

Written Testimony of the Native American Rights Fund Regarding H.B. 1369

House Committee on Veterans and Government Affairs

January 27, 2017

Introduction

The Native American Rights Fund (NARF) very much appreciates the opportunity to comment on H.B. 1369. Founded in 1970, NARF is the oldest and largest nonprofit law firm dedicated to asserting and defending the rights of Indian tribes, organizations and individuals nationwide. Along with the Dickson Law Office and Morgan, Lewis & Bockius LLP, NARF represents a group of Native American voters who have challenged North Dakota's voter ID requirements in federal court under the U.S. Constitution, the Voting Rights Act and the North Dakota Constitution and obtained a preliminary injunction relating to the 2016 election. We are deeply concerned that North Dakota's voter ID laws disproportionately impact and unlawfully abridge the voting rights of Native Americans in North Dakota. While H.B. 1369 appears to make some improvements, it still does not provide any fail-safe mechanisms for Native Americans and other voters who cannot to satisfy North Dakota's strict voter ID requirements, which are likely the most restrictive in the United States. The lack of fail-safe mechanisms was one of the main reasons the federal court granted a preliminary injunction relating to the 2016 election.

Before 2013, North Dakota was a voter-friendly state that allowed its citizens to vote based on a poll worker vouching for their identity, or by the voter executing an affidavit under penalty of perjury declaring they are an eligible voter. H.B. 1332 and 1333 mandated that voters present an ID from a narrow list of acceptable IDs and eliminated the voucher and affidavit fail-safe mechanisms that previously existed. Although North Dakota's election system was once

lauded as one of the best in the United States, these laws made it one of the most restrictive. Unfortunately, H.B. 1369 does not meaningfully relieve the abridgement of Native American voting rights in North Dakota.

There is no evidence of voter fraud in North Dakota.

The underlying premise of the voter ID laws is flawed. Proponents claim North Dakota's new, restrictive voting laws are needed to address voter fraud. However, North Dakota's long-standing voting procedures prior to passage of H.B. 1331 and 1332 did not result in voter fraud. In the 1970s, former North Dakota Governor Lloyd Omdahl surveyed election officials about the issue. The officials reported only one case of voter fraud, involving a farmer who voted in his old precinct after he had moved. In 2013, when North Dakota was considering new voter ID laws, the Secretary of State reported that in the 2012 elections, out of 325,862 total votes cast (10,517 of which were cast after voters submitted affidavits of eligibility), there were only nine cases of potential voter fraud. A 2012 study on voter fraud alleged only three cases of people voting twice in North Dakota, a mere .000921% of the votes cast.

In a 2006 letter, North Dakota Secretary of State Alvin Jaeger pointed out that "during my fourteen years as Secretary of State and the state's chief election officer, my office has not referred any cases of voter fraud to the United States Attorney, the North Dakota Attorney General, or to local prosecutors. We haven't had any to refer." Similarly, in 2008, former Governor Omdahl stated: "North Dakota conducted elections without voter registration for 56 years without fraud. Voting fraud is not in our blood."

As discussed more fully below, in seeking to cure a purported "voter fraud problem" that really does not exist, the legislature has placed an undue burden on Native American voters, which a federal court held to violate the U.S. Constitution.

Thousands of Native Americans in North Dakota Lack Qualifying Voter ID and Obtaining One is Disproportionately More Burdensome for Native Voters.

According to a statistical survey of North Dakota voters performed by Drs. Matthew A. Barreto and Gabriel R. Sanchez (hereafter, “Barreto/Sanchez Survey”), more than 72,500 voting-eligible citizens in North Dakota lack a qualifying voter ID under H.B. 1332 and 1333. This includes an estimated 7,984 Native Americans, or 23.5 percent of the total voting-eligible Native American population. (In contrast, only 12.0 percent of non-Native Americans lack a qualifying ID.) In addition, 15.4 percent of the Native Americans in North Dakota who voted in the 2012 presidential election lack a valid voter ID under the new laws (as compared to only 6.9 percent of non-Native Americans).

For Native Americans lacking qualifying voter ID, obtaining one is more burdensome than for non-Native voters. One reason is that state Driver’s License Sites are less accessible for Native Americans. 73.9% of Native Americans in North Dakota lacking a voter ID own or lease a car, compared to 88% of non-Native Americans. Additionally, there are no Driver’s License Sites on a reservation in North Dakota, and Native Americans must travel further to access a Driver’s License Site – on average, 20 miles, compared to 11 miles for non-Native Americans. It is also more difficult for Native Americans to get time off from work – 44.1%, compared to 26.2% for non-Native Americans. The combination of lack of transportation, long distances and the limited operating hours for most locations closest to Native American population areas, make it much more difficult for Native Americans to obtain a state ID that may be used for voting.

Moreover, 47.7% of Native Americans in North Dakota who do not have a qualifying voter ID lack the underlying documents needed to obtain a qualifying ID. To get a non-driver’s ID in North Dakota, “PROOF OF IDENTIFICATION IS REQUIRED.” In other words, you need an ID to get an ID. For example, North Dakota’s Department of Transportation website lists

nine “[a]cceptable forms of identification.” The first listed item is a “U.S. birth certificate (state certified; Government issued).” The Barreto/Sanchez Survey found that 32.9 percent of Native Americans who presently lack a qualifying voter ID do not have a birth certificate.

Further, obtaining any one of the approved forms of ID almost always involves a fee or charge, either for the ID itself or to obtain one or more documents necessary to obtain the ID. This, too, disproportionately burdens Native Americans. According to the American Community Survey conducted by the U.S. Census Bureau, median household income for Native Americans in North Dakota is \$29,909, compared to \$56,566 for non-Native Americans. And Native Americans in North Dakota have extremely high unemployment rates: on the Standing Rock and Turtle Mountain reservations, for example, unemployment is nearly 70%.

Moreover, to obtain the documents and ID needed for voting, it can be important to have a computer with Internet access, a credit card, a car and gas money, and a flexible work schedule. Native Americans, who have disproportionately more economic hardships, are much less likely to possess these assets.

The combination of these factors means that imposition of strict voter ID requirements in North Dakota abridges the voting rights of its Native American citizens. Professor Daniel McCool, a leading expert who studied North Dakota’s voter ID laws concluded:

Given historical trends, socio-economic conditions, troubled Indian-Anglo relations, geographical isolation, and the unique political position of Indian tribes in the American polity, voter ID requirements have placed an especially difficult burden on American Indian people living in North Dakota. The large body of information I have collected supports the conclusion that North Dakota’s voter ID laws have directly and demonstrably impaired the ability of some American Indians to participate in the electoral process and elect candidates of their choice.

H.B. 1369 Lacks Necessary Fail-Safe Provisions

Prior to the passage of H.B. 1332 in 2013, North Dakota provided two important fail-safe provisions for voters who lacked a qualifying ID: (1) another qualified elector or poll worker could vouch for their qualifications, or (2) the voter could sign an affidavit, swearing under penalty of perjury that he or she was a qualified elector.

The United States District Court for the District of North Dakota found “the lack of any current ‘fail-safe’ provisions in the North Dakota Century Code to be unacceptable and violative of the Equal Protection Clause of the 14th Amendment.” The U.S. District Court further found: “[I]t is clear that a safety net is needed for those voters who simply cannot obtain a qualifying voter ID with reasonable effort.” Accordingly, for the 2016 general election, the Court required North Dakota to permit voters without a qualifying ID to sign an affidavit swearing to their qualifications.

H.B. 1369 does not contain this or any other fail-safe mechanism. Although H.B. 1369 allows for provisional balloting, it nevertheless requires each voter to present a qualifying ID to an election official within six days in order for his or her vote to be counted. Although the law appears to make allowance for voters who left their IDs at home, it does not address the problem of voters who, although qualified to vote, cannot because of their financial or other circumstances obtain one of the narrow set of permitted IDs. In this respect, H.B. 1369 is very similar to the laws the U.S. District Court enjoined in 2016, and it places an unduly burdensome ID requirement on Native American voters. If the law is not modified, Native Americans without qualifying ID will still not have their vote counted.

The fact that H.B. 1369 allows voters to supplement an ID that does not contain all the required information with other documentation does not cure the problem. It is a positive step that H.B. 1359 allows individuals whose ID does not contain all the required information to

supplement it by presenting a current utility bill, bank statement, a check or document issued by a federal state or local government, or a paycheck. Yet, most Native Americans living on reservations in North Dakota do not have residential mail delivery. Therefore, if they possess any of the documents allowed for supplementation, these documents will likely contain a post office box mailing address, which does not meet the law's requirements.

Because H.B. 1369 contains no fail-safe provisions, if it is not modified, North Dakota will stand alone as having the most restrictive voter ID law in the United States, and it will suffer from the same deficiencies that led the U.S. District Court to issue an injunction in 2016. Without fail-safe provisions, H.B. 1369 does nothing to change this unfortunate situation.

Conclusion

We urge the Committee to carefully consider the disproportionate burdens North Dakota's voter ID requirements place on Native Americans. North Dakota does not have a voter fraud problem, let alone one that would justify abridging the right to vote for thousands of Native Americans. Nevertheless, even if the North Dakota legislature chooses to continue the requirement for voter ID, we urge it to add a fail-safe mechanism, such as the voucher or affidavit process that previously existed.

I have attached hereto a report by Drs. Matthew A. Barreto and Gabriel R. Sanchez as well as one prepared by Professor Daniel McCool. Both of these contain important data and information regarding the issues that we have raised.

Should you have any questions, please contact Joel West Williams, Staff Attorney, Native American Rights Fund, at (202) 785-4166 or Williams@narf.org.

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Richard Brakebill, Deloris Baker, Dorothy Herman, Della Merrick, Elvis Norquay, Ray Norquay, and Lucille Vivier, on behalf of themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the North Dakota Secretary of State,

Defendants.

Civil No. 1:16-cv-8

Declaration of Matthew A. Barreto, Ph.D.

I, Matthew A. Barreto, declare as follows:

1. I am currently a Professor of Political Science and Chicana/o Studies at the University of California, Los Angeles. I know of the facts set forth in this declaration of my own personal knowledge, and could and would competently testify to those facts if asked to do so.

I. Qualifications.

2. I am the co-founder of the research firm Latino Decisions. Before I joined UCLA in 2015, I was a Professor at the University of Washington for more than nine years. At the University of Washington, I was an affiliated faculty member of the Center for Statistics and the Social Sciences (CSSS), and an adjunct Associate Professor of Law at the University's law school.

3. I have taught courses on the Voting Rights Act, Racial and Ethnic Politics, Electoral Politics, Public Opinion, Immigration, and Introduction to Statistical Analysis and Advanced Statistical Analysis for Ph.D. students.

4. I earned a Ph.D. in Political Science at the University of California, Irvine in 2005, with an emphasis on racial and ethnic politics in the United States, political behavior, and public opinion. Professor Bernard Grofman, a well-known expert in voting rights research, served as my principal dissertation advisor.

5. I have published a peer-reviewed academic research paper on voter ID laws.

6. I have conducted statewide public opinion surveys in Wisconsin, Pennsylvania, and Texas to assess rates of possession of voter identification. Previous courts have accepted these surveys as viable and accurate methods for determining ID possession rates by race and ethnicity. In 2014, in *Veasey v. Perry* (No. 13-CV-00193), the District Court, and later the Fifth Circuit Court of Appeals, found that my survey was statistically accurate and reported clear evidence that Hispanics and African Americans were disproportionately impacted by the Texas voter ID law.

7. My full professional qualifications and activities are set forth fully in my curriculum vitae, a true and correct copy of which I have attached as Exhibit A.

II. Scope of Work.

8. The Plaintiffs retained me to examine and analyze the possession rates of valid voter identification in North Dakota. More specifically, Plaintiffs asked me to assess whether there were any differences in possession rates between the Native American eligible voting population and the non-Native American eligible voting population.

9. I worked on this project with Dr. Gabriel R. Sanchez. I have worked with Dr. Sanchez on similar projects in the past.

10. To complete our analysis, Dr. Sanchez and I implemented a statewide survey of eligible voters in North Dakota to assess possession rates of voter ID as required by HB 1332 and HB 1333 to cast an in-person ballot.

III. Summary of Findings.

11. Dr. Sanchez and I found:

- Native American eligible voters in North Dakota are less likely to possess a qualifying voter ID under current North Dakota law, as compared to non-Native Americans. The difference is statistically significant at the 99 percent level, the most rigorous level of social science testing.
- 23.5 percent of Native American eligible voters do not possess a qualifying voter ID. In contrast, 12.0 percent of non-Native Americans do not possess a valid ID.
- Native Americans are significantly less likely to possess the most common type of ID—a driver's license. Only 78.2 percent of Native Americans indicated they have a driver's license. In contrast, 94.4 percent of non-Native Americans indicated they have a driver's license.
- Native Americans face burdens in obtaining a state-issued ID. Many Native Americans lack the required underlying documents: 32.9 percent do not have a birth certificate; 21.6 percent do not have two documents showing a physical address; 5.6 percent lack a social security card or W2 showing a social security number. In total, 47.7 percent of Native Americans that currently do not have a valid voter ID do not have all three types of the underlying documents they would need to obtain a voter ID.
- Native Americans who currently lack a qualifying voter ID face logistical and financial burdens in obtaining a qualifying ID. Our survey results indicate: 29 percent will face a problem getting a ride to the nearest North Dakota Department of Transportation ("DOT") office; 44 percent will face a problem getting time off to visit the DOT during business hours; 36 percent will face a problem if they have to travel six miles each way to the nearest DOT office; and 47 percent state they will face a problem paying for public transit to get to the

nearest DOT office.

- Knowledge levels regarding the law are very low in North Dakota, especially among Native Americans. In fact, 21.4 percent of Native Americans are not aware that a voter ID law exists, and only 20.8 percent of Native Americans reported they had heard or seen an official announcement or advertisement by the State of North Dakota about the new voter ID law.

IV. Survey Design and Methodology.

A. General Outline of the Study.

12. We designed a survey to specifically focus on the North Dakota voter ID law which went into effect in 2013. This research approach has three critical advantages for the purpose of identifying potential disparities in access to accepted forms of identification: 1) the use of a survey provides the opportunity to directly ask residents of North Dakota whether they are in possession of accepted voter ID and the underlying documents that may be used to obtain an accepted ID, 2) this study is focused on eligible voters and has sizable samples of Native Americans and non-Native Americans appropriate for statistical analysis, and 3) the survey also measured knowledge among respondents of the North Dakota identification law, and other potential barriers to access to obtaining accepted identification. This approach is an ideal way to assess rates of possession of accepted voter ID because eligible voters were contacted directly and asked what types of identification and other documents they currently possess. Other methods, such as examining existing large public databases, might also be used to provide information on the types of ID that individuals possess, depending on factors such as whether each type of relevant ID is recorded in a database and whether the relevant databases are available for review. While very useful, a database review may be limited to assessing ID possession among individuals included on the most recent roster of voters,

whereas our research was able to assess how the North Dakota voter ID law affects all eligible voters, and across all types of ID. Finally, a survey can ask more specifically about current physical possession of the relevant ID to capture any instances where IDs has been lost, stolen, misplaced, destroyed, etc. When combined with other approaches aimed at identifying the impact of the new law, the survey research discussed in this report helps provide a clear picture of the individuals across race, ethnicity, and other demographic factors who lack accepted ID.

13. In sum, the data obtained through this survey provides an accurate and reliable depiction of the rates of possession of accepted voter ID in North Dakota, and of certain related matters. Because the percentage figures set forth in this report were obtained from a survey, these figures should be interpreted as estimates, which do contain a margin of error, or confidence interval. However, using standard and well-accepted statistical techniques, the margins of error associated with the percentage estimates were all evaluated and determined to be well within conventional standards, and we likewise determined whether the differential rates between groups (most importantly, between non-Native eligible voters and Native eligible voters) are statistically significant.

14. Survey Methodology.

- a. **Survey research is a reliable and trusted method in the social sciences.** Within social science research, public opinion and political behavior have been longstanding areas of significant consequence and interest. The primary reason for using survey research to study possession of accepted voter ID is simple: if you want to know if the population has the required ID, just ask them. Early on, “pollsters” learned that you could learn a great deal about voter attitudes, and possibly even predict election results, through large quantitative surveys of the public. Over the past decades, the science of public opinion surveys

has expanded greatly and great expertise has been developed in how to accurately sample, construct, implement and analyze survey data.

- b. Survey research has become a hallmark of social science research, such that at a typical Political Science academic conference more than 500 different research papers using survey data are regularly presented. When surveys are implemented accurately, results generated from a sample of the population can be inferred to the larger population from which the sample is drawn, given the appropriate sampling error, or confidence interval that must always be accounted for.
- c. Survey research is a standard and widely accepted practice in social science and government research. The U.S. government regularly relies on survey methodology exactly like that relied upon in this expert report, in its collection of data and statistics, such as the U.S. Census American Community Survey and Current Population Survey, the Bureau of Labor Statistics Unemployment Survey, and surveys by the National Institutes of Health, the Department of Defense, and the Internal Revenue Service. In fact, the Office of Management and Budget has a division called the “Federal Committee on Statistical Methodology” which has reviewed best practices in survey research and recommended random digit dial (“RDD”) as a method to avoid non-coverage bias because it samples all known telephone numbers. According to Michael Link, formerly a research scientist for the Centers for Disease Control and Prevention, “For more than three decades, RDD telephone surveys have been the predominant method for conducting surveys of the general public.”
- d. The most important starting point for sound survey research is to acquire an accurate sample frame from which to draw the eventual sample of people interviewed. If the sample is reflective of the larger population,

and the survey is administered randomly, without bias, and with an adequate sample size and response rate the results of the eventual survey can be considered as statistically reliable estimate, at least for those questions directed at all persons sampled. According to Henry Brady, Professor of Political Science at the University of California, Berkeley, “Scientific surveys are one of these tools, and they have been widely used in the social sciences since the 1940s. No other method for understanding politics is used more, and no other method has so consistently illuminated political science theories with political facts... They provided the gold standard for measuring citizen opinions... No other social science method has proven so valuable.”

- e. Mixed mode surveys that incorporate telephone and mail are considered highly accurate. Harvard Political Scientist Stephen Ansolabehere and University of Massachusetts Political Scientist Brian Schaffner conducted a study that used both telephone and mail surveys and concluded that using both methods is highly reliable.¹ Moreover, a large body of interdisciplinary research demonstrates that a mixed-mode approach to the collection of survey data enhances the reliability of the data,

¹ Ansolabehere, Stephen, and Schaffner, Brian F. 2014. “Reexamining the validity of different survey modes for measuring public opinion in the U.S.: Findings from a 2010 Multi-Mode Comparison” *Political Analysis*, 22: 285-303; Atkeson, Lonna Rae, Adams, Alex, and Alvarez, Michael. 2014. “Non-Response and Mode Effects in Self-and-Interviewer-Administered Surveys.” *Political Analysis*, 23: 304-320; Rao, Kumar, Kaminska, Olena, McCutcheon, Allan. 2010. “Recruiting Probability Samples for a Multi-Mode Research Panel with Internet and Mail Components.” *Public Opinion Quarterly*, 74(1): 68-84; Ngo-Metzger, Kaplan, Sherrie, Sorkin, Dara, Clarridge, Brian, and Phillips, Russell. 2004. “Surveying Minorities with Limited English Proficiency: Does Data Collection Method Affect Data Quality Among Asian Americans?” *Medical Care*, 42(9): 893-900.

mitigating response bias and increasing sample representativeness.²

Telephone surveys are more prone to partial responses, missing data and increasingly low response rates. Carefully executed mail surveys, and multi-mode surveys with multiple contacts promise to mitigate problems that arise from telephone only samples.³ Methodologically speaking, survey experts advise the use of multi-mode designs to sample hard-to-reach populations more generally.⁴ Researchers frequently combine mail and telephone to reach small and marginalized populations that may not have regular access to a telephone, and findings derived from this strategy are widely published across the social sciences.⁵ Native

² Fowler, Floyd Jackson, Roman, Anthony, Di, Zhu Xiao. 1998. "Mode Effects in a Survey of Medicare Prostate Surgery Patients." *Public Opinion Quarterly*, 62: 29-46; Sakshaug, Joseph W., Ting, Yan, Tourangeau, Roger. 2010. "Non-response Error, Measurement Error, and Mode of Data Collection: Tradeoffs in a Multi-Mode Survey of Sensitive and Non-Sensitive Items." *Public Opinion Quarterly*, 74(5): 907-933. Leeuw, Edith. 2005. "To Mix or Not to Mix Data Collection Modes in Surveys." *Journal of Official Statistics*, 21(2): 233-255; Chang, Linchiat, and Krosnick, Jon. 2009. "National Surveys via RDD Telephone Interviewing versus the Internet." *Public Opinion Quarterly*, 73(4): 641-678.

³ Hayashi, Takuya. 2007. "The Possibility of Mixed -Mode Surveys in Sociological Studies." *International Journal of Japanese Sociology*, 16: 51-63; Rao, Kumar, Kaminska, Olena, McCutcheon, Allan. 2010. "Recruiting Probability Samples for a Multi-Mode Research Panel with Internet and Mail Components." *Public Opinion Quarterly*, 74(1): 68-84.

⁴ Czaja, Ronald, and Blair, Johnny. 2004. *Designing Surveys: A guide to Decisions and procedures*. 2nd edition. Thousand Oaks: Pine Forge Press; Atkeson, Lonna Rae, Lisa A. Bryant, Alex N. Adams, Luciana Zilberman, and Kyle L. Saunders. 2011. Considering mixed mode surveys for questions in political behavior: Using the Internet and mail to get quality data at reasonable costs. *Political Behavior* 33:161-78.

⁵ Dillman, Don, Lesser, Virginia, Mason, Robert, Carlson, John, Willits, Fern, Robertson, Rob, and Burke, Bryan. 2007. "Personalization of Mail Surveys for General Public and Populations with a Group Identity: Results from Nine Studies." *Rural Sociology*, 72(4): 632-646; Leeuw, Edith. 2005. "To Mix or Not to Mix Data Collection Modes in Surveys." *Journal of Official Statistics*, 21(2): 233-255; Harris, Lisa, Weinberger, Morris, and Tierney, William. 1997. "Assessing Inner-City Patients' Hospital Experiences: A Controlled Trial of Telephone Interviews Versus Mailed Surveys." *Medical Care*, 35(1): 70-76; Ngo-Metzger, Kaplan, Sherrie, Sorkin, Dara, Clarridge, Brian, and Phillips, Russell. 2004. "Surveying

Americans are considered hard to reach due to the fact that they are numerically small, geographically dispersed, more likely to lack telephones relative to other populations, and language and cultural barriers decrease trust in the interviewer and the surveying organization.⁶ Thus, multiple modes of contact, including mail, is the best strategy for collecting data that accurately represent the population. This is the strategy developed by the U.S. Census Bureau in an effort to mitigate undercounting the population, thus constituting the most rigorous means of sampling Native Americans available to researchers.⁷

15. Principal Focus: Racial disparities in possession of ID in North Dakota. The current study is focused on whether eligible Native and eligible non-Native voters in North Dakota have statistically different rates of possession of accepted voter ID, and the survey was designed to address the provisions of the North Dakota law. For example, when respondents were asked to confirm that they had an “up-to-date” driver’s license or other accepted form of voter ID, survey interviewers confirmed that, for those types of ID that expire, the ID was either current or had expired – to match the provision in the law. Respondents were also asked to indicate whether they were in possession of any of the accepted forms of voter ID: a North Dakota driver’s license, a North Dakota non-driver

Minorities with Limited English Proficiency: Does Data Collection Method Affect Data Quality Among Asian Americans?” *Medical Care*, 42(9): 893-900; Ansolabehere, Stephen, and Schaffner, Brian F. 2014. “Reexamining the validity of different survey modes for measuring public opinion in the U.S.: Findings from a 2010 Multi-Mode Comparison” *Political Analysis*, 22: 285-303.

⁶ Lavell, Bridget, Larsen, Michael D., and Gunderson, Craig. 2009. “Research Synthesis: Strategies for Surveys of American Indians.” *Public Opinion Quarterly*, 73(2): 385-403.

⁷ Lavell, Bridget, Larsen, Michael D., and Gunderson, Craig. 2009. “Research Synthesis: Strategies for Surveys of American Indians.” *Public Opinion Quarterly*, 73(2): 385-403; Hatcher, William W. Jr. 2002. “Conducting the Decennial Census on the Navajo Indian Reservation 1990 and 2000.” Proceedings of the Survey Research Methods Section, American Statistical Association, 1400–5.

identification card that was issued by the North Dakota Department of Transportation, a Tribal government-issued identification card or one issued by the Bureau of Indian Affairs, or a long-term care identification certificate issued by a North Dakota facility. This information provided directly by respondents was utilized to create our measure of accepted ID that is used throughout the report⁸.

16. This study was designed to assess if there were any statistically significant differences in rates of possession, or lack of possession, of accepted voter ID based on race and ethnicity. To assess this, the survey started by asking respondents to provide their race/ethnicity (see Exhibit B for full survey questionnaire).

17. Respondents could self-report their racial or ethnic group, and like the Census, respondents were allowed to select one or more racial groups. After establishing eligibility to participate in the survey, all respondents were asked: "We want to make sure we get a correct and accurate sample of all people here in North Dakota. Do you consider any part of your family ancestry to be Native American or American Indian?" Anyone who indicated "yes" was counted as Native American. Following this question, respondents were asked a standard Census question on race and ethnicity and could select White or Anglo, Native American or American Indian, Black or African American, Hispanic or Latino, Asian American, or Other. For both of these questions the interviewers were provided with a list of possible tribe names that a respondent might indicate, so that they could be appropriately recorded as Native American. This list can be found on the bottom of page 1 of Exhibit B, the survey questionnaire. At the close of the survey, we asked additional demographic question such as whether respondents are currently an enrolled member of any Native American tribe, and if so, which tribe, as well as whether or not they currently live on a designated Native American reservation or Tribal government area.

⁸ The survey also asked about a student identification certificate issued by an accredited North Dakota college or university, but this was not considered an accepted ID as per HB 1332/1333.

18. To assess the differential rates of possession of accepted voter ID, in-group percentages are presented for individuals who do not possess the various forms of voter ID as well as for potential burdens faced for non-Native and Native respondents to the survey. In addition to the frequencies associated with possession of accepted forms of ID, results from a series of statistical tests are presented to determine whether eligible Native voters in North Dakota are disproportionately impacted by the North Dakota voter ID law. In this case, logistic regression was utilized to determine whether or not different groups (racial groups in this case) are distinct from each other when observing binary outcomes, such as possession of acceptable voter ID. Logistic regression is the most appropriate statistical analysis to test these relationships for two reasons: first, because the outcome variable of interest, possession of an accepted voter ID, is binary and logistic regression is best at estimating a 0,1 binary dependent variable, and second, because the regression provides a more precise, accurate, and strict test of statistical significance than does a chi-square or t-test comparison of means. Although we find similar results for the chi-square and t-tests in our analysis, the results of the regression analysis provide a direct test of whether possession rates of acceptable ID vary in a statistically significant manner for Native Americans, as compared to non-Native Americans.

19. As is the norm in the social sciences, standard levels of significance are utilized of .001, .010, .050, and .100 to determine if a result is statistically significant. For example, if a relationship is statistically significant at 99 percent certainty – that is, we have 99 percent statistical certainty that the difference we observe is real and not the result of sampling error. Similarly, if the p value is .050, then we can say that the observed difference would achieve statistical significance at 95 percent certainty. The statistical significance, or confidence interval, essentially takes into account the survey margin of error, and degree of difference in results to determine if the differences observed are real and true.

20. We also occasionally present raw number estimates of the number of

persons affected. These estimates are included to provide further insight into the scope of the effects of HB 1332 and 1333, and are not used to assess the presence or extent of differential effects by group since that differential analysis necessarily depends upon comparisons of the rates among the different groups. The raw number estimates are extrapolations based on applying the survey's percentage estimates to the Census data for the citizen voting age population of North Dakota.

21. Finally, it was critical that respondents to the survey were both residents of North Dakota and eligible to vote. The survey therefore started with the following question that was used as a screener for eligibility to participate in the study: "Okay, just to make sure you are eligible to take part in our survey about voting, can you confirm that you are 18 or over, and currently a U.S. citizen, and have lived here in North Dakota for more than 30 days?" Therefore, any relationships between race and ethnicity and possession of accepted voter identification are specific to the voting eligible population of the state.

22. Survey Design. In designing a survey, researchers must consider three important topics to ensure their project is of the highest quality and follows social scientific standards. Two of the three relate to the design of the survey, and are discussed in this subsection of the report.

23. The first issue concerns the population for which inferences will be made and the method of interacting with that population. In this case, inferences will be made about the rates of possession of accepted voter identification for the eligible voting population in the state of North Dakota (and related matters). With this in mind, the most accurate and efficient way to contact this population should be determined. The most common approaches are through the use of (1) random digit dial, (2) household listed phone samples, and (3) address-based mail samples.

24. Random digit dial, or RDD, takes the known area codes and prefixes for a given geographic area, and randomly generates the last four digits of phone numbers and

calls those numbers entirely at random. This increases the likelihood that every possible phone number in North Dakota has an equal chance of being called.

25. A second approach that is also used quite extensively is randomly calling listed household samples. Rather than calling randomly generated phone numbers (some of which may not exist), a listed sample starts with the known universe of actual phone numbers for landline and/or cell phone subscribers that currently reside in a geographic area (North Dakota in this case). Listed samples are far more efficient than pure RDD because they greatly reduce the number of “dead numbers” dialed and allow interviewers to focus on known working phone numbers. Listed samples are especially useful if researchers are interested in drilling down into a particular sub-group within the population such as racial or ethnic minorities, or registered voters. Sample vendors can sell a listed sample of all households in a particular area, or they can provide sample records for just Native households. Likewise, sample vendors sell lists of known cell phone/wireless phone numbers for particular geographic areas, and those can then be randomly dialed as part of a survey. One of the advantages of using a survey firm with extensive experience purchasing lists is that the firm is able to secure these lists from the most reputable vendors available. This includes being able to secure cell-phone users who may have cell-phone numbers from outside of North Dakota but who actually reside within the state.

26. Finally, drawing on the social science literature, we implemented an address-based mail survey to addresses and P.O. boxes for part of the Native American oversample. This allowed us to reach respondents who may not have regular landline or cellphone access, and also to more accurately reach Native Americans across the state of North Dakota.

27. For this particular survey, several sample components were used. First, a statewide sample of 900 eligible voters, representative of the full demographics of North Dakota was targeted. Respondents were randomly contacted by cell phone and landline.

This initial sample provides the survey power to analyze internal variation within the state's overall population. Second, in order to reach a reliable sample of Native eligible voters, two separate listed-sample oversamples were undertaken to provide a larger sample from which we can draw more accurate generalizations. A total of 456 additional Native American respondents were interviewed in the telephone and mail targeted samples. These robust samples provide the ability to explore variation within each population as needed, and ensure that the margins of error associated with our results are well within accepted levels. In both instances, the survey reached eligible voters in landline and cell-phone-only households. Sample sizes and configurations are set forth in Table A, and further discussed below.

28. Table A: Sample Composition

	Landline	Cell phone	Mail	Total
Native American	110	56	290	456
White, non-Native	521	243	23	787
Other	56	32	0	88
Total	687	331	313	1,331

29. The second issue to ensure that a survey meets all social science standards concerns the design and construction of the survey questionnaire itself. In designing the questionnaire, researchers should follow best practices established by existing social science research, as well as groups such as the American Association of Public Opinion Research (AAPOR). It is important that questions are direct, objective, and neutral, not meant to lead respondents to give one particular answer over another, and should give respondents an appropriate range of available answer choices. With modern survey technology, CATI questionnaires should always be programmed to rotate question wording, randomize answer choices, rotate options forward-to-back and more, to ensure that no priming takes place whereby respondents lean towards one type of answer

because it is always read as the first option. For this project, we strictly followed the best social science practices for designing and implementing a survey.

30. The full questionnaire is included as an appendix to this document (Exhibit B) so that readers can see that all of these criteria were followed in designing and implementing this survey. In this instance, the survey questionnaire contained five main sections: first, screening questions to establish eligibility to participate in the study; second, questions focused on accepted voter ID; third, questions that probed rates of possession of documentary proof of citizenship, identity, and residency; fourth, questions about possible burdens to acquire an ID; and fifth, demographic questions concerning the sample.

31. Telephone Survey Execution. The third issue to ensure that a survey meets social science standards concerns the implementation of the survey instrument. In executing a survey, all possible respondents must have an equal chance to respond, participate, and be included. For example, if potential respondents were only called at home at 1:00 pm in the afternoon on Fridays, this would result in a sample that would be distinct from the overall population of North Dakota since many would not be able to participate in the study because they would have been at work during the call time. Instead, researchers should take an approach that gives each potential respondent an equal opportunity to be included in the survey.

32. The actual phone calls and implementation of the current survey was handled by Pacific Market Research (PMR), a market research firm in Renton, Washington, under our supervision and direction. This is a highly reputable survey firm that has implemented many surveys for applied, legal and academic research including surveys implementing similar designs as that used here for the purposes of exploring differences in public opinion and voting behavior. Further, Pacific Market Research implemented the surveys we performed for similar voter ID studies in the litigation noted above in Pennsylvania, Wisconsin, and Texas, and the courts in those cases found the survey data to

be reliable and consistent with accepted social science practices.

33. As discussed above, two sampling approaches were used in this survey. First, PMR implemented a pure RDD approach obtaining an overall sample of 900 eligible voters. Numbers were randomly generated, and then randomly selected phone numbers were dialed. To target Native American eligible voters for the telephone oversample, PMR procured a listed sample of high-density Native American census tracts, and then randomly selected phone numbers to be dialed. An additional sample list, of known cell/wireless-only households, also was used to ensure that residents who do not have a landline telephone were still included in the survey. This step was important, as more and more people are moving toward cell phone usage and cancelling their land-line telephones. Adding a cell-phone sample ensures that the data can speak to all aspects of the population. In all cases, calls were made from 4pm – 9pm local time Monday through Friday, and 12pm – 8pm local time Saturday and Sunday, beginning on July 30, 2015, and continuing until August 31, 2015. Landline numbers were auto-dialed and wireless numbers were manually dialed. If a respondent completed the survey, or refused to participate, that respondent was taken off the call list for future calls. Phone numbers were dialed and re-dialed up to five times in order to avoid any possible non-response bias that may result from only making one or two attempts per number. A full analysis of the data indicates that non-response bias did not present any problems in this study, given that up to five call-back attempts were used, and thus did yield hard-to-reach respondents. Phone numbers were “released” in batches of 100, and dialed until all numbers were exhausted, and then a second batch was made available, and so on.

