

Jethro Apeawini, Rebecca Deutsch, Tyler Fitts, James Hraba

Dr. Moore GOVT 496/696

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### “State Electorate Law: Testing Voter Deterrence”

Electoral integrity is one of many contentious topics that currently divides the U.S. across party lines--especially in the aftermath of the 2020 Presidential election. Some voters claim that election officials invalidated or disposed of hundreds of votes to steal the recent presidential victory (Amanda Seitz, 2020). While these claims have been defeated in multiple legal cases, the allegations do approximately describe true cases of voter suppression in America's electoral history. Reducing access to early voting has been proven to significantly discourage early voting in minority groups (Herron & Smith, 2014). Brewer and Wilson also note that support for voting ID laws used to be linked to racial resentment, and has historically reduced black voter turnout (2013).

This year's claims of voter fraud inspired our group to investigate how actual state enforcement of photo ID voting requirements, as a proxy for voter suppression, affects the intent to vote of the political minority. We intended to test several attributes, including income, age, race, and state political affiliation, that affect intent to vote in members of the minority political party. We classified individual survey respondents as political majority/minority group members based on: the survey respondent's party registration and the political party that the respondent's state of residency tends to vote for in presidential elections.

Our group used a dataset of state laws pertaining to voter ID requirements for day of, absentee, and early voting laws to create a rudimentary mapping of state-level voter suppression.

We compare intent to vote between political majority and minority members within states that enforce none, some, or all of the policies we designate as a proxy to voter suppression.

This analysis compiles three different data sets. The primary dataset is from American National Election Studies (ANES) is the 2016 Time Series Study, which examines electoral participation and voting behavior in relation to personality traits and demographic data (2016 Time Series Study, 2019). This dataset was updated in September 2019 and includes self-identified and interviewer-identified demographic data such as age, income, race, and geographic information. The study includes self-identified and some state captured data such as voting intent, registration status, party of registration, sentiment regarding candidates at levels from president to state-level candidates.

The second dataset, Non-Precinct Voting in the States: An Extensive Dataset of State Laws and Related Resources, contains voter law data by state by year, ranging from 1972 through 2018. The data through 2012 was collected by law students supervised by Dan Tokaji, Ohio State University. After 2012, the data was collected under supervision by Jan Leighley, American University, who continues to supervise on-going data collection, validation, and updating. The data used in this study is from 2016 and consists of variables including IDs requirements for absentee, early, and day of voting. The original dataset including data from 1972-2008 can be found at the Pew Charitable Trust (*Non-Precinct Place*, 2010). The focus of this study centered on ID requirements by state.

The third dataset was collated by our group based on data from the Federal Election Commission. The data used in this study is from the Presidential election years 2004, 2008, 2012, and includes only the electoral outcome for each state used to identify whether the state's 'political leaning' is Democratic or Republican. The method we used to determine the political

leaning was simple majority of the previous three years' elections (the 'leaning' was selected as the party that was elected by the state in at least two of the elections from the years 2004, 2008, and 2012).

### **Cleaning and Analysis Caveats**

The primary focus of the data is on state level view of individual voter responses, state level voter ID laws and state historical 'political leaning'. Data from all three datasets was merged on the state variables.

**Intent to Vote:** Using variable V161030, some respondents had already voted, so we combined the early voters with the 'Yes' responses, in assumption that an early voter is also someone who 'intended to vote'. Similarly, those who responded to V161024x as not intending to register to vote were included in the 'No' response that they did not intend to vote.

**Income (Poverty Level):** the national poverty level for 2016 was \$24,563 for a family of four (*Poverty Thresholds*, 2020). We chose to use the over/under for poverty level as an indicator, thus we grouped income level under \$25,000 as 'Under Poverty Line' versus every value equal to and over \$25,000 as 'Over Poverty Line'. The poverty threshold from 2016 was identified by the US Census Bureau (*Poverty Thresholds*, 2020).

**Political Leaning (by state):** In determining state political leaning we chose to use data from the three most recent presidential elections to account for recent leaning of the state although data suggests that since 1992, most states have stayed aligned with the party chosen in 1992, with only a small number of flips through the years. Eighteen states flipped from red to blue beginning in 1992 (no states have flipped from blue to red as a trend (since the 1972 election), though there are single year voting exceptions). Thus, to understand the recent leaning of the state, we opted to use only the most recent three elections to identify the leaning of the

state, especially given the 2016 election, in which four states voted Republican even though their long-term trend was to vote Democratic.

