

**Voting Cultures:  
the Effects of Existing Practice on State Opinion, Media Coverage and Electoral Reform**

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**Abstract:**

I investigate the concept of variation in state-level voting cultures by looking at the distribution of existing practices, state-level media and state-level opinion concerning several kinds of voting reform proposals. I find a relationship between a state-level index of restrictive voting policies and turnout among the voting-eligible population; I then examine state media coverage of voting reform and find a relationship between state levels of voting restrictiveness and the likelihood that media will focus more on voter fraud than voter disenfranchisement. Finally, I examine state-level opinion on voting reform issues. While data analysis validates the established significance of ideology and partisanship in attitudes towards the 2011 voting reforms, it also identifies the importance of existing practices within states for predicting voter opinion.

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## **Introduction**

Voting law is one of the largest areas of American law to remain chiefly under state authority. While this area, like others, seems to be responding to the inexorable pressures of federal expansion, there is still tremendous variation in legal voting practices across the states. These practices often stem from the idiosyncrasies of individual state histories: the particular era in which a state entered the Union, regional characteristics (such as, most appositely, a history of slavery), a state's rurality, and the interactions of state and national law. Though national trends in voting reform are inevitably important for decision-makers in the individual states, each state's election law responds to those trends in the context of what has existed as regular practice in that individual state. Individual sets of laws, built up over time, create and reflect local cultures of voting which have rather significant effects, both in terms of concrete effects, which are visible in the levels of voting turnout within a state, as well as less tangible ones. Variation in a state's history of voting practice helps create variation in the social norms of voting, including variation in important political opinions as those which concern the very meaning of voting and civic participation.

Thus, while the 1965 Voting Rights Act, the 1993 National Voter Registration Act and the 2002 Help America Vote Act have ultimately reduced the amount of permissible variation in state-level election law, the effect of variation in state-level voting practices and cultures remains an important characteristic of voting in the US. Nowhere is this clearer than in state-level discussions about election reform. With the few exceptions listed above, election reforms are initiated and passed at the state level. While US law and federal institutions can be used to overturn state law and prevent problematic voting reforms from going into effect, these efforts are unlikely to change the nature of local support for those reforms, perhaps doing no more than

stalling their return to the legislative agenda.<sup>1</sup> For that reason, it is essential to understand the nature of local support and opposition to different varieties of voting reform, regardless of what legal precedent may exist at the national level.

At the same time, there is reason to seek to understand the nature of local voting cultures when we seek to anticipate the effects of national voting reform campaigns. When there is a national-level effort to enact a series of state-level voting reforms, as was the case with voter identification laws in 2011, those efforts also encounter a substantial degree of variation in terms of how receptive state-level populations will be to those campaigns. Looking at voting reform campaigns through a purely national lens prevents us from seeing how existing state-level practice interacts with those national efforts to achieve state-level reform. While voting rights advocates have documented the consistencies in the effort to achieve specific voting reforms across the states in 2011 (Weiser and Norden 2011, NAACP Legal Defense Fund and NAACP 2011), there has not yet been the same degree of attention to the variation in state-level conditions leading to those reform efforts' success or failure. Moreover, the focus on the national-level effort obscures significant variation in the existing voting practices and culture in each state which would predict where future similar efforts are likely to be successful and where they are not.

In this paper I investigate the concept of variation in state-level voting cultures – and consider how they relate to the 2011 reform campaigns – by looking at the distribution of existing practices, state-level media and state-level opinion concerning several kinds of voting reform proposals. I develop a categorization of states based on their existing voting restrictions

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<sup>1</sup> This is the case with the US Department of Justice's rejection of South Carolina's new voter identification law; South Carolina is currently suing to overturn this ruling (Dade 2012). Texas' voter identification law, also subject to a preclearance requirement under the Voting Rights Act, has not received a ruling from the Department of Justice as of this writing.

which I believe influences the relative comfort among state residents in pursuing additional restrictions on voting. I find a relationship between state levels of voting restrictiveness and turnout among the voting-eligible population; these together constitute a baseline of existing voting practice within a state. I then look at how local media coverage of voting reform frames this reform and find a relationship between state levels of voting restrictiveness and the likelihood that media will focus more on the restrictive argument about the need to avoid voter fraud than it will on the potential problem of voter disenfranchisement or suppression. Finally, I examine state-level opinion on voting reform issues in order to identify the foundations of voter support for both restrictive and liberalizing voting reforms. While my examination of this opinion data validates the established significance of ideology and partisanship in attitudes towards the 2011 voting reforms, it also identifies the importance of existing practices within states for predicting voter opinion.

### **The Nature of the 2011 Voting Reforms**

Opinions about voting reform speak to perhaps the most essential political attitudes people can hold: beliefs about precisely what constitutes a legitimate American voter and thus, in their deepest meaning, what it is to be a legitimate full member of the political community. Since people rarely engage in decontextualized conversation about the intrinsic nature of American citizenship outside the classroom, this is an under-articulated variety of American opinion. Among the few places it is made visible is in its imprint on the legislative record, most directly in the form of changes to existing voting law. The changes in voting law describe the changing nature of the definition of citizenship on the state level.

Far from being a settled matter, the definition of legitimate voter has changed dramatically over the course of the country's history. Nor has this change always occurred in a liberalizing direction; as Alexander Keyssar (2001) documents, US history is replete with examples of increasing restrictions on the franchise enjoyed by different groups of people as well. Changes in voting law reflect the ways that different kinds of political pressures achieve the redefinition of effective American citizenship. While those pressures may fundamentally derive from economic conditions, an impending war, or a political realignment, they are always expressed and rationalized through an appeal to a basic underlying principle of citizenship. However, there is not one single citizenship principle that dominates discussions of American citizenship; rather, there are several different principles active in American political conversation, each with its own implication for the inclusion (or exclusion) of different groups of people. Rogers Smith (1999) categorizes the main perspectives as liberal – individualist and rights-based; republican – oriented to community and civic virtue; and nativist – based on ascriptive categories such as race, ethnic origin and gender. While only the first two of these principles is likely to be given official credence in contemporary political life, the country's history makes us aware, first, that the nativist principle of citizenship has played an important role in our decisions around civic inclusion and exclusion and, second, that nativist intentions can be hidden behind a more politically acceptable veneer of republican argument. Thus the Jim Crow-era “literacy tests” which ostensibly related to an individual's ability to participate fully in community life actually shielded an intent to exclude African Americans from the electorate, while the World War II-era creation of wartime exclusion zones, theoretically necessary for purposes of military security, led to the mass internment of Japanese Americans. These experiences have led voting rights advocates to look carefully at the likely consequences of

voting reform proposals put forward under politically-neutral flags. The way that nativist intentions have historically been concealed within republican citizenship arguments gives them reason to expect that a neutrally-named reform may not be so neutral in its effect on routinely-excluded groups of people.

Given this context, the 2011 voting reform proposals attract interest because although they are put forward under the republican argument of preventing “voter fraud,” voting rights advocates suspect that they actually conceal nativist intentions to exclude legal voters who do not fit certain ascriptive criteria; in a similar vein, Democratic partisans suspect that the voting reform proposals are intended to exclude legal voters who are likely to vote Democratic. This question – whether the efforts being put forward stem from a genuine concern about the security of the vote or instead represent an effort to exclude particular groups of people – lies at the heart of the political debate about the 2011 voting reform proposals.

The voting reform proposals – and particularly successful voting reform proposals – are also very important to political partisans. It is clear from examining the trends in voting reform that a legislature’s partisanship heavily determines the fate of proposed voting reforms. One of the main reasons that voting reforms were so successful in 2011 was because of the scale of Republican state legislative victories in 2010 (Storey 2011). Of the eleven state houses that switched from Democratic to Republican control as a result of the 2010 elections (Alabama, Maine, Ohio, Wisconsin, Minnesota, Montana, New Hampshire, North Carolina, Michigan, Pennsylvania, and Indiana), four passed voting reform legislation while four more passed voting reform legislation which was vetoed by a Democratic governor (Weiser and Norden 2011). Of the three states that had state legislatures which shifted from Democratic control to divided

control in 2011, two passed voting reform legislation.<sup>2</sup> In all, the factor of having a new Republican legislative majority was determinative for the passage of voting reform legislation, accounting for nearly half of the twenty-one state legislatures which passed voting reform in 2011.<sup>3</sup>

	<b>Legislatures Passing Voting Reform</b>
<b>New Republican Legislative Majorities:</b> 14 states	48% (10 states)
<b>No Shift in Legislative Control:</b> 36 states	52% (11 states)

**Table 1**

Despite the clear significance of the recent Republican victories in achieving the passage of their preferred voting reforms, this does not explain the passage of voting reform legislation in the additional eleven states that did not switch party control. Partisan preferences are a part of this story but do not explain all of the remaining variation. States with both Republican legislative majorities and Republican governors like Oklahoma, Wyoming, Idaho and Utah didn't even consider voting reform legislation in 2011. Meanwhile, states with Democratic legislative majorities like West Virginia and Rhode Island ended up passing voting reform legislation in 2011. Partisanship is clearly important, but there are apparently additional factors at work.

