Voter Identification Laws and Turnout in the United States

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Abstract

This article analyzes voter identification laws in the United States and their effects on voter turnout. Theoretically, there are plausible reasons to hypothesize turnout lowering effects, though there are also reasons to hypothesize those effects might be minimal. Methodologically, there are research design hurdles to clear in order to produce effect estimates that may be attributed to voter identification laws. Empirically, a small number of studies have employed suitable research designs and generally find modest, if any, turnout effects of voter identification laws. This may indicate that voter identification laws have only minor effects on turnout, or it may be due to the fact that the type of voter identification law that may have the most significant effects—a strict photo identification law—is a relatively recent phenomenon. Future elections and the related additional data may make it possible to adjudicate among these possibilities.

INTRODUCTION

Even with federal laws like the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA) and a variety of constitutional protections, states have a good deal of discretion with respect to their laws and rules governing registration, voting, and the administration of elections. In recent years, voter identification laws have become the subject of intense partisan conflict. The strictest form of these laws requires that registrants attempting to vote in person on Election Day present government-issued photo identification. Because not all registrants have this type of identification document (ID), it is possible that these laws might lower turnout, and do so disproportionately among those for whom the burden is greater. The perceived partisan consequences of the turnout effects of voter identification laws are easy to infer from the observations that Democratic Party elites strongly oppose strict photo ID laws and that such laws have only been passed in states where the Republican Party controls state government.

This article examines the voter identification laws that have been used in recent US elections. After discussing how state laws can be usefully classified and the political conditions under which the strictest forms of these laws have been passed, this review considers their turnout effects. Theoretically, although the laws impose costs on potential voters that may lower turnout, they may also serve to spur voter mobilization, which might mitigate those effects. Empirically, assessing the turnout effects is difficult because of the laws' relative recency and the consequently limited data available; moreover, it is necessary to employ research designs that take into account "the strategic nature of the selection of election laws" (Hanmer 2009, p. 6). To date, there is little convincing evidence that voter identification laws influence turnout substantially. However, the 2014 and 2016 election cycles have been accompanied by a jump in the number of states employing strict photo ID laws, which means there will be a substantial increase in the amount of data available to better assess the turnout effects of these laws in future research.

CLASSIFYING VOTER IDENTIFICATION LAWS

No two states have identical voter identification laws; however, it is possible to differentiate groups of states based on the documentary requirements they place on registrants in order to vote. In the simplest sense, all states require voter identification for people to cast ballots in person, because no state allows people to vote without at least providing a name that is checked against a list of eligible voters. The first useful distinction is between the state laws that require registrants to show an ID and those that do not. According to the National Conference of State Legislatures (NCSL), there are currently 17 states where registrants can cast ballots in person on Election Day without providing an ID of some sort (NCSL 2016c). Some of these states (e.g., Massachusetts and Wyoming) only require registrants to provide their names and sometimes their addresses and birthdates. Others (e.g., New York and Nebraska) require a signature that may or may not be compared to a signature on file. Laws like these have long been in place in many states and have not generated the sort of concern that sometimes accompanies laws requiring registrants to provide documents that verify their identities.

Laws that require registrants to show documents verifying their identities may be differentiated along two dimensions. First, some states require registrants to provide a document with a photo on it, whereas other states do not require a photo ID. Among the states that require photo IDs, there is variation in the types of photo IDs that are permitted. All states allow unexpired driver's licenses, state-issued ID cards, and unexpired US passports; sometimes, expired documents are also allowed. Other forms of photo ID allowed in some states include student IDs, government employee IDs, military IDs, and firearms licenses. There is also substantial variation across the

states that do not require a photo ID, with the most commonly required documents being utility bills and bank statements.

The second dimension along which states with document requirements may be classified has to do with the consequences registrants face if they show up at the polls without an acceptable form of identification. The NCSL uses a classification that has been followed by others whereby identification requirements are treated as "nonstrict" or "strict" (NCSL 2016b). For instance, in a state where the identification requirement is nonstrict, registrants may be permitted to cast a ballot after signing an affidavit of identity, or they may be permitted to cast a provisional ballot with election officials subsequently determining whether the individual was an eligible and registered voter. The key to being categorized as nonstrict is that no additional action by the voter is required in order for the ballot to be counted. In contrast, states with strict identification requirements require people to cast provisional ballots and to take additional steps in order for their votes to be counted, most often by returning to the polling place, election board, or county election office and providing the required documentation either on Election Day or within a small number of days following the election.

By distinguishing whether identification documents are required, and if so, whether they must include a photo and whether they are strict, scholars have classified five types of state laws. As shown in **Table 1**, as of early July 2016, the most numerous category (with 17 states plus the District of Columbia) is the one where no documents are required in order to vote. Of the states with nonstrict laws, 14 have nonphoto requirements and 7 have photo requirements. Of the states with strict identification laws, only 2 are nonphoto ID states, whereas 10 have strict photo ID laws.

Previous scholarly research on voter identification laws has often used similar categories to those employed by the NCSL. For example, Biggers & Hanmer (2017) employ the same classification as the NCSL; Rocha & Matsubayashi (2014) use a simplified classification system that differentiates between documentary requirements only by whether a photo ID is required, and Hajnal & Lajevardi (2015) combine strict photo ID and strict nonphoto ID states into a single category and compare them to all other states.

The most detailed coding of state voter identification laws is that of Alvarez et al. (2011), which follows from an unpublished paper (Alvarez et al. 2008). The Alvarez et al. classifications differentiate the NCSL category of "no documents required" into three categories based on whether potential voters need only state their names, state their names and sign a poll book, or have their signature matched against a signature on file. For the purposes of this article, the key distinction is between strict photo ID laws and other laws, because it is the strict photo ID laws that are most commonly hypothesized to have the most significant turnout effects and are subject to the most heated partisan debates.

