Ballot Challenge:

Explaining Voting Rights Restrictions in 21st-Century America

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Abstract

Over the past decade, the United States has seen a wave of restrictive voting laws unprecedented since the passage of the Voting Rights Act in 1965. This project uses a survival analysis technique combined with case studies to examine restrictive voting laws passed since 2001 in order to understand what factors triggered this wave and determine today which states successfully restrict the vote. The results offer evidence that Republican lawmakers adopt restrictions quickly and consistently upon gaining power, with adoption most probable in the year immediately following a switch to Republican legislative control. Anxiety surrounding electoral integrity in the wake of the 2000 election enabled bipartisan support to spark the first modern restrictions, preceding a conservative push toward stricter, more strategic laws. These findings affirm that contemporary voting rights restrictions are a highly strategic and almost exclusively Republican maneuver. In order to protect voting rights going forward, advocates can focus on creating pressure via public opinion and electoral consequences, while shifting the argument toward voting reforms that place the burden of democratic integrity upon government, rather than citizens.

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Introduction

On January 27, 2011, a group of 48 representatives in the Wisconsin State Assembly introduced Assembly Bill 7. 79 amendments later, the bill passed through both chambers of the legislature on May 19, 2011. The next week, freshman Governor Scott Walker signed Assembly Bill 7 into law. The law created new barriers to ballot access in four different ways, including mandatory photo identification and verification processes for absentee ballots sent to residential care and nursing home communities. Gov. Walker, a Republican, called it "common sense reform" (Huffington Post 2011). Common Cause Wisconsin, a voting rights advocacy group, called it "the most restrictive [voting law] in the country."

With the adoption of AB 7, Wisconsin became the 13th state in the country to enact a law that requested or required voters to present photo identification at the polls. But states across the country had spent the first decade of the 21st century making voting more difficult in a wide variety of ways. Between 2001 and 2010, 24 states passed at least one restrictive voting law that added or strengthened existing barriers to the ballot. And over the next two years, 13 more states—including Wisconsin—would join them. After decades of civil rights protections that have expanded and diversified the American electorate, state legislatures have begun moving swiftly and strongly in the opposite direction. Proponents of restrictive voting laws invoke the necessity of electoral integrity and protection against potential voter fraud. Opponents claim the laws constitute a thinly-veiled effort to disenfranchise and suppress voters who are disproportionately poor, elderly, and non-white.

Voting rights legislation and election administration have played a major role in American policy and civil rights discussions for more than a century but did not evolve into their modern form until the passage of the Voting Rights Act in 1965. Since 1965, the Voting Rights

Act has largely set the groundwork for widespread expansion of ballot access and the *de facto* right to vote through its own provisions and its guidance and oversight of states and municipalities with histories of electoral discrimination. While challenges to voting rights have frequently surfaced in legislatures and courts since 1965, no phenomenon resembles the wave of voting rights restrictions that began in the mid-2000s and extended until at least 2014, and perhaps until today. From 2006 to 2011, the annual total of restrictive voter provisions proposed rose from under 100 to nearly 160 (Bentele and O'Brien 2013). Between 2001 and 2017, 38 states adopted at least one restrictive voting law, and the number of states with voter identification provisions jumped from 14 to 35 (National Conference of State Legislatures). State legislatures are passing laws that create barriers to ballot access at an unprecedented rate.

The superficial trends associated with voting rights restrictions in the modern era are fairly clear: the laws are overwhelmingly Republican, opposed almost unanimously by Democrats, and are most often the strictest in states with histories of electoral discrimination along racial or socioeconomic lines. While findings differ on the impacts of these laws on voter turnout and electoral outcomes, more recent research offers evidence that strategic concerns, beside ideology, may motivate strict voting laws in Republican-controlled states. But no satisfactory answers exist to trace and explain the unique timing of today's cascade of restrictive voting laws. This project seeks to fill these gaps: where, when, and most importantly, why now?

In approaching the issue of voting rights and their recent challenges in the United States, I present the following central question of interest: what factors triggered the cascade of restrictive voting laws in the mid-2000s and determine which states chose to pursue or eventually pass such legislation? In the course of answering this question, I primarily test hypotheses of interest concerning partisan composition and minority population and voter behavior. I also

examine the influence of policy diffusion, federal legal protections, and judicial decisions across state lines. Ultimately, I use these findings to better understand the strategies employed to advance restrictive voting laws in the states and focus on the implications of these findings for the future of American voting rights and democracy more broadly.

A New Analytical Approach

Most scholarship on voting rights and election administration in the United States emphasizes the relationship between laws and political behavior, most frequently voter turnout. Additionally, many scholars have explored the Voting Rights Act specifically and its evolving historical and judicial treatment. My project does not focus on the outcomes of restrictive voting laws; rather, it treats the restrictive voting laws as outcomes themselves. There is relatively little scholarship on the independent variables causing the passage of restrictive voting laws. The only fairly comprehensive analysis, ranging from 2006 to 2011, finds evidence supporting an association between partisan competition and restrictive voting laws, especially with Republican control of legislatures and governorships (Bentele and O'Brien 2013). A similar analysis of a broader data set found further evidence for Republican legislative composition as the key predictor of the introduction and passage of such laws (Hopkins 2017).

There are key components of the issue that the existing scholarship misses, however. Namely, why has the cascade of restrictive voting provisions emerged during the mid-2000s, and not in the first 40+ years following the Voting Rights Act? Several proposed explanatory variables—Republican majorities, electoral competition, and minority participation—are not necessarily unique to this time period (but may be higher in salience and effect). My project remedies this challenge through the analysis of additional time-conscious explanatory variables,

including court challenges, changes in partisan control, and diffusion effects of legislative

experiences in neighboring states. Further, I use a survival analysis regression technique to focus

on binary dependent variable outcomes as opposed to count variables. Using an expanded data

set encompassing all of the 21st century, I shed further light on the specific characteristics of the

contemporary period that have triggered legislative restriction of voting rights.

     I begin with a brief overview of restrictive voting laws in the United States and an

overview of the relevant literature on their passage and legislators' motivations. I then explain

the data collection and methodology for my survival analysis of state-level restrictive voting

laws and present the regression results. Finally, I examine in greater depth four recent cases—

Wisconsin, Iowa, Michigan, and Washington—to further explore key mechanisms of interest and

illuminate missing variables affecting the passage of restrictive voting laws. Combining the

results of each method, I find that a recent switch to unified Republican control of legislature is

the strongest and most consistent predictor of a state's initial adoption of a restrictive voting law.

Continuous measures of a state's Republican leaning, such as conservative ideology scores and

presidential vote margin, are less predictive. However, more moderate Republican lawmakers

may block restrictive voting legislation even under unified control due to worries of political

backlash. Finally, the Washington case offers evidence that high-profile failures in electoral

administration and technology during the early 2000s, followed by the federal Help America

Vote Act, made restrictive voting laws politically palatable for both parties, fitting them into

legislative agendas without their contemporary partisan connotation. Since then, Republican

legislators across most of states have employed increasingly strict versions of such laws out of

both ideological and strategic motivations.

Taken together, these findings lead to a few central conclusions about voting in the contemporary United States, the role of lawmakers in restricting the right to vote, and how states can protect this right moving forward. First, despite some variation in regulations across states, restrictive voting laws in the United States follow a distinct pattern: Republican lawmakers in previously divided or Democratic states pass and adopt restrictions quickly and consistently upon gaining unified control of legislatures or entire governments. In the few states who do not adopt in the first year after a switch to Republican control, the likelihood of future adoption drops dramatically back to pre-switch levels, suggesting either a preexisting barrier to restrictive voting laws in the state, or particular sensitivity by its Republican lawmakers to the political risks of restrictions. Concerns surrounding election technology and integrity, beginning with the 2000 election, sparked restrictions in more moderate and liberal states by enabling support distinct from the historically racialized nature of voting rights and efforts to restrict them. There is evidence that increases in political participation among minorities are correlated with restrictive voting laws in Republican-controlled states, although this finding is less conclusive.

In order to protect against voting rights restrictions going forward, legislators should shift the argument for voting rights to better account for weaknesses, perceived and legitimate, in American electoral systems. Such actions must include pushing for reforms that place the responsibility of democratic integrity and election administration on government, rather than on citizens, as well as pro-voting rights messages that simultaneously appeal to salient concerns over vulnerable election systems. Outside of legislative chambers, opponents of voting rights restrictions should focus on creating pressure via elections, rather than courts. In order to protect voting rights, the most reliably effective strategy is the election of officials who oppose their restriction. By winning back state governments and demonstrating electoral consequences for

lawmakers who restrict the vote, supporters of voting rights can push back the tide of

disenfranchisement and protect electorally liberal states from the same fate.

<u>Restrictive Voting Laws: A Theoretical and Historical Framework</u>

Before moving to original analysis, I provide a brief overview of existing research into election policy and voting rights in the United States, focusing on analyses of recent restrictive voting laws. I then review common characteristics of today's restrictive voting laws and lay out a definition for restrictions to use in analysis.

Restrictions and Turnout

Historically, scholarship in the field of restrictive voting laws has focused on their effects on electoral outcomes and voter behavior. There is conflicting evidence regarding the magnitude of the effect of strict voting laws on turnout, due to both the recent implementation of such laws in many cases, and the difficulty of achieving suitable research designs (Highton 2017; Barreto, Nuño, and Sanchez 2009). Such studies have generally focused on a specific type of law or compare the relative effects of various electoral reforms. An early study of the potential impact for voter identification laws in Indiana, one of the first states to pass a modern "strict" requirement, found that its provisions disproportionately applied to minority voting-age citizens, who were significantly less likely than white voting-age citizens to possess the forms of ID necessary for voting (Barreto, Nuño, and Sanchez 2009). More recent findings are inconclusive, finding evidence of voter identification laws disproportionately affecting low socioeconomic voters (Alvarez, Bailey, and Katz 2008), while others, using post-election survey data, show no meaningful discrepancy in consequences for racial groups. One explanation hypothesizes that despite the discriminatory effects of voter ID requirements, opposition groups compensating for the barriers are sufficiently strong to overcome their effects (Rocha and Matsubayashi 2014).

Similar attention has been paid to election laws that receive less media attention, such as absentee and early voting, Election Day voter registration, and automatic voter registration. Several studies have found that convenience voting methods like Election Day registration have positive effects on turnout rates (Ansolabehere and Konisky 2006; Burden and Neiheisel 2011). Research on early voting electorates across states finds evidence that early voters are disproportionately partisan, wealthy, and well-educated (Gronke 2008). Yet others argue that the overall effects of early voting on turnout composition are marginal (Fitzgerald 2005). The small scope of many of these studies limit their findings, particularly regarding the effects of early voting on less educated and less partisan voters. Additionally, the typical passage of restrictive voting laws as part of larger reform packages—along with the relative recency of their strictest iterations—makes assessing the individual effects of certain actions quite difficult (Highton 2017). These analytical frames also largely leave out the factors predicting introduction and adoption in the first place. This type of gap is widespread across the field of election law.

Support for Restrictive Voting Laws

More recently, studies have turned to the explanation of support for these laws. Public opinion on electoral reforms—both restrictive and convenience-based—are important because of their relationship to the political incentives that politicians may consider in taking legislative action. High public demand for a particular restrictive voting reform, such as voter identification laws, would provide legislators with greater political cover to support that reform, even if it lacks precedent or may otherwise pose controversy. Studies of individual-level legislative decision-making, in both state and federal legislatures, have long shown that legislators are sensitive to constituent opinion in decision-making processes and public explanations of those political

decisions (Kingdon 1977; Ray 1982). Research thus far shows that public opinion on convenience-based election reforms is mixed and varies across states. Prominent convenience voting reforms likely do not enjoy majority support nationwide, while a strong majority support some identification requirements (Alvarez, Hall, Levin, and Stewart III 2011). Support for such reforms are highly correlated with partisan affiliations and attitudes, with conservative and Republican ideology correlating with support for voter identification requirements.

These findings could suggest that public demand, particularly in more conservative or Republican states, would predict passage of voter identification requirements and other restrictive voting reforms. The study's findings on state variation in public opinion of vote-by-mail reforms, however, show that despite weak support nationwide, vote-by-mail experienced strong support in Oregon and Washington—two of the few states who had adopted it. This suggests that public opinion on electoral reforms may simply result from familiarity as a "the way it's done" effect, a pattern which may explain support for voter identification requirements in states already accustomed to some form of the procedure. Additionally, while legislators and the public alike frequently point to voter fraud as an impetus for stricter voter identification requirements, surveys show that adoption of voter identification laws do not decrease the likelihood that voters will perceive fraud in their own state or locality (Ansolabehere and Persily 2008). Legislatures can and do pass unpopular laws, and may choose not to pass laws with strong public support. Likewise, the belief systems shaping public support and opposition are linked closely to ideology, partisanship, and preexisting procedure. This is true of voter identification laws, and likely applies to other voting restrictions and reforms, which vary in structure and severity across states. While public opinion on specific policy matters in shaping the agendas and voting decisions of legislatures, there is not a clear or strong causal relationship.

Analyses of Adoption

In general, there is little scholarship treating restrictive voting laws themselves as an outcome for study. The few comprehensive analyses of the passage and adoption of restrictive voting laws show patterns connected to those found in public opinion studies, focusing exclusively on legislation in the 2000s, and especially between 2006 and 2013 (Hicks, McKee, Sellers, and Smith 2015; Bentele and O'Brien 2013; Rocha and Matsubayashi 2014; Biggers and Hanmer 2017). Partisan control and electoral competition appear to drive the passage of such laws, with Republican control of legislatures and governorships significantly increasing a state's probability of adopting strict voting reforms (Hicks et al. 2015).

Studies focusing on the passage or failure of a particular policy generally use a "state-year" as the unit of analysis, focusing on state governments holistically (Hicks, et. al 2015; Bentele and O'Brien 2013). For research on restrictive voting laws, such studies have focused on the mid-2000s until today; in two cases, scholars have studied broader ranges dating back to the implementation of the earliest modern voter identification laws in the 1970s, using event history analyses to predict the likelihood of a restrictive voting law (Biggers and Hanmer 2017; Rocha and Matsubayashi 2014). Event history analyses, alternatively referred to as duration or survival models, are used to explain variation in policy adoption across time and place. One notable example tracked states' adoption of direct democracy at the beginning of the 20th century (Lawrence, Donovan, and Bowler 2009). In the "Methods" section, I describe in more depth that nature of these survival model studies, as well as their strengths and shortcomings.

Commentators, particularly those involved in voting rights advocacy, frequently describe the current period as "unprecedented," and most basic measures would indicate that they are correct. Using voter identification laws as one well-documented example, the National

Conference of State Legislatures shows that the number of states who have passed ID

requirements nearly tripled between 2000 and 2018, as noted above. But despite the general

agreement that Republican control and electoral competition are predictors of voting restriction

passage, the present literature largely fails to address the question of why the wave of new voting

rights restrictions exploded in the mid-2000s, as opposed to in any earlier period featuring many

of the same hypothesized conditions. In the 1994 midterm elections—perhaps the best recent

comparison to the 2010 Republican wave—the GOP gained total control of state government in

one historically "purple" and three "blue" Midwestern states, as well as control of the legislature

in another. In 1995, none of these five passed voting laws considered restrictive by this study's

standards. Prior research does not explain why restrictive voting laws have become a key agenda

item of newly elected Republican state governments in the 21st century.

Survival model analyses hint at some potential mechanisms. One comprehensive analysis

of voter identification law adoption since 1972 suggests as a trigger the focus on election reform

and integrity following the controversial 2000 presidential election and the 2002 passage of

HAVA, which required minimum standards for electoral administration across all 50 states

(Biggers and Hanmer 2017). However, other studies show significant variation in the state

election reforms adopted in 2001 and 2002, complicating both the magnitude and direction of

HAVA's effect on voting access (Bali and Silver 2006).

