



## POLITICAL ANALYSIS

Jon Rogowski

<http://www.blackyouthproject.com>

### The Racial Impact of Voter Identification Laws in the 2012 Election

As the result of recent legislation, five states—Kansas, South Carolina, Tennessee, Texas, and Wisconsin—will now require voters to display government-issued photo identification before voting in the 2012 election.<sup>1</sup> North Carolina's governor vetoed legislation to do the same, but because the Republican-controlled state legislature is still considering ways to circumvent her objection it is possible that North Carolina will also implement it for the 2012 election.<sup>2</sup> This essay considers the possible effects of these changes on black turnout in the 2012 election.

Our analyses suggest two possible consequences of new photo-identification laws. First, **voter turnout among African Americans may be significantly reduced.** As many as 25 percent of African Americans do not currently possess government-issued photo identification, which is likely to reduce the overall number of black voters. Second, because blacks hold photo identification at disproportionately lower rates than whites, new photo-ID laws may dilute the influence of black votes and could shift election outcomes in competitive races.

At the outset, though, note that there are a variety of challenges associated with ascertaining the likely consequences of these laws. It is difficult to determine exactly how many Americans currently have valid government-issued photo identification, and it is even more difficult to determine how those IDs are distributed across racial groups and states. We also do not know to what extent people who usually vote also possess a photo-ID card. Furthermore, because providing identification cards is generally handled by states, it is also difficult to ascertain how state-level differences in the ways that identification cards are issued affect the number of residents who possess identification.

Nevertheless, this analysis utilizes the best available estimates of access to photo ID, which are provided by the Brennan Center.<sup>3</sup> Furthermore, as we will discuss in greater detail, estimates of the potential magnitude of voter demobilization are somewhat sensitive to our expectations about the rate of turnout in 2012 in the

---

<sup>1</sup> Alabama and Rhode Island passed similar legislation, although it will not go into effect until after the 2012 election. Note that, pursuant to the Voting Rights Act, South Carolina and Texas require federal approval before the new requirements go into effect. National Council of State Legislatures, <http://www.ncsl.org/default.aspx?tabid=16602>.

<sup>2</sup> Governors in Maine, Missouri, Montana, and New Hampshire also vetoed strict photo-identification laws presented to them by the state legislatures, but these states are not likely to implement them without governor approval.

<sup>3</sup> [http://www.brennancenter.org/content/section/category/voter\\_id](http://www.brennancenter.org/content/section/category/voter_id).

absence of photo-identification laws. Given these limitations, this memo focuses on evaluating the *possible* impact of new photo-ID laws, rather than presenting a single statistic that we feel best quantifies the most likely scenario for 2012.

## Voter Turnout in 2004 and 2008

Table 1 shows the 2004 and 2008 voter turnout rates in the aforementioned six states. Note that black turnout was almost universally higher in 2008 compared with 2004, while white turnout was generally higher in 2004 than in 2008. Also note that black turnout in 2008 was substantially higher than white turnout in four of the six states—North Carolina, South Carolina, Tennessee and Texas—each of which has a sizable black population.

Table 1: Turnout among Voting-Age Citizens, 2004 and 2008

Source: U.S. Census Bureau, 2004 and 2008 Current Population Studies (November Voting Supplements).

The turnout rates shown in this table are used in this analysis to provide an answer to a simple question:

	2004		2008	
	Black (%)	White (%)	Black (%)	White (%)
Kansas	54.0	65.8	52.8	64.4
North Carolina	64.4	62.2	68.0	68.2
South Carolina	59.5	64.7	72.5	63.0
Tennessee	52.4	55.3	59.5	55.6
Texas	57.5	64.3	65.5	55.4
Wisconsin	69.7	77.6	70.4	71.1

How many people might vote in 2012 if no voter-ID laws had been passed? By comparing the number of people expected to vote in 2012 without voter-ID laws to the number of people that might be expected to vote in 2012 given that these states *have* passed the photo-ID laws, we can calculate the number of citizens that are affected by this new legislation. These calculations will also be useful in gauging the potential electoral impact of these changes.

One key assumption of this analysis, then, concerns what base rate of turnout we would expect in 2012 in the absence of voter-ID laws. If we choose a base rate of turnout that is too high, we will overestimate the potential demobilizing impact of voter-identification requirements. On the other hand, if we choose too low a turnout rate, we will underestimate the potential effects.

