

Interview with Wade Henderson, Executive Director, Leadership Conference for Civil Rights

February 14, 2006

Data Collection

Mr. Henderson had several recommendations as to how to better gather additional information and data on election fraud and intimidation in recent years. He suggested interviewing the following individuals who have been actively involved in Election Protection and other similar efforts:

- Jon Greenbaum, Lawyers Committee for Civil Rights
- Tanya Clay, People for the American Way
- Melanie, Campbell, National Coalition for Black Political Participation
- Larry Gonzalez, National Association of Latino Election Officers
- Jacqueline Johnson, National Congress of American Indians
- Chellie Pingree, Common Cause
- Jim Dickson, disability rights advocate
- Mary Berry, former Chair of the US Commission on Civil Rights, currently at the University of Pennsylvania
- Judith Browne and Eddie Hailes, Advancement Project (former counsel to the US Commission on Civil Rights)
- Robert Rubin, Lawyers Committee for Civil Rights – San Francisco Office
- Former Senator Tom Daschle (currently a fellow at The Center for American Progress)

He also recommended we review the following documents and reports:

- The 2004 litigation brought by the Advancement Project and SEIU under the 1981 New Jersey Consent Decree
- Forthcoming LCCR state-by-state report on violations of the Voting Rights Act
- Forthcoming Lawyers Committee report on violations of the Voting Rights Act (February 21)

Types of Fraud and Intimidation Occurring

Mr. Henderson said he believed that the kinds of voter intimidation and suppression tactics employed over the last five years are ones that have evolved over many years. They are sometimes racially based, sometimes based on partisan motives. He believes the following types of activity have actually occurred, and are not just a matter of anecdote and innuendo, and rise to the level of either voter intimidation or vote suppression:

- Flyers with intentional misinformation, such as ones claiming that if you do not have identification, you cannot vote, and providing false dates for the election
- Observers with cameras, which people associate with potential political retribution or even violence

- Intimidating police presence at the polls
- Especially in jurisdictions that authorize challenges, the use of challenge lists and challengers goes beyond partisanship to racial suppression and intimidation
- Unequal deployment of voting equipment, such as occurred in Ohio. Also, he has seen situations in which historically Black colleges will have one voting machine while other schools will have more.

Mr. Henderson believes that these matters are not pursued formally because often they involve activities that current law does not reach. For example, there is no law prohibiting a Secretary of State from being the head of a political campaign, and then deploying voting machines in an uneven manner. There is no way to pursue that. Also, once the election is over, civil litigation becomes moot. Finally, sometimes upon reflection after the campaign, some of the activities are not as sinister as believed at the time.

Mr. Henderson believes government does not engage in a sustained investigation of these matters or pursue any kind of resolution to them. LCCR has filed a FOIA request with both the Civil Rights Division and the Criminal Division of the Department of Justice to examine this issue.

Election Protection activities will be intensified for the 2006 elections, although the focus may shift somewhat given the implementation of new HAVA requirements.

Recommendations for Reform

There was tremendous concern after the 2004 election about conflicts of interest – the “Blackwell problem” – whereby a campaign chair is also in charge of the voting system. We need to get away from that.

He also supports Senator Barak Obama’s bill regarding deceptive practices, and is opposed to the voter identification laws passing many state legislatures.

- States should adopt election-day registration, in order to boost turnout as well as to allow eligible voters to immediately rectify erroneous or improperly purged registration records
- Expansion of early voting & no-excuse absentee voting, to boost turnout and reduce the strain on election-day resources.
- Provisional ballot reforms:
 - Should be counted statewide – if cast in the wrong polling place, votes should still be counted in races for which the voter was eligible to vote (governor, etc.)
 - Provisional ballots should also function as voter registration applications, to increase the likelihood that voters will be properly registered in future elections
- Voter ID requirements: states should allow voters to use signature attestation to establish their identity

- The Department of Justice should increase enforcement of Americans with Disabilities Act and the accessibility requirements of the Help America Vote Act
- Statewide registration databases should be linked to social service agency databases
- Prohibit chief state election officials from simultaneously participating in partisan electoral campaigns within their states
- Create and enforce strong penalties for deceptive or misleading voting practices

Prosecution Of Electoral Fraud Under United States Federal Law

By Craig Donsanto

In Prosecution of Electoral Fraud, Donsanto discusses what sort of conduct is currently considered to be actionable as vote fraud, the historical background for the role of the criminal prosecutor in this area, and the various federal laws and juridical precedents governing the prosecution of vote fraud. It is a very useful document for understanding the current Department of Justice's view of its mission in this area, its interpretation of the federal laws governing its work, and how the Department has and has not been able to utilize applicable provisions.

Donsanto stresses that because electoral administration is primarily a state rather than a federal matter, the federal government usually only has authority over electoral issues where: federal candidates are standing for election; a corrupt act occurs; a federal instrumentality is employed in the fraud; the fraud involves the participation of public officials "acting under color of law" in such a manner that the constitutional right to Due Process and/or Equal Protection is violated; and/or the fraud is motivated by an intent to deprive a class of voters who's rights have been specifically guaranteed by the United States Constitution.

Donsanto defines election fraud as "a substantive irregularity relating to the voting act--- such as bribery, intimidation, or forgery---which has the potential to taint the election itself." Specifically, this includes:

- * Preventing voters from participating in elections where a federal candidate is on the ballot, or when done "under color of law" in any election—18 U.S.C. sections 241 & 242.
- * Vote buying, 42 U.S.C. section 1973i(c).
- * Voting more than once, 42 U.S.C. section 1973i(e).
- * Fraudulent voting, 42 U.S.C. sections 1973i(c), 1973i(e) & 1973gg-10.
- * Intimidating voters through physical duress in any election, 18 U.S.C. section 245(b)(1)(A), or through physical or economic threats in connection with their registering to vote or their voting in federal elections, 42 U.S.C. section 1973gg-10, or to vote for a federal candidate, 18 U.S.C. section 594.
- * Malfeasance by election officials acting "under color of law" for actions such as ballot-box stuffing, falsely tabulating votes, or preventing valid voter registrations or votes from being given effect in any election, 18 U.S.C. sections 241 & 242, as well as in elections where federal candidates are on the ballot, 42 U.S.C. sections 1973i(c), 1973i(e) & 1973gg-10.

- * Submitting fictitious names on voter registration roles, 42 U.S.C. sections 1973i(c) & 1973gg-10.
- * Knowingly procuring eligibility to vote for federal office by persons who are not entitled to vote under applicable state law, 42 U.S.C. sections 1973i(c) & 1973gg-10 (criminal voting—prohibited in approximately 40 states) and 42 U.S.C. sections 1973i(c), 1972gg-10, 18 U.S.C. 1015(f) & 611 (non-citizen voting).
- * Knowingly making a false claim of United States citizenship to register to vote in any election, 18 U.S.C. section 1015(f), or falsely claiming United States citizenship for registering or voting in any election, 18 U.S.C. section 911.
- * Providing false information concerning a person's name, address or period of residence in a district in order to establish that person's eligibility to register or to vote in a federal election, 42 U.S.C. sections 1973i(c) & 1973gg-10.
- * Causing the production of voter registrations that qualify alleged voters to vote for federal candidates, or the production of ballots in federal elections, that the actor knows are materially defective under applicable state law, 42 U.S.C. section 1973gg-10.
- * Using the United States mails, or interstate wire facilities, to obtain the salary and emoluments of an elected official through any of the activities mentioned above, 18 U.S.C. sections 1341 & 1343.
- * Ordering, keeping or having under one's authority or control any troops or armed men at any polling place in any election. The actor must be an active civilian or military officer or an employee of the United States government, 18 U.S.C. section 592.
- * Intimidating or coercing a federal employee to induce or discourage "any political activity" by that employee, 18 U.S.C. section 610.

Other Points of Interest

- Most election fraud is aimed at corrupting elections for local offices, which control or influence patronage positions. Election fraud occurs most frequently where there are fairly equal political factions, and where the stakes involved in who controls public offices are weighty -- as is often the case where patronage jobs are a major source of employment, or where illicit activities are being protected from law enforcement scrutiny
- Vote buying offenses have represented a sizable segment of the federal election crime docket in modern times.
- Voter intimidation requires proof of a difficult element: the existence of physical or economic intimidation that is intended by the defendant and felt by the victim. The crime of voter "intimidation" normally requires evidence of threats, duress, economic coercion, or some other aggravating factor which tends to improperly induce conduct on the part of the victim. If such evidence is lacking, an

alternative prosecutive theory may apply to the facts, such as multiple voting in violation of 42 U.S.C. ' 1973i(e). As with other statutes addressing voter intimidation, in the absence of any jurisprudence to the contrary, it is the Criminal Division's position that section 1973gg-10(1) applies only to intimidation that is accomplished through the use of threats of physical or economic duress. Voter "intimidation" accomplished through less drastic means may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.

- Section 1973gg-10(2) is a specific intent offense. This means that the offender must have been aware that citizenship is a requirement for voting and that the registrant did not possess United States citizenship. In most instances, proof of the first element is relatively easy because the citizenship requirement is stated on the voter registration form, and the form requires that the voter check a box indicating that he or she is a citizen. Proof of the second element, however, may be more problematic, since the technicalities of acquiring United States citizenship may not have existed in the culture of the registrant's country of birth, or otherwise been evident to him, and because the registrant may have received bad advice concerning the citizenship requirement. These issues can also usually be overcome by the fact that all voter registration forms now require a registrant to certify that he or she is a citizen. Section 611 is a relatively new statute that creates an additional crime for voting by persons who are not United States Citizens .It applies to voting by non-citizens in an election where a federal candidate is on the ballot, except when: (1) non-citizens are authorized to vote by state or local law on non-federal candidates or issues, and (2) the ballot is formatted in a way that the non-citizen has the opportunity to vote solely for the non-federal candidate or issues on which he is entitled to vote under state law. Unlike section 1015(f), section 611 is directed at the act of voting, rather than the act of lying. But unlike section 1015(f), Section 611 is a strict liability offense in the sense that the prosecution must only prove that the defendant was not a citizen when he registered or voted. Section 611 does not require proof that the offender be aware that citizenship is a prerequisite to voting.

Interview with Douglas Webber, Assistant Attorney General, Indiana

February 15, 2006

Background

Mr. Webber was an attorney for the Marion County Election Board and was also part of the Indianapolis Ballot Security Team (sometimes called the Goon Squad). This Team was a group of attorneys well trained in election law whose mission was to enforce ballot security.

Litigation

Status of litigation in Indiana: On January 12 the briefing was completed. The parties are waiting for a decision from the U.S. district judge. The judge understood that one of the parties would seek a stay from the 7th Circuit Court of Appeals. The parties anticipate a decision in late March or early April. Mr. Webber did the discovery and depositions for the litigation. Mr. Webber feared the plaintiffs were going to state in their reply brief that HAVA's statewide database requirement would resolve the problems alleged by the state. However, the plaintiffs failed to do so, relying on a Motor Voter Act argument instead. Mr. Webber believes that the voter ID at issue will make the system much more user-friendly for the poll workers. The Legislature passed the ID legislation, and the state is defending it, on the basis of the problem of the *perception* of fraud.

Incidents of fraud and intimidation

Mr. Webber thinks that no one can put his or her thumb on whether there has been voter fraud in Indiana. For instance, if someone votes in place of another, no one knows about it. There have been no prosecuted cases of polling place fraud in Indiana. There is no recorded history of documented cases, but it does happen. In the litigation, he used articles from around the country about instances of voter fraud, but even in those examples there were ultimately no prosecutions, for example the case of Milwaukee. He also stated in the litigation that there are all kinds of examples of dead people voting--totaling in the hundreds of thousands of votes across the country.

One interesting example of actual fraud in Indiana occurred when a poll worker, in a poll using punch cards, glued the chads back and then punched out other chads for his candidate. But this would not be something that would be addressed by an ID requirement.

He also believes that the perception that the polls are loose can be addressed by the legislature. The legislature does not need to wait to see if the statewide database solve the problems and therefore affect the determination of whether an ID requirement is necessary. When he took the deposition of the Republican Co-Director, he said he thought Indiana was getting ahead of the curve. That is, there have been problems around the country, and confidence in elections is low. Therefore Indiana is now in front of getting that confidence back.

Mr. Webber stated that the largest vote problem in Indiana is absentee ballots. Absentee ballot fraud and vote buying are the most documented cases. It used to be the law that applications for absentee ballots could be sent anywhere. In one case absentee votes were exchanged for “a job on election day”---meaning one vote for a certain price. The election was contested and the trial judge found that although there was vote fraud, the incidents of such were less than the margin of victory and so he refused to overturn the election. Mr. Webber appealed the case for the state and argued the judge used the wrong statute. The Indiana Supreme Court agreed and reversed. Several people were prosecuted as a result – those cases are still pending.

Process

In Indiana, voter complaints first come to the attorney for the county election board who can recommend that a hearing be held. If criminal activity was found, the case could be referred to the county prosecutor or in certain instances to the Indiana Attorney General’s Office. In practice, the Attorney General almost never handles such cases.

Mr. Webber has had experience training county of election boards in preserving the integrity and security of the polling place from political or party officials. Mr. Webber stated that the Indiana voter rolls need to be culled. He also stated that in Southern Indiana a large problem was vote buying while in Northern Indiana a large problem was based on government workers feeling compelled to vote for the party that gave them their jobs.

Recommendations

- Mr. Webber believes that all election fraud and intimidation complaints should be referred to the Attorney General’s Office to circumvent the problem of local political prosecutions. The Attorney General should take more responsibility for complaints of fraud because at the local level, politics interferes. At the local level, everyone knows each other, making it harder prosecute.
- Indiana currently votes 6 am to 6 pm on a weekday. Government workers and retirees are the only people who are available to work the polls. Mr. Webber suggested that the biggest change should be to move elections to weekends. This would involve more people acting as poll workers who would be much more careful about what was going on.
- Early voting at the clerk’s office is good because the people there know what they are doing. People would be unlikely to commit fraud at the clerk’s office. This should be expanded to other polling places in addition to that of the county clerk.
- Finally, Mr. Webber believes polling places should be open longer, run more professionally but that there needs to be fewer of them so that they are staffed by only the best, most professional people.

Interview with Kevin Kennedy, State Elections Director, State of Wisconsin

April 11, 2006

Background

Kennedy is a nonpartisan, appointed official. He has been in this position since 1983.

Complaints of fraud and intimidation do not usually come to Kennedy's office. Kennedy says that complainants usually take their allegations to the media first because they are trying to make a political point.

2004 Election Incidents of Fraud

The investigations into the 2004 election uncovered some cases of double voting and voting by felons who did not know they were not eligible to vote, but found no concerted effort to commit fraud. There have been a couple of guilty pleas as a result, although not a number in the double digits. The task force and news reports initially referred to 100 cases of double voting and 200 cases of felon voting, but there were not nearly that many prosecutions. Further investigation since the task force investigation uncovered that in some instances there were mis-marks by poll workers, fathers and sons mistaken for the same voter, and even a husband and wife marked as the same voter. The double votes that are believed to have occurred were a mixture of absentee and polling place votes. It is unclear how many of these cases were instances of voting in two different locations.

In discussing the case from 2000 in which a student claimed – falsely – that he had voted several times, Kennedy said that double voting can be done. The deterrent is that it's a felony, and that one person voting twice is not an effective way to influence an election. One would need to get a lot of people involved for it to work.

The task force set up to investigate the 2004 election found a small number of illegal votes but given the 7,000 alleged, it was a relatively small number. There was no pattern of fraud.

The one case Kennedy could recall of an organized effort to commit fraud was in the spring of 2003 or 2004. A community service agency had voters request that absentee ballots be sent to the agency instead of to the voters and some of those ballots were signed without the voters' knowledge. One person was convicted, the leader of the enterprise.

In Milwaukee, the main contention was that there were more ballots than voters. However, it was found that the 7,000 vote disparity was tied to poll worker error. The task force found that there was no concerted effort involved. Kennedy explained that there are many ways a ballot can get into a machine without a voter getting a number. These include a poll worker forgetting to give the voter one; someone does Election Day registration and fills out a registration form but does not get a number because the

transaction all takes place at one table; and in Milwaukee, 20,000 voters who registered were not put on the list in time and as a short term solution the department sent the original registration forms to the polling places to be used instead of the list to provide proof of registration. This added another element of confusion that might have led to someone not getting a voter number.

The Republican Party used this original list and contracted with a private vendor to do a comparison with the U.S. postal list. They found initially that there were 5,000 bad addresses, and then later said there were 35,000 illegitimate addresses. When the party filed a complaint, the department told them they could force the voters on their list to cast a challenge ballot. On Election Day, the party used the list but found no actually voting from those addresses. Kennedy suspects that the private vendor made significant errors when doing the comparison.

In terms of noncitizen voting, Kennedy said that there is a Russian community in Milwaukee that the Republican Party singles out every year but it doesn't go very far. Kennedy has not seen much in the way of allegations of noncitizen voting.

However, when applying for a drivers license, a noncitizen could register to vote. There is no process for checking citizenship at this point, and the statewide registration database will not address this. Kennedy is not aware of any cases of noncitizen voting as a result, but it might have happened.

Kennedy said that the biggest concern seemed to be suspicions raised when groups of people are brought into the polling site from group homes, usually homes for the disabled. There are allegations that these voters are being told how to vote.

Incidents of Voter Intimidation

In 2004, there was a lot of hype about challenges, but in Wisconsin, a challenger must articulate a basis under oath. This acts as a deterrent, but at the same time it creates the potential that someone might challenge everyone and create long lines, keeping people from voting. In 2004, the Republican Party could use its list of suspect addresses as a legitimate basis for challenges, so there is the potential for abuse. It is also hard to train poll workers on that process. In 2004, there were isolated cases of problems with challengers.

In 2002, a flyer was circulated only in Milwaukee claiming that you had vote by noon. This was taken as an intimidation tactic by the Democrats.

Reforms

Wisconsin has had difficulty with its database because 1) they have had a hard time getting a good product out of the vendor and 2) until now there was no registration record for one-quarter of the voters. Any jurisdiction with fewer than 5000 voters was not required to have a registration list.

In any case, once these performance issues are worked out, Kennedy does believe the statewide voter registration database will be very valuable. In particular, it will mean that people who move will not be on more than one list anymore. It should also address the double voting issue by identifying who is doing it, catching people who do it, and identifying where it could occur.

Recommendations

Better trained poll workers

Ensure good security procedures for the tabulation process and more transparency in the vote counting process

Conduct post-election audits

Interview with Sarah Bell Johnson Interview

April 19, 2006

Procedures for Handling Fraud

Fraud complaints are directed first to the state Board of Elections. Unlike boards in other states, Kentucky's has no investigative powers. Instead, they work closely with both the Attorney General and the U.S. Attorney. Especially since the current administration took office, they have found the U.S. Attorney an excellent partner in pursuing fraud cases, and have seen many prosecutions in the last six years. She believes that there has been no increase in the incidence of fraud, but rather the increase in prosecutions is related to increased scrutiny and more resources.

Major Types of Fraud and Intimidation

Johnson says that vote buying and voter intimidation go hand in hand in Kentucky. While historically fraud activity focused on election day, in the last 20 years it has moved into absentee voting. In part, this is because new voting machines aren't easy to manipulate in the way that paper ballots were open to manipulation in the past, especially in distant rural counties. For this reason, she is troubled by the proliferation of states with early voting, but notes that there is a difference between absentee ballot and early voting on machines, which is far more difficult to manipulate.

Among the cases of absentee ballot fraud they have seen, common practice involves a group of candidates conspiring together to elect their specific slate. Nursing homes are an especially frequent target. Elderly residents request absentee ballots, and then workers show up and 'help' them vote their ballots. Though there have been some cases in the Eastern district of election day fraud, most have been absentee.

Johnson argues that it is hard to distinguish between intimidation and vote buying. They have also seen instances where civic groups and church groups intimidate members to vote in a specific manner, not for reward, but under threat of being ostracized or even telling them they will go to hell.

While she is aware of allegations of intimidation by the parties regarding minority precincts in Louisville, the board hasn't received calls about it and there haven't been any prosecutions.

Challengers

Challengers are permitted at the polls in Kentucky. Each party is allowed two per location, and they must file proper paperwork. There is a set list of defined reasons for which they can challenge a voter, such as residency, and the challengers must also fill out paperwork to conduct a challenge.

As for allegations of challengers engaging in intimidation in minority districts, Johnson notes that challengers did indeed register in Jefferson County, and filed the proper paperwork, although they ultimately did not show up on election day.

She finds that relatively few challengers end up being officially registered, and that the practice has grown less common in recent years. This is due more to a change of fashion than anything. And after all, those wishing to affect election outcomes have little need for challengers in the precinct when they can target absentee voting instead.

In the event that intimidation is taking place, Kentucky has provisions to remove disruptive challengers, but this hasn't been used to her knowledge.

Prosecutions

Election fraud prosecutions in Kentucky have only involved vote buying. This may be because that it is easier to investigate, by virtue of a cash and paper trail which investigators can follow. It is difficult to quantify any average numbers about the practice from this, due in part to the five year statute of limitations on vote buying charges. However, she does not believe that vote-buying is pervasive across the state, but rather confined to certain pockets.

Vote-hauling Legislation

Vote hauling is a common form of vote buying by another name. Individuals are legally paid to drive others to the polls, and then divide that cash in order to purchase votes. Prosecutions have confirmed that vote hauling is used for this purpose. While the Secretary of State has been committed to legislation which would ban the practice, it has failed to pass in the past two sessions.

Paying Voter Registration Workers Legislation

A law forbidding people to pay workers by the voter registration card or for obtaining cards with registrations for a specific party was passed this session. Individuals working as part of a registration campaign may still be paid by hour. Kentucky's experience in the last presidential election illustrates the problems arising from paying individuals by the card. That contest included a constitutional amendment to ban gay marriage on the ballot, which naturally attracted the attention of many national groups. One group paying people by the card resulted in the registrar being inundated with cards, including many duplicates in the same bundle, variants on names, and variants on addresses. As this practice threatens to overwhelm the voter registration process, Kentucky views it as constituting malicious fraud.

Deceptive practices

Other than general reports in the news, Johnson hasn't received any separate confirmation or reports of deceptive practices, i.e., false and misleading information being distributed to confuse voters.

Effect of Kentucky's Database

Johnson believes Kentucky's widely praised voter registration database is a key reason why the state doesn't have as much fraud as it might, especially the types alleged elsewhere like double and felon voting. While no database is going to be perfect, the connections with other state databases such as the DMV and vital statistics have been invaluable in allowing them to aggressively purge dead weight and create a cleaner list. When parties use their database list they are notably more successful. Johnson wonders how other states are able to conduct elections without a similar system.

Some factors have made especially important to their success. When the database was instituted in 1973, they were able to make everyone in the state re-register and thus start with a clean database. However, it is unlikely any state could get away with this today.

She is also a big supporter of a full Social Security number standard, as practiced in Kentucky. The full Social Security, which is compared to date of birth and letters in the first and last name, automatically makes matching far more accurate. The huge benefits Kentucky has reaped make Johnson skeptical of privacy concerns arguing for an abbreviated Social Security number. Individuals are willing to submit their Social Security number for many lesser purposes, so why not voting? And in any event, they don't require a Social Security number to register (unlike others such as Georgia). Less than a percent of voters in Kentucky are registered under unique identifiers, which the Board of Elections then works to fill in the number through cross referencing with the DMV.

Recommendations

Johnson believes the backbone of effective elections administration must be standardized procedures, strong record keeping, and detailed statutes. In Kentucky, all counties use the same database and the same pre election day forms. Rather than seeing that as oppressive, county officials report that the uniformity makes their jobs easier.

This philosophy extends to the provisional ballot question. While they did not have a standard in place like HAVA's at the time of enactment, they worked quickly to put a uniform standard in place.

They have also modified forms and procedures based on feedback from prosecutors. Johnson believes a key to enforcing voting laws is working with investigators and prosecutors and ensuring that they have the information they need to mount cases.

She also believes public education is important, and that the media could do more to provide information about what is legal and what is illegal. Kentucky tries to fulfill this role by information in polling places, press releases, and high profile press conferences before elections. She notes that they deliberately use language focusing on fraud *and* intimidation.

Johnson is somewhat pessimistic about reducing absentee ballot fraud. Absentee ballots do have a useful function for the military and others who cannot get to the polling place, and motivated

individuals will always find a way to abuse the system if possible. At a minimum, however, she recommends that absentee ballots should require an excuse. She believes this has helped reduce abuse in Kentucky, and is wary of no-excuse practices in other states.

Interview with Steve Ansolobhere and Chandler Davidson

February 17, 2006

Methodology suggestions

In analyzing instances of alleged fraud and intimidation, we should look to criminology as a model. In criminology, experts use two sources: the Uniform Crime Reports, which are all reports made to the police, and the Victimization Survey, which asks the general public whether a particular incident has happened to them. After surveying what the most common allegations are, we should conduct a survey of the general public that asks whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data collection. Mr. Ansolobhere recommended Jonathan Krosnick, Doug Rivers, and Paul Sniderman at Stanford; Donald Kinder and Arthur Lupia at Michigan; Edward Carmines at Indiana; and Phil Tetlock at Berkeley. In the alternative, Mr. Ansolobhere suggested that the EAC might work with the Census Bureau to have them ask different, additional questions in their Voter Population Surveys.

Mr. Chandler further suggested it is important to talk to private election lawyers, such as Randall Wood, who represented Ciro Rodriguez in his congressional election in Texas. Mr. Ansolobhere also recommended looking at experiments conducted by the British Election Commission.

Incidents of Fraud and Intimidation

Mr. Davidson's study for the Lawyers Committee for Civil Rights on the Voting Rights Act documented evidence of widespread difficulty in the voting process. However, he did not attempt to quantify whether this was due to intentional, malevolent acts. In his 2005 report on ballot security programs, he found that there were many allegations of fraud made, but not very many prosecutions or convictions. He saw many cases that did go to trial and the prosecutors lost on the merits.

In terms of voter intimidation and vote suppression, Mr. Davidson said he believes the following types of activities do occur: videotaping of voters' license plates; poll workers asking intimidating questions; groups of officious-looking poll watchers at the poll sites who seem to be some sort of authority looking for wrongdoing; spreading of false information, such as phone calls, flyers, and radio ads that intentionally mislead as to voting procedures.

Mr. Ansolobhere believes the biggest problem is absentee ballot fraud. However, many of these cases involve people who do not realize what they are doing is illegal, for example, telling someone else how to vote. Sometimes there is real illegality occurring however. For example, vote selling involving absentee ballots, the filling out of absentee ballots en masse, people at nursing homes filling out the ballots of residents, and there are stories about union leaders getting members to vote a certain way by absentee ballot. This

problem will only get bigger as more states liberalize their absentee ballot rules. Mr. Chandler agreed that absentee ballot fraud was a major problem.

