

Presentation to Presidential Advisory Commission on Election Integrity: A suggestion and some evidence

John R Lott, Jr.



How to check if the right people are voting

- Republicans worry about voting by ineligible people.
- Democrats say that Republicans are just imagining things.

How to check if the right people are voting

- Republicans worry about voting by ineligible people.
- Democrats say that Republicans are just imagining things.
- Something that might make both happy?
 - apply the background check system for gun purchases to voting

Democrats' views on the National Instant Criminal Background Check System (NICS)

- Democrats have long lauded background checks on gun purchases as simple, accurate, and in complete harmony with the second amendment right to own guns

Democrats' views on the National Instant Criminal Background Check System (NICS)

- Democrats have long lauded background checks on gun purchases as simple, accurate, and in complete harmony with the second amendment right to own guns
- Senate Minority Leader Chuck Schumer (D-NY) has bragged that the checks “make our communities and neighborhoods safer without in any way abridging rights or threatening a legitimate part of the American heritage.”

Democrats' views on the National Instant Criminal Background Check System (NICS)

- Democrats have long lauded background checks on gun purchases as simple, accurate, and in complete harmony with the second amendment right to own guns
- Senate Minority Leader Chuck Schumer (D-NY) has bragged that the checks “make our communities and neighborhoods safer without in any way abridging rights or threatening a legitimate part of the American heritage.”
- If NICS doesn't interfere “in any way” with people's constitutional right to self defense, doesn't it follow that it would work for the right to vote?

What NICS Does

- Determines
- criminal histories (felonies and for misdemeanor domestic violence)
- whether a person is an illegal alien, has a non-immigrant visa, or has renounced his citizenship
- NICS doesn't currently flag people who are on immigrant visas, but that could be added

However, many will likely argue that NICS will “abridge” voting rights.

- Most obvious objection is the cost
 - fees that gun buyers have to pay on private transfers can be quite substantial, ranging from \$55 in Oregon to \$175 in Washington, DC
- But a solution would simply be that states pick up this cost

**Evidence of Voter Fraud and
the Impact that Regulations to
Reduce Fraud have on Voter
Participation Rates**

- Current debate, Trade off ignored in US debate
 - Making voting more costly
 - Increasing return to voting

- Current debate, Trade off ignored in US debate
 - Making voting more costly
 - Increasing return to voting
- Difficult to evaluate whether people perceive vote fraud as a significant problem
 - Problems with Polling
 - Other research looks at Photo IDs in isolation from other voting laws

- Current debate, Trade off ignored in US debate
 - Making voting more costly
 - Increasing return to voting
- Difficult to evaluate whether people perceive vote fraud as a significant problem
 - Problems with Polling
 - Other research looks at Photo IDs in isolation from other voting laws
- Almost 100 countries require that voters present a photo ID in orders to vote.

Is it useful to look at percentage of the population with Government issued Photo IDs?

