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Written Testimony of Nazita Lajevardi
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Chairperson Butterfield, Ranking Member Steil, and distinguished members of the committee, it is an honor to offer testimony before this subcommittee. My name is Nazita Lajevardi, and I am an assistant professor of political science at Michigan State University. My research evaluates how minorities fare in American democracy, and pays close attention to the factors that shape their political behavior and political attitudes.

My scholarly work over the past four years has evaluated the impact of voter identification laws on minority voter turnout in American elections. Across the board, my colleagues and I have found that these laws impose a disproportionate burden on minority voters; our research consistently has found a negative and significant empirical link between voter identification laws and minority turnout in the United States.

Summary of Testimony

Voting is the most fundamental tenet of democracy. Through the vote, citizens elect their representatives, influence policy, and participate in democracy. And, importantly, any barriers to the vote should be carefully assessed to ensure that they do not significantly and systematically reduce the voices of marginalized groups, such as racial and ethnic minorities. Today, voter identification laws represent one of the nation's most important barriers to voting, and thus, one of the country's most important civil rights issues. By raising the costs of voting for some individuals more than others, they affect who votes and who does not, and in doing so, they substantially shape whose voices are represented in American democracy.

As of 2020, 35 states have laws in force requesting or requiring voters to show some form of identification at the polls. What is more, as these laws are becoming stricter and more common, it is important to evaluate *if* these laws affect voter turnout, and *who* is most impacted by them. In what follows, I first provide a brief overview of what voter identification laws are. Next, I describe findings from my own scholarship, which shows these laws have a disproportionate burden on minority voters. I conclude by pointing to findings from other scholars who have found similar effects of voter identification laws.

Background on Voter Identification Laws

Brief History

Voter identification laws were first enacted in 1950 when South Carolina became the first state to ask for some form of identification at the ballot box. However, prior to 2006, no state *required*

identification to vote. Contemporary discussions about voter identification laws and their effects can be traced to 2005, when Indiana and Georgia adopted strict photo identification requirements, with the former's law taking effect in 2006 and the latter's in 2008 (Highton 2017). As of 2020, 35 states have laws in force that request or require voters to show some form of identification at the polls (NCSL 2021).¹

Types of Voter Identification Laws

The National Conference of State Legislatures (“NCSL”) categorizes states based on two dimensions: 1) whether the state asks for photo identification (photo identification state) or whether it accepts identification without a photo as well (non-photo identification state), and 2) what actions are available for voters who do not have identification. In terms of actions available to voters without identification, in strict states, those without acceptable identification must vote on a provisional ballot and also must take additional steps after Election Day for their vote to be counted, whereas at least some voters without acceptable identification in non-strict states have an option to cast a ballot that will be counted without further action on their part (NCSL 2021).

Though no two state laws have identical voter identification laws (Highton 2007), there can be overlap between these two categories (NCSL 2021). The NCSL thus groups these laws into five categories: 1) strict, photo identification,² 2) strict, non-photo identification,³ 3) non-strict, photo identification,⁴ 4) non-strict, non-photo identification,⁵ and 5) no voter identification law.⁶

The strictest type of these laws -- present in strict photo identification states -- requires that registrants attempting to vote in person on Election Day present government-issued photo identification, *and* produce qualifying identification at a time after casting their ballot in order to have their vote counted (Fraga 2018). Fraga 2018 provides an instructive example of how a strict photo identification law would be enforced in Indiana where, “a voter without qualifying identification who wishes to have their provisional vote counted must, within one week of the election, visit the county election board in person and either produce photo identification or sign an affidavit indicating that they are “indigent” or have religious objections to being photographed” (p. 180). Since not all registrants have this type of government-issued photo identification document, scholars have evaluated whether these laws might lower turnout, and do so disproportionately among those for whom the burden is greater (Highton 2017).

¹ As of December 2019, North Carolina's law is not yet in effect due to a preliminary injunction (NCSL 2021).

² Six states currently have strict photo identification laws in place: Georgia, Indiana, Kansas, Mississippi, Tennessee, and Wisconsin (NCSL 2021).

³ Three states currently have strict non-photo identification laws in place: Arizona, North Dakota, and Ohio (NCSL 2021).