### **The Varieties of Voting Reform, Existing Practice and Culture**

Though partisan and voting rights activists point to the sudden quantity of voting reform proposals being proposed and passed as evidence that the reforms are a coordinated effort to exclude categories of people (Weiser and Norden 2011), voters' judgments about the exclusionary intent behind voting reform legislation are likely to take the details of the specific

<sup>2</sup> Colorado and Iowa moved from Democratic to divided control as a result of the 2010 elections (Storey 2011) while Mississippi moved from Democratic to divided control as a result of legislator party-switching (Hess 2011).

<sup>3</sup> This table does not reflect just enacted voting reform law but includes both enacted law and bills passed by the legislature which were subsequently vetoed.

law being considered into account. The variety of voting reform bills and new laws range considerably in terms of the ways that they change voting practices. One way to categorize the laws is by classifying them according to the stage of voting they affect. Doing this, the reforms can be seen to affect voting at three stages: disenfranchisement; laws affecting voter registration; and laws affecting the casting of votes. At the same time, while it is important to recognize the differences across the different forms of voting reform, it is also important to observe how some of these practices make the process of casting a vote easier while other kinds make the process of casting a vote more challenging (or, in the case of felon disenfranchisement, impossible.) After considering the each category of voting reform, I will consider the current state of legislation across states to get a sense of the range of current existing voting practice.

Understanding the current levels of practice and proposal for these varieties of reform is critical to making a larger observation about a state's voting culture, which I hypothesize will predict average state public opinion on individual voting reforms. Specific election policies have frequently been examined individually from the standpoint of scholars and advocates seeking to encourage high turnout of eligible voters in order to determine which have the strongest effects on voter turnout (e.g., **cite studies**). However, despite the normative preference for high turnout shared by many political scientists, it is important to consider the possibility that many people, and possibly a majority of government actors in some states, do not want to encourage high voter turnout and thus support the development electoral practices which seek to maximize another value. This "other value" occupies the empirically yet-undetermined space that may hinge on a racist/nativist principle ("the electorate should be mostly white"), a political principle ("the electorate should be mostly members of my party") or a republican principle ("only morally upstanding people should vote," or "only people who demonstrate true civic engagement should

vote.”) Taking this perspective into account, Bowler and Donovan (2005) collected a variety of election policies into an index of election restrictiveness as part of a study examining factors affecting voter participation rates. By looking at the impact of race and a history of strong state party control on state election policies which increase the costs of voting, Bowler and Donovan (2005) demonstrated that higher proportions of African Americans within a state and a history of strong state party control increased the likelihood that a state would place higher restrictions on voting. In other words, a state struggling with racism, either as a result of a legacy of Jim Crow-era voter suppression or in a more contemporary form, is likely in general to favor increased voting restrictions.<sup>4</sup> A state that has a history of stronger party control is also likely to have created increased voting restrictions based on a regular preference for party-supporting voters.

Taken together, Bowler and Donovan’s findings show that regular historical features predict a general tendency in state-level election legislation: a foundation for the notion that states have specific voting cultures, tendencies to openness or restrictiveness in their voting legislation. Drawing on Bowler and Donovan, after observing variation in baseline voting practices and new law I will observe relationships between individual voting practices and voter turnout to describe states as having more open or more restrictive cultures of voting. These different cultures of voting provide a basis for making predictions about public and media response to the 2011 voting reform proposals.

Disenfranchisement. The decision to disenfranchise a class of potential voters is strongly limited by the equal protection clause of the Fourteenth Amendment. However, the US Supreme Court validated an important exception to the Amendment’s guarantee in Richardson v. Ramirez

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<sup>4</sup> It is important to note that region alone was not shown to affect voting restrictions. A dummy for “South” in Bowler and Donovan’s model did not predict increased voting restrictions when controlling for confounding variables like income and the proportion of the population that was African American (2005).

(1974), where the justices permitted felon disenfranchisement on the grounds that the Amendment provided an exception “for participation in rebellion, or other crime.” As of 2010, 48 states have enacted some form of felon disenfranchisement, with only Maine and Vermont maintaining an individual’s voting rights regardless of conviction, incarceration or sentencing status. However, across the 48 states which practice felony disenfranchisement there is significant variation in the severity of these laws. Thirteen additional states disenfranchise people only while they are incarcerated and then impose no additional disenfranchisement after a person is released from prison.<sup>5</sup> The remaining states have a variety of different disenfranchisement laws, ranging from disenfranchisement while on parole or probation to permanent disenfranchisement for people who have been convicted of a felony.

Civil rights activists made substantial efforts over the last decade to lessen the severity of felon disenfranchisement laws. Nineteen states between 1997 and 2008 amended their laws to effectively lower the number of citizens they disenfranchised (King 2008). In 2011, this pattern reversed itself as governors in Iowa and Florida increased the stringency of state felony disenfranchisement laws and Nevada passed a law that limits the role that people convicted of felonies can play in elections. Four additional states considered but did not pass felon disenfranchisement legislation (Weiser and Norden 2011).

Registration. Voting registration practices vary quite widely from state to state. States vary in the types of documents they require for voter registration, the length of time within which voters are allowed to register, how close to election day voters are allowed to register, and the types of organizations or individuals who are permitted to register citizens to vote. The 2011 voting

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<sup>5</sup> Those states are Hawaii, Illinois, Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah (The Sentencing Project 2011).

reform proposals which concerned voter registration fell into one of three main categories: documentation of citizenship, limitations of registration periods, or limitation of third party voter registration.

Before the 2011 legislative session, only two states – Arizona and Georgia – had passed requirements that individuals show proof of US citizenship in order to vote; all other states require voting registrants to swear an affidavit that they are citizens. In the 2011 legislative session, three more states – Alabama, Kansas and Tennessee – passed legislation to require voters to provide proof of citizenship in order to register. Missouri passed a measure which places the question of whether the state should require documentary proof of citizenship for voter registration before the state’s voters in the November 2012 election. Eleven additional states considered but did not pass citizenship documentation requirements (Weiser and Norden 2011).

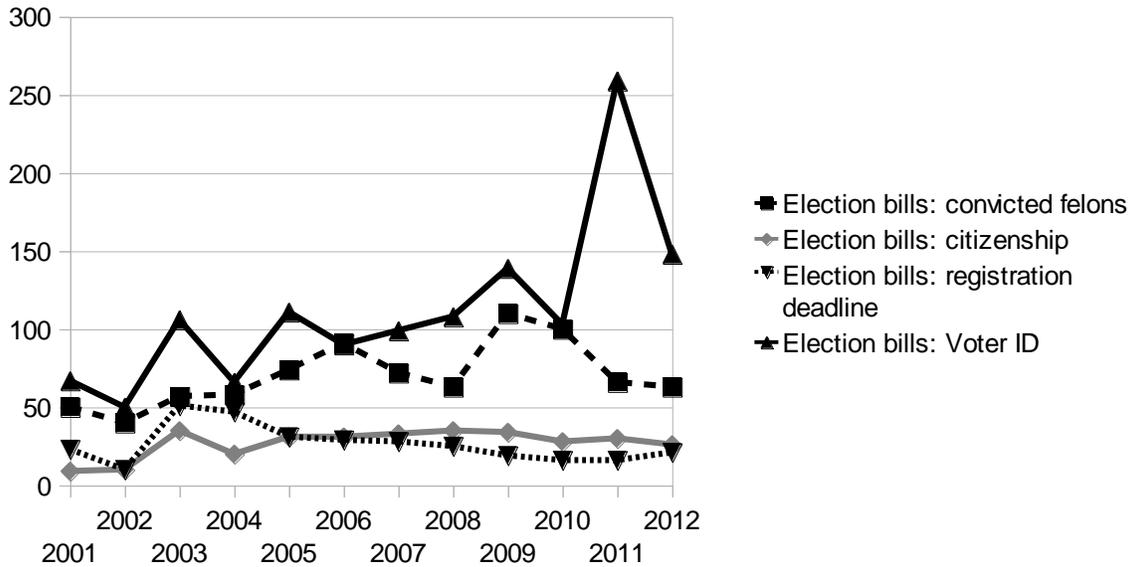
Periods in which voters are able to register to vote vary from state to state. Eight states permit voters to register on election day before the 2011 legislative session: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. Several other states offer limited forms of election-day registration. In 2011, four states considered proposals to end election day registration but the legislation passed only in Maine. However, although Maine’s practice of election-day registration was ended by the legislature, a successful popular referendum in November 2011 repealed the legislation and restored the practice. Legislation was proposed in several other states to limit the hours or days available to voters for voter registration; this legislation passed in three states. Florida changed a law that permitted voters to update their voter registration at the polls, which means that voters who move between elections must re-register during a more limited registration period, Wisconsin lengthened the amount of time that individuals must be state residents before being permitted to vote, and in passing 2011’s S.B. 129 in 2012, Kansas shortened the number of days available for voter registration.

