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Voter Identification Laws: The Cost of Voting and Voter Participation

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## **Introduction**

While voting is a fundamental part to a working democracy, not all United States citizens have had the right to vote from the beginning of this nation. The drafters of the United States Constitution did not include language regarding who could or could not vote; instead they left this decision up to the states. In a majority of states, however, in order to vote, citizens had to be a white male who held property. The first move to increase suffrage came following the War of 1812; states began to remove the voting requirement of property ownership from their Constitutions. Without the property requirement, nearly all white men could vote ("U.S. Voting Rights Timeline" 2004). The majority of people within the United States, however, still could not vote. This included women, African Americans, Asian Americans, Native Americans and many other ethnic groups. A significant change in voting rights was the Fifteenth Amendment. The Fifteenth Amendment forbade the United States or states from denying the right to vote based on race, color, or previous servitude (Constitution, 83). Even after the Fifteenth Amendment was ratified, however, a majority of citizens still could not vote: women. While the women's suffrage movement began in 1848 during the Seneca Falls women's rights convention, the Nineteenth Amendment was not ratified until 1920. The Nineteenth Amendment was the largest extension of voting rights in this country ("Seneca Falls Convention and the Early Suffrage Movement" 2007).

Even with both the Fifteenth and Nineteenth Amendments, efforts to disenfranchise voters have been well documented, especially against African Americans voters in the southern United States. After Reconstruction, southern states created laws that limited the civil rights of African Americans, including the right to vote. In order to

deny African Americans the right to vote, southern states created confusing registration systems and required citizens to take literacy tests and pay poll taxes. These laws greatly limited the number of voting African Americans. For example, in Mississippi, of the 147,000 voting-age African Americans less than 9,000 registered. In addition, in Louisiana, 130,000 African Americans registered during Reconstruction, but by 1904 less than 2,000 voters were still registered ("White Only: Jim Crow in America"). These practices became illegal during the 1960's with the ratification of the Twenty-Fourth Amendment and the passage of the Voting Rights Act (VRA) of 1965. The Twenty-Fourth Amendment made it unconstitutional to use poll taxes as a requirement for voting and the VRA of 1965 eliminated discriminatory election practices and thus led to enfranchisement of millions of minority voters. By the end of 1965, an additional 250,000 African Americans were registered to vote, and in Mississippi, African American registration went from less than ten percent in 1964 to sixty percent in 1968 ("History of Voter Registration" 2013).

Recently the Supreme Court ruled in the case *Shelby County v. Holder* (12-96, [2013]), that Section 5 of the VRA of 1965 was unconstitutional. Under Section 5 of the VRA of 1965, states were required to get federal preclearance before making changes to voting procedures (Liptak 2013). Without this requirement states can make voting procedure changes without federal oversight, and thus many states have enacted legislation that changes voting procedure following the ruling. For example, in Texas before the Supreme Court ruling, a federal court struck down a voter identification law and cited the VRA of 1965. Only hours after Supreme Court ruling, Texas enacted voter identification laws (Cooper 2013). Voter identification laws are being debated around

the country. Those in favor of these laws, mostly conservatives, believe that without it voter fraud will increase; however, those against it, mostly liberals, believe that these laws will disenfranchise millions of citizens.

Due to the long history of citizens fighting for their right to vote, the idea that lawmakers might be limiting this right is concerning, however, the chance of voter fraud is equally as problematic. Even though these two problems have consequences for democracy in the United States, the largest problem would be a decrease in voter participation due to voter identification laws. What are the effects of voter identification laws on voter participation? I hypothesize that these laws will increase the costs of voting. More specifically, I argue that voter participation will decrease if voter identification laws are enacted because it will be more costly for voters to participate.

To better explain my hypothesis, I talk about the cost of voting and more specifically, what I define as a cost of voting. I split the cost of voting into two categories: the negative effects on voters and the financial burden of voter identification laws upon state governments. Then, I discuss the argument for creating voter identification laws and how the opponents of these laws view this argument. Finally, I compare and contrast voter participation and voting laws in Minnesota and Indiana in order to build into my research design.