34. Overall, Pacific Market Research reported a Response Rate-3 of 23.9 percent and a Cooperation Rate-3 of 37.4 percent, calculated as per the American Association of Public Opinion Research (AAPOR) guidelines⁹. In the field of survey research, response

⁹ For more on AAPOR guidelines: http://www.aapor.org/Response_Rates_An_Overview1.htm. The response rate refers to

rates between 20 and 30 percent and considered to be accurate and in an accepted range, and this project falls within that range.¹⁰

35. Mail Survey Execution. In addition to the telephone survey, Pacific Market Research implemented an address and post office box sampling procedure to obtain 313 completed surveys via the mail. Surveys were printed on hard copy and sent to randomly selected addresses, or P.O. boxes in and around Native American reservations between August 13, 2015 and November 30, 2015. Some address listed samples also included non-reservation addresses for enrolled tribal members. The survey also included a cover letter from the Native American Rights Fund explaining that they had contracted with PMR to implement the survey, and to make clear that the survey was voluntary and that all responses would be kept strictly confidential. In both the telephone and mail survey, respondents were also provided with a contact name and telephone number at PMR if they had any questions

36. With respect to the mail survey, Pacific Market Research reported a Response Rate of 5.5 percent.

37. After collecting the data for the main North Dakota sample, and the Native American oversample, the underlying demographic characteristics of the respective samples were examined and compared to the known universe estimates for each from the 2014 U.S. Census, *American Community Survey* (ACS) for North Dakota. Where there were any discrepancies, a weighting algorithm was applied to balance the sample, called raking

percent of individuals who agreed to take the survey out of the overall number of cases in the sample. In contrast, the cooperation rate refers the percent of individuals who agreed to take the survey out of the overall number of individuals reached by researchers.

¹⁰ Scott Keeter et. al. 2006. "Gauging the Impact of Growing Nonresponse on Estimates from a National RDD Telephone Survey," *Public Opinion Quarterly*. 70(5)

ratio estimation,¹¹ so that the final samples that were tabulated for the analysis were in line with the U.S. Census estimates for the state. For example, it is well known in survey research that younger people, say under 25 years old, are harder to reach than older people who are over age 65. If 8 percent of survey respondents are age 18-24 years old, but census data tells us they are actually 14 percent of the eligible voting population, then each young person needs to be “up-weighted” so that collectively they represent 14 percent of the sample. Overall, the discrepancies between the collected data and the Census population estimates were quite small and the resulting weights that were employed were also quite small. Still, by weighting the data to known Census ACS demographics for each group, or for the state at large, we can ensure that the results are reflective of the eligible voting population in North Dakota. This helps to ensure that the sample generated for the report is reflective of the overall population, and consequently, that the inferences made regarding possession rates of accepted ID are reflective of that target population as well. Weighting of survey data is a very common and accepted approach in social science research when inferences are made to the larger population.¹²

V. Under North Dakota’s Current Voter ID Laws, Thousands of Native Americans Do Not Possess Qualifying ID, and Therefore Will Not be Able to Vote.

38. I understand that, as of 2013, North Dakota law requires individuals to produce voter identification when seeking to vote in person on Election Day or as part of in-person early voting. I further understand that if a person fails to produce qualifying ID, they will not receive a ballot and cannot vote. My understanding is that the following

¹¹ Michael Battaglia et. al. 2004. “Tips and Tricks for Raking Survey Data (a.k.a. Sample Balancing)” Proceedings of the Survey Research Methods Section, American Statistical Association.

¹² Eun Sul Lee and Ronald Forthofer. 2006. *Analyzing Complex Survey Data*. Sage Publications.

forms of identification satisfy the new Voter ID law:

- A North Dakota driver's license.
- A North Dakota non-driver ID card issued by North Dakota's DOT.
- A Tribal government-issued ID card.
- A long-term care ID card issued by a North Dakota facility.

To satisfy the law, these forms of identification must be current, and must show the prospective voter's name, current physical address and birthdate.

39. Among the overall population of eligible voters in North Dakota, a sizeable number of citizens do not currently possess an acceptable form of voter ID. From our survey, we estimate that Native Americans are almost ***twice more likely*** to lack a valid ID than non-Native Americans in North Dakota:

- 23.5 percent of the Native American population that is eligible to vote does not have a valid voter ID.
- 12.0 percent of the non-Native population that is eligible to vote does not have a valid voter ID.

This difference is statistically significant at the 98 percent confidence level in the chi-square test, and at over the 99 percent confidence level in logistic regression.

40. In terms of raw numbers, approximately 72,501 eligible voters currently do not possess qualifying voter ID in North Dakota. This includes 7,984 Native Americans out of the estimated 33,974 Native Americans eligible to vote in North Dakota as of 2014.

41. The disparity is also present among North Dakotans who voted in 2012 presidential election:

- 15.4 percent of Native Americans living in North Dakota who indicated they voted in the 2012 presidential election now lack a valid voter ID.
- Only 6.9 percent of non-Native Americans living in North Dakota who indicated they voted in the 2012 presidential election now lack a valid voter ID.

This difference is statistically significant in the chi-square test at the 93 percent confidence level and at 99 percent confidence level in the logistic regression.

42. The data compel the conclusion that a racial disparity exists in possession rates of qualifying voter ID between Native Americans and non-Native Americans among both eligible voters generally, and also among those who voted in the previous presidential election, with Native American voters significantly less likely to have a qualifying voter ID.

43. Our survey further found that a lack of accurate information might affect the ability of eligible voters lacking a qualifying voter ID to ever obtain qualifying voter ID:

- 89.3 percent of Native Americans believe they currently do have an acceptable voter ID, even though only 76.5 percent of them actually do have an acceptable voter ID.
- 21.4 percent of Native Americans living in North Dakota are not at all aware of the state's new voter ID law and associated requirements.
- When asked if they have seen or heard any official announcements or advertisements concerning the new voter ID law, just 20.8 percent of Native Americans reported they had seen or heard something. This suggests outreach is anemic.

These results suggest that many potential voters who currently lack a qualifying voter ID will be less likely to even attempt to secure the required ID simply because they believe they are already complying with the law.

A. Native Americans Disproportionately Lack the Documents They Need to Obtain Qualifying ID.

44. Our survey results indicate a large number of eligible individuals do not possess documentary proof of citizenship and documentary proof of identity needed to acquire an accepted form of voter ID. As the table below shows, high percentages of Native Americans who currently lack voter ID do not currently possess the documents they would need to

obtain a qualifying ID (*i.e.*, birth certificate with their current legal name, documents showing residential address, and documents showing social security number). Indeed, based on our survey results, we estimate that ***3,808 Native Americans lack both a valid ID and lack the underlying documents to be able to obtain a valid ID.***

Percentage of Native Americans who do not have voter ID who do not possess the three types of documents needed to obtain voter ID..... **47.7%**

Percentage of Native Americans who do not have voter ID who do not possess a birth certificate showing their current legal name **32.9%**

Percentage of Native Americans who do not have voter ID who lack two documents showing their address **21.6%**

Percentage of Native Americans who do not have voter ID who do not have a social security card or a W2 evidencing their social security number **5.6%**

Estimated number of Native Americans who do not have voter ID and who lack the documents to obtain voter ID **3,808**

45. The percentage of Native Americans who lack the underlying documents and will be unable to obtain a valid voter ID—47.7 percent—is significantly higher in North Dakota than we have observed in other states where it was still a problem. In Texas, 30.4 percent of African Americans who lacked a photo ID also lacked underlying documents and 23.4 percent of Latinos who lacked a photo ID also lacked underlying documents.

B. Native Americans Disproportionately Lack the Resources Needed to Obtain Qualifying ID.

46. For those who lack an acceptable voter ID, some amount of resources are likely needed to obtain a qualifying ID. For example, citizens will need to have the proper information and know-how to navigate bureaucratic systems to obtain copies of birth certificates, naturalization records, social security cards, marriage or divorce certificates,

etc. In addition, they might have to take time off work or school to visit the appropriate state or county office, and find a means of transportation. Under any scenario, eligible voters who lack ID will face some potential burdens in attempting to obtain an accepted ID.

47. As the figures below demonstrate, Native Americans face greater financial challenges than non-Native Americans in obtaining qualifying voter ID. They make less money, they do not have the same amount of education, they are less likely to own their own home, and they have less access to transportation. The conclusion is stark and straightforward: isolating the population who currently lacks a valid ID, Native Americans are far lower resourced than non-Native Americans in North Dakota.

	Native Americans	Non-Native Americans
Percentage of citizens lacking voter ID who have household incomes under \$10,000	22.3%	12.3%
Percentage of citizens lacking voter ID who own their own homes	42.3%	63.1%
Percentage of citizens lacking voter ID who own or lease a car	73.9%	88.0%
Percentage of citizens lacking voter ID who have not finished High School	34.5%	5.7%
Percentage of citizens lacking voter ID who graduated from college	8.7%	32.9%

C. Native Americans Disproportionately Face Burdens in Trying to Obtain Qualifying ID.

48. In our survey, we focused on whether those respondents who lacked a valid voter ID would encounter burdens in attempting to obtain qualifying ID. More specifically, we wanted to find out whether eligible voters who lack qualifying ID may face expenses and other burdens in (1) learning where to go to obtain an ID; (2) gathering all necessary

documents to present to the issuing official; (3) obtaining transportation to get to a place where they can get an ID; and (4) taking time to visit an appropriate office during business hours. We asked a battery of questions aimed at assessing whether respondents who lack a valid ID card feel as though they would face increased costs or burdens to obtain an ID. In our empirical analysis, Native Americans face burdens at a statistically disproportionate rate than do non-Natives.

49. As the table below indicates, we found that Native Americans disproportionately face burdens in knowing where to go to get a qualifying ID, in getting to an office where they can obtain an ID, and in being able to get time off to travel to an office to get an ID.

	Native Americans	Non-Native Americans
Percentage of citizens lacking voter ID who know the location of the nearest DOT office	64.9%	85.2%
Percentage of citizens lacking voter ID who reported it would be a hardship to have to get a ride get to the nearest DOT office	29%	19.3%
Percentage of citizens lacking voter ID who reported it would be problem getting off work to go to a DOT office to obtain ID	44.1%	26.2%
Percentage of citizens lacking voter ID who reported it would be a problem to travel six miles each way to a DOT office to obtain ID	36.7%	17.3%
Percentage of citizens lacking voter ID who reported it would not be a problem at all to travel six miles each way to a DOT office to obtain ID	44.4%	79.0%
Percentage of citizens lacking voter ID who reported it would be a definite problem to travel 30 miles each way to a DOT office to obtain ID	31.3%	23.1%

Percentage of citizens lacking voter ID who reported it would not be a problem at all to travel 30 miles each way to a DOT office to obtain ID	34.2%	50.3%
Percentage of citizens lacking voter ID who reported it would be a hardship if they had to rely on public transportation to travel to a DOT office to get ID	47.3%	23.1%

50. Other potential issues which those who lack a valid ID reported would be a problem include: tracking down or paying for documents such as their original birth certificate, making it to the DOT office if it is only open during normal business hours, such as 8 a.m. to 5 p.m., and finally, the anticipated long lines and wait times at the DOT.

VI. Implications for Electoral Outcomes.

51. The disparate impact of the North Dakota Voter ID law has important implications for electoral outcomes. The implication for those who lack a valid voter ID on Election Day is that they will not be able to vote. Thus, the law has the potential to dilute the vote of certain protected classes of citizens. Our survey findings regarding the political preferences of Native Americans and non-Natives in North Dakota indicates a political environment characterized by racially divergent voting interests.

52. As set forth in the table below, Native Americans are much more likely to identify as Democrats than non-Native Americans. These differences are statistically significant at greater than 99 percent confidence level in both chi-square tests and regression analysis.

	Native Americans	Non-Native Americans
Percentage identifying as Republicans	17.0%	33.1%

Percentage identifying as Democrats	37.7%	16.9%
Percentage of citizens who voted in the 2012 presidential election who identify as Democrats	48.8%	18.9%

53. In addition, recent important elections demonstrate considerable differences between the voting patterns of Native Americans and non-Native Americans in North Dakota. The 2012 U.S. Senate contest between Democrat Heidi Heitkamp and Republican Rick Berg provides an example of racially polarized voting in a close election. Heitkamp defeated Berg by less than 3,000 votes—less than 1 percent of all ballots cast. Official election results can be found on the North Dakota Secretary of State website.¹³ Looking at the election results by county reveals that Native Americans had different voting preferences than non-Natives. While Heitkamp won 50.2 percent of the statewide vote, she dominated in counties heavily populated by Native Americans:

- In Sioux County, which is more than 80 percent Native American, Heitkamp won 83 percent of the vote.
- In Rolette County, which is 77 percent Native American, Heitkamp won 80 percent of the vote.
- In Benson County, which is majority Native American, she won 67 percent of the vote.

Conversely, Heitkamp did relatively poorly in counties with almost no Native American voters. For example, in Billings County and Golden Valley County, which are both less than 1 percent Native American, Heitkamp won less than 30 percent of the vote.

54. Going lower to the precinct level further shows the pattern of racially polarized voting. In Sioux County precinct Fort Yates West (a precinct that is more than 90 percent Native American), Heitkamp won 96.3 percent of the vote. Further West in the Selfridge

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<http://results.sos.nd.gov/resultsCTY.aspx?eid=35&text=Race&type=SW&rid=5002&osn=110&map=CTY>

precinct of Sioux County (which is 53 percent Native American), Heitkamp won only 59.7 percent of the vote. This same pattern can be found in Rolette County. The Turtle Mountain Reservation voting precinct, which is more than 90 percent Native American, voted 92.6 percent for Heitkamp, while the Rolla city voting precinct which is just 48 percent Native American voted 59.2 percent for Heitkamp.

55. These same patterns of racially polarized voting are also apparent in North Dakota state legislative elections. For example, legislative district 31 overlaps with the Standing Rock Reservation and Sioux County.¹⁴ In 2014, Republican Donald Schaible defeated Democrat Kristen Vesledahl districtwide. But Vesledahl prevailed in the most heavily Native American precincts. In the two Fort Yates precincts of Sioux County, Vesledahl won more than 80 percent of the vote. However, in Hettinger County, in the Mott precinct (which is less than two percent Native American), Vesledahl won just 9.6 percent of the vote. There are dozens and dozens of similar election result patterns that show a very high degree of correlation between the race and ethnicity of the voters within a precinct and their candidates of choice. Across almost any election in North Dakota, it is clear that Native American and non-Native American voters have different candidate preferences which amount to racially polarized voting.

56. The question here is just simply whether Native Americans—who are less likely to possess a valid photo ID—have different voting preferences than Non-Native Americans, or Whites. The reason for their preferences are not relevant. In *Teague v. Attala County*, 92 F.3d 283, 285 (5th Cir. 1996), the court held that the plaintiffs did not have to disprove other factors other than race affected voting patterns. The court just focused on the results of elections and evidence showing that Blacks and Whites had substantially different voting patterns was enough to meet the *Gingles* standards. That is, other factors can be associated

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<http://results.sos.nd.gov/resultsCTY.aspx?eid=126&text=Race&type=LG&rid=8016&osn=200&map=DIST>

with voting, but the only standard is whether different racial groups are voting differently. This ideal is based in the key opinion by Justice Brennan in *Thornburg v. Gingles*, 478 U.S. 30, 44-45 (1986). Specifically, Justice Brennan wrote “it is the difference between the choices made by black and white voters and not the reason for the difference that leads to blacks having less opportunity to elect their candidates of choice.” Justice Brennan advanced his evidentiary standard regarding racially polarized voting by repudiating certain arguments made by the state of North Carolina (and the United States as amicus). The state argued that statistical evidence must demonstrate not only that there is a correlation between the race of the voters and their choice of candidates, but also that race (as opposed to other factors such as socioeconomic status or party affiliation) is the principal reason for the voters' selections. According to the plurality, however, the proper inquiry under Section 2 is to ask whether voters of different race favor different candidates, not why they do so. Exploring the reasons for the relationship between race and votes cast interjects intent into the analysis, and “the legal concept of racially polarized voting incorporates neither causation nor intent,” according to Justice Brennan (p. 62).

VII. Conclusion.

57. Through a statewide survey of eligible voters across North Dakota Dr. Gabriel Sanchez and I have found clear racial disparities in possession of an acceptable voter ID between Native Americans and non-Native Americans. Native American eligible voters are statistically less likely to possess a valid ID. Furthermore, we have found that a large percentage of Native Americans who lack qualifying voter ID also lack the necessary underlying documents needed to obtain such an ID. Due to considerable resources deficits, Native Americans who lack a valid ID will face numerous barriers and burdens if they want to vote and try to obtain an ID. Finally, Native Americans have different political and partisan preferences than non-Natives in North Dakota and if Native Americans are disproportionately excluded from voting their vote will be diluted.

Executed on June 19, 2016 at Agoura Hills, CA.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Matt A. Barreto", is written over a light gray rectangular background.

Matthew A. Barreto

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, the document titled "**Declaration of Matthew A. Barreto, Ph.D.**" was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing ("NEF") to:

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19. Marks, Mara, Matt Barreto and Nathan Woods. 2004. "Harmony and Bliss in LA? Race and Racial Attitudes a Decade After the 1992 Riots." *Urban Affairs Review*. 40 (September): 3-18.
18. Barreto, Matt, Gary Segura and Nathan Woods. 2004. "The Effects of Overlapping Majority-Minority Districts on Latino Turnout." *American Political Science Review*. 98 (February): 65-75.

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17. Barreto, Matt and Ricardo Ramírez. 2004. "Minority Participation and the California Recall: Latino, Black, and Asian Voting Trends 1990 – 2003." *PS: Political Science & Politics*. 37 (January): 11-14.
16. Barreto, Matt and José Muñoz. 2003. "Reexamining the 'politics of in-between': political participation among Mexican immigrants in the United States." *Hispanic Journal of Behavioral Sciences*. 25 (November): 427-447.
15. Barreto, Matt. 2003. "National Origin (Mis)Identification Among Latinos in the 2000 Census: The Growth of the "Other Hispanic or Latino" Category." *Harvard Journal of Hispanic Policy*. 15 (June): 39-63.

Edited Volume Book Chapters

14. Barreto, Matt and Christopher Parker. 2015. "Public Opinion and Reactionary Movements: From the Klan to the Tea Party" In Adam Berinsky (ed.) New Directions in Public Opinion. 2nd edition. New York: Routledge Press.
13. Barreto, Matt and Gabriel Sanchez. 2014. "A 'Southern Exception' in Black-Latino Attitudes?." In Anthony Affigne, Evelyn Hu-Dehart, Marion Orr (eds.) Latino Politics en Ciencia Política. New York: New York University Press.
12. Barreto, Matt, Ben Gonzalez, and Gabriel Sanchez. 2014. "Rainbow Coalition in the Golden State? Exposing Myths, Uncovering New Realities in Latino Attitudes Towards Blacks." In Josh Kun and Laura Pulido (eds.) Black and Brown in Los Angeles: Beyond Conflict and Coalition. Berkeley, CA: University of California Press.
11. Barreto, Matt, Loren Collingwood, Ben Gonzalez, and Christopher Parker. 2011. "Tea Party Politics in a Blue State: Dino Rossi and the 2010 Washington Senate Election" In William Miller and Jeremy Walling (eds.) Stuck in the Middle to Lose: Tea Party Effects on 2010 U.S. Senate Elections. Rowman & Littlefield Publishing Group.
10. Jason Morin, Gabriel Sanchez and Matt Barreto. 2011. "Perceptions of Competition Between Latinos and Blacks: The Development of a Relative Measure of Inter-Group Competition." In Edward Telles, Gaspar Rivera-Salgado and Mark Sawyer (eds.) Just Neighbors? Research on African American and Latino Relations in the US. New York: Russell Sage Foundation.
9. Grofman, Bernard, Frank Wayman and Matt Barreto. 2009. "Rethinking partisanship: Some thoughts on a unified theory." In John Bartle and Paolo Bellucci (eds.) Political Parties and Partisanship: Social identity and individual attitudes. New York: Routledge Press.
8. Barreto, Matt, Ricardo Ramírez, Luis Fraga and Fernando Guerra. 2009. "Why California Matters: How California Latinos Influence the Presidential Election." In Rodolfo de la Garza, Louis DeSipio and David Leal (eds.) Beyond the Barrio: Latinos in the 2004 Elections. South Bend, ID: University of Notre Dame Press..
7. Francisco Pedraza and Matt Barreto. 2008. "Exit Polls and Ethnic Diversity: How to Improve Estimates and Reduce Bias Among Minority Voters." In Wendy Alvey and Fritz Scheuren (eds.) Elections and Exit Polling. Hoboken, NJ: Wiley and Sons, Inc..
6. Adrian Pantoja, Matt Barreto and Richard Anderson. 2008. "Politics y la Iglesia: Attitudes Toward the Role of Religion in Politics Among Latino Catholics" In Michael Genovese, Kristin Hayer and Mark J. Rozell (eds.) Catholics and Politics. Washington, D.C: Georgetown University Press..
5. Barreto, Matt. 2007. "The Role of Latino Candidates in Mobilizing Latino Voters: Revisiting Latino Vote Choice." In Rodolfo Espino, David Leal and Kenneth Meier (eds.) Latino Politics: Identity, Mobilization, and Representation. Charlottesville: University of Virginia Press.
4. Abosch, Yishaiya, Matt Barreto and Nathan Woods. 2007. "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.
3. Barreto, Matt and Ricardo Ramírez. 2005. "The Race Card and California Politics: Minority Voters and Racial Cues in the 2003 Recall Election." In Shaun Bowler and Bruce Cain (eds.) Clicker Politics: Essays on the California Recall. Englewood-Cliffs: Prentice-Hall.
2. Barreto, Matt and Nathan Woods. 2005. "The Anti-Latino Political Context and its Impact on GOP Detachment and Increasing Latino Voter Turnout in Los Angeles County." In Gary Segura and Shawn Bowler (eds.) Diversity in Democracy: Minority Representation in the United States. Charlottesville: University of Virginia Press.
1. Pachon, Harry, Matt Barreto and Frances Marquez. 2004. "Latino Politics Comes of Age in the Golden State." In Rodolfo de la Garza and Louis DeSipio (eds.) Muted Voices: Latino Politics in the 2000 Election. New York: Rowman & Littlefield

RESEARCH AWARDS AND FELLOWSHIPS

July 2013	Ford Foundation Center for Democracy and Voting Rights	\$200,000 – 12 months
April 2012	American Values Institute [With Ben Gonzalez] Racial Narratives and Public Response to Racialized Moments	\$40,000 – 3 months
Jan 2012	American Civil Liberties Union Foundation [With Gabriel Sanchez] Voter Identification Laws in Wisconsin	\$60,000 – 6 months
June 2011	State of California Citizens Redistricting Commission An Analysis of Racial Bloc Voting in California Elections	\$60,000 – 3 months
Apr 2011	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? A national conference on the political and social incorporation of American Muslims	\$50,000 – 18 months
Jan 2011	impreMedia [With Gary Segura] Latino public opinion tracking poll of voter attitudes in 2011	\$30,000 – 6 months
Oct 2010	National Council of La Raza (NCLR) [With Gary Segura] Measuring Latino Influence in the 2010 Elections	\$128,000 – 6 months
Oct 2010	We Are America Alliance (WAAA) [With Gary Segura] Latino and Asian American Immigrant Community Voter Study	\$79,000 – 3 months
May 2010	National Council of La Raza (NCLR) [With Gary Segura] A Study of Latino Views Towards Arizona SB1070	\$25,000 – 3 months
Apr 2010	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? The influence of religiosity in Muslim political incorporation	\$50,000 – 18 months
Oct 2009	American Association of Retired Persons (AARP) [With Gary Segura] Health care reform and Latino public opinion	\$25,000 – 3 months
Nov 2008	impreMedia & National Association of Latino Elected Officials (NALEO) [With Gary Segura] 2008 National Latino Post-Election Survey, Presidential Election	\$46,000 – 3 months
July 2008	National Association of Latino Elected Officials (NALEO) [With Gary Segura] Latino voter outreach survey – an evaluation of Obama and McCain	\$72,000 – 3 months
June 2008	The Pew Charitable Trusts, Make Voting Work Project [with Karin MacDonald and Bonnie Glaser] Evaluating Online Voter Registration (OVR) Systems in Arizona and Washington	\$220,000 – 10 months
April 2008	National Association of Latino Elected Officials (NALEO) & National Council of La Raza (NCLR), 2008 Latino voter messaging survey	\$95,000 – 6 months
Dec. 2007	Research Royalty Fund, University of Washington 2008 Latino national post-election survey	\$39,000 – 12 months
Oct. 2007	Brenan Center for Justice, New York University [with Stephen Nuño and Gabriel Sanchez] Indiana Voter Identification Study	\$40,000 – 6 months
June 2007	National Science Foundation, Political Science Division [with Gary Segura] American National Election Study – Spanish translation and Latino oversample	\$750,000 – 24 months

RESEARCH GRANTS AND FELLOWSHIPS CONTINUED...

Oct. 2006	University of Washington, Vice Provost for Undergraduate Education Absentee voter study during the November 2006 election in King County, WA	\$12,000 – 6 months
Mar. 2006	Latino Policy Coalition Public Opinion Research Grant [with Gary Segura] Awarded to the Washington Institute for the Study of Ethnicity and Race	\$40,000 – 18 months
2005 – 2006	University of Washington, Institute for Ethnic Studies, Research Grant	\$8,000 – 12 months
Mar. 2005	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Conduct Exit Poll during Los Angeles Mayoral Election, Mar. 8 & May 17, 2005 Awarded to the Center for the Study of Los Angeles	\$30,000 – 6 months
2004 – 2005	Ford Foundation Dissertation Fellowship for Minorities	\$21,000 – 12 months
2004 – 2005	University of California President's Dissertation Fellowship	\$14,700 – 9 months
2004 – 2005	University of California Mexico-US (UC MEXUS) Dissertation Grant	\$12,000 – 9 months
Apr – 2004	UC Regents pre-dissertation fellowship, University of California, Irvine,	\$4,700 – 3 months
2003 – 2004	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Awarded to the Center for the Study of Los Angeles	\$20,000 – 12 months
2002 – 2003	Ford Foundation Grant on Institutional Inequality [with Harry Pachon] Conducted longitudinal study of Prop 209 on Latino and Black college admittance Awarded to Tomás Rivera Policy Institute	\$150,000 – 12 months
2002 – 2003	Haynes Foundation Grant on Economic Development [with Louis Tornatzky] Knowledge Economy in the Inland Empire region of Southern California Awarded to Tomás Rivera Policy Institute	\$150,000 – 18 months
2001 – 2002	William F Podlich Graduate Fellowship, Center for the Study of Democracy, University of California, Irvine	\$24,000 – 9 months

ARTICLES UNDER REVIEW/WORKING PAPERS:

Garcia-Rios, Sergio and Matt A. Barreto. "Politicized Immigrant Identity, Spanish Language Media and Immigrant Political Mobilization in 2012." Revise and Resubmit.

Barreto, Matt, Natalie Masuoka and Gabe Sanchez. "Religiosity, Discrimination and Group Identity Among Muslim Americans" Revise and Resubmit

Dana, Karam, Matt Barreto and Bryan Wilcox-Archuleta. "Religiosity and Muslim American Political Incorporation" [Under review]

Barreto, Matt, Stephen Nuño, and Gabriel Sanchez, Hannah Walker. "Race, Class and Barriers to Voting in the 21st Century: The Unequal Impact of Voter ID Laws." [Under review]

Barreto, Matt Karam Dana, and Kassra Oskooii. "No Sharia, No Mosque: Orientalist Notions of Islam and Intolerance Toward Muslims in the United States" [Under review]

Barreto, Matt, David Redlawsk and Caroline Tolbert. "Framing Barack Obama: Muslim, Christian or Black?" [Under review]

Barreto, Matt and Adrian Pantoja. "Politics and Religion in the Schoolhouse: Latino religiosity and attitudes towards education policies." [Under review]

Barreto, Matt and Gabe Sanchez. "Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" [Under review]

CONSULTING EXPERT:

- Texas, 2014, Testifying Expert for Plaintiffs in Texas voter ID lawsuit, *Veasey v. Perry* 2:13-cv-00193
- Galveston County, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, vote dilution analysis, and racially polarized voting analysis for Section 2 lawsuit Galveston County JP/Constable districting
- Pasadena, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Pasadena School District
- Harris County, TX Redistricting, 2011, Testifying Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Harris County
- Pennsylvania, 2012, Testifying Expert for ACLU Foundation of Pennsylvania in voter ID lawsuit, *Applewhite v. Commonwealth of Pennsylvania* No. 330 MD 2012
- Milwaukee County, WI, 2012, Testifying Expert for ACLU Foundation of Wisconsin in voter ID lawsuit, *Frank v. Walker* 2:11-cv-01128(LA)
- Orange County, FL, 2012, Consulting Expert for Latino Justice/PRLDEF, Racially polarized voting analysis in Orange County, Florida
- Anaheim, CA, 2012, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for CVRA redistricting case Anaheim, CA
- Los Angeles County, CA, 2011, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for three redistricting cases in L.A.: Cerritos Community College Board; ABC Unified Schools; City of West Covina
- Harris County, TX Redistricting, 2011, Consulting Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, for Section 5 objection within Harris County
- Monterey County, CA Redistricting, 2011, Consulting Expert for City of Salinas, Demographic analysis, creation of alternative maps, and racially polarized Voting analysis within Monterey County
- Los Angeles County Redistricting Commission, 2011, Consulting Expert for Supervisor Gloria Molina, Racially Polarized voting analysis within L.A. County
- State of California, Citizens Redistricting Commission, 2011, Consulting Expert, Racially Polarized Voting analysis throughout state of California
- Asian Pacific American Legal Center, 2011, Racially Polarized Voting analysis of Asian American candidates in Los Angeles for APALC redistricting brief
- Lawyers' Committee for Civil Rights and Arnold & Porter, LLP, 2010-12, Racially Polarized Voting analysis of Latino and Asian candidates in San Mateo County, concerning San Mateo County Board of Supervisors
- ACLU of Washington, 2010-11, preliminary analysis of Latino population patterns in Yakima, Washington, to assess ability to draw majority Latino council districts
- State of Washington, 2010-11, provided expert analysis and research for *State of Washington v. MacLean* in case regarding election misconduct and voting patterns
- Los Angeles County Chicano Employees Association, 2008-10, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (6 reports issued 08-10)
- Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10 Amicus Brief submitted to Indiana Supreme Court, *League of Women Voters v. Rokita*, regarding access to voter identification among minority and lower resource citizens
- State of New Mexico, consulting expert for state in *AAPD v. New Mexico*, 2008,
- District of Columbia Public Schools (DCPS), statistical consultant for survey methodology of opinion survey of parents in DCPS district (for pending suit), 2008,
- Brennan Center for Justice, 2007-08, Amicus Brief submitted to U.S. Supreme Court, and cited in Supreme Court decision, *Crawford v. Marion County*, regarding access to voter identification among minority and lower-resource citizens
- Los Angeles County Chicano Employees Association, 2002-07, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (12 + reports issued during 5 years)
- Monterrey County School Board, 2007, demographic and population analysis for VRA case
- Sweetwater Union School District, 2007-08, Racially Polarized Voting analysis, and demographic and population analysis for VRA case
- Mexican American Legal Defense Fund, 2007-08, Racially Polarized Voting analysis for Latino candidates, for City of Whittier city council races, for VRA case
- ACLU of Washington, 2008, preliminary analysis of voting patterns in Eastern Washington, related to electability of Latino candidates
- Nielsen Media Research, 2005-08, with Willie C. Velasquez Institute, assessed the methodology of Latino household recruitment in Nielsen sample

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**TEACHING
EXPERIENCE:**

UCLA & UW

2005 – Present

- Minority Political Behavior (Grad Seminar)
- Politics of Immigration in the U.S. (Grad Seminar)
- Introduction to Empirical/Regression Analysis (Grad Seminar)
- Advanced Empirical/Regression Analysis (Grad Seminar)
- Political Participation & Elections (Grad Seminar)
- The Voting Rights Act (Law School seminar)
- Research methodology II (Law School Ph.D. program seminar)
- U.S. Latino Politics
- Racial and Ethnic Politics in the U.S.
- Politics of Immigration in the U.S.
- Introduction to American Government
- Public Opinion Research
- Campaigns and Elections in the U.S.
- Presidential Primary Elections

Teaching Assistant

University of California, Irvine

2002 – 2005

- Intro to American Politics (K. Tate)
- Intro to Minority Politics (L. DeSipio)
- **Recognized as Outstanding Teaching Assistant, Winter 2002**
- Statistics and Research Methods (B. Grofman)
- **Recognized as Outstanding Teaching Assistant, Winter 2003**

**BOARD &
RESEARCH
APPOINTMENTS****Founding Partner**

Latino Decisions

2007 – Present**Senior Research Fellow**

Center for the Study of Los Angeles, Loyola Marymount University

2002 – Present**Board of Advisors**

American National Election Study, University of Michigan

2010 – Present**Research Advisor**

American Values Institute / Perception Institute

2009 – Present**Advisory Board**States of Change: Demographics & Democracy Project
*CAP, AEI, Brookings Collaborative Project*2014 – Present**Expert Consultant**

State of California, Citizens Redistricting Committee

2011 – 2012**Senior Scholar & Advisory Council**

Latino Policy Coalition, San Francisco, CA

2006 – 2008**Board of Directors**

CASA Latina, Seattle, WA

2006 – 2009**Faculty Research Scholar**

Tomás Rivera Policy Institute, University of Southern California

1999 – 2009

PHD STUDENTS

UCLA & UW

Committee Chair or Co-Chair

- Francisco I. Pedraza – Texas A&M University (UW Ph.D. 2008)
- Loren Collingwood – University of California, Riverside (UW Ph.D. 2012)
- Betsy Cooper – Public Religion Research Institute, Washington DC (UW Ph.D. 2014)
- Sergio I. Garcia-Rios – Cornell University (UW Ph.D. 2015)
- Hannah Walker – Rutgers University (UW Ph.D. 2016)
- Kassra Oskooii – *in progress* (UW ABD)
- Angela Ocampo – *in progress* (UCLA ABD)
- Ayobami Lanijonu – *in progress* (UCLA ABD)

Committee Member

- Raynee Gutting – Loyola Marymount University (Stony Brook Ph.D. 2015)
- Christopher Towler – Western Washington University (UW Ph.D. 2014)
- Benjamin F. Gonzalez – Highland College (UW Ph.D. 2014)
- Marcela Garcia-Castañon – San Francisco State University (UW Ph.D. 2013)
- Justin Reedy (Communications) – University of Oklahoma (UW Ph.D. 2012)
- Dino Bozonelos – Cal State San Marcos (UC Riverside Ph.D. 2012)
- Brandon Bosch – University of Nebraska (UW Ph.D. 2012)
- Karam Dana (Middle East Studies) – UW Bothell (UW Ph.D. 2010)
- Jessica Stewart – *in progress* (UCLA ABD)
- Jonathan Collins – *in progress* (UCLA ABD)
- Patrick Rock (Social Psychology) – *in progress* (UCLA ABD)
- Nazita Lajevardi – *in progress* (UC San Diego ABD)
- Kiku Huckle – *in progress* (UW ABD)

EXHIBIT B

MODE = TELEPHONE SURVEY

S0. Type of Sample

RDD / Landline.....1
 RDD / Wireless.....2
 Household Listed..... 3

S1. [IF LISTED] Hello, may I please speak with Mr./Ms. [INPUT THE NAME OF RESPONDENT]?