⁴ Twelve states currently have non-strict photo identification laws in place: Arkansas, Alabama, Florida, Hawaii, Idaho, Louisiana, Michigan, North Carolina, Rhode Island, South Carolina, South Dakota, and Texas (NCSL 2021). Note, however, that the North Carolina law is not currently in effect due to an injunction.

⁵ Fifteen states currently have non-strict non-photo identification laws in place: Alaska, Colorado, Connecticut, Delaware, Iowa, Kentucky, Missouri, Montana, New Hampshire, Oklahoma, Utah, Virginia, Washington, West Virginia, and Wyoming (NCSL 2021).

⁶ Currently, fourteen states have no voter identification law requirement: California, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New Mexico, New York, Nevada, Oregon, Pennsylvania, and Vermont (NCSL 2021).

Voter Identification Laws and Effects on Minority Voters

Since the strictest form of voter identification laws have been enacted beginning in the mid-2000s, my own work, and that of other scholars, has evaluated the impact of voter identification laws on minority turnout in different ways. It is important to note that these laws are not being introduced in a vacuum, and as Highton (2017) notes, “it is not possible 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.” As such, scholars have approached this question using a myriad of methods and data.

Findings from My Coauthored Research

I have coauthored three studies that directly examine the effects of voter identification laws on minority populations. Across each of the three studies, my colleagues and I find a negative, significant, and large effect of these laws on the turnout of minority voters.

Our first paper, published in *The Journal of Politics* in 2017, evaluated whether strict photo identification laws reduced turnout among registered survey respondents in the Cooperative Congressional Election Study (CCES) from 2006-2014 (Hajnal et al 2017). At the time of the study, existing studies on the matter were limited, since most occurred before states enacted the strictest identification requirements.⁷ The CCES is a national national stratified sample survey, administered over the Internet, of over 50,000 respondents by YouGov/Polimetrix, and was at that time the ideal dataset for examining voter identification laws because: 1) it included a measure of the validated vote, 2) it covered more recent years, and 3) it included large and representative samples of respondents in each state.

There, we asked whether strict identification laws had a differential impact on the turnout of racial and ethnic minorities, compared to their White counterparts, all else equal. Because a whole host of other factors can potentially shape individuals’ propensity to vote on Election Day, we controlled for a range of state-level electoral laws, campaign dynamics, and individual characteristics. We then investigated whether Latino, Black, Asian American, and multiracial Americans’ turnout was differentially and negatively affected by the presence of these laws by including interactions between strict identification laws and each racial group (Hajnal et al 2017, Table 1). We find that in primary elections Latinos, Black Americans, and Asian Americans are all significantly more affected than are Whites, and multiracial Americans are almost significantly more affected. Importantly, in general elections, Latinos in our sample were 10% less likely to turn out in states with strict identification laws than in states without strict identification regulations, all else equal. These effects were almost as large in primary elections, where a strict identification law could be expected to depress Latino turnout by 9.3 percentage points, Black turnout by 8.6 points, and Asian American turnout by 12.5 points. Given the already low turnout of most of these groups across the country, these declines are all the more noteworthy.

⁷ As Fraga 2018 wrote, “Studies focusing on minority turnout are more rare, with Hajnal, Lajevardi, and Nielson (2017) providing the most thorough treatment to date” (p. 178).

Our results indicate that these laws serve not only to diminish minority participation in our sample, but also to increase the gap in the participation rate between Whites and non-Whites (Hajnal et al 2017, Figure 2). For Latinos, the predicted gap more than doubled from 4.9 percentage points in states without strict identification laws to 13.5 points in states with strict photo identification laws in general elections, and more than tripled from 3.4 points to 13.2 in primaries. Likewise, for African Americans, the predicted gap in general contests increased from 2.9 points to 5.1 points, and more than quintupled from 2.5 points to 11.6 points in primaries. For Asian Americans, the predicted gap grew from 6.5 percentage points, to 11.5 points in general elections and from 5.8 points to 18.8 points in primaries. For multiracial Americans in our sample, we found that strict identification laws might have been creating a racial disadvantage where there typically was none. Multiracial Americans voted at almost the exact same predicted rate as Whites (a 0.1 point gap) in primaries in nonstrict ID states, but were 7.1% less likely than Whites to participate in primaries in strict ID states, all else equal.

