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News Media Framing of Proof of Citizenship Requirements to Register to Vote

by

Ana Kathryn-Anne Henderson

A dissertation submitted in partial satisfaction of the requirements for the degree of
Doctor of Philosophy
in
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Committee in Charge:
Professor Kristin Luker, Chair
Professor Taeku Lee
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Abstract

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Voter eligibility in nearly every jurisdiction in the United States is limited to US citizens age 18 or over. In 1993, federal law established that citizenship and age eligibility are “proven” by an applicant swearing under penalty of perjury that she is citizen age 18 or over. In 2004, Arizona voters approved an initiative requiring documentary proof of citizenship in order to register. Four other states passed similar laws and an additional five states instituted administrative procedures to purge suspected non-citizens from their voter rolls. There is very little evidence of non-citizens voting, and in most of the few cases uncovered, non-citizens without intent to commit fraud. In addition, there is evidence that the laws in Arizona and Kansas prevented more than 50,000 people from registering to vote because their applications lacked proof of citizenship, and that administrative efforts to remove registered non-citizens mistakenly identified US citizens for removal. Nevertheless, the few public opinion polls available show public support for proof of citizenship requirements is high.

This dissertation uses a content analysis of 181 news stories about non-citizen voting or proof of citizenship requirements to identify media frames used in news coverage of these issues. It finds that media coverage about non-citizen voting and proof of citizenship increased substantially after 2008 even though there was no increase in cases of non-citizen voting; this helped to raise visibility of the “problem.” It identifies seven frames in support of proof of citizenship and seven frames in opposition and finds that news stories analyzed were more likely to use supporting frames than opposing frames. In addition, it finds that most stories analyzed employed a “he said/she said” style of reported consisting of repeating truth-claims from advocates for and against proof of citizenship. This style allowed political elites to present their partisan frames directly to the public, usually without interrogation into the factual basis of those claims. Moreover, reporting style had a significant impact on frames presented, with stories that used a “fact-checking” style far more likely to present frames that proof of citizenship was not necessary and would disenfranchise citizens. Finally, the analysis of two examples from the stories of “valence framing” – different but logically equivalent presentations of the same information – demonstrate how media frames can influence public perception.
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Chapter 1: Introduction

In the United States, voting is limited to US citizens all federal elections, all state elections and nearly all local elections. In most states, citizens must register to vote in order to cast a ballot. While there have been many procedures and requirements to register used over the course of US history, since at least 1993, citizenship eligibility was established by swearing, under penalty of perjury, that one was a citizen. However, in the late 2000s and early 2010s, some states started requiring “proof” of citizenship in order to register and vote. One’s sworn statement of citizenship was no longer sufficient; independent verification, through documents or consultation with state or federal officials, was required.

The shift to requiring proof of citizenship was not a response to the discovery of widespread non-citizen voting. On the contrary, there was very little evidence of non-citizens attempting to vote. In addition, requiring proof of citizenship made it harder for citizens to register to vote, in some cases depriving them of their right to vote. Nevertheless, support for proof of citizenship requirements remained high not only among some candidates, elected officials and pundits who advocated for the change in policy but among public, as well. Based on the empirical evidence, public support for proof of citizenship requirements is counterintuitive. The available evidence indicates that the number of non-citizens attempting to register is very small and far outweighed by the number of citizens prevented from registering to vote due to lack of documentation. However, the “facts” may not be the sole or predominant source of influence on public support for proof of citizenship requirements.

This dissertation explores one possible influence on support for proof of citizenship requirements: news media coverage. The mass media can play a significant role in raising public consciousness about and shaping perceptions of and opinions about a given issue. This dissertation presents the results of my examination mass media reporting about non-citizen voting and proof of citizenship requirements. This includes exploration of trends in reporting over time to investigate whether the media’s “agenda-setting function” may have increased public awareness. It also includes the results of my content analysis of a set of 181 news stories to identify the “media frames” utilized when reporting on these issues.

I. History of Voting Access: a Long-Standing Goal of Recognition and Inclusion


2 To use a medical metaphor, if proof of citizenship were a drug treatment, its “side effects” (large number of citizens disenfranchised) would far outweigh its benefits (prevention of a tiny number of non-citizens registering).
Voting in the United States is an important right, not just because, as the U.S. Supreme Court has recognized, it is “preservative of all rights,” but also because access to the vote is an expression of citizenship and a symbol of national membership. Possessing access to the ballot – the right to vote -- validates that an individual is entitled to the full benefit of legal rights and protections as well as public goods and services granted to citizens; it is an indicator of what political theorist Judith Shklar referred to as “citizenship as standing.” However, access to the franchise has been contentious since the country’s founding. Despite its democratic principles, throughout US history, various segments of the population have been denied the right to vote through a variety of means aimed at preserving access to the ballot to a chosen few. Limitations on voting access have followed larger power stratifications, most notably race, sex, and economic status. Because of the important symbolic value of the vote, breaking down barriers has been an important goal for excluded groups and individuals, and these efforts have met with relatively high levels of success. By the early 1920s, for example, barriers to participation by women and those who don’t own land, were largely dismantled and have remained so.

The history of racial barriers to the franchise, however, is more troubling. For African Americans, the history of access to the ballot shows that while one set of barriers were dismantled after the Civil War, new ones cropped up to take their place, effectively re-disenfranchising black citizens. For Mexican Americans, the pattern is similar, with early voting rights protected by the Treaty of Guadalupe Hidalgo, later eroded by many of the same Jim Crow practices that disenfranchised black citizens. For Asian Americans, barriers to the franchise turned both on race-based prohibitions on their naturalization as well as some state constitutional bans on their participation. For American Indians, the complex and convoluted interaction between Tribal, federal and state laws prohibited access to the franchise. Although the precise mechanisms and

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4 JUDITH SHKLAR, AMERICAN CITIZENSHIP: THE QUEST FOR INCLUSION, HARVARD UNIVERSITY PRESS, CAMBRIDGE, (1991). The right to vote was one of two rights Shklar discussed in her formulation of citizenship as standing. She posited that it was not the act of voting, but rather the knowledge that one was eligible and could cast a vote, that was the defining characteristic of the close relationship between voting rights and citizenship. “The deepest impulse for demand the suffrage arises from the recognition that it is the characteristic, the identifying, feature of democratic citizenship in America, not a means to other ends.” Id. at 56.
5 The Constitution apportioned representation in the U.S. House of Representatives in a racially stratified manner, excluding all Indians not taxed and counting the slave (black) population as only three-fifths of its actual size.U.S. CONST. art. I, § 2, cl. 3.
6 See People v. de la Guerra, 40 Cal. 311, 338-9 (1866).
8 See e.g., CA CONST. art. II, § 1 (1879)(noting that only male citizens could vote and included the following limitations on male citizen suffrage “no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money…”)
9 See Jeanette Wolfley, Jim Crow, Indian Style, 16 American Indian L. Rev. 1, 167-202 (1991) at 171-174 (discussing US law, advisory opinions and Supreme Court doctrine indicating that American Indians were not birthright citizens due to their Tribal allegiances, that they were not permitted to naturalize because they were born domestically and were not white, and that only an Act of the federal government could naturalize and grant citizenship to Indians); Elk v. Wilkins, 112 U.S. 94, 109 (1884)(finding that Indian male who had
experiences vary, all these groups shared the experience of being disenfranchised well into the 20th Century, despite the 15th Amendment to the Constitution’s ban on racial discrimination in voting.

While a full recitation of the history of disenfranchisement is beyond the scope of this dissertation, I provide a short summary focusing on the experience of African Americans, to provide some historical context for the larger debate about citizenship eligibility at issue in this dissertation. At the country’s founding, voting was largely limited to free, white, land-owning males over 21 years of age. States established their own eligibility rules, and several limited voting to free white males. In the antebellum period, even states without racial restrictions, such as several states in the North, interpreted election laws to exclude free black men.

Access to the right to vote was a key goal of emancipation, and finally became realized when the Fifteenth Amendment to the Constitution was ratified and prohibited denying the vote on the basis of race. Immediately thereafter, with Federal protection and intensive black mobilization, black registration, participation, and representation skyrocketed to levels not seen since. For example, black male voter registration in southern states surged; estimated registration rates in 1867 range from a low of 75-79% in Arkansas to 95-100% in Alabama, Louisiana, Texas, and Virginia. Black citizens were able to vote, and many black representatives were elected in the South.

However, this period of Southern black enfranchisement was unfortunately short-lived. When the Federal government and Northerners withdrew support for Southern blacks, Southern states felt at liberty to enact laws and policies to restrict black voting rights. These laws were racially neutral on their face, to avoid overtly running afoul of the Fifteenth Amendment, but devised and administered to disenfranchise black citizens. For example, the so-called “grand father clause,” which granted voting rights to those who had voted or the descendants of those who had voted prior to 1861 rested eligibility on a facially neutral, but racially-discriminatory characteristic since only whites could have voted prior to 1861.

New election administration laws were adopted that disenfranchised black citizens. For example, Georgia passed new residency requirements to register to vote, increasing the amount of time that a citizen had to live in a jurisdiction in order to be

abandoned Tribal affiliations was not a citizen of the US so could not register to vote notwithstanding the Fifteenth Amendment); WE THE PEOPLE, http://research.history.org/pf/weThePeople (last visited Nov. 21, 2012) (noting that New Mexico was last to grant suffrage to Native Americans in state elections in 1962).


11 See, e.g., Hobbs v. Fogg, 6 Watts 553, 560 (1837); see also, A. LEON HIGGINBOTHAM, JR., SHADES OF FREEDOM, 170-2 (1996).


13 Id. at 33, Table 2.1. Valelly credits the quick registration, achieved within a matter of months, on Military Reconstruction and its military-appointed registrars charged with registering black citizens, and notes that northern Republicans perceived need to shore up their political power by increasing the number of Republican voters in the South, largely through enfranchising black citizens. Id. at 32-34, 40-41.

14 GUNNAR MYRDAL, AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY (1944) at 480.
eligible to vote.\textsuperscript{15} States adopted “felon disenfranchisement” laws, carefully including crimes believed to be more often committed by blacks and excluding those thought to be more often committed by whites.\textsuperscript{16}

States also instituted citizenship and literacy tests, which were administered by local elections officials often in a discriminatory manner. Unlike today when one can register to vote by mail, or electronically in some states, all voter registration was conducted in person. A citizen had to appear in person before a duly appointed registrar and demonstrate her eligibility to vote. Registrars enjoyed a great deal of discretion in determining eligibility, and black citizens’ applications were regularly rejected.

In addition to legal and administrative obstacles to voting, black citizens were excluded from political participation by extra-legal coercion, including extreme violence. Focus on political control was key to maintaining white dominance in the racial hierarchy. The danger of open access to black voting was particularly worrying to white Southerners because many parts of the South – including some states – were in fact majority black at the turn of the 20th Century. The demographic composition in these areas meant that restricting access to the vote was the only way to maintain control of government and policy decisions, since open voting could easily lead to black voting majorities. In fact, the most serious and often violent resistance to black voting occurred in majority black counties in the South, where whites knew the only way to maintain their complete control of government power structures was to block black access to the franchise.\textsuperscript{17}

Legal and extra-legal means to disenfranchise blacks in the South had severe and quick results, especially after the withdrawal of Federal troops. Within 30 years of the Federal government’s abandonment of reconstruction, blacks in the South were forced out of the political system.\textsuperscript{18} While black electoral participation persisted at first in a few southern states, it declined precipitously in others. For example black participation in the 1880 and 1892 Presidential elections was 55\% in Alabama, but in Florida dropped from 84\% to 14\%, in South Carolina dropped from 77\% to 17\%, and in Mississippi dropped from 45\% to 1\%.\textsuperscript{19} The number of black elected officials decreased systematically after 1876, dropping from a high of 162 black elected office holders in 1876 to only 35 in 1890.\textsuperscript{20} By the early 1900s, the exclusion of black citizens in many areas, mainly in the South and Texas, was nearly complete.\textsuperscript{21}

\textsuperscript{15} Laughlin McDonald, A voting rights odyssey: Black enfranchisement in Georgia. Cambridge University Press, 2003. at 34.
\textsuperscript{16} Note that many of these laws are still on the books today, and due to the overrepresentation of blacks and Latinos arrested and convicted, continue to have a discriminatory impact on voter eligibility.
\textsuperscript{17} McDonald at supra note 15 at 103.
\textsuperscript{18} See Vahelley supra note 12 at 128.
\textsuperscript{19} Id. at 52, Table 3.2.
\textsuperscript{21} For example, Gunnar Myrdal noted the complete disenfranchisement of blacks in the South, as well as the various methods, such as gerrymandered districts, employed in the North to curtail black electoral strength so that it was not a danger to white political power. See GUNNAR MYRDAL, AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY (1944) at 430.
Not surprisingly, citizens of color wanted to vote in elections, and access to voting rights was a key goal of the civil rights movement of the mid 20th century. A principle goal of advocacy leading up to and during the Civil Rights Movement was regaining access to the ballot for citizens of color. In the 1950s and 60s, organizers and volunteers worked throughout the South to try to increase black voter registration. These efforts did not sit well with whites in power, who used every means at their disposal – from threatening to fire black employees if they attended voter registration information sessions to murder – in an attempt to maintain racial exclusivity in voting and office-holding. One pivotal moment in the struggle for voting rights was “Bloody Sunday” -- the March 7, 1965 march for voting rights from Selma to Montgomery, Alabama, and the severe violence local police used to stop the march at the Edmond Pettus Bridge, all captured on film and broadcast to the nation. The broadcast of this event helped sway public opinion to support legislation to achieve black voting rights.

The Voting Rights Act (VRA) was signed into law on August 8, 1965. It has been called the “crown jewel” of civil rights legislation of the 1960s. One reason for this assessment was one of the temporary provisions of the Act: Section 5. Section 5 requires certain jurisdictions to obtain “preclearance” or permission from the federal government prior to instituting any change to voting policy or procedures. Prior to Section 5, as soon as one discriminatory voting procedure was struck down in court, another was adopted to replace it and continue to exclude blacks from voting. As such, advocates were forced to challenge each new policy in court and prove that it was discriminatory, just to find a new policy that would also need to be challenged. Section 5 froze voting procedures in place and made the states prove that any new voting change was not designed to nor would have a discriminatory impact.

The Voting Rights Act has been a powerful tool to open up voting rights to citizens of color. Its provisions have been used to challenge discriminatory practices that denied voting rights to various groups across the country. Its language assistance provisions have provided limited English proficient voters with the opportunity to fully

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22 Access to the vote was seen not only as a goal in itself but also as a potential route to end exclusion from government that led to policies that harmed or ignored communities of color.
23 See MCDONALD supra note 15.
24 For example, the three civil rights volunteers who were murdered in Neshoba County, Mississippi in the summer of 1964 had been working to register local black citizens. The events surrounding their murder were eventually made into and popularized by the feature film “Mississippi Burning.” This is just one example of advocates for black enfranchisement whose work cost them their lives.
25 See Ari Berman, Give Us the Ballot at 4-5.
26 A jurisdiction became “covered” pursuant to the coverage formula laid out in Section 4 of the VRA. Section 4 provided that a jurisdiction that administered elections would be covered by Section 5 requirements if it used a test or device to determine registration eligibility in 1965 and if less than 50% of adults were registered to vote or voted in the 1964 Presidential Election. This resulted in the coverage of Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina and Virginia, as well as some political subdivisions in Arizona, Hawaii, Idaho, and North Carolina. US Department of Justice, The Formula for Coverage Under Section 4 of the Voting Rights Act, available at http://www.justice.gov/crt/section-4-voting-rights-act#formula.
27 The 1975 amendments also included non-English language assistance requirements, allowing the meaningful participation of limited English proficient citizens. See 42 U.S.C. § 1973aa-1a (2006). In addition, the 24th Amendment to the Constitution, in turn, banned poll taxes, eradicating another mode of disenfranchise, U.S. CONST. amend. XXIV.
understand the election process and cast a meaningful ballot. And its Section 5 provisions prevented the initiation of countless discriminatory voting changes. The Voting Rights Act, and federal and private enforcement efforts, helped re-enfranchise citizens of color. In fact, the late 20th Century has been called the “Second Reconstruction” since the VRA and other civil rights laws have again attempted to dismantle racially discriminatory structures and make good on the promise of the 15th Amendment that the right to vote shall not be abridge on the basis of race.28

The 21st Century, however, brought a resurgence in potential challenges to voting access. Voter identification laws appeared in the 2000s, and many perceive them as an attempt to limit voting access. In 2013, the US Supreme Court invalidated the formula used to determine which jurisdictions are covered by Section 5 of the VRA, removing the bar that Section 5 had placed on making voting changes without federal pre-clearance. Several formerly-covered jurisdictions quickly made changes to their voting laws which likely would have been rejected under Section 5.29 Many voting rights proponents view these new developments with a great deal of concern, not only because of the effect they may have to reduce voting rights, but also because of the historical context of racial restrictions in access to the franchise. Proof of citizenship requirements to register to vote, the policy at issue in this dissertation, is often considered part of this potential turn toward tightened access to the franchise.

II. Modern-day preoccupation with citizenship and voting

After the period of expansion of voting rights and access in the last third of the 20th Century, the new Century brought a growing preoccupation with citizenship status and voting access. After 20 years of the National Voter Registration Act30 mandated form, in which applicants “prove” their citizenship and other eligibility through sworn statement under penalty of perjury, some started expressing concern with the sufficiency of that system to prevent non-citizens from registering to vote.

In 2004, a group in Arizona called “Protect Arizona Now” drafted and circulated a proposed voter initiative called the “Arizona Taxpayer and Citizen Protection Act.”

28 See VAELLY supra note 12.
29 For example, North Carolina passed a bill reducing early voting, and Texas passed a very strict voter ID law.
30 Elections are run by the states, most election administration is performed by local (usually county) officials, and nearly all states require citizens to register to vote in order to cast a ballot. While there is some variation in eligibility voter requirements among the states, in particular dealing with the voting rights of formerly incarcerated individuals, there is universal agreement that a voter must be a US citizen age 18 or older in order to register and vote in state or federal elections. That said, the federal government does play a role in elections by prescribing certain standards that must be followed. For example, the National Voter Registration Act (“NVRA”), passed in 1993, sought to increase voter participation by expanding opportunities to register to vote, including requiring state motor vehicle agencies to provide an opportunity to register when citizens obtain drivers licenses, spawning the legislation’s “motor voter law” nickname. Among other things, the NVRA required states to accept and use a federal voter registration form in order to register to vote. This form, which may be completed in person or by mail, requires certain information such as name, address, birthdate.
This was billed as a grassroots attempt to address immigration problems in Arizona, and much of it pertained to restrictions on access to public services by “illegal immigrants.” However, it also mandated photo ID in order to vote in person and included a clause that in order to register to vote, documentary proof of citizenship status must be submitted. After the Prop 200’s passage, and in particular after it survived a Voting Rights Act challenge, other states started considering similar laws as well as other procedures to verify citizenship rather than rely on citizens’ sworn statements of eligibility. As of July 2015, five states had passed laws requiring citizenship verification, and in the years since Prop 200, many other state legislatures have considered similar laws. In addition, several states have instituted administrative procedures to identify registered non-citizens, and Kansas and Arizona have adopted a two-tiered registration and voting procedure.

State laws requiring documentary proof of citizenship in order to register to vote:

Three states have passed, and several others have considered, laws requiring applicants to present documentary proof of citizenship in order to register to vote. These requirements only to new registrants, so voters who are currently registered do not need to prove their citizenship.

The first citizenship verification law was Arizona’s Proposition 200 in 2004. Proposition 200 was a ballot initiative approved by 56% of Arizona voters in the November 2004 election. Proposition 200 revised Arizona election law to require that county registrars reject any application for registration that did not contain or come accompanied with acceptable proof of citizenship. Accepted documents include an Arizona driver’s license issued after 1996, a passport, a birth certificate, or naturalization papers. The US Department of Justice precleared Prop 200, since Arizona was subject

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32 It also required identification in order to cast a ballot, proof of eligibility for non-federal public benefits, and that local officials report suspected undocumented immigrants to federal officials. See ARIZ. REV. STAT. ANN. §16-166(F) (2010) (West) (preempted by Gonzalez v. AZ, 677 F.3d 383 (9th Cir. 2012) (holding that Arizona’s citizenship requirement is a violation of the NVRA since it places additional requirements on voters’ ability to register to vote beyond what the NVRA mandates)).
34 Id. Note that While a citizen could register by mail and provide a copy of a passport or birth certificate, naturalized citizens using their naturalization papers were required to present original documents in person for inspection at their county registrar’s office, and an individual supplying only a naturalization number would not be registered until the number is verified with U.S. Immigration and Customs Enforcement (ICE).
to Section 5 of the Voting Rights Act. Private litigants later sued Arizona to stop enforcement of Prop 200’s voting provisions, challenging them under Voting Rights Act of 1965 and other laws. The VRA claims were unsuccessful. The American Legislative Exchange Council (ALEC) adopted Prop 200’s language as model legislation, making it available to its legislator members from across the country.  

In 2011, the Kansas legislature passed the Kansas Secure and Fair Elections Act (“SAFE”), which required photo identification at the polls starting January 1, 2012 and proof of citizenship to register to vote starting January 1, 2013. Unlike the Arizona law, Kansas does not immediately reject applications that are submitted without proof of citizenship. Rather, Kansas places registration applications without proof of citizenship in “suspense” until required documentation is presented. Citizens in suspense are not registered to vote, but their applications are not rejected either. The Kansas law designates the following as proof of citizenship: a U.S. passport, a birth certificate showing U.S. citizenship, a driver’s license from a state that requires citizenship for licensing, a Bureau of Indian Affairs identification card or number, and naturalization papers or numbers (but numbers must be verified with ICE before an applicant is added to the rolls)

In 2011, Alabama passed HB 56, the “Alabama Taxpayer and Citizen Protection Act.” Like Arizona’s Prop 200, HB 56 dealt with undocumented immigration. It was arguably the strictest state immigration law in the nation; gained international attention for its severity and spawned several lawsuits challenging it. The most onerous immigration-related provisions were eventually abandoned through additional legislation and settlement of lawsuits against the state. However, the law’s voter registration provisions in Section 29 of the Act, which require proof of citizenship to register to vote similar to Kansas’s law, remain intact. While the state did not implement those provisions while litigation was pending against the law as a whole, in December 2014 Alabama

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36 Newly sworn-in Kansas Secretary of State Kris Kobach drafted and introduced the SAFE ACT. In January 2012, Kansas’s Secretary of State asked the legislature to move the implementation date of citizenship verification procedures up to June 1, 2012, so that it would be in effect for what Kansas Secretary of State has called, “the spike in registrations” associated with the 2012 Presidential Election. See John Hanna, Kansas Voter ID Laws: Kris Kobach, Kansas Secretary Of State, Seeks Citizenship Proof, HUFFINGTON POST (Jan. 10, 2012), http://www.huffingtonpost.com/2012/01/10/kansas-voter-id-laws-kris-kobach_n_1198172.html. Legislation to effectuate this request ultimately died in committee. See John Hanna, Kris Kobach, Kansas Secretary Of State, Defends Voter ID Law, HUFFINGTON POST (June 2, 2012), http://www.huffingtonpost.com/2012/06/02/kris-kobach-kansas-voter-id-law_n_1564740.html.

37 See Kansas Election Standards, Subpart D. Processing Applications (Revised on 7/7/14) available at https://www.kssos.org/forms/elections/election_standards/ChapI-VoterRegistration.pdf (“A person who submits an incomplete voter registration application is entered into the database but is not given full registration status until they correct whatever deficiency existed with the application. This type of record is referred to as an Incomplete record and given a status of Suspense”).

38 GOT VOTER ID?, http://www.gotvoterid.com/proofofcitizenship.html#evidence
Secretary of State Jim Bennett indicated that it intended to start enforcement. However, as of June 30, 2015, the Alabama Secretary of State was still accepting voter registration forms without proof of citizenship.

State laws requiring citizenship verification by cross-reference:

Two states adopted laws requiring proof of citizenship through database cross-reference. Rather than require the voter to provide documentary proof with his registration, these states cross-reference applicant information with other state databases to try to determine citizenship status. If questions about citizenship arise, the voter is provided an opportunity to prove her citizenship status. A questioned voter who does not produce sufficient proof will not be permitted to register or remain registered to vote. In 2008, the Georgia legislature passed legislation requiring verification of registrants’ citizenship before they may be added to the voter rolls. Registrants are cross-referenced with the state’s driver’s license database to determine citizenship. If an individual appears as a non-citizen in drivers’ records, her citizenship must be verified, either through documentation or communication with U.S. Immigration and Citizen Enforcement, before her registration may be processed and she may be registered as a voter. Like in Arizona, Alabama, and Kansas, Georgia’s law only applies to new registrants. In 2011, Tennessee legislators passed a statute requiring the state’s voter rolls to be cross-referenced with other state and federal databases to identify potential non-citizens registered to vote. When cross-referencing raises a question about a voter’s citizenship status, county officials must send the voter a notice requiring him to produce proof of citizenship within thirty days or be removed from the voter rolls. Acceptable proof includes a birth certificate, passport, naturalization papers, or other documentation accepted by the Immigration Control and Reform Act of 1986. Unlike Alabama, Arizona, Kansas, and Georgia, Tennessee will apparently not limit citizenship verification to new registrations, but rather will check the citizenship of all registered voters.

State administrative action on citizenship verification:

Rather than pass laws requiring citizenship verification, in 2011 and into 2014, several states pursued administrative actions to check voter rolls for non-citizens and purge registered non-citizens. Similar to Tennessee’s law, officials in these states cross-referenced voter information with other state databases that might indicate citizenship status. In addition, some states requested, and ultimately sued the federal government to

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42 Maintaining voter registration rolls – often called “list maintenance” – is a regular election administration procedure (also subject to NVRA requirements); these states used this avenue rather than new legislation.
procure, access to Department of Homeland Security’s Systematic Alien Verification and Entitlement (SAVE) database\(^ {43}\) to check the citizenship status of registered voters. Registered voters identified as suspected non-citizens were notified of the suspicion and required to present proof of US citizenship or be removed from the voter rolls. Because the process and methodology for reviewing voter rolls to identify non-citizens were not public, there is little information about how they were conducted or what data sources or quality controls were used. Press accounts and limited public statements from officials provide the most of information available about these administrative processes, as described below.

In Spring 2011, Florida officials claimed that cross-referencing driver’s license and voter roll information revealed more than 180,000 non-citizens were registered to vote.\(^ {44}\) That figure was revised to approximately 2,600 potential registered non-citizens.\(^ {45}\) The state sent lists of suspected non-citizen voters to county officials with directions to verify citizenship status or remove them from the voter rolls. However, several county registrars refused to follow the state’s orders, especially after more than five hundred identified “non-citizens” turned out to be citizens.\(^ {46}\) Local election officials who objected to the state’s mandate argued that the processes already in place were keeping non-citizens and other ineligible individuals off voter rolls and that the state’s list was riddled with inaccuracies.\(^ {47}\)

Florida requested access to the federal SAVE database for voter citizenship registration,\(^ {48}\) and sued the United States Department of Homeland Security when access was not provided.\(^ {49}\) Florida argued that federal records would allow it to verify citizenship of voters in question.\(^ {50}\) In June 2012, the federal government granted Florida officials access to the SAVE database. After Florida cross-referenced the 2,625 suspected

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\(^ {43}\) The SAVE program, is “a web-based service that helps federal, state and local benefit-issuing agencies, institutions, and licensing bureaus determine the immigration status of benefit applicants so only those entitled to benefits receive them.” U.S. CITIZENSHIP AND IMMIGRATION SERVICES, SAVE, http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9a89243c6a7543f6d1a/?vgnextoid=1721c2ec0c7c8110gnVCM100004718190aRCRD&vgnextchannel=1721c2ec0c7c8110gnVCM100004718190aRCRD.


\(^ {46}\) See e.g., Bill Cotterell, “Florida Non-Citizen Voter Purge Postponed: Elections Official,” Reuters.com (3/27/14) available at http://www.reuters.com/article/2014/03/27/us-usa-florida-politics- idUSBREA2Q2DH20140327 ("The number of ineligible individuals on Florida databases is statistically insignificant," he said. "The last thing supervisors need is another partisan-driven event to complicate our lives. The entire process has been driven by partisan politics, rather than voter integrity.").


\(^ {50}\) See Letter from Ken Detzner to Janet Napolitano, supra note 30.
non-citizen voters with the SAVE database, it reported that its “Voter Eligibility Initiative” found 207 non-citizens on state voter rolls. The Secretary of State proclaimed that “The Voter Eligibility Initiative is already proving to be a successful process to identify illegally registered voters on Florida’s voter rolls.” At the end of the process, the initial claim of 180,000 registered non-citizens resulted in the removal of 85 individuals from the voting rolls.

Florida was sued by several groups and eventually the federal government attempting to halt its citizenship purge activities. One private lawsuit alleged that Florida violated the Voting Rights Act of 1965 because it did not obtain preclearance from the federal government for the program, pursuant to Section 5 of the Act. Another private lawsuit alleged that Florida’s actions violated the Section 2 of the Voting Rights Act (prohibiting discrimination in voting) and the National Voter Registration Act alleging the purge discriminated against Latino and black voters. Finally, the United States sued Florida alleging the purge efforts violated the National Voter Registration Act. Although Florida prevailed at the district court level, on April 1, 2014, the Eleventh Circuit Court of Appeals ruled that Florida’s purge efforts were a “systematic effort” to remove voters conducted less than 90 days before an election in violation of the

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52 See id. It is unknown how many voters were erroneously purged, perhaps for not affirmatively proving their citizenship or for not responding to requests for confirmation. However, the state settled a lawsuit challenging the citizenship purges, and agreed to reinstate voters and notify affected voters of their continued eligibility to vote.; see supra note ???.


NRVA. Also in Spring 2014, Florida announced it would put its citizenship verification efforts, now called “Project Integrity,” on hold until the Department of Homeland Security updated its SAVE database.

Colorado also pursued a citizenship verification and purge effort. Like in Florida, the Secretary of State compared voter rolls with motor vehicle records showing individuals who had used documents to obtain driver’s licenses that indicated they were not citizens, such as a U.S. Permanent Resident Card. Colorado officials initially estimated that 11,805 non-citizens might be registered statewide. The state eventually sent letters to 3,903 suspected non-citizens notifying them to withdraw their registration voluntarily or prove their U.S. citizenship. Voters who did not respond would be purged from voter rolls and unable to vote. State officials received 482 responses affirming citizenship, and sixteen voluntary withdrawals of registration.

According to one account, Colorado subsequently cross-referenced 1,416 of the questionable registrants with the Federal SAVE database, which confirmed the U.S. citizenship status of all but 141. In September 2012, the Secretary of State, citing limited time before the election to conduct eligibility hearings of these 141 individuals, stated that the only action he would take against them would provide their names to county election officials for challenging as needed.

A 2013 press account summing up the process reports that Colorado Secretary of State officials later stated that they compared a list of 7,000 suspected non-citizens with the federal SAVE database. Of these, 299 were either flagged as non-citizens or having incomplete information in the database. The Secretary of State sent letters requested verification of citizenship to these 299, and received a response from all but 155. The Secretary of State forwarded the list of 155 who had not responded to the respective

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58 Arcia, 772 F.3d at 1339 (opinion by Circuit Judge Beverly B. Martin, joined by Circuit Judge Adalberto Jordan), superseding 746 F.3d at 1276 (withdrawing a concurring opinion by Judge Jordan).
62 Some have expressed concern that voters were targeted for partisan purposes. Ivan Moreno, Gessler Says 141 Illegally Registered to Vote, AURORA SENTINEL, Sept. 10, 2012, http://www.aurorasentinel.com/news/gessler-says-141-illegally-registered-to-vote. (“In Colorado, the majority of the letters questioning citizenship went to Democrats, 1,566, and independents, 1,794. Gessler’s office said they didn’t look at party affiliation before sending the letters.”)
63 Id.
64 Id.
65 Id.
66 Id.
county officials for prosecution. However, county prosecutors did not prosecute these individuals. Most of them turned out to be citizens, but others were not prosecuted because they were no longer in the country, they had registered by accident, or because the statute of limitations had run.

New Mexico conducted a similar program beginning in 2011. New Mexico’s Secretary of State cross-referenced voter rolls with driver’s license and other records looking for non-citizens registered to vote. She identified 64,000 voter files with “irregularities” and forwarded them to state police for investigation. She later reported that 117 “foreign nationals” had been identified on the voter rolls, and thirty-seven had voted. However, it was unclear whether these individuals in fact not citizens since the Secretary of State refused to release information leading to their identification and because the list of “foreign nationals” she used to identify registered non-citizens also contained citizens.

Iowa’s Secretary of State launched a similar effort in 2012. He instituted special emergency rules to implement a plan to check voter rolls for non-citizens, bypassing the normal rule-making procedure as well as public comment requirements. He claimed that cross-referencing with state transportation records revealed that 3,582 non-citizens were registered to vote. Iowa also sought access to the SAVE database to run further investigation of these registered voters, but before gaining access, an Iowa judge enjoined the state’s plans to question and purge voters on the basis that the emergency rule-making had not been necessary and was therefore improper to forgo normal rule-making procedure. Moreover, the court found that concerns about voter eligibility could be sufficiently addressed by the voter challenge provisions in effect before the special rulemaking.

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69 Id. One county prosecutor interviewed stated it was ironic that the public perception about the claimed problem of non-citizens voting was that it was illegal aliens from Mexico, when in reality the handful of non-citizens found to have voted in any election since 2004 were actually European immigrants. In addition, one county prosecutor refused to prosecute the identified individual because the Secretary of State would not provide sufficient information about how the doubts about their citizenship were determined.
72 Id.
77 Boshart, supra note 57.
The pattern in these state actions was similar: initial claims of large numbers of non-citizens registered to vote initially resulted in very small numbers of individuals being removed from rolls. The end result of these programs was the realization that the existing registration system was doing a very good job at keeping non-citizens off voter rolls. Although state officials touted these programs as successful because they uncovered a small number of non-citizens illegally registered, they can also be understood as evidence of how well the NVRA registration system works: their intensive searching revealed virtually no registered non-citizens.\footnote{Another unfortunate pattern in the purge efforts is that many citizens were threatened with being purged from voter rolls and were forced to prove their citizenship in order to avoid being purged.} In addition, citizens erroneously identified as being non-citizens in these states were threatened with losing their right to vote and forced to overcome additional requirements to prove that they were citizens.

**Dual Registration Systems and Ballot Access:**

In June 2013, the US Supreme Court invalidated Arizona’s requirement that individuals seeking to vote using the federal registration form produce proof of citizenship; that is, it struck Prop 200’s requirement as it pertained to federal registration form.\footnote{Arizona v. Inter Tribal Council of Arizona, Inc., 133 S.Ct. 2247, 186 L.Ed.2d 239 (2013). This opinion had no effect on Arizona’s ability to require proof of citizenship from individuals who applied using the Arizona registration form.} Arizona’s Attorney General had already determined that Arizona could comply with Prop 200 and the NVRA by establishing one registration list for citizens who registered using the federal form without proof of citizenship and another list for citizens who registered using the state or federal form and provided proof of citizenship. Individuals on the federal registration list would only be allowed to cast a ballot in federal election races while individuals on the state registration list would be allowed to vote on federal, state, and local election contests. After the Supreme Court’s opinion, Arizona moved forward with its two-tiered system, and Kansas plans to do the same. Not only is a dual system administratively difficult for election officials and poll workers and costly for counties with limited budgets; it also limits citizen voting access by requiring proof of citizenship to vote a full ballot.

**III. Evidence suggests no problem and disenfranchising effects, but public support remains**

there is very little evidence of non-citizens voting. Florida and Colorado’s administrative actions, noted above, are two examples showing how rare non-citizen voting is. These states were actively searching for registered non-citizens, and initially claiming a significant portion of registered voters were non-citizens, but ended up finding very few on the rolls. Colorado’s claimed 11,805 non-citizens resulted in only 141 remaining under suspicion (out of 3,491,088 registered voters\textsuperscript{81}), New Mexico’s sixty-four thousand irregularities reduced to 117 (out of 1,216,654 registered voters\textsuperscript{82}), and Florida’s original claim of over 180,000 registered non-citizens boiled down to just 207 (out of 11,483,461 registered voters\textsuperscript{83}). Initially large estimates of non-citizen voter registration were winnowed down to a very small fraction of registered voters, meaning the overwhelming majority of those originally identified were erroneously suspected of being non-citizens. Moreover, prosecutions for non-citizen registration and voting are also very rare. For example, an analysis of voting crime records in California between 1994 and 2006 found 161 complaints about non-citizen registration.\textsuperscript{84} Of the 104 cases where state officials determined there was a criminal violation, 101 resulted in no action because the defendant lacked intent to commit fraud, and only two resulted in a criminal conviction or guilty plea.\textsuperscript{85} During this same period, more than seventy-five million votes were cast in California.\textsuperscript{86} Similarly, an investigation of “illegal voting” in the 2004 gubernatorial election in Washington State found only two non-citizens, both university students, voted in the election; out of 2.9 million votes cast.\textsuperscript{87} The vast majority of the 1,678 complained of “illegal votes” were cast by formerly incarcerated individuals without the right to vote; not by non-citizens.\textsuperscript{88}

Moreover, several election cycles have now passed with increased focus on the issue of non-citizen voting, but the increased scrutiny has not revealed more non-citizen voting or increased prosecutions. In addition, attempts in numerous states to identify non-citizens who have registered to vote have identified a miniscule percentage of voters who may not be citizens. For example, in March 2015, Ohio Secretary of State Husted announced that 145 suspected non-citizens had registered to vote and 27 had cast votes in Ohio, based on cross reference with state Bureau of Motor Vehicle records in which
individuals self-report on citizenship status. These individuals’ cases were to be forwarded to the state’s attorney general for further investigation. There were about 7.7 million registered voters in Ohio, so the 27 possible non-citizen voters identified constitute 0.00035% of Ohio voters. Secretary Husted is quoted as stating, “In most cases, we don't believe there is nefarious intent...We're not suggesting it's widespread or that it has any political overtones to it at all. These are just mistakes that occur. Sometimes they're things people do intentionally; sometimes they're completely in error.”

On the other hand, evidence is mounting that laws and administrative actions aimed at ferreting out or preventing non-citizens from voting pose barriers to electoral participation. As noted above, Florida and Colorado erroneously identified citizens as non-citizens and threatened to purge them from voter rolls if they did not produce proof of citizenship. Even for voters who were able to comply and therefore keep their voting rights, the incorrect information led to an additional burden on their exercise of the franchise.

In Arizona and Kansas, individuals who did not produce proof of citizenship were not able to register to vote. In Arizona, registration applications without proof of citizenship were rejected. According to undisputed evidence in litigation challenging Prop 200, more than 30,000 registrations were rejected for lack of documentary proof of citizenship in the first years after its passage; 11,000 of them eventually registered after providing documentation, but the State admitted it had no evidence or reason to believe that the remaining 20,000 were not US citizens. In fact, one of the lead plaintiffs in that challenge was a naturalized citizen who was unable to register to vote because his documentary proof of citizenship was rejected three times.

In Kansas, after the proof of citizenship requirement went into effect on January 1, 2013, the “suspense” list, which contains applicants who had not provided proof of citizenship, started to grow. In August 2014, 18,400 people were on the suspense list, which was about 17% of all new registrants since Kansas’ proof of citizenship law took effect on January 1, 2013.2 On October 31, 2014 – days before the November general election – the number of people on the suspense list due to lack of proof of citizenship was 21,473, down slightly from 23,026 two weeks earlier on the last day of registration.  

90 Jackie Borchardt, “44 non-U.S. citizens illegally cast ballots in recent elections, Jon Husted's office finds,” Cleveland.com (3/12/15) available at http://www.cleveland.com/open/index.ssf/2015/03/44_registered_ohio_voters_ille.html (note that in the title of this article, the reporter erroneously reports that 44 rather than 27 non-citizens cast ballots. I assume that she reached this number by adding the 27 discussed by the Secretary of State with a group of non-citizens he identified in an earlier screening of Ohio voter rolls, but the reporter gives no indication of how she reached her conclusion to increase the number of non-citizens voting. Even if it were 44 voters, it still is only 0.00057% of Ohio’s 7.7 million registered voters).
before the election. In January 2015, the suspense list was more than 25,000 would-be voters long. In August 2015, Secretary Kobach announced his plan to purge all applications on the suspense list for lack of citizenship documentation after 90 days; this would lead to the purge of approximately 30,000 of the 34,000 individuals then on the list. Secretary Kobach expressed little concern, stating that individuals could reapply and that the 90-day period was more generous than Arizona and Georgia, which provide no suspense process.

The dual registration lists in Arizona and Kansas will also reduce voting rights for individuals who register using the federal registration form. While officials in both states say that very few individuals use the federal form, they admit that some do. For the 2014 primary elections, Arizona officials estimated 1,500 would get a federal-only ballot, while Kansas estimated 200 voters would get federal-only ballots.

Although there is little evidence that non-citizen voting is a significant problem and there is growing evidence that proof of citizenship and citizenship verification policies disenfranchise citizens seeking to vote, the few public opinion polls on this issue show high levels of support for it. For example, a 2010 poll in Kansas, taken during the 2010 election season when Secretary of State Kris Kobach was running on a platform including proof of citizenship for voter registration, found 84% of individuals polled supported proof of citizenship for new registrants. At the national level, a March 2013 Rasmussen Poll of likely voters found that 71% supported proof of citizenship requirements to vote while 21% opposed them. A March 2014 Rasmussen Poll found

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94 Jonathan Shorman, “Analysis Dives into Suspended Voter Registration List,” Topeka Capital-Journal (1/26/15). Secretary Kobach testified before the Kansas legislature that a study had found that 1% of the people on the suspense list were non-citizens, but did not provide the study or supporting documentation. A copy of the report, obtained through freedom of information requests, showed was provided by Catherine Engelbrecht, the president of True the Vote, an organization that staunchly supports Voter ID requirements and attempts to find and report incidents of voter fraud. There was no information about the methodology used to identify non-citizens on the list. However, True the Vote encourages volunteers to analyze voter rolls for potentially illegally registered voters by using its National Voter Registry Analysis Tool. See True the Vote Resources Center, available at http://truethevote.org/resources (“Our National Voter Registry Analysis Tool provides citizens with an online method to view their county’s voter registry and take action to report inaccurate or fraudulent records.”)
96 Id.
98 SurveyUSA news poll #17639 (11/4/10) available at http://www.surveyusa.com/client/PollReport.aspx?g=a26cf8f3-4a0a-40e5-a503-66444130ca17. Note, although the survey tables indicate that the geography was Kansas, the statement of methodology states that the sample was for the geography of Fairfield, CT. See http://www.surveyusa.com/client/methodology.aspx?g=a26cf8f3-4a0a-40e5-a503-66444130ca17
that 78% of those questioned supported citizenship verification requirements for voter registration. While the 2010 Kansas poll occurred before Kansas’s law was implemented and the suspense list grew, the two national polls were conducted after. The March 2014 poll, was conducted after the US Supreme Court case regarding Prop 200 and subsequent lawsuits in which Kansas and Arizona attempted to force the Election Assistance Commission to change the federal form to include their proof of citizenship requirements. As we will see, the two national polls occurred during times of high volumes of reporting on these issues. Public support is curious given the evidence, which shows risk of disenfranchising citizens far greater than risk of non-citizens voting.

V. Dissertation Overview

This dissertation analyzes news media portrayal of non-citizen voting and proof of citizenship requirements. As noted above, there is little evidence of non-citizens voting that would suggest the need for proof of citizenship requirements. In addition, there is growing evidence that proof of citizenship interferes with voting rights, at least for some individuals. These “facts” do not seem to explain support for proof of citizenship requirements. However, these “facts” may not be informing public perceptions or opinion about proof of citizenship. Since news media portrayals of issues can affect public perceptions, this study analyzed news reporting about non-citizen voting and proof of citizenship to gain an understanding of the different “frames” used in reporting. As I explain further in the next chapter, the news media can have profound effects on public perceptions of problems and policy fixes. The news media can increase the salience of an issue by covering or not covering it. In addition, the ways in which the present information about an issue – the communication frames they use in reporting – can influence how audiences perceive and think about issues. Elite actors, such as elected officials, candidates and “experts,” serve as sources of information for reporters and can also influence how news items are framed.

In the next chapter, I provide a review of the literatures about “framing analysis” and proof of citizenship to register to vote. Regarding framing analysis, I review the various theoretical and methodological ways that different social science disciplines use this approach. I then focus on the Political Communications approach to framing analysis the related agenda-setting analysis, since the study conducted for this dissertation most closely follows this this disciplinary approach. I then review the legal and political science literature about proof of citizenship requirements to register to vote. I find there

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100 Rasmussen Reports, “78% Favor Proof of Citizenship Before Being Allowed to Vote,” (3/25/14) available at http://www.rasmussenreports.com/public_content/politics/questions/pt_survey_questions/march_20_21_2014. According to Rasmussen, the margin of Sampling Error was +/- 3 percentage points with a 95% level of confidence. The question for the survey was: “Should everyone be required to prove his or her U.S. citizenship before being allowed to register to vote?”
are still very few studies that deal specifically with proof of citizenship, although several articles that treat it as a subset of voter identification laws more generally. This will be the first study regarding news media representations of non-citizen voting and proof of citizenship requirements.

In Chapter 3, I explain the methodology I used to explore news media coverage of non-citizen voting and proof of citizenship requirements. First, I conducted an analysis of reporting on these issues over time in order to gain insight into the potential agenda-setting function of the media on these issues. Second, I conducted a content analysis of a subset of 181 news stories dealing with proof of citizenship requirements and non-citizen voting to identify what media frames are employed in reporting.

In Chapter 4, I present the results of my analysis. I identify and explain seven frames supporting proof of citizenship and seven frames opposing it that appear in news stories analyzed. I examine patterns in the use of these frames in stories and also explore differences in frame presentation between different types of media and geographic distributions. In addition, I examine differences in reporting style and how they affect frame presentation. Finally, I examine the use of “valence frames” by considering two examples in depth. In Chapter 5, I discuss preliminary conclusions of my analysis and discuss areas of research my analysis suggest are in need of further inquiry.

Proof of citizenship and non-citizen voting claims are a relatively new issue in election law. As such they have not yet been broadly studied in the legal, sociological or political science literature. In particular, there are no studies addressing the counterintuitive support for proof of citizenship requirements despite the evidence that it disenfranchises many citizens and that there is no widespread non-citizen voting, nor any studies dealing with the framing of the issue in the news media that inform that support. This dissertation takes a first step at understanding one source of potential influence on public opinion: how the issue is framed in the news media. As such it fills a gap in the socio-political and communications literature.
Chapter 2: Literature Review

This dissertation analyzes news media coverage of proof of citizenship requirements to register to vote. In particular, I look at trends in media coverage and ways the news media portrayals frame the issue. As explained in the previous chapter, while the empirical evidence suggests that non-citizen voting is not a large problem and that proof of citizenship requirements disenfranchise citizens seeking to register and vote, public and official support for citizenship verification policies remain high. This raises at least two questions: First, why is the public aware of such a “small problem”? Second, why does the public support a potentially unnecessary policy that negatively impacts fellow citizens’ voting rights?

One potential explanation of this awareness and support is the mass news media. As I will explain further, the news media have the ability to raise public awareness about issues and to shape public opinion about them. These features are referred to as the agenda-setting function and framing effects of the news media. The analysis in this dissertation follows the political communications tradition of content-based analysis of news media coverage, here focusing on coverage about proof of citizenship requirements and non-citizen voting. This analysis will explore trends in reporting about proof of citizenship requirements to register to vote, since increases in reporting about the issue can be expected to increase public awareness of it. It will also analyze the frames the news media use in reporting, since as I will explain further below, media frames can affect public perceptions and opinions by helping to construct social reality. The news media’s treatment of these issues may help explain public support for a policy intervention that adversely affects at least some citizens seeking to vote.

In this chapter, I review several literatures germane to this study. First, I review the literature regarding framing analysis. Framing analysis is used in a variety of ways in different social science disciplines, including psychology, sociology, political science, and communications. I will discuss each, addressing overlaps and differences between these various disciplinary approaches. I will focus on the political communications approach to framing analysis, since the study in this dissertation draws most heavily from this approach. Second, I review the existing law and political science literature about proof of citizenship requirements to register to vote. Perhaps since these legal and policy interventions are relatively new and currently in use in a limited number of states, there are few published studies focusing on them. A handful of law review articles and essays address the legal issues involved, and a few think-tank studies address them from both the proponent and opponent vantage points. In addition, a few law review, political science studies and books deal with proof of citizenship in the context of a larger debate about voter identification requirements. This dissertation will fill a gap in the nascent scholarship about proof of citizenship by analyzing how the news media have presented the issue, a yet unstudied area.

I. Background: the Close Relationship between Voting and Citizenship
The preoccupation with the concept of “citizen” and defining who is a citizen has a long history in the United States, a good portion of which have been steeped in racial discrimination and exclusion, and access to the ballot has been an important part of those citizenship controversies. While a complete recounting of the ways that citizenship has been stratified along racial lines, a few examples of federal restrictions of citizenship rights is helpful. In the Dred Scott case,\textsuperscript{101} the US Supreme Court held that a black slave did not have standing to sue in federal court regarding his freedom and that of his family, finding that blacks were not citizens and had no rights that whites must respect. In Elk v. Wilkins,\textsuperscript{102} the US Supreme Court held that a Native American man did not have standing to sue for his voting rights, finding that because he was not a citizen, he was not protected by the 15\textsuperscript{th} Amendment to the Constitution. Federal naturalization laws restricted naturalization to free whites (and later those of African descent),\textsuperscript{103} which federal courts later determined barred Asian immigrants from becoming citizens.\textsuperscript{104}

While United States longer employs overtly racial definitions of or criteria for citizenship, controversies about who is perceived as a citizen persist, often along racial lines. For example, the immigration debate, and particularly debates about unauthorized citizenship, controversies about who is perceived as a citizen persist, often along racial lines. For example, the immigration debate, and particularly debates about unauthorized immigration, is racialized to the point that the term “illegal alien” evokes a prototypical image of “a Mexican.”\textsuperscript{105} Moreover, Asian Americans are perceived as foreign regardless of their nativity or the number of generations born in the US.\textsuperscript{106} The proof of citizenship laws and citizenship verification procedures at issue in this dissertation, coupled with ongoing controversies about immigration and concerns about the economic and cultural future of the country in the face of increasing immigration, particularly from Latin America,\textsuperscript{107} suggest that citizenship claims continue to be contested despite lack of overtly racial definition or restrictions.

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\textsuperscript{101} 60 U.S. 393 (1856).
\textsuperscript{102} 112 U.S. 94 (1884).
\textsuperscript{103} See generally MAE NGAI, IMPOSSIBLE SUBJECTS: ILLEGAL IMMIGRANTS AND THE MAKING OF MODERN AMERICA (POLITICS AND SOCIETY IN TWENTIETH-CENTURY AMERICA).
\textsuperscript{104} See generally JAN HANEY-LOPEZ, WHITE BY LAW 10\textsuperscript{th} ANNIVERSARY EDITION: THE LEGAL CONSTRUCTION OF RACE.
\textsuperscript{106} See e.g., Claire Jean Kim, “The Racial Triangulation of Asian Americans,” Politics & Society, March 1999 (theorizing racialization of Asian Americans along a grid with superior/inferior on one axis and insider/foreigner on the other, where whites and blacks are both on the insider side with whites being superior and blacks inferior. Asian Americans, she posits, occupy an intermediate position between whites and blacks in terms of superiority, but differ from both in that they are perceived as permanent foreigners and thus are excluded from the “insider” grouping. Id. at 107-108); Johnson supra note 13.
\textsuperscript{107} See e.g., SAM HUNTINGTON, WHO ARE WE?: THE CHALLENGES TO AMERICA’S NATIONAL IDENTITY; PAT BUCHANAN, THE DEATH OF THE WEST: HOW DYING POPULATIONS AND IMMIGRANT INVASIONS IMPERIL OUR COUNTRY AND CIVILIZATION.
The right to vote in the US has come to be closely tied to citizenship and membership. Although in the 1800s, white non-citizens who had declared their intention to become citizens were permitted to vote in several states, today non-citizen voting is limited to a handful of local jurisdictions. In all federal and state office elections, as well as nearly all local jurisdictions, voting is limited to U.S. citizens. This strict restriction on voter eligibility to citizens gives voting strong symbolic value as an indicator of membership in US society.

Today the relationship between voting is so close that recent proposals to allow non-citizens to vote in local elections have met with vociferous resistance that often focuses on how opening voting to non-citizens would diminish the linkage between voting and citizenship.

The right to vote has a strong symbolic power that extends beyond casting a ballot: those permitted to vote are recognized as full members of society while not permitted to vote are silenced and symbolically separate. Access to the vote indicates equality, that one individual’s “voice” is just as important as another’s. Accordingly, access to the franchise can be a symbol of prestige and a public recognition of one’s worth. Access is a particularly important goal for individuals excluded from the franchise. Access to the vote was a key goal of Emancipation, and also of the Civil Rights Movement decades later. In the 1800s this meant overthrowing slavery and removing overt racial limitations on the right to vote; in the Civil Rights Movement, this meant dismantling decades of discriminatory laws and violence that effectively limited the right to vote to whites even without an overt racially discriminatory limits on the franchise. The importance placed on being eligible to vote, whether or not one chooses to cast a ballot, illustrates political theorist Judith Shklar’s concept of “citizenship as

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108 See HIROSHI MOTOMURA, AMERICANS IN WAITING: THE LOST STORY OF IMMIGRATION AND CITIZENSHIP IN THE UNITED STATES.
110 For example, a February 2015 Washington Post story quoted an opponent of a proposal to allow non-citizen residents to vote in local elections in the District of Columbia, stating the following: "To be a voter is to signify that you have cleared hurdles and that you understand what it means to be an American, with responsibilities as well as rights," said Carl Horowitz, president of the National Legal and Policy Center, a conservative think tank in Falls Church, Va. Allowing noncitizens to vote, he said, "renders the idea of citizenship meaningless." Pamela Constable, Another Voting Rights Campaign, The Washington Post, Metro B01 (2/10/15). The symbolic importance of policing access to voting may be heightened by the fact that so few spaces in US legal framework are limited to citizens since most legal protections and privileges are afforded to “persons,” whether citizen or non-citizen, on US soil.
111 Voting also has strong agency implications. Through voting, individuals are able to voice their preferences and perhaps more importantly may influence policy to protect their personal interests. SHKLAR, supra note 9 at 38. In addition, voting can play a civic education roll, teaching new citizens (or “citizens in waiting”) how to integrate into society and participate in the system of government. Thus, voting can play a significant role in the transition on individuals from immigrant to citizen. MOTOMURA supra note 8 at 193-4.
112 SHKLAR supra note 9.
113 For an in depth discussion of the evolution of voting rights in US history, see ALEXANDER KEYSAR, THE RIGHT TO VOTE.
The desire for citizenship as standing is especially powerful in societies, such as the US, where the default assumption is that voting is universal. When political rights are purportedly universal, those who are excluded, even if called citizens, are not full members because the lack the standing to vote. The link between voting and citizenship as national membership is important to keep in mind when embarking on this study. The ideas expressed about proof of citizenship are not just academically interesting or limited to political empowerment. They have larger implications as part of a debate about how to define membership and distinguish between members and non-members in a purportedly “post-racial” United States of America. Disputes about non-citizens voting, whether real or imagined, can be understood as controversies about non-members accessing a space reserved to members. The change from personal attestation to requiring proof of citizenship can be understood as a controversy about how to determine who has an authentic claim to membership and how to police the border between member and non-member in this distinctively citizens-only realm.

