIP absentee files included the dates ballots were sent to and received by voters; other absentee voter files contained only one date for absentee ballots. Moreover, some county BOE files contained indicators for whether a given ballot was handed over-the-counter in person; others recorded whether a ballot was filled out by a voter and then cast in a BOE office.<sup>4</sup> There were also numerous absentee ballot dates and coding irregularities in the data files received from BOEs which were likely attributable to data entry errors.<sup>5</sup>

The count of the number of EIP absentee votes cast in the 2012 General Election and the 2010 General Election was determined by whether an election supervisor physically received an absentee ballot from a voter in person, either at the BOE office or some other site designated by

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<sup>3</sup> According to the data obtained from absentee voter files from the 84 BOEs, 7,628 votes were coded as being cast on EIP absentee ballots on days prior to October 2, 2012, on Election Day (November 6, 2012), or on days following Election Day.

<sup>4</sup> For example, data downloaded from the Allen County BOE includes five distinct codes for how an absentee ballot was sent—"MAIL/DELIVERED," "OVER THE COUNTER," "HAND CARRY," "FAX," and "ELECTRONIC" (as well as missing codes)—and seven distinct codes for how an absentee ballot was received—"HAND CARRY," "INCOMPLETE APP," "MAIL/DELIVERED," "OVER THE COUNTER," "UNCOUNTABLE," "0024 1." Data emailed by the Cuyahoga County BOE, in contrast, describes EIP absentee ballots with two fields—"IN OFFICE" and "OVER THE COUNTER"—and it includes the dates that ballots were given to voters and the dates on which the BOE received said ballots back from voters. In addition to dates, the Fairfield County BOE provided data that included whether a voter took a ballot from the office over the counter ("CNTR/TA"), whether the voter stayed in the office and cast a paper ballot ("CNTR/OFF"), or whether the voter stayed in the office and voted early on an electronic voting machine ("TSX/OFF"). In contrast, the Butler County BOE provided a data file that included two date fields—"Date Req" and "Date Ret." If these two dates are the same for a given absentee ballot, it means that the ballot was completed in office; if they are different, it indicates that the ballot was mailed. As such, with Butler County data there is no way to determine if a voter in fact received an absentee ballot in person or returned it in person to the BOE on a day different than the one on which it was received.

<sup>5</sup> For example, there are several coding errors concerning when a voter was handed or returned an EIP absentee ballot across the county absentee voter files. For example, there are dates with years of 2112, 0120, and 0712, and the files also contain a number of EIP absentee dates listed as 1/0/1900.

the BOE. This excludes ballots cast on Election Day, as well as ballots mailed, faxed, or emailed. The definition used here for EIP absentee voting thus includes absentee ballots that were mailed to a voter but later cast by a voter in person; absentee ballots hand-delivered by a voter on a date later than when the ballot was received by the voter; and absentee ballots cast in person by a voter at a BOE office on an electronic voting machine.

Because individual-level records from the EIP absentee files obtained from the 84 county BOEs were used in the 2012 analysis, the counts are likely to be as accurate as the aggregate county totals—“Domestic absentee ballots requested & cast in person”—that the Office of the Secretary of State reported in its “Absentee Ballot Report.”<sup>6</sup> Indeed, the method of counting EIP absentee votes used here is conservative, as it likely underestimates the number of EIP absentee votes cast in BOE offices.<sup>7</sup> According to the BOEs absentee voter files, more than 164,000 EIP absentee ballots were cast in the 2012 General Election on early voting days that would have been eliminated by SB 238 and Secretary of State Husted’s February 25, 2014 Directive 2014-06 had they been in effect, or roughly 26% of the 639,747 total EIP absentee ballots cast by voters in the 84 counties.

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<sup>6</sup> See Ohio Secretary of State, “Absentee Ballot Report,” 2012 Elections Results, General Election: November 6. Available: <http://www.sos.state.oh.us/sos/upload/elections/2012/gen/absentee.xlsx>.

<sup>7</sup> For instance, the absentee voter file provided by the Butler County BOE did not contain a field which indicates method of voting; this means that EIP absentee voters who picked up a ballot, left the BOE office, and returned to the BOE office to vote in person on a later date may be excluded. Additionally, voters in Butler County who received their absentee ballots in the mail but returned them in person and cast their ballots at the Butler County BOE prior to Election Day may be excluded.

## Appendix B

### Declaration of Michael C. Herron

#### 1 **Introduction**

2 I was asked by plaintiff's counsel in Ohio State Conference of the National As-  
3 sociation for the Advancement of Colored People, League of Women Voters of  
4 Ohio, Bethel African Methodist Episcopal Church, College Hill Community  
5 Church Presbyterian, U.S.A., Omega Baptist Church, A. Philip Randolph  
6 Institute, and Darryl Fairchild v. Jon Husted, in his official capacity as Ohio  
7 Secretary of State, and Mike Dewine, in his official capacity as Ohio Attor-  
8 ney General (Case No. 2:14 CV 00404) to assemble an Ohio absentee voting  
9 dataset. Plaintiff's counsel requested that I provide this dataset to Dr. Daniel  
10 A. Smith, Professor of Political Science at the University of Florida, and this  
11 document describes the steps I took in response to plaintiff counsel's request  
12 in conjunction with related requests made by Dr. Smith.

13 I, Michael C. Herron, am William Clinton Story Remsen 1943 Professor  
14 of Government at Dartmouth College and have taught in the Department  
15 of Government at Dartmouth since 2003. I previously was on the faculty  
16 of Northwestern University, and I have visited at Harvard University, the  
17 University of Rochester, and the Hertie School of Governance in Berlin. In  
18 January, 1998, I received a doctorate in the field of Political Economy from  
19 the Graduate School of Business at Stanford University. I also have a master's

1 degree in statistics from Stanford University as well as a master's degree in  
2 political science from the University of Dayton and a bachelor's degree in  
3 mathematics and economics from Carnegie-Mellon University.

4 I have published in many political science journals including the field's  
5 top general journals, *American Political Science Review*, *American Journal*  
6 *of Political Science*, and *Journal of Politics*. I have published as well in spe-  
7 ciality journals like *Election Law Journal*, *American Politics Research*, and  
8 *Legislative Studies Quarterly*. I have published two papers with Dr. Smith,  
9 one on early voting in Florida and one which examines the consequences of  
10 changes in voter registration rules;<sup>1</sup> Dr. Smith and I have a forthcoming pa-  
11 per as well, also on the subject of early voting in Florida.<sup>2</sup> I have consulted  
12 in a variety of legal cases but have not been offered as a testifying expert in  
13 the past four years. My curriculum vitae, which lists all of my publications,  
14 can be found in Appendix E.

15 What follows below is a description of data manipulations that I took in

16 <sup>1</sup>These two papers are "Souls to the Polls: Early Voting in Florida in the Shadow of  
17 House Bill 1355." *Election Law Journal* 11(3): 331-347. 2012; and, "The Effects of House  
18 Bill 1355 on Voter Registration in Florida" *State Politics & Policy Quarterly* 13(3): 279-  
19 305. 2013. These two papers are based on a large dataset on early voting and election  
20 administration more generally that I created several years ago and continue to maintain.  
21 Dr. Smith and I have a variety of ongoing projects, and it is typical in our joint work that  
22 I maintain the data on which our results are based.

23 <sup>2</sup>"Race, Party, and the Consequences of Restricting Early Voting in Florida in the 2012  
24 General Election." Forthcoming, *Political Research Quarterly*.

1 the course of responding to the directions I received from plaintiff's counsel  
2 and Dr. Smith. The data manipulations that I describe here are typical of,  
3 and in some cases identical to, the types of data manipulations that I have  
4 performed and continue to perform regularly as part of my academic research  
5 agenda. In addition, the software and hardware that I used in the course of  
6 my data manipulations are standard, and to the best of my knowledge other  
7 scholars who work on the types of voting data described here regularly rely  
8 on software and hardware similar or identical to the software and hardware,  
9 respectively, used in the work described in this document.

## 10 **Data sources and acquisition**

11 The data I used to assemble an Ohio absentee voting dataset are based on a  
12 variety of sources.

13 I was provided by Dr. Smith a set of what are henceforth referred to as  
14 county absentee files. Some of the absentee files that I received pertained  
15 to the 2010 General Election and others to the 2012 General Election. To  
16 the best of my knowledge, each county absentee file describes for a single  
17 county in Ohio the collection of voters who voted absentee in either the 2010  
18 General Election or the 2012 General Election. An exception to this is the  
19 2012 General Election county absentee file from Franklin County. This file  
20 enumerates voters who voted absentee in the 2012 General Election and also  
21 in elections prior. With respect to the 2012 Franklin County absentee file,

1 the absentee voting dataset that I assembled contains only data from the  
2 2012 General Election.

3 There are 88 counties in Ohio, and from Dr. Smith I received five county  
4 absentee files for the 2010 general election and 84 county absentee files for the  
5 2012 general election. See Table 1 and Table 2 for 2010 and 2012, respectively,  
6 listings of counties.

7 Some of the county absentee files I received from Dr. Smith were broken  
8 into multiple parts. I nonetheless use the singular “file” to refer to a county’s  
9 collection of absentee files when this is relevant. To the extent that the county  
10 absentee files I received contained details on absentee voting in elections other  
11 than the 2010 General Election and the 2012 General Election, I ignored such  
12 details.

13 Dr. Smith also provided me with two Ohio voter files. To the best of  
14 my knowledge, each such file contains a list of registered Ohio voters and  
15 information on said registrants. Below I refer to these files as the 2012 voter  
16 file and the 2013 voter file; these names reflect the fact that, to the best of my  
17 knowledge, the 2012 voter file enumerates the Ohio voter registrant pool as  
18 of the end of 2012. The 2013 voter file reflects, to the best of my knowledge,  
19 the Ohio voter registrant pool as of a date in 2013. Both the 2012 and the  
20 2013 Ohio voter files were provided to me in two parts where a single such  
21 part contained information on 44 counties.

22 Dr. Smith and his assistant Brian Amos provided me with lists of census  
23 blocks corresponding to what are, to the best of my knowledge, addresses of



1 Ohio voter registrants whose names appear in the 2012 Ohio voter file. Dr.  
2 Smith and Mr. Amos also provided me with geocoded addresses of absentee  
3 voters whose addresses I provided to them. To the best of my knowledge,  
4 details on the address geocoding procedure followed by Mr. Amos can be  
5 found in Appendix C.

6 Finally, I downloaded publicly-available United States census data pur-  
7 suant to Public Law 94-171 on the state of Ohio. These data can be  
8 found here: [http://www2.census.gov/census\\_2010/01-Redistricting\\_](http://www2.census.gov/census_2010/01-Redistricting_File--PL_94-171)  
9 [File--PL\\_94-171](http://www2.census.gov/census_2010/01-Redistricting_File--PL_94-171). The Public Law 94-171 census data is drawn from the  
10 2010 United States census.

## 11 **County absentee file manipulation**

12 The objective of building an Ohio absentee voting dataset required me to  
13 extract information from the county absentee files that I received from Dr.  
14 Smith. In particular, I needed to extract from every county voting file that  
15 I received the date each absentee ballot enumerated in said file was cast,  
16 whether said ballot was cast early in-person, and to the extent possible an  
17 address or addresses associated with said absentee ballot.

18 The county absentee files that I received were ordered by absentee voter.  
19 Beyond this general characterization, the formats of these county absentee  
20 files varied in several dimensions. Some of the absentee files I received were  
21 text; others were Excel; and others were PDF (Portable Document Format).

1 Among those files that were in a given file format, e.g., among all county  
2 absentee files that were Excel-based, that was variance in the way that the  
3 files displayed information. In addition, there was variance across county ab-  
4 sentee files in the types of information that was available in each file. Some  
5 county absentee files contained voter-level codes that indicated whether a  
6 given absentee voter (one listed in said file) cast a ballot in-person. Other  
7 county absentee files did not contain such codes. Similarly, some files con-  
8 tained multiple date fields, e.g., date fields that indicated when an absentee  
9 ballot was requested by a voter and when an absentee ballot was received  
10 by a county elections office. Other county absentee files contained only one  
11 date field pursuant to the casting of an absentee ballot.

12 When I found it advantageous to do so, I wrote perl scripts to manipulate  
13 the contents of county absentee files. My perl scripts were written so that they  
14 produced machine readable, flat files which contained data fields necessary for  
15 me to assemble, per instructions, an Ohio absentee voting dataset. Beyond  
16 writing perl scripts, In some cases I manipulated county absentee files with  
17 emacs macros.

18 To the extent that I was able to do so, from the county absentee files  
19 I received from Dr. Smith I extracted addresses associated with absentee  
20 ballots cast in the 2010 and 2012 General Elections. Some county absentee  
21 files contained addresses that were out of Ohio and others contained addresses  
22 that were out of the United States. In addition, some addresses in the county  
23 absentee files I received included abbreviations that made data manipulation

1 challenging. The formats of the county absentee files on occasion made it  
2 difficult to disentangle voter addresses. Nonetheless, I extracted addresses  
3 from the county absentee files to the extent that I was able.

4 Each county absentee file that I received was either a machine readable,  
5 flat file to start, or I created a machine readable, flat version of said file. I  
6 then wrote SQL scripts and imported the flat files into a mysql database that  
7 I created.

## 8 **Ascertaining whether an absentee ballot was** 9 **cast in-person**

10 To fulfill the instructions I received from plaintiff's counsel, I needed to as-  
11 certain the extent to which absentee ballots cast in Ohio during the 2010  
12 and 2012 General Elections were cast early in-person. Henceforth I use the  
13 designation EIP to refer to an absentee ballot cast this way.

