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# Voter ID laws and Voter Turnout

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October 18, 2022

# Voting Rights

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- Voting is one of the most centerfold tenets of democracy.
- It allows citizens to choose leaders, influence policy, and ultimately shape democracy.
- When citizens do not vote, representatives may ignore them
- It comes as no surprise that the laws that shape who can and cannot vote have been subject to great controversy throughout the course of American history.
- Yet, the United States has long excluded groups from participating in the franchise.

# History of Civil Rights

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- Post-1965:
  - There is continued resistance to curtail the voting rights of Black Americans and other racial minorities.
  - Black Americans and other racialized minorities have the vote, but there are efforts to reduce the influence of that vote.

# History of Civil Rights

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  - There is continued resistance to curtail the voting rights of Black Americans and other racial minorities.
    - Black Americans and other racialized minorities have the vote, but there are efforts to reduce the influence of that vote.
    - Focus today: Voter registration requirements (including voter ID Laws)

# Voter ID Laws

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- What are they?
- Voter ID laws in the United States are laws that require a person to provide some form of official identification before they are permitted to register to vote, receive a ballot for an election, or to actually vote.

# Voter ID Laws

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- Prior to 2006, no state required identification to vote.
- Today, 35 states currently enforce some form of a voter identification law
- The types and severity of these laws vary by state.
- The remaining 15 states use other methods to verify the identity of voters.

# Voter ID Laws: For and against

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## Proponents of Voter ID Laws

- Voter ID laws are warranted and that they do not reduce the participation of citizens and because fraud is a real and potentially widespread phenomenon that could alter electoral outcomes and erode faith in democracy.

## Opponents of Voter ID Laws

- Voter ID Laws are burdensome they serve as effective barriers that limit the legitimate participation of racial and ethnic minorities and other disadvantaged groups., and are like poll taxes.

# Voter ID Laws in Effect in 2022

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- Map of Voter ID Laws currently in effect by state: [NCSL](#).
- Five categories of Voter ID Laws:
  - Strict Photo ID
  - Strict Non Photo ID
  - Non Strict Photo ID
  - Non Strict Non Photo ID
  - No Voter ID
- Vary on 2 dimensions:
  - 1) Whether the state asks for photo ID or whether it accepts ID without a photo also
  - 2) What actions are available for voters who do not have ID

# Strict Photo Voter ID Laws

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- The strictest type of these laws requires that registrants attempting to vote in person on Election Day present government-issued photo identification, and qualifying identification at a time after casting their ballot in order to have their vote counted (Fraga 2018).
- [Fraga \(2018\)](#) provides an instructive example of how a strict photo identification law would be enforced in Indiana:
  - “A voter without qualifying identification who wishes to have their provisional vote counted must, within one week of the election, visit the county election board in person and either produce photo identification or sign an affidavit indicating that they are “indigent” or have religious objections to being photographed” (p. 180).
- Not all registrants have this type of government-issued photo identification document.
- Scholars have evaluated whether these laws might lower turnout, and do so disproportionately among those for whom the burden is greater ([Highton 2017](#)).

# A Note on Methodology and Voter ID Laws

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- These laws are not being introduced in a vacuum.
- As Highton (2017) notes, “it is not possible design and conduct an experiment in which a random set of states employ a strict photo ID law and a random set of control states do not employ any documentary ID law.”
- As such, scholars have approached this question using a myriad of methods and data.
- Studies differ in their findings, methods, and substantive results, but on balance, most are generally discovering that the strictest forms of these laws negatively impact voter turnout.

# Voter ID Laws: What does the research show?

- Strict Photo ID laws depress minority votes.
  - [Hajnal et al 2017](#): Evaluates whether strict photo identification laws reduced turnout among registered survey respondents a large national survey from 2006-2014, and finds that these laws diminish minority participation in the survey, and increase the gap in the voter participation rate between White Americans and non-White Americans in the study (fig2). When enacted, racial and ethnic minorities were less apt to vote, with the voices of Latinos -- and to a slightly lesser extent those of Blacks, Asian Americans, and multiracial Americans -- all becoming more muted.
  - [Kuk et al 2020](#): focused on turnout changes across the 2012 and 2016 presidential elections, when Alabama, Mississippi, Virginia, and Wisconsin all implemented strict photo ID laws over this period. Specifically, we found that turnout declined significantly more in racially diverse counties relative to less diverse counties in states that enacted strict identification laws over this period than it did in other states.
  - [Fraga \(2018\)](#): conducts a difference-in-difference test using panel data from one percent samples of the Catalist voter file database and constitutes approximately 10 million individual registrants. This large individual level dataset allows the author to track the behavior of individual registrants over multiple elections, in this case, before and after the implementation of voter identification laws. The author finds heterogeneity over time for groups, but also some evidence that the implementation of strict voter identification laws are related to lower Latino and Asian turnout from 2008 to 2012.

