

NJA

Professor Bray

Game Theory and Democracy

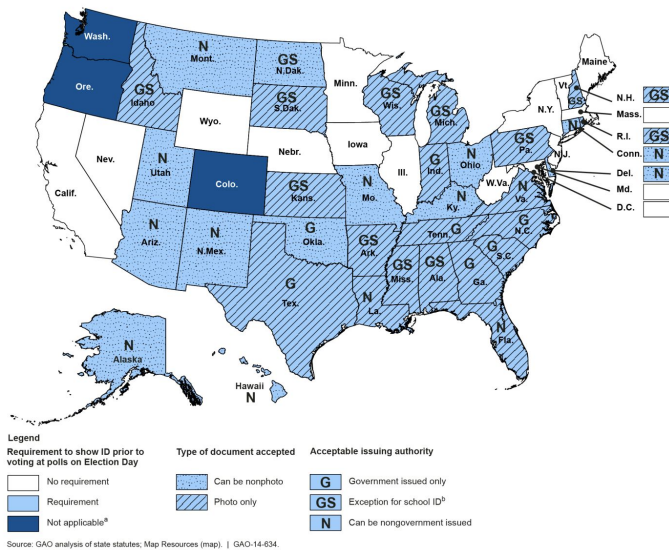
30 November 2017

Voter ID Laws

Voter fraud is certainly harmful to a democracy. But as millions go to the polls in a large country, it may be difficult to ensure election integrity. Some states in America have laws requiring identification to vote, in an effort to prevent voter fraud -- a term which includes any interference in the election process by voters (Levitt). These states contend that laws of this type maintain fair elections and “increase public confidence in the election process” (Underhill). Others argue that voter fraud is extremely rare, and strict voting identification requirements can suppress certain voters (Hajnal). Recent research attempts to determine the prevalence of voter fraud in America and the effects voter ID laws have on American elections.

Voter ID laws are ones “requesting or requiring voters to show some form of identification at the polls,” (Underhill). Only 32 states currently have such laws, and the requirements of such laws vary by state. For example, some states require a photo ID, while others accept other document forms of identification, such as a birth certificate. States also employ different procedures when voters at the polls do not provide a valid form of ID. “Non-strict” laws sometimes allow voters to still cast a ballot, whether it be a provisional ballot to potentially be counted after the day of the election, or if they “sign an affidavit of identity,” (Underhill). Meanwhile, states such as Kansas, Tennessee, and Georgia enforce strict voter ID laws. In these states, voters that also cannot provide a valid form of ID at a later date, after

Figure 3: Map of States that Have Enacted Voter Identification (ID) Requirements, as of June 2014

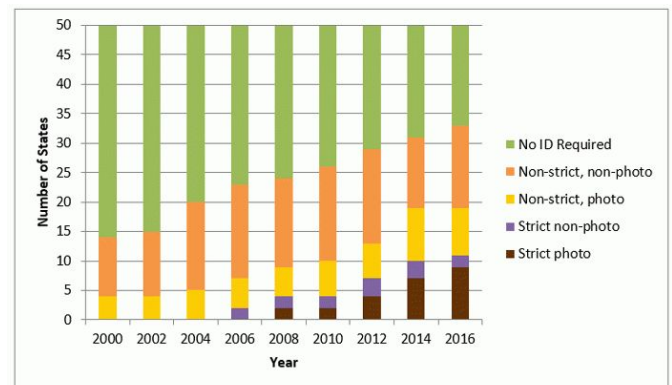


casting a provisional ballot, will not have their vote counted. These states have strict voter ID laws in an effort to curb voter fraud, which, if common enough to “alter [election] outcomes, calls into question the foundations of democratic governance altogether” (Ahlquist). But the prevalence of

voter fraud in America is still in question, as well as the extent to which voter ID laws would prevent it.

