THE EFFECT OF STATE POLICY ON THE INDIVIDUAL VOTE DECISIONS OF AFRICAN AMERICANS IN PRESIDENTIAL AND MIDTERM ELECTIONS, 1996 TO 2008

A dissertation submitted to Kent State University in partial fulfillment of the requirements for the degree of Doctor of Philosophy

by

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August 2012
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DEDICATION

I dedicate the completion of this dissertation and my doctorate, in loving memory, to my grandfather, Dorsey Ward.
ACKNOWLEDGEMENTS

The dissertation process is an interesting one. It is a process characterized by self-doubt, confusion, frustration, inspiration, perspiration and determination. In spite of the ups and downs the highs and lows, having finally reached the end, what is important to me are the people; those who have been there to celebrate my accomplishments and comfort me in my disappointments. While working my way through my PhD program, I was blessed with people who were there to support and believe in me when I didn’t believe in myself.

To my committee, I would like to say thank you for being patient with me while I worked my way through discovering who I am, who I want to be and what I wanted to say as a scholar.

To my family, I would like to say thank you for believing that I would be Dr. King before I had taken a class, passed a comprehensive exam or even knew what a prospectus was,

To my friends, I would like to say thank you for listening to me ramble on and on about statistical models even though I know you had no idea what I was talking about, for letting me have my spastic, irrational, downright crazy and often teary eyed moments of doubt and being there when I needed a moment to escape.

The completion of my dissertation and the awarding of my doctorate is not an accomplishment I achieved on my own. To each of you, who in your own way made this possible, I would like to thank you.
Chapter One

VOTING IN THE UNITED STATES: HISTORICAL PERSPECTIVES AND CONTEMPORARY CONSIDERATIONS

Introduction

“If there is one sacred feature of the American democracy it is the right to vote” (Barker and Barker, 1987, p. 59). This sacredness is planted firmly in the notion that by voting, individuals are able to have their interests reflected by those who represent them and the policies established by their governing body. The right to access the ballot has been hard-fought by several groups in U.S. American history. Of these, this research focuses on African American\(^1\) voting behavior in the United States.

At one time in U.S. history voting was denied to African Americans despite the considerable promise it held for advancing African American interests and ensuring equality. Most legal barriers to voting have been removed and we, as political scientists, have paid considerably less attention to issues affecting African Americans and turnout beyond those associated with felony disenfranchisement and descriptive representation. Although these are important issues there are voting policy changes that have occurred in recent years at both the federal and state level. These policies change the way eligible United States citizens register and vote. The effect of such policy changes on participation (i.e. voter turnout); need to be examined in conjunction with felony

\(^1\) The terms African American and Black are used interchangeably throughout the dissertation.
disenfranchisement and descriptive representation in order to create a more complete picture of the electoral environment in the United States and how changes to this environment shape turnout.

This study moves attention away from the federal level, recognizing the 50 unique state environments in which African Americans may cast their ballots. Considering voting from the perspective of the state is important because the act of registration and voting takes place in states. Further, although the federal government does regulate certain aspects of the voting process, the majority of voting rules and regulations are decided by each state individually. Consequently, states play a major role in shaping elections in the United States. Voting policy variations at the state level to date have yet to receive thorough investigation with regard to their effect on African American turnout. Given the once contentious relationship between Blacks and the American franchise, thoughtful consideration should be given to the implementation of changes in voting policy and how these changes affect an individual’s ability to cast a ballot particularly in those states that have a history of enforcing policies with the sole purpose of disenfranchising African Americans. The voting policy variations included in the analysis are: registration closing date, photo identification requirements, statewide computer registration database, in person early voting, Election Day registration, and no excuse absentee voting. Because felony disenfranchisement disproportionately affects the African American voting eligible population, (Manza and Uggen, 2004) the analysis will additionally examine the effect of felony disenfranchisement on the enfranchised African American population.
There has been little contemporary analysis that simultaneously investigates the effect of state voting rules, state demographic and socioeconomic factors (i.e. descriptive representation, percent of population in poverty, percent of population that is African American, etc.) and individual demographic and socioeconomic factors on the turnout of the African American population. The existing research on race and turnout has been constrained by data and modeling problems (Hero, Tolbert, King, 2005; Tolbert, Bowen, King, 2007). Although rich with attitudinal measures, surveys like the National Black Election Study (NBES) are inadequate for modeling the effects of state voting policy (Hero, Tolbert, King, 2005; Tolbert, Bowen, King, 2007). The NBES is a disproportionate probability random digit dial telephone survey. Because the survey is conducted by telephone, Black respondents are not as representative of the general adult Black population as they would be in a face-to-face interview (Tate, 1996, p.7). For example, the poor and less educated are generally found in households without telephones. Consequentially, low-income and less-educated Blacks are underrepresented by NBES surveys (Tate, 1996, p. 7). The NBES over represents Black women, middle-income and educated Blacks, and Blacks in the labor force. As such, the NBES and similar surveys are not designed to capture representative samples in each state.

To avoid some of the modeling problems inherent in this type of research, this analysis utilizes individual level data from the U.S. Census Bureau Current Population Survey (CPS) that is merged with detailed state level measures. The CPS is a monthly survey of individuals conducted by the Bureau of the Census/Bureau of Labor Statistics. This very large national random sample includes accurate estimates of the population as a
whole. Compared to standard surveys, the national data include large and representative samples of African-Americans.

**Why Voting?**

To date the majority of the literature that has guided inquiry into the voting behavior of African Americans is several decades old. The political, economic and social conditions that existed during the original race and voter turnout studies have changed. Since 1960 the Black population 25 years and older with a high school diploma or higher has increased from 21.7 percent to 72.3 percent in 2008 (U.S. Census Bureau, 2009). The percentage of Blacks below poverty has decreased from 55.1 percent in 1959 to 24.7 percent in 2008 (U.S. Bureau of the Census, 2010a). The percentage of Blacks in state legislatures has increased from less than one percent in 1960 to 9 percent in 2009 (Joint Center for Political Studies, 1961). The percentage Blacks in the United States Congress has increased from less than 1 percent in 1960 to 8 percent in 2008 (Office of History and Preservation). Although there may be similarities between the voting behavior of the African American population immediately following the Civil Rights Movement and the African American population today, changes in the economic, political and social conditions in the United States give cause to reinvestigate traditional explanations of turnout.

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During a 1965 demonstration against Alabama’s voter registration requirements, Dr. Martin Luther King, Jr., one of the most prominent figures in the American Civil Rights Movement asserted, “If Negroes could vote…there would be no more oppressive poverty directed against Negroes: our children would not be crippled by segregated schools, and the whole community might live together in harmony” (As quoted in Herberss, 1965). Dr. King believed that access to the ballot box was a fundamental tool that could be used to alleviate Blacks from a great majority of the injustices and disparities that exist in the Black community. Fulfilling Dr. King’s vision, once acquired, Blacks used the right to vote to secure political representation at the local, state and federal level. Flexing their newly acquired political muscle Blacks have been able to acquire equal access to public places and the same opportunities as their white counterparts in all facets of American society.

There are several theoretical arguments that have emerged to explain Black political participation in America. These include theories that focus on socioeconomic differences, group consciousness, social context, descriptive representation and structural barriers. Although not explicitly noted, within each of these theoretical orientations lies the historical context from which the right for African Americans to vote emerged. With many theories of Black political participation and activism, the initial causal force in the argument remains white racism and the socioeconomic denigration of Blacks (Danigelis, 1977). Blacks viewed the political arena as a way to gain access to power and alleviate the unequal treatment they received. Because the “collective material improvements of the African American condition in the United States hinges on participation in all aspects
of society, especially the political, Blacks are thought to be more politically active” (Danigelis, 1977, p. 33). Although much of this research is more than 30 years old, at the heart of many theories of Black political participation is the notion that minorities, particularly African Americans, have had and continue to have additional challenges to overcome in their quest to fully participate in American society.

With respect to voting, there are 50 unique state environments that individuals are required to navigate in an effort to cast a ballot. Because the Constitution gives states the right to decide who can vote and how they vote, excluding the exceptions outlined in select constitutional amendments and legislation, states are free to decide what standards they use (Uggen, Behrens and Manza, 2005). Considering the exclusionary relationship that existed between African Americans, state voting policy and access to the franchise, it is important to investigate how contemporary variations in state voting policy explain the voting behavior of the African American population? This analysis will address this question.

Focusing on policies that regulate political participation is important because we live in a democracy. The nature of such a government arrangement suggests that all citizens equally have a right and duty to actively participate in politics and civic life. Historically, the United States has excluded certain segments of the population from the voting process; women, African Americans, non-property owners, the poor, felons, etc. African Americans specifically were subject to poll taxes, literacy tests, residency

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3 The state policy variations included in this analysis are as follows: registration closing date, mail voting, photo identification requirements, statewide computer registration database, in person early voting, Election Day registration, no excuse absentee and felony disenfranchisement. Each policy will be discussed in detail in Chapter 2.
requirements and other barriers to participation. Multiple pieces of legislation have been passed to create avenues of participation in the United States: the Fourteenth Amendment, the Fifteenth Amendment, the Voting Rights Act of 1965, the National Voter Registration Act of 1993 and the Help America Vote Act of 2002. Of these, the Voting Rights Act had the most profound impact on the voting rights of Blacks because it forced states to comply with the Fifteenth Amendment to the United States Constitution, which eliminated the right to deny access to the vote solely based on race (Henderson, 2006). Prior to the Voting Rights Act there was no federal guarantee of the right to vote. In turn states reserved the right to preside over elections the way they chose, which because of discrimination did not favor Black voters (Henderson, 2006). The primary purpose of the 1965 Voting Rights Act was to establish such a federal guarantee and eliminate policies in states, particularly those in the South that impeded the right of Blacks and other minorities to vote (Barker and Barker, 1987). With the passage of the Voting Rights Act, literary tests, poll taxes and other obstacles to enfranchisement were eliminated (Barker and Barker, 1987; Cain and Miller, 1998). Immediately following the Voting Rights Act, there were dramatic increases in Black registration and subsequently Black voting (Henderson, 1987). The interest in political participation that followed the passage of the Voting Rights Act suggests that not only did leaders like Dr. King have an optimistic perspective on the power of the vote as reflected in his quote from the Alabama demonstration, but this optimistic view resonated with the Black community. Following the passage of the 1965 Voting Rights Act the increase in the number of Black registered voters was most noticeable in the south. In Mississippi the number of
registered Black voters increased from 28,500 in 1965 to 406,000 in 1984 (Colby, 1986). In Louisiana, in 1964 Blacks accounted for 13.7 percent of registered voters, by 1985 Blacks accounted for 25.1 percent of registered voters (Wright, 1986).

Given that the “strategy of the ballot” has worked for many ethnic groups in the United States it is not surprising that once legal barriers to participation were removed, Blacks were more likely to participate actively in electoral politics (Williams, 1987, p. 98). According to the U.S. Bureau of the Census 230,117,876 Americans were of voting age in 2008. Of those, Black Americans accounted for 12.1 percent or 27,836,291 of the total voting age population (U.S. Bureau of the Census, 2008a; 2008b). Considering that most presidential elections are won by 5 percent or less of the popular vote, Black Americans have the potential to be a strong deciding force in American elections (Williams, 1987).

In spite of this, voting rights experts suggest that Black Americans still face barriers to effectively casting a ballot, these barriers include: minority vote dilution by administrative barriers, class barriers, psychological barriers and institutional barriers (Davidson, 1984; Matthews and Prothro, 1966; Salaman and Van Evera, 1973; Kimball, 1972). The pessimism that arises regarding benefits for Blacks resulting from voting fall into two schools of thought; one which places blame with the system and the other which

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4 The dramatic changes in registration that occurred in the South, in addition to the general provisions of the Voting Rights Act that are applied nationwide may be attributable to many states in the South being designated as specially covered jurisdictions. The designation applies to states that had a history of employing discriminatory tests, devices or practices in voting (Cotrell, 1986, p. 7-8). Additionally, officials in the specially covered jurisdictions were not allowed to change any of their “election procedures until the proposed changes have been certified as not having the potential for significant interference with the right of Blacks to register and vote” (Wright, 1986, p. 97). The states covered include Alaska, Alabama, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia.
places blame on Blacks themselves (Williams, 1987). The first suggests that Blacks will not receive the benefits derived from voting because of insufficient political and economic resources, the existence of institutional racism and the amount of time it takes to see true change created by the political process (Preston, 1976; Keech, 1968; Greer, 1979). The second suggests that Blacks will not receive benefits because Blacks are viewed as incapable of organizing politically in order to enact change and unsophisticated in their use of party and candidate choice (Williams, 1987). This pessimistic view of voting aside, following the passage of the 1965 Voting Rights Act, the gap that existed between the registered percent of the Black population and the registered percent of the white population has steadily decreased from a high of 9.2 percent in 1968 to a low of 1.1 percent in 2008 (U.S Census Bureau, 2009b).

Similar to the 1965 Voting Rights Act, the 1993 National Voter Registration Act and the 2002 Help America Vote Act are pieces of legislation with the expressed intention of securing access to the ballot for potentially marginalized citizens through federally mandated registration and voting regulations for states. However, since the passage of both pieces of legislation, efforts to exclude certain groups from the franchise have continued. Since 2000 civil rights groups have found that many voters of color receive calls and flyers with false information regarding their polling places (Stern, 2007). During the Presidential election of 2004 minorities and college students experienced higher levels of voter intimidation and harassment than other voters (Henderson, 2006) and in 2000 registration problems and the use of outdated equipment disenfranchised as many as four to six million voters (United States Commission on Civil
Rights, 2001). Low income, minority, elderly and disabled voters have additionally experienced discrimination as a result of voter ID provisions (Leadership Conference on Civil Rights, 2008).

Given the historically exclusive nature of the American franchise it is important to assess the consequences of newly enacted pieces of legislation and their structural provisions on the electoral process. It is especially important to examine the consequences for those segments of the U.S. population that have struggled to be a part of the voting franchise and continue to experience discrimination while trying to exercise their right to vote. The purpose of this analysis is to illuminate the nature of the relationship between state and individual factors on the voter turnout of the African American population.

**Demographic & Socioeconomic Explanations of Voting**

Dating back to the early 1960’s, research has been conducted to explain the differential patterns in voting that exist between Blacks and whites. Given the typically lower levels of socioeconomic status (SES), as measured by occupation, education and income, that are occupied by African Americans, research conducted during the 1960’s, 1970’s and 1980’s noted that the turnout rate for African Americans was much higher than expected (Verba and Nie, 1972; Abney, 1974; Corveyou and Pfeiffer, 1973; Rogers, Bultena and Barb, 1975; Marschall, 2001; Leighley and Nagler, 1992). In order to explicitly answer the question of how socioeconomic status affects turnout, Murray and Vedlitz (1977) analyze the participation of Blacks and whites in five Southern cities (Atlanta, New Orleans, Memphis, Dallas and Houston). These cities were selected for
several reasons. At the time they were the largest urban centers in the South, included some of the most rapidly growing Black communities and contained a great deal of variance in the socioeconomic makeup of Black and white communities (p. 1065). To create their measure of SES, Murray and Vedlitz (1977) created a one hundred point scale to measure SES comprised of four precinct level variables (median family income, percent of families not below the poverty level, percent of adults who were high school graduates and percent of persons employed in professional or managerial positions). Looking at precinct level correlations between SES and turnout, they find that variations in socioeconomic status are more strongly related to variations in voter participation for whites than for Blacks. Specifically, Blacks participate at higher levels than whites regardless of SES (p. 1070). Referring back to the work of Verba and Nie, Murray (1972) and Vedlitz (1977) conclude that SES influences Black participation less because, “they have developed an awareness of their own status as a deprived group, and this self-consciousness has led them to be more politically active than members of the society who have similar SES but don’t share the group identity” (Verba and Nie, 1972, p. 157).

Murray and Vedlitz (1977) additionally suggest that Blacks may be better organized in the communities they studied than their white counterparts. This supportive community environment may facilitate higher rates of voting participation (p. 1070).

In addition to Murray and Vedlitz (1977) who combined several local (precinct) level variables to analyze the effect of SES on turnout, analyses conducted with individual level data have found similar results. Abney (1974) and Wright (1975) find positive correlations between educational attainment and voter turnout. Blacks who are
more educated are more likely to participate. Abney (1974) additionally finds that although education is positively correlated with voter turnout, the effect of income on turnout is not consistently positive. To explain this, Abney (1974) suggests that Blacks may experience status inconsistency. Status inconsistency refers to a condition experienced by Blacks when they earn less money than whites of similar educational levels. Abney (1974) points out that Black high school graduates with low incomes may experience more stress and desire to change that status quo than Black high school graduates with higher incomes. Consequently, Blacks with lower incomes may turnout out in greater numbers than Blacks with higher incomes. The mixed findings regarding the direct effect of SES on Black voter turnout suggests that the standard SES model of turnout is not necessarily generalizable to the experiences and political behavior of Black Americans. According to the SES model the greater the resources an individual possesses the more likely he or she is to participate in political actives (Verba and Nie, 1972). Individuals with higher SES are expected to be more politically engaged because of their better interpersonal skills and social interaction and greater access to types of participation (Rogers, Bultena and Barb, 1975). The inability of the standard SES model to account for the voting behavior of Blacks suggests that other participation theories may more accurately explain the political behavior of Blacks.

In addition to the standard SES model, social context theories have tried to explain the way in which the social environment affects an individual’s involvement in political and community life (Marschall, 2001). Much of this research is based on social network or social exchange theories. Social exchange theory suggests that individuals
socialize with other community members and generally take a more active role in social and political affairs when they feel more positively integrated into their community (Weatherford, 1982). However, low-income and minority neighborhoods have been absent from the majority of this research. As an exception, Cohen and Dawson (1993) find that neighborhood poverty has an effect on both the political attitudes and behavior of African Americans.

Through their analysis, Cohen and Dawson (1993) examine how different neighborhoods produce political environments and how those environments in turn structure African American political choice (p.287). Specifically, they investigate whether residing in a poor neighborhood fosters a weak attachment to the political system. Analyzing data from the Detroit Area Study (1989), Cohen and Dawson (1993) find that African Americans who live in persistently poor neighborhoods are less likely to make financial contributions to a candidate, group or party; discuss politics with family and/or friends; and attend a meeting about a community problem. This finding emerges in part because those political and economic networks that often form through group membership are not available to African Americans in poor neighborhoods (p. 298).

The importance of social interaction in enhancing participation is a finding illustrated in several studies (Bowman and Boyton 1966; Alford and Scoble, 1968; Verba and Nie 1972; Olsen, 1972; Pollock, 1982). Although focusing on varying aspects of participation, each is based on the theoretical assumption that involvement in social networks or voluntary associations will activate individuals politically and connect them to the political process. For example, Alford and Scoble (1968) find social status and
organizational activity to be the most important characteristics related to political involvement. Although they report these findings, their sample was derived from four middle sized cities in Wisconsin. Although no descriptive data regarding the race of the respondents was included by Alford and Scoble (1968), given that the non-white population of Wisconsin during 1960 was 2.4 percent (1960 U.S. Census, 1991) the sample was not racially diverse.

Similar to social context theory, mobilization resource theories suggest that involvement in voluntary associations stimulates individuals to become politically active. The underlying assumption of mobilization resource theory is, the more individuals interact with others in organizations and institutions, the more they are exposed to the social norms of political behavior and specific details of participation opportunities (Leighley, 1990). Social context theories suggest that neighborhoods are an additional resource individuals can use to understand and navigate social norms. Individuals who live in neighborhoods that are rich with resources (i.e. education and income) are more prone to promote and adhere to socially prescribed norms and values in terms of political participation.

The above theories suggest that unlike their white counterparts, African American turnout is not associated with socioeconomic status. Regardless of income, when African Americans reside in a community where political participation is the norm, African Americans are more likely to vote. Although income inequalities still exist between whites and Blacks, do variations in income and education continue to play the same role
in influencing the turnout of African Americans as reported in earlier studies? This question is one that will be addressed by this research.

**Group (Racial) Consciousness**

The literature regarding group consciousness suggests that group consciousness is an important causal mechanism with respect to African American voter turnout. Group consciousness theories emphasize racial consciousness to explain the voter turnout of the African American population. Generally, these theories suggest that African Americans who place a high value on their race/ethnicity as part of their identity are more likely to participate when the current norms of the community with which they identify encourages participation.

One such theory of turnout is provided by Verba and Nie (1972) and Olsen (1970) who suggest that African American political participation is directly related to group consciousness. The research conducted by Olsen (1970) is built on the scholarship of Orum (1966) who examined the relationship between turnout and voluntary association membership for Blacks and whites controlling for socioeconomic status. In addition to testing the aforementioned relationship, Olsen (1970) separates the Black respondents into two groups: those who identify as members of an ethnic minority and those who do not identify as members of an ethnic minority. The notion that there may be variation among the political participation of those who do identify as minority and those who do

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5 With regard to this current research, the Current Population Survey Voting and Registration Supplement does not ask respondents questions about their attitudes. Consequently, there are no questions geared toward evaluating the respondent’s racial or ethnic group consciousness. Without this information there is no way to test the effect of racial consciousness on turnout in this present analysis. This however does not negate the usefulness of racial consciousness as a concept to understand African American turnout.
not identify as minority is derived from Lane’s 1959 thesis. Lane’s thesis suggests, “members of ethnic minorities may become active in social and political affairs because of social pressures exerted upon them within their ethnic community or conform to the norms of that community” (p.684). If, according to Olsen (1966), the norms of the community stress social and political activism, people will tend to exert pressure on one another to conform to the norms by taking part in political activities aimed at improving their position in society. Further, if the minority identifiers participate at greater rates, this would suggest that these individuals identify with an ethnic community which acts as a reference group for them and through norms influence their actions (p. 684).

Olsen (1966) finds that Blacks who identify as minority are more active politically than Blacks who do not identify as minority, with and without controls for socioeconomic status. If the assumption that minority identifiers look to the Black community as a reference point more than nonidentifiers is correct, and the current norms of the Black community stress participation, then the higher rates of activity among identifiers suggests that identification with an ethnic/minority community does motivate individuals toward participation (p. 696).

Almost twenty years later, Shingles (1981) presents a different perspective on the relationship between Black consciousness and participation. Beyond the simplicity of group consciousness leading to political engagement, Shingles (1981) suggests Black consciousness contributes to political mistrust and political efficacy which creates motivation to participate (p. 77). In the Shingles study race consciousness of respondents was determined by whether or not the Black participants voluntarily raised the issue of
race in response to open ended questions regarding the presence of any conflict within their communities or any problems they perceived in their personal lives, communities and nation. The unprovoked mention of racial problems or conflict among Black respondents was treated as an indicator of the saliency and importance of racial conflict as an explanation of personal failure (p.82). Shingles (1981) concludes that the rise of Black consciousness in the 1960’s provided Blacks an avenue to transfer the reason for Black deprivation from themselves to government failures. This resulted in more politically active Black citizens. The sense of self confidence and suspicion regarding the willingness of the government to respond to their needs acted as a catalyst, mobilizing Blacks to seek influence in the policy process by exercising their right to vote (p.89).

Not specifically devoted to the influence of group consciousness on the political behavior of African Americans, Miller, Gurin, Gurin and Malanchuk (1981) look at the various groups individuals can belong to beyond race. Using a measure of group consciousness comprised of four components: group identification (a psychological feeling of belonging to a particular social stratum), polar affect (a preference for members of one’s own group (in group) and a dislike for those outside the group (out group), polar power (expressed satisfaction or dissatisfaction with the group’s current status, power, or material resources in relation to that of the out group), and individual verses system blame (the belief that the responsibility for a group’s low status in society is attributable either to individual failings or to inequalities in the social system), Miller et al. (1981) suggest that the four components, “form a political ideology that for subordinate groups represents a shift from a situation in which group members simply accept their status to
one in which they express a sense of grievance as victims of injustice, perceive a lack of legitimacy in the social hierarchy, and eventually set about collectively to correct the injustices” (p. 497). They argue that group consciousness as a concept may potentially motivate a variety of groups that identify themselves as being in a subordinate position. Miller et al. (1981) find that group consciousness not only influences the participation of African Americans but also women and the poor who feel they are in a position of disadvantage in the United States.

Returning specifically to the experience of African Americans, Tate (1991) investigates how race consciousness and political context affect African American turnout. Utilizing the presidential primaries of 1984 and 1988, two unique primaries in which there was a Black candidate (Jesse Jackson), political context was measured using candidate evaluations. Group consciousness was measured using an additive index of two questions: to what degree the respondents felt that what happened to Blacks in this country affected their lives and to what degree they thought about being Black. Tate (1991) notes that although this measure is not as sophisticated as the measure used by Miller, Gurin, Gurin and Malanchuk (1981), she suggests it is stronger because it measures both perceived group and individual shared interests. Tate (1991) finds that race identification had an inconsistent effect on voter turnout across the Blacks included in the 1984-88 studies.

During the 1984 election the presence of a Black candidate was directly related to Black voter turnout. This was not the case in 1988. Tate (1991) attributes the 1988 absence of race consciousness stimulus among 1984 Jackson supporters to several
factors. First, Jackson supporters may have felt dissatisfaction with the presidential candidates and the Democratic Party. African Americans who supported Jackson in 1984 may have experienced greater disappointment in 1988 and may have in turn held the leadership of the Democratic Party accountable for their disappointment. Second, the change in the nature of the presidential contest between 1984 and 1988 may have affected Jackson supporters. Mondale (Jackson’s 1984 competition) was an established figure in the Black community, but Dukakis (Jackson’s 1988 competition) was not. Additionally, Dukakis may have been less acceptable to Jackson supporters because he presented himself as a moderate who would manage government as opposed to being a more progressive, visionary leader. Finally, in 1988 white voter turnout dropped as well, suggesting that none of the presidential candidates were attractive to voters, Black or white (p. 1172). The inconsistent influence of group consciousness and political context on turnout, suggests that group consciousness coupled with the presence of a Black candidate does not necessarily facilitate the participation of the African American population. The perceived attractiveness of the candidate and the candidate’s party play an integral role in the ability of a minority candidate to resonate with Black voters and subsequently affect turnout positively or negatively.

Although studies regarding the relationship between group consciousness and participation have found inconsistent, conditional, weak or insignificant effects (Leighley and Vedlitz, 1999; Marschall, 2001; Tate, 1991, 1993; Verba, Scholzman and Brady, 1995) these findings do not negate the usefulness of group consciousness as a concept to explain African American voter turnout. Most recently, Chong and Rogers (2005)
suggest that null and inconsistent findings are a result of variations in the conceptualization and measurement of group consciousness.

With few exceptions, previous studies have typically relied on one measure of solidarity (self-identification with one’s racial or ethnic group, a feeling of closeness to one’s group or a belief that one’s fate is linked to that of the group) and one measure of participation (voting, campaigning, petitioning or participating in a demonstration). Chong and Rogers (2005) suggest that previous studies have not taken adequate account of the heterogeneity of group-centered ideological beliefs and feelings of solidarity in a minority population that might foster engagement in politics. Finally, Chong and Rogers (2005) assert that the connection between solidarity and political activity may not manifest equally across political activities, but may for theoretical reasons be stronger for certain forms of participation than for others (p. 349). Considering the differential effects of solidarity on participation, Chong and Rogers (2005) propose that solidarity may have its greatest effect on those kinds of activities that require solidarity over and above political interest and civic skills (p. 352).

Using data from the 1984 National Black Election Study, Chong and Rogers (2005) measure four components of group consciousness: discontent with the amount of influence enjoyed by Blacks and other disadvantaged groups, a belief that group disparities are produced by discrimination and are illegitimate, support for collective strategies to correct group inequalities, and belief in the political efficacy of group action (p.354). Chong and Rogers (2005) find that the effect of racial solidarity varies with the type of political activity. Racial solidarity is most effective in stimulating participation in
group activities that require teamwork, cooperation and coordinating with others (p.365). With respect to voting; only group efficacy and discontent with group status were found to be statistically significant.

The literature on racial consciousness suggests that individuals who have a strong identity rooted in their race or ethnicity are more likely to participate when the norms of the racial/ethnic community encourage participation. This is especially true when participation is viewed as a way to alleviate or correct wrongs that may have been inflicted upon the racial or ethnic group.

**Descriptive Representation**

John Adams argued that a representative legislature, “should be an exact portrait, in miniature, of the people at large, as it should think, feel, reason and act like them” (Adams, Works, Vol. IV, Boston 1852-1865, p. 284, cited in Pitkin, 1967, p. 60). The most literal interpretation of this exact portrait perspective is a legislature that mathematically reflects various divisions of the electorate (Grofman, 1982b, p. 98). With regard to the descriptive representation of African Americans, the exact portrait perspective would suggest Blacks should proportionally be represented locally and nationally by politicians who look like them. Being represented by politicians whose reflections mirror their own, has been presented as a way in which African Americans are more likely to engage and feel a part of the political process.

Descriptive representation theories emphasize the importance of having elected representatives at the local, state and federal level that are a similar race as the people
they represent. The presence of a “like” or “similar” person in a position of power is expected to encourage the turnout of minority groups.

One explanation that follows this line of reasoning is the empowerment thesis. The empowerment thesis posits that visible political leadership by members of a minority group should enhance trust in government, efficacy, group pride and participation (Gurin, Hatchett and Jackson, 1989; Tate, 1991; Banducci, Donovan and Karp, 2004). When representatives and voters share membership in a subordinate group, they can create bonds of trust based specifically on the experience of membership in the subordinate group (Mansbridge, 1999, p. 641). Consequently, when members of the subordinate group see members from that group acting with full legitimacy in the policy process as elected officials, members of underrepresented groups feel as if they themselves are a part of policy decisions, thus legitimizing the electoral process (Mansbridge, 1999, p. 650). Although the empowerment thesis suggests that descriptive representation will result in greater turnout, several scholars have pointed out that there may be several tradeoffs associated with descriptive representation. Namely, in supporting descriptive representation (a larger number of elected minorities) the electorate may not reap the benefits of substantive representation (political behavior that may advance minority interests). However, the ability of elected officials to effectively represent the substantive interests of the represented is the primary function of democracy and this according to Mansbridge (1999) should be the criterion on which descriptive representation is judged.

The literature that has sought to identify the effect of descriptive representation on turnout and has yielded mixed results. Bobo and Gilliam (1990) define political
empowerment as “the extent to which a group has received significant influence in political decision making” (p. 378). Bobo and Gilliam (1990) identify two reasons why empowerment as they define it should influence participation. First, empowerment should influence participation because people participate because they believe the benefits outweigh the costs. Second, empowerment should influence participation because macro level aspects of a person’s sociopolitical environment affect cost-benefit calculations (p. 379). Thus, Bobo and Gilliam (1990) predict that empowerment will have significant positive effects on political trust, efficacy and knowledge thereby decreasing the cost of voting and increasing participation. This is a point later reiterated by Gay (2001).

To test the influence of empowerment on turnout, Bobo and Gilliam (1990) focus on the turnout of Blacks in large metropolitan cities with Black mayors. Using data from the General Social Survey, they find that in cities where Blacks hold more positions of political power, Blacks participate at rates higher than those of similarly situated whites. Further, Black empowerment is an indication of potential political responsiveness that encourages Blacks to feel that participation has value (p. 387). Continuing to focus on the local level, Vanderleeuw and Utter (1993) find that Black candidates generate higher levels of political interest and consequently higher levels of participation among Black citizens (p. 666). This finding supports the political interest thesis which asserts that the presence of Black candidates generates a greater level of interest in local politics and electoral participation among Blacks (Vanderleeuw and Utter, 1993).