RESPONDENT AVAILABLE ... CONTINUE ... 1
 RESPONDENT IS NOT AVAILABLE ... CALL-BACK SCHEDULED ... 2
DON'T KNOW/NO OPINION (DK)/ REFUSED TO ANSWER (RF) ... TERMINATE ... 9

Hello, my name is _____. This is not a sales call. I am calling on behalf of Pacific Market Research, as part of a non-partisan, university research project. We are conducting a short public opinion survey about important issues in the state of North Dakota.

S2. Okay, just to make sure you are eligible to take part in our survey about voting, can you confirm that you are 18 or over, and currently a U.S. citizen, and have lived here in North Dakota for more than 30 days?

Yes..... 1
 No – not eligible.....TERMINATE 2
 Don't Know / Refused....TERMINATE..... 99

S3. In talking to people about voting, we often find that many people are not on the current voting list because they have not voted in a recent election. How about you? Would the official voter records at the Secretary of State's office indicate that you are listed on the current central voter file, or not?

Yes..... 1
 No..... 2
 Don't Know / Refused..... 99

S4. We want to make sure we get a correct and accurate sample of all people here in North Dakota. Do you consider any part of your family ancestry to be Native American or American Indian?

Yes..... 1
 No..... 2
 Don't Know / Refused..... 99

S5. Okay, and what do you consider your race or ethnicity to be? [ALLOW MULTIPLE RESPONSES, RECORD ORDER]

White / Anglo 1
 Native American / American Indian.....2
 Black / African American..... 3
 Hispanic / Latino..... 4
 Asian American..... 5
 Other [SPECIFY]..... 6
 Don't know...88
 Refused..... 99

Note to interviewer – possible specific tribe names include: Mandan Hidatsa, Arikara, Yanktonia, Sisseton, Wahpeton, Oyate, Hunkpapa, Dakotah, Nakotah, Lakotah, Sioux, Pembina Chippewa, Cree, Metis

Other tribal names may include: Sisseton-Wahpeton Oyate Tribe, Spirit Lake Nation, Standing Rock Nation, Three Affiliated Tribes, Turtle Mountain Band of Chippewa

START MAIN QUESTIONNAIRE

1. [IF S3=1] Here in North Dakota, some people vote in person at a polling place, and some have a mail or absentee ballot sent to them. How about you, when you have voted is it usually: in-person at a polling place, do you sometimes vote by mail or absentee ballot, or do you always vote by mail or absentee ballot?

Polling place..... 1
 Sometimes by mail/absentee ballot 2
 Always by mail/absentee ballot 3
 Do not vote (VOL)..... 4
 Don't Know/Not Sure 88
 Refused 99

1B. [IF Q1=1 or 2] When you vote in person at a polling place, do you always vote on Election Day, do you sometimes vote early before election day, or do you ALWAYS vote early before election day?

Usually vote on Election Day 1
 Sometimes before Election Day 2
 Always vote early..... 3
 Do not vote (VOL)..... 5
 Don't Know/Not Sure 88
 Refused 99

2. Different states have different rules on what a voter needs to show the poll worker before they can vote at the polling place. As far as you know, does North Dakota have a law that **REQUIRES** voters to show a valid ID before they can vote in-person at their polling place either early or on Election Day, or is this not required in North Dakota to vote in-person?

Yes, North Dakota requires ID 1
 No, they do NOT require ID 2
 Something else..... 3
 Don't Know/Not Sure 88
 Refused 99

3. And if a poll worker did happen to ask you to show a valid ID in order to vote, as far as you know, do you currently possess a valid ID required to vote?

Yes..... 1
 No..... 2
 Maybe / Depends 3
 Don't Know/Not Sure 4
 Refused 99

4. In prior years, if a person's name was not found on the voter list, you could still sign-in and vote as long as you signed an affidavit swearing that you were in fact an eligible voter in North Dakota. In any past elections, did you ever have to sign a paper to vote because your name was not already on the voter list?

Yes..... 1
 No..... 2
 Don't Know/Not Sure 4
 Refused 99

Possession of Valid ID

4. Switching topics, do you happen to have a **North Dakota** driver's license? [If Respondent asks: This must be a driver's license from the state of North Dakota]

Yes..... 1
 No..... 2
 Don't know/Not Sure 88
 Refused 99

4A. [IF Q4 = 1] Is your license currently valid, or is it suspended or revoked? Or maybe it was lost or stolen and you don't currently have it in your possession?

None of these – it is valid..... 1
 Suspended 2
 Revoked..... 3
 Lost or stolen..... 4
 Don't Know/Not Sure 88
 Refused 99

4B. [IF Q4 = 1] If you can, take your driver's license out real quick and check the expiration date? Is the expiration date after July 1, 2015, or like some people we've talked to, did it expire before July 1, 2015?

If don't know or don't have license: "Well, when was the last time you went and had your driver's license updated? Was it in the last 6 years, since June 2009, or was it sometime BEFORE that?

Yes, it expires after July 1, 2015..... 1
 Yes, in the last 6 years since 2009..... 2
 No, it expired BEFORE July 2015..... 3
 No, not updated in last 6 years 4
 Maybe / not sure / can't remember 5
 Don't know 88
 Refused 99

4C. [IF Q4=1] Okay, and does your driver's license have your current and accurate full residential address listed? ... Or does your license contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address..... 1
 It has a P.O. Box..... 2
 It has an old address..... 3
 None, no address listed..... 4
 Don't know 88
 Refused 99

5. [IF Q4 = 2-99 or Q4A=2/99 or Q4B=3/99 or Q4C=2/99] Okay, instead of a driver's license, do you happen to have a North Dakota non-driver identification card that was issued by North Dakota Department of Transportation?

Yes..... 1
 No..... 2
 Don't know/Not Sure 88
 Refused 99

5A. [IF Q5 = 1] If you can, take your ID card out real quick and check the expiration date? Is the expiration date after July 1, 2015, or like some people we've talked to, did it expire before July 1, 2015?

If don't know or don't have your ID card: "Well, when was the last time you went and had your ID card updated? Was it in the last 6 years, since June 2009, or was it sometime BEFORE that?

Yes, it expires after July 1, 2015..... 1
 Yes, in the last 6 years since 2009..... 2
 No, it expired BEFORE July 2015 3
 No, not updated in last 6 years 4
 Maybe / not sure / can't remember 5
 Don't know 88
 Refused 99

5B. [IF Q5=1] Okay, and does your non-driver ID card have your current and accurate full residential address listed? ... Or does your ID card contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address..... 1
 It has a P.O. Box..... 2
 It has an old address..... 3
 None, no address listed..... 4
 Don't know 88
 Refused 99

6. [IF ENTERED Q5 SERIES, AND Q5=2/99 or Q5A=3/99 or Q5B=2/99] Okay, do you have any of these other types of identification? Please tell me yes or no for each type: [Check all that apply]

A. Tribal government issued identification card or Bureau of Indian Affairs issued ID card

Yes, Tribal government issued..... 1
 Yes, BIA issued..... 2
 No..... 3
 Don't know 88
 Refused 99

B. Student identification certificate issued by a North Dakota college or university

NOTE TO INTERVIEWER: Verify this is a certificate and not just a student ID card

Yes..... 1
 No..... 2
 Don't know 88
 Refused 99

C. [If 6B = 1] What is the name of the university or college you are attending that has issued you an identification certificate?

(Please record the exact name identified by the respondent} _____

D. Long-term care identification certificate provided by a North Dakota facility

NOTE TO INTERVIEWER: Verify this is a certificate and not just an ID card

Yes..... 1
 No..... 2
 Don't know..... 88
 Refused 99

7A. [IF Q6B = 1] Does your tribal government or BIA issued identification card have an expiration date printed on it, and is it currently up-to-date and non-expired?

Yes, it is current..... 1
 No, it is expired..... 2
 Does not have expiration date printed on it..... 3
 Don't know 88
 Refused 99

7B. [IF Q6B = 1] Does your student ID certificate have an expiration date printed on it, and is it currently up-to-date and non-expired?

Yes, it current 1
 No, it is expired..... 2
 Does not have expiration date printed on it..... 3
 Don't know 88
 Refused 99

7C. [IF Q6C = 1] Does your long-term care ID certificate have an expiration date printed on it, and is it currently up-to-date and non-expired?

Yes, it current 1
 No, it is expired..... 2
 Does not have expiration date printed on it..... 3
 Don't know 88
 Refused 99

8A. [IF Q6A=1] Okay, and does your Tribal government or BIA issued ID card have your current and accurate full residential address listed? ... Or does your Tribal ID contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address..... 1
 It has a P.O. Box..... 2
 It has an old address..... 3
 None, no address listed..... 4
 Don't know 88
 Refused 99

8B. [IF Q6B=1] Okay, and does your student ID certificate have your current and accurate full residential address listed? ... Or does your student certificate contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address..... 1
 It has a P.O. Box..... 2
 It has an old address..... 3
 None, no address listed..... 4
 Don't know..... 88
 Refused 99

8C. [IF Q6C=1] Okay, and does your long-term care ID certificate have your current and accurate full residential address listed? ... Or does your certificate contain a P.O. Box, an old address or have no residential address listed?

NOTE TO INTERVIEWER: CONFIRM ANSWER BEFORE MOVING ON

It has current and full address..... 1
 It has a P.O. Box..... 2
 It has an old address..... 3
 None, no address listed..... 4
 Don't know..... 88
 Refused 99

Underlying Documents Needed for ID

9. Okay, and were you born in the United States, Puerto Rico, or another country?

United States..... 1
 Puerto Rico 2
 Another country.....SKIP TO Q14..... 3
 (Don't know) 88
 (Refused) 99

10. [If Q9=1] And which state were you born in? {MENU WITH ALL STATES+PR AND OTHER US TERRITORY, LIST NORTH DAKOTA 1st}

RECORD SPECIFIC STATE _____

11. [SKIP IF Q9=3] Think about the last time you had to use or show your birth certificate? Some of the people we've talked to have lost or misplaced their official birth certificate. How about you? Do you have your original, or an official certified copy - NOT A PHOTOCOPY - of your birth certificate with you - or like some people, do you NOT have your original or certified copy of your birth certificate?

Yes, has birth certificate..... 1
 No, does not have birth certificate..... 2
 Don't know/Not Sure 88
 Refused 99

12. [If Q11=1] Does your birth certificate reflect your current legal name, or has your legal name changed since birth due to adoption, marriage, divorce, or some other reason? {PROBE: Why did it change}

Yes, reflects current legal name 1
 No, name changed: marriage..... 2
 No, name changed: divorce..... 3
 No, name changed: adoption..... 4
 No, name changed: other reason..... 5
 Don't know/Not Sure 88
 Refused 99

13A. [IF Q12=2] If your name changed due to marriage, do you have a certified copy of your marriage license?

Yes, I have a marriage license.....1
 No, do not have a marriage license.....2
 Don't know/Not Sure.....88
 Refused.....99

13B. [IF Q12=3/99] If your name changed, do you have a certified copy of a court order indicating your name change?

Yes, I have a copy of court order.....1
 No, do not have a copy of court order.....2
 Don't know/Not Sure.....88
 Refused.....99

14. Do you happen to have a U.S. passport or passport card?

Yes..... 1
 No..... 2
 Don't know/Not Sure 88
 Refused 99

15A. [IF Q14=1] Is the expiration date on your passport after July 1, 2015, or like some people we've talked to, did it expire before July 1, 2015? [IF NECESSARY: Prompt: "Most U.S. passports are valid for 10 years after they have been issued, and then they expire"]

Yes, it current 1
 No, it is expired..... 2
 Maybe / not sure / can't remember 3
 Don't know..... 88
 Refused 99

15B.[If Q15A=1] Does your passport reflect your current legal name, or has your legal name changed since birth due to adoption, marriage, divorce, or some other reason? {PROBE: Why did it change}

Yes, reflects current legal name 1
 No, name changed: marriage..... 2
 No, name changed: divorce..... 3
 No, name changed: adoption..... 4
 No, name changed: other reason..... 5
 Don't know/Not Sure 88
 Refused 99

16. [IF Q9=3] Okay, do you happen to have your U.S. certificate of citizenship or a U.S. certificate of naturalization, a certification of birth issued by the State Department, or like some people we have talked to, have you lost or misplaced it? [IF NECESSARY: "This would be if you were born outside the United States"]

Yes, I have it 1
 No, do not have 2
 Don't know 88
 Refused 99

17. And how about a social security card? Do you currently have your actual Social Security Card, not a print out or photocopy?

Yes, has social security card 1
 No, does not have..... 2
 Don't know 88
 Refused 99

18. [IF Q17=2/99] Instead of a social security card, do you have a W-2 or 1099 Tax form, or a pay stub which has your name and social security number listed on it?

Yes, has one of these documents 1
 No, does not have..... 2
 Don't know 88
 Refused 99

19. Often times when you go to get a driver's license or state ID card you need to show proof of address. Here in North Dakota you need to show 2 types of documents with your current residential address. This question is completely anonymous and confidential, but important for research purposes.

For each document that I read, just tell me yes or no, if you have that document with YOUR NAME and **full current residential address, not a P.O. Box** and you could produce it at the North Dakota DOT if you were going to get a driver's license or non-driver ID card.

How about _____

NOTE TO INTERVIEWER: CONFIRM DOCUMENT HAS PHYSICAL ADDRESS, NOT PO BOX

- 19.1 A government issued tax form
- 19.2 Bank statement
- 19.3 Mortgage document
- 19.4 Home owners or renters insurance policy
- 19.5 Utility bill
- 19.6 Credit card statement
- 19.7 Pay stub or earnings statement
- 19.8 Rent receipt
- 19.9 Phone bill
- 19.10 Transcript or report card from accredited school

Yes 1
 No..... 2
 Don't know / not sure / can't remember..... 88
 Refused 99

20. It's hard to vote in every single election, and some people we've talked to say they didn't vote in some recent elections. Thinking back to the 2012 presidential election on November 6th 2012, try to remember as accurately as possible if you voted in the 2012 presidential election between Barack Obama and Mitt Romney, here in North Dakota. Did you vote in the November 2012 election or not?

Yes..... 1
 No..... 2
 Don't know / not sure / can't remember..... 88
 Refused 99

Section on Possible Barriers to Obtaining ID Card

21. [IF NO VALID LICENSE OR ID CARD] Do you happen to know where the nearest North Dakota Department of Transportation office is in relation to your home, work or school?

Yes..... 1
 No..... 2
 Don't know / not sure / can't remember..... 88
 Refused 99

22. [IF NO VALID LICENSE OR ID CARD] Have you ever been to the North Dakota Department of Transportation office, either to try and get a license or non-driver ID card?

Yes..... 1
 No..... 2
 Don't know / not sure / can't remember..... 88
 Refused 99

23. [IF NO VALID LICENSE OR ID CARD] Of the following list, please tell me if any of the items would, or would not pose a problem for you, if you needed to go to the North Dakota Department of Transportation office, called the "DOT office" on Monday through Friday during normal business hours to obtain, or update your driver's license or state ID card?

Would it be [rotate front/back] a definite problem, somewhat of a problem, only a little problem, or not at all a problem?

	Degree of a problem					
	Definite	Some	Little	None	Don't know	Refused
A. Finding out where the nearest DOT office is	1	2	3	4	88	99
B. Getting a ride to the DOT office	1	2	3	4	88	99
C. Getting time off from work or school	1	2	3	4	88	99
D. Getting the necessary documents in order, such as my original birth certificate	1	2	3	4	88	99
E. Having to travel about 6 miles each way to the nearest DOT office in your community	1	2	3	4	88	99
F. Having to travel about 30 miles each way to the nearest DOT office in your community	1	2	3	4	88	99
G. Having to wait in line at the DOT office for about one hour to get your ID	1	2	3	4	88	99

H. Having to wait in line at the DOT office for about two hours to get your ID	1	2	3	4	88	99
I. Using or paying for public transit to get there	1	2	3	4	88	99
J. Paying for any required documents you may not have, such as original birth certificate	1	2	3	4	88	99
K. Making it to the required office during their normal business hours <u>such as 8am to 5pm only</u>	1	2	3	4	88	99
L. Making it to the required office during their normal business hours <u>Monday through Friday only</u>	1	2	3	4	88	99

24. Over the past few months, have you seen or heard any official announcements or advertisements by the state of North Dakota about the new voter identification law on the radio, TV, newspaper, Twitter, Facebook or the Internet?

Yes, I have heard information 1
 No, I have not heard any information..... 2
 Don't know / not sure / can't remember..... 88
 Refused 99

25. Of the following list, please tell me yes or no, if you believe each type of identification can be used to establish proof of identity for purposes of voting in North Dakota

- A. North Dakota driver's license
- B. United States Military identification card
- C. Employment or work identification from a State of North Dakota agency
- D. Employment or work identification from a Federal agency such as the FBI or Department of Justice
- E. United States Passport
- F. University or College issued identification card

Yes..... 1
 No..... 2
 Don't know / not sure / can't remember..... 88
 Refused 99

DEMOGRAPHICS

D1. How long have you lived in North Dakota? [FOLLOW UP: “How many years”]

[RECORD NUMBER OF YEARS: _____; REFUSED=999,
 0=LESS THAN ONE YEAR – ASK FOLLOW UP “How many
 months?”]

D2. And how long have you lived at your current address? [FOLLOW UP: “How many years”]

[RECORD NUMBER OF YEARS: _____; REFUSED=999,
 0=LESS THAN ONE YEAR – ASK FOLLOW UP “How many
 months?”]

D3. [IF S4=1 or S5=2] Are you currently an enrolled member of any Native American tribe? Which Tribe?

No.....	0
Turtle Mountain	1
Standing Rock.....	2
Three Affiliated Tribes.....	3
Sisseton-Wahpeton Oyate	4
Spirit Lake Nation.....	5
Other Tribe [RECORD NAME]	6
Don't know / not sure / can't remember.....	88
Refused	99

D4. Do you currently live on a designated Native American reservation or Tribal government area?

Yes.....	1
No.....	2
Don't know / not sure / can't remember.....	88
Refused	99

D5. What is the name of the county you currently live in?

[If they don't know county name, “How about the name of the city?”] _____

DROP DOWN LIST OF ALL COUNTIES

IF DK COUNTY, RECORD CITY NAME

D6. What is the highest level of education you completed? Just stop me when I read the correct category.

Grades 1 – 8.....	1
Some High School	2
High School graduate or GED.....	3
Some College/Technical School	4
College graduate	5
Post-graduate education.....	6
(Don't know)	88
(Refused)	99

D7. In what year were you born? [_ _ _ _]

D8. Do you currently own your own home, are you renting, or something else?

Own..... 1
 Rent..... 2
 Something else..... 3
 Don't know 88
 Refused 99

D9. Do you own or lease a car, or does someone in your household own or lease a car that you have regular access to?

Yes, I own or lease..... 1
 Yes, someone in my house does..... 2
 No..... 3
 Don't know 88
 Refused 99

D9B. [IF D9=3-99] Do you have regular access to some other form of reliable transportation or mass transit including the bus or the train?

Yes..... 1
 No..... 2
 Don't know 88
 Refused 99

D10. Generally speaking, do you think of yourself as a Republican, a Democrat, an independent, or something else?

Republican..... 1
 Democrat..... 2
 Independent..... 3
 Other party..... 4
 Don't know 88
 Refused 99

D11. This final question is just for statistical purposes, to help us better classify the answers. Your response is completely anonymous, but extremely important to our research. What was your total combined household income in 2014 before taxes. Just stop me when I read the correct category.

Less than \$10,000..... 1
 \$10,000 to less than \$20,000..... 2
 \$20,000 to less than \$30,000..... 3
 \$30,000 to less than \$40,000..... 4
 \$40,000 to less than \$50,000..... 5
 \$50,000 to less than \$60,000..... 6
 \$60,000 to less than \$80,000..... 7
 \$80,000 to less than \$100,000 8
 \$100,000 to less than \$150,000 9
 More than \$150,000..... 10
 (Don't know) 88
 (Refused) 99

D11B. [IF D10=88/99] Okay, how about something a little different. Was your household income below \$20,000 or above \$20,000 in 2014? Again, this information is confidential, but very important to the survey.

Less than \$20,000.....	1
More than \$20,000.....	2
(Don't know)	88
(Refused)	99

Thank you for your time.

[IF RESPONDENT ASKS FOR MORE INFORMATION ABOUT SURVEY: "This survey was conducted by Pacific Market Research and is completely anonymous and confidential. If you have any questions or concerns you can contact Pacific at phone number 425-271-2300"]

D12. [DO NOT READ ALOUD] Record respondent's gender

Male.....	1
Female.....	2

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Richard Brakebill, Deloris Baker, Dorothy
Herman, Della Merrick, Elvis Norquay, Ray
Norquay, and Lucille Vivier, on behalf of
themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the
North Dakota Secretary of State,

Defendants.

Civil No. 1:16-cv-8

Declaration of Gabriel R. Sanchez, Ph.D.

I, Gabriel R. Sanchez, declare as follows:

1. I am currently a Professor of Political Science and Executive Director of the Robert Wood Johnson Foundation Center for Health Policy at the University of New Mexico (“UNM”). I have personal knowledge of the facts set forth in this declaration and could and would competently testify to those facts if asked to do so.

I. Qualifications.

2. I have been on the faculty at UNM for the past 11 years. I also direct the Institute for Policy, Evaluation, and Applied Research (IPEAR) at UNM and have served as the American Economic Association’s Minority Summer Training Program.

3. I am a Principal at the research firm Latino Decisions.

4. I have taught courses on American Politics, Racial and Ethnic Politics, Research Methodologies, Public Opinion and Survey Research, Health Policy, and more. I completed my Ph.D. in Political Science at the University of Arizona in 2005, with an emphasis on racial

and ethnic politics and survey research methods. Professor John Garcia, a well-known expert in survey research methodology and minority politics, served as my principal dissertation advisor.

5. I have conducted statewide public opinion surveys in Wisconsin, Pennsylvania, and Texas to assess rates of possession of voter identification. Previous courts have accepted these surveys as viable and accurate methods for determining ID possession rates by race and ethnicity. In 2014, in *Veasey v. Perry* (No. 13-CV-00193), the District Court, and later the Fifth Circuit Court of Appeals, that my survey was statistically accurate and reported clear evidence that Hispanics and African Americans were disproportionately impacted by the Texas voter ID law.

6. My full professional qualifications and activities are set forth fully in my curriculum vitae, a true and correct copy of which I have attached as Exhibit A.

II. Scope of Work.

7. The Plaintiffs retained me to examine and analyze the possession rates of valid voter identification in North Dakota. More specifically, Plaintiffs asked me to assess whether there were any differences in possession rates between the Native American eligible voting population and the non-Native American eligible voting population.

8. I worked on this project with Dr. Matt A. Barreto. I have worked with Dr. Barreto on similar projects in the past. I understand that Dr. Barreto is submitting a declaration concurrently with mine that details our methodology and findings. I hereby incorporate paragraphs 11-57 of Dr. Barreto's declaration as if set forth in full.

Executed on June 20, 2016 at Albuquerque, New Mexico.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in dark ink, appearing to read 'G. Sanchez', with a long horizontal flourish extending to the right.

Gabriel R. Sanchez

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, the document titled "**Declaration of Gabriel R. Sanchez, Ph.D.**" was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing ("NEF") to:

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DATED: June 20, 2016

By: /s Matthew Campbell
Matthew Campbell

Matthew Campbell, NM Bar No. 138207, CO Bar No. 40808

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NATIVE AMERICAN RIGHTS FUND

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EXHIBIT A

Gabriel R. Sanchez

Political Science

June 2016

Educational History

Ph.D. May 2005. University of Arizona. Tucson, AZ. Political Science. Fields: American Politics, Research Methods, Public Policy. "The Role of Group Consciousnesses in Latino Political Behavior". John Garcia, Dissertation Advisor.

M.A. December 2002. University of Arizona. Tucson, AZ. Political Science.

B.A. May 2001. St. Mary's University. San Antonio. TX. Political Science. Minor, Mexican American Studies. *Cum Laude*.

Employment History Part I

Faculty Positions

Associate Professor. July 2011-Present. Department of Political Science. The University of New Mexico. Albuquerque, NM.

Assistant Professor. August 2005 – June 2011. Department of Political Science. The University of New Mexico. Albuquerque, NM.

Administrative Positions

Executive Director. April 2014-Present. Robert Wood Johnson Foundation Center for Health Policy at the University of New Mexico. Albuquerque, NM.

Co-Director. August 2015-Present. Institute of Policy and Evaluation Research at the University of New Mexico. Albuquerque, NM.

Principal. January 2016-Present. Latino Decisions.

Director. March 2013-August 2015. American Economic Association Summer Training Program. Housed at the University of New Mexico, Albuquerque, NM.

Director of Research. May 2011-December 2015. Latino Decisions.

Assistant Director. July 2011-February 2013. Robert Wood Johnson Foundation Center for Health Policy at the University of New Mexico. Albuquerque, NM.

Employment History Part II

Consultant/Expert Witness Research

Co-Author of Expert Report (with Matt Barreto). 2014. For the prosecution in Texas voter ID lawsuit, Veasey v. Perry 2:13-cv-00193 [Referral: Chad Dunn]. Corpus Christi, TX.

Co-Author of Expert Report (with Matt Barreto). 2012. For the ACLU Foundation of Pennsylvania in voter ID lawsuit, Applewhite v. Commonwealth of Pennsylvania No. 330 MD 2012 [Referral: Vic Walczak]. Pennsylvania, PA.

Co-Author of Expert Report (With Matt Barreto). 2012. For the ACLU Foundation of Wisconsin in voter ID lawsuit, Frank v. Walker 2:11-cv-01128(LA) [Referral: Jon Sherman]. Milwaukee County, WI.

Testifying Expert for LULAC in Redistricting lawsuit. 2011. NM LULAC et al. vs. Duran et al. [Referral: Pablo Martinez]. New Mexico.

Author of Amicus Brief. 2009-2010. Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10. Submitted to Indiana Supreme Court, League of Women Voters v. Rokita, regarding access to voter identification among minority and lower- resource citizens [Referral: Myrna Perez]. Indiana.

Author of Amicus Brief. 2007-2008. Brennan Center for Justice. Submitted to U.S. Supreme Court and cited in Supreme Court decision, Crawford v. Marion County, regarding access to voter identification among minority and lower-resource citizens [Referral: Justin Levitt]. Indiana.

Affiliated Departments/Research Centers

Department of Family and Community Medicine, University of New Mexico. Albuquerque, NM.

Southwest Hispanic Research Institute, University of New Mexico. Albuquerque, NM.

Politics of Race, Immigration, and Ethnicity Consortium (PRIEC), University of California, Riverside.

Strategy Scholars Network (SSN) Cambridge, MA.

Professional Recognition and Honors

“Faculty Excellence Award” 2015-2016 / 2007-2008. Faculty of Color Awards.

Community Leadership Network Fellow. 2014-2017. W. K. Kellogg Foundation.

“Service Award.” 2015. American Society of Hispanic Economists.

“Top 40 Under 40 Leader in New Mexico”. *Albuquerque Business Week Magazine*.

“Best Paper on Latino Politics Award.” 2013. Western Political Science Association.

“Best Article Published in *Political Research Quarterly* in 2011 Award.” 2012. *Political Research Quarterly*.

“Luminaria.” 2010. UNM Presidential Award for Commitment to Diversity.

“Best Paper on State Politics and Policy.” 2009. American Political Science Association.

Best Paper on Latino Politics Award. 2009 Western Political Science Association.

Short Narrative Description of Research, Teaching, and Service Interests

Research: My research agenda focuses on understanding the impact of racial and ethnic diversity on the U.S. political system. I currently have published one co-authored book, an edited volume, nine solo or co-authored book chapters, nineteen research articles in print in peer reviewed journals, and have eleven manuscripts accepted for publication in peer reviewed journals. My initial research program examined the role of group identity in Latino political behavior. Subsequent research has expanded on these themes, exploring the foundations of group identity across multiple racial/ethnic groups. My pursuit of group identity among racial/ethnic groups will continue to be the core of my research agenda, as reflected in the working papers I have at various stages. I have also engaged in a major research program with my colleague Michael Rocca on the dynamics of minority congressional representation. We have five manuscripts accepted for publication with multiple manuscripts in development within this area. Following tenure and promotion, I also initiated a third major research agenda focused on how race and ethnicity influence public attitudes toward health policy, as well as racial and ethnic health outcomes. This new research program has produced three published articles, and I have three additional papers accepted for publication. There are several additional manuscripts at various stages of the research process focused on health policy with junior scholars under my mentorship. I have also been very active in sponsored research, serving as PI or Co-PI on 17 grants/contracts with a total of \$5,894,352 in direct funding, \$525,104.73 in in-direct funding, \$6,419,456.73 overall. I also direct a vibrant research center at UNM that has generated \$7,518,762 in direct and \$1,198,059 in in-direct funding under my leadership.

Teaching: My teaching at UNM has included eleven sections of American Politics (PS 200), including two sections of Freshman Learning Community versions, courses that are designed with collaborative learning methods intended to engage students through active learning. I have also led six sections of Racial and Ethnic Politics (PS 307), three sections of Public Opinion and Electoral Behavior (PS 305), and two graduate Research Seminars in Racial and Ethnic Politics (PS 511). I have received strong evaluations from students across all courses. I have also developed and taught two sections of a “Job Market Preparation” course that has had a marked impact on the placements of graduate students in the social sciences at UNM, and have given multiple workshops at the ICPSR Summer Program at the University of Michigan. I have chaired two PhD committees, and have several doctoral and masters students under my supervision as chair or committee member. I have published several manuscripts (many more in development) with PhD students from UNM and other institutions, and I have mentored several promising undergraduates. Finally, I have mentored multiple post-docs and junior faculty associated with the RWJF Center for Health Policy, as well as junior faculty outside of UNM. I have emphasized mentoring heavily in my career, and I have been recognized for my efforts with multiple UNM Faculty of Color Awards and the inaugural “Luminaria” Presidential award for commitment to diversity in mentoring.

Scholarly Achievements

Books Authored or Co-authored

Garcia, Chris, and Gabriel R. Sanchez. 2008. *Hispanics and the U.S. Political System: Moving Into the Mainstream*. Upper Saddle River, NJ: Pearson: Prentice Hall. 462 pages.

Garcia, John A., Gabriel R. Sanchez, and J. Salvador Peralta. 2009. *Latino Politics: A Growing and Evolving Political Community (A Reference Guide)*. Tucson, Arizona: The University of Arizona Libraries. Published Electronically: http://uair.library.arizona.edu/.../latinopolitics/Latino_Politics_Full_eBook.pdf.

Books Edited or Co-edited

Fraga, Luis, Ricardo Ramirez, and Gabriel R Sanchez. *Latinos and the 2016 Election*. Lansing, MI: Michigan State University Press. Under Contract.

Sanchez, Gabriel R. (Editor). 2015. *Latinos and the 2012 Election: The new face of the American voter*. Lansing, MI: Michigan State University Press. 248 Pages.

Articles Published in Refereed Journals

Sanchez, Gabriel R, and Shannon Sanchez-Youngman. 2013. "The Politics of the Health Care Reform Debate: Public Support of Including Undocumented Immigrants and Their Children in Reform Efforts." *International Migration Review* 47(2): 442-473.

Sanchez, Gabriel R, Jillian Medeiros, and R. Burciaga Valdez. 2012. "Tough Times, Tough Choices: The Impact of the Rising Medical Costs on the US Latino Population's Health Care Seeking Behaviors." *Journal of Health Care for the Poor and Underserved* 23(4): 1383-1398.

Sanchez, Gabriel R, Jillian Medeiros and Shannon Sanchez-Youngman. 2012. "The Impact of Health Care and Immigration Reform on Latino Support for President Obama and Congress" *Hispanic Journal of Behavioral Sciences* 34(1): 3-22.

Sanchez, Gabriel R., and Jason L. Morin. 2011. "The Effect of Descriptive Representation on Latinos' Views of Government and of Themselves." *Social Science Quarterly* 92(2): 483-508.

Rocca, Michael, Gabriel R. Sanchez, and Jason Morin. 2011. "The Institutional Mobility of Minorities in Congress." *Political Research Quarterly* 64(4): 897-909. [Awarded "Best Article Published in PRQ" for 2011].

Sanchez, Gabriel R, Shannon Sanchez-Youngman, Amy Sue-Goodin, Amelia Rousse, and Richard Santos. 2011. "Explaining Public Support (or Lack Thereof) for Extending Health Coverage to Undocumented Immigrants." *Journal of Health Care for the Poor and Underserved* 22(2): 683-699.

Sanchez, Gabriel R, and Natalie Masouka. 2010. "Brown Utility Heuristic? The Presence and Contributing Factors of Latino Linked Fate." *The Hispanic Journal of Behavioral Sciences* 32(4): 519-531.

- Manzano, Sylvia, and Gabriel R. Sanchez. 2010. "Take One for The Team: Ethnic Identity, Candidate Qualification and Co-Ethnic Voting." *Political Research Quarterly* 63(3): 568-580.
- Lavariega-Monforti, Jessica, and Gabriel R. Sanchez. 2010. "The Politics of Perception: An Investigation of the Presence and Source of Perceived Discrimination Toward and Among Latinos." *Social Science Quarterly* 90(1): 245-265.
- Sanchez, Gabriel R. Amy Sue-Goodin, Amelia Rousse, and Richard Santos. 2010. "The Impact of Ethnicity on Attitudes Toward Health Care Reform in New Mexico." *The Social Science Journal* 47(2): 326-343.
- Rocca, Michael, Gabriel R. Sanchez, Uscinski, Joe, and Marina Brenden. 2009. "Congress and Foreign Policy: Congressional Action on the Darfur Genocide." *PS: Political Science and Politics* 42(3): 489-496.
- Marks, Mara, Stephen Nuno, and Gabriel R. Sanchez. 2009. "Look Back in Anger: Voter Opinions of Mexican Immigrants in the Aftermath of the 2006 Immigration Demonstrations." *Urban Affairs Review* 44(5): 695-717. [Article was part of a special Issue on Immigration Protests].
- Rocca, Michael, Gabriel R. Sanchez, and Ron Nikora. 2009. "The Role of Personal Attributes in African American Roll-Call Voting Behavior." *Political Research Quarterly* 62(2): 408-414.
- Barreto, Matt, Stephen Nuno, and Gabriel R. Sanchez. 2009. "The Disproportionate Impact of Indiana Voter ID Requirements on the Electorate." *PS: Political Science and Politics* 42(2): 111-116. [Article was part of a symposium in this issue].
- Sanchez, Gabriel R. "Latino Group Consciousness and Perceptions of Commonality With African Americans." 2008. *Social Science Quarterly* 89(2): 428-444.
- Rocca, Michael, Gabriel R. Sanchez, and Joe Uscinski. 2008. "Personal Attributes and Latino Voting in Congress." *Social Science Quarterly* 89(2): 392-405.
- Rocca, Michael and Gabriel R. Sanchez. 2008. "The Effect of Race and Ethnicity on Bill Sponsorship and Co-sponsorship in Congress." *American Politics Research* 36(1): 130-152.
- Sanchez, Gabriel R. 2006. "The Role of Group Consciousness in Latino Public Opinion." *Political Research Quarterly* 59(3): 435-446.
- Sanchez, Gabriel R. 2006. "The Role of Group Consciousness In Political Participation Among Latinos in The United States." *American Politics Research* 34(4): 427-451.

