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## **Voting Restriction Politics in Minnesota and Wisconsin**

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### **Introduction**

Minnesota and Wisconsin are known throughout the country as being two of the more progressive states in the Midwest and the indeed the nation. While part of this reputation is based on liberal social policies, it also comes out of an understanding that both states have exhibited many of the ingredients of “good government” since early in their histories. Because of their traditions of open government and participatory politics, the major push in both states to enact photo identification requirements for voters has puzzled many observers.

What explains such a paradox? Why would 2 of only 9 states in the nation which allow Election Day Registration (EDR),<sup>1</sup> and which have some of the highest turnout rates in the nation, enact photo ID legislation? And more importantly, regardless of the motivations of the political elites who are pushing such bills, how are these elites able to convince the public that such a move in the opposite direction from previous tradition fits with the political cultures of the two states?

This paper will address these questions through an examination of Minnesota’s and Wisconsin’s political cultures. We begin with a review of the scholarly literature on political

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<sup>1</sup> The nine states with EDR for all elections are Connecticut, Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. Washington, D.C. also has EDR and Rhode Island has EDR for Presidential elections only.

cultures in the United States associated with Daniel Elazar, and a description of how Minnesota and Wisconsin's political cultures have been characterized within that literature. Next, an overview of both states' recent legislature and judicial actions regarding photo ID will be provided, along with discussion of how the issue was framed by proponents. Finally, we will attempt an explanation of the seeming popularity of photo ID in two states with a strong tradition of political participation. With regard to the political culture of the two states, our findings are two-fold. First, there does not appear to have been a consensus around all the elements associated with the moralistic political culture in Minnesota and Wisconsin when Elazar came up with his formulation. In addition, we suggest that there has been an erosion of the moralistic political culture in both states since he first developed his typology.

### **American Political Subcultures**

The classic formulation of political subcultures in the United States was developed by Daniel Elazar. He identified 3 distinct subcultures which serve as the "historical source of ...difference in habits, concerns, and attitudes that exist to influence political life in the various states" (1966, 80). The three subcultures discussed by Elazar include the individualistic, moralistic, and traditionalistic (1966, 86-94; 1970, 258-266).

The individualistic political culture's emphasis is on "the conception of the democratic order as a marketplace" (1970, 259). Community intervention into private activities should be limited. Most political activity is left to professionals acting within political parties which organize the complex system of mutual obligations in a quid pro quo system of favors for political support. A certain amount of corruption in politics does not surprise the public, and they accept it as long as they receive the services expected. The moralistic political culture's emphasis is on the idea of a "commonwealth" and politics is seen as a noble activity.

Government should promote the common welfare and shared interests of the public. All citizens are expected to be active participants in politics. Loyalty to a particular political party is not a high priority and indeed nonpartisan political structures and activities are seen as legitimate outlets for political engagement. There is a high expectation that government officials will be honest and work for the good of society as a whole rather than private personal gain. Finally, the traditionalistic political culture's emphasis is on maintaining the status quo hierarchy in a society. The elite are expected to serve as the elected officials. Those not part of the self-perpetuating elite are often not even expected to vote, or, in some cases, allowed to vote. Such a culture is likely to promote one-party systems.

In addition to describing particular subcultures, much of the literature based on Elazar's work attempts to identify associations between these subcultures and variations in states' politics and policies. Kincaid (1980) summarizes the great variety of early studies which sought to determine what policies, attitudes, and political processes were influenced by Elazar's three political subcultures. Among these were policies associated with economic development, child welfare, levels of public expenditure and taxation, and attitudes about the selection of judges, the death penalty, and welfare. Most relevant for this study were findings that suggested that levels of voter turnout, attitudes about citizen participation, and the degree of restrictiveness in electoral rules were associated with political culture. In more recent research focused on variation in election laws between states, King (1994) determined that political culture has both a direct impact on voter registration and turnout and an indirect effect resulting from states' legal requirements related to registration. In addition, variation in the restrictiveness of ballot access laws in different states has been shown to be influenced by political culture (Shock 2008).

