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# The Impact Of Voter Suppression Laws On African American Participation In Florida And North Carolina From 1988 To 2012

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**THE IMPACT OF VOTER SUPPRESSION LAWS ON AFRICAN AMERICAN  
PARTICIPATION IN FLORIDA AND NORTH CAROLINA FROM 1988 TO 2012**

by

**ANTHONY L. DANIELS**

**DISSERTATION**

Submitted to the Graduate School

Wayne State University

Detroit, Michigan

in partial fulfillment of the requirements

for the degree of

**DOCTOR OF PHILOSOPHY**

2015

MAJOR: POLITICAL SCIENCE

Approved by:

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Advisor

Date

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## DEDICATION

*In memory of my loving grandmother,  
Helen J. Clinkscales.  
For when, as a young child, she informed me  
I would be the first to attend the academy.  
At that time I did not believe her,  
But she convincingly assured me  
I could be anything that I set my mind to.  
Her prayers for God's grace comfort me.*

*Later,  
I wondered why my role models fell into despair.  
I asked her to explain the meaning.  
She replied, "we got you didn't we?"  
When A.J.'s time comes I will teach him these same lessons.*

*And Also:  
To my wife, who knew the odds but believed in me anyway.*

*And Finally:  
To those we've lost in the struggle,  
When I teach, you teach. Always.*

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As I never could have made it without considerable assistance, let me acknowledge some of the many people who helped to make this accomplishment possible. In the face of many challenges and long odds, I have come so very far. As I cannot possibly list everyone individually by name, my apologies to anyone missed.

First, I would like to give thanks to my family for supporting me for all of these years. I cannot express the sacrifices made by my wife Sarah who has supported and believed in me. Graduate school can be tough on families. The hours are long and the pay is short. However the rewards are well worth the sacrifices. Any person that completes this journey emerges different and better than when they started.

To my son Anthony Jr., I thank you for giving me the best reason to struggle harder to improve myself. I could not fix the past, but through you, I can work for a better future.

I want to thank my mother Adelheid for her courage. She raised four kids on her own and did so with dignity. We may not have been the richest family in the townhouses, but all four of us survived where so many good people did not. To my brother Lee, you taught me how to swim and kept the sharks at bay. Without that knowledge and space, I could not have made it. To my sister Heidi, you were the first to get out and prove it was possible. Finally, to my brother Markus, you too shielded me. I was spoiled and lucky to be the youngest.

Next, I must give thanks to my loving grandparents James and Helen Clinkscales. Together they put in nearly a century in the basement of a university hospital. All those years they pushed those mops, they prayed that one day I could walk those halls. They made me the man that I am. I would also like to recognize the sacrifices made by my father, Sam and uncle,

James Robert. They went behind those walls so that I would never have to. People said their struggles wouldn't amount to anything. They were wrong. We can break the cycle.

In addition to my friends and family, I cannot stress enough the importance of my dissertation committee members: Drs. Michael Goldfield, Ronald Brown, Khari Brown and Jeffrey Grynawiski. Each member of my committee provided me valuable guidance, counseling, and editing for my manuscript. Michael Goldfield could not have been a better teacher, mentor, or advisor. Mike encouraged me during the low points and guided me through to completion. Ron was the first person in the department to take notice and invite me to participate in several research projects. Khari also took me under his wing and showed me how to conduct and publish research. I will be forever thankful for the academic support, but more so for the personal and professional support you have provided. Finally, I wish to thank Jeffrey Grynawiski who came onto my committee when I need him the most.

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## CHAPTER 1: Introduction

*“Race is relevant today [...] The different voting patterns of many people of color give politicians the motive to suppress their votes, and the unique physical and socio-economic traits that characterize people of color make them particularly vulnerable”* (Overton 2006, p. 81).

### *Background of Study*

Researchers debate the relationship between voting restrictions and political participation identifying a range of potential explanations. Classic institutional approaches, pointing to a long tradition of selective demobilization, suspected that rules changes and restrictions on the franchise were essential to understanding American voting patterns (Burnham 1970, p. 81; Burnham 1987, p. 109). This literature detailed various efforts to make voting more difficult, or impossible, for targeted groups (Keyssar 2000, 2012). The Voting Rights Act of 1965, along with subsequent bi-partisan reauthorizations of the historic law, convinced many that our nation had overcome its exclusionary past (Verba, Schlozman & Brady 1995, p. 11). Contemporary voter suppression laws challenge this assumption. Researchers identify four competing theories to explain the impact of targeted demobilization in recent elections. This study examines two cases, Florida and North Carolina, to assess the plausibility of these explanations.

Although contemporary voter suppression laws pale in comparison to prior suppression of the franchise, researchers disagree on their specific effects. Several scholars argue that voter suppression methods target African American citizens, but conflicting evidence exists indicating precisely how they work (Minnite 2010, p. 153; Overton 2006, p. 148; Piven et al 2009, p. 9; Bassetti 2012, p. 174). This study employs careful process tracing to explain this mechanism.

Keyssar (2012) argues that voter suppression, “differs conceptually from outright disfranchisement because it does not involve *formally* disqualifying entire groups of people from the polls; instead, policies or acts of ‘suppression’ seek to prevent, or deter, eligible citizens from

exercising their right to vote. Historically, voter suppression seems to arise when organized political forces aim to restrain the political participation of particular groups but cannot, politically or constitutionally, disfranchise them outright” (Keyssar 2012, p. 30).

Voter suppression advocates integrate socio-psychological and economic theories of participation by targeting individual voters via group markers (Verba et al 1995, p. 269; Downs 1957, p. 260). Much of what we know about political behavior is segmented by sub groups. These identities provide powerful predictors of voting behavior. They also allow for sophisticated targeting and gerrymandering. One efficient mechanism employed for shaping the electorate is raising the participatory costs for groups who most often vote for the opposing party. However, this strategy creates a perverse cycle. Most simply stated, targeting minority voters becomes more attractive as minorities increasingly vote en bloc. Likewise, as one political party suppresses minority voters, these voters are then even more likely to vote against that party.

### *Statement of Problem*

Albeit with many fits and starts, America achieved near-universal adult access to the franchise. The exclusion of any adult citizen without cause violates the basic premises necessary for democratic self-governance. Yet, some discriminatory exceptions to the franchise are more easily justified than others. For example, restrictions on children, those mentally incapacitated, and prison inmates are generally accepted; while those targeting race, gender, or seniority are widely shunned (Manza, Brooks & Uggen 2004, p. 277). During the first years of this nation; property, gender, and other qualifications allowed only a quarter of adults the franchise (Keyssar 2000, p. 4). Expansions of this fundamental right are celebrated as proof of American progress.

Recent legal and political trends indicate that targeted demobilization is on the rise, thus increasing the need for political scientists to measure the phenomena. Several key developments contributed to the reemerging salience of voter suppression. First, the turnout of African American and Hispanic voters spiked. For example, in the two most recent presidential elections minority voters increased their share of the American electorate (Lopez 2009, p. ii). Second, these citizens voted overwhelmingly for one political party. Third, the historic election and reelection of the nation's first African American president, along with increasing partisan polarization, provoked an intensification of attempts to tighten electoral regulations.

Many state legislatures responded to these electorally ominous demographic and social changes by instituting voter suppression laws. Overall, the Brennan Center for Justice counted 180 pieces of state legislation aimed at making it harder to register or vote introduced between the beginning of 2011 and August of 2012 (Election 2012: Voting Laws Roundup). Between 2010 and 2011 upwards of thirty-four states introduced voter identification laws; nine states passed them via referendum. Seventeen states enacted "proof of citizenship" laws requiring an official birth certificate for registration (Weiser & Norden 2012, p. 2). Other states restricted registration drives, reversed previous reforms like early voting, and adopted other forms of targeted demobilization. This study's findings reveal that these contemporary voter suppression mechanisms depressed African American participation in Florida.

### *Theoretical Framework*

This dissertation adopts a historical-institutional approach to analyze state voting systems and voter suppression. I build in the broader tradition of institutionalism, and more specifically, realignment theory that has produced many meaningful insights into American political

development. This study explores several implications raised by the evolutionary realignment hypothesis advanced by Carmines and Stimson (1989, chps. 8 and 9). In their seminal work *Issue Evolution* (1989) they found that political change was dynamic and evolved over time. In short, they contended that the 1980's partisan realignment was a product of the integration of racial and ideological issues in the late 1960's. This period was marked by white backlash to the civil rights and social justice agenda identified with previous alignments. Dated to roughly the late 1960's (scholars offer competing dates), the "Reagan realignment" witnessed the regression of many civil rights movement, New Deal, and Great Society initiatives (Black & Black 2002, p. 24). Along with retractions of liberal economic and social policies, the new realignment was also associated with inconsistent support for voting rights. Despite a national push to make voting more convenient, this study identifies a range of measures adopted that were intended to discourage or suppress participation.

The central finding of this dissertation is that contemporary voter suppression measures negatively impact African American participation. This study traces the origin and evolution of these laws to the broader partisan realignment of each state. I contend that the prior alignment, built partially on appeals to white racial resentment, is being replaced by a majority coalition comprised of more non-white American voters. Although voter suppression attempts are intensifying, these techniques are becoming increasingly risky. As U.S. politics transition to much more racially diverse electorates, voter suppression measures create a perverse incentive. This electoral approach requires more intensive demobilization at a time when racial appeals are increasingly subject to backlash.

Voter suppression measures may provoke push back among those targeted. Additionally, partisan and cynical attempts to suppress voters may inspire counter demobilization from interest

groups, elites, and the media (Hasen 2012, p. 6). Civil rights and voting advocates often publicize voter suppression laws to spur get-out-the-vote efforts and media coverage of these measures presents a public relations problem for their proponents. Most importantly, racially based voter suppression runs contrary to widely held democratic beliefs and values (Gerken 2009, p. 30).

This process was not, however, automatic or pre-determined. This study contends that Republican Party elites actively chose to institute voter suppression laws, and that this pattern was consistent with prior decisions to pursue the “southern strategy” and write off the black electorate. However, unlike past versions of the approach, the electoral consequences of this strategy may be changing. In an increasingly diverse society, Republican elites are faced with two choices. The first would be expanding the electoral base of the Republican Party to include minority citizens. The second would be finding new and creative ways to suppress the vote. For the cases, and period under review, the GOP adopted the latter approach.

### *Purpose of Study*

The purpose of this dissertation is to assess competing explanations of the relationship between voter suppression and participation within and across two cases studies, Florida and North Carolina from 1988 to 2012. During this time period, government officials across cases adopted starkly differing levels of voter suppression allowing for a rough natural experiment. This study employed qualitative process tracing to chart the development of contemporary voter suppression measures in each state. To gain an accurate description of voter participation, I scrutinized quantitative registration, demographics, and turnout data. As a result, quantitative methods and reasoning are utilized in conjunction with the analytic narrative presented.

The literature divides into four general explanations by which voter suppression efforts might affect elections:

H<sub>1</sub>: *Discouraging Voter Hypothesis* - The first, termed by Lott (2006)<sup>1</sup> as the *discouraging voter hypothesis*, suggested that actual voter fraud was rare, and thus regulations served to discourage eligible voters. Many scholars argued strongly that voter suppression measures negatively impacted participation and specifically targeted African American citizens (Overton 2006, p. 148; Piven et al 2009, p. 9; Bassetti 2012, p. 174). Despite strong face validity and theoretical support for this view, empirical studies returned contradictory findings.

H<sub>2</sub>: *Ensuring Integrity Hypothesis* - The second, *ensuring integrity hypothesis*, argued that reform efforts promoted trust and confidence in the electoral system which produced increased participation (Lott 2006, p. 12). This model, albeit somewhat counter-intuitively, predicted that states with stricter election rules would show higher levels of participation than those with more navigable voting systems.

H<sub>3</sub>: *Minimal Effects Hypothesis* - Berinsky (2005) added a third, contending *minimal effects* hypothesizing that citizens who were most likely to vote would overcome minor restrictions and technical hurdles (Berinsky 2005, p. 482).

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<sup>1</sup> The first two hypotheses were identified and termed by (Lott 2006, p. 5). Another Lott hypothesis - “eliminating fraud” was subsumed under the voter integrity hypothesis. The widespread occurrence of voter fraud was disproven by the literature and refuted by the data presented in this study.

H<sub>4</sub>: *Voter Suppression Backlash Hypothesis* - Finally, another plausible and related explanation might be that voter suppression opponents were able to inspire additional voters by publicizing voter suppression efforts. I term this the *voter suppression backlash hypothesis*; perhaps suppression angered targeted voters providing increased incentive to vote.

### *Significance of Study*

Access to the ballot box is an essential requirement for a healthy democracy. Questions of low turnout and voting rights are particularly salient in contemporary American politics. Partisan de-alignment, polarization, and low participation all place increased emphasis on selective mobilization and demobilization of voters.

Building on a rich body of research that detailed racially inspired demobilization; this study focuses on the impact of contemporary voter suppression efforts on African American participation. I argue that targeted demobilization exacerbated the naturally occurring inequalities inherent to participatory government and states with active voter suppression efforts should display lower levels of black participation.

However, contemporary voter suppression differed from past occurrences on several important counts. First, public opinion on race evolved to where blatant appeals to racism were no longer socially acceptable. Without strictly enforced racial norms and the threat of violence, today's demobilization methods were much more subtle. Second, historical suppression depended on overwhelming one-party political control; in both cases studied two-party competition was the norm in recent elections. Most southern states transitioned from one-party Democratic control to two-party competition or Republican dominance; Florida in the early



1990's and North Carolina in 2012. Third, the American electorate is becoming much more diverse further increasing the potential risks of provoking counter-demobilization and backlash.

This study adds much needed empirical evidence to the growing subfield of voting studies that assess voter suppression. My results contribute to the existing debate over the significance of targeted demobilization. I fill crucial gaps in the literature by compiling a comprehensive look at demobilizing electoral reforms. This study finds that voter suppression was more intense in Florida than in North Carolina for the period under review. Consequently, African American participation in North Carolina surpassed the same in Florida, spiking noticeably across multiple measures for the 2008 and 2012 elections.

Additionally, this study finds that Census-derived data over-estimated African American participation. I construct a new, more reliable, measure of voter registration which revealed interesting findings. First, from 1988 to 2012, African American participation increased more modestly in Florida than in North Carolina. However, gains in African American participation were not as large as popular accounts suggest. Second, due to high levels of excitement among black Americans for the 2008 and 2012 elections, black registration in Florida increased, but still trailed behind whites in the state. Third, high levels of African American registration and turnout in North Carolina reveal that under the right conditions; racial disparities in participation can be mitigated, or even eliminated.

### *Organization of Dissertation*

This study is divided into seven chapters.

*Chapter One, the Introduction*, outlines the scope and boundaries of the project establishing the problem; purpose, and significance of the study. The chapter introduces important concepts and then outlines the organization of the dissertation.

*Chapter Two, the Literature Review*, summarizes previous scholarship with a focus on voter suppression, racial disfranchisement, and electoral participation. A small but active research line has developed to chart contemporary demobilization techniques. Prior research has reached conflicting results on the impact of individual voter suppression mechanisms. This study contributes to the scholarly debate by explicating the development of voter suppression across two cases.

*Chapter Three* specifies and defends the methodological approaches and data sources chosen to assess alternative explanations of the relationship between voter suppression and political participation. This study adopts a historical-institutional approach to place these and other related issues into a broader context. Historical attempts to suppress voter turnout are well-documented; the impact of progressive reforms on lower class and ethnic participation, and the one-party Jim Crow South's tight racial restrictions on access to the ballot have received considerable attention (Keyssar 2000, p. 91-93; Walton 2001, p. 22; Kousser 1974, p. 62). This study situates more recent voter suppression attempts in this tradition. Although the methods evolved with the times, contemporary voter suppression shares much in common with historical attempts to restrict access to the franchise. Most notably, these methods target African American citizens.

Finally, the *Methodology* chapter explains the strengths and weaknesses of my approach. This study combines qualitative process tracing bolstered by quantitative evidence of voter registration and turnout across and within the cases.

*Chapters Four and Five* detail the development of state voting law and levels of voter suppression within the two cases; first North Carolina and then Florida. These sections begin by detailing the partisan transition of important political offices in each state. Next, I trace the development of state and national voting reforms, including mobilizing and demobilizing measures, to establish the level of voter suppression present. Although most states incorporated mobilizing reforms like early voting and same-day registration; some state executives and/or legislatures adopted targeted demobilization. Florida represents a case of high voter suppression; state officials practiced strict felon disenfranchisement, purged registration lists, and witnessed long lines at the polls in recent elections. North Carolina leaders, under the period in question, developed a much less restrictive voting system with longer early voting periods, milder restrictions on former felons, and eased registration policies.

*Chapter Six, African American Participation*, reports quantitative turnout and registration data across the two cases comparing them to each other, national, and regional averages. This chapter utilizes three measures of political participation to assess competing theories of voter suppression. Next, county level registration, population, and demographics data are employed to address competing alternative explanations.

*Chapter Seven, Conclusions and Recommendations*, summarizes the studies main discoveries, limitations, and implications for future research.

## CHAPTER 2: Review of the Literature

*“The American party system, in sum, was fundamentally transformed during the mid-1960s. The progressive racial tradition in the Republican Party gave way to racial conservatism, and the Democratic Party firmly embraced racial liberalism. These changes unleashed political forces that permanently reshaped the contours of American politics” (Carmines and Stimson 1989, p. 58).*

### *Introduction*

A variety of approaches are deployed to measure the impact of contemporary voter suppression laws. These research efforts produced conflicting results. To clarify these differences, I focus here on the following subjects: institutional models of demobilization, racial disfranchisement, partisan realignment or issue evolution, and contemporary voter suppression. First, this chapter highlights traditional institutional explanations for U.S. turnout. Then, I discuss the scholarly debate between realignment theory and the issue evolution model. Next, the literature review explains and connects my thesis to the relevant theoretical frameworks. Finally, I explore the most recent research on contemporary voter suppression measures.

### *Institutional Model: Theories of Demobilization*

There is a rich tradition which investigates electoral rules, institutions, procedures, and other structural determinants of voting behavior. Institutional explanations long posited that registration rules and electoral administration influenced political participation. Some emphasized the strategic nature of voter suppression stressing the importance of partisan control in shaping patterns of demobilization (Burnham 1970, p. 81; 1987, p. 109). Although historically the Democratic Party restricted access to the franchise for partisan gain,

contemporary demobilization was largely promulgated by the Republican Party.<sup>2</sup> The partisan tilt of more recent attempts to restrict the franchise suggest that the Democratic Party supported greater inclusiveness, while the Republican Party sought to make voting more secure, and hence more difficult (Hasen 2012; p. 8). As evidence, researchers studying roll call voting records found that between 2005 and 2007 Republican legislators overwhelmingly supported photo identification requirements. When it came to voting on these laws during this period, 95 percent of Republican legislators voted in favor, while Democrats were 98 percent opposed (Minnite 2010, p. 153).

Wang (2012) dated modern voter suppression by the GOP to 1964. In that year, under a program titled Operation Eagle Eye, future Supreme Court Chief Justice William Rehnquist, then a low level party worker in Arizona, challenged minority voters utilizing caging lists (Wang 2012; p. 58). Caging was a voter suppression tactic that involved sending mailings to minority or Democratic-leaning communities. These mailings often included incorrect elections information or requested a reply. Citizens who did not respond to the mailings would then have their residency or eligibility challenged.

Classic institutional explanations suggested turnout should increase when motivation was high and demobilization was low; while also assuming citizens were engaged by the political process – a condition that was not often met in contemporary U.S. elections (Avery 1989, p. 15). These frameworks offered three mechanisms by which demobilization efforts might suppress participation:

1. The decline of party-based mass mobilization.

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<sup>2</sup> This study does not contend that Democratic elites did not participate in voter suppression or targeted demobilization. However, this study confirms Wang's (2012) finding that the Republican Party engaged in a widespread and concerted effort to pass a wave of recent voter suppression legislation.

2. High burdens imposed on citizens due to administrative and registration hurdles.
3. Racially-based disfranchisement.

The first research line stressed the decline in partisan competition and mobilization; pointing to the “party system of 1896” and subsequent declines in turnout (Burnham 1970, p. 71; 1987, p. 113). Many of these original works argued that electoral reforms and rule changes were essential to understanding participation. Consistent with this view, American voter turnout exhibited clear patterns of mobilization and demobilization with corresponding swings in participation (Keyssar 2000, xxv-xxvi). Both mobilization and demobilization diminished overall, making the two difficult to parse. As Avery (1989) explained “locations with high turnout tend to have both high mobilization and low demobilization while those with low turnout have both low mobilization and high demobilization” (Avery 1989, p. 37).

The second research tradition blamed cumbersome registration rules and elections administration (Burnham 1989, p. 108). The research and activism of Piven and Cloward (1989) was an integral part of the push for the National Voter Registration Act of 1993 or “motor-voter” reforms that produced noticeable gains in registration. Although total registration increased, the effect of these reforms on turnout was less clear (Knack 1995, p. 25; Wang 2012; p. 69). Piven and Cloward (2000) concluded that the political parties had not incorporated the issue-concerns of potentially new voters, nor embraced mobilizing their potential interests (Piven & Cloward 2000, p. 265). However, the increased participation of previously less active voting groups suggests we take into account the long term and unintentional consequences of electoral reforms, especially the potential for backlash.

The third approach examined voter suppression and active demobilization of voters by race (Piven et al 2009, p. 9; Overton 2006, p. 153; Alexander 2010, p. 187). Efforts to target

African Americans have a protracted history in American politics (Keyssar 2000, p. 45; 2012, p. 30). The Voting Rights Act of 1965, along with subsequent court and federal actions, curbed the worst abuses. Despite the success of the VRA's provisions, many state officials developed more subtle methods geared toward diluting the power of African American voters using redistricting. These methods included "cracking, stacking, and packing" minority voters into districts tailored to weaken their voting strength (Parker 1990, p. 51; Grofman et al 1992, p. 23.) Both voter dilution and voter suppression measures targeted African American voters. The former did so by gerrymandering districts so that blacks may vote, but were seldom able to elect representatives of their choosing (Lublin, Brunell, Grofman & Handley 2009, p. 3). The latter methods attempted to discourage or suppress voting by raising the price of participation or otherwise restricting access to the ballot. The 2013 Supreme Court reversal of the Voting Rights Act's preclearance provision in *Shelby County v. Holder* may provide additional opportunities for the adoption of both.

### *Realignment and Critical Elections*

Realignment theory in its classical construction suggested that cyclical patterns play a decisive role in American politics. Proponents argued that partisan realignments were marked by watershed elections, usually the result of partisan switchers, an influx of new voters, or political and economic cleavages (Key 1955, p. 4; Sundquist 1983; p. 35-36). Critical elections theorists described a dramatic event or new issue cleavage that signaled sharp, significant, and durable shifts in partisan attachments and electoral fortunes (Nardulli 1995, p. 11). Under this model, majority parties enjoyed long periods of stability until the environment changed producing crisis. Realignments occur when one critical election arises that abruptly transferred power to a new

majority (Key 1955, p. 3). This realignment could produce transformation across candidates, issues, and at times even entire political parties.

Burnham (1970) concluded that realignment patterns were the result of larger class cleavages (p. 71). In response to populist and socialist pressure, political elites instituted electoral reforms to weaken the voting power of lower class ethnic groups in U.S. northern cities while also disfranchising all African Americans, and many poor whites, in the South. These reforms and restrictions resulted in significant declines in American turnout (Burnham 1970, p. 84).

Despite disagreements, many scholars agreed that the elections of 1860, 1896, and 1932 were prime examples of the theory (Sundquist 1983, p. 13; Key 1955, p. 11). A smaller group included the period from the late 1960's through the 1980's as a separate, partial, or regional realignment termed as the post civil rights, post New Deal, or "Reagan" realignment (Black & Black 2002, p. 24). Under this model, the 1980 election marked the dissolution of the New Deal/Great Society coalition that dominated U.S. electoral politics since the 1930's. That this alignment fractured in great part due to the partisan incorporation of racial issues is of great importance to this current study. As Edsall and Edsall (1992) argue, the tumultuous events of the 1960's "set the stage for the Democratic and Republican parties to diverge sharply on the issue of civil rights. 1964 marked the beginning of a fundamentally new partisan configuration, based in large part on the politics of race" (Edsall & Edsall 1992, p. 35).

This dissertation frames voter suppression in this context. More simply formulated, I argue that cyclical recurrences of racial demobilization were closely connected to broader partisan realignments. Just as the New Deal/Great Society alignment held the seeds for its own downfall, the contemporary push for stricter voting laws exhibited evidence of a similar feedback



process. By appealing to racial conservatives, even if not exclusively, the southern strategy incorporated racial and anti-democratic attitudes that persisted and took expression in today's voter suppression laws.

### *Issue Evolution*

Critical elections and realignment theorists faced many criticisms, most notably for their inability to predict de-alignment and the weakening of partisan attachments (Phillips 1983, p. 220-223). Scholars disagreed over the duration, causes, intensity, and terminology associated with the theory. Sundquist (1983) argued that alignments were uneven, rough, and messy. Even with dramatic realignments, large sections of the electorate remain uninvolved and many citizens retained their prior ideological allegiances (Sundquist 1983, p. 17). Others found the theory insufficient because it failed to measure more subtle shifts and focused too heavily on critical elections which were infrequent and unusual events (Carmines and Stimson 1989, p. 12). Finally, the approach may also be challenged for over emphasizing turning point elections and ignoring longer term developments.

Despite these criticisms and the at times vagueness of the realignment concept, reiterations of the theory have proven very useful, if imperfect, at explaining American political and partisan shifts. Researchers are working to better define this phenomena. Several revise realignment theory to include processes that were not so sudden. Key argued that "secular" shifts may occur over longer periods of time and occur due to slow-moving mechanisms like population change (Key 1959, p. 198). Realignments may also be partial or regional, impacted by political events, or delayed (Black & Black 2002; p. 24).

Carmines and Stimson (1989) offered an alternative construct describing “issue evolution” as a fluid process where critical elections punctuated longer processes (p. 157). Unlike the dramatic and abrupt changes associated with critical turning points, realignments may be brought about via long term mechanisms like generational replacement. The issue evolution framework expanded upon the standard realignment model, specifically on the role new issues play in generating movement. Early realignment models emphasized how new issues disrupted equilibrium, compelling political parties to choose sides and upsetting alliances. In contrast, the issue evolution model stressed demographic change, which reversed the focus. Old and new issues interact. At times, new issues emerge that generate crisis. At others, old issues evolve because the electorate or circumstances have changed. This model suggested a broader perspective was required to capture these dynamic processes.

Carmines and Stimson (1989) postulated that racial cleavages generated by the civil rights era fractured the New Deal coalition beginning a new realignment. In their example, traditional realignment theory assumed that racial integration represented an emergent new issue that caused conflict leading to realignment. On the issue of racial cleavage, standard models suggested that “racial changes were crucially important for a few years in the 1960’s, not very much before or since, and that the issue mattered then, not before and not after” (Carmines & Stimson 1989, p. 196).

This description failed to account for developments outside of the narrow time frame assumed by critical elections theory. With an evolutionary approach, careful attention is paid to changes in issues and the environment. The 1960’s post civil rights realignment reveals an evolving process. Racial issues were not new, even if the dramatic events of the civil rights movement made them seem to be. Instead, racial politics gradually developed and merged with

partisan politics (Edsall & Edsall 1992, p. 3). That political elites in the Republican Party made calculated decisions to exploit racial cleavages is a vital point. As Phillips (1969) argued, the new political alignment allowed Republicans to disregard African American voters. However, it also meant that “maintenance of Negro voting rights [would then be] essential to the GOP” (Phillips 1969, p. 287). In 1969, Phillip’s “maintenance” meant that the GOP should encourage African American voting rights in the South to quicken the flight of whites from the Democratic Party. By 2012, with the racial realignment complete, the GOP was less enthusiastic about encouraging African American participation. Finally, this process revealed that political decisions were made in the context of, and interacted with, past decisions.

*Issue Evolution* (1989) contends:

As recently as 1960 it is arguably the case that issues of race were not partisan issues. Advocates of racial liberalism were to be found almost equally among northern Democrats and Republicans. Hostility to the aspirations of black Americans was almost exclusively the province of the southern wing of the Democratic Party. For the mass electorate, race was a regional concern; on this question the union halls and country clubs were in easy agreement. Neither party found it advantageous to stake out distinctive activist positions on this potentially volatile issue, and citizens responded accordingly. Except for the Dixiecrats, race was an irrelevant cue for the development of party attachment [...]

All of this has now changed. [...] Racial attitudes are now linked to prevailing political ideology. Once separable, it is now all but inconceivable to be a liberal and not a racial liberal or to be a conservative and not oppose activist racial policies (Carmines & Stimson 1989, p. 185).

Many scholars identify this shift with the failed 1964 presidential campaign of Barry Goldwater, which featured a state’s rights message that resonated in the South and with working class white Democrats across the country. This campaign attempted to tap into the major shift that was emerging in American voting patterns. Goldwater’s “southern strategy” of catering to disaffected median white voters, was pivotal in helping to facilitate this transition and make race

a partisan issue. The logic behind the strategy was simple math. The campaign reasoned that the electoral gain in white votes far outweighed the risk of offending blacks (Goldfield 1997, p. 248-249; Fauntroy 2007, p. 131-132). Additionally, subsequent conservative presidential campaigns like that of George Wallace in 1968 would employ the technique with considerable electoral success (Phillips 1968, p. 466). Although Wallace ran originally as a Democrat and later independent, his vocal appeals to white working class voters foreshadowed the transitioning of conservative Democrats to the GOP.

Appeals to racial prejudice were not novel to American politics. Historians note the longstanding tactic of exploiting racial attitudes to win elections. The term “southern strategy” is employed to reference any appeal to whites that employs race as a wedge issue. Some scholars dated usage of the term back to the Reconstruction period (Fauntroy 2007, p. 129). Others traced the tactic of exploiting racial division even earlier to the colonial era (Morgan 2003, p. 130). However far back you date the origins of the phenomenon, scholars argue that race is essential to understanding American political development (Goldfield 1997, p. 13).

Goldwater rejected federal government involvement in desegregation, without directly appealing to race. This in turn allowed many of the pro-segregation politicians and voters, to ultimately shift allegiances or be replaced by southern Republicans who were now more conservative than liberal Democrats. Generational replacement was a major contributor to the issue evolution or realignment (Carmines & Stimson 1989, p. 71-72).

Similar to Burnham’s argument that class was integrated into two-party politics with the “system of 1896”; Carmines and Stimson argued that race was incorporated via the political parties in the late 1960’s through the 1980’s. Ultimately, racial and social policy fractured the New Deal coalition that comprised the Democratic Party. Many southerners, including both

those that favored the party's racially discriminatory policies and those that did so for ideological or class-based reasons, fled the Democratic Party becoming independents or Republicans. African American voters integrated the electorate, gravitating to the new and now more diverse Democratic Party further entrenching race inside of the partisan framework. Not only did the Democrats redefine themselves as a party open to ethnic and racial minorities, Republican elites adopted a platform that actively, but discreetly, cultivated white racial resentment and discouraged African American participation.

One direct consequence of realignment was a shifting of partisan attitudes on a range of issues. Most importantly for this study, the two parties swapped positions on the issue of racial disfranchisement. Before the 1960's, the Democratic Party was more closely associated with efforts to prevent blacks from voting. As the Republican Party courted white racial resentment, they also feared the potential consequences of high black turnout. As a result, Republican elites began supporting elections integrity measures; many of which placed increasing burdens on African American voters (Davidson, Chandler, Dunlap & Wise 2004, p. 5).

Goldwater's candidacy helped to define racial conservatism as a new strand of American political thought. Traditional *racial conservatism* was defined as, "an ideological philosophy held by whites that seeks to shape the racial status quo to their benefit and resist any changes in the social, political, and economic status quo that benefit minorities. Racial conservatives oppose policy changes that would result in an enhanced position for African Americans or a perceived diminution of status for whites, or both" (Fauntroy 2007, p. 49).

This new configuration of conservatism pushed by Goldwater, and later by a string of conservatives including president's Richard Nixon and Ronald Reagan, avoided racially

offensive language, instead appealing to more subtle racial cues (Craig and Austin 2008, p. 56; Edsall and Edsall 1992, p. 198). As Carmines and Stimson (1989) contended:

Although racial conservatism had considerable appeal to outright racists, its origins in western Republican conservative doctrine was altogether different in situation, culture, and ideology from southern white racism [...] Although it would and did appeal to bigots, the new conservative position was advocated without open bigotry and espousal of segregationists goals” (Carmines & Stimson 1989, p. 190-191).

This modified strand of conservatism hastened realignment, and marked the rise of the “new right” culminating in the election of Ronald Reagan in 1980 (Sundquist 1983, p. 425; Black & Black 2002, p. 25; Phillips 1982, p. 224). Scholars disagree about the role of race in shaping this transformation. Abramowitz (1994) placed more emphasis on ideology and class, arguing that race played an ancillary role (Abramowitz 1993, p. 23). Carmines and Stimson (1989) gave race more weight. This dissertation is agnostic between these two interpretations; both class and race played important roles in shaping American political development. Moreover, access to the franchise continues to be restricted along both dimensions. A number of scholars chart the complicated relationship between U.S. racial and class politics (Goldfield 1997, p. 13-16; Edsall & Edsall 1992, p. 7). However, this study focuses on racial effects because of the documented connections between political realignment and racial disfranchisement.

Classical realignment theory suggested that realignments should occur every 40 years or so. As new cohorts of voters come of age, they bring with them new issues and political alliances that disrupt the old order and alter party fortunes (Burnham 1970, p. 8-10; Sundquist 1983, p. 35). I argue that the 1968 – 2008 alignment, in part founded on the politics of white resentment and opposition to the civil rights platform, is being challenged by a new multi-racial

configuration. The increasing number and intensity of voter suppression laws were attempts to forestall these threatening political and demographic changes.

Although realignment theory attributed shifts to critical elections, this study adopts the issue evolution model which accounted for issue displacement. Rather than positing clearly demarcated absolute changes in one direction, an evolutionary model suggested pitched battles that are historically connected. Social and economic upheaval, immigration, migration, and a range of demographic factors impact partisan attitudes by introducing new issue cleavages. However, new issues are not written onto a clean slate (Sundquist 1983, p. 304). Old issues, alliances, and cleavages shape the incorporation of new issues. To the point, context matters.

This dissertation claims that contemporary voter suppression measures are the product of the secular realignment or issue evolution described by Carmines and Stimson (1989). The conjunction of race and partisan identification produced several interesting dynamics. First, it resulted in dramatic partisan realignment in the South. Second, it played a major role in conservative electoral victories and the ascendance of contemporary post-racial politics. Third, the merger of conservatism and racism, even if under the banner of race neutrality, created a perverse incentive to disfranchise racial minorities. Under a partisan alignment that thoroughly incorporates race, the suppression of voters by strictly partisan metrics will produce racial effects. As partisan polarization and voter suppression increase, so too should minority bloc voting. As minorities gravitate to one-party, this further tempts members of the opposition party to restrict the franchise. Proponents of voter suppression find themselves in a self-reinforcing cycle.

As Lublin (2004) warned, “The African-American and Latino share of the southern electorate continues to rise at a rapid pace. [...] Unless Republicans can capture a greater share

of the minority vote, Democrats will need a smaller and smaller share of the region's relatively shrinking white vote to win southern elections" (Lublin 2004, xviii).

What Lublin (2004) avoids was the potential for a third option: reducing the size of the minority electorate. If this construction seems implausible, I point to the "redeemer" governments following Reconstruction; the segregationist movements of the early 1900's that resorted to strict disfranchisement to displace the electoral power of biracial Republican and Fusionists coalitions; and later efforts to uphold Jim Crow (Keyssar 2000, p. 206-207; Kousser 1974, p. 187; Luebke 2000, p. 6-7). American history more generally is replete with examples of elites instituting racial disfranchisement in the face of threatening demographic or political changes. The same was true for both cases.

### *Contemporary Demobilization*

Recent voter suppression efforts are best viewed in this context. The language, techniques, and motivations are rooted in the history described. Today's restrictions are not as effective as the near total disfranchisement of previous eras. However, battles over access to the franchise displayed similar processes and patterns of action. The literature identified three primary contemporary voter suppression techniques; photo-ID laws, felon disfranchisement, and administrative maneuvering (elimination of same-day and early voting, caging, purging, unequal distribution of election resources, and long lines).

