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TITLE The Balance Between Preventing Fraud and Ensuring Participation: Attitudes Towards Voter Identification in New Mexico

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The Balance Between Preventing Fraud and Ensuring Participation: Attitudes Towards Voter Identification in New Mexico

Abstract:

This paper examines public opinion on the effectiveness and consequences of voter identification laws in New Mexico. In particular, it focuses on the attitudes central to the court reasoning in the 2008 Supreme Court case which upheld an Indiana photo-ID law, *Crawford v. Marion County Election Board*. Questions include whether or not voters think the ID laws protect against fraud and prevent legitimate participation, as well as which point of view voters find more compelling and whether or not attitudes towards voter identification are related to voter confidence. While most voters think that voter ID laws prevent fraud, many voters think that ensuring access to the polls is more important than preventing fraud. Among other variables that explain differences among individuals, partisanship plays an important role.

Key Words:

New Mexico, Voter Identification, Photo-ID, Fraud, Access, Participation

The debate about voter identification laws merely continues a long-running contest between ballot security and ease of access at the polls. In 2002 the Help America Vote Act (HAVA) imposed minimum federal identification standards for voter registration.[1] Some states imposed stricter voter identification standards and after a court challenge the United States Supreme Court upheld Indiana's strict photo-identification requirement in *Crawford v. Marion County Election Board* (2008).[2] The test applied in *Crawford* merely required that the requirements be "slight" and "justified by relevant and legitimate state interests" (Crawford, Stevens, 7). As a consequence, more states and localities have been considering enacting similar legislation. The National Conference of State Legislatures noted in their June (2011) newsletter that they "had never observed so many states take up a single issue in the absence of a federal mandate….Thirteen of the 23 states that started 2011 without a voter ID law considered legislation this year, and 20 of the 27 states with voter ID laws debated bills to strengthen them. So far this year, six states have passed voter ID legislation, and four states have had bills vetoed."

The ostensible purpose of voter identification laws is to prevent election fraud. In this sense, they are a logical extension of the movement that created the modern voter registration system. At the founding of the American republic, not one of its component states had a voter registration law. Massachusetts passed the first voter registration law in 1800 (Harris 1929, 65); generally, states first began voter registration lists in cities to try to cut down on fraud although

[1] See section 303(b) of the Help America Vote Act for the specific minimum standards required for voter identification: http://www.fec.gov/hava/law_ext.txt (last accessed September 25, 2008). Although Feinstein et al. argued that HAVA precludes more stringent voter identification rules, the Supreme Court rejected this analysis. http://brennan.3cdn.net/1d8b5f07f050550b9c_93m6bh1fc.pdf

[2] http://www.supremecourtus.gov/opinions/07pdf/07-21.pdf

Harris (1929, 65) observes that these laws "rarely proved effective for very long." New Mexico, the state at the center of this paper, allowed a voter to swear an oath as an alternative to registering to vote until well into the 20th century (Harris 1929, 110). As voter registration spread, the next step for policymakers concerned about fraud was to have the voter possess some sort of identification to match them to the name on the registration lists. For example, according to Lapp (1909) New York's registration requirements asked a series of personal questions about a voter's residence and a signature, if they could write, that had to match their registration signature. If potential voters were unable to write they were asked a series of question about their family history and employment. Most recently the focus has been on adding some type of photo identification to the voting process.

Requiring voter identification raises concerns about discrimination and turnout. The new identification laws have led to a number of scholarly works examining the effect of these laws on turnout (Hood and Bullock 2008; Alvarez, Bailey, and Katz 2010; Barreto et al. 2008, Mycoff et al. 2007; Vercellotti and Anderson 2006) and how implementation varies across precincts and individuals (Atkeson et al. 2010; 2011; Ansolabehere 2009; Cobb, Greiner, and Quinn 2010). One unanswered question, nevertheless, is what *voters* think about photo-identification policies. In addition, a frequent conjecture on this topic is that voters' perception about voter identification politics affects their confidence in the electoral process. This study is an opportunity to provide policymakers with additional information about what voters actually think to enable them to better balance security and participation.

Policy makers and scholars frequently frame the debate as a tension between access and integrity (e.g., Overton 2006; Liebschutz and Palazzolo 2005). The main argument here, also debated in *Crawford*, is that voters with more personal resources will have an easier time

meeting a state's voter identification rules. Given this rational choice framework, we begin with the assumption that voters with greater personal resources will find what we call the "fraud frame" more compelling and those with lesser resources will focus more on the "participation frame." It is possible that someone will agree that voter identification rules prevent fraud but also believe that such laws hinder participation. Therefore, we also ask respondents to choose which of these frames they find more compelling, as policymakers frequently must. If a policymaker thinks it is not possible to advance both of these agendas simultaneously and wishes to advocate for a policy based on public opinion, this approach should provide that policymaker with information pertinent to answering these questions.

We use survey data gathered during the 2008 general election in New Mexico to answer these questions. Because New Mexico is a majority-minority state that borders Mexico and has a large population of Hispanic voters, it is particularly well suited to our purpose. In addition, it is very competitive at the Federal level. The Republican incumbent won the First Congressional District in 2006 by a mere 816 votes (Atkeson and Tafoya 2008). At the presidential level Gore won the state in 2000 by 366 votes and Bush won in 2004 by 5988 votes (Atkeson, Carrillo, and Walker 2006). The New Mexico legislature and the city of Albuquerque have also been revising and developing new voter identification laws, raising public awareness of the issues surrounding the debate (Jones and Jennings 2006). In 2008, the state law required voters to either (1) show photo-identification, (2) show evidence of voter registration, or (3) simply verbally state their name, address, and birth year.

