The Washington Post

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**A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast**

By Justin Levitt -  August 6, 2014

Note: This is a guest post by[*Justin Levitt*](http://www.lls.edu/aboutus/facultyadministration/faculty/facultylistl-r/levittjustin/), a professor at the Loyola Law School, Los Angeles and an expert in constitutional law and the law of democracy, with a particular focus on election administration and redistricting.

Voter ID laws are back in the news once again, with two new [opinions](http://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=118665) from the Wisconsin Supreme Court late last week dealing with the state's ID requirement, which would allow people to vote only if they provide certain forms of government-issued ID. The Court made some [minor changes to the law](http://www.jsonline.com/news/statepolitics/divided-court-upholds-wisconsins-voter-id-law-b99321108z1-269363811.html) but otherwise upheld it. However, the ID requirement is still on hold pending a [federal lawsuit](http://moritzlaw.osu.edu/electionlaw/litigation/Frank.v.Walker.php).

Part of this litigation — and any rational debate about the issue generally — hinges on two things: [costs and benefits](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2017228).  The costs of these sorts of laws vary, because [the laws themselves differ from state to state](http://blog.constitutioncenter.org/2013/10/voter-id-update-the-diversity-in-the-details/) (some are far more burdensome than others). The ostensible benefits, though, are all the same. And in addressing these purported benefits, the Wisconsin Supreme Court blew it.  Twice.

First, the court cited the idea that ID laws could enhance public confidence--that is, in theory, the laws might make us feel better about elections in that they might provide some security theater. It turns out, though, that this effect is hard to spot. People in states with more restrictive ID laws [don’t generally feel better](http://ssrn.com/abstract=1099056) about their elections than people in more permissive states. People who think elections are being stolen, and people who think they’re not, each hold on to that opinion no matter what the governing ID rules in their area. The factor that really influences whether people think the elections are fair? Whether their preferred candidates win.

Second, the court said that ID laws can help stop fraud. It then cited an example of recent fraud … that ID laws [aren’t designed to stop](http://electionlawblog.org/?p=63868). Specifically, it mentioned a case in which a supporter of Wisconsin Governor Scott Walker was charged with 13 counts of election fraud, including "registering to vote in more than one place, voting where he didn't live, voting more than once in the same election, and providing false information to election officials," [according to an account by Talking Points Memo](http://talkingpointsmemo.com/muckraker/robert-monroe-voter-fraud-wisconsin). Wisconsin's ID law would not likely have prevented any of the alleged violations.

This sort of misdirection is pretty common, actually. Election fraud happens. But ID laws are not aimed at the fraud you’ll actually hear about. Most current ID laws (Wisconsin is a rare exception) aren’t designed to stop fraud with absentee ballots (indeed, laws requiring ID at the polls push more people into the absentee system, where there are plenty of real dangers). Or vote buying. Or coercion. Or fake registration forms. Or voting from the wrong address. Or ballot box stuffing by officials in on the scam. In the 243-page document that Mississippi State Sen. Chris McDaniel filed on Monday with evidence of allegedly illegal votes in the Mississippi Republican primary, there were no allegations of the kind of fraud that ID can stop.

Instead, requirements to show ID at the polls are designed for pretty much one thing: people showing up at the polls pretending to be somebody else in order to each cast one incremental fake ballot. This is a slow, clunky way to steal an election. Which is why it rarely happens.

I’ve been tracking [allegations of fraud](https://web.archive.org/web/20070622014244/http:/truthaboutfraud.org/index.html) [for years now](http://www.brennancenter.org/sites/default/files/analysis/The%20Truth%20About%20Voter%20Fraud.pdf), including the fraud ID laws are designed to stop. In 2008, when the Supreme Court weighed in on voter ID, I looked at [every single allegation](http://www.brennancenter.org/page/-/Democracy/Analysis%20of%20Crawford%20Allegations.pdf) put before the Court. And since then, I’ve been following reports wherever they crop up.

*[*[*New evidence that voter ID laws 'skew democracy' in favor of white Republicans*](https://www.washingtonpost.com/news/wonk/wp/2016/02/04/new-evidence-that-voter-id-laws-skew-democracy-in-favor-of-white-republicans/)*]*

To be clear, I’m not just talking about prosecutions. I track any specific, credible allegation that someone may have pretended to be someone else at the polls, in any way that an ID law could fix.

So far, I’ve found about 31 different incidents (some of which involve multiple ballots) since 2000, anywhere in the country. If you want to check my work, you can read a comprehensive list of the incidents below. (go to <https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/?utm_term=.b0efd2cd7632> to see this list)

To put this in perspective, the 31 incidents below come in the context of general, primary, special, and municipal elections from 2000 through 2014. In general and primary elections alone, more than [1 billion ballots](http://www.fec.gov/general/library.shtml) were cast in that period.

Some of these 31 incidents have been thoroughly investigated (including some prosecutions). But many have not. Based on how other claims have turned out, I’d bet that some of the 31 will end up debunked: a problem with matching people from one big computer list to another, or a data entry error, or confusion between two different people with the same name, or someone signing in on the wrong line of a pollbook.

In just four states that have held just a few elections under the harshest ID laws, [more than 3,000 votes](http://www.eac.gov/research/election_administration_and_voting_survey.aspx) (in general elections alone) have reportedly been affirmatively rejected for lack of ID. (That doesn’t include voters without ID who didn’t show up, or recordkeeping mistakes by officials.)  Some of those 3,000 may have been fraudulent ballots.  But how many legitimate voters have already been turned away?

Correction: Justin Levitt is a professor with Loyola Law School, Los Angeles; not the Loyola University Law School.

From: Levitt, Justin. "A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents out of One Billion Ballots Cast." *The Washington Post*. WP Company, 6 Aug. 2014. Web. 15 Dec. 2016.