

# Ballot Challenge: Explaining Voting Rights Restrictions in 21<sup>st</sup>-Century America

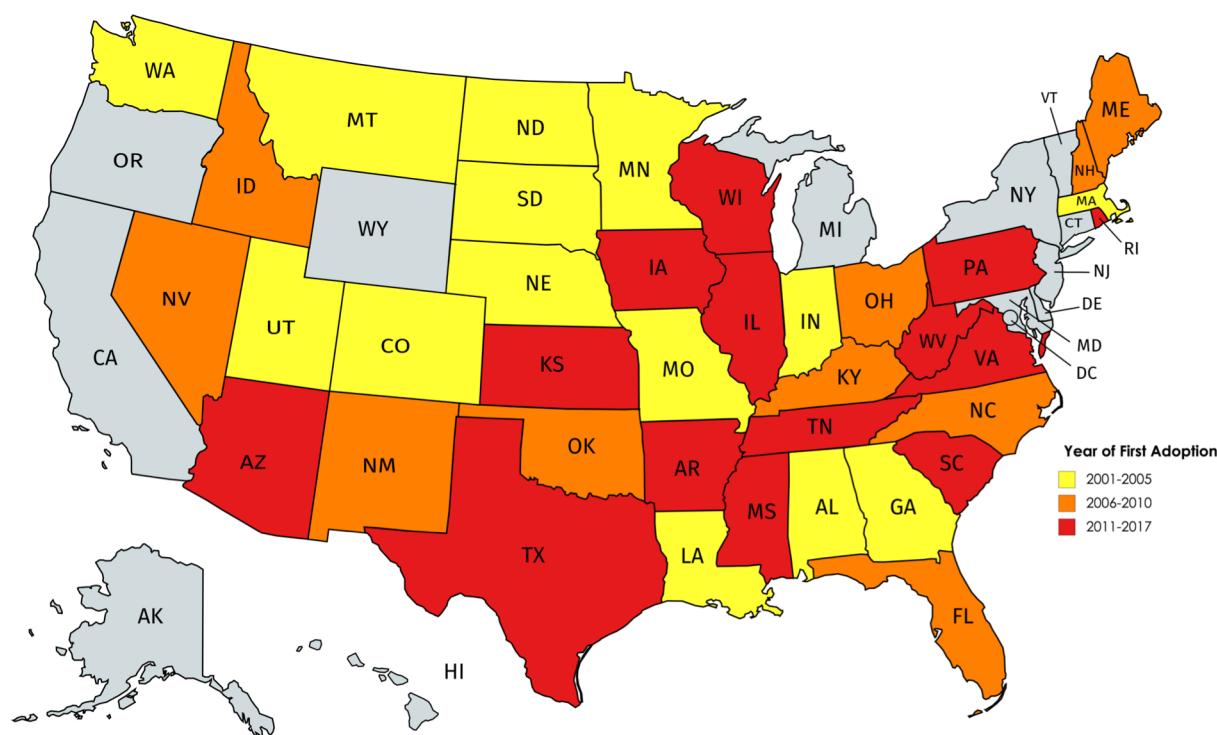
Ben Weinberg

Northwestern University Department of Political Science

## Introduction and Motivations

- Since 2001, 38 states have adopted at least one restrictive voting law, and introduced hundreds more (Bentele and O'Brien 2013).
- The rate of voting restrictions is unprecedented since the civil rights era (National Conference of State Legislatures).
- Most research focuses on the effects of these laws, rather than on the laws as outcomes themselves (Alvarez et al. 2008; Barreto et al. 2009; Highton 2017).
- I analyze restrictive voting laws as responses to a range of partisan, electoral, demographic, and state-historical variables.

Spread of Restrictive Voting Laws, 2001-2017



## Research Questions

- *What factors triggered the current cascade of restrictive laws?*
- *Where, when, and why do states adopt these restrictions?*

## Hypotheses

*H<sub>1</sub>: States that have recently switched to Republican control are more likely to adopt restrictive voting laws.*

*H<sub>2</sub>: After controlling for a Republican majority, regardless of proportion, the effect of ideology diminishes.*

*H<sub>3</sub>: Electorally competitive states, when controlled by Republicans, are more likely than non-competitive Republican states to adopt restrictive voting laws.*

*H<sub>4</sub>: Increased minority turnout within a state increases the likelihood of restrictive voting law adoption.*

- Binary dependent variable for all state-years, 2001-2017
- Logistic regression models with time trend variable added
- Survival analysis technique to test each state's *first* restrictive voting law adoption
- Key variable groups of interest: *Partisan Control, Change in Partisan Control, Party Competition and Ideology, Previous and Neighbor Laws, Minority Voter Behavior\**
- Full models: N = 484  
Turnout models: N = 302 (Model 5), 201 (Model 6)

- *Switch to Republican Legislature* is the most consistent predictor of adoption.
- Minority turnout may prevent adoption—but increases make them more likely.