One of the more controversial forms of voting reform in 2011 concerned restrictions on organizations conducting voter registration drives. Though national legislation in 1993 heightened the ability of civic groups to conduct voter registration, third-party voter registration became a controversial topic after the community activist group ACORN was accused of fraudulently registering voters (Henig 2008). Meanwhile, registration drives by civic organizations have become an increasingly important for minority voters' registration practices: Hispanic and African American voters are twice likely as white voters to register to vote through a registration drive (Weiser and Norden 2011). Seven states proposed restrictions on third-party voter registration in 2011 but those restrictions passed only in Florida and Texas.

Voting. The category of legislation affecting voting had one signal reform that was really quite specific to 2011: the voter photo identification requirement (henceforth "photo ID"). Only three states – Indiana, Georgia and Missouri – had passed strict photo ID requirements before 2011 and only two of them ended up with laws on the books, since the Supreme Court struck down Missouri's photo ID requirement. Six additional states – Florida, Hawaii, Idaho, Louisiana, Michigan, and South Dakota – request some form of photo ID but allow voters either to cast a provisional ballot or sign an additional affidavit in order to cast a valid vote (Weiser and Norden 2011).

In 2011, legislation which created or strengthened photo ID requirements was considered in thirty-four states. The difference in terms of how prominent this form of voting reform was in 2011, both with reference to proposals in past years and relative to other categories of voting reform, can be seen by comparing the number of photo ID bills proposed in 2011 with other kinds of proposals from 2001-2012. I used the National Conference of State Legislators (NCSL)

2001-2010 and 2011-2012 databases of election legislation to calculate the number of bills proposed in each category listed in Figure 1 below.<sup>6</sup> The chart demonstrates the dramatic increase in photo ID bills proposed in 2011.



**Figure 1**

Finally, while in 2011 photo ID legislation was clearly the most frequently submitted form of legislation that would restrict access to voting, proposals to limit early voting comprised another major category of voting reform legislation which specifically limited voting itself. The practice of early voting involves permitting voters to go to an official office or satellite voting location in order to cast a ballot prior to election day. Thirty-two states currently have some form of early voting in place while the remaining eighteen do not (NCSL 2011). In 2011, Florida, Georgia, Ohio, Tennessee and West Virginia passed legislation restricting early voting. An additional four states considered but did not pass laws concerning early voting. Wendy Weiser

<sup>6</sup> The two NCSL databases of voting reform legislation can be found at <http://www.ncsl.org/legislatures-elections/elections-campaigns/2001-2010-database-of-election-reform-legislation.aspx> and <http://www.ncsl.org/legislatures-elections/elections-campaigns/2011-2012-elections-legislation-database.aspx>.

and Lawrence Norden (2011) argue that the specific elimination of Sundays from early voting periods in Florida and Ohio will have a disproportionate impact on voters of color since, “there is substantial statistical and anecdotal evidence that African Americans (and to a lesser extent Hispanics) vote on Sundays in proportionately far greater numbers than whites” (24).

### **Using Patterns of Existing Practice to Describe Voting Cultures**

I developed an index of voting restrictiveness by coding each state for its practices around four dimensions of voting: election-day registration, early voting, voter ID requirements and the number of people disenfranchised by felony disenfranchisement laws. I added a point to each state’s restrictiveness score for each of the following restrictive policies: not having election-day registration, not permitting early voting, having been among the states to adopt voter ID provisions before 2011 and for disenfranchising more than 75,000 people.<sup>7</sup> I then compared state restrictiveness scores with turnout of the voting eligible population in the 2010 election, both directly in terms of proportions of the population that turned out and in aggregate, in terms of quintiles in state rank in voter turnout.<sup>8</sup> The table displaying state voting restrictiveness and the voting-eligible turnout in each state is attached in the Appendix. Totals and averages from this table are displayed in Table 2 below. Standard deviations are provided in parentheses.

<b>Restrictiveness score</b>	0	1	2	3	4
<b>Number of states with this score</b>	4	21	16	9	0
<b>Mean turnout</b>	0.51	0.45	0.42	0.40	N/A

<sup>7</sup> Data on felon disenfranchisement is also available through the United States Election Project.

<sup>8</sup> I used Michael MacDonald’s data on voter turnout to examine the relationships between the different kinds of existing practice and turnout among the voting-eligible population in each state. By looking only at turnout rates among the voting-eligible population and not turnout rates among the voting-age population I avoid making a tautological argument about turnout since both people disenfranchised due to felon disenfranchisement policies are already excluded from this total.

	(0.042)	(0.059)	(0.054)	(0.033)	
<b>High/Low dichotomous mean turnout</b>	0.46 (0.048)		0.41 (0.06)		
<b>t-test of difference in means</b>	t-value	dF	p-value (2-tailed)		
<b>High and Low Restrictiveness conditions</b>	2.91	48	0.0056		

**Table 2**

Because the individual categories of restrictiveness were small (particularly the category of states with a score of 0), I considered restrictiveness as a dichotomous variable for the purpose of performing a Student's t-test for independence of means. I found a statistically significant difference between mean turnout in states across the high and low restrictiveness conditions.

The results of this analysis suggest that states can be considered to vary meaningfully across voting practices. These practices bear a significant relationship to voting turnout. The existence of different levels of restrictiveness provides evidence for the existence of different state-level cultures of voting. State citizens experience different levels of restrictiveness and experience different levels of turnout.

However, it is not only important to notice that these restrictions may have an impact on voter turnout. It is also important to note that these fundamentally different levels of restrictiveness combined with the state's experience of lower or higher level turnout constitutes an entirely different perspective on voting across the high and low restrictiveness and turnout conditions. Some states have policies which are more restrictive and populations which tend to witness lower-turnout elections. Other states have policies which are less restrictive and populations which tend to witness higher-turnout elections. I believe that these tendencies will have an effect on individual perception on the appropriateness of restricting voter turnout.

Effectively, heightened levels of voting restrictions are the status quo position in some state-level voting cultures, while not in others.

This notion of restrictive versus open voting cultures, if effectively supported, can be used to show how existing restrictive practices lead to a greater likelihood that a state will adopt other restrictions. Returning to the case of voting reforms adopted in 2011, we can look again at the case of the 11 states which adopted some voting reform but which did not have a new Republican majority in the state legislature. Across all 50 states, the mean voting restriction score is 1.6. Among the 11 states adopting voting reform which did not have a new Republican majority, however, the mean voting restriction score is 1.9. The fact that these states already have voting cultures more restrictive than those of the average state means that adopting additional voting restrictions is likely to fit an existing perspective that voting should not be made universally available but should be appropriately restricted. (Meanwhile, among the states which adopted voting reform and did have a new Republican legislative majority, the mean voting restriction score was 1.1, which rather clearly reflects the contrast between the cultures of the new legislatures and their previous iterations.)

Having defined the concept of the separate voting cultures, I now turn to the project of examining the opinion and media coverage which collectively define each state's conversation around its voting practices. By looking at media coverage and public opinion, I can both verify the relationship of state-specific coverage and opinion to voting reform outcomes and also begin to explore the way that practices themselves start to form opinion through creating familiarity with a status quo.

### **Media Coverage**

The relationship between media and a state's voting culture is an interesting one to contemplate. The media coverage of state politics both conveys opinion and helps to shape it.