In sum, the existing scholarship on restrictive voting laws provides significant insight

into the factors closely associated with stricter barriers to voting, most prominently conservatism

and Republican control, but offers far less regarding the specific characteristics that have

introduced restrictive voting laws to Republican agendas in states across the country since the

mid-2000s. Further, previous analysis has focused on all passages by all states; gaps remain in

identifying the specific factors that lead states to adopt their first restrictive voting law. In order to better address these gaps, I combine a broad definition of restrictive voting laws, as laid out below, with a survival analysis technique that focuses specifically on the first restrictions adopted in each state since the beginning of this century. Case studies examining both typical and outlier states supplement this analysis by identifying missing variables and providing contextual evidence necessary to formulating a broader narrative of the rise of restrictive voting laws in the 21st-century United States.

Definitions

I define restrictive voting laws as any piece of legislation approved and adopted by a state government that lengthens or otherwise makes more difficult the voting process for a large number of eligible voters. As discussed above, these laws largely, but not exclusively, fall into five categories laid out by Bentele and O'Brien (2013):

- Voter identification laws (photo and non-photo);

- Proof of citizenship requirements;

- Restrictions on voter registration;

- Restrictions on absentee and early voting;

- And restrictions on voting by felons.

In considering these various types of laws together under the umbrella of restrictive voting laws, I am not claiming that they are equal or even similar in their true effects on voter turnout and political behavior. I leave the determination of such effects up to other scholars. The question of efficacy, while important, is not so relevant to the purposes of this study. Because I

am interested in understanding the factors that make legislatures likely to pass any restrictive

law, I use the entire range of voting laws reasonably characterized as "restrictive."

These five types of legislation largely cover the range of voting restrictions introduced

and passed by legislators since the start of the 21st century and represent what previous scholars

have referred to as "a softer, legal form of voter suppression" adapted for the modern era

(Bentele and O'Brien 2013). I group these laws because they all address similar stated concerns

by their advocates and receive similar criticism from opponents. Advocates of stricter voting

laws view all five as a means of election regulation to prevent voter fraud and more seamlessly

administer elections. While laws regulating voting by felons are the least frequent in their

proposal and passage, I include them as well because opponents of voting restrictions apply the

same criticism, arguing that restricting the vote for those currently or previous incarcerated is

simply a modern means of disproportionately preventing minority citizens from voting. Because

of the contextual similarities behind each of these laws—from both proponents and critics—I

expect that the same independent variables may predict their passage.

Further, as previously addressed in literature review, there is significant state-to-state

variation in administrative and procedural laws for a variety of reasons perhaps unrelated to

ideology or partisan composition. There is evidence of this in the variation of public opinion on

voting by mail in Oregon and Washington, where favorable ratings of the procedure are likely

most closely related to voters' familiarity with it (Alvarez et al. 2011). By limiting the dependent

variable to a specific type of policy, just as voter identification requirements, previous studies

may do a better job of understanding the factors motivating that law and mapping the

geographies in which it finds support. Likewise, such studies do less to isolate the question of

what motivates restricting ballot access generally. By considering this broader range of

restrictive voting laws, and treating such laws uniformly as an outcome, these statistical

measurements may relate more specifically to my central research question of how and when

state legislatures choose to focus on and succeed in passing restrictions.

Figure 1: Total States Adopting Voting Restrictions (since 2001)
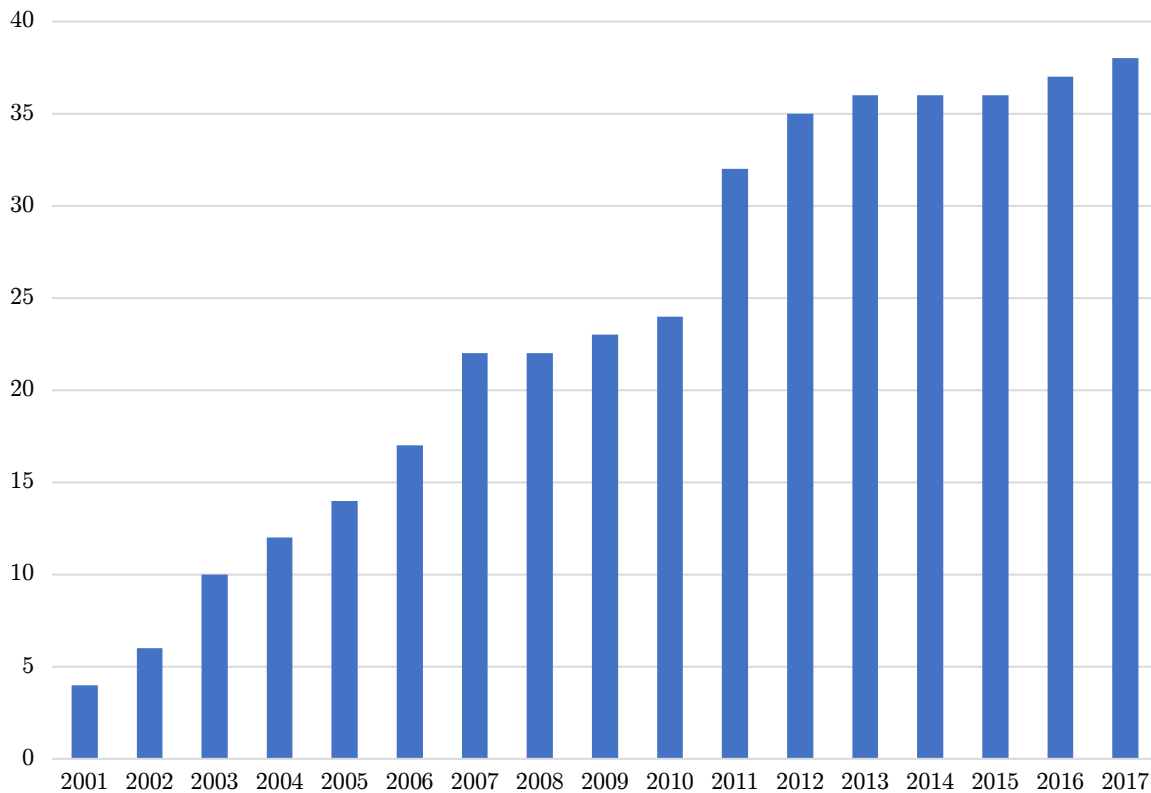
Figure 1 shows the total amount of states that have passed new restrictive voting laws since 2001. Beginning with four states in 2001, the total climbs sharply to 36 in 2013, before leveling off to the current total of 38. Note that these totals do not include restrictive voting laws passed prior to 2001.

Figure 2: States Adopting 1+ Restrictive Voting Law, 2001-2005
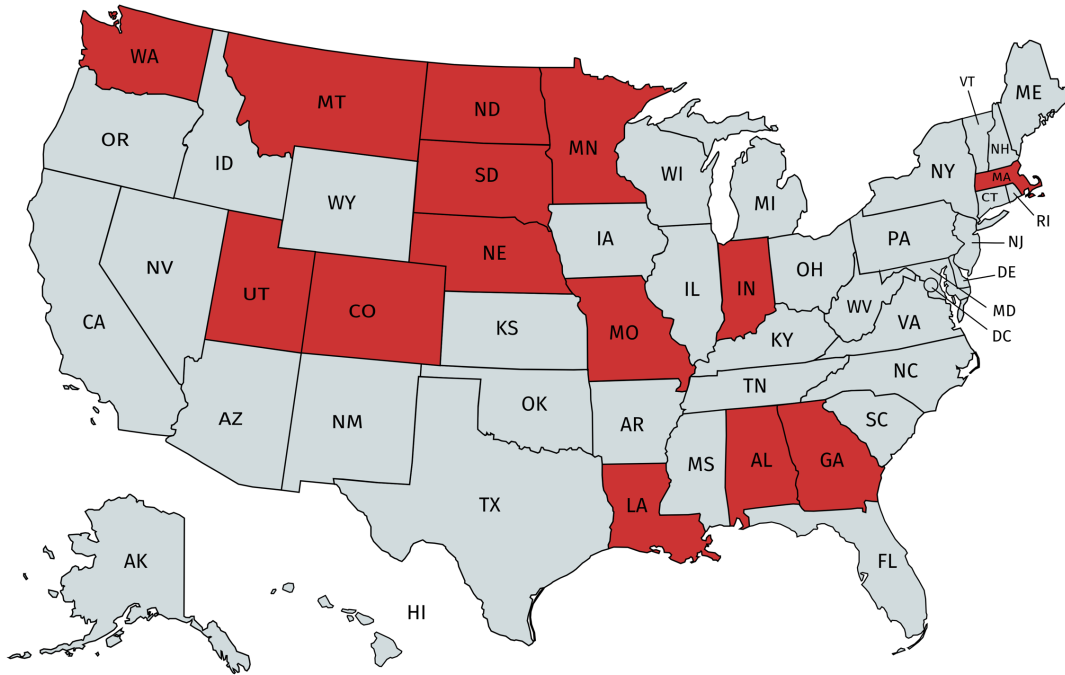
Figure 3: States Adopting 1+ Restrictive Voting Law, 2001-2010

Figure 4: States Adopting 1+ Restrictive Voting Law, 2001-2017
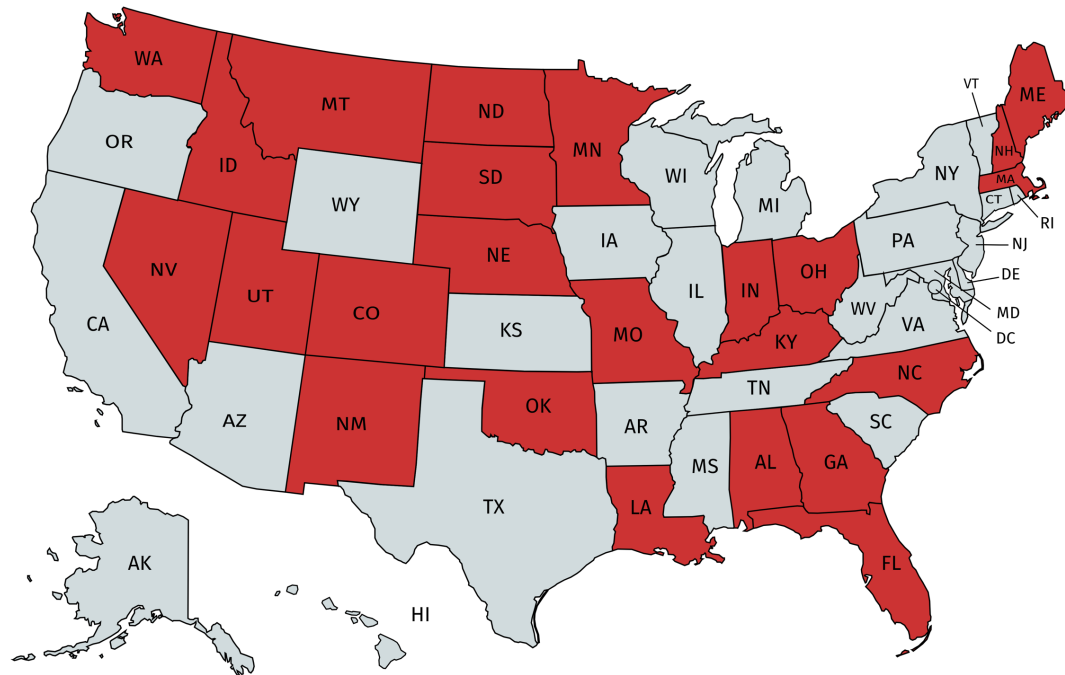
Restrictive Voting Laws: Hypotheses

The existing research on restrictive voting laws in the United States points toward several potential factors associated with the passage of recent voting restrictions, suggesting partisan composition and Republican control as the key predictors of voting restriction passage in states. Yet there remain significant gaps in the literature regarding the timing of restrictive voting laws at both the micro and macro levels. Within the current period of voting rights restrictions, beginning in the mid-2000s, previous analyses fail to explain exactly when and how states reach the "threshold" at which ballot access is restricted, rather than expanded. Even more critically, the existing scholarship leaves unanswered the puzzle of why the wave of state-level voting restrictions is occurring now. The predominant partisan and demographic factors explaining restrictive voting laws should have predicted earlier and more evenly spread passage of restrictions over the several decades since the passage of the Voting Rights Act, yet the cascading nature of the passage of such laws in the mid- to late-2000s—and perhaps their subsequent slowing since 2013—necessitates further inquiry into new variables to account for the state-level vulnerability to anti-voting action. Below, I elaborate on the concepts of interest by which I group independent variables, and include relevant hypotheses for each concept.

Demographics and Minority Population

As is standard in recent studies of voting reforms and restrictions, I include variables for both minority population and minority voting behavior. As I discuss in greater detail below, I measure demographic turnout differently to more accurately assess intra-state characteristics. The relationship between larger minority populations and increased minority voter turnout is less clear, with evidence suggesting that it may mitigate the likelihood of voting restrictions or that it

may motivate them (Bigger and Hanmer 2017; Rocha and Matsubayashi 2014). In testing a

different measure of minority turnout, I look for both patterns in order to better assess the

relationship. If higher minority turnout provokes a racially-motivated backlash in the form of

restrictive voting laws, the analysis should reveal a positive relationship between turnout and the

likelihood of adoption after controlling for overall minority population and that state's partisan

composition. A negative relationship would suggest that high minority turnout reduces the

likelihood of voting restrictions due to the larger political power of minority groups, who would

more likely oppose such laws due to their effects on ballot access and historical association with

racial discrimination. While there is some clarity as to who is passing restrictive voting laws—

Republicans—the literature has so far fallen short in assessing the validity of the various theories

of their motivations given by these policies' supporters and opponents.

> H_1: Increased minority turnout as a proportion of minority population within a state
>
> increases the likelihood of restrictive voting law adoption.

Partisanship and Ideology

Several previous studies have provided evidence that Republican control of government

is closely associated with adoption of restrictive voting laws. What remains less clear, however,

is whether this correlation has a primarily ideological or strategic motive. In order to better

understand the mechanisms connecting Republican control of government to the passage of

voting restrictions, I break down partisanship into three sub-concepts of interest: party control,

legislative ideology, and party competition.

Party Control

In measuring partisanship, I include variables most scholars have found significant in past studies, namely binary indicators of Republican control of governorships, legislative chambers, and unified government (e.g., Hicks et al. 2015). I also include binary indicators of states who have switched to partial or unified Republican government in the previous year. This is a relatively new factor found to be significant in the adoption of voter identification restrictions (Biggers and Hanmer 2017). This variable has not yet been considered in statistical analyses of all voting restrictions. I expect to see a positive relationship between a recent switch to Republican control and a state's propensity to adopt restrictive voting reforms. A strong positive relationship could lend strength to the theory of restrictive voting laws as a primarily strategic endeavor.

> H_2: *States that have recently switched to Republican control are more likely to adopt restrictive voting laws.*

Legislative Ideology

I also introduce previously untested variables measuring legislative ideology to leverage arguments for partisan competition as a significant predictor of voting restriction passage. While related, ideology and partisanship are by no means the same. While partisanship refers to party identification, ideology accounts for the more specific policy preferences and agenda items of lawmakers. A legislature controlled by Republican supermajority, for example, may be less conservative overall than a legislature narrowly held by Democrats in another state. By controlling for ideology, I can assess whether or not all Republicans prefer restrictive voting laws equally. In measuring ideology, I use median legislator scores from each chamber of legislature in every state from Boris Shor and Nolan McCarty's original dataset (2015). If

Republicans prefer restrictive voting laws for primarily ideological reasons, I expect

conservative ideology—more so than Republican proportion of legislature—to correlate

positively with adoption. Conversely, a primarily strategic motive might result in no relationship

between ideology and adoption. Rather, Republican legislators and governors would seek to pass

restrictive voting laws as soon as possible upon gaining control of government, barring certain

political or electoral considerations.

