

## References

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**Table 1 – Variation in 2004 State Turnout Based on Voter Identification Requirements**

<b>Maximum Requirement</b>		<b>Minimum Requirement</b>	
<b>Voter Identification Required in the States</b>	<b>Mean Voter Turnout for States in that Category</b>	<b>Voter Identification Required in the States</b>	<b>Mean Voter Turnout for States in that Category</b>
<b>State Name</b>	64.6 %	<b>State Name</b>	63.0 %
<b>Sign Name</b>	61.1 %	<b>Sign Name</b>	60.8 %
<b>Match Signature</b>	60.9 %	<b>Match Signature</b>	61.7 %
<b>Provide Non-Photo ID</b>	59.3 %	<b>Provide Non-Photo ID</b>	59.0 %
<b>Provide Photo ID</b>	58.1 %	<b>Swear Affidavit</b>	60.1 %
<i>Average Turnout for All States</i>	60.9 %		

**Table 2. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements**

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.64	0.01	0.69	0.02
Voter ID requirements	-0.01**	0.003	-0.03**	0.004
Battleground State	0.04*	0.01	0.04*	0.02
Competitive Senate/Governor's Race	0.04*	0.02	0.04*	0.02
% Age 65 and Older	0.48**	0.03	0.50**	0.03
% African-American	0.05**	0.01	0.06	0.03
% Hispanic	-0.02	0.01	-0.13**	0.05
% Below poverty line	-0.01**	0.0002	-0.01**	0.001
VID * African-American	----	----	-0.004	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8638.0		-8651.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. \* p < .05 \*\* p < .01 (two-tailed tests)

**Table 3. Predictors of 2004 turnout at the county level taking into account minimum voter identification requirements**

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.63	0.02	0.66	0.02
Voter ID requirements	-0.009	0.005	-0.02**	0.006
Battleground State	0.04*	0.02	0.04*	0.02
Competitive Senate/Governor's Race	0.03	0.02	0.03	0.02
% Age 65 and Older	0.48**	0.03	0.48**	0.03
% African-American	0.05**	0.01	0.04	0.03
% Hispanic	-0.12	0.01	-0.13**	0.04
% Below poverty line	-0.01**	0.0003	-0.01**	0.001
VID * African-American	----	----	0.01	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8630.8		-8620.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. \* p < .05 \*\* p < .01 (two-tailed tests)

<b>Table 4. Probit model of voter turnout.</b>				
	<b>Maximum requirements</b>		<b>Minimum requirements</b>	
<b>Variable</b>	<b>Unstandardized Estimate</b>	<b>Standard Error</b>	<b>Unstandardized Estimate</b>	<b>Standard error</b>
<b>Voter ID requirements</b>	-0.04*	0.01	-0.05**	0.01
<b>Hispanic</b>	-0.06	0.05	-0.05	0.05
<b>Black</b>	0.22**	0.04	0.22**	0.04
<b>Other race</b>	-0.23**	0.04	-0.23**	0.04
<b>Age in years</b>	0.01**	0.001	0.01**	0.001
<b>Education</b>	0.12**	0.005	0.11**	0.005
<b>Household income</b>	0.03**	0.003	0.03**	0.003
<b>Married</b>	0.20**	0.02	0.20**	0.02
<b>Female</b>	0.09**	0.01	0.09**	0.01
<b>Battleground state</b>	0.18**	0.04	0.19**	0.04
<b>Competitive race</b>	0.05	0.05	0.05	0.05
<b>Employed</b>	0.05	0.04	0.05	0.04
<b>Member of workforce</b>	-0.04	0.05	-0.04	0.05
<b>Native-born citizen</b>	0.03	0.04	0.04	0.05
<b>Moved within past 6 months</b>	-0.27**	0.03	-0.27**	0.03
<b>Constant</b>	-4.48**	0.20	-4.46**	0.20
<b>Pseudo-R-Squared</b>	0.09		0.09	

Notes:

N = 54,973 registered voters

p < .05\* p < .01\*\* (two-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

<b>Table 5. Predicted probability of voter turnout – full model</b>		
	<b>Maximum requirement</b>	<b>Minimum requirement</b>
<b>State name</b>	0.912	0.911
<b>Sign name</b>	0.906	0.903
<b>Match signature</b>	0.900	0.895
<b>Non-photo ID</b>	0.894	0.887
<b>Photo ID</b>	0.887	----
<b>Affidavit</b>	----	0.878
<b>Total difference from lowest to highest</b>	0.025	0.033
<b>N</b>	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

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<b>Table 6. Predicted probability of voter turnout – White and Hispanic voters</b>			
	<b>White/Non-Hispanic voters</b>		<b>Hispanic voters</b>
	<b>Maximum requirement</b>	<b>Minimum requirement</b>	<b>Minimum requirement</b>
<b>State name</b>	0.920	0.922	0.870
<b>Sign name</b>	0.915	0.915	0.849
<b>Match signature</b>	0.909	0.907	0.826
<b>Non-photo ID</b>	0.902	0.899	0.800
<b>Photo ID</b>	0.895	----	----
<b>Affidavit</b>	----	0.890	0.773
<b>Total difference from lowest to highest</b>	0.025	0.032	0.097
<b>N</b>	44,760		2,860
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for Hispanic voters. Maximum and minimum voter identification requirements were not a significant predictor for African-American voters.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>			

	<b>18 - 24</b>		<b>25 - 44</b>		<b>45 - 64</b>	<b>65 and older</b>
	<b>Maximum requirements</b>	<b>Minimum requirements</b>	<b>Maximum requirements</b>	<b>Minimum requirements</b>	<b>Minimum requirements</b>	<b>Minimum requirements</b>
<b>State name</b>	0.839	0.831	0.831	0.831	0.936	0.916
<b>Sign name</b>	0.819	0.814	0.820	0.817	0.932	0.910
<b>Match signature</b>	0.797	0.795	0.808	0.803	0.927	0.904
<b>Non-photo ID</b>	0.774	0.775	0.796	0.788	0.923	0.898
<b>Photo ID</b>	0.750	----	0.783	----	----	----
<b>Affidavit</b>	----	0.754	----	0.773	0.918	0.892
<b>Total difference -- lowest to highest</b>	0.089	0.077	0.048	0.058	0.018	0.024
<b>N</b>	5,065		20,066		20,758	9,084
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for voters ages 45 to 64 and 65 and older.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>						

**Table 8. Predicted probability of voter turnout – Age groups by race**

	<b>White/Non-Hispanic 18 - 24</b>		<b>Black/Non-Hispanic 18 - 24</b>
	<b>Maximum requirements</b>	<b>Minimum requirements</b>	<b>Maximum requirements</b>
<b>State name</b>	0.844	0.836	0.899
<b>Sign name</b>	0.823	0.818	0.877
<b>Match signature</b>	0.801	0.799	0.852
<b>Non-photo ID</b>	0.777	0.779	0.824
<b>Photo ID</b>	0.752	----	0.793
<b>Affidavit</b>	----	0.758	----
<b>Total difference – lowest to highest</b>	0.092	0.078	0.106
<b>N</b>	3,814		562

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Minimum voter identification requirements were not a significant predictor of voting for Black/Non-Hispanic voters ages 18 to 24. Maximum and minimum voter identification requirements were not a significant predictor of voting for Hispanic voters ages 18 to 24.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

**Table 9. Predicted probability of voter turnout – Voters above and below the poverty line**

	All voters above the poverty line		All voters below the poverty line	Black/Non-Hispanic voters below the poverty line
	Maximum requirement	Minimum requirement	Minimum requirement	Maximum requirement
State name	0.920	0.922	0.784	0.833
Sign name	0.915	0.915	0.772	0.816
Match signature	0.909	0.907	0.758	0.798
Non-photo ID	0.903	0.899	0.745	0.778
Photo ID	0.897	----	----	0.758
Affidavit	----	0.891	0.731	
Total difference from lowest to highest	0.023	0.031	0.053	0.075
N	49,935		5,038	1,204

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for white and Hispanic voters who were below the poverty line. Minimum voter identification requirements were not a significant predictor of voting for Black voters below the poverty line.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

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Table 10. Predicted probability of voter turnout – By education								
	Less than high school		High school		College		Graduate school	
	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement
State name	0.775	0.779	0.866	0.869	0.960	0.959	0.977	0.979
Sign name	0.759	0.762	0.858	0.859	0.956	0.954	0.973	0.973
Match signature	0.743	0.743	0.850	0.848	0.951	0.950	0.968	0.967
Non-photo ID	0.725	0.724	0.842	0.836	0.945	0.945	0.963	0.959
Photo ID	0.708	----	0.833	----	0.939	----	0.957	----
Affidavit	----	0.705	----	0.824	----	0.940	----	0.950
Total difference -- lowest to highest	0.067	0.074	0.033	0.045	0.021	0.019	0.020	0.029
N	4,903		16,361		11,017		5,739	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum and minimum voter identification requirements were not a significant predictor of voting for those with some college education.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>								

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"Tom O'Neill"

05/04/2006 05:00 PM

To klyndyson@eac.gov

cc [redacted],  
[redacted]

bcc [redacted]

Subject Revised Voter ID Analysis

History:

This message has been forwarded.

Karen,

Attached is Tim Vercellotti's Voter ID analysis revised to use Citizen Voting Age population as the base for turnout calculations and to take account of comments or issues raised by the EAC and our Peer Review Group. This draft is for distribution to the reviewers who will meet by teleconference on May 11, at, we understand, 11:30 a.m.

You are receiving this at the same time that it is being distributed to the Eagleton-Moritz team so that the new reviewers will have a week to prepare for our conversation on the 11<sup>th</sup>. Early next week you will receive a revised summary paper on Voter ID that incorporates the new data and findings in Tim's revised analysis. That too will be for distribution to the new reviewers.

Tom O'Neill



VoterIDAnalysis VercRev0504.doc

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**Analysis of Effects of Voter Identification Requirements on Turnout**

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**Eagleton Institute of Politics**

**Rutgers University**

**May 4, 2006**

**Introduction**

A key area of disagreement in the policy debate over voter identification requirements concerns whether such requirements dampen voter turnout. Opponents of voter identification laws argue that they constitute an institutional barrier to voting, particularly among the poor, African-Americans, Hispanics, the elderly and people with disabilities (Baxter and Galloway 2005, Electionline.org 2002, Jacobs 2005, Young 2006). This argument holds that voter identification requirements create an extra demand on voters, and thus may discourage some of them from participating in elections. Further, critics of voter identification requirements contend that the effect is greater for some specific types of requirements. For example, critics argue that requiring voters to produce government-issued photo identification on Election Day is more demanding than, say, requiring that they state their names at the polling place. Supporters of voter identification requirements, on the other hand, argue that the requirements are necessary to combat voter fraud, safeguard the integrity of the electoral process, and engender faith in the electoral process among citizens (Young 2006).

This report examines the potential variation in turnout rates based on the type of voter identification requirement in place in each state on Election Day 2004. It draws on two sets of data – aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. Classification of voter identification requirements comes from a review of state statutes conducted by the Moritz College of Law at the Ohio State University.