Elazar first presented the three political subcultures as “hypotheses” (1966, 80 n. 1) and noted they were “intended to be model or ideal types not fully extant in the real world” (1966, 86 n. 8). While he identified particular areas of the country that illustrated these three types, he expected that some alterations might have to be made based future research findings. Fifteen years later, having conducted more research in this area and having read both applications and critiques of his work by others, with a few modifications, Elazar was “satisfied with the soundness of [his] original thesis” (1980).

Elazar identified both Minnesota and Wisconsin as having moralistic political subcultures. Minnesota became a state in 1858, and according to Elazar, from the beginning, politics in Minnesota exhibited a moralistic political culture which was “strongly issue-oriented” and had a “communitarian ethic” (1970, 324-325). Mixed into this was a kind of “proletarian radicalism” brought in by the miners and lumberjacks in the 1880s (1970, 326). In his descriptions, he notes Minnesota’s “pioneering role in railroad and utility regulation, conservation of national resources, public ownership of utilities, development of a progressive system of taxation, and creation of the cooperative movement” (1970, 331). Other identifying aspects included a tendency toward nonpartisanship and the prevalence of third parties in the state.

With regard to Wisconsin, Elazar argued that “the moralistic political culture is dominant in Wisconsin” (Elazar 1970, 358) and that its “state government...has acted more frequently and with greater effect than in any other state, excepting perhaps Minnesota” (1970, 359). He went on to say that “Wisconsin has a long and distinguished record as an innovative state, a pioneer in the development of government regulation of public utilities and government sponsored public services” (1970, 359). Elazar concluded that “the bundle of values colloquially known as ‘good

government' represents the essence of the political culture of Wisconsin, a state with a national reputation for 'good government' and progressivism for better than two generations" (1970, 359). Studies by other authors, which attempt to apply more rigorous and quantifiable measures to Elazar's work, or to modify his categories, have also placed the two states in a moralistic category or a hybrid category which includes a strong component of a moralistic subculture (Lieske 2009, 2012).

In addition, other political analysts and observers, not relying on Elazar's typology, have also identified aspects of Minnesota and Wisconsin history that reinforce the progressive image of the two states. For example, Dane Smith, a journalist with a 30-year career at Minnesota's two largest newspapers, describes the state's politics this way:

The fact is that Minnesota has a uniquely progressive history. It was one of the first states to adopt an income tax, one of the first to invest generously and equitably in public education and other public goods, from care for the disabled to community colleges to state parks. Its leaders, in ALL political parties, were groundbreakers in advancing the cause of suffrage, the economic condition of ordinary farmers and laborers, and civil and human rights (Smith 1980).

Similarly, Russ Feingold, U.S. Senator from Wisconsin from 1993 to 2010, in a 1999 essay in *The Progressive*, summed up his view of Wisconsin's political tradition in this way:

To me, the Wisconsin progressive tradition encompasses a belief in civility, bipartisanship, and respect for the public dollar, as well as the highest ethical standards in government and a real fight for the rights of all Wisconsin families. The people of Wisconsin identify with the tradition of La Follette, Gaylord Nelson, Frank Zeidler, and Bill Proxmire, who looked beyond

traditional allegiances to solve problems, treated the people's money with respect, and worked to root out corruption. Wisconsinites aren't impressed by well-heeled candidates or expensive campaigns. We are skeptical of excess. We value ideas, integrity, and elected officials who maintain a strong connection to the people they represent (Feingold 1999).

Finally, as indicated above, the reputation both states have for promoting political participation is not just based on their histories, but also on the more recent introduction of Election Day Registration enacted in both states in the 1970s. However, changes taking place over the last several years do not appear to correspond with the long-standing reputation that both states have enjoyed. The nature of those changes is the subject of the next section of this paper.

