THE PENNSYLVANIA STATE UNIVERSITY
SCHREYER HONORS COLLEGE

DEPARTMENT OF POLITICAL SCIENCE

Factors explaining variance in state voting laws and disproportionality of approach among
Black and Latinx Americans

JADEN FIELDS
SPRING 2022

A thesis
submitted in partial fulfillment
of the requirements
for baccalaureate degrees
in Political Science and Spanish
with honors in Political Science

Reviewed and approved* by the following:

Ray Block Jr.
Professor of Political Science and African American Studies
Thesis Supervisor

Matthew Golder
Professor of Political Science
Honors Adviser

* Electronic approvals are on file.

ABSTRACT

I am interested in explaining the variance in voting laws after Shelby v. Holder and during the Coronavirus pandemic, which varies across states. I expect that the variation in state voting laws results from the partisanship and racial/ethnic diversity of the state, especially the percentage of Black Americans who are disproportionately affected by voting laws historically and currently, which also varies across states. I expect to observe this relationship because racial and ethnic discrimination is the basis of restrictive voting laws. Moreover, more conservative, or Republican, states tend to favor restrictive voting laws. Therefore, I expect to observe variance after the *Shelby v. Holder* ruling, which made it easier for restrictive voting laws to be passed, and during the pandemic, which permitted more inclusive voting laws to be passed. The results of this study show that Black and Latinx populations alone do not affect the restrictiveness or inclusiveness of stating laws, but the level of conservatism does. Additionally, when looking at the racial/ethnic and partisan makeup of a state, it was found that states that are more diverse and more conservative have more restrictive voter identification laws.

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

ACKNOWLEDGEMENTS

Chapter 1

Introduction

Since the inception of the country there has been relentless conflict over voting laws in the United States. When the United States Constitution was ratified, the right to vote was reserved for white males that were 21 and older, which effectively disregarded groups such as Black people and women. The 15th amendment gave Black men the right to vote, and the 19th amendment granted the right to women. However, for one group the matter of voting rights remained unsettled.

After receiving the right to vote, Black Americans have continually faced challenges, such as poll taxes, literacy tests, grandfather clauses, and threats from the Ku Klux Klan. The Voting Rights Act of 1965 was passed in reaction to these obstacles and sought to alleviate the burdens African American voters faced in the United States. That is, until the *Shelby County, AL v. Holder* (2013) ruling. The decision in this case meant that Section 4(b) of the Voting Rights Act (VRA), that held that certain jurisdictions had to have voting laws precleared by the federal government, is unconstitutional. Section 5 of the VRA dictates that those said states, counties, or districts would be required to obtain a preclearance from the federal government before making changing to voting laws. Today, the arguments surrounding voting rights remain unresolved, as states practically have the power to pass whatever restrictive laws they choose.

My thesis investigates the factors that explain the variance in state voting laws. This research is being conducted to analyze the relationship between race/ethnicity and partisanship with state voting laws after the *Shelby v. Holder* ruling and during the unprecedented times of a

global pandemic. Black and Latinx Americans are disproportionately affected by voting laws historically and presently, which is why I am driven to research this topic. Additionally, more conservative, or Republican, states tend to favor restrictive voting laws.

There is a need for additional research on state voting laws after *Shelby v. Holder* because the Coronavirus pandemic can further illustrate inequity and the need for a similar version of Section 5 of the Voting Rights Act. Knowledge about why the variation in state voting laws exists can help us understand if the laws are discriminatory to minoritized groups. It is of utmost importance because if certain state voting laws are discriminatory on the basis of race, there is a need to bring back the preclearance to prevent such laws.

My thesis will build on the current literature by creating an original dataset, utilizing similar independent variables, including measures of state partisanship and racial and ethnic diversity, and dependent variables, to illustrate which laws are inclusive and which are restrictive. This research will lay the groundwork for future researchers to observe the ways in which Black and Latinx voters are disproportionately affected by voting laws in future elections. My research will expand upon the current literature because it builds on research conducted studying voting laws after *Shelby v. Holder* by considering the effect of the Coronavirus pandemic on state voting laws as well.

My thesis will be original because it will utilize a unique dataset to study this relationship taking into account the effect that the *Shelby v. Holder* ruling, and Coronavirus pandemic have on state voting laws in America. For my research, I will utilize a quantitative approach to study how state partisanship and racial and ethnic demographics explain the variance in state voting laws. I used data gathered by the U.S. Census Bureau, the National Conference of State Legislatures (NCSL), the National Governors Association, The National Geographic, and The

United States Department of Justice. The U.S. Census Bureau provides racial and ethnic

percentages for each state, as well as age and gender, collected from the 2010 United States

Census. The U.S. Census Bureau allows me to aggregate data on the state level because it

collects data on the state level to show that discriminatory voting laws predominantly affect

Black and Latinx voters compared to white and other racial and ethnic groups. NCSL is a

bipartisan organization that seeks to aggregate data on each state legislature to promote interstate

communication and unite the states, as well as provide data on bills and other state legislation for

each state. The NCSL provides information for the partisan composition of each of the fifty

states concerning state legislatures or state government. The NCSL also publishes information on

voting laws passed by states from 2010 to 2020. The National Governors Association allows me

to gather data from 2010 to 2020 on the governor's partisan status. The National Geographic

provides information for categorically defining the different regions of the United States. The

United States Department of Justice provides information for the states that were previously

covered under Section 5 of the VRA.

Therefore, this research could inform future researchers on the influence of voting policy

on state, county, and local levels, where it may be more difficult for individuals due to the lack

of voting resources. These voting resources can include access to voter registration applications,

identification necessary to vote, or the proximity to the poll where an individual votes.

Researchers can investigate the variations in access to these resources on the county and local

levels to potentially distinguish the differences in each county based on race, ethnicity, and

partisan make up. Since these state, county, and local level elections occur more frequently, they

impact the frequency with which this research can be conducted.

Chapter 2

Literature Review

The Voting Rights Act of 1965 was a victory, for civil rights activists, that curbed poll taxes and voter intimidation. However, since then there have been other successful efforts by federal and state lawmakers to "make it more difficult to register to vote by curbing registration drives" (Solomon et al., 2019). In 2013, the Supreme Court decided on *Shelby County v. Holder* and found "that the coverage formula in Section 4(b) of the Voting Rights Act" which determines the jurisdictions that could "not pass laws or policies that deny American citizens the equal right to vote based on race" was unconstitutional (*Shelby County v. Holder*, 2018). Fresh (2018) provides the basis for a causal relationship, in finding that the implementation of Section 5 of the Voting Rights Act increased the amount of black voter registration, as well as white voter registration, and overall turnout. The application of Section 5 of the Voting Rights Act in effect disallowed the existence of strongly differing voting laws that were so extreme that they evidently impacted marginalized groups in certain jurisdictions and states. The sections of the VRA that were taken away after the Shelby ruling were put in place so that Black voters were able to vote without restrictions or disenfranchisement but taking that away opened up the ability for states and jurisdictions to resume the use of race-based voting practices.

