Minority Populations, Republicans, and the Cost Of Voting Index

By:
Michael J. Pomante II,
Scot Schraufnagel,
&
Quan Li

Abstract - In 2018, we published the first comprehensive measure of the cost of voting in each of the 50 American states. The Cost of Voting Index (COVI) measures the overall difficulty of voting within a state by weighting the state's restrictive and liberalizing election policies, combining them into a single index value. In this chapter, our intentions are to provide a better understanding of what motivates some states to pass more restrictive electioneering policies. Our primary concern is to test what effect partisanship, or the political party in control of state government, has on voter restrictions. Previous research has uncovered that certain state policies, such as voter identification laws, have a larger effect on the turnout of Latinx populations and other minorities. However, these works use voting laws to explain variation in voter turnout. Our efforts, in this chapter, are to test whether partisan proclivities in combination with state racial and ethnic demographics can predict a more restrictive electoral climate. Specifically, we will use each state's relative COVI value as the dependent variable. The COVI provides us an advantage because we will not be limited to an analysis of a particular election law, instead we look for explanations for the broad electoral climate of each state, testing the totality of state variation in electoral restrictiveness. Throughout the time studied (1996-2020), we find evidence for higher COVI values when the percentages of Republican state legislators and state Black populations are larger in tandem. This also occurring under conditions of growing state Latinx populations.

* This paper was prepared for the 2021 Election Science, Reform, and Administration Conference, virtual, July 19-21. This paper is a portion of a larger book project. Please do not cite without prior approval from Michael J. Pomante II, mpomant@ju.edu.

Arguably, voting is the most important form of political participation in a republic. A republican system of government, or representative democracy, is a system of government where sovereignty resides with the citizenry, who elect representatives. For citizens to be empowered in a republic, they must be able to vote for those they wish to represent them. Effective representation and quality governance is compromised if the opportunity to vote is restricted or if specific subpopulations are more likely to be excluded from the process. Hence, the study of elections garners a great deal of scholarly attention. Academics wrestle with the development, adoption, and maintenance of free, fair, and inclusive voting practices. As noted up front, a primary motivation for this book is to promote governing legitimacy and political stability. We sacrifice governing competence, legitimacy, and constancy when electoral practices do not meet acceptable standards. Moreover, if discriminatory voting practices exist, we damage quality representation and the legitimacy of a republic.

Throughout the United States history, the country has been somewhat of a world leader in democratic institution building. The US was the first country to drop property requirements as a condition for voting in a republic (Engerman and Sokoloff 2005). Other efforts to expand voting rights to women found strong, early advocates in the US (Cooney 2005). Although countries such as Brazil grant 16-year-olds the right to vote, the US was the leader in extending the franchise to 18-year-olds. With all that said, it is concerning that state legislatures often attempt to restrict voting rights in the contemporary period. Especially when countries like Canada and Estonia are moving forward more quickly on the technology that allows for secure voting over the Internet. The US may no longer be the beacon of democratic inclusion that so many worldwide imagine.

For a long time now, scholars find that elected representatives in a republic are more responsive to the people or groups who vote (Berelson 1952; Almond and Verba 1963; Griffin and Newman 2005). Therefore, if specific subpopulations are discouraged from voting in predictable ways, this warrants a comprehensive investigation. Again, the concern is for the competence of the electoral process and, by extension, the legitimacy of governing institutions. Laws intended to disenfranchise segments of the population are commonplace in authoritarian regimes when leaders manipulate elections to illegitimately boost their support while discouraging the opposition (Levitsky and Way 2010; Schedler 2002; 2006). Such actions should not be the case in a long-standing republic such as the US.

Importantly, we can note some instances when state policymakers have made their motivation for passing restrictive voting laws reasonably clear. In November 2012, Jim Greer, the former chair of the Republican Party in the state of Florida told the press the goal of the passage of restrictions on early/absentee voting and voter registration was to make voting more difficult and inconvenient because more convenient voting "is bad for Republican Party candidates."[1] In July 2013, Pennsylvania House Majority Leader Mike Turzai claimed that the goal of the passage of the voter identification law was to "allow Governor Romney to win the state of Pennsylvania."[2] In April 2016, Wisconsin State Representative Glenn Grothman told a reporter that despite poor performance of Republicans in past election cycles, 2016 will be different because, "Now we have photo ID, and I think photo ID is gonna make a little bit of a

1 Gray, Ian. "Jim Greer, Ex-Florida GOP Chair, Claims Republican Voting Laws Focused On Suppression, Racism." *Huffington Post*, 2012, 11 26 (https://www.huffingtonpost.com/2012/11/26/jim-greer-florida-voting-laws_n_2192802.html). Last accessed July 1, 2019.

2 Stromberg, Stephen. "Someone is trying to rig the election. It's just not who Donald Trump claims." *Washington Post*, 2016, 08 02 (https://www.washingtonpost.com/blogs/post-partisan/wp/2016/08/02/someone-is-trying-to-rig-the-election-its-just-not-who-donald-trump-claims/?noredirect=on&utm_term=.81ebd253151). Last accessed December 27, 2019.

difference."[3] Finally, Justin Clark, a senior political adviser and senior counsel to President Donald Trump's 2020 re-election campaign, noted, "Traditionally it's always been Republicans suppressing votes in places," but that now it is possible to begin "protecting our voters. We know where they are . . . Let's start playing offense a little bit."[4] Whether voting restrictions help the Republican Party win elections is a question we will answer in the concluding chapter of this volume. For now, we are interested in trying to explain why some states more than others pass voting restrictions. The public comments by Republican Party officials provide us a glimpse into what might motivate restrictions.