### **The Recent History of Photo ID Legislation in Wisconsin**

The main recent change in Wisconsin's electoral procedures is a photo ID provision added during the 2011-2012 legislative session. Although it was not until May 25, 2011 that the photo ID bill was signed into law by Governor Scott Walker, similar bills had been passed 3 times by the Wisconsin State Legislature beginning in 2003. All three of those photo ID bills were vetoed by then Democrat Governor James Doyle. After the third veto in 2006, members of the legislature attempted to get the measure placed before the voters as a constitutional amendment. The process of getting a constitutional amendment on the ballot in Wisconsin requires that it be passed by both houses of the legislature in two consecutive sessions. A photo ID amendment passed both the Senate and the Assembly in 2006, but only in the Assembly in 2007. The Democrats gained control of the State Senate in the November 2006 election and Doyle was reelected as Governor for another 4-year term. In 2009 and 2010, Democrats were in

control of both chambers of the legislature and the executive branch, and therefore photo ID requirement legislation made no headway.

The Republican Party won dramatic victories throughout the US in the 2010 election, and this trend was particularly apparent in Wisconsin. In addition to political newcomer Ron Johnson unseating 3-term U.S. Senator Russ Feingold, the Republican Party maintained control of the state Assembly, took over the State Senate, and elected Scott Walker as Governor. The political upheaval began early in 2011. Shortly after his inauguration, the new Governor introduced a budget reconciliation bill, which included a substantial reduction in collective bargaining rights for public employees. The resulting conflict became prime-time viewing for political observers and regular citizens throughout the nation. Tens of thousands of protesters assembled in Madison, some occupying the capitol building day and night. The concerns were not just with the substance of the legislation, but also the expedited process by which the Governor and the Republicans in the legislature attempted to move the bill through the process. In order to slow the process down and allow the public and legislature time to consider the bill's ramifications and possibly negotiate a compromise, fourteen Democratic State Senators left the state in mid-February for undisclosed locations in Illinois to prevent a quorum for the budget vote. They did not return until March 12<sup>th</sup>, after the collective bargaining provisions had been passed by removing them from the budget bill.

While most of the attention was focused on the collective bargaining issue and the subsequent attempt to recall Governor Walker, it was also during this period that Assembly Bill 7 moved its way through the legislature and was signed into law. The Act (2011 Wisconsin Act 23) amended the state's statute pertaining to voting in a number of ways, including requiring photographic identification at the polling place, eliminating provisions which allowed an elector



who resides in the same municipality to vouch for a person registering at their polling place on the day of the election, and increasing the state residency requirement for voting from 10 to 28 days.

Enactment of this legislation did not bring the issue to a conclusion, however. Early controversies arose over the implementation of the act by the state's Government Accountability Board (GAB) regarding the use of various types of student ID cards. Would technical college IDs not be allowed but two-year college IDs be allowed? Could universities simply add stickers to non-complying student IDs to turn them into complying IDs? Some Republicans criticized the GAB for acting in a partisan manner. Other controversies arose when an internal memo from a top official of the State Department of Transportation became public. The memo instructed Division of Motor Vehicles' employees not to tell people seeking to obtain identification cards that they were free of charge, unless specifically asked if they were free (Vanegeren and Doherty 2011).

The controversies worked their way into the court system also. A number of groups, including the Milwaukee Branch of the NAACP, Voces De La Frontera, and the League of Women Voters of Wisconsin Education Network, have challenged the constitutionality of the new photo ID provisions in the courts. While voters were required to show photo IDs in Wisconsin's primary on February 21, 2012, two Wisconsin state circuit court judges in two separate cases issued injunctions that blocked the photo ID requirement for the April 3rd spring general election and presidential preference primary, the May 8th primary for Democrats to choose a candidate to run against Governor Scott Walker in the recall election, and the June 5<sup>th</sup> recall election. In one of the legal cases, a Wisconsin circuit court judge ruled that the photo ID requirement constitutes a substantial impairment of the right to vote guaranteed by the Wisconsin

Constitution. In the other case, a different circuit court judge ruled that the legislature and the governor exceeded their constitutional authority by making photo ID a precondition to voting. Both cases are on appeal to two different state court appeals panels. In April, Wisconsin's Republican Attorney General, J.B. Van Hollen, asked the Wisconsin State Supreme Court to take the cases from the two appeals panels, but the Supreme Court refused to do so. Again in August, Van Hollen asked the state Supreme Court to take over the cases and rule on them before the November 6<sup>th</sup> election, but as of September 27<sup>th</sup>, the court has not responded to his request. In addition to the cases in the state court system, two other challenges have been filed in federal court. Those cases are on hold while the Wisconsin courts handle the state cases.