Studying the media coverage of voting reform both helps us to understand more about the state-level salience of the specific kinds of voting reform but also allows us to find out more about how those issues were framed in public debate. Framing is a process by which a communicator – whether a speaker or a journalist – selects and highlights aspects of reality in order to persuade an audience to adopt a particular “problem definition, causal interpretation, moral evaluation, and/or treatment recommendation” (Entman 1993). In the context of journalism, framing offers a way to provide an easy “interpretive package” for news consumers to use in making sense of events in the world (Gamson and Modigliani 1989). While news consumers are not merely passive and their opinions are not shaped solely by news frames, “making sense of the world requires an effort” (10) and frames provide a useful, low-effort shortcut for news consumers.

Since news producers rely heavily on political elites for sound bites and quotes, we can expect that where a particular framing of a salient issue was present in public conversation it will also be represented in media coverage. Moreover, we might even expect that the prevalence of certain framings reflects the prevalence of opinions among the political elite: in other words, that the proportion of different frames is roughly indexed to the presence of these opinions among political leaders (Bennett 1990). This is particularly likely to be the case for an issue like voting reform, which is an issue on which many voters may not have extensive background information and are therefore likely to seek and develop opinions based on cues provided by political leaders (Lupia and McCubbins 1998).

In order to find out more about how local newspapers were representing voting reform – particularly, were they reflecting the specific varieties of voting reform which were under consideration in their states and then, how were they framing them? – I undertook an examination of over 50 local newspapers. I used Lexis Nexis Academic to identify local

newspapers with circulation in the states where legislators pursued voting reform legislation in 2011. While Lexis Nexis provides an easy solution to the problem of locating a large number of newspapers at once, it does not provide an optimal solution for this task as its selection of local newspapers is somewhat idiosyncratic and limited. Nonetheless, I felt that it was important to have a consistent searching platform across newspapers so I elected to remain with this method for this particular project.

I used Lexis Nexis to identify around 60 local newspapers from states which had considered voting reform legislation in 2011. Ultimately, I found that I had access to 54 newspapers across 29 states which had published more than one article about an aspect of voting which was at least tangentially related to voting reform legislation.<sup>9</sup> I categorized the most frequent voting reform proposals into the following categories: voter identification, early voting, changes to voter registration (including both changes concerning third-party registrants and changes to registration periods) and changes to requirements for citizenship documentation. Choosing only the most frequent categories of voting reform proposals and grouping some together (such as those concerning registration) allowed me to develop more credible cross-state analyses than would have been the case if I had used a more fine-grained method of identifying voting reform proposals.

Using these general categories of voting reform proposals, I searched the news database using keywords which I thought would be likely to capture those categories in searching for relevant articles published in 2011. Specifically, I searched for articles related to voter identification legislation (keywords: “voter ID” or “voter identification”), changes to early voting rules (keyword: “early voting”), changes to any aspect of voter registration (keyword: “voter

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<sup>9</sup> The list of these newspapers is attached to this paper as an appendix. The reader will note that for many states, this list does not contain the state’s largest newspaper due to the fact that Lexis Nexis does not archive it.

registration”), or changes to citizenship documentation requirements (keywords: “citizen,” “proof” and “vote.”) In total, this method captured 4190 articles, distributed as reported in the table appended in the Appendix.

As one might expect, more specialized subjects – such as “citizenship, proof, vote” – turned up far fewer articles than a more general subject like “voter registration”: articles mentioning “voter registration” made up .41 of the total number of articles collected through these searches while “citizenship, proof, vote” made up just .03 of the total. The fact that there was this disparity highlights the fact that not all of these articles concerned voting reform proposals. Searching with the key words “voter registration” and “early voting” turned up a number of articles which reported on the results of early voting or on current total number of registered voters. This collection of articles is therefore not a collection of articles solely about voting reform legislation. Nonetheless, these searches did provide a relatively neutral baseline from which it is possible to make some observations about the coverage of voting reform legislation.

Because not all of these articles concerned voting reform legislation and because my newspaper sample was strongly constrained by the database I used to find these news articles, I would not use these results to estimate the true extent of the media coverage of voting reform legislation in each of these states; however, I think that I can use it to look at the relative salience of the specific voting reforms being considered within a state. This sample uses some high-circulation papers and some low-circulation papers; where I use low-circulation papers I have a very poor sense of the extent of publication within the state. On the other hand, I don’t think that the fact that this sample of newspapers is constrained is due to any regular bias in the database’s selection of these newspapers. My sample of newspapers includes newspapers in a range of

circulation sizes, from both urban and rural locations and from all regions, without an evident preference for political tone. For that reason, while my sample should not be used to estimate the extent of coverage in a particular state, I can still use it to estimate certain dimensions of interest. In particular, I believe that I can use this sample to uncover the relative salience of the specific voting reforms being considered within a state, which should be higher than average if the newspapers are focusing on those state-specific reforms. Though I can't report on the total extent of coverage of photo ID, where I find that voter ID is being mentioned frequently relative to the entire group of articles within a state, I feel it is reasonable to roughly generalize this finding to news coverage within the state. A substantial caveat to this argument is that this is more likely to be true in cases where I have gathered a larger sample of articles from an individual newspaper. In cases where through my four key word searches I collect only a small number of articles from a particular newspaper, it is harder to make a reasonable claim that the proportions I find accurately reflect the larger population of a state's newspaper articles.

With this expectation in mind, I examined the proportions of the total number of articles I had collected in each state stemming from each key word search. Looking at the distribution of articles, we can see that the total number of articles collectively, across all states, which mentioned "voter ID," "voter registration," "early voting," and "citizenship, proof, vote" represented a certain proportion of the total number of articles. However, the proportion of articles made up of each of those categories varied considerably across states.

If newspapers within a state were generally reflecting political arguments occurring in the context of proposed state legislation, we would expect those proportions to vary according to whether legislation was proposed in each of those categories. Where a state had considered or passed legislation in a category of voting reform, I would expect to see more coverage of that kind of issue; where a state legislature did not consider legislation in a particular category, I

would expect to see less coverage of that issue. To determine whether this was the case, I first looked at whether states had considered or passed legislation in the categories reflected by my key word searches. For each of the four categories of articles (voter ID, early voting, voter registration or proof of citizenship for voting),<sup>10</sup> I then categorized the newspapers as belonging to a state that *had* considered or passed legislation from that category or which *had not* considered or passed legislation from that category. Finally, I separately averaged the proportion of articles in each article category in the “had legislation” condition and in the “had not legislation” condition. If the newspapers were devoting greater coverage to the specific voting reform topics that were under consideration in their state, then the average proportion of articles in a particular article category should be higher where that category of voting reform was under consideration than in a place where that legislation was not under consideration.

My averaging of the proportions of coverage devoted to each category of voting reform generally bore out this hypothesis. In order to verify that I was only looking at newspapers which I could expect to be reasonably representative of the overall state coverage of voting reform issues and in line with the caveat I mentioned above, I also averaged these categories of articles and states where I had at least 50 articles from the state on voting topics in 2011.

All states	Average proportion of articles on the voting reform subject in states where that reform was considered	Average proportion of articles on the voting reform subject in states where that reform was not considered
Photo ID	<b>0.25</b>	0.13
Early voting	<b>0.48</b>	0.27
Registration	0.36	<b>0.44</b>
Citizenship	<b>0.05</b>	0.02

<sup>10</sup> Due to the difficulty of using key words to search the news for different varieties of voter registration legislation (time periods, third party registration, election-day registration – i.e., columns 4-6 in my “Types of Voting Reform” table), I merged these categories of legislation together and considered them collectively to be “voter registration” legislation.

proof		
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**Table 3**

States with at least 50 articles	Average proportion of articles on the voting reform subject in states where that reform was considered	Average proportion of articles on the voting reform subject in states where that reform was not considered
Photo ID	<b>0.24</b>	0.16
Early voting	<b>0.48</b>	0.31
Registration	<b>0.39</b>	0.36
Citizenship proof	<b>0.04</b>	0.02

**Table 4**

In each case in **Error! Reference source not found.**3 and 4 above I highlighted the larger proportion, demonstrating that the average proportion of coverage devoted to each of the specific voting reform topics was indeed higher in states where each subject was under consideration by the state legislature. The only situation where this was not the case was in my examination of articles mentioning “voter registration.” Here, when I included newspapers from all states – including those for which I only had a few articles mentioning voting topics – the proportion of articles mentioning voter registration was higher on average in states which were not considering changes to voter registration. This outcome was the product of the fact that for many of the newspapers devoting little coverage to voting topics, mentioning voter registration (generally in the context of reporting on current voter registration numbers) was one of the few things they mentioned; this heightened their average proportions of “voter registration” articles. Moreover, many of these low-coverage newspapers were in states which were not considering changes to their voter registration system. Once I removed states for which I had fewer than 50 articles about voting, the expected pattern of heightened attention to voting topics under legislative consideration held in all cases.

