# State Voting Restrictions and State Fraud Cases

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## Abstract

The research tests whether more restrictive election laws reduce incidents of election cheating. Using a "cost of voting index," with state-specific values, as a proxy for a more restrictive electoral-institutional climate, and incidents of fraud culled from the Heritage Foundation website, the research looks for a match. Importantly, there are many different types of fraud to consider. Specifically, the research distinguishes two broad categories. The first group called Voter Fraud contains three subtypes. A second group, Election Fraud, also has three discrete varieties. To avoid duplicitous election outcomes, it is important to understand the distinct threats that different types of fraud entail and the research provides a theoretical discussion of the dissimilarities, drawing the conclusion that Election Fraud is the more serious concern. Empirically, the research does not find a negative relationship between voting restrictions and either category of fraud. In other words, there is not more Voter or Election Fraud reported, where voting is easier. The research also examines overtime-intrastate changes in the restrictiveness of voting to control for possible inter-state variation in fraud enforcement. Again, one must accept the null hypothesis of no relationship between voter restrictions and known cases of election malfeasance.

Republican Party (GOP) state legislators in recent years have made the argument that if voting is more convenient it could lead to widespread voter fraud.[1] There is a notable irony in the GOP making these claims. Historically, it was the Democratic Party most concerned with election "integrity" as many Southern states passed Jim Crow laws intended to disenfranchise emancipated African American citizens. The often-stated rationale was maintaining "legitimate" elections (Keyssar 2000, 107-08). Alternatively, some Democrats, from the South, were "claiming the need to protect peaceable whites from bloodthirsty blacks" (Lictman 2018, 93). Indeed, it was the Democratic Party, for the better part of a century (late 1860s to late 1960s), that led state moves to restrict voting. In recent years, it has been the GOP's turn, and Republican controlled state legislatures have been pushing through laws that restrict voting under the pretext of maintaining electoral justice or preventing fraud. Yet, one can note comments made by some Republican Party officials, in recent years, which point to potentially nefarious partisan and even racial motives.

In October 2013, Don Yelton, a North Carolina Republican Executive Committee member, boasted on a late-night talk show about the state's new voter identification law. He noted, "If it (voter ID) hurts a bunch of lazy Blacks. So be it." He continued, "The law is going to kick the Democrats in the butt."[2] Yelton's comments are not the only ones that seemingly uncover the real motive for voting restrictions. Earlier, in November 2012, Jim Greer, the former chair of the Republican Party, in the state of Florida, told the press the goal of the passage of restrictions on early/absentee voting and voter registration was to make voting more difficult and

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[1] *New York Times*, "Some Republicans Acknowledge Leveraging State Voter ID Laws for Political Gain." 20 September 2016, A15 N.

[2] Blake, Aaron. "Republicans keep admitting that voter ID helps them win, for some reason." *Washington Post*, 7 April 2016 (https://www.washingtonpost.com/news/the-fix/wp/2016/04/07/republicans-should-really-stop-admitting-that-voter-id-helps-them-win/?utm_term=.056103585def: last accessed 4 April 2022).

inconvenient because more convenient voting "is bad for Republican Party candidates."[3] Then, in July 2013, Pennsylvania House Majority Leader Mike Turzai claimed that the goal of the passage of the state's new voter identification law was to "allow Governor Romney to win the state of Pennsylvania."[4] In April 2016, Wisconsin State Representative Glenn Grothman told a reporter that despite the poor performance of Republicans in past election cycles, 2016 will be different because, "Now we have photo ID, and I think photo ID is gonna make a little bit of a difference."[5] Finally, Justin Clark, a senior political adviser and senior counsel to President Donald Trump's 2020 re-election campaign, noted, "Traditionally it's always been Republicans suppressing votes in places," but that now it is possible to begin "protecting our voters. We know where they are ... Let's start playing offense a little bit."[6]

The comments, taken together, point to disreputable electioneering strategies. Historically, however, concerns for election integrity are not without merit. Research conducted in the 1970s (Benson 1978, 169-85) and 1980s (Summers 1987, 51-67) suggest that during the Gilded Age (1870-1900) there was election irregularities taking place in nearly every state in the Union often with consequences for who won the election. In response to these occurrences, the American states adopted voter registration and voter identification laws to combat fraud. Yet,

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[3] Gray, Ian. "Jim Greer, Ex-Florida GOP Chair, Claims Republican Voting Laws Focused On Suppression, Racism." *Huffington Post*, 27 November 2012 (https://www.huffingtonpost.com/2012/11/26/jim-greer-florida-voting-laws_n_2192802.html: last accessed 10 April 2022).
[4] Stromberg, Stephen. "Someone is trying to rig the election. It's just not who Donald Trump claims." *Washington Post*, 2 August 2016 (https://www.washingtonpost.com/blogs/post-partisan/wp/2016/08/02/someone-is-trying-to-rig-the-election-its-just-not-who-donald-trump-claims/?noredirect=on&utm_term=.81ebd253151: last accessed 10 April 2022).
[5] WTMJ-TV Milwaukee 5 April 2016. Comment made during a television interview (https://www.tmj4.com/news/local-news/grothman-voter-id-law-will-help-eventual-gop-nominee-win-wisconsin: last accessed 1 July 2019). Additionally, Circuit Court Judge Richard Posner (2013) stated in his book *Reflections on Judging* (Cambridge, MA: Harvard University Press) noted that a dissenting judge in the *Crawford v. Marion County Election Board* argued that the "Indiana voter photo ID law is a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic."
[6] As quoted in the *Huffington Post*, 20 December 20 2019 (https://www.huffpost.com/entry/trump-adviser-gop-voter-suppression-poll-watching-2020_n_5dfd46c5e4b0843d35fc2322: last accessed 10 April 2022).

some researchers note that even then, the motive for some of the laws was the disenfranchisement of immigrant and lower class voters (Burnham 1986; Gienapp 1982).

Merriam-Webster defines fraud, in part, as "intentional perversion of truth."[7] The reference to "intentional" is relevant here because it is often the case that when ineligible voters are caught voting fraudulently, subsequent court proceedings reveal the voter, who may have been an undocumented resident or a felon, were unaware they were ineligible to vote. Arguably tougher voter registration laws could have prevented these individuals from registering to vote before they cast a fraudulent ballot. Indeed, this is precisely what many in the GOP have claimed motivates state efforts to restrict voting, especially in the aftermath of the 2020 presidential election cycle.[8] Lost on many who favor more restrictive voting, however, is that election experts and academics have roundly discredited the notion that widespread fraud determines election outcomes in the United States (Levitt 2007; Minnite 2010; Ahlquist, Mayer, and Jackman 2014; Holman and Lay 2018; Udani and Kimball 2018).