### *Voter Identification*

Researchers are developing a sizeable body of empirical data on the impact of voter photo-identification laws. A 2006 study estimated that around 13 million or seven percent of



U.S. citizens reported lacking “ready access” to proof of citizenship documentation (*Citizens Without Proof* 2006, p. 3). In Indiana, which adopted the toughest photo identification requirements, Barreto, Nuno, and Sanchez (2009) estimated that among voting age adults around 72% of blacks reported meeting the state requirement, compared to 83% for whites (p. 20). This study verified prior research that showed that access to photo identification was unevenly distributed. African Americans, Latinos, elderly citizens, the less educated, and the less wealthy were the least likely groups to possess a photo-ID (Hood & Bullock 2008, p. 19; Hershey 2009, p. 89; Barreto et al. 2009, p. 5; Mack 2012, p. 55).

Despite convincing evidence that minority, along with other groups of, citizens disproportionately lacked photo-ID; studies measuring the law’s impact on turnout produced contradictory findings. For example, some aggregate-level studies revealed a modest effect (Alvarez, Bailey, & Katz 2008, p. 2). However, individual-level research was mixed. One school of thought found that strict photo-ID laws displayed a small but significant negative impact on turnout (Hershey 2009, p. 90; Hood & Bullock 2008, p. 17). A second grouping of scholars found no statistically significant negative relationship (Lott 2006, p. 11; Mycoff, Wagner, & Wilson 2007, p. 18). A third argued that the effects varied across cases (Alvarez et al 2008, p. 2; Vercelotti and Anderson 2006, p. 13). Finally a fourth suggested voter suppression increased turnout (Milyo 2007, p. 5; Lott 2006, p. 12).

Researchers attempted several approaches to square these competing findings. A number argued for identifying legal differences across states. Some states, like North Carolina, adopted moderate photo-ID statutes where voters could prove their identity using school-ID, employee badges, paychecks, bank statements, and other documentation. Other states passed more stringent regulations requiring official government-issued photo-ID without exception. Alvarez,

Bailey, and Katz (2008) found that strict-ID regulations depressed voting among registered voters (p. 3). Erikson and Minnite (2009) challenged these findings arguing for a more cautious approach. They warned that Census-based data analysis may yield results, but social scientists should be careful in reaching broader conclusions on turnout. They stressed the need for additional “within and between state analysis” (Erikson & Minnite 2009; p. 98). The current study builds on this recommendation.

### *Felon Disfranchisement*

Although estimations of the impact of photo-ID offer mixed results, the raw numbers for felon disfranchisement were easier to calculate. Felon disfranchisement represents the last remaining significant restriction on the franchise. With the exception of children and the mentally insane, no other sizeable group of citizens faced an outright ban. In 2010, felon disfranchisement laws excluded over three million U.S. citizens. Around an additional two and half million citizens remained ineligible to vote while on parole and probation (McDonald 2012).

Felon disfranchisement laws were further complicated by America’s racial legacy. Historical efforts to conflate issues of crime, race, and voting are well documented (Keyssar 2000, p. 246-251). W.E.B. Dubois (1903) predicted, over a century ago, that the dual system of justice established under Jim Crow to support racial dominance would be difficult to undo (Dubois 1903, chp. 4). Contemporary studies point to the “war on drugs” and its noticeable racial disparities, which have a chilling effect on the electoral participation of young minority males (Alexander 2010, p. 59; Mauer 2004, p. 17; Raskin 2005, p. 1). The disproportionate incarceration rates of African Americans, Hispanics, and the poor; combined with felon

disfranchisement laws, further exacerbate existing inequalities in resources that facilitate political participation (Lippke 2001, p. 554).

Other studies found that attitudes toward crime and restrictions on voting continue to be influenced by racial attitudes. Manza and Uggen (2008) explicated the relationship between racial group threat and restrictions on the right to vote. They found that racial threat was a significant predictor of restrictive attitudes, especially in the southern United States where the association was the strongest (Manza & Uggen 2008, p. 64). A more recent study found that racial imagery alone could evoke increased support for photo identification laws among whites (Wilson, Brewer, & Rosenbluth 2014, p. 369).

Although proving how felons would vote was difficult, scholars conservatively estimated that these laws produced a small, but at times important, advantage for Republican candidates (Uggen & Manza 2002, p. 796). Others suggested that the impact was limited because felons belong to low turnout demographic groups (Miles 2004, p. 85).

### *Administrative Maneuvering*

A conspicuous feature of American elections is the partisan nature of their administration. The head of elections is often the Secretary of State, an elected partisan position. Critics suggest that this creates a strong incentive for political operatives to bend the rules for partisan advantage; and election administrators have devised creative ways for doing so (Bassetti 2012, p. 147-148; Hasen 2012, p. 21). Administrative maneuvers include caging, purging, rule changes, lines, ballot-design, reductions in early voting access, and restrictions on interest group registration drives.

One demobilization strategy was caging, and/or the deployment of poll watchers to selectively challenge voters (Piven et al. 2009, p. 174-179). Caging involved sending out mailings to minority or Democratic-leaning communities with confusing or incorrect elections information. Often these mailings asked for a return reply. Citizens who failed to reply to these mailings could have their eligibility challenged at the polls or were notified of a potential challenge. This strategy operated by creating confusion or intimidating voters (Minnite et al 2009, p. 170). However, caging was a rough and inefficient mechanism prone to backlash. Many voters angrily resented challenges and caging often inspired counter-mobilization (Piven et al. 2009, p. 178). Although it was unclear how many votes were suppressed, caging has largely been replaced by the more advanced and less confrontational technique of purging.

With this mechanism, election administrators purged voter rolls to disqualify targeted voters. For example, in recent elections Florida officials attempted to remove thousands of potential illegal aliens or former felons from the state's voter rolls (Bassetti 2012, p. 151-153). Purging may be limited in scope because purged voters may appear at the registrar, re-register, and then later vote (assuming they realize the error in time). Its impact was also likely negated by the inefficiency of targeting citizens who were already unlikely to participate.

Along with caging and purging, political operatives often attempted to bend administrative rules to make voting more arduous. Included among these maneuvers were the uneven distribution of polling places, voting machines, and resources. Combined with reductions of early voting, these reforms resulted in long lines on election-day. A study of the 2012 Florida election estimated that reductions of early voting hours resulted in around 200,000 voters being discouraged from voting (Powers & Damron 2013).<sup>3</sup> Another which examined the state's elimination of early voting on the Sunday before the election, or the "*Souls to the Polls*"

<sup>3</sup> Powers and Damron. Orlando Sentinel. Jan. 23, 2013.

reduction, found that specific Democratic leaning groups were more likely to cast Sunday ballots in 2008 (Herron & Smith 2012a, p. 30). Most notable among those targeted were African American churches who initiated the high profile “*Souls*” program to encourage their members to vote upon leaving Sunday service.

Finally, many states placed burdens on outside party or interest group voter registration drives. The resource model of voting, or civic voluntarism model, suggested that civic and voluntary associations were essential for individuals in helping them overcome the natural disparities created by inequalities of wealth and resources (Verba et al 1995; p. 384). Lacking natural resources and skills, low resource voters rely on religious and civic organizations to handle the technical and informational aspects of voting. Transactional models of democratic politics offer a similar assessment, allowing a role for interest groups and political entrepreneurs in reducing the costs of collective action (Lowery & Brasher 2004, p. 30). These groups, along with the political parties, attempted to bend institutional rules for partisan advantage. They also challenged voter suppression laws with counter-mobilization and media campaigns.

Registration groups received considerable attention in recent years. In 2008, much of that focus was on the controversial group the Association of Community Organizations for Reform Now or ACORN. The organization, which was a prominent promoter of the 1992 NVRA, was the target of multiple congressional and legal investigations. Despite the media uproar, which resulted in the demise of the group, little evidence of actual voter fraud was uncovered (Bassetti 2012, p. 169). In addition to attacks on ACORN, some states, like Texas and Florida targeted all voter registration groups. In these cases, bureaucratic rules discouraged registration drives by imposing hefty fines for technical violations. Herron and Smith (2012)

found that restrictions in Florida dramatically impacted registration rates in the state (Herron & Smith 2012b, p. 30).

### *Discussion*

Voter suppression efforts developed in conjunction with forces that compelled larger political realignments. Periods of mobilization and demobilization produced expansions and retractions of the franchise. Today's voter suppression is best understood in the context of partisan realignment. These measures have evolved directly from how the two main political parties chose to resolve the racial and ideological conflicts of the 1960's. Although less draconian than earlier occurrences, contemporary suppression represented a push back against the successes of the Voting Rights Act and larger civil rights era.

Policy, class, and the standard model of voting explain much, if not most, of the factors that shape partisan politics. However, race continues to play an important, but evolving, role in American political life. High levels of African American partisanship reflected the mix of historical and policy factors that influenced current voting patterns. Voter suppression, like realignment, arises in waves. A review of American history reveals a broad but progressive trend of expanding rights to a near complete franchise for all adults. A more nuanced examination reveals both a constant battle over voting procedures and distinct periods of mobilization or demobilization (Keyssar 2000, p. 296-298; Avery 1989, p. 17). The most egregious of these racially-based abridgements have been removed by Constitutional amendments, the Voting Rights Act of 1965, and other legislation.

Despite the success of these efforts to build a more inclusive American democracy, contemporary voter suppression and targeted demobilization continue to threaten the voting rights of many citizens.

## CHAPTER 3: Methodology

### *Introduction*

This chapter details the research approach and methods employed in this dissertation. First, I summarize the systematic steps taken to assess rival explanatory theories of targeted demobilization. Second, I explain my choice of historical institutionalism and its place in the broader context of the qualitative method. Third, I describe the specifics of the case study and process analysis techniques. Fourth, the chapter details various voter suppression hypotheses and explains how this study assesses them. Next, I record and defend other methodological choices including my selection of cases, time-period, and my focus on African American electoral participation. Finally, this section reports my data sources and collection procedures.

### *Procedures*

To conduct a thorough investigation of the selected cases, a number of critical steps were taken. The process began with an in depth review of scholarly works on American voting, voter suppression, southern politics, the history of racial disfranchisement, demobilization, and related topics. This review included classic works by V.O. Key and Walter Dean Burnham, but also incorporated more recent literature on American voting like those of Alexander Keyssar and Bernard Grofman. I surveyed literature on historical and contemporary Florida and North Carolina politics, including Paul Luebke's extensive scholarship on North Carolina politics and David Colburn's research in Florida.

I sought out, organized, and consolidated data from multiple sources for the time period 1988 to 2012. First, I examined state voting laws and changes with the potential for mobilization or demobilization. Next, I gathered U.S. Census demographics and elections estimates of voter



registration and turnout rates. Finally, I collected county level registration data reported by each state's election administration to attain a more reliable measure of registration and test alternative explanations for participation patterns.

This methodological approach provides two valuable contributions to the field. First, this dissertation project conducts and reports in-depth process analysis of legislative activity with a focus on election reforms. Process tracing involves the careful inspection of cases to assess competing explanations of an outcome. Although voter suppression may be perpetuated by the executive and judicial branches, legislative records were consistent, comparable across states, and amenable to this method. This study finds that the most egregious voter suppression measures required high levels of political dominance to sustain. Second, this work develops a new conservative measure of registration that provides a more sober assessment of the political activity of African American voters. These data reveal that African American participation increased since the passage of the Voting Rights Act of 1965, with additional increases for the 2008 and 2012 elections. However, state reported registration data indicates that these gains were uneven across states and likely smaller than popular accounts suggest. This is vitally important because Census based participation data is often cited in prominent election law cases.

### *Historical Institutionalism*

Historical-institutional analysis has a long and rich tradition in political science. Often traced to preminent figures like V.O. Key, the macro-level study of political institutions has cultivated many productive research lines. This approach examines dimensions that are difficult to assess via survey methods; permits political scientists to present data in geographical and

historical context; and involves the use of precinct and county level data for comparative purposes (Key 1966, p. 127).

Additionally, historical comparisons allow for the investigation of phenomena that do not match the assumptions necessary for regression analysis including independence of causal variables (Hall 2003, p. 382). In the case of voter suppression, the relationship with voter participation is likely reciprocal, involves complex interaction effects, and/or requires an understanding of path dependence effects. I do not argue against other traditions, but rather that these methods should work in conjunction with careful process tracing of cases.

Rueschemeyer (2003) defends this methodological approach:

“In this confrontation of theoretical claims with empirical evidence, analytical history enjoys two significant advantages compared to all but the most exceptional quantitative research: it permits a much more direct and frequently repeated interplay between theoretical development and data, and it allows for a closer matching of conceptual intent and empirical evidence” (Rueschemeyer 2003, p. 318).

All research methods, paradigms, or traditions, feature strengths and weaknesses; further encouraging social scientists to develop a diverse toolkit. Political science, as a discipline, has fostered interdisciplinary, cross-fertilization, and mixed methods, approaches. Skocpol (2003) argues that historical-based methods avoid the push for over-specialization in favor of “methodological and theoretical eclecticism” (Skocpol 2003, p. 411).

I incorporate the historical-institutional method by examining state level institutional rules and legislation and their impact on African American participation. Time, or history, is an essential component of the voting process. In a partisan system, voters must often rely on political parties and their history of behavior. Voting rules, regulations, and administration are a part of this record. Responsible party theory assumed that well defined political parties should increase participation.

Political ecology has its disadvantages. Most notably, researchers must contend with the threat of ecological fallacy and difficulties interpreting aggregate level data. This type of fallacy occurs when aggregate level data is employed to make inferences about relationships at the individual level. This study avoids this fallacy by processing tracing state level electoral reforms and their impact on county level turnout. This study finds that voter suppression proponents targeted individual voters using group markers (i.e. minorities, African Americans, Hispanics, etc.). This means that the aggregate mechanism can be directly tied to, and translated into, individual level processes.

Small-*n* methods pose several challenges including threats of endogeneity, or omitted causal variables leading to spurious results; too few cases matched with too many causal variables; and problems establishing external validity. Although some argue that these threats are insurmountable (Liebersohn 1991, p. 318); I concur with a sizeable segment of the scientific community involved in addressing these concerns (Goldfield 1989, p. 1260; Rueschemeyer and Stephens 1997, p. 57; Mahoney 2002, p. 390).

Historical methods are being developed to mitigate some of these deficiencies. Researchers introduced a range of methodological responses including “combinations of within-case and across-case comparisons” (Rueschemeyer 2003, p. 324). Furthermore, these tools are increasingly being applied to the study of American politics. Recent institutional approaches were employed to assess the relationship between institutional rules and actor agency in the U.S. House of Representatives (Sheingate 2009, p. 199); test the impact of network coverage on turnout in Florida (Brady 2010, p. 237); and explain the longevity and stability of Social Security (Jacobs 2009, p. 123-124).

### *Qualitative Method - Case Studies*

Qualitative researchers typically attempt to explain, describe, or understand “why” political phenomena and processes occur as they do. A key strength of this approach is that it stresses in-depth knowledge of a small number of cases over minimal information across many cases, as is done with most quantitative methods. The case study approach involves closely exploring a small number of cases to assess whether they match predictions; and comparisons across cases are then employed for theory development and testing (Van Evera 1997, p. 29; p. 53). George and Bennett (2005) define the approach as the “detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events” (p. 5).

Due to the underlying ontological assumptions of each, historical case studies are differentiated from the other two major research traditions prominent in the discipline - behavioral or statistical methods and formal modeling. Statistical models attempt to quantify causal relationships between independent and dependent variables; these estimates then allow for theory testing as statistical correlations are matched against theory and observation. With a quantitative approach, often associated with regression techniques, researchers would examine specific voter suppression variables across a large number of states, or cases. When successful, this approach statistically estimates the general strength of competing causal variables, possible interaction effects, and their impact on voter turnout.

Formal modeling methods, often associated with economics, develop abstract models of social behavior which emphasize individual choice and causal mechanisms (George & Bennett 2005, p. 5). Frequently involving game theory, formal models examine the micro-foundations of human behavior to test theory. Both statistics and formal methods contribute significant

discoveries to the discipline. However, each methodological approach suffers limitations. The former requires statistical assumptions that are not often met in the social world, while the latter can lack realism and discount processes at the macro-level.

Ultimately, this study argues that social and political phenomena should be described from multiple vantage points. To do otherwise, would be to intentionally confine ourselves to a limited, and thus incomplete, perspective. Competing paradigms and research traditions can work collaboratively to produce scientific progress.

These, and the following, factors led me toward a historical-institutional approach:

First, states were not independent of each other. Although each American state determined its election's regulations, all must conform to national standards. Changing societal attitudes, amendments to the U.S. Constitution, and judicial rulings, influenced how institutional rules develop. Additionally, the relationship between voter suppression and participation was reciprocal. Institutional rules impacted participation, but the reverse was likely true. When successful, voter suppression laws excluded opposition voters with minimal publicity and backlash resulting in electoral victory. The resulting electorate could then be more heavily packed with supporters, allowing for more intensive voter suppression measures. However, democratic politics enables the possibility for backlash. Targeted citizens, along with their sympathizers, could mobilize against voter suppression on the state and national level. Most importantly, backlash in one election could affect subsequent elections, and suppression in one state could affect other states. More simply stated; institutional rules and voting behavior were dynamic, not static, processes.

Second, political participation is influenced by many causal factors that may not operate evenly or deterministically. As the realm of likely causal variables is indeterminable, ruling out

potentially spurious relationships becomes difficult across all methods. Political scientists identify a diverse variety of factors thought to influence turnout ranging from the theoretical to the incidental; including institutional rules, partisan mobilization, economic considerations, or even weather or candidate personality. Individual voter participation is certainly contingent upon some diverse mix of factors interacting with the specific local context of elections.

Goldstone (2003) argues that social scientists who use historical case methods:

[...] generally face a finite set of cases, chosen against a backdrop of theoretical interests, and aim to determine the causal sequences and patterns producing outcomes of interest in those specific cases. Generalization is certainly a goal, but that generalization is sought by piecing together finite sets of cases, not by sampling and inference to a larger universe. [...] [This research] does not start out assuming the existence of, or by seeking, universal causal or other patterns; rather, it assumes that the degree of generality of any particular causal mechanism or pattern is variable and is part of what the investigation needs to determine (Goldstone 2003, p. 43-44).

Third, the relationship was likely contingent within cases – meaning that voter suppression measures were not universal. Each state developed its own political culture, history, and norms. For example, an unmotivated electorate might be less likely to overcome minor institutional barriers than a motivated electorate. The standard economic and socio-behavioral models of voting both agreed that barriers to voting should, *all else being equal*, decrease turnout. The former by increasing the cost of voting for individuals, the latter by frustrating social organizations that assist disadvantaged groups.

The problem unfortunately, was that things were seldom equal. Institutions provide context. This is especially important when analyzing the political behavior of individuals. Hero and Tolbert (1996) argue that state political culture correlates with measures of demographic diversity; and levels of minority inclusion shaped how political battles are fought (p. 867). Due to the unique standing of African Americans as a minority group, researchers found that studies

of African American political behavior required special attention to political context. Historically, black political life has been highly dependent upon “external stimuli” and explanations should address the particular time period, setting, and circumstances (Fauntroy 2007, p. 24).

Finally, some postmodernists contend that these problems make concrete knowledge of the social world impossible. I disagree, believing that we can achieve real scientific progress by integrating careful process analysis with statistical and formal models. In-depth focus on a small number of cases prioritizes explanatory detail over parsimony allowing for both thick description and the examination of causal mechanisms.

### *Process Tracing*

Process tracing appears in the discipline under a range of monikers including process tracing, process analysis, pattern matching, and causal process observations – to name a few. Despite the diversity of terms, the technique belongs to the much larger tradition of causal narration, analytic narrative, or the comparison of chronological patterns of evidence (Mahoney 1999; p. 1164). Akin to detective work, the researcher compares patterns of evidence to distinguish between competing explanations of an event, or sequence of events. Outside cases, theory, logic, and common sense are all available metrics with which to assess a current case, or set of cases.

Like a detective, researchers identify and prioritize evidence to narrow down their search to the most plausible of explanations (or suspects). The most promising leads are then pursued until, under the best circumstances, all but one are eliminated. Unlike with police detectives, the social world rarely provides smoking guns or outright confessions. Instead, the good

investigator must combine theory, past experience, and empirical evidence together; to choose which explanations are most plausible. This approach adopts the recommendations of Goldfield (1997) who argued that broad political theories may be evaluated via historical comparisons (Goldfield 1997, p. 32).

Goldfield argues:

I would suggest the following criteria, which are in principle not dissimilar from the approach taken by physical scientists when evaluating broad theories and hypotheses: (1) Does the explanation present a reasonable model that accounts for the most important out- comes and inputs, that is, does it fit the structure of the situation? (2) To what degree does the explanation lead its adherents to gloss over, omit, or distort important aspects of reality, that is, does it do violence to the facts? (3) How does it fare in regard to its competitors? (Goldfield 1989; p. 1260)

Table 3.1 reveals the diversity of process analysis terminology, but also indicates a good deal of agreement over the basic principles involved.



Table 3.1 Process Analysis Terminology Comparison Table

Author – Terminology	Definition
Daniels (current study): <i>process tracing</i>	“I conceive of process tracing as the close observation of political phenomena across time with careful attention to sequence and events. These observations are then employed to create or test specific research questions and hypotheses.”
Collier (2011): <i>process analysis, diagnostic evidence</i>	“...the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator” (Collier 2011, p. 823).
Campbell (1975): <i>pattern matching</i>	“Pattern matching” (qtd. in Hall 2003, p. 391).
Bennett (2010): <i>detective work, sleuthing</i>	“...the researcher looks for the observable implications of hypothesized explanations, often examining evidence at a finer level of detail” (Bennett 2010, p. 208). Bennett argues it is akin to detective work which assesses evidence, actors, and motives.
Brady, Collier, and Seawright (2010): <i>causal process observations</i>	“causal-process observations” as “observations about context, process, or mechanism provide an alternative source of insight into the relationship among the explanatory variables, and between these variables and the dependent variable” (Brady, Collier, and Seawright 2010, p. 24).
Goldstone (2003): <i>process tracing, sequence analysis</i>	“The study of a single case or small number of cases with the goal of identifying causal relationships in those cases in order to test (and potentially shake) strong prior beliefs” (Goldstone 2003, p. 46). “Process tracing consists of analyzing a case into a sequence (or several concatenating sequences) of events and showing how these events are plausibly linked given the interests and situations faced by groups or individual actors” (Goldstone 2003, p. 47).
Hall (2003): <i>systematic process analysis</i>	“...systematic process analysis examines the processes unfolding in the cases at hand as well as the outcome in those cases. The causal theories to be tested are interrogated for the predictions they contain about how events will unfold. The point is to compare these predictions with observations drawn from data about the world” (Hall 2003, p. 393-394).
Mahoney (1999): <i>narrative analysis, causal narration</i>	“...that narrative can be a useful tool for assessing causality in situations where temporal sequencing, particular events, and path dependence must be taken into account” (Mahoney 1999, p. 1164).

For this study, I conceive of process tracing as the close observation of political phenomena across time with careful attention to sequence and events. These observations are then employed to create or test specific research questions and hypotheses (Collier 2011, p. 823).

This approach concurs with Hall's (2003) formulation of the method:

“The systematic process analyst then draws observations from empirical cases, not only about the value of the principal causal variables, but about the processes linking these variables to the outcomes. Because each theory is being tested against others, the investigator should focus on special attention on phenomena about which predictions of the theory diverge [...] The point is to see if the multiple actions and statements of the actors at each stage of the causal process are consistent with the image of the world implied by each theory” (Hall 2003, p. 394).

This dissertation utilizes process tracing to chart the development of electoral rules in Florida and North Carolina to assess competing theories of voter suppression. I construct a historical case comparison employing analytic narrative to offset some of the weaknesses of the case study design (Mahoney & Rueschemeyer 2003, p. 47; George & Bennett 2005, 228; Gerring 2007, p. 134). These include the following: (1) additional across-case and within-case comparisons; (2) comparing voting processes and participation in both states; and (3) gathering county level data. I utilize matching procedures to compare analogous counties, voting processes, and outcomes to increase observations (King, Keohane, & Verba's 1994, p. 127).

Although the overall approach is qualitative, this study employed quantitative empirical data to measure voting turnout, demographics, and registration. This study adopted Van Evera's (1997) recommendation to combine various case study techniques. This type of hybrid design should “provide decisive evidence in cases with sharp variance on the IV [independent variable]” (Van Evera, 1997, p. 63-66). This approach is also consistent with King, Keohane, and Verba's (1994) recommendation to select cases based on extreme values of the explanatory variable (King et al. 1994, p. 143). Placed in terms of variables, the independent variable is the presence

of *voter suppression mechanisms* during the period under study. A *voter suppression regime* was identified by a number of turnout depressing measures including photo ID laws, felon disenfranchisement, administrative maneuvering, the manipulation of registration rules, and election-day impediments. All states adopted a combination of measures that could be classified as mobilizing or demobilizing. Therefore, electoral reforms were best assessed by carefully comparing these measures across states over time.

### *Case Selection*

Comparative state politics takes advantage of the fifty laboratories of democracy that comprise the United States. The federalist design provides excellent opportunities for social scientists to evaluate general propositions about politics. Variations between states allow researchers to test whether “different structures and institutional arrangements produce different political outcomes” (Cooper & Knotts 2008, p. 3). Despite a general trend in the field away from state-level analysis in the past half century, a number of researchers are returning to the states for hypothesis and theory testing (Morehouse & Jewell 2004, p. 177; Cooper & Knotts 2008, p. 1; Gray & Hanson 2008, p. 2).

Although all of the states shared a basic federal voting framework, each developed its own locally administered elections system particular to its political circumstances. During the time period under review, Florida and North Carolina employed vastly differing voter suppression levels providing the opportunity for a loose but naturally occurring experiment. Florida was included because of its restrictive voting system and traditionalistic political culture (Gray & Hanson 2008, p. 21). As of 2012, the deadline for registration was 29 days before the election, registration was the responsibility of the voter, and the state was recently the site of

high profile partisan conflicts over voting (Rosenfeld 2008, p. 73). Florida featured the most restrictive felon disenfranchisement statute effectively banning most felons for life. In 2010, the state banned an estimated 250,000 Floridians due to imprisonment, parole, or other related statutes (McDonald 2012). Totalling around five percent of total votes cast in 2008, the number of felons easily surpassed the margin of victory in statewide and federal elections.

The pro-voting interest group *Rock the Vote*, sponsored by *MTV*, ranked Florida 34th out of the 50 states on the effectiveness of its voting system in 2011 (Bassetti 2012, p. 189). Florida, as an extreme case of a voter suppression regime, presents a crucial test of theory. More succinctly formulated; if voter suppressions measures impacted black participation, we would expect them to have done so in recent Florida elections.

Like Florida, North Carolina was also a southern state with a traditionalistic state political culture. Typified by conservative politics and elitist notions of political participation, citizens and elites who live in traditionalist state cultures often viewed politics as a means to uphold the status quo (Gray and Hanson 2008, p. 21). However, unlike most other southern states which transitioned to state-level Republican dominance during the 1990's; North Carolina remained under divided partisan control until 2012. Even in the midst of the Jim Crow era, the state was lauded as more "progressive" than other southern states (Key 1949, p. 206). For example, North Carolina was one of the first states to accept school desegregation following *Brown v. Board of Education*; and the state had the highest turnout of African Americans among those states originally covered by the Voting Rights Act (Davidson & Grofman 1994, chp. 6).

North Carolina was included for its lack of aggressive voter suppression efforts during the period under review (Wang 2012, p. 91). In part due to violations by the Jesse Helms U.S. senatorial campaign in 1990, the state Republican Party was under a consent decree not to

institute elections integrity measures from 1992 to 1996. All ballot security programs in the state were subject to court approval during this period (Wang 2012, p. 58). Most importantly, high levels of partisan competition kept North Carolina state government divided until 2012.

Beginning in the 1980's, general and African American political participation rose dramatically in the Tar Heel state. This was due in large part to state leader's efforts to make voting and registration easier. As of 2012, the state's elections system ranked fifth on voting advocate scorecards (Bassetti 2012, p. 189). North Carolina featured no excuse absentee and "One Stop Early Voting." Up to 19 days before the election, eligible citizens could register and vote at the same time (Rosenfeld 2008, p. 97). The state practiced a milder felon disenfranchisement statute, allowing felons to vote upon the completion of their punishment. Furthermore, in 2012 North Carolina allowed provisional ballots to be counted if cast at the wrong polling place but same precinct; Florida did not.

From 2000 to 2012, Census reported black turnout in presidential elections spiked 21 percentage points in North Carolina (from 62 to 83 percent). In 2008, the Obama candidacy, or other factors, inspired national African American turnout to rise to 64 percent; just behind whites at 66 percent. By 2012, these numbers were reversed as black turnout estimates outpaced whites for the first time in U.S. elections (C.P.S. 2014, p. 3). However, this study tempers findings based on Census data concluding that African American participation in North Carolina increased, but less dramatically than Census generated data suggested.

Both states recently emerged as swing states in presidential elections. Recent contests in Florida were extremely close and rife with controversy. Most notably, the 2000 election was a statistical tie that was ultimately broken by the U.S. Supreme Court. In 2012, Democratic incumbent Barack Obama carried Florida by less than one percent. The past six presidential

elections in the state were evenly divided between the two parties. North Carolina has been similarly competitive. In 2004, North Carolina went for Republican George W. Bush. In 2008, Democrat Barack Obama narrowly carried the state. In 2012, the state edged back into the Republican column. Most importantly for this study, Republicans made historic gains on the state level, achieving a sweep of North Carolina's legislative and executive branches in 2012. Consistent with the argument presented in this study, this change in partisan control was swiftly followed by the passage of voter suppression laws in 2013. Although outside the scope of this study, this pattern of events was consistent with the general thesis presented in this dissertation.

#### *Time Period 1988-2012*

This study focuses on the post civil-rights (1950's - 1960's) and post backlash (1970's - 1980's) era of 1988 to 2012. The Voting Rights Act of 1965 and subsequent court rulings brought about significant increases in African American registration and political power, particularly in the South. The entire region underwent partisan realignment hastened by the Act's passage as the once one-party South transitioned to two-party competition or Republican dominance throughout the 1980's and 1990's. This process varied across the states depending largely on contextual variables specific to each. This is important because Florida transitioned to Republican dominance sooner, adopting voter suppression measures while North Carolina developed a more open elections system. This sequence allowed for the evaluation of the impact of targeted demobilization within and across states.

The time period also supplied several other important distinctions. First, the 2013 Supreme Court decision in *Shelby County v. Holder*, which overturned the preclearance provisions of the Voting Rights Act, marked a bookend for the post-civil rights or backlash

period. Second, the election and reelection of the nation's first African American president in 2008 and 2012 provided a good test of the role of voter motivation versus institutional voter suppression. This study assumes that African American motivation was high for the 2008 and 2012 elections. Third, minorities continue to make up an increasing share of the American electorate and the U.S. is on a trajectory to become a majority nonwhite nation. Fourth, American politics are increasingly ideologically and racially polarized. For example, in the United States Congress in 2013, minority and women representatives comprised a majority of elected Democrats; while Republican representatives were nearly 90 percent white Christian males (Jacobson 2014, p. 167). Moreover, in recent presidential elections minority citizens voted overwhelmingly for the Democratic Party. In 2008, 95 percent of African Americans, 67 percent of Latinos, and 65 percent of Asian Americans voted for the Democratic presidential candidate (Walton and Smith 2012, p. 194-195). If these trends persist, demographic changes could significantly alter the political landscape.

#### *Focus on African American Participation*

American partisan elites exhibit a lengthy history of appealing to racial prejudice and enacting racially predicated disfranchisement. These trends were most notable in the southern United States which developed a racially segregated economic, political, and social system dedicated to the near complete removal of African Americans from the electorate until the mid 1960's and later (Keyssar 2000, p. 211-215). This was true for both Florida and North Carolina which disfranchised most of their African American citizenry. Although all southern states moved considerably away from the strict racial disfranchisement regimes of the "redeemer" and Jim Crow periods, the region continues to grapple with its racial tradition. Additionally, the pace

of black participation was inconsistent across states. Scholars attribute this uneven development, in part, to voter dilution and voter suppression (Parker 1990, p. 195; Grofman et al 1992, p. 23.)

Although racial disfranchisement is the focus of this study, contemporary voter suppression measures targeted a broad range of citizens. African American, student, young, elderly, Hispanic, and poor voters are all believed to be impacted by various voter suppression laws (Hasen 2012, p. 6-7). This study focuses on African American voters because of the historical importance of race in motivating disfranchisement, the consistency of data records across time, and the theoretical importance of race established by prior research (Goldfield 1997, p. 9; Hero & Tolbert 1996, p. 851; Carmines & Stimson 1989, p. 13).

Contemporary voter suppression was not exclusive to the southern states, but the literature suggests the region makes an obvious starting point for this study. The South, as a region, consistently displayed lower levels of voter participation than other regions. Scholars argue that three primary factors influenced historically low southern turnout; legal restrictions, political culture, and lack of party competition (Woodard 2006, p. 216-217). For the cases featured in this study, political culture and lack of party competition were less salient. The former was similar across cases, while the latter was replaced by two-party competition across the region. Differences in electoral law and administration remain at issue.

### *Rival Hypotheses*

This dissertation project tests the following hypotheses:

*Hypothesis 1.* “Discouraging Voter Hypothesis” – Voter suppression laws target and impact the participation levels of African American voters. Thus, black voter participation should be lower in states with voter suppression regimes than those without.



Rationale for Hypothesis 1:

Demobilization and voter suppression measures target groups least likely to vote for the party who proposes them. The historical tradition of racial demobilization and the election of the nation's first "black" president, present an opportunity to test long held assumptions about the impact of voter suppression. African Americans overwhelmingly vote Democratic, thus providing Republican Party elites with incentive to suppress black turnout. As states transitioned to Republican control and enacted voter suppression laws, we should witness an accompanying depression in the political participation levels of African Americans.

Operationalization for Hypothesis 1:

This study assesses turnout and registration for two racial groups (blacks and whites) by employing two data sets. First, data reported by the U.S. Census is utilized to calculate self-reported turnout and registration rates during presidential elections for black and white voters in Florida and North Carolina from 1988 to 2012. Second, I pair Census population estimates with county-level registration reports to create a new measure of voter registration. These estimates are more accurate than previous ones because they avoid a major source of error associated with self-reported survey data.

Hypothesis 2. "Ensuring Integrity Hypothesis" – Voter suppression laws only target illegitimate voters and thus they increase confidence in elections resulting in increased participation. This model also rejects race as a motivating factor behind voter suppression reforms. States with

strong voter suppression regimes should display higher levels of participation among all citizens than those without.

Rationale for Hypothesis 2:

Proponents of this approach argue that each fraudulent ballot counted neutralizes the ballot of a legitimate voter. Therefore, voter suppression laws reduce fraudulent ballots and strengthen legitimate ballots. Strong voter suppression regimes reflect a commitment to fair and honest elections. This hypothesis assumes that more secure elections increase confidence, and that participation increases as voters feel more assured only lawful votes will count.

Sub-Rationale for Hypothesis 2: Proponents of increased integrity measures often rely on voter fraud and impersonation as a justification for these efforts. Voter suppression advocates, in an effort to win elections, charge that either political parties or individuals attempt to vote, more than once or in the name of fictional or deceased voters. Although voter impersonation or repeat voting is not unheard of in the history of American politics, contemporary U.S. elections provide scant evidence of its widespread occurrence. Voter fraud was unlikely for several reasons. First, multiple voting and impersonation would be difficult to execute in significant numbers during locally administered elections. Second, economic models of voting suggest that the act of casting a ballot is itself irrational due to the low chance that one vote will decide an election. Thus, stealing individual votes would likely be ineffective, except for in the case of small local races decided by a handful of votes. Third, stiff penalties for voter fraud serve as a strong deterrent. In sum, voter fraud presents little chance of success; a high chance of getting caught; and severe penalties for perpetrators. Prior research strongly indicates

that charges of voter fraud were deliberately publicized as a cover for voter suppression (Minnite 2010, p. 153; Piven et al 2009, p. 202).

#### Operationalization for Hypothesis 2:

I examine the primary data sets to assess whether participation was higher in Florida than North Carolina. Both self reported turnout and registration rates, and state reported registration reports are compared to assess the plausibility of this hypothesis.

Hypothesis 3. “Minimal Effects Hypothesis” – assumes that voter suppression measures are ineffective because they targeted voters who were the least likely to vote. This model predicts that African American participation was not noticeably impacted by voter suppression. Therefore black participation rates should be consistent across cases.