The debate about voter identification laws in the United States has both partisan and legal aspects, and in the next section we briefly review some of these partisan and legal issues. We then discuss the structure of the surveys and the questions asked regarding voter attitudes toward

photo identification. We then test several hypotheses, drawn from the literature, and present both descriptive data as well as the results of several discrete dependent variable models. Lastly we conclude by discussing the implication of these results for the bigger picture of voting identification laws in the United States as a whole.

Voter Identification Laws in the United States

Most of the recent literature on photo identification voting rules falls into two categories. The first major theme of research is descriptive and concerned with the implementation of these laws. As with many other election policies, the precise details of the implementation of election law can have a substantial effect on outcomes. For example, if poll workers are unfamiliar with a state's election law or are poorly trained, their behavior in checking in voters can vary considerably across or within precincts (Atkeson et al. 2010; Hall, Monson, and Patterson 2008). The second research agenda has been largely concerned with the effects of these laws on turnout; in this area the results are mixed. Our contribution to the literature and the policy debate is to add the perspective of the voter into the argument.

There is some evidence that the implementation of the laws is best described by "easier decreed than done." Using data collected from a New Mexico survey, Atkeson et al. (2010) found that Hispanics and men were more likely to show identification than non-Hispanics and women. Observational data collected in the 2008 data also confirmed that voter identification laws were often ignored with precincts using many different methods to determine voter identity (see Atkeson et al 2011). Studies in Boston, Los Angeles, and during Super Tuesday also show a bias in voter identification implementation with minorities more likely to be asked for a physical form of identificiation when it is not required (Ansolabehere 2009; Cobb, Greiner, and Quinn 2010; Barreto, Cohen-Marks, and Woods 2009). If improper implementation generates biased

enforcement rather than simply administrative errors at random, as research appears to suggest, this is particularly problematic and suggests that implementation of voter identification laws across precincts or even across voters may be important factors in studying these laws.

The mixed results for the influence of voter identification laws on turnout indicate that more research in this area is certainly warranted. Lott (2006) and Mycoff, Wagner, and Wilson (2007) conclude that the requirements had no effect on turnout. Alvarez, Bailey, and Katz (2010,) used a different research design and found that the strictest types of voter registration (in particular photo identification) reduce voter participation in contrast to less strict requirements. Ansolabehere (2007) uses survey data from the 2006 general election to argue that a very small percentage of voters – one-tenth of one percent – may have been affected by voter identification laws.[4]

Research also shows that not all voters have easy access to the type of information necessary to satisfy strict identification laws, supporting the notion that some voters may be disenfranchised because of these laws. Hood and Bullock (2007), for example, find that younger, older, and minority voters were less likely to possess the state identification card or a driver's license to vote at the polls in Georgia; Barreto, Nuno, and Sanchez (2008) find that minority, low income and less educated Indiana residents are less likely to have the necessary identification to satisfy state voter identification requirements.

We contribute to this important policy discussion by examining voter attitudes toward the photo identification debate and how these attitudes affect voter confidence. The appellate decision in *William Crawford v. Marion County Board of Elections* starkly presented the competing views (or frames) about voter identification as a conflict between the integrity of the

[4] http://www.votingtechnologyproject.org/VoterID/NYU_Identification1.pdf

voting process and the right of all legitimate voters to participate. The majority opinion, upholding the Indiana voter identification law, supported the fraud frame over the participation frame; the judges stated, "voting fraud impairs the right of legitimate voters to vote by diluting their votes."[5] Judge Evans in his dissenting opinion supported the participation frame when he stated, "Let's not beat around the bush. The Indiana voter photo identification law is a not-too-thinly-veiled attempt to discourage Election Day turnout by certain folks believed to skew Democratic."[6]

These frames are also present in the Supreme Court decision along with an implicit cost-benefit analysis regarding the effect of voter identification laws on voters. For example, Justice Stevens argued that, "if a nondiscriminatory law is supported by valid neutral justifications, those justifications should not be disregarded simply because partisan interests may have provided one motivation for the votes of individual legislators. The state interests identified as justifications for SEA 483 are both neutral and sufficiently strong to require us to reject petitioners' facial attack on the statute. The application of the statute to the vast majority of Indiana voters is amply justified by the valid interest in protecting 'the integrity and reliability of the electoral process.'"[7] In his concurring opinion Justice Scalia argued that "Ordinary and widespread burdens, such as those requiring 'nominal effort' of everyone, are not severe."[8] Similarly, we can see these themes in Justice Souter's dissenting opinion when he states, "the

[5] William Crawford, et al. v. Marion County Board of Elections, January 4, 2007, 6. http://moritzlaw.osu.edu/electionlaw/litigation/documents/Rokita-Judgment.pdf

[6] http://moritzlaw.osu.edu/electionlaw/litigation/documents/Rokita-Judgment.pdf

[7] http://www.supremecourtus.gov/opinions/07pdf/07-21.pdf, Stevens page 3.

[8] http://www.supremecourtus.gov/opinions/07pdf/07-21.pdf, Scalia, page 2.

state interests fail to justify the practical limitations placed on the rights to vote, and the law imposes an unreasonable and irrelevant burden on voters who are poor and old."

