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# **Voting Laws, Education, and Youth Civic Engagement: A Literature Review**

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## Executive Summary

Since the founding of public schools in the United States, a primary purpose of public education has been to produce capable, informed, and engaged citizens, and specifically, *informed voters*. Informed voting can be defined as knowing basic information about issues, candidates, and policies and voting according to one's own informed preferences. Unfortunately, the turnout rates and the civic knowledge of young people are unacceptably low; there are deep disparities in both turnout and civic knowledge by class, educational attainment, and race.

Governments can influence young people's rates of informed voting in two important ways: by enacting laws and policies that regulate the electoral system and by using laws and policies to influence civic education. The following findings illustrate what is known about the relationships among education, voting laws, and youth voting.

### Young Americans' voter turnout and knowledge are uneven

The turnout of young adults (18-29) varies by election, from one percent in the 2012 Nevada caucuses to 51% in the 2008 national election, but it is generally low compared to turnout in other nations and the voting rates of older adults. The trend since 1972 (when the voting age was lowered to 18) has been largely flat.

Civic knowledge, as measured by the National Assessment of Educational Progress (NAEP) Civics Assessment, is also largely unchanged and is generally considered poor, although the cutoffs for NAEP proficiency levels are a matter of judgment.

Both voting rates and civics test scores show very large gaps by class and race.

### Education is strongly related to political engagement

Individuals with more educational attainment vote at higher rates. In fact, according to Nie, Junn, and Stehlik-Barry (1996), this is "the best documented finding in American political behavior research." To some extent, educational attainment may be a proxy for social status or personal motivation and ability, but some careful studies find that education actually boosts turnout (Dee, 2003; Sondheimer & Green, 2010).

Through courses and programs that are specifically concerned with citizenship, schools can enhance informed voting. Civics and government classes increase knowledge (Niemi & Junn, 2005). Such courses also have significant, positive effects on voting after graduation (Bachner, 2010; Bachner, 2011). Extracurricular participation in high school, with the exception of sports, is positively related to voting (Thomas & McFarland, 2010).

All states have civics standards, and many have course or testing requirements. Most high school students who reach 12th grade have taken American Government (Niemi 2012). But instruction devoted to civics varies widely across school districts and schools, affecting the levels and kinds of instruction different student populations receive. Prior educational success, family SES, and school SES have each been shown to independently affect the quality of civics education a student is likely to receive (Kahne & Middaugh, 2009; Levinson, 2012).

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State laws regarding civic education vary, but no evidence has been found that the variation in state laws affects student knowledge or behavior (Lopez et al., 2009).

### **Election laws have mixed effects on youth turnout**

State laws regarding voting vary widely and are rapidly changing. Several states recently added or tightened requirements to present state-issued voter ID at the polls, attracting particular controversy. But state laws vary in many other ways as well.

Laws can be divided into two rough categories: those that intend to facilitate voting and those that aim to reduce fraud and may make voting more difficult.

Among the laws that aim to facilitate youth voting, Election-Day Registration (EDR) seems to be the most effective mechanism. Most other reforms presented as favorable to voting only modestly improve turnout. Although other measures that make voting easier are more likely to retain already-engaged voters, EDR appears to *stimulate* new people to vote (Berinsky, 2005; Burden et al., 2010; see Hanmer, 2009 for a partial dissent). There is also some promising evidence in favor of allowing 16- and 17-year-olds to “preregister” (McDonald, 2010). Finally, states that mail information about polling locations and sample ballots to households seem to raise turnout among less advantaged young people (Wolfinger et al., 2004).

The laws that reduce turnout most include legislation that blocks felons and ex-felons from voting at all. As of 2004, 5.3 million Americans, of whom about two million are African Americans, were ineligible to vote because of state laws disenfranchising felons and ex-felons (Manza & Uggen, 2006). Felon-disenfranchisement laws not only block the turnout of those directly affected, but they seem to depress the turnout of non-felons from the same communities (Bowers & Preuhs, 2009; McLeod, White & Gavin 2003).

Stringent residency requirements may dampen the participation of some college students, but voter ID requirements have not shown sizable effects on turnout in past elections even though many college students and urban youth lack acceptable identification.

The lack of evidence that photo ID and other restrictions reduce turnout requires several caveats. The available research has not looked closely at youth, who may be especially affected. Many of the most controversial requirements, including the stringent photo ID laws adopted since 2010 in several states, are new and have not been studied. Finally, the identification requirements may not appear to affect turnout because populations who lack IDs have low turnout anyway; implementing new requirements would place a ceiling on their participation.

### **The underlying principles and values involved in voting are contested**

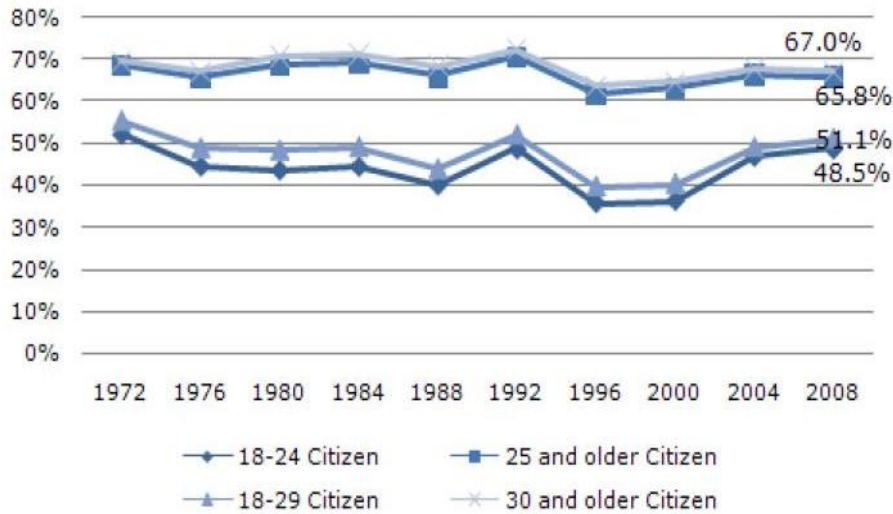
This draft literature review emphasizes empirical social science, specifically peer-reviewed (or other highly credible) studies that treat youth turnout and/or political knowledge as the dependent variables. However, the issues that we consider here are not simply empirical. They also raise complex and contested philosophical and legal questions. Thus many works from philosophy and constitutional law are relevant. Although we have not attempted a full review of those sources, we do cite several normative perspectives and selected sources.