### **The Recent History of Photo ID Legislation in Minnesota**

The 2010 election influenced the course of photo ID legislation in Minnesota as well. As in Wisconsin, the 2010 election transferred considerable power from the Democrats to the Republicans. In the case of Minnesota, both houses of the state legislature went from DFL<sup>2</sup> majorities to Republican majorities. Unlike Wisconsin, however, in Minnesota the Democrats gained control of the Governor's office in an extremely close election. The 2010 governor's race was déjà vu for Minnesotans who had lived through an 8-month recount process in the Franken/Coleman Senate race just 2 years before. This time, the governor's race was settled in much less time, a little over a month, but it was a dramatic month with plenty of public relations posturing, legal battles, and methodical ballot-by-ballot recounting. In the end Democrat Mark Dayton came out on top, defeating his main rival Republican Tom Emmers and a third party candidate.

Ultimately, control of the executive branch made all the difference in the world when it came to photo ID proposals in the two states. After having their photo ID bills vetoed 3 times in

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<sup>2</sup> In Minnesota, the Democratic Party is formally called the Democratic-Farmer-Labor (DFL) Party.

the past by Democratic Governor Jim Doyle, the Republicans in the Wisconsin legislature received Republican Governor Scott Walker's enthusiastic support and signature. The Minnesota Republican legislators easily passed a photo ID bill in 2011 (joined by only 2 Democrats), but Governor Mark Dayton vetoed the bill. During the 2012 legislative session, the Republicans chose to avoid another veto by working to put photo ID on the November 2012 election ballot as a constitutional amendment. Unlike Wisconsin which requires constitutional amendments be passed in both chambers in two consecutive legislative sessions before going to the voters, in Minnesota constitutional amendments simply need to be approved by both chambers in a single legislative session before facing the electorate. Minnesota Republicans achieved that goal on April 4, 2012, when a bill reconciling Senate and House differences in the amendment was approved by both chambers.

The legislature approved the following language for the ballot measure titled "Photo Identification Required for Voting:"

Shall the Minnesota Constitution be amended to require all voters to present valid photo identification to vote and to require the state to provide free identification to eligible voters, effective July 1, 2013?

One concern is that the amendment, if passed, actually makes more changes than is implied by the ballot measure. In particular, the language of the actual amendment includes the following:

All voters, including those not voting in person, must be subject to substantially equivalent identity and eligibility verification prior to a ballot being cast or counted.

A number of proponents and opponents of the amendment interpret this to mean that the long established practice of vouching for someone who wants to register on the day of the election

will no longer be allowed. Further, some of the opponents of the amendment are concerned that this language would eliminate EDR entirely in Minnesota. In addition, opponents argue that the amendment would interfere with some types of absentee voting.

Concerns over ballot measure wording were taken to court in several different cases. The League of Women Voters, among other groups, filed suit because they argued that much more will change in voting procedures and access than is stated in the ballot measure. They asked the court to remove the proposed constitutional amendment from the ballot. In a separate law suit, Republican legislators filed suit because the DFL Secretary of State, Mark Richie, provided a different title and different wording for the measure from the ones provided by the legislature for this amendment. (Richie also had a different title for a 2<sup>nd</sup> proposed constitutional amendment, one banning same sex marriage that the legislature also put on the November ballot.) The Minnesota Supreme Court announced their decisions for both cases on August 27. In the first case, the court, in a 4-2 decision, refused to remove the election measure from the ballot as the League of Women Voters had proposed. In the case dealing with the titles of both ballot measures and the wording of the election measure, the court ruled in a 4-2 decision that the wording devised by the legislature, not the secretary of state, should stand. The rationale of the majority opinion was that while it may have been wiser for the election law ballot question to include the entire amendment, courts must give a high degree of deference to the legislature in deciding the appropriate wording.<sup>3</sup>

### **Framing the Issue in Both States: An Emphasis on Preventing Voter Fraud**

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<sup>3</sup> In related judicial dispute, a law suit filed by a group called the Minnesota Voters Alliance, a Republican legislator, and others challenged Minnesota's Election Day registration system and also voting rights for disabled people who are under court-ordered guardianships. The case was dismissed by a U.S. District judge shortly before the Minnesota Supreme Court issued their decisions on the ballot wording cases.

