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REASON AND EMOTION:
THE PHOTO IDENTIFICATION LAW DEBATE

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ABSTRACT

This thesis studies the political debate about whether photo identification should be required to vote in states across the country. First, a relevant historical context regarding the Voting Rights Act of 1965 is conveyed. The research proceeds to focus on theoretical perspectives about the effectiveness of logical and emotional appeals. After these two rhetorical strategies are analyzed, three main lines of argument used by proponents and opponents of photo identification laws are identified. Subsequently, these arguments are characterized as either logical or emotional appeals. The thesis culminates with a study that tests the hypothesis that photo identification laws are a burdensome cost to voters. This quantitative research supplements a qualitative analysis of the most prominent arguments for and against photo identification laws.

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Introduction

Content Overview

In recent years, the debate over whether states should require photo identification to vote has garnered significant attention. The purpose of this thesis is to study the roles of logical and emotional arguments, delineate the main lines of argument in this debate, and determine which lines of argument seem to be more rooted in logic or emotion. There is a wealth of research that discusses the history and power of employing logic and emotion in rhetoric. Since the implementation of photo identification laws is a highly contentious and salient issue, it behooves rhetoricians to assess common arguments and discern whether they are based on logic or emotion. This research aims to provide clarity to the nature of this consequential debate by shining light on examples where logic and emotion are clearly employed in the art of persuasion.

Chapter one will first dissect the role of logical arguments in political discourse. It will proceed to apply this same level of analysis to the existing body of research on emotional argumentation. Chapter one will conclude by determining the relative power logical and emotional arguments wield in persuading audiences. The following two chapters will discuss three main lines of argument on each side of the photo identification law debate. Chapter two will concentrate on three justifications proponents frequently cite: 1) photo identification laws discourage voter fraud; 2) photo identification is a necessity in modern society; and 3) photo identification laws protect the sanctity of democracy. Chapter three will turn attention to three arguments opponents commonly express: 1) voter fraud is overstated; 2) photo identification

laws are a costly burden; and 3) photo identification laws inherently favor the Republican Party. Chapter four will individually characterize these main lines of argument as either logical or emotional appeals based on the scholarly foundation provided in chapter one. Additionally, chapter four will incorporate research that studies whether photo identification laws placed a significant cost on the franchise in 2012. Finally, the conclusion will recapitulate key findings within these chapters.

The Voting Rights Act, a Half-Century Later

Before this study of modern political persuasion begins, it is instructive to provide some historical background that accounts for the contentious tone of this debate. In 1965, the U.S. Congress passed and President Lyndon Johnson signed the Voting Rights Act. While slavery had been long abolished, a systemic culture of discrimination against African Americans remained pervasive. The Voting Rights Act aimed to prevent states with a history of racial disenfranchisement from persisting in their old ways. Every several years, Congress voted to renew the Voting Rights Act and occasionally updated its coverage formula. But in the half-century that has passed since the Voting Rights Act was enacted, states subjected to federal scrutiny tenaciously worked to challenge the law. They maintained that the Voting Rights Act did not respond to current needs, placed a frivolous burden on state autonomy, and was therefore unconstitutional. In 2013, these arguments were heard by the Supreme Court, leaving the future of the Voting Rights Act and state voting laws in the hands of nine justices.

Shelby County v. Holder challenged the Voting Rights Act and was decided in June 2013. In a 5-4 split decision, a majority of the justices stripped the Voting Rights Act of its coverage

formula, thereby gutting its enforcement mechanism, and virtually dismantling the entire law altogether (Fuller, 2014). The main issues in *Shelby County v. Holder* were Sections 4 and 5 of the Voting Rights Act. The former section established the coverage formula that determined which states needed to obtain clearance from the Department of Justice before changing election laws. The latter section delineated how states that fell under the coverage formula would have to submit their proposed election law changes to the Justice Department. A majority of the justices opined that the current coverage formula established by Section 4 was outdated, placed an undue burden on federalist principles, and was unconstitutional. With Section 4 ruled invalid, Section 5 was left impotent. While this decision was strongly criticized by surviving civil rights heroes such as Congressman John Lewis, the majority opinion underscored that Congress reserves the power to revive the law by approving an updated coverage formula.

The ruling in *Shelby County v. Holder* instantly transferred substantial power to states including Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Texas. The release of this decision meant that these states are “free to make changes to election law or district maps without approval from the Justice Department” (Fuller, 2014). Many of these states wasted little time taking advantage of authority they had not enjoyed in nearly a half-century. State legislatures became very active in adopting new partisan changes to election laws. Many of these changes were intended to roll back budgets and address voter fraud. Specifically, they curtailed the length of time for voting registration and restricted early voting. Most prominently, many states enacted photo identification requirements in order to vote. These changes, catalyzed by *Shelby County v. Holder*, built on a growing trend among state legislatures across the country.

The Brennan Center for Justice reports that since 2010, election laws that have placed new obstacles in the way of voting have been adopted by 22 states (Fuller, 2014).

The ability for Congress to approve a new coverage formula that responds to current conditions may be easier said than done. In order to resurrect the preclearance regime, the Congress and the President would need to agree on which states and districts warrant federal scrutiny of election law changes. Congress most recently renewed the Voting Rights Act coverage formula in 2006 with the principal concerns of racially polarized voting and vote dilution in mind (Consovoy & McCarthy, 2012, p. 62). But persuading the Congress to cover regions plagued by less obvious barriers may prove to be a greater challenge. In the case that an updated coverage formula is ratified, questions as to the constitutionality of preclearance mandates will likely remain. Because the Supreme Court has “expressed grave doubts” about congressional justification for impeding on state self-government, future judicial confrontations may be imminent and more far-reaching (Consovoy & McCarthy, 2012, p. 62).

In the post-*Shelby* era, states have been inclined to mandate that voters present photo identification before voting. This groundswell for stricter voting laws has occurred with the approval of Republicans and to the dismay of Democrats. One legal scholar has advocated for a “Grand Election Bargain” that could potentially unite both parties behind a compromise (Tokaji, 2014, p. 107). This hypothetical legislation would make the process of voter registration easier while establishing a photo identification requirement nationwide. He argues that such a bill would fall within the power of the Congressional Election Clause. This way, Democrats would expand citizen access to voter registration while Republicans would be satisfied with a measure of identity verification. This compromise could resolve the debate over the long term.

A Pretext for Discrimination?

One stinging criticism has so dominated the debate about photo identification laws that it warrants its own separate analysis. While other arguments for and against this mandate are rooted in the merits of state proposals, thoughts on a racial component have proven controversial and provoked strong reactions. Prominent Democratic lawmakers have argued that photo identification laws are merely a pretext for what is really a Republican attempt to disenfranchise African American voters. They point to studies indicating that African Americans and minority voters are more likely to be the ones who currently lack photo identification. In swing states, this number can add up to hundreds of thousands of citizens at risk of disenfranchisement. Many political observers believe that Republicans are pushing for photo identification requirements because African Americans and other minorities vote in droves for Democratic candidates. While this point is certainly worthy of legitimate consideration, at times, racial rhetoric has seemed hyperbolic or misplaced.

In July 2012, Attorney General Eric Holder delivered a keynote address before the National Association for the Advancement of Colored People (NAACP). Attorney General Holder used this opportunity to offering a scathing criticism of photo identification laws and saved his sharpest rhetoric for his descriptions of potential racial implications. The Attorney General not only defended his legal challenges to state photo identification laws, but also indicted the motivations behind their implementation. Attorney General Holder insisted that the Department of Justice “will not allow political pretexts to disenfranchise American citizens of their most precious right” (Mak, 2012). He proceeded to take his rhetoric to the next level, comparing the mandate to demonstrably racist policies from the era of Jim Crow. “Many of those

without IDs would have to travel great distances to get them, and some would struggle to pay for the documents they might need to obtain them. We call those poll taxes” (Mak, 2012). While many reasoned Americans would concur that it is improper to enact policies making it harder for certain people to vote, some take issue with equating photo identification laws to poll taxes. Because photo identifications are widely accessible and many government agencies offer them free of charge, the poll tax analogy can seem like a stretch.