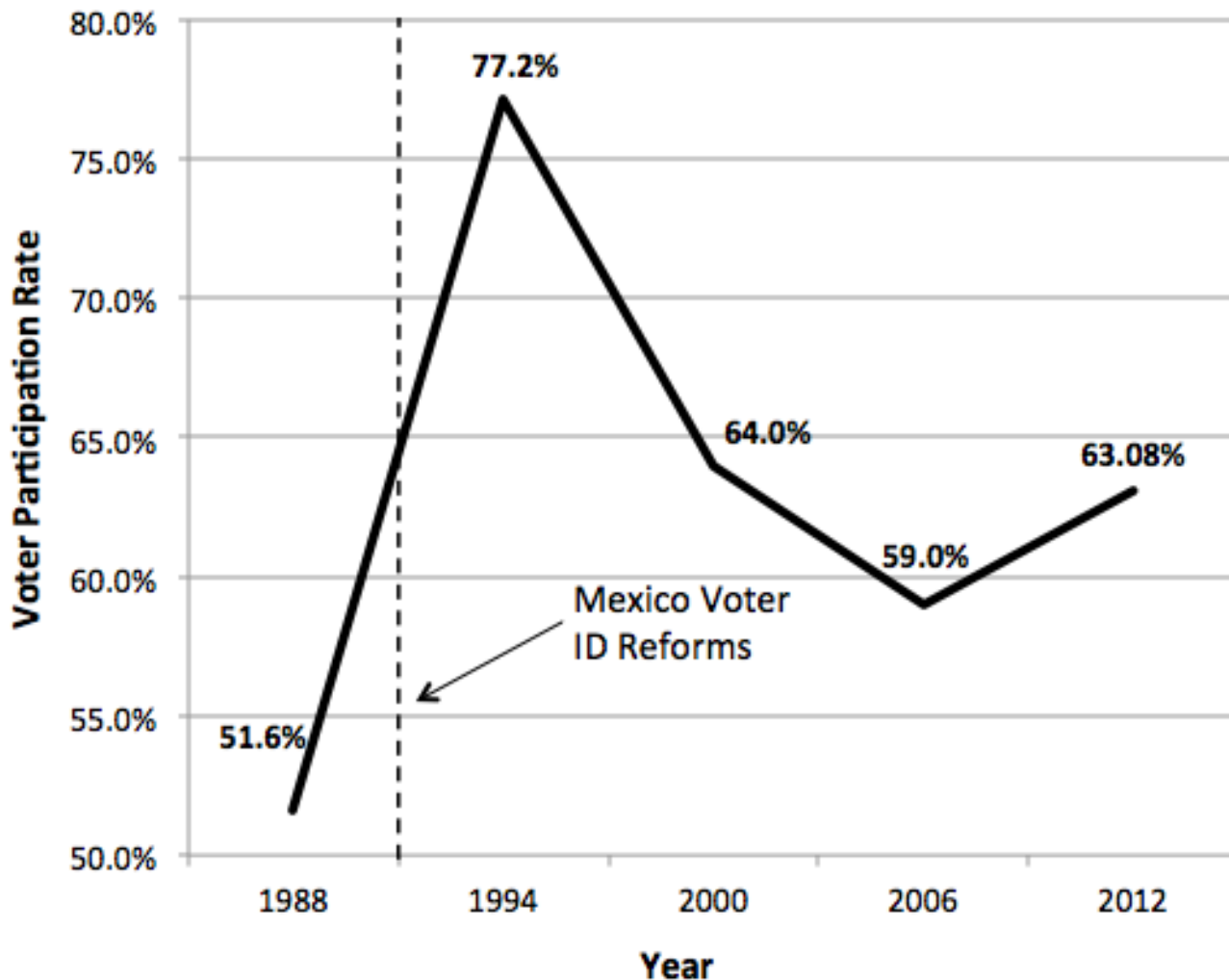
- Discussion typically ignores that people can adjust their behavior.
 - Just because they don't have a photo ID at some point in time (when they may not have any reason to have such an ID), doesn't imply that they won't get one when they have a good reason to do so.
- A better measure is probably percent of those registered to vote before IDs were required who have driver's licenses.
 - But even that ignores the fact that many voter registration lists have not been updated to remove people who have died or moved away

Mexico's 1991 Election Reform

- Many would view Mexico's requirements to get a ID to vote as draconian.
- Only one type of ID accepted to vote. Contains both a photo and thumbprint.
- Must go in person to register and go in again to pick up the ID.
 - At least immediately after the reform, distances needed to travel to get the IDs could be substantial.
- Must show a birth certificate or other proof of citizenship, another form of government issued photo identification, and a recent utility bill.
- Reform banned absentee ballots

- So what would these new requirements do to voter turnout?
- Also, remember that turnout in elections prior to 1991 had been plagued by well acknowledged ballot box stuffing. Few take voter participation rate data seriously prior to late 1980s.

Voter Participation Rate in Mexican Presidential Elections After 1991 Vote Fraud Reforms



Alternative Predicted Impacts of Voter IDs

- Explaining reduction in measured voter participation rate
 - Higher cost of voting: As the cost of voting goes up, fewer people will vote (Discouraging Voter Hypothesis)
 - Elimination of Fraud
 - Thus reduced participation rate may not be bad.

- Why you can get an increased voter participation rate
 - Ensuring Integrity Hypothesis
- All can be occurring simultaneously.
- Question is what dominates.