#### Rationale for Hypothesis 3:

This approach accepts the basic assumption that the primary causal factor for voting is motivation. When voters are motivated and involved, they are likely to overcome all but the strictest of voter suppression efforts. This hypothesis assumes that contemporary voter suppression laws have a modest impact on African American participation because their effects are mitigated by inefficiency, the risk of provoking backlash or violating mass public attitudes, and the targeting of citizens least likely to participate.

#### Operationalization for Hypothesis 3:

Again, turnout and registration data are employed to test this hypothesis.

Hypothesis 4. “Voter Suppression Backlash Hypothesis” – suggests that African American participation will be more robust under voter suppression regimes than those without.

Rationale for Hypothesis 4:

As states adopt more extreme restrictions, targeted voters increasingly reject demobilization efforts resulting in increased participation among those groups. In this study, African American participation should increase faster in Florida than North Carolina. This hypothesis assumes that backlash effects are most pronounced inside of states, meaning that backlash should be stronger in Florida than North Carolina.

If true, we would also expect to see signs of counter demobilization efforts. Backlash effects would likely be produced by two sources. The first would occur among the general population of African Americans in response to media reporting. The second would involve increased activism by interest groups opposed to voter suppression.

Operationalization for Hypothesis 4:

To assess the possibility of backlash among the general African American population this study relies on the primary data on turnout and registration.

*Data Sources*

This dissertation conducts process analysis on all election law changes occurring in Florida and North Carolina from 1988 to 2012. Legislative records from the North Carolina

Board of Elections, Florida Division of Elections, the National Council of State Legislatures, and both states' congressional archives are employed to chart the development of voter suppression.

Although the main thrust of this project involves qualitative analysis, I also employ quantitative measures to assess the impact of institutional reforms.

My primary quantitative data is derived from two sources. The first is constructed using the U.S. Census Bureau's Current Population Survey and Statistical Abstract of the United States. This data is utilized to calculate population and participation rates. Census survey data records self reported turnout and registration rates, an issue that is discussed at length below. The second source employs state elections and voter registration data from presidential election years from 1996 to 2012. By dividing the number of registered voters of each race by the total population of each race of a county, I calculate a more reliable measure of registration rates for each state's white and black citizens.

### *Current Population Survey*

The U.S. Census Bureau's Current Population Survey, or C.P.S., claimed to provide "the nation's most reliable information on the social and economic characteristics of voters and nonvoters, as well as on the number of persons registered to vote" (C.P.S. 1988, p. 1). The C.P.S. elections data was derived from surveys of non-institutionalized U.S. citizens over 18 years of age. This measure was commonly referred to in the literature as the VAP, or Voting Age Population. The VAP measure did not include members of the military, citizens in nursing homes, or those in prison or other institutional settings (C.P.S. 1988, p. 1). The survey asked one household respondent to report the voting patterns of entire households as "yes" or "no". Additionally, the C.P.S. asked and reported data on registration and demographic responses.

Census data allowed for a preliminary estimate of American patterns of participation for white and black voters. This study employed population estimates to calculate the population, turnout, and demographics of Florida and North Carolina for presidential election years between 1988 and 2012. As data collection and aggregation procedures varied across Census reports, this study adopted the “Five racial categories” and “one-race only” responses to retain consistency across years. Numbers reported using “mixed race” classifications were excluded. However, on the county level the differences were slight and would not significantly affect the results. Due to similar problems concerning inconsistencies with the way Hispanics were counted, this study only utilizes white and black “alone” population data.<sup>4</sup>

Census turnout data was limited by several factors. Most importantly, respondents tended to overstate their political participation. For example, respondents over-reported voting in presidential election years by as much as 10 to 20 percent (C.P.S. 1988, p. 8). The Census Bureau offered several explanations for these over estimates. First, Census data understates the total votes cast by excluding respondents who fail to vote for the highest office. Many voters choose or mistakenly do not cast a ballot for president. Second, some respondents misreported participating. Third, survey questionnaires required a “yes/no” response instead of allowing “do not know” as an option to avoid social desirability response bias. Fourth, Census coverage was limited; including problems covering communities where nonvoting was high like those with large populations of young adult African American males. Finally, the C.P.S. interviewed only one household respondent, when interviewing each member individually would produce more accurate estimates of voting behavior (C.P.S. 1988, p. 6-11).

C.P.S. estimates provided a rough estimate of population and voting patterns, but self reported turnout and registration data were unreliable. To mitigate this serious threat to internal

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<sup>4</sup> See appendix A for details.

validity, this dissertation employed additional registration data from each state's elections administrators.

### *State Department of Elections Registration Data*

This study compiled state election returns and registration data from Florida's Division of Elections and North Carolina's State Board of Elections for presidential elections from 1996 to 2012. I employed county level registration data paired with population data to estimate racial registration rates by county.<sup>5</sup> This data was aggregated and employed to assess the plausibility of competing voter suppression hypotheses.

The registration data, gathered for this study, were more reliable than Census estimates because they avoided the problem of over-reporting. With self reported voting, respondents may be socially pressured into reporting that they voted, when they had not. Voter registration data was much more reliable because registration rolls more accurately reflected the entire population of potential or eligible voters, barring fraud or registration errors. Of course, many who register do not vote and some voter suppression measures specifically targeted the registration process. Although the measure is imperfect, voter registration rates can tell us a great deal about participation levels.

Finally, this study utilized several secondary data sources. These included presidential election returns, gubernatorial results, state level SES measures, and data reflecting the partisan control of important political offices in each state.

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<sup>5</sup> See Appendix B for details.

## CHAPTER 4: North Carolina

*“He [the black man] regards the ballot as the one thing in life worth having above all others. And now it is sad that he’s about to have it taken away [...]. Take away from the colored man this privilege, and he will never again consider you his friend.”* Isaac Smith, black Republican representative from Craven County, North Carolina arguing against the 1898 Suffrage Amendment (Christensen 2008, p. 28).

### *Introduction*

This chapter serves several important purposes. First, the chapter introduces the political culture of North Carolina. The state’s political history reveals a deeply anti-democratic past followed by a moderate-to-progressive approach to democratization in the modern era. Second, to assess the role of realignment, partisan control of the state’s legislative and executive branches is reported along with the outcome of presidential elections. Finally, this section chronologically traces major electoral rules changes, legislation, and reforms from 1988 to 2012. The record indicates that North Carolina officials took several steps to promote higher voter participation. Most importantly for this study, voter suppression efforts were muted in the state. This chapter offers two chief explanations for this, including the Jesse Helms voter suppression incident in 1990 and delayed partisan realignment. Finally, I summarize the chapter’s primary findings.

### *Background*

North Carolina was described as a paradox or puzzle, a conservative southern state with a resilient progressive streak. Key (1949) depicted the state as “a progressive plutocracy” in his classic review of southern state politics (p. 205). Other scholars touted North Carolina’s record of mixing business progressivism and social conservatism with minor fits of populism (Christensen 2008, p. 2-3). Tar Heel politics traditionally involved a struggle between two conservative minded groups, modernizers and traditionalists. Not strictly partisan by the 1990’s,



the groups roughly aligned with the former being conservative Democrats and the latter conservative Republicans (Luebke 1998, p. 47). By 2012, these groups were more strongly identified by party. The partisan realignment of the region, although slower developing in North Carolina, strengthened the bonds between party identification and ideological issue orientations (Pryby 2008, p. 70).

Modernizers preferred an activist government that promoted business interests and growth, while traditionalists focused on social issues and defended the status quo. Both catered to an elite-led political system with modernizers favoring banking, media, and commercial interests. Traditionalists received support from the older business sectors of textiles and tobacco. Both agreed on the importance of business dominance, finding disagreement largely over which business leaders would control the public sector. Historically, elites from both camps have aligned together against populist efforts to make state government more responsive to non-business or egalitarian interests (Luebke 1998, p. 1-3).

State leaders have shown a strong commitment to pro-growth government policies including transportation and education. Despite this tradition, the state's commitment to progressive and populist politics has often been contradictory. For example, some historians questioned the strength of the state's commitment to progressive causes, pointing to a conflicting record on racial issues. North Carolina voters "will elect liberals who look like the average man" as long as they do not violate the racial order or transfer progressive principles across that do so (Christensen 2008, p. 3).

This seemingly strange mix of political sub-cultures designated North Carolina a paradox because it was one of few southern states with a strong tradition for progressive and populist politics. The state was unique in that it was the only post-Reconstruction southern state to come

under the control of a biracial coalition of black and poor white farmers, albeit briefly. The Fusionists, a coalition of Republicans, African Americans, and white farmers, dominated state politics for a very short period in the 1880's and 1890's. Most notable among their achievements were several laws that made it easier to vote (Kousser 1974, p. 187). Ultimately, the fragile coalition was undone by the racially charged segregationist movements that emerged across the region. In North Carolina, business elites teamed with segregationists to regain control of the state government by restricting access to the franchise (Luebke 1998, p. 26).

The Tar Heel state exhibited a strong tradition of racially inspired demobilization and disfranchisement. Beginning with the "redeemer" governments following Reconstruction, later with the turn of the century response to the success of the biracial Fusionists, and finally, again during the modern civil rights movement; political elites employed racial appeals to defeat egalitarian and populist appeals (Luebke 1998, p. 6). North Carolina, like the region, established a one-party political system in concert with a racial caste system used to maintain political and economic control. The Democratic Party achieved this dominance by almost complete disfranchisement of African Americans, but also most poor whites.

Luebke (1998) argues that elite Democrats placed restrictions on the franchise excluding a large segment of the population and freezing political thought in North Carolina. This process produced several profound effects. First, disfranchisement kept politics artificially conservative in the state. Second, this ideologically-based voting system intentionally limited the political power of African Americans and labor. Third, the system designated these groups as "illegitimate political actors" (Luebke 1998, p. 15). When combined with a system of white supremacy, the configuration achieved one-party control for decades. Ultimately, any candidate

sympathetic to populism or racial liberalism was defeated via violent appeals to race reinforced by electoral disfranchisement (Luebke 1998; p. 17).

Historical efforts to restrict the franchise were not unique to North Carolina. Widespread racial disfranchisement could be found across the region. However, these efforts were very successful in the Tar Heel state. In 1896, when Daniel Russell was elected governor on the Fusionist ticket, turnout in the state was 87%. Following the Suffrage Amendment of 1900, ratified by state wide vote, turnout cratered to only 50% (Luebke 1998, p. 8; Link 2009, p. 276). The Suffrage Amendment included literacy tests, poll taxes, and a grandfather clause. These measures passed federal constitutional muster because the statutes were race neutral on their face. The poll tax was repealed in 1920 and then ultimately banned by the 24<sup>th</sup> Amendment in 1964. Literacy tests were not eliminated until passage of the Voting Rights Act in 1965. As a sign of the Suffrage Amendment's effectiveness, five members of the white supremacy campaign to restrict black suffrage won the governorship starting with Charles Aycock in 1901 (Christensen 2008, p. 30).

Despite this record, North Carolina elites took considerable steps to eliminate active racial disfranchisement following the modern civil rights movement. Compared to other states in the region, observers agree that North Carolina modernizers moved swiftly away from blatant racially-based voter disfranchisement beginning in the 1970's.

The Voting Rights Act of 1965 ended the worst abuses and produced dramatic, but uneven, increases in turnout across the South.<sup>6</sup> The VRA outlawed literacy tests and reestablished a basic standard for access to the franchise consistent with the Fifteenth Amendment. It made illegal any elections requirements that denied "the right of any citizen of the United States to vote on account of race or color" (Grofman, Hanley, & Niemi 1992, p. 16).

<sup>6</sup> For review of the VRA and its impact see (Grofman et al 1992; p. 15-23).

The law also empowered the Department of Justice and the federal courts to monitor elections, bypass local election officials, and take extraordinary measures to curb voting abuses. Equally important, the law applied a triggering formula to counties suspected of disfranchising African American voters. Any county with low black registration before passage of the VRA was required to obtain “pre-clearance” by the Justice Department before changing or passing new election laws. In 1964, 40 of North Carolina’s 100 counties fell under this provision (Luebke 1998, p. 143).

The Voting Rights Act produced immediate gains in African American participation. Nationally, black registration rose nearly 30 percent from 1964 to 1969 (Woodard 2006, p. 157). Despite dramatic gains across the country as a whole, progress was mixed in the South. The region would continue to report lower turnout rates than the nation well into the 1990’s. In North Carolina, black registration rates continued to lag behind whites. From 1965 to 1971, self reported black registration rates in the state actually declined from 47 percent to 44 percent (Luebke 1998, p. 161; Christensen 2008, p. 264).

Although a range of factors delayed the overall impact of the Voting Rights Act, Woodard (2006) argues that legal restrictions and the absence of party competition were the primary causes of low political participation in the southern states. Both served to strengthen each other as disfranchisement was employed to advance partisan control – and vice versa (Woodard 2006, p. 159). As the Voting Rights Act dismantled the former, partisan competition slowly emerged across the region. The same political conflicts that drove regional partisan realignment are now central to understanding the recent push for anti-democratic voter suppression measures.

### *Partisan Realignment*

Contemporary voter suppression retained a partisan character, as generally the Democratic Party sought electoral reforms seeking broader participation while the Republican Party sponsored measures to make voting more secure (Hasen 2012, p. 8). With the exception of the basic rights protected by constitutional amendments and the courts, American federalism vests most election administration power in the hands of state and local officials. Control of the election machinery is achieved by securing the top offices in the state, most notably in the executive and legislature. The current study finds that partisan realignment was an essential precursor to voter suppression. Since contemporary voter suppression measures were decided at the state level and these processes were highly political; this chapter begins with an examination of the partisan control of political offices in North Carolina.

Pryby (2010) detailed the regional realignment explaining that the Democratic Party dominance of the 1960's was replaced by a competitive two party system via a rough and uneven process. For decades prior, the "solid South" consistently elected Democrats to all levels of government (Pryby 2010, p. 157). In the wake of the Voting Rights Act, this began to change in 1968 as North Carolinians cast a majority of votes for a Republican president. However, Democrats would continue to remain competitive at the state level controlling the legislature and often winning the governor's office into the 1990's.

**Table 4.1 Political Control of North Carolina State Legislature by Party (number of seats)**

	<u>House</u>		<u>Senate</u>	
	Democrats	Republicans	Democrats	Republicans
2012	43	77	17	33
2010	68	52	30	20
2008	68	52	31	19
2006	63	57	29	21
2004	59	61	28	22
2002	60	60	28	22
2000	62	58	35	15
1998	59	61	30	20
1996	59	61	30	20
1994	52	68	26	14
1992	78	42	39	11
1990	81	39	36	14
1988	74	46	37	13

Source: 1988-2012. Statistical Abstract of the United States (Tables 395, 400, 418, 479), Bureau of the Census.

Table 4.1 summarizes partisan control of the North Carolina state legislature from 1988 to 2012. It reveals the partisan realignment or transition described by researchers. In line with most states in the southern United States, the Republican Party achieved huge gains on the local, state, and federal levels. Starting in the mid to late 1990's, the GOP secured slim advantages in the North Carolina House of Representatives achieving divided government. In 1994 Republicans broke the long one-party rule of Democrats and gained control of the state House. A shocking, albeit brief, reversal of fortunes for a party excluded for decades. Although Democrats regained control of the state House by 2000, GOP victories in the early 1990's foreshadowed the eventual Republican breakthrough in 2012.

Despite significant gains by the Republican Party in North Carolina, the Democrats remained competitive. From 1988 to 2012, the Democratic Party held the state Senate until 2012. By that year, the parties had swapped positions. In 2012, the GOP secured control of both

chambers of the state legislature winning 110 seats (to Democrats 60). In the state House, Republicans won 77 out of 120 seats – a swing of 15 seats. In the Senate, Democrats fell to only 18 seats, a loss of 13 seats. From 1988 to 2012, the Republican Party converted a 74 – 46 seat deficit in the state House into a 77 – 43 seat advantage.

Despite short lived successes by the GOP in the 1990's with victories in the North Carolina legislature, the Democratic Party was more difficult to displace in gubernatorial contests.

**Table 4.2 Votes cast for and North Carolina Governor elected by Party (in percentages)**

	Democrats	Republicans	Party - Winner
2012	43	55	R- P. McCrory
2008	50	47	D- B. Perdue
2004	56	43	D- M. Easley
2000	52	46	D- M. Easley
1996	56	43	D- J. Hunt
1992	53	43	D- J. Hunt
1988	45	55	R- J. Martin

Source: 1988-2012. Dave Leip's U.S. Election Atlas

Table 4.2 reflects the outcome of the last seven gubernatorial elections in the state. As the GOP was making its first gains in the early 1990's, their victories in the state legislature were offset by the election of Democrat Jim Hunt to the governor's office in 1992. Hunt's victory began a string of five Democratic terms reinforcing the paradoxical designation noted by V.O. Key. Democratic governors; Hunt, Easley, and Perdue governed in line with the state's conservative modernizer tradition, similar to the approach taken on the presidential level by Bill Clinton.

The election of Rory McCrory in 2012, along with GOP majorities in the state legislature, marked the completion of a long contested realignment of the state. McCrory's 55 percent winning share of the electorate was the highest showing of a Republican gubernatorial candidate in North Carolina since the GOP last won the office in 1988. The switch from Democratic to Republican control was hard fought. However, the remaining high levels of political competitiveness render the current equilibrium unstable. It is currently unclear if the Republican sweep of 2012 will be a lasting victory for the GOP or whether high levels of partisan competition may continue between the two parties.

Similar to Democratic resilience on the state level, North Carolina's partisan competitiveness was most clearly reflected in the state's presidential races.

**Table 4.3 Votes cast for President and winner of North Carolina by Party (in percentages)**

	Democrats	Republicans	Party - Winner
2012	48.4	50.4	R- M. Romney
2008	49.8	49.5	D- B. Obama
2004	44	56	R- G. W. Bush
2000	43	56	R- G. W. Bush
1996	44	49	R- B. Dole
1992	42.7	43.4	R- G. Bush
1988	41.7	58	R- G. Bush

Source: 1988-2012. Dave Leip's U.S. Election Atlas

Table 4.3 displays the winner of the state's electoral votes in presidential contests since 1988. Stretching back to Reagan's victory in 1980, the GOP won North Carolina's presidential electors in every election except 2008. With the exception of Bill Clinton's narrow 0.7 percent loss in 1992 and Obama's razor thin victory in 2008, the Republican candidate carried the state despite higher levels of political competition for state and local offices.



Table 4.3 reveals that recent presidential contests were increasingly competitive. In 2008 and 2012, North Carolina's presidential electors were decided by a total of 2.3 percent. Democrat Barack Obama won the state in 2008 by only 0.3 percent of the vote, with Republican Mitt Romney carrying the state by two percent in 2012.

Two-party competition remained strong enough in North Carolina to delay the process of partisan realignment typical of the region. By postponing the eventual transition to Republican control, Democratic resistance prevented the GOP from building a more aggressive voter suppression regime. Tables 4.1 - 4.3 reveal that Democrats did not cede undivided control of the state political machine until 2012.

As further evidence of this claim, North Carolina state officials implemented a range of voter suppression measures in 2013.<sup>7</sup> These included a reduction of early voting hours, the elimination of polling places on college campuses, and the end of pre-registration for under 18 year olds. These voting system changes supported the contention that voter suppression measures were directly tied to partisan realignment. As the partisan transition in North Carolina developed more slowly than in Florida and other southern states, North Carolina officials refrained from vigorous voter suppression efforts for the period under study.

### *State Voting System Development 1988-2012*

This section begins by highlighting the 1990 Helms versus Gant race for one of North Carolina's U.S. Senate seats. This race is included for two important reasons. First, the contest provided perspective on the development of racial politics in the state. Second, allegations of voter suppression and the subsequent legal settlement by the state GOP agreeing to forgo voter

<sup>7</sup> North Carolina North Carolina HB 589: 2013. North Carolina Laws 2013, Chap. 163. Legislation Search Database 2010-2012. General Assembly.

suppression techniques were germane to the subject of this project. With this background information established, I then trace major legislative election reforms in North Carolina with a focus on demobilization.<sup>8</sup>

### *Helms vs. Gantt 1990*

The 1990 contest for U.S. Senate between incumbent Republican Jesse Helms and Democrat Harvey Gantt, the first black mayor of Charlotte, illustrates the evolution of racial politics in the state. In a tightly contested race, Jesse Helms was able to eke out a close victory by appealing to white racial resentment (Luebke 1998, p. 182; Prysby 2010, p. 164). The Helms campaign, trailing in the polls in the final weeks of the campaign, aired the now infamous “Hands” commercial. The ad featured a pair of white hands crumpling up a job application as a narrator intoned, “You needed that job, and you were the best qualified, but they had to give it to a minority, because of a racial quota. Is that really fair? Harvey Gantt says it is” (Helms 1990).

Helms’ direct appeals to race were reminiscent of an era that many assumed had passed. Although Helms’ race-baiting paid off with a close (52 – 47 percent) electoral victory, Gantt’s loss foreshadowed a potential winning coalition of white women, white liberals, and African American voters (Luebke 1998, p. 187). This formula would yield some success in the state on the presidential level, Clinton’s close loss in 1992 and later for Obama’s victory in 2008. However, these Democratic victories would compete with the larger processes of realignment that were typical of the region and state. Although the Democrat Party proved resilient in North Carolina, as more of the state’s voters shifted to the Republican Party, realignment could only be delayed not halted.

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<sup>8</sup> See Appendix D for detailed listing and table of electoral reforms in North Carolina 1988 to 2012.

Along with appealing to racial attitudes, the Helms campaign resorted to voter suppression techniques including caging. During the race versus Gantt, the GOP mailed 125,000 post cards into black communities warning about the criminal penalties for voter fraud and providing misleading voter registration information (Christensen 2008, p. 277). In response to these violations, the North Carolina state Republican Party agreed to a four-year ban on voter integrity or voter suppression measures. From 1992 to 1996, all ballot security or election integrity programs required court approval (Wang 2012, p. 58). Although the ban did not apply to outside groups or the national parties, it further contributed to low levels of voter suppression in North Carolina – a trend not broken until 2013.

#### *Election Law Reform Act of 1991*

Perhaps in response to the Helms incident, the North Carolina legislature enacted broad legislative reforms in 1991 with both mobilizing and security enhancing features.<sup>9</sup> A reform bill passed that year which updated the state's criminal penalties for voter fraud, intimidation of election administration, administrative electoral fraud, and violations of registration rules. The bill also protected voters from intimidation and made it illegal, "for any person, directly or indirectly, to misrepresent the law to the public through mass mailing or any other means of communication where the effect intimidates, harasses, or discourages potential voters from exercising their lawful right to vote."

The omnibus elections reform legislation required polls to be open from 6:30 a.m. to 7:30 p.m. for all primaries, elections, and referenda held in North Carolina. Additionally, the law provided for the extension of polling hours to 9:30 p.m. under the following circumstances:

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<sup>9</sup> North Carolina SB 485: 1991. North Carolina Laws 1991, Chap. 163. Legislation Search Database 1989-2012. North Carolina General Assembly.

1. Insufficient ballots or polling books.
2. Multiple voting equipment breakdowns.
3. Poll openings are delayed.
4. In the case of “other irregularities.”

In the above examples, any registered voter could request an extension of the polling period by appealing to their local county Board of Elections. If denied, citizens could then appeal to the state Board of Elections or the local superior court where appeals were mandated to be heard “de novo” or considered as new cases.

The extension of polling hours as a remedy for irregularities presented a clear rejection of voter suppression mechanisms. In effect, this provision allowed local and state officials to correct for potential disfranchising complications with the local judiciary as an additional safeguard. In addition to these protections, the law proscribed strict guidelines for poll watchers.

The reform act designated clear roles for partisan observers. Poll watchers, two per political party, must be provided voting lists. Poll watchers could observe and take notes, but they were not permitted to electioneer, impede, interfere, communicate with voters, or observe the casting of ballots. Partisan observers could only quietly take notes and were removed at the discretion of local election officials for misconduct.

Along with these provisions, the law offered a generous interpretation of residency. In North Carolina an eligible residence was defined as any fixed habitation that a citizen intended to return to. For example, voters who worked in D.C. were allowed state residency unless they had voted in D.C. or otherwise established permanent residence. Most importantly, North Carolina allowed college students to claim their school residence if they had no intention of returning to

their state of origin. Since this designation was left up to the student, it effectively enfranchised any college student that desired to participate in the state.

Finally, the legislation offered an early version of what would become the state's "one-stop" voting law. Under a provision titled "Absentee Voting Made Easier", the Election Reform Act of 1991 enabled voters who cast absentee ballots to do so at the same time as registering. This form of "one-stop" voting was the precursor for the state's voting laws that expanded into early voting in 2008. Both "one-stop" and early voting developed out of the absentee ballot program. In effect, absentee voters could submit or mail their ballots before Election Day. Since these ballots can be mailed or picked up in person, absentee voters could register, request a ballot, and submit the ballot all in one visit. Once no-excuse absentee ballots were adopted, any voter could choose to vote absentee. Same day registration and early voting periods extended this convenience to all voters.

#### *National Voter Registration Act of 1993*

According to Fleer (1994), by the 1990's North Carolina shed its restrictive past and adopted voting rules consistent with national norms. Federal laws and court decisions eliminated many of the state's regressive voting laws including lengthy residence requirements and literacy tests. Although registration was the responsibility of the voter, The National Voter Registration Act of 1993 expanded registration to a range of governmental offices including libraries, schools, motor vehicle offices, and other convenient locations. Progress enough "so that this simple but significant administrative requirement is not a barrier to participation for most people" (Fleer 1994, p. 153).

The National Voter Registration Act (NVRA), or "Motor Voter" law, was perhaps the most significant alteration of national election and registration rules since passage of the Voting

Rights Act. The NVRA's major provisions included active registration at motor vehicle and public agency offices, universal standards for registrations by mail, and a prohibition against purges of nonvoters for inactivity. Although implemented unevenly across states, the NVRA removed significant impediments to registration (Bassetti 2012, p. 118-119). More importantly, the law eliminated some of the ambiguities surrounding registration thereby removing one avenue for election administrators to suppress turnout.

The NVRA's final impact on voter turnout was less clear. In some states, registration increased but turnout did not. One study found that citizens who registered under the NVRA's provisions were much less likely to vote than traditional registrants (Knack 1995, p. 25). Despite some disagreement over the law's effect on turnout rates, the NVRA's provisions were consistent with establishing a more convenient voting process.

To comply with the NVRA, North Carolina legislators rewrote the state's registration rules in 1993.<sup>10</sup> Consistent with the national legislation, North Carolina expanded registration to a broad range of state offices. These included the department of motor vehicles, but also all public assistance, military, and other state agencies. The law prohibited these officials from displaying preference for political parties, verbally discouraging participation, or attaching delivery of services to a citizen's voter registration status.

Other provisions included the establishment of a statewide registrar, rules for removing voters, and procedures for ballot challenges. The state's Voter Registration Rewrite Act of 1993 reaffirmed the right of qualified voters to participate in "one-stop" voting and clarified rules for voters who moved between precincts. In the former case, the law allowed citizens to resolve

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<sup>10</sup> North Carolina HB 1776: 1993. North Carolina Laws 1993, Chap. 769. Legislation Search Database 1989-2012. North Carolina General Assembly.

registration disputes by “oral or written affirmation before a precinct official at that voting place.”

This seemingly minor adjustment of administrative rules was important because in some states (like Florida), citizens who moved between precincts were required to cast a provisional ballot in 2012.

In addition to implementing the NVRA’s main provisions, two other election measures were enacted in the wake of the federal reforms. First, in 1993 the North Carolina legislature passed a bill waiving electioneering rules for the *Kids Voting Project*. This program allowed under-age participants to participate in mock polls during live elections. These “simulated” elections were designed to promote participation and educate future voters.<sup>11</sup> These programs, along with subsequent reforms like pre-registration, demonstrated the state’s commitment to voter education. Second, the Voter Testimony Act of 1995, prohibited ineligible voters from testifying at elections hearings, and proscribed conditions for overturning elections when the number of ineligible voters surpassed the margin of victory.<sup>12</sup> This measure, although intended to increase security, stands in stark comparison to subsequent proposals like provisional ballots. This law provided the ultimate protection against electoral fraud without placing additional upfront or post-election burdens on voters. A remedy would only be applied in cases where fraud jeopardized democratic intent. However, the overturning of elections remains an extreme and unattractive alternative. In 2004, the North Carolina legislature exercised this option in a race for agricultural commissioner when over 4,000 ballots were lost due to computer error

<sup>11</sup> North Carolina SB 684: 1993. North Carolina Laws 1993, Chap. 163. Legislation Search Database 1989-2012. North Carolina General Assembly.

<sup>12</sup> North Carolina SB 1162: 1995. North Carolina Laws 1995, Chap. 163. Legislation Search Database 1989-2012. North Carolina General Assembly.

(Keyssar 2000, p. 271). In that case, the Republican candidate who led the original election results went on to win again in the re-vote (Fund 2008, p. 138).

### *Minor Provisions of 1996-2000 Sessions*

In the immediate years leading up to the election controversies of 2000, the North Carolina state legislature was less active in the area of electoral reform. A number of campaign finance and other technical issues were debated, but electoral rule changes were less prominent. In 1997, the legislature passed a provision banning family members of candidates from serving as election administrators.<sup>13</sup> Immediate relatives were prohibited from serving on county boards of elections.

A number of legislative proposals during this (1996 to 2000) lull in activity were sent back to the Committee on Election Law and Campaign Finance Reform. These included a bill requiring a voter registration or photo identification requirement, another rewriting the rules for absentee ballots, and one proposal to restrict access to the ballot by minor or expired parties.<sup>14</sup>

In 1999, the Election Law Changes Act designated it a misdemeanor for election officials to alter a voter registration record without the written permission of the voter. Additionally, the law tightened restrictions on independent registration groups requiring that voter registration forms be delivered to the Board of Elections within five days.<sup>15</sup> The law prohibited payment for the collection of registrations forms, making this act a felony.

<sup>13</sup> North Carolina HB 277: 1995. North Carolina Laws 1995, Chap. 163. Legislation Search Database 1989-2012. North Carolina General Assembly.

<sup>14</sup> North Carolina HB 736; SB 663; HB 736: 1997. North Carolina Laws 1997. Legislation Search Database 1989-2012. North Carolina General Assembly.

<sup>15</sup> North Carolina HB 1074: 1999. North Carolina Laws 1999, Chap. 163. Legislation Search Database 1989-2012. North Carolina General Assembly.



Although restrictions on independent registration groups were often associated with voter suppression attempts, an important distinction must be made. Not all election security measures were forwarded in bad faith. The regulation of the collection of registration forms can be justified on efficiency, as well as security, grounds. A potential arbiter might be found by examining the law's effect on interest group registration drives. For example, following the passage of registration collection regulations in Florida many leading registration groups suspended activity in the state. No such controversy was reported in North Carolina. Additionally, compare North Carolina's five day rule to the "48 hour" rule passed, but ultimately blocked in the courts, in Florida.

Perhaps the most important measure promoting turnout might be North Carolina's "one-stop" voting program. By 1999, the legislature expanded "one-stop" voting statewide by mandating that each county Board of Elections provided at least one location for "one-stop" voting.<sup>16</sup> This expansion, and support for "one-stop" voting in general, represented a clear commitment to easier voting. However, convenience and security are not necessarily mutually exclusive. The ideal voting system would make voting both easier and more secure.

One potential alternative might be to focus security measures on electoral, instead of voter, fraud. In 2000, North Carolina legislators again passed restrictions on election administrators. Along with banning the family members of candidates from serving as officials, new rules were passed limiting the political activity of Board of Elections members.<sup>17</sup> Election administrators were prohibited from making public statements supporting or opposing political candidates or referendum proposals; and were no longer allowed to solicit political contributions.

<sup>16</sup> North Carolina SB 568: 1999. North Carolina Laws 1999, Chap. 163. Legislation Search Database 1989-2012. North Carolina General Assembly.

<sup>17</sup> North Carolina SB 1290: 2000. North Carolina Laws 1999, Chap. 163. Legislation Search Database 1989-2012. North Carolina General Assembly.

*The Elections Law Revision Commission of 2001*

In 2001, North Carolina legislators passed a range of election reforms intended to avoid the controversies that occurred in other states in 2000. With an eye toward events in Florida, they banned butterfly ballots and punch card machines. They also set new standards for the certification of election results.<sup>18</sup> State officials established a four week training program for election supervisors including an examination and strengthened their ability to remove supervisors for misconduct.<sup>19</sup> The state adopted the recommendations of the Elections Law Revision Commission; rewriting procedures for ballot design, counting, challenges, and the announcement of results.<sup>20</sup> These reforms addressed controversial sticking points from 2000, including issues of voter intent, citizen protests, and rules for recounts and canvassing.<sup>21</sup>

Along with addressing administrative problems, the legislature sought to ease voter access. First, state officials mandated Spanish language ballots in all counties with over a six percent Hispanic population covering 19 of the state's 100 counties.<sup>22</sup> Next, they affirmed that military voters should receive the "utmost consideration and cooperation", allowing them to make one yearly request for absentee ballots, as opposed to requiring multiple requests per year.<sup>23</sup> State officials even strengthened their own voting rights. They eliminated the

<sup>18</sup> North Carolina HB 31; 34: 2001. North Carolina Laws 2001, Chap. 289; 310. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>19</sup> North Carolina HB 831: 2001. North Carolina Laws 2001, Chap. 319. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>20</sup> North Carolina SB 17: 2001. North Carolina Laws 2001, Chap. 460. Elections Reform Database 2000-2010. National Conference of State Legislatures

<sup>21</sup> North Carolina SB 14: 2001. North Carolina Laws 2001, Chap. 398. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>22</sup> North Carolina HB 1041: 2001. North Carolina Laws 2001, Chap. 288. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>23</sup> North Carolina HB 1046: 2001. North Carolina Laws 2001, Chap. 466. Elections Reform Database 2000-2010. National Conference of State Legislatures.

requirement that representatives who moved to the state capital change their residency, allowing them to vote in their home county.<sup>24</sup>

Next, state leaders passed legislation which implemented registration by fax, expanded the once yearly absentee request provision to cover ill and disabled voters, removed excuse requirements establishing no-excuse absentee ballots, and allowed voter's to vote by mail for any reason.<sup>25</sup> This package of provisions reflected the thorough commitment to more convenient elections in North Carolina. Each measure alone was minor, but together they revealed a concerted effort to lower the costs associated with voting.

Further strengthening efforts to foster voter education, officials allowed children under 18 years old to enter the polling booth with their parents.<sup>26</sup>

In 2001, North Carolina amended its early voting period. The legislature passed a bill shortening the then 22-day early voting period by three days, but also extending early voting to the Saturday before the election.<sup>27</sup> Although the law actually shortened the total early voting period, the extension of voting to Saturdays indicated that voter suppression was unlikely the primary motivation.

### *Help America Vote Act of 2002*

The 2000 election controversy in Florida exposed the weakness and inconsistencies of local voting systems and provided the impetus for a larger federal role in locally-administered

<sup>24</sup> North Carolina HB 1126: 2001. North Carolina Laws 2001, Chap. 316. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>25</sup> North Carolina HB 977; 1186; 1195: 2001. North Carolina Laws 2001, Chap. 337; 315; 507. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>26</sup> North Carolina HB 980: 2001. North Carolina Laws 2001, Chap. 292. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>27</sup> North Carolina HB 831: 2001. North Carolina Laws 2001, Chap. 319. Elections Reform Database 2000-2010. National Conference of State Legislatures.

elections. The Help America Vote Act, or HAVA, passed by the U.S. Congress in 2002 as the culmination of efforts to fix problems exposed in 2000. HAVA included provisions for updating voting machines, registration lists, and established a modest role for the federal government in standardizing divergent state voting systems.

The six main provisions of HAVA were:

1. Statewide voter registration system and lists.
2. Polling machine standards.
3. Guidelines for provisional ballots.
4. Voter identification for first-time voters.
5. Detailed processes for complaints and challenges.
6. Standardized rules for military, overseas, and uniformed absentee ballots.

Although results were mixed, some of HAVA's provisions promoted mobilization, while others did not (Minnite 2010, p. 135; Overton 2006, p. 49). HAVA funded the switch to electronic voting machines and alleviated some of the concern over punch card ballots. Moreover, the legislation included ballot design standards to prevent confusing ballots.