A month earlier, a Democratic senator from Maryland was even more direct in his criticism of photo identification laws. In June 2012, Senator Ben Cardin participated in a panel on the importance of voting at Netroots Nation, an annual progressive political convention. The panel discussion was named “The War on Voting,” and participants made clear that photo identification laws are nothing more or less than voter suppression. “These laws are the new Jim Crow laws of our times,” Senator Cardin expressed. “This is really an effort to control the outcome of elections” instead of “the integrity of our electoral system,” he added (Lazarick, 2012). Once again, this Democratic lawmaker may have deviated from mainstream thought by aligning photo identification laws with Jim Crow laws. However, considering the venue he was speaking at, Senator Cardin was more likely trying to appeal to a progressive audience.

Congresswoman Barbara Lee of California has also employed forceful rhetoric to condemn photo identification laws on the basis of racial discrimination. Congresswoman Lee is a prominent Democratic lawmaker, having formerly chaired the Congressional Black Caucus and co-chaired the Congressional Progressive Caucus. In December 2011, on the floor of the U.S. House of Representatives, Congresswoman Lee charged Republicans with “turning the clock back to the days of Jim Crow” by enacting photo identification laws across the nation

(Kasperowicz, 2011). Echoing Attorney General Holder, the Congresswoman added, “Having been born and raised in Texas, this certainly looks like a poll tax to me, which those of us remember as a way to prevent African Americans from voting” (Kasperowicz, 2011). Clearly, harsh critics find similarities between photo identification laws and conspicuous examples of codified racism.

In this debate, concerns about racial discrimination are not limited to Democratic politicians. Judge Richard Posner, appointed to the Seventh Circuit Court of Appeals by President Ronald Reagan, reversed his position on photo identification laws in 2013. The next year, he penned a fiery dissent against a ruling in favor of Wisconsin’s photo identification law. Judge Posner posited, “Unless conservatives and liberals are masochists, promoting laws that hurt them, these laws must suppress minority voting and the question then becomes whether they are offsetting social benefits—the evidence is that there are not” (Kapur, 2014). This admission is noteworthy because a decision maker not ostensibly associated with the Democratic Party expressed it after further review.

Comprehending the racial component in this debate provides meaningful context when it comes to discerning which arguments are logical, and which statements are intended to stir up emotions about race. The factor of race has proven so integral to this discourse that it warrants an analysis from the start. But before three main lines of argument for and against photo identification laws are identified, the roles of logical and emotional appeals should be delineated. Existing research on these persuasive strategies show that logic and emotion are not necessarily mutually exclusive. Understanding pertinent rhetorical theories and perspectives will be very useful to studying communication tactics in action.

Chapter 1

Contrasting Logical and Emotional Arguments

Logical Arguments

Before assigning characterizations to arguments for and against photo identification laws, an overview of existing research on logical and emotional appeals will be studied. This analysis will provide the academic foundation on which assessments about prominent arguments can rest. Numerous scholarly writings have delved into the issue of whether logic or emotion wields more power in the art of persuasion. While many people may assume that logic and emotion are diametrically opposed, rhetorical theorists reach more nuanced conclusions.

Over the past decade, the debate regarding photo identification laws has intensified and evoked strong passions from both sides. But this debate is not unlike other discussions about public policy. While emotion is often derived from reason, there is the potential for an excess of the former to cloud the wisdom of the latter. When individuals stake out a position early on, they may become so enwrapped by emotion that they lose sight of the core issue. For these reasons, some communication scholars discourage influential thinkers who shape public opinion from fanning the flames of emotion. In the interests of reaching sound decisions and fostering constructive policies, they encourage a return to logic-based argumentation. Other rhetoricians maintain that emotion is a natural human element of persuasion that ought not to be neglected. These competing views provoke a compelling question: Do arguments based on logic in lieu of emotion meaningfully and significantly buttress the creation of public policy?

German sociologist and philosopher Jürgen Habermas has advocated a model of argumentative policy analysis that prioritizes values of rationality over passion. According to the Habermas tradition, discourse ethics “starts from the assumption that moral problems are capable of being solved in a rational and cognitive way” (Gottweis, 2007, p. 239). This approach suggests that even the most persistent and vexing dilemmas of modern society can be addressed in a scientific manner. The Habermasian model of analysis seems to reject the Greek rhetorical theory that effective persuasion involves the integration of emotion and character in addition to logic. A significant portion of the Habermasian analysis “pays only scant attention to phenomena such as passion and emotions in policy making” (Gottweis, 2007, p. 239). Habermas contends that discourse should be studied by reducing argumentation to the operation of logic. In fact, he contends that “genuine argumentation” should mirror judicial reasoning. On the other hand, Habermas lumps negative and manipulative rhetoric under the umbrella of propaganda, a form of persuasion he deems antithetic to his conception of legitimate persuasion. In this regard, argumentative policy analysis represents a striking departure from the sophistic view of persuasion. Rather, this perspective seems more closely aligned with the Platonic standard of using debate as a means toward achieving objective truth and scientific knowledge. Habermas refers to communicative rationality as “the democratic version of bringing reason into the world” (Gottweis, 2007, p. 239). He asserts that policy development is best served by argumentation rooted in communicative rationality.

For thousands of years, logic has been governed by consistency, true premises, valid reasoning from those premises, and a resulting conclusion that is guaranteed to be true. However, debates among laymen or those outside formal settings are inclined to diverge from logical practices. Psychological researchers note, “In particular, logic seems poorly equipped to deal

with the uncertainty inherent in everyday reason” (Hahn & Oaksford, 2012, p. 278). British philosopher Stephen Toulmin was skeptical that absolute truth could prevail even in formal dialectic settings. For example, Toulmin points to common law courtrooms as forums where only relative truth can be established between two parties. In this case, Toulmin underscores that the quest for absolute truth is constrained by rules dictating which types of evidence are permissible. Therefore, the fate of a defendant can only be determined with relative certainty due to dialectic procedures and norms. Despite these limitations of logic, a minimum standard of logic is necessary to enforce coherent arguments (e.g., contradictions cannot be true and therefore are never accepted as valid claims). Arguments with gaps in basic logic or facts may face challenges with persuasion. When people debate colloquially, they tend to choose issues bearing personal interest and familiarity. But in doing so, they usually exclude evidence with “overt numbers, probabilities, and statistics” for the simple reason that “most everyday argument does *not* cite numerical quantities” (Hahn & Oaksford, 2012, p. 282). A lack of hard numerical data to substantiate claims underscores the need for logic in policy discourse.

In many debates, it is exceedingly difficult to conclusively prove that one side is right and the other is wrong. In these cases, the rationality of values comes to the fore. When a debate involves a competition of values that carry different weight, “persuasion depends on the comparative strength of the values advanced by the arguments concerned” (Bench-Capon, 2003, p. 429). Arguments can be bolstered by what are subjectively but rationally considered to be overriding concerns. The relative importance of values discussed in debates “can provide a rational basis for the acceptance or rejection of arguments” (Bench-Capon, 2003, p. 429).