The majority and dissenting opinions and the policy debate among elites suggest two key hypotheses about voter opinions on photo identification. First, Democratic elites in Congress and state governments, as well as Democratic court appointees, tend to support the participation frame over the fraud frame. Second, Republican elites in Congress and state governments, and Republican court appointees, tend to support the fraud frame over the participation frame. Thus, we expect to see similar patterns among voters, with Democrats showing stronger support for the participation frame and Republicans showing stronger support for the fraud frame.

A second key hypothesis comes from a discussion of costs and benefits in the Supreme Court's decision. Justice Souter stated that "the first set of burdens show in these cases is the travel costs and fees necessary to get one of the limited variety of federal or state photo identifications needed to cast a ballot under the Voter ID law" (*Crawford*, Souter, 3-4). He continues, "poor, old, and disabled voters who do not drive a car, however, may find the trip [to acquire identification] prohibitive, witness the fact that the BMV has far fewer license branches in each county than there are voting precincts" (Crawford, Souter, 4-5). He also observes that, regardless of the cost of the identification, the documents required to obtain identification also have costs; he cites the range of $3 to $12 to get a birth certificate in an Indiana county (Crawford, Souter, 7). Souter's opinion suggests that voters for whom these costs are proportionally large are more likely to object to voter identification laws and hence be more sensitive to the participation frame.

Finally, we investigate the claim in *Crawford* that voter perception about photo-identification for voting should affect voter confidence. In a sense, this is one of the main goals

for voter identification laws, regardless of whether they prevent fraud or not. If they can reduce the quantity of perceived fraud, then there is an argument for their existence wholly divorced from the argument about how much fraud exists and if it is prevented by these laws. We begin this exploration by examining voter confidence using the data available in this survey.

Examining Voter Identification Attitudes in New Mexico

To examine attitudes toward voter identification requirements, we use data from the 2008 "New Mexico Voters Election Administration Survey." The University of New Mexico administered this survey and asked voters in New Mexico an array of questions about the 2008 election.[9] A telephone survey (*N*=800) was conducted in both English and Spanish between November 6th and November 24th, 2008 and a mixed mode (mail/Internet survey, N=636) probability study was in the field between November 24th and December 20th. The overall response rate to the telephone survey was 17.4% using Response Rate 2 (RR2) as defined by the American Association for Public Opinion Research (AAPOR 2008). The response rate for the mail/Internet survey was 13.9%, after a three reminder contact model, using Response Rate 2 (RR2) as defined by the American Association for Public Opinion Research (AAPOR 2008), with 4 in 5 of respondents (81%) chose to answer the Internet survey and the remaining 1 in 5 respondents (19%) chose to answer the mail option. Post-election analysis of the sample suggests our study accurately reflected many voter sample population characteristics including gender, region, partisanship, years since registration, age, and the election outcome (Atkeson and Adams 2009; Atkeson, Adams and Alvarez 2009).

In this study, we examine responses to the access and participation frames, the comparison between them, and the relationship between perceptions of fraud, voter

[9] For a full analysis of the sample, see Atkeson et al.2010.

identification, and the more general question of voter confidence. First, voters answered the question, "Do you think voter identification rules prevent some voters from casting their ballot at the polls?" Second, the respondents were asked "Do you think voter identification rules help prevent voter fraud?" Third, voters responded to a comparative question to assess the respondents' policy preference: "Some people argue that voter identification rules prevent some voters from going to the polls, while others argue that voter identification rules help prevent voting fraud. Which is more important?" Finally, voters responded to a question about their confidence in their vote being counted correctly. We begin by examining cross-tabulations of these survey questions with important covariates. We then discuss our findings of a multivariate analysis of these survey questions. Here we test competing hypotheses about what commonly measured demographic and political variables influence public perception of voter identification laws and voter confidence in the electoral system.

Perceptions of Fraud and Voter Confidence

Respondents in the study present slightly conflicting views, as they tend to express confidence in the electoral system and believe that voter identification laws prevent fraud—and only a minority believe voter identification laws prevent legitimate voting—but also believe that ensuring electoral participation is more important than preventing fraud. Perhaps unsurprisingly, partisanship consistently explains the differences in opinion across respondents. Democrats appear to be broadly more suspicious of voter identification laws than Republicans.

TABLE 1 HERE

Overall, a majority of respondents answered "no" to the question inquiring if voter identification laws restrict access to the polls. A total of 51% responded "no," although a nearly one-third, 31%, responded "yes." In addition, nearly 1 in 5 (17%) of the respondents did not

have an opinion or did not know if the law prevented access to the polls, which we think this is telling about many respondents' attitudes in this area. The debate as it has been framed in the media is oversimplified, but when respondents are forced to consider the broader issues they are less inclined to support photo identification policies, and recognize that they do not have a good grasp on the possible impact of these laws.

However, those who vote by mail, and are not required to show identification, are actually much more likely (36%) to believe that the voter ID law prevents access to the polls than voters that have experience with this law (26%).[10] Unsurprisingly, respondents that believe the identification laws are insufficiently strict also tend to disbelieve the assertion that the current laws prevent access (67%). With regard to education, the most highly educated respondents are most likely to believe the ID laws prevent access (37%). Although it may appear that there are large differences between "other race" respondents and the white or Hispanic categories, it is worth cautioning that the "other race" category only contains 69 respondents as opposed to 306 Hispanic respondents and 1024 white respondents; the more curious result is the similarity between Hispanics and Whites. In contrast, the lowest income group is less likely to answer "no" (41% to 51%) than the wealthiest respondents, although they also have a high incidence of

[10] Note that a simple chi-square test on vote mode (mail, election day, early in-person) and restricted access opinion suggests that there is a relationship between these variables with a chi-square value of 19.25, which corresponds to a p-value of less than .01.

