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## Patterns of Controversy: The Factors that Influence the Passage of Voter Identification Laws

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Patterns of Controversy: The Factors that Determine the Passage of Voter Identification Laws

A thesis submitted in partial fulfillment of the requirement  
for the degree of Bachelor of Arts in Government from  
The College of William and Mary

by

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Accepted for Honors

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Williamsburg, VA  
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## Literature Review

In recent years, state legislatures across the country have begun to pass legislation preventing citizens from voting without first presenting appropriate forms of identification. This issue has polarized the American political community. Many liberal politicians such as the Democratic President Barack Obama have publicly condemned the new voter identification laws, while more conservative politicians, such as Newt Gingrich, have supported them (Lavender). Key to the controversy is the contentions of liberal leaders that the Republican leaders who support voter identification laws do so out of the intent of effectively disenfranchising demographic groups that would vote for Democratic candidates, such as people of color (Reilly). Evaluating the evidence as to the racial motivations behind these pieces of legislation requires a look at the literature surrounding the role of race in partisan American politics as well as how voter identification laws impact voter turnout.

### Race and Current Partisan Issues

The Republican Party continues to struggle in attracting people of color, something that makes them an obstacle to GOP electoral success. Many academics, such as Seth C. McKee look to the opposition of Republican Presidential candidates such as Barry Goldwater towards civil rights legislation as a key moment that turned African-Americans away from the Republican Party, a trend that continues to the present day (7). The large degree of African-American support has led to significant gains for the Democratic Party. For example, Steven Taylor concludes that black support for Barack Obama was nearly unanimous in his successful 2008 Presidential campaign (6). Scholars have also come to the conclusion that the Republican Party has failed to attract black voters even when they agree with many Republican policies. Christopher G. Ellison and Eric. L. McDaniels both come to the conclusion that even amongst

evangelicals, who tend to favor social views held by Republican candidates the Republican Party still attracts mainly whites (10). Quentin Kidd, Herman Diggs, Mehreen Farooq, and Megan Murray come to the same conclusion while looking at 2004 election data, finding that even though the social conservatism of some African-Americans on issues can affect voting behavior, the black allegiance to the Democratic Party still dominates black voter choice (174). When simply looking at legislative districts, academics have found that African-Americans tend to flock towards the Democratic Party. For example, Richard Forgette, Andrew Garner, and John Winkle come to the conclusion that few of the uncontested Republican districts of the American South are held by black representatives (306). Other political scientists have argued that Republican strategies that have worked to divide the electorate along racial lines have actually backfired on the Republican Party, partially explaining the continued failure of Republican candidates to win over people of color. Shaun Bowler, Stephen P. Nicholson, and Gary M. Segura find that the ballot measures sponsored by the Republican party in the 1990's to restrict the rights of undocumented immigrants, end affirmative action, and halt bilingual education programs actually reversed trends of Latinos moving towards the Republican Party (149). Overall, much of the literature concerning party loyalties among minority voters shows that people of color tend to vote Democratic, while white people tend to vote Republican.

### Party Loyalty and Other Demographics

Besides people of color, scholars have noted that the poor and the young tend to have strong loyalties for the Democratic Party. For example, Gallup's Jeffrey Jones has found that since 2006, young people have actually become more loyal to the Democratic Party than ever. Pew Research Center polling presents similar findings, noting an increase in the number of young Democratic supporters between the 2004 and 2008 elections. In addition, the *Washington*

*Post* reported that people ages 18 to 29 were largely supportive of President Barack Obama in his re-election campaign. In addition, a majority of voters without a high school degree and a majority of voters with lower incomes generally voted for President Obama in 2012 (“Exit Polls”).

### Background

State governments across the United States, but especially in the South, have a long history of using supposedly race-neutral measures to take the right to vote away from people of color. Because the passage of the 15<sup>th</sup> Amendment of the United States Constitution forbade states from preventing blacks from voting, Southern legislatures had to find more indirect ways of disenfranchising African-Americans (Kousser). For instance, Southern legislatures made use of “poll taxes”, large fees that prevented blacks from voting because they represented some of the poorest elements of society (University of Texas). In addition, many states made use of “grandfather clauses” in which only citizens whose ancestors had voted prior to 1866 would be allowed to vote (Greenblatt). These measures stopped many African-Americans from voting because African-Americans did not have the right to vote until after the Civil War. Finally, many states in the American South made use of literacy tests in order to disenfranchise African-Americans (Kousser). Forcing blacks to prove literacy prevented many from voting because of the high rates of illiteracy within the black community at the time. The literacy tests also prevented African-Americans from voting because of the large degrees of discretion allotted to registrars in deciding which individuals met the standards of literacy. Therefore, American state governments have a long history of using legislative measures to take the right to vote away from African-Americans

The Voting Rights Act of 1965 helped to prevent these disenfranchisement efforts after the Civil Rights Movement took place and has remained at the center of the debate about the legality of the new wave of voter identification laws. Congress passed the Voting Rights Act of 1965 in order to allow blacks access to the ballot by providing a federal review process for all changes to the election procedures of state governments (Yale Law School). Since that time, Congress has amended the law in order to provide more protections for citizens who do not speak English. Congress renewed the law in 1970, 1975, 1982, and 2006 (The Leadership Conference of Civil and Human Rights). However, in 2013, the Supreme Court found the provision of the Voting Rights Act allowing for federal oversight of the election processes of Southern states to be unconstitutional in the case of *Shelby v. Holder*. This decision proved highly controversial, as many liberal political leaders claimed that it would open the door for Southern states legislatures to craft discriminatory voting policies and create more voter identification laws.

#### Reports on Voter Identification Laws and Impact on Turnout

A large number of studies have come to the conclusion that voter identification laws have the effect of disenfranchising many Americans, much like earlier efforts by Southern authorities did. One earlier study that came to such a conclusion occurred in 2007 (Alvarez, Baley, and Katz 19). Here, researchers found that the strictest voter identification laws would depress turnout for the poor and the less educated, although they could not affirm any official specific impact on racial groups. Another study from the early part of the recent voter identification law wave, conducted by M.V. Hood and C.S. Bullock concludes that the Georgia voter identification law substantially lowered voter turnout for citizens lacking photo identification (408). In addition, the Congressional Hispanic Caucus published a report warning that continued efforts to pass voter



identification laws at the state level would decrease Latino turnout and further their representation gap in Congress (8). Matt A. Barreto, Stephen A. Nuno, and Gabriel R. Sanchez come to an even more widespread conclusion about the disenfranchising effects of photo identification laws. They argue that photo identification laws, such as the one they study in Indiana, have the effect of reducing the number of young people, the elderly, people of color, and less educated people at the polls during an election (113). Finally, one oft-cited study, published by the Brennan Center's Keesha Gaskins and Sundeep Iyer came to a similar conclusion about the negative impacts of voter identification laws on people of color, pointing out that even if voter identification is made free of charge, many people of color do not have the resources to travel to a government office to obtain one (9).

On the other hand, many other scholars have come to the conclusion that voter identification laws do not disenfranchise many voters at all and that they provide substantial benefits to the American electoral system. In one early study by Jason Mycoff, David Wilson, and Michael Wagner, the scholars determined that based on voter behavior data from 2000, 2002, and 2004 there is no effect from voter identification laws on voter turnout (17). Other studies have defended voter identification laws for the trust that they inspire in the American electorate. For example, Robert A. Pastor, Robert Santos, Allison Prevost, and Vassia Stoilov use survey data to argue that most Americans would trust the results of elections more if voters were forced to bring a form of identification to the polls (480). Hans A. von Spakovsky and Peter McGinley defend voter identification laws by pointing out the flaws in the study presented by the Brennan Center, arguing that it relies on inadequate methodology and ignores key evidence about how available voter identification is for people of color throughout the states in which these laws have been passed.