The heart of the issue in the VRA and the Shelby ruling is the need for the United States to deal with its' history of racism. The VRA was passed in 1965 to combat the racism that still existed after the formal end to slavery, and even after the Civil Right Act of 1964 (Weeden, 2018). States have been fighting the central government since before the Constitution has existed for various reasons, and voting laws are just one example. The VRA took away some of the

state's power when the preclearance was in effect for certain jurisdictions, but that ended with the Shelby ruling.

The loss of the preclearance formerly included in the VRA resulted in a heavier burden of evidence of intentional discrimination within voting rights litigation (Lang and Herber, 2018). These intentional discrimination claims illustrate that there truly was a need for the Section 4(b) and 5 of the VRA. Although it is still possible to win these cases in which voting rights are overtly being violated, there is an undue and unnecessary burden being placed on voters whose rights are being suppressed. In the *Shelby v. Holder* ruling, Chief Justice Roberts effectively took away Congress' ability to adequately prevent violations against the voting population (Weeden, 2018). His argument that we live in a post-racial world is not supported by the thousands of discriminatory voting laws that have been prevented by the preclearance requirement in Section 5 of the VRA. However, there is merit behind Justice Roberts' position that there is an increasingly undue burden put on the south, in that they are target more often by the VRA, even though northern states are also passing restrictive voting laws that adversely affect Black voters (Cobb, 2018). Nevertheless, research shows that there is a need to pass legislation similar to the previous preclearance to ensure that no state is able to disenfranchise voters on the basis of race.

Researchers have identified that racial and ethnic demographics, state partisanship, and inclusive and restrictive voting laws are all crucial aspects when studying the effect of the *Shelby v. Holder* ruling on variance in state voting laws, which my research will extend to the voting laws created amid the Coronavirus pandemic. Furthermore, the literature suggests that the varied state voting laws can be observed in several different types of voting laws, including stringent voter identification laws during primaries and general elections (Hajnal & Lajevardi, 2017), the reduction of early voting days (Herron & Smith, 2014), and the closing of certain polling places

amid the coronavirus pandemic (Morris & Miller, 2020). In each of these studies, researchers conclude that race has a role in the restrictiveness of voting laws within a state, and therefore the variance in state voting laws.

Alternatively, Gibson (2020) finds that the Section 5 preclearance removal had "minimal effects on minority turnout rates" on local politics in North Carolina (p. 649). This a stark contrast from most of the previous research, as it claims that the preclearance did not truly impact minoritized communities in a differential manner. It may be the case that adverse effect on levels of voter turnout is not evident because of the number of campaigns and mobilization efforts that counter restrictive voting laws (Neiheisel and Horner, 2019). For example, Black political mobilization may make it appear that there have been minimal effects on minority turnout rates. However, this places an undue burden on African American voters and further illustrates the inequities in our election systems. The research conducted in this study agrees with the majority in this field of research, that race and ethnicity within a state help to explain the differing state voting laws throughout the country.

Partisanship on the state level has been understood in terms of unified state government and divided state government, majority or tie for state legislatures, or a combination of both. Unified state governments "are those in which a single party controls both the state legislature and the governorship" (Taylor, 2020, p. 865). While in divided state governments, one party may have control of the state legislature and another party has control of the governorship. Hess et al. (2016) describe state political ideology by the majority in the state legislatures, house or senate, as well as the party identification of the governor. For party identification, the state legislatures and governor could be understood as Democratic or Republican, or tied for state legislatures where neither party has the majority. Hicks et al. (2015) explain that a "combination of partisan

control and the electoral context," further the likelihood that restrictive voter ID laws will be introduced and passed (p. 18). McKee (2015) confirms that "Republicans are much more supportive of restrictive voter ID legislation" (p. 6). However, Schuit & Rogowski (2017) disagrees explaining that members of Congress "from districts that were subject to federal preclearance under the VRA were substantially more supportive of civil rights policies," especially when black voters make up a large part of the electorate in competitive districts (p. 524). This study realizes the importance of the partisan makeup of the state and state governors, as state voting laws are of interest in the research being conducted.

The Coronavirus pandemic has shed light on the degree to which voter rights' protections in the United States are deeply polarized and constitutional protections are regarded as weak (Hasen, 2020). When the COVID-19 pandemic began to affect primary elections around the country, racial disparities in polling places (Curiel and Clark, 2021). This meant increased costs of voting for minoritized individuals who also happened to be in locations with higher population densities. Additionally, increased wait times due to the size of the polling places and distance necessary to travel to polling places adversely affect minoritized voters. This study agrees that Black and Latinx voters had further unnecessary voting difficulties during the pandemic, but also seeks to understand the manner in which voting laws were expanded across the states. From this research it can be ascertained that political partisanship of state and ethnic and racial demographics within a state are critical factors in explaining the restrictiveness in state voting laws. A large amount of previous research focuses on ethnic and racial demographics within states, whereas this research will further consider the interaction of partisanship and ethnic and racial demographics. Additionally, my research will further observe the inclusive nature of state voting laws passed depending on partisan and ethnic and racial demographics.

Chapter 3

Theoretical Approach

Through this research I am interested in explaining the variance in voting laws after

Shelby v. Holder and during the Coronavirus pandemic, which varies across states in the United

States. I expect that the variance in state voting laws results from the partisanship and

racial/ethnic diversity of the state, especially the number of Black Americans who are

disproportionately affected by voting laws historically and currently, which also varies across

states. I expect to observe this relationship because racial and ethnic discrimination are the basis

of restrictive voting laws. The greater the number of Black Americans in a state, the more likely

it is that restrictive voting laws will be passed so that the white population can restrict the access

of the Black voting population. Additionally, more conservative, or Republican, states tend to

favor restrictive voting laws. Therefore, I expect to observe variance after the *Shelby v. Holder*

ruling, which made it easier for restrictive voting laws to be passed, and during the pandemic,

which permitted more inclusive voting laws to be passed.

This theory examines the effect of race and ethnicity as well as partisanship on state

voting laws, in an attempt to explain the variance in state voting laws. My theory is a statement

that predicts the relationship between partisanship and racial and ethnic demographics, and

variance in state voting laws from 2010 to 2020 to capture the effect of the *Shelby v. Holder*

ruling and the Coronavirus pandemic. The first theory suggests a positive relationship because I

predict that states that are racially and ethnically diverse are more likely to have restrictive

voting laws. The second theory proposes a negative relationship because I expect to observe that

when states are more racially and ethnically diverse, those states are less likely to have inclusive

voting laws amid the Coronavirus pandemic. The third theory predicts a positive relationship because I expect to observe that when states are more conservative, those states are more likely to have restrictive voting laws after *Shelby v. Holder*. The fourth theory suggests a negative relationship, as I predict that states that are more conservative are less likely to have inclusive voting laws in response to the Coronavirus pandemic. The fifth theory suggests a positive relationship because I expect to observe that when states are more conservative and more racially and ethnically diverse, those states are more likely to have restrictive voting laws after *Shelby v. Holder*.