Change in Predicted Probability of Restrictive Law Adoption

	(1)	(2)	(3)	(4)	(5)	(6)
Time Trend	0.070	0.061	0.045	0.068	0.266	0.806
<b>Partisan Control</b>						
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**	
<b>Change in Partisan Control</b>						
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
<b>Previous and Neighbor Laws</b>						
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
<b>Minority Voter Behavior</b>						
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

## Case Studies

### Confirmatory

Wisconsin, 2011

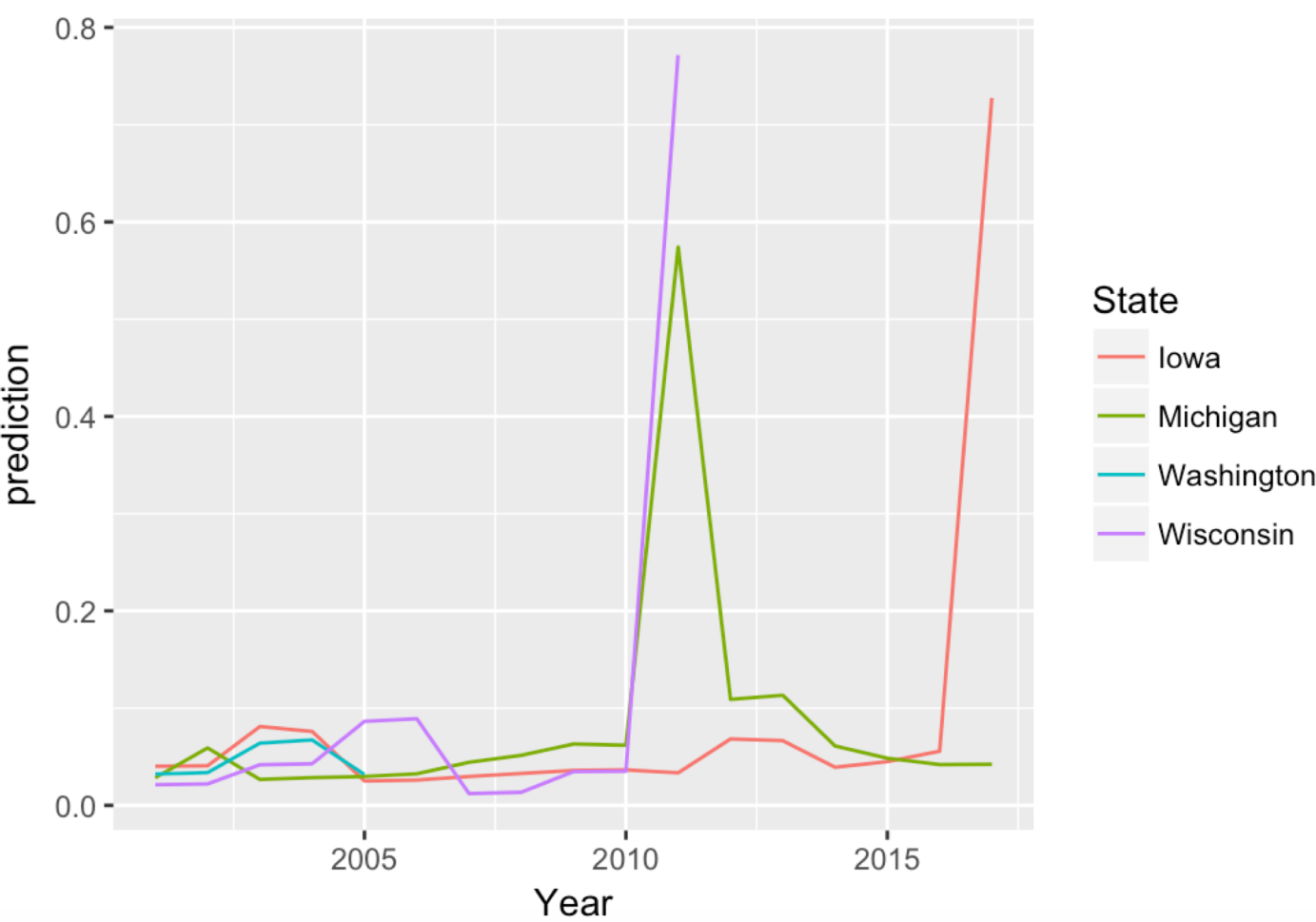
Iowa, 2017

### Outlier

Michigan, 2012 & 2016 (non-adoption)

Washington, 2005 (adoption)

Cases: Yearly Predicted Probability of Adoption, 2001-2017



## Conclusions

- Restrictive voting laws are a political strategy employed almost exclusively—but not evenly—by Republicans.
- Anxiety over electoral integrity and support for reforms have encouraged bipartisan support of early and moderate laws.
- Public pressure and political backlash can moderate or prevent adoption in competitive states.
- Minority turnout, real and relative, matters significantly.

Alvarez, R. Michael, Delia Bailey, and Jonathan N. Katz. "The effect of voter Identification laws on turnout." California Institute of Technology Social Science Working Paper No. 1267R (2008).

Barreto, Matt A., Stephen A. Nuno, and Gabriel R. Sanchez. "The Disproportionate Impact of Voter-ID Requirements on the Electorate—New Evidence from Indiana." *PS: Political Science & Politics* 42.01 (2009): 111-116.

Bentele, Keith G., and Erin E. O'brien. "Jim Crow 2.0? Why States Consider and Adopt Restrictive Voter Access Policies." *Perspectives on Politics* 11.04 (2013): 1088-1116.

Highton, Benjamin. "Voter Identification Laws and Turnout in the United States." *Annual Review of Political Science* 20 (2017): 149-167.