In addition to issues of empowerment, the literature on descriptive representation has evaluated the importance and effect of the creation of majority-minority districts to
secure the representation of Blacks in Congress. Similar to the literature that focuses on representation at the local level, the literature on representation at the federal level is also varied. Tate (2003) finds that individuals represented by Blacks in the House of Representatives are no more likely to vote than Blacks represented by individuals belonging to other racial or ethnic groups. Using an ecological inference model to estimate the turnout of Blacks and whites in House districts with and without Black representatives, Gay (2001) finds that the election of an African American to Congress is accompanied by a lower level of political engagement among whites and only rarely contributes to greater political involvement among Black constituents. These findings are mirrored by Brace, Handley, Niemi and Stanly (1995) who find that turnout is not necessarily heightened by the creation of majority-minority districts. Empowerment, defined as having a much greater chance of electing someone from one’s own group, does not consistently lead to greater participation by Blacks. In some instances the presence of Black incumbents, as opposed to Black candidates, is associated with lower turnout (Lublin and Tate, 1995, p. 253). Although not a consistent finding, in those elections where descriptive representation is associated with increased voter turnout in congressional districts, thousands of African Americans who otherwise wouldn’t participate, do participate (Gay, 2001).

Looking specifically at how descriptive representation influences different subpopulations of the African American community, Griffin and Keane (2006) find that descriptive representation does conditionally influence turnout. In congressional districts represented by African American legislators, liberal African Americans who know their
member of Congress’s race are more likely to participate in elections, while conservative African Americans are demobilized (Griffin and Keane, 2006, p. 1008).

With respect to African American turnout, descriptive representation has been shown to both facilitate and suppress turnout. It is important to note however that the variation in the effect of descriptive representation is not wholly attributable to the presence of an African American candidate, but other factors surrounding the individual’s candidacy (i.e. whether the candidate is an incumbent and the political orientation of the voter). In addition to candidate specific factors that can encourage or suppress turnout, there are further state level structural characteristics of an electoral contest that can influence voter turnout.

**Voting Rules**

There is a body of scholarship that suggests that the decision to vote is the result of a cost benefit calculus. An individual will vote when the benefits received from voting exceed the costs (Key, 1949; Downs, 1957; Bauer, 1990). Specifically, Downs’ (1957) asserts, “a rational man decides whether to vote just as he makes all other decisions: if the return outweighs the costs, he votes; if not, he abstains” (p. 260). The two stage process of voting in the United States places too high of a cost on eligible voters, and this cost in part is the cause of diminished voter turnout (Wolfinger and Rosenstone, 1980). The first stage of voting is registration. The second stage of voting is the actual casting of a ballot. Both stages of voting are costly in that they require the potential voter to acquire and understand information regarding registration requirements and deadlines and voting rules and procedures.
In comparing the registration laws in the United States to those in other democracies, Powell (1986) suggests that the registration laws in the United States make voting more difficult than in almost any other democracy and that in addition to attitudes that surround elections and voting, voting is especially influenced by institutional factors (p. 36). These institutional factors include legal rules for registration and voting, political structures (clearly defined differences in political parties that an individual can easily align with, the winner take all nature of Electoral College votes) and competitive races. The idea that easier access to voting will stimulate greater voter turnout makes sense in theory, however because voter turnout in the United States has remained relatively stagnant with occasional increases, the question of whether this is what occurs in reality is still unanswered. Beyond that, if ease of access does in fact increase turnout, the segments of the electorate that would benefit from such eased access is unknown.

Much of the research on the costs of voting has focused on registration requirements (Kelley, Ayers and Bowen, 1967; Kim, Petrocik and Enokson, 1975; Rosenstone and Wolfinger, 1978; Wolfinger and Rosenstone, 1980; Piven and Cloward, 1988; Gans, 1990; Fenster, 1994; Knack, 1999). In the 1960’s, Kelley, Ayers and Bowen (1967) studied the way demographic and sociopolitical factors affect the registration of voting age citizens in 104 American cities. They found that age, education and race were significantly related to voter registration. Additionally, cities in states with competitive statewide contests, voter registration deadlines that were closer to the election date and permanent registration (states that do not purge the voter registration roll) had higher rates of voter registration and subsequently higher rates of voter turnout. Finally, literacy
tests were found to depress voter registration. Addressing the use of literacy tests, William Riker stated, “eighteen states have adopted the literacy test, seven to disenfranchise Negroes, five to disenfranchise Indians and Mexicans and Orientals, and six to disenfranchise European immigrants” (Riker, 1953, p. 66 as cited in Kelley, Ayers and Bowen, 1967). The literacy test was one of many tools used, primarily in the South, as part of the registration process. Literacy tests were applied in an unfair manner as whites were not required to pass such a test in order to register, but Blacks were. These tests were used to disenfranchise Blacks from the 1890’s to the 1960’s. Literacy tests and poll taxes were abolished by Congress in the 1965 Voting Rights Act. The Act was subsequently renewed in 1970, 1975, 1982 and 2006.

Following a similar line of inquiry, Rosenstone and Wolfinger (1978) and Wolfinger and Rosenstone (1980) identify four areas of registration laws that increase turnout. These laws include: eliminating the voter registration closing date, opening registration offices during the 40 hour work week, opening registration offices in the evening and/or on Saturday and permitting absentee registration for the sick, disabled and absent (p. 73). They estimate that if all states adopted the above provisions turnout would increase by approximately 9.1 percentage points.6 Although the increase may be modest, eliminating or easing registration deadlines as a way to increase turnout in both presidential and midterm elections was additionally supported by the findings of Kim, Petrocik and Enokson (1975), Wolfinger and Rosenstone (1980), Mitchell and Wlezien

6 A 5 percent increase in turnout is estimated by Fenster (1994). A 4 percent increase in turnout is estimated by Brians and Grofman (2001). Teixeira (1992) determined that if all states had same-day (Election Day) registration, evening and Saturday registration, regular office hours and no purge for non-voting, turnout would increase about 7.8 percent; most of which is attributable to Election Day registration.
Of the policy changes offered by Wolfinger and Rosenstone (1980) many states have adopted the specific change(s) to registration law verbatim or a variation thereof.

Investigating the effect of state level voting reforms (unrestricted absentee voting, in person early voting, Election Day registration, motor vehicle registration and mail registration) for presidential and midterm elections from 1972-2002, Fitzgerald (2005) finds that only Election Day registration and motor vehicle registration had a positive and significant effect on turnout. Further, Fitzgerald (2005) finds that satellite, mobile in person early voting and unrestricted absentee voting had a negative effect on turnout during presidential and midterm elections years (p. 856). Similar findings are reported by Rhine (1995) who additionally finds that closing date and motor voter registration are strongly related to turnout.

The ability of a citizen to register to vote while registering for a driver’s license is a provision of The National Voter Registration Act of 1993 (also known as motor voter). The National Voter Registration Act was created to reduce the cost of voter registration for potential voters. The National Voter Registration Act mandates that states without Election Day registration establish mail-in and agency-based registration programs and eliminate the purging of registrants from the voting rolls solely on the basis of not voting. The primary feature of the National Voter Registration Act that was expected to have the most positive impact on turnout was the provision of voter registration for driver license applicants (Knack, 1999). The provision requires “each state [to] include a voter registration application form for election for Federal office as part of an application for
state motor vehicle driver’s license.” With its implementation, Motor voter not only successfully increased the number of registered voters (Federal Election Commission, 1997) but also was an effective tool to reduce the socioeconomic variations among voters, namely the tendency for a greater proportion of voters to be more educated and have higher incomes (Highton, 1997).

Moving from the first stage of voting (registration) to the second stage of voting (the actual casting of a ballot) (Cox and Munger, 1989; Timpone 1998), there is significant literature on state variation in rules regulating voting, some arguing that election rules matter and affect turnout (Fitzgerald, 2005) and others not (Berinsky, 2005). While federal laws have limited states’ ability to regulate access to voting, there remains tremendous variation in state laws. States regulate how and if individuals are required to register, in some instances requiring that voters register as many as 30 days prior to the election. States regulate how individuals vote (polling place or from home via mail, before the election or only on election-day), whether convicted felons can vote, and whether one must obtain an excuse for an absentee mail ballot. Some have created statewide computerized databases for registration, reducing the use of provisional ballots. A few states (as of 2007, 10) allow Election Day voter registration at polling places. Requiring individuals to show government photo identification to vote is a growing trend encouraged by the Help America Vote Act of 2002, as is the diffusion of

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7 Provisional ballots allow an individual to cast a ballot when there are questions regarding the potential voter’s eligibility. Once the voter’s eligibility has been verified the ballot is then counted.

state restrictions on felon voting. Some of these provisions have been presented as ways to limit voter fraud, such as voter identification and not counting provisional ballots.

The elimination of barriers to voting is important for democracy as voting has been shown to be correlated with education. Individuals with less education are less likely to vote. Highton (1997) finds that the provision of the National Voter Registration Act of 1993 which links voter registration with the process of driver’s license application or renewal lowers the cost of registration for over 90 percent of potential voters, regardless of socioeconomic differences (p. 573). Individually, several scholars have investigated the influence of socioeconomic and demographic factors that have been shown to be correlated with political participation, namely voting. However, scholarship has yet to address the influence of institutions that govern the process of voting within the racial/ethnic populations that exist in the United States. Although institutional voting reforms may increase turnout, the utility of such reforms may be limited, if they only increase the turnout of those individuals who would already traditionally vote.

With regard to early voting⁹, scholars have identified age (Wolfinger and Rosenstone, 1980; Boyd, 1981), income (Stein, 1998; Stein and Garcia-Monet, 1997) and race (Teixeira, 1992; Timpone, 1998) as important factors in determining who utilizes early voting. Neeley and Richardson (2001) find that early voting does not mobilize the young, the less educated, minorities or individuals with low incomes (p. 389). They conclude that early voting provides a more convenient route to voting for politically interested individuals who are already likely to vote.

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⁹ Early voting is the physical casting of a ballot at a designated polling location before the actual day of the election on a specific day or over a series of days.
While changes in the structure of voting have been shown to affect turnout, the literature suggests that the effects are not equally beneficial for all voters across racial and socioeconomic divisions. Investigating how electoral policy variations affect turnout across such divisions is important in understanding how these changes in electoral policy subsequently shape the behavior of the electorate. Because the structure (laws/rules) of voting and elections have historically been used to suppress African American turnout (literacy tests, poll taxes, residency requirements, etc.) as the structure is changed and new policies are implemented the effect of these changes need to be investigated particularly with respect to African Americans.

**Felony Disenfranchisement**

Similar to African Americans whose race excluded them from the process of voting; convicted felons continue to face laws that impede their complete reintegration back into American society upon their release from prison. Prior to the passage of the 1965 Voting Rights Act, the experience of the African American population presented a prime example of persistent inequalities in America (Keyssar, 2000). Following the passage of the Voting Rights Act, disenfranchised felons currently make up the largest population of Americans denied the right to vote (Keysar, 2000, p. 302). This population of individuals is characterized by low levels of education, low incomes, and high unemployment rates and is disproportionately African American (Manza and Uggen, 2004).

As of 2006 there were an estimated 5.3 million American citizens denied the right to vote due to laws prohibiting voting by people with felony convictions. Of the 5.3
million, two million have completed their sentences (King, 2006). Of these African American men represent one-third of the entire disenfranchised population in the United States even though Black men only represent 6 percent of the total United States population (Mauer and Fellner, 1998; U.S. Bureau of the Census, 1998). In addition to the legally franchised population, Uggen, Behrens and Manza (2005) highlight the practically disenfranchised population. These are individuals who are unaware of their state’s law and believe they cannot vote (Hoffman, 2003) and people with convictions who believe they can never vote again (Manza and Uggen, 2005). When considering the practically disenfranchised population and the legally disenfranchised population, the number of disenfranchised American citizens may well exceed the 5.3 million estimate (Manza and Uggen, 2005).

Proponents of disenfranchisement laws suggest that losing the right to vote is just one of many collateral consequences of a felony conviction (Mauer and Chesney-Lind, 2002). They argue that disenfranchisement is no different than restricting the right to carry a gun, to work in certain occupations or to participate in certain government programs (Sloan, 2000). Disenfranchisement is also necessary to maintain the purity of the ballot box and reduce voter fraud (Uggen, Behrens and Manza, 2005). They reject the notion that disenfranchisement perpetuates structural racial injustice, because the disenfranchisement laws are applied equally to all convicted felons. However, given that the incarceration rate for African Americans is 5.6 times higher than that of whites, African Americans are significantly overrepresented in the disenfranchised population (Mauer and King, 2007).
Felony disenfranchisement policies in the United States fall into one of six categories: no disenfranchisement, voting rights restored automatically after release from prison, voting rights restored after release from prison and discharge from parole (probationers may vote), voting rights restored after completion of sentence (incarceration, parole, probation\(^{10}\)), permanent disenfranchisement for certain felony offenses, permanent disenfranchisement for all felony convictions. Only two states, Maine and Vermont currently allow all felons to vote, including those who are currently incarcerated. The severity of disenfranchisement laws have been shown to be associated with the size of the minority population in the state and the composition of state prisons. As the size of the minority population increases so does the severity of the disenfranchisement policy (Behrens, Uggen and Manza, 2003 and Preuhs, 2001). In those states that impose a lifetime ban on voting for individuals with felony convictions, an estimated forty percent of the next generation of African American males may suffer permanent disenfranchisement (Mauer, 2004a). Consequently, “the severity of these laws [also] have the significant potential to weaken the power of minority voters” (Ochs, 2006, p. 89). For this study, the effect of these laws on the voting population are particularly important because they “dilute the voting strength of minorities” (Brehns, Uggen and Manza, 2003, p. 559) and continue to exert dramatic effects that change the American political climate (Uggen, Brehns and Manza, 2005).

The majority of the scholarship that has been dedicated to the issue of felony disenfranchisement has concentrated on the way excluding felons from the franchise

\(^{10}\) Also includes states that require a waiting period following the completion of sentence prior to rights restoration.
influences the outcomes of elections. Uggen and Manza (2002) find that felon
disenfranchisement laws coupled with high rates of criminal punishment may have
changed the results of seven senate elections and one presidential election (p. 794).
Diverging from this line of inquiry, one study that investigated the effect of
disenfranchisement laws on turnout found that in those states that disenfranchise felons,
voter turnout is lower even among individuals who themselves are not disenfranchised
(Mauer, 2004b). Following this line of inquiry, this analysis will focus on how felony
disenfranchisement affects the turnout of the enfranchised African American population.
According to Simson (2002), disenfranchisement not only affects the ex-felon, but the
communities to which they return. “Disenfranchisement creates a ripple through the
Black community, especially affecting the peripheral family and the children of ex-
felons. For children, their civic lesson is watching how the system affects their family. If
children feel the system has mistreated their family, they are likely to lose faith in the
system” (Upchurch, personal communication, September 27, 2001 in Simson, 2002).
“When a substantial number of people in a community are legally unable to participate in
this process, it is likely to dampen enthusiasm and attention among others as well”
(Mauer, 2004a, p. 616). Subsequently, each generation of disenfranchised ex-felons
cultivates greater voter apathy (Richie, 2001).

Felons represent a newly emerging population of U.S. citizens who are excluded
from the franchise. The extent to which disenfranchisement affects African American
turnout is determined not only by the stringency of state disenfranchisement laws but also
the rate of disenfranchisement in each individual state. In addition to diluting the voting
strength of African Americans by disenfranchising felons, the voting strength of the African American population faces further dilution when generations of future voters are exposed to norms which prevent individuals in their family and communities from participating in the franchise.

**Dissertation Organization**

The current literature on voting provides us with some general expectations for African American turnout. First, regardless of socioeconomic status, African Americans are more likely to turnout than similarly situated whites. Second, African Americans who have a strong connection to their racial/ethnic identity are more likely to participate. Third, descriptive representation can have both a positive and negative influence on turnout. Finally, election rules do play an important role in who can and does show up on Election Day. Individually each of these assertions helps us understand one piece of the voting puzzle. Collectively, they create a clearer picture of voting in America.

The goal of this research is three fold: (1) to examine the significance of traditional explanations of African American turnout in a contemporary context; (2) to examine voting policy variation outcomes with regard to a historically marginalized African American population; and (3) to examine the effect of felony disenfranchisement laws from the perspective of their impact on the turnout of the enfranchised African American population. Following the literature review, Chapter Two of the dissertation begins with a detailed explanation of the research design and data that will be used in the analysis and begins the quantitative analysis of the dissertation. Chapter Two uses a series of individual and multi-level models to assess the validity of traditional
explanations of African American turnout in a contemporary context and evaluates the effect of voting policy on the African American population. Chapter Three follows with the analysis of turnout in the African American population, incorporating the effect of felony disenfranchisement on the voting behavior of the enfranchised African American population. Chapter Four of the dissertation analyzes the effect of voter registration requirements on African American voter registration. Chapter Five concludes with the discussion of findings, limitations, policy implications and suggestions for future research.
Chapter Two

RACE, VOTING POLICY AND TURNOUT

Introduction

Race has been a long standing explanation of voter turnout in American elections. Some of the first voter turnout studies showed that African Americans voted at rates much higher than expected given their position in society (Verba and Nie, 1972; Abney, 1974; Corveyou and Pfeiffer, 1973; Rogers, Bultena and Barb, 1975; Marschall, 2001; Leighley and Nagler, 1992). Scholars have suggested this occurs because Blacks are more organized at the community level and see voting as an effective tool to improve their position in society, secure political representation and ensure equal access to all segments of society (Shingles, 1981; Williams, 1987). These assertions, established decades ago, have been purported as a consistent finding with regard to Blacks and voter turnout. However, beyond improvements in descriptive representation and access, there have been changes in voting policy at both the federal and state level that have reshaped the landscape of American voting. These changes include: The National Voter Registration Act (Motor Voter) of 1993 and the Help America Vote Act (HAVA) of 2002, two pieces of legislation whose primary purpose was to guarantee access to the franchise through federally mandated registration and voting regulations. The National
Voter Registration Act required states to allow a qualified voter to register to vote when applying for or renewing their driver’s license; creating greater access to voter registration. HAVA established minimum federal election administration standards. These include standards for voter identification, updated and upgraded voter registration equipment, provisional voting, statewide voter registration databases and administrative complaint procedures. Additionally, through HAVA the Election Assistance Commission (EAC) was established as, “an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration” (www.eac.gov). In addition to federally mandated voting regulations, voting policies continually diffuse from state to state creating a continually evolving electoral environment. Of these, this research is specifically interested in the effect of the voting policy changes that have most recently been adopted as state level voting regulations. These include: voter registration closing date, photo identification requirements, statewide computer registration database, in person early voting, Election Day registration and no excuse absentee provisions.\footnote{Each voting regulation will be discussed in detail later in the chapter.}

**Research Design & Data**

Research that has been conducted regarding the turnout of the entire enfranchised population suggests that individuals who are older, more educated, have higher incomes and are female have a higher probability of voting. To apply these expectations to African Americans would assume that the behavior of African Americans is not different
from the rest of the voting population. However, we know from the work of Verba and Nie (1972); Abney (1974); Leighton and Nagler (1992) and others that the voting behavior of African Americans is not mediated by the same factors as it is for the rest of the population, particularly with regard to socioeconomic status.

Historically, differences have been found between the political behavior of the African American population and others, suggesting that the behavior of African Americans is unique. A majority of the assertions regarding the behavior of African Americans emerged during the period that fell relatively close to the passage of the 1965 Voting Rights Act, a point in time when all African Americans were initially guaranteed the right to vote in a “real” way. Given that the right to vote was new for African Americans, it could be argued that turnout should be higher, regardless of socioeconomic status. Several decades removed from the initial passage of the Voting Rights Act, it is possible that African Americans have turned away from politics. This suggests that voting no longer carries the weight that it perhaps once did, repositioning the African American population to more closely reflect the voting behavior of whites. If these traditional assertions regarding changes in the voting behavior of African Americans are true, the relationship between socioeconomic status, race and turnout has changed.

The goals of Chapter Two are to evaluate the effect of race on turnout and the effect of contemporary voting policy on the individual African American turnout. To achieve these goals, this analysis will approach voting from two perspectives; one which models the effect of race on turnout and another which models the effect of state rules on the voting behavior of the African American population.
Investigating the effect of demographic explanations of voter turnout and the effect of voting policy variation outcomes with respect to the African American population is important because as a group African American’s have been systematically excluded from the franchise through voting rules (poll taxes, literacy tests, etc.). In light of previous government-supported policies that were used to suppress the Black vote, it is important to investigate how rules that have recently become a part of the voting process in the United States affect African Americans.

**Introduction to the Data**

The data come from the 1996-2008 Current Population Survey (CPS) November Registration and Voting Supplement. The Current Population Survey (CPS) is a monthly survey of about 50,000 households conducted by the Bureau of the Census for the Bureau of Labor Statistics. The survey has been conducted for more than 50 years.

The CPS is the primary source of information on the labor force characteristics of the U.S. population. The sample is scientifically selected to represent the civilian non-institutional population. Respondents are interviewed in person and by phone to obtain information about each member of the household 15 years of age and older. However, published data focus on those ages 16 and over (http://www.census.gov/cps/).

The use of the CPS is advantageous in that it provides representative samples of individuals from each of the 50 states. Additionally, the CPS contains 50 state samples of individual level data, with state samples ranging from a low of almost 1,000 respondents to a high of 6,000 respondents from all races and ethnicities. This is not true of many national surveys including the American National Election Study (ANES). Unlike the
CPS which is representative at both the state and national level, the ANES is intended to be representative only at the national level. Consequently the ANES is not suited for state level analysis. The downside, however is that the CPS does not ask questions pertaining to many important attitudinal characteristics that are known to be related to voting behavior (McDonald, 2008).

Each November of even-numbered (national elections) years, the CPS includes a Voting and Registration Supplement. The CPS Supplement includes a set of questions about individual voting behavior, as well as the standard battery of monthly questions about respondents’ income, education, age, race, and other socio-demographic characteristics.

The state level data for the analysis come from several reputable government and nonprofit sources including the U.S. Census Bureau and the National Conference of State Legislators. The state data is collected for each year (1996-2008) of the analysis. The state data include variables for voting rules, sociopolitical variations and the geographic location of each state for each election year included in this analysis. To examine the contemporary relevance of traditional explanations of African American turnout that focus on individual level characteristics, models were developed and analyzed using logistic regression in STATA. To examine the simultaneous effect of variations in voting policy and individual level factors on turnout, multilevel analysis is used. The use of the multilevel model is appropriate because the research is concerned with how state level factors influence individual behavior. Multilevel models are needed because the assumption of independence of all observations is violated when data are grouped by
states; that is, observations from one state are generally more similar than the observations from another state. Multilevel models account for this while analyzing the interaction of key individual level factors with state level measures. To analyze the multilevel data, Hierarchical Generalized Linear Models (HGLM) were created using HLM6/7.

Prior to analyzing the data, respondents who were ineligible to vote (non-citizens and those younger than 18 years of age) were removed from the CPS sample in order to model whether a respondent reported voting. Use of CPS data limits over-reporting of turnout in survey data, as the reported turnout is only five percent over actual voter eligible population (VEP) turnout (Citrin, Schickler and Sides, 2003) in elections. The CPS specifically asks about voter participation at the federal level which is intended to limit over-reporting by removing the stigma of non-voting (Bueker, 2004). Over-reporting is important because explanations of voting can be distorted, sharply increasing or decreasing the importance of variables (Bernstein, Chadha and Montjoy, 2001). Consequently, the relationship between race or the policy voting variables could be inaccurately estimated indicating a false positive or a significant relationship when one does not exist (Type I Error) or failing to indicate a significant relationship, a false negative, between independent and dependent variables when one does exist (Type II Error). The five percent over-reporting in the CPS is less than the twenty percent over-reporting of turnout in the American National Election Surveys (McDonald, 2010) and Black National Election Survey. These comparisons aid in validation of the dependent variable.
Voter Turnout

The dependent variable, voter turnout, is derived from the respondent’s response to the following question on the CPS (1996 to 2008), “In any election, some people are not able to vote because they are sick or busy or have some other reason, and others do not want to vote. Did [you/another household member] vote in the election on November ____?” Binary coding is used for the dependent variable, individuals who reported voting are coded as one (1), individuals who reported not voting are coded as zero (0).

Individual (Level 1) Variables

Demographics

At the individual level many factors have been found to be important predictors of voting. The CPS provides an abundance of individual level variables. The CPS includes standard demographic variables, including: race, age, gender, income and education. The literature has shown that individuals who are male, older, more educated, and have higher income are more likely to vote. Further, when controlling for indicators of socioeconomic status (income, education, etc.), African Americans have a greater probability of voting than their white counterparts (Verba and Nie, 1972; Abney, 1974; Corveyou and Pfeiffer, 1973; Rogers, Bultena and Barb, 1975; Marschall, 2001; Leighley and Nagler, 1992). Race is evaluated using a dichotomous variable entitled, “Black.” Respondents who self-identify as Black, Non-Hispanic are coded as one (1). White or Caucasian, Non-Hispanic respondents are coded as zero (0).

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12 For a complete list of variables, descriptions and coding see Appendix A.
13 In order to capture the non-linear relationship between age and turnout, age-squared is included in the analysis.
Although income and education are sometimes used as sole indicators of socioeconomic status, SES has an additional component, occupation. Similar to the effect of income and education which are shown to positively affect turnout, individuals with occupations of higher status are more likely to vote than individuals with occupations of lower status (Lane, 1959; Milbrath and Goel, 1977; Wolfinger and Rosenstone, 1980 Lipset, 1981). Wolfinger and Rosenstone (1980) suggest that occupation is related to turnout for several reasons. First, certain types of jobs consistently group people in an environment where bureaucratic skills are developed. Second, in certain work environments individuals are brought into contact with subject matter directly related to politics or issues that are the subject of political discussion (p. 22). Given that work environments can expose employees to norms that value civic participation and familiarize employees with bureaucracy and politics (Wolfinger and Rosenstone, 1980, p. 14) it stands to reason that those individuals who are employed will have greater familiarity with norms encouraging civic engagement and political participation (Leighley and Nagler, 1992; Corey and Garand, 2002). Consequently, a variable is included that measures an individual’s current position in the workforce. Individuals who are currently in the workforce (employed) are coded as one (1); all others are coded as zero (0). Control variables are also included that measure residential mobility, neighborhood, marital status, and number of children.\(^{14}\)

\(^{14}\) See Appendix A for a complete list of variable coding.
Residential Mobility

Because an individual has to register to vote every time he or she moves from one local or state voting region to another, locate his/her polling place and learn any new electoral rules, residential mobility places an even higher cost on voting. Consequently, individuals who have lived at one residence for an extended period of time are expected to not only be more likely to register and vote but have additional knowledge of local issues that a new resident will not and will have to spend additional time researching. There is a general consensus in the literature that mobility depresses turnout (Cassel and Hill, 1981; Verba and Nie, 1972; Wolfinger and Rosenstone, 1980). Looking at the direct bivariate relationship between residential mobility and turnout, Squire, Wolfinger and Glass (1987) find that this relationship holds. Individuals who have maintained the same residence for two years or more have a 17 percent higher turnout rate than those who have lived in a residence for less than two years. However, in light of the demographic, political and structural factors that have been shown to influence turnout i.e. age, marital status, education, the effect of mobility on turnout has to be evaluated taking these factors into consideration.

Squire, Wolfinger and Glass (1987) also find that the effect of mobility on turnout is mediated by other factors such as education. College graduates for example are less hindered by moving than people with less education. Wolfinger and Glass (1987) find that well educated movers “hit the ground running” and turnout at 88 percent even just after moving (p. 53). Similar results are reported with regard to political interest, the lower the interest the lower the turnout among recent movers and the more residential
mobility reduces the probability of voting (p. 54). In addition to longevity in a neighborhood or at an address, the type of neighborhood can have an effect on turnout.

**Neighborhood**

Research suggests that the type of neighborhood in which an individual resides can have an effect on their political participation. Individuals who live in poor neighborhoods are less likely to form strong attachments to the political system (Cohen and Dawson, 1993) and less likely promote and adhere to the norms of political participation (Leighley, 1990). Consequently this analysis would benefit from a variable that accounts for neighborhood poverty. However, the CPS does not include a precise geographic identifier for neighborhood, the geographic location of urban, rural, suburban are used to approximate the type of neighborhood environment in which a respondent resides (Radcliff and Saiz, 1995; Hill and Leighley, 1999).

**Family Structure**

Prior to an exit poll taken by *The New York Times* for the 1982 election, marriage as a predictor of voting behavior had received little attention. Following this, research began to focus on the voting differences between married and unmarried women (Carroll, 1986). Weisberg (1987) suggests that unlike other gaps in political participation, the marriage gap does not result from early socialization, but through decisions and events from the teenage period through middle age.

Although changes in participation can arise when one moves from never married to single, separated, divorced or widowed these changes may not be wholly due to marital status, but a reflection of other voting differences. Other demographic variables
antecedent to marriage (race, gender, age, education, income) must be taken into account when discussing the relationship between marital status and voting (p. 338-339). Using the 1984 American National Election Study, Kingston and Finkel (1987) find that married people have higher voter turnout than singles (a 14 percent difference) and the previously married (a 7 percent difference). Beyond the act of voting they find that singles are more likely to be involved in other forms of political campaign participation (talking to others to convince them to vote a certain way, wearing buttons or displaying campaign stickers or signs, attending campaign meetings or rallies, working for a party or candidate).

There are also reasons to expect higher and lower turnout rates for families with children. Childcare may reduce the time available to vote, especially for single parents (Wolfinger and Wolfinger, 2008). Children may also increase turnout by stimulating parental civic involvement (Jennings, 1979). Wolfinger and Wolfinger (2008) suggest that differences in turnout rates by family structure may be related to the demographic correlates of divorce and out of wedlock childbirth. Divorce may deter voting because ending a marriage is a stressful process that frequently disrupts familiar routines (Wallerstein and Kelly, 1980).

Using the 2000 CPS Voting and Registration Supplement, Wolfinger and Wolfinger (2008) find that married CPS respondents both with and without children have the highest turnout of any family type. The lowest turnout rate is reported for never married parents, 86 percent of whom are women. Often poor and uneducated, less than half of never married parents voted in the 2000 presidential election. Irrespective of
demographic differences (age, mobility, education, sex, employment, income and race) married individuals turn out at a higher rate than individuals who are widowed, divorced, separated or never married (p. 1520). In explaining this, Wolfinger and Wolfinger (2008) suggest that in addition to spousal encouragement and shared influences (Wolfinger and Rosenstone, 1980), marriage offers several advantages: one member of the couple can act for both when it comes to remembering to register to vote if they have moved, following the necessary absentee voting guidelines if they will not be at home on election day and learning where to vote if they will be at home (p. 1520-1521).

State (Level 2) Variables

Voting Rules

The effect of policy on the turnout of the African American population is estimated using institutional rules regulating how and when individuals voted between 1996-2008. This twelve year frame of analysis has been selected because it is the time period during which the most recent changes to voting rules across the states have occurred. The institutional rules include: voter registration closing date, Election Day registration, in person early voting, no excuse absentee voting, statewide computerized voter registration databases and photo ID requirements. Although these are not all the rules that exist, these have been selected because they have been identified by other scholars as important and are some of the voting policies most recently adopted by the states to offset the cost of voting once an individual has registered (Powell, 1986; Texeira, 1992; Rhine, 1995; Brians and Grofman, 2001; Neely and Richardson, 2001).