In this study, I will examine the following hypotheses:

- Hypothesis 1: States that are more racially and ethnically diverse are more likely to have restrictive voting laws after the *Shelby v. Holder* ruling.
- Hypothesis 2: States that are more racially and ethnically diverse are less likely to have inclusive voting laws during the Coronavirus pandemic.
- Hypothesis 3: States that are more conservative are more likely to have restrictive voting laws after the *Shelby v. Holder* ruling.
- Hypothesis 4: States that are more conservative are less likely to have inclusive voting laws during the Coronavirus pandemic.
- Hypothesis 5: States that are more conservative-oriented with higher racial/ethnic minority populations are more likely to have more restrictive voting laws.

In the past, researchers have explained the variance in state voting laws on the basis of previous Section 5 preclearance of the Voting Rights Act. This section prohibited certain

jurisdictions implementing voting laws without the preapproval of the U.S. attorney general or the U.S. District for D.C., in order to prevent any discriminatory laws from being passed. However, this research expands past previously covered districts and states, as restrictive voting laws have been produced in states that were not previously covered.

For my research, it is important to define the concepts of state partisanship, racial and ethnic demographics, and state voting laws in terms of inclusive or restrictive state voting laws. The independent variables that my research requires me to study are the racial and ethnic makeup of states and the partisanship of states, to illustrate the influence that these variables have on variance in state voting laws. The racial and ethnic makeup of the state is an essential component of this research because racial and ethnic discrimination is the basis of restrictive voting laws. Race and ethnicity will be researched in terms of people who compose white, Black, Latinx, and other racial and ethnic groups because it has been established that discriminatory voting laws predominantly affect Black and Latinx voters compared to white and other racial and ethnic groups.

The partisanship of a state is a variable of interest because more conservative, or Republican, states tend to favor restrictive voting laws, while more liberal, or Democratic, states are more likely to favor inclusive voting laws. In this study, state partisanship will include the partisanship of voters as well as governing institutions. The partisanship of voters is essential because it appears that more liberal voters' rights are being curbed by restrictive voting laws. For governing institutions within a state, the governor and state legislature are two essential components to observe partisanship of a state.

Additionally, variables such as age, gender, and education level, are included to illustrate that the racial and ethnic makeup of states and partisanship of states have a more significant

effect. These variables can also be measured in percentages, such as the percentage of females and percentages for each age group.

The dependent variables are the voting laws established prior to *Shelby v. Holder* ruling, after the ruling, and prior to elections during the pandemic, to determine whether they were influenced by partisanship and racial and ethnic demographics. Restrictive voting laws (Hardy, 2020) will be the focus for laws created after the *Shelby v. Holder* ruling, as those state voting laws were predominantly restrictive, hindering voters with impeding voting laws. I expect to observe variance in restrictiveness because states vary in the degree of restrictiveness for voter identification, voter registration, and polling place laws, among other voting laws. Inclusive voting laws (James & Garnett, 2020) will be utilized in reference to laws created in response to the Coronavirus pandemic because there were state voting laws put in place, like mail-in voting laws, that functioned to give voters equal opportunities to vote during unprecedented times. I expect variance in inclusivity amid the Coronavirus pandemic because states differ in whether or not they expanded absentee and mail-in eligibility, mailed applications, mailed ballots to all eligible voters, and their deadline to receive absentee and mail-in ballot receipts.

This research will expand upon the current literature because it builds on research conducted when studying voting laws after *Shelby v. Holder* by considering the effect of the Coronavirus pandemic on state voting laws as well. This research will study state voting laws after *Shelby v. Holder* because the Coronavirus pandemic can further illustrate inequity in state voting laws. It will be done to see if states that are more conservative and racially and ethnically diverse are more likely to have restrictive voting laws after the *Shelby v. Holder* ruling, and less likely to have inclusive voting laws during the Coronavirus pandemic. My thesis will utilize

concepts of state partisanship and racial and ethnic diversity, to find which laws are inclusive and

which are restrictive depending on partisan and racial demographics.

Chapter 4

Data & Methods

My research will utilize a quantitative approach to study how state partisanship and racial and ethnic demographics explain the variance in state voting laws. It would be more appropriate to use a quantitative research design because of the relative ease with which I can observe the variables and engage in a rigorous and thorough systematic investigation of how the racial/ethnic percentages and partisan make-up of a state affect the relative openness in voting laws over time. For this study, statistical procedures will help explain the expected relationship from observed data. The variables used for each state for each year are the Black population, Latinx population, governor, state legislature, state legislature and governor interaction, female population, high school graduate population, bachelor graduate population, age eighteen and older population, previous cover under Section 5 of the VRA, region, voter identification laws, laws regarding automatically mailing applications, mailing ballots to eligible voters laws, and expanded eligibility laws.

Table 1: Variables

Variable	Minimum	Median	Mean	Maximum
Black	0.4	8.5	11.294	38.4
Latinx	1.2	8.75	11.33	49.3
Governor	-1	1	0.1633	1
State legislature	-1	1	0.1871	1
State legislature + governor	-1	0	0.1633	1
Female	47.4	50.7	50.6	51.8

High school	28	89.1	88.06	93.9
Bachelor	17.5	29.35	30.4	93.3
Age 18+	68.5	77.1	77.05	81.6
Previous coverage	0	0	0.1921	1
Region	1	3	2.58	4
Voter identification	0	1	1.23	4
Automatically mailing applications	0	0	0.2449	1
Mailing ballots to eligible voters	0	0	0.42	3
Expanded eligibility	0	0.5	0.4444	1

Time Period & Unit of Analysis

To adequately capture the variation and increase of restrictive voting laws, I chose the years 2010-2020. As *Shelby County, AL v. Holder* occurred in 2013, this set of years represents the gradual change in the implementation of restrictive state voting laws after the ruling, as well as the temporary implementation of inclusive voting laws by state legislatures during the general elections in 2020. This time period allows for a significant number of years before and after the *Shelby County v. Holder* ruling (2013), that ended the enforcement of Section 5 of the Voting Rights Act, which negatively impacted black voters throughout the country. The COVID-19 pandemic elections preceded the 2020 primary and presidential elections, which led to calls for more mail-in-ballot options in order to make voting accessible to everyone without contracting the deadly virus. It was challenging to locate all of the necessary data from 2000-2020,

especially data related to various types of state voting laws, such as voter registration and voting by mail. As a consequence, I am analyzing voter identification laws within each state from 2010 to 2020.

For that reason, my unit of analysis for my thesis are the fifty individual states every two years from 2010 to 2020, as race/ethnicity, partisanship, and voting laws can all be measured on the state-level. This is because my research will study the relationship between partisanship and racial and ethnic demographics, and variance in state voting laws after *Shelby v. Holder* and the Coronavirus pandemic at the state level. It is most sensible to study variance in voting laws and racial and ethnic demographics at this level because there is ample data for each variable on the state level. Doing research at the state level will also illustrate an appropriate level of variance compared to observed data at the national or local level.