Emotional Arguments

Aristotle's rhetorical theory teaches that the art of persuasion incorporates *logos* (logic), *pathos* (emotion), and *ethos* (character). While the important role of *logos* is well understood, *pathos* is a powerful but not always effective persuasive tool. Douglas Walton, a Canadian academic and logician, contends that emotional arguments are intellectually weak because they seek to compensate for a deficit of evidence with a surplus of *pathos*. As he puts it, "A weak or irrelevant argument can be taken as strong and relevant because of its powerful emotional impact on the respondent" (Walton, 2002, p. 2). Walton proceeds to delineate four logical fallacies that are committed out of emotion: *ad populum*, *ad baculum*, *ad misericordiam*, and *ad hominem*. The first fallacy, *ad populum*, also known as "mob appeal," is a theatrical argument that relies on the public's blind acceptance of ideas. Foisting ideas onto people in a strong way leads to a conclusion based on passion, not reason. The second fallacy, *ad misericordiam*, is an argument that tries to curry favor by arousing pity or sympathy from an audience. For example, instead of arguing for why a policy should be adopted, a speaker committing *ad misericordiam* would seek compassion for his position by expressing the tangential consequences of not adopting said policy. The third fallacy, *ad baculum*, is an argument that uses fear, force, or threat to coerce acceptance of its conclusion. This fallacy, like the others, is "resorted to when evidence or rational arguments fail" (Walton, 2002, p. 3). The fourth emotional fallacy of argumentation, *ad hominem*, relies on personal attacks to conclude that an opposing debater is wrong. Regrettably, this fallacy is commonly employed, effective at persuasion, and the main culprit for why some debates devolve into personal wrangling. While personal factors (e.g., trustworthiness) can be germane to a debate, irrelevant character assassinations are indeed *ad hominem* fallacies.

The four emotional fallacies (i.e., *ad populum*, *ad misericordiam*, *ad baculum*, and *ad hominem*) are prime examples of how leaders can rally an audience to their side out of emotion. They represent ways influential thinkers prioritize ginning up citizens over thoughtfully engaging with them. But is it fair to suggest that all emotional appeals represent cutting corners in the art of persuasion? Researchers have found that the stimulation of emotional responses is closely related to goal setting. For example, individuals may carry out an action in order to feel a certain way. Conversely, people may avoid performing a task to dodge an undesirable emotion. Putting their view in relatable terms, these scholars opine, “I may give you a present to feel the joy of making you happy, or do my own duty not to feel guilty” (Miceli, Poggi, & Rosis, 2007, p. 852-853). Therefore, decisions are not only evaluated on cost-benefit analyses and outcome expectations, but also the feelings we associate with them. Additionally, researchers are quick to distinguish emotional persuasion from irrationality. Although the two terms tend to be conflated or used interchangeably, they contend that emotional persuasion is not always irrational. Rational thinking, which entails processing information correctly, does not always lead to the truth because it can be constrained by misleading or inadequate information. On the other hand, irrational thinking means going “against the evidence provided, or [drawing] a conclusion which is not derivable from its premises” (Miceli, Poggi, & Rosis, 2007, p. 855). Thus, while emotional persuasion and irrational thinking are not mutually exclusive, they are clearly separate concepts.

Clever word choices are demonstrably effective in wooing and stirring up the emotions of others. In his groundbreaking work *The Ethics of Rhetoric*, author Richard Weaver introduces his concept of ultimate terms. He offers three classifications of ultimate terms: god terms, devil terms, and charismatic terms. Weaver writes, “By ‘god term’ we mean that expression about which all other expressions are ranked as subordinate and serving dominations and powers”

(Weaver, 1953, p. 212). For example, a debater who routinely employs ultimate terms such as “progress” or “science” appeals to basic primal emotions about the need for direction and reliability. To arouse the opposite effect, debaters are inclined to utilize devil terms. These are words and phrases that evoke harshly negative reactions and emotions. Salient examples throughout recent history include “un-American” and “fascist.” When debaters characterize opposing arguments, they tend to do so with devil terms in order to poison the well. Words that carry positive or negative connotations depending on their context are classified as charismatic terms. According to Weaver, “prejudice” fits this description because on the surface, its innocuous meaning is “a judgment before all the facts are in” and synonymous with “hypothesis” (Weaver, 1953, p. 224). However, over the past century, “prejudice” has become grouped with notions of ignorance and inequality, both of which carry distinctly loathsome overtones.

Which Is More Powerful?

Although it is commonly believed that emotion is the antithesis of reason, psychologists offer a more nuanced view of this dichotomy. In fact, “a large body of research in neuroscience and psychology has shown that emotions are not the enemy of reason, but rather are a crucial part of it” (Hughes, 2014). While research has demonstrated that emotion is often fueled by knowledge, emotion left unchecked can overwhelm and ultimately distort a reasoned basis. For example, in the legal system, federal rules of evidence define unfair prejudice as “an undue tendency to suggest decision on an improper basis, commonly, though not necessarily, an emotional one” (Hughes, 2014). Legal scholars have found that some emotions are conducive to prejudiced conclusions. Specifically, they contend that feelings of anger often lead to biased

assessments and a high degree of certitude about them. Although emotion does not lead to our best thinking, it organizes the information we believe to be most relevant and memorable.

Research has demonstrated the profound power emotion yields in critical thinking. Emotions can “lead to quick and proper condemnation of a moral violation [and] orient us to the correct course of action” (Beer, Monin, & Pizarro, 2007). When faced with moral dilemmas, emotions often take control in guiding decisions. But the power of emotions can easily become overbearing and thereby counterproductive. Specifically, passionate feelings “hurt when they lead to excessive or inappropriate condemnation [and] when they lead to a naïve moral impulse that prevents the implementation of a superior moral action” (Beer, Monin, & Pizarro, 2007).

Clearly, emotion is a dominant factor in decision making, especially when decisions center on ethical judgments. Since moral dilemmas require assigning value judgments, emotion plays a central role in these circumstances. As competing arguments illustrate, photo identification laws are one of the most compelling moral dilemmas of our time. Thus, it is important to next uncover which lines of argument for and against photo identification laws seem to be most compelling and recurring. In order to apply this knowledge about logical and emotional arguments, conspicuous beliefs of advocates and detractors must first be delineated.

Chapter 2

Rhetoric in Favor of Photo ID Laws

Discourage Voter Fraud

Too often in politics, observers and commentators are hasty to conflate the points held by one side of a debate and characterize the overall position. However, upon closer analysis, layers to such positions can be uncovered and render a more nuanced assessment. By first discerning three prominent arguments in favor of photo identification laws, knowledge regarding logical and emotional appeals can subsequently be applied. Instead of characterizing an entire side of the debate as either “logical” or “emotional,” looking at distinct justifications is conducive to a more comprehensive application.

Advocates and supporters of photo identification laws usually employ three main lines of argument to support their position. First, they argue that voter fraud is a legitimate issue that deserves a real solution. For this reason, they scoff at the alternate perspective that voter fraud is an exaggerated issue raised by the paranoid. Second, proponents contend that in the twenty-first century, photo identifications are a basic necessity to American adults. Since these means of personal verification are required in many essential aspects of life, they believe that the ballot box should be no exception. Third, supporters of these laws believe that voting is so critical to the fabric of democracy that it behooves state governments to enact laws that crack down on voter fraud. Considering the enormous sacrifices that have been made to establish democracy and the razor-thin margins some candidates win by, advocates do not want to take a chance on having leaders elected by fraudulent votes.

Those in favor of photo identification laws unequivocally believe that voter fraud is happening and therefore poses a threat to the democratic system. This contention is perhaps the most prominent and frequently cited when supporters articulate the case for enacting photo identification laws. After all, in order to fix something, there has to be a problem. Supporters chiefly argue that photo identification laws are desperately needed because the ongoing scourge of voter fraud must be redressed. John Fund, an author for major conservative magazines including *The American Spectator* and *National Review*, published a book of his own that aims to chronicle how voter fraud has plagued our electoral system. *Stealing Elections: How Voter Fraud Threatens Our Democracy* was first released in 2004 and updated in 2008, and offers detailed accounts of voter fraud in recent history. Fund recounts one particularly striking instance when voter fraud apparently made a real difference in swaying the outcome of a major race. In this case, he laments the ability of felons, who are legally ineligible to vote, to still cast ballots. Fund cites a report by *The Seattle Times* that 129 felons from two counties voted, even though they were barred from doing so. “Since the Democratic candidate, Christine Gregoire, won by (coincidentally) 129 votes in the final recount, it appears that she owes her election in part to the felon vote” (Fund, 2008, p. 32). To support his conclusion, Fund conveys the historical patterns of felons who can legally vote and how they almost unanimously endorse Democratic candidates. While Fund fills his text with anecdotal evidence to support his thesis of pervasive voter fraud, a survey he cites suggests that a large segment of the American public is already persuaded of his view. He conveys, “A 2008 Rasmussen Reports poll found that 40 percent of Americans believe there is either significant vote fraud or active suppression of people who want to vote” (Fund, 2008, p. 13). John Zogby, a prominent pollster, measured that 9 percent of Americans do not feel their votes are tabulated correctly. Interestingly, this finding rises to 13 percent among Hispanic respondents and spikes to 18 percent among African Americans. However, since minorities’ reasons for their concerns are not conveyed in this study, these

statistics may offer a misleading impression. Upon further investigation, it may be the case that some minorities are distrustful of the democratic process due to laws that raise the costs of voting (i.e., photo identification laws).