Considering the frequency of fraud, in the state of Florida in the aftermath of the 2020 election, there were 262 complaints of fraud registered with election officials in the state. Of these, 75 sufficiently concerning that law enforcement agencies got involved. Finding all 75 guilty of fraud is very unlikely. However, assuming there were successful prosecution of all 75 cases, it would represent .00068% of the over 11 million votes cast in the state.[9] Yet, at the cost of over $2.6 million, the state legislature early in 2022, passed legislation to create an election

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[7] See Merriam-Webster at https://www.merriam-webster.com/dictionary/fraud: last accessed 5 April 2022).
[8] *New York Times*, "Cheney Tells Truth about Election, but G.O.P. Is Tired of Hearing It." 5 May 2021, A15 N
[9] *Washington Post*, "Florida lawmakers approve an elections police force, the first of its kind in the U.S.
 (https://www.washingtonpost.com/nation/2022/03/09/florida-lawmakers-approve-an-elections-police-force-first-its-kind-us/: last accessed 22 March 2022).

police force designed to crack down on voter fraud.[10] With this backdrop, this research seeks to gain empirical insight into the possibility that voting restrictions lead to, or associate with, less fraud. If current GOP legislators are correct, a more restrictive electoral-institutional environment should associate with less reported fraud. Before conducting these tests, however, it is important to first, think careful about the different types of fraud and their potential to delegitimize election outcomes.

## Different Types of Fraud

This research holds it is especially important to distinguish "fraud" perpetrated by individual voters from fraud orchestrated by foreign bad actors, election officials, or campaign workers and the candidates themselves. In the first instance, the word fraud is in quotes because often the individual voter is unaware they are ineligible to vote and the dictionary defines fraud as "intentional." This first category, I call *Voter Fraud* and suggest it contains three subtypes, listed in Table 1 below. The second category is always intentional and I term this *Election Fraud* and again, I believe it is possible to identify three discrete subcategories. The table attempts to spell out, in a reasonably comprehensive manner, the different kinds of electoral hazards.[11] The most important distinction is that the first broad category involves individual voters and the second involves people more intimately involved in elections as either administrators, campaigners, or foreign infiltrators.

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[10] *Politico*, "Legislature gives DeSantis new election police to target voter fraud in Florida." 9 March 2022 (https://www.politico.com/news/2022/03/10/desantis-gets-florida-election-police-00015926: last accessed 22 March 2022).

[11] There are some grey areas and one can make an argument that the categories are neither exhaustive nor mutually exclusive. Nonetheless, in the coding of fraud cases, which takes place as part of this research, I place each case in one and only one of the six categories. If the case involved people registering to vote at an address where they no longer live, and casting a fraudulent ballot in that electoral jurisdiction, I classify these cases as Voter Fraud 1. Under the same scenario if the person votes twice, by using the two different addresses, I code these cases as Voter Fraud 3, indicating double voting, under the assumption that this is the more serious offense. In all, even though there is some grey area, I hold the categories provide a useful heuristic in an attempt to understand fraud better and makes reasonably clear the important distinction between Voter Fraud and Election Fraud.

**Table 1.**
**Different Types of Potential Voter and Election Fraud**

| Voter Fraud |
| --- |
| 1. Ineligible Voting: Noncitizens; Felons; the mentally incompetent; and people who are no longer a legal resident of the electoral jurisdiction in which they vote. |
| 2. Voter Impersonation: voting for someone else; voting for a dead person. |
| 3. Double Voting: voting early and again on Election Day; voting in multiple jurisdictions. |

| Election Fraud |
| --- |
| 1. Foreign Interference: Spying; misinformation campaigns; hacking attempts. |
| 2. Corrupt Election Official: Mmisreporting vote totals; rigging the vote-counting machinery. |
| 3. Corrupt Campaign Worker or Candidate: Buying votes, strong-arming absentee ballots; manipulating people in line to vote for a preferred candidate; falsifying signatures on a ballot petition; lying about eligibility to run for an office. |

If reformers are sincere about addressing the issue of fraud, it is crucial to understand the totality of the problem. In other words, if we are to avoid duplicitous election outcomes, one must understand the distinct threats. Under Voter Fraud, we find ineligible voters, such as the noncitizens and felons already mentioned, and one must add the "mentally incompetent" as many states have laws forbidding voter registration for people with certain mental disabilities, institutionalized individuals, or citizens living under a guardianship arrangement. In the second category of Voter Fraud, we find voter impersonation. In these instances, the fraudster is likely using a family member's voter registration record, or address, to vote; perhaps, because they forgot to get registered themselves before the state deadline. This category also includes the notorious voting for a dead person, either using a deceased family members identification or voter registration record. Last, there is double voting. These acts include voting early, or absentee, and again on Election Day or voting in multiple electoral jurisdictions on Election Day, sometimes two different states.

Considering the three categories of Election Fraud, the first involves foreign interference and the next two involve corrupt domestic actors. In the first category, there is misinformation campaigns, hacking of election administration equipment, and even political assassinations. In

each instance, the perpetrator is a foreign national. In the second category the concern is corrupt

home-grown election administrators. This type of fraud routinely occurs in developing

democracies (Malesky, Schuler, and Tran 2012; van Ham and Lindberg 2015) and was common

in the US during the Gilded Age (Benson 1978; Summers 1987). These election officials may

"rig" the vote counting equipment or simply report fallacious vote totals. The last category notes

over zealous campaign workers doing what they can to boost the vote total of their favored

candidates, but also includes candidates who falsify election eligibility paperwork, or more

damning, go out of their way to stack the deck by buying votes.[12]

Considering the two broad categories of fraud, I hold Voter Fraud ought to be much less

of a concern for reformers. The seminal work by Anthony Downs (1957) makes it clear that

voting itself is an irrational act. There is considerable cost, in time and effort, associated with

voting and the probability that one's vote will make a difference is negligible. Moreover, an

equation offered by Riker and Ordeshook (1968), "$R = (BP) - C$", spells out the strong

possibility that eligible voters will rationally abstain. These authors suggest it is only rational to

vote when the value of R is positive. Specifically, R equals the reward an individual receives

from voting, and C is the cost an individual must pay to vote. B is the differential benefit, a voter

receives if their preferred candidate wins, and P is the probability that a citizen's actions (or

vote) will bring about that benefit. The point is that "R" is normally negative for anyone who

performs the calculation.

If voting itself is illogical, fraudulent voting is even more absurd. When committing voter

fraud, one must add to the 'cost of voting' the possibility of being caught and fined. In the case

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[12] There are several instances of vote buying chronicled on the Heritage Foundation website. The normal case involves a candidate offering a small amount of money ($5.00) or alcohol or cigarettes to homeless or otherwise destitute citizens as an incentive to get them to go to the polls.

of an undocumented individual, the potential cost of being deported must also be added to the equation. Consequently, voter fraud ought to be rare, and, as noted, practitioners and scholars alike find it is. Moreover, some who find Voter Fraud occurs argue it is "not threatening the integrity of American elections" (Goel et al. 2020, 468). Particularly relevant, Sharad Goel and his colleagues (2020) estimate that "to reduce [one instance of] double voting," it "could impede approximately 300 legitimate voters" from exercising their right to vote (456). That is, making registration, and by extension voting, more difficult may prevent some fraud but it will also increase the cost of voting, sufficiently, that many others will find it irrational to vote.[13]

Election Fraud is also infrequent. However, the potential payoff or the probability that this type of fraud will produce a desired electoral outcome is greater. Election Fraud, orchestrated by election officials, campaign workers or foreign bad actors, comes with an increase in the odds of a fallacious election outcome, because now the fraud likely involves more than a single vote. However, counterbalancing the increased "B" or differential benefit is an increase in "C" or cost. This type of malfeasance often comes with serious penalties, including incarceration, if caught.[14] This is especially the case for domestic election officials, candidates, or campaign workers. It is likely more difficult to hold foreign infiltrators accountable and their costs will be lower.