**Review of Literature**

**1. Young Americans lag behind in political engagement and knowledge**

The voting age was lowered to 18 in time for the 1972 election. That election drew relatively high turnout, but voting rates of young people fell thereafter. Since 1972, youth turnout has ranged between 45% and 51%. Graph 1 displays the trend for younger adults and older adults in order to display the persistent gap by age and to suggest that turnout has (despite some fluctuations), been fairly stable since the 1970s.

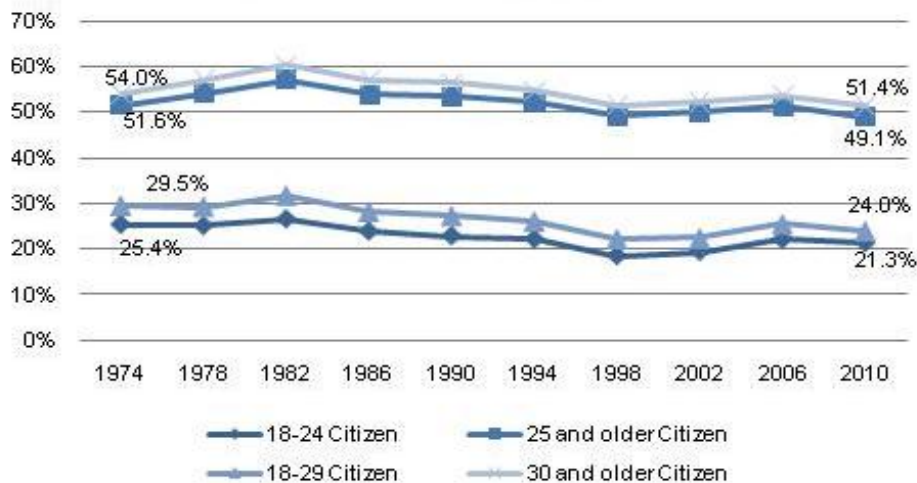
**Graph 1: Voter Turnout by Age, 1972-2008**



Source: CIRCLE Analysis of Census Current Population Survey (CPS) November Voting Supplements 1972-2008

In off-year elections, youth turnout has not varied very much since the voting age was lowered, but the trend is downward for both younger and older adults. The gap by age is persistent.

**Graph 2: Voter Turnout by Age, 1974-2010**



Source: CIRCLE Analysis of Census Current Population Survey (CPS) November Voting Supplements 1974-2010

These graphs of national turnout conceal large differences by state and by type of contest. Just one percent of eligible young adults participated in the 2012 Nevada caucuses (CIRCLE estimate, 2012), compared to 51% turnout in the 2008 national presidential election. There are also substantial differences by state and community in a given election (Kirby & Kawashima-Ginsberg, 2009).

Civic knowledge, as measured by the National Assessment of Educational Progress (NAEP) Civics Assessment, is also largely unchanged since the 1970s and is generally considered poor. Only 24 percent of twelfth graders scored at “proficient” on the 2010 NAEP Civics Assessment (National Center for Education Statistics, 2011). Although the designated cutoffs for the “basic,” “proficient,” and “advanced” categories are subjective, the trend in mean scores is flat.

NAEP Civics scores are strongly correlated with parental educational attainment and family’s socioeconomic background (NCES 2011). NAEP does not measure students’ educational attainment well, because every student who takes the assessment has reached the same grade level. However (as discussed below), voting is strongly correlated with young adults’ educational attainment.

Correlations with race are more complex. African American youth vote at approximately the same rates as whites despite having lower average educational attainment and lower average NAEP civics scores. Latino citizens are well behind both whites and African Americans (Jacobsen & Linkow, 2012).

Instruction devoted to civics varies widely across locales, and different student populations receive different levels and kinds of instruction. Prior educational success, family SES, and school SES have all independently been shown to affect the quality of civics education a student receives (Kahne & Middaugh, 2009).

## **2. Education is strongly related to voting**

The correlation between educational attainment and voting is strong; it is consistently found in all studies, and usually survives controls for other demographic variables (e.g., Verba, Schlozman & Brady, 1995). Sondheimer and Green (2010) say that this relationship has been found in “literally thousands of cross-sectional surveys” since 1924. For example, in the 2008 election, the turnout of young people who had completed even one college course was 26 percentage points higher than that of their peers who had never attended college (Kirby and Kawashima-Ginsberg, 2009).

The correlation between education and voting produces a paradox when viewed in historical context. Over the course of the 20th century, educational attainment rose gradually and consistently. The relationship between education and voting remained strong during those decades. Yet, contrary to what might be expected, turnout did not rise in tandem with education. On the contrary, the turnout of white men was considerably higher in 1900 than it is today, even though white men, like others, now attain much more education. The divergence between trends in education and turnout has led Nie, Junn, and Stehlik-Barry (1996), among others, to believe that education is mostly a proxy for relative social status. They argue that education does not increase turnout but rather defines a high-SES group that votes at a relatively high rate. (See also Campbell, 2009). In short, the correlation between education and turnout is not causal.

Although this position remains tenable, recent research has identified positive returns from education. In a study using child labor laws and the availability of local community colleges as instrumental variables, Dee (2003, p. 9) finds that educational attainment has a positive effect on youth turnout. The increases are “plausibly concentrated among students with poorly educated parents”; thus, improving educational success might increase the total number of votes cast with an especially positive impact on the least advantaged. Sondheimer and Green (2010) note that they were initially skeptical that the correlation between education and voting was causal. However, they took advantage of three prior experimental interventions that had raised educational attainment and examined voting rates in the treatment and control groups. They found that “a high school dropout with a 15.6% chance of voting would have a 65.2% chance of turnout if randomly induced to graduate from high school” by means of an intervention such as the Perry Pre-School Experiment, which boosted students’ educational success by improving their experiences in early childhood.

In sum, people with more education vote at much higher rates. That correlation probably reflects more than just the effects of education itself; it may also reflect social advantages. Nevertheless, the preponderance of evidence suggests that increasing someone’s education would, by itself, increase the chance that he or she will vote.

### **3. Civic education boosts knowledge and engagement**

Civic education is broadly understood as any effort to educate young people about civic participation. Forms of civic education are wide-ranging, including courses on American government and civics as well as experiential activities offered by schools or community organizations.