"don't know" responses.[11] Elderly people are also quite likely to respond "don't know," with 21% selecting that alternative.[12]

There is more general agreement on the question as to whether identification laws prevent fraud, with 70% agreeing and only 20% disagreeing. In addition, about half as many respondents answered "don't know" (10%) when compared to the "prevent access" question (17%). Again, those voters with less experience with the voter identification law as it is applied on Election Day (early and mail voters) expressed less confidence that it prevented fraud, although the relationship is less clear.[13] There is a clear correlation between thinking that the laws are ineffective at controlling fraud and believing that the laws are too strict; twenty percentage points fewer respondents believe that the laws are too strict agreed that they prevented fraud than those that said the laws were "about right."[14] Cynicism as to the law's effectiveness increased with levels of education and income, also. Republicans were more likely (77%) to believe the law effective than Democrats (66%), a result all the more surprising as Hispanics were much more likely (77%) to believe the law effective than Whites (68%).[15]

[11] In contrast with some of the earlier results, the simple chi-square test between all the income groups listed in Table 1 and opinions on restricted access is only 13.59, with a corresponding p-value of 0.09.

[12] The evidence, without more sophisticated analysis, for a relationship between age and opinion on restricted access is very weak. The chi-square value for age here is 7.94 with a corresponding p-value of 0.24.

[13] The chi-square value here is actually quite low, 6.38, with a p-value of 0.17.

[14] In contrast with the weak relationship between voting mode and opinions on fraud prevention, the chi-square value for this variable is 24.10 with a p-value less than 0.01.

[15] The chi-square value for party identification (sorted into three categories: Democratic, Independent, and Republican) is 16.97 with a p-value of less than 0.01. The chi-square value for race (sorted into three categories: White, Hispanic, and Other) is 11.91, with a p-value of 0.02.

More sophisticated regression analysis can provide more compelling evidence than the bivariate tables. For each of those questions described in detail in Table 1, we performed a simple logistic regression. There is not a particularly interesting theory (for example, one advanced in the *Crawford* decision) to explain why voters select "don't know," so those responses are dropped and we focus here on explaining the differences between the "yes" and "no" respondents instead of performing a multinomial logit (or some other discrete non-binary choice model). The bivariate tables foreshadowed these results, although partisanship absorbs most of the variance in outcomes (see Table 2).

TABLE 2 HERE

For the "restrict access" question, absentee voters are significantly more likely to respond that the laws prevent access than early voters; changing a typical respondent to an absentee voter increases the probability of a "yes" response by 8%. The order of magnitude of that effect is considerably less than that of partisanship; changing a strong Democrat to a Republican results in a 29 percentage point drop in the probability of agreeing that voter identification laws prevent access to the polls. There is a similar, and significant, but lower magnitude effect for independents. The partisanship story emerges forcefully in this analysis: Democrats are simply more concerned about access than Republicans. The independent variables that should affect the ability of an individual to acquire the necessary identification – age, income,[16] and education – do not have effects significant at the conventional .05 level. Gender and race also do not appear

[16] The models all contain a variable "Income: Missing" because a reasonably large number of respondents refused to reply to the income questions. Instead of just dropping the respondents, they have been included. In most cases, the variable of missing income is insignificant, indicating that the missingness is not problematic.

to have an effect. In addition, the coefficients are not significant for the variables that control for survey response mode showing that it did not matter.

The "prevent fraud" question represents the other side of the argument. Here all party orientations are more likely than strong Democrats to agree that the laws prevent fraud, including weak Democrats. More demographic variables also possess significant coefficients in this model. For example, individuals who had attained only "some college" education were more likely than individuals who had a college degree to think that VID laws prevented fraud.[17] On the other hand, individuals with the highest incomes were less likely than respondents with incomes between $42-60,000 to think these laws prevent fraud, as were younger relative to middle-aged respondents. Additionally, respondents who answered the survey over the internet were less likely than phone respondents to think the laws prevented fraud and these effects are on the same order of magnitude as many of the others in this analysis. The most surprising result here is the significant coefficient on Hispanic respondents. Hispanic respondents are significantly more likely than White respondents to believe voter identification laws prevent fraud, as was presaged by the results presented in Table 1.

Since it is possible for someone to believe that voter identification laws prevent fraud but also hinder turnout, we directly asked voters to pick between these two frames. Specifically, respondents replied to: "Which is more important Ensuring that everyone who is eligible has the right to vote or protecting the voting system against fraud?" This should provide a more useful

[17] The "some college" category tends to correlate well with Republican-type attitudes and beliefs. For an example from this data set, those with "some college" were more likely than all others to find Sarah Palin ready to be vice president (chi-square 13.61, p-value of 0.03) and a much percentage of Republicans (23%) falls in this category than do Democrats (17%). However, there are strictly more Democrats in this category (as there are many more Democrats overall).

answer to policymakers who must frequently balance competing legitimate interests. This survey question was identical across survey formats, but many phone respondents volunteered "both." Tables 3 and 4 show the results of the multivariate analysis for both sets of permissible answers. For Table 3, we use a logistic regression for the binary mixed mode survey respondents. For Table 4, we use an ordered logit to capture those who indicated both and placed "both" in the middle category.