A mass misinformation campaign, such as the type orchestrated by officials of the Russian government, in their efforts to influence the 2016 presidential election (Wilner 2018,

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[13] The benefits of voting fraudulently are minimal because the likelihood that one or two fraudulent votes will determine an election outcome is so small. However, this probability does increase in local elections, primary elections, and off-cycle elections when the number of votes cast is much lower. Now the "P" or probability that your vote will affect the outcome goes up. In the data culled from the Heritage Foundation website one notices straightaway that known cases of Voter Fraud occur mainly in low information and low turnout elections. Most commonly, the election the fraudster is trying to influence is local (https://www.heritage.org/voterfraud/search: last accessed 24 March 2022).

[14] A sampling of fraud cases presented on the Heritage Foundation website demonstrates that Election Fraud often leads to jail time (https://www.heritage.org/voterfraud/search: last accessed 24 March 2022).

311), is a particularly troubling fraud scenario. Now the "P" might be quite substantial and the "C" quite low. To be certain any of the three types of Election Fraud is a problem. Corrupt election officials or campaign workers trying to steal a local election surely compromises the legitimacy of all elections. The point needs to be made, however, Election Fraud, of any stripe, is distinct from individual Voter Fraud. Importantly, attempts to restrict, or police Election Fraud, generally, do not increase the cost of voting for individual voters. For instance, creating a paper trail to verify vote counts or increasing the penalties for Election Fraud, as a deterrent, would not influence the time and effort that it takes an eligible citizen to vote. If reformers are sincere about protecting electoral integrity in the United States, the focus should be squarely on preventing Election Fraud.

The distinction between the two categories of fraud is particularly poignant because, unfortunately, many 'reforms' passed in Republican state legislatures, in recent years, call for stricter voter identification processes and limits on absentee voting, and these are squarely attempting to address the less consequential Voter Fraud. Making voting less convenient for individual voters does little to address the potential for Election Fraud. For instance, letting someone register to vote online, or vote early, reduces individual costs, making citizens more likely to vote (Li, Pomante, and Schraufnagel 2018). However, this has little to do with prompting, the more serious threat of Election Fraud. Said differently, making it easier to vote, reducing the value of "C" in the Riker and Ordeshook equation, for individual voters does not improve the odds that a foreign power will interfere in our elections or make our own election officials or campaign workers more or less likely to be corrupt. Creating a more restrictive electoral-institutional process for voters to navigate does not address the likelihood of corruption perpetrated by foreign or domestic swindlers.

One might counter that making voting easier opens more windows for charlatans to enter and disrupt election processes. For instance, more early voting sites increase the number of places where corruption might take place. However, this contention does not stand up well when one genuinely considers what it means to make voting easier. More convenient voting often decentralizes voting administration. Creating more polling locations, or drop boxes, further increases the costs for election crooks because their efforts will require hacking, or in some way disrupting, a greater number of facilities. Liberal reformers often bemoan the lack of national election administration, and their concerns are not without merit, however there is a tradeoff and the decentralization of election administration makes Election Fraud less of a concern, especially as it relates to state and national elections.

It is also important to note that some new technologies geared to making voting less costly for individual voters can, in fact, make the entire electioneering enterprise more secure. For instance, an online or automatic voter registration system can use new secure technologies to close windows of opportunity for corruption. Voting Centers, early voting, and mail-in voting can also reduce the possibility that corrupt actors can sabotage election outcomes because they allow for supervision and deliberation of the authenticity of the ballots cast. If one were sincere about avoiding Voter Fraud, a reasonable approach might be to move to all early or mail-in voting. Now observers from both political parties can be in the room, judge the authenticity of the signatures on the envelopes, count the ballots, and ensure there is no venality in play. This openness would also serve as a check on the potential dishonesty of election officials. In other words, making voting easier for individual voters can actually reduce the possibility of both Voter Fraud and Election Fraud.[15]

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[15] Previous research, suggests that making voting more challenging disproportionately disenfranchises eligible citizens without a high school diploma and people who do not own their own home (Pomante, Schraufnagel, Li

**Describing Known Fraud Cases**

To get some sense of whether there is more fraud taking-place in states with less restrictive electoral-institutional processes, I turn to data provided by the Heritage Foundation. This group has tracked instances of fraud in the United States going back into the 1980s. Importantly, the group has kept pace, and their database includes Voter and Election Fraud cases that surfaced in court documents in recent years, including the months following the 2020 presidential election. In the analyses that follow I use all of their cases of fraud (N = 1011), which occurred in one of the 50 American states, and appeared on the organization's website, through March of 2022. In the mix, there are a few cases from the 1980s and 1990s, but most are 21$^{st}$ century occurrences. The earliest reported case took place in 1982 and there are six cases from 2022.

Table 2 below lists the fraud cases the group has identified, using the six-category classification scheme just explained. For now, I simply observe the frequency of known fraud in each of the six categories. As noted, there are 1011 cases to consider.[16] The most common case is Voter Fraud perpetrated by ineligible individuals. Many of these cases were people with felony records and the "fraud" was unintentional. The state with the most cases is Minnesota. During the period studied, the Heritage Foundation finds 131 cases in the North Star State, and 127 of these are ineligible voters. Many were citizens voting in the wrong electoral jurisdiction. Minnesota is an outlier and I will take a closer look at the state in the testing, which follows. It is also noteworthy, in Table 2, there are no mentions of misinformation campaigns, the type of

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2022). Making voting more challenging for undereducated citizens and renters will not likely affect the likelihood that domestic or international bad actors will try to sabotage an election.

[16] The Heritage Foundation claims they have 1349 proven instances of fraud, as of March 2022. The discrepancy occurs because some of their entries have multiple defendants. In other instances, the group creates an entry for each individual, even when the people are involved in the same corrupt scheme. Still more, the discrepancy occurs because the group lists cases from the US territories and Washington DC and these are not included in this analysis (https://www.heritage.org/voterfraud: last accessed 30 March 2022).

fraud orchestrated by foreign actors, which were a genuine threat to electoral legitimacy, in both the 2016 and 2020 presidential elections.[17]

**Table 2.**
**Frequency of Different Types of Voter Fraud and Election Fraud: 1982-2022**

| Voter Fraud | Frequency of Proven Instances |
|---|---|
| 1. Ineligible Voters | 467 |
| 2. Voter Impersonation | 201 |
| 3. Double Voting | 126 |
| | Total = 794 |
| **Election Fraud** | |
| 1. Foreign Interference | 0 |
| 2. Corrupt Election Official | 33 |
| 3. Corrupt Campaign Worker or Candidate | 184 |
| | Total = 217 |

Source: Heritage Foundation, counts calculated by the author (https://www.heritage.org/voterfraud: last accessed 30 March 2022).