## **Literature Review**

The cost of voting can be split into two categories: the negative effects on voters and the financial burden that voter identification laws will impose upon state government. The most costly effects will be an increase in time necessary to vote, including both the

time spent waiting to vote and time spent obtaining a valid identification. Of the recent voter identification laws passed the most publicized is in Texas. Texas voter identification law requires the name on the voting roll to be exactly the same as on the piece of identification. If not, voters can sign an affidavit or cast a provisional ballot. In the 2013 election, Texas election officials had concerns over the amount of time spent looking over each voter's name (Martin 2013). Compared to presidential election years, the amount of voter traffic was much less in Texas. This information worried election officials. According to Dallas County elections administrator Toni Pippins-Poole, "If it made any kind of a line in an election with 6 percent [voter] turnout, you can definitely imagine with 58 percent [voter turnout]," (Martin 2013). In addition to time spent waiting in lines, the time spent obtaining a valid voting identification is also a potentially burden. After the Texas voter identification law was implemented, La Unión Del Pueblo Entero (LUPE), a group founded by Cesar Chavez, and nine long-time voters sued the state over this law. LUPE's case focuses on the burden of poor and rural voters who do not have a certified copy of their birth certificates. LUPE argued that the costs of obtaining a certified birth certificate or a copy of citizenship papers are similar to a poll tax (Michels 2013). LUPE and the nine plaintiff's two arguments are the financial burden of obtaining new certificated birth certification is too great upon citizens below the poverty line and that rural voters who lack transportation will be unable to travel to Texas Department of Public Safety (DPS) offices to get identification (LUPE vs. Texas).

In addition to an increase in waiting time for voters and problems with obtaining identification, states that implement voter identification laws will face significant financial burdens. States would have to take on the financial burden on providing the

identification because the Twenty-Fourth Amendment states that no citizen would have to pay a poll tax in order to vote. In an article published by Brennan Center For Justice, the projected cost of the voter identification law in Indiana is in excess of 1.3 million dollars (Agraharkar 2011: 1). This financial burden of the state is due to several reasons, including money spent providing the secondary documents needed to obtain identification, opening and maintaining offices that make the identification, and educating the public on the new laws (Agraharkar 2011: 5-6).

In the court case *Weinschenk v. Missouri* (No. SC 88039 [2006]), the plaintiffs argued that the secondary documents needed to obtain a nondriver's license are similar to a poll tax because the documents needed, most commonly is a certified birth certificate, cost \$15 to obtain (No. SC 88039 [2006]: 11). The Missouri Supreme Court ruled Missouri's photo identification law unconstitutional because the costs of the secondary documents were equivalent to a poll tax. Due to the reasoning by the court, states have to pay the cost of obtaining secondary documents in order to prevent future constitutional challenges (Agraharker 2011: 6). In addition to the cost of the secondary document, states will have to open and maintain offices that provide voter identification cards. A study conducted by Minnesota Common Cause and Citizens for Election Integrity estimated that the cost of providing free identification would be \$3.9 million dollars, included is the cost of open and maintaining additional Driver and Vehicle Service (DVS) offices or County Auditor offices. These costs include extending the DVS office hours to night and weekend, opening additional offices, and creating mobile identification issuing centers (Minnesota Common Cause et al. 2011). Another financial burden for the states is the cost of educating the public on the new laws. In Minnesota, the cost of educating voter

on the proposed voter identification laws was estimated at \$19.48 million dollars. Including in the costs are radio, television, newspaper advertisements, and mailings regarding the new laws (Minnesota Common Cause et al. 2011). The state financial burden is significant because of the cost of providing the secondary documents, opening and maintaining offices, and educating voter. This highlights another cost of voter identification laws, in addition to individual burden of voter identification laws.

The argument used by supporters of voter identification laws relates to the existence of voter fraud. Even though the cases of voter fraud are almost nonexistent, it is the reason many lawmakers have argued for the need to create voter identification law. For example in Ohio the eighty-eight counties Board of Elections surveyed in order to find voter fraud, the survey found four cases of ineligible persons attempting to vote. The four case amount to .000044% of the 9,078,728 voters during the 2002 and 2004 general elections in Ohio (Overton 2007:654). However, lawmakers justify voter identification “not because [they are] certain that fraud is a problem, but that [they] suspect fraud... [and] that fraud would be hard to measure” (Flander 2007:100). According to the data, voter fraud barely exists. However, the argument that voter identification laws will prevent future fraud is understandable because of the impact on the electoral system if voter fraud was a major problem. In contrast, lawmakers against voter identification, mainly Democrats and election rights groups, believe that these laws may disenfranchise millions of voters by placing significant and unequal obstacles to the right to vote (Barreto et al. 2009). In addition, according to the Democratic Party website (2014), “Numerous non-partisan organizations have debunked claims of widespread voter fraud.” The argument against voter identification is two parts, it disenfranchise millions and that the



reason for the legislation, voter fraud, is misguided. Due to the political disagreement, this issue has created much debate. The question remains: what would the overall effects of voter identification laws have on voter participation?