Researchers John S. Ahlquist, Kenneth R. Mayer, and Simon Jackman investigated voter fraud in America. Ahlquist is an associate professor of political science at the University of Wisconsin and a research associate in political

economy at the United States Studies Centre at the University of Sydney in Sydney, Australia, Mayer is a professor of political science at the University of Wisconsin, and Simon Jackman is a professor of political science at Stanford University. The professors used a survey list experiment to measure voter fraud following the 2012 U.S. general election. They note how many other efforts to measure voter fraud in America rely “mainly on documented criminal prosecutions and investigations of apparent irregularities,” which then, discernibly, result in little



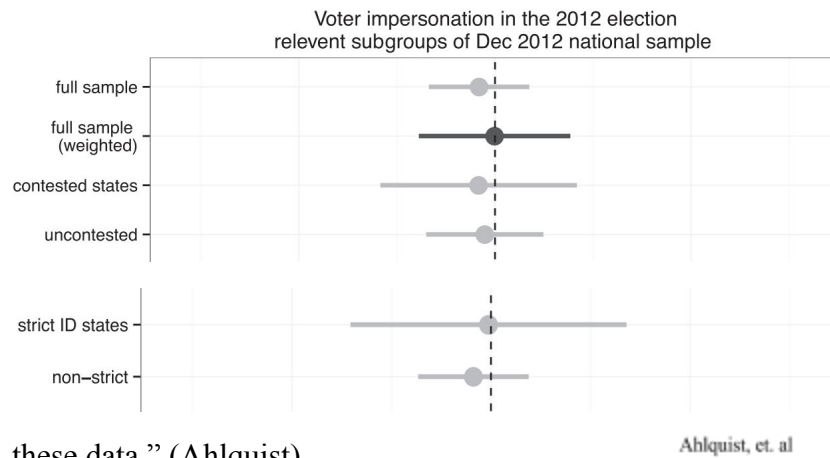
NCSL

or no evidence of voter fraud (Ahlquist). Their study, however, involved a list experiment to gather data, which yields more accurate results. A survey list experiment involves giving survey respondents a list of items and asking only how many items apply to them, not which items. This is a key aspect of this type of experiment, as it allows surveyors to measure “information about sensitive, illegal, or socially undesirable behaviors and opinions that people would be unlikely to admit to if asked directly,” (Ahlquist). The experiment involves randomly splitting respondents into two groups with the control group receiving a list of “innocuous items” and the second group receiving the same list with one more item that “[describes] the sensitive behavior of interest” (Ahlquist). Thus, due to the randomization of the groups, the average difference in results can be attributed to the item in question, functioning as “an estimate of the prevalence of the sensitive item in the larger population” (Ahlquist).

Their research sought to assess one type of voter fraud: voter impersonation, also called in-person voter fraud. Voter impersonation is the type of voter fraud targeted by voter ID laws. Other types of voter fraud, such as double voting, vote-buying, absentee voting, or fraud by election officials, would not be prevented by laws requiring identification, and thus are not relevant to a discussion on the merits of voter ID laws. In this study, the authors investigated the claim that voter impersonation is widespread in the United States, and that it has a significant impact on elections.

The authors also used multiple samples to validate their conclusions. They found “no evidence of voter impersonation” (Ahlquist). The study also found no difference in voter fraud between states with and without strict voter ID requirements. Proponents of voter ID laws often argue that voter fraud is more prevalent in highly contested states, but the study provided no

evidence of in-person voter fraud in such states. While acknowledging the statistical limits of



their study, they concluded that “the notion that voter impersonation is a widespread behavior is totally contradicted by

these data,” (Ahlquist).

It is important to note that the study did not measure all election-related fraud, which in its entirety may not necessarily be rare: “election fraud happens” (Levitt “Analysis”). However, many proponents of voter ID laws point to all types of voter fraud, such as absentee voting fraud or fake registrations, in their push for voter ID laws. Justin Levitt, a constitutional law scholar and professor at Loyola Law School discusses voter fraud in his journal “The Truth about Voter Fraud” (Levitt). He explains how the only form of voter fraud prevented by strict voter ID laws is in-person voter fraud. Laws requiring a government-issued ID “are effective only in preventing individuals from impersonating other voters at the polls” (Levitt). Furthermore, Levitt argues that conflating all forms of “election anomalies” with this type of voter fraud “undermines the urgency of other reforms” (Levitt). In fact, Levitt suggests that these laws might increase the opportunity for other forms of fraud to occur-- “laws requiring ID at the polls push more people into the absentee system, where there are plenty of real dangers,” (Levitt).

Levitt attributes many election anomalies that are “purport[ed] to reveal voter fraud” to a litany of other more common causes. For example, he cites clerical errors, voter mistakes, and

birthdate and name coincidences as causes for election abnormalities. And with respect to actual instances of voter fraud, he finds little evidence of significant fraud. Levitt explains how “actual double voting is itself extremely rare,” arguing that this is “expected, given the severity of the penalty (criminal prosecution), and the meager nature of the payoff (one incremental vote)” (Levitt). Levitt’s analysis resulted in only 31 credible instances of potential voter fraud from 2000 to 2014, out of “more than one billion votes [...] cast” (Levitt, “Comprehensive”).