John Lott, another prominent conservative thinker, bolstered the narrative that voter fraud is a legitimate concern when he published a study based on his own research. In the article, Lott proposes his Ensuring Integrity Hypothesis: “Greater confidence that the election is fair and that votes will be counted accurately encourages additional voter participation” (Lott, 2006, p. 4). Lott finds support for his hypothesis when he sees that voting participation in “hot spots” for voter fraud actually increased under identification laws. Lott also points to pre-election day in-poll voting as a trigger for voter fraud. He observes that this approach to voting is linked to reduced turnout, a finding that confirms the Ensuring Integrity Hypothesis. But notably, “turnout increases in the fraud ‘hot spots’ when pre-election day in-polling is allowed, [which] implies that the ‘hot spots’ are exploiting this rule for vote fraud” (Lott, 2006, p. 11).

The Heritage Foundation, a right-leaning think tank that profoundly influences public debate, has published extensive research on the tools of voter fraud. A legal memorandum by the Foundation describes how organizations systematically and methodically take advantage of changes to election laws by engaging in voter fraud. For example, once New York permitted voter registration forms to be accessed by the public, some groups obtained bulk quantities from the Board of Elections. “The conspirators... filled them out with fictitious first names and real last names taken from party enrollment books within the targeted voting precinct” (Von Spakovsky, 2008). Confirmations of voter registration were often discarded after delivery, allowing for the fraud to proceed unchecked. The Foundation laments that “election jurisdictions today still rely on the Postal Service for this validation” (Von Spakovsky, 2008).

Photo IDs are a Necessity

Clearly, a major argument for requiring photo identification to vote is a concern about voter fraud. While advocates point to proven and documented cases of fraud to make their case, some rely on speculation alone to justify their position. In other words, the approach of those without empirical evidence is that it is preferable to be “safe than sorry.” But there is another main line of argument that is widely repeated by supporters of photo identification laws. Because identification is required to purchase a wide array of adult products and services, proponents contend that participating in the democratic process should be no different. In the twenty-first century, they argue, being able to prove one’s own identity is essential to various aspects of life. In their minds, these laws represent a common sense and rather convenient way to verify that a voter is legitimate.

When confronted with the notion that showing a photo identification card is burdensome and costly, many supporters are quick to rattle off the wide array of modern goods and services that cannot be obtained devoid photo identification. In addition to buying drug products (e.g., alcohol, cigarettes, medicine), photo identification must be shown to open a bank account, rent or buy a house, board an airplane, get married, and donate blood (Schow, 2013). Supporters also underscore that the government has long required photo identification in order for citizens to apply for and receive any government benefits. This includes food stamps, welfare payments, unemployment insurance, Medicaid, and Social Security. Supporters highlight this point because it undermines the suggestion that many low-income Americans lack the wherewithal to obtain identification materials. Additionally, proponents point out that firearms cannot be purchased without photo verification of the buyer’s identity. If photo identification does not impose a costly burden on the constitutional right to self-defense, they contend that the same logic holds true with voting. In 2013, an influential Conservative news outlet called *The Washington Examiner* published an article entitled, *Twenty-Four Things That Require a Photo ID*. Before listing those

items, the writer criticized people who spend more energy bemoaning the fact that some lack photo identification than actually helping others receive the materials they need. The author opines, “Rather than getting IDs to the people who are supposedly disenfranchised, opponents spend their efforts trying to end the laws” (Schow, 2013).

The reality that an overwhelming majority of Americans currently possess photo identification certainly boosts supporters’ argument. Since carrying photo identification is already second nature to a wide swath of the electorate, many citizens are likely inclined to support this seemingly minor requirement. As one legal scholar notes, “Photo ID requirements have common sense appeal—people already need government-issued photo IDs to board airplanes, buy alcohol, or cash checks” (Atkinson, 2007, p. 272). Supporters certainly believe that voting, the *sine qua non* of democracy, is worthy of as much security as drinking laws. The scholar also notes the ubiquity of photo identifications and how requiring this material “is not a new concept” (Atkinson, 2007, p. 272).

Protect the Sanctity of Democracy

When proponents of photo identification laws make their case, they contend that voter fraud is real and photo identifications are widely available. While these arguments are certainly powerful to deploy in policy debates, supporters also make an equally powerful appeal regarding the larger context of elections. Considering our nation’s firmly held values of democracy and how seriously we take the elections of leaders, advocates are eager to highlight the importance of accurate and genuinely representative elections. Without question, elections have consequences that often reverberate from the legislature, to the executive’s signing desk, to the real lives of ordinary Americans. For this reason, supporters believe that the integrity of elections must be protected and defended from threats of fraud and voter impersonation. One political scientist explains that “vote dilution” can come from “ballots cast unlawfully, especially by people who

are not qualified to vote,” whether they are felons, aliens, or simply at the wrong polling place (Ansolabehere, 2007). He proceeds to theorize, “Identification seems a reasonable requirement for ensuring that only those who are qualified are allowed to vote and that people do not vote in the wrong place, and thus in the wrong elections” (Ansolabehere, 2007). This sheds light on the argument that photo identification can help protect the integrity and sanctity of democracy.

According to an article published by the *Harvard Law & Policy Review*, “The debate over voter ID laws is highly partisan... many Republicans raise the issue of voter fraud and ‘ballot integrity’” (de Alth, 2009, p. 187). The article also notes how difficult fraud is to uncover, thus putting the integrity of voting at stake. “Quantifying voter fraud has proven at best imprecise and at worst impossible given existing data” (de Alth, 2009, p. 188). Despite the challenging nature of measuring the threat to voting integrity, the Commission on Federal Election Reform conducted a thorough report confirming that election fraud occurs. When the Department of Justice decided to take up the cause of voting integrity between October 2002 and September 2005, 180 fraud investigations were conducted, resulting in 52 convictions (de Alth, 2009, p. 188). But regardless of the precise number of convictions or cases of voter fraud, the perception of widespread fraud seems to carry more weight among the public. Interestingly, the belief that voter fraud is rampant, whether it is justified or not, has been used as a sufficient reason to enact photo identification laws. Using the mantle of democratic integrity to advance photo identification laws is very persuasive in a country that regards free and fair elections as its highest ideal. In high profile cases regarding the constitutionality of photo identification laws, lawyers have defended these laws simply on the basis that they promote a perception of security and trust in the electoral process. Pertaining to one case, “the state respondents’ brief was most emphatic in its advocacy of a state interest in restoring confidence in elections” (Ansolabehere & Persily, 2008, p. 1741). In other words, whether specific instances of fraud can be documented is not of primary concern to these attorneys. Instead, their position is that states have an interest in

“restoring confidence” for the basic reason that “opportunities for abuse exist” (Ansolabehere & Persily, 2008, p. 1741). Interestingly, in developing this argument, the statistics that matter are not about cases of voter fraud, but rather perceptions of voter fraud.