Dependent Variables

My dependent variable is the relative openness of state voting legislation, which takes into consideration voter identification laws from 2010 to 2020 and voting laws in place amid the COVID-19 pandemic in 2020. I used the data from the National Conference of State Legislatures (NCSL), as well as their categorization of the restrictiveness or inclusiveness of voting laws, allowing me to measure the affect that race/ethnicity and partisanship play in the restrictiveness of these laws.

Voter identification laws are measured on a scale of 0 to 4 every two years with 0 being least restrictive and 4 being most restrictive. Zero indicates that no document or identification is required to vote at the polls. One signifies that it is a non-strict request for identification and

photo identification is not required. Two means that it is non-strict, but photo identification is requested. Three entails a strict non-photo identification requirement. Four establishes that there is a strict identification requirement. The bar graph located below in Figure 1 illustrates the distribution from 0 to 4 from 2010 to 2020.

Figure 1: Bar graph for voter identification laws

Voter Identification Laws from 2010-2020

From least to most restrictive voting laws (0-4)
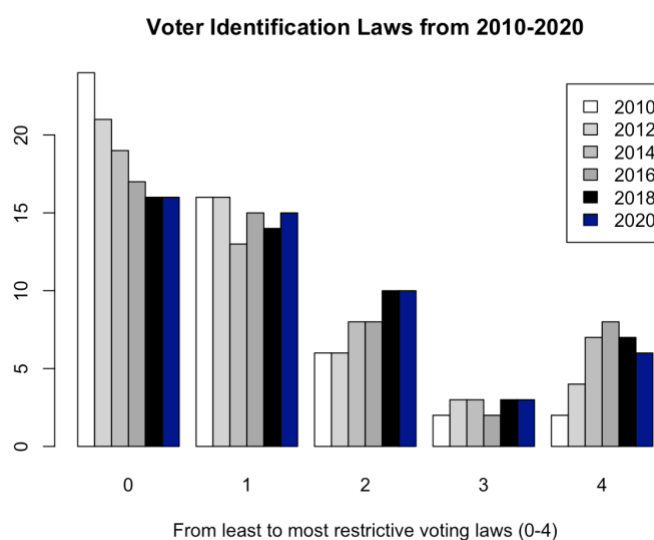
Absentee and mail voting policies in effect for the 2020 election refer to mailing applications for absentee/mail ballots to voters proactively, mailing ballots to all eligible voters, and expansions of absentee and mail eligibility. In regard to mailing applications for absentee/mail ballots to voters proactively is categorized as a 0 or 1. Zero signifies that those

applications for mail-in ballots are not allowed to automatically be sent to eligible voters. While

one means that the state allows the automatic mailing of applications.

Figure 2: This graph shows the number of states that automatically allow mail-in ballot applications to be sent.
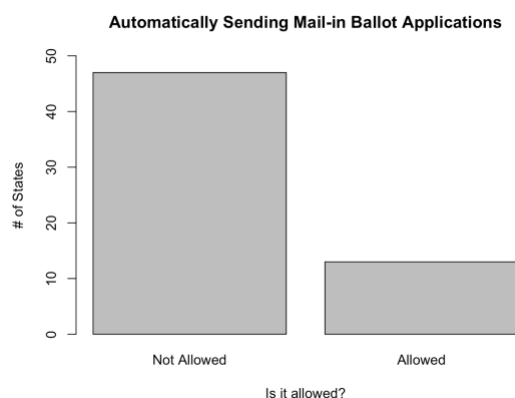
The mailing ballots measure refers to sending ballots to all eligible voters with no request

required and is measured from 0 to 3. Zero denotes that mailing ballots to all eligible voters is

not allowed. One signifies that mailing ballots is allowed for the year of 2020. Two means that

mailing ballots is always allowed but it is the counties' choice. Four signals that mailing ballots

is allowed for all elections.

Figure 3: This graph illustrates the different types of allowances for mail-in ballots.
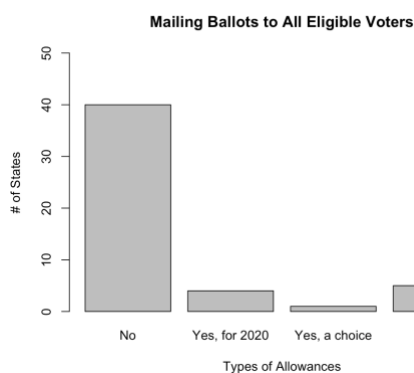
Expanding absentee or mail-in eligibility concerns states that normally require an excuse

to vote by absentee/mail-in ballot, but for 2020 have temporarily expanded eligibility

requirements. This is variable from 0 to 1. Zero means that state did not allow the expansion of

absentee/mail-in eligibility. While 0.5 signifies that there is an expansion of absentee/mail-in

eligibility, but there are criteria to be eligible, such as illness, infirmity, disability, a positive test

for COVID-19, or are in an at-risk category for COVID-19. One denotes that there is no excuse

required to vote absentee/mail-in, or that voting absentee/mail-in without an excuse was allowed

prior to 2020.

Figure 4: This graph shows the different types of eligibility for absentee/mail-in voting.
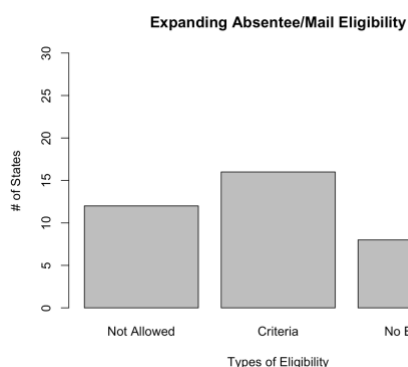
Explanatory Variables

Figure 5: This map represents the change in the Black population in each state from 2010 to 2020.
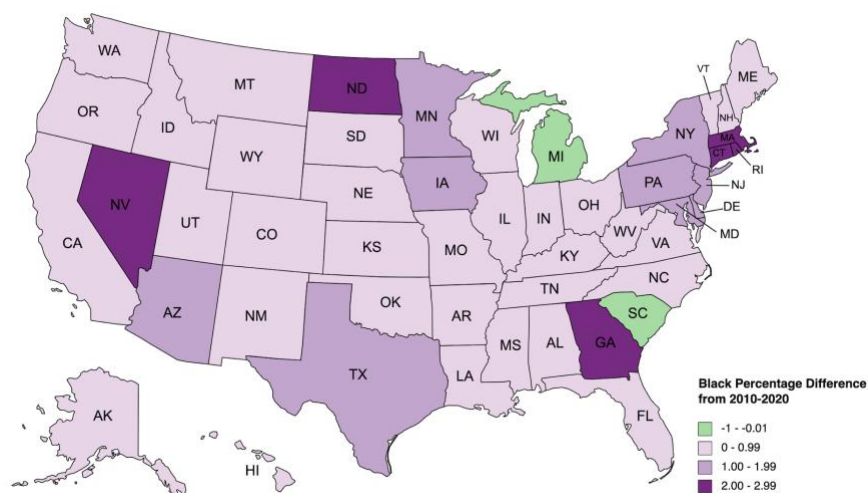
My main independent variable is the Black and Latinx population within a state. The Black and Latinx populations are measured in percentages every two years from 2010 to 2020. I obtained state-level data on the Black and Latinx population from the ACS 1-Year Estimates Selected Population Profiles from US Census data. The minimum for the Black population is 0.4%, the mean is 11.294%, and maximum is 38.4%. The minimum for the Latinx population is 1.2%, the mean is 11.33%, and the maximum is 49.3%. The difference in the Black population from 2010 to 2020 is illustrated in the map above in Figure 5 and the difference in the Latinx population from 2010 to 2020 is pictured below in Figure 6. Negative numbers indicate that the population has decreased since 2010, and positive numbers mean that the population has increased. Both of these variables are crucial parts of the investigation.