Despite lamentations that civic education is not as robust in public schools as it once was, requirements to teach civic material or offer at least one civics/government-related course do, in fact, exist in all fifty states (Lennon, 2006; ; Godsay, Levine, Henderson, and Littenberg-Tobias, 2012). Most high school students who reach 12th grade have taken American government. Yet civic education requirements and accountability measures vary significantly, with the best experiences generally reserved for advantaged students (Kahne & Middaugh, 2009; Levinson, 2012).

Some schools offer traditional civics courses that teach students the basics of democracy and American government. Others have implemented hybrid curricula that aim to be both practical and theoretical or historical. These programs typically aim to equip students with the civic skills necessary to be active participants in society, seeking to show students the relevance of government and elections in their lives as they develop their civic identities.

Bachner (2010; 2011) analyzes the National Educational Longitudinal Studies of 1988 and 2002, using a strong set of controls. She finds that a year of American government coursework in high school boosts voter turnout for a decade after graduation, with the biggest effects (7-11 percentage points) found on students whose parents are not politically active. Niemi and Junn (2005) also find that coursework has positive effects on knowledge.

Apart from these studies, most research on civic education and voting is limited to evaluations of particular programs, but such research is still useful in that it provides insights into the potential of such courses.

One such study is Kahne, Chi, and Middaugh's (2006) examination of the CityWorks program in Los Angeles. This innovative curriculum focuses on making government relevant by engaging students in simulations of interactions with government at the local level. Although researchers did not measure the program's direct impact on participants' voting propensities, their research indicated that the program was effective in generating a greater sense of civic engagement. In particular, CityWorks not only fostered justice-oriented citizenship, but also participatory citizenship, the latter being of particular interest to the discussion of education's impact on youth voting. In contrast to more traditional civics courses, CityWorks' success may be attributed in part to its focus on personal relevance: this and similar programs "can help students envision themselves as civic and political actors and adopt related identities" (Kahne et al., 2006, p. 402).

A study that has taken a somewhat closer look at the link between civic education and voting is McDevitt and Kiouisis's (2006) assessment of the Kids Voting USA (KVUSA) program. In this CIRCLE-funded research, the investigators not only used interviews and focus groups with student participants and their parents over an extended period (2002-2004) but also analyzed voting records in the four counties (in Florida, Colorado, and Arizona) where the curriculum was taught. The program, described as an "interactive, election-based curriculum" offers a holistic approach to civic education (p. 2). Students in the program follow news coverage, dissect political ads, organize get-out-the-vote drives, interview parents to discover their voting habits, learn about the history of voting rights, and even volunteer with campaigns. The researchers find that this "synergistic strategy," encompassing multiple spheres of students' lives, helped engrain important civic norms into young people (p. 8). Although voting was only one of fourteen dimensions of civic development measured in this study, McDevitt and Kiouisis found that KVUSA had a positive, albeit indirect, effect on voting and other facets of civic development that lasted for at least two years after the course. The authors characterized the KVUSA as "a successful catalyst for deliberative democracy" and a program that helped stimulate "discussion networks" both in school and, perhaps more importantly, at home (p. 35). It was through this deliberative behavior that voting propensities were positively affected; in 2004, for example, official records showed that approximately 73% of past participants had voted.

Syversten and colleagues (2009) evaluated the Student Voices program, in which students studied local government, policy issues, and campaigns and took action in the form of questioning candidates or creating videos. Syversten and colleagues conducted a randomized test in 80 classrooms (Syversten, Stout, Flanagan, Mitra, Oliver, & Sundar, 2009). They found significant positive effects on students' knowledge of the voter registration process, self-reported knowledge of politics, confidence in their ability to vote, belief in the importance of voting, use of news media, and discussion of politics. Students did not demonstrate increased intention to vote or otherwise participate politically, implying that some additional support may be needed to move them to action. A previous study of the same program had also found positive effects on students' efficacy (Pasek, Feldman, Romer, & Jamieson, 2008).

A fourth program that has linked school-based civic education to civic participation is We the People (overview in Soule & Nairne, 2009). Produced by the Center for Civic Education, this program was almost exclusively funded by the federal government for many years until its earmark was ended in 2012. It was the only major federally funded civics program. Evaluations were problematic, because they relied on self-reported data from classrooms chosen by the Center; nevertheless extremely high levels of participation



were found. In the 2004 election, for example, 92% of respondents eligible to vote reported doing so, and 85% indicated that they had cast a ballot in all previous elections in which they were eligible (Soule, 2005). Program alumni boasted an even higher turnout rate in 2008: 95% self-reported voting (and 76% voted in previous elections).

The *Civic Mission of Schools* report (Gibson & Levine, 2003) and other documents supported by the Campaign for the Civic Mission of Schools treat classroom instruction on politics and government and school-based discussions of controversial issues as but two of six “promising practices” in civic education. The others are: service-learning, student voice in school governance, games and simulations, and participation in extracurricular clubs and associations. In general, research on the effects of these interventions on voting is scarce. However, in theory, they might contribute to students’ sense of belonging to a desirable political community and hence their propensity to vote. Thomas and McFarland (2010) find that participation in extracurricular activities, in general, promotes voting, although some activities (notably, some sports) decrease it. Gardner, Roth, and Brooks-Gunn (2008) find that participating in school-sponsored extracurricular activities for at least two years is associated with a 25% increase in the voting rate two years after high school.

Several studies support the general theory that “youth voice” in classrooms and schools encourages political participation, probably because the school models the broader political community for students. Within classrooms, teachers can provide opportunities to build various civic skills by creating opportunities for open exchange of opinions (Campbell, 2008a, 2008b; Torney-Purta, Lechman, Oswald, Schultz & Barrett, 2002), scaffolded discussions of controversial issues (Hess, 2009), and “teaching moments” for civic skills such as conflict resolution, collaborative decision-making and tolerance for different opinions. Teachers also play a key role in creating a democratic environment among peers by modeling democratic behaviors themselves, which is related to a sense of belonging (Meier, 2002). The school, as an institution, also plays a role in development of civic efficacy and motivation (Gibson & Levine, 2003) by, for example, providing supportive authority and rule structures (Torney-Purta, 2002) and positive peer civic norms (Campbell, 2005).