Recommendations

Go back to “for cause” absentee ballot rules, because it is truly impossible to ever ensure the security of a mail ballot. Even in Oregon, there was a study showing fraud in their vote by mail system.

False information campaigns should be combated with greater voter education. Los Angeles County’s voter education program should be used as a model.

Preliminary Findings of Joint Task Force Investigating Possible Election Fraud: May 10, 2005

On January 26, 2005, the Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, and the United States Attorney's Office formed a task force to investigate alleged voting irregularities during the November 2004 elections. The purpose of the task force was to determine whether evidence of criminal fraud existed in the irregularities and, if evidence of fraud was found, to pursue criminal prosecutions.

The task force has made the following specific determinations based on evidence examined to date:

- * evidence of more than 100 individual instances of suspected double-voting, voting in names of persons who likely did not vote, and/or voting in names believed to be fake. Those investigations continue;
- * more than 200 felons voted when they were not eligible to do so. In order to establish criminal cases, the government must establish willful violations in individual instances;
- * persons who had been paid to register voters as "deputy registrars" falsely listed approximately 65 names in order to receive compensation for the registrations. The evidence does not indicate that these particular false registrations were later used to cast votes; and,
- * the number of votes counted from the City of Milwaukee exceeds the number of persons recorded as voting by more than 4,500.

The investigation concentrated on the 70,000+ same-day registrations. It found that a large majority of the reported errors were the result of data entry errors, such as street address numbers being transposed. However, the investigation also found more than 100 instances where votes were cast in a manner suggesting fraud. These include:

- * persons with the same name and date of birth recorded as voting more than once;
- * persons who live outside Milwaukee, but who used non-existent City addresses to register and vote in the City;
- * persons who registered and voted with identities and addresses that cannot in any way be linked to a real person;
- * persons listed as voting under a name and identity of a person known to be deceased; and
- * persons whose identities were used to vote, but who in subsequent interviews told task force investigators that they did not, in fact, vote in the City of Milwaukee.

The investigation found persons who were paid money to obtain registrations allegedly falsified approximately 65 names on registration forms, allegedly to obtain more money for each name submitted. There is no evidence gathered to date that votes were cast under these specific false names. Also found were more than 200 felons who were not eligible to vote in the 2004 election, but who are recorded as having done so.

An additional finding of the task force was that the number of votes cast far exceeds the total number of recorded voters. The day after the 2004 election, the City of Milwaukee reported the total number of votes as 277,344. In late November an additional 191 previously uncounted absentee ballots were added, for a total of 277,535 votes cast. Still later, an additional 30 ballots were added, bringing the total number of counted votes to 277,565. City records, however, have been unable to match this total to a similar number of names of voters who cast ballots – either at the polls (under a prior registration or same day registration) or cast absentee ballots. At present, the records show a total of 272,956 voter names – for a discrepancy of 4,609. This part of the investigation was hampered by widespread record keeping errors with respect to recording the number of voters.

In the 2004 election, same-day registrations were accepted in which the card had incomplete information that would help establish identity. For example: 48 original cards for persons listed as voting had no name; 548 had no address; 28 did not have signatures; and another 23 cards had illegible information. These were part of approximately 1,300 same-day registrations for which votes were cast, but which election officials could not authenticate as proper voters within the City. Included in this 1,300 were 141 same-day registrants from addresses outside the City of Milwaukee, but who voted within the City of Milwaukee. In several instances, the voter explicitly listed municipality names other than Milwaukee on the registration cards.

Another record keeping procedure hampering the investigation appears to be the post-election misfiling or loss of original green registration cards that were considered duplicates, but that in fact corresponded to additional votes. These cards were used to record votes, but approximately 100 cards of interest to investigators can no longer be located. In addition, other original green registration cards continue to be found.



HvonSpakovsky@fec.gov
01/18/2007 12:53 PM

To ddavidson@eac.gov
cc
bcc
Subject

Donetta,

Enjoyed lunch. Here are three attachments you might be able to use on voter ID.

Hans



Missouri Affidavit of marvin Overby.pdf Lott Study.pdf Voter ID - Turnout Survey - Fed Society.pdf

027810

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**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

KATHLEEN WEINSCHENK,)	
WILLIAM KOTTERMAYER, ROBERT)	
PUND, AMANDA MULLANEY,)	
RICHARD VON GLAHN, MAUDIE)	
MAE HUGHES, and GIVE)	
MISSOURIANS A RAISE, INC.,)	
)	
Plaintiffs,)	No. 06AC-CC00656
)	
v.)	Division 2
)	
STATE OF MISSOURI, and)	
ROBIN CARNAHAN, SECRETARY)	
OF STATE,)	
)	
Defendants.)	

JACKSON COUNTY, MISSOURI, et)	
al.,)	CONSOLIDATED WITH
)	
Plaintiffs,)	No. 06AC-CC00587
)	
v.)	Division 2
)	
STATE OF MISSOURI,)	
)	
Defendant.)	

AFFIDAVIT OF L. MARVIN OVERBY,
IN SUPPORT OF INTERVENORS, DALE L. MORRIS AND
MISSOURI SENATOR DELBERT SCOTT

COMES NOW L. Marvin Overby, and having been sworn on his oath, deposes and states as follows:

1. I am over 21 years of age and competent to make this Affidavit. If called as a witness in this action, I could testify to the matters contained in this affidavit from personal knowledge and would testify as set forth herein.

2. I am currently a full professor of political science at the University of Missouri in Columbia and I have attached a current and accurate summary of my academic and professional experience which is attached as Exhibit "A".

3. I have had occasion to review and am familiar with the provisions of the Missouri Voter Protection Act in its final enacted form, especially as such provisions concern the requirement that certain persons present the specified forms of identification before casting a ballot and also those provisions of the Missouri Voter Protection Act providing photo identification without cost.

4. I have collaborated with Jeffrey Milyo and conducted additional research into the effect of the photo identification requirements contained in the Missouri Voter Protection Act upon voter participation. I have further researched the effect that such photo identification requirements will have upon the ability of Missourians to participate in an election.

5. The conclusions that I have reached and a description of the analysis undertaken are summarized on the report attached to this affidavit as Exhibit "B".

6. My research into the Missouri Voter Protection Act and the voter identification requirements and related provisions contained therein supports three essential conclusions.

A. Our best estimate of the number of eligible Missouri voters that do not possess a Missouri Department of Revenue-issued photo ID and that are not residents of a facility licensed under chapter 198 is about 19,000 persons. Of these, about 6,000 are likely to desire a photo ID for the purpose of voting, based upon historic voter participation patterns.

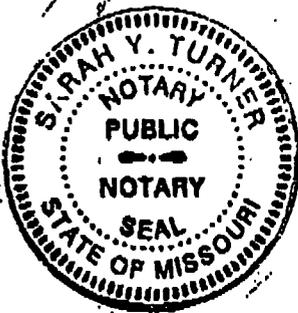
- B. The existing scholarly literature strongly suggests that voter photo ID requirements are not likely to have a significant effect on either voter participation or the outcome of elections, nor is such a photo ID requirement likely to have a significant or differential impact on poor, less educated or minority voters.
- C. The existing scholarly literature does demonstrate that a significant percentage of citizens -- in Missouri and nationally --- lack confidence on the election process, a significant percentage of voters are concerned about vote fraud, and that significant majorities of voters from all political parties and racial groups support the requirement that a person provide a government-issued photo ID before casting a ballot.

FURTHER Affiant sayeth not.



L. Marvin Overby

Subscribed and sworn to before me this 30 day of August, 2006.





Notary Public

SARAH Y. TURNER
Notary Public - State of Missouri
County of Boone
My Commission Expires Feb. 5, 2008

L. MARVIN OVERBY

Curriculum Vitae

Department of Political Science

[REDACTED]
[REDACTED]
Columbia, MO 65211-6030
[REDACTED]
[REDACTED]

ACADEMIC POSITIONS

- Department of Political Science, University of Missouri
Professor, 2004-present; Associate Professor, 2002-2004
- Department of Political Science, University of Mississippi
Associate Professor, 1995-2002 (tenure awarded 1997); Assistant Professor, 1993-1995
Adjunct Appointment, Center for the Study of Southern Culture, 1993-2002
Senior Research Associate and Founding Co-Director, Social Science Research Laboratory,
1994-2002
- Institute of English and American Studies, University of Szeged, Hungary
Laszlo Orszagh Chair (Fulbright Distinguished Lecturer), 2000-2001
- Johns Hopkins University-Nanjing University Center for Chinese and American Studies
Fei Yi-Ming Visiting Professor of Comparative Politics, 1997-1998 and 2005-2006.
- Department of Political Science, Loyola University Chicago
Assistant Professor, 1991-1993; Instructor, 1990-1991

EDUCATION

- Ph.D., University of Oklahoma, Carl Albert Congressional Research and Studies Center, 1991
Inter-University Consortium for Political and Social Research, University of Michigan, 1987
A.B., Davidson College, *cum laude*, Honors in Political Science, 1983

PROFESSIONAL PUBLICATIONS (Refereed Articles)

- Orey, D'Andra, L. Marvin Overby, Barbara J. Walkosz, and Kimberly R. Walker. N.D. "Accounting for Racism: Responses to Political Predicaments in Two States." *State Politics and Policy Quarterly*, forthcoming.
- Overby, L. Marvin and Jay Barth. 2006. "Radio Advertising in American Political Campaigns: The Persistence, Importance, and Effects of Narrowcasting." *American Politics Research*, 34: 451-478.
- Overby, L. Marvin and Jay Barth. 2006. "Numeracy About Minority Populations: Americans' Estimations of Local Gay Population Size." *Polity* 38:194-210.
- Overby, L. Marvin. 2006. "Public Opinion Regarding Congressional Leaders: Lessons from the 1996 Elections." *Journal of Legislative Studies* 12:54-75.
- Overby, L. Marvin, Robert D. Brown, John M. Bruce, Charles E. Smith, Jr., and John W. Winkle, III. 2005. "Race, Political Empowerment, and Minority Perceptions of Judicial Fairness." *Social Science Quarterly* 86:444-462.
- Prince, David W. and L. Marvin Overby. 2005. "Legislative Organization Theory and Committee Preference Outliers in State Senates." *State Politics and Policy Quarterly* 5:68-87.
- Overby, L. Marvin, Robert D. Brown, John M. Bruce, Charles E. Smith, Jr., and John W. Winkle, III. 2004. "Justice in Black and White: Race, Perceptions of Fairness, and Diffuse Support for the Judicial System in a Southern State." *Justice System Journal* 25:159-181.
- Overby, L. Marvin and Lauren C. Bell. 2004. "Rational Behavior or the Norm of Cooperation?: Filibuster Behavior Among Retiring Senators." *The Journal of Politics* 66:906-924.

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EXHIBIT

A

- Overby, L. Marvin, Thomas A. Kazee, and David W. Prince. 2004. "Committee Outliers in State Legislatures." *Legislative Studies Quarterly* 29:81-107.
- Barth, Jay and L. Marvin Overby. 2003. "Are Gay Men and Lesbians in the South the New 'Threat'? Regional Comparison of the Contact Theory." *Politics and Policy* 31:452-470.
- Overby, L. Marvin and Robert D. Brown. 2002. "Race, Redistricting, and Re-election: The Fate of White Incumbent Democrats in the 1994 Congressional Elections." *American Review of Politics* 23:337-353.
- Overby, L. Marvin and Jay Barth. 2002. "Contact, Community Context, and Public Attitudes Toward Gay Men and Lesbians." *Polity* 34:433-456.
- Overby, L. Marvin and Thomas A. Kazee. 2000. "Outlying Committees in the Statehouse: An Examination of the Prevalence of Committee Outliers in State Legislatures." *The Journal of Politics* 62: 701-728.
- Smith, Charles E., Jr., Robert D. Brown, John M. Bruce, and L. Marvin Overby. 1999. "Partisan Preferences in Two Institutional Dimensions, Policy Balancing, and Voting for Congress in the 1996 National Elections." *American Journal of Political Science* 43:737-764.
- Overby, L. Marvin, Ray Tatalovich, and Donley T. Studlar. 1998. "Party and Free Votes in Canada: Abortion in the House of Commons." *Party Politics* 4:381-392.
- Brown, Robert D., Jennifer M. Davis, L. Marvin Overby, Charles E. Smith, Jr., and David R. Holian. 1997. "The Dynamics of Committee Outliers: Evidence from the House of Representatives, 1951-1990." *Journal of Legislative Studies* 3: 70-88.
- Overby, L. Marvin and Robert D. Brown. 1997. "Re-election Constituencies and the Politics of Supreme Court Confirmation Votes." *American Politics Quarterly* 25:168-178.
- Overby, L. Marvin. 1996. "Free Voting in a Provincial Parliament: The Case of 'Same-Sex' Legislation in Ontario, 1994." *Journal of Legislative Studies* 2:172-183.
- Overby, L. Marvin and Kenneth M. Cosgrove. 1996. "Unintended Consequences?: Racial Redistricting and the Representation of Minority Interests." *The Journal of Politics* 58:540-550.
- Overby, L. Marvin. 1994. "The Senate and Justice Thomas: A Note on Ideology, Race, and Constituent Pressures." *Congress and the Presidency* 21:131-136.
- Overby, L. Marvin, Beth M. Henschen, Julie Strauss, and Michael H. Walsh. 1994. "African-American Constituents and Supreme Court Nominees: An Examination of the Senate Confirmation of Thurgood Marshall." *Political Research Quarterly* 47:839-855.
- Overby, L. Marvin and Beth M. Henschen. 1994. "Race Trumps Gender?: Women, African Americans, and the Senate Confirmation of Justice Clarence Thomas." *American Politics Quarterly* 22:62-73.
- Overby, L. Marvin and Gary W. Copeland. 1993. "Legislative Socialization and Interbranch Rivalry: Consequences of Divided Party Government." *Congress and the Presidency* 20:119-129.
- Overby, L. Marvin. 1993. "Political Amateurism, Legislative Inexperience, and Incumbency Behavior: Southern Republican Senators, 1980-1986." *Polity* 25:401-420.
- Overby, L. Marvin, Beth M. Henschen, Michael H. Walsh, and Julie Strauss. 1992. "Courting Constituents?: An Analysis of the Senate Confirmation Vote on Justice Clarence Thomas." *American Political Science Review* 86:997-1003.
- Overby, L. Marvin. 1992. "Apportionment, Politics, and Political Science: A Response to Kromkowski and Kromkowski." *Polity* 24:483-494.
- Overby, L. Marvin and Sarah Ritchie. 1991. "Mobilized Masses and Strategic Opponents: A Resource Mobilization Analysis of the Nuclear Freeze and Clean Air Movements." *Western Political Quarterly* 44:329-351.
- Overby, L. Marvin. 1991. "Assessing Constituency Influence: Congressional Voting on

- the Nuclear Freeze, 1982-1983." *Legislative Studies Quarterly* 16:297-312.
- Overby, L. Marvin. 1990. "Inputs and Outcomes of West European Peace Movements: An Application of Kitschelt's Political Opportunity Structures Thesis." *West European Politics* 13(1):1-11.
- Overby, L. Marvin. 1988. "Alexis de Tocqueville on the Political Dimensions of Democratic Literature." *The Mid-American Journal of Politics* 3(1):54-71.

PROFESSIONAL PUBLICATIONS (Books, Chapters, Other)

- Overby, L. Marvin. 1995. "Garret FitzGerald." In *Political Leaders of Contemporary Western Europe*, ed. David Wilsford. New York: Greenwood Press.
- Layzell, Anne C. and L. Marvin Overby. 1994. "Biding Their Time in the Illinois 9th." *Who Runs for Congress?: Ambition, Context, and Candidate Emergence*, ed. Thomas A. Kazee. Washington: CQ Press.
- Burns, James MacGregor with L. Marvin Overby. 1990. *Cobblestone Leadership: Majority Rule, Minority Power*. Norman, OK: University of Oklahoma Press.
- Overby, L. Marvin and Rankin Coble. 1984. "The Strengths and Weaknesses of Boards, Commissions, and Councils." In *Boards, Commissions, and Councils in the Executive Branch of North Carolina State Government*. Raleigh, N.C.: North Carolina Center for Public Policy Research.

WORKS IN PROGRESS

- Orey, D'Andra, L. Marvin Overby, and Christopher W. Larimer. N.D. "African-American Committee Chairs in American State Legislatures." Under "revise and resubmit" at *Social Science Quarterly*.
- Ang, Adrian U-Jin and L. Marvin Overby. N.D. "Retirements, Retentions, and the Balance of Partisan Power in Contemporary Congressional Politics." Under first review at *Journal of Legislative Studies*.
- Overby, L. Marvin. N.D. "Some Things Ya'll Need to Know: Teaching Southern Politics at Home and Abroad." Under first review at *Journal of Political Science Education*.
- Overby, L. Marvin and Harvey D. Palmer. N.D. "Investigating Heterogeneity in the Impact of Black Political Empowerment." Under first review at the *Journal of Politics*.
- Barth, Jay and L. Marvin Overby. N.D. "Narrowcasting: Radio Advertising in American Political Campaigns." Manuscript being prepared for probable submission to *Political Communication*.
- Overby, L. Marvin and Jay Barth. N.D. "The Medium and the Media Matter: Assessing Campaign Ads with Panel Data." Manuscript being prepared for probable submission to *Political Communication*.
- Orey, D'Andra, L. Marvin Overby, and Pete Hatemi. N.D. "White Support for Recent Racial Referenda in the Deep South." Manuscript being prepared for probable submission to the *Journal of Politics*.
- Overby, L. Marvin and John R. Petrocik. N.D. "Uncertain Terms: Preliminary Empirical Assessments of the Effects of Term Limits on Party Polarization in the American Statehouse." Manuscript.

TEACHING RELATED PUBLICATIONS

- Auger, Vincent A. and L. Marvin Overby. 2005. "Teaching and Learning in Nanjing: Community, Communities, and Politics in an Overseas Program." 1:233-247.
- Dow, Jay, Sean Nicholson-Crotty, and L. Marvin Overby, editors. 2005. *University of Missouri Readings in American Government*. Boston: Houghton Mifflin Company.

CONFERENCE PRESENTATIONS

- Ang, Adrian and L. Marvin Overby. 2006. "Retirements, Retentions, and the Balance of Power in

- Contemporary Congressional Politics." Paper accepted for presentation at the annual meeting of the American Political Science Association.
- Drury, A. Cooper, L. Marvin Overby, Adrian Ang, and Yitan Li. 2006. "Pretty Prudent or Swayed by Rhetoric: The American Public's Support for Military Action." Paper presented at the annual meeting of the International Studies Association.
- Keiser, Lael, L. Marvin Overby, Kenneth J. Meier, and Daniel Hawes. 2005. "Gender, Race, and the Theory of Representative Bureaucracy." Presented at the annual meeting of the Midwest Political Science Association.
- Bough, Brian and L. Marvin Overby. 2005. "Partisanship or Protection: Examining the King of the Hill Rule." Presented at the annual meeting of the Midwest Political Science Association.
- L. Marvin Overby and Jay Barth. 2005. "Radio Advertising in American Political Campaigns." Presented at the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin and Lauren C. Bell. 2004. "Filibusters and Filibusterers in the Contemporary Senate: An Examination of the Dynamics and Individual-Level Correlates of 'Extended Debate,' 1975-2002." Presented at the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Jay Barth. 2004. "Numeracy About Minority Populations: Americans' Estimations of *Local* Gay Population Size." Presented at the 27th Annual Scientific Meeting of the International Society of Political Psychology, Lund, Sweden.
- Overby, L. Marvin, Robert D. Brown, John M. Bruce, Charles E. Smith, Jr., and John W. Winkle, III. 2004. "Race, Political Empowerment, and Minority Perceptions of Judicial Fairness." Presented at the annual meeting of the Southwestern Political Science Association.
- Orey, D'Andra B. and L. Marvin Overby. 2004. "African-American Committee Chairs in American State Legislatures." Presented at the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin and Harvey D. Palmer. 2003. "Investigating Heterogeneity in the Impact of Black Empowerment on Participation." Presented at the annual meeting of the Southwestern Political Science Association.
- Overby, L. Marvin and Jay Barth. 2003. "Narrowcasting: Radio Advertising in American Political Campaigns." Presented at the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin and Lauren Cohen Bell. 2002. "Leaders and Followers in the U.S. Senate: Rational Behavior or the Norm of Reciprocity?" Presented at the annual meeting of the American Political Science Association.
- Prince, David W. and L. Marvin Overby. 2002. "Explaining Committee Outliers in State Senates." Presented at the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin, Thomas A. Kazee, and David W. Prince. 2001. "Committee Composition in State Legislatures: An Examination of the Causes of Committee Outliers." Presented at the annual meeting of the American Political Science Association.
- Overby, L. Marvin, Thomas A. Kazee, and David W. Prince. 2000. "Committee Outliers in State Legislatures." Presented at the annual meeting of the Midwest Political Science Association.
- Winkle, John W., III, L. Marvin Overby, Robert D. Brown, John M. Bruce, and Charles E. Smith, Jr. 2000. "Race, Representation, and Racial Empowerment: An Examination of the Mississippi Judicial System." Presented at the Citadel Symposium on Southern Politics.
- Overby, L. Marvin. 1999. "The Etiology and Implications of Public Support for Congressional Leaders." Presented at the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin, Robert D. Brown, John M. Bruce, and Charles E. Smith, Jr. 1999. "Policy Balancing in 1996: Who are the Balancers?" Presented at the annual meeting of the Midwest Political Science Association.
- Barth, Jay and L. Marvin Overby. 1998. "Are Gay Men and Lesbians in the South the New 'Threat?': Regional Comparison of the Contact Theory." Presented at the Citadel Symposium on Southern Politics.

- Auger, Vincent A. and L. Marvin Overby. 1998. "Teaching and Learning in Nanjing: Community, Communities, and Politics in an Overseas Program." Presented at the annual meeting of the American Political Science Association.
- Bruce, John M., Robert D. Brown, L. Marvin Overby, and Charles E. Smith, Jr. 1997. "Ticket-Splitting, Divided Government, and the 1996 Presidential Election." Presented at the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Thomas A. Kazee. 1997. "Outlying Committees in the Statehouse: An Examination of the Prevalence of Committee Outliers in State Legislatures." Presented at the annual meeting of the American Political Science Association.
- Barth, Jay and L. Marvin Overby. 1997. "Contact, Context, and Citizen Attitudes Toward Gay Men and Lesbians: Results from a Recent National Survey." Presented at the 20th Annual Scientific Meeting of the International Society of Political Psychology, Krakow, Poland.
- Overby, L. Marvin, Charles E. Smith, Jr., John M. Bruce, Robert D. Brown, and John W. Winkle, III. 1997. "Justice in Black and White: Race, Perceptions of Justice, and Diffuse Support for the Judicial System in an American State." Presented at the annual meeting of the Midwest Political Science Association.
- Hetland, Gary, Christopher D. Martin, and L. Marvin Overby. 1996. "Retirements, Retention, and Realignment: Voluntary Congressional Departures and the Pace of Partisan Change in the Post-War South." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin and Sarah Ritchie. 1996. "Racial Redistricting and the Representation of Minority Interests: Evidence from Two State Legislatures." Presented to the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Sarah Ritchie. 1995. "Symbolic vs. Substantive Representation?: Racial Redistricting in the Mississippi State Legislature." Presented to the annual meeting of the Southern Political Science Association.
- Brown, Robert D. and L. Marvin Overby. 1995. "Race, Redistricting, and Re-election: The Fate of White Incumbent Democrats in the 1994 Congressional Elections." Presented to the annual meeting of the American Political Science Association.
- Overby, L. Marvin. 1995. "Free Voting in a Provincial Parliament: The Case of 'Same-Sex' Legislation in Ontario, 1994." Presented to the annual meeting of the Canadian Political Science Association.
- Overby, L. Marvin and Leonardo Valdes. 1995. "Parties and Partisanship in Contemporary North America." Presented to the Conference on "Los Sistemas politicos de America del Norte, hoy: Desafios y convergencias," Universidad Nacional Autonoma de Mexico, Mexico City.
- Overby, L. Marvin and Robert D. Brown. 1995. "Electoral Coalitions and the Politics of Supreme Court Confirmation Votes: Re-election Constituencies and the Senate Vote on Justice Clarence Thomas." Presented to the annual meeting of the Midwest Political Science Association.
- Fisher, Samuel, III, L. Marvin Overby, and Richard Vengroff. 1994. "The 1994 Quebec Provincial Elections: Party Realignment, Independence Referendum, or More of the Same?" Presented to the meeting of the American Council for Quebec Studies.
- Overby, L. Marvin, Robert D. Brown, Jennifer M. Davis, Charles E. Smith, and David B. Holian. 1994. "The Prevalence and Dynamics of Outlier Committees in the U.S. Congress: 1951-1990." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin and Kenneth M. Cosgrove. 1994. "Unintended Consequences?: Racial Redistricting and the Representation of Minority Interests." Presented to the annual meeting of the American Political Science Association.
- Holian, David B., Robert D. Brown, L. Marvin Overby, and Charles E. Smith, Jr. 1994. "Committees as Preference Outliers: When is a Difference a Difference?." Presented to the annual meeting of the Midwest Political Science Association.

