

Columbia Law School

Public Law & Legal Theory Working Paper Group

Paper Number 08-170

**VOTE FRAUD IN THE EYE OF THE BEHOLDER: THE
ROLE OF PUBLIC OPINION IN THE CHALLENGE TO
VOTER IDENTIFICATION REQUIREMENTS**

(version of Feb. 21, 2008)

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Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirements⁺

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Abstract

In the current debate over the constitutionality of voter identification laws, both the Supreme Court and defenders of such laws have justified them, in part, as counteracting a widespread fear of voter fraud that leads citizens to disengage from the democracy. Because actual evidence of voter impersonation fraud is rare and difficult to come by if fraud is successful, reliance on public opinion as to the prevalence of fraud threatens to allow courts to evade the difficult task of balancing the actual constitutional risks involved. In this short Article we employ a unique survey to evaluate the causes and effects of public opinion regarding voter fraud. We find that perceptions of fraud have no relationship to an individual's likelihood of turning out to vote. We also find that voters who were subject to stricter identification requirements believe fraud is just as widespread as do voters subject to less restrictive identification requirements.

⁺ We are grateful for comments received from participants in workshops at Stanford, Columbia, and University of Chicago Law Schools. We also thank the good folks at You Gov Polimetrix for their assistance with the public opinion polls discussed herein.

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*Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised.*¹

The current debate over the constitutionality of laws mandating photo identification for voters presents a series of largely unanswered, and in some respects, unanswerable, empirical questions. For the most part, the parties to the litigation culminating in the case currently before the Court, *Crawford v. Marion County Elections Board*,² have speculated about the number of illegal votes cast and the number of legal voters who would be prevented from voting were voting conditioned on the production of a driver's license or some other form of state-issued voter identification. When critics point to the lack of prosecutions or reported incidences of voter impersonation fraud, defenders of such laws reply, in part, that successful fraud goes undetected. When defenders of voter ID argue that such laws lead to very few people being turned away from the polls or having their votes uncounted, critics respond that even a violation of the voting rights of a few is constitutionally impermissible, and that precious little data exist to assess both the impact of such laws on the currently voting population or the deterrent effect it might have on future voters. With the scarcity of empirical findings to settle some of the factual issues central to this debate,³ there is great risk that the Court will resign itself, as it hinted it might in *Purcell v. Gonzalez*, quoted above, to its intuition that "fear" of election fraud "drives honest citizens out of the democratic process." This intuition, however, presents a testable empirical proposition, which this Article attempts to evaluate based on new survey data that assess the popular

¹ *Purcell v. Gonzalez*, 127 S. Ct. 5, 7 (2006) (per curiam) (emphasis added).

² 484 F.3d 436 (7th Cir. 2007), cert. granted, 2007 WL 1999963 (Sept. 25, 2007) (upholding Indiana photo identification law).

³ The studies submitted as part of the litigation are all unpublished. They include: Matt A. Barreto et al., *The Disproportional Impact of Indiana Voter ID Requirements on the Electorate* (2007) (demonstrating that certain classes of citizen are more likely to have valid ID and suggesting that voter identification laws in Indiana do disenfranchise citizens); R. Michael Alvarez et al., *The Effect of Voter Identification Laws on Turnout* (2007) (demonstrating that certain types of ID requirement depress turnout for certain classes of citizen); Jeffrey Milyo, *The Effects of Photographic Identification on Voter Turnout in Indiana: A County-Level Analysis* (2007) (demonstrating that voter turnout increased in Indiana after the implementation of photo ID requirements).

perception of election fraud and the likelihood that such beliefs lead to voter disengagement.

We begin this Article in Part I by situating the argument as to fears of fraud into the debate over voter identification requirements and election law more generally. The argument follows a path familiar to campaign finance law, in which the Court elided difficult questions about the empirics of campaign contributions and corruption by relying on the appearance of corruption as a state interest sufficient to justify restrictions on campaign contributions and expenditures.⁴ Part II describes the unique national survey we conducted to assess how widespread popular fear of two different types of election fraud is and the relationship between such fear and the likelihood of voters turning out to vote. In Part III, we present findings suggesting that such fears of fraud, while held by a sizable share of the population, do not have any relationship to a respondent's likelihood of intending to vote or turning out to vote. Part IV then assesses whether voter identification laws might make a difference in quelling such fears of fraud. We find that voters who have been forced to show identification are also no less likely to perceive fraud than those not similarly subject to an ID requirement. Part V presents our conclusions, which can be simply summarized here. In this Article, we do not endeavor to assess the extent of actual fraud or the likelihood of vote denial under a photo identification regime,⁵ but we consider those to be the central empirical questions that should guide the decision over the constitutionality of voter ID laws. The Court should not seek refuge in this field, as it has others, in putative conventional wisdom as to the alleged harms caused by widespread perceptions of a defect in American democracy or the likelihood of voter ID laws to address them. That conventional wisdom is wrong, we argue, and should not substitute for the admittedly challenging predictive judgments as to the greater constitutional threat posed by actual fraud or by attempts to prevent it.⁶

⁴ See Nathaniel Persily and Kelli Lammie, *Perceptions of Corruption and Campaign Finance: When Public Opinion Determines Constitutional Law*, 153 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 119 (2004).

⁵ For such an assessment, see Stephen Ansolabehere, *Access versus Integrity in Voter Identification Requirements*, NYU ANNUAL SURVEY OF AMERICAN LAW (forthcoming 2008).

⁶ See Spencer Overton, *Voter Identification*, 105 MICH. L. REV. 631 (2007) (arguing that some disenfranchisement due to voter ID requirements is certain while voter impersonation fraud is a hypothetical problem).

I. The Familiar Place of Perceptions in the Debate over Election Fraud

The dictum in *Purcell* concerning fears of election fraud may simply be an innocent attempt at armchair social science, but the parties to the *Crawford* litigation have not treated it as such. A dozen briefs filed in the case have taken the Court at its word that combating perceptions of fraud and concomitant declines in citizen engagement can justify voter identification laws.⁷

The state Respondents' brief was most emphatic in its advocacy of a state interest to restore confidence in elections. Citing Gallup and Rasmussen polls attesting to the widespread lack of confidence Americans have in the integrity of elections, the state's brief contained an entire subsection titled, "The need to preserve public confidence in elections justifies the Voter ID Law."⁸ Because opportunities for abuse exist, this state interest in restoring

⁷ Briefs supporting the photo ID law and restating the *Purcell* argument include: Brief of Respondent States at 21, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 3, 2007); Brief for United States as Amicus Curiae for Respondents at 18, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 10, 2007); Brief for Lawyers Democracy Fund as Amicus Curiae for Respondents at 27, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 10, 2007); Brief for Mountain States Legal Foundation as Amicus Curiae for Respondents at 24, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 6, 2007); Brief for Texas et al. as Amici Curiae for Respondents at 27, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 10, 2007); Brief for Democratic and Republican Election Officials as Amici Curiae for Respondents at 5, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 7, 2007); Brief for American Unity Legal Defense Fund as Amicus Curiae for Respondents at 23, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 10, 2007); Brief of Republican National Committee as Amicus Curiae for Respondents at 20, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 10, 2007); Brief of McConnell et al. as Amici Curiae for Respondents at 9, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 10, 2007). Briefs opposing the photo ID law that address the argument in *Purcell* include: Brief of Petitioner ACLU at 53, *Crawford v. Marion County Election Board*, No. 07-21 (U.S., filed Nov. 5, 2007); Brief for Brennan Center et al. as Amici Curiae Supporting Petitioner at 30, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Nov. 13, 2007); Brief for Hasen as Amicus Curiae Supporting Petitioner at 36, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Nov. 9, 2007).