## Race and the Motivations Behind Voter Identification Laws

Several studies have drawn parallels with the tactics that the Republican Party has made use of in order to stop voter fraud in past decades, and the tactics employed by the Republican party to prevent fraud in the years since the 2000 Presidential Election. One report by Teresa James for ProjectVote traces Republican efforts to “cage” votes back to the Jim Crow era (4). She argues that the Republican Party would frequently send out mailings to areas with high numbers of racial minorities and then attempt to purge voters whose address resulted in the mailings bouncing back (5). Challenges to these voters would often come on the eve of an election. James concludes that stricter guidelines for voter fraud challenges are necessary to preserve the fairness of the electoral process and prevent similar attempts at disenfranchising groups in the present day (34).

Another report that has analyzed past efforts by the Republican Party to root out voter fraud comes from Chandler Davidson, Tanya Dunlap, Gale Kenny and Benjamin Wise. Their research focuses on the Republican Party’s attempt to clear black and Hispanic voters from the ballot starting in 1958 (17). Republican officials mailed literature out to thousands of residences primarily populated with blacks and Latinos in order to affirm that all registered Democrats actually lived at the addresses they were listed under. In addition, Republican officials would also challenge blacks and Latinos in line to vote by asking them to read sections from the Constitution (18). If the person could not or would not complete the reading, the officials would ask the citizen to leave the voting line. The authors note that many of these “vote caging” efforts are unsuccessful at catching actual fraud, but that the Republican Party has continued to employ this tactic since 1958 (31).

Several scholars have attempted to examine what factors lead certain states to pass voter identification laws in the first place. Keith G. Bentele and Erin E. O'Brien studied the relationship between political control of state legislatures, increasing closeness of state elections, and demographic changes on the likelihood of a state passing a voter identification law (1097). The study approached the question using GMM analysis, a cross-sectional approach that allowed them to weigh different factors and isolate which ones made the biggest impact over time. The researchers concluded that the recent wave of voter identification laws is designed to "demobilize" key segments of the population. In addition, they note that politicians tend to weigh the costs and benefits to see if passing a voter identification law will ultimately increase prospects for electoral victory.

Another study that has approached this question was completed by William D. Hicks, Seth C. McKee, Mitchell D. Sellers, and Daniel A. Smith. The study looked at some of the same factors as the aforementioned study. This study found evidence linking the number of non-white registered voters in a state to the number of restrictive voter identification bills introduced in the state (8). The study also found that the number of neighboring states that have adopted restrictive voter identification laws and the number of cases of alleged voter fraud impact the number of voter identification laws within a state (9). The study's strongest finding came when the scholars analyzed what factors impact whether a state actually adopts a voter identification law. They find that the number of Republican representatives in a state legislature positively affects whether a state passes a voter identification law in electorally competitive states (10). They also find that battle-ground states are more likely to enact voter identification laws when state voter turnout becomes higher (11).

Other researchers attack the question using survey data. Mathew Mendez and Christian Grose circulated emails from fake individuals asking if a driver's license is required for voting. The different emails sent out across 28 different legislative chambers appeared to be from Latino, English speaking and Spanish speaking individuals. Ultimately, if the legislator had supported voter identification laws, the emails made to appear to be from Latino citizens were significantly less likely to receive responses to their inquiry from the legislator (27). The researchers alleged that this behavior hints at the possibility of legislators who support voter identification laws acting in order to prevent Latinos from voting.

### **Research Question and Hypothesis**

The purpose of this study then, is to fill in the gaps left by these studies. My main question is why certain states pass stricter voter identification laws, while other states are content to pass the less stringent ones. The previous studies that have attacked this issue have included more broad statistical analysis. While they have successfully determined the main trends concerning the causes of the passage of voter identification, a case study will determine the more specific process over time of how race and demographics impact the passage of voter identification laws. In addition, the studies focus more on which states pass voter identification laws in general, whereas I am interested in discovering what also determines the presence of stringent laws. These trends and gaps in the literature that I looked at led me towards my main hypothesis. The Republican Party has struggled to rally people of color and young people to its side. Therefore, large percentages of people of color within a state's population would present a problem for Republicans. Given this notion; my main hypothesis reads:

*H: If a state has increasing minority and youth voter populations, then a state will see the introduction of voter identification laws.*

My sub-hypotheses read as follows;

*Ha: If a state shows an increase in its racial minority voting population and has Republicans in control of the state legislature, then it will see more passages of stringent voter identification laws.*

*Hb: If a state has an increased young people voting and a majority Republican control of the state legislature, then it will see the passage of stringent voter identification laws.*

I look at some of the same variables as other social scientists such as Keith G. Bentele and Erin E. O'Brien have looked at (e.g., the growth of the non-white population of a state and its impact on the likelihood of the passage of a voter identification law in that given state). I expand on these variables from registered non-white voters to the percentage of actual votes cast by people of color in elections. In addition, my variables include young people, because young people tend to vote for Democrats. All my demographic data comes from the Census Bureau's "Hot Reports" compiled through surveys in even numbered years (U.S. Census Bureau). I will also make use of the Census Bureau's Voting Hot Report's percentages of voting for different populations within each state. I examine percentages of voting for populations of color as well as people ages 18-29 who have voted in elections. I choose to look at the rate of voting for these states because I want to look specifically at voter identification laws as reactions to demographic changes that pose political challenges, not as a result of general cultural anxieties. For one measure, I examine the percentage of voting for these populations in the most recent mid-term election to the year of passage of the voter identification law. I choose to only look at the

percentage of turnout during mid-term elections because generally, voting percentages increase during presidential election years, so it would appear as if the voting percentages jumped drastically if I compared the voting rate of a demographic during a mid-term year to a Presidential year (Desilver). In addition, I compared the voting rate of these populations to voting rate of the same population in the same state in the most recent midterm election preceding it, noting the percentage of change. I did this in order to determine if the rate of voting in the year closest to the passage of the law was part of a trend in increasing or decreasing rates of voting. The Voting Hot Reports began in 2006, meaning that I cannot make use of data for any state that had passed a voter identification law prior to that year. In addition, all my data about the dates and stringency of the passage of voter identification laws comes from the National Conference of State Legislatures database. The database breaks down the stringency of the state laws into strict photo identification laws, strict non-photo identification laws, non-strict photo identification laws, and non-strict non-photo identification laws. A law is considered strict under these criteria if a person unable to produce a proper identification has no opportunity to cast a countable ballot on the day of the election I also organized a list of states that had laws easing access to the polls, as compiled by the Brennan Center at the New York University School of Law. I chose to look at these states in order to try and find the demographic and political changes that may have led state politicians to want more people voting, as opposed to the states in which Republicans seemed unconcerned with the potential of voter identification laws to deter voting. The passage of these measures to ensure greater access to the polls occurred during the years 2013-2014. As I did with the states' voter identification laws passed, I compiled percentages of the voting rates of blacks, Hispanics, and young people in directly preceding mid-term elections and then compared those rates to those of prior midterms.

