An Analysis of the Relationship between Voting Law Stringency and Voter Fraud
Nicholas J. Stark
March 3, 2021

Nicholas J. Stark is a Master of Arts in Public Policy student at Liberty University. He earned a Bachelor of Science in Government from Liberty University and focuses his studies on domestic policy issues.

Election Integrity

The debate on election integrity usually centers upon two competing views. First, the conservative view, makes the claim that combating voter fraud is the most important aspect of preserving election integrity. Conservatives argue that voter fraud is rampant and has a meaningful impact on the outcomes of elections. In order to provide free and secure elections, states need to enact more stringent voting laws. The argument hinges on a correlation between relaxed voting laws and more instances of voter fraud.

The second view, held by liberals, is that the conservative argument actually fosters voter suppression, which is more damaging to election integrity, instead of secure elections. Liberals argue that laws need to be relaxed in order to foster more voter turnout, especially among minorities. The argument correlates more stringent voting laws with less voter turnout.

Voter fraud and voter suppression are both important to election integrity. The issue centers primarily on trying to legislate in a way that minimizes both. Voting laws should foster voter turnout as well as preventing voter fraud. But is there a correlation between voting law stringency and voter fraud and is there a correlation between voting law stringency and voter turnout? This paper provides a statistical analysis of election integrity in the United States focused on the correlation between stringency and fraud. It uses a voting law stringency index to examine this relationship.

Voter fraud was chosen as the primary topic of this research because there is a lack of data related to voter fraud. Therefore, analysis of the relationship between voter fraud and voting law stringency is a relatively novel field. On the other hand, there is an extensive amount of research into voter suppression and the impact of voting laws on voter turnout.

The lack of research on voter fraud is due to the lack of statistical data involving instances of voter fraud. In one sense, states are not very good at releasing consistent reports on the frequency of voter fraud. Additionally, the U.S. Department of Justice This inhibits a more comprehensive look at the frequency of voter fraud because it requires researchers to find nongovernment sources for data.

This is exactly what the Heritage Foundation has done in the development of its Election Fraud Database (EFD). The EFD was developed using an amalgamation of sources from local newspapers and news station, court documents, and state reports. The EFD catalogs the names of individuals who have committed voter fraud, the state in which the voter fraud occurred, the disposition year, the case outcome, fraud type, and additional details about the case.[1] The data collected by the Heritage Foundation is mostly nominal, but the EFD does include a breakdown of the data by total number of instances and case outcomes.[2]

Beyond the Heritage Foundation's EFD, not much data on voter fraud exists. Most of the remaining data is anecdotal. Anecdotal evidence is generally used to make three claims: voter fraud exists, voter fraud can change the outcomes of elections, and states need to change their laws in order to combat voter fraud.[3] However, this does not change the fact that there remains little numeric data on the frequency of voter fraud and the relationship it has to voting law stringency.

One example is an article written by Hans von Spakovsky, a senior legal fellow at the Heritage Foundation.[4] In the article, von Spakovsky discusses the vulnerabilities of absentee and

---

[1] The Heritage Foundation's Election Fraud Database, https://www.heritage.org/voterfraud/#.
[2] Ibid.
[3] Hans von Spakovsky, "Four Stolen Elections: The Vulnerabilities of Absentee and Mail-In Ballot*s*," the Heritage Foundation (July 16, 2020).
[4] Ibid.

mail-in ballots then demonstrates the vulnerabilities with a discussion of four elections which were overturned.[5] Von Spakovsky claims voter fraud exists, voter fraud can change the outcomes of elections, and states need to change their laws in order to combat voter fraud.[6]

Hypothesis

Hypothesis: There will be a positive correlation between voter fraud and voting law stringency.

The primary goal of more stringent voting laws is to reduce the amount of unseen voter fraud which potentially alters the outcomes of elections. When voter fraud is caught by more stringent laws, legal proceedings can ensue to determine whether the outcome of the election should be overturned. Because of this, there should be a positive correlation between voter fraud and voting law stringency in which states with more stringent laws have more cases of voter fraud on average.

Null Hypothesis: There will be no correlation between voter fraud and voting law stringency.

It is also possible that voter fraud and voting law stringency have no correlation at all. More stringent voting laws tend to create procedural barriers that lessen an individual's opportunity to commit voter fraud. Should the null hypothesis be the result, the indication would be that the procedural barriers are not necessarily effective or, on the other hand, that voter fraud is not as large a problem as it is claimed to be.

Alternative Hypothesis: There will be a negative correlation between voter fraud and voting law stringency.

The result may be that the procedural barriers may actually reduce the amount of voter fraud in states with more stringent voting laws. Instead of voter fraud being caught on the backend of elections, it would be caught and stopped on the frontend. This would mean that states with less stringent voting laws tend to see more instances of voter fraud because they mostly catch voter fraud on the backend of elections.