II. The Literature on Framing: Constructing and Understanding Reality

As both theory and method, framing analysis is used in several social science disciplines, often in slightly different ways. Sociologists, psychologists, political scientists and communications scholars all use framing analysis. While the methods and unit of analysis may vary by discipline, they are based on the foundational theory that human beings use schema to help categorize what would otherwise be overwhelming amounts of information and that how information is presented – its framing – can affect perceptions, beliefs, opinions, and behaviors. Schema help humans make sense of reality, often through subconscious mechanisms that cue their understanding of the context of events. In addition, they help humans distinguish between important

Shklar, supra note 9. Shklar posits that the ability to vote and the ability to earn (work for pay) are the defining abilities of citizenship. Without the ability to access the right to vote or to work and collect payment for one’s work, one does not possess citizenship as standing and is more like a slave than a citizen. In addition to a history of exclusion based on race, the right to vote was also regularly denied to women until 1920, when the US Constitution was amended to prohibit gender discrimination in voting. See U.S. CONST. amend. XIX. Until that time, women were citizens in name, but lacked the standing of citizenship to cast a vote in public elections.


Schemata are constructs or categories that the brain uses to simplify the world; for example, categories of animals are schemata, so when one sees a golden retriever, one’s schema of “dog” is activated.

See Goffman, supra note 16 at 21. Goffman coined the term “frame analysis” as “a slogan to refer to the examination in these terms of the social organization of experience.” Id. at 11.
information, to which they should attend, and unimportant information, which they may ignore or forget, thus assisting humans to make sense of a potentially overwhelming amount of potential observations and information.\textsuperscript{119}

A principle theory behind framing analysis is that the way information is presented – its framing – can influence human beings’ perceptions, feelings, and opinions as well as their behavior and decision-making. That is, “by making certain features of an event salient, or by making certain aspects of a policy visible – [frames] will guide individuals’ thinking about the event or issue in predictable ways to predictable conclusions.”\textsuperscript{120} Frames perform several functions: they “define problems-determine what a causal agent is doing with what costs and benefits, usually measured in terms of common cultural values; diagnose causes-identify the forces creating the problem; make moral judgments-evaluate causal agents and their effects; and suggest remedies-offer and justify treatments for the problems and predict their likely effects.“\textsuperscript{121} While the particular unit of analysis and methods used in different disciplinary approaches may vary, the baseline assumption is that frames matter. Frames help humans perceive reality and in the process have a role in constructing reality.\textsuperscript{122}

In this section, I address the various disciplinary literatures regarding framing analysis. This dissertation uses primarily the theoretical and methodological approaches to media framing analysis in the political communications tradition. However, due to the high level of overlap between disciplinary approaches to framing analysis, both theoretical and methodological, I first explain how framing analysis presents in other disciplinary approaches.\textsuperscript{123}

A. Psychology:

In psychology, framing analysis focuses on cognitive processes within individuals and how framing can influence them. Psychology explores the conscious and subconscious effects of framing on individuals’ opinions, thoughts, beliefs, emotions, and behavior, such as decision-making. The methods for psychology exploration of framing

\begin{itemize}
\item \textsuperscript{119} \textit{Id.}
\item \textsuperscript{120} Kimberly Gross and Lisa D’Ambrosio, \textit{Framing Emotional Response}, Political Psychology, Vol. 25, No. 1, (2004) at 1, 3.
\item \textsuperscript{121} Robert M. Entman, \textit{Framing: Toward Clarification of a Fractured Paradigm}, Journal of Communications, Autumn 1993, 51-58 (emphasis in original).
\item \textsuperscript{122} See e.g., WILLIAM A. GAMSON, TALKING POLITICS; Gross and D’Ambrosio, supra note 20.
\item \textsuperscript{123} Note that while there is agreement about many definitions involved in framing analysis in various disciplines, there is some slippage, especially when a term or idea elaborated in one discipline is transplanted to another. In particular, there is slippage between the definitions of “frame,” “prime,” and “schema” in the communications literature. See Dietram A. Scheufele & David Tewksbury, \textit{Framing, Agenda Setting, and Priming: the Evolution of the Three Media Effects Models}, Journal of Communication, 57 (2007) 9-20. As discussed below, “priming” or “priming effects” are a popular topic in social psychology studies. However, some communications scholars have adopted the term in their research with a different definition than that used in psychology and more similar to that of framing in communications. See e.g., SHANTO INVENGER AND DONALD R. KINDER, NEWS THAT MATTERS: TELEVISION AND AMERICAN OPINION. In the context of media framing analysis, the meaning of priming appears to be identical to that of framing, see Dennis Chong and James N. Druckman, \textit{Framing Theory}, Annual Review of Political Science, 2007.10:103-126 at 114-115, but the use of the same phrase to mean different things can lead to confusion.
\end{itemize}
effects usually take the form of tightly controlled randomized experiments, often in
laboratory settings, where test subjects are exposed to different psychological treatments
and their reactions are collected and analyzed.

Psychological testing for framing effects is designed to measure if and how
selective presentation of information affects thoughts, behaviors and emotions. A
foundational study regarding the effect of framing on decision-making was Tsversky and
This experiment explored the effect of selective framing on the rationality of test subject
decision-making. They presented test subjects with the “Asian Disease Problem,” a
fictional disease from Asia that would cause 600 deaths in the US, and asked subjects to
choose between two programs proposed to combat the disease. In the first experiment,
Option A would save 200 people, and option B had a 1/3 probability that 600 people
would be saved and a 2/3 probability that no people would be saved. Subjects preferred
option A 72% to 28%, exhibiting risk averse decision-making by preferring the certainty
of saving 200 over the perceived risky chance of saving only 1 in 3 victims. In the second
experiment, test subjects were given the same hypothetical disease with 600 deaths, but
two different options: in Option C, 400 would die, and under Option D, “there is a 1/3
probability that no one will die and 2/3 probability that 600 people will die.”125 With this
framing, test subjects exhibited “risk taking behavior,” preferring Option D 78% to
22%.126

Tsversky and Kahneman noted that this shift from risk averse to risk taking
behavior arose “from the conjunction of a framing effect with contradictory attitudes
toward risks involving gains and losses.”127 Since the options in each experiment were
logically equivalent (they led to the same number of survivors and fatalities), rational
decision-making models would predict no difference in preference for one option over
another. That is, preferences should have been equally distributed. However, clear
preferences emerged depending on how an option was framed. They found “systematic
reversals of preference by variations in the framing of acts, contingencies, or
outcomes,”128 suggesting that the framing used to present the options mattered; it
influenced perceptions about the outcomes and therefore decision-making behavior.

The frames in the Asian Disease Experiment were what is referred to as
equivalency or valence frames. Equivalency or valence frames are “different, but
logically equivalent” ways of presenting the same information, e.g., 200 of 600 will live
vs. 400 of 600 will die. An equivalency effect happens when different but logically
equivalent phrases “cause individuals to alter their preferences.”129 Equivalence frames
can also present as semantic differences in terminology, such as “illegal immigrant” or

124 Tsversky & Kahneman, supra note 16. Tsversky and Kahneman’s work on prospect theory, included in
this and other studies, would eventually be awarded a Noble Prize in Economics.
125 Id. at 453.
126 Id.
127 Id.
128 Id.
129 Id.
“illegals” vs. “undocumented immigrant” as well as other issues or scenarios that “can be expressed in identical ways.” Valence framing often involves “casting the same information in a positive or negative light,” such as “95% fat free” as opposed to “5% fat.” The valence frame doesn’t change the underlying information; it just repackages it.

More recently, psychological framing studies have explored the effect of what has been called ‘issue frames’ or ‘emphasis frames.’ Rather than present test subjects with logically equivalent information, these experiments present the same event, but use frames that stress different characterizations of that event. For example, Nelson, et al.’s foundational 1997 study regarding framing effects on opinions about a fictional Ku Klux Klan rally included two treatment conditions. One was a news story describing the rally that framed it as a free speech controversy, and the other was a news story describing the rally that framed it as a public order issue. In tests completed after exposure to the condition, test subjects who received the free speech treatment frame expressed higher support for the rally than those who received the public order treatment frame.

Issue/emphasis framing has also been used to test framing effects on emotional responses, although it is not as well studied as cognitive responses. For example, Gross and D’Ambrosio exposed test subjects to one of three articles about the 1992 Los Angeles Riots: one restated the facts, one suggested that they were caused by societal injustice, and one suggested that they were caused by criminality. They then gauged test subjects’ feelings of anger, disgust, pity, sympathy and fear. Although they found that test subjects’ preexisting worldviews about issues such as racial justice affected which emotions they reported feeling, they also found a positive correlation between frame exposure and the content of those emotions. They “suspect that there may be indirect effects of frame on opinion through the influence of frames on emotional content” and called for further work on the “affective effects of framing.”

In addition, social psychologists, in particular, study “priming effects,” which is similar to framing. Priming studies explore how exposure to a specific stimulus – a prime – can trigger an individual’s subconscious in such a way that activates certain

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133 Chong and Druckman, supra note 23 at 114.
134 Thomas E. Nelson, Rosalee A. Clawson, and Zoe M. Oxley, Media framing of a civil liberties conflict and its effect on tolerance, American Political Science Review 91, no. 03 (1997): 567-583
135 Gross and D’Ambrosio, supra note 20 at 4-6.
136 Id. at 21. “[b]y altering the information or considerations available to individuals, frames may influence not only opinion but also the emotional responses that people report.”
137 Id.
138 In fact, there appears to be some confusion in the communications literature between the difference of priming and framing. See supra note 23 and accompanying text.
(usually pre-existing) schema.\textsuperscript{139} This activation occurs at the subconscious or unconscious level; priming has also been called “nonconscious activation of social knowledge structures.”\textsuperscript{140} The increased accessibility or activation of these memories/schema can affect perceptions, attitudes, and behaviors about a completely different issue. For example, a well-known priming study found that exposing Chinese test subjects to many first person singular pronouns (I and me) increased their backing of “Western values” more than “Asian values,” while exposing North American subjects to first person plural pronouns (we and us) increased their backing of “Asian values” over “Western values.”\textsuperscript{141} There was no overt framing of an issue or conscious decision making, but the priming effect of choice of pronoun had an effect on affinity to values although it was likely temporary. In the voting access context, a 2013 priming study regarding support for voter ID laws found that white voters who were primed with a picture of two black individuals voting expressed support for voter ID laws as a higher rate than white voters primed with a photo of two white individuals voting or a graphic with no photo or people.\textsuperscript{142}

Psychologists utilize framing analysis in a variety of ways, all of which aim to illuminate the cognitive processes – conscious and unconscious – through which framing affects perceptions and behavior. While psychology’s methodology of carefully constructed testing does not replicate the everyday experience of individuals’ near constant exposure to framing in media and also social interactions (since individuals also frame their accounts of reality in their personal communication), the studies consistently show that framing does affect individuals’ perceptions, emotions, opinions, and behavior.\textsuperscript{143} Psychology’s approach demonstrates that framing and priming, both overt characterizations of information and subtle cues aimed at activating unconscious processes, can and do affect cognitive processes and therefore shape individuals’ perceptions of reality.

B. Sociology/social movements

\textsuperscript{139} For a summary of priming scholarship as well as critique of the literature for needing to “mature” and tackle more complex issues and processes, see John A. Bargh, \textit{What Have We Been Priming All These Years? On the Development, Mechanisms, and Ecology of Nonconscious Social Behavior}, Eur J Soc Psychol. 2006; 36(2): 147-168. Available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2763379/ (referring to priming as “nonconscious activation of social knowledge structures.”)

\textsuperscript{140} See id.


\textsuperscript{143} Framing effects on emotions in political settings has not been thoroughly studied, but limited work on the issue finds that frames can affect emotional responses as well as cognitive responses. \textit{See e.g.}, Gross and D’Ambrosio, \textit{supra} note 20 at 3 (“If frames alter the context in which individuals experience emotion by altering the information and considerations they have at hand, cognitive appraisal models would predict that emotional outputs would differ.”).
In the sociological perspective, framing analysis often focuses on how framing affects the social construction of reality through interaction between individuals and groups. In fact, Erving Goffman’s 1974 tome, which is often cited as a foundational document for frame analysis in all disciplines, was largely a reflection on how frames shape humans’ social perceptions of reality. 144

Within the field of sociology, frame analysis has been particularly popular in the study of social movements, where it is deployed to examine the processes involved in movements’ efforts to explain and characterize their ideas and goals. Frame analysis gained popularity as a method to study the previously ignored significance of “meaning work – the struggle over the production of mobilizing and countermobilizing ideas and meanings.” 145 That is, rather than assume that movement actors merely repeated pre-existing meanings, sociologists began exploring the way that movement actors actively engaged in “the production and maintenance of meaning for constituents, antagonists, and bystanders or observers.” 146 Social movement scholars called the process of meaning creation “framing,” noting it is an “active, processual phenomenon that implies agency and contention at the level of reality construction.” 147 For example, in their study of the use of framing in environmental conflict resolution, Morrill and Owen-Smith note that “collective action frames emerge interactively through political contestation to provide interpretive bridges between individual consciousness and social movements. Frames enable people to make sense of collective problems and possible solutions while providing vocabularies of motive to legitimize collective action.” 148 The evolution of

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144 GOFFMAN supra note 16.


147 See Benford & Snow (2000) supra note 45. See also FIREMAN, BRUCE, WILLIAM A. GAMSON, STEVEN RYTINA, AND BRUCE TAYLOR, ENCOUNTERS WITH UNJUST AUTHORITY (1977); Snow, et al. (1986), supra note 16; David A. Snow and Robert D. Benford (1988), supra note 46. Benford and Snow note that some social movements scholars treat collective frames as if they were psychological schema. Benford and Snow, supra note 45 at 614 (citing Hank Johnston, A methodology for frame analysis: From discourse to cognitive schemata, Social movements and culture 4 (1995): 217-246; Darren E. Sherkat, What’s in a frame? Toward an integrated social psychology of social movements, Int. Sociol. Assoc. Conf., Montreal, Quebec. (1998)). This approach does not address how these frames are “not merely aggregations of individual attitudes and perceptions but also the outcome of negotiating shared meaning.” GAMSON supra note 22 at 111

frames and the changing use of frames over time or locations in movements are significant. Social movement scholars often collect data through fieldwork, including observation and interviewing movement players, with an eye to identifying and analyzing collective action frames and how they are born, evolve, die, reborn, etc. Collective action frames “are not merely aggregations of individual attitudes and perceptions but also the outcome of negotiating shared meaning.” Framing analysis can be used to study a variety of meaning-making efforts important in social movements, from the initial definition of the problem or issue in need of being addressed to changes in framing over time, including abandonment of unpopular frames and creation of new ones.

Social movements scholarship focuses on the active participation in and interaction between individual actors to develop frames to communicate a movement’s concerns and goals. This framing constructs the social reality of the issue or problem as well as the different potential responses to it by guiding individual and societal thoughts, beliefs, and opinions about it. It also demonstrates how these frames can be reproduced at both the societal and individual level, leading to a particular understanding(s) of the socially constructed reality while rejecting others.

C. Communications, including Political Communications:

If sociology investigates framing at the group level and psychology investigates it at the individual level, the communications approach to framing analysis arguably includes attempts to do both. Framing analysis in the communications literature explores the “way in which influence over a human consciousness is exerted by the transfer (or communication) of information from one location – such as a speech, utterance, news report, or novel – to that consciousness.” Since an issue or event can be viewed, discussed, or judged from several different perspectives, framing “refers to the process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue.” In communications studies, the focus is on how communication frames might or do affect that process.

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149 Morrill and Smith, supra note 48 at 91. Morrill and Owen-Smith focus on the “subversive stories” that form “political narratives” used in environmental conflict resolution.
150 GAMSON, supra note 22 at 111.
152 Chong & Druckman, supra note 23 at 104.
Within political science, framing analysis is frequently used in the subfield of political communications. The principle difference between communications and political communications scholarship is that the later uses framing analysis to analyze the communication of political ideas or actors. This includes interrogating how political actors – candidates, campaigns, officials, advocates, interest groups – construct and/or deploy framing to influence voting behavior or public opinion to support or oppose policy options or decisions. In addition, the political communications approach investigates how politicians adopt successful frames from the media, citizens and other politicians; how citizens adopt political frames learned in their interaction with other citizens and other sources; and how the media adopt framing of political issues from politicians, activists and other media outlets. The methods and extent to which political elites utilize media to transmit their ideas and affect public opinion is another frequent topic of political communications framing analyses. That is, “the big question addressed by much of the literature on political news framing is this: To what degree does the news reflect and emphasize the intended frames of political actors, and to what degree does the news introduce other possible ways of framing issues and events—particularly frames that those in the government oppose?”

Communications and political communications share much with the sociological and psychological operationalization of frames and methods of analysis, but focus on communications and often media involvement. A frame in the context of media communications is “a central organizing idea or story line that provides meaning to an unfolding strip of events, weaving a connection among them. The frame suggests what

153 There is a substantial amount of overlap between political science and communications approaches to framing analysis, to the point that the field often referred to as the hybridized “political communications.” For example, there is a Journal of Political Communication, which is cosponsored by the International Communication Association and the American Political Science Association. See http://www.politicalcommunication.org/journal.html
154 Entman (1993), supra note 21 at 55. (noting that since frames have the potential to shape audience opinions, “Politicians seeking support are thus compelled to compete with each other and with journalists over news frames…Framing in this light plays a major role in the exertion of political power, and the frame in a news text is really the imprint of power…”)  
the controversy is about, the essence of the issue…” Communications scholars generally recognize that frames “are located in the communicator, the text, the receiver, and the culture at large.” However, while some scholars have called for increased study of the communications process as a whole, most studies focus either on transmitters – most notably the media – or on receivers – individuals/audience members – of communications. While the communications literature on framing is largely bifurcated along individual vs. media lines, there are calls for greater focus on construction of media frames, such as the influence of elites and journalists as well as the effect of audiences on media frames. Framing analysis is a flexible theory, which in communications is applied to multiple loci of communication/communicators and explored through different methodological approaches. While this flexibility allows scholars considerable freedom in selecting topics and methods of study, the multiple foci of framing analysis in communications make the literature somewhat unruly.

1. Frames at work in audience members: Frames in Thought or Individual Frames

The existence and effect of framing at the individual level is a popular focus in framing analysis in the communications and political communications literatures. Communications scholars note that media frames affect individuals, often interacting with pre-existing schema and memories in both conscious and unconscious ways. That is, people have preexisting values, beliefs, experiences, and schemas that help inform their impressions about new information received. This “set of dimensions that affect an individual’s evaluation constitute an individual’s ‘frame in thought’.” Also called

162 See e.g., Porismita Borah, Conceptual Issues in Framing Theory: A Systematic Examination of a Decade’s Literature, Journal of Communication, 61 (2011) 246-263. (calling for increased attention to the production of frames and mixed frames)
163 See e.g., Scheufele (1999), supra note 61 at 114-118. Scheufele notes that there is interaction and feedback between media and audiences, which he calls “journalists as audiences.” He proposes that further research is needed to explore the ways that audiences inform and affect journalists’ frame selection. Robert Entman has proposed the theory of Hierarchical Cascading Network Activation to help explain how frames are influenced by multiple levels of input, including audience feedback, and in turn influence political power. ROBERT ENTMAN, PROJECTIONS OF POWER: FRAMING NEWS, PUBLIC OPINION, AND U.S. FOREIGN POLICY; Robert M. Entman, Media Framing Biases and Political Power: Explaining Slant in News of Campaign 2008, Journalism, 11(4) 389-408 (2010) at 403.
164 In addition, the literature does not have standard definitions for some terms, with different scholars proposing or using different terms to describe what appears to be the same idea. In this discussion, I will attempt to present all iterations of terminology.
165 Earlier communications studies, from the 1900s to 1930s, influenced by the experience with strategic propaganda in World War I posited that individuals could be greatly influenced by the media. See Scheufele (1999) supra note 61 at 105.
166 Chong & Druckman, supra note 23 at 105
“individual frames” they are defined as “mentally stored clusters of ideas that guide individuals’ processing of information.” Individual frames or frames of thought include long-term political and global views as well as more short-term or issue-driven views. However, these pre-existing schema do not immunize audience members from media framing effects. While some studies attempt to discern the interaction between frames in thought and media frames, this is not yet thoroughly studied or understood.

Framing analyses dealing with audience framing focus on the individual, measuring how frames in the media affect perceptions and behavior. These studies take the form of controlled experiments, similar to the psychology methods discussed above. These methods can identify framing effects in media coverage in experiments, such as the use of a hypothetical newspaper article as a treatment in a laboratory test. However, critics note that these laboratory experiments do not reflect real-world experience, where individuals’ are exposed to framing from multiple sources over time that is often diffuse as opposed to narrow and targeted. That said, frames in communication can act to pull together individuals’ loosely held and fragmentary attitudes about an issue and also “often introduce new considerations about a subject in addition to highlighting existing beliefs.” Thus, there is reason to believe that real-world experiences with framing also affect individuals’ perceptions, even if the particular mechanism involved are not yet well understood.

Individual framing can also be explored through studies using embedded surveys. In these studies, which are also used to study valence and issue framing, surveys contain questions about the same issue that are worded or framed in different ways. Respondents are randomly assigned to receive one iteration of the same question. Framing effects can be analyzed through correlations in differences in responses with the iteration of the question received. For example, Merolla et al. explore the equivalency

167 Entman (1993), supra note 21 at 53. See also Scheufele (1999), supra note 61 at 107.
168 Scheufele (1999), supra note 61 at 107.
169 For example, Price and Tewksbury’s model focuses on what happens in an individuals mind after receiving a communication, on the way that the framing in that communication activates an existing schema from the individual’s “knowledge store." Price, Vincent, and David Tewksbury. "News values and public opinion: A theoretical account of media priming and framing." Progress in communication sciences (1997): 173-212.
170 For a description of studies analyzing media framing on individual frames of thought, as well as an assessment of what processes still need further research, see Chong and Druckman, supra note 23 at 110-114. See also, Paul D’Angelo, Studying Framing in Political Communication with an Integrative Approach, American Behavioral Scientist 56, no. 3 (2012): 353-364.
effect of terms used to describe individuals within the United States without legal status by posing the same question using three different, but logically equivalent terms – “illegal,” “undocumented” or “unauthorized” immigrant in a question dealing with immigration reform.\textsuperscript{174} While they focused on valence vs. issue framing effect, their study could also be understood as investigating individual framing.\textsuperscript{175}

While the individual-level effects of real-world media frame exposure may not yet be completely understood, extant studies of framing effects on individuals both in psychology and communications, establish that framing does affect individuals’ perceptions, opinions, emotions, and behaviors.\textsuperscript{176}

2. Frames being transmitted: Media Frames

Framing analysis in communications also focuses on the frames presented by the media. These are sometimes called “frames in communication”\textsuperscript{177} or “media frames”\textsuperscript{178} in order to distinguish them from the study of frames in the individual. The media’s use of frames helps organize everyday reality for audience members\textsuperscript{179} and promotes “particular definitions and interpretations of political issues.”\textsuperscript{180} The media do the initial round of selection and prioritization of events and issues for the audience. That is, the media do not simply transmit a complete account of the event or issue at hand. On the contrary, journalists report selectively, relaying some parts and omitting other parts of an issue or event. By “select[ing] some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described.”\textsuperscript{181} The news media frame the issue reported, presenting a certain construction of the reality of the topic of reporting.

By presenting a story within a set of frames, the media “promote a particular problem definition, causal interpretation, moral evaluation and/or treatment recommendation.”\textsuperscript{182} This framing can “systematically affect how recipients of the news

\textsuperscript{174} Merolla, Ramakrishnan, & Haynes (2013), supra note 30 at 795-96. (Merolla et al. did not find that the labels had a significant effect on respondent support for immigration reform. They did find a greater effect when the immigration policies at issue were framed in different ways.)
\textsuperscript{175} For a discussion of embedded surveys and other methods to study individual framing effects outside of the laboratory, see Brewer and Gross, supra note 73.
\textsuperscript{176} See e.g., Gross and D’Ambrosio, supra note 20. Moreover, frames do not need to influence all people in order to have political effects, “What matters to successful exertion of political power is whether a frame has a decisive impact on two key audiences, not people in general: first, citizens lacking strong ideological or partisan predispositions – in elections the swing or undecided voters – whose attitudes are most malleable; and second, political elites themselves.” Entman (2010), supra note 63 at 392.
\textsuperscript{177} Chong and Druckman, supra note 23 at 106.
\textsuperscript{178} Scheufele (1999), supra note 61 at 106.
\textsuperscript{179} TUCHMAN, supra note 51 at 193.
\textsuperscript{181} Entman (1993), supra note 21.
\textsuperscript{182} Id. at 52.
come to understand” events and issues. Framing provides audiences with schema to categorize and make sense of events. Through framing the information presented, the media help construct social realities about the subjects on which they report. In this way, framing can influence audience opinions about an issue, person or event. The media can also present frames that present different information about or stress different ways of viewing a particular story. Media frames that “focus on qualitatively different yet potentially relevant considerations” for a story are called emphasis or issue frames. Rather than just change the labels, like valence frames, these frames influence opinion by emphasizing different potentially relevant claims.

The media can also frame an issue through selective presentation of only some aspects of an issue. The act of omitting information also frames an issue by presenting the audience with only part of the story. “Receivers’ responses are clearly affected if they perceive and process information about one interpretation and possess little or incommensurable data about alternatives. This is why exclusion of interpretations by frames is as significant to outcomes as inclusion.” Thus, framing occurs not just through presentation of information, but also the failure to present information. In addition, one-sided framing can result in slanted news reporting. In political communications, news slant “occurs when a news report emphasizes one side’s preferred frame in a political conflict while ignoring or derogating another side’s. One-sided framing emphasizes some elements and suppresses others in ways that encourage recipients to give attention and weight to the evaluative attributes…that privilege the favored side’s interpretation.”

Frames can also be designed and deployed in manner designed to influence the audience toward certain opinions or conclusions. Brewer and Gross call these partisan frames because they “highlight certain information and ideas in order to present one position (or set of positions) on an issue as being correct and other positions as being wrong.” These frames, often crafted by political elites, purposefully attempt to construct reality about a given issue in a way that leads the public to an intended opinion or behavior, such as voting for one candidate over another or supporting one policy over an alternative.

According to Goffman’s original account, a frame can also be completely false or even designed to deceive. This raises troubling questions, particularly in the realm of partisan frames that might include false information or baseless questioning of well-

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184 See Edelman, supra note 51 at 232 (“Far from being stable, the social world is...a kaleidoscope of potential realities, any of which can be readily evoked by altering the ways in which observations are framed and categorized.”). For a discussion of how framing can affect the social construction of reality in social movements, see Benford and Snow (2000), supra note 45; Morrill and Owen-Smith, supra note 48.
185 See e.g., Tversky and Kahneman (1981), supra note 16.
186 Chong & Druckman, supra note 23 at 114.
187 Entman (1993), supra note 21 at 54.
189 Brewer & Gross, supra note 73 at 159.
190 See Goffman, supra note 16 at 83, 107.
settled information or “facts.” Presenting baseless questions or characterizing information in a way that casts doubt upon it could influence audience members’ perceptions about an issue. For example, presenting information about evolution in a manner that suggests there are alternate explanations or that the science supporting it is not settled could cause audience members to doubt the scientific soundness of this theory or at least to think there is a bona fide conflict among experts about whether it is accepted.\textsuperscript{191} This kind of argumentation or framing is sometimes called a manufactured or disingenuous controversy.\textsuperscript{192}

News media frame issues through the use of key terms or catchphrases as well as through the selection of what quotations to include in a story and which individuals to interview or quote. They can present information using different terminology, an example of valence framing. The news media can also decide to stress some framing, aspects or characterizations of a story over others. Kuypers notes that “Framing, then, is the process by which communicators act—consciously or not—to construct a particular point of view that encourages the facts of a given situation to be viewed in a particular manner, with some facts made more noticeable than others.”\textsuperscript{193} This framing can have profound effects on whether the public perceives an issue as a “problem” or the degree of support for different policy interventions, since framing can promote “particular definitions and interpretations of political issues.”\textsuperscript{194}

Framing analysis of news media typically uses content analysis of the text, images, audio and other aspects of communication in the news coverage. Unlike observations of physical phenomena, content analysis of communications “goes outside the immediately observable physical vehicles of communication and relies on their symbolic qualities to trace the antecedents, correlates, or consequences of communications, thus rendering the (unobserved) context of data analyzable.”\textsuperscript{195} Framing analysis can be used to examine the portrayal of a wide variety of topics, including issues, individuals, communities, etc. For example, Entman used content analysis of local television news in Chicago to discern how reporting could support or reinforce “modern racism” views, by analyzing for racial disparities of the reporting about blacks and whites.
in politics and crime.\textsuperscript{196} Tolley used content analysis of print media in Canada to discern differences in assessment of candidate viability for white and visible minority political candidates.\textsuperscript{197} In another piece, Entman used content analysis of newspaper reporting to analyze frames regarding environmental legislation proposed in Congress.\textsuperscript{198} Dickson used content analysis of \textit{New York Times} coverage of the Panama invasion to interrogate contestation of government claims.\textsuperscript{199}

Studies of media framing generally focus on the content of media communications and usually not directly on how those frames actually affect audience members. They focus on the messaging, noting that the framing has the potential to affect public perception or assuming it will have an effect.\textsuperscript{200} That said, “[n]umerous studies show that public opinion depends in important and systematic ways on how issues are framed.”\textsuperscript{201} Content analysis of framing is a rigorous and potentially illuminating endeavor in understanding the potential sources of influence on the public.\textsuperscript{202}

3. A cousin to media framing: The agenda-setting function of the media

In addition to framing issues, the communications literature also notes that the media play an important role in raising the visibility or salience of issues by reporting them. This is referred to as the news media’s agenda-setting function.\textsuperscript{203} The central idea is that news coverage raises public consciousness about issues, people, events, etc.\textsuperscript{204} Given that there are so many events and issues competing for individuals’ attention, the

\begin{itemize}
  \item See e.g., Entman (1992), supra note 96 at 346 (acknowledging that content analysis of media frames does not prove influence on audience members’ opinions or perceptions, but noting that that media framing he identifies could influence them); William A. Gamson, \textit{Forward}, in \textit{FRAMING PUBLIC LIFE: PERSPECTIVES ON MEDIA AND OUR UNDERSTANDING OF THE SOCIAL WORLD, STEPHEN D. REESE, OSCAR H. GANDY, JR., AND AUGUST E. GRANT, eds.}, (2003) at xi-x. (noting that in communications, framing focuses on message transmission, assuming that transmission will affect audiences).
  \item However, some criticize the content analysis approach and would like more research into the production of frames and mixed frames. See e.g., Borah, supra note 62.
  \item See Kurt Lang and Gladys Engel Lang, \textit{The mass media and voting}, in Reader in public opinion and communication 2 (1966): 455-472 at 466. (“The mass media force attention to certain issues. They build up public images of political figures. They are constantly presenting objects suggesting what individuals in the mass should think about, know about, have feelings about.”); Maxwell McCombs and Donald Shaw, \textit{The Agenda-Setting Function of Mass Media}, Public Opinion Quarterly 36:176-187 (1972); Drier and Martin, supra note 92 at 762-63.
  \item McCombs & Shaw (1972), supra note 103.
\end{itemize}
news media’s decision to report a given issue increases the likelihood that people will pay attention to it. That is, through this selection process, the news media “defin[e] problems worthy of public and government attention.”

Agenda-setting signals to people what issues or events are important enough to warrant their time and attention. In its most simplistic definition, agenda-setting tells people what to think about.

McCombs and Shaw’s 1972 foundational study first tested the agenda-setting function. In it, they compared interviews with voters in Chapel Hill, NC in which they were asked to identify the major issues in the Presidential election with a content analysis of local media coverage of the election to determine what the media identified as the major and minor issues in the election. They concluded that “the evidence in this study that voters tend to share the media’s composite definition of what is important strongly suggests an agenda-setting function of the mass media.” Since then, the media’s agenda-setting function has been replicated in several studies, and today it is generally accepted that “there is a direct correlation between the amount of news coverage of an issue and the level of importance that the public assigns to the issue.” That is, the news media can increase salience through reporting.

Agenda setting is also an example of how competing methods and theories in the field of communications can cause confusion. While agenda setting is generally understood as the power of the media to raise the visibility of an issue while framing constitutes the news media’s ability to influence thoughts and opinions through selective reporting within a story, some disagree. Most notably, McCombs and Shaw themselves argue that framing is actually part of agenda-setting and refer to framing as second-level agenda setting. On the other hand, Entman refers to agenda-setting as a step in the news framing process – increasing salience of an issue.

Although there appears to be a great deal of overlap between the concept of second-level agenda setting and framing, the literature in general has not adopted McCombs and Shaw’s argument that framing analysis should be properly construed as part of agenda-setting analysis. On the contrary, the framing analysis literature has grown

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206 Dreier & Martin, supra note 92 at 762-3.
207 McCombs and Shaw (1972), supra note 103 at 178-179.
208 Id. at 184.
209 See e.g., MAXWELL MCCOMBS, SETTING THE AGENDA: THE MASS MEDIA AND PUBLIC OPINION (2004) at 19 (noting that "journalists do significantly influence their audience’s picture of the world").
211 Maxwell McCombs and Donald L. Shaw, The Evolution of Agenda-Setting Research: Twenty-Five Years in the Marketplace of Ideas, J. of Communication 43(2), Spring 1993, pp. 58-67. They argue that second-level agenda-setting deals with how the media report on issues by stressing some attributes or information more than others within reporting: “Agenda setting is considerably more than the classical assertion that the news tells us what to think about. The news also tells us how to think about it. Both the selection of objects for attention and the selection of frames for thinking about these objects are powerful agenda-setting roles.” Id. at 62 (emphasis in original).
212 Entman (2007), supra note 105.
independently of agenda-setting analysis. In addition, there does not seem to be much acceptance of Entman’s position that agenda-setting is actually part of framing. Accordingly, I address agenda-setting separately, although that they likely work hand-in-hand in my analysis and that of many other content analyses. That is, the media increase the salience of an issue by choosing to report on it – its agenda-setting effect – and influences perceptions or opinions about said issue through the selective reporting (and non-reporting) of it – its framing effect.

4. Constructing media frames:

An additional area of framing analysis in communications, which (with one exception) appears less frequently in the literature, deals with how the media develop the frames they use. One aspect, which has not been sufficiently studied, is the effect of audiences on media frame creation. Some scholars theorize that audiences must have some effect on framing and call for increased study into audience influence on the media. Others theorize that journalism and journalists must have some influence on framing. One source of framing, which has been well-studied and is central to political communications, is the influence of political elites.

a. The influence of elites:

The influence of elite actors on news framing is a major topic of study in the political communications literature. Studies note that elites, such as elected officials, candidates, and interest group representatives, have a large impact on media frame selection and use. Elites know that the news media are an effective method of relaying their frames to the public, and “[s]killful politicians and interest groups are adept at creating frames, modifying existing frames, and using the media to display their frames before the public.” Indeed, elite voices “are generally the most prevalent voices in the news.” This elite domination of news coverage can affect framing.

214 In addition, at least one rhetoric scholar has advanced the concept of “agenda-extending” in news media analysis. This entails analysis of the context of frames with a focus on how the media reported on an issue. Agenda-extension is “the process whereby news stories and editorials act to shape our awareness, understanding and evaluations of issues and events in a particular direction.” Kuypers (2010), supra note 60. This conceptualization focuses on language and choice of words, but the underlying idea that the news media can shape perceptions through how they report on an issue seems very closely related to the ideas behind framing analysis. I will not directly address agenda-extension in this study.
215 See e.g., Scheufele (1999), supra note 61 at 114-118. Scheufele notes that there is interaction and feedback between media and audiences, which he calls “journalists as audiences.” He argues that further research is needed to explore the ways that audiences inform and affect journalists’ frame selection. Robert Entman has proposed the theory of Hierarchical Cascading Network Activation to help explain how frames are influenced by multiple levels of input, including audience feedback, and in turn influence political power. Entman (2004), supra note 63; Entman (2010), supra note 63 at 403.
216 See de Vreese, supra note 31at 207.
Entman notes that journalists often parrot frames in their reporting, sometimes adopting them from advocates uncritically. The concern, particularly about the uncritical adoption of elite frames, is that they are inherently partisan in that they are fashioned to achieve a certain reaction in the audience. Political elites use frames in an attempt to sway public opinion to support their positions and to oppose those of their opponents. As such, their framing is selective and even biased; “partisan frames highlight certain information and ideas in order to present one position (or set of positions) on an issue as being correct and the other position as being wrong.” To the extent that journalists utilize those frames or transmit partisan or biased framing, they allow skillful elites (what Entman has called “news managers”) a venue to affect public opinion and support for their chosen positions.

Chong and Druckman note that politicians “attempt to mobilize voters behind their policies by encouraging them to think about those policies along particular lines...by highlighting certain features of the policy.” To the extent that the news media repeats partisan frames neutrally or as “news,” it can present a skewed view of the facts, issues, and events that can affect public opinion and support for policies, candidates, or other political actions. In addition, the perceived credibility of an elected official or other elite can increase the effectiveness or “strength” of a frame.

One reason political elites are so successful at relaying their frames is that they enjoy relatively easy access to the news media. Journalists like to interview government and other elite sources, whom they assume to be credible sources or potentially have inside information. In addition, elites are well-positioned due to their resources and infrastructure to present their partisan (or advocate) frames to the media in an attempt to influence the media to report an issue using their frames. For example, elected or other government officials can use news conferences or official government statements to supply information about a topic to the media framed in the way that they would like to see the issue reported. They have staff that can develop convincing framing and news releases. Non-elite actors do not have the same capabilities to develop framing or provide it to the media in a concerted way.


Lawrence, supra note 58 at 269.

Entman (1993), supra note 21 at 55-56. He also notes that critical attention to frames could help journalists present facts more objectively.

Chong and Druckman, supra note 23 at 112. (“elite frames aim to appeal to the partisan and ideological leanings of the audience.”)

Brewer & Gross, supra note 73 at 159. (“the media transmit elite debates over how to frame particular issues by serving as conduits for partisan frames developed by politicians and activists who advocate specific issue positions.”)(emphasis in original)

ROBERT ENTMAN (1990), DEMOCRACY WITHOUT CITIZENS, 37-38.

Chong and Druckman, supra note 23 at 106.

See id.


In addition to traditional elites, such as elected officials, interest groups, and academics, a relatively new group of elites may be becoming more influential in affecting news framing. These include bloggers and other informal journalists, whom Drier and Martin call “opinion entrepreneurs.” In their analysis of news framing in reporting about community organizing group ACORN in 2008, they trace the media frames in reporting in mainstream national news outlets to individuals and groups that opposed ACORN’s work in low income communities and had been working for years to discredit ACORN. Through concerted efforts to increase press coverage of their claims against ACORN, as well as utilization of the “conservative echo chamber” of talk radio, Fox News, and other conservative media sources, these opinion entrepreneurs ultimately successfully transferred their framing of ACORN to mainstream media reporting. Mainstream media adopted these frames, despite lack of factual basis for many of them, and often presented them without countervailing frames that would have provided a more accurate view of ACORN’s actual activities. These “new media” news sources seldom included in media frame analyses, but Drier and Martin’s investigation suggests that ignoring “new media” may lead to studies that miss the origins and diaspora of news frames.

b. Influence of Journalists and Journalistic Practice

A potential source of influence on frame construction, which some say needs further study, is the journalists involved in reporting as well as the practice of journalism more generally. Like individuals, journalists are not empty vessels waiting to be filled by elite ideas and framing in order to regurgitate it back in the form of reporting. Journalists can choose to reject elite frames or renegotiate or reframe them. Journalists also have their own individual frames in thought that influence how they experience reality, which in turn can influence their reporting.

In addition, journalists are affected by professional standards as well as the routines of journalism practice. The literature about how journalists and journalistic routines affect framing appears to be less well developed than that of the influence of

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227 Dreier and Martin, supra note 92 at 769-770
228 Id.
229 It is not always clear where frames originate in media coverage, and there is a “live question” in the field regarding whether and how to attribute frames to political elites or journalists, for example. See Lawrence, supra note 58 at 277 (noting that at times framing appears in press coverage simultaneously with elite frame usage, complicating efforts to attribute frame creation to one or the other). Drier and Martin’s analysis of new media and opinion entrepreneurs suggest yet another player to consider when making those determinations. Dreier and Martin, supra note 92 at 767-769.
230 See de Vreese, supra note 31 at 189. But see Drier and Martin, supra note 92 (noting high levels of he said/she said or “truth-claims” reporting, suggesting that reporters are choosing to repeat frames rather than reject them.)
231 See William A. Gamson and Andre Modigliani, Media discourse and public opinion on nuclear power: A constructionist approach, American journal of sociology (1989): 1-37. at 3 (noting that journalists “contribute their own frames” to ideas and terms they may draw from other sources.); Van Gorp, supra note 125 at 67-68. (“There is interaction between the journalist’s (un)conscious selection of a frame—out of the cultural stock of frames—as the result of the individual belief system, and the influence of additional factors inside and outside the media organizations.”).
elites, and there are calls to increase study of the role of journalists in frame formation.\textsuperscript{232} There are, however, some common themes on how to think about the influence of journalists in framing.

Journalists’ involvement with frames can be understood as frame setting, frame sending, or a mix of the two. Frame setting refers to a journalist imposing his or her own point of view in reporting; this kind of reporting has been called a “filtered account” of an event or issue where the journalist’s point of view dominates the coverage. Frame sending refers to a journalist relaying the frames of other actors in reporting; also known as a “conduit account” of information, it is characterized by a “neutral” presentation of claims or competing claims. That is, the journalist presents the claims of various sides of an issue without commenting about whether any of them are more credible. A third type of journalistic framing, also called an “interpretive account,” includes a mix of the two, with a journalist reporting the frames of other actors but adding his or her own context that cues the audience in how to interpret them; the journalist frames the frames.\textsuperscript{233}

The conduit account in news media coverage can appear to be balanced or impartial when it presents claims from multiple sides of an issue, but has been criticized as prone to information bias when competing claims are simply repeated without any interrogation. That is, the appearance of journalistic impartiality, whether in terms of ‘non-partisanship’ or ‘balance,’ does not necessarily signify that reporting is “fair.”\textsuperscript{234} The conduit account, which is often popularly referred to as “he said/she said” reporting, “presents different frames on a given issue and does not provide cues as to which interpretations are more adequate.”\textsuperscript{235} This has also been called reporting of “truth claims” of interested parties; a journalist may not be able to verify the truth of a source’s claim, but can verify that it is true that the source stated it.\textsuperscript{236} The he said/she said reporting style becomes problematic because “[p]ublishing statements of actors without further evaluation or contextualization already constitutes a journalistic act of legitimizing these statements as—somewhat—appropriate contributions to the public debate.”\textsuperscript{237}

Some communications scholars argue that journalistic practices and techniques play a substantial role in framing stories.\textsuperscript{238} Professional norms or values can affect journalists’ decisions about presenting, omitting and framing information in a story.\textsuperscript{239}

\textsuperscript{233} Brüggermann, \textit{supra} note 132 at 65-66.
\textsuperscript{234} Sandrine Boudana, \textit{Impartiality is not fair: Toward an alternative approach to the evaluation of content bias in news stories}, Journalism (2015): 1464884915571295.
\textsuperscript{235} Brüggenmann, \textit{supra} note 132 at 66.
\textsuperscript{236} Tuchman, \textit{supra} note 51 at 90-92. This style of reporting places the burden on the viewer to decide which side to believe. Id. at 90-91.
\textsuperscript{237} Brüggenman, \textit{supra} note 132 at 67.
\textsuperscript{238} See e.g., TODD GITLIN, \textit{THE WHOLE WORLD IS WATCHING} (1980).
\textsuperscript{239} See e.g., HERBERT J. GANS, \textit{DECIDING WHAT'S NEWS: A STUDY OF CBS EVENING NEWS, NBC NIGHTLY NEWS, NEWSWEEK, AND TIME} (1979) (describing values, such as social order, that are related to framing packages).
For example, some criticize the journalistic ideal of objectivity for allowing skilled elites to inject their framing into news coverage, noting that “in practice objectivity means journalists have to interview legitimate elites on all major sides of a dispute. Objectivity thus facilitates the manipulation of news slant.”\textsuperscript{240} Since all sides must be included in order to be “objective,” even biased frames without factual bases are reported.\textsuperscript{241}

In addition, journalists do not want to alienate their audience by introducing too many novel images, statements, arguments and points of view. Rather, they want to fulfill audience expectations, which means adopting previously used or common frames that tend to reinforce a particular framing or presentation of an issue, individual or group.\textsuperscript{242}

In addition, journalists’ framing can be influenced by organizational issues, such as a media outlet’s ownership, or extra-media issues, such as market forces.\textsuperscript{243} For example, broadcast journalists tend to focus on conflict in reporting, because it relays a sense of drama and conflict that in the broadcast arena is considered “good television.”\textsuperscript{244}

Logistical challenges of journalism can also have an effect. For example, something as seemingly mundane as a deadline can have a substantial effect on framing if a journalist does not have time to research the accuracy of a partisan’s claims and reports them uncritically.\textsuperscript{245} Rather than investigate and report “facts,” the reporter under a deadline may be limited to reporting what a potentially partisan source claims to be the fact. In fact, the reporting of these “truth claims”\textsuperscript{246} seems to be increasingly accepted, particularly if the reporting contains competing “truth claims” to lend the piece the appearance of “balance” and “objectivity.” The reporting of competing truth claims without critical investigation has been criticized.\textsuperscript{247}

Summary:

\textsuperscript{240} Entman (1990), \textit{supra} note 122 at 37.
\textsuperscript{241} \textit{Id.}
\textsuperscript{242} Entman, \textit{supra} note 97 at 345. Entman notes the propensity of local television news to play sound bites of black political leaders complaining about social problems rather than other sound bites. Because black voices are so often reduced to this kind of speech, the public expects interviews with black leaders to contain complaints and conflict. The news media, in turn, attempt to fulfill that expectation by including similar kinds of speech from black leaders in subsequent broadcasts. \textit{Id.}
\textsuperscript{244} Entman (1992), \textit{supra} note 96 at 345; for an in depth discussion of the development and prevalence of “conflict frames” in news coverage, see generally Bartholomé, \textit{supra} note 130.
\textsuperscript{245} Gitlin, \textit{supra} note 135 at 35 (noting that “Deadlines increase the pressure to keep the story simple, using what is at hand”); see also Zvi Reich and Yigal Godler, \textit{A Time of Uncertainty: The effects of reporters’ time schedule on their work}, Journalism Studies 15, no. 5 (2014): 607-618.
\textsuperscript{246} Tuchman, \textit{supra} note 51.
\textsuperscript{247} See Dreier and Martin, \textit{supra} note 91. This style of journalism has been criticized, see e.g., Thomas E. Patterson, \textit{INFORMING THE NEWS: THE NEED FOR KNOWLEDGE BASED JOURNALISM}, Random House (2013), but as Dreier and Martin’s study and others show, is still a common, if not dominant, method of reporting about many issues and in many media outlets.
Frames help individuals make sense of reality. They also present an opportunity to change peoples’ minds about an issue and influence their opinions and behavior. Due to their ability to reach large segments of the population, the news media is particularly well situated to influence public opinion through the use of frames in reporting. While the scholarly literature on media framing sometimes conflicts, it is generally accepted that news media coverage affects public perceptions of events and issues. This occurs through agenda-setting, through which the media increase the salience of some issues by choosing to report on them, as well as through framing, the selective reporting of certain information about or characterizations of an issue. The combined effects help construct social reality about a given issue or event for audience members.

The study of how the media frame an issue is an important endeavor because framing is very likely to influence audience thoughts and opinions. While viewers are not empty vessels and are unlikely to be swayed by every media frame they experience, for the most part, they are unlikely to be critical of frames presented them or to seek out alternative framing or facts. “Ordinary citizens are therefore quite susceptible to framing effects in the real world, which often involve not one exposure to a slight message variation, but a pattern of repeated exposure to resonant words and images.” Analyzing how the media frame proof of citizenship requirements and non-citizen voting is an important step to understanding the social “reality” of this issue and one of the influences on its construction.

III. The Literature on Proof of Citizenship: a Nascent Scholarship

This dissertation focuses on the media framing of proof of citizenship requirements to register to vote. The above discussion explained the theoretical justifications for and underpinnings of the analyses I conducted to investigate how the news media report on non-citizen voting and proof of citizenship. In this section, I review the nascent literature about proof of citizenship requirements to register to vote in law and political science. This review shows that there are no analyses of media coverage of this issue. In fact, there are very few studies dealing exclusively with proof of citizenship requirements. There are a handful of law review essays and notes, think tank memoranda, book chapters, and one political science article on point.

As noted in the previous chapter, proof of citizenship requirements for voter registration first appeared just over 10 years ago and have been enacted in a small number of states thus far. In the same period, however, a much larger number of states adopted voter identification requirements that required voters who wished to vote in person at the polls to present documentary proof of identity. These “Voter ID” requirements were passed in more states, affect more people, and have garnered more attention from the news media and advocates than did proof of citizenship. The scholarly

248 Entman (2010), supra note 63 at 333.
249 For example, a search of JSTOR for “proof of citizenship” renders 261 results, only 15 of which have nothing to do with voting in the US. There are other policy realms where proof of citizenship is now required, such as Medicare access.
250 See infra notes 174-187 and accompanying text (discussing publications by Hans von Spakovsky).
literature is similarly more focused on the larger issue of Voter ID, but several academics consider proof of citizenship requirements as a subset of Voter ID policies.

In this section, I review the emerging legal and political science scholarship on proof of citizenship as well as publications about Voter ID that include investigation of proof of citizenship. In addition, I will review several publications advocating in favor of proof of citizenship requirements, which have appeared in a variety of fora. Finally, I will review some political science articles regarding public perceptions, voter fraud, and Voter ID, which may be helpful in understanding the issues around public opinion and proof of citizenship.

A. Describing, critiquing, and defending the laws and practices

A handful of law review articles, essays and student notes take the first steps at describing the contours of proof of citizenship laws and citizenship verification policies. They note the different iterations that these laws/policies can take: laws requiring applicants to supply documentary proof of citizenship to register to vote, laws requiring cross reference of applications with other databases to establish citizenship status prior to finalizing a registration, and laws or administrative policies requiring cross reference of currently registered voters with databases with citizenship information in an effort to identify and purge non-citizens from voter rolls.251 A recent article explores developments in Arizona and Kansas to develop separate voter registration lists and provide different ballots depending on whether a citizen registered using a federal registration form without proof of citizenship or a state registration form with proof of citizenship.252

Some point out that proof of citizenship laws and policies have the potential to disenfranchise voters. Henderson discusses how the laws pose a particular challenge to Asian American citizens due to their low registration rates, their higher rate of naturalization vs. native birth citizenship, and the erroneous perception that all Asian Americans are foreigner non-citizens. She argues that “[l]aws and policies that make it harder to register to vote may help maintain the registration gap and therefore the


252 Chelsea A. Priest, Dual Registration Systems: Safer and Fairer?, 67 Stan. L. Rev. Online 101 (1/25/15) at 101 (concluding that “while such systems are unlikely to be struck down by the courts, they impose immense costs with little, if any, offsetting benefits given the dearth of actual voter fraud.”). Another article analyzes the litigation challenging Arizona’s Prop 200 under the National Voter Registration Act, focusing on the Supreme Court’s treatment of the Elections Clause and federal preemption in its opinion in the case. Robert A. Kengle, To Accept or to Reject: Arizona v. Inter Tribal Council of Arizona, the Elections Clause, and the National Voter Registration Act of 1993, 57 How. L.J. 759 (Spring 2014)
participation gap” between Asian American and other voters. Perales, who led the Mexican American Legal Defense and Education Fund’s (MALDEF) litigation challenging Arizona’s Prop 200, notes that after the Proposition’s passage, 30,000 registrations were rejected due to lack of documentary proof of citizenship and that the proof of citizenship requirement dampened voter registration drives in public venues since people seldom have copies of citizenship documents on their person to attach to a registration form. Marouf recounts the many ways that reliance on databases could lead to citizens erroneously being identified as non-citizens and removed from voter rolls. She also describes the difficulties – both logistical and psychological – that someone required to prove their citizenship might confront.

In addition, some law review articles question the role of race and immigration in the motivating proof of citizenship laws and practices. Arizona’s Prop 200 and other state laws seeking to regulate immigrants can be understood as being part of a larger pattern of racially discriminatory laws in Arizona tracing back to its time as a US territory. In addition, Proposition 200 proponents included individuals and organizations opposed to immigration and even self-proclaimed white separatists, bolstering the understanding of Prop 200 as an anti-immigrant law. Moreover, several of the states pursuing these policies – Arizona, Florida, and Colorado, for example – have growing Latino populations that constitute a sizeable portion of the state population (over 20% in both Colorado and Florida, and over 30% in Arizona).

The literature suggests the reliance on databases to verify citizenship could lead to problems for citizens seeking to register to vote. Databases errors have led to citizens mistakenly identified as non-citizens, complicating the registration process. For example, the US Department of Justice found that the citizenship database Georgia used in its

253 Henderson, supra note 151 at 1096. Note that the focus in this article was on Asian Americans since they were the topic of the symposium law review issue for which the article was written.

254 Perales, supra note 151 at 14-15. In addition, according to undisputed evidence in litigation challenging Prop 200, more than 30,000 registrations were rejected for lack of documentary proof of citizenship in the first years after its passage; 11,000 of them eventually registered after providing documentation, but the State admitted it had no evidence or reason to believe that the remaining 20,000 were not US citizens. Arizona et al. v. The Inter Tribal Council of Arizona, Inc., et al., No. 12-71. Transcript of Oral Argument, 2013 WL 3132223 (U.S.) (Oral Argument), (3/18/13) at 32-33.