Figure 6: This map shows the change in the Latinx population in each state from 2010 to 2020.
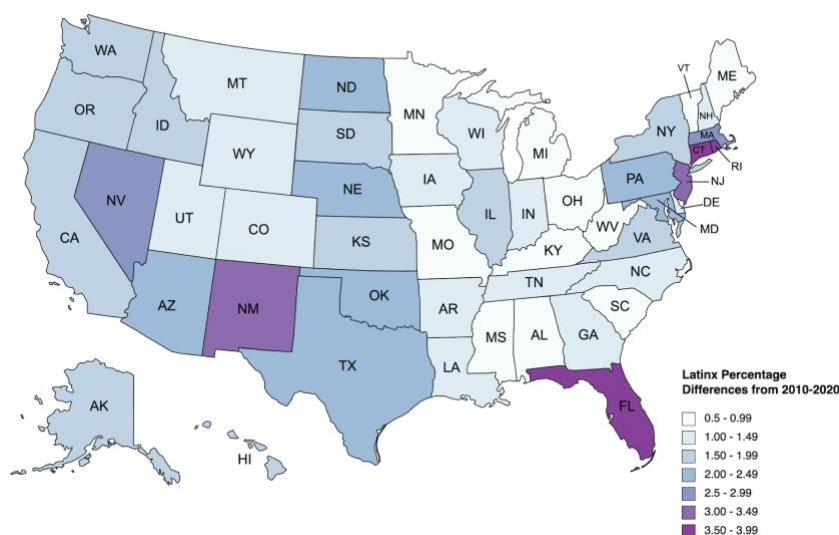
In addition to the percentage of Black and Latinx people in each state, I also analyzed the partisan make-up of each state. I collected data on state governors, state legislatures, and the interaction between the two from 2010 to 2020 using the National Conference of State Legislatures and National Governors Association. The governor variable is measured on a scale

from -1 to 1 with negative one indicating that the governor is a democrat, zero meaning the

governor is an independent, and one meaning that the governor is a republican. The median for

the governor variable is 1 and the mean is 0.1633. Figure 7 below illustrates the distribution of

the governorship from 2010 to 2020.

Figure 7: This graph shows the changes in governorship over ten years.
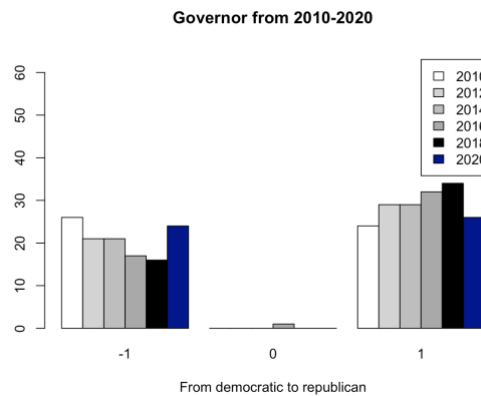
The state legislature variable is measured on a scale of -1 to 1 with negative one

signifying that Democrats have legislative control, or control over both chambers. Zero means

that their split control or divided government because the chambers are held by different parties.

One denotes that Republicans have legislative control over both chambers. The state of

Nebraska's legislature is elected on a nonpartisan basis, and therefore is not included in this

variable. The median for the state legislature variable is 1 and the mean is 0.1871. Figure 8

below illustrates the distribution of the state legislatures from 2010 to 2020.

State Legislature from 2010-2020
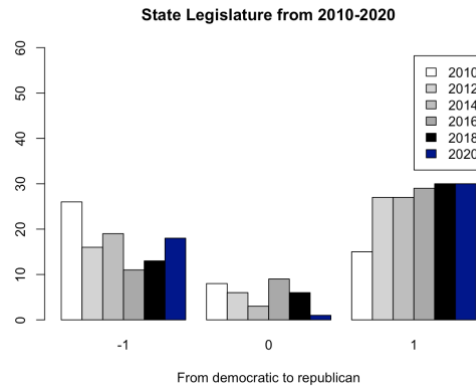
The state legislature and governor variable is measured on a scale of -1 to 1 with negative

one meaning that Democrats have state control, or when the same party holds both legislative

chambers and the governorship. Zero represents that there is split control or divided government,

when neither party has control over both legislative chambers and the governorship. One

signifies that Republicans have control of a state. The median for the state legislature and

governor variable is 0 and the median is 0.1633. Figure 9 below shows the distribution of state

control from 2010 to 2020.

State Legislature + Governor from 2010-2020
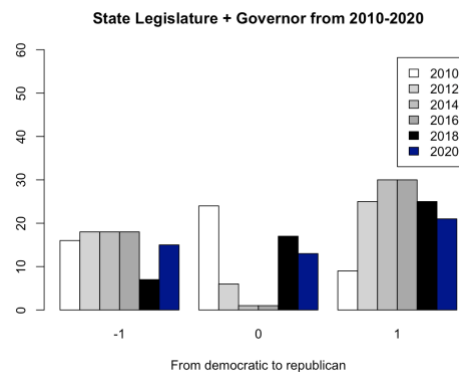
Control Variables

I included several controls that have been of interest in past research regarding state

voting laws, including during the Coronavirus pandemic. To control for the percentage of Black

and Latinx Americans in each state, I also included the percentage of females, the percentage of

people aged eighteen and older, the percentage of high school graduates or higher, and the

percentage of people with a bachelor's degree or higher for each state. To control for state

partisan composition, I used variable to describe region and another to measure previous

coverage under Section 5 of the VRA. Region is a categorical variable measured from 1-4 in

which one denotes the Northeast, two references the Midwest, three means the South, and four

signifies the West. The previous coverage under Section 5 of the VRA is a numeric variable

measured from 0 to 1 with zero signifying that a state was not covered under Section 5. States

with decimals are not covered as a whole but had partially covered counties or townships. For

example, California had three counties out of 58 counties previously covered, so the decimal

would be 0.052. One means that states as a whole were covered previously under Section 5.