## Initial Observations

The justification for my research design requires a brief overview of the states that have cast a voter identification law and any demographic changes that preceded them. In the following table I provide an overview of all the states in the U.S. that have passed voter identification laws, how stringent those laws are, and the state of racial demographics shortly before passage. The column entitled voter identification law looks at the laws stringency as defined by the National Conference of State Legislatures. The percentage of voting at passage of the bill refers to the rate of overall voting for all citizens in the most recent midterm before the passage of the voter identification law. In addition, the column concerning the rate of change for this value concerns the amount of change in the overall voting rate between the most recent midterm before a voter identification law passage and the most recent midterm preceding that midterm. The percentage of African-Americans, Hispanics, and young people voting at the time of the passage of the law refers to the voting rate of this demographic at the most recent midterm election before the passage of the law. In addition, the columns labeled “percentage change” refers to the amount of change in the demographic’s voter turnout from the mid-term prior to the mid-term directly preceding the year of the passage of a voting law change. The column labeled “Party in Control” refers to which political party controlled all houses of the legislature.

### Figure 1

State	Voter identification law	% of overall voting at passage	% change in the overall voting	% of African-Americans voting in state elections at passage	% change in African-Americans voting in state elections	% of Hispanic voters voting in state elections at passage	% change of Hispanic voters voting in state elections at passage	% of people 18-29 who voted at passage	% of people 18-29 who voted in state elections at passage	Party in control
Alabama	Non-strict	44.1	-5.6	46	-2	22	-36	23	-3	Republican
Alaska	Non-strict	55.1	-0.2	32	-10	34	-16%	23	-6	Divided
Arkansas	Non-strict	40.7	-4.7	32	-2	21	-1	18	-3	Republican
Colorado	Non-strict	52.6	-1.7	47	22	32	-8	30	-1	Divided
Connecticut	Non-strict	49.3	-0.6	45	9	28	2	22	0	Democratic
Delaware	Non-strict	51	-5.4	50	9	32	15	29	4	Democratic
Florida	Non-strict	43.9	-0.3	42	3	41	10	24	6	Republican
Georgia	Strict	43.6	-0.3	41	13.4	21	14	29	-20	Republican
Idaho	Non-strict	47.5	-3.6	52	-52	15	-2	23	-7	Republican
Kansas	Strict	47.2	0.7	32	5	30	5	20	0	Republican
Mississippi	Strict	47.1	4.3	49	-1	37	-30	29	4	Republican
Montana	Strict	51.9	-7.7	45	-10	45	27	26	-13	Republican
New Hampshire	Non-strict	46.9	-1.5	36	0	28	-13	22	3	Republican
North Carolina	Strict	45.5	5.1	41	9	44	-31	24	3	Republican
North Dakota	Strict	55.7	1.3	15	-14	28	-2	35	5	Republican
Ohio	Strict	45.2	-7.8	43	-2	29	-4	21	-10	Republican
Oklahoma	Non-strict	40.4	5.8	37	12	16	-9	19	-6	Republican
Pennsylvania	Non-strict	43.9	-8.2	46	11	4	4	23	-2	Republican
Rhode Island	Non-strict	46.7	-12.1	34	-22	19	-24	22	-13	Democratic



South Carolina	Non-strict	50.9	5.7	54	3	9	-10	35	11	Republican
South Dakota	Non-strict	54.8	-8.2	36	-64	35	-7	33	-6	Republican
Tennessee	Strict	37.7	-7.7	36	3	26	10	16	-7	Republican
Texas	Strict	36.4	-2	39	2	23	-2	16	-1	Republican
Utah	Non-strict	36.7	-7.1	22	8	19	11	17	0	Republican
Virginia	Strict	40.7	6.7	36	0	19	-13	21	-11	Republican
Wisconsin	Strict	54.3	-3.5	46	2	39	9	29	-11	Republican

In this next table, I look at the same measures of demographics, but looked at years where state legislatures, according to the Brennan Center, had expanded voter access through use of legislation.

**Figure 2**

State	Expansion	% of overall voter turnout at passage	% change in overall voter turnout	% of African-Americans voting in state elections at passage	% change in African-Americans voting in state elections	% of Hispanic voters voting in state elections at passage	% increase in Hispanic voters in state elections at passage	% of people 18-29 who voted in state elections at passage	% change in people 18-29 who voted in state elections at passage	Party in Control
Colorado	Election Day registration, expanded access for voters who do not speak English	52.6	-1.7	47	22	32	-8	30	-1	Democratic Party
Delaware	Restored voting rights to felons	51	-5.4	50	9	32	15	29	4	Democratic Party
Hawaii	Same-day registration	43.1	-0.3	37	15	36	-9	26	6	Democratic Party

Illinois	Same-day voting registration, early voting expansion, online voting	45.5	-1.8	32	-16	52	21	24	1	Democratic Party
Louisiana	16 and 17 year old pre-registration	50	10	49	-13	24	-29	26	8	Republican Party
Maryland	Increased early voting, same day registration	46.8	-9.6	47	-4	33	-16	24	-9	Democratic Party
Massachusetts	Early voting, online voting, pre-registration for 16 and 17 year olds	52.2	-2.2	39	-6	14	-20	26	-8	Democratic Party
Minnesota	Online Registration	54.9	-10.5	44	-7	33	-9	35	-8	Democratic Party
Mississippi	Expansion of emergency absentee ballot	47.1	5.3	49	1	37	37	29	4	Republican Party
Nebraska	Automatic registration through motor vehicle association, online registration	41.2	-10	17	-4	22	-9	14	-8	Republican Party
New Mexico	Automatic registration	42.5	-11.8	0	-29	35	-17	20	-5	Democratic Party

	n through moter vehicle associatio n									
Oklahoma	Loosened voter id law and increased access to absentee ballots on tribal lands	40.4	5.8	37	12	16	-9	19	-6	Republican Party
Utah	Election day registratio n, expanded registratio n times, online alteration of registratio n informati on	38.6	0.9	22	8	19	-11	17	0	Republican Party
Virginia	Online Registrati on	40.7	6.7	36	0	19	-13	21	-11	Republican Party
West Virginia	Online Registrati on	41	4.1	38	12	38	0	22	6	Democra tic Party

Initial analysis of these tables reveals several interesting trends. First, that there is a substantial amount of overlap between states that passed restrictive voter identification laws, and those that actually expanded voter access. Several of these states, such as Oklahoma, passed these voter expansion laws under Republican controlled state legislatures. This would seem to conflict with the contention made by liberals that Republicans are interested in suppressing

minority and young voting through voter identification laws. In addition, not all states that have passed voter identification laws saw increases in minority and young voting rates in the years leading up to the passages of these laws. For instance, Arkansas saw decreases in the voting rates of blacks, Hispanics and people ages 18-29 leading up to the passage of the bill. The evidence presented by states such as these would undermine the narrative advanced by liberals that legislatures are passing these laws in response to spikes in voting rates from these demographic groups. Finally, the states with higher voting rates of blacks, Hispanics, and young people tend to correlate with the passage of voter identification laws are swing states with Republican state legislatures. This is interesting, as it could indicate that Republican leaders are passing voter identification laws in order to keep down the voting rates for demographics that normally vote Democratic, and in turn secure their state for Republican Presidential prospects. Therefore it provides strong support for the liberal narrative that state Republicans pass voter identification laws in order to win elections by demobilizing certain members of the electorate in places where they matter most for Republican Presidential prospects.