For a complete list state variable data sources see Appendix B.
Several of the aforementioned voting rules have also been incorporated into the most recent pieces of federal legislation related to voting: the National Voter Registration Act (Motor Voter) of 1993 and the Help America Vote Act (HAVA) of 2002.

**Voter Registration Closing Date & Election Day Registration**

Closing date refers to the number of days prior to the election needed to register in order to vote. Closing date ranges from 0 to 30 days before the election in each state. Patterson and Caldeira (1983) find that turnout increases by approximately one-sixth of a percent each day prior to the election that voter registration closes, which translates into a five percent reduction in turnout in states closing registration 30 days or a month prior to the election. Rhine (1995) also estimated that voter turnout was reduced by three percent in states that had closing dates 30 days prior to the election. These findings suggest that there is a relationship between voter registration closing date and turnout; a relationship in which states that have closing dates further from Election Day have lower turnout. Considering the established relationship between closing date and voter turnout, it is hypothesized that African Americans residing in states with more restrictive closing dates (dates that are further away from Election Day) are expected to have a lower probability of voting (Leighley and Nagler, 1992; Hill and Leighley, 1999).

Those states that have Election Day registration provisions in effect do not have a voter registration closing date that occurs prior to the date of the election. Election Day registration creates an opportunity for would be voters to register and vote on the same day. Because relaxed registration laws lower the cost of voting, EDR is expected to have a positive effect on the probability of voting (Downs, 1957). Election Day registration
creates an environment where an individual wishing to vote would need no more
information about the voting process than the date of the election and the location of
his/her polling place, eliminating questions of when, where and how to register (King and
Wambeam, 1996, p. 265). Consequently, African Americans who live in states that have
Election Day registration provisions are expected to have a greater probability of voting,
than African Americans who do not.

**Early (in person) Voting & No Excuse Absentee Voting**

“The main purpose of early voting is to facilitate the casting of a ballot” (Neely
and Richardson, 2001, p. 389). Early voting allows would be voters to cast their ballot
prior to the actual day of the election. In 1998 more than 90 percent of ballots were cast
on Election Day. Prior to the 2008 presidential election, it was estimated that nearly one-
third of voters will have already voted in person prior to the November 4 election
(Election Reform Information Project, 2008). It is suggested that by making the process
of voting more convenient (limiting the costs) that turnout will increase. Previous
research however suggests that early voting only marginally increases voter participation
(Stein, 1998) and in some instances suppresses turnout (Fitzgerald, 2005).

With regard to who utilizes early voting, Stein (1998) finds that early voters are
strong partisans and older, more conservative, more likely to be male and poorer than
Election Day voters. However, Stein (1998) does not identify any significant racial or
ethnic differences in the makeup of early and Election Day voters (p. 61). Early voters
are also more likely to report an interest in politics. The sharpest distinctions between
election-day and early voters were observed for attitudinal (interest in politics,
partisanship and ideology) rather than demographic traits (p. 67). The findings suggest that the costs of early voting are not significantly greater or less than Election Day balloting. Further, Neely and Richardson (2001) find that although early voting was intended to create a mobilizing effect for targeted groups (minorities, the young and the poor) early voting has not created such an effect (p. 387). Similar to Stein (1998), Neely and Richardson (2001) find that individuals who are strong partisans and care more about the election are more likely to take advantage of early voting, supporting the idea that early voting policies make participation more convenient for individuals who are already likely to participate.

No excuse absentee ballots allow a voter to cast a ballot without providing an excuse for their absence from the voting precinct at the time of the election. In 2004, 25 states allowed no excuse absentee voting, as of 2008 that number had increased to 28 states, including Ohio. As of October 2008, 33 states allow either in-person early voting or no-excuse absentee voting. Given that the intended purpose of early voting and no excuse absentee voting is to facilitate the casting of a ballot, it is hypothesized that respondents living in states with in-person early voting and/or no excuse absentee voting will have a higher probability of turnout.

**Computerized Voter Registration Databases**

Section 303 of the 2002 Help America Vote Act (HAVA) mandates that all states must develop “in a uniform and nondiscriminatory way, a single, uniform, official,

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centralized, interactive computerized state voter registration list [database] defined, maintained, and administered at the state level that contains the name and registration information of each legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.” Working in conjunction with HAVA, one of the key portions of the National Voter Registration Act requires states to establish a program to use information supplied by the United States Postal Service (USPS) to identify registered voters whose address may have changed; as of 2006 about 12.5 percent of the population change addresses every year (U.S. Census Bureau 2010b). As noted by the findings of Cassel and Hill (1981); Verba and Nie (1972); Wolfinger and Rosenstone (1980) individuals who move frequently have a decreased probability of voting. Upon learning a voter has moved, the National Voter Registration Act requires election officials notify the voter and if the voter has changed voting jurisdictions the voter registration file is adjusted accordingly. Maintaining an up to date and accurate computer registration database ensures that all eligible voters are listed on the voter registration rolls and are consequently eligible to vote on Election Day. Given that the presence of an up to date computerized voter registration database ensures that all registered voters are eligible to vote, African Americans residing in states with computerized voter registration databases are expected to have a greater probability of turnout than African Americans who do not.

**Voter Identification Requirements**

HAVA (Section 303) mandates that all states verify the identity of first time voters who register by mail and do not provide identification verification with their voter
registration application. Individuals who do not provide identification verification with their voter registration application must provide an acceptable form of identification at the time that they first vote in the state whether in person or by absentee. Voter identification requirements in the United States range from the least stringent, requiring only the minimum federal standard to the most stringent of requiring a voter to identify him/herself by presenting a valid government issued photo identification (Table 2.1).

Voter identification requirements, particularly those that require a voter to present a government issued photo ID have been discussed as having a disproportionally negative impact on minority populations. Barreto, Nuño and Sanchez (2009)\textsuperscript{17} find that among all registered voters African Americans are less likely than whites to have acceptable ID credentials; among likely voters (those who consistently voted in 3 elections) African Americans are still less likely to have acceptable ID credentials (p. 113). Hale and McNeal (2010) also find that the racial/ethnic diversity in a state contributes to the adoption of more stringent voter identification requirements. Since the passage of HAVA in 2002 the number of states requiring voters to show some form of identification has more than doubled, from 11 to 25 (Election Reform Information Project, 2008).

For this analysis voter identification requirements are divided into those that require a valid government issued photo identification for all voters and those that do not. It is hypothesized that African Americans who live in states that require a valid government issued photo identification will have a lower probability of voting than African Americans who do not.

\textsuperscript{17} Bruno, Nuno and Sanchez (2009) only evaluated the direct effects of voter requirements on voter turnout in Indiana.
Binary measures have been created for each voting rule, states that do have the rule are given a value of one (1) those that do not are given a value of zero (0). The exception to the binary coding for the election policies is voter registration closing date. Closing date refers to the number of days prior to the election needed to register in order to vote.

**Table 2.1. State Voter Identification Requirements (2008)**

<table>
<thead>
<tr>
<th>Minimum HAVA Requirements 18 (23 States)</th>
<th>Identification Required for First Time Voters (2 States)</th>
<th>Identification Required for All Voters; Photo and Non-Photo Identification Accepted (18 States)</th>
<th>Photo Identification Requested for All Voters; Other Forms Accepted (4 States)</th>
<th>Valid Government Issued Photo Identification Required for All Voters (3 States)</th>
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18 Photo identification only required of first time voters who did not provide verification with their registration application.
Descriptive Representation

When representatives and voters share membership in a subordinate group, they can create bonds of trust based specifically on the experience of membership in the subordinate group (Mansbridge, 1999, p. 641). Consequently, when members of the subordinate group see members from that group acting with full legitimacy in the policy process as elected officials, members of underrepresented groups feel as if they themselves are a part of policy decisions, thus legitimizing the electoral process (Mansbridge, 1999, p. 650). This is the central idea of the empowerment thesis.

The empowerment thesis posits that visible political leadership by members of a minority group should enhance participation (Gurin, Hatchett and Jackson, 1989). A limitation of the CPS data is that the CPS does not provide sufficient zip code or county identifiers in which to match respondents geographically to congressional districts. In order to test the importance of representation in state legislatures with large state samples, I forgo the opportunity to test the importance of congressional representation or residence in a majority-minority district on voting decisions. Thus, descriptive representation is measured by the percent of state legislators that are Black in each state with data from the Joint Center for Political and Economic Studies, Roster of Black Elected Officials.

Region

Further building upon previous research a control variable is included for the geographic region of the state. Traditionally, in analyses of race and turnout a control variable for “South” is included to account for the unique history, culture and social
system (Leighley and Nagler, 1999). A state that is located in the former Confederate South is given a value of 1, otherwise 0.

Rationale for Research Design & Analysis

There are well established models of turnout. These models emphasize the way race, socioeconomic status and group consciousness have historically affected African American turnout. In order to evaluate these explanations, individual level data from the U.S. Census Bureau Current Population Survey (CPS) is merged with detailed measures of each state’s electoral context from 1996 to 2008. Because this research considers racial and sociodemographic explanations in addition to variations in state voting policy, models were needed that not only analyze the variation in voter turnout explained by race and sociodemographic variables, but additionally account for the variation in African American turnout explained by state variations in voting policy. To account for explanations at the individual and state level I used individual level and multilevel models.

The individual level models separately revisit pre-established explanations of turnout including race, income, education, age, sex, marital status, family structure, residential mobility, neighborhood and employment status. The models at the individual level are additive. Beginning first with the model that analyzes the relationship between turnout and race a baseline model is established. Building on the baseline the second model analyzes the relationship between turnout, race and socioeconomic status. The final individual level model investigates the relationship between turnout, race, socioeconomic status and the remainder of the aforementioned individual level variables.
The individual level models were analyzed using logistic regression in STATA. The first model establishes and evaluates the direct univariate relationship between race and voting for 1996-2008. The second model tests the SES model of turnout by evaluating the relationship between race and voting including variables that account for variation in SES as measured by income and education. The final individual level model, the demographics and SES model, evaluates the relationship between race and turnout incorporating the SES variables and all other individual level demographic variables considered in this analysis.

For all of the models (individual level and multilevel) a separate analysis is conducted for each presidential and midterm election year. The analysis is conducted in this way to observe differences in the significance of the primary independent variables as they occur in each election. Although this method may disadvantage the ability to generalize the effect of an independent variable over time, it allows for making election specific observations that otherwise would not be possible.

**Individual Level Models**

The first portion of Chapter Two includes the individual level analysis of the relationship between race and voting. To add further clarity to the models presented Clarify software is used to produce Monte Carlo Probability Simulations for each individual level model. Clarify is software which aids in the interpretation and presentation of statistical results by estimating the predicted probability of an event occurring (in this case voting) given certain parameters (King, Tomz and Wittenberg, 2000). For example, by using Clarify we are able to quantify, all else being equal, how
much the probability of voting would increase or decrease for individuals of varying races. This is important in this analysis given that one of the goals is to estimate how historical assertions regarding race and voter turnout stand up in a contemporary context.

The second half of Chapter Two includes the multilevel analysis of African American voter turnout incorporating the individual level variables and the voting policy variations being investigated by this research (voter registration closing date, photo identification requirements, statewide computer registration database, in person early voting, Election Day registration, and no excuse absentee voting).

The first model establishes and evaluates the direct univariate relationship between race and voting for 1996-2008. This model is included as a contemporary test of the direct relationship between race and voting. This model is a starting point toward identifying what the relationship between race and turnout currently looks like. The model is as follows\(^\text{19}\):

\[
\eta = \beta_0 + \beta_1 \text{(Black)} + \varepsilon
\]

The second model tests the SES model of turnout by evaluating the relationship between race and voting including variables that account for variation in SES as measured by income and education. The SES model suggests that individuals with higher SES as indicated by income, education, etc. should have higher turnout than

\(^{19}\) All individual level models are estimated using logistic regression in STATA where \(\text{Prob (Vote=1| } \beta) = \phi\), and \(\text{Log}[\phi/(1-\phi)] = \eta\) where \(\beta\) denotes a set of independent variables and where \(\eta\) measures the probability of voting. \(\beta_0\), a constant equals the value of \(\eta\) where the value of the independent variable(s) (i.e. Black, income, education, etc.) equals zero. \(\beta_1\) slope of the regression line; how much \(\eta\) changes for a one unit increase in the independent variable(s). \(\varepsilon\) is the error term; the error in predicting the value of \(\eta\), given the value of the independent variable. All individual models are estimated using the same parameters.
those who do not. However, the literature has established that in spite of being situated at lower levels of SES Blacks are more likely to vote than whites (Verba and Nie, 1972; Abney, 1974; Corveyou and Pfeiffer, 1973; Rogers, Bultena and Barb, 1975; Marschall, 2001; Leighley and Nagler, 1992). Consequently, it is hypothesized that once the relationship between race and turnout is investigated, when controlling for socioeconomic status (income and education), Blacks will be more likely to vote than similarly situated whites. The model is as follows:

\[ \eta = \beta_0 + \beta_1 (\text{Black}) + \beta_2 (\text{Income}) + \beta_3 (\text{Education}) + \varepsilon \]

The final individual level model, the demographics and SES model, evaluates the relationship between race and turnout incorporating the SES variables and all other individual level demographic variables considered in this analysis. The model is as follows:

\[ \eta = \beta_0 + \beta_1 (\text{Black}) + \beta_2 (\text{Age}) + \beta_3 (\text{Age Squared}) + \beta_4 (\text{Income}) + \beta_5 (\text{Education}) + \beta_6 (\text{Male}) + \beta_7 (\text{Married}) + \beta_8 (\text{Children}) + \beta_9 (\text{Employment}) + \beta_{10} (\text{Residential Mobility}) + \beta_{11} (\text{Urban Resident}) + \beta_{12} (\text{Rural Resident}) + \varepsilon \]

With respect to the third model it is hypothesized that the positive and significant relationship between race and voting will hold once additional controls are included to account for variations in employment status, age, gender, marital status, the presence of children in the household, residential mobility and neighborhood location. The succession of these models is useful in that it allows us to see the progression of the influence of race, or lack thereof, on turnout as other perspectives (i.e. SES and demographic) are incorporated into the analysis.
For 1996, 1998, 2002 and 2006 (Table 2.2 and 2.3) the coefficient Black is both significant and negative, which means when only looking at race, Blacks were less likely to vote than whites during the aforementioned years. However, during the presidential election of 2008 the coefficient for Black is positive and significant, and almost three times the size of all the other models. Thus, during the presidential election of 2008, Blacks were more likely to vote than whites and the effect of race on turnout was considerably larger than during the other significant election years. The dominance of the negative coefficient for Black may suggest that when considering race alone, with the exception of the presidential election of 2008, African Americans have become disenchanted with the vote and its power to enact real change.

Table 2.2. The Effect of Race on Turnout in Presidential Elections (1996-2008)

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>β (se)</td>
<td>p&gt;</td>
<td>z</td>
<td></td>
<td>β (se)</td>
<td>p&gt;</td>
<td>z</td>
<td></td>
<td>β (se)</td>
<td>p&gt;</td>
<td>z</td>
<td></td>
<td>β (se)</td>
<td>p&gt;</td>
<td>z</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>-.138 (.025)</td>
<td>.000</td>
<td>-.023 (.026)</td>
<td>.372</td>
<td>-.046 (.026)</td>
<td>.077</td>
<td>.302 (.029)</td>
<td>.000</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercep</td>
<td>.583 (.007)</td>
<td>.000</td>
<td>.729 (.008)</td>
<td>.000</td>
<td>.981 (.007)</td>
<td>.000</td>
<td>1.03 (.008)</td>
<td>.000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Psuedo R²</td>
<td>.0003</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wald Chi²</td>
<td>30.00</td>
<td>.000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>N</td>
<td>78309</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2.3. The Effect of Race on Turnout in Midterm Elections (1996-2008)

| Variables | 1998 | | | | 2002 | | | | 2006 | | | |
|-----------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
|           | β (se) | p>|z| | β (se) | p>|z| | β (se) | p>|z| | β (se) | p>|z| |
| Black     | -.072 (.024) | .004 | -.102 (.023) | .000 | -.197 (.024) | .000 |
| Intercep  | .044 (.007) | .000 | .157 (.007) | .000 | .267 (.007) | .000 |
| Psuedo R² | .01-² | | | | | | | | | | | | | |
| Wald Chi² | 8.50 | .003 | | | | | | | | | | | | | |
| N         | 77553 | | | | | | | | | | | | | |

To demonstrate what these values translate to in terms of the actual probability of voting we turn to Figure 2.1. For 1996, 1998, 2002 and 2006 Blacks were 2-5 percent less
likely to vote than whites. For 2008, without controlling for any other factors, Blacks were 6 percent more likely to vote than whites. The presence of the greater probability of a Black respondent to vote than a white respondent in 2008 could be attributable to the presence of Barack Obama the first African American presidential candidate to secure the Democratic Party nomination.

When evaluating the effect of race alone on turnout, the increased probability of voting for Blacks during the 2008 presidential election may provide contemporary support for the empowerment thesis. The empowerment thesis posits that visible political leadership by members of a minority group should enhance trust in government, efficacy, group pride and participation (Gurin, Hatchett and Jackson, 1989; Tate, 1991; Banducci, Donovan and Karp, 2004). Consequently, the probability of turnout by a Black voter being greater than that of a white voter during the 2008 Presidential election may be attributable to then Presidential nominee, Barack Obama and his racial identification as Black.
The literature suggests that although Blacks are less likely to vote when only considering the effect of race on turnout, once indicators of socioeconomic status are controlled for, Blacks are in fact more likely to vote than similarly situated whites. This occurs because Blacks, “have developed an awareness of their own status as a deprived group, and this self-consciousness has led them to be more politically active than members of the society who have similar SES but don’t share the group identity” (Verba and Nie, 1972, p. 157). The findings from the evaluation of the SES model are reported in Tables 2.4 and 2.5. In these models the effect of race on turnout is investigated while accounting for the effect of the socioeconomic status indicators of income and education. The expected relationship is observed for all years; Black is positive and significant. The direction and significance of the coefficient Black, suggests that during presidential and

---

20 Predicted probabilities estimated with Clarify.
midterm election years from 1996 to 2008 Blacks were more likely to vote than whites of similar economic status. These findings are similar to those of Abney, (1974); Wright, (1975); and Murray and Vedlitz, (1977). To demonstrate how these findings translate into the actual probability of turnout, we turn to Figure 2.2. During midterm elections Blacks were 1-4 percent more likely than whites to vote. During presidential elections, Blacks were 5-13 percent more likely to vote, with the most noticeable increase in turnout occurring during the presidential race of 2008.

Table 2.4. The effect of Race, Income and Education on Turnout in Presidential Elections (1996-2008)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>.194 (.028)</td>
<td>.308 (.030)</td>
<td>.335 (.030)</td>
<td>.735 (.035)</td>
</tr>
<tr>
<td>Income</td>
<td>.074 (.002)</td>
<td>.079 (.002)</td>
<td>.082 (.002)</td>
<td>.078 (.002)</td>
</tr>
<tr>
<td>Education</td>
<td>.173 (.003)</td>
<td>.201 (.003)</td>
<td>.238 (.003)</td>
<td>.255 (.004)</td>
</tr>
<tr>
<td>Intercept</td>
<td>-1.793 (.033)</td>
<td>-2.060 (.038)</td>
<td>-2.22 (.038)</td>
<td>-2.38 (.042)</td>
</tr>
<tr>
<td>Psuedo R²</td>
<td>.065</td>
<td>.077</td>
<td>.095</td>
<td>.099</td>
</tr>
<tr>
<td>Wald Chi²</td>
<td>6069.09</td>
<td>6284.88</td>
<td>8309.59</td>
<td>7728.35</td>
</tr>
<tr>
<td>N</td>
<td>71222</td>
<td>64183</td>
<td>74416</td>
<td>68699</td>
</tr>
</tbody>
</table>

Table 2.5. The effect of Race, Income and Education on Turnout in Midterm Elections (1996-2008)

<table>
<thead>
<tr>
<th>Variables</th>
<th>1998</th>
<th>2002</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>.159 (.027)</td>
<td>.152 (.026)</td>
<td>.061 (.028)</td>
</tr>
<tr>
<td>Income</td>
<td>.057 (.002)</td>
<td>.055 (.002)</td>
<td>.060 (.002)</td>
</tr>
<tr>
<td>Education</td>
<td>.139 (.003)</td>
<td>.180 (.003)</td>
<td>.186 (.003)</td>
</tr>
<tr>
<td>Intercept</td>
<td>-1.925 (.033)</td>
<td>-2.269 (.034)</td>
<td>-2.310 (.037)</td>
</tr>
<tr>
<td>Psuedo R²</td>
<td>.041</td>
<td>.053</td>
<td>.059</td>
</tr>
<tr>
<td>Wald Chi²</td>
<td>4001.80</td>
<td>5687.36</td>
<td>5824.30</td>
</tr>
<tr>
<td>N</td>
<td>69638</td>
<td>77044</td>
<td>71481</td>
</tr>
</tbody>
</table>
The previous analysis (Tables 2.4 and 2.5) established that a direct relationship between race and voter turnout still exists. What the analysis does not establish is if the relationship between race and turnout varies by socioeconomic status (income and education). In order to assess this relationship, interactions between race and income and race and education are added to the model.\textsuperscript{22} Tables 2.6 and 2.7 suggest that the relationship between education and turnout does consistently vary by race. This suggests that socioeconomic status as measured by education does have a significantly different effect for African Americans; 1996 to 2008 with regard to voter turnout. The same however, is not true of income. Only during the 1998 and 2006 midterm elections is the interaction between income and race significant. This finding suggests that income does not have a consistently different effect for African Americans. The finding that income

---

\textsuperscript{21} Predicted probabilities estimated with Clarify. Income is held at its median value and education its modal value, varying the race of the respondent.

\textsuperscript{22} The formula for the interactive model is as follows: \( \eta = \beta_0 + \beta_1 \text{(Black)} + \beta_2 \text{(Income)} + \beta_3 \text{(Black x Income)} + \beta_4 \text{(Education)} + \beta_5 \text{(Black x Education)} + \varepsilon \)
for Blacks is not consistently significant is similar to that of Abney (1974) who when looking at socioeconomic status and turnout finds that the effect of income on turnout is not consistently positive. To explain this, Abney (1974) suggests that Blacks may experience status inconsistency; which refers to circumstances when Blacks earn less money than whites of similar educational levels.

Table 2.6. The effect of Race, Income and Education on Turnout in Presidential Elections (1996-2008)

<table>
<thead>
<tr>
<th>Variables</th>
<th>β (se)</th>
<th>p&gt;</th>
<th>z</th>
<th>β (se)</th>
<th>p&gt;</th>
<th>z</th>
<th>β (se)</th>
<th>p&gt;</th>
<th>z</th>
<th>β (se)</th>
<th>p&gt;</th>
<th>z</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>.713 (.099)</td>
<td>.000</td>
<td>.922 (.112)</td>
<td>.000</td>
<td>1.039 (.116)</td>
<td>.000</td>
<td>1.228 (.136)</td>
<td>.000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>.074 (.002)</td>
<td>.000</td>
<td>.079 (.002)</td>
<td>.000</td>
<td>.083 (.002)</td>
<td>.000</td>
<td>.080 (.002)</td>
<td>.000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black x Inc.</td>
<td>.001 (.007)</td>
<td>.987</td>
<td>.004 (.008)</td>
<td>.561</td>
<td>-.008 (.007)</td>
<td>.282</td>
<td>-.015 (.008)</td>
<td>.070</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td>.179 (.003)</td>
<td>.000</td>
<td>.209 (.004)</td>
<td>.000</td>
<td>.244 (.004)</td>
<td>.000</td>
<td>.259 (.004)</td>
<td>.000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black x Educ.</td>
<td>-.058 (.011)</td>
<td>.000</td>
<td>-.072 (.012)</td>
<td>.000</td>
<td>-.071 (.013)</td>
<td>.000</td>
<td>-.041 (.015)</td>
<td>.007</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Intercept</td>
<td>-1.851 (.036)</td>
<td>.000</td>
<td>-2.129 (.041)</td>
<td>.000</td>
<td>-2.299 (.042)</td>
<td>.000</td>
<td>-2.435 (.046)</td>
<td>.000</td>
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<td></td>
</tr>
</tbody>
</table>

Psuedo R^2 .0654 .0778 .0958 .0992
Wald Chi^2 5303.60 .000 5330.41 .000 6811.62 .000 6179.86 .000
N 71222 64183 74416 68699

Table 2.7. The effect of Race, Income and Education on Turnout in Midterm Elections (1996-2008)

<table>
<thead>
<tr>
<th>Variables</th>
<th>β (se)</th>
<th>p&gt;</th>
<th>z</th>
<th>β (se)</th>
<th>p&gt;</th>
<th>z</th>
<th>β (se)</th>
<th>p&gt;</th>
<th>z</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>.491 (.106)</td>
<td>.000</td>
<td>.317 (.115)</td>
<td>.006</td>
<td>.346 (.120)</td>
<td>.004</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>.056 (.002)</td>
<td>.000</td>
<td>.054 (.002)</td>
<td>.000</td>
<td>.058 (.002)</td>
<td>.000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black x Inc.</td>
<td>.056 (.002)</td>
<td>.054</td>
<td>.011 (.007)</td>
<td>.121</td>
<td>.018 (.007)</td>
<td>.009</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Education</td>
<td>.144 (.007)</td>
<td>.000</td>
<td>.183 (.003)</td>
<td>.000</td>
<td>.190 (.003)</td>
<td>.000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black x Educ.</td>
<td>-.048 (.011)</td>
<td>.000</td>
<td>-.027 (.012)</td>
<td>.027</td>
<td>-.047 (.012)</td>
<td>.000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-1.956 (.036)</td>
<td>.000</td>
<td>-2.281 (.038)</td>
<td>.000</td>
<td>-2.333 (.040)</td>
<td>.000</td>
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</tbody>
</table>

Psuedo R^2 .041 .053 .059
Wald Chi^2 3508.08 .000 4763.84 .000 4939.56 .000
N 69638 77044 71481

In the final model, which accounts for socioeconomic and demographic variations, again we see that for all years 1996-2008, the coefficient for Black is both positive and statistically significant (Tables 2.8 and 2.9). This suggests that when taking
into account the variation in voter turnout that is attributable to socioeconomic status as measured by income and education, employment status, age, gender, marital status, the presence of children in the household, residential mobility and neighborhood location, race still matters as Blacks are more likely to vote in Presidential and midterm elections than whites. Looking at Figure 2.3 we can see that this translates into a 7-15 percent greater likelihood of an African American voting when compared to a similarly situated white individual. Again, the largest increase in probability occurs during the presidential election of 2008.

Table 2.8. The Effect of Race on Turnout in Presidential Elections (1996-2008)

<table>
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<tbody>
<tr>
<td></td>
<td>$\beta$ (se)</td>
<td>$p&gt;</td>
<td>z</td>
<td>$</td>
<td>$\beta$ (se)</td>
<td>$p&gt;</td>
<td>z</td>
<td>$</td>
</tr>
<tr>
<td>Black</td>
<td>0.417 (.033)</td>
<td>.000</td>
<td>0.563 (.035)</td>
<td>.000</td>
<td>0.509 (.035)</td>
<td>.000</td>
<td>0.958 (.040)</td>
<td>.000</td>
</tr>
<tr>
<td>Income</td>
<td>0.066 (.003)</td>
<td>.000</td>
<td>0.080 (.003)</td>
<td>.000</td>
<td>0.072 (.003)</td>
<td>.000</td>
<td>0.067 (.003)</td>
<td>.000</td>
</tr>
<tr>
<td>Education</td>
<td>0.244 (.004)</td>
<td>.000</td>
<td>0.258 (.004)</td>
<td>.000</td>
<td>0.284 (.004)</td>
<td>.000</td>
<td>0.282 (.005)</td>
<td>.000</td>
</tr>
<tr>
<td>Employment</td>
<td>0.064 (.024)</td>
<td>.008</td>
<td>0.064 (.026)</td>
<td>.015</td>
<td>0.176 (.025)</td>
<td>.000</td>
<td>0.240 (.026)</td>
<td>.000</td>
</tr>
<tr>
<td>Age</td>
<td>0.048 (.003)</td>
<td>.000</td>
<td>0.039 (.003)</td>
<td>.000</td>
<td>0.009 (.003)</td>
<td>.007</td>
<td>0.005 (.003)</td>
<td>.149</td>
</tr>
<tr>
<td>Age$^2$</td>
<td>-0.000164 (0.0000323)</td>
<td>.000</td>
<td>-0.0000857 (0.0000345)</td>
<td>.013</td>
<td>0.001801 (0.0000357)</td>
<td>.000</td>
<td>0.0002041 (0.0000373)</td>
<td>.000</td>
</tr>
<tr>
<td>Male</td>
<td>-0.164 (.019)</td>
<td>.000</td>
<td>-0.185 (.020)</td>
<td>.000</td>
<td>-0.218 (.020)</td>
<td>.000</td>
<td>-0.269 (.021)</td>
<td>.000</td>
</tr>
<tr>
<td>Married</td>
<td>0.299 (.012)</td>
<td>.000</td>
<td>0.361 (.024)</td>
<td>.000</td>
<td>0.309 (.024)</td>
<td>.000</td>
<td>0.261 (.025)</td>
<td>.000</td>
</tr>
<tr>
<td>Children</td>
<td>- -</td>
<td>.007 (.011)</td>
<td>.502</td>
<td>.0008917 (.011)</td>
<td>.936</td>
<td>.010 (.012)</td>
<td>.380</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>.555 (.020)</td>
<td>.000</td>
<td>.508 (.021)</td>
<td>.000</td>
<td>.471 (.021)</td>
<td>.000</td>
<td>.490 (.023)</td>
<td>.000</td>
</tr>
<tr>
<td>Mobility</td>
<td>-1.132 (.024)</td>
<td>.000</td>
<td>-1.100 (.026)</td>
<td>.000</td>
<td>-0.996 (.026)</td>
<td>.000</td>
<td>-0.80 (.027)</td>
<td>.003</td>
</tr>
<tr>
<td>Urban</td>
<td>.152 (.022)</td>
<td>.000</td>
<td>.154 (.025)</td>
<td>.000</td>
<td>.066 (.024)</td>
<td>.006</td>
<td>-.047 (.025)</td>
<td>.065</td>
</tr>
<tr>
<td>Rural</td>
<td>-4.696</td>
<td>.000</td>
<td>-4.737 (.084)</td>
<td>.000</td>
<td>-3.912 (.082)</td>
<td>.000</td>
<td>-3.737 (.088)</td>
<td>.000</td>
</tr>
<tr>
<td>Intercept</td>
<td>.1429</td>
<td>.1521</td>
<td>.1473</td>
<td>.1469</td>
<td>N</td>
<td>59612</td>
<td>53365</td>
<td>59722</td>
</tr>
</tbody>
</table>

Psuedo R$^2$ 11145.01 .000 10247.85 .000 10289.56 .000 9111.49 .000
Table 2.9. The Effect of Race on Turnout in Midterm Elections (1996-2008)

<table>
<thead>
<tr>
<th>Variables</th>
<th>1998</th>
<th>2002</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>β (se)</td>
<td>p&gt;│z│</td>
<td>β (se)</td>
</tr>
<tr>
<td>Black</td>
<td>.404 (.033)</td>
<td>.000</td>
<td>.447 (.031)</td>
</tr>
<tr>
<td>Income</td>
<td>.055 (.003)</td>
<td>.000</td>
<td>.058 (.003)</td>
</tr>
<tr>
<td>Education</td>
<td>.202 (.004)</td>
<td>.000</td>
<td>.226 (.004)</td>
</tr>
<tr>
<td>Employment</td>
<td>.025 (.024)</td>
<td>.299</td>
<td>.155 (.023)</td>
</tr>
<tr>
<td>Age</td>
<td>.073 (.003)</td>
<td>.000</td>
<td>.043 (.003)</td>
</tr>
<tr>
<td>Age²</td>
<td>-.0003708</td>
<td>(.000321)</td>
<td>.000</td>
</tr>
<tr>
<td>Male</td>
<td>-.058 (.018)</td>
<td>.002</td>
<td>-.055 (.018)</td>
</tr>
<tr>
<td>Married</td>
<td>.323 (.021)</td>
<td>.000</td>
<td>.352 (.021)</td>
</tr>
<tr>
<td>Children</td>
<td>-</td>
<td>-</td>
<td>.022 (.009)</td>
</tr>
<tr>
<td>Residential Mobility</td>
<td>.631 (.019)</td>
<td>.000</td>
<td>.590 (.019)</td>
</tr>
<tr>
<td>Urban</td>
<td>.142 (.023)</td>
<td>.000</td>
<td>.167 (.023)</td>
</tr>
<tr>
<td>Rural</td>
<td>.215 (.022)</td>
<td>.000</td>
<td>.295 (.021)</td>
</tr>
<tr>
<td>Intercept</td>
<td>-5.558 (.082)</td>
<td>.000</td>
<td>-5.437 (.081)</td>
</tr>
<tr>
<td>Psuedo R²</td>
<td>.1454</td>
<td>.1524</td>
<td>.1508</td>
</tr>
<tr>
<td>Wald Chi²</td>
<td>11731.73</td>
<td>.000</td>
<td>13326.38</td>
</tr>
<tr>
<td>N</td>
<td>58220</td>
<td>63330</td>
<td>56780</td>
</tr>
</tbody>
</table>
The previous analysis (Tables 2.8 and 2.9) established that a direct relationship between race and voter turnout still exists once the additional individual level controls are added. What the analysis does not establish is if the relationship between race and turnout continues to vary by socioeconomic status (income and education). In order to assess this relationship an interaction between race (Black) and income and race (Black) and education are added to the model. Tables 2.10 and 2.11 suggest that the relationship between race and turnout continues to consistently vary by education. Further, with the addition of the other control variables the relationship between race and turnout also

---

23 Predicted probabilities estimated with Clarify. All explanatory variables are held at their mean or modal values, varying the race of the respondent. For 1996 to 1998 the respondent is assumed to be a high school graduate or equivalent, female, married, employed, reside in a suburban area and have lived at their residence for five years or more (modal values). For 2000 to 2008 the respondent is assumed to be a high school graduate or equivalent, female, married, employed, reside in a suburban area, have lived at their residence for five years or more and be without children under the age of 18 living in the home (modal values). The variables age and income are held at their mean and median value, respectively which vary from year to year.