Each of the claims just mentioned amount to credible evidence that Republican Party operatives in some states are anxious to make voting more difficult for Democrats. Yet, the quotes by themselves do not prove a systematic attempt to disenfranchise a particular demographic such as a racial or ethnic minority. If they did, there are profound civil rights implications. As of 2021, the demographic considerations covered by national civil rights laws are race, gender, color, ethnicity, religion, age, and disability. One might imagine that the motivation of Republican Party operatives is purely partisan, and they are changing or maintaining specific policies to gain an electoral advantage without malice toward a particular group with civil rights protections. On the other hand, if their intentions are specifically to

3 WTMJ-TV Milwaukee 2016, 0405. Comment made during a television interview (https://www.tmj4.com/news/local-news/grothman-voter-id-law-will-help-eventual-gop-nominee-win-wisconsin). Last accessed July 1, 2019. Additionally, Circuit Court Judge Richard Posner (2013) stated in his book *Reflections on Judging* (Cambridge, MA: Harvard University Press) "Indiana voter photo ID law is a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic."

4As quoted in the *Huffington Post* on December 20, 2019 (https://www.huffpost.com/entry/trump-adviser-gop-voter-suppression-poll-watching-2020_n_5dfd46c5e4b0843d35fc2322). Last accessed December 27, 2019.

disenfranchise Black or the Latinx subpopulations, or perhaps young Americans, this is a more severe problem with direct implications for "due process" and civil rights.

In a republic, if specific subpopulations are systematically discouraged from voting, it may follow that there is less effective representation of that group's interest (Avery and Peffley 2005; Hajnal and Trounstine 2005; Hill and Leighley 1992). Hence, in Chapters 5 and 6 of this volume, we look for systematic efforts to disenfranchise subpopulations. Specifically, we focus our attention on the two largest minority groups in the United States, African American, Latinx citizens, and test the effect of voting restrictions on the electoral mobilization of Asian Americans and citizens with limited education. We pay special attention to the role played by residential mobility. Our expectations are that renters, or the residentially more mobile segment of American society, are significantly adversely affected by higher voting costs.

This chapter intends to understand better what motivates some states to pass more restrictive electioneering policies. Our primary concern is to test what effect partisanship or the political party in control of state government has on voter restrictions. However, we do so, keeping in mind the possibility that majority White state legislators are adopting a more restrictive state electoral-institutional posture for the sake of preventing minority citizen political advancement.

Previous research has uncovered that specific state policies, such as voter identification laws, have a larger effect on Latinx populations and other minorities (Government Accountability Office 2014; Hajnal, Lajevardi, and Nielson 2017). Researchers also find that photo ID laws disproportionately disenfranchise the elderly, the less educated, and those with

lower incomes because these groups are less likely to have a driver's license (Barreto, Nuño, and Sanchez 2009).5 Notably, these works use voting laws to explain variation in voter turnout. Conversely, our efforts are to test whether partisan proclivities combined with state racial and ethnic demographics can predict a more restrictive electoral climate.

Specifically, we use each state's relative Cost of Voting Index (COVI) value as the dependent variable or the phenomenon of interest that the statistical models will attempt to elucidate. That is, we wish to uncover whether demographic and partisan conditions in each American state can explain index values. The COVI provides us an advantage because we are not limited to an analysis of particular election laws; instead, we look for explanations for the broad electoral climate of each state, testing the totality of state variation in electoral restrictiveness. We intend to unravel potential bias in the electoral environment of each state. If uncovered, there may be significant implications for civil rights, defined—in part—as the right to vote.

Research Questions

Until the development of the Cost of Voting Index (COVI), there was no single comprehensive index of the relative cost of voting in the 50 American states. With the COVI in hand, we begin to unravel partisan and demographic correlates with index values. Are states where the Republican Party controls the state legislative process more likely to maintain a restrictive electoral-institutional climate? Additionally, do states with larger minority populations, on average, keep stricter voting laws and higher index values? Notably, others have found connections between state minority populations and anti-minority legislation. Specifically,

5 In the summer of 2016, numerous courts concluded there was evidence of concerted efforts to disenfranchise subpopulations of voters when they struck down, or greatly weaken, strict voter identification laws in Kansas, North Carolina, North Dakota, Texas, and Wisconsin (NPR 2016).

researchers learn the frequency of restrictive immigration policies in the American states; they occur more commonly in states with faster growing Latinx populations (Márquez and Schraufnagel 2013). Others find firmer death-penalty policies in states with a higher percentage of African American citizens (Jacobs and Carmichael 2002). Peripherally, scholars find that growth in the Latinx population influences the policy attitudes of Whites (Rocha and Espino 2009).

Of course, it is possible to imagine purely partisan motives for more restrictive electioneering practices. For instance, Republican state governments are more likely to pass legislation that requires citizens to have a photo ID to vote (Rocha and Matsubayashi 2014; Hicks, McKee, Sellers, and Smith 2015). In a more general sense, researchers find Republicans are more likely to favor restrictive voter access policies (Bentele and Obrien 2013). Unfortunately, much of this previous work is limited to analyses of individual election laws and/or limited periods. We examine correlates with a broad swath of state laws, which produce state COVI values, over a considerable time, from 1996 to 2020. As stated, our efforts are an attempt to understand what explains the relative restrictiveness of the electoral climate in each state.

Testing

We begin by testing whether the sheer size of minority populations in each state correlates with state COVI values. Table 1 provides the test of the relationship between minority subpopulations and COVI values in each of the past seven presidential election years. Notably, because COVI values measure unique state election laws in each of the seven election cycles studied, it is possible and advisable to examine each election cycle independently. We can note the overall correlation (n = 350) tells the same story as the election cycle specific values.

Namely, the percentage of each state's Black population associates with higher COVI values and the percentage of each state's Latinx population does not.