However, several provisions come under scrutiny. For example, HAVA exposed new avenues for voter suppression by mandating the creation of statewide voting lists. Florida officials utilized these lists to purge voters or otherwise challenge their eligibility; and many states exploited them to implement voter identification laws. Statewide lists were not inherently suppressive or demobilizing, much like other state records they were benign on their face. This presented several challenges. First, it created room for disagreement over specific measures. Second, it indicated that voter suppression was not deterministic but instead contingent. Third, it

explains why empirical findings were scattered. Only through careful process analysis can investigators distinguish how some elements of contemporary voter suppression operated.

In 2003, the North Carolina legislature passed several measures to bring the state's elections code in compliance with HAVA. The legislature started by establishing a special election fund to implement the act's requirements.<sup>28</sup> They then mandated that all North Carolina elections, not just federal ones, complied with the main provisions of the law.<sup>29</sup> Consistent with previous citizen education efforts, state officials adopted pre-registration of 17 year olds and allowed high school students to serve as election administration assistants.<sup>30</sup>

#### *Election Administration Amendments Act of 2005*

In 2005, the legislature followed with several amendments to soften some of the Help America Vote Act's requirements. First, they established a forgiving standard for provisional ballots and provided protections against voter purges. This law continued the HAVA policy of removing voters from registration lists when they move from a county. However, it allowed those citizens to confirm their new residency via personal affirmation. The law also allowed for the correction of minor errors on registration forms, and extended the period for recasting provisional ballots up to two weeks after the election.<sup>31</sup>

<sup>28</sup> North Carolina HB 549: 2003. North Carolina Laws 2003, Chap. 12. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>29</sup> North Carolina HB 842: 2003. North Carolina Laws 2003, Chap. 226. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>30</sup> North Carolina HB 1120: 2003. North Carolina Laws 2003, Chap. 278. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>31</sup> North Carolina HB 1115: 2005. North Carolina Laws 2005, Chap. 163. Elections Reform Database 2000-2010. National Conference of State Legislatures.

Almost without exception, when confronted with a choice between making voting more convenient or more challenging, North Carolina officials adopted the more lenient approach to electoral reform.

Another bill, originating out of the state Senate, explicitly reaffirmed the right of innocent voters to be protected from minor and administrative errors.<sup>32</sup> The bill, which required that provisional ballots be fairly counted, also established a legislative committee to study the issue of ballots cast out-of-precinct. This bill quoted North Carolina Supreme Court Justice Samuel J. Ervin Jr. remarking on an elections case from 1948:

We can conceive of no principle which permits the disfranchisement of innocent voters for the mistake, or even the willful misconduct, of election officials in performing the duty cast upon them. The object of elections is to ascertain the popular will, and not to thwart it. The object of election laws is to secure the rights of duly-qualified electors, and not to defeat them.

In addition to these protections, two more pieces of legislation were advanced in 2005. First, the Public Confidence in Elections Act or PCEA sought to allay public concerns surrounding the use of electronic voting machines. The legislation mandated paper receipts, verifiable by voters immediately prior to casting their ballot and available for usage in recounts. Moreover, electronic voting machines were required to undergo regular testing including examination of the voting software and source code. Machines were also mandated to guard against over votes by providing warning prompts to voters who failed to mark a ballot selection or made extra selections. The State Board of Elections was empowered to reject or discontinue using voting machines that failed to meet the PCEA's requirements.<sup>33</sup>

<sup>32</sup> North Carolina SB 133: 2005. North Carolina Laws 2005, Chap. 163. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>33</sup> North Carolina SB 223: 2005. North Carolina Laws 2005, Chap. 323. Elections Reform Database 2000-2010. National Conference of State Legislatures

Second, the Orange County Super Precinct Act or “One-Stop” Voting Act established a voting center pilot program in Orange County to assess the effectiveness of “one-stop” voting super centers.<sup>34</sup> At these polling locations, citizens could register and vote at “one-stop” voting sites during the state’s early voting period. Super precinct voting centers maintained an online connection to the state registrar allowing for real time updates and confirmation of registration status.

### *Election Administration Amendments of 2007*

In 2007, the state followed with additional amendments to the elections code. These measures again included balanced efforts to make voting easier and more secure.<sup>35</sup> First, the reforms allowed former felons to vote upon completion of their sentences. Second, the legislature strengthened one-stop voting by allowing citizens to cast ballots in their home county at a one-stop voting center. To take advantage of one-stop voting, voters were required to provide proof and attestation of residence.<sup>36</sup>

On the security side, election officials were required to verify identification and double check for duplicate ballots across the state. Additionally, the law proscribed criminal penalties for breaching ballot secrecy, violating voter registration procedures, and instructing or facilitating non-citizen voting. The legislation strengthened voter identification requirements by applying the rule to voters whose registration information did not match the computer database.

<sup>34</sup> North Carolina SB 98: 2005. North Carolina Laws 2005, Chap. 256. Elections Reform Database 2000-2010. National Conference of State Legislatures

<sup>35</sup> North Carolina HB 1743: 2007. North Carolina Laws 2007, Chap. 391. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>36</sup> North Carolina HB 91: 2007. North Carolina Laws 2007, Chap. 253. Elections Reform Database 2000-2010. National Conference of State Legislatures.

Additionally, the law expanded the buffer zone rule, prohibiting campaign speech near polling locations, to cover “one-stop” voting centers.

Again applying the rules to themselves, lawmakers instituted a former felon policy for political candidates. When they file for elections, candidates in North Carolina were required to disclose past felony convictions including the name, date, and location of offense. Although former felons were not precluded from holding office, these records were open to public.<sup>37</sup>

#### *Election Administration Amendments of 2009*

In 2009, the state legislature advanced a bill expanding “pre-registration” to 16 year olds. The legislation called on local high schools and election administrators to encourage student registration and pre-registration. It clarified regulations for using public buildings as one-stop voting sites; equalized rules for political and commercial advertising near polling locations; and prohibited attorneys from profiting in cases brought against election administrators.<sup>38</sup>

The expansion of pre-registration to teenagers represented another important movement toward increased democratization. Ideally, pre-registration increases civic interest and knowledge. These programs prepare future voters for entry into the polity and may perhaps one day, even produce calls to further reduce the minimum voting age.

#### *Military and Overseas Voting Empowerment Act of 2009*

Building on the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986, which reinforced the franchise rights of overseas service members, the U.S. Congress

<sup>37</sup> North Carolina SB 1218: 2007. North Carolina Laws 2007, Chap. 369. Elections Reform Database 2000-2010. National Conference of State Legislatures.

<sup>38</sup> North Carolina HB 908: 2009. North Carolina Laws 2009, Chap. 541. Elections Reform Database 2000-2010. National Conference of State Legislatures.



passed the Uniformed Military and Overseas Voter Act or “MOVE” Act in 2009.<sup>39</sup> The law sought to expand the UOCAVA’s provisions and further assist military members and others living overseas. The five main provisions of the MOVE Act were:

1. The removal of notarization and registration requirements.
2. Required registration and absentee ballot information to be available in electronic form.
3. Extended the re-registration requirement from every election cycle to every two election cycles.
4. Obligated states to deliver requested absentee ballots within 45 days of a federal election.
5. Military ballots were to be mailed without postage.
6. Established military and overseas voter outreach and information programs.

In 2011, North Carolina passed its own version of the Move Act.<sup>40</sup> The state law allowed military voters to use the federal postcard application or an electronic equivalent to apply for registration. It also extended these rights to overseas ballots. Increasing military and overseas participation were both consistent with other efforts to eliminate barriers to participation.

### *Summary*

This chapter presented the historical development of voter suppression in North Carolina, its relationship with partisan control, and traced major state level elections legislation from 1988 to 2012. An in-depth review of state voting legislation revealed a mixture of efforts to make

<sup>39</sup> National Association of Secretaries of State. 2009. Summary of Military and Overseas Empowerment Act (Move Act). November 6, 2009. [www.nass.org](http://www.nass.org).

<sup>40</sup> North Carolina North Carolina HB 514: 2011. North Carolina Laws 2011, Chap. 182. Legislation Search Database 2010-2012. General Assembly.

voting easier and safer. North Carolina officials on the whole, adopted many reforms considered to make voting easier, but they also instituted many others to make voting more secure. It is no wonder that voter suppression was so difficult to measure. Its effects were likely lost in the complex interaction between mobilizing and demobilizing institutional settings. However, a nuanced inspection revealed that during the period under study, state officials leaned more heavily toward the side of promoting, versus suppressing, participation.

For example, North Carolina's adoption of "one-stop" voting significantly lessened the burden placed on voters by registration. By merging registration and balloting, citizens made only one physical trip to the polling location. The logic of voter suppression dictates that a legislature seeking to depress the turnout of specific groups would not expand "one stop" voting or other programs like early voting that extended the voting period and removed barriers. Compare this to the 2013 Voter Information Verification Act or VIVA, passed in the wake of the *Shelby County v. Holder* Supreme Court decision which overturned section four of the Voting Rights Act. Following the partisan transition of the state, one of the first agenda points for the new Republican majority was omnibus legislation to curtail voting rights, entitled by the North Carolina legislature as:

AN ACT to restore confidence in government by establishing the voter information verification act to promote the electoral process through education and increased registration of voters and by requiring voters to provide photo identification before voting to protect the right of each registered voter to cast a secure vote with reasonable security measures that confirm voter identity as accurately as possible without restriction.<sup>41</sup>

Although this bill did call for the "education and increased registration of voters", the shift in emphasis toward security was apparent. In addition to instituting a photo identification

<sup>41</sup> North Carolina HB 589: 2013. North Carolina Laws 2013, Chap. 163. Legislation Search Database 2010-2012. General Assembly.

requirement for 2016, VIVA reversed many of the pro-democratic reforms examined in this study. Included in the omnibus elections reform were measures that reduced the period of early voting to one week; ended pre-registration for 16 and 17 year olds, and eliminated same day registration during the early voting period. Other provisions removed the option of counting provisional ballots cast outside of a voter's home precinct, and the ability to correct address changes in person while voting. The statute increased the number of partisan poll observers and allowed any citizen to challenge the status of other voters, reversing a prior rule requiring these challenges to come from citizens who resided in the same county. To round out the sweeping reform bill, legislators terminated straight ticket voting and required that polling location time extensions be approved by state, rather than local, officials (Election Law Changes 2013, p. 1).

Finally, similar to election rule changes in Florida the law terminated early voting on the Sunday before elections, limiting "one-stop" voting centers to the hours of 1 p.m. to 5 p.m. the Saturday before elections. These Sunday reductions of early voting in both states offer strong supporting evidence for the case that voter suppression proponents targeted African Americans.

In summation, process tracing the development of election laws in North Carolina from 1988 to 2012 revealed a state voting framework that lacked aggressive voter suppression efforts. Although reforms during this period were balanced between mobilization and security, the overall assessment of this study is that government officials adopted institutional conditions favorable to democratization. This is not to suggest that voter suppression was absent, the Helms incident of 1990 clearly indicated that efforts to suppress the vote continued to play a role in North Carolina politics. However, high levels of partisan competition and the subsequent delay in partisan realignment kept voter suppression to a minimal.

## CHAPTER 5: Florida

*“We conclude that Florida has failed to sustain its burden of proving that... [reductions in early voting in 2012], would not impose a material burden on – and therefore a retrogressive effect with respect to – African-American voters’ effective exercise of the electoral franchise. [...] This dramatic reduction in a form of voting disproportionately used by African-Americans would be analogous to (although certainly not the same as) closing polling places in disproportionately African-American precincts. Although such an action would not bar African-Americans from voting, it would impose a sufficiently material burden to cause some reasonable minority voters not to vote” (three judge panel ruling on 2012 reductions in early voting, U.S. District Court D.D.C., p. 54-55).<sup>42</sup>*

*“...what happened this weekend in Florida is simply unacceptable. According to a local election official interviewed by CBS News’ Phil Hirschorn, the last “early voter” in line for Saturday’s truncated early voting in Palm Beach County finally got to cast a ballot at 2:30 a.m. Sunday morning, which means that voter waited in line for more than seven hours” (Cohen 2012, The Atlantic).*

### *Introduction*

This chapter reports the development of Florida’s state voting institutions and culture, with a focus on demobilization. To do so, I chart several important processes. First, I defend the selection of Florida as a contemporary voter suppression regime. Although political elites in the state followed national trends which favored more convenient voting, this study identified a strong counter current of targeted demobilization. Second, I report the pace of partisan realignment in the state. This study argues that changes in partisan control were a necessary precondition for the development of a voter suppression regime. Third, this chapter traces national and state election law changes from 1988 to 2012 and their implementation in Florida. The data indicates that Florida officials took several steps consistent with a voter suppression model like adopting new demobilizing regulations and retracting previously instituted pro-voting reforms. Finally, I review important findings presented in this chapter.

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<sup>42</sup> *State of Florida v. United States*. CV 01-1428. (United States District Court D.D.C., 2012)

### *Background*

Florida, like North Carolina, exhibited a history of strict racial disfranchisement followed by a moderate approach to desegregation (Hill and Moreno 2008, p. 88). In the wake of the Voting Rights Act of 1965, Florida officials moved away from blatant racial disfranchisement. The 1970 elections marked a turning point for southern politics, as moderates won out over segregationist candidates for governor as occurred in both Florida and North Carolina (Colburn 2007, p. 86). As legal reforms dismantled black disfranchisement laws, changing societal attitudes and norms opened up American society to African Americans. For the most part, blatant racism and extreme racial attitudes were eliminated from “polite” mainstream American politics. This was also the case in Florida.

Despite these advances, the re-emergence of voter suppression in the state gives cause for concern. Contemporary Florida politics presents a good test of voter suppression theory for several reasons. First, as the South shifted away from one-party Democratic rule, various states transitioned unevenly. The Florida Republican Party achieved parity throughout the 1980’s, culminating in huge statewide and federal gains in the 1990’s. By 2000, voters in the state preferred the GOP for most state-level offices including president, governor, and cabinet (Craig and Austin 2008, p. 69). They also elected Republican majorities to the U.S. and state legislatures. The GOP secured control of Florida politics reversing the Democratic Party’s long reign. Despite these trends favoring the GOP, the Democratic Party remained competitive in presidential and U.S. Senate races in the state.

Second, two-party competition in Florida was accompanied by acrimonious partisan conflict including disputes over institutional voting rules. The 2000 *Bush v. Gore* election fiasco

exposed our nation's disjointed elections system. Hanging chads, butterfly ballots, and the outcome of the nation's highest political contest decided in the courts revealed the rough edges of the democratic process. All of which placed Florida's elections administration system under serious scrutiny. Additionally, these elections controversies prompted significant reforms on the federal and state levels.

Tough competition combined with hyper-partisanship encouraged those who seek to restrict the franchise or dampen turnout by increasing the payoff involved. As partisan competition increased, each party attempted to mobilize the last of their potential supporters or alternatively to demobilize their opponent's supporters. More importantly, the framework offered by Carmines and Stimson (1989) suggested that the initial decision to appeal to white resentment was successful in triggering a regional realignment. By blending racial and ideological conservatism, the GOP was able to win, first in the South and then nationally. However, embracing racial conservatism was not without risks in an increasingly diverse society.

This is not to argue that all American political contests were essentially racial conflicts, instead it contends that racial issues were folded into the partisan framework so thoroughly that we can predict liberal and conservative positions knowing racial content alone. This dynamic is interesting in that it spanned public and elite opinion (Carmines and Stimson 1989, p. 184-185). Additionally, researchers confirmed a similar linkage between support for voter suppression laws and racial attitudes (Manza & Uggen 2008, p. 64).

Third, Florida owns a long history of racial disfranchisement. Although all southern states moved away from the total disfranchisement reminiscent of Jim Crow, efforts to suppress voting, continue to carry racial undertones, at times, explicitly expressed (Alexander 2010, p. 47; Walton 2000, p. 23). This history, or tradition, is vital to understanding contemporary voter

suppression. On an institutional level, we should be questioning why ethnic and racial exclusion are such reoccurring themes in American politics. This current study, explores the potential for conflict between this ascriptive tradition and demographic change.

Fourth, Florida experienced massive growth. An influx of out-of-state newcomers, foreign immigrants, and home grown population growth quickened the ethnic and racial diversification of the state (Scicchitano & Scher 2010, p. 245). Again, as the state becomes more diverse, racially motivated or executed voter suppression becomes a riskier electoral strategy. However, diversification of the electorate may also increase the need for voter suppression.

Finally, from 1988 to 2012 Florida officials instituted a range of contemporary voter suppression measures. These included felon disenfranchisement, photo identification, long lines and administrative delays at the polls, purge lists, and restrictions on interest group and outside party registration drives. To justify these reductions in voting rights, lawmakers cited an increased concern over voter fraud.

To explain why the push for voter suppression emerged in Florida before North Carolina, this study again looks first to partisan realignment.

### *Partisan Realignment*

Under a one-party system, Florida political culture was one of loose party affiliation. Key (1949) described it as, “every man for himself” (p. 82). Contemporary Florida politics are now much more guided by partisan cohesion, although name recognition and money remain important for state wide electoral success.

Like other states in the region, Florida developed a one-party political system dominated by the Democratic Party. “Rooted in native white resistance to Republican Reconstruction and

to a biracial society, Floridians embraced the Democratic Party when federal troops were removed from the state following the Compromise of 1877” (Colburn 2007, p. 12). For over one hundred years, the Democratic Party dominated the region. The party flourished by appealing to racial attitudes gaining support from “Yellow Dog” Democrats, thusly named for their commitment to racial segregation. The moniker derives from the saying that these voters would rather vote for a “yellow dog” than pull the lever for a Republican candidate, due to that party’s historical support for racial equality (Colburn 2007, p. 15).

Colburn (2007) described this transition:

“As in other states and particularly in neighboring states, Florida politics were influenced significantly by developments at the federal level and by the policies of the two national parties. Both Democratic and Republican parties in the state, for example, felt the effects when the national Democratic Party opted to support civil rights reforms in the 1950s and 1960s, and later, in the 1980s and 1990s, when the national Republican Party championed a rights, responsibilities, and values ideology. **Significantly, both these political developments were linked to one another**, with Republicans capitalizing on public concerns over integration, school busing, and the social discord of the 1960s to reach out successfully to [white] middle class voters” (Colburn 2007, p. 8).<sup>43</sup>

Florida’s contemporary realignment was most evident on the state level where the GOP controlled both chambers of the Florida legislature since 1996.

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<sup>43</sup> Emphasis added.



**Table 5.1 Political Control of Florida State Legislature by Party (number of seats)**

	<u>House</u>		<u>Senate</u>	
	Democrats	Republicans	Democrats	Republicans
2012	45	75	14	26
2010	44	76	14	26
2008	42	78	14	26
2006	36	84	14	26
2004	39	81	14	26
2002	39	81	14	25
2000	43	77	15	25
1998	57	63	17	23
1996	59	61	17	23
1994	63	57	19	21
1992	71	49	20	20
1990	74	46	22	18
1988	73	47	23	17

Source: 1988-2012. Statistical Abstract of the United States (Tables 395, 400, 418, 479), Bureau of the Census.

Table 5.1 lists partisan control of the Florida state legislature from 1988 to 2012. This data indicates that the rise of the contemporary Republican Party in Florida was swifter than in North Carolina. Florida's GOP achieved a 20-20 deadlock in the state Senate as early as 1992, winning the smaller chamber in the next election cycle in 1994. By 1996, Republicans secured the state House of Representatives to go along with small advantages in the state Senate. Although Democrats remained competitive, between 1996 and 2012 the Republican advantage was evident in races for the state legislature. The GOP secured double digit leads in each chamber beginning in 2000 (+ 10 seat leads in the Senate and +30 seats in the House).

Despite Republican dominance in the Florida legislature, the GOP ascendance was tempered by Democratic resilience in statewide elections.

**Table 5.2 Votes cast for and Florida Governor elected by Party (in percentages)**

	Democrats	Republicans	Party - Winner
2010	48	49	R- R. Scott
2006	45	52	R- C. Christ
2002	43	56	R- J. Bush
1998	45	55	R- J. Bush
1994	51	49	D- L. Chiles
1990	57	44	D- L. Chiles
1986	45	55	R- B. Martinez

Source: 1986-2012. Florida Department of State – Division of Elections

Table 5.2 reflects the votes cast for Florida governor from 1986 to 2010. Similar to a string of Democratic North Carolina chief executives in the mid 1990's, Lawton Chiles secured Florida's top office for two consecutive terms. In 1990, Chiles a long serving and popular U.S. Senator from the state, returned from retirement and unseated incumbent Republican Bob Martinez by 13 points. By 1994, he narrowly defeated Jeb Bush by two points before passing away in office from a heart attack in 1998 (Colburn 2007, p. 154-155). Jeb Bush would go on to win the state's executives position that year beginning a line of four consecutive GOP victories. Most importantly, the election of Bush in 1998 marked the GOP's undivided acquisition of state government and control of its electoral machinery.

The GOP held the Governor's mansion for the next four terms, winning comfortably until very close victories in 2010 and 2014. They effectively reversed Democratic dominance of state politics. As Colburn (2007) described:

For the first time in state history, Floridians not only helped elect a Republican president, they also voted in a Republican congressional majority, a Republican governor, a Republican cabinet, and significant majorities in both houses of the state legislature. Republicans, in fact, enjoyed such a huge majority in the House of Representatives that Democrats had little voice in committee deliberations or in drafting legislation. The Democratic Party had not experienced anything like it previously, and it was unclear

when the party would be positioned to challenge the Republican Party again (Colburn 2007, p. 199).

Despite these electoral gains, the Republican Party's ascendance in Florida was frustrated by increasingly close competition in recent presidential contests.

**Table 5.3 Votes cast for President and winner of Florida by Party (in percentages)**

	Democrats	Republicans	Party - Winner
2012	49.9	49	D- B. Obama
2008	51.0	48.0	D- B. Obama
2004	47.0	52.0	R- G. W. Bush
2000	48.8	48.8	R- G. W. Bush
1996	48.0	42.0	D- B. Clinton
1992	39.0	41.0	R- G. Bush
1988	38.5	60.9	R- G. Bush

Source: 1988-2012. Dave Leip's U.S. Election Atlas

Table 5.3 displays state level outcomes for presidential elections from 1988 to 2012. In Florida, presidential results indicate that realignment either ended, or generated a political stalemate. Outside of George H. Bush's 22 point victory in 1988, the six subsequent presidential contests were decided by an average of three percent. These include two statistical ties. First, there was the controversial Bush versus Gore race in 2000; and then again, a razor tight contest in 2012.

Although Democrats remained competitive in national and statewide contests in Florida, the realignment to Republican control of the state's election machinery created conditions conducive for voter suppression. Unlike North Carolina where state-level partisan competition kept government divided, thus preventing the rise of intense targeted demobilization; Florida

officials adopted a range of voter suppression mechanisms and retracted previously granted conveniences beginning in the late 1990's.

### *State Voting System Development 1988-2012*

Hasen (2012) argues that Florida's officials and institutions developed broad support for the "democracy canon" – a legal tradition that believes electoral rules should be interpreted in favor of openness (Hasen 2012, p. 23). This approach is in contradiction to historical efforts to disfranchise voters, and should promote increased participation. Along this line, many states adopted measures intended to make voting easier including registration at government offices, early voting, and voting-by-mail. Florida adopted many of these pro-voting reforms. However, Florida officials began implementing a range of voter suppression measures following the partisan transition of the state in 1998. Therefore, this chapter reports a tale of two stories. The first half of this narrative reports a noticeable commitment to incorporate pro-voting reforms. The second reveals retractions from this commitment consistent with a voter suppression approach.

Two federal laws greatly influenced state elections systems, the National Voter Registration Act of 1993 (NVRA) and the Help American Vote Act of 2001 (HAVA). The NVRA or "motor-voter" reform of 1993 extended voter registration to public offices. HAVA, passed in 2001 in the wake of the 2000 election controversy, provided funding for electronic polling machines and established a number of electoral reforms including statewide registration lists, provisional ballots, and voter identification. Additional federal reforms, like the Military and Overseas Voting Empowerment Act of 2009 (MOVE) eliminated other barriers to voting. These measures strongly indicated that the general trend in American politics supported

increased democratization; or at least favored reducing technical and administrative barriers to voting. Open voting laws may not eliminate deeper structural inequalities inherent to participatory democracy, but they are certainly a pre-requisite to optimal participation. As long as significant voter suppression remains, existing inequalities will be much more difficult to address.

Despite positive national sentiment, a review of the development of Florida elections legislation from 1988 to 2012 revealed the fluid back-and-forth nature of electoral reform.<sup>44</sup> This process involved constant partisan struggle over elections administration. Historically true for both Florida and North Carolina, these contests have at times extended beyond the bounds of legitimate partisan conflict including appeals to targeted and racial demobilization. Although it is evident that contemporary voter suppression lacked the aggressive appeals to racial bigotry of previous eras, questions remain as to whether blacks were disproportionately impacted by these laws.

Process tracing in Florida revealed a variety of voter suppression measures. These included felon disfranchisement, manipulation of early voting hours, an overemphasis on security, and other suspicious reversals of pro-voting reforms. These efforts began to gain steam following the partisan realignment of the state legislature in 1998. In that year, state officials adopted photo identification and increased their focus on elections integrity measures.<sup>45</sup>

### *National Voter Registration Act of 1993*

For review of NVRA of 1993 see Chapter 4.<sup>46</sup>

<sup>44</sup> See Appendix E for detailed listing and table of electoral reforms in Florida 1988 to 2012.

<sup>45</sup> Florida Polling Place Manual. 2012. Florida Department of State, Division of Elections.

<sup>46</sup> See Chapter 4; Page 67.

### *Florida Voter Registration Act of 1995*

To comply with the NVRA, Florida passed its own version of “motor-voter” legislation in 1995 titled the Florida Voter Registration Act (FVRA).<sup>47</sup> This law instituted broad changes to the state’s registration procedures. The law allowed registration at many state agencies, public assistance offices, and by mail. These offices included the Department of Motor Vehicles but also a range of public assistance offices like those that served Medicaid and welfare recipients. Other included agencies like libraries, senior assisted living centers, and military recruitment offices were required to provide and handle registration applications. Citizens could update or correct their registration status at any of these locations. In addition, public assistance agencies which service people with disabilities at their residence were required to provide in-home registration services.

Florida’s “motor-voter” law, in line with the federal legislation it was fashioned after, represented movement toward easier and more convenient voting.

### *“No excuse” absentee balloting of 1996*

In 1996 the state abandoned the requirement that voters casting absentee ballots must show cause. Prior to this bill, voters were required to attest to several conditions including medical illness, physical disability, or absence from the state. This reform allowed any eligible voter who was unable to attend their normally scheduled polling location to participate via absentee ballots.<sup>48</sup> This move was also known as “no excuse” absentee balloting. Convenience-affirming absentee ballots allowed any voter to mail in their ballot for a period of time up until the close of normal elections. Once restrictions were removed allowing for in-person registration

<sup>47</sup> Florida Voter Registration Act of 1995. Florida Division of Elections.

<sup>48</sup> Florida SB 270: 1998. Senate Staff Analysis. Committee on Ethics and Elections. Florida Senate Archive. 1998-2014.

and ballot casting, this program foreshadowed the early voting system later adopted in many states.

### *Omnibus Elections Reform of 1998*

Following the partisan transition of the Florida legislature in 1998, Florida officials began moving toward a voter suppression model. In that year, the Florida legislature passed sweeping electoral reforms.<sup>49</sup> The Omnibus Elections Reform Bill of 1998 included a heightened focus on elections security measures. For example, the bill mandated photo identification for all elections. Voters in Florida were required to show a Florida driver's license, state ID card, U.S. passport, credit card, or other forms of ID at the polls. Citizens who lacked the appropriate form of identification could cast a provisional ballot. Next, the law required absentee or mail-in voters to vote in person before mailing absentee ballots in future elections. A third provision mandated the matching of social security card and registration identification numbers, and required election administrators to verify voter registration data. For example, the state's supervisors of elections were required to check the homestead status of all voters. Under this reform, minor errors were enough to warrant rejection of registration. A legislative summary described the law as "designed to enhance voter registration information and identify incidents of voter fraud."<sup>50</sup>

To further stress the shift toward stricter election laws, Florida officials instituted a range of criminal penalties for "offenses related to absentee ballots and voting." These included increased criminal penalties for the corruption or disturbance of registration applications, voter

<sup>49</sup> Florida Omnibus Elections Reform Act 1998, Florida SB 1402. Florida Laws 1998, Chp. 104. Florida Senate Archive. 1998-2014.

<sup>50</sup> Florida HB 493. 2002. House Staff Analysis. Committee on Rules, Ethics, and Elections. Florida Senate Archive. 1998-2014.

fraud or impersonation, duplicate voting, pressure on workers by their employees, and otherwise interfering with a person's legal right to vote.

Additionally, legislators reversed the no-excuse absentee ballot re-instituting the "for cause" rules that were previously eliminated in 1996. The legislative staff analysis of a similar bill argued that the reversal was done "in an effort to combat voter fraud and abuses in the absentee balloting process."<sup>51</sup> The research suggests that a legislative shift in focus from voting convenience to concerns over "voter fraud" was consistent with a voter suppression approach.

The 1998 omnibus package did include an important pro-voting measure which allowed for in-person absentee voting. As in North Carolina, in-person absentee voting represented a strong commitment to democratization. This was especially true as these procedures subsequently developed into early voting in Florida and "one-stop" voting in North Carolina. Thus, expansions, and retractions, of early voting are a good way to assess legislative intent.

In addition to legislative electoral reforms, another noteworthy adjustment was made in 1998. Every twenty years, the Florida Constitution provides for a Constitutional Revision Commission to review the state's laws. In 1998, among the amendments adopted was a reorganization of the cabinet system. Beginning in 2002, the Secretary of State, the head of the state's elections system, would be appointed by the Governor. Prior to this amendment, the office was decided by popular vote via statewide election.<sup>52</sup> This change was even more noteworthy due to Florida's unique cabinet system. The state constitution divides executive power between the governor and six cabinet members. Cabinet positions, including the Secretary of State, wielded their own authority allowing for considerable independence. As this

<sup>51</sup> Florida SB 270: 1998. Senate Staff Analysis. Committee on Ethics and Elections. Florida Senate Archive. 1998-2014.

<sup>52</sup> 1998 Florida Constitution Revision Commission. Nine Proposed Revisions for the 1998 Ballot. <http://www.law.fsu.edu/crc/>



office is responsible for administering elections, it becomes an important prerequisite for the advancement of voter suppression measures.

Removing the Secretary of State's office from direct popular control enabled voter suppression in several ways. First, it shielded the office from public backlash and outcry. Although the governor may suffer politically, individual Secretaries of State were protected from the electorate. Second, some demobilizing measures (like purging) were directly carried out by the Secretary of State's office. A pro-voting advocate could eliminate these voter suppression measures altogether; or conduct them in an even-handed manner. Third, it prevented voters from installing a new office holder in response to controversial decisions. If voters disapproved of a voter suppression regime, they could largely disrupt the process by electing a proponent of more open voting procedures. A secretary could not completely override the wishes of the governor or state legislature, but they could mitigate the worst effects of voter suppression. At minimum, they would be in a position to publicize unfair election practices. Voter suppression measures were most effective when they were discreet.

#### *Florida Election Reform Act of 2001*

In response to the controversial 2000 election, Florida enacted another series of electoral reforms the following year. The Elections Reform Act of 2001 addressed many of the problems that plagued the state in 2000 like hanging chads, disparate recount procedures across counties, and butterfly ballots. The legislation banned punch card machines and provided \$24 million for counties to switch to optical-scan or electronic voting systems. The law established a uniform statewide ballot design and proposed a study to assess the feasibility of uniform polling hours. The Secretary of State was required to distribute to election officials basic standards for:

registration; in-person, overseas and absentee ballots; voter rights and responsibilities procedures; poll worker training; and public announcements.<sup>53</sup>

Along with standardizing state election laws, the overhaul designated funding to educate voters and election administrators. Although some elements like the establishment of a voter registration database and rules on provisional ballots could be abused, overall the package made a strong effort at addressing many of the problems that arose in Florida in 2000.

Once again, legislators modified the “no excuse” absentee ballot rules. This law reversed the “for cause” revision of 1998 and re-instated “no-excuse” absentee balloting. To summarize, the state adopted “no excuse” absentee ballots in 1996, went back to a “show cause” system in 1998, and then restored the “no excuse” system in 2001. Perhaps these vacillations reveal intra-party disagreements over the effectiveness or appropriateness of voter suppression laws.

### *Florida Reforms of 2002*

Building on the larger reforms of 2001, Florida officials continued passing elections revisions into 2002. Legislation passed allowing for late registration at the Supervisor of Elections office and elaborating provisional ballot procedures when voter records or the precinct register were inaccurate. Most importantly, the bill affirmed voting rights by providing that voters waiting in line at the close of polls must be allowed to vote.<sup>54</sup> This reform took on increased importance as Floridians faced long lines and delays in subsequent elections.

In addition to making voting more convenient, Florida officials sought to bolster the security of elections. They strengthened protections covering criminal violations of election regulations. In a law passed in 2002, the legislature designated that any person who “conspires”

<sup>53</sup> Florida Elections Reform Act 2001, Florida SB 1118. Florida Laws 2001, Chp. 40. Florida Senate Archive. 1998-2014.

<sup>54</sup> Florida SB 618: 2002. Florida Laws 2002, Chap. 17. Florida Senate Archive. 1998-2014.

with, or assists, persons engaged in violations of election code were themselves guilty. The law criminalized not only participation and planning of election crimes, but also attempts to cover up the crime.<sup>55</sup>

Another statute clarified rules for purging ineligible voters from the statewide registry. The supervisors of elections were empowered to remove citizens who passed away, moved to another precinct, and those with felony convictions. The latter provision was the most controversial because state officials utilized inaccurate felon lists to conduct voter purges.<sup>56</sup>

### *Florida Help America Vote Act of 2003*

The Help America Vote Act (HAVA) of 2002 was the federal response to the 2000 elections controversy in Florida. HAVA provided \$3 billion in federal funding for states to update voting equipment and fulfill other technical specifications. In 2003, Florida received \$83 million dollars to implement HAVA's requirements.

For a review of HAVA of 2002 see Chapter 4.<sup>57</sup>

In 2003, state leaders passed several pieces of legislation to complete implementation of HAVA.<sup>58</sup> The federal law mandated the state provide: provisional ballots, an opportunity for voters to privately check ballot accuracy, and access for disabled voters.<sup>59</sup> The state legislation modified the statewide registration database to comply with HAVA requirements. Florida maintained a digital list of every citizen legally registered to vote in the state.

<sup>55</sup> Florida SB 172: 2002. Florida Laws 2002, Chap. 214. Florida Senate Archive. 1998-2014.

<sup>56</sup> Florida HB 493: 2002. Florida Laws 2002, Chap. 189. Florida Senate Archive. 1998-2014.

<sup>57</sup> See Chapter 4; Page 74.

<sup>58</sup> Florida HB 1861 and HB 7A: 2003. Florida Laws 2003, Chap. 281. Florida Senate Archive. 1998-2014.

<sup>59</sup> Florida HB 29-B: 2003. Florida Laws 2003, Chap. 415. Florida Senate Archive. 1998-2014.

Along with including funds for voting equipment, training, and staff; the national legislation included measures that could be employed to suppress the vote. HAVA's requirement that states compile a central voter registration list and its adoption of voter identification for first time voters, were the subject of criticism from pro-voting advocates. Again, state officials exploited registration databases to compile purge lists.

Although this study focuses on legislative changes, a brief review of recent voter purges in Florida illustrates this process. Bassetti (2012) and Hasen (2012) recorded these various efforts. In the last four presidential elections, the state's Republican Secretaries of State targeted citizens with felony convictions and suspected non-citizens. In 2000, Kathleen Harris paid four million dollars to a private firm to compile a felon purge list. State officials instructed the firm to take a strict approach to name-matching. As a result, around 12,000 legally qualified voters were placed on the list (Hasen 2012, p. 28-29). Harris's replacement in 2004, now appointed directly by the Governor, Glenda Evans Hood created a purge list which incorrectly included over 45,000 citizens. In 2008, Kurt Browning adopted new rules requiring perfect name-matching before a citizen could register to vote. The rule, called "no match, no vote", resulted in a list of 12,000. In 2012, Ken Detzner compiled a purge docket of 180,000 voters suspected of being non-citizens (Bassetti 2012, p. 151-152).