The sanctity and integrity of voting are very important to the American public because these concepts are so integral to our national identity. However, it obviously appears that one side in the debate over photo identification laws has effectively capitalized on these ideas. After all, the argument for photo identification laws seems to have an elegant rationale to it. Supporters underscore that a strong majority of voters have photo identification. Requiring this item at polling stations is a proactive way to safeguard against voter fraud. It is widely agreed upon that voter fraud erodes the public trust in voting and therefore undermines the integrity of our democracy. Therefore, from their view, the government has a compelling interest in protecting the integrity and sanctity of the ballot box.

In summary, three main lines of argument are used to support the overall rationale that photo identification laws should be implemented: 1) photo identification laws discourage voter fraud; 2) photo identifications are a necessity in modern society; and 3) photo identification laws protect the sanctity of democracy. Although a wide swath of Americans shares these beliefs, a principled opposition remains with concerns that must be considered. The next step in this study is to apply the same level of analysis to opponents of photo identification laws. Once the three lines of argument are identified for both sides of this debate, conclusions can be drawn about whether they utilize logical or emotional appeals.

Chapter 3

Rhetoric in Opposition to Photo ID Laws

Voter Fraud is Overstated

While chapter one provided the scholarly foundation for drawing conclusions about logical and emotional appeals, chapter two started the analysis of prominent arguments in the debate over photo identification laws. After discerning the three most visible lines of argument among supporters, three opposing views should be pointed out. Once different aspects of both sides have been comprehensively identified, knowledge about logical and emotional appeals can be applied. Understanding the underlying arguments that fuel supporters and opponents will allow this study to understand whether they are rooted in logic or emotion.

Just as three main lines of argument in favor of photo identification laws are very conspicuous, three recurring themes in opposition to these laws are also unmistakably apparent. Academic writings composing the skeptical side of this debate present arguments that directly and forcefully counter the beliefs of supporters. For example, while supporters assert that voter fraud is an insidious problem threatening the franchise, opponents reject the notion that voter fraud is a concern at all. Moreover, while supporters argue that photo identification is widely available and necessary in the twenty-first century, opponents maintain that requiring photo identification to vote establishes a costly burden on millions of Americans. Additionally, while supporters contend that photo identification laws will preserve the integrity of democracy, opponents argue that these laws are a way to reshape the electoral landscape and sway outcomes toward Republican candidates.

Perhaps the most often cited line of argument by opponents of photo identification laws is that voter fraud is overstated. What makes this debate notable in comparison to other debates about public policy is that neither side seems to agree on whether a problem exists at all. This accounts for why opponents do not offer an alternate solution for redressing the influence of voter fraud. Since this criminal phenomenon is not substantial in their eyes, opponents consider the issue to be moot. One professor who studies the photo identification law debate writes that many allegations of voter fraud are “based upon rumor, half-truths, and innuendos that fail the test of any valid social science study” (Schultz, 2008, p. 18). He laments that several court cases have upheld state voter identification laws on the basis of what he deems to be shaky evidentiary support. The professor offers his final analysis that the “case for voter fraud... is largely built on hype and the type of hearsay that should not be permitted in court” (Schultz, 2008, p. 66).

Justin Levitt, a counsel at the Brennan Center for Justice, finds himself losing patience with persistent worries over voter fraud and election irregularities. He believes that lumping all the mishaps of our electoral system under the umbrella term “voter fraud” does a disservice to the rare cases of voter fraud that actually exist. Levitt warns the press against hyping stories of voter fraud, discourages election officials from conflating terms, and most of all, wants the democratic process to stop turning into the boy who cried wolf. Levitt very clearly and succinctly defines voter fraud as simply being “fraud by voters” (Levitt, 2007, p. 4). In other words, fraud occurs when people vote even though they are knowingly ineligible to do so. Thus, their efforts seek to defraud the democratic process. Levitt finds that legitimate cases of voter fraud, as previously defined, are extremely unusual. He asserts, “Photo ID laws are effective *only* in preventing individuals from impersonating others at the polls—an occurrence more rare than getting struck by lightning” (Levitt, 2007, p. 6). Levitt accuses photo identification law advocates of dishonestly inflating voter fraud perceptions to the detriment of other reforms that are more urgent.

Lorraine Minnite, a political science professor at Columbia University, pulls no punches in her article that seeks to debunk what she considers the myth of voter fraud. In fact, Minnite considers the notion of rampant voter fraud to be a fraud itself. In discussing the role of fraud in our electoral system, Minnite contrasts scant evidence of fraud with the alarming rhetoric of Republican politicians. She excoriates a 2005 report issued by the U.S. Senate Republican Policy Committee that purports, “Voter fraud continues to plague our nation’s federal elections, diluting and canceling out the lawful votes of the vast majority of Americans” (Minnite, 2007, p. 8). Minnite considers this to be hyperbolic rhetoric that is not supported by a shred of evidence. She believes this excerpt and arguments similar to it confirm ordinary citizens’ suspicions of voter fraud instead of challenging these misguided perceptions with facts. Minnite insists, “Partisans use the threat of voter fraud as an intimidation tactic... the public is being manipulated about the problem of voter fraud” (Minnite, 2007, p. 36).

Photo IDs are a Costly Burden

Critics of photo identification laws also note their real concern about adding a new cost to the franchise. Many worry about the potential for these laws to turn honest voters away for no reason other than the fact that they lack photo identification. They argue that imposing an additional burden on voting is bound to suppress turnout. Requiring citizens to bring specific materials in order to cast a ballot could very well result in a significant amount of Americans being denied access to the polls. This notion troubles opponents of photo identification laws and has proven to be a sticking point in the debate. Opponents contend that policymakers should redirect their energy on laws making voting easier and less of a hassle. Theoretically, in their view, more costs on the right to vote means fewer voters. On the other hand, rolling back the burdens on voting should translate into more voters and an electorate that is representative of the

citizenry. For these reasons, opponents assert that photo identification laws are the wrong priority for decision makers in government.

Political scientists have studied this line of argument about adding costs to voting. In some cases, their findings have supported and confirmed the fears opponents frequently articulate. “Logically,” they explain, “requiring stricter forms of identification has the potential to reduce turnout, at least initially” (Anderson & Vercellotti, 2009, p. 119). The researchers suggest that with the enactment of new voting costs, a learning curve will become evident and regrettably cause uninformed citizens to encounter issues on election day. Due to the learning curve, a segment of otherwise qualified voters may not yet be aware of new voting requirements. Moreover, there may be citizens who are educated about state photo identification mandates but are still unable to retrieve this material. The political scientists lament, “There will be legitimate voters who are unaware of the new law and fail to bring the newly required identification, as well as those who may be aware yet fail to obtain the necessary documentation” (Anderson & Vercellotti, 2009, p. 119). Ideally, the laws that are best executed will maximize the amount of legitimate voters and minimize the number fraudulent voters in elections. However, even a temporary learning curve regarding new voting costs gives skeptics a reason to speak out.

In the lead-up to the 2008 presidential election, the debate over photo identification laws was heating up. The debate attracted headlines that year due to the Supreme Court case *Crawford vs. Marion County Election Board*. In this case, lawyers challenged the constitutionality of photo identification laws. One of the main arguments used was that these laws placed a frivolous burden on the right to vote. Ultimately, six of the nine Supreme Court Justices upheld the constitutionality of photo identification mandates. However, Justices Ruth Bader Ginsburg and David Souter penned blistering dissents that may be used as an argumentative blueprint for future challenges to the laws. Instead of placing the burden of proof on citizens seeking to exercise their right to vote, Justices Ginsburg and Souter asserted that the states carry the burden

of proving that fraud is rampant in the first place. In other words, they maintain that the burden of proof is misplaced in challenging honest voters instead of lawmakers. Calling photo identification laws irrelevant and unreasonable, the dissent held that “voting as a fundamental right was overly burdened by ID requirements, especially for minorities and the poor” (Sobel, 2009, p. 81). Moreover, they found that the potential costs in time, travel, and work “for obtaining a government ID for those who lacked one previously, and who were least likely to afford the expense, constituted an unconstitutional burden” (Sobel, 2009, p. 81). Although a majority of justices were not persuaded of this opinion, the Court left the door open to revisiting these laws if they proved to be overly burdensome.