- Overby, L. Marvin and Kenneth M. Johnson. 1993. "Senior Citizens and Constituency Clout." Presented to the annual meeting of the American Political Science Association.
- Tatalovich, Raymond, L. Marvin Overby, and Donley T. Studlar. 1993. "Patterns of Abortion Voting in the Canadian House of Commons." Presented to the annual meeting of the Canadian Political Science Association.
- Overby, L. Marvin, Todd Lough, and Anne C. Layzell. 1993. "Follow the Bouncing Checks: Correlates and Consequences of the 1992 House Banking Scandal." Presented to the annual meeting of the Southwestern Political Science Association.
- Overby, L. Marvin. 1992. "Inexperienced Amateurs, Vulnerable Incumbents, and Political Change: Southern Republicans in the House of Representatives, 1946-1990." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin, Beth M. Henschen, Julie Strauss, and Michael H. Walsh. 1992. "African-American Constituents and Supreme Court Nominees: An Examination of the Confirmations of Thurgood Marshall and Clarence Thomas." Presented to the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Timothy B. Krebs. 1992. "Excuses, Excuses: Congressional Adjournment Dates and Incumbent Return Rates, 1946-1990." Presented to the annual meeting of the Midwest Political Science Association.
- Frendreis, John P. and L. Marvin Overby. 1992. "Reversal of Fortune: The Rise and Fall of the Southern Republican Senate Class of 1980." Presented to the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin. 1991. "Political Amateurism, Legislative Inexperience, and Incumbency Behavior: Southern Republican Senators, 1980-1986." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin and Sarah Ritchie. 1990. "Mobilized Masses and Strategic Opponents: A Resource Mobilization Analysis of the Clean Air and Nuclear Freeze Movements and Their Opponents." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin. 1989. "Inputs and Outcomes of Western Peace Movements: An Application of Kitschelt's Political Opportunities Structures Thesis." Presented to the fourteenth annual European Studies Conference, University of Nebraska-Omaha.
- Overby, L. Marvin. 1989. "The Politics of Parochialism: Southern Senators and the Southern Democracy in the 1980s." Presented to the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Sarah Ritchie. 1989. "Mobilized Masses and Strategic Opponents: A Reassessment of Policy-Making in the Wake of the Clean Air and Nuclear Freeze Movements." Presented to the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin. 1989. "Assessing Constituency Influence: A Loglinear Model of Congressional Voting on the Nuclear Freeze, 1982-1983." Presented to the annual meeting of the Southwestern Political Science Association.
- Overby, L. Marvin and Kenneth M. Cosgrove. 1988. "A Clash of Conceptions: Democratic Theories and the Ongoing Struggle for Northern Ireland." Presented to the annual meeting of the Western Political Science Association.
- Overby, L. Marvin. 1987. "'Our Peculiar Defects': Tocqueville on the Literature of Democracies." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin. 1987. "Implementing the New Federalism: Lessons from the Environmental Protection Agency's National Municipal Policy, 1984-1985." Presented to the fifth Student Pugwash USA International Conference, Stanford University.
- Overby, L. Marvin. 1987. "Politics and Integration: The Case of the Central American Common Market." Presented to the annual meeting of the Institute of Latin American Studies Student Association, University of Texas-Austin.
- Copeland, Gary W. and L. Marvin Overby. 1987. "Legislative Socialization and Inter-Branch Rivalry:

An Empirical Assessment of the Carter and Reagan Presidencies." Presented to the annual meeting of the Southwestern Political Science Association.

Overby, L. Marvin. 1986. "The Politicization of Principle: The Nuclear Freeze Movement in Congress, 1982-1983." Presented to the annual meeting of the Southern Political Science Association.

SELECTED PROFESSIONAL ACTIVITIES

Vice president and Program Chair, Southwestern Political Science Association, 2003-2004.

Executive Director, Southern Political Science Association, 1999-2001.

Editorial Board, *American Journal of Political Science*, 1998-2001.

Member, Site Selection Committee, Southwestern Social Science Association, 1999-2002.

Chair, Nominations Committee, Southwestern Political Science Association, 1997-1998. Committee member, 1996-1998.

Section Head, "Executives and Legislatures," 1996 Annual Meeting of the Southwestern Political Science Association.

Editor, *Extensions*, a forum for discussion of the Congress published semi-annually by the Carl Albert Center, 1986-1988.

COURSES TAUGHT

Undergraduate:

Introductory American Government
Legislative Process

Comparative Legislatures

American Presidency

Politics of the American South

Graduate:

Scope and Method of Political Science

Seminar in American Legislative Politics

Seminar in Southern Politics

Seminar in American Political Institutions

PERSONAL GRANTS and LEAVES

Research Board, University of Missouri System, "The Institutionalization of Colonial and State Legislatures: 1781-1824 The Institutionalization of Colonial and State Legislatures: 1781-1824." 2005-2007. \$13,400. With Jay Dow.

Center for Arts and Humanities, University of Missouri. "Research Travel to Washington, DC, for Archival Work on the History of the Filibuster in the United States Senate." Fall 2004, \$500.

Faculty International Travel Award, "Travel to the Scientific Meeting of the International Society for Political Psychology, Lund, Sweden." Office of Research, University of Missouri, Summer 2004, \$1,500.

Global Scholars Summer Seminar in Russia, International Studies Center, University of Missouri, June 2004.

- Faculty Research Grant, "The Politics of Same-Sex Rights in Canada: An Examination and Analysis of Recent Provincial, Judicial, and Parliamentary Developments," Canadian Studies Program, Government of Canada, Summer 2004, \$7,000.
- Internationalizing the Curriculum Award, International Center, University of Missouri, Fall 2003, \$1,000.
- National Endowment for the Humanities Summer Seminar, "American Constitutionalism in Comparative Perspective," University of Notre Dame, Summer 2003, \$3,700.
- Sabbatical Leave, "The Etiology and Implications of Public Opinion Regarding Congressional Leaders," University of Mississippi, Fall 2001
- Canadian Studies Faculty Enrichment Grant, "Development of a Syllabus for a Course on Canadian Politics," Government of Canada, Summer 1999, \$4,500.
- Faculty Development Grant, "Travel to the Scientific Meeting of the International Society for Political Psychology, Krakow, Poland." College of Liberal Arts, University of Mississippi, Summer 1997, \$800.
- Faculty Research Small Grant, "The Roots of Cooperative Behavior in the U. S. Senate: Rational Choice or the Norm of Reciprocity?" Office of Research, University of Mississippi, Summer 1996, \$1,000.
- Faculty Development Grant, "Travel to the Annual Meeting of the Southwestern Political Science Association," College of Liberal Arts, University of Mississippi, Spring 1996, \$400.
- Faculty Development Grant, "Travel to the Annual Meeting of the Canadian Political Science Association, Montreal, Quebec." College of Liberal Arts, University of Mississippi, Summer 1995, \$425.
- Faculty Research Grant, "Free Voting in Canada: An Examination of the Federal and Selected Provincial Parliaments," Canadian Studies Program, Government of Canada, Summer 1994, \$5,000.
- Faculty Summer Support Grant, "Unintended Consequences: Race-Based Redistricting and the Representation of Minority Interests," Office of Research, University of Mississippi, Summer 1994, \$4,000.
- Partner's Grant, "Purchase of a Laptop PC for Off-Campus Research Activities," Chancellor's Office, University of Mississippi, Spring 1994, \$1,000.
- Paid Leave of Absence, "Inexperienced Amateurs, Vulnerable Incumbents, and Political Change: Southern Republicans in the House of Representatives, 1946-1990," Loyola University Chicago, Spring semester 1994 (declined).
- Summer Research Stipend, "Exploring the Roots of Legislative Committee Strength: An Empirical Test of the 'Ex Post Veto' Hypothesis," Loyola University Chicago, Summer 1993, \$4,000 (declined).
- Research Support Grant, "Inexperienced Amateurs, Vulnerable Incumbents, and Political Change: Southern Republicans in the House of Representatives, 1946-1990," Loyola University Chicago, Summer 1992, \$1,200.
- Research Support Grant, "Excuses, Excuses: Congressional Adjournment Dates and Incumbent Return Rates, 1946-1990," Loyola University Chicago, Summer 1991, \$1,000.
- Thomas J. Watson Fellowship, "The Role of the European Communities in Cross-Border Irish Relations," Thomas J. Watson Foundation, 1983-84, \$10,000.

FUNDED ACTIVITIES and GRANTS (University of Mississippi Social Science Research Laboratory)

- "Mississippi Alliance for Prevention — Evaluation Component," Governor's Office and Mississippi Department of Mental Health, 2001-2004, \$404,000. "Assessment of the Mississippi Pilot Tobacco Program: Teen-Oriented, Anti-Tobacco Media Campaign," Mississippi Department of Health, 1999-2000, \$300,000.
- "Assessment of the Crime and Security Needs of Elderly Mississippians," Mississippi Leadership

- Council on Aging, Spring-Summer 1999, \$31,000.
- "Retirement Community Feasibility Study," City of Aberdeen Chamber of Commerce, Summer - Fall 1997, \$75,000.
- "User Satisfaction Survey for Library Re-Accreditation," John Davis Williams Library, University of Mississippi, Spring 1997, \$750.
- "Survey of Political Science Departments," American Political Science Association, Spring 1997, \$7,500.
- "Coahoma Community College Needs Assessment," Coahoma Community College, Spring 1997, \$24,092.
- "Network Infrastructure Upgrade for the Social Science Research Laboratory," University of Mississippi Associates Grant, Spring 1997, \$7,215.
- "1996 Mississippi Elderly Needs Assessment Study," Mississippi Department of Human Services (coordinated with Dr. JoAnn O'Quin), Spring 1996, \$113,800.
- "Planning and Development District Elderly Needs Assessment," Mississippi Association of Planning and Development Districts, Spring 1996, \$57,400.
- "Public, Student, Teacher, and Staff Perceptions in the Oxford School District," Oxford School District, Spring 1996, \$12,500.
- "Needs Assessment/Marketing Survey for the University of Mississippi's Branch Campuses in Tupelo and Southaven," Chancellor's Office and the Office of Public Relations at the University of Mississippi, and the Ramey Agency, Fall 1995, \$42,300.
- "Public Perceptions of Bias in the Mississippi Courts," the Supreme Court of Mississippi's Committee on Bias in the Courts (in collaboration with Dr. John W. Winkle, III), Fall 1995.
- "Public Attitudes About the Mississippi Judiciary," the Mississippi Judicial Advisory Study Committee (in collaboration with Dr. John W. Winkle, III), Fall 1995, \$25,000.
- "Needs Assessment Survey," Division of Child and Family Services, Mississippi Department of Human Services, Spring 1995, \$16,500.
- "Public Attitudes Towards Sports Gambling," Mississippi Gaming Commission (coordinated with Mississippi State University's Social Science Research Center), Winter 1995, \$7,500.

RECENT INVITED PRESENTATIONS

- Nanjing University, "Black Elite Electoral Success and Public Feelings of Empowerment," December 2005.
- Johns Hopkins University-Nanjing University Center for Chinese and American Studies, "Supreme Court Appointments: Process and Politics," October 2005
- Gaines/Oldham Black Culture Center, University of Missouri, "The Rights of All: Blacks and the U. S. Constitution," October 2004.
- All-China Youth Federation Delegation, Asian Affairs Center, University of Missouri, "Public Opinion in the United States," May 2004
- University of Missouri Working Group on Canadian Studies, "Of Provinces, Parliaments, Parties, and Procedures: The Case of 'Same-Sex' Legislation in Ontario," December 2002.
- Harry F. Byrd Visiting Scholar, James Madison University, "The Rise and Stall of the Republican Party in the South," October 2002.
- Mary Baldwin College, "In a Free Country': Political Parties in the United States," October 2002.
- University of Missouri, "Committee Outliers in State Legislatures: A Counting Of and Accounting for Unrepresentative Committees in the Statehouse," January 2002.
- University of Arkansas, "Minority Empowerment in the South: An Examination of Public Attitudes Toward the Judiciary in Mississippi," January 2002.
- Peter Pazmany Catholic University (Budapest, Hungary), "You Can't Understand One Without the Other: Southern Politics and American Politics in the 20th Century," April 2001.
- Georgia State University, "Committee Outliers in State Legislatures: Data and Observations from a Forty-five State Sample," March 2001.

University of Debrecen (Debrecen, Hungary), "Representation of Minority Interests in the United States: Historical Development and Contemporary Issues," November 2000.
Samford University, "Damned if You Do, Damned if You Don't: Contemporary Congressional Leadership and the Dilemma of Public Opinion," March 2000.
Vanderbilt University, "Outliers in the Statehouse: An Examination of Committee Outliers in American State Legislatures," November 1999.

SELECTED UNIVERSITY SERVICE

University of Missouri

Campus Writing Board, 2004-2007
Committee on Academic Appeals, College of Arts and Science, 2004-2005.
Chair, Lectureship in American Traditions and Values Committee, College of Arts and Sciences, 2003-2004.
Executive Committee, College of Arts and Sciences, 2003-2004, 2006-2009.
Executive Committee, Department of Political Science, 2002-2004, 2004-2006.
Chair, Recruitment Committees, Department of Political Science, 2002-2003, 2003-2004, 2004-2005, 2006-2007.
Multicultural Studies Committee, Office of the Vice Provost for Undergraduate Studies, 2002-2003.

University of Mississippi

Planning Committee, Symposium on the Scientific, Ethical, Legal, and Societal Implications of Stem Cell Research, 2001-2002
Faculty Senate, 1998-2000, 2002.
Chair, Faculty Governance Committee, 2002.
Chair, General Academic Affairs Committee, 1999-2000.
Member, Senate Executive Committee, 1999-2000, 2002.
Housing Judicial Council, 1999-2000.
Committee on Academic Freedom and Faculty Responsibility, 1999-2000.
Academic Discipline Committee, 1998-2000, 2001-2002.
Director of Graduate Studies, Department of Political Science, 1994-1997.

Loyola University Chicago

Graduate Fellowships Committee, Graduate School, 1992-1993.
Graduate Committee, Department of Political Science, 1992-1993.
Faculty Coordinator, Loyola-Catholic University Washington Semester Exchange Program, College of Arts and Science, 1991-1992.

TEACHING AWARDS

Cora Lee Graham Award for Outstanding Teaching of Freshman Students, College of Liberal Arts, University of Mississippi, 1999

GRADUATE HONORS

Carl Albert Fellowship, University of Oklahoma, 1985-1990.
Congressional Fellowship, American Political Science Association, 1988-1989 (Legislative Assistant to Rep. David E. Price, D-N.C.).
Harriet Harvey Memorial Scholarship, University of Oklahoma, 1988-1989.
John H. Leek Memorial Scholarship, Department of Political Science, University of Oklahoma, 1987 and 1988.

Report on Kathleen Weinschenk et al. v. State of Missouri et al. and Jackson County, Missouri v. State of Missouri (Consolidated)

Jeffrey Milyo
University of Missouri

and

Marvin Overby
University of Missouri

August 30, 2006

We have been asked by legal counsel in this case to i) evaluate the report by the Missouri Department of Revenue (DOR fiscal note 4947-01) on the number of eligible voters in Missouri who may not have a photo ID, ii) to discuss what the relevant scholarly literature implies about the effects of a photo ID requirement, and iii) to review the statistical analysis prepared by Dr. John Lott on the potential impact of the state of Missouri's new photo ID requirements on voter turnout.

A summary of the basic findings is as follows:

- 1) The DOR fiscal note likely overstates the number of eligible voters in Missouri without a photo ID. Our best estimate of the number of eligible voters who do not possess a DOR-issued photo ID and are not residents under chapter 198 is about 19,000 persons; of these, about 6,000 are likely to desire a photo ID for the purpose of voting, based upon voter turnout patterns. Adding in persons who are residents under chapter 198 and may be eligible to apply for a no cost nondriver license brings this number up to about 8,000 persons.
- 2) The existing scholarly literature does not examine photo ID laws, but existing findings strongly suggest that voter photo identification requirements are not likely to have a significant effect on either voter turnout or the outcome of elections, nor is such a requirement likely to have a significant or differential impact on poor, less educated, or minority voters. Moreover, a review of survey data shows strong public support for photo IDs, indicating the probability that such requirements would enhance public confidence in the voting process and, perhaps, even increase voter turnout.
- 3) Dr. Lott's analysis employs appropriate data and statistical methods; his findings accord with the relevant scholarly literature on voter turnout. Lott's analysis is the best existing estimate of the likely impact of the new photo ID law on eligible voters in Missouri.

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In the next section, we report on our qualifications. We then review the DOR fiscal note, the scholarly literature and the report by Dr. Lott, in turn.

1. Qualifications

Dr. Jeffrey Milyo is an associate professor in both the Truman School of Public Affairs and the Department of Economics at the University of Missouri in Columbia, Missouri. Dr. Milyo has been on the faculty of the Harris School of Public Policy at the University of Chicago, and has been a visiting scholar at the Massachusetts Institute of Technology, Yale University, and most recently, Stanford University. Milyo identifies himself as a Republican; his *curriculum vitae* is included in Appendix A.

Dr. Milyo's research specialty is in the area of statistical analyses of American political economy; his work has been published in a number of leading peer-reviewed journals, including, the *American Economic Review*, the *Quarterly Journal of Economics*, the *Journal of Law and Economics*, the *Journal of Public Policy Analysis and Management*, the *State Politics and Policy Quarterly* and the *Election Law Journal*. He frequently serves as a peer-reviewer for the leading journals in economics and political science, including the *American Political Science Review*, the *American Journal of Political Science*, the *Quarterly Journal of Political Science* and the *Journal of Politics*.

Dr. Marvin Overby is a professor in the Department of Political Science at the University of Missouri in Columbia, Missouri. He has also served on the faculties of Loyola University-Chicago and the University of Mississippi, and has held visiting appointments at the University of Szeged (Hungary) and the Johns Hopkins University-Nanjing University Center for Chinese and American Studies (China). Overby identifies himself as a Democrat and has worked for a Democratic member of the U. S. of Representatives; his *curriculum vitae* is included in Appendix A.

Dr. Overby's research focuses on statistical analyses of American politics, including issues of minority representation. His research has been published in a number of leading peer-reviewed journals, including the *American Political Science Review*, *American Journal of Political Science*, *The Journal of Politics*, *Legislative Studies Quarterly*, *Political Research Quarterly*, *American Politics Research*, *Polity*, *State Politics and Policy Quarterly*, and the *Journal of Legislative Studies*. He regularly reviews manuscripts for these journals, and his work and opinions have been cited in such media outlets as *The Wall Street Journal*, the *Washington Post*, *The Boston Globe*, the *National Journal*, the *Economist*, and *Congressional Quarterly Weekly Report*.

2. DOR Fiscal Note 4947-01

The Missouri Department of Revenue prepared a fiscal note estimating the anticipated cost of SB 1014 and undertook to estimate the number of eligible voters in Missouri who may be without photo ID as of June 14, 2006. (A copy of the fiscal note is attached as Appendix B.) The DOR fiscal note is an estimate of the cost of SB 1014 under a version of the legislation that was prior to the amendment providing an exemption from the photo

identification requirement for voters born before 1941. This analysis of the legislation prior to the incorporation of the exemption means that the version of the DOR's estimate of costs and voters likely affected by the ID requirements will be greater than those actually affected by the law as enacted.

The DOR started with the U.S. Census estimate of voting age population (VAP) in Missouri in 2000, then subtracted the number of persons who were at least 23 years of age as of 2006 and had a DOR-issued photo ID. This latter figure is 3,998,304 persons; it is meant to be an estimate of the number of persons age 18 and older in 2000 with photo ID's; however, this method ignores out-migration of younger persons and in-migration of older persons. It is unknown how these different sources of undercount and overcount net out. Further this estimate requires a projection of the photo-ID holding populations 5 years removed from the Census count. In general, the more distant the projected year from the base year, the less reliable will be any such projection.

As an alternative method of calculating the number of eligible voters not holding a DOR-issued photo ID, we prefer to make only a one-year out projection of VAP in 2006, and to utilize DOR's actual count of persons holding DOR photo ID on August 10, 2006.

On August 4, 2006 the U.S. census released its most current estimate of VAP in Missouri as of July 1, 2005; that figure is 4,422,078 persons.¹ However, this figure needs to be adjusted to match the August 10, 2006 date of the DOR count of persons with photo ID. We accomplish this by applying the annual growth rate from July 2004 to July 2005, which is approximately 0.0178, to yield an estimate of state VAP as of July 2006. We then pro-rate the annual growth rate to update this estimate to August 10, 2006; the resulting estimate of Missouri VAP is 4,509,790 persons. Subtracting the 4,458,726 persons known to hold DOR-issued photo ID as of August 10, 2006, yields an estimate of 51,064 voting age persons without DOR-issued photo-ID.

The DOR estimates that 31,152 VAP persons without photo-ID are also "residents under chapter 198 who are not likely to be physically able to ambulate to a polling place." Of these persons, the DOR estimates that 2,077 will apply for a no cost non-driver license. We have no basis to dispute this estimate, so we adopt this DOR figure without amendment.

Given the above, the number of VAP who are *not* residents under chapter 198 *and* do not possess DOR-issued photo ID's is (51,064 less 31,152), or 19,912 persons.

However, voting age population (VAP) overstates the voting eligible population (VEP) because it includes non-citizens, currently disenfranchised felons, persons who do not meet state residency requirements, and persons deemed mentally incompetent. For this reason, political scientists employ estimates of voting eligible state populations that exclude such ineligible voters; the best estimates of VEP that we know of are from the US Election Project and have been developed by Dr. Michael McDonald at George

¹ <http://www.census.gov/popest/datasets.html>.

Mason University in Fairfax, VA.² The estimated VEP from this source corrects for non-citizens and disenfranchised felons only.

Based on the most current US Election Project data for 2006, the average ratio of VEP to VAP is approximately 0.97 (it is lower in earlier years); so we multiply 19,912 persons by this ratio, to yield an estimate of 19,315 voting eligible persons without photo-ID and not residents under chapter 198. Even so, this figure certainly overstates the number of such persons who would choose to vote, even absent the photo ID requirement.

For this reason, the DOR fiscal note adjusts its estimate downward by assuming that the state-wide average voter turnout rate of 50% (based on VAP) is a proxy for the proportion of persons who would desire a photo ID under the new requirements for the purposes of voting. Applying this adjustment to the VAP of persons without DOR-issued photo ID and not residents under chapter 198, leaves just 9,956 such persons whom we estimate would desire a photo ID in order to vote.

However, the population of individuals that does not possess a DOR-issued photo ID is typically assumed to be poor, less educated, and disproportionately composed of racial and ethnic minorities. It is well known in political science research that after correcting for income and education, race has little impact on voter turnout. For this reason, we focus on the lowest quintile of family income or persons without a high school education. Both of these groups exhibit turnout rates in the range of 30%-40% of VAP.³ Taking the midpoint of this range (*i.e.*, 35%) and multiplying it by the VAP not possessing DOR-issued photo ID and not resident under chapter 198 leaves just 6,969 persons.

Even this final estimate of just under 7,000 persons is likely to be an overestimate. We have not taken into consideration that some small number of these persons will not meet residency requirements or that some small number may be mentally incompetent. Further, we have not considered that those persons without photo ID may be disproportionately likely to be non-citizens or disenfranchised felons, or may have even lower turnout rates than the lowest quintile of family income earners. In addition, some fraction of these persons will already possess a military ID, passport, or some other government-issued photo ID (which are not accounted for in the DOR figures) and would not require any additional identification in order to vote.

Further, approximately 13.5% of Missourians are over age 65;⁴ in 2006, persons age 65 and older may cast a provisional ballot without a photo ID. Therefore, as many as 941 persons (13.5% of 6,969) may feel no urgent need to obtain a new photo ID; this leaves about 6,028 persons who may be expected to desire a photo ID.

² <http://elections.gmu.edu/>

³ Authors' calculation from Highton, Benjamin (2005). "Self-reported versus proxy-reported turnout in the Current Population Survey," *Public Opinion Quarterly*, 69(1): 113-123; also, Wilson, James Q. and John J. Dilulio (2004). *American Government*. Houghton-Mifflin (Boston: MA).

⁴ Census 2000 Summary File 1 (SF 1) 100-Percent Data

Given this analysis, and adding back the DOR estimate of 2,077 persons who are residents under chapter 198 and may apply for a photo ID, we conclude that an upper-bound estimate for the number of persons who are eligible and may choose to obtain a new photo ID is 8,105 persons.

Recent news reports suggest that 1,400 persons have already received photo ID's from the DOR.⁵ Given that this rate may increase as the election draws closer, the running count to date is reasonably in line with our estimate --- and stands in stark contrast to claims that hundreds of thousands of voters will need to obtain a photo ID. Such claims appear to be without a sound foundation.

2. Review of the Scholarly Literature

There are no systematic statistical studies of the effects of photo ID requirements for voting. This is despite the fact that most other countries both require such identification and experience higher rates of turnout than seen in the U.S. Comparative studies of voter turnout across countries focus on voter registration, the frequency of elections, non-compulsory voting, and single-member districts (as opposed to proportional representation) as reasons that turnout in the U.S. is low relative to other developed democracies.⁶ The fact that such cross country studies do not even entertain the possibility that photo ID requirements reduce turnout is itself informative about the opinion of the profession regarding the likely unimportance of such laws for turnout.

There are many studies that analyze the effects of other voting institutions on turnout. In general this literature finds modest effects of post-registration laws (*e.g.*, time off work for voting, polls open early or late, mailing sample ballots, etc.).⁷ This is because voter registration is a relatively higher hurdle for most persons; adding or removing some marginal costs of voting beyond registration has virtually no observable effect on turnout.

Several studies find some negative effect of voter registration laws; however, a well-known study published in the lead journal of the American Political Science Association casts serious doubt on such claims, even arguing that: "what was thought to be a fact, namely that poorly educated persons are more deterred from voting by registration laws than well-educated persons, is not a fact."⁸ Further, recent work shows "even the most dramatic easing of voter registration costs" has only modest effects on number of voters and improvement in turnout among lower socioeconomic status groups.⁹

⁵ The *Dexter Daily Statesman*, viewed on August 30, 2006
<http://www.dailystatesman.com/story/1165550.html>.

⁶ Powell, G. Bingham, Jr. (1986). "American Voter Turnout in Comparative Perspective." *American Political Science Review* 80: 17-44; and Blais, Andre (2006). "What Affects Voter Turnout?" *Annual Review of Political Science*, 9: 111-125.

⁷ Primo, David, Matthew L. Jacobsmeier and Jeffrey Milyo (forthcoming). "Estimating the Effects of State Policies and Institutions with Mixed Level Data," *State Politics and Policy Quarterly*.

⁸ Nagler, Jonathan (1991). "The Effect of Registration Laws and Education on U.S. Voter Turnout," *American Political Science Review*, 85(4): 1393-1405.

⁹ Brians, Craig L. and Bernard Grofman (2001). "Election Day's Registration Effects on U. S. Voter Turnout," *Social Science Quarterly*, 82:170-183.

In addition, empirical studies generally show only very modest influence of voter turnout on election results. Even under the most extreme assumptions (e.g. if *everyone* voted), increased turnout would rarely affect the outcome of an election.¹⁰

In fact, scholars of American politics generally agree that voter turnout is determined largely by idiosyncratic factors, such as an individual's intrinsic value of voting (*i.e.*, does the individual feel a duty to vote).¹¹ For this reason, factors that influence trust and confidence in the integrity of the electoral process are generally thought to be important determinants of an individual's decision to vote.¹² Influential evidence on the importance of the intrinsic value of voting comes from field experiments in which individuals receive reminders about their civic duty to vote; the treatment effect of mailings and personal canvassing significantly increases voter turnout.¹³ Finally, while there is some debate, the best evidence suggests that negative advertising reduces voter turnout, primarily because of its detrimental effect on public trust in the political process.¹⁴

The evidence that public trust in the integrity of the electoral process strongly suggests that concerns about voter fraud may reduce voter turnout. There is broad agreement that there have been problems with voter fraud in Missouri, particularly St. Louis City. The extent of the problem has been the focus of testimony in both Washington and Jefferson City, and has been discussed in the academic literature.¹⁵ Furthermore, courts in Missouri have recognized the nature of this problem. In its decision in *Missouri, ex. rel. Bush-Cheney 2000 Inc. v Baker* the Missouri Court of Appeals held that “[c]ourts should not hesitate to vigorously enforce the election laws so that every properly registered voter has the opportunity to vote. But equal vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted” (34 S.W. 3d 410, 413 [2000]).