### **Research Design**

My research design will look at the introduction and passage of voter identification laws from the years 2000 to the present in state governments. My analysis will examine newspaper articles from local papers, as well as any available testimonies and debates about the introduction and passage of this bill. In particular, I will look at coverage that focuses on the racial implications of voter identification bills as well as the exact text of the bills themselves. My independent variable for these cases will be changes in the rate of voting for people of color and between the ages of 18-29 in the state. My dependent variables will be the introduction and or passage of stringent photo or non-photo voter identification laws across the state. Through my

analysis of media coverage surrounding the event, I will see if the increases in these demographics of a state will impact whether a state introduction and passage of voter identification laws. In order to see this process unfolding, I hope to look at the partisan composition of the state legislature and the ways that elected officials supported the bill publicly and privately. I hope to look at the groups that have lobbied on behalf of the bill, any other bills overhauling the voting system that passed in the same “package” and any other already existing voting legislation that could have affected the voting rights of citizens. Finally, I will look at the general language of the bill itself, and what specific provisions within it that could hint at any possible intentions on the part of the Republicans who supported it to hurt the voting prospects of certain demographics. This kind of case study analysis will allow me to see how the passage of the law played out in each state in a more in-depth manner that previous statistical analysis has not allowed for.

I present five case studies: one each from a state in which a strict voter identification laws was passed, a state in which a more lenient law was passed, a state in which neither a voter identification law nor a law expanding voter access was passed, and a state in which a voter expansion bill was passed. This will allow me to weigh the influence of my independent variables on five significantly different outcomes.

My first case will look at the passage of North Carolina’s voter identification bill. North Carolina’s voter identification law is strict, indeed one of the strictest voter identification laws in the country. In addition, North Carolina is a swing state, and one with changing demographics that allowed it to flip from being primarily Republican controlled in Presidential contests to going for Obama in 2008. This means that if state Republicans are truly attempting to block minority and young turnout as liberals have contended, they will certainly have the impetus to do

so. North Carolina is important to national Republican election prospects because of its status as a swing state.

My next case will be Florida. Florida is traditionally an important state for national party prospects, because of its high number of Electoral College votes and the close margin which have decided elections in Presidential elections. In addition, the state is a good choice for my study because the voting rate for blacks, Hispanics, and young people shot up in the years preceding the passage of its voter identification law. It currently has a non-strict voter identification law.

For my third case, I will look at Wyoming, a state which has neither expanded voter access nor passed a voter identification law. The state's legislature has been traditionally controlled by Republicans, so it will be interesting to determine what has led the state not to pass a voter identification law while so many other Republican states have.

Next, I will examine Oklahoma. Oklahoma currently has a voter identification law in effect, but it has loosened that law and also passed an expansion of access to absentee ballots on tribal lands. All this has happened with a Republican state legislature in office in state where politics are usually characterized by lopsided Republican victories in Presidential elections. This will be an interesting case to test the impact of party control on the passage of laws that expand voter access.

Finally, I will look at the state of California, a demographically diverse state where Democrats have enjoyed strong support since the 1990's. An analysis of this state's discussion about potentially passing a voter identification law will further illuminate my study.

### **Case Study 1: North Carolina**

The state legislature of North Carolina has been in the hands of the Democratic Party for much of the 2000's, with the Republican Party only seizing control in the 2010 midterm elections (National Conference of State Legislatures "Voter Identification Requirements"). However, the Republican Party has strong roots in the state of North Carolina. Republican Presidential candidates had won the state from 1980 to 2008, when Barack Obama captured its electoral votes. Mitt Romney success in recapturing the state in his Republican Presidential campaign of 2012 also reflected the power of the Republican Party in the state. In 2012, the Republican Party gained control of the governor's office with the election of Pat McCrory after Democrats controlled the position for most of the decade (Blake). The North Carolina state legislature is bicameral and its Senate was comprised of 17 Democrats and 33 Republicans at the start of 2013, while its lower chamber had 43 Democrats and 77 Republicans. In terms of recent demographic changes that occurred in North Carolina, the state experienced a 9 percent increase of its black population voting in the 2010 midterms. The state did experience a 33 percent drop in the voting of its Hispanic population, but the 49 percent voting rate of the Latino population in North Carolina is even greater than other states where voter identification laws passed, such as Florida. Finally, the state's population of people ages 18-29 came out to the polls at a 3 percent higher rate in 2010. This increase in minority and youth voting matched the increase in the overall voting rate of North Carolina, which stood at 45.4 in 2010, and grew 5.1 percent from the midterm prior.

North Carolina first passed its voter identification law in 2013. The law is considered one of the most restrictive voter identification laws in the country, as it offers no opportunity to cast a countable ballot on Election Day without a valid form of identification. Non-photographic forms of identification are not accepted. The bill was sponsored by Representatives Tom Murry, Harry

Warren, Tim Moore, and Ruth Samuelson, all Republicans. The bill attracted national attention because it immediately followed the Supreme Court decision that struck down key parts of the Voting Rights Act of 1965, making it easier for Southern states to alter their voting procedures (Martinez). Previously, courts had prevented the implementation of many voter identification laws because of this section of the act. In addition, the bill contained provisions which limited early voting hours, ended Election Day registration, and allowed for individuals from any precinct to challenge the voting privileges of another citizen (Fischer). The law created backlash from Democrats because McCrory had campaigned as a moderate candidate focused on creating bipartisan solutions, yet supported a piece of legislation that Democrats claimed is designed to hurt Democratic election prospects (Curtis).

Many supporters of the North Carolina law did not make any direct claim of the law being designed in order to limit voting from key Democratic supporters. In one interview, Representative Murry argued that the new law constituted a “common sense” measure, because forms of identification are necessary for so many basic services (PBS). Interestingly, he never alleged that North Carolina had ever faced any kind of epidemic of voter fraud. He also defended the law’s racial impact with data from other states in which state legislatures implemented voter identification laws. He claimed that these states actually saw an increase in the proportion of the black and Latino population that voted in state elections. Governor Pat McCrory, who signed the bill into law, defended it along similar lines. While he acknowledged that reports showed little voter fraud, he asserted that this bill would serve as a preventative measure to stop the possibility of fraud (Johnson). Other Republicans presented a perception of rampant fraud in North Carolina elections, comparing them to the scandalous elections of past years in Chicago (The Associated Press). Supporters have also justified the passage of voter identification laws by looking at the



larger trends occurring across the states. Governor McCrory included such an argument in his defense of the bill by arguing that the expectation of having to present photo identification at the polls has become common throughout the states, as evidenced by the other photo identification laws that have passed in other states (Blake). Several legislators have pointed out the weakness of the attacks on the voter identification bill. For example, Republican Representative David Lewis accused the National Association for the Advancement of Colored People of hypocrisy for organizing a protest against the voter identification bill, yet required participants to carry a photo identification at all times (McHugh). The only major instance of a Republican official explaining racist or partisan motivation behind the law was Don Yelton, a precinct official for the GOP who claimed the law would “kick Democrats in the butt” by hurting “lazy blacks” and college students. However, Yelton never consulted any Republican Party officials before conducting this interview with the press (Frankel).

One way in which race did factor into the justifications for the passage of the bill is in discussion of illegal immigration by outside conservative groups. For example, one provision of the bill allows for voters from any precinct or district to challenge the validity of a voter’s citizenship. Those sections of the bill empower vigilante groups. Many of these groups cite the threat of illegal immigration as justification for new voter identification and patrol polling places in order to personally catch the perpetrators of this crime. One such group that has operated in North Carolina is TrueTheVote, an organization that has favored a more punitive response to illegal immigration out of the belief that it allows non-citizens to vote (TrueTheVote.org). Another important way that racial motivations come into play with the North Carolina voter identification law is through the influence of the Voter Integrity Project of North Carolina on the passage of the bill. The Voter Integrity Project of North Carolina is an organization that typically

supports the Republican Party, and has a record of challenging the votes of Democratic voters, especially voters of color (Mock). The Voter Integrity Project was allowed to testify in support of the bill in front of the North Carolina legislature, justifying its position through claims of rampant voter fraud (Gillman, Graber, and Whittington 2).