Photo ID Laws Favor Republicans

Many who oppose photo identification laws believe that the genuine motivation for these laws is political. They accuse advocates of promoting these mandates to disadvantage classes of voters that predominantly vote for Democratic candidates. In other words, they view the push for photo identification laws as a thinly veiled attempt at reshaping the electorate. Although this belief may strike others as being cynical, it is frequently cited by opponents as a legitimate grievance in this ongoing debate. Opponents consider their cynicism to be realism and believe that Republicans are willing to manipulate election laws to win elections. Political developments in Pennsylvania in 2012 especially fueled critics’ accusations of political trickery. With a hotly contested presidential election looming months away, Republican Governor Tom Corbett signed a photo identification law into effect “just hours after it passed on a party-line vote in the newly Republican state legislature” (Blake, 2012). The fact that Democratic lawmakers did not support this legislation while their Republican colleagues could not pass it fast enough sheds important light on this debate. Perhaps most tellingly, House Majority Leader Mike Turzai had a Freudian slip or moment of candor when he publicly commented on the new Pennsylvania law. Speaking

to a Republican Party gathering days after the new law was signed, Turzai declared: “Voter ID, which is going to allow Governor Romney to win the state of Pennsylvania: done” (Blake, 2012). Critics of photo identification laws pounced on this statement as a sign that the veneer of voter fraud was cracking. To them, this pronouncement exposed what they suspected was the motivation of photo identification laws all along: partisan political benefit.

Critics believe that photo identification laws disproportionately affect certain demographics, such as low-income and minority voters. They also maintain that these constituencies tend to vote more for Democratic candidates than Republican candidates. This logic serves as the basis for their concern that photo identification laws deliberately exclude certain segments of the voting population that not coincidentally tend to vote for Democratic candidates. Some political science research appears to bolster these contentions and demonstrate that these concerns may hold a degree of merit. According to one academic report, researchers found compelling evidence that requiring photo identification “significantly reduces the opportunity to vote for minority, low-income, less-educated, and the youngest and oldest residents... who also tend to be correlated with Democratic partisanship” (Barreto, Nuño, & Sanchez, 2009, p. 114). This finding seems to directly confirm a main line of argument often employed by opponents of photo identification laws. But does making it harder for certain constituencies to vote actually translate into changed election outcomes? On this question, the researchers’ findings were not as obvious as critics might expect. In Indiana, the state they studied, registered voters who had proper identification credentials were more likely to identify as Republican than Democrat by a margin of only 4.5 percent. This slight difference does not seem to be nearly as stark as opponents seem to suggest. However, the researchers note that a difference even this small has the potential to sway very close state elections (Barreto, Nuño, & Sanchez, 2009, p. 114).

While critics of photo identification laws maintain that even a small partisan gap in eligible voters is too large, they also begrudge the partisan nature of decision makers who advance these laws. They point to the trend of Republicans seizing control of state legislatures and passing photo identification laws as evidence that partisanship is a motivating factor. As an article in *The Policy Studies Journal* conveys, “Republican Party control of state government... [has] contributed to more stringent methods of voter identification since 2000” (Hale & McNeal, 2010, p. 298). Since one party has demonstrated a willingness to tenaciously pursue this issue, opponents insist this speaks volumes about the politicization of election reform. The article concludes, “Republican Party control... encouraged greater deviation from federal minimum identification requirements toward more restrictive practices” (Hale & McNeal, 2010, p. 298). Considering the history, opponents believe this one-sided strategy is not a coincidence.

Opponents also contend that photo identification laws are designed to favor Republican candidates due to the selective forms of identification they deem permissible. For example, in May of 2011, Texas state legislators approved eliminating college student identification cards as an acceptable form of identification. Interestingly, they approved concealed-carry permits of gun owners as a permissible form of identification (Rosenthal, 2011). Since younger and higher educated voters lean Democratic and gun owners lean Republican, cherry picking which forms of identification are acceptable raises questions about partisan motivations. In Wisconsin, state legislators stipulated that student identification may only be accepted if it includes an address (Rosenthal, 2011). But citizens and activists at local levels have raised serious objections about this tactic. Matthew Segal, a participant in an advocacy for young Americans, shared, “I’ve actually never seen a case where student ID does have an address.” Elizabeth MacNamara, the leader of a women’s interest group, asserted, “These laws are confusing, time-consuming, and cost prohibitive for many citizens, including some who have been exercising their legal right to vote for decades.”

This chapter has delineated three key arguments that serve as the rationale for opposing photo identification laws: 1) the pervasiveness of voter fraud is overstated; 2) photo identification laws institute a costly burden on voters; and 3) photo identification laws inherently favor the Republican Party. With supporters' and opponents' main lines of argument understood, knowledge about logical and emotional appeals can be applied. The theoretical findings conveyed in chapter one will underpin rhetorical characterizations about arguments on both sides of the debate. This approach will be comprehensive by studying the logical and emotional effectiveness of specific points rather than broad positions.

Chapter 4

Distinguishing Hyperbole From Honesty

Cases of Logic and Emotion

Chapter one provided the foundational basis for understanding the roles logical and emotional arguments play in persuasion. As scholars underscore, these rhetorical tools are very powerful and can actually work together to move an audience. Chapters two and three unpacked positions for and against photo identification laws by describing three prominent arguments for and against this initiative. Now the rhetorical theories of chapter one can be applied to the individual arguments explained in chapters two and three. This leads to a comprehensive analysis of the debate that reaches findings about logical and emotional appeals on a nuanced basis. This chapter will also convey the results of a quantitative study that shows whether photo identification laws correlated with lower state voting rates in the 2012 presidential election.

As discussed earlier, logical and emotional appeals interact in the development of political arguments. Lawmakers rely on these characteristics to persuade audiences of their policy objectives. When competing perspectives regarding photo identification laws are analyzed, it becomes clear that logic and emotion play important roles in framing the debate. In a polarized debate such as this, at times, the intensity of passion can cloud the logic of rational judgment. But after closely observing the rhetoric of this political exchange, three salient lines of argument are used among proponents of photo identification laws. First, they argue that such laws discourage voter fraud. Second, they contend that photo identification is a necessity in the twenty-first century. Third, supporters assert that this election mandate upholds and protects the sanctity of American democracy. While there are many more nuanced views held by supporters,

these three contentions appear to be the most ubiquitous. Among opponents of photo identification laws, there are three main lines of argument with one major overarching argument. First, critics believe the problem of voter fraud is grossly overstated. Second, they argue that photo identification laws impose a costly burden on voters who lack this material. Third, skeptics contend that these laws inherently favor Republican candidates because they will discourage or bar an inordinate amount of Democratic citizens from voting. These three arguments fit under opponents' overarching position that photo identification laws discriminate against African Americans and other minorities that vote overwhelmingly for Democratic candidates. Considering all of the different points proponents and opponents use to support their policy positions, certain arguments stand out as being rooted in logic while others seem to rely more on emotional reasoning.

Among those who advocate for photo identification laws, the belief that voter fraud is a major problem may be overstated. When supporters discuss voter fraud, they usually point to anecdotal evidence in local elections and caution that this could be magnified to a broader scale in general elections. What they lack in evidence they make up for in fear about hypothetical situations. Supporters concede that uncovering evidence of voter fraud is difficult due to its surreptitious nature. However, if voter fraud is such an insidious scourge, there ought to be more hard proof demonstrating this is the case. If photo identification laws are genuinely an attempt to crack down on fraudulent voters, then it behooves supporters to present more persuasive evidence that significant changes to election law are justified. A "fear of the unknown" mentality should not compensate for a deficit of undisputable evidence. Solely using the emotion of fear to guide public policy decisions would set a regrettable precedent.