Florida's HAVA legislation expanded provisional ballots to include, not only those whose eligibility was in dispute, but also those counted as "late" voters. In cases where polling hours were extended by court orders, late voters were required to vote by provisional ballots that must be kept separate from all other provisional ballots. This provision was vote-affirming in that provisional ballots were available to be counted in close races. However, the consistency of the provisional balloting system and the high rate of rejected ballots caused concern.

Furthermore, the practice of segregating “late” voters, particularly in cases where the delays are caused by administrative error, was suspect.

Adjudicating these disputes is difficult. For example, the revised rules for provisional balloting could be interpreted both ways. When provisional ballots are counted at high rates then the system should empower voters. When these ballots are not counted, then the provisional balloting system provides additional avenues for mischief.

#### *Absentee and Early Voting of 2004*

Early voting, perhaps the best indicator of the push toward more convenient access was signed into law by Republican Governor Jeb Bush in 2004.<sup>60</sup> The early voting measures were passed with large bi-partisan support (100 yes to 12 no in the state House) in legislation that allowed absentee ballots to be cast at early voting sites. For up to 15 days before the election, absentee voters could take advantage of what has come to be known as early voting.

This study suggests that researchers investigate changes in early voting as an obvious point of conflict in the struggle over voting laws. Generally, expansions were consistent with increased mobilization while retractions should be investigated for demobilizing effects. So, Florida officials should be credited with instituting early voting in 2004. However, subsequent retractions of the early voting period beginning in 2006 call into question the depth of state officials’ commitment.

#### *Felony Disenfranchisement Revisions of 2004*

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<sup>60</sup> Florida SB 2566: 2004. Florida Laws 2004. Florida Senate Archive. 1998-2014.

Porter (2010) estimated that Florida's felon disenfranchisement laws impacted nearly nine percent of the state's adult population. In 2004, this included nearly 1.2 million Floridians who were incarcerated in prison, paroled, on probation, or otherwise discharged into a post-sentencing program. Of this number, over 290,000 were African American (Porter 2010, p. 10). Using the county level estimates compiled for this study, this means that around 10 percent of the estimated 2.9 million potential black Floridians were disqualified due to felon disenfranchisement statutes in that year.

Florida's felon disenfranchisement regulations vacillated in recent years. The general outlines of the policy required that convicted felons be stripped of many civil rights including the right to vote, serve on a jury, and hold public office. These rights were suspended unless restored by the executive branch. Florida's Constitution granted felons the right to appeal to the state Clemency Board which consisted of the Governor and two cabinet members. Restoration was solely up to this partisan committee.<sup>61</sup>

The Clemency Board has, at times, adopted rules allowing some felons to appeal for restoration without a hearing, while others were required to appeal directly to the Board. As an illustration, in 2004, Governor Jeb Bush revised the executive clemency rules to eliminate administrative delays. This rule change allowed some former felons to apply for restoration without a hearing. In order to bypass an official hearing, the felon must have been a non-violent offender with a clean criminal record for five years after their release. Persons convicted of violent crimes were required to wait 15 years without re-offending to apply for reinstatement of their civil rights (Porter 2010, p. 9-10).

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<sup>61</sup> Florida HB 55: 2006. Bill Analyses. Criminal Justice Committee. Florida House of Representatives. Florida Senate Archive. 1998-2014.

Even with these revisions, Florida's felon disfranchisement statutes remained one of the nation's strictest. Furthermore, later retractions of previously granted relief were consistent with a voter suppression approach. An important distinction between historical and contemporary voter suppression can be made. Historical efforts were much more blatant and sought new and creative measures to achieve near total disfranchisement of black voters. Contemporary voter suppression often involved the retraction of previous pro-voting reforms, in addition to the introduction of subtle new mechanisms. This development can be likely tied to changing societal norms and attitudes toward racial discrimination.

### *Electoral Reforms of 2005*

Although the broader trend nationally has been to make voting more convenient; mobilization and demobilization are constantly interacting or evolving. The American voting framework is fluid, making description and measurement difficult. Careful process tracing revealed competition between various forces that influence participation, most notably involving conflicts over the institutional rules of the game.

This study catalogues a number of laws passed in 2005 that retracted previous pro-voting reforms. Florida's leaders reduced early voting, emphasized voter fraud, and tightened technical requirements. The most pronounced improvement in Florida elections was the institution of early voting. In response to long lines and delays, Florida adopted an extended election schedule. Local supervisors of elections were empowered to establish early voting periods with a great deal of discretion. Beginning in 2005, the early voting period begins to recede. State officials shortened early voting by designating the Sunday of the election as the end date and

limited daily sessions to eight hours per day, and eight hours per weekend.<sup>62</sup> A legislative write-up, prepared by the Ethics and Elections Committee, describes the first intended effect of HB 1567 as clarifying “that early voting is a convenience, not a right.”

Whatever the merits of debating the appropriate length of early voting periods; when a legislature finds it necessary to clarify to voters that easier access is only a convenience, this does not bode well for democratization.

Additionally, the legislation established monetary penalties for third party registration organizations and their members. Individuals, who failed to submit timely registration forms, including executive officers, were subjected to costly fines and penalties for cases where foul play was not suspected.<sup>63</sup> For cases where foul play was suspected in connection with the submission of absentee ballots, another reform set forth a third degree felony.<sup>64</sup> However, these rules would be stymied by court challenges and not resolved until 2009. Another round of similar restrictions followed in 2012.

Consistent with the provisional balloting system established by HAVA, Florida legislators eliminated the opportunity for voter’s to verify their identity by signing an affidavit. Instead, voters without proper idea were required to cast a provisional ballot. Provisional voters were required to return within three days after the election and present documentary verification of their eligibility.

In addition to these security enhancing features, other legislation tightened registration requirements.<sup>65</sup> Applications would not be counted unless all boxes were filled out including those that indicated citizenship and felon status. In previous years, local elections officials

<sup>62</sup> Florida HB 1567: 2005. Florida Laws 2005, Chap. 95. Florida Senate Archive. 1998-2014.

<sup>63</sup> *ibid*

<sup>64</sup> Florida HB 1589: 2005. Florida Laws 2005, Chap. 277. Florida Senate Archive. 1998-2014.

<sup>65</sup> Florida HB 1591: 2005. Florida Laws 2005, Chap. 278. Florida Senate Archive. 1998-2014.



allowed minor technical mistakes – like unchecked boxes. However this privilege was applied unevenly across counties.<sup>66</sup>

This legislation transferred control of the statewide voter registration system from the 67 county supervisors to the Department of State’s Division of Elections. Additionally these reforms altered the rules for poll watcher challenges. The law allowed the franchise rights of any voter to be challenged up to 30 days before an election. Although the law established a misdemeanor criminal penalty for frivolous challenges, poll watchers were indemnified for actions taken in good faith.<sup>67</sup>

#### *Voter Registration Expansions of 2006*

In 2006, the legislature expanded the state’s “motor-voter” law to include places that sold hunting, fishing, or trapping licenses. Stores and shops were required to display registration forms, actively ask customers if they would like to register, and submit completed applications to the Division of Elections. Not only did this legislation expand access, it did so with a forcefulness usually reserved for fraud or misconduct. Store owners were required to offer registration forms or face civil penalties ranging from five hundred to twenty-five hundred dollars. These same penalties applied to local elections administrators who failed to adequately supply registration forms to businesses.<sup>68</sup>

Although supporters of pro-voting reforms do not object to expanding registration to businesses, this study notes the partisan implications of targeted expansion. In this case it was assumed that one party gained an advantage from citizens in rural areas having expanded opportunities to register. As the NVRA, along with its Florida versions, expanded registration to

<sup>66</sup> Florida HB 1589: 2005. Florida Laws 2005, Chap. 277. Florida Senate Archive. 1998-2014.

<sup>67</sup> Florida HB 1567: 2005. Florida Laws 2005, Chap. 95. Florida Senate Archive. 1998-2014.

<sup>68</sup> Florida HB 125: 2006. Florida Laws 2006, Chap. 97, 372. Florida Senate Archive. 1998-2014.

public assistance agencies – thought to advantage Democrats, this law attempted to balance this perceived imbalance by expanding access at locations thought to lean towards the Republican Party. This type of expansion was consistent with a pro-voting approach, but it is important to look for a broader commitment to democratization. Where that commitment was absent, even targeted expansions can be consistent with a voter suppression approach. Most importantly, a quantitative assessment of all states would not reveal these types of imbalances. Only careful process tracing can identify these relationships.

#### *Felon Disfranchisement Revisions of 2006 and 2007*

In 2006 and 2007, state officials lightened the state's strict felon disfranchisement regulations. First, in 2006, county jail officials were tasked with assisting discharged felons with the restoration process. Legislation required that county officials provide Restoration of Civil Rights applications to prisoners with felonies housed in county jails. The law excluded the Department of Corrections.<sup>69</sup>

Next, in 2007, the state adopted new rules to automatically restore the voting rights of non-violent offenders upon completion of their punishment. Signed by Republican Governor Charlie Christ, the move represented a significant retreat from the state's unforgiving felon disfranchisement statutes. Violent offenders were still required to apply to Florida's Office of Executive Clemency for reinstatement (Porter 2010, p. 4).

The lifting of felon disfranchisement laws represented a significant movement toward democratization. As these restrictions represented the largest segment of excluded adult citizens, revisions that ease the reinstatement process, or remove the ban altogether, remained a quick way to expand the franchise. These efforts suggested that the Republican Party elites did not hold

<sup>69</sup> Florida HB 55: 2006. Florida Laws 2006, Chap. 174. Florida Senate Archive. 1998-2014.

uniform views concerning voter suppression. This study argues that inter-party disagreements among Republicans on this issue were likely to mirror the historical divide between ideological and racial conservatism (discussed in literature review p. 20). One way to demarcate this line might be to employ survey data to measure support for voter suppression measures to identify differences among conservatives.

#### *Pre-registration of 17 year olds in 2007*

Legislation passed in 2007 that allowed for the pre-registration of 17 year olds, and reversed the prior decision to strictly enforce minor errors on registration applications. This law ordered that applicants who failed to correctly mark all boxes would be given the option of providing the information at the polls. The law also lowered some of the civil penalties imposed on third party registration drives.<sup>70</sup>

#### *Omnibus Elections Reform of 2008*

In 2008, the legislature passed another omnibus legislation containing another wave of electoral revisions.<sup>71</sup> This package lowered the pre-registration age to 16 and removed buyers club and employee badges from the list of acceptable photo identification. Finally, the legislature mandated that voter challenges be issued by a poll watcher from the same county as the voter.

Expansions of pre-registration and similar measures would count as mobilizing reforms; however Florida officials would repeal these programs after a few years. The elimination of pre-registration is curious, if only because it is hard to imagine how these procedures risked voter

<sup>70</sup> Florida HB 537: 2007. Florida Laws 2007, Chap. 30. Florida Senate Archive. 1998-2014.

<sup>71</sup> Florida SB 866: 2008. Florida Laws 2008, Chap. 95. Florida Senate Archive. 1998-2014.

fraud. It seems unlikely that anyone intent on committing voter fraud would go through the trouble of pre-registering ineligible voters several years in advance.

*Military and Overseas Voting Empowerment Act of 2009*

For review of MOVE Act of 2009 see Chapter 4.<sup>72</sup>

*Florida's Military and Overseas Voting Empowerment Act of 2010 and 2011*

In response to the federal Military and Overseas Voter Empowerment (Move) Act which expanded the rights of absentee voters, Florida officials adopted their own version in 2010. The state's MOVE law allowed voters to request and receive absentee ballots by mail, or electronically. It also required that election administrators deliver ballots within 45 days of the election. The law established an electronic tracking system that enabled voters to monitor the status of an absentee ballot, similar to what was used with commercial mail carriers. Voters were able to track receipt of ballot request, an estimated date of ballot delivery, and confirmation of the final submission.<sup>73</sup>

Subsequent legislation passed in 2011, allowed military voters in the state to utilize the federal write in absentee ballot, or FWAB, system.<sup>74</sup> Under the federal system, mandated by the UOCAVA of 1986, military voters may cast a FWAB ballot if they have not received, or experienced problems with the regular ballot. This legislation provided Florida's military voters with three different forms of absentee ballot; the official state absentee ballot, a backup state write-in absentee ballot, and the FWAB ballot.

<sup>72</sup> See Chapter 4; Page 80.

<sup>73</sup> Florida HB 131: 2010. Florida Laws 2010, Chap. 167. Florida Senate Archive. 1998-2014.

<sup>74</sup> Florida HB 227: 2011. Florida Laws 2007, Chap. 62. Florida Senate Archive. 1998-2014

It is important to note the support of Florida officials for the number of pro-mobilizing reforms adopted between 2004 and 2011. From early voting to retractions of felon disfranchisement laws, Florida's GOP led government should receive credit for these reforms. However, by 2011, state officials would reverse many of these previously granted conveniences.

### *Omnibus Elections Reform Bill of 2011*

In 2011, consistent with a wave of similar voter suppression efforts in other states, Florida adopted a 128 page bill with significant restrictions and retractions.<sup>75</sup> First, the bill included administrative hurdles like eliminating the option for voters to update their address information at the polls when moving between Florida counties; and a requirement for strict signature matching on absentee ballots (Weiser & Norden 2012, p. 3). This provision exempted voters who moved inside of the county and active military members and their families. All others were required to cast a provisional ballot.

Second, the elections revision reduced the early voting period from 14 days to eight, shortened the number of hours that early voting locations could be open, and prohibited early voting on the Sunday before the election (Weiser & Norden 2011, p. 21). Although the total number of early voting hours was kept, these revisions specifically banned early voting on Sunday.

Critics charged that the cancellation of the Sunday session was a direct response to the effectiveness of the "Souls to the Polls" mobilization efforts employed by the state's African American churches (Levin 2012; Herron and Smith 2012a, p. 346). Researchers argue that important Democratic-leaning constituencies were likely impacted. African Americans, Hispanics, young, and first time voters, were the most likely groups to participate in early voting;

<sup>75</sup> Florida HB 1355: 2011. Florida Laws 2011, Chap. 40. Florida Senate Archive. 1998-2014.

a trend that was even stronger on Sundays. In 2008, African American and Hispanic turnout was high on the Sunday before the election. That year, despite constituting a small minority of the total population, African Americans accounted for nearly 40% of all ballots cast during the two Sunday sessions of early voting in Florida (Herron & Smith 2013a, p. 342).

Any reductions in previously established early voting hours were suspect, but targeted reductions lend support to charges of racial discrimination. Although the motivation may be to depress Democratic Party turnout, it is important to explore the logic or thinking process involved. Ultimately this process developed in the following, or similar, pattern:

1. Process begins with a desire to depress opposition party voters.
2. Next, elites recognize that African Americans vote overwhelmingly for the Democratic Party.
3. Then, party leaders adopt measures that impede black voting (for example, the *Souls to the Polls* reductions in early voting).
4. Black participation is reduced; and in effect, Democratic Party votes are reduced.

Whatever the intent, this process involved the use of racial markers to construct voter suppression measures. As proof, this study points to lengthy delays in Florida for the 2012 election. A 2013 report by Republican Florida Secretary of State Ken Detzner described the cause of these delays as:

However, despite the variety of voting methods in Florida, many voters found themselves waiting in line for hours to cast a ballot both during the early voting period and on Election Day. These lines can be attributed, in part, to county supervisors of elections underestimating the turnout of voters in certain precincts. But most, if not all, counties experienced longer wait times than in previous elections due to factors including the

record number of voters, a shortened early voting schedule, inadequate voting locations, limited voting equipment and a long ballot.<sup>76</sup>

Along with reductions in early voting, this legislation stiffened the penalties for third party registration violations. Voter registration drives are employed to mitigate economic and racial disparities in voting. Racial and ethnic minorities, disabled, and low-income citizens tend to respond well to registration drives at churches, malls, and other public venues (Weiser & Norden 2011, p. 20).

Florida displays a lengthy history of high profile conflicts over registration drives. Weiser and Norden (2011) traced the origins of these disputes to the 2004 controversies surrounding the community group ACORN. In short, the organization was accused of various misdeeds related to its ballot initiative and voter registration activities. In 2005 the Florida legislature responded by passing restrictions on third-party registration groups. New regulations required registration forms to be submitted within ten-days subject to hefty fines for violations. The law was challenged in the courts by the League of Women Voters and other groups and ultimately blocked. Again in 2007, the legislature offered a similar piece of legislation that faced legal challenges. The matter was settled in 2009 when the Florida Division of Elections adopted a compromise rule that satisfied both sides (Weiser & Norden 2011, p. 22).

Absent any new allegations of problems with third-party voter registration drives, Florida's legislature took up HB 1355 in 2011 with the stated goal of increasing the difficulty of voting (Weiser and Norden 2011, p. 23). State Senator, Mike Bennett (R- Bradenton) argued:

We all want everybody to vote. But we want an informed voter. Many people don't even know where and when they're supposed to go vote. **Voting is a privilege.**<sup>77</sup> How easy

<sup>76</sup> Detzner, Ken. 2013. Recommendations for the Increased Accessibility & Efficiency of Florida Elections. Department of State, Florida. Feb. 4, 2013. <http://election.dos.state.fl.us>

should it be? [...]How much more convenient do you want to make it? [...] 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 (qtd. In Pillow 2011).<sup>78</sup>

This study notes the devolving importance of access to the franchise. First, early voting was declared a “convenience” and “not a right” by the state legislature in 2005. Next, voting itself was designated as a “privilege” in 2011. By 2012, long lines and delays provided many Floridians the opportunity to prove how much they valued the franchise. Many waited up to seven hours for the privilege to cast their ballots. Unfortunately, as many as an estimated 200,000 other voters were unable to wait and left, presumably, without voting (Powers & Damron 2013).<sup>79</sup> .

HB 1355 placed several burdensome requirements on registration groups. First, these organizations were required to pre-register with the state before conducting registration drives. Second, drive organizers, volunteers, and employees were required to sign sworn affidavits reporting criminal penalties for false registration. Third, registration forms were mandated to be submitted within 48 hours of the collection of signatures or third party registration groups risked civil penalties and fines (Weiser and Norden 2011, p. 21). This final “48-hour” provision proved the most controversial element of the law as it created an imposing technical hurdle for registration groups.

In response to this law, several independent organizations suspended all registration work in the state. Rock the Vote ended its activity permanently, while the League of Women Voters

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<sup>77</sup> Emphasis added.

<sup>78</sup> Pillow, Travis. A novel argument for Florida elections bill: Why should voting be easy? The Florida Independent. May 05, 2011. <http://floridaindependent.com/29192/a-novel-argument-for-florida-elections-bill-why-should-voting-be-easy>

<sup>79</sup> Powers and Damron. Orlando Sentinel. Jan. 23, 2013.



and the National Association for the Advancement of Colored people suspended all registration initiatives while appealing the decision in the courts (Herron and Smith 2012b p. 7-8).

HB 1355 was impeded on two fronts. First, several legal challenges delayed the most burdensome requirements. Second, a handful of Florida counties remained under the VRA's preclearance provision allowing the Department of Justice to challenge the changes. Ultimately, the legal suits were successful in muting the law. In 2012, a Florida judge overturned the "48 hour" rule which required third party registration groups submit forms within 48 hours or suffer heavy fines and penalties (Herron and Smith 2012b, p. 8).

Despite the legal victory, HB 1355 was implemented for over a year in most of Florida's counties. In a study of daily registration reports, researchers found that even this brief interruption impacted registration patterns (Herring & Smith 2013b). In 2004 and 2008, an average of around 210,000 new Democrats registered between July 1 of the year before and July 31 the year of the election. In both years, new Democrat registrants outpaced new Republican registrants. In 2012, Republicans outpaced Democrats ten to one (128,039 to 11,365). In this case, it appears that restrictions on outside registration had a noticeable impact.<sup>80</sup>

#### *Reversal of Felony Disfranchisement Reforms of 2011 and 2012*

Finally, in 2011, Florida Governor Rick Scott reversed a 2007 decision that made it easier for former nonviolent offenders to have their rights restored. As a result, all felony offenders, even nonviolent ones, were subjected to a minimum five year waiting period upon completion of their sentences. Some offenders must wait seven years before applying. In order to have their rights restored all felons must apply to the Governor or appeal to the

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<sup>80</sup> *Jacksonville Times-Union*, reported on MSNBC, Aug. 30, 2012.

state legislature to pass special legislation specifically restoring their rights (Bassetti 2012, p. 175).

### *Summary*

This chapter highlighted the long and complicated web that comprised Florida's elections code. Reforms like the NVRA, HAVA, and MOVE generally eased restrictions and standardized election laws. However, process tracing of legislation indicated that lawmakers in Florida instituted a range of measures suspected of suppressing turnout. State officials restricted registration drives, eliminated early voting hours, strengthened felon disenfranchisement regulations, purged citizens from registration rolls, and experienced long lines and difficulties at the polls. Although this study focused on legislative action, a number of additional voter suppression measures were recorded by scholars including attempts at other levels of government.

This chapter reports the following findings. First, Florida officials adopted a mixture of voter suppression and pro-voting measures from 1988 to 2012. However, a broad examination of these laws suggests that officials implemented targeted efforts to depress African American participation. Florida officials have taken the following actions consistent with voter suppression measures including:

1. Reversed felony disenfranchisement reforms.
2. Ended same day registration during the early voting period.
3. Eliminated early voting on Sundays.
4. Reduced the amount of available early voting hours.
5. Purged voters utilizing erroneous lists of former felons and non citizens.

6. Adopted strict matching requirements for registration forms.
7. Caused long lines at the polls in 2012, partly due to early voting reductions.
8. Suspended pre-registration of 16 and 17 year-olds.
9. Allowed Secretary of State to be appointed by Governor.

Second, the data supports the argument that voter suppression laws displayed a partisan bias. Despite broad support for the “democracy canon”, officials of both parties were willing to sacrifice this principle for partisan gain. During the legal battles following the contested 2000 presidential race, supporters of Bush and Gore both offered arguments that increased their chances of winning a recount over the idea that all votes should be counted equally (Hansen 2012, p. 24). However, Republican Party officials proposed and provided support for almost all of the voter suppression legislation passed into law since 2000. Additionally, this study identifies a rise in voter suppression legislation and language beginning in 1998 in Florida and 2013 in North Carolina. These developments closely followed partisan transition. Third, despite the highly partisan nature of these efforts, this study finds that not all Republican elites supported voter suppression. Particularly early in the period under study, legislators passed and retracted voter suppression measures frequently. For example, Florida’s “no-excuse” absentee balloting rules and felon disfranchisement regulations have vacillated. Disagreements among Republican elites likely marked differences between ideological and racial conservatism. On one side sit ideological conservatives who might be willing to compromise to attract minority voters. On the other, racial conservatives remain committed, at great potential costs, to anti-democratic policies that limit the political power of minority voters.

## CHAPTER 6: African American Participation

*“Color blindness may be politically correct, but it isn’t politically accurate. [...] race is important largely because of the differences in voting patterns between whites and people of color [...]. And these differences do not merely stem from racial disparities in class. On average, people of color and whites of the same socio-economic status have vastly different political preferences” (Overton 2006, p. 69).*

### *Introduction*

This chapter explores political participation in North Carolina and Florida from 1988 to 2012. To assess each state’s level of participation this study compared three measures of voter turnout and registration. These data are employed to test competing theories of voter suppression. Next, state demographic and county level registration data are utilized to rule out alternative explanations. Finally, I summarize and defend the central findings of this chapter.

### *Voter Registration and Turnout by Race in North Carolina*

Historically, African American turnout in North Carolina fluctuated in response to several periods of intense demobilization. Pre-Voting Rights Act, the state led the region with around a 40 percent black registration rate in 1960. By 1980, that increased to 47 percent (Luebke 1998, p. 144-145). However, North Carolina fell behind all of its southern neighbors as other states in the region made larger gains throughout the subsequent decades. Luebke (1998) explained that historical African American participation was stunted due the state’s moderate reputation on civil rights, the conservative lean of Tar Heel politics, and the refusal of black and Democratic politicians to employ populist appeals (Luebke 1998, p. 146-157). Others pointed to the Tar Heel state’s blend of conservative progressivism, arguing that elites promoted a conservative political culture supportive of pro-business internal improvements while opposing higher participation (Eamon 2008, p. 14).

To assess the participation patterns of two racial voting blocs (whites and blacks), this study compares Census turnout and registration rates with a new measure of registration. Census data reported that African American participation in presidential election years increased dramatically over time, spiking in recent elections. This line of thinking credited the success of the Voting Rights Act for historic increases, and the election of the nation's first African American president for more recent spikes in black participation. This data fits well with the popular narrative of a nation that successfully eliminated racially contrived disfranchisement. In fact, the Census data indicated that self reported black registration in North Carolina surpassed that of whites, for the first time outside of the margin of error in 2012. This trend was confirmed across multiple measures of participation.

**Table 6.1 VAP Reported registration by Race in North Carolina in presidential elections 1988-2012 (percent)**

	White	African American	Gap
2012	70.6 (1.9)	83.7 (3.4)	12.7*
2008	73.3 (1.8)	71.0 (4.5)	-2.3
2004	69.4 (2.0)	70.4 (2.6)	1.0
2000	67.9 (2.1)	62.9 (4.7)	-5.0
1996	70.4 (x)	65.5 (x)	-4.9
1992	70.8 (0.9)	64.0 (2.1)	-6.8*
1988	65.6 (1.0)	58.2 (2.5)	-7.4*

Note: Percentages are for Voting Age Population (VAP).

Source: 1988-2012. Statistical Abstract of the United States (Table 4), Bureau of the Census.

Significant at .10; 90 percent confidence interval. X = missing value. \* = Outside the statistical margin of error.

Table 6.1 displays the Census estimated self reported registration rates for black and white North Carolinians from 1988 to 2012. On this measure, blacks in the state made steady gains from a seven point deficit in 1988 to nearly a 13 point advantage in 2012. Beginning in

1996, the difference between self reported black and white registration in North Carolina fell within the study's margin of error.

In addition to a gradual increase in self reported registration, the pace of black registration spiked in the last three presidential elections. However, only the increase in 2012 withstood closer scrutiny. The apparent upticks in 2004 and 2008 fell within the reported margins of error, indicating that we cannot be certain of real movement. These concerns notwithstanding, the data portrays African American registration as growing dramatically during the time period under review.

In 2012, Census derived data estimated that African American registration in North Carolina reached historic highs. For that election, nearly 84 percent of blacks in the state reported registering for the election. The current study attributes the rise in self reported registration in the two most current presidential elections to the Obama campaigns. For African American voters it was likely that the election and reelection of the nation's first African American president produced increased motivation or enthusiasm. Although the gains in 2008 cannot be conclusively confirmed by this data, the general trend supports the view that black registration has been on the rise in North Carolina.

From 1988 to 2012, white registration rates in North Carolina remained more stable. The self reported registration rates for white adults ranged between 65 and 73 percent. During this period, white registration averaged just fewer than 70 percent. The average of black registration for the same period was nearly 68 percent. In sum, this data signals that black registration in North Carolina reached parity with whites by 2012. Again, these results must be accepted only tentatively considering the problems with self reported survey data identified by this study.

A similar measure of self reported turnout indicates that these gains in registration resulted in higher black turnout.

**Table 6.2 VAP Reported Voted by Race in North Carolina in presidential elections 1988-2012 (percent)**

	White	African American	Gap
2012	60.1 (2.0)	78.7 (3.8)	18.6*
2008	64.6 (2.0)	67.2 (4.6)	3.6
2004	58.1 (2.1)	63.1 (4.9)	5.0
2000	55.9 (2.2)	47.6 (4.8)	-8.3
1996	56.4 (x)	48.7 (x)	-7.7
1992	62.4 (0.9)	54.1 (2.2)	-8.6*
1988	55.2 (1.1)	46.6 (2.5)	-8.6*

Note: Percentages are for Voting Age Population (VAP).

Source: 1988-2012. Statistical Abstract of the United States (Table 4), Bureau of the Census.

Significant at .10; 90 percent confidence interval. X = missing value. \* = Outside the statistical margin of error.

Table 6.2 presents self reported turnout in North Carolina for presidential elections for the period under study. If Census Bureau self reported turnout data is to be believed, African American voters in North Carolina turned out at an astonishing rate of nearly 80 percent of the voting age population for the 2012 election. This suggests that black mobilization was so high as to outpace white turnout by 18.6 percent. If accurate, this would be the first time in contemporary North Carolina presidential elections that the gap in racial voting favored blacks outside of the statistical margin of error. This would stand as a significant advancement of democratization – a minority group banned from political participation as recently as a half century ago, now participating on par with, or perhaps surpassing, the dominant majority.

However, similar to Census registration estimates, this data indicates that self reported black turnout actually spiked first in 2004. Between 2000 and 2004, black turnout rose nearly 16

points on the Census measure. When the margin of error for the two years was considered, self reported black turnout rose between a minimum of 5.8 and a maximum of 25.2 points.<sup>81</sup>

If Census self reported registration and turnout data accurately reflected participation, this significant increase would contradict notions that increased participation was caused by the candidacy of the first African American president. One might instead look to other causes like the diffusion of mobilizing electoral reforms, or perhaps black dissatisfaction with the outgoing Republican administration and its policies. However, survey data was plagued with over-reporting and other methodological concerns.

This study assesses an additional metric, official state reported registration rates, to develop a more accurate reflection of registration across racial groups.

**Table 6.3 State Reported registration rates by Race in North Carolina in presidential elections 1996-2012 (percent)**

	White	Black	Gap
2012	67%	69.4%	+2.4%
2008	73.3%	67.6%	-5.7%
2004	66.6%	52.9%	-13.7%
2000	67.9%	52.7%	-15.2%
1996	63.6%	50%	-13.6%

Note: Percentages are calculated by merging Census Population estimates (1996, 2000 to 2008, and 2012) with county registration reports. See appendix A for details.

Source: U.S. Census Bureau; North Carolina State Board of Elections (1996-2012)

Table 6.3 combines county-level Census population estimates with state registration records from 1996 to 2012. Registration data, reported by the North Carolina Board of Elections as the official record of the election, confirmed the general trend of rising African American

<sup>81</sup> Confidence interval for 2000 was  $47.6 \pm 4.8 = 42.8 - 52.4$ . In 2004 the confidence interval was  $63.1 \pm 4.9 = 58.2 - 68$ .



registration. However, they also called into question the inflated nature of self reported Census estimates. In 2012, black voters in North Carolina registered at higher rates than white voters for the first time in contemporary presidential elections. In that year, blacks out registered whites by just over two percentage points. Although this was far below the twelve point advantage estimated by Census reports, it does support the broader movement measured by self reported survey data.

From 1996 to 2012 the general trends were clear and all three measures of participation concurred. Black registration in North Carolina climbed steadily over the period, reaching parity with whites in 2012. As late as 1996, the racial disparity in registration was nearly 14 percent. In that year, around half of the African American population of North Carolina registered to vote. By 2012, black registration in the state rose to nearly 72 percent. Moreover, large increases occurred for the presidential elections in 2008 and 2012.

County level registration data reveals that white registration was much more stable over the same time frame. Since 1996, white registration in North Carolina ranged from 63 to 73 percent with a mean of 67.6 percent. White registration in North Carolina was also highest in 2008, yet not as dramatic as gains made by blacks in the state. Unlike with black registration estimates, the Census self reported measures were much more accurate at estimating white registration. Since 2000, Census estimates of white registration fell within a few points, in some years estimating them precisely.

To be clear, registration rates do not necessarily indicate higher black turnout. Registration can be a poor proxy for turnout. Specifically in years where voting groups possess varying levels of motivation. However, this study proves that Census reports overestimated

black registration in North Carolina by wide margins (by over ten percent in 2012). Despite these errors, the general trend of rising black participation was confirmed.

These measures, taken together, may give us reason to temper Census based estimates but they strongly support the narrative of ascending black participation in North Carolina.

#### *Voter Registration and Turnout by Race in Florida*

To evaluate contemporary African American participation in Florida, again this study explored the same three measures of registration and turnout. Census data revealed modest gains in self reported registration and turnout in Florida. According to this data, black participation in Florida increased only slightly in 2008 and 2012. Even with the historic candidacy of the nation's first African American president, self reported black participation remained anemic. Although black participation levels increased somewhat, these gains were much smaller in Florida than in North Carolina. In fact, for both years, black Floridians registered and voted less than their white counterparts by statistically significant margins. This gap, along with the general stagnancy of black participation in the state, support claims that voter suppression measures were responsible.

**Table 6.4 VAP Reported registration by Race in Florida in presidential elections 1988-2012 (percent)**

	White	African American	Gap
2012	62.3 (1.3)	56.3 (3.8)	-6.0*
2008	64.5 (1.3)	54.3 (4.0)	-10.2*
2004	64.7 (1.4)	52.6 (4.3)	-12.1*
2000	62.5 (1.4)	52.7 (4.6)	-10.2*
1996	63.7 (x)	53.1 (x)	-10.6*
1992	64.5 (0.8)	54.7 (2.6)	-9.8*
1988	64.3 (0.9)	57.7 (2.8)	-6.6*

Note: Percentages are for Voting Age Population (VAP).

Source: 1988-2012. Statistical Abstract of the United States (Table 4), Bureau of the Census.

Significant at .10; 90 percent confidence interval. X = missing value. \* = Outside the statistical margin of error.

Table 6.4 displays self reported registration by race in Florida from 1988 to 2012. On this measure, black participation in the state only increased enough to regain the six point deficit that existed in 1988. Although the data does reveal a modest uptick in 2012, self reported black registration remained stable over the entire period. In fact, there was no statistical difference between black registration rates in 1988 than in 2012. During this interval, blacks self reported registering to vote at an average of 54 percent of the voting age population. For whites in Florida, that rate topped 63 percent. For all years, the racial gap was greater than the statistical margin of error.

Additionally, black registration in Florida was likely lower than Census estimates suggested. Again, Current Population Survey data relied on self reported survey responses. These measures overstated black registration, as they did in North Carolina. These data offer strong support for the *discouraging voter hypothesis*. One plausible explanation for lower levels of black registration in the state might be the presence of voter suppression mechanisms. Scholars have long argued that burdensome registration policies depress participation. Lower registration rates were consistent with this view.

Additionally, the absences of any clear spikes in African American registration in 2008 and 2012 were suspicious. This study assumed these elections produced high levels of interest, excitement, and motivation for black voters, as occurred in North Carolina. If this Census reported registration data were confirmed, this would again provide additional evidence that voter suppression measures mattered and exhibited racial effects.

**Table 6.5 VAP Reported Voted by Race in Florida in presidential elections 1988-2012 (percent)**

	White	African American	Gap
2012	55.7 (1.3)	49.2 (3.8)	-6.5*
2008	58.3 (1.3)	50.1 (4.0)	-8.2*
2004	58.4 (1.4)	44.5 (4.2)	-13.9*
2000	53.8 (1.5)	42.3 (4.6)	-11.5*
1996	52.7 (x)	40.5 (x)	-12.2*
1992	57.9 (0.8)	46.3 (2.6)	-11.6*
1988	57.1 (0.9)	40.8 (2.8)	-16.3*

Note: Percentages are for Voting Age Population (VAP).

Source: 1988-2012. Statistical Abstract of the United States (Table 4), Bureau of the Census.

Significant at .10; 90 percent confidence interval. X = missing value. \* = Outside the statistical margin of error.

Table 6.5 lists self reported turnout by race in Florida from 1988 to 2012. This data, which supports the Census based registration numbers, reveals low levels of self reported black turnout. From 1988 to 2012, black Floridians reported turning out at consistently lower rates than whites. In every year, white turnout outpaced black turnout.

Despite this disparity, black participation does appear to have risen in 2008 before dropping slightly in 2012. Although the difference between estimated voter turnout for African Americans in those years were within the margins of error, in both years blacks in Florida reported voting at around 50 percent. Additionally, in the two most recent presidential elections, the difference between black and white self reported participation fell within single digits.

Census estimates supported the general narrative of rising black participation in Florida with smaller (than North Carolina) spikes in 2008 and 2012. However, these estimates were imprecise and required additional confirmation.

**Table 6.6 State Reported registration rates by Race in Florida in presidential elections 1996-2012 (percent)**

	White	Black	Gap
2012	60.6%*	50.5 %	-10.1%
2008	69.2%	51.7 %	-17.5%
2004	67.6%	46.5%	-21.1%
2000	63.9%	39.1%	-24.8%
1996	65.3%	39.4%	-25.9%

Note: Percentages are calculated by merging Census Population estimates (1996, 2000 to 2008, and 2012) with county registration reports. See appendix A for details.

Source: U.S. Census Bureau; Florida Division of Elections (1996-2012)

\*Due to inconsistencies with data white population of Miami-Dade County is excluded from the 2012 data.