These daily interactions and pedagogical methods have powerful cumulative effects over time. Research using a variety of methods but generally incorporating controls for socioeconomic background finds that students who attend schools with positive school climate can develop a positive sense of belonging, connection to peers, trust in institutions and eventually in broader society and its democratic system (Berman, 1997; Flanagan, Bowes, Jonsson, Csapo, & Sheblanova, 1998). Connection to school and a perception of the school as a fair and supportive system is related to a perception that society is just, a stronger sense of civic commitment (Kahne & Sporte, 2008; Torney-Purta et al., 2002), an intent to intervene when peers have dangerous plans (Syversten, Flanagan & Stout, 2009), and civic behaviors such as voting (Campbell, 2005) and volunteering (Putnam, 2000). Dill (2009) finds that private schools have a positive effect on voting (net of demographic factors) which, if the controls in his study are adequate to account for background factors, may suggest that the “climate and context” of private schools is generally more favorable for civic development (p. 1282). That claim is consistent with the premise that school climate matters.

Campbell (2005, 2008a) argues that adolescence is an especially important time in life for the adoption of norms about civic engagement, and therefore civic norms in high school should affect voting behavior in adulthood. Campbell finds that students who

attend schools where a high proportion of students believe that voting is characteristic of good citizenship are more likely to believe that they will become civically active, and more importantly, they are more likely to vote as adults by seven percentage points (results are based on students followed 15 years after graduation, now in their mid-thirties).

Little research has been conducted on the impact of state education *policies* on civic outcomes. A major reason is a lack of reliable civic outcome data at the state level. NAEP civics scores are available for the national student population only. However, a national survey of 100,000 students' knowledge of the First Amendment and their support for First Amendment rights allowed CIRCLE and colleagues to investigate the impact of state civic education policies on those outcomes, controlling for a host of variables. No significant effects were found, even though state standards varied in how they treated First Amendment issues (Lopez et al., 2009). That study raises doubts about whether existing state laws are effective instruments for changing civic outcomes.

#### **4. Election officials and agencies may be effective civic educators**

State and local election officials can educate the public about voting by disseminating informative materials online, by mail, or at polling places. In many other countries, notably Canada and the Nordic democracies, election officials are nonpartisan administrators who have the responsibility and the resources to educate citizens widely about the voting process (Milner 2010). In the United States, election officials—Secretaries of State and local administrators—tend to be elected in partisan contests or appointed by incumbent officeholders, and they have limited responsibility for public education. But some states entrust some educational responsibilities to their Secretaries of State.

Wolfinger, Highton, and Mullen (2004) find that providing information about voting locations and sample ballots may increase youth turnout, particularly among certain subpopulations. Although overall turnout was just 2.5 percentage points higher in states that mailed registrants polling location information, and two percentage points higher in states that mailed registrants sample ballots, these initiatives appeared to have a greater impact on two demographic groups: younger voters and less-educated voters (Wolfinger et al., 2004, p. 8).

In states that mailed ballots, absolute turnout was 5.7 percentage points higher among registered 18-to-24 year-olds than in other states (Wolfinger et al., 2004, p. 9). Multivariate analysis of the effect yielded only one substantial interaction, but it was a large one: a 7.1 percentage point rise among 18-to-24 year-olds who do not live with their parents (Wolfinger et al., 2004, p. 10).

The other significantly affected demographic group comprised young people without a high school diploma. The authors estimate the turnout effect to be 2.9 points from polling place information, and 3.9 points from sample ballots (Wolfinger et al., 2004, p. 9) for those without high-school diplomas.

These findings support the hypothesis that information has the greatest effect on those who are less likely to obtain it from other sources. Such initiatives can “provide potentially useful information that is likely to be especially informative—if not reassuring—to those facing their first visit to a precinct polling place. Seeing a complete list of candidate races and ballot questions in the format that will appear ‘behind the curtain’ might reduce the uncertainty associated with voting for the first time,” explain Wolfinger et al.

(2004, p. 9). According to the authors' estimates, implementing post-registration "best practices" (mailing information and extending poll hours) nationwide would boost youth turnout by close to 7 points and turnout among the least educated by 7.5 points (Wolfinger et al., 2004, p. 12).

## 5. Making registration and voting more convenient has modest impact

Since Downs (1957), it has been widely assumed that an individual will vote when the benefits of doing so outweigh the costs. Since it is commonly believed that the costs of voting are already higher for young people—who are new to the voting process and likely to move frequently—it follows that raising or lowering such costs through election reform may have a particularly strong impact on this group. Here we first focus on laws whose goal is to lower costs. In section 6, we turn to laws that may raise the costs, although they are typically defended as necessary for protecting against fraud.

State reforms that purport to lower barriers can be broadly grouped into two categories:

- a) Reforms that aim to engage young people well before Election Day (pre-registration of 16- and 17-year-olds, high school registration for eighteen-year-olds, registration by mail for newly-eligible voters); and
- b) Reforms that promise to make the casting of one's ballot easier (Election-Day Registration and "convenience voting," which is generally understood to include reforms such as early in-person voting, voting by mail, absentee voting, etc.)

One factor that makes the impact of these laws difficult to measure is that states that adopt relatively permissive voting laws generally already have high turnout and political cultures and traditions that favor participation. Thus the mere correlation between convenient voting and turnout does not show that the former causes the latter (Hanmer, 2009).

### *a) Election reforms that engage high school students before elections*

It may be especially important to engage potential voters while they are still in high school. Voting is habit-forming (Gerber, Green, & Shachar, 2003; Plutzer, 2001). Franklin (2004) finds that the turnout rate in the election when a cohort first becomes eligible to vote has a lasting effect on that group's voting participation. He argues that lowering the voting age to 18 depressed turnout in the Western democracies because it meant that people became eligible to vote at a time when they were relatively unlikely to vote, since they were separated from older adults, likely to move, and relatively uninformed about politics. Getting high school students registered or pre-registered could help. Unlike recent high school graduates, current high school students typically still live at home and are enrolled in institutions that can deliberately inform them about voting and encourage them to participate.

Common interventions aimed at high school students include:

- **High School Registration:** Initiatives may range from making voter registration forms available to high school students to more comprehensive programs that incorporate voter education and registration drives.
- **Preregistration:** In some states, individuals who are 16 or 17 years old may complete all the necessary steps for voter registration. Preregistered young

people can then be “activated” as registered voters when they become eligible to vote at age eighteen.

Both opportunities typically occur in public high schools as joint efforts between school and local election officials. Project Vote conducted a survey of election and school board officials in all 50 states. Results from the survey showed that programs vary from one jurisdiction to another in terms of creation, scope, and costs (Herman & Forbes, 2010). More than half (53%) of respondents indicated that their programs were created through individual initiative, while only a minority of programs were the results of legislation or official mandates. Wisconsin recently repealed a state law requiring schools to provide voter registration information (Senate Bill 386, 2012).