14 To determine which Ohio absentee ballots cast in Ohio in 2010 and 2012  
15 were EIP absentee ballots, I relied on several fields in the county absentee  
16 files that I received from Dr. Smith. The fields used were those that specified  
17 method or methods of absentee ballot casting and those that specified date or  
18 dates of ballot casting. I used both method(s) and date(s) fields because my  
19 directive required that the Ohio absentee ballot dataset I was to construct  
20 contain a ballot-level indicator for whether a given ballot was cast in-person  
21 and, if so, when.

1 With respect to ballot casting methods fields, in some cases county absen-  
2 tee voting files did not contain any fields that specified method of absentee  
3 ballot casting; in other cases said files listed a single method of absentee bal-  
4 lot casting, and, in a third set of cases said files contained two fields which  
5 described method of absentee ballot casting. When two method of ballot  
6 casting fields existed, they were called the ballot issuing method field and  
7 the ballot returning method field. The “Methods Recorded” columns in Ta-  
8 bles 1 and 2 describe for the 2010 General Election and the 2012 General  
9 Election, respectively, how many ballot casting method fields appear in each  
10 of the county absentee files that I received.

11 Across the multiple ballot casting methods fields in the five 2010 General  
12 Election and 84 2012 General Election county absentee voting files that I  
13 received, there were many codes. For the purposes of ascertaining whether  
14 a given absentee ballot was cast in-person, any code which included terms  
15 equal or very similar to “in-person” or “office voting,” or which indicated  
16 that a given absentee ballot was cast using a voting machine available in  
17 a Board of Elections voting office, was assumed to indicate a voting office  
18 interaction. I treated a ballot that had such a voting office interaction as an  
19 EIP absentee ballot.

20 With respect to absentee ballot file fields which specified dates of ballot  
21 casting, all county absentee voting files described here included one or two  
22 such fields. The number of date fields per county and per General Election  
23 appear in the “Dates Recorded” columns in Tables 1 and 2. When two ballot

1 casting dates were present in a county absentee voting file, these dates were  
2 called the ballot issuing date and the ballot returning date. Some county  
3 absentee files included date fields that, to the best of my understanding,  
4 indicate when an absentee ballot application was filed or received by a county  
5 voting office. I did not process absentee ballot application dates.

6 To the best of my understanding, during the 2010 General Election early  
7 absentee voting in Ohio took place from September 28, 2010, to November  
8 1, 2010, inclusive. And during the 2012 General Election, to the best of my  
9 understanding, early absentee voting took place between October 2, 2012,  
10 and November 5, 2012, inclusive. These two date ranges are important for  
11 the following reason: in a small number of cases, ballot casting dates that  
12 I extracted from county absentee files contained erroneous years, i.e., year  
13 values like 2020. When a given ballot casting date was within either the 2010  
14 early absentee voting range above or the 2012 early absentee range except  
15 that the date contained a year that was neither 2010 nor 2012, then the  
16 year was adjusted so that it was either 2010 or 2012. A ballot casting date  
17 of October 17, 2020, for example, that was extracted from a 2012 General  
18 Election county absentee file would have been changed to October 17, 2012.

19 With respect to absentee ballot casting dates for the 2010 General Elec-  
20 tion, there was a single year change to a ballot returned date. In other words,  
21 of all ballot casting dates that I extracted from the five county absentee files  
22 that I received from Dr. Smith, only one date in this collection of dates had  
23 a year and month between September 28 and November 1 and a year that

1 was not 2010.

2 With respect to absentee ballot casting dates for the 2012 General Elec-  
3 tion, there were zero year changes made to dates extracted from county ab-  
4 sentee files that recorded only one ballot casting date. Among county voting  
5 files with two ballot casting dates recorded, there were 220 year changes to  
6 ballot issuing dates and 106 changes to ballot returning dates.

7 A given date in a county absentee voting file was assigned the value of  
8 a null date if said date were missing or if date details were garbled. For  
9 example, all dates with a day value of zero were treated as null dates.

10 Given voting methods fields and date recorded fields in the five 2010 and  
11 84 2012 county absentee voting files that I received, I used the following clas-  
12 sification system to ascertain the extent to which absentee ballots were cast  
13 early in-person in Ohio in the 2010 General Election and in the 2012 Gen-  
14 eral Election. Namely, in the Ohio absentee voting dataset that I assembled,  
15 an absentee ballot was said to be cast EIP if and only if it satisfied various  
16 criteria. These criteria depended on whether a ballot was associated with  
17 zero ballot casting methods, one ballot casting method, or two ballot casting  
18 methods.

19 1. If a ballot had zero ballot casting methods associated with it, then the  
20 ballot was said to be EIP if the ballot requesting and returning dates  
21 associated with it were the same. In this case, the date of ballot casting  
22 in the Ohio absentee voting dataset that I assembled was listed as the  
23 ballot requesting date (which would have been the same as the ballot

1       returning date).

2       2. If a ballot had one ballot casting method associated with it, then, if this  
3       ballot contained a code for EIP voting and had a valid ballot casting  
4       date associated with it, then the ballot was considered an EIP ballot  
5       and the associated date of ballot casting in the Ohio absentee voting  
6       dataset that I assembled was listed as the single ballot casting date.

7       3. If a ballot had two ballot casting methods associated with it, then, if  
8       either method indicated a form of EIP voting and if there were at least  
9       one valid ballot casting date associated with the ballot, then the ballot  
10      was considered an EIP ballot. The associated date of ballot casting in  
11      the dataset I created was either the latter of the two dates listed or the  
12      former if the latter were invalid.

13      Based on these rules, the number of EIP in-person absentee ballots cast  
14      per county in the 2010 General Election and in the 2012 General Election  
15      can be found in the “In-person” columns in Tables 1 and 2, respectively.  
16      Corresponding total numbers of absentee ballots can be found in the “Ab-  
17      sentee” columns in these two tables. In the 2010 General Election I identified  
18      among five counties examined 36014 EIP absentee ballots cast, and I identi-  
19      fied across 84 counties examined 647375 EIP ballots from the 2012 General  
20      Election.

21      Counts of ballots in Tables 1 and 2 include EIP absentee ballots cast  
22      on days that were outside the specified 2010 and 2012 early absentee voting

1 periods. Restricting attention to ballots cast in these two periods, there were  
2 33986 EIP absentee ballots cast in the 2010 General Election and 640210 such  
3 ballots cast in the 2012 General Election. This means that there are 2028  
4 ballots that appear to have been cast EIP absentee in the 2010 General  
5 Election yet have a date problem and thus are not considered EIP ballots in  
6 the absentee voting dataset that I created. Similarly, there are 7165 ballots  
7 from the 2012 General Election that appear to have been cast EIP in the  
8 2012 General Election yet have a date problem; these ballots are not treated  
9 as EIP in the dataset I created. For breakdowns of the numbers of EIP  
10 absentee ballot cast by county in appropriate voting windows, see Tables 3  
11 and 4.

## 12 **Extracting addresses of in-person voters from** 13 **county absentee voter files**

14 For each absentee voter whose absentee ballot in either the 2010 General  
15 Election or the 2012 General Election was ascertained to have been cast EIP  
16 I extracted an address field from said voter's corresponding county absentee  
17 file. An exception to this is the set of Hamilton County absentee voters in  
18 2010 and in 2012, and Hamilton County is discussed below.

19 I was directed to extract from county absentee files voter addresses that  
20 corresponded to where absentee voters lived when they interacted with an  
21 Ohio county elections office. Address extraction with the exception of Hamil-



1 ton County was aided by perl scripts and emacs macros, which I wrote when  
2 necessary. Some county absentee files had straightforward formats that made  
3 address extraction straightforward, but the format of others made address  
4 extraction cumbersome.

5 Address extraction followed these rules. If a county absentee file contained  
6 one address per absentee voter, then I extracted this address to the extent  
7 that I could and inserted the address into the absentee voter database—either  
8 2010 or 2012—as the contact address of an EIP absentee voter. If a county  
9 absentee file contained two addresses for a given voter, then as the contact  
10 address of a voter I used the provided mailing address to the extent that I  
11 could extract it unless this address had the word “P.O. Box” in its street  
12 portion, in which case I extracted the secondary address to the extent that I  
13 could and used this latter address as the voter’s contact address. I note that  
14 there was many variants of “P.O. Box” in the county absentee voter files that  
15 I received, i.e., “PO Box,” “Box,” and so forth.

16 After extracting 2010 General Election and 2012 General Election ad-  
17 dresses for in-person voters who did not live in Hamilton County, I sent  
18 electronic files of these addresses to Dr. Smith and Mr. Amos, the latter of  
19 whom to the best of my knowledge used a geographical information system  
20 to determine the census block of each address to the extent that this was  
21 possible. I received files of census blocks, and I appended these blocks to  
22 rows in my database. Henceforth I call these contact census blocks.

23 With respect to the Hamilton County absentee voter files from the 2010

1 and 2012 General Election, EIP absentee voters had no reported addresses.  
2 Instead, the phrase, "Vote In Office" appeared in a field that, had a given ab-  
3 sentee voter not voted in-person, would have contained an address. However,  
4 the 2010 and 2012 Hamilton County absentee voter files contained 12-digit,  
5 official Ohio voter identification numbers that connect Hamilton absentee  
6 records with the Ohio voter file. Mr. Amos to the best of my knowledge used  
7 a geographical information system to calculate the census blocks of as many  
8 voter addresses in the 2012 Ohio voter file as possible, and for Hamilton  
9 County I used these census blocks as contact census blocks.

10 For three Ohio counties (Clinton, Highland, and Paulding) I was provided  
11 by Dr. Smith separate address files for the counties' absentee voters. These  
12 files were provided to me because, in the aforementioned counties, the ad-  
13 dresses of EIP absentee voters in said files were replaced by descriptions (e.g.,  
14 "Voted in Office"). I merged the auxiliary address files with corresponding  
15 county absentee files to the extent that this was possible, and I used addresses  
16 from the former in the Ohio absentee voting database that I assembled.

17 My calculations identified 33986 EIP absentee ballots cast in the 2010  
18 General Election. The address geocoding carried out by Mr. Amos identified  
19 census blocks for 32667, or 96.11 %, of these ballots. For the 2012 General  
20 Election, address geocoding identified census blocks for 585246 of 640210  
21 voter addresses; this yields a coverage rate of 91.41%.

## 1 Use of geocoded addresses

2 After I extracted to the extent that I could addresses for EIP absentee voters  
3 from county absentee voting files and forwarded these addresses to Mr. Amos,  
4 Mr. Amos as noted above sent me three fields, latitude, longitude, and census  
5 block, for each address that to the best of my knowledge he was able to  
6 geocode. Mr. Amos also sent me latitude, longitude, and census block for  
7 every record in the 2012 Ohio voter file that to the best of my knowledge he  
8 was able to geocode.

9 The copy of the 2012 Ohio voter file that I received does not contain a  
10 binary indicator that specifies whether the registered voters listed in the file  
11 participated in the 2012 General Election. However, the 2013 Ohio voter file  
12 does contain such an indicator. Using official voter identification numbers,  
13 I transferred the binary 2012 General Election participation code (indicating  
14 participation or not) from the 2013 voter file to 2012 voter file.

15 Using the data described above I aggregated by census block the total  
16 number of registered voters, total 2012 General Election turnout, and total  
17 number of EIP absentee votes cast for each day of early absentee voting.  
18 Then, I appended to my aggregate voting data three census block-level vari-  
19 ables drawn from the Public Law 94-171 data file that I had downloaded.  
20 These variables are as follows: total block population at least 18 years old,  
21 white population at least 18 years old, and black population at least 18 years  
22 old. Corresponding Public Law 94-171 census variable numbers for these

1 population figures are P0030001, P0030003, and P0030004, respectively.

2 With these census block aggregates, at the request of Dr. Smith I was  
3 calculated various quantities, i.e., the number of EIP absentee votes cast by  
4 day in census blocks that were homogeneous black, i.e., in blocks where all  
5 individuals age 18 and older were reported by the census to be black. Also  
6 at the request of Dr. Smith I made various plots. All of the plots I made  
7 used the R statistical computing environment.