A handful of common themes have dominated the public discussion of photo ID in Minnesota and Wisconsin, all of which directly or indirectly involve voter fraud. From the beginning of this debate, photo ID supporters, particularly Republican officials, have discussed its necessity in order to prevent voter fraud and preserve the integrity of the election process. Indeed, these themes were discussed continually throughout the legislative battle over the issue in 2011 in Wisconsin. While Democrats repeatedly emphasized the number of individuals who would be disenfranchised by the law as well as its significant financial cost, Republicans stressed and expanded on the themes of voter fraud and election integrity. Media coverage illustrates the dominance of voter fraud in the public discussion. For example, a search of the phrase “voter fraud” from January 1, 2011 through December 31, 2011 in the *Wisconsin State Journal* (Madison’s daily paper), turned up 216 articles, whereas a similar search in the St. Paul *Pioneer Press* resulted in 61 articles. In February 2011, early in the process of the bill’s consideration in the Wisconsin State Senate, the media reported that “Republicans say the measure will protect the integrity of elections and fight voter fraud” (Spicuzza 2011a). As the bill passed the Senate Committee on Transportation and Elections, Committee Chair and Republican Senator Mary Lazich echoed the party’s position: “Ensuring the integrity of elections is of utmost importance in our democracy...Requiring voters to show photo identification is a reasonable step and one that is constitutional” (Shapiro 2011). As the Voter ID bill was being considered by a Committee in the State Assembly, the media again reported that “Republicans on the committee said the measure would improve voter confidence and prevent fraud” (Spicuzza 2011b). And as Governor Walker signed the measure, he claimed that “Requiring photo identification to vote will go a long way to eliminate the threat of voter fraud” (Spicuzza 2011c). It should also be noted that the possibility of fraud was an argument used against Wisconsin’s Election Day

Registration law adopted in 1974. In expressing his opposition, then Republican State Representative James Sensenbrenner argued that by passing the measure, the state would be “sacrificing safeguards to open the door to potential fraud...It’s the kind of bill Mayor Daley of Chicago would like to administer in his city” (“Voter Signup Bill Advances” 1974).

Fraud was also a consistent theme of Republican supporters of the photo ID proposal in Minnesota. For example, upon passage in the House of Representatives, the amendment’s sponsor, Rep. Mary Kiffmeyer, argued that “If you have no system that deters and detects fraud, and you don’t determine the identity of voters, the electoral system cannot inspire public confidence” Her Republican colleague and amendment sponsor in the Senate, Scot Newman, was explicit in linking the practice of vouching with fraud: “It is our intent to eliminate the vouching system in Minnesota, which I believe is ready-made for voter fraud” (Ragsdale 2012). In response, opponents argued that photo ID legislation was essentially a way of depressing turnout among several constituencies that tend to favor Democrats—the elderly, racial minorities, and younger individuals and students. The opposition further argued that the law was unnecessary given the historic lack of voter fraud in the state. Because photo ID in Minnesota was passed by the legislature as a constitutional amendment, no action by the Governor was necessary. Yet Democratic Governor Dayton issued what he called a “symbolic veto” of the proposal, and said he would do “everything in my power” to encourage citizens to defeat the measure, along with the state Marriage Amendment (Brooks 2012). On the other hand, the umbrella organization supporting the amendment has extensive information about the alleged problem of voter fraud on its website, including a link to a Fox News Special Report on voter fraud with the ominous subtitle, “Stealing Your Vote” ([www.protectmyvote.org](http://www.protectmyvote.org)). Indeed, the

threat of voter fraud has been the recurring theme utilized by supporters of photo ID in both Minnesota and Wisconsin.<sup>4</sup>

### Analysis

The information presented above has suggested that the recent attempts at changes in voting procedures in Minnesota and Wisconsin are puzzling. In order to try to solve the puzzle, it is necessary to disentangle the web of causation involving culture, behavior, and institutions. The purpose of this analysis is to identify possible scenarios which could describe and explain the changes that have taken place in the two states, and to evaluate those based on data from the historical record, demographic statistics, and rhetoric from the recent public debates over photo ID.