### **Research Design**

Due to the recent implication of voter identification laws, there is limited research conducted on the impact of voter identification laws on voter participation. I created a research design that could be used during future election years to evaluate the effects of voter identification laws on voter participation. For this study, my independent variables are the cost of voting and the voter identification laws. My dependent variable is voter participation.

The individual cost of voting can be study by using the data collected by Current Population Survey (CPS) Voter Supplement. This survey includes important data that is necessary in measuring the potentially burden of individuals. The most important would be the data regarding family incomes because if it became more costly to vote, this data will be need to study the potential difference in voter participation between lower income brackets and higher income brackets. The data collected by the CPS is necessary to understand how an increase in the cost of voting would effect voter participation. In order to measure the cost of voter identification laws on the states, the state budgets is the only data needed to see the effects of these laws. By comparing the state budget pre-voter identification and post voter identification, I am able to understand the financial burden that voter identification has upon the states.

In order to study the effects voter identification has on voter participation, I propose to look at the cost of voting in states that require no identification at polling

places and states with strict identification laws. For my research design, I picked Minnesota, which has no documents required to vote, and Indiana, who has some of the nation's strictest voter identification laws, as states to study under my research design ("Voting Laws Roundup 2013" December 19, 2013).

H1: If voter identification laws are enacted will then voter participation will decrease because it will be more costly for voters to participate.

The Indiana voter identification law, SEA 483, requires voters to provide proof of identification in order to vote. Proof of identification refers to documents that include a name of the individual, photo, and expiration date, and the document must be issued by the state of Indiana or United States (Senate Enrolled Act No. 483 2005). SEA 483 was legally challenged in 2008 with the Supreme Court case *Crawford v. Marion Country Election Board*. Crawford argued that SEA 483 restricted the right to vote by creating voting burdens. Thus, it was the Supreme Court's task to decide the difference between "those restrictions that help to create fair elections and so are constitutional, and those that make elections unfair and so are unconstitutional" (William 2008: 381). The Supreme Court ruled in a six to three decision that SEA 483 was constitutional. In the majority opinion, Justice Stevens identified three state interests that justified the "unproven special burden allegedly experienced by a small number of voters" (Trotter 2013: 530). These interests are the improving of election modernization procedure, preventing voter fraud, and protection voter confidence (Trotter 2013: 531). The ruling that the Indiana voter identification law is constitutional has had major effects in the United States. Since 2008, thirty-four states have introduced voter identification

legislation and seven states have signed these bills into laws (Trotter 2013: 538). One state that decided not to implement a voter identification law was Minnesota. During the 2012 election, voters in Minnesota defeated a proposed constitutional amendment that would have required voter identification.

I focus on Minnesota and Indiana because of the sharp difference in voting laws. In Indiana, the law states that the voter must have a type of identification card that is issued by the states of Indiana or the United States government in order to vote. Included on the cards must be a name, photo, and an expiration date. If a voter does not have an identification card that fits these requirements he or she can still vote. However, he or she must return to the election board by the Monday after the election in order for the vote to count (“Voter Identification Requirements” 2014). In Minnesota, the laws are much different. For voters who have previously registered to vote in Minnesota, all he or she need to do on election day is state their name to an election judge and sign a polling place roster (Gehrieg 2008). Due to the sharp difference in requirements on voting, I believe these two states are important in studying the effects of voting identification laws on voter participation.

In order to study the effects of voter identification laws, it is necessary to understand the relationship between voter identification laws and voter participation. According to Hood and Bullock (2012: 399), the two important data sources when examining the effects of voter identification laws are voter registration and the historical databases created by the individual state’s Secretary of State. Historical databases are important in order to conduct difference-in-difference analysis. Difference-in-difference

analysis simply compares the degree of change for different treatment groups (Erikson et al. 2009:89). In more common terms, this means that I will look at elections before and after voter identification laws were implemented. Difference-in-difference analysis will only work for Indiana because Minnesota has never had voter identification laws. One flaw with difference-in-difference analysis is I cannot examine how voter identification laws impact the same election. Each election has its variables. For example, during presidential elections voter participation is on average around 60%, whereas in the midterm elections voter participation is around 40% (“Voter Turnout” 2013). In addition to the difference in overall voter turnout between presidential and midterm elections, candidates also have a large impact on voter turnout. During the 2008 presidential election, voter turnout was at a forty year high. Voter participation was at a forty year high because President Barack Obama’s campaign was able to energize African American and young people to vote (“2008 Election Turnout Hit 40-Year High” 2008). Due to the variables of elections year, I believe that solely using difference-in-difference analysis will not completely show the effects of voter identification laws, so it is also necessary to use data collected by the CPS survey.