Analysis by News21, a national investigative project affiliated with Arizona State University, found similar results. The project found voter fraud, but in insignificant amounts. The group did find over 800 cases of absentee ballot and voter registration fraud. However, voter ID laws “would not have prevented these cases” (Khan, Carson). Their research found 207 cases of other types of fraud for every case of voter impersonation. The research, which involved requests to election officials in every state, found only ten cases of voter impersonation. Their database provided evidence that “in-person voter impersonation [...] is virtually non-existent” (Khan, Carson).

However, in another paper on double voting, the authors argue that much of this research, though “rich,” is based on secondary data and makes it “difficult to estimate fraud,” (Goel, et. al). The paper, titled “One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections,” is authored by associate professors, graduate students, and researchers affiliated with Stanford University, Harvard University, Yale Law School, the University of Pennsylvania, and Microsoft Research. They instead utilize a probabilistic matching model to determine voters with matching names and dates of birth. While accounting for measurement error and “non-uniformity in the distribution of birthdays,” they estimate the

number of double voters by “subtracting the number of distinct voters expect[ed] to share the same first name, last name, and DOB from the number of observed matching pairs” (Goel, et. al). Despite a more empirical approach, their research yielded similar results. They found evidence that “suggests that double voting is not carried out in such a systematic way that it presents a threat to the integrity of American elections,” (Goel, et. al). They estimate that “at most only 33,000, or 0.02 percent of votes cast” were double votes in an election with approximately 129 million votes cast. They also note that this figure is an “upper bound” due to probable “measurement error in turnout records” (Goel, et. al).

Thus, multiple studies and analyses have found little evidence of widespread voter fraud that could be prevented with voter ID laws. Proponents of such laws, however, make the case that “one case of voter fraud is [one] too many” (Lowry). But critics argue that voter ID laws harm the democratic election process more than they improve it. This is because strict voter ID laws can disenfranchise certain voters, preventing many people from exercising their right to vote. For example, minorities, senior citizens, the disabled, and the poor are less likely to have access to a government-issued ID (Khan). This can be because of financial barriers, the physical distance to locations issuing IDs, or the challenge of “obtain[ing] the correct documents to get an ID” (Khan). Citing Pennsylvania’s Department of State and Department of Transportation, the News21 report remarked how nearly nine percent of registered voters in the state may lack the required form of identification to vote (Khan), though others dispute such high estimates (Lopez). Critics of voter ID laws argue that the number of voters these laws prevent from partaking in the electoral process is far greater than the amount of voter fraud these laws would

eliminate. However, many claims that voter ID laws disproportionately suppress votes of minorities and the poor do not have any empirical data to defend them.

A recent study by professor Zoltan Hajnal of the University of California, San Diego, Nazita Lajevardi, an assistant professor at Michigan State University, and professor Lindsay Nielson of Bucknell University

perhaps found more definitive

results. The study examines voter

suppression by voter ID laws, using

“validated voting data from the

Cooperative Congressional Election

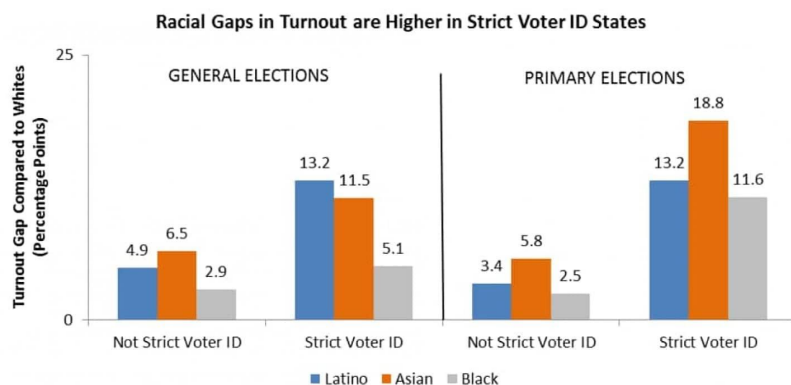
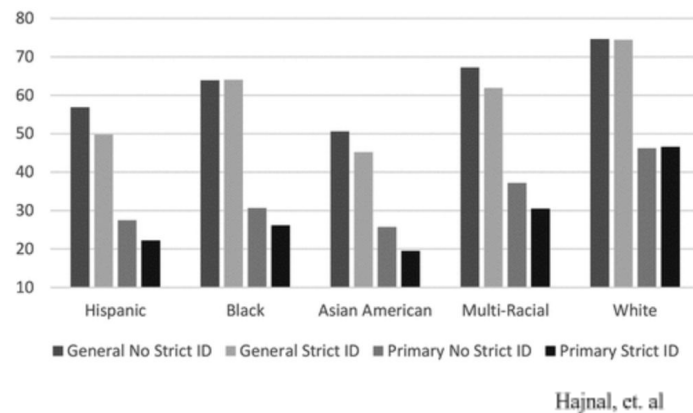
Study for several recent elections” (Hajnal, et. al). Their analysis found that