Table 1: County Absentee Files, 2010 General Election

County	Absentee	EIP ballots	Dates Recorded	Methods Recorded
Cuyahoga	229284	5005	1	1
Franklin	168490	7800	2	0
Hamilton	67092	6248	2	1
Montgomery	44881	6083	2	0
Summit	41664	10878	2	2
Total	551411	36014	—	—

1

Table 2: County Absentee Files, 2012 General Election

County	Absentee	EIP ballots	Dates Recorded	Methods Recorded
Allen	13908	5756	2	2
Ashland	8231	4016	2	1
Ashtabula	11724	4441	2	2
Athens	9783	4876	2	2
Auglaize	6202	2505	2	2
Belmont	15500	6263	2	2
Brown	5009	2337	2	2
Butler	51257	20731	2	0
Carroll	3822	1767	2	2
Champaign	5893	3484	2	2
Clark	21378	11932	2	2
Clermont	28976	9190	2	1
Clinton	5697	3249	2	2
Columbiana	10614	3886	2	2
Coshocton	6323	2331	2	2
Crawford	6617	2451	2	1
Cuyahoga	291629	45540	2	1
Darke	6776	4375	2	2
Defiance	6127	4391	2	2
Delaware	40445	14715	2	2
Erie	14510	9320	2	2
Fairfield	28276	8275	2	1
Fayette	3913	2681	2	2
Franklin	244071	72030	2	1
Fulton	5715	3571	2	2
Gallia	3657	1974	2	2
Geauga	16567	3820	2	1
Greene	28243	15164	2	2
Guernsey	5215	1467	2	0
Hamilton	115708	23568	2	1
Hardin	4065	1870	2	2
Harrison	2296	565	2	2
Henry	4481	2527	2	1
Highland	5935	4258	2	2

Table 2 continued on next page

County	Absentee	EIP ballots	Dates Recorded	Methods Recorded
Hocking	5062	2125	2	0
Holmes	4225	1953	2	0
Huron	8019	3169	2	2
Jackson	4732	1717	2	0
Jefferson	10460	2997	2	2
Knox	5704	3515	2	2
Lake	42463	7718	2	2
Lawrence	8054	3154	2	2
Licking	29537	8426	2	2
Logan	6789	4807	2	2
Lorain	53458	22572	2	2
Lucas	67329	22728	2	1
Madison	6197	2325	2	2
Mahoning	44345	16041	2	2
Marion	8068	3038	2	0
Medina	34390	14338	2	1
Meigs	2692	1174	2	2
Mercer	7776	3465	2	1
Miami	8892	4760	2	2
Monroe	2404	919	2	2
Montgomery	82750	29757	2	0
Morgan	2370	1413	2	2
Morrow	4911	1643	2	1
Muskingum	14555	8936	2	2
Noble	2492	1678	2	2
Paulding	2907	2189	2	2
Perry	4710	984	2	0
Pickaway	7795	3768	2	2
Pike	4060	2852	2	2
Portage	22889	10868	2	2
Preble	4649	2146	2	0
Putnam	5148	2945	2	2
Richland	20186	10353	2	1
Ross	11453	7656	2	2
Sandusky	7668	3392	2	1
Scioto	9863	5732	2	2

Table 2 continued on next page

County	Absentee	EIP ballots	Dates Recorded	Methods Recorded
Seneca	6186	3667	2	2
Shelby	7251	3662	1	1
Stark	54415	11759	2	1
Summit	91481	27420	2	2
Trumbull	11070	11048	2	1
Tuscarawas	14609	4279	2	2
Union	9498	5720	2	2
Vinton	2015	1247	2	2
Warren	38164	16780	2	2
Washington	10151	5769	2	2
Wayne	15997	7131	2	1
Williams	4772	2739	2	2
Wood	19368	8321	2	1
Wyandot	2622	1341	2	1
Total	1894944	647375	—	—



Table 3: EIP Absentee Ballots Cast in Absentee Window,  
2010 General Election

County	EIP ballots
Cuyahoga	4160
Franklin	7755
Hamilton	5172
Montgomery	6065
Summit	10834
Total	33986

1

Table 4: EIP Absentee Ballots Cast in Absentee Window, 2012 General Election

County	EIP ballots
Allen	5720
Ashland	4011
Ashtabula	4220
Athens	4874
Auglaize	2502
Belmont	6263
Brown	2317
Butler	20693
Carroll	1748
Champaign	3413
Clark	11801
Clermont	9177
Clinton	3214
Columbiana	3837
Coshocton	2322
Crawford	2450
Cuyahoga	43087
Darke	4325
Defiance	4353
Delaware	14710
Erie	9182
Fairfield	8263
Fayette	2407
Franklin	71701
Fulton	3524
Gallia	1967
Geauga	3820
Greene	14947
Guernsey	1467
Hamilton	23554
Hardin	1864
Harrison	565
Henry	2523

Table 4 continued on next page

County	EIP ballots
Highland	3719
Hocking	1910
Holmes	1952
Huron	3157
Jackson	1715
Jefferson	2995
Knox	3417
Lake	7708
Lawrence	3091
Licking	8416
Logan	4740
Lorain	22542
Lucas	22727
Madison	2263
Mahoning	15781
Marion	3032
Medina	14338
Meigs	1156
Mercer	3460
Miami	4734
Monroe	910
Montgomery	29748
Morgan	1396
Morrow	1642
Muskingum	8756
Noble	1678
Paulding	2171
Perry	975
Pickaway	3707
Pike	2783
Portage	10723
Preble	2144
Putnam	2904
Richland	10266
Ross	7269
Sandusky	3391

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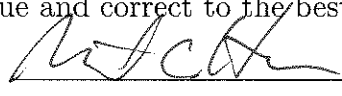
Table 4 continued on next page

County	EIP ballots
Scioto	5701
Seneca	3667
Shelby	3653
Stark	11755
Summit	27377
Trumbull	11046
Tuscarawas	4278
Union	5624
Vinton	1224
Warren	16585
Washington	5718
Wayne	7116
Williams	2693
Wood	8306
Wyandot	1330
Total	640210

1

2 I declare under penalty of perjury under the laws of the United States  
3 that the forgoing is true and correct to the best of my knowledge.

4 Signature, Date

 6/25/14

### **Appendix C: Geocoding Early In-Person (EIP) Absentee Voters in Ohio**

Three publicly available data sources are used to calculate black and white EIP absentee voters in Ohio: 1) Ohio statewide voter files from December 2012 and January 2014, which provide voter registration and voting information; 2) county BOEs Absentee Voter Reports from 2012 and 2010, which provide EIP absentee voting information; and 3) 2010 U.S. Census Voting Age Population files, which are used to geocode EIP absentee voters using the smallest available unit of aggregation, the Census block.

The process of geocoding EIP absentee voters begins with Ohio's statewide voter file, which is available for download in a "comma delimited" format. The statewide voter file is a dynamic file; that is, it is updated regularly by the Office of the Secretary of State. While this makes the voter registration and voting data current, it makes it difficult to obtain and utilize earlier "snapshots" of the statewide voter file at a given moment in time.<sup>1</sup> In each snapshot of the statewide voter file, there is one record for each registered voter. The statewide voter file provides information on each registered voter, including: a unique statewide voter ID number, which is generated by the Secretary of State's centralized system; a county voter ID number, which is generated and assigned by the county to each voter registered in the county; the voter's name, year of birth, registration date, party affiliation (as recorded from the last primary in which the voter cast a ballot), residential and/or mailing addresses, and precinct and elected office jurisdictional information. The statewide voter file also contains columns of individual voting records that date back to the 2000 election cycle. Registered voters who cast a ballot in a General Election are coded with an "X" and are coded with the first letter of the political party they requested (e.g., "D" or "R") if they voted in a primary election.

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<sup>1</sup> Ohio Secretary of State, "Voter Files Download Page," available: <http://www2.sos.state.oh.us/pls/voter/f?p=111:1>.

To calculate EIP absentee voting rates in the 2012 and 2010 General Elections, statewide voter files from December 2012 and January 2014 were used to determine who voted. The Ohio statewide voter file does not contain specific fields for the method of voting—such as if the voter cast a ballot on Election Day, voted in person during early voting, mailed an absentee ballot, or voted by some other permissible method.<sup>2</sup> Rather, county BOEs maintain absentee voter files for each election, often referred to as the “absentee voters list.” Although they vary in their formatting, the county absentee voter files record if a voter cast an EIP ballot, and if so, on which day of the early voting period.<sup>3</sup> Some BOEs make these individual-level data easily available for download, while others do not. Some BOEs make available machine-readable CSV (comma-separated values) files; others only provide electronic PDF or scanned PDF (portable document format) files, or DBF (DataBase File) files. In short, there is considerable heterogeneity across the state’s 88 BOEs with respect to their data collection, data formatting, and public accessibility, making the collection and subsequent analysis of EIP records exceedingly difficult.

Since the statewide voter and the county absentee voter files do not document the race of Ohio voters, it is necessary to geocode the addresses of all registered voters into census blocks—the smallest geographic unit established by the U.S. Census Bureau. The batch geocoding process followed the suggestions of the U.S. Census Bureau.<sup>4</sup> From the U.S. Census Bureau, the “Address Range Feature” 2010 shapefile for each Ohio county were downloaded from the Census FTP servers, and then merged into two large files to mirror the Ohio statewide voter file

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<sup>2</sup> Codes from county absentee ballot files regarding the type of absentee ballots cast, include: over the counter, mail, hand carry, fax, electronic.

<sup>3</sup> The date a voter registered to vote in a county is important with regard to an analysis of whether EIP absentee voters also registered to vote during the so-called “Golden Week,” a time prior to an election during which an eligible citizen could register to vote and request and cast an in-person absentee ballot on the same day.

<sup>4</sup> See, “GEOCODING USING ARCGIS & TIGER/LINE® SHAPEFILES,” U.S. Census Bureau, available: <https://www.census.gov/geo/education/pdfs/brochures/Geocoding.pdf>.

(counties Adams through Lawrence in one; Licking through Wyandot in the other). An “Address Locator” in ArcMap 10.2, a component application of the ArcGIS software program, was created for each file using the “US Address – Dual Ranges” style, and default settings were used for the geocoding.<sup>5</sup> The statewide voter files were then imported into ArcMap and broken into separate files with 500,000 addresses each to make the geocoding process computationally manageable, again using default settings of the Geocode Addresses tool and the corresponding Address Locators. Fields with latitude and longitude of each point of the resulting shapefiles were then added using ArcGIS’s Calculate Geometry tool. Finally, a Spatial Join between the address shapefile and the Ohio Census TABBLOCK shapefile, obtained from the U.S. Census FTP servers, placed the address of each registered voter in its corresponding census block. An attribute table was then exported to a text file. The overall match rate was 94.4%.<sup>6</sup>

The batch geocoding process for the EIP absentee address list was identical to the one used for the statewide voter registration file, with one exception. Since the lists provided from Butler, Clermont, Farifield, and Huron Counties did not include ZIP codes, separate Address Locators were created for each of these counties that were based solely on street addresses, and excluded ZIP codes.

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<sup>5</sup> While abbreviations for roads, such as state and county highways, are recognized automatically in ArcGIS, the locators do not have an entry for the various abbreviations for township roads, which are relatively common in a handful of Ohio counties. As such, we added these in a subsequent spatial join.

<sup>6</sup> There are several reasons why we did not achieve a higher match rate. First, some street addresses contained in Ohio’s statewide voter file were not found in the Census Address Range shapefile. In addition, some of the addresses contained in the statewide voter file were not used in the Census Address Range shapefile, and were not known by ArcGIS. For example, addresses in the voter file included “Stonelick Cnr Rd”, which ArcGIS could not match with “Stonelick Corner Rd” and “Comm College Ave”, which ArcGIS could not match to “Community College Ave”. Furthermore, some street addresses were found in the Census Address Range file, but the ZIP code conflicted with the one provided in the Ohio voter file. We also found that some street and ZIP codes provided in the Ohio voter file were not contained in the U.S. Census Address Range shapefile, which is likely a shortcoming of the U.S. Census data. Finally, the area covered by a ZIP code is determined by U.S. Post Office delivery routes and are often messy at the edges, or even overlap with one another, which resulted in some non-matches.

## Appendix D

7 June 2014

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### *EDUCATION*

#### *University of Wisconsin-Madison*

Ph.D., Political Science, 1994  
Major Fields: American Politics, Political Theory, and Public Policy  
Dissertation: *Insular Democracy: Labor-Management Councils in the American States*.  
Committee: Peter K. Eisinger (Chair); Charles O. Jones; Graham K. Wilson  
M.A., Political Science, 1989

#### *The Pennsylvania State University*

B.A., Political Science (Foreign Affairs) & B.A., History (*cum laude*), 1988  
University Scholars Program (University Honors)  
*Phi Beta Kappa*, *Phi Alpha Theta*  
Macro Economics Program, *Westminster College, Oxford University*, Summer, 1987

### *ACADEMIC EMPLOYMENT*

#### *University of Florida, Gainesville*

Professor, Department of Political Science, 2010-  
University of Florida Research Foundation Professor, 2010-2012  
Graduate Coordinator, 2014 (Summer)-  
Associate Chair, 2014 (Spring)  
Director, Graduate Program in Political Campaigning, 2007-2011  
Affiliate Professor, Center for African Studies, 2010-  
Internship Coordinator, Department of Political Science, 2005-  
Associate Professor (with tenure), Department of Political Science, 2003-2010  
Affiliate Associate Professor, Center for African Studies, 2008-09

#### *University of Denver*

Associate Professor (with tenure), Department of Political Science, 2000-2003  
Assistant Professor, Department of Political Science, 1994-2000  
Director, *University of Denver/University of Ghana* Study Abroad Program, 1995-2002

#### *University of Ghana*

Senior Fulbright Scholar, Department of Political Science, 2000-01

#### *West Virginia University*

Visiting Assistant Professor, Department of Political Science, 1993-1994

#### *Beloit College*

Visiting Lecturer, *Warner Mills Teaching Fellow*, Department of Government, 1992-1993

#### *University of Wisconsin-Madison*

Teaching Assistant, Department of Political Science, 1988; 1990-1991  
Research Assistant, Center on Wisconsin Strategy, 1989-1991  
Project Assistant, Department of Political Science, 1989-1990



### **RESEARCH FELLOWSHIPS**

Research Associate, *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana, Fall 2011.  
University of Florida Research Foundation (UFRF) Professor, 2010-2012.

Visiting Scholar, Bill Lane Center for the Study of the North American West, Stanford University, Spring 2007.

Senior Research Scholar, Ballot Initiative Strategy Center, Washington, D.C., Spring 2006.

Senior Fulbright Scholar (Ghana), United States Department of State, 2000-01.

Research Associate, *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana, 2000-01

### **AREAS OF SPECIALIZATION**

American State Politics

    Direct Democracy (Ballot Initiatives and Referendums)

    Voting and Elections (Political Campaigns, Campaign Finance, Voting Rights, Redistricting)

American Institutions (Political Parties and Interest Groups)

Politics of Ghana & the African Sahel (Voting and Elections)

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- 1) Daniel A. Smith. 1998. "Unmasking the Tax Crusaders," in Bruce Stinebrickner, ed., *Annual Editions: State & Local Government*. 9th ed. Guilford, CT: Dushkin/McGraw-Hill, 83-85 [Reprinted].

