

PULLING BACK THE CURTAIN

An analysis of racial voting shows that Mississippi's ugly history of voter suppression continues

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Executive Summary

During the 2011 General Election, voters in the State of Mississippi passed Initiative 27, a government-issued photo ID amendment to the state constitution that will require voters to submit photo identification in order to cast their ballot in future elections. Initiative 27 passed by a 62% to 38% margin. Research by the Lawyers’ Committee for Civil Rights Under Law (“The Lawyers’ Committee”) find that preferences for the voter ID bill were highly uneven with respect to voter race. The Lawyers’ Committee estimates that 83% of white voters voted in favor of the bill, compared to less than 25% of non-white voters. Non-white voters overwhelmingly rejected Initiative 27, supporting the notion that government issued photo voter ID requirements disproportionately have a negative impact on minority voters.

Figure 1. Geographic distributions of NO votes on Initiative 27 and non-white VAP
(dotted precincts indicate insufficient data)

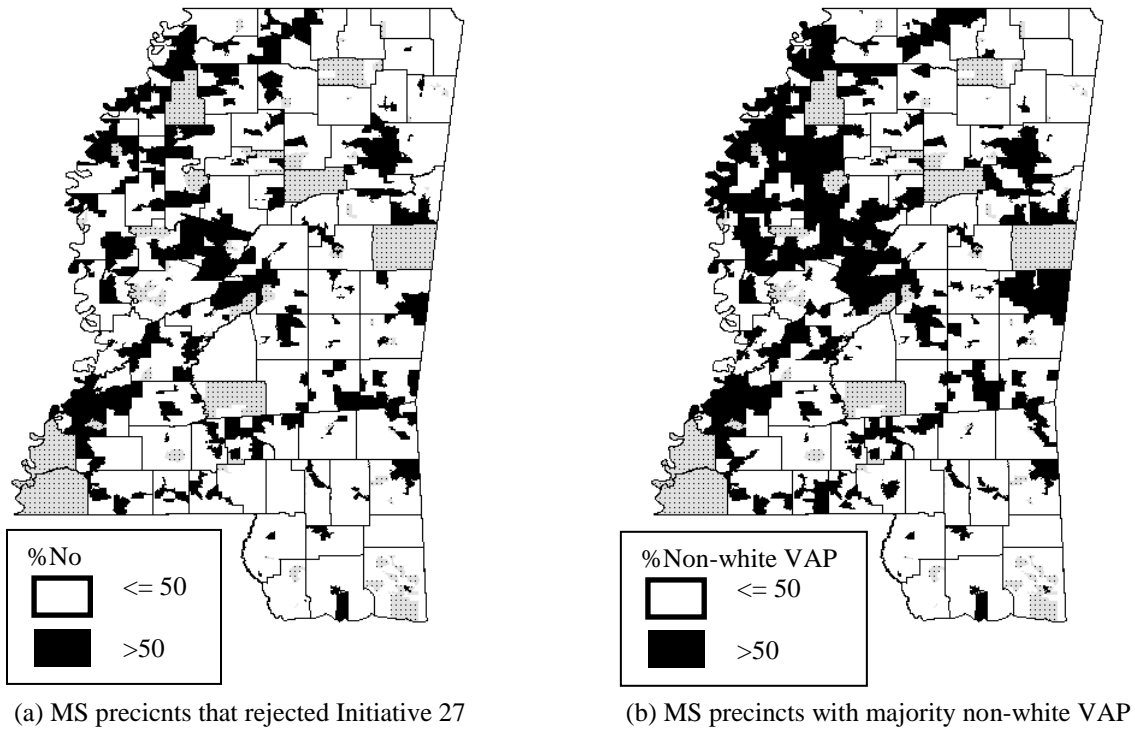


Table 1 – Estimated voting preferences for Initiative 27 by racial group

	Estimated % of Voters Voting YES	Estimated % of Voters Voting NO
White	82.64	17.36
Non-White	24.66	75.34

On November 8, 2011 voters in Mississippi passed a restrictive voter photo identification state constitutional amendment that appeared on the ballot as Initiative 27. Initiative 27 established that beginning in 2012 all voters will be required to submit government issued photo identification prior to casting a ballot. Proponents argue that the measure will prevent voter fraud, yet research continues to cite a “clear lack of evidence” to support that such fraud is sufficiently frequent or costly (Barreto *et al.* 2007).