Another anti-immigrant group, the American Legislative and Exchange Council, also influenced the passage of the bill. This is significant, because ALEC has repeatedly made stances against providing more rights for undocumented immigrants, and has argued for a stricter policy towards enforcement of the American southern border with Mexico. For example, ALEC has supported the passage of a resolution against “amnesty” for undocumented immigrants, an act of clemency that the organization claims will allow “terrorists” and “illegal gang-members” to become citizens (Fischer). ALEC often proposes model legislation to different state legislators across the country. One organization that typically opposes ALEC, known as the Center for Media and Democracy, has argued that the legislation passed in North Carolina has a striking resemblance to model legislation for voter identification laws provided by ALEC (Fischer). While the language in the bill does not reflect the ALEC legislation verbatim, the bill as passed by the North Carolina legislature does have some of the same provisions as the ALEC legislation. For example, both the North Carolina bill and the ALEC bill exempt citizens with religious objections from having to display voter identification (Fischer). The model ALEC bill also contains provisions that the voter identification needs to be unexpired and that if a citizen cannot provide the proper identification, he or she should be offered a provisional ballot to cast instead. Another interesting aspect of ALEC’s involvement with the passage of this bill is the degree of influence that ALEC has on North Carolina legislators in general. According to SourceWatch, 19 legislators who signed on as cosponsors of the bill are members of ALEC or

have publicly acknowledged that they have met with the organization. Overall, 32 current North Carolina legislators have ties to ALEC. According to the same source, some of the cosponsors, such as Representative Timothy Moffit, are actually task force members for ALEC on different issues. The ties between the North Carolina Republican Party and numerous civilian groups with agendas focused on preventing illegal immigrants, and perhaps people of color in general, show that the voter identification bill passed in 2013 is likely designed to dissuade people of color from voting.

In addition to the supporters driving the bill, evidence from the bill language itself and the press coverage of the bill indicates that Republicans intended to suppress the vote of young Americans through the passage of this legislation. Student groups protested the fact that the bill's text did not include college student identifications from private colleges as an acceptable form of identification for voting (Watuga Democrat). Even more frustrating for some students was the fact that at public colleges, a simple change of dorm rooms would force students to have to acquire a new voter identification to vote. Some Republicans, such as Senator Dan Soucek, met with student groups and supported the inclusion of more forms of student identification into the bill, but indicated that the party was primarily concerned with maintaining "standards" for acceptable identification (Watuga Democrat). Ultimately, the bill passed unchanged. The Republican Party's refusal to alter the language of this bill indicates a subtle desire to suppress the vote of young people served as a major motivation behind the passage of the North Carolina voter identification law.

## **Case Study 2: Florida**

Florida passed its voter identification law in 2011. This bill is considered less stringent than voter identification laws such as that of North Carolina, because it allows citizens to cast some kind of countable vote even if they do not have the correct form of voter identification (National Council of State Legislatures “Voter Identification Requirements”). The bill was signed into law by the Republican Governor Rick Scott. The Senate passed the bill with 25 Senators in support and 13 against it, while the House of Representatives passed the bill with 77 representatives in favor of it and 38 against it. In the Senate, Republicans held an advantage of 28 senators to 12 Democrats (National Conference of State Legislatures “Florida”). The Republicans had also held control of the state legislature and the governorship for the entirety of past decade. The bill was introduced by Republican Representative Dennis Baxely with Republican co-sponsors Representative W. Keith Perry and Representative Trudith K. Williams (“Representative Dennis Baxely”, “Representative W. Keith Perry” “Representative Trudith K. Williams”). The bill passed along party lines (Somanader). In the 2010 midterms, 41 percent of the African-American population voted, a three percent increase from the previous midterm in 2006. Latino voters also greatly expanded their participation in Florida politics, with 42 percent of the population coming out, a 7 percent increase from years past. Even the percentage of young people voting increased. According to the Voting Hot Report, there was a six percent jump in the rate of young people voting from 2006 to 2010. Also according to the Report, the state of Florida also saw only a slight change overall in the rate of voting amongst the general population, which rested at 43.9 percent and represented .3 percent dip from the midterm prior. This means that the voting participation rate of Latinos, young people, and black people was increasing at a significantly greater rate than that of the population as a whole.

The bill caused a large amount of public outcry during the 2011 legislative session, with many liberal groups such as the League of Women Voters and labor unions calling the Governor's office asking him not to sign the bill (Bousquet "Rick Scott Signs"). Six Democratic senators contacted the Justice Department in order to have the law blocked under the Voting Rights Act. The Republican response to these attacks was surprisingly muted. In fact, Secretary of State Kurt Browning made few public comments on the bill until after its passage. Even Rick Scott himself came to somewhat disassociate himself with the bill. In one public appearance in front of influential black political figures Scott said, "The law was not my bill" (Bousquet "Don't blame me"). This is interesting, because Scott had developed a reputation for toughness on other voting issues, such as restoring voting rights to ex-felons. Some of the attacks generated by the bill referred to the fact that in addition to requiring identification at the polls, the bill contained provisions that vastly overhauled the voting system itself. For example, the bill cut early voting times, invalidated many absentee ballots, and even presented fines to many third party organizations attempting to campaign in the two party system (Somanader). Therefore, the Floridian community seems to have reacted negatively enough to cause the Republicans to draw down some of their support for the bill.

Republican justification for the law did reference the racially tinged issue of immigration. With regards to the voting provision of the bill, Rick Scott only mentioned the law's potential to prevent voter fraud and to encourage confidence in the integrity of the election (Bousquet "Rick Scott signs bill"). However, shortly after the passage of the bill, Governor Scott contacted the federal government in order to acquire federal records about undocumented immigrants living in the United States. He stated that his administration hoped to have these individuals removed from voting rolls (Weinger). In defense of this action, Governor Scott made the claim that large

numbers of undocumented immigrants had consistently voted in elections and contaminated the democratic process. Governor Scott's perspective here shows that his viewpoint on the issue of voter fraud is linked with his perception on the role of undocumented immigrants in the United States. Therefore, despite pressure from the general public, the Republican Party made no effort to shy away from the fact that it pushed its voter reform laws with the intent of stopping Latinos from voting.

In addition to the public comments of Florida's politicians, insiders in the Republican Party have noted that concerns over keeping the voting rates of the black and Latino populations down influenced the decision to pass the Florida voter identification law. According to one report by the *Palm Beach Post*, the Republican Party advocated for voter identification laws without any true belief in the existence of a voter fraud problem in the state of Florida (Kam, Daram and Lantigua). This information comes primarily from former Republican Governor Charles Crist and former party Chairman Jim Greer. They claimed that the party scheduled meetings about the issue of voter turnout among Latinos and blacks after surprisingly high turnouts for these groups in 2008. According to these sources, the party was concerned that this spiking turnout would ultimately harm Republican election prospects. Therefore, ample evidence suggests that the changing demographics and voting turnout of people of color led to Republican support for voter identification laws in the state of Florida.

The aforementioned ALEC group in Florida also had a substantial influence on the Republican Party at the time of the voting on the bill. According to SourceWatch, 32 Florida Republican Senators and Representatives had ties to ALEC when they were voting on this bill. In addition, some members of the legislature, such as Representative Clay Ford, actually occupy seats on ALEC task forces. The high number of Representatives and Senators who had ties to

ALEC, a group that holds the belief that undocumented immigrants vote and dilute the value of the American election system, shows that anti-immigrant views likely played a large role in the passage of this bill.