Methods

For each of my hypotheses, I ran an ordinal logistic regression because of the ordinal

nature of my dependent variables. In the first model, I observe the relationship of the Black and

Latinx variables with voter identification laws. In the second through fourth models, I focus on

the relationship between the Black and Latinx variables with mailing application, mailing ballots,

and expanding eligibility respectively. The fifth model observes the relationship between the

governorship, state legislature, and state control with voter identification laws. The sixth through

eight model focus on the relationship between the governor, state legislature, and state control

with mailing applications, mailing ballots, and expanding eligibility respectively. The ninth

model examines the relationship with the interaction between the Black and state legislature

variables, as well as the Latinx and state legislature variables, with voter identification laws.

Chapter 5

Results

The multivariate regressions that follow observe the results in comparison to my hypotheses. I will focus my discussion of the results primarily on the theoretically central independent variables, with exception to the previous coverage variable.

Race & Ethnicity

My first hypothesis was not supported by the model shown in Table 1, as my results revealed no significance between the Black population and the restrictiveness of voter identification laws. Additionally, there is significance between the Latinx population and the restrictiveness of voter identification laws, which is not what was expected. This can be attributed to the fact that I was only able to measure voter identification laws, instead of also including other types of voting laws, like absentee and polling place laws. The lack of significance could also be due to the fact that I was only able to collect data from 2010 to 2020 instead of including earlier data because of the absence of data.

However, I did find significance in the previous coverage variable that observes the level to which a state was covered under Section 5 of the VRA, whether it was not at all, partially by counties or districts, or completely covered. This variable demonstrates that as states were increasingly covered in the past, their voter identification laws become more restrictive.

Table 2: This table examines racial/ethnic effect on voter identification laws.

	Dependent variable:
	voter identification
previous coverage	1.190***
	(0.402)
region	0.237*
	(0.140)
female	−0.011
	(0.252)
age 18+	−0.109*
	(0.064)
high school	−0.019
	(0.025)
bachelor	−0.002
	(0.018)
black	0.017
	(0.021)
latinx	−0.042***
	(0.013)
Observations	300
Log Likelihood	−397.766
Note:	*p<0.1; **p<0.05; ***p<0.01

Similarly, observing the Black population during the COVID-19 pandemic was insignificant, and the Latinx population variable produces results that go against my second hypothesis. Observing the Latinx variable in Table 2 illustrates that as the Latinx population within a state increases it is more likely that applications for mail-in ballots were automatically sent out.

Table 3: This table examines the effect of race/ethnicity on mailing applications amid the pandemic.

	Dependent variable:
	mailing applications
previous coverage	−6.275
	(8.802)
region	−1.987*
	(1.075)
female	1.492
	(1.769)
age 18+	−0.414
	(0.353)
high school	0.356
	(0.476)
bachelor	−0.160
	(0.149)
black	0.038
	(0.101)
latinx	0.178**
	(0.085)
Observations	50
Log Likelihood	−18.679
Note:	*p<0.1; **p<0.05; ***p<0.01

The model below was also created in reference to the second hypothesis that explains that states that are more racially and ethnically diverse are less likely to have inclusive voting laws during the Coronavirus pandemic. Table 4 examines this hypothesis in regard to whether or not states automatically mailed ballots to all eligible voters, whether it be for 2020, by counties' choice, allowing it in general, or not at all. With mailing ballots there was no significance with the Black and Latinx variable but was significant in the previous coverage variable that signifies that as the level of coverage increases states are less likely to allow mail-in ballots. This result means that racial and ethnic diversity does not make significantly make a state less likely to allow mail-in ballots to be sent during the pandemic, but previous coverage does significantly make a state less likely to allow mail-in ballots.

Table 4: This table examines the effect of race/ethnicity on mailing ballots during the pandemic.

	Dependent variable:
	mailing ballots
previous coverage	−161.782***
	(0.010)
female	−5.551***
	(0.958)
age 18+	0.093
	(0.260)
high school	−1.400***
	(0.360)
bachelor	0.781***
	(0.129)
black	−0.220
	(0.141)
latinx	−0.038
	(0.098)
Observations	50
Note:	*p<0.1; **p<0.05; ***p<0.01

Finally, the model below observes the second hypothesis that says that states that are more racially and ethnically diverse are less likely to have inclusive voting laws during the Coronavirus pandemic. Table 5 shows this hypothesis in reference to the expansion of eligibility during the pandemic. When observing the eligibility expansion during the pandemic, neither of the main variables were significant, but the previous coverage variable is. This result means that race and ethnicity are not significant in the inclusiveness of eligibility expansion for absentee and mail-in voting. However, the previous coverage variable shows that as states were more covered in the past under Section 5 of the VRA, they are significantly less likely to allow more inclusive expansions of absentee/mail-in eligibility.

Table 5: This table examines the effect of race/ethnicity on eligibility expansion during the pandemic.

	Dependent variable:
	eligibility expansion
previous coverage	−2.237*
	(1.300)
region	1.440**
	(0.708)
female	0.210
	(0.990)
age 18+	0.127
	(0.304)
high school	0.326
	(0.306)
bachelor	0.145
	(0.133)
black	0.064
	(0.080)
latinx	0.001
	(0.060)
Observations	50
Log Likelihood	−32.974
Note:	*p<0.1; **p<0.05; ***p<0.01

State Partisanship

The third hypothesis claims that states that are more conservative are more likely to have restrictive voting laws after the *Shelby v. Holder* ruling. Table 6 shows the model observing the effect of the governor, the state legislature, and the interaction between the two on voter identification laws. This model has 294 observations because Nebraska in 2010, 2012, 2014, 2016, 2018, and 2020 is not included, due to the fact they have a nonpartisan state legislature. The hypothesis observing the effect of state partisanship on voter identification laws proved to be true in the majority of main independent variables, examining significance in the state legislature

on its own and in interaction with the governor. However, the governor variable was not found to be significant. This result means that the more conservative a state is, they are more likely to have more restrictive voter identification laws, which supports my third hypothesis. Additionally, the previous coverage variable is once again significant, showing that as a state was more previously covered under Section 5 of the VRA, they are more likely to have restrictive voter identification laws.

Table 6: This table examines state partisanship effect on voter identification laws.

	Dependent variable:
	voter identification
previous coverage	0.911***
	(0.315)
region	0.173
	(0.110)
female	0.330***
	(0.095)
age 18+	−0.041
	(0.065)
high school	0.010
	(0.022)
bachelor	0.033*
	(0.018)
state legislature + governor	0.492**
	(0.248)
state legislature	0.801***
	(0.207)
governor	−0.020
	(0.156)
Observations	294
Note:	*$p<0.1$; **$p<0.05$; ***$p<0.01$

The fourth hypothesis explains that states that are more conservative are less likely to have inclusive voting laws during the Coronavirus pandemic. Table 7 addresses this hypothesis in regard to mailing applications amid the pandemic. In these cases, there are 49 observations because the state of Nebraska is not included, due to the fact that it has a nonpartisan state

legislature. In this model, none of the independent variables are significant. This result means

that as a state becomes more conservative, it is not proven that they are less likely to

automatically send mail-in ballot applications.

Table 7: This table examines the effect of state partisanship on mailing applications amid the pandemic.