255 Marouf, Fatma, supra note 151 at 66; see also Henderson, supra note 147.

256 Kristina M. Campbell, Rising Arizona: the Legacy of the Jim Crow Southwest on Immigration Law and Policy After 100 Years of Statehood, 24 Berkeley La Raza L.J. 1 (2014) at 38 (“Since pre-statehood, Arizona has been a bastion of the Jim Crow Southwest, passing laws that restricted the rights of non-White persons to marry, vote, and participate fully in society as citizens and residents of the United States. Because of Congress’ plenary power over noncitizens, and the resulting restrictions on their rights and privileges in the context of the right to remain in the United States, modern Arizona has focused on the enforcement of immigration law as a way to attempt to intimidate, harass, and restrict the rights of non-White persons in the state.”)

257 Enbar Toledano, Section 5 of the Voting Rights Act and its Place in ‘Post-Racial’ America, 61 Emory L.J. 389 (2011-2012) at 416-17 (“Proposition 200 was advanced primarily by two groups: Protect Arizona Now (PAN) and the Federation for American Immigration Reform (FAIR). PAN’s national advisor, Virginia Abernethy, considers herself a ‘white separatist’ and advocates a ‘catch-our-breath moratorium on legal immigration.’ FAIR similarly describes itself as an organization dedicated to ‘promot[ing] immigration levels consistent with the national interest--more traditional rates of about 300,000 a year.’”

258 Perales, supra note 151 at 13-14
verification program was inaccurate and rendered many false positives for non-citizenship, particularly for naturalized citizens as well as black and Latino citizens.\textsuperscript{259} Databases that contain old information about citizenship will have a larger impact on naturalized citizens. For example, a driver’s license database may contain citizenship information from when an individual first applied for a license, which can change from non-citizen status to citizen status via naturalization. As such, out of date or error-ridden databases are most problematic for naturalized citizens, and groups with higher proportions of naturalized citizens are more likely to be disproportionately affected.\textsuperscript{260}

In addition to practical problems created by errors in databases, some scholars discuss the broader societal impacts of changing the way eligibility is established from attestation to proof. Some note that these provisions will fall hardest on those perceived to be “foreign” – due to racial, cultural or linguistic markers – regardless of actual citizenship status or place of birth, leading to disparate enforcement of citizenship requirements. Marouf argues that “Wrongfully targeting naturalized or minority citizens in the search for noncitizens could also have negative ramifications for society as a whole, reinforcing unconscious bias about who is a ‘real’ American and creating subclasses of citizens who must overcome additional hurdles to exercise the right to vote.”\textsuperscript{261} In fact, even without proof of citizenship laws, recent election cycles have seen instances of voters being challenged as non-citizens based solely on their name, appearance, or accent.\textsuperscript{262}

B. Interrogating citizenship verification as a subset of voter identification:

Citizenship verification requirements are sometimes addressed in this emerging literature as a subset or part of a larger debate about voter identification (“voter ID”) requirements. Voter ID laws generally require voters seeking to vote in person to present documentary proof of their identity and sometimes domicile. Depending on the state, accepted documents range from utility bills to current (unexpired), government issued photo ID with matching name and address; and several states still have no voter ID requirements other than the federal requirement that first time voters who register by mail must show ID. Voter ID laws preceded proof of citizenship, both in state legislatures and in the courts, and have been a larger source of public and media controversy. However, some scholars writing about voter ID include proof of citizenship as an example or related policy.

Several articles raise proof of citizenship requirements as a form of voter ID or an example of other legislative and administrative limitations on voting, such as reductions in early voting hours, limitations on registration drives, etc.\textsuperscript{263} They present a host of

\begin{footnotes}
\item[259] Enbar, \textit{supra} note 157 at 417-419.
\item[260] Henderson, \textit{supra} note 151 at 1097 (noting that erroneous databases poses a particular danger for groups, such as Asian Americans, who have a higher proportion of individuals who gained their citizenship by naturalization rather than by birth.)
\item[261] Marouf, \textit{supra} note 151 at 66.
\item[262] Id. at 1097-98.
\item[263] See e.g., Ryan P. Haygood, \textit{The Past as Prologue: Defending Democracy Against Voter Suppression Tactics on the Eve of the 2012 Elections}, 64 Rutgers L. Rev. 1019 (Summer 2012) (discussing how voter ID and proof of citizenship as well as restrictions on early voting, restrictions on registration drives and
“restrictive” policies, of which proof of citizenship is one. Some focus solely on voter ID, citing proof of citizenship as an example, and arguing that identification requirements for in-person voting are designed to disenfranchise citizens.\textsuperscript{264} For example, Hershey finds that additional burdens on voting or registration should be expected to result in a reduction in participation and voter turn out.\textsuperscript{265} Her review of political science and economic theory point to how the additional costs associated with voter ID (and assumedly proof of citizenship compliance) constitute barriers to participation, similar to past practices of registration, re-registration requirements, poll taxes and voter roll purges.\textsuperscript{266}

Others take up proof of citizenship as an example of larger legal or administrative challenges they are studying. For example, Muller argues that the Supreme Court has not sufficiently clarified the divide between state and federal constitutional authorities in election administration, pointing to litigation over Arizona’s proof of citizenship requirement as a key example.\textsuperscript{267} Tokaji references proof of citizenship requirements when discussing the dangers of partisan political motivations in election administration.\textsuperscript{268} He notes that some election administration procedures, such as aggressive purges, are considered more damaging to Democrats, and he cites the Federal Election Assistance Committee’s deadlock over Arizona’s proof of citizenship requirement as an example of the dangers of political polarization of election administration.\textsuperscript{269}

Still others use proof of citizenship as an example of problems caused after the Supreme Court found the application of Section 5 of the Voting Rights Act\textsuperscript{270} unconstitutional, leaving no jurisdictions subject Section 5 scrutiny.\textsuperscript{271} For example, Stephanopoulos notes that proof of citizenship and other laws, such as voter ID, may

\textsuperscript{264} See, e.g., David Schultz, \textit{Less than Fundamental: the Myth of Voter Fraud and the Coming of the Second Great Disenfranchisement}, 34 Wm. Mitchell L. Rev. 483 (2008) (arguing that Voter ID requirements aim to disenfranchise Americans and rig elections, uses the Arizona law as an example of state efforts to institute Voter ID requirements).

\textsuperscript{265} Id.

\textsuperscript{266} Id. at 133. (nothing that the EAC’s two Republican-appointed commissioners supported Arizona’s request to alter the federal registration form to require proof of citizenship while the EAC’s two Democratic-appointed commissioners opposed it leading to the Commission’s inability to render a final determination.)

\textsuperscript{270} Section 5 requires certain jurisdictions to obtain permission or “preclearance” from the federal government prior to changing any voting policies or procedures.

\textsuperscript{271} Shelby County, Alabama v. Holder, 530 U.S. ____ (2013).
disenfranchise citizens but may not be actionable under Section 2 of the Voting Rights Act, which prohibits discrimination on the basis of race or color in voting, since building a case that these requirements are racially discriminatory can be challenging. 272 Similarly, Charles and Fuentes-Rower critique the Voting Rights Amendment Act (VRAA), proposed federal legislation aimed at resuscitating Section 5 of the Voting Rights Act, as insufficient to address modern obstacles to voting. 273

A related topic is voter fraud, which voter ID (and proof of citizenship requirements) is claimed to prevent. Voter ID is touted to prevent voter impersonation fraud – when someone poses as someone else to cast a ballot – while proof of citizenship is supposed to prevent fraud in the form of non-citizens casting ballots. However, several studies find that reports of voter fraud are overblown. 274 Keyes, et al., note that the US Department of Justice was able to pursue just 95 charges of election fraud nationwide after three years of intense investigation of the 2002 election cycle. 275 Gumble discusses both the reality and myths of election fraud in the US, laying out documented methods of voter fraud, such as ballot box stuffing, ballot spoiling, and vote buying, none of which are prevented by Voter ID laws. 276

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273 Guy-Uriel E. Charles and Luis E. Fuentes-Rohwer, Voting Rights Law and Policy in Transition, 127 Harv. L. Rev. F. 243 (4/14/14). Section 5 of the Voting Rights Act requires certain jurisdictions to obtain federal permission, called preclearance, prior to instituting any change in voting policy or procedures. The formula for which jurisdictions are covered was invalidated in Shelby County v. Holder, so currently no jurisdictions are subject to Section 5 preclearance.
274 For example, McDonald and Levitt demonstrate that reports of widespread double voting are likely unfounded, since the likelihood of a large group of people with the same name having the same birthdate – the two data points used to “prove” someone is voting twice – is actually very high. They also analyze New Jersey voter rolls, voting records, and evidence provided by the state attorney general’s office in support of the allegation that more than 4,000 people voted twice in the 2004 election. They find that a large number of the voter files in New Jersey’s voting rolls contain erroneous birthdate information, making reliable assumptions about individuals double voting difficult, that the vast majority of individuals on the attorney general’s list were identified using erroneous information, and that several of the individuals flagged as double voting are most likely different people with the same name and date of birth rather than different people. Michael McDonald and Justin Levitt, Seeing Double Voting: An Extension of the Birthday Problem, Election Law Journal, Vol. 7, No. 2 (2008), 111-122.
275 Scott Keyes, Ian Millhiser, Tobin Van Ostern and Abraham White, Voter Suppression Disenfranchises Millions, Race, Poverty & the Environment, Vol. 19, No. 1, Public Property Popular Power: New Majority Rising (2012), pp. 11-12. They also note that the American Legislative Exchange Council (ALEC) drafted and provided model legislation on voter ID requirements to state legislators. ALEC brings together state lawmakers and representatives of big businesses, who pay a membership fee, in private conferences; it provides model legislation to its members to introduce in their home states. The majority of these laws would be considered conservative, pro-business, and limiting government. For an in depth discussion of ALEC, and its activities after they were finally made public, see Nancy Scola, Exposing ALEC: How Conservative-Backed State Laws are all Related, The Atlantic (4/14/12) available at http://www.theatlantic.com/politics/archive/2012/04/exposing-alec-how-conservative-backed-state-laws-are-all-connected/255869/. Arizona’s Prop 200 and proof of citizenship requirements for voter registration became part of ALEC’s repertoire of model legislation. A copy of this legislation is available via the ALEC Exposed project, ALEC Exposed, 7K12 Citizen and Taxpayer Protection Act, available at http://alecexposed.org/w/images/f/f6/7K12-Taxpayer_and_Citizen_Protection_Act_Exposed.pdf.
276 Andrew Gumbel, Election Fraud and the Myths of American Democracy, Social Research, Vol. 75, No. 4, Fraud (WINTER 2008), pp. 1109-1134
C. Defending Proof of Citizenship Laws:

There are a few publications that argue in support of citizenship laws. These include law review essays, think tank memoranda and books written by proof of citizenship proponents advocating for the policies. In addition, a relatively new political science article argues that large portions of non-citizens are registering and voting illegally in US elections.

A 2008 Heritage Foundation Legal Memorandum penned by Hans von Spakovsky may be the foundational document laying out arguments in favor of proof of citizenship requirements. Mr. von Spakovsky’s subsequent writings about this issue, as well as those of other proponents, often repeat its arguments and cite it for factual support. Because of this, I will discuss it at some length.

The memorandum claims that “thousands of non-citizens are registered to vote in some states, and tens if not hundreds of thousands in total may be present on voter rolls nationwide” and claims that it is indisputable that non-citizens are registering. As evidence, he cites reports alleging non-citizens were voting. These include a 1995 General Accounting Office study that found that up to three percent of 30,000 individuals called for federal jury service in one federal district claimed to be ineligible for jury service because they were not citizens; a 2002 Compton city council race where a candidate was banned from public office for soliciting non-citizens to register to vote; and the 1996 Dornan-Sanchez Congressional race, where a Congressional Committee found that 624 non-citizens were registered to vote.

Mr. von Spakovsky also claims that:

there is no reliable method to determine the number of non-citizens registered or actually voting because most laws to ensure that only citizens vote are ignored, are inadequate, or are systematically undermined by government officials. Those who ignore the implications of non-citizen registration and voting either are willfully blind to the problem or may actually favor this form of illegal voting.

He critiques the National Voter Registration Act and its “honor system” for making registering to vote so easy that it allows ineligible non-citizens – both legal and illegal aliens – to make it onto voter registration rolls. He lists the dangers of non-citizens voting, such as how non-citizen votes dilute or cancel out citizen votes and can lead to

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278 See e.g., Kobach, supra note 147.
280 Id. at 1-3.
281 Id.
282 Id. at 8. Mr. von Spakovsky’s arguments follow a template of a “disingenuous controversy” or the appearance of conflict where there is none. The first step in this is to suggest that the generally-accepted evidence about an issue is somehow incomplete or insufficient. Here he states that there is no way to know what the problem is, suggesting that it is an open question and those claiming that non-citizen voting is not a problem should be doubted.
fraudulent election results, especially in close elections.\textsuperscript{283} Finally, von Spakovsky provides a list of policy fixes to ensure that non-citizens do not register, including: state adoption of proof of citizenship requirements, comparing voter rolls to federal databases, referring individuals who claim to be non-citizens on jury questionnaires to county election officials, referring of non-citizens who are found to have voted to federal immigration officials for removal proceedings, and federal officials suing states who accept voter registration forms without citizenship information included.\textsuperscript{284}

In a 2012 Election Law Journal essay based on his earlier Congressional testimony, Mr. von Spakovsky repeats the same claims in his 2008 Heritage Foundation that “[t]he evidence is indisputable that aliens, both legal and illegal, are registering and voting in federal, state, and local elections,” and lists the same reports alleging non-citizens registering and sometimes even voting.\textsuperscript{285} Again, he argues that votes cast by non-citizens dilute the votes of citizens and that non-citizen participation, both illegal and legal aliens, can affect election outcomes. He argues that voter ID and proof of citizenship requirements can prevent voter fraud including “voting by illegal aliens, or even legal aliens who are still not entitled to vote since state and federal elections are restricted to U.S. citizens,”\textsuperscript{286} and maintain the integrity of US elections.

Also in 2012, von Spakovsky addressed non-citizen voting in a book he co-authored with John Fund,\textsuperscript{287} entitled \textit{Who's Counting?: How Fraudsters and Bureaucrats Put Your Vote at Risk}.\textsuperscript{288} Again, they note that there is no way to know how prevalent non-citizen registration and voting is, and present several examples of alleged non-citizen registration and/or voting as evidence of the problem. In addition to restating the examples in von Spakovsky’s 2008 memo, they note allegations that a Mexican assassin was registered twice in Southern California and testimony from the Harris County, TX registrar that he found 35 non-citizens on county voter rolls. They also discuss the Colorado and New Mexico Secretary of States’ claims regarding large numbers of non-citizens on their states’ voter rolls discussed in the previous chapter. They conclude that

\textsuperscript{283} Id. at 6-7.
\textsuperscript{284} Id. at 10. Some of Mr. von Spakovsky’s suggestions could be enacted under current election law without placing any additional burden on citizens seeking to register. For example, his suggestion for cooperation between state offices dealing with juries and elections to investigate claims of non-citizenship on jury forms could be achieved without changing registration procedures. In fact, local elections officials in some jurisdictions are already doing this. An individual placed in a jury pool from voter registration records who indicates he is not a citizen may (and should) be investigated to see if the non-citizenship claim is true, and if so, she should be removed from voter rolls. This investigation would be based on information suggesting lack of voter illegibility for a particular individual, so would be narrowly targeted, affecting only the individual whose status is in question and does not pose a burden on citizens seeking to register and vote more generally.
\textsuperscript{286} Id. at 90
\textsuperscript{287} Mr. Fund also discussed non-citizen voting claims as an example of voter fraud in his 2004 book, \textit{Stealing Elections: How Voter Fraud Threatens Our Democracy} at 100-105. He focuses on the fraud problems of absentee ballots and cites Hawaii as an example of increases in absentee ballots from areas with large non-citizen populations as evidence of non-citizens affecting the outcome of elections.
\textsuperscript{288} John Fund and Hans von Spakovsky, \textit{Who’s Counting?: How Fraudsters and Bureaucrats Put Your Vote at Risk} (2012)
non-citizens are canceling out or diluting citizens’ votes;\textsuperscript{289} claim that the “Obama Justice Department” will not prosecute non-citizens for voting “given its attitude toward illegal aliens and nonenforcement of immigration laws;”\textsuperscript{290} criticize the NVRA and the current “honor system” of registration as a principle cause of non-citizens being able to register and vote; and suggested that non-citizens – both legal and illegal aliens – are altering election results.

In a law review essay reminiscent of Mr. von Spakovsky’s style and substance, Kansas Secretary of State Kris Kobach discussed Kansas’s proof of citizenship requirement and why opponents of voter ID and proof of citizenship are destined to fail.\textsuperscript{291} Secretary Kobach argues that fraud is a big problem that must be combatted through ID and proof of citizenship measures. As evidence, he recounts a few elections where non-citizens were alleged to have voted. He also cites his own testimony to the Kansas legislature that his office had found 67 aliens registered for vote in Kansas, although he provides no information about whether they were investigated, prosecuted or removed from voter rolls, as well as the Colorado Secretary of State’s early claims that 10,000 aliens were registered and 5,000 had voted in that state.\textsuperscript{292} In addition, Secretary Kobach argues that since fraud is difficult to detect, the examples he presented are likely “the tip of the iceberg of the problem.” Finally, he argues that proof of citizenship and voter ID are on solid constitutional footing, deriding the 9th Circuit’s opinion finding proof of citizenship violated the National Voter Registration Act’s requirement that states “accept and use” the federal registration form (a determination that was subsequently upheld by the US Supreme Court). In sum, he argues that voter ID and proof of citizenship are popular with the public, have been accepted by some courts, and concludes they are “here to stay.”\textsuperscript{293}

A relatively new study eschews Mr. von Spakovsky’s template of citing anecdotes of alleged non-citizen voting and analyzes survey data to conclude that non-citizens register and vote in small but non-zero numbers. Richman, et al., analyze 2008 and 2010 Cooperative Congressional Election Studies (CCES)\textsuperscript{294} survey data regarding self-
reported citizenship status and registration/voting status as well as corporate voter information to estimate that 25% of non-citizens in the US are registered to vote. They estimate that 6.4% of non-citizens voted in 2008 and 2.2% of non-citizens voted in 2010. In addition, they explore the likely ideology of non-citizen voters and claim that non-citizen voters likely vote Democratic. In addition, they claim that non-citizens voted in sufficient numbers to alter election results, including North Carolina’s 2008 Electoral College votes as well as the Minnesota Senate race in 2008. While this article has been criticized, it constitutes one of the first attempts at using survey data rather than anecdotes of alleged behavior to gauge the extent to which non-citizens register and vote in US elections.

D. Access to citizenship documentation:

According to the literature reviewed for this study, one of the challenges for proof of citizenship requirements is the degree to which citizens have access to qualifying documentation to demonstrate their citizenship status. If all citizens have easy access to the documents needed to prove citizenship, proof of citizenship requirements do not pose a particular burden to registration. However, without access to legally mandated documentation, citizens will face challenges and may be unable to register to vote regardless of their actual eligibility. As such, the question of access to documents is a key consideration in the debate over whether proof of citizenship laws disenfranchise citizens. A handful of studies have attempted to determine ease of access to proof of identity and citizenship documents.

election years, it is conducted in a single wave in the fall. For more information about the CCES project, see http://projects.iq.harvard.edu/cces/home.

295 Jesse T. Richman, Gulshan A. Chattha, and David C. Earnest, *Do Non-Citizens Vote in U.S. Elections?*, Electoral Studies 36 (2014) 149-157, 152. While they develop three different estimates of non-citizen registration, they choose the highest estimate as their “best guess.” To reach this figure, they combined respondents who claimed to be registered and who were verified as registered with those who claimed not to be registered but were verified as being registered. The authors do not explain the process through which they verified registration or voting status.

296 *See id* at 153. Although their estimates range from 0.2% to 2.8% for those who reported voting and had a verified vote for 2008, to 7.9% to 14.7% for those who reported voting or had a verified ballot, they provide an “adjusted estimate” of 6.4% non-citizens voting as their “best guess” of actual behavior. *Id.* at 152-53.


298 The study also became immediate fodder for conservative bloggers and media who relayed its findings under headings such as “How Many Elections Will Democrats Steal Next Week?” (referring to the 2014 general election to be held the following week) (available at http://www.powerlineblog.com/archives/2014/10/how-many-elections-will-democrats-steal-next-week.php)
A 2006 study by the Brennan Center for Justice reported on a survey seeking to learn more about citizens’ access to documentation. Regarding complying with proof of citizenship requirements, the study found that seven percent of citizens polled reported that they did not have access to documents indicating their citizenship status, such as a birth certificate, passport, or naturalization papers. Among lower income respondents, defined as earning less than $25,000 per year, 12% did not have access to citizenship documents. In addition, a very high percentage of female respondents reported that they did not have access to citizenship documents with their current name; 52% did not have access to a birth certificate with their current legal name, and 33% did not have access to any citizenship document with their current legal name. This is an issue because proof of citizenship laws require the name and other information on citizenship documents to match current legal name. Another article addressed the particular difficulties of Native Americans living in rural areas have with ID requirements. Many live in rural areas in traditional ways and only interact with Tribal and federal agencies that do not require identification, so lack government issued ID to comply with proof of citizenship requirements.

In addition, a few studies have inquired into citizen possession of identification to comply with voter ID laws (proof of identity rather than proof of citizenship). An analysis of 2008 Cooperative Congressional Election Study (CCES) data shows that 1% of voters reported being unable to vote despite their desire to do so due to administrative failures in 2008, such as not appearing on registration rolls. Of this 1% of voters, 55% reported having been asked to show identification at the polls. Another study, which surveyed 1,000 registered and 500 non-registered adults in Indiana, found that among all adults polled, minorities, low income, as well as the youngest and oldest respondents were less likely to have identification that complied with Indiana’s strict photo ID law. Among registered likely voters, who one might assume would be more likely to have proper identification, blacks were still less likely than whites to have access to acceptable

299 Brennan Center for Justice, Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification, (Nov. 2006) available at http://www.brennancenter.org/page/-/d/download_file_39242.pdf. The Brennan Center also notes that since telephone surveys tend to underrepresent low-income respondents, and since lower income respondents were less likely to possess citizenship documents than higher income respondents, their findings likely overestimate possession of citizenship documents. That is, if lower income individuals were not underrepresented in their sample, the rate of non-possession of citizenship documents would likely be higher than 7%.
300 Using 2000 Census data, they extrapolated that this means 13 million citizens of voting age do not have access to citizenship documents.
301 Lack of documentation in current legal name is a particular problem for women since they are much more likely to change their name at marriage than men.
304 Id. at 465-66.
In addition, respondents with a college education were more likely to have ID than those without, and those with higher income were more likely to have ID than those with lower incomes. The cost, in both monetary and time terms, can make complying with voter ID and proof of citizenship requirements difficult for voters who lack easy access to the required documents. The Indiana study mentioned above concluded that changes in voting requirements, especially those that increase costs, such as documentary requirements for photo ID, most adversely affect individuals “who have fewer resources, less education, smaller social networks, and who are more socially isolated.” This conclusion is supported by a study of the experience of former prisoners with mental illness attempting to obtain photo identification required for access to social services. Obtaining replacement identification required a considerable commitment of time and resources on the part of the reentering individuals and their case managers, often including multiple visits to issuing agencies, filling out a different form for each agency, obtaining identify documents to justify issuing of replacements from different agencies, etc. The time, efforts, and costs for citizens without sufficient proof of citizenship would likely be similar.

E. Research into public perceptions of voter fraud:

While there are currently no studies of the media framing of proof of citizenship in the literature nor studies dealing directly with public opinion about this issue, there are a handful of studies regarding public opinions about voter fraud and voter identification that are potentially instructive. Some of them attempt to test an assumption that the US Supreme Court mentioned in dicta in an opinion regarding voter ID: that lack of confidence in the electoral system caused by concerns about voter fraud would decrease voter participation. This argument is sometimes cited in support of proof of citizenship requirements. As these studies point out, there was no empirical basis for this assumption, but it bolstered the court’s acceptance of the state of Indiana’s argument that it instituted its strict voter ID law in order to effectuate the state’s legitimate interest in ensuring the integrity of the electoral system, in part in order to keep citizens from abandoning voting participation.

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306 Id. at 114 (they did not find any difference by gender, but did find a small difference by political affiliation, with Republicans being most likely to have ID, Democrats being slightly less likely, and Independents to be even less likely).
307 Id. at 111.
309 Id. at 122. Observational fieldwork and interviews with case managers and former prisoners revealed the catch-22 that newly released individuals often face: they need identification to obtain public services, but do not have it; and in order to obtain a required identification, such as a birth certificate or social security card, they need some other piece of identification to prove their identity.
One study analyzed data from the 2006 and 2007 administrations of the Cooperative Congressional Elections Study, as well as a separate 2008 survey that asked about voter fraud. Contrary to the Supreme Court’s supposition, this study found no statistically significant correlation between belief that fraud is prevalent and intended or actual voting behavior or participation. In fact, it found that those who thought that fraud rarely occurs were less likely to have voted than those who believed it occurs often – the converse of Indiana’s claim and the Court’s assumption. They also find that respondents’ beliefs about the prevalence of voter fraud correlates most strongly with political affiliation, with Republicans being most likely to perceive voter fraud as a common problem and Democrats least likely. Similarly, those who report being very conservative were much more likely to perceive voter fraud to be a problem than those who describe themselves as very liberal. Moreover, they found no correlation between whether a respondent is asked to show ID to vote and her beliefs about the prevalence of voter fraud or confidence in the electoral system. In fact, contrary to Indian’s argument, rather than increase confidence by reducing fears of fraud, voter ID seemed to reduce confidence.

Another study, using 2011 CCES survey responses to questions about hypothetical election scenarios, found that concerns about voter fraud were influenced by partisan concerns and the ultimate outcomes of elections. For example, respondents were most likely to suspect fraud in a hypothetical scenario where voters were turned away and a Republican candidate won or where there were rumors of ineligible individuals registering and a Democrat candidate won. In addition, concern about fraud was more

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312 Id. at 1752.
313 Id. In addition, voters who believe voter fraud is very prevalent were also more likely to believe that voter impersonation and vote theft (defined as changing a vote after it is cast) were major problems. Id. at 1749.
314 Id. at 1747.
315 Id. at 1748. They also found that the racial gap was much smaller than the ideological gap, although whites reported voter fraud as a problem at higher rates than blacks and Latinos.
316 Id. at 1756. In the case of voter impersonation, they found a small correlation, but it was negative, meaning that those respondents asked to provide ID were more likely to think voter impersonation was a problem.
317 Id. In summary, they find “Although a sizable share of the population believes that vote fraud commonly or occasionally occurs, there is little or no relationship between beliefs about the frequency of fraud and electoral participation (reported, validated, or intended). Nor does it appear to be the case that universal voter identification requirements will raise levels of trust in the electoral process. Such fears appear unaffected by stricter voter ID laws, given that individuals asked to produce ID seem to have the same beliefs about the frequency of fraud as those not asked for ID.” Id. at 1759.
318 Emily Beaulieu, *From Voter ID to Party ID: How Political Parties Affect Perceptions of Election Fraud in the U.S.*, Electoral Studies 35 (2014) 24–32 at 29. Although the authors of this publication did not address the issue, their results could be interpreted as evidence of a framing effect on ideas about voter fraud scenarios. The responses followed stereotypical ideas about what types of “problems” are most common along those partisan lines. That is, these responses suggest a pre-existing association (or schema) of Republicans with voter suppression and Democrats with voter fraud. Without these schemata, there would be no reason for people to perceive of possible fraud when a given scenario is associated with one party rather than another. For example, the assumption of fraud would be just as high for voters were
closely correlated with whether the winner in the hypothetical scenario shared the same political affiliation as the respondent; a “winners effect” where concerns about fraud decrease if the hypothetical winning candidate shares the same party affiliation as the survey respondent.\footnote{Id. at 30-31.}

At least one study suggests that running elections well is more important to voter confidence than instituting a single policy, such as voter ID requirements. It found that effective election administration was positively correlated with confidence in election results, but the presence of voter identification laws was not so correlated.\footnote{Shaun Bowler, Thomas Brunell, Todd Donovan, and Paul Gronke, \textit{Election Administration and Perceptions of Fair Elections}, Electoral Studies 38 (2015) 1-9 at 7.} This study also identified partisan, racial and gender differences in confidence in election administration, with conservatives, Latinos, blacks and women less confident in election results regardless of how well a state administered them.\footnote{Id. at 9.}

A study after the 2014 election noted a correlation between primary source of news coverage and beliefs about voter fraud and disenfranchisement in survey responses.\footnote{Robert P. Jones, Daniel Cox, and Juhem Navarro-Rivera, \textit{What Motivated Voters During the Midterm Elections?}, Public Religion Research Institute (11/12/14) available at http://publicreligion.org/site/wp-content/uploads/2014/11/Post-Election-AVS-FINAL-no-bleeds.pdf.} Respondents in this telephone survey were much more likely to think that voter fraud was a bigger problem than voter disenfranchisement if their primary source of news was Fox News Network as opposed to another television news source. The study noted that:

Americans who most trust Fox News to give them accurate information about current events and politics have a different perspective on [whether voter fraud or voter disenfranchisement was the bigger problem] than Americans who most trust any other media source. More than three-quarters (76\%) of Fox News viewers say the bigger problem in U.S. elections is that people who are ineligible to vote are casting votes, while 12\% say the bigger problem is that eligible voters are being kept from voting.\footnote{Id. at 6. Viewers of other news sources were more likely to state that people being disenfranchised is the larger problem in US elections, including 51\% of CNN and public TV watchers and 48\% of broadcast news watchers. \textit{Id.} at 7, Table 3}

While this study did not contain a content analysis of frames presented in media outlets, it does suggest that some kind of framing effect may be at work for Fox News audiences as opposed to audiences of other media outlets.

A framing analysis of news coverage of the community organization ACORN in 2008 is tangentially related to this dissertation because so much of the framing at issue there had to do with claims that ACORN was engaging in voter registration fraud. Drier and Martin concluded that the national media’s uncritical adoption of negative and misleading news frames about ACORN affected public opinion and ultimately led to the withdrawal of federal funding of what had been the largest national organization advocating for low income people in the US.\footnote{Dreier and Martin, \textit{supra} note 92.} Conducting both an agenda setting and
frame analysis, they conclude that the media parroted “conservative echo-chamber” stories about ACORN (that were later discredited) and did not fact check or present favorable information about ACORN. This controversy became a major story in the run up to the 2008 Presidential election due to claims that ACORN was illegally registering people in an attempt to steal elections for Democrats and because then-Senator Barak Obama had worked with ACORN several years before. Drier and Martin note that the targeting of ACORN had been orchestrated by business-backed conservatives, including grass-roots front groups, for several years. The 2008 election registration story was the opportunity for opinion entrepreneurs to transmit their frames via the mainstream media, much as elites are said to influence media framing.

IV. Conclusion:

Voting is an important marker of citizenship and membership in the United States. Access to the franchise has historically been restricted, excluding various segments of the population. Currently, voting is limited to citizens in nearly every election in the country, consolidating the very close relationship between voting rights and ideas of authentic claims to citizenship, or “citizenship as standing.” Proof of citizenship requirements can be understood as a further regulation of the “border” between citizen and non-citizen, signified by the distinction between voter and non-voter.

Agenda setting and framing analysis allow us to investigate the news media’s effect on public perception. Framing occurs at both the individual and societal levels, and framing can have profound effects on perceptions, opinions, and decision-making. Frames presented in the media help construct social reality for audiences, cueing them as to what events or issues are worth their time to think about as well as how they should think about them. In order to understand what appears from opinion polling to be generally high public support for proof of citizenship, even in the absence of empirical evidence that non-citizen voting is a problem in need of a policy change to solve and despite evidence that it disenfranchises citizens, analysis of the frames the news media presents about this issue may be helpful.

Since proof of citizenship is such a new area of law and public policy, there are very few studies published about it at this time. A handful of law review essays and notes discussing the laws, their repercussions, and their legality. Proof of citizenship proponents have written in several venues reiterating why they believe proof of citizenship is needed. Political scientists have started testing some assumptions behind acceptance of voter identification laws, such as whether they increase voter confidence and participation, but have performed little analysis about proof of citizenship requirements alone.

This dissertation will be the first study analyzing news media coverage of proof of citizenship to register to vote. As such, it will extend political communications framing analysis into another key area of study – a policy that affects access to the ballot. It will also fill a gap in the nascent proof of citizenship literature – how the news media frame the issue and present it to the public.
Chapter 3: Methods

This dissertation analyzes the news mass medias’ news reporting on non-citizen voting and proof of citizenship requirements to register to vote. In particular, I seek to identify whether reporting on these issues has increased, which suggests the potential for an agenda-setting effect, as well as the frames utilized in reporting, since such framing could potentially influence public perceptions of, opinions about, and support for proof of citizenship requirements to register to vote. Regarding news frames, I conducted an inductive analysis of reporting in select media outlets in order to identify frames in reporting. I chose framing analysis because the mass media are likely a principal source of information for most of the public on political issues such as these.¹ While some individuals, such as those particularly interested in voting access or voter fraud, might seek out and receive information about proof of citizenship or non-citizen voting directly from advocates for or against proof of citizenship, the majority of the public likely thinks about voting during election season and is unlikely to seek out information about proof of citizenship.² Mass media coverage of non-citizen voting and proof of citizenship requirements could expose disinterested members of the public to these issues. Moreover, the news media could influence the opinions and beliefs of these individuals through the packaging, emphasis, and omission of facts and arguments in reporting – the frames used in reporting them.³

As noted previously, the documented prevalence of non-citizens voting – as evidenced by the number and frequency of indictments and prosecutions for this crime – is very low.⁴ So low, that it would not appear to be an issue worthy of reporting nor

¹ Most citizens do not seek out political information to inform their decisions or opinions, but will use “whatever information is on hand in order to come to a political decision that is satisfactory, if not ideal.” Nicholas A. Valentino, Vincent L. Hutchings, and Dmitri Williams, The Impact of Political Advertising on Knowledge, Internet Information Seeking, and Candidate Preference, Journal of Communication, June 2004, 337-354, 341 (citing J. Zaller, The Nature and Origins of Mass Opinion, Cambridge University Press (1992) at 16).
² Most individuals are “cognitive misers” who prefer to make decisions with as little information as possible and prefer “heuristics or cognitive shortcuts” to cue their decision-making process. Dietram A. Scheufele and Bruce V. Lewenstein, The Public and Nanotechnology: How Citizens Make Sense of Emerging Technologies, JOURNAL OF NANOPARTICLE RESEARCH, 7:659-667, 660 (2005)(noting the public’s aversion to making the effort to make the significant allocation of time/energy to understand nanotechnology sufficiently to make an information-based decision about it. Gaining a full understanding of how the US electoral system functions and the other issues involved in proof of citizenship would also require a large investment of time/energy that most citizens would avoid.)
something the public would be aware of or consider to be a problem in need of policy interventions to prevent. Nevertheless, the few public opinion polls asking about proof of citizenship requirements show high levels of public support, and several state governments, as well as the US Congress, have considered or pursued policy interventions to require proof of citizenship to vote. This dissertation studies news media coverage of proof of citizenship since it is a potential source of influence on public perception and opinion. That is, it studies the agenda-setting and framing functions of the news media around this issue.

In this chapter, I describe the methodology I used to accomplish these goals. First, I identified and analyzed trends in the volume of reporting on these issues over time to explore the extent to which the news media may be placing these issues on the public agenda. Second, I conducted a content analysis of 181 news stories about non-citizen voting or proof of citizenship requirements to determine the frames presented in the mass media reporting on these issues. This content analysis of framing, in the political communications tradition, inquires into the frequency and content of frames used in reporting. I describe the steps I took to identify sources, create a purposive sample of stories, develop a coding scheme, code, and analyze stories in the sample. I also address limitations and delimitations to this study.

I. Research approach:

This study uses content analysis to investigate news media coverage about proof of citizenship to register to vote in order to gain an understanding of one source of influence on public perceptions and opinions. It is an inductive analysis with the goal of discovering how news mass media sources frame these issues. Unlike other disciplinary uses of framing analysis, such as sociology’s focus on message creation or psychology’s


focus on effect on individuals’ behaviors, this approach focuses on the ideas transmitted (by both omission and commission) through media coverage. It analyzes “media frames” – the frames that the media use when reporting on an issue – as opposed to “frames in thought” which deal with how audience members use their own frames to understand an issue. The goal of this content analysis is to identify the frames that the news media use in reporting, by investigating and analyzing a cross section of media coverage about these issues.

In addition, I analyzed trends in reporting about these issues to explore potential agenda-setting effects. As explained in greater detail in the previous chapter, the somewhat overlapping theories of agenda-setting and framing seek to explain the ability of the news media to influence public awareness and perception of issues, events, and players by focusing on the frequency and content of reporting. Agenda setting theory posits that the media raise the salience of issues or events by reporting them. The news media, since they determine what is ‘in the news,’ are able to call attention to certain issues, thus setting some issues but not others, on the public agenda. Moreover, through this selective reporting, the news media “define problems worthy of public and government attention.” The agenda-setting effect of the news media has been well documented, and “there is a direct correlation between the amount of news coverage of an issue and the level of importance that the public assigns to the issue.” In its most simplistic explanation, the agenda-setting function of the news media tells people what to think about.

Framing theory in political communications focuses on how the media present an actor, issue or event, with the idea that the way the news media media frames an issue shows the public how to think about it. A media frame is “a central organizing idea or story line that provides meaning to an unfolding strip of events…the frame suggests what...
the controversy is about, the essence of the issue.” News media frame issues through the use of key terms or phrases as well as through the selection of what quotations to include in a story and which individuals to interview or quote. The news media also frame by omitting information from reporting. The media frame by “select[ing] some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described.” Through framing information, the media help construct social realities about the subjects on which they report. In this way, framing can influence audience opinions about an issue or behaviors.

The unit of analysis for both analyses was a “story,” which I define as an individual publication in a newspaper or the written transcript of a broadcast on television or radio. While framing analysis can be used to study non-textual sources of information, such as images, in this study, I only deal with textual sources and thus conducted a textual content analysis to identify media frames used. Textual content analysis categorizes portions of text into categories. Unlike observations of physical phenomena, content analysis of communications, such as news reporting, “goes outside the immediately observable physical vehicles of communication and relies on their symbolic qualities to trace the antecedents, correlates, or consequences of communications, thus rendering the (unobserved) context of data analyzable.” While analyzing transcripts of television and radio broadcasts limited my ability to analyze possible framing present in visual presentation (video, graphics, etc.) or audio presentation (tone, inflection, etc.), the transcripts provided sufficient information to conduct a robust framing analysis.


23 See e.g., Murray Edelman, *Contestable categories and public opinion*, Political Communication, 10(3), 231-242 (1993) at 232 (“Far from being stable, the social world is…a kaleidoscope of potential realities, an of which can be readily evoked by altering the ways in which observations are framed and categorized.”). For a discussion of how framing can affect the social construction of reality in social movements, see Robert D. Benford and David A. Snow (2000), * supra* note 3; see also Calvin Morrill and Jason Owen-Smith, *Emergence of Environmental Conflict Resolution*, in *Organizations, Policy, and the Natural Environment: Institutional and Strategic Perspectives*, (Andrew J. Hoffman and Marc J. Ventesca, eds.).


28 While the visual material might have provided additional information, using video of broadcasts rather than transcripts would have limited the number of broadcasts and outlets I could have analyzed due to the
while the visual or audio portions of a broadcast can be a source of framing, I found no indication that the frames I identified in the content of the broadcast might be contradicted by the visual images. In addition, all transcripts analyzed provided information, such as attributing text to its speaker by name and often title as well as indicating which portions of text appeared in video clips as opposed to the regular broadcast. The attribution was critical to my analysis since it allowed me to identify whether the source of text was a host, reporter, or guest as well as whether the source was an elected official, advocate or other political elite.

Content analysis of media frames has been used to analyze news media coverage on a variety of topics and issues, as we saw in Chapter 2. For example, Entman used content analysis of local television news in Chicago to discern how reporting could support or reinforce “modern racism” views by analyzing racial disparities in the reporting about blacks and whites in politics and crime. In another piece, Entman used content analysis of newspaper reporting to analyze frames regarding environmental legislation proposed in Congress. Tolley used content analysis of print media in Canada to discern differences in assessment of candidate viability for white and “visible minority” political candidates. Dickson used content analysis of New York Times coverage of the Panama invasion to interrogate contestation of government claims. These are but a few of the many examples of news media framing analyses utilizing a content analysis approach.

I selected media framing analysis for this project in order to explore how the issues of proof of citizenship to register to vote and non-citizen voting were being presented to the public via the news media. The news media are “a window on the world” through which “Americans learn of themselves and others, of their own institutions, leaders, and lifestyles, and those of other nations and their peoples.” Examining how the news media frame proof of citizenship provides information about how it is presented to the public as well as how advocates’ partisan frames are included in or omitted from coverage. While content analysis of frames about proof of citizenship alone will not prove that the news media influence public perception or opinions, although

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34 The focus on media frames investigates how the news media portray an issue. Measuring the impact of framing on audience members so as to “prove” frame effectiveness would entail a different research approach and methodology. This study does not focus on individuals but rather on the news media’s transmission of frames. Moreover, it is well-understood that while framing analysis may suggest influence
“[n]umerous studies show that public opinion depends in important and systematic ways on how issues are framed,” proving a framing effect is not the goal of this study. My inductive approach seeks to identifying whether and how the news media frame proof of citizenship or non-citizen voting. Content analysis of news media framing is a rigorous and illuminating endeavor in understanding the potential sources of influence on the public opinion about proof of citizenship requirements to register to vote.

II. The Process of a Framing Analysis:

Communications scholars use content analysis of media coverage to identify and track the deployment of frames in communication. Based on review of “the most compelling studies” of this kind, Chong & Druckman lay out a process for completing this kind of analysis: (1) identify an issue, event or political actor for study, (2) identify specific attitudes about that issue, event or actor; (3) inductively identify an initial set of frames to create a coding scheme, and (4) select media sources for content analysis. The stories generated through search of these sources, usually in electronic databases, are the unit of analysis. Coders then analyze the sample of stories identifying the presence or absence of identified frames in each story.

For this study, I followed this model with the following steps. First, I identified the issue of proof of citizenship requirements to register to vote. As I explained in my first chapter, proof of citizenship requirements are being debated in several states, with four having adopted laws requiring proof and several others instituting administrative procedures to verify citizenship of registered voters. These policies are still actively being debated in statehouses, news media, and the courts, with ongoing questions as to whether they are necessary and whether they disenfranchise voters, among other issues. The

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36 However, some criticize the content analysis approach and would like more research about the production of frames and mixed frames. See e.g., Porismita Borah, Conceptual Issues in Framing Theory: A Systematic Examination of a Decade’s Literature, Journal of Communication, 61 (2011) 246-263.

37 Chong & Druckman, supra note 7 at 106-107.

38 Id.

39 Chong & Druckman note two coding approaches. One uses computer algorithms to search a very large set of documents for specific terms. This approach has the advantage of being able to analyze a very large number of documents, but is limited in that only direct matches in those documents will be flagged. Human-based coding is more slow paced, meaning the sample will likely be smaller, and has the additional risk of coder error, but has the advantage of coder flexibility and judgment to identify frames with slightly different terminology but the same meaning. Id. at 108.
outcome of these debates could have serious consequences for voting access since registration is the initial hurdle to voting in nearly every state. Laws and policies that affect the ability to register (or remain registered) will affect the ability to vote, and to the extent that these laws and policies have disparate impact on different groups, they may disenfranchise not only individuals but particular constituencies.

Second, I identified specific attitudes about the issue of proof of citizenship to register to vote. In particular, I identified an attitude of supporting the requirements and one of opposing them. While the reasons for support or opposition may vary between individuals or organizations, the attitudes of support or opposition are the same. For example, an opponent that claims that proof of citizenship disenfranchises and one who claims that it is discriminatory are both voicing an attitude in opposition to the law/policy, even if their reasons for that attitude vary.

Third, I identified an initial set of frames. As I discuss in further detail below, I employed a two-step process to develop the frames for this study. First, based on prior work on this topic, I developed an initial set of frames for both the supporting and opposing attitudes. Second, after coding a preliminary sample of 45 stories, I identified additional frames that I had not included in my preliminary list. The additional exposure to the framing used in news media helped me refine my coding scheme inductively, based on repeating themes I identified in the stories themselves. 40 I continued coding stories from various media outlets using the updated code list, but maintaining an open mind to identifying additional frames.

Fourth, I selected sources for analysis available in the LexisNexis “News” database. As discussed further below, I limited my sources to media outlets with a geographic distribution in Kansas or Arizona as well as a selection of media outlets with national distribution.

A. Coding Scheme:

Codes for content and framing analysis can be developed both deductively and inductively. Deductive processes for code development can be based on prior research or theorization. 41 The codes are identified and defined prior to assessing the data and are often formulated to help test hypotheses, answer questions devised prior to devolving into the data, or replicate results. 42 Deductive code creation is common in theory-testing research or deductive reasoning, where theory informs hypotheses and observations and

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40 Richard E. Boyatzis, Transforming Qualitative Information: Thematic Analysis and Code Development, (1998) at 30 (“deductive approaches to discovery are based on an assumption that there are ‘laws’ or principles that can be applied to the phenomenon…[o]n the other hand, an inductive approach searching for patterns is based on the ‘facts,’ or information being studied.”)

41 See e.g., Elo and Kyngäs, supra note 26.

42 See Helene Joffé and Lucy Yardley, Content and Thematic Analysis, in Research Methods for Clinical and Health Psychology, David F. Marks and Lucy Yardley (Eds.), at 57, 59. Deductive code creation parallels the deductive model of reasoning with starts with theoretically-driven hypotheses followed by observation of a given happening in order to confirm or disprove the hypothesis. It has also be called theory-testing or canonical approach.
data analysis are used to confirm (or not) those hypotheses. In the inductive approach, codes emerge from the data themselves; in the process of observing the data, researchers identify repeating phenomena or themes. Inductive code creation is common in “theory generating” research, including “grounded theory,” which starts with observations to identify patterns to inform tentative hypothesis formation and ultimately generate theory. The inductive approach can be particularly useful when there is no previous work on an issue or when seeking to identify new trends or definitions.

Both inductive and deductive coding (and reasoning) have strengths and weaknesses. Deductive coding can be more efficient since codes are established prior to data assessment. Because codes are developed based on existing theory or research, deductive coding also enables scholars to extend or disprove existing theory or research, contributing to a more linear development of a given theory, topic, or field. However, strict adherence to deductive coding may cause researchers to miss important trends within the data that are outside the deductive coding scheme. On the other hand, although approaching data without pre-existing ideas about how to categorize them can be unruly, inductive coding provides greater flexibility to identify and capture emerging themes present in the data themselves. Inductive coding is well-suited for novel areas of inquiry where there may not be preexisting research or theoretical development upon which to construct a deductive coding scheme. Content analysis, particularly in the field of media studies, often employs partial if not completely inductive approaches to coding.

43 Kristin Luker has called this theory-testing deductive approach to research in sociology the “canonical” approach. KRISTIN LUKER, SALSA DANCING THROUGH THE SOCIAL SCIENCES: RESEARCH IN AN AGE OF INFO GLUT at 40-50.
44 Id. at 200-201.
45 See Ansel Strauss and Juliet Corbin, Grounded Theory Methodology: An Overview, in STRATEGIES OF INQUIRY, available at http://www.clemson.edu/ces/cedar/images/e/e1/2-Grounded-Theory.pdf, at 273 (“Grounded theory is a general methodology for developing theory that is grounded in data systematically gathered and analyzed. Theory evolves during actual research, and it does this through continuous interplay between analysis and data collection.”)
46 Id. Elo and Kyngäs, supra note 26 at 109; Boyatzis, supra note 40 at 30.
48 Note that some argue that assessing data with a completely empty mind is impossible since researchers’ prior experiences will exert some influence on their data interpretation.
49 See SRRAN B. MERRIAM, QUALITATIVE RESEARCH IN PRACTICE (2002) at 5 (“Often qualitative researchers undertake a qualitante study because there is a lack of theory or an existing theory failes to adequately explain a phenomenon...the process is inductive...researchers gather data to build concepts, hypotheses, or theories rather than deductively deriving postulates or hypotheses to be tested (as in positivist research).”)(emphasis in original); see also Luker at 49-50.
50 See e.g., Forman, Jane, and Laura Damschroder. Qualitative content analysis, EMPIRICAL RESEARCH FOR BIOETHICS: A PRIMER. OXFORD, UK: ELSEVIER PUBLISHING (2008): 39-62, 48 (“Although there are studies that use codes developed either deductively or inductively, content analysts most often employ a combination of both approaches.”)
For this study, I used both deductive and inductive approaches to develop a coding scheme. First, I developed a list of preliminary codes, listed below, based on my previous work on the issue of proof of citizenship requirements as well as other voting rights work. This initial list was deductively derived based on the arguments regarding proof of citizenship and non-citizen voting I identified while researching sources such as publications and official statements from advocates and interest groups for and against proof of citizenship. I did not conduct any media framing analyses for this prior research, but I did read memoranda and statements from advocates on both sides of the issue as well as court documents. Since I hypothesized that advocates’ frames might be reported in news media coverage, I used them to create my preliminary list of codes. In addition, I used my prior research and experience with this issue to imagine a frame that seemed logical – the opposing frame that the current system of registration was sufficient to prevent non-citizen registration. My list of preliminary codes was not intended to be exhaustive because of my inductive research design. I wanted to remain open to


52 This past work includes research conducted for graduate school coursework as well as in my professional position as Director of Opportunity and Inclusion for the Chief Justice Earl Warren Institute of Law and Social Policy at the University of California, Berkeley School of Law. In particular, I gained significant exposure to this area of law when researching a presentation, “Citizenship and Electoral Access” for the Reigniting Community: Strengthening the APA Identity symposium, (Irvine, CA; March 16, 2012), as well as article on the same topic in the symposium issue of the UC Irvine Law Review, see Ana Henderson, Citizenship, Voting, and Asian American Political Engagement, 3 U.C. Irvine Law Review 4, 1077-1104 (Dec. 2013).

53 Some communications scholars advocate for the deductive creation of codes prior to initiating content analysis of texts. See Claes H. de Vreese, supra note 3 at 53-54.

54 I did access newspaper sources to obtain factual information about events that were not otherwise publicly available. In particular, I had to rely heavily on press accounts of the citizenship voter purge activities in Florida, Colorado, and New Mexico in 2012-2013, which I also discussed in my first chapter, because these state actions were not conducted in open view of the public. However, I did not use these media accounts to identify or collect frames in support or opposition of proof of citizenship.

55 See e.g., Gamson and Modigliani, supra note 21.

56 I must note that this reflects my own framing of the issue and reframing of advocates’ claims. Like journalists (and every other human being), researchers also have their own individual frames that influence their perceptions, thinking, and decisions. A ‘reflexive’ approach that acknowledges that researchers are not objective observers, but rather social creatures with the potential to influence research and data analysis can help address this. See e.g., Natasha S. Mauthner and Andrea Doucet, Reflexive Accounts and Accounts of Reflexivity in Qualitative Data Analysis, Sociology Vol.37(3):413-431 (2003)(discussing how despite ‘the reflexive turn’ in social sciences, little information is provided to students on ‘how’ to be reflexive, and noting the importance of building in time and space to dedicate to being reflexive about research, methodological, and analysis choices). While it is impossible for me to escape my own frames completely, I chose to remain open to identifying frames inductively from the texts rather than deciding on a final list of codes before coding the sample. This, as well as being mindful of the potential for my individual frames to influence my perceptions, are valuable tools to avoid personally biasing the results with my own individual frames in thought.
additional frames I might identify in my content analysis of the media coverage itself. However, the preliminary list served to help start the coding process.

**Preliminary Framing Codes:**

Supporting frame codes:
- Current system is insufficient
- Current system is weak
- Non-citizen voting is a big problem
- Non-citizens dilute citizen votes
- Non-citizens steal elections

Opposing frame codes:
- Regarding the efficacy of the current system
- Regarding the relative smallness of the problem
- Regarding political motivations/expediency of the “fix”

After coding a preliminary sample of 45 stories, I deliberately paused to revisit my coding scheme and add frames I identified during the preliminary coding. First, I revised some of my original codes after noticing they were somewhat redundant. For example, I combined two supporting codes about the weakness of the current system into one code regarding the current system being insufficient (to prevent non-citizens from registering and voting). I also refined the opposing codes to make their position statement more clear. For example, I changed “regarding the efficacy of the current system” to “current system is sufficient” in order to make it more clear that this frame was making a claim that the current system did not need to be changed.

More importantly, I added codes for framing themes I identified from reading the first set of stories. During the coding process, I made very careful notes of the frames being presented in order to identify the frames actually presented in the stories. Reviewing those notes helped me noticed trends in reporting frames which I identified additional codes. This provided a more accurate account of how the news media were framing the issue than if I had held firm to my deductively constructed preliminary coding scheme. This inductive approach to discovering frames was particularly important since, as noted in Chapter 2, previous research – both my own and others’ – has not focused on media coverage of proof of citizenship, but rather on the laws and policies themselves, and to a more limited extent, proponents’ and/or opponents’ arguments.

Reviewing my notes after coding the preliminary sample revealed several themes/frames that were not in my preliminary list of codes. For example, I noticed that many stories referred to non-citizens as “illegal immigrants,” “illegal aliens,” or “illegals.” I had not included that in my preliminary list of codes/frames, likely due to my personal frame of thinking about proof of citizenship in the voter registration context as a distinction between citizen and non-citizen and not part of larger national and local immigration reform debates where immigration status is often discussed. In addition, I

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57 Individual frames affect researchers just as any other human. My previous individual frames led me to think of proof of citizenship as a voting rights issue and not an immigration issue. If I had not conducted
noticed several opposing frames in the stories that were not on my preliminary list and added them as well. Through this process, I inductively revised my coding list by adding frames that “emerge[d] from the material during the course of analysis.” Later in the process of reading and coding, I identified an additional supporting code – that complying with proof of citizenship requirements is not difficult.

Although I added frames identified in the preliminary coding, I chose not to remove codes that were not well represented in the preliminary set of stories. I retained them for two reasons. First, their spotty representation in the preliminary sample could have been a fluke of the smaller sample. If I had removed them from the coding scheme, I would have missed their potential prevalence in the sample as a whole. Second, since framing entails the selective presentations of reality, what is not presented is as important to note as what is reported. That is, the omission of or failure to present frames or information can be a significant finding in itself. Excluding frame codes from the analysis simply because they were not popular in the preliminary sample would limit my ability to analyze the significance of omission of relevant information on the framing regarding proof of citizenship.

Below is a list of my revised coding scheme. These are discussed in greater detail in the codebook I composed, which is available in Appendix A.