> *H_3: Conservative ideology is positively associated with restrictive voting law adoption.*
> *After controlling for the presence of a Republican majority, regardless of proportion, the*
> *effect of ideology diminishes.*

Party Competition

Finally, I include two alternate measures of party competition. Many partisan critics of

restrictive voting laws view them as a means of intentionally suppressing turnout among

Democratic-leaning constituencies. If true, higher competitiveness between parties within a state

should predict an increase in the likelihood of restrictive voting laws. I measure party

competition through two continuous proxy variables: the Republican composition of state

legislature, and the vote margin in the previous presidential election. Republican composition of

state legislature is given as a percentage. Vote margin is the difference in each party's percent

share of the vote for president, where a high positive value indicates a greater share for

Republicans, a negative value indicates a greater share for Democrats, and zero would indicate a

tie. For robustness, I test vote margin as a raw difference as well as an absolute value.

As a predictor of restrictive voting law passage, tight party competition could bolster the

common arguments given by Democrats against such laws and by Republicans in favor of them.

Close elections could incentivize the suppression by Republicans of largely Democratic minority

and low-income voters, a possible effect of restrictive voting laws (such as voter ID

requirements), but one disputed by some studies of turnout. Likewise, close elections would offer

greater incentive for legislators concerned with perceived voter fraud, mostly Republicans, to

tighten election administration. This, among other tools of standardization and quality assurance,

was one main reason given for the federal passage of the Help America Vote Act (HAVA) in the

aftermath of the 2000 presidential election (Tokaji 2005). In either case, there is clear evidence

that heightened electoral competition further contributes to restrictive voting law passage when

interacting with Republican control of government.

> H_5: Electorally competitive states, when controlled by Republicans, are more likely than
>
> non-competitive Republican states to adopt restrictive voting laws.

Court Challenges, State-to-State Diffusion, and Federal-to-State Diffusion

Finally, I contribute new variables testing the effects of policy diffusion, recent policy

adoption, and judicial pressure to leverage competing theories and findings regarding state-to-

state policy learning. Some previous studies have found insignificant effects of geographic

diffusion—that is, the presence of similar legislation in neighboring states—as a predictor of

restrictive voting law passage (Bentele and O'Brien 2013; Hicks et al. 2015). Studies of diffusion

in anti-smoking legislation show strong positive effects for both neighboring state effects and

national effects form policies incentivizing anti-smoking laws (Shipan and Volden 2006). These

studies test for diffusion including a count variable of neighboring states who have already

passed similar laws. I change this to a binary variable, where zero signifies no neighbor with

such a law, and a value of one indicating at least one neighbor. I also account for the possibility

that recent laws, more so than any previously existing law, may more greatly shape a neighboring state's behavior. In addition to the general neighbor-with-law variable, I include a binary variable indicating whether states have a neighbor that has passed a restrictive voting law solely within the previous two years. For example, I expect an old voter identification law passed in Texas in the 1970s to influence contemporary legislation in neighboring states far less than Texas' strict update of that law in 2011.

Arguments in favor of national legislation like HAVA as a cue for restrictive voting law passage also indicate a role for national-to-state policy learning. For national-to-state effects, I include binary variables for the years before and after HAVA in all fifty states; the years before and after *Shelby v. Holder*; and a new variable indicating years in which any state experienced a significant judicial challenge to a restrictive voting laws.

> *H₆: Nationally-prominent court challenges decrease the likelihood of all states adopting restrictive laws in that same year. States are more likely to adopt restrictive voting laws in year after the passage of HAVA and after Shelby v. Holder*

Methodology and Research Design

Data Collection

       I collect data from a range of government and academic sources. Data on the dependent variable—restrictive voting laws adopted—comes from the National Conference of State Legislatures' Election Legislation Database, which compiles all state legislation since 2001 related to the administration of elections. When necessary for determining the strictness or specific provisions of certain laws, I supplement this data with bill text from state government archives. Demographic and voter turnout data come from the United States Census, and measures of partisanship, partisan control, and electoral margins were compiled from a combination of the NCSL, online resources like Ballotpedia, and the Office of the Clerk of the United States House of Representatives. For complete information on data sources and variable calculations, see the appendix.

       Ideology scores use the median ideology of each legislative chamber as given by the Shor-McCarty NPAT estimate of common ideological space, available through the Harvard Dataverse. Scores range from -1.5 to 1.5, with -1.5 being most conservative, and 1.5 most liberal. Legislative polarization gives the distance between each party's median ideological score within a legislative chamber.

       Voting characteristic variables aim to measure factors of electoral competition. Party vote margins are given for the most recent presidential election in each state-year, calculated as the percentage of votes for the Republican candidate minus the percentage of votes for the Democrat. For voting behavior of specific demographic groups, I employ a different version of turnout, measuring turnout for white, black, and Hispanic populations in each state as a percentage of the citizen voting-age population of that specific racial or ethnic group that voted

in the most recent presidential election[1]. This is calculated as the proportion of the citizen voting-

age population of that ethnicity in the state who turned out to vote. I also include a variable for

change in these measures of turnout between presidential elections for each state's black

population and Hispanic population[2]. For methodological reasons discussed below, the inclusion

of these turnout variables result in dropping a large amount of observations from analysis.

Accordingly, I include them only in some of the analytical models shown below.

Methods

My research design is centrally interested in the factors associated with states' adoption

of their first restrictive voting law of the 21st century. As explained above in the definition of the

dependent variable, I use this specific structure because analyzing only the first restrictive voting

law adoption in each state more fundamentally tests for the factors that move state legislatures'

political calculation toward restricting the vote. I expect that the political distance between

passing a second and third voting restriction, for example, is far smaller than the distance

between passing zero and one. Accordingly, I use such a structure to specifically examine when

and why states become adopters of restrictive laws in the first place.

As a result, I structure my dependent variable as a binary indicator of whether each state

adopted a restrictive voting law in a given year. A restrictive voting law is defined by the criteria

articulated in the five categories above. An adopted law that satisfies at least one of the five

categories (or makes stricter an existing law in such a category) counts as adoption of a

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[1] Most turnout variables measure the percentage of total voters in a given election that belong to a certain demographic (i.e. (number of white voters)/(# of total voters)).

[2] Because state and local governments generally do not publicly offer voter data featuring personally identifiable information, including race and ethnicity, there is no perfectly reliable source for voter history by demographic. In calculating turnout, I use data from the Census Bureau's annual Current Population Survey, to measure self-reported voting and registration for each state.

restrictive voting law within the given state in that year[3]. Conceptually, this research design aims to capture increases in restrictions and voting difficulty within each state, rather than to compare strictness across states.

My unit of analysis is the state-year, beginning in 2001, with states dropping out of the data set after a restrictive voting law passage[4]. This design is based off of previous survival analysis studies of policy adoption. I employ a logistic regression model with a time trend added as an independent variable to account for duration dependence (Biggers and Hanmer 2017, Lawrence et al. 2009). I use this form of survival analysis instead of the Cox proportional hazards model because of the uncertain nature of time as an independent variable influencing adoption. All regressions were performed using R in RStudio, version 1.1.383. In total, I analyzed six models. The first four models analyze the full range of 484 observations, while the final two drop several observations due to the introduction of incomplete variables. The additional analyses include the subset of observations where minority turnout data is available. In the regression results shown below in Tables 1 and 2, standard errors are clustered by state. Clustered standard errors account for the year-to-year dependence within states introduced by the survival analysis structure, and better account for varying trends between states. These standard errors are given in parentheses beneath coefficients of regression in the tables below.

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[3] Although in case studies I discuss examples of multiple laws passed within a single year, or laws with multiple restrictive actions, the statistical analysis does not distinguish between these characteristics. Any sufficiently restrictive law in a given state-year receives a "1" and a lack of such law receives a "0."

[4] Some previous analyses of restrictive voting law adoption have structured units as two-year legislative periods, rather than as individual years, due to the fact that a small handful of states only hold legislative sessions every other year (Hopkins 2017). I prefer the one-year unit for three reasons. First, it better accounts for states who begin their sessions in odd years. Second, it allows for stronger model responsiveness to variables concerning recent history, such as switches in partisan control, which occasionally occur after special elections. Finally, as noted in previous works with the state-year approach, any state could call a special session in a given year if the political will exists to pass a restrictive voting law (Biggers and Hanmer 2017).

In the previous section, I discussed several concepts that may be related to the passage of restrictive voting laws. Since many concepts have multiple proxy measures, I use five models employing different combinations of variables from each variable (i.e., concept) group. This approach allows me to evaluate how sensitive conclusions about a particular concept are to the use of particular measures. Because some variable pairs are highly correlated, such as legislative ideology in State Senates and Houses, or logically connected, such as partisan control indicators, I use different selections of variables to build more robust models while avoiding multicollinearity. As a starting point, I used a backward step-wise model-building function that used only variable combinations creating the model with the most explanatory power. This approach helps narrows the list of potential explanatory factors but has the limitation of being detached from some theoretical questions of interest. As a result, I built on the step-wise regression model to include variables measuring other key concepts and examine the robustness of the results to various metrics of each concept. The models displayed below show variations from the original step-wise construction, adding in controls for variables such as ideology, population demographics, state GDP, previous restrictive voting laws, and Voting Rights Act preclearance requirements.

Using all state-years from 2001 to 2017, excepting those years in states after the year in which they passed their first restrictive voting law, the dataset has 484 total observations. One challenge with performing regression on this data set was the presence of missing values in several variables. For variables in which only 2017 values were missing, such as minority-group populations and state GDP, I used a linear interpolation method to complete the data based on the trend within each state. I used a similar linear interpolation method to approximate missing

values from the Shor-McCarty ideology scores for each state's legislative chambers, which were distributed fairly randomly across the data set[5].

Description of Non-Turnout Models

Each model includes a linear time trend, where the value of the variable is equal to the number of years since 2001 in the given state-year. I also test a years-squared and years-cubed time trend in Models 2, 3, and 4; neither iteration of the time trend shows statistical significance in any model. Model 1 tests partisan control of the state legislature and governorship, as well as divided government; Models 2, 3, and 4 subset partisan control into two separate variables for Senate (representing the upper legislative chamber) and House (representing the lower). I include partisan control of the governorship in each model. Partisan switch variables similarly feature in each model as either a switch to Republican unified government or two separate indicators for a switch to Republican unified legislature and governor. I separate these variables because a switch to Republican unified government is a sufficient condition for a switch to control of either the legislature, the executive office, or both.

Each model includes Shor-McCarty legislative scores to control for ideology as a variable separate from partisanship. These scores are given separately as the median ideology scores for upper and lower chambers; unsurprisingly, these scores are highly correlated within states. I use Senate ideology score as a control in Models 1 and 2, and House ideology as a control in the other two. Interestingly, only House ideology shows statistical significance at the 90%

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[5] Nebraska's state legislature is a unicameral, nonpartisan chamber, and as such does not officially record the partisanship of its members. However, Shor and McCarty publish a set of individual-level ideology scores for each member that assigns them to a party. I use this data to calculate the Percent-GOP of Nebraska's legislature in each year, and to assign a partisan control indicator for its legislative chamber. Because there are no other chambers to block the efforts of Nebraska's unicameral legislature, I designate Republican control of the single chamber as control of both House and Senate and, accordingly, control of a unified legislature.

confidence interval in both Models 3 and 4. For partisanship of the electorate, as opposed to of

officeholders, I include two different proxy measures: the percent-GOP composition of the state

legislature, and the statewide vote margin in the most recent presidential election. As with

ideology, these two measures are highly correlated, and as such, are not included together due to

likely multicollinearity. However, each measures a substantively different component of a state's

partisan character.

Each model includes one of two binary variables for policy diffusion, indicating states

with at least one neighbor who has previously adopted a restrictive voting law within the frame

of the data set. In Model 1, this includes any state with such a neighbor; Models 2, 3, and 4

restrict this to neighbors with recent adoption only (within the previous two years). I introduce

two state-level controls for voter ID laws passed prior to 2001, and for states with an active

federal preclearance requirement under the Voting Rights Act. I additionally introduce dummy

variables to control for any years after the passage of HAVA (all years after 2002) and for any

years after the *Shelby v. Holder* ruling, which struck down the preclearance requirement and

loosened restrictions on states' ability to administer elections regardless of a history of electoral

discrimination. Finally, each model includes a few continuous control variables to account for

non-partisan explanations. These include estimated gross state product per capita, as well as

black and Hispanic proportions of the population, as given by the United States Census' ACS

estimate[6].

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[6] Demographic variables are given as year-to-year percentages of a state's total population, taken from the United States Census Bureau's American Community Survey estimates. While the ACS is not as methodologically rigorous as the decennial census, I use its estimates in order to better estimate year-to-year changes in population. For years before 2005, when ACS was introduced, I use population projections from a 1995 US Census report, *Population Projections of the United States by Age, Sex, Race, and Hispanic Origin: 1995-2050.* I include measures of black population and Hispanic population for each state-year.

Description of Turnout Models and Limitations

Missing values only seriously limited the regression techniques in the case of variables

for turnout and change in turnout by racial group. For states with very small minority populations

in a particular year, the Census does not give turnout in the way I measure it: as a percentage of

citizen-age voting population within a particular racial or ethnic group who cast ballots.

Accordingly, many states with low black or Hispanic populations were removed from analyses

that included turnout measures. The observations removed were mostly clustered in the rural

West, Upper Midwest, and New England[7], especially when including Hispanic turnout[8]. As a

result, I consider analyses with and without this concept of interest. In interpreting the results

from these three models (referred to herein as "turnout models"), it is important to note that the

state-years removed are not distributed randomly across the 50 states. These turnout models

essentially imitate Models 1 and 2, respectively, with the addition of different turnout variables

to each. Turnout 1 is identical to Model 1 besides the addition of rate of black turnout and

change in black turnout from the previous presidential election, while Turnout 2 adds Hispanic

turnout and change in Hispanic turnout as well. Each model controls for overall black and

Hispanic populations, as well as rates of white turnout and change in white turnout.

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[7] For example, Alaska, Hawaii, Iowa, Oregon, Vermont, and Wyoming each recorded black populations too small to report statistically significant turnout rates in each census self-reporting estimate from 2001 to 2017. Accordingly, because these states also each account for 17 state-years in the data set, their exclusion removes 102 observations alone from the data set. Other states with significant missing values for minority turnout include Idaho, New Hampshire, New Mexico, and Rhode Island.

[8] The inclusion of black turnout and change in black turnout (without Hispanic turnout) removed 182 of 484 total observations. Including Hispanic turnout as well removed a total of 283 observations—more than half of the total number of state-years included. Model 6 included measures of black turnout only, while Models 7 and 8 include both black and Hispanic turnout measures.