Public opinion polls – both nationally and in Missouri – have consistently shown that a) a significant percentage of Americans lack confidence in the election process; and b) there

¹⁰Citrin, Jack, Eric Schickler, and John Sides (2003). “What if Everyone Voted?” *American Journal of Political Science* 47:75-90; Highton, Benjamin and Raymond Wolfinger (2001). “The Political Implications of Higher Turnout,” *British Journal of Political Science*, 31179-192.

¹¹Matsusaka, John and Filip Palda (1999). “Voter Turnout: How Much Can We Explain?” *Public Choice* 98: 431-446.

¹²Putnam, Robert (2000). *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster; Primo, David and Jeffrey Milyo (2006). “Campaign Finance Law and Political Efficacy: Evidence from the States,” *Election Law Journal*, 5(1): 23-39.

¹³Gerber, Alan and Donald Green (2000). “The Effects of Canvassing, Telephone Calls and Direct Mail on Voter Turnout: A Field Experiment,” *American Political Science Review*, 94(3): 653-663; Gerber, Alan and Donald Green (2000). “The Effect of a Non-Partisan Get-Out-the-Vote Drive: An Experimental Study of Leafletting,” *Journal of Politics*, 62(3): 846-857.

¹⁴Ansolabehere, Stephen D., Shanto Iyengar, and Adam Simon (1999). “Replicating Experiments Using Aggregate and Survey Data: The Case of Negative Advertising and Turnout” *American Political Science Review*, 93: 901-909.

¹⁵See Kropf, Martha. N.D. “Dogs and Dead People: Incremental Election Reform in Missouri,” manuscript, University of Missouri-Kansas City; see also Ruda, Gabriella B. (2003-2004). “Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act.” *Fordham Urban Law Journal* 31:235-259.

is widespread public support, across demographic and partisan divides, for the use of photo identification at polling places.¹⁶ Such findings have been reconfirmed recently by a survey by Rasmussen Poll, a copy of which is attached as Appendix C.

Relevant excerpts from the Rasmussen poll follow:

“A plurality of voters in each of 32 states agree that the political system in the U.S. is ‘badly broken.’ Percentages range from a high of 63% in Vermont to 47% in Nebraska, but all point in the same direction.”

“An earlier, national, survey found that just 48% of American adults believe that elections are generally fair to voters. That number has been fairly consistent since we began polling on the topic in the mid-90s.”

“There was little geographic difference on the question of whether individuals should be required to present photo identification (such as a driver’s license) when they go to the polls. Support for this approach ranged from 60% in Vermont to 92% in Florida....Maine was the only other state to register below the 73% level of support for requiring photo ID’s.”

“Discussions of voter fraud sometime revolve around assumptions of voter suppression—people who should be allowed to vote but are prevented from doing so. Other times, people express concern that people vote who are not eligible. In eighteen states, more voters are concerned to ineligible voters are allowed to cast ballots. In twelve states, more voters are concerned about people prevented from voting.”

“Voters in New York are more likely than in any other state to express a concern about voter suppression. Thirty-four percent (34%) of Empire State voters hold this view.”

“Washington and Arizona are tops when it comes to concerns about ineligible people casting ballots. In Washington, that may be the result of controversies in the election for Governor. In Arizona, it is more likely tied to concerns about illegal immigrants.”

Source: Rasmussen Poll (August 28, 2006); see Appendix C

Finally, a universal photo ID requirement would also obviate selective challenges that might be racially motivated, thereby increasing the equity of the voting experience.

¹⁶ A *Wall Street Journal*/NBC News poll conducted in April 2006 shows 62% of respondents nationwide were “strongly in favor” and 19% “somewhat in favor” of laws requiring “a valid photo identification” to vote. In sharp contrast, a mere 7% of respondents were “mildly” or “strongly opposed.” See online.wsj.com/public/resources/documents/poll20060426.pdf [accessed August 30, 2006].

Among other localities, such challenges have been documented in recent years in Arkansas.¹⁷ Some prominent African-American leaders (such as Andrew Young) have also supported mandatory photo IDs for voting because “‘requiring ID can help poor people’ who otherwise might be even more marginalized by not having one.”¹⁸

3. Report by Dr. John Lott

We have reviewed the report by Dr. Lott from August xx, 2006); we evaluated this work as we would do in the capacity of peer reviewers for a leading journal such as the *Journal of Politics* or the *Journal of Law and Economics*. Overall, we find the quality of the data and statistical analysis to be of the sort appropriate for a top academic journal. In addition, we note that the findings in Dr. Lott’s analysis are consistent with our understanding of the implications of the existing scholarly literature on state institutions, public trust and voter turnout.

¹⁷ See Ruda (2003-2004), p. 251.

¹⁸ Cited in the on-line version of the *Wall Street Journal*; url: <http://www.opinionjournal.com/diary/?id=110008411> (accessed August 30, 2006).

L. MARVIN OVERBY

Curriculum Vitae

Department of Political Science

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ACADEMIC POSITIONS

- Department of Political Science, University of Missouri
Professor, 2004-present; Associate Professor, 2002-2004
- Department of Political Science, University of Mississippi
Associate Professor, 1995-2002 (tenure awarded 1997); Assistant Professor, 1993-1995
Adjunct Appointment, Center for the Study of Southern Culture, 1993-2002
Senior Research Associate and Founding Co-Director, Social Science Research Laboratory,
1994-2002
- Institute of English and American Studies, University of Szeged, Hungary
Laszlo Orszagh Chair (Fulbright Distinguished Lecturer), 2000-2001
- Johns Hopkins University-Nanjing University Center for Chinese and American Studies
Fei Yi-Ming Visiting Professor of Comparative Politics, 1997-1998 and 2005-2006.
- Department of Political Science, Loyola University Chicago
Assistant Professor, 1991-1993; Instructor, 1990-1991

EDUCATION

- Ph.D., University of Oklahoma, Carl Albert Congressional Research and Studies Center, 1991
Inter-University Consortium for Political and Social Research, University of Michigan, 1987
A.B., Davidson College, *cum laude*, Honors in Political Science, 1983

PROFESSIONAL PUBLICATIONS (Refereed Articles)

- Orey, D'Andra, L. Marvin Overby, Barbara J. Walkosz, and Kimberly R. Walker. N.D. "Accounting for Racism: Responses to Political Predicaments in Two States." *State Politics and Policy Quarterly*, forthcoming.
- Overby, L. Marvin and Jay Barth. 2006. "Radio Advertising in American Political Campaigns: The Persistence, Importance, and Effects of Narrowcasting." *American Politics Research*, 34: 451-478.
- Overby, L. Marvin and Jay Barth. 2006. "Numeracy About Minority Populations: Americans' Estimations of Local Gay Population Size." *Polity* 38:194-210.
- Overby, L. Marvin. 2006. "Public Opinion Regarding Congressional Leaders: Lessons from the 1996 Elections." *Journal of Legislative Studies* 12:54-75.
- Overby, L. Marvin, Robert D. Brown, John M. Bruce, Charles E. Smith, Jr., and John W. Winkle, III. 2005. "Race, Political Empowerment, and Minority Perceptions of Judicial Fairness." *Social Science Quarterly* 86:444-462.
- Prince, David W. and L. Marvin Overby. 2005. "Legislative Organization Theory and Committee Preference Outliers in State Senates." *State Politics and Policy Quarterly* 5:68-87.
- Overby, L. Marvin, Robert D. Brown, John M. Bruce, Charles E. Smith, Jr., and John W. Winkle, III. 2004. "Justice in Black and White: Race, Perceptions of Fairness, and Diffuse Support for the Judicial System in a Southern State." *Justice System Journal* 25:159-181.
- Overby, L. Marvin and Lauren C. Bell. 2004. "Rational Behavior or the Norm of Cooperation?: Filibuster Behavior Among Retiring Senators." *The Journal of Politics* 66:906-924.

- Overby, L. Marvin, Thomas A. Kazee, and David W. Prince. 2004. "Committee Outliers in State Legislatures." *Legislative Studies Quarterly* 29:81-107.
- Barth, Jay and L. Marvin Overby. 2003. "Are Gay Men and Lesbians in the South the New 'Threat?': Regional Comparison of the Contact Theory." *Politics and Policy* 31:452-470.
- Overby, L. Marvin and Robert D. Brown. 2002. "Race, Redistricting, and Re-election: The Fate of White Incumbent Democrats in the 1994 Congressional Elections." *American Review of Politics* 23:337-353.
- Overby, L. Marvin and Jay Barth. 2002. "Contact, Community Context, and Public Attitudes Toward Gay Men and Lesbians." *Polity* 34:433-456.
- Overby, L. Marvin and Thomas A. Kazee. 2000. "Outlying Committees in the Statehouse: An Examination of the Prevalence of Committee Outliers in State Legislatures." *The Journal of Politics* 62: 701-728.
- Smith, Charles E., Jr., Robert D. Brown, John M. Bruce, and L. Marvin Overby. 1999. "Partisan Preferences in Two Institutional Dimensions, Policy Balancing, and Voting for Congress in the 1996 National Elections." *American Journal of Political Science* 43:737-764.
- Overby, L. Marvin, Ray Tatalovich, and Donley T. Studlar. 1998. "Party and Free Votes in Canada: Abortion in the House of Commons." *Party Politics* 4:381-392.
- Brown, Robert D., Jennifer M. Davis, L. Marvin Overby, Charles E. Smith, Jr., and David R. Holian. 1997. "The Dynamics of Committee Outliers: Evidence from the House of Representatives, 1951-1990." *Journal of Legislative Studies* 3: 70-88.
- Overby, L. Marvin and Robert D. Brown. 1997. "Re-election Constituencies and the Politics of Supreme Court Confirmation Votes." *American Politics Quarterly* 25:168-178.
- Overby, L. Marvin. 1996. "Free Voting in a Provincial Parliament: The Case of 'Same-Sex' Legislation in Ontario, 1994." *Journal of Legislative Studies* 2:172-183.
- Overby, L. Marvin and Kenneth M. Cosgrove. 1996. "Unintended Consequences?: Racial Redistricting and the Representation of Minority Interests." *The Journal of Politics* 58:540-550.
- Overby, L. Marvin. 1994. "The Senate and Justice Thomas: A Note on Ideology, Race, and Constituent Pressures." *Congress and the Presidency* 21:131-136.
- Overby, L. Marvin, Beth M. Henschen, Julie Strauss, and Michael H. Walsh. 1994. "African-American Constituents and Supreme Court Nominees: An Examination of the Senate Confirmation of Thurgood Marshall." *Political Research Quarterly* 47:839-855.
- Overby, L. Marvin and Beth M. Henschen. 1994. "Race Trumps Gender?: Women, African Americans, and the Senate Confirmation of Justice Clarence Thomas." *American Politics Quarterly* 22:62-73.
- Overby, L. Marvin and Gary W. Copeland. 1993. "Legislative Socialization and Interbranch Rivalry: Consequences of Divided Party Government." *Congress and the Presidency* 20:119-129.
- Overby, L. Marvin. 1993. "Political Amateurism, Legislative Inexperience, and Incumbency Behavior: Southern Republican Senators, 1980-1986." *Polity* 25:401-420.
- Overby, L. Marvin, Beth M. Henschen, Michael H. Walsh, and Julie Strauss. 1992. "Courting Constituents?: An Analysis of the Senate Confirmation Vote on Justice Clarence Thomas." *American Political Science Review* 86:997-1003.
- Overby, L. Marvin. 1992. "Apportionment, Politics, and Political Science: A Response to Kromkowski and Kromkowski." *Polity* 24:483-494.
- Overby, L. Marvin and Sarah Ritchie. 1991. "Mobilized Masses and Strategic Opponents: A Resource Mobilization Analysis of the Nuclear Freeze and Clean Air Movements." *Western Political Quarterly* 44:329-351.
- Overby, L. Marvin. 1991. "Assessing Constituency Influence: Congressional Voting on

- the Nuclear Freeze, 1982-1983." *Legislative Studies Quarterly* 16:297-312.
- Overby, L. Marvin. 1990. "Inputs and Outcomes of West European Peace Movements: An Application of Kitschelt's Political Opportunity Structures Thesis." *West European Politics* 13(1):1-11.
- Overby, L. Marvin. 1988. "Alexis de Tocqueville on the Political Dimensions of Democratic Literature." *The Mid-American Journal of Politics* 3(1):54-71.

PROFESSIONAL PUBLICATIONS (Books, Chapters, Other)

- Overby, L. Marvin. 1995. "Garret FitzGerald." In *Political Leaders of Contemporary Western Europe*, ed. David Wilsford. New York: Greenwood Press.
- Layzell, Anne C. and L. Marvin Overby. 1994. "Biding Their Time in the Illinois 9th." *Who Runs for Congress?: Ambition, Context, and Candidate Emergence*, ed. Thomas A. Kazee. Washington: CQ Press.
- Burns, James MacGregor with L. Marvin Overby. 1990. *Cobblestone Leadership: Majority Rule, Minority Power*. Norman, OK: University of Oklahoma Press.
- Overby, L. Marvin and Rankin Coble. 1984. "The Strengths and Weaknesses of Boards, Commissions, and Councils." In *Boards, Commissions, and Councils in the Executive Branch of North Carolina State Government*. Raleigh, N.C.: North Carolina Center for Public Policy Research.

WORKS IN PROGRESS

- Orey, D'Andra, L. Marvin Overby, and Christopher W. Larimer. N.D. "African-American Committee Chairs in American State Legislatures." Under "revise and resubmit" at *Social Science Quarterly*.
- Ang, Adrian U-Jin and L. Marvin Overby. N.D. "Retirements, Retentions, and the Balance of Partisan Power in Contemporary Congressional Politics." Under first review at *Journal of Legislative Studies*.
- Overby, L. Marvin. N.D. "Some Things Ya'll Need to Know: Teaching Southern Politics at Home and Abroad." Under first review at *Journal of Political Science Education*.
- Overby, L. Marvin and Harvey D. Palmer. N.D. "Investigating Heterogeneity in the Impact of Black Political Empowerment." Under first review at the *Journal of Politics*.
- Barth, Jay and L. Marvin Overby. N.D. "Narrowcasting: Radio Advertising in American Political Campaigns." Manuscript being prepared for probable submission to *Political Communication*.
- Overby, L. Marvin and Jay Barth. N.D. "The Medium and the Media Matter: Assessing Campaign Ads with Panel Data." Manuscript being prepared for probable submission to *Political Communication*.
- Orey, D'Andra, L. Marvin Overby, and Pete Hatemi. N.D. "White Support for Recent Racial Referenda in the Deep South." Manuscript being prepared for probable submission to the *Journal of Politics*.
- Overby, L. Marvin and John R. Petrocik. N.D. "Uncertain Terms: Preliminary Empirical Assessments of the Effects of Term Limits on Party Polarization in the American Statehouse." Manuscript.

TEACHING RELATED PUBLICATIONS

- Auger, Vincent A. and L. Marvin Overby. 2005. "Teaching and Learning in Nanjing: Community, Communities, and Politics in an Overseas Program." 1:233-247.
- Dow, Jay, Sean Nicholson-Crotty, and L. Marvin Overby, editors. 2005. *University of Missouri Readings in American Government*. Boston: Houghton Mifflin Company.

CONFERENCE PRESENTATIONS

- Ang, Adrian and L. Marvin Overby. 2006. "Retirements, Retentions, and the Balance of Power in

- Contemporary Congressional Politics." Paper accepted for presentation at the annual meeting of the American Political Science Association.
- Drury, A. Cooper, L. Marvin Overby, Adrian Ang, and Yitan Li. 2006. "Pretty Prudent or Swayed by Rhetoric: The American Public's Support for Military Action." Paper presented at the annual meeting of the International Studies Association.
- Keiser, Lael, L. Marvin Overby, Kenneth J. Meier, and Daniel Hawes. 2005. "Gender, Race, and the Theory of Representative Bureaucracy." Presented at the annual meeting of the Midwest Political Science Association.
- Bough, Brian and L. Marvin Overby. 2005. "Partisanship or Protection: Examining the King of the Hill Rule." Presented at the annual meeting of the Midwest Political Science Association.
- L. Marvin Overby and Jay Barth. 2005. "Radio Advertising in American Political Campaigns." Presented at the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin and Lauren C. Bell. 2004. "Filibusters and Filibusterers in the Contemporary Senate: An Examination of the Dynamics and Individual-Level Correlates of 'Extended Debate,' 1975-2002." Presented at the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Jay Barth. 2004. "Numeracy About Minority Populations: Americans' Estimations of *Local* Gay Population Size." Presented at the 27th Annual Scientific Meeting of the International Society of Political Psychology, Lund, Sweden.
- Overby, L. Marvin, Robert D. Brown, John M. Bruce, Charles E. Smith, Jr., and John W. Winkle, III. 2004. "Race, Political Empowerment, and Minority Perceptions of Judicial Fairness." Presented at the annual meeting of the Southwestern Political Science Association.
- Orey, D'Andra B. and L. Marvin Overby. 2004. "African-American Committee Chairs in American State Legislatures." Presented at the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin and Harvey D. Palmer. 2003. "Investigating Heterogeneity in the Impact of Black Empowerment on Participation." Presented at the annual meeting of the Southwestern Political Science Association.
- Overby, L. Marvin and Jay Barth. 2003. "Narrowcasting: Radio Advertising in American Political Campaigns." Presented at the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin and Lauren Cohen Bell. 2002. "Leaders and Followers in the U.S. Senate: Rational Behavior or the Norm of Reciprocity?" Presented at the annual meeting of the American Political Science Association.
- Prince, David W. and L. Marvin Overby. 2002. "Explaining Committee Outliers in State Senates." Presented at the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin, Thomas A. Kazee, and David W. Prince. 2001. "Committee Composition in State Legislatures: An Examination of the Causes of Committee Outliers." Presented at the annual meeting of the American Political Science Association.
- Overby, L. Marvin, Thomas A. Kazee, and David W. Prince. 2000. "Committee Outliers in State Legislatures." Presented at the annual meeting of the Midwest Political Science Association.
- Winkle, John W., III, L. Marvin Overby, Robert D. Brown, John M. Bruce, and Charles E. Smith, Jr. 2000. "Race, Representation, and Racial Empowerment: An Examination of the Mississippi Judicial System." Presented at the Citadel Symposium on Southern Politics.
- Overby, L. Marvin. 1999. "The Etiology and Implications of Public Support for Congressional Leaders." Presented at the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin, Robert D. Brown, John M. Bruce, and Charles E. Smith, Jr. 1999. "Policy Balancing in 1996: Who are the Balancers?" Presented at the annual meeting of the Midwest Political Science Association.
- Barth, Jay and L. Marvin Overby. 1998. "Are Gay Men and Lesbians in the South the New Threat?: Regional Comparison of the Contact Theory." Presented at the Citadel Symposium on Southern Politics.

- Auger, Vincent A. and L. Marvin Overby. 1998. "Teaching and Learning in Nanjing: Community, Communities, and Politics in an Overseas Program." Presented at the annual meeting of the American Political Science Association.
- Bruce, John M., Robert D. Brown, L. Marvin Overby, and Charles E. Smith, Jr. 1997. "Ticket-Splitting, Divided Government, and the 1996 Presidential Election." Presented at the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Thomas A. Kazee. 1997. "Outlying Committees in the Statehouse: An Examination of the Prevalence of Committee Outliers in State Legislatures." Presented at the annual meeting of the American Political Science Association.
- Barth, Jay and L. Marvin Overby. 1997. "Contact, Context, and Citizen Attitudes Toward Gay Men and Lesbians: Results from a Recent National Survey." Presented at the 20th Annual Scientific Meeting of the International Society of Political Psychology, Krakow, Poland.
- Overby, L. Marvin, Charles E. Smith, Jr., John M. Bruce, Robert D. Brown, and John W. Winkle, III. 1997. "Justice in Black and White: Race, Perceptions of Justice, and Diffuse Support for the Judicial System in an American State." Presented at the annual meeting of the Midwest Political Science Association.
- Hetland, Gary, Christopher D. Martin, and L. Marvin Overby. 1996. "Retirements, Retention, and Realignment: Voluntary Congressional Departures and the Pace of Partisan Change in the Post-War South." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin and Sarah Ritchie. 1996. "Racial Redistricting and the Representation of Minority Interests: Evidence from Two State Legislatures." Presented to the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Sarah Ritchie. 1995. "Symbolic vs. Substantive Representation?: Racial Redistricting in the Mississippi State Legislature." Presented to the annual meeting of the Southern Political Science Association.
- Brown, Robert D. and L. Marvin Overby. 1995. "Race, Redistricting, and Re-election: The Fate of White Incumbent Democrats in the 1994 Congressional Elections." Presented to the annual meeting of the American Political Science Association.
- Overby, L. Marvin. 1995. "Free Voting in a Provincial Parliament: The Case of 'Same-Sex' Legislation in Ontario, 1994." Presented to the annual meeting of the Canadian Political Science Association.
- Overby, L. Marvin and Leonardo Valdes. 1995. "Parties and Partisanship in Contemporary North America." Presented to the Conference on "Los Sistemas politicos de America del Norte, hoy: Desafios y convergencias," Universidad Nacional Autonoma de Mexico, Mexico City.
- Overby, L. Marvin and Robert D. Brown. 1995. "Electoral Coalitions and the Politics of Supreme Court Confirmation Votes: Re-election Constituencies and the Senate Vote on Justice Clarence Thomas." Presented to the annual meeting of the Midwest Political Science Association.
- Fisher, Samuel, III, L. Marvin Overby, and Richard Vengroff. 1994. "The 1994 Quebec Provincial Elections: Party Realignment, Independence Referendum, or More of the Same?" Presented to the meeting of the American Council for Quebec Studies.
- Overby, L. Marvin, Robert D. Brown, Jennifer M. Davis, Charles E. Smith, and David B. Holian. 1994. "The Prevalence and Dynamics of Outlier Committees in the U.S. Congress: 1951-1990." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin and Kenneth M. Cosgrove. 1994. "Unintended Consequences?: Racial Redistricting and the Representation of Minority Interests." Presented to the annual meeting of the American Political Science Association.
- Holian, David B., Robert D. Brown, L. Marvin Overby, and Charles E. Smith, Jr. 1994. "Committees as Preference Outliers: When is a Difference a Difference?." Presented to the annual meeting of the Midwest Political Science Association.

- Overby, L. Marvin and Kenneth M. Johnson. 1993. "Senior Citizens and Constituency Clout." Presented to the annual meeting of the American Political Science Association.
- Tatalovich, Raymond, L. Marvin Overby, and Donley T. Studlar. 1993. "Patterns of Abortion Voting in the Canadian House of Commons." Presented to the annual meeting of the Canadian Political Science Association.
- Overby, L. Marvin, Todd Lough, and Anne C. Layzell. 1993. "Follow the Bouncing Checks: Correlates and Consequences of the 1992 House Banking Scandal." Presented to the annual meeting of the Southwestern Political Science Association.
- Overby, L. Marvin. 1992. "Inexperienced Amateurs, Vulnerable Incumbents, and Political Change: Southern Republicans in the House of Representatives, 1946-1990." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin, Beth M. Henschen, Julie Strauss, and Michael H. Walsh. 1992. "African-American Constituents and Supreme Court Nominees: An Examination of the Confirmations of Thurgood Marshall and Clarence Thomas." Presented to the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Timothy B. Krebs. 1992. "Excuses, Excuses: Congressional Adjournment Dates and Incumbent Return Rates, 1946-1990." Presented to the annual meeting of the Midwest Political Science Association.
- Frendreis, John P. and L. Marvin Overby. 1992. "Reversal of Fortune: The Rise and Fall of the Southern Republican Senate Class of 1980." Presented to the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin. 1991. "Political Amateurism, Legislative Inexperience, and Incumbency Behavior: Southern Republican Senators, 1980-1986." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin and Sarah Ritchie. 1990. "Mobilized Masses and Strategic Opponents: A Resource Mobilization Analysis of the Clean Air and Nuclear Freeze Movements and Their Opponents." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin. 1989. "Inputs and Outcomes of Western Peace Movements: An Application of Kitschelt's Political Opportunities Structures Thesis." Presented to the fourteenth annual European Studies Conference, University of Nebraska-Omaha.
- Overby, L. Marvin. 1989. "The Politics of Parochialism: Southern Senators and the Southern Democracy in the 1980s." Presented to the annual meeting of the American Political Science Association.
- Overby, L. Marvin and Sarah Ritchie. 1989. "Mobilized Masses and Strategic Opponents: A Reassessment of Policy-Making in the Wake of the Clean Air and Nuclear Freeze Movements." Presented to the annual meeting of the Midwest Political Science Association.
- Overby, L. Marvin. 1989. "Assessing Constituency Influence: A Loglinear Model of Congressional Voting on the Nuclear Freeze, 1982-1983." Presented to the annual meeting of the Southwestern Political Science Association.
- Overby, L. Marvin and Kenneth M. Cosgrove. 1988. "A Clash of Conceptions: Democratic Theories and the Ongoing Struggle for Northern Ireland." Presented to the annual meeting of the Western Political Science Association.
- Overby, L. Marvin. 1987. "'Our Peculiar Defects': Tocqueville on the Literature of Democracies." Presented to the annual meeting of the Southern Political Science Association.
- Overby, L. Marvin. 1987. "Implementing the New Federalism: Lessons from the Environmental Protection Agency's National Municipal Policy, 1984-1985." Presented to the fifth Student Pugwash USA International Conference, Stanford University.
- Overby, L. Marvin. 1987. "Politics and Integration: The Case of the Central American Common Market." Presented to the annual meeting of the Institute of Latin American Studies Student Association, University of Texas-Austin.
- Copeland, Gary W. and L. Marvin Overby. 1987. "Legislative Socialization and Inter-Branch Rivalry:

An Empirical Assessment of the Carter and Reagan Presidencies." Presented to the annual meeting of the Southwestern Political Science Association.
Overby, L. Marvin. 1986. "The Politicization of Principle: The Nuclear Freeze Movement in Congress, 1982-1983." Presented to the annual meeting of the Southern Political Science Association.

SELECTED PROFESSIONAL ACTIVITIES

Vice president and Program Chair, Southwestern Political Science Association, 2003-2004.
Executive Director, Southern Political Science Association, 1999-2001.
Editorial Board, *American Journal of Political Science*, 1998-2001.
Member, Site Selection Committee, Southwestern Social Science Association, 1999-2002.
Chair, Nominations Committee, Southwestern Political Science Association, 1997-1998. Committee member, 1996-1998.
Section Head, "Executives and Legislatures," 1996 Annual Meeting of the Southwestern Political Science Association.
Editor, *Extensions*, a forum for discussion of the Congress published semi-annually by the Carl Albert Center, 1986-1988.