**Revised Framing Codes:**

**Supporting frame codes:**
- Current system is insufficient
- Non-citizens voting is a large problem
- Non-citizens voting dilute citizens’ votes
- Non-citizens voting steal elections/affect election outcomes
- Need proof of citizenship to protect election integrity
- Complying with proof of citizenship is not difficult
- Illegal Aliens/Illegal immigrants are voting
- The 2014 “amnesty” is a plan to increase Democratic voters

open coding and allowed myself to inductively shape my coding scheme, I would have missed this aspect of the proof of citizenship debate completely.

58 The larger number of opposing frames identified in the preliminary coding may be because my prior work had focused more on understanding proponents’ arguments in favor of proof of citizenship as well as the more centralized efforts in support of proof of citizenship. Proponents’ arguments are very consistent and largely repeat the same claims and arguments in Hans von Spakovsky’s 2008 Legal Memo published by The Heritage Foundation. Hans A. von Spakovsky, *The Threat of Non-Citizen Voting*, Heritage Foundation Legal Memorandum #28, 7/10/2008, available at http://www.heritage.org/research/reports/2008/07/the-threat-of-non-citizen-voting.

59 de Vreese (2005), *supra* note 3 at 53.

60 Over- or underrepresentation in the subset of stories is possible. For example, the opposing frame that proof of citizenship was politically motivated was the most popular opposing frame in the preliminary sample, but not in the sample as a whole.

61 Entman (1993), *supra* note 3 at 54. (“Receivers’ responses are clearly affected if they perceive and process information about one interpretation and possess little or incommensurable data about alternatives. This is why exclusion of interpretations by frames is as significant to outcomes as inclusion.”).
Opposing frame codes:
Current system is adequate
Proof of citizenship disenfranchises
Proof of citizenship is politically motivated (personal or partisan gain)
There are disincentives for immigrants to vote that are protective
Non-citizen voting is a tiny problem/small number of prosecutions
No evidence of non-citizen voting fraud
Proof of citizenship is racially discriminatory/xenophobic

A note on reporting style:
In addition to the substantive frame-based codes discussed above, I analyzed each story for reporting style. I categorized each story as using one of two styles: he said/she said or fact checking. He said/she said reporting refers to stories where the predominant source of information are parties on one or both sides of the issue; where a reporter repeats partisan “truth claims” without interrogation or verification of their factual basis or consulting with a more objective source. For proof of citizenship, this might include a news announcer stating that supporters say it will prevent voter fraud while opponents worry it will disenfranchise voters, but presenting no information about whether these opinions have any factual basis or veracity.

In contrast, fact-checking style refers to stories that prominently feature information other than advocates’ claims, such as independent investigation or consultation with more neutral individuals with pertinent information. While a fact-checking story might mention proponents’ and/or opponents’ truth-claims or frames, it will provide information regarding the accuracy of those truth-claims. For example, fact-checking reporting might present an interview with a local elections official regarding claims that non-citizens are voting or the results of the journalist’s own investigating into the issue.

II. Data Collection:
A. Sampling Frame:
My content analysis studied frames in a purposive sample of 181 news stories from select media outlets. I obtained the stories through keyword searches, described in detail below, of the LexisNexis News database. The LexisNexis News database is a searchable database that will deliver stories that contain terms matching a query. It

62 Tuchman called such claims in reporting “truth claims.” While a reporter may not be able to verify the truth of the claim, she can verify that it is true that a source made the claim and stated it was true. Tuchman, supra note 33 at 90-92 (“by presenting both [opposing] truth-claims, the professional reporter theoretically allows the news consumer to decide who is telling the truth.” Id. at 90-91). This style of reporting has also been called the conduit account of information. Michael Brüggermann, Between Frame Setting and Frame Sending: How Journalists Contribute to News Frames, Communication Theory 24 (2014) 61-82, 66.
includes 780 newspapers from the United States and transcripts of broadcasts from 61 television and radio sources in the United States.

B. Identifying Sources

In order to get a sense of how the issue of non-citizen voting and proof of citizenship was being presented to the public and potentially influencing public perceptions and opinions, I wanted to include a variety of news media sources in my sample. Newspapers, both in print and online, have been and are an important source of news and political information, so I included newspapers. However, newspaper readership has declined, and television and other sources of news become increasingly important sources of political information. Some scholarship suggests that newspapers and television news are complementary sources of political information, but that television appears to be a more significant source of political information for groups who “lack information,” such as young people and immigrants. Accordingly, I included television and radio sources in the sample.

Although online political blogs have increased significantly in recent years, I did not include them as sources for my study. Part of my decision was due to logistical concerns, since political blogs are not well represented in the LexisNexis News database, which might lead to sampling bias. In addition, LexisNexis’s criteria for including some blogs but not others was not clear. More importantly, I did not include blogs because they have smaller readerships and are sometimes more ideologically driven than traditional news sources.

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63 This includes broadcasts from network news channels, such as ABC News, as well as cable news sources and individual cable news programs, such as Lou Dobbs Tonight or Cavuto. Note that LexisNexis provides transcripts of television and radio programming rather than audio or visual, so for stories from television or radio, I analyzed only text of the transmission and not the video or audio of the source material.

64 The News database includes 3,231 newspapers from around the world, and transcripts from 135 television and radio stations globally. I did not include blog entries or personally published materials, since I did not have access to a database that provided sufficient breadth of blogs to search.

65 Chaffee and Frank note that individuals seeking political information sought out newspapers more often.


67 Television news is a particularly important source of political information for “groups that lack information,” such as young people, immigrants, and migrants. See Chaffee and Frank (1996) at 55-57.


69 See Daekyung Kim and Thomas J. Johnson, Political blog readers: Predictors of motivations for accessing political blogs, Telematics and Informatics 29, no. 1 (2012): 99-109, 99-100 (noting that blogs have become an increasingly important source of political information in the U.S. and have opened up “journalism” by allowing anyone with limited technological skills to publish their ideas online).
mass media. \footnote{See id. at 101(noting that the content and links on a blog reflect the ideology of the blog’s creator, and some research suggests that blog readers seek out blogs with similar ideologies to their own);} \footnote{Some research suggests that blog readers may also differ in important ways from the average consumer of mass media. For example, blog readers tend to be more distrustful of government and mainstream media. See Kim and Johnson at 101. Blog readers tend to be more interested in politics, more ideological, and more partisan than non-readers. Eric Lawrence, John Sides, and Henry Farrell, Self-segregation or deliberation? Blog readership, participation, and polarization in American politics, Perspectives on Politics 8, no. 01 (2010): 141-157 at Table 2. Some surveys indicate that blog participants are more likely to be white, male, well educated, affluent, and young. See Kim and Johnson; Thomas J. Johnson and Barbara K. Kaye, The dark side of the boon? Credibility, selective exposure and the proliferation of online sources of political information, Computers in Human Behavior 29, no. 4 (2013): 1862-1871 at 1865.} \footnote{Research suggests that consumers of political blogs and electronic political media tend to seek out blogs and websites that have similar ideological and partisan leanings. See Lawrence, et al., supra note 71; However, Johnson and Kaye note that while politically engaged blog readers demonstrate selective exposure to blogs with similar ideological leanings, they may also seek out blogs with opposing ideology to demonstrate to themselves that they cannot be swayed or to improve their understanding of and arguments against contrary arguments. Johnson and Kaye supra note 71 at 1867.}

Focusing on news sources with small readership would not be instructive when trying to determine what frames are exposed to the general public. \footnote{See id. at 101(noting that the content and links on a blog reflect the ideology of the blog’s creator, and some research suggests that blog readers seek out blogs with similar ideologies to their own);} \footnote{Some research suggests that blog readers may also differ in important ways from the average consumer of mass media. For example, blog readers tend to be more distrustful of government and mainstream media. See Kim and Johnson at 101. Blog readers tend to be more interested in politics, more ideological, and more partisan than non-readers. Eric Lawrence, John Sides, and Henry Farrell, Self-segregation or deliberation? Blog readership, participation, and polarization in American politics, Perspectives on Politics 8, no. 01 (2010): 141-157 at Table 2. Some surveys indicate that blog participants are more likely to be white, male, well educated, affluent, and young. See Kim and Johnson; Thomas J. Johnson and Barbara K. Kaye, The dark side of the boon? Credibility, selective exposure and the proliferation of online sources of political information, Computers in Human Behavior 29, no. 4 (2013): 1862-1871 at 1865.} For a study about a subpopulation’s views about this issue, blogs may be very germane and important, e.g., in a study about ultraconservative voters’ views, framing utilized in ultraconservative blogs would be more significant. \footnote{See id. at 101(noting that the content and links on a blog reflect the ideology of the blog’s creator, and some research suggests that blog readers seek out blogs with similar ideologies to their own);} \footnote{Some research suggests that blog readers may also differ in important ways from the average consumer of mass media. For example, blog readers tend to be more distrustful of government and mainstream media. See Kim and Johnson at 101. Blog readers tend to be more interested in politics, more ideological, and more partisan than non-readers. Eric Lawrence, John Sides, and Henry Farrell, Self-segregation or deliberation? Blog readership, participation, and polarization in American politics, Perspectives on Politics 8, no. 01 (2010): 141-157 at Table 2. Some surveys indicate that blog participants are more likely to be white, male, well educated, affluent, and young. See Kim and Johnson; Thomas J. Johnson and Barbara K. Kaye, The dark side of the boon? Credibility, selective exposure and the proliferation of online sources of political information, Computers in Human Behavior 29, no. 4 (2013): 1862-1871 at 1865.} However, in a study such as this that focuses on the general population, highly specialized blogs with more limited readerships are less informative.

In addition, I decided to impose geographic limitations. I wanted to analyze whether there were differences in framing in sources with national as opposed to local distributions and/or between different states. Accordingly, I identified several national media outlets to investigate. These included The Washington Post, The New York Times, The Wall Street Journal, PBS, NPR, FOX News Network, CNN, and MSNBC. These newspaper, radio, and television sources provide services nationwide and have large national audiences. They provide a representation of what national audiences read, listen to and view. \footnote{Unfortunately, the LexisNexis News database did not include transcripts from some talk radio shows, such as the Rush Limbaugh show, that have substantial national audiences. After initial attempts to access transcripts directly from the Rush Limbaugh website, I concluded that the search engine provided posed challenges that might bias my sample. In particular, there was a limitation on the number of years back I could search for a transcript. Since I did not set a starting date limit on my LexisNexis searches, such a limitation on the Rush Limbaugh transcripts would have led those stories to have different parameters than the rest of the sample. Given these challenges, I decided to limit my searches to those sources available through LexisNexis.}
in 2011. However, its Secretary of State has been particularly aggressive in pursuing the issue. He drafted and lobbied for the legislation, later lobbied to have the implementation date moved up by six months, and several times lobbied to have his office granted authority to prosecute election fraud cases. In addition, he has worked with several other states to draft proof of citizenship laws and laws targeting undocumented immigrants, such as Arizona’s SB 1070 and Alabama’s immigration law.™ I included Kansas because I surmised that the involvement of such an aggressive state official might affect local media coverage.

I did not impose any limitations on my searches, but rather included all stories from the first available in the database until April 26, 2015, when I conducted my last searches.™ I did not impose a starting time limit in order to gain insight into changes in reporting volume over time to inform my agenda-setting analysis. That is, I needed to identify a baseline level of reporting on these issues and also to identify the timing and size of changes in reporting volume. Keeping time parameters open allowed me to to identify whether and when reporting increased or decreased. My end date was arbitrary in being the last day I conducted a search for stories for the study. Because this is an ongoing controversy still being debated, if I were to run my searches again today, I would most likely garner many more results.

C. Shaping database keyword searches

In order to find stories dealing with non-citizen voting and proof of citizenship requirements, I conducted several searches of the LexisNexis News database. For proof of citizenship requirements, based on my prior research, I was satisfied that “proof of citizenship” was a term of art that is associated with these requirements so would be very likely to correctly identify relevant stories. However, “proof of citizenship” is also utilized in many other circumstances, such as for employment, travel, or applying for Medicare benefits, so I needed to develop a query to help avoid “false positive” results. After attempting a variety of searches, I decided to use the following query -- “proof of citizenship” /10 vot! -- to capture as many correct ‘hits’ as possible while avoiding incorrect documents. This reduced the number of results that did not deal with proof of citizenship to register to vote, since I found only one instance where these terms were more than 10 words apart (they were 11 apart). Subsequent searches of “proof of American citizenship” or “proof of U.S. citizenship” confirmed that my more limited search query was unlikely to miss a significant number of stories since a preliminary read of stories returned showed that they also used the term “proof of citizenship” without a modifier and thus also would be captured by my search term.

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™ Note that different sources may have entered the News database at different points in time.

™ An earlier query, which sought any document with the term “proof of citizenship” within 50 words of any derivation of the term vote, rendered many results that were not on point. In addition, I conducted a search for “proof of citizenship” AND vot!, to capture any document that contained both terms. This also rendered many false-positives dealing with “proof of citizenship” in other contexts. A preliminary review of the results confirms that my more restrictive search query likely did not exclude a large number of stories that dealt with proof of citizenship to register to vote, since I found only one instance where these terms were more than 10 words apart (they were 11 apart). Subsequent searches of “proof of American citizenship” or “proof of U.S. citizenship” confirmed that my more limited search query was unlikely to miss a significant number of stories since a preliminary read of stories returned showed that they also used the term “proof of citizenship” without a modifier and thus also would be captured by my search term.

I conducted a secondary search focusing on the corollary claim to proof of citizenship requirements that non-citizens were or might be voting. I conducted this search because the state administrative actions to verify citizenship, which I consider an incarnation of proof of citizenship requirements, sometimes are not called “proof of citizenship requirements.” As such, limiting my search query to “proof of citizenship” might miss stories dealing with the related, but differently named and executed, procedure dealing with citizenship and voting. My first search, “non-citizen” within 10 words of “vot!,” rendered surprisingly few results. Removing the quotation marks around non-citizen led to more hits, likely because it allowed LexisNexis to search for both the plural and singular forms of the term.

My secondary search dealing with non-citizen voting rendered a total of 6,843 in North America. This included 46 stories in Arizona sources, 107 in Kansas sources, 20 in Fox News, 39 in CNN, 29 in NPR, 34 in MSNBC, and 3 in PBS. There was overlap in the documents returned by the two search queries because some documents were identified by both searches. Of the total stories, 802 contained both search terms, this includes 347 newspaper stories and 34 television/radio stories.

The total number of stories generated in the targeted sources for the “proof of citizenship” search was 788, and the total number of stories generated in targeted sources for the “non-citizen” search was 488. Of these 1,276 stories, 132 contained both search queries, leaving a universe of original stories of 1,144. I would later find that several of these stories were reprints of the same text with different headlines and/or publication sources, dates, or times.

D. Sample Creation:

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77 I also limited my search to stories dealing with North America, which excluded stories in other areas but occasionally allowed in a story from Canada, especially in my secondary search for non-citizen voting.

78 In other work, I have referred to the body of proof of citizenship laws and administrative procedures collectively as “citizenship verification” policies. However, this term has not been widely adopted thus far.

79 As with the searches for proof of citizenship, searches for “non-citizen and vot!” or “non-citizen /50 vot!” returned many documents that did not deal with voting or voter registration. The query specifying the shorter space between terms produced far fewer false positive results.

80 Note that running this search with quotation marks around ‘non-citizen’ led to a smaller set of documents: 1,162 stories, including 14 in Arizona, 9 in Kansas, 4 in Fox News Network, 5 in CNN, 3 in NPR, 4 in MSNBC, and 1 in PBS, and none in the national distribution newspapers in my sample.

81 There was overlap in the results rendered by these two searches. For example, the same three stories for PBS were identified by both searches, and 87 of the Kansas stories contained both search queries.

82 For example, when the search term appeared in a significant news event, it often appeared in several news updates on cable news channels that day. For example, on the day the US Supreme Court handed down its opinion in AITA v. Arizona, CNN presented news updates with the term several times throughout the day, followed by a more in-depth discussion on the nighttime shows. See Justices Strike Down Arizona’s Voter Law, CNN Newsroom, 6/17/13, 10:30 AM EST; Snowden Blasts NSA, etc., CNN, Around the World, 6/17/13, 12:00 PM EST; FBI Digging for Hoffa, etc., CNN Newsroom 6/17/13, 2:00 PM EST; and Obama: “Cautious Optimism” on Iran, etc.; Erin Burnett Outfront 6/17/13, 7:00 PM EST.
I utilized a stratified sampling design for this study, selecting individual stories from bundles of stories stratified by media outlet for national sources and by geography (Kansas or Arizona) for local sources. As noted above, I limited my LexisNexis queries to a select set of publications/stations with national distribution as well as news outlets located in Kansas or Arizona. LexisNexis allows one to download up to 100 stories in a single file. For each national sources, I was able to download all relevant stories in one file. However, the Kansas and Arizona stories exceeded this 100 story limit, so I had to download them in multiple files.

At the end of this process, I had multiple Word documents containing downloaded stories, separated by publication or geography. The documents within those files were not in chronological order, but rather in an order determined by proprietary, non-public NexisLexis algorithms regarding “relevance” that I investigated and determined would not impact the inductive analysis of media frames I intended to conduct.\(^{83}\) I created my sample by selecting stories from each file (or files in the case of local publications) in order to ensure that I included stories from each media source.\(^{84}\) Since I was not engaged in a deductive, theory-testing study, I did not employ a rigid protocol to attempt to randomize the selection of individual stories into the sample. Nevertheless, a degree of randomization is present in the sample since each story was drawn in no particular order from a given source/geographic file, which was in an order determined by the database and not based on any determinations about framing.\(^{85}\)

What is more important for this inductive study is that my design has no clear source of systematic sampling bias. I designed my stratified sampling design and limited search queries in order to reduce the possibility of sampling bias. First, I selected a variety of news outlets to limit any perceived sampling bias due to media outlet ideology. In addition to multiple types of media, I included outlets with different geographical distributions and distribution sizes. In addition, I attempted to counteract ideological biases by including stories from a variety of sources with differing ideological backgrounds. For example, Fox News Network is perceived as having more conservative leanings while CNN is perceived to be more liberal;\(^{86}\) ensuring that I analyzed stories from both sources would help counteract ideological biases. Second, I selected search terms that were descriptions of the phenomena being reported rather than frames about it.

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83 See Email from Camden Delong, LexisNexis representative, on file with author (explaining that information about how the News database determines relevance is proprietary and non-public, but entails such items as the number of times a search term appears in a document, the distance between search terms (which is not germane to my query since I set the distance), and other considerations). Regardless, since I was not pursuing a deductive analysis, randomization in sample selection was not a main priority.

84 I did slightly oversample the national distribution stories in order to ensure the sample had a sufficient number of national stories to be able to make meaningful observations about framing trends within them and compared to framing in local sources.

85 In fact, given the limitations of LexisNexis’s non-public search and prioritization protocols as well as the propensity for duplicate stories due to reprints and reliance on news wire sources, obtaining an ‘objectively’ random universe of stories may be challenging.

86 See e.g., Joel Turner, The Messenger Overwhelming the Message: Ideological Cues and Perceptions of Bias in Television News, Political Behavior (2007) 29:441-464, at 454-55 (finding that attributing a story to Fox News Network or CNN affected how test subjects perceived the stories to be ideologically biased, with a CNN attribution leading to more liberal perception and a Fox attribution leading to a more conservative perception.)
The search queries I designed and used were unlikely to be frames themselves, which should lead to the selection of stories based on whether they discuss the policies themselves as opposed to whether they present a given media frame.\textsuperscript{87}

I cleaned the “sample” by removing duplicate stories, stories that were not on point, and stories that noted, but did not discuss, the requirement of proof of citizenship to register to vote. Regarding duplicates, I found instances where identical text was printed in more than one story. This was particularly noteworthy in the Kansas and Arizona outlets where the same story was reprinted in more than one publication,\textsuperscript{88} however I also found a story by the Associated Press that was published in both \textit{The New York Times} and \textit{The Washington Post}. Since these reprints often used different titles, the duplication of content was generally not apparent until I read the story and noticed repeating text. I removed duplicates because by definition they would not lead to new inductive categories. In addition, since most of the duplicate stories appeared small local newspapers, the chance that the public was being exposed to them and their frames repeatedly was unlikely.

In addition, I removed stories that were not on point, such as stories that mentioned proof of citizenship outside the voting context or stories arguing for or against whether non-citizens should be permitted to vote.\textsuperscript{89} I also removed a handful of stories that simply notified the public that proof of citizenship was required to register to vote, such as public announcements about registration deadlines.\textsuperscript{90} The plain statement that citizens needed to present proof of citizenship to complete their registration did not provide any discussion about the requirement itself. As such, the story was not about proof of citizenship, but rather what a citizen needed to do to participate in upcoming elections. While leaving these stories in the sample would have made it more ‘random,’ it would not have added to the validity of results. Since I was investigating media framing, including stories without frames would not reveal any information for analysis.\textsuperscript{91} In addition, I removed stories that only mentioned “proof of citizenship” in passing, such as an article that focused on limitations on early voting hours but included “proof of

\textsuperscript{87} Note that I did conduct one search using a query that I later identified as a frame – “illegal aliens” and voting. Although this search rendered 671 stories in the US, including 15 stories in the sources targeted for my sample, only three stories from this search were included in my sample. As such, this search had limited effect on the presentation of the “illegal alien” frame. As discussed in detail in the next chapter, this was the second most popular frame in stories in the sample, a position that would stand even if the three stories were removed from the sample.

\textsuperscript{88} Repeated stories included newswire stories, such as the Associated Press, printed in more than one newspaper. In Kansas, it also included local opinion pieces from one local newspaper reprinted in other local papers.

\textsuperscript{89} See e.g., Clark Canfield, \textit{Maine City Considers Non-Citizen Vote}, Monterey County Herald, 10/24/2010 (discussing a 2010 ballot question in Portland, ME regarding allowing non-citizens to vote in local elections); Pamela Constable, \textit{Another Voting Rights Campaign}, The Washington Post, Metro B01 (2/10/15)(discussing the controversy around proposed legislation to allow non-citizens to vote in local elections in the District of Columbia);

\textsuperscript{90} See e.g., Jim Seckler, \textit{Voter Registration Deadline Approaches}, Mohave Valley Daily News, 7/11/12 (noting the last day to register to vote in the August 28, 2012 primary election and that proof of citizenship is required to register to vote).

\textsuperscript{91} In a qualitative study, such as this framing analysis, a smaller but more focused sample may be more helpful to understanding the problem than a larger or more random but less focused sample. See e.g., Tolley, \textit{supra} note 28 at at 967.
citizenship” in a list of state election legislation. The framing in these stories was unlikely to pertain to proof of citizenship since it was not topic of discussion in the story, so including them in the sample might lead to less valid results. As such, stories that remained in my sample were: unique and focused on the issue of proof of citizenship and/or non-citizen voting.

I read and coded as many stories as possible within by time constraints and to the point that I believed I had reached “category saturation” on frames utilized.\(^\text{92}\) I did not start coding with a certain sample size in mind, but rather continued reading and coding until I believed I had identified the frames consistently used (by commission and omission) and that reading and coding additional stories would not provide me with significant new information or insights. As a result, my final sample contained 181 stories.\(^\text{93}\) A list of all the stories in the sample is available in Appendix B.

My final sample for content analysis contained stories run in sources with national distribution as well as sources with “local” distribution, defined as distribution in Arizona or Kansas. Most of the stories (103 of 181; 57\%) were from local news sources. Of these 103 stories, 46 appeared in Arizona-based publications, and 57 in Kansas-based publication. The remaining 43\% (78) of stories appeared in newspapers, television and radio broadcasts with national distributions. These distributions are consistent with the larger LexisNexus search results. In those, there were far more results for Arizona and Kansas news outlets than the national outlets in the sample.\(^\text{94}\)

The vast majority of stories (152 of 181; 84\%) came from newspapers. This included news “articles” as well as editorials, opinions, and letters to the editor. A smaller number of stories (26 of 181; 14\%) came from television sources.\(^\text{95}\) All but one of the television stories came from national cable news networks, while one was from a Kansas based television channel, KWCH. Three stories in the sample (2\%) were transcripts of radio broadcasts of NPR programs. This distribution pattern is consistent with the distribution of stories by media source in the larger search results; for both principle searches conducted, there were far more results from newspapers than television or radio sources.\(^\text{96}\)


\(^{93}\) The sample size is larger than many case-study based qualitative inductive studies. This is mostly due to my stratified sample design which drew from all media outlets for the sample. For example, if I had focused only on reporting in The Wall Street Journal, I could have reached category saturation within a much smaller number of stories.

\(^{94}\) For example, in my April 20, 2015 search LexisNexis search for proof of citizenship, 599 hits were from Arizona or Kansas while 190 were from the national sources in this study.

\(^{95}\) Note that for print and television media, the sample included only transcripts of the broadcasts and not the actual video or audio broadcast. As a result, I did not code for images, intonation, or other visual or auditory cues that might have appeared in the actual broadcasts.

\(^{96}\) For example, in my April 20, 2015 LexisNexis search for “proof of citizenship,” 1,763 of 4,348 hits were from newspapers while 163 were from television or radio sources.
Table 1: Distribution of stories in the sample by media outlet.

<table>
<thead>
<tr>
<th>Media Outlet</th>
<th>Number of stories in Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona based newspapers</td>
<td>46</td>
</tr>
<tr>
<td>Kansas based newspapers</td>
<td>56</td>
</tr>
<tr>
<td>Kansas based television station</td>
<td>1</td>
</tr>
<tr>
<td>Fox News Network</td>
<td>14</td>
</tr>
<tr>
<td>CNN</td>
<td>7</td>
</tr>
<tr>
<td>MSNBC</td>
<td>4</td>
</tr>
<tr>
<td>PBS</td>
<td>1</td>
</tr>
<tr>
<td>NPR</td>
<td>3</td>
</tr>
<tr>
<td>New York Times</td>
<td>23</td>
</tr>
<tr>
<td>Washington Post</td>
<td>13</td>
</tr>
<tr>
<td>Wall Street Journal</td>
<td>13</td>
</tr>
</tbody>
</table>

III. Data Coding Process:

There are two principle approaches to coding in media framing content analysis – automated coding and manual coding. Automated (or electronic) coding entails identifying a set of terms and using a software program to search for those terms in all the documents in a sample. Since a computer conducts the coding in this approach, it can analyze very large samples of documents in a relatively short period of time. This provides the benefit of increasing the statistical reliability of findings since they are based on a very large sample. For example, Kellstedt’s study of media use of the frames “individualism” and “egalitarianism” used software to analyze more than 6,500 news articles for “hits” of a dictionary of terms he created, and Shah et al. analyzed more than 20,000 articles for framing about the Clinton-Lewinsky scandal.

However, while the large samples in automated coding can mean more reliable results, the results from this approach may have lower validity because automated processes may be unable to recognize germane text that falls outside the programmed parameters. For example, a computer program would not identify a portion of text that has the same meaning, but uses different phrasing than a pre-programed code. To the extent that automated coding lacks the ability to make cognitive leaps and identify pertinent text, its results may have decreased levels of validity despite its high statistical reliability.

98 Tolley, supra note 31 at 967; Chong and Druckman supra note 7 at 108.
101 Tolley, supra note 31 at 967
Manual coding uses humans to read and code materials, often using prototypes of frames rather than requiring matching with precise words or terms. Human coders have the advantage of being able to make judgment calls about coding material beyond that set forth in a dictionary of terms. Because they can recognize that text outside the parameters of a dictionary of codes can have the same meaning, they can identify appropriate textual content that a computer would miss. This can increase the validity of manual coding. In addition, humans can notice emerging codes and evolving meanings from the materials that can be taken into account when revising the coding scheme. Since a computer only looks for what is in its programming dictionary, it cannot identify emerging frames.

That said, time and other resource restraints mean that the samples involved in manual coding will usually be significantly smaller than those possible in automated coding, potentially decreasing statistical reliability of results. While the smaller samples involved, as well as potential for humans to make mistakes, mean results may be less reliable, manual coding allows more flexible assessment of frames than the rigid adherence to a specific term or terms.

The tradeoff between reliability and validity are important considerations when determining coding approaches. Scholars generally choose one or the other approach to coding. One study applied both approaches, and ultimately found the manual coding to be more valid due to the difficulty to devise software searches that were neither over nor under inclusive. Another noted that deciding between manual or automated/electronic coding “will be dependent on the size of the project, the funds and time available and the inclination and expertise of the researcher.” There does not appear to be a strong preference for one method over the other in the literature, but rather acceptance and critique of both.

For this study, I chose to use the manual approach to code the stories in the sample. I wanted to be able to use inductive processes to identify frames in news media coverage; automated coding is not appropriate for this kind of study since the dictionary

102 Chong and Druckman, supra note 7.
103 See Tolley, supra note 31 (“some studies have found humans are better equipped to recognise and understand the meanings behind complex or abstract notions and thus manual approaches may be preferable”); Paula P. Schnurr, Stanley Rosenberg, and Thomas E. Oxman, Comparison of TAT and Free Speech Techniques for Eliciting Source Material in Computerized Content Analysis, Journal of Personality Assessment 58 (2): 311-325 doi:10.1207/s15327752jpa5802_10 (1992). But see Melina Alexa, Computer-assisted Text Analysis, Methods in the Social Sciences, ZUMA- Arbeitsbericht 97/07. Mannheim: ZUMA (1997) (arguing that human coders are more prone to errors and bias).
104 Tolley, supra note 31 at 967.
105 See Krippendorff, supra note 27 at 407.
107 Tolley, supra note 31 at 976.
108 Basit, supra note 97 at 152.
of codes must be developed and then applied to the data. Although I already had experience with proponents’ arguments in support of proof of citizenship, through my prior work on the issue as well as my literature review for this project, I had less experience with opponents’ arguments against it. Moreover, I wanted to identify whether the news media were using other frames than those expounded by advocates. An automated approach would preclude me from identifying additional framing in the news coverage since it would be based only on the frames I identified in my previous work.

Manual open coding allowed me the flexibility to identify emerging frames and amend my coding scheme in an inductive fashion. In addition, it allowed me to identify frames that did not use the typical word order and to identify emerging frames and meanings in the stories. This did restrict the sample size due to time restrictions, but my sample of 181 stories was on par with published media framing content analysis in the literature.

A. Manual Coding Process

I utilized a manual approach to coding the stories in the sample. This included multiple readings of each story, identifying and coding frames, entering my findings into a database I created, and selecting illustrative quotes that best exemplified different iterations of frames.

As noted above, the story was the unit of analysis. The coding of frames was dichotomous – either a frame was present in a story (1) or it was not (0). I did not code for multiple instances of the same frame within one story, so even if a frame appeared six times in one story, it is still only counted once in the sample.

1. Reading

I read each story in the sample at least twice. The first read was to gain a general perception of the piece without imposing any biases that might flow from the coding scheme. The second (and sometimes third) reading was to code pertinent sections of each document.

It is generally suggested to read each article at least once without conducting any coding in order to get a good sense of what it is saying and to be able to identify any frames that might not already exist in the coding scheme.

109 While proof of citizenship supporters such as Heritage Foundation Fellow Hans von Spakovsky and Kansas Secretary of State Kris Kobach write frequently and consistently about non-citizen voting and proof of citizenship requirements, proof of citizenship opponents are less prolific and centralized. For example, only the Brennan Center for Justice has published a proactive study suggesting that proof of citizenship (and other voter ID measures) can disenfranchise citizens due to lack of access to documentation. See Brennan Center for Justice, Citizens Without Proof: A Survey of Americans’ Possession of Documentary Proof of Citizenship and Photo Identification, (Nov. 2006) available at http://www.brennancenter.org/page/-/d/download_file_39242.pdf. Other proof of citizenship opponents are more likely to be quoted in the media regarding opposition to proof of citizenship laws or regarding litigation challenging them.

110 See supra note 106.

111 Liana Winett, Advocate’s Guide to Creating Framing Memos, in DO THE MEDIA GOVERN?: POLITICIANS, VOTERS, AND REPORTERS IN AMERICA, SHANTO IYEGAR AND RICHARD REEVES (Eds.). In
2. Coding

After the first read, I reread the stories to apply codes. I highlighted pertinent sections of the text of stories in a Microsoft Word document and used the comments function to identify the code for the frame in each section. In addition, at the top of each story, I added a comment with all supporting and all opposing frames in each story. In addition, I added a note with my assessment of style of reporting.

My next step was to add each story and its codes to a database I constructed to capture information about the stories. This included descriptive codes -- author/title/date of story, year of story, source of story, geography of story (National, Arizona or Kansas) -- as well as substantive codes for each frame and also style of reporting (he said/she said or fact checking). For each story, I input the descriptive information and noted each coded frame used in the story as well as reporting style.

B. Coding accuracy

I employed two methods to check coding accuracy. First, I employed the check-recheck method after I completing coding a batch of stories, by I conducting spot checks to ensure my coding was accurate and complete. This entailed rereading a given story to check for accuracy of codes and whether any codes were missing. In addition, I double-checked my coding when rereading a particular story to obtain a quotation for use in my analysis.

Second, after I had completed coding the 181 stories, I hired an experienced coder to conduct a reliability coding of a randomly selected subset of 23 of the stories in the sample. I selected the subset of stories by beginning with a randomly selected story in the sample and selecting every tenth story until I had a subset of 23 stories. I provided her with the codebook in Appendix A, which included instructions as well as an explanation of the codes and their contents. I did not tell her anything about the contents or research questions involved in the project beyond what was in the codebook. Unfortunately, I was not able to provide her with training about the coding process or codes due to budgetary restraints.

The reliability coding resulted in a generalized Kappa of +0.7148 for the substantive framing codes. Kappa shows the agreement in coding decisions between two or more coders taking into account the agreements that would happen by chance. It is a better measure of agreement than raw percent agreement, which in this case was 89.1%.

112 To calculate the generalized kappa, I used a macro-installed Excel spreadsheet. I input my code identification for each of the 23 stories as well as that of the reliability coder. As previously noted, the codes were dichotomous, so a code either appeared in a story or it did not; I did not systematically track or code for multiple appearances of the same code within a single story. Accordingly, there were 322 points of comparisons in our coding (each of the 14 substantive codes x 23 stories).
While the kappa of +0.7148 falls within the range of substantial strength of agreement,\textsuperscript{113} I believe I could have increased inter-coder reliability if I had been able to provide her with interactive training prior to coding.\textsuperscript{114} Training would have helped because I noticed a few consistent errors in her coding decisions. For example, she failed to identify instances of personal political motivations in the stories; since these accounted for more than 50% of the instances of the political motivations code in the random sample she reviewed, this basic misunderstanding of the operationalization of this code had a substantial impact on the Kappa. In interactive training I could have assessed whether my directions were clear and ensured that she thoroughly understood the coding scheme. I believe this would have increase inter-coder agreement even further.\textsuperscript{115}

IV. Data Analysis

As described in greater detail in the next chapter, I analyzed the quantitative and qualitative data I collected to examine the prevalence and presentation of reporting and of frames across the sample. This included an analysis of reporting prevalence over time to explore the news media’s agenda-setting function as well as various analyses of frame presentation to explore its framing function. In addition, I selected excerpts of text to illustrate media use of frames and different reporting styles.

V. Limitations and delimitations:

This study has some limitations. First, as noted above, this study does not interrogate the causal effect of media framing on public opinion about proof of citizenship. This study investigates trends in reporting about proof of citizenship requirements as well as how the news media frame the issues of proof of citizenship and non-citizen voting. This is an investigation into the media treatment of these issues. While the agenda-setting function of the media is generally accepted in the literature, as is the assumption that media framing affects public perceptions and opinions, this study does not further those particular claims.

Second, this is not a deductive analysis of media framing with the goal of making generalizable claims about mass media framing of proof of citizenship and non-citizen voting more broadly. On the contrary, it is an inductive exploration of what frames are present in media coverage in 181 news stories. My goal in this study is to identify the frames used in reporting about the issue of proof of citizenship and non-citizen voting. I wanted to discover how the news media dealt with the issue, such as what aspects were stressed and which were omitted. In addition, I wanted to explore potential variation in frame employment in different types of media – national, local, print, television, etc. And I wanted to explore reporting style and whether reporting style might affect frame


\textsuperscript{114} Note that one published study containing a similar media frame content analysis reported providing coders with 25 hours of training. Tolley, supra note 26 at 970.

\textsuperscript{115} See e.g., id. at 978 (discussing how inter-coder reliability in content analysis of media framing can be increased through pilot sampling and coder training).
utilization. All of these questions/goals were best achieved through an inductive research approach. Because this is not a deductive, theory-testing study, any claims I make about media framing are limited to the stories I analyzed. I believe these observations are important and suggest that the news media is providing slanted reporting about proof of citizenship, as I will discuss in the pages ahead, but this study does not “prove” the generalizability of those claims.

Finally, I did not have as high inter-coder reliability between myself and my reliability coder regarding reporting style as I might wish. I attribute this to my poor definition of how I operationalized this code in my directions to my reliability coder, and my inability to provide her with interactive training. In fact, in a brief email after coding, my coder stated that this definition was particularly difficult to understand and apply. Better definition of my operationalization, as well as training of coders, would improve inter-coder agreement on reporting style. The less-than-ideal agreement obtained suggests that my findings about reporting style should be considered with caution. However, I feel confident about my definition of reporting style and identification of stories on this issue. In particular, after coding so many stories, it became very obvious to me when a story portrayed true fact checking style; I believe that my coder would have the same experience if she worked with a larger sample. Her exposure to a limited sample did not provide enough examples of fact-checking stories to allow her to recognize the difference. My failure to adequately relay the definitions in writing to my reliability coder should not detract from my preliminary findings about this issue.

Summary:

To help identify the media’s potential influence on public opinion about proof of citizenship for voter registration, I conducted an agenda-setting and framing analysis on news stories regarding proof of citizenship and non-citizen voting. These stories included newspaper articles, editorials, letters to the editor, and radio and television broadcast from several national media outlets as well as media outlets in Arizona and Kansas. I read each story and inductively (and deductively) developed a coding scheme of common frames supporting and opposing proof of citizenship. I conducted several analyses of the data to help understand the prevalence of reporting on proof of citizenship and presentation of different supporting and opposing frames. These analyses help illuminate how the media frame the issue of proof of citizenship for public consumption.

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116 See e.g., Tolley, supra note 31 at 978 (discussing how inter-coder reliability in content analysis of media framing can be increased through pilot sampling and coder training).
Chapter 4: Analysis and Findings

Although there is little concrete evidence of non-citizens voting and despite concrete evidence that proof of citizenship requirements to register to vote have disenfranchised at least some citizens, there is generally high public support for proof of citizenship requirements in voting. Public support for a policy with the potential to make voting harder for citizens without evidence of widespread non-citizen voting is counterintuitive and raises the question “why?” One possible explanation for this apparent disconnect is that the facts about non-citizen voting and proof of citizenship disenfranchisement are not well known or understood. For example, supporting proof of citizenship is logical if one believes that non-citizen voting is common and that complying with the requirements is easy. As discussed previously, I chose to conduct an analysis of news media coverage of these issues to gain a greater understanding of one possible source of influence on public perceptions of and support for proof of citizenship requirements to register to vote.

In this chapter, I discuss the results of my analysis of news reporting about proof of citizenship requirements and non-citizen voting. First, I present an analysis of trends in rates of reporting on these issues over time in order to interrogate the potential agenda-setting function of new media coverage. Prior to 2004, there was at most a handful of news stories concerning non-citizens voting, and the idea that documentary proof of citizenship should be required to register to vote was absent from mainstream news media coverage. By the late 2000s and early 2010s, however, reporting on these issues increased significantly.

Next, I discuss the news media frames I identified in my content analysis of 181 stories published in select news outlets. I also address the distribution of supporting and opposing frames in stories, noting variations by geography, media type, and reporting style.¹ Finally, I analyze two examples of valence framing present in news media coverage of proof of citizenship: numbers and immigration status.


As described in greater detail in the previous chapter, I conducted targeted searches of the LexisNexis News database to find stories regarding non-citizen voting and/or proof of citizenship to register to vote. My primary search dealing with proof of citizenship rendered a total of 4,368 stories in North American sources, and my secondary search dealing with non-citizen voting rendered a total of 6,843 in North American sources. These stories were not evenly distributed throughout the many years covered in the searches. In this section, I discuss the significant increase in reporting about these issues within the context of the mass media’s agenda-setting function, present my analysis of changes in reporting volume over time, and provide some context as to what issues may have driven reporting trends.

¹ Note that as this is a theory-generating study, and not a theory testing one, I make no claims as to the distribution of these frames within the mass media at large. Rather, I seek inductively to show the effects of these variables on the frames examined.
A. The Agenda-Setting Function of Mass Media

As previously discussed, the news media’s focus and reporting on particular issues can raise public consciousness about them. This is referred to as the news media’s agenda-setting function.\(^2\) Agenda-setting function can increase the salience of a given issue among the public by choosing to report on it.\(^3\) By selecting some issues, but not others, for reporting, the news media “define problems worthy of public and government attention.”\(^4\) The agenda-setting effect of the news media to tell the public “what to think about” has been well documented.\(^5\) In addition, “there is a direct correlation between the amount of news coverage of an issue and the level of importance that the public assigns to the issue.”\(^6\) Analysis of the prevalence of reporting on non-citizen voting or proof of citizenship requirements is an important first step in determining whether the news media may be a source of influence on these issues.

Trends in reporting over time suggest that the news media’s agenda-setting effect may have been at work in the realm of proof of citizenship and non-citizen voting. Analysis of the prevalence of reporting about non-citizen voting and proof of citizenship indicate that the news media steeply increased reporting about these issues in the late 2000s/early 2010s, potentially boosting public exposure to them. Interestingly, the increases in reporting did not stem from the discovery of cases of non-citizens voting or increases in the frequency non-citizens voting. On the contrary, reporting on proof of citizenship and non-citizen voting risk increased without concrete evidence of significant non-citizen voting.\(^7\)

B. Changes in Volume of Reporting on Proof of Citizenship or Non-Citizen Voting

Analysis using the raw results of my LexisNexis News database searches demonstrates a pattern of increasing reporting prevalence for both proof of citizenship requirements and non-citizen voting. Regarding proof of citizenship, there were barely any stories published before 2004. My LexisNexis search regarding proof of citizenship identified six stories between January 1, 1995 and December 31, 2003. Two of these


\(^3\) Dreier and Martin, *supra* note 2 at 762-3.


\(^7\) See e.g., Loraine C. Minnite, *The Myth of Voter Fraud* (2010).
were from Canadian sources, two were answers to readers’ questions about travel documents in the travel section of *The Washington Post* and *The Wall Street Journal*, and the remaining two mentioned concerns about Asian American voters illegally being asked for proof of citizenship when voting in Los Angeles. In short, the pre-2004 stories did not deal with requiring proof of citizenship to register or vote in U.S. elections.

After the passage of Arizona’s Prop 200 in 2004, stories about proof of citizenship and voting increased somewhat. Much of the early coverage focused on the new law, which was unique at the time, as well as litigation challenging it. Figure 1 shows the number of stories in North American news sources in the LexisNexis News database that dealt with proof of citizenship requirements to register to vote for each year from 2004 to 2014. As Figure 1 makes clear, reporting about proof of citizenship to register and vote increased substantially, particularly after 2010. While reporting volume spiked in 2013, levels have not returned to their pre-2004 or even pre-2012 levels.

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**Figure 1: Number of Stories about Proof of Citizenship and Voting by Year (source: LexisNexis News Database)**

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10 Edward J. Boyer, *Officials Advise Voters to Check for Chads; Election: City and County Leaders Mount a Campaign to Assure Residents that their Ballots Count – and Will Be Counted*, *Los Angeles Times*, Pg. B3 (4/5/01); Richard Winton, *Asian Americans Flex Growing Political Muscle; Power: Once a Negligible Force, the Groups Clout has Grown with Election Wins in the State and Nation*, *The Los Angeles Times*, Part 2, Metro Desk; Pg. 1 (9/12/01).

11 Several early stories about Prop 200 focused more on the initiative’s restrictions on providing public services to undocumented immigrants rather than its voter registration requirement.

12 In 2007, television and radio reporting on proof of citizenship increased. There were no radio or TV stories in 2005, one in 2006, and 12 in 2007.
News media coverage of non-citizen voting follows a similar pattern. Between 1982 and 2003, there were 115 stories that mentioned the term “non-citizen” within 10 words of some derivation of the term “vote” in North American sources in the LexisNexis “News” database. Twenty of these were from Canada. Many of the stories in U.S. sources dealt with how non-citizens are not allowed to vote in U.S. elections. A few stories, mostly published in The Wall Street Journal, did contain claims about non-citizens voting in US elections and possibly altering election outcomes. In particular, there were several editorials in The Wall Street Journal arguing that non-citizens, including illegal aliens, led to the election of Congresswoman Loretta Sanchez over six-term incumbent Republican Robert Dornan in Southern California in 1996. Nevertheless, there were very few stories per year regarding non-citizen voting prior to 2004.

However, as demonstrated in Figure 2, after 2004, news media coverage of non-citizen voting increased substantially, reaching a high of 2,275 stories in 2012 (an increase of 4740%). While reporting volume subsided somewhat in 2013 and 2014, it remained at levels significantly higher than 2011 or earlier.

**Figure 2: Number of Stories about Non-citizen Voting by year**

The trends in reporting for both proof of citizenship and non-citizen voting show stark increases in volume in the late 2000s and especially in the early 2010s. The

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14 Most years prior to 2004 had a handful of stories with these terms, while 2003 had 13 stories where non-citizen appeared within ten words of “vote!”
increased incidence of reporting suggests the potential for a news media agenda-setting effect. As noted above, increased reporting on an issue increases its salience, suggesting to the media consumers that it is an important issue to which they should attend. Although the trends identified in reporting alone cannot prove that public awareness of proof of citizenship and non-citizen voting increased, the stark increases and continuing high levels of reporting support an inference that the agenda-setting function of the news media may be at work for these topics.

C. Possible Causes of Reporting Volumes

While the data show significant increases in reporting, they do not explain the potential sources of increased interest in these issues. As noted above, news coverage was not responding to increased prosecutions of non-citizens for voting; news reports did not increase because non-citizen voting increased. However, there are certain events that may help explain some of the sources of media attention:

In 2004, Arizona voters passed Prop 200. As previously noted, news reporting – particularly about proof of citizenship requirements -- increased after Prop 200 passed in Arizona and was subsequently challenged in federal court.

In 2008, the Heritage Foundation published a “legal memorandum,” penned by Heritage Foundation Fellow and former Department of Justice and Federal Election Commission appointee, Hans von Spakovsky, claiming that non-citizens were registering, voting and potentially changing the outcome of elections. This was the first memo of its kind and was covered prominently, both in reporting and through interviews with Mr. von Spakovsky, particularly on Lou Dobbs (CNN), Fox News and in The Wall Street Journal, during the run up to the 2008 Presidential election. In addition, Mr. von Spakovsky published a piece in The Wall Street Journal, entitled “Will This Election be Stolen?,” days before the 2008 general election regarding his research and concerns about non-citizen voting. In fact, interviews with Mr. von Spakovsky regarding his opinions about non-citizen voting and other fraud claims, as well as articles and opinion pieces he pens, have been a fixture in every election cycle since 2008.

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15 The increase in reporting on non-citizen voting in 2012 was likely affected by claims of possible non-citizens registered in Florida, Colorado, and New Mexico, but these claims were not proof of non-citizen voting.
17 See e.g., “Political Headlines,” Fox News Special Report with Brit Hume, Fox News Network, 6:00 PM EST (10/29/08); “McCain Defends his Education Policies; Senators Obama and McCain Seek Independent Votes; Policy Shift on Iran; Illegal Alien Voters; Failing Grades,” Lou Dobbs Tonight, CNN 7:00 PM EST (7/16/08).
19 See e.g., “Former FEC Commissioner Says Voter Fraud Will Happen in Colorado,” On the Record with Greta Van Susteren, Fox News Network, 7:00 PM EST (10/30/14); Kirk Semple, *For Some Immigrants, Voting is a Criminal Act*, THE NEW YORK TIMES, MB0 Pg. 1 (10/17/10); von Spakovsky, *Here Comes the 2014 Voter Fraud*, THE WALL STREET JOURNAL, Pg. A19 (10/28/14).
In the 2010 election cycle, Kris Kobach, frequently referred to as a national crusader against illegal immigration due to his work helping cities and states draft laws targeting undocumented immigrants, ran for Kansas Secretary of State and made non-citizen voting and proof of citizenship the keystone of his campaign. Mr. Kobach was elected in November 2010. In a January 18, 2011 press conference, just 7 days after being sworn in as Secretary of State, he announced the Secure and Safe Elections (“SAFE”) Act, legislation he drafted that would require proof of citizenship to register to vote. This legislation was debated and passed by the Kansas legislature in Spring of 2011, with an implementation date of January 1, 2013.

In 2012-2014, several states initiated administrative actions to identify and removed non-citizens from voter rolls. As explained in my introductory chapter, state-level officials initially claimed to have identified tens or hundreds of thousands of potential non-citizens registered to vote (without specifying how they were identified or offering proof of those claims) and instituted administrative actions to purge these “illegal” voters. In addition, Florida gained media coverage for its efforts to obtain access to federal immigration databases, including a lawsuit against the Department of Homeland Security for its refusal to provide access. Although these states’ efforts eventually confirmed the citizenship of nearly all registered voters in question, their efforts to purge the rolls, as well as attempts to stop them, generated media attention. Reporting spiked in 2012, but the ultimate conclusion in 2014, that there were very few registered non-citizens, generated less media coverage than state officials’ initial claims of thousands of registered non-citizens.

In 2013, the United States Supreme Court considered and eventually invalidated Arizona’s application of its proof of citizenship requirement to individuals seeking to register to vote using the federal registration form mandated by the National Voter Registration Act. The Supreme Court’s involvement generated many stories on these issues and may help explain the spike in reporting on proof of citizenship in 2013. However, while the litigation included undisputed evidence that non-citizen voting was

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20 Secretary Kobach drafted and/or assisted several state and local laws targeting unauthorized immigrants, including the so-called “show me your papers” laws in Arizona and Alabama. He has continued his consulting with and legal representation of states and localities while serving as Kansas’s Secretary of State. He has deflected claims that his immigration consulting impedes his ability to serve as Secretary of State by explaining that “Any work that I do to help cities and states fight illegal immigration is in my spare time…Some people golf in their spare time. I spend my spare time stopping illegal immigration.” Andy Marso, Schodorf Blasts Kobach as she Announces Candidacy, TOPEKA CAPITAL-JOURNAL (11/1/13).


24 Arizona v. Inter Tribal Council of Arizona, Inc., 133 S.Ct. 2247, 186 L.Ed.2d 239 (2013). The Court affirmed the Ninth Circuits 2012 en banc opinion invalidating the provision. Arizona v. Inter Tribal Council of Arizona, Inc., 677 F.3d 383 (9th Cir. 2012)
not a substantial problem in Arizona,\(^\text{25}\) this aspect of the litigation was seldom mentioned in news coverage. In August 2013, Kansas sued the federal Election Assistance Commission in an attempt to force it to add instructions to the federal registration form that proof of citizenship is required to register to vote in Kansas and Arizona.\(^\text{26}\) At first successful in the District Court,\(^\text{27}\) Kansas and Arizona lost in the 10th Circuit Court of Appeals in 2014.\(^\text{28}\) This litigation was closely followed in the news media, perhaps in part because it was seen as a continuation of the earlier Supreme Court opinion invalidating Prop 200.

D. Agenda-Setting on Proof of Citizenship and Non-Citizen Voting

While the events discussed above likely helped to raise the visibility of proof of citizenship and concerns about non-citizens voting, they did they provide evidence of incidents of or increases in non-citizen voting. While there were allegations of possible non-citizen voting, particularly in the states seeking to “purge” their voter rolls, no documented proof of substantial (or new or increasing) non-citizen voting was ever produced. For example, there was no increase in prosecutions of non-citizens for registering or voting. Nevertheless, the increased news coverage increased the visibility of the “problem” of non-citizen voting and importance of proof of citizenship requirements.

In addition, that there were many other issues and events occurring concurrently that the media could have chosen to cover. The fact that the media chose to cover non-citizen voting and proof of citizenship requirements over the many other possible stories to which it could have dedicated limited print space and airtime is part of its agenda-setting power.\(^\text{29}\) By prioritizing non-citizen voting and proof of citizenship requirements for coverage, the media signaled that it was an important issue that the public should think about. It helped to increase the salience of the issue in the public psyche.\(^\text{30}\)

Coverage of non-citizen voting debates also demonstrates the media’s agenda-setting power because despite being local issues, they received substantial coverage in national media outlets. Elections are administered by state and local officials; voter registration is generally administered by county officials. The controversies about proof of citizenship and non-citizen “purges” combined dealt with election administration in only 7 states. Nevertheless, the state controversies were reported in national news outlets,  


\(^{29}\) McCombs and Shaw (1993) at 62.

\(^{30}\) McCombs and Shaw (1972), supra note 2.
bringing them to the attention of national audiences despite their state or local nature.\textsuperscript{31} This placed state-specific issues on the national agenda.

Trends in reporting and timeline alone, however, do not provide information about how news media coverage might influence public perception of or opinion about proof of citizenship requirements. While analysis of trends in reporting volume can tell us that reporting on these issues increased significantly, suggesting that their salience increased and that the effect of media on public opinion is a appropriate issue for study (since if there were no stories about these issues, the news media’s treatment of them would not be a potential source of influence on public opinion), it cannot tell us what information is portrayed in news reporting. In order to gain an appreciation for how reporting might influence public opinion about proof of citizenship and non-citizen voting, we must look at the content of news stories to determine how the issues were presented.

II. News Media Framing: Constructing Reality about Non-Citizen Voting and Proof of Citizenship Requirements

In addition to its agenda setting power to place an issue in the public consciousness, the news media can influence perceptions about it through the media frames used in reporting. A media frame is “a central organizing idea or story line that provides meaning to an unfolding strip of events…the frame suggests what the controversy is about, the essence of the issue.”\textsuperscript{32} News media frame issues through the use of key terms or phrases as well as through the selection of what quotations to include in a story and which individuals to interview or quote. In the case of visual media, images can also provide frames that influence perception about an issue.\textsuperscript{33} News framing, “essentially involves selection and salience. To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or

\textsuperscript{31} For example, the state administrative actions in Florida in 2012 and 2013 were the topic of frequent discussion on national cable news programs. See e.g., Rick Scott, Interviewed by Greta Van Susteren, “Interview with Rick Scott,” Fox On the Record with Greta Van Susteren, Fox News Network, 10:21 PM EST (1/13/12); “House Committee Considers Contempt Measure Against Eric Holder; Obama Asserts Executive Privilege in Fast & Furious; Florida Sued Over Voter Registration Purge; Sandusky Did Not Take Stand, Defense Rests,” CNN Newsroom, CNN 11:00 AM EST, (7/20/12); Representative Debbie Wasserman Schultz, Interviewed by Michael Smerconish, “Hardball with Chris Matthews,” MSNBC 5:36 EDT (8/9/13).