## **Framing**

This finding that newspapers tend to cover voting reform topics under consideration by their state legislatures is somewhat interesting in itself. However, it is particularly useful as a validation that newspapers do reflect their local conditions in reporting on voting reform. As I turn to the more interesting question of identifying the kind of framing newspapers use in their discussion of voting reform subjects, knowing that they are roughly indexing their topics to the topics that are legislatively current supports the likelihood that they are also indexing current political leadership opinion. Newspapers are evidently covering subjects of state-specific elements of the voting reform debate. We can assume that their sources and perspectives will also record the positions of influential political leaders within that state-specific debate.

Examining the kind of elite opinion that is reported in local newspapers provides a partial solution to the general lack of state-specific public opinion data on this subject. As I mentioned above, since voting reform is a subject about which many people are likely to have less strongly formed opinions, where newspapers are indexing elite opinion we might assume that a number of individuals will take cues from those opinions. Furthermore, while accurate surveys of public opinion would be far superior as a measure of that opinion, in the absence of these surveys it is possible to gain some insight into the proportion of opinion by examining media coverage of the voting reform debate.

So how were elites talking about voting reform? Literally, elites were talking about the need to increase restrictions or maintain openness in a particular area of state-level voting policy, but the rhetoric of these conversations centered on concepts which had much greater emotional resonance. Specifically, elites talked about reform in one of two ways: in terms of voter fraud or in terms of voter disenfranchisement and suppression. This paper does not attempt to document

either the origins of these frames or how they came to become the dominant framings of voting reform legislation in 2011. However, it is useful to note that none of them is new to the voting reform legislation debate. Both the voter fraud and the voter disenfranchisement or suppression frames draw on a rich background of symbols, enemy images and historical events.

Voter Fraud. The “voter fraud” framing, which advocates increasing restrictions, revolves around the idea that the existing set of laws is insufficient to prevent people from voting illegally. The “voter fraud” frame is easy to identify within a discussion of voting reform law since individual writers or speakers invoking this frame nearly always use the specific word “fraud.” The simple repetition of the word “fraud” in this context is an effective rhetorical strategy in that the phrase “voting fraud” succinctly evokes the image of a criminal, intentional, coordinated act performed with the intention of changing the otherwise valid outcome of an election. While voting-related fraud (or election fraud) can technically have a number of meanings, including behavior by election officials to prevent valid voters from voting (Donsanto 2008), the mention of voter fraud in the context of framing voting reform legislation in 2011 nearly always refers to fraud perpetuated by people who cast illegal ballots by misrepresenting themselves as legitimate voters. Elaborations of the voter fraud framing often involve references to famous cases of political corruption, tying the current need for voting reform to historical events and figures like Chicago Mayor Richard Daley and the charges of widespread vote fraud during the 1960 presidential election.<sup>11</sup> This association with Mayor Daley in 1960 – and the broader associations with both the Democratic Party and a hierarchical, organized-crime-connected political machine

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<sup>11</sup> References to “Chicago” in connection with arguments about voter fraud have become increasingly frequent since 2000. For example, a search for “Chicago” and “voter fraud” in archives of The Washington Times found that the two words were found together in articles 10 times between 1989 and 1999, but were then used simultaneously 7 times in 2000, 3 times in 2004, 7 times in 2008, 3 times in 2009 and 7 times from July 2011 through January 2, 2012. (Author’s search of Lexis Nexis Academic news archive, February 4, 2012.)

– in some ways yokes the label of “voter fraud” to an anti-Republican partisan motivation and to the suspicion that the perpetrators of voter fraud are a part of a political conspiracy.

The voter fraud frame is far more regularly focused on criminality and corruption than partisan advantage. Individuals arguing for voting reform and using a voter fraud framing cast the legislation as a matter of non-partisan common sense, a matter of common safety and security for the civic body. More than the partisan outcome of votes, the voter fraud framing focuses on the process of voting, treating it as a decontextualized, abstract question: if someone were implacably determined to cast an illegal vote, what kinds of barriers might be reasonably put in her way? By ignoring the question of outcomes, the voter fraud frame functionally side-steps the question of whether one party benefits more than the other from the new voting reform legislation. Where individuals using the “voter fraud” frame acknowledge that the new legislation will make voting harder for legitimate voters, this difficulty is cast in the light of being an acceptably small individual sacrifice on behalf of a great public good: the few extra steps people will have to take in order to vote help to save the civic body from corruption. By identifying the consequences of the voting reform laws as small individual sacrifices, adherents of this frame implicitly morally elevate the people who are willing to make this sacrifice on behalf of the country and implicitly (or explicitly) cast moral aspersions on people who are not “willing” to make this sacrifice. The notion that people should be willing to sacrifice in order to vote even becomes a point for identifying worthy voters among some individuals using the “voter fraud” framing, nearly to the extent that it becomes its own separate argument:

Do you read the stories about the people in Africa? The people in the desert, who literally walk two and three hundred miles so they can have the opportunity to do what we do, and we want to make it more convenient? ... This is a hard-fought privilege ... This is something people die for. You want to make it convenient? The guy who died to give you that right, it was not convenient. Why would we make it any easier? I want ‘em to fight

for it. I want ‘em to know what it’s like. I want them to go down there, and have to walk across town to go over and vote (Bennett cited in Pillow 2011).

Meanwhile, when supporters present partisan versions of the voter fraud frame, opponents generally recognize these comments as an opportunity to demonstrate the disingenuousness of the voter fraud frame. Arguments that Democrats steal votes (e.g., “Democrats fear they can’t win next year unless they cheat,” (Kelly 2011) or “Many of us believe that the Democrats intentionally steal elections” (Nemitz 2011)) project criminality onto a mainstream political party. Since most people (and certainly most Democrats) disagree with the proposition that the entire party is criminal, this allegation limits the framer’s credibility and undermines his effort to convince audiences that voter fraud is an authentic problem.

Voter Disenfranchisement/Voter Suppression. The “voter disenfranchisement or suppression” framing, which cautions about the need to maintain openness, is a framing of the voting reform legislation debate which evokes an entirely separate set of images from “voter fraud.” While not forming as neat a rhetorical package as “fraud,” the terms “disenfranchisement” and “suppression” are used frequently across politically similar arguments. The two terms both suggest that people who should legally have been permitted to vote are prevented from doing so, though they describe two different ways in which this happens. “Disenfranchisement” is a term that refers to an individual’s loss of voting rights while “suppression” is associated with “the effort to impose a prohibitive cost of voting on some groups” (Lanning 2008 [PAGE]). Similar to “voting fraud,” “disenfranchisement” has multiple meanings in that it can mean both the illegal impeding of an individual’s right to vote as well as the legal removal of an individual’s voting rights, as in felony disenfranchisement legislation; in the context of the broader voting reform discussion, the “disenfranchisement” framing generally references illegal

disenfranchisement. “Suppression,” meanwhile, always refers to the illegitimate denial of electoral power by political officials. As a term which references group-level discrimination, discussions of voting reform legislation which invoke the “suppression” frame often refer to groups which have experienced a history of discrimination at the polls. Both the “disenfranchisement” and “suppression” framings evoke the illegitimate use of state power to remove voting rights from legitimate voters, particularly from already marginalized or disempowered social groups.

Elaborations of either the disenfranchisement or suppression framing often make reference to the mass disenfranchisement of African-Americans during the period of Jim Crow laws. Felony disenfranchisement is particularly strongly associated with the Jim Crow laws; voting rights advocates have identified the source of some specific felony disenfranchisement laws in the desire to continue Jim Crow-era policies through a legal mechanism (Wood et al. 2009). However, individuals employing the disenfranchisement or suppression frame in discussing other voting reform legislation draw on the association with Jim Crow as well. Discussions of voting reform which use the disenfranchisement or suppression frame often reference specific policies like poll taxes and literacy tests, policies which are strongly associated with the exclusion of African-Americans during the Jim Crow era.<sup>12</sup> Taking together the direct references to Jim Crow and the indirect references through the mention of specific Jim Crow-associated policies, the disenfranchisement and suppression frame associates voting reform legislation with anti-African-American racism.

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<sup>12</sup> While these policies are strongly associated with the Jim Crow era and thus with racial exclusion, poll taxes did exist beyond the Jim Crow period. Where they were not eliminated they may have escaped scrutiny since they were not generally targeting African-American but indigent white voters. For example, while Maine had a very small non-white population in the late 1970s and it did not eliminate its poll tax until there was a legislatively-initiated public vote on the issue in 1978 (Maine State Law and Reference Library 2011).