TABLE 3 HERE

Among the mixed mode (e.g., not on the telephone) respondents, a majority preferred ensuring access (54%) to preventing fraud (46%). Interestingly this suggests that when the debate is framed as a conflict between two competing policy positions, voters appear less supportive of policies that might reduce turnout. Predictably, partisanship matters a great deal here; a strong Republican is much more likely to favor preventing fraud over ensuring access compared to a strong Democrat. The partisanship effects are large; the first difference for strong Republican identifiers indicates that this lowers the probability the respondent chooses access rather than security by over fifty percentage points. The independent variables one might expect to be significant from the arguments made in *Crawford* are not: non-white race or ethnicity, lower income, and less education do not significantly affect selecting "ensuring access" over "preventing fraud." A somewhat counterintuitive result, given their greater personal resources, is that respondents with postgraduate degrees are more likely to prefer ensuring access over preventing fraud.

The phone survey results – including the "both" response – are somewhat different.[18] Over one-quarter of respondents (28%) volunteered "both" while 37% replied "ensure the right to vote" and 35% replied "protect against fraud." Of the 778 telephone respondents that gave one of those three answers, this more or less represents a three way tie, although there are still strong trends about which type of respondents select which answer. We see much the same story emerging in the ordered logit (Table 4) as is evident in binary logit (Table 3): for comparing "preventing fraud only" to "ensuring access only" again it is strong Republicans that are less likely to select "ensure access" than Democrats. Furthermore, Hispanic voters come out in favor of preventing fraud, contrary to expectations.[19] Nevertheless, the magnitude of the effects for strong Republicans is striking; changing the strong Republican variable from zero to one

[18] There are two possible sources of this difference: (1) that the survey was administered by telephone and (2) that the interviewers accepted "both" as an answer. Unfortunately, merely dropping the "both" respondents from the analysis is not sufficient here to approximate the mail/internet survey, since we do not know if the "both" respondents would systematically have chosen one result or the other. Nevertheless, we did just that and discovered that the results were generally similar to those presented in Table 4, with a few minor differences. The most important of those is that the coefficient for "weak Republican" is negative and significant in that case but still notably smaller than the coefficient for independent party identification or for strong Republicans (as it is in Table 4).

[19] This point deserves additional elaboration. Among Democratic Hispanic respondents *from all modes*, ensuring access is preferred over preventing fraud by 42% to 35%; in addition, 74% of Hispanic telephone mode respondents were Democrats (143 Democrats, 16 Independents, and 34 Republicans). Of the Hispanic Republicans (Strong and Weak combined) *from all modes* 57% preferred "protect against fraud" while 24% preferred the "access" frame. Of course, at this level, the numbers of individuals can be quite small; the aforementioned 24% represents the opinions of only 12 individuals. Restricting this to the telephone mode drops out about another 20 from the sample. Since, at this level, partisanship and Hispanic identification are so closely related and the number of individuals is so small, this estimate of Hispanic opinion should be treated with some caution.

increases the probability that a respondent selects "prevent fraud" by 35 percentage points. This is clearly an issue that is strongly structured by partisanship.

TABLE 4 HERE

In the *Crawford* decision, both the majority and dissenting opinions linked voter confidence with photo identification laws; the assumption in that decision was that having photo identification laws might make voters more confident that the outcomes reflected accurately the opinions of the legitimate voters. Although New Mexico voters legal environment presents the same voter identification law (though see Atkeson et al. 2010), they all do not feel the same way about it and many of them indicate they believe that photo identification protects the system against fraud. Therefore, we can use the questions about attitudes towards voter identification laws to see if their attitudes toward the current and more minimalistic voter identification law influences voter confidence.

The reasoning in *Crawford* connects attitudes towards identification laws with attitudes towards voter confidence. However, there is some concern about simultaneity here (attitudes about the VID law and voter confidence are determined by the same thing) or reverse causality (attitudes about voter confidence determine attitudes about the voter identification law). Nevertheless, merely using a model of voter confidence that excludes attitudes about fraud ignores the opportunity to evaluate the important claim in *Crawford*. To provide additional support for the decision that it is appropriate to include attitudes about fraud in an analysis of voter confidence, we have also included the results of the same model where those variables are excluded for the sake of comparison (Table 5). As measures about the attitudes voters have

towards these laws, we include the questions detailed in Table 1: whether or not the laws are effective and whether or not they restrict access.[20]

Table 5 presents the results of the ordered logistic regressions, one with the opinions about the VID law and the other without those questions (below). In the first model that includes attitudes towards the VID law, we observe the expected results. Those that think the laws prevent fraud are more confident in the electoral process while those that think the laws restrict access are less likely to have higher levels of voter confidence. These variables do not have a sizeable effect on the dependent variable, though; believing that the laws restrict access decreases the probability that a respondent will have the highest level of voter confidence ("very confident") by eight percentage points and belief that the laws prevent fraud increases the probability of selecting "very confident" by six percentage points. Generally speaking, in this model, lower incomes and voting by mail also decrease the probability an individual has the highest level of confidence. Nevertheless, the strongest effects are once again reserved for party identification: Republicans are less confident than Democrats.