The Heritage Foundation is quick to point out they have listed only a "sample" of actual fraud cases. Yet, independent checking suggests they have a comprehensive list of known fraud cases, especially 21st century cases. Let us assume it was tougher, for the Heritage Foundation, to get an accurate picture of fraud in the earlier years of their analysis and the reported fraud cases represents only 20 years of known cases from the 50 states. One can think of 20 years as roughly ten election cycles (presidential and midterm elections). Each state conducts its own election administration, so there is at least 500 elections (50 states * 10 election cycles) to consider during a 20-year period. If one divides the proven cases of fraud, 1011 cases, by 500 elections there would appeared to be a little more than two known fraud instances per election, per state, on average.

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[17] For compelling story, see the video produced by the National Public Radio at: (https://www.npr.org/2020/09/29/917725209/russia-doesn-t-have-to-make-fake-news-biggest-election-threat-is-closer-to-home: last accessed 27 May 2021).

The example above, however, is a gross *over*estimation of the frequency of proven fraud

cases. There are more than ten election cycles in 20 years, and the Heritage Foundation data

spans 39 years. In addition, many states have odd-year elections, and if one adds primary

elections, there is the potential for at least 40 elections in 20 years. Indeed, many of the cases that

the Heritage Foundation identifies take place in local elections outside of the presidential

election cycles. For example, one common type of Election Fraud uncovered by the group is a

potential candidate falsifying their home address to be eligible to run for a local office, which

they are not qualified to run for because of a residency requirement.

Of course, I do not know how many otherwise ineligible voters states have not caught.

Perhaps state authorities catch only one in 100 or one in 500 individuals, but the story does not

change much, and it is still doubtful that Voter Fraud would have altered the outcomes of

statewide or national races. This is especially the case, when one considers that the perpetrators

likely split their partisan affinities equally. It is not the case that those who commit Voter Fraud

all support the same candidate. For instance, 17 cases of Voter Fraud appear on the Heritage

Foundation website since the 2020 election. Of these cases, it is possible to determine the party

affiliation of the fraudster in seven occurrences. In all seven cases, the perpetrator was a

Republican. This in itself is not evidence that Republicans are more likely to commit Voter

Fraud, or even more likely to be caught committing Voter Fraud, but it does make the point that

Republican operatives, around the country, who still believe Voter Fraud cost President Donald

Trump the 2020 election do not have full information. Evidence from the Heritage Foundation

suggests that those caught after the 2020 presidential election were more likely to be

conservatives voting for President Trump. I hold it is reasonable to assume that fraudulent voters

will split their party allegiance in a manner consistent with the eligible voters who properly participate in elections.[18]

To get a better sense of the type of cases the Heritage Foundation uncovers, Table 3 elaborates more completely the 28 instances of fraud chronicled from January 1, 2021 through March 21, 2022. I note the state where the fraud occurred, the type of fraud, whether the fraudster(s) were trying to influence a local or national election, the election year the fraud took place in, and the political party the swindler was trying to help when that information is available. As noted, 17 of the 28 instances involved Voter Fraud. Eleven cases were Election Fraud.

Only ten of the 28 cases were Voter Fraud related to the 2020 presidential election and, as noted, seven out of ten times, the person caught was a Republican. Three times, it was unclear what party the fraudster was supporting. Concerning the cases of Election Fraud, two of the 11 cases, represent candidates trying to use a former address to justify eligibility to run for a particular local office. Nine of the 11 instances of Election Fraud involved local elections and the other two dealt with the 2020 Republican presidential primaries in Florida and Pennsylvania, one case in each state. Interestingly, in New Hampshire, where voting is relatively restricted, election officials still caught two people trying to vote twice. In Colorado, Nevada, and Virginia, where voting is less restricted, officials caught only one double voter.

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[18] One of the first to uncover convincing evidence that nonvoters split their party allegiance roughly the same as voters was James DeNardo (1980). In follow up work, Jack Citrin, Eric Schickler, and John Sides (2003) determine the partisan advantage gained, when nonvoters vote, is sensitive to the election cycle and the state the nonvoters reside in.

**Table 3.**
**Known Incidents of Voter Fraud (VF) and Election Fraud (EF), since 2020**

| State | Year | Type of Fraud | Type of Election | Election Year(s) | Political Party |
|-------|------|---------------|------------------|------------------|-----------------|
| AZ | 2022 | VF – Double Voting | National | 2020 | Republican |
| CA | 2022 | VF – Ineligible Voting | Local | 2020 | Unclear |
| CA | 2022 | VF – Ineligible Voting | Local | 2020 | Unclear |
| CA | 2022 | VF – Ineligible Voting | Local | 2020 | Unclear |
| TX | 2022 | EF – Corrupt Campaigner | Local-Primary | 2018 | Democrat |
| TX | 2022 | EF – Corrupt Campaigner | Local-Primary | 2018 | Democrat |
| TX | 2022 | EF – Corrupt Campaigner | Local-Primary | 2018 | Democrat |
| CA | 2021 | EF – Candidate Residency | Local | 2018 | Republican |
| CA | 2021 | EF – Candidate Residency | Local | Unclear | Republican |
| CA | 2021 | VF – Voter Impersonation | National | 2012-14 | Unclear |
| CO | 2021 | VF – Double Voting | National | 2020 | Unclear |
| FL | 2021 | EF – Corrupt Campaigner | National-Primary | 2020 | Republican |
| FL | 2021 | EF – Corrupt Official | Local | 2020 | Unclear |
| KN | 2021 | VF – Double Voting | Local | 2019 | Republican |
| MI | 2021 | VF – Voter Impersonation | National | 2020 | Unclear |
| MS | 2021 | EF – Corrupt Official | Local-Primary | 2020 | Democratic |
| NH | 2021 | VF – Double Voting | National | 2016 | Unclear |
| NH | 2021 | VF – Double Voting | National | 2016 | Unclear |
| NV | 2021 | VF – Double Voting | National | 2020 | Unclear |
| OH | 2021 | VF – Double Voting | National | 2020 | Republican |
| PN | 2021 | EF – Corrupt Official | National-Primary | 2014-2016 | Democratic |
| PN | 2021 | VF – Double Voting | National | 2020 | Republican |
| PN | 2021 | VF – Double Voting | National | 2020 | Republican |
| PN | 2021 | VF – Double Voting | National | 2020 | Republican |
| TX | 2021 | EF – Corrupt Official | Local-Primary | 2020 | Democrat |
| VA | 2021 | VF – Double Voting | National | 2020 | Republican |
| WV | 2021 | VF – Voter Impersonation | Local | 2021 | Unclear |
| WV | 2021 | EF – Corrupt Candidate | Local | 2019 | Unclear |

Source: Heritage Foundation. The group uses a different classification scheme than the one presented here. Some of their categories are redundant. In the end, I combine their nine fraud types into the six categories presented in Table 1 (https://www.heritage.org/voterfraud: last accessed 24 March 2022). Note all three California cases in 2022 involved the same local city council race and all three 2022 Texas cases involved a local Democratic Party primary in 2018.

The primary point I am making in Table 3 is that the Heritage Foundation, the group that by many accounts is most aggressively trying to track incidents of fraud and make them public, turn up nothing of major consequence. Post 2020, there is a handful of double voters, some candidates lying about their official residence, and a few crooked individuals trying to influence

a local election in a country with thousands of such opportunities every election year. There

certainly is no evidence that the Democratic Party is more likely to engage in these forms of

mischief.