**Types of voter identification requirements**

Based on research performed for this study by the Moritz College of Law, states had one of five types of requirements in place on Election Day 2004. Upon arrival at polling places, voters had to: state their names (nine states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (eight states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).<sup>1</sup> It was then possible to code the states according to these requirements, and test the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification.

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<sup>1</sup> Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

But election laws in numerous states offer exceptions to these requirements if individuals lack the necessary form of identification, and laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). Thus it is also possible to categorize states based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). For the purposes of this analysis I treated the array of minimum identification requirements also in terms of increasing demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

### **Estimating turnout among citizens in the voting-age population**

This report examines turnout among U.S. citizens of voting age in both the aggregate- and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

In the aggregate data, determining the percentage of the voting-age population that has U.S. citizenship posed a methodological challenge. The Census Bureau gathers information on the citizenship status of adults ages 18 and older only during the decennial census. While the Census Bureau provides annual estimates of the population to account for changes between decennial censuses, the bureau does not offer estimates for the proportion of the adult population who are citizens as part of the annual estimates. To address this issue I estimated the 2004 citizen voting-age population for each county using a method reported in the analysis of the 2004 Election Day Survey conducted for the U.S. Election Assistance Commission (U.S. Election Assistance Commission, 2005). I calculated the percentage of the 2000 voting-age population who were citizens in 2000, and applied that percentage to the July 1, 2004 estimates for voting-age population in each county. In other words, I assumed that the percentage of the voting-age population that had U.S. citizenship in 2004 was similar to the percentage of the voting-age population who were citizens in 2000.<sup>2</sup>

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<sup>2</sup> McDonald and Popkin (2001) recommend an even more stringent approach to voter turnout calculations. They point out that voting-age population estimates include adults who are ineligible to vote (such as convicted felons), and the estimates overlook eligible citizens living overseas. While estimates of the voting-eligible population are available at the state level, I was unable to find such estimates for individual counties, which provide the unit of analysis for the aggregate data analyzed here.

## Analysis of aggregate data

If one treats maximum voter identification requirements as an ordinal variable, with photo identification as the most demanding requirement, one finds some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ( $r = -.30, p < .0001$ ). In considering the array of minimum requirements, with affidavit as the most demanding requirement, voter identification also is negatively correlated with turnout ( $r = -.20, p < .0001$ ). Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

[Table 1 here]

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters.

Voter identification requirements alone, however, do not determine voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. I estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. I coded the voter identification requirements on a scale of one to five, with one representing the least demanding form of identification and five representing the most demanding form of identification. To capture electoral context I included whether the county was in a presidential battleground state (any state in which the margin of victory for the winning candidate was five percent or less), and whether the county was in a state with a competitive race for governor and/or the U.S. Senate (also using the threshold of a margin of victory of five percent or less). Drawing from U.S. Census projections for 2003, I included the percentage of the voting-age population in each county that was Hispanic or African-American to control for ethnicity and race. I controlled for age using the 2003 Census projection for the percentage of county residents age 65 and older, and I controlled for socioeconomic status by including the percentage of individuals who fell below the poverty line in each county in the 2000 Census.

I estimated a series of random intercept models to account for the likelihood that data from counties were correlated within each state (for further explanation of random intercept and other multilevel models, see Bryk and Raudenbush 1992, Luke 2004, Singer 1998).<sup>3</sup> The

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<sup>3</sup> The data analyses provided evidence that there was, indeed, a clustering of data within each state. The intraclass correlation, bounded by 0 and 1, measures the variation between the states. A random intercept model using only the

dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the estimated citizen voting-age population that voted in the 2004 election.

[Table 2 here]

Turning first to an analysis using the maximum identification requirements, those requirements had a small and negative effect on turnout in 2004 controlling for electoral context and demographic factors. Both contextual factors (whether the county was in a state that was a battleground state and whether that state had a competitive race for governor and/or U.S. Senate) increased voter turnout. As the percentage of senior citizens in the county increased, so did turnout. The percentage of African-Americans in the county exerted a positive effect on voter turnout, and the percentage of individuals living below the poverty line had a negative effect. The effect of the percentage of Hispanic adults in the county on turnout fell just short of statistical significance ( $p = .05$ ).

I then sought to test the hypothesis that voter identification requirements dampen turnout among minorities and the poor, a claim voiced by some critics of the requirements. To test this idea I incorporated a series of interactions between the maximum voter identification requirements and the percentage of African-Americans, Hispanics, and poor individuals in the counties. The interaction involving African-Americans was not significant, but those involving Hispanics and poor individuals were significant.<sup>4</sup> In addition, adding the interactions to the model resulted in the percentage of Hispanics in the population having a direct and negative effect on turnout. The interactions suggest that voter identification requirements have a greater effect for Hispanics and those living below the poverty line. A chi-square test of the difference in the deviance for each model (represented by  $-2 \log$  likelihood in Table 2), shows that the model with interactions provides a better fit to the data ( $p < 0.005$ ).

I also estimated the effects of the minimum voter identification requirements holding constant the effects of electoral context and the demographic variables.

[Table 3 here]

The effects of the minimum requirements fell short of statistical significance ( $p = 0.08$ ). The battleground state variable continued to exert a positive influence on turnout, while the presence of a competitive race for governor and/or U.S. Senate had no statistically significant effect. As in the maximum identification requirement model, as the percentage of the population that is poor increased, turnout declined. As the percentage of elderly increased, so did turnout. The proportion of African-Americans in the population had a positive effect on turnout, while the percentage of Hispanics did not affect turnout.

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intercept as a predictor generated an intraclass correlation of .43, indicating considerable variation between the states.

<sup>4</sup> The interactions are labeled in Tables 2 and 3 as VID\*African-American, VID\*Hispanic, and VID\*Poverty. To calculate the effects of voter identification requirements for a specific group, one must add the estimates for voter identification, the group, and the interaction. Doing so for Hispanic adults results in an estimate of  $-0.13 [-0.03$  (voter id)  $- 0.13$  (Hispanic)  $+ 0.03$  (voter id X Hispanic)].

Adding interactive effects to the model resulted in a statistically significant and negative effect of minimum voter identification requirements on turnout. The percentage of Hispanic adults in the county had a significant and negative effect on turnout, and the percentage of individuals below the poverty line continued to have a negative effect. Interactions between the percentages of Hispanics and those below the poverty line and minimum voter identification requirements also were significant. The percentage of African-Americans in the county and the interaction between African-Americans and voter identification requirements were not significant. A chi-square test for the difference in fit between the two models showed that the model with interactions provides a better fit to the data ( $p < .025$ ).

Analysis of the aggregate data at the county level generates some support for the hypothesis that as the demands of voter identification requirements increase, turnout declines. This is particularly so for counties with concentrations of Hispanic residents or individuals who live below the poverty line. But aggregate data cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote. For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).<sup>5</sup> Married individuals also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993). To fully explore the effects of voter identification requirements on turnout, it is important to examine individual-level data as well.

### **Individual-level analysis**

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the advantages of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.<sup>6</sup> The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The analyses reported here are based on reports from self-described registered voters. I omitted those who said they were not registered to vote. I also excluded those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. In addition, I eliminated from the sample respondents who said they were not U.S.

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<sup>5</sup> A reviewer for an earlier version of this paper recommended adding an education variable to the aggregate model. One version of the aggregate model not reported here included the percentage of adults in the county who had at least a college degree. The measure was highly collinear with the percentage of residents living below the poverty line, necessitating removal of the college degree variable from the model.

<sup>6</sup> It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

citizens because the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey.

The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.<sup>7</sup> As in the analysis of aggregate data, I coded voter identification requirements for each respondent's state of residence on a scale of one to five, with one representing the least demanding requirement (stating one's name) and five representing the most demanding requirement (photo identification or affidavit).

In addition to the voter identification requirements, the models include two other state-level factors that might have influenced turnout in 2004: whether the state was considered a battleground state in the presidential election, and whether there was a gubernatorial and/or U.S. Senate race in the state (see Alvarez and Ansolabehere 2002, Alvarez et al. 2004, and Kenny et al. 1993 for similar approaches). As in the aggregate data analysis, the threshold that determined whether the state was a battleground state or had a competitive statewide race was a margin of victory of five percent or less. At the individual level, I controlled for gender, age in years, education, household income, and dummy variables representing whether a voter was Black/non-Hispanic, Hispanic, or another non-white race (with white/non-Hispanic voters as the omitted category for reference purposes).<sup>8</sup> Drawing on previous research on voting behavior, I also controlled for whether an individual was employed, or at least a member of the workforce (as opposed to being a full-time student, a homemaker, or retired). Both employment and workforce membership have been shown to be positive predictors of turnout (see Mitchell and Wlezien 1995). Marital status, whether one is a native-born citizen and residential mobility also have emerged as significant predictors of turnout (Alvarez and Ansolabehere 2002, Alvarez et al. 2004, Kenney et al. 1993, Wolfinger and Rosenstone 1980). I included in the model variables for whether a respondent was married (coded 1 if yes, 0 otherwise), and whether one was a native-born citizen (coded 1 if yes, 0 otherwise). I measured residential mobility by coding for whether the respondent had moved to a new address in the six months prior to the interview (coded 1 if yes, 0 otherwise).

## Results

The dependent variable is whether a respondent said he or she voted in the November 2004 election (coded 1 for yes, 0 for no). I estimated models using probit analysis, which

<sup>7</sup> The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

<sup>8</sup> Asian-Americans are included in the "other non-white races" category. In response to a request from officials at the U.S. Election Assistance Commission who had read an earlier version of this paper and were curious about the experiences of Asian-Americans, I ran models using Asian-Americans as a separate category in addition to the models presented here. Voter identification requirements did not have a statistically significant effect on whether Asian-American voters said they turned out in the 2004 election.

calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted. I estimated the models using robust standard errors to control for correlated error terms for observations from within the same state.

[Table 4 here]

The two models in Table 4 use either the maximum or minimum voter identification requirements in each state. The two models generate virtually identical results. Voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, African-American voters were more likely than white voters to say they had cast a ballot, while those of other non-white races were less likely than white voters to say they had turned out. Hispanic voters were not statistically different from white voters in terms of reported turnout. Consistent with previous research, age, education, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Those who had moved within six months before the interview were less likely to say they had voted.

While the probit models provide statistical support for the influence of voter identification requirements and other variables on turnout, probit coefficients do not lend themselves to intuitive interpretation. Another common approach in studies of election requirements is to examine how the predicted probability of voter turnout would vary as election requirements vary. I used the probit coefficients to calculate the predicted probability of voting at each level of voter identification requirements while holding all other independent variables in the models at their means.<sup>9</sup> I calculated the probabilities taking into account both maximum and minimum requirements, with photo identification serving as the most demanding of the maximum requirements and affidavits as the most demanding minimum requirement.

[Table 5 here]

Allowing the voter identification requirement to vary while holding constant all other variables in the model showed that the predicted probability of turnout ranged from 0.912 for stating one's name to 0.887 for photo identification under the maximum requirements. In other words, the probability of voting dropped with each level of voter identification requirement, with a total drop of .025, or 2.5 percent, across the five types of identification.<sup>10</sup> When taking into account the minimum requirement for identification, the probability showed a similar decline, with a slightly larger total drop of 3.3 percent.