Election and school officials employ a variety of methods in their programs. The most basic and most common is simply making registration forms available to eligible students. However, voter education is also incorporated into a number of programs nationwide, taking such forms as mock elections, poll-worker recruitment drives, presentations by election administrators, and assemblies.

Since only 10% of states have pre-registration programs, it is difficult to draw conclusions about the impact of such programs. However, preliminary research in Florida and Hawaii by McDonald and Thornburg (2010) provides some insights into this reform. Although far less than half of young people eligible to preregister actually do so, those who do generally have a turnout rate approximately two to three percentage points higher than those who register when they turn eighteen. In the 2008 election, Florida preregistrants turned out at a rate 4.7% higher than young voters who registered after they turned eighteen (McDonald & Thornburg 2010). Preregistration may be particularly important for young minority pre-registrants, who tend to vote at higher rates than white pre-registrants. Moreover, preregistration appears to have positive and persistent effects on long-term voting habits.

Cherry (2012) argues that preregistration should be national policy, and that it is both “constitutional and politically viable” (p.514). The variation in state laws can be confusing for first-time voters, she argues, who may not rely on locally-based news sources. In addition, Cherry argues that preregistration should be available at schools, departments of motor vehicles, and public assistance agencies.

*b) Reforms that make voting easier*

This section considers reforms that are intended to lower the amount of time, information, effort, or other “costs” required to vote. We focus on two types of policies that lower the cost of voting.

- **Election-Day Registration** means allowing individuals to register to vote on Election Day at their polling locations. Combining registration and voting into one experience, it allows people who have missed standard registration deadlines to cast a ballot on Election Day. Although the two terms are often used interchangeably, Same-Day Registration (SDR) is somewhat broader. It means the option to register and vote on the same day, even if that is earlier than Election Day.
- **“Convenience Voting”** is broadly understood as any method of casting a ballot other than at a polling place on Election Day. It may mean allowing people to vote in-person before Election Day, by mail, or absentee without an excuse.

**Election Day Registration (EDR):** Many scholars (including Alvarez, Ansolabehere, & Wilson, 2002) have observed that the American electoral system is unusual in requiring individuals to complete two distinct steps—registering and then actually casting their ballot—in order to vote. Many states close the registration period well before Election Day even though interest in the campaign typically peaks just before the end. Although voter registration is determined by states and not the federal government, 49 states (all but North Dakota) require it.

A 2006 survey (Alvarez, Hall, & Llewellyn, 2006) found that nearly 90% of respondents did not find registering to vote to be a difficult task. Although only a small minority of individuals polled found voter registration to be challenging, it is important to note that these respondents were typically younger, less educated, and non-white. Thus, subpopulations may be more affected by changes in the registration laws. People who have never voted before seem likely to find registration a difficult hurdle.

CIRCLE (Godsay, 2010) confirmed that young people are daunted by the registration process. Although a lack of interest and involvement in politics was the top reason given for not voting in 2008 among both young people (41%) and those 30 and over (40%), nearly twice as many young people cited not meeting registration deadlines (21%) as a barrier to voting as their older counterparts (12%).

EDR saves young people from having to know the closing date of registration. Moreover, allowing young people to “opt in” to the electoral process on Election Day may change whether and how campaigns reach out to youth voters in the closing weeks of a race (Alvarez et al., 2002; Burden, Canon, Mayer, & Moynihan, 2010; Fitzgerald, 2003).

Indeed, some research has suggested that EDR can have a significant positive effect on turnout, particularly among young people (Alvarez et al., 2002; Fitzgerald, 2003; Kawashima-Ginsberg, Nover, & Kirby, 2009). The effects of EDR on youth voting in presidential years have been estimated at between 12 and 14 percentage points in several studies (Alvarez et al., 2002; Fitzgerald, 2003; Kirby et al., 2008; and Leighley and Nagler, 2009). States that offer EDR often post the highest youth turnout rates. Three of the top four states for youth turnout in 2008 had enacted EDR, and the turnout rate in EDR states was 9 percentage points higher than in non-EDR states: 59% compared to 50% (Kawashima-Ginsberg et al., 2009).

It is difficult, however, to attribute the difference in turn-out to the EDR policy, because EDR states have traditions of favoring political participation that long predate EDR (Fitzgerald, 2001; Fitzgerald, 2003). Hanmer argues that much of the apparent impact of EDR can be explained away by properly accounting for the fact that states with friendly attitudes to voting are the ones that adopt this reform. He nevertheless concludes that EDR raises turnout by roughly four percentage points (Hanmer, 2009, p. 104).

CIRCLE’s model found that youth without college experience were the most likely to benefit from EDR (a 10 percentage point increase). African-American youth were the least likely to be affected, perhaps because their turnout was consistently high in 2008 (Kawashima-Ginsberg et al., 2009). Again, Hanmer partially dissents, arguing that “the lack of differentiation across age categories is remarkable” (Hanmer, 2009, p. 160). But even in his model, 18-21 year-olds benefit most.

If EDR has a substantial positive effect, it is unclear whether that is primarily direct or indirect (Berinsky, 2005; Burden et al., 2012). EDR simplifies the registration process, which may cause people to vote who would not have done so otherwise. At the same time, because EDR allows people to vote even if they first become interested in a campaign during its closing weeks, this reform may encourage more “get-out-the-vote” efforts by parties and other groups. A 2003 study measured the likelihood that young people would be contacted by a political party in EDR states, and it was found that parties were in fact more likely (by 11 to 18 percentage points) to reach out to youth in states with such laws (Fitzgerald, date). This contact could be crucial to increasing turnout, as young people are more likely to vote if they are asked to do so, according to Green and Gerber (2008). Thus, EDR may not only reduce the costs of involvement for youth, but it may also make them a viable and worthwhile voting bloc for candidates to court.

**“Convenience voting”:** Such reforms alter the time and place in which a person votes and include such options as early in-person voting, vote by mail (VBM), and absentee balloting, among others. For the most part, the recent trend is to repeal such measures. For example, Georgia, Florida and Ohio have introduced bills to cut their early voting periods by half.

Research suggests that convenience voting has marginal effects on turnout. Gronke, Galanes-Rosenbaum, Miller, and Toffey (2008) conclude that convenience voting generally increases overall turnout by two to four percentage points. Though hardly resounding, this effect does indicate that some convenience voting measures may boost participation.