To limit the variables of different elections, it is necessary to compare different states during the same election year, in addition to using difference-in-difference analysis. In order to compare the two states together, I will use the data collected by the CPS Voter Supplement. This survey’s data provide a large sample of information about the voting population within the United States (Alvarez et al. 2007:5). This research design is similar to the research design of Alvarez, Bailey, and Katz (2007) because I will use the CPS data to compare voter participation in different states however; I am focusing

solely on Indiana and Minnesota, whereas they focused on every state in the nation. I focus solely on Indiana and Minnesota because, as previously mentioned, due to the strong contrast in the laws I will be able to effectively show the effects of voter identification laws on voter participation.

## **Conclusion**

The cost of voting under the implementation of voter identification laws can be studied by looking at the individual burden and the state burden. The individual burden includes both an increase in time spent waiting in line to vote and time spent of obtaining correct proof of identification. The state burden is the financial responsibility of providing identification, in order for the laws to remain constitutional under the Twenty-Fourth Amendment.

In addition to the cost of voting, the argument for the implication of voter identification laws is to prevent voter fraud. Those in favor of identification laws state that such laws will create fair elections by eliminating the chance of voter fraud. Opponents argue that voter fraud is non-existent and implication of these laws will disenfranchise millions of United States citizens by creating unnecessary barriers to vote.

For my research design, my hypothesis states that due to an increase cost in voting there will be a decrease in voter participation because of the implication of voter identification laws. In order to test this hypothesis, I decided to study two states, Minnesota and Indiana, based on the severity of each states voting laws. To study the effect of voter identification laws, I propose to use difference-in-difference analysis to see the before and after impact of this law in Indiana. Then, I would have used data

collected by the CPS survey to compare the difference in voter turnout during the same election in Minnesota and Indiana. By using both difference-in-difference analysis and the data collected by the CPS survey to compare Minnesota and Indiana, I believe I have created an effective way in measuring the effect voter identification laws have on voter participation.

- Agraharkar, Vihal, Wendy Weiser, and Adam Skaggs. *The Cost of Voter ID Laws: What the Courts Say*. Paper, New York: Brennan Center for Justice at New York University School of Law, 2011.
- Alvarez, R. Michael, Delia Bailey, and Jonathan Katz. "The Effect of Voter Identification Laws on Turnout." *Caltech/MIT Voting Technology Project*. (2007): 1-27. [http://votingtechnologyproject.org/sites/default/files/vtp\\_wp57.pdf](http://votingtechnologyproject.org/sites/default/files/vtp_wp57.pdf) (accessed March 25, 2014).
- Barreto Matt A, Nuño Stephen A., and Sanchez Gabriel R. The Disproportionate Impact of Voter-ID Requirements on the Electorate—New Evidence from Indiana. *PS: Political Science & Politics*, 42. 2009
- Brennan Center for Justice , "Voting Laws Roundup 2013." Last modified December 19, 2013. Accessed February 27, 2014. <http://www.brennancenter.org/analysis/election-2013-voting-laws-roundup>.
- CBS News, "2008 Election Turnout Hit 40-Year High." Last modified December 15, 2008. Accessed March 25, 2014. <http://www.cbsnews.com/news/2008-election-turnout-hit-40-year-high/>.
- Cooper , Michael . "After Supreme Court Ruling, States Rush to Enact Voter Laws ." *The New York Times*, July 6, 2013. <http://www.nytimes.com/2013/07/06/us/politics/after-Supreme-Court-ruling-states-rush-to-enact-voting-laws.html?pagewanted=all> (accessed February 27, 2014).
- Erikson, Robert S, and Lorraine C. Minnite. 2009. "Modeling Problems in the Voter Identification—Voter Turnout Debate." *Election Law Journal* 8, no. 2: 85-101. *Academic Search Premier*, EBSCOhost (accessed March 24, 2014).
- FairVote: The Center for Voting and Democracy , "History of Voter Registration." Last modified 2013. Accessed February 27, 2014. <http://www.fairvote.org/reforms/universal-voter-registration/history-of-voter-registration/>.
- Flanders, Chad. 2007. "How to Think About Voter Fraud (And Why)." *Creighton Law Review* 41, no. 1: 93-153. *Academic Search Premier*, EBSCOhost (accessed March 19, 2014).
- Gehrieg, Matt. Minnesota House of Representatives , "Minnesota's Voter Eligibility and Identification Requirements." Last modified June 2008. Accessed March 25, 2014. <http://www.house.leg.state.mn.us/hrd/pubs/ss/ssvtrelig.pdf>.