In Table 4.1, we can see that the cost of voting is higher in states with larger Black populations in the most recent presidential election years. There is a positive correlation between COVI values and the percentage of state residents who identify as "Black or African American." In 2020, however, the relationship was no longer statistically significant using the conventional standard. One can imagine that the strong positive relationship occurs partly because of the well-documented efforts in some states, particularly in Southern states dominated by White Democrats during the Jim Crow Era (late 19th century to 1965). The history of these states documents how they wrote election laws that attempted to dissuade Blacks from exercising their right to vote. However, we know that state election laws are very dynamic and that state election laws change all the time. Correspondingly, some states have taken the opportunity to undo past wrongs by making voting more accessible, while others have not. Our ranking of the states in Chapter 3 clarifies where and when states have changed their election laws. We specifically look at how these policy adoptions have altered their relative rank in the cost of voting.

Table 4.1.
Percent Black and Latinx Populations and the Variable Costs of Voting in the American States: Presidential Election Years 1996-2020

Pearson-R Correlation Coefficients: *p-values are a two-tailed test*

	% Black Population	% Latinx Population
1996	.382 ($p < .00$)	.324 ($p < .03$)
2000	.484 ($p < .00$)	.025 ($p < .87$)
2004	.501 ($p < .02$)	.050 ($p < .74$)
2008	.511 ($p < .00$)	.185 ($p < .20$)
2012	.370 ($p < .00$)	.058 ($p < .69$)
2016	.342 ($p < .02$)	-.081 ($p < .58$)
2020	.157 ($p < .28$)	-.191 ($p < .19$)
	In each test n = 50	

Source: United States Census Bureau; 1990 values are used for the 1996 election, 2000 values are used for the 2000 and 2004 elections, 2005 values (population estimates) are used for the

2008 election, 2010 values are used for the 2012 election, 2014 values (population estimates) are used for the 2016 election, and 2019 (population estimates) are used for 2020. https://www.census.gov/quickfacts/fact/table/AK,US/PST045219 (last accessed July 31, 2020). Cost of Voting Index values based on Li, Pomante, Schraufnagel (2018) and Schraufnagel, Pomante, Li (2020). Revised values available at https://sites.google.com/view/michaeljpomante/cost-of-voting-index (last accessed December 15, 2020.

Turning back to Table 4.1, note the positive correlation between the Latinx population and COVI values only in the first four presidential election cycles (1996-2008). Moreover, using a robust two-tailed test for statistical significance, there is no strong statistical relationship, except in 1996. Nonetheless, it is the case in the earlier period that states with a larger percentage of people who identify as "Hispanic or Latino" had higher COVI values, on average. Interestingly, the bivariate relationship turns negative in 2016 and 2020. A negative correlation suggests that states with a greater percentage of Latinx residents have lower COVI values, on average. One might imagine that the growing Latinx population, in the period studied, and the increased voting strength of this group might be changing things. For instance, California has a substantial Latinx population (39.4% in 2019) and a relatively low COVI value, particularly in 2016 and 2020 (second and sixth easiest states to vote in, respectively). In 1996 (1990 US Census), California had a greater than average Latinx population, and the state was only the 38th easiest to vote in. In any event, the Latinx consideration begs further scrutiny, primarily because others have found that the growth of state Latinx populations has led to different policy outcomes (Márquez and Schraufnagel 2013) and policy attitudes (Rocha and Espino 2009).

Table 4.2 provides three related tests of the relationship between the percent growth in each state's Latinx population from 1990 to 2019, using Census Bureau data, and three different indicators of the cost of voting. In the first instance, we correlate the percentage growth in the Latinx population with raw COVI values in 2020. We complement this by correlating the Latinx

state population growth with the COVI state rank in 2020 and the change in state rank from 1996 to 2020. As we learned in Chapter 3, state ranks are the order of raw index values. We can obtain the change in state rank by subtracting a state's 1996 rank from its 2020 rank. In this third test, a positive difference in state rank indicates that the cost of voting increased relative to other states during the period considered. A negative number suggests the cost of voting was less restrictive relative to other states. For example, South Dakota is ranked the 17th easiest state to vote in 1996, and by 2020 it was ranked 41st. The change in COVI state rank equals 24 (41-17). Going in the other direction, Virginia was ranked 18th in 2020, and in 1996 it had ranked 28th. For our test, Virginia receives a change in state rank value of -10 (18-28).

Testing correlations in three different ways is our attempt to know the robustness of the relationship between growth in the Latinx population and the relative restrictiveness of each state's electoral-institutional climate as defined by COVI values. If a relationship exists using one measurement strategy but disappears with a different approach, we would have to conclude we are uncertain there is a relationship. What we find, however, in each of the three tests are statistically significant positive relationships. It does not matter how we measure things; when state Latinx populations increase in size, as a percentage of a state's total population, there is a higher state cost of voting index values.

Table 4.2.

Percent Growth in the Latinx Populations (1990-2019) and Three Measures of the Cost of Voting

Pearson-R Correlation Coefficients: *p-values are a two-tailed test*

Years	Raw COVI Values
2020	.308 ($p < .03$); n = 50
	State COVI Rank
2020	.355 ($p < .02$); n = 50
	Change in COVI State Rank

2020 - 1996	.304 ($p < .04$); n = 50

We are now turning to the question of partisanship or the party in control of state government. We cannot simply ignore the quotes from Republican sources, which suggest the modern Republican Party is interested in selective demobilization. With this in mind, we hypothesize that the Republican Party might be more interested in voting restrictions in the contemporary period. This hypothesis is interesting because in an earlier era, discussed in Chapter 1; it was the Democratic Party that was most closely associated with election restrictions, especially as former slave owners in the South went out of their way to prevent Blacks from voting. We expect that COVI values, since 1996, will associate positively and significantly with Republican Party (GOP) sway over state legislative processes. To test this, we measure the GOP's influence over state election laws in two different ways. First, we test the percentage of state legislators (House and Senate combined) that are from the Republican Party. Second, we use a simple dummy measure and score the variable "1" if the GOP had majority control of each state legislative chamber and the governor's office. In each instance, we take our measurement in the year preceding the actual presidential election. For example, we measure Republican control of state government in 1995 and use it to predict COVI values in 1996. We use 1999 values to predict 2000 values and so forth.