voter ID laws had significant effects on voter turnout of specific demographics -- “where [voter

ID laws] are enacted, racial and ethnic minorities are less apt to vote” since racial and ethnic

minorities are less likely to have government issued ID (Hajnal, et. al). Even when accounting

for factors such as “partisanship, demographic characteristics, election contexts and other state



laws that encourage or discourage

participation,” similar evidence is

found (Hajnal, et. al, “Analysis”). They

found that Hispanic turnout had the

most drastic decreases: 7.1 percentage

points lower in general elections and

5.3 points lower in primaries in strict ID states than in other states. They also

compiled evidence that “strict ID laws mean lower African American, Asian American and multiracial American turnout,” while “White turnout is largely unaffected,” (Hajnal, et. al, “Analysis”). The trio of researchers concluded that their analysis “shows that strict identification laws have a differentially negative impact on the turnout of racial and ethnic minorities in primaries and general elections,” (Hajnal, et. al).

However, a 2017 paper “replicates and extends” Hajnal, Lajevardi, and Nielson’s research, calling into question their data and findings (Grimmer, et. al). They cite “data inaccuracies” to cast doubt on their findings, and claim that “presented evidence does not support the stated conclusion; and alternative model specifications produce highly variable results,” (Grimmer, et. al). This study, authored by associate professors at the University of Chicago, Princeton University, the University of Pennsylvania, and Stanford University, shows research that contradicts conclusions made by Hajnal, Lajevardi, and Nielson. The researchers found that the previous study was “not representative of hard-to-reach populations” and did not account for “substantial year-to-year differences in measurement and record-linkage,” (Grimmer, et. al). The new study finds that the data may actually discredit claims of voter suppression due to voter ID laws. The researchers conclude that, with the data, one can actually “recover positive, negative, or null estimates of the effect of voter ID laws on turnout,” (Grimmer, et. al). Thus, the study’s criticisms focused more on Hajnal, Lajevardi, and Nielson’s methods and calculations, and can not definitively conclude anything about voter ID laws’ effect on turnout, which remain unproven. Their research also does not dispute claims that voter ID laws disproportionately affect racial and ethnic minority voters, merely that such laws may have no effect on election outcomes. This may be due to the fact that many voters without a government-issued ID, such as

minorities or the poor, are also less likely to vote in the first place, voter ID law or not (Lopez). Thus, despite the fact that potentially suppressed voters like minorities and the poor are more likely to vote for Democratic candidates, a partisan advantage due to voter ID laws may still not be present (Lopez).

However, professor Justin Levitt claims the number of voters these laws affect is too great. He argues that “the voter fraud phantom drives policy that disenfranchises actual legitimate voters, without a corresponding actual benefit,” (Levitt). He cites evidence of 3,000 voters being “rejected for lack of ID” in general elections across four states he analyzed. This number, then, does not include eligible voters without ID who would not have voted regardless of ID restrictions. He acknowledges that perhaps “some of those 3,000 may have been fraudulent ballots, but how many legitimate voters have already been turned away?” (Levitt “Analysis”).

The United States Government Accountability Office has done research on voter ID laws and their effects as well. Their research also found that the proportion of registered voters who own a government-issued ID varies by state and by racial and ethnic groups. They found evidence that in some states 16 percent of registered voters lack the proper identification and that the cost to obtain a driver’s license ranges from \$14.50 to \$58.50 across states they analyzed. Perhaps the GAO’s most important analysis, though, was on voter turnout in states with strict voter ID laws. In their analysis they chose states “that did not experience contemporaneous changes to other election laws that may have significantly affected voter turnout,” as well as ones that were “non-competitive” and experienced little change in voting patterns from 2008-2012 (“Issues”). They found that “voter turnout decreased to a greater extent” in the states with strict

voter ID laws compared to the comparison states. The GAO concluded that “the turnout decreases [...] are attributable to changes in those states’ voter ID requirements,” (“Issues”).