Initiative 27 passed by a 62% - 38% margin. With over three-fifths of voters saying yes to the ID bill, it is tempting to conclude that most Mississippians favor tighter voting regulations. But a quick visual comparison of precincts that voted to reject the bill with precincts having majority non-white Voting Age Populations (“VAP”) suggests that support for Initiative 27 might not have been uniform across the population. As the maps in Figure 1 on the next page show, the precincts that rejected the ID bill appear to be a subset of the precincts that have majority-minority VAPs. There are very few cases for which precincts with majority white VAPs voted the bill down.¹

The Lawyers’ Committee for Civil Rights Under Law estimates that over 75% of non-white voters opposed Initiative 27. By contrast, only about 17% of white voters are estimated to have voted against the bill. These unambiguously asymmetrical preferences for the voter ID law were revealed using standard methodology² for estimating group voting behavior. The Lawyers’ Committee collected election returns and demographic data for over 93% of the election precincts in the State of Mississippi.³ This highly representative sample was then used to estimate the proportion of voters from each racial group that supported and opposed the bill. The results are given in Table 1 below.

Based on the evidence that non-white voters overwhelmingly opposed the voter ID bill, the Lawyers’ Committee concludes that Initiative 27 will have a disproportionate negative impact on minority voters. This conclusion is consistent with similar findings from Barreto *et al.* (2007), the Brennan Center for Justice (2006), and the National Association for the Advancement of Colored People Legal Defense Fund (2011).

Sources

1. Brennan Center for Justice, “Citizens without Proof: A Survey of Americans’ Possession of Documentary Proof of Citizenship and Photo Identification.” (2006).
2. King, Gary. *A Solution to the Ecological Inference Problem*. Princeton: Princeton University Press, 1997.
3. Matt A. Barreto, Stephen A. Nuno, and Gabriel R. Sanchez, “Voter ID Requirements and the Disenfranchisements of Latino, Black and Asian Voters,” *Proceedings of the American Political Science Association Annual Conference* (2007).
4. National Association for the Advancement of Colored People Legal Defense Fund, “Defending Democracy: Confronting Modern Barriers to Voting Rights in America,” (2011).

Notes

¹ In fact, only 30 out of 1,151 majority white VAP precincts rejected the bill. Compare this to 428 out of 549 precincts with majority non-white VAP that voted Initiative 27 down.

² King’s (1997) method of ecological inference was used in this analysis.

³ Several precincts were excluded from the study for lacking sufficient data.

1. Introduction

Efforts to stave off minority participation in democratic electoral processes have a long history in the United States (Davidson 2009; Barreto et al. 2007; Holder 2011). Artificially erected barriers to voting, such as poll taxes (Ogden 1958), literacy tests (Phillips 1906), and minimum property ownership requirements (Kousser 1974) were put in place by a number of states and localities following ratification of the Fifteenth Amendment. These types of mechanisms provided means of legally disenfranchising members of targeted constituencies and of purposefully minimizing the impact that those constituencies could have on electoral outcomes.¹ In response to such discriminatory practices, poll taxes and related monetary exactions were made unconstitutional for federal elections under the 24th Amendment, the Supreme Court found poll taxes unconstitutional under the 14th Amendment for all other elections, and the United States Congress, at the request of President Lyndon B. Johnson, passed the Voting Rights Act of 1965 (the “VRA”) to establish Federal remedies to “counter immediate and potential barriers to...minority political participation” (U.S. Commission on Civil Rights 1975). The VRA explicitly prohibits any jurisdiction from using “tests and devices” as prerequisites to voter registration and participation.² Yet despite the “very real gains that have been made” under this momentous legislation (U.S. Commission on Civil Rights 1975), the opportunity to fully and equitably exercise one’s most “basic right”³ remains a source of very real debate.

¹ Race, Voting Rights, and Segregation Direct Disenfranchisement. The Geography of Race in the U.S. <http://www.umich.edu/~lawrace/disenfranchise1.htm>

² Section 201 of the Voting Rights Act, as amended, 42 U.S.C. 1973AA.

³ In calling for the VRA, President Johnson declared that “the right to vote is the basic right, without which all others are meaningless” (Holder 2011).