The results are in Table 4.3. We learn that only in the two most recent presidential election cycles (2016 and 2020) the measure of Republican sway over the state legislative process consistently correlates positively and significantly with COVI values. Interestingly, in the first two presidential election cycles, more GOP members in state legislatures are negatively linked to the COVI, and the association is statistically significant or nearly statistically significant. However, since 2008 it seems the GOP, as a whole, has switched positions. Once

upon a time, not long ago (1996 and 2000), the GOP was more likely to embrace norms of democratic inclusion by making voting more accessible. It is only very recently that the party, on average, associates with restrictive voting policies. In the three middle years (2004, 2008, and 2012), one must accept the null hypothesis that the political party with sway over state legislative processes was unrelated to the overall cost of voting in the American states. Although by 2012, it is clear the political parties had switched places.

Table 4.3.

GOP Control of State Government and the Variable Costs of Voting: Presidential Election Years 1996-2020

Pearson-R Correlation Coefficients: *p-values are a two-tailed test*

	% GOP Members (both Chambers)	GOP Maj. Control of both Chambers + Gov.
1996	-.322 ($p < .03$)	-.342 ($p < .02$)
2000	-.361 ($p < .02$)	-.141 ($p < .34$)
2004	-.261 ($p < .08$)	.001 ($p < 1.00$)
2008	-.078 ($p < .61$)	-.089 ($p < .55$)
2012	.169 ($p < .25$)	.289 ($p < .05$)
2016	.455 ($p < .01$)	.443 ($p < .01$)
2020	.530 ($p < .01$)	.431 ($p < .01$)

n = 49

(Nebraska's Non-Partisan State Legislature Omitted)

Source: Republican Party members and majority control obtained from the National Conference of State Legislatures using values from the year preceding the election (i.e., 2020 analysis based on 2019 values).

If the Republican Party favors more voting restrictions, this is a recent development. Note, in 2020, there is a very high correlation between GOP sway over state legislative process and the COVI, but as recently as 2000, it was the other way around. Diving into the data, we note the explanation for the growth in the positive relationship occurs in large part by more conservative states failing to keep pace with the more hassle-free voting processes that other states adopt. For instance, many Republican-leaning states have failed to develop voting centers, expand early voting, and adopt automatic voter registration processes for citizens who change residence. More importantly, however, when we scrutinize the data, we learn that before 2016, many states primarily in the rural West had Republican Party control of the state legislative

process but reasonably low COVI values. States like Wyoming went from the seventh lowest COVI rank in 1996 to the 42nd ranked state by 2020. During the period studied, Kansas, another Republican Party stronghold, had the 25th lowest COVI rank in 1996, but by 2020 it was ranked 44th.

It is necessary to move beyond the bivariate correlational analysis related to minority and partisan effects on the cost of voting. So far, we have uncovered a host of new questions. We began to find the underlying cause of things related to state Latinx populations by exposing that growth in this subpopulation correlates with higher COVI values. Yet, we still do not know if this will hold up when we control for the competitiveness of each state's electoral climate or what some argue are the "benefits" of voting (Filer and Kenny 1980; Colomer 1991). One might hypothesize that in more electorally competitive states, state legislators in control of the legislative process might be especially keen to maintain the status quo electoral arrangements, lest changes upset incumbent state legislator electoral fortunes. After all, those in power obtained office using the existing set of state election laws.

We also know that the Republican Party had great sway in many of the rural-Western states and these states (i.e. North Dakota and Utah) have lower COVI values. However, these are states with much smaller African American populations. Is it possible that the relative size of a state's African American population is interacting with Republican Party control to produce higher COVI values? If this is the case, we may have uncovered evidence of voter suppression efforts. Moreover, today's more covert suppression policies likely have the same civil rights implications as the Jim Crow policies of an earlier era. Importantly, it is not the case that in 1996, the first year we study, that the GOP was the party more sympathetic to the plight of African Americans, as was the case earlier in the 20th century (Bullock III 1988). Since 1996, the

GOP was already decidedly White and rural (Hayes & McKee 2008), yet the Republican Party does not correlate with higher COVI values until 2012 and not in a statistically significant manner until 2016.

To answer these questions and others, we start by creating an interaction term that simply multiplies the percentage of the Black population in each state with the percentage of Republicans in that same state's legislature during each of the seven presidential election cycles. We use this interaction term and its parts in a base regression model to test for an association with the cost of voting in each state in each presidential election year. The test will tell us if both things need to be occurring to get larger COVI values. In other words, is Republican Party control of state legislatures, in the contemporary period, associated with higher COVI values only when there is a larger Black population in the state? We display the results in Table 4.4.

Table 4.4.

Cost of Voting Index (COVI) Values Predicted by the Interaction of Percent Black and the Percent GOP State Legislators: Presidential Election Years 1996-2016

Ordinary Least Squares Regression: *Dependent Variable is each State's COVI Value*

		Coefficient (Standard Error)
1996	% Black Population	-.039 (.030)
	% GOP Members (both Chambers)	-.021 (.009)*
	% Black Population * % GOP Members	.0017 (.0007)*
	F-statistic; Adjusted R^2; n	5.49*; .22; 49
2000	% Black Population	-.039 (.032)
	% GOP Members (both Chambers)	-.021 (.008)*
	% Black Population * % GOP Members	.0018 (.0008)*
	F-statistic; Adjusted R^2; n	8.15*; .31; 49
2004	% Black Population	-.025 (.031)
	% GOP Members (both Chambers)	-.015 (.008)ᵗ
	% Black Population * % GOP Members	.0014 (.0007)*
	F-statistic; Adjusted R^2; n	7.34*; .28; 49
2008	% Black Population	.003 (.038)
	% GOP Members (both Chambers)	-.008 (.009)
	% Black Population * % GOP Members	.0008 (.0008)