Among the key variables of interest in the debate over voter identification requirements are race, age, income, and education. Given the large sample size (54,973 registered voters), it

<sup>9</sup> In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

<sup>10</sup> The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

was possible to break the sample into sub-samples along those demographic lines to explore variation in predicted probability by group. I disaggregated the sample by the variable of interest, omitting that variable while I re-ran the probit model with the remaining predictors of voter turnout, including the voter identification requirements.<sup>11</sup> If the analysis showed that the voter identification requirements had a statistically significant effect on turnout, I used the probit coefficients from the model to calculate the predicted probability of voting for each group across the five requirements while holding the other variables in the model constant.

[Table 6 here]

Both the maximum and minimum identification requirements had negative and statistically significant effects for White/Non-Hispanic voters. Allowing the requirements to vary from stating one's name to providing photo identification or an affidavit showed drops of 2.5 percent and 3.2 percent respectively in the predicted probability of voting. The identification requirements had no effect on the probability of Black/Non-Hispanics voting, but the minimum identification requirements had a comparatively sizable effect on voter turnout among Hispanics. The predicted probability of Hispanics voting ranged from 87 percent if stating one's name was the required form of identification to 77.3 percent if a voter would have to provide an affidavit in order to vote, a difference of 9.7 percent.

The effects of voter identification requirements also varied by age, with the greatest variation occurring among voters ages 18 to 24.

[Table 7 here]

Voters in that age group had a predicted probability of 83.9 percent when the maximum requirement was stating one's name, and the probability dropped 8.9 percentage points if voters would have to provide photo identification. The range was from 83.1 percent to 75.4 percent under the minimum requirements. The gap in probability narrowed in older age groups (4.8 percent for the maximum requirements and 5.8 percent for the minimum requirements for those ages 25 to 44; 1.8 percent for the minimum requirements for those ages 45 to 64, and 2.4 percent for the minimum requirements for those ages 65 and older).

Breaking down the 18- to 24-year-old age group by race shed additional light on the effects of voter identification requirements on specific groups.

[Table 8 here]

The gap in predicted probability that White/Non-Hispanic voters in the 18- to 24-year-old category would turn out was 9.2 percent when the identification requirements varied from stating one's name to providing photo identification. The gap was 7.8 percent when taking into account the minimum requirements. The effects of maximum voter identification requirements also were statistically significant for African-Americans in the 18- to 24-year-old age group, with a gap in

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<sup>11</sup> See Nagler 1991 for a similar approach in analyzing the effects of registration closing dates broken down by education levels.

the predicted probability of voting of 10.6 percent. Maximum and minimum voter identification requirements were not a significant predictor of voting among Hispanics ages 18 to 24.

Variation also emerged along the lines of income, with the effects of voter identification requirements varying to a greater extent for voters in households below the poverty line compared to those living above the poverty line.<sup>12</sup>

[Table 9 here]

While the maximum set of requirements did not have a statistically significant effect for voters living below the poverty line, the minimum set of requirements had a significant and negative effect. The probability of voting was .784 for poor voters if they would have to identify themselves by giving their name, and the probability declined to .731 if they would have to provide an affidavit attesting to their identity. Both the maximum and minimum sets of requirements had a significant and negative effect on voters living above the poverty line, but the difference in probability across the effects was narrower (2.3 percent for the maximum requirements and 3.1 percent for the minimum requirements). Given that political discourse about voter identification requirements includes concerns about the effects of the requirements on poor and minority voters, I also ran probit analyses for sub-samples of white and minority voters who fell below the poverty line. The voter identification requirements did not exert statistically significant effects on turnout among poor White/Non-Hispanic and Hispanic voters, but did have a significant effect on Black/Non-Hispanic voters who were below the poverty line.<sup>13</sup> Allowing the maximum voting requirement to vary from the least to the most demanding, the probability that African-American voters below the poverty line said they had voted dropped by 7.5 percent.

The effects of voter identification requirements varied across education levels as well, with those lowest in education demonstrating the widest variation in probabilities as identification requirements ranged from least to most demanding.

[Table 10 here]

Registered voters who had less than a high school education had a 77.5 percent probability of voting if the maximum requirement would be stating one's name, and a 70.8 percent probability if they would have to provide photo identification under the maximum requirement, a difference of 6.7 percent. The difference from the lowest to the highest requirement among the minimum requirements was 7.4 percent. The difference in probabilities ranged from 3.3 percent for the maximum requirements to 4.5 percent for the minimum requirements for voters with a high school diploma. The range of effects of voter identification requirements was smaller among those with higher levels of education (and non-existent for one category – voters with some college education).

<sup>12</sup> I coded respondents as being above or below the U.S. Census Bureau's 2004 poverty line based on respondents' reported annual household income and size of the household.

<sup>13</sup> The lack of significant effects for poor Hispanic voters is in contrast to the results from the aggregate data analysis. The sub-sample of poor Hispanic voters was small (n = 491), which may have contributed to the lack of statistical significance.

## Discussion and conclusion

The results presented here provide evidence that as the level of demand associated with voter identification requirements increases, voter turnout declines. This point emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall effect for all registered voters was fairly small, but still statistically significant.

The effects of voter identification requirements were more pronounced for specific subgroups. Hispanic voters and the poor appeared to be less likely to vote as the level of required identification became more demanding, according to both the aggregate and the individual-level data. In the individual-level data, for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of minimum identification requirements. Survey respondents living in poor households were 5.3 percent less likely to vote as the requirements varied from stating one's name to attesting to one's identity in an affidavit. African-American voters from households below the poverty line were 7.5 percent less likely to vote as the maximum requirements varied from stating one's name to providing photo identification.

Effects of voter requirements also varied with education. Registered voters who had not graduated from high school were 6.7 percent less likely to say they voted as the maximum requirements ranged from stating one's name to providing photo identification. When considering the minimum requirements, those with less than a high school education were 7.4 percent less likely to say they voted if the requirement was an affidavit as opposed to stating one's name. Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit. Breaking down the age group by race, the effects were significant for young White/Non-Hispanic and Black/Non-Hispanic voters.

The results shed additional light on the effects of voter identification requirements on two groups often projected as being particularly sensitive to such requirements: African-American voters and elderly voters. The effects on African-American voters were pronounced for two specific sub-samples: African-American voters living below the poverty line and those in the 18- to 24-year-old age group. Also, the elderly, while they would be slightly less likely to vote as requirements ranged from least to most demanding, would not necessarily be affected in the dramatic manner predicted by some opposed to photo identification requirements in particular.

In examining the effects of voter identification requirements on turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements?<sup>14</sup> Or, do the requirements result in some voters

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<sup>14</sup> The individual-level data offer some insight here. If advance knowledge of the voter identification requirements were to dampen turnout, it is reasonable to expect that advance knowledge of those requirements also could discourage some individuals from registering to vote. I ran the same probit models using voter registration as the dependent variable (coded 1 if the respondent said he or she was registered, and 0 if the respondent was not

being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer this question. Knowing more about the “on the ground” experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

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registered). Neither the maximum nor minimum array of voter identification requirements had a statistically significant effect on the probability that a survey respondent was registered to vote.

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023847

**Table 1 – Variation in 2004 State Turnout Based on Voter Identification Requirements**

<b>Maximum Requirement</b>		<b>Minimum Requirement</b>	
<b>Voter Identification Required in the States</b>	<b>Mean Voter Turnout for States in that Category</b>	<b>Voter Identification Required in the States</b>	<b>Mean Voter Turnout for States in that Category</b>
<b>State Name</b>	64.6 %	<b>State Name</b>	63.0 %
<b>Sign Name</b>	61.1 %	<b>Sign Name</b>	60.8 %
<b>Match Signature</b>	60.9 %	<b>Match Signature</b>	61.7 %
<b>Provide Non-Photo ID</b>	59.3 %	<b>Provide Non-Photo ID</b>	59.0 %
<b>Provide Photo ID</b>	58.1 %	<b>Swear Affidavit</b>	60.1 %
<b><i>Average Turnout for All States</i></b>	60.9 %		

023848

**Table 2. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements**

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.64	0.01	0.69	0.02
Voter ID requirements	-0.01**	0.003	-0.03**	0.004
Battleground State	0.04*	0.01	0.04*	0.02
Competitive Senate/Governor's Race	0.04*	0.02	0.04*	0.02
% Age 65 and Older	0.48**	0.03	0.50**	0.03
% African-American	0.05**	0.01	0.06	0.03
% Hispanic	-0.02	0.01	-0.13**	0.05
% Below poverty line	-0.01**	0.0002	-0.01**	0.001
VID * African-American	----	----	-0.004	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8638.0		-8651.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. \* p < .05 \*\* p < .01 (two-tailed tests)

023849

**Table 3. Predictors of 2004 turnout at the county level taking into account minimum voter identification requirements**

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.63	0.02	0.66	0.02
Voter ID requirements	-0.009	0.005	-0.02**	0.006
Battleground State	0.04*	0.02	0.04*	0.02
Competitive Senate/Governor's Race	0.03	0.02	0.03	0.02
% Age 65 and Older	0.48**	0.03	0.48**	0.03
% African-American	0.05**	0.01	0.04	0.03
% Hispanic	-0.12	0.01	-0.13**	0.04
% Below poverty line	-0.01**	0.0003	-0.01**	0.001
VID * African-American	----	----	0.01	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8630.8		-8620.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. \* p < .05 \*\* p < .01 (two-tailed tests)

023850

<b>Table 4. Probit model of voter turnout.</b>				
	<b>Maximum requirements</b>		<b>Minimum requirements</b>	
<b>Variable</b>	<b>Unstandardized Estimate</b>	<b>Standard Error</b>	<b>Unstandardized Estimate</b>	<b>Standard error</b>
<b>Voter ID requirements</b>	-0.04*	0.01	-0.05**	0.01
<b>Hispanic</b>	-0.06	0.05	-0.05	0.05
<b>Black</b>	0.22**	0.04	0.22**	0.04
<b>Other race</b>	-0.23**	0.04	-0.23**	0.04
<b>Age in years</b>	0.01**	0.001	0.01**	0.001
<b>Education</b>	0.12**	0.005	0.11**	0.005
<b>Household income</b>	0.03**	0.003	0.03**	0.003
<b>Married</b>	0.20**	0.02	0.20**	0.02
<b>Female</b>	0.09**	0.01	0.09**	0.01
<b>Battleground state</b>	0.18**	0.04	0.19**	0.04
<b>Competitive race</b>	0.05	0.05	0.05	0.05
<b>Employed</b>	0.05	0.04	0.05	0.04
<b>Member of workforce</b>	-0.04	0.05	-0.04	0.05
<b>Native-born citizen</b>	0.03	0.04	0.04	0.05
<b>Moved within past 6 months</b>	-0.27**	0.03	-0.27**	0.03
<b>Constant</b>	-4.48**	0.20	-4.46**	0.20
<b>Pseudo-R-Squared</b>	0.09		0.09	

Notes:

N = 54,973 registered voters

$p < .05^*$   $p < .01^{**}$  (two-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

023351

**Table 5. Predicted probability of voter turnout – full model**

	<b>Maximum requirement</b>	<b>Minimum requirement</b>
<b>State name</b>	0.912	0.911
<b>Sign name</b>	0.906	0.903
<b>Match signature</b>	0.900	0.895
<b>Non-photo ID</b>	0.894	0.887
<b>Photo ID</b>	0.887	----
<b>Affidavit</b>	----	0.878
<b>Total difference from lowest to highest</b>	0.025	0.033
<b>N</b>	54,973	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

023852

	<b>White/Non-Hispanic voters</b>		<b>Hispanic voters</b>
	<b>Maximum requirement</b>	<b>Minimum requirement</b>	<b>Minimum requirement</b>
<b>State name</b>	0.920	0.922	0.870
<b>Sign name</b>	0.915	0.915	0.849
<b>Match signature</b>	0.909	0.907	0.826
<b>Non-photo ID</b>	0.902	0.899	0.800
<b>Photo ID</b>	0.895	----	----
<b>Affidavit</b>	----	0.890	0.773
<b>Total difference from lowest to highest</b>	0.025	0.032	0.097
<b>N</b>	44,760		2,860

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for Hispanic voters. Maximum and minimum voter identification requirements were not a significant predictor for African-American voters.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

023853

	<b>18 - 24</b>		<b>25 - 44</b>		<b>45 - 64</b>	<b>65 and older</b>
	<b>Maximum requirements</b>	<b>Minimum requirements</b>	<b>Maximum requirements</b>	<b>Minimum requirements</b>	<b>Minimum requirements</b>	<b>Minimum requirements</b>
<b>State name</b>	0.839	0.831	0.831	0.831	0.936	0.916
<b>Sign name</b>	0.819	0.814	0.820	0.817	0.932	0.910
<b>Match signature</b>	0.797	0.795	0.808	0.803	0.927	0.904
<b>Non-photo ID</b>	0.774	0.775	0.796	0.788	0.923	0.898
<b>Photo ID</b>	0.750	----	0.783	----	----	----
<b>Affidavit</b>	----	0.754	----	0.773	0.918	0.892
<b>Total difference -- lowest to highest</b>	0.089	0.077	0.048	0.058	0.018	0.024
<b>N</b>	5,065		20,066		20,758	9,084
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for voters ages 45 to 64 and 65 and older.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>						

023857

<b>Table 8. Predicted probability of voter turnout – Age groups by race</b>			
	<b>White/Non-Hispanic 18 - 24</b>		<b>Black/Non-Hispanic 18 - 24</b>
	<b>Maximum requirements</b>	<b>Minimum requirements</b>	<b>Maximum requirements</b>
<b>State name</b>	0.844	0.836	0.899
<b>Sign name</b>	0.823	0.818	0.877
<b>Match signature</b>	0.801	0.799	0.852
<b>Non-photo ID</b>	0.777	0.779	0.824
<b>Photo ID</b>	0.752	---	0.793
<b>Affidavit</b>	---	0.758	---
<b>Total difference -- lowest to highest</b>	0.092	0.078	0.106
<b>N</b>	3,814		562

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Minimum voter identification requirements were not a significant predictor of voting for Black/Non-Hispanic voters ages 18 to 24. Maximum and minimum voter identification requirements were not a significant predictor of voting for Hispanic voters ages 18 to 24.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

023855

**Table 9. Predicted probability of voter turnout – Voters above and below the poverty line**

	All voters above the poverty line		All voters below the poverty line	Black/Non-Hispanic voters below the poverty line
	Maximum requirement	Minimum requirement	Minimum requirement	Maximum requirement
<b>State name</b>	0.920	0.922	0.784	0.833
<b>Sign name</b>	0.915	0.915	0.772	0.816
<b>Match signature</b>	0.909	0.907	0.758	0.798
<b>Non-photo ID</b>	0.903	0.899	0.745	0.778
<b>Photo ID</b>	0.897	----	----	0.758
<b>Affidavit</b>	----	0.891	0.731	
<b>Total difference from lowest to highest</b>	0.023	0.031	0.053	0.075
<b>N</b>	49,935		5,038	1,204

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for white and Hispanic voters who were below the poverty line. Minimum voter identification requirements were not a significant predictor of voting for Black voters below the poverty line.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

023856

**Table 10. Predicted probability of voter turnout – By education**

	Less than high school		High school		College		Graduate school	
	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement
State name	0.775	0.779	0.866	0.869	0.960	0.959	0.977	0.979
Sign name	0.759	0.762	0.858	0.859	0.956	0.954	0.973	0.973
Match signature	0.743	0.743	0.850	0.848	0.951	0.950	0.968	0.967
Non-photo ID	0.725	0.724	0.842	0.836	0.945	0.945	0.963	0.959
Photo ID	0.708	----	0.833	----	0.939	----	0.957	----
Affidavit	----	0.705	----	0.824	----	0.940	----	0.950
Total difference -- lowest to highest	0.067	0.074	0.033	0.045	0.021	0.019	0.020	0.029
N	4,903		16,361		11,017		5,739	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum and minimum voter identification requirements were not a significant predictor of voting for those with some college education.  
 Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

023857

Aletha  
Barrington/CONTRACTOR/EA  
C/GOV

05/04/2006 04:36 PM

To [REDACTED]  
[REDACTED]@net

cc Karen Lynn-Dyson/EAC/GOV@EAC

bcc

Subject Conference Call/ Eagleton Institute

Good afternoon everyone,

This is to inform you of a time set-up for the conference call on May 11, 2006 regarding Eagleton Institute/Voter Identification Research Project: it will be at 11:30 am, if everyone is available for this time then its a go, if not please contact me at your earliest convenience.

Thanks!

Aletha Barrington  
Contracts Assistant  
U.S. Election Assistance Commission  
(202) 566-2209 (office)  
(202) 566-3128 (fax)

023858



"Adam Berinsky"  
 [Redacted]  
 05/03/2006 05:31 PM

To klynndyson@eac.gov  
 cc  
 bcc

Subject Re: Review of EAC research on Voter Identification

History: This message has been replied to.

I just got your phone message. I will still do the review, but I should note that I won't be able to do a full 90 minute phone call on the 11th -- perhaps we could schedule 30 minutes or so for me to be on the phone call.

At 05:36 PM 5/1/2006, you wrote:

Dr. Berinsky-

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While we are unable to offer financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

023859

Sincerely,

Karen Lynn-Dyson  
Research Director  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Adam J. Berinsky  
Associate Professor  
Department of Political Science  
Massachusetts Institute of Technology  
77 Massachusetts Avenue  
Cambridge, MA 02139 E53-459  
Tel: (617) 253-8190  
Fax: (617) 258-6164  
E-mail: ~~berinsk@mit.edu~~  
Web Page: <http://web.mit.edu/berinsky/www/>

123360



"Tom O'Neill"

05/03/2006 03:29 PM

To klynndyson@eac.gov

cc

bcc

Subject May 11 teleconference

Karen,

Do you have a time for the May 11 teleconference? We're working to arrange the participation of members of our Peer Review Group and that is the key missing piece of information.

Thanks,

Tom O'Neill

023861

Juliet E.  
Thompson-Hodgkins/EAC/GO  
V

05/01/2006 04:49 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Re: E-mail to Voter ID peer reviewers

I am concerned about the statement that EAC policy precludes us paying them. It is an issue of correctly soliciting and entering into a contract for the procurement of services. Perhaps there is a better way to phrase this, or is it even necessary

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

05/01/2006 02:58 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Thompson-Hodgkins/EAC/GOV@EAC

cc

Subject E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

Would like to get this out ASAP- appreciate your feedback..

Dear Jonathan Nagler  
Dear Jan Leighley  
Dear Adam Berinsky

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

023862

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While EAC agency policy does not allow us to provide you with financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

023863

Thomas R. Wilkey/EAC/GOV  
05/01/2006 04:07 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: E-mail to Voter ID peer reviewers

Then we are good to good

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 05/01/2006 03:03 PM  
**To:** Thomas Wilkey  
**Cc:** Juliet Thompson-Hodgkins  
**Subject:** Re: E-mail to Voter ID peer reviewers

It's my understanding that Julie thinks we are "good to go" as long as we don't pay them.

Correct?

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV  
05/01/2006 03:00 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E.  
Thompson-Hodgkins/EAC/GOV  
cc  
Subject Re: E-mail to Voter ID peer reviewers

Did we resolve the contact issues on this?

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 05/01/2006 02:58 PM  
**To:** Thomas Wilkey; Juliet Thompson-Hodgkins  
**Subject:** E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

023864

Would like to get this out ASAP- appreciate your feedback..

Dear Jonathan Nagler  
Dear Jan Leighley  
Dear Adam Berinsky

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While EAC agency policy does not allow us to provide you with financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

023865

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

023866

Juliet E.  
Thompson-Hodgkins/EAC/GO  
V

05/01/2006 03:56 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Re: E-mail to Voter ID peer reviewers

As long as we don't pay them, there is no contract issue.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

023867



"Tom O'Neill"

05/01/2006 02:10 PM

To klynndyson@eac.gov

cc

bcc

Subject Hamilton Crown Plaza

History:

↩ This message has been replied to.

Karen,

I tried to reserve a room at the Hamilton Crown Plaza for the night of May 23, but found that nothing was available. Has EAC reserved a block of room for that evening? If so, can 2 of those be made available to the Rutgers-Moritz team in connection with our presentation to the advisory boards?

Tom O'Neill

023868



"Tom O'Neill"

04/26/2006 05:10 PM

To klynndyson@eac.gov

cc

bcc

Subject Schedule for completion of Prov. Voting and Voter ID research

History:

This message has been replied to

Karen,

John and I reviewed your recent email today, and he asked me to respond.

Important to us is a clear commitment now by the EAC to schedule a presentation of our Voter ID research at the May meeting of the Advisory Board, if its review is required before the paper is published and presented at the EAC's public meeting in June. Your email made no mention of that June public meeting. Our schedule (submitted with the request for the no-cost extension) —and our previous discussion with you—treats that meeting as the key event that will conclude our research under this contract. Therefore, we also look for an explicit understanding that a presentation of our reports will be included in the agenda for that public meeting.

We can deliver a final report on Provisional Voting by May 5 and will be prepared for whatever role we might play at the May 24 meeting of the Advisory Board.

The team is looking forward to a discussion of Tim Vercellotti's revised statistical analysis of Voter ID with the academic reviewers you are in the process of identifying during the week of May 8. Knowing the specific date and time of that discussion in the next day or so would facilitate the participation of appropriate members of our Peer Review Group in that conversation.