### **Case Study 3: Wyoming**

Wyoming has never passed a voter identification law. This is interesting in that its state government has been primarily comprised of Republican lawmakers for much of the decade. In fact, since the year 2000, Democrats have never held a majority in the state legislature (National Council of State Legislatures “State Partisan Composition”). In addition, Wyoming has been won by Republican Presidential candidates during every Presidential election of the decade (270 to Win “Wyoming”). Given this history of Republican control, it seems interesting that Wyoming has not passed a voter identification law. In fact, in 2012, Wyoming was the only state besides Oregon and Vermont which did not pass a voter identification law and did not consider one (Drake). Both Oregon and Vermont are states in which the Democratic Party is stronger in the state legislature. The supposed Republican commitment to honest and fair elections would lead one to believe that the Republican Party would have passed a voter identification law by now, but this has not been the case. Another interesting fact that would actually make a voter identification law in Wyoming more likely is that the response from liberal groups to voter id law proposals was no more extreme than in states where voter identification law did pass. For example, while some groups, such as the League of Women Voters, condemned a proposed voter identification law in 2013, Republican lawmakers did not experience the thousands of calls in opposition to the bill that Florida Republicans received in response to their voter id bill in 2011. In addition, ALEC, an organization that favors these pieces of legislation and has successfully swayed many state legislatures into passing them, has substantial influence in Wyoming.

Between Wyoming's Senate and the House of Representatives, 26 elected officials have had ties to ALEC at some point (SourceWatch "Wyoming"). Despite all these factors, the Wyoming State Senate chose to table its only proposed voter identification law in committee for "more work" (TheVotingNews). This fact would seem to refute claims that state chapters of the Republican Party are passing voter identification laws in order to prevent people of color from voting in elections and hurting their electoral prospects.

The small voting rate of Hispanic and black voters may have had an impact on Wyoming's failure to seriously consider a voter identification law. For example, in 2010, the midterm closest to the years in which both Florida and North Carolina passed voter identification laws, Wyoming's Hispanic population voted at a rate of 24 percent (Voting Hot Report "Wyoming"). In contrast, 41 percent of Florida's Hispanic voters voted, whereas 44 percent of North Carolina's Hispanic population voted (Voting Hot Report "Florida"). In addition, Florida's black population voted at a rate of 42 percent and North Carolina's voted at 41 percent, whereas the Wyoming black population voted at a rate of only 37 percent (Voting Hot Report "Florida" "North Carolina" "Wyoming"). However, no significant differences occurred between rates of voting for young people in Wyoming, North Carolina, and Florida. All of these changes occurred at a time of a relative slide in the overall rate of voting in Wyoming. In 2010, the voting rate of Wyoming was 47.2 overall, a 3.9 percent drop from the previous midterm, but a significantly higher rate than the minority population.

In addition to a low percentage of traditionally Democratic supporters in the state, Wyoming also has several other measures in place that could keep down the vote for these groups and make a voter identification law unnecessary. For example, Wyoming does not allow citizens to conduct voter registration drives, something that could drive down voting rates in



groups that usually have lower voting rates (Brennan Center “Student Voting Guide”) (Pew Research Hispanic Trends Project). With this kind of a law reducing the voting rate of blacks and Latinos, a voter identification law may not appear as necessary. In addition, Wyoming also has one of the strictest ex-felon voting laws in the country, so strict that only 58 Wyoming citizens have ever successfully petitioned the government to have their voting rights restored (Cassidy). This law effectively makes voting more difficult for many people of color in the state, because the American prison population is disproportionately made up of people of color. For instance, 58% of the United States prison population in 2008 was made of up blacks and Latinos (NAACP). Another piece of legislation that removes the necessity of a voter identification law if the end game is preventing people of color from voting is the strict procedures that Wyoming requires for its citizens to gain important forms of identification. All Wyoming residents must provide two forms of proof of residency in the state as well as a birth certificate and a Social Security number in order to get a driver’s license (Findlaw). The stringency of this law is such that it may lessen the perception of undocumented aliens moving freely throughout the state and subsequently voting. In turn, it is possible that this created less fervor in the state towards creating a voter identification law.

#### **Case Study 4: Oklahoma**

The state legislature of Oklahoma’s passage of a bill to increase access to absentee ballots on tribal lands is another unexpected piece of legislation given the way that partisan debate often breaks down on the issue of voter identification laws. Oklahoma has remained a solidly Republican state for most of the 2000’s. Democrats controlled the state legislature until 2002, only for Republicans to take control of one house from 2004 to 2008 (National Council of State Legislatures “Voter Identification Requirements”). After 2008, the Republicans controlled both

houses of the state legislature. At the time of the passage of the bill, the Republicans held an advantage in the Senate of 36 to 12, and an advantage of 72 to 29 in the lower house. At the time of the passage of the bill, Oklahoma's governor was Republican as well (Mary Fallin for Governor). Oklahoma also has a long history of Republican support during presidential elections. During the Presidential elections of 2004, 2008, and 2012, the Republican candidate captured Oklahoma's electoral votes handily (270 to Win "Oklahoma"). The bill passed both houses of the state legislatures unanimously, even though it was sponsored by two Democrats (Oklegislature.gov). The fact that the Republican Party would let such a bill pass with such little resistance is significant because Native Americans are generally loyal Democrats (Becker 2). This is particularly true in Oklahoma. In fact, when Brad Henry, a Democrat, won the Oklahoma governorship in 2004, commentators credited Native American support for his victory (Azocar). The passage of this bill appears even stranger considering that the Native American population in Oklahoma has only increased in recent years. From 2010 to 2011, the Native American population increased from 8.6 percent of the population to 8.9 percent (Indian Country Today Media Network). They are the second largest minority group in the state after Latinos. Assuming that the aim of Republicans in this state is to disenfranchise minorities that pose electoral trouble for the Party, Oklahoma made a grievous error in allowing this bill to pass. Oklahoma's Republicans also have many ties to the anti-immigrant and pro-voter identification law group ALEC. Over 35 members of Oklahoma's Senate and House of Representatives have some kind of tie to the organization (Source Watch "Oklahoma ALEC Politicians"). Despite the apparent support for ALEC, a bill which actually makes the ballot more accessible passed with ease through the legislature.