It is perhaps reasonable to expect that voter turnout in 2012 will be somewhere between the levels of turnout seen in 2004 and 2008. Prior to 2004, voter turnout in presidential elections had been steadily increasing for more than a decade, and in many states, black turnout in 2008 was at an all-time high. The 2012 election may be somewhat unlikely to generate turnout comparable to 2008 given the historic nature of the 2008 election and the accompanying voter-mobilization efforts. However, though turnout was high in the 2004 elections relative to historical standards, the reelection campaign of President Obama is still

likely to generate significant interest among black voters, and the 2004 turnout rates are a reasonable baseline estimate of turnout in 2012.

## Estimated Turnout in 2012

Column 1 of table 2 shows the size of the black voting-age citizen population in each state in 2010. Based upon population estimates, columns 2 and 3 show the likely numbers of black voters in the 2012 election without any voter-identification laws. The calculations for column 2 are based upon the black turnout rate in the 2004 presidential election, and the calculations for column 3 are based upon the black turnout rate in the 2008 presidential election. We will compare the estimates shown in columns 2 and 3 to those obtained after accounting for the possible impact of voter-identification laws to gauge the likely consequences of these new requirements.

Table 2: Estimates of Black Voter Turnout, 2012

	1	2	3
	Black voting-age citizen population (2010)	Predicted number of 2012 black voters (based on 2004 turnout rate)	Predicted number of 2012 black voters (based on 2008 turnout rate)
Kansas	110,533	59,688	58,361
North Carolina	1,473,682	949,051	1,002,104
South Carolina	936,099	556,979	678,672
Tennessee	750,208	393,109	446,374
Texas	2,048,450	1,177,859	1,341,735
Wisconsin	229,086	159,672	161,277

Data: U.S. Census Bureau, 2010 American Community Survey (column 1 only).

## Photo-Identification Requirements and Voter Demobilization

A study by the Brennan Center shows that 11 percent of Americans do not possess a government-issued photo ID.<sup>4</sup> What's more, the Brennan Center estimates that as many as 25 percent of African Americans do not possess a photo ID, compared with 9 percent of whites. Without one, residents of these states will not

<sup>4</sup> [http://www.brennancenter.org/page/-/d/download\\_file\\_39242.pdf](http://www.brennancenter.org/page/-/d/download_file_39242.pdf).

be permitted to vote.<sup>5</sup> The estimates in tables 3 and 4 show the likely effects of this policy change. Crucially, the estimates shown in these tables assume that people who usually vote and people who usually do not vote possess photo identification at equivalent rates.

Assuming that black turnout in 2012 will otherwise resemble black turnout rates from the 2004 election, the estimates in the middle panel of table 3 predict how many blacks will turn out to vote in 2012 if 11 percent do not possess a government-issued photo ID. These figures are obtained by multiplying the predicted number of voters shown in column 2 of table 2 by 0.89. We can then subtract this number from the numbers shown in column 2 of table 2 to estimate how many blacks **who would otherwise be expected to vote** will be demobilized by these new laws. Across these six states, approximately 350,000 black citizens may be demobilized. The far right panel of table 3 shows the predicted number of voters if 25 percent of blacks are demobilized by the new photo-identification requirements. Using this 25 percent figure to calculate the effects of voter-ID laws, we learn that significantly greater numbers of blacks—almost 850,000—may be unlikely to vote in these states as a consequence of the new photo-identification requirements.

Table 3: Possible Reduction in Black Turnout in 2012 using 2004 Turnout Rates

	Predicted number of 2012 black voters	Reducing turnout by 11%		Reducing turnout by 25%	
		Predicted number of black voters	Number demobilized	Predicted number of black voters	Number demobilized
Kansas	59,688	53,122	-6,566	44,766	-14,922
North Carolina	949,051	844,655	-104,396	711,788	-237,263
South Carolina	556,979	495,711	-61,268	417,734	-139,245
Tennessee	393,109	349,867	-43,242	294,832	-98,277
Texas	1,177,859	1,048,295	-129,564	883,394	-294,465
Wisconsin	159,672	142,108	-17,564	119,754	-39,918

Source: Author's calculations.

Table 4 shows the results from a similar analysis that uses the 2008 black voting rates to estimate the effects of voter-ID laws. The potential demobilizing effects are even more severe if voter turnout rates in 2012 approach the levels of turnout from 2008. To summarize, new photo-identification laws will demobilize greater numbers of voters as the *potential* for turnout increases, in states with larger black populations, and as the number of blacks with valid government-issued photo identification decreases.