ADOPTION OF VOTER IDENTIFICATION LAWS ACROSS THE UNITED STATES

Contemporary questions and concerns about the motivations behind voter identification laws and their effects can be traced to 2005, when Indiana and Georgia were the first states to adopt strict photo ID requirements. The constitutionality of Indiana's law was challenged, and after review by a district court and a court of appeals, the Supreme Court ultimately upheld the constitutionality of the law in *Crawford v. Marion County Election Board* (2008) on a 6–3 vote, with Justice Stevens joining Justices Alito, Kennedy, Roberts, Scalia, and Thomas in the majority.

Since the *Crawford* decision, the rate of voter identification law adoption has increased along with the development of a "cottage industry of voter-ID research and advocacy" (Sobel 2009, p. 81). One branch of research analyzes the correlates and timing of states' adoption of voter

Table 1 State voter identification laws in place for the 2016 elections[a]

No documents required (18)	Nonstrict nonphoto (14)	Nonstrict photo (7)	Strict nonphoto (2)	Strict photo (10)
California	Alaska	Florida	Arizona	Alabama[f]
District of Columbia[b]	Arkansas	Hawaii	Ohio	Georgia
Illinois	Colorado	Idaho		Indiana
Iowa	Connecticut	Louisiana		Kansas
Maine	Delaware	Michigan		Mississippi
Maryland	Kentucky	Rhode Island		North Dakota
Massachusetts	Missouri	South Dakota		Tennessee
Minnesota	Montana			Virginia
Nebraska	New Hampshire			Texas
Nevada	North Carolina[c]			Wisconsin
New Jersey	Oklahoma[d]			
New Mexico	South Carolina[e]			
New York	Utah			
Oregon	Washington			
Pennsylvania				
Vermont				
West Virginia				
Wyoming				

[a]Classifications based on information and coding provided by the National Conference of State Legislatures (NCSL) at the time of this writing (early July 2016). Pending court challenges may produce changes by Election Day.

[b]The NCSL does not classify the District of Columbia, but based on the District's website (**https://www.dcboee.org/faq/election_day.asp**, accessed on February 17, 2016), it qualifies as "no documents required."

[c]North Carolina has a photo ID requirement, but it is waived for those with "reasonable" impediments that "include but are not limited to the lack of proper documents" (**http://voterid.nc.gov/exceptions.html**, accessed on February 17, 2016). Hence the NCSL classifies North Carolina as a non-photo ID state. Previously, North Carolina had a strict photo ID requirement.

[d]The NCSL notes that "some prefer to call Oklahoma a photo voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a nonphoto voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID" (NCSL 2016b).

[e]South Carolina has a photo ID requirement but allows those with a "reasonable" impediment to obtaining an ID to use non-photo ID. Among the list of reasonable impediments is any "obstacle you find reasonable" (**http://www.scvotes.org/2012/09/24/photo_id_requirements**, accessed on February 17, 2016). Hence the NCSL classifies South Carolina as a non-photo ID state.

[f]The NCSL classifies Alabama as a nonstrict photo ID state but notes that "some might call Alabama's law a strict photo identification law" because the only way voters can avoid returning to an election office to provide the required identification is to have "two election officials . . . sign sworn statements saying they know the voter" (NCSL 2016b). I concur with this view and therefore placed Alabama in the strict photo ID category.

identification laws (Bali & Silver 2006, Biggers & Hanmer 2017, Hale & McNeal 2010, Hicks et al. 2015, Rocha & Matsubayashi 2014). A related article focuses on the votes of individual state legislators on restrictive voter identification laws (McKee 2015). More generally, Bentele & O'Brien (2013) analyze a variety of restrictive registration and voting laws, of which voter identification laws are one component. A common finding across all the studies is the intensely partisan nature of the adoption of voter identification laws.

Wherever and however one looks, party politics appears critical to understanding the adoption of state voter identification laws. There are a number of ways to see the general pattern; perhaps the simplest and most compelling is to consider the passage of strict photo ID laws. According to the NCSL, 13 states have adopted strict photo ID laws, not all of which have been implemented

Table 2   State adoption of strict photo ID laws

Year adopted[a]	State	In effect for 2016 elections	Party control of lower house/upper house/governorship
2005	Georgia	Yes	Rep/Rep/Rep
2005	Indiana	Yes	Rep/Rep/Rep
2006	Missouri		Rep/Rep/Rep
2011	Alabama[b]	Yes	Rep/Rep/Rep
2011	Kansas	Yes	Rep/Rep/Rep
2011	Tennessee		Rep/Rep/Rep
2011	Texas	Yes	Rep/Rep/Rep
2011	Wisconsin	Yes	Rep/Rep/Rep
2012	Mississippi[c]	Yes	Rep/Rep/Rep
2012	Pennsylvania		Rep/Rep/Rep
2013	Arkansas		Rep/Rep/Dem[d]
2013	North Carolina		Rep/Rep/Rep
2013	Tennessee[e]	Yes	Rep/Rep/Rep
2013	Virginia	Yes	Rep/Even[f]/Rep
2015	North Dakota	Yes	Rep/Rep/Rep

[a]Year adopted refers to the year a law was passed, not the year it was implemented, if it was implemented. Some laws were struck down by courts before implementation.

[b]The NCSL classifies Alabama as a nonstrict photo ID state but notes that "some might call Alabama's law a strict photo identification law" because the only way voters can avoid returning to an election office to provide the required identification is to have "two election officials . . . sign sworn statements saying they know the voter" (NCSL 2016b).

[c]A 2011 ballot initiative in Mississippi created a strict photo ID requirement, but it required implementing legislation that was passed in 2012 (and took effect in 2014).

[d]The Democratic governor vetoed the measure, which was subsequently overridden by the Republican-controlled legislature.

[e]Tennessee made its law stricter in 2013 by reducing the types of photo IDs registrants are allowed to use to verify their identities.

[f]The Virginia state senate was evenly split between the parties, and the vote was a strict party line vote with all Democrats opposing the law and all Republicans favoring it. The Republican lieutenant governor cast the tie-breaking vote.

due to court challenges (NCSL 2016a). **Table 2** shows the list of states along with their years of adoption of the voter identification laws.