2. Current Voting Rights Issues

Since 2001, thirty-one states in the U.S. approved changes to their respective voting laws that place restrictive requirements on electoral participation.⁴ An increasing number of these new regulations mandate that registered voters submit government-issued photographic identification prior to casting a ballot (see Fig. 1). The enactment of these “voter ID laws” follows record levels of minority electoral participation during the historic election of President Barack Obama (NAACP 2011). To some, including Civil Rights champion Rep. John Lewis (D-GA), who has referred to voter ID laws as a new kind of poll tax,⁵ the timing is not coincidental. The National Association for the Advancement of Colored People (“NAACP”) has gone so far as to call the new laws both a “block the vote” initiative directed at minority voters and an “assault on voting rights” altogether (*Ibid.*).

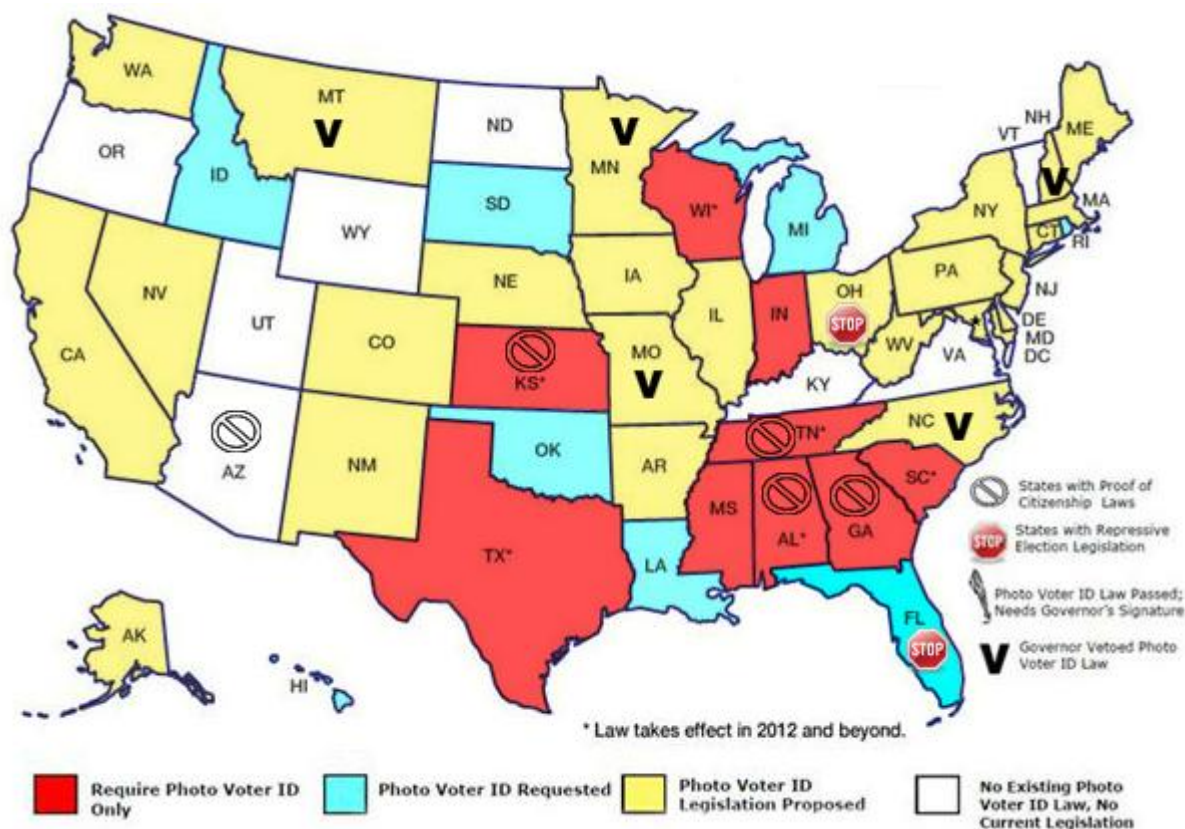
⁴ Deborah Barfield Berry, “Debate heats up over voter ID laws”, *USA Today*, November 10, 2010, accessed December 15, 2011. <http://www.usatoday.com/news/washington/story/2011-11-10/voter-identification-laws/51159106/1>

⁵ Tanya Somander, “Civil Rights Leader Rep. John Lewis: Voter ID Laws ‘Are A Poll Tax’, ‘I Know What I saw During the 60s’”. *ThinkProgress*, November 3, 2011, accessed December 11, 2011. <http://thinkprogress.org/justice/2011/11/03/359381/civil-rights-leader-rep-john-lewis-voter-id-laws-are-a-poll-tax-i-know-what-i-saw-during-the-60s/>



Figure 1 – Recent changes to state voting legislation

Source: *The Lawyers' Committee for Civil Rights Under Law*



Chief among the reasons for controversy over the voter ID laws is that their requirements have the greatest impact on groups that have historically experienced the most difficulties accessing the polls (Brennan Center for Justice 2011). Because minority individuals are significantly less likely to possess the forms of identification deemed acceptable for the purposes of voting by the new laws (Brennan Center for Justice 2006; Barreto et al. 2007), such laws can be expected to have a disproportionate impact on minority voters.