---

<sup>5</sup> Some states will allow voters without photo identification to cast provisional ballots, yet it is unclear whether citizens without photo identification will risk the possible humiliation of having their identity challenged in a public place in exchange for casting a provisional ballot.

Table 4: Possible Reduction in Black Turnout in 2012 using 2008 Turnout Rates

	Predicted number of 2012 black voters	Reducing turnout by 11%		Reducing turnout by 25%	
		Predicted number of black voters	Number demobilized	Predicted number of black voters	Number demobilized
Kansas	58,361	52,831	-5,530	43,771	-14,590
North Carolina	1,002,104	891,872	-110,232	751,578	-250,526
South Carolina	678,672	604,018	-74,654	509,004	-169,668
Tennessee	446,374	397,273	-49,101	334,781	-111,593
Texas	1,341,735	1,194,144	-147,591	1,006,301	-335,434
Wisconsin	161,277	143,536	-17,741	120,958	-40,319

Source: Author's calculations.

The new photo-identification laws might not only decrease turnout among black citizens who would otherwise vote, but they may also **substantially** decrease black turnout relative to the number of black voters in the 2004 and 2008 elections. Table 5 summarizes the range of possible turnout levels shown in the tables above for each state. The first column, for instance, shows the lowest number of expected voters from the four sets of calculations shown in the previous two tables, and the second column of numbers shows the highest number of possible voters based on the estimates shown in the previous two tables. In combination, these columns summarize the range of possible levels of turnout in the 2012 election given the potential demobilizing effects of the new photo-identification laws.

The last two columns show the actual numbers of black turnout in the 2004 and 2008 elections. Under the new identification requirements, even the most optimistic estimates of black turnout in 2012 are lower than black turnout in 2008. The differences are most severe in North Carolina and South Carolina, in which black turnout may be reduced by 60,000 voters in each state. Furthermore, if the demobilizing effects of these laws are more pervasive, black turnout in each state may be even lower compared to turnout in 2004.

Table 5: Comparing Estimated Turnout to Turnout Levels in 2004 and 2008

	Low estimate, potential turnout	High estimate, potential turnout	Actual 2004 turnout	Actual 2008 turnout
Kansas	43,771	53,122	46,574	56,653
North Carolina	711,788	891,872	769,879	952,589
South Carolina	417,734	604,018	480,338	660,038
Tennessee	294,832	397,273	334,057	425,653
Texas	883,394	1,194,144	916,991	1,250,075
Wisconsin	119,754	143,536	129,197	149,989

Source: Author's calculations.

These differences relative to 2004 and 2008 levels of turnout could significantly alter the dynamics of the 2012 presidential election. Table 6 shows the margin of victory (in votes) in each of the last two presidential elections. The Democratic candidates fared significantly better in each of these states in 2008 compared with 2004. However, possible reductions in black turnout shown in the tables above could change election outcomes or reduce the levels of electoral competitiveness. For instance, President Obama won North Carolina by only 14,000 votes in 2008, and the estimates shown above suggest that *at least*

104,000 black voters could be demobilized by the new voter-identification requirements (should they be implemented). Similarly, though President Obama won Wisconsin fairly easily in 2008, Democratic nominee John Kerry carried the state by only 11,000 votes in 2004. If the 2012 election is similarly competitive, reductions in black turnout could also make the difference for the presidential election outcome in Wisconsin. Furthermore, though President Obama seems unlikely to win Kansas, South Carolina, Tennessee, or Texas, reductions in black turnout could make these states considerably less competitive at the presidential level.

Table 6: Margin of Victory in the 2004 and 2008 Presidential Elections

	Margin of victory (2004)	Party won (2004)	Margin of victory (2008)	Party won (2008)
Kansas	301,463	Republican	184,890	Republican
North Carolina	435,317	Republican	14,177	Democratic
South Carolina	276,275	Republican	172,447	Republican
Tennessee	347,898	Republican	391,741	Republican
Texas	1,694,213	Republican	950,695	Republican
Wisconsin	11,384	Democratic	414,818	Democratic

Source: Election statistics, Office of the Clerk of the House of Representatives.

## Accounting for Racial Differences in Access to Photo Identification

As discussed earlier, the Brennan Center study shows that photo IDs are distributed asymmetrically across racial groups. While 11 percent of Americans do not possess government-issued IDs, the Brennan Center finds that this figure among whites is 9 percent, but that **25 percent** of blacks do not have an official photo-identification card.