24 The formula for the interactive model is as follows: \( \eta = \beta_0 + \beta_1 \text{(Black)} + \beta_2 \text{(Age)} + \beta_3 \text{(Age Squared)} + \beta_4 \text{(Income)} + \beta_5 \text{(Black x Income)} + \beta_6 \text{(Education)} + \beta_7 \text{(Black x Education)} + \beta_8 \text{(Male)} + \beta_9 \text{(Married)} + \beta_{10} \text{(Children)} \) + \( \beta_{11} \text{(Employment)} + \beta_{12} \text{(Residential Mobility)} + \beta_{13} \text{(Urban Resident)} + \beta_{14} \text{(Rural Resident)} + \epsilon \)
consistently varies by income. This suggests that socioeconomic status as measured by both education and income does have a significantly different effect for African Americans with regard to voter turnout once additional variables are taken into account across Presidential elections, with the exception of 2008. During the 2008 Presidential election the direct effect of race on turnout is no longer significant, but the interactions between race and income and race and education remain significant. This would suggest that while turnout did not vary by race alone; the effect of income and education on turnout did vary by race during the 2008 Presidential election. When looking at the interactions during midterm elections, although the education and income interactions are consistently negative across midterm elections, they are only significant during the 2002 midterm election.

Table 2.10. The Effect of Race on Turnout in Presidential Elections (1996-2008)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>β (se)</td>
<td>p&gt;</td>
<td>z</td>
<td></td>
<td>β (se)</td>
</tr>
<tr>
<td>Black</td>
<td>.846 (.113)</td>
<td>0.00</td>
<td>.980 (.132)</td>
<td>0.00</td>
</tr>
<tr>
<td>Income</td>
<td>.069 (.003)</td>
<td>0.00</td>
<td>.082 (.003)</td>
<td>0.00</td>
</tr>
<tr>
<td>Black x Inc.</td>
<td>-.023 (.088)</td>
<td>0.08</td>
<td>-.019 (.009)</td>
<td>0.44</td>
</tr>
<tr>
<td>Education</td>
<td>.247 (.004)</td>
<td>0.00</td>
<td>.261 (.005)</td>
<td>0.00</td>
</tr>
<tr>
<td>Black x Educ.</td>
<td>-.030 (.013)</td>
<td>0.22</td>
<td>-.029 (.015)</td>
<td>0.54</td>
</tr>
<tr>
<td>Age</td>
<td>.048 (.003)</td>
<td>0.00</td>
<td>.039 (.003)</td>
<td>0.00</td>
</tr>
<tr>
<td>Age ²</td>
<td>-.0001628 (.000341)</td>
<td>0.00</td>
<td>-.0000305 (.0000364)</td>
<td>0.027</td>
</tr>
<tr>
<td>Male</td>
<td>-.164 (.019)</td>
<td>0.00</td>
<td>-.185 (.020)</td>
<td>0.00</td>
</tr>
<tr>
<td>Married</td>
<td>.299 (.021)</td>
<td>0.00</td>
<td>.362 (.024)</td>
<td>0.00</td>
</tr>
<tr>
<td>Children</td>
<td>-</td>
<td>-</td>
<td>.006 (.011)</td>
<td>0.538</td>
</tr>
<tr>
<td>Residential Mobility</td>
<td>.555 (.020)</td>
<td>0.00</td>
<td>.508 (.022)</td>
<td>0.00</td>
</tr>
<tr>
<td>Urban</td>
<td>.132 (.024)</td>
<td>0.00</td>
<td>.099 (.026)</td>
<td>0.00</td>
</tr>
<tr>
<td>Rural</td>
<td>.155 (.022)</td>
<td>0.00</td>
<td>.156 (.024)</td>
<td>0.00</td>
</tr>
<tr>
<td>Intercept</td>
<td>-4.746 (.079)</td>
<td>0.00</td>
<td>-4.784 (.086)</td>
<td>0.00</td>
</tr>
<tr>
<td>Psuedo R²</td>
<td>.1431</td>
<td>1.523</td>
<td>1.477</td>
<td>1.560</td>
</tr>
<tr>
<td>Wald Chi²</td>
<td>8611.29</td>
<td>0.00</td>
<td>7992.30</td>
<td>0.00</td>
</tr>
<tr>
<td>N</td>
<td>59612</td>
<td>53365</td>
<td>59722</td>
<td>64821</td>
</tr>
</tbody>
</table>
Overall the findings suggest that race does still matter and African Americans are more likely to vote than similarly situated whites when controlling for socioeconomic indicators. With respect to the large increase in turnout that occurred during the Presidential election of 2008 these findings may highlight the consistent salience of race at the Presidential level. Given that Barack Obama was the first African American presidential nominee from either major political party, the “Obama Effect” on turnout may not repeat itself unless another African American is put in a similar position.

However, beyond race alone as an important factor, Tate (1991) found that African American candidates must also be attractive if they are to secure the nomination from either party. Comparing the experience of Barack Obama who was successful, with the experience of Jessie Jackson who was not, the ability of Obama to secure the nomination and consequently the presidency was not solely based on racial salience with American voters but also his attractiveness as a candidate. Although, Obama’s racial identification may have been sufficient to cue group consciousness, the experience of Jessie Jackson demonstrates that racial/group consciousness is not enough to secure a victory (Tate, 1991). Other factors, including evaluations of the candidate’s party, the political environment during the election and the attractiveness of the other candidates play a role in the extent to which racial consciousness can affect turnout.
Table 2.11. The Effect of Race on Turnout in Midterm Elections (1996-2008)

<table>
<thead>
<tr>
<th>Variables</th>
<th>1998</th>
<th></th>
<th>2002</th>
<th></th>
<th>2006</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>β (se)</td>
<td>p&gt;</td>
<td>z</td>
<td></td>
<td>β (se)</td>
<td>p&gt;</td>
</tr>
<tr>
<td>Black</td>
<td>.713 (.120)</td>
<td>.000</td>
<td>.980 (.132)</td>
<td>.000</td>
<td>.426 (.132)</td>
<td>.001</td>
</tr>
<tr>
<td>Income</td>
<td>.057 (.003)</td>
<td>.000</td>
<td>.082 (.003)</td>
<td>.000</td>
<td>.054 (.003)</td>
<td>.000</td>
</tr>
<tr>
<td>Black x Inc.</td>
<td>-.017 (.009)</td>
<td>.067</td>
<td>-.019 (.009)</td>
<td>.004</td>
<td>.007 (.008)</td>
<td>.394</td>
</tr>
<tr>
<td>Education</td>
<td>.204 (.004)</td>
<td>.000</td>
<td>.261 (.005)</td>
<td>.000</td>
<td>.228 (.004)</td>
<td>.000</td>
</tr>
<tr>
<td>Black x Educ.</td>
<td>-.018 (.013)</td>
<td>.177</td>
<td>-.029 (.015)</td>
<td>.054</td>
<td>-.015 (.014)</td>
<td>.283</td>
</tr>
<tr>
<td>Employment</td>
<td>.028 (.024)</td>
<td>.247</td>
<td>.067 (.026)</td>
<td>.011</td>
<td>.154 (.024)</td>
<td>.000</td>
</tr>
<tr>
<td>Age</td>
<td>.073 (.003)</td>
<td>.000</td>
<td>.039 (.003)</td>
<td>.000</td>
<td>.046 (.003)</td>
<td>.004</td>
</tr>
<tr>
<td>Age²</td>
<td>-.0003672 (.000033)</td>
<td>.000</td>
<td>-.0000805 (.0000364)</td>
<td>.027</td>
<td>-.000102 (.000035)</td>
<td>.004</td>
</tr>
<tr>
<td>Male</td>
<td>-.058 (.018)</td>
<td>.002</td>
<td>-.185 (.020)</td>
<td>.000</td>
<td>-.078 (.019)</td>
<td>.000</td>
</tr>
<tr>
<td>Married</td>
<td>.324 (.021)</td>
<td>.000</td>
<td>.362 (.024)</td>
<td>.000</td>
<td>.294 (.022)</td>
<td>.000</td>
</tr>
<tr>
<td>Children</td>
<td>-</td>
<td>-</td>
<td>.006 (.011)</td>
<td>.538</td>
<td>-.018 (.010)</td>
<td>.079</td>
</tr>
<tr>
<td>Residential Mobility</td>
<td>.631 (.019)</td>
<td>.000</td>
<td>.508 (.022)</td>
<td>.000</td>
<td>.594 (.020)</td>
<td>.000</td>
</tr>
<tr>
<td>Urban</td>
<td>.141 (.023)</td>
<td>.000</td>
<td>.099 (.026)</td>
<td>.000</td>
<td>.026 (.024)</td>
<td>.274</td>
</tr>
<tr>
<td>Rural</td>
<td>.217 (.022)</td>
<td>.000</td>
<td>.156 (.024)</td>
<td>.000</td>
<td>.206 (.023)</td>
<td>.000</td>
</tr>
<tr>
<td>Intercept</td>
<td>-5.704 (.083)</td>
<td>.000</td>
<td>-4.784 (.086)</td>
<td>.000</td>
<td>-5.239 (.086)</td>
<td>.000</td>
</tr>
<tr>
<td>Pseudo R²</td>
<td>.1455</td>
<td>.1523</td>
<td>.1508</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wald Chi²</td>
<td>9038.33</td>
<td>.000</td>
<td>7792.20</td>
<td>.000</td>
<td>8774.38</td>
<td>.000</td>
</tr>
<tr>
<td>N</td>
<td>58220</td>
<td>53365</td>
<td>56780</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Multilevel Models

The multilevel models incorporate the significant individual level factors as established by the individual level models and variations in state voting policy and sociopolitical context\(^{25}\). The state variations in voting policy include: voter registration closing date, photo identification requirements, statewide computer registration database, in person early voting, Election Day registration and no excuse absentee voting. The state sociopolitical variations include descriptive representation in the state legislature and the geographic region of a state.

\(^{25}\) The individual and state level factors/variables are those discussed earlier in Chapter 2. The individual level variables include: demographics (age, income, education and gender), residential mobility, neighborhood (urban, rural, suburban), family structure (marital status and children)
Hierarchical Generalized Linear Modeling (HGLM) is used to analyze the multilevel models. The use of the multilevel model is appropriate because the research is concerned with how state level factors influence individual behavior. Multilevel models are needed because the assumption of independence of all observations is violated when data are grouped by states; that is, observations from one state are generally more similar than the observations from another state. HGLM accounts for this while analyzing the interaction of key individual level factors with state level measures.

According to Luke (2004) there are three justifications for using a multilevel model: empirical (when a large proportion of the variation in the dependent variable is accounted for by groups or level-2 units), statistical or structural properties of the data (whenever there is a nested structure in the data and a violation of the assumption that all observations and error terms are independent), and theoretical (when hypotheses are composed of constructs operating and interacting at multiple levels) (p. 17-23). Of these justifications, this analysis is supported by structural and theoretical justifications and to a limited extent statistical. The act of voting occurs in states; consequently individual behavior (i.e. voting) can be clustered by state. Given their exposure to the same state voting rules and norms, voters from Ohio are probably more similar to each other than they are to voters from Massachusetts. Figure 2.4 presents an illustration of the multilevel influences on voting.
Because one of the hypotheses in this analysis suggests that characteristics of states influence the voting behavior of residents in that state, the use of multilevel modeling is justified. With regard to a statistical justification for the analysis, the intra-class correlation coefficient (ICC) is also reported for all models. The ICC is the portion of the variance that is accounted for by the groups (Snijders and Bosker, 2000; Luke 2004), in this case states. Given that the proportion of variance at Level 2 (States) is not

26. The built environment includes infrastructure e.g. transportation, housing, etc.

b Social conditions include, but are not limited to: economic inequality, mobility, cultural values, attitudes and policy related to discrimination and intolerance on the basis of race gender, and other differences.

c Other conditions are the national level might include major political shifts such as a recession or war.
readily available in binomial models (Quintelier, 2010), I assume the standard logistic distribution whereby the Level 1 (African Americans) between cell variation has a variance of $\pi^2/3$ or 3.29 (Snijders and Bosker, 2000). Thus, $\text{ICC} = \frac{\sigma^2_{u0}}{\sigma^2_{u0} + (\pi^2/3)^{27}}$.

Although the ICCs reported in the following analysis presented in this and subsequent chapters are not relatively high, ranging from a low of 1.82 percent to a high of 5.78 percent, it can be concluded that states make a difference in the vote decisions of African Americans, albeit in a limited way.

Mixed level analyses have the great advantage of allowing the researcher to both describe and contrast more confidently compositional (i.e. income level) and contextual (i.e. registration laws) effects on individual behavior (Primo, Jacobsmeier, Milyo, 2007). Further, multilevel models control for random effects (variation) across geographic levels, allowing for valid estimates of contextual effects. In this case, individual level phenomena are not fixed, but vary across space. The dependent variable fluctuates as well, instead of being a fixed value, and is a function of multilevel influences. By allowing the dependent and independent factors to vary across context, more accurate statistical estimates are derived than with the standard one level of analysis. Multilevel models consider the error at both the individual and state level and adjust for correlation among individuals from the same geographic areas. Written as a population model, the level 2 variables are used to predict the intercept and slope coefficients for the level 1 model. The multilevel models consist of an individual level equation (level 1) and a state

---

27 Where $\sigma^2$ is an estimate of the level 2 variance and $\pi^2/3$ or 3.29 is the fixed variance for level 1.
level equation (level 2) which are simultaneously estimated, producing one multilevel model.

**Hierarchical Generalized Linear Model for Presidential & Midterm Election Years**

Each of the following provisions is designed to create a voting process that is easier for voters to navigate and subsequently vote. In this present analysis states that have Election Day registration, in person early voting, no excuse absentee ballots, and voter registration database provisions are coded one (1) states that do not are coded zero (0). Closing date is included as the actual number of days prior to the election an eligible voter must register prior to the election. Several hypotheses are derived from these policies.

First it is hypothesized that Election Day registration, early voting, no excuse absentee ballots, and voter registration database provisions will positively influence turnout. Second, it is hypothesized that closing dates that are further away from the actual date of the election will suppress turnout. Both of these hypotheses stem from the notion that as the cost of voting decreases the probability of voting increases. Voting provisions that have been suggested to lower the cost of voting include easing voter registration requirements and expanding the ways the polls can be accessed. Consequently, those policy provisions that expand access to the polls and decrease the cost of voting (Election Day registration, early voting, no excuse absentee ballots and voter registration databases) are expected to facilitate turnout. Similarly, voter registration dates that are further away from the date of the election, providing less time for a potential voter to register are expected to decrease the probability of voting.
Unlike the aforementioned rules, which serve the purpose of making voting easier, the photo ID requirement is designed to reduce the probability of voter fraud. Similar to the Statewide Computerized Voter Registration Database, the photo ID requirement is a portion of HAVA. HAVA specified that individuals who have registered to vote by mail, have not previously voted in a federal election in the state, or have not previously voted in the jurisdiction and the jurisdiction does not have a computerized voter registration database must provide proof of their identity prior to casting a ballot (Help America Vote Act). Twenty-five states have broader voter identification requirements than HAVA mandates. In these states, all voters are asked to show identification prior to voting. Seven of these states (Florida, Georgia, Hawaii, Indiana, Louisiana, Michigan and South Dakota) specify that voters must show a photo ID; the other eighteen states accept additional forms of identification that do not necessarily include a photo. Although alternative forms of identification may not place a hardship on potential voters, the requirement of some states to provide identification in the form of a valid government issued photo ID may place a hardship on certain voters particularly minorities and the poor. For this analysis, states that have the photo ID requirement are coded as one (1) and those that do not are coded as zero (0). Given the potentially negative impact of the photo ID requirement, particularly for Blacks, it is hypothesized that turnout in states that have the voter ID requirement will be suppressed.

Unlike in the previous individual level analysis where “Black” is an independent variable used to predict the probability of voting and compared to that of whites, the multilevel analysis solely estimates the effect of voting policy on African Americans. The
models are estimated using only the African American respondents included in the Current Population Survey (CPS).

As voting laws, policies and procedures change it is important to evaluate the effect of these changes on the voting behavior of the voting age population. As a group, African Americans have a unique history with the franchise. In this regard, it is essential to evaluate the effect of changes in state voting policy as they relate to the voting behavior of this unique group of Americans. The multilevel models are estimated only with the African American respondents as a contemporary analysis of voting policy and a population that has a history of systematic policy driven exclusion from the franchise.

The following model is used to assess the hypotheses presented in this chapter for presidential and midterm election years.

\[ \eta = \beta_0 + \beta_1 \text{(Age)} + \beta_2 \text{(Age Squared)} + \beta_3 \text{(Income)} + \beta_4 \text{(Education)} + \beta_5 \text{(Male)} + \beta_6 \text{(Married)} + \beta_7 \text{(Children)} + \beta_8 \text{(Employment)} + \beta_9 \text{(Residential Mobility)} + \beta_{10} \text{(Urban Resident)} + \beta_{11} \text{(Rural Resident)} + \varepsilon \]

and,

\[ \beta_0 = \gamma_{00} + \gamma_{01} \text{(Election Day Registration)} + \gamma_{02} \text{(Voter Registration Closing Date)} + \gamma_{03} \text{(Early Voting)} + \gamma_{04} \text{(No Excuse Absentee)} + \gamma_{05} \text{(Photo Identification Requirement)} + \gamma_{06} \text{(Statewide Computer Registration Database)} + \gamma_{07} \text{(African American State Legislators)} + \gamma_{08} \text{(South)} + \varepsilon \]

**Results**

Tables 2.12 and 2.13 present the statistical models of African American vote decisions resulting from Election Day registration, voter registration closing date, early voting, no excuse absentee, photo identification requirements and statewide computer

---

28 All multilevel level models are estimated using the Bernoulli Distribution in HLM6 where \( \text{Prob(Vote=1 | \beta)} = \phi \), and \( \text{Log} [\phi / (1 - \phi)] = \eta \) where \( \beta \) denotes a set of independent variables where \( \eta \) measures the probability of voting taking into account the level 1 and level 2 variables. All multilevel models are estimated using the same parameters.
registration databases during Presidential and midterm elections. Predicted probabilities (P) were estimated for the statistically significant policy variables by calculating predicted logits (L) and then recalculating them into probabilities; since L=log(odds)=log(P/(1−p)), then P=eiL/(1+eiL) (Snijders and Bosker, 1999; Luke, 2004).

**Election Day Registration & Computerized Voter Registration Database**

For both Election Day registration and Computerized Voter Registration Database, the expected relationship between the policies and behavior are supported. African Americans living in states with Election Day registration and those residing in states with Computerized Voter Registration Databases displayed a higher probability of turnout than African Americans residing in states that do not have either policy.

During the 2002 midterm election and 1996 and 2004 presidential elections, we see that African Americans living in states that have Election Day registration had a higher probability of voting than African Americans residing in states that did not. Although this provision does not completely eliminate the two stage process of voting, it does create circumstances in which both stages of voting can occur simultaneously by providing voters with an opportunity to register and vote on the same day. Election Day registration creates an environment where an individual wishing to vote would need no more information about the voting process than the date of the election and the location of his/her polling place, eliminating questions of when, where and how to register (King and Wambeam, 1996, p. 265). For 1996, 2002 and 2004 the estimated probability of turnout increased 4 to 14 percent for African Americans when comparing a state with Election Day registration to a state without Election Day registration (Figure 2.5).

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$\beta$ (se)</td>
<td>p&gt;</td>
<td>z</td>
<td></td>
</tr>
<tr>
<td>Level 1 Predictors</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>.652 (.011)</td>
<td>000</td>
<td>.769 (.013)</td>
<td>000</td>
</tr>
<tr>
<td>Education</td>
<td>.203 (.014)</td>
<td>000</td>
<td>.203 (.019)</td>
<td>000</td>
</tr>
<tr>
<td>Employment</td>
<td>.225 (.069)</td>
<td>001</td>
<td>.198 (.069)</td>
<td>026</td>
</tr>
<tr>
<td>Age</td>
<td>.658 (.110)</td>
<td>000</td>
<td>.680 (.110)</td>
<td>000</td>
</tr>
<tr>
<td>Age$^2$</td>
<td>-.000000 (000000)</td>
<td>074</td>
<td>-.000444 (000117)</td>
<td>000</td>
</tr>
<tr>
<td>Male</td>
<td>-.360 (.065)</td>
<td>000</td>
<td>-.369 (.065)</td>
<td>000</td>
</tr>
<tr>
<td>Married</td>
<td>.011 (.079)</td>
<td>029</td>
<td>.134 (.092)</td>
<td>145</td>
</tr>
<tr>
<td>Children</td>
<td></td>
<td></td>
<td>-.026 (.034)</td>
<td>428</td>
</tr>
<tr>
<td>Residential Mobility</td>
<td>.015 (.069)</td>
<td>000</td>
<td>.008 (.068)</td>
<td>000</td>
</tr>
<tr>
<td>Urban</td>
<td>.195 (.139)</td>
<td>166</td>
<td>.163 (.115)</td>
<td>159</td>
</tr>
<tr>
<td>Rural</td>
<td>-.135 (.148)</td>
<td>360</td>
<td>-.055 (.000)</td>
<td>779</td>
</tr>
<tr>
<td>Level 2 Predictors</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Election Day Reg.</td>
<td>.519 (.273)</td>
<td>002</td>
<td>.637 (.440)</td>
<td>155</td>
</tr>
<tr>
<td>Closing Date</td>
<td>.008 (.006)</td>
<td>206</td>
<td>.013 (.008)</td>
<td>103</td>
</tr>
<tr>
<td>Early Voting</td>
<td>.049 (.176)</td>
<td>781</td>
<td>.300 (.190)</td>
<td>319</td>
</tr>
<tr>
<td>No Entrance Abs.</td>
<td>.149 (.125)</td>
<td>234</td>
<td>.021 (.156)</td>
<td>241</td>
</tr>
<tr>
<td>Photo ID Requirement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voter Registration Date</td>
<td>.095 (.187)</td>
<td>614</td>
<td>.041 (.170)</td>
<td>024</td>
</tr>
<tr>
<td>Descriptive Representa</td>
<td>.035 (.008)</td>
<td>000</td>
<td>.043 (.010)</td>
<td>000</td>
</tr>
<tr>
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<td>070</td>
<td>-.600 (.156)</td>
<td>565</td>
</tr>
<tr>
<td>Intercept</td>
<td>-.437 (.206)</td>
<td>360</td>
<td>-.016 (.423)</td>
<td>000</td>
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Note: The dependent variable is whether the respondent voted, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HLM6. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering on the mean.
<table>
<thead>
<tr>
<th>Variables</th>
<th>1998</th>
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<tr>
<td><strong>Level 1 Predictors</strong></td>
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<tr>
<td>Income</td>
<td>0.041 (.013)</td>
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<td>Education</td>
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<td>0.059 (.012)</td>
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<td>-0.000256 (.000114)</td>
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<td>Married</td>
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<td>0.140 (.074)</td>
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<td>Children</td>
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<td>Residential Mobility</td>
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<td>0.504 (.395)</td>
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<td>0.009 (.009)</td>
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<td>-0.243 (.147)</td>
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<td>-0.265 (.122)</td>
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<td>Photo ID Requirement</td>
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<td>-0.246 (.253)</td>
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<tr>
<td>Voter Registration Database</td>
<td>0.220 (.130)</td>
<td>0.185 (.117)</td>
<td>0.038 (.185)</td>
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<tr>
<td>Descriptive Representation</td>
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<td>0.036 (.008)</td>
<td>0.018 (.011)</td>
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<td>-6.829e+003</td>
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<td>4799</td>
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<tr>
<td>Level 2 N</td>
<td>48</td>
<td>48</td>
<td>49</td>
</tr>
</tbody>
</table>

Note: The dependent variable is whether the respondent voted, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HLM6. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering around the mean.
Although EDR creates opportunities for individuals to vote who would have otherwise missed the registration deadline, these last minute registrants may not have a sustained interest in politics. So, while EDR may facilitate the casting of a ballot for those who have never previously voted it does not necessarily contribute to creating and sustaining an actively involved electorate. However, for individuals who are fairly transient, EDR does create multiple opportunities for easier registration and access to the franchise. Knack and White (2000) find that the adoption of Election Day registration dramatically improves the voter turnout of movers when compared to non-movers. In the CPS between 33 percent and 34 percent of African Americans reported living at their residence two years or less in 1996, 2002 and 2004. As a seemingly transient population, the use of Election Day registration provisions by African Americans is not surprising.

During the 2000 presidential election the presence of a computerized voter registration database in a state did have an effect on African American turnout. During this election African Americans who lived in states that had a unified computerized voter registration database had an estimated 8.5 percent greater probably of voting than those living in states that did not (Figure 2.6). Similar to Election Day registration, the significance of the computerized voter registration database may speak to the transient nature of the African American population, but also the circumstances surrounding the elections.
Figure 2.5. Predicted Effect of Election Day Registration on the Probability of Voting (1996, 2002 & 2004)\textsuperscript{29}

\[\text{Probability of Voting} \]

\[\text{EDR} \quad \text{No EDR} \]

\text{Election Day Registration}

\[\text{1996} \quad \text{2002} \quad \text{2004}\]

\textsuperscript{29} All individual level explanatory variables at their mean, median or modal values. For 1996 the respondent is assumed to be a high school graduate or equivalent, female, not married, employed, reside in an urban area and have lived at their residence for less than five years (modal values). For 2002 and 2004 the respondent is assumed to be a high school graduate or equivalent, female, not married, not have children, employed, reside in an urban area and have lived at their residence for less than five years (modal values). The variables age and income are held at their mean and median value, respectively. All states are assumed not to have early voting, no excuse absentee or a registration database (modal values). For the predicted probabilities with EDR, closing date is set at 0. For the predicted probabilities without EDR closing date is set at 30 days (modal value). Descriptive representation is held at the mean value, varying the presence of Election Day Registration in the state.
During the 2000 presidential election a myriad of voter suppression tactics emerged. The state of Florida, which did not have a unified database, is often cited as a striking example of voter suppression. In Florida, many would be voters arrived at their polling places only to be told that they were not on the rolls, candidates’ names were missing from the ballots, polling places closed early or moved without notice, voters requested absentee ballots but never received them and individuals who registered to vote at the time of their driver’s license renewal, a provision included in the 1993 National Voter Registration Act (Motor Voter), were informed that they were not in fact registered to vote on the date of the election (U.S. Commission on Civil Rights). In a 2001 report

30 All individual level explanatory variables at their mean, median or modal values. The respondent is assumed to be a high school graduate or equivalent, female, not married, not have children, be employed, reside in an urban area and have lived at their residence for less than five years (modal values). The variables age and income are held at their mean and median value, respectively. Age varies from year to year and income is consistently at the median. The state is assumed not to have Election Day registration, early voting or no excuse absentee have a closing date of 30 days prior to the election and not be in the South. (modal values). Descriptive representation is held at the mean value, varying the presence or absence a computer registration database.
entitled, “Voting Irregularities in Florida During the 2000 Presidential Election,” the U.S. Commission on Civil Rights concluded, "Despite the closeness of the election, it was widespread voter disenfranchisement, not the dead-heat contest, that was the extraordinary feature in the Florida election. The disenfranchisement was not isolated or episodic." The report additionally stated, “[The] disenfranchisement of Florida voters fell most harshly on the shoulders of African Americans. Statewide, based on county-level statistical estimates, African American voters were nearly 10 times more likely than white voters to have their ballots rejected in the November 2000 election.” In addition to Florida, following the 2000 Presidential election, the American Civil Liberties Union filed voting-rights lawsuits in Georgia, California and Illinois for the racially disparate impact of voting rights violations (American Civil Liberties Union, 2001). Although not a panacea, when updated and maintained, a unified state computer voter registration database can ensure that as individuals move within the state their registration status will be updated and move with them and that they will be able to vote.