The 14 states that have adopted strict voter identification laws are by no means a representative sample of the 50 states. Most notable about the states is the partisan control of state government at the time of passage. **Table 2** shows which party controlled the state lower house, the state upper house, and the governorship at the times strict photo ID laws were adopted. It is readily apparent that the Republican Party's control of state government appears to be a necessary condition for the adoption of a strict photo ID law. Across the states, several cases are especially notable. Virginia adopted its strict photo ID law at a time when the Republicans held a majority of seats in the lower house and party control was evenly split in the upper house. When the Virginia state senate voted on the strict photo ID law, all the Republican members voted in favor and all the Democrats were in opposition. To break the tie vote, the Republican lieutenant governor cast the deciding vote in favor of the measure. A second notable case is Arkansas, where a strict photo ID law was passed when the state legislature (both houses had Republican majorities) overrode a veto by the Democratic governor.

There is a straightforward and widely agreed-on explanation for the party split on support for voter identification laws. Despite the rhetoric invoking concerns about fraud and accessibility, strategic calculations about party advantage appear to underlie the arguments: As Erikson & Minnite (2009, p. 86) note, "Politicians clearly see this issue through the lens of party politics and electoral advantage." For a variety of reasons (discussed below) voter identification laws are often considered to lower turnout, and lower turnout is generally thought to advantage Republicans. More important, the negative turnout effects are usually believed to be more substantial for members of demographic groups that are more likely to vote Democratic. As a result, partisan debates about voter identification laws reflect party competition over election outcomes:

> [I]n a two-party system both parties have faced incentives to selectively suppress the vote, and both have done so . . . . Since the 1960s, however, political conditions have aligned in a manner intensifying these incentives for the Republican Party. The civil rights movement and the Voting Rights Act transformed the racial character of party affiliation such that African-American voters came to overwhelming[ly] support Democratic candidates . . . . Lower-income voters, of any race, have been similarly targeted as they disproportionately vote Democratic. In response to a changing electoral environment, the GOP has become the central driver of restrictive changes to election laws and the primary perpetrator of a wide range of suppression efforts. (Bentele & O'Brien 2013, p. 1092)

More succinctly, "the current wave of voter ID legislation and the extreme partisan polarization over these proposals is merely history repeated—an attempt to alter electoral outcomes by reshaping the composition of the voting electorate" (Hicks et al. 2015, p. 19).

The party competition lens is also useful for understanding why strong Republican presence in state government appears necessary for the passage of the strictest forms of voter identification laws, but not sufficient. Some states controlled by Republicans have not passed strict voter identification laws (e.g., Utah). This raises the question of what other factors may influence a state's adoption of more restrictive voter identification laws. Both Bentele & O'Brien (2013) and Hicks et al. (2015) identify state electoral competitiveness as a possible factor. These studies emphasize that the incentives for Republicans to pursue policies that may be of electoral benefit to them are heightened in contexts where the partisan implications are greater, namely where there is close partisan competition. Relatedly, Biggers & Hanmer (2017, p. 6) identify a particular type of competitiveness that emerges when the elections bring about a switch in party control from Democrats to Republicans: "The probability of adoption is amplified when the respective branch of government switches to Republican control . . . . [T]he change in power matters more than simply having power." This phenomenon may be viewed as a rational response by the Republican Party to increase its chances of maintaining control of state government and therefore its ability to influence the policy making process (de Figueiredo 2003).

The systematic pattern revealed in Biggers & Hanmer (2017) is readily apparent in the first adoptions of strict photo ID laws in Indiana and Georgia. The passage of Indiana's law in 2005 was preceded by the election of the first Republican governor in the state since 1984. In Georgia, the Republicans won the governorship and took control of the state senate in the 2002 elections for the first time since Reconstruction. The party followed up by taking control of the state house in the 2004 elections. Then, in the first legislative session following the establishment of unified Republican control, Georgia enacted its strict photo ID law.

Another consideration in the adoption of voter identification laws has to do with race. In light of the history of the suppression of African American voting—along with the fact that African Americans are among the most reliable Democratic voters and constitute a sizable proportion of eligible voters in many states—it is natural to consider the possibility that racial factors matter

for the adoption of voter identification laws. In this regard, McKee (2015) analyzes individual legislator voting and finds that among Democratic state legislators, support for restrictive voter identification laws is lowest among those who represent districts with larger African American populations. Among Republicans the opposite is true: Republican support for restrictive laws is highest among legislators representing districts with larger African American populations.

The interaction between party control and race has been investigated at the state level, though the estimated effects are typically modest compared to the main party effects. For example, Rocha & Matsubayashi (2014, p. 672) report that "the positive relationship between unified Republican control and the hazard rate of adopting a photo ID laws is [modestly] weakened by the presence of blacks and Latinos." In contrast, Biggers & Hanmer (2017) find a greater propensity for the adoption of voter identification laws in states controlled by Republicans with larger minority populations.

Two other studies consider the relationship between race and the adoption of restrictive voter identification laws. Hicks et al. (2015) find no relationship between the adoption of such laws and the size of the minority electorate; by contrast, Bentele & O'Brien (2013) report a positive relationship with the size of both the minority voting population and the African American population. However, both of these studies are limited because the models they estimate do not allow for the possibility that the effects of race depend on partisan control of state government. For example, one would expect a strong Republican majority in state government to respond differently from a Democratic majority to a sizable black population.

The bottom line is simple: The recent adoption of strict voter identification laws at the state level has been driven by Republican Party control, especially in competitive states where a Republican takeover is recent. A separate racial component appears more modest, if there is one, and the existing empirical work is not clear on the precise nature of the relationship, if any.