	F-statistic; Adjusted R^2; n	5.82*; .23; 49
2012	% Black Population	-.049 (.035)
	% GOP Members (both Chambers)	-.002 (.007)
	% Black Population * % GOP Members	.0015 (.0007)*
	F-statistic; Adjusted R^2; n	5.27*; .21; 49
2016	% Black Population	-.027 (.039)
	% GOP Members (both Chambers)	.012 (.007)^{t}
	% Black Population * % GOP Members	.0009 (.0007)
	F-statistic; Adjusted R^2; n	7.66; .29; 49
2020	% Black Population	-.059 (.043)
	% GOP Members (both Chambers)	.014 (.008)^{t}
	% Black Population * % GOP Members	.0013 (.0007)^{t}
	F-statistic; Adjusted R^2; n	7.84*; .30; 49

Note: We omit the Nebraska nonpartisan state legislature from the results reported above. We also assign Nebraska the same percentage of GOP legislators as Kansas in an auxiliary analysis not reported here. This second measure does not produce any appreciable difference in the results reported in the Table.
*$p < .05$; ^{t} $p < .10$ (two-tailed tests)

Looking at the interaction variable, we find that in five of the seven election cycles, when there are more GOP state legislators and a larger percentage of Blacks in the state, the cost of voting is higher. The exceptions are the 2008 and 2016 election cycles. However, in both cases, the coefficient for the interaction term is positive and larger than the standard error. We know from Table 4.3 that the percentage of the GOP in state legislatures or GOP majorities in state legislatures was neither necessary nor sufficient to move the costs of voting higher during the first five presidential election cycles studied (1996, 2000, 2004, 2008, and 2012). However, we now learn that when considering larger state Black populations, the Republican Party does associate with a higher cost of voting as far back as 1996. We know that Black populations are larger in Southern states. Considering these larger populations alongside the relative size of the GOP in state legislatures, we find the cost of voting higher. Uncovering this relationship is our first real evidence of the systematic disenfranchisement of a minority population. In other words,

the preliminary evidence suggests that when there are larger Black populations in a state and Republican Party control of state legislative processes, there is a more restrictive electoral-institutional climate.

When interpreting the results of a regression that uses an interaction term, it is rare to pay much attention to the results associated with the parts of the interaction. This is because the tests tell us something about the effect of the independent variable on the dependent variable when the value of the second part of the interaction term equals "0." For instance, in this case, the coefficient representing the effect of the percent GOP on COVI values tells us what this would be if there were no Blacks in the state. Conversely, the test of the nature of the association between the Black subpopulation and the COVI is the effect under a scenario wherein there were "0" members of the GOP in a state's legislature. Although both scenarios do not represent actual world events, interpretation of these component parts can be somewhat telling, especially as it relates to the relationship between the GOP and the COVI if there are no Blacks in the state. Notice a statistically significant negative association in the first three election cycles (1996, 2000, and 2004) between GOP sway over state legislative process and lower COVI values. If there were zero Blacks in the state, the GOP associates with lower costs or less restrictive voting laws. Notably, there are some states in this earlier period with minimal Black populations, and in these states, more Republicans in a state legislature do not result in higher COVI values.

Because our data are arrayed over time (1996-2020 with gaps) and across sections (each of the 49 states with a partisan legislature), we run a variation of the Generalized Least Squares model. The GLS model allows us to correct for potential auto-correlation of the error term combining all 343 elections into a single regression run ((50 states * 7 elections = 350) – 7 for Nebraska)). Because there is so little variation within each state (i.e. states with low African

American populations stayed that way throughout the time studied), we are most interested in a Between Effects model that will illuminate inter-state variation in COVI values.

In this instance, it is prudent to control for other considerations that might also prompt variation in the cost of voting between states. In particular, it seems wise to control for the level of *Electoral Competition* in each state. Legislators in states with a more competitive electoral climate might be incredibly anxious to make voting more difficult, lest higher voter turnout affects election outcomes in unpredictable ways. We operationalize this consideration using the closeness of the previous presidential election in each state. For example, in Utah in 2008, the absolute value of the difference in vote percentage between the two major political party candidates (John McCain and Barack Obama) was about 46 percent. John McCain received about 73 percent of the vote to Barack Obama's 26 percent of the vote. In the models, we do not round up or down using the precise election percentage gap between the two major-party candidates as our predictor. Therefore, in the example above, we use the value 46.693 to predict the cost of voting in Utah in 2012. Because electoral competition in the state is minimal, we are imaging, all else being equal, state legislators would not be as concerned with trying to restrict voting. In 2008, the absolute value of the difference between the two major political party candidates was about five percent in Florida, and we use this quantity to predict Florida's 2012 COVI value. Smaller numbers on this variable indicate more electoral competition, and we anticipate a negative association with the cost of voting.[6]

Last, we imagine that state legislative professionalism might produce a higher or lower cost of voting values. Some state legislatures are decidedly part-time bodies, and state legislators

[6] We also measure electoral competition using the closeness of the presidential contest in the corresponding election cycle (2012 competition used to predict 2012 cost of voting values) and do not obtain results that are substantively or statistically distinct from our reported measurement strategy.

in these states routinely hold other full-time jobs. One can imagine that states with more "professional" or full-time legislatures are distinct in important ways from states where the legislature meets for only a minimal time each year. In a seminal work, Daniel Elazar (1966) provided theoretical arguments for why states, and their governing institutions, take on different personalities with ties made to immigration patterns.