In the debate over the need for these additional identification requirements the suggestion is sometimes made that there is widespread support for these requirements, including minority voters.⁶

⁶ “69% Say Photo ID Voting Laws Are Not Discriminatory”. Rasmussen Reports. December 20, 2011. Accessed December 28, 2011.

To this end, the present research brief sets out to systematically estimate preferences for voter ID laws both between and within racial groups in the 2011 Mississippi General Election. Appearing on the ballot for the 2011 General Election in Mississippi was Initiative 27, a voter ID law of the kind described above. Using precinct-level election returns and U.S. Census demographic figures we are able to estimate the proportions of white and non-white support (opposition) for the law.

3. Background on MS Initiative 27

On November 8, 2011 Mississippi became the latest state to experiment with stricter voter ID policy as voters passed State Initiative 27, a ballot measure authorizing the state to constitutionally require potential voters to present photo identification prior to casting a vote. Unlike similar policies in other states (refer to Fig. 1), with the exceptions of Arizona and Oklahoma,⁷ the Mississippi case is unique in that Initiative 27 passed as a result of direct, not representative, democracy. That is to say, the rule change gained a ballot position via citizen petition where it was then voted on by eligible participating residents of the state of Mississippi. Mississippi's ID bill was ostensibly "by the people" and "for the people". But do these statements reflect the reality of the situation? Does Initiative 27 represent the will of the people in the State of Mississippi?

Outward appearances suggest that the answers to the above questions are yes, at least for a majority of Mississippians. By popular vote, Initiative 27 passed with a 62% to 38% margin (see Table 1); however, our research demonstrates that support for the bill was highly uneven in terms of the race of the State's voters. A quick visual inspection of precinct-level demographic characteristics and Initiative 27 election returns buttresses this claim. As is shown in Figure 2, the spatial pattern of "NO" votes on Initiative 27 appears to follow the geographic distribution of Mississippi's non-white

http://www.rasmussenreports.com/public_content/politics/general_politics/december_2011/69_say_photo_id_voting_laws_are_not_discriminatory

⁷ In 2004 Arizona voters passed the state's voter ID law (which did not mandate photo ID to vote) as part of a broader statewide referendum. Oklahoma voters passed State Question 746 in 2010.

Voting Age Population (“VAP”). Namely, the precincts in which the ID bill was rejected (*i.e.*, the bill received less than 50% + 1 vote) appear, by and large, to be those for which the majority of VAP is non-white. Panel (a) in Fig. 2 highlights those precincts in which Initiative 27 was rejected (%No > 50). Panel (b) shades the precincts having a non-white majority VAP. The relationship between the two panels is summarized in Tables 2 and 3. Of 549 precincts with a non-white majority VAP, 428 rejected Initiative 27. By contrast, only 30 precincts with a majority white VAP voted to reject the ID bill.