Figure 5: States Included in Turnout Models
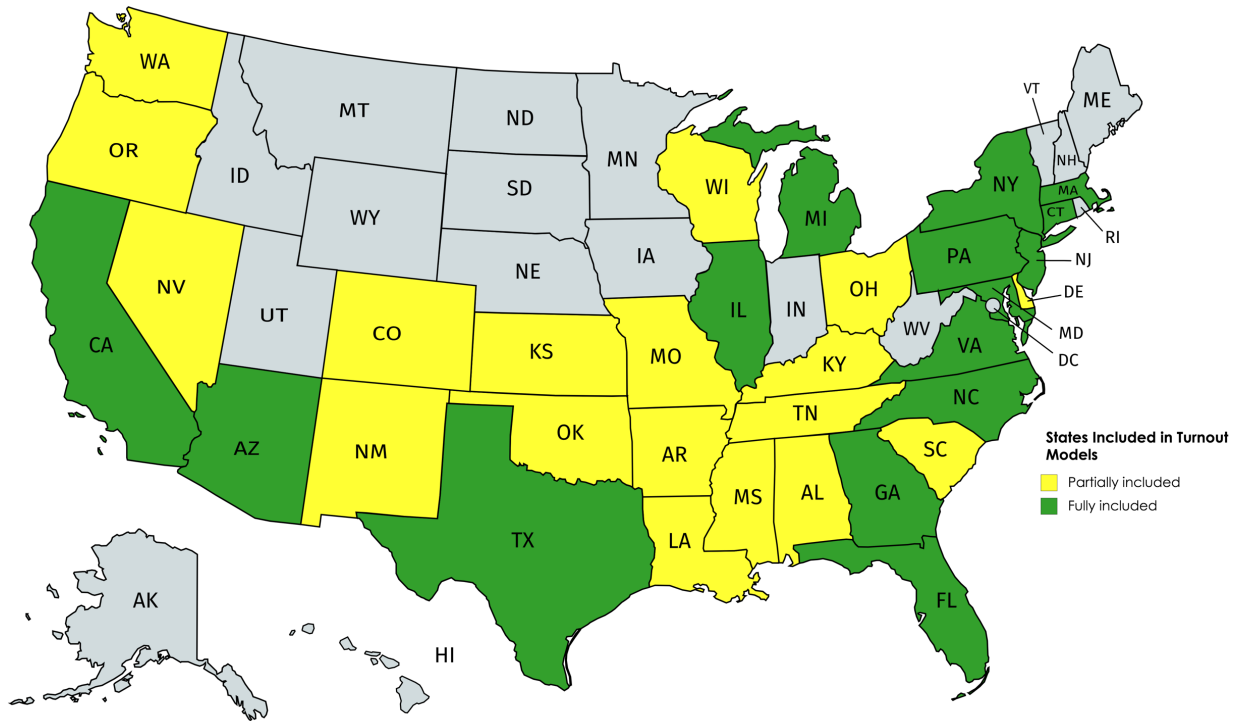
Note: Figure 5 shows the states included partially and fully in the Turnout Models (Models 5-6 in Table 2, below). Because of missing observations due to especially low minority populations, some state-years are missing from these models. States who retained all of their observations in are colored green, while states with some state-year observations missing are yellow. States colored grey are left out of Models 5 and 6 entirely. The full results of these models are below.

Results

Table 1: Regression Results – Non-Turnout Models

	(1)	(2)	(3)	(4)
Time Trend	0.099	−0.436	−0.090	0.064
	(0.083)	(0.842)	(0.528)	(0.041)
Partisan Control				
Divided Government		−0.288	−0.839*	
		(0.367)	(0.431)	
Republican Governor	0.708*	0.484	0.921**	0.793*
	(0.425)	(0.406)	(0.458)	(0.420)
Republican Senate	0.704		0.627	0.493
	(0.552)		(0.787)	(0.640)
Republican House	−2.123**		−1.426**	−0.963*
	(0.849)		(0.698)	(0.503)
Change in Partisan Control				
Switch to Republican Legislature	3.483***		3.278***	3.148***
	(0.780)		(0.695)	(0.663)
Switch to Republican Governor	−0.222		−0.220	
	(1.151)		(1.027)	
Switch to Republican Government		2.070***		
		(0.618)		
Previous and Neighbor Laws				
Early Voter ID	−0.962**	−0.563	−0.912**	−0.916**
	(0.488)	(0.410)	(0.455)	(0.458)
Neighbor Laws	0.646			
	(0.468)			
Recent Neighbor Laws		0.559	0.737	0.715
		(0.426)	(0.479)	(0.445)
Constant	−2.376*	−0.660	−1.155	−1.211
	(1.303)	(1.600)	(1.389)	(1.035)
AIC	240.5	252.9	245.2	238.9
Observations	484	484	484	484

*p<0.1; **p<0.05; ***p<0.01

Note: All models are logistic regressions, with a binary dependent variable indicating passage or non-passage of a restrictive voting law in a given state-year. Each model includes controls for electoral competitiveness, median legislator ideology, minority population, and state domestic product per capita, none of which display any consistent statistical significance. Clustered standard errors (by state) in parentheses.

Table 2: Regression Results – Turnout Models

	(5)	(6)
Time Trend	−0.831	−1.935
	(1.360)	(1.957)
Partisan Control		
Divided Government		−1.736*
		(1.000)
Republican Governor	1.513***	1.645
	(0.581)	(1.789)
Republican Senate	0.415	
	(0.749)	
Republican House	−3.125**	
	(1.375)	
Change in Partisan Control		
Switch to Republican Legislature	3.188***	
	(1.162)	
Switch to Republican Governor	−0.154	
	(1.155)	
Switch to Republican Government		0.979
		(1.621)
Previous and Neighbor Laws		
Early Voter ID	−1.075	−2.190
	(0.787)	(1.663)
Neighbor Laws	−0.200	
	(0.903)	
Recent Neighbor Laws		0.817
		(1.191)
Minority Voter Behavior		
Black Turnout	−0.086	−0.141*
	(0.055)	(0.075)
Hispanic Turnout		−0.234***
		(0.076)
Change in Black Turnout	0.168**	0.250
	(0.067)	(0.159)
Change in Hispanic Turnout		0.028
		(0.070)
Constant	2.362	−2.788
	(8.167)	(17.102)
AIC	160.98	100.15
Observations	302	201

*p<0.1; **p<0.05; ***p<0.01

Note: See Table 1 note.

Table 3: Predicted Probabilities – All Models

	(1)	(2)	(3)	(4)	(5)	(6)
Time Trend	0.070	0.061	0.045	0.068	0.266	0.806
Partisan Control						
Divided Government		−0.011	−0.038*			−0.023*
Republican Governor	0.073*	0.024	0.062*	0.037*	0.131***	0.047
Republican Senate	0.073		0.037	0.018	0.022	
Republican House	−0.073**		−0.035**	−0.022*	−0.043**	
Change in Partisan Control						
Switch to Republican Legislature	0.665***		0.516***	0.425***	0.489***	
Switch to Republican Governor	−0.016		−0.009		−0.006	
Switch to Republican Government		0.232***				0.019
Previous and Neighbor Laws						
Early Voter ID	−0.065**	−0.019	−0.027**	−0.020**	−0.029	−0.011
Neighbor Laws	0.049				−0.009	
Recent Neighbor Laws		0.032	0.046	0.032		0.015
Minority Voter Behavior						
Black Turnout					−0.072	−0.038*
Hispanic Turnout						−0.170***
Change in Black Turnout					0.129**	0.070
Change in Hispanic Turnout						0.010
Observations	484	484	484	484	302	201

*p<0.1; **p<0.05; ***p<0.01

Summary of Results

Table 3 uses the regression models from Tables 1 and 2 to calculate changes in predicted probabilities for key independent variables of interest, which helps identify substantive significance in addition to statistical significance. This is a common technique for logistic regression models and has been used in previous policy adoption literature (Biggers and Hanmer 2017). In calculating predicted probabilities, I set all variables to their mean value (for continuous variables) or median value (for categorical variables) except for the variable being manipulated. If the manipulated variable is continuous, its associated change in predicted probability is given as the change resulting from moving the variable from one standard deviation below its mean to one standard deviation above. For binary variables, this value is the change in predicted probability in moving from zero to one. For example, in Model 1, a switch to unified Republican control of legislature would increase the predicted probability of adoption of a restrictive voting law by 0.665, or 66.5%, at $p < 0.01$.

The regression results indicate that initial adoption of restrictive voting laws since 2001 has largely been a story of partisanship and, in particular, a switch to unified Republican control of the legislature or all of government. The strongest predictor of states' adoption of a restrictive voting law throughout each model is a change in party control toward Republicans. In each model that used the full range of observations, a switch to unified Republican government or unified Republican legislature in the previous year was a significant predictor of a state's adoption of a restrictive voting law. A switch to unified Republican legislature increased the predicted probability of adoption by more than 40% each time. Republican control of governorship had a consistent positive correlation with adoption, while divided government was negatively correlated—unsurprising given the significance of shift to unified Republican control.

Interestingly, Republican control of lower legislative chambers was consistently negatively correlated with adoption. These partisan control variables remain significant when controlling for a legislature's ideology[9]. This suggests that party control, and not just a conservative-leaning legislature, is important for passing these laws. There is also little evidence that an especially conservative Republican legislature would be more likely to adopt restrictive voting laws than a less conservative—but still Republican-held—legislature.

States that had passed an "early" voter ID restriction— i.e., prior to the years included in the data set—were less likely to adopt an additional restrictive voting law in the 21st century, although many of them, such as Texas and Tennessee, eventually did. Other states, like Hawaii and Alaska, did not. This is not necessarily a surprising finding, as a large portion of the restrictions passed since 2001 have focused on identification requirements; early adoption of one would theoretically make further requirements less of a priority. The early adopters that do later pass restrictions are largely clustered in Southern and relatively conservative states, like Texas, Tennesse, and South Carolina. The presence of a preclearance requirement, as specified by the Voting Rights Act, did not have a significant effect on a state's likelihood of adoption. The indicator for post-HAVA (all years after 2002) and post-*Shelby v. Holder* (all years after 2013) also generally did not have any effect on likelihood of adoption. It is possible that analysis measuring the dependent variable as a count could show a different result regarding *Shelby v. Holder*, as more than half of the fifty states had passed at least one restrictive voting law by 2013, and thus had been removed from the survival analysis.

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[9] Despite the somewhat surprising findings differentiating Republican control of state houses and state senates, each model includes the ideology score of one legislative chamber, but not both. House Ideology and Senate Ideology had a Pearson correlation of 0.79, sufficiently high to evoke concerns about multicollinearity.

The results offer mixed evidence regarding the role of interstate and national-to-state influences on adoption. The presence of a prominent court challenge to restrictive voting laws did not lessen the likelihood of adoption in any year, and states with neighbors who had previously adopted were not more likely to adopt themselves. When this diffusion variable is specified to only states with neighbors who are recent adopters, there is still no significant effect—however, it approaches significance, and reaches this threshold in models that do not cluster standard error by state. In models 2-4, the effect of Recent Neighbor Laws falls just outside of the 90% confidence interval. It is impossible to say with any conclusiveness that diffusion effects operate significantly with regards to restrictive voting laws after controlling for partisan variables.

Summary of Turnout Model Results

The previous models excluded turnout measures of racial minorities because of a large extent of missing data. I now turn to analyses that include these variables but emphasize the limitations that come from non-random missing data. The results from two of the turnout models tested are displayed in Table 2. The first turnout model, Model 5, adds *Black Turnout* and *Change in Black Turnout* (from the previous presidential election) to Model 1 in Table 1. While the turnout level is a measure of the size of the minority voting bloc, the change in turnout measure indicates if the group is becoming more politically salient. Model 6, in Table 2, takes Model 2 from Table 1 and adds *Black Turnout*, *Change in Black Turnout*, *Hispanic Turnout*, and *Change in Hispanic Turnout*. As indicated in Table 2, 182 total observations are dropped from Model 5, and 283 from Model 6. These missing observations are clustered in states with low minority populations, particularly smaller states in the rural West, upper Midwest, and New

England. Many Southern states with low Hispanic populations are dropped from Model 6 as well. As a result, the patterns in Table 2 are driven by a subset of states with larger minority populations. Figure 5 shows which states are either partially or fully included in the turnout model analysis.

With the caveat that these results may not transfer into states with very small minority populations, the turnout model results present two main findings. First, high minority turnout—*Black Turnout* and *Hispanic Turnout*—may decrease the likelihood of adoption of restrictive voting laws. Although still less substantively significant than the effect of a switch in partisan control, the effect of increased minority turnout is statistically significant even when controlling for white turnout rates, party control of government, electoral competition, and demographic composition overall. This suggests that states with larger voting blocs of minority voters are less likely to adopt restrictive voting laws; a pattern that is consistent with states responding to the interests of minority constituents. However, an increase in minority turnout since the previous presidential election—*Change in Black Turnout* and *Change in Hispanic Turnout*—may increase the likelihood of adoption, an effect that is significant only in Model 5. This result suggests that when a minority population is growing, there may be some backlash in the form of restrictive voting laws.

Despite the seeming paradox here, there may be a somewhat straightforward explanation. Minority turnout in these models measure the proportion of that particular racial or ethnic group that voted in the most recent presidential election: a higher number, even in a more Republican or conservative state, could signal a government more responsive to its politically active minority population. It is reasonable to expect that many black and Hispanic voters would oppose voting restrictions, given the historical and contemporary association with minority voter suppression.

But an increase in that rate of turnout from election to election, regardless of overall rate, could trigger the passage of restrictive voting laws in line with the racial threat hypothesis. If restrictive voting laws are in part motivated by their effect in suppressing the minority vote, a perceived increase in minority voter power would most likely lead to the prioritization of such laws by their Republican supporters, and their adoption when possible. It is perhaps no coincidence that the two-year period in which the highest number of new states adopted restrictive laws—2011 and 2012—immediately followed both sharp increases in black turnout (in the 2008 presidential election) and significant Republican gains in state governmental control (in 2010 and 2011)[10].

The second key takeaway is that, even when controlling for minority turnout trends, a switch to Republican legislature remains the strongest predictor of adoption, as seen in Turnout 1. In that model, *Republican Governor* maintains a high positive correlation with adoption, and *Republican House* maintains its surprisingly negative effect, perhaps due to a high number of cases in which State Senates are the final chamber to hold a Democratic majority before a full switch to Republican control[11]. Even with a smaller dataset and controls for variation in minority population and turnout, the key drivers behind restrictive voting law adoption in the United States continue to appear partisan.

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[10] Virginia's 2012 adoption is a strong fit for the outcomes predicted by this kind of model. Between 2004 and 2008, its rate of black turnout increased by 18.6%, the second-highest increase recorded of all state-years in the dataset. The State Senate flipped toward Republicans in the 2011 elections to establish a Republican trifecta, and Virginia approved a strict ID requirement in May of 2012.

[11] This is the case in Iowa, which I discuss in more detail in the next section. The consistent negative relationship between Republican House control and adoption, however, generally remains a puzzle. Future studies may better consider differences in ideology and behavior between upper and lower chambers of legislature in order to account for this surprising finding.

Frameworks for Adoption: Recent Cases

Statistical analysis, while useful in building predictive models of restrictive voting law adoption and testing support for various explanatory hypotheses, is inherently limited in studying policy enactment in the United States. Variation among states across a wide range of variables—some of which are difficult or near impossible to measure—makes comparison challenging, and it is often tricky to move from concepts of interests to good measures. The survival analysis design is less suited to elucidate certain descriptive qualities of states and state political histories, making it difficult to use for structured, focused comparison between two states who are similar except upon key variables of interest. Certain voting restrictions may carry different weight and connotation in some states compared to others for reasons such as particular historical events, media coverage, or less clearly defined "cultural" qualities. Additionally, regression analysis leaves to speculation the actual mechanisms of interaction up between independent and dependent variables. In this section, I will briefly analyze a handful of recent restrictive voting law cases in greater depth to build on my regression results. These cases help, first, to clarify the mechanisms relating significant independent variables to restrictive voting law adoption, and second, to identify and theorize the nature of relevant variables not considered in the survival analysis. Finally, I return to my hypotheses concerning this time period's unique quantity of voting rights restrictions, addressing the topics of minority voter turnout and national conservative legislative groups as potential explanations of the phenomenon.