- How to disentangle the possible effects that voting regulations can have?
- The simplest test is whether different voting regulations systematically alter voter participation rates for different groups supposedly at risk
- The second and more powerful test is to examine what happens to voter participation rates in those geographic areas where voter fraud is claimed to be occurring. If the laws have a much bigger impact in areas where fraud is said to be occurring, that would provide evidence for the Eliminating Fraud and/or Ensuring Integrity hypotheses.

- **Voting Regulations**
- Rules that make fraud harder
 - Photo ID
 - Non-Photo ID
 - Provisional ballots? (John Fund (2004))
- Rules that make fraud easier
 - Same day registration
 - Absentee ballots, particularly without an excuse
 - Registration by mail
 - Voting by mail
 - Pre-election in poll voting

Lots of Different Regulations can impact Voter Turnout

- Campaign finance laws
 - Entrenching incumbents lowers turnout
 - May not change total amount spent, but by changing who is spending it, can make the money spent less efficiently.
- Other factors also matter
 - Races for presidency, governorship, and senate, and the closeness of those races
 - Number and type of ballot initiatives, demographics, income, economy

Data

- The data here constitute county level data for general and primary elections. The general election data goes from 1996 to 2004. For the primary election, the data go represents the time period from July 1996 to July 2006 for the Republican and Democratic primaries.
- Why county level data?
 - Generally have much bigger demographic differences within than across states.

| Table 1: Number of States with Different Voting Regulations from 1996 to July 2006 | | | | | | |
|--|-------|-------|-------|-------|-------|-------|
| Regulation | Year | | | | | |
| Voting Regulation | 1996 | 1998 | 2000 | 2002 | 2004 | 2006 |
| Photo ID (Substitutes allowed, the one exception was Indiana in 2006, which did not allow substitutes) | 1 | 2 | 4 | 4 | 6 | 8 |
| Non-photo ID | 15 | 14 | 10 | 25 | 44 | 45 |
| Absentee Ballot with No Excuse | 10 | 14 | 21 | 21 | 24 | 27 |
| Provisional Ballot | 29 | 29 | 26 | 36 | 44 | 46 |
| Pre-election day in poll voting/in-person absentee voting | 8 | 10 | 31 | 31 | 34 | 36 |
| Closed Primary | 21 | 19 | 22 | 29 | 30 | 24 |
| Vote by mail* | 0 | 0 | 1 | 1 | 1 | 2 |
| Same day registration | 3 | 3 | 4 | 4 | 4 | 6 |
| Registration by mail | 46 | 46 | 46 | 46 | 49 | 50 |
| Registration Deadline in Days | 22.94 | 23.45 | 23.49 | 23.00 | 22.75 | 22.31 |

* Thirty-four of Washington State's counties will have an all-mail primary election in 2006, but it is after the period studied in this paper. "In the counties with operational poll sites for the public at large, which include King, Kittitas, Klickitat, Island, and Pierce, an estimated 67 percent of the electorate will still cast a mail ballot." US State News, "Office of Secretary of State Warns: Be cautious with your primary ballots – splitting tickets to cost votes," US State News (Olympia, Washington), August 29, 2006.

Table 2: The Average Voter Turnout Rate for States that Change Their Regulations: Comparing When Their Voting Regulations are and are Not in Effect (Examining General Elections from 1996 to 2004)

| | Average Voter Turnout Rate During Those Elections that the Regulation is not in Effect | Average Voter Turnout Rate During Those Elections that the Regulation is in Effect | Absolute t-test statistic for whether these Averages are Different from Each Other |
|---|--|--|--|
| Photo ID (Substitutes allowed) | 55.31% | 53.79% | 1.6154 |
| Non-photo ID | 51.85% | 54.77% | 7.5818*** |
| Non-photo ID (Assuming that Photo ID rules are not in effect during the years that Non-photo IDs are not in Effect) | 51.92% | 54.77% | 7.0487*** |
| Absentee Ballot with No Excuse | 50.17% | 54.53% | 10.5333*** |
| Provisional Ballot | 49.08% | 53.65% | 12.9118*** |
| Pre-election day in poll voting/in-person absentee voting | 50.14% | 47.89% | 3.8565*** |
| Same day registration | 51.07% | 59.89% | 7.3496**** |
| Registration by mail | 50.74% | 62.11% | 13.8353*** |
| Vote by Mail | 55.21% | 61.32% | 3.7454*** |

*** F-statistic statistically significant at the 1 percent level.

** F-statistic statistically significant at the 5 percent level.

* F-statistic statistically significant at the 10 percent level.