COURSES TAUGHT

Undergraduate: Introductory American Government
 Legislative Process
 Comparative Legislatures
 American Presidency
 Politics of the American South
Graduate: Scope and Method of Political Science
 Seminar in American Legislative Politics
 Seminar in Southern Politics
 Seminar in American Political Institutions

PERSONAL GRANTS and LEAVES

Research Board, University of Missouri System, "The Institutionalization of Colonial and State Legislatures: 1781-1824 The Institutionalization of Colonial and State Legislatures: 1781-1824." 2005-2007. \$13,400. With Jay Dow.
Center for Arts and Humanities, University of Missouri. "Research Travel to Washington, DC, for Archival Work on the History of the Filibuster in the United States Senate." Fall 2004, \$500.
Faculty International Travel Award, "Travel to the Scientific Meeting of the International Society for Political Psychology, Lund, Sweden." Office of Research, University of Missouri, Summer 2004, \$1,500.
Global Scholars Summer Seminar in Russia, International Studies Center, University of Missouri, June 2004.

- Faculty Research Grant, "The Politics of Same-Sex Rights in Canada: An Examination and Analysis of Recent Provincial, Judicial, and Parliamentary Developments," Canadian Studies Program, Government of Canada, Summer 2004, \$7,000.
- Internationalizing the Curriculum Award, International Center, University of Missouri, Fall 2003, \$1,000.
- National Endowment for the Humanities Summer Seminar, "American Constitutionalism in Comparative Perspective," University of Notre Dame, Summer 2003, \$3,700.
- Sabbatical Leave, "The Etiology and Implications of Public Opinion Regarding Congressional Leaders," University of Mississippi, Fall 2001
- Canadian Studies Faculty Enrichment Grant, "Development of a Syllabus for a Course on Canadian Politics," Government of Canada, Summer 1999, \$4,500.
- Faculty Development Grant, "Travel to the Scientific Meeting of the International Society for Political Psychology, Krakow, Poland." College of Liberal Arts, University of Mississippi, Summer 1997, \$800.
- Faculty Research Small Grant, "The Roots of Cooperative Behavior in the U. S. Senate: Rational Choice or the Norm of Reciprocity?" Office of Research, University of Mississippi, Summer 1996, \$1,000.
- Faculty Development Grant, "Travel to the Annual Meeting of the Southwestern Political Science Association," College of Liberal Arts, University of Mississippi, Spring 1996, \$400.
- Faculty Development Grant, "Travel to the Annual Meeting of the Canadian Political Science Association, Montreal, Quebec." College of Liberal Arts, University of Mississippi, Summer 1995, \$425.
- Faculty Research Grant, "Free Voting in Canada: An Examination of the Federal and Selected Provincial Parliaments," Canadian Studies Program, Government of Canada, Summer 1994, \$5,000.
- Faculty Summer Support Grant, "Unintended Consequences: Race-Based Redistricting and the Representation of Minority Interests," Office of Research, University of Mississippi, Summer 1994, \$4,000.
- Partner's Grant, "Purchase of a Laptop PC for Off-Campus Research Activities," Chancellor's Office, University of Mississippi, Spring 1994, \$1,000.
- Paid Leave of Absence, "Inexperienced Amateurs, Vulnerable Incumbents, and Political Change: Southern Republicans in the House of Representatives, 1946-1990," Loyola University Chicago, Spring semester 1994 (declined).
- Summer Research Stipend, "Exploring the Roots of Legislative Committee Strength: An Empirical Test of the 'Ex Post Veto' Hypothesis," Loyola University Chicago, Summer 1993, \$4,000 (declined).
- Research Support Grant, "Inexperienced Amateurs, Vulnerable Incumbents, and Political Change: Southern Republicans in the House of Representatives, 1946-1990," Loyola University Chicago, Summer 1992, \$1,200.
- Research Support Grant, "Excuses, Excuses: Congressional Adjournment Dates and Incumbent Return Rates, 1946-1990," Loyola University Chicago, Summer 1991, \$1,000.
- Thomas J. Watson Fellowship, "The Role of the European Communities in Cross-Border Irish Relations," Thomas J. Watson Foundation, 1983-84, \$10,000.

FUNDED ACTIVITIES and GRANTS (University of Mississippi Social Science Research Laboratory)

- "Mississippi Alliance for Prevention — Evaluation Component," Governor's Office and Mississippi Department of Mental Health, 2001-2004, \$404,000. "Assessment of the Mississippi Pilot Tobacco Program: Teen-Oriented, Anti-Tobacco Media Campaign," Mississippi Department of Health, 1999-2000, \$300,000.
- "Assessment of the Crime and Security Needs of Elderly Mississippians," Mississippi Leadership

- Council on Aging, Spring-Summer 1999, \$31,000.
- "Retirement Community Feasibility Study," City of Aberdeen Chamber of Commerce, Summer - Fall 1997, \$75,000.
- "User Satisfaction Survey for Library Re-Accreditation," John Davis Williams Library, University of Mississippi, Spring 1997, \$750.
- "Survey of Political Science Departments," American Political Science Association, Spring 1997, \$7,500.
- "Coahoma Community College Needs Assessment," Coahoma Community College, Spring 1997, \$24,092.
- "Network Infrastructure Upgrade for the Social Science Research Laboratory," University of Mississippi Associates Grant, Spring 1997, \$7,215.
- "1996 Mississippi Elderly Needs Assessment Study," Mississippi Department of Human Services (coordinated with Dr. JoAnn O'Quin), Spring 1996, \$113,800.
- "Planning and Development District Elderly Needs Assessment," Mississippi Association of Planning and Development Districts, Spring 1996, \$57,400.
- "Public, Student, Teacher, and Staff Perceptions in the Oxford School District," Oxford School District, Spring 1996, \$12,500.
- "Needs Assessment/Marketing Survey for the University of Mississippi's Branch Campuses in Tupelo and Southaven," Chancellor's Office and the Office of Public Relations at the University of Mississippi, and the Ramey Agency, Fall 1995, \$42,300.
- "Public Perceptions of Bias in the Mississippi Courts," the Supreme Court of Mississippi's Committee on Bias in the Courts (in collaboration with Dr. John W. Winkle, III), Fall 1995.
- "Public Attitudes About the Mississippi Judiciary," the Mississippi Judicial Advisory Study Committee (in collaboration with Dr. John W. Winkle, III), Fall 1995, \$25,000.
- "Needs Assessment Survey," Division of Child and Family Services, Mississippi Department of Human Services, Spring 1995, \$16,500.
- "Public Attitudes Towards Sports Gambling," Mississippi Gaming Commission (coordinated with Mississippi State University's Social Science Research Center), Winter 1995, \$7,500.

RECENT INVITED PRESENTATIONS

- Nanjing University, "Black Elite Electoral Success and Public Feelings of Empowerment," December 2005.
- Johns Hopkins University-Nanjing University Center for Chinese and American Studies, "Supreme Court Appointments: Process and Politics," October 2005
- Gaines/Oldham Black Culture Center, University of Missouri, "The Rights of All: Blacks and the U. S. Constitution," October 2004.
- All-China Youth Federation Delegation, Asian Affairs Center, University of Missouri, "Public Opinion in the United States," May 2004
- University of Missouri Working Group on Canadian Studies, "Of Provinces, Parliaments, Parties, and Procedures: The Case of 'Same-Sex' Legislation in Ontario," December 2002.
- Harry F. Byrd Visiting Scholar, James Madison University, "The Rise and Stall of the Republican Party in the South," October 2002.
- Mary Baldwin College, "In a Free Country: Political Parties in the United States," October 2002.
- University of Missouri, "Committee Outliers in State Legislatures: A Counting Of and Accounting for Unrepresentative Committees in the Statehouse," January 2002.
- University of Arkansas, "Minority Empowerment in the South: An Examination of Public Attitudes Toward the Judiciary in Mississippi," January 2002.
- Peter Pazmany Catholic University (Budapest, Hungary), "You Can't Understand One Without the Other: Southern Politics and American Politics in the 20th Century," April 2001.
- Georgia State University, "Committee Outliers in State Legislatures: Data and Observations from a Forty-five State Sample," March 2001.

University of Debrecen (Debrecen, Hungary), "Representation of Minority Interests in the United States: Historical Development and Contemporary Issues," November 2000.
Samford University, "Damned if You Do, Damned if You Don't: Contemporary Congressional Leadership and the Dilemma of Public Opinion," March 2000.
Vanderbilt University, "Outliers in the Statehouse: An Examination of Committee Outliers in American State Legislatures," November 1999.

SELECTED UNIVERSITY SERVICE

University of Missouri

Campus Writing Board, 2004-2007
Committee on Academic Appeals, College of Arts and Science, 2004-2005.
Chair, Lectureship in American Traditions and Values Committee, College of Arts and Sciences, 2003-2004.
Executive Committee, College of Arts and Sciences, 2003-2004, 2006-2009.
Executive Committee, Department of Political Science, 2002-2004, 2004-2006.
Chair, Recruitment Committees, Department of Political Science, 2002-2003, 2003-2004, 2004-2005, 2006-2007.
Multicultural Studies Committee, Office of the Vice Provost for Undergraduate Studies, 2002-2003.

University of Mississippi

Planning Committee, Symposium on the Scientific, Ethical, Legal, and Societal Implications of Stem Cell Research, 2001-2002
Faculty Senate, 1998-2000, 2002.
Chair, Faculty Governance Committee, 2002.
Chair, General Academic Affairs Committee, 1999-2000.
Member, Senate Executive Committee, 1999-2000, 2002.
Housing Judicial Council, 1999-2000.
Committee on Academic Freedom and Faculty Responsibility, 1999-2000.
Academic Discipline Committee, 1998-2000, 2001-2002.
Director of Graduate Studies, Department of Political Science, 1994-1997.

Loyola University Chicago

Graduate Fellowships Committee, Graduate School, 1992-1993.
Graduate Committee, Department of Political Science, 1992-1993.
Faculty Coordinator, Loyola-Catholic University Washington Semester Exchange Program, College of Arts and Science, 1991-1992.

TEACHING AWARDS

Cora Lee Graham Award for Outstanding Teaching of Freshman Students, College of Liberal Arts, University of Mississippi, 1999

GRADUATE HONORS

Carl Albert Fellowship, University of Oklahoma, 1985-1990.
Congressional Fellowship, American Political Science Association, 1988-1989 (Legislative Assistant to Rep. David E. Price, D-N.C.).
Harriet Harvey Memorial Scholarship, University of Oklahoma, 1988-1989.
John H. Leek Memorial Scholarship, Department of Political Science, University of Oklahoma, 1987 and 1988.

Jeffrey Milyo
Associate Professor of Economics and Public Affairs
University of Missouri

ADDRESS

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Phone: (573) 882-7785; Fax: (573) 882-2697
Email: milyoj at missouri dot edu; <http://www.missouri.edu/~milyoj/>

EDUCATION

Stanford University, Ph.D. in Economics with a minor in Business, 1994

University of Connecticut, B.A. and M.A., *summa cum laude*, in Economics, 1986

PROFESSIONAL EMPLOYMENT

University of Missouri, Department of Economics and Truman School of Public Affairs;
Associate Professor, 2004-

University of Chicago, Harris School of Public Policy; Assistant Professor, 2000-04

Tufts University, Department of Economics, Assistant Professor, 1994-2000

AFFILIATIONS

Senior Fellow, Cato Institute, Washington, D.C., 2006-

Research Affiliate, Center for Applied Economics, University of Kansas School of Business,
2006-

Academic Advisor, Center for Competitive Politics, Washington, D.C., 2006-

Center for Health Policy, University of Missouri, 2006-

Joint Center for Poverty Research, University of Chicago; 2000-2004

August 2006

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RESEARCH GRANTS

University of Missouri Research Board, 2005-2006; "The Effects of Social Capital on the Well-Being of Young Adults" (PI; \$20,000)

Robert Wood Johnson, Substance Abuse Policy Research Program, 2004-2005; "Estimating the Effects of Political Contributions on State Alcohol and Tobacco Policies," with Myoung Lee (Co-PI; \$17,500)

Robert Wood Johnson, Substance Abuse Policy Research Program, 2004-2005; "The Effects of State Campaign Finance Reforms on Tax Policy toward Alcohol and Tobacco," with Jeff Kubik and John Moran (PI; \$40,000)

National Science Foundation, 2003-2005; "A Theoretical and Empirical Investigation of the Returns to Legislative Oversight," with Sean Gailmard. (\$181,525; PI)

Cultural Policy Center, University of Chicago, 2003; "Social Capital and Support for the Arts" (PI; \$5,000)

Tufts University, Faculty Research Fund, 1998-1999; "Electoral Effects of Incumbent Wealth" (PI; \$1,000)

HONORS AND AWARDS

Hanna Family Scholar, Center for Applied Economics, University of Kansas, 2006-

Gordon Moore Visiting Scholar, Stanford Institute for Economic Policy Research, Stanford University, July 2006

Gerson-Lehrman Group Scholar, Gerson-Lehrman Group, Washington, D.C., 2005.

Robert Wood Johnson Health Policy Fellow, Institute for Social and Policy Studies, Yale University, 1997-1998

Salvatori Fellow, Heritage Foundation, Washington, D.C., June 1997.

Harvard-MIT Political Economy Fellow, Massachusetts Institute of Technology, 1996-1997

Named one of the best teachers at Tufts University by *Choosing the Right College*, Intercollegiate Studies Institute (Wm. B. Eerdmans Publishing: Grand Rapids, MI), 2000

Named one of the 10 best teachers at Tufts University by *The Primary Source* (an undergraduate student publication), 1996

PUBLICATIONS

JOURNAL ARTICLES:

- (24) "Estimating the Impact of State Policies and Institutions with Mixed-Level Data," with David Primo and Matthew Jacobsmeier; *State Politics and Policy Quarterly* (forthcoming).
- (23) "A Social Science Perspective on Media Bias," with Tim Groseclose; *Critical Review*, 17:3-4: 305-314.
- (22) "Induced Heterogeneity in Trust Experiments," with Lisa Anderson and Jennifer Mellor; *Experimental Economics*, 9:223-235.
- (21) "Campaign Finance Laws and Political Efficacy: Evidence from the States," (2006) with David Primo; *Election Law Journal*, 5(1): 23-39.
- (20) "A Measure of Media Bias," (2005) with Tim Groseclose; *Quarterly Journal of Economics*, 120(4):1191-1237 [lead article].
- (19) "State Social Capital and Individual Health Status," (2005) with Jennifer Mellor; *Journal of Health Politics Policy and Law*, 30(6): 1101-1130.
- (18) "Social Capital and Contributions in a Public Goods Experiment," (2004) with Lisa Anderson and Jennifer Mellor; *American Economic Review (Papers and Proceedings)*, 94(2): 373-376.
- (17) "Individual Health Status and Minority Racial Concentration in U.S. States and Counties," (2004) with Jennifer Mellor; *American Journal of Public Health*, 94(6): 1043-1048.
- (16) "On the Importance of Age-Adjustment Methods in Ecological Studies of Social Determinants of Mortality," (2003) with Jennifer Mellor; *Health Services Research* 38(6.2): 1781-1790.
- (15) "Is Exposure to Income Inequality a Public Health Concern? Lagged Effects of Income Inequality on Individual and Population Health," (2003) with Jennifer Mellor; *Health Services Research* 38(1.1) 137-151.
- (14) "Income Inequality and Health Status in the United States: Evidence from the Current Population Survey," (2002) with Jennifer Mellor; *Journal of Human Resources*, 37(3): 510-539.
- (13) "Income Inequality and Health," (2001) with Jennifer Mellor; *Journal of Policy Analysis and Management*, 20(1): 151-155.

- (12) "Re-Examining the Ecological Association Between Income Inequality and Health," (2001) with Jennifer Mellor; *Journal of Health Politics, Policy and Law*, 26(3): 485-518 [lead article].
- (11) "What Do Candidates Maximize (and Why Should Anyone Care)?" (2001); *Public Choice*, 109(1/2): 119-139.
- (10) "A Problem with Euclidean Preferences in Spatial Models of Politics," (2000); *Economics Letters*, 66(2): 179-182.
- (9) "Logical Deficiencies of Spatial Models: A Constructive Critique," (2000); *Public Choice*, 105(3/4): 273-289.
- (8) "Gender Bias and Selection Bias in House Elections," (2000) with Samantha Schosberg; *Public Choice*, 105(1/2): 41-59.
- (7) "Corporate PAC Campaign Contributions in Perspective," (2000) with Tim Groseclose and David Primo; *Business and Politics*, 2(1): 75-88.
- (6) "Is Income Inequality Bad for Your Health," (2000) with Jennifer Mellor; *Critical Review*, 13(3/4): 359-372.
- (5) "The Effects of Price Advertising on Prices: Evidence from 44 Liquormart," (1999) with Joel Waldfogel; *American Economic Review*, 89(5): 1081-1096. Reprinted in *The Economics of Advertising*. Edited by Kyle Bagwell. Edward Elgar Publishing: London.
- (4) "The Electoral Effects of Incumbent Wealth," (1999) with Tim Groseclose; *The Journal of Law and Economics*, 42(2): 699-722.
- (3) "The Political Economics of Campaign Finance," (1999); *The Independent Review*, 3(4): 537-548.
- (2) "The Economics of Political Campaign Finance: FECA and the Puzzle of the Not Very Greedy Grandfathers," (1997); *Public Choice*, 93: 245-270.
- (1) "Electoral and Financial Effects of Changes in Committee Power: Gramm-Rudman-Hollings, the Tax Reform Act of 1986, and the Money Committees in the House," (1997); *The Journal of Law and Economics*, 40(1): 93-112.

CONTRIBUTIONS TO EDITED VOLUMES:

- (4) "State Campaign Finance Reforms, Competitiveness and Party Advantage in Gubernatorial Elections," (2006) with Tim Groseclose and David Primo; in *The Marketplace of Democracy*. Michael McDonald and John Samples, Editors. (Brookings Institution and Cato Institute: Washington, DC).
- (3) "Campaign Finance," (forthcoming); in the *Concise Encyclopedia of Economics*, 2nd Edition. D. Henderson, Editor. Liberty Press (Indianapolis, IN).
- (2) "Do Liberals Play Nice? The Effects of Political Party and Ideology in Public Goods and Trust Games," (2005), with Lisa Anderson and Jennifer Mellor; in *Advances in Applied Microeconomics: Experimental and Behavioral Economics*. John Morgan, Editor. (JAI Press: Stamford, Connecticut).
- (1) "Reform without Reason: the Scientific Method and Campaign Finance," (2005) with David Primo; in *Taxpayer Financing of Political Campaigns*. John Samples, Ed. Cato Institute: Washington, DC.

COMMENTS, COMMUNICATION AND REVIEWS:

- (6) "On the Use of Age-Adjusted Mortality Rates in Studies of Income Inequality and Population Health," (2002) with Jennifer Mellor; *Journal of Health Politics, Policy and Law*, 27(2): 293-296.
- (5) "Bribes and Fruit Baskets: What Does the Link Between PAC Contributions and Lobbying Mean?" (2002); *Business and Politics*, 4(2): 157-160.
- (4) "Exploring the Relationships Between Income Inequality, Socioeconomic Status, and Health: A Self-Guided Tour?," (2002) with Jennifer Mellor; *International Journal of Epidemiology*, 31(3):685-687
- (3) "Income Distribution, Socioeconomic Status and Self-Rated Health in the United States," (1999); *British Medical Journal*, 318: 1417.
- (2) Review of Brown, Powell and Wilcox, *Serious Money: Fundraising and Contributing in Presidential Nomination Campaigns* (1997), *Political Science Quarterly*, 112(2): 321.
- (1) Review of Alesina and Rosenthal, *Partisan Politics, Divided Government, and the Economy*, (1996), *Journal of Politics*, 58:559-561.

POLICY REPORTS:

- (4) "Public Financing of Campaigns," (2006) Federalist Society for Law and Public Policy Studies (Washington, DC).
- (3) "Social Capital and Support for Public Funding of the Arts," (2004); Cultural Policy Center, University of Chicago.
- (2) "What Does Academic Research Tell Us About the Role of Money in American Politics?" (2002); Federalist Society for Law and Public Policy Studies (Washington, DC).
- (1) "The Electoral Effects of Campaign Spending in House Elections," (1998); Citizens' Research Foundation: Los Angeles.

SELECTED WORKING PAPERS:

- (10) "Inequality and Public Good Provision: An Experimental Analysis," with Lisa Anderson and Jennifer Mellor; under review at *Journal of Socio-Economics* (first revision).
- (9) "A Rational-Choice Formal-Theoretic Argument Against the Existence of Sophisticated Voting in Legislatures," with Tim Groseclose; under review at the *Quarterly Journal of Political Science*.
- (8) "Did the Devil Make Them Do It? The Effects of Religion and Religiosity in Public Goods and Trust Games," with Lisa Anderson and Jennifer Mellor; under review at *Public Choice*.
- (7) "The Effects of State Campaign Finance Laws on Voter Turnout, 1950-2000," with David Primo; under revision.
- (6) "Sex, Power and Money: Market Reaction to a Political Scandal, with Scott Smart.
- (5) "Long-Run Effects of Price Advertising on Prices," with Joel Waldfogel; under revision.
- (4) "Policy Consequences of State Campaign Finance Reforms: Evidence from Excise Taxes on Alcohol and Tobacco," with Jeff Kubik and John Moran.
- (3) "Political Determinants of State Medicaid Generosity," with Reagan Baughman.
- (2) "Political Economics of Legislative Oversight," with Sean Gailmard.
- (1) "An Economic Approach to Social Capital: Lessons from Game Theory and Experimental Economics," with Lisa Anderson and Jennifer Mellor.

INVITED PROFESSIONAL PRESENTATIONS:

1994-95: Public Choice Society, Harvard University, Midwest Political Science Assoc. and MIT

1995-96: Midwest Political Science Assoc., Harvard University, University of Connecticut

1996-97: American Economics Assoc., Public Choice Society, Midwest Political Science Assoc., Institute for Humane Studies, Ohio State University, MIT, Georgia State University.

1997-98: Trinity College, Yale University, Public Choice Society, Midwest Political Science Assoc., Tufts University, American Law and Economics Assoc., Robert Wood Johnson Health Policy Conference and National Bureau of Economic Research Summer Workshop.

1998-99: American Political Science Assoc., George Mason University, William and Mary, Harvard University, Stanford University, Yale University, UC-Berkeley, University of Chicago, Public Choice Society, Bowdoin College, Robert Wood Johnson Health Policy Conference, and National Bureau of Economic Research Summer Workshop.

1999-2000: University of Rochester, University of Delaware, Syracuse University, Carnegie Mellon University, Claremont-McKenna College, American Economics Assoc., University of Chicago and American University.

2000-2001: Dartmouth College, Midwest Political Science Assoc., Public Choice Society and University of Chicago.

2001-2002: American Enterprise Institute, Association for Public Policy Analysis and Management, Midwest Political Science Assoc. and University of Michigan.

2002-2003: American Economics Assoc., Association for Public Policy Analysis and Management, Midwest Political Science Assoc., Naval Postgraduate School and the Public Choice Society.

2003-2004: American Economics Assoc., American Political Science Assoc., Midwest Political Science Assoc., University of Minnesota, University of Missouri, Vanderbilt University, University of Virginia, Williams College and Yale University.

2004-2005: American Economics Assoc., American Political Science Assoc., Brigham Young University, University of Connecticut, and Washington University.

2005-2006: American Economics Association, Cato-Brookings, George Mason University, Midwest Political Science Association, University of Kansas, University of Kentucky, University of Missouri, University of Wisconsin.

MEDIA APPEARANCES

INTERVIEWS AND CITATIONS:

I have been interviewed or cited in connection with my scholarly research and as a policy expert more than 50 times in the major electronic and print media. Most recent electronic media appearances include interview segments on Fox News and MSNBC, and citations to my research on CNN, CSPAN, FOX News, National Public Radio and the *Drudge Report*. Major newspaper and news magazine citations include the *New York Times*, *Washington Post*, *USA Today*, *Chicago Tribune*, *Boston Globe*, *San Francisco Chronicle*, *St. Louis Post Dispatch*, *Detroit News*, the *Rocky Mountain News*, the *Washington Monthly*, the *Investors' Business Daily*, *Business Week*, *National Review*, the *Weekly Standard*, the *Chronicle of Higher Education*, *Human Events* and *The New Criterion*.

OPINION ESSAYS:

- (8) "The High Court, Hoodwinked on Finance Data," (2006) with David Primo; *Roll Call*, June 15.
- (7) "Contribution Limits Silence Missouri Voters," (2006) with John Samples; *Columbia Daily Tribune*, June 13.
- (6) "Clean Elections Offer False Hope," (2005); *Connecticut Post*, February 20: p. B2.
- (5) "The Political Process Works," (2002); *USAToday*, October 2: p. 19A.
- (4) "Not Enough of a Good Thing," (2001); *Chicago Sun Times*, January 26: p. 39.
- (3) "Reform the Debate," (1999); *IntellectualCapital.Com*, September 9-16.
- (2) "Money Walks: Why Campaign Contributions Aren't as Corrupting as You Think," (1997); *Reason*, 29(3): 47-49. Reprinted in *Stand! American Government* (2000). Edited by Denise Scheberle. Coursewise Publishing, Inc.: Madison, WI.
- (1) "Lost Shepard," (1996) with Tim Groseclose; *The American Spectator*, 29(4): 55.

FISCAL ESTIMATE WORKSHEET

Fiscal Note: 4947-01

OVERVIEW-QUESTIONS

Bill No.: SB 1014

[Return to Worksheet](#) (double-click link) For form assistance, press F1 or refer to worksheet instructions.

Agency:	Department of Revenue	Date:	02/10/06
Preparer's Signature:	Brad Brester	Telephone:	573-526-2723
Approval Signature:	Michael Morris	E-Mail:	<u>Brad.Brester@dor.mo.gov</u>

1. Is this legislation federally mandated? Yes No
(If yes, cite specific law, court order or federal regulation.)

2. Does this proposal duplicate any other program? (Specify program and administering agency. Include applicable statutes or regulations.)

No

3. Does this proposal affect any other state agency or political subdivision? If so, which ones?
Yes, Secretary of State's Office

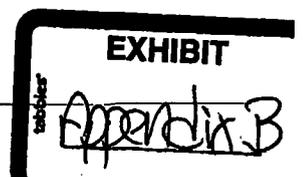
4. Will legislation result in a need for any additional capital improvements or rental space? (Give details for cost, square feet, location, etc.)
No.

5. Are any costs related to this proposal included in your current budget request?
No.

6. Will this legislation have an economic impact on small business?
No.

7. If you are including any costs for information technology (computers, video, communications, bandwidth, SAM II hookups, programming, software, outside

027849



consulting, state data center charges, etc.) in the fiscal note response, have they been reviewed by the Office of Administration - Information Technology Services.

Yes No (If no, why not?)