Methodology

This paper uses nominal data found in the Heritage Foundation's Election Fraud Database from 2006 to 2020 in all 50 states. The data was refined to represent five of the nine types of voter fraud because these five types correlate with the criteria of the stringency index. These five types of fraud are duplicate voting, false registration, fraudulent use of absentee ballots, impersonation fraud at the polls, and ineligible voting. Due to the nature of the research sample, the definitions used for each of type of fraud are the same as those provided by the Heritage Foundation in the "Key & Definitions" section of their Election Fraud Database.[7]

Duplicate voting is "registering in multiple locations and voting in the same election in more than one jurisdiction or state."[8] False registration is "voting under fraudulent voter

---

[5] Von Spakovsky, "Four Stolen Elections."
[6] Ibid.
[7] Election Fraud Database.
[8] Ibid.

registrations that either use a phony name and a real or fake address or claim residence in a particular jurisdiction where the registered voter does not actually live and is not entitled to vote."[9] Fraudulent use of absentee ballots is "requesting absentee ballots and voting without the knowledge of the actual voter; or obtaining the absentee ballot from a voter and either filling it in directly and forging the voter's signature or illegally telling the voter who to vote for."[10] Impersonation fraud at the polls is "voting in the name of other legitimate voters and voters who have died, moved away, or lost their right to vote because they are felons, but remain registered."[11] Ineligible voting is "illegal registration and voting by individuals who are not U.S. citizens, are convicted felons, or are otherwise not eligible to vote."[12]

The voting law stringency index is a rating of the strength of voting laws in each state from 2006 to 2020. The strength of the laws was determined by a criteria of ten categories which supposedly make it more difficult for voters to vote but also protect elections from voter fraud. Each state was given a rating from 0 to 1 for each category in each year depending on whether the state met the categorical criteria. Each category in each year was added up to get a number from 0 to 10. The higher the rating for a given year, the more stringent the voting laws.

The first three categories of the index focus on identification laws. The first category requires voters to show a valid form of ID before they vote. A state qualifies for this category should it require voters to show ID either with a photo or without. The second category requires voters to show a valid form of photo ID before they vote. A state qualifies for this category should all acceptable forms of ID contain a photo. If a state met the criteria for the second category, it also met the criteria for the first category. The third category is the casting of a provisional ballot should the voter be unable or refuse to show valid ID. A provisional ballot typically requires a voter to take additional steps to ensure their vote counts.

The next three categories of the index focus on the availability of registration. In these categories, it is a lack of the criteria that makes it more difficult to vote. The first category in this section is automatic voter registration (AVR). States with AVR automatically register eligible voters upon interaction with certain government agencies such as the Department of Motor Vehicles. The second category is same day registration (SDR). States with SDR allow voters to vote on election day. The third category is online voter registration (OVR). A state with OVR allows voters to register via a website typically maintained by the state's Secretary of State.

The final four categories pertain to absentee/mail ballots. The first of these deals with excuse requirements for absentee ballots. States in this category require voters to have a particular excuse for voting by absentee ballot. The second category is a notary or witness signature requirement in which states require voters to have a notary or witness certify the identity of the voter. The third category is the availability of universal mail elections. States in this category do not mail ballots to all registered electors. The final category is the legality of ballot harvesting. States which outright ban the collection and return of voted ballots by someone usually unrelated fall into this category.

Data analysis began once the voter fraud database and the voting law stringency index had been completed. In the data analysis, the sample size became the number of states with one or more instances of voter fraud in a given year from 2006 through 2020. This created a total of 201 observations spread across the time interval. Upon completion of the voting law stringency index,

---

[9] Election Fraud Database.
[10] Ibid.
[11] Ibid.
[12] Ibid.

three categories were created based on stringency score ranges: high stringency (7 up to and including 10), medium stringency (more than 4 and less than 7), and low stringency (0 up to and including 4). Each state was then placed into each category based on their stringency in years in which one or more instances of voter fraud occurred. This produced 62 high stringency observations, 80 medium stringency observations, and 59 low stringency observations.

From there the data was run through a chi-square test to determine if there was a difference in voter fraud between the high, medium, and low stringency groups. For the chi-square test, the observed values were the averages of voter fraud cases conditional on years in which voter fraud occurred, by state, and the expected values were the stringency scores observed most frequently across those years. Essentially, the chi-square was a test of the null hypothesis, which was that the proportions of voter fraud are the same across the three stringency groups, against the alternative hypothesis, which was that at least one of the stringency groups would have a different proportion of voter fraud than the others.

Finally, a Welch two sample t-test was run to determine the difference, if any, in voter fraud between the high and low stringency groups, the high and medium stringency groups, and the medium and low stringency groups. The Welch test compares the means of the two sample groups. In this case, it compared the mean number of voter fraud in each stringency group. The alternative hypothesis was that the true difference in means would not be equal to 0.