**No Excuse Absentee Voting & Voter Registration Closing Date**

During the 2000 presidential election and the 2002 midterm election, the models show that African Americans residing in states that had voter registration closing dates further away from the date of the actual election were more likely to vote than African Americans residing in states with closing dates closer to the date of the election. This finding runs contrary to the expected relationship between closing date and turnout. It was hypothesized that states with closing dates closer to the actual election date would provide potential voters with additional time to register, consequently reducing the
number of eligible voters who would not be able to vote due to their registration status. The model however suggests the opposite, that in states with registration closing dates further away from the actual day of the election, African Americans did have an increased probability of voting, during the 2000 presidential and 2002 midterm elections (Figure 2.7). During the 2006 midterm election African Americans living in states that had no excuse absentee voting had a lower probability of voting than African Americans who lived in states that did not. The estimated probability suggests that the probability of turnout decreases by 6 percent for an African American residing in a state with no excuse absentee voting provisions (Figure 2.8). In certain circumstances providing extended periods of time during which a potential voter has the opportunity to register and vote can actually suppress turnout. The finding regarding no excuse (unrestricted) absentee voting supports those of Fitzgerald (2005) who reports that unrestricted absentee voting negatively influences turnout during presidential and midterm elections (p. 856). Fitzgerald (2005) suggests that this may occur because even though they are given more time, potential voters are still required to request and apply for an absentee ballot (p. 857). The finding regarding closing date runs contrary to what the established literature would suggest. Both Caldeira (1983) and Rhine (1995) find that states with registration closing dates further away from the date of the election have lower turnout. Based on the predicted probabilities, the probability of voting increased as the number of days prior to the election an individual had to register to vote increased. When estimating the predicted probability of voting and comparing the estimates of a closing date occurring 7 days, 14 days and 30 days prior to an election; in both 2002 and 2004 the predicted probability of
turnout is greatest at 30 days. The aforementioned findings may occur because certain characteristics of the electoral contests encouraged or discouraged turnout (Harder and Krosnick, 2008). Consequently there may be conditions that existed during the 2000 presidential and 2002 and 2006 midterm elections, not accounted for by the current model, that caused the probably of African American turnout to be greater in states with closing dates further from the date of the election and lower in states with early (in person) voting.

**Figure 2.7. Predicted Effect of Voter Registration Closing Date on the Probability of Voting (2002 & 2004)**

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31 All individual level explanatory variables at their mean, median or modal values. The respondent is assumed to be a high school graduate or equivalent, female, not married, not have children, be employed, reside in an urban area and have lived at their residence for less than five years (modal values). The variables age and income are held at their mean and median value, respectively. The state is assumed not to have Election Day registration, a computerized voter registration database, early voting or no excuse absentee and not be in the South (modal values). Descriptive representation is held at the mean value, varying the closing date of 30 days prior to the election, 14 days prior to the election and 7 days prior to the election.
The previous multi-level analyses (Tables 2.12 and 2.13) established that a direct relationship between certain state policies and voter turnout exists for African Americans. What the analysis does not establish is if the relationship between the significant state policies and turnout vary by race.

In order to assess this relationship, multi-level models were created utilizing the 1996-2006 Current Population Survey voting and registration supplement. The dependent variable, voter turnout, is derived from the respondent’s response to the following question on the CPS (1996 to 2006), “In any election, some people are not able to vote because they are sick or busy or have some other reason, and others do not want to vote. Did [you/another household member] vote in the election on November ___?” Binary

---

32 All individual level explanatory variables at their mean, median or modal values. The respondent is assumed to be a high school graduate or equivalent, female, not married, not have children, be employed, reside in an urban area and have lived at their residence for less than five years (modal values). The variables age and income are held at their mean and median value, respectively. The state is assumed not to have Election Day registration, a computerized voter registration database, photo ID requirements or early voting and have a closing date of 30 days prior to the election and not be in the South. (modal values). Descriptive representation is held at the mean value, varying the presence or absence of early voting in the state.
coding is used for the dependent variable, individuals who reported voting are coded as one (1), individuals who reported not voting are coded as zero (0). Race is evaluated using a dichotomous variable entitled, “Black.” Respondents who self-identify as Black, Non-Hispanic are coded as one (1). White or Caucasian, Non-Hispanic respondents are coded as zero (0). States that have a specific policy are coded as one (1), all else (0). Closing dates is the actual number of dates prior to an election an individual has to register.

Prior to incorporating the interaction(s) into the models, a model without the interaction(s) was generated for each Presidential and Midterm election (1996-2006). An interaction between race (Black) and the significant state level policies was then added to the multilevel model. Only the models in which the base terms of race (Black) and the significant state policy variable (as reported in Tables 2.12 and 2.13) are included in Table 2.14.

In 1996 and 2004 the interaction between Election Day registration and race (Black) is not significant. This would suggest that although there is a direct relationship between turnout and Election Day registration for African Americans, the effect of the policy is race neutral. Meaning, the positive effect of EDR on turnout does not vary by race, consequently there is not a significant difference for the effect of EDR on turnout for individuals who identify as Black/African American or White. In 2000 however, the

\[ \text{Prior to incorporating the interactions into the models, a model without interactions was analyzed for each Presidential election. For 1996 the coefficient for Black was positive and significant \((.479; p > z \cdot .001)\) as was the coefficient for EDR \((.263; p > z \cdot .045)\). For 2000 the coefficient for Black was positive and significant \((.539; p > z \cdot .001)\) as was the coefficient for computerized electronic database \((.333; p > z \cdot .024)\). For 2004 the coefficient for Black was positive and significant \((.565; p > z \cdot .001)\) as was the coefficient for EDR \((.356; p > z \cdot .030)\).} \]

<table>
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<th>Variables</th>
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<th>2000</th>
<th></th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Black</td>
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<td>.001</td>
<td>.510 (.086)</td>
<td>.001</td>
<td>.562 (.069)</td>
<td>.001</td>
</tr>
<tr>
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<td>.079 (.004)</td>
<td>.001</td>
<td>.074 (.004)</td>
<td>.001</td>
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<td>.001</td>
<td>.282 (.009)</td>
<td>.001</td>
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<td>.059 (.031)</td>
<td>.059</td>
<td>.169 (.034)</td>
<td>.001</td>
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<td>.001</td>
<td>.009 (.005)</td>
<td>.001</td>
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<td>-000084 (.000052)</td>
<td>.106</td>
<td>.000182 (.000053)</td>
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</tr>
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<td>-183 (.018)</td>
<td>.001</td>
<td>-218 (.018)</td>
<td>.001</td>
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<td>.001</td>
<td>.357 (.019)</td>
<td>.001</td>
<td>.315 (.035)</td>
<td>.001</td>
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<tr>
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<td>-</td>
<td>.001 (.015)</td>
<td>.934</td>
<td>.000016 (.013)</td>
<td>.999</td>
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<tr>
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<td>.001</td>
<td>.500 (.026)</td>
<td>.001</td>
<td>.471 (.019)</td>
<td>.001</td>
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<td>.097 (.050)</td>
<td>.052</td>
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<td>.026</td>
<td>.059 (.056)</td>
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<td>.011 (.038)</td>
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<td></td>
</tr>
<tr>
<td>Election Day Reg.</td>
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<td>.047</td>
<td>.262 (.132)</td>
<td>.055</td>
<td>.354 (.156)</td>
<td>.029</td>
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<tr>
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<td>.405</td>
<td>-</td>
<td>-</td>
<td>.151 (.209)</td>
<td>.468</td>
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<td>-.171 (.092)</td>
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<td>.027</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Descriptive Representation</td>
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<td>.611</td>
<td>.005 (.005)</td>
<td>.305</td>
<td>.004 (.006)</td>
<td>.503</td>
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<tr>
<td>South</td>
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<td>-0.55 (.050)</td>
<td>.277</td>
<td>-.106 (.109)</td>
<td>.336</td>
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<td>50</td>
<td>50</td>
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</table>

Note: The dependent variable is whether the respondent voted, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HLM7. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering around the mean.

The interaction between Voter Registration Database and race (Black) is significant. This would suggest that the effect of this policy on turnout does vary significantly by race. Because the coefficient is both positive and significant, this suggests that the positive
effect of Voter Registration Databases is greater for African Americans than their white counterparts. The different effect for African American as compared to whites may speak to the residentially mobile nature of the African American population in the United States.

According to the 2000 Census Bureau Current Population Survey 36.7 percent of the U.S. population reported living at their current residence for two years or less; 41.3 percent African Americans reported living at their current residence for two years or less and 36.3 percent of whites reported living at their current residence for two years or less. As noted by the findings of Cassel and Hill (1981); Verba and Nie (1972); Wolfinger and Rosenstone (1980) individuals who move frequently have a decreased probability of voting. Maintaining an up to date and accurate computer registration database ensures that all eligible voters are listed on the voter registration rolls and are consequently eligible to vote on Election Day. Although, when comparing African Americans to the population and whites, the difference in reported residential mobility is not that large, additional conditions surrounding the 2000 Presidential election may have contributed to the importance of computer registration databases. As noted earlier in the chapter, the 2000 Presidential election was marred by accounts of eligible voters not being allowed to vote at their polling places.

According to testimony before United States Commission on Civil Rights, names omitted or wrongly removed from state voter registration lists was cited as the greatest source of lost votes in the 2000 election, with over 1.5 million (Tokaji Testimony, Briefing Transcript, 2008). In Florida there were reports of illegal road blocks, unclear
ballots, and uncounted votes (Hancock, 2008; United States Commission on Civil Rights, 2001). The circumstances surrounding the 2000 Presidential election in Florida were particularly detrimental to African American voters. Statewide, Black voters were nearly 10 times more likely than non-Black voters to have their ballots rejected. Further, estimates indicate that approximately 14.4 percent of Florida’s Black voters cast ballots that were rejected compared to 1.6 percent of non-Black Florida voters who did not have their presidential votes counted (United States Commission on Civil Rights, 2001). The importance of the climate (Sherman, 1981) surrounding campaigns and elections has extended beyond the 2000 Presidential election.

In every federal election year since 2000, suppressors have falsely instructed citizens under the guise of government authority and in some instances using threats and penalties to disseminate false information in predominately minority areas (Daniels, 2010 p. 353). The use of deceptive practices is a throwback to the era of Jim Crow during which violence and threats were used to deny African Americans the right to participate in elections (Daniels, 2010).

The provisions of the 1993 National Voter Registration Act (Motor Voter) and the 2002 Help America Vote Act (HAVA) primarily address election administration issues, overlooking voter intimidation and deceptive acts and practices (Daniels, 2010). Voter deception involves the distribution of misinformation regarding the time, place, voter eligibility and the election process. The goal of such tactics is to decrease the number of eligible voters and take the electoral power away from individuals or groups (Daniels, 2010, p. 359).
During the 2004 Presidential election, the “Milwaukee Black Voters League” an organization that does not exist, distributed flyers warning people found guilty of any legal infraction, including traffic tickets to stay away from the polls or face possible imprisonment. The flyer read:

“If you’ve already voted in any election this year, you can’t vote in the presidential election; If anybody in your family has ever been found guilty of anything you can’t vote in the presidential election; If you violate any of these laws, you can get ten years in prison and your children will get taken away from you” (National Campaign for Fair Elections, 2004).

Also, during the 2004 Presidential election, a flyer falsely attributed to the Franklin County, Ohio Board of Elections informed voters that Republicans were to vote on Tuesday and Democrats on Wednesday. The flyer read:

“Because [of] the confusion caused by unexpected heavy voter registration, voters are asked to apply the following schedule: Republican voters are asked to vote at your assigned location on Tuesday. Democratic voters are asked to vote at your assigned location on Wednesday.

Thank you for your cooperation, and remember voting is a privilege.
-Franklin County, Where Government Works” (National Campaign for Fair Elections, 2004).

Suppression tactics are not limited to presidential elections. During the 1998 midterm election in South Carolina a state representative mailed 3,000 brochures to African American neighborhoods, claiming that law enforcement agents would be “working” the election and warning voters that “this election is not worth going to jail!!!”

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34 A similar flyer was distributed in Allegheny County, PA during the 2004 presidential election (National Campaign for Fair Elections. In the 2008 presidential election voters residing in minority areas in Hampton Rhodes, Virginia received anonymous flyers with the state seal, indicating that Republicans would vote on Tuesday and Democrats on Wednesday (Walker, 2008).

35 National Network for Election Reform, Deceptive Practices and Voter Intimidation 1.0 as cited in Daniels (2010).
Additionally, in 2002 anonymous fliers were posted in some African-American neighborhoods with the heading “URGENT NOTICE.” The fliers listed the wrong date for Election Day and warned that parking tickets and overdue rent had to be paid before voting (Libit and Craig, 2002; Siegel, 2002).

Beyond suppressing turnout in a particular election, the cumulative effects of suppression and intimidation tactics may be far more detrimental. According to a study conducted by the Pew Research Center, in 2006 skepticism toward the electoral process had increased dramatically among African Americans since the 2004 election. The percentage of African American voters who believe their votes will be accurately counted decreased from 47 percent in 2004 to 30 percent in 2006. Further the percentage of African American voters who expressed little or no confidence in voting procedures had nearly doubled from 15 percent to 29 percent. “Skepticism is especially pronounced in poor Black neighborhoods because these communities are often disproportionally affected by problems with machines and the number and training of poll workers. When problems do occur in these areas, they occur against a historical backdrop of voter suppression” (Rev. DeForest B. Soaries, chairman of the United States Election Assistance Commission as cited in Urbina, 2006). Although HAVA was passed in 2002 to address procedural issues that arose during the 2000 Presidential election (Powell and Slevin, 2004) there were still procedural issues during the 2004 Presidential election that no doubt contributed to the lack of trust felt by the African American population as reported in the 2006 Pew study.
In the state of Ohio, a crucial battleground state during the 2000 presidential election, poorly distributed voting machines resulted in many voters in Democratic wards experiencing five hour waits prior to voting, some voters reported pushing the button to vote for Democratic Presidential nominee John Kerry and watched their votes jump to the column for Republican Presidential nominee George Bush and poorly trained poll workers gave faulty instructions to voters that led to the disqualification of thousands of provisional ballots (Powell and Slevin, 2004). Estimates suggest that due to the problems in Ohio, 5,000 to 15,000 would be voters were turned away without casting a ballot.

Although the lost votes would not have changed the outcome of the election,36 “the legitimacy of [an] electoral system does not only depend on facial compliance with election laws or America’s ability to conduct general elections” (Stringer, 2008, p. 1021). “A legitimate political institution must also be able to meet the reasonable expectations of diverse constituents who consent to the institution’s authority” (Cassinelli, 1957 as cited in Stringer (2008)) and “requires the government to communicate election laws and procedures to its stakeholders and apply them consistently across different voting precincts” (Stringer, 2008, p. 1021). “In other words, the voting system becomes corrupted not only when the laws are repeatedly broken but also when voters perceive that they are being victimized by a voting system that is vulnerable to coercive and discriminatory effects” (Stringer, 2008, p. 1021).

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36 Former President Bush had 118,000 popular votes over John Kerry.
Conclusion

The findings from the individual level models suggest that the SES model of turnout is still relevant in a contemporary context. In both Presidential and midterm elections, when controlling for income and education, African Americans voted at a higher rate than their white counterparts (Figure 2.2). The models that incorporate the interaction between race and education (Tables 2.6 and 2.7) further support this assertion by demonstrating that the variation in the effect education on turnout that exists for Blacks and whites is statistically significant. Similar findings are presented in Tables 2.8 and 2.9 where we see when controlling for other individual level characteristics that have demonstrated having an effect on turnout in the voting literature, African Americans consistently vote at higher rates than similarly situated whites. Once the interactions between income and race and education and race are included in the model, the findings suggest that the variation in both the effect of income and education on turnout among Blacks and whites is significant (Tables 2.10 and 2.11). The one inconsistency that appears in the individual level models that test the direct relationship between race and turnout, is during the 2008 Presidential election. In the models that estimate the effect of race on turnout (Table 2.2 & Table 2.3) it is only during this electoral competition that African American turnout is higher than that of whites (Figure 2.1). Because there was an African American presidential candidate, Barack Obama, this finding may suggest evidence of a race (descriptive representation or group consciousness) effect during the 2008 Presidential election. However, prior to assuming that the increase in African American voter turnout was wholly attributable to Barack Obama’s race and racial
salience, other candidate characteristics should be taken into consideration. The experience of Jessie Jackson has taught us that race alone is not enough (Tate, 1991). Further, once other variables and the interactions are taken into consideration the effect of race on turnout is consistently positive and significant during the 2008 Presidential election.

Of the voting policies covered in the multilevel analysis, only Election Day registration, computerized voter registration databases, early voting and voter registration closing date were significantly related to the individual vote decisions of African Americans during the midterm and Presidential elections held from 1996-2008. The analysis confirms the assertion that policy does in fact shape behavior. Although none of the voting rules included in this analysis have a consistent effect on voter turnout, the contribution of the empirical research presented here is to demonstrate that voting rules can and do affect the turnout of the African American population and not necessarily in anticipated ways.

Powell (1996) suggests voting is influenced by intuitional factors including the rules for registration and voting. This analysis has shown that rules for registration and voting can both increase and decrease the voting probability of the African American population. Those that facilitate voting (Election Day registration and computerized voter registration database) are associated with the registration process, the first state of voting. With respect to voter registration closing date, the contrary is true. For African Americans providing additional weeks to register prior to the election does not necessarily increase the probability of voting. This runs contrary to notion that, “The
more permissive the registration laws, the lower the time, energy and informational cost of voting” (Wolfinger and Rosenstone, 1980, p. 80). Reducing the cost of voting by proving additional time to register and vote does not consistently facilitate turnout. During the 2006 midterm election African Americans residing in states with early (in person) voting had a lower probability of voting than those that did not.

The variation in the significance of the voting rules may be answered by additional characteristics of each election that can facilitate or suppress turnout (Harder and Krosnick, 2008) that are not currently included in the HGLM models. Political climate, mobilization efforts by the Democratic and Republican Party and various civil rights or nonprofit groups, individual voting history along with interest in political participation, political knowledge and ideology are additional individual characteristics that are not accounted for by this analysis in its present form. These institutions are important factors in explaining turnout in elections (Southwell and Pirch, 2003) and would contribute to explaining the inconsistent significance of the state voting policies.
Chapter Three

FEOLNY DISENFRANCHISEMENT AND AFRICAN AMERICAN TURNOUT

Disenfranchiseent History

“Felony disenfranchisement is the practice of removing the right to vote upon conviction for a felony level offense” (Uggen, Behrens, Manza, 2005, p. 307). As a practice, felony disenfranchisement has roots that stretch back to Roman Law (Pettus, 2005). The presence of felony disenfranchisement as a part of the American legal system is a result of English colonization. During the colonization of what would eventually become the United States, the English brought with them much of their legal tradition. This legal tradition included the imposition of civil disabilities on criminals (Pettus, 2005; Reiman, 2005) such as the forfeiture of property, the corruption of blood, and the loss of civil rights. The infliction of the above civil disabilities meant the lawbreaker had no legal status and his descendants were not permitted access to any inheritance (Pettus, 2005). Following the American Revolution, the newly formed states rejected some of their legal tradition. However, from 1776 to 1821 eleven states retained provisions in their state constitutions denying voting rights to convicted felons or giving power to their state legislature to do so. Between 1865 and 1900 eighteen states adopted laws restricting

37 Civil Disabilities refers to a condition of a person who has had a legal right or privilege revoked as a result of a criminal conviction.
38 Corruption of the Blood arises from being condemned for a serious capital crime (felony or treason). It entails losing not only one’s property and hereditary titles, but typically also the right to pass them on to one’s heirs (Black’s Law Dictionary, 2009).
the voting rights of criminal offenders. Prior to the Civil War, 19 of the 34 states excluded felons from the franchise.

Campaigns to disenfranchise African Americans invoked racial disparities in incarceration as evidence that African Americans were unworthy of assuming the full rights and duties of citizenship (Uggen, Manza, Behrens, 2003, p. 51). During the 1821 New York State Legislature debate over a measure to disenfranchise African Americans Colonel Samuel Young asserted,

“The minds of Blacks are not competent to vote. They are too degraded to estimate the value, or exercise with fidelity and discretion this important right. It would be unsafe in their hands. Their vote would be at the call of the richest purchaser. If this class of people should hereafter arrive at such a degree of intelligence and virtue, as to inspire confidence, then it would be proper to confer this privilege upon them. At present emancipate and protect them; but withhold that privilege which they will inevitably abuse. Look to your jails and penitentiaries. By whom are they filled? By the very race, whom it is now proposed to clothe with the power of deciding upon your political rights.” (As cited in Malone, 2008).

Following the Civil War, states in the South expanded their voting restrictions on the felon population. This included the extension of disenfranchisement laws to include crimes not previously included (Keyssar, 2000, 131; 356-364). At the same time states expanded the criminal codes to punish offenses that they believed freedmen (former slaves) were most likely to commit, including vagrancy, petty larceny, miscegenation, bigamy, and receiving stolen goods (Ewald, 2002, 1088-1089).

During the Jim Crow Era states enacted felon voting bans alongside literacy tests and poll taxes. The legal barriers employed (including literacy tests, residency requirements, grandfather clauses, and poll taxes) while facially race-neutral, were
designed to prevent African Americans from voting (Keyssar, 2000; Ewald 2002, Behrens 2004). Additionally, despite the newfound voting eligibility, freedmen remained practically disenfranchised as a result of organized efforts to prevent them from voting. Violence and intimidation ran rampant. Following the passage of the Fourteenth and Fifteenth Amendments, Democrats from the southern states sought to solidify their hold on the region by modifying voting laws to exclude African Americans from the polls (Wood and Trivedi, 2007).

The United States Constitution does not contain an explicit “right to vote”, nor does it require elections to be held or set qualifications for voters. Instead, it prohibits discrimination in allocation of the franchise based on race, sex, and to a limited degree, age. Therefore, while the right to vote is not expressly guaranteed, once governments decide to hold elections, adult citizens are understood to have a right to participate equally with other adult citizens in those elections. Furthermore, the Supreme Court has repeatedly spoken of a right to vote, calling it “fundamental” and saying that “no right is more precious in a free country” (Harper v. Va. Bd of Elections, 1966; Wesberry v. Sanders, 1964 as cited in Parkes, 2003, p. 85).

The Fourteenth Amendment, Section Two states,

“Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation
therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.” (Library of Congress, Retrieved from www.loc.gov on December 1, 2009).

Unlike the Fifteenth Amendment which eliminated a state’s ability to deny access to the franchise solely based on race by stating, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,” section two of the Fourteenth Amendment sought to prevent states from excluding Blacks from the franchise, while still allowing states to regulate elections (Reiman, 2005). To not infringe on state’s rights, the Amendment did not guarantee the right to vote to all citizens, but instead stated, “when the right to vote…is denied to any of the male inhabitants of [a] state…, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one year of age in a state” (Fourteenth Amendment of the United States Constitution as cited in Reiman, 2005, p. 5). The language of the Fourteenth Amendment and its acceptance of felony disenfranchisement statutes allowed southern states to pass laws denying the right to vote to people convicted of crimes; particularly crimes believed to be committed primarily by Blacks. South Carolina, Mississippi, Louisiana, Alabama and Virginia quickly amended their constitutions to include disenfranchisement provisions that targeted Blacks (Reiman, 1995).

Consequently, because patterns of law enforcement have changed over the years, the number of felons convicted has greatly increased and because a large percent of those
convicted are Black, the policy of felony disenfranchisement sharply reduces the voting rights of African Americans. Thus, a constitutional provision designed in 1868 to improve the political representation of Blacks has turned out…to have precisely the opposite effect (Fletcher, 1999, p. 1901).

Although some voting provisions were overturned because of their link to racism, in instances where states have reaffirmed or reenacted them without explicit racist intent, they have survived judicial review (Reiman, 2005). This trend to target Blacks through criminal sanctions has remained consistent, “for the same criminal behavior, poor and/or non-white people are more likely to be arrested; if arrested, they are more likely to be convicted; if convicted, they are more likely be sentenced to prison; if sentenced to prison, they are more likely to be given longer terms, than well off and/or white people” (Reiman, 1995, p.135).

**Perspectives on Felony Disenfranchisement**

In spite of racial disparities that exist in criminal prosecution, conviction, sentencing and disenfranchisement, proponents of disenfranchisement reference two major arguments in support of felony disenfranchisement: preserving the “purity of the ballot box” and maintaining social order. Preserving the “purity of the ballot box”; implies that the “untrustworthy” must not be allowed to vote simply because they are “untrustworthy” [and] that disenfranchising offenders is a “form of punishment” (Ewald, 2004, p.110; Thurgood Marshall dissenting opinion, Richardson v. Ramirez).

Specifically, offenders who by nature are untrustworthy would vote subversively at the ballot box, if given the opportunity.
Subversive voting implies that felons would use their right to vote to weaken criminal law, forming an “anti-law enforcement voting bloc” (Clegg, 2001). This notion that felons would somehow use their voting power to corrupt existing law enforcement institutions by voting for policies that help criminals is one that was reiterated in *Green v. Board of Elections*. In 1967 Judge Friendly wrote,

“It can scarcely be deemed unreasonable for a state to decide that perpetrators of serious crimes shall not take part in electing the legislators who make the laws, the executives who enforce these, the prosecutors who must try them for future violations, or the judges who are to consider their cases. This is especially so when account is taken for the heavy incidence of recidivism and the prevalence of organized crime. A contention that the equal protection clause requires New York to allow convicted mafiosi to vote for district attorney or judges would not only be without merit but as obviously so many things can be” (Green v. Board of Elections, 380, F. 2d 445 (2nd Cir. 1976) as cited in Parkes, 2003).

Although it may be reasonable for, “a state to decide that perpetrators of serious crimes shall not take part in electing the legislators who make the laws” (Friendly, 1967 as cited in Parkes, 2003), the probability of a group of felons and ex-felons successfully altering the laws to make them pro-crime is highly unlikely (Mauer, 2002). Essentially, this view purports that ex-felons would vote for and support policies that aid criminals in the commission of crimes and “thwart the legitimate interests of otherwise law abiding members of the community” (Mauer, 2002, p. 42) and that they, the ex-felons themselves, have no interest in being law abiding members of society, thereby enforcing the stereotype of, “once a criminal, always a criminal.”

The second argument used by proponents of felony disenfranchisement is a need to preserve the social order. In this regard, convicted felons should be barred from the
right to vote because “the right to political participation should be conditioned on some kind of behavior or contribution” (Ewald, 2004, p. 119). Allowing people lacking the requisite qualities to participate threatens the social order. This rationale implies that a felon who has served his debt to society during incarceration has not done enough to be allowed back into the franchise. Felons in essence have rejected the social order, which confers the right of the whole to govern the parts and consequently the parts should not be allowed to participate in the governance of the whole (Silber, 2000).

While one may associate a violation of the law that leads to incarceration with a complete rejection of the social order, Gezairi (2004) after interviewing voting inmates in Maine and Vermont concluded that prisoners’ political concerns “mirror those of other Americans.” Further, Casper (1972) found that, with few exceptions, all [convicted felons] “believed that they had done something “wrong” that the law they violated represented a norm that was worthy of respect and that ought to be followed (p. 146). Casper’s defendants suggested that they understood, “the idea of reciprocity upon which the law is based” (Casper, 1972, p.148).

The findings from the aforementioned studies suggest that disenfranchisement policies are counterintuitive to the goal of rehabilitation. Barring an individual from the franchise who has paid his debt to society does not create conditions under which the offender can gain a sense of obligation to the community (Mauer, 2002). Individuals who feel more connected to the community are less likely to victimize others (p. 43). As Thurgood Marshall stated in his dissent of Richardson v. Ramirez (418 U.S. at 78),

“[Ex-offenders]…are as much affected by the actions of government as any other citizen, and have as much of a right to participate in
governmental decision-making. The denial of a right to vote to such persons is a hindrance to the efforts of society to rehabilitate former felons and convert them into law-abiding and productive citizens” (As cited in Mauer, 2002).

Although it may be stated that prisoners have too large of a stake in the criminal justice system to be neutral on issues, Fletcher (1999) suggests that the responsibility to be neutral does not fall on the citizens but on the government itself. “Bias does not disqualify people from voting. Indeed voting is precisely about expressing biases, loyalties, commitments, and personal values. Excluding from the electorate those who have felt the sting of the criminal law obviously skews the politics of criminal justice toward one side of the debate” (p. 1985).

**The Consequences of Mass Incarceration**

Since the Voting Rights Act (VRA) was amended in 1982, several federal circuit cases (*Hayden v. Pataki; Johnson v. Governor of the State of Florida; Farrakhan v. State of Washington*) have directly addressed whether Section 2 of the VRA should apply to felon disenfranchisement statutes. Section 2 of the Voting Rights Act of 1965 prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in a language minority group (U.S. Department of Justice; www.justice.gov). The outcomes of these cases have serious implications. If such challenges are permitted to proceed and plaintiffs can successfully prove that these laws result in a racially disparate impact, the states where felon disenfranchisement has the most racially disparate effects could see their statutes declared impermissible (Handelsman, 2005, p.1912).
It is no secret that the population of inmates does not reflect the racial composition of the United States as a whole. Rather, it consists of disproportionately large numbers of African American and Hispanic people (Parkes, 2003, p. 97). In 2007 thirty-eight percent of prison inmates were African American and twenty-one percent were Hispanic/Latino, compared to 12.3 percent and 13.8 percent of the general population, respectively (U.S. Census Bureau, 2007; West and Sabol, 2009). Although the intended consequences of today’s felony disenfranchisement policy may not have been to reduce minority voting power, this has in fact been one of the consequences of felony disenfranchisement policy in the United States. As of 2002, two percent of the adult population in the United States cannot vote as the result of a current or previous felony conviction (Mauer, 2002).

Of the felon populations, African American men have experienced the greatest loss of voting rights, with one in six currently disenfranchised due to a felony conviction (Manza and Uggen, 2004). Following civil rights challenges regarding felony disenfranchisement laws, several states have changed their laws to include the return of voting rights to certain segments of the disenfranchised population. Felony disenfranchisement policies in the United States fall into one of six categories: no disenfranchisement, voting rights restored automatically after release from prison, voting rights restored after release from prison and discharge from parole (probationers may vote), voting rights restored after completion of sentence (incarceration, parole,
probation\textsuperscript{39}), permanent disenfranchisement for certain felony offenses and permanent
disenfranchisement for all felony convictions. Table 3.1 lists the variation in state felony
disenfranchisement policies.

Since 1997, nineteen states have reformed their laws to expand the franchise to
ease voting rights restoration procedures (King, 2008). Nine states repealed or amended
lifetime disenfranchise\textsuperscript{ment} laws, two states expanded voting rights to persons under
community supervision, five states eased the restoration process for persons seeking to
have their voting rights restored after the completion of a sentence and three states
improved data and information sharing. From these policy changes it is estimated that
760,000 persons have regained the right to vote (King, 2008, p. 2). In spite of these
changes, “an estimated 5 million citizens [were] ineligible to vote during the November
2010 midterm election, including nearly 4 million who live in states that still prohibit
persons on probation, parole and/or people who have completed their sentences from
voting” (Porter, 2010, p. 3).

Although felony disenfranchisement laws are race neutral on the surface,
historical and contemporary disparities have led to the assertion that race underlies the
practice of felony disenfranchisement (Manza and Uggen, 2004). When conducting an
event history analysis of state laws from 1850 to 2002, Behrens, Uggen and Manza
(2003) find that states with larger proportions of nonwhites in their prison populations
were more likely to pass more restrictive laws, after controlling for the effects of time,

\textsuperscript{39} Also includes states that require a waiting period following the completion of sentence prior to rights
restoration.
region, economic competition between Blacks and whites, partisan control of the
government and punitiveness.

The incarceration rate of African Americans today is about seven times that of
whites (West and Sabol, 2009), consequently African Americans are still significantly
over-represented in the disenfranchised population. The Bureau of Justice Statistics
reports that if current incarceration rates remain unchanged, 6 percent of white men and
32 percent of Black men can expect to serve time in prison during their lifetime (Bureau
of Justice Statistics, Criminal Offender Statistics at
http://www.ojp.usdoj.gov/bjs/crimoff.htm, retrieved October 14, 2009). In 14 states more
than one in ten African Americans may not vote due to a felony conviction, and four of
those states disenfranchise more than 20 percent of the African American voting age
population (Manza and Uggen, 2004).