Articles Appearing in Chapters in Edited Volumes

- Garcia, F. Chris, Christine Sierra, and Gabriel R Sanchez. "Hispanos in the 2008 Elections in New Mexico." In *Latinos in the 2008 Election*, ed. David Leal. Notre Dame: University of Notre Dame Press. Forthcoming.
- Sanchez, Gabriel R, and Shannon Sanchez-Youngman. 2015. "The 2012 Latino Vote in New Mexico, Immigration Emerges in Unexpected Ways." In *Latinos and the 2012 Election: The new face of the American voter*, ed. Gabriel R. Sanchez. Lansing, MI: Michigan State University Press.

Sanchez, Gabriel R, and Shannon Sanchez-Youngman. 2015. "New Mexico Demographics and Politics." In *New Mexico 2050*, ed. Fred Harris. Albuquerque, NM: University of New Mexico Press.

Barreto, Matt A., and Gabriel R. Sanchez. 2014. "A 'Southern Exception' in Black-Latino Attitudes? Perceptions of Competition with African Americans and Other Latinos." In *Latino Politics in Ciencia Politica: The search for Latino identity and racial consciousness*, eds. Tony Affigne, Evelyn Hu-Dehart, and Marion Orr. New York: New York University Press.

Sanchez, Gabriel R. 2014. "Obamacare from the Latino Perspective." In *Latino America: How America's Most Dynamic Population is Poised to Transform the Politics of the Nation*, ed. Matt Barreto and Gary Segura. Philadelphia: Public Affairs Books.

Sanchez, Gabriel R, and Jillian Medieros. 2013. "The Economy and Latinos-Trying to find 'Affordable Care' with High Medical Costs and the Economic Recession." In *The Economic Status of the Hispanic Population*, ed. Marie Mora. Charlotte, NC: Information Age Publishing.

Barreto, Matt, Gabriel R. Sanchez, and Ben Gonzalez. 2013. "Rainbow Coalition in the Golden State? Exposing Myths, Uncovering New Realities in Latino Attitudes Towards Blacks." In *Black and Brown Los Angeles: Beyond conflict and coalition*, ed. Laura Pulido and Josh Kun. Berkeley: University of California Press.

Sanchez, Gabriel R., and Vickie D. Ybarra. 2013. "Lessons from Political Science: Health Status and Improving How We Study Race." In *Mapping Race: Critical Approaches to Health Disparities Research*, eds. Laura E. Gomez and Nancy Lopez. New Brunswick, NJ: Rutgers University Press.

Barreto, Matt, Gabriel R. Sanchez, and Jason Morín. 2010. "Perceptions of Competition Between Latinos and Blacks: The Development of a Relative Measure of Inter-Group Competition." In *Black-Brown Relations*, ed. Edward Telles, Gaspar Rivera-Salgado, and Sylvia Zamora. New York: Russell Sage.

Garcia, John A, and Gabriel R. Sanchez. 2004. "Electoral Politics." *Latino Political Participation in the Next Millennium*, ed. S. Navarro and A. Mejia. Santa Barbara: ABC-CLIO Publishers. 121-169.

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'An Assessment of Hispanic's Relationship With the Affordable Care Act: Implications for Public Policy." Joint Session Conference of the RWJF Center for Health Policy (UNM), NMCARES-HD, and Preventative Research Center (UNM), Albuquerque, NM, August 2015.

"Living at the Intersection of Immigration and Health Policy: Latinos' Attitudes and Experiences." Webinar presentation for the Robert Wood Johnson Foundation Human Capital Network. April 2015.

"Voter Identification Laws and the Minority Electorate." National Undergraduate Conference on Voting Rights and Democratic Participation, Allegheny College, Meadville, PA, March 2015.

"Establishing a Sense of Place: An Overview of Hispanic Politics." Invited presentation during opening session of the Environmental Grantmakers Association Annual Retreat. Hyatt Regency Tamaya Resort and Spa, Bernalillo, NM, October 2014.

"The Changing Face of the American Electorate." Invited presentation to the New Mexico Hispanic Bar Association, May 2014.

"Latino/Hispanic Attitudes Toward Land Conservation and Public Land Use." Invited talk by Hispanics Enjoying Camping, Hunting and the Outdoors, National Press Club, Washington, DC, June 2014.

"The Changing Face of the American Electorate." Invited presentation before the Board of Regents of the University of New Mexico, Albuquerque, NM, November 2013.

“Implications for Electoral and Party Alignments.” Invited lecture during the Galbraith Conference on Immigration convened by the Miller Center of the University of Virginia, October 2013.

“Creating a More Diverse and Representative Health Professional Workforce.” Panelist during the Practices and Policies that Promote Health Justice Congressional Health Disparities Summit at UNM, September 2013.

“Investigating Internal Variation Among Hard to Research Populations.” Invited lecture to the Robert Wood Johnson’s ICPSR Workshop at the University of Michigan, August 2013.

“Latino Knowledge of the ACA and Best Practices for Outreach.” Invited Presentation to the Legislative Health and Human Services Committee of the New Mexico State Legislature, August 2013.

“The Role of the Latino Electorate in the 2012 Election and Electoral Power in Years to Come.” Invited Presentation to the United Way of Central New Mexico, March 2013.

“The Role of the Latino Electorate in the 2012 Election and Electoral Power in Years to Come.” Invited Presentation to the United States Hispanic Leadership Institute National Conference, Chicago, IL, March 2013.

“The Role of the Latino Electorate in the 2012 Elections.” Invited Presentation to the UNM Board of Regents Academic Affairs Committee, December 2012.

“The Politics of Racial and Ethnic Health Disparities.” Invited talk at Texas A&M University, College Station, TX, November 2012.

“What we have learned about Latino Politics from the 2012 Election.” Invited talk to the Coalition for Interdisciplinary Research on Latino Issues at the University of Michigan, November 2012.

“Multi-Dimensional Measures of Race and Health Disparities.” Invited talk to the Robert Wood Johnson’s Scholars Program at the University of Michigan, November 2012.

Contributed (un-refereed) Abstracts and/or Oral Presentations at Professional Meetings

“The Relevance of the Latino Electorate in the 2016 Election.” Latin American Studies Association, New York, New York, May, 2016.

“Do Perceptions Match Reality? Analysis of Latinos’ Perceived Views of State Immigrant Policy Compared to Enacted Legislation”. Western Political Science Association, San Diego, California, April, 2016.

“Latinos and the 2016 Election”. Southern Political Science Association, San Juan, Puerto Rico, January, 2016.

“Inter-Group Attitudes Among Multiple Populations: Competition and Context.” Co-Author with Matt A. Barreto, University of California, Benjamin Fontaine Gonzalez, and Kiku Huckle, American Political Science Association, San Francisco, CA, September, 2015.

“Survey of Hispanics Regarding Their Understanding of and Experiences with the ACA: Towards Informing Efforts to Increase Hispanics’ Access to Healthcare in a Post ACA World.” Co-Authored with Samuel Howarth and Mia Livaudais, Association for Public Policy Analysis and Management, Miami, FL, November 2015.

“DACAmended and Healthy: Legal Status as a Social Determinant of Health.” Co-Authored with Melina Juarez, American Public Health Association, Chicago, IL, October 2015.

“Updating the Descriptive/Substantive Representation Debate.” Co-authored with Michael Rocca, Rudolfo Espino, and Lisa Sanchez, Western Political Science Association, Las Vegas, NV, April 2015.

“The Role of the Latino Electorate in State and Federal Immigration Policy.” Plenary Panel: Association for Public Policy Analysis and Management Annual Meeting, Albuquerque, NM, November 2014.

“Investigation of Latino’s Perceptions of Immigration Policy and Health Outcomes.” Co-authored with Edward Vargas and Melina Juarez, Western Political Science Association, Las Vegas, NV, April 2015.

“Does What Other People Think I Am, Impact My Health? The Role of Socially-Assigned Race on Multiple Dimensions of Health.” Co-authored with Edward Vargas and Yajaira Pena, Southwestern Social Science Association, Denver, CO, April 2015.

“The Impact of Punitive Immigrant Laws on the Health of Latinos.” Co-authored with Edward Vargas and Melina Juarez, Western Social Science Association, Albuquerque, NM, April 2014; Politics of Race Immigration and Ethnicity Consortium, Albuquerque, NM, October 2014; Women’s Health and Health Equity Symposium, Madison, WI, September 2014; Association for Public Policy Analysis and Management, Albuquerque, NM, November 2014.

“Socially-Assigned Race: How Being Racially Misclassified as Mexican Impacts Experiences with Discrimination.” Co-authored with Edward Vargas. Southwestern Social Science Association, San Antonio, TX, April 2014.

“American Indians and Voting.” Co-authored with Edward Vargas and Kimberly Huyser, Southwestern Social Science Association, San Antonio, TX, April 2014.

“Stuck Between a Rock and a Hard Place: The Relationship Between Latino’s Personal Connections to Immigrants and Issue Salience and Presidential Approval.” Co-authored with Edward Vargas, Vickie Ybarra, and Hannah Walker, Western Political Science Association, Seattle, WA, April 2014.

“Taking a Closer Look at Group Identity: The Link Between Theory and Measurement of Group Consciousness and Linked Fate.” Co-authored with Edward Vargas. Politics of Race Immigration and Ethnicity Consortium, Seattle, WA, May 2013; Western Political Science Association, Hollywood, CA, March 2013.

“Illegal or Undocumented? Effects of Immigration Rhetoric on Immigration Attitudes among Blacks, Whites and Latinos in the U.S.” Co-authored with Ali Valenzuela and Vickie Ybarra. Annual Meeting of the American Political Science Association, Chicago, IL, September 2013.

"Rates of Possession of Valid Photo ID and the Right to Vote." Co-authored with Matt Barreto and Stephen Nuño. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2013.

"Language of Democracy." Co-authored with Chris Mann. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2013.

"Taking a Closer Look at Group Identity: The Link Between Theory and Measurement of Group Consciousness and Linked Fate." Co-authored with Eduardo Vargas. Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"An Examination of Inter-Group Attitudes Among Multiple Populations: The Role of Neighborhood Context and Group-Based Threat." Co-authored with Matt Barreto. Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"The Latino Vote in the 2012 Battleground States." Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"The Political Consequences of the Great Recession." Co-authored with Jillian Medieros, Julia Hellwegge, Lisa Sanchez, and Vickie Ybarra. Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"Public Intellectualism: Academics who Engage in Real-Time Politics Through New Media." Panel Discussion of the Annual Meeting of the Western Political Science Association, Hollywood, CA, April 2013.

"Multi-Dimensional Measures of Race and Health Disparities." Co-authored with John Garcia, Vickie Ybarra, Shannon Sanchez-Youngman, and Eduardo Vargas. Annual Meeting of the American Political Science Association, New Orleans, LA, September 2012.

"House of Mirrors?: The Effects of Overlapping Descriptive Representation on Political Attitudes." Co-authored with Ricardo Ramirez and Shannon Sanchez-Youngman. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2012.

"Filling the Void: Factors Leading to Punitive Immigration Policy Across the American States." Co-authored with Lisa Sanchez and Vickie Ybarra. Annual Meeting of the Western Political Science Association, Portland, OR, April 2012.

"Message Received? Public Perceptions of Anti-Immigrant State Legislation by Race and Ethnicity." Co-authored with Sylvia Manzano. Annual Meeting of the Western Political Science Association, Portland, OR, April 2012.

"House of Mirrors?: The Effects of Overlapping Descriptive Representation on Political Attitudes." Co-authored with Ricardo Ramirez and Shannon Sanchez-Youngman. Annual Meeting of the Western Political Science Association, Portland, OR, April 2012.

"Multi-Racial and Multi-Ethnic Attitudes Toward Health Care Reform Policy." Co-authored with Jillian Medieros. Annual Meeting of the Western Political Science Association, San Antonio, TX, April 2011.

“The Presence of Linked Fate and the Impact of Linked Fate on Political Behavior” Co-authored with Jason Morin and Shannon Sanchez-Youngman. Annual Meeting of the Western Political Science Association, San Antonio, TX, April 2011.

“The Missing Link in the Social Determinants Literature: The Impact of Political Factors on Health Status and Health Disparities in the United States.” Co-authored with Jillian Medeiros and Vickie Ybarra. Annual Meeting of the American Political Science Association, Seattle, WA, September 2011.

“The Legislative Effectiveness of Minority Members of Congress.” Co-authored with Michael Rocca. Annual Meeting of the American Political Science Association, Seattle, WA, September 2011.

“They’re All Out to Get Me? An Examination of Inter-Group Competition Among Multiple Populations.” Annual Meeting of the American Political Science Association, Seattle, WA, September, 2011.

“Multi-Racial and Multi-Ethnic Attitudes Toward Health Care Reform Policy.” Co-authored with Jillian Medeiros. Annual Meeting of the Politics of Race, Immigration, and Ethnicity Conference, Stanford University, Stanford, CA, May 2010.

“The Substantive Effects of Congressional Earmarks: The Case of Health Spending.” Co-authored with Michael Rocca and Angelina Gonzalez-Aller, Annual Meeting of the Western Political Science Association, San Francisco, CA, April 2010.

“The Effect of Pan-Ethnic and National Origin Specific Descriptive Representation on Latino’s Views of Government and of Themselves.” Co-authored with Jason Morin. Annual Meeting of the Western Political Science Association, San Francisco, CA, April 2010.

“An Examination of Inter-Group Attitudes Among Multiple Populations: New Trends from the Collaborative Multi-Racial Political Study.” Co-authored with Matt Barreto and Ben Gonzalez. Annual Meeting of the Midwestern Political Science Association, Chicago, IL, April 2010.

“The Impact of Latino’s Perceptions of Competition and Commonality with Whites and African Americans on Latino Political Behavior.” Co-authored with Betina Wilkinson. Annual Meeting of the Midwestern Political Science Association, Chicago, IL, April 2010.

“Public Support for Expanding Health Care Coverage in New Mexico.” Co-authored with German Izon and Richard Santos. Annual Meeting of the Western Social Science Association, Albuquerque, NM, April 2009.

“Factors that Determine Health Care Coverage in New Mexico.” Co-authored with Antonio Barreras and Richard Santos, Annual Meeting of the Western Social Science Association, Albuquerque, NM, April 2009.

“En Fuego: Latinos and the 2008 Presidential Campaign.” Co-authored with Sylvia Manzano and Matt Barreto. Annual meeting of the Western Political Science Association, Vancouver, BC, March 2009.

“The Firewall: Latino Voters in the 2008 Primaries and General Election.” Co-authored with Sylvia Manzano and Matt Barreto. Annual Meeting of the Midwestern Political Science Association, Chicago, IL, March 2009.

"Voter ID Requirements and the Disenfranchisement of Latino, Black, and Asian Voters." Co-authored with Matt Barreto and Stephen Nuno. Annual Meeting of the Politics of Race, Immigration, and Ethnicity Conference, UC Irvine, Irvine, CA, November 2009.

"Black Brown Relations in the New South." Co-authored with Matt Barreto. National Conference on Latino Politics, Power, and Policy, Brown University, Providence, RI, October 2009.

"Racial Attitudes Across Four Major Racial Groups: Results From the Multi-Racial Post-Election Survey." Annual Meeting of the Politics of Race, Immigration, and Ethnicity Conference, University of Washington, WA, September 2009.

"The Disproportionate Impact of Photo Identification Requirements on the Indiana Electorate" Co-authored with Matt Barreto and Stephen Nuño. Annual Meeting of the American Political Science Association, Boston, MA, August 2008.

"To Shirk or Not to Shirk From the Chief Justice: Associate Justices and Separate Opinion Behavior." Co-authored with Laura Langer and Teena Willhelm. Annual Meeting of the American Political Science Association, Boston, MA, August 2008.

"Discrimination and Group Consciousness Among Muslim Americans." Co-authored with Matt Barreto and Natalie Mosouka. Annual Meeting of the American Political Science Association, Boston, MA, August 2008.

"The Impact of Ethnicity on Attitudes Toward Health Care Reform in New Mexico." Co-authored with Richard Santos. WISER Conference on Latino Public Policy, University of Washington, Seattle, WA, April 2008

"Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" Co-authored with Matt Barreto. Invited Presentation, Texas A&M University, College Station, TX, April 2008.

"Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" Co-authored with Matt Barreto. Latino National Survey Conference, Cornell University, Ithaca, NY, November 2007.

"Voter ID Requirements and the Disenfranchisement of Latino, Black and Asian Voters." Co-authored with Matt Barreto and Stephen Nuño. Annual Meeting of the American Political Science Association, Chicago, IL, September 2007.

"Is Perception Reality? An Investigation of the Presence and Source of Perceived Discrimination Toward and Among Latinos." Co-authored with Jessica Lavariega Monforti. Annual Meeting of the American Political Science Association, Chicago, IL, September 2007.

"The Role of Health Policy in Latino Political Behavior at both the State and National Levels." Co-authored with Jason Morin. Conference of the Inter-University Program for Latino Research, Austin, TX, March 2007.

"Explaining African American Congressional Behavior: The Role of Personal Attributes in African American Roll-Call Voting Behavior." Co-authored with Mike Rocca and Ron Nikora. Annual Meeting of the Southwestern Political Science Association, Albuquerque, NM, March 2007.

"The Legislative Success of Minority Members of Congress." Co-authored with Mike Rocca. Annual Meeting of the Southwestern Political Science Association, Albuquerque, NM, March 2007.

"The Role of Health Policy in Latino Political Behavior." Co-authored with Jason Morin. Annual Meeting of the Southwestern Political Science Association, Albuquerque, NM, March 2007.

"The Institutional Mobility of Minorities in Congress." Co-authored with Mike Rocca and Jason Morin. Annual Meeting of the Western Political Science Association, Las Vegas, NV, March 2007.

"Preferable Descriptive Representatives? Investigating the Impact of Demographic Attributes of Descriptive Representatives on Substantive Representation." Co-authored with Joseph E. Uscinski. 2006 Annual Meeting of the American Political Science Association, Chicago, IL, August 2006.

"Take One For The Team: Latinos Support and Perceptions of Descriptive Representation." Co-authored with Sylvia Manzano. American Political Science Association Conference, Philadelphia, PA, August 2006.

"Latinos and African Americans Post-Katrina: A Rainbow After the Storm?" Co-authored with Sylvia Manzano. Southwestern Social Science Association Conference, San Antonio, TX, April 2006.

"Latinos in Congress: The Impact of Descriptive Attributes on Substantive Representation." Co-authored with Mike Rocca. Western Political Science Association, Albuquerque, NM, March 2006.

"Friends or Foes? Determinants of Latino Internal Discrimination." Western Political Science Association, Albuquerque, NM, March 2006.

"Factors Leading to Group Consciousness Formation Among Latinos." Western Political Science Association, Oakland, CA, March 2005.

"Building a Foundation For Coalitions Among Latinos and African Americans: The Impact of Latino Group Consciousness on Perceptions of Commonality With African Americans." American Political Science Association, Washington DC, August 2005.

"The Size of Majority Opinion Coalitions on State Supreme Courts: A Test of Threat Hypothesis." Co-authored with Laura Langer and Jeffrey Williams. American Political Science Association, Chicago, IL, August 2004.

"The Impact of District Demographics and Party Support on Minority Representation." Co-authored with Jeffrey Williams. Southern Political Science Association, New Orleans, LA, January 2003.

"The Effect of Group Cohesion on Political Participation and Political Behavior Among Latinos and African-Americans." Western Political Science Association, Denver, CO, March 2003.

“The Effect of Congressional District Demographics on Minority Representation and Political Participation During the 2000 Election.” Co-authored with Jeffrey Williams. Western Political Science Association, Denver, CO, March 2003.

“The Impact of Group Identity on Political Participation Among Latinos: A Probit Analysis.” Conference on Political Minorities and Political Boundaries Yale University, Hartford, CT, May 2002.

“United We Stand Divided We Fall, Group Cohesion in the Latino Community.” American Political Science Association, Washington, DC, August 2001

Research

Research Funding

Scan of Research Regarding Health Care Costs. PIs Gabriel R Sanchez and Lisa Cacari-Stone. Colorado Health Foundation. 10/27/2015 – 1/28/2016. \$29, 479.73 (\$19,523 Direct / \$9,956.73 Indirect)

Evaluation of the Impact of Closed Primaries and Redistricting on the Electorate of New Mexico. PI Gabriel R Sanchez. Thornburg Foundation. 10/1/2015- 1/ 1 /2016. \$5,582 (All Direct).

BUILDing Scholars Research Enrichment Core. PI Gabriel R. Sanchez. National Institute of Health. 0/01/2015 – 8/31/2016. \$34,926 (All Direct).

Native American Health Policy Institute Concept Paper. PI Gabriel R. Sanchez. W.K. Kellogg Foundation. 7/01/2015 – 6/30/2016. \$99,017 (All Direct).

New Mexico Center for the Advancement of Research, Engagement and Science on Health Disparities Pilot Research Projects. PI: Robert L. Williams. Includes pilot project: New Mexico Hispanic Survey of Affordable Care Act. Project Lead: Gabriel R. Sanchez. National Institute of Minority Health and Health Disparities, National Institute of Health National Institute of Minority Health and Health Disparities, National Institute of Health. 9/25/2014-9/25/2015; \$90,187 (\$65,805 Direct/\$24,381 Indirect).

Robert Wood Johnson Foundation Center for Health Policy at UNM Operating Grant. PI Gabriel R. Sanchez. Robert Wood Johnson Foundation. 7/1/2014 – 6/30/2015. \$1,811,758 (1,747,472 Direct/\$64,286 Indirect)

Robert Wood Johnson Foundation Center for Health Policy at UNM Operating Grant. PI Gabriel R. Sanchez. Robert Wood Johnson Foundation. 7/1/2013-6/30/2014. \$1,507,328 (\$1,345,829 Direct/\$161,499 Indirect).

Robert Wood Johnson Foundation Center for Health Policy at UNM Operating Grant. PI Gabriel R. Sanchez. Robert Wood Johnson Foundation. 7/1/2012-6/30/2013. \$1,322,748 (\$1,181,025 Direct/\$141,723 Indirect).

American Economic Association Summer Training Program (AEASP). PI Gabriel R. Sanchez. American Economic Association. 10/1/2011-9/30/2014. \$890,542 (All Direct).

Broadening Participation of Graduate Students in Economics. PI Gabriel R. Sanchez. National Science Foundation. National Science Foundation. September 1, 2014; August 31, 2016. \$402, 348 (\$294,911 Direct / \$107,357 Indirect).

The Great Recession: Implications for Minority and Immigrant Communities. Co-PIs Gabriel R. Sanchez, Jillian Medieros, and Kimberly Huyser. Russell Sage Foundation. 4/1/2012 -2/28/2014. \$100,353 (\$87,263 Direct / \$13,090 Indirect).

2013 Congressional Summit on Health Disparities. PI Gabriel R. Sanchez. W.K. Kellogg Foundation. 9/1/2013 – 10/31/2013. \$15,000 (All Direct)

Developing Race as Multi-dimensional and Health Disparities. Co-PIs Gabriel R. Sanchez and John Garcia. Robert Wood Johnson Foundation Health and Society Scholars Program, University of Michigan. 05/10/2011 – 05/10/2012. \$26,244 (\$23,457 Direct/ \$2,812 Indirect).

Exploring the Views of the Latino Population Toward Healthcare Reform in New Mexico. Co-PIs Gabriel R. Sanchez, Richard Santos, and Amelia Rousse. Robert Wood Johnson Foundation Interdisciplinary Research Grant, University of New Mexico. 2008. \$20,000 (All Direct).

2008 Multi-Racial Post-Election Survey. PI Gabriel R. Sanchez. Research Allocation Committee, University of New Mexico. 2008. \$4,000 (All Direct).

Public Opinion of New Mexicans Toward Healthcare Reform in New Mexico. Co-PIs Gabriel R. Sanchez, Richard Santos, and Amelia Rousse. Robert Wood Johnson Foundation Interdisciplinary Research Grant, University of New Mexico. 2007. \$20,000 (All Direct).

Indiana Voter Identification Study. Co-PIs Gabriel R. Sanchez, Stephen Nuño, and Matt Barreto. Brennan Center for Justice, New York University. 2007. \$40,000 (All Direct).

Teaching

Doctoral Advisement

Patricia Rodriguez-Espinosa (Psychology); Fall 2016 Expected Graduation Date; “Can Psychological Factors Explain the Relation Between Neighborhood Effects on Latino Health”; Member of Dissertation Committee.

Lisa Sanchez (Political Science); Spring 2016 Expected Graduation Date; “Congress, Polarization, and Latino Demography”; Assistant Professor, University of Arizona. Member of Dissertation Committee.

Hannah Walker (Political Science: University of Washington); Spring 2016 Expected Graduation Date; “Mobilized by Injustice: The Impact of Criminal Justice Contact and ICE on the Political Participation of Latina/o Communities”; Assistant Professor, Rutgers University; Member of Dissertation Committee.

Shannon Sanchez-Youngman (Political Science); Spring 2016 Expected Graduation Date; “At the Crossroads of TANF and Early Childhood Policy: The Impact of Devolution and Health Advocacy Networks on Progressive Policy Choices”; Co-Chair of Dissertation Committee.

Yajaira Pena-Esparza (Psychology); Spring 2015; “Do Ethnic Identity and Family Support Protect Against Ethnic Discrimination?”; Member of Dissertation Committee.

Tunay Oguz (Economics); Spring 2015; “Essays on Gender, Race, and Ethnicity in the United States and Turkey”; Assistant Professor, Lenoir-Rhyne University; Member of Dissertation Committee.

Elena Windsong (Sociology); Spring 2015; “Neighborhood Experiences and the Co-Construction of Neighborhoods, Race and Gender”; Visiting Professor, Colorado College; Member of Dissertation Committee.

Vickie Ybarra (Political Science); Spring 2015; (Earned Distinction); "The Impact of State Immigration Policy on Immigrant Communities: Political Engagement and Child Well-Being"; Currently interviewing for administrative positions; Chair of Dissertation Committee.

Ron Nikora (Political Science); Spring 2012; "The Political Determinants of Health: The Impact of Political Factors on Black and White Infant Mortality Rates in the United States"; Assistant Professor, Beloit College; Member of Dissertation Committee.

Jason Morin (Political Science); Fall 2012; "A Different Voice: African American and Latino Representation in the US Court of Appeals"; Assistant Professor, California State at Northridge; Chair of Dissertation Committee.

Lisa A. Bryant (Political Science); Fall 2010; "Voter Confidence and the Use of Absentee Ballots and Voter Assist Terminals: An Experimental Study"; Assistant Professor, Fresno State University; Member of Dissertation Committee.

German Izon, PhD (Economics); Spring 2008; "Valuing Changes in the Provision of a Public Good: Empirical Applications in Environmental and Health Economics"; Assistant Professor, Department of Economics, Eastern Washington University; Member of Ph.D. Dissertation Committee.

Masters Advisement

Eric Griego (Political Science); Fall 2016 Expected MA Graduation Date.

Mia Livaudais (Political Science); Fall 2016 Expected MA Graduation Date.

Melina Juarez (Political Science); Fall 2015 Expected MA Graduation Date.

Patricia Rodriguez-Espinosa (Psychology); Spring 2014; "Can Psychological Factors Explain the Relation Between Neighborhood Effects on Latino Health".

Lisa Sanchez (Political Science); MA Awarded 2011

Shannon Sanchez-Youngman (Political Science); MA Awarded

Jason Morin (Political Science); MA Awarded Fall 2010.

Antonio Barreras (Public Administration); MA Awarded Spring 2012.

Bachelor's Honors Advisement

Adelina Gomez; Fall 2015; BA.

Barbara Gomez-Aguinaga; Fall 2012; BA.

Julian Benavidez; Fall 2012; BA.

Charles Mathews; Spring 2011; BA.

Taylor Watrous; Fall 2009; BA.

Jaime Gonzalez; Fall 2006; BA.

Undergraduate Student Mentoring

Juan Valdez; Summer 2014; BA, research Intern from St. Mary's University, San Antonio, TX.

Rebeca Gurrola; Fall 2011; BA, research support/advising for McNair Program.

Robert Alanis; Fall 2011; BA, research support/advising for McNair Program.

Myra Perez; Spring 2012; BA, research support/advising for McNair Program.

Mabel Arrelanas; Fall 2011; BA, research support/advising for McNair Program.

Sarah Melendez; Fall 2010; BA, research support/advising for McNair Program.

Antonio Barreras; Fall 2010; BA, co-authorship of article manuscript, research support/advising for McNair Program.

Donna Marlow; Spring 2008; BA, mentorship and preparation for Ralph Bunche Summer Institute.

Glenda Kodaseet; Fall 2008; BA, research support/advising for McNair Program.

Steven Saveedra; Spring 2007; B.A., research support/advising for McNair Program.

Nina Gardea; Spring 2006; B.A., research support/advising for McNair Program.

Classroom Teaching

2015; Spring; Graduate Research Seminar in American Minority and Group Politics; 9 graduate students, 1 undergraduate Honors student.

2015; Spring; Graduate Seminar Job Market Preparation; 7 graduate students.

2013; Fall; Hispanic Politics in the US; PS 308; 45 undergraduate students.

2013; Spring; Junior Honors Seminar; PS 495; 9 undergraduate students.

2012; Fall; Introduction to American Politics (FLC); PS 200; 24 undergraduate students.

2012; Spring; Introduction to American Politics; PS 200; 50 undergraduate students.

2011; Spring; Introduction to American Politics; PS 200; 100 undergraduate students.

2011; Spring; Politics of Ethnic Groups; PS 307; 46 undergraduate students.

2011; Summer; Quantitative Approaches to the Study of Race; 11 graduate students.

2010; Fall; Introduction to American Politics; PS 200; 87 undergraduate students.

2010; Spring; Graduate Seminar in Racial and Ethnic Politics; 8 graduate students.

2010; Spring; Introduction to American Politics; PS 200; 97 undergraduate students.

2009; Fall; Public Opinion and Electoral Behavior; PS 305; 49 undergraduate students.

2009; Fall; Introduction to American Politics; PS 200; 114 undergraduate students.

2009; Spring; The Politics of Ethnic Groups; PS 307; 53 undergraduate students.

2009; Spring; Introduction to American Politics; 100 undergraduate students.

2008; Fall; PS 496-003 Pro-Seminar in American Government and Politics: Fred Harris Congressional Internship Program; 5 undergraduate students.

2008; Fall; PS 200 Introduction to American Politics; 123 undergraduate students.

2008; Spring; PS 200; Introduction to American Politics; 123 undergraduate students.

2008; Spring; PS 307: The Politics of Ethnic Groups; 48 undergraduate students.

2007; Fall; PS 511 Graduate Seminar in Racial and Ethnic Politics; 15 graduate students.

2007; Summer; PS307: The Politics of Ethnic Groups; 16 undergraduate students.

2007; Spring; PS307: The Politics of Ethnic Groups; 45 undergraduate students.

2007; Spring; PS305: Public Opinion and Electoral Behavior; 49 undergraduate and 1 graduate student.

2006; Fall; PS 200/FLC 640: Connecting Political Theory to Political Reality? An Inside Look at American Politics; 22 undergraduate students.

2006; Fall; PS 200: Introduction to American Politics, 114 undergraduate students.

2006; Spring; PS200: Introduction to American Politics, 61 undergraduate students.

2006; Spring; PS305: Public Opinion and Electoral Behavior: 49 undergraduate and 1 graduate student.

2005; Fall; PS307: The Politics of Ethnic Groups, 49 undergraduate students.

2005; Fall; PS200: Introduction to American Politics, 44 undergraduate students.

Curriculum Development or Teaching Administrative Positions

Developed curriculum for RWJF Center For Health Policy Fellowship Program, 2011-Current.

Developed curriculum for a new course entitled "Job Market Preparation for Advanced Graduate Students." Offered in Summer 2014 and Spring 2015.

Developed curriculum for the Political Science portion of the Freshman Learning Community course, PS200/Eng 101: Connecting Political Theory to Political Reality? An Inside Look at American Politics, Summer 2006 for Fall 2006.

Service

Reviews

Journal of Elections, Public Opinion & Parties

Politics of Groups and Identities (2015) <twice>

American Political Science Review (2015)

Journal of Race, Ethnicity, and Politics (2015)

Political Research Quarterly (2015) <twice>

American Politics Research (2015)

American Journal of Political Science (2015)

I have reviewed regularly for the following outlets from 2012-2015:

American Political Science Review

American Journal of Political Science (Member of Editorial Board)

Political Research Quarterly

Social Science Quarterly

American Politics Research

Journal of Politics

Political Research Quarterly (2011)

American Politics Research (2011)

Social Science Quarterly (2011)

Extensive Reviews for *American Journal of Political Science* as Member of Editorial Board (2011)

American Journal of Political Science (2010) <twice>

Journal of Politics (2010)

Political Behavior (2010)

Political Communication (2010)

American Sociological Quarterly (2010)

American Review of Politics (2010)

Social Science Journal (2010)

Social Science Quarterly (2010) <twice>

Public Opinion Quarterly (2010)

Legislative Studies Quarterly (2009)

American Journal of Political Science (2009)

Political Research Quarterly (2009) <twice>

American Politics Research (2008)

American Political Science Review (2008)

Political Research Quarterly (2008)

American Politics Research (2008)

Social Science Quarterly (2007)

American Journal of Political Science (2007)

Political Behavior (2007)

SUNY Press – Book Manuscript (2007)

American Politics Research (2006)

Conferences

Chair, "Latino Immigration: Policy and Outcomes" panel at the American Public Policy and Management National Conference, November 2015.

Section Chair, Latino Politics/Media and Society Track, Latin American Studies Association, 2016.

Chair and Discussant, "The State and Local Context for Immigrant Reception in the US" panel at the American Public Policy and Management Conference, November 2014.

Chair and Discussant, "Presidential Approval" panel at the Western Social Science Association Conference, April 2013.

Chair and Discussant, "New Issues on Behavior, Identification and Discrimination" panel at the Western Social Science Association Conference, April 2013.

Chair and Discussant, "The Systematic Study of Race and Public Policy From the UNM RWJF Center For Health Policy" panel at Southwestern Social Science Association Conference, April 2010.

Discussant, "Race and Electoral Politics in America" panel at the American Political Science Association Conference, September 2009.

Chair and Discussant, "An Interdisciplinary Examination of Health Policy From the UNM RWJF Center For Health Policy" panel at Western Social Science Association Conference, April 2009.

Section Chair, "Voting and Elections" for Western Political Science Association Conference, March 2009.

Discussant, "Ethnicity and Elections: American and Comparative Perspectives" panel at Western Political Science Association Conference, March 2009.

Chair and Discussant, "Changing the Rules: Causes and Consequences" panel at Western Political Science Association Conference, March 2008.