There are at least three general scenarios that could explain the changes that have occurred. Of course, the best explanation for one state may not necessarily be the best for the other state.

**Scenario 1** - A state's political culture might have become less dominant over time, or might have changed so that a different political culture became dominant.

**Scenario 2** - A state's political culture may be fairly constant over time, but policies that restrict voting, such as photo ID, may be presented by advocates of those restrictions in ways that make them seem consistent with the existing political culture.

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<sup>4</sup> It is important to note that juxtaposing the two arguments is not designed to treat them as equally compelling. Indeed the overwhelming evidence is that voter fraud of any kind is extremely rare in both states, and voter impersonation, the specific type of fraud that photo ID could combat, is nonexistent in the two states (Bonnifield and Johnson 2010; Bonnifield, Dean, and Halvorson 2010; Minnite 2007; and Levitt 2007). Other studies have been conducted which try to estimate the degree to which photo ID provisions will keep otherwise eligible people from voting and the categories of individuals most likely to be affected by these laws (Brennan Center for Justice 2006, and Pawasarat 2005).

**Scenario 3** - The degree to which a political culture dominated one or both of these states in the recent past may have been exaggerated. Perhaps a widespread consensus did not exist. The view that members of different parties, while in conflict over some policies, still shared significant beliefs consistent with a dominant political culture, particularly as it relates to access to political participation, may not have been accurate.

A casual observer may well decide the first scenario above appears to be the most accurate description of what happened in both states. In the mid-1970s, Minnesota and Wisconsin were two of the first states to introduce EDR, a measure that clearly increases voter turnout thus appears to fit well with a politics emphasizing participation. Then in 2011, Wisconsin enacted one of the most stringent photo ID laws in the nation, eliminated vouching for those registering on Election Day, and increased the residency requirement from 10 to 28 days. The same year, the Minnesota legislature passed a constitutional amendment instituting a photo ID requirement which would also eliminate vouching for individuals registering on Election Day and, according to some interpretations, would eliminate EDR entirely. A swing from one extreme to the other seems to be plausible evidence of a dramatic shift in political culture. But upon closer examination, it appears as if a combination of scenarios 1 and 3 can better explain recent developments pertaining to changes in voting rules.

The first scenario suggests either a replacement of the moralistic political culture by a different political culture, or, at minimum, an erosion of the moralistic political culture. However, a cursory examination of the arguments used by both opponents and proponents of the restrictions on voting does not suggest a deliberate desire to move either toward a more individualistic culture or a more traditionalistic culture. Without using the phrases



“traditionalistic political culture” and “individualistic political culture,” the writers of the opinion columns, letters to the editor, and editorials make clear that a switch to either of those two political cultures is not what they want for their state. At the same time, however, the movement toward making voting more difficult is an indication of the weakening of one of the key elements of the moralistic political culture—maximizing political participation. Thus we see an erosion of the moralistic culture, but not a transformation to another one of Elazar’s categories.

Scenario 3 questions whether a broad consensus about voter access existed when Elazar developed his typology and identified the moralistic political culture in the 1960s and 70s. Just because EDR was passed in both states at that time does not necessarily mean that it reflected a widely held vision of politics shared by Democrats, Republicans, Conservatives, and Liberals. If the passage of EDR was a bipartisan effort, then one could infer that a widely shared moralistic political culture existed that promoted greater voter access to the political system. In fact, though, with assistance from the Legislative Reference Library in Minnesota and the Legislative Reference Bureau in Wisconsin, we found that such a consensus did not exist at that time. In Minnesota, all but one vote in favor of EDR in 1973 came from members of the DFL Caucus in the Senate, and all but four votes in the House came from the DFL Caucus.<sup>5</sup> In Wisconsin, it was much the same. In 1975, the bill for EDR passed in the State Senate, with all of the votes in favor coming from Democrats, and with all but two votes in the Assembly coming from