Case Selection

In selecting cases, I choose both typical and deviant cases in order to accomplish two main goals: elaborate on key mechanisms, and identify potential missing variables, respectively

(Seawright and Gerring 2008). From the statistical analysis, I have already identified partisan

control and change in partisan control as key predictors of restrictive voting law adoption. In

order to further explore these variables, I look more closely at a typical case—Wisconsin in

2011—to study the states' passage of AB 7, a multi-faceted voting restriction, after a shift in

partisan control from total Democratic leadership to Republican control of each chamber of

government. I supplement this with observations from Iowa, where a restrictive voting law was

adopted in 2017 when Republicans gained trifecta control after a long period of divided

government.

I selected two deviant cases that stray from the model in different ways in order to

identify potentially missing variables. First, I look at Michigan, where partisan history,

demographics, and issue concerns similar to Wisconsin have, perhaps surprisingly, resulted in no

restrictive voting law adoptions since 2001. I focus on two bills that nearly passed, in 2012 and

2016, as a type of structured comparison with the voting restrictions adopted in Wisconsin in

2011 and beyond. Finally, I study SB 5499 and SB 5743, two restrictive voting laws adopted in

Washington state in 2005, despite an extremely low probability of adoption as predicted by my

models. The Michigan case primarily helps illuminate the types of political calculations weighed

by Republican leaders of electorally competitive states that are largely unaccounted for in

empirical modeling. Washington's voter identification law sheds light on the increased attention

paid to electoral reform and modernization in the early 2000s, and the ways in which such

pressures have created political cover for restrictive voting laws to reach legislative agendas and

gather bipartisan support.

Figure 6: Predicted Probability of Adoption in Case States, 2001-2017
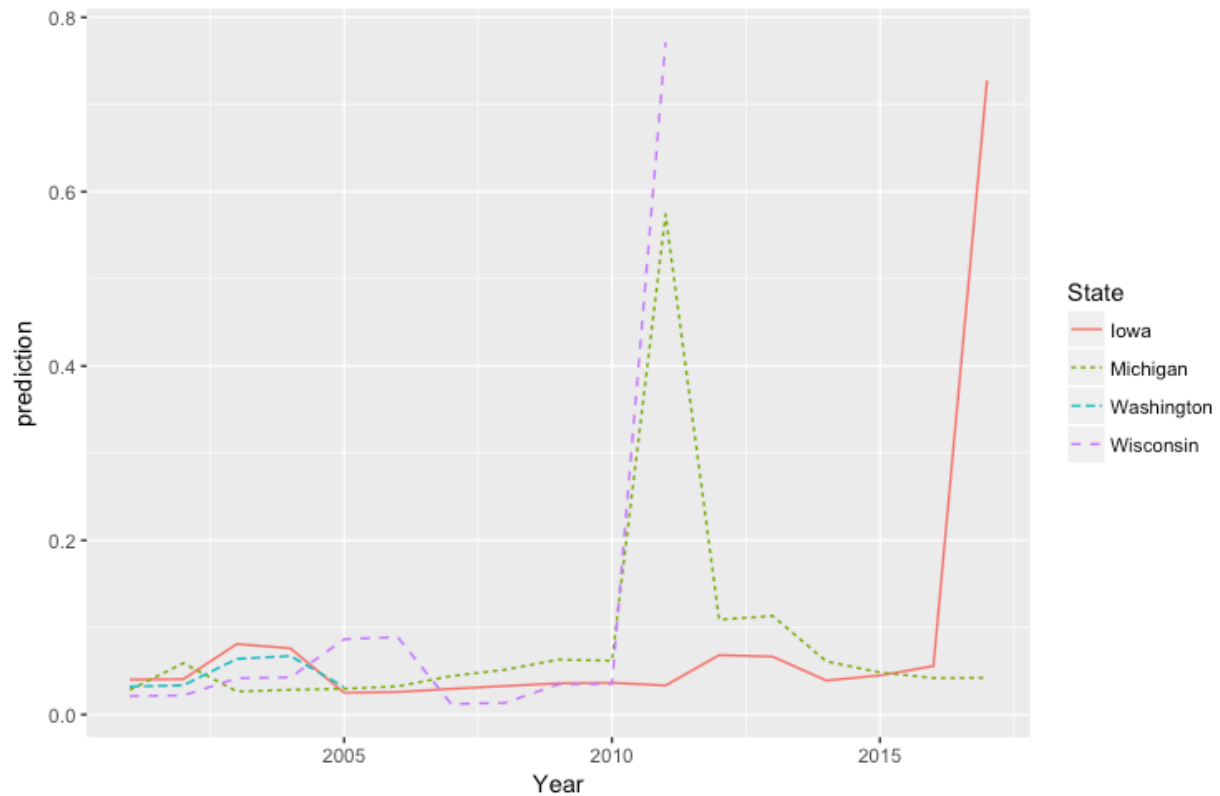
Note: Figure 6 graphs the predicted probability of adoption of a restrictive voting law over time for each of the four states examined in case studies. The "prediction" value is found by extracting the fitted values for each state-year from Model 4. I use Model 4 because it had the lowest AIC of the four models used with the full range of observations. Each line represents a different state, corresponding to the key on the right side. Higher values indicate a greater likelihood of adoption.

Figure 6 shows the success of the empirical model in predicting the fate of restrictive

voting laws in each of the four cases. It graphs the predicted probability of adoption of a

restrictive voting law over time, as predicted by Table 1, Model 4. I use Model 4 because it had

the lowest Akaike information criterion (AIC) of the models that used the full range of

observations. A model that fits the data well should consistently show the highest probability of

adoption for years in which states actually adopt. For more than half of the states that did adopt

restrictive voting laws, this was the case: in 19 out of 34 states, the predicted probability of

adoption was highest in the year in which the state adopted the new law[12]. However, not all

states are captured equally well by the model.

For both Wisconsin and Iowa, the model fits the observed patterns: the probability of

adoption for each state increases sharply from below 0.1 to above 0.7 in 2011 and 2017,

respectively, in a manner consistent with each states' adoption pattern. Michigan is a more

interesting case, in which the model correctly shows that lawmakers come close to adoption in

2011 and 2012, but are ultimately unsuccessful. The model shows a sharp increase in Michigan's

probability of adoption in 2011 as well. The probability drops substantially in 2012 but remains

almost twice as high as in years prior to 2011, and then proceeds to decrease steadily. In 2012,

Michigan Republicans successfully passed a restrictive voting law that was vetoed before

adoption by the state's governor. Finally, the model has the least success in predicting

Washington state. From 2001 to 2005, the state's predicted probability of adoption is extremely

low—less than 0.1. In fact, it even drops from 2004 to 2005. Yet in 2005, Washington passed

one of the first voter identification requirement bills of the contemporary period. Further focused

examination these cases, both typical and outlier, can identify the key missing variables that

come into play in Michigan and Washington, and better explain the mechanisms structuring

adoption in states like Iowa and Wisconsin.

Republican Control: Unified Conservatism in Wisconsin

In 2010, riding the Tea Party-led conservative wave, Wisconsin voters threw out

Democrat leadership in the governorship and each of the state's legislative chambers, electing

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[12] In the range observed, 38 total states adopted new restrictive voting laws. Four of these states adopted their laws in 2001, and therefore only had one year in which to calculate a predicted probability. I excluded these four states in testing the model's fit.

the state's first unified Republican government since 1998. On January 27, 2011, less than a

month after their seating, Republican legislators introduced Assembly Bill 7, a sweeping

overhaul of the state's electoral processes that instituted a strict voter identification policy,

tightened absentee ballot procedures in residential care and nursing home communities, added

address verification processes for updating voter registration, and created penalties for violations

(AB 7). Republican Governor Scott Walker signed the bill into law that May, enacting what

voting rights advocacy group Common Cause called the "most restrictive voter ID legislation in

the nation" (Common Cause Wisconsin 2011). The vote passed 19-14, entirely along party lines.

Wisconsin in 2011 serves as a confirmatory case of switch to Republican control as a key

determinant of restrictive voting law adoption. From 2010 to 2011, the median ideology of both

chambers switched decisively toward conservatives; however, in previous years of split

legislature, and even some years of Democratic control, the ideology scores of both chambers

trended more conservative than average. Republican majorities themselves seem to have made

the difference. Importantly as well, the state's recent political history indicates that tightening

voting laws had been a longstanding priority specifically of Republican policymakers. In 2005,

when Wisconsin's legislature was last under unified Republican control, Republican legislators

passed AB 63 and SB 42, laws similar to 2011's AB 7. The laws would have made Wisconsin

even with Georgia and Indiana as the first states in the country to adopt strict photo ID laws—

that is, laws *requiring* voters without photo ID to return to state offices within a designated time

frame in order to officially count their otherwise provisional vote (NCSL)[13]. Previous Wisconsin

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[13] Comparatively, by the NCSL's definition, non-strict photo ID laws request a photo ID at the polls but allow for alternative means of voting for eligible voters who do not possess one. Often, states with such restrictions allow eligible voters to sign a sworn affidavit that they are who they claim to be, under penalty of perjury if found to be dishonest. Strict and non-strict non-photo ID laws operate with the same distinctions, only with non-photo identification as an acceptable form of documentation.

law required only name and address or, in some cases, proof of residence (AB 63). But

Democratic Governor Jim Doyle vetoed both bills in their entirety. His central justification was

their potential disenfranchisement of "vulnerable citizens," namely the elderly. His veto

messages argued that voter ID requirements did not address the legislature's stated objectives of

efficient election reform, and specifically would put additional and undue burden on poll workers

(AB 63 Veto Message 2005).

In each of the next two legislative cycles, at least one bill proposing stricter voter ID

requirements was proposed in each chamber of Wisconsin's legislature. A fifth, introduced by

joint resolution, sought to introduce a photo requirement by Constitutional amendment

(Wisconsin Elections Commission). All five proposals failed at various points in the legislative

process. It is clear that strict voter ID in Wisconsin had several years of support from Republican

lawmakers: it was a checkbox on the agenda waiting for the right partisan formula to enable

completion. Statewide success in the 2010 elections gave Wisconsin Republicans the ability to

cross that threshold.

This narrative speaks to the specific mechanism of restrictive voting law adoption of

Wisconsin. However, it does not explain the unprecedented breadth and strictness of AB 7, the

law that Wisconsin Republicans would eventually pass. From 2005 through 2010, legislative

attempts at restrictive voting laws focused squarely on voter ID. The one proposal that

successfully reached the governor's desk specifically aimed to introduce a provisional ballot

procedure to not count certain ballots until valid photo ID was presented. AB 7 introduced voting

restrictions in three more areas: fewer valid ID options for registration; photo ID requirements

for absentee ballot requests; and new legal hurdles for voter registration less than 28 days prior to

election day (AB 7). It also eliminated automatic straight-ticket voting, whereby voters can

choose to vote for all candidates of their chosen party on the ballot by making a single section.

Research suggests that straight-ticket options, when indicated clearly and consistently, result in

less down-ballot roll-off, especially among low-income and minority voters (Darcy and

Schneider 1989)[14].

There is little evidence to suggest that Scott Walker viewed election reform as a

significant campaign promise, or a particularly pertinent public demand, even if his support of

the law was far from a surprise. Politifact Wisconsin created a "Walk-O-Meter" to track each of

Gov. Walker's campaign promises in his 2010 and 2014 campaigns. In the list of more than 60

promises, only one is a pledge to sign a voter ID bill into law (Politifact Wisconsin 2017). This

promise came not in a public address or debate, but in response to a campaign questionnaire by

the Milwaukee Journal-Sentinel published in September 2010 (Milwaukee Journal-Sentinel

2010). For comparison, during his inaugural address on Monday, January 3rd, Gov. Walker said,

"My top three priorities are as follows: jobs, jobs, and more jobs" (Milwaukee Journal-Sentinel

2011). The speech used the word "jobs" 17 times and "business" 10; he made no mention of

voter ID or any kind of electoral reform. Yet less than a month into his tenure as governor,

Republican state legislators introduced, and would later pass, far and away the most

comprehensive voting rights restriction that the state had ever considered.

In sum, Republicans in Wisconsin pushed for a voter ID requirement for several years in

the 2000s; when given the opportunity to pass such a requirement, they did so immediately and

in grand fashion, passing a restrictive voting provision far more expansive than previously

proposed. AB 7 was introduced within a month of the Republican takeover, signed within six

months, and debated in federal court for nearly four years before the Supreme Court declined to

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[14] There is mixed evidence as to whether straight-ballot options tend to benefit Democrats, Republicans, or neither.

hear a challenge to the Court of Appeals decision, allowing it to finally go into effect

(Ballotpedia). Yet Walker, the key figure in enabling its passage, made virtually no attempt to

publicize, prioritize, or otherwise campaign on support for a bill unusually heavy in its expense

of political capital. And there is evidence to suggest that more voting restrictions were

considered. On the same day as Walker's inauguration, Rep. Joel Kleefisch, a Republican from

Oconomowoc, introduced a proposal to prohibit same-day registration in Wisconsin—a move he

had publicly opposed just four months prior (Milwaukee Journal-Sentinel 2011). The provision

was ultimately not included in AB 7, and same-day registration remains legal in Wisconsin as of

2018. But the complete partisan flip in 2011 may have not only allowed Republicans in

competitive states to pass restrictive voting laws. It may have emboldened them to push for

stronger restrictions than ever seriously considered before.

The Wisconsin case affirms and elaborates the central finding of the survival analysis: a

switch to Republican control of government is a robust predictor of entrance into the "club" of

restrictive voting law states. In 2005 and subsequent years, Democrats in government largely

opposed the proposed restrictive voting laws. In 2005, when Republicans previously controlled

both chambers of legislature, the only obstacle to adoption was the Democratic governor's veto

power. By gaining full control of government, Wisconsin Republicans could finally pass their

voting restriction, and with AB 7, they did so immediately.

The specific nature of AB 7 and its preceding history also complicate an argument made

by some recent scholars of American history and politics. The theory pegs conservative mega-

donors and their political apparatuses as an important root explanation for two outcomes: one

electoral and one policy. It attributes the state-level rightward drift of the past 20 years in

American politics largely to major resource redistribution by Republicans toward local and state-

level elections; additionally, it views quickly-spreading conservative legislative priorities—including restrictive voting laws, right-to-work legislation, and Affordable Care Act blockage—as the cooptation of these Republicans legislatures by policy organizations and exchanges designed to help lawmakers push premade right-wing bills and move them more easily through the legislative process (Hertel-Fernandez 2017).

The fact that voter ID was not new to Wisconsin Republicans in 2011 suggests the law was their own priority, rather than one of an outside group. The unusual scope and speed of the law's passage, however, suggests that AB7 may have been driven in boldness and political capital by influences larger—and more policy-focused—than Gov. Walker. It is likely that the theory, described as "state capture," applies by some measure to Republicans' electoral takeover of Wisconsin. It also finds additional evidence in Gov. Walker's long, public battle with teachers' unions over collective bargaining rights, the other major political issue of Wisconsin's recent Republican era—and a central issue championed by the American Legislative Exchange Council and like-minded groups as a conservative legislative priority (Hertel-Fernandez 2017). But it is quite clear that strict voter ID requirements did not appear on the Republican agenda in Wisconsin only in 2011; on the contrary, they had been a legislative focus even before most other states began passing similar laws in the late 2000s. If national conservative activists included restricting the vote in Wisconsin on their agenda, they did not wait until Republicans assumed unified control. It seems more likely that Wisconsin's Republican legislators—part of a full-time, relatively professional chamber—originated voter ID as a priority of their own, as evidenced by its near-passage in 2005, but upon assuming unified control in 2011, made the political calculus to enlarge the bill and risk political capital on its protection.