Tom O'Neill

From: \* klynndyson@eac.gov [mailto:klynndyson@eac.gov]  
\*Sent: \* Tuesday, April 25, 2006 12:09 PM  
\*To: \* [REDACTED]  
\*Cc: \* [REDACTED]  
\*Subject: \* Re: Eagleton/Moritz Next Steps

John and Tom-

A couple of items related to timing over the next several weeks:

1. Is it possible to get your final report on Provisional Voting by COB May 5? If so, I can get this to the four Commissioners for final review and approval. It will then be ready to present to the EAC Board of Advisors and Standards Board at the May 24 meeting.
2. As we discussed I have been working to identify a small group of academics ( three or so) who will be available to review the Voter ID paper the week of May 8. The focus of the review will be on Tim's research methodology and statistical analysis. I am fairly certain that this review can be done via conference call , preferably on May 11 or May 12. This would assume each of the reviewers will have spent

023869

time reviewing the paper, taking extensive notes and summarizing his or her comments. I expect that you all, Tim, Mike Alvarez and any others from your peer review panel, who have an expertise in research and statistics, will be available for the conference call, as well?

3. While I expect you will be able to have your final Voter ID paper to me sometime during the week of May 15, it is not clear whether or not the paper will be presented to the EAC Standards and Advisory Boards the following week. As you know, the paper contains some controversial information, so the Commissioners may elect to spend additional time reviewing the findings among themselves, and before it is formally presented to our Boards.

Let me know if this schedule works for you all.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

023870



"John Weingart"

[Redacted]

04/26/2006 04:19 PM

Please respond to  
[Redacted]

To tnedzar@eac.gov

cc klynndyson@eac.gov

bcc

Subject Re: No-Cost Extension Request

Tamar - Do you know if this request can be approved by this Friday. If that is possible, it would greatly ease our internal path at Rutgers. Thanks, John

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

tnedzar@eac.gov wrote:

>  
> Mr. Weingart,  
>  
> Just sent the form again. Please let me know if you do not receive it  
> today.  
>  
> Thanks,  
>  
> Tamar Nedzar  
> Law Clerk  
> U.S. Election Assistance Commission  
> 1225 New York Avenue, NW Suite 1100  
> Washington, DC 20005  
> (202) 566-2377  
> http://www.eac.gov  
> TNedzar@eac.gov  
>  
>  
> \*"John Weingart" [Redacted]  
>  
> 04/21/2006 04:47 PM  
> Please respond to  
> [Redacted]  
>  
>  
>  
> To  
> tnedzar@eac.gov  
> cc  
>  
> Subject  
> Re: No-Cost Extension Request  
>  
>  
>  
>  
>  
>

023871



> > I'm passing this on to our legal staff , who will be preparing the documents.

> > Will let you know if I need additional information and/or clarification.

> > Regards-  
> > Karen Lynn-Dyson  
> > Research Manager  
> > U.S. Election Assistance Commission  
> > 1225 New York Avenue , NW Suite 1100  
> > Washington, DC 20005  
> > tel:202-566-3123

> > \*"John Weingart" <[REDACTED]>\*

> > 04/21/2006 09:52 AM

> > Please respond to

> > [REDACTED]

> > To

> > klynndyson@eac.gov

> > cc

> > "Tom O'Neill" <[REDACTED]>

> > Subject

> > No-Cost Extension Request

> > Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

> > This extension is necessary to enable the following activities:

> > 1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft

> > already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the EAC's reviewers;

> > 2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.

> > 3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th

023873



Tamar Nedzar/EAC/GOV  
04/21/2006 03:30 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc

Subject Fw: No-Cost Extension Request

History: This message has been forwarded.

Ooops. Here's the attachment.

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



Rutgers Memo.rtf

--- Forwarded by Tamar Nedzar/EAC/GOV on 04/21/2006 03:28 PM ---

Tamar Nedzar/EAC/GOV  
04/21/2006 03:13 PM

To Karen Lynn-Dyson/EAC/GOV  
cc

Subject Re: No-Cost Extension Request

Hey Karen,

Once John signs and faxes back the document, we need to get it to Tom with the memo to file (attached) for his signature. I believe that is all we need to do for the no-cost modification.

Thanks,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV  
04/21/2006 10:10 AM

To john.weingart@rutgers.edu  
cc "Tom O'Neill" [REDACTED]

Subject Re: No-Cost Extension Request

023875



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

To: File  
From: Tamar Nedzar, Law Clerk  
Date: April 21, 2006  
Re: No-Cost Extension to contract number E4014127 with the Eagleton  
Institute of Politics at Rutgers University

---

**Background:**

Contract E4014127 with the Eagleton Institute of Politics at Rutgers University (“contractor”) was originally scheduled to be concluded on March 31, 2006. The contract’s final products include a report on Voter Identification and a report on Provisional Voting. The contractor has vetted the reports with a Peer Review Group, pursuant to the terms of the contract.

**Justification for No-Cost Extension:**

The EAC wishes to supplement the contractor’s Peer Review of the reports by adding another review process with some of the EAC’s key stakeholders. The EAC proposes to assemble a panel of researchers during the week of May 8<sup>th</sup> to conduct the second review.

Following the second review, the contractor will revise its draft reports based on the comments it receives. The contractor will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25<sup>th</sup> meeting in Washington, DC. The contractor will revise both draft reports, taking into account the EAC’s Advisory Board’s comments and submit the final reports to the EAC toward the end of June.

**Recommendation:**

The EAC recommends that contract E4014127 be modified at no cost to allow the contractor to complete their work by June 30, 2006.

023876

Thanks, John.

I'm passing this on to our legal staff , who will be preparing the documents.

Will let you know if I need additional information and/or clarification.

Regards-  
Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"  
<john.weingart@rutgers.edu>

04/21/2006 09:52 AM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]

Subject No-Cost Extension Request

Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

This extension is necessary to enable the following activities:

1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the EAC's reviewers;
2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.
3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, D.C.;
4. Eagleton/Moritz will revise both draft reports to take into account comments made by the EAC Advisory Board, and submit printed final reports to the EAC before June 23rd. Eagleton/Moritz will also prepare a PowerPoint presentation for both reports.
5. Eagleton/Moritz will present both reports at the EAC public meeting

023877

in Washington, D.C. on June 23rd, thus concluding its work under this contract.

Please let me know if you need any additional information.

Thanks,

John

--

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732)932-9384, x.290

023878



"John Weingart"  
<john.weingart@rutgers.edu>

04/19/2006 05:25 PM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: No cost extension paperwork

History:

✉ This message has been replied to.

Karen - Great. Can the no-cost request just be in the form of an email from me to you or do you need something more formal?

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>  
> Hi John-  
>  
> As with the last no-cost extension request, I'll need a brief  
> memo/statement outlining why you are making the request for the  
> extension. Included in the narrative should be statement about which  
> tasks have not been completed and why.  
>  
> I'm pressing ahead with the timeline we discussed last week. I think  
> a May 5 teleconference may be too ambitious- I think it may be more  
> likely that we'll get peer review comments during the week of May 8.  
>  
> Other than that I think it's doable.  
>  
> Thanks, as always, for your work.  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123  
>  
>  
> \*"John Weingart" <john.weingart@rutgers.edu> \*  
>  
> 04/19/2006 11:48 AM  
> Please respond to  
> john.weingart@rutgers.edu  
>  
>  
>  
> To  
> klynndyson@eac.gov  
> cc  
>  
> Subject

023879





"Tom O'Neill"

04/14/2006 12:50 PM

To klynndyson@eac.gov

cc [redacted] john.weingart@rutgers.edu

bcc

Subject March Progress Report

History:

This message has been forwarded.

Karen,

Attached is the Progress Report for March. I think our conversation earlier this week laid out a clear path to a successful conclusion of the project.

Tom O'Neill



Progress ReportMarch06.doc

023881



---

**EAGLETON INSTITUTE OF POLITICS**

---

*Contract to Provide Research Assistance to the EAC For  
the Development of Voluntary Guidance on Provisional  
Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT**  
**March 2006**

**For**  
**UNITED STATES ELECTION ASSISTANCE COMMISSION**  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

April 14, 2006

**Prepared by:**  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
191 Ryders Lane  
New Brunswick, NJ 08901-8557

023882

## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.7
  - Task 3.8
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

This report describes our progress from March 1 through March 31, 2006. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In March we revisited our research on Provisional Voting to respond to a question from the EAC's Executive Director. We found that the longer the time provided to evaluate provisional ballots, the greater the percentage that are counted. Based on the comments of the Peer Review Group, we revised our statistical analysis of the effects of voter ID requirements on turnout and distributed the revised draft to the PRG again. We received further comments from three PRG members, who expressed confidence in the analysis. Their comments are now reflected in the latest draft, as presented to the EAC on April 3.

We polished the draft report on Voter ID issues based on preliminary comments by the EAC. The results of that revision were incorporated in the briefing we prepared for delivery on April 3 to the EAC Commissioners in Washington. That meeting had originally been envisioned as a Closeout Conference. While we have met the schedule provided under the no-cost extension to the contract, the EAC has requested that we take additional time to revise the Voter ID report based on comments at the April meeting, arrange another meeting of the PRG, and, perhaps, undertake additional research on Voter ID over time. As this report is being prepared, we are exploring those options.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting. Please direct questions or comments about this report to [REDACTED] or by telephone at [REDACTED].

## PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Task 3.4 was completed in August, and Tasks 3.5 and 3.6 were completed in November. We received comments on the November draft report in a teleconference on February 22 with EAC Executive Director Tom Wilkey and Contract Manager Karen Lynn-Dyson. We are now revising and polishing the draft in accord with many of the comments by the Commissioners.

We have analyzed the effect of the different time periods for the evaluation of provisional ballots established by the states on the percentage of provisional ballots that end up being counted. The results indicate that longer time periods result in more ballots being counted. That finding will be incorporated in the revised, final draft report.

Time period	Number of States	% PB Counted
< 1 week	14	35.4%
1 – 2 weeks	15	47.1%
> 2 weeks	14	60.8%

### Task 3.6: Prepare preliminary draft guidance document.

The report and recommendations which were sent to the EAC on November 28, 2005 recommends against the adoption of a guidance document per se and advises that the EAC adopt its recommendations as best practices. The EAC has accepted that recommendation. Our final report will include recommendations for promulgation by the Commission as “Best Practices,” but will not include a proposed “Guidance Document,” referred to in Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance).

## VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is now the principal focus of our research.

### Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has completed the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. The results of its work constitutes the compendium of legislation, administrative regulations, and case law called for under this task. This month the Moritz team reviewed state statutes and regulations on the time period allowed for the evaluation of provisional ballots. Its report provided the basis for the statistical analysis of the effect of greater time on the number of ballots counted.

**Description:** The Moritz team has compiled statutes on Voter Identification, and has provided a summary analysis of its research, including litigation, included in the draft of the Voter ID paper that has now been reviewed by the Peer Review Group.

**Progress:** The review of current voter identification litigation nationwide is now included in the draft report.

**Work Plan:** In the remaining month of the project, Moritz and Eagleton will continue to work together to develop best practices in the area of voter identification, based on our combined research and the case law.

### RESEARCH EFFORTS

We continue to examine and categorize voter registration forms across the states to see what forms of identification are requested from mail-in registrants in order to highlight how easily accessible states make information about voter identification. The table displaying this data is challenging to complete.