Contemporarily, Peverill Squire (2007; 2017) develops a measure of state legislative professionalism called the Squire Index. He states, "Professionalism is typically associated with unlimited legislative sessions, superior staff resources, and sufficient pay to allow members to pursue legislative service as their vocation" (Squire 2007, 211). We control for the Squire Index in our models to account for the likelihood that each state legislature is predisposed to restriction. Most specifically, we hypothesize that less professional state legislatures are more likely not to modernize or keep pace with election innovations such as online or automatic voter registration. Larger Squire Index values indicate a more part-time or "amateur" state legislature, of the type found in states with more "traditional" cultures ala Elazar (1966). Correspondingly, we imagine that our test will produce a positive coefficient or that higher Squire Index values will associate with larger COVI values and/or state ranks.

Table 4.5 displays the results of our model run. Straightaway, we learn the interaction between the size of the Republican state legislative delegation and the size of the Black population work together to explain between state variations in the cost of voting. When the two considerations rise in value, in tandem, the cost of voting is higher. Importantly, this is the case after controlling for other possible explanations for inter-state variation in COVI values. It turns out there are many states in these election cycles with very consistently small Black populations. For example, in 1996, Idaho, Maine, New Hampshire, and North Dakota had less than one

percent Black populations. By 2020, each state's population was still less than two percent Black (except North Dakota, where the Black population reached 3.4 percent of state residents). Each state's COVI rank is relatively low, indicating it is easier to vote in these states. In 1996, Idaho was the eighth, Maine was the second, New Hampshire was the sixth, and North Dakota was the first least costly state to vote in. Many recognize Idaho, New Hampshire, and North Dakota as states with significant Republican representation in elected offices. The size of the Republican delegation, in these states, throughout much of the period studied simply does not associate with a more restrictive electoral climate. Put differently, Republican control of the state legislative process alone cannot explain higher COVI values, especially before 2016. Only when the percent of each state's Black population is larger, and the percentage of Republican state legislators is likewise greater can we get higher COVI values. The two considerations need to work together to obtain statistically significant greater COVI values. Notably, the model returns a negative coefficient for electoral competition and a positive coefficient for the Squire Index, as expected, but neither test suggest a statistically significant relationship.

Table 4.5.

The Effect of Larger Black Populations and Republican Control of State Legislatures: The Cost of Voting in 49 States, 1996-2020

Between Regression (regression on group means)

Variable	Coefficient (Standard Error)
Percent Black Population	-.051 (.038)
Percent GOP State Legislators	-.008 (.007)
Percent Black Population*Percent GOP State Legislators	.0017 (.0008)*
Electoral Competition	-.0006 (.010)
Squire Index (Legislative Professionalism)	.003 (.006)
Constant	-.007 (.379)
F-Statistic	4.49*
Between R-squared	.34

n	343

Note: We omit Nebraska's nonpartisan state legislature from the results reported above, in an auxiliary analysis, not reported here, we assign Nebraska the same value as the Kansas for Percent GOP State Legislators and there is no appreciable difference in the results.
* $p < .05$ (two-tailed tests)

State Latinx Populations.

We already know (see Table 4.1) that the percentage of the state Latinx population does not always correlate with higher COVI values, especially more recently. The lack of a bivariate relationship diminishes the possibility of finding anything consistent with the results reported in Table 4.4 that showed year-by-year that the interaction of Black population size and GOP control of the state legislature produces more costly voting.[7] However, we uncovered that growth in the Latinx population does correlate positively with higher COVI values. To provide a more complete test of this finding, we can, again, run a form of Generalized Least Square model for data arrayed over time and across sections (the 49 partisan state legislatures). In this instance, the change over time in the size of the Latinx population suggests that a Fixed-Effects model is most appropriate. The Fixed-Effects model will test whether a difference in the Hispanic population and change in the percent of Republican state legislators working together within each state will predict COVI ranks. We report the results in Table 4.6. Sure enough, the interaction term produces a coefficient more than three times the size of the standard error, representing a highly significant statistical relationship.

Table 4.6.

The Effect of a Growing Latinx Population and GOP State Legislators: The Cost of Voting in 49 States, 1996-2020

7 A similar test was conducted using the percentage of the state Latinx population in interaction with the percentage of GOP state legislatures and the interaction terms is always positive but is not statistically significant using even the most liberal standard of statistical significance, always returning t-values at or near "1."

Fixed-Effects (within) Regression

Variable	Coefficient (Standard Error)
Percent Latinx Population	-.102 (.020)*
Percent GOP State Legislators	.001 (.004)
Percent Latinx Population*Percent GOP State Legislators	.0015 (.0004)*
Electoral Competition	.0007 (.004)
Squire Index (Legislative Professionalism)	.022 (.008)
Constant	-.359 (.305)
F-Statistic	9.73*
Within R-squared	.14
n	343

Note: We omit Nebraska's nonpartisan state legislature from the results reported above. In an auxiliary analysis not reported here, we assign Nebraska the same value as Kansas for Percent GOP State Legislators, and there is no appreciable difference in the results.
* $p < .05$ (two-tailed tests)

We learn from the results reported in Table 4.6 that more Republican state legislators, in tandem with a growing state Latinx population, can predict a higher cost of voting state rank. To illustrate, note the percentage growth of the state Latinx population in California during the period studied is not great. In 1990, 25.8 percent of the state's population was Latinx, which grew to 39.4 percent by 2019, representing a 52.7 percent increase. Notably, California was the sixth most effortless state to vote in during the 2020 presidential election. A large Latinx population alone does not drive the cost of voting higher. In contrast, consider a state like Alabama. The 1990 census reports only .6 percent of state residents in Alabama identified as Hispanic or Latino. However, Census Bureau estimates in 2019 suggest that the state's population, which identifies as Latinx, had grown to 4.6 percent or a 766 percent increase. Many also recognize Alabama as a state that is decidedly Republican in the modern era. In 2019, the state legislature was more than 74 percent, Republican. The substantial growth in the state Latinx population working in tandem with Republican sway over state election law produces a COVI

rank of 39th in 2020. Notably, in 1996, Alabama was ranked 11th or was a state where it was easier to vote than average.