## Additional Testing

My concern, in this research, is not with a count or the frequency of fraud cases.[19]

Instead, I wish to test whether restricting voting can reduce fraud. Curiosity begs the question:

When voting is more restricted is there less fraud-taking place? Specifically, I test whether

voting restrictions associate negatively with known incidents of fraud. More specifically, I test

whether there are more instances of known fraud when voting is more accessible, measured by a

Cost of Voting Index (COVI), which has state specific values for presidential election years from

1996 to 2020 (Schraufnagel, Pomante, and Li 2020). Second, I will test if when states change

their election laws and make voting much easier, or more difficult, as indicated by a change in

their COVI value, does this produce a corresponding increase or decrease in the incidents of

fraud.[20]

In the first instance, I look at the zero-order correlation between average COVI state rank

from 1996 to 2020 and incidents of Voter Fraud, Election Fraud, and total fraud, by state, as

reported on the Heritage Foundation website. The authors of the COVI rank all 50 states each

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[19] Academics have used a variety of methods, many quite sophisticated, to try and measure the frequency of Voter Fraud (Fukumoto and Horiuchi 2011; Christensen and Schultz 2014; Cottrell, Herron, and Westwood 2018), Election Fraud (Pericchi and Torres 2011; Beber and Scacco 2012; Montgomery, Olivella, Potter, and Crisp 2015), or both (Hood III, and Gillespie 2012).[19] Relevantly, these scholars, without exception, use of the terms "voter fraud" and "election fraud" interchangeably. Yet, it is quite easy to distinguish the type of fraud each set of authors is trying to measure. Disentangling the two fraud categories, I hold is imperative, if we wish to move forward in the direction toward remediation of the more egregious Election Fraud, something one can likely accomplish without adopting policies that increase the cost of voting for individuals.

[20] I fully appreciate that these tests of known fraud paint an incomplete picture; however, it makes sense to check if there is anything going on in this regard that could justify great concern. If there is, and restrictive electoral institutional arrangements associate with less fraud, additional voting restrictions may be justified as a means for combatting fraud.

presidential election year for the past seven presidential election cycles. Because the Heritage

Foundation cases cover roughly the same period of time, I use an average of each states COVI

rank over the roughly 25-year period. During this time, many states consistently obtain a higher

or lower rank than others. For instance, since 1996, when comparing state ranks, it has always

been easier (less costly) to vote in North Dakota and Oregon and more difficult to vote in

Tennessee and Texas. In some other states, for instance, Colorado, Maryland, New Hampshire,

and Wyoming, there is considerable movement in rank over the seven election periods.

Unfortunately, average rank for these states is less helpful. However, the states provide an

excellent opportunity to test if changes in state law, which make voting much easier, or more

restricted, influences the incidents of known fraud. By looking at change within a single state, I

am able to hold constant inter-state variation in the policing of fraud.

  To be certain, inter-state variation in fraud enforcement confounds matters. One cannot

be sure that states with more restrictive voting laws are not the same states who are also more

likely to go looking for fraud.[21] The irony, of course, is that presumably the restrictions prevent

the need for increased scrutiny. Variable enforcement notwithstanding, we should at least know

if a higher average state COVI rank, indicating more restrictions, correlates with less reported

fraud in the contemporary era. If it does, increased voter restrictions might be warranted.

Correspondingly, one should obtain negative coefficients from the tests. As average COVI rank

goes up (more restriction), incidents of fraud should go down.

  When calculating the volume of known fraud cases, I find that not every state has even

one case of either Voter Fraud or Election Fraud. Over the 39 years of data collection, performed

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[21] Moreover, using average COVI ranks, and total incidents of fraud over a considerable period of time can lead to faulty inferences if the average, or total values, are masking interesting year-specific relationships. Qualitative single-state testing can help in this regard.

by the Heritage Foundation, Delaware and Vermont have zero reported cases. Hawaii, Montana, Rhode Island, South Carolina, and Utah have exactly one case each. The mean number of voter fraud cases, by state, is a little less than 16. To standardize state values, I divided the total incidents of fraud by the size of the state's voting-eligible population (VEP), in 2010, and multiple by 100 to obtain the percentage of known fraud as a function of the size of the eligible voting population. I use the 2010 population value because it is a year in the middle of the period studied. Considering the calculation, Minnesota has 131 cases of fraud and a VEP of 3,802,677 in 2010. Moreover, all 131 cases from Minnesota involved one and only one state resident. Therefore, if all of Minnesota's cases occurred in one year, which is not the case, we would say about .0033% of the voting eligible population engaged in fraud. This percentage is an extraordinarily small number, and this is the state with the highest level of reported fraud. Moreover, the number is an exaggeration because the fraud did not occur in a single year, but occurred over 15 years from 2004 to 2018.

In the bivariate tests reported in Table 4 below, I am looking for statistically significant negative relationships. That is, more restrictions less fraud. I examine *Voter Fraud*, *Election Fraud*, and *All Fraud* and report a parallel analysis excluding Minnesota, which is clearly an outlier. The state has a count of fraud cases more than eight times the mean amount of fraud in the period studied. In the qualitative analyses, which follow I will take a deeper dive into Minnesota's high count to learn what is driving cases in the state. Note straightaway in Table 4 there are no statistically significant relationships. No *p*-values less than .05, which would indicate we can be 95% confident there is a relationship and reject the null hypothesis of no relationship. The strongest association occurs with Election Fraud (.20; p < .17). However, unfortunately, the more damning of the two broad categories of fraud is actually positively

associated with restriction. A more restrictive electoral-institutional climate associates with more

fraud. When we exclude Minnesota, the bivariate relationship with Total Fraud also turns

positive. Of course, the lack of statistical significance suggests we must accept the null

hypothesis of no relationship for all of these tests.

**Table 4.**
**Testing the Bivariate Association between Voting Restrictions and the**
**Frequency of Fraud in the American States: Contemporary Era**

|  | Voter Fraud | Election Fraud | Total Fraud |
|---|---|---|---|
| Average Cost of Voting Rank: 1996-2020 | -.18; $p < .20$ <br> n = 50 | .20; $p < .17$ <br> n = 50 | -.11; $p < .44$ <br> n = 50 |
|  | Association sans Minnesota | | |
| Average Cost of Voting Rank: 1996-2020 | -.07; $p < .65$ <br> n = 49 | .19; $p < .20$ <br> n = 49 | .03; $p < .83$ <br> n = 49 |

Note: $p$-values based on two-tailed tests of statistical significance.