	Dependent variable:
	mailing applications
previous coverage	−5.355
	(6.005)
region	−0.993
	(0.851)
female	2.069
	(1.484)
age 18+	−0.364
	(0.395)
high school	0.066
	(0.366)
bachelor	−0.150
	(0.172)
state legislature + governor	1.045
	(2.525)
state legislature	−1.543
	(1.365)
governor	−0.995
	(1.390)
Observations	49
Log Likelihood	−18.582
Note:	$^{*}p<0.1$; $^{**}p<0.05$; $^{***}p<0.01$

The next model also observes the fourth hypothesis that states that are more conservative

are less likely to have inclusive voting laws during the Coronavirus pandemic. Table 8 observes

the effect of state partisanship on automatically mailing ballots to all eligible voters. This model

demonstrates that none of the variables are significant. This result means that as a state is more

conservative, it is not evident that the state is less inclusive in automatically sending ballots to

eligible voters.

Table 8: This table examines the effect of state partisanship on mailing ballots during the pandemic.

	Dependent variable:
	mailing ballots
previous coverage	−668.547
region	13.667
female	−36.735
age 18+	−0.262
high school	0.051
bachelor	5.729
state legislature + governor	−58.011
state legislature	10.190
governor	23.207
Observations	49
Log Likelihood	−3.030
Note:	*p<0.1; **p<0.05; ***p<0.01

Finally, the model included below also addresses the fourth hypothesis that states that states that are more conservative are less likely to have inclusive voting laws during the Coronavirus pandemic. Table 9 specifically addresses the expansion of absentee/mail-in voting eligibility during the pandemic. The results of the model below show that none of the main independent variables are statistically significant. This result means that as a state is more conservative, it is not proven to be less inclusive in expanding criteria or not requiring any excuse.

Table 9: This table examines the effect of state partisanship on eligibility expansion during the pandemic.

	Dependent variable:
	eligibility expansion
previous coverage	−1.211
	(1.115)
region	1.360**
	(0.656)
female	0.932
	(0.754)
age 18+	−0.127
	(0.318)
highs chool	0.441*
	(0.262)
bachelor	0.033
	(0.133)
governor	1.003
	(1.621)
legislature + governor	−2.079
	(3.094)
state legislature	0.270
	(1.581)
Observations	49
Log Likelihood	−32.354

Partisanship * Race/Ethnicity

The final hypothesis claims that states that are more conservative-oriented with higher racial/ethnic minority populations are more likely to have more restrictive voting laws. The model observing this hypothesis is included below in Table 10, that includes the interaction between the Black variable and the state legislature, as well as the Latinx variable and the state legislature, to observe its effect on the restrictiveness of voter identification laws. This model shows that the Black, Black and state legislature, and Latinx and state legislature variables are all significant. The Black variable being significant in this case means that the higher the percentage of the Black population withing a state, the more likely it is to have restrictive voter

identification laws. The Black and state legislature interaction shows that as a state as a higher population of Black people and a more conservative state legislature, state voter identification laws are more restrictive. Finally, the Latinx and state legislature interaction illustrates more significantly that a as a state has a higher population of Latinx people and a more conservative state legislature, voter identification laws are more restrictive.

Table 10: This table examines racial/ethnic and partisan effect on voter identification laws.

	Dependent variable:
	voter identification
previous coverage	−0.114
	(0.455)
female	−0.336
	(0.251)
age 18+	−0.085
	(0.069)
high school	−0.013
	(0.026)
bachelor	0.022
	(0.019)
black	0.047**
	(0.023)
state legislature	0.124
	(0.297)
latinx	−0.018
	(0.014)
black*state legislature	0.037**
	(0.015)
latinx*state legislature	0.048***
	(0.016)
Observations	294
Log Likelihood	−360.404
Note:	*p<0.1; **p<0.05; ***p<0.01

Chapter 6

Conclusion

Previous research has shown that taking a way the preclearance has created an intentionally substantial burden on impacted individuals searching for justice in voting rights litigation (Lang and Herber, 2018). Furthermore, past work confirms the importance of partisanship in voting laws (Hicks et al., 2015), as more conservative states are more likely to pass restrictive voting legislation (McKee, 2015). More recent research has begun to shed light on the impact that the COVID-19 pandemic, observing the negative impact has already had on existent racial disparities in the electoral process (Curiel and Clark, 2021)

The research conducted in this study aims to add an additional and more holistic study of state voting laws by studying voter identification laws from 2010 to 2020, as well as voting laws in place amid the COVID-19 pandemic, including mail-in ballots being automatically allowed to be sent out, the eligibility requirements for them, or whether mail-in ballot applications were automatically sent out. I expected that higher amounts of conservativism and racial/ethnic diversity negatively affected voter identification laws or made them more restrictive. Additionally, I expected that higher amounts of conservatism and racial/ethnic diversity makes states less inclusive amid the Coronavirus pandemic.

Interestingly, the previous coverage variable was found to be significant many times illustrating that states that were previously covered by Section 4(b) of the VRA are more likely to restrictive voting laws and less likely to have inclusive ones. The Black and Latinx variables alone did not demonstrate that they significantly affect the restrictiveness of voter identification

laws, or the inclusiveness of mail-in ballots being allowed, the eligibility requirements for them, or whether mail-in ballot applications were automatically sent out. Partisan effects, specifically conservatism, on their own were only observed to be significant when looking a voter identification laws overtime. Finally, when observing the racial/ethnic and partisan makeup of a state, it was found that states that are more diverse and more conservative have more restrictive voter identification laws. It appears that states with a majority of conservative leaders are more likely to pass restrictive legislation when the state is also more racially and ethnically diverse.

If I had the opportunity to repeat and expand on this research, I would have first and foremost expanded the time period and the number of state voting laws I observed. Unfortunately, I was only able to find full data on all the important independent, dependent, and control variables for the timeframe from 2010 to 2020. Ideally, I would have been able to test my hypotheses using data at least from 2006 to 2020 to observe seven years before and after the *Shelby v. Holder* ruling. Similarly, instead of solely observing voter identification law, I would have also liked to other state voting laws. However, it was difficult to do so due to the lack of reliable and adequately measurable state voting laws during the time period from 2010 to 2020.

This research implies that there may long term effects on voting laws because of the removal of the preclearance in the VRA. The results of my research mean that the racial disparities within voting laws are a more nuanced than the scope of this study, which future research can address in a multitude of ways. Future research should further attempt to observe the effect of race/ethnicity and partisanship on new trends in state voting laws, such as the laws put in place in response to the Coronavirus pandemic.

BIBLIOGRAPHY

Brian Hinkle, Mandy Zoch. *Absentee and Mail Voting Policies in Effect for the 2020 Election*, https://www.ncsl.org/research/elections-and-campaigns/absentee-and-mail-voting-policies-in-effect-for-the-2020-election.aspx.

Cobb, Jelani. "Voter-suppression tactics in the age of Trump." *New Yorker* (2018).

Curiel, John A., and Jesse T. Clark. "Disparities in Poll Closures in the Age of COVID-19: A Case Study of Wisconsin." *Election Law Journal: Rules, Politics, and Policy* 20.4 (2021): 345-363.

