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Revisiting the Lessons from the Voter ID Experience in Kansas: 2014

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The voter turnout data in Kansas in the 2014 congressional midterm and 2012 presidential elections once again show that the claims by opponents of voter identification are wrong. There is no evidence that the turnout of Kansas voters was suppressed or affected in a negative way by the state's voter ID requirement.[1] In fact, it may have had a very slight positive effect.

The Kansas Experience

The Kansas voter ID law went into effect January 1, 2012. It requires every registered voter to present one of nine forms of acceptable photo ID, ranging from state-issued driver's licenses to an identification card issued by an Indian tribe, in order to vote in person. The law also requires those who vote absentee to submit a verified signature and include either a photocopy of one of the nine forms of ID or a Kansas driver's license number with the absentee ballot.[2]

The 2012 Election: The GAO Report. A recent study released by the Government Accountability Office (GAO) highlighted Kansas as a state that had seen decreased voter turnout since its voter ID law went into effect. The GAO claimed that the 5.2 percentage point decrease in 2012 over 2008 was "attributable to changes in the state's voter ID requirements."[3] These claims are, to say the least, highly questionable.

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As Kansas Secretary of State Kris Kobach pointed out in an August 29, 2014, letter to the GAO, the difference in voting patterns between 2012 and the last election was not due to the voter ID law. The GAO failed to take into account that "there was no statewide U.S. Senate race in 2012" in Kansas and that presidential campaigns are "typically not active in Kansas due to the perception that Kansas is a 'safe' Republican state." Consequently, according to Kobach, "there were *no get-out-the-vote* [GOTV] *efforts whatsoever*" in Kansas in 2012 since "there were *no statewide political campaigns,*" and voter turnout therefore was down.[4] This omission seems particularly strange given that the GAO acknowledged in its own report the importance of GOTV programs on turnout: "Matching election cycles controls for the presence of statewide political campaigns, which typically run programs to encourage turnout."[5]

Kobach explained that the most appropriate prior election year for an apt comparison to 2012 was 2000, the last comparable election in which there "were no U.S. Senate or statewide offices on the ballot." According to Kobach, the turnout of registered voters in Kansas in 2000 when there was no voter ID law in place was 66.7 percent, and the turnout in 2012 was 66.8 percent.[6]

Other measures of turnout support that claim. According to the United States Election Project, the turnout of the Voting-Eligible Population (VEP)[7] in 2000 was 56.7 percent in Kansas.[8] In 2012, when the new Kansas voter ID law was in place for the first time in a presidential election, the VEP turnout was 58.3 percent, a slight increase of 1.6 percentage points. This indicates that if the voter ID law had

any effect on turnout at all, it was a *positive* one. At 58.3 percent, the VEP turnout in Kansas was only marginally under the national VEP turnout of 58.6 percent in 2012. The GAO's conspicuous failure was compounded by its comparing Kansas turnout to voter turnout in Maine. Maine had a U.S. Senate race in 2012 when Kansas did not.

The same GAO report made similar erroneous claims about Tennessee, which also implemented a voter ID law in 2012.[9] However, as Tennessee Secretary of State Tre Hargett noted in an August 29, 2014, letter to the GAO, the GAO report was "fundamentally flawed" because, rather than using official turnout data from the states, the GAO "used data from a biased political agent."[10] The GAO relied on Catalist to "provide the data and to create algorithms for some of the conclusions drawn in this report." Catalist's Website says that its mission is "to nurture a vibrant, growing, progressive community, and to work[] with that community towards a more just, equitable and tolerant America."[11]

Besides having as its clients many liberal advocacy organizations that have opposed voter ID laws in litigation, such as the Lawyers Committee for Civil Rights Under Law, the NAACP, and the American Civil Liberties Union, Catalist is the campaign data consultant for numerous Democratic Party candidates, the Democratic Congressional Campaign Committee, the Democratic Governors Association, the Democratic Legislative Campaign Committee, and the Democratic Senatorial Campaign Committee.[12] A complaint recently filed with the Federal Election Commission claims that Catalist is actually a political action committee "financed, maintained or controlled, by the [Democratic National Committee],"[13] although no determination has been reached on the merits of that complaint.

Secretary of State Hargett also noted that he had "no record of Catalist buying the official state database of voters" for the 2012 election in Tennessee, throwing into question "the accuracy or reliability" of Catalyst's turnout data. The "accuracy or reliability" of Catalist's data was also thrown into question in Virginia in 2012 when the state board of elections started to receive complaints that an advocacy group using Catalist data was sending voter registration forms "addressed to dead relatives, children, family members in other states, non-U.S. citizens, people with similar names, existing registered votes and residents' cats and dogs."[14]

Thus, the GAO relied on methodologically flawed data to reach an erroneous conclusion about voter ID. Opponents of election reform have also gotten it wrong on the effects of voter ID laws. In fact, when the Kansas voting law was first passed, Secretary of State Kobach reported that just 32 of the state's 1.7

