

## Party competition is the primary driver of the recent increase in restrictive voter ID laws in the American states

*The lead up to the recent midterm elections was marked by contentious debates over the effects on turnout of voter ID laws passed in several American states. In new research [William D. Hicks](#), [Seth C. McKee](#), [Mitchell D. Sellers](#) and [Daniel A. Smith](#) find that there has been a large increase in the number of states that have adopted voter ID laws since 2001, and in these states the level of partisan polarization in voting on these laws is very high. They find that not only is the introduction and passage of stricter voter ID legislation influenced by the number of Republican lawmakers in a state legislature, but how electorally competitive the environment that those legislators find themselves in is important as well.*

A few weeks before the 2014 midterm elections the state of Texas had its strict photo identification law struck down by a federal judge, only to have it reinstated by the Supreme Court just as early voting was scheduled to begin. For many Democrats, and especially many African Americans, the Texas photo ID law was a rallying cry to mobilize minority voters against an overwhelming Anglo Republican majority. The midterm elections have since passed and Texas Republicans, as they have for the last twenty years, won every statewide office. The Grand Old Party (GOP) cleaned house in congressional and state legislative races not only in Texas, but nationally, and took back control of the U.S. Senate.



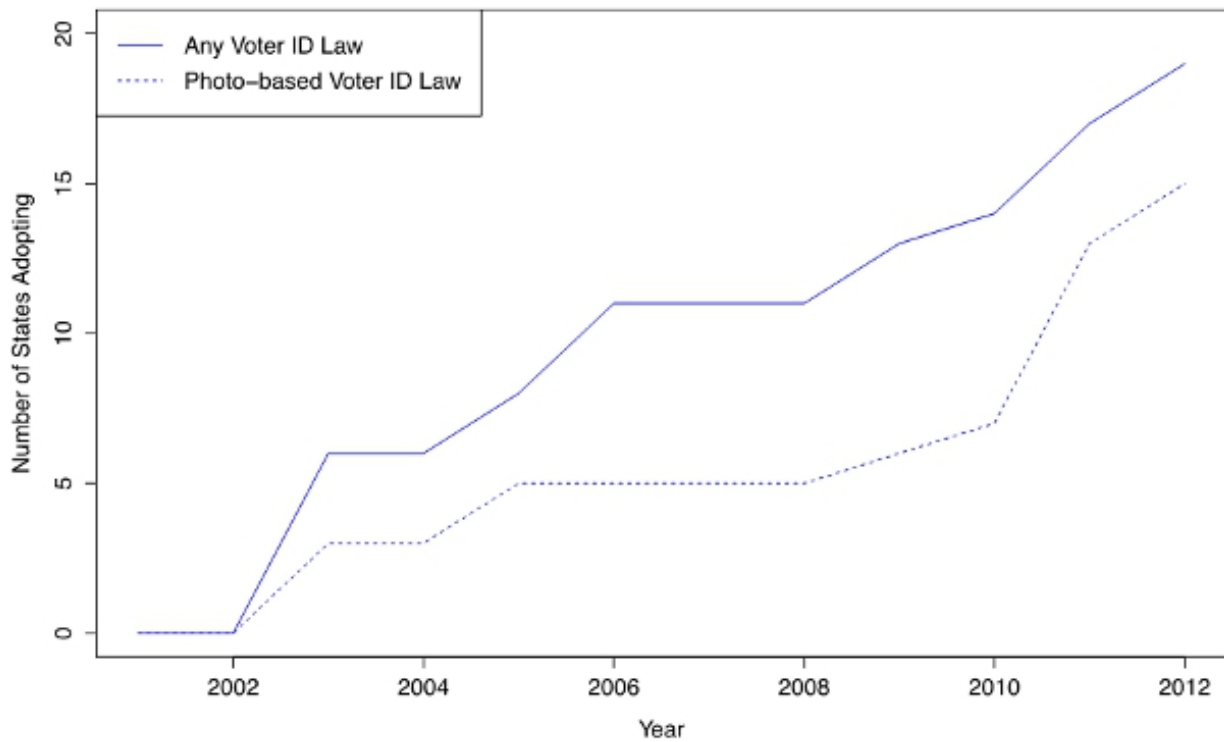
In historical context, the most recent election cycle was unremarkable, hewing closely to the partisan dynamic expected for a president's party in the sixth year of his second term. But what has changed is the deep partisan polarization over restrictive election laws whose passage speaks to the increasingly competitive and yet volatile national electoral landscape of American politics. And in this current state of affairs the coalitions that comprise the Democratic and Republican national parties have never been so segregated in demographic terms. The voluntary sorting of voters into partisan camps along notable racial and economic divisions fosters the GOP push for restrictive election laws whose costs are expected to fall disproportionately on Democratic supporters.