Table 6.6 lists state reported registration in Florida by race from 1996 to 2012. This table reveals two interesting narratives. First, African American voters made noticeable gains at narrowing racial differences in participation. In 1996, white Floridians registered over 25 points higher than blacks in the state. By 2012, that disparity was cut by more than half. However, black Floridians still trailed whites in registration by ten percent. Again, estimates for white registration in 2012 were less reliable due to changes in the way whites and white Hispanics were counted by the Census in Miami-Dade County between 2008 and 2012.<sup>82</sup>

Despite these advances, African American registration regressed for the 2012 election. The 50 percent black registration rate in 2012 was lower than in 2008, lagged far behind North Carolina's black registration of 69.4 percent, and continued to trail considerably behind whites in

<sup>82</sup> See Appendix A for a detailed discussion.

Florida. From 1996 to 2012 the average registration rate for blacks in Florida was just over 58 percent. For whites the mean for the same period was just over 65 percent.

Florida's state reported registration indicates that Census estimates were biased, in most cases over-estimating black registration in Florida. The development of African American voting in the state presents a glass half filled, half empty dilemma. On one hand, racial differences in voting decreased. On the other, significant disparities persisted.

### *Comparing Registration*

An examination of state legislative election reforms from 1988 to 2012 reveals that Florida officials adopted voter suppression measures more often than those in North Carolina. Both states instituted a range of reforms to make voting easier including early voting, expanded registration periods, rule standardization, and voter education. Despite these efforts, Florida leaders adopted a number of voter suppression policies that were absent or weakened in North Carolina. From felon disenfranchisement statutes to retractions of the early voting period, Florida officials repeatedly passed legislation thought to suppress turnout. How did these measures impact African American participation?

Although the Census data presented larger gains, this study compares state reported registration rates between Florida and North Carolina from 1996 to 2012 for a more conservative estimate.

**Table 6.7 State Reported African American Registration in Florida and North Carolina presidential elections 1996-2012 (percent)**

	Florida	North Carolina	Gap
2012	50.5%	69.4%	19.8%
2008	51.7%	67.6%	16.5%
2004	46.5%	52.9%	11.8%
2000	39.1%	52.7%	13.3%
1996	39.4%	50%	9.8%

Note: Percentages are calculated by merging Census Population estimates using “one-race” only data for (1996, 2000 to 2008, and 2012) with county registration reports. See appendix A for details.

Source: U.S. Census Bureau; North Carolina State Board of Elections (1996-2012); Florida Division of Elections (1996-2012).

Table 6.7 displays state reported registration rates for African Americans in Florida and North Carolina from 1996 to 2012. The differences between the registration rates of African Americans across the two cases were sizeable. Black voters registered to vote at much higher rates in North Carolina out pacing black Floridians by nearly 20 percent in 2012. Moreover, the gap between the two states grew. In fact, North Carolina’s black registration rate of 50 percent in 1996 was higher than any reported by Florida between 1996 and 2004. Beginning in 2008, the gap in black registration between the states rose dramatically. In that year, differences between black registrations increased from 11 percent in 2004 to 16 percent in 2008. For the 2008 and 2012 elections, black Floridians registered at just 52 and 50 percent. Significantly lower than black registration in North Carolina for the same years.

Increases in black registration were much more pronounced in North Carolina for the Obama election and reelection campaigns. In 2008, state reported black registration in North Carolina was nearly 68 percent and in 2012 it rose to almost 70 percent. Although blacks in Florida registered at their highest rates in 2008 and 2012, these increases amounted to only a few

points difference from 2004. Compare that to North Carolina where black registration increased by 15 points between 2004 and 2008, and by another two percent in 2012.

This registration data supports several clear conclusions. First, African American registration was much higher in North Carolina than Florida. Second, black participation was up in both states for the 2008 and 2012 elections. However, blacks in North Carolina made more significant increases. Third, the disparity across states grew over the time period under study. In sum, black political participation in Florida appears suppressed when compared to the dynamic gains made in North Carolina.

### *Voter Suppression Hypotheses*

What can participation rates tell us about the effectiveness of voter suppression? When assessed in conjunction with the leading voter suppression hypotheses, this data can help to eliminate or bolster the assumptions and predictions associated with competing frameworks. This current project's hypotheses were assessed in light of the qualitative and quantitative data presented.

*Hypothesis 1: Discouraging Voter Hypothesis.* The standard model of voter suppression concluded that voter suppression measures were either misguided or intended to impede the participation of targeted groups. In the absence of significant voter fraud, efforts to tighten the voting process burdened legitimate voters depressing turnout (Piven et al 2009, p. 202; Bassetti 2012; Overton 2006, p. 148).

Differences observed between African American participation in North Carolina and Florida were consistent with voter suppression having a negative impact. On all three measures, blacks in North Carolina participated at higher levels than those in Florida. From 1996 to 2012,



the gap in state reported black registration between the states grew eight percent. By 2012, blacks in North Carolina registered almost 20 percent higher than their counterparts in Florida.

If extraneous casual variables can be ruled out, these differences lend strong support to the argument that voter suppression impacted the participation of African American voters.

*Hypothesis 2: Ensuring Integrity Hypothesis.* A small set of voter suppression proponents argued that these laws actually help promote turnout (Lott 2006, p. 11). This approach assumes that voter suppression laws increased the safeness and integrity of elections. Subsequently, as citizens acquire more confidence in clean elections, participation increases.

The data however does not support this interpretation. With increased voter suppression mechanisms in place in the state, this hypothesis predicted that Florida would display higher participation. Contrary to this prediction, in the two most recent presidential election years, both whites and blacks participated at lower levels in Florida than their counterparts in North Carolina. If voter suppression laws promoted integrity and turnout, we would expect Florida to display cleaner elections and higher levels of participation. The former is a subjective judgment, but recent elections in Florida were rife with controversy. The latter was contradicted by all three measures of participation presented in this study.

Additionally, the gap between black registration across Florida and North Carolina for 2012 was nearly 20 percent. The same for whites across states was only six percent. This data provides additional evidence of racial effects. Despite a highly motivated and mobilized African American community, blacks in Florida failed to eliminate the racial gap in participation.

The ensuring integrity hypothesis was further weakened by its primary justification. Proponents of this hypothesis often assumed the existence of significant occurrences of voter fraud in contemporary American elections (Fund 2008, p. 196; Lott 2006, p. 11). The current

study relied on the established literature to rule out this argument (Minnite 2010, p. 57; Piven et al 2009, p. 202; Hasen 2012, p. 6). Minnite (2010) concluded that voter fraud was rare and that allegations of fraud were strategically employed to justify voter suppression laws (Minnite 2010, p. 153). This study accepts the conclusion that voter fraud was not wide spread in Florida and North Carolina from 1988 to 2012.

Further, Lott's (2006) formulation is refuted by the evidence presented in this study. Most notably, Lott hypothesized that if voter fraud were rampant; then voter suppression measures would produce lower, but more accurate, turnout (Lott 2006, p. 4). Both racial groups in Florida displayed increasing levels of turnout from 1988 to 2008. However, blacks continued to trail behind whites in the state. From 1996 to 2008, whites in Florida registered on par with their counterparts in North Carolina. The same cannot be said for blacks in Florida. By 2012 the difference in black registration across states was stark.

*Hypothesis 3: Minimal Effects.* Berinsky (2005) contended that the impact of voter suppression laws were likely minimal and limited by several factors. Most importantly, contemporary laws targeted citizens who were the least likely to vote and presented only minor hurdles to participation (Berinsky 2005, p. 482). Additionally, many of these efforts were frustrated by legal and political opposition.

The minimal effects model cannot be conclusively ruled out. Due the complex interaction between the broader push for pro-voting reforms and targeted demobilization, the precise effects of voter suppression were difficult to establish. It is likely that the effects were contingent upon local circumstances. In some elections the impact may be minimal; in others it may be crucial.

However, sizeable differences in African American participation across states suggest that the effect of voter suppression was substantial during the 2008 and 2012 elections. If nothing else, the dramatic gains in black participation in North Carolina proved that racial disparities in voting could be overcome with the right combination of conditions. These conditions would combine high levels of interest, motivation, and excitement with minimal institutional barriers to participation like voter suppression.

*Hypothesis 4: Voter Suppression Backlash Hypothesis.* This hypothesis predicted that minority voters would respond to voter suppression laws with increased turnout.

The current study identified two plausible mechanisms by which this might occur. The first assumed that backlash effects were localized. Under this model, blacks in Florida should participate at higher rates due to the motivating force of offensive voter suppression measures. The data does not support this interpretation. Blacks in Florida participated at higher levels for the 2008 and 2012 elections than previous elections, but these gains were dwarfed by much larger increases by blacks in North Carolina. Although the racial disparity in participation has decreased, black Floridians still lagged behind whites by a significant difference.

The second possibility for backlash assumed that push back will be more intense in states without voter suppression regimes. Localized backlash may be offset by actual voter suppression mechanisms resulting in a wash. Further, African Americans in states without voter suppression regimes may face optimal conditions for mobilization. Avery (1989) predicted that the perfect combination for increased turnout involved high mobilization, low demobilization, and a motivated electorate. African American voters in non-voter suppressive states have motivation and an uninhibited pathway to express their discontent.

Since participation data was largely silent on intent, assessing the precise role of backlash was difficult for the current study. However the data does not support localized backlash. If black participation in Florida increased in direct response to voter suppression, the effect was not large enough to offset racial disparities. Further, higher rates of participation in North Carolina were consistent with black voters having heightened motivation but this study could not substantiate any specific non-localized backlash effects. On this matter, this study can only speculate that backlash contributed to historically high black participation in North Carolina.

Although differences in African American participation between the two states were clear, this study acknowledges the need to evaluate alternative explanations.

#### *Assessing Alternative Explanations*

Researchers have long investigated demographic changes as causal factors in shaping partisan realignment. Scholars disagree on how diversification has altered southern politics. For example, Prysby (2008) argued that “race is clearly the most important demographic factor influencing voting in North Carolina” (Prysby 2008, p. 67). While Luebke (1998) was skeptical that demographic changes would bring about dramatic short term changes in Tar Heel politics. He argued that, “For the foreseeable future the additional coloring and diversity” [of the state] “will have little effect on politics. Only as they become citizens and their children turn 18 are Latinos and Asians likely to impact politics” (Luebke 1998, p. 133).

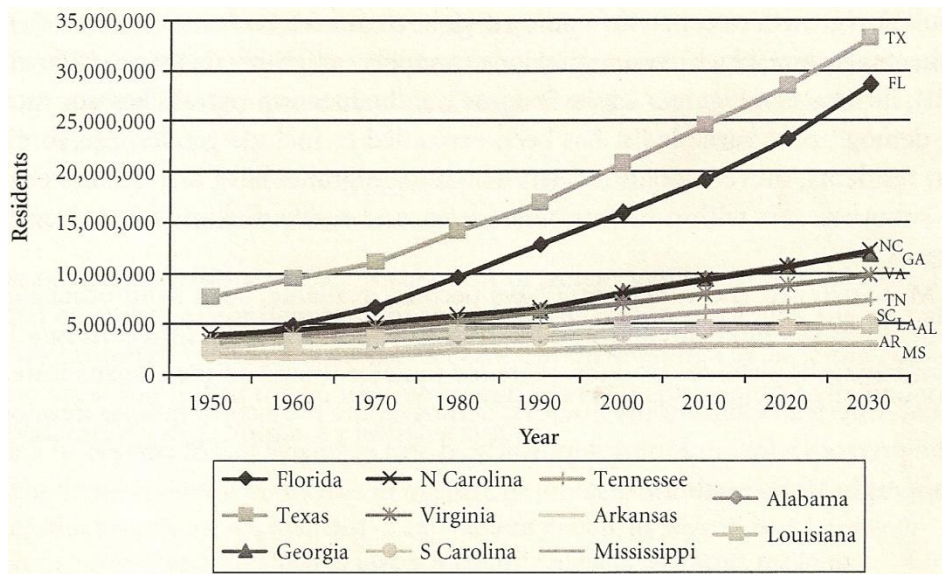
Building on V.O. Key’s (1949) original analysis of the southern states, researchers developed a number of demographic and socio-economic variables thought to influence participation. These included population growth, nativity, race, urbanization, income, and education. To rule out alternative causes, this study compares these measures across cases. For

this purpose, I employ the literature which provides demographic profiles of each southern U.S. state for recent years (MacManus 2012, Chp. 3).

*Growth and Migration*

Both Florida and North Carolina have experienced massive growth since 1950. Along with western states, those in the southern U.S. have doubled the population growth rates of other regions (MacManus 2012, 50).

**Figure 6.1 Population size by southern state 1950 – 2030.**



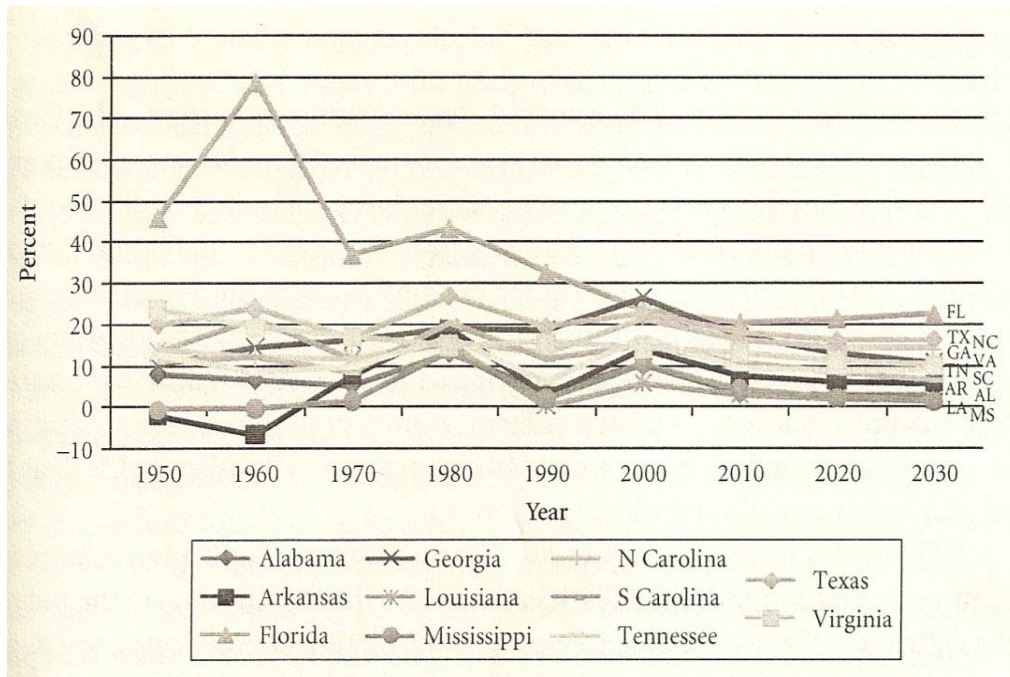
Source: U.S. Census Bureau (McManus 2012, 50).

Figure 6.1 displays total population estimates and projections for each southern state from 1950 to 2030. Florida ranked second to only Texas as the fastest growing state in the region, and Census population estimates projected the trend to continue. From 1950 to 2000,

Florida climbed from 20<sup>th</sup> in population to 4<sup>th</sup> in the nation (Woodard 2006, p. 64). By 2030, Florida’s population is expected to reach close to 30 million residents (McManus 2012, p. 51).

Although North Carolina’s population growth lagged behind the region’s leaders, the state grew at a steady rate. By 2030, North Carolina is expected to boast a population of 13 million residents. This would place the state in the second tier of the region’s most populated states competing with Georgia and Virginia.

**Figure 6.2 Population growth rate by southern state 1950 – 2030.**



Source: U.S. Census Bureau. (McManus 2012, p. 51).

Figure 6.2 reveals the population growth rate and projections for southern states from 1950 to 2030. Although Florida has historically experienced the fastest overall growth and immigration of new residents, the state has leveled out in recent years. Florida remained the fastest growing state in the region, but North Carolina and other competitors were not far behind.

In sum, Florida's population grew larger and faster than almost all states in the region, with the exception of the region's population leader Texas. Although not as populated, North Carolina shared similar general demographic profiles. The Tar Heel state also grew; enough so to compete with other second tier states in the region.

The current study identified no indications that suggested either the total population or growth rates likely depressed the political participation of African Americans in Florida differently than those in North Carolina.

### *Size of African American Population*

Two direct outcomes of population growth were racial and ethnic diversity. Both cases displayed high levels of growth and diversification. Diversification may impact political participation in several ways. First, immigration can alter the balance of native to foreign born residents. This was true for residents born outside of the country, the state, or the region. Second, the process could disrupt the racial status quo. This included the traditional black/white racial paradigm, but also the addition of Hispanics and other ethnic groups. Finally, diversification alters the composition of the electorate.

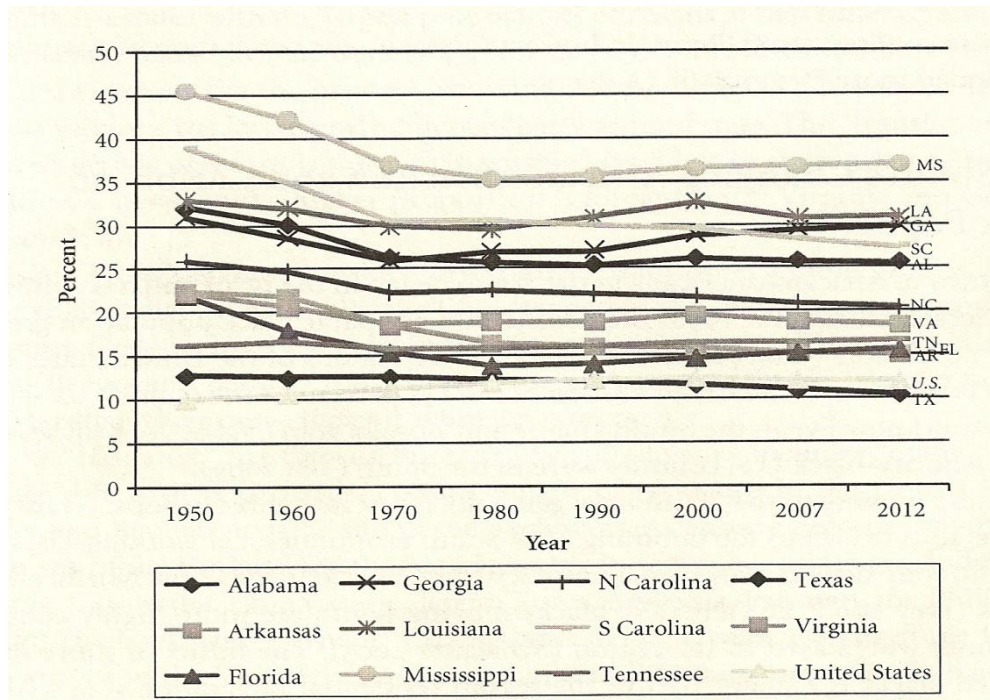
One significant historical difference between the two cases has been the size of each state's African American population. Historically, the size of Florida's black population was smaller compared to other states in the region while North Carolina's has been larger. Some argued that Florida politics were different because a smaller black population limited racial politics. Although politics in the state were not without racial discord, politicians avoided race baiting as often, or intensely, as those in other Deep South states (Woodard 2006, p. 259). Despite these historical traditions, growth and diversification have disrupted these trends.

Much of Florida's growth was due to a massive influx of new minority voters. From 1990 to 2005, the African American population increased from 13.8 percent to 15 percent of the state (Colburn 2007, p. 5). This reversed the long trend of black outward migration. In 2004, Broward County attracted more new black residents than any other county in the nation (Colburn 2007, p. 5). The new arrivals included Hispanic and Caribbean immigrants, but also many African Americans. Colburn (2007) cited Florida's favorable business climate and the success of the state's minority small business owners for creating a welcoming climate for the newcomers (p. 5).

Although not as diverse as Florida, North Carolina exhibited a sizeable African American population hovering around 22 percent, compared to 13 percent nationally. Was it possible that North Carolina's black community displayed higher levels of participation because of its size? As the adage goes, perhaps strength in numbers promoted political participation.



**Figure 6.3 Percentage black population by southern state, 1950 – 2012.**



Source: U.S. Census Bureau, Decennial and American Community Surveys; DemographicsNow.com (McManus 2012, p. 62).

Figure 6.3 displays the percentage black population by southern state from 1950 to 2012. The size of North Carolina's black community cannot be discounted as a factor in promoting black participation. To test the impact of community size, this study compares participation across states by county. If the relative size of the minority community were a critical difference, we would expect African Americans who resided in counties with higher black populations to display higher levels of participation.

To further assess these questions, this study employs the state reported county-level registration data compiled by this study.

**Table 6.8 State Reported African American Registration in Florida and North Carolina by Percentage County African American in 2012**

Florida		North Carolina	
% County Black	Black Registration	% County Black	Black Registration
0-10% ( <i>n</i> =25)	43.8%	0-10% ( <i>n</i> =36)	65.2%
11-19% ( <i>n</i> =30)	50%	11-19% ( <i>n</i> =18)	67.7%
+20% ( <i>n</i> =12)	52.6%	+20% ( <i>n</i> =46)	70%

Note: Percentages are calculated by merging Census Population estimates (2012) with county registration reports. See appendix A for details.

Source: U.S. Census Estimates; North Carolina State Board of Elections (2012); Florida Division of Elections (2012).

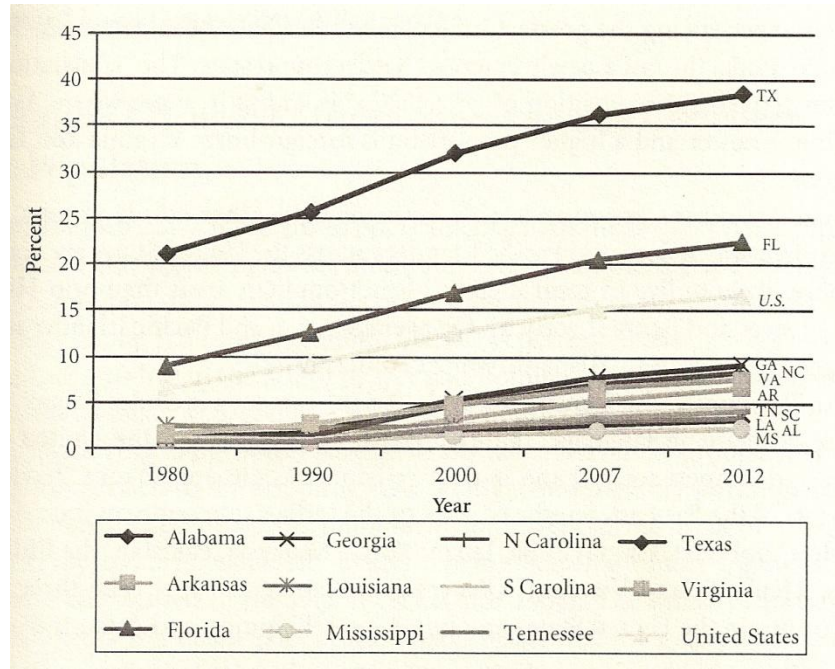
Table 6.8 reveals state reported registration for African Americans by the size of a county's black population for the 2012 election. A general trend can be identified. The size of the black population was positively correlated with black registration rates. In counties where African Americans comprised over ten percent of the total population (for this study only counting two racial groups), African Americans registered at higher rates than in counties with less blacks. However, this effect was more pronounced in Florida. These findings suggest that the size of a relevant minority population merits further consideration as a factor that can promote participation.

#### *Size of Hispanic Population*

Another potential difference between cases was the size of each state's Hispanic population. Although Florida has fewer African American citizens, the state boasted the second highest concentration of Hispanics in the South, trailing only Texas. North Carolina's Hispanic population was smaller, but has grown too. By 2004, Hispanics grew to six percent of North Carolina's total population, placing it fourth in the region (Cooper and Knotts 2008, p. 4). In

1990, there were approximately 77,000 Hispanics in North Carolina. By 2006, that number had exploded to 600,000 and continued to climb (Christensen 2008, p. 307).

**Figure 6.4 Percentage Hispanic population by southern state, 1980 – 2012.**



Source: U.S. Census Bureau, Decennial and American Community Surveys (McManus 2012, 59).

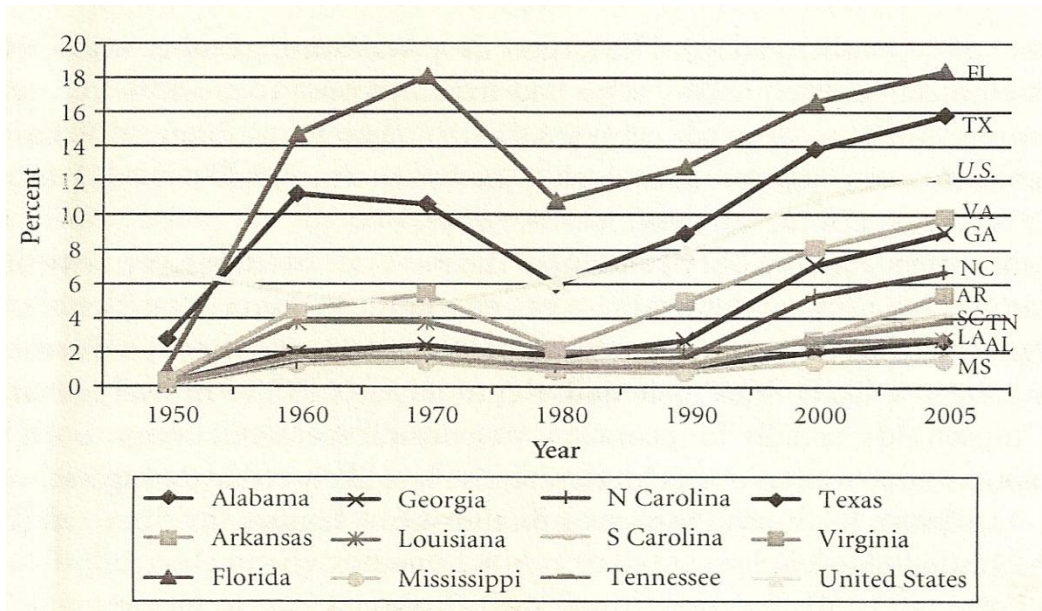
Figure 6.4 reveals the percentage Hispanic population by southern state from 1980 to 2012. This data confirms that Latinos comprised nearly a quarter of Florida’s population. Although this study cannot fully assess the role of the Hispanic community, this data suggests that the ethnic and racial composition of the state may be another fruitful avenue for future research. Perhaps the addition of a third ethnic group in Florida altered the political dynamic depressing African American participation in some way. It would also be of worth to explore the role of the Hispanic population and its relationship with voter suppression laws. Ultimately, the backlash might best be measured by including all targeted groups and their responses. Although

this study focused on African American participation, the literature and evidence suggested that Hispanic voters were, and are, targets of voter suppression also.

*Nativity*

Another factor that may depress turnout in Florida might be the high percentage of foreign born residents. This category includes all residents born outside of the United States. Florida boasts the highest percentage of foreign-born residents of any state in the nation. By 2005 that number climbed to 18 percent of the state’s total population (McManus 2012, p. 57). This could depress turnout as foreign born residents must often overcome social and language barriers to participation.

**Figure 6.5 Percentage foreign-born by state 1950 – 2005.**



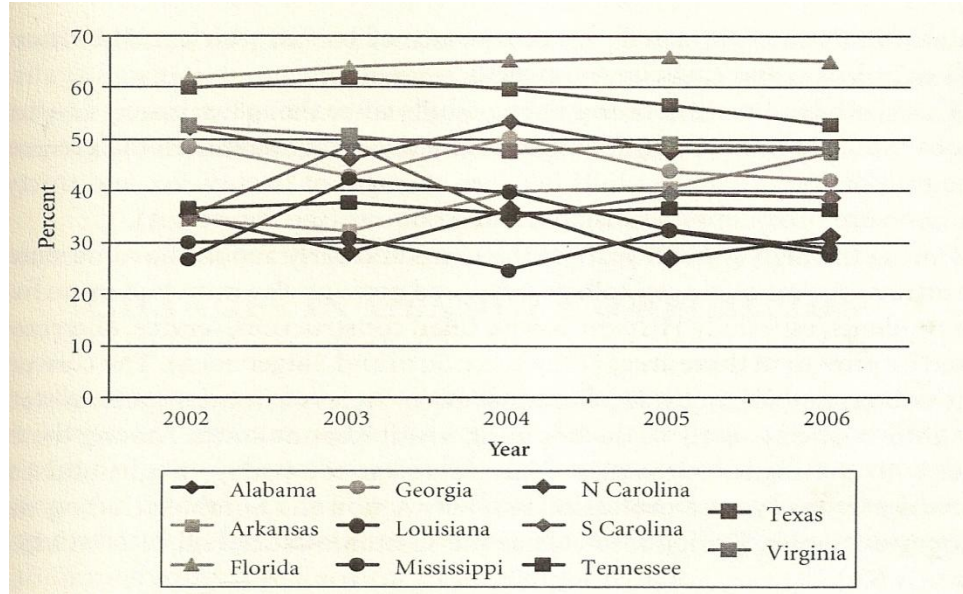
Source: U.S. Census Bureau, Decennial and American Community Surveys (McManus 2012, p. 57).

Figure 6.5 displays the percentage of foreign born residents by southern state from 1950 to 2005. Florida and Texas stand out for their exceptionally higher than the national average percentages of foreign born residents.

However, North Carolina features its own sizeable share of foreign born residents. Beginning in 1990, the percentage of foreign born North Carolinians grew. In that year, less than two percent of North Carolina's citizens were born outside of the U.S. By 2005, that number climbed to over six percent. These numbers suggest that both states became more diverse with each passing year. Although the percentage of foreign-born residents in a state might depress overall turnout, how this process impacted African American political participation is unclear. Florida boasts a sizeable community of Caribbean blacks, but these populations do not account for the large differences in participation between blacks and whites in the state.

Another factor associated with demographic growth was the percentage of residents born native to the state.

**Figure 6.6 Percentage state natives, 1950 – 2006.**



Source: U.S. Census Bureau, Decennial and American Community Surveys; DemographicsNow.com (McManus 2012, p. 65).

Figure 6.6 displays the percentage of native-born residents of each southern state. Despite the influx of foreign born residents, Florida led the region in the percentage of its residents born in the state. From 2002 to 2006, over 60 percent of the state's residents were natives and conversely the state featured the smallest percentage of migrants from outside of the South (McManus 2012, p. 65).

Traditional voting theory suggests that foreign born and non-native residents may lack the social bonds, history, and tradition, conducive to political participation (Verba et al 1995, p. 454-455). However, North Carolina's population included only 30 percent of its citizens born in the state. If local attachments to home and community inspired participation, then participation in Florida should outpace the same in North Carolina where less of its citizens were born there.

### Age

Florida holds a reputation for attracting retirees. By 2012, nearly 18 percent of the population were 65 years of age or older. Since the 1950's Americans migrated to the state during their retirement years to enjoy the weather and relaxed lifestyle. These migration patterns continued into the contemporary era. From 1995 to 2000, seniors flocked to Florida making it the strongest "senior magnet" state scoring a net migration rate of 56.9 (McManus 2012, p. 63). The *net migration rate* measures how many senior (older than sixty-five years of age) citizens migrated into the state for every 1,000 older individuals already residing there (McManus 2012, p. 74).

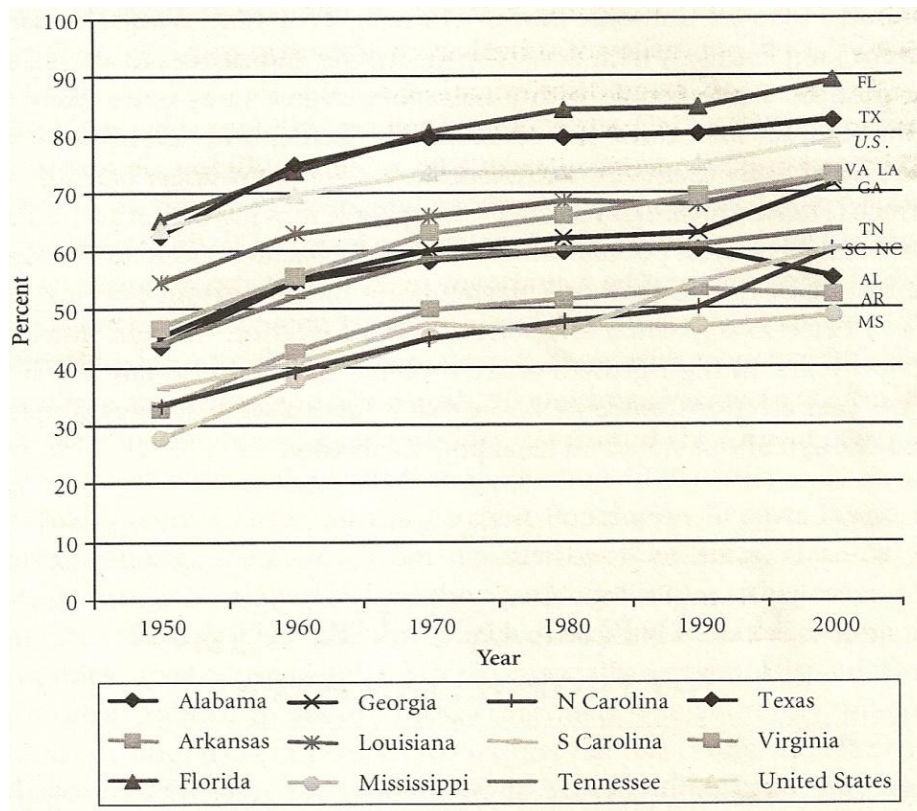
The standard model of participation suggests that political participation increases with age. Senior citizens and retirees possess the time, resources, and interests that promote participation and these citizens tend to turn out at higher rates than other age cohorts. In the last fifty years, a number of interest groups like the American Association for Retired Persons (AARP) helped America's seniors congeal into a coherent and influential voting bloc (Popkin 1994, p. 30). However, elderly Americans were attracted to other states in the region and North Carolina was no exception. From 1995 to 2005, North Carolina's net migration rate of 22.1 trailed only South Carolina and the regions leader, Florida. By 2012, residents 65 years and older accounted for nearly 14 percent of the state (McManus 2012, p. 62).





South, as a region, recently experienced heavy urbanization. Although most states in the region began urbanization as early as the 1950's, this process developed unevenly across states. Long passed were the days where most southern citizens resided in rural areas with agrarian economies. Now, most southerners live in the urban inner cities or the surrounding suburbs. The same was true for both cases. However, only Florida and Texas exhibited urban population counts above the national average (McManus 2012, p. 54-55).

**Figure 6.8 Percentage urban by state, 1950 – 2000.**



Source: U.S. Census Bureau (McManus 2012, p. 54).

Figure 6.8 displays the percentage of the total population that resided in urban areas for southern states from 1950 to 2000. Florida experienced the highest rate of urbanization in the

region. Nearly 90 percent of the state resided in urban areas. Scholars stressed the importance of county level politics and competition in Florida's urban centers. Florida was a large state geographically, but high urbanization allowed political actors to gain state wide attention by focusing on urban markets and their surrounding suburbs (Woodard 2006, 74).

North Carolina did not quite follow Florida's lead when it comes to urbanization. In fact, North Carolina's rate of urbanization trails behind the national average at 60 percent. Despite this difference, it was unclear as to how urbanization effects participation. On one hand, urbanization can promote political participation by improving access to polling locations, increasing media attention, and fostering an active political debate. On the other hand, the process could depress participation by weakening social bonds that promote participation. The former was likely the more influential.

### *Education and SES*

Finally, this study examined educational and socioeconomic measures to see if the two states were comparable. On education and income, Florida and North Carolina displayed similar profiles and trends. In 2012, both states could boast that around 28 percent of their adult citizens were college graduates. These scores were just below the national average of 30 percent (McManus 2012, p. 71).

Additionally, Florida and North Carolina scored very similar on economic measures. For median family income and income per capita, both states scored just below the national averages. For 2012, the median family income for both cases was around 54,000 dollars (McManus 2012, p. 70). These close similarities across SES measures suggest that differences in participation across states were not caused by these factors.