⁸ Brief of Respondent States at 21, 53, *Crawford v. Marion County Election Board*, Nos. 07-21 & 07-25 (U.S., filed Dec. 3, 2007).

confidence is compelling, the brief argued, “[r]egardless whether particular instances of fraud are well documented.”⁹

The state’s brief and several others viewed the governmental interest here as analogous to the state’s interest in using campaign finance regulations to combat the perception of corruption. In a series of cases beginning with *Buckley v. Valeo*¹⁰ and extending through *McConnell v. FEC*,¹¹ the Court has said “of almost equal concern as the danger of actual *quid pro quo* arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large financial contributions.”¹² In cases challenging the constitutionality of such laws, the defenders of campaign finance reforms point to news reports, testimony and even public opinion polls suggesting that people view campaign contributors as having undue influence over government policy.¹³

As is the risk with the voter ID inquiry, this backup state interest founded on appearances and perceptions allows defendants (and judges) to escape from the more difficult task of proving the existence of actual corruption. In other words, it is much easier to prove that people believe campaign contributions often buy political favors than it is to demonstrate that such a dynamic, in fact, exists. Because politicians can almost always say “they would have voted that way anyway” and contributors can almost always say “we direct money to candidates who already share our beliefs” it will be very difficult to prove that a given contribution’s recipient would have behaved differently in its absence. Indeed, such perceptions and appearances do not even really depend on the existence of actual corruption, because awareness of the “opportunities for abuse” is sufficient to establish the state’s interest. Nor does an analysis based on such perceptions necessarily imply that a particular remedy will be successful in removing them.

The argument is similar when it comes to vote fraud. Rather than undertake the more difficult task of proving its existence,¹⁴ it is much easier to look at a system’s potential for abuse and to point to public opinion that suggests such abuse occurs with great frequency. In both contexts, one cannot quibble with the democratic value of such feelings of legitimacy in the abstract. That is, few would prefer a state of affairs in which people see

⁹ *Id.*

¹⁰ 424 U.S. 1 (1976).

¹¹ 540 U.S. 93 (2003).

¹² *Buckley*, 424 U.S. at 27. *See also* *Nixon v. Shrink Missouri Gov’t PAC*, 528 U.S. 377, 389 (2000).

¹³ *See* Persily & Lammie, *supra* note __, at 128-134.

¹⁴ *See* *Crawford v. Marion County Elections Board*, 484 F.3d 436 (7th Cir. 2007), cert. granted, 2007 WL 1999963 (Sept. 25, 2007) (discussing the reasons why states would not enforce bans on voter impersonation).

government as corrupt or elections as rigged. However, if such opinions are insensitive to regulatory regime changes – *i.e.*, campaign contribution restrictions or photo ID laws – then something else must be responsible for these general feelings of a lack of distrust.¹⁵ Finally, if the importance of these beliefs is their relationship to citizen engagement, then such a relationship could easily be established by showing a correlation between such opinions and the likelihood of voting.

II. Survey Methodology

Our study examines survey data from 2006, 2007, and 2008 to calculate how pervasive Americans believe voter fraud to be and to understand whether such beliefs affect the likelihood of a voter turning out at the polls. A national matched-random sample survey of American adults was conducted as part of the 2007 Cooperative Congressional Election Survey (CCES).¹⁶ YouGovPolimetrix,¹⁷ of Palo Alto, CA, selected a matched-random sample of 2,000 adults, designed to reflect the national population.¹⁸ Although respondents were selected through various internet-based methods, the resulting sample mirrored the main demographic characteristics – gender, age, education, race, region, and income – and the political characteristics of other surveys – especially party identification and ideological orientation.¹⁹ Comparison of the sample with the observed vote in 2006 provides a validity check on the sample methodology. The predicted division of the 2006 vote from the CCES sample forecast the election outcomes in the U. S. Senate and governor elections quite well.²⁰

¹⁵ For a review of the literature on trust in government, see Margaret Levi & Laura Stoker, *Political Trust and Trustworthiness*, 3 ANN. REV. POL. SCI. 475, 476-85 (2000) (reviewing survey data both in the United States and in other countries).

¹⁶ The 2005 survey contained 1,200 subjects and was fielded between October 31, 2005, and November 10, 2005. The 2006 survey consists of the MIT Team Module for the 2006 CCES, which contains questions asked on the Common Content module. The Common Content was administered to 36,000 respondents; the MIT Team content to 1,000 respondents. These data are available at <http://web.mit.edu/polisci/portl/index.html>.

¹⁷ See www.polimetrix.com.

¹⁸ Douglas Rivers, *Representative Sample Matching from Internet Surveys*, available at http://web.mit.edu/polisci/portl/cces/material/sample_matching.pdf.

¹⁹ Because very low income minorities and non-voters were underrepresented, we weight the sample to offer some correction for this. In regression analyses, we control for information and education to compensate for possible biases.

²⁰ See Stephen Ansolabehere, Samantha Luks, and Douglas Rivers, *Handicapping the 2006 Election*, available at

The CCES was designed primarily to study the 2006 election and public opinion of legislative politics, but it included some questions about voter identification. The overall study consists of a 36,500 person survey conducted through the collaborative efforts of 37 universities organized into 35 teams. Each of the teams designed their own content that consists of a 1,000 person sample. Questions common to all of the teams (such as vote and various demographics) are pooled into a common survey conducted under the same sampling frame and resulting in the large 36,500 person sample. A further sample of 10,000 respondents from the original 36,500 was drawn for a follow up survey conducted in November 2007. The MIT team designed the content for one subset of this follow up study, which included a question on noncitizen voting and double voting as well as a question regarding ballot tampering. The MIT CCES 2007 survey, then, consists of 1,000 interviews of respondents in the original 2006 CCES. In addition, 1,000 new cases were drawn for the 2007 MIT survey. That design resulted in a 2,000 person national sample survey, which we analyze in this Article.