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<sup>5</sup> Minnesota’s legislative elections were non-partisan from 1913-1973. Members divided into a Conservative Caucus, a Democratic-Farmer-Labor Caucus, and a very small Liberal Caucus during the 1973 legislative session. The final vote for day of the election registration in the Minnesota State Senate was 36 in favor and 28 opposed, with only one member of the Conservative Caucus voting in favor and only 2 members of the Democratic-Farmer-Labor Caucus voting against. In the Minnesota House, the vote was 77 in favor, 42 opposed, with only 4 members of the Conservative Caucus voting in favor and only 3 members of the Democratic-Farmer-Labor Caucus voting against.

Democrats.<sup>6</sup> Thus there clearly was not a consensus on the general issue of maximizing political participation at the time of the adoption of EDR, which was the very same time that Elazar's typology of political culture was becoming the commonly accepted wisdom in political science.

Thus we suggest that the consensus around all the elements of the moralistic political culture in Minnesota and Wisconsin was not as strong as Elazar's analysis implies. But at the same time, we also argue that there has been a weakening of the moralistic political culture in both states since his original formulation which has enabled measures such as photo ID to move forward in the legislative process. What factors might contribute to this weakening? Scholars have long considered the contextual variables, including demographic patterns, that shape local and regional policy making. Rodney Hero has integrated an approach which focuses on demographics with Elazar's focus on political culture. Hero has argued that decision making in any location is substantially influenced by its population characteristics or its "social diversity" (Hero 1998). He suggests that there are three types of states—homogenous, heterogeneous, and bifurcated—and maintains that the nature of political pluralism in a state (consensual, competitive, or limited) is largely a function of the characteristics of its population. Ultimately, then, Hero maintains that racial and ethnic composition is the independent variable that shapes political culture, which includes attitudes, practices, and policies. Using Hero's insights, our approach accepts the proposition that more racially homogeneous places tend to produce a more consensual politics, whereas heterogeneous areas are likely to produce a more competitive and conflictual politics: "In the heterogeneous environment, there is a need to arbitrate or broker social heterogeneity and complexity. In the homogeneous setting, political and governmental

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<sup>6</sup> The final vote for day of the election registration in Wisconsin in the state senate was 18 in favor, 14 opposed, and 1 absent or not voting. No Republicans voted in favor of the bill, but 2 Democrats voted against the bill. In the Wisconsin Assembly the vote was 58 in favor, 35 opposed, and 5 absent or not voting. Only 2 Republicans in the Assembly voted in favor of the bill, and only 3 Democrats in the Assembly voted against the bill.

institutions face a less daunting task, needing only to moderate or mediate issue disputes, but seldom facing major questions relevant to the ‘American dilemma’ of race” (1998, 20).

When considering the above three scenarios, we also have to consider the changes that have occurred in the two states since Elazar’s original formulation. Elazar initially developed his thesis in the 1960s and, while he subsequently refined it, the thrust of his argument never really changed much. Yet the population of many states, including Minnesota and Wisconsin, has changed considerably since this time. In 1960, the total minority population in Minnesota was only about 1 percent, whereas by 2011 this number stood at roughly 15 percent. Similarly, the total minority population was approximately 2 percent in Wisconsin in 1960, but climbed to roughly 14 by 2011 percent (U.S. Census Bureau 1962; U.S. Census Bureau 2012).<sup>7</sup> The racial transition in Milwaukee, Wisconsin’s largest city, has been much more dramatic. In 1980, over 71 percent of the population was white, but by 2000, that number had dropped to just over 45 percent. Whereas Minnesota’s two largest cities—Minneapolis and St. Paul—remain majority white, the populations in both have become substantially more diverse in recent decades as well, and include significant numbers of Latino, Asian, and African immigrants.