TURNOUT EFFECTS OF VOTER IDENTIFICATION LAWS

Theoretical Considerations

A substantial research literature addresses the relationship between voter turnout and the laws governing registration and voting. Within the United States, it is useful to distinguish the contemporary period from the past because of the dramatic differences in the nature of registration and voting laws. Whatever the effects of contemporary registration and voting laws on turnout, it is not realistic to put them in the same class with poll taxes, literacy tests, and other mechanisms that were used to disenfranchise many eligible voters, especially African Americans and poor whites in the South (Key 1949, Keyssar 2000, Kousser 1974, Rusk & Stucker 1978). Such mechanisms were in place from the time of Reconstruction until the passage of the 24th Amendment in 1964 that outlawed poll taxes and the enactment of the Voting Rights Act of 1965.

The beginning of the contemporary period can be traced to the passage of the Voting Rights Act Amendments of 1970 and the Supreme Court case of *Dunn v. Blumstein* (1972) that limited residency requirements. Referring to the passage of the National Voter Registration Act (NVRA) in 1993 and its "motor voter" provision to allow eligible voters to register at their state Department of Motor Vehicles (DMV), Keyssar (2000, p. 613) observes that:

> [The NVRA] was the final act of the drama that had begun in the 1960s: it completed a lurching yet immensely important forty-year process of nationalizing the voting laws and removing obstacles to the ballot box. As such, the Motor Voter bill was also a critical step in dismantling the multiple impediments to voting that had been erected between the 1850s and World War I. By the end of the

twentieth century, what had been a long historical swing toward contraction of the franchise had been decisively reversed.

Although the passage of voter identification laws and other forms of restrictive voter access policies create new barriers to voting, they should be viewed as relatively modest in comparison to the "impediments to voting that had been erected between the 1850s and World War I": "From a historical perspective, then, the recent wave of electoral reforms—including voter ID—appears quite tame" (Hicks et al. 2015, p. 20).

How should one think about the turnout effects of voter identification laws in contemporary American politics? To begin, consistent with the most influential analyses of turnout, it is useful to consider the benefits and costs of voting (Downs 1957, Riker & Ordeshook 1968, Rosenstone & Hansen 1993, Verba et al. 1995, Wolfinger & Rosenstone 1980). Scholars generally agree that the benefits of voting do not derive from the prospect of one's vote being decisive in an election outcome. Elections—even very close elections—are virtually never decided by a single vote, and as a result researchers rarely include the instrumental benefits of voting on the benefits side of the ledger. Instead, the "more important benefits of voting . . . are expressive rather instrumental" (Wolfinger & Rosenstone 1980, p. 7). As Aldrich (1993, p. 266) puts it, "most of the action is, in fact, in the intrinsic values of voting per se." Voting may bring the "feeling that one has done one's duty to society, to a reference group (Democrats, blacks, bankers, liberals, feminists, conservationists, and so forth), and to oneself; or the feeling that one has affirmed one's allegiance to or efficacy in the political system" (Wolfinger & Rosenstone 1980, p. 7). In addition, just as some people like the opera or sports events, some like politics and therefore are interested in voting. For the politically interested and engaged, the utility of an upcoming election may reside in the opportunity to learn about the candidates, decide for whom to vote, and cast one's ballot. As Riker & Ordeshook (1968, p. 28) observe, "for those who enjoy the act of informing themselves for the decision, who get social satisfactions out of going to the polling booth . . . [some] supposed costs are actually benefits."

To be sure, although there are benefits to be derived from voting, for most people most of the time, the act of voting is best considered a low-benefit activity. Politics, in general, is a peripheral concern to most ordinary Americans, and "even among the politically engaged and interested, the positive feelings of fulfilling one's civic duty (or the guilt for shirking it) are not very strong and do not last much past election day" (Highton 2004, pp. 507–8).

A variety of consequences follow from the observation that voting is a low-benefit behavior. Most important for the present purposes, the "marginality of the decision to turn out provides an opportunity for political leaders and groups to affect turnout through their strategic actions" (Aldrich 1993, p. 274). The adoption of a state voter identification law, which raises the costs of voting and does so for some individuals more than for others, could be considered one such action. As mentioned above, the partisan divide among party elites and elected officials suggests that there is a commonly held view that the effects of voter identification laws, especially strict photo ID laws, will disproportionately place burdens on people more inclined to vote Democratic.

If some people (*a*) who would otherwise vote (*b*) do not have one of the required forms of identification and (*c*) are not sufficiently interested and motivated or lack the resources to obtain the necessary identification in advance of the election, then turnout will be lower as a result of a voter identification law. The magnitude of the effect will be a function of the rate of non-ID ownership along with what the turnout rate of those without the required ID would be if identification were not required. If the people who do not have the required identification are a relatively small proportion of registered voters and would have low turnout rates anyway, then the aggregate impact of a new identification requirement will be modest at best. Of course answering

the counterfactual question of what the turnout rate of non-ID holders would be in the absence of a voter identification law is difficult, but one study, discussed below, has attempted to do it (Hood & Bullock 2012).

The same logic can be applied to particular groups within the electorate. To the extent that there are differences across groups in ID holding rates and in the turnout rates they would have without an ID requirement, the turnout lowering effects of a voter identification law will be uneven. Thus it is important not only to empirically investigate the overall effects of voter identification laws on turnout, but also to consider differences across politically relevant groups. In a related manner, if some groups are similar with respect to their ID holding and turnout rates, but members of some groups are more likely to be asked for ID and therefore to be kept from voting if they do not have or have forgotten their ID, then there is an additional contribution to group differences in the turnout lowering effects of identification laws.