In addition to the disenfranchised population, a number of ex-felons may not be
voting because they are under the mistaken belief that they are permanently
disenfranchised due to their felony conviction. Consequently, ex-felons who may be
eligible to vote are voluntarily eliminating themselves from the franchise because they
misunderstand the laws in their state. Taking this de facto disenfranchisement into
consideration, estimates of the disenfranchised population may not assess the full impact
of felony disenfranchisement laws (Hoffman, 2003; Manza and Uggen, 2004).

New evidence indicates that the disenfranchisement effect may extend beyond the
legally disenfranchised and de facto populations. A study of voter turnout shows that, “in
Table 3.1. Felony Disenfranchisement Policy in the United States

<table>
<thead>
<tr>
<th>No disenfranchisement for people with criminal convictions</th>
<th>Voting rights restored automatically after release from prison</th>
<th>Voting rights restored automatically after release from prison and parole (probationers may vote)</th>
<th>Voting rights restored upon completion of sentence, including prison, parole, and probation</th>
<th>Permanent disenfranchisement for at least some people with criminal convictions, unless government approves individual rights restoration</th>
<th>Permanent disenfranchisement for all people with felony convictions, unless government approves individual rights restoration</th>
</tr>
</thead>
</table>

the most restrictive states voter turnout is lower, particularly among African Americans, even among persons who are not themselves disenfranchised as a result of felony conviction” (Mauer, 2004a, p. 615). “This may be a result of the communal nature of voting. Voting as a civic duty is a task we engage in with our families and communities. Family members often talk of electoral prospects at home, drive to the polls together, and

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40 In New York, individuals on parole may have their voting rights restored by a Certificate of Relief from Disabilities or a Certificate of Good Conduct.

41 Under Arkansas law, failure to satisfy legal financial obligations associated with convictions may result in post-sentence loss of voting rights.

42 Nebraska imposes a two-year waiting period after completion of sentence.

43 Under Washington law, failure to satisfy legal financial obligations associated with convictions may result in post-sentence loss of voting rights (Repealed in 2009—voting rights restored for citizens who exit criminal justice system, but still have outstanding financial obligations).
see their neighbors there. But when substantial numbers of people in a community are legally unable to participate in this process, it is likely to dampen enthusiasm and attention among others as well” (Mauer, 2004a, p. 616).

Baker (1993) suggests, “laws that take away a prisoners’ right to vote have a crippling effect on so-called minority communities attempts at political empowerment…So-called minorities are more likely than whites to be incarcerated when convicted of the same crimes…Allowing prisoners to vote would be a plus for Black and Hispanic ambitions-and may be that is why it is not allowed” (as cited in Shapiro, 1999, p. 566).

Communities with high rates of people with felony convictions have fewer votes to cast. All residents of these neighborhoods, not just those with a felony conviction, become less influential than residents of more affluent neighborhoods. Emerging research also suggests that since voting is essentially a communal experience, disenfranchisement laws may affect voter turnout in neighborhoods of high incarceration even among people who are legally eligible to vote. (Mauer, 2004a).

Disenfranchisement laws are also affecting a large segment of the younger population. The increasing tendency to charge juveniles with adult crimes is causing a greater number of 16 and 17 year olds to lose the right to vote, in some cases permanently before they are even able to cast their first ballot (Mauer, 2004b). Take for example the case of an 18 year old convicted of a one-time drug sale in Virginia who successfully completes a court-ordered treatment program and is never arrested again; this individual
has permanently lost his voting rights unless he receives a gubernatorial pardon (Mauer, 2002, p. 40).

Although all states have a process available for felons to regain their voting rights, this process can be complicated and expensive. The state of Alabama for example requires ex-felons to seek a pardon from the Board of Pardons and Paroles, but also must provide a DNA sample (Allard and Mauer, 2000). Several states require a 5-10 year waiting period before an ex-felon can petition the state to have his/her voting rights restored. In Mississippi ex-felons must either secure an executive order from the governor or convince a state legislator to introduce a bill on his/her behalf, obtain a two-thirds majority in the legislature and have it signed by the governor (Fellner and Mauer, 1998).

In 2002, Uggen and Manza posed the question, “has felony disenfranchisement had meaningful political consequences in past elections?” They suggest that the possibility of felony disenfranchisement influencing electoral outcomes is related to changes in criminal justice over the past 30 years. For a 50 year period (1920s to 1970s) the goal of incarceration was the rehabilitation of prisoners. During this period the incarceration rate in the United States was approximately 110 prisoners for every 100,000 people. However, the prison model began to shift in the 1960s as more punitive criminal justice policies were promoted. By the mid-1970s there was strong support for punitive strategies of deterrence and incapacitation, dismissing the rehabilitative model (Uggen and Manza, 2002). The use of more punitive strategies over the past 30 years has resulted in an increase in felony convictions, incarceration and felony disenfranchisement. Since
1970, the number of state and federal prisoners has grown from fewer than 200,000 to 2.3 million in 2008 (U.S. Department of Justice, 1973; 2008).

Using data from the Current Population Survey Registration and Voting Supplement and the National Election Study to estimate turnout and the voting preferences of convicted felons and data from the *Sourcebook of Criminal Justice Statistics* and *Correctional Populations* series, *Probation and Parole in the United States, and Prison and Jail Inmates at Mid-year* to estimate the disenfranchised population, Uggen and Manza (2002) find that their hypothetical felon voters have a strong preference for Democratic candidates in presidential and senatorial elections. Specifically, Democrats would have received 7 of every 10 votes cast by felons and ex-felons in 14 of the last 15 U.S. Senate election years from 1972 to 2000. They contend that the Democratic Party would have gained control of the Senate from 1986 to 2000, which would have resulted in several important policy consequences: the Clinton administration may have been able to gain approval for a greater proportion of its federal justice nominees, and key Senate committees would have shifted from Republican to Democratic control (Uggen and Manza, 2002, p. 794). Superficially, a potential shift in power may appear to support the concern that felons, who have a strong Democratic preference (Uggen and Manza, 2002) would use their voting power to influence criminal justice policy. However, if this is the case we also must assume that the Clinton administration and its federal justice nominees would make decisions that support the commission of crimes and that run contrary to the interests of law abiding citizens.
Further, when they use their estimates to look at the outcome of the 2000 Presidential election, they find that if disenfranchised felons had been allowed to vote, Gore’s margin of victory in the popular vote would have surpassed 1 million. If disenfranchised felons had been allowed to vote in Florida, Gore would have not only carried the state, but the election (Uggen and Manza, 2002, p. 792). In creating their estimates, Uggen and Manza (2002) estimate the disenfranchised population to be 35 percent ex-felons, 28 percent probationers, 9 percent parolees and 27 percent prison and jail inmates. Using these estimates they suggest that the disenfranchisement of only prisoners is unlikely to alter elections. However, when the number of prisoners is combined with non-incarcerated felons (ex-felons, probationers and parolees) the impact of felony disenfranchisement is greatly increased.

With all of the changes that have occurred and continue to occur in the realm of felony disenfranchisement it is important to examine the public’s opinion of felony disenfranchisement. There have been two national studies that have examined this issue: Pinaire, Huemann and Bilotta (2003) and Manza, Brooks and Uggen (2004). Pinaire, Huemann and Bilotta (2003) hypothesized that the “right to vote” would be perceived as one of the most important rights in a democracy, but expected public support for the “right to vote” to diminish when convicted felons were considered. Using a national telephone survey, they found that although there was no consensus as to when the right to vote should be restored, 81.7 percent of the sample felt that felons should regain their right to vote at some point. 9.9 percent felt felons should never lose the right to vote, 31.6 percent felt felons should lose the right to vote only while incarcerated, 5 percent felt
felons should lose the right to vote only while on parole or probation and 35.2 percent felt felons should lose the right to vote while incarcerated, on parole or on probation.

Manza, Brooks and Uggen (2004) conducted a national telephone survey with 1,000 adult respondents. The authors sought to measure the effect of the status of convicted criminals (prisoners, probationers, parolees or ex-felons) and variability in the types of crimes committed on public attitudes toward disenfranchisement. Manza, Brooks and Uggen (2004) find that 80 percent of respondents supported restoring voting rights to ex-felons (those with no official contact with the criminal justice system), 68 percent supported restoration for probationers, 60 percent supported restoration for parolees and 31 percent supported the restoration of voting rights for individuals that are incarcerated. When looking at the category of crime committed, they find that 63 percent of respondents support restoration for white-collar offenses, 66 percent support restoration for violent offenses and 52 percent support restoration for sex crimes. Although varied, the percentage of the sample that endorsed the restoration of rights for felons and ex-felons, suggest that the American public does not consistently support the disenfranchisement of felons and ex-felons alike.

Denying citizen law-breakers the right to vote sends the message that those who commit serious breaches are no longer valued members of the community, but instead are temporary outcasts from our system of rights and democracy. More profoundly, it sends the unacceptable message that democratic values are less important than punitive measures ostensibly designed to promote order (Parkes, 2004, p. 83).
In this regard, John Rawls (1993) addresses the “fundamental function of self respect” which is “rooted in our self confidence as a fully cooperating member of society capable of pursuing a worthwhile conception of the good” (p. 318). The self confidence to which Rawls (1993) refers arises from our status of equal citizenship which is guaranteed by the fair value of the political liberties. In this way, the right to vote is fundamental not just in the pragmatic sense of enabling citizens to secure other rights, but also for its symbolic value. Disenfranchisement profoundly affects a person’s dignity and relegates him or her to the status of second-class citizen or even sub-human.

Shapiro (1993) notes that “the symbolic worth of enfranchisement should not be underestimated, because it is a mark of citizenship and participation with other members of society” (p. 565). Fletcher (1999) has argued that criminal disenfranchisement should be abandoned because it operates in the United States as a “technique for reinforcing the branding of felons as the untouchable class of American Society” (p. 1898). The effect of disenfranchisement can best be expressed by disenfranchised ex-felon, Joe Loya,

“Without a vote, a voice, I am a ghost inhabiting a citizens space…I want to walk calmly into a polling place with other citizens, to carry my placid ballot into the booth, check off my choice, then drop my conscience in the common box.” (Joe Loya, as quoted in Fellner and Mauer 1998 *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*).

The statement by Joe Loya directly addresses the perception that ex-felons as a class of citizen do not want to vote or fully participate in society. Further dispelling the notion that felons do not want to vote, Drucker and Barreas (2005) find that of felons (incarcerated, on probation and on parole) surveyed in New York, Ohio and Connecticut,
39.7 percent had voted prior to incarceration and 53.4 percent were planning on voting in the upcoming Presidential Election of 2004.

In addition to not feeling like a fully restored citizen, the consequence of political “ins” excluding and deciding the fate of the political “outs” hinders social and political evolution (Ely, 1980). Ely goes on to say, “we cannot trust the ins to decide who stays out, and it is therefore incumbent on the courts to ensure not only that no one is denied the vote for no reason, but also that where there is a reason (as there will be) it had better be a convincing one” (p.120).

**Investigating Felony Disenfranchisement in the United States: A New Perspective**

Traditionally, analyses that have investigated the relationship between felony disenfranchisement and turnout have focused on the way election results would change if all felons were given the right to vote. These analyses adhere to the assumption that the felon population would primarily vote Democratic, giving the Democratic Party an advantage in elections over the Republican Party (Uggen and Manza, 2002). Departing from this line of inquiry, this analysis will build upon already established explanations of turnout (race, SES, etc.) by incorporating the effect of the size of the African American disenfranchised population in a state on African American turnout in elections. This is important because disenfranchisement not only affects felons, but also the communities felons return to, potentially creating a norm of voter apathy (Richie, 2001; Simson, 2002; Mauer, 2004b). The felony disenfranchisement models incorporate individual level factors which have previously been identified as important predictors of voter turnout, state sociodemographic/economic variations and felony disenfranchisement policy
variations. Level 2 control variables for descriptive representation and region are also included. The felony disenfranchisement analyses includes the years for which disenfranchisement estimates are available, these years include the 2000 and 2004 presidential election years and the 1998 midterm election year.

The Felony Disenfranchisement Model

Because voting is a communal event (Mauer, 2004b), this research is interested in understanding how the disenfranchised population, once reintegrated into society, influences the voting behavior of the enfranchised population. Namely how does the percentage of a population in a state that is disenfranchised affect the voting participation of the enfranchised population? This question is especially important when looking at the interaction between the justice system and the political power of African Americans who are over-represented in the criminal justice system. Because African Americans are so heavily overrepresented in the criminal justice system, this analysis specifically investigates the relationship between the disenfranchised African American population in a state and the enfranchised African American population. To address this issue data on political participation come from the Current Population Survey Voting and Registration Supplement. The data on the disenfranchised population come from published literature. The Bureau of Justice Statistics does not calculate felony disenfranchisement, consequently, this analysis will rely on the disenfranchisement estimates calculated by
Uggen and Manza (2008), Uggen and Manza (2002) Uggen and Manza and Britton (1998) for 2004, 2000 and 1998, respectively.\footnote{Data on African American disenfranchisement has been estimated for only these election years. Consequently, 1996, 2002 and 2008 are excluded from the analysis.}

Given that the goal of this research is to identify the manner in which a state level phenomena affects individual level behavior a method of analysis is needed that simultaneously accounts for both individual and state variables. Thus, Hierarchical Generalized Linear Modeling (HGLM) is used to ascertain how the, state level, primary explanatory variable (disenfranchisement) affects the level one dependent variable (vote). Multilevel models are needed because the assumption of independence of all observations is violated when data are grouped by states; that is, observations from one state are generally more similar than the observations from another state. HGLM accounts for this while analyzing the interaction of key individual level factors with state-level measures. An analysis of felony disenfranchisement that focuses on the enfranchised population is a departure from the vast majority of disenfranchisement studies which primarily investigate what changes to the political environment would have occurred if all ex-felons were able to vote. However, given that felons once no longer incarcerated return to the general population of the state in which they reside, it is important to investigate how their inability to vote affects the political participation for the individuals who reside in the communities to which they return.

**Voter Turnout**

The dependent variable, voter turnout, is derived from the respondent’s response to the following question on the CPS (1996 to 2008), “In any election, some people are
not able to vote because they are sick or busy or have some other reason, and others do not want to vote. Did [you/another household member] vote in the election on November ___?” Binary coding is used for the dependent variable, individuals who reported voting are coded as one (1), individuals who reported not voting are coded as zero (0). Because the African American population is disproportionally affected by felony disenfranchisement the felony disenfranchisement models are estimated using responses from only the African American respondents included in the Current Population Survey (CPS).

The Felony Disenfranchisement Variable

The felony disenfranchisement variable is the percent of the Voting Age Population that is ineligible to vote due to a felony conviction. For this analysis, disenfranchisement is measured as the percentage of African American’s that are disenfranchised in each state\(^45\) (For description of disenfranchisement methodology see: Uggen, Manza and Britton (1998); Uggen and Manza (2002); Uggen and Manza (2008)).

As previously noted the CPS includes a vast array of independent variables that will be included in the analysis (see Chapter One). At the individual level these variables include: age, income, education, sex, marital status, employment, residential mobility, children and location. At the state level these variables include: African American disenfranchisement and descriptive representation in the state legislature. Descriptive representation is included to account for the effect of having elected representatives that

\(^{45}\) The African American disenfranchisement estimates for each state are calculated by dividing the number of African Americans in each state that are disenfranchised by the African American voting age population in a state.
are racially similar on turnout. Descriptive representation is measured as the percent of
the state legislature in each individual state that is African American. In many state level
analyses a regional dummy variable of “South” is included to account for the historical
structural racism perpetuated by the southern states (Uggen and Manza, 2008 p. 57; Key
1949). Instances of structural racism include slavery, literary tests, poll taxes, property
requirements to vote, etc. Following this tradition a variable “South” is included as an
additional state level variable. The distinction of South is given to those states that were
members of the Confederate South. These states include: Alabama, Arkansas, Georgia,
Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and
Virginia. These states are coded as one (1); all other states are coded as zero (0). Both the
number of African American State legislators and South are included to account for the
effect of descriptive representation on turnout and institutions in Southern states that
represent the sustained and systematic discriminatory treatment of African Americans.

The model for 1998, 2000 and 2004 is as follows\textsuperscript{46}.

\[ \eta = \beta_0 + \beta_1 \text{(Age)} + \beta_2 \text{(Age Squared)} + \beta_3 \text{(Income)} + \beta_4 \text{(Education)} + \beta_5 \text{(Male)} + \beta_6 \text{(Married)} + \]
\[ \beta_7 \text{(Children)} + \beta_8 \text{(Employment)} + \beta_9 \text{(Residential Mobility)} + \beta_{10} \text{(Urban Resident)} + \beta_{11} \text{(Rural Resident)} + \epsilon \]

and,

\[ \beta_0 = \gamma_{00} + \gamma_{01} \text{(Disenfranchisement)} + \gamma_{02} \text{(African American State Legislators)} + \gamma_{03} \text{(South)} + \epsilon \]

In 1998 two states North Dakota and Montana were dropped from the analysis

and in the 2000 and 2004 models one state (Vermont) was dropped from the analysis.

\textsuperscript{46} All multilevel level models are estimated using the Bernoulli Distribution in HLM6 where

\[ \text{Prob (Vote=1|} \beta) = \phi, \text{and Log}[\phi/(1- \phi)] = \eta \] where \( \beta \) denotes a set of independent variables where \( \eta \) measures the

probability of voting taking into account the level 1 and level 2 variables. All multilevel models are estimated using the

same parameters.
due to missing data (i.e. an inadequate number of Black respondents across all level
one predictors in a group (state)). The exclusion of these states due to inadequate data
is not surprising given that the actual Black populations in North Dakota, Montana
and Vermont varied from .3 percent to .6 percent according to the 1990 and 2000
Decennial Census (U.S. Census Bureau, 2000a; 1990; 2000b).

Table 3.2 presents the empirical test of the effect of African American felony
disenfranchisement on the turnout decisions of African Americans. Although, the
primary level two predictor, African American disenfranchisement is not significant
across all election years, disenfranchisement is significant during the presidential
election year of 2004 and the 1998 midterm election year. The negative and significant
relationship supports the initial hypothesis. Not only is there a relationship between
disenfranchisement and turnout but, this relationship is negative suggesting that, states
with higher percentages of African American disenfranchisement also have lower levels
midterm election, African Americans residing in states with higher rates of
disenfranchised African Americans were less likely to vote than identical African
Americans who live in states with lower rates of disenfranchised African Americans.

To better understand what these coefficients mean in terms of the estimated
probability of turnout for African Americans in these two elections, predicted
probabilities (P) were estimated for turnout by calculating predicted logits (L) and then
recalculating them into probabilities; since L=log(odds)=log(P/(1-p)), then P=e^L/(1+e^L)
(Snijders and Bosker, 1999). The probability estimations presented in Figure 3.1 suggest
that as the rate of disenfranchisement is increased in a state, turnout decreases.

Consequently, African Americans who live in states with larger disenfranchised African American populations are less likely to vote. As demonstrated in Figure 3.1 in both 1998 and 2004 when turnout is estimated with disenfranchisement set and the minimum and the maximum values, African American turnout decreases by 20 percent. In 1998 turnout decreased from 45.9 percent to 25.5 percent and in 2004 turnout decreased to 56.3 percent from 76.9 percent. Given that turnout is typically lower during midterm elections (Campbell, 1966; Wolfinger, Rosenstone and McIntosh, 1981; Jackson, 2000), the 20

<table>
<thead>
<tr>
<th>Variables</th>
<th>1998</th>
<th></th>
<th>2000</th>
<th></th>
<th>2004</th>
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<tr>
<td></td>
<td>β (se)</td>
<td>p&gt;</td>
<td>z</td>
<td>β (se)</td>
<td>p&gt;</td>
<td>z</td>
</tr>
<tr>
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<td>.000</td>
<td>.203 (.019)</td>
<td>.000</td>
<td>.207 (.018)</td>
<td>.000</td>
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<td>.098</td>
<td>.204 (.088)</td>
<td>.022</td>
<td>.323 (.067)</td>
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<td>.068 (.010)</td>
<td>.000</td>
<td>.025 (.011)</td>
<td>.026</td>
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<td>Age²</td>
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<td>.000</td>
<td>-.000443 (.000117)</td>
<td>.000</td>
<td>-.000047 (.000122)</td>
<td>.702</td>
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<td>Male</td>
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<td>.000</td>
<td>-.350 (.057)</td>
<td>.000</td>
<td>-.397 (.061)</td>
<td>.000</td>
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<tr>
<td>Married</td>
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<td>.397</td>
<td>.130 (.091)</td>
<td>.157</td>
<td>.084 (.081)</td>
<td>.299</td>
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<td>Children</td>
<td>-</td>
<td>-</td>
<td>.030 (.033)</td>
<td>.373</td>
<td>.061 (.042)</td>
<td>.143</td>
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<td>Residential Mobility</td>
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<td>.610 (.088)</td>
<td>.000</td>
<td>.543 (.062)</td>
<td>.000</td>
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<td>Urban</td>
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<td>.871</td>
<td>.156 (.113)</td>
<td>.169</td>
<td>.239 (.097)</td>
<td>.015</td>
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<td>Rural</td>
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<td>.223</td>
<td>-.045 (.195)</td>
<td>.815</td>
<td>.029 (.130)</td>
<td>.824</td>
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<td><strong>Level 2 Predictors</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disenfranchisement</td>
<td>-.039 (.013)</td>
<td>.006</td>
<td>-.020 (.013)</td>
<td>.139</td>
<td>-.027 (.009)</td>
<td>.007</td>
</tr>
<tr>
<td>Descriptive Representation</td>
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<td>.000</td>
<td>.044 (.012)</td>
<td>.001</td>
<td>.011 (.009)</td>
<td>.247</td>
</tr>
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<td>South</td>
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<td>.038</td>
<td>-.004 (.172)</td>
<td>.982</td>
<td>.045 (.150)</td>
<td>.764</td>
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<td>Constant</td>
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<td>.000</td>
<td>-.453 (.384)</td>
<td>.000</td>
<td>-.2798 (.279)</td>
<td>.000</td>
</tr>
</tbody>
</table>

**Intra-class correlation** 1.82 3.26 4.88

**Log likelihood function** -7.3283+003 -7.069e+003 -7.414e+003

**Level 1 N** 5153 4979 5280

**Level 2 N** 48 49 49

Note: The dependent variable is whether the respondent voted, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HLM6. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering around the mean.
percent decrease in turnout probability is perhaps most felt by the African American population in terms of seeing their policy preferences realized during midterm as opposed to presidential elections.  

Figure 3.1. The Predicted Effect of African American Felony Disenfranchisement on the Probability Voting (1998 & 2004)

Although felony disenfranchisement is not a significant predictor of turnout during each election year, the coefficient is consistently negative across all election years. This suggests that felony disenfranchisement can suppress the

---

47 Because there is no parallel measure of disenfranchisement for whites; a comparison analysis of the effect of white disenfranchisement on the enfranchised white population was not conducted.

48 All individual level explanatory variables at their mean, median or modal values. For 1998 the respondent is assumed to be a high school graduate or equivalent, female, not married, employed, reside in an urban area and have lived at their residence for less than five years (modal values). For 2004 the respondent is assumed to be a high school graduate or equivalent, female, not married, not have children, employed, reside in an urban area and have lived at their residence for less than five years (modal values). The variables age and income are held at their mean and median value, respectively. All states are not considered to be in the South (modal value). Descriptive representation is held at the mean value, varying the rate of disenfranchisement between the minimum, maximum and mean.
voter turnout of African Americans in presidential and midterm elections. There may be several reasons to explain this inconsistency. In this analysis, disenfranchisement is measured at the state level, however given that individuals live in neighborhoods an alternative measure of disenfranchisement (i.e. neighborhood or community disenfranchisement) may more accurately reflect an individual’s awareness of disenfranchisement and consequently suppress turnout. When an environment does not exist in which political engagement at the polls is feasible by a large number of its members, there is no need or interest in the discussion of politics. Additionally, the present analysis does not include a level one predictor designed to account for individual relationships with a disenfranchised felon.

Having a personal relationship with a felon who is not eligible to vote could both suppress and encourage turnout. An individual who returns to society, but does not believe their one vote will make any substantive difference, may share this way of thinking with others contributing to an environment of voter apathy. This sentiment is expressed by Henry, a parolee who had never been eligible to vote (as quoted in Uggen and Manza, 2004, p. 156):

“I’m not too involved [politically]. The reason I say that is ‘cause I feel one person doesn’t have enough power. It takes a group. A majority, you know? And I’ve kind of lowered my standards on how much to give off. I figure if I don’t count for much, why get involved, you know? But they say one can make a difference sometimes. So either way, you can look at it either way, but I look at it as I wouldn’t make a difference politically.”

A personal relationship may also foster turnout if the felon is one who believes in the power of the ballot and its ability to enact change and represent citizens:
“I take [voting] very seriously…This was the first year my son was able to vote, and he wasn’t going to and I literally put him in the car and took him to vote. I mean it was “You’re living in my house, you’re going to vote” kind of thing because I can’t, so…I’ve voted every time I can since I’ve been eighteen, and I think this is the worst, one of the worst things about being a felon, having a felony, is not being able to vote.” (Lynn a convicted felon who is not eligible to vote as quoted in Uggen and Manza, 2004, p. 156).

The decision to vote or take an interest in political matters is a personal one that varies across individuals both enfranchised and disenfranchised. In many instances however, convicted felons once reintegrated into society are not afforded the opportunity to have a say in their own political fate. Our criminal justice system is founded on ideas of rehabilitation and reintegration; however felony disenfranchisement policies run contrary to this and create a selective democracy in which all citizens are not created equal.

In comparison to other nations, felony disenfranchisement policies in the United States are some of the most severe in the world. Although there are exceptions, when compared to other nations, the United States is the only democratic country that systematically disenfranchises large numbers of non-incarcerated felons (those on probation or parole) (Ewald, 2002; Manza and Uggen, 2004). In France for example, courts can impose restrictions on voting rights, but these restrictions are a part of the original sentence and do not apply to ex-felons. In Germany, courts have the power to remove voting rights for up to five years after the completion of a sentence (Manza and Uggen, 2004). However, the use of this sanction is very rare (Demleitner, 2000). Additionally, the German legal system not only allows incarcerated felons to vote but
also requires that officials assist with and encourage the voter participation of the incarcerated (Fellner and Mauer, 1998).

The United Nations has two treaties that address the issue of voting rights: The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). Article 21 (1) of The Universal Declaration of Human Rights states, “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” Guevara and O’Conner (2007) suggest that the notion of “freely chosen” as expressed in the Declaration is, “connected not just to choice but also to the free exercise of that choice. For persons who are disenfranchised, there is no free exercise and no free choice, thus representing an additional sentence” (p. 135). Article 21 (3) of the Declaration and Article 25 (b) of the ICCPR require the will of the people be expressed, “in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote.” Article 26 also expresses that, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”

The ICCPR is enforced through the United Nations Human Rights Committee. In July 2006, the committee expressed concern regarding the 5 million United States citizens that cannot vote due to a felony conviction and the racial implications of this practice (U.N. CCPR, 87 Session, 2395 meeting, U.N Doc. CCPR/C/SR.2395, 2006, p. 11). The committee also stated, “[the] general deprivation of the right [to] vote for persons who have received a felony conviction, and in particular those who are no longer deprived of liberty, do[es] not meet the
requirements of Articles 25 and 26 of the Covenant nor the goal of rehabilitation as expressed in Article 10(3). The Committee also expressed concern that the recommendation made in 2001 by the National Commission on Federal Election Reform that all states restore voting rights to citizens who have fully served their sentences has not been endorsed by all states (U.N. CCPR, 87 Session, 2395 meeting, U.N Doc. CCPR/C/SR.2395, 2006, p. 11).

While other nations including Europe, Canada and South Africa have found that, “the government has no justifiable interest in stripping away the right to political participation for those who are incarcerated” (Guevara and O’Conner, 2007, p. 9) the United States continues to support felony disenfranchisement. Those American states that continue to permanently disenfranchise felons or impose difficult and costly measures to regain access to the franchise continually contribute to the ever increasing number of non-incarcerated citizens, particularly minority citizens who cannot vote.

**Voting and felony disenfranchisement policy**

The previous analyses sought to better understand the effect of race, state variations in voting policy and felony disenfranchisement on the individual vote decisions of the African American population. Chapter Two has shown that not only can voting policy directly affect individual political behavior, but that individual political behavior can also be influenced by the consequences of a criminal justice policy not directly geared toward facilitating or suppressing voter turnout. The individual level models demonstrated that African Americans do in fact still vote at a higher rate than
their white counterparts when controlling for socioeconomic indicators, although the difference in turnout between the two groups is not as great as many originally believed, with the highest difference of turnout, 15 percent, occurring during the Presidential election of 2008. Additionally, Chapter Two demonstrates that changes in voting policy have affected the individual voting behavior of African Americans. Policies including Election Day registration and the presence of a computerized voter registration database in a state facilitate turnout, while policies including closing date (the number of days prior to the election one has to register) and early voting have been shown to suppress the turnout of the African American population. Additionally, the models already presented in Chapter Three demonstrated that felony disenfranchisement does have the capacity to suppress the turnout of the African American population. What remains to be seen is the manner in which these two areas of policy simultaneously affect turnout. The models presented in the latter half of Chapter Three aims to answer that question.

As in the preceding chapters Hierarchical Generalized Linear Modeling is used to estimate the effect of state level conditions on individual behavior. The use of the multilevel model is appropriate because the research is concerned with how state level factors influence individual behavior. The multilevel models incorporate the significant individual level factors as established by the individual level models (see Tables 2.5 and 2.6), variations in state voting policy, felony disenfranchisement policy and measures sociopolitical context (descriptive representation in the state legislature and the geographic region of the state).

The complete model, incorporating all individual level factors, state voting policy variations and felony disenfranchisement\(^49\) policy and sociopolitical controls variables is as follows\(^50\):

\[
\eta = \beta_0 + \beta_1 \text{(Age)} + \beta_2 \text{(Age Squared)} + \beta_3 \text{(Income)} + \beta_4 \text{(Education)} + \beta_5 \text{(Male)} + \beta_6 \text{(Married)} + \beta_7 \text{(Children)} + \beta_8 \text{(Employment)} + \beta_9 \text{(Residential Mobility)} + \beta_{10} \text{(Urban Resident)} + \beta_{11} \text{(Rural Resident)} + \epsilon
\]

and,

\[
\beta_0 = \gamma_{00} + \gamma_{01} \text{(Election Day Registration)} + \gamma_{02} \text{(Closing Date Voter Registration)} + \gamma_{03} \text{(Early Voting)} + \gamma_{04} \text{(No Excuse Absentee)} + \gamma_{05} \text{(Photo Identification Requirement)} + \gamma_{06} \text{(Statewide Computer Registration Database)} + \gamma_{07} \text{(Disenfranchisement)} + \gamma_{08} \text{(African American State Legislators)} + \gamma_{09} \text{(South)} + \epsilon
\]

Because disenfranchisement is only available for 1998, 2000 and 2004, models incorporating disenfranchisement and the state voting policy variations are only estimated for those years. The models are presented in Table 3.3.

When combined, only felony disenfranchisement and Election Day registration are shown to significantly influence turnout. During the 1998 midterm election and the 2004 presidential election, felony disenfranchisement as measured by the disenfranchised African American population had a suppressive effect on African American turnout.