8. Will this legislation directly affect Total State Revenue? X Yes No

(If yes, explain how.) Yes, see #12

9. Please summarize how this bill would affect your agency.

Section 115.427.7 -

- Requires DOR to issue a nondriver license and waive the fee required under subsection 7 of 302.181 to any applicant who signs an affidavit verifying they do not have any other form of photographic personal identification (nondriver license) that meets subsection 1, which basically requires the document to be issued by the United States or state of Missouri. In addition, DOR must design and provide the affidavit that is required.
- Requires DOR to provide access to a mobile voter processing system to obtain the photograph and signature to produce the nondriver license for individuals that are physically unable to otherwise visit contract offices, because they are residents of facilities licensed under chapter 198, RSMo and they a physician statement to that affect.
- The total cost for processing and issuing any nondriver license photo identification must be paid for by the state through an appropriation to the Department of Revenue.
- Local election authorities may assist the department in issuing nondriver license photo identifications.

10. Long-range implications.

N/A

11. If this is a REVISED Fiscal Estimate Worksheet, please explain reason for revision.

N/A

12. Assumptions and methodology used in arriving at state fiscal impact. (List all references, personnel, and expenses and equipment to be requested by program in the bill. Include specific duties and responsibilities for new employees listed.)

ADMINISTRATIVE IMPACT

Constitutional Amendment 3 (2004) authorizes 3% of highway funds to be used to offset the actual cost to collect such funds by the Department of Revenue.

For purposes of this fiscal note, the department of revenue assumes all costs will be appropriated from the general revenue fund. Through the appropriations process, the general assembly may appropriate the constitutionally permissible highway fund amount to offset the general revenue fund cost shown in this fiscal note.

027850

FISCAL NOTE WORKSHEET

Fiscal Note: 4947-01
Bill Number: SB 1014

Agency: Department of Revenue
Analyst: Brad Brester

Phone: 526-2723

The department assumes that based on the language as written it would affect residents of facilities licensed under chapter 198 and any individual who does not otherwise now have a nondriver license.

41,536	Residents of facilities licensed under chapter 198 who are not likely to be physically able to ambulate to a polling site. <i>(based on statistics from the Department of Health and Senior Services as of January 11, 2006)</i>
<u>x 5%</u>	Estimated number of citizens who are eligible and may apply for a no cost nondriver license
2,077	Estimated annual nondriver licenses applicants

DOR assumes that field coordinators will provide mobile service to individuals that are physically unable to otherwise visit contract offices, because they are residents of facilities licensed under chapter 198, RSMo, who request a nondriver license photo identification and provide a physician's statement to such affect. Based on the estimated volume of applicants the department assumes that current staff levels will be sufficient to provide this service.

The department currently does not have mobile equipment to create a nondriver license; therefore, will incur costs for purchasing cameras and scanners to obtain the photographs and signatures required to produce the nondriver license. The photograph and signature will be electronically transmitted to the central office to create the nondriver license and to be mailed to the resident.

\$ 300 Sony Cyber-Shot 7.2MP
x 14 Field Coordinators
\$4,200

\$ 200 Scanners
x 14 Field Coordinators
\$2,800

Based on the current language as written the number of individuals who currently do not have a photographic personal identification would now be eligible for one at no cost, in addition the language can be interpreted to allow individuals who simply sign the affidavit even though they had or have an acceptable photographic personal identification to now obtain a nondriver at no cost.

The department used the Census for Missouri that showed 4,167,519 individuals 18 or older, then ran a program that indicates there are 3,998,304 individuals currently on the DOR system. Therefore, there are approximately 169,215 individuals who do not have a photographic personal identification.

027851

FISCAL NOTE WORKSHEET

Fiscal Note: 4947-01
Bill Number: SB 1014

Agency: Department of Revenue
Analyst: Brad Brester

Phone: 526-2723

138,063	Estimated number of individuals who do not currently have a photographic personal identification. <i>(based on the census population of individuals 18 and older, compared to the driver license system = 169,215 AND minus 75% of the individuals previously shown that are residents under chapter 198 = 41,536 x 75% = 31,152)</i>
x <u>50%</u>	Estimated number of individuals who will apply for a nondriver license. <i>(based on a four average voter turnout for Missouri)</i>
69,032	Potential nondriver license applicants first year of implementation only

In addition, because the language allows a person to apply for a nondriver license to simply sign an affidavit indicating they do not have a photographic personal identification, applicants who apply for a new, renewal or duplicate nondriver license may do so at no cost.

88,989	Total number of nondriver (new, renewal, duplicate) transactions issued in 2005
x <u>25%</u>	Estimated number of applicants that would utilize the affidavit indicating that they do not have any other form of photographic personal identification; therefore, would be eligible for a nondriver license at no fee
22,247	Estimated annual nondriver license applicants

The department will also incur forms, envelopes and postage cost for printing the license and mailing the license to individuals who are not physically able to ambulate to a polling site. In addition, the department will incur costs for providing an affidavit to individuals applying for nondriver license (no cost).

FY07, FY08 & FY09

2,077

x \$.43 (\$.04 envelope & \$.39 postage, licensing material cost is shown in volume below)
\$ 893

FY07

93,356
x \$1.86
\$173,642

Estimated number of applicants that will apply for a nondriver license
Licensing material

FISCAL NOTE WORKSHEET

**Fiscal Note: 4947-01
Bill Number: SB 1014**

**Agency: Department of Revenue
Analyst: Brad Brester**

Phone: 526-2723

FY08 & FY09

24,324	Estimated number of annual applicants that will apply for a nondriver license
<u>x \$1.86</u>	Licensing material
\$ 45,243	

FY07

91,279	Estimated number of applicants that will require an affidavit
<u>x \$.025</u>	Affidavit
\$ 2,282	

FY08 & FY09

22,247	Estimated number of applicants that will require an affidavit
<u>x \$.025</u>	Affidavit
\$ 556	

REVENUE IMPACT

Because the language requires the nondriver license to be provided by the department to an applicant who signs an affidavit stating that they do not have any other form of photographic personal identification at no cost there will be a potential loss in revenue as indicated below.

This proposal has an emergency clause; therefore, it becomes effective the date the Governor signs the bill. For purposes of this fiscal the revenue decrease is calculated for a full twelve months of FY07.

FY07

2,077	Annual applicants for nondriver license from a chapter 198 residents
69,032	Applicants that have never had a nondriver license the will only apply the first year of implementation
<u>+22,247</u>	Annual applicants for new, renewal or duplicate
93,356	Estimated nondriver license
<u>x \$6</u>	Nondriver license fee
\$560,136	Total potential revenue decrease

FY08 & FY09

2,077	Annual applicants for nondriver license from a chapter 198 residents
<u>+ 22,247</u>	Annual applicants for new, renewal or duplicate
24,324	Estimated nondriver license
<u>x \$6</u>	Nondriver license fee
\$145,944	Total potential revenue decrease

FISCAL NOTE WORKSHEET

Fiscal Note: 4947-01
Bill Number: SB 1014

Agency: Department of Revenue
Analyst: Brad Brester

Phone: 526-2723

Technical Memo

Technical Errors:

The department assumes that all lawful presence requirements will still be required and state funds will not be utilized to obtain those documents.

In addition, if the intent of this proposal is to not require the collection of the processing fee required pursuant to section 136.055, RSMo, language should be added to section 115.427 to clarify that there is no processing fee required.

FISCAL NOTE WORKSHEET

Fiscal Note: 4947-01
Bill Number: SB 1014

Agency: Department of Revenue
Analyst: Brad Brester

Phone: 526-2723

Comment Memo

Comments:

The department assumes that all lawful presence requirements will still be required and state funds will not be utilized to obtain those documents.

In addition, if the intent of this proposal is to not require the collection of the processing fee required pursuant to section 136.055, RSMo, language should be added to section 115.427 to clarify that there is no processing fee required.

RR

Premium Members Only

Thoughts on the Voting System in the United States

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Daily Updates

Bush Job Approval

3-Day

7-Day

Economic--3-Day Tracking

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Economy--Better/Worse

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U.S. in Recession?

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Ratings--U.S. Economy

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Economy--Better/Worse

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U.S. in Recession?

Daily Data Bank

Election 2004 Summary

GOP Generation-2004

Rasmussen Reports Tracking Surveys

500 Interviews per State

Surveys conducted July 17 - August 15, 2006. Click on State for details.

(Question wording below table)

Thoughts on the voting system in the United States											
	Driver's License		English		Eligible prevented		Ineligible allowed		Badly broken		
	Yes	No	Only	Spanish	Yes	No	Yes	No	Yes	No	
AK	81	13	62	34	x	x	x	x	50	32	AK
AL	88	9	70	29	19	53	31	40	56	31	AL
AR	86	10	69	27	18	51	24	41	51	35	AR
AZ	85	11	68	30	20	51	36	33	58	29	AZ
CO	85	9	67	28	18	51	22	41	49	38	CO
FL	92	5	58	39	27	47	32	38	53	34	FL
GA	78	18	70	27	23	55	30	42	53	31	GA
HI	85	10	56	37	26	41	20	47	48	36	HI
IA	78	16	67	30	20	43	18	39	54	34	IA
IL	79	13	62	37	27	47	28	46	50	34	IL
KS	79	14	68	29	15	53	23	40	49	32	KS
MA	84	19	56	42	30	41	24	44	56	30	MA
MD	82	12	54	42	31	42	24	44	57	30	MD
ME	67	24	61	34	27	43	26	41	59	29	ME
MI	78	16	66	32	24	46	26	37	56	32	MI
MN	83	13	58	39	23	51	26	38	53	32	MN
MT	84	11	72	25	19	55	30	35	57	31	MT
NE	81	13	78	19	14	58	23	42	47	35	NE
NJ	74	16	62	34	26	42	22	43	54	32	NJ
NV	87	11	71	28	19	46	33	30	55	34	NV
NY	73	17	52	45	34	37	22	45	61	28	NY
OH	76	18	69	27	28	46	27	40	60	29	OH
PA	78	14	68	30	19	49	26	38	58	30	PA
RI	82	11	64	33	25	38	21	33	55	27	RI
SC	80	16	61	37	28	45	24	44	53	31	SC
TN	83	12	77	21	18	49	30	57	56	28	TN
TX	83	13	58	40	22	49	28	33	48	37	TX
VA	80	14	59	37	28	48	23	40	50	36	VA
VT	60	29	49	47	28	40	17	44	63	24	VT
WA	75	15	63	33	24	48	39	35	55	31	WA
WI	78	17	62	33	26	44	30	34	55	31	WI
WV	78	16	71	26	20	38	25	34	59	27	WV

EXHIBIT

Appendix C

1 Should voters be required to show photo identification such as a drivers license before being allowed to vote?*

2 Should election ballots be printed in English only or should they be printed in English and Spanish?*

3 n most elections, are large numbers of people prevented from voting who should be allowed to vote*

4 Okay... in most elections, are large numbers of people allowed to vote who are not eligible to vote?*

5 Some people say that America's political system is badly broken. Do you agree?*

Rasmussen Reports is an electronic publishing firm specializing in the collection, publication, and distribution of public opinion polling information.

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Scott Rasmussen, president of Rasmussen Reports, has been an independent pollster for more than a decade.

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

John R. Lott, Jr.¹
Department of Economics
SUNY Binghamton
Binghamton, NY 13902

**Revised
August 18, 2006**

Abstract

The results provide some evidence of vote fraud and that regulations that prevent fraud can actually increase the voter participation rate. It is hard to see any evidence that voting regulations differentially harm either minorities, the elderly, or the poor. While this study examines a broad range of voting regulations, it is still too early to evaluate any possible impact of mandatory photo IDs on U.S. elections. What can be said is that the non-photo ID regulations that are already in place have not had the negative impacts that opponents predicted. The evidence provided here also found that campaign finance regulations generally reduced voter turnout.

¹ The Dean's Visiting Professor. Michael Munger and Clark Bensen provided helpful comments. I would like to thank John Matsusaka for providing me with his Initiative and Referendum Institute's Initiatives Database. The data on voter turnout in general elections; the margin of victories by state for presidential, gubernatorial, and US Senate races; and per capita income by county were provided by Clark Bensen.

Introduction

The regulations to ensure the integrity of the voting process can reduce the voter participation rate by making it more costly for people to vote. But to the extent that the regulations provide increase people's confidence that their votes will be properly counted, these regulations can actually encourage more people to vote. The trade-offs are everywhere. For example, absentee ballots make voting much more convenient, increasing the rate at which people vote, but some view them as "notorious" sources of voter fraud.² There has been some bi-partisan support for stricter registration and ID requirements (e.g., the Carter-Baker commission). Generally, Democrats are concerned that stricter rules will discourage voters, while Republicans think that stricter rules are needed to ensure confidence in the voting process.

Almost 100 countries require photo IDs to vote.³ Many directly tie voter registration with provision of an ID and only allow an ID that is specifically issued for voting.⁴ Some also either do not allow or greatly restrict absentee ballots.⁵

For example, all voters in Mexico must present voter IDs, which include not only a photo but also a thumbprint. The IDs themselves are essentially counterfeit-proof, with special holographic images, imbedded security codes, and a magnetic strip with still more security information. As an extra precaution, voters' fingers are dipped in indelible ink to prevent people from voting multiple times.

Mexican voters cannot register by mail — they have to personally go to their registration office and fill out forms for their voter ID. When a voter card is ready three months later, it is not mailed to the voter as it is in the U.S. Rather, the voter must make a second trip to a registration office to pick it up. The 2006 election was the first since the 1991 reforms in which absentee ballots were available, but only for voters who requested one at least six months before the election.⁶

In the U.S. during 2006, three states -- Georgia, Indiana and Missouri -- have adopted regulations requiring that photo IDs be presented before people can vote. Other states are considering following suit, generating heated debate as well as court cases. Some claim that such a requirement would prevent "many people" from voting,⁷ but the evidence so far is scant. The primary evidence presented measures the portions of the population who do not possess driver's licenses (Overton, 2006 and Pawasarat, 2005). National Commission on Electoral Reform (2001, p. 77) claims that about 92 percent of

² Editorial, "Voter Suppression in Missouri," New York Times, August 10, 2006.

³ Building Confidence in U.S. Elections, p. 5.

⁴ Ibid.

⁵ For example, as a result of fraud in their 1988 Presidential election, absentee ballots were not allowed in Mexico until (see Associated Press, "Mexican Senate approves mail-in absentee ballots for Mexicans living abroad," AZcentral.com, April 28, 2005

(<http://www.azcentral.com/specials/special03/articles/0428mexicovote-ON.html>).

⁶ The United Kingdom faced claims of widespread vote fraud from "postal votes" during the 2005 election. Zoe Hughes, "Reform call after postal votes row," The Journal (Newcastle, UK), May 21, 2005, p. 4.

⁷ Editorial, "Voter Suppression in Missouri," New York Times, August 10, 2006.

the voting age population have driver's licenses and that other photo IDs -- such as student IDs, military IDs, employee IDs, and passports -- "probably" only increases this percentage "slightly." Yet, this provides only a very crude measure of whether photo ID requirements will prevent people from voting. Some people without driver's licenses will not vote even when there are no photo ID requirements and others will go out to get a photo ID in order to vote. Just because they don't have a photo ID at some point in time (when they may not have any reason to have such an ID), doesn't imply that they won't get one when they have a good reason to do so.

A better measure of how difficult it is to meet the ID requirement is the percent of registered voters who have driver's licenses (Brace, 2005). But even this measure ignores that people can adjust their behavior and that some of those who currently don't have a photo ID might acquire one once it is required. Others have pointed out that even these estimates are unnecessarily alarmist because the lists of registered voters have not been updated to remove people who have died or moved away, and the statistics thus exaggerate the number of voters who are listed by motor vehicle bureaus as not currently having driver's licenses (Bensen, 2005).

There is also the question of the disparate impact on different groups. Would minorities or the elderly, people who are said to be less able to bear the costs of getting photo IDs be particularly discouraged? The courts, the media, as well as Democratic governors' veto messages have raised concerns over this impact.⁸ Again, the existing evidence involves either comparing the percent of adults with photo IDs or the percent of registered voters with driver's licenses.

There is some evidence from other countries, such as Mexico, that strict anti-fraud regulations have actually been associated with increases in voter turnout.⁹ Nevertheless, it is difficult to measure the effect of mandatory photo IDs in the United States, and for a simple reason: there has only been one primary election in just one state, Indiana, during 2006 using mandatory photo IDs. The Georgia and Missouri mandatory photo ID laws have not yet gone into effect. Florida, Hawaii, Louisiana, Oklahoma, and South Carolina all had non-mandatory photo ID laws by 2004, with South Dakota joining the group by 2006. In these states, people are asked for photo IDs, but if not available, a wide set of options range from providing non-photo IDs to signing a pledge that the voter is who they say that they are. It remains to be seen whether the mere threat of asking for a photo

⁸ Wisconsin Democratic Governor Jim Doyle vetoed attempts at requiring photo IDs for voting three times and argued that "an ID requirement would keep poor people and the elderly who lack identification from the polls" (Associated Press, "Rule allow votes without license," *The Capital Times* (Madison, Wisconsin, August 5, 2006 <http://www.madison.com/tct/mad/topstories//index.php?ntid=93713>). See also Editorial, "Judge Blocks Requirement in Georgia for Voter ID," *New York Times*, July 8, 2006.

⁹ Since the 1991 election reforms in Mexico, there have been three presidential and four congressional elections. In the three presidential elections since the 1991 reforms, 68 percent of eligible citizens have voted, compared to only 59 percent in the three elections prior to the rule changes. However, there is only a very trivial increase for congressional elections. Comparing the four congressional elections prior to the reforms with the four afterwards produces only a one percent increase from 56 to 57 percent. See Klesner (2003) for the turnout data up through the 2003 elections.

ID has any effect on voting behavior. So far no one has investigated the impact of these or other laws on voting participation rates.

Similar concerns that have been raised about regulations requiring non-photo IDs. For example, Tova Andrea Wang with The Century Foundation notes that “Furthermore, for those who do not have the kinds of up-to-date non-photo ID necessary—and many minority and urban voters, for example those who live in multiple family dwellings simply will not—getting identification from the government will present costs and burdens for voters who simply want to exercise their constitutional right to vote.”¹⁰

The general question remains to what extent other restrictions affect the voter participation rate and whether the impacts are different across different groups of voters. In the following sections, I will briefly discuss how to test how voting regulations affect turnout and then provide some empirical evidence.

Voter IDs on Voter Participation Rates

Ensuring integrity of the voting process can either increase or decrease voter participation rates. There is an increased cost to voting, decreasing participation, but the increased integrity of the process can also increase the benefits to people voting. Eliminating fraud can also work to reduce the voter participation rate simply because there will be fewer “false” votes.

These three positions are as follows:

- 1) The Discouraging Voter Hypothesis: With little or no fraud to eliminate, the regulations discourage legitimate voters from voting, this hypothesis predicts that to the extent that regulations have any effect they will reduce the number of people who vote. Critics of stricter regulations argue that minorities, the elderly, and the poor are most affected.
- 2) The Eliminating Fraud Hypothesis: If there is indeed substantial fraud and that the regulations eliminate it, the measured voter participation rate will decline. Votes that shouldn't have been recorded will now no longer be recorded and voter participation will decline.
- 3) The Ensuring Integrity Hypothesis: Greater confidence that the election is fair and that votes will be counted accurately encourages additional voter participation.¹¹ (Similarly, if the regulations reduce confidence, depending on the extent of the

¹⁰ Tova Andrea Wang, “ID and Voting Rights,” The Century Foundation, August 29, 2005 (<http://www.tcf.org/list.asp?type=TN&pubid=1084>).

¹¹ Sherry Swirsky, co-chair of Philadelphia Mayor Ed Rendell's Election Reform Task Force, noted in 1993 that “[But] the obsessive concern with fraud is what depresses voter turnout and registration in Philadelphia. It contributes to this ultimately destructive view that ‘My vote doesn't matter, the whole system is corrupt.’ The *Inquirer* has done a grave disservice to democracy to this city. They have exaggerated the pervasiveness of fraud in elections.” Scott Farnelant, “Dead Men Can Vote: Voting Fraud is alive and well in Philadelphia,” Philadelphia City Paper, October 12-19, 2005 (<http://www.citypaper.net/articles/101295/article009.shtml>).

drop in participation suggested by the two previous hypotheses, this hypothesis of greater participation may be true even if overall voter participation declines.

Any or all of these effects may be occurring at the same time, and the difficult task is how to disentangle the possible effects that voting regulations can have. Both the Discouraging Voter and Eliminating Fraud hypotheses predict that to the extent that voting regulations have any effect, they will reduce the voter participation rate. While the Ensuring Integrity hypothesis may exist even if voter participation declines after the regulations are enacted, it is the only hypothesis that can explain increased voter participation.

Obviously, the simplest test is whether different voting regulations alter voter participation rates. However, as just noted, this test can only disentangle the hypotheses if voter participation increases.

There are two other possible ways of analyzing the data. The first is whether there are systematic differences in who is affected by the voting regulations. Even if the total voting participation rate does not show a statistically significant change, it is possible that certain groups -- such as minorities, the elderly or the poor -- face declines in participation rates and whether such declines occur systematically. In other words, do African-Americans face reductions in voter participation or is it particular random segments of African-Americans that appear to be more related to randomness than to any type of systematic discrimination.

The second and more powerful test is to examine what happens to voter participation rates in those geographic areas where voter fraud is claimed to be occurring. If the laws have a much bigger impact in areas where fraud is said to be occurring, that would provide evidence for the Eliminating Fraud and/or Ensuring Integrity hypotheses. The point would be that the laws per se were not discouraging African-Americans or the elderly or the poor from participating, but that the change in participation in high fraud areas would indicate that any drop was primarily due to eliminating fraudulent votes rather than the general impact of the voting rules on certain types of citizens.

Over the 1996 to 2006 period studied here, there are a range of different regulations that can affect the cost of voting: photo IDs, non-photo IDs, same day registration, registration by mail, pre-election day in poll voting, absentee ballot obtained without requiring an excuse, whether there is a closed primary, provisional ballots, and voting by mail.¹² The existing ID requirements, while not as strict as the mandatory photo IDs recently enacted by Georgia, Indiana and Missouri, may still make it more difficult for some people to vote.

¹² Motor Voter was already adopted nationally prior to the 1996 general election. The timing for these laws were primarily obtained from the Republican National Committee's "Summary of State Voting Laws and Procedures" from November 1996 to July 2006. Electionline.org's Election Reform: What's Changed, What Hasn't and Why 2000-2006 (February 2006). Information on in-person absentee voting was obtained from a Nexis/Lexis search.

Other reforms, such as same day voter registration, absentee ballots without an excuse, and voting by mail, make it easier for people to vote and should increase voter participation rates, but they may also make fraud easier. Same day voter registration makes it more difficult to accurately determine whether people are who they claim to be. Both Democrats and Republicans agree that the problems of vote fraud involve absentee ballots and vote by mail are due to the difficulties in monitoring who ordered them and filled them out.¹³ Election results have been overturned as a result of this type of fraud.¹⁴ The New York Times has editorialized that "If the Legislature really wanted to deter fraud, it would have focused its efforts on absentee ballots, which are a notorious source of election fraud"¹⁵

Likewise, provisional ballots also make voting easier: in theory, they allow voters, who have been the victim of some type of bureaucratic error (where their registration information has been misplaced) to be allowed to vote. Yet, there is the potential for fraud, where provisional ballots are issued to people outside of where they are registered and possibly voting in many different precincts. Some, such as John Fund (2004), claims, "We might have a Florida-style dispute spilling into the courts in several states where the presidential race is close, with one side calling for all provisional ballots to be tabulated ('Count Every Vote') and the other demanding that the law be scrupulously observed."

Again, just as with IDs, all these other rules could either increase or decrease voter participation. For example, lax absentee ballot rules can make it easier for some people to vote, but they can also increase fraud and thus discourage others from participating.

Other factors that determine voter participation rates include the closeness of races, the presence of initiatives and major races on the ballot, and income and demographic characteristics (e.g., Cox and Munger, 1989; Matsusaka, 1992 and 1993; and Gerber and Green, 2002).¹⁶ The closer the races and thus the greater the interest in races, the more

¹³ Signatures are required on these mail-in ballots, but as the bi-partisan National Commission on Election Reform noted "But in fact, for practical reasons, most states do not routinely check signatures either on applications or on returned ballots, just as most states do not verify signatures or require proof of identity at the polls."

¹⁴ "In 1993, a federal judge had to overturn a special state Senate election in which Democratic precinct workers had gone door to door with absentee ballot forms and "helped" voters fill them out." John Fund, "The Voter Integrity Project: How to stop fraud and suppression? Ashcroft showed the way in 2002." *Tuesday, September 30, 2003* (<http://www.opinionjournal.com/diary/?id=110004084>).

¹⁵ Editorial, "Voter Suppression in Missouri," *New York Times*, August 10, 2006.

¹⁶ This paper uses Matsusaka's distinction between initiatives and legislative measures. While I only have data on the initiatives on the ballot, presumably legislative measures matter also, though Matsusaka (1992) finds that initiatives are much more important in explaining voter turnout than are legislative measures. Matsusaka states that an "initiative" is a proposed law or constitutional amendment that has been put on the ballot by citizen petition. By contrast, a "legislative measure" or "legislative referendum" or "legislative proposition" is a proposed law or constitutional amendment that has been put on the ballot by the legislature.

The only variable that I did not follow Cox and Munger specification and use was campaign spending. In part I did this because they were examining turnout for only congressional races in a non-presidential election year. It is not clear how one would distribute presidential campaign spending across counties, especially since presidential campaigns target their expenditures. Given that I am using county level

likely people will be to participate. For the general election data, data has been collected on the absolute percentage point differential between the top two finishers of that state's presidential race as well as for any gubernatorial or U.S. senatorial races. The Initiative and Referendum Institute's Initiatives Database is used to identify the number and types of initiatives that have appeared on general and primary election ballots from 1996 through 2004. Twenty-five different types of initiatives are identified ranging from those on abortion to Veteran Affairs.¹⁷

The Evidence

The data here constitute county level data for general and primary elections. The general election data goes from 1996 to 2004. For the primary election, the data go from 1996 to July 2006 for the Republican and Democratic primaries. However, the data do not go back to 1996 for all states since I relied for the primary data on data supplied by state Secretary of States. Because of this limit on primary data, most of the estimates here will focus on the general election data.

How did these laws impacted voter participation rates? As a first crude measure, I only considered states that had changed their laws over time to compare how the participation rates changed when the laws changed. Obviously this simple comparison ignores that many other factors are changing, but it at least compares only the same states over time. The simple mean voter participation rates, with and without photo IDs, indicate that adopting photo IDs produced a drop in voter participation of 1.5 percentage points, a statistically insignificant change. On the other hand, a similar breakdown for non-photo IDs, absentee ballots with no excuses, provisional ballots, pre-election day in-poll voting, same day registration, registration by mail, and voting by mail all show statistically significant increases in voter participation rates. These other changes are much larger and indicate an increase of at least 4 percentage points. For registration by mail, an increase of 11.5 percentage points. (The raw means for all the data are shown in the

turnout data, similar concerns exist for gubernatorial and senate campaign expenditures. I hope that the margin of victory that I am using for presidential, gubernatorial, and US Senate campaigns as well as county fixed effects will pick up much of what these expenditures would measure. This is partly true if only because the level of expenditures is related to the margin of victory.