Chair and Discussion, "Latino and Latino Political Incorporation and Mobilization" panel at the Southwestern Political Science Association Conference, March 2008

Discussant, "Race, Ethnicity, and Electoral Politics" panel at the Western Political Science Association Conference, March 2007.

Served on the Ted Robinson Dissertation Award for the Southwestern Political Science Association, March 2007.

Committees/ Professional Association Positions

Member, Midwest Political Science Association's Best Paper by an Emerging Scholar Award Committee, 2015-2016.

Member, University of New Mexico Higher Learning Commission Accreditation Committee, 2015-2016.

Member, UNM Department of Psychology Academic Program Review Committee, 2015.

Member, Center for Education Policy Research (CEPR) Executive Director Search Committee, 2015.

Member, UNM Evaluation Lab Advisory Board, 2015.

Member, APSA Ralph Bunche Summer Institute Advisory Committee, 2014-2016.

Member, Department of Political Science Health Policy Faculty Search Committee, 2015.

Member, College of Public Policy Implementation Committee, University of New Mexico, 2015.

Liaison (Ex-Officio Member), Executive Committee of the Western Political Science Association, 2015-2016.

Member, Executive Committee of the Western Political Science Association, 2012-2015.

Member, Department of Political Science Executive Committee, 2014-2015.

Member, College/Institute of Public Policy Feasibility Committee, University of New Mexico, Fall 2013.

Member, School of Public Health University Committee, University of New Mexico, Fall 2013.

Member, Administrative Support Staff Search Committee, Department of Political Science, UNM, Fall 2011

Member, Vice Provost Search Committee, University of New Mexico, Spring, 2011.

Member, WPSA Committee On the Status of Latinas/os in the Profession, 2010-2012.

Secretary, Latino Caucus of the American Political Science Association Executive Committee, 2008-2010.

Member, Department of Political Science Executive Committee, 2010-2011.

Member, Division of Diversity, Equity, and Inclusion (UNM) Post-Doctoral Fellowship Committee, Summer 2010.

Board Member, Common Cause of New Mexico, 2009-Present.

Member, UNM First-Generation Student Success Task Force, 2010-2011.

Member, UNM Institute for Higher Education Policy Committee, 2010-2011.

Member, Racial and Ethnic Politics Executive Committee of APSA, 2008-2010.

Member, Department of Political Science Executive Committee, 2010-2011.

Member, Title-V at UNM Faculty Steering Committee, Fall 2008-Present.

Faculty Fellow, El Centro de La Raza at UNM, Fall 2008-Present.

Member, Hispanic Heritage Month Committee, 2007-2008.

Chair, Robert Wood Johnson Foundation Strategic Communication Committee, Fall 2007.

Member, Robert Wood Johnson Foundation Student Recruitment Committee, 2006-2007, 2007-2008.

Member, Law School Minority Pipeline Committee, 2007.

Member, Department of Political Science Executive Committee, 2006-2007.

Member, Political Science Department Public Policy/IPP Director Search Committee, 2006.

Member, Political Science Department IPP Summer Working Group, Summer 2006.

Member, American Political Science Association Latino Caucus Nominating Committee 2005-2006.

Member, American Political Science Association Latino Caucus Outreach Committee 2005-2006.

Member, the Political Science Department Undergraduate Committee, August 2005-May 2006.

Other Professional Service

Numerous Television, Radio, and Newspaper Interviews, including live television commentary for KRQE-NM, for 2006, 2010, 2012, 2014 Election Seasons.

Board Member, Hispanic Philanthropic Society of the United Way, January, 2010-Present.

Faculty Fellow, UNM El Centro de la Raza, 2007-2014.

Presentation "Effectively Working With Graduate Students" given to Robert Wood Johnson Foundation Center for Health Policy at UNM brown bag series, November 10, 2010.

Co-Chair, UNM El Centro de la Raza Graduate Student Fellowship Program, 2009-2010, 2010-2011.

Faculty Adviser, UNM "Bigs" Student Organization, Fall 2009-Present.

Ralph Bunche Summer Institute Recruitment for Department, Duke University (2005-2009).

Conducted television interview with Channel 13 News (Super Tuesday Segment), February 5, 2008.

Presentation "Social Inequalities in US" given to the pre-Medical Student Organization, February 19, 2008.

Participated on Round Table sponsored by Peer Mentoring of Graduate Students of Color titled "First Critical Issues Roundtable: First Generation Graduates of Color and Mentoring." January 23, 2007.

Conducted television interview with Channel 13 News (US Attorney General Political Pressure Issue) March 5, 2007.

Invited research talk at the University of Arizona "Upward Mobility of Minority Members of Congress." March 23, 2007.

Moderator, ASUNM Spring Election Candidate Debate, 2007.

Talk given to APS students on careers in political science, April 6, 2007.

Co-presented, "Health Policy and Political Science" discussion in RWJF Pro-Seminar, Spring 2007.

Talk titled "Demographics of UNM Students" given during New Faculty Orientation, Fall 2007.

Faculty Steering Committee Member, Peer Mentoring of Graduate Students of Color, Fall 2007.

Faculty Advisor, UNM student group, UNM Bigs (Affiliate of Big Brothers and Sisters of New Mexico), Summer 2007-Present.

Co-Chair, RWJF and McNair Undergraduate Research Conference, November 19-21, Fall 2007.

Compiled information regarding Hispanic facts and trends to create "Hispanic Facts and Figures for the Nation" report as part of Hispanic Heritage Month Committee duties.

Talk Given to First Year Graduate Students, 2005-2007.

Talk given to McNair and Research Opportunity Program Students January 17, 2007 titled "Research Types: The Quantitative, Qualitative Debate."

Served on Panel entitled "Academic Job Search" sponsored by Career Services, Fall 2006 and 2007.

Report drafted in preparation for Expert Witness Testimony in ACLU, et al. v. HERRERA, Fall 2006.

Talk given at the "How About Grad School" Panel Sponsored by Graduate College, September 21, 2006.

Presented "Developing a Research Question" talk to McNair and Research Opportunity Program Students, June 14, 2006.

Talk Given at the "How About Grad School" program on September 21 sponsored by Graduate College.

Mentored Freshman Learning Community Students who won Best Poster at Research Symposium, Fall 2006.

Quoted in several Albuquerque Tribune articles regarding Congressional Elections, Fall 2006 and in feature article "Is America Ready for a Hispanic President?"

Phone Interview 770 KOB, "State Treasurer an Appointed Position?" September 26, 2005.

Community Service

Mentor, Children's Court, 2014-current.

Mentor, Big Brothers and Sisters of Central New Mexico, 2006-2014.

Mentor, Southwest Organizing Project (SWOP).

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Richard Brakebill, Deloris Baker, Dorothy Herman, Della Merrick, Elvis Norquay, Ray Norquay, and Lucille Vivier, on behalf of themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the North Dakota Secretary of State,

Defendants.

Civil No. 1:16-cv-8

Declaration of Daniel McCool, Ph.D.

I, Daniel McCool, Ph.D., declare as follows:

1. I am a professor of Political Science at the University of Utah. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to those facts if asked to do so.

I. Qualifications.

2. I received a B.A. in Sociology from Purdue University, and a Ph.D. in Political Science from the University of Arizona. I have a doctoral minor in Latin American History.

3. For more than 30 years I have conducted research regarding the political relationship between American Indians and Anglos.¹ One of my first publications, while still

¹ Throughout this Declaration I will use the term, “Anglo” to refer to people who are not American Indian. Even though that term is not entirely accurate—it includes people who are not of European descent—it is preferable to referencing people in the negative as “Non-Natives” or “Non-Indians.” “Anglo” is also a fairly standard term in the academic literature. I use the terms “American Indian” and “Native American” interchangeably.

in graduate school in 1982, was on Indian voting patterns. Many of my publications focus on Indian voting, land, water, and environmental issues.

4. All of my research has a strong historical context. From 1998 to 2007 I was the director of the American West Center, where I administered several grants and contracts dealing with Indian land, water, and sovereignty issues. In 2007 I co-authored *Native Vote: American Indians, The Voting Rights Act, and the Right to Vote* (Cambridge University Press). My most recent edited book is *The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act* (Indiana University Press, 2012).

5. I have served as an expert witness in six Voting Rights Act cases:

- *U. S. v. South Dakota*
- *U.S. v. Blaine County*
- *Bone Shirt v. Hazeltine*
- *Cottier v. City of Martin*
- *Koyukak v. Treadwell*
- *Navajo Nation v. San Juan County, UT*

All of these cases were Section 2 cases except *Koyukak*, which was a Section 203 case. The plaintiffs in all of these cases were American Indians or Alaska Natives.

6. My vita is attached as Exhibit A. A list of the references I have used in preparing this Declaration is attached as Exhibit B. The citations in this Declaration are to those references.

II. Methodology and Approach.

7. Plaintiffs engaged me to address this fundamental research question: Given the political, sociological, and economic conditions in North Dakota, and the new requirements for a state-recognized identification to vote, do American Indians in North Dakota have an equal opportunity to participate in the political process?

A. Guiding Sources.

8. My analysis, and choice of research questions, is guided by three sources. The first source is the three factors enunciated by the U. S. Supreme Court in the 1986 case of *Thornburg v Gingles*. These factors are commonly referred to as the “Gingles Factors.” These factors are:

- A minority group is sufficiently compact geographically that a district in which the group constitutes a majority can be drawn.
- The minority group has a history of political cohesiveness and bloc voting.
- The white majority has a history of voting as a group to usually defeat the minority group's preferred candidate.

9. The second source is the “Senate Factors.” The Senate report that accompanied the 1982 amendments to the Voting Rights Act identified these factors as important indices of racially troubled jurisdictions. The nine “Senate Factors” are:

1. A history of official voting-related discrimination in the state or political subdivision.
2. The extent to which voting in the elections of the state or political subdivision is racially polarized.
3. The extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority-vote requirements, and prohibitions against bullet voting.
4. The exclusion of members of the minority group from candidate slating processes.
5. The extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process.
6. The use of overt or subtle racial appeals in political campaigns.
7. The extent to which members of the minority group have been elected to public office in the jurisdiction.
8. The responsiveness of state and local officials to the needs of minorities.

9. The tenuousness of the policy underlying voting laws, standards, and practices.²

I consider these factors because they are “for courts to use when assessing whether a particular practice or procedure results in prohibited discrimination in violation of Section 2 [of the Voting Rights Act].”³ They represent various “tools,” practices, and socio-economic and historic conditions that are indicative of problematic relationships between minority and majority populations, based on the preponderance of the evidence.⁴

10. The third source is the factors identified in the 1977 case of *Village of Arlington Heights v. Metropolitan Housing Development Corporation* as being indicators of intentional discrimination. These factors are:

- The impact of the redistricting plan.
- The historical background of the redistricting plan, particularly if it reveals a series of decisions undertaken with discriminatory intent.
- The sequence of events leading up to the enactment of the redistricting plan.
- Whether the redistricting plan departs, either procedurally or substantively, from the normal practice.
- Contemporaneous statements and viewpoints held by members of the adopting body or others who may play a significant role in the process.

11. There is considerable overlap in some of these factors, and not all of them are relevant to this case, so I have combined some of them in my analysis, and excluded those that are irrelevant.

B. Use of Qualitative Methods.

12. My analysis relies on a well-recognized methodology known as Qualitative

² Senate Report 1982: 28-29.

³ Katz 2005: 3. Also see: *Pope v. Albany* 2015.

⁴ Senate Report 1982: 29.

Methods.⁵ I employ this methodology by using data and information gleaned from multiple and overlapping sources, including: in-person interviews, newspapers (including editorials and letters to the editor), past court cases, interest group publications, oral histories, secondary published sources such as books and articles, online sources (chat rooms, websites, blogs), business advertising and business policies, campaign flyers and publicity, church records, and documents and studies created by tribal, local, state, and federal governments, including voting data and census data. I also review photographs, videos, and other visual “data.” I examine these multiple sources for significant long-term trends across multiple sources of information and data. Confidence levels increase when consistent patterns of responses appear across multiple sources over a sustained period of time. Reliability is achieved by utilizing a very large number of documents that represent many different types of sources, and finding consistent patterns across these diverse sources.

13. Qualitative Methods is well recognized in the social sciences. The Consortium on Qualitative Research Methods was established in 2001.⁶ The American Political Science Association organized a section on Qualitative Methods in 2003.⁷ By 2003 almost half of all peer-reviewed articles in Political Science journals utilized Qualitative Methods.⁸ Syracuse University, with funding from the National Science Foundation, established a “Qualitative Data Repository” to assist researchers who utilize this method.⁹ There are many methodology textbooks that focus on Qualitative Methods; most are written by political scientists but others are by authors in fields such as public health, anthropology, sociology, and increasingly the humanities.

14. Qualitative Methods is well-suited for analyzing voting rights cases because it is

⁵ Denzin and Lincoln, 2000, 2011.

⁶ Consortium on Qualitative Research Methods, n.d.

⁷ American Political Science Association, n.d.

⁸ Bennett, Barth, and Rutherford 2003.

⁹ Qualitative Data Repository, n.d.

adept at analyzing phenomena that are complex, long-term, multi-dimensional, and subject to rapid change. Lamont and White note that Qualitative Methods is “particularly useful for studying timely topics such as group identities and boundaries [and] race, class, gender...”¹⁰ It is also particularly useful to study phenomena that occur over long periods of time, due to the large number of variables and factors that change over time.¹¹

15. In preparing this declaration, I have relied on a standard approach to Qualitative Methods that utilizes large amounts of data to reach robust and reliable conclusions. For this Declaration I have read or reviewed thousands of pages of documents from 115 sources. I also interviewed 27 people who live in North Dakota, whom I refer to in this Declaration as “interviewees.” With just a few exceptions, I asked each interviewee the same set of questions.¹² Those questions are:

1. Do you think racial discrimination is a problem in North Dakota?
2. Have you experienced difficulties attempting to vote?
3. Have there been efforts to discourage or prevent American Indians from voting?
4. Is there an atmosphere of racial polarization in the state?
5. In elections where an Indian ran against an Anglo, do the Indians tend to vote for the Indian candidate, and the Anglos vote for the Anglo candidate? Is race a factor in such elections?
6. Have the new requirements for an ID made it more difficult to vote? Have you personally experienced difficulties? Do you know of anyone who has?
7. Is it more difficult for American Indians to vote because of long distances, poor

¹⁰ 2009: 5.

¹¹ See: Bartolini 2013.

¹² I asked different questions when talking with subject-matter experts such as academics, administrators, and people involved in policy-making; those questions reflected the particular expertise of the person I was interviewing.

roads, or the location of polling places, long distances to the state offices that issue IDs?

8. Is state government and county government responsive to the needs of American Indians?
9. Do American Indians have an equal opportunity to elect candidates of their choice in North Dakota elections?

As I mentioned above, a full list of the references I used in preparing this declaration is attached as Exhibit B.

III. American Indians Historically Have Been Discriminated Against And Voting in North Dakota Has Been Racially Polarized (Senate Factors 1, 2).

16. North Dakota has a long and troubled history with its American Indian citizens.¹³ The conflict between Anglos and Indians goes back to territorial days, when the *Bismarck Tribune* editorialized: “The American people need the country the Indians now occupy.... An Indian war would do no harm, for it must come, sooner or later.”¹⁴

17. More than 100 years later, that troubled history was still evident in a 1999 report by the North Dakota Advisory Committee to the U.S. Commission on Civil Rights. The Committee report noted the testimony of state officials:

- “[S]ince 1957, as a member of the North Dakota legislature and from his involvement with other organizations,” a former state senator said, “the question of discrimination has always been one of the chief topics of ... discussion.”¹⁵
- A member of the House commented on one of the many problems confronting Native Americans in his urban district: “Within that district, about 600 people are Native American, which is the largest number of Native Americans in any

¹³ See, for example: *Turtle Mountain Band of Chippewa Indians v. United States* 1974; North Dakota Legislative Council 1997; Richardson 2011.

¹⁴ Karolevitz, 1975: 99. (quoting June 17, 1874 editorial)

¹⁵ North Dakota Advisory Committee 1999: 7.

district in the State, except those districts that have reservations within them. There are also 1,400 mobile homes and 1,800 apartments constituting some of the poorest people in the district What I'm really saying is that we have a very high percentage of very vulnerable people, people who have less voice, people who have less power, people who have less mobility.”¹⁶

- A member of the House noted that “discrimination occurs on a regular basis against Native Americans.”¹⁷

18. American Indian leaders also gave testimony to the Advisory Committee:

- The chairman of the Three Affiliated Tribes noted: “For our tribal populations, civil rights enforcement has been infrequent, at best, in North Dakota.”¹⁸
- The President of United Tribes Technical College stated that discrimination ranged from “‘we do not rent to Indians’ notices that appeared over 20 years ago in a Bismarck hotel, to United Tribes Technical College students being followed today by security personnel at the local malls and stores in Bismarck.”¹⁹
- The Director of the state Indian Affairs Commission said this about a case of employment discrimination: “an individual was passed over for promotions and was subject to racial slurs in the workplace. Some comments included, ‘go back to the reservation to your squaw,’ ‘go back to the reservation and eat dog,’ and ‘all Indian women are whores.’”²⁰
- A native woman who was a columnist for the *Bismarck Tribune* said that “[Native] people are angry, frustrated, and have a sense of hopelessness,” and described a recent ad referred through the state Job Service that attached instructions saying “Do not send Native Americans.”²¹

19. Additional testimony was given by a Methodist minister, who noted:

“An American Indian [was] treated differently from whites at a business establishment when she attempted to write a personal check,” and an

¹⁶ Advisory Committee 1999: 35-36

¹⁷ Advisory Committee 1999: 37.

¹⁸ p 38.

¹⁹ p. 38.

²⁰ p. 40.

²¹ p. 64.

assistant U. S. Attorney said she witnessed “discrimination toward women and other minority groups, most notably Native Americans, all the time.”²²

20. The Advisory Committee Report concluded: “Many forms of discrimination have been ongoing in the State for several decades, and it appears that limited accomplishments have been realized to solve those issues.... Systemic discrimination continues to occur....”²³ That report was issued 17 years ago, but my research indicates discrimination against American Indians in North Dakota continues to be a problem.

21. In the past, overt statements of racial discrimination were common; it was an accepted practice and an accurate reflection of prevailing belief systems. More recently, discrimination has become much more subtle, with people using certain code words or phrases in place of explicitly racist language—although there are exceptions as we shall see below.²⁴ A recent study of the North Dakota court system reiterated this distinction: “Research has identified two kinds of bias: overt and implicit.... Most racial and ethnic bias occurs in a pervasive yet subtle manner, referred to as implicit bias.”²⁵ As a tribal college administrator put it, “there is a lot of self-censoring that goes on in the mainstream media; there is no need to say something bigoted to deny service; just do it.”²⁶ Another observer described discrimination in North Dakota this way: “it’s not open and outright. I think the Native community would likely say yes. Do I hear background talk from white people about this? Sure.”²⁷ However, there are still plenty of examples of discrimination and allegations of discrimination.

22. Some cases of discrimination involved violations of the Voting Rights Act. In *U.S.*

²² p. 66.

²³ p. 75.

²⁴ Dick and Wirtz 2011; Hill 2008.

²⁵ North Dakota Commission 2012: 3

²⁶ Neumann interview.

²⁷ Cook interview.

v. Benson County, Native voters claimed the at-large method of electing county commissioners had prevented them from having an equal opportunity to elect candidates of their choice; indeed, no American Indian had been elected to the county commission. The District Court agreed, and the resulting consent decree ordered the county to change to a district system and noted:

“Racially polarized voting patterns prevail in elections for the Benson County Commission, and Native American voters in Benson County are politically cohesive. In elections involving Native American candidates and white candidates for the Benson County Commission, Native American voters vote consistently for Native American candidates and white voters vote sufficiently as a bloc to defeat the Native American voters’ candidates of choice.... Native American citizens within Benson County have suffered from a history of official racial discrimination.”²⁸

23. In the case of *Spirit Lake Tribe v. Benson County*, the American Indian plaintiffs argued that the closure of three voting places made voting more difficult for tribal members to vote. The District Court agreed that closing two of those voting places, which were on the reservation, would create a “disparate impact,”²⁹ and must be kept open. The Court noted: “The historic pattern of discrimination suffered by members of the Spirit Lake Tribe is well-documented.”³⁰

24. Tensions rose again at Spirit Lake in 2013 when Congressman Kevin Cramer made controversial comments to a group called the North Dakota Council on Abused Women. This group deals with problems associated with violence against women, especially on Indian reservations. According to some people at the meeting, Congressman Cramer referred to all tribal governments as “dysfunctional,” disparaged tribal judicial systems, and then reportedly said: “I want to ring the Tribal Council’s neck and slam them

²⁸ *U. S. v. Benson County* 2000: 4.

²⁹ 2010: 6.

³⁰ 2010: 5.

against the wall.”³¹ Congressman Cramer later claimed he was “misunderstood,” explaining:

“This may have been the result of my tone and rhetoric, better suited for active debate in Congress rather than in addressing the protectors of our most vulnerable citizens. I apologize, and welcome future discussion to address my meaning, and to further our common cause.”³²

25. Another event that provoked accusations of racism and discrimination was the conflict over the “Fighting Sioux” team mascot—what the *Wall Street Journal* described as the “contentious nickname” for the University of North Dakota (“UND”).³³ Numerous Native groups and other advocacy organizations conducted a prolonged campaign to stop UND from using this mascot. They met with fierce resistance, and the conflict dragged on for more than 20 years. The National Congress of American Indians, the NAACP, most of the Sioux tribes, the Mandan/Hidatsa/Arikara Affiliated Tribes, and the Turtle Mountain Chippewa Tribe demanded an end to the mascot.³⁴

26. The mascot controversy was an emotional issue, and some people expressed their opinions in an overtly racist manner. According to a group of students formed to lobby UND to change the mascot, a local store displayed a sign reading: “Redskins, go back to the reservations, leave their name alone.”³⁵ Some t-shirts produced at that time conveyed racist messages. One displayed obscene images of Indian people engaging in sex acts with bison (the team mascot of UND rival North Dakota State University). Another available-for-sale t-shirt read: “If they were called the drunken, lazy, welfare collecting, free cheese eating, whiny ass Sioux, then you would have something to complain about.”

³¹ Merrick n.d.; Spirit Lake Tribe 29 Mar. 2013; Ecoffey 2013

³² Schilling 1 April 2013; Dickinson Press Staff 29 Mar. 2013.

³³ Futterman 26 Mar. 2015.

³⁴ University of North Dakota Graduates n.d.

³⁵ University of North Dakota Graduates n.d.

Another t-shirt depicted the head of an Indian in full headdress under the words: "Siouxper Drunk."³⁶

27. During the controversy, someone taped posters to the doors of the Indian Studies Program at UND expressing racist insults:

- "If the name has to go, so should your funding"
- "Wish I could go to school for free"
- "Go back to the res, or work @ the Casino, prairie nigga"
- "Drink 'em lots o' fire water"
- "if you get rid of the "Fighting Sioux" then we get rid of your FREE schooling!"
- "Find something better for time 'like a job'"
- "You lost the war. Sorry."³⁷

28. The issue became so big that the state actually held a referendum and voters approved changing the mascot. That did not stop some people from filing a lawsuit in an effort to stop the name change. The NCAA finally forced the change in 2012 because it considered the name "hostile and abusive."³⁸

29. Nearly all of the people I interviewed felt that discrimination is a problem in North Dakota, and described many of the typical attributes of a racially polarized society. Here are some of their comments:

- "When I ran... on a statewide ballot, I really got a flavor of that [discrimination]. People would say to me 'we don't vote for Indians.'.... It [being perceived as an Indian—he actually is not an enrolled member] was stuck in my face quite a few times."³⁹
- "We live with it [discrimination] all the time. I don't observe it, I live it. Let me give you an example. I was invited to go to a conference on tourism in North

³⁶ ICTMN Staff 14 May 2014.

³⁷ University of North Dakota Graduates n.d.

³⁸ Kolpack 18 Nov. 2015; Walsh 19 Oct. 2015; Houska 20 Nov. 2015.

³⁹ Boucher interview.

Dakota; it was about making people feel welcome. I went to the desk to register and give the woman my registration fee, but the woman at the desk refused my money and told me I was not allowed to attend the conference. I went away but decided to go back in and another lady came up to me. She apologized and took my conference fee. She explained to me that the first woman at the desk ‘doesn’t like Indians.’ This is common.”⁴⁰

- “I’ve had it [discrimination] pulled on me all the time, especially by law enforcement.... I’ve been stopped for ‘DWI’—driving while Indian.⁴¹ They don’t pull over white people for little things or no reason.”⁴²
- “Yes [discrimination is a problem]. I talk to enough people during the day and I’ve heard enough complaints. And, I’ve experienced it myself.”⁴³
- “Discrimination is not only White-to-Native, it’s Native-to-Native, family-to-family. I grew up in Colorado. I have never experienced as much racism in my life as there is here....”⁴⁴
- “You see it [discrimination] everywhere. At a recent basketball tournament even the referees were, well, with questionable calls. And you see it in the vandalism in our area. I see writings on bathroom stalls that say ‘prairie nigger,’ and ‘white power,’ and the swastika.”⁴⁵
- “Our children have to work with the white man and they pay taxes. Every place they work there has been discrimination.”⁴⁶
- “Yes I do [think discrimination is a problem]. ... there are preconceived notions and collective judgments out there..... Natives also have a stereotype of whites.”⁴⁷

⁴⁰ Allard interview.

⁴¹ There is evidence that “Driving While Indian,” and other disparate treatment of American Indians in the criminal justice system, does indeed occur. See: North Dakota Commission 2012: 67, 90-91). As a focus group in the study put it, “White courts are designed for White society” (p. 140).

⁴² J. Turcotte interview.

⁴³ Kary interview.

⁴⁴ C. Turcotte interview.

⁴⁵ Taft interview.

⁴⁶ A. McCloud and E. McCloud interviews.

⁴⁷ Nordmark interview.

- “Absolutely, there is no question about it [that racial discrimination is a problem].... Part of the problem is that tribal entities are resistant to collaborating with ‘white’ organizations. My theory on that is that historical ‘rules’ and structure have been used against them, so the Natives do not want to work with them [Whites].”⁴⁸
- “We used to ride with the sports teams [from Standing Rock] to some of those small towns in the 1980s. I would see signs calling us ‘prairie niggers.’”⁴⁹
- “We live here, it’s non-stop, every day. We experience it in public life, driving down the highway, shopping, filling out forms. I brought a friend here who is a Jew. He is quite dark and looks like he could be Native. We don’t have many Jews in North Dakota, so I told him he would be mistaken for an Indian. I took him into a store, and they followed us all around the store. He immediately noticed it. Just for fun we decided to walk down an aisle and I turned left and he turned right just to see what the clerk would do. At another store no one would wait on him, but they would wait on all the white people around him. It was very obvious to him that he was getting treated that way. It’s non-stop.”⁵⁰
- “Yes [racial discrimination is a problem], because of the history of North Dakota, and there are still very deep-seated alliances that are cultural, familial, community-based. North Dakota is a very racist state.”⁵¹
- “We heard the former sheriff say the Indians around here are about as smart as the ridge-runnin’ niggers we have down south. He said that while he was sheriff.”⁵²
- “Yes, we are strongly segregated, not only on reservations, but even in the urban community. Our schools are segregated.... And I think people are racist.”⁵³
- “They call us names; if we’re at sports events, the kids on the opposing team will tell our team to go back to the rez, things like that. If they are in a group—the Caucasians—that’s when they say things. My mom was trying to write a check for her purchase at a store, but the clerk would not take her check because she’s from the reservation. My mom has never been on welfare; she’s

⁴⁸ Carbone interview.

⁴⁹ Eagle interview.

⁵⁰ Anonymous3 interview.

⁵¹ Morgan interview.

⁵² anonymous2 interview.

⁵³ Stromme interview.

worked all her life.”⁵⁴

- “I [an enrolled member at Fort Berthold] was born and raised in Bismarck. Growing up here in Bismarck was an intentional move by our parents because they didn’t want us to experience the discrimination on the reservation and the rural anti-Indian mentality.... There is a mentality across the board that my people are less.”⁵⁵

30. The interviewees also commented repeatedly about the polarized nature of voting when an Indian and an Anglo run against each other:

- “When I ran [a Lakota woman running for a House district] I took all of Sioux County and none of Morton County. I took Grant County—there are tribal members there. Whites voted for my opponent.”⁵⁶
- “Do Native Americans have a propensity to vote for their own? Yes, the same is true with whites.”⁵⁷
- “My brother [an American Indian] ran for sheriff [Rolette County].... He came out ahead because he got all the Indian votes. The last two sheriff races the Indians won; the Native voters elected him.”⁵⁸
- “There was discrimination against Turcotte [Native American sheriff in Rolette County]. They made it so miserable for him as sheriff that he quit.... Some of them just couldn’t see an Indian being sheriff.”⁵⁹
- “Yes [Indians vote for Indians and Anglos vote for Anglos] in the city council races [in Rolla].”⁶⁰
- “...racism would create barriers for any non-white candidate for state office. Natives can elect Natives, but for larger offices [beyond local] I don’t see a Native candidate gaining traction.”⁶¹

⁵⁴ Agard interview.

⁵⁵ Jones interview.

⁵⁶ Allard interview.

⁵⁷ Boucher interview.

⁵⁸ J. Turcotte interview.

⁵⁹ A. McCloud, E. McCloud interviews.

⁶⁰ Nordmark interview.

⁶¹ Carbone interview.

- “Mike Faith was one of our [Standing Rock] council members. He received a large vote from the Indian community when he ran [for non-tribal office].”⁶²
- “Yes they definitely do [Indians vote for Indians, Anglos for Anglos]. I can tell you we’ve had enrolled members run for county commissioner; there’s been four or five of them. They ran against Whites that had college degrees and are well-known, and the Indian had maybe a fifth or sixth grade or high school education. But you can see the voting is so one-sided on the reservation they just put an x there. The Whites vote for the best candidates, but there’s that cultural divide here. The Indians vote for Indians.”⁶³

31. Of course, exceptions do exist. The Voting Rights Act is about having an equal opportunity to elect candidates of choice, not necessarily of race. For example, many interviewees (as well as other sources) commented on how Indian voters came out forcefully for Heidi Heitkamp because they felt she cared about them, and had spent time on the reservations. And, as will be seen below, many Indian areas are represented by Anglos, so obviously Indians are voting for Anglos when there are few or no alternatives.

32. It is quite clear that race plays a role in elections in North Dakota, especially when an Anglo runs against an Indian. This may simply be a reflection of a larger racial divide in the state. Some Anglo people in North Dakota may not feel that racism is a problem, but the American Indians I interviewed—and most of the Anglos—certainly do. Indeed, differing perceptions regarding the existence or extent of discrimination is a symptom of polarization. Among the people I interviewed, only Anglos claimed discrimination did not exist. For example, in Sioux County, auditor Barb Hettich told me discrimination is not a problem in North Dakota, and that no racial polarization exists.⁶⁴ An Anglo Sioux County Commissioner told me that racial polarization was a problem in *other* places in the state and the country.⁶⁵ This is in contrast to the American Indian people I

⁶² Eagle interview.

⁶³ anonymous1 interview.

⁶⁴ Hettich interview.

⁶⁵ Silbernagel interview.

interviewed at Standing Rock Sioux Tribal headquarters.⁶⁶ Thus, there is certainly a polarization in perception of how American Indians are treated. An administrator at the United Tribes Technical College succinctly made this point:

“Yes, discrimination exists in North Dakota, and it’s my perception that race matters are not perceived by people in the mainstream, but they are very much in the forefront of Native people’s thinking. There are all sorts of problems that come from that, both problems, and perceptions of problems.”⁶⁷

Perhaps this explains why, in a recent survey of American Indians living in Bismarck/Mandan, nearly half of the respondents rated the friendliness of their community as “poor to fair.”⁶⁸

IV. North Dakota’s New Voter ID Laws Have Adversely Affected The Ability of American Indians To Exercise Their Right To Vote (Senate Factors 3, 8, 9).

33. A government-mandated procedure that makes it difficult for citizens to exercise their fundamental rights does not fit the model of a responsive government. North Dakota’s new Voter ID Laws have established a cumbersome, labyrinthine process for obtaining an acceptable form of identification that has had an adverse impact on the ability of American Indians (and other citizens) to exercise their right to vote.

A. The North Dakota Legislature Resorted To Unusual Procedures To Adopt The New Voter ID Law.

34. HB 1332 departed from normal procedures in a significant way; the entire bill was introduced as a “hog house” amendment. This procedure is usually reserved for incremental amendments to bills that have been introduced, but in this case the entire bill

⁶⁶ Morgan interview, Eagle interview, Agard interview.

⁶⁷ Neumann interview.

⁶⁸ Sacred Pipe Resource Center 2014.

was introduced as an amendment by Representative Randy Boehning.⁶⁹ As a result, there was no requirement to hold hearings on the bill because it was merely an amendment.⁷⁰ One former legislator characterized the hog house procedure as “a way to hide things that have already had a hearing.”⁷¹ Another critic of the new law suspected proponents used the hog house procedure “to avoid a public hearing. It was controversial and hearings would have been quite contentious.”⁷²

B. There was a Tenuous Basis for Enacting the new Voter ID Laws (Senate Factor 9).

35. The word “tenuous” is defined as “lacking a sound basis, as reasoning; unsubstantiated; weak... of slight importance or significance.”⁷³ Perhaps the best example of “tenuous” policy as it was described in the 1982 Senate Report would be a policy that is designed to solve a problem that does not exist. There is virtually no evidence that “voter fraud” is a problem in North Dakota, especially the kind of fraud—voter impersonation—that would be prevented by new ID laws. This theme—that the voter ID laws solve a problem that does not exist—runs through all the debates over election laws.

1. North Dakota has not had a voter fraud problem.

36. A former governor of North Dakota, Lloyd Omdahl, surveyed election officials in the 1970s, and asked if they had encountered any cases of voter fraud. They could only recall one instance of a prosecution for voter fraud, and this was a case where a farmer voted in his old precinct after he had re-located; he was acquitted of any wrong-doing.⁷⁴ In

⁶⁹ House Standing Committee 2013.

⁷⁰ Sorensen 2013; North Dakota Democratic Caucus 19 Feb. 2013.

⁷¹ Boucher interview.

⁷² Cook interview.

⁷³ dictionary.com.

⁷⁴ Omdahl 1971; 5 Nov. 2006; 1 May 2011.