Fitzgerald (2003) found that early voting had a statistically non-significant impact on participation, and an analysis of 2008 data failed to find any difference between turnout in early voting and non-early voting states (Kawashima-Ginsberg et al., 2009). Although 24% of youth 18-29 did take advantage of early voting where available in the last presidential election, convenience voting failed to engage new voters in the process (Kawashima-Ginsberg et al., 2009).

Some research on early voting has even shown that it has the potential to *decrease* overall turnout (not necessarily youth turnout specifically, however). Based on their analysis of county-level data from the 2008 election, Burden et al. (2012) found that early voting alone may reduce turnout by three percentage points. Their explanation posed two interrelated mechanisms that could contribute to the decrease in turnout: 1) convenience voting fails to stimulate new voters; and 2) early voting de-emphasizes Election Day, which has the consequence of reducing excitement and thus overall turnout.

Absentee voting allows people to vote by mail. “No-excuse absentee voting” allows people to vote by mail without giving any reason; it makes mail voting a choice. Like other forms of convenience voting, absentee voting does not significantly change turnout rates, nor does it mobilize new voters (Karp & Banducci, 2001; Fitzgerald, 2003). Kawashima-Ginsberg et al. (2009) did find that no-excuse absentee balloting states had a slightly higher youth turnout rate in 2008 than states that only allowed voters to use absentee ballots with a valid reason. Fitzgerald (2003) determined that unrestricted absentee balloting increased turnout, but only during midterm elections (by four percentage points). Like other forms of convenience voting, absentee voting appears to be an attractive option for young people (with 23% voting this way in no-excuse states in 2008, according to Kawashima-Ginsberg et al., 2009), but one that is most often utilized

by young voters who would turn out regardless. Oregon has moved to voting *only* by mail (it no longer uses in-person voting) but the effects of that reform are impossible to measure since it has only been enacted in one state.

Other measures of convenience voting take the form of extending the hours when polling places are open or providing workers with time off to cast their ballots. CIRCLE found that while time off had no measurable effect on youth voter turnout, extending poll hours did boost the turnout of young part-time workers by five percentage points (Kawashima-Ginsberg et al., 2009). Again, while this increase is not substantial enough to fundamentally address the voter turnout problem of young people, it is important to consider this reform as a valuable way to engage a small but important portion of the youth electorate.

## 6. Evidence is mixed about reforms that place restrictions on registering and voting

Some reforms make registering or voting more difficult and are often justified as anti-fraud measures. Many of these are new: the Brennan Center for Justice website indicates that 25 laws were passed in 2011 and 2012 that in some way made voting more difficult, although some of these were struck down by courts. In *The New York Review of Books*, Elizabeth Drew writes, “This is the worst thing that has happened to our democratic election system since the late nineteenth century, when legislatures in southern states systematically negated the voting rights blacks had won in the Fifteenth Amendment to the Constitution” (Drew, 2012). But research on impact is mostly inconclusive. The following categories of reform require study:

- a) Requirements to present government-approved photo identification when voting
- b) Felon and ex-felon disenfranchisement
- c) Restrictions on voting away from home
- d) Provisions requiring people to be dropped from registration files under various circumstances
- e) Rules that limit the ability of third parties to register voters

**a) Voter ID Requirements:** Some states require voters to provide proof of identification to receive a ballot. This requirement exceeds those outlined by the Help America Vote Act of 2002, which simply requires that people who registered by mail show proof of residence, such as a utility bill, when they arrive at the polling place. Since 2010, 30 states have added or tightened requirements to present state-issued voter ID at the polls (National Conference of State Legislatures, 2012). In some cases, photo identification issued by a state university is not acceptable.

In *Crawford v. Marion County Election Board* (2008), the Supreme Court considered whether requiring voters to show photo ID was a reasonable burden whose potential cost was justified by the imperative to ensure election integrity. The Court upheld election administrators' right to require state-issued photo ID. It “[found] the burden on voters [was] offset by the benefit of reducing the risk of fraud” (*Crawford v. Marion* syllabus, 2008, p. 1). Though the ruling of the lower court was upheld, many questions about the impact—or lack thereof—of voter ID remain. Opponents contend that ID laws deter those who cannot afford the ID from coming to the polls. Further, there is little evidence that voter fraud is a problem. An *amicus* brief filed by the Brennan Center for Justice and others on behalf of the plaintiffs in *Crawford v. Marion* cites a study conducted by Minnite and Callahan (2003) showing that impersonation fraud is “highly unlikely and exceedingly rare” (2007, p. 11).

Although people on both sides of the debate have offered impassioned reasoning for their positions, actual empirical evidence to bolster their cases remains elusive (Pastor, Santos, Provost, & Gueorguieva, 2008; Vercelloti & Anderson, 2006). Doug Chapin, former director of the Election Initiatives division at the Pew Center on the States, says, "Election policy debates like photo ID and same-day registration have become so fierce around the country because they are founded more on passionate belief than proven fact. ... One side is convinced fraud is rampant; the other believes that disenfranchisement is widespread. Neither can point to much in the way of evidence to support their position, so they simply turn up the volume" (Wallstein, 2011).

Within the context of this debate, two questions are frequently examined: Who has ID? And who turns out to vote when ID requirements are in place?

First, some segments of the electorate are indeed less likely to possess ID or have easy access to ID and will thus be disproportionately affected by laws that require an ID to vote. But estimates of the size of this problem vary widely:

- A 2006 national survey of almost 1,000 voting-age American citizens found that 11% of the whole sample lacked government-issued photo ID. That was also the case for 25% of African American citizens (Brennan Center, 2006).
- According to Pawasarat (2005), just 47% of African American adults in Milwaukee County and 43% of Hispanic adults held valid driver's licenses, versus 85% of white adults in the rest of the state. Further, only two percent of students in residence halls at University of Wisconsin Milwaukee, Marquette University, and the University of Wisconsin-Madison held driver's licenses that showed their college towns as their residences. If they had to show their driver's licenses to vote in their college towns, they would be blocked from voting.
- Barreto, Nuno, and Sanchez's (2009) analysis of a sample of registered voters in Indiana confirmed that younger, older, less-educated, lower-income, and minority individuals were less likely to have the required photo ID. Only 78% of registered voters in Indiana between the ages of 18 and 34 had the ID necessary to vote in that state, below the rate of all other age groups (Barreto et al., 2009). Thus, an estimated 22% of voters under the age of 35 would be turned away at the polls based on these findings. However, it must be noted that the sample size for young voters in this study was 46 (from a larger sample of 500).
- Hood and Bullock (2007) noted disparities in the possession of identification across the population when examining the effect of photo ID requirements in Georgia; however, their findings indicated that young people were not one of the groups with below-average levels of identification.
- A survey of three states conducted by the Center for Democracy and Election Management indicated that approximately 1% of the 2,000 registered voters in Indiana, Maryland, and Mississippi polled in their study lacked sufficient photo ID (Pastor et al., 2008). When the 457 respondents under age 35 were examined, the researchers found that all 457 actually did possess the necessary identification.