- Hood III, M. V., and Charles S. Bullock III. 2012. "Much Ado About Nothing? An Empirical Assessment of the Georgia Voter Identification Statute." *State Politics & Policy Quarterly* 12, no. 4: 394-414. *Academic Search Premier*, EBSCOhost (accessed March 24, 2014).
- Khan, Natasha , and Corbin Carson. NBC News , "New database of US voter fraud finds no evidence that photo ID laws are needed." Last modified August 11, 2012. Accessed February 27, 2014.  
[http://investigations.nbcnews.com/\\_news/2012/08/11/13236464-new-database-of-us-voter-fraud-finds-no-evidence-that-photo-id-laws-are-needed](http://investigations.nbcnews.com/_news/2012/08/11/13236464-new-database-of-us-voter-fraud-finds-no-evidence-that-photo-id-laws-are-needed).
- KQED Public Media For Northern CA , "U.S. Voting Rights Timeline." Last modified 2004. Accessed February 27, 2014.  
<http://www.kqed.org/assets/pdf/education/digitalmedia/us-voting-rights-timeline.pdf>.
- Liptak , Adam . "Supreme Court Invalidates Key Part of Voting Rights Act." *The New York Times*, June 25, 2013. [http://www.nytimes.com/2013/06/26/us/supreme-court-ruling.html?pagewanted=all&\\_r=1&](http://www.nytimes.com/2013/06/26/us/supreme-court-ruling.html?pagewanted=all&_r=1&) (accessed February 27, 2014).
- Martin, Brittney . "Voter ID woes could soar in higher-turnout elections, officials fear." *Dallas News* , November 24, 2013.  
<http://www.dallasnews.com/news/politics/headlines/20131124-elections-officials-concerned-about-effect-of-voter-id-in-higher-turnout.ece> (accessed February 27, 2014).
- Michels , Patrick . "New Voter ID Lawsuit Argues for Poor Voters' Rights." *Texas Observer* , November 11, 2013. <http://www.texasobserver.org/texas-voter-id-lawsuit-poor-voters/> (accessed February 27, 2014).
- Minnesota Common Cause, and Citizens for Election Integrity. "The High Cost of Voter ID Mandates." *A Review of the State of Minnesota's Fiscal Note on Voter ID Legislation*. March 2011. [http://www.ceimn.org/sites/default/files/Voter-ID-Cost\\_March\\_2011.pdf](http://www.ceimn.org/sites/default/files/Voter-ID-Cost_March_2011.pdf) (accessed April 16, 2014).
- National Conference of State Legislatures, "Voter Identification Requirements ." Last modified March 11, 2014. Accessed March 25, 2014.  
<http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>.
- National Women's History Museum , "The Seneca Falls Convention and the Early Suffrage Movement." Last modified 2007. Accessed February 27, 2014.  
<https://www.nwhm.org/online-exhibits/rightsforwomen/SenecaFalls.html>.
- Overton, Spencer. "VOTER IDENTIFICATION." *Michigan Law Review* 105, no. 4 (February 2007): 631-681. *Academic Search Premier*, EBSCOhost (accessed February 27, 2014).



Shelby v Holder (12-96 [2013])

Smithsonian National Museum of American History , "White Only: Jim Crow in America." Accessed February 27, 2014.  
<http://americanhistory.si.edu/brown/history/1-segregated/white-only-1.html>.

Senate Enrolled Act No. 483, 114<sup>th</sup> General Assembly. (2005).

The Center for Voting and Democracy, "Voter Turnout." Last modified 2013. Accessed March 25, 2014. <http://www.fairvote.org/research-and-analysis/voter-turnout/>.

Trotter, Richard. "Vote of Confidence: Crawford V. Marion County Election Board, Voter Identification Laws, and the Suppression of Structural Right." *New York University Journal of Legislation and Public Policy*. : 516-563.  
<http://www.nyuylpp.org/wp-content/uploads/2013/07/Trotter-Vote-of-Confidence-16nyujlpp515.pdf> (accessed March 25, 2014).

Williams, David. 2008. "The Supreme Court and Indiana's Voter ID Law." *Indiana Magazine Of History* 104, no. 4: 379-385. *Academic Search Premier*, EBSCOhost (accessed March 24, 2014).

Weinschenk vs. Missouri (SC 88039 [2006])