These racial differences suggest that the photo identification laws will dramatically alter the racial composition of the 2012 voting population. The disproportionate potential impact of these laws on blacks suggests that black political voices will be further marginalized relative to white political preferences.

Table 7 quantifies the potential magnitude of these relative differences. The first two columns compare black and white turnout rates in the 2008 election, and the third column shows the gap between them (negative numbers indicate lower black turnout rates relative to white turnout).

Table 7: Actual Turnout Rates, 2008

	<b>Black (%)</b>	<b>White (%)</b>	<b>Gap (%)</b>
Kansas	52.8	64.4	-11.6
North Carolina	68.0	68.2	-0.2
South Carolina	72.5	63.0	+9.5
Tennessee	59.5	55.6	+3.9
Texas	65.5	55.4	+10.1
Wisconsin	70.4	71.1	-0.7

Data: U.S. Census Bureau.

As the next two tables demonstrate, however, the new photo-identification laws threaten to substantially weaken the influence of black voters on 2012 election outcomes. Table 8 contains estimates of turnout among blacks and whites based on 2010 population, turnout rates in the 2004 presidential election, and, using the Brennan Center estimates of the distribution of photo IDs, 9 percent reductions in white turnout and 25 percent reductions in black turnout. The third column compares these estimates and shows the differences in turnout rates between blacks and whites.

Table 8: Estimated 2012 Turnout Rates with New Photo Identification Laws

	<b>Black (%)</b>	<b>White (%)</b>	<b>Gap (%)</b>
Kansas	40.5	59.9	-19.4
North Carolina	48.3	56.6	-8.3
South Carolina	44.6	58.9	-14.3
Tennessee	39.3	50.4	-11.1
Texas	43.1	58.5	-15.4
Wisconsin	52.2	70.6	-18.4

Source: Author's calculations.

Note: Calculations assume 2004 turnout rates with 9 percent reduction in white turnout and 25 percent reduction in black turnout.

Table 9 displays the comparable estimates of black and white turnout if 2012 turnout remains at 2008 levels. As the final columns of tables 8 and 9 make clear, the uneven distribution of photo identification across racial groups may exacerbate existing racial differences in voter turnout in states like Kansas, North Carolina, and Wisconsin, where black voter turnout already is disproportionately lower relative to white turnout. Moreover, even in states in which black turnout generally exceeds white turnout, such as South Carolina, Tennessee, and Texas, new photo-identification laws are likely to sufficiently reduce black turnout such that the number of votes cast in these states will be disproportionately low relative to the black citizen voting-age population.

Table 9: Estimated 2012 Turnout Rates with New Photo Identification Laws

	<b>Black (%)</b>	<b>White (%)</b>	<b>Gap (%)</b>
Kansas	39.6	58.6	-19.0
North Carolina	51.0	62.1	-11.1
South Carolina	54.4	57.3	-3.9
Tennessee	44.6	50.6	-6.0
Texas	49.2	50.5	-1.3
Wisconsin	52.8	64.7	-11.9

Source: Author's calculation.

Note: Calculations assume 2008 turnout rates with 9 percent reduction in white turnout and 25 percent reduction in black turnout.

The picture that emerges from this analysis demonstrates the clear potential political impact of new photo-ID laws. Black voters are likely to be disproportionately demobilized by photo-ID voting restrictions, which will significantly dilute the influence of black political preferences in the 2012 election. Using either 2004 or 2008 turnout rates as baseline estimates of how many citizens would otherwise vote in the 2012 election, the implementation of voter-ID laws either will exacerbate existing racial differences in turnout rates or will reverse existing patterns in which blacks enjoy small advantages in turnout relative to white voters.

## **Electoral Consequences**

These new laws could have significant electoral consequences. Here we highlight a few places in which photo-ID laws may have the largest impact on 2012 election outcomes.

### *Wisconsin*

- Though Obama carried Wisconsin handily in the 2008 election, the 2010 election indicates that Wisconsin is likely to be a battleground state in 2012. Republican Scott Walker won the 2010 gubernatorial race by 124,000 votes, and statewide, Republican congressional candidates received 227,000 more votes than their Democratic opponents. Reductions in black voter turnout due to the new photo-ID laws, then, may threaten Obama's reelection chances in Wisconsin.
- Because most blacks in Wisconsin are concentrated in the Milwaukee area, Democratic congresswoman Gwen Moore (who represents the Fourth District, encompassing all of urban Milwaukee) may be more vulnerable in 2012 than she has been in previous elections. In 2010, she won her district by about 82,000 votes, but blacks make up approximately 30 percent of her district's population, and the new photo-ID laws could make this race considerably more competitive than it has been in previous elections.