Because the questions regarding vote fraud in the 2007 survey did not attempt to measure perceptions of voter impersonation fraud specifically, we placed another survey in the field during the weekend prior to the Super Tuesday primary elections on February 5, 2008. This national internet-based survey of 1000 people also conducted by YouGovPolimetrix under a design similar to that described above included questions about the type of fraud at issue in the *Crawford* litigation. It also included a variation of the vote fraud question in the earlier survey in order to gauge similarity in responses to questions asking about different types of fraud. The survey asked about intentions to vote in the 2008 general election, whereas the previous surveys had only asked whether the respondent had voted in 2006 or intended to vote in the 2008 primaries.

III. Beliefs in the Frequency of Vote Theft, Vote Fraud and Voter Impersonation

The survey questions concerning the frequency of election fraud attempted to gauge respondents' opinions on three distinct phenomena. The first, which involves the type of fraud at issue in the *Purcell* litigation,²¹ concerns the illegal casting of votes by noncitizens or the casting of more than

<http://www.pollster.com/Polimetrix%20CCES%20Press%20Release%20110606.pdf>.

²¹ The law at issue in *Purcell* required voters to present proof of citizenship when they register to vote and to present identification when they vote on election day. *Purcell*, 549 U.S. at __.

one ballot by a voter. We term this voter fraud. The second, which is most relevant to the *Crawford* litigation, concerns the attempt of one voter to vote using the name of another. We term this voter impersonation. The final phenomenon, which concerns stealing or tampering with votes once cast, is what we call vote theft. We recognize that these questions together do not exhaust all possible types of election fraud. We also acknowledge that simple survey questions cannot perfectly capture the intricacies of the illegality alleged to be prevented by voter identification requirements. Nevertheless, the data begin to give a sense of how widespread the public considers certain election irregularities to be. The distribution of responses is also consistent with that found in other surveys on election fraud.²² The precise wording of the survey items appears below:

Vote Fraud (2007). It is illegal to vote more than once in an election or to vote if not a U. S. citizen. How frequently do you think such vote fraud occurs?

It is very common
It occurs occasionally
It occurs infrequently
It almost never occurs
Not Sure

Vote Fraud (2008)²³

It is also illegal to vote more than once in an election or to vote if not a U. S. citizen. How frequently do you think **this** occurs?

Version A (asked of half the sample)

²² See Rasmussen Reports, National Survey of 800 Likely Voters, January 2-3, 2008, http://www.rasmussenreports.com/public_content/politics/current_events/general_current_events/general_current_events_toplevels/toplines_voter_id_january_2_3_2008.

²³ By asking respondents how frequently they thought “such vote fraud” occurs, the 2007 phrasing of the question may have primed respondents to express their concerns about voter fraud more generally, rather than the type of fraud asked about in the question. The 2008 question replaces “such vote fraud” with “this” so respondents are not at risk of answering a question about voter fraud more generally. As discussed later, the share agreeing to the top category dropped and to the bottom category increased. We also split the sample to see whether the offered categories affected the distribution of responses. For example, under the 2007 version a respondent might not have seen a difference between the second category (“occasionally”) and the third (“infrequently”). The difference in the categories did not lead to any substantial effect on responses to the first and last categories but might have led to some shuffling among the intermediate categories.

Very Often
Somewhat Often
Rarely
Very Rarely
Don't Know

Version B (asked of half the sample)
It is very common
It occurs occasionally
It occurs infrequently
It almost never occurs
Don't Know

Vote Theft (2007). Another form of fraud occurs when votes are stolen or tampered with. How frequently do you think such vote fraud occurs?

It is very common
It occurs occasionally
It occurs infrequently
It almost never occurs
Not Sure

Voter Impersonation (2008). It is illegal for a person to claim to be another person, who is registered, and to cast that person's vote. How often do you think this occurs?

Very Often
Somewhat Often
Rarely
Very Rarely
Don't Know

The results from the surveys appear in Table 1. In the 2007 survey, the findings with respect to vote fraud and vote theft are quite similar. About a quarter of respondents believe vote fraud (26%) and vote theft (23%) are very common. Another 36% and 37%, respectively, believe fraud and theft occur occasionally. About a fifth say vote fraud (20%) and vote theft (21%) occur infrequently, and only 8% say fraud and theft almost never occur. These numbers are consistent with a recent Rasmussen poll which found that 23% of

likely voters agreed that “[i]n most elections, large numbers of people [are] allowed to vote who are not eligible to vote.”²⁴

The 2008 survey, probably because of the change in question wording, revealed a decline in the top category to 12 and 14 percent and an increase in the bottom category to 13 and 12 percent. Nevertheless, a substantial share of the population (either 45 or 51 percent) choose one of the top two categories, suggesting a large number of people believe such fraud occurs with some regularity. A smaller share of the population believes voter impersonation is common. Only 9 percent think voter impersonation occurs very often, while 32 percent think it happens somewhat often. Still, 41 percent chose one of the two top categories.

Table 1. Beliefs in the Frequency of Voter Fraud, Voter Impersonation, and Vote Theft

2007 CCES			
	Voter Fraud	Vote Theft	
It is Very Common	26%	23%	
It Occurs Occasionally	36	37	
It Occurs Infrequently	20	21	
It Almost Never Occurs	8	8	
Not Sure	11	10	
Number	1986	1935	
2008 Polimetrix Survey			
	Voter Fraud		Voter Impersonation
Version A/Version B	Version A	Version B	Version A
Very Often/Very common	12%	14%	9%
Somewhat Often/Occasional	33	37	32
Rare/Infrequent	27	21	27
Very Rare/Almost Never	14	16	15
Don't Know	13	12	17
Number	483	507	1000

One potentially important lesson from the comparison of the various question wordings concerns the use of the words “voting fraud” in describing the behavior. Activities explicitly labeled “vote fraud” evoked expressions of beliefs in higher frequencies of the activity. The activities themselves,

²⁴ *See id.*

including non-citizen voting or voting multiple times, were thought to occur somewhat less often when simply described. This suggests to us that descriptions employing the catch-phrase “vote fraud” prompt some people to overstate their beliefs in certain sorts of behaviors.

Political debate over identification requirements and voter fraud has exposed a partisan difference. Democrats tend to express greater worries about vote theft and Republicans express greater concerns about voter fraud. The 2007 and 2008 survey data bear out the partisan orientation of beliefs about vote fraud. Democrats are only slightly more likely than Republicans to state that Vote Theft is very common. However, the partisan gap with respect to fraud is much more pronounced, as portrayed in Appendix A. More than twice as many Republicans than Democrats consider Vote Fraud to be very common. Looking at the 2008 survey, the partisan division on voter impersonation follows the same partisan division as voter fraud. Three out of ten Democrats said that they thought Voter Impersonation occurs Often or Very Often, while fully half of all Republicans (54%) said so. One in five Democrats (21%) thought Impersonation occurs “Very Rarely,” but just one in twenty Republicans (5%) said that it happens very rarely. In the 2008 sample, 57% of Republicans said Fraud occurs Often or Very Often, compared with 39% of Democrats. Party remains a significant predictor of beliefs about both Fraud and Impersonation in a multivariate analysis that controls for ideology, education, age, race, income, and region. (See Table 4 below.)