*Summary*

The measures of participation examined, including turnout and registration data, indicated that African American participation in Florida lagged behind gains made in North Carolina. Blacks in North Carolina participated at higher levels, and displayed noticeably higher increases for the 2008 and 2012 elections. This study contends that voter suppression efforts were, in part, responsible for these differences. An assessment of alternative explanations provided mixed results. Although Florida and North Carolina shared similar demographic and growth profiles, all potential differences could not be eliminated. For example, the relative size of North Carolina's black population and Florida's Hispanic population could not be discounted. These factors remain areas of interest for future research.

## CHAPTER 7: Conclusions and Recommendations

### *Introduction*

The purpose of this project was to examine voter suppression laws and their impact on African American participation. To do so, this study compared two state voting systems, Florida and North Carolina. The current study builds on the theoretical framework introduced by Carmine and Stimson (1989), which emphasized the linkage between racial and partisan politics. More specifically, this dissertation process traced election system reforms and their impact on black registration and turnout. New data sources were employed to assess the plausibility of several competing theories of voter suppression. This study found that state leaders in both cases, Florida and North Carolina, instituted many reforms intended to make voting easier. In line with federal legislation, election officials adopted programs like early voting, one-stop voting, no-excuse absentee balloting, and registration at public offices. Despite this progress, this study identified selective efforts to target groups for demobilization and voter suppression. In one case, officials adopted a broad range of pro-voting reforms while avoiding intensive voter suppression measures. In the other, state leaders developed a much tougher voter suppression regime. This study finds that the political development and levels of black participation in the two cases were consistent with voter suppression laws having a depressive effect.

This kind of investigation of targeted demobilization is important due to the recent proliferation of voter suppression laws. The issue carries scientific and theoretical importance, but also practical significance. The changing demographics of American society will no doubt alter our politics by disrupting old alignments. If the construct described by Carmines and Stimson (1989) proves correct, specifically the merger of racial and ideological issues; then the

diversification of the American electorate may prove decisive in determining how battles over voting rights, and other public policy debates, are resolved.

### *Main Findings*

Careful process analysis across cases resulted in several important findings. The primary findings supported *hypothesis 1* and rejected *hypotheses 2*. This study's results were inconclusive on *hypotheses 3* and *4*. Although not all of the hypotheses could be ruled out, the data collected provided insights into all four of the competing frameworks evaluated.

**H<sub>1</sub>**, *the discouraging voter hypothesis*, argued that voter suppression measures negatively impacted African American participation (Piven et al 2009, p. 202; Bassetti 2012, p. 174; Overton 2006, p. 148). Process analysis revealed stark differences in the level of voter suppression across the cases. In Florida, state officials engaged in a concerted effort to depress the turnout of Democratic-leaning voters. These efforts included, but were not exclusive to, African American voters. Further, this study found that these efforts were successful at depressing black participation, as measured using registration and turnout data. African American participation in Florida lagged behind that of whites in the state, and also behind African Americans in North Carolina, across multiple measures.

**H<sub>2</sub>**, *the ensuring integrity hypothesis*, predicted that heightened elections security and voter suppression laws would promote confidence and induce higher participation (Lott 2006, p. 4). According to the assumptions of this model, Florida elections should have displayed higher levels of participation. This study's data denotes otherwise on two counts. First, in the past two elections, overall participation in Florida lagged behind that in North Carolina. Both black and white Floridians participated less than their counterparts in North Carolina. Additionally, the

racial disparity in voting proved more persistent in Florida. Second, the absence of equitable increases across states in 2008 and 2012 challenges the importance of motivation. In Florida, high levels of excitement for these two presidential contests among African American voters only produced small increases in participation.

**H<sub>3</sub>**, *the minimal effects hypothesis*, posited that voter suppression was ineffectual mainly because voters were likely to overcome all but the strictest of voter suppression mechanisms (Berinsky 2005, p. 482). Although this hypothesis cannot be completely ruled out, the data strongly indicated that the impact of voter suppression varies. Large differences in black participation across states confirm that something depressed black participation in Florida. As this study cannot eliminate every potentially spurious relationship, I reserve a final judgment on the minimal effects model. Nonetheless, the evidence was consistent with voter suppression having a sizeable impact on black participation in 2012.

**H<sub>4</sub>**, or *the backlash hypothesis*, questioned whether voter suppression laws inspired enough push back to mitigate their effectiveness. The current study was unable to reach a decisive conclusion on the scope of backlash. However, I was able to identify two pathways by which backlash might occur. The first, localized backlash was not supported by the evidence. Although black participation in Florida was up in 2008 and 2012, these increases were minor compared to North Carolina. This means that either counter demobilization efforts were ineffective, or that backlash and voter suppression cancelled each other out. The second avenue for backlash involved push back across state lines. The current study was unable to isolate interstate backlash effects. Yet, the data did not preclude it. One possible explanation for the high rates of black participation in North Carolina may be that higher participation was a response to voter suppression in other states. Publicized voter suppression efforts may trigger the winning

combination of motivation and access. African Americans in states that lack aggressive voter suppression regimes may be motivated by media accounts and civil rights protests. Without legal and administrative barriers to suppress them, it makes sense that these voters would turn out in higher numbers. However, without more specific data measuring voter intent this finding is only speculative.

Although the evidence only fully supported the first hypothesis, the analysis produced several interesting ancillary findings. First, voting frameworks were subtle. Various protections against racial disfranchisement prevented the most egregious voter suppression laws. Therefore, contemporary voter suppression operated at the margins making it challenging to separate anti-democratic targeting from legitimate partisan conflict. Despite this difficulty, officials in Florida pursued much harsher voter suppression policies than those in North Carolina. Beginning in 1998, Florida's legislature adopted several reforms suspected of depressing black participation.

As a result, black participation was much higher in North Carolina than in Florida. This finding was consistent across multiple measures. This study confirms that racial disparities in participation can be mitigated with the right combination of motivation and mobilization. In North Carolina, with a sizeable African American community with a strong tradition of civil rights activism; mobilization and participation were high. Turnout in the 2008 and 2012 elections show that when politics matter to voters, even those with a history of low turnout can be inspired to the polls. This is consistent with prior studies that found that African Americans have historically displayed extremely high turnout when motivated and mobilized. During Reconstruction, African American turnout was nearly 90% in some areas (Goldfield 1997, p. 121). However, African American participation rates reached dramatic lows under less favorable

institutional conditions. For example, in 1964 black registration in Mississippi was reportedly less than seven percent (Parker 1990, p. 23).

The standard explanation for political participation suggests that massive growth and out-of-state immigration produces an electorate disconnected from local politics, more loyal to their hometown allegiances. This was not supported in North Carolina where growth and turnout were high. Other factors indicate that Florida should display higher turnout including high profile partisan conflicts, the large numbers of senior voters, and close competition in presidential elections. Despite these competing claims, this study finds that Florida and North Carolina experienced similar demographic trends.

Finally, an analysis of partisan transition confirms the linkage between realignment and targeted demobilization. This study identifies a rise in voter suppression measures occurring in both states following GOP takeovers of each state's government. Partisan transition occurred first in Florida in 1998, and then later in 2013 for North Carolina. In both cases, the newly seated Republican majorities adopted several voter suppression measures. However, the data in Florida from 1988 to 2012 indicated that Republican elite support for voter suppression was not monolithic. For example, the wavering implementation of "no-excuse" absentee balloting rules signified differences among officials over specific measures. This study speculates that differences among Republicans on this issue likely mirror differences between ideological and racial conservatism discussed in the literature review.

#### *Limitations of Study*

Like all research methods and designs, this study has its strengths and limitations.



The primary weakness of this study was the danger inherent in drawing broad conclusions from a limited number of cases. Although detailed process analysis can mitigate some of these risks, I accept that comparisons of participation data were less reliable than comparisons of actual state laws. In the case of the former, it was difficult to eliminate all potential sources of spuriousness. For the latter, process analysis allowed for a comprehensive comparison of each state's political development. To improve upon the current study, researchers could expand this type of detailed process analysis to other states.

A second limitation, inherent to any form of historical analysis, was that this study suffered the risk of over-generalizing or omitting important points. Examining an extended time period requires that some elements be glossed over. This study undoubtedly covers some important materials too briskly, while perhaps omitting others altogether. In order to mitigate this problem, this study relied on established works on Florida and North Carolina state politics. This study attempted to strike a balance between rich description and scientific parsimony.

A third limitation involved the reliability of data sources. State reported registration, Census population, registration, and turnout data were all vulnerable to error. Despite these concerns, these data sources remain the best available way to measure participation. Although exact estimates were imprecise, general trends in participation were much more reliable and consistent when evaluated across multiple measures.

### *Recommendations for Future Research*

The findings presented in this study offer several interesting avenues for future research. A good first step would be to increase the sample size to include a broader range of states. This

would allow for more in depth process analysis and comparison. Additionally, it would enable a fuller explication of the variables that influence the effectiveness of voter suppression.

A second area exposed by this study was the role of backlash. Future research should examine more closely the potential for localized and non-localized push back against these laws. Various surveys methods could be employed to deeply probe black citizen attitudes and opinions toward voter suppression laws and their reaction to them. Another approach might be to conduct qualitative analysis of civil rights and pro-voting protest groups to explicate the strategies used to counteract demobilization.

Third, researchers could identify additional alternative causes for the discrepancies in African American participation across states. This study discussed the leading demographic and SES variables suggested by the literature, but an expansion of this portion would strengthen the current findings. For example, two potential variables stood out. The size of the African American and Hispanic populations may impact the role each of these communities plays in state politics. Additional research is needed to more fully explain how these factors influence minority, and overall, levels of political participation.

Fourth, the current study emphasized legislative action and electoral reforms. Additional work is needed to investigate voter suppression measures that originate from the executive and judicial branches of government. The battle over voting rights was so dynamic precisely because elections laws were influenced by many different actors.

Finally, the most important prediction generated by this study concerns black participation in North Carolina. The state's partisan transition, followed by the passage of voter suppression legislation in 2013, provides an excellent opportunity to test this study's findings. In North Carolina, newly enacted voter suppression measures should allow for a strong test of the

impact of demobilization versus efforts to counter their effects. High African American turnout in North Carolina creates great risk, but perhaps also reward, for those seeking to erect barriers based on race. If North Carolina's recent voter suppression laws stand, then the next presidential election in 2016 should provide researchers an excellent opportunity to further evaluate the voter suppression hypotheses discussed in this study.

## APPENDIX A: STATE REPORTED REGISTRATION DATA PROCEDURES

State reported registration – this measure is calculated by combining official voter registration data from North Carolina’s State Board of Elections and Florida’s Division of Elections, with U.S. Census population estimates for presidential elections from 1996 to 2012. “One-race” Census data, collected at the county level, is combined with county level registration reports to estimate registration rates for black and white Voting-Age-Persons in each of the two state’s counties. To do so, county level population estimates for black and white voters are divided by the number of registered voters of each race to calculate racial registration rates. This study then totals registration by race for the state using the total registration reported by each county.

### Important Terms

Terms	Definition/Procedure
Total Population (TP)	Total population of all citizens of the county.
White Population (WP)	Census population estimate for “white (one race)” respondents.
Black Population (BP)	Census population estimate for “black (one race)” respondents.
% Black in County	$BP / TP$ (by race)
White Registration (WR)	State reported total number of white (non Hispanic/Other) registrants.
Black Registration (BR)	State reported total number of black (non Hispanic/Other) registrants.
White Rate by county (WR%)	$WR / WP$
Black Rate by county (BR%)	$BR / BP$
Total Registration Rates by County	Total reported registration all races.

#### Additional Notes:

1. This study uses U.S. Census County Population Estimates for “5 Race Alone and One Group with Two or More Race Groups”. Response categories used include White (one race) and Black or African American (one race).
2. State reported registration data collection and reporting procedures changed in 2008. For 1996, 2000, and 2004 – reports recorded whites, blacks, and “other”. Beginning in 2008, the option to answer Hispanic was added. However, the “other” and “Hispanic” categories are consistent across the switch, meaning that the size of the “other” community was very similar to the “Hispanic” data for the next election year. To test this, I visually examined midterm election years. However, this study still prescribes caution when making comparisons across the switch.

Due to these and other inconsistencies across Census reports, Hispanics are excluded from this analysis.

2. VAP – Voting Age Population – Census total population estimates include all adults 18 years of age. The VAP estimate includes non-citizens but excludes citizens overseas, military members deployed overseas, and institutionalized citizens like those in nursing homes, in prison or other settings. An alternative measure VEP, or Voting Eligible Population excludes felons, a point of focus for the current study.

Census Bureau turnout and registration data employ VAP data.

To remain consistent across measures, this study employs the VAP measure. This study calculates white and black registration rates as a measure of the total number of whites and blacks estimated to live in each county.

3. For 2012, white-alone respondent population data for Miami-Dade County are omitted from the analysis. The Census reported data for that year was over 2 million whites. Due to this discrepancy this data value is counted as a missing value. The difference is likely due to a change in the way whites and white-Hispanics are counted in the county.

4. County-level population estimates and registration data tables for years 1996 to 2004 available upon request.

5. State reported registration data derived from the Florida Division of Elections and North Carolina Board of Elections. The following reporting dates were used:

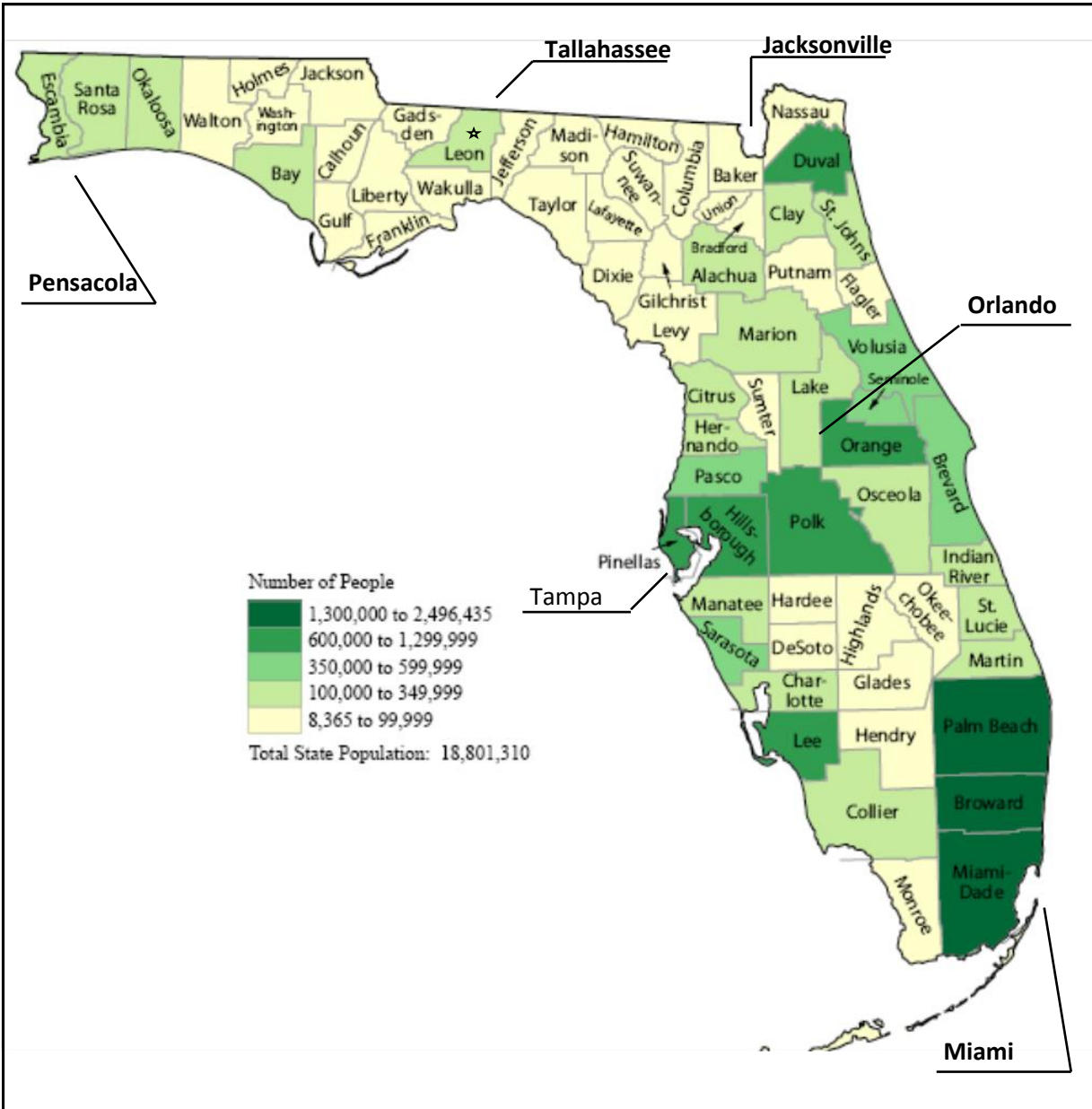
#### Florida

1996 – October 7, 1996; 2000 – October 10, 2000; 2004 – October 4, 2004; 2008 – October 6, 2008; 2012 - October 9, 2008.

#### North Carolina

1996 – April 1, 1996; 2000 – April 1, 2000; 2004 – May 1, 2004; 2008 – December 27, 2008; 2012 - December 29, 2012

**APPENDIX B: MAP OF FLORIDA; POPULATION BY COUNTY/MAJOR CITIES  
STATE OF FLORIDA; POPULATION AND REGISTRATION BY COUNTY AND  
RACE**



Source: U.S. Census Bureau. 2010 Census Redistricting Data Summary. [www.census.gov](http://www.census.gov).

### Florida, 2008 – Racial Population and Registration by County

County	Total Pop.	White	Black	% Black	Total Reg.	White Reg.	Black Reg.	White Rate	Black Rate
Alachua	241,364	165179	48069	19.9%	154,706	108,163	25,346	65.5%	52.7%
Baker	26,164	21712	3691	14.1%	14,172	12,315	1,345	56.7%	36.4%
Bay	163,946	134450	19874	12.1%	110,739	94,582	9,817	70.3%	49.4%
Bradford	29,012	21651	6255	21.6%	15,732	13,094	2,101	60.5%	33.6%
Brevard	536,521	432036	55214	10.3%	351,488	296,386	26,946	68.6%	48.8%
Broward	1,751,234	842529	436597	24.9%	1,008,656	579,315	207,451	68.8%	47.5%
Calhoun	13,617	10625	2172	16.0%	8,622	7,516	797	70.7%	36.7%
Charlotte	150,060	130739	9055	6.0%	118,837	106,711	4,407	81.6%	48.7%
Citrus	141,416	128468	4941	3.5%	102,742	94,960	2,142	73.9%	43.4%
Clay	184,727	147419	18914	10.2%	120,656	99,894	9,634	67.8%	50.9%
Collier	315,258	214392	17138	5.4%	203,075	174,600	6,148	81.4%	35.9%
Columbia	69,092	53368	12213	17.7%	38,272	31,087	5,415	58.3%	44.3%
DeSoto	33,991	18069	3997	11.8%	15,613	12,674	1,644	70.1%	41.1%
Dixie	14,957	13034	1438	9.6%	10,775	10,164	422	78.0%	29.3%
Duval	850,962	515279	253825	29.8%	536,588	337,241	147,704	65.4%	58.2%
Escambia	302,939	212925	69728	23.0%	195,193	144,962	36,894	68.1%	52.9%
Flagler	91,247	72001	10005	11.0%	60,079	47,856	5,456	66.5%	54.5%
Franklin	11,202	9014	1848	16.5%	7,722	7,036	587	78.1%	31.8%
Gadsden	47,560	17051	26034	54.7%	30,128	11,916	16,651	69.9%	64.0%
Gilchrist	17,191	15312	1212	7.1%	10,721	10,082	266	65.8%	21.9%
Glades	11,175	7406	1311	11.7%	6,584	5,550	420	74.9%	32.0%
Gulf	15,667	11603	3363	21.5%	9,123	7,915	1,002	68.2%	29.8%
Hamilton	14,348	7910	5082	35.4%	7,688	5,148	2,333	65.1%	45.9%
Hardee	28,888	13855	2520	8.7%	11,802	8,808	804	63.6%	31.9%
Hendry	39,453	14967	5130	13.0%	16,936	10,700	2,533	71.5%	49.4%

Hernando	171,689	144621	9518	5.5%	123,013	107,238	4,678	74.2%	49.1%
Highlands	100,011	72859	9228	9.2%	66,092	54,081	4,915	74.2%	53.3%
Hillsborough	1,180,784	686561	189670	16.1%	701,464	462,417	105,718	67.4%	55.7%
Holmes	19,328	17158	1420	7.3%	11,513	11,029	216	64.3%	15.2%
Indian River	132,315	105527	11866	9.0%	90,053	78,442	5,554	74.3%	46.8%
Jackson	49,656	34038	13407	27.0%	28,128	20,658	6,407	60.7%	47.8%
Jefferson	14,547	8964	5007	34.4%	10,310	6,756	3,311	75.4%	66.1%
Lafayette	8,013	5631	1358	16.9%	4,469	4,149	238	73.7%	17.5%
Lake	307,243	241243	28392	9.2%	188,702	156,694	14,361	65.0%	50.6%
Lee	593,136	436209	45635	7.7%	320,512	271,865	15,375	62.3%	33.7%
Leon	264,063	162550	83154	31.5%	174,544	110,728	47,597	68.1%	57.2%
Levy	39,460	32641	4314	10.9%	25,924	22,379	2,139	68.6%	49.6%
Liberty	7,957	5880	1477	18.6%	4,304	3,826	394	65.1%	26.7%
Madison	18,895	10617	7308	38.7%	12,278	7,453	4,274	70.2%	58.5%
Manatee	315,766	240894	27967	8.9%	206,211	177,757	13,290	73.8%	47.5%
Marion	329,628	254509	38928	11.8%	214,722	176,633	20,571	69.4%	52.8%
Martin	138,660	113797	8233	5.9%	101,155	92,506	3,646	81.3%	44.3%
Miami-Dade	2,398,245	437344	430570	18.0%	1,243,315	279,291	253,218	63.9%	58.8%
Monroe	72,243	53843	3695	5.1%	50,136	42,796	1,740	79.5%	47.1%
Nassau	69,835	61294	5886	8.4%	47,501	42,129	2,898	68.7%	49.2%
Okaloosa	179,693	145042	18847	10.5%	129,373	109,468	9,876	75.5%	52.4%
Okeechobee	40,359	26997	3464	8.6%	18,859	16,033	942	59.4%	27.2%
Orange	1,072,801	548058	212486	19.8%	604,243	328,026	104,486	59.9%	49.2%
Osceola	263,676	120566	25746	9.8%	136,544	68,601	10,765	56.9%	41.8%
Palm Beach	1,265,293	810545	201731	15.9%	831,423	628,870	97,095	77.6%	48.1%
Pasco	471,028	390456	21527	4.6%	294,431	255,597	9,647	65.5%	44.8%
Pinellas	910,260	724076	95545	10.5%	643,423	538,750	52,337	74.4%	54.8%



Polk	580,594	395406	82396	14.2%	332,015	247,945	40,660	62.7%	49.3%
Putnam	73,459	54582	12295	16.7%	46,432	36,837	6,569	67.5%	53.4%
Santa Rosa	150,053	131131	9118	6.1%	107,253	97,206	3,942	74.1%	43.2%
Sarasota	372,057	322898	17928	4.8%	260,618	235,321	8,726	72.9%	48.7%
Seminole	410,854	286917	45977	11.2%	259,336	188,808	24,082	65.8%	52.4%
St. Johns	181,540	157427	11993	6.6%	131,744	118,367	5,991	75.2%	50.0%
St. Lucie	265,108	172357	47073	17.8%	157,676	115,551	23,896	67.0%	50.8%
Sumter	74,721	59065	8828	11.8%	59,913	54,503	3,033	92.3%	34.4%
Suwannee	39,802	31578	4641	11.7%	24,791	21,323	2,402	67.5%	51.8%
Taylor	21,546	15849	4897	22.7%	13,088	10,748	1,898	67.8%	38.8%
Union	15,141	10667	3734	24.7%	7,273	6,314	793	59.2%	21.2%
Volusia	498,036	385582	51754	10.4%	326,854	263,705	27,850	68.4%	53.8%
Wakulla	31,089	25694	4213	13.6%	18,565	16,493	1,719	64.2%	40.8%
Walton	53,837	46854	4149	7.7%	36,847	33,827	1,430	72.2%	34.5%
Washington	23,928	18958	3724	15.6%	15,938	13,624	1,738	71.9%	46.7%

Sources: U.S. Census, State and County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin: (Vintage 2008); Florida Division of Elections (2008). Registration data reported on October 6, 2008.

### Florida, 2012 – Racial Population and Registration by County

County	Total Pop.	White	Black	% Black	Total Reg.	White Reg.	Black Reg.	White Rate	Black Rate
Alachua	251,417	179,166	51,115	20.3%	164,912	113,224	27,647	63.2%	54.1%
Baker	27,086	22,782	3,617	13.4%	14,006	12,242	1,287	53.7%	35.6%
Bay	171,903	142,501	19,161	11.1%	112,915	95,393	10,122	66.9%	52.8%
Bradford	27,049	21,118	5,259	19.4%	15,491	12,884	2,087	61.0%	39.7%
Brevard	547,307	461,103	57,500	10.5%	380,469	314,187	31,416	68.1%	54.6%
Broward	1,815,137	1,199,522	506,874	27.9%	1,140,454	596,526	255,035	49.7%	50.3%
Calhoun	14,723	12,105	2,013	13.7%	8,278	7,204	769	59.5%	38.2%
Charlotte	162,449	147,493	9,917	6.1%	115,050	102,725	4,726	69.6%	47.7%
Citrus	139,360	130,446	4,204	3.0%	98,639	90,551	2,230	69.4%	53.0%
Clay	194,345	161,639	20,137	10.4%	132,585	107,408	11,812	66.4%	58.7%
Collier	332,427	299,082	23,527	7.1%	180,560	152,483	6,398	51.0%	27.2%
Columbia	67,966	53,053	12,527	18.4%	35,539	28,755	5,064	54.2%	40.4%
DeSoto	34,712	28,958	4,688	13.5%	16,376	12,944	1,782	44.7%	38.0%
Dixie	16,126	14,339	1,431	8.9%	10,229	9,535	457	66.5%	31.9%
Duval	879,602	550,055	262,849	29.9%	557,282	342,358	155,371	62.2%	59.1%
Escambia	302,715	212,263	69,289	22.9%	198,275	144,386	38,958	68.0%	56.2%
Flagler	98,359	82,569	11,321	11.5%	69,597	55,015	6,617	66.6%	58.4%
Franklin	11,686	9,709	1,650	14.1%	7,174	6,537	535	67.3%	32.4%
Gadsden	46,528	19,761	25,668	55.2%	29,625	11,295	16,786	57.2%	65.4%
Gilchrist	16,815	15,460	950	5.6%	11,121	10,506	252	68.0%	26.5%
Glades	13,107	10,480	1,729	13.2%	6,668	5,509	445	52.6%	25.7%
Gulf	15,718	12,289	3,004	19.1%	9,030	7,862	951	64.0%	31.7%
Hamilton	14,708	9,177	5,049	34.3%	7,963	5,349	2,369	58.3%	46.9%
Hardee	27,514	24,392	2,063	7.5%	12,312	8,916	819	36.6%	39.7%
Hendry	37,447	30,694	5,100	13.6%	17,264	10,215	2,588	33.3%	50.7%

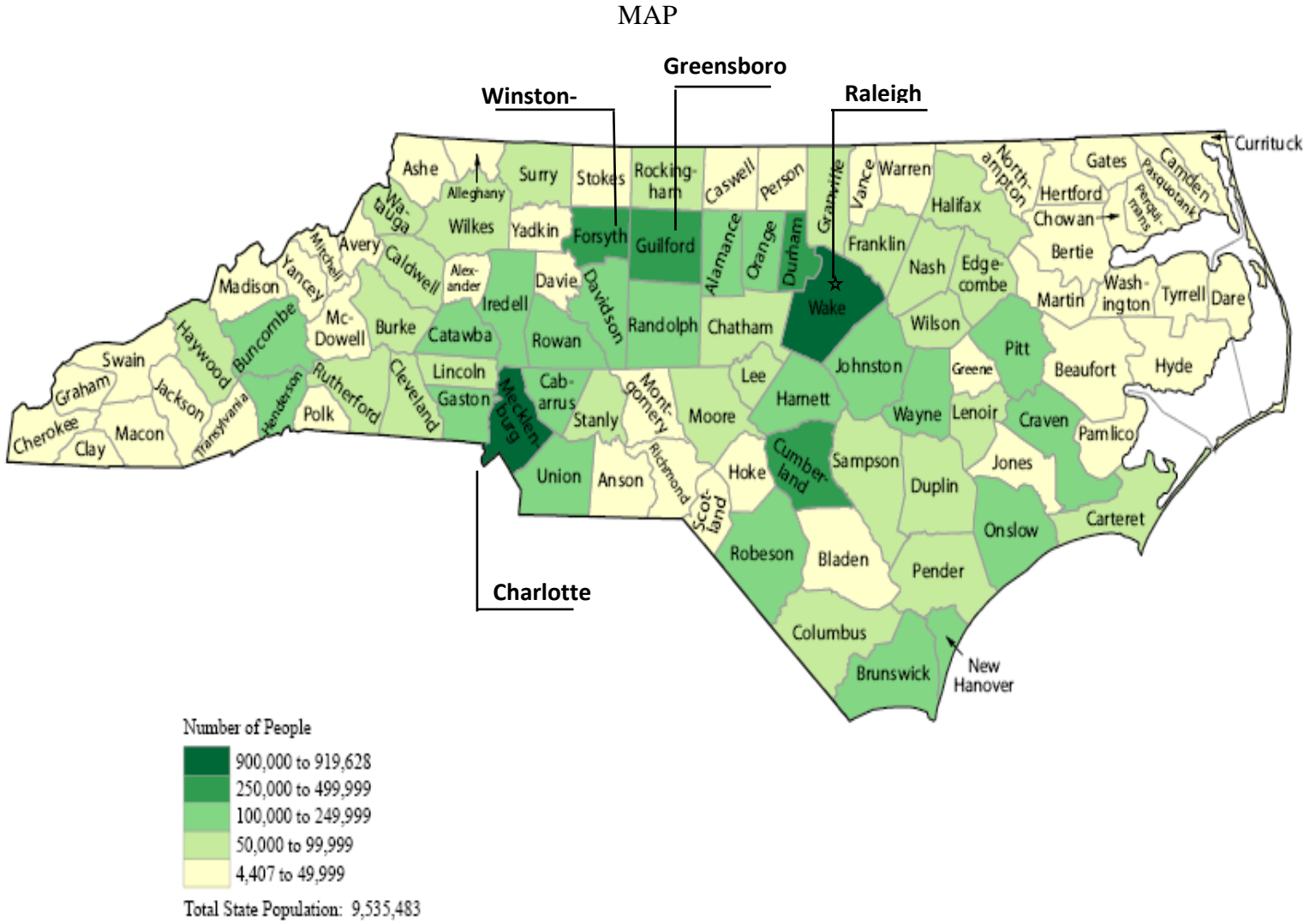
Hernando	173,422	157,862	9,582	5.5%	123,346	105,612	4,981	66.9%	52.0%
Highlands	98,128	84,430	9,997	10.2%	62,076	49,474	4,945	58.6%	49.5%
Hillsborough	1,277,746	968,749	221,976	17.4%	747,587	471,993	116,471	48.7%	52.5%
Holmes	19,804	17,829	1,277	6.4%	11,560	11,028	232	61.9%	18.2%
Indian River	140,567	123,120	12,984	9.2%	93,569	80,100	6,123	65.1%	47.2%
Jackson	48,968	34,176	13,274	27.1%	29,003	21,302	6,610	62.3%	49.8%
Jefferson	14,256	8,789	5,108	35.8%	9,517	6,283	3,037	71.5%	59.5%
Lafayette	8,804	7,255	1,363	15.5%	4,568	4,204	243	57.9%	17.8%
Lake	303,186	257,614	31,736	10.5%	201,652	163,397	16,182	63.4%	51.0%
Lee	645,293	563,553	57,810	9.0%	388,947	320,885	21,327	56.9%	36.9%
Leon	283,769	179,657	88,587	31.2%	190,574	118,756	53,274	66.1%	60.1%
Levy	40,025	34,928	3,895	9.7%	25,053	21,611	2,077	61.9%	53.3%
Liberty	8,276	6,432	1,573	19.0%	4,410	3,899	409	60.6%	26.0%
Madison	18,907	11,060	7,419	39.2%	12,001	7,267	4,189	65.7%	56.5%
Manatee	333,895	289,246	31,212	9.3%	209,468	177,831	14,084	61.5%	45.1%
Marion	335,125	278,967	43,691	13.0%	223,478	180,385	22,110	64.7%	50.6%
Martin	148,817	134,808	8,613	5.8%	101,835	92,011	3,753	68.3%	43.6%
Miami-Dade	2,591,035	*	496,932	19.2%	1,313,850	267,403	250,071	*	50.3%
Monroe	74,809	67,467	4,759	6.4%	51,524	43,229	1,798	64.1%	37.8%
Nassau	74,629	67,470	4,939	6.6%	51,607	45,989	3,016	68.2%	61.1%
Okaloosa	190,083	156,460	18,678	9.8%	128,865	107,569	10,276	68.8%	55.0%
Okeechobee	39,467	34,417	3,569	9.0%	19,185	15,977	953	46.4%	26.7%
Orange	1,202,234	838,791	262,499	21.8%	690,645	356,486	121,710	42.5%	46.4%
Osceola	287,416	231,282	37,298	13.0%	163,384	72,754	14,005	31.5%	37.5%
Palm Beach	1,356,545	1,042,888	246,973	18.2%	870,186	623,711	113,606	59.8%	46.0%
Pasco	470,391	423,963	24,545	5.2%	310,322	262,763	11,999	62.0%	48.9%
Pinellas	921,319	770,466	99,137	10.8%	626,348	515,072	53,828	66.9%	54.3%

Polk	616,158	493,063	95,980	15.6%	351,119	252,336	45,688	51.2%	47.6%
Putnam	73,263	58,871	12,227	16.7%	43,581	34,584	6,262	58.7%	51.2%
Santa Rosa	158,512	138,715	10,273	6.5%	116,941	104,973	4,720	75.7%	45.9%
Sarasota	386,147	354,649	19,243	5.0%	277,672	247,989	9,871	69.9%	51.3%
Seminole	430,838	350,875	50,770	11.8%	277,376	194,720	27,489	55.5%	54.1%
St. Johns	202,188	181,736	11,594	5.7%	152,849	135,987	6,938	74.8%	59.8%
St. Lucie	283,866	215,071	56,369	19.9%	175,554	123,214	28,859	57.3%	51.2%
Sumter	101,620	90,377	9,156	9.0%	73,946	68,098	3,130	75.3%	34.2%
Suwannee	43,656	36,600	5,850	13.4%	25,043	21,425	2,491	58.5%	42.6%
Taylor	22,744	17,244	4,767	21.0%	12,585	10,423	1,734	60.4%	36.4%
Union	15,212	11,452	3,455	22.7%	7,313	6,325	801	55.2%	23.2%
Volusia	496,950	422,296	54,706	11.0%	332,556	264,232	29,545	62.6%	54.0%
Wakulla	30,818	25,339	4,545	14.7%	18,501	16,278	1,749	64.2%	38.5%
Walton	57,582	51,576	3,451	6.0%	38,368	35,293	1,366	68.4%	39.6%
Washington	24,892	19,999	3,896	15.7%	14,668	12,566	1,594	62.8%	40.9%

Sources: U.S. Census, State and County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin: (Vintage 2012); Florida Division of Elections (2012). Registration data reported on October 9, 2012.

\*Miami-Dade white population and registration data for 2012 excluded (see appendix A for a detailed explanation.)

**APPENDIX C: MAP OF NORTH CAROLINA; POPULATION BY COUNTY/MAJOR CITIES STATE OF NORTH CAROLINA; POPULATION AND REGISTRATION BY COUNTY AND RACE**



Source: U.S. Census Bureau. 2010 Census Redistricting Data Summary. [www.census.gov](http://www.census.gov).