From this timeline, there are two central takeaways for the relationship between Republican control and restrictive voting law adoption. First, Republican lawmakers appear more emboldened to push legislation that is especially conservative or aggressive when in unified control, as opposed to when in divided government. This could be due to the incentive to compromise as a minority in the legislature or when a non-Republican occupies the governor's mansion. The failure of restrictive voting laws in Wisconsin prior to 2011 demonstrate the difficulty of passage without full Republican control; restrictive voting laws, particularly in their stricter iterations, rarely get Democratic support. Of the 38 states who have adopted at least one restrictive voting law since 2001, 22 states' first adoptions occurred under Republican trifecta control of government. In five of the exceptions, Democratic-controlled chambers had median ideology scores more conservative than average[15]. In two others, Democratic governors of Southern states opted not to veto restrictions passed by unified Republican legislatures[16]. Restrictive voting laws are overwhelmingly passed on the strength of Republican support and without Democratic aid.

Second, there appears to be little connection between the nature of AB7 and public opinion or Republican constituent demand for more restrictive voting laws. Survey research indicates that the American public generally supports voter identification requirements when prompted (Wilson and Brewer 2013). But public opinion does not necessarily equate to political priority, and there is no evidence that Republicans in Wisconsin voted for Gov. Walker with voter ID in mind, and the issue's invisibility on the campaign trail suggests he had little interest in garnering electoral support around it, either.

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[15] Louisiana, Missouri, Alabama, Kentucky, and New Hampshire
[16] Oklahoma, in 2008 and Arkansas, in 2013.

Split Government: Republican Efforts in Iowa

In terms of partisanship, Wisconsin's neighbor to the southwest followed a somewhat similar partisan path, if a few years behind. Like Wisconsin, Iowa last had unified Republican control of state government in 1998. The state then elected a Democratic trifecta in 2006 that lasted until the Republican wave of 2010. However, Democrats held on in the state's Senate until 2016, when Republicans won 29 of the chamber's 50 seats (NCSL). That May, Republican Governor Terry Branstad signed into law a bill that made Iowa the country's 34th state to enact a voter identification requirement (Des Moines Register 2016). The Iowa bill, House File 516, provides five forms of valid identification, four of which include a photo, and introduced a new voter verification card produced and provided by local government offices (HF 516). Classified as non-strict by the NCSL, the statute is Iowa's first identification requirement, and takes effect for elections beginning in 2019.

As in Wisconsin, the lengthy time until passage in Iowa was not for lack of trying. Republican legislators in both chambers introduced similar voter identification legislation, of varying strictness, in each of the three prior two-year sessions. In each case, the bills died in committee upon the end of each session before reaching a vote[17]. From 2007 to 2016, and including each of those three sessions, Democrats in Iowa controlled the Senate with a narrow 26-24 majority. Although restrictive voting legislation never reached a chamber-wide vote in those years, there is reason to believe that unified Democratic opposition would have prevented the bills from passage. Republican lawmakers authored all but three of the introduced voter identification laws, including all introduced in the Senate. The remainder were authored by state

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[17] The failed bills in each session were as follows: HB8, HB95, and SB142 (in 2011-2012); HB485, SB85, and SB1012 (in 2013-2014); HB293, SB183, and SB387 (in 2015-2016).

government committee. No individual Democratic legislators sponsored any of the proposals. In several cases, the elected Secretary of State sponsored and brought draft legislation to lawmakers through a process unique to Iowa's government. HF 516—the law passed in 2017—was introduced this way by Secretary of State Paul Pate, a Republican, before amendments by legislators that broadened its restrictions to include a shortening of the early voting period and the elimination of straight-ticket voting. Upon reaching a vote, Republicans in the Senate unanimously supported the bill, while all Democrats and one Independent opposed (Des Moines Register). The partisan divide over voting restrictions in Iowa was as clear as that in Wisconsin.

Similarly clear was the partisan divide over the intent of the legislation itself. Republican supporters argued for HF516, like its unsuccessful predecessors, as a check against voter fraud, which Sen. Roby Smith, the Republican chairman of the Senate State Government Committee, described as "a fact" in Iowa elections. Yet an Associated Press report from earlier in 2017 revealed that Secretary of State Pate's office received only 10 reports of "potentially improper" votes cast in the 2016 elections out of almost 1.6 million cast statewide (Associated Press). In November, Secretary of State Pate "declared that Iowa has 'one of the cleanest, best election systems in the country'" (Des Moines Register). Democratic opponents of the bill in Iowa have seized largely upon these as evidence of Republicans using voter ID as a solution looking for a problem, only seriously offering new arguments for their bill after a change in partisan composition of legislature made its passage actually possible.

From a superficial perspective, Iowa fits the expected trajectory of restrictive voting laws according to the model predictions above. Like Wisconsin and 17 other states, Iowa Republicans adopted restrictions as soon as they had the necessary partisan votes. The involvement by non-legislative groups, in both support and opposition, adds credence to aspects of the "state capture"

theory described above, where national Republican agenda items reach heightened prominence in competitive but red-leaning states[18]. As in Wisconsin, however, these items did not appear on the agenda as soon as Republicans gained control: legislators introduced them and voted them down over and over in the years prior. Only upon gaining full legislative control did Republican successfully adopt voting laws, but not before enlarging the scope and scale of the previously attempted restrictions. Further, the proposals moved through legislative processes with the speed expected of issues that dominate campaign promises and election conversations. Based on the opinions expressed by Secretary of State Pate, and reelected Gov. Terry Branstad, there is little evidence to suggest strict election reforms fit this description at all.

Returning also to the takeaways presented from the Wisconsin case, both states offer further evidence for the strategic motive as a key driver of quick restrictive voting law adoption favored by Republican-controlled states since 2001. Yet a number of states—including adopters and non-adopters—do not fit as neatly along the predicted patterns. I now turn to two of these states as cases designed to reveal missing variables affecting restrictive voting law adoption, as well as the processes and outcomes accompanying these specific laws.

Outlier in Michigan: When Republicans Don't Restrict

Wisconsin and Iowa serve as key examples supporting the findings from my survival analysis, taking advantage of a switch to unified Republican government to immediately adopt restrictive voting laws long favored by Republican elements of lawmaking bodies. But a third Midwestern state with a similar partisan trajectory and comparable demographic breakdown has,

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[18] In addition to its long-split legislature, Iowa voted for Barack Obama twice before supporting Donald Trump by nearly ten percentage points in 2016.

despite close calls, remained immune to restrictive voting law adoption despite seven continuous

years of unified Republican control since 2011. Michigan's relative lack of recent restrictive

voting laws suggests that other variables beyond unified Republican control may influence

states' adoption and non-adoption of voting rights restrictions.

That is not to say that Michigan has not come close: twice in the recent era of unified

Republican control, identification and/or citizenship requirements for voting have failed late in

the legislative process. This suggests that at least some Michigan Republicans share the desire to

pass these forms of restrictive voting laws, including even the Republican leaders who ultimately

blocked them. In July 2012, Governor Rick Snyder became the first Republican governor in the

2000s to veto a voter ID law, rejecting a proposal that would have required photo identification

for absentee voting, proof of citizenship before receiving a ballot, and additional training for

voter registration groups by local or state officials (Reuters 2012). In 2016 another voter ID

restriction made it through the Michigan House of Representatives before stalling in the Senate

in December and ultimately falling off of the agenda. The bill would have prevented

administrators from counting votes made without the required photo ID until those voters

returned with proof of identification. Existing Michigan law allowed voters without

identification to sign a sworn affidavit affirming their identity under threat of legal penalty

(MLive 2016). The latter non-strict voter ID law, passed in 1996, remains the law today.

From 2003 through 2010, Republicans controlled Michigan's Senate, with Democrat

Jennifer Granholm in the governor's mansion. Republicans controlled the House from 2003 to

2007, followed by Democrats from 2007 to 2010. In 2011, as in Wisconsin, Republicans gained

trifecta control of government for the first time since 2002 (Ballotpedia). Throughout this period

of divided government, legislators introduced restrictive voting laws that failed in committee or

at first vote. House Republicans introduced HB 5185 and HB 5337 in 2005 and 2007, respectively, both of which sought to introduce proof of citizenship requirements for voting (NCSL). Neither passed out of the House chamber. Another failed 2007 law, HB5739, would have introduced an identification requirement for first-time voters voting by mail or absentee, in accordance with HAVA guidelines. Similar identification and proof of citizenship requirements failed again in the 2009-2010 legislative session. Between 2003 and 2010, Michigan lawmakers passed and adopted only one major reform dealing with electoral access, a 2010 provision facilitating easier absentee voting for Michigan voters serving in the military overseas (NCSL).

The failure of Michigan Republicans to pass restrictive voting laws in step with their neighbors in both 2012 and 2016 despite unified control suggests intra-party division over the execution of tightening voting requirements, despite broader rhetorical agreement on the theme of electoral integrity and voter fraud prevention. One explanation for this division is ideology: more conservative lawmakers may favor strict voting laws, while less conservative Republicans resist their passage. While Republicans had controlled the Michigan Senate for much longer, individual-level ideology scores of legislators in both chamber suggest that House Republicans quickly became the more conservative body, while Senate Republicans, while conservative, were trending in the opposite direction (McCarty and Shor 2015)[19]. Such a gap would track with both the statistical finding and theoretical notion that restrictive voting laws, and voter ID in particular, are favored by more conservative lawmakers. Accordingly, in 2016, the failed voter identification bill originated in and passed the House before Senate Majority Leader Arlan Meekhof chose to let it die in that December's lame-duck session (MLive 2016). Sen. Meekhof's

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[19] Boris Shor and Nolan McCarty's ideology score data does not include data for Michigan from 2015-2017. However, by 2012, the House already had the more conservative median member. Using a method of linear extrapolation, I expect that by 2016, this gap would have widened further.

decision garnered public praise from voting rights groups like Common Cause—an unusual

partnership for conservative lawmakers.

It is unclear exactly how more moderate ideology may act mechanically in preventing

restrictive voting laws. It is possible that moderate Republicans put less importance on the

priority of voter fraud prevention, preferring instead to preserve broad electoral access. Sen.

Meekhof's comments regarding the failure of the 2016 voter ID bill, however, suggest a slightly

different explanation, in which lawmakers who are less ideologically motivated are more likely

to view the political costs of adopting restrictive voting laws as outweighing the legislation's

benefits. Despite signaling a willingness to support certain voter ID restrictions, Sen. Meekhof's

public comments at the end of the 2016 session explicitly demonstrate an unease over the

political and legal capital associated with such laws. In an article from a Detroit newspaper just

after the bill was dropped, Sen. Meekhof explained, "We haven't done real well in the courts on

election law, so I want to make sure that if we're going to do something, we're able to march it

right through" (The Detroit News 2016)[20].

Sen. Meekhof's comments support this second explanation, demonstrating that

Republican opposition to certain voting restrictions in Michigan resembled a cost-benefit

calculation more so than a partisan or ideological decision. The Senate's relative ideological

moderation may make its members more sensitive than House Republicans to the costs of strict

voter ID laws. Gov. Snyder's 2012 veto of a similar law reflects a similar decision-making

process. While vetoing HB 5061 and SB 803, which specifically instituted photo ID and proof of

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[20] Sen. Meekhof's comments referenced a court battle earlier that year over electoral procedure in Michigan: in September 2016, the Supreme Court upheld a District Court decision invalidating a Michigan law that had banned single-button straight-ticket voting, like the kind in Wisconsin described above. The court argued that such a law placed a disproportionate burden on African-American voters in crowded precincts with longer wait lines. "It seem the only purpose behind [the law] is to require voters to spend more time filling more bubbles," the judge wrote.

citizenship requirements, Gov. Snyder signed 11 other election-focused bills. These laws ranged

from funding consistent clerk training (HB 5062) to regulating campaign activities in the vicinity

of a polling place (HB 4656). In a brief veto message, the governor wrote of concern that the

new laws "could create voter confusion among absentee voters" (Snyder Veto Message 2012)[21].

Snyder's 2012 veto specifically references the unintended suppressive qualities of restrictive

voting laws; Meekhof's 2016 decision indicates a similar hesitance to move quickly—or at all—

on voting restrictions likely to incur substantial backlash, both legally and politically.

For more moderate or pragmatic Republican politicians in electorally competitive states,

like Gov. Snyder or Sen. Meekhof, the decision to restrict may not be seen so much as a question

of whether it is normative good, but whether it proceeds with sufficient political prudence. In

many respects, Gov. Snyder's seemingly contradictory decision to veto makes sense in the

context of his state and the immediate political history of its neighbor. Wisconsin and Michigan

feature many political and demographic similarities. Democratic presidential candidates have

consistently had a slight edge in the past two decades, despite slight Republican advantages in

state politics. Both have Hispanic populations in the mid-single digits; Michigan's black

population is slightly higher, at close to 15%. Neither has a pre-2000s history of systemic voter

suppression akin to the South, and each gained their first neighbor with a restrictive voting law

between 2004 and 2005[22].

Michigan's political climate at a glance closely resembles Wisconsin's, with two key

differences of concern to a Republican incumbent: the large black population, centered in

Detroit, and the state's historic economic reliance on manufacturing labor related to the

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[21] SB803 would have, in part, added an affirmative verification of citizenship to absentee ballots requested by all registered voters.

[22] In 2004, Minnesota passed a law allowing the state to automatically remove voters from registration rolls who did not vote in two consecutive federal elections. In 2005, Indiana passed its first-in-the-nation strict photo ID law.

automobile industry. It is possible that the much-discussed political costs of Gov. Walker's sharp

tacks to the extreme on voting rights and labor rights in Wisconsin motivated Gov. Snyder's

relative caution. In early 2012, Gov. Snyder would not have known that Scott Walker would

eventually win his recall election and a subsequent reelection bid in 2014; he would know,

however, that the first-term Republican governor in a neighboring Upper Midwestern state had

gambled his political capital on a controversial restrictive voting law and a sweeping restriction

on collective bargaining rights for public-sector employees. In return, he had earned a massive

teachers' strike, a recall election, and a four-year long voter ID saga that would reach the

Supreme Court. The literature on restrictive voting laws has found inconclusive results regarding

the potential diffusion of such policies between states over time. The stark difference in

dynamics in Wisconsin and Michigan show that just as policy adoption in one state may lower

barriers to passage in another, it may also alter the political calculation in a less favorable

direction by highlighting unexpected hurdles like legal challenges and partisan backlash. The

models presented above offer no conclusive evidence that the adoption of restrictive voting laws

in one state decreases the likelihood of adoption in another. The evidence from Wisconsin and

Michigan suggest, however, that Republican politicians pay attention to political battles in their

own states as well as their neighbors, and may factor these observations into their own decisions

on controversial legislation like voting restrictions. Ideological moderation in particular may

make lawmakers more sensitive to the political costs of these laws.

Restrictive Voting Laws and Blue States: Broader Vulnerability

As shown in Figure 6, the survival analysis model performs quite well in predicted

adoption of restrictive voting laws in states like Wisconsin and Iowa, which adopted restrictive

voting laws immediately after Republicans gained unified control of government. The model is

useful as well in tracking a state like Michigan—its "window of opportunity" for adoption came

in 2011 and likely in 2012, when its predicted probability was by far the highest. After Snyder's

veto, that window closed, with probability of adoption returning to rather normal levels and

hovering around 0.10. This trend fits with Republicans' inability to agree on and pass restrictive

voting legislation since the veto. The model has far weaker predictive power in explaining the

handful of cases in the 21st century in which Democrat-controlled states have adopted restrictive

voting legislation.