Previous research has also identified three potentially countervailing forces. First, Vercellotti & Anderson (2009) suggest the possibility of a time dimension to the turnout lowering effects, with learning and adjustment mitigating—at least to some degree—whatever the initial turnout lowering effects may be: "The effect on turnout may be greatest when requirements are new and even those who have the required identification, or could obtain it, are unaware of the new rules" (Vercellotti & Andersen 2009, p. 117). Second, the implementation of voter identification requirements may lead to countermobilization strategies, especially by groups that perceive their interests to be disadvantaged by the laws. For example, given the belief that strict voter identification laws advantage the Republican Party, the Democratic Party has a strong incentive to mobilize Democratic voters with proper identification and to help those who do not already have proper identification to obtain it. Thus, "another source of uncertainty in discerning the effects of ID laws on turnout is the fact that these laws are themselves the subject of campaign messages and mobilization activity, and the strategic response to voter ID laws continues to evolve" (Citrin et al. 2014, p. 229). Finally, even in the absence of party mobilization strategies, Valentino & Neuner (2016) suggest that the way the media frame the debate surrounding voter identification laws may produce countermobiliziation by causing anger among Democrats and minorities, which may, in turn, lead to heightened participation and a diminution, if not elimination, of the turnout lowering effects of the laws. They observe:

> Among Democrats, political messages highlighting the laws' specific goal to disenfranchise copartisans should boost participation. Those messages may not mobilize Republicans, because their group is not portrayed as a direct target of these laws by either frame. Messages about voter fraud, for the reasons discussed above, might mobilize both Democrats and Republicans. The net effect of the entire debate, then, is a larger mobilizing effect among Democrats. (Valentino & Neuner 2016, p. 5)

In light of the potentially countervailing forces, one would ideally differentiate the immediate effects of new voter identification laws from their longer-term consequences.

Research Design Considerations

Assessing the overall turnout and group-specific effects of voter identification laws is difficult for a host of reasons. First, voter identification laws in general, and strict photo ID laws in particular, are a relatively recent phenomenon. As discussed above, the strict photo ID laws in Indiana and Georgia that marked the beginning of the contemporary debate over voter identification laws were adopted only in 2005. Indiana's law took effect in 2006 and Georgia's in 2008. As shown in **Figure 1**, the number of states that have implemented strict photo ID laws has been relatively
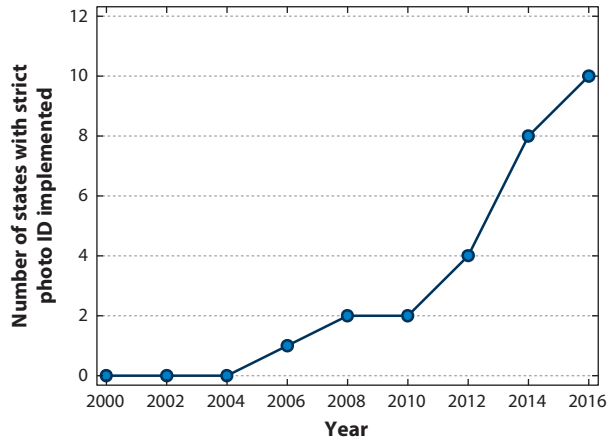
Figure 1

States implementing a strict photo ID law. This figure was created by the author based on data obtained from the National Conference of State Legislatures (NCSL) as of July 2016.

modest until the most recent election cycles. At the time of the 2012 presidential election, only four states had implemented strict photo ID laws, a number that grew to eight states in 2014 and ten in 2016. As a result, the data are sparse with respect to the laws thought to have the most significant turnout effects, which limits what one can infer based on existing data, as noted by Alvarez et al. (2008, 2011) and Erikson & Minnite (2009).

A second complicating factor is that the passage and implementation of new voter identification laws often does not occur in isolation but as part of a package of new provisions governing voting (GAO 2014). This makes it difficult to parse the distinct effect, if any, of a voter identification law. One either needs to analyze the smaller set of strict identification laws that were not passed as part of a more comprehensive package of reforms or needs to conduct an analysis that identifies and measures a host of plausibly significant voting laws and estimates their turnout effects.

A third central challenge follows from the fact that assessing the turnout effects of the laws takes place in a nonexperimental setting. It is not possible to design and conduct an experiment in which a random set of states employ a strict photo ID law and a random set of control states do not employ any documentary ID law. The fact that states with strict identification laws differ from states without them in other ways that may be related to turnout complicates the causal inference process. Further, whereas some of ways the states differ may be known and measurable (e.g., states that pass strict photo ID laws are states where Republicans control state government), there may be other unknown or known but difficult to measure ways in which they differ.

What does the nonrandom assignment or endogeneity of state laws mean for assessing the causal effects of identification laws on turnout? Most simply, it means that turnout differences across states with different voter identification laws may not be due to voter identification laws. Research designs that account for other differences—observed and not observed—should be employed. The potential consequences of not addressing this issue are readily evident in research on the turnout effects of registration laws:

> [S]tates that have more liberal registration laws may also have a different sort of electorate—that is, one more inclined to vote. After all, that electorate or their representatives approved a more "civic-minded" or participatory way to run elections. To the extent that studies do not capture this difficult-to-measure concept, the registration law itself might. These state-level effects—observable and unobservable—are

nearly impossible to hold constant in cross-state data analysis because there are only 50 states and a potentially large number of factors. (Ansolabehere & Konisky 2006, p. 84)

Invariably, when reexamining the question and employing research designs aimed at addressing this issue, the apparent effects of registration laws on turnout are reduced, often substantially (Ansolabehere & Konisky 2006, Burden & Neiheisel 2013, Hanmer 2009, Keele & Minozzi 2013, Knee & Green 2011).

The most typical approach to addressing the nonrandom assignment of state laws is to add a longitudinal aspect to a research design and to focus on comparing turnout before and after the implementation of a new law. One can measure the turnout differences across elections in states before and after "treatment" and compare them to the turnout differences across elections in "control" states that do not change their laws. The turnout change in the control states is used as an estimate for the counterfactual condition of what would have been observed in the treated states had they not adopted the new law. For example, if from one election to the next turnout drops 10 percentage points in states that adopt strict photo ID laws and increases 5 percentage points in states that do not change their laws, the difference in the differences would lead one to estimate that the laws had a 15 percentage point effect on turnout.

Difference-in-differences (DID) designs are increasingly common and provide a stronger basis for causal inference than designs that rely on cross-sectional differences to estimate causal effects. They may be implemented in a variety of ways, included by pooling cross-sectional data over time and estimating fixed effects for units (e.g., states) and time (e.g., election years) to control for observable and unobservable causes of turnout. Using a DID design does not guarantee that causal effects will be estimated properly, because the approach only controls for causes that do not change with time. If a state is becoming more Republican, and becoming more Republican makes the passage of a strict voter identification law more likely along with lowering turnout among Democrats, then even a DID model will overstate the effects of the law on turnout. Thus it is appropriate to view a DID design as better than a cross-sectional design, but not necessarily as a solution to the problem of unmeasured, confounding variables (Wilson & Butler 2007). It is "a more cautious" (Knee & Green 2011, p. 316) modeling approach.