Draeger, Saige. *Voter ID Chronology*, https://www.ncsl.org/research/elections-and-campaigns/voter-id-chronology.aspx.

Fresh, Adriane. "The Effect of the Voting Rights Act on Enfranchisement: Evidence from North Carolina." *The Journal of Politics* 80.2 (2018): 713-718.

Gibson, Nadine Suzanne. "Moving Forward or Backsliding: A Causal Inference Analysis of the Effects of the Shelby Decision in North Carolina." *American Politics Research* 48.5 (2020): 649-662.

Hajnal, Zoltan, Nazita Lajevardi, and Lindsay Nielson. "Voter Identification Laws and the Suppression of Minority Votes." *The Journal of Politics* 79.2 (2017): 363-379.

Hasen, Richard L. "Three pathologies of American voting rights illuminated by the COVID-19 pandemic, and how to treat and cure them." *Election Law Journal: Rules, Politics, and Policy* 19.3 (2020): 263-288.

Herron, Michael C., and Daniel A. Smith. "Race, Party, and the Consequences of Restricting Early Voting in Florida in the 2012 General Election." *Political Research Quarterly* 67.3 (2014): 646-665.

Hess, David J., Quan D. Mai, and Kate Pride Brown. "Red States, Green Laws: Ideology and Renewable Energy Legislation in the United States." *Energy Research & Social Science* 11 (2016): 19-28.

Hicks, William D., et al. "A Principle or a Strategy? Voter Identification Laws and Partisan Competition in the American States." *Political Research Quarterly* 68.1 (2015): 18-33.

James, Toby S., and Holly Ann Garnett. "Inclusive voting practices: lessons for theory, praxis, and the future research agenda." *Policy Studies* 41.2-3 (2020): 288-294.

"Jurisdictions Previously Covered by Section 5." *The United States Department of Justice*, 29
    Nov. 2021, https://www.justice.gov/crt/jurisdictions-previously-covered-section-5.

Lang, Danielle, and J. Gerald Hebert. "A Post-Shelby Strategy: Exposing Discriminatory Intent
    in Voting Rights Litigation." *Yale LJF* 127 (2017): 779-798.

McKee, Seth C. "Politics is local: State legislator voting on restrictive voter identification
    legislation." *Research & Politics* 2.3 (2015): 1-7.

Morris, Kevin, and Peter Miller. "Voting in a Pandemic: COVID-19 and Primary Turnout in
    Milwaukee, Wisconsin." *(June 23, 2020)*: 1-17.

Neiheisel, Jacob R., and Rich Horner. "Voter Identification Requirements and Aggregate
    Turnout in the US: How Campaigns Offset the Costs of Turning Out When Voting Is
    Made More Difficult." *Election Law Journal: Rules, Politics, and Policy* 18.3 (2019):
    227-242.

"QuickFacts: United States." *United States Census Bureau*, 2019,
    www.census.gov/quickfacts/fact/table/US/PST045219.

Schuit, Sophie, and Jon C. Rogowski. "Race, Representation, and the Voting Rights Act."
    American Journal of Political Science 61.3 (2017): 513-526.

Shelby County v. Holder. (2018, August 4). Brennan Center for Justice.
    https://www.brennancenter.org/ our-work/court-cases/shelby-county-v-holder

Solomon, D., Castro, A., & Maxwell, C. (2019). Center for American Progress. In *Center for
    American Progress*. Center for American Progress. https://www.americanprogress.org/
    issues/race/reports/2019/08/07/473003/systematic-inequality-american-democracy/

"State Partisan Composition." *National Conference of State Legislatures*, 8 Sept. 2020,
    www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx#Timelines.

Taylor, Barrett J., et al. "Partisanship, White Racial Resentment, and State Support for Higher
    Education." *The Journal of Higher Education* (2020): 858-887.

Tokaji, Daniel P. "Responding to Shelby County: A Grand Election Bargain." *Harvard Law &
    Policy Review* 8 (2014): 71-108.

"United States Regions." *National Geographic Society*, 9 Nov. 2012,
    https://www.nationalgeographic.org/maps/united-states-regions/.

"U.S. Governors." *National Governors Association*, https://www.nga.org/governors/.

Weeden, L. Darnell. "The Supreme Court's Rejection of the Rational Basis Standard in Shelby County v. Holder Invites Voter Suppression." *Miss. CL Rev.* 33 (2014): 219-234.

<div align="center">

ACADEMIC VITA

Jaden Fields

</div>

EDUCATION

The Pennsylvania State University   **University Park, PA**
College of the Liberal Arts | B.A. in Political Science and B.A. in Spanish   *Class of 2022*
Schreyer Honors College and Paterno Fellows Program
Certificate in Diversity Studies

PROFESSIONAL INTERNSHIPS & EXPERIENCE

Feminist Majority Foundation's Equality Votes Campaign   **Remote**
Campus Coordinator   *Sep 2020 – Nov 2020*
- Organized through the use of various social media platforms and online campus events to help get out the vote
- Ensured student activists were informed about election details and engaged in efforts to mobilize student voters

Zina Spezakis for Congress Campaign   **Remote**
Intern with Candidate for the House of Representatives   *May 2020 – July 2020*
- Connected with voters via phone calls and mail to inform them about the upcoming election with the goal of increasing voter turnout through personalized engagement
- Gained an in-depth knowledge about campaigning and policy issues

Montgomery County Courthouse   **Norristown, PA**
Intern with the Honorable Judge Garrett Page in the Court of Common Pleas   *June 2019 – Aug 2019*
- Developed and applied knowledge on the judicial process for criminal, civil, family, and juvenile law
- Continuously provided administrative and clerical support to court crier that resulted in efficient court hearings

OTHER WORK EXPERIENCE

Target *Retail Associate–Abington, PA*   *July 2019– Present*
Starbucks *Barista–University Park, PA*   *July 2018– May 2020*

LEADERSHIP EXPERIENCE

Delta Sigma Theta Sorority, Inc., *Member, Epsilon Gamma Chapter*   *Nov 2019 – Present*
- Served as chair for nominating and publicity committees and as a member of the social action committee
- Volunteered at Greater Centre County's Habitat for Humanity ReStore center semesterly

National Pan-Hellenic Council (NPHC), *President*   *Jan 2021 – Dec 2021*
- Organized and facilitated various biweekly/monthly meetings with Penn State NPHC leaders
- Arranged and conducted various community activities and fundraising events
- Held council members accountable for community/fundraising involvement

Literacy Corps Tutoring Program, *Tutor*   *Aug 2020 – Feb 2021*
- Mentored an English language learner for three hours a week by providing academic and personal support and facilitated personalized grammar and pronunciation lessons

CAMPUS INVOLVEMENT

Volé, Penn State Dance Company	Multicultural Undergraduate Law Association
Pi Sigma Alpha: National Political Science Honors Society	Political Science Horizons Mentoring Program
National Association for the Advance of Colored People	Spanish Club
Penn State Explore Law Program	