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\(^{49}\) The African American disenfranchisement estimates for each state are calculated by dividing the number of African Americans in each state that are disenfranchised by the African American voting age population in a state.

\(^{50}\) All multilevel level models are estimated using the Bernoulli Distribution in HLM6 where \(\text{Prob} (\text{Vote}=1|\beta)=\varphi\), and \(\text{Log}[\varphi/(1-\varphi)]=\eta\) where \(\beta\) denotes a set of independent variables where \(\eta\) measures the probability of voting taking into account the level 1 and level 2 variables. All multilevel models are estimated using the same parameters.
Thus, African Americans who live in states with a higher percentage of disenfranchised African Americans are less likely to vote. Although, this finding is not consistent across all elections covered in the analysis, it does demonstrate that under certain conditions the disenfranchised population can suppress the individual turnout decisions of the enfranchised African American population, in spite of state level provisions to facilitate

Table 3.3. The Effect of Voting Policy & Felony Disenfranchisement Policy on African American Turnout in Presidential Elections & Midterm Elections

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<th>Variables</th>
<th>1998</th>
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<td>p &gt; │z│</td>
<td>β (se)</td>
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<td><strong>Level 1 Predictors</strong></td>
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<td>.000</td>
<td>.203 (.019)</td>
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<td>(.000144)</td>
<td>-.000443</td>
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<td>.383</td>
<td>.134 (.092)</td>
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<td>-</td>
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<tr>
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<td>.605 (.453)</td>
</tr>
<tr>
<td>Closing Date</td>
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<td>.212</td>
<td>.012 (.008)</td>
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<td>-.208 (.186)</td>
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<td>No Excuse Abs.</td>
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<td>.770</td>
<td>-.006 (.158)</td>
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<td>Photo ID Requirement</td>
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<td>-</td>
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<td>Voter Registration Database</td>
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<td>.000</td>
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<td>.000</td>
<td>-4.888 (.447)</td>
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<td><strong>Level 2 N</strong></td>
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<td>49</td>
<td>49</td>
</tr>
</tbody>
</table>

Note: The dependent variable is whether the respondent voted, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HGLM6. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering on the mean.
turnout and individual factors that have been shown to facilitate turnout. Additionally, Election Day registration had a positive and significant influence on turnout during the 2004 Presidential election. Consequently, African Americans who lived in states that had Election Day voter registration provisions were more likely to vote.

To demonstrate what the coefficients presented in Table 3.3 translate to in terms of the estimated probability of voting, we turn to Figures 3.2 and 3.3. Predicted probabilities (P) were estimated by calculating predicted logits (L) and then recalculating them into probabilities; since \( L = \log(\text{odds}) = \log(P/(1-p)) \), then \( P = e^L/(1+e^L) \) (Snijders and Bosker, 1999).

**Felony Disenfranchisement**

As reported in Figure 3.2, for 1998 the probability of turnout decreased from 60 percent to 32 percent and finally 15 percent when adjusting the rate of disenfranchisement from the minimum to the mean and then maximum for African Americans. For 2004 the probability of turnout decreased from 77 percent to 75 percent to 65 percent when adjusting the rate of disenfranchisement from the minimum to mean and then the maximum for African Americans. Notably, when moving from the minimum to maximum rate of disenfranchisement in 1998 the findings regarding the probability of turnout are more dramatic. Disenfranchisement has the greatest effect on African American turnout during the 1998 midterm election.

During midterm elections turnout/interest are typically lower when compared to presidential elections (Campbell, 1966; Wolfinger, Rosenstone and McIntosh, 1981; Jackson, 2000). The effect of felony disenfranchisement on turnout may be particularly
detrimental to the political preferences of African Americans, because it is during
midterm elections when a political party is in position to lose or gain control of the House
of Representatives, the Senate or both. The finding regarding disenfranchisement
demonstrates that in addition to the pre-existing low interest in midterm election years,
felony disenfranchisement is in a position to affect the individual turnout decisions of
African Americans and subsequently their ability to express their political preferences at
the polls. Further as demonstrated by the findings of Uggen and Manza (2002) the
absence of the felony vote can change the outcome of elections, this analysis
demonstrates that disenfranchisement has the ability to change the outcome of elections
on an additional front with the inclusion of those whose turnout decisions are indirectly affected and suppressed by African American felony disenfranchisement.

It is additionally during the 1998 midterm election that African Americans who lived in the South had a lower probability of turnout than those who did not. The same is true for the felony disenfranchisement analysis included earlier in this chapter and the voting policy analysis presented in Chapter Two. In this analysis as in others, the variable “South” is included to account for the structural racism that has historically

---

51 All individual level explanatory variables at their mean, median or modal values. For 1998 the respondent is assumed to be a high school graduate or equivalent, female, not married, employed, reside in an urban area and have lived at their residence for less than five years (modal values). For 2004 the respondent is assumed to be a high school graduate or equivalent, female, not married, not have children, employed, reside in an urban area and have lived at their residence for less than five years (modal values). The variables age and income are held at their mean and median value, respectively. All states are assumed not to have Election Day Registration, early voting, no excuse absentee or registration database and have a closing date of 30 days prior to the election, not be in the South (modal values). Descriptive representation is held at the mean value, varying the rate of disenfranchisement between the minimum, maximum and mean.
plagued the southern states (Uggen and Manza, 2008 p. 57; Key 1949). Structural racism implies that racism is a basic feature of the entire society, being structured into its political, social, and economic institutions (Spears, 1978, p. 129). Consequently, there are policies and practices built within institutions that purposely hinder and cause long term systematic race based inequality. Given that states with larger black populations have more severe disenfranchisement laws (Preuhs, 2001); it is within reason to believe that, when significant, felony disenfranchisement, which disproportionally affects African Americans, accounts for a portion of the variation in turnout that is mediated by structural racism.

**Election Day Registration**

Figure 3.3 presents the predicted probability of African American turnout when varying the presence of Election Day registration in a state. The predicted probabilities show that of the two years for which Election Day registration is significant and has a positive effect on turnout, the most dramatic difference in turnout decision for an African American in a state with Election Day registration when compared to an African American in a state that does not have Election Day registration occurs during the 2004 Presidential Election. During 2004 the predicted probability of turnout was 83 percent with EDR and 74 percent without EDR.
Election Day registration is a policy that allows an individual to both register and vote on Election Day essentially reducing the cost of the two stage voting process (registration and casting a ballot) that exists in the United States. Again, given that African Americans are a fairly transient population (between 33 percent and 34 percent of African Americans reported living at their current residence two years or less) and Election Day registration creates an opportunity to register and vote on the same day, the ability of Election Day registration to maintain a positive and significant influence on African American turnout is not surprising. Of the voting policy variations included in Chapter Two, Election Day registration is the only policy that maintains its

---

52 All individual level explanatory variables at their mean, median or modal values. For 1996 the respondent is assumed to be a high school graduate or equivalent, female, not married, employed, reside in an urban area and have lived at their residence for less than five years (modal values). For 2004 the respondent is assumed to be a high school graduate or equivalent, female, not married, not have children, employed, reside in an urban area and have lived at their residence for less than five years (modal values). The variables age and income are held at their mean and median value, respectively. All states are assumed not to have early voting, no excuse absentee or registration database and not be in the South. (modal values). For the predicted probabilities with EDR, closing date is set at 0. For the predicted probabilities without EDR closing date is set at 30 days (modal value) Descriptive representation and felony disenfranchisement are held at their mean value, varying the presence or absence of Election Day registration.
significant influence on African American turnout during Presidential and Midterm elections. Closing date for example, which was shown in Chapter Two to have a supressive effect on African American turnout during the 2000 presidential election is no longer significant. The variation in the significance of closing date in this chapter adds credence to the notion that additional structural and electoral factors have to be taken into consideration when assessing the effect of state policy on turnout.

**Conclusion**

The goal of Chapter Three was to investiage the effect of felony disenfranchisement on African American turnout and subsequently simultaneously evaluate the effect of felony disenfranchisement and the voting policies included in Chapter Two (Election Day registration, closing date, early (in person) voting, no excuse absentee, photo identification requirements, voter registration databases) on turnout. Of these Election Day registraion and felony disenfranchisment had an effect on turnout. During the 2004 Presidential elections, Election Day registion has a positve impact on turnout. During the 1998 midterm election and 2004 Presidential election disenfranchisement had a negative impact on turnoout. These finding suggest that 2004 African Americans who lived in states with enacted Election Day registration policies were more likely to vote than African Americans who lived in states that did not. In 1998 and 2004 African Americans who lived in states with larger populations of disenfranchised African American’s were less likely to vote. Both of these findings support the hypotheses that Election Day registration has a postive influece on turnout and the felony disenfranchisment has a negative influece on turnout.
Beyond Election Day registration and felony disenfranchisement which have a clear effect on turnout, those election policies that did not show any effect deserve consideration as well. Closing date, early voting, no excuse absentee, photo identification requirements and computer registration databases show no effect on turnout, this however does not mean they are not useful in the context of American elections. Although these policies are regulated by state governments and this is a state level analysis; individuals not only live in states they live in counties, cities, towns and neighborhoods. Consequently, while many of the policies do not produce a state level effect, that is not to say they do not have an effect on turnout. Individuals who live in counties, cities and neighborhoods across the United States may benefit from early voting, no excuse absentee, voter registration databases and relaxed closing date and identification requirements.

In the preceding chapters, the effect of race and the effect of variations in state policy on turnout were investigated for African Americans. The following chapter evaluates one specific policy area, voter registration requirements; specifically Election Day registration (EDR) policy and its effect on African American voter registration. Looking at the effect of EDR on registration is important because by registering an individual has signaled an interest in voting (Dale and Strauss, 2009). Given that EDR occurs on Election Day, would be voters are able to signal their intent and carry it out almost simultaneously with minimal lag time between registering for an election and casting a ballot.
Chapter Four

VOTER REGISTRATION REQUIREMENTS AND AFRICAN AMERICANS

Introduction

The analyses presented in Chapters Two and three have demonstrated that there is a relationship between policy and turnout. Although the relationships between voting policy, felony disenfranchisement policy and African American turnout are not consistent across every midterm or Presidential electoral contest, they can and do affect African American turnout. Of the voting policies considered in this research, Election Day registration is the only policy that once established as a significant predictor of turnout in the voting policy models presented in Chapter Two, remains consistently significant when evaluated in conjunction with felony disenfranchisment, as presented in Chapter Three. Because Election Day registration reduces the two stage process of voting to one stage thereby reducing the cost, the persistent positive significance of EDR which allows both the first and second stage to occur simultaneously makes sense. Under traditional registration and voting requirements, an individual is required to file a valid registration application. Filing the application requires the potential voter to acquire and understand information regarding registration requirements and deadlines. Consequently, in states where potential voters are provided less time to acquire the necessary information, register and subsequently vote; both voter registration and turnout may be lower.
Utilizing the 2008 Current Population Survey (CPS) registration and voting supplement, Lee (2010) finds that when controlling for race, education level, income and age individuals who live in states with Election Day registration (least restrictive) are more likely to register to vote than individuals in states with more restrictive (1-15 days prior to the election) and most restrictive (16-30 days prior to the election) voter registration deadlines. However, when looking at the interaction between registration deadlines and race Lee (2010) finds a differential effect across racial groups. She finds that all minorities and all minorities-not-part white in states with the most restrictive registration deadlines were more likely to register to vote during the 2008 Presidential election than their white counterparts. Additionally, when testing the effect of registration requirements on individual racial/ethnic groups, Lee (2010) finds that for individuals who identify as Hispanic or Latino registration requirements that allow for Election Day registration increase the likelihood of voter registration. Lee (2010) reports no effect on the likelihood of registration for African Americans when comparing the three types of registration requirements.

Given that registration has historically been more difficult than voting (Rugely and Jackson, 2009) the finding regarding minorities and registration is notably counterintuitive. Because registration deadlines that are closer to the date of the actual election allow last minute voters an opportunity to register, one would expect individuals who live in less restrictive and EDR states to be more likely to register because they are given more time to acquire the information necessary for registration. Of the racial groups used to create the minority category, the lack of a relationship between
registration requirements and voter registration for African Americans may occur because they have a different experience with Election Day registration. First, of those states that have Election Day Registration provisions, none are located in the South. Given that 47 percent of the Black population resides in ten southern states (Texas, Florida, Georgia, North Carolina, Maryland, Louisiana, Virginia, South Carolina, Alabama and Mississippi) (Census 2000 Brief, 2000) African Americans do not have the same access to EDR. Second, African Americans, particularly those in the South, may be motivated to register in spite of more stringent registration restrictions due to the history of Blacks and the franchise, notions of group solidarity, consciousness, etc. This is especially true for the 2008 Presidential election during which Democratic Party candidate was a Black man.

Similar counterintuitive findings were reported earlier in the dissertation regarding closing date and voter turnout for African Americans. In the 2004 Presidential election (Table 2.12) and the 2002 midterm election (Table 2.13) African Americans who lived in states with more restrictive voter registration deadlines were more likely to vote than those who lived in states with less restrictive deadlines. However, for the 2004 Presidential election, once the effect of closing date on turnout is evaluated in conjunction with another state contextual factor, felony disenfranchisement, the counterintuitive effect of closing date on turnout no longer exists (Table 3.3). In fact, the relationship between turnout and closing date disappears. As with the analysis included in Chapter Three, the finding regarding race and turnout reported by Lee (2010) may be explained by incorporating additional political, social or economic conditions. The
inclusion of additional state conditions may also explain the lack of a significant relationship for African Americans in 2008 as it relates to voter registration requirements and registration rates.

Building off the work of Lee (2010) this analysis will investigate the influence of voter registration requirements on African American voter registration for each Presidential and midterm election 1996-2008 utilizing the Current Population Survey (CPS) Voting and Registration Supplement. Because 2008 was a unique election during which there was an African American presidential candidate, the salience of the election may have been stronger, motivating African Americans to register regardless of the registration requirements in a state. Evaluating the effect of requirements on African American voter registration during a series of midterm and Presidential elections allows for a broader understanding of African American political behavior.

Dependent Variable

The CPS asked respondents, “Were you registered to vote in the November (date) election?” The dependent variable is derived from the respondent’s response to this question (1996 to 2008). Binary coding is used for the dependent variable; individuals who reported being registered are coded as one (1), those who did not, are coded as zero (0). Additionally, because one has to be registered to vote in the United States, respondents who reported voting in the election 1996-2008 are also coded as one (1) and included in the dependent variable. The dependent variable is then, all African American respondents who reported voting (coded as 1), all African American respondents who...
reported not voting, but reported being registered (coded as 1) and all African American respondents who reported not being registered (coded as 0).

**Independent (Level One) Variables**

The literature suggests that individuals who are young, recent movers, minorities, poor, male or single are less likely to register to vote (Rugeley and Jackson, 2009; Brown and Wedeking, 2006; Hill, 2003; Wolfinger and Hoffman, 2001; Erikson 1981). As previously noted the CPS includes a vast array of independent variables that will be included in the analysis. At the individual level these variables include: age\(^{53}\), income, education, sex, marital status, employment, and residential mobility.

**Hierarchical Generalized Linear Model for Presidential & Midterm Election Years**

To improve on the estimation presented by Lee (2010) Hierarchical Generalized Linear Modeling (HGLM) is used. Given that the goal of this analysis is to identify how a state level policy affects individual level behavior a method of analysis is needed that simultaneously accounts for both individual and state variables. Hierarchical Generalized Linear Modeling (HGLM) is used to ascertain how the, state-level; primary explanatory variable (registration requirements) affects the level one dependent variable (whether a respondent registered to vote in an election). Multilevel models are needed because the assumption of independence of all observations is violated when data are grouped by states; that is, observations from one state are generally more similar than the observations from another state. Consequently, we are able to identify how African

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\(^{53}\) In order to capture the non-linear relationship between age and registration, age-squared is included in the analysis (Ansolabehere, Hersh and Shepsle, 2010).
Americans who live in states with varying voter registration requirements are likely to behave in a given election.

**Independent (Level Two) Variables**

Unlike Lee (2010) who categorized registration requirements as most restrictive (16-30 days prior to the election), more restrictive (1-15 days) and least restrictive (EDR) the actual number of days prior to an election one must register will be included in the analysis. Using the actual number or days prior to an election an individual must register creates a more accurate picture of registration conditions. When utilizing a range, an individual who has to register 30 days prior to an election is considered to be under the same severity of registration restrictions as an individual who has to register 16 days prior to the election. In reality however, the individual whose registration deadline falls 16 days before the election has 2 additional weeks to register than the individual whose deadline is 30 days. A separate variable will be included for Election Day registration (EDR). States that did have EDR provisions in place at the time of the election are coded as one (1), states that did not are coded as zero (0).

To account for other political, economic and social conditions in the states that may influence African American voter registration, several state level controls will be included. These include: descriptive representation (the percent of the state legislature that is African American) and the geographic region of the state.

As with the preceding chapters, descriptive representation is included in the analysis. Although the primary focus of the descriptive representation literature is on
voting (Gurin, Hatchett and Jackson, 1989; Bobo and Gilliam, 1990; Tate, 1991; Vanderleeuw and Utter, 1993; Mansbridge, 1999; Tate, 2003; Banducci, Donovan and Karp, 2004), given the two stage nature of the American election process, one must register in order to vote. Descriptive representation is included to account for group solidarity or group consciousness that may motivate an individual to take interest in an election and participate. The variable South is included to account for the historically systemic and institutionalized practices in the South that excluded Blacks from access to the franchise.

The multilevel model for 1996-2008 is as follows\textsuperscript{54}.

\[ \eta = \beta_0 + \beta_1(\text{Income}) + \beta_2(\text{Education}) + \beta_3(\text{Employment}) + \beta_4(\text{Age}) + \beta_5(\text{Age}^2) + \beta_6(\text{Male}) + \beta_7(\text{Married}) + \beta_8(\text{Residential Mobility}) + \varepsilon \]

and,

\[ \beta_0 = \gamma_{00} + \gamma_{01}(\text{Election Day Registration}) + \gamma_{02}(\text{Closing Date}) + \gamma_{03}(\text{African American State Legislators}) + \gamma_{04}(\text{South}) + \varepsilon \]

**Registration Deadlines and African American Voter Registration**

Tables 4.1 and 4.2\textsuperscript{55} present the findings regarding voter registration requirements and the probability of voter registration for African Americans during Presidential and midterm elections 1996-2008. Looking at the results for both midterm and Presidential

\textsuperscript{54} All multilevel level models are estimated using the Bernoulli Distribution in HLM7 where \( \text{Prob (Vote=1)} = \varphi \), and \( \text{Log}(\varphi / (1 - \varphi)) = \eta \) where \( \beta \) denotes a set of independent variables where \( \eta \) measures the probability of voting taking into account the level 1 and level 2 variables. All multilevel models are estimated using the same parameters.

\textsuperscript{55} In 1998 two states (North Dakota and Montana) were dropped from the analysis and in the 2004 model one state (Vermont) was dropped from the analysis due to missing data (i.e. an inadequate number of Black respondents across all level one predictors in a group (state)). The exclusion of these states due to inadequate data is not surprising given that the actual Black populations in North Dakota, Montana and Vermont varied from .3 percent to .6 percent according to the 1990 and 2000 Decennial Census (U.S. Census Bureau, 2000a; 1990; 2000b).
election years from 1996 to 2008 both Election Day registration and closing date are not significant, the only exception being the 2004 Presidential election. During the 2004 Presidential election, Election Day registration is both positive and significant, suggesting that African Americans who lived in states with Election Day registration were more likely to register to vote than African Americans who lived in states without EDR provisions. Because the dependent variable includes both non-voters and voters the coefficient for EDR in 2004 may be capturing the effect Election Day registration on turnout, which as demonstrated in Chapter Two is positive and significant. Further, given that the motivation for registration among voters and non-voters may be different, what then happens to the findings regarding registration and EDR if voters are removed from the dependent variable and we only look at the registration behavior or non-voters?

Again the dependent variable is derived from the question, “Were you registered to vote in the November (date) election?” Binary coding is used for the dependent variable; individuals who reported being registered are coded as one (1), those who did not, are coded as zero (0). The dependent variable is then, all African American respondents who reported not voting, but reported being registered (coded as 1) and all African American respondents who reported not being registered (coded as 0). Investigating the relationship between voter registration rules and the probability of registration creates an opportunity to assess the relationship between registration and registration rules among non-voters. This line of inquiry is important because it allows us to ascertain what if any affect voter registration policy has on the registration decisions of non-votes.
Tables 4.3 and 4.4\textsuperscript{56} present the findings regarding voter registration requirements and the probability of voter registration for non-voting African Americans during Presidential and midterm elections. Looking at the results for both midterm and Presidential election years, Election Day registration is not significant. This would suggest that while Election Day Registration may facilitate the casting of a ballot for African American voters; easing registration requirements does not inspire registration among non-voters. Closing date however is positive and significant during the 2006 and 2008 elections. The finding regarding closing date suggests that during these election years African American non-voters who lived in states with closing dates further away from the registration deadline were more likely to register. A similar finding is reported in Chapter Two regarding closing date and African American voter turnout (Tables 2.12 & 2.13).

\textsuperscript{56} In 1996 Maine, Vermont, North Dakota and South Dakota were dropped from the analysis; in 1998 Vermont, North Dakota and Montana were dropped from the analysis; in 2000 Vermont, Montana and Utah were dropped from the analysis; in 2004 Vermont and Wyoming were dropped from the analysis; in 2006 South Dakota was dropped from the analysis and in 2008 Montana was dropped from the analysis. The exclusion of these states is due to inadequate level one observations at level 2 (the state). The Black populations in each of these states varied from .3 percent to .8 percent according to the 1990 and 2000 Decennial Census (U.S. Census Bureau, 2000a; 1990; 2000b).
Table 4.1. The Effect of Registration Deadlines on African American Voter Registration in Presidential Elections (1996-2008)

<table>
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</tr>
</thead>
<tbody>
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<td>p&gt;</td>
<td>$z$</td>
<td>$\beta$ (se)</td>
</tr>
<tr>
<td>Income</td>
<td>.147 (0.390)</td>
<td>.001</td>
<td>.373 (0.111)</td>
<td>.001</td>
</tr>
<tr>
<td>Education</td>
<td>.170 (0.318)</td>
<td>.001</td>
<td>.170 (0.018)</td>
<td>.001</td>
</tr>
<tr>
<td>Employment</td>
<td>.266 (0.071)</td>
<td>.004</td>
<td>.385 (0.063)</td>
<td>.001</td>
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<td>Age</td>
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<td>.841 (0.011)</td>
<td>.001</td>
</tr>
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<td>Age$^2$</td>
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<td>Male</td>
<td>-2.57 (0.048)</td>
<td>.001</td>
<td>-2.65 (0.046)</td>
<td>.001</td>
</tr>
<tr>
<td>Married</td>
<td>-0.024 (0.088)</td>
<td>783</td>
<td>.271 (0.092)</td>
<td>.003</td>
</tr>
<tr>
<td>Residential</td>
<td>.462 (0.050)</td>
<td>.001</td>
<td>.499 (0.102)</td>
<td>.001</td>
</tr>
</tbody>
</table>

Level 1 Predictors

| Election Day Reg   | .276 (4.87) | .573 | .294 (3.51) | .406 | 1.075 (4.34) | .017 | .344 (4.26) | .424 |
| Closing Date       | .000069 (0.007) | .934 | .006 (0.007) | .383 | .013 (0.009) | .168 | .005 (0.004) | .223 |

Descriptive Representation

| South              | -2.71 (1.33) | .050 | -2.25 (1.54) | .150 | -1.36 (1.79) | .449 | .220 (1.55) | .164 |
| Intercept          | -1.865 (2.55) | .001 | -2.364 (3.04) | .001 | -1.945 (4.06) | .001 | -2.131 (3.10) | .001 |

Intra-class correlation

| Intra-class        | 2.20 | 3.02 | 4.19 | 4.93 |

Log likelihood function

| -Log likelihood function | -8.905206e+003 | -8.509605e+003 | -8.920792E-003 | -8.280443E-003 |

Level 1 N          | 6361 | 6062 | 6443 | 5866 |

Level 2 N          | 50   | 50   | 49   | 50   |

Note: The dependent variable is whether the respondent was registered to vote for the election, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HLM7. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering on the mean.
Table 4.2. The Effect of Registration Deadlines on African American Voter Registration in Midterm Elections (1996-2008)

<table>
<thead>
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<th>Variables</th>
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<th>2002</th>
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<th>2006</th>
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<td>$p&gt;</td>
<td>z</td>
<td>$</td>
<td>$\beta$ (se)</td>
<td>$p&gt;</td>
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<tr>
<td><strong>Level 1 Predictors</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>.030 (.012)</td>
<td>.016</td>
<td>.028 (.011)</td>
<td>.017</td>
<td>.019 (.009)</td>
<td>.036</td>
</tr>
<tr>
<td>Education</td>
<td>.152 (.020)</td>
<td>.001</td>
<td>.190 (.020)</td>
<td>.001</td>
<td>.140 (.021)</td>
<td>.001</td>
</tr>
<tr>
<td>Employment</td>
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<td>.011</td>
<td>.269 (.064)</td>
<td>.001</td>
<td>.467 (.087)</td>
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<td>Age</td>
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<td>.001</td>
<td>.047 (.011)</td>
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<td>.060 (.013)</td>
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<tr>
<td>Age$^2$</td>
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<td>-.000138 (.000129)</td>
<td>.284</td>
<td>-.000369 (.000147)</td>
<td>.012</td>
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<tr>
<td>Male</td>
<td>-.368 (.055)</td>
<td>.001</td>
<td>-.385 (.059)</td>
<td>.001</td>
<td>-.457 (.064)</td>
<td>.001</td>
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<tr>
<td>Married</td>
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<td>.093</td>
<td>.161 (.063)</td>
<td>.010</td>
<td>.486 (.076)</td>
<td>.001</td>
</tr>
<tr>
<td>Residential Mobility</td>
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<td>.001</td>
<td>.322 (.060)</td>
<td>.001</td>
<td>.596 (.101)</td>
<td>.001</td>
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<tr>
<td><strong>Level 2 Predictors</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Election Day Reg.</td>
<td>-.166 (.352)</td>
<td>.639</td>
<td>.003 (.271)</td>
<td>.990</td>
<td>.760 (.440)</td>
<td>.091</td>
</tr>
<tr>
<td>Closing Date</td>
<td>-.002 (.008)</td>
<td>.787</td>
<td>-.006 (.008)</td>
<td>.457</td>
<td>.013 (.008)</td>
<td>.140</td>
</tr>
<tr>
<td>Descriptive</td>
<td>.050 (.011)</td>
<td>.001</td>
<td>.047 (.008)</td>
<td>.001</td>
<td>.027 (.009)</td>
<td>.005</td>
</tr>
<tr>
<td>Representation</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>South</td>
<td>-.226 (.148)</td>
<td>.136</td>
<td>-.386 (.127)</td>
<td>.004</td>
<td>.033 (.170)</td>
<td>.845</td>
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<tr>
<td>Intercept</td>
<td>-.3138 (.389)</td>
<td>.001</td>
<td>-.2967 (.351)</td>
<td>.001</td>
<td>-3.202 (.323)</td>
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</table>

Intra-class correlation 2.95 2.76 3.95

Log likelihood function -7.727451e+003 -9.521728e+003 -8.208684e+003

Level 1 N 4893 6724 5817
Level 2 N 48 50 50

Note: The dependent variable is whether the respondent was registered to vote for the election, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HLM7. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering on the mean.
Table 4.3. The Effect of Registration Deadlines on African American Voter Registration for Non-Voters in Presidential Elections (1996-2008)

<table>
<thead>
<tr>
<th>Variables</th>
<th>1996</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>β (se)</td>
<td>p &gt;</td>
<td>z</td>
<td>β (se)</td>
<td>p &gt;</td>
<td>z</td>
<td>β (se)</td>
<td>p &gt;</td>
<td>z</td>
<td>β (se)</td>
<td>p &gt;</td>
<td>z</td>
<td></td>
</tr>
<tr>
<td>Level 1 Predictors</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>.014 (.014)</td>
<td>.287</td>
<td>-0.042 (.358)</td>
<td>.068</td>
<td>-0.046 (.101)</td>
<td>.001</td>
<td>.007 (.012)</td>
<td>.550</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td>.062 (.019)</td>
<td>.091</td>
<td>.091 (.027)</td>
<td>.063</td>
<td>.090 (.024)</td>
<td>.001</td>
<td>.052 (.032)</td>
<td>.109</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment</td>
<td>.161 (.094)</td>
<td>.089</td>
<td>.272 (.068)</td>
<td>.061</td>
<td>1.39 (.126)</td>
<td>.306</td>
<td>.098 (.134)</td>
<td>.465</td>
<td></td>
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</tr>
<tr>
<td>Age</td>
<td>.024 (.013)</td>
<td>.076</td>
<td>-0.004177 (.013)</td>
<td>.753</td>
<td>.003 (.015)</td>
<td>.835</td>
<td>.002 (.019)</td>
<td>.895</td>
<td></td>
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</tr>
<tr>
<td>Age²</td>
<td>-0.000132 (.000132)</td>
<td>3.41</td>
<td>.000127 (.000127)</td>
<td>.404</td>
<td>.000137 (.000147)</td>
<td>.431</td>
<td>.000075 (.000208)</td>
<td>.719</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Male</td>
<td>-0.087 (.065)</td>
<td>1.83</td>
<td>-1.73 (.077)</td>
<td>.024</td>
<td>-5.22 (.099)</td>
<td>.001</td>
<td>-1.14 (.130)</td>
<td>.284</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Married</td>
<td>-2.28 (.140)</td>
<td>1.04</td>
<td>2.07 (.132)</td>
<td>.117</td>
<td>192 (.115)</td>
<td>.085</td>
<td>.014 (.210)</td>
<td>.830</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Mobility</td>
<td>.242 (.118)</td>
<td>.041</td>
<td>.309 (.113)</td>
<td>.012</td>
<td>.318 (.114)</td>
<td>.004</td>
<td>.043 (.147)</td>
<td>.766</td>
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<td>Level 2 Predictors</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Election Day Reg</td>
<td>.041 (.572)</td>
<td>9.43</td>
<td>.142 (.368)</td>
<td>.701</td>
<td>412 (.628)</td>
<td>.516</td>
<td>.913 (.527)</td>
<td>.090</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closing Date</td>
<td>.001 (.008)</td>
<td>9.04</td>
<td>-0.002 (.007)</td>
<td>.773</td>
<td>.006 (.010)</td>
<td>.557</td>
<td>.014 (.065)</td>
<td>.801</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Descriptive</td>
<td>.027 (.008)</td>
<td>.092</td>
<td>.027 (.011)</td>
<td>.020</td>
<td>.006 (.007)</td>
<td>.415</td>
<td>.039 (.014)</td>
<td>.810</td>
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<td></td>
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<tr>
<td>Representation</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>.002 (.154)</td>
<td>.990</td>
<td>-0.046 (.183)</td>
<td>.802</td>
<td>-0.020 (.117)</td>
<td>.865</td>
<td>.089 (.230)</td>
<td>.702</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-1.301 (.311)</td>
<td>.001</td>
<td>-1.586 (.428)</td>
<td>.001</td>
<td>-1.558 (.449)</td>
<td>.001</td>
<td>-2.734 (.563)</td>
<td>.001</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: The dependent variable is whether the respondent was registered to vote for the election, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HLM7. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering on the mean.
Table 4.4. The Effect of Registration Deadlines on African American Voter Registration for Non-Voters in Midterm Elections (1996-2008)

<table>
<thead>
<tr>
<th>Variables</th>
<th>1998</th>
<th>2002</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>β (se)</td>
<td>p&gt;│z│</td>
<td>β (se)</td>
</tr>
<tr>
<td><strong>Level 1 Predictors</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>.008 (.016)</td>
<td>.583</td>
<td>-.003 (.015)</td>
</tr>
<tr>
<td>Education</td>
<td>.111 (.022)</td>
<td>.001</td>
<td>.127 (.018)</td>
</tr>
<tr>
<td>Employment</td>
<td>.230 (.082)</td>
<td>.005</td>
<td>.204 (.080)</td>
</tr>
<tr>
<td>Age</td>
<td>.030 (.013)</td>
<td>.022</td>
<td>.019 (.015)</td>
</tr>
<tr>
<td>Age²</td>
<td>-.000157 (.000140)</td>
<td>.263</td>
<td>.000019 (.000180)</td>
</tr>
<tr>
<td>Male</td>
<td>-.298 (.088)</td>
<td>.000</td>
<td>-.310 (.075)</td>
</tr>
<tr>
<td>Married</td>
<td>.035 (.112)</td>
<td>.754</td>
<td>.047 (.100)</td>
</tr>
<tr>
<td>Residential Mobility</td>
<td>.046 (.101)</td>
<td>.649</td>
<td>.128 (.071)</td>
</tr>
<tr>
<td><strong>Level 2 Predictors</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Election Day Reg.</td>
<td>-.058 (.598)</td>
<td>.922</td>
<td>-.726 (.443)</td>
</tr>
<tr>
<td>Closing Date</td>
<td>.004 (.009)</td>
<td>.670</td>
<td>-.051 (.011)</td>
</tr>
<tr>
<td>Descriptive Representation</td>
<td>.029 (.013)</td>
<td>.029</td>
<td>.051 (.011)</td>
</tr>
<tr>
<td>South</td>
<td>.083 (.166)</td>
<td>.618</td>
<td>-.252 (.141)</td>
</tr>
<tr>
<td>Intercept</td>
<td>-2.663 (.454)</td>
<td>.001</td>
<td>-2.194 (.411)</td>
</tr>
</tbody>
</table>

| Intra-class correlation         | 3.49 | 3.60 | 3.63 |
| -Log likelihood function        | -3.802890E+003 | -4.479188E+003 | -3.755149E+003 |
| Level 1 N                       | 2660 | 3132 | 2629 |
| Level 2 N                       | 47  | 50  | 49  |

Note: The dependent variable is whether the respondent was registered to vote for the election, coded as one (1) if yes and zero (0) otherwise. Hierarchical Generalized Linear models estimated using HLM7. Models estimated using a Bernoulli distribution and logit link function. Population-average model with unstandardized logistic regression coefficients and robust standard errors in parentheses. Models were run, without centering on the mean.