TABLE 5 HERE

[20] There are several alternatives available to this specification. For example, the survey also included a question about whether the laws were too lax or too strict. It is possible, with the right specification of variables, to produce a result that the respondents who replied (424 of them) that the laws were too lax also had less confidence. However, with the specification included in these models used for Tables 2-5 (both the choice of variables and the way they are recoded) that result does not appear. Part of the issue with that survey question may be that very few respondents thought the laws were too strict – only 46 out of 1436 respondents gave this reply. There is more variation in the general questions about the effectiveness and consequence of the laws ("Laws Prevent Fraud" and "Laws Restrict Access"), so these variables are included instead.

The model that excludes the identification law attitudes (right hand column of Table 5) reports generally the same results. Early voters are more confident than mail or election-day voters, there is a smattering of income results, a small result for the group representing age 30 to 50 (relative to age 50-65), and some reasonably large survey mode effects (phone respondents are the most confident). This likely represents social desirability effects we have seen before between modes (see Atkeson, Adams and Alvarez 2010). Additionally, those that refused to give their income were also somewhat less confident. Nevertheless education, gender, and race once again do not play a significant role and partisanship does.

As for the direct correlations between voter confidence and opinions on fraud, of the more than 700 respondents that were "very confident" their vote counted, 65% believed that voter identification requirements did not unfairly limit access and 81% believed voter identification laws prevented fraud. However, almost all voters were either "very confident" or "somewhat confident" that their votes counted; of the 1396 respondents to the voter confidence question only 69 (5%) replied that they were "not too confident" and a mere 41 (3%) replied that they were not at all confident.[21] Republicans are less confident than Democrats; altogether, roughly 13% of Republicans selected "not too confident" or "not at all confident." So there appears to be a link between partisanship, attitudes on voter confidence, and attitudes on voter identification laws. Of course, it is always possible that Republicans reported less confidence in the electoral system because Democrats did very well in the 2008 election cycle in New Mexico, winning the Presidential ticket, the Senate seat and all three Congressional races.

[21] Since so few respondents selected the lower categories – "not at all confident" and "not too confident" – the models presented in Table 5 were estimated both combining the lower categories and keeping them separate. The results were substantively identical. The results presented in Table 5 use the 4-category dependent variable.

Conclusion

In this paper, we have argued that the voter identification policy revolves around the fraud prevention and the ensuring access frame. In examining public attitudes toward these frames, we find that a bare majority of respondents do not see voter identification as a barrier to participation although respondents generally accept that identification laws prevent fraud. Merely examining these questions separately could induce a policymaker to believe that the fraud frame is more persuasive than the participation frame. Nevertheless, when presented with a statement asking which is more important, most voters (54% in the case of a forced choice and a plurality of 37% if "both" is allowed) prefer the participation frame.

Party identification largely accounts for the differences in responses. Taken together, all these results indicate that the Republicans have slightly lower levels of confidence and a higher demand for voter identification laws. This explains why states that have adopted strong voter identification laws tend to be under Republican political control. Especially in states that frequently experience highly competitive statewide elections, these results indicate that we should expect the debate on voter identification to be highly partisan into the future.

Nevertheless, partisan is not the only factor that is important in this debate. The significance of the coefficient on absentee voting in Table 2, indicating a belief that voter identification laws drop turnout, is of particular note, as is the significance of the coefficient on postgraduate education in Table 3, indicating a belief that ensuring access is more important than preventing fraud. Given the arguments made in the dissent in *Crawford*, we expect the groups most likely to be hindered by the voter identification laws to voice those objections in these questions. They largely do not; low income and less education does not cause a notably higher level of belief that voter identification laws prevent turnout. Instead, the objections come from

those with the means to acquire the identification or those who do not actually vote in polling places. This suggests that to gain broader acceptance of these laws, a policymaker could try to better acquaint groups that may worry about the disenfranchisement of others that all is well.

It is important to observe that the models of voter confidence (Table 5) demonstrate not only the partisan effects shown for attitudes towards voter identification but also meaningful income effects. In both specifications represented in Table 5, the lowest income group was less likely to have confidence in the electoral process. When combined with the consistently negative effects on voter confidence for voting by mail, this indicates that voters remain unconvinced that the process is at it should be. Further research on this question is necessary, since the questions asked about voter confidence in this survey focused on the individual's own vote being counted rather than all the votes generally. Especially since it appears from Tables 1-4 that many who worry about the loss of access to the polls are those who themselves are unlikely to lose it, one possibility is that the voters are less confident that others' votes will count in the aggregate at the county and state level (see Atkeson 2011).

Of course, public opinion is only one angle from which to view this issue. While it may appear to be largely a partisan debate from a public opinion perspective, voter identification laws may in fact erect barriers to participation that are not evident in survey responses such as these. Considering the varying implementation of these laws within states and between states, this study of a single state in a single election year should be considered more of a starting point than a final answer. Further research is needed not only to continue to examine public opinion on this issue but also to investigate the effects on turnout of these laws.