#### **TECHNICAL REPORTS & OTHER SCHOLARLY PUBLICATIONS**

- 25) Michael C. Herron and Daniel A. Smith, "Congestion at the Polls: A Study of Florida Precincts in the 2012 General Election," A Report Commissioned by Advancement Project, Washington, DC, June 24, 2013. Available: <http://www.advancementproject.org/news/entry/voters-of-color-faced-longest-wait-times-in-florida>.
- 24) Michael C. Herron and Daniel A. Smith, "Florida's 2012 General Election under HB 1355: Early Voting, Provisional Ballots, and Absentee Ballots," League of Women Voters Florida, January 2013.
- 23) Daniel A. Smith, "The Re-demarcation and Reapportionment of Parliamentary Constituencies in Ghana," *Ghana Center for Democratic Development (CDD-GHANA)*, Vol. 10 (2): October, 2011. Available: <http://www.cddghana.org/documents/Vol.%2010,%20No.%202.pdf>



- 22) Daniel A. Smith. 2010. "Educative Effects of Direct Democracy: Evidence from the US States," Memorandum requested by the British House of Lords, Constitution Committee, January 4. Available: <http://www.publications.parliament.uk/pa/ld200910/ldselect/ldconst/99/99we14.htm>.
- 21) Daniel A. Smith. 2006. "Money Talks: Ballot Initiative Spending in 2004." *Ballot Initiative Strategy Center*, June. Available: <http://ballot.org>.
- 20) Daniel A. Smith. 2006. "Ballot Initiatives, Tax Issues," in Larry Sabato and Howard Ernst, eds., *Encyclopedia of American Political Parties and Elections*. New York: Facts on File.
- 19) Daniel A. Smith. 2004. "Direct Democracy," in David Wishart, ed., *Encyclopedia of the Great Plains*. Lincoln: University of Nebraska Press.
- 18) Daniel A. Smith and Caroline J. Tolbert. 2003. "Educated by Initiative," *Campaigns and Elections*, August, p. 31.
- 17) Elizabeth Garrett, and Daniel A. Smith. 2003. "Veiled Political Actors: The Real Threat to Campaign Disclosure Statutes" (July 22). USC Law and Public Policy Research Paper No. 03-13 <<http://ssrn.com/abstract=424603>>.
- 16) Daniel A. Smith. 2003. "Ballot Initiatives and the (Sub)Urban/Rural Divide in Colorado," in Daphne T. Greenwood, ed., *Colorado's Future: Meeting the Needs of a Changing State*. Colorado Springs: Center for Colorado Policy Studies.
- 15) Daniel A. Smith. 2003. "The Colorado 7<sup>th</sup> Congressional District," in David B. Magleby and Quin Monson, eds., *The Last Hurrah?* Provo, UT: Center for the Study of Elections and Democracy.
- 14) Stan Elofson, Daniel A. Smith, Jennifer Berg, and Joseph Lubinski. 2002. "A Listing of Statewide Initiated and Referred Ballot Proposals in Colorado, 1912-2001." Issue Brief No. 02-02. (March 5) *Colorado Legislative Council*, Colorado General Assembly, Denver. [Revised Edition].
- 13) Daniel A. Smith. 2001. "Howard Jarvis' Legacy? An Assessment of Antitax Initiatives in the American States." *State Tax Notes* 22: 10 (December): 753-764.
- 12) Daniel A. Smith. 2001. "The Structural Underpinnings of Ghana's December 2000 Elections." Critical Perspectives, No. 6. *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana.
- 11) Daniel A. Smith, Jonathan Temin, and Kwaku Nuamah. 2001. "Media Coverage of the 2000 Election: A Report on the Media Coverage of Election 2000 (May 2000-January 2001)." Research Paper, No. 8. *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana.
- 10) Daniel A. Smith. 2000. "Election 2000: Debating the Issues?" Briefing Paper, Volume 2, Number 4, *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana.
- 9) Daniel A. Smith. 2000. "Growth and Transportation Ballot Measures in Colorado," in Floyd Ciruli, ed., *Moving Visions: Next Steps Toward Growing Smart*. Denver: Gates Family Foundation.
- 8) Stan Elofson, Daniel A. Smith, Jennifer Berg, and Joseph Lubinski. 2000. "A Listing of Statewide Initiated and Referred Ballot Proposals in Colorado, 1912-2000." Issue Brief No. 8. (December) *Colorado Legislative Council*, Colorado General Assembly, Denver. [updated 2002, 2004, 2006, 2008]
- 7) Daniel A. Smith. 2000. "Progressives and the Initiative Process: A Call to Arms." *Ballot Initiative Strategy Center (BISC)*.
- 6) Daniel A. Smith and Joseph Lubinski. 2000. "Sponsoring 'Counter-Majoritarian' Bills in Colorado." *Ag Journal*. (September): 12-13.
- 5) Daniel A. Smith. 1998. "Unmasking the Tax Crusaders." *State Government News*. 41:2 (March): 18-21.
- 4) Daniel A. Smith. 1997. "Howard Jarvis, Populist Entrepreneur," Working Paper, 97-8, Institute of Governmental Studies, *University of California - Berkeley*.
- 3) Daniel A. Smith. 1995. "The West Virginia Labor-Management Advisory Council," *The West Virginia Public Affairs Reporter*. 12:4 (Winter): 1-11.
- 2) Daniel A. Smith. 1992. "A Tale of Five Cities," *The La Follette Policy Report*. 5 (Fall): 18-21.

- 1) Daniel A. Smith. 1991. "Emerging Skill Needs in the Wisconsin Non-Automotive Engines Industry," Commissioned by the Wisconsin Board of Vocational, Technical, and Adult Education, Working Paper, *Center on Wisconsin Strategy*, University of Wisconsin-Madison.

**RESEARCH GRANTS, CONTRACTS, HONORS, AND AWARDS**

- University Scholars Program Grant (with Frances Chapman), University of Florida, College of Liberal Arts & Sciences, "Truing or Suppressing the Vote? Private Voter Challenges in Florida," Spring 2014.
- Best Paper Award presented in 2012 by the APSA Organized Section on State Politics and Policy: "Souls to the Polls: Early Voting in Florida in the Shadow of House Bill 1355," 2013 (with Michael Herron).
- University Scholars Program Grant (with Bryce Freeman), University of Florida, College of Liberal Arts & Sciences, "*Impact of Voter Suppression on Political Participation*," Spring 2013.
- The William and Flora Hewlett Foundation, "Popular Support and Conditions for the Passage of Ballot Measures," June 2013.
- Advancement Project, "Congestion at the Polls: A Study of Florida Precincts in the 2012 General Election," June 2013 (with Michael Herron).
- Co-Principal Investigator, "Trans-Saharan Professionals Program," United States Department of State, Bureau of Educational and Cultural Affairs, S-ECAPPE-10-GR-231 (DT), September 2010-August 2012.
- University of Florida Research Foundation (URF) Professor, 2010-2012 (annual salary supplement and research funding).
- Co-Principal Investigator, *American Political Science Association* Workshop on Elections and Democracy, University of Ghana at Legon, Ghana, Summer 2009, funded by Mellon Foundation.
- Best Paper Award presented in 2006 by the APSA Organized Section on State Politics and Policy: "Do State-Level Ballot Measures Affect Presidential Elections?" (with Caroline Tolbert and Todd Donovan).
- Research Grant, "Did Gay Marriage Re-Elect George W. Bush?" University of Florida, College of Liberal Arts & Sciences, Summer 2005.
- University Scholars Program Grant (with Kirsten Soltis), University of Florida, College of Liberal Arts & Sciences, "Money and the Member: An Analysis of Fundraising in Congressional Politics in the Post-Campaign Finance Reform Era," Fall 2005.
- Research Grant, "Mobilization Effects of Ballot Measures in Colorado, Florida, Ohio, and Nevada," Ballot Initiative Strategy Center, Fall 2004.
- Research Grant, "Mobilization Effects of Gay Marriage Ban in Ohio," Ballot Initiative Strategy Center, Fall 2004.
- Research and Travel Grant, *Pew Charitable Trusts*, "Veiled Political Actors," Daniel Lowenstein, Kim Alexander, Robert Stern, Tracy Western, and Joseph Doherty, Principle Investigators, Fall 2003.
- Travel Grant, *College of Liberal Arts and Sciences*, University of Florida, "Initiative and Referendum Campaigns," Fall 2003.
- Research Grant, *Pew Charitable Trusts*, "Outside Money: Colorado's 7<sup>th</sup> Congressional District," David Magleby, Principal Investigator, Fall 2002.
- Faculty Research Fund, "Ballot Initiatives during the Progressive Era," *University of Denver*, Fall 2002.
- Research Grant, *American Political Science Association*, "Ballot Initiatives during the Progressive Era: Evidence from California, 1912-1920," Summer 2002.
- Research Grant, *Colorado Endowment for the Humanities*, "The 'Golden Era' of Direct Democracy? Colorado's Election of 1912," (R017-0300-010) (with Joseph Lubinski), Spring 2000.
- Partners in Scholarship: 2000 Winter Quarter Project Proposal, "The 'Golden Era' of Direct Democracy? Evidence from the Colorado Election of 1912," *University of Denver*, with Joseph Lubinski).
- Rosenberry Fund, "Direct Democracy in Colorado," *University of Denver*, Spring 1999.

Best Paper, Charles Redd Politics of the American West, "Howard Jarvis, Populist Entrepreneur: Reevaluating Causes of Proposition 13," *Western Political Science Association*, Los Angeles, March 20, 1998.

Faculty Research Fund, "Ballot Warriors: Citizen Initiatives in the 1990s," *University of Denver*, Fall 1997.

Partners in Scholarship: 1997 Winter Quarter Project Proposal, "The Process of Direct Democracy: Parental Rights Amendment," *University of Denver*, with Robert Herrington, Winter 1997.

Faculty Research Fund, "Faux Populism: Populist Entrepreneurs and Populist Moments," *University of Denver*, Fall 1996.

International Small Grants, "Election Monitor: Ghana Presidential and Parliamentary 1996 Elections," Office of Internationalization, *University of Denver*, Fall 1996.

Faculty Research Fund, "Populist Prophets and the Mass Appeal of Direct Democracy," Program Support Services, *University of Denver*, Spring 1995.

Research Grant, Institute for Public Affairs, *West Virginia University*, Summer 1994.

Senate Research Travel Grant, Faculty Development Fund, *West Virginia University*, Fall 1994.

Research Travel Grant, Robert LaFollette Institute of Public Affairs, *University of Wisconsin-Madison*, Fall 1992.

#### **EXPERT WITNESS/POLITICAL CONSULTANT/INVITED TESTIMONY**

##### **Domestic**

Expert (written affidavit), *John Sullivan, et al. v. Marni Lin Sawiki, et al.*, 2013-CA-003122 (20<sup>th</sup> Judicial Circuit (Lee County, FL) [Provided written analysis for Mayor Sawiki's attorneys of the early, absentee, and Election Day vote totals in November 5, 2013 Cape Coral mayoral election], 2014.

Expert (written affidavit), *Gateway Retail Center, LLC v. City of Jacksonville*, Florida, 3:13-cv1040-J-TJC-JRK (US District Court for the Middle District of Florida) [Provided empirical analysis for Gateway Retail Center's attorneys of African American voting during early voting in Duval County in the 2012 General Election], 2013.

Expert (written affidavits), *Arcia, et al. v. Detzner*, 1:12-cv-22282-WJZ (US District Court for the Southern District of Florida) [Provided empirical analysis for Arcia's attorneys of the Florida Department of State's various lists of "potential non-citizens"], 2012.

Elections Analyst, WUFT (TV and Radio), Election Night Coverage, November 6, 2012.

Expert (written affidavit), *Brown v. Detzner* 3:12-cv-00852 (US District Court for the Middle District of Florida) [Provided empirical analysis for Brown's attorneys of minority early voting in Duval County during the 2008 and 2010 general elections and the 2011 Jacksonville mayoral race], 2012.

Expert (written affidavits), *Romo v. Scott*, No. 2012-CA-000412 (Fla. Cir. Ct., Leon County). [Provided empirical analyses for Coalition's attorneys of new Congressional redistricting maps submitted and adopted by the Florida legislature as well as alternative maps submitted by the The League of Women Voters of Florida, the National Council of La Raza, and Common Cause Florida], 2012-14.

*Pro Bono* Consultant (written work product), *League of Women Voters of FL v. Browning*, N.D. Fla. (4:11-cv-00628). [Provided empirical analysis for LWV's attorneys (Brennan Center, New York University), assessing the impact of Florida's "third party organization" voter registration requirements], 2012.

*Pro Bono* Consultant (written work product), Hillsborough Hispanic Coalition, Tampa, Florida, 2012. [Provided empirical analysis of the likely racial/ethnic impact of the redistricting maps adopted by the Hillsborough County Commission, and provided alternative maps to be submitted by the Hillsborough Hispanic Coalition, in anticipation of federal litigation], 2012.

*Pro Bono* Consultant, "Howard Jarvis and the Birth of the Tax Revolt," Documentary Film by Jason Cohn, Bread and Butter Films [Provided background on antecedents of Prop. 13], 2011-12.