As with Chapter Two, the positive coefficient for Closing Date, may suggest the presence of a mobilization effort that is not captured by the analysis. Partially, contributing to this mobilization effort may be group solidarity/consciousness. During the 2008 Presidential election, there was an African American nominee from the Democratic Party, consequently one might greater interest in the election from African Americans. It is then possible that because of the mobilization efforts of the Democratic party, African Americans were encouraged to register and register early, explaining the positive and significant coefficient for closing date in 2008.
The influence of mobilization on registration is also referenced by Lee (2010) who notes that, “because none of the EDR states are in South the press likely gives these states more attention, and non-profit organizations and governments likely provide more resources to encourage minority voter registration and electoral participation generally” (p. 267). Consequently, the cost of voting in a state with more restrictive voter registration requirements is offset by the additional resources provided to facilitate participation.

The goal of The 1993 National Voter Registration Act (Motor Voter) was to increase voter registration opportunities for segments of the population that typically do not vote. Although Motor Voter has successfully increased the number of registrants; turnout remains relatively level. It is possible that while voting occurs utilizing a cost benefit calculus and policy can be used to ease the cost; the act of registration is different. Lowering the cost of registration may increase the number of registrants, but not the number of actual voters. One possible explanation for this is that for individuals who are motivated to vote, the registration process is viewed as a requirement to reach their ultimate goal, casting a ballot. Therefore, opportunities that ease the burden of registration are more likely to be taken advantage of. On the contrary, non-voters (particularly those who register and do not vote) may have no interest in voting and only register because the opportunity has presented itself i.e. Motor Voter. Consequently, making registration easier for this population may not endear them to actual political participation.
Predictors of Registration and Turnout: Two Sides of the Same Coin

The findings of this analysis suggest that the relationship between African Americans and voter registration may not be as simple as it seems. Although the effect of residential mobility on both voter registration and voter turnout is the same for African Americans (positive and significant) the same cannot be said of other predictors. Election Day Registration is only positive and significant in 2004 (Table 4.1). Once voters are removed from the analysis, Election Day Registration becomes an insignificant predictor of registration.

With respect to voting, descriptive representation as measured by the percent of the state legislature that is African American is positive across all Presidential and midterm elections, and significant from 1996-2006 (Tables 2.12 & 2.13). The same is true with respect to descriptive representation and African American voter registration which although not consistently significant, is consistently positive across all Presidential and midterm elections (1996-2008). This suggests that African Americans living in states with a larger proportion of African American state legislators are more likely to register. The disparity between state level predictors of turnout when applied as predictors of voter registration may speak to the fact that factors at the state level that motivate individuals to register are not the same factors that motivate an individual to vote (Rosenstone and Wolfinger, 1978; Squire, Wolfinger and Glass, 1987). The difference between what motivates an individual to register versus what motivates and individual to vote may aid in explaining why predictors of voter turnout do not have the same effect on registration.
Jackson (1996) and Timpone (1998) suggest that registration reflects individual citizen characteristics, whereas turnout is more a reaction to candidates and campaign stimuli. If registration is not motivated by candidate and campaign stimuli this may explain why significant predictors of registration are not significant predictors of turnout for African Americans. The lack of a significant coefficient for Election Day Registration (Tables 4.3 and 4.4) may suggest that EDR, which creates an opportunity for an individual to simultaneously register and vote on Election Day is predominantly a last minute decision to register for the purpose of voting and not a last minute registration decision. Nonetheless, if the above assertion is correct, when developing a model of voter registration, greater attention should be paid to individual citizen characteristics beyond demographics and socioeconomic indicators. Individual citizen characteristics that have been linked to political participation including: long term voting behavior, participation in political activities other than voting, evaluations of the government and political parties, partisanship and ideology should be considered in conjunction with contextual factors. Further, when specifically looking at African Americans an individual level measure of group consciousness may be necessary to better understand registration behavior.

While the inclusion state level factors did not change the lack of an effect for Election Day registration during the 2008 Presidential election, this does not negate the possible presence of state level effects on the probability of voter registration. It is possible that the state level variables included in the current analysis are not those that affect the registration behavior of the African American population. It is additionally
plausible that African American voter registration behavior is different from that of other racial/ethnic groups and state level factors are less important in predicting behavior than individual or election specific characteristics\textsuperscript{57}.

**Conclusion**

Sánchez-Jankowski (2002) suggests that because of their shared experience and history of racial exclusion, prejudice and discrimination African Americans have developed their own unique perception of participation in civic activities, including voter registration and voting. For African Americans, membership in the excluded group leads to “mildly positive attitudes toward helping the general public and highly positive attitudes toward activities that directly help their communities” (p. 240). Further, Sánchez-Jankowski (2002) suggests that as members of an excluded group are successful and improve their socioeconomic status they will begin to shift toward the ideas of the “privileged” group (the white majority). Consequently, because they have been individually successful, in spite of a lack of success throughout their group, they will begin to see themselves in individual terms, similar to that of the “privileged group.”

Identification as privileged versus underprivileged can have a profound effect on an individual or group of individual’s ability to have their policy preferences included as a part of the conversation surrounding access to the franchise. The American Political Science Task Force on Inequality and American Democracy (2004) reported: “The

\textsuperscript{57} The previous multi-level analyses established that a direct relationship between voter registration and closing date exists for African Americans. What the analysis does not establish is if the relationship between closing date and voter registration varies by race. In order to assess this relationship an interaction between race and closing date is needed. Prior to incorporating an interaction, a HLM model was generated including the base terms race (Black) and closing date. For both 2006 and 2008 the base terms race (Black) and closing date were not significant. Consequently a model with an interaction is not reported.
privileged participate more than others and are increasingly well organized to press their demands on government. Citizens with low or moderate incomes speak with a whisper that is lost on the ears of the inattentive government while the advantaged roar with [a] clarity and consistency which policymakers readily head” (p. 1). Consequently, when evaluating African American voter registration and turnout a model that purposively looks at the effect of policy on political behavior for African Americans of varying economic status may more accurately explain the interaction between political behavior, individual characteristics and policy; specifically policies that relate to access to the franchise. For example, policies regarding statewide computerized registration databases (which are mandated by the 2002 Help America Vote Act) and provisional ballots, although they may not affect the entire African American population, may have an effect on certain segments of the African American population that may lack the resources necessary to navigate the registration process i.e. the poor, recent movers or those who live in states that unequally and routinely purge registration rolls due to inactivity (a failure to vote)\textsuperscript{58}.

Inequities among voter registration and turnout behavior of these groups is not new. The 1993 National Voter Registration Act (NVRA) sought to ease the process of voter registration and consequently increase voter turnout, by specifically targeting segments of the population that are most likely to be disenfranchised: the poor, less educated, [minorities and the young] (Brown and Wedeking, 2006). Although the NVRA

\textsuperscript{58} Although the National Voter Registration Act mandates that purges must be “uniform, non-discriminatory and in compliance with the Voting Rights Act of 1965” voter purges often rely on error-ridden lists, voters are purged secretly and without notice, bad “matching” of seemingly duplicate voters leaves voters vulnerable to manipulated purges and voter roll purges occur with insufficient oversight (Pérez, 2008).
did increase “the pool of individuals legally qualified to vote, it also modified the pool to include more individuals that in all likelihood are less inclined to participate” (p. 493). Ensuring participation in the political process by all segments of society, particularly those that are most likely to be disenfranchised, isn’t solely a matter of easing access to the franchise, but also engaging citizens (Sánchez-Jankowski, 2002; Brown and Wedeking, 2006).

Registration is the first hurdle, of many, one must pass in order to vote in the United States. Although, voter registration is not the ultimate goal of easing access to the franchise, it deserves equal consideration when addressing the influence of policy on marginalized groups as they participate in the political process. In the proceeding analysis the effect of Election Day registration (EDR) was not significant and closing date was only significant during the 2006 midterm and 2008 Presidential elections. These findings suggest that registration requirements matter not only for turnout but also registration. Although altering registration requirements may not produce registrants with a sustained interest in political participation (voting) that persists across several elections, registration requirements do affect the decision to get in the game.

Though the effect of registration requirements on African American voter registration is not significant across all elections, the analysis in this chapter demonstrates that policy does matter and does affect behavior. However policy alone is not a tool sufficient enough to consistently engage the electorate. If according to Jackson (1996) and Timpone (1998) motivation to register is based on individual characteristics, in addition to reducing inequality by lessening registration requirements efforts should be
directed toward developing the individual characteristics of potential voters that facilitate sustained civic and political participation.
Chapter Five

CONCLUSION: PUBLIC POLICY AND THE FUTURE OF DEMOCRACY IN THE UNITED STATES

Introduction

One aspect of an electoral contest that is not captured by this analysis is interest in an election or politics and the voting behavior of specific voters across several elections. Beginning with the 2004 Presidential election, the CPS asked those respondents who were not registered to vote, “Which of the following was the MAIN reason (you/name) (was/were) not registered to vote? Potential responses include: did not meet registration deadlines; did not know where or how to register; did not meet residency requirements; permanent illness or disability; difficulty with English; not interested in the election or not involved in politics; my vote would not make a difference; not eligible to vote or other reason. Table 5.1 presents the percent distribution of reasons for not registering. Of those who reported not being registered to vote in the 2004, 2006 and 2008 elections, over 40 percent reported a lack of interest or lack of involvement in politics as the reason for not being registered. Consequently, even in those states with lax voter registration and voting requirements a lack of interest in politics may result in registration and voter turnout rates that are low.

59 In 2004, 73.5 percent of Black respondents reported being registered to vote. In 2006, 61 percent of Black respondents reported being registered to vote. In 2008, 69.7 percent of Black respondents reported being registered to vote (U.S. Census Bureau, Current Population Survey, November 2004, 2006, 2008. Table 2. Reported Voting and Registration, by Race, Hispanic Origin, Sex, and Age, for the United States; www.census.gov).
While relaxing voter registration and voting requirements does make the voting process more accessible, the benefit of the relaxed requirements is primarily received by individuals who already vote or for individuals who were already interested in participating in a particular electoral contest. Specifically, looking at the 1993 National Voter Registration Act, Brown and Wedeking (2006) liken the relaxing of registration requirements to “a professional sports team trying to increase attendance. Various promotions that supply low-cost or even free tickets may give people the means to attend a game, but it does not necessarily increase their incentive to do so” (p. 483). Consequently, relaxing voter registration requirements may increase the number of individuals who are registered, but does not necessarily engage citizens in the process, provide them with incentive to vote or create new life time voters. This may especially be true for the young and African Americans.

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2006</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not interested in the election or not involved in politics</td>
<td>46.6</td>
<td>47.6</td>
<td>46.0</td>
</tr>
<tr>
<td>Did not meet registration deadline</td>
<td>17.4</td>
<td>14.2</td>
<td>14.7</td>
</tr>
<tr>
<td>Not eligible to vote</td>
<td>6.7</td>
<td>6.5</td>
<td>8.6</td>
</tr>
<tr>
<td>Don’t know/ refused</td>
<td>6.2</td>
<td>6.1</td>
<td>5.7</td>
</tr>
<tr>
<td>Permanent Illness or disability</td>
<td>5.6</td>
<td>4.8</td>
<td>6.0</td>
</tr>
<tr>
<td>Other</td>
<td>4.7</td>
<td>6.1</td>
<td>6.1</td>
</tr>
<tr>
<td>Did not know where or how to register</td>
<td>4.5</td>
<td>5.6</td>
<td>4.2</td>
</tr>
<tr>
<td>Did not meet residency requirements</td>
<td>3.7</td>
<td>4.8</td>
<td>3.5</td>
</tr>
<tr>
<td>My vote would not make a difference</td>
<td>3.7</td>
<td>3.2</td>
<td>4.0</td>
</tr>
<tr>
<td>Difficulty with English</td>
<td>1.0</td>
<td>1.1</td>
<td>1.4</td>
</tr>
</tbody>
</table>

In the United States a clear disparity exists between the percent of young people registered to vote and the general population. According to the 2008 Current Population Survey Voting and Registration Supplement 71 percent of the voting age population was registered to vote during the 2008 Presidential election. However, of those 18-24 only
58.4 percent were registered. The disparity between the registration rate of the young is nothing new. According to the 1980 CPS 43 percent of 18-19 year olds and 51 percent of 20 to 24 year olds were registered compared to 66.9 percent of the voting population 18 years and older. The decision to not participate by the young skews the voting population, potentially resulting in political outcomes that are not reflective of the preferences of the entire electorate. Further compounding the change in the voting eligible population is the tendency for courts to charge juvenile offenders as adults (a policy that disproportionally affects minorities) and the fact that according to preliminary figures from the 2010 census 51 percent of the voting age population is now age 45 and older (Yen, 2011).

Is American Democracy Sustainable? The Young, Voting & Civic Education

The costs of voting aren’t solely those that relate to the physical act of registration or the casting of a ballot, but also those that relate to the understanding of the political process and having knowledge of the norms of civic engagement. It has long been acknowledged that individuals with greater educational attainment have a greater probability of voting. Quintelier (2010) suggests that higher education fosters certain civic, cognitive, verbal, organizational and bureaucratic skills that are useful toward understanding complex political issues, gathering information and engaging in political debates (Verba, Scholzman, Brady and Nie, 1995; Rosenstone and Hanson, 2003). “With education, citizens become better able to understand the political world, their stake in it,

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60 Prior to 2004 support for Democratic House candidates averaged around 50% for both the young (age 18 to 29) and old (age 65 and older). However in 2004 a distinct age gap emerged where 56% of the young compared to 46% of the old supported Democratic House candidates. The gap persisted in 2010 where 58% of young voters supported Democratic candidates compared to 42% among old voters (McDonald, 2010, p. 7).
and the implications for the political community” (Nie, Junn and Stehlik-Berry, 1996, p. 12).61

In lieu of role models in neighborhoods and communities who are in a position to demonstrate what it means to have an active stake in political decisions and be civically engaged, the next generation of voters is at a disadvantage. This is especially true of the children who live in communities with a high concentration of felony disenfranchisement, poverty, and limited educational opportunities.62 Although this analysis does not directly measure the influence of disenfranchisement on the children of the disenfranchised, it does demonstrate that the rate of disenfranchisement for African Americans in a state can suppress turnout (See Chapter 3). Because of this, African Americans who have yet to reach voting age are left with few role models. Future research should seek to identify to what extent this suppression can occur and how this will affect the composition of the electorate, specifically the African American voting population for future generations. Although there was a significant increase in voter turnout among voters ages 18-24 and Blacks during the 2008 presidential election (U.S. Census Bureau, 2009c), it has yet to be determined if this interest in political participation will be sustainable in subsequent elections.63

During the 1996 meeting of the American Political Science Association, Elinor Ostrom pointed out the need to address, “deep concerns about the viability of democracy

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61 See Galston (2004) for additional information on the importance of civic knowledge.
62 Atkins and Hart (2003) and Hart and Atkins (2002) suggest that coming of age in a neighborhood context with limited resources may preclude the development of civic competence and knowledge and “inhibit the development of civic identity which is crucial for sustained civic engagement” (2003, p. 156).
63 Turnout during the 2010 midterm election was 40.7% of the voter eligible population. This is on trend with the incremental increases in turnout that have occurred during midterms elections (McDonald, 2010).
in America…. [and the] decline in civic engagement, political efficacy, and in the capacity of citizens to organize themselves…” (as cited in Dudley and Gitelson, 2003). Ritchie (2007) suggests the best place to challenge the non-participation of the young is in high school. He finds that in high schools, most students “leave school without registering to vote or obtaining even rudimentary information about how to vote in their community and the powers of the range of offices they can elect; those who do get registered tend to reflect the socioeconomic advantages of their parents.” Richie (2007) goes on to note, “most [registration and voting] efforts toward young eligible voters are targeted at college students, which skews the electorate toward better-educated and wealthier citizens. Young people who are not in college, who are of color, or who live in a rural area are often ignored” (p. 41). “Civic education should help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives” (Eudaily, 2005, p. 24)\(^64\).

Facilitating voting among the young is not solely about getting them to act, but getting them to act and make political decisions with both background knowledge and knowledge of the current options under consideration (Parker, 2005, p. 350).

Although school based interventions have been shown to effectively develop civic responsibility, civic education in the United States has been on the decline for the past 30 years (Galston, 2004). Most high school civics education is comprised of a single government course compare to three courses in civics, democracy and government which

\(^64\) The importance of schools in civic education is reiterated by (Niemi and Junn (1998); Dudley and Gitelson (2002); Sherrod, Flanagan and Youniss (2002); Galston (2004); Callahan, Muller and Schiller (2010).
was common until the 1960’s (Carnegie Corporation of New York and CIRCLE: The Center for Information and Research on Civic Learning and Engagement, 2003).

Disparities in the number of courses offered to students in affluent schools with resources compared to those with limited resources create another platform for inequality in the opportunity to develop civic knowledge (Atkins and Hart, 2003). Students who are academically successful or white and those whose parents are of a higher socioeconomic status receive more classroom civic learning opportunities (Kahne and Middaugh, 2008).

Schools however can contribute to student’s future electoral engagement by promoting civics-based curricular classes and activities (Callahan, Muller and Schiller, 2010) that have an intentional and deliberate focus on civic outcomes such as voting, working on local problems, joining voluntary associations and watching the news; explicit advocacy of civic and political engagement, without advocating a particular position or political party; active learning opportunities that engage students in discussions of real “life issues”; and an emphasis on the ideas and principles that are essential to constitutional democracy that are included in the Declaration of Independence and the United States Constitution (Carnegie Corporation of New York and the Center for Information and Research on Civic Learning and Engagement, 2003). In addition to curricular activities, schools are also in a position to expose students to community service opportunities (Atkins and Hart, 2003). Participation in community activities is especially important for the development of collective efficacy and social trust among children who live in areas of high crime and concentrated poverty (Atkins and Hart, 2003).
This analysis has demonstrated that voting policy does have the ability to shape individual vote behavior in American elections beyond those provisions included in the Fourteenth Amendment, the Fifteenth Amendment, the Voting Rights Act of 1965, the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 which guarantee all citizens the right to vote and outline the procedures they must follow to legally register and cast a ballot. These legislative advances aside, voting in the United States remains a right that citizens are not obligated to take advantage of. “In a voluntary system like this, there will be some individuals who simply choose not to register, regardless of how minimal the costs” (Rugley and Jackson, 2009, p. 72).

**Do We Want to be Governed by People Forced to Vote?**

With the stagnant turnout of American elections, the notion of compulsory voting has been suggested as a way to increase the involvement of the American electorate on Election Day. Compulsory voting has been adopted in many countries including Australia, Belgium, Greece, Luxembourg and Venezuela. Of these Australia is perhaps the most comparable to the political system in the United States (Ornstein, 2006). Australia introduced its compulsory voting law for federal elections in 1924. Prior to the passage of the law, turnout in Australia was approximately the same as it is in the United States (approximately half of the voting eligible vote). After the passage of the law, turnout in Australia has consistently been greater than 90 percent. Under the compulsory
voting law those citizens who are eligible to vote and do not vote without sufficient reason are subject to a fine.\textsuperscript{65}

There are many institutional mechanisms that have been put in place in order to facilitate the voting process and increase turnout in elections. This present analysis has considered voting policy provisions and their ability to facilitate the casting of a ballot. Although these provisions have eased access to the ballot, turnout in the United States continually hovers around 60 percent for Presidential elections\textsuperscript{66} (U.S. Census Bureau; McDonald, 2010; 2008). These provisions aside, “compulsory voting is the only institutional mechanism however, that can assure high turnout by itself” (Lijphart, 1997, p. 10). Compulsory voting has been shown to increase voter turnout by seven to sixteen percent (Panagopolos, 2008; Franklin, 2001; Lijphart, 1997; Powell, 1980; Jackman, 1987). However, the effect of compulsory voting would more likely be even greater in the United States which has a relatively low turnout baseline without compulsory voting (Hirchy, 1994). Compulsory voting laws legally oblige eligible voters to participate in elections or be subject to sanction (Massicotte, Blais and Yoshinaka, 2004). Although participation in elections in most democratic governments is considered a right, other democracies view voting as a duty and regulate participation accordingly (Panagopolos, 2008). Compulsory voting or the duty to vote would be no different than the obligation to serve jury duty, pay taxes or register for selective service; duties that some would

\textsuperscript{65} Compulsory voting does not require all individuals to cast a valid ballot. Citizens are required to show up at the polls and at that point citizens may choose to cast a ballot for write in a candidate, cast a void ballot or abstain (Panagopolos, 2008; Harvard Law Review, 2007).

\textsuperscript{66} Turnout during midterms elections hovers around 40% (McDonald, 2010).
argue carry a much heavier burden than casting a ballot on Election Day (Panagopolos, 2008, p. 11).

One obvious criticism of compulsory voting is that compulsory voting forces individuals to go to the polls that have limited political interest and knowledge and who are unlikely to cast a well-considered and thought out vote (Lijphart, 1997, p. 10). According to Lijphart (1997) this assertion overlooks that mandatory voting may serve as an incentive to become better informed (p. 10). Given that people who participate in politics in one way are more likely to do so in another (Berelson and Steiner, 1964, p. 422), compulsory voting may also heighten the interest in other political activities.

Compulsory voting also has the potential to reduce the role of money in politics and discourage attack advertising (Lijphart, 1997). Under conditions in which parties and candidates understand that everyone is going to vote, they have a stronger incentive to pay attention and work harder to get information to previous non-voters and not just pander to their base (Harvard Law Review, 2007; Ornstein, 2006; Lijphart, 1997, p. 10). Compulsory voting would force political actors to change the way they campaign in order to take the former group of nonvoters into account, whether those changes involve substantive policy positions or the means by which they communicate these positions (Harvard Law Review, 2007, p. 597).

Taking a step back from compulsory voting, another potential policy that has emerged is to establish a national database and federal standards for ensuring 100 percent

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67 The assumption that most nonvoters are politically ignorant or uninterested is inaccurate (Harvard Law Review, 2007) according to a study of the 1990 election for the U.S. Senate only 18 percent of nonvoters fit into the stereotypical category of individuals who are politically ignorant (Ragsdale and Rusk, 1993).
voter registration of all eligible voters (National Civic Review, 2005). Given that registration has historically been more difficult than voting (Rugely and Jackson, 2009) a uniform system of voter registration could further alleviate any difficulty or confusion that results from the need to register to vote. Although uniform standards may increase the pool of registered voters, something that was not achieved by motor voter (Rugely and Jackson, 2001, 71-72), a broader pool of registered voters does not necessarily produce a broader pool of voters who cast ballots. The inability to secure new and consistent voters by easing registration requirements is echoed by the findings presented in this analysis regarding Election Day registration. Election Day registration does not consistently facilitate registration or turnout across the presidential and midterm election years and may only be an effective tool during electoral competitions of intensified interest.

To decrease the cost of voting (locating the correct polling location and arriving during hours of operation) and increase the convenience of voting, it has been proposed that Election Day Voting Centers (EDVC) may reduce the cost of voting on Election Day (Stein and Vonnahme, 2008). Unlike precinct voting sites, EDVS are open to all registered voters in the county. Although the use of EDVCs reduces the number of polling places, it increases the number of sites available to individual voters; creating an opportunity for the voter to cast their ballot at the voting site that is most convenient for them\textsuperscript{68}. Stein and Vonnahme (2008) find that voting centers do have a positive and

\textsuperscript{68} During the 2004-2008 elections, “too busy, conflicting schedule” was the most frequent or second most frequent reported reason for not voting during an election across divisions of age, sex, race and educational attainment (U.S. Census Bureau, Current Population Survey, November 2004, 2006, 2008. Table 12: Reasons for Not Voting, by Selected Characteristics; www.census.gov). While lack of interest may be the
substantial effect on individual electoral participation especially for infrequent rather than frequent voters (p. 495).

One Citizen. One Vote.

In order for democracy to survive, citizens must participate (Sherrod, Flanagan and Youniss, 2002). Democracy not only encompasses the idea of each individual citizen having the right to vote, but also having the opportunity, the knowledge and the skill to effectively use that right to ensure that political outcomes best reflect the preferences of the electorate (Harvard Law Review, 2007). Panagopolos (2008) suggests that, “after universal suffrage, the next aim for democracy must be universal or near-universal use of the right to vote” (p. 11). As it stands, democracy in the United States is far from encompassing this ideal, however if as a nation we the people truly value voting as one of our most sacred rights guaranteeing access to the franchise for all citizens through policy reform and decisions should be our ultimate goal. The current system of democracy in the United States does not make participation in the franchise an option for all citizens. During the 2008 presidential election an estimated 5 million American citizens were ineligible to vote due to a felony conviction (King, 2008). Given the number of citizens who do not exercise their right to vote, have lost the right to vote and the heightened frequency of voter suppression and intimidation tactics, it begs the question, how far have we really come from the exclusionary policies of the Jim Crow era, literacy tests and poll taxes? When you consider the number of American citizens ineligible to vote and the number of citizens who are eligible to vote, but choose not to, one has to ask, “How

reason people do not registers (Table 5.1), the inconvenience of polling places may be the reason people do not vote.
legitimate can [our] government be, when [a]vast majority of its citizens have not elected it (Rousseau, 1923 as cited in Harvard Law Harvard Law Review, 2007)?
## APPENDIX A

### Variables and Coding from the Current Population Survey (1996-2008)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Question/Description</th>
<th>Coding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dependent Variable (Chapters 2 &amp; 3)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vote</td>
<td>Did you vote in the November (date) election?</td>
<td>1=Vote 0=Did not vote</td>
</tr>
<tr>
<td>Register</td>
<td>Were you registered to vote in the November (date) election?</td>
<td>1=Registered 0=Not registered</td>
</tr>
<tr>
<td><strong>Individual (Level One) Independent Variables</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Race</td>
<td>Respondent’s race</td>
<td>1=Black 0=All other races</td>
</tr>
<tr>
<td>Age</td>
<td>Respondent’s age as of the end of the survey week</td>
<td>Top coded at 90</td>
</tr>
<tr>
<td>Sex</td>
<td>Respondent’s Sex</td>
<td>1=Male 0=Female</td>
</tr>
<tr>
<td>Marital Status</td>
<td>Are you now married, widowed, divorced, separated or never married?</td>
<td>1=Married 0=All else</td>
</tr>
<tr>
<td>Children</td>
<td># of own children under 18 years of age in household</td>
<td>1= Children under the age of 18 residing at home 0=All else</td>
</tr>
<tr>
<td>Income</td>
<td>I am going to read a list of income categories. Which category represents the total combined income of all members of this family during the past 12 months. This includes money from jobs, net income from business, farm or rent, pensions, dividends, interest, social security payments and any other money income received by members of this Family who are 15 years of age or older?</td>
<td>1= less than 5k; 2=5k-7,499; 3=7,500-9,999; 4=10k-12499; 5=12500-14999; 6=15k-19,999; 7=20k-24999; 8=25000-29999; 9=30000-34999; 10=35k-39,999; 11=40k-49999; 12=50k-59999; 13=60k-74999; 14=75000 or more.</td>
</tr>
</tbody>
</table>
### Education
What is the highest level of school you have completed or the highest degree you have received?

1=Less Than 1st;  
2=1st-3rd Grade;  
3= 5th-6th Grade;  
4=7th-8th Grade;  
5=9th Grade;  
6=10th;  
7= 11th;  
8=12th Grade, No Diploma; 9= High School Grad-Diploma Or Equivalent; 10=Some College, No Degree;  
11=Associate Degree Occupational/Vocational;  
12=Associated Degree-Academic Program;  
13=Bachelor’s Degree;  
14=Master’s Degree (MA, MS, MEd, MSW);  
15=Professional School Degree (MD, DDS, DVM);  
16= Doctorate Degree

### Employment Status
Are you currently employed?

1=Employed  
0=All else

### Neighborhood
Urban

1=Central City  
0=All else

Rural

1=Balance on MSA  
0=All else

Suburban

1=Non Metropolitan  
0=All else

### Residential Mobility
How long have you lived at this address?

1=5 years or longer  
0=All else

Note: The possible CPS responses “Not In Universe,” “Refused,” “Don’t know,” “Blank,” “Not Identified” and “No Response” are coded as system missing and are not included for any of the variables.

APPENDIX B

State Variable Data Sources (1996-2008)

State Voting Policies


Felony Disenfranchisement


Blacks in State Legislatures

National Conference of State Legislatures; Number of African American Legislators 1996-2009


**Minority Population**

U.S. Census Bureau, Census 2000 Redistricting Data (Public Law 94-171) Summary File, Table PL 1; 1990 Census of Population, General Population Characteristics (1990 CP-1)

**State Unemployment Rate**

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