There are also more sophisticated models that attempt to take into account the nonrandom assignment of treatments and time-varying causes when approximating counterfactual conditions to estimate causal effects. More careful selection of control units through matching and even the creation of "synthetic" control cases are two promising approaches (Abadie et al. 2010, Sekhon 2008). Instead of comparing how turnout changes in states that adopt strict voter identification laws and states that do not, one could select "good" matches among the states that do not adopt strict voter identification, based on their similarity on a set of variables that are important for turnout. One could go further by creating a single synthetic control, which essentially is a weighted average of the potential control units with the weights determined by similarity with the treated cases (i.e., states that adopt strict voter identification laws).

The importance of using a design that attempts to account for the endogeneity of voter identification laws when estimating their turnout effects is not merely theoretical. In 2000, before any states had adopted strict photo ID laws, average state-level turnout was 55.7%.[1] However, as shown in **Figure 2**, the average turnout across the 14 states that would eventually adopt a strict photo ID law was 53.1% compared to 56.7% in the remaining states. (The respective median

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[1]The turnout figures I rely on are from data compiled by Michael McDonald as part of his United States Election Project (**http://www.electproject.org/**, accessed on November 4, 2015).
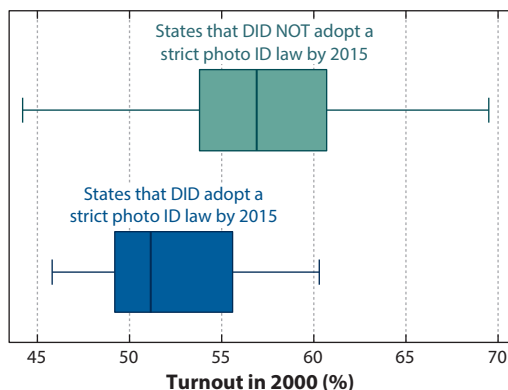
Figure 2

State voter turnout in 2000 by eventual adoption of a strict photo ID law.

turnout rates were 51.2% and 56.9%.) States that eventually adopted a strict photo ID law already had a lower turnout by 3.6 percentage points, on average, than states that did not adopt a strict photo ID law. Clearly, then, other differences across the states, some observable and some probably unobservable, must account for this turnout deficit and should be taken into account when estimating the turnout effects of voter identification laws. If those differences are fixed (i.e., unchanging through time), a DID design will be sufficient to address them; if they are changing with time, a more sophisticated model will be necessary.

Empirical Plausibility

The empirical plausibility that voter identification laws—especially strict photo ID laws—may lower overall voter turnout and depress it more among some groups than others is easily established. The most common form of photo ID is a driver's license. Stewart (2013) has conducted the only national study of ID ownership and reports that 9% of registrants do not have any kind of driver's license. However, some states' photo ID requirements do not allow licenses that have expired, list a different address from the one on the registration file, or report a name that does not perfectly match the one on the registration file. When including people whose licenses fail at least one of these tests, Stewart (2013) estimates that the percentage of registrants without a valid driver's license increases to 20%. Thus, although most registrants do possess a driver's license that would qualify under all strict photo ID laws, a substantial minority do not, suggesting the possibility that a strict photo ID requirement could disenfranchise some registrants.

Stewart (2013) also finds notable differences in rates of ID holding associated with race and ethnicity. Just 7% of whites and 10% of Latinos report not having a driver's license, compared to 21% of African Americans. The differences are larger when the three criteria mentioned above (i.e., not being expired, matching the registration address, and matching the registration name) are considered. The rates at which whites do not hold a valid license according to these criteria is 16%, compared to 27% for Latinos and 37% for African Americans.

Several analyses of individual states have been conducted. Barreto et al. (2009) focus on the strict requirements imposed in the state of Indiana. Their study finds that about 17% of respondents do not have a photo ID that would be acceptable under Indiana's law. The study reports modest differences by race, with whites being more likely (84%) than African Americans (78%) to have valid identification (p < 0.1). In addition, there were small partisan differences, with Republicans having

a higher rate than Democrats by just three percentage points. Another survey-based approach to examining rates of ID holding is by Pastor et al. (2010), who conducted three statewide surveys of registrants in Mississippi, Indiana, and Maryland. Pastor et al. (2010) report that virtually no respondents (less than 2% in all three states) lack at least one form of state- or federal government–issued photo ID (e.g., driver's license, passport, military ID) and find trivial differences across groups. However, the figures reported by Pastor et al. (2010) likely overstate the rate of valid ID holding because the study did not include questions about whether the various forms of ID had expired and reported the respondents' current addresses.

Two other studies examining the rates of photo ID holding are worthy of mention, and both are based on database matching between registration lists and DMV driver's license records. The North Carolina State Board of Elections (NCSBE) reported that 95% of registrants and 97% of voters in 2012 could be matched in the DMV file (NCSBE 2013). For the state of Georgia, Hood & Bullock (2008) find that in 2006 about 94% of registrants held driver's licenses. Modest variation by race and ethnicity was also evident, with different rates for whites (96.3%), Asians (95.8%), African Americans (93%), and Latinos (92.6%).