2008 former Governor Omdahl stated that “North Dakota conducted elections without voter registration for 56 years without fraud. Voting fraud is not in our blood.”⁷⁵ And in October 2006, Secretary of State Alvin A. Jaeger wrote to a professor: “While you might not believe this, during my fourteen years as Secretary of State and the state’s chief election officer, my office has not referred any cases of voter fraud to the United States Attorney, the North Dakota Attorney General, or to local prosecutors. We haven’t had any to refer. We are also the only state in the union that doesn’t have voter registration. What we have works and works very well.” He further said that North Dakota “has had an excellent history of conducting elections that are accurate and trustworthy. Our citizens respect the voting process.”⁷⁶

37. In 2008, when some legislators evinced an interest in implementing a voter registration system, the *Bismarck Tribune* opined that voter registration was not necessary because the “apparent lack of voter fraud in the state suggests there’s no need for additional rules and regulations.”⁷⁷ In 2009, when a new ID law was first being considered, Representative Stacy Dahl of Grand Forks claimed there was no proof that voter fraud was a problem in the state.⁷⁸

38. When the imposition of a new voter ID requirement was being considered in 2013, the *Bismarck Tribune* said in an op-ed, “Talk about a solution looking for a problem... Republican House members see a threat that no one has clearly stated.”⁷⁹ When HB 1332 was first introduced in 2013, Representative Marie Strinden asked: “I am wondering if this is a bill that is a solution looking for a problem?”⁸⁰ Another member, Representative Gail

⁷⁵ Omdahl 13 Jan. 2008.

⁷⁶ 10/9/2006 Jaeger letter to Lorraine C. Minnite.

⁷⁷ Opinion 3 Sept. 2008.

⁷⁸ *Bismarck Tribune* 10 Feb. 2009.

⁷⁹ *The Bismarck Tribune* 25 Mar. 2013.

⁸⁰ House Standing Committee 7 Feb. 2013.

Mooney, noted that even the Secretary of State had some concerns, and that he “made a mention that he felt this was a solution looking for a problem. I think this is looking for more problems going forward.”⁸¹ Even one of the bill’s sponsors, Representative Kasper, tacitly acknowledged there was no evidence of voter fraud: “*If* [emphasis mine] there are people out there who are abusing the privilege of voting, that they are stopped.”⁸² During the debate over voter IDs in 2013, the auditor from Cass County testified that voter fraud was not a problem, but that, with the new restrictions on voting, there was a “very real possibility of disenfranchising thousands of eligible voters.”⁸³

39. While the North Dakota Sentate was considering HB 1332, Senator Pollman asked the Deputy Secretary of State, Jim Silrum, “Out of the 10,517 people that voted by affidavit, how many are determined to be fraudulent?” Mr. Silrum answered: “I cannot give you an exact response on that.”⁸⁴ Thus, even though the bill would abolish the affidavit option, there was no knowledge of whether anyone had actually abused that process. In a later hearing, the bill’s sponsor was asked if there was any evidence of voter fraud. He replied: “There are currently 9 cases that the Secretary has found in the state that have voted twice.”⁸⁵ The Secretary of State then clarified that: “In the last election, there were 10,517 voter affidavits; in 2010 we had approximately 4,000..... We had nine cases. They voted absentee in one county and then went to where they lived and voted again.”⁸⁶ An opponent of the measure noted that these nine potential cases of voter fraud were out of 325,862 votes cast, or 0.0000276 percent.⁸⁷ Another legislator pointed out that there had

⁸¹ House Standing Committee 8 Feb. 2013.

⁸² House Standing Committee 2 Feb. 2013.

⁸³ North Dakota Democratic Caucus 13 Feb. 2013.

⁸⁴ Senate Standing Committee 21 Mar. 2013.

⁸⁵ Senate Standing Committee 2 April 2013.

⁸⁶ Senate Standing Committee 2 April 2013.

⁸⁷ Smith 3 April 2013.

been only one case of actual voter fraud in the last decade—out of more than two million votes cast, and only two or three cases in the last twenty years.⁸⁸ The Senate then heard testimony from the Associate Director of the AARP of North Dakota, who succinctly summarized the record:

“There is virtually no evidence of actual in-person voter fraud in North Dakota. In fact published reports show that in North Dakota in the last ten years there has only been one instance of voter fraud that has been prosecuted. The real problem is not people trying to vote who should not—it’s all the people who should vote and want to vote but cannot because of the rules that make it difficult....”⁸⁹

40. A national study of “voter fraud” completed in 2012 provided a state-by-state breakdown. That database reported three cases of people who voted twice in North Dakota (it is not clear if they were among the nine cases identified above). One of these cases resulted in a plea deal. The outcome of the other two is not known.⁹⁰

41. The debate continued when the state considered additional voter ID requirements in 2014. The Democratic candidate for Secretary of State in 2014, April Fairfield, argued that voter fraud had never been a problem in North Dakota.⁹¹ Even some of those who supported the changes wrought by HB 1332 and 1333 could not identify any need for the measures. For example, the Grand Forks County auditor opposed the return of the affidavit process because some people might abuse it and vote multiple times, even though she admitted she was unaware of that *ever* happening.⁹²

42. When the Legislature discussed creating a voter registration system in 2015, some legislators noted that voter fraud was not a problem and that, therefore, voter

⁸⁸ Smith 4 April 2013.

⁸⁹ Askvig 2013.

⁹⁰ News21, 2012.

⁹¹ Faulx 2014.

⁹² Hageman 23 Jan. 2015 (emphasis added).

registration was not necessary.⁹³

43. Even the state's own website admits there is no significant problem with voter fraud. This Q&A is found on the state's "Voice Your Vote" website:

"Is voter fraud possible in North Dakota? Yes."

"Have there been incidents of widespread voter fraud in North Dakota? No."⁹⁴

44. There are three important factors to consider about the alleged cases of "voter fraud." First, the nine cases referenced above concerned absentee voting, not people showing up at the polls and pretending to be qualified when they were not. Second, the existing centralized system of voter records caught all of these—without any new voter ID requirements. Third, to my knowledge, none of the "nine cases" was prosecuted, even though voting twice is a crime. That is probably because their error was due to a misunderstanding of the voting system rather than malicious law-breaking. And the single case of the farmer voting where he was not supposed to vote did not lead to a conviction. Indeed, it appears that, at most, one person has possibly been convicted of voter fraud at the ballot box over several decades when millions of votes were cast. The type of crime that the new voter ID laws were designed to eliminate simply does not exist.⁹⁵ And yet, despite the lack of evidence of any voter fraud, the state legislature refused to re-instate the voter affidavit process in 2015.⁹⁶

⁹³ Smith 18 Sept. 2015.

⁹⁴ North Dakota Voice Your Vote (July 2015).

⁹⁵ This absence of voter fraud is not limited to North Dakota. For complete nation-wide analyses see: Chapter 2 of *The Voting Wars*, by Richard Hasen (2012); chapter 6 of *Stealing Democracy*, by Spencer Overton (2006); and *The Myth of Voter Fraud*, by Lorraine Minnite (2010). Also see: Urbina (26 Oct. 2010). Even the U. S. Justice Department under President George W. Bush could not find evidence of significant voter fraud; see: Lipton and Urbina 12 April 2007).

⁹⁶ Hageman 23 Jan. 2015.

2. Laws already existed to deal with voter fraud in North Dakota.

45. Another aspect of tenuousness is that voter fraud was already illegal under state law—before HB 1332 and HB 1333 became law. The kind of voter fraud that the newly restrictive ID laws would prevent—someone impersonating a qualified voter at the polls when in fact they are not qualified—was already illegal: “It is unlawful for an individual to ... knowingly vote when not qualified to do so.”⁹⁷

46. In sum, there does not appear to be a legitimate, substantiated need for the new voter ID laws. They have created a burden on people who face difficulty in obtaining one of the required IDs, they created a burden on the taxpayer, and they are redundant with existing law.

3. The cost of implementing the new Voter ID Law further reflects the tenuousness of the policy.

47. Another aspect of the tenuousness of the policy is the substantial cost. Despite the near complete absence of any voter fraud, the fiscally conservative state legislature was willing to expend significant amounts of money to implement the voter ID requirements. The fiscal note attached to HB 1332 was over a quarter of a million dollars.⁹⁸ The DOT estimated that it would cost them \$12,966 to issue the “free” non-driver IDs, and they would then lose \$245,888 on license fees that they would have been collected if a free alternative were not available.⁹⁹

4. Partisan political explanations exist for the adoption of the new voter ID laws.

48. In the near total absence of any actual voter fraud, we must ponder the motives of the North Dakota legislature in passing such restrictive voting laws. We may find clues

⁹⁷ North Dakota Election Laws 2015-2017: 38.

⁹⁸ Smith 22 Mar. 2013.

⁹⁹ House Standing Committee 2 Feb. 2013; Fiscal Note 12 Feb. 2013.

by examining the larger debate over the passage of newly restrictive voter ID laws.

49. At the national level, proponents of strict ID laws claim their motivations have nothing to do with race or ethnicity or partisan advantage. However, there are several examples of partisan operatives who have openly admitted that voter ID laws help Republicans win elections by disenfranchising groups of people who typically vote for Democrats—and Indian voters would fall into that category. The push for strict ID laws appears to have its roots in efforts made by the American Legislative Exchange Council (ALEC). ALEC’s founder, Paul Weyrich, explained in 1980 why he favored constricting the electorate: “Elections are not won by a majority of people. They never have been from the beginning of our country, and they are not now. As a matter of fact our leverage in elections quite candidly goes up as the voting populace goes down.”¹⁰⁰ In 2009, ALEC proposed a “model” voter ID law and began a campaign to encourage its membership, which included many state legislators, to adopt some form of a strict ID law in their state. Many did so, which resulted in a wave of new voter ID laws. According to a recent investigation, of the 62 voter ID laws proposed in 37 state legislatures in 2011 and 2012, more than half were sponsored by legislators who had attended ALEC conferences.¹⁰¹ A website that tracks ALEC membership claims that 25 members of the North Dakota House, and seven members of the North Dakota Senate, are members of ALEC, including the sponsor of HB 1332.¹⁰²

50. ALEC’s strict “model” voter ID law provides for an affidavit process if the voter does not have an ID (Center for Media and Democracy 2016). Thus, the North Dakota law is even more restrictive than the one suggested by ALEC.

51. Following the push by Weyrich and ALEC, a number of Republicans have

¹⁰⁰ Weyrich 1980.

¹⁰¹ Magoc 21 Aug. 2012.

¹⁰² Sourcewatch 2016.

candidly admitted they don't want some people—who usually vote Democrat—to vote. Don Yelton, a GOP party operative in North Carolina (which passed a strict voter ID law), recently said: “The law is going to kick the Democrats in the butt...if it hurts a bunch of lazy blacks that want the government to give them everything, so be it.”¹⁰³ Another North Carolina Republican, running as a candidate in the Republican primary for a seat in the U. S. Congress, freely admitted the voter ID law was discriminatory, but used language to describe it that would be inappropriate to quote in this report.¹⁰⁴

52. In Pennsylvania, the state House Republican leader commented during the 2012 elections that the state's new voter ID law would “allow” Mitt Romney to win the state.¹⁰⁵ In Texas, the former political director of the Republican Party explained that Republicans like voter ID laws because it is an “article of religious faith that voter fraud is causing us to lose elections,” even though there was no evidence of voter impersonation in Texas.¹⁰⁶

53. The new voter ID law in Indiana was upheld at the appellate level by Judge Richard Posner. In later comments, Judge Posner was quite candid about the law's purpose: “I plead guilty to having written the majority opinion (affirmed by the Supreme Court) upholding Indiana's requirement that prospective voters prove their identity with a photo ID—a type of law now widely regarded as a means of voter suppression rather than of fraud prevention.”¹⁰⁷

54. Several of the new voter ID laws were accompanied by sharp restrictions on early voting. These provisions may also have been motivated by partisan gain. Phyllis Schlafly, the widely-known conservative, candidly said that the North Carolina legislature (dominated by Republicans) cut back on early voting because it favored Democrats: “The

¹⁰³ Farley 26 Oct. 2013.

¹⁰⁴ Reilly 28 Aug. 2013.

¹⁰⁵ Weinger 25 June 2012.

¹⁰⁶ Quoted in Mack 18 May 2007

¹⁰⁷ Posner 2013: 84-85.

reduction in the number of days allowed for early voting is particularly important because early voting plays a major role in Obama's ground game.... early voting is an essential component of the Democrats' get-out-the-vote campaign."¹⁰⁸ In Florida, a former GOP chairman explained the motive behind reducing early voting:

"The Republican Party, the strategists, the consultants, they firmly believe that early voting is bad for Republican Party candidates.... It's done for one reason and one reason only.... 'We've got to cut down on early voting because early voting is not good for us,' Greer said he was told by those staffers and consultants. 'They never came in to see me and tell me we had a (voter) fraud issue... It's all a marketing ploy.'"¹⁰⁹

Chris Christie, the Republican governor of New Jersey, vetoed a bill that would have expanded early voting, then noted it was important to elect Republic governors so they could "oversee the voting mechanism."¹¹⁰ In Georgia, a Republican state senator complained that early voting (on a Sunday) made voting too convenient for Black voters: "Now we are to have Sunday voting at South DeKalb Mall just prior to the election... this location is dominated by African American shoppers and it is near several large African American mega churches."¹¹¹

55. The academic literature on the impact of voter ID laws supports the contention that voter ID laws have nearly always been passed by legislatures dominated by one party (Republicans) and have had a negative impact on the turnout of voters of another party (Democrats), especially minority voters.¹¹² A recent book on voter suppression summarized the latest literature:

¹⁰⁸ Schlafly 19 Aug. 2013.

¹⁰⁹ Quigley 25 Nov. 2012.

¹¹⁰ Hayes and Jackson 21 Oct. 2014.

¹¹¹ Quoted in Malloy and Galloway 9 Sept. 2014.

¹¹² See, for example: Hasen 2012: 32; Minnite 2010: 148-49, 153; Alth 2009; Atkeson et al. 2010; Bentele and O'Brien 2014; GAO 2014; Brennan Center 2006; Pawasarat 2005.

“The potential for strict ID laws to skew election outcomes is huge. About 11 percent of Americans do not have a driver’s license or non-driver’s government ID. Voters without such documentation are far more likely to be among these demographics: African Americans, immigrants, the poor, people with disabilities, and senior citizens. Academic study after study has shown this connection between demographics and ID Possession.”¹¹³

56. Some of those academic studies examine specific jurisdictions. One recent analysis in the city of Boston found “strong evidence that Hispanic and black voters were asked for identification at higher rates than white voters.... The magnitudes of the differences are significant.”¹¹⁴ A study in New Mexico concluded that “on some level discrimination at the polls is occurring, even if only in an unbalanced application of the voter identification law....”¹¹⁵

57. Studies that cover the entire United States have found similar results. One analysis concluded that “strict voter identification laws do, in fact, substantially alter the makeup of who votes and ultimately do skew democracy in favor of whites and those on the political right. These laws significantly impact the representativeness of the vote and the fairness of democracy.”¹¹⁶ A wide-ranging survey of voter ID laws published in the scholarly journal, *Political Research Quarterly*, reached this conclusion: “the GOP appears to have opted for coalition maintenance instead of coalition expansion... by embracing several restrictive voting reforms whose true purpose is to marginally curtail the participation of voters typically aligned with the Democratic Party.”¹¹⁷ Another comprehensive survey concluded:

“Our results indicate that proposal and passage [of voter ID laws] are highly partisan, strategic, and racialized affairs. These findings are consistent with a

¹¹³ Wang 2012: 83

¹¹⁴ Cobb, Greiner, and Quinn 2012: 2

¹¹⁵ Atkeson. et. al. 2010: 70

¹¹⁶ Hajnal, Lajevardi, and Nielson 2014

¹¹⁷ Hicks, et. al. 2014: 12.

scenario in which the targeted demobilization of minority voters and African Americans is a central driver of recent legislative developments.... Recent legislative efforts to restrict voter access [are] pursued in order to demobilize and suppress particular categories of voters for partisan gain.”¹¹⁸

A study by the Brennan Center found that the people most likely not to have proper identification were the elderly, minorities, and low-income people.¹¹⁹ The Government Accountability Office (GAO) recently analyzed the research on the relationship between race and possession of a voter ID, and concluded that possession of an ID “varied by racial and ethnic groups,” with Black and Hispanic voters less likely to have the appropriate ID.¹²⁰ Political Science Professor Lorraine Minnite suggests that voter ID laws are a “throwback to the post-Reconstruction era when the newly enfranchised freedmen of the South were often forced to carry their registration papers with them to the polls.”¹²¹

58. In sum, the “debate” over voter ID laws may be an example of what political scientist Henry Flores calls a “racial shield... best described as a device used in the policy process allowing decision makers to divert the attention of others from issues having to do with discriminatory practices.”¹²² In North Dakota, the reality revealed by these studies has significant negative implications for Native American voters. As one interviewee put it, “...the case in point is the voter ID; people of color feel targeted.”¹²³

C. North Dakota’s new Voter ID Laws Have Made It More Difficult For American Indians To Vote.

59. Under the new voter ID laws, there are several ways to obtain a valid ID, but each option carries with it expenses and access problems. According to the state’s website,

¹¹⁸ Bentele and O’Brien 2013: 1104

¹¹⁹ Brennan Center 2006.

¹²⁰ GAO 2015: 1.

¹²¹ Minnite 2010: 152.

¹²² Flores 2015: 26.

¹²³ B. Nelson interview.

the “ID required for voting,” identifies the acceptable forms of ID.¹²⁴ There are problems with each one.

1. Current driver’s license.

60. The state website indicates that, if the address on a driver’s license or a non-driver’s ID card is not current, the potential voter can update it in three ways. Each way presents potential problems for some voting-eligible citizens.

- #1. Update the address online. This requires that the voter have access to a computer and an Internet connection.
- #2. Travel to a DOT Driver’s License Site (DLS) to update a current license with a new address. This requires a car and sufficient money to cover fuel costs. Distances from reservation communities to DLSs can be quite significant, resulting in a costly trip to the DOT.
- #3. Travel to a DOT DLS to get a new driver’s license. Many American Natives in North Dakota do not have a driver’s license. A recent survey of Indians in the Bismarck/Mandan area found that 19 percent of the respondents did not have one.¹²⁵ Getting a new license costs \$15, plus \$5 for the written test, and \$5 for the road test. The applicant must already have proof of identification to get this form of ID.¹²⁶ This also requires a car and travel expenses.¹²⁷

2. Non-driver’s identification card.

61. There is an \$8 charge to obtain a non-driver’s ID if you have a driver’s license, or to renew a non-driver’s ID if you have a driver’s license, or to replace a lost, stolen or destroyed ID card.

62. According to the state’s website, to obtain a “non-driver photo identification card,” “you must visit one of the ND Drivers License Sites.” This requires a car and travel expenses. But there appears to be a “catch-22” to the ID. The website says “proof of

¹²⁴ North Dakota Voice Your Vote 2015.

¹²⁵ Sacred Pipe Resource Center 2014.

¹²⁶ <http://www.dot.nd.gov/divisions/driverslicense/dlrequirements.htm>.

¹²⁷ North Dakota 2016b.

identification is required.” In other words, like a new drivers license, one must have an ID to get an ID. There is an \$8 fee for every form of ID, except for the non-Driver’s license if you do not have a driver’s license, and “Renewal of ID card and you do not possess a ND Driver’s License,” which are free.¹²⁸ Thus, to avoid having to pay for an ID required for voting, the procedure for obtaining the non-driver ID must be truly free. But this is not the case. The website indicates that “You will not be allowed to test or obtain a North Dakota Permit, license, or non-driver identification card without proper identification.” It then lists the acceptable forms of ID that can be used to obtain an ID:¹²⁹

- “Valid, unexpired U. S. Passport.” A passport application costs \$110.
- “Report of a Birth Abroad issued by the U. S. Department of State.” This is irrelevant and unobtainable to Native Americans born in the United States.
- “Certificate of Naturalization.” This is irrelevant and unobtainable to Native Americans born in the United States.
- “Certificate of Citizenship.” This is irrelevant and unobtainable to Native Americans born in the United States.
- “Valid, unexpired Permanent Resident Card.” This is irrelevant and unobtainable to Native Americans born in the United States.
- “Unexpired Employment Authorization Card.” This is irrelevant and unobtainable to Native Americans born in the United States.
- “Unexpired Foreign Passport with I-94.” This is irrelevant and unobtainable to Native Americans born in the United States.
- “I-94 Card Stamped Refugee or Asylee.” This is irrelevant and unobtainable to Native Americans born in the United States.
- “U. S. birth certificate (state certified; Government issued).” This is the only form of ID that is relevant to American Indians born in the United States who do not already have a passport. Many American Indian people, especially those of an advanced age, were born on reservations and were not issued birth

¹²⁸ www.dot.nd.gov/divisions/driverslicense/idrequirements.htm.

¹²⁹ <http://www.dot.nd.gov/divisions/driverslicense/docs/proof-of-identification-documents.pdf>.

certificates. North Dakota will issue a birth certificate for \$7.

63. So, what does it take to obtain a birth certificate in North Dakota? According to the website of the North Dakota Department of Health, the applicant must first provide “proof of identity.”¹³⁰ In other words, it takes a form of identification to get a birth certificate to use as an ID to get a state ID to vote. Ironically, the ID requirements for getting a birth certificate are considerably more liberal than the requirements for a voting ID. Acceptable forms of ID are:

- “State Government issued photo ID or Driver’s License.” As noted above, all of these cost money, and cannot be obtained without additional ID—such as a birth certificate.
- “Bureau of Indian Affairs issued tribal ID card.” Unlike the voter ID law, this does not require that a person’s residential address be listed on the card.
- “U.S. government issued Military ID card.” This is irrelevant to American Indians unless they served in the military.
- “U. S. Government Passport or Visa.” This costs \$110.
- “U.S. Government issued Permanent Resident Card.” This is irrelevant and unobtainable to Native Americans born in the United States.

64. However, if the applicant does not have any of these, the applicant can provide two of the following:

- “Social Security card.”
- “Utility bill with current address (can not be more than 3 months old).”
- “Bank statement with current address (can not be more than 3 months old).”
- “Pay stub (must include your name, SSN and the name and address of your employer).”
- “Car registration with current address (for the current registration year).”
- “IRS Tax Return (from the prior year).”

65. The website then states that, if the applicant cannot provide any of these, they

¹³⁰ www.ndhealth.gov/vital/birth/htm.

can call their office or email them. This is an admirable attempt at providing flexibility but of course requires that the applicant have either a phone or a computer with an Internet connection. Once the applicant has achieved the required “proof of identity,” they have four ways of submitting their application for a birth certificate:

- “Internet (Credit Card Only).” This requires a computer, an Internet connection, and a credit card.
- “FAX (Credit Card Only).” This requires a FAX machine and a credit card.
- “Mail (do not send cash).” To use this option, the applicant must “download and completely fill out request form.” This requires a computer with an Internet connection and a printer. The fee can be paid by credit card, or with a check (which requires that the applicant have a bank account), or a money order.
- “Stopping by our Office.” There is only one office—in the state capitol in Bismarck. This requires that applicants from Indian reservations travel a considerable distance.

3. Tribal government issued identification card.

66. All forms of identification must have the “applicant’s current or most recent North Dakota residential address.” Such an address does not appear on many tribal IDs. Indeed, houses on Indian reservations may not have a residential address.¹³¹ Several American Indians I interviewed showed me their tribal ID cards, and none had a residential street address. There is also a charge for a tribal ID in nearly all cases. Here are the parameters for getting a tribal ID:

- At Standing Rock Sioux, the first tribal ID is free, but a replacement card within five years is \$5. Only some of the newer IDs have a residential address. So, if a voter wanted to use their tribal ID to vote but had an old card that did not have an address and was issued within the last five years, they would have to travel to Fort Yates and pay \$5 for a new one.
- At Spirit Lake, a tribal ID costs \$11. They are distributed by the tribe’s Motor Vehicle Department. Only some of them have a residential address.

¹³¹ Woodard 18 July 2014.

- At Turtle Mountain, a tribal ID costs \$10. They are distributed by the tribe's Motor Vehicle Department. Only some of the newer IDs have a residential address.
- At Three Affiliated Tribes, a tribal ID costs \$10 up to age 59; members who are 60 and over are not charged. Only some of the tribal IDs have a residential address.

67. Thus, with few exceptions, there is a charge for tribal IDs, and to obtain an ID the applicant must travel to tribal headquarters.

4. Long term care identification certificate (provided by a North Dakota facility).

68. This, of course, is only available to a small portion of the population.

69. In sum, obtaining one of the forms of ID approved by the new voter ID laws almost always involves a fee or charge of some kind, and in nearly all cases requires travel. It also helps to have a computer with Internet access, a credit card, a car, and the ability to take time off work. Also helpful is a familiarity with the system of government and its bureaucracy. Thus, the voter ID requirement works best for people who live in urban areas, have a good income, are computer-literate and have a printer and/or FAX, have a good car and gas money, have a flexible schedule, and understand how to navigate the state's administrative procedures. For others, it places a significant burden on their ability to vote.

D. The New Voter ID Law Represented A Switch From A Liberal Voting System And Resulted In The Disenfranchisement Of Native American Voters.

70. The imposition of new voter ID requirements was, in itself, a departure from normal procedures. North Dakota traditionally had a very open voting system. There was no voter registration—the only state in the country without that. Prior to the 2014 law there was no requirement of any kind for a voter ID, and a voter had an option to sign an affidavit in order to vote. In the 2012 election—the last election to take place before the voter ID requirements were instituted—10,517 voters took advantage of the affidavit

option.¹³² In other words, the voting system was open and welcoming—and it worked well. Indeed, the state’s election process was rated number one in a 2012 survey of all 50 states—before the new ID requirements were implemented.¹³³

71. That changed with the election in 2014, due to problems with the new voter ID requirements. In the 2014 election, “Some had problems casting a ballot in November,”¹³⁴ and some were “turned away.”¹³⁵ Secretary of State Jaeger admitted that “a handful of voters’ information” had not been updated in the central voter file.¹³⁶ Some members of the Spirit Lake Reservation were not allowed to vote because their tribal IDs did not include sufficient information.¹³⁷ The North Dakota Association of Counties surveyed the state’s 53 counties to assess how many voters were turned away as a result of the new ID requirements. Only 30 counties responded, so the results are incomplete, but they revealed that 22 had failed to update their driver’s license and 66 did not have an acceptable form of ID.¹³⁸

72. Some of the disenfranchised people were students at the state’s public universities. A 2014 survey conducted by two professors from North Dakota State University found that “3.2 percent of respondents who attempted to vote in the 2014 midterm elections were unable to participate due to confusion over residency requirements Extrapolating the results of this survey to the general population indicates that 689 students were unable to vote due to residency issues.”¹³⁹ According to

¹³² Smith 3 April 2013; House Standing Committee 14 Feb. 2013.

¹³³ PEW 7 April 2014.

¹³⁴ Hageman 23 Jan. 2015.

¹³⁵ Smith 7 Nov. 2014.

¹³⁶ Smith 7 Nov. 2014.

¹³⁷ Monk 10 June 2014.

¹³⁸ Smith 10 July 2014.

¹³⁹ Bauroth and Nelson 2014.

the *United Tribes News*, some of the students who experienced problems were American Indians who were attending the United Tribes Technical College. However, the students did manage to vote after obtaining the proper ID from the registrar's office and returning to the poll a second time before it closed.¹⁴⁰

73. The sponsor of the second voter ID bill (HB 1333) admitted that the previous law, HB 1332, resulted in some voters who may have "fallen through the cracks."¹⁴¹ Some of the problems may have been due to a voter information campaign the state designed (using \$700,000 in federal money) to inform voters about the new requirements.¹⁴² One county auditor admitted there may have been some "mixed messages" regarding the new requirements.¹⁴³ A tribal college administrator made reference to this problem:

"When they changed the voter ID laws—which IDs are okay or not okay, or how it was affecting students, there wasn't enough public information out there to get that information to the people. That was the case two years ago for students on college campuses."¹⁴⁴

74. HB 1333 made the ID requirements for students even more cumbersome; it eliminated the use of student certificates as a viable form of identification.¹⁴⁵ As a consequence, some students at North Dakota's colleges and universities were prevented from voting by the new ID procedures.¹⁴⁶ Despite this, a bill introduced in 2015 to ease the ID restrictions on students was defeated.¹⁴⁷

75. Several interviewees experienced difficulties voting due to the new ID laws, or

¹⁴⁰ Neumann 2015.

¹⁴¹ Hageman 22 Jan. 2015.

¹⁴² Smith 10 July 2014.

¹⁴³ Hageman 21 April 2015.

¹⁴⁴ Neumann interview.

¹⁴⁵ Smith 7 April 2015.

¹⁴⁶ Hageman 21 April 2015.

¹⁴⁷ Hageman 11 Mar. 2015.

knew other people who had problems. Here are some of their comments:

- “The issue is the physical address. The Secretary of State Jaeger led the charge; he said you don’t live at a P.O. box, you live at an address, so that needs to be there. They don’t realize that, for many Indian families, you have multiple generations living in a house without door-to-door delivery. Their mail goes to a P. O. box—even here in Rolette. I have to go to the Post Office to get my mail. So a lot of people don’t have a physical address.”¹⁴⁸
- “For a lot of our people we have a tribal ID; they [the state] said they would take those, but only if it has an address. Even for me I don’t have an address; we are rural people, we have P.O. boxes. When I told them I don’t have a physical address, they told me to GPS the location of my home—state officials told me that. People don’t have GPS; a lot don’t even have phones. It just doesn’t happen because we don’t have the equipment. When I told them we don’t have a GPS, I never got a response from them.”¹⁴⁹
- “A couple of times [I have had problems voting]. We don’t have a physical address, only a P. O. box in St. John. And my tribal ID does not have an address on it [he showed me his tribal ID; there was no address on it].”¹⁵⁰
- “Most of the difficulties came from the Elders, who have a hard time getting a ride, and their ID doesn’t have a physical address. So they come in to vote, but are turned away and have to go all the way home; I have seen that myself. One of our Elder ladies didn’t have the right ID, but she said to the people at the voting: you know me, but they said: we can’t let you vote because of the new laws. I saw that myself—people being turned away due to the ID law. That lady had a walker. I remember that.”¹⁵¹
- “I’d gone to work at the Peace Gardens (which straddles the Canadian-U.S. border). My voting poll is in St. John. My husband picked me up from work because my truck was in the shop. I don’t normally take a purse to work because I work outside. But I had my passport because I work in both Canada and the U.S. So I always have my passport so I can get back into the U.S. On the way home we went to the polling station. They would not allow me to use my passport. My comment was, it’s an official ID issued by the federal government. They said you can’t use it because it does not have your physical address on it. It says I live in St. John, North Dakota, but it does not have my street address, so they said no. By then it was too late to go home, get my purse, and go back to

¹⁴⁸ Boucher interview.

¹⁴⁹ Allard interview.

¹⁵⁰ J. Turcotte interview.

¹⁵¹ Allard interview.

the poll; it would have been closed.”¹⁵²

- “There were people turned down if they only had their tribal ID without the address on it. People would even have their birth certificate, but they wouldn’t let them use that either.”¹⁵³
- “A lot of people have been turned away because of that ID thing—probably 8 to 10 that they wouldn’t let vote that I saw.”¹⁵⁴
- “Remember when we voted for the school district and they wouldn’t let me vote. The poll worker was my niece. She knew me, but she would not let me vote even though she’s known me all her life. She said it was against the rules.”¹⁵⁵
- “I was born and raised here, but I haven’t changed my driver’s license. I worked in Minot but I vote here, this is my home. The woman at the polls said I’m sorry, you can’t vote. And there were people there at the polls saying they knew me, but she still would not let me vote. I’d lived in Minot for a short while. Maybe she was just doing her job and following the rules; I can’t call it racism. The people in line said hi Matt; they knew me. I didn’t get to vote.”¹⁵⁶
- “...people who are “doubling up” [Native Americans who live in the homes or apartments of family members] don’t want to give an address that could lead to an eviction notice for their family members who are housing them. That proof of address is really the problem.”¹⁵⁷
- “We didn’t see a lot... Some people got turned away. Residency issues need to be addressed; it is an ill-defined term.”¹⁵⁸
- “Some tribal IDs have physical addresses, but quite a few just have a P.O. box. People don’t know street addresses; there are no street signs here [Fort Berthold] in many places.”¹⁵⁹
- “People who have tribal IDs; lots of them were turned away because they

¹⁵² C. Turcotte interview.

¹⁵³ C. Turcotte interview.

¹⁵⁴ A. McCloud interview. (Note: Mr. McCloud has been a poll worker for ten years.)

¹⁵⁵ E. McCloud interview.

¹⁵⁶ M. McCloud interview.

¹⁵⁷ Carbone interview.

¹⁵⁸ interview with five people from the North Dakota Association of Counties.

¹⁵⁹ Taft interview.

didn't have a current address. We are still nomadic. Some of our tribal IDs just have a P. O. box, or they don't have a house. Many people sometimes live in the same household. There are all these socially-based parameters that limit people to having an ID."¹⁶⁰

- "Most Native people didn't realize that [that they needed a physical address on their tribal ID] until they showed up to vote because the publications all said it was easy as pie, and the options included a student certificate and tribal ID. But nobody really clarified what had to be on the ID."¹⁶¹
- "I have a brother-in-law who said his 911 address was wrong, so they wouldn't let him vote. He has a tribal ID, but it didn't have an address. His driver's license had the wrong 911 address so he did not vote as a result."¹⁶²
- "Some people said they had ID problems, but it's the law."¹⁶³
- "The top reason [why American Indians experienced difficulty voting] is IDs, not being able to get a state ID. The tribal IDs don't have addresses on them."¹⁶⁴

76. Problems with the ID are not the only challenges facing American Indians who want to vote. The location of polling places can also present a problem. Two of the people I interviewed commented on this:

- "The polling locations [at Fort Berthold] that Natives can access; they'll put a squad car out there, targeting Native Americans. They [Native Americans] can be threatened; you need a heightened level of awareness."¹⁶⁵
- "They changed the polling place in my district (in Bismarck). It used to be closer to where the Natives live, at a golf course with three apartment buildings close by. They moved it to the civic center which is further away."¹⁶⁶

¹⁶⁰ Morgan interview.

¹⁶¹ Stromme interview.

¹⁶² anonymous1 interview.

¹⁶³ Silbernagel interview.

¹⁶⁴ Kary interview.

¹⁶⁵ Jones interview.

¹⁶⁶ Kary interview.

V. North Dakota Officials Have Failed To Responsively Act to Address the Needs of American Indians (Senate Factor 8).

77. The ability to obtain an ID to vote, and the act of voting itself, are greatly affected by both education and income. Indeed, it is well-recognized in political science that income and education correlate with voting turnout.¹⁶⁷

78. One of the hallmarks of “good” government is a government’s ability to serve the needs of the people—all the people. One aspect of responsive government is its ability to provide for the public education of its citizens. Another type of responsiveness concerns the ability of a government to assist those in the lowest rungs of the economic ladder. In North Dakota, there are significant differences between Anglos and American Indians in regard to education and poverty.

A. American Indians Suffer From A Lack Of Educational Resources In North Dakota (Senate Factors 8, 5).

79. North Dakota officials have failed to respond to the educational needs of American Indians. The lack of top-quality educational resources is reflected in ACT test scores. In a 2000 survey of ACT scores, white high school students in North Dakota scored an average of 21.6 (which is above the national average), but the state’s Indian students scored an average of 17.1.¹⁶⁸

80. The latest data comes from the American Community Survey (ACS), 2011-13, and it demonstrates significant differences between Anglos and Indians. Only 8 percent of Anglos have less than a high school education, but the figure for Indians is 18.1 percent. And 20.2 percent of Anglos have a Bachelor’s degree, while only 10.6 percent of Indians have that degree.¹⁶⁹

¹⁶⁷ Lien 2000; Verba and Schlozman 1995; Wolfinger and Rosenstone 1980.