Other demographic factors and changes likely explain this unexpected move in Oklahoma. When compared with the demographics of states such as North Carolina, which has not expanded voter access and imposed a strict voter identification law, prominent contrasts emerge. In the years leading up to the passage of this voter access bill in Oklahoma, the voting rate of Latino citizens was much smaller than that of North Carolina. For example, according to the Census Bureau, approximately 44 percent of the Latino population of North Carolina voted in the 2010 midterm election. Although this was a steep decrease from years past, this proportion still trumps the meager 16 percent of Latino citizens that voted in Oklahoma. A significant difference also existed between the rate of African-American voting in Oklahoma and in states where voting identification laws passed. In the midterm of 2010, 37 percent of the black population of Oklahoma voted, a 12 percent increase from the midterm preceding it. This is noticeably less than the state of affairs in North Carolina, where 41 percent of the black population voted the same year. Finally, the state also saw a smaller percentage of young people come out to vote in 2010. For example, only 19 percent of people ages 18-29 voted, a 6 percent decrease from the preceding midterm. All of these changes also occurred at a time in which the overall percentage of voters was increasing. In 2010, 40.4 percent of Oklahoma's overall population voted, a figure which represents a 5.8 percent increase from the last midterm before it. That means that the voting participation of young people and minorities were falling as the rest of the population was increasing its participation. This fact further emphasizes the small political force these groups made up in Oklahoma. The vast difference in the level of political participation of Latinos and African-Americans in both states shows that the Republican Party in North Carolina was under much more of a threat because of the larger percentage of Latino, African-American, and young voters. This explains why Oklahoman Republicans would have

felt comfortable passing a bill that may increase the number of Native American voters. They already held a more comfortable position in the state's politics as a result of the state's smaller minority population and proportion of young voters. In addition, Oklahoma already had a voter identification law in place at the time of the passage of this bill (National Conference of State Legislatures "Oklahoma"). If we assume once more that the intention behind voter identification laws is to disadvantage voters of color, then this task had already been accomplished in Oklahoma. Finally, Republicans may have seen Native Americans as a group worth courting. In some western states, Republican candidates have found success in districts with high numbers of Native Americans citizens, such as when Native American G. Bruce Meyers gained election to the Montana legislature (Dennison). Many Republican think tanks have discussed the apparent paradox of traditional Native American loyalty to the Democratic Party and the staunchly conservative views that many Native Americans hold, such as devotion to tradition. For example, the American Enterprise Institute writes that "with a little effort and the right arguments", a Republican Presidential candidate could capture the Native American vote (Dhume). The growing importance of the Native American support for Republicans in Oklahoma specifically can be seen in the fact that Oklahoma currently has more Republican Native Americans in the state legislature than there are Democrats (Native American Netroots). Another example of this is the Cherokee Nation's decision to donate funds to support Republican candidates such as Markwayne Mullin in the 2012 election (Trahan). Given this context, it makes sense that this small effort to increase participation in the Native American population represents an effort to win over the Native American vote to the Republican Party.

### **Case Study 5: California**

To date, California has not passed any voter identification law, something that makes sense given the consistent Democratic majority and the large amount of racial minorities in the state. Democrats have traditionally held strong sway over the state legislature. For instance, Democrats have controlled both houses of the legislature since at least as far back as 1978 (National Council of State Legislatures “State Partisan Composition”). In terms of nationwide elections, California’s population has also remained steadfastly loyal to the Democratic Party. For instance, Democratic Presidential candidates have handily earned California’s electoral votes in all of the elections of the 2000’s decade (270 to Win “California”). The dominance of the Democratic Party in California certainly helps to explain why no voter identification law has made it through the state legislature, because Democrats tend to get their support from African Americans and Latinos. Another measure showing the power of liberal politics in California is the lack of support for ALEC within the California legislature. In fact, only three state legislatures out of both houses have any ties with ALEC, showing how few California politicians want to associate with ALEC and its anti-immigrant agenda (SourceWatch “California”). As noted earlier, Latinos and African-Americans are more likely to lack the proper forms of identification, so passing a voter identification law would only hurt the dominance of the Democratic Party in California by making voting more difficult for these important demographics. California offers an interesting point of comparison with Republican states that passed voter identification laws. For example, during the 2010 midterm elections, 43 percent of the African American population of California voted, while 35 percent of the Hispanic population voted (Voting Hot Report “California”). These changes represented a 5 percent increase in the former and a 2 percent decrease in the latter. In comparison, Florida’s black population voted at a rate of 41 percent, whereas Latinos voted at a rate of 42 percent (Voting

Hot Report “California”). The rate of voting for citizens ages 18-29 was also higher in California at 28 percent, which also represented a 3 percent increase. These changes occurred at a time in which the voting participation of overall population of California held steady at around 47 percent. Therefore, the growing strength of minority and young voters in California is apparent as the rate of Latinos and young people increased during a time period in which the overall population did not increase its electoral participation.

In a Democrat controlled state, the rate of voting for people of color and young people has been enough to prevent the passage of a voter identification law in California. Despite the fact that the voting rate of Latinos in California appears lower than that of states where the Republican Party has passed voter identification laws, in a blue state, this level of political participation is enough to curb Republican Party efforts. In one article for the *Sacramento Bee*, David Siders comments on how many state elections in recent years have gone against Republicans because of foolish campaign priorities that have offended Latino voters. Even in cases in which Republicans did venture to attempt to get a voter identification bill through the California legislature, they have met with little success. From the year 2000 until 2005, Republicans introduced voter identification bills in the California legislature 8 times, only to have it fail each time.

The recent struggles faced by Republican Tea Party groups in their efforts to push for a voter identification law in California in recent years greatly reflect the demographic changes and Democratic dominance of the state. For example, one article covering the push characterizes the prospect of getting the bill passed through the legislature as a “long shot” (Roth). The Republican Party of California even seemed reluctant to propose such legislation. For example, after his election as party chair, Jim Brulte suggested that Republicans should push other items

on their agenda in order to avoid alienating potential Latino supporters (Siders). He also noted that his opinion stems partially from the lack of potential for success in such a heavily Democratic state. Even the Tea Party Caucus in California expressed reservations about pushing a voter identification law, only pushing for a bill that did not require identification presented by voters to include photos (Roth). Excluding this provision makes the bill less strict according to the standards of the National Conference of State Legislatures. Some Tea Party authorities have admitted that they are fighting for legislation that is not likely to succeed in California. Steve Brandau, a Tea Party organizer pushing for a voter identification law, acknowledged that he did not expect much success for his bill because California is “a very liberal state” (Siders). Other Republicans have attempted to discourage conservatives for pushing for voter identification laws. In 2014, the Republican candidate for Secretary of State, Pete Peterson even went so far as to say that it would be “wrong” for Republicans “to go crazy on this issue” (Friedman). This lack of support from mainstream Republicans has led the Tea Party to attempt to pass a voter identification law through the use of voter referendum (Roth). Therefore, the case of California clearly exemplifies the importance of interplay between state racial demographics and party politics in the passage of voter identification laws.

In addition to preventing the passage of voter identification laws, the Democratic majority in the California state legislature has successfully passed laws targeted to make voting simpler for young people. For example, the California legislature passed a bill allowing 16 year olds to pre-register to vote in elections (Brennan Center “Voter Expansion”). The bill passed through the legislature despite concerns from Republicans that it would make voting inefficient (*Sacramento Bee* “Pre-registration”). The Democrat sponsor Hannah-Beth Jackson specifically noted the law’s purpose to encourage the registration of young people. In addition, the California

legislature passed a bill to allow for the government to assist individuals in juvenile detention centers who are of age to receive assistance in registering to vote. Once again, we see that the California Democratic majority has attempted to allow for more young people to vote, whereas in North Carolina, Republican legislators insisted on including provisions in their voter identification bill that would prevent young people from voting.