Those are findings—unfortunately, quite inconsistent—about the prevalence of government-issued photo identification in the population. A different question is the impact on turnout rates if a state imposes photo ID requirements. The effects have been found minimal in several studies:



- Alvarez et al. (2007) found no impact of voter ID requirements on turnout at the aggregate level, but did detect a small effect at the individual level (compared to not having to show ID at all).
- Mycoff, Wagner, & Wilson (2009) argue that the impact of voter ID overall is minimal and that other factors, such as an interest in politics and the competitiveness of an election may “mediate” such an effect.
- Vercellotti and Anderson (2006) and the Eagleton Institute of Politics and Moritz College of Law (2006) found marginal effects (2.9% decrease) in the likelihood of voting among individuals in states that require photo ID, as compared to people in states that require one to state his or her name.
- In Hershey’s (2009) overview of research on voter ID, the effects of such requirements on turnout are estimated at 4% or less in the majority of studies.
- Ansolabehere (2009) supports the claim of minimal effects: out of the Cooperative Congressional Election Study’s sample of 36,500, only 23 individuals, or about one tenth of 1%, were turned away at the polls in 2006 because they lacked the correct ID. The same pattern was found in 2008. And, because the number of people who could not vote is statistically insignificant, no demographic patterns could be found. Given the low incidence of rejection at the polls, Ansolabehere (2009) contends that “photo ID laws may prevent almost no one from voting” (p. 129).

Even scholars who have reported or subscribe to reports of null findings (Pastor, et al., 2009; Mycoff, et al., 2009) consider the disenfranchisement of any group or individual to be problematic from the perspective of justice. The lack of empirical evidence for the impact of photo ID requirements could reflect the very low propensity of young, low-income, and urban citizens to vote in many elections. If members of those groups do not hold valid identification but rarely vote anyway, the impact of the ID requirements would not be visible in turnout statistics. Yet the new laws would essentially place a ceiling on their participation.

Additionally, the impact of photo ID requirements may extend beyond their direct effect on propensity to vote. A requirement may also send a message about the openness of the political system to people’s participation. Further, the impact on young people should be explored in more depth. Race, ethnicity, education, and income are the demographic factors that have been studied most intensively so far. Given the mobility of young people, voter identification laws may have particularly strong effects on their turnout.

**b) Felon Disenfranchisement:** Manza and Uggen (2006) estimate that 5.3 million citizens were ineligible to vote on Election Day in 2004 because of felony convictions. This number has increased rapidly since 1980, mainly because of rapid growth in felony convictions. In 2004, about one quarter of those who were disenfranchised were incarcerated adults; the rest had been released. A disproportionate number were African American men; in fact, five states have disqualified more than 20 percent of their Black populations (pp. 76-79).

State policies vary widely. For example, Maine and Vermont have no felony disenfranchisement provisions, but “possession of an ounce of marijuana can result in lifetime disenfranchisement in Florida” (Manza & Uggen, 2006, p. 9).

Several recent studies find that these laws depress the turnout of people without any felony records, especially African Americans, in part by reducing the amount of election-

related activity in their communities (Bowers, & Preuhs, 2009; McLeod, White & Gavin, 2003).

**c) Restrictions on Voting Away from Home:** The laws governing registration vary by state and even by county, reflecting differing views about the desirability and appropriateness of college students' voting in their college towns. Not only do official rules differ, but election officials offer a range of informal advice on websites and in publications. Some Secretaries of State encourage college students to vote in their states while others raise the possibility of prosecution or loss of tuition benefits (Niemi, Hanmer & Jackson, 2009).

Richman and Pate (2010) compared the turnout rates of in- and out-of-state college students in what they defined as "student choice" and "restrictive" registration states. The former are states that have relatively liberal registration rules that allow students to choose whether they will vote in the state where their parents reside or the state in which they attend college (if different); the latter are states that place restrictions on students by tightening qualifying requirements for residency.

Using Census data, Richman and Pate (2010) found a marked disparity in the turnout rates of students living at home and those living away from home. When restrictive laws were added to the equation, the disparity was exacerbated: students were ten percent less likely to vote in "restrictive" states compared with their counterparts in "student choice" states.

**d) Voter List Maintenance:** Election officials must keep current and accurate records of all registered voters. Procedures for the maintenance of these records, however, vary. In states that apply a "No Match, No Vote" rule, voter records must match, often exactly, other government databases such as that of the Social Security Administration.

Most states contact a would-be registrant if there are issues with verifying personal information (otherwise requiring them to show ID on Election Day). No Match, No Vote policies suspend the processing of a voter registration application until state officials can verify the applicant's information against existing government databases, including that of motor vehicles offices and the Social Security Administration. In 2011, four states actively abided by No Match, No Vote policies: Florida, Iowa, Louisiana, and South Dakota. A matching law was successfully challenged in Washington State.

States that impose "citizenship checks" subject the records in voter rolls to scrutiny to ensure that all registrants are indeed U.S. citizens. "Citizen Checks" are currently used in Georgia, and a similar law is pending in the Colorado Legislature.

**e) Rules Governing Voter Registration Drives:** Sixteen states have proposed bills that would regulate voter registration by "third parties" (i.e. an individual or organization that seeks to register other people). Florida passed a bill that would impose steep fines on people who registered voters and failed to deliver accurate files to the state within 48 hours. These rules explicitly covered civics teachers. Because of the risk of fines, several national nonpartisan voter registration groups announced that they would not register voters in Florida in 2012, but a federal judge struck down the law. Texas recently passed legislation that forbids people from being paid to register voters as well as forbidding people who are not residents of Texas from registering citizens of Texas.

Since these laws are new, there is no empirical evidence about their effects on turnout, but in general, direct contact by third-parties has been found to increase turnout (Green and Gerber 2008).

## 7. The underlying principles are contested

Americans disagree about the basic moral principles that underlie our voting system. In June–July 2012, CIRCLE asked a national sample of young adult citizens (ages 18–29) whether they planned to vote, and if so, why. Of those who did intend to vote, 31.3% percent said that voting was their responsibility as a citizen; 11.9% said that voting was a right; 26.2% said that their vote, along with others' votes, could affect the outcome of the election, and 18.1% said that their vote was the expression of their choice.

