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Evidence vs. Hyperbole: The Relationship between Election Laws and the Health of Democracy

Based on the work of Justin Grimmer and Eitan Hersh

The paper by Justin Grimmer and Eitan Hirsch, “Evidence vs. Hyperbole: The Relationship between Election Laws and the Health of Democracy,” discusses why election laws and rules have changed over time in order to achieve various public goals or partisan advantage. They draw attention to differences between Democratic and Republican priorities and describe how despite big changes in the laws, there has been surprisingly little change in election outcomes. They review the results of numerous in-depth analyses of policies such as greater convenience in voting and voter ID laws, concluding that these changes show only modest effects on turnout and little discernable party advantage. They describe why this counterintuitive result occurs.

There is extraordinary variation in how citizens vote in US elections, because states are granted broad authority under the Constitution to make their own rules for how their elections are run. The two major parties have also endorsed increasingly divergent policy priorities for American elections.

Two Recent Trends in Elections

Two recent trends have been an increase in polarization between the Democratic and Republican parties on election policy priorities and an overall liberalization of voting laws to make voting easier and more accessible compared to 50 years ago.

The priorities of Republican Party are more focused on election security and combating election fraud. It is commonplace to hear Republican politicians worry about nefarious actors posing as voters at polling stations to cast fraudulent ballots. These same politicians also worry about the procedures for voting by mail, which lacks the privacy and security of in-person voting.

The Democratic Party is more focused on voting access, particularly for racial minorities. It is commonplace for Democrat politicians to argue that restrictions on voting, such as those that verify identification, may disproportionately reduce the voting rates of minorities. Some are also concerned about how electoral units are drawn and electoral rules are decided. Democrats also worry that the geographic concentration of their supporters in urban areas and in a small number of states unfairly disadvantages their party’s ability to translate votes into legislative seats and Electoral College victories.

But even though Democrats and Republicans may have different preferences over election policy, the overall trend in practice is one of expanded access to the polls and a reduction of administrative burdens.

Big Changes, Little Effect

And yet, election laws don’t usually affect election outcomes. Despite major changes that have made voting easier, overall voter turnout has not increased much. Most reforms to voter registration, such as early voting or mail-in voting, have modest or no effect on turnout or on partisan election outcomes. The explanation boils down to three basic ideas:

First, laws that affect the voting process tend to be relevant only to a small number of people. For instance: only current felons and (potentially) ex-felons are affected by felon disenfranchisement laws; only those who possess no IDs are affected by voter ID laws; and only people who change homes are affected by automatic reregistration laws. The vast majority of voters do not fall into any of the categories that any particular law affects.

Second, even among the small group of people potentially affected by laws, the actual relationship between an election law and turnout is small. For instance, someone who doesn't have a photo ID may not necessarily fail to vote on account of a voter ID law.

Third, election laws that do increase or decrease the voter turnout of a subset of the electorate often do not affect a homogenous partisan subset of the electorate. In other words, the people affected are not lopsidedly Democratic or Republican. This means that the effects of the law will have modest consequences on which party wins or loses. For instance, even if mail-in voting increases turnout by a small percentage and even if voter ID laws decrease turnout by a small percentage, these laws affect a mix of Democrats and Republicans.

To be clear, this doesn't mean that an election law cannot affect participation. Nor does it mean that an election law cannot ever influence the outcome in an election. However, having studied many laws that are purported to increase or decrease turnout, our research suggests effects so small that they would be impossible for lawmakers to predict accurately ahead of time.

To learn more, read the full paper “Evidence vs. Hyperbole: The Relationship between Election Laws and the Health of Democracy” by Justin Grimmer and Eitan Hersh at www.hoover.org/fact-based-policy-program.



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