Like the voter fraud frame, the disenfranchisement and suppression frame also has a partisan component; unlike the voter fraud frame, this partisan component is highlighted rather than de-emphasized. In this framing of voting reform laws, the suppression of minority groups is aligned with an observation of the intention to suppress Democratic voters to the extent that it is unclear which group is the true target. The frame connects voting reform legislation with Republican efforts to reduce the size of the Democratic electorate by pointing to the fact that nearly all of the 2011 voting reform legislation was proposed by Republicans and opposed by Democratic legislators, by highlighting the cross-state coordinated nature of the voting reform legislation and by noting the common membership of many voting reform legislation sponsors in the American Legislative Exchange Council (ALEC). In contrast to the voter fraud frame, the disenfranchisement and suppression frame emphasizes the partisan nature of the voting reform legislation. While individuals using the voter fraud frame focus on the individual-level “common sense” of the voting reform proposals, individuals using the disenfranchisement and suppression frame focus on the expected impact of the voting reform legislation on categories of individuals who are more likely to vote for Democratic candidates. Far more often than speaking about individual criminality or corruption, supporters of the disenfranchisement or suppression frame focus on the predicted statistical effects of the voting reform legislation: the percentage of legitimate voters who do not have the mandated forms of identification or the estimated number of people who will not register to vote with stronger restrictions on voter registration methods.

### **Presence of Voter Fraud and Disenfranchisement/Suppression Frames in News Coverage**

To identify the presence of these two frames, I searched my collection of local news articles referencing “voter ID,” “voter registration,” “early voting,” or “citizenship, proof, vote”

with the additional keywords “fraud,” “disenfranchise” and “suppress.” I eliminated from subsequent analysis results from newspapers where none of the articles referenced either fraud, disenfranchisement or suppression as these articles contained neither of the frames most dominant in the voting reform discussion. With the remainder of the newspapers, I calculated, for each key word/voting reform category, whether there were more articles mentioning fraud than there were articles mentioning either disenfranchisement or suppression (“dominant fraud frame”) or the converse. If the newspaper had more articles mentioning fraud, I coded it as “1” for a dominant fraud frame. In situations where I collected articles from more than one newspaper in a state, I averaged the dominant fraud frame coding to account for variation in that category. Finally, I examined the proportion of dominant fraud frames in each category in each state for the relationship it bore to three significant factors relating to 2011 voting reform: passage of a state law in that voting reform category, the state’s voting restrictiveness score, and whether a state gained a new Republican legislative majority in 2010. The table displaying this data is attached in the Appendix.

My first finding was that most states demonstrated a dominant fraud frame for most specific voting reform issues. Voter fraud was mentioned very broadly in connection with voting reform issues: out of 142 total cases (individual newspapers on individual subjects), 110 of them had dominant fraud frames. Meanwhile, though disenfranchisement and suppression were also mentioned to some degree in every state, many fewer newspapers mentioned them at an equal rate to their mention of fraud. Supporters of the voting reform legislation were evidently more effective at getting their perspectives into the newspapers, on the whole, than were opponents of the restrictive voting reforms. It is therefore not entirely surprising that in the case of every

voting reform category in which a state passed a law, its newspapers also featured a dominant fraud frame.

However, not every state passed a law in every voting reform category and there was more variation in framing in cases where states did not pass a voting reform. In fact, there may even be a positive relationship between the presence of disenfranchisement and suppression framing and a state's failure to pass voting reform legislation. Without specifying a direction to the correlation (i.e., that the increased media attention to the disenfranchisement and suppression frames actively convinced legislators to oppose voting reforms), it is still possible to observe that in locations where disenfranchisement and suppression were mentioned more often, voting reform was likely a harder sell.

It's possible to see the relationship between state voting restrictiveness and the impact of the new Republican legislative majorities as well in the dominance of the fraud frame within local news stories mentioning voting reform issues. Knowing how important the voting reforms were to the new Republican legislative majorities, I controlled for states with these new majorities. Then, with the remainder of the states in my sample I averaged the proportion of newspaper reporting on voting reform issues which contained a dominant fraud frame across all voting reform subjects. For states which had a voting restrictiveness score of 0 or 1, the mean proportion of articles mentioning voting reform issues which had a dominant fraud frame was .48; meanwhile, for states with a voting restrictiveness score of 2 or 3, the mean proportion of articles mentioning voting reform issues which had a dominant fraud frame was .83. For the states with new Republican legislative majorities, although their state voting restrictiveness score averaged 1.1, their mean proportion of articles mentioning voting reform issues which had a

dominant fraud frame was .73 – a proportion which probably reflected the state media’s reporting on the views of the state’s new political leadership.<sup>13</sup>

## Opinion

Having established a relationship between state media coverage of voting reform, the kinds of reforms that have been passed within a state, and the restrictiveness of a state’s voting practices, I turn to examine state-level opinion. As a state-level issue which has attracted substantial national interest chiefly within in the last decade, voting reform legislation has not the subject of a large number of national polls. Voting reform legislation has also been polled at the state level but, as far as I was able to ascertain, this only occurred in the context of upcoming ballot initiatives related to voting reform legislation. This is an understandable pattern; public opinion polls are expensive undertakings which often require the motivation of an important event like an upcoming election. However, this means that for the large number of states where voting reform legislation was considered or passed but where people do not have the opportunity to vote on that legislation, no comprehensive state-level polling was done. Most of the states which passed voting reform legislation in 2011 were states where there is no legal provision for citizens to initiate legislation or to hold a public referendum on legislation. The relationship between the passage of voting reform legislation and the lack of initiative and referendum rights within a state is a very interesting one which I hope to examine in future work; however, for the purposes of thinking about its impact on the presence of polling, suffice it to say that because

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<sup>13</sup> The difference between mean proportions of dominant fraud frames for states without a new Republican legislature but with a voting restrictiveness score of 0 or 1 and those with a score of 2 or 3 was significant at the <0.01 level. ( $t = 3.10$ ,  $dF = 18$ ,  $p = 0.006$ ). The difference between the mean proportions of dominant fraud frames for states with a new Republican legislature and either of the other two groups was not statistically significant below the 0.05 level.

few states had voting reform on the ballot there was very little state-level polling done on voting reform issues.

The 2008 Cooperative Congressional Election Study (CCES) represents a major exception to the lack of polling on voting reform initiatives legislation. The 2008 CCES was a survey of 30,000 people performed by 34 research organizations and coordinated by Stephen Ansolabehere. While the stated intention of the project is “to study congressional elections and representation using very large scale national surveys” (Ansolabehere 2011), researchers can examine individual questions within the broader survey to access an exceptionally broad, if low-powered, state-level opinion survey on many different political subjects. The questions of interest to researchers studying voting reform concern public support and opposition to a range of individual potential state-level reforms: permitting “e-voting” (absentee voting over the Internet), election-day registration, a requirement that voters be capable of reading a passage from the U. S. Constitution, an all-mail election, automatic voter registration for all 18-year-olds, and a photo ID requirement for voters (Ansolabehere 2011). The results of the CCES provide important insights into the conditions for individual support of specific voting reforms and also allow us to look at the degree of correlation across levels of support for different voting reforms.

### **Using the CCES to Examine State-Level Opinion on Voting Reform**

The CCES has been useful in demonstrating one of the more consistent findings regarding opinions on voting reform: the great significance of ideology in predicting a respondent’s attitudes towards individual voting reform proposals. While partisanship is an important predictor of attitudes towards voting reform, ideology bears an even closer relationship to those outcomes. Ansolabehere (2007) found that ideology has the stronger relationship,

holding all else constant, to voter attitudes on voter identification requirements than does region, income, party and race (6). Specifically with voter identification, Ansolabehere found that party predicted attitudes on voting reform more poorly than did ideology, in that two-thirds of Democrats supported voter identification requirements. Moreover, the significance of ideology is also evident in the logic which underlies support for voting reform. Despite the strong partisan association with recent arguments about voter fraud, Ansolabehere and Persily (2008) documented that ideology was a stronger predictor than partisanship of a respondent's belief in the prevalence of voter fraud.<sup>14</sup>

To develop data on state-level opinions about voting reform, I stratified the CCES data by state. This gave me a set of samples ranging fairly widely in size (e.g., 35 respondents from Wyoming but 1515 from California.) I then examined variables related to partisanship (5 point scale), ideology (7 point scale), support for the four varieties of voting reform respondents had been asked about (automatic registration, election-day registration, voter identification, and all-mail elections – coded in the CCES as “support,” versus “oppose” or “not sure”), and a variable reflecting state-level voting practices (respondent asked to show identification at the polls.) I averaged each of these variables across each state-level sample. This set of averages allowed me to look at the average state partisanship,<sup>15</sup> the average state ideology, and the proportion of responses from state respondents supporting each of the four voting reforms. Because of the small sizes of some of the state-level samples I would not claim that these figures perfectly estimate the actual parameters of these variables in each state's population; however, since I am

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<sup>14</sup> This finding, based on data from the 2006 CCES, may no longer hold in the same way as a result of the strong partisan arguments made around voter fraud since 2011. Just as public attitudes about voter ID appear to be aligning along partisan lines as a result of increased exposure to partisan arguments, attitudes about fraud may also be responding to those pressures.