Trying to account for different Factors that are changing

- First sets of estimates control for the factors discussed
 - No change in voter participation rates from voter Photo ID laws
- Break down results by race, gender, and age to examine differential impact of Photo ID laws
 - No real systematic differences

Figure 1: The Change in Voting Participation Rates from the Adoption of Photo IDs by Race for Women

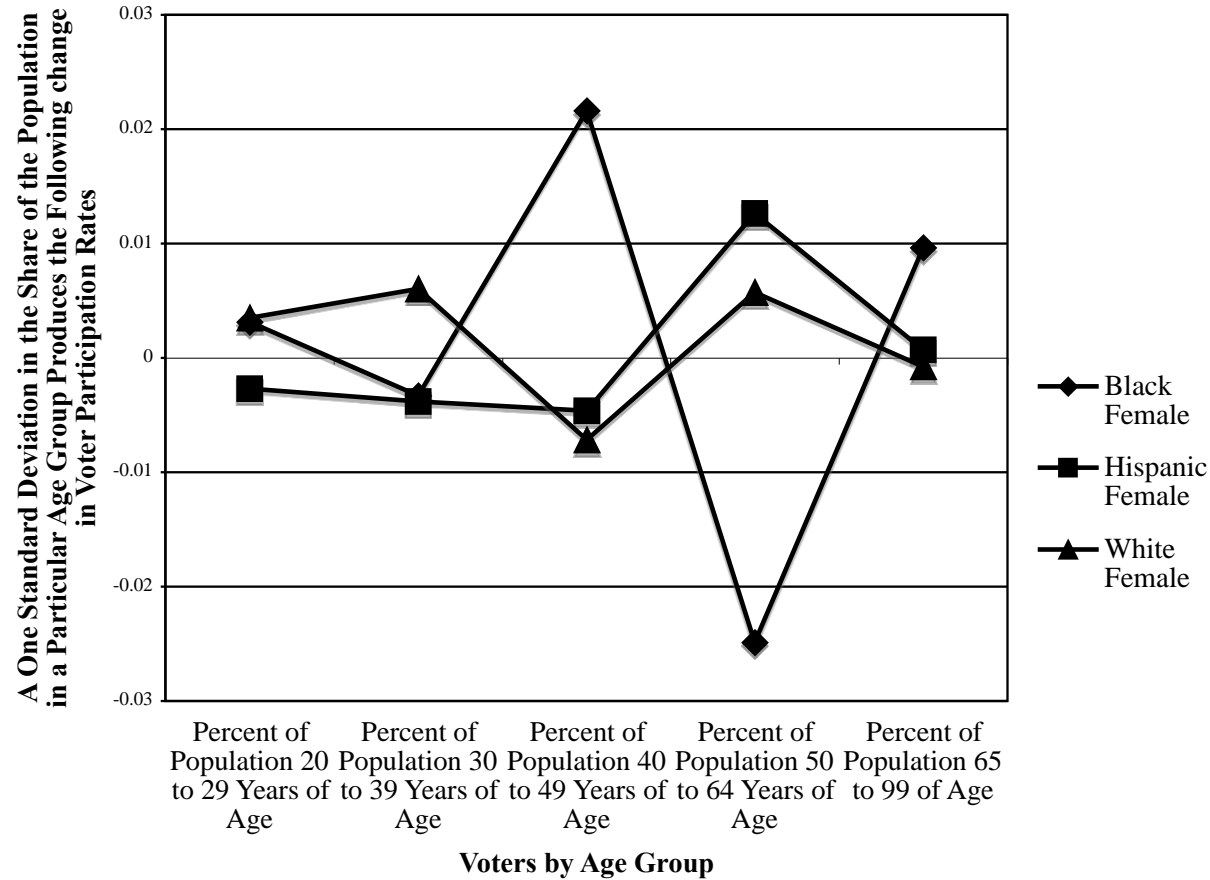
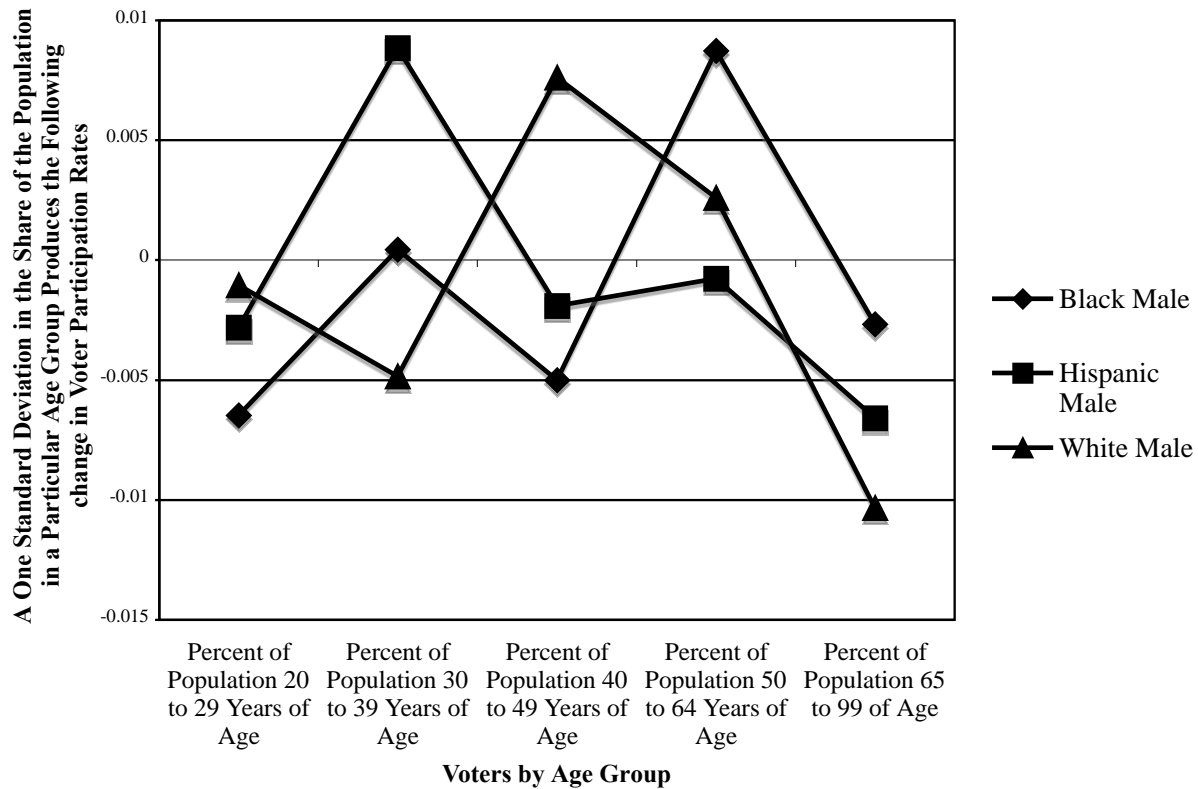