### VOTER ID AND TURNOUT ANALYSIS

We revised the analysis of the effect of different voter ID requirements on turnout following the meeting of the PRG in February. The revision was distributed to the PRG in March, and 3 members of the PRG commented on the revision at the end of the month. They pointed to a few areas to clarify the analysis and expressed overall confidence in the quality of the work.

**Description:** The analysis suggests that more stringent voter ID requirements reduce turnout by several percentage points. We reviewed the analysis, looking at

participation compared to both the Voting Age Population and the Citizen Voting Age population.

**Progress:** The PRG review strengthened the analysis. We have incorporated the results in the revised draft of our report, as distributed to the EAC for the April 3 meeting. It is summarized in the PowerPoint presentation prepared in March for the April meeting.

**Challenges:** The models we are using, while sophisticated, are difficult to run and interpret. The analyses are time-consuming. The PRG's counsel has assisted in meeting this challenge.

**Work Plan:** We completed a draft of the Voter ID report for the EAC in March. Based on the EAC's comments at the April meeting, we are revising the paper once again for the final report.

## **PROJECT MANAGEMENT**

### **PEER REVIEW GROUP**

**Description:** A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

**Progress:** With its meeting to review the Voter ID paper, the PRG completed its work on this project. Several members of the PRG did comment on the revised statistical analysis of voter turnout. Members may be called together again for a review of our final revision, if changes to the schedule are approved by the EAC.

**Challenges:** No new challenges were encountered.

### **COORDINATION AND INFORMATION MANAGEMENT**

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

### **INFORMATION SYSTEM**

**Description:** The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

**Progress:** At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our

system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

**Projections:** The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

## INTRANET

**Description:** All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

## **FINANCIAL REPORT**

As agreed in a telephone conversation with Karen Lynn-Dyson on April 13<sup>th</sup>, a detail of expenses incurred from the project during March and April will be sent under separate cover in early May to Ms. Dianna Scott, Administrative Officer at the EAC.

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. The contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.



"John Weingart"  
<john.weingart@rutgers.edu>

04/10/2006 12:33 PM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc [REDACTED]

bcc

Subject Re: Eagleton/Moritz Next Steps

History:

ⓧ This message has been replied to.

Karen - Tom and I are both available this Wednesday or Thursday between 3:15 and 5:00. Any time in there work for you?

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>  
> Will wait to hear from you.  
>  
> Best-  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123

023889



"John Weingart"  
<john.weingart@rutgers.edu>

04/07/2006 05:11 PM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc [REDACTED]

bcc

Subject Re: Eagleton/Moritz February Report

History

This message has been replied to

That time doesn't work for me. I will compare calendars with Tom and propose a few times that work for both of us.

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>  
> Shall we have a call on Wednesday, April 12 at 1:00?  
>  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123

023890



"Tim Vercellotti"  
<tim.vercellotti@rutgers.edu>

04/06/2006 04:42 PM

Please respond to  
tim.vercellotti@rutgers.edu

To klynndyson@eac.gov

cc [REDACTED]

bcc

Subject Information requested by Commissioner Hillman

History:

☞ This message has been replied to.

Karen:

It was good to meet with you, your colleagues, and the commissioners on Monday. The feedback has been very helpful as I revise my part of the voter identification study.

Commissioner Hillman asked during and after the meeting for some information from the Current Population Survey. She was curious about the percentage of non-citizens who said they were registered to vote, and the percentage of non-citizens who said they voted in the 2004 election.

I've looked at the questionnaire and the data. The question about citizenship preceded the questions about registration and voting in the survey. If a respondent said she or he was not a citizen of the United States, the respondent did not receive the questions on registration and voting. So, at least from this data set, I cannot discern the percentage of non-citizens who claimed to be registered or to have voted. (That would be fascinating information, indeed.)

Best regards,

Tim Vercellotti

---  
Tim Vercellotti, Ph.D.  
Assistant Research Professor  
Assistant Director, Eagleton Center for Public Interest Polling  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
185 Ryders Lane  
New Brunswick, NJ 08901  
Phone: (732) 932-9384, ext. 285  
Fax: (732) 932-1551

023891



"Mike Alvarez"  
<rma@hss.caltech.edu>  
04/05/2006 07:39 PM

To klynndyson@eac.gov  
cc  
bcc  
Subject

History: This message has been replied to and forwarded.

Hi -- nice to meet you in person, finally!

And thanks for inviting me to your gathering, I enjoyed it and hope I was helpful. Of course, any time you want anything, you do know where to track me down.

As to the potential reviewers of the Eagleton Voter ID study, here are my suggestions, in order:  
Jonathan Nagler, New York University  
Jan Leighley, University of Arizona  
Ben Highton, UC-Davis  
Adam Berinsky, MIT  
Bernard Grofman, UC-Irvine

All have worked with the CPS turnout/registration data, and are very familiar with this research literature.

If these don't work, or you want more recommendations, let me know.

--

\*\*\*\*\*  
R. Michael Alvarez (O)  
626-395-4089  
Professor of Political Science (F)  
626-405-9841  
Caltech/MIT Voting Technology Project  
California Institute of Technology  
Pasadena, CA 91125  
rma@hss.caltech.edu

Contributor to Election Updates,  
<http://electionupdates.caltech.edu/blog.html>

\*\*\*\*\*

023892



"Tom O'Neill"

04/02/2006 11:58 AM

To klynndyson@eac.gov

cc

bcc

Subject Powerpoint presentation for EAC

History:

This message has been forwarded.

Karen,

Attached is the Powerpoint presentation we will use as the basis for our presentation tomorrow. I will be bringing a copy on a portable drive to install on the computer to be used for the presentation, but thought it might be convenient to have a copy in advance that you could review and that might be loaded onto the presentation computer before we arrive.

See you about 11. Hope you're having (had?) a good weekend.

Tom O'Neill



Briefnfg040306A.ppt

023893

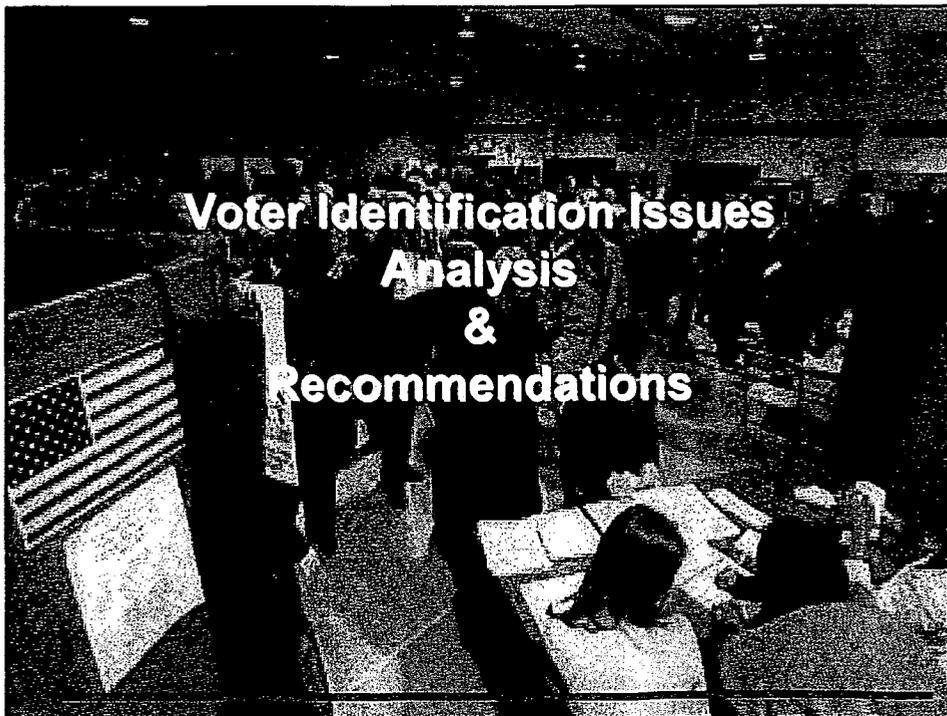
**Briefing for**  
**U. S. Election Assistance Commission**

Thomas O'Neil, Project Director  
Election Institute of Politics

Dan Tokaji, Assistant Professor of Law  
Vanderbilt College of Law

Jim Vascellaro, Assistant Research Professor  
Election Institute of Politics

**April 3, 2006**



023894

### **Analytic Tasks**

- Identify how voter ID requirements were implemented around the county to provide a baseline for consideration of other approaches
- Diagnose the problems and challenges of voter ID and hypothesize alternative approaches.
- Recommend alternative approaches
- Identify appropriate policy objectives by which to assess alternative approaches to voter ID

### **Focus**

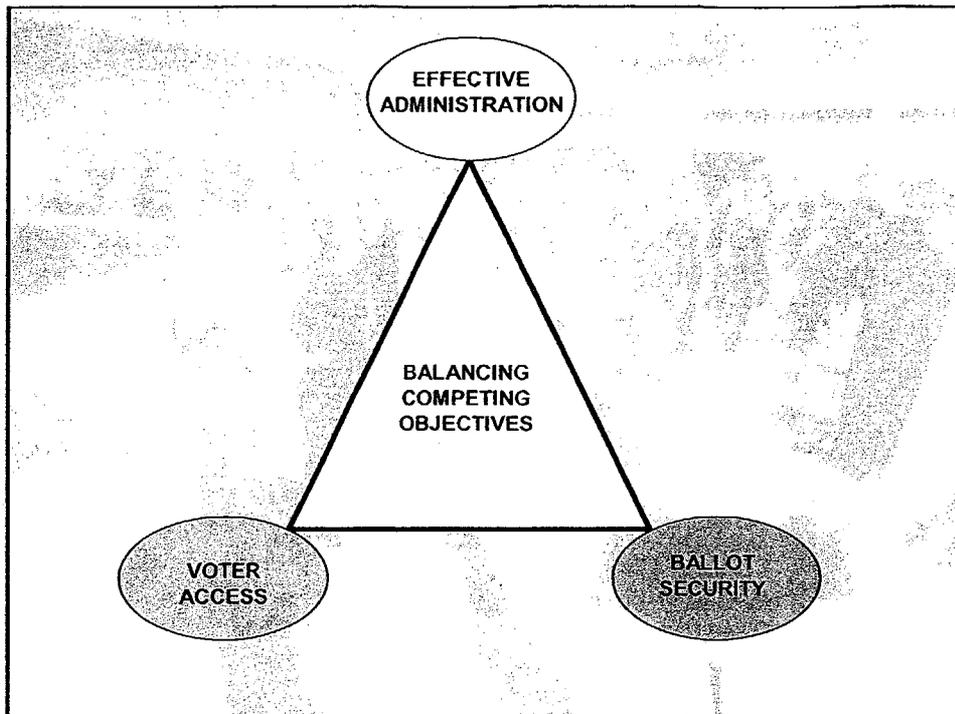
- HAVA's narrow ID requirements drew attention to the issue and helped spark the current debate.
- National debate now goes beyond HAVA to focus on stricter ID for all would-be voters
- Therefore our work takes a broad view of the issue.