- Invited Testimony*, U.S. Senate, Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights, "New State Voting Laws II: Protecting the Right to Vote in the Sunshine State," January 2012.
- Expert (written affidavit), *Worley v. Detzner*, U.S. District Court, N.D. Fla (4:10-cv-00423-RH-WCS). [Provided expert opinion to Florida Secretary of State to help defend Election code provisions concerning the reporting, registration, and disclosure requirements applicable to political committees (ballot issues)], 2010.
- Expert (written affidavit), *Citizens Against Slots v. PPE Casino*, 999 A.2<sup>nd</sup> 181 (2010) 415 Md. 117. [Provided empirical analysis of the validity rates of the signatures submitted by Citizens Against Slots for a county popular referendum], 2010.
- Expert (written affidavit), *The Independence Institute, et. al. v. Bernie Buescher* 1:2010-cv-00609. (US 10<sup>th</sup> Circuit) [Provided empirical analysis for the Office of the Colorado Attorney General to defend Secretary of State's enforcement of public disclosure laws for ballot issue committees], 2010.
- Lead Author, "Direct Democracy Scholars" Amicus Brief, *Doe v. Reed*, 132 S. Ct. 449. [Provided empirical evidence that public disclosure of signatures on ballot measures serves sufficiently important governmental interests in order to prevent fraudulent signature gathering activities, to limit the deceptive solicitation of signatures, and to provide information to voters about ballot measures], 2010.
- Expert (written affidavit), *Dallman, et al. v. William Ritter and Rich L. Gonzales and Daniel Ritchie, et al* 09SA224 (Colorado Supreme Court) [Provided empirical for Ritter, Gonzales, and Ritchie of analysis of campaign financing of ballot measures], 2009-10.
- Expert (written affidavit), *Sampson v. Buescher*, 08-1389, 08-1415 (US 10<sup>th</sup> Circuit) [Provided empirical analysis refuting claims of barriers to participation in ballot issue campaigns for Office of the Colorado Attorney General, defending Secretary of State's enforcement of disclosure laws], 2007-10.
- Consultant, *Trust the Voters*, Tallahassee, 2006.
- Consultant, *The Washington State Patrol Troopers Association* [Conducted empirical analysis for State Patrol Troopers of the validity of signatures collected on ballot issue campaign], 2006.
- Expert (written affidavit), *The City of Winter Springs, FL v. Seminole County*, City of Winter Springs, 2004.
- Expert (written affidavit), *California Pro-Life Council, Inc. v. Karen Getman, et al.* 328 F.3d 1088, 1101 (US 9<sup>th</sup> Cir) [Provided empirical analysis for the Office of the California Attorney General on veiled political actors in California ballot measure campaigns], 2004-05.
- Expert (written affidavit), *Colorado Right to Life Committee, Inc. v. Donetta Davidson* 395 F.Supp.2d 1001 (US 10<sup>th</sup> Circuit) [Provided empirical analysis of broadcasted television and direct mail ads in Colorado between 1999-2003 for the Office of the Colorado Attorney General], 2004-05.
- Invited Testimony, Ballot Initiative Reform, Florida Legislature, 2002; 2003-05.
- Invited Testimony Witness, Ballot Initiative Reform, Colorado Legislature, 1999-2000.
- Consultant, *Ad Hoc Committee to Defend Heath Care*, Denver, CO, 1998-2000.

### International

- Consultant, National Democratic Institute (NDI), Ghana, 2013.
- Expert Testimony, *British House of Lords*, Constitution Committee (Direct Democracy), 2010.
- Consultant, *Institute of International Education (IIE)*, New York, 2002-04.
- Consultant, *Coalition of Domestic Elections Observers (CODEO)*, Accra, Ghana, 2000-01.
- Consultant, *International Foundation for Election Systems (IFES)*, Washington, DC, 1999-2001.
- Consultant, *International Student Exchange Program (ISEP)*, Washington, DC, 1995-97.



### **COURSES TAUGHT**

Intro to American Politics (Undergrad)	State and Local Government (Undergrad)
Interest Group Politics (Undergrad)	Political Parties (Grad & Undergrad)
Direct Democracy (Grad & Undergrad)	Politics of Campaign Finance (Grad & Undergrad)
Politics of Reform (Grad)	Problems of Markets and Governments (Undergrad)

### **BOOK REVIEWS & REVIEW ESSAYS**

- 9) Daniel A. Smith. 2008. Review of Dorothy Holland, Donald M. Nonini, Catherine Lutz, Lesley Bartlett, Marla Frederick-McGlathery, Thaddeus C. Guldbradsen, and Enrique G. Murillo, Jr., Local Democracy Under Siege: Activism, Public Interests, and Private Politics, *Perspectives on Politics* 6: 386-86.
- 8) Daniel A. Smith. 2006. Review of Stephen Nicholson, Voting the Agenda: Candidates, Elections, and Ballot Propositions, *Political Science Quarterly* 120: 695-697.
- 7) Daniel A. Smith. 2005. Review of John Matsusaka, For the Many or the Few? The Initiative, Public Policy, and American Democracy, *Perspectives on Politics* 3: 646-47.
- 6) Daniel A. Smith. 2000. Review of Shaun Bowler and Todd Donovan, Demanding Choices: Opinion, Voting, and Direct Democracy, *Social Science Quarterly* 81: 1104-1106.
- 5) Daniel A. Smith. 1999. Review of Shaun Bowler, Todd Donovan, Caroline Tolbert, eds., Citizens as Legislators, *American Political Science Review* 93: 446-447.
- 4) Daniel A. Smith. 1998. Review of David Ryden, Representation in Crisis, *Politics and Policy* 26: 514-515.
- 3) Daniel A. Smith. 1998. Review of Grant Reeher and Joseph Cammarano, eds., Education for Citizenship, *H-Pol, H-Net*. (February).
- 2) Daniel A. Smith. 1997. Review Essay of William S. K. Reno, Corruption and State Politics in Sierra Leone, and Sahr John Kpundeh, Politics and Corruption in Africa, *Africa Today* 44: 362-365.
- 1) Daniel A. Smith. 1996. Review of Stephen Lowe, The Kid on the Sandlot: Congress and Professional Sports, 1910-1992, *Sport History Review* 27: 90-92.

### **TEACHING GRANTS, HONORS, AND AWARDS**

Political Science Board of Advisors, "Outstanding Professor Award," *University of Florida*, Spring 2008.

Center for Teaching and Learning Technology Grant, "Introduction to American Politics: Web-Based Interactive Learning," *University of Denver*, Spring, 1997.

Faculty Appreciation Award, Learning Effectiveness Program, *University of Denver*, April 1997.

Curriculum Diversity Grant, "A Theater History: The Racial and Class Politics of US Drama from Colonization Forward," *University of Denver*, Winter, 1997.

CORE Development Grant, "Drama of Politics/Politics of Drama," *University of Denver*, Summer, 1996.

International Small Grants, "Summer Student Study Abroad Program: University of Ghana at Legon," Office of Internationalization, *University of Denver*, Spring, 1995.

International Small Grants, "Ghana Study Abroad Program," Office of Internationalization, *University of Denver*, Spring, 1995.

### **NEWSPAPER OP-EDS & LETTERS TO THE EDITOR**

Op-Ed, "Rejected Ballots in Florida," *Florida Voices*, November 4, 2012 (with Michael Herron).

Op-Ed, "High ballot rejection rates should worry Florida voters," *Tampa Bay Times*, October 28, 2012 (with Michael Herron).

Op-Ed, "Voters need to push back against corporate cash," *St. Petersburg Times*, July 13, 2010.

Op-Ed, "A chance for Floridians to redraw rigged districts," *St. Petersburg Times*, November 25, 2009.

Op-Ed, "Lawmakers don't trust voters with the constitution," *Gainesville Sun*, October 21, 2006.

Op-Ed, "Jeb Bush's secret-squirrel hunt? Rocky, that's just a bunch of Bullwinkle," *Orlando Sentinel*, February 23, 2006.

- Op-Ed, "Colorado: Independent of Whom?" Ballot Initiative Strategy Center, *Ballot Blog*, August 29, 2005.
- Op-Ed, "Stop Political Fund-Raising Arm," *Gainesville Sun*, April 25, 2004 (with Nicole M. James).
- Op-Ed, "Committees Hold the Secret to Campaign Financing," *St. Petersburg Times*, April 10, 2004 (with Nicole M. James).
- Letter, "Reform Ballot Initiative and Preserve the People's Power," *Miami Herald*, February 29, 2004.
- Op-Ed, "No: The Rich Have Taken Over," *Denver Post*, December 1, 2002.
- Op-Ed, "The Millionaire's Club: Why Leave Ballot Initiatives to the Rich?" *Denver Post*, August 18, 2002.
- Op-Ed, "The Political Consequence of 'Praying for Peace,'" *The Crusading Guide* [Accra, Ghana], 12-18 October, 2000.
- Letter, "Book's [*Democracy Derailed* by David Broder] premise is problematic," *Denver Post*, May 28, 2000.
- Letter, "Initiative process ignores rural voices," *Denver Rocky Mountain News*, March 15, 2000.
- Op-Ed, "Progressives need to show initiative on ballot signatures," *Denver Post*, January 13, 2000.
- Op-Ed, "Colorado should put campaign finance data on the Internet," *Denver Post*, November 4, 1998 (with Richard Braunstein).
- Letter, "Follow the Money," *Washington Post*, October 12, 1998.
- Op-Ed, "Voters behind rule," *Denver Post*, June 21, 1998.
- Op-Ed, "Founders crafted safeguards against popular excesses," *Denver Post*, May 21, 1995.

#### **CONFERENCE PAPER PRESENTATIONS**

- "Beyond Regulatory Interpretation: The Demand and Supply of provisional Ballots in Florida," Symposium on Regulation in the U.S. States, DeVoe Center, Florida State University, Tallahassee, February 21, 2014 (with Lia Merivaki).
- "Evolution of an Issue: Voter ID Laws in the American States," American Political Science Association Conference, Chicago, August 28-September 2, 2013 (with Seth McKee, William Hicks, and Mitch Sellers).
- "Closing the Door on Democracy": Early Voting and Participation in Florida," American Political Science Association Conference, Chicago, August 28-September 2, 2013 (with Michael Herron).
- "Evolution of an Issue: Voter ID Laws in the American States," State Politics and Policy Quarterly 13<sup>th</sup> annual conference, University of Iowa, Iowa City, IA, May 23-25, 2013 (with Seth McKee, William Hicks, and Mitch Sellers).
- "Early Voting in Florida in the Aftermath of House Bill 1355," State Politics and Policy Quarterly 13<sup>th</sup> annual conference, University of Iowa, Iowa City, IA, May 23-25, 2013 (with Michael Herron).
- "Racial Disparities in Provisional Ballot Rejection Rates," Midwest Political Science Association Conference, Chicago, April 11-14, 2013 (with Michael Herron).
- "Who Registers? The Differential Impact of Florida's House Bill 1355 on Voter Registration," American Political Science Association Conference, New Orleans, August 30-September 2, 2012 (with Michael Herron).
- "The Effect of Polling Locations Upon Vote Choice: A Natural Experiment," Southern Political Science Association Conference, Orlando, January 3-5, 2013 (with Charles Dahan).
- "Casting and Verifying Provisional Ballots in Florida," Southern Political Science Association Conference, Orlando, January 3-5, 2013 (with Lia Merivaki).
- "Who Registers? The Differential Impact of Florida's House Bill 1355 on Voter Registration," American Political Science Association Conference, New Orleans, August 30-September 2, 2012 (with Michael Herron).
- "The Participatory Impact of Truncating Early Voting in Florida," State Politics and Policy Quarterly 12<sup>th</sup> annual conference, Rice University, Houston, TX, February 16 - February 18, 2012 (with Michael Herron).

- "Engaging Potential Voters? The Collection of Valid Signatures on Ballot Petitions," State Politics and Policy Quarterly 11<sup>th</sup> annual conference, Dartmouth University, June 4-6, 2011 (with Diana Forster).
- "Pledging Democracy: Congressional Support for a National Advisory Initiative and Referendum," Southern Political Science Association, January 5-8, 2011, New Orleans (presented by Matthew Harrigan).
- "We Know What You Did Last Summer: The Impact of Petition Signing on Voter Turnout," State Politics and Policy Quarterly 10<sup>th</sup> annual conference, University of Illinois, Springfield, June 5-6, 2010 (with Janine Parry and Shayne Henry).
- "Reassessing Direct Democracy and Civic Engagement: A Panel Study of the 2008 Election," State Politics and Policy Quarterly 10<sup>th</sup> annual conference, University of Illinois, Springfield, June 5-6, 2010 (with Caroline J. Tolbert and Amanda Frost).
- "Generating Scholarship from Public Service: Media Work, Nonprofit Foundation Service, and Legal Expert Consulting," State Politics and Policy Quarterly 10<sup>th</sup> annual conference, University of Illinois, Springfield, June 5-6, 2010.
- "Obama to Blame: Minority Surge Voters and the Ban on Same-Sex Marriage in Florida," American Political Science Association Conference, Toronto, September 2-5, 2009 (with Stephanie Slade).
- "State Context and Support for a National Referendum in the U.S." State Politics and Policy Quarterly 9<sup>th</sup> annual conference, UNC Chapel Hill/Duke University, May 22-23, 2009 (with Caroline J. Tolbert and Amanda Frost).
- "Direct Democracy, Opinion Formation, and Candidate Choice," American Political Science Association Conference, Boston, August 2008 (with Caroline J. Tolbert).
- "The Legislative Regulation of the Initiative," State Politics and Policy Quarterly 8<sup>th</sup> annual conference, Temple University, Philadelphia, PA, May 30-31, 2008.
- "The Initiative to Shirk? The Effects of Ballot Measures on Congressional Voting Behavior," State Politics and Policy Quarterly 8<sup>th</sup> annual conference, Temple University, Philadelphia, PA, May 30-31, 2008 (with Josh Huder and Jordan Ragusa).
- "Participatory-Based Trust? Political Trust and Direct Democracy," American Political Science Association Conference, Chicago, August 2007 (with Caroline J. Tolbert and Daniel Bowen).
- "Giving Power to the People: The Adoption of Direct Democracy in the American States," Western Political Science Association Conference, Las Vegas, NV, March 7-9, 2007 (with Dustin Fridkin).
- "Mass Support for Redistricting Reform: District and Statewide Representational Winners and Losers," State Politics and Policy Quarterly 7<sup>th</sup> annual conference, Austin, TX, February 22-24, 2007 (with Caroline J. Tolbert and John C. Green).
- "Mass Support for Redistricting Reform: Partisanship and Representational Winners and Losers," American Political Science Association Conference, Philadelphia, August 2006 (with Caroline J. Tolbert and John C. Green).
- "Gaming the System: The Effect of BCRA on State Party Finance Activities." *The State of the Parties: 2004 & Beyond*. Ray C. Bliss Institute for Applied Politics, Akron, OH, October 2005 (with Susan Orr).
- "Do State-Level Ballot Measures Affect Presidential Elections?" *American Political Science Association Conference*, Washington, D.C., September 1-4, 2005 (with Caroline Tolbert and Todd Donovan).
- "Did Gay Marriage Elect George W. Bush?" *Fifth Annual Conference on State Politics and Policy*, Michigan State University, East Lansing, MI, May 13-14, 2005 (with Todd Donovan, Caroline Tolbert, and Janine Parry).
- "Was Rove Right? Evangelicals and the Impact of Gay Marriage in the 2004 Election." *Fifth Annual Conference on State Politics and Policy*, Michigan State University, East Lansing, MI, May 13-14, 2005 (with Matt DeSantis and Jason Kassel).
- "Partisanship, Direct Democracy, and Candidate Choice," *Midwest Political Science Association Conference*, Chicago, IL, April 7-10, 2005 (with Caroline Tolbert and Todd Donovan).