Most consider 2005 to be the full start of the modern wave of restrictive voting laws: in

that year, Georgia and Indiana became the first states to pass what the National Conference of

State Legislatures defines as a strict photo ID requirement for voting, mandating voters show

valid photo ID when casting their ballot, and providing no backup option for counting votes

without such identification. Both bills garnered massive media attention due to their

unprecedented strictness and political weight: due to a series of ultimately unsuccessful court

challenges, neither law actually took effect until 2008 (*Crawford v. Marion County Board of

Elections*)[23]. Both states fit fairly well with the insights from the statistical regression model and

the key independent variables, with Republicans gaining unified control in the previous year's

election. Indiana as well was not covered by the Voting Rights Act's still-in-effect preclearance

requirement. But in the same year, a third state passed a restrictive voting law of their own—a

state controlled by Democrats, reliably blue at the presidential level, and devoid of the voter

suppression history dogging many Southern states. Passed in 2005 by Democrats responding to

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[23] Indiana's law, the stricter of the two, was upheld by the Supreme Court in *Crawford v. Marion County Election Board*, on the grounds that it constituted a genuine interest of the state in guarding against voter fraud.

Republican frustrations with a historically close election, Washington's non-strict, non-photo requirement hardly fits the model for adoption, but in doing so, deepens the narrative of restrictive voting laws, showing how close elections and technological sensitivity in an increasingly partisan political environment combined to make states across the country uniquely vulnerable to laws that restrict the vote in the name of security.

Washington's 2005 restriction suggests that uncertainty produced by narrow electoral margins, combined with election procedures due for reform, have created a perceived need for additional electoral regulation over the past 18 years. This pressure, at least in Washington, made generally liberal lawmakers open to voting restrictions they may not otherwise have considered. The case fits poorly with the survival analysis models: there is neither a switch to Republican control, nor preexisting Republican control of any branch. For 2005, the model assigned Washington a 0.032 probability of adopting a restrictive voting law[24]. The Democrats in both chambers were not particularly conservative in ideology, and trends since 2005 have not pointed toward a culture of strict in-person voting requirements in Washington. Since 2011, Washington has been one of the only states to vote entirely by mail[25]. While non-strict relative to those in Georgia and Indiana, Washington's identification requirement was one of the first in the nation, and its passage, in the aftermath of a controversial and bitterly close election, highlights the systemic electoral issues that may motivate or at least make palatable certain restrictive reforms. When elections and their stakes appear especially threatened by fraud, impropriety, or simple

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[24] For comparison, Georgia's probability of adoption in the same year was 0.525. The model does not produce a prediction for Indiana in 2005, as Indiana had already passed its initial restriction in 2001. However, it assigns Indiana 2001 with a probability of 0.103—low, but still substantially higher than in Washington.
[25] Oregon became the first in 2000. In 2016, Colorado moved to all-mail elections as well, which will take effect for the first time in 2018. SB 5124, which instituted all-mail voting in Washington, was introduced by Democratic Senators, and passed along almost entirely partisan lines.

human error, restrictive voting laws find more support as sources of order and protection, even as

the actual content of the laws follow familiar conservative structures.

In its 2004 gubernatorial race, Washington experienced one of the closest statewide

elections in American history: Christine Gregoire, Democrat, defeated Dino Rossi, Republican,

by .005%—just 133 votes. The race went into three recounts, two of which were performed by

hand. If not for a set of wrongfully discarded Democratic ballots found on December 12, 2004,

by the King County party chairman, the election would likely have swung the other way (The

Olympian 2004). On June 6, 2005, a Washington state court ruled against the Republican Party

in their suit challenging the results, finally ending the election in favor of Gregoire. Rossi

conceded the next day (*Border et al. v. King County et al.*). The close election was riddled with

administrative errors and lapses in procedure that resulted in miscounted ballots and

inconsistencies across the state in who was allowed to vote and how. Unsurprisingly, it remained

a focus of debate across partisan lines far beyond the court's decision in December. By the

primaries for the next year's municipal elections September, the *Seattle Times*, the state's largest

newspaper, still made poll procedure in King County a frequent focus of coverage (Seattle Times

2005). At least two separate editorials in the same paper less than a month before the election

called on voters to "think about their own role in producing a smooth election" by complying

with instructions and arriving with proper awareness of new procedures and identification

requirements (Seattle Times 2005).

In the years prior to the election, Washington legislators had introduced and rejected a

series of electoral reforms, both restrictive and liberalizing. In both the 2001-2002 and 2003-

2004 cycles, separate bills mandating proof of citizenship and restoring voting rights to felons

who had completed probation failed in the legislative process, while some HAVA compliance

legislation passed. The 2004 election indicated to Washington legislators, and likely the public, that these reforms were not enough. Washington's voter ID requirement passed as part of SB 5499 and SB 5743, much broader packages of reforms that sought to update trainings, clarify secretary of state obligations, and maintain more rigidly updated voter registration databases in compliance with HAVA (NCSL). There is no question that in Washington, as in the rest of the country, electoral reforms weighed heavily on the minds of voters, particularly in the aftermath of *Bush v. Gore*. From 2001 through 2004, this pressure, combined with federal HAVA implementation, allowed for a series of rule clarifications and procedural instructions for state and local election officials. It was not until the perhaps more contentious 2004 gubernatorial, however, that the pressure lent sufficient support to the restrictive identification requirements that had previously failed.

Recent Cases: Conclusions

If Wisconsin and Iowa demonstrate the manner by which Republicans pursue and pass restrictive voting legislation in the 21st century, Washington helps explain two key issues that the other cases do not. First, the 2005 legislation, in the wake of a tumultuous election, shows the non-strategic concerns that may have motivated early restrictive voting legislation by illuminating a need for election reform in the early 2000s. I argue that this reform motivation made restrictive voting laws initially "palatable" to enter legislative agendas in the states at rates previously unseen. Second, the case shows that this non-partisan motivation can be sufficiently strong to adopt restrictive voting laws in blue states, even though such laws are generally weaker than in the states' red counterparts. There is substantial evidence that strategic concerns motivate Republican legislators supporting restrictive voting laws. It is more difficult to show definitively

whether the reform motive or this partisan/strategic motive primarily drives the favorable public

opinion surrounding restrictions like voter ID. What is clear is that regardless of motive, broad

public support for "reform" can lead otherwise reluctant lawmakers and governors, including

Democrats, to approve restrictive voting legislation. As shown in Michigan, the opposite

pressure can prevent them as well. But the dramatic spread of restrictive voting laws shows that,

over the past fifteen years, their supporters are winning.

Outlier cases like Washington show that, in tracing the rise of restrictive voting

legislation, closely contested elections in the early 2000s are vital for two reasons: they

precipitated a public desire for action to protect electoral integrity, and likely clued in

Republicans to the strategic utility of discriminately shrinking the electorate, even if by tiny

margins. State legislatures did not need the close 2004 gubernatorial election to know that the

decentralized and outdated system of American elections was vulnerable to failure. The *Bush v.*

Gore saga made clear the need for technological updates and nationwide standards, which

HAVA aimed to provide. But as with much federal regulation, Congress had difficulty

implementing standards swiftly and consistently in states; while every state passed some version

of HAVA compliance legislation, the speed and scale of these attempts at modernization proved

quite difficult. Some reviews of 2004 election processes from academics and officials alike

argued that HAVA had made election administration worse instead of better, confusing voters

and leaving far too much discretion to local election officials in allowing and assessing

challenges to eligibility (Tokaji 2005). After 2000, and again after 2004, lawmakers in Congress

and then in Washington state had to reckon with poor execution of outdated election law that had

led to frustrating and even untrustworthy results. In each case, they chose to adopt laws that only

worsened the problem.

In the years since HAVA, supporters of restrictive voting laws have seized upon this opportunity to adopt restrictions with the strategic pattern suggested by the survival analysis model. It is possible that improbably close elections, like the 2000 presidential races, "awakened" Republicans to the utility of voting restrictions for their suspected effects on turnout. Perhaps this motive already existed, but HAVA and election failure simply gave legitimacy to restrictions previously too politically tricky to pursue. Further research can seek to clarify these motivations by focusing more closely on the earliest post-HAVA restrictive voting laws, and the political dynamics surrounding restrictions passed before the 2000 election.

Restrictive Voting Laws in the 21st Century: Implications and Conclusions

       The resurgence of restrictive voting laws in the United States over the past 15 years represents a disturbing trend for American democracy, regardless of the material effect of the laws themselves on voter turnout. Before the findings of this study, there existed substantial evidence that restrictive voting laws constitute a partisan practice of potentially discriminatory nature. This study builds upon that argument by providing evidence of the strategic pattern restrictive voting laws have followed in their adoption across the country. The adoption of voting restrictions is not a conservative endeavor motivated by ideology nor a generic Republican agenda item pursued equally in all states. Restrictive voting laws are a primarily electoral strategy pursued most consistently and aggressively by Republican lawmakers seeking to solidify GOP control of competitive and previously Democratic states. Further, as previous research has well established, these laws do not correspond meaningfully at all to instances of voter fraud, their stated motivation. As the Washington case suggests, and as many previous scholars argue, the federal policy impetus providing state discretion in restrictions has largely failed in achieving successful electoral reform. Instead, it has allowed the spread of strategic attempts at voter suppression to proceed to unprecedented reach and strictness. That elected lawmakers regularly and knowingly impede ballot access for partisan ends should greatly worry those who value free and fair participation as essential to American democracy.

       What should opponents of restrictive voting laws do? There is no shortage of organized opposition to voting rights restrictions in and around government: research and advocacy groups like the American Civil Liberties Union, Common Cause, FairVote, and the Brennan Center for Justice—among many others—work through both policy and court systems to make elections accessible and keep democracy open. But for the many legal successes held up by voting rights

advocates, courts have upheld just as many restrictive voting laws brought to challenge[26]. While further analysis may find better methods to test the effect of judicial challenges as a deterrent to restrictive voting laws, evidence suggests that Republican lawmakers do not fear the courts. If Michigan is any indicator, however, they may fear constituents.

Restrictive voting laws are a political calculation. When Republican lawmakers have the legislative majorities sufficient to pass them, they usually do. Such laws are a tool of Republican strategy most useful to victory in electorally competitive states, where marginal effects of election procedure may make enough of a difference to swing elections— contests like Washington state in 2005, or Michigan and Wisconsin in 2016, where Donald Trump won the states' presidential contests by a combined total of 33,452 votes. But these electorally competitive states, given their higher share of liberal voters, also have constituencies more likely to oppose restrictive voting laws and to exact electoral consequences for their passage. Judicial strategies certainly have an important role to play in reversing current discriminatory restrictions and preventing new ones in the future. In the near term, however, the most effective defense against voting rights restrictions is to elect officials who will not pass them. In Michigan, Gov. Rick Snyder became the first Republican governor in the country to veto a voter ID law because of fear of electoral retribution. The results of turnout variable analysis support this kind of constituent responsiveness. Higher black turnout, even when accounting for partisan control, decreases the likelihood of adoption, even though increases over time in that rate appear to motivate the laws in the first place. By demonstrating consequential opposition to restrictive voting laws, opponents of such laws can expect to deter their passage.

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[26] Since 2010, state and federal courts have struck down voter ID laws in Arkansas, North Carolina, and Texas. But other cases have upheld similar laws, like AB 7 in Wisconsin, and the *Shelby v. Holder* decision provides states greater legal discretion in developing their own restrictions without federal oversight.

In preventing future restrictive voting laws, the battle at the polls themselves is fairly straightforward. The solution to this study's other major finding, regarding the roots of this wave of restrictions, is murkier. Regardless of how many elections Democrats and voting rights supporters win, an appetite for restrictive voting laws will remain as long as there is strategic utility in their effects. More essentially, Republican lawmakers will hold onto opportunity for their passage as long as voter fraud and "electoral reform" remain valid, widely-accepted explanations for their necessity. The perceived vulnerability of American elections and the overbroad scope of HAVA initiated and continue to prop open the window of opportunity for restrictive voting laws in the United States. In order to effectively counter restrictions, it is crucial to also make a case for reform that heightens trust in American election. By winning back state governments, demonstrating consequences for lawmakers who restrict the vote, and pushing for fair means of securing elections, supporters of voting rights can successfully fight back against the undermining of American democracy.

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Appendix I: Variable Descriptions

Independent Variable	Code	Type	Description & Calculation Methods	Data Source
Time Trend		Continuous	Year - 2000	
Partisan Control				
Divided Government	PC.unified	Binary	1: Divided Government (State Legislature and Governor not controlled by the same party) 0: All state government controlled by the same party	National Conference of State Legislatures; Ballotpedia
Unified State Legislature	PC.stateleg	Binary	1: Divided State Legislature (Senate and House not controlled by same party); 0: Both Houses controlled by the Same Party	National Conference of State Legislatures; Ballotpedia
Republican Governor	PC.gov	Binary	1: Presence of a Republican Governor 0: Governor not Republican (Independent or Democratic)	National Conference of State Legislatures (2009-2015), National Governor's Association (2006-2008)
Republican Senate	PC.senate	Binary	1: Republican control of state Senate	
Republican House	PC.house	Binary	1: Republican control of state House	
Percent GOP		Continuous	Percent of state legislators that are members of the GOP. (State Senate Republicans+State House Republicans)/(Total State Legislators)	National Conference of State Legislatures (2009-2017); NCSL separate XLS file (2001-2008)

Ideology Score (House)	Ideology.house	Continuous	Median ideology of the state House, as given by the Shor-McCarty NPAT common ideological space estimate. Scores range from -1.5 to 1.5, where -1.5 is the most liberal, and 1.5 is most conservative.	Shor-McCarty data set, Harvard Dataverse. Explanations of data at americanlegislatures.com.
Ideology Score (Senate)	Ideology.senate	Continuous	See above.	Shor-McCarty data set, Harvard Dataverse. Explanations of data at americanlegislatures.com.
Change in Partisan Control				
Switch to Unified Republican Government	PC.switch.unified	Binary	1: State switched to unified Republican government in most recent statewide election; 0: State did not	National Conference of State Legislatures; Ballotpedia
Switch to Unified Republican Legislature	PC.switch.unified.leg	Binary	1: State switched unified Republican legislature in most recent statewide election	National Conference of State Legislatures; Ballotpedia
Switch to Republican Governor	PC.switch.gov	Binary	1: State switched to Republican governor in most recent gubernatorial election	National Conference of State Legislatures; Ballotpedia
Demography				
Black Population	DemBlack_y	Continuous	Percent of Population- Black. (#Black)/(State Population Total)	United States Census Bureau - American Community Survey
Hispanic Population	DemHispanic_y	Continuous	Percent of Population- Hispanic (#Hispanic)/(State Population Total)	United States Census Bureau - American Community Survey

White Turnout	TurnoutWhite	Continuous	Percent of voters-white in most recent presidential election as a proportion of the white population ((# of white voters/# of white voting-age population))	United States Census Bureau: Current Population Survey (Reported Voting And Registration, by Sex, Race and Hispanic Origin, for States)
Black Turnout	TurnoutBlack	Continuous	Percent of voters-black in most recent presidential election as a proportion of the black population ((# of black voters/# of black voting-age population))	United States Census Bureau: Current Population Survey (Reported Voting And Registration, by Sex, Race and Hispanic Origin, for States)
TurnoutHispanic	TurnoutHispanic	Continuous	Percent of voters-hispanic in most recent presidential election as a proportion of the hispanic population ((# of hispanic voters/# of hispanic voting-age population))	United States Census Bureau: Current Population Survey (Reported Voting And Registration, by Sex, Race and Hispanic Origin, for States)
Change in White Turnout	ChgTurnoutWhite	Continuous	(TurnoutWhite in Most Recent Presidential Election) - (TurnoutWhite in Second-Most Recent Presidential Election)	United States Census Bureau: Current Population Survey (Reported Voting And Registration, by Sex, Race and Hispanic Origin, for States)
Change in Black Turnout	ChgTurnoutBlack	Continuous	(TurnoutBlack in Most Recent Presidential Election) - (TurnoutBlack in Second-Most Recent Presidential Election)	United States Census Bureau: Current Population Survey (Reported Voting And Registration, by Sex, Race and Hispanic Origin, for States)