### **Voter ID and Ballot Integrity**

- Voter ID -- a critical step in protecting the integrity of the ballot by checking that the potential voter is eligible and permitting the voter to cast a ballot and one ballot only.
- Ensuring ballot integrity requires a perspective that takes in the entire voting process.
- Requires more than preventing the ineligible from voting.
- Also should ensure that all those who are eligible and want to vote can cast a ballot that counts.

### **Vote Fraud Excluded From This Analysis**

- Assessing the effectiveness of voter ID in preventing vote fraud should logically include an estimate of the nature and frequency of vote fraud.
- EAC commissioned a separate analysis of the incidence of vote fraud.
- Our analysis does not take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.



### **Method of analysis**

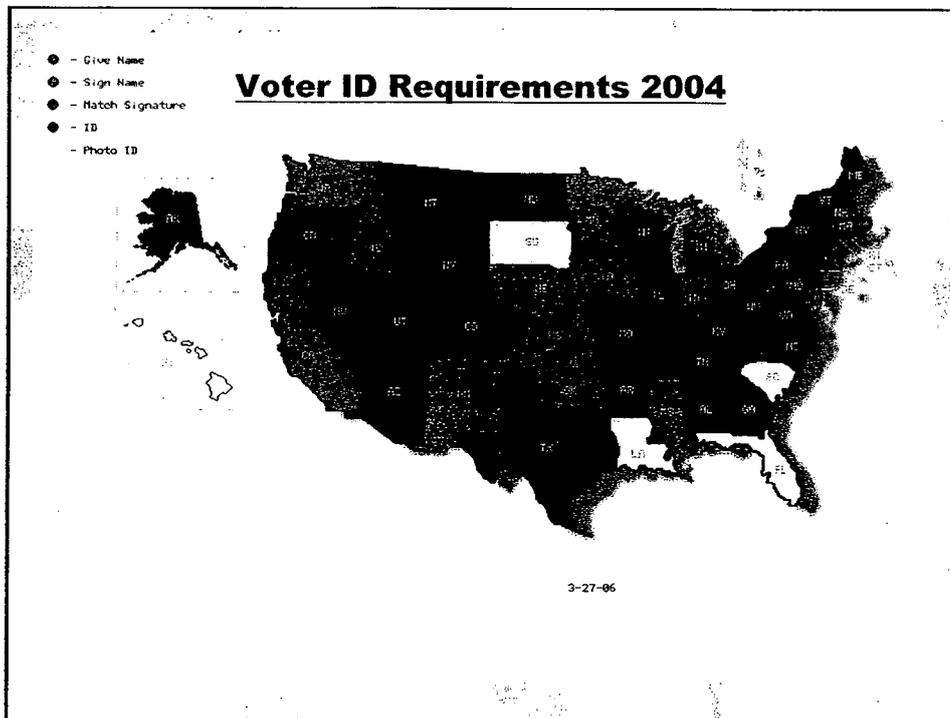
- Collected and analyzed state statutes and regulations & classified states by their ID requirements in 2004.
- Tested the assumption that voter ID requirements would prove to be increasingly demanding on the voter, with providing photo ID the most rigorous.
- County-level turnout data and Current Population Survey results
- Analyzed litigation for trends in judicial decisions
- Revised our work based on comments of PRG

## Categories of Voter ID in the states, 2004

1. Give Name
2. Sign Name
3. Match Signature
4. Present ID

-----

In 2004 no states required photo ID as the only ID to cast regular ballot.  
May not reflect actual practice at the polling place.



023898

### **Limitations of the data**

- 2004 data do not permit conclusions about the effect of stricter photo ID laws such as those recently passed in Georgia and Indiana.
- The 5 states that required photo ID in 2004 allowed voters who signed an affidavit or provided another form of identification to cast a regular ballot.

## **Analysis of Turnout and Voter ID Requirements**

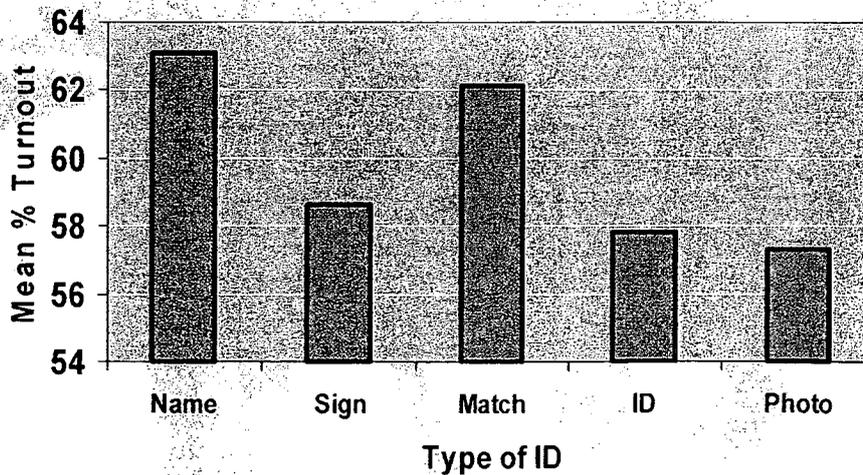
**Tim Vercellotti**

## ID requirements affect turnout

### Turnout declined with stricter voter ID requirements

- 63.1% of the voting age population turned out in states that required voters to state their names.
- 57.3% turned out in states that required photo ID.
- Including other factors beyond voter ID requirements diminishes the influence of voter ID on turnout.
- Reduction most noticeable in counties with many Hispanic residents or people below the poverty line.

## State Voter ID and Turnout



<b>Variation in Turnout Based on Voter ID Requirements</b>			
Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	63.1 %	State Name	61.3 %
Sign Name	58.6 %	Sign Name	60.4 %
Match Signature	62.1 %	Match Signature	59.2 %
Provide Non-Photo ID	57.8 %	Provide Non-Photo ID	57.6 %
Provide Photo ID	57.3 %	Swear Affidavit	58.7 %
Average Turnout (All States)	59.6 %		

### **Reports from the voters**

- CPS in November 2004 asked respondents about their experience voting.
- Stricter ID requirements exert a negative effect on whether survey respondents said they voted.
- Decline from *Stating Name* to *Photo ID* was 2.5%.
- Small, negative effect persists when controlling for other variables, such as battleground state and demographics.

### Effect of Stricter Voter ID requirements

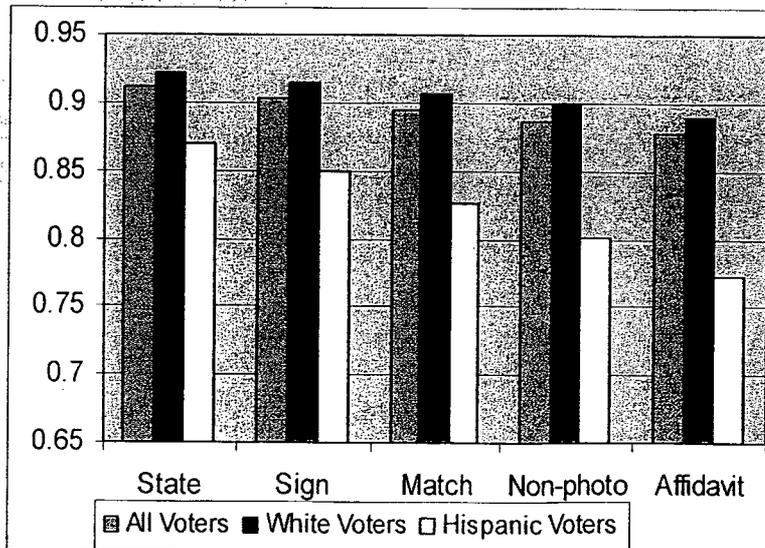
Significant reduction in probability of voting by:

- Hispanic Voters (minus 9.7%)
- Voters below the poverty line
- Voters with less than a high-school education (-7.4%)
- Young voters:(18 -24)

No effect on the probability of voting by:

- African-American voters
- Voters with some college education

### **Voter Turnout By Minimum ID Requirement**



## **Trends in Litigation**

**Dan Tokaji**

### **Summary**

- Requirements that voters provide some identifying documentation have been upheld where photo ID is *not* the only acceptable form.
- Laws requiring photo ID may not be upheld. In *Common Cause v. Billups* the court concluded that a photo ID requirement is likely unconstitutional.
- Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

## Rulings on Forms of ID

### Non-photo ID

- *Colorado Common Cause v. Davidson*, Upheld requirement that all in-person voters show identification.

- *League of Women Voters v. Blackwell*, rejected a challenge to Ohio requirement that first-time mail-registrants provide HAVA-ID.

### Photo ID

- Georgia and Indiana laws requiring photo ID have been challenged in court. In Georgia, the District Court enjoined application of photo ID requirement on constitutional grounds. In January, Georgia enacted a modified version of the law, on which the court has not yet ruled.

- *ACLU of Minnesota v. Kiffmeyer*, Enjoined Minnesota law that allowed the use of tribal photo ID cards only for an Indian who lived on the reservation. The decision indicates courts are likely to look strictly on photo ID requirements.

## Privacy

- *Greidinger v. Davis*, (4th Cir. 1993), struck down on due process grounds a Virginia requirement that voters provide Social Security numbers to register. Public disclosure of the social security numbers was not necessary to prevent fraud.

- BUT *McKay v. Thompson*, (6th Cir. 2000) rejected privacy challenges based to a Tennessee law requiring Social Security numbers for voter registration.

- NVRA permits requiring only the minimum information needed to prevent duplicate voter registration and determine eligibility. The distinction between the two cases appears to be between the use of Social Security numbers for internal purposes, which was deemed permissible, and the disclosure of those numbers to the public, which took place in Virginia.

## **Conclusions**

- Courts will look strictly at requirements that voters produce a photo ID in order to cast a regular ballot.
- Courts will balance the legitimate interest in preventing election fraud against:
  - Citizen's right to privacy
  - Reasonableness of requirements for identity documents.
- To forestall destabilizing challenges to election outcomes, voter ID requirements should be limited to the minimum needed to prevent duplicate registration and ensure eligibility.

## **Conclusions, Recommendations and Discussion**

**Tom O'Neill**

### **Policy Perspective**

**If the ID requirements that block ineligible voters from the polls also prevent eligible voters from casting a ballot because they lack ID, the integrity of the ballot may not have been improved.**

### **Policy Perspective Questions**

- Are voter ID requirements based on valid studies of the incidence of the vote fraud they aim to prevent?
- Is the increase in ballot security promised by stricter ID requirements reasonably proportional to the cost, measured in both monetary and other terms?
- Can all citizens comply with the requirements easily?
- If a requirement is likely to reduce turnout of eligible voters, what steps can or will be taken to ameliorate the adverse consequences?
- Do the requirements have a neutral result on the composition of the qualified electorate?

### **Continuing uncertainty**

- Dynamics of Voter ID requirements, that is how they work in practice, are not well understood.
- Policy process should recognize this uncertainty –less certainty, more humility
- Improve debate by additional research sponsored by the EAC.

### **Conclusions**

More information is needed about:

- The kinds of vote fraud that could be prevented by more rigorous voter ID so that it is possible to evaluate tradeoffs between ballot access and ballot integrity.
- Why potential voters may be required to cast a provisional ballot?
- The ID-related reasons for rejecting provisional ballots during the 2006 and subsequent elections.
- The experience of voters in meeting ID requirements.