Existing research provides evidence for the hypothesis that even if there were no differences in ID holding rates, there still might be differential turnout effects due to variability in the application of the laws. For example, Ansolabehere (2009) reports that white voters are less likely to be asked for a photo ID than either Latinos or African Americans by about seven percentage points. Similarly, in one of New Mexico's congressional districts, Atkeson et al. (2010) find that many people report being asked to show identification and that Latinos are more likely to be asked to do so. Likewise, Cobb et al. (2012) report the results from a survey in Boston showing that African Americans and Hispanics were more likely to be asked for identification compared to whites. Finally, White et al. (2015) conducted a national field experiment in which emails were sent to local election officials from putatively Latino and non-Latino names asking about voter identification. Emails sent from Latino names were less likely to be responded to, and when they were, the answers were less likely to be accurate (in each case by about five percentage points). At the same time, tests for group differences do not always find any. Stewart (2013, p. 48) finds that "for the most part, there are no reported racial differences in being required to show identification." But Stewart does note an exception, namely that in states without voter identification laws, 11% of whites, 28% of African Americans, and 17% of Latinos were nevertheless asked to show a photo ID to vote.

Overall, although there is some variation in the results, existing research clearly establishes the plausibility of the hypothesis that strict voter identification laws might lower turnout, and do so more among some groups than others. Not all registered voters possess forms of ID that would qualify under the strict laws. There appears to be at least some variation across groups in the rates at which registrants possess valid forms of ID, and there is evidence of unequal treatment that could produce unequal turnout effects even if the rates of valid ID holding were equal across groups.

In contrast to this evidence, several other studies suggest that the turnout-lowering effects may be small if apparent at all. First, Ansolabehere (2009, p. 129) finds an "exceptionally low rate" at which prospective voters were not allowed to vote due to lack of proper identification. Second, to the extent that registrants without valid identification are unlikely to vote for reasons other than not having valid identification, the magnitude of the possible turnout effects of voter identification laws will be reduced. To investigate this issue, Hood & Bullock (2012) matched DMV records to registration and voting records in Georgia for the two election years that immediately preceded the implementation of Georgia's strict photo ID law in 2008. The study reports that in 2006 just 10% of registrants without a driver's license voted, compared to 47% among those with licenses. A higher than 30% turnout gap was also evident in 2004, when 44% of registrants without a driver's license voted compared to 76% of registrants with a driver's license.

The third study raising the possibility that voter identification laws may not lower turnout much—at least in the short term—is the one by Valentino & Neuner (2016), which focuses on the potentially mobilizing effects of individuals' emotional responses to the media frames used in covering the political debate. In a survey experiment, people exposed to newspaper stories using the frames common in the media coverage of voter identification laws reported higher levels of anger than those in the control condition. Anger was not the only result of being exposed to the media frames: Higher scores on a political participation index were a consequence, too. In both instances, larger effects were observed for self-identified Democrats. If these effects occur in response to actual voter identification laws, then the negative effects of voter identification laws on turnout may be counterbalanced (at least to some extent) by the positive turnout effects induced by individuals' emotional responses to the laws.

Direct Tests

As discussed above, it is strongly advisable that empirical tests of the turnout effects of voter identification laws be based on a research design that attempts to account for the nonrandom assignment of voter identification laws. My review of existing studies on the turnout effects of voter identification laws found four that use some form of DID design (Alvarez et al. 2011, Dropp 2013, Erikson & Minnite 2009, GAO 2014). A handful of other studies have analyzed the turnout effects of the voter identification laws without this research design and are therefore largely uninformative in terms of causal inference (De Alth 2009, Gillespie 2015, Hajnal & Lajevardi 2015, Milyo 2007, Mycoff et al. 2009, Rocha & Matsubayashi 2014, Vercellotti & Andersen 2009). The findings in these studies have been variable and inconsistent, although Hajnal & Lajevardi (2015) report some substantively significant results.

Of the studies that do take into account observed and unobserved differences across states, first consider Alvarez et al. (2011) and Erikson & Minnite (2009). Both studies rely on the eight categories of voter identification laws developed by Alvarez et al. (2008). The most recent data analyzed in both studies is from 2006, a time by which only one state (Indiana) had implemented a strict photo ID law. Alvarez et al. (2008, 2011) combine individual-level survey data from the 2000, 2002, 2004, and 2006 Current Population Survey (CPS) Voter Supplements and estimate a turnout model with random effects for states and election years. The study relies on survey data rather than official turnout figures in order to analyze overall and group-specific turnout effects. To estimate the effects of voter identification laws on turnout, Alvarez et al. (2008, 2011) employ a "Bayesian shrinkage estimator" whereby turnout differences across the increasingly strict identification laws are allowed to deviate from a linear trend to the extent "determined by the data." Despite the deviations from a linear relationship, the estimates reveal a mostly linear, though modest, relationship between the strictness of voter identification laws and turnout. The estimated difference in turnout between a state with a strict photo ID requirement and a state with the least restrictive requirement is barely two percentage points.

Erikson & Minnite (2009) also use the CPS Voter Supplement data and estimate a DID model based on observed turnout changes across the 50 states and the District of Columbia. In states where voter identification laws changed the most in a restrictive direction, turnout dropped between two and three percentage points more than in states in which identification laws did not change or changed modestly in a permissive direction. However, these authors find the estimated effects to be roughly comparable in size to their standard errors and therefore conclude that it may very well be the case that "the true impact of voter identification laws on turnout is a zero effect" (Erikson & Minnite 2009, p. 97). Further, Erikson & Minnite (2009) suspect that the Alvarez et al. (2008, 2011) model underestimates the true uncertainty in the estimated effects of voter

identification laws by not fully taking into account idiosyncratic variability in turnout between states and within states over time. The reported 95% confidence intervals of about 0.5 percentage points suggest that this may very well be the case.

Turning to studies based on more recent data, Dropp (2013) analyzes four pairs of elections (2004/2008, 2008/2012, 2006/2010, and 2004/2010) using individual-level data from state voter registration files compiled and cleaned by Catalist. Dropp finds that relative to states that did not change their voter identification laws, those that became stricter had turnout declines of nearly 4 percentage points in two pairs of elections (2006/2010 and 2004/2010), with virtually no observable effects in the other two election pairs. Dropp hypothesizes that the distinguishing feature of the pairs with larger effects is that they involve midterm elections.