In a recent study, we tracked the evolution of voter ID laws to understand the macro-level factors shaping their introduction and passage across American state legislatures from 2001 to 2012. We find that party competition in primarily GOP controlled state legislatures is the main driver of the increase in restrictive voter ID laws.

Following the debacle in Florida in the 2000 presidential election, instead of ushering in strict photo ID laws, Congress passed the bipartisan 2002 Help America Vote Act (HAVA). It was not until 2005 that Republicans decided to radically alter the rules of the electoral game, when the Indiana state legislature passed along straight partisan lines a law requiring voters to present government-issued photo ID. The legislation marked a turning point; since then, with the exception of Democratic-controlled Rhode Island (in 2011), every state legislature that has passed a strict photo identification law has been controlled by Republicans.

Figure 1 shows the impressive rise in the number of restrictive voter ID laws passed by state legislatures, both of the photo and non-photo variety, from 2002 to 2012. The marked increase in restrictive voter ID laws in the wake of the 2010 elections is a result of the GOP winning control of numerous statehouses that the Democrats previously commanded. Beyond the southern flavor prevalent among states introducing voter ID laws, what captured our attention in the data was the palpable activity among so-called battleground states, where the flip to GOP state legislative majorities quickly led to enactment of restrictive photo ID legislation.

**Figure 1 – The Number of States Adopting Voter ID Laws from 2002 to 2012**



Knowing that voter ID laws have been effectively presented to the public as a [valence issue](#) in which Republicans advocate their use as a safeguard against voter fraud, whereas Democrats excoriate them as thinly veiled “good government” reforms whose real purpose is to curtail Democratic participation, it is no wonder that the opposing partisan perspectives have produced extraordinarily polarized votes in state legislatures. Figure 2 displays the degree of partisan polarization across a broad sample of states passing restrictive voter ID laws from 2005 to 2014. The plots of state abbreviations depict a simple polarization measure that subtracts the absolute value of the percent of Democrats voting against restrictive voter ID from the percent of Republicans voting in favor, from one hundred  $[(100) - (\% \text{ Republicans voting YES} - \% \text{ Democrats voting NO})]$ . Hence, in Indiana in 2005, we see 100% partisan polarization since all Democrats voted *no* and all Republicans voted *yes*. It is clear that this is not the only case of absolute polarization – in most of these states passing restrictive voter ID legislation the degree of partisan polarization is very high.

**Figure 2 – Partisan Polarization on State Legislative Votes for Strict Voter ID Laws**

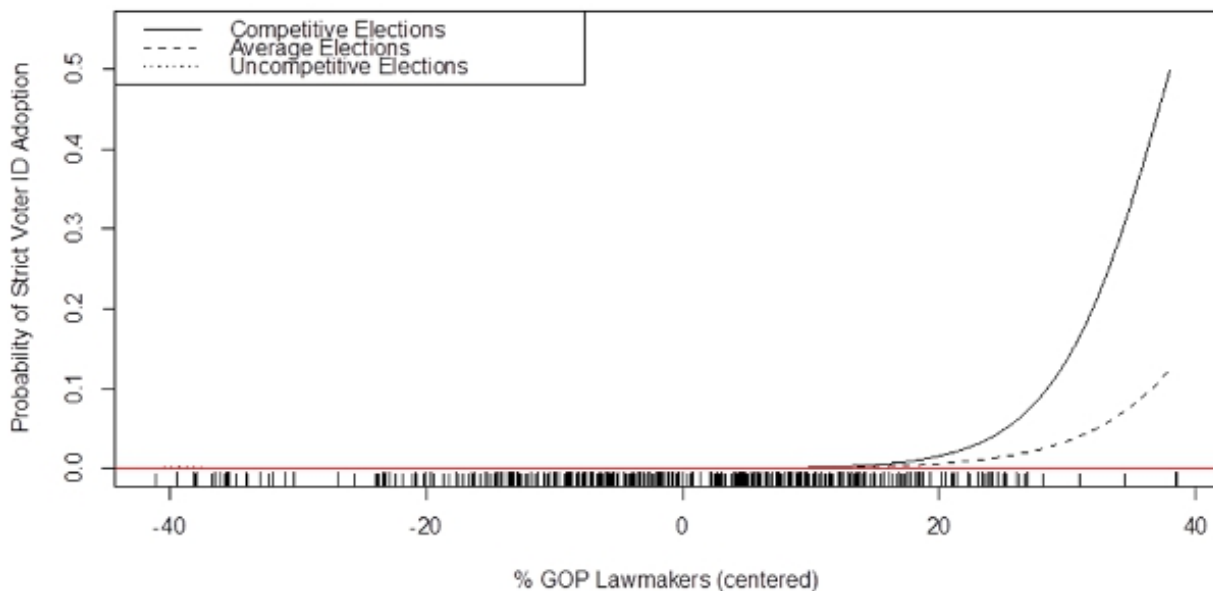


If it is true that restrictive voter ID laws are merely a Republican ploy for attaining an electoral advantage, then assessing the main factors contributing to their enactment should provide evidence of this behavior without hoping for a smoking gun (which incidentally was offered up by Republican House Majority Leader Mike Turzai, who expected the passage of a strict photo ID law in Pennsylvania to deliver the state to Mitt Romney). By analyzing restrictive voter ID law activity at both the introduction and passage stages we uncovered strong support for the expectation that electoral competition drives their promotion. Because Republican lawmakers overwhelmingly back restrictive voter ID laws, the primary finding in our models is a statistically significant and substantively large interactive effect between the percentage of GOP legislators and the election margin for all state legislative contests pitting a Democrat against a Republican.