¹⁶⁸ Nicholson 16 Aug. 2001.

¹⁶⁹ ACS: 3.

B. American Indians Living In North Dakota Suffer From The Effects Of Poverty (Senate Factors 8, 5).

81. North Dakota officials have failed to address the dire poverty of American Indians living in North Dakota. Data from the American Community Survey demonstrates the sharp contrast between the social and economic well-being of Anglos with that of American Indians living in North Dakota.¹⁷⁰ The rate of employment in the labor force for Anglos is 71 percent; for Indians it is 58 percent.¹⁷¹ Another indicator of potential economic difficulties is the percentage of households headed by a female with no husband present. For Anglos, that rate is only 6.7 percent, but for Indians it is 29.5 percent.¹⁷² Also, Indians tend to be employed in the lowest-paying jobs; 30.5 percent work in service occupations while only 16 percent of Anglos are in service jobs. At the other end of the spectrum, 35.2 percent of Anglos work in “management, business, science and arts,” but only 25.6 percent of Indians have such jobs.¹⁷³ It is not surprising then, that there is a big difference in income. The median annual household income for Anglos is \$56,566; for Indians it is not much more than half of that—\$29,909.¹⁷⁴ The data for “mean earnings” also reflects a large gap: for Anglos it is \$73,313, for Indians it is 48,763.¹⁷⁵ The low pay, lack of jobs, and inadequate education have led to stark differences in poverty rates. Only 5.3 percent of Anglos families live below the poverty line, compared to 37.7 percent for American Indians.¹⁷⁶

82. These differences in economic circumstances are reflected in differential rates of

¹⁷⁰ ACS 2011-2013.

¹⁷¹ ACS: 5.

¹⁷² ACS: 2.

¹⁷³ ACS: 6.

¹⁷⁴ ACS: 7.

¹⁷⁵ ACS: 7.

¹⁷⁶ ACS: 7.

home ownership versus rentals. In a state where a physical street address is a prerequisite for voting, this difference becomes very important. 67.2 percent of Anglos live in owner-occupied housing, compared to just 46.3 percent for Indians. Conversely, only about a third of Anglos (32.8 percent) live in rentals, compared to over half (53.7 percent) of the Indian people in the state.¹⁷⁷ Also, the value of these homes are quite different. The average value of a home for Anglos is \$144,400; the same figure for Indians is about half of that (\$74,700).¹⁷⁸ Home ownership among urban Indians is also low. According to a 2014 study of Natives in the Bismarck/Mandan area, 46 percent of Indians live in a rented apartment, and 18 percent live in a rented trailer. This means that the residential address of these citizens may change more frequently than people who own their own homes.¹⁷⁹ Indeed, this population appears to be fairly transitory; the same survey found that 12 percent of the respondents had lived in the Bismarck/Mandan area for less than one year; and 31 percent for one-to-five years. That makes it more difficult to obtain an ID with the most current residential address.

83. Another result of low income and lack of jobs is the inability to afford vehicles and phone service. Nearly all of the ID options described above require the potential voter to either travel long distances, or in a few options, call various state offices. Yet 13 percent of Indians do not have a vehicle, whereas only 5.1 percent of Anglos lack a vehicle. A recent survey of urban Indians in Bismarck/Mandan found that 19 percent of respondents did not own a vehicle.¹⁸⁰ And 3.6 percent of Indians do not have a phone, compared to 2.2 percent for Anglos.¹⁸¹

84. Another important aspect of poverty is the extent to which low-income people

¹⁷⁷ ACS: 8.

¹⁷⁸ ACS: 9.

¹⁷⁹ Sacred Pipe Resource Center 2014.

¹⁸⁰ Sacred Pipe Resource Center 2014.

¹⁸¹ ACS: 8.

have Internet access—required for many of the procedures described above. According to the chairman of the Federal Communications Commission, only between 5 and 10 percent of low-income households have broadband.¹⁸² A recent survey of Indians in the Bismarck/Mandan area also found a low proportion with connectivity; only 61 percent own their own computers, and only half have their own Internet access. The rest have to access it through some other way.¹⁸³ It is probably a safe assumption that these figures are considerably lower for rural areas on Indian reservations in North Dakota.

85. Poverty also results in less access to the legal system, and the need to rely on assistance: “Minorities constitute disproportionately large percentages of those using Legal Services North Dakota compared to minority populations in the state.”¹⁸⁴

86. We can also examine data from particular reservations to get a clearer picture of the poverty that afflicts American Indians in North Dakota. Data from the 2000 census revealed that the poverty rate among tribal members of the Turtle Mountain Band was three times higher than the state average, and the unemployment rate was 65 percent, compared to 2.8 percent for the state as a whole.¹⁸⁵ At Standing Rock (North Dakota), data from that same time period indicated a poverty rate of 61.3 percent and an unemployment level of 50.2 percent.¹⁸⁶ Today, unemployment at Standing Rock is 69 percent.¹⁸⁷

87. The website for the Turtle Mountain Tribe provides data from 2010 on poverty rates among its members. They estimated unemployment on the reservation at 69.25 percent, with 40 percent of tribal families living below the poverty level. These dismal statistics are reflected in the high poverty levels of local towns. In Rolla, 18.9 percent of the

¹⁸² Genachowski 2010.

¹⁸³ Sacred Pipe Resource Center 2014.

¹⁸⁴ North Dakota Commission 2012: 169.

¹⁸⁵ LJP & Associates 2008.

¹⁸⁶ Standing Rock Statistics.

¹⁸⁷ Standing Rock Sioux Tribe n.d.

people live below the poverty level; in St. John it is 16.2 percent, 32 percent in Dunseth, and 13.4 percent in Rolette.¹⁸⁸

88. Homelessness is also a significant problem on the Turtle Mountain reservation. According to a report by the Turtle Mountain Housing Authority, there are approximately 150 homeless people on the reservation.¹⁸⁹ This is especially relevant to this case because of the requirement that all voters have a residential address listed on their ID. This is obviously impossible for people without a home.

89. Most of these data were collected before the decline in oil prices and the sudden economic collapse in the oil fields of North Dakota. The oil boom brought a great deal of money to some Indian communities in North Dakota, but it also brought a panoply of social problems and infrastructure problems that still plague American Indians in the region, even though the money and the boom have since departed.¹⁹⁰ Thus, the poverty, economic dislocation, and accompanying social problems are even worse today than they were when the data cited above were collected.

90. The relationship between poverty and the ability to get an ID and vote was a theme in many of the interviews:

- “Take someone like X, a kid that I got through school. He has no car. He worked hard, got hurt, and they won’t help him. So he’s living on welfare. He’s got no money.”¹⁹¹
- “The problem is that the poverty is so high on the reservation that people can’t afford to go and get a state ID, just a driver’s license or state ID; they just can’t afford it...everything falls back to poverty. They have no cars, no gas money, they have no resources to get to a state office.”¹⁹²

¹⁸⁸ Turtle Mountain Tribe n.d.

¹⁸⁹ LJP & Associates Feb. 2008.

¹⁹⁰ Horwitz 28 Sept. 2014; Horwitz 5 June 2014; Frank 14 Mar. 2016.

¹⁹¹ J. Turcotte interview.

¹⁹² M. McCloud interview.

- “I think poverty has a lot to do with it. It’s having the gas to get there, having a car that runs. Living on benefits doesn’t get you transportation.”¹⁹³
- “We have to travel long distances... it is an obstacle for people on fixed incomes, and some people do not have their own vehicle.”¹⁹⁴
- “Long distances are a challenge because you have poor people. Even if they have a car, they need gas. One loophole in the voter ID; on a tribal ID, you have to go to the tribal office. That can be a two-hour drive one-way here at Fort Berthhold.”¹⁹⁵

91. There are four counties in North Dakota with Native populations that exceed 30 percent of the total population: Benson, Sioux, Rolette, and Mountrail. Each of them is a significant distance from Bismarck. Thus, any procedure that requires residents of these reservations to travel to Bismarck imposes significant travel costs.

92. In sum, poverty, less education, and the requirements of the new voter ID laws conspire to make it difficult for many Indian people to vote.

C. American Indians Living In North Dakota Suffer From The Effects Of Poor Health And Health Care (Senate Factors 8, 5).

93. The dominant society does a poor job of providing adequate health care to Native Americans. The Indian Health Service explains that:

“The American Indian and Alaska Native people have long experienced lower health status when compared with other Americans. Lower life expectancy and the disproportionate disease burden exist perhaps because of inadequate education, disproportionate poverty, discrimination in the delivery of health services, and cultural differences.”¹⁹⁶

As a result, the mortality rate for American Indians in the United States is 943/10,000, whereas the average for all races is 774/10,000.¹⁹⁷ Infant mortality is especially high

¹⁹³ Nordmark interview.

¹⁹⁴ Eagle interview.

¹⁹⁵ Jones interview.

¹⁹⁶ Indian Health Service 2016.

¹⁹⁷ Indian Health Service 2016.

among American Indians (13.5) compared to Anglos nationally (7.5).¹⁹⁸

94. One of the problems that affect health care for American Indians is a presumption sometimes made by states that the Indian Health Service can provide for all the health care needs of Indian people. But in North Dakota, there are only two IHS hospitals (among the total of 50 hospitals)—one at Fort Yates and one at Belcourt—so Native people must rely on other sources of health care. However, American Indians are three times more likely to not have health insurance in the state, and nearly twice as many American Indians report that they needed a doctor in the past year but could not afford it.¹⁹⁹

95. For these and many other reasons, the health of American Indians in North Dakota is significantly compromised. The percentage of American Indians in the state with a disability, age 18-64, is 17.5 percent (for the state as a whole it is only 8.6 percent).²⁰⁰ This is especially relevant to this case because a disability makes it even more difficult to obtain an ID.

96. The health of Native people in North Dakota is also threatened by environmental variables. On the Standing Rock Reservation, “Problems with water quality and inadequate supply are common throughout the reservation and have a detrimental effect on health and quality of life.”²⁰¹ Tribal members at Fort Berthold are dealing with the negative health impacts of the massive drilling boom in that area.²⁰²

97. Another aspect of health is mental health. A survey of high school students found that 8.2 percent of white students had attempted suicide; the figure for American Indians is

¹⁹⁸ North Dakota Department of Health 2016, Table 14B

¹⁹⁹ North Dakota Department of Health 2016, Table 22

²⁰⁰ North Dakota Department of Health 2016: Table 8.

²⁰¹ Standing Rock Environmental Profile 2016.

²⁰² Brown 30 Nov. 2013.

nearly twice that—14.3 percent.²⁰³ The data are even more depressing for middle school kids: 5.2 percent of white students have tried to kill themselves, while 18.7 percent of American Indian kids have done so.²⁰⁴

98. These demographic variables—inadequate education, poverty, and poor health care—tend to combine in a vicious cycle. The University of North Dakota’s Center for Rural Health notes that:

“People in poverty tend to have a lower health status. Poor housing, sanitation, and water supply can contribute to disease and ill health. Access to adequate and quality food sources is limited. Poverty is associated with greater rates of illness and shorter life spans.”²⁰⁵

When people are dealing with survival, they are much less likely to have the time, energy, expertise, and desire to expend those resources on civic affairs. This is a very clear demonstration of Abraham Maslow’s famous “hierarchy of needs.” At the most basic level are physiological/biological needs—food, shelter, warmth. The next level is safety, including economic security and health. These needs must be met before the individual can aspire to higher levels of needs, such as political participation and civic engagement.²⁰⁶ It is clear from the data cited above that many Indian people in North Dakota are struggling desperately to achieve their most basic needs; this condition automatically reduces their opportunities to vote and elect candidates of their choice.

VI. The Minimal Extent to Which American Indians are Elected to Office in North Dakota Reflects Discrimination (Senate Factor 7).

99. American Indians in North Dakota are equal citizens of the county in which they

²⁰³ North Dakota High School Survey 2015, QN29.

²⁰⁴ North Dakota Middle School 2015, QN17.

²⁰⁵ Center for Rural Health 2014: 8.

²⁰⁶ Maslow 1954

reside, and the state, and for urban Indians, the city. Yet they have little or no voice in the governance and administration of these institutions of state.

A. Lack Of Representation In The State Legislature.

100. One of the most basic elements of representative government is the right to be represented by people who are “like-minded.” This, in many situations, means people from similar socio-economic, cultural, and racial backgrounds. But the American Indians of North Dakota are almost exclusively represented in the state legislature by Anglos. The state’s website for the Indian Affairs commission contains a list of the representatives from districts characterized as “Tribal Districts.” Of the 24 listed legislators, only one is an American Indian—Senator Richard Marcellais from Turtle Mountain.²⁰⁷ Another list, produced by the state legislature, lists districts “on/around” Indian reservations. This list names 42 representatives, and only one (Senator Marcellais again) is Native American.²⁰⁸

101. The legislature has a “Tribal and State Relations Committee.” It has seven members—all of them Anglos.²⁰⁹

102. Senator Marcellais represents the area of Turtle Mountain (Rolette County). There are three other significant areas of the state with concentrations of American Indians: Sioux County (Standing Rock), Benson County (Spirit Lake), and the five counties that contain parts of the Fort Berthold Reservation. According to my sources, no American Indian enrolled in one of those tribes has ever been elected to the state legislature from these areas.

B. Lack Of Representation In County And Local Elective Offices.

103. American Indians are also very rare among elected officials at the county level.

²⁰⁷ North Dakota Indian Affairs 2015.

²⁰⁸ North Dakota 64th Legislative Assembly 2016.

²⁰⁹ North Dakota State Government 2016a.

There are three counties with Indian populations that exceed 50 percent: Rolette, Benson, and Sioux. Rolette County (77 percent American Indian) has five county commissioners; only one is an enrolled member at Turtle Mountain. Sioux County (84 percent American Indian) has three commissioners; none is an enrolled member at Standing Rock. Benson County (55 percent American Indian) has five commissioners; one is American Indian.

104. At the local level, there is a considerable American Indian population in the Bismarck/Mandan area (2,973 according to the 2010 Census). Bismarck, which is 4.5 percent Indian, is governed by a city commission consisting of four commissioners and a mayor; none is American Indian. Mandan has a similar governing structure; it is 4.6 percent Indian, but no one on the city commission is American Indian. Fargo is 1.4 percent Indian, and has an all-white city commission.²¹⁰

105. I also attempted to assess the extent to which American Indians have been elected to school boards in North Dakota. There are American Indians serving on school boards for districts on or near reservations (examples: Belcourt and St. John at Turtle Mountain, Parshall and New Town at Three Affiliated Tribes). As for the other areas of the state where reservations are located or there are significant concentrations of Indian people, I could not find evidence of American Indians serving on school boards

106. As for county sheriffs, there was a Native county sheriff in McLean County (Three Affiliated Tribes), but he retired. There also has been at least one American Indian sheriff in Rolette County. I do not believe there are any elected American Indian sheriffs at present.

107. It is clear that a Native American running for public office faces tremendous hurdles—unless the electorate is completely dominated by Indian voters. An Indian woman who ran for a House district was told by a more experienced politico that she would do

²¹⁰ U.S. Census 2010.

much better if she changed her name to “something sounding Scandinavian.”²¹¹ And I cited above the comments made to Merle Boucher when he ran for state-wide office; he is not an enrolled member of any tribe, but has Indian/Metí blood and an Indian-sounding name, and thus was mistaken for being Native. When handing out campaign literature he was told by one man: “You f_____ Indians are all communists.”²¹² Another interviewee tried to explain why there are so few American Indians involved in governance: “It’s systemic. We are not really a part of the system; it has been built around us.”²¹³

C. Lack Of Representation In Civil Service And On Commissions/Boards.

108. Many important decisions in government are made by civil service administrators. Although data is difficult to obtain, there are some relevant examples. A 2012 analysis of state employees found that only 1.23 percent of state employees identify themselves as American Indians.²¹⁴ A 2012 analysis discovered that minorities, including American Indians, were “not proportionally represented in North Dakota’s legal profession or as state court employees.”²¹⁵

109. At the county level, it appears that there are very few administrative directors that are American Indian. The North Dakota Association of Counties produces a roster of elective officials and administrative heads in each county. Of all the names on that roster for Sioux County (84 percent American Indian), none is American Indian.²¹⁶ For Benson County (55 percent American Indian), the results are the same—no American Indians as

²¹¹ Jones interview.

²¹² Boucher interview.

²¹³ Kary interview.

²¹⁴ United Tribes Network 2013.

²¹⁵ North Dakota Commission: ix, 149. American Indians are 5.4 percent of the population, but only 0.8 percent of the state bar (North Dakota Commission (2012): 127.

²¹⁶ Hettich interview.

directors.²¹⁷ Rolette County (77 percent American Indian), however, is quite different: there are several Native people serving as county directors.

110. There also appears to be very few American Indians serving as appointed members of advisory boards and commissions. According to one source, “There is so much segregation we don’t have representation on boards and advisory commissions. Just ask anybody and they’ll know; they can’t name a single Native American board member.”²¹⁸ There are 137 commissions and boards listed on the state’s website, and the race of the members is not denoted, so I have no way of independently verifying Ms. Kary’s statement. The obvious exception is the state Indian Affairs Commission; of its ten members, most are American Indian. There is also a state Board of Indian Scholarships, chaired by the same individual as the Indian Affairs Commission, with two other voting members who appear to be non-Indian. The only other Indian commission I could find was for the city of Fargo, which has a Native American Commission composed mostly of American Indians. Apparently Fargo is the only city in North Dakota with such a commission.

VII. Conclusion

111. In the *Spirit Lake v. Benson County* case, cited above, the judge noted that “there simply is no more essential duty of a democratic government than to provide open, fair elections that are accessible to all eligible voters.”²¹⁹ American Indians constitute an important part of North Dakota’s electorate, comprising 5.4 percent of the population, according to the 2010 census.²²⁰ But turnout in areas predominantly American Indian is low; I compared the turnout rates for three counties that are predominately American Indian, and the forty counties that have virtually no American Indians. The three

²¹⁷ Weed interview.

²¹⁸ Kary interview.

²¹⁹ 2010: 7.

²²⁰ U.S. Census Bureau 2010a.

predominantly Indian counties are: Benson with 55 percent; Rolette with 77 percent; and Sioux with 84 percent. The average turnout for those three counties in the 2014 general election was 30.58 percent. The average for the forty “Anglo” counties was 52.8 percent.²²¹

112. This difference in turnout between Anglos and American Indians, and the impact of the voter ID laws, can be placed in the larger context of research on the impact of requiring voter ID. Although this body of literature is quite recent, and some results are mixed,²²² there is evidence that requiring an ID to vote lowers turnout rates among voters with less education and less income.²²³ One study found that states that imposed a non-photo ID law, such as North Dakota, lowered turnout by an average of 2.2 percent.²²⁴ In the 2012 general election, 325,862 people voted in North Dakota;²²⁵ 2.2 percent of that would be 7,168 voters. This should not be surprising, given recent research that indicates that perhaps 11 percent of U.S. citizens do not have a government issued photo ID. This percentage is even higher for Blacks, Hispanics, and low-income people.²²⁶

113. Obviously there is a great disparity in the level of electoral participation of

²²¹ Office of the North Dakota Secretary of State, n.d. This is an imperfect measure because there are significant numbers of Anglo people in these counties; thus, the real difference is probably higher. There is evidence that Native turnout is increasing. See: North Dakota Commission to Study Racial and Ethnic Bias in Courts (2012): 22.

²²² Some studies indicate that ID requirements only prevent a small percentage (1 to 1.2%) from voting; however, that is still thousands of voters at the state level, and the figure is almost certainly higher for American Indians due to the factors discussed in this report. For a survey of this complex literature, see: Pastor, Santos, Prevost, and Stoilov (2010). Part of the problem with this literature is that many of the studies pre-date the imposition of the latest voter ID laws. For example, nearly all of them pre-date the 2013 and 2015 laws passed in North Dakota. Also, they do not contain separate data for American Indians.

²²³ Alvarez, Bailey, and Katz 2007; Vercellotti and Andersen 2006.

²²⁴ Alth 2009.

²²⁵ 2012 General Election-Official Results.

²²⁶ Brennan Center 2006. It is probably a safe assumption that the same is true for American Indians, but the Brennan Center study did not separate out that group.

Anglos and American Indians. An American Indian woman, after encountering considerable difficulties in voting due to the new ID law, succinctly summarized some of the reasons why Native turnout may be low:

“There is an inherent level of distrust between Native people and the government. Many Natives avoid state elections altogether because we’ve been screwed over by both Democrats and Republicans, at every point in history, on just about every issue. So when we do choose to participate, we should at least be treated with the same level of respect as our non-Native counterparts.”²²⁷

114. Despite the great challenges to providing Indians an equal opportunity to vote, the state still chose to enact some of the strictest voter ID requirements in the nation. A survey by the National Conference of State Legislatures (NCSL) found that 36 states have recently passed some form of voter ID law (three of which have been struck down by the courts). North Dakota is classified in the NCSL survey as a “strict” non-photo ID state (with five other states). Thus, North Dakota has some of the most stringent requirements of any state in the nation. The NCSL definition of “strict” includes states that have an affidavit process or that allow for a provisional ballot. North Dakota allows neither, and thus might best be characterized as a “super-strict” state. Also, the NCSL analysis came out prior to the passage of HB 1333, which made the voter ID laws even stricter. The NCSL analysis notes that, in North Dakota, “If an individual offering to vote does not have or refuses to show an appropriate form of identification, he or she will not be able to vote.”²²⁸

115. The American Indian people who live in North Dakota have, in the words of the state’s Indian Affairs Commission, “endured and survived many oppressive federal policies.”²²⁹ Many of these oppressive policies were in response to the demands of local

²²⁷ Luger 6 Nov. 2014.

²²⁸ National Conference of State Legislatures 2015.

²²⁹ North Dakota Indian Affairs Commission.

settlers and encroaching Anglos.²³⁰ These demands from Anglos living close to Indian reservations was typical of that era, and clearly reflected in the language of the landmark U.S. Supreme Court case, *U. S. v. Kagama*: “They [Indian tribes] owe no allegiance to the states, and receive from them no protection. Because of the local ill feeling, the people of the states where they are found are often their deadliest enemies.”²³¹

116. And yet, the Native tribes of the northern Plains have managed to survive. As one Lakota woman put it, “Just being alive is a political act for Native people.”²³² In recent years, that survival has hinged in large part on their ability to protect themselves and promote their interests through the political process. And the most basic element in that process—the most fundamental right in a democracy—is the right to vote. Yet that right has clearly been affected by the new voter ID laws. It is my professional opinion that these laws have made it more difficult for American Indians in North Dakota to vote, and the extent of that difficulty is not shared by most non-Indian voters. When asked if American Indians in North Dakota have an equal opportunity to elect candidates of their choice, a tribal college administrator said: “No, it can’t be, it’s not balanced, there is no equity; the restrictions on their ID documents make it less than equal.”²³³ One of the American Indian people I interviewed summarized the situation this way: “Overall the state of North Dakota can do more. We’re not asking them to pick us up and carry us to the poll, but just assist us, and don’t ask questions about our IDs. Natives should be able to vote without the hardship of a state ID.”²³⁴

117. Given historical trends, socio-economic conditions, troubled Indian-Anglo relations, geographical isolation, and the unique political position of Indian tribes in the

²³⁰ Poitra and Poitra 1997; MHA Nation n.d.

²³¹ 1886.

²³² Morgan interview.

²³³ Neumann interview.

²³⁴ M. McCloud interview.

American polity, voter ID requirements have placed an especially difficult burden on American Indian people living in North Dakota. The large body of information I have collected supports the conclusion that North Dakota's voter ID laws have directly and demonstrably impaired the ability of some American Indians to participate in the electoral process and elect candidates of their choice.

Executed at Ogden, Utah, on June 17, 2016.

I declare under penalty of perjury that the foregoing is true and correct.



Dr. Daniel McCool

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, the document titled “**Declaration of Daniel McCool, Ph.D.**” was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (“NEF”) to:

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EXHIBIT A

VITA

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EDUCATION

Ph.D. (1983) University of Arizona (Political Science)
Dissertation: "Indian and Non-Indian Water Development."

Independent Doctoral Minor: Latin American Studies, awarded by the Latin American Area Center, University of Arizona.

M.A. (1978) University of Arizona (Political Science)
M.A. Thesis: "The Budgeting Problems of the National Park Service."

B.A. (1973) Purdue University (Sociology).

Major Fields of Research: voting rights, water resources, public lands, American Indian policy

Language Training: Spanish

WORK EXPERIENCE

1996-present	Professor of Political Science, University of Utah
2003-2015	Director, Environmental and Sustainability Studies Program
2011-2014	Co-Director, University of Utah Sustainability Curriculum Development
1998-2007	Director, American West Center
1989-1996	Associate Professor of Political Science, University of Utah
1990-1993	Associate Dean, College of Social and Behavioral Science
1987-1990	Director of Public Administration Education, Center for Public Policy and Administration, University of Utah
1987-1989	Assistant Professor of Political Science, University of Utah
1983-1987:	Assistant Professor, Texas A&M University
1982-1983:	Visiting Lecturer, Texas A&M University
Spring, 1981:	Lecturer for the American Indian Education Program, University of Arizona

1978-1982:	Research and Teaching Associate, Political Science Department, University of Arizona
June 1978-Oct., 1978:	Volunteer English Instructor for Project Ayuda in Cunen, Guatemala (7th, 8th, and 9th grade Mayan Indian students).
1976-1978:	Research Assistant, Political Science Department, University of Arizona.
1973-1974:	Research Assistant, Southwest Indian Youth Center, Tucson, Arizona.

PUBLICATIONS

Books:

River Republic: The Fall and Rise of America's Rivers. Columbia University Press, 2012 (paperback 2014). This book tells the story of America's rivers and the movement to bring them back to health and vigor. I develop the theme of a "river republic" by focusing on citizens who become politically active to save a local river. Runner-up, Science Category, Green Book Festival.

The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act. Edited. Indiana University Press, 2012. The book is a "debate in print" over the future of the Voting Rights Act. The chapter authors are the leading voices in that debate.

Native Vote: American Indians, the Voting Rights Act, and the Right to Vote, with Susan Olson and Jennifer Robinson. Cambridge University Press, 2007. This book provides a history and analysis of Indian voting rights, with emphasis on cases brought under the Voting Rights Act. Three case studies are used to illustrate the legal issues in such cases. The final chapter describes contemporary efforts by American Indians to participate in the political system.

Native Waters: Contemporary Indian Water Settlements and the Second Treaty Era. University of Arizona Press, 2002. This book analyzes the first fourteen negotiated settlements that attempted to resolve conflicts over Indian water rights. I argue that these water settlements constitute a second treaty era, analogous to the first treaty era of the Nineteenth Century.

Contested Landscape: The Politics of Wilderness in Utah and the West (with Doug Goodman). University of Utah Press, 1999. This edited book consists of chapters written by graduate and undergraduate students from the University of Utah. My contributions include the Preface, co-authorship of the final chapter ("The Community Context Approach"), and an introduction to each of the four sections of the book.

Staking Out the Terrain: Power Differentials Among Natural Resource Management Agencies, second edition, with Jeanne Nienaber Clarke. SUNY Press, 1996. This book formulates a model of agency power focusing on the ability of agencies to expand resources and jurisdiction. A detailed analysis of seven federal agencies provides support for the model. They are: the Army Corps of Engineers, the Forest Service, the Bureau of Reclamation, the National Park Service, the Fish and Wildlife Service, the Natural Resource Conservation Service, and the Bureau of Land Management.

Public Policy Theory, Concepts, and Models: An Anthology. Englewood Cliffs, NJ: Prentice Hall, 1995. This semi-edited book provides a comprehensive overview of the most influential theories, concepts, and approaches in policy studies. It is an anthology of previously published work arranged into conceptual categories. My contributions include: Section One: "The Theoretical Foundation of Policy Studies;" Section 6: "Conflict and Choice in Policy Theory;" and an "Introduction" and "Discussion" to accompany Sections Two through Five.

The Waters of Zion: The Law, Policy, and Politics of Water in Utah. University of Utah Press, 1995. This edited book consists of chapters written by graduate and undergraduate students from the University of Utah. My contributions include: Chapter One: "Politics, Water And Utah;" Chapter Nine: "The CUP Completion Act of 1992;" and an "Introduction" to each of the four sections of the book.

Command of the Waters: Iron Triangles, Federal Water Development, and Indian Water . University of California Press, 1987, re-issued in paperback with a new chapter, 1994, by the University of Arizona Press. This book is concerned with differential rates of water development on Indian and non-Indian lands. Chapter one identifies factors that affect the political viability of iron triangles. The book then examines a traditionally weak iron triangle -- the water development program of the Bureau of Indian Affairs, and a traditionally powerful iron triangle- the federal water development program.

Journal Articles:

"Social Science Expert Witness Testimony in Voting Rights Cases," with Richard Engstrom, Jorge Chapa, and Gerald Webster. *National Political Science Review* 17, No. 1 (2015).

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"Creating a "Water BRAC" Commission to Evaluate Existing Water Projects." *Water Resources Impact* (Vol. 17, No. 5, 2015).

"Campus Sustainability in the U. S.: A Comparison of a Research and a Teaching University" with Janet Winniford. *International Journal of Environmental, Cultural, Economic, and Social Sustainability* (Vol. 6, No. 4, 2010).

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"Precedent for the Winters Doctrine," *Journal of the Southwest* 29 (Summer, 1987): 164-78.

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U. S. V. South Dakota, 615 NW 2d 590 Dist. Court, South Dakota (2000) [mooted]. Sec. 2 case

U.S. v. Blaine County, 157 F. Supp. 2d 1145 - Dist. Court, D. Montana (2001). Sec. 2 case

Bone Shirt v. Hazeltine, 336 F.Supp.2d 976 Dist. Court, D. South Dakota (2004). Sec. 2 case

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Koyukak v. Treadwell, Case No. 3:13-cv-00137-JWS Dist. Court, D. Alaska (2014). Sec. 203 case

Navajo Nation v. San Juan County, UT. Case. No. 2:12-cv-00039-DS (2016). Sec. 2 case

Brakebill v. Jaeger, Civ. 1: 16-CV-08 Dist. Court, North Dakota (current). Sec. 2 case

BOOK REVIEWS

The Blue, The Gray, and the Green, edited by Brian Allen Drake. *Journal of American History*, 2015.

Integrating Climate, Energy, and Air Pollution Policies, by Gary Bryner with Robert Duffy. *Perspectives in Politics*, 2013.

The New Politics of Indian Gaming. *American Review of Politics*. 2012.

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The Silver Fox of the Rockies: Delphus E. Carpenter and the Western Water Compacts, by Daniel Tyler. *The Journal of American History*. June 2004.

Fuel for Growth: Water and Arizona's Urban Environment, by Douglas Kupel. *The Journal of American History*. June 2004.

Indian Reserved Water Rights: The Winters Doctrine in Its Social and Legal Context, by John Shurts. *Pacific Historical Review* (Nov. 2001).

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A Sense of the American West: An Anthology of Environmental History. Edited by James E. Sherow. In *Utah Historical Quarterly*, (1999).

The Weber River Basin: Grass Roots Democracy and Water Development, by Richard Sadler and Richard Roberts. In *The Journal of American History*, (Sept., 1995).

The Last Water Hole in the West, by Daniel Tyler. In *Western Historical Quarterly*, (Aug., 1993).

Senate Elections and Campaign Intensity, by Mark Westlye. In *Political Studies*, (1993).

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American Indian Water Rights and the Limits of Law, by Lloyd Burton. In *Pacific Historical Quarterly* (May, 1992).

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Envisioning a Sustainable Society, by Lester Milbrath. In *Rivers*, (1991).

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A Life of Its Own: The Politics and Power of Water, by Robert Gottlieb. In *American Political Science Review* (Dec., 1989): 1382-83.

As Long as the Rivers Run: Hydroelectric Development and Native Communities in Western Canada, by James B. Waldrum. In *Western Historical Quarterly* (Feb., 1989): 87-88.

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Water in New Mexico, by Ira G. Clark. In *New Mexico Historical Review* (1989).

INVITED TALKS

Speaker, Utah History Symposium, Salt Lake City, UT, May 12, 2016.

Speaker, Great Salt Lake Issues Forum, Salt Lake City, UT, May 11, 2016.

Speaker, Interagency Regional Wilderness Stewardship Training, St. George, UT, April 26, 2016.

Speaker, Spring Runoff Conference, Utah State University, Logan, UT, April 5, 2016.

Speaker, State of the Rockies Annual Speaker Series, Colorado College, Colorado Springs, CO, Mar. 28, 2016.

Speaker, Intermountain Sustainability Summit, Weber State University, Nov. 24, 2016.

Keynote speaker, Salt Lake County Water Symposium, Nov. 18-19, 2015

Speaker, Native Symposium, Weber State University, Ogden UT. Nov. 4, 2015.

Plenary Speaker, National Congress of American Indians, National Conference, San Diego, CA. Oct. 2015.

Keynote Speaker, Native American Rights Fund, Indian Voting Rights Symposium. Washington, D.C. May 27-28, 2015.

Debate on Public Lands. Speaker of the House Rebecca Lockhart and Representative Ken Ivory vs. Robert Keiter and Daniel McCool. Southern Utah University, Sept. 18, 2014.

<https://www.youtube.com/watch?v=1m631pbW6iU&feature=youtu.be>

Debate on "Who Should Manage Utah's Public Lands?" Speaker of the House Rebecca Lockhart and Representative Ken Ivory vs. Pat Shea and Daniel McCool. Salt Lake City, May 14, 2014.

<https://www.youtube.com/watch?v=GEoEgBkotvA>

Speaker, National Commission on Voting Rights, Las Vegas, NV, April 26, 2014.

Speaker, River Rendezvous, Moab, UT Nov. 9, 2013.

Speaker, Upper Colorado River Conference, Colorado Mesa University, Nov. 7, 2013.

Guest Speaker, Texas Tech University, Lubbock, TX, April 17, 2013.

Keynote Speaker, River Management Society annual conference, Grand Junction, CO, Mar. 12, 2013.

Guest Speaker, the Wild and Scenic Film Festival, Nevada City, CA. Jan. 11-13, 2013.

Guest Lecturer, Carleton College, April 19-20, 2011.

Speaker, League of Women Voters, Panel on the proposed Las Vegas Pipeline, Salt Lake City, UT, Sept. 15, 2010

Speaker, Utah State History Conference, panel on Oral History, Salt Lake City, UT, Sept. 10, 2010.

Speaker, Redistricting Institute, Duke University, July 28, 2010.

Census and Redistricting Institute, Participating Scholar, Atlanta, GA, July 20, 2009

Spring Runoff Conference, Keynote Speaker, Utah State University, April 3, 2009.

Law and Justice Center, Salt Lake City, UT, Feb. 5, 2009.