Other demographic and political variables also help explain people’s beliefs about the frequency of fraud, theft, and impersonation. Ideology (an individual’s self-placement on a liberal to conservative continuum) does an even better job than partisanship in explaining attitudes as to the prevalence of fraud. Whereas 46 percent of those who describe themselves as very conservative believe fraud is very common, only 16 percent of those who describe themselves as very liberal hold a similar view. A similar pattern holds for voter impersonation – five percent of liberals said voter impersonation occurs very often, compared with fourteen percent of conservatives. Ideology cut the opposite way on vote theft, with liberal respondents thinking it more likely to occur than conservative respondents.

The racial gap in opinion is smaller than the ideological divide: 16 percent of Blacks, 21 percent of Hispanics, and 27 percent of Whites think fraud is very common.²⁵ These racial differences cannot be entirely explained by socioeconomic status, given that lower educated and poorer respondents are somewhat *more* likely to say that fraud is very common. On beliefs about voter impersonation, race pulls somewhat in the opposite direction. Only 8

²⁵ Surprisingly, there is no difference between whites and blacks on their beliefs as to the frequency of vote theft.

percent of Whites think voter impersonation occurs very often, compared with 18 percent of Blacks and Hispanics. These small racial differences become statistically insignificant upon controlling for other factors, especially party and ideology (see Table 4 below). The exception arises with Voter Impersonation. In that analysis, Whites were significantly less likely than other racial groups to believe that impersonation occurs often or very often, even after controlling for income, age, ideology, education, region, and political attitudes. On voter fraud and theft, however, the difference across racial groups becomes insignificant when controlling for party and ideology.

Education and age also proved important in explaining beliefs about different sorts of vote fraud. Both correlated negatively. Better educated people think fraud is much less common than less well educated people. Of those with a college degree or higher, 8 percent said that voter impersonation occurs very often and 19 percent said it is very rare. By comparison, 15 percent of those without a high school degree think impersonation occurs very often and only 8 percent think it is very rare. Using the 2007 survey question wording, we see a similar pattern. Of those with a college degree, 19 percent say voter fraud is very common and 13 percent say it almost never occurs. Of those without a high school degree, 29 percent say fraud is very common and only 5 percent think it almost never occurs.

Age also correlates significantly with beliefs about voting fraud. Of those born before 1945, 30 percent think impersonation is rare or very rare and 47 percent think it occurs often or very often. By contrast, 43 percent those born after 1961 think impersonation is rare or very rare and 40 percent think it occurs often or very often. In regression analyses (see Table 4), Education and Age proved the only regularly important demographic predictors of beliefs.

Partisan and demographic differences, however, distract from a more important commonality running through the data. Those who believe that one form of vote fraud occurs frequently are very likely to believe that the other form occurs frequently. As Table 2 describes, belief in fraud is strongly, positively correlated with belief in theft ($r=.51$) and in voter impersonation ($r=.75$). Of those who think voter fraud is very common, for example, 59 percent think vote theft is very common and 47% think voter impersonation occurs very often. Partisan differences at least among the public as a whole are of secondary importance.²⁶ People who have low levels of confidence in the

²⁶ The Rasmussen poll concerning vote fraud similarly found modest differences among partisans. 14% of Democrats and 36% of Republicans believe “[i]n most elections, large numbers of people are allowed to vote who are not eligible to vote. *See id.* When we added vote theft into a regression (not presented here) with vote fraud as the dependent variable, only partisanship and perceptions of vote theft, but none of the demographic variables, remain statistically significant.

integrity of elections tend to be consistent in their beliefs across different metrics of election mischief.

Table 2. Belief in Frequency of Vote Theft Given Belief in Frequency of Voter Fraud

2007 Survey

	<i>Frequency of Vote Theft</i>				
	Very Common	Occasionally	Infrequently	Never	Not sure
<i>Voter Fraud</i>					
Very Common	59%	29	9	2	5
Occasionally	13%	60	18	5	5
Infrequently	8%	28	51	10	4
Almost Never	17%	18	21	44	0
Not Sure	6%	14	3	1	75

2008 Survey

	<i>Frequency of Voter Impersonation</i>				
	Very Often	Somewhat Often	Rarely	Very Rarely	Not sure
<i>Voter Fraud</i>					
Very Often	47%	42	8	0	3
Somewhat Often	7%	60	21	3	8
Rarely	1%	19	56	18	7
Very Rarely	0%	5	26	61	7
Not Sure	1%	5	8	1	84

IV. Perceptions of Fraud and the Likelihood of Voting

The central conjecture in the *Purcell* dictum and the *Crawford* briefs holds that the perception of fraud is extensive, weakens public confidence in the electoral process, and, thereby, lowers participation. Requiring voters to

show photo identification, it is asserted, will appear to stem illegal voting, thereby, restoring the confidence of legal voters in the process.

These arguments point to a specific empirical prediction. Perceptions of higher rates of voter fraud ought to correlate negatively with participation in the electoral process. This is a novel conjecture within the academic research on voter turnout and has not been subject to empirical study. Past research has found correlations between an individual's sense of political efficacy and his or her reported vote and intentions to vote.²⁷ Also, researchers have examined the connection between electoral laws, such as the Voting Rights Act or Election Day Registration provisions, and turnout.²⁸ But we know of no research that examines the connection between beliefs about fraud and the likelihood of voting.

We can test this conjecture directly using the data available through the MIT Content of the 2007 Cooperative Congressional Election Survey and the survey we commissioned in 2008. The prediction holds that there should be a negative correlation between the perceived frequency of fraud and the propensity to vote. The 2007 survey contains three distinct measures of voting: Reported Vote (in the 2006 general election), Validated Vote (in the 2006 general election), and Intended Vote (in the 2008 presidential primary). The relationship between these different measures is presented in Appendix B. The 2008 survey asked respondents whether they were registered, whether they voted in the 2006 general election, and whether they intended to vote in the 2008 general election.

Reported Vote reflects the respondents' own reports as to whether they voted in the 2006 general election. Reported vote is the most commonly studied indicator of political participation, even though it is well known to exaggerate actual levels of participation owing to measurement error and misreporting. In the 2004 American National Election Study, 80 percent reported voting in the general election.²⁹ This has been determined to be a mix of incorrect reporting and sample selection.³⁰ Our sample, though not as extreme, was no exception: 70 percent in the 2007 survey and 67 percent in

²⁷ See generally STEVEN ROSENSTONE AND JOHN MARK HANSEN, PARTICIPATION, MOBILIZATION AND AMERICAN DEMOCRACY (1993).

²⁸ *Id.*

²⁹ Calculated by the authors from the American National Election Survey <http://www.electionstudies.org/study pages/2004prepost/2004prepost.htm>, The National Election Studies (www.electionstudies.org). THE 2004 NATIONAL ELECTION STUDY [dataset]. Ann Arbor, MI: University of Michigan, Center for Political Studies [producer and distributor].