Taking things a step further, we might imagine that the COVI, which is a factor score

representing an underlying latent dimension, may be masking something. To test for this I run

the same analysis, as reported in Table 4, but now with two component parts of the COVI. The

intention with the COVI is to capture the totality of the cost of voting in each state and the score

includes both voter registration restrictions and constraints when it comes to actually casting a

ballot. One of the items in the COVI, related to voter registration, is whether a state allows

people to register to vote on the same day as the election, measured as a dummy variable scored

"1" if the state forbids it. One of the ballot considerations is state identification (ID) laws and the

authors of the COVI use a 5-item Likert scale that ranges from 1) only matching signature

required to 5) strict enforcement of a photo ID. The way these variables are measured, again, one

expects a statistically significant negative association with fraud. Table 5 reports the results with

and without Minnesota included. I use 2012 COVI values for this test because the year falls

roughly in the middle of the timeline of reported fraud cases.[22]

**Table 5.**
**Testing the Bivariate Association between Two Unique Voting Restrictions and the Frequency of Fraud in the American States: Contemporary Era**

|  | Voter Fraud | Election Fraud | Total Fraud |
|---|---|---|---|
| No Same Day Voter Registration Allowed, in 2012 | -.24; $p < .10$<br>n = 50 | .25; $p < .09$<br>n = 50 | -.15; $p < .30$<br>n = 50 |
| Voter ID Likert Scale, 1 to 5. "5" equals Strict Photo ID Required, in 2012 | -.11; $p < .45$<br>n = 50 | .06; $p < .66$<br>n = 50 | -.08; $p < .57$<br>n = 50 |
|  | Association sans Minnesota | | |
| No Same Day Voter Registration Allowed, in 2012 | -.18; $p < .20$<br>n = 49 | .24; $p < .09$<br>n = 49 | -.05; $p < .76$<br>n = 49 |
| Voter ID Likert Scale, 1 to 5. "5" equals Strict Photo ID Required, in 2012 | -.01; $p < .95$<br>n = 49 | .06; $p < .71$<br>n = 49 | .02; $p < .90$<br>n = 49 |

Note: *p*-values based on two-tailed tests of statistical significance.

In the first column of Table 5, and considering all 50 states, the no same-day voter

registration consideration produces a glimmer of evidence that this particular voter restriction

can lead to less Voter Fraud. However, one has to expand the definition of statistical significance

to $p < .10$ or use a 90% confidence interval. This would otherwise be good news if it were not for

the fact that the relationship between this restriction and Election Fraud is actually positive and

slightly stronger. Considering Total Fraud, the two relationships, which are nearing statistical

significance in opposite directions, cancel each other out and again we must accept the null of no

relationship between restriction and fraud. Moreover, when we drop Minnesota, a state that had

same day voter registration in 2012, the near statistically significant relationship between not

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[22] In auxiliary analyses, not reported here, I used other COVI values, representing other presidential election years, with no fundamental change in the results reported in Table 5.

allowing citizens to register to vote on Election Day, and Voter Fraud, disappears. More worrisome, dropping Minnesota does not affect the nearly statistically significant positive association with Election Fraud. Last, considering Photo ID laws, there is nothing going on. There is no association between known fraud cases and state laws requiring voter identification.

Last, it terms of statistical tests, I check for a significant negative relationship between a more restrictive electoral process and fraud after controlling for additional considerations. Presumably, once one holds constant other variables the hypothesized negative relationship will emerge. Confounding matters, after pulling all the known fraud cases down from the Heritage Foundation website one gets the distinct impression these instances are largely, if not purely, random. The Minnesota extreme outlier is a case in point. The state has a better than average COVI rank (average rank 11.86). This suggests only 10 or 11 states make voting easier in the contemporary era. However, voting in Minnesota is not so much easier that one would expect total fraud cases more than eight times the average. Oregon has an even less restricted electoral climate than Minnesota (average rank 4.14) and the state has only 15 cases spread out over 20 years.

Nonetheless, I move forward, imagining that state political culture and/or state legislative professionalism might have something to do with the frequency of fraud. In the first instance, I make use of Daniel Elazar's three category coding of state culture as either Individualistic, Moralistic, or Traditionalistic. Elazar argues that in Moralistic state cultures, there is little toleration for corruption (Elazar 1966).[23] Hence, I leave out the Moralistic states from the multivariate regression to test whether there is more fraud in either the *Individualistic* or the *Traditionalistic* states. I also test for a relationship between fraud and the *Squire Index* of

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[23] For an excellent summary of the three cultures see the description by Professor John Rausch from West Texas A&M University (https://www.wtamu.edu/~jrausch/polcul.html: last accessed 31 March 2022).

legislative professionalism. Higher values indicate a more fulltime state legislature perhaps better able to keep an eye on fraud and more monies to support law enforcement efforts to detect fraud. Consequently, I expect less fraud or a negative relationship when the state legislature is better resourced.

I also control for the *Gini Index* of income inequality in the states. Here, higher numbers indicate more inequality, which might serve to frustrate some state citizens and cause them to seek redress through illegal channels. I anticipate a positive association. Next, I control for state education. Specifically, I use the percentage of state residents with a *High School Diploma*. Better-educated state citizens may lead to behavior that is more rational, and less fraud will occur as a result. I anticipate a negative association. I use 2010 values of both the Gini Index and the education consideration, because the year falls near the middle of the timeframe the fraud cases occur. Last, I control for the competitiveness of each state's electoral climate. Here, I use the Presidential Election Margin or the absolute value of the difference in the percentage of the votes earned by the two major political party candidates in 2012. I use the results of the 2012 election because the year falls near the middle of the timeframe studied. In this instance, a bigger number indicates a less competitive state electoral environment and I anticipate less fraud and a negative coefficient in the regression run. The models also include each state's *Average COVI* value from 1996 to 2020.

**Table 6.**
### Multivariate Testing of the Association between Voting Restrictions and the Frequency of Known Fraud Cases in the American States: Contemporary Era

*Ordinary Least Squares Regression*

| Predictor Variables | Voter Fraud Coefficient (s.e.) | Election Fraud Coefficient (s.e.) | Total Fraud Coefficient (s.e.) |
|---|---|---|---|
| Average Cost of Voting Rank | -.07 (.11) | .01 (.04) | -.06 (.11) |
| | | | |
| Individualistic State Culture | -.88 (2.10) | -.17 (.73) | -1.05 (2.22) |
| Traditionalistic State Culture | -.86 (3.31) | .88 (1.15) | -1.12 (3.51) |
| Squire Index of Professionalism | -3.80 (7.97) | -.57 (2.76) | -4.37 (8.42) |
| Gini Index of Income Inequality | -22.35 (56.81) | .02 (19.66) | -22.33 (60.03) |
| % w/High School Diploma | .08 (.14) | .02 (.05) | .10 (.14) |
| Presidential Election Margin | -.139 (.084) [t] | -.014 (.029) | -.153 (.089) * |
| | | | |
| Constant | 13.83 (29.42) | -.51 (10.18) | 13.32 (31.09) |
| | | | |
| F-Statistic | 1.15 | .68 | 1.12 |
| Adjusted $R^2$ | .02 | -.05 | .02 |
| n | 50 | 50 | 50 |

$* p < .05;$ [t] $p < .10$ (one-tailed tests)

Considering the results reported in Table 6, the seeming randomness of fraud instances is striking. Not only does the frequency of fraud not relate to voting restrictions in a predictable manner, but reported fraud does not relate to state culture, legislative professionalism, state income inequality, or average educational attainment. The expectation was that state culture considerations would produce positive coefficients because these states are less "moralistic," but that does not happen. The one instance we do find some explanatory power is the consideration of state electoral competition. In the Total Fraud model, if we use a one-tailed test, we can be 95% confident there will be less fraud when the margin of victory in the presidential race, in 2012, is larger. More specifically, the coefficient suggests that a 10 percent increase in the election margin associates with about 1.5 fewer known fraud cases, on average.