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Table 1: Bivariate tables for the questions "do voter identification laws prevent access?" (Q54) and "do voter identification laws prevent fraud?" (Q55). Numbers represent the row percentage for each question. For each question, n=1436.[22]

	VID Laws Restrict Access			VID Laws Prevent Fraud		
Variable	Yes	No	Unsure	Yes	No	Unsure
Overall	31	51	17	70	20	10
Early Voter	33	52	15	69	21	10
Mail Voter	36	42	22	66	22	11
Election Day Voter	26	58	17	75	17	8
VID Law Too Strict	54	39	7	50	41	9
VID Law Just Right	36	47	16	70	20	10
VID Law Too Lax	20	67	13	77	18	5
HS Edu. (Or Less)	30	52	18	73	16	12
Some College	29	53	18	77	16	7
Trade/Associates	23	62	15	77	15	8
College Degree	33	52	15	67	25	8
Post Graduate Edu.	38	48	14	68	24	8
White	30	52	18	68	21	11
Hispanic	33	52	16	77	16	7
Other Identity	42	41	17	70	23	7
Democratic PID	41	39	20	66	23	11
Independent PID	27	58	15	71	20	8
Republican PID	20	68	13	77	15	8
Income under 21k	32	47	21	65	21	14
Income 21k-42k	27	52	21	71	16	13
Income 42k-60k	32	52	16	75	17	8
Income 60k-80k	28	58	14	76	20	3
Income 80k-100k	36	54	10	76	19	4
Income over 100k	36	51	14	64	26	9
Age 18-30	35	53	13	69	23	8
Age 30-50	31	53	16	68	24	8
Age 50-65	33	50	17	70	19	11
Age 65+	29	50	21	72	16	11
Female	33	47	20	72	18	10

[22] While on Q55 (prevent fraud) and on Q56 (restrict access) respondents could choose "don't know" or "unsure," a very small number of respondents did not answer the question. For Q54 eighteen people did not give an answer and on Q55 twenty individuals did not answer. Instead of dropping these respondents or imputing a possible answer, these non-responses were recoded as "don't know/unsure." Therefore, the number of respondents represented in this table is 1436 for both questions.

Table 2: Results for two logistic regressions. First, do VID laws restrict access? N=1065. Second, do VID laws prevent fraud? N=1178.[23]

	VID Laws Restrict Access (=1)			VID Laws Prevent Fraud (=1)		
Variable	Coef.	Std. Err.	First Diff.	Coef.	Std. Err.	First Diff.
Mail Voter	0.37*	0.17	0.08	-0.05	0.19	
Election Day Voter	-0.14	0.17		0.09	0.18	
HS Edu. (Or Less)	-0.15	0.21		0.36	0.24	
Some College	-0.13	0.20		0.49*	0.23	0.07
Trade/Associates	-0.49	0.27		0.42	0.29	
Post Graduate Edu.	0.17	0.18		0.15	0.20	
Hispanic	-0.06	0.18		0.49*	0.20	0.07
Other Race/Ethnicity	0.44	0.31		-0.06	0.32	
Weak Dem. PID	-0.32	0.21		0.72*	0.24	0.10
Ind. PID	-0.90*	0.19	-0.22	0.45*	0.21	0.07
Weak Rep. PID	-1.31*	0.27	-0.30	1.18*	0.32	0.14
Strong Rep. PID	-1.26*	0.19	-0.29	0.86*	0.21	0.11
Income under 21k	0.33	0.27		-0.52	0.31	
Income 21k-42k	-0.38	0.24		-0.08	0.28	
Income 60k-80k	-0.35	0.25		-0.10	0.28	
Income 80k-100k	-0.04	0.27		-0.20	0.31	
Income over 100k	-0.03	0.25		-0.59*	0.28	-0.11
Income (Missing)	-0.23	0.25		-0.44	0.28	
Age 18-30	0.05	0.22		-0.53*	0.24	-0.10
Age 30-50	0.04	0.17		-0.57*	0.19	-0.11
Age 65+	-0.12	0.18		-0.03	0.21	
Female	0.21	0.13		0.18	0.15	
Internet Svy. Mode	-0.11	0.15		-0.49*	0.16	-0.11
Mail Svy. Mode	0.27	0.27		-0.18	0.30	

First Differences are only produced here for variables that are statistically significant at the .05 level, also indicated by a *. The first differences represent the change in probability of selecting "yes" to the dependent variable if the independent variable is changed from 0 to 1 and the other variables are left at their median value.

[23] The total number of survey respondents is 1436. However, as mentioned in the text of the paper, there is little reasoning in the court decision about why someone might be unsure. We are only interested in the "yes" or "no" answers here, and so we have dropped the "don't know" respondents. Therefore, these regressions have *different* numbers of respondents and they also have *fewer* respondents than the total number for the survey.

Table 3: Internet and Mail Respondents Choosing Between Preventing Fraud (=0) and Ensuring Access (=1), simple logistic regression with N=542.[24]

Variable	Coef.	Std. Err.	First Diff.
Mail Voter	0.46	0.24	
Election Day Voter	-0.05	0.26	
HS Edu. (Or Less)	0.19	0.32	
Some College	0.23	0.30	
Trade/Associates	-0.13	0.37	
Post Graduate Edu.	0.64*	0.28	0.07
Hispanic	-0.25	0.29	
Other Race/Ethnicity	-0.10	0.47	
Weak Dem. PID	-1.08*	0.32	-0.19
Ind. PID	-1.59*	0.28	-0.31
Weak Rep. PID	-2.56*	0.39	-0.53
Strong Rep. PID	-2.50*	0.30	-0.52
Income under 21k	0.32	0.41	
Income 21k-42k	-0.29	0.35	
Income 60k-80k	-0.24	0.38	
Income 80k-100k	0.39	0.43	
Income over 100k	-0.71	0.39	
Income (Missing)	-0.47	0.39	
Age 18-30	-0.30	0.38	
Age 30-50	-0.32	0.28	
Age 65+	-0.46	0.25	
Female	0.35	0.21	
Internet Svy. Mode	-0.41	0.28	

First Differences are only produced here for variables that are statistically significant at the .05 level. The first differences represent the change in probability of selecting "yes" to the dependent variable if the independent variable is changed from 0 to 1 and the other variables are left at their median value.