In other words, both the likelihood of introducing and passing restrictive voter ID laws is heavily dependent on not just the number of Republican lawmakers in a state legislature, but whether they find themselves in a more electorally competitive environment. And with respect to the issue of fraud, we found a predictable dynamic for this factor. In the case of bill introductions the number of alleged fraud cases exhibits a statistically significant and positive influence – a compelling rationale for putting forward restrictive voter ID measures. But at the passage stage, we found that the number of fraud claims has no effect; just as we anticipated, these *alleged* incidents are not instrumental in the enactment of restrictive voter ID legislation, whereas partisan competition is.

Figure 3 displays the effect of the aforementioned interactive variable (% GOP lawmakers X partisan election margin) on the passage of a strict voter ID law. By segmenting the degree of state legislative competition according to the two-party vote margin into “competitive,” “average,” and “uncompetitive” categories, Figure 3 makes it clear that as the percent of Republican lawmakers increase and if the electoral environment is competitive, then a restrictive voter ID law is much more likely to be enacted.

**Figure 3 – Party Control and the Probability of Strict Voter ID Policy Adoption**



**Note: Density of the percentage of GOP lawmakers is plotted on the x-axis.**

The story of voter ID laws in contemporary American politics is not really about heroes (Democrats) and villains (Republicans). Rather it is a story as old as America's Founding. Republicans have assessed the characteristics of their coalition of voters and realized that a certain voting restriction should negatively and disproportionately affect their Democratic opponents. The GOP is merely playing politics, but in this instance it is disconcerting because they are doing so with suffrage and most Americans consider voting a sacred right, not a costly privilege.

This article is based on the paper ['A Principle or a Strategy? Voter Identification Laws and Partisan Competition in the American States'](#), in *Political Research Quarterly*.

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*Note: This article gives the views of the authors, and not the position of USApp– American Politics and Policy, nor of the London School of Economics.*

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## About the authors

### William D. Hicks – Appalachian State University

William D. Hicks is an assistant professor of political science at Appalachian State University. His areas of teaching and research focus primarily on American Politics with concentrations in direct democracy, state and federal legislative politics, and public opinion. His recent publications include "Initiatives Within Representative Government: Political Competition and Initiative Use in the American States," published in *State Politics and Policy Quarterly* and "A Principle or a Strategy? Voter Identification Laws and Partisan Competition in the American States," published with Seth C. McKee, Mitchel D. Sellers, and Daniel A. Smith in *Political Research Quarterly*, and "State Campaigns and Elections," published with Daniel A. Smith in the *Oxford Handbook of State and Local Government*.



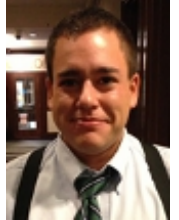
**Seth C. McKee** – *Texas Tech University*

Seth C. McKee is an associate professor of political science at Texas Tech University. His primary area of research focuses on American electoral politics and especially party system change in the American South. He has published research on such topics as political participation, vote choice, redistricting, party switching, and strategic voting behavior. McKee is the author of *Republican Ascendancy in Southern U.S. House Elections* (Westview Press 2010) and the editor of the forthcoming *Jigsaw Puzzle Politics in the Sunshine State* (University Press of Florida).



**Mitchell D. Sellers** – *University of Florida*

Mitchell D. Sellers is a doctoral candidate at the University of Florida. His research focuses on state politics and policies, executive politics, policy diffusion, and LGBT rights. His research has recently appeared in *Administration & Society*, *Political Research Quarterly*, and the edited volume *Transgender Rights and Politics* (University of Michigan Press).



**Daniel A. Smith** – *University of Florida*

Daniel A. Smith is a professor of political science at the University of Florida. His research broadly examines the impact of institutions on political behavior in the American states. A former Senior Fulbright Scholar in Ghana and the current President of the State Politics and Policy Section of the American Political Science Association, Smith is the author of more than 60 articles and book chapters on direct democracy, voting rights, and electoral politics, and is the author of *Tax Crusaders and the Politics of Direct Democracy* (Routledge 1998), and the coauthor of *Educated by Initiative* (University of Michigan Press 2004) and *State & Local Politics: Institutions and Reform*, 4<sup>th</sup> ed. (Cengage 2014).



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