1. See Hans A. von Spakovsky and Katie Beck, "Lessons from the Voter ID Experience in Kansas," Heritage Foundation *Issue Brief* No. 3679, July 25, 2012, http://www.heritage.org/research/reports/2012/07/lessons-from-the-voter-id-experience-in-kansas.
2. Kan. Stat. Ann. § 25-2908 (2011), amended by 2012 Kan. Sess. Laws 122. Effective January 1, 2013, persons registering to vote for the first time also have to provide proof of U.S. citizenship.
3. U.S. Government Accountability Office, *Elections: Issues Related to State Voter Identification Laws*, GAO-14-634, September 2014, http://www.gao.gov/products/GAO-14-634 (accessed April 8, 2015).
4. *Ibid*., "Appendix X: Comments from the Kansas Secretary of State" (emphasis in original).
5. GAO, *Elections: Issues Related to State Voter Identification Laws*, p. 21.
6. *Ibid*., "Appendix X: Comments from the Kansas Secretary of State."
7. The Voting-Age Population consists of all individuals above the age of 18. The Voting-Eligible Population is the voting-age population minus all individuals of voting age who are ineligible to vote such as noncitizens and felons. VEP is usually the most accurate measure of turnout.
8. United States Election Project, University of Florida, http://www.electproject.org/home/voter-turnout/voter-turnout-data (accessed April 9, 2015).
9. Hans A. von Spakovsky, "Lessons from the Voter ID Experience in Tennessee," Heritage Foundation *Issue Brief* No. 4180, March 25, 2014.
10. GAO, *Elections: Issues Related to State Voter Identification Laws*, "Appendix XI: Comments from the Tennessee Secretary of State."
11. Catalist, "About Us," http://www.catalist.us/about (accessed April 8, 2015).
12. Catalist, "Clients," http://www.catalist.us/clients (accessed April 8, 2015).
13. Kelley Beaucar Vlahos, "Clinton-tied Firm Accused of Illegal 'Scheme' to Boost Dem Groups, Candidates," Fox News, February 20, 2015.
14. Hans von Spakovsky, "VA Org Mailing Voter Registration Forms Based on Partisan Firm Catalist's Data," Breitbart News, July 25, 2012, http://www.breitbart.com/big-government/2012/07/25/catalist-strikes-again/ (accessed April 8, 2015).

TABLE 1

Election Turnout in Kansas

The voter ID laws implemented in the state before the 2014 midterm elections did not suppress voter turnout. Turnout actually increased slightly across several voting measures compared to the 2010 midterms.

KANSAS VOTING POPULATION

Percentage of Residents	2010	2014
Of voting age	39.2%	39.8%
Of voting age and eligible	42.6%	43.4%
Eligible and registered	49.7% *(857,631 voters)*	50.8% *(887,023 voters)*

Sources: Kansas Secretary of State, http://www.kssos.org/ (accessed April 7, 2015), and United States Election Project, University of Florida, http://www.electproject.org/home/voter-turnout/voter-turnout-data (accessed April 7, 2015).

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million voters requested a free ID, indicating that assertions by photo ID critics that large numbers of Americans are without photo IDs are likely wildly exaggerated.[15]

The 2014 Election. The slight increase in turnout in Kansas in comparable presidential elections is not an anomaly. When comparing the midterm congressional elections in two election years that had similar elections occurring—2010 (when there was no voter ID requirement) and 2014—there was a positive 1.1 percent increase in voter turnout based on registered voters.[16]

Both election years had statewide U.S. Senate races on the ballot: Lisa Johnston (D) vs. Jerry Moran (R) in 2010 and Greg Orman (I) vs. Pat Roberts (R) in 2014, one of the most-watched Senate races in the country due to a dispute over the Democratic candidate on the ballot, who withdrew in favor of the independent challenger.[17] Both election years also had a statewide governor's race: Tom Holland (D) vs. Sam Brownback (R) in 2010 and Paul Davis (D) vs. Sam Brownback in 2014, a very competitive race that Brownback won by less than 4 percentage points.

Election Turnout in Kansas

In three different measures, including the turnout of registered voters, the turnout of the Voting-Eligible Population, and the turnout of the Voting-Age Population (VAP), Kansas showed an *increase* in votes from the 2010 to the 2014 election ranging from 1.1 to 0.8 to 0.6 percentage points, respectively. This increase in votes surpassed national levels. According to the United States Election Project, when considering VEP or VAP as the measure of voter turnout, Kansas's voter turnout grew by a little under 1 percentage point, while the nationwide turnout numbers decreased by approximately 5 percentage points.[18]

Conclusion

As voter turnout results continue to come in from voter ID states, the facts are painting a picture different from the widespread, mistaken assumptions propagated by the opponents of voter ID requirements or by the GAO in its badly flawed report. Despite claims of voter suppression, actual voter turnout statistics tell a different story: Instead of suppressing votes, voter ID laws either have not had any effect on turnout or may even have had a slight positive effect.

This fact pattern is not unique to Kansas: Georgia and Indiana also had positive results in voter turnout after their voter ID laws were implemented. The data do not support the alarming claim that these

15. See von Spakovsky and Beck, "Lessons from the Voter ID Experience in Kansas."
16. State of Kansas, Office of the Secretary of State, "2010 General Election Official Turnout" and "2014 General Election Official Turnout," http://kssos.org/elections/elections_statistics.html (accessed April 8, 2015).
17. Hans A. von Spakovsky, "The Kansas Supreme Court Gives Democrats What They Want—But the Fight May Not Be Over," National Review Online, September 19, 2014, http://www.nationalreview.com/corner/388429/kansas-supreme-court-gives-democrats-what-they-want-fight-may-not-be-over-hans-von (accessed April 8, 2015).
18. United States Election Project, University of Florida.

laws deny anyone the right to vote.[19] As Kansas Secretary of State Kris Kobach says, "The system is really designed to ensure that it's easy to vote and hard to cheat and I think we accomplished that."[20]

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19. CNN, "State of the Union 2015: Full Transcript," January 20, 2015, http://www.cnn.com/2015/01/20/politics/state-of-the-union-2015-transcript-full-text/index.html (accessed April 8, 2015).
20. DeAnn Smith, "Kobach: Kansas Voter Law Will Withstand Legal Scrutiny," KCTV/Associated Press, March 12, 2012, http://www.kctv5.com/story/17142055/kobach-kansas-voter-id-law-will-withstand-legal-scrutiny (accessed April 9, 2015).