[24] This model could use a binary logistic regression because the respondents were forced to choose between these two responses on the mail and internet portions of the survey. In the telephone mode part of the survey, though, the surveyors accepted a volunteered response of "both." Therefore, the telephone mode portion is analyzed separately (see Table 4). There were only 583 mail and internet respondents who answered this question, of whom 41 were dropped here because of other missing data. Of the 583 respondents to this question, 116 answered it by mail and 467 answered by internet.

Table 4: Phone Respondents Choosing Between "Ensure Access" (=0), "Both" (=1), and "Prevent Fraud" (=2); Ordered Logistic Regression with N= 699.[25]

			First Differences		
Variable	Coef.	Std. Err.	Ensure Access	Don't Know	Prevent Fraud
Mail Voter	-0.31	0.21			
Election Day Voter	-0.01	0.17			
HS Edu. (Or Less)	-0.04	0.23			
Some College	-0.28	0.22			
Trade/Associates	-0.60*	0.28	0.15	-0.05	-0.10
Post Graduate Edu.	-0.27	0.21			
Hispanic	0.61*	0.19	-0.14	0.01	0.13
Other Race/Ethnicity	0.17	0.35			
Weak Dem. PID	0.01	0.23			
Ind. PID	0.73*	0.23	-0.16	0.00	0.16
Weak Rep. PID	0.49	0.27			
Strong Rep. PID	1.52*	0.21	-0.29	-0.06	0.35
Income under 21k	-0.50	0.30			
Income 21k-42k	-0.04	0.25			
Income 60k-80k	0.13	0.27			
Income 80k-100k	-0.13	0.30			
Income over 100k	-0.15	0.27			
Income (Missing)	0.01	0.26			
Age 18-30	0.03	0.23			
Age 30-50	0.23	0.19			
Age 65+	-0.01	0.20			
Female	0.05	0.15			

First Differences are only produced here for variables that are statistically significant at the .05 level. The first differences represent the change in probability of selecting the answer to the dependent variable if the independent variable is changed from 0 to 1 and the other variables are left at their median value (note that these sum to zero, since there are only three choices).

[25] A total of 778 phone respondents answered this question, 79 were dropped here because of missing data. See the previous table for an analysis of the mail and internet mode respondents.

Table 5: Ordered Logistic Regressions for Level of Confidence that Vote Was Counted, including opinion on VID Law (n=1019) and excluding it (n=1266).[26]

	Including VID Law Opinion			Excluding VID Law Opinion		
Variable	Coef.	Std. Err.	First Diff.	Coef.	Std. Err.	First Diff.
Laws Prevent Fraud	0.49*	0.16	0.06	-	-	-
Laws Restrict Access	-0.57*	0.15	-0.08	-	-	-
Mail Voter	-0.42*	0.17	-0.05	-0.43*	0.15	-0.07
Election Day Voter	-0.28	0.16		-0.38*	0.14	-0.06
HS Edu. (Or Less)	-0.29	0.21		-0.24	0.19	
Some College	-0.17	0.20		-0.14	0.17	
Trade/Associates	0.26	0.26		0.21	0.23	
Post Graduate Edu.	0.20	0.19		0.26	0.17	
Hispanic	0.14	0.18		0.27	0.16	
Other Race/Ethnicity	0.14	0.33		0.17	0.29	
Weak Dem. PID	-0.10	0.23		-0.12	0.19	
Ind. PID	-0.76*	0.20	-0.11	-0.49*	0.17	-0.08
Weak Rep. PID	-0.77*	0.25	-0.11	-0.45*	0.22	-0.08
Strong Rep. PID	-1.00*	0.19	-0.15	-0.70*	0.16	-0.12
Income under 21k	-0.65*	0.28	-0.09	-0.77*	0.24	-0.14
Income 21k-42k	-0.49*	0.24	-0.06	-0.30	0.21	
Income 60k-80k	-0.25	0.25		-0.26	0.23	
Income 80k-100k	-0.62*	0.27	-0.08	-0.65*	0.24	-0.11
Income over 100k	0.00	0.26		0.01	0.23	
Income (Missing)	-0.42	0.25		-0.45*	0.22	-0.08
Age 18-30	-0.23	0.22		-0.12	0.20	
Age 30-50	-0.32	0.17		-0.36*	0.15	-0.06
Age 65+	-0.03	0.18		0.04	0.16	
Female	-0.17	0.13		-0.03	0.12	
Internet Svy. Mode	-0.35*	0.15	-0.05	-0.42*	0.13	-0.07
Mail Svy. Mode	-0.41	0.26		-0.69*	0.21	-0.12

First Differences reported for variables that are statistically significant at the .05 level. Additionally, the only first difference reported represents the change in probability of attaining the highest level of confidence ("very confident"=4) when the listed independent variable is changed from 0 to 1 and all other variables are set to their median values.

[26]The disparity in the number of respondents between the two models is the result of the specification of the opinion about voter fraud variables. The variables used here are binary; that is, they are assigned a value of 1 if the respondent agreed and a value of 0 if the respondent disagreed. That excludes the respondents who answered "don't know" completely from the analysis. The reasoning here is that the most interesting discussion does not focus on the respondents without an opinion.