**Alternative Party identification:** After determining the Political Leaning of the state, we compared the respondent's party of record to the political leaning and if the two matched, the respondent was coded as being affiliated with the 'Primary Party'. If the two did not match, the respondent was coded 'Alternative Party'. Some states do not track 'registered party'; those respondents' data were dropped from the analysis.

**State Voter Photo ID Requirement:** The voter law dataset includes explanation of the id requirements for absentee voting, early voting, and day of voting as separate requirements. The requirements fell into one of 3-5 categories: government photo ID, non-government photo ID, other ID, notary, or signature match. Government photo IDs include U.S. Passports, Driver's License, or state issued ID. A non-government photo ID could be a valid student-id, some employment badges, such as those issued by hospitals, schools, or government offices. We collated this data into a single variable where each state could be identified as having a 'photo ID requirement' or not. If any of the voting scenarios required a photo ID, then the state was labeled as having a Photo ID requirement.

We did not account for the actual voting method as this study was investigating the effect of photo ID law on *intent* to vote. If we were studying how voter ID law affects actual voting, we would have looked at each voting method separately because in some states photo ID is required only in early or absentee voting and in other states photo ID might only be required for day of (in person) voting.

**State Political Leaning compared with Photo ID requirements:** The Political Leaning of states is evenly split for this study: 50% Democrat (25 states) and 50% Republican (25 states)

(DC is not included in this data). The overall photo ID requirement is also split this way: 50% of states require some form of photo ID and the other half do not. When matching State Political Leaning with Photo ID Requirement, 17 Democratic leaning states have no photo requirement (with 7 having a photo ID requirement) and Republican leaning states are exactly the opposite, with 17 having a photo ID requirement and 7 having no photo requirement.

**Gender:** About 72% of respondents reported gender. The distribution of gender across the reported values is roughly 60% female, with a slightly higher number of female respondents in Republican leaning states. There was no statistical significance when adding gender to the model.

**Education levels:** A majority of respondents submitted their educational levels. Fifty-three percent have at least a 2-year degree (through post-graduate degrees), 22% have some college, and 18% have a high diploma, and <6% have not graduated high school. Those respondents with college degrees or above were in more Democratic states and those with less than a college degree were in more Republican leaning states.

## **Results & Interpretation**

We ultimately failed to reject our null hypothesis  $H_0$ : the effects of photo ID laws on intent to vote is homogenous across party lines, at  $\alpha$  level .05. Some interactions of ID laws and race exhibited negative effects on voter intention; but none of these estimated effects were statistically significant--a few came close.

Meanwhile, racial identity indicators predict large statistically significant effects on voter intention. Black voters were more likely to indicate intent to vote in the 2016 election than white voters, and Native American voters by contrast were less likely to signal intent to vote in the same election. We anticipated homogenous effects for racial minorities, but there may be

abnormal confounders specific to the 2016 presidential race that explain the different effects for black and Native American voters. Controlling for gender doesn't highlight any statistically significant differences in voter intention within our sample.

Age and education remain strong predictors for voting activity, as both variables have a strong positive correlation with intent to vote in our GLM model. Older more educated voters are more likely to report their voting activity.

## **Conclusion**

While measuring intent to vote avoids the issue of ballot loss/destruction, we concede this measure does not guarantee that subjects will behave as they report. If someone reports intent to vote but doesn't comply, our analysis isn't practically useful. We assume full compliance with the outcome of interest in order to use this model for statistical inferences about voter behavior.

Absent any reaction to verified evidence of ballot counts, the focus on reduced propensity to vote may better explain the shortcoming in turnout. Voting suppression has been an issue for centuries, but is only receiving this much attention now because of a vocal minority's unsupported charges. It's no less true that state voting laws are effectively designed to suppress political power of minority groups, though.

We attempted to show that requiring a photo ID lowers intent to vote across some demographics, however in the 2016 ANES data, we see that some racial groups, particularly Black voters, had a higher likelihood of intent to vote in states where photo ID is required. Analyzing a single year's data does not present a complete picture and we recognize that 2016 had many additional circumstances that may have influenced Black voters more significantly. The ANES data provides many variables against which sentiment and intent could be tested.

Running this model against additional voting year data, and with additional criteria, would likely provide a more robust view of how photo ID laws would impact intent to vote.

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