**The EAC should:**

A. Recommend the publication of a "Voting Impact Statement" by states considering changing their voter ID requirements. It would estimate the number and demographics of

1. Eligible, potential voters that a proposed stricter ID requirement may keep away from the polls or be permitted to cast only a provisional ballot; and
2. Assess the number of ineligible voters who will be prevented from voting by stricter ID requirements.

**The EAC should:**

B. Encourage or require the states to:

1. Collect and report reliable, credible information on the relationship between ballot access and ballot security.
2. Survey provisional voters (anonymously) to determine why they were unable to cast a regular ballot.
3. Conduct pre-election polling to ask voters what they know about the voter ID requirements.

4. Examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification.

Consider 3 factors:

- a. Convenience of voters
- b. Total time allowed to evaluate ballots
- c. Safe harbor provision in presidential elections

Time period	Number of States	% PB Counted
< 1 week	14	35.4%
1 – 2 weeks	15	47.1%
> 2 weeks	14	60.8%

C. Advise the states that to forestall destabilizing challenges to election outcomes, voter ID requirements should be limited to the minimum needed to prevent duplicate registration and ensure eligibility.

Briefing for

**U. S. Election Assistance Commission**

April 3, 2006

023910



"John Weingart"  
<Johnwein@rci.rutgers.edu>

04/01/2006 06:06 PM

Please respond to  
John.Weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Monday Meeting

Karen - I learned late Friday that I will not be able to attend Monday's meeting. My wife is recovering from abdominal surgery and is doing fine, but I need to take her back to visit the surgeon. I am very disappointed to miss the meeting, but know that our team will be well represented. Tom O'Neill will be leading a delegation that will include Dan Tokaji from Moritz, and Ingrid Reed and Tim Vercellotti from Eagleton as well as our two most involved graduate students, Dave Andersen and John Harris. Tom and I will talk Monday evening or Tuesday and be able to quickly resolve any questions that cannot be fully resolved during the meetings.

One procedural item is that we clearly need another no-cost extension since our first one expired yesterday. Assuming the amount of revision the Commissioners request on Monday is relatively minimal, I assume we would be able to complete all remaining work during April and would, therefore, need another 30 days. Perhaps, to be on the safe side though, we should extend until the end of May. In any case, if you could let me or Tom know what we need to do to put that in motion, we will do so once we hear the Commissioners' comments on Monday.

Also, in response to the question you asked during the week, our hope is to submit one more invoice at the end of April for the remaining funds. Let me know if that works from your end.

Finally, one other procedural question is that several of the participants in this project are interested in writing papers for academic journals or conferences stemming from their work on this project. Are there any applicable restrictions, specific attribution requirements or other limits or provisions? I couldn't find anything in our contract with the EAC that addresses this matter one way or the other.

Thanks. Again, my apologies for missing the meeting.

--

John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

--

John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

023911



"Tom O'Neill"

03/31/2006 09:42 AM

To klynndyson@eac.gov

cc

bcc

Subject Revised Voter ID Paper

History:

This message has been forwarded.

Karen,

Attached is a new draft of the Voter ID paper, revised to take into account the comments you gave us on Tuesday as well as some points raised recently by other reviewers. We'll be bringing hard copies of this draft with us to Monday's briefing. If you could distribute the new "Executive Summary" (pages 1 – 5) in advance to those who will take part in the meeting on Monday, I think the discussion would be improved.

Our train is scheduled to get into Union Station at 10:30 on Monday. Barring Amtrak delays, we should arrive at your offices shortly before 11.

Tom O'Neill



VoterDRReport0330.doc

023912

# FINAL DRAFT REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

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## Report Background

This report to the United States Election Assistance Commission (EAC) presents an analysis of voter identification requirements across the country and makes recommendations for best practices to improve implementation of voter ID requirements at the polls. It is based on research conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at Ohio State University under a contract to the EAC, dated May 24, 2005. The research included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting, a sample survey of local election officials, and a statistical analysis of the effects of various requirements for voter identification on turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the EAC (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

## Executive Summary

### Methods

To explore the effects of voter ID requirements on electoral participation in 2004, as measured by turnout, we gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. We assigned each state to one of five categories based on its ID requirements. The five categories are progressively more rigorous based on the demands they make on both voters<sup>1</sup> (and, to some extent) on election workers. The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample,

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<sup>1</sup> Even the most relaxed provisions for identification at the polls — anything stricter than the honor system used in North Dakota — will impose some burden on particular voters. *Harvard Law Review* 119:1146

## FINAL D R A F T

which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity, ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents are not uniformly and conveniently available to all voters.

We collected data on turnout in all counties to permit an estimate of the relationship between the rigor of the ID requirements and the level of turnout. This aggregate analysis is useful, but does not provide valid estimates on the effects of different kinds of ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates.) To allow that analysis, we used the Census Bureau's Current Population Survey from November 2004, which asked a large sample of Americans about their experience in the election. It has the disadvantage of relying on self reports by respondents about their registration status, citizenship, and experience in the polling place, but it provides the demographic data needed to supplement the aggregate analysis.

To understand the legal issues raised by voter ID requirements, we collected and analyzed the few major cases that have been decided on this issue. The decisions so far suggest the constitutional and other constraints to policies on voter ID requirements.

### Findings

The form of Voter ID required of voters affects turnout. Lack of ID can keep voters from the polls. Or, when they go to the polls, it is reasonable to conclude that stricter Voter ID requirements will divert more voters into the line for provisional ballots. (This conclusion is a conjecture because we lack precise information on why voters must cast their ballots provisionally.) The result can be longer lines at the polls and confusion, without a clear demonstration that the security of the ballot is correspondingly increased.

Voter turnout at the state level in 2004 was lower in states where voter identification requirements were more demanding. While the trend is not perfectly linear, the data show a general movement toward lower turnout as requirements tend toward requiring greater levels of proof. An average of 63.1 percent of the voting age population turned out in states that required

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voters to state their names, compared to 57.3 percent in states that required photo identification. Those figures, however, probably overstate the effect since the inclusion of other factors beyond voter ID requirements in the analysis diminishes the extent of influence of voter ID on turnout. After taking account of the other factors, the analysis still offers some support for the hypothesis that as the burden of voter identification requirements increases, turnout declines. The effect is particularly noticeable in counties with concentrations of Hispanic residents or people living below the poverty line.

Our analysis of litigation suggests that the courts will look strictly at requirements that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification is not now sufficient to evaluate the tradeoffs between ensuring ballot access and ensuring ballot integrity. The lack of full understanding of the dynamics of voter ID requirements on political participation can be remedied by requiring the collection and reporting of data on the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the 2006 and subsequent elections. Also useful would be the results of exit polling of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.<sup>2</sup> And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

A voting system that requires voters to produce an identify document or documents may indeed prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the

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<sup>2</sup> Arizona held its first election with new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways not possible with the current lack of information on this subject.

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ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

### Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous Voter ID requirements affect the decision by potential voters to go or stay away from the polls– are not well understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements, broadly defined, and the two important goals of ensuring ballot access and ensuring ballot integrity.

- Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot.
- Recommend as a best practice the publication of a “Voting Impact Statement” by states considering changing their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. The Voter Impact Statement would estimate the number and demographics of 1) eligible, potential voters that a proposed stricter ID requirement may keep away from the polls or be permitted to cast only a provisional ballot; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.
- Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should analyze this publish an analysis of this information to provide a sound estimate of the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. The states should also be encouraged to use this information to increase the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections.
  - Useful information could be supplied by exit polling or surveys of voters by local election officials. It would make clear why those who cast a provisional ballot

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were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.

- Polling to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
- Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors: the convenience of the voter, the total time allowed to evaluate ballots<sup>3</sup>, and the safe harbor provision in presidential elections.
- Recommendations to the states from EAC should reflect current judicial trends. Requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only one court has considered a law requiring voters to show photo ID (*Common Cause v. Billups*), and that court concluded that this requirement is likely unconstitutional.

### **Background and Approach of the Study**

Establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The stress on voters to provide required ID documents may be greater at the polls on Election Day than when registering. The pressures arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may be faced with long lines and limited time.

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<sup>3</sup> Our research on provisional voting reveals that states that provide more than week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

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This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.<sup>4</sup> The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

The report looks broadly at voter ID issues and goes beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures on voter ID goes ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. The controversy in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.<sup>5</sup>

We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.<sup>6</sup> Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and , if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

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<sup>4</sup> As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

<sup>5</sup> Harvard Law Review 119:1127: "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA."

<sup>6</sup> "Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws." *Harvard Law Review* 119:1144. John Fund's 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

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A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has informed us that it has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our analysis of the effects of voter ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.<sup>7</sup> Voter ID requirements that require voters to bring a document to the polls --rather than simply sign their names-- can divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot rejected.<sup>8</sup> And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the

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<sup>7</sup> For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

<sup>8</sup> The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

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polls. In conducting this analysis, we were sensitive to the observation that the problem with American elections may well be that too many people do not vote rather than that a few people may vote more than once.

An evaluation of the effect of different Voter ID regimes can be more effective if based on clear standards –legal, equitable, practical. The standards suggested here can best be described as the set of questions to be asked about Voter ID requirements. We suggest 7 questions that try to measure the most important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable, empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?<sup>9</sup>
2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?<sup>10</sup>
3. How practical is the requirement? Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required? Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?<sup>11</sup>
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.<sup>12</sup> A thorough, objective

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<sup>9</sup> “Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . .” Harvard Law Review 127:1144 (2006)

<sup>10</sup> See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

<sup>11</sup> In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state’s voter identification requirement actually was. Tova Wang, “Warning Bell in Ohio,” December 5, 2005. Website, the Foundation for National Progress.

<sup>12</sup> “Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at

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impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.

5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?<sup>13</sup>
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. Does the Voter ID requirement have a neutral result on the composition of the qualified and eligible electorate? ID requirements should not be designed to, or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another. Whatever the requirement may be, can all citizens comply with it easily and at no or minimal cost?

### **Voter ID and Turnout**

As of the 2004 election, the states and the District of Columbia could be divided into 5 different Voter ID regimes. These are shown in Table 1, *Voter ID Requirements*. Nine states required that voters give their names; 14 that they sign their names; 8 match the signature to a sample in the registration book; 15 require some form of ID (ranging from a utility bill to a government-issued photo ID), and 5 states in 2004 required a photo ID, although in all those states voters without that credential could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID.

This neat assignment in the following table and map of each state to one category no doubt fails to reflect actual practice at many polling places. Like any system run by fallible people, the voter ID process is subject to wide variation in practice. Voters may be confronted with demands for identification different from the directives in state statutes or regulation. Some voters may be waved through the process without a look at any document, no matter what the regulations say. Under the press of long lines and unfamiliar requirements, there is, in short, no sure way to report the wide variety of conditions voters actually encounter.

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administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." *Harvard Law Review* 127:1144 (2006)

<sup>13</sup> For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen Hasen's has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," *62 Washington and Lee Law Review* 937 (2005).