The researchers behind the paper titled “One Person, One Vote” also remark on the conflict between potentially disenfranchising voters or potentially undermining the integrity of the electoral process. They make note of the “tradeoffs between accessibility and integrity when administering elections,” (Goel, et. al). They, like Levitt, encourage analysis of the positive compared to the negative effects of voter ID laws: “election administrators must be mindful of the efficacy of any purging strategy, including the number of double votes prevented relative to the legitimate votes impeded,” (Goel, et. al).

The extent to which voter ID laws suppress voting is still in question. Thus, proponents push for strict voter ID laws to help combat voter fraud. However, research on the type of voter fraud targeted by these laws has found little evidence of its prevalence in America. Studies show that voter impersonation is rare and far from widespread: “there is almost no chance that double votes could affect the outcome of a national election,” (Goel, et. al). And, voter ID laws still have other drawbacks such as the “unnecessary costs and administrative burdens on elections administrators” as well as the “burden on voters,” (Underhill). This, along with the lack of evidence of voter ID laws’ efficacy, call into question their validity in America. And still, some research has found that voter ID laws disproportionately affect minorities and the poor, and can have significant effects on elections (Khan), though other research has disputed these claims (Grimmer, et. al). The debate on the positives and negatives of voter ID laws in America will certainly become clearer as more research is conducted on their effects on elections.

Works Cited

- Ahlquist, John S., et al. "Alien Abduction and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment." *Election Law Journal*, vol. 13, no. 4, 4 Nov. 2014, online.liebertpub.com/doi/pdf/10.1089/elj.2013.0231.
- Goel, Sharad, et al. Submitted. "One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections". Copy at <http://j.mp/2owWDFm>
- Grimmer, Justin, et al. "Comment on 'Voter Identification Laws and the Suppression of Minority Votes.'" 7 Aug. 2017, stanford.edu/~jgrimmer/comment_final.pdf.
- Hajnal, Zoltan L., et al. "Analysis | Do Voter Identification Laws Suppress Minority Voting? Yes. We Did the Research." *The Washington Post*, WP Company, 15 Feb. 2017, www.washingtonpost.com/news/monkey-cage/wp/2017/02/15/do-voter-identification-laws-suppress-minority-voting-yes-we-did-the-research/?utm_term=.8b52fab0a088.
- Hajnal, Zoltan, et al. "Voter Identification Laws and the Suppression of Minority Votes." *The Journal of Politics*, 5 Jan. 2017, www.journals.uchicago.edu/doi/full/10.1086/688343.
- "Issues Related to State Voter Identification Laws." *United States Government Accountability Office*, Sept. 2014, www.gao.gov/assets/670/665966.pdf.
- Khan, Natasha, and Corbin Carson. "Comprehensive Database of U.S. Voter Fraud Uncovers No Evidence That Photo ID Is Needed." *News21 Voting Rights*, 12 Aug. 2012, votingrights.news21.com/article/election-fraud/.
- Levitt, Justin. "A Comprehensive Investigation of Voter Impersonation Finds 31 Credible

Incidents out of One Billion Ballots Cast.” *The Washington Post*, WP Company, 6 Aug. 2014,

www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/?utm_term=.30e0e0694f8b.

Levitt, Justin. “The Truth About Voter Fraud.” *Brennan Center for Justice at New York University School of Law*, 2007,

www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf.

Lopez, German. “A Major Study Finding That Voter ID Laws Hurt Minorities Isn't Standing up Well under Scrutiny.” *Vox*, Vox, 15 Mar. 2017,

www.vox.com/identities/2017/3/15/14909764/study-voter-id-racism.

Lowry, Bryan (2015). “Kobach’s voter prosecutions draw scrutiny to proof-of-citizenship requirement.” *Wichita Eagle*, October 18.

Underhill, Wendy. “Voter Identification Requirements.” *NCSL.org*, National Conference of State Legislatures, 5 June 2017, www.ncsl.org/research/elections-and-campaigns/voter-id.aspx.