\textsuperscript{33} Since this study used print data sources – newspaper articles as well as written transcripts of television and radio broadcasts that did not include visual images – I do not address how visual cues serve as frames for the issues of non-citizen voting and proof of citizenship.
treatment recommendation for the item described.”34 By choosing what to omit, what to report and how to report it, the news media frame the issue and in the process construct the reality the audience perceives.35 This, in turn, affects audience opinions and behaviors.36

In the case of proof of citizenship requirements to register to vote, the news media not only had the ability to increase its visibility by increasing reporting about it (agenda-setting), but could also influence how the public thinks about it through the frames it used. That is, by selectively presenting information and arguments for and against proof of citizenship, the media framed the issue, increasing the salience of some claims as opposed to others.37 This framing can have profound effects on how the public perceives the “problem” of non-citizen voting and the degree of support for proof of citizenship requirements, since framing can promote “particular definitions and interpretations of political issues.”38 These interpretations, in turn, can have potentially significant impacts on public support or opposition the policy that, in this case, affects access to the franchise and ultimately political representation and power.

In this section, I present the results of my content analysis of 181 stories regarding non-citizen voting and/or proof of citizenship requirements. First, I will address the media frames I identified in my analysis, describing them each in detail and providing examples of how they appeared in the stories. Second, I analyze patterns in frame use in the stories, noting differences in frame utilization among different media types, geographic distributions, and sources. Next, I provide an analysis of differences in reporting style in stories analyzed, including disparities in frame utilization by reporting style. Finally, I analyze two examples of valence framing I identified in my content analysis: the use of numbers and terminology about immigration status.

A. News Media Frames about Proof of Citizenship to Register to Vote:

My analysis of the 181 stories revealed patterns in how the news media framed reporting about proof of citizenship requirements. This includes some frames identified in my previous research about this issue as well as several I identified in the stories themselves. These frames can be grouped into two broad categories or attitudes:39 frames

35 See Robert D. Benford and David A. Snow (2000), Framing Processes and Social Movements: an Overview and Assessment, Annual Rev. of Sociology, Vol. 26 (2000), pp. 611-639
36 See e.g., Kimberly Gross and Lisa D’Ambrosio, Framing Emotional Response, Political Psychology, Vol. 25, No. 1, (2004) at 1, 3. (“by making certain features of an event salient, or by making certain aspects of a policy visible—[frames] will guide individuals’ thinking about the event or issue in predictable ways to predictable conclusions.”).
37 Entman (1993), supra note 34 (Frames “define problems—determine what a causal agent is doing with what costs and benefits, usually measured in terms of common cultural values; diagnose causes—identify the forces creating the problem; make moral judgments—evaluate causal agents and their effects; and suggest remedies—offer and justify treatments for the problems and predict their likely effects.”).
39 Chong and Druckman, supra note 32 at 106-107.
supporting proof of citizenship and frames opposing it. Below is a brief description of each supporting and opposing frame I identified and used in coding and analyzing the stories.\textsuperscript{40}

1. Frames Supporting Proof of Citizenship Requirements:

a. The current registration system is insufficient:

This frame critiques the ability of the sworn statement under perjury method of demonstrating citizenship eligibility to prevent non-citizen registration. It includes claims that the system is weak or insufficient. It also includes referring to the current system as “simply” or “only” asking about citizenship or calling it an “honor system.” In addition, it includes explanations of the current system that omit that eligibility attestation is made under penalty of perjury, a safeguard against registration by ineligible individuals.

b. Illegal aliens/immigrants:

This frame includes any language about “illegality” of non-citizens in conjunction with concerns about non-citizens voting or the need for proof of citizenship to register to vote, e.g., “illegals,” “illegal alien,” “illegal immigrant,” “illegal immigration,” “immigrants here illegally,” etc.

c. Non-citizen voting is a big problem:

This frame includes arguments about or characterizations of the problem of non-citizen voting being large, significant, substantial, real, etc. It also includes stories that used numbers to “prove” the significance of the problem, even if those numbers might appear objectively small.

d. Non-citizen voting dilutes citizens’ votes:

This frame includes statements that citizens’ votes or voting rights are diluted or canceled out by non-citizens casting ballots.

e. Non-citizens voting steal elections:

This frame includes statements that non-citizen voting might, could, have or do affect election outcomes.

f. Fraud and election integrity:

This frame includes statements that proof of citizenship requirements are intended or needed to protect the integrity of the electoral system or prevent non-citizen voting fraud.

\textsuperscript{40} A detailed explanation of each frame can be found in the codebook I developed which is available in Appendix A.
It also refers statements that proof of citizenship requirements are a safeguard for election integrity.

g. Proof of citizenship requirements are easy to comply with:

This frame includes statements that proof of citizenship requirements are not difficult to comply with or do not disenfranchise citizens. It also includes statements about the need to produce ID to perform other tasks, such as cash a check or board a plane, as well as expressions of doubt that citizens actually lack ID. In addition, it includes claims that requirements are a “common sense” policy and that the state is attempting to help people comply.

2. Frames Opposing Proof of Citizenship Requirements:

a. Non-citizen voting is a small problem:

This frame includes statements that non-citizen voting is a small problem, including claims about small numbers of prosecutions, proven cases, etc. It also includes the use of numbers to demonstrate a small problem.

b. Politics are motivating proof of citizenship efforts

This frame includes claims that political gains – either partisan/ideological or personal – are the real motivation for proof of citizenship requirements. This includes claims that proof of citizenship are designed to disenfranchise voters with particular party affiliations or that leaders of certain political parties favor these requirements. It also includes claims that individual candidates or officials use the issues to drum up electoral or public support.

c. Proof of citizenship disenfranchises citizens:

This frame includes claims that proof of citizenship requirements are designed to or have the effect of making it harder or impossible for citizens to participate in the electoral process. It also includes claims that proof of citizenship targets or is particularly difficult for certain subgroups of the electorate.

d. No evidence of fraud:

This frame includes claims that there is no evidence that non-citizens are registering, voting, or seeking to commit voter fraud.

e. Proof of citizenship is racially discriminatory:
This frame includes claims that proof of citizenship has the purpose or effect of discriminating against racial “minorities” or specific racial groups, e.g., Latinos, African Americans, etc.

f. The current registration system is sufficient:

This frame includes statements that the attestation/perjury-based system of registration outlined in the National Voter Registration Act is sufficient or should be sufficient to protect against non-citizen registration and voting. It also includes statements about the ability of local officials to remove non-citizens from voter rolls, and explanations of how the current system works to prevent non-citizen voting.

g. There are disincentives that dissuade immigrants from voting:

This frame includes claims that immigrants would not risk registering to vote due to the consequences involved, including but not limited to, unauthorized immigrants’ desire to avoid contact with government authorities.

B. Trends in Frame Presentation:

As explained in more detail in the previous chapter, I analyzed each story in a purposive sample of 181 stories to identify media frames they use in reporting on non-citizen voting and proof of citizenship. Here, I present the distribution of each frame along with examples from the stories to illuminate how the news media presented it.

1. Trends in Presentation of Frames Supporting Proof of Citizenship:

Nearly all stories analyzed (164 of 181) presented at least one frame supporting proof of citizenship. The two most common frames were the supporting frames regarding Fraud/Integrity and “Illegal Aliens.” Here I note the prevalence of each supporting frame and provide excerpts from the stories to demonstrate how it appeared in reporting.

a. Fraud/Election Integrity:

The most common frame (supporting or opposing) identified was the idea that the integrity of the electoral process needed to be protected from non-citizen voter fraud. This frame was present in 58% (105 of 181) of stories analyzed for this study. It was also the most prevalent supporting frame in stories presenting at least one supporting frame, appearing in 64% of such stories.

The frame of election integrity and preventing fraud occurs in many different ways in the stories analyzed. In some stories, it is mentioned in a summary of proponents’ views on the issue. For example, in a 2012 CNN broadcast, the news anchor introduced a segment about Florida’s administrative efforts to verify citizenship status of individuals on its voter rolls with the following statement: “…in a nutshell, supporters
say this purge will prevent election fraud. Critics say it violates voting rights.”

The correspondent reporting the segment also quoted an unnamed Florida spokesman as stating “Making sure an ineligible voter can't neutralize the vote of an eligible voter is a key part of upholding the integrity of Florida elections.” Other stories featured quotes from proof of citizenship proponents stating that their goal is to protect election integrity. For example, a 2013 story quotes Arizona’s Attorney General as saying that “We want to protect the sanctity of the ballot.”

Some stories presenting this frame are written by proof of citizenship proponents arguing in favor of the requirements. For example, in a 2013 opinion piece regarding the upcoming US Supreme Court arguments in a case challenging Arizona’s Prop 200, then-Arizona Secretary of State Ken Bennett argued:

In our view, citizenship is the foundation from which eligibility is derived. Proposition 200 protects election integrity by ensuring voter eligibility. Requiring evidence of citizenship at the time of registration is an important safeguard against non-citizen voter fraud. Otherwise, the only protection would be the applicant's sworn statement that they are a citizen. Do we believe that someone who would falsely claim citizenship on the federal voter-registration form would also commit voter fraud in an election? Is that fair to the voters who legally cast a ballot? Don't they have a right to a fair and fraud-free election?

Secretary Bennett frames proof of citizenship requirements as a safeguard to protect the election process as well as citizens at risk of having their votes diluted due to a registration system, mandated by federal legislation, that he frames as insufficient to prevent non-citizen voter fraud. Note that this short passage presents three supporting frames in conjunction for his argument in favor of proof of citizenship requirements, the keystone of the argument is preventing fraud and protecting electoral integrity.

b. Non-citizen voting is a large problem:

A supporting frame closely related to the fraud/integrity frame is that non-citizen voting fraud is a big, substantial or real problem. This frame justifies the need for proof of citizenship to protect election integrity. This frame appeared in 25.4% (46 of 181) stories analyzed, and 28% of stories with at least one supporting frame. The frame presents as claims about the severity of “realness” of the problem of non-citizen voting, sometimes with attempts to quantify the severity of the problem.

41 “House Committee Considers Contempt Measure Against Eric Holder; Obama Asserts Executive Privilege in Fast & Furious; Florida Sued Over Voter Registration Purge; Sandusky Did Not Take Stand, Defense Rests,” CNN Newsroom, CNN 11:00 AM EST, (7/20/12).
42 Id.
Some stories present opinions about the severity of the problem of non-citizen voting. In this presentation, there is no quantitative evidence of non-citizen voting, such as number of non-citizens caught voting. The frame is simply a claim or belief that non-citizen voting is a problem that needs to be addressed. For example, a 2014 *Wall Street Journal* piece characterized non-citizen voting fraud as a “real problem.”[^45] A 2010 Fox News interview featured Arizona Governor Jan Brewer’s commentary about her belief that non-citizens registering to vote was a significant problem in Arizona:

[Host] VAN SUSTEREN: … do you have any information that non-citizens are -- have voted or intend to vote or there's a risk of voting in this election?

[Arizona Governor] BREWER: Well, when I was secretary of state, we know that we had legitimate concerns in regards to some organizations trying to register people to vote that we were led to believe that possibly were not registered to vote. And if you're a citizen -- if you are a citizen of -- of America, it's easy in Arizona because you can show your birth certificate or you can show your passport or you can show your Arizona driver's license. And if you're of Native American descent, you can show your tribal card. So it was simple. It was easy. And because we are a border state and because there's organizations out there that were doing huge registration drives not only throughout the state but right in the parking lot of the secretary of state's office, we had great concern.[^46]

Although asked for evidence of non-citizen voting, Governor Brewer does not cite any statistics, documented cases of non-citizens registering or voting, or even estimates about the incidence of non-citizen voter registration. On the contrary, she offers her concern about organizations conducting voter registration drives and about non-citizens registering to vote as evidence of a significant problem.

This frame also includes the use of numbers to justify concerns about non-citizen voting. Stories with this approach attempt to quantify the problem, usually by noting numbers of allegations of fraud or “irregularities” in voting. For example, in a May 2011 *Wall Street Journal* piece, Kansas Secretary of State Kris Kobach’s responded to critiques that non-citizen voter fraud is a small problem, by providing a few examples of voter fraud allegations, including allegations of an election stolen via 50 illegal votes cast by “Somali citizens.”[^47] He also noted that his office had identified 67 registered “aliens”

[^46]: “Court Nixes Key Part of AZ Voter Registration Law,” On the Record with Greta Van Susteren, Fox News Network, 10:23 PM EST (10/28/10)
[^47]: Kris W. Kobach, *The Case for Voter ID*, THE WALL STREET JOURNAL, Pg. A21 (5/23/11). His choice of words “Somali citizens” is a bit odd. He does not claim that they were non-citizens or illegal aliens. Perhaps he recognized that they could have been dual citizens or perhaps could be naturalized US citizens originally from Somalia. However, the terminology “Somali citizens” more strongly suggests they were not US citizens than “Somali immigrants” might suggest. That said, his principle concern with these voters seems to be that
and expected he would eventually find “hundreds” of registered aliens on Kansas voter rolls. He did not state whether these allegations were investigated or prosecuted.

In some stories the numbers offered appear objectively small, but are still provided as evidence that non-citizen voting is a large or significant problem. For example, a 2013 Arizona Republic story that dealt with 10 allegations of fraud; a 2011 Newton Kansans story dealt with 59 reports of possible fraud; a 2013 Topeka Capital-Journal piece cited 15 cases of possible fraud; and a 2013 Garden City Telegram story noted 32 cases of possible fraud. Although the numbers may appear objectively small, especially when offered as justification for changing election registration requirements, they were offered in earnest as support for claims that non-citizen voting is a significant problem. As such, they are examples of the fraud is a big problem frame.

Moreover, some stories present the frame that fraud is a big problem in conjunction with the claim that the small numbers identified likely represent ‘the tip of the iceberg.’ This claim notes that fraud is difficult to detect and under-prosecuted. For example, in the May 2010 Wall Street Journal piece noted above, Secretary Kobach also argued that “[b]ecause vote fraud is extremely difficult to detect and is usually not reported, the cases that we know about likely represent a small fraction of the total.” That is, the lack of concrete evidence of significant non-citizen voting, such as catching non-citizens voting or prosecuting them, does not prove that non-citizen voting is not a problem. Since it is so hard to detect, lack of evidence of a problem should not be interpreted as detracting from arguments that non-citizen voting is a real issue. For example, in a 2014 PBS story, Secretary Kobach explains that the seemingly small number of complaints is in fact cause for concern and action:

[host] HARI SREENIVASAN: Mr. Kobach, quickly, the Department of Justice, I think, the last time they looked into it, between 2000 and 2005, out of 197 million votes cast, they only found 40 instances of cases where people were indicted for voter fraud. Is this a big enough problem for the state of Kansas or other states to be using taxpayer dollars now and trying to go through and say you are on the suspended list until you offer more proof?

KRIS KOBACH: Absolutely it is. If you just look at indictments, then are you only seeing a very small percentage of the picture. If you look at actual cases of reported voter fraud, where you have like a county clerk or some other corroborating individual who can

they were limited English proficient and told how to vote. He does not mention how observers discerned the content of conversations not conducted in English, but it is worth noting that English proficiency is not a definitive proxy for citizenship or non-citizenship.

48 Mary Jo Pitzl, Ariz. Sues Feds to Change Voter-Registration Form to Require Citizenship Proof, THE ARIZONA REPUBLIC, Pg. B3 (8/22/13)
49 Chad Frey, Kobach Bill Finds Favor at Local Level, THE NEWTON KANSANS (2/2/11)
50 Andy Marso, Schodorf Blasts Kobach as she Announces Candidacy, TOPEKA CAPITAL-JOURNAL (11/1/13)
51 Wire, Kobach: Court Ruling Won’t Block Kansas Voter Law, THE GARDEN CITY TELEGRAM (6/17/13)
52 Kobach, The Case for Voter ID, supra note 47.
say, yes, this is a credible report, it’s much higher. And just look at
the number of aliens in our voter rolls. In Kansas, we presented to
the federal court 20 examples where we knew they were aliens and
had gotten on the voter rolls. Arizona presented about 200 cases.
And that is just the tip of the iceberg, because there is no easy way
to look at your voter rolls and determine without is a citizen and
who is not. And so it is a significant problem.53

In short, since fraud is hard to detect, the lack of non-citizens caught voting should not be
interpreted as the absence of a problem.

A related claim in this frame is that the government doesn’t need (and the public
should not require) proof of a large problem in order to support protecting the integrity of
the electoral process. In fact, the risk of even one case of non-citizen voting fraud is said
to be sufficient cause for adopting protective measures. For example, a 2012 Morning
Sun story reported statements from Secretary Kobach: “‘We had 235 documented cases
of voter fraud in Kansas,’ he said. ‘Is that enough? Two hundred thirty-five? How many
is enough? Two thousand? I'd say two is enough. One is enough. If a city hasn't had a
theft in years, that doesn't mean you should leave your keys in the ignition with the doors
unlocked.’”54 In this presentation of the frame, even one case of non-citizen voting is a
“large” number and evidence of a big problem.

The “non-citizen voting is a big problem” frame often appears in conjunction with
the frame regarding protecting election integrity.55 Combining stories that present either
or both of these frames provides a fuller picture of the use of non-citizen voter fraud and
integrity as justification for proof of citizenship requirements; these two frames appeared
in 68% (123 of 181) stories analyzed.

c. Illegal Aliens/Immigrants Voting:

The second most common frame supporting proof of citizenship, which was also
the second most popular frame used overall, is the frame that the issue of proof of
citizenship to register to vote has some relation to illegal immigration. This includes both
references to individuals, such as the terms “illegal alien,” “illegal immigrant,” or “an
illegal,” as well as to “illegal immigration” more generally. This frame appeared in
55.8% (101 of 181) of all stories and 61.6% of stories with at least one supporting frame.

I decided to treat such references as a separate frame from the larger discussion
about non-citizens or immigrants because although “illegal aliens” might be considered a
subset of non-citizens, the terminology is politically, emotionally, and often racially
charged. Moreover, “illegal” immigration terminology evokes a larger schema of
immigration debates and objections to and perceived threats of illegal immigration that
extends beyond and exists independently of the issue of proof of citizenship for voter
registration. It taps into a larger narrative of immigration that since at least the 1990s has

53 “PBS NewsHour for March 27, 2014,” PBS NewsHour, PBS, 6:00 PM EST, (3/27/14)
55 In fact, as I explain further in the concluding chapter, if I were devising my coding scheme again, I might
combine these two frames into a single code regarding non-citizen voter fraud and election integrity.
demonized undocumented persons, particularly Mexicans, as a threat to US culture and security, and the terminology has deeply ideological and partisan underpinnings.

Frames work, in part, because “people draw their opinions from the set of available beliefs stored in memory.” To the extent that “illegal” cues a stored memory regarding the threat of unauthorized immigration, it frames non-citizen voting and proof of citizenship requirements in a particular way. Moreover, “strong frames often rest on symbols, endorsements, and links to partisanship and ideology, and may be effective in shaping opinions through heuristics rather than direct information about the substance of a policy.” The frame of illegal immigration evokes a larger narrative about immigration issues in the US and attaches it to the issue of proof of citizenship in a way that the more neutral term “non-citizen” does not. Tapping into the illegal immigration schema lends strength to the illegal alien frame for proof of citizenship. Because of the connection with the larger pre-existing schema of illegal immigration in U.S. culture, I treat “illegal alien/illegal immigrant” as a separate frame.

The illegal alien/immigrant frame presents in at least two ways. First, it is used to name or describe a class of non-citizens that might be able to vote illegally. For example, in a 2008 CNN story, host Lou Dobbs introduced a segment about non-citizen voting by calling it “stunning new evidence that illegal aliens and other non-citizens are playing a decisive role in our electoral process and possibly in our presidential election,” and “startling new evidence tonight that our democracy is at risk on a number of fronts including a new study showing that non-citizens, including illegal aliens, are voting in our elections.” A 2012 Washington Post story stated: “Arizona and the other states argue that they should be allowed to ask for additional documentation to keep illegal immigrants and other non-citizens off the voting rolls.” There is no legal rationale for highlighting that “illegal” status of non-citizens at issue since proof of citizenship

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58 Chong and Druckman, supra note 32 at 111.
59 Id. Chong and Druckman note that the “strong frame” terminology does not refer to a moral or intellectual superiority of a frame and that strong frames can be exaggerations or lies. Whether a frame is “strong” simply refers to how well a frame resonates with the public. They note that Supreme Court rulings have been shown to wield disproportionately high influence on attitudes, (citing Dennis Chong, How People Think, Reason, and Feel about Rights and Responsibilities, Am. J. Polit. Sci. 37:867-99 (1993)), but also note that frames based on “racism, xenophobia, and ideological extremism” have also been ‘strong frames.’ See also, SEYMOUR M. LIPSET & EARL RAAB, THE POLITICS OF UNREASON: RIGHT-WING EXTREMISM IN AMERICA, 1790-1970 (1970); JOEL WILLIAMSON, A RAGE FOR ORDER: BLACK/WHITE RELATIONS IN THE AMERICAN SOUTH SINCE EMANCIPATION, Oxford Univ. Press (1986).
60 The “evidence” he referred to was the 2008 Heritage Foundation study discussed previously that focused on the possibility that non-citizens might be registering and voting. “McCain Defends his Education Policies; Senators Obama and McCain Seek Independent Votes; Policy Shift on Iran; Illegal Alien Voters; Failing Grades,” Lou Dobbs Tonight, CNN 7:00 PM EST (7/16/08).
61 Associated Press, High Court Takes Voter Registration Case, THE WASHINGTON POST, Pg. A03 (10/16/12)
requirements target non-citizens regardless of legal status. The decision to include illegal terminology was an editorial one.

Second, the illegal alien frame presents in stories discussing how proof of citizenship requirements were devised to or might have the effect of curtailing or combating illegal immigration. For example, several stories cast Arizona’s Prop 200, the “Arizona Taxpayer and Citizen Protection Act,” as a state attempt to control illegal immigration after federal officials had failed to take action. A 2013 Arizona Republic story stated that “Prop. 200 was part of the effort by immigration-enforcement activists to deter illegal immigration using state law, citing failure by the federal government to address the issue,” and interviews have featured state officials portraying it as part of their ongoing efforts to deal with an illegal immigration problem about which the federal government will not act. It is true that the majority of Prop 200 did deal with efforts to make Arizona less attractive to unauthorized migrants by limiting their access to public services. However, the voter registration portion of the voter initiative applies to all non-citizens and does not target undocumented persons in particular. Reporting on Prop 200’s voter registration requirement that treats it as an anti-illegal immigration law does not make this distinction clear and continues to frame them as an immigration issue.

It is worth noting that the illegal immigrant frame is not limited to proponents of proof of citizenship or traditionally conservative media sources. On the contrary, in the context of proof of citizenship and non-citizen voting, many media outlets use the “illegal alien” and “illegal immigrant” frames in their own copy. For example, The Washington Post and NPR adopted the “illegal” terminology expounded by proof of citizenship proponents, in the process adopting their framing. A 2010 NPR story, host Renee Montagne opened a segment about non-citizen voting claims in this way: “Let's follow up now on some claims made before Tuesday's election. Some conservative groups warned that thousands of illegal immigrants would try to vote. NPR's Pam Fessler asked if

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62 Arizona 2004 Election Pamphlet, available at http://apps.azsos.gov/election/2004/Info/PubPamphlet/english/prop200.pdf. Along with requiring proof of citizenship to register to vote and presentation of photo ID to vote at polling places, Prop 200 outlawed the provision of state services to “illegal immigrants.” In fact, in the text of the initiative, the “Findings and Declaration” Section says nothing about non-citizens voting and focuses only on how the provision of state social services to illegal immigrants has made Arizona a haven for illegal immigrants. See Text of Proposition 200, available at http://apps.azsos.gov/election/2004/Info/PubPamphlet/english/prop200.pdf. “Sec. 2. Findings and declaration: This state finds that illegal immigration is causing economic hardship to this state and that illegal immigration is encouraged by public agencies within this state that provide public benefits without verifying immigration status. This state further finds that illegal immigrants have been given a safe haven in this state with the aid of identification cards that are issued without verifying immigration status, and that this conduct contradicts federal immigration policy, undermines the security of our borders and demeans the value of citizenship. Therefore, the people of this state declare that the public interest of this state requires all public agencies within this state to cooperate with federal immigration authorities to discourage illegal immigration.”

63 Sanders (6/18/13), supra note 43.

64 See e.g., “Interview with Arizona Governor Jan Brewer,” Your World with Neil Cavuto, Fox News Network, 4:36 PM EST (10/27/10).

65 See Text of Proposition 200, supra note 62.
illegals really did.” My findings on this are consistent with other media analyses that found that “illegal immigrant” terminology was used far more often than “undocumented immigrant” terminology, both in conservative and mainstream newspapers.\footnote{66 “Immigrant Voter Fraud Fears Didn’t Materialize,” Morning Edition 11:00PM EST, NPR (11/5/10). Note that although this story ultimately debunked claims that non-citizens voted, it continued using the “illegal alien” framing of those claiming there would be a problem.}

Note that in April 2013, the Associated Press style guide decided to drop the phrase “illegal immigrant” from its phrasebook.\footnote{67 Merolla, et al., supra note 57 at Table 1.} It noted that although six months previously it had approved of its, the term “illegal immigrant” tended to classify people as illegal in a way that conflicted with AP’s other classifying words. One would expect that after this change in AP style guide procedures newspapers might have abandoned use of this term, but in the stories analyzed, newspapers continued to use the banned term after April 2013. Even mainstream or purportedly “liberal” papers like \textit{The New York Times} and \textit{The Washington Post} used this terminology in their coverage of proof of citizenship requirements.\footnote{68 Paul Colford, AP blog (4/2/13) available at http://blog.ap.org/2013/04/02/illegal-immigrant-no-more/ \footnote{69 See e.g., John Hanna, \textit{Judge Backs Kan., Ariz. On Voter Citizenship Laws}, THE WASHINGTON POST, Pg. A13 (3/20/14); Roxana Hegeman, \textit{U.S. Appeals Court to Hear Voting Rights Case}, THE WASHINGTON POST, Pg. A11 (8/25/14); Fernanda Santos, \textit{Two States Win Court Approval on Voter Rules}, THE NEW YORK TIMES, A0 Pg.1 (3/20/14); Adam Liptak, \textit{State Can’t Ask Voters for Proof of Citizenship}, THE NEW YORK TIMES, A0 Pg. 1 (6/18/13); Robert Barnes, \textit{Justices Reject Ariz. Law on Voting}, THE WASHINGTON POST, Pg. A05 (6/18/13).}}

It is also worth noting that the illegal alien/illegal immigrant was the frame most often presented in a critical fashion. Ten of the stories that mentioned this frame did so in the process of critiquing proof of citizenship proponents’ claims. A 2011 Kansas column offers a prime example of how a story continues to use supportive framing even as it disagrees with it:

Kansas Secretary of State Kris Kobach seems to think of himself as the vanguard of a movement determined to curb illegal immigration and crack down on voter fraud. He has traveled the country crusading for tough illegal immigration laws.

And, according to Kobach, the voting process has been sullied right here in the Sunflower State. Lions and tigers and bears, oh my!

Kobach thankfully has selflessly agreed to appoint himself our fearless leader in his heroic quest to vanquish the voter fraud that so threatens the democratic process in not only the great state of Kansas, but in the entire country. What a guy!

Although this story mocks the idea of unauthorized migrants voting, it continues to use supportive framing by using the term “illegal immigration.” This framing adopts the loaded schema related to the larger immigration debate, potentially evoking concerns about undocumented immigrants and cuing emotional responses in readers to support proof of citizenship. Because this cuing can occur at a subconscious level, even the
mocking treatment may not be sufficient to overcome the strength of the “illegal immigrant” framing.

d. The current system is insufficient:

The third most common frame supporting proof of citizenship requirements was that the current system was insufficient to prevent non-citizens from registering to vote. 25.4% (46 of 181) of stories mentioned some version of this frame, and it appears in 28% of stories with at least one supporting frame. This frame appears in several forms in the stories analyzed.

One manifestation is terminology that highlights how “easy” it is to register. For example, a 2014 story in *The Wall Street Journal* stated that “All they [non-citizens] have to do is check a box that indicates that they are a citizen...”70 In addition, referring to signing a sworn statement of citizenship eligibility as an “honor system” connotes that there is no system in place to prevent non-citizens from registering.

Similarly, this frame is produced by stories that omit the fact that citizenship status is sworn under penalty of perjury, presenting it instead as a check box with no accountability. A 2014 PBS story included a proof of citizenship proponent’s description of the existing registration system:

HOST: Why is a rule like this, requiring more proof of citizenship, necessary?

KRIS KOBACH (R), Kansas Secretary of State: Well, it is a rule requiring proof of citizenship period. In most of the states in the union, you simply just fill out the registration card, check a box saying I’m a U.S. citizen, sign it and you’re done. But four states, including Kansas and Arizona, have said, no, proof of citizenship, documentary proof is necessary, because so many aliens are on our voter rolls. We have found them in our two states.71

Explained like this – “check a box, sign, and you’re done” – the registration system sounds very unsecure and vulnerable to fraud. However, it is an incomplete description of actual registration practices and omits legal requirements and safeguards that prevent non-citizens from voting. First, it omits information that registration is subject to perjury penalties, which are serious criminal sanctions for ineligible individuals who register to vote. Second, it omits election administration safeguards that allow election administrators to identify and remove ineligible individuals from voter rolls. Some of these administrative requirements and procedures are arcane, detailed and far outside of the field of interest of individuals not particularly interested in election administration. Since most individuals are “cognitive misers,” likely unwilling or unable to make the substantial commitment of time and energy to learn the intricacies of the legal and

70 John Watson, Marietta, Ga., *Democracy Requires Honest Voting by Lawful Voters*, *The Wall Street Journal*, Letters to the Editor, Pg. A12 (11/1/14)
71 PBS NewsHour, *supra* note 22.
administrative safeguards in place to prevent and/or remove ineligible persons from voter rolls, incomplete information is particularly damaging since individuals are likely to accept the claims at face value and consider them sufficient information upon which to form an opinion about the need for proof of citizenship requirements. The provision of incomplete information that conveys inaccurate information about how voter registration works is one way that framing suggests that the voter registration system is highly vulnerable to non-citizen voter fraud.

This frame also includes more complex discussions of the system and its problems. For example, a 2013 story in *The Wall Street Journal*, apparently written by an immigration lawyer, presented a scenario regarding how the National Voter Registration Act made it so easy to register to vote that legal immigrants may register by mistake, leading them to serious immigration problems. In this scenario, the lack of verification of citizenship leads to the victimization of legal immigrants erroneously directed by government officials to register to vote:

Imagine having just arrived as a legal immigrant to the United States, a bustling new world. With foreign passport and visa in hand, you go to your local department of motor vehicles office to obtain a state ID. To your surprise, a DMV official offers you the opportunity to become an organ donor and to register to vote...the well-intentioned but misguided DMV official hurriedly directs you to sign documents, including what you don't realize is a declaration of U.S. citizenship...Within a few weeks you receive your voter-registration card in the mail, which you regard as official confirmation of your eligibility to vote. During the next election you happily go to your local polling place to vote, fulfilling what you see as your civic duty in your new homeland...What you don't know is that your voter-registration card and your participation in a federal congressional election amount to an immigration kiss of death. You soon receive

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72 Most individuals are “cognitive misers” who prefer to make decisions with as little information as possible and prefer “heuristics or cognitive shortcuts” to cue their decision-making process. Dietram A. Scheufele and Bruce V. Lewenstein, *The Public and Nanotechnology: How Citizens Make Sense of Emerging Technologies*, JOURNAL OF NANOPARTICLE RESEARCH, 7:659-667, 660 (2005)(noting the public’s aversion to making the effort to make the significant allocation of time/energy to understand nanotechnology sufficiently to make an information-based decision about it. Gaining a full understanding of how the US electoral system functions and the other issues involved in proof of citizenship would also require a large investment of time/energy that most citizens would avoid.)

73 Most citizens do not seek out political information to inform their decisions or opinions, but will use “whatever information is on hand in order to come to a political decision that is satisfactory, if not ideal.” Nicholas A. Valentino, Vincent L. Hutchings, and Dmitri Williams, *The Impact of Political Advertising on Knowledge, Internet Information Seeking, and Candidate Preference*, Journal of Communication, June 2004, 337-354, 341 (citing J. ZALLER, *THE NATURE AND ORIGINS OF MASS OPINION*, Cambridge University Press (1992) at 16).

notice from the Department of Homeland Security of your impending deportation.\textsuperscript{75}

The theme of how the current registration system leads to immigrant victimization was presented in other stories as support for proof of citizenship. For example, in a 2011 NPR story, in response to a question about why “illegal immigrants” would risk contact with the government to register to vote, Kansas Secretary of State Kobach explained, “[i]t might be an instance where they're brought into this country and then the smuggler says, hey, fill out this application and get this card.”\textsuperscript{76} He has also alleged that illegal aliens in a nearby state were forced by their employer to register to vote in Kansas. These claims present the insufficiency frame by characterizing voter registration as a lax system that places immigrants in danger of coercion; a proof of citizenship requirement would make it impossible to coerce immigrants into registering to vote.

In other stories, immigrants were portrayed not as hapless victims, but as opportunists who will take advantage of the lax “honor system” to illegally register and vote. This presents a strong version of the insufficiency claim since it posits that non-citizens are actively exploiting a defenseless registration system to infiltrate the electoral system. For example, after the US Supreme Court ordered Arizona to accept federal voter registration forms even without proof of citizenship, Arizona’s Attorney General stated that "anybody who wants to vote illegally is going to ask for the federal form."\textsuperscript{77} In addition, a 2012 Wall Street Journal stated: “Arizona Attorney General Tom Horne said asking people to sign a statement attesting to their citizenship ‘is not sufficient to guard the integrity of the election system’ because ‘if someone is willing to vote illegally, he or she is willing to sign a false statement regarding citizenship.’”\textsuperscript{78}

Claims such as these frame the current registration system as ripe for abuse from non-citizens lining up to cheat the system and vote illegally. Omitting information about safeguards that already exist in the system, both the perjury penalties designed to prevent ineligible persons from registering as well as the authority of election administrators to determine eligibility and remove ineligible voters, buttresses the frame that the current system is insufficient. Together, they suggest that a stronger system is needed to prevent non-citizen voting.

e. Vote Dilution and Stealing Elections:

Two somewhat related supporting frames are that non-citizens’ votes dilute citizens’ votes and that non-citizen voting could/might/does alter election results. The vote dilution claim appeared in 18.2\% (33 of 181) of all stories and 20.1\% of stories with at least one supporting frame. The stealing elections frame appeared in 14.9\% (27 of 181)

\textsuperscript{75} Id.
\textsuperscript{76} “Do New Voting Laws Suppress Fraud? Or Democrats?” Weekend All Things Considered, NPR, 7:00 PM EST (9/17/11).
of all stories and 16.5% of stories with at least one supporting frame. Both these frames focus on the potential harm to citizens from non-citizens voting in elections.

The vote dilution frame claims that when non-citizens vote, it cancels out or dilutes the voting strength of citizens. It frames non-citizen voting as a source of harm for citizens. For example, in a 2012 Fox News story interviewing Florida Governor Rick Scott about his state’s efforts to gain access to the federal SAVE database in order to cross reference voter rolls and remove non-citizens who might be registered, Governor Scott repeatedly stated that this effort was needed to prevent citizens’ votes from being diluted. In response to a question regarding why Florida was purging voters, he stated: “there's no purge. What we're trying to make sure is -- Americans have a sacred right to vote. It's not right that that would get diluted by a non-citizen. It's illegal for someone not a citizen of this country to vote. It's a crime.”

He restated this concern about diluting citizens’ votes three times in the approximately 90 second interview. It was his sole justification for conducting the review of voter rolls and requiring identified voters to prove their citizenship or be removed from voter rolls other than his one mention, quoted above, that it’s illegal for non-citizens to vote.

In a 2010 special edition of the Glenn Beck show, filmed before a live studio audience, entitled “Voter Fraud,” Mr. Beck’s special guest, John Fund, explained how illegal aliens and other ineligible persons voting leads to a violation of citizens’ voting rights. After mentioning the Voting Rights Act’s prohibition on racial discrimination in voting, he stated:

we also have another civil right that all of your listeners should be worried about. Their vote can be cancelled out if somebody votes who shouldn't be voting. Somebody votes twice, somebody who's a felon, somebody who's an illegal alien...your vote can be just a stolen from you if somebody cancels your vote out as if you're prevented from entering the polling [place].

In a 2012 PBS story, Kansas Secretary of State explained the need for proof of citizenship as “a safeguard to ensure that only U.S. citizens are on the rolls. And you have to remember that every time a non-citizen casts a vote in an election, that is effectively canceling out the vote of a U.S. citizen.” These claims attempt to show that non-citizen voting is not a “victimless crime” that harms no one; on the contrary, framing

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80 Mr. Fund is a frequent commenter on voter fraud issues. He has published books that allege voter fraud is rampant and that the federal government and the Obama Administration and former Attorney General Eric Holder in particular, refuse to combat it. See e.g., JOHN FUND, STEALING ELECTIONS: HOW VOTER FRAUD THREATENS OUR DEMOCRACY; JOHN FUND AND HANS VON SPAKOVSKY, WHO’S COUNTING?: HOW FRAUDSTERS AND BUREAUCRATS PUT YOUR VOTE AT RISK; JOHN FUND, HOW THE OBAMA ADMINISTRATION THREATENS TO UNDERMINE OUR ELECTIONS; JOHN FUND, OBAMA’S ENFORCER: ERIC HOLDER’S DEPARTMENT OF JUSTICE.
81 “Voter Fraud,” Beck 5:00 PM EST, Fox News Network (10/31/10). This show aired on Halloween and judging from comments in the transcript, must have had Halloween decorations. There were also references to dead people voting and other zombie references.
82 “PBS NewsHour for March 27, 2014,” PBS NewsHour, PBS, 6:00 PM EST, (3/27/14).
it is a direct threat to citizens’ voting rights. The frame of vote dilution tells the public that they should be worried about non-citizens diluting their right to vote.

A related claim to vote dilution is that non-citizens are changing election outcomes or stealing elections through their illegal participation. This frame goes a step further than vote dilution, suggesting not only that citizens’ votes might be canceled out by non-citizens, but also that citizens might actually lose control of their government due to the illegal activity of non-citizens leading to the election of the “wrong” candidate.

There are two general iterations of this claim: the strong claim that non-citizens steal elections and the more nuanced claim that they “could” steal elections (if they register and vote in sufficient numbers). The more nuanced claim, however, is often worded in such a way that it is easy to misinterpret as a direct claim that non-citizens steal elections. Both of the strong and nuanced claims focus on the sometimes small margins of victory in elections, followed by claims about how non-citizen voting does or might affect outcomes in close races. An example of strong is the following excerpt from a 2011 *Washington Post* story:

The relevant question is: Does the number of illegal votes exceed the margin of victory in a particular race? All too often, the answer is yes. One of the most brazen cases of voter fraud occurred in a state representative race in Kansas City, Mo., last year. It was a Democratic primary between J.J. Rizzo and Will Royster in a district where the victor was certain to win the general election. Rizzo received about 50 votes illegally cast by citizens of Somalia. The Somalis, who didn't speak English, were coached to vote for Rizzo by an interpreter at the polling place. Rizzo ended up winning by one vote.83

In addition, news coverage of a 2014 political science article arguing that non-citizen participation may have decided the outcomes in several contested elections made the strong claim about non-citizens stealing elections. For example, a 2014 Fox News segment reported that: “A George Mason and Old Dominion University study estimates in 2008 6.4 percent of noncitizens illegally voted, enough, it says, to have given President Obama his win in North Carolina and Al Franken his Senate seat in Minnesota. The study says far fewer non-citizens, 2.2 percent, voted in 2010, the last off-year election.”84 These examples demonstrate the strong claim of non-citizens stealing elections.

The more nuanced version of this frame uses less definitive language that strongly suggests but does not actually claim that non-citizens affected election outcomes and leaves conclusions about whether non-citizen voting affected outcomes to the audience. For example, later in the 2014 Fox News broadcast quoted in the above paragraph, the host of the show discussed the issue with a panelist as follows:

84 “War on Terror; White House In-Fighting; Russia’s Air Power Trip; Epidemic of Fear; All Eyes on Iowa; Not Afraid to Speak His Mind,” Fox New Special Report with Bret Baier, Fox News Network, 6:00 PM EST (10/30/14)
BAIER: ...there's always concern as we are five days away from the midterm elections about possible voter fraud. There have been confirmed cases. In fact there's a new study out by Old Dominion University, and it says this about illegal immigrants voting, quote, ‘The adjusted estimate represents our best guess that the portion of noncitizens who voted,’ they looked back at 2008, ‘the adjusted estimate of 6.4 percent for 2008 is quite substantial and would be associated with 1.2 million non-citizen votes cast in 2008.’ There have been a number of different allegations around the country, but 1.2 million votes they say cast in 2008 from non-citizens.

We're back with the panel. George, there are people who are very concerned about this around the country. How big a deal is this?

WILL: Well, 1.2 million is a lot of votes considering we had a presidential [election] turn on 547 Florida votes and the 60th vote in the Senate to pass Obamacare came from Al Franken in Minnesota who won a disputed recount by 312 votes. So these matter.85

Mr. Will’s comments are an example of the nuanced version of this claim. He references the closeness of the Presidential election in Florida (presumably in 2000) as well as the closeness of the recount in Minnesota’s Senate race that elected Senator Franken. Although he does not actually state that non-citizen voters caused the outcomes in these or other elections, he strongly suggests it by contrasting the large number of estimated non-citizen voters at the national level with the relatively small margins of victory in two state level elections. His comment that “these matter” further bolsters the suggestion that non-citizens affect election outcomes.

Another example of the more nuanced claim is a 2008 interview with Hans von Spakovsky, the author of the 2008 Heritage Foundation study about non-citizen voter fraud. In the interview, Mr. Spakovsky appears to answer in the affirmative a question about non-citizens affecting election outcomes in Florida in the 2000 Presidential election, but when viewed critically, his language is more slippery:

GOLDBLATT: Hans von Spakovsky is a former member of the Federal Election Commission and current contributor to the Heritage Foundation, a conservative think tank. He says the number of non-citizens voting in Florida could have decided the highly contested 2000 presidential election.

85 Id. Note that although Mr. Baier states that the Old Dominion study dealt with illegal aliens, the study in fact only dealt with non-citizen participation because the polling data did not contain any information about immigration status. Curiously, despite the lack of data on immigration status in the dataset utilized, the study dedicated a paragraph to this issue and suggested that some of the non-citizen respondents might have been “illegal aliens.” (“It is possible that some respondents were without any documentation whatsoever (popularly called ‘illegal aliens’), though this cannot be confirmed or rejected with the information available as no respondent specifically self-identified themselves as illegal or undocumented (but many did not specifically identify themselves as having permanent resident status”).
Mr. von Spakovsky does not claim that non-citizens voted or affected the outcome of election, but rather that the potential number of registered non-citizens could have been greater than the margin of victory. Moreover, he does not provide any concrete numbers about how many non-citizens are registered or vote. He couches his quantitative claims in terms of “potential” and “strong possibility” that non-citizens could possibly influence electoral outcomes. However, his introduction as an expert (former FEC member) adds credibility to his estimates about the number of registered non-citizens and potential to affect election outcomes. In addition, the connotation that non-citizens could steal the election is particularly high because Host Brit Hume introduced this segment of his show, which aired the week before the 2008 Presidential Election, with the following statement: “Suspected voter fraud has become an issue in this election and there is real concern that people who are not citizens of this country could be voting illegally in numbers large enough to possibly swing an election.”

The frames of vote dilution and stealing elections suggest that non-citizen voting is not a “victimless crime” but rather has the potential to harm citizens by curtailing their voting rights. Vote dilution and stealing elections are frames that demonstrate the harm to citizens and the risk to democracy that the purportedly lax system of registration allows. They frame the need for proof of citizenship requirements to rectify the threat by highlighting the risk that citizens may lose their voting rights and control of elections to non-citizens.

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86 “Political Headlines,” Fox News Special Report with Brit Hume, 6:00 PM EST (10/29/08).
87 Id.
88 One frame that became more common in conservative talk radio shows in late 2014 and early 2015 was the argument that President Obama’s Executive Order to prioritize deportation proceedings of undocumented immigrants at criminal violators over that of parents with US citizen children was a method to increase Democratic voters and ensure the election of Obama-like Presidents in perpetuity. This frame appeared in only one story. See Ken Williams, Skeptical of Compromise, THE ARIZONA REPUBLIC, YOUR VIEWS, NORTHWEST VALLEY 20; Pg. Z2016. However, it continues the idea of undocumented immigrants infiltrating the electoral system and determining the outcome of US politics. For example, pundits argue that this so-called “amnesty” will lead to 10-20 million new democratic voters. See comments of Ann Coulter on Fox News 3/5/15; Rush Limbaugh.
While this issue may not have yet made it into mainstream news reporting, it is being discussed in official settings as well as conservative talk radio. For example, Kansas Secretary of State Kobach testified before the House Oversight and Government Reform Subcommittee in a National Security Hearing on February 12, 2015 that:

Based on the empirical evidence that I have seen as the Kansas Secretary of State, it is a certainty that the Administration’s executive actions will result in a large number of additional aliens registering to vote throughout the country, in violation of state and federal law. These are irreversible consequences, because once an alien registers to vote, it is virtually impossible to detect him and remove him from the list of registered voters. In states like Kansas, we have been working hard to address the problem of aliens illegally voting in our elections. The Administration’s actions have set us back in our efforts, increasing the risk of stolen elections and gravely undermining the rule of law.
f. Complying is not a problem:

Some stories presented the frame that complying with proof of citizenship requirements is not burdensome and/or does not disenfranchise citizens. Of the stories analyzed, 19.3% (35 of 181), and 21.3% of stories with at least one supporting frame, presented this frame. This frame was presented directly in statements contesting opponents’ arguments that proof of citizenship disenfranchises citizens. For example, a 2012 Arizona Republic story quoted Arizona’s Secretary of State’s testimony before Congress that “There is no evidence in Arizona that voter identification has had a negative effect on voter registration,” and a 2011 Washington Post storing stated “It's absurd to suggest that anyone is ‘disenfranchised’ by such protective measures.” However, this frame was also expressed through more subtle means.

One manifestation of this frame is the characterization of proof of citizenship requirements as “reasonable” or “common sense” measures. In some stories, this included noting that many daily tasks require some form of identification, including tasks said to be less important than voting, such as cashing a check, boarding a plane, renting a video at Blockbuster, or buying full strength Sudafed. If ID is already required for such mundane daily activities, “it's not unreasonable to require picture identification to protect our most important privilege of citizenship.” In this incarnation, proof of citizenship is presented as just another instance of needing to provide ID in order to complete a transaction. It doesn’t disenfranchise, because it is a “reasonable” and “common sense” policy like many others already in place.

The frame is also presented through characterizing the burden on citizens as an inconvenience rather than a barrier to participation. This frame recognizes that proof of citizenship could affect voters, but casts that effect as one of inconvenience rather than disenfranchisement. For example, a 2013 Wall Street Journal story summarized the dispute over proof of citizenship as follows: “Both sides of the debate present compelling arguments: Requiring proof of citizenship would no doubt guard against voter fraud but


90 Kobach, *Why We Need Voter ID Laws*, supra note 83.

91 “Do New Voting Laws Suppress Fraud? Or Democrats?” Weekend All Things Considered, NPR, 7:00 PM EST (9/17/11)


93 Joyce Purnick, *Stricter Voting Laws Carve Latest Partisan Divide*, THE NEW YORK TIMES, A2 Pg. 1 (9/26/06) (quoting then-Arizona State Representative, and co-author of Prop 200, Russell Pearce as stating: “‘You have to show ID for almost everything -- to rent a Blockbuster movie!’ said Mr. Pearce, a Republican in the State House of Representatives. ‘Nobody has the right to cancel my vote by voting illegally. This is about political corruption.’”

94 Kobach, *The Case for Voter ID*, supra note 47. (Stating that “[c]arrying a photo ID has become a part of American life. You can't cash a check, board a plane, or even buy full-strength Sudafed over the counter without one. That's why it's not unreasonable to require one in order to protect our most important privilege of citizenship.”)

95 Kobach, *Why We Need Voter ID Laws*, supra note 49.
could also inconvenience or deter legitimate voters.”

In addition, a 2012 WSJ story characterized plaintiffs’ arguments against Arizona’s Prop 200 not in terms of disenfranchisement, but in terms of convenience: “The plaintiffs argue that the simpler motor voter forms are helpful when conducting registration drives, because few people are carrying proof of citizenship when they pass by registration tables.” While plaintiffs did argue that proof of citizenship affected voter registration drives, they argued that it made them impossible and as such posed a barrier to registration. Characterizing the issue as a matter of convenience suggests that with a little more effort, the inconvenience could be overcome and individuals could register to vote. In this light, proof of citizenship does not disenfranchise citizens; their laziness or lack of motivation to overcome this “inconvenience” is the only barrier to participation.

Another incarnation of the frame is that people really do have access to documentation. For example, a 2011 Wall Street Journal story, contested a Brennan Center report finding 11% of the adult population lacks sufficient ID. To rebut that finding, the story noted that there were more Kansas driver’s license in circulation than there were people of voting age according to Census data, so the suggestion that adult citizens lack ID must be false. In a 2010 Fox News story discussing opponents’ argument that proof of citizenship requirements disenfranchise voters who don’t have ID, host Bill O’Reilly flat out rejects that any citizen might lack identification, stating “I don’t believe it” and explaining why complying is not difficult.

This frame also includes claims that complying is not difficult because the state is working very hard to help people obtain documentation. For example, in a 2014 PBS interview, Secretary Kobach argued that proof of citizenship requirements had not disenfranchised anyone in his state:

Kris Kobach: Well, I want to correct one thing. Nobody’s rights have been suspended. The laws only go into effect prospectively for newly registered voters. People who are already registered were grandfathered in. Now, the 10,000-plus people she is referring to, nobody’s rights were suspended. Those are people whose registrations are incomplete. Our law is very, very easy for voter registration drives and people to use. So, you can fill out your registration card, send it in. Your registration will be partially done. You still have to provide proof of citizenship. But we bent over backyard to make it easy, so you can e-mail it in from home. You can even text it in one of our largest counties. And so you can take your time providing the proof of citizenship. And 83 percent of the people who started the process since our law went into effect have already provided the proof of citizenship, again, because it’s so easy…But no one

96 Hanus, supra note 40.
97 Bravin, supra note 44.
98 Kris W. Kobach, The Case for Voter ID, supra note 47.
99 “Court: Arizona Cannot Seek I.D. from Voters,” The O’Reilly Factor, Fox News Network, 8:38 PM EST (10/28/10).
is being prevented from voting. They simply are taking their time, as our law allows them to do.\textsuperscript{100}

Secretary Kobach’s last statement that people are simply taking their time connotes that the lack of registration is actually due to personal preference of the individual applicant. Proof of citizenship is not a barrier; the applicant simply needs to take advantage of the process that is “so easy” and complete her registration. The failure to complete registration is not due to difficulty complying, but due to personal inaction on the part of the applicant.

As time went on, and Kansas’s suspense list continued to grow,\textsuperscript{101} Secretary Kobach made this insinuation overt, stating that individuals on the suspense list had not completed their registration because didn’t really want to vote or were not really serious about voting. According to this rationale, the large numbers of individuals on the suspense list were not disenfranchised by proof of citizenship requirements, they simply did not want to vote.

While several different kinds of claims fall under the frame that complying with proof of citizenship is not a problem, they all argue that proof of citizenship requirements do not disenfranchise citizens. Whether directly stating that no voters are disenfranchised, arguing that the requirements are “reasonable,” characterizing the difficulty proof of citizenship might cause as an “inconvenience” rather than a barrier, stressing how the state attempts to help citizens comply, or placing blame for lack of registration on the individual citizen rather than the proof of citizenship policy, this frame seeks to support proof of citizenship requirements by noting that they do not make voting impossible for citizens who really want to vote.

2. Trends in Presentation of Frames Opposing Proof of Citizenship:

The news media also presented frames opposing proof of citizenship requirements. The most frequent opposing frame – and third most popular overall – was that proof of citizenship requirements disenfranchised citizens, followed by frames that

\textsuperscript{100}“PBS NewsHour for March 27, 2014,” PBS NewsHour, PBS, 6:00 PM EST, (3/27/14). In addition, in a 2013 appearance on Lou Dobbs Tonight, Secretary Kobach responded to a threatened ACLU lawsuit over the thousands on the suspense list as follows: “Well their arguments have very little merit. They can't show that people are being prevented from registering to vote. In fact, the so-called thousands are just individuals who started the process of registering but haven't yet provided their proof of citizenship. They haven't shown anybody who is unable to get proof of citizenship and our law was drafted so that even if you lost your passport -- we have free birth certificate in Kansas for the purpose, by the way. And you can't get your birth certificate, we still have a way you can submit affidavits and get the proof of citizenship to the states so you can register. So, you know, their argument doesn't really have any merit but, you know, that usually does not stop the ACLU. They go to court anyway. They try to threaten the state, threaten the city and get them to back down. We're not backing down.” “Interview with Former U.S. Ambassador to Egypt Frank Wisner; Interview with Homeland Security Committee Chairman Rep. Michael McCaul; Obama’s Diversion Tactics,” Lou Dobbs Tonight, CNN 7:00 PM EST, (9/2/13).

\textsuperscript{101}For example, at times, up to a third of registrations ended up on the suspense list. See Fernanda Santos and John Eligon, \textit{2 States Plan 2-Tier System for Balloting}, \textit{The NEW YORK TIMES}, (10/12/13) at A0 Pg. 1. In January 2015, the suspense list was more than 25,000 would-be voters long. Jonathan Shorman, \textit{Analysis Dives into Suspended Voter Registration List}, \textit{TOPEKA CAPITAL-JOURNAL}, (1/26/15).
there is little or no evidence of non-citizen voting and that proof of citizenship requirements are politically motivated and discriminatory. The frames regarding the sufficiency of the current registration system and reasons why immigrants would not want to register to vote were mentioned in a small number of stories.

a. Proof of Citizenship Disenfranchises Citizens:

The most popular frame opposing proof of citizenship requirements identified is that they disenfranchise citizens by making it difficult to register to vote. This frame appeared in 49.2% (89 of 181) of stories analyzed. It was also the most popular frame among stories that presented at least one opposing frame, appearing in 71.2% (89 of 125) of such stories. This frame appears in several incarnations, including claims that it makes registration difficult, including greater difficulty for certain population groups; presentation of evidence about access to documentation; presentation of evidence about individuals prevented from registering; and more recently complaints about Arizona and Kansas instituting a two-tiered registration system.