Electoral competition remains an important consideration, and we included it as a control variable. Yet, in this model, the test does not produce a coefficient and standard error that meets typical standards of statistical significance. However, we find that higher COVI ranks, or more costly voting, are statistically linked to higher Squire Index values or a more amateur or part-time state legislature. The more elite-led amateur state legislatures associate with a higher cost of voting values as expected. We suspect these part-time bodies are less likely to stay current with and/or explore new readily available technologies to make voting more efficient for citizens and often more cost-effective for state coffers.

Importantly, we can go one step further and create a model that considers both total Black populations and growing state Latinx populations. We report the results in Table 4.7. Now, because there is both between state variation in the size of the Black population and growth in state Latinx populations over time, we use a random-effects Generalized Least Squares regression model. The random-effects GLS provides the most robust test of our theses; that GOP control of state legislative process drives up the cost of voting when there is a perceived racial threat defined as a larger state Black population or a growing state Latinx population.

Table 4.7.

The Effect of Larger Black Populations, Growing Latinx Populations, and Republican Control of State Legislatures: The Cost of Voting in 49 States, 1996-2020

Random-Effects Generalized Least Squares Regression

Variable	Coefficient (Standard Error)
Percent Black Population	.009 (.015)
Percent Latinx Population	-.074 (.017)*
Percent GOP State Legislators	-.009 (.005)^{t}
Percent Black Population*Percent GOP State Legislators	.0005 (.00027)^{t}

Percent Latinx Population*Percent GOP State Legislators	.0015 (.0003)*
Electoral Competition	-.002 (.004)
Squire Index (Legislative Professionalism)	.007 (.005)
Constant	-.002 (.312)
Wald Chi^2	49.10*
Overall R-squared	.18
n	343

Note: We omit Nebraska's nonpartisan state legislature from the results reported above. In an auxiliary analysis not reported here, we assign Nebraska the same value as Kansas for Percent GOP State Legislators, and there is no appreciable difference in the results.
*$p < .05$; ᵗ $p < .10$ (two-tailed tests)

The tests of both interaction terms return positive coefficients as expected. Using a one-tailed test of statistical significance, we are 95 percent confident that when there is a larger state Black population or a growing state Latinx population, more GOP members in a state legislature associate with higher COVI ranks. In other words, our results find evidence for a "racial threat" position through the period 1996 to 2020. During these seven contemporary presidential election cycles, GOP sway over state legislative processes increases the time and effort required to get and stay registered and cast a ballot on Election Day. Interestingly, when one considers the Percent GOP State Legislators alone, under a scenario with no Blacks in the state and no growth in the state Latinx population, on average, the GOP associates with fewer restrictions. Of course, this is not a real-world scenario. However, it is not so far-fetched as to not provide any insight. Moreover, this is the case after controlling for the competitiveness of a state electoral climate in presidential elections and the professional versus the amateur status of the state legislative process.

Discussion

As recent as 1996 and 2000, the first two elections under consideration, there is a negative and statistically significant link between COVI values and a larger percentage of GOP

members in each state's legislature (see Table 4.3). Put differently, over 20 years ago, GOP state legislatures, on average, were less restricting, and their states maintain a more inclusive electioneering posture. The relationship between the GOP and election restrictions does not materialize until 2016. Notably, the 2016 election is the first presidential election post-*Shelby v. Holder* the Supreme Court decision. This is the Court decision that lifted the preclearance provisions, allowing states with a history of racist policies to change their election-related laws without the federal government's approval.8 However, before the landmark 5-4 Supreme Court decision, we found evidence that the Republican Party made voting more costly in states with sizable minority populations. Throughout the period studied (1996-2020), we find higher cost of voting values when the percentage of Republican state legislators and state Black populations grow larger in tandem. Moreover, a stronger GOP and more restrictions are also occurring under growing state Latinx population conditions.

It is important to note that there appears to be a shift in GOP focus that coincides with the 2008 presidential election cycle. That year we witnessed the election of the first African-American president (Barack Obama) in US history. Notably, the 2008 presidential election saw the highest levels of voter turnout in contemporary times, at least until 2020. We surmise that political operatives in US state legislatures interpreted the spike in voter turnout as responsible for President Obama's electoral success. Because Obama was a Democrat, his party brethren began to make voting more accessible, and his GOP opponents tried to make voting more

8 We can note that these are the only two election cycles studied that took place after *Shelby County vs. Holder*. Specifically, nine states required preclearance to change election laws in at least some parts of the state prior to the 2013 ruling. They were Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia. Particularly interesting is that these nine states correlated with a higher cost of voting throughout the period studied ($r = .31$; $p < .01$; $n = 350$), which suggests the need for preclearance, or some sort of scrutiny of state election laws was justified.

difficult across the board. Since 2008, we have witnessed a notable increase in the number of state laws passed that deal with the state election process (Bentele and O'Brien 2013, 1089 Figure 1). Some state laws have increased the costs associated with voting, while other laws make voting easier.

In Chapter 2, we uncovered a strong negative relationship between lower voting costs and greater state-level voter turnout levels. In the next chapter, we will learn that higher state COVI values also associate with less reported voting using individual survey respondents as the unit of analysis. However, what we do not know is whether there is a partisan advantage to higher voter turnout. We turn our attention to this question in the concluding chapter when scrutinizing presidential election results from 2016 and 2020. As far back as the late 1970s, James DeNardo (1980) argued that "The Jokes on the Democrats" and that one cannot safely assume that higher voter turnout will always create an advantage for the Democratic Party. Indeed, we learn that when states made voting easier in 2020, voter turnout increased because of the coronavirus pandemic, but the spike did not benefit the Blue Party.