The demographic changes in the two states have made it easier for supporters of photo ID to capitalize on fears of voter fraud among whites. We suggest that voter fraud, then, has become an issue that appeals to the implicit racism of many Whites, similar to the way “crime” and “welfare” have been used in other contexts for decades. In both states, supporters of photo ID have consistently invoked Chicago negatively when speaking in favor of photo ID. For

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<sup>7</sup> The 2011 figures reflect the fact that Census categories have changed over the years. In MN, the total number of individuals who classified themselves as “White” was 87 percent, while the number who classified themselves “White—Not of Hispanic Origin” was 83 percent. The same figures for Wisconsin were 88 percent and 83 percent respectively. Operating on the assumption that some who identified themselves as white and Hispanic would primarily identify themselves as white, whereas some would primarily identify themselves as Hispanic, we took the average of these two figures, and subtracted it from 100 to get the total minority population for 2011. The larger point remains this same—that the two states have become significantly more diverse in terms of race since the original publication of Elazar’s typology.

example, one of the most common arguments used in favor of the increased restrictions on voting is that the state (Minnesota or Wisconsin) is becoming, or without photo ID could become, another Chicago where people (including the deceased) vote early and often. Chicago, of course, is a much more racially diverse city, with only roughly 31 percent of all residents being non-Hispanic whites. Considering the common knowledge that African Americans are heavily Democratic, and that a substantial majority of Latinos are Democratic, the Chicago reference can be understood to be at least in part a thinly-veiled racial reference designed to appeal to whites within a context of changing state demographics. On the other hand, the most damning criticism leveled by those opposing the restrictions is that these restrictions will turn our state (either Wisconsin or Minnesota) into a place like Mississippi during the Jim Crow era when poll taxes and other restrictions kept large numbers of African Americans from voting, thereby openly suggesting a significant racial component to this ostensibly non-racial issue.

The presence of such arguments in the policy debate might lead us to see the second scenario as the most accurate. That scenario suggests that the two states have had, and continue to have, a moralistic political culture, but that those promoting photo ID are very effective in convincing residents that the new election procedures are consistent with that culture. The only problem with that analysis is that relatively few proponents or opponents use terms that bring to mind the moralistic political culture.” Being “not-Chicago” and “not-Mississippi” is not really the same as promoting the vision of a state as a commonwealth with shared interests.

Thus, what first may appear as a change from one political culture to another, is perhaps more accurately be described as the movement away from a political culture that was, by certain indicators, not as dominant as was originally believed. This transition has been substantially shaped by the demographic changes in both states that have presumably enabled arguments

about alleged voter fraud to resonate with many citizens. These demographic changes, which are similar to those of many other states, have effectively emboldened the Republican Party in its quest to make photo ID a major policy initiative in numerous states across the nation, including Minnesota and Wisconsin. Further, while George W. Bush made some efforts to court minority voters in 2000 (albeit with limited success), more recent events have shown that the Republican Party nationally is not especially interested in reaching out to the two largest minority voting blocks, Latinos and African Americans. This strategic decision on the part of the Republicans dovetails with the push for photo ID in these two states and across the nation, while also illustrating the nationalization of the G.O.P. The Republican Party's previous opposition to enlarging the electorate as seen during the debate about EDR in Minnesota and Wisconsin has transformed to the party's current position which effectively endorses a shrinking of the electorate through photo ID laws. While the Democrats were able to enact Election Day Registration in the two states in the mid-1970s over Republican opposition, the Republicans in both states were able to pass photo ID measures in 2011 and 2012 with virtually no Democratic support.

### **Conclusion: Implications for Future Research**

The degree to which there has been major change in the political culture, or a more limited transfer of power from one party to another, remains to be seen. A number of different types of evidence will need to be gathered to come to a firmer conclusion. Such evidence would include, but would not necessarily be limited to, the rhetoric used in opinion pieces in the media, legislative hearings, and floor debates; legislative voting records from sessions when other electoral procedures were made more or less restrictive; and public opinion survey results. Yet after examining the recent politics of photo ID in Minnesota and Wisconsin, we suggest that

political culture, demographics, and the priorities of political parties are necessarily linked, and further research should explore the many linkages among these complex political variables.

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