One of the most common presentations of the disenfranchising frame was that it poses a bar to participation because it makes the registration process more difficult. This was often reported as a claim of proof of citizenship opponents. For example, a 2013 Arizona Republic story repeated an opponents’ claim that the proof of citizenship requirements were an obstacle course of paperwork,102 and a 2014 Arizona Republic story noted opponents’ claims that proof of citizenship made it hard to register.103 This frame was also presented through interviews with proof of citizenship opponents, such as a 2012 MSNBC story about Florida’s citizenship verification program that included an interview with an opponent who stated that the state’s action ran the risk of disenfranchising qualified citizens. She argued that “when you do something like this, this close to the election and do it in secret and do it without double checking, there is no choice but to have errors, to have legitimate people kicked off the rolls.”104 This argument focused on the logistical issues with Florida’s process, but noted how they risk disenfranchising citizens.

In addition, this framing often noted that proof of citizenship requirements would have a particularly negative impact on certain population groups because these groups were said to have less access to citizenship documents. Groups said to be at particular risk for disenfranchisement included students, young people, the elderly, the poor and particular racial groups or “minorities” generally.105 There was not uniformity in stories’ presentation of adversely effected groups, e.g., some stories referred to students while

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102 Rebekah L. Sanders, Arizona Voter-ID Law has Day in High Court, THE ARIZONA REPUBLIC, Pg. A1 (3/19/13).
104 “The Rachel Maddow Show for May 29, 2012,” The Rachel Maddow Show 9:00 PM EST, MSNBC (5/29/12).
105 See e.g., Rebekah L. Sanders, Brewer Backs Salmon’s Voter-ID Bill, THE ARIZONA REPUBLIC, B3 (7/19/13) (impact on poor, youth, elderly, and minority voters); John Hanna, Fate of Kan. Elections Bill Tied to Computer Issue, THE ASSOCIATED PRESS STATE & LOCAL WIRE (1/16/12) (poor and minority voters); Andy Marso, Concerns Over Taxes, Voter ID Highlight Town Hall, TOPEKA CAPITAL-JOURNAL (1/18/12) (voters with disabilities); Santos and Eligon, supra note 101 (young, poor, and Latino voters).
other referred to the elderly, but the common theme was that certain groups would be more harshly impacted by proof of citizenship requirements.106

This frame also presented in the form of claims about citizens’ access to documents that prove their citizenship status. For example, a 2013 Washington Post story stated, “Many voters cannot easily produce such documents; fewer than half of Kansans and Arizonans possess a passport, and it’s a safe bet that many of them don’t have a birth certificate readily at hand either.”107 This incarnation of the frame notes that citizens who lack access to documentation will be unable to register to vote.

In addition, some stories presented the disenfranchising frame by reporting on the numbers of individuals who had been unable to register due to lack of documentation. For example, a 2013 Arizona Republic story noted that opponents of the proof of citizenship “say people's voter registrations have been rejected under the law even though many were eligible,” and noted that “[e]lection officials turned down more than 30,000 applications in two years after the law took effect, asking for more documentation.”108

After the proof of citizenship requirements went into effect in Kansas, several stories in Kansas-based newspapers addressed the growing number of individuals whose applications were on that state’s “suspense” list due to lack of citizenship documentation.109 Sometimes the critique was quite pointed, such as a 2013 Hays Daily News (Kansas) story that chided Secretary Kobach’s proof of citizenship efforts:

…there are approximately 15,000 tax-paying Kansas citizens who cannot vote because of the overly stringent state laws requiring they prove their citizenship. These Kansans registered under the federal guidelines, which have worked just fine for decades throughout the country. In Kobach’s attempt to stop one illegal vote, he's devalued the rights of 15,000 legal voters. It seems not to matter to him.110

This story presents a strong version of the disenfranchising claim by noting that large numbers of citizens have been unable to register to vote.

Stories about individuals whose registration was challenged also illuminated the frame that proof of citizenship disenfranchises. These stories typically focused on one or a few voters who were adversely affected by proof of citizenship requirements and citizenship verification actions. For example, a 2008 Tucson Citizen story recounted the plight of then-97-year-old Shirley Freeda Preiss of Surprise, AZ, who after voting in every presidential election since 1932, was unable to register to vote after moving to Arizona due to lack of citizenship documentation.111 A 2012 CNN story featured Florida registered voter, Bill Internicola, “a 91-year-old World War II Battle of the Bulge hero” who received

106 Moreover, this frame was sometimes made in the stronger claim that proof of citizenship requirements were intended to have a greater impact on and disenfranchise certain populations. This includes both claims of racial discrimination as well as partisan motivations to restrict access to Democratic-leaning voters, both of which will be discussed further below.
108 Sanders (6/18/13), supra note 43.
110 Id.
111 Anne T. Denogeae, Stymied After 70-plus Years of Voting for Prez?, TUCSON CITIZEN, 1A (8/5/08).
a letter from Florida challenging his US citizenship as part of its efforts to purge non-citizens from voter registration rolls. These ‘human interest’ stories presented the disenfranchisement frame not in terms of large numbers disenfranchised, but more intimately through a micro level exploration of individual citizens’ experiences trying to comply with proof of citizenship requirements.

As Arizona (and later Kansas) decided to institute a two tiered registration system after the Supreme Court invalidated the requirement of documentary proof of citizenship when registering with the federal registration form, a new narrative of the disenfranchisement frame began to appear in reporting: second class voters. In these stories, the disenfranchising frame focused on the bifurcation of the election system and denial of state and local voting rights to citizens who registered without proof of citizenship documents. The disenfranchising frame expanded to contest the segregation of some voters on a federal-only roll. For example, a 2013 Kansas Story criticized the dual registration system and stated, “if this sounds like a mess, it is. It's also a stain on Kansas, harkening back to post-Civil War days in the South when black citizens sometimes had to register multiple times and meet stiffer requirements to vote in state elections than the federal government required.”

A 2013 Washington Post editorial noted: “Now, harking back to the days of Jim Crow, they are at it again. In Arizona and Kansas, GOP officials are moving to adopt a two-tiered voting system, the effect of which would be to disenfranchise thousands of voters.” This incarnation of the frame notes that although citizens may be able to register and vote in federal elections, they are still disenfranchised by proof of citizenship requirements for state and local elections.

b. Political motivations:

Another opposing frame was that proof of citizenship requirements were politically motivated, either for partisan or personal gain. This frame appeared in 24.9% (45 of 181) of all stories and 36% (45 of 125) of stories presenting at least one opposing frame. This frame presented in two principle ways: (1) proof of citizenship is pursued for partisan or ideological gain; and (2) proof of citizenship is pursued for individual political gain.

Stories framed proof of citizenship as politically motivated by noting the partisan divide in those supporting proof of citizenship and those opposed. In particular, they noted that proponents and sponsors were Republicans. For example, a 2012 CNN report included video from a the Chair of the Broward County Florida Democratic party, Mitch Ceasar, stating: “What I find disingenuous is that fact that all these Republican governors from all over the country who live thousands of miles apart seem to have come up with a

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112 “Romney Aide: No Decision on Running Mate; Interview with Hillary Clinton; “History will Curse You”; Voter Purge Uproar; FDA Spying Scandal; North Korea Power Struggle; Global Financial Scandal; When Pigs Fly,” CNN The Situation Room, CNN, 5:00 PM EST (7/16/12).


114 Editorial Board (10/19/13), supra note 107.
situation where they have come up with the same idea of a voter purge.”

This iteration of the frame simply notes the partisanship involved and identifies Republicans as those who support proof of citizenship.

Some stories also discuss the partisan nature of debates over proof of citizenship laws as well as potential partisan motivations. For example, a 2011 NPR story featuring Ari Berman, who had recently completed an in-depth article in *Rolling Stone* magazine about proof of citizenship and other election administration laws said to make voter more difficult, presented a snapshot of the partisan motivations involved across the nation:

ARI BERMAN: Well, [Democrats in Kansas who voted for the SAFE Act have] been bullied by Republicans into believing this voter fraud rhetoric. But you've seen - all across the country, you've seen Democratic governors veto this type of legislation when it’s come from Republican legislators. You saw vetoes in Missouri. You saw vetoes in Montana. You saw vetoes in North Carolina. And so this is something that overwhelmingly is being pushed and voted on by Republicans.

[host] RAZ: And in Florida, the state House passed a law, making it more difficult for groups like the League of Women Voters to register new voters. Now, Democrats across the country say all of these laws are designed to keep Democrats from winning, except proponents of these new restrictions argue that they're designed to protect both Democrats and Republicans.

This connects the dots as to why Republicans favor proof of citizenship – it will restrict Democratic voter access which will benefit Republican candidates and issues at the ballot box.

In fact, a stronger incarnation of the frame focuses on how proof of citizenship requirements were designed to or would have the effect of denying voting rights to groups that tend to vote Democratic. For example, a 2013 Washington Post story noted that proof of citizenship requirements would likely lead to the exclusion of more minority and poor voters, leading to whiter and richer voters. That's electoral gold for Republicans. The GOP's real game is voter suppression, particularly aimed at Hispanics, whom the Republicans never tire of antagonizing. In the short run, this may work in some state or local elections; conceivably, it may even swing some races into the Republican column.

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115 “Romney Aide: No Decision on Running Mate; Interview with Hillary Clinton; “History will Curse You”; Voter Purge Uproar; FDA Spying Scandal; North Korea Power Struggle; Global Financial Scandal; When Pigs Fly,” CNN The Situation Room, CNN, 5:00 PM EST (7/16/12)( Mr. Ceasar was referring to Florida Governor Rick Scott’s (R) efforts to remove non-citizens from Florida’s voting rolls, which included suing the US Department of Homeland Security for access to its database of legal immigrants.)

116 “Do New Voting Laws Suppress Fraud? Or Democrats?” Weekend All Things Considered, NPR, 7:00 PM EST (9/17/11)

117 Editorial Board (10/19/13), supra note 107.
The partisan political gain frame presents proof of citizenship not as a safeguard for an electoral system in jeopardy, but as a cynical power-grab by Republicans to ensure their electoral dominance by keeping Democratic-leaning voters away from the polls. That is, proof of citizenship is a tool for partisan political gain by disenfranchising citizens who would vote Democratic.

Stories noting personal political motives gain by focused on how individual candidates use proof of citizenship and the specter of non-citizen voting to drum up support for their candidacies. For example, a 2013 story noted that Arizona’s Republican Attorney General and Secretary of State incumbents would likely benefit from ‘beating the drum’ on non-citizen voting, illegal immigration and voting fraud because those issues tend to energize voters. A 2010 *Hays Daily News (Kansas)* story noted that there was no real evidence of non-citizens voting and posited that then-candidate Kobach’s motivation to campaign on the non-existent problem could be not explained “unless you hoped voters merely would accept your word that voter fraud is a significant problem. Or if you hoped that mentioning even one illegal alien - most likely who snuck across the Arizona border - would resonate well with people who enjoy being scared to death.” In addition, a 2013 *Morning Sun* story noted that Kobach also stood to gain financially since his claims of non-citizen voter fraud could increase demand for his services as a lawyer and drafter of state and local anti-immigration laws.

Both the personal and partisan motivation frames question the authenticity of motives behind advocacy and support for proof of citizenship. This frame suggests that political motivations, rather than concern about electoral integrity, are the true impetus behind proof of citizenship laws.

3. Smallness of the Problem and Lack of Evidence of Fraud:

Two related frames dealt with the degree of the “problem” of non-citizen voting fraud, presenting it as small and not warranting proof of citizenship policy interventions. One frame was that the problem of was very small. This frame was presented in 24.3%

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118 Gary Grado, *Dual Lists, Dueling Officials in Arizona*, THE ARIZONA CAPITOL TIMES, 10/14/13. (“It is a policy supported by an attorney general legal opinion that is going to bring headaches to elections officials and benefit Horne and Secretary of State Ken Bennett politically, both of whom are likely to have stiff primary competition in their respective runs for attorney general and governor. ‘It’s probably good politics for Horne because he has a tough primary coming up where things like voter fraud and immigration issues play well,’ said Kory Langhofer, an elections attorney who was litigation counsel for the Mitt Romney presidential campaign. ‘It is almost certainly bad politics for the party.’”) Note that this story also featured extensive fact checking with local officials that debunked the Attorney General’s claims. This included interviews with election directors in two counties, both of whom stated that there were a number of individuals who attempted to register using the federal form, but no indication that they were non-citizens, as well as with an official at the Maricopa County Attorney’s Office who verified that there had been no prosecutions for false registration since 2010.


120 H. Edward Flentje, *Insight Kansas*, THE MORNING SUN; KS Opinion, Pg. 4 (10/22/13)(“For those who advocate immigration reform and lifting unnecessary barriers to voting, Kobach appears as demagogue. He concocts the issue of widespread voter fraud to win the office of secretary of state. He fabricates stories of voting by non-citizens to promote questionable measures that restrict voting and places thousands of potential voters in suspension. He unethically uses his public office to expand his lucrative law practice.”)
(44 of 181) of the stories analyzed and 35.2% of stories with at least one opposing frame. A related frame — that there is no evidence of non-citizen voter fraud — appeared in 29.3% (53 of 181) of all stories and 42.4% of stories with at least one opposing frame. Together, these frames refute the need for proof of citizenship requirements by noting that there is little to no evidence of non-citizen voter fraud. Combining stories that presented one or both of these frames provides a fuller picture of how frequently stories framed the problem of non-citizens voting as small or non-existent; 42% (76 of 181) of the stories contained one or both of these frames.

Stories that presented the frame that non-citizen voting is a small problem often focused on the small numbers of prosecutions or allegations of non-citizens voting. Some stories reported information from election administration officials, those with the most intimate knowledge of registration issues at the county level, stating that non-citizen voting is rare. For example, a March 2014 story regarding testimony from the Pima County (Arizona) Registrar quoted him as stating: “The reality is, since Prop. 200 went into effect [March 2005], we found one non-citizen in Pima County registered to vote. Maricopa [county], with five times the population, found 20. This [non-citizen voting] isn't a big problem here.”\footnote{Philip Franchine, \textit{Registrar: Illegal Immigrants Not Voting in Arizona}, \textit{Green Valley News & Sun} (3/23/14).} The County Registrars oversee voter registration in Arizona, so this source had intimate knowledge of the degree to which non-citizens were registered to vote.

In some cases, stories framed the smallness of the problem by comparing the number of allegations of voter fraud with the total number of votes cast in order to provide a sense of scale. For example, a 2010 story regarding then-candidate Kobach’s views on non-citizen voting and his claims that there were 75 cases of voter fraud explained:

Let's say there were 75 cases of voter fraud reported, as Kobach stated. According to him, none were investigated. Which probably speaks to the validity, or lack thereof, of the reports. But let's just say the Secretary of State's Office was turning a blind eye to 75 cases of actual voter fraud. With close to 8 million votes cast in primary and general elections during that time period, we would have a whopping 0.0009 percent of them that should not have counted. It still doesn't strike me as anything to get too worked up about. Certainly nothing to hitch your wagon to in a campaign.\footnote{Lowry (2010), \textit{supra} note 119.}

In this framing, voter fraud does not seem like a big problem in need of a big solution. On the contrary, it seems like a tiny problem of little significance to voters and impossible to cause any harm such as vote dilution or stolen elections.

The related frame that there is no evidence of non-citizen voting fraud goes a step further and makes a stronger claim about the evidence, or lack thereof. For example, a 2013 \textit{Washington Post} editorial noted that despite documented disenfranchising effects, “Republican officials in both states [Arizona and Kansas] are forging ahead, justifying
their efforts under the banner of combating electoral fraud. This is hogwash. The simple fact is that there is not a shred of evidence in either state, or elsewhere, that fraudulent ballots have been cast in any significant number.”123 In addition, a 2012 Arizona Republic story reported on a US Senate Committee hearing regarding the recent elections, noting that MALDEF Director of Litigation, Nina Perales, testified that “despite Arizona’s Proposition 200, which requires proof of citizenship to register to vote as well as to cast a ballot, Arizona has not documented a single case of a non-citizen voting.”124 The failure to document even one case of a non-citizen voting presents the frame that there is no evidence of non-citizen voting; it simply is not a problem.

4. Proof of Citizenship is Racially Discriminatory:

A frame often presented in conjunction with the disenfranchising frame was that proof of citizenship was racially targeted or likely to have racially discriminatory effects. This frame appeared in 21.5% (39 of 181) stories and 31.2% of stories with at least one opposing frame.

Frequently this frame arose in the context of a claim that proof of citizenship procedures would disenfranchise certain racial groups or “minorities” generally. For example, several stories noted claims that proof of citizenship requirements would disenfranchise certain groups with less access to documentation, including “minorities” either alone or along with some combination of young citizens, elderly citizens, poor citizens or students.125 In addition, some stories talked about the adverse impact on particular racial groups, such as Native Americans in Arizona, who are less likely to have acceptable citizenship documentation,126 or Latinos.127 The stories noted that the burden of proof of citizenship would fall most harshly on citizens of color.

Sometimes this frame was presented in the form of claims that proof of citizenship requirements purposefully targeted certain racial groups in order to disenfranchise them. For example, many of the stories dealing with Florida’s voter purge included statements that the purge targeted Latino voters. A 2013 MSNBC story included the following statement from US Representative Debbie Wasserman Schultz regarding Florida’s efforts to identify and purge non-citizens registered to vote:

on that 180,000 person list, .02 percent of the names on that list came up as non-citizens. Not exactly a glaring problem. And 60 percent of those… targeted on that list were Hispanic, when only 13 percent of our electorate

123 Editorial Board (10/19/13), supra note 107.
124 Pitzl (2012), supra note 89.
125 See e.g., Sanders (7/19/13), supra note 105 (noting impact on poor, young, minorities); Hanna (1/16/12), supra note 105 (impact on poor, minorities); Editorial, Election Hits: Far-Right Republicans Push to Improve Edge, THE GARDEN CITY TELEGRAM, A04 (2/16/15) (impact on poor, elderly and minority); Erik Eckholm, After Ruling, Alabama Joins 2 States in Moving to Alter Voting Rules, THE NEW YORK TIMES, A0 Pg. 13 (3/22/14)(impact on young, poor, minority); Editorial, The Myth of Voter Fraud, THE NEW YORK TIMES, A0 Pg. 20 (5/13/08)(impact on poor, minorities, students).
126 See e.g., Purnick, supra note 93.
127 See e.g., Eugene Robinson, Voter Fraud is not the Problem, THE WASHINGTON POST, Pg. A19 (9/25/2012).
is Hispanic. So clearly, they're not only trying to purge voters, they're trying to purge certain kinds of voters.\textsuperscript{128}

Reporting on intentional discrimination also stemmed from coverage of litigation against the State of Florida that alleged the purge efforts to be racially targeted and discriminatory against Latino and black voters.

5. Current System Is Sufficient and Disincentives for Immigrants to Vote:

Very few stories presented the frames that the current system of registration was sufficient to prevent non-citizens from voting or that there were sufficient disincentives that non-citizens would not attempt to register to vote. I had expected to see either or both of these frames as a counterpoint to the supporting frame that the current system was insufficient. However, these frames appeared very rarely in the stories I analyzed.

The frame that the current system was sufficient was only overtly addressed in ten of the stories analyzed (5.5\% of all stories and 8\% of stories with at least one opposing frame). While the idea that the system was working may have been indirectly addressed through the opposing frame that non-citizen voting was a very small problem, direct defense of the perjury-based system or statements that it was working was nearly non-existent. In fact, the entirety of the registration system and its safeguards were very seldom reported at all. Even proof of citizenship opponents interviewed generally did not defend the perjury-based system, apparently conceding that it is unsound.

One rare example came in a 2014 \textit{Green Valley News & Sun (AZ)} story detailing a presentation by Registrar and Chief Deputy Recorder Christopher Roads to the Green Valley, AZ City Council. This story noted how this election official, who is in charge of voter registration, contested rumors of large numbers of non-citizens registering to vote, quoting him as stating:

This is really not a big issue, that non-citizens will manipulate the elections. We hear that thousands and thousands of non-citizens are registered in Arizona. I will tell you this is absolute bunk. Why do I know that? Even before Prop. 200 was approved [2004], Pima County and all 15 counties had run their databases against the MVD [Motor Vehicle Department] database. Pima County had a 93 percent match, the highest.\textsuperscript{129}

He further explained that individuals not matched included young voters (18-21 years old) and older voters (over 70) who did not have driver’s licenses, and that they were able to determine citizenship status of many of them through social security numbers. His testimony about the efficacy of the system at preventing non-citizens from voting is one of the few examples of defense of the system.

\textsuperscript{128} Representative Debbie Wasserman Schultz, Interviewed by Michael Smerconish, “Hardball with Chris Matthews,” MSNBC 5:36 EDT (8/9/13).

\textsuperscript{129} Franchine, \textit{supra} note 121.
A 2013 *Arizona Republic* story presented information that Congress decided not to require proof of citizenship in the National Voter Registration Act because “it would ‘seriously interfere’ with the ease of mail voter registration,” but that since Congress “was very aware of protecting against voter fraud… [it] established federal criminal penalties for intentionally registering falsely, required the federal voter-registration form to display clear instructions not to register as a non-citizen and made voters sign under oath. That should be sufficient.”¹³⁰ This story explains that Congress rejected proof of citizenship as a burden on registration and instituted procedures to safeguard against ineligible individuals registering to vote.

The somewhat related argument, that the current system provides sufficient disincentives to prevent immigrants to vote, was also surprisingly infrequently presented, appearing in only 14 of the stories (7.7% of all stories, and 11.2% of stories with at least one opposing frame). This frame was often presented as common sense assumption that non-citizens, particularly unauthorized migrants, generally avoid contact with government officials so would be unlikely to seek out such contact by registering to vote. For example, a 2011 *Salina Journal* (KS) story presents an interview with Salina County Clerk, Don Merriman, regarding the SAFE legislation, which Secretary of State Kobach had just announced. Among other things, the story discussed claims that proof of citizenship was needed because illegal immigrants were voting. The story quotes Merriman’s response as: “[l]et’s have some common sense here, illegals don't want their names in polling books or in a computer system,” Merriman said. ‘I wouldn't want my name, number and other stuff. The last thing they care about is voting.”¹³¹ Regarding authorized immigrants, a 2014 *New York Times* story quotes Political Scientist Michael McDonald as questioning non-citizen voting, “‘[i]f you're not a citizen, why would you jeopardize your status and even face deportation for something that is unlikely to make any difference?’”¹³² These stories note that most non-citizens, particularly unauthorized individuals, would not risk their presence in the US in order to register to vote illegally. They present the frame that there are sufficient disincentives to prevent non-citizens from voting. However, these stories were the exception rather than the rule.

Although I had expected to find many stories presenting the frames that the existing registration system successfully prevents non-citizens from register and that non-citizens won’t want to register to vote due to potential bad repercussions, these frames were nearly completely absent from reporting. However, the omission of these claims is itself a form of framing, since framing includes omission of some aspects of a story in addition to highlighted other aspects. Omitting the aspects of the issue that tend to show that the current registration system successfully keeps non-citizens from voting frames the larger issues. For example, if information about the efficacy of the system is omitted, audience members would have only partial information, which stresses the system’s vulnerability, upon which to base their understandings of and opinions about the need for

¹³¹ Chris Hunter, *County Clerks Question Kobach’s Bill*, THE SALINA JOURNAL (1/21/11).
¹³² Erik Eckholm, *U.S. Court to Hear Case on voting Restrictions as Arizona Prepares for Polls*, THE NEW YORK TIMES, A0 Pg. 14 (8/24/14).
proof of citizenship requirements. The omission of these two aspects of the current voter registration system can frame the issue.

C. Patterns in Frame Presentation:

My analysis of the stories revealed some interesting patterns in how the media presented (or did not present) the frames identified above. This includes patterns and disparities in the prevalence/popularity of various frames as well as variations in prevalence by geography, media type and media outlet.

a. Distribution of supporting and opposing frames in the stories:

Supporting and opposing frames were not evenly distributed among stories analyzed. Nearly one third of the stories (56 of 181 or 31%) only presented supporting frames; they presented one or more frames that support proof of citizenship requirements but no frames that oppose it. An additional two stories presented supporting frames as well as some opposing frames in a critical manner, such as expressing doubt that a citizen might have difficulty producing proof of citizenship or summarizing opposing arguments in order to present counter-arguments to demonstrate why they are “wrong.”

In contrast, only 9% (17 of 181) of stories analyzed presented only opposing frames and no supporting frames. An additional 11 stories presented opposing frames as well as supporting frames in a critical fashion. For example, stating that claims that illegal aliens were voting were “phony” or calling state claims that proof of citizenship requirements are meant to prevent voter fraud “hogwash.”

The preponderance of “one-sided” stories is significant because framing occurs through omission as well as through inclusion. One sided stories omit competing frames, suggesting there is only one way to interpret the issue and one kind of policy to support. Omitting opposing information presents the issue in a way that is less likely to trigger opposing opinions in audience members, especially among audience members who are unfamiliar with the issue. “Receivers’ responses are clearly affected if they perceive and process information about one interpretation and possess little or incommensurable data about alternatives. This is why exclusion of interpretations by frames is as significant to outcomes as inclusion.”

133 “Court: Arizona Cannot Seek I.D. from Voters,” The O’Reilly Factor, Fox News Network, 8:38 PM EST (10/28/10) (during discussion claims that some citizens would have difficulty with obtaining documentation, host O’Reilly states “I don’t believe it” and discusses how it would be easy to comply).

134 Kobach, The Case for Voter ID, supra note 17.


136 Editorial Board (10/19/13), supra note 107.

137 Some research suggests that highly knowledgeable viewers may be less influenced by one-sided presentation of frames. See e.g., Chong and Druckman (2007), supra note 32 at 112. For example, a viewer who already knows that there is a very low incidence of non-citizen voting is less likely to be influenced by a story that only presents the frame that non-citizen voting is a big problem. Similarly, individuals with strong moral opinions about an issue are less likely to be influenced by frames that contradict or offer alternative views to their espoused opinions. See id. at 111.

138 Entman (1993), supra note 34 at 54.
One-sided reporting is also an example of what Entman calls “news slant.” News slant “occurs when a news report emphasizes one side’s preferred frame in a political conflict while ignoring or derogating another side’s.” A significant portion of the stories analyzed presented only supporting frames, far outnumbering the number of stories that only presented opposing frames. In addition, slant in one-sided stories is also affected by the presentation of multiple supporting or opposing frames. As shown in Table 1, one-sided stories presenting only opposing frames were more likely to present only one frame than one-sided stories presenting only supporting frames. The tendency for supportive one-sided stories to present multiple supporting frames can buttress the perceived strength of the supporting position. The presentation of multiple supporting frames and no opposing frames has the potential to prime audiences for a supportive view of proof of citizenship requirements by accentuating the arguments in favor of it while omitting those against it.

Table 1: Number of frames presented in stories with only supporting or only opposing frames

<table>
<thead>
<tr>
<th># frames presented per story</th>
<th>In stories with only supporting frames</th>
<th>In stories with only opposing frames</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>16 (28%)</td>
<td>7 (44%)</td>
</tr>
<tr>
<td>2</td>
<td>20 (35%)</td>
<td>2 (11%)</td>
</tr>
<tr>
<td>3</td>
<td>10 (17%)</td>
<td>6 (33%)</td>
</tr>
<tr>
<td>4</td>
<td>4 (7%)</td>
<td>2 (11%)</td>
</tr>
<tr>
<td>5</td>
<td>4 (7%)</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Nearly 60% of the stories analyzed (107 of 181) presented both opposing and supporting frames. Of stories with both kinds of frames, 30 presented an equal number of opposing and supporting frames; 38 presented more supporting than opposing frames; and 41 presented more opposing than supporting frames. Combining these with the stories with only one kind of frame, we see that 52% (94 of 181) presented more supporting frames than opposing frames, while 32% presented more opposing frames than supporting frames. In addition, 91% (164 of 181) of the stories presented at least one supporting frame, while 68.5% of stories presented at least one opposing frame. This greater emphasis on supporting frames over opposing frames supports a preliminary finding that news framing was slanted in favor of proof of citizenship.

In addition, while most stories with more opposing frames presented only one or two more opposing than supporting frames, several stories with more supporting frames presented multiple supporting frames and only one or two opposing frames. For example,

139 Robert M. Entman, *Media Framing Biases and Political Power: Explaining Slant in News of Campaign 2008*, Journalism, 11(4) 389-408 (2010) at 392. (One-sided framing emphasizes some elements and suppresses others in ways that encourage recipients to give attention and weight to the evaluative attributes...that privilege the favored side’s interpretation.”).

140 See id.
a 2014 PBS NewsHour segment presented six supporting frames and only one opposing frame, and a 2013 story presented in a Kansas television news broadcast presented six supporting frames and only two opposing frames. Although these stories may appear to be “balanced” in that they present both supporting and opposing frames, the higher number of supporting frames as opposed to opposing frames can affect audience perception. Presenting six supporting frames and only one opposing slants the reporting in favor of proof of citizenship and could affect audience perceptions about it.

b. Frequency of Frame Presentation:

Individual frames appeared within the stories at different rates. Regardless of whether they were supporting or opposing frames, some appeared frequently and others appeared infrequently. Table 2 shows the prevalence of each frame tracked. The most prevalent frames, and the only ones to appear in more than half the stories, were the supporting frames that proof of citizenship requirements protect the integrity of the electoral system and the use of “illegal” immigration terminology. The third most popular opposing frame, appearing in just under half the stories, was the opposing frame that proof of citizenship requirements disenfranchise citizens.

Table 2: Prevalence of frame use in all stories analyzed

<table>
<thead>
<tr>
<th>Frame</th>
<th>% of all stories with this frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fraud/integrity (S)</td>
<td>58.0</td>
</tr>
<tr>
<td>Illegal aliens (S)</td>
<td>55.8</td>
</tr>
<tr>
<td>Disenfranchises (O)</td>
<td>49.2</td>
</tr>
<tr>
<td>No fraud (O)</td>
<td>29.3</td>
</tr>
<tr>
<td>Current system deficient (S)</td>
<td>25.4</td>
</tr>
<tr>
<td>Large problem (S)</td>
<td>24.9</td>
</tr>
<tr>
<td>Political motivations (O)</td>
<td>24.9</td>
</tr>
<tr>
<td>Small problem (O)</td>
<td>24.3</td>
</tr>
<tr>
<td>Discriminatory (O)</td>
<td>21.5</td>
</tr>
<tr>
<td>POC not difficult (S)</td>
<td>19.3</td>
</tr>
<tr>
<td>Dilute citizen votes (O)</td>
<td>18.2</td>
</tr>
<tr>
<td>Steal elections (S)</td>
<td>14.9</td>
</tr>
<tr>
<td>Immigrant disincentives (O)</td>
<td>7.7</td>
</tr>
<tr>
<td>Current system ok (O)</td>
<td>5.5</td>
</tr>
</tbody>
</table>

Tables 3 and 4 explore the distribution of frames within the entire purposive sample as well as within the subset of stories that present at least one like frame. Table 3

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141 “PBS NewsHour for March 27, 2014,” PBS NewsHour, PBS, 6:00 PM EST, (3/27/14)
142 “Kansas Voter Registration Now Requires Proof of Citizenship,” CBX – 12 KWCH (1/1/13)
143 Table 2 also demonstrates that several of the frames I identified deductively prior to my content analysis did not appear with great frequency. The frame of illegal immigrants, which I identified inductively, was one of the most popular.
explores the prevalence of supporting frames among stories that present at least one supporting frame, and Table 4 explores the prevalence of opposing frames among stories that present at least one opposing frame. While the order of popularity of individual frames does not change, the prevalence increases when dealing with stories with at least one like frame. The increases are modest for supporting frames. For example, the fraud/integrity frame increases from 58% to 65.6% in stories with at least one supporting frame. In the case of opposing frames, prevalence increases substantially when limiting consideration to stories with at least one supporting frame. For example, the prevalence of the disenfranchising frame increases from 49.2% among all stories to 73% when considering only stories with at least one opposing frame. The substantial increase in opposing frame prevalence among stories with at least one opposing frame is not surprising given the large number of stories in the batch of 181 that only presented supporting frames.

Table 3: Prevalence of Supporting Frames in all Stories and in Stories Presenting at Least One Supporting Frame

<table>
<thead>
<tr>
<th>Frame</th>
<th>% of all stories</th>
<th>% of stories with at least one supporting frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current system deficient</td>
<td>25.4</td>
<td>28</td>
</tr>
<tr>
<td>Illegal aliens</td>
<td>55.8</td>
<td>61.6</td>
</tr>
<tr>
<td>Large problem</td>
<td>25.4</td>
<td>28</td>
</tr>
<tr>
<td>Dilute citizen votes</td>
<td>18.2</td>
<td>20.1</td>
</tr>
<tr>
<td>Steal elections</td>
<td>14.9</td>
<td>16.5</td>
</tr>
<tr>
<td>Fraud/integrity</td>
<td>58</td>
<td>64</td>
</tr>
<tr>
<td>POC not difficult</td>
<td>19.3</td>
<td>21.3</td>
</tr>
</tbody>
</table>

Table 4: Prevalence of Opposing Frames all Stories and in Stories Presenting at Least One Opposing Frame

<table>
<thead>
<tr>
<th>Frame</th>
<th>% of all stories</th>
<th>% of stories with at least one opposing frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immigrant disincentives</td>
<td>7.7</td>
<td>11.2</td>
</tr>
<tr>
<td>Current system ok</td>
<td>5.5</td>
<td>8</td>
</tr>
<tr>
<td>Small problem</td>
<td>24.3</td>
<td>35.2</td>
</tr>
<tr>
<td>Political motivations</td>
<td>24.9</td>
<td>36</td>
</tr>
<tr>
<td>Disenfranchises</td>
<td>49.2</td>
<td>71.2</td>
</tr>
<tr>
<td>No fraud</td>
<td>29.3</td>
<td>45</td>
</tr>
<tr>
<td>Discriminatory</td>
<td>21.5</td>
<td>31.2</td>
</tr>
</tbody>
</table>

c. Frame Distribution and Media Market:

The prevalence of some frames varied widely in local media versus national media. As discussed previously, I designed my sample to collect stories from media
sources with national distribution as well as sources with distributions in Kansas or Arizona. I wanted to investigate whether there were differences in framing between national and local news media and reporting. Analysis of stories does demonstrate differences in frame presentation by geography and by media type for some frames. In particular, local media presented certain opposing frames at a much higher rate than national media. In addition, there were disparities in frame presentation between print and non-print media. While some of the results for individual media outlets discussed below should be considered carefully since they are based on a small number of stories, there are still patterns that warrant consideration and potentially further study with a larger sample.

First, as demonstrated in Table 6 (located at the end of this chapter), local news outlets were much more likely to report the disenfranchising frame (51.5%) than national TV/radio broadcasts (24.1%), although national newspapers reported this frame more frequently than (57.1%) local papers. The high prevalence in national newspapers is driven by use of this frame in The New York Times and The Washington Post. The disenfranchising effect on citizens may have been a “bigger” story in Arizona and Kansas where the plight of voters denied registration or access to the full ballot (as opposed to just the federal ballot) was more acutely felt and because local reporters might have better access to and relationships with local officials with information about registration. As noted previously, voter registration is conducted nearly exclusively at the county level, so particularly in rural counties, “small town” officials are the best source of information.

Among local media, the disenfranchising frame was more prevalent in Kansas media (59.6%) than Arizona media (41.3%). This disparity may be explained by attention to the large number of individuals on the “suspense” list Kansas and the lack of concrete data about proof of citizenship’s effect in Arizona. As discussed previously, Arizona’s law required the rejection of any application for registration without proof of citizenship, but Kansas’s law ordered that such applications be placed on the suspense list where the application would wait until documentation was provided. Accordingly, Kansas’s law created a data trail of how many people were not able to register to vote. The number of individuals on the suspense list was featured in several Kansas-based stories. Reporting on the effects of Arizona’s law was more difficult because there was no list of “pending” registrations; applications without citizenship documentation were simply rejected.

In addition, local stories were also more likely to present the opposing frames that fraud was a small problem (29.1%) than national newspapers (16.3%) or national broadcasts (20.7%), and that there was no evidence of non-citizen voter fraud (35% of local stories, 20.5% of national stories, and 17.2% of national broadcast stories). Part of the disparity in reporting on these frames may be due to the higher reporting of these frames in fact checking stories, which will be discussed further below. Nearly all fact-checking style stories appeared in local newspapers. Regardless of the cause, the disparities suggest that consumers of local media might be more likely to receive frames that non-citizen voting was not a problem than consumers of national media. This is

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important since the most popular frame regarding proof of citizenship was the supporting frame that it is a policy to protect the electoral system from non-citizen voter fraud. Framing that suggests non-citizen voting is not a problem provides a counterpoint for consideration.

National sources were more likely to present the politics frame than local media. The frame that proof of citizenship was politically motivated only appeared in 19.4% of local stories, but 33.3% of national newspapers and 38% of national broadcasts. Politics – particularly partisan politics and contests – is a narrative that national media sources are accustomed to reporting. Since reporters are used to covering issues in terms of political controversy, adopting this frame for reporting on this issue is not very surprising. Although Fox News Network stories constituted half of the national non-print sample, the higher prevalence of the “politics” frame in national broadcasts was driven by the non-Fox stories.145

National sources were also more likely to use the opposing frame that proof of citizenship requirements are racially discriminatory. As Table 6 shows, 30.6% of national newspaper stories and 31% of national broadcasts used this frame while only 13.6% of local news stories used it. Like political controversies, racial discrimination stories are a familiar narrative to national media sources, which might influence reporters’ framing decisions. In addition, several stories in the national media dealt with lawsuits against the state of Florida that alleged that its citizenship purge program discriminated against Latinos and blacks; racial discrimination was therefore a key issue in stories about these lawsuits. In comparison, the lawsuits dealing with Arizona and Kansas’s proof of citizenship requirements did not allege racial discrimination, but rather issues dealing with the National Voter Registration Act; as such, racial discrimination was not part of litigation. The very low rate of this frame in Kansas stories (10.5%) might be due to the smaller minority populations within Kansas than Arizona, where the frame appeared in 17.4% of the stories. Perhaps the prevalence of the discrimination frame in local coverage is low due to journalists’ decision not to report it or due to proof of citizenship opponents’ decision not to argue their point in racial terms, or perhaps due to other reasons. The reasons for the low prevalence of the discriminatory frame in local media remains an open question.

There were also significant geographical differences in prevalence for some supporting frames, as shown in Table 5 (located at the end of this chapter). For example, the frame that non-citizens could steal elections was far more prevalent in a national media (24.4%) as opposed to local media (7.8%). Moreover, it was most prevalent in national television and radio media (34.7%). The frame that non-citizens were diluting citizen votes was also more prevalent in national media (21.8%) and national broadcasts (34.5%) than local media (15.5%). The protecting election integrity frame was also slightly higher in national broadcasts (62%) than national newspapers (59%) or local news media (58.3%). And finally, the frame that complying with proof of citizenship was not difficult was also more prevalent on national broadcasts (27.6%) than national newspapers (18.4%) or local news media (17.5%). In contrast, there was not a substantial difference in use of the “illegal alien/immigrant” frame, although local sources were slightly more likely to use this frame than national sources. As with the opposing frames,

145 See Table 9, infra.
some of the disparities may be driven by the preponderance of fact-checking stories in local sources, but they might also be explained by journalistic routines in national news outlets. For example, the supporting frames that non-citizens dilute citizens’ votes and steal elections present the issue as a controversy or conflict that may be considered more compelling for national sources competing for viewers/readers and hoping to increase ratings. The fact that they were most prevalent in television cable news sources lends some support to this contention.

That said, combining Kansas and Arizona to form a “local” media count hides some important differences in framing between news media in the two states. As noted above, the opposing frame of discrimination appeared in different rates in Kansas and Arizona. In addition, 39.1% of Arizona stories presented the frame that the current registration system is deficient, while only 8.7% of Kansas stories did so. The opposing frame that the current system is sufficient was also more popular in Arizona stories at 13% compared to only 1.8% of Kansas stories. The reasons for these disparities are not clear, although the propensity of one Arizona official to claim that the registration system was vulnerable to non-citizen voting fraud may have influenced prevalence.

The frames of protecting integrity, non-citizens diluting citizen votes, and non-citizens stealing elections are arguably the more provocative claims and suggest a greater controversy. In particular, the claim that non-citizens steal elections is a sensationalistic and frightening argument, suggesting that citizens might lose control of their government by non-citizen or “illegal alien” infiltrators. The higher prevalence of controversial news frames on national broadcast news may be driven by market forces and news routines that are specific to the television media markets. For example, stiff competition between cable news networks stokes a ratings war for viewers; if controversy is believed to increase viewership, competing cable networks will be inclined to maximize controversial framing of events. The editorial choices and reporting styles for each network will also affect how stories are reported. In this study, the national broadcast prevalence might also be affected by the fact that half of the broadcast stories analyzed were from Fox News Network. To the extent that Fox News has different editorial and content practices that affected its framing choices than other networks, its relatively high representation could influence frame prevalence.

The information in Tables 5 and 6 also show that for some frames, the kind of publication in which a story appears may affect its framing rather than simply its geographic focus. For several frames with national vs. local disparities, the prevalence in national newspapers is similar to that of local stories. For example, the frame that non-citizens voting dilute citizens’ votes appears in 15.5% of local stories, but 21.8% of national stories. However, the higher prevalence in national stories is driven by national broadcasts, in which this frame appeared 34.5% of the time. In comparison, national newspapers used this frame in only 14.3% of stories, roughly on par with local media.

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147 Indeed, given the small numbers of stories from each cable network in this particular sample, only preliminary claims about their framing choices are possible.
Since all of the local stories except for one appeared in newspapers, the similarities in prevalence of some frames between national newspapers and local stories suggests similarities in framing choices in print journalism and contrasts between print and broadcast news.

There were also differences in the prevalence of frames by individual publication or channel, as demonstrated in Tables 7 and 8 (located at the end of this chapter). Table 7 shows the distribution of supporting frames by media outlet, and Table 8 shows the distribution of opposing frames by media outlet; these tables only present national distribution outlets. Note that the sample size for several national outlets was very small. Accordingly, the results presented must be considered with caution. However, even with relatively small numbers, some patterns in prevalence of supporting and opposing frames emerge that suggest further study is warranted. For example, Fox News and The Wall Street Journal stories were more likely to present supporting frames than opposing frames, which one might expect given their conservative reputation. However, this trend was not limited to those sources. Most of the national sources presented more supporting than opposing frames, suggesting this might be a larger trend in national coverage of these issues.

In addition, only one national outlet – The New York Times – presented the frame that the current registration system was sufficient. While this frame was also rare in local stories (appearing in just 6.8% of them; 1.8% for Kansas and 13% for Arizona), it was nearly absent from national reporting. As previously discussed, omitting certain aspects of an issue is a form of framing.

D. Framing and Style of Reporting:

The distribution of frames also varied by the style of reporting stories employed. I analyzed the stories for reporting style, categorizing them as either (1) he said/she said; or (2) fact checking. I defined “he said, she said” style as stories that presented “truth claims” on one or both of the sides of the proof of citizenship debate, but did not interrogate the veracity of those claims or provide information from outside sources or investigation. They simply present “truth claims” of interested parties. I define fact-checking style as stories that present independent investigation and/or information about the issue.

The overwhelming majority (167 of 181) of stories analyzed used a he said/she said style of reporting. A very small subset of stories (14) utilized the “fact checking” style of reporting by investigating claims and issues, either through independent investigation or interviews with non-advocate sources with first-hand knowledge of the issues. The majority of fact checking stories appeared in newspapers with local distributions in Arizona or Kansas.

There were stark differences in frame prevalence between he said/she said and fact checking stories, in particular in the presentation of some opposing frames. These

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148 NPR and MSNBC both had only three stories, and PBS had one.
149 In addition, five stories contained some minimal fact checking, but were nearly entirely he said/she said reporting style. Because the fact checking portion of these stories was so limited and the he said/she said portion so predominant, I classified them as he said/she said style stories.
differences are summarized in Tables 9 and 10 which show the frequency of frames in he said/she said and fact checking stories.

i. He said/she said stories:

He said/she said stories report what have been called “truth claims.” When originally identified in 1978, “truth claims” appear to have been accepted journalistic practice when a reporter did not have time to conduct her own inquiry into the veracity of a news source’s claims. While a reporter might not be able to “immediately verify the facts from a legitimate source,” he could report on what the source claimed to be true. That is, a truth-claim “statement may or may not be true, but it is true that the source said it.” When a reporter also reports ‘truth claims’ from opposing sources, in order to portray some kind of balance in reporting, a story becomes “he said/she said” style reporting. This style of reporting has also been called the conduit account of information. It is characterized as the presentation of competing claims, with the claims being presented as equally valid or plausible.

In stories analyzed for this study, ‘truth claim’ reporting was prevalent. As noted above, 92% of stories exhibited he said/she said reporting. Stories with this reporting style ranged from simple recitation or summarization of opposing claims to in-depth quoting and interviews with individuals on opposing sides of the issue (or sometimes just one side of the issue).

Examples of the he said/she said style summary include a 2013 Topeka Capital-Journal story regarding Kansas’s proof of citizenship law that summed it up in two sentences: “Secretary of State Kris Kobach, a Republican, successfully pushed for the proof-of-citizenship law as a way to prevent non-citizens, particularly those in the U.S. illegally, from voting. Critics of the law contend that it unnecessarily suppresses turnout, and the American Civil Liberties Union has threatened to file a federal lawsuit.” A 2012 Washington Post story stated: “Arizona and the other states argue that they should be allowed to ask for additional documentation to keep illegal immigrants and other non-citizens off the voting rolls. Opponents of the laws say they are used to exclude disproportionately poor and minority voters who lack birth certificates and other identity documents.” While these simple statements summarize parties’ positions, the reporting does not provide any information about factual basis (or lack thereof) to support the claims. The reporting simply restates what the interested parties say with no indication whether there is information that would make one position or the other more credible. The reader is presented with competing claims without clarification as to whether either are credible nor information that might help him decide whether to believe either or both.

He said/she said reporting was not limited to short summaries, but also appeared in longer stories and interviews that uncritically reported interested parties’ truth claims.

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151 Dreier and Martin, supra note 2 at 764.
152 See e.g., Brüggermann, supra note 146.
153 Hanna (9/24/13), supra note 144.
154 Associated Press (10/16/12), supra note 105.
For example, television and radio interviews with interested parties seldom reported on independent analysis of the purported facts. Only one television broadcast presented any independent analysis, and this was minimal, mentioned at the end of the story as an afterthought, and without any explanation as to why it might be significant. Far more common were interviews where an individual advocate was provided with the opportunity to present his truth claims to frame the issues without any follow up or challenging questions. For example, a 2014 PBS segment featuring Kansas Secretary of State Kobach and Jenny Rose Flanagan, Director of Voting and Elections with Common Cause, was conducted as a guided conversation between the two guests. Each was permitted to make their truth claims and to take issue with each other; the host Hari Sreenivasan regulated their exchange:

SREENIVASAN: Kris Kobach, let me start with you. You celebrated this ruling as something that will pave the way for more states to do this. Why is a rule like this, requiring more proof of citizenship, necessary?

KRIS KOBACH (R), Kansas Secretary of State: Well, it is a rule requiring proof of citizenship period. In most of the states in the union, you simply just fill out the registration card, check a box saying I’m a U.S. citizen, sign it and you’re done. But four states, including Kansas and Arizona, have said, no, proof of citizenship, documentary proof is necessary, because so many aliens are on our voter rolls. We have found them in our two states. And most often, they’re manipulated by someone who says, hey, you can vote. And they’re trying to generate votes for a particular local candidate in some cases. And they don’t even know they’re breaking the law. And now we have a safeguard to ensure that only U.S. citizens are on the polls. And you have to remember that every time a non-citizen casts a vote in an election, that is effectively canceling out the vote of a U.S. citizen.

HARI SREENIVASAN: Ms. Flanagan, what about that idea? Isn’t preventing voter fraud a noble goal?

Secretary Kobach’s answer is carefully crafted to repeat his frames to support proof of citizenship requirements, and omits pertinent information about how voter registration

155 This 2012 CNN broadcast entailed significant he said/she said recitation of the arguments for and against citizenship verification activities in Florida. After spending the entire story repeating supporting and opposing arguments, the news anchor mentioned in closing: “We want to also bring you this note. A Florida Department of State spokesman told CNN last month that the state identified about 100 people who were not citizens...That was just one sampling, but CNN found that some of those names on that list were, in fact, legitimate voters. They were people who were recently granted citizenship.” The program then shifted to a different topic without further explanation of CNN’s findings or what they might suggest about the previous claims discussed in the story. See “Obama Offering Clear Contrast; Obama Returns to Ohio; Red Cross Says Syria in Civil War; Lana Kuykendell Survives Flesh-Eating Bacteria; Heavy Rains Kill 28 in Japan as U.S. Experiences Drought; Americans Kidnapped in Egypt; London Increases Olympic Security; Shell Company Takes Risk to Find Oil,” CNN News Room, CNN 11:00AM EST (6/16/12).

156 “PBS NewsHour for March 27, 2014,” PBS NewsHour, PBS, 6:00 PM EST, (3/27/14)
actually works. However, Mr. Sreenivasan does not challenge or question those claims. Rather, he pivots to Ms. Flanagan for her opinion about the nobility of preventing voter fraud. The rest of the segment proceeded along similar terms, with truth claims from both Mr. Kobach and Ms. Flanagan going unchallenged. Mr. Sreenivasan did “confront” Mr. Kobach with a question noting that the US Department of Justice had found very few instances of voter fraud during a period of years of heightened enforcement and asking whether small numbers of cases was justification for proof of citizenship and voter ID. However, he did not challenge any of the truth claims Mr. Kobach made in his rather lengthy response that proof of citizenship was warranted, easy to comply with, and not disenfranchising, again leaving carefully framed truth claims unchallenged.

While it did not interrogate elite truth claims, the PBS segment at least allowed individuals on both sides to offer their best arguments and truth claims. In some stories, reporting of truth claims was lopsided or one-sided. Lopsided he said/she said stories often accentuated one side’s frames and downplayed the other’s, through disparities in the time, quality or manner of presentation. That is, although these stories mentioned both sides’ opposing viewpoints, they focused more on one side of the argument or found fault with or dismissed opposing viewpoints out of hand. For example, a 2008 edition of Lou Dobbs Tonight presented video clips of individuals expressing concern about non-citizens voting. This included a short clip of the Heritage Foundation author Hans von Spakovsky claiming 3% of registered voters were non-citizens and expressing concern about non-citizens influencing election decisions as well as a video of a Republican Representative from Florida expressing concern about non-citizens influencing close elections. These video clips were presented without comments or questions about the credibility of claims made. Rather than present video of opponents voicing their concerns about proof of citizenship, the correspondent presented “opponents” views by summarizing them in a rather confusing manner and later suggested those views were inaccurate:

[host] DOBBS: So Congresswoman Lofgren is saying that it's OK to permit illegal aliens to vote because what? I mean, I don't quite understand the argument.
[correspondent] WIAN: She says that the incidences of illegal aliens or non-citizens voting are relatively small. In the words of the Congresswoman Lofgren (ph) and many other Democrats, it's a much

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157 I did not review the video feed of this broadcast, but the transcript indicated the start and end of each video clip. As a result, I was able to determine which statements were provided via recorded video and which via the correspondent and host.
158 Video clip text: “HANS VON SPAKOVSKY, HERITAGE FOUNDATION: I don't think that people who are not U.S. citizens should be making -- or helping to make decisions on who governs the country who governs local communities who governs the state.” on “McCain Defends his Education Policies; Senators Obama and McCain Seek Independent Votes; Policy Shift on Iran; Illegal Alien Voters; Failing Grades,” Lou Dobbs Tonight, CNN 7:00 PM EST (7/16/08).
159 Video clip text: “REP. VIRGINIA BROWN-WAITE (R), FLORIDA: Think about how close some of the elections are. We can't let the elections be determined by people who do not have the right to vote here.” Id.
greater threat, they say that many Americans who are legally authorized to vote can't do it or wouldn't be able to do it if restrictions were tighter.

DOBBS: So in other words, there should be no requirement whatsoever because we are told anecdotally it would be difficult? I mean, that makes very little sense at best.

WIAN: Apparently what they want is to make it easier for people to register to vote. They say that illegal aliens aren't going to risk being deported or being found out by registering to vote, but the evidence suggests that there have been many elections where non-citizens have had a factor.160

The unequal time dedicated to presenting claims, as well as the decision to present video of proof of citizenship supporters making their claims but have opponents’ views summarized by a correspondent who also dismisses the claims, is an editorial decision that frames the issues and could influence public perception about the credibility of competing truth claims.

Presentation of supporting claims from “experts” and elected officials is likely to sway audience members more than proclamations by a reporter who states a party’s position and disagrees with it in the same breath. The strength of frames – and therefore the likelihood that they will influence perceptions about a given issue – is increased when delivered by a credible source.161 Editorial choices about how to present the frames can also influence their perceived strength and potential to influence opinions. The lopsided he said/she said reporting in this story disadvantages opposing frames to proof of citizenship and advantages supporting frames and claims.

In other stories, the reporting style might be better called “he said, he said” style because truth claims from only one side were presented. As noted above, a large number of stories only presented supporting frames and a smaller number only presented opposing frames. While this kind of one-sided reporting might not be surprising in an editorial, there were “news” articles and broadcasts that featured only supporting frames and truth claims.162

ii. Fact checking stories:

A contrasting model of reporting, which I call “fact checking” style, reports more than just truth-claims. Fact-checking stories report independent investigation about the claims or issues. This could include documentary research about claims or interviews with disinterested third parties with first hand knowledge of the substance of the claims. The key that sets fact-checking stories apart is that they do more than restate the

160 Id.


arguments and framing presented by partisans in a debate. As noted above, only 14 stories analyzed for this study employed predominantly “fact checking” style of reporting. The reporters in these stories obtained documents and interviewed a variety of individuals to report on proof of citizenship.

Fact checking stories investigated the veracity and content of truth claims rather than just repeating it. For example, several stories analyzed repeated Kansas Secretary of State Kris Kobach’s claims that his voting reforms were necessary due to the presence of over 200 claims of fraud or irregularities or 59 complaints. In one 2011 story, columnist Bob Hooper reported on the substance of these irregularities and other Kobach claims based on his investigation of them:

In January, Kobach had cited ‘59 cases of irregularities involving 221 ballots since 1997.’ (Irregularities can include all sorts of things, like changes of address, or two people having the same name.) In Norton, Kobach repeated those numbers, adding that 20 had been investigated and seven individuals convicted. Not many.

A spreadsheet summary emailed at my request by Kobach's office revealed that 6 of the 7 were guilty of voting in two different locations: three individuals in Kansas City, two in Montgomery County, one in Nemaha County. The allegations arose during a span of five years, 2004 to 2008. The seventh conviction, in Clark County, was for electioneering too close to a voting location. In all, 21 counties reported irregularities in the 13 years. Many simply resulted in ballots being challenged or provisional ballots being rejected.