This chapter used COVI values as the dependent variable and tried to understand why some states have higher values than others. We learn there is an extraordinarily high positive correlation between state African American populations and voting costs. As noted, this may be left over from the Jim Crow Era (before 1965), when it was all too obvious that state legislators, particularly in the South, were going out of their way to make voting more difficult for Black Americans. Moreover, we also uncover a statistically significant correlation between COVI values and growth in state Latinx populations. GOP influence over state legislative processes, by itself, does not correlate with a higher cost of voting before the 2016 presidential election cycle. Ultimately, when we create new variables that *interact* with the percent of a state population that

is Black, growth in the Latinx population, and the size of the GOP delegation in each state legislature. We learn the interaction term associates positively with the cost of voting values throughout the period studied.

Chapter 4 Works Cited

Almond, Gabriel A., and Sidney Verba. 1963. *The Civic Culture: Political Attitudes and Democracy in Five Nations.* Boston: Little, Brown.

Avery, J. M., and M. Peffley. 2005. "Voter registration requirements, voter turnout, and welfare eligibility policy: Class bias matters." *State Politics and Policy Quarterly* 5 (1): 47-67.

Barreto, Matt A., Stephen A. Nuño, and Gabriel R. Sanchez. 2009. "The Disproportionate Impact of Voter-ID Requirements on the Electorate: New Evidence from Indiana." *PS: Political Science and Politics* 42 (1): 111-116.

Bentele, Keith G., and Erin E. O'Brien. 2013. "Jim Crow 2.0? Why States Consider and Adopt Restrictive Voter Access Policies." *Perspectives on Politics* 11 (4): 1088-1116.

Berelson, Bernard. 1952. "Democratic Theory and Public Opinion." *Public Opinion* 313-330.

Bullock III, Charles S. 1988. "Regional Realignment form and Officeholding Perspective." *Journal of Politics* 50 (3): 553-574.

Colomer, Josep M. 1991. "Benefits and costs of voting." *Electoral Studies* 10 (4): 313-325.

Cooney Jr., Robert P. J. 2005. *Winning the Vote: The Triumph of the American Woman Suffrage Movement.* American Graphic Press.

DeNardo, James. 74. "Turnout and the Vote: The Joke's on the Democrats." *American Political Science Review* 406-420.

Elazar, Daniel Judah. 1966. *American Federalism: A View from the States.* Ann Arbor, MI: University of Michigan Press.

Engerman, Stanley L., and Kenneth L. Sokoloff. 2005. "The Evolution of Suffrage Institutions in the New World." *Journal of Economic History* 65 (4): 891-921.

Filer, John E., and Lawrence W. Kenny. 1980. "Voter Turnout and the Benefits of Voting." *Public Choice* 35 (5): 575-585.

Government Accountability Office, United States. 2014. "Elections: Issues Related to State Voter Identification Laws." Report to Congressional Requesters.

Griffin, John D., and Brian Newman. 2005. "Are Voters Better Represented?" *Journal of Politics* 67 (4): 1206-1227.

Hajnal, Zoltan, and Jessica Trounstine. 2005. "Where Turnout Matters: The Consequences of Uneven Turnout in City Politics." *The Journal of Politics* 67 (2): 515-535.

Hajnal, Zoltan, Nazita Lajevardi, and Lindsay Nielson. 2017. "Voter Identification Laws and the Supression of Minority Votes." *The Journal of Politics* 79 (2): 363-379.

Hayes, Danny, and Seth C. McKee. 2008. "Toward a One-Party South?" *American Politics Research* 36 (1): 3-32.

Hicks, William D., Seth C. McKee, Mitchell D. Sellers, and Daniel A. Smith. 2014. "A principle or strategy? Voter Identification laws and partisan competition in the American States." *Political Research Quarterly* 68 (1): 18-33.

Hill, Kim Quaile, and Jan E. Leighley. 1992. "The Policy Consequences of Class Bias in State Electorates." *American Journal of Political Science* 36 (2): 351-365.

Jacobs, David, and Jason T. Carmichael. 2002. "The Political Sociology of the Death Penalty: A Pooled Time-Series Analysis." *American Sociological Review* 67 (1): 109-131.

Levitsky, Steven, and Lucan A. Way. 2010. *Competitive Authoritarianism: Hybrid Regimes After the Cold War.* Cambridge: Cambridge University Press.

Li, Quan, Michael J. Pomante II, and Scot Schraufnagel. 2018. "The Cost of Voting in the American States." *Election Law Journal: Rules, Politics, and Policy.*

Marquez, Timothy, and Scot Schraufnagel. 2013. "Hispanic Population Growth and State Immigration Policy: An Analysis of Restriction (2008-12)." *Publius: The Journal of Federalism* 43 (3): 1-21.

Rocha, Rene R., and Rodolfo Espino. 2009. "Racial Threat, Residential Segregation, and the Policy Attitudes of Anglos." *Political Research Quarterly* 62 (2): 415-426.

Rocha, Rene R., and Tetsuya Matsubayashi. 2014. "The Politics of Race and Voter ID Laws in the States: The Return of Jim Crow?" *Political Research Quarterly* 67 (3): 666-679.

Schedler, Andreas. 2006. *Electoral Authoritarianism.* Boulder, CO: Lynne Rienner.

Schedler, Andreas. 2002. "The Nested Game of Democratization by Elections." *International Political Science* 23 (1): 103-22.

Schraufnagel, Scot, Michael J. Pomante II, and Quan Li. 2020. "Cost of Voting in the American States: 2020." *Election Law Journal* 19 (4): 503-509.

Squire, Peverill. 2017. "A Squire Index Update." *State Politics & Policy Quarterly* 17 (4): 361-71.

Squire, Peverill. 2007. "Measuring State Legislative Professionalism: The Squire Index Revisited." *State Politics & Policy Quarterly* 211-227.