Although it is necessary to loosen a little, the standard acceptable definitions of statistical significance, considering Voter Fraud and Total Fraud, we get some sense that fraud occurs more

in competitive electoral environments, consistent with the rationality thesis espoused earlier. The test of the average COVI rank, which was supposed to be negatively associated with fraud, produces negative signs in two of the three models but these relationships are not close to being statistically significant. Moreover, in the Election Fraud model there is a positive relationship uncovered, consistent with the bivariate test. In all, there is no evidence that more restrictions associate with less fraud.

Unfortunately, none of the tests directly addresses the possibility that some states keep a closer eye on fraud than others. If more restricting states do this, it could explain the lack of a statistical association. Incongruously, though, it is relevant to remember that restrictions are supposed to prevent fraud and reduce the need for aggressive policing. Restrictions should allow state election administrators to worry less about monitoring the fraudsters. In any event, to check on the possibility that more restricting states are states that police fraud more closely I now turn to single-state qualitative tests. Specifically, I examine more closely the states where the relative COVI rank moved the most from 1996 to 2020 (Colorado, Maryland, New Hampshire, and Wyoming). First up, however, it is important that we figure out what was going on in Minnesota from 2009 to 2011 and it makes sense to examine North Carolina more closely, as well. The Tar Heel State experienced a case of Election Fraud, in 2018, which affected the results of a race for the US House of Representatives. We need to check if the state made voting a lot easier and whether this is part of the explanation for why the fraud occurred.

## Qualitative Tests

### Minnesota

Taking a deeper dive into Minnesota, we learn something about the volume of known fraud cases and how cases of fraud surface. Considering Minnesota's 131 cases (130 Voter Fraud

and 1 Election Fraud), 112 of them occurred between 2009 and 2011. This period marks the

aftermath of a very hotly contested US Senate race in 2008 between Norm Coleman (R) and Al

Franken (D), which Franken won by 225 votes, and the 2010 governor's race between Mark

Dayton (D) and Tom Emmer (R), which Dayton won by less than 9000 votes. With these very

close elections, there were multiple recounts and election administrators went to great lengths to

check each vote cast to ensure that the person voting was eligible to vote in the state. The

officials took prodigious steps to find any evidence of "fraud." In the aftermath of these two

elections, and after multiple recounts and checking, 112 ineligible voters were found to have cast

a ballot in one or the other election cycle. The other 18 cases of Voter Fraud in Minnesota

occurred in other years and the one case of Election Fraud occurred in 2015. The ineligible

voters from 2009 to 2011 were unqualified for various reasons ranging from having a felony

conviction in their past, to being undocumented, or failing to keep their voter registration current.

According to Minnesota election officials, there were 5,044,867 votes cast, in the state, in

the 2008 and 2010 elections combined (2,921,498 in 2008 and 2,123,369 in 2010).[24] After

considerable cost, and many recounts, state election administrators were able to uncover 112

ineligible voters, suggesting that .0022% of the votes cast were fraudulent. As noted, Al Franken

won the 2008 race by only 225 votes. If all 112 ineligible votes were cast in the 2008 election,

and they were not, this would still have not have affected the outcome.[25] Moreover, we must

appreciate that the fraudsters likely split their partisan preferences in roughly the same

proportion as eligible voters. In all, we must accept that it is recounts, in close races, that cause a

larger number of fraud cases to surface. It is also possible that more ineligible voters cast a ballot

because they knew these were going to be close races.

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[24] Minnesota Secretary of State - Historical Voter Turnout Statistics (last accessed 2 April 2022).
[25] Less than half of the total of 112 ineligible voters, found in the recounts were from the 2008 election.

*North Carolina*

We know there was one instance of Election Fraud that influenced a US House Race in recent years. In 2018, in North Carolina, a campaign worker for the Republican Party candidate, and his co-conspirators, falsified absentee voter applications causing their candidate to win by 900 votes. It is important to note that the perpetrators were caught, and the election result was overturned. Yet, this kind of fraud is a real concern. Efforts to police Election Fraud are seemingly warranted. Importantly, this was not a case of Voter Fraud. It involved a campaign worker and not a single individual voting for a dead relative or someone failing to update their voter registration. This bares mentioning because many contemporary state efforts to restrict registration and voting increase the cost of voting, for individual citizens, without doing anything about the more serious threat of Election Fraud.

In 2016, the election cycle before the fraud took place in North Carolina, the state ranked 24th on the Cost of Voting Index. In other words, the state was in the middle of the pack in terms of the restrictiveness of voting processes. In 2012, North Carolina was the 14th easiest state to vote in. The drop in ranking occurs, in part, because the state did not adopt an automatic voter registration system at a time when other states were trying to make voting easier for state citizens. Most relevantly, it is not the case that North Carolina had just made voting easier. In fact, the state held on to a restriction that other states were getting rid of. In all, North Carolina does not have a particularly inclusive electoral-institutional environment, during the 2018 midterms, at the time the fraud occurred in North Carolina there were 23 other states where voting was easier and without a parallel instance.

Presumably, motivating the criminals in the Tar Heel State was the closeness of the House race.[26] In the equation, discussed earlier, the "P" was greater or the probability that their efforts could determine the election outcome was heightened. Correspondingly, committing Election Fraud was more rational. In all, the North Carolina case provides another piece of evidence that fraud is more likely to occur when elections are close. However, it is also the case that inconvenient voting does not explain fraud.

*Colorado, Maryland, New Hampshire, and Wyoming*

Concerning the results of the statistical tests, I note the possibility that states with a more restrictive electoral-institutional climate maybe the same states that are more aggressive in their fraud enforcement efforts. Conversely, states with low COVI values might have lax enforcement. If this is the case, the results from the statistical tests may be spurious. In other words, the bivariate and multivariate tests have failed to uncover the true relationship between COVI ranks and incidents of fraud. Again, it bares mentioning, if this were the case, stricter enforcement seems to defeat the purpose of restrictions, which are intended to prevent fraud. Nevertheless, because of the possibility of a spurious relationship, I take a closer look and check if different levels of enforcement, across states, are affecting the results obtained thus far.

In these tests, I analyze change to the relative cost of voting, over time, within a single state. It is much less likely there is an appreciable change in fraud enforcement from one election cycle to the next in a single state. To ensure that I am not missing something, I look at the four states that traded their rank the most from 1996 to 2020. States with the largest changes provide the best opportunity to find voting restrictions can effectively reduce fraud. Specifically, I

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[26] For an excellent expose of the North Carolina case see the story by the Brookings Institute (https://www.brookings.edu/blog/fixgov/2018/12/07/understanding-the-election-scandal-in-north-carolinas-9th-district/: last accessed 10 April 2022).

examine two states that move in the direction of greater restriction (New Hampshire and Wyoming), from 1996 to 2020, and two states that move in the direction of a more inclusive electoral-institutional climate (Colorado and Maryland). If the argument that voting restrictions prevent voter fraud has merit, the first two states should witness a decrease in fraud and the latter two should see an increase.