<sup>15</sup> Which, as I review this paper I realize is probably problematic – I should probably shift this to the modal state partisan ID.

looking at the state averages collectively in order to see how the relationships across variables relate to one another, this is less of a problem than if I were making claims about the preferences within any one specific state.

I then used the CCES to examine the effect of existing voting practices on voting reform opinion. Without the CCES, it is challenging to map the precise effect of existing restrictive voting practices within a state on attitudes since there are a variety of different laws which have come into effect in different ways and at different times and which may be classed according to their different degrees of stringency (Alvarez et al. 2008). However, using the CCES it is possible, at least within the voting reform dimension of voter identification, to look at the percentage of respondents from each state who were themselves asked to show identification in order to vote. This answer approximates the effect that these existing voter ID laws are likely to have on their voting populations.

To this data I then added a variable for a state having election-day registration, reflecting another state-level voting practice. Finally, I found the correlation coefficient between the files of state-level averages of each of these variables, indicating the strength of the relationships between them. These correlation coefficients are presented in Table 5 below. I highlighted coefficients greater than .50 to indicate particularly strong correspondences.

	State Partisanship Average	State Ideology Average	Ave. State Support for Automatic Registration	Ave State Support for EDR	Ave State Support for Voter ID	Ave State Support for All- Mail Voting	State has EDR	State average: Asked to show ID to vote
State Partisanship Average	1							
State Ideology Average	0.9	1						
Ave. State Support for Automatic Registration	<b>-0.64</b>	<b>-0.64</b>	1					
Ave State Support for EDR	-0.12	-0.29	0.13	1				

Ave State Support for Voter ID	0.48	<b>0.55</b>	-0.16	<b>-0.55</b>	1			
Ave State Support for All-Mail Voting	-0.1	-0.19	0.03	0.13	-0.18	1		
State has EDR	0.16	0.09	-0.24	<b>0.75</b>	-0.3	-0.07	1	
State average: Asked to show ID to vote	0.12	0.25	0.16	-0.36	<b>0.72</b>	-0.19	-0.32	1

**Table 5**

These correlations generally support Ansolabahere's (2007) finding from the 2006 CCES data regarding the significance of ideology for predicting attitudes on voter identification.

Ideology seems similarly to strongly predict attitudes towards automatic registration, though in the opposite direction; while increased conservatism correlates with increased support for voter identification requirements, increased conservatism correlates with decreased support for automatic registration. Meanwhile, partisanship correlates with attitudes towards automatic registration at a similar level to partisanship but it does not correlate as strongly with attitudes on voter identification – again, as identified by Ansolabahere.

Interestingly, however, cross-state changes in ideology did not correlate as strongly with cross-state changes in support for either voter identification or election-day registration as did my two existing practice variables. The experience of specific voting practices correlated more highly with state opinion on those practices than it did with ideology. Where more people within a state had been asked to show identification at the polls (my proxy for stricter identification laws), more people supported voter identification requirements. Where people live in a state that offers election-day registration, more people support election-day registration. Since it strains credulity to argue that supporters of election-day registration of all ideological stripes intentionally moved to a state because it offers election-day registration, it is reasonable to assume that the impact of an individual's immediate, local experience of voting is an important contributor to their attitudes about voting reform.

This observation has been made in other contexts but has not been drawn out as fully as I have done here. Drawing on a previous wave of the CCES project, Ansolabehere's study of the MIT group panel in the 2006 CCES (2007) lends additional weight to the notion that there is a relationship between existing practice and attitudes about voting reform. While Ansolabehere noted that ideology was the strongest predictor of individual attitudes about voting reform, "those who were asked to show voter ID were more voter ID were more likely to support its adoption as a common requirement than were those who had not been asked. This pattern held up controlling for race, region, and income" (7).

### **Concluding Thoughts**

In this paper I have examined the relationships between existing state-level voting practice, state-level turnout, media coverage and opinion to pursue an argument about the existence of local state-level voting practices and their effect on the adoption of voting reforms. This is a particularly salient topic after the unparalleled success of voting reform advocates in getting restrictive voting reform considered and passed in state legislatures during 2011. I evaluated how a large part of that successful effort could be chalked up to the wave of new Republican majorities taking office after the 2010 elections. However, for the remaining states which increased their level of voting restrictions, I found we must seek additional factors to explain their reforms. By looking at the collection of existing voting practices in the US states, I describe variation in what I refer to as cultures of voting restrictiveness. These different existing levels of restrictiveness create their own likelihood of state support for restrictions on voting, beyond simply the balance of partisans or ideologies within a state.

I argue that we can think of these differences in accepted existing practice and local trends in turnout as constituting state-level voting cultures. We might think of these cultures as collective endorsements of philosophies which scale a range from “voting is a right, not a privilege” to “democracy should not be a convenience.”<sup>16</sup> By considering the significance of local practice on these larger attitudes, we can explain statistics otherwise confusing to voting rights advocates, such as the fact that majorities of African Americans can sometimes be found to endorse restrictive voting reforms (Ansolabahere 2007), despite the fact that restrictive voting reforms may end up (and have a substantial history of) disproportionately reducing African American turnout.

### **So, is it Jim Crow?**

To the extent that I have described “voting cultures” in this paper I have offered a rather thin description of these cultures, based solely on existing practices and turnout. I did not examine or address the underlying causes which contributed to the evolution of these different practices. Meanwhile, it is these underlying causes which are the subject of so much contemporary interest because of their strong moral and legal significance. If these contemporary cultures of voting restrictiveness provide cover for an embedded racism, as many argue that they do, then we would not consider the more restrictive states to be simply “different” but rather morally wrong. If these different cultures of voting restrictiveness lead to the adoption of laws which affect minority populations disproportionately, then those laws are illegal under the Voting Rights Act. However, what I have tried to do here is to offer another way to look at the differences across states. While it is certainly possible to examine state-level policy and opinion through a moral or legal lens, it is also possible to attempt to evaluate state-level voting practice

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<sup>16</sup> Florida State Senator Ellen Bogdanoff, cited in Weiser and Norden 2011.

and opinion without that judgment. This brings us much closer to understanding additional dynamics of support for voting restrictions. Since individuals who support high levels of voting restrictions probably do not think of themselves as supporting immoral or illegal laws, it is important to consider the other factors which lead to support of those restrictions. I've tried to show in this paper that the local context of existing practice – a factor which does not have a moral valence – matters considerably.

This difference is particularly important when we ask the inevitable question about whether the more restrictive states are essentially pursuing a modern variant of Jim Crow laws: in other words, whether these restrictions are an expression of heightened current levels of racism within a state which are created or maintained with the intention of relegating African Americans and other minorities to second-class status. While it is possible to argue that this is the case (based on the relationship between current voting restrictiveness and histories of Jim Crow voting restrictions, based on analyses which demonstrate a disproportionate impact of voting restrictions on minority populations), it may not be the most effective or realistic strategic argument if we are interested in increasing legitimate access to voting. Ascribing the entire difference in voting practices to current levels of racism is likely to alienate individuals who do not see themselves as racist. Meanwhile, those same individuals might be more amenable to an incrementalist approach, with arguments that take into account their apparent existing preferences for more restrictions.

On-the-ground voting rights advocates certainly know that the battle to remove voting restrictions is a state-by-state battle, highly dependent on local contexts. However, when we take a national perspective on advocacy around voting reform, it is easy to forget that underlying state-level variation. Understanding the significance of local practices on voting reform opinion

could improve the tailoring of voting rights arguments, helping to produce effective arguments which will inspire positive change and reduce the possibility of backlash.