The purpose of these tests was to determine what exactly the correlation was between the stringency scores and the frequency of voter fraud, if any such correlation existed at all. For the chi-square test, a difference in voter fraud between the three stringency groups would suggest there is a correlation between the stringency of voting laws and the frequency of voter fraud. The Welch two sample t-test would further define that correlation.

Results

The result of the chi-square test showed that there may be some difference in between the three stringency groups. This would suggest that at least one of the Welch tests would indicate what exactly those differences are. However, the Welch tests indicated there is no difference between the groups. This may indicate that the null hypothesis of no correlation between voting law stringency and voter fraud is the correct hypothesis.

However, the conflicting indicators between the results of the chi-square test and the Welch tests more likely mean that the results are inconclusive. This is most likely a function of the sample size in two senses, one of which leads to the other. The overall sample size across all states from 2006 to 2020 was 836 observations of voter fraud. The sample size for the chi-square and Welch tests were reduced to, at most, 201 observations of states with one or more instances of voter fraud in a year. The reduced sample size most likely produced the inconsistent results in the tests.

Future Research

Two steps need to be taken in order to test the full effects of voting law stringency on election integrity. First, a more comprehensive sample size should be gathered. As mentioned in the literature review, the lack of data on voter fraud prevents analysis of the frequency of voter fraud. This is primarily due to the lack of reporting on voter fraud from the states. Deeper analysis could be done with more data from the states. Another way of expanding the sample size is to expand the range of years. This would most likely give a larger sample of observations of states with one or more instances of voter fraud in a given year.

Second, the stringency index should be expanded. The index was developed based on law types that are claimed to reduce voter turnout. There are many more laws that could be included in the index but were left out in order to make the index simpler and more precise. Examples of

this include felon disenfranchisement laws which prevent convicted felons from voting, and laws requiring voters to vote at polling places in the precincts in which they live.

Third, the relationship between the voting law stringency index and voter turnout should be analyzed. As previously mentioned, the issues of voter fraud and voter suppression are both extremely important to the discussion of election integrity. In order to get a more comprehensive view of the efficacy of stringent voting laws designed to reduce voter fraud, the overall impacts of these laws need to be examined.

Conclusion

It is difficult to determine the relationship between voting law stringency and the frequency of voter fraud. The research suggests there may be some relationship between the two, but the research is severely handicapped by the relatively small sample size. This is primarily a function of the lack of comprehensive data on voter fraud. Consistent reporting on voter fraud by both state and federal governments could provide that data, giving policy analysts a better means of measuring both the problem and the governments' response to the problem.

However, the lack of data on voter fraud does not necessarily mean states should begin to relax their voting laws. Anecdotal evidence, narrow though it may be, gives plenty of reason for states to seek to provide integrous elections. As former Supreme Court Justice John Paul Stevens wrote in the majority opinion in *Crawford v. Marion County Election Board*, a state has a vested interest in "deterring and detecting voter fraud."[13]

Recent events reinforce the importance of providing integrous elections. The Capitol Riot on January 6, 2021 occurred because doubt had been sown as to the validity of the 2020 Presidential Election. Former President Donald Trump and other prominent conservatives routinely pushed the narrative that the election was "stolen" and voter fraud was rampant.[14]

The remaining question, the one this research attempts and fails to answer, is what impact does voting law stringency have on voter fraud? If states have a vested interest in providing integrous elections, then they should pass laws that protect that interest. But what exactly those laws should and should not be still remains unclear.

---

[13] Crawford v. Marion County Election Bd., 553 U.S. 181, 128 S. Ct. 1610, 170 L. Ed. 2d 574, 2008 U.S. LEXIS 3846, 76 U.S.L.W. 4242, 21 Fla. L. Weekly Fed. S 198 (Supreme Court of the United States April 28, 2008, Decided).

[14] Hope Yen, Ali Swenson, and Amanda Seitz, "AP FACT CHECK: Trump's claims of vote rigging are all wrong," AP News (December 3, 2020).

References

Crawford v. Marion County Election Bd., 553 U.S. 181, 128 S. Ct. 1610, 170 L. Ed. 2d 574, 2008 U.S. LEXIS 3846, 76 U.S.L.W. 4242, 21 Fla. L. Weekly Fed. S 198 (Supreme Court of the United States April 28, 2008, Decided).

The Heritage Foundation's Election Fraud Database, https://www.heritage.org/voterfraud/#.

Von Spakovsky, Hans. "Four Stolen Elections: The Vulnerabilities of Absentee and Mail-In Ballot*s*." The Heritage Foundation (July 16, 2020).

Yen, Hope, Ali Swenson, and Amanda Seitz, "AP FACT CHECK: Trump's claims of vote rigging are all wrong," AP News (December 3, 2020).