Admittedly, the figure 221 is too low, given that 18 instances are cited as "multiple." However, only one such multiple allegation - "intimidation of poll workers" - was referred to law enforcement. There is no indication charges were filed.

Yes, we all want voting to be fair and honest, but Kobach seems to be playing the fear and anger card. In the last 10 years alone, Kansans cast more than 5 million votes, which may provide some sense of proportion. Twenty investigations and seven convictions is hardly cause for panic.

In Norton on Tuesday, Kobach warned that 52 "aliens" were found to have registered to vote in Kansas. Former Secretary of State Chris Biggs told me that could be taken with a grain of salt. The "aliens," Biggs told me, are usually here legally on visas or work permits but are not legal citizens. However, they are required to have valid driver’s licenses - at which time they are asked whether they wish to register to vote. Many do register. Sometimes that's because they are not fluent in English or do not

Five stories presented nearly entirely he said/she said journalism along with some limited fact checking. Three stories in *The New York Times* included reporting of registration numbers obtained from state sources in conjunction with he said/she said stories; one editorial in a Kansas paper mentioned some academic studies about ID possession; and a 2012 CNN broadcast contained a very brief mention of a network investigation that found some suspected non-citizen voters in Florida were recently naturalized citizens. I do not include it because all of the report except this closing line consisted of he said/she said reporting. See “Obama Offering Clear Contrast, etc.” *supra* note 155.
understand voting requirements. The real question is whether any of the 52 "aliens" actually voted? The latest figure I found? Just two. Neither vote was counted.\footnote{Bob Hooper, \textit{Kobach the Pooh-Bah of Paranoia}, \textit{The Hays Daily News} (3/25/11).}

Rather than simply repeat Secretary Kobach’s claims like many other stories, this reporter analyzed the documentation behind it and also consulted with a former Secretary of State who is not a party to the proof of citizenship debate. The fact-checking in this story produces a very different impression about Secretary Kobach’s claims of voter fraud and need for proof of citizenship. Whereas other stories repeated “221 cases of irregularities” as support for proof of citizenship, this story demonstrates that the 221 irregularities had nothing to do with non-citizens voting and as such provide little cause to support proof of citizenship. In addition, this story’s investigation into the claims about 52 “aliens” voting also casts a different light. First, it shows that no votes from these 52 “aliens” were ever counted (and only two were even cast). Second, it shows that Secretary Kobach’s choice of terminology – “alien” – were likely immigrants legally in the country.\footnote{While the term “alien” may be legally accurate to describe a non-citizen authorized to work and live in the US, for the general public, it is likely sufficient to evoke “illegal alien” terminology whereas a term like “immigrant” or “non-citizen” would not.} The fact-checking deflates several of the supporting frames – that non-citizen voting is a big problem, that non-citizens votes dilute citizens votes, that non-citizen voting can affect election outcomes and that “aliens” are voting. These frames are not deflated by presenting opposing frames, but through investigation of the facts in documents and individuals with personal knowledge of the issues. This investigation provides the reader with the content of the claims and other information that will enable her to evaluate framing and truth claims.

As noted previously, local elections officials, particularly county officials, are excellent sources of information about election administration claims and questions, such as voter registration. Several of the fact-checking stories consulted with these local officials and reported information not available in other stories. For example, several of the stories analyzed repeated Arizona Attorney General Tom Horne’s claim that he had proof that non-citizens were registering to vote because some registered voters claimed to be non-citizens on jury forms.\footnote{See e.g., Mary Shinn, \textit{Voter Registration law heads for Supreme Court Review}, \textit{Mohave Valley Daily News} (3/11/13); Howard Fischer, \textit{High Court to Hear Arizona Voting Law}, \textit{The Sun} (10/15/12).} Most stories repeated Mr. Horne’s truth claim about jury forms and non-citizen registration without investigation, sometimes paired with a counterclaim from proof of citizenship “opponents” that citizens claimed to be non-citizens on jury forms in order to avoid jury duty. However, one 2013 \textit{Arizona Republic} story featured extensive fact checking of Mr. Horne’s claims. This story quoted Horne’s claims, but followed up with an interview with Maricopa County Recorder\footnote{In Arizona, the County Recorder is in charge of voter registration, among many other county level duties.} Helen Purcell explaining why non-citizen claims on jury questionnaires are not concrete evidence of non-citizen voter registration:
There are thousands of people who were non-citizens who registered to vote, and many of them voted," he [Attorney General Horne] said. He said he based his statements on court testimony by county recorders, who said more than 200 people in a single year had stated on a jury-duty summons that they weren't citizens. "And jury forms only go to a small percentage of residents, so you have to multiply that to get the number of non-citizens who actually registered statewide," Horne said. But Maricopa County Recorder Helen Purcell said Horne's numbers aren't accurate.

She agreed there are a couple of hundred instances each year in which the county jury commissioner notifies her that someone has stated on a jury form that he or she is not a citizen. But Purcell said not all of those are cases involve a person who is illegally registered to vote, much less one who has illegally cast a ballot. "The jury summons is a combination of voter registration and driver's licenses," she said, explaining that an individual does not have to be a registered voter to be summoned for jury duty. "They may go to some people that have a driver's license and are not citizens but are legal aliens." If they are registered to vote, Purcell said she immediately removes them from the registration rolls. If they actually are citizens and lied in order to avoid being summoned for jury duty - which Purcell said happens regularly - they can re-register. If Purcell determines someone has registered and voted illegally, she forwards the case to the Maricopa County Attorney's Office for prosecution. She didn't know the exact numbers of such cases, but said they amount to a handful each year. "I don't see it as a big problem," she said. "We send very few to the County Attorney's Office."

Other county recorders echoed Purcell's assessment. Christine Rhodes has been county recorder in Cochise County since 1973. "Much of our land here is on the border, and I can't remember ever going to court on any voter-fraud case," she said.168

The fact checking in this story directly addresses a truth-claim that non-citizens are registered to vote in large numbers based on jury forms, not through presenting a competing truth claim, but by investigating the basis of the claim itself. Attorney General Horne’s claim that jury forms proved large numbers of non-citizens were registered to vote appeared in several stories analyzed, but only the above-quoted story address the factual basis of his claim.169 It was the only story to investigate and explain how Arizona selects its jury pool and how the method of selection makes claims about jury questionnaires proving non-citizens are registered to vote problematic. This information

168 Alia Beard Rau, Migrant Vote-Fraud Cases Rare in Arizona, THE ARIZONA REPUBLIC, A1 (11/18/13).
169 In fact, after reading several stories that accepted and repeated Mr. Horne’s jury pool claim without question, I was personally shocked to learn from this story that the jury pool was not limited to registered voters but also included licensed drivers in the state regardless of voter registration status.
gained through fact-checking challenged the basis of the framing in support of proof of citizenship, providing a very different lens on the issue than just repeating the truth claim.

In addition to the interview with the two county recorders quoted above, this story also featured investigation into prosecutions for non-citizen voting. The newspaper obtained documents through public records requests about Maricopa County voter fraud prosecutions between 2005 and 2013 and received a list of 21 cases; in addition, it identified an additional 13 cases through searches of court records. The story explained that 18 of the 34 voter fraud cases dealt with formerly incarcerated individuals who voted, sometimes because they did not realize they had lost their voting rights. Regarding citizenship eligibility, two suspects were in the county illegally, 12 were long time legal resident non-citizens (some of whom reported they thought they could vote since they were legal permanent residents), and one’s citizenship status was unclear; none were convicted of a felony, several had their cases dropped and some pleaded to a misdemeanor. The reporters confronted Attorney General Horne with this information, and reported that “Presented with this information, Horne maintained that voter fraud by illegal immigrants is a problem in Arizona.”

Not only did this reporter thoroughly fact check Mr. Horne’s claims, she also presented her findings to him and gave him the chance to respond. This kind of reporting provides the public with information they need to make judgments about framing and truth claims.

iii. Qualitative differences in he said/she said and fact-checking reporting style:

In addition to presenting different information and using different sources, fact-checking stories differed from he said/she said stories in that they tended to be longer, were usually in newspapers, and tended to be written by local journalists rather than national reporters. While several he said/she said stories were very short, the fact checking style stories were often multiple pages long. Many of the 181 stories were one 8.5” x 11” page long or less. The fact checking stories were substantially longer.

In addition, all fourteen fact-checking stories (as well as four of the five he said/she said stories with some minimal fact checking) appeared in newspapers. The preponderance of fact-checking in newspapers as opposed to radio or television broadcast is interesting, especially as studies show that newspaper readership has been declining for several years. The difference in reporting style between newspapers and broadcast media might be due to different professional and editorial routines used in these different media types. For example, newspapers may be more open to reporting stories that take

170 Rau (11/18/13), supra note 168.
172 Professional routines and editorial norms are important factors in framing choices and may also affect how journalists come to view their reporting responsibilities. See TODD GITLIN, THE WHOLE WORLD IS WATCHING, (1980) at 39-40.
a substantial amount of time or resources to develop. For example, the *Arizona Republic*
story cited above included interviews with local officials in several counties, freedom of
information requests to local prosecutors, and archival research into court documents.
The time constraints on broadcast news may also play a role in the degree of
investigation and fact-checking expected or performed. For example, the competitive
24-hour news cycle of cable news demands quick turnaround and presentation of stories.
In such an atmosphere, the rush to *scoop* the story and keep up with competitor news
stations may lead journalists to present truth-claims rather than take the time to conduct
in-depth investigative reporting. In addition, the tendency to present very short stories on
cable news broadcasts does not lend itself well to in-depth reporting on an issue.
Television stories analyzed were all small segments of longer broadcasts or shows on
cable news channels. In many cases, there were 10 different stories presented in an hour-
long block, and proof of citizenship was only one story. Given that all television stations
except PBS also air commercials during that one-hour block, each broadcast segment
ends up being a few minutes long or less. While space is also at a premium in
newspapers, there may be more physical/temporal space to tell a longer and more detailed
story in the print rather than broadcast format.

Finally, fact-checking stories were most common in publications with local
distribution. Twelve of the fourteen fact-checking stories appeared in newspapers with
distributions in Kansas or Arizona. My finding that fact-checking stories are more
common in local distribution outlets is consistent with other work on news media framing
that found local stories contained more fact-checking reporting and national stories more
he said/she said reporting.

The predominance of fact-checking reporting in local distribution newspapers
may be a function of familiarity with the issues and players as well as access to lower
level, local officials. As much as state and national elites make claims about voting
issues, the vast majority of the work of elections takes place at the county level. That is,
while the Secretary of State may be the chief election officer, county officials do most of
the hands-on work of election administration and have the closest vantage point to

173 See *id.* at 35 (noting some of the differences between reporting on a “peg” or event which reporters were
apt to think required a focused and circumscribed investigation and which due to deadlines required simple
reporting, and the “background story,” where a reporter experienced greater latitude to explore a variety of
issues in a deeper fashion such as “going beyond the given scene, the given press conference, and the given
press release.”)
174 See e.g., Dreier and Martin, supra note 2 at 777. Dreier and Martin found a similar pattern of fact-
checking in local vs. national sources in their analysis of news coverage of the ACORN controversy in
2008. They also posited that the increased prevalence of fact checking in local news sources was highest
when they abandoned national framing and contacted local elections officials for information about
whether there was a problem. See *id.* at 778. However, Dreier and Martin defined fact checking differently than I do. Dreier and Martin identified a set
of negative frames used to characterize ACORN and found the predominant frame to be that ACORN was
engaging in voter registration fraud. They also developed a set of “accuracy check” frames which were
fact-based, freely available to anyone interested, and that helped explain that ACORN was not engaging in
election fraud, such as noting that ACORN was turning in fraudulent voter registrations and alerting local
officials of those believed to be fraudulent. *Id.* at Table 2. They defined a story as fact-checking if it
presented at least one of the “accuracy check” frames. In contrast, I defined a story as fact-checking if it
presented independent investigation into parties’ truth claims.
identify trends and issues. For election administration issues, the local county clerk or registrar is likely a journalist’s best source. Reporters and executives at big national news sources might not consider a local county clerk to be a high prestige source and might prefer to interview the Secretary of State, but local reporters on local beats may be more familiar with local government and officials. In fact, most of the fact checking stories identified included some consultation with a local election official that helped clarify what was happening on the ground regardless of what truth claims were being made at the state or national level.

If the pattern of fact-checking stories appearing in local news outlets were to hold true for reporting about proof of citizenship generally, individuals who rely on national news sources for information about proof of citizenship or non-citizen voting may receive very different impressions about these issues than individuals who rely on local media such as the sources in Kansas and Arizona. The low incidence of fact checking reporting overall, and particularly in national sources, is problematic because it means that most reporting consists of unexamined truth-claims and partisan framing without any facts that would help audience members assess what weight, if any, to give to arguments for or against proof of citizenship. The concentration of fact-checking stories in local media further restricts public access to facts because these stories reach a much smaller audience than national-distribution news outlets. Further study of reporting style is certainly in order.

iv. Distribution of Frames and Reporting Style

In addition to providing factual information that can help audience members make informed judgments about framing for and against proof of citizenship, fact-checking stories presented frames in a substantially different manner than did he said/she said stories. Again, the small number of fact-checking stories suggests caution in drawing conclusions, but the trends discussed below support some preliminary findings about framing differences in fact checking and non-fact checking stories. Tables 9 and 10 (located at the end of this chapter) summarize frame presentation by reporting style.

First, fact-checking stories were more likely to present an even number of supporting and opposing frames or more opposing frames than supporting frames. Of the fact checking stories, only three presented more supporting frames than opposing frames. In contrast, in the 181 stories analyzed, there were many more stories where supporting frames outweighed opposing frames. Moreover, in the fact checking stories there were no stories that presented only opposing or only supporting frames. There were 56 stories that only presented supporting frames, and 17 that only presented opposing frames, for a total of 73 stories with a one-sided presentation of frames.

Second, the prevalence of individual frames in fact-checking stories varies substantially from that in he said/she said stories. The disparity was particularly large for

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175 Note that two of the fact-checking stories presented supporting frames in a dismissive fashion. See Franchise, supra note 121 (mocking claims of illegal aliens voting, non-citizens stealing elections and non-citizen voting being a large problem); Andy Heintz, Kobach’s Voter Fraud Crisis Non-Existente THE OTTAWA HERALD (10/18/11)(mocking claims of illegal immigrants voting and needing to protect the integrity of the electoral system).
opposing frames, which were presented in a much higher rate in fact-checking stories. Table 10 shows the prevalence of opposing frames in fact-checking stories, he said/she said stories and all stories analyzed. The fact-checking stories reported the following frames at a significantly higher rate: immigrant disincentives to register, the current system is sufficient, non-citizen voting is a small problem, there is no evidence of non-citizen voting, and proof of citizenship disenfranchises citizens.

While 24.3% of stories analyzed mentioned that fraud was a small problem and 29.3% mentioned that there was no evidence of non-citizen voting, 57.1% of fact-checking stories stated that non-citizen voting was a small problem and 57.1% stated that there was no evidence of non-citizen voting. These two categories often overlapped and together form the basis of an argument that non-citizen voting is not a significant problem and proof of citizenship requirements are not needed. Combining these codes reveals that 78.6% (11 of 14) of fact checking stories framed non-citizen voting as a small or no problem. In contrast, only 42% of stories analyzed and 38.9% of the he said/she said stories presented either of these frames. The fact checking stories also presented the disenfranchising frame at a significantly higher rate. A full 71.4% of fact checking stories presented this frame, while only 49.2% of all stories analyzed and 47.3% of he said/she said presented it.

One of the most striking differences in framing in fact checking stories was the prevalence of two opposing frames that non-citizens will not risk registering to vote and that the current registration system is sufficient to prevent non-citizen registration. As noted previously, these frames were presented very rarely in the stories analyzed, with only 5.5% of stories presenting the frame that the current registration system was sufficient, and 7.7% presenting the frame that disincentives would prevent non-citizens from registering. In fact-checking stories, they were mentioned in 28.6% of stories. The low prevalence of these frames in stories generally suggests that these frames are not frequently the topic of truth claims or part of framing talking points used by proof of citizenship opponents. In fact, the frame that the current system is sufficient appeared in only 3.6% of he said/she said stories. Moreover, most of the few mentions of these frames came not from proof of citizenship opponents, but from interviews with academics and local elections officials. In fact checking stories, investigative reporting about purported problems with voter registration revealed that there are safeguards already in place to prevent non-citizen registration. This is further born out by the fact that most statements about immigrant disincentives and the efficacy of the current system were from sources interviewed in the fact-checking stories.\textsuperscript{176}

The fact-checking stories also presented the supporting frames of fraud/integrity, illegal aliens voting and non-citizen voting being a large problem at higher rates, as shown in Table 9.\textsuperscript{177} In the fact checking stories, 71.4% presented the fraud/integrity frame, 64.3% used the illegal alien frame, and 50% presented the large problem frame,
compared with 58%, 55.8%, and 25.4%, respectively, in the stories generally. Fact-checking stories often mentioned these frames when explaining supporters’ claims about the issues even if the story ultimately reported information showing them to be unfounded. For example, both of the fact-checking stories presented earlier in this section stated a state official’s arguments in support of proof of citizenship, investigated those claims, and presented evidence suggesting that the claims were not well-founded. In addition, a 2013 Arizona Republic story repeated claims (frames) that fraud was a big problem and illegal aliens were registering to vote, but then consulted with local elections and law enforcement officials in two counties, all of whom disputed the factual basis for the claims/frames.  

Moreover, while the fact-checking stories presented supporting frames at high rates, they also presented competing opposing frames at similarly high rates. For example, in all stories analyzed, the frame that proof of citizenship was needed to prevent fraud was presented in 58% of the stories, but the competing opposing frames (that there was no evidence of non-citizen voting fraud or that non-citizen voting was a small problem) were presented at much lower rates (29.3% and 24.3%). However, in the fact checking stories, while the election integrity frame was presented in 71.4% of stories, the competing opposing frames that there was no evidence of non-citizen voting fraud appeared in 57.1% of stories, and the combined competing opposing frames that there was little or no non-citizen voting, appeared in 78.6% of fact reporting stories. In this way, the fact-checking stories did not exhibit the same tendency to slant reporting by emphasizing supporting frames while downplaying or ignoring opposing frames.

Thus, while fact-checking stories mentioned some supporting frames at higher rates, they tended to present facts that contested those frames. This presents a very different narrative than he said/she said stories, where supporting frames were presented with little to no information to help audience members make judgments about whether they are accurate and often without competing opposing frames for audiences to consider. The lack of interrogation in he said/she said stories leaves truth claims based framing of the issues intact. Fact-checking stories’ presentation of frames along with facts provided a richer source of information to help audience members decide which claims to credit and which to reject.

v. Why so many he said/she said stories?

The large preponderance of he said/she said stories and small number of intensive fact-checking stories raises the question: why? While the sharp disparity in reporting styles could be a result of sampling error, I am unable to identify a source of error that would lead to such a skewed distribution of he said/she said vs. fact-checking stories. My search terms would not trigger such a distribution nor would my selection of sources.  

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178 Grado (10/14/13), supra note 118.

179 My operationalization of the variables may also have had an effect, since I used a high standard of using predominantly fact checking in order to qualify as a “fact-checking” story. However, even expanding my definition to include stories that include minimal fact checking would only have increased the subset of fact-checking stories by five to a grand total of 19. In future work, I will revisit my definitions to ensure their appropriateness.
Moreover, at least one other framing analysis also found the pattern of he said/she said stories predominating, especially at the national level, with smaller numbers of fact-checking stories, usually at the local level. This suggests that the distribution I found may not be due to sampling error.

Some communications scholars argue that journalistic practices and techniques play a substantial role in frame use in stories. It is possible that journalistic techniques also play a role in decisions about reporting style. For example, news cycles are very quick, and there is often not a lot of time to conduct in depth independent investigation and analysis. Since “[d]eadlines increase the pressure to keep the story simple, using what is at hand,” a reporter may find he said/she said reporting – relying on explanations from partisan elites who are easy to find and contact – to be the most expedient way to produce a story within his time limitations. A self-identified “expert,” the parties to a controversy, or a state-level elections official, such as a Secretary of State, may be attractive sources to put together a story on a tight deadline.

Journalistic routines in the US also stress adherence to a standard of “objectivity” or impartiality, which is often interpreted as a requirement to present opposing viewpoints. The need to appear impartial or “balanced” can lead to the presentation of claims on both sides of an issue regardless of their accuracy or credibility. For example, in order to appear objective, a reporter may feel (or be) compelled to seek out an opposing view for any claims he presents that proof of citizenship disenfranchises citizens, even when there is empirical evidence that individuals have not been able to register to vote due to lacking documentation. Again, “experts” can make it easy for a reporter to obtain an opposing viewpoint to add a veneer of “objectivity” to a story.

Newsroom culture can also play a role in framing and reporting style since reporters follow the policies and norms, both overt and unspoken, that characterize the editorial and news style of each newsroom. The propensity to use he said/she said might be explained by the general acceptance and use of this kind of reporting in the newsrooms of the sources analyzed. A different news outlet with different newsroom culture might provide more fact checking stories.

E. Examples of Valence Framing
As discussed previously, valence frames present the same information in “different, but logically equivalent, phrases,” which in the field of psychology has been found to “cause individuals to alter their preferences.”\textsuperscript{186} That is, the framing of information in a positive or negative light can influence perceptions of the information, even though it is logically equivalent.\textsuperscript{187}

a. Framing Numbers

Several stories analyzed used numbers, usually numbers of alleged voting irregularities said to be proof of non-citizen voting, in an attempt to frame non-citizen voting as a large or small problem. It is important to note that few stories actually contained numbers or figures in reporting about the size or severity of the problem of non-citizen voting. A great deal of stories simply repeated claims that non-citizen voting was a big or a small problem without any enumeration of the problem. Accordingly, the below discussion does not make claims about the representativeness of stories that use numbers regarding non-citizen voting, but rather analyzes how numbers were framed and reframed in such a way to support or oppose frames. In particular, I look at the use of numbers as valence frames.

In some stories, the numbers of alleged non-citizen voting are stated without any context, leaving it to the reader to determine whether they are evidence of a large or small problem. For example, a 2011 story in The Newton Kansan detailed a report from the Secretary of State regarding “reports of irregularities” in Kansas elections and his proposed SAFE Act, which included proof of citizenship requirements.\textsuperscript{188} The story starts off with the statement that “Kansas Secretary of State Kris Kobach said Monday election fraud in the state is more widespread than previously thought,” contrasts this claim with a county elections officer’s statement that she has only seen three cases of illegal voting in five years, and then states “[t]he secretary of state's latest report showed 59 reports of irregularities involving at least 221 ballots since 1997 - about double the figures from a report compiled in 2008,” before dedicating the rest of the article to the contents of the proposed legislation. This story’s recitation of various numbers may strive for an appearance of balance, but does not provide much information to the reader about what the numbers are counting and whether they indicate the presence of a large or small problem.

Another Kansas story about the Secretary’s report on irregularities included an additional quote from the Secretary of State’s office that suggests voter fraud is actually more widespread than the report states: “Kobach recently released a report saying his office received 59 complaints of voting irregularities involving more than 221 ballots between 1997 and 2010. But public affairs director Kay Curtis said there may have been even more violations during that period.”\textsuperscript{189} Presenting the 59 complaints of irregularities


\textsuperscript{188} Frey (2/2/11), *supra* note 49.

as evidence of a large problem, and suggesting that there is likely more fraud that is still undiscovered, primes the audience to perceive the number “59” as evidence of a large problem. Also note that while the previous story stated that “at least 221 ballots” were affected, this story states that “more than 221 ballots” were affected, again stressing that these numbers indicate a large problem.

In contrast, a 2011 *Leavenworth Times* story used the numbers (59 cases of irregularities) from the same report to argue that voter fraud is not a significant problem in Kansas. In this story, the Secretary of States’ report was characterized accordingly: “It is important to establish, first, that election fraud is not a big problem in Kansas. Kobach has documented just 59 reports of alleged irregularities among millions of votes casts on ballots since 1997.” Reporting the 59 reports of irregularities between 1997 and 2010 in the context of millions of votes cast during that time period casts the number “59” as a tiny number and not evidence of widespread voter fraud. The smallness of the number is reinforced by calling it “just 59 reports.” Another story, discussed previously, fact-checked the Secretary of State’s numbers and found that the number “59” might not even refer to voter fraud, but could include “all sorts of things, like changes of address, or two people having the same name.” This further contextualizes the number “59” and frames it as small.

An additional example of valence reporting on the numbers in this report was the later shift to reporting the number of identified irregularities as 221 or “more than 200” rather than 59. Recall that original reporting on the report noted that it referenced 59 reports of irregularities affecting 221 ballots. However, later stories only used the number 221. For example, in a 2011 NPR story, run approximately seven months after the above stories, both the host and Secretary Kobach discuss “221 cases” and “221 incidents of fraud.” This is also an example of valence or equivalency framing. Both “59” and “221” refer to the same report and same alleged irregularities. However, using “221” to refer to the total number of irregularities rather than the number of ballots potentially affected frames the irregularities as a larger problem than using the original claim of “59 irregularities” in the report.

Another way that numbers functioned to frame debates dealt with disputes over how they should be operationalized when assessing the threat of non-citizen voting. On one hand, opponents argued that alleged illegal votes constitute such a small portion of total votes cast that they do not pose a threat to the electoral system. For example, framing alleged voting irregularities as 0.0009% of votes casts suggests that it is a tiny problem. On the other hand, proof of citizenship supporters argued that the correct metric was not to compare the number of potential fraudulent votes to total votes cast, but to the number of votes in the margin of victory in any given electoral contest. In this framing, even tiny numbers of fraudulent votes matter if an election is decided by a close margin.

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190 Opinions, *Changing Voting Procedures*, *The Leavenworth Times*, Pg. A4 (2/22/11). This editorial opens with: “Leaving aside Kansas Secretary of State Kris Kobach’s exaggeration of fraudulent voting, it is worth having a discussion about how to do elections better in Kansas.”

191 Hooper (3/25/11), *supra* note 161. For discussion about the effect of fact-checking on framing the Secretary of State’s claims in this story, see *supra* note 161 and accompanying text.

192 “Do New Voting Laws Suppress Fraud? Or Democrats?” Weekend All Things Considered, NPR, 7:00 PM EST (9/17/11).
The various ways that numbers were framed, discussed, and debated in the stories analyzed provides an example valence framing. News stories presented the same numbers in vastly different lights depending on the framing utilized to explain them. The same numbers from the same report could be framed to appear to be large or to be small.

b. Framing Non-Citizens

Although proof of citizenship requirements seek to enforce the ban on all non-citizens voting, more than half the stories analyzed referred specifically to illegal immigrants or aliens or illegal immigration generally. There was no legal or logical need to discuss illegal immigration since proof of citizenship does not distinguish between immigrants of different legal statuses but rather between citizens and non-citizens. Nevertheless, proof of citizenship requirements were often discussed using terminology of illegal immigration rather than non-citizenship generally. In fact, such illegal terminology was very common, appearing 55.8% of all stories and 61.6% of stories presenting at least one supporting frame.

The use of the frame of “illegal alien/illegal immigrant” is an example of valence framing. Proof of citizenship to register to vote is not an immigration issue; it deals with rights reserved for citizens. Just as Tsversky and Kahneman’s Asian Disease Experiment framed potential cures in logically equivalent terms worded in such a way that one is perceived more negatively than the other, framing proof of citizenship as dealing with “illegal aliens” rather than non-citizens generally can affect how audience members perceive the problem and their level of support for proof of citizenship policies. Given the negative connotations associated with “illegal immigration,” the suggestion that “illegal aliens” are voting and changing election outcomes, can be expected to increase support for proof of citizenship requirements.

Using “illegal immigration” terminology to describe the purported threat to the electoral system evokes preexisting schemas within the public consciousness dealing with larger issues of immigration, national security, and politics. It primes audiences to experience and understand the issues of non-citizen voting and proof of citizenship in a

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193 That is, unlike a system that allows citizens and legal permanent residents to vote, a citizens-only requirement bans all non-citizens, whether they be legal permanent residents, student visa holders, tourist visa holders, asylum seekers, or lacking any immigration status. For example, some localities that have considered extending voting rights to non-citizens included limiting voting access to legal permanent residents or “green card holders.” See Ivotenyc, *Around the U.S.*, available at http://www.ivotenyc.org/?page_id=473. Other jurisdictions that currently allow non-citizen voting in local elections, such as Takoma Park, MD, allow non-citizens to participate regardless of their immigration status. See *City of Takoma Park, Maryland Voter Registration Form*, p. 2, available at http://citycouncil-takomapark.s3.amazonaws.com/election/Takoma%20Park%20Voter%20Registration%20Application%20%28FINAL%29.pdf (noting special naturalization-related considerations for non-citizens registering to vote in Takoma Park, MD).


particular way (as an immigration issue) and likely different context than if the issues were discussed purely in terms of “non-citizens.”

Illegal immigration terminology is highly charged and known to create negative associations with immigration. In fact, it has been tested for resonance with audiences and purposely selected as the preferred term to use when advocating for immigration control. The framing can also evoke a negative emotional response among the public, due to existing anxiety about illegal immigration. For example, thirteen years of Gallup public opinion polling reveal a consistently high proportion of respondents worry about illegal immigration, with between 33% and 45% worrying a “great deal,” and between 23% and 30% worrying a “fair amount.” Tying illegal immigration to proof of citizenship frames it in a way that is more likely to induce a negative emotional response than a more neutral term like “non-citizen,” and emotions affect perceptions and opinions.

In addition, framing proof of citizenship in terms of illegal immigration connotes an unspoken partisan and ideological stance. These terms are generally associated with a ‘law and order’ approach to immigration, most often championed by the Republican Party. Describing the risk of non-citizen voting in terms of “illegal immigrants” or “illegal aliens” voting conjures up pre-existing ideological coding, cuing partisan allegiances that may spill over into support for proof of citizenship among those with an affinity for Republican causes.

Illegal immigrant terminology also injects a racial aspect into the debate in a racially-neutral manner. That is, although proponents of proof of citizenship rarely mention race, other than to argue that proof of citizenship is not racially discriminatory,

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196 The priming effect of frames has been demonstrated to have tangible effects on perceptions of or opinions about ensuing stories. Social psychologists have studied priming effects in laboratory experiments and find that unconscious priming can affect perceptions and opinions. For a summary of priming scholarship, see John A. Bargh, What Have We Been Priming All These Years? On the Development, Mechanisms, and Ecology of Nonconscious Social Behavior, Eur J Soc Psychol. 2006; 36(2): 147-168. Available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2763379/ (referring to priming as “nonconscious activation of social knowledge structures.”)

197 See Luntz, Maslansky Strategic Research, Respect for the Law & Economic Fairness: Illegal Immigration Prevention, (October 2005) available at http://images.dailykos.com/images/user/3/Luntz_frames_immigration.pdf. (outlining the terminology and messages that that Republicans should use to discuss immigration, based on information gleaned from focus groups and polling).


200 See e.g., Elizabeth Flock, Some Lawmakers Will Continue to Say “Illegal Immigrant,” U.S. News and World Report (4/5/13) available at http://www.usnews.com/news/blogs/washington-whispers/2013/04/05/some-lawmakers-will-continue-to-say-illegal-immigrant ("The phrasing is more about signaling one's political affiliation than about trying to describe immigration," says [Linguistic Anthropology Professor Jonathan] Rosa. "We see the promotion of illegality as staking out a claim to a conservative political agenda, while the use of 'undocumented' is staking out a claim to a progressive political ideology. Neither one is neutral.")

201 Mary D. Fan, “Post-Racial Proxies: Resurgent State and Local Anti-‘Alien’ Laws and Unity-rebuilding Frames for Antidiscrimination Values,” Cardozo L. Rev. 32:3, 101-140, 103 (“Anti-alien legislation is a proxy way to vent resurgent racialized anxieties and engage in friend-enemy politics founded on conflict with the ‘Other’—the foreign enemy within—in a time of economic and political turmoil.”)
the “illegal alien” terminology can be understood as a pretext for race. Framing proof of citizenship in terms of illegal immigration can be considered a “dog whistle” racial appeal likely to increase support among citizens anxious about changing demographics and growing Latino populations. That said, “illegal alien” terminology is likely to have an unconscious priming effect even on citizens who do not perceive the racial ‘dog whistle’ coding. This is because the concept of “illegal alien” has become so thoroughly associated with Latinos that the use of the term “illegal aliens” results in the default assumption that they are Mexican or Latino. The term “illegal alien” doesn’t evoke images of white Canadians who overstayed their visas, but of Latinos illegally crossing the border from Mexico.

Moreover, “illegal immigration” framing is strong framing. The strength of a frame does not refer to whether it is superior or even accurate, but rather to its ability to affect the thinking process of viewers/readers and potentially sway their opinions about an issue. “Strong frames often rest on symbols, endorsements, and links to partisanship and ideology, and may be effective in shaping opinions through heuristics rather than direct information about the substance of a policy.” Framing proof of citizenship for voter registration as an illegal immigration issue has nothing to do with the substance of the policy, since there is no need to distinguish between categories of non-citizens to effectuate proof of citizenship’s goals. However, “illegal alien” framing does have strong symbolic value and does evoke political, ideological, emotional, and racial heuristics. “Illegal alien” terminology speaks to larger issues outside the realm of voter registration and calls upon schema already in the public consciousness that equates illegal immigration with other social problems. This lends considerable strength to the frame.

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202 Because of the historically and current large role that race plays in US society, inquiry into the role of race in American political issues is important even when the policies and arguments appear to be racially neutral. See Desmond S. King and Rogers M. Smith, *Racial Orders in American Political Development*, American Political Science Review, Vol. 99, No. 1 (2/05). King and Smith argue that American Political Development scholars have missed important and informative analyses by failing to consider the role race in policy disputes. By focusing on seemingly race-neutral inputs without any or limited consideration of race, even elegant and sophisticated analyses have missed vital linkages and explanations for institutional behaviors. They also argue that race has played such a central role to political development in the US that all US-based political science inquiry must at least consider the role, if any, it has played in the subject of inquiry. *Id.* at 78.


205 See e.g., Ted Brader, Nicholas A. Valentino, and Elizabeth Suhay, *What triggers public opposition to immigration? Anxiety, group cues, and immigration threat*, American Journal of Political Science 52, no. 4 (2008): 959-978 (finding that white test subjects exposed to immigration reporting featuring Latino immigrants experienced greater anxiety and opposition to immigration than whites exposed to reporting featuring European immigrants); OTTO SANTA ANA, *BROWN TIDE RISING: METAPHORS OF LATINOS IN CONTEMPORARY AMERICAN PUBLIC DISCOURSE* (2002);

206 Chong and Druckman, * supra* note 32 at 111.

207 See, e.g., Fan, * supra* note 201 (noting that “the imagery of rampant hordes of ‘illegals’…remains the frame through which current law is shaped and viewed” and that “further fueling the fervor is the imagery of the unauthorized migrant spreading lurid violent crimes like a contagion…”); Christopher Dickey, *Reading, Ranting and Arithmetic*, Newsweek, May 27, 2010, http://www.newsweek.com/2010/05/27/reading-ranting-and-arithmetic.html (referencing claims of an
It is a strong valence frame since supporters and news media alike could simply use the more neutral (and also more accurate) term “non-citizen” when explaining the need for or goals of proof of citizenship requirements. However, as noted above, stories often used “illegal alien” instead of “non-citizen,” and several stories did use the term “non-citizen” but add illegal terminology by stating “non-citizens, including illegal aliens.” There is no objective need to add “including illegal aliens,” further suggesting its inclusion is calculated to elicit a valence effect reaction and response in audience members. Supporters likely use the language of illegal immigration precisely because it activates such deep-seated schema and evokes predictable reactions. While reporters may not be motivated by a desire to frame non-citizen voting and proof of citizenship to elicit support, by adopting the “illegal alien” valence frame deployed by elite proof of citizenship supporters, they extend the valence framing effect. Illegal immigration is both very unpopular and perceived to be an important issue. Tying proof of citizenship to illegal immigration claims signals to the public that non-citizen voting is also an important issue about which citizens should be concerned and that proof of citizenship is a necessary measure to prevent illegal aliens from voting.

Proof of citizenship and voter registration are not immigration issues; voter registration is a citizenship issue. However, framing the issue so it fits within the larger narrative of illegal immigration has the potential to influence opinions about it. Framing “is the process by which communicators act—consciously or not—to construct a particular point of view that encourages the facts of a given situation to be viewed in a particular manner, with some facts made more noticeable than others.” Thus, when proof of citizenship is framed as a way to prevent illegal aliens from infiltrating voter rolls, fraudulently casting ballots that dilute citizen votes and stealing elections, it evokes a larger illegal immigration schema in the audience which influences opinions about the policy of proof of citizenship. Framed this way, proof of citizenship appears to be about immigrants and regulating illegal immigrant or foreigner behavior; it does not appear to be about citizens and their access to the ballot.

As noted previously, several stories criticized claims that “illegal aliens” were voting, but they used the same “illegal” terminology in their critiques. Given the strength of the illegal alien frame and its ability to evoke larger schema, even critical presentation of the “illegal alien” frame may prime audiences to support proof of citizenship. As I noted in the second chapter, the precise mechanisms through which media frames interact with individual frames and influence individuals’ perceptions and opinions are not well understood.

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“illegal-alien crime wave” in Arizona); Francis Fukuyama, Immigrants and Crime: Time for a Sensible Debate, WALL ST. J., July 26, 2010, at A15 (noting the “widespread perception of a strong link between immigrants and crime”)
208 See supra notes 56-69 and accompanying discussion.
210 On the other hand, framing proof of citizenship as an unnecessary and onerous requirement that prevents thousands of citizens from exercising their Constitutional right to vote might evokes a fairness and civil rights schema that could influence opinions against the policy. Moreover, framed this way, proof of citizenship appears to be about harming citizens and opposition to it appears to be about fairness for citizens rather than a debate about immigrant rights.
understood. However, there is evidence that framing may have limited effects on deeply-held or long-standing beliefs or values. In addition, media framing appears to have less effect on highly knowledgeable individuals. Moreover, the effect of framing is moderated by pre-existing experience with or knowledge of a given topic. As a result, the presentation of some frames can interact with pre-existing schemas and frames in the individual, priming certain perceptions and opinions, even when a frame is presented in a critical fashion.

Because illegal immigration is such a pervasive and long-standing issue of public debate and controversy in the US, most audience members likely have entrenched, long-standing beliefs and opinions about it. These are the least likely individual frames to be affected by a critical presentation of a frame. Despite being portrayed in a critical light, using “illegal alien” terminology still frames the issue of proof of citizenship in a supportive manner, since use of the term evokes a metaphor of illegality and the baggage of the terminology of illegal aliens. Even the critical presentation of the frame can evoke the pre-existing schema as well as the emotional, logical, and unconscious associations it causes and ultimately influence perceptions and opinions about proof of citizenship requirements.

Conclusion:

My analysis of overall trends in reporting as well as a content analysis of 181 news stories dealing with non-citizen voting and proof of citizenship demonstrates the agenda-setting and framing power of media coverage. As noted above, media coverage of non-citizen voting and proof of citizenship requirements increased significantly over the last ten years even though there has been no increase in reported incidents of non-citizen voter fraud. By increasing coverage of these issues, the news media increased the salience of the issue, likely placing it on the public agenda.

In addition, my content analysis revealed numerous ways in which non-citizen voting and proof of citizenship were framed. I identified several frames supporting and opposing proof of citizenship requirements, both based on my previous work on this issue as well as inductively through my engagement with the stories themselves. While this study does not allow me to make generalizable claims about framing in mass media, the patterns and trends I identified in frame presentation do support some preliminary findings.

First, frames were not distributed uniformly among the stories. Two supporting frames appeared in more than 50% of stories, and one opposing frame appeared in just under 50% of stories. Several frames were presented in less than 25% of stories sampled. Frame prevalence varied by media market, media type, and media outlet. In addition, the stories I analyzed used supporting frames more often than opposing frames. Many more

211 See Chapter Two, Section on Communication Frames.
212 See Chong & Druckman, supra note 32 at 111.
213 Id. at 112.
214 Id.
215 For a discussion on the power of metaphor in framing immigration related debates and Latinos generally, see OTTO SANTA ANA, BROWN TIDE RISING: METAPHORS OF LATINOS IN CONTEMPORARY AMERICAN PUBLIC DISCOURSE, University of Texas Press, Austin (2002).
stories presented only supporting frames than only opposing frames, and several stories presented multiple supporting frames along with one or two opposing frames.

My analysis of reporting style showed that nearly all the stories analyzed used a he said/she said style of reported that was largely limited to repeating “truth claims” from advocates about proof of citizenship and non-citizen voting as opposed to presenting the results of independent investigation. The framing in the small number of fact-checking stories varied widely from that in he said/she said stories, with fact-checking stories much more likely to present opposing frames than he said/she said stories.

In addition, I explored two examples of valence framing in the stories analyzed. First, I demonstrated how the same numbers of alleged voting irregularities from the same Kansas report took on widely different meanings depending on how they were framed; framing dictated whether the same number should be interpreted as large or small. Second, I investigated the logically unnecessary use of “illegal alien” terminology to describe the risk to the electoral integrity. While proof of citizenship officially targets any non-citizen, framing it in the context of “illegal immigrants” evokes a larger schema of immigration problems likely to effect perceptions of and opinions about proof of citizenship requirements.
Table 5: Prevalence of Supporting Frames by National Media Type and Media Geographic Distribution

<table>
<thead>
<tr>
<th></th>
<th>Current System Deficient</th>
<th>Illegal aliens/ Immigrants</th>
<th>Large Problem</th>
<th>Dilute Citizen Votes</th>
<th>Steal Elections</th>
<th>Fraud/Integrity</th>
<th>POC not difficult</th>
</tr>
</thead>
<tbody>
<tr>
<td>% national papers (n=49)</td>
<td>32.7</td>
<td>55.1</td>
<td>26.5</td>
<td>14.3</td>
<td>18.4</td>
<td>57.1</td>
<td>18.4</td>
</tr>
<tr>
<td>% national other media (n=29)</td>
<td>24.1</td>
<td>51.7</td>
<td>31</td>
<td>34.5</td>
<td>34.5</td>
<td>62</td>
<td>27.6</td>
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<tr>
<td>% of national stories (n=78)</td>
<td>29.5</td>
<td>53.8</td>
<td>28.2</td>
<td>21.8</td>
<td>24.4</td>
<td>59</td>
<td>21.8</td>
</tr>
<tr>
<td>% of local stories (103)</td>
<td>22.3</td>
<td>58.3</td>
<td>23.3</td>
<td>15.5</td>
<td>7.8</td>
<td>58.3</td>
<td>17.5</td>
</tr>
</tbody>
</table>

Table 6: Prevalence of Opposing Frames by National Media Type and Media Geographic Distribution

<table>
<thead>
<tr>
<th></th>
<th>Immigrant disincentives</th>
<th>Current System OK</th>
<th>Small Problem</th>
<th>Politics</th>
<th>Disenfranchises</th>
<th>No Fraud</th>
<th>Discriminatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>% national papers (n=49)</td>
<td>8.2</td>
<td>6.1</td>
<td>16.3</td>
<td>30.6</td>
<td>57.1</td>
<td>22.4</td>
<td>30.6</td>
</tr>
<tr>
<td>% national other media (n=29)</td>
<td>10.3</td>
<td>0</td>
<td>20.7</td>
<td>38</td>
<td>24.1</td>
<td>17.2</td>
<td>31</td>
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<tr>
<td>% of national stories (n=78)</td>
<td>9</td>
<td>3.8</td>
<td>17.9</td>
<td>33.3</td>
<td>44.9</td>
<td>20.5</td>
<td>30.7</td>
</tr>
<tr>
<td>% of local stories (n=103)</td>
<td>6.8</td>
<td>6.8</td>
<td>29.1</td>
<td>19.4</td>
<td>51.5</td>
<td>35</td>
<td>13.6</td>
</tr>
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</table>
Table 7: Supporting Frames by Media Outlet (National only)

<table>
<thead>
<tr>
<th>Outlet</th>
<th>Current System Deficient</th>
<th>Illegal aliens/ Immigrants</th>
<th>Large Problem</th>
<th>Dilute Citizen Votes</th>
<th>Steal Elections</th>
<th>Fraud/Integrity</th>
<th>POC not difficult</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPR (n=3)</td>
<td>0</td>
<td>66.7</td>
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<tr>
<td>Fox News (n=14)</td>
<td>28.6</td>
<td>71.4</td>
<td>28.6</td>
<td>28.6</td>
<td>35.7</td>
<td>57.1</td>
<td>21.4</td>
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<tr>
<td>MSNBC (n=4)</td>
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<td>0</td>
<td>0</td>
<td>25</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>CNN (n=7)</td>
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<td>28.6</td>
<td>28.6</td>
<td>42.9</td>
<td>28.6</td>
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<td>PBS (n=1)</td>
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<td>100</td>
</tr>
<tr>
<td>NY Times (n=23)</td>
<td>21.7</td>
<td>65.2</td>
<td>13</td>
<td>13</td>
<td>13</td>
<td>43.5</td>
<td>17.4</td>
</tr>
<tr>
<td>Wall Street Journal (n=13)</td>
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</tr>
<tr>
<td>Washington Post (n=13)</td>
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<td>46.2</td>
<td>23.1</td>
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<td>15.4</td>
<td>69.2</td>
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Table 8: Opposing Frames by Media Outlet (National only)

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<tr>
<th>Source</th>
<th>Immigrant disincentives</th>
<th>Current System OK</th>
<th>Small Problem</th>
<th>Politics</th>
<th>Disenfranchises</th>
<th>No Fraud</th>
<th>Discriminatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPR (n=3)</td>
<td>66.7</td>
<td>0</td>
<td>66.7</td>
<td>100</td>
<td>33.4</td>
<td>33.4</td>
<td>33.4</td>
</tr>
<tr>
<td>Fox News (n=14)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7.1</td>
<td>14.3</td>
<td>7.1</td>
<td>0</td>
</tr>
<tr>
<td>MSNBC (n=4)</td>
<td>0</td>
<td>0</td>
<td>50</td>
<td>100</td>
<td>50</td>
<td>25</td>
<td>50</td>
</tr>
<tr>
<td>CNN (n=7)</td>
<td>14.3</td>
<td>0</td>
<td>14.3</td>
<td>42.9</td>
<td>14.3</td>
<td>28.6</td>
<td>71.4</td>
</tr>
<tr>
<td>PBS (n=1)</td>
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<td>0</td>
<td>100</td>
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<tr>
<td>New York Times (n=23)</td>
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<td>13</td>
<td>26.1</td>
<td>43.5</td>
<td>69.6</td>
<td>21.7</td>
<td>34.8</td>
</tr>
<tr>
<td>Wall Street Journal (n=13)</td>
<td>0</td>
<td>0</td>
<td>7.7</td>
<td>0</td>
<td>15.4</td>
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<td>7.7</td>
</tr>
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<td>Washington Post (n=13)</td>
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<td>7.7</td>
<td>38.5</td>
<td>76.9</td>
<td>30.8</td>
<td>46.2</td>
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</table>
Table 10: Distribution of Supporting Frames by Type of Reporting

<table>
<thead>
<tr>
<th></th>
<th>Current System Deficient</th>
<th>Illegal aliens/immigrants</th>
<th>Large Problem</th>
<th>Dilute Citizen Votes</th>
<th>Steal Elections</th>
<th>Fraud/Integrity</th>
<th>POC not difficult</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of he said/she said stories (n=167)</td>
<td>24.6</td>
<td>55.1</td>
<td>23.3</td>
<td>17.4</td>
<td>13.2</td>
<td>56.8</td>
<td>20.4</td>
</tr>
<tr>
<td>% of fact checking stories (n=14)</td>
<td>35.7</td>
<td>64.3</td>
<td>50</td>
<td>28.6</td>
<td>35.7</td>
<td>71.4</td>
<td>14.3</td>
</tr>
<tr>
<td>% of all stories (n=181)</td>
<td>25.4</td>
<td>55.8</td>
<td>25.4</td>
<td>18.2</td>
<td>14.9</td>
<td>58</td>
<td>19.3</td>
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</tbody>
</table>

Table 11: Distribution of Opposing Frames by Type of Reporting

<table>
<thead>
<tr>
<th></th>
<th>Immigrant disincentives</th>
<th>Current System OK</th>
<th>Small Problem</th>
<th>Politics</th>
<th>Disenfranchises</th>
<th>No Fraud</th>
<th>Discriminatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of he said/she said stories (n=167)</td>
<td>5.9</td>
<td>3.6</td>
<td>21.6</td>
<td>24.6</td>
<td>47.3</td>
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<td>% of fact checking stories (n=14)</td>
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<td>28.6</td>
<td>57.1</td>
<td>28.6</td>
<td>71.4</td>
<td>57.1</td>
<td>28.6</td>
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<tr>
<td>% of all stories (n=181)</td>
<td>7.7</td>
<td>5.5</td>
<td>24.3</td>
<td>24.9</td>
<td>49.2</td>
<td>29.3</td>
<td>21.5</td>
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</tbody>
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Chapter 5: Conclusion

This dissertation analyzed news coverage of proof of citizenship requirements to register to vote in order to identify trends in reporting volume as well as prevalence of media frames supporting and opposing proof of citizenship. This framing analysis sought to explore how proof of citizenship is presented to the public via mass media news reporting. It was inspired by the apparent disconnect between high levels of public support for these policies in the absence of empirical proof that they are needed and despite evidence that they disenfranchise citizens who lack sufficient documentation. The nascent literature about proof of citizenship requirements has focused on the policies, their legality, their possible effects, and arguments for and against them. This dissertation is the first study to inquire into how the news media are reporting on proof of citizenship and potentially influencing public perceptions about it.

As noted in the last chapter, my analysis showed that news reporting about non-citizen voting and proof of citizenship requirements for voting were nearly non-existent prior to 2004, but by the early 2010s reporting on these issues had increased exponentially. This stark increase in reporting supports and inference that the news media’s agenda-setting function may be at work, raising the perceived salience and public awareness of these issues.

In addition, through my content analysis of 181 stories, I identified several frames deployed in news reporting as well as trends and variation in frame presentation among different media markets and outlets. The results of the content analysis provide preliminary support for the contention that the news media is framing proof of citizenship in a way that could help explain high public support for proof of citizenship. On balance, news stories analyzed presented more supporting than opposing frames. In addition, they omitted opposing frames that directly refuted the most popular frames that proof of citizenship policies are needed to protect the integrity of elections from the threat of non-citizen voting fraud, often defined as “illegal immigrants” or “illegal aliens” voting. While one opposing frame was reported at a frequency within 10 percentage points to these supporting frames, it did not address whether proof of citizenship was necessary but rather that it might disenfranchise voters. Examples of valence framing, such as how numbers of “voting irregularities” were framed or referring to “illegal aliens” rather than generic “non-citizens,” demonstrated how semantic choices could also influence framing.

In addition, the study found that he said/she said reporting overwhelmingly outnumbered fact-checking reporting, with profound effects on framing. The he said/she said style stories, in which proponents’ and opponents’ frames were repeated uncritically, included one-sided stories that presented only opposing or only supporting frames, and were more likely to present more supportive frames than opposing frames. In contrast, none of the fact-checking stories presented one-sided framing, and for some frames were more likely to slant toward the opposing condition. As such, the preponderance of he said/she said impacted the overall distribution of frames and potential news slant.

Finally, I explored two examples of valence framing in the stories analyzed: numbers and immigration status. In both examples, “logically equivalent” frames cued how to interpret the information or “facts” presented. In the case of numbers, frames used to report the same numbers from the same state-issued report influenced whether those
numbers demonstrated a problem that was large or small. In the case of immigration
status, the logically unnecessary use of “illegal alien” terminology to describe non-
citizens in the context of voting frames the issue as part of a larger controversy about
unauthorized immigration rather than solely an issue of voter eligibility. In both cases,
the valence frames influence how the information being relayed is experienced by
audience members.

I. Background:

Proof of citizenship requirements to register to vote (or remain registered) are a
relatively new policy innovation. They add hoops to the registration process that the US
Congress purposefully simplified in the National Voter Registration Act in an attempt to
increase registration and voting among US citizens. These laws were not a reaction to
widespread evidence that the NVRA system did not work or that non-citizens are
registering and voting in large numbers. No surge in prosecutions of non-citizens for
registering or voting occurred, even when federal and state officials were very actively
seeking them out. Moreover, the aggressive efforts in several states to purge non-citizens
from voter rolls resulted in very small numbers of suspected non-citizens (and in some
cases zero verified non-citizens) on the rolls. In addition, there is no evidence of a
conspiracy or purposeful access by non-citizens, since most of the small numbers of non-
citizens found to be registered are not prosecuted due to lack of intent to commit fraud.
In fact, the available evidence suggests that numbers of registered non-citizens are
extremely low and the current systems for challenging and removing suspected ineligible
voters has been working to remove non-citizens from the lists, according to voter
registration officials.

The experience of proof of citizenship requirements shows that they can
disenfranchise citizens. In Arizona and Kansas, tens of thousands of prospective voters
were not allowed to register due to lack of proof of citizenship. In states pursuing

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2 For example, Florida officials initially claimed that 180,000 non-citizens were registered to vote, but after
nearly two years, it only removed 85 individuals from the voting rolls. See Steve Bousquet and Amy
Sherman, Florida Suspends Non-Citizen Voter Purge Efforts, THE MIAMI HERALD (3/27/14), available at
3 For example, of the 104 cases of non-citizen registration identified in California between 1994 and 2006,
101 were not prosecuted due to lack of intent to commit fraud. MINNITE at 59-61. In Colorado officials did
not prosecute some non-citizens because they had registered by accident. Charles Ashby, The Gessler 155:
Zero prosecutions of people secretary of state says voted illegally, THE DAILY SENTINEL, (11/16/13)
4 See e.g., Stephanie Rice, Illegal Residents Could be Voting: Officials Say Most Noncitizens Wouldn’t
residents-could-be-voting; Alia Beard Rau, Migrant Vote-Fraud Cases Rare in Arizona, THE ARIZONA
REPUBLIC, A1 (11/18/13); Bill Cotterell, Florida Non-Citizen Voter Purge Postponed: Elections Official,
idUSBREA2Q2DH20140327;
5 See Arizona et al. v. The Inter Tribal Council of Arizona, Inc., et al., No. 12-71. Transcript of Oral
Argument, 2013 WL 3132223 (U.S.) (Oral Argument), (3/18/13) at 32-33 (noting undisputed evidence
from trial that more than 30,000 registrations in Arizona were rejected for lack of documentary proof of
citizenship in the first years after its passage, 20,000 of whom were never able to register despite lack of
administrative actions to purge voter rolls, such as Florida and Colorado, database errors called the registration of citizens into question and required citizens to take additional actions to prove their status or be removed from voter rolls. Nevertheless, states continue to consider these laws, pundits continue pressing for them, and the relatively small number of public opinion polls conducted on this issue show high levels of public support.