Change in Hispanic Turnout	ChgTurnoutHispanic	Continuous	(TurnoutHispanic in Most Recent Presidential Election) - (TurnoutHispanic in Second-Most Recent Presidential Election)	United States Census Bureau: Current Population Survey (Reported Voting And Registration, by Sex, Race and Hispanic Origin, for States)
Electoral Competition				
Party Vote Margin	VoteMargin	Continuous	(% GOP votes) - (% Dem votes) in previous presidential election	U.S. House of Representatives, Office of the Clerk, Statistics of the Presidential and Congressional Election (for 2004, 2008, 2012)
State History and Neighbor Features		**Type**	**Description**	**Data Source**
Pre-2001 Voter ID law	EarlyVoterId	Binary	Presence of a strict voter identification requirement passed prior to 2001. Note: this includes laws passed but not yet implemented due to legal questions, or laws previously struck down. 1: Presence of law 0: No law	National Conference of State Legislatures
Preclearance	Preclearance	Binary	1: State partially or fully covered by Voting Rights Act preclearance provisions	US Department of Justice
Gross State Product per capita	StateGDP	Continuous	Real GDP per Capita in individual states - chained to 2009	Bureau of Economic Analysis- US Department of Commerce (Data from NAICS via BEA)

Neigbors with Restrictive Voting Laws	NeighborLaws	Binary	1: states with a neighbor who has adopted a restrictive voting law; 0: states without	National Conference of State Legislatures
Neighbors with Recent Restrictive Voting Law	RecentNeighborLaws	Binary	1: states with a neighbor who has adopted a restrictive voting law in the previous 2 years; 0: states without	National Conference of State Legislatures
Court Challenge	CourtChallenge	Binary	1: years in which a Supreme Court case regarding restrictive voting laws (regardless of outcome) was a persistent national news story 0: years without such cases	National Conference of State Legislatures; Brennan Center for Justice
HAVA	HAVA	Binary	1: state-year after the nationwide adoption of the Help America Vote Act (2003-2017); 0: state-year before HAVA (2001-2002)	
Shelby v. Holder	ShelbyHolder	Binary	1: state-year after the Supreme Court struck down provisions of the Voting Rights Act in their decision in Shelby v. Holder (2013-2017); 0: state-year prior to Shelby v. Holder	

Model 1

```
Call:
glm(formula = dV ~ TimeTrend + PC.gov + PC.senate + PC.house +
    PC.switch.unified.leg + PC.switch.gov + Ideology.senate +
    DemBlack_y + DemHispanic_y + PctGOP + EarlyVoterID + StateGDP +
    HAVA + ShelbyHolder + NeighborLaws + CourtChallenge, family = binomial,
    data = ThesisData)
```

	Estimate	Std. Error	z value	Pr(>|z|)	
(Intercept)	-2.3763e+00	1.3029e+00	-1.8239	0.06817	.
TimeTrend	9.8532e-02	8.3433e-02	1.1810	0.23761	
PC.gov	7.0840e-01	4.2492e-01	1.6671	0.09549	.
PC.senate	7.0364e-01	5.5184e-01	1.2751	0.20229	
PC.house	-2.1227e+00	8.4911e-01	-2.4999	0.01242	*
PC.switch.unified.leg	3.4826e+00	7.7954e-01	4.4675	7.912e-06	***
PC.switch.gov	-2.2233e-01	1.1512e+00	-0.1931	0.84686	
Ideology.senate	1.6513e+00	8.2453e-01	2.0027	0.04521	*
DemBlack_y	-2.9599e-02	2.1864e-02	-1.3537	0.17582	
DemHispanic_y	1.5655e-03	1.9046e-02	0.0822	0.93449	
PctGOP	3.7766e-03	2.1306e-02	0.1773	0.85931	
EarlyVoterID	-9.6166e-01	4.8789e-01	-1.9710	0.04872	*
StateGDP	-1.5078e-05	2.8783e-05	-0.5238	0.60039	
HAVA	-1.3082e-01	6.8934e-01	-0.1898	0.84948	
ShelbyHolder	-1.4588e+00	8.6986e-01	-1.6770	0.09354	.
NeighborLaws	6.4580e-01	4.6823e-01	1.3792	0.16782	
CourtChallenge	-3.4293e-01	4.7973e-01	-0.7148	0.47471	

Model 2

```
Call:  glm(formula = dV ~ TimeTrend + I(TimeTrend^2) + I(TimeTrend^3) +
    PC.unified + PC.gov + PC.switch.unified + Ideology.senate +
    VoteMargin + DemBlack_y + DemHispanic_y + Preclearance +
    EarlyVoterID + StateGDP + HAVA + ShelbyHolder + RecentNeighborLaws,
    family = binomial, data = ThesisData)
```

	Estimate	Std. Error	z value	Pr(>|z|)	
(Intercept)	-6.5978e-01	1.5998e+00	-0.4124	0.6800372	
TimeTrend	-4.3641e-01	8.4160e-01	-0.5185	0.6040809	
I(TimeTrend^2)	5.7279e-02	9.8277e-02	0.5828	0.5600100	
I(TimeTrend^3)	-1.5314e-03	3.4453e-03	-0.4445	0.6566876	
PC.unified	-2.8845e-01	3.6723e-01	-0.7855	0.4321813	
PC.gov	4.8415e-01	4.0596e-01	1.1926	0.2330242	
PC.switch.unified	2.0699e+00	6.1806e-01	3.3490	0.0008111	***
Ideology.senate	2.2499e-01	5.4407e-01	0.4135	0.6792194	
VoteMargin	1.0855e-02	1.5800e-02	0.6870	0.4920835	
DemBlack_y	7.0693e-03	2.6741e-02	0.2644	0.7915013	
DemHispanic_y	2.2795e-03	1.9425e-02	0.1173	0.9065839	
Preclearance	-6.2983e-01	7.4005e-01	-0.8511	0.3947359	
EarlyVoterID	-5.6262e-01	4.0997e-01	-1.3723	0.1699591	
StateGDP	-4.6616e-05	2.8744e-05	-1.6218	0.1048557	
HAVA	5.3878e-01	1.0277e+00	0.5243	0.6000989	
ShelbyHolder	-1.9730e+00	1.7115e+00	-1.1528	0.2490114	
RecentNeighborLaws	5.5890e-01	4.2559e-01	1.3132	0.1891021	

Model 3

```
Call:  glm(formula = dV ~ TimeTrend + I(TimeTrend^2) + I(TimeTrend^3) +
    PC.unified + PC.gov + PC.senate + PC.house + PC.switch.unified.leg +
    PC.switch.gov + Ideology.house + DemBlack_y + DemHispanic_y +
    VoteMargin + Preclearance + EarlyVoterID + StateGDP + RecentNeighborLaws +
    CourtChallenge, family = binomial, data = ThesisData)
                           Estimate   Std. Error  z value  Pr(>|z|)
(Intercept)              -1.1548e+00  1.3885e+00  -0.8317   0.40559
TimeTrend                -8.9852e-02  5.2769e-01  -0.1703   0.86479
I(TimeTrend^2)            3.1695e-02  6.8752e-02   0.4610   0.64480
I(TimeTrend^3)           -1.4749e-03  2.5181e-03  -0.5857   0.55808
PC.unified               -8.3881e-01  4.3072e-01  -1.9475   0.05148 .
PC.gov                    9.2054e-01  4.5771e-01   2.0112   0.04430 *
PC.senate                 6.2717e-01  7.8657e-01   0.7974   0.42525
PC.house                 -1.4255e+00  6.9793e-01  -2.0425   0.04110 *
PC.switch.unified.leg     3.2780e+00  6.9450e-01   4.7199  2.36e-06 ***
PC.switch.gov            -2.2050e-01  1.0271e+00  -0.2147   0.83001
Ideology.house            6.2023e-01  6.3266e-01   0.9803   0.32692
DemBlack_y               -2.3978e-02  2.8213e-02  -0.8499   0.39537
DemHispanic_y            -9.9005e-03  1.7591e-02  -0.5628   0.57357
VoteMargin                5.0825e-03  1.3921e-02   0.3651   0.71503
Preclearance              5.8855e-02  7.3624e-01   0.0799   0.93629
EarlyVoterID             -9.1189e-01  4.5497e-01  -2.0043   0.04504 *
StateGDP                 -3.1185e-05  2.8976e-05  -1.0762   0.28182
RecentNeighborLaws        7.3688e-01  4.7930e-01   1.5374   0.12419
CourtChallenge           -5.4304e-01  5.6423e-01  -0.9624   0.33583
```

Model 4

```
Call:  glm(formula = dV ~ TimeTrend + I(TimeTrend^2) + I(TimeTrend^3) +
    PC.gov + PC.senate + PC.house + PC.switch.unified.leg + Ideology.house +
    DemBlack_y + DemHispanic_y + VoteMargin + EarlyVoterID +
    StateGDP + Preclearance + RecentNeighborLaws + HAVA + ShelbyHolder,
    family = binomial, data = ThesisData)
                           Estimate   Std. Error  z value   Pr(>|z|)
(Intercept)              -5.8982e-01  1.5041e+00  -0.3922   0.69494
TimeTrend                -7.9547e-01  8.2688e-01  -0.9620   0.33604
I(TimeTrend^2)            9.4685e-02  9.4595e-02   1.0010   0.31685
I(TimeTrend^3)           -2.5301e-03  3.1669e-03  -0.7989   0.42433
PC.gov                    7.6339e-01  4.1723e-01   1.8297   0.06730 .
PC.senate                 4.4168e-01  6.6614e-01   0.6630   0.50730
PC.house                 -1.0610e+00  5.6543e-01  -1.8765   0.06058 .
PC.switch.unified.leg     3.1703e+00  7.4951e-01   4.2298  2.339e-05 ***
Ideology.house            5.6810e-01  6.9230e-01   0.8206   0.41187
DemBlack_y               -2.4704e-02  3.1894e-02  -0.7746   0.43860
DemHispanic_y            -3.4999e-03  2.0019e-02  -0.1748   0.86122
VoteMargin                1.1034e-02  1.4598e-02   0.7559   0.44974
EarlyVoterID             -8.5847e-01  4.7180e-01  -1.8196   0.06882 .
StateGDP                 -3.6573e-05  2.9373e-05  -1.2451   0.21309
Preclearance             -3.1523e-02  8.4431e-01  -0.0373   0.97022
RecentNeighborLaws        6.8638e-01  4.4602e-01   1.5389   0.12383
HAVA                      1.1234e+00  1.0090e+00   1.1133   0.26557
ShelbyHolder             -2.6302e+00  1.2681e+00  -2.0741   0.03807 *
```

Model 5

```
Call:  glm(formula = dV ~ TimeTrend + I(TimeTrend^2) + I(TimeTrend^3) +
    PC.gov + PC.senate + PC.house + PC.switch.unified.leg + PC.switch.gov +
    Ideology.senate + DemBlack_y + DemHispanic_y + PctGOP + EarlyVoterID +
    StateGDP + HAVA + ShelbyHolder + NeighborLaws + CourtChallenge +
    TurnoutWhite + TurnoutBlack + ChgTurnoutWhite + ChgTurnoutBlack,
    family = binomial, data = ThesisData)
```

	Estimate	Std. Error	z value	Pr(>|z|)	
(Intercept)	2.3616e+00	8.1669e+00	0.2892	0.772453	
TimeTrend	-8.3118e-01	1.3596e+00	-0.6113	0.540979	
I(TimeTrend^2)	1.4452e-01	1.4707e-01	0.9827	0.325762	
I(TimeTrend^3)	-5.2280e-03	4.9331e-03	-1.0598	0.289244	
PC.gov	1.5130e+00	5.8145e-01	2.6022	0.009263	**
PC.senate	4.1520e-01	7.4908e-01	0.5543	0.579389	
PC.house	-3.1247e+00	1.3749e+00	-2.2727	0.023047	*
PC.switch.unified.leg	3.1884e+00	1.1619e+00	2.7442	0.006065	**
PC.switch.gov	-1.5426e-01	1.1546e+00	-0.1336	0.893720	
Ideology.senate	1.9311e+00	1.5619e+00	1.2363	0.216329	
DemBlack_y	-3.8881e-02	4.4382e-02	-0.8761	0.380994	
DemHispanic_y	-6.2171e-02	4.3933e-02	-1.4151	0.157031	
PctGOP	5.0132e-02	7.3794e-02	0.6793	0.496917	
EarlyVoterID	-1.0751e+00	7.8706e-01	-1.3660	0.171945	
StateGDP	2.1870e-05	5.8302e-05	0.3751	0.707572	
HAVA	-2.5124e-01	1.9236e+00	-0.1306	0.896084	
ShelbyHolder	3.8778e-01	1.2709e+00	0.3051	0.760267	
NeighborLaws	-1.9979e-01	9.0347e-01	-0.2211	0.824988	
CourtChallenge	-1.8477e-01	6.7011e-01	-0.2757	0.782753	
TurnoutWhite	-4.2778e-02	1.2518e-01	-0.3417	0.732554	
TurnoutBlack	-8.6480e-02	5.4836e-02	-1.5771	0.114778	
ChgTurnoutWhite	1.4921e-01	9.4366e-02	1.5812	0.113835	
ChgTurnoutBlack	1.6842e-01	6.7234e-02	2.5049	0.012247	*

Model 6

```
Call:  glm(formula = dV ~ TimeTrend + I(TimeTrend^2) + I(TimeTrend^3) +
    PC.unified + PC.gov + PC.switch.unified + Ideology.senate +
    VoteMargin + DemBlack_y + DemHispanic_y + Preclearance +
    EarlyVoterID + StateGDP + HAVA + ShelbyHolder + RecentNeighborLaws +
    TurnoutWhite + TurnoutBlack + TurnoutHispanic + ChgTurnoutWhite +
    ChgTurnoutBlack + ChgTurnoutHispanic, family = binomial,
    data = ThesisData)
```

	Estimate	Std. Error	z value	Pr(>|z|)	
(Intercept)	-2.78830717	17.10193198	-0.1630	0.870487	
TimeTrend	-1.93453200	1.95731621	-0.9884	0.322977	
I(TimeTrend^2)	0.33491203	0.23297197	1.4376	0.150558	
I(TimeTrend^3)	-0.01135922	0.00800789	-1.4185	0.156044	
PC.unified	-1.73642910	1.00044606	-1.7357	0.082625	.
PC.gov	1.64479920	1.78874720	0.9195	0.357821	
PC.switch.unified	0.97916687	1.62115193	0.6040	0.545847	
Ideology.senate	3.79818541	1.84854818	2.0547	0.039909	*
VoteMargin	0.07480513	0.12192867	0.6135	0.539536	
DemBlack_y	0.07785616	0.12303249	0.6328	0.526858	
DemHispanic_y	-0.04128647	0.06130955	-0.6734	0.500686	
Preclearance	-5.76906897	2.11716817	-2.7249	0.006432	**
EarlyVoterID	-2.18989401	1.66328079	-1.3166	0.187969	
StateGDP	0.00024797	0.00012026	2.0620	0.039205	*
HAVA	-1.59896092	2.66807202	-0.5993	0.548977	
ShelbyHolder	-6.75651470	2.76808521	-2.4409	0.014652	*
RecentNeighborLaws	0.81674311	1.19119768	0.6856	0.492935	
TurnoutWhite	0.07216890	0.26815935	0.2691	0.787832	
TurnoutBlack	-0.14141998	0.07498792	-1.8859	0.059308	.
TurnoutHispanic	-0.23439656	0.07603947	-3.0826	0.002052	**
ChgTurnoutWhite	0.03084219	0.18472313	0.1670	0.867398	
ChgTurnoutBlack	0.24990925	0.15880465	1.5737	0.115559	
ChgTurnoutHispanic	0.02785120	0.06959138	0.4002	0.689002	