³⁰ See Brian D. Silver, Barbara A. Anderson, & Paul R. Abramson, *Who Overreports Voting?*, 80 AMER. POL. SCI. REV. 613-624 (1986) (concluding that educated people overreport turnout).

the 2008 survey reported voting in the 2006 midterm election; actual participation rates were slightly above 40 percent.³¹

Because surveys of voter turnout tend to misrepresent the voting population, achieving a more accurate measure of turnout requires the more labor intensive endeavor of independently verifying which survey respondents, in fact, turned out to vote. Validated Vote indicates all survey respondents who actually voted according to official election records, regardless of how they responded to the questions. Polimetrix, the firm that conducted the survey, attempted to match the 2007 survey respondents to the voter registration rolls. This allows us to validate the reported vote using the individual's actual vote history. Validated vote, then, consists of all people who reported that they voted and whose names could be matched to a record on the voter rolls. Non-voters among the validated are those whose names appear on the registration rolls and who did not vote and those who indicated in the survey that they were not registered to vote. Some respondents say they are registered but no record is found. We omit these ambiguous cases. The validated vote rate of those matched to the rolls or identified as not registered equaled 57 percent, still an overestimate as compared to actual returns but much closer to the actual share of the population who turned out to vote.

Intent to Vote in the 2008 Presidential Primary provides a third indicator of participation. The survey asked voters in November of 2007 whether they intended to vote in the coming 2008 Presidential Primary elections and, if so, which party and for which candidate. Like reported vote, vote intentions tend to exaggerate actual behavior. In the 2007 sample, 75 percent said they intend to vote in the primary. We view this not as a measure of behavior so much as a measure of psychological attachment to the process and interest in electoral politics. In the 2008 survey, an even greater percentage (78 percent) expressed their intention to vote in the 2008 general election.

We examine how each of these measures of electoral participation (reported, validated, and intention) vary with perceptions of the frequency of voter fraud, voter impersonation and vote theft. Table 3 presents the percent of survey respondents reporting that they voted, with validated vote, or intending to vote within each level of the two measures of belief in vote fraud. The value of 76 percent in the first entry, for instance, means that 76 percent of those who think Voter Fraud is very common reported that they voted in the 2006 general election (and 24 percent reported that they did not). If the

³¹ Election Assistance Commission, 2006 Election Administration and Voting Survey, http://www.eac.gov/clearinghouse/docs/eds-2006/2006-eds-votes-and-turnout.pdf/attachment_download/file .

Purcell theory of citizen engagement were true, voter participation should be lower among those who think fraud or impersonation occurs very often.

No such correlation emerges, and if anything the data suggest the opposite occurs. Those who are not sure how much fraud occurs in the electoral process exhibit the lowest participation rates across all measures. Among those who had some belief about the extent of fraud or impersonation the correlation between that belief and turnout proved extremely weak and always statistically insignificant. Inspection of each of the columns in the table shows that reported, validated, and intent to vote are nearly invariant to beliefs about vote fraud, vote theft, and voter impersonation.

Even apart from these empirical problems, it is not obvious as a theoretical matter why a voter who perceives a lot of fraud would not vote. If the advocates of this hypothesis adhere to some rational actor model, then the potential effect of a vote even under conditions of great fraud will still give the voter at least some chance to influence the outcome of an election. Staying home ensures that the voter has no effect. Of course, strictly speaking, the rational actor model cannot explain why people vote at all, given the low likelihood that a voter will cast the tie-breaking vote in an election.³² However, assuming people vote because of some instrumental benefit, impersonation fraud will not reduce that benefit to zero (therefore equal to not voting) unless the voter knows that so much fraud will take place that his vote is certain not to make a difference. It seems more plausible that the rationale for refusing to vote under conditions of voter fraud reflects some kind of disgust for a corrupt system. In other words, voters will disengage not because there is no point in voting, but rather because the electoral system is perceived to be so corrupt that some voters simply do not want to be a part of it. Whatever the mechanics that underlay this hypothesis, the data reject that as an accurate description of present-day America.

Table 3. Turnout and Beliefs about the Frequency of Voter Fraud, Vote Theft and Voter Impersonation

³² See ANTHONY DOWNS, AN ECONOMIC THEORY OF DEMOCRACY 274 (1957). Downs formalized an old puzzle. Learned Hand formulated the problem in his essay "Democracy, Its Presumptions and Realities" (1932): "My vote is one of the most unimportant acts of my life; if I were to acquaint myself with the matters on which it ought really to depend, if I were to try to get a judgment on which I was willing to risk affairs of even the smallest moment, I should be doing nothing else, and that seems a fatuous conclusion to a fatuous undertaking." Reprinted in LEARNED HAND, THE SPIRIT OF LIBERTY 93 (1974).

Turnout Indicator			
	Reported Vote In 2006 G.E. % Yes	Validated Vote In 2006 G.E. % Yes	Intent to Vote In 2008 P.E. % Definite
<i>2007 Survey</i>			
Belief About Voter Fraud			
Very Common	76%	58%	77%
Occasionally	68	57	71
Infrequently	66	56	65
Almost Never	76	57	79
Not Sure	55	38	50
Overall	70%	57%	75%
Number of Cases	1986	1340	1986
Correlations			
Vote & Belief	.07	.02	-.06
Vote & Not sure	.14	.12	-.17
Belief About Vote Theft			
Very Common	76%	62%	79%
Occasionally	69	56	70
Infrequently	69	55	70
Almost Never	66	53	67
Not Sure	56	37	50
Overall	72%	57%	72%
Number of Cases	1935	1307	1935
Correlations			
Vote & Belief	.08	.05	.01
Vote & Not sure	.10	.12	-.15
<i>2008 Survey</i>			
	Reported Vote in 2006 G. E.	Intent to Vote in 2008 G. E.	
Belief About Voter Impersonation			
Very Often	74%	80%	
Somewhat often	67	80	
Somewhat Rare	64	78	
Very Rare	82	87	

Not Sure	57	67
Overall	67	78
Number of Cases	999	999
Correlations		
Vote & Belief	-.04	.05
Vote & Not sure	-.10	-.13

V. Voter Identification and Fears of Fraud

Not only does *Purcell* posit that fears of voter fraud will lower citizen engagement, but the Court appears to assume that voter identification laws, at least to some degree, will lessen those fears and bolster voter confidence in elections. Even if such fears do not affect the likelihood of voting, if the remedy bolsters confidence one might still say the policy is worth pursuing. However, the data that exist on the relationship between voter ID laws and fears of fraud do not support even this more modest argument.

We test this argument in three ways. First, we can measure the effect of statewide frequency of the use of identification when voting on individual participation rates. Second, we can examine whether those who were asked to show photo identification in 2006 in fact had more confidence in the process in 2007. Third, we can examine whether residents in states with stricter identification requirements for voting, in fact, tend to think fraud happens less frequently.