Finally, the US Government Accountability Office analyzed two states (Tennessee and Kansas) that implemented strict photo ID laws between 2008 and 2012 and compared them to four states that did not (Alabama, Arkansas, Delaware, and Maine) (GAO 2014). The logic behind selecting Tennessee and Kansas as treatment states was that "with minimal contemporaneous changes in other aspects of election administration, the offices and questions on the ballot, and the competitiveness of those races, made these states the strongest treatment states for analysis" (GAO 2014, p. 134). The control states were chosen because in addition to not implementing strict photo ID laws between 2008 and 2012, they were deemed similar to the treatment states in a host of other ways, thus reducing the chances that other factors could explain any observed turnout differences between the first and the second election (GAO 2014, p. 140). Comparing turnout in Tennessee and Kansas to turnout in the control states across three different measures, GAO (2014) reports turnout declines in Tennessee and Kansas in excess of those in the controls states that ranged from 1.9 to 3.2 percentage points (depending on the state and the turnout measure) and averaged 2.6 percentage points.

Despite the differences among these four studies, none reports an overall turnout effect that exceeds four percentage points, and therefore the claim that voter identification laws depress turnout to a substantial degree is difficult to sustain based on existing evidence. There are at least three plausible explanations for the minimal effects reported in these studies. First, the true effect may be modest in magnitude. Second, the modest apparent effects may be short-term effects that will become larger over time as the mobilizing effect of the anger induced by the media frames wears off (Valentino & Neuner 2016). However, Dropp (2013) finds that the demobilizing effects of voter identification laws are generally larger among registered Democrats than Republicans, which is not consistent with this explanation. A third possible explanation is that the voter identification law with the most substantial effects—a strict photo ID requirement—has been in place in a relatively small number of states for a relatively small number of elections (**Figure 1**). There may not yet be enough data from states with this form of voter identification law to accurately estimate its effects. Of course, if this is the case, the effect will become apparent as more data from future election years become available.

A final observation about existing studies is worthy of note. To the extent that they report tests of group differences, these differences appear minimal at most. For example, three of the studies tested for the demographic characteristics most commonly identified as a potential cause of differential effects: race and ethnicity. Alvarez et al. (2008) distinguish nonwhites from whites and do not find a larger effect of voter identification laws on nonwhites; if anything, the effect appears larger among whites. Dropp (2013) examines racial and ethnic differences across three pairs of elections and finds that African American turnout dropped more than white turnout by about 2.5 percentage points in one pair (2004/2010) but was not distinguishable from white turnout in two others (2004/2008 and 2006/2010). In none of the three pairs does the study find a larger effect of voter identification laws on Latino turnout compared to white turnout.

Last, GAO (2014) finds that African American turnout dropped 2.6 percentage points more than that of whites in Kansas and Tennessee but reports no differential effects for Latinos or Asians.

SUMMARY AND FUTURE DIRECTIONS

Voter identification laws that require registrants to present a document verifying their identities before being allowed to vote are a relatively new phenomenon in American politics. The strictest type of these laws—those that require registrants to provide an unexpired, government-issued photo ID—are even newer. The first state law of this type was implemented in Indiana in 2006. The Supreme Court challenge of the law and the starkly partisan nature of the passage of Indiana's and other states' strict photo ID provisions underscore the high political stakes perceived to be linked to these laws. Thus far, the empirical evidence does not substantiate these beliefs. To the extent that sound evidence exists, it shows modest turnout effects and only minor differences across politically relevant groups.

Although the null hypothesis deserves the benefit of the doubt, it is worth keeping in mind that before the 2014 elections just four states had implemented strict photo ID laws. The number rose to eight in 2014 and ten in 2016. It may be that with more elections—and therefore more data—in which strict photo ID requirements are in place, evidence of more substantial turnout effects will become apparent. More data over time may also make it feasible to test additional hypotheses, like the possibility that the initial effects of voter identification laws, whatever they may be, may differ from their longer-term effects as individuals, parties, and other political actors adapt to them. Especially important is to continue analyzing countermobilization in response to voter identification laws. Citizens' emotional responses along with actions taken by parties and groups may serve to minimize what might otherwise be more substantial turnout effects. It is well worth investigating further how key political groups and elite actors respond to the passage and implementation of voter identification laws.

Equally important as collecting and analyzing more data is employing research designs that do not treat voter identification laws as exogenous to the political process. Theoretically, doing so entails implausible assumptions. As Hanmer (2009, p. 6) writes, "studies that fail to account for the strategic nature of the selection of election laws miss a fundamental part of the process—the role of politics—and proceed as if these laws were assigned randomly." Empirically, the research literature on the turnout effects of registration closing dates and Election Day registration provides a cautionary example about making incorrect assumptions and causal inferences. Provided they are employed correctly and their assumptions are plausible, difference-in-differences designs or more sophisticated approaches—like matching or synthetic control—can address some of the concerns about causal inference that result from the nonrandom assignment of voter identification laws. These designs can be used to assess the overall turnout effects of voter identification laws along with the effects among particular groups, provided that data on those groups are available. It is also important to estimate correctly the uncertainty, or standard errors, for the estimated effects, be they for overall turnout effects or group differences.

Finally, even if we posit that voter identification laws have no influence on turnout because all those without valid identification who would otherwise vote take the necessary steps to obtain proper identification in advance of Election Day, these people do face a higher barrier to voting. Although it would be going too far to compare this burden to the poll taxes and literacy tests used in some states in the first half the of the twentieth century, the barrier is real, nontrivial, and unequal in impact. Thus, when the Carter-Baker Commission (officially named the Commission on Federal Election Reform) issued its report on "building confidence in U.S. elections," it recommended

that "[w]here they will need identification for voting, IDs should be easily available and issued free of charge" (CFER 2005, p. 19).

In conclusion, research on voter identification laws and turnout in the United States is likely to grow in the coming years. And it should. With an increasing number of elections held with strict photo ID laws in place, a greater understanding of the effects of these laws—be they substantial or modest—on overall turnout and on particular groups should follow. Existing research on registration and voting laws in general, and voter identification laws in particular, can serve as a useful guide.

DISCLOSURE STATEMENT

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