¹⁷ The source of the information related to the Voting Age Population and general elections is the master election files of Polidata (www.polidata.org). Polidata compiles election-related information from state and local election officials around the country, year-by-year, on an ongoing basis, but only for general elections. This information includes registration and turnout statistics when available and election results by party by office, by state and county. In cases in which the election officials do not collect, compile or report the actual number of voters who requested ballots, the turnout is determined by the partisan race in the state that generated the highest number of votes. In a handful of cases this turnout may be the result of non-statewide races, such as those for the U.S. House or the State Legislature. There are several projections and estimates for the Voting Age Population, some released before an election and some released long after the election year. The Voting Age Population numbers used here are estimates based upon methodology developed by Polidata reflecting annual state-level estimates of the population released by the Bureau of the Census.

County level data on per capita income were obtained from the Regional Economic Information System (REIS). Nominal values were converted to real values by using the consumer price index. State level unemployment rates were obtained from the Bureau of Labor Statistics. Poverty rate data was obtained from U.S. Department of Commerce.

appendix.)

Table 2 provides the first regression estimates. They are constructed to account for all the different types of voting regulations mentioned earlier; the closeness of presidential, gubernatorial, and U.S. Senate races; geographic and demographic differences; the number and types of voter initiatives; as well as national changes over time in voter participation rates. Six specifications are reported: three each examining the voter participation rate and the natural log of the voter participation rate. While all the estimates account for geographic and year fixed effects, the estimates report different combination of the other control variables. Specifications (1) and (4) examine only the ID requirements as well as the margin of victory for the presidential, gubernatorial, and U.S. Senate races. Specifications (2) and (5) include all the other variables except for information on the topics of individual initiatives. Finally, because of Matsusaka's (1992) evidence -- that the impact of initiatives on voter turnout vary dramatically with the issues that the initiative deals with -- specifications (3) and (6) include all dummy variables indicating the type of initiative being voted on. The regressions were run using ordinary least squares with clustering of counties by state and robust standard errors.

The results indicate only minimal support for the notion that IDs -- whether photo IDs with substitution or non-photo IDs -- reduce voting participation rates. Indeed, most of voting regulations, in the vast majority of estimates, seem to have no statistically significant effects. In only one of the six specifications does requiring non-photo IDs imply a statistically significant effect. In that one case, specification (4) with the most minimal use of control variables, non-photo IDs are associated with a 3.9 percent reduction in voting rates. Accounting for all the other factors in specification (6) drives this estimate down to about 2.2 percent.

Of the other laws, only one, pre-election day voting, is consistently and significantly related to voting rates is, and it implies about a 1.5 to 1.8 percentage point reduction in voting participation from the law. This result is consistent with the Ensuring Integrity Hypothesis. The Discouraging Voter or Eliminating Fraud Hypotheses would imply that pre-election day voting should increase voting participation rates, either because the cost of voting has been reduced or because there is more fraud. The Ensuring Integrity Hypothesis can explain the drop in voting rates because increased fraud discourages others voting. Only one of the laws implies a statistically significant impact and that is only for one specification. In that one specification same day registration implies a 2.4 percentage point increase in voting rates, and that result is consistent with all three hypotheses.

As to the other results, presidential election margins are most important of any of the races in explaining voter turnouts and that holds for all races. Among the initiatives, topics on abortion, animal rights, campaign finance, education, labor reform, and taxes get voters the most excited. By contrast, initiatives on business regulations almost put people to sleep, reducing voter participation by 12 percentage points. Hispanics vote at about a half of a percentage point lower rate than whites.

A few other specifications were also tried. For example, I included state specific time trends and squared values for the winning margins in presidential, gubernatorial, and senate races.¹⁸ The results showed little change from those already presented.

In addition, I also tried using data that I had available up until 2002 on most campaign finance regulations. Proponents of campaign finance regulations worry that the perception of corruption created by campaign donation discourage people from voting.¹⁹ If so, campaign finance regulations should increase voter participation rates. Yet, the results imply that the regulations reduce voter turnout and their inclusion does not change the estimated effects of voting regulations on voter participation shown in specifications (3) and (6) (see Table 3).²⁰ Limits on corporate donations to gubernatorial campaigns, political action committees, or political parties as well as limits on total gubernatorial campaign expenditures all reduce voter participation rates. Limits on these types of campaign expenditures by individuals are very highly correlated with the limits on corporations and unions and drop out of the specifications. Only limits on union donations to political parties are associated with high voter participation rates. Given previous work that campaign finance regulations lower the rate that incumbents are defeated, increase their win margins, and decrease the number of candidates running for office (Lott, 2006), it is not particularly surprising that these regulations also discourage people from voting.²¹

Tables 4 and 5 attempt to see whether the different voter regulations have a differential impact across African-Americans, Hispanics and whites. Table 4 shows the coefficient estimates for percentage of the voting age population represented by each of the races interacted with the various voting regulations. Table 5 examines whether the coefficients for any particular regulation are statistically different between the different races. With two exceptions, it is very difficult to see any differential impact across these racial groups. Voting by mail increases African-Americans' voting rates relative to whites and lowers Hispanics' voting rates relative to whites. Absentee ballots also increase the voting rate of African-Americans relative to Hispanics. But none of the other voting regulations impacts these different races differently.

Table 6 tries a similar breakdown by voter age and again it is difficult to see many significant differences between different age groups. The F-tests shown in the last

¹⁸ See for example Cox and Munger (1989) for analogous specifications involving squared winning margins. I did also try including total county population (given that county size remains constant this will measure density as done by Cox and Munger) as well as the state poverty rate, but including these variables in specifications 3 and 6 did not cause any of the voting regulations to change from being significant to not significant nor cause the reverse to happen. The state level poverty rate will again be discussed later.

¹⁹ Allan Cigler (2004) notes that "But the breakdown of the existing system of campaign finance regulation started to attract the attention of a number of additional interests, particularly foundations and think tanks disturbed by voter cynicism and concerned with the lack of voter participation in elections and the erosion of civic responsibility generally. Enhancing democracy through the lessening of the impact of money in politics was typically the goal of these organizations."

²⁰ See Lott (2006) for a detailed discussion of this data. Using these variables reduces the sample size by 23 percent so they are included separately and were not included in the regressions reported in Table 2.

²¹ Matsusaka (1993), Matsusaka and Palda (1993), and Cox and Munger (1989) have recognized that the impact of campaign finance laws on how competitive races are could either increase or decrease turnout.

column compare age groups from 20 to 29, 30 to 39, 40 to 49, and 50 to 64 year olds with the estimates for 65 to 99 year olds. In all these estimates only the differences between 50 to 64 year olds and 65 to 99 year olds are significantly different from each other and that is true for non-photo IDs, absentee ballots without an excuse, provisional ballots, and pre-election day in-poll voting or in-person absentee voting regulations. But all these results are much more a result of 50 to 64 year olds being different from any of the other age groups than it is that 65 to 99 year olds. There is no evidence that any of these rules impact those over 65 years of age relative to voters from 20 to 50 years of age.

Figures 1 and 2 are a result of a regression that breaks down the estimates by both race, age and gender. The regression that generated these figures corresponded to specification (3) in Table 2 that interacts those factors with just photo ID requirements. Again it is hard to see these regulations as differentially harming either the elderly, African-Americans, Hispanics, or women. In Figure 1, the one standout estimate is African-American females 50 to 64 years of age, a group that shows a big drop in their share of the voting age population from photo IDs. But this contrasts sharply with African-American females who are 40 to 49 and 65 to 99 years of age. It does not appear that there is anything systematic about being either African-American, female or elderly that causes one to be adversely impacted by photo IDs. The estimates in Figure 2 similarly show a random pattern by race and age. Interestingly in this case it is white males between 65 and 99 who appear to be most adversely affected by photo IDs.

To test whether poor people are impacted differently from others by these different voting regulations, I tried interacting the voting regulations shown in specification (3) from Table 2 first by county income and then separately by state level poverty rates. In none of these cases were these coefficients statistically significant and implies that none of the regulations neither adversely affected nor improved poor people's voter participation rates.

Table 7 provides interesting results. The American Center for Voting Rights provides what appears to be the only comprehensive national list of voter fraud "hot spots." Their 2005 report lists six major "hot spots": Cuyahoga County, Ohio; St. Clair County, Illinois; St. Louis County, Missouri; Philadelphia, Pennsylvania; King County, Washington; and Milwaukee County, Wisconsin. Again I started with specification (3) in Table 2 but added in variables that interacted the voting regulations with a dummy variable equaling 1 for these six counties. Table 6 reports just the coefficients from this regression for these interactions and the voting regulations by themselves.

As shown earlier, ID requirements have no significant impact on voting participation rates when all the counties for which they are imposed are examined. However, most telling, non-photo IDs increased voting participation in the "hot spots," supporting the Ensuring Integrity hypothesis. Neither of the other theories can explain why requiring IDs increase voter participation. The same also holds true for increasing the length of the registration deadline: It, too, increases voter turnout despite making voting more difficult. The results for pre-election day in-poll voting also imply that vote fraud is occurring. In general, pre-election day in-poll voting is associated with reduced turnout,

consistent with the Ensuring Integrity hypothesis. The fact that turnout increases in the fraud “hot spots” when pre-election day in-polling is allowed implies that the “hot spots” are exploiting this rule for vote fraud.

Finally, Table 8 provides some simple estimates for U.S. Senate primaries by party.²² The sample here was only a third of the size of the general election estimates. Overall, Democratic primary turnout rates seem to be much more affected by voting regulations than do Republican ones. However, the only results that are related to fraud involve provisional ballots. Both specifications for the Democratic primary produce coefficients that imply the Ensuring Integrity Hypothesis: despite the lower cost of voting from provisional ballots, there is a statistically significant 4.4 percentage point drop in the voting rate. For Republicans the coefficients are of the opposite sign and statistically significant. Thus, the results do not allow us to disentangle the alternative hypotheses.

Conclusion

There is some evidence of vote fraud. Regulations meant to prevent fraud can actually increase the voter participation rate. It is hard to see any evidence that voting regulations differentially harm either minorities, the elderly, or the poor. While this study examines a broad range of voting regulations, it is still too early to evaluate any possible impact of mandatory photo IDs on U.S. elections. What can be said is that the non-photo ID regulations that are already in place have not had the negative impacts that opponents predicted.

One particularly valuable finding is that voting regulations have a different impact on turnout in counties where fraud is alleged to be rampant. These results indicate that while these voting regulations have little impact on turnout generally, certain regulations do significantly impact turnout in these so-called “hot spots.”

Contrary to the claims that campaign finance regulations will encourage voter participation by reducing the perception of political corruption, campaign finance regulations reduced voter participation rates.

Following other recent work showing that campaign finance regulations entrench incumbents, reduce the number of candidates running for office, and increase win margins (all factors associated with less exciting campaigns), these results find that campaign finance regulations usually reduce voter turnout.

²² The county level on votes by U.S. Senate race was obtained by going online at the different Secretary of State websites (<http://www.nass.org/sos/sosflags.html>). Some states only had this data available back to 2000 and others did not have the data available by race at the county level.

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Table 1: Comparing the Average Voter Turnout Rate for States that have When Their Voting Regulations are and are Not in Effect: Examining General Elections from 1996 to 2004

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

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

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

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

Table 2: Explaining the Percent of the Voting Age Population that Voted in General Elections from 1996 to 2004 (The various control variables are listed below, though the results for the county and year fixed effects are not reported. Ordinary least squares was used Absolute t-statistics are shown in parentheses using clustering by state with robust standard errors.)

Control Variables	Endogenous Variables					
	Voting Rate			Ln(Voting Rate)		
	(1)	(2)	(3)	(4)	(5)	(6)
Photo ID (Substitutes allowed)	-0.012 (0.6)	-0.0009 (0.1)	0.0020 (0.2)	-0.0407 (0.9)	-0.0195 (0.5)	-0.0164 (0.4)
Non-photo ID	-0.011(1.50)	-0.010 (1.3)	-0.0050 (0.6)	-0.039 (2.0)	-0.034 (1.62)	-0.0215 (1.0)
Absentee Ballot with No Excuse		0.0015 (0.2)	-0.0002 (0.0)		0.0063 (0.4)	-0.0003 (0.0)
Provisional Ballot		0.0081 (1.4)	0.0076 (1.2)		0.0139 (0.9)	0.0120 (0.7)
Pre-election day in poll voting/in-person absentee voting		-0.0183 (2.4)	-0.0145 (1.7)		-0.0520 (2.8)	-0.0453 (2.2)
Closed Primary		-0.005 (0.8)	-0.0036 (0.5)		-0.0037 (0.2)	0.0047 (0.2)
Vote by mail		0.0167 (1.7)	-0.0145 (0.4)		0.0107 (0.4)	-0.0803 (0.9)
Same day registration		0.0244 (2.0)	0.0221 (1.6)		-0.0004 (0.0)	-0.0093 (0.2)
Registration by mail		-0.002 (0.1)	0.0122 (0.5)		-0.0333 (1.2)	0.0143 (0.3)
Registration Deadline in Days		-0.0003 (0.3)	-0.0005 (0.5)		-0.0006 (0.3)	-0.0013 (0.5)
Number of Initiatives		0.0002 (0.1)	-0.0054 (1.7)		-0.0022 (0.5)	-0.0195 (2.0)
Real Per Capita Income		-8.60E-07 (0.4)	-9.84E-09 (0.0)		-5.30E-06 (1.3)	-3.68E-06 (1.1)
State unemployment rate		-0.0010 (0.2)	0.0003 (0.1)		-0.0067 (0.6)	0.0000 (0.0)
Margin in Presidential Race in State	-0.0011 (2.2)	-0.0010 (2.1)	-0.001 (1.8)	-0.0022 (1.6)	-0.0020 (1.6)	-0.0023 (1.5)
Margin in Gubernatorial Race	-0.0005 (1.6)	-0.0004 (1.3)	-0.0005 (1.7)	-0.0012 (1.2)	-0.0012 (1.3)	-0.0015 (1.4)
Margin in Senate Race	-0.0001(1.0)	-0.0001(0.8)	-0.0001 (0.7)	-0.0001(0.3)	-0.0001 (0.2)	-0.0001 (0.3)
Initiatives by Subject						
Abortion			0.0552 (1.7)			0.1702 (2.3)
Administration of Gov			0.0090 (0.5)			0.0433 (0.9)
Alien Rights			-0.0088 (0.5)			0.0269 (0.7)
Animal Rights			0.0295 (2.6)			0.0922 (3.0)
Bonds			-0.0039 (0.1)			0.0283 (0.3)
Business Regulations			-0.1202 (3.3)			-0.2925 (3.1)
Campaign Finance			0.0205 (1.7)			0.0559 (1.7)
Civil Rights			-0.0031 (0.2)			-0.0120 (0.4)
Death Penalty			(dropped)			(dropped)
Drug policy			0.0082 (0.3)			0.0258 (0.6)
Education			0.0244 (2.0)			0.0589 (1.8)
Election Reform			0.0234 (1.9)			0.0523 (1.3)
Environmental			0.0090 (0.9)			0.0315 (1.3)
Gaming			-0.0045 (0.3)			0.0030 (0.1)
Gun regulation			-0.0465 (1.6)			-0.0970 (1.2)
Health/medical			-0.0035 (0.3)			0.0250 (0.7)
Housing			(dropped)			(dropped)
Initiatives and Referendum Reform			-0.0018 (0.1)			-0.0142 (0.4)
Labor Reform			0.1890 (2.6)			0.4700 (2.6)

Legal Reform			0.0094 (0.5)			0.0502 (0.9)
Taxes			0.0649 (2.2)			0.1233 (1.8)
Term Limits			0.0475 (1.5)			0.0563 (0.6)
Tort Reform			0.0339 (1.6)			0.1570 (2.5)
Utility Regulations			0.0115 (0.6)			0.0287 (0.6)
Veterans Affairs			0.0072 (0.7)			0.0189 (0.8)
% population 10 to 19		0.3865 (1.6)	0.1826 (2.3)		1.0608 (1.9)	0.4018 (2.0)
% population 20 to 29		-0.0745 (0.4)	-0.1375 (1.7)		-0.4571 (1.0)	-0.3354 (1.6)
% population 30 to 39		-0.2022 (0.6)	-0.0409 (1.5)		-0.3992 (0.6)	-0.0836 (1.3)
% population 40 to 49		0.2875 (0.8)	-0.0098 (0.5)		0.9769 (1.4)	-0.0149 (0.3)
% population 50 to 64		0.2997 (1.3)	0.5242 (2.5)		0.2354 (0.5)	0.7475 (1.6)
% population 65 to 99		0.1799 (0.8)	0.3475 (1.4)		0.4590 (1.1)	0.7881 (1.7)
% population Black		-0.0057 (1.9)	-0.0033 (1.1)		-0.0166 (2.2)	-0.0117 (1.5)
% population White		-0.0027 (1.1)	-0.0006 (0.2)		-0.0108 (1.7)	-0.0065 (1.0)
% population Hispanic		-0.0081 (5.4)	-0.0075 (5.4)		-0.0189 (6.1)	-0.0185 (6.0)
% population male		-0.2717 (1.2)	-0.3864 (1.7)		-0.5616 (1.2)	-0.7971 (1.8)
Adj R-squared	.8719	.8828	.8890	0.7958	0.8118	0.8189
F-statistic	117.45	260.55	13852387	75.89	164.02	7429623.34
Number of Observations	16028	14962	14962	16028	14962	14962
Fixed County and Year Effects	Yes	Yes	Yes	Yes	Yes	Yes

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Table 3: Including information on Campaign Finance Regulations Over General Elections from 1996 to 2002 (The regressions follow specifications (3) and (6) in Table 2 with the inclusion of the various campaign finance regulations reported below. All the variables reported below are dummy variables for whether the laws are in effect. A detailed discussion of these laws is provided in Lott (2006). The other coefficients shown in specifications (3) and (6) are not reported. Absolute t-statistics are shown in parentheses using clustering by state with robust standard errors.)

	Voting Rate		Ln(Voting Rate)	
	Coefficient	Absolute t-statistic	Coefficient	Absolute t-statistic
Photo ID (Substitutes allowed)	0.0170	0.41	0.0414	0.35
Non-photo ID	-0.0028	0.2	-0.0012	0.03
Absentee Ballot with No Excuse	-0.0002	0.02	0.0107	0.51
Provisional Ballot	0.0084	0.99	0.0124	0.56
Pre-election day in poll voting/in-person absentee voting	-0.0112	0.95	-0.0460	1.7
Closed Primary	-0.0051	0.42	-0.0039	0.12
Vote by mail	-0.0510	0.78	-0.0641	0.35
Same day registration	0.0837	3.17	0.1539	2.04
Registration by mail	(dropped)		(dropped)	
Registration Deadline in Days	-0.0004	0.2	-0.0024	0.34
Limits on Individual Donations to Gubernatorial Races	0.0168	0.86	0.0443	0.81
Limits on Corporate Donations to Gubernatorial Races	-0.0409	2.96	-0.0778	2.23
Limits on Union Donations to Gubernatorial Races	-0.0191	1.84	-0.0396	1.48
Limits on Individual Political Action Committee Donations to Gubernatorial Races	(dropped)		(dropped)	
Limits on Corporate Political Action Committee Donations to Gubernatorial Races	-0.0611	2.48	-0.1398	2.14
Limits on Union Political Action Committee Donations to Gubernatorial Races	(dropped)		(dropped)	
Limits on Individual Donations to Political Parties	(dropped)		(dropped)	
Limits on Corporate Donations to Political Parties	-0.0220	0.98	-0.1560	2.25
Limits on Union Donations to Political Parties	0.0558	4.56	0.1971	5.61
Campaign Expenditure Limits on Gubernatorial Races	-0.0786	2.76	-0.1987	2.35
Adj R-squared	0.8803		0.8064	
F-statistic	180253.79		8040.31	
Number of Observations	11630		11630	
Fixed County and Year Effects	Yes		Yes	

Table 4: Do the voting regulations impact different racial groups differently: Interacting racial composition of the electorate with the different voting regulations using the specification in Table 2, column 1 (Absolute t-statistics are shown in parentheses using clustering by state with robust standard errors)

	Coefficient	t-statistics
Percent of the Voting Age Population that is African-American times the following regulations		
Photo ID (Substitutes allowed)	0.0010	1.22
Non-photo ID	-0.0002	0.93
Absentee Ballot with No Excuse	0.0009	1.74
Provisional Ballot	0.0009	1.46
Pre-election day in poll voting/in-person absentee voting	-0.0008	1.16
Closed Primary	0.0001	0.21
Vote by mail	0.0077	5
Same day registration	0.0024	1.74
Registration by mail	-0.0003	0.24
Registration Deadline in Days	-0.0001	0.99
Percent of the Voting Age Population that is Hispanic times the following regulations		
Photo ID (Substitutes allowed)	-0.0014	0.99
Non-photo ID	0.0007	0.63
Absentee Ballot with No Excuse	-0.0015	1.3
Provisional Ballot	0.0000	0.04
Pre-election day in poll voting	0.0003	0.29
Closed Primary	0.0001	0.14
Vote by mail	-0.0020	2.56
Same day registration	-0.0034	1.35
Registration by mail	0.0001	0.87
Registration Deadline in Days	-0.0097	1.43
Percent of the Voting Age Population that is White times the following regulations		
Photo ID (Substitutes allowed)	0.0000	0.2
Non-photo ID	-0.0001	0.43
Absentee Ballot with No Excuse	0.0000	0.02
Provisional Ballot	0.0000	0.08
Pre-election day in poll voting	-0.0001	0.83
Closed Primary	-0.0001	1.3
Vote by mail	0.0011	2.3
Same day registration	0.0003	1.54
Registration by mail	0.0005	1.59
Registration Deadline in Days	0.0000	0.09

Table 5: Comparing the Differential Impact of the Shares of the Population that are Black, Hispanic and White and Voting Regulations: Interacting the Population Shares of Different Racial Groups and Voting Regulations (absolute t-statistics are shown in parentheses using clustering by state with robust standard errors)

	Differences between interacting the percent of the voting age population that is African-American and separately the percent of the voting age population that is white with the different voting regulations		Differences between interacting the percent of the voting age population that is Hispanic and separately the percent of the voting age population that is white with the different voting regulations		Differences between interacting the percent of the voting age population that is African-American and separately the percent of the voting age population that is Hispanic with the different voting regulations	
	Coefficient for African-Americans – the coefficient for whites	F-statistic for difference in coefficients for African-Americans and whites	Coefficient for Hispanics – the coefficient for whites	F-statistic for difference in coefficients for Hispanics and whites	Coefficient for African-Americans – the coefficient for Hispanics	F-statistic for difference in coefficients for African-Americans and Hispanics
Photo ID (Substitutes allowed)	0.0010	1.47	-0.0014	0.77	0.0024	2.25
Non-photo IDs	-0.0002	0.51	0.0007	0.43	-0.0009	0.63
Absentee Ballot with No Excuse	0.0009	2.48	-0.0015	1.51	0.0023	3.73*
Provisional Ballot	0.0009	1.91	0.00005741	0	0.0009	0.38
Pre-election day in poll voting/in-person absentee voting	-0.0007	1.03	0.0003	0.14	-0.0010	0.76
Closed Primary	0.0002	0.28	0.0003	0.08	-0.0001	0
Vote by mail	0.0066	20.75***	-0.0031	12.17***	0.0098	34.06***
Same day registration	0.0021	2.41	-0.0037	2.06	0.0059	2.77
Registration by mail	-0.0008	0.43	-0.0004	2.16	-0.0004	1.91
Registration Deadline in Days	-0.00006	0.9	-0.0097	0.74	0.0097	1.54

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

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

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

Table 6: Comparing the Differential Impact of the Shares of the Population by Age and Voting Regulations: Interacting the Population Shares of Different Racial Groups and Voting Regulations (absolute t-statistics are shown in parentheses using clustering by state with robust standard errors)

Type of Voting Regulation	Percent of the Population	Coefficient	Absolute t-statistic	F-test comparing the coefficient for the 65 to 99 year old group with the other age groups
Photo ID (Substitutes allowed)	20 to 29 Years of Age	-0.162	0.79	0.37
	30 to 39 Years of Age	0.417	0.81	0.78
	40 to 49 Years of Age	0.123	0.23	0.08
	50 to 64 Years of Age	-0.189	0.51	0.08
	65 to 99 of Age	-0.032	0.15	
Non-photo ID Required	20 to 29 Years of Age	-0.074	0.46	0.26
	30 to 39 Years of Age	-0.334	1.21	1.35
	40 to 49 Years of Age	0.987	1.53	2.13
	50 to 64 Years of Age	-0.672	1.88	2.86*
	65 to 99 of Age	0.015	0.12	
Absentee Ballot with No Excuse	20 to 29 Years of Age	0.112	0.86	2.27
	30 to 39 Years of Age	-0.011	0.04	1.22
	40 to 49 Years of Age	0.211	0.5	0.17
	50 to 64 Years of Age	-0.631	1.86	5.07**
	65 to 99 of Age	0.377	2.6	
Provisional Ballot	20 to 29 Years of Age	0.105	0.85	2.50
	30 to 39 Years of Age	0.162	0.42	2.69
	40 to 49 Years of Age	-0.639	1.55	0.44
	50 to 64 Years of Age	0.657	2.11	4.28**
	65 to 99 of Age	-0.314	1.69	
Pre-election day in-poll voting	20 to 29 Years of Age	-0.007	0.08	1.99
	30 to 39 Years of Age	-0.318	0.83	0.00
	40 to 49 Years of Age	-0.130	0.28	0.13
	50 to 64 Years of Age	0.625	1.95	4.54**
	65 to 99 of Age	-0.324	1.89	
Closed Primary	20 to 29 Years of Age	-0.148	0.66	0.20
	30 to 39 Years of Age	-0.049	0.09	0.15
	40 to 49 Years of Age	0.453	0.95	1.62
	50 to 64 Years of Age	(dropped)		
	65 to 99 of Age	-0.258	1.51	
Vote by mail	20 to 29 Years of Age	-0.069	0.21	0.34
	30 to 39 Years of Age	0.057	0.12	0.28
	40 to 49 Years of Age	0.879	1.24	0.31
	50 to 64 Years of Age	-0.682	0.74	0.47
	65 to 99 of Age	0.417	0.56	
Same day registration	20 to 29 Years of Age	-0.083	0.16	1.16
	30 to 39 Years of Age	-1.086	1.66	2.70
	40 to 49 Years of Age	0.254	0.34	0.49
	50 to 64 Years of Age	0.227	0.24	0.82
	65 to 99 of Age	1.188	1.31	
Registration by mail	20 to 29 Years of Age	-0.234	0.99	0.72
	30 to 39 Years of Age	0.266	0.49	0.04
	40 to 49 Years of Age	0.038	0.05	0.03
	50 to 64 Years of Age	-0.013	0.02	0.04
	65 to 99 of Age	0.157	0.51	