Special Collections Omnibus Lecture, Brigham Young University, Provo, UT, Nov. 5, 2008

Salt Lake Countywide Watershed Symposium, Salt Lake City, Oct. 29, 2008.

The *Winters* Centennial, Tamaya Resort, Santa Ana Pueblo, NM June 11, 2008.

Panel on Indian voting rights, National Indian Gaming Association, annual conference, San Diego, CA, April 22, 2008.

Panel on "Voting Rights in Indian Country," at the Indigenous Law and Policy Center, Michigan State University College of Law, Jan. 31, 2008.

Conference, "Overview of the Reauthorization and Amendment of the Federal Voting Rights Act." University of California, Los Angeles, Jan. 25-26, 2008.

Symposium on the future of the Colorado River, College of Law, University of Utah, Oct. 25, 2007

Water Resources Seminar, Oregon State University, Corvallis, OR, Oct. 10, 2007.

American Comenius, University of Groningen, the Netherlands, U. S. program, Oct. 2, 2007.

"Native Water Law & Public Policy: Critical Issues in the Great Lakes and St. Lawrence Watersheds." Keynote Speaker, Cornell University, School of Law, Ithaca, NY, Nov. 17-18, 2006.

American Comenius, University of Groningen, the Netherlands, U. S. program, 2006.

Harvard University Law School symposium, "Preserving and Promoting the Native American Vote: A New Look at the Voting Rights Act Renewal Process." Cambridge, MA, April 5, 2006.

American Comenius, University of Groningen, the Netherlands, U. S program, 2005.

Testimony before the National Committee for the Voting Rights Act, Rapid City, SD, September 9, 2005.

River Management Society, annual conference, Keynote speaker, Salt Lake City, UT May 10, 2005.

Colorado Plateau River Guides, annual conference. Cataract Canyon, May 2-5, 2005.

Invited speaker, National Congress of American Indians, national convention , panel on Native Voting Rights, Tulsa, OK, November 2005.

Invited speaker, Biannual Symposium on the Colorado River, sponsored by the Water Education Foundation. Bishop's Lodge, Santa Fe, NM. Sept. 29, 2005.

Symposium: "Changing Directions in Water Law." University of Texas School of Law. Feb. 4-5, 2005.

Mni-Sose Intertribal Water Coalition, board of directors meeting, Rapid City, SD. September 2004

"Water in Utah," sponsored by the Utah Science Center, Public Dialogue Series, September 2004 (aired on KCPW radio, September 20, 2004).

BLM Recreation/Wilderness/Cultural/VRM Workshop, Moab, Utah. September 2004.

Utah State Historical Society, annual meeting, panel on Lake Powell. September 2004.

Mni-Sose Intertribal Water Coalition, Annual conference, Denver, CO. January 2004.

The Utah Environmental Symposium, Salt Lake City, UT, Nov. 2003.

Utah State University, Natural Resources and Environmental Policy Program, November 28, 2001.

U. S. Department of the Interior, Office of Indian Water Rights, annual negotiation teams meeting, Seattle, WA, November, 2000.

Conference on "Rivers, Dams and the Future of the West." Sponsored by the Utah Wetlands and Riparian Center, Salt Lake City, UT, November, 1999.

Symposium on "Where the Rivers Flow," sponsored by the Wallace Stegner Center, Salt Lake City, Utah, April, 1999.

Symposium on Tribal Survival, sponsored by Dine' College, Flagstaff, Arizona, April, 1999.

Symposium on "Changing Water Regimes in Drylands," sponsored by the Desert Research Institute. June 10-12, 1997, Lake Tahoe, CA.

Indian Water Rights Symposium sponsored by the All-Indian Pueblo Council, Indian Pueblo Cultural Center, Albuquerque, NM, April, 1994.

Symposium on the Future of the Colorado River Plateau, University of Utah School of Law, Sept., 1993.

"Arizona Water 2000," sponsored by the Commission on the Arizona Environment, Sedona, Arizona, Sept. 1992.

Invited Speaker, conference titled "A River Too Far: Water in the Arid West." Sponsored by the Nevada Humanities Committee, Reno, Nevada, 1991.

Symposium on "Water in the 20th Century," Phoenix, Arizona, 1990.

Bureau of Land Management, "Image Enhancement Seminar," Park City, Utah, 1989.

Workshop on Indian Land and Water Rights sponsored by the American Indian Lawyer Training Program, Albuquerque, N. M., 1987.

CONFERENCE PAPERS

"The Voting Rights Act and the Potential for 'Bail-in' After *Shelby County v. Holder*." The Midwest Political Science Association, Chicago, IL, April 2016.

"Pockets of Discrimination: The Voting Rights Act and the Role of 'Bail-in' After *Shelby County v. Holder*." The International Social Sciences Conference, Split, Croatia, June 2015.

"Creating a 'Water BRAC' Commission to Evaluate Existing Water Projects." American Water Resources Association, Vienna, VA, November, 2014.

"River Policy in Crisis: the Klamath River." American Political Science Association, Washington, D. C. August, 2014.

"Social Science Expert Witness Testimony in Voting Rights Act Cases." With Richard Engstrom, Jorge Chapa, and Gerald Webster. Eighth International Conference on Interdisciplinary Social Science, Charles University, Prague, The Czech Republic, August, 2013.

"Campus Sustainability in the U. S.: A Comparison of a Research and a Teaching University," with Janet Winniford. 2010 Conference on Environmental, Cultural, Economic and Social Sustainability University of Cuenca, Cuenca, Ecuador January 5-7.

"Rivers of the Homeland: River Restoration on Indian Reservations." International Congress of Americanists, Sevilla, Spain, July, 2006.

"From Insanity to Enlightenment: Changing Perceptions of River Restoration and River Restorationists." Transatlantic Workshop on "Restoring or Renaturing." Zurich, Switzerland, July, 2006.

"The Community Context Approach: Cross-Boundary Management and the Protection of Parks and Wild Lands." International Symposium on Society and Resource Management, Sardinia, Italy, 2002.

"The Wilderness Debate in Utah: Using Community Values and Education to Resolve Conflict." International Symposium on Society and Resource Management. Indiana University, 2002.

"Evolving Political Institutions: A New Water Policy and its Impact on the Border Region" Southwest Center for Environmental Research and Policy, Bi-National Water Program. Rio Rico, AZ, 2002.

"Indian Water Rights in the Settlement Era." American Political Science Association, Washington, D. C. 2000.

"Land Use, Borders, and Environmental Policy: Tribal Autonomy and Ecosystem Management." International Conference on "Nature, Society and History," Vienna, Austria, 1999.

"Two Cultures, Two Communities, One County: Devolution and Retrenchment in Indian Country." With F. Ted Hebert and Doug Goodman. American Political Science Association, 1998.

"Subsystem Theory and the Hierarchy of Conflict." Western Political Science Association, 1997.

"Environmentalists, Tribes, and Negotiated Water Settlements," with Laura Kirwan. American Political Science Association, 1995

"Successes and Failures of Policy Theory." Western Political Science Association, 1992.

"Indian Water Rights: The End of the Negotiation Era?" Western Political Science Association, 1991.

"Indian Water Rights: Negotiation; Agreement; Legislative Settlement." American Water Resources Association, 1989.

"Using Measures of Budgetary Success to Evaluate Subgovernment Theory: The Case of Federal Water Resource Development." Western Political Science Association, 1988.

"Policy Theory, Policy Typologies, and Decision-making." Midwestern Political Science Association, 1987.

"Federal Water Development: Changing Theoretical Assumptions." Western Political Science Association, 1987.

"Subgovernments, Political Viability, and Budgetary Constraints." Western Political Science Association, 1986.

"Subgovernments, Autonomy, and Stability: The Case of Federal Water Resource Development." Western Social Science Association, 1986.

"Western Water Policy and Federalism: Two Conflicting Doctrines." Southwestern Social Science Association, 1984.

"Contemporary Federal Water Policy: The Battle Over Water Project Expenditures During the Carter and Reagan Administrations." Western Social Science Association, 1983.

"Indian and Non-Indian Water Development: Competition for Water and Water Projects." Western Social Science Association, 1983.

"The Theoretical Origins of the *Winters* Doctrine." Southwestern Social Science Association, 1982.

"For Richer or for Poorer: A Comparative Approach to the Study of Bureaucracy," with Jeanne Nienaber. Western Political Science Association, 1981.

"Indian Water Rights: The Bureaucratic Response." Arizona Section of the American Water Resources Association, 1981.

"Indian Water Rights, The Central Arizona Project, and Water Policy in the Lower Colorado River Basin." Western Social Science Association, 1980.

"Federal Indian Policy and the Sacred Mountain of the Papago Indians." Southwestern Social Science Association, 1980.

OTHER CONFERENCE ROLES

Discussant, panel on "The Most Fundamental Right: Voting Now and Then, Here and There." The Midwest Political Science Association, Chicago, IL, April 2016.

Moderator, panel on "Flood Management." American Water Resources Association, Vienna, VA, November 2014.

Delegate, NASPA Exchange Program with Deutsches Studentenwerk (Germany), February 2014, focusing on campus sustainability.

Presenter, American Water Resources Association, annual meeting, panel on dam removal and river restoration, Seattle, WA, November 2005.

Discussant, panel on "Native Americans in the Twenty First Century." Western Social Science Association. April 2005.

Chair, panel on "Revisions in Policy Subsystem Theory." Western Political Science Association, 1997.

Invited Participant, Moscow State University Symposium on Training Public Administrators, Moscow, Russia, March 1993.

Chair, panel on "Public Policy Theory: Past, Present, Future." Western Political Science Association, 1992.

Invited Discussant, conference on "Innovation in Western Water Law and Management," University of Colorado School of Law, 1991.

Delegate, Citizen Ambassador Program, Environmental Technology Delegation to the Soviet Union, 1990.

Organizer and Moderator, panel on "Hosting the Olympics," National Association of Schools of Public Affairs and Administration, 1990.

Invited Discussant, Symposium on "Indian Water Rights," University of Colorado School of Law, 1990.

Invited Discussant, Arizona Historical Society, symposium on Water, Tucson, Arizona, 1989.

Chair, panel on "Executive MPA Programs," National Association of Schools of Public Affairs and Administration, 1989.

Discussant, Sixth Annual Women in Public Administration Conference, Salt Lake City, Utah, 1989.

Chair, panel on "Models of Policy Analysis." Western Political Science Association, 1989.

Discussant, panel on "Natural Resource Management in the Post-Reagan Era." American Society for Public Administration, 1989.

Convener and discussant, panel on "Administrative Practice and Organization Theory." Public Administration Theory Symposium, American Society for Public Administration, 1989.

Participant, Minnowbrook II Conference on the Future of Public Administration, Syracuse University, Sept., 1988.

Discussant, panel on "Limited Perspectives: Traditional Methods and Models and the Study of Native American Political Participation." American Political Science Association, 1988.

Chair, panel on "Alternative Models of Environmental Policy Formulation and Implementation." Western Political Science Association, 1988.

Chair, panel on "Policy Models and Theories." American Political Science Association, 1986.

Chair, panel on "Environmental Policy," Western Political Science Association, 1986.

Chair, panel on "Subsystems and Natural Resource Policy." Western Social Science Association, 1986.

Discussant, panel on "Environmental Politics and Policy: A Synthesis and Critique." Western Political Science Association, 1985.

Discussant, panel on "The Political Context of Environmental Policy." Western Political Science Association, 1984.

Chair, panel on "Indian Water Rights and Water Development." Western Political Science Association, 1982.

PUBLIC COMMUNICATIONS

Quoted interview, *Mother Jones*, Mar. 25, 2016 (topic: Indian voting rights)

NPR, All Things Considered, recorded interview, Jan. 18, 2016 (topic: Marketing Indian water)
<http://www.npr.org/2016/01/18/463503934/arizona-tribes-wade-into-the-water-business>

Market Place, Oregon Public Broadcasting, quoted interview, Jan. 4, 2016 (topic: public lands)
<http://www.marketplace.org/2016/01/04/world/how-feds-came-own-west>

KRCL, Radioactive Show, on-air interview, Sept. 20, 2015 (topic: Navajo water)
<http://www.krcl.org/tag/dan-mccool/>

CBS Sunday Morning, on-camera interview Aug. 15, 2015 (topic: Navajo water)
<http://www.cbsnews.com/news/the-water-lady-a-savior-among-the-navajo/>

BYU Radio, on-air interview. May 15, 2015 (topic: river restoration and water management)
<http://www.byuradio.org/episode/b98b846e-feeaa4401-a14f-c288370763f4/top-of-mind-with-julie-rose-the-river-republic-straight-talk-parenting>

KSRW Radio, Santa Monica, CA. on-air guest, April 3, 2015 (topic: western water)
<http://kcrw.com/news-culture/shows/to-the-point/a-parched-west-struggles-to-adapt-to-the-realities-of-drought>

Trib Talk, on-air interview. Mar. 10, 2015 (topic: Utah water policy).
<http://www.sltrib.com/blogs/tribtalk/2270151-155/trib-talk-is-bear-river-project>

Quoted interview, *Salt Lake Tribune*, March 9, 2015 (topic: The Bear River Project).
<http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=2230808>

Environment, quoted interview, Dec. 11, 2014 (topic: Utah water)

KSUB, Cedar City, UT, Sept. 18, 2014 (topic: public lands)

KUER, Radio West, Salt Lake City, on-air guest, April 23, 2014 (topic: public lands grazing)
<http://radiowest.kuer.org/post/cliven-bundys-range-war>

On-film interview for movie, "Black Hawk." Mar. 2014.
<https://www.youtube.com/watch?v=liLXujigjPY>

KUER, Radio West, Salt Lake City, on-air guest, Sept. 3, 2013 (topic: Colorado River)
<http://radiowest.kuer.org/post/sharing-colorado>

Quoted interview, *Anchorage Press*, July 18, 2013 (topic: The Voting Rights Act).

Blog post for Indiana University Press, June 28, 2013 (topic: The Voting Rights Act)
<http://iupress.typepad.com/blog/2013/06/how-does-shelby-county-v-holder-impact-the-voting-rights-act.html>

Indian Country Today, quoted interview, June 28, 2013 (topic: The Voting Rights Act)

Quoted interview, *DebtWire*, May 1, 2013 (topic: Las Vegas pipeline)

Quoted interview, *Huffington Post*, April 8, 2013 (topic: Las Vegas pipeline)
http://www.huffingtonpost.com/mobileweb/2013/04/08/utah-nevada-water-deal-colorado-river_n_3038477.html

KUER, Radio West, Salt Lake City, on-air guest, April 4, 2013 (topic: Las Vegas pipeline)
<http://radiowest.kuer.org/post/protecting-snake-valley>

New York Times, quoted interview, Mar. 26, 2013 (topic: the Pecos River and western drought).
<http://www.nytimes.com/2013/03/27/us/new-mexico-farmers-push-to-be-made-a-priority-in-drought.html?pagewanted=all&r=0>

New Books in Political Science, blog, interview with Heath Brown. Feb. 26, 2012 (topic: *The Most Fundamental Right*).
<http://newbooksinpoliticalscience.com/2013/02/27/daniel-mccool-the-most-fundamental-right-contrasting-perspectives-on-the-voting-rights-act-indiana-up-2012/>

Albuquerque Journal, quoted interview, Feb. 10, 2013 (Topic: Navajo water settlement)

River Management Society Journal, book review of *River Republic*, Winter, 2012 (Topic: *River Republic*):
<http://www.river-management.org/assets/Journals-Newsletters/2012%20winter.pdf>

Suburban Wildlife Magazine Blog, interview, January 13, 2013. (topic: *River Republic*):
<http://blog.suburbanwildlifemagazine.com/2013/01/13/daniel-mccool.aspx>

KDVS Radio, Davis, CA, interview, Jan. 5, 2013 (topic: The Wild and Scenic Film Festival)

Western Water, quoted interview, Nov/Dec 2012 (topic: the Colorado River)

Salt Lake Tribune, Editorial, "Protect our Rivers." Dec. 22, 2012.

KSFR Radio, interview with Diego Mulligan on the "Journey Home" Show, Albuquerque, NM, Dec. 11, 2012 (topic: *River Republic*)

KCPW Radio, interview, Oct. 23, 2012 (topic: *The Most Fundamental Right*)
<http://redthread.utah.edu/take-a-longer-view-of-election-day/7780>

The King's English Bookstore, reading, Oct. 18, 2012 (topic: *River Republic*)

Salt Lake Tribune, featured column, Oct. 4, 2012 (topic: *River Republic*)
<http://www.sltrib.com/sltrib/entertainment2/54996363-223/rivers-america-mccool-utah.html.csp>

Interview, KUER Radio, Sept. 10, 2012 (topic: *River Republic*):
<http://www.kuer.org/post/u-professor-optimistic-about-americas-rivers>

Interview, The Park Visitor, Sept. 10, 2012 (topic: *River Republic*):
<http://parkvisitor.com/blog/2012/09/10/daniel-craig-mccools-outdoor-adventure-and-conservation-tips/>

Page 99 Blog, September, 2012 (topic: *River Republic*):
<http://page99test.blogspot.com/2012/09/daniel-mccools-river-republic.html>

KCPW Radio, interview, Aug. 20, 2012 (topic: *River Republic*)

Indian Country Today, quoted interview, June 15, 2012 (topic: Indian voters)

Salt Lake City Weekly, quoted interview, May 9, 2012 (topic: Las Vegas Pipeline).

The New York Times, quoted interview, April 11, 2011 (topic: Indian water rights)

KSL TV News, interview, April 1, 2011 (topic: Colorado River)

Associated Press, quoted statement, Sept. 29, 2010 (topic: Navajo water settlement)

Salt Lake Tribune, quoted statement, Sept. 17, 2010 (topic: proposed Green River pipeline)

Tooele Transcript Bulletin, quoted statement, Sept. 16, 2010 (topic: proposed Las Vegas pipeline)

USA Today, quoted statement, Aug. 24, 2010 (topic: Grand Canyon). This article was picked up by 75 newspapers.

The Salt Lake Tribune, quoted statement, Aug. 24, 2010 (topic: Grand Canyon)

KUER Radio, quoted statement, Aug. 23, 2010 (topic: Grand Canyon)

KSL TV news, interview. April 21, 2010 (topic: reservoirs in Utah)

Fox News Utah, news coverage, Feb. 14, 2010 (topic: climate change)

Indian Country Today, quoted interview, Feb. 4, 2010 (topic: Indian voting rights)

Indian Country Today, quoted interview, Oct. 20, 2009 (topic: Indian voting rights)

High Country News blog, quoted interview. Oct. 15, 2009 (topic: Indian voting rights)

KUED "Utah Now" television program, August 21, 2009 (topic: western water policy)

Salt Lake Tribune, quoted interview, Nov. 28, 2008 (topic: Navajo water rights)

Indian Country Today, quoted interview, Oct. 26, 2008 (topic: American Indian voting)

KCPW Radio, interview, Oct. 22, 2007 (topic: western water policy)

KUER Radio, interview, Oct. 2, 2007 (topic: water policy in Utah)

Calibre, quoted interview, June 11, 2007 (topic: Indian voting rights)

Los Angeles Times, quoted interview, April 22, 2007 (topic: federal public lands)

The New Standard (national on-line news publication), quoted interview, January 22, 2007 (topic: American Indian water rights)

Salt Lake Tribune, quoted interview, Oct. 30, 2006 (topic: global warming and water)

KUSU Radio interview, August 31, 2006. (topic: Utah water).

Salt Lake Tribune, quoted interview, August 8, 2006. (topic: Utah water).

KUER, Radio West program, live interview, March 7, 2006 (topic: Women war veterans).

KCPW Radio, live interview, March 7, 2006 (topic: Women war veterans).

Salt Lake Tribune, quoted interview, February 16, 2006 (topic: American Indian voting rights).

Native American Times, secondary quote, November 1, 2005 (topic: American Indian voting).

Time Magazine, quoted interview, July 18, 2005 (topic: dam removal)

Salt Lake Tribune, quoted interview, June 23, 2005 (topic: river restoration)

Los Angeles Times, quoted interview, April 26, 2005 (topic: National Park Service)

Associated Press, quoted interview, October 25, 2004 (Nov. 2 in *Tri-Valley Central*) (topic: dam removal).

Deseret Morning News, quoted interview, Aug. 8, 2004 (topic: the law of the river)

East Valley Times (Arizona Tribune), secondary quote, June 4, 2004 (topic: the drought)

Los Angeles Times, quoted interview, May 22, 2004 (topic: American Indian voting rights)

Weather Notebook, Public Radio program, Boise, ID, interview, May 24, 2004 (topic: the impact of drought on western water policy)

Airtalk, KPCC Southern California Public Radio, interview, May 6, 2004 (topic: western water policy)

New York Times, quoted interview, May 2, 2004 (Topic: western water policy)

Rapid City Journal, quoted interview, April 12, 2004 (Topic: Indian voting rights)

High Country News, quoted interview, March 2004 (Topic: Indian water settlements)

Fox News, interview, Sept. 2, 2003 (Topic: Leavitt's appointment to EPA)

KUED Public Affairs Television presentation, "The Price of Water," April 22, 2003

AP Wire Service, interview, Aug. 29, 2003 (Topic: Leavitt's appointment to EPA)

KSL TV News, interview, Aug. 28, 2003 (Topic: water use in Salt Lake City)

City Weekly, interview, Feb. 13, 2003 (Topic: water policy)

High Country News Radio, interview, Aug. 19, 2002 (Topic: wilderness policy)

Associated Press, June 1, 2002, feature story (Topic: irrigation subsidies)

KSL TV News, May 6, 2002, interview (Topic: water use in Salt Lake City)

KUED Radio interview, April 17, 2002 (Topic: water policy in the Salt Lake Valley)

KUED Radio interview, Nov. 19, 2001 ("Radio West" special program on water policy in Utah)

KRCL Radio interview, Sept. 13, 2001 (topic: Utah water policy)

KCPW Radio interview, Aug. 23, 2001 (topic: Utah water policy)

KCPW Radio interview, August 27, 1999 (topic: BLM wilderness policy)

KUER Radio interview, August 20, 1999 (topic: Utah water policy)

KUED, Civic Dialogue, televised interview, June 20, 1997 (topic: Utah water policy)

ABC Evening News, televised interview, June 4, 1997 (topic: The CUP)

KUER Radio interview, May 23, 1997 (topic: Poverty on Indian reservations)

KRCL Radio interview, January 8, 1996 (topic: Utah water policy)

KCPW Radio interview, January 2, 1996 (topic: Utah water policy)

KRCL Radio interview, August 20, 1995 (topic: American Indian Resource Center)

KUER Radio interview, August 14, 1995 (topic: Northern Ute tribal government)

KTALK Radio interview, May 6, 1995 (topic: taxes)

KCPW Radio interview, July 6, 1994 (topic: the Northern Ute jurisdiction case).

KUER Radio interview, Feb. 16, 1994 (topic: the Northern Ute jurisdiction case).

Special Feature article in the *Utah Government Connection* titled: "The Moscow Kremlin: Closed for Cleaning." Oct., 1993.

Deseret News, quoted interview. April 18, 1993 (topic: Russia).

The Public's Capital, quoted interview, April, 1993 (topic: federal water policy).

Las Vegas Review -Journal, quoted interview, Oct. 31, 1992 (topic: Western Water Policy).

Testimony before the State and Local Affairs Interim Committee of the Utah State Legislature, Jan. 8, 1992 (topic: Utah Navajo Royalty Trust Fund).

Los Angeles Times, quoted interview, Aug. 27, 1990 (topic: Navajo voting rights).

Congressional Quarterly Weekly Report, quoted interview, Jan. 13, 1990 (topic: federal Indian policy).

High Country News, quoted interview, July 30, 1990 (topic: Navajo voting rights).

"The Central Utah Project: A Legacy of Promise and Controversy." *Public Policy Perspective* (newsletter of the Center for Public Policy and Administration, University of Utah), Spring, 1990.

"Recent Events in Treaty Rights." *Native American Policy Network Newsletter*, July, 1990.

KRCL Radio interview, June 5, 1990 (topic: The Central Utah Project).

KSL Radio interview, Sept. 5, 1989 (topic: Indian water rights).

KTKT Radio interview, Dec. 27, 1989 (topic: taxes).

KUED Television, "Civic Dialogue," Dec. 19, 1989 (topic: Indian water rights).

COURSES TAUGHT

Graduate Level:

- Water Policy
- Public Policy: Analysis and Theory
- Environmental and Sustainability Policy
- Administrative Theory
- American Institutions Seminar: Subsystem Theory
- Survey of American Politics and Government
- The Politics of Western Water
- Special Topics: Wilderness Policy in Utah and the West
- The Politics of Public Lands Management

Undergraduate Level:

- Water Policy
- Bureaucracy and Politics
- Environmental and Sustainability Policy
- Minority Group Politics
- Introduction to American Government
- Introduction to Public Administration

Senior Seminar: Who Rules America?
Introduction to Environmental and Sustainability Studies
Public Land Management in Costa Rica
Environmental and Sustainability Studies Field Seminar
Environmental and Sustainability Studies Capstone

GRANTS

Senior Consultant, USAID-funded Pakistan Centers for Advanced Studies in Water, 2014--present.

Faculty Consultant, "The Western Waters Digital Library: The Foundations of American Water Policy." National Endowment for the Humanities, 2007-2009. Funding = 5% time

Tanner Humanities Center, University of Utah. Research Interest Group grant to create a "Nuclear Utah" educational forum, 2006-07. Funding = \$1,200.

Applied Ethics and Human Values, University of Utah. 2005-06. Grant proposal: "Environmental Ethics and the Costa Rican Model of Ecotourism." \$6,200. With Professor Anya Plutynski.

National Endowment for the Humanities, program to create and preserve access to Humanities Collections, to digitize and archive 1,814 oral history interviews of American Indians, 2005-06. \$127,518 matching grant.

Quality Initiative Grant, University of Utah. To perform a complete program assessment of the Environmental Studies Program. 2003-2004. Funding = \$14,200.

Southwest Center for Environmental Research and Policy, Border Tribes Program. Co-P.I. This federally funded project developed a GIS Environmental Baseline for the Tohono O'odham Nation. 1999-2002. Funding = \$140,000.

Quality Initiative Grant, University of Utah. To create a new curriculum and program for the Red Rock Institute. 2001-2002. Funding = \$17,000.

U.S. Geological Survey, Water Resources Research Act Grant Program. Principle Investigator. "Negotiating Indian Water Rights Settlements: The Efficacy of Negotiation as a Dispute Resolution Strategy." 1992-1995. Funding = \$189,394.

University of Utah Teaching Committee. Awarded in 1996 to fund field trip for Wilderness Policy Class, \$1,200.

College of Social and Behavioral Science, University of Utah. Proposal Initiative Grant. \$4,000. Awarded summer, 1995.

University of Utah Research Committee. Grant to facilitate research on Indian Water Settlements: \$4,409. Awarded 1992.

Rural Utah Grant Program, Center for Public Policy and Administration, University of Utah. Project Title: "Ute and Navajo Water Rights: The Impact on Rural Utah." \$10,000. Awarded 1992-1993.

National Institute for Dispute Resolution, Higher and Professional Education Program, research grant for comparing negotiation and litigation as dispute resolution forums for Indian water rights: \$4,000. Awarded 1990.

University Teaching Grant to develop new course on water policy. University of Utah. Awarded 1989.

The Dean's R&D Fund. Project Title: "Conflict over Western Water: The Impact of 'Landmark' Decisions." College of Social and Behavioral Science, University of Utah. Awarded 1988.

Texas A&M University, Summer Research Grant, for project entitled "Water on the Hill: Subcommittees, Subgovernments, and Federal Water Development": \$5,000. Awarded 1986.

AWARDS

Runner-up, Science Category, Green Book Festival, for *River Republic: The Fall and Rise of America's Rivers*, 2013.

Finalist, College of Social and Behavioral Science, Superior Research Award, 2008, 2009

Finalist, College of Social and Behavioral Science Superior Teaching Award, 2011

Indigenous Day Dinner, Annual Awards, 2007, for "providing leadership for the American West Center on behalf of American Indians in the State of Utah."

University of Utah 2004 Diversity Award, presented to the American West Center.

Second place, "Excellence in Journalism Award," by the Utah Society of Professional Journalists, 1998 for "A River Between Two Cultures." *Catalyst* (August, 1997): 14-15.

Superior Research Award for Junior Faculty, College of Social and Behavioral Science, University of Utah, 1989.

ADMINISTRATIVE INITIATIVES

As co-Director of Sustainability Curriculum Development at the University of Utah:

Created, with my co-directors, the Undergraduate Certificate in Sustainability

Created, with my co-directors, the Graduate Certificate in Sustainability

As Director of the Environmental and Sustainability Studies Program:

Created a new Environmental and Sustainability Studies Minor

Directed the administration of an extensive program assessment and evaluation

Redesigned the Introductory course, ENVST 2100, required of all majors

Designed a new introductory field course, ENVST 2000, now required of all majors

Initiated the first Study Abroad program (Costa Rica) for Environmental and Sustainability Studies

Developed a new teaching curriculum, the Red Rock Institute, which explores environmental issues in the West.

Led the development of five new courses that focus on: sustainability science, environmental justice, global sustainability, leadership, and a senior capstone course

As Director of the American West Center:

Organized the 2006 Siciliano Forum. Topic: The Reauthorization of the Voting Rights Act

Negotiated numerous contracts for studies of Indian hunting and fishing rights and tribal archives.

Organized an annual conference called "Women at War," that featured female veterans.

Initiated a new oral history project of Utah's veterans, "Saving the Legacy," with over 500 interviews completed.

Wrote a successful NEH grant application to digitize the entire oral history collection of the Center—approximately 3,000 tapes.

As Associate Dean:

Initiated the effort that led to the establishment of the American Indian Resource Center on campus.

Created a new College grants program, the Proposal Initiative Grant, to help generate externally funded grants for College faculty.

Implemented a computerized search process to help College faculty find potential sources of external funding.

Created a Faculty Research Compendium that identified the major research activities of college faculty.

As Director of Public Administration Education:

Executive MPA: designed a new MPA program for middle- and upper-level administrators.

Public Administration Workshop for the Ute Indian Tribe: designed and implemented an annual intensive-session workshop for Ute tribal administrators.

Conference for Minority Public Administrators: designed and implemented Salt Lake City's first conference for minorities in the public sector work force.

COMMUNITY SERVICE AND CONSULTING

Member, Governor's Water Strategy Advisory Team, 2014-15.

Advisory Board, National Parks Conservation Association, Southwest Regional Office, 2009-present.

Co-author, *amicus* brief, in *Northwest Austin Municipal Utility District Number One v. Holder*, U. S. Supreme Court, No. 08-322, 2009.

Volunteer Tutor, Guadalupe Schools, 2007-2009.

Advisor, Rocky Mountain American Indian Economic and Education Foundation, 2003-2006.

Member, National Council of Scholars, Presidents Park, Williamsburg, VA. 2002-2004.

Consultant, National Oceanic and Atmospheric Administration, research project investigating the use of long-range weather data in water management planning for water conservancy districts and Indian reservations, 1999-2002.

Participating author and consultant, contract to facilitate meetings and research a proposal to divide San Juan County, UT. Final Report titled: "San Juan County Division Study," Prepared by the Center for Public Policy and Administration, University of Utah, 1997.

Member, Board of Directors, the Indian Walk-In Center, Salt Lake City, Utah, 1994 - 2000.

Advisory Committee for the American Indian Resource Center, University of Utah, 1990 -2000.

EXHIBIT B

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Interviewees

Agard, Jamie. Tribal Enrollment Technician for the Standing Rock Sioux Tribe. Telephone interview. 14 Mar. 2016.

Allard, LaDonna. Section 106 Coordinator for Tribal Preservation, Tribal Historian, and Tribal Genealogist. Telephone interview. 22 Mar. 2016.

Anonymous1

Anonymous2

Anonymous3

Askvig, Josh. Director AARP of North Dakota. In-person interview, Bismarck, ND. 3 Mar. 2016.

Bauroth, Nicholas. Professor of Political Science. Telephone interview. 8 Mar. 2016.

Birst, Aaron. Legal Counsel, North Dakota Association of Counties. In-person interview, Bismarck, ND. 4 Mar. 2016.

Boucher, Merle. Rolette County Commissioner. In-person interview, Rolette, ND. 5 Mar. 2016.

Carbone, Michael. Director, North Dakota Coalition for Homeless People. In-person interview, Bismarck, ND. 4 Mar. 2016.

Cook, Jennifer. North Dakota Director of the American Civil Liberties Union. Telephone interview. 7 Mar. 2016.

Doherty, Steven. Professor of Political Science, Dickinson State University. Telephone interview. 1 Mar. 2016.

Eagle, John, Sr. Director, Tribal Historic Preservation Office, Standing Rock Sioux Tribe. In-person interview, Fort Yates, ND. 3 Mar. 2016.

Hettich, Barb. Sioux County Auditor. Telephone interview. 14 Mar. 2016.

Hushka, Donnell. Legislative Liaison, North Dakota Association of Counties. In-person interview, Bismarck, ND. 4 Mar. 2016.

Johnson, Mark. Director, North Dakota Association of Counties. In-person interview,

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Bismarck, ND. 4 Mar. 2016.

Kary, Cheryl. Executive Director, Sacred Pipe Resource Center. Telephone interview. 21 Mar. 2016.

McCloud, Alvin. Retired. Poll worker. In-person interview, Belcourt, ND. 5 Mar. 2016.

McCloud, Ella. Retired. In-person interview, Belcourt, ND. 5 Mar. 2016.

McCloud, Matthew. Retired. In-person interview, Sky Dancer Casino, 5 Mar. 2016.

Morgan, Kelly. Tribal Archaeologist. In-person interview, Fort Yates, ND. 3 Mar. 2016.

Nordmark, Jason. Owner and Editor, *Turtle Mountain Star*. In-person interview, Rolla, ND. 4 Mar. 2016.

Nelson, Barry. Organizer for the North Dakota Human Rights Coalition. Telephone interview. 14 Mar. 2016.

Nelson, Kjersten. Professor of Political Science, North Dakota State University. Telephone interview. 8 Mar. 2016.

Neumann, Dennis J., Public Information Director at United Tribes Technical College, Bismarck. Telephone interview. 15 Mar. 2016.

Silbernagel, Larry. County Commissioner, Sioux County. Telephone interview. 15 Mar. 2016.

Stromme, Renee. Director, North Dakota Women's Network. In-person interview, Bismarck, ND. 3 Mar. 2016.

Taft, Sevant. Enrollment Director, Three Affiliated Tribes. Telephone interview. 23 Mar. 2016.

Traynor, Terry. Assistant Director, North Dakota Association of Counties. In-person interview, Bismarck, ND. 4 Mar. 2016.

Turcotte, John. Retired policeman. In-person interview, St. John, ND. 5 Mar. 2016.

Turcotte, Catherine. Small business owner. In-person interview, Rolla, ND. 5 Mar. 2016.

Weed, Shelly. Deputy Auditor, Benson County. Telephone interview (brief). 22 Mar. 2016.