Figure 2: The Change in Voting Participation Rates from the Adoption of Photo IDs by Race for Men



Hot spots of voter fraud

- The impact of this Ensuring Integrity Hypothesis should be strongest where fraud is believed to be most common.
- American Center for Voting Rights
 - Cuyahoga County, Ohio
 - St. Clair County, Illinois
 - St. Louis County, Missouri
 - Philadelphia, Pennsylvania
 - King County, Washington
 - Milwaukee County, Wisconsin

- Evidence that requiring voter IDs actually increases turnouts.
- Ironically, while Republicans have been the ones pushing hardest for the new regulations, it appears as if the Democrats might actually be the ones who gain the most. These fraud “hot spots” that experience the biggest increase in turnout tend to be heavily Democratic.

Table 8: Examining Whether the Six “Hot Spots” Counties Identified by the American Center for Voting Rights as Having the Most Fraud: Interacting the Voting Regulations that can affect fraud with the six “Hot Spots” Using Specification 3 in Table 2 as the base (The six “hot spots” are Cuyahoga County, Ohio; St. Clair County, Illinois; St. Louis County, Missouri; Philadelphia, Pennsylvania; King County, Washington; and Milwaukee County, Wisconsin. Absolute t-statistics are shown in parentheses using clustering by state with robust standard errors.)

| A) Interacting Voting Regulations with Fraud “Hot Spots” | | | | |
|---|---|----------------------|---|----------------------|
| Voting Regulations that can Effect Fraud | Impact of Voting Regulations in “Hot Spots” | | Impact of Voting Regulations for All Counties | |
| | Coefficient | Absolute t-statistic | Coefficient | Absolute t-statistic |
| Photo ID (Substitutes allowed) | Dropped | | 0.002 | 0.17 |
| Non-photo ID Required | 0.031 | 1.95* | -0.005 | 0.61 |
| Absentee Ballot with No Excuse | 0.003 | 0.2 | 0.0002 | 0.03 |
| Provisional Ballot | 0.006 | 0.4 | 0.008 | 1.14 |
| Pre-election day in poll voting/in-person absentee voting | 0.033 | 2.26** | -0.014 | 1.73* |
| Closed Primary | | | -0.004 | 0.46 |
| Vote by mail | Dropped | | -0.014 | 0.39 |
| Same day registration | -0.005 | 0.28 | 0.022 | 1.57 |
| Registration by mail | Dropped | | 0.012 | 0.52 |
| Registration Deadline in Days | 0.022 | 2.03** | -0.001 | 0.54 |
| Adj R-squared | 0.8890 | | | |
| F-statistic | 120907.07 | | | |
| Number of Observations | 14962 | | | |
| Fixed County and Year Effects | Yes | | | |

| B) Interacting Voting Regulations with Fraud “Hot Spots” as well as Interacting with the Closeness of the Gubernatorial and Senate Races (Closeness is measured by the negative value of the difference the share of the votes between the top two candidates) | | | | | | |
|--|---|----------------------|--|----------------------|---|------------------|
| Voting Regulations that can Effect Fraud | Impact of Voting Regulations in “Hot Spots” Interacted with Closeness of Senate Races | | Impact of Voting Regulations in “Hot Spots” Interacted with Closeness of Gubernatorial Races | | Impact of Voting Regulations for All Counties | |
| | Coefficient | Absolute t-statistic | Coef. | Absolute t-statistic | Coef. | Abs. t-statistic |
| Photo ID (Substitutes allowed) | Dropped | | Dropped | | 0.0021 | 0.17 |
| Non-photo ID Required | -0.0023 | 3.98*** | -0.0017 | 0.78 | -0.0051 | 0.61 |
| Absentee Ballot with No Excuse | -0.0012 | 1.12 | -0.0055 | 3.58*** | -0.0002 | 0.02 |
| Provisional Ballot | -0.0030 | 1.69* | 0.0026 | 1.83* | 0.0076 | 1.16 |
| Pre-election day in poll voting/in-person absentee voting | 0.0026 | 3.75*** | 0.0064 | 1.88* | -0.0145 | 1.73* |
| Closed Primary | | | | | -0.0035 | 0.44 |
| Vote by mail | Dropped | | Dropped | | -0.0145 | 0.4 |
| Same day registration | -0.0046 | 2.28** | 0.0237 | 6.48*** | 0.0221 | 1.58 |
| Registration by mail | -0.0008 | 0.28 | -0.0025 | 2.91*** | 0.0124 | 0.52 |
| Registration Deadline in Days | 0.0001 | 1.71* | 0.0001 | 1.67* | -0.0005 | 0.54 |
| Adj R-squared | 0.8891 | | | | | |
| F-statistic | 600520.5 | | | | | |
| Number of Observations | 14962 | | | | | |
| Fixed County and Year Effects | Yes | | | | | |

*** t-statistic statistically significant at the 1 percent level for a two-tailed t-test.

** t-statistic statistically significant at the 5 percent level for a two-tailed t-test.