### *Tennessee*

- Democratic congressman Steve Cohen won this district by 66,000 votes in the 2010 election, yet blacks constitute about 60 percent of this Memphis district's population. Disproportionate reductions in black turnout threaten to make this a considerably more competitive race than it previously has been.

### *North Carolina*

- Though photo-ID laws have not yet been instituted in North Carolina, the electoral impact is likely to be especially pernicious if they are passed. President Obama carried the state by just 14,000 votes in 2008, while Democratic governor Beverly Purdue won by fewer than 145,000 votes. Given the state's sizable black population, both outcomes may be reversed in 2012 if photo-ID laws are implemented.

### *Nationwide*

- The 2012 election is shaping up to be a historically competitive presidential reelection year, largely due to the country's continued economic malaise. It appears unlikely that President Obama will win every state he won in 2008, which means that his reelection could come down to support from a few crucial states. New voter-identification laws may threaten his ability to win Wisconsin's electoral votes, and should North Carolina also implement them, it is even less likely that he will again receive that state's fifteen electoral votes.

## **Conclusions**

In sum, the estimates shown here raise at least two troubling prospects for the representation of black political interests. First, **new photo-ID laws are likely to demobilize large numbers of blacks who would otherwise turn out to vote.** Second, because blacks have disproportionately reduced access to government-issued photo IDs, **new photo-ID laws threaten to severely dilute the influence of the black vote on election outcomes.**

Moreover, blacks are not the only group likely to be affected by these new voting restrictions. The Brennan Center report also indicates that both Latinos (16 percent) and youth (18–24) possess government-issued photo identification at lower rates (18 percent) compared with the general population, and the 2008 Comparative Multi-Racial Survey further indicates that Asian Americans also possess photo identification at disproportionately lower rates.<sup>6</sup> The potential for new voting restrictions to demobilize these populations at higher rates compared to white voters raises troubling questions about the capacity of these groups to freely and fairly express their collective preferences and influence the course of American governance.

---

<sup>6</sup> <http://cmpstudy.com/>.

Finally, these concerns are not limited to the six states investigated in this analysis. Indeed, restrictive photo-identification requirements are pending in ten other states—Alaska, Delaware, Hawaii, Illinois, Iowa, Maine, Nebraska, New York, Ohio, and Pennsylvania. A number of these states have sizable minority populations or are likely to be battleground states in the 2012 presidential elections. These state legislatures adjourned for the 2011 session before voting on the new bills, but they await legislative action in 2012. Should these states also pass new photo-identification laws, minority populations are likely to be demobilized to even greater degrees than the estimates presented in this analysis indicate.

## **Methodological Caveats**

The estimated effects of the photo-identification laws rest heavily on two sets of figures. First, the accuracy of the magnitude of the effects depends on whether 2012 voter turnout is similar to black turnout in either 2004 or 2008. If 2012 turnout is higher than it was in 2008, the potential magnitude of the effects shown here will be greater. If, on the other hand, it is below 2004 levels, the effects will be smaller. Nationwide, black turnout in 2004 was the highest since 1984, and certainly it will be difficult to repeat the record numbers of turnout in 2008. However, with President Obama's reelection campaign in 2012, it seems quite plausible that black turnout will at least approach 2008 levels.

Second, the estimates shown here depend on the Brennan Center's estimates for the availability of photo identification. If access to photo ID is greater than they estimated, the effects will be smaller than those shown here. Conversely, if the center overestimated access to photo ID, the actual effects will be larger than the estimates reported here. Furthermore, the estimates generated from our analysis assume that likely voters and likely nonvoters have equal access to photo identification. If nonvoters are disproportionately unlikely to have photo ID, then our estimates overstate the magnitude of the likely effects. On the other hand, if states with more stringent processes for obtaining photo IDs also have a disproportionate share of likely voters without photo identification, the numbers here are conservative estimates of the actual effect. Finally, we note that the effects of these new laws on voter turnout also depend on the ways in which state and local authorities enforce the new requirements.