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## APPENDIX

### 1. Voting Restrictiveness Table

	Felon disenfranchisement > 75,000	No EDR	No early voting	Early adopters of photo ID	Total restrictiveness score	2010 VEP turnout	Quartile lowest turnout VEP <sup>17</sup>
Alabama	1	1	1	0	3	0.431	3
Alaska	0	1	0	0	1	0.52	1
Arizona	1	1	0	0	2	0.41	4
Arkansas	0	1	0	0	1	0.375	5
California	1	1	0	0	2	0.441	3
Colorado	0	1	0	0	1	0.507	1
Connecticut	0	1	1	0	2	0.46	2
Delaware	0	1	1	0	2	0.473	2
Florida	1	1	0	1	3	0.419	3
Georgia	1	1	0	1	3	0.399	4
Hawaii	0	1	0	1	2	0.398	4
Idaho	0	0	0	1	1	0.422	3
Illinois	0	1	0	0	1	0.425	3
Indiana	0	1	0	1	2	0.371	5
Iowa	0	0	0	0	0	0.5	1
Kansas	0	1	0	0	1	0.417	3
Kentucky	0	1	1	0	2	0.424	3
Louisiana	1	1	0	1	3	0.39	4
Maine	0	0	0	0	0	0.553	1
Maryland	0	1	0	0	1	0.465	2
Massachusetts	0	1	1	0	2	0.492	2
Michigan	0	1	1	1	3	0.446	3
Minnesota	0	0	1	0	1	0.554	1
Mississippi	0	1	1	0	2	0.37	5
Missouri	1	1	0	1	3	0.445	3
Montana	0	0	1	0	1	0.475	2
Nebraska	0	1	0	0	1	0.373	5
Nevada	0	1	0	0	1	0.411	4

<sup>17</sup> Quintiles are reverse-coded, with 1<sup>st</sup> quintile indicating the highest turnout of voting-eligible population and 5<sup>th</sup> quintile indicating the lowest.

<b>New Hampshire</b>	0	0	1	0	1	0.457	2
<b>New Jersey</b>	1	1	1	0	3	0.364	5
<b>New Mexico</b>	0	1	0	0	1	0.427	3
<b>New York</b>	1	1	1	0	3	0.355	5
<b>North Carolina</b>	1	1	0	0	2	0.392	4
<b>North Dakota</b>	0	1	0	0	1	0.463	2
<b>Ohio</b>	0	1	0	0	1	0.45	2
<b>Oklahoma</b>	0	1	0	0	1	0.387	4
<b>Oregon</b>	0	1	0	0	1	0.527	1
<b>Pennsylvania</b>	0	1	1	0	2	0.417	4
<b>Rhode Island</b>	0	1	1	0	2	0.449	2
<b>South Carolina</b>	0	1	1	0	2	0.397	4
<b>South Dakota</b>	0	1	0	1	2	0.528	1
<b>Tennessee</b>	1	1	0	0	2	0.347	5
<b>Texas</b>	1	1	0	0	2	0.322	5
<b>Utah</b>	0	1	0	0	1	0.362	5
<b>Vermont</b>	0	1	0	0	1	0.495	1
<b>Virginia</b>	1	1	1	0	3	0.387	4
<b>Washington</b>	0	1	0	0	1	0.532	1
<b>West Virginia</b>	0	1	0	0	1	0.367	5
<b>Wisconsin</b>	0	0	0	0	0	0.521	1
<b>Wyoming</b>	0	0	0	0	0	0.452	2

## 2. List of Newspapers Included in Media Coverage Study

Arkansas Democrat-Gazette  
 Capital Times  
 Chapel Hill Herald  
 Charleston Daily Mail  
 Chattanooga Times Free Press  
 Chicago Daily Herald  
 Chicago Sun-Times  
 Contra Costa Times  
 Dayton Daily News  
 El Paso Times  
 Lewiston Morning Tribune

Lincoln Journal Star (Nebraska)  
 Los Angeles Times  
 Maryland Gazette  
 Pittsburgh Post-Gazette  
 Richmond Times Dispatch  
 San Antonio Express-News  
 South Bend Tribune  
 St. Louis Post-Dispatch  
 St. Paul Pioneer Press  
 Star-News  
 Tampa Bay Times

The Atlanta Journal-Constitution  
 The Austin American-Statesman  
 The Baltimore Sun  
 The Capital  
 The Charleston Gazette  
 The Daily Reporter  
 The Denver Post  
 The Florida Times Union  
 The Houston Chronicle  
 The Lebanon Daily News  
 The Morning Call  
 The Oklahoman

The Philadelphia Inquirer  
 The Roanoke Times  
 The Spokesman-Review  
 The State Journal-Register  
 The Washington Post  
 The York Dispatch  
 Topeka Capital-Journal  
 Star Tribune  
 The Augusta Chronicle  
 The Tulsa World  
 Wisconsin State Journal  
 Bangor Daily News  
 Las Vegas Review-Journal paper

Portland Press Herald  
Providence Journal  
Telegram and Gazette  
The New York Times  
The Times Union  
The Union Leader

### 3. Distribution of News Articles Identified as Having Voting Reform-Relevant Content

State	Articles Mentioning Voter ID	Articles Mentioning Early Voting	Articles Mentioning Voter Registration	Articles Mentioning Citizenship	Total Number of Collected Articles
AR	9	81	13	4	107
CA	5	37	54	3	99
CO	4	4	40	14	62
FL	5	182	111	8	306
GA	36	76	41	2	155
ID	5	18	26	0	49
IL	7	70	56	0	133
IN	2	5	28	0	35
KS	6	5	3	0	14
MA	6	0	20	5	31
MD	8	32	28	0	68
ME	9	8	124	0	141
MN	96	35	44	0	175
MO	26	23	18	0	67
NC	38	28	18	2	86
NE	0	0	14	0	14
NH	28	2	14	0	44
NV	2	119	66	0	187
NY	32	96	58	6	192
OH	7	32	16	0	55
OK	43	48	66	8	165
PA	55	52	159	0	266
RI	37	4	23	0	64
SC	7	174	89	0	270
TN	70	52	49	8	179
TX	266	360	105	16	747
VA	21	70	86	11	188
WA	2	12	12	2	28
WI	192	6	34	5	237
<b>Total</b>	1030	1633	1415	112	4190
<b>Proportion</b>	.23	.33	.41	.03	1.0

### 4. Analysis of Media Coverage Dataset

State	Voting Restrictiveness Score	New Republican Legislature	Voter ID law passed	Early voting law passed	Registration law passed	Proof of citizenship law passed	Voter ID - Dominant fraud frame, average across state	Early voting - Dominant fraud frame, average across state news	Registration - Dominant fraud frame, average across state news	Proof of citizenship - Dominant fraud frame, average across state news papers	Average Fraud frame dominance across reform subjects
AR	1	0	0	0		0	1	1		0	0.666666667
CA	2	0	0	0	0	0	0	1	1	0	0.5
CO	1	0.5	0	0	0	0	0	1	1	0	0.5
FL	3	0	1	1	1	1	1	1	1	1	1
GA	3	0	0	1	0	0	1	1	1	0	0.75
ID	1	0	0	0	0		0	0	1		0.333333333
IL	1	0	0	0	0		1	0.333333333	1		0.777777778
IN	2	1	0	0	0		0	0	1		0.333333333
KS	1	0	1	0	1		1	0	1		0.666666667
MA	2	0	0		0	0	1		1	1	1
MD	1	0	0	0	0		0.5	1	1		0.833333333
ME	0	1	0	0	1		0.5	0.5	1		0.666666667
MN	1	1	0	0	0		1	1	1		1
MO	3	0	1	0	0		1	0	1		0.666666667
NC	2	1	0	0	0	0	1	1	1	1	1
NE	1	0			0				0		0
NH	1	1	0		0		1		1		1
NV	1	0	0	0	0		0	1	1		0.666666667
NY	3	0	0	0	0	0	1	1	1	1	1
OH	1	1	0	1	0		0	1	1		0.666666667
OK	1	0	0	0	0	0	0.5	0.5	0.5	0	0.375
PA	2	1	0	0	0		0.8	0.333333333	0.75		0.627777778
RI	2	0	1	0	0		1	0	1		0.666666667
SC	2	0	1	0	0		1	1	1		1
TN	2	0	1	1	0	1	1	1	1	1	1
TX	2	0	1	0	1	0	1	0.75	0.75	0.666666667	0.791666667
VA	3	0	0	0	0	0	0.5	1	1	0.5	0.75
WA		1		0		0		0		0	0
WI	0	1	1	0	1	0	1	0	1	1	0.75