The particular structure of the Cooperative Congressional Election study allows us to measure the use of voter identification at the aggregate state-level and the individual level. The 2006 CCES asked individuals whether they were asked to show picture identification when they voted.³³ Approximately half of all voters say that they were asked to show photo identification, with the highest rates in the Southern states and the lowest rates in the New England region.³⁴ States served as the sampling frame for the 2006 CCES, and the very large 36,500 person sample creates sufficient density of cases in each state that we can aggregate the individual level responses to the state level to estimate

³³ The 2006 CCES surveyed respondents before the general election and within a week after the election. The post-election battery asked:

Were you asked to show picture identification, such as a driver's license, at the polling place this November? Yes/No.
If Yes, were you then allowed to vote? Yes/No.

³⁴ See Ansolabehere, *supra* note __.

the frequency with which voter identification is required in the states. Of course, only a few states actually mandate *photo* identification as the only acceptable form of identification in order to vote.³⁵ We suspect that most respondents who say they were asked for photo ID, in fact, were merely asked for some form of ID and they produced a photo ID, which is the most likely type of identification voters would have handy. Nevertheless, one might suspect that if more stringent identification requirements produce more confidence in elections that voters who say they needed to produce ID would have lower fears of fraud than those not similarly asked.³⁶ Moreover, although the aggregated responses do not reveal (and differ from) what the law on the books actually requires in many states, one still might expect that respondents from states where larger shares of people say they were required to produce a photo ID might have different views on the prevalence of fraud.

The data demonstrate no relationship between either individual level or aggregate rates of voter identification and perception of fraud and impersonation. The correlations between Beliefs about Voter Fraud and Vote Theft and the incidence of voter identification are very small and statistically indistinguishable from zero in both samples. We measure the incidence of voter identification two ways. A survey respondent may have been asked in 2006 to show photo identification when voting, or he or she may have lived in a state with a relatively high incidence of the use of voter identification when voting. In the 2007 survey, the correlations between an individual showing identification in 2006 and beliefs in voter fraud and voter theft were .05 and .03, respectively. The correlation between the percent of people in a state asked to show voter identification and beliefs in voter fraud and vote theft were .00 and .04, respectively, in the 2007 survey. The correlations between the percent of people in a state asked to show voter identification and beliefs in voter fraud and vote impersonation were -.03 and -.03, respectively, in the

³⁵ See Electionline, *Voter ID Laws*, available at

<http://electionline.org/Default.aspx?tabid=364><http://electionline.org/Default.aspx?tabid=364>

³⁶ Of course, it is also possible that photo ID is required in areas where a greater fear of fraud precipitated the passage of a photo ID law. If so, then we might expect ID requirements to have the reverse effect and be a symptom of voters' fears of fraud, rather than a remedy. The same might be true if photo ID laws lead people to worry that more fraud is being policed. Just as when a large police presence in a neighborhood might heighten residents' fears of crime, so too stringent voter ID laws might cause them to worry that fraud has made such requirements necessary. Even if one of these theories is true, it still represents counterevidence to the notion that voter ID laws will lead to the mitigation of fears of election fraud. It is also possible that respondents may answer the vote fraud question with respect to the nation as a whole, while not believing that fraud occurs in their state in particular.

2008 survey. As the regression presented in Table 4 explains, holding constant education, party identification, ideology, race, age, and other predictors did not improve matters. In none of the regressions do the measures of the incidence of the use of voter identification exhibit any significant relationship to any of the measures of beliefs about voter fraud. The strongest association arises with Impersonation, and the coefficient has the wrong sign (meaning that those subjected to photo ID requirements believe, if anything, that fraud is more prevalent). Whether the state or local election administration frequently ask for voter identification or not seems to have no relationship to individuals' beliefs about the frequency of fraud or voter impersonation.

Table 4. Regression Analysis of the Effects of Voter Identification on Beliefs about Voter Fraud, Vote Theft, and Impersonation

Independent Variables	2007 Survey (Subsample interviewed in 2006 and 2007)		2008 Survey	
	Voter Fraud Coeff (S.E.)	Vote Theft Coeff. (S. E.)	Voter Fraud Coeff. (S. E.)	Impersonation Coeff. (S. E.)
%State ID	.11 (.16)	-.03 (.17)	-.06 (.11)	-.13 (.11)
Showed ID in 06	-.06 (.10)	.08 (.10)	N.A.	N.A.
Democrat	-.09 (.10)	-.10 (.10)	-.28 (.09)*	-.21 (.08)*
Republican	-.02 (.09)	-.21 (.11)*	.19 (.09)*	.12 (.09)*
Ideology (LibCon)	.26 (.05)*	-.05 (.05)	-.13 (.04)*	-.16 (.04)*
Income	-.01 (.01)	-.01 (.01)	.00 (.01)	.01 (.01)
Education	-.05 (.03)	-.06 (.03)*	-.08 (.03)*	-.07 (.02)*
Age	-.06 (.03)*	-.06 (.03)*	.04 (.02)	-.06 (.02)*
White	.23 (.12)	-.04 (.02)	-.05 (.09)	-.19 (.09)*
Black	-.01 (.17)	.02 (.17)	.16 (.13)	.04 (.12)
South	.03 (.09)	.05 (.09)	-.09 (.08)	.03 (.07)
Constant	2.59 (.21)	1.30 (.29)	2.72 (.21)	2.92 (.20)
N	563	554	726	709
R-Square	.12	.04	.12	.13

N. A. = Not Asked

* Statistically significant at .05 level.

The story is the same if we look at the correlation (or lack thereof) between the stringency of a state's voter identification requirements and its residents' perceived frequency of fraud. First, we should note that there is (as we hoped and expected) a strong correlation (+.78) between the stringency of a

state's identification requirements and the share of the state's population in the CCES that reports being asked for photo identification. In order to characterize the stringency of a state's identification requirement we adopt the categories supplied by Alvarez, Bailey and Katz,³⁷ who array states into categories depending on what identification the state requires from voters at the polls.³⁸ The categorization of states, along with their associated rate of response to the CCES photo ID question is presented in Appendix C.

We find no relationship between the stringency of a state's photo identification requirement in 2006 and the share of its population reporting that fraud occurs frequently. The sample sizes for our fraud and impersonation questions in the 2007 and 2008 surveys are too small to get accurate state-specific samples of perceptions of fraud. Nevertheless, what we do have shows that states that request or require photo identification do not have markedly different rates of perception of fraud or impersonation than those that merely require a signature from the voter, for example. In the average state in 2008, 13 percent of the respondents believe fraud is very common³⁹, and 9 percent believe impersonation occurs very often. However, in the 4 states with the strictest identification requirements, the beliefs in fraud are nearly identical to the national average: 13 percent think fraud is very common and 9 percent think impersonation occurs very often. By contrast, in the 7 states with the least restrictive identification requirements,⁴⁰ 11 percent say fraud is very

³⁷ See Alvarez et al., *supra* note 3, at 8-9.