To some extent, this disagreement may arise from conflicting political interests. It may also depend in part on divergent empirical beliefs. However, there are also aspects of the debate that are normative—having to do with contrasting moral principles. Normative positions are not mere opinions but can be defended with ethical or constitutional reasons (e.g., Habermas 1996). The purpose of voting and the principles that should guide a voting system have been debated throughout American history, since before the founding (Schudson, 1998). Thus a large array of sources from philosophy and constitutional law are relevant to this topic. We have not attempted a full literature review but merely cite some exemplary works.

Citizens (of any age) may hold one or more of the following premises:

1. Voting is an individual right, reflecting the basic moral principle of equal respect for all citizens. Keyssar defines the “ideal of democracy” as the principle that “all individuals ... are equally worthy”—their worth marked by their “equal chance of influencing government policy” (Keyssar, 2000, p. 324). Similarly, the Universal Declaration of Human Rights begins with the premise that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace.” One implication is “periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures” (United Nations, 1948).

The relationship between human dignity and the right to vote is also enshrined in classic Supreme Court decisions. For example, in *Reynolds v Sims*, 377 U.S. 533 (1963), Chief Justice Warren held, “undeniably, the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal, elections.” Warren argued that voting rights were “individual and personal in nature.” Quoting from previous decisions, Warren wrote that voting “‘touches a sensitive and important area of human rights,’ and ‘involves one of the basic civil rights of man.’”

According to this view, whether an individual *actually* votes ought to be his or her choice, but the government may not impose obstacles or costs unless those are required by some other compelling constitutional principle (James, 1987). Thus, for example, a photo ID law is impermissible if *any* eligible citizens will be blocked from participating, unless (contrary to fact) manifest evidence of fraud has been uncovered and photo IDs are essential tools to prevent that. More difficult

- questions involve convenience. Is it, for example, permissible for a government to restrict voting to a single day if that prevents some individuals from participating?
2. Voting is a way to make the government representative of the population. The politicians and ballot initiatives that win—and the policies that emerge from the government—ought to be the ones that all Americans would favor if they all voted. The first page of Verba, Schlozman, and Brady's (1995) classic book *Voice and Equality* announces, "Since democracy implies not only governmental responsiveness to citizen interests but also equal consideration of the interests of each citizen, democratic participation must ... be equal." According to this perspective, it does not matter if less than 100% of citizens vote as long the voters constitute a representative sample of the whole population. If not, the democracy suffers "participatory distortion," which arises "when any group of activists—such as protesters, voters, or contributors—is unrepresentative of the public with respect to some politically relevant characteristic: for example, preferences on issues, needs for government assistance, demographic attributes, or participatory priorities" (Verba, Schlozman, & Brady, 1995, p. 15). By this standard, an election law is harmful if it disproportionately affects a voting group, and good if it moves us closer to equitable representation. On the whole, we should reduce inconvenience, because low-SES and young people are underrepresented in elections and are disproportionately likely to be deterred by barriers.

Note that this view is typical of the political science literature on voting, whereas the framework of individual rights and dignity (#1) is more typical of the legal and constitutional literature. The two views may have divergent significance. For example, a law that prevents a few eligible citizens from voting without affecting the overall distribution of votes would violate #1 but not #2.

3. Voting is a duty, an obligation of citizens to their republic. For John Stuart Mill, presenting the vote as a right would excuse selfish and short-sighted civic behavior, whereas emphasizing that it was a duty would remind citizens that they were obliged to do more than merely cast a ballot; they should also inform themselves, deliberate about justice, and disclose and defend their choices in public:

Those who say that the suffrage is not a trust but a right will scarcely accept the conclusions to which their doctrine leads. If it is a right, if it belongs to the voter for his own sake, on what ground can we blame him for selling it, or using it to recommend himself to any one whom it is his interest to please? .... His vote is not a thing in which he has an option; it has no more to do with his personal wishes than the verdict of a jurymen. It is strictly a matter of duty; he is bound to give it according to his best and most conscientious opinion of the public good. (Mill, 1861).

If voting is a duty, then Americans might consider *requiring* every adult citizen to vote, as Australia and several other democracies do. Or the government could require people to take extra steps before they vote. For example, children are often required to study civics, and perhaps adults who wish to vote should be obliged to pre-register and then go a public polling place on Election Day in order to demonstrate their civic commitment and to sustain a national ritual. As long as such requirements are imposed after due deliberation, by legitimate

- representatives of the public, they are appropriate. Similarly, Andrew Altman (2005) argues that ex-felon-disenfranchisement is appropriate as long as it reflects popular will, because “the citizens of a legitimate democratic state have a broad collective right to order their own affairs as they choose” (p. 264).
4. Voting is way of gaining power over other people. The side that wins an election can compel anyone or everyone to pay taxes, fund specific programs, and obey particular laws, constrained only by the constitution. “In voting, *the minority has no rights*: It consists of those whose vote was lost—period” (Sartori, 1987, I: 134). Because voting confers power and produces both winners and losers, it is subject to corrupt influence. Ballot-box-stuffing, voting the dead, voting early and often: these are characteristic and unacceptable features of our politics. Preventing fraud is a compelling need that may necessitate imposing hurdles on would-be voters.
  5. Voting is a means to preserve other rights. Because the Constitution does not explicitly define or protect voting, yet the 15<sup>th</sup> amendment forbids discrimination in voting, the Court was at first reluctant to declare voting a right on par with due process, speech, or property. In *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), the Court held for the first time explicitly that voting was a fundamental right. “Though not regarded strictly as a natural right, but as a privilege merely conceded by society according to its will under certain conditions, nevertheless [the political franchise] is regarded as a fundamental political right, because preservative of all rights.” Note that this is an empirical claim (i.e., voting protects other rights), which may not be true. Sometimes majorities use the franchise to undermine rights (E.g., Dahl, 1989 p. 173).

In the more famous *Reynolds v Sims* case, 377 U.S. 533 (1963), Justice Warren quoted the *Yick Wo* decision to the effect that voting preserves other rights, but he emphasized voting as an individual right, as in perspective #1, above.

Empirical evidence is relevant to this debate. For example, perspective #4 is weakened by a lack of evidence that the relevant kind of fraud (voting when one has no right to vote) occurs at a significant rate. But empirical evidence will not settle the basic normative questions, which need to be considered separately.

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