- "Did Gay Marriage Elect the President? Mobilizing Effects of Ballot Measures in the 2004 Election," *Western Political Science Association Conference*, Oakland, CA, March 17-19, 2005 (with Todd Donovan and Caroline Tolbert).
- "Initiatives and Referendums: The Effects of Direct Democracy on Candidate Elections," Conference on *What We Know and Don't Know about Campaigns and Elections*, Graduate Program in Political Campaigning, University of Florida, Gainesville, FL, February 24-5, 2005.
- "Was Rove Right? The Partisan Wedge and Turnout Effects of Issue 1, Ohio's 2004 Ballot Initiative to Ban Gay Marriage," *University of California Center for the Study of Democracy/USC-Caltech Center for the Study of Law and Politics/Initiative and Referendum Institute Conference*, Newport Beach, CA, January 14-15, 2005.
- "The Educative Effects of Direct Democracy on Voter Turnout," *American Political Science Association Conference*, Chicago, IL, September 1-5, 2004 (with Caroline Tolbert).
- "Turning On and Turning Out: Assessing the Indirect Effects of Ballot Measures on Voter Participation," *Fourth Annual Conference on State Politics and Policy*, Kent State University, Kent, OH, April 30-May 2, 2004 (with Todd Donovan).
- "Veiled Political Actors: The Real Threat to Campaign Finance Disclosure Statutes?" *Midwest Political Science Association Conference*, Chicago, April 14-18, 2004 (with Elizabeth Garrett).
- "Elephants, Umbrellas, and Quarrelling Cocks: Disaggregating Party Identification in Ghana's Fourth Republic," *Western Political Science Association Conference*, Portland, OR, March 11-13, 2004 (with Kevin Fridy).
- "Gaming the System: State Party Finance Activities in Colorado and Florida," Southern Political Science Association Conference, New Orleans, January 7-10, 2004.
- "The Educative Effects of Direct Democracy: Ballot Campaigns and Civic Engagement in the American States," Societa Italiana di Studi Elettorali (SISE) VIIIth International Conference on Electoral Campaigns (Initiative and Referendum), Venice, Italy, December 18-20, 2003.
- "In the Wake of Prop. 13," *American Political Science Association Conference*, Philadelphia, PA, August 27-31, 2003.
- "Soft Money and Issue Advocacy in the 2002 Colorado 7<sup>th</sup> Congressional District Election," *Western Political Science Association Conference*, Denver, CO, March 26-30, 2003.
- "Educated by Initiative: Direct Democracy and Civic Engagement in the American States," *Third Annual Conference on State Politics and Policy*, University of Arizona, Tucson, AZ, March 14-15, 2003 (with Caroline Tolbert).
- "Ballot Initiatives and the (Sub)Urban/Rural Divide in Colorado," *Colorado's Future: How Can We Meet the Needs of a Changing State?* University of Colorado at Colorado Springs, September 27, 2002.
- "Representation and the Spatial Dimension of Direct Democracy," *American Political Science Association Conference*, Boston, MA, August 29-September 1, 2002.
- "Representation and the Spatial Bias of Direct Democracy," *Second Annual Conference on State Politics and Policy*, University of Wisconsin-Milwaukee, Milwaukee, WI, May 24-25, 2002.
- "Minority Rights and the Spatial Bias of Direct Democracy," *Southwestern Political Science Association Conference*, New Orleans, LA, March 27-30, 2002.
- "Representation and the Urban Bias of Direct Democracy," *Western Political Science Association Conference*, Long Beach, CA, March 21-24 2002.
- "Ghost Busters: The Structural Underpinnings and Politics of Ghana's 2000 Elections," *African Studies Association Conference*, Houston, TX, November 15-18, 2001.
- "The Effect of Ballot Initiatives on Voter Turnout," *American Political Science Association Conference*, Washington, DC, August 31-September 3, 2000 (with Caroline Tolbert and John Grummel).
- "Campaign Finance of Ballot Initiatives," *National Direct Democracy Conference*, University of Virginia's Center for Governmental Studies, Charlottesville, VA, June 8-9, 2000.
- "Meet the Authors Roundtable: Recent Books on Direct Democracy in the States," *Midwest Political Science Association Conference*, Chicago, April 27-30, 2000.

- "Counter-Majoritarian Bills and Legislative Response of State Ballot Initiatives," *Western Political Science Association Conference*, San Jose, March 24-26, 2000.
- "The Gun Behind the Door Fires Blanks," *Pacific Northwest Political Science Association Conference*, Eugene, OR, October 14-16, 1999.
- "Orange Crush: Mobilization of Bias, Ballot Initiatives, and the Politics of Professional Sports Stadia," *American Political Science Association Conference*, Atlanta, September 2-5, 1999 (with Sure Log).
- "Direct Democracy in Colorado: Limited Information, Tough Choices," A Century of Citizen Lawmaking: Initiative and Referendum in America, *Initiative and Referendum Institute*, Washington, D.C., May 6-8, 1999.
- "The Initiative to Party: The Role of Political Parties in State Ballot Measures," *Western Political Science Association Conference*, Seattle, March 25-28, 1999.
- "Direct Democracy in the Late 20th Century: The Legacy(ies) of Prop. 13," Roundtable, *American Political Science Association Conference*, Boston, September 3-6, 1998.
- "The Legacy of Howard Jarvis and Proposition 13? Tax Limitation Initiatives in 1996," *Western Political Science Association Conference*, Los Angeles, March 19-21, 1998.
- "Special Interests and the Initiative Process in Colorado: The Case of the Parental Rights Amendment" (with Robert Herrington), Poster Session, *American Political Science Association Conference*, Washington, D.C., August 28-31, 1997.
- "Howard Jarvis, Populist Entrepreneur: Reevaluating Causes of Proposition 13," *Western Political Science Association Conference*, Tucson, March 13-15, 1997.
- "Guided Immersion: A Non-Traditional Study Abroad Program at the University of Ghana at Legon," *Midwest Political Science Association Conference*, Chicago, April 10-12, 1997.
- "Exploring the Political Dimension of Privatization: A Tale of Two Cities" (with Kevin Leyden), *Midwest Political Science Association Conference*, Chicago, April 18-20, 1996.
- "Populist Entrepreneur: Douglas Bruce and the Tax Limitation Movement in Colorado," *20th Annual Interdisciplinary Symposium of the Politics and Culture of the Great Plains*, Lincoln, April 11-13, 1996.
- "Faux Populism: Douglas Bruce and the Anti-Tax Moment in Colorado, 1986-1992," *Western Political Science Association Conference*, San Francisco, March 14-16, 1996.
- "Insular Democracy: Advisory Councils and Task Forces in the American States," *Western Political Science Association Conference*, Portland, March 1995.
- "Supporting Labor-Management Initiatives at the State Level: The Case of the West Virginia Labor-Management Advisory Council," *Southern Industrial Relations and Human Resource Conference*, Morgantown, WV, October 1994.
- "State Autonomy, Capacity, and Coherence: Labor-Management Councils in the American States," *Western Political Science Association Conference*, Albuquerque, March 1994.
- "Removing the Pluralist Blinders: Labor-Management Councils and Industrial Policy in the American States," *American Political Science Association Conference*, Chicago, September 1992.
- "You Can't Live with Them...The Emerging Role of Organized Labor in Industrial Policy in the American States," *Midwest Political Science Association Conference*, Chicago, April 1992.
- "It Can Happen Here: Apprenticeship, Workplace-based Learning, and the Affirmative Role of Unions" (with Eric Parker), *Southwestern Political Science Association Conference*, Austin, TX, March 1992.
- "The Affirmative Role of U.S. Unions in Restructuring" (with Eric Parker), *American Sociological Association Conference*, Indianapolis, IN, August 1991.
- "Economic Development Strategy and the Problem of Skills: The Case of Wisconsin's Advanced Metalworking Sector" (with Eric Parker), *American Society for Public Administration Conference*, Cleveland, OH, October 1990.



***INVITED TALKS AND OTHER PROFESSIONAL PRESENTATIONS***

- Invited Talk, "Voting Rights in North Carolina," Emory University, Atlanta, April 8, 2014.
- Keynote Speaker, "Anticipating 2014: The State of Voting Rights in Florida," Gainesville Labor Council, Gainesville, Florida, December 9, 2013.
- Invited Talk, "Design Fail: The Attack on Voting Rights in Florida," University of Florida Retired Faculty, Harn Museum, University of Florida, February 22, 2013.
- Keynote Speaker, "The Attack on Voting Rights in Florida," Gainesville Labor Council, Gainesville, Florida, December 10, 2012.
- "Moved by the Spirit? Atmospheric and Ballot Measure Vote Choice," Initiatives and Referendums in the Elections of 2012, University of Southern California, November 16, 2012 (with Charles Dahan).
- Invited Talk, "Design #Fail: Voting Rights in Florida," Graham Center's Election Wrap Up: Decision 2012, University of Florida, Gainesville, Florida, November 13, 2012.
- Invited Talk, "Consolidating Representation in Ghana? Parliamentary Malapportionment and Rejected Ballots," *Stability Amidst Chaos: Reflections on Two Decades of Ghanaian Democracy*, Program of African Studies, Northwestern University, Chicago, Illinois, October 12, 2012.
- Keynote Speaker, "Curtailling Voting Rights in Florida," *Civic Dialogues and the 2012 Election in the United States*, College of Central Florida, Ocala, Florida, October 22, 2012.
- Keynote Speaker, "The Return of Jim Crow? Voting Rights Under Florida's House Bill 1355," League of Women Voters, Annual Fall Luncheon, Gainesville, Florida, September 11, 2012.
- Invited Talk, "Litigating Voting Rights in Florida," 8th Judicial Circuit Florida Bar Association, Continuing Legal Education, Gainesville, Florida, September 21, 2012.
- Invited Presentation, "The Impact of HB 1355 on Florida's Hispanics," Gator Academic Outreach Symposium, co-hosted by Hispanic Alumni Association and Miami-Dade College, Miami, FL, May 11, 2012.
- Invited Talk, "Voting and Elections in the United States," US Embassy, Accra, Ghana, live satellite talk to US Embassy, Ivory Coast, October 3, 2011.
- Invited Public Lecture, "Ghana's National Electoral Commission and the 2012 Elections: The Malapportionment of Parliamentary Constituencies, Rejected Ballots, and Questions of Representation," Department of Political Science International Lecture Series, University of Ghana, Accra, Ghana, November 17, 2011. [Q&A followed by several media interviews, including RadioUniverse, Ghana Television Broadcasting and TV3].
- Invited Public Lecture, "Assessing the Credibility of Public Opinion Polls," Ghana Center for Democratic Development (CDD-Ghana), Accra, Ghana, November 23, 2011. [Taped broadcast by TV3 and several FM stations].
- Invited Talk, "Obama to Blame?" Penn State University, February 26, 2010.
- Invited Talk, "Shirking the Initiative?" Rutgers University, November 6-7, 2008.
- Invited Talk, "Granting Power to the People: The Adoption of Direct Democracy in the American States," Bose Series Lecturer, University of Iowa, Iowa City, November 7-10, 2007.
- Invited Talk, "Instrumental Effects of the Initiative in the American States," The Voice of the Crowd—Colorado's Initiative, Byron R. White Center for the Study of American Constitutional Law, University of Colorado, Boulder, Old Supreme Court Chambers, Colorado State Capitol, Denver, January 26, 2007.
- Invited Paper/Presentation, "Initiating Reform: The Effects of Ballot Measures on State Election and Ethics Policy," 2008 and Beyond: The Future of Election and Ethics Reform in the States, Ohio State Capital Building, Kent State University, January 16, 2007.
- Invited Paper/Presentation, "Financing Ballot Measures in the American States," Financing Referendum Campaigns Conference, University of Zurich, Switzerland, October 27-29, 2006.
- Invited Talk, "Pressure at the Polls/Ballot Initiatives," Capitol Beat Conference, Columbus, OH, August, 2006.