The significant takeaway from this first study is that strict voter identification laws are racially discriminatory, and have real consequences for impacting the racial makeup of the voting population. We found that when enacted, racial and ethnic minorities were less apt to vote, with the voices of Latinos -- and to a slightly lesser extent those of Blacks, Asian Americans, and multiracial Americans -- all becoming more muted.

Our second paper came about in response to a scholarly discourse that the previous paper generated. Published in *The Journal of Politics* in 2018, this paper also evaluates whether strict identification laws have a racially disparate impact on turnout. This study again confirmed the core findings from the first paper: strict identification laws differentially affected and reduced minority turnout (Hajnal et al 2018, Table 2). Across all specifications in general elections, we find that declines in minority turnout relative to Whites when states enact strict identification laws; specifically, across all specifications in general elections, we find that Hispanic turnout declines significantly (see Hajnal et al 2018, Figure 1), and for primary elections, we also generally find negative and mostly significant changes in minority turnout (see Hajnal et al 2018, Figure 2). Together, the results from this second article indicate that when strict identification laws are put in place, the already significant gap in turnout between Whites and racial and ethnic minorities grows, and in turn, American democracy becomes even more skewed.

Finally, the third paper was published in *Politics, Groups, and Identities* in 2020. Because even the best surveys tend to be unrepresentative (e.g., Erikson and Minnite 2009, Grimmer et al 2018, Burden 2018), this third study evaluates whether voter identification laws affect minority turnout by offering a more rigorous empirical test of these laws by focusing on more recent elections, by relying on official turnout data rather than surveys, and by employing a more sophisticated research design that assesses change over time using a difference-in-differences approach.⁸ Our empirical approach here focused on turnout changes across the 2012 and 2016 presidential elections, when Alabama, Mississippi, Virginia, and Wisconsin all implemented strict photo ID laws over this period. Our main empirical test examines how turnout changes

⁸ For a discussion of the benefits of difference-in-difference approaches in studying this question, see Fraga (2018, chapter 7), and Highton (2017).

from 2012 to 2016 in each U.S. county varied by the racial and ethnic composition of each county.⁹

To determine if strict photo identification laws had a racially disparate impact, we looked to see if turnout in racially diverse counties declined more relative to turnout in predominantly White counties in states enacting strict voter identification laws, than it did in states that did not enact strict identification laws over the same time period. In general, we found that turnout declined significantly more in racially diverse counties relative to less diverse counties in states that enacted strict identification laws over this period than it did in other states. Turning to just those counties where at least 75% of the population was non-White, we found that non-White turnout declined 2.6 percentage points more relative to turnout in all White counties in Alabama, Mississippi, Virginia, and Wisconsin after those states instituted their strict identification laws, than it did in other states (Kuk et al, Table 1). Additional tests in the appendix found that each of the four states that implemented strict identification laws over this period experienced exceptionally high declines in turnout in racially diverse counties (relative to largely White counties) after those states instituted strict photo identification laws (Kuk et al, Appendix Section 6).

The findings from this third paper strongly suggest that strict identification laws do, in fact, represent a major burden that disproportionately affect minority turnout relative to that of Whites, and significantly alter the makeup of the voting population. When enacted, turnout in racially diverse counties declines more than in less diverse areas and more sharply than it does in other states. As we conclude in this paper: “As a result of these laws, the voices of racial minorities become more muted and the relative influence of White America grows. An already significant racial skew in American democracy becomes all the more pronounced” (Kuk et al 2020, p. 7).

Findings from Other Research

Finally, my scholarship on this matter is supplemented by a host of other scholars who have similarly found evidence of a negative effect of voter identification laws on minority turnout.