### North Carolina, 2008 – Racial Population and Registration by County

County	Total Pop.	White	Black	% Black	Total Reg.	White Reg.	Black Reg.	White Rate	Black Rate
Alamance	148,053	101661	28068	19.0%	89,954	68,708	17,829	67.6%	63.5%
Alexander	36,537	32652	2353	6.4%	24,489	22,997	1,115	70.4%	47.4%
Alleghany	10,951	9771	179	1.6%	7,296	7,090	79	72.6%	44.1%
Anson	25,162	12348	12144	48.3%	16,573	8,380	7,873	67.9%	64.8%
Ashe	25,702	24427	258	1.0%	20,500	20,151	107	82.5%	41.5%
Avery	17,884	16163	944	5.3%	12,701	12,404	70	76.7%	7.4%
Beaufort	46,035	31287	12626	27.4%	32,154	23,025	8,528	73.6%	67.5%
Bertie	19,337	7302	11681	60.4%	14,426	5,428	8,605	74.3%	73.7%
Bladen	32,312	18154	11581	35.8%	22,352	13,332	8,277	73.4%	71.5%
Brunswick	103,160	85673	12628	12.2%	75,923	66,213	7,868	77.3%	62.3%
Buncombe	229,047	199267	17405	7.6%	176,290	158,256	10,451	79.4%	60.0%
Burke	89,361	75345	6205	6.9%	57,264	52,229	3,473	69.3%	56.0%
Cabarrus	168,740	125408	25899	15.3%	110,129	89,003	16,234	71.0%	62.7%
Caldwell	80,059	71852	4545	5.7%	53,748	49,818	2,831	69.3%	62.3%
Camden	9,682	7890	1559	16.1%	7,213	5,909	1,142	74.9%	73.3%
Carteret	63,195	56240	4849	7.7%	47,718	44,044	2,556	78.3%	52.7%
Caswell	23,248	14678	7981	34.3%	15,414	9,488	5,669	64.6%	71.0%
Catawba	157,079	124763	13740	8.7%	104,743	91,947	8,920	73.7%	64.9%
Chatham	63,077	45447	8548	13.6%	42,520	34,446	6,296	75.8%	73.7%
Cherokee	26,568	25233	576	2.2%	20,886	20,340	207	80.6%	35.9%
Chowan	14,565	9035	5223	35.9%	10,625	7,053	3,350	78.1%	64.1%
Clay	10,389	10012	138	1.3%	8,512	8,384	26	83.7%	18.8%
Cleveland	99,015	75431	20829	21.0%	61,776	47,455	13,017	62.9%	62.5%
Columbus	54,212	34005	16715	30.8%	39,052	25,404	12,075	74.7%	72.2%
Craven	96,892	68681	23283	24.0%	68,750	50,375	15,732	73.3%	67.6%

Cumberland	312,696	166314	116663	37.3%	211,611	107,647	82,814	64.7%	71.0%
Currituck	24,183	21653	1888	7.8%	16,635	15,117	1,036	69.8%	54.9%
Dare	33,584	31008	1192	3.5%	27,115	25,930	530	83.6%	44.5%
Davidson	158,166	131764	15271	9.7%	101,517	90,155	9,236	68.4%	60.5%
Davie	40,971	35300	2954	7.2%	26,864	24,573	1,806	69.6%	61.1%
Duplin	53,362	27993	13800	25.9%	28,964	18,930	9,134	67.6%	66.2%
Durham	262,715	121341	98031	37.3%	192,482	102,050	74,436	84.1%	75.9%
Edgecombe	52,682	20585	29845	56.7%	38,882	15,076	23,126	73.2%	77.5%
Forsyth	343,028	213151	88068	25.7%	224,041	153,843	60,988	72.2%	69.3%
Franklin	58,927	38402	15792	26.8%	36,508	25,064	10,327	65.3%	65.4%
Gaston	206,679	161780	30971	15.0%	128,848	106,061	18,844	65.6%	60.8%
Gates	11,708	7434	4064	34.7%	8,171	5,073	2,848	68.2%	70.1%
Graham	7,825	7046	60	0.8%	6,598	6,226	1	88.4%	1.7%
Granville	57,044	33999	18993	33.3%	33,788	21,353	11,377	62.8%	59.9%
Greene	20,677	9766	8345	40.4%	11,027	6,603	4,222	67.6%	50.6%
Guilford	472,216	276519	150128	31.8%	354,477	225,078	113,156	81.4%	75.4%
Halifax	54,983	22465	29745	54.1%	37,879	16,157	19,731	71.9%	66.3%
Harnett	112,030	75606	25370	22.6%	62,844	45,561	14,186	60.3%	55.9%
Haywood	56,590	54103	935	1.7%	42,683	41,641	413	77.0%	44.2%
Henderson	102,367	89052	3713	3.6%	77,276	72,965	2,018	81.9%	54.3%
Hertford	23,224	8172	14291	61.5%	15,457	5,757	9,323	70.4%	65.2%
Hoke	43,409	19542	14850	34.2%	25,626	12,078	10,083	61.8%	67.9%
Hyde	5,181	3172	1856	35.8%	3,708	2,635	1,022	83.1%	55.1%
Iredell	155,359	124732	19545	12.6%	101,832	85,976	12,107	68.9%	61.9%
Jackson	36,739	31068	950	2.6%	27,494	24,489	504	78.8%	53.1%
Johnston	163,428	118012	25907	15.9%	101,523	82,099	15,872	69.6%	61.3%
Jones	10,113	6304	3381	33.4%	7,313	4,605	2,581	73.0%	76.3%

Lee	59,091	36872	11858	20.1%	32,910	24,653	6,870	66.9%	57.9%
Lenoir	56,826	30605	23259	40.9%	38,041	21,650	15,669	70.7%	67.4%
Lincoln	74,746	63157	4959	6.6%	50,036	46,039	2,801	72.9%	56.5%
Macon	33,005	31053	652	2.0%	25,331	24,671	190	79.4%	29.1%
Madison	20,432	19628	294	1.4%	16,500	16,004	131	81.5%	44.6%
Martin	23,398	12204	10306	44.0%	18,267	9,974	8,034	81.7%	78.0%
McDowell	43,843	39507	1828	4.2%	29,573	28,148	957	71.2%	52.4%
Mecklenburg	890,515	494771	265034	29.8%	627,997	393,615	186,925	79.6%	70.5%
Mitchell	15,784	15036	113	0.7%	11,933	11,787	19	78.4%	16.8%
Montgomery	27,358	17100	5389	19.7%	16,941	12,711	3,709	74.3%	68.8%
Moore	85,608	67139	12566	14.7%	60,651	51,256	7,961	76.3%	63.4%
Nash	93,674	53447	34956	37.3%	65,848	40,739	23,267	76.2%	66.6%
New Hanover	192,538	152867	30663	15.9%	147,009	121,996	19,337	79.8%	63.1%
Northampton	20,487	8256	11918	58.2%	15,362	6,248	8,842	75.7%	74.2%
Onslow	165,938	121807	29601	17.8%	86,967	64,412	16,298	52.9%	55.1%
Orange	126,532	94029	17356	13.7%	104,179	82,786	12,675	88.0%	73.0%
Pamlico	12,502	9325	2882	23.1%	9,813	7,607	1,981	81.6%	68.7%
Pasquotank	41,111	23704	16004	38.9%	28,613	16,771	10,669	70.8%	66.7%
Pender	51,314	38599	9827	19.2%	34,122	26,708	6,456	69.2%	65.7%
Perquimans	12,856	9421	3275	25.5%	9,469	7,040	2,262	74.7%	69.1%
Person	37,438	25621	10558	28.2%	25,014	17,608	6,771	68.7%	64.1%
Pitt	156,081	94243	52821	33.8%	108,414	68,955	35,325	73.2%	66.9%
Polk	19,074	17167	1077	5.6%	15,201	14,191	739	82.7%	68.6%
Randolph	141,186	116249	8642	6.1%	86,116	78,781	5,040	67.8%	58.3%
Richmond	46,005	28549	14415	31.3%	30,145	19,734	9,525	69.1%	66.1%
Robeson	129,123	38228	31458	24.4%	72,403	24,983	20,615	65.4%	65.5%



Rockingham	92,282	69126	17889	19.4%	60,012	46,940	11,883	67.9%	66.4%
Rowan	139,225	106774	22081	15.9%	91,426	74,034	15,020	69.3%	68.0%
Rutherford	63,424	54601	7197	11.3%	43,055	37,825	4,345	69.3%	60.4%
Sampson	63,927	34335	17928	28.0%	37,008	23,474	11,736	68.4%	65.5%
Scotland	36,508	18290	14029	38.4%	23,234	12,626	8,703	69.0%	62.0%
Stanly	59,614	49442	7128	12.0%	39,303	34,590	3,907	70.0%	54.8%
Stokes	46,171	42663	2284	4.9%	30,822	28,870	1,432	67.7%	62.7%
Surry	72,468	62196	3043	4.2%	46,039	43,269	1,930	69.6%	63.4%
Swain	13,512	9528	189	1.4%	9,930	8,026	63	84.2%	33.3%
Transylvania	30,187	28035	1596	5.3%	23,577	22,260	869	79.4%	54.4%
Tyrrell	4,087	2086	1715	42.0%	2,662	1,689	913	81.0%	53.2%
Union	193,255	147040	23933	12.4%	121,384	101,840	14,374	69.3%	60.1%
Vance	42,891	18723	21128	49.3%	29,805	14,041	15,046	75.0%	71.2%
Wake	866,410	571284	179402	20.7%	595,713	431,187	120,774	75.5%	67.3%
Warren	19,388	7434	10510	54.2%	14,639	5,791	7,957	77.9%	75.7%
Washington	12,946	5962	6524	50.4%	9,079	4,461	4,459	74.8%	68.3%
Watauga	45,196	42832	1036	2.3%	43,232	41,053	696	95.8%	67.2%
Wayne	113,671	67424	37329	32.8%	69,170	43,044	22,877	63.8%	61.3%
Wilkes	66,655	59608	2967	4.5%	42,356	40,125	1,682	67.3%	56.7%
Wilson	77,527	39692	30459	39.3%	53,148	30,126	21,499	75.9%	70.6%
Yadkin	37,954	32992	1376	3.6%	23,447	22,280	733	67.5%	53.3%
Yancey	18,503	17246	218	1.2%	14508	14,251	107	82.6%	49.1%

Sources: U.S. Census, State and County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin: (Vintage 200); North Carolina State Board of Elections (2008). Registration reported December 27, 2008.

### North Carolina, 2012 – Racial Population and Registration by County

County	Total Pop.	White	Black	% Black	Total Reg.	White Reg.	Black Reg.	White Rate	Black Rate
Alamance	153,920	117,096	29,607	19.2%	94,627	69,421	19,183	59.3%	64.8%
Alexander	36,853	33,763	2,088	5.7%	24,487	22,875	1,087	67.8%	52.1%
Alleghany	10,927	10,510	174	1.6%	7,387	7,129	79	67.8%	45.4%
Anson	26,351	12,689	12,809	48.6%	17,592	8,021	7,870	63.2%	61.4%
Ashe	27,097	26,392	234	0.9%	19,031	18,644	103	70.6%	44.0%
Avery	17,635	16,566	753	4.3%	12,074	11,679	101	70.5%	13.4%
Beaufort	47,507	34,054	12,176	25.6%	33,230	23,629	8,758	69.4%	71.9%
Bertie	20,653	7,416	12,781	61.9%	15,001	5,369	8,988	72.4%	70.3%
Bladen	34,915	21,140	12,231	35.0%	23,135	13,467	8,719	63.7%	71.3%
Brunswick	112,257	95,772	12,889	11.5%	83,626	72,259	8,745	75.4%	67.8%
Buncombe	244,490	219,464	16,011	6.5%	180,008	159,267	10,896	72.6%	68.1%
Burke	90,505	78,436	6,163	6.8%	58,867	53,153	3,588	67.8%	58.2%
Cabarrus	184,498	145,416	29,872	16.2%	120,453	93,922	19,262	64.6%	64.5%
Caldwell	81,930	75,577	4,209	5.1%	54,763	50,390	2,964	66.7%	70.4%
Camden	10,090	8,317	1,321	13.1%	7,531	6,137	1,165	73.8%	88.2%
Carteret	67,632	60,816	4,285	6.3%	51,333	46,772	2,782	76.9%	64.9%
Caswell	23,217	14,846	7,841	33.8%	15,599	9,585	5,611	64.6%	71.6%
Catawba	154,339	131,690	13,443	8.7%	104,823	90,099	9,578	68.4%	71.2%
Chatham	65,976	54,300	8,930	13.5%	45,521	36,457	6,266	67.1%	70.2%
Cherokee	26,992	25,406	376	1.4%	22,238	21,552	235	84.8%	62.5%
Chowan	14,772	9,354	5,072	34.3%	10,850	7,145	3,443	76.4%	67.9%
Clay	10,618	10,305	104	1.0%	9,124	8,907	36	86.4%	34.6%
Cleveland	97,474	74,719	20,205	20.7%	63,889	48,123	14,022	64.4%	69.4%
Columbus	57,638	36,878	17,642	30.6%	38,115	24,261	12,088	65.8%	68.5%
Craven	104,770	75,837	23,164	22.1%	72,110	51,755	16,630	68.2%	71.8%

Cumberland	324,049	174,166	121,332	37.4%	217,027	102,826	88,918	59.0%	73.3%
Currituck	24,077	21,896	1,434	6.0%	17,822	16,233	1,006	74.1%	70.2%
Dare	34,573	32,628	977	2.8%	28,459	27,060	578	82.9%	59.2%
Davidson	163,260	142,714	14,854	9.1%	105,619	92,759	9,872	65.0%	66.5%
Davie	41,433	37,533	2,693	6.5%	28,427	25,732	1,939	68.6%	72.0%
Duplin	60,033	42,336	15,594	26.0%	30,273	19,254	9,581	45.5%	61.4%
Durham	279,641	148,241	108,441	38.8%	213,490	108,165	82,915	73.0%	76.5%
Edgecombe	55,954	22,609	32,251	57.6%	40,079	14,907	24,370	65.9%	75.6%
Forsyth	358,137	243,373	96,953	27.1%	247,469	165,131	68,737	67.9%	70.9%
Franklin	61,475	42,900	16,623	27.0%	40,502	27,519	11,264	64.1%	67.8%
Gaston	208,049	168,029	32,671	15.7%	136,283	108,249	21,817	64.4%	66.8%
Gates	11,869	7,581	3,967	33.4%	8,622	5,303	2,993	70.0%	75.4%
Graham	8,700	7,883	25	0.3%	6,663	6,227	2	79.0%	8.0%
Granville	60,436	38,649	19,955	33.0%	37,026	22,994	12,437	59.5%	62.3%
Greene	21,429	12,641	7,953	37.1%	11,242	6,606	4,318	52.3%	54.3%
Guilford	500,879	296,944	167,959	33.5%	363,419	216,855	124,317	73.0%	74.0%
Halifax	54,006	22,109	28,716	53.2%	38,711	15,472	20,902	70.0%	72.8%
Harnett	122,135	88,547	26,257	21.5%	69,357	48,535	16,204	54.8%	61.7%
Haywood	58,908	56,984	716	1.2%	41,735	40,557	418	71.2%	58.4%
Henderson	108,266	100,969	3,513	3.2%	79,479	74,123	2,270	73.4%	64.6%
Hertford	24,438	8,830	14,809	60.6%	15,398	5,302	9,612	60.0%	64.9%
Hoke	50,536	25,470	17,301	34.2%	29,536	13,571	11,534	53.3%	66.7%
Hyde	5,859	3,895	1,836	31.3%	3,645	2,635	935	67.7%	50.9%
Iredell	162,708	135,523	19,949	12.3%	110,609	92,162	13,544	68.0%	67.9%
Jackson	40,448	34,631	823	2.0%	26,695	22,716	504	65.6%	61.2%
Johnston	174,938	141,463	27,519	15.7%	108,431	84,943	17,530	60.0%	63.7%
Jones	10,275	6,699	3,280	31.9%	7,590	4,780	2,630	71.4%	80.2%

Lee	59,715	45,049	12,127	20.3%	35,041	25,261	7,701	56.1%	63.5%
Lenoir	59,227	33,492	24,233	40.9%	39,242	21,554	16,745	64.4%	69.1%
Lincoln	79,313	72,855	4,649	5.9%	51,624	46,906	3,034	64.4%	65.3%
Macon	44,998	32,498	563	1.3%	24,943	24,133	155	74.3%	27.5%
Madison	33,869	20,012	289	0.9%	16,707	16,019	160	80.0%	55.4%
Martin	20,742	13,044	10,467	50.5%	18,139	9,725	8,075	74.6%	77.1%
McDowell	23,961	41,897	1,808	7.5%	28,099	26,777	851	63.9%	47.1%
Mecklenburg	969,031	582,550	307,802	31.8%	680,253	401,889	217,921	69.0%	70.8%
Mitchell	15,368	14,903	83	0.5%	11,802	11,595	23	77.8%	27.7%
Montgomery	27,668	21,391	5,270	19.0%	16,740	12,314	3,719	57.6%	70.6%
Moore	90,302	74,773	12,127	13.4%	64,420	53,878	8,416	72.1%	69.4%
Nash	95,708	55,468	36,796	38.4%	68,318	39,910	25,938	72.0%	70.5%
New Hanover	209,234	170,334	30,593	14.6%	160,201	129,722	22,104	76.2%	72.3%
Northampton	21,428	8,547	12,492	58.3%	15,544	6,026	9,167	70.5%	73.4%
Onslow	183,263	140,385	29,764	16.2%	92,109	66,375	17,511	47.3%	58.8%
Orange	137,941	106,717	16,780	12.2%	111,239	86,000	13,527	80.6%	80.6%
Pamlico	13,074	10,099	2,655	20.3%	9,330	7,209	1,850	71.4%	69.7%
Pasquotank	40,591	23,593	15,423	38.0%	28,336	15,768	11,196	66.8%	72.6%
Pender	54,195	42,830	9,605	17.7%	36,555	28,552	6,736	66.7%	70.1%
Perquimans	13,563	9,887	3,375	24.9%	10,054	7,432	2,412	75.2%	71.5%
Person	39,268	27,619	10,638	27.1%	26,425	18,357	7,280	66.5%	68.4%
Pitt	172,554	105,563	59,765	34.6%	117,064	71,018	40,288	67.3%	67.4%
Polk	20,271	18,891	912	4.5%	15,197	14,105	732	74.7%	80.3%
Randolph	142,466	128,670	8,673	6.1%	91,725	82,825	5,694	64.4%	65.7%
Richmond	46,627	29,278	14,523	31.1%	31,261	19,763	10,280	67.5%	70.8%
Robeson	135,496	44,414	33,527	24.7%	76,102	24,527	22,170	55.2%	66.1%

Rockingham	92,720	72,557	17,609	19.0%	61,069	46,895	12,339	64.6%	70.1%
Rowan	138,180	111,216	22,669	16.4%	94,432	75,078	16,218	67.5%	71.5%
Rutherford	67,323	58,875	6,752	10.0%	44,137	38,222	4,668	64.9%	69.1%
Sampson	63,949	42,959	17,443	27.3%	38,143	23,554	12,212	54.8%	70.0%
Scotland	36,094	16,888	14,026	38.9%	23,328	11,769	9,258	69.7%	66.0%
Stanly	60,576	51,579	6,760	11.2%	40,638	35,063	4,385	68.0%	64.9%
Stokes	46,783	43,952	1,974	4.2%	31,134	29,110	1,376	66.2%	69.7%
Surry	73,561	68,891	2,969	4.0%	45,000	41,944	1,855	60.9%	62.5%
Swain	14,141	9,396	143	1.0%	10,254	8,111	108	86.3%	75.5%
Transylvania	32,849	30,732	1,310	4.0%	24,429	22,755	970	74.0%	74.0%
Tyrrell	4,338	2,525	1,632	37.6%	2,580	1,647	858	65.2%	52.6%
Union	208,520	174,519	25,171	12.1%	137,260	112,775	17,002	64.6%	67.5%
Vance	45,132	21,110	22,852	50.6%	30,857	13,913	15,977	65.9%	69.9%
Wake	952,151	662,907	203,809	21.4%	636,874	437,428	130,937	66.0%	64.2%
Warren	20,576	8,311	10,742	52.2%	13,834	5,477	7,360	65.9%	68.5%
Washington	12,736	6,095	6,333	49.7%	9,215	4,369	4,658	71.7%	73.6%
Watauga	51,871	49,483	923	1.8%	42,630	40,045	757	80.9%	82.0%
Wayne	124,246	79,284	39,823	32.1%	75,298	44,961	25,747	56.7%	64.7%
Wilkes	69,306	64,878	3,027	4.4%	42,639	40,141	1,705	61.9%	56.3%
Wilson	81,867	47,087	32,435	39.6%	56,421	30,615	23,483	65.0%	72.4%
Yadkin	38,084	36,033	1,294	3.4%	24,233	22,828	774	63.4%	59.8%
Yancey	17,630	17,078	183	1.0%	14,239	13,904	93	81.4%	50.8%

Sources: U.S. Census, State and County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin: (Vintage 2012); North Carolina State Board of Elections (2012). Registration reported December 29, 2012.

**APPENDIX D: TABLE OF FEDERAL AND STATE LEGISLATIVE ELECTIONS  
REFORMS FOR NORTH CAROLINA 1988 TO 2012.**

Year	Name of Legislation	Legislative Chamber and Bill No.	Description
1991	Election Law Reform Act	House Bill 586	<ol style="list-style-type: none"> <li>1. Prohibited voter intimidation and misleading voter suppression mailings.</li> <li>2. Updated criminal penalties for voter and elections fraud.</li> <li>3. Required polls open until 7:30 p.m.; and extend to 9:30 if needed.</li> <li>4. Limited the power of partisan poll watchers.</li> <li>5. Allowed college students to vote in state.</li> <li>6. Instituted “one-stop” voting.</li> </ol>
1993	National Voter Registration Act, or NVRA; or “Motor-Voter”	Federal	<ol style="list-style-type: none"> <li>1. Expanded registration to state government offices.</li> <li>2. Prohibited voter purges for non activity.</li> </ol>
1993	North Carolina Voter Registration Rewrite Act	House Bill 1776	<ol style="list-style-type: none"> <li>1. Prohibited officials from favoring candidates or parties,</li> <li>2. Expanded registration to state offices,</li> <li>3. Established a statewide registrar.</li> </ol>
1993	Kids Voting Project	Senate Bill 684	<ol style="list-style-type: none"> <li>1. Waived electioneering rules for youth voter education program.</li> </ol>
1995	Voter Testimony Act	Senate Bill 1162	<ol style="list-style-type: none"> <li>1. Prohibited ineligible voters from testifying at election hearings.</li> <li>2. Proscribed for the reversal of elections in cases of voter or elections fraud.</li> </ol>
1995	Limit Relatives on Election Board Act	House Bill 277	<ol style="list-style-type: none"> <li>1. Banned family members of candidates from serving on boards of elections.</li> </ol>
1997	Voter I.D. Act	House Bill 736	<ol style="list-style-type: none"> <li>1. Proposed photo-identification voting requirement (returned to committee).</li> </ol>
1999	Election Law Changes Act	House Bill 1074	<ol style="list-style-type: none"> <li>1. Penalized election administrators who alter voter records.</li> <li>2. Required voter registration drives to submit forms within five days.</li> <li>3. Prohibited payment for the collection of registration forms.</li> </ol>
1999	One Stop Voting Sites	Senate Bill	<ol style="list-style-type: none"> <li>1. Expanded “one-stop” voting</li> </ol>

	Act of	568	program.
2000	Election Board Conduct Act	Senate Bill 1290	1. Banned board of elections members from making public statements in support of candidates or referenda, and prohibited them from soliciting political contributions.
2001	Elections Law Revision Commission	House Bill 31 House Bill 34	1. Banned butterfly ballots and punch card machines, and reformed vote certification procedures.
2001	Election Changes Act	House Bill 831	1. Established four-week training program for elections administrators. 2. Provided for procedures to remove elections supervisors.
2001	Elections Law Revision Commission	Senate Bill 17 Senate Bill 14	1. Rewrote rules for ballot design, counting, and challenges. Mandated that election results be withheld by the press until the polls close.
2001	Ballot Instructions in Spanish Act	House Bill 1041	1. Mandated Spanish-language ballots in counties with over a six percent Hispanic population.
2001	Data by Precinct Act	House Bill 1046	1. Allowed military voters to make one yearly request for absentee ballots.
2001	Clarify Incumbents Residency Act	House Bill 1126	1. Enabled state representatives to vote in their home district.
2001	Early Voting Act; Voter Registration by Fax Act; Annual Absentee Ballot Request Act	House Bill 977 House Bill 1186 House Bill 1195	1. Permitted registration by fax. 2. Extended once yearly request policy to disabled voters. 3. Established “no-excuse” absentee ballots. 4. Allowed voters to vote by mail without showing cause.
2001	Children in Voting Enclosures Act	House Bill 980	1. Allowed minors to enter the polling booth with parents.
2001	Election Changes Act	House Bill 831	1. Shortened early voting period from 22 to 19 days. 2. Expanded early voting to Saturdays.
2002	Federal Help American Vote Act, or HAVA	Federal	1. Mandated statewide registration lists. 2. Established polling machine standards. 3. Adopted the provisional balloting system. 4. Required photo identification for first time voters. 5. Detailed processes for voter challenges. 6. Standardized rules for absentee

			ballots.
2003	Establish Election Fund to Implement HAVA Act	House Bill 549	1. Provided special elections fund to implement main provisions of HAVA.
2003	Help America Vote Compliance Act	House Bill 842	1. Mandated that all North Carolina elections comply with HAVA.
2003	H.S. Students as Poll Workers Act	House Bill 1120	1. Expanded pre-registration to 17 year olds. 2. Allowed high school students to serve as assistants to elections administrators.
2005	Election Administration Amendments Act	House Bill 1115	1. Adopted a forgiving provisional balloting policy. 2. Allowed citizens who move to a new county to re-establish residency via personal affirmation. 3. Extended the provisional balloting period up to two weeks after the election.
2005	Reconfirming Provisional Voting Act	Senate Bill 133	1. Established committee to study the issue of ballots cast out of precinct. 2. Required that provisional ballots be counted fairly.
2005	Public Confidence in Elections Act	Senate Bill 223	1. Mandated paper receipts. 2. Required regular testing of voting machines including the source code.
2005	Orange County Super Precinct Act or "One Stop" Voting Act	Senate Bill 98	1. Established a "One-Stop" super center pilot program in Orange County.
2007	Election Administration Amendments Act	House Bill 1743	1. Allowed former felons to vote upon completion of their sentences.
2007	Registration and Voting at One-Stop Sites Act	House Bill 91	1. Required that voters be able to access "One Stop" voting in their home county.
2007	Candidate Felony Disclosure Act	Senate Bill 1218	1. Required political candidates to disclose past felony convictions.
2009	Election Administration Amendments Act	House Bill 908	1. Lowered pre-registration to 16 and 17 year olds.
2009	Federal Military and Overseas Empowerment Act or MOVE Act	Federal	1. Removed notarization requirements for registration. 2. Required electronic registration and ballots. 3. Extends the re-registration requirement to every two elections. 4. Mandated that states provide absentee ballots 45 days before the



			<p>election.</p> <ol style="list-style-type: none"> <li>5. Allowed military ballots to mail without postage.</li> <li>6. Established voter education and outreach.</li> </ol>
2011	North Carolina Uniform Military and Overseas Voters Act	House Bill 514	<ol style="list-style-type: none"> <li>1. Adopted the main provisions of MOVE.</li> </ol>
2013	Voter Information and Verification Act or VIVA	House Bill 589	<ol style="list-style-type: none"> <li>1. Instituted a photo-identification requirement for voting.</li> <li>2. Reduced the early voting period.</li> <li>3. Eliminated pre-registration for 16 and 17 year olds.</li> <li>4. Ended same day registration during early voting.</li> <li>5. Terminated early voting on Sundays</li> </ol>

Sources: North Carolina General Assembly; Election Reform Legislation Database, National Conference of State Legislatures.

**APPENDIX E: TABLE OF FEDERAL AND STATE LEGISLATIVE ELECTIONS  
REFORMS FOR FLORIDA 1988 TO 2012.**

<b>Year</b>	<b>Name of Legislation</b>	<b>Legislative Chamber and Bill No.</b>	<b>Description</b>
1993	National Voter Registration Act of 1993, or NVRA, or "Motor-Voter"	Federal	<ol style="list-style-type: none"> <li>1. Expanded registration to state government offices.</li> <li>2. Prohibited voter purges for non activity.</li> </ol>
1995	Florida Voter Registration Act or FVRA	Florida Constitution, Chapter 97	<ol style="list-style-type: none"> <li>1. Expanded registration to government offices including those included in the NVRA.</li> <li>2. Expanded registration to libraries, senior living centers, and military recruitment offices.</li> <li>3. Mandated in-home registration services for offices that serve citizens in their homes.</li> </ol>
1996	No Excuse Absentee Balloting	Senate Bill 270, Senate Staff Analysis.	<ol style="list-style-type: none"> <li>1. Waived "show cause" requirement for absentee ballot establishing "no excuse" absentee ballots.</li> </ol>
1998	Florida Omnibus Elections Reform Act	Senate Bill 1402	<ol style="list-style-type: none"> <li>1. Instituted a photo-identification requirement for voting.</li> <li>2. Required first time absentee voters to appear in person first before mailing future ballots.</li> <li>3. Mandated records matching.</li> <li>4. Increased penalties for election and voter fraud.</li> <li>5. Reversed "no excuse" absentee ballots again requiring citizens to "show cause."</li> </ol>
1998	Florida Constitution Revision Commission		<ol style="list-style-type: none"> <li>1. Allowed the Governor to appoint the Secretary of State.</li> </ol>
2001	Florida Elections Reform Act	Senate Bill 1118	<ol style="list-style-type: none"> <li>1. Banned punch card voting machines.</li> <li>2. Mandated the use of a provisional ballot in the case of inaccurate records.</li> <li>3. Required that voters who are waiting in line at the close of the polls be permitted to vote.</li> <li>4. Strengthened elections and</li> </ol>

			voter fraud penalties.
2002	An Act Relating to Elections	Senate Bill 618	<ol style="list-style-type: none"> <li>1. Allowed for late registration at Supervisor of Elections office.</li> <li>2. Required voter registration drives to submit forms within five days.</li> <li>3. Prohibited payment for the collection of registration forms.</li> </ol>
2002	An Act Relating to Violations of Elections Code	Senate Bill 172	<ol style="list-style-type: none"> <li>1. Strengthened elections and voter fraud to include conspiracy and cover ups.</li> </ol>
2002	An Act Relating to Voter Registration	House Bill 493	<ol style="list-style-type: none"> <li>1. Clarified the rules for voter purges allowed the removal of citizens who move and those with felony convictions.</li> </ol>
2002	Federal Help American Vote Act, or HAVA	Federal	<ol style="list-style-type: none"> <li>1. Mandated statewide registration lists.</li> <li>2. Established polling machine standards.</li> <li>3. Adopted the provisional balloting system.</li> <li>4. Required photo identification for first time voters.</li> <li>5. Detailed processes for voter challenges.</li> </ol>
2003	An Act Relating to Elections	House Bill 1861 House Bill 7A House Bill 29B	<ol style="list-style-type: none"> <li>1. Mandated state compliance with HAVA.</li> <li>2. Adopted provisional ballots.</li> <li>3. Required access for disabled voters.</li> <li>4. Modified the statewide registry to comply with HAVA.</li> </ol>
2004	An Act Relating to Absentee Ballots	Senate Bill 2566	<ol style="list-style-type: none"> <li>1. Established 15 day early voting period.</li> </ol>
2005	An Act Relating to Elections	House Bill 1567	<ol style="list-style-type: none"> <li>1. Prohibits electioneering within 100 feet of a polling location.</li> <li>2. Allows the ballots of voters who have died to be counted if submitted before death.</li> <li>3. Revised the section of the Voters Bill of Rights that granted citizens the option of proving identity via personal affirmation.</li> <li>4. Allows for voter eligibility challenges but provides</li> </ol>

			<p>penalties for abuse.</p> <ol style="list-style-type: none"> <li>Prohibits recounts in cases where the margin of victory renders a recount obsolete.</li> <li>Shortened the early voting period and limited daily session hours.</li> </ol>
2005	An Act Relating to Elections	House Bill 1589	<ol style="list-style-type: none"> <li>Empowered the Secretary of State to sanction local elections administrators for non-compliance.</li> <li>Required voters who submit ballots by mail to present photo identification the first time they vote by mail.</li> <li>Voters who move between counties must re-register.</li> <li>Eliminated entertainment ID cards as acceptable forms of photo ID.</li> <li>Required that each polling location have a polling machine for citizens with disabilities.</li> </ol>
2005	An Act Relating to Voting and Public Records	House Bill 1591	<ol style="list-style-type: none"> <li>Exempted victims of domestic abuse from public information requests.</li> <li>Protected sensitive personal information from public information requests.</li> <li>Required that all boxes be filled out on voter registration forms.</li> </ol>
2006	An Act Relating to Voter Registration	House Bill 125	<ol style="list-style-type: none"> <li>Expanded “motor-voter” provisions to including businesses that sell hunting, fishing and trapping licenses.</li> </ol>
2006	An Act Relating to Restoration of Civil Rights	House Bill 55	<ol style="list-style-type: none"> <li>Charged county jail officials with assisting discharged felons with voting restoration process.</li> </ol>
2007	An Act Relating to Elections	House Bill 537	<ol style="list-style-type: none"> <li>Allowed for pre-registration of 17 year olds.</li> <li>Enabled citizens to correct minor registration errors at the polls.</li> </ol>

			3. Lowered the civil penalties for independent voter registration groups.
2008	Omnibus Elections Reform of 2008	Senate Bill 866	<ol style="list-style-type: none"> <li>1. Lowered pre-registration to 16.</li> <li>2. Removed buyers club I.D. from list of acceptable photo I.D.</li> <li>3. Mandated that challenges be issued from poll watcher who resides in same county as voter.</li> </ol>
2009	Federal Military and Overseas Empowerment Act or MOVE Act	Federal	<ol style="list-style-type: none"> <li>1. Removed notarization requirements for registration.</li> <li>2. Required electronic registration and ballots.</li> <li>3. Extends the re-registration requirement to every two elections.</li> <li>4. Mandated that states provide absentee ballots 45 days before the election.</li> <li>5. Allowed military ballots to mail without postage.</li> <li>6. Established voter education and outreach.</li> </ol>
2010	Florida Military and Overseas Empowerment Act	House Bill 131	<ol style="list-style-type: none"> <li>1. Established electronic tracking for absentee ballots.</li> <li>2. Adopted the main provisions of MOVE.</li> </ol>
2011	Federal Write in Absentee Ballot Act	House Bill 227	<ol style="list-style-type: none"> <li>1. Allowed absentee voters to use the FWAB balloting system.</li> </ol>
2011	An Act Relating to Elections	House Bill 1355	<ol style="list-style-type: none"> <li>1. Eliminated the option of updating registration at the polls when voters move between counties.</li> <li>2. Shortened the maximum hours that polling locations may be open during early voting.</li> <li>3. Banned early voting on the Sunday before the election.</li> <li>4. Reduced the early voting period from 14 to 8 days.</li> <li>5. Placed tough restrictions and penalties on independent voter registration groups.</li> </ol> <p>Required registration forms to be</p>

			submitted with 48 hours.
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Sources: Florida Senate Website Archive; Election Reform Legislation Database, National Conference of State Legislatures; Election Law Changes 2005. Brevard County Supervisor of Elections. <<http://www.cityofcocoabeach.com/citylife/election>>. (Accessed June 2, 2014).

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**ABSTRACT****THE IMPACT OF VOTER SUPPRESSION LAWS ON AFRICAN AMERICAN PARTICIPATION IN FLORIDA AND NORTH CAROLINA FROM 1988 TO 2012**

by

**ANTHONY LEWIS DANIELS****May 2015****Advisor:** Dr. Michael Goldfield**Major:** Political Science**Degree:** Doctor of Philosophy

A rich body of research presents conflicting accounts describing how contemporary voter suppression laws impact political participation. This study traces the political development of North Carolina and Florida from 1988 to 2012 to assess four competing explanations of this process. This study compares three measures of participation that strongly support the *discouraging voter hypothesis*, which finds that voter suppression laws depressed black participation.

This study finds that state officials in Florida adopted a much stricter voter suppression regime than those in North Carolina for the period under study. As a result, the two states developed differing levels of democratization. In North Carolina, longstanding racial disparities in participation were mitigated by 2012. However, during this same period, black participation in Florida was suppressed. Despite high levels of African American mobilization for recent elections, this study finds that voter suppression negatively impacted participation.

## AUTOBIOGRAPHICAL STATEMENT

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### *Education*

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| 2015 | Doctor of Philosophy<br>Wayne State University<br>Major: Political Science  |
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