- Invited Talk, "Turnout and Priming Effects of Ballot Initiatives," Ballot Initiative Strategy Center Spring Briefing, National Education Association, Washington, DC, May 11, 2006.
- Invited Talk, "The People as Legislators: The Influence of Direct Democracy," Moritz College of Law, Ohio State University. Columbus, OH, March 3, 2006.
- Invited Public Debate, "Initiative Reform in Florida," *Orlando Regional Chamber of Commerce*, Orlando, FL, February 23, 2006.
- Invited Talk, "Direct Democracy: The Battle over Citizen Lawmaking," *Minnesota Council of Nonprofits, Public Policy Day 2006: Nonprofits as a Force for Change*, Minneapolis, MN, January 26, 2006.
- Keynote Speaker, "Taking the Initiative in Florida," *National Conference of Editorial Writers Regional Conference*, University of Central Florida, Orlando, FL, October 16, 2005.
- Panelist, "The Educative Effects of Direct Democracy," *Direct Democracy: Historical Roots and Political Realities*, The Bill Lane Center for the Study of the North American West, Stanford University, Stanford, CA, April 14-15, 2005.
- Panelist, "The Initiative and Referendum Process," *The 2004 Election: What Does it Mean for Campaigns and Governance?* University of Southern California Law School, Los Angeles, CA, October 8, 2004.
- Invited Talk, "Florida's Initiative Process," Oak Hammock, Gainesville, FL, October 21, 2004.
- Invited Talk, "Educated by Initiative," Oak Hammock, Gainesville, FL, October 6, 2004.
- Invited Talk, "Are Initiatives Good or Bad for Business," *National Chamber of Commerce Federation*, Boca Raton, FL, February 22, 2004.
- Panelist, "Roundtable on Florida Politics," *UF-FSU Colloquium*, Gainesville, FL, November 10, 2003.
- Panelist, "Initiatives and Referenda: Implications for Public Administration and Governance," *National Academy of Public Administration*, Washington, DC, October 22, 2003.
- Panelist, "Initiatives and Referenda: Direct Democracy or Government for Sale?" *New York Bar Association*, New York City, May 8, 2003.
- Keynote Speaker, "Direct Democracy in Colorado: The (Sub)Urban-Rural Divide," *Colorado Water Congress Annual Meeting*, Denver, November 8, 2002.
- Invited Talk, "Prospects for a Universal Health Care Ballot Initiative in Florida," Alachua County Labor Party, Gainesville, FL, January 25, 2002.
- Invited Talk, "The 2000 Ghana Elections: Lessons for the Future," The Center for African Studies, *University of Florida*, Gainesville, August 28, 2001.
- Panelist, "Graduate Studies in Canada and U.S.," *University of Ghana at Legon*, Accra, Ghana, March 14, 2001.
- Invited Talk, "Media Coverage of the 2000 [Ghanaian] Elections," *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana, March 2, 2001.
- Invited Talk, "Ghana's 2000 Elections: The 'Politics of Absence,'" *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana, February, 20, 2001.
- Panelist, "Special Forum on U.S. Presidential Elections 2000," *University of Ghana at Legon*, Accra, Ghana, November 21, 2000.
- Invited Talk, "The Role of The Media in US Elections," *Public Affairs Section, United States Embassy*, Accra, Ghana, October 31, 2000.
- Facilitator, "Three's A Crowd? The Fate of Third Parties in America," *Humanities Institute Salon*, Denver, May 4, 11, & 18, 2000.
- Chair and Discussant, "Factors Affecting the Success of Initiatives," *Western Political Science Association Conference*, San Jose, March 24-26, 2000.
- Invited Talk, "The Progressive Myth: Direct Democracy in Colorado, 1912," *Willamette University*, February 3, 2000.
- Invited Talk, "The Initiative to Party: The Partisan - Ballot Initiative Nexus," *Willamette University*, February 3, 2000.

- Invited Talk, "Taking the Initiative into the 21st Century," *Colorado Water Congress Annual Meeting*, Broomfield, January 27, 2000.
- Invited Talk, "Foundations of the American Political System," *Zhejiang University*, Zhejiang, China, October 13, 1999.
- Invited Talk, "Trade, Taiwan, Tiananmen, and Theft: Partisanship in US-China Relations," *Fudan University*, Shanghai, China, October 11, 1999.
- Invited Talk, "Republicans, Democrats, and US-China Relations," *The People's University*, Beijing, China, October 9, 1999.
- Invited Talk, "US-China Relations and the 2000 Presidential Election," *China Institute of Contemporary International Relations*, Beijing, China, October 7, 1999.
- Invited Talk, "Taking the Initiative: The Role of Money in Ballot Initiatives in the US," *Aspen Community & Institute Committee*, Aspen, August 10, 1999.
- Facilitator, "Taking the Initiative: The Politics of Direct Democracy in Colorado," *Humanities Institute Salon*, May 20, May 27, & June 3, 1999.
- Invited Talk, "The State of Direct Democracy in Colorado," American Center Series, *University of Colorado at Boulder*, April 9, 1999.
- Participant, "TABOR: Today & Tomorrow," Graduate School of Public Affairs, *University of Colorado at Denver*, January 20-21, 1999.
- Keynote Speaker, *Colorado Water Congress Annual Meeting*, "The Initiative Process: What You Need to Know," November 10, 1998.
- Invited Talk, "The Political Economy of the Bronco's New Stadium Proposal," George Washington High School, *Reach Out DU*, October 15, 1998.
- Invited Talk, "The Political Economy of the Bronco's New Stadium Proposal," Cherry Creek High School, *Reach Out DU*, October 15, 1998.
- Invited Talk, "Tax Crusaders and the Politics of Direct Democracy," Tattered Cover Bookstore, Denver, August 20, 1998.
- Academic Session Leader, "The Politics of Building a New Broncos Stadium," West High School VIP Program, *University of Denver*, April 17, 1998.
- Participant, "Proposition 13 and its Progeny: Is California Suffering from an Excess of Democracy?" Institute of Governmental Studies, *University of California, Berkeley*, April 1-2, 1998.
- Moderator, "Politics 101," Student Forum, *University of Denver*, March 3, 1998.
- Panelist, "Ways to use Technology in Teaching," Dean's Luncheon on Teaching and Learning, *University of Denver*, February 20, 1998.
- Panelist, "The End of Empire in Ghana, 1957," The End of Empire: 50 Years of British Withdrawal, Center for Teaching International Relations, *University of Denver*, February 7, 1998.
- Moderator, "1996 Candidate Forum," DU Programs Board, *University of Denver*, October 28, 1996.
- Invited Talk, "Election 1996," KARIS Community, Denver, October 24, 1996.
- Invited Talk, "Faux Populism: Douglas Bruce, Populist Entrepreneur, and the Anti-Tax Moment in Colorado," Humanities Institute, *University of Denver*, October 17, 1996.
- Panelist, "The Federal Budget Battle," Sponsored by Omicron Delta Epsilon and Pi Sigma Alpha, *University of Denver*, October 2, 1995.
- Invited Talk, "US Energy Policy," Highlands Ranch High School, *Reach Out DU*, November 10, 1995.
- Panelist, "Study Abroad," Second Annual University Conference: Internationalization at the University of Denver, *University of Denver*, April, 1994.
- Chair and Panelist, "African Studies," Second Annual University Conference: Internationalization at the University of Denver, *University of Denver*, April, 1994.
- Panelist, "Public Policy and Work Force Participation: Making the School-to-Work Transition," Public Policy and Work Force Participation Seminar, *University of Pittsburgh*, September 15, 1993.
- Rapporteur, "City\$Money Conference," The La Follette Institute for Public Affairs, *University of Wisconsin-Madison*, February 4-6, 1992.



**EDITORIAL/ADVISORY BOARDS**

Editorial Board, *Election Law Journal*, 2012-  
Review Board, *American Political Science Association (APSA) Small Research Grant Program*, 2004-05.  
Review Board, *Fulbright/ American Political Science Association (APSA) Congressional Fellowship Program*, 2002-2005.  
Academic Advisory Board, *Annual Editions, State & Local Government* (Brown & Benchmark), 1995-  
Sub-Field Editor, *State Politics, FirstResearch*, 1999-2001.  
Editorial Board, *State Politics and Policy Quarterly*, 1999-2005.

**PROFESSIONAL MEMBERSHIPS**

American Political Science Association  
Member of State Politics and Policy Section  
Member of Political Organizations and Parties Section  
Midwest Political Science Association  
Southern Political Science Association  
Western Political Science Association  
Local Co-Host, Annual Meeting (Denver), 2003  
Chair, Committee on Membership, Attendance, and Registration, 1998-2000  
Section Chair, State Politics and Policy, 1999 Annual Conference (Seattle)  
Member, Charles Redd Politics of the American West Award Committee, 1999  
Chair, Best Dissertation Award Committee, 1999-2001  
State Politics and Policy  
Section Chair (APSA), Elected 2014-  
Editorial Board, 2000-2007; 2014-  
Executive Council, 2010-2012  
Florida Political Science Association  
Section Chair, State Politics, 2004 Annual Conference (Gainesville)

**PROFESSIONAL APPOINTMENTS**

President and Founder, *ElectionSmith, Inc.*, Gainesville, FL, 2006-  
Research Associate, *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana, 2011.  
University of Florida Research Foundation (URF) Professor, 2010-2012.  
Research Scholar, *Bill Lane Center for the Study of the American West*, Stanford University, 2007.  
Senior Research Scholar, *Ballot Initiative Strategy Center Foundation (BISCF)*, Nonprofit 501 (c)(3), Washington, DC, ([www.ballot.org](http://www.ballot.org)), 2006.  
Board of Directors, *Ballot Initiative Strategy Center Foundation (BISCF)*, Nonprofit 501 (c)(3), Washington, DC, 2000-  
Board of Scholars, *Initiative & Referendum Institute*, USC Law School, University of Southern California, 2004-  
Senior Research Fellow, *Initiative & Referendum Institute*, Washington, DC, 1998-2003.  
Research Associate, *Ghana Center for Democratic Development (CDD-Ghana)*, Accra, Ghana, 2000-01.  
President & Co-Founder, *Citizens Institute for Voter Information in Colorado (CIVIC)*, Denver, CO, 1998-2001.

**MEDIA INTERVIEWS**

Quoted more than 500 times by the media (newspaper, radio, television) on various political issues, including the *New York Times*, *Wall Street Journal*, *USA Today*, *Economist*, *Newsweek*, *Time*, *CNN*, *CBS News*, *Fox News*, *National Public Radio*, *St. Pete (Tampa) Times*, *Miami Herald*, *Jacksonville Times-Union*, *San Francisco Chronicle*, *Chicago Tribune*, *Boston Globe*.

APPENDIX E

# Michael C. Herron

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## Academic Appointments

William Clinton Story Remsen 1943 Professor, Department of Government, Dartmouth College. July, 2013 – present.

Professor, Department of Government, Dartmouth College. July, 2009 – June, 2013.

Visiting Professor of Applied Methods, Hertie School of Governance, Berlin, Germany. August, 2011 – August, 2012.

Associate Professor, Department of Government, Dartmouth College. July, 2004 – June, 2009.

Visiting Associate Professor, Department of Government, Harvard University. July, 2008 – January, 2009.

Visiting Associate Professor, Wallis Institute of Political Economy, University of Rochester. September, 2006 – December, 2006.

Visiting Assistant Professor, Department of Government, Dartmouth College. July, 2003 – June, 2004.

Assistant Professor, Department of Political Science, Northwestern University. September, 1997 – June, 2004.

Faculty Associate, Institute for Policy Research, Northwestern University. September, 2002 – June, 2004.

## Education

PhD Business (Political Economics), Stanford University, January, 1998.

*Dissertation:* Political Uncertainty and the Prices of Financial Assets

*Committee:* David Baron, Darrell Duffie, Douglas Rivers, and Barry Weingast

MS Statistics, Stanford University, June, 1995.

MA Political Science, University of Dayton, August, 1992.

BS Mathematics and Economics, with University Honors, Carnegie Mellon University, May, 1989.

## Fellowships

Elizabeth R. and Robert A. Jeffe 1972 Fellowship, Dartmouth College. September, 2010 – June, 2011.

Fulbright Scholar Program fellowship for research and teaching at the Heidelberg Center for American Studies, Heidelberg University, September, 2009 - February, 2010 (declined).

Post-doctoral Research Fellow, Center for Basic Research in the Social Sciences, Harvard University. September, 2000 – August, 2001.

## Publications

### *Journal Articles*

- "A Careful Look at Modern Case Selection Methods" (with Kevin M. Quinn). Forthcoming, *Sociological Methods & Research*.
- "Race, Party, and the Consequences of Restricting Early Voting in Florida in the 2012 General Election," (with Daniel A. Smith). Forthcoming, *Political Research Quarterly* and available at <http://prq.sagepub.com/content/early/2014/02/21/1065912914524831?papetoc>.
- "The Effects of House Bill 1355 on Voter Registration in Florida" (with Daniel A. Smith). *State Politics & Policy Quarterly* 13(3): 279-305. 2013.
- "Blacks, Hispanics, and Whites: A Study of Race-based Residual Vote Rates in Chicago." *American Politics Research* 41(2): 203-243. 2013.
- "Alvin Greene? Who? How did he win the United States Senate nomination in South Carolina?" (with Joseph Bafumi, Seth J. Hill, and Jeffrey B. Lewis). *Election Law Journal* 11(4): 358-379. 2012.
- "Souls to the Polls: Early Voting in Florida in the Shadow of House Bill 1355" (with Daniel A. Smith). *Election Law Journal* 11(3): 331-347. 2012.
- "Leapfrog Representation and Extremism: A Study of American Voters and their Members in Congress" (with Joseph Bafumi). *American Political Science Review* 104(3): 519-542. 2010.
- "Economic Crisis, Iraq, and Race: A Study of the 2008 Presidential Election" (with Seth J. Hill and Jeffrey B. Lewis). *Election Law Journal* 9(1): 41-62. 2010
- "Prejudice, Black Threat, and the Racist Voter in the 2008 Presidential Election" (with Joseph Bafumi). *Journal of Political Marketing* 8(4): 334-348. 2009.
- "Voting Technology and the 2008 New Hampshire Primary" (with Walter R. Mebane, Jr., and Jonathan N. Wand). *William & Mary Bill of Rights Journal* 17(2): 351-374. 2008.
- "Ballot Formats, Touchscreens, and Undervotes: A Study of the 2006 Midterm Elections in Florida" (with Laurin Frisina, James Honaker, and Jeffrey B. Lewis). *Election Law Journal* 7(1): 25-47. 2008.
- "Gerrymanders and Theories of Lawmaking: A Study of Legislative Redistricting in Illinois" (with Alan E. Wiseman). *Journal of Politics* 70(1): 151-167. 2008.
- "Estimating the Effect of Redistricting on Minority Substantive Representation" (with David Epstein, Sharyn O'Halloran, and David Park). *Journal of Law, Economics, and Organization* 23(2): 499-518. 2007.
- "Did Ralph Nader Spoil Al Gore's Presidential Bid? A Ballot-Level Study of Green and Reform Party Voters in the 2000 Presidential Election" (with Jeffrey B. Lewis). *Quarterly Journal of Political Science* 2(3): 205-226. 2007.
- "Assessing Partisan Bias in Voting Technology: The Case of the 2004 New Hampshire Recount" (with Jonathan N. Wand). *Electoral Studies* 26(2): 247-261. 2007.
- "Term Limits and Pork" (with Kenneth W. Shotts). *Legislative Studies Quarterly* 31(3): 383-404. 2006.
- "Black Candidates and Black Voters: Assessing the Impact of Candidate Race on Uncounted Vote Rates" (with Jasjeet S. Sekhon). *Journal of Politics* 67(1): 154-177. 2005.
- "Government Redistribution in the Shadow of Legislative Elections: A Study of the Illinois Member Initiatives Grant Program" (with Brett A. Theodos). *Legislative Studies Quarterly* 24(2): 287-312. 2004.