Fraga (2018) conducts a difference-in-difference test using panel data from one percent samples of the Catalist voter file database and constitutes approximately 10 million individual registrants. This large individual level dataset allows the author to track the behavior of individual registrants over multiple elections, in this case, before and after the implementation of voter identification

⁹ Our dataset was comprised of two official data sources: 1) to measure aggregate turnout in each county in each contest, we compiled the official vote totals for each county in each election and Census data on the voting age population in each county, and 2) we added Census data on the racial and ethnic breakdown of the voting age population by county. The findings of our study explains the change in county turnout, not individual turnout. To test whether aggregate turnout is related to individual turnout, we conduct two additional tests in the appendix: 1) we turn to individual level data from North Carolina, where turnout by race was officially recorded to show that aggregate county turnout is a reasonable proxy for the turnout of the majority racial group in each county, and 2) we use data from the 2012 and 2016 Cooperative Congressional Election Surveys, and with a similar difference-in-difference design using validated individual-level vote data we analyze the impact of strict voter identification laws on turnout of different racial and ethnic groups. However, we are very clear in the paper that neither test can definitively rule out all concerns related to the ecological inference problem.

laws. The author finds heterogeneity over time for groups, but also some evidence that the implementation of strict voter identification laws are related to lower Latino and Asian turnout from 2008 to 2012.

DeCrescenzo and Mayer (2019) evaluate whether Wisconsin's voter identification requirement *directly prevented or indirectly deterred* Black Americans from voting more than Whites in the 2016 presidential election. Figure 3 (Panel A) provides some suggestive evidence that Black Americans were more likely to be deterred than White Americans from voting and somewhat more likely than Whites to be prevented from voting in that election.

Darrah-Okike et al (2020) analyze data from the Current Population Survey (CPS) which provides a large nationally representative sample with self-reported data voter turnout and other individual-level characteristics from 2000 (before identification requirements were beginning to spread throughout the country) through 2016. The authors find that voter identification laws have suppressive effects for all racial groups relative to Whites, but that the turnout of Latinos was the most severely and negatively affected.

Finally, Fraga and Miller (forthcoming) turn to a case study in Texas, which had implemented a strict voter identification law in the 2014 election, though a last-minute federal court decision allowed Texans without qualifying identification to vote in the 2016 election. Voters without qualifying identification were required to submit a paper declaration listing the reason they lacked identification, which the authors then linked to entries in the Texas voter file, which provided them with individuals' turnout data and race/ethnicity. They found that more than 16,000 Texans would have been disenfranchised for lack of compliant identification in 2016. These registrants voting without identification in 2016 were significantly more likely to be Black and Latinx than the population voting with identification.

Additional Concerns About Voter Identification Laws Moving Forward

In addition to the evidence presented above, which showed that voter identification laws suppress the minority vote, it is important to highlight two additional points. First, minorities are less likely to possess valid forms of identification necessary to comply with these statutes (NCFER 2001; Barreto, Nuño, and Sanchez 2009, Stewart 2013), thus the material burdens of these voter identification mandates fall harder on these populations compared to their White counterparts (Darrah-Okike et al 2020). For example, Stewart (2013) finds notable differences in identification possession by race and ethnicity: while 7% of Whites and 10% of Latinos reported not having a driver's license, 21% of African Americans reported not possessing an ID (Table 3). In more recent work, Barreto et al (2019) offer a comprehensive portrait of who does and does not have access to a valid piece of voter identification, and find across numerous survey instruments, that White respondents were statistically more likely to report possessing a valid form of ID than other racial groups in a model only accounting for race across every dataset included in the analysis.

Second, there's some scholarly evidence demonstrating that minority citizens are also more likely than Whites to be asked for identification at the polls. For example, Ansolabehere (2009) reports that White voters are less likely than either Latinos or Black Americans to be asked for a

photo identification by nearly 7 percentage points. In the same vein, Atkeson et al (2010) examine identification requests in New Mexico's first congressional district race in 2006 and find that Hispanic voters were more likely to report to be asked to show identification than non-Hispanic voters.

Conclusion

In closing my testimony, I reiterate what the scholarship has found on voter identification laws. They disproportionately reduce minority voter turnout, and also increase the gap between their voices and that of Whites in American democracy. But because no two voter identification laws are the same, it is important to document how they vary in affecting subsets of the voting population. As our data availability improves, we are increasingly able to empirically answer this question, using a myriad of methods. That growing area of scholarship points to one general conclusion: these laws impede voting for otherwise eligible minority citizens. I urge members of this subcommittee in their roles as elected representatives to consider the undemocratic effects of these laws on a significant subset of the electorate.

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