Registration Deadline in Days	20 to 29 Years of Age	0.002	0.16	0.00
	30 to 39 Years of Age	-0.002	0.14	0.06
	40 to 49 Years of Age	-0.007	0.32	0.16
	50 to 64 Years of Age	0.001	0.08	0.00
	65 to 99 of Age	0.002	0.16	

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

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

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

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

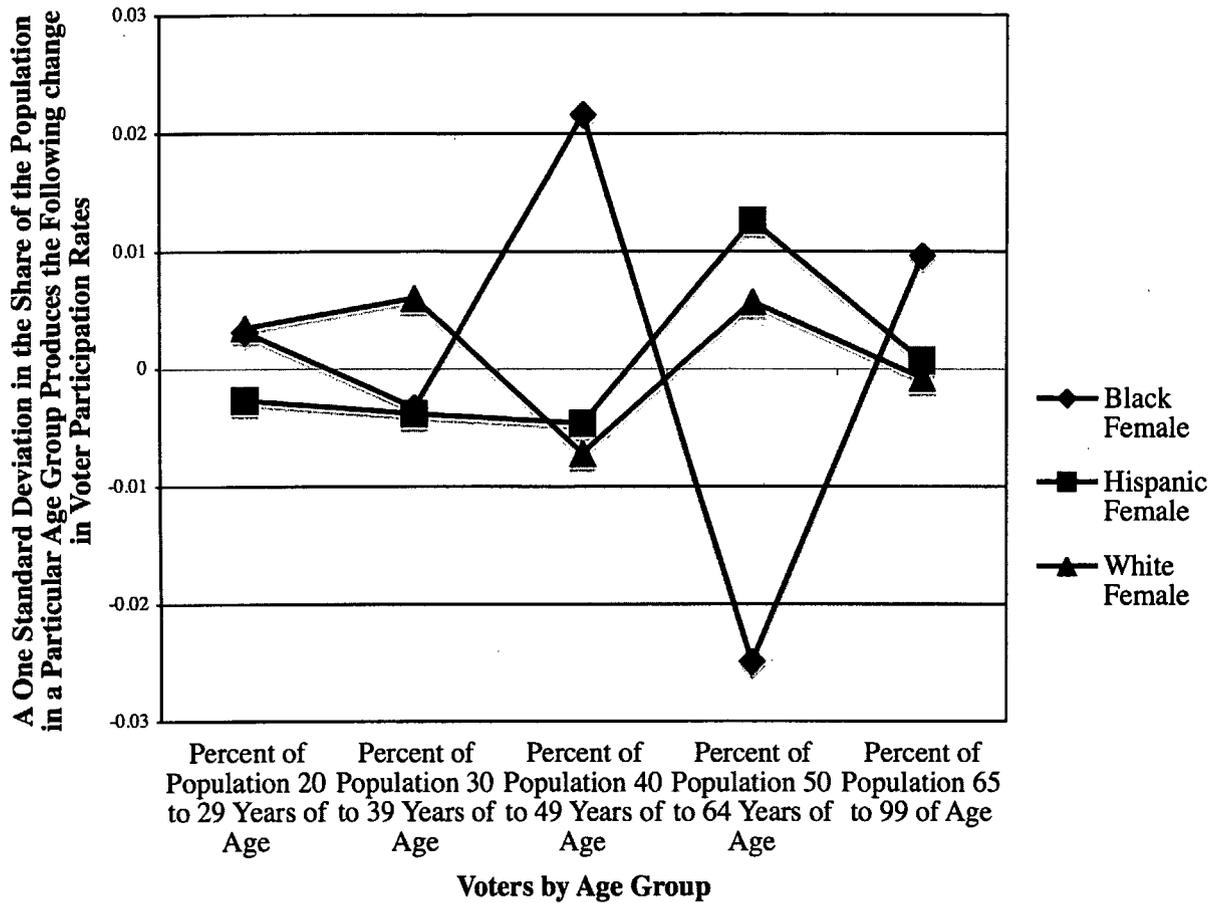


Figure 2: The Change in Voting Participation Rates from the Adoption of Photo IDs by Race for Men

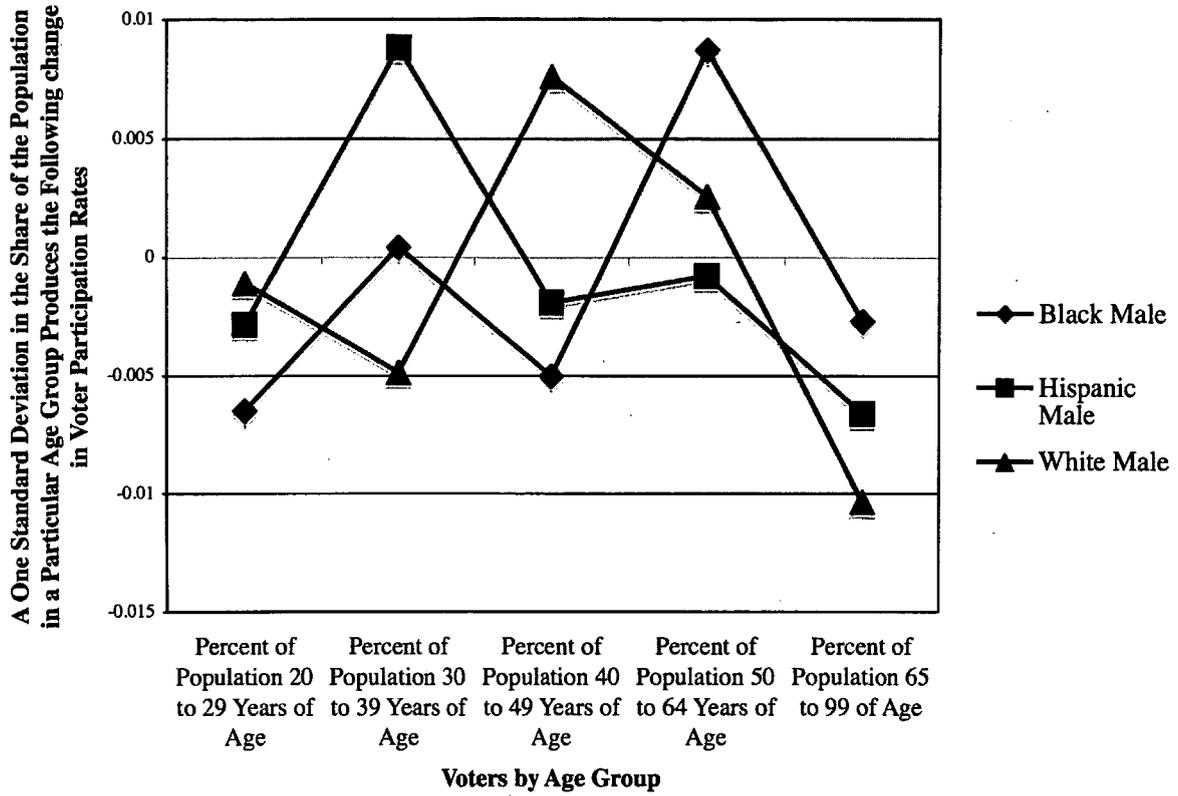


Table 7: Examining Whether the Six “Hot Spots” Counties Identified by the American Center for Voting Rights as Having the Most Fraud: Interacting the Voting Regulations that can affect fraud with the six “Hot Spots” Using Specification 3 in Table 2 as the base (The six “hot spots” are Cuyahoga County, Ohio; St. Clair County, Illinois; St. Louis County, Missouri; Philadelphia, Pennsylvania; King County, Washington; and Milwaukee County, Wisconsin. Absolute t-statistics are shown in parentheses using clustering by state with robust standard errors.)

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

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

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

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

Table 8: Estimating the Impact of Voting Regulations on Voter Turnout in US Senate Primaries from 1996 to July 15, 2006 (Using specifications 2 and 4 in Table 2. Absolute t-statistics are reported.)

	Vote Difference in Democratic Senate Primaries		Vote Difference in Republican Senate Primaries		ln(Vote Difference in Democratic Senate Primaries)		ln(Vote Difference in Republican Senate Primaries)	
	coefficient	t-statistic	coefficient	t-statistic	coefficient	t-statistic	coefficient	t-statistic
Photo ID (Substitutes allowed)	-0.007	0.13	-0.037	0.42	-0.125	0.37	0.639	0.71
Non-photo ID Required	-0.022	0.73	-0.038	1.6	-0.298	1.06	-0.638	2.22
Absentee Ballot with No Excuse	-0.027	1.59	-0.017	0.59	-0.330	1.89	-0.052	0.14
Provisional Ballot	-0.044	2.69	0.014	0.54	-0.265	1.78	0.467	1.87
Pre-election day in poll voting	0.000	0.01	-0.017	0.77	-0.139	0.65	-0.074	0.23
Closed Primary	-0.093	2.05	-0.013	0.51	-0.631	2.32	-0.213	0.72
Vote by mail	0.006	0.19	-0.009	0.23	0.274	1.49	0.137	0.34
Same day registration	(dropped)		(dropped)		(dropped)		(dropped)	
Registration by mail	-0.005	0.1	-0.102	3.33	0.157	0.57	-0.929	2.18
Registration Deadline in Days	0.001	0.61	0.003	0.72	0.013	0.91	-0.028	0.82
Adj R2	0.8070		0.8172		0.8357		0.8349	
F-statistics	550.84		542.38		155.62		1221.33	
Number of Observations	4807		4517		4803		4508	

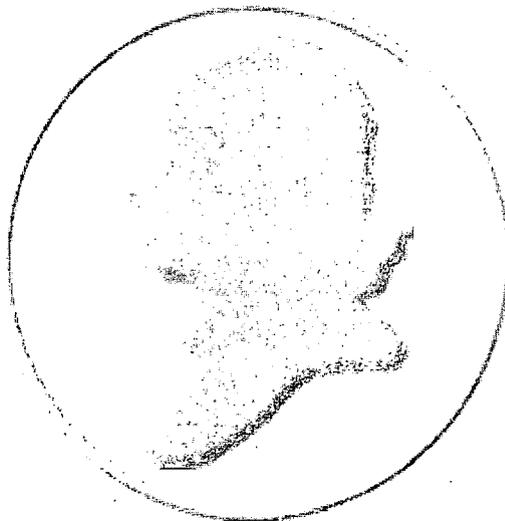
Data Appendix			
Variable	Number of Observations	Mean	Standard Deviation
Voter Turnout Rate	17428	0.5000424	0.1353909
Margin in Presidential Race in State	17428	6.461738	9.33715
Margin in Gubernatorial Race	17428	6.400746	11.24475
Margin in Senate Race	17428	12.88982	17.49234
Photo ID (Substitutes allowed)	16028	0.0505366	0.2190562
Non-photo ID	16028	0.4842151	0.4997664
Absentee Ballot with No Excuse	15782	0.3056647	0.460703
Provisional Ballot	15689	0.7011919	0.4577501
Pre-election day in poll voting/in-person absentee voting	17428	0.4666628	0.4989017
Closed Primary	15660	0.3690294	0.4825573
Vote by mail	16028	0.0067382	0.0818121
Same day registration	16028	0.0560893	0.2301014
Registration by mail	16028	0.9332418	0.2496105
Registration Deadline in Days	16028	24.0544	7.722113
Number of Initiatives	17428	0.9427932	2.186753
Real Per Capita Income	16937	13311	3453.604
State unemployment rate	17428	4.756009	1.139538
State poverty rate	17270	12.63536	3.50314
Types of Initiatives			
Abortion	17428	0.0093528	0.0962591
Administration of Gov	17428	0.0299518	0.1704593
Alien Rights	17428	0.0008607	0.0293256
Animal Rights	17428	0.0617397	0.2406891
Bonds	17428	0.003328	0.0575942
Business Regulations	17428	0.0063691	0.0795541
Campaign Finance	17428	0.0383291	0.1919951
Civil Rights	17428	0.0442392	0.2056319
Death Penalty	17428	0.003328	0.0575942
Drug policy	17428	0.0404521	0.1970228
Education	17428	0.0461327	0.2097784
Election Reform	17428	0.0262796	0.15997
Environmental	17428	0.0591577	0.2359263
Gaming	17428	0.0652972	0.2470567
Gun regulation	17428	0.0055658	0.0743982
Health/medical	17428	0.0527312	0.2235028
Initiatives and Referendum Reform	17428	0.0184186	0.1344635
Judicial Reform	17428	0.0020656	0.0454037
Labor Reform	17428	0.0379275	0.1910264
Legal Reform	17428	0.0245582	0.1547787
Taxes	17428	0.0743631	0.2623684
Term Limits	17428	0.0576658	0.2331171
Tort Reform	17428	0.0071724	0.084388
Transportation	17428	0.0038444	0.0618856
Utility Regulations	17428	0.007115	0.0840522
Veterans Affairs	17428	0.0030411	0.0550637
Demographics			
% population 10 to 19	17345	0.1489322	0.0197387
% population 20 to 29	17345	0.1213164	0.0341395
% population 30 to 39	17345	0.1388913	0.0212235
% population 40 to 49	17345	0.1492473	0.0173433

% population 50 to 64	17345	0.1597476	0.0253207
% population 65 to 99	17345	0.1471236	0.0407621
% population Black	17333	8.036701	12.63859
% population White	17333	78.76029	13.17825
% population Hispanic	17345	4.681539	9.453796
% population male	17345	0.4254129	0.0315461
Total population by county	58148	93918	29443
Campaign Finance Regulations			
Limits on Individual Donations to Gubernatorial Races	13545	0.5963824	0.4906406
Limits on Corporate Donations to Gubernatorial Races	13545	1.724695	1.251119
Limits on Union Donations to Gubernatorial Races	13545	1.301292	1.128532
Limits on Individual Political Action Committee Donations to Gubernatorial Races	13545	0.560945	0.4962901
Limits on Corporate Political Action Committee Donations to Gubernatorial Races	13545	0.5663344	0.4955985
Limits on Union Political Action Committee Donations to Gubernatorial Races	13545	0.5663344	0.4955985
Limits on Individual Donations to Political Parties	13902	0.2593871	0.4383141
Limits on Corporate Donations to Political Parties	13902	0.2376636	0.4256673
Limits on Union Donations to Political Parties	13902	0.2517623	0.434041
Campaign Expenditure Limits on Gubernatorial Races	13902	0.0845921	0.2782838

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by

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Voter fraud is a well-documented and existing problem in the United States.¹ While it is safe to say that many elections are conducted without voter fraud affecting the outcome or representing a significant factor in the race, there are sufficient cases of proven fraud and convictions by both state and federal prosecutors to warrant taking the steps necessary to improve the security and integrity of elections. There were many cases reported in the press in 2004 of thousands of fraudulent voter registration forms submitted to election officials in a dozen states across the country.² Obviously, when such fraudulent registrations are not caught by registration clerks, these registrations become a possible source of fraudulent votes as do frauds caused by impersonations of registered voters. For example, a New Mexico voter was not allowed to vote in 2004 because when he appeared at his polling place, he was told that someone else had already voted in his place.³ In addition, someone could vote under the name of voters still on the rolls but who have moved or died. In 2000, a review by two news organizations of Georgia's voter registration rolls for the previous 20 years found 5,412 votes had been cast by deceased voters – some on multiple occasions - and at least 15,000 dead people were still registered on the active voting rolls.⁴

Investigations by both the *Milwaukee Journal Sentinel* and a Joint Task force formed by the Milwaukee U.S. Attorney's Office and local law enforcement agencies found thousands of fraudulent and suspicious votes in that city, in a state that John Kerry won by only 11,384 votes in the 2004 election. Among the findings were that Milwaukee showed at least 4,500 more votes cast than the number of people listed as voting, as well as instances of suspected double voting, voting under fictitious names, and voting in the names of deceased voters.⁵ As the *Milwaukee Journal Sentinel* noted, some of this voter fraud could have been prevented through photo identification since the Task Force had noted "cases of persons voting in the name of a dead person or as someone else...persons listed as voting who said they did not vote...people [who]

¹ See Larry J. Sabato & Glenn R. Simpson, *Dirty Little Secrets: The Persistence of Corruption in American Politics* (1996); John Fund, *Stealing Elections: How Voter Fraud Threatens Our Democracy* (2004); Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004* (2005); Publius, "Securing the Integrity of American Elections: The Need for Change," *Texas Review of Law & Politics*, Vol. 9, No. 2 (Spring 2005).

² Publius at 288. See also "Vote Fraud, Intimidation & Suppression in the 2004 Presidential Election," American Center for Voting Rights, August 2, 2005, available at <http://www.ac4vr.com/reports/072005/default.html>.

³ Testimony of Patrick Rogers, Committee on House Administration, U.S. House of Representatives, Hearing on Non-Citizen Voting, June 22, 2006, <http://cha.house.gov/hearings/Testimony.aspx?TID-896>.

⁴ "Even Death Can't Stop Some Voters – Records: Illegally Cast Ballots Are Not Rare," *The Atlanta Journal-Constitution*, November 6, 2000.

⁵ Preliminary Findings of Joint Task Force Investigating Possible Election Fraud, May 10, 2005, available at <http://www.gwu.edu/~action/2004/states/wifraud051005.html>.

registered and voted with identities and addresses that cannot in any way be linked to a real person.”⁶ These cases illustrate the need for requiring voters to show photo identification at the polls to authenticate their identity.⁷

A related and growing problem that also supports the need for requiring photo identification when voting is the increased number of noncitizens, both legal and illegal, who are registering to vote and voting in U.S. elections.⁸ In the past four years alone, the Department of Justice has convicted more than a dozen noncitizens in Florida for registering and voting in elections in Broward, Miami-Dade, St. Lucie, Martin, and Palm Beach Counties, including one individual, Rafael Velasquez, who was a former candidate for the Florida legislature.⁹ While this may seem to be a relatively small number of convictions, it is important to keep in mind that the Department of Justice has not conducted any comprehensive or systematic check of voter registration rolls in Florida to find noncitizens. There are at least 1.5 million noncitizens of voting age in Florida – “only 540 of them would have had to vote (or 540 more ineligible voters than may actually have voted) for Gore to reverse the presidential winner” in the 2004 election.¹⁰ Could this many noncitizens vote in any one election? That question is succinctly answered by the findings of the Committee on House Oversight in the Dornan-Sanchez congressional election dispute in California in 1997. The Committee found 748 invalid votes due to noncitizens who had registered illegally in just one congressional district.¹¹

According to Dan Stein of the Federation for American Immigration Reform, there were 11 states carried by President Bush in the 2000 election that “had small enough winning vote margins that voting by noncitizens could have tipped the results to Vice President Gore.”¹² As another example of the prevalence of this problem, in a February 8, 2005 report to the President of the Utah Senate, the Legislative Auditor General John Schaff found that more than 58,000 illegal immigrants had Utah drivers’ licenses and 37,000 had nondriver’s license identification cards. Almost 400 of these illegal aliens had registered to vote and at least 14 had actually voted

⁶ Greg J. Browski, “Inquiry Finds Evidence of Fraud in Election,” *Milwaukee Journal Sentinel*, May 11, 2005.

⁷ Although this paper focuses on voting in polling places, the many reported cases of absentee ballot fraud make it clear that individuals submitting absentee ballots by mail should be required to include photo copies of identification documents with their ballots as well.

⁸ Publius at 292-296. At least eight of the 9/11 hijackers were registered to vote. Diane Ravitch, “Were the Hijackers Registered to Vote?” October 29, 2001, Hoover Institute; “House Passes Strong Border Security,” Press Release of Cong. Sam Johnson, February 11, 2005.

⁹ “Department of Justice to Hold Ballot Access and Voting Integrity Symposium,” Press Release of Department of Justice, August 2, 2005; “Election Fraud Prosecutions & Convictions, Ballot Access & Voting Integrity Initiative, October 2002 – September 2005,” Public Integrity Section, Criminal Division, United States Department of Justice.

¹⁰ Testimony of Dan Stein, President, Federation for American Immigration Reform, Committee on House Administration, U.S. House of Representatives, Hearing on Non-Citizen Voting, June 22, 2006, <http://cha.house.gov/hearings/Testimony.aspx?TID=893>.

¹¹ Comm. on House Oversight, “Dismissing the Election Contest Against Loretta Sanchez,” H.R. Doc. No. 105-416, Feb. 12, 1998, p. 15.

¹² Testimony of Dan Stein (“[t]hose states were Colorado, Florida, Georgia, Missouri, Nevada, New Hampshire, North Carolina, Ohio, Tennessee, Texas, and Virginia. A switch of three votes in the Electoral College from Bush to Gore would have reversed the outcome of that election, so that voting of enough noncitizens to reverse the outcome in any one of those 11 states would have reversed the final outcome.”)

in Utah elections. In the ongoing lawsuit in Arizona over the state's new requirement that individuals registering to vote show proof of citizenship, the plaintiffs have apparently been forced to concede that Arizona has uncovered several hundred instances in which noncitizens were fraudulently registered to vote.¹³ A review in 2005 by Paul Bettencourt, the Voter Registrar for Harris County, Texas, the third largest county in the country, found at least 35 cases in which noncitizens applied for or received a voter card, including a Brazilian woman who voted at least four times. As Bettencourt stated, "we regularly have elections decided by one, two, or just a handful of votes in any one of our more than 400 local government jurisdictions."¹⁴

It should be kept in mind that the federal government does not cooperate with inquiries by local election authorities on the immigration status of registered voters. Even if it did, it could only provide information on noncitizens that are in its files – individuals who are here legally and illegal immigrants who have been caught and a file created. Since the vast majority of illegal immigrants are not in its information system, the federal government could not provide accurate information on every registered voter even if it wanted to. Since more than half of the states do not require proof of legal presence in the U.S. to apply for a driver's license and the National Voter Registration Act (also known as Motor Voter) requires states to offer voter registration to persons who apply for a driver's license, voter rolls are guaranteed to become "inflated by non-citizens who are registered to vote... [t]he only question is the number."¹⁵

The solution to preventing fraudulent votes from being cast in polling places is to require all voters to present photo identification, a recommendation made by the bipartisan Carter-Baker Commission on Federal Election Reform. The Commission's recommendation was based on photo identifications issued under the REAL ID Act of 2005,¹⁶ which requires states to verify each individual's full legal name, date of birth, address, social security number, and U.S. citizenship before the individual is issued a driver's license or personal identification card.¹⁷ Similarly, the solution to preventing noncitizens from registering and voting in elections is to require all individuals registering to vote to provide proof of citizenship.

Those opposed to these requirements argue that they are unnecessary and discriminatory, and will lead to reduced turnout by minority voters. However, contrary to those claims, the documented history of fraudulent voter registrations and voter fraud, and increasing incidents of noncitizens registering and voting, show the need for such requirements. As former Congresswoman Susan Molinari pointed out, "[f]ar from discriminatory, a mandatory voter ID

¹³ *Gonzalez v. Arizona*, CV-06-1268 (D. Az. June 19, 2006), Brief of Protect Arizona Now and Washington legal Foundation as Amici Curiae in Opposition to Motions for Preliminary Injunction, p. 13.

¹⁴ Testimony of Paul Bettencourt, Tax Assessor-Collector and Voter Registrar, Harris County, Texas, Committee on House Administration, U.S. House of Representatives, Hearing on Non-Citizen Voting, June 22, 2006, <http://cha.house.gov/hearings/Testimony.aspx?TID=895>.

¹⁵ Testimony of Patrick Rogers.

¹⁶ Pub. L. No. 109-13, 49 U.S.C. §30301.

¹⁷ Report of the Commission on Federal Election Reform Building Confidence in U.S. Election, September 2005, pages 18-21, available at http://www.american.edu/ia/cfer/report/full_report.pdf. The author was one of the experts consulted by the Commission.

provides means by which more Americans may obtain the identification already required for daily functions – such as cashing a check, entering a federal building, or boarding an airplane.”¹⁸ There is also no evidence that minority voters have less access to identification documents than other voters, or that requiring proof of citizenship will disproportionately affect minority voters or lead to lower turnout of eligible voters if either requirement is implemented. As John Lott concluded in a recent study, “the non-photo ID regulations that are already in place have not had the negative impacts that opponents predicted.”¹⁹

On October 29, 2002, President George Bush signed into law the Help America Vote Act of 2002 (“HAVA”).²⁰ HAVA contained the first nationwide identification requirements for voters. It applies to first-time voters who register by mail and who have not previously voted in a federal election.²¹ Under §303(b)(2)(A) of HAVA, when voting in person, such voters must present a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Voters can avoid this requirement if they submit a copy of one of these documents with their voter registration form or if they drop off their registration form with an election official *instead* of mailing it in.²² First-time registrants voting by mail using an absentee ballot must submit a copy of one of these documents with the absentee ballot. Any voter who does not have any of these documents can vote a provisional ballot that must be verified by local election officials to determine whether the voter is eligible to vote.²³ States and localities were required to comply with these provisions beginning January 1, 2004.²⁴ However, HAVA specifically provided that these identification requirements, as well as the other requirements in Title III of the law such as provisional voting and statewide computerized voter registration lists, were “minimum requirements” and nothing prevented a state from establishing requirements “that are more strict” so long as they are not inconsistent with other federal laws.²⁵

Spurred in part by the passage of HAVA and the 2004 election, a number of states such as Georgia, Indiana, and Missouri passed legislation implementing photo identification requirements for voters that were stricter than the HAVA requirement. In addition to a voter identification requirement, Arizona also passed a requirement that an individual registering to vote show proof of citizenship. All of these state statutes have been attacked in court in litigation alleging violations of state law, the Voting Rights Act, Equal Protection, or the 24th Amendment (poll taxes). The objection to photo identification requirements is that they will reduce the turnout of black voters because fewer blacks possess identification documents than

¹⁸ *Id.* at 90.

¹⁹ John R. Lott, Jr., “Evidence of Voter Fraud and the Impact that Regulations to Reduce Fraud have on Voter Participation Rates,” August 18, 2006, available at <http://ssrn.com/abstract=925611>.

²⁰ H.R. 3295, Public Law 107-252, 42 U.S.C. 15301 *et. seq.*

²¹ §303(b)(1), 42 U.S.C. §15483(b)(1).

²² This illustrates a major defect in HAVA – it is still possible for an individual to register to vote without any check being made of his identity.

²³ §303(b)(2)(B) and §302(a)(3) and (4), 42 U.S.C. §§15483(b)(2)(B), 15482(a)(3) and (4).

²⁴ §303(d)(2), 42 U.S.C. §15483(d)(2).

²⁵ 42 U.S.C. §15484.