# Voter ID Laws: What does the research show?

- Strict Photo ID laws depress minority votes.
  - [DeCrescenzo and Mayer \(2019\)](#): Evaluate whether Wisconsin's voter identification requirement directly prevented or indirectly deterred Black Americans from voting more than Whites in the 2016 presidential election. Figure 3 (Panel A) provides some suggestive evidence that Black Americans were more likely to be deterred than White Americans from voting and somewhat more likely than Whites to be prevented from voting in that election.
  - [Darrah-Okike et al \(2020\)](#): Analyze data from the Current Population Survey (CPS) which provides a large nationally representative sample with self-reported data voter turnout and other individual-level characteristics from 2000 (before identification requirements were beginning to spread throughout the country) through 2016. The authors find that voter identification laws have suppressive effects for all racial groups relative to Whites, but that the turnout of Latinos was the most severely and negatively affected.
  - [Fraga and Miller \(2022\)](#): Turn to a case study in Texas, which had implemented a strict voter identification law in the 2014 election, though a last-minute federal court decision allowed Texans without qualifying identification to vote in the 2016 election. Voters without qualifying identification were required to submit a paper declaration listing the reason they lacked identification, which the authors then linked to entries in the Texas voter file, which provided them with individuals' turnout data and race/ethnicity. They found more than 16,000 Texans would have been disenfranchised for lack of compliant identification in 2016. These registrants voting without identification in 2016 were significantly more likely to be Black and Latinx than the population voting with ID.

# Voter ID Laws: What else have we learned?

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- Minorities are less likely to possess valid forms of identification necessary to comply with these statutes, and thus the material burdens of these laws fall harder on them (NCFER 2001; Barreto, Nuño, and Sanchez 2009, Stewart 2013
  - [Stewart \(2013\)](#): Finds notable differences in identification possession by race and ethnicity: while 7% of Whites and 10% of Latinos reported not having a driver's license, 21% of African Americans reported not possessing an ID (Table 3).
  - [Barreto et al \(2019\)](#): Offer a comprehensive portrait of who does and does not have access to a valid piece of voter identification, and find across numerous survey instruments, that White respondents were statistically more likely to report possessing a valid form of ID than other racial groups in a model only accounting for race across every dataset included in the analysis.
  - [Barreto et al \(2022\)](#): Native American voters are less likely than Whites in North Dakota to possess a valid piece of identification than are their White counterparts, because tribal IDs often include mailing and not residential addresses. Native American voters also report facing numerous obstacles to getting an appropriate ID.
- Minorities are more likely than Whites to be asked to present ID at the polls.
  - [Ansolabehere \(2009\)](#): Reports that White voters are less likely than either Latinos or Black Americans to be asked for a photo identification by nearly 7 percentage points
  - [Atkeson et al \(2010\)](#): Examine identification requests in New Mexico's first congressional district race in 2006 and find that Hispanic voters were more likely to report to be asked to show identification than non-Hispanic voters.

# Voting Rights Legislation Soon?

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- [HR 1:](#)
  - On March 3, 2021, the House passed the bill, but on June 22, 2021, the bill failed to pass the Senate after failing to get the 60 votes needed to invoke cloture.
  - (Some) contents of the bill:
    - Require states to offer same day voter registration for federal elections
    - Permit voters to make changes to their registration at the polls
    - Require states to hold early voting for at least two weeks
    - Establish automatic voter registration for individuals to be eligible to vote in elections for federal office in the state.
    - Expand opportunities to vote by mail and would make Election Day a federal holiday
    - Require states to offer online voter registration
    - Require states to establish a system to allow applications to be electronically completed, submitted, and received by election officials, and to allow registered voters to electronically update their voter registration information.
    - Authorize 16- and 17-year-olds to pre-register to vote in advance of their becoming 18
- [John Lewis Voting Rights Act:](#)
  - On August 24, 2021, the House passed the bill, but on November 3, 2021, the bill failed to pass the Senate after failing to get the 60 votes needed to invoke cloture
  - (Some) contents of the bill:
    - Restore and strengthen parts of the Voting Rights Act (1965) that Shelby did away with, specifically, by reenacting the pre-clearance requirement in Section 5.
    - Preclearance requirement for any change to voter ID law that is strict or will make requirement more strict
    - Preclearance requirement for any change that reduces number of multi-lingual voting materials
    - Preclearance requirement for any change that would reduce, relocate, or consolidate voting locations
    - Preclearance requirement for any voter roll purges

# Voting Rights Legislation Soon?

- Despite these bills that would certainly help get a more representative swath of Americans to the polls, the future doesn't look too optimistic.
- As long as there is a filibuster in the Senate, the Supreme Court is a 6-3 conservative court, and a Democratic President is unwilling to take executive action, barriers to voting will continue to expand, and democratic representation will likely continue to be skewed.

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Thank you!

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