³⁸ Alvarez et al, *supra* note 3, at 8, divide states according to the following categories:

1. Voter must state his/her name.
2. Voter must sign his/her name in a poll-book.
3. Voter must sign his/her name in a poll-book and it must match a signature on file.
4. Voter is requested to present proof of identification or voter registration card
5. Voter must present proof of identification or voter registration card.
6. Voter must present proof of identification and his/her signature must match the signature on the identification provided.
7. Voter is requested to present photo identification.
8. Voter is required to present photo identification.

³⁹ This figure comes from the 2008 survey. In the 2007 survey, which identifies the activity as fraud, 22 percent thought that voting by those not eligible or voting multiple times occurs very often.

⁴⁰ According to Alvarez and Katz, the most stringent are Florida, Georgia, Indiana, and South Dakota. The least stringent are Maine, New Hampshire, North Carolina, Rhode Island, Utah, Vermont, and Wyoming.

common and 8 percent say impersonation occurs very often. In short, states differ in the share of the population who thinks that fraud occurs frequently, but the stringency of their identification requirements is not responsible for those differences.

VI. Conclusions

There is always a risk when judges base their decisions on untested empirical claims about political behavior that a more serious inquiry into the data will prove them wrong. This risk is particularly great when judges attempt to assess American public opinion and its likely consequences.⁴¹ We think the Court made this mistake in *Purcell* and threatens to do so again in *Crawford*. We worry, in particular, that the arena of vote fraud and voter ID is ripe for such conjectures about perceptions because, as with campaign finance, the more relevant empirical claims about the existence of fraud and the potential for disfranchisement are so contested. Our exploration of the data presented here, however, suggests that casual assertions about popular beliefs should not substitute for the difficult balancing of the constitutional risks and probabilities of vote fraud and vote denial.

Although a sizable share of the population believes that vote fraud commonly or occasionally occurs, there is little or no relationship between beliefs about the frequency of fraud and electoral participation (reported, validated, or intended). To the extent that any correlation holds it runs counter to expectations. Nor does it appear to be the case that universal voter identification requirements will raise levels of trust in the electoral process. Such fears appear unaffected by stricter voter ID laws, given that individuals asked to produce ID seem to have the same beliefs about the frequency of fraud as those not asked for ID.

We would not fault the Court for its very plausible, even if currently false, intuition. It makes sense to assume that as perceived fraud increases, the share of honest citizens willing to participate in the fraudulent system would decline. Election boycotts in the face of fears of election rigging are commonplace in the developing world.

We are also quite sympathetic to the broad principle that states should act to bolster confidence in elections and their administration. That confidence may be difficult to restore in the post-*Bush v. Gore*⁴² era, when any irregularity—real or hypothesized—is perceived as having the potential to decide the fate

⁴¹ See generally Nathaniel Persily, *Introduction*, in PUBLIC OPINION AND CONSTITUTIONAL CONTROVERSY (N. Persily et al eds., 2008) (discussing the use of public opinion in constitutional cases).

⁴² 531 U.S. 98 (2000).

even of a national election.⁴³ Nevertheless, states would do well to address real problems with real metrics for success, while weighing favorable effects on public opinion as a considerable side benefit.⁴⁴ This article has attempted to do just that in the case of photo identification requirements. Their use seems to bear little correlation to public beliefs about the incidence of fraud. The possible relation of such beliefs to participation appears even more tenuous. The lack of an empirical association between beliefs about fraud and participation and between the use of photo identification and beliefs about

⁴³ The findings of this Article are also consistent with those of a separate analysis of the effect of perceived fairness of the resolution of the 2000 election controversy and subsequent turnout. In analysis of the relevant American National election Studies data (not presented here), we found no relationship between a respondent's perception of the fairness of the resolution of the 2000 election and the likelihood of that person turning out to vote in 2002 or in 2004. The ANES conducted a panel study in which they interviewed the same respondents in 2000, 2002 and 2004. In each year they asked respondents whether they thought the 2000 election had been decided fairly (questions P023114x and P045056) and whether they voted (P025020 and P045045x). The correlation between belief in the fairness of the 2000 election and vote was -.03 in 2002 and -.02 in 2004. Compiled by authors using Data Source: The National Election Studies (www.umich.edu/~nes). THE NATIONAL ELECTION STUDY 2000-2002-2004 FULL PANEL FILE [dataset]. Ann Arbor, MI: University of Michigan, Center for Political Studies [producer and distributor].

⁴⁴ We should note that one state court has made this specific argument. The state court considering the Missouri photo ID law in *Weinschenk v. Missouri*, 203 S.W.3d 201, 218-19 (Mo. 2006) held:

Appellants also urge that the State has a compelling interest in combating perceptions of voter fraud. While the State does have an interest in combating those perceptions, where the fundamental rights of Missouri citizens are at stake, more than mere perception is required for their abridgement. Perceptions are malleable. While it is agreed here that the State's concern about the perception of fraud is real, if this Court were to approve the placement of severe restrictions on Missourians' fundamental rights owing to the mere perception of a problem in this instance, then the tactic of shaping public misperception could be used in the future as a mechanism for further burdening the right to vote or other fundamental rights. . . . The protection of our most precious state constitutional rights must not founder in the tumultuous tides of public misperception

Id. at 218-19.

fraud leads us to conclude that at least in the context of current American election practices and procedures public perceptions do not provide a firm justification for such rules.

APPENDIX A

Distribution of Fraud Beliefs Across Political and Demographic Groups, 2007 Survey

	Voter Fraud					Vote Theft				
	Very common	Occasionally	Infrequently	Never happens	Not Sure	Very common	occasionally	Infrequently	Never happens	Not Sure
Party										
Democrat (33%)	15%	36%	23%	13%	13%	23%	38%	19%	9%	11%
Republican (26%)	35%	37%	17%	5%	7%	20%	36%	25%	11%	8%
Independent (27%)	29%	36%	15%	7%	7%	27%	31%	21%	4%	7%
Ideology										
Very Liberal (5%)	16%	32%	27%	16%	9%	34%	43%	11%	3%	9%
Liberal (18%)	12%	34%	32%	14%	9%	23%	38%	22%	7%	10%
Moderate (35%)	23%	39%	20%	9%	10%	24%	39%	21%	8%	8%
Conservative (22%)	37%	37%	15%	5%	5%	22%	35%	23%	12%	8%
Very Conservative (10%)	46%	31%	12%	3%	7%	28%	39%	20%	6%	6%
Race										
White (73%)	27%	37%	20%	6%	10%	24%	38%	20%	8%	10%
Black (11%)	16%	36%	23%	11%	14%	24%	37%	22%	6%	11%