Supporters who argue that photo identification is practically a necessity in the modern age seem to have a more logical argument. Considering the technologically savvy world we live in, photo identification is necessary to access a wide array of goods and services. American

adults are expected to have at least one of many forms of photo identification, whether issued by a government or private entity. The idea that some adults get by without this essential item confounds a majority of Americans. This notion may very well explain why public opinion is so strongly in favor of adopting photo identification laws (“Broad Support for Photo ID Voting Requirements,” 2012). Carrying photo identification is not seen as an undue burden for many Americans, but rather a way of life. To them, requiring citizens to present this item before voting seems like a practical and commonsense approach to protecting democracy. Supporters logically convey the reality that photo identifications are commonly owned and can be obtained inexpensively or for free (Waddell, 2014). While it is logical to conclude that a majority of Americans own photo identification, this view does not acknowledge the statistical discrepancies between demographics. For example, according to a report by the Brennan Center for Justice, approximately one quarter of African American voters lack photo identification. This is significantly higher than the roughly 8 percent of Caucasian voters who can say the same (Owen & Selby, 2012). Most Americans likely support photo identification laws because most Americans own this item. While it is logical to contend that a majority of Americans already have this material, this view disregards the reality that minorities are more likely to not have photo identification.

Believing that photo identification laws protect the sanctity of democracy seems to be a matter of personal feeling. Some Americans may think these laws uphold the integrity of the ballot box simply because it makes them *feel* that way. The idea that Americans are required to confirm their physical identity may reassure citizens that only legitimate voters have access to the polls. However, this stance seems to be rooted less in evidence and more in emotion. For example, there may be other Americans who think photo identification laws disenfranchise voters, and therefore, undermines representative democracy. When arguments are based on emotion, it is exceedingly difficult to assess which position is more objectively accurate. Both

perspectives agree that voting is a sacred act and fundamental to the ideals of the United States. But whether people *feel* that photo identification laws protect the franchise seems to be a personal emotion.

Opponents of photo identification laws contend that voter fraud is overstated by pointing to a lack of evidence demonstrating otherwise. They rely on statistics conveying that a relatively miniscule number of votes have been proven to be fraudulent. Critics maintain that the number of fraudulent voters is far outweighed by the potential number of citizens who could be turned away at the polls for lacking photo identification. In this case, hard evidence appears to support skeptics' belief that supporters may overstate the magnitude of voter fraud. Statistics do not seem to suggest that voter fraud is jeopardizing the legitimacy of state or national elections on a broad scale. While supporters would argue that undetected cases of voter fraud could tell a different story, the available evidence bolsters opponents' claims that voter fraud rarely occurs. Therefore, this argument seems to be logically sound.

Opponents of photo identification laws frequently argue that requiring photo identification imposes a costly burden on low-income voters and those who are easily discouraged from voting. Skeptics contend that although most Americans already have photo identification, there remains a segment of the electorate that does not have the wherewithal to obtain this item. Opponents maintain that it is wrong-headed to impose new restrictions on demographics that lack financial resources to meet new voting criteria. Precisely what does it cost to obtain government-issued identification in the seventeen states with photo identification laws? According to the Government Accountability Office, 16 of these 17 states "offer a free alternative to driver's licenses or state IDs for residents" (Waddell, 2014). In other words, while a fee may be attached to obtaining a driver's license or non-driver form of identification, an overwhelming majority of these states offer free identification for voting. Of the states studied, only Florida did not offer voters identification for free, and would charge voters at least \$25 to

receive photo identification (Waddell, 2014). Therefore, the assertion that these laws carry a high burden of cost seems to be an example of passion distorting reason. However, just because photo identification may be “free” does not mean there are no hidden costs. For example, “residents must prove their identity and usually have to pay to obtain a separate identification document” (Waddell, 2014). While concerns about cost may be more rooted in emotion, there remains logical validity in the belief that “free” does not necessarily mean “no cost whatsoever.”

Critics also assert that due to the potential for disenfranchisement of certain groups, Republican candidates are more likely to be advantaged by photo identification laws. Nate Silver, a political statistician for the *New York Times*, has conveyed that nearly every day, he is asked to measure the political effects of photo identification laws. “These concerns are perfectly logical,” Silver writes, “although it is also possible to exaggerate the effects that these laws might have” (Silver, 2012). He established a formula that converts potential voter turnout changes to potential changes in the vote share. Silver contends that the largest change in voter turnout would be in Pennsylvania, because this state rapidly went from having no photo identification law to a strictly enforced one. He estimates that this law caused a 2.4% decrease in voter participation, resulting in a 1.2% net swing in favor of the Republican candidate (Silver, 2012). While Silver estimated an identical impact for Kansas, other states he measured only had a Republican net swing by tenths of one percent. Although Silver finds a small political benefit for Republicans, he also finds that its magnitude has been exaggerated and become a “rallying cry” for Democrats. Since the political benefit for Republicans is relatively minor, hyping this advantage seems to be based on emotion. To mitigate this potential benefit, Silver recommends a logical approach that entails having campaigns educate voters about identification requirements.

Testing the Suppression Hypothesis

Although state voter identification laws are a relatively new phenomenon, some states have had these laws in effect for several years. While many political analysts speculate about the effects these laws have on the electorate, some election data is available to be studied. To comprehensively understand the influence of photo identification laws on voting, I will not only quantitatively study this issue but also compare its effects to other voting costs. As I began my research, I first organized states according to their specific voting costs. Next, I calculated the average voter turnout rates, difference in means, and p-values of states with and without certain voting costs. My guiding research question was: Do state voting laws meaningfully and significantly reduce or increase the cost of voting? Instead of limiting my research to strictly the influence of photo identification laws, I wanted to expand my scope to provide context for a comparative analysis.

I gathered my different types of data from a variety of sources. I received information on 2012 state voter turnout rates from the U.S. Census Bureau. To track the number of days before an election voters must be registered to vote, I accessed data from the U.S. Government via www.USA.gov. To acquire information on which states have early in-person voting and no-excuse absentee voting, I used data from the U.S. Elections Project. Finally, I accessed a list of which states presently have photo identification laws in effect through the Pew Charitable Trust. In separate columns, I listed the states, the corresponding percent that voted, and the registration deadline in days before the election. States with same-day registration were entered as “0.” In adjacent columns, I entered “0” for “no” and “1” for “yes” with regard to whether states had early in-person voting, no-excuse absentee voting, or photo identification mandates. Figure #1 is a scatterplot portraying the relationship between days before election registration is required and voter turnout percentages:

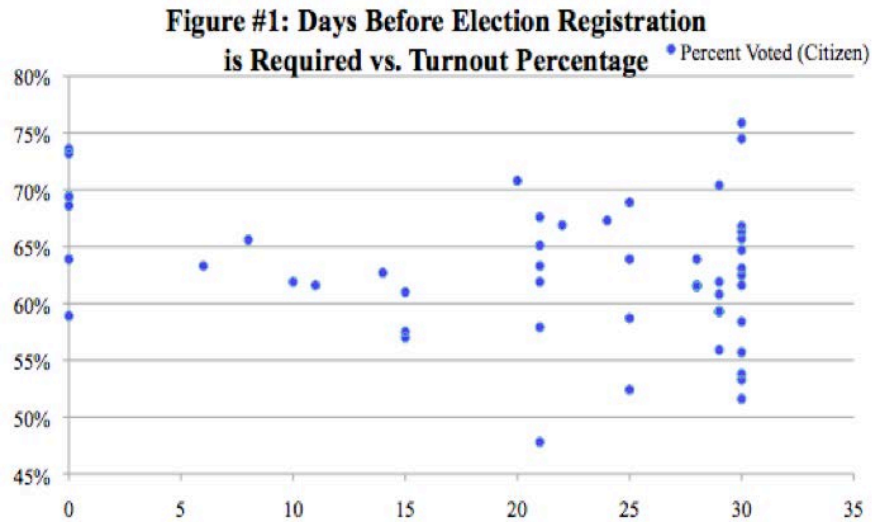


Figure 1. Influence of Registration Deadlines on Voter Turnout

I also sought to determine the relationship between state voter turnout rates with and without three other voting costs, namely early in-person voting, photo identification laws, and no-excuse absentee ballots. First, I calculated the average voter turnout for states with these voting costs, and then the average voter turnout for states without these voting costs. Subsequently, I calculated the difference in means by simply subtracting the average turnout with voting costs from the average turnout without voting costs. Finally, I calculated the corresponding p-values for each of the three voting costs by conducting two-sample t-tests on Excel. Table #1 conveys the results for each variable:

Table 1. State Turnout Rates With and Without Voting Costs

Table #1: State Turnout Rates With and Without Voting Costs				
	Avg Turnout With	Avg Turnout Without	Diff in Means	P-Value
Early In Person Voting	61.40%	65.70%	4.30%	0.0128
Photo Identification Laws	61.60%	64.70%	3.10%	0.07
No Excuse Absentee Ballots	62.20%	64%	1.80%	0.31

Interpretation of Results

First, I will concentrate on the results directly concerning photo identification laws. According to Table #1, the 30 states that required photo identification to vote in 2012 reported an

average voter turnout rate of 61.6%. The remaining states (and District of Columbia) that did not have this mandate reported a slightly higher average voter turnout rate of 64.7%. This represents a difference in means of 3.1%. However, the corresponding p-value of 0.07 is greater than the 0.05 standard for significance. Therefore, the difference in means is not statistically significant and the null hypothesis that there is no relationship between the variables cannot be ruled out. This finding indicates that although voter turnout was a little higher in states without photo identification laws, the difference was insignificant. Since my research is unable to confirm a correlation between this voting cost and voter turnout, it does not support the widely accepted hypothesis that photo identification laws suppress voting.

Figure #1 displays the relationship between days before an election registration is required to vote (X) and state turnout rates (Y). The correlation coefficient for these variables is -0.274 , indicating a slightly negative relationship. In other words, a shorter registration time appears to slightly discourage voter turnout. With regard to the other variables studied in Table #1, early in-person voting appears to actually lessen voter turnout. Average voter turnout was 4.3% higher in states *without* early in-person voting than in states with this measure. Since the p-value was well below 0.05, we can say with confidence that early in-person voting does not meaningfully and significantly reduce voting costs. Also of note, the average voter turnout in states with no-excuse absentee voting was actually 1.8% *lower* than in states without this measure. However, since the corresponding p-value stood at 0.31, this finding was not statistically significant. Therefore, the data do not show that no-excuse absentee ballots meaningfully and significantly reduce voting costs.

Of the four voting costs I studied, my only statistically significant finding was the difference in means for early in-person voting. Interestingly, average voter turnout was higher in states without early in-person voting than in states with this measure. Moreover, my research does not support the notion that photo identification laws significantly impede voter turnout.

Because the difference in means between turnout in states with these laws and states without these laws was insignificant, the null hypothesis could not be ruled out. Thus, in the 2012 elections, photo identification laws did not meaningfully and significantly increase voting costs.

This chapter applied knowledge about logical and emotional appeals to three main lines of argument for and against photo identification laws. This analysis strived to refrain from painting either position with a broad brush. Unpacking each line of argument led to a comprehensive study of whether individual justifications relied more heavily on logic or emotion. A statistical analysis conducted of the 2012 presidential election demonstrates that photo identification laws were not correlated with lower state voting rates. This study contributed quantitative insight that can be used to assess the widely held belief that photo identification laws may discourage voting.

Conclusion

This thesis has sought to accomplish three main tasks: 1) lay a foundation of scholarly research pertaining to the roles of logical and emotional appeals in persuasion; 2) delineate three main lines of argument each for supporters and opponents of photo identification laws; and 3) assess which arguments are indicative of logical or emotional appeals. These tasks were pursued with the goal of establishing clarity on the nature of this salient political debate. Issues invoking voter fraud, civil rights, democratic integrity, and minority concerns are far too important to be obfuscated by disingenuous portrayals. This thesis hopes to fairly represent and characterize both sides of the debate regarding photo identification laws in an effort to better equip citizens and decision makers alike.

As conveyed in chapter one, scholars have found that logic and emotion are not always diametrically opposed. Rather, these appeals are not mutually exclusive and can actually supplement one another. Academic research has underscored the power of emotional reasoning and how, oftentimes, emotion is fueled by logic. After all, human beings are creatures that assign meaning based on feelings and personal preferences. Without any consideration of emotion or passion, humans would be relegated to mere robots that simply process facts. In many cases, emotion is what compels humans to act and solidify a viewpoint, especially on a contentious political issue. Therefore, it should come as little surprise that both sides of this debate have incorporated emotional appeals into the justifications for their overall positions.

Chapters two and three described and studied three main lines of argument used by supporters and opponents of photo identification laws. The primary contentions held by advocates are: 1) photo identification laws discourage voter fraud; 2) photo identifications are a

necessity in modern society; and 3) photo identification laws protect the sanctity of democracy. Common arguments held by opponents include: 1) the pervasiveness of voter fraud is overstated; 2) photo identifications are a costly burden on voters; and 3) photo identification laws inherently favor the Republican Party. Due to the nuanced nature of these positions, assessments about their logical and emotional appeals in chapter four were similarly nuanced. Neither side seemed to indicate a monopoly on logic or emotion in their supporting arguments. However, a quantitative analysis of state voter turnout in the 2012 presidential election did not support the hypothesis that photo identification laws suppress voting rates. This research provides objective context when assessing the appeals of some arguments. While this thesis by no means expects to resolve this highly contentious political debate, it seeks to provide clarity regarding its nature, the main contentions held by each side, and which appeals are based on logic and emotion.

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Academic Vita
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EDUCATION: **The Pennsylvania State University** University Park, PA
The Schreyer Honors College Class of 2015
 Bachelor of Arts- Communication Arts and Sciences
The College of the Liberal Arts
 Bachelor of Arts- Political Science

LEADERSHIP: **PSN News** Penn State
Weekend Update Anchor 2014-2015

- Delivered the news on camera on a bi-weekly basis
- Created original content regarding salient local, state, and national events
- Helped increase and publicize the online presence of PSN News

Harvard National Model United Nations Club Wayne, PA
President 2013

- Prepared/led monthly club meetings leading up to conference
- Organized the group budget and oversaw logistics planning
- Recruited new members and spread awareness about the club

Student Government Wayne, PA
Class Secretary 2013

- Organized a successful homecoming fundraiser, planned a class talent show, secured an upgrade in campus technology, actively participated in all meetings

Take Action for Tobacco-Free Youth Honesdale, PA
Event Coordinator 2010-2011

- Planned Great American Smokeout events, educated elementary students about tobacco, developed a presentation with the American Lung Association

National Forensics League Hancock, NY
Member 2009-2010

- Competed in public speech tournaments, sharpened oratorical skills

EXPERIENCE: **The Office of U.S. Senator Patrick Toomey** Scranton, PA
Intern 2013

- Answered constituent inquiries on policy issues, informed seniors of benefits available to them at expos, wrote memos for Senator Toomey

The Office of the University Registrar Penn State
Transcripts Assistant 2014-2015

- Conducted record research and prepared transcripts for mailing daily

HONORS:

- Communication Arts and Sciences Student Marshal (2015)
- Phi Kappa Phi Honor Society Inductee (2015)
- Harold J. "Pat" O'Brien Award Recipient (2015)
- Superior Achievement Recognition for a 4.0 GPA (2014)
- Pi Sigma Alpha Honor Society Inductee (2014)

- Dean's List each semester (Penn State)