- "Studying Dynamics in Legislator Ideal Points: Scale Matters." *Political Analysis* 12(2): 182–190. 2004.
- "Logical Inconsistency in EI-based Second Stage Regressions" (with Kenneth W. Shotts). *American Journal of Political Science* 48(1): 172–183. 2004.
- "Overvoting and Representation: An examination of overvoted presidential ballots in Broward and Miami-Dade counties Counties" (with Jasjeet S. Sekhon). *Electoral Studies* 22: 21–47. 2003.
- "Using Ecological Inference Point Estimates as Dependent Variables in Second Stage Linear Regressions" (with Kenneth W. Shotts). *Political Analysis* 11(1): 44–64. 2003.
- "Cross-contamination in EI-R" (with Kenneth W. Shotts). *Political Analysis* 11(1): 77–85. 2003.
- "A Consensus on Second Stage Analyses in Ecological Inference Models" (with Christopher Adolph, Gary King, and Kenneth W. Shotts). *Political Analysis* 11(1): 86–94. 2003.
- "The Butterfly Did It: The Aberrant Vote for Buchanan in Palm Beach County, Florida" (with Jonathan N. Wand, Kenneth W. Shotts, Jasjeet S. Sekhon, Walter R. Mebane, Jr., and Henry E. Brady). *American Political Science Review* 95(4): 793–810. 2001.
- "Interest Group Ratings and Regression Inconsistency." *Political Analysis* 9(3): 260–274. 2001.
- "Leadership and Pandering: A Theory of Executive Policymaking" (with Brandice Canes-Wrone and Kenneth W. Shotts). *American Journal of Political Science* 45(3): 532–550. 2001.
- "Law and Data: The Butterfly Ballot Episode" (with Henry E. Brady, Walter R. Mebane, Jr., Jasjeet S. Sekhon, Kenneth W. Shotts, and Jonathan N. Wand). *PS: Political Science & Politics* 34(1): 59–69. 2001.
- "Cutpoint-Adjusted Interest Group Ratings." *Political Analysis* 8(4): 346–366. 2000.
- "Estimating the Economic Impact of Political Party Competition in the 1992 British Election." *American Journal of Political Science* 44(2): 326–337. 2000.
- "Artificial Extremism in Interest Group Ratings and the Preferences versus Party Debate." *Legislative Studies Quarterly* 24(4): 525–542. 1999.
- "Post-Estimation Uncertainty in Limited Dependent Variable Models." *Political Analysis* 8(1): 83–98. 1999.
- "Measurement of Political Effects in the United States Economy: A Study of the 1992 Presidential Election" (with James Lavin, Donald Cram, and Jay Silver). *Economics & Politics* 11(1): 51–81. 1999.
- "The Influence of Family Regulation, Connection, and Psychological Autonomy on Six Measures of Adolescent Functions" (with Melissa R. Herman, Sanford M. Dornbusch, and Jerald R. Herting). *Journal of Adolescent Research* 12(1): 34–67. 1997.

### Book Chapters

- "A Dynamic Model of Multidimensional Collective Choice" (with David P. Baron). *Computational Models in Political Economy*, Ken Kollman, John H. Miller, and Scott E. Page, eds. Cambridge, MA: The MIT Press. 2003.
- "Law and Data: The Butterfly Ballot Episode" (with Henry E. Brady, Walter R. Mebane Jr., Jasjeet Singh Sekhon, Kenneth W. Shotts, and Jonathan Wand). *The Longest Night: Polemics and Perspectives on Election 2000*, Arthur J. Jacobson and Michel Rosenfeld, eds. Berkeley: University of California Press. 2002.

Michael C. Herron

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### Book Reviews

*The Timeline of Presidential Elections: How Campaigns Do (and Do Not) Matter*, Robert S. Erikson and Christopher Wlezien. *Political Science Quarterly* 128(3): 552-553. 2013.

*Voting Technology: The Not-So-Simple Act of Casting a Ballot*, Paul S. Herron, Richard G. Niemi, Michael J. Hanmer, Benjamin B. Bederson, and Frederick C. Conrad. *Review of Policy Research* 25(4): 379-380. 2008.

### Other Publications

"High ballot rejection rates should worry Florida voters" (with Daniel A. Smith). *Tampa Bay Times*, October 28, 2012.

"Logistic Regression." *The Encyclopedia of Political Science*, George Thomas Kurian, James E. Alt, Simone Chambers, Geoffrey Garrett, Margaret Levi, and Paula D. McClain, eds., Washington, D.C.: CQ Press. 2010.

"Using XEmacs Macros to Process ASCII Data Files." *The Political Methodologist* 13(2): 13-18. 2005.

"Ohio 2004 Election: Turnout, Residual Votes and Votes in Precincts and Wards" (with Walter R. Mebane, Jr.), in "Democracy At Risk: The 2004 Election in Ohio," report published by the Democratic National Committee. 2005.

"Poisson Regression." *The Encyclopedia of Social Science Research Methods*, Alan Bryman, Michael Lewis-Beck, and Tim Futing Liao, eds. Thousand Oaks, CA: Sage Publications, 2003.

"Pork barrel race to the bottom" (with Brett A. Theodos). *Illinois Issues* 29(2): 22-23. 2003.

"Teaching Introductory Probability Theory." *The Political Methodologist* 10(2): 2-4. 2002.

"Ballot cost Gore thousands of votes" (with Henry E. Brady and Jonathan N. Wand). *The San Diego Union-Tribune*, p. G3, November 19, 2000.

### Work in Progress

"Race, *Shelby County*, and the Voter Information Verification Act in North Carolina" (with Daniel A. Smith).

"Precinct Closing and Wait Times in Florida during the 2012 General Election" (with Daniel A. Smith).

### Awards

Best Paper Award, State Politics and Policy Section, 2012 Annual Meeting of the American Political Science Association. *Getting Your Souls to the Polls: The Racial Impact of Reducing Early In-Person Voting in Florida* (with Daniel A. Smith).

### Grants

The Rockefeller Center for Public Policy and the Social Sciences, May, 2006. Project title: "Large Scale Survey of Americans in Multiple Congressional Districts." Financial support: \$8,500.

National Science Foundation, SES-041849, July, 2004. Project title: "A Ballot-Level Study of Intentional and Unintentional Abstention in Presidential Election Voting." Financial support: \$65,749.

Nelson A. Rockefeller Center for the Social Sciences, Dartmouth College, January, 2004. Project title: "Intentional Invalid Votes in Leon County, Florida." Financial support: \$1115.

American Enterprise Institute, August, 1999. Project title: "Tenure in Office and Congressional Voting" (with Kenneth W. Shotts). Financial support: \$182,500.

Northwestern University Research Grants Committee, February, 1999. Project Title: "Representation, Policy Uncertainty, and Divided Government." Financial support: \$4087.

Stanford University Graduate School of Business, 1997-1998 Academic Year. Dissertation Research Grant.

## Recent Conference Presentations

"Legislative District Compactness and Court Precedent," 2013 Annual Meeting of the Midwest Political Science Association, Chicago, IL.

"High School History Textbook Coverage of the 2000 Presidential Election," 2010 Annual Meeting of the Midwest Political Science Association, Chicago, IL.

"The Uses and Limitation of Hard Case Analysis," 2008 Northeast Political Methodology Meeting, New York, NY.

"The Uses and Limitation of Hard Case Analysis," 2008 Annual Meeting of the Midwest Political Science Association, Chicago, IL.

"Voting Technology and the 2008 New Hampshire Primary," 2008 William & Mary School of Law Conference, *How We Vote*, Williamsburg, VA.

"Representation and American Political Institutions," 2007 Annual Meeting of the Midwest Political Science Association, Chicago, IL.

"From Punchcards to Touchscreens: Some Evidence from Pasco County, Florida on the Effects of Changing Voting Technology," 2006 Annual Meeting of the Midwest Political Science Association, Chicago, IL.

## Invited Seminars

University of Iowa, 1999	University of Chicago, 2007
Boston University, 2000	Yale University, 2007
Dartmouth College, 2000	Stanford University, 2008
Harvard University, 2000	Columbia University, 2008
University of Minnesota, 2000	Northwestern University, 2008
University of Rochester, 2000	Princeton University, 2008
University of Wisconsin, Madison, 2000	Duke University, 2009
Yale University, 2000	Hertie School of Governance, 2010
Columbia University, 2001	Emory University, 2010
University of California, Berkeley, 2002	University of Mannheim, 2011
University of Illinois, 2002	University of Heidelberg, 2011
Brown University, 2003	University of Passau, 2012
Temple University, 2003	University of Göttingen, 2012
University of Chicago, 2003	Freie Universität Berlin, 2012
New York University, 2004	Laval University, 2012
Princeton University, 2004	University of Montreal, 2012
University of Michigan, 2005	Middlebury College, 2013
George Washington University, 2006	University of Illinois, Champaign, 2013
Emory University, 2006	University of Illinois, Chicago, 2013
Harvard University, 2007	University of Wisconsin, Madison, 2013
Loyola Law School, 2007	Yale University, 2014
Columbia University, 2007	

## Teaching Interests

Statistical Methods: introductory and advanced econometrics, research design, Bayesian statistics

American Politics: Congress, contemporary legislative theory, comparative legislative institutions, institutional design, elections, election irregularities

Political Economy: game theory

## Dartmouth College Activities

Committee on Priorities, July, 2013 – present.

Research Computing Director search committee, October, 2013 – present.

Senior Search Committee, Department of Government, 2013.

Research Computing Advisory Committee, Spring 2013.

Chair, American Politics Search Committee, Department of Government, 2012-2013.

Recruitment Planning Committee, Department of Government, 2010 and 2012-2013.

Committee on Standards, 2008-2010.

Task Force on Collaboration and Social Software, 2007-2008.

Biostatistics search committee, Dartmouth Medical School, 2006-2007.



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Research Computing Oversight Committee, 2006.

Council on Computing, 2005-2007.

Clement Chair search committee, Department of Government, 2005-2006.

## Professional Activities

“Race, Voting Procedures, and New Developments in Voting Rights,” panel organized for the 2013 Annual Meeting of the Midwest Political Science Association.

Editorial Board, *USENIX Journal of Election Technology and Systems*, March, 2013–present.

Editorial Board, *Political Analysis*, January, 2010–present.

Editorial Board, *American Political Science Review*, 2010–2012.

Editorial Board, *American Journal of Political Science*, 2006–2009.

Division Chair, Formal Theory Section, 2007 Annual Meeting of the American Political Science Association.

Co-editor, *The Political Methodologist*, Fall, 2004–Spring, 2006.

Publications Committee of the Society for Political Methodology, 2005–2006.

## Reviewer for

<i>American Journal of Political Science</i>	The National Science Foundation
<i>American Political Science Review</i>	<i>Perspectives on Politics</i>
<i>American Politics Quarterly</i>	<i>Political Analysis</i>
<i>American Politics Review</i>	<i>Political Behavior</i>
<i>British Journal of Political Science</i>	<i>Political Research Quarterly</i>
Cambridge University Press	<i>Political Studies</i>
Chapman & Hall	<i>Politics &amp; Gender</i>
<i>Du Bois Review</i>	<i>Policy Studies Journal</i>
<i>Economics &amp; Politics</i>	Prentice Hall Higher Education Group
<i>Election Law Journal</i>	<i>Proceedings of the National Academy of Sciences</i>
<i>Electoral Studies</i>	<i>Public Administration</i>
<i>Emerging Markets Finance &amp; Trade</i>	<i>Public Choice</i>
<i>Interest Groups &amp; Advocacy</i>	<i>Public Opinion Quarterly</i>
John Wiley & Sons, Inc.	<i>PS: Political Science and Politics</i>
<i>Journal of Legal Studies</i>	<i>Quarterly Journal of Political Science</i>
<i>Journal of Money, Credit and Banking</i>	<i>The Social Science Journal</i>
<i>Journal of Politics</i>	<i>Sociological Methods &amp; Research</i>
<i>Journal of Public Economics</i>	Springer
<i>Journal of Theoretical Politics</i>	<i>State Politics &amp; Policy Quarterly</i>
<i>Journal of Women, Politics &amp; Policy</i>	The University of Michigan Press
<i>Legislative Studies Quarterly</i>	<i>World Politics</i>



*Michael C. Herron*

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## Other Employment

Intelligence Analyst and Military Officer, United States Air Force, Foreign Technology Division, Wright-Patterson Air Force Base, 1989–1992.

Last updated: June 23, 2014

<http://www.dartmouth.edu/~herron/cv.pdf>