Taking the states in alphabetical order, I consider Colorado first. In the Centennial State, one can note a substantial move up in COVI ranks. In 2012, the state was ranked 33rd and then moved up to the 10th easiest state to vote in by 2016, principally, by adopting an all-mail voting process. There are seven cases of fraud in the state listed on the Heritage Foundation website, after 2016. However, in two of the seven cases, the voter fraud occurred in 2013, before voting got easier, and in another two, the fraud came in the form of false signatures on a petition, which is a form Election Fraud, not Voter Fraud. In all, there are three cases of Voter Fraud since 2016 or in the five years since the state adopted mail-in voting. In the five years before 2016, there were also three instances of Voter Fraud. The analysis shows a net gain of zero Voter Fraud cases, after the state made voting easier.

Next, consider Maryland, the state went from 44th in 1996 to 19th four years later in 2000. The chief change was that the state reduced its voter registration deadline. Using 2000 as the cut point, there were no fraud cases before and after the state made it easier to register. Then, after adopting early voting and online voter registration before the 2012 election cycle, the state experienced another climb up the rankings. Between 2008 and 2012, the state goes from the 27th to the 10th easiest state. From 2012 forward, there are eight cases of fraud listed on the Heritage Foundation website and there were no cases before 2012. Yet, when I scrutinize the eight instances, I learn that four of the incidents of fraud, took place before 2012 when the state was

more restricting, with one case involving an individual who had been voting fraudulently since 1976. Therefore, there are four cases from when the state was more restricting and four cases after it made registering and voting easier. No change. Importantly, none of the four cases that happened after 2012 had anything to do with the state's early voting process.

Next, consider New Hampshire. Here I witness a significant climb down the rankings from the 10th easiest state to vote in during the 2008 election cycle, to 25th in 2012, and then to 50th, or the most restrictive state by 2016. The primary cause of the Granite State's fall was the adoption of a voter identification requirement, but also, because the state failed to adopt any of the more inclusive voting policies other states had been passing. One might imagine a steep decrease in fraud cases after the state became relatively more restricting. Looking at the 2008 election cycle and earlier, there are only two reported cases of fraud. This is a time when the state made it relatively easy to vote. Considering the 2012 election cycle there are two additional cases. One uncovered a voter who participated fraudulently in both the 2008 and 2012 elections. Then, there are two cases from the 2014-midterm elections. By the time the state was ranked 50th, the incidents of fraud actual increase. One sees 11 new cases reported from 2016 through the 2020 election cycle. Of course, this move is in the wrong direction for those who propose more restricted voting will prevent fraud. More limited voting in New Hampshire should associate with less fraud, but there is an actual increase in fraud.

Last, consider Wyoming. The state went from the 16th easiest state to vote in for the 2012 election cycle and moved down to 39th by 2016. The drop occurs because the state fails to adopt early voting, online voter registration, or a permanent option to vote absentee at a time when other states were making moves to reduce the cost of voting. Presumably, the state was keeping these restrictions in place to thwart potential fraud. In 2021 and 2022, many Republican state

legislators were considering reducing early voting, and removing the option of permanent absentee voter status, for the expressed purpose of preventing fraud.

In Wyoming, I get my first confirming case. There were three reported cases of fraud in the Equality State before 2012 when it was relatively easier to vote. Since 2016, after the state made it relatively harder to vote, there are no new fraud cases. So, did more restrictive voting in Wyoming reduce voter fraud? Perhaps. However, it is challenging to imagine a causal argument. There were only three cases spread out over 14 years when it was relatively easier to vote in the state. One occurred in 1998, one in 2000, and a third person voted fraudulently in 2010 and 2012. There have not been 14 years since 2016 to make a meaningful check for difference. Three cases of fraud, over 14 years, when the cost of voting was lower and zero cases, in the six years, since the state has been more restricting, by itself, is not a lot of evidence that restrictions reduce fraud. Based on evidence from Wyoming, it would be challenging to sell any reasonable audience that there would be a reduction in fraud when there is more strict regulation of voting. This is especially the case, given two other states show no change, and a third state shows a shift in the other direction.

## Discussion

By looking at the four states with considerable change in rank, I use best-case scenarios to try to prove that easier voting is associated with an increase in voter fraud. If this were the case, it would most likely occur in states making the biggest moves. Nevertheless, there is nothing going on. With the data provided by the Heritage Foundation, and based on both quantitative and qualitative testing, I must conclude there is no relationship between the cost of voting and incidents of Voter Fraud or Election Fraud. Overall, with the very small number of verifiable Voter Fraud cases, the argument that voting needs to be more difficult to prevent

instances of individual voting misbehavior seems to be a solution to a made-up problem. One

must add to this consideration the possible disenfranchisement of voters, which occurs when

voting is more difficult. Researchers estimate that making voting sufficiently more restricting to

catch one double-voter, on average, would cause approximately 300 people to not vote because

voting would be costlier in terms of time and effort required (Goel et al. 2020, 456).

Notably, all of the statistical tests are somewhat problematic because I use average COVI

values, and instances of fraud spread out over a considerable period. However, the fact that when

Minnesota is left out of the analysis, there is a positive bivariate relationship (.03; $p < .83$)

between voting restrictions and total fraud cases should be troubling for advocates of more

restrictions. As it stands, the US, with our decentralized election administration, and two-stage

voting process (registering to vote and casting a ballot) makes the cost of voting quite high

relatively to other countries. There is lower voter turnout, on average, in the US to show for it

(Powell 1986). If there was, a trade-off, and increased restrictions produced less fraud it might be

worth it. However, that is not the case.

This research has made use of inter-state variation in voting restrictions and rather

exhaustively went looking for a meaningful negative relationship between restricted voting and

cases of fraud and cannot find one. Instead, I learn that the volume of known fraud cases is very

difficult to predict. One might imagine uneven interstate enforcement of fraud would explain

variance in reported fraud, but single-state analyses suggests this is not the case. Moreover, in

Table 3, which reported known cases from 2021 and 2022, we learn that when fraud does take

place, especially Election Fraud, it is most likely in local races when committing fraud is more

rational, because of smaller constituencies. I also uncover that close elections might prompt a

greater likelihood of fraud. This is expected and evidence that fraudsters are "rational." Indeed,

most people are rational and that is why so little fraud takes place. Importantly, I also learn, throughout all of the different analyses, there is no partisan bias when it comes to fraud. It is not the case that members of one major party are more likely to commit fraud.

Some contemporary reformers who argue for more restrictions, or getting rid of some of the recent changes that made voting more convenient, focus their contention on the perception of fraud and how that potentially de-legitimizes elections. Perceptions of fraud, and the damage that can cause in terms of public efficacy, and lower voter turnout, is an important concern. This research suggests, however, more restrictions are not the way to address the problem. Instead, reformers, concerned with public perceptions, ought to support public awareness campaigns that point out, the very strong likelihood that when Voter Fraud does occur, it does little to compromise election outcomes. Making the voting public aware that our low levels of Voter Fraud are a bipartisan affair and that members of one political party are not more likely to commit fraud, also, should help with public perceptions.

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