The lack of evidence of non-citizen voting, coupled with the growing evidence that these measures disenfranchise citizens seeking to vote, make public support for these laws curious. One would expect opposition to unnecessary policies that disenfranchise citizens. Perhaps people think that non-citizen voting is a bigger problem than it actually is or they think that proof of citizenship policies are not difficult to comply with or maybe they don’t know anything about the basis or effects of the policy at all. That is, it is possible that individuals’ perception of “reality” about this issue does not match the empirical facts or may not even be informed by these facts. The perceived social reality about proof of citizenship may be different than what the facts show. Because mass media framing can affect public perceptions of issues, events, and actors – it helps construct social reality – I thought analyzing news coverage about proof of citizenship would shed light on one potential source of influence on public opinion.

evidence that they were not citizens.); Roxana Hegeman, Kobach Proposal Would Purge more than 34K Prospective Voters, THE KANSAS CITY STAR (8/22/15) available at http://www.kansascity.com/news/article31891815.html (noting that by August 2015, just over one and a half years since going into effect, Kansas’s SAVE Act had led to more than 34,000 individuals on the suspense list, nearly all of whom barred from registering due to lack of citizenship documentation).

See e.g., Ivan Moreno, Gessler Says 141 Illegally Registered to Vote, AURORA SENTINEL, Sept. 10, 2012, http://www.aurorasentinel.com/news/gessler-says-141-illegally-registered-to-vote (noting that state officials reported receiving documentation of citizenship from 482 citizens notified to provide proof or be removed from voter rolls, as well as 16 voluntary withdrawals of registration).

In other work I explore how proof of citizenship may be a racially-neutral means to achieve the traditionally racialized goal of limiting access to the franchise to citizens of color, or at least to “verify” the citizenship status of non-white citizens seeking to vote. The perception that proof of citizenship would only apply to “others” might also help explain high public support. However, since I do not have survey results regarding support for proof of citizenship requirements disaggregated by race of respondent, it is impossible to make definitive claims about the level of support these policies enjoy among whites and non-whites.

In fact, in my unscientific “sampling” during the course of my dissertation talking to people about my research topic, I encountered many people who were surprised to hear that proof of citizenship was not already required in all 50 states to register to vote. These experiences reminded me that although I have been immersed in voting-related issues for nearly ten years, the general public spends far less time thinking about voting and has less familiarity with the background issues than I do. As such, they are more likely to be influenced by framing that suggests proof of citizenship is or is not sound policy.

This dissonance may be enabled by the potential to cast doubt on evidence showing non-citizen voting is a small problem by claiming that there’s no way to know for sure how big the problem is because “fraud is hard to detect.” Contestation of empirical facts can be achieved through the creation of a disingenuous controversy.

ERVING GOFFMAN, FRAME ANALYSIS: AN ESSAY ON THE ORGANIZATION OF HUMAN EXPERIENCE, Harper Colophon (1974). I would be remiss if I did not admit that I am also influenced by my own frames about this issue which affect how I perceive reality about it. Throughout this study, I have attempted to interrogate my own individual frames and design my research in such a way to counteract potential biases they might create.
II. Preliminary major conclusions:

News framing can “systematically affect how recipients of the news come to understand” events.11 As such it is a useful area of inquiry when exploring potential influences on public perceptions of issues and support for policy interventions. The results and analysis presented in the preceding chapter suggest that news reporting in the stories analyzed favored supporting frames, suggesting news slant in support of proof of citizenship requirements.12 News slant “occurs when a news report emphasizes one side’s preferred frame in a political conflict while ignoring or derogating another side’s.”13 While reporting was not monolithic in support of proof of citizenship, the combined effect of the predominance of supporting frames compared to opposing frames, the comparative strength of supporting frames and elites presented in reporting, and the overwhelming tendency to use he said/she said reporting style combined so that reporting overall emphasized supporting framing over opposing framing. If this supporting slant is representative of reporting generally, it could influence public opinion in favor of proof of citizenship requirements.

A. The stories analyzed emphasized supporting frames:

The distribution of frames among stories within the stories analyzed appeared to be slanted toward supporting proof of citizenship requirements. Nearly all stories (91%) presented at least one supporting frame, while only 69% presented at least one opposing frame. In addition, 56 stories presented only supporting frames, compared to 17 that presented only opposing frames. Framing occurs through omission of frames as well as through their presentation.14 Presenting one or more frames supporting proof of citizenship without any frames opposing it provides no counterpoint of information for audiences to consider when forming perceptions and opinions about the need for or advisability of proof of citizenship policies. The one-sided stories clearly omit competing framing; in this study, the large number of stories omitting opposing frames suggests the presence of news slant.

Perceptions can also be affected by framing that presents supporting and opposing emphasis frames15 that focus on different aspects of the issue rather than competing

12 Since the content analysis of frames in this study was an inductive analysis of a purposive sample, I do not make claims as to whether the trends I identified hold true for news reporting on these issues in general.
13 Robert M. Entman, Media Framing Biases and Political Power: Explaining Slant in News of Campaign 2008, Journalism, 11(4) 389-408 (2010) at 392. (“One-sided framing emphasizes some elements and suppresses others in ways that encourage recipients to give attention and weight to the evaluative attributes… that privilege the favored side’s interpretation.”).
14 Entman (1993) at 54 (“Receivers’ responses are clearly affected if they perceive and process information about one interpretation and possess little or incommensurable data about alternatives. This is why exclusion of interpretations by frames is as significant to outcomes as inclusion.”)
frames that focus on the same aspect. That is, reporting might present both supporting and opposing frames, but still not provide sufficient information for the public to evaluate them because the frames address different arguments or aspects of an issue. For example, the three most popular frames in the sample were (1) that proof of citizenship requirements are needed to protect the integrity of the electoral process from non-citizen voting fraud (58% of stories); (2) that “illegal aliens,” in particular, might/can/do/could vote (55.8% of stories); and (3) that proof of citizenship disenfranchises citizens (49.2% of stories). The most popular supporting frames emphasize the risk that non-citizens “including illegal aliens” pose to the electoral system, while the most popular opposing frame emphasizes the risk proof of citizenship requirements pose to citizen voting rights. Since these frames address different aspects of the issue, they do not help individuals decide whether or not to credit one frame over another.\(^{16}\) Competing opposing frames, such as that non-citizen voting is a small problem or that the current registration system is sufficient, were largely omitted from reporting, appearing in just 24.3% and 5.5% of stories, respectively.\(^{17}\)

The disparities in competing frame presentation were even more pronounced in national distribution stories analyzed. Among national sources, the supporting frames regarding fraud/integrity and illegal aliens appear at similar rates to the sample as a whole at 59% and 53.8%, respectively. However, the opposing frames that non-citizen voting is a small problem and that the current system is sufficient are less prevalent in national stories, appearing in only 17.9% and 3.8%, respectively. The prevalence of the most popular opposing frame – that proof of citizenship disenfranchises – was also lower in national stories (44.9%) as opposed to the sample as a whole (49.2%).

In short, the high prevalence of framing that the registration system is vulnerable and needs to be changed by instituting proof of citizenship went largely unchallenged due to omission of the competing opposing frame in the stories analyzed. Omitting competing frames can affect public perception of the issue since “by making certain aspects of a policy visible—[frames] will guide individuals’ thinking about the event or issue in predictable ways to predictable conclusions.”\(^{18}\) Presenting the opposing frame that it might disenfranchise citizens emphasizes a different set of aspects of the policy. Rather than deliberating between frames regarding whether there is a need for policy change, the audience perceptions will be informed by debates about election integrity vs. voter access (an arguably false dichotomy).

\(^{16}\) These frames seem to follow the “access versus integrity” narrative generated in debates about Voter ID requirements. See e.g., Stephen Ansolabehere, *Access versus integrity in voter identification requirements*, NYU ANN. SURV. AM. L. 63 (2007): 613. As noted in Chapter 2, the legal and political science literatures on Voter ID are more developed and often consider proof of citizenship as a subset of Voter ID requirements.

\(^{17}\) The competing supporting frame challenging the opposing frame that proof of citizenship disenfranchises citizens was also reported at lower rates. It appeared in 19.3% of stories. However, this lower prevalence may be partly explained by this frame’s more recent appearance in reporting. While the opposing frame that proof of citizenship disenfranchise is found in stories across all years in the sample, all but four of the supporting frame that proof of citizenship is not difficult to comply with occurred after 2009. As such, this frame may be trending up.

Audience perceptions can also be swayed by the comparative strength of competing frames. A strong frame is not inherently better and may not even be true; its strength lies in how well it resonates with the public.\textsuperscript{19} Strong frames “often rest on symbols, endorsements, and links to partisanship and ideology, and may be effective in shaping opinions through heuristics rather than direct information about the substance of a policy.”\textsuperscript{20} In addition, the strength of a frame can be established or buttressed by the perceived importance and effectiveness of communication skills of an elite spokesperson, as discussed further below.\textsuperscript{21}

The comparative strength of supporting frames as opposed to opposing frames in the stories analyzed also supports a preliminary finding framing demonstrated news slant in favor of proof of citizenship. First, the two most popular frames link to ideology and heuristics outside the proof of citizenship debate, calling on preexisting schema within audience members. For example, the frame of illegal immigration evokes a larger narrative about immigration issues in the US and attaches it to the issue of proof of citizenship in a way that the more neutral term “non-citizen” does not. It is a valence frame with the potential to tap deeper public sentiment and anxiety about the “problem” of unauthorized immigration, thus affecting perceptions and opinions. In addition, the frame regarding election integrity taps into a larger schema of uncertainty about the validity of election results that dates back at least to the 2000 Presidential election between George Bush and Al Gore. The controversies surrounding the recount in Florida, the ensuing changes to electronic voting machines challenged as prone to hacking, as well as the repeated frames about protecting election integrity through instituting photo ID requirements to vote in person, make the ‘election integrity/fraud’ frame less about the substance of proof of citizenship and more about heuristic argumentation regarding potential – but not yet identified – threats to elections.

The opposing frame of citizen disenfranchisement attempts to link to struggles for non-discriminatory access to the right to vote, which likely resonates strongly with certain population groups, such as voters of color, again through ideological cuing. However, some polls suggest that election administration changes are perceived differently based on race, with blacks perceiving them as intentional restriction on voting rights at significantly higher rates than whites.\textsuperscript{22} In addition, a 2013 poll showed that 44% of whites thought voting discrimination was mostly a thing of the past, while only 14% of

\textsuperscript{19} Chong and Druckman, \textit{supra} note 15 at 106
\textsuperscript{20} \textit{Id.} Chong and Druckman note that the “strong frame” terminology does not refer to a moral or intellectual superiority of a frame and that strong frames can be exaggerations or lies. Whether a frame is “strong” simply refers to how well a frame resonates with the public. They note that Supreme Court rulings have been shown to wield disproportionately high influence on attitudes, \textit{citing} Dennis Chong, \textit{How People Think, Reason, and Feel about Rights and Responsibilities}, Am. J. Polit. Sci. 37:867-99 (1993), but also note that frames based on “racism, xenophobia, and ideological extremism” have also been ‘strong frames.’ \textit{citing} SEYMORE M. LIPSET & EARL RAAB, \textit{THE POLITICS OF UNREASON: RIGHT-WING EXTREMISM IN AMERICA, 1790-1970}, (1970); JOEL WILLIAMSON, \textit{A RAGE FOR ORDER: BLACK/WHITE RELATIONS IN THE AMERICAN SOUTH SINCE EMANCIPATION} (1986).
\textsuperscript{21} Chong and Druckman, \textit{supra} note 15 at 106.
blacks and 23% Latinos agreed. Divisions in perceptions about challenges to voting rights call into question whether the disenfranchising opposing frame would have widespread high resonance when applied to proof of citizenship requirements. The schema activation from the “illegal immigration” frame is likely the strongest of all three frames, given the long-standing concern about immigration policy and opposition to unauthorized migration that cuts across at least some traditional ideological and racial stratifications. Frames work, in part, because “people draw their opinions from the set of available beliefs stored in memory.” To the extent that there is broader consensus in beliefs and concerns about ‘illegal immigration,’ it is a stronger frame.

The comparative preponderance of supporting frames as well as the comparative strength of the most popular supporting frames as opposed to the most popular opposing frame together suggest that news coverage in the stories analyzed was slanted in favor of proof of citizenship requirements. Coverage that stresses the risk of fraud and evokes the loaded “illegal alien” schema without providing competing frames might help explain public support for proof of citizenship requirements; the media constructed reality stresses the vulnerability of the registration system making proof of citizenship requirements appear necessary. Further research into whether the trends identified exist in reporting generally is warranted.

B. The influence of reporting style:

A dramatic finding of this study was the overwhelming predominance of he said/she said reporting style in stories analyzed. Fully 92.3% of the stories in the sample used he said/she said reporting; only 14 of the 181 stories reported on independent investigation into partisan claims and frames. While I had expected to find many stories with this style of reporting, I did not expect it to constitute nearly all reporting. While the disparity of reporting style could be a fluke of my sample, outside observations and complaints about journalistic standards tend to support the inference that he said/she said reporting style is becoming very common.

While the high ratio of he said/she said to fact-checking reporting raises serious questions about the current state of journalism practice that are outside the scope of this study, it also provides insight into how proof of citizenship framing is occurring. 

23 McClatchy-Marist Poll July 2013, available at https://maristpoll.marist.edu/wp-content/misc/usapolls/us130715/Voter%20Rights/Complete%20July%202013%20USA%20McClatchy-Marist%20Poll%20Voter%20Rights%20Tables.pdf. Note that this poll also found high levels of support for voter ID requirements for both whites and non-whites in response to a question regarding whether it was “a good thing or a bad thing” for voters to have to show ID in order to vote.

24 Chong and Druckman, supra note 15 at 111.

25 The results discussed here should be considered with caution due to the small number of fact-checking stories in the sample as well as the difficulty in my reliability sample discussed at greater length in my methodology chapter.

26 See e.g., Thomas E. Patterson, INFORMING THE NEWS: THE NEED FOR KNOWLEDGE BASED JOURNALISM, Random House (2013); Peter Dreier and Christopher R. Martin, How ACORN was Framed: Political Controversy and Media Agenda Setting, Perspectives on Politics Vol. 8, No. 3, 761-792 (2010).

27 For example, has “journalism” been reduced or limited to solely repeating truth claims without questioning the accuracy or veracity of those claims? Is it unprofessional “activism” to question truth-claims or for a journalist to comment that they are baseless? Has the rush for the scoop in the 24-hour news
preponderance of he said/she said reporting suggests that the bulk of framing about proof of citizenship is coming from political elites and “information managers.” That is, since reporting was so dominated by he said/she said stories, elites may have a strong influence on what frames get utilized since they are primary sources of information for stories. Very little of the framing may be coming directly from reporters because very little information is produced through independent investigation into the issues.

The differences in reporting style also had dramatic effects on the framing presented in stories analyzed. Most notably, the supportive slant discussed above largely disappeared when looking at the subset of fact-checking stories. For example, no fact-checking stories presented only supporting or only opposing frames. Moreover, while fact-checking stories reported several supporting frames at higher rates than the sample as a whole, they also reported competing opposing frames at much higher rates. For example, fact-checking stories reported the supporting frame that proof of citizenship was needed to prevent non-citizen voter fraud and protect election integrity at a higher rate (71.4% vs. 58%), but they also reported the opposing frame that non-citizen voting was a small problem at a much higher rate (57.1% vs. 24.3%). Moreover, 78.6% of fact-checking stories presented the opposing frames that non-citizen voting was a small or non-existent problem, compared to only 39% he said/she said stories. As such, reporting the competing frames was nearly balanced in fact-checking stories.

For some frames, fact-checking reversed the slant toward opposing framing. For example, fact-checking stories presented the opposing frame that proof of citizenship requirements disenfranchise voters at higher rates. In addition, fact-checking stories were far less likely to present the supporting frame that complying with proof of citizenship requirements is easy. Taken together, the high presentation of the disenfranchising frame and low presentation of the competing supporting frame slants reporting on this issue toward the opposing position.

In addition, fact checking stories present factual information that will help the audience make informed decisions about whether to believe partisan frames. For example, a fact checking story in Arizona provided factual information about how jury pools were selected that cast doubt on the Attorney General’s claim non-citizens in jury pools were proof of widespread non-citizen voter registration. Without that factual information, he said/she said reporting on the same claim would appear to be strong “proof” of non-citizen voting. Since the news media signals time-strapped individuals as

cycle deadened journalists’ commitment to truth seeking? Is the notion of objectivity and impartiality still a worthwhile journalistic ideal when it requires providing unquestioned opportunities to elites, many of whom may be presenting carefully crafted frames intended to spin information in a way to induce a particular response from the public or other political elites? Some scholars have started interrogating the adherence to impartiality and objectivity. See Sandrine Boudana, Impartiality is not fair: Toward an alternative approach to the evaluation of content bias in news stories, Journalism (2015): 1464884915571295; Entman, Robert M. Democracy without citizens. Oxford University Press, 1989; Robert M. Entman, Media Framing Biases and Political Power: Explaining Slant in News of Campaign 2008, Journalism, 11(4) 389-408 (2010).

28 While the generalizability of these findings is limited by the small number of fact-checking stories in the sample, the shift in prevalence in some frames is a provocative initial finding that could be developed further in additional research. In addition, the trends I identify are supported by at least one study that found framing in fact-checking reporting differed from that in he said/she said stories. See Dreier and Martin.
to which issues are important and how they should think about them, reporting that largely repeats partisan frames does not provide the public with sufficient information to interpret issues and determine their own views. The agenda setting and framing functions of the news media do not adequately serve the public when it is limited to transmitting partisan frames designed to influence public opinion.

Accordingly, both through more even presentation of supporting and opposing frames and through presentation of factual information that allows audience members to make informed decisions about which frames to believe, fact-checking stories had a very different profile and potential effect on public perceptions and opinions than did the sample as a whole. While my these should be considered with caution given the small number of fact-checking stories present, they provide support for the finding that reporting style may affect framing and perhaps news slant.

III. Lessons learned:

If I were to conduct this study again, especially if I were to do so with outside funding, I would institute two processes that would help with the coding process. First, I would hire additional coders to assist me with coding, including a pilot coding of a small sample of stories. Not only would employing additional coders allow me to analyze a significantly larger sample, lending more reliability to my results, but conducting a pilot coding exercise with multiple coders would help me refine my coding scheme. While I did perform a pilot coding exercise through my preliminary coding of 45 stories, which helped me identify additional frames inductively from the stories themselves, I think working with other coders would have helped me identify weaknesses in my coding scheme that I could have addressed prior to coding the entire sample. This includes both weaknesses in the operationalization of codes as well as how I defined them in my codebook.

Regarding operationalization, about half way through coding the sample, I began to suspect that two of my codes should have been combined. In particular, the opposing code that there was no evidence of non-citizen voting fraud could be understood as a subset of the frame that non-citizen voting is a small problem. Reviewing my reliability coder’s decisions about these codes confirmed by suspicion about the overlap in these codes. If this had happened at the pilot coding phase rather than the reliability coding phase, I could have used the divergence to inform decisions such as combining the two codes into a “small problem” code with a secondary code for stories that specify that there is no evidence of non-citizen voting fraud.

Second, I would provide interactive training to the coders I would hire. Interactive training would allow me to relay my ideas about codes definition and to hear and clarify any areas of confusion they might have. In this study, I only hired a coder to conduct a reliability coding check. Due to budget constraints, I was not able to meet with her or

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29 I originally separated these frames because I thought they were distinct, but later realized the “no fraud” could be a secondary code of the “small problem” code. In fact, while analyzing the data, I combined instances of these codes to create a “little or no problem” code retroactively. If I had realized this earlier, such as through a pilot coding, I could have specified in my codebook how to deal with these two related frames.
provide her training. I simply provided her a copy of the codebook attached in Appendix A as well as clean copies of stories for coding. After reviewing her coding choices, as well as a brief email exchange after all coding was complete, I found that interactive training regarding my definitions of reporting style would have helped my coder understand how to apply those codes. She reported that she was unsure how to apply these codes to stories that included factual information such as when Prop 200 passed or went into effect. In interactive training, I believe I could have explained to her that I was most interested in fact-checking about claims or arguments about proof of citizenship, such as whether proof of citizenship disenfranchises citizens or whether non-citizen voting is a large problem rather than factual statements about the existence of the laws themselves. In training, as well as through pilot coding, this kind of confusion could be identified and addressed either by my refining my directions to be more clear or talking through examples, etc.

IV. Future Research on this Issue:

My first step into the framing of proof of citizenship requirements to register to vote has opened up additional questions outside the scope of this study that I would like to research further. First, I plan to conduct a deductive study of news coverage of non-citizen voting and proof of citizenship in order to test the theories and preliminary findings developed in the study for the dissertation. This study has allowed me to identify how the news media have increased reporting on these issues as well as frames used in reporting. A deductive study will allow me to extend this analysis and enable me to make generalizable claims about the potential framing effect of the mass media on public perceptions and opinions of proof of citizenship to register to vote.

Second, I would like to investigate the origins and evolution of frames I identified in news coverage. Based on my research for this project, it appears that several supporting frames were enunciated Hans von Spakovsky’s 2008 Heritage Foundation’s 2008 memorandum. However, the origins of the frames in that memo are not clear. The 2008 memo appeared several years after the passage of Prop 200 and concern about non-citizens “stealing” the 1996 Sanchez vs. Dornan race for US Congress, suggesting that at least some ideas about this issue pre-date it. However, to my knowledge there has been no genealogy of frames supporting (or opposing) proof of citizenship. My content analysis in this study laid bare that proof of citizenship proponents, particularly the political elites repeatedly featured in the news media, were very consistent in their framing, staying on message repeating the same arguments and claims in support of proof of citizenship. The high level of consistency between various proponent elites’ framing was also notable, suggesting some level of interaction and/or coordination between them.

30 Pertinent questions include: What and/or who influenced Mr. von Spakovsky? What other players were involved in developing the frames? Was there a concerted effort to test the frames for effectiveness, such as focus groups or polling conducted by political consultants like Frank Luntz? Was this just a pet interest of Mr. von Spakovsky that turned out to be popular among proof of citizenship supporters?
While this study focused on frames transmitted, a future project could focus on the sociological approach to framing that includes frame development and evolution.31 In the case of opposing frames, there is less consistency in framing and among different opposition elites, and no “smoking gun” document like the 2008 Heritage Foundation memo to help inform hypotheses about frame genesis and development. As such, the origin of opposing frames is an open question. My analysis of media frames showed less consistency in elite framing in opposition to proof of citizenship, with most opposition elites focusing on disenfranchisement with a sizable subset focusing on racial discrimination. As I have noted previously, the frames that directly challenged the need for proof of citizenship (that the registration system worked and that there was little or no non-citizen voting) appeared at low rates, raising the question why the most popular opposing frame focused on the potential harm to citizens rather than refuting claims that non-citizens were voting (especially since the “facts” seem to support this argument more solidly). Perhaps the media did not report these frames deliberately, either because they did not seem convincing or did not make ‘good copy.’ However, given the large tendency of the stories analyzed to repeat elite framing through he said/she said reporting, it seems unlikely that opposing frames were underrepresented due to purposeful omission. It seems more likely that the news media did not present these frames because elite proof of citizenship opponents did not make them, perhaps because opponents were not as skilled as supporters in constructing and repeating a set of frames consistently. Analysis into the origins and evolution of opposing frames might shed light on whether and why messaging from proof of citizenship opponents focuses on disenfranchisement rather than attempting to disprove the claim that non-citizens vote.32

In addition to the proponents and opponents themselves, the roll of the so-called “new media” and “opinion entrepreneurs” in forming and transmitting frames about proof of citizenship is a potentially rich area of study.33 In particular, I would investigate the role of bloggers, talk radio and other non-traditional media specialists in frame creation, transmission and revision. The blogosphere has opened up venues for commentary that are new and evolving. Most notably, new media provide opportunities to non-journalists to produce reporting and “investigative documentaries” without the imprimatur, or

31 See William A. Gamson, Forward, in Framing Public Life: Perspectives on Media and Our Understanding of the Social World, Stephen D. Reese, Oscar H. Gandy, Jr., and August E. Grant, eds., (2003) at xi-x. (noting that in sociology, framing analysis includes study of message formation, message transmission, and message processing while in communications, it focuses on message transmission, omitting study of message formation and assuming that transmission will affect audiences.). See also Chapter 2, footnotes 44 to 50 and accompanying text.

32 If opponents are raising claims that the current registration system is sufficient, for example, it would show that those claims are not being covered in the news. However, research into frame development might also show that proponents don’t use this frame and could explore how and why proponents decided not to use certain framing and arguments.

33 For example, investigation of news media framing of community organizing group ACORN, found that non-traditional media “opinion entrepreneurs” had a substantial effect on putting certain damaging narratives about ACORN into the public sphere that were later picked up in Fox News coverage and eventually mainstream media coverage. Peter Dreier and Christopher R. Martin, How ACORN was Framed: Political Controversy and Media Agenda Setting, Perspectives on Politics Vol. 8, No. 3, 761-792 (2010).
editorial quality controls, of an official news media outlet. As such, the claims and methods, as well as motivations, of new media opinion entrepreneurs may differ in important ways from that of traditional news media.

V. Contribution:

This study constitutes an important first step of inquiry into an area yet unstudied regarding proof of citizenship requirements to register to vote: how the news media presents the issue to the public. As discussed in the literature review, proof of citizenship is still a new policy intervention, and the literature about it, in both legal and social science scholarship, is nascent. The few publications dealing with it focus on legal questions involved as well as potential impacts on individuals and groups of voters. There has been no published study dealing with public opinion about proof of citizenship requirements or the news media’s reporting about them. As such, this study makes a contribution to the literature about proof of citizenship by analyzing one potential influence on public perception of and support for proof of citizenship requirements.

It also constitutes a contribution to the political communications literature on news media framing of political issues. The debate about proof of citizenship centers on access to the ballot, the hallmark of democracy and a key political issue. Proof of citizenship supporters argue that these policies are needed to protect the vote from the threat of illegal access from non-citizens registering and voting. Opponents argue that these policies pose an unnecessary barrier to citizens’ ability to exercise their right to vote. While the political communications literature on news media framing is far more developed than any discipline’s literature regarding proof of citizenship policies, this study constitutes a further application of the content analysis method to interrogate the news media framing about an important political issue being transmitted to, and potentially influencing, the public.

VI. Conclusion:

This dissertation was inspired by a question: why is there high public support for an election administration policy that is not necessary and has the effect of disenfranchising citizens? In order to start to answer this question, I analyzed news media reporting about non-citizen voting and proof of citizenship requirements to identify whether and how news media might be framing the issue in a way that might help explain high public support.

My content analysis of a 181 news stories from several news sources with nationwide distribution as well as news sources with local distributions in Arizona and Kansas suggests that the news media is framing the proof of citizenship in a way that might explain the seemingly counterintuitive public support. News media coverage tended to present more frames supporting proof of citizenship and more frequently than frames opposing it. Moreover, news coverage presented framing suggesting that non-

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34 While this study did not focus on blogs, and specifically excluded them for reasons explained in Chapter 3, the interaction between commentators in blogs and other non-traditional media and news media coverage and framing of non-citizen voting and proof of citizenship could prove illuminating.
citizen voting is a significant source of voter fraud and that proof of citizenship requirements were necessary to protect it while omitting the opposing frames (or facts) that non-citizen voting is not a big problem and that the current registration system is successfully preventing nearly all non-citizens from voting.

In addition, I discovered disparities in the presentation of frames between stories using a he said/she said style of reporting, in which stories consisted entirely or nearly entirely of claims from partisan elites, and those using fact-checking style, which included independent analysis of claims or interviews and information from third parties with first-hand knowledge of the issue, such as local officials in charge of voter registration. Fact-checking stories reported supporting frames at slightly higher rates, but presented opposing frames at significantly higher rates. The apparent supporting news slant in the 181 stories virtually disappeared in the fact-checking stories, suggesting a high impact of political elite framing in the he said/she said stories toward the supporting position.

Finally, I noted examples of valence framing, where the same underlying information was portrayed using different but ‘logically equivalent’ terminology. The valence frames I discussed seem likely to influence perceptions. For example, valence framing of numbers led to vastly different impressions of the same numerical information about potential voting irregularities from the same government report. Some stories framed the numbers as evidence that voter fraud was a small problem, while other stories framed the same numbers as evidence of a large problem. In addition, many stories employed ‘illegal alien’ terminology rather than the less inflammatory term ‘non-citizen.’ Since proof of citizenship requirements seek to enforce an existing ban on all non-citizens, regardless of immigration status, from voting, there was no legal reason to mention ‘illegal immigration’ issues. These valence frames provide a stark example of the potential power of media framing since they show how the way information is presented can have alter the way it is perceived.

This study constitutes an important first step in understanding potential sources of influences on public opinions about proof of citizenship requirements to register and vote. The preliminary findings discussed above suggest that further analysis is warranted to explore in greater detail how the news media framing of non-citizen voting and proof of citizenship policies may influence public perceptions of the issues and support for policy interventions.
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United States Constitution, Amendment XIX

Appendix A: Code Book

Sample information:

This project focuses on media presentations of non-citizen voting and proof of citizenship requirements to register to vote. The database is comprised of media reports about these issues from 1998 to March 2015. It includes newspaper articles, transcripts of television broadcasts, and transcripts of radio broadcasts. Rather than differentiate between print and non-print media, the sources are referred to as “stories.” The sample includes stories from both larger newspapers and networks with national distribution, such as The Washington Post, The New York Times, and The Wall Street Journal, as well as smaller newspapers with local distributions, such as The Arizona Republic and The Topeka Capitol Journal.

Variables and Codes: Derivations and meaning

1. Descriptive Variables:

The first set of variables are descriptive. They include the citation as well as other information about each story. They should be gathered for all stories in the sample.

**Story ID**

Use this variable for each story’s citation. This includes the title of the story, the source in which it was published/broadcast, and the date of publication/broadcast. In addition: For newspaper stories, include the name of the author of the story and the section and page on which it appeared (if available). In the case of letters to the editor, please use the name of the individual submitting the letter as the author. In the case of editorials or opinion pieces published by an editorial board, please use “Editorial Board” as the author. In the case of an opinion piece without attribution, please use “Opinion” as the author.

For broadcast stories (TV or radio), please also indicate the name of the program in which the story appears, the network that broadcast it, and the time of broadcast.

**Year**

Use this variable to identify the year of publication/broadcast.

**Source**

Use this variable to identify the newspaper, television network/channel, or radio network that published/broadcast the story.

**Location:**

Use this variable to identify the geographic coverage of the publication/network. These can be coded as “N” for National; “AZ” for Arizona; or “KS” for Kansas.
For example, the location for a Kansas-based newspaper would be KS, and the location for CNN or The Washington Post would be “N” for National.

Note: Do not code based on the topic of the story. For example, a story about Kansas on Fox News should be coded as “N” for National because Fox News Network’s broadcast coverage is national in scope.

2. Substantive variables

The second set of variables deal with the information presented within the stories, including how that information is presented or characterized. The stories in the sample deal with non-citizens voting/registering to vote and proof of citizenship requirements to register to vote. The coding scheme deals with how each story presents pertinent information. All parts of a story should be analyzed for codes, including titles, text, quotations, interview questions, interview answers.

The following codes should be used. An attached table summarizes them.

Variable Codes:

**System Bad:**
[Note that the current registration system requires citizens to check a box on the registration form stating they are a citizen and sign a statement swearing under penalty of perjury that the information is accurate.]

Definition of code:
The current system of ensuring citizenship is insufficient to prevent non-citizens from registering to vote. Claims that the “federal [registration] form” is insufficient. This includes statements that the current system is weak, poses no barrier to non-citizens registering, is a loophole or an “honor system.” It also includes statements expressing doubt about whether the threat of perjury will dissuade any non-citizens. It also includes statements that the only way to know for sure is to check documentation.

In addition, statements that the current system “just” or “only” requires people to say or swear that they are citizens. In addition, references to the current system that do not state that the current system requires swearing under penalty of perjury or that falsely claiming citizenship is a punishable criminal violation.

**Illegal Aliens/Immigrants:**
Definition:
Stories that refer to non-citizens as illegal aliens, illegal immigrants or undocumented immigrants. Claims that proof of citizenship requirements are to address illegal immigration. Basically, using terms that connote illegal immigration or aliens/immigrants in relation to voting.
**Large Problem**
Definition:
Claims that non-citizens voting is a substantial, large, or serious problem. This includes both statements that it is a big problem (e.g., “it’s a real problem,” or “it’s a serious threat”) as well as the use of numbers to prove that it is a large problem even if the numbers seem small (e.g., “We need proof of citizenship laws to keep non-citizens for voting; we found 5 cases where a non-citizen might have voted since 2005).

**Dilute Citizen Votes:**
Definition:
Claims that non-citizens casting ballots cancels out or dilutes citizen ballots. For example, “every vote cast by a non-citizen cancels out a vote cast by a citizen.”

**Steal Elections:**
Definition:
Claims that non-citizen voting can (or might, could, will) change the outcomes of elections. This includes comments about close elections and how, even though non-citizen voting might be small, it could be enough to affect the results, or swing the election, or steal the election, if the race is tight.

**Fraud/Integrity:**
Definition:
Claims that proof of citizenship requirements are needed to protect the integrity of the electoral process and to prevent fraud. This includes claims that the electoral system is vulnerable and proof of citizenship can protect it. Also, claims that non-citizen voting fraud is a problem that proof of citizenship can help prevent.

**POC Not Difficult:**
Definition:
Complying with proof of citizenship requirements is not difficult or a barrier to registration. This includes statements that it’s a “common sense” solution. This includes statements that it’s easy to comply, comparisons with other things that require an ID (like cashing a check or renting a video from Blockbuster), expressions of doubt about people having a hard time finding documentation. It also includes statements that government offices are doing a lot to help people comply. It also includes statements that POC only makes it hard for non-citizens to vote.

Also, claims that people who haven’t shown their documentation to complete their registration aren’t really serious about voting or don't really want to be voters. [A note on this: in Kansas, people who fill out a registration form but have not shown their citizenship documents are placed “in suspense,” so sometimes these claims refer to people “in suspense” just taking their time to complete the process or not really wanting to be voters.]
**Immigrant Disincentives:**
Definition:
Claims that immigrants/illegal immigrants will not register to vote because they want to avoid contact with the government. This may be presented as a reason that proof requirements are not needed or an explanation that non-citizens are not registering due to their aversion to contact with government officials. Note that this frame can be used in reference to illegal immigrants, undocumented immigrants, illegal aliens, immigrants or non-citizens.

**System OK:**
Definition:
The current system of registration is sufficient to prevent non-citizens from voting. This includes claims that the perjury provisions and criminal penalties are sufficient to ensure that only citizens are registering to vote. It might also include some arguments that non-citizens only register by accident or because they believe they are entitled to vote because someone misinformed them, BUT it must be in conjunction with an overall argument that the perjury and attestation based system is sufficient to safeguard the electoral system.

**Small Problem:**
Definition:
Claims that non-citizen voting is a small, tiny, or insignificant problem. This includes both statements that it is very rare or uncommon. It also includes statements that prosecutions for non-citizen voting are very uncommon or that there have been very few prosecutions. It can include numbers about prosecutions or cases or reports, but uses them to show how small the problem is, e.g., non-citizen voting is not a problem, there have only been 5 reports of possible non-citizen voting since 2007.

**Politics:**
Definition:
Claims that proof of citizenship requirements and reports/claims about non-citizen voting being a big problem are politically motivated. This includes motivation for partisan or ideological gain as well as personal gain. For example, partisan gain claims that proof of citizenship requirements are being pushed by Republicans/conservatives to restrict voting by Democratic-leaning voters. Personal gain includes a candidate or elected official using the issue to increase their visibility or popularity, drum up voter support to obtain reelection, seek personal acclaim or national attention.

**Disenfranchises:**
Definition:
Proof of citizenship disenfranchise citizens by making it hard to register to vote. This includes claims that they make voting/registration more difficult; that they suppress voting/participation. It also includes claims that POC makes it harder for certain population segments to vote, such as elderly, young, poor, and/or minority citizens. It
also includes claims that POC is designed to disenfranchise certain populations based on their political leanings or race. And it includes reports of numbers of people prevented from registering to vote, which are characterized as high.

It can also include stories about states instituting dual voting systems whereby citizens who prove their citizenship may vote in all federal and local elections but those who did not prove their citizenship may only vote in federal elections; when this is cast as disenfranchisement or limits on voting.

**No fraud:**
Definition:
Claims that there is no evidence of non-citizens voting fraud. This includes statements that non-citizen voting is not a problem, doesn’t happen, is made up, or that reports of non-citizen voting are overblown or bogus. It also includes claims that there have been no prosecutions of non-citizen voting.

**Discriminatory:**
Definition:
Claims that proof of citizenship laws either target or will disparately affect citizens of color or minorities. This includes arguments that the laws have particularly bad impacts on certain groups or that citizenship verification efforts target certain racial groups, such as Latinos or Native Americans. It also includes more general statements about negative impacts on “minorities.” It also includes statements that the laws are racist, discriminatory, or xenophobic as well as comparisons of these laws to Jim Crow era limits on voting/registration.

3. Style of reporting

There are two possible variables for style of reporting. This variable deals with the sources of information presented in stories as well as how much independent investigation is conducted and reported. The two options are: “he said/she said” and “fact checking”.

**He said/she said:**
“He said/she said” describes stories that wholly or principally relay the arguments presented in favor and/or against a given issue. There is little to no outside investigation such as a third party source who could verify claims, investigation/verification/explanation of claims or reports presented. The reporting in these stories states what interested individuals argue or opine.

This also includes the following types of stories: editorials, opinion pieces, letters to the editor. Although these may be more like “he said/he said,” unless the provide outside information, they fall in this category.
“He said/she said” reporting generally reports the arguments for/against an issue; it does not investigate whether those claims are accurate or well-founded.

Example: The classic example is “supporters of the law say that it’s necessary because of X, while opponents argue that it is Y”

Fact-checking:
Fact checking describe stories that consult outside sources or include the results of a reporter’s investigation into claims or arguments for or against an issue. This can include interviewing sources who have pertinent information but are not on one side or another of a debate, such as non-partisan officials in charge of an office that is being debated. It can also include investigative reporting into claims made by officials or proponents/opponents, such as investigating the contents of a report presented in support of a position or whether claims are accurate. Fact checking contrasts with “he said/she said” because it questions proponents/opponents’ claims rather than simply repeating them.

Example:
Consulting a county elections officer to determine whether there have been many instances of non-citizens voting.

Obtaining a copy of a report sited by a proponent and reporting on what it actually says and whether the proponent is fairly characterizing its contents.

II. Directions:

Please take the following steps for each story you code:
1. Read the story without applying codes.
2. Read the story again, noting instances of each code in the body of the story. Please indicate this either by writing on a hard copy or by using the “comments” function of Word to highlight the pertinent portion of the text and make a note in the comment sticky about which code is indicated. Please flag every instance of a code, even if it is mentioned only in passing or as a set up for why it is wrong, e.g., “opponents say that this law is discriminatory, but it’s not because of x, y, z” should still be coded for discriminatory.
3. Make a list in a “comment” at the top of the document of all codes that appear in the story.
4. Make a note in a “comment” at the top of the document indicating what kind of reporting style was used.
Appendix B: News Stories Analyzed

Newspapers:

1998:


2004:


2005:


2006:

Associated Press, “Arizona’s Voter-ID Law Upheld For Primary,” The Washington Post, A06 (9/12/06)

Charles Lane, “Arizona May Use Voter-ID Law, High Court Says; Justices Overturn Ruling that Citing Pending Lawsuit,” The Washington Post, A03 (10/21/06)


Carl Hulse, “G.O.P. in Senate Narrows Immigration Focus to 700-Mile Fence,” The New York Times, A1 Pg. 22 (9/21/06)


2007:


Matthew Benson, “Voter-Id Law’s Key Elements Upheld; Judge: Arizona Measure
Doesn’t Violate U.S. Act,” The Arizona Republic; Pg. 1 (8/30/07)

David Johnston and Eric Lipton, “‘Loyalty’ to Bush and Gonzales was Factor in
Prosecutors’ Firings, E-Mail Shows,” The New York Times; A1, Pg. 18 (3/14/07)


2008:

David Crum, KS House Rep Dist. 77, “Illegal Immigration Big Issue for Legislators,”
Augusta Daily Gazette (1/28/08)

Hans A. von Spakovsky, “Will this Election Be Stolen?,” The Wall Street Journal,
Weekend Journal Pg. W1 (11/1/08)

Pg.1 (5/12/08)


Ian Urbina, “Missouri Legislature Ends Session with Voter ID Amendment Still on
Agenda,” The New York Times, A0 Pg. 13 (5/17/08)

John T. Bird, 1608 Main, Hays, “Immigrant Spat a Reminder of the Past,” The Hays Daily
News, Letters (1/23/08)

Anne T. Denogeian, “Stymied After 70-plus Years of Voting for Prez?,” Tucson Citizen;
1A (8/5/08)

Gordon Billingsley, Herald Content Director, “Unnecessary Voter ID Bill Would’ve Been
a Burden, Disenfranchised Some,” The Ottawa Herald (5/23/08)

2009:

Opinion, Topeka Capital-Journal, pg. 4 (4/2/09) (reprinting opinion piece from The
Jackson (Tenn.), 3/30/09)

2010:

(10/3/10)
Kirk Semple, “For Some Immigrants, Voting is a Criminal Act,” the New York Times, MB0 Pg. 1 (10/17/10)

Don Small, Burlington, “Kobach Needed,” Topeka Capital-Journal, Opinion Pg. 4 (7/17/10)

Richard Sallman, Topeka, “No on Kobach,” Topeka Capital-Journal, Opinion Pg. 4 (7/17/10)

Kris Kobach, “Kobach Contends in Secretary of State Election,” The Leavenworth Times, Pg. B6 (7/31/10)


(Opinion?) “Focus on Voter Fraud,” The Leavenworth Times Pg. A3 (8/18/10)

Kris Kobach, “Voter Fraud a Real Problem in Kansas and Must be Addressed,” The Hays Daily News (9/26/10)

Tim Carpenter, “Biggs and Kobach Battling to the End,” Topeka Capital-Journal, 1A (10/31/10)

Tim Carpenter, “Rivals Differ on Voting Rules,” Topeka Capital-Journal, 1A (10/31/10)

Robert Robb, “Ariz. Law is not ‘Jim Crow’,” The Arizona Republic, B5 (10/29/10)

Dr. Bob Beatty, “Insight Kansas: Provocateurs vs. Professionals,” McPherson Sentinel; Opinions (7/7/10)

2011:


Andy Heintz, “HEINTZ: Kobach’s Voter Fraud Crisis Non-Existent,” The Ottawa Herald (10/18/11)


Chris Hunter, “County Clerks Question Kobach’s Bill,” The Salina Journal (1/21/11)


Dena Sattler, “Flawed Model,” The Garden City Telegram, Commentary (1/27/11)

Chad Frey, “Kobach Bill Finds Favor at Local Level,” The Newton Kansan (2/2/11)

Eric Swanson, “Area Election Officers Favor Kobach Bill,” The Dodge City Daily Globe (2/11/11)


Joan Smith, “Register to vote,” Topeka Capital-Journal, Letter to editor, (12/16/11)


Kris Kobach, “Taking Steps to Ensure Secure Elections,” The Dodge City Daily Globe, Opinions, Pg. 4 (3/21/11)


Alia Beard Rau, “Ruling on Ariz. Voter Law to be Revisited by Court,” The Arizona Republic; B3 (4/28/11)

2012:

Mary Jo Pitzl, “Bennett: No Ariz. Voters Hindered,” The Arizona Republic, Pg. B3 (12/20/12)


Associated Press, “High Court Takes Voter Registration Case,” The Washington Post, Pg. A03 (10/16/12)


Editorial Board, “2013 Soon Enough,” Topeka Capital-Journal (1/16/12)


Kris Kobach, “Elections Must Be Secure,” Topeka Capital-Journal (1/25/12) (response to editorial board critique)

Andy Marso, “Concerns Over Taxes, Voter ID Highlight Town Hall,” Topeka Capital-Journal (1/18/12)


Andrew Nash, “Kobach Talks Voter ID at Forum,” The Morning Sun, Pg. A1 (5/25/12)


Gary Grado, “U.S. Supreme Court to hear Arizona Voting Law Case,” The Arizona Capitol Times (11/22/12)

Howard Fischer, “High Court to Hear Arizona Voting Law,” The Sun (10/15/12)

Alia Beard Rau, “Court Strikes Down Part of Voter-ID Law,” The Arizona Republic; B1 (4/18/12)

Dustin Volz, “Court Rejects Part of Arizona Voter Law, Horne Vows Supreme Court Appeal,” Green Valley News & Sun (4/17/12)


Marge Ahrens, President, League of Women Voters of Topeka-Shawnee County, Topeka, “Voter Registration,” Topeka Capital-Journal (1/15/12)

2013:


Ken Bennett, “High Court Should Help Ariz. Protect Elections,” OPINIONS; Pg. B9 (3/17/13)


Public Forum, Peoria Independent, News, Pg. 4 (8/7/13)

Public Forum, Sun City-Youngtown Independent, Pg. 4 (7/10/13)

Editorials, “Windmill Tilting,” The Hays Daily News (8/22/13)

Staff Writer, “Editorial Roundup,” Cherokee County News-Advocate; COMMENTARY section, (10/22/13) (reprinting editorial from The Kansas City Star, Oct. 18)


Gary Grado, “Authorities say U.S. Supreme Court decision won’t change the way Arizonans vote,” The Arizona Capitol Times (6/18/13)

Opinions, “Ruling is Open to Mischief,” The Arizona Republic, B8 (6/18/13)


Fernanda Santos and John Eligon, “2 States Plan 2-Tier System for Balloting,” The New York Times, A0 Pg. 1 (10/12/13)


Kris Kobach, “Guest Column; A Response to Insight Kansas,” The Morning Sun, Pg. 5 (11/6/13)

Andy Marso, “Schodorf Blasts Kobach as she Announces Candidacy,” Topeka Capital-Journal (11/1/13)


H. Edward Flentje, “Insight Kansas” The Morning Sun; KS Opinion, Pg. 4 (10/22/13)

Dion Lefler, “Kris Kobach Laying Groundwork for Two-Tier Voting System in Kansas,” The Garden City Telegram (10/6/13)

John Hanna, “Kansas Voters Can be on Hold for Years,” The Topeka Capital-Journal (9/24/13)


Wire, “Kobach: Court Ruling Won’t Block Kansas Voter Law,” The Garden City Telegram (6/17/13)

Rebekah L. Sanders, “Arizona Voter-ID Law has Day in High Court,” The Arizona Republic; Pg. A1 (3/19/13)

Michael Enault, “ Voters Should Prove they are Citizens,” The Sun (3/25/13)


Rebekah L. Sanders, “Brewer Backs Salmon’s Voter-ID Bill,” The Arizona Republic; B3 (7/19/13)

Opinions, “Political Ploy Bad for All,” The Arizona Republic; B7 (10/8/13)

Alia Beard Rau, “Migrant Vote-Fraud Cases Rare in Arizona,” The Arizona Republic; A1 (11/18/13)

Jim Seckler, “Prosecution of Voter Fraud Rare; Just Two Cases in County in Last Nine Years,” Mohave Valley Daily News (11/21/13)

2014:

Ben Giles, “GOP Lawmaker Proposes Adding ‘Non Citizen’ to Dreamers’ Diver’s Licenses,” The Arizona Capitol Times, (12/31/14)


Fernanda Santos, “Two States Win Court Approval on Voter Rules,” The New York Times, A0 Pg.1 (3/20/14)

The Editorial Board, “Suppressing the Vote,” The New York Times, A0 Pg. 28 (3/21/14)


Erik Eckholm, “U.S. Court to Hear Case on voting Restrictions as Arizona Prepares for Polls,” The New York Times, A0 Pg. 14 (8/24/14)


Howard Fischer, “State bid to Change Federal Election Law Rejected,” Sierra Vista Herald (1/19/14)

Curt Prendergast, “In Sonoita, AG Talks States’ Rights, Security,” The Bulletin (1/22/14)

Mary Jo Pitzl and Yvonne Wingett Sanchez, “U.S. Judge: Voter IDs Required in Arizona,” The Arizona Republic (3/20/14)

Staff, “Our View: Proving your Citizenship,” Sierra Vista Herald (3/21/14)

E. J. Montini, “The Costly Effort to fix Non-existent Problem in Arizona,” The Arizona Republic; A3 (5/15/14)

Matthew Scully, Sahuarita, “Every Vote Counts,” the Sahuarita Sun (11/18/14)

Dylan Lysen, “Hopefuls Debate, Politics of Insurance Chief Job,” The Ottawa Herald (10/15/14)
Editorial board, “A Most Welcome Change,” The Salina Journal; A9 (6/26/14)
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2015:

Mary Jo Pitzl, “State Lawmaker Drops Bill to Label ‘Dreamer’ Licenses,” The Arizona Republic; FRONT, Pg. A7 (1/13/15)

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Ben Giles, “GOP Lawmaker Abandons Proposal to Add ‘Non Citizen’ to Dreamers’ Licenses,” The Arizona Capitol Times (1/13/15)


Ed Montini, “Ducey’s Choice: to Follow Brewer (Off PR Cliff) or Lead,” The Arizona Republic, FRONT; Pg. A3 (1/6/15)

Editorial, “Election Hits: Far-Right Republicans Push to Improve Edge,” The Garden City Telegram, A04 (2/16/15)


Television:

“Political Headlines,” Fox News Special Report with Brit Hume, Fox News Network, 6:00 PM EST (10/29/08)

“Florida Grapples with Voter Registration Problems,” Fox on the Record with Greta van Susteren, Fox News Network 10:23pm EST (10/21/08)
“McCain Defends his Education Policies; Senators Obama and McCain Seek Independent Votes; Policy Shift on Iran; Illegal Alien Voters; Failing Grades,” Lou Dobbs Tonight, CNN 7:00 PM EST (7/16/08)

“Tornado Destroys Picher, Oklahoma; 2008 Tornado Season Deadliest in Years; Massive Earthquake Hits China,” Lou Dobbs Tonight, CNN 7:00 PM EST (5/12/08)

“Voter Fraud,” Beck 5:00 PM EST, Fox News Network (10/31/10)

“Court: Arizona Cannot Seek I.D. from Voters,” The O’Reilly Factor, Fox News Network, 8:38 PM EST (10/28/10)

“Issue with Arizona Governor Jan Brewer,” Your World with Neil Cavuto, Fox News Network, 4:36 PM EST (10/27/10)

“President Obama Ramps Up Media Presence,” Cavuto, Fox News Network 6PM EST (10/27/10)

“Court Nixes Key Part of AZ Voter Registration Law,” On the Record with Greta Van Susteren, Fox News Network, 10:23 PM EST (10/28/10)

“Interview with Margaret Hoover, Nick Gillespie, Robert Zimmerman,” Fox News Network Live Event, 7:10 AM EST (10/27/10)

Rick Scott, Interviewed by Greta Van Susteren, “Interview with Rick Scott,” Fox On the Record with Greta Van Susteren, Fox News Network, 10:21 PM EST (1/13/12)

“Dueling Campaign Stops in Virginia; NFL Lifts Referee Lockout; Jewish Voters Weigh Options,” CNN Newsroom, 1:00 PM EST (9/27/12)

“Romney Aide: No Decision on Running Mate; Interview with Hillary Clinton; “History will Curse You”; Voter Purge Uproar; FDA Spying Scandal; North Korea Power Struggle; Global Financial Scandal; When Pigs Fly,” CNN The Situation Room, CNN, 5:00 PM EST (7/16/12)

“The Rachel Maddow Show for May 29, 2012,” The Rachel Maddow Show 9:00 PM EST, MSNBC (5/29/12)

“House Committee Considers Contempt Measure Against Eric Holder; Obama Asserts Executive Privilege in Fast & Furious; Florida Sued Over Voter Registration Purge; Sandusky Did Not Take Stand, Defense Rests,” CNN Newsroom, CNN 11:00 AM EST, (7/20/12)

“Politics Nation for May 17, 2012,” Politics Nation 6:00m EST, MSNBC (5/17/12)
“Obama Offering Clear Contrast; Obama Returns to Ohio; Red Cross Says Syria in Civil War; Lana Kuykendall Survives Flesh-Eating Bacteria; Heavy Rains Kill 28 in Japan as U.S. Experiences Drought; Americans Kidnapped in Egypt; London Increases Olympic Security; Shell Company Takes Risk to Find Oil,” CNN News Room, CNN 11:00AM EST (6/16/12)

“Democratic National Convention 2012 in Review,” The Five, Fox News Network 5:00 PM EST (9/7/12)

Representative Debbie Wasserman Schultz, Interviewed by Michael Smerconish, “Hardball with Chris Matthews,” MSNBC 5:36 EDT (8/9/13)

“Interview with Former U.S. Ambassador to Egypt Frank Wisner; Interview with Homeland Security Committee Chairman Rep. Michale McCaul; Obama’s Diversion Tactics,” Lou Dobbs Tonight, CNN 7:00 PM EST, (9/2/13)

“Kansas Voter Registration Now Requires Proof of Citizenship,” CBX – 12 KWCH (1/1/13)


“War on Terror; White House In-Fighting; Russia’s Air Power Trip; Epidemic of Fear; All Eyes on Iowa; Not Afraid to Speak His Mind,” Fox New Special Report with Bret Baier, Fox News Network, 6:00 PM EST (10/30/14)

“The Democrats Get Their Butts Kicked; Republicans Seize the Senate; the Battle for the White House,” The O’Reilly Factor, Fox News Network, 8:00 PM EST (11/5/14)

“All in with Chris Hayes for May 19, 2014,” MSNBC All in with Chris Hayes 8:00PM EST (5/19/14) [Story just about Kansas, which was part of this program, was rebroadcast on 6/6/14; Highlight: Kansas is no longer just the frontier. It’s the laboratory for ultra conservative ideas throughout the entire country.]

“PBS NewsHour for March 27, 2014,” PBS NewsHour, PBS, 6:00 PM EST, (3/27/14)

“Former FEC Commissioner Says Voter Fraud Will Happen in Colorado,” On the Record with Greta Van Susteren, Fox News Network, 7:00 PM EST (10/30/14)

Radio:

“Do New Voting Laws Suppress Fraud? Or Democrats?” Weekend All Things Considered, NPR, 7:00 PM EST (9/17/11)
“Immigrant Voter Fraud Fears Didn’t Materialize,” Morning Edition 11:00PM EST, NPR (11/5/10)

“World War II Vet Caught Up in Florida’s Voter Purge Controversy,” Morning Edition, NPR 11:00 AM EST (5/31/12)