**Figure 3**

State	North Carolina	Florida	Wyoming	Oklahoma	California
Voter Identification Law Strictness	Strict	Non-Strict	No-Law	Not-Strict	No-Law
% of overall population voting at passage	45.4	43.9	47.2	40.4	47.1
% change of overall population voting	5.1	-0.3	-3.9	5.8	-0.5
% of African-Americans voting in state elections at passage	41	42	37	37	43
% change in African-Americans voting in state elections	9	3	12	12	5



% of Hispanic voters voting in state elections at passage	28	41	24	16	37
% change in Hispanic voters in state elections at passage	-2	10	-9	-9	-2
% of people 18-29 who voted in state elections at passage	35	24	24	19	28
% change in people 18-29 who voted in state elections at passage	5	6	-2	-6	3
Party in Control	Republican	Republican	Republican	Republican	Democratic
Did debates revolve around race or involve racist justification?	Yes	Yes	No	No	No
Did proponents show intent to hurt young people?	Yes	No	No	No	No
Did anti-immigrant lobby groups impact passage?	Yes	Yes	Yes	No	No
Did the bill package involve immigration?	Yes	Yes	No	No	No
Number of ALEC influence legislators	32	32	26	35	3

ALEC bill language?	Yes	No	No	No	No
Special circumstances		Strict anti-felon voting law	Strictest-anti-felon law in the country, strict id law, no voter drives allowed	High Native-American Population	

### Conclusions

Overall, my case studies did show that racial demographics played a significant role in the passage of voter identification laws and the stringency of those laws but that age demographics did not play a significant role. This satisfied the first of my sub-hypotheses. The states that I examined in which there was a significant increase in the rate of African American voting saw the passage of voter identification laws. The racial changes in these states were directly related to the passage of the voter identification laws based on my observations of the process of the passage of these pieces of legislation. The states in which voter identification laws passed saw debates concerning the bill focusing on racially charged issues such as the prospect of undocumented immigrants voting. The case of the racially tinged commentary about “lazy blacks” losing out because of the voting law change in North Carolina and the revelations of racist intentions in Florida coming from Jim Greer and Charles Crist stand out as examples. In addition, I found that the influence of anti-immigration groups and “voter integrity” groups such as ALEC and True the Vote in Florida and North Carolina also indicate intentions of attempting to suppress minority voting. In North Carolina, the Voter Integrity Project directly provided information to politicians voting on the voter identification law bill. Both North Carolina and

Florida's voter identification law bills received support from a state legislature brimming with representatives with ties to ALEC. Also, the passage of these voter identification laws in bill "packages" with direct references to the aim of preventing illegal immigrants voting shows the racial intentions of the Republicans in these instances. In contrast, the aim of preventing young people from voting in elections did not present itself in many of the states I studied. Only in North Carolina, where legislators singled out student identification cards as unacceptable forms of voter identification, did Republicans appear dead set on driving down the vote of young people. In no other state did the Republican Party provide any credible indication of this being an aim of the voter identification laws that passed.

In contrast with the states in which voter identification laws passed, the Republican states in which no voter identification law passed or a voter access expansion bill passed did not face any demographic changes that would potentially hurt the Republican Party's election prospects. For example, in Wyoming and Oklahoma, only 24 and 16 percent of the respective Latino population voted, whereas in Florida the rate was 41 percent. In addition, the rate of Latinos voting in elections was actually on the decline in Oklahoma and Wyoming. The rate of African-American voting was also lower in Wyoming and Oklahoma, at 37 percent compared to the rate of 41 and 42 percent in North Carolina and Florida respectively. The lack of voter identification laws in these states matches my hypothesis because their rates of voter participation their minority communities were lower than in Florida and North Carolina. However, the legislatures of both Oklahoma and Wyoming reflected the influence of anti-immigrant groups. For example, in the Wyoming legislature, 26 legislators had ties to ALEC, while in the Oklahoma legislature, 35 legislators did. Despite the presence of this influence, which would conceivably lead both legislators to pass voter identification laws, other factors may have led the legislatures of these

states to fail to pass voter identification laws. Wyoming currently boasts one of the strictest anti-felon laws in the country, something which effectively disenfranchises many racial minorities. Oklahoma had already passed a voter identification law, and is seeing a steep growth in its Native American population, a group that the Republican Party has sought to win over in recent years. Therefore, my analysis of Republican controlled states that did not pass a voter identification law still upholds my hypothesis about the importance of racial demographic changes to the passage of voter identification laws.

Finally, my analysis of California, a Democratic controlled state, also upholds my argument that the Republican Party's reaction to this state shows that my hypothesis about the specifically Republican reaction to racial demographic changes has led to the creation of voter identification laws. For example, the Democratic Party has reacted to spikes in the Latino and black voting rates in California by passing laws which make voting simpler for people, rather than more complicated. In addition, the Republican Party's response has become more muted because of the necessity of trying to win over more Latino and black voters in a heavily Democratic state. Attempts to pass voter identification laws in the state have failed repeatedly. Only the far right leaning Tea Party groups have remained steadfast in their position on passing voter identification laws in the state of California.

While I was able to conclude that the growing proportion of voting participation in people of color contributed to the Republican passage of voter identification laws, I was not able to refute my null hypothesis because the growing proportion of young people did not influence the passage of voter identification laws as well. Only in North Carolina did I discover any evidence of this concern factoring into the Republican efforts to pass the bill. In all of the other states that I looked at, I found no evidence of an intention of disenfranchising young people

behind the passage of a voter identification law. No public officials spoke of this, and any laws that I studied in connection with these states had any language that advantaged or disadvantaged young people.

### **Suggestions for Further Research**

Further research on this topic could use data on demographics that could break down minorities further. For example, it could look at Latinos of a certain age as opposed to lumping all Latinos together. In addition, Latinos come from many different areas within Latin America and have historically favored a wide range of different political positions. For instance, Latinos from Cuba have traditionally held more conservative positions than Latinos from Mexico (Foxnews Latino). In a state like Florida, which has a lot of Cuban immigrants, it would be interesting to study ways in which the Republican Party balances its desires to prevent undocumented immigrants from voting while also trying to not offend its supporters in the Cuban-American community.

Studying the impact of young people's political clout as an isolated group on the passage of voter identification laws has proven to be somewhat of a dead end. Very rarely did any elected officials display any intention of accounting for changes in the average age of the state in coming to their decision to support voter identification laws. Looking at the overlap between people of color and changing age averages would prove more fruitful overall. For instance, it may prove useful to look at whether there are more stringent voter identification laws in states where the Latino population is younger as opposed to older, because it could be assumed that young Latinos are more liberal than older ones.

In addition, the impact of the Native American population on the passage of voter identification laws needs further study. Native Americans make up a substantial portion of the population in many states in the West and Southwest. However, as I have noted earlier, their political beliefs tend to lean to the right in spite of the fact that they have often voted for Democratic candidates. My study did not initially account for Native Americans as people of color, and future studies should be sure to do so. Perhaps a more in depth study of mid-western states, where Native Americans tend to live in greater numbers, and the impact of this political group on voter identification laws, could spread more light on the subject.

Future studies should account for other means that state legislatures have for reducing access to the ballot besides voter identification laws. My study revealed that several states which do not have voter identification laws, such as Wyoming, still have strict anti-felon voting laws which help to disenfranchise many people of color. In addition, I found that the passage of voter identification laws in states tended to come as a part of a massive overhaul of the voting system that includes measures to empower anti-voter fraud vigilante groups. I found that these kinds of complimentary measures that accompany voter identification laws revealed a lot more about the intent of the voter identification laws than the bill itself. A larger scale analysis and comparison of the states in which legislatures passed massive bill packages and what factors led that to happen could prove fruitful in explaining more about the true causes behind the voter identification law controversy.

Finally, the study of the impact of ALEC on the voter identification law controversy would also help elucidate the causes behind the most recent voter identification law craze. ALEC has ties across many state legislatures and the allegations that ALEC directly impacts the language within voter identification laws was true in the case of North Carolina. While some past

studies have examined the role of ALEC on the passage of voter identification laws, the significance of this relationship, as determined by my study, would warrant further inspection. Of particular interest would be a large scale correlation test between the level of involvement with ALEC and sponsorship and support for voter identification laws.

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