Hispanic (11%)	21%	26%	23%	15%	15%	17%	39%	22%	10%	12%
Education										
No High School (4%)	29%	28%	16%	5%	23%	25%	31%	19%	4%	20%
High School (41%)	28%	37%	16%	5%	13%	25%	37%	18%	6%	14%
Some College (23%)	27%	34%	21%	9%	9%	26%	39%	20%	8%	8%
2-year (7%)	21%	35%	21%	12%	11%	23%	38%	20%	10%	10%
4-year (17%)	22%	35%	27%	9%	8%	19%	40%	26%	8%	6%
Post grad (9%)	17%	38%	24%	17%	4%	17%	34%	26%	17%	5%
Generation										
born before 1928 (1%)	28%	30%	23%	4%	14%	10%	22%	38%	20%	20%
1928-1945 (16%)	30%	39%	15%	10%	6%	26%	43%	16%	10%	5%
1946-1960 (33%)	28%	36%	17%	8%	11%	26%	37%	19%	7%	11%
1961-1973 (24%)	25%	36%	21%	9%	9%	21%	37%	22%	10%	10%
1974-1990 (26%)	21%	33%	24%	7%	15%	21%	36%	24%	6%	13%
Income										
1 st Quintile	30%	32%	17%	6%	14%	27%	37%	16%	7%	13%
2 nd Quintile	20%	36%	20%	7%	18%	22%	36%	18%	7%	17%
3 rd Quintile	23%	40%	19%	7%	11%	23%	40%	21%	6%	9%
4 th Quintile	29%	35%	22%	7%	7%	25%	42%	18%	7%	8%

5 th Quintile	22%	36%	24%	11%	6%		20%	34%	29%	12%	6%
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Distribution of Fraud Beliefs Across Political and Demographic Groups, 2008 Survey

	Voter Fraud					Impersonation				
	Very Often	Somewhat Often	Somewhat Rare	Very Rare	Not Sure	Very Often	Somewhat Often	Rarely	Very Rarely	Not Sure
Party										
Democrat (37%)	7%	32%	24%	24%	13%	6%	25%	30%	21%	17%
Republican (24%)	21%	37%	24%	6%	12%	11%	42%	23%	5%	18%
Independent (27%)	11%	36%	28%	13%	12%	9%	31%	28%	17%	15%
Ideology										
Very Liberal (9%)	8%	30%	24%	32%	6%	9%	21%	27%	35%	9%
Liberal (18%)	5%	32%	29%	22%	12%	4%	27%	28%	25%	17%
Moderate (34%)	10%	34%	27%	18%	11%	5%	30%	34%	13%	17%
Conservative (21%)	20%	37%	23%	7%	13%	13%	44%	23%	7%	13%
Very Conservative (11%)	26%	40%	11%	8%	16%	17%	36%	19%	4%	24%
Race										
White (72%)	13%	35%	25%	15%	12%	7%	34%	27%	15%	17%
Black (11%)	13%	36%	18%	16%	16%	15%	28%	31%	11%	14%
Hispanic (13%)	14%	32%	21%	18%	15%	14%	26%	26%	12%	21%

Education										
No High School (7%)	20%	37%	16%	11%	16%	15%	25%	22%	8%	30%
High School (40%)	13%	38%	19%	13%	16%	8%	37%	22%	11%	22%
Some College (22%)	13%	35%	29%	15%	7%	12%	32%	30%	17%	9%
2-year (7%)	16%	27%	31%	17%	9%	7%	38%	30%	14%	11%
4-year (16%)	9%	33%	27%	17%	14%	7%	25%	34%	18%	16%
Post grad (9%)	11%	30%	27%	22%	11%	9%	26%	31%	20%	13%
Generation										
born before 1928 (1%)	8%	31%	30%	0%	30%	8%	39%	23%	0%	30%
1928-1945 (14%)	14%	40%	18%	13%	15%	9%	38%	21%	14%	18%
1946-1960 (33%)	14%	32%	22%	18%	13%	12%	30%	26%	15%	17%
1961-1973 (23%)	13%	39%	21%	12%	15%	9%	33%	27%	13%	18%
1974-1990 (29%)	11%	33%	31%	16%	8%	5%	33%	31%	15%	16%
Income										
1 st Quintile	11%	41%	22%	15%	12%	10%	31%	24%	14%	21%
2 nd Quintile	12%	31%	26%	16%	13%	8%	30%	27%	14%	21%
3 rd Quintile	14%	28%	27%	17%	14%	8%	30%	30%	17%	15%
4 th Quintile	16%	39%	25%	8%	9%	11%	36%	34%	8%	11%
5 th Quintile	14%	36%	23%	17%	9%	10%	35%	28%	15%	11%

Appendix B

Comparison of Reported and Validated Vote, 2007 Survey

Reported Vote In 2006 G. E.	Entire Sample			Matched Sample*		
	Validated Vote		Number	Validated Vote		Number
	No	Yes		No	Yes	
Did Not Vote	91%	9%	541	86%	14%	350
Not Sure	84%	16%	63	75%	25%	41
Did Vote	52%	48%	1386	28%	72%	952
	63%	37%	1990	45%	55%	1,343

*Consists of all people actually matched to voter registration rolls and those survey respondents who said they were not registered.

Comparison of Reported Registration, Reported Vote in 2006, and Intent to Vote in 2008 General Election, 2008 Survey

		Reported Vote in 2006 G. E.		Intend to Vote in 2008 G. E.		Number
		Yes	No	Yes	No	
Report Registered	Yes [83%]	79%	21%	89%	11%	168
	No [17%]	8%	92%	23%	76%	832
	All	67%	33%	78%	22%	1,000

Appendix C.

State	% Asked to Show ID*	Stringency of Law**	State	%ID	Law	State	%ID	Law
AK	68.5	4	MI	17.4	2	TX	50.3	4
AL	90.4	2	MN	30.7	2	UT	35.0	1
AR	83.1	4	MO	49.7	4	VA	78.8	4
AZ	92.7	4	MS	17.6	4	VT	9.6	1
CA	18.5	2	MT	86.6	4	WA	64.4	4
CO	94.1	4	NC	22.2	1	WI	25.4	3
CT	96.4	4	ND	98.4	4	WV	24.7	2
DE	88.7	4	NE	6.1	2	WY	15.0	1
FL	97.5	6	NH	9.7	1			
GA	84.0	4	NJ	12.0	2			
HI	93.2	3	NM	42.1	4			
IA	18.4	2	NV	31.7	2			
ID	25.2	2	NY	15.4	2			
IL	32.2	2	OH	96.7	4			
IN	99.2	6	OK	14.9	2			
KS	15.9	2	OR	33.3	3			
KY	72.2	4	PA	20.2	2			
LA	95.7	5	RI	12.4	1			
MA	9.7	3	SC	58.3	4			
MD	20.8	4	SD	98.9	5			
ME	6.6	1	TN	63.3	4			

*From 2006 CCES. **From Alvarez, Bailey, and Katz. 1 is least stringent; 6 is most stringent.