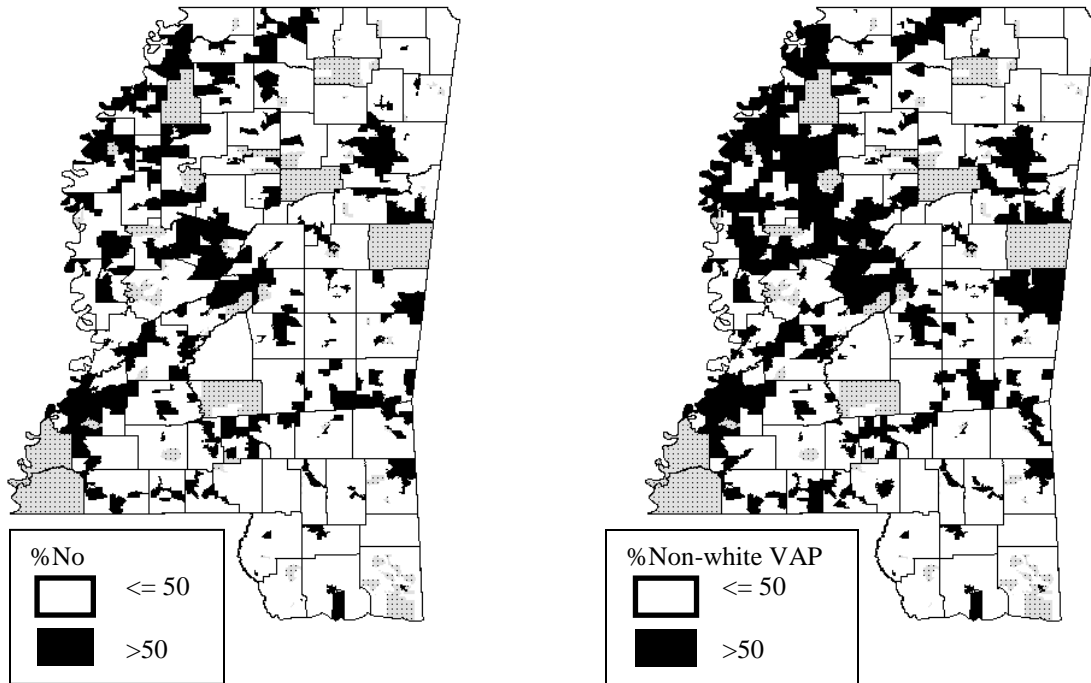
Table 1 – Statewide Election Results, MS Initiative 27

	YES	NO	TOTAL
Number of Votes	538,692✓ (62.06%)	329,286 (37.94%)	867,978 (100%)

In the next section we take a more systematic approach to investigating the connection between race and vote choice on Initiative 27 as we estimate overall support for the bill by racial group using the methods of Ecological Inference developed by King (1997).

Figure 2 – Geographic distributions of NO votes on Initiative 27 and non-white VAP

(dotted precincts indicate insufficient data)



(a) MS precincts that rejected Initiative 27

(b) MS precincts with majority non-white VAP

Table 2 – Count of Precincts Supporting/Rejecting Initiative 27 by VAP Majority

	Support Initiative	Reject Initiative	Total (N)
White Majority	1121	30	1151
Non-White Majority	121	428	549
Overall	1242	458	1700

Table 3 –Percent of Precincts Supporting/Rejecting Initiative 27 by VAP Majority

	Support Initiative	Reject Initiative
White Majority	97.4	2.6
Non-White Majority	22.0	78.8
Overall	73.1	26.9

4. Estimating group voting behavior

Tables 2 and 3 from the previous section suggest that non-white voters rejected Initiative 27 and white voters supported it, but to draw that conclusion on the basis of only the preceding information would be subject to the ecological fallacy, which can lead to faulty inferences about individual agents based on aggregate data that describe a group to which the individual agents belong (King et al. 1994). Several methods exist to overcome this problem (e.g., Goodman 1953, 1959; Grofman and Migalski 1988; Freedman et al. 1991; King 1997). For the purposes of deriving global estimates of group voting behavior on the MS voter ID bill, we choose to focus on King's (1997) method of Ecological Inference ("EI"). EI is selected for its "favorability" among federal judges (Greiner 2007), its efficiency advantages gained by incorporating both deterministic and probabilistic components into the estimation process (Tam 1998), and its many applications involving group voting behavior (King 1997; Withers 2001; Orey et al. 2011). Whereas EI will be our primary method of estimation, global estimates will also be derived using other common procedures for comparative purposes.

5. Estimating group voting behavior on MS Initiative 27

To proceed with the estimation, we collected election returns and demographic data for all available precincts in the State of Mississippi. Due to insufficient data reporting by some counties, splitting of precincts during the 2010 redistricting process, and other minor data issues, our sample consists of 1,700 (93.25%) of the 1,823 electoral precincts in MS.⁸ Table 4 compares the sample quantities to those of the observable statewide parameters for the variables of interest to show the strength of the data used in our estimation exercises. Further, the scatterplot in Figure 3 plots the 1,700 data points in opposition to Initiative 27 – non-white VAP space. That is, the y-axis of Figure 3 plots the percentage of a given precinct's total Initiative 27 vote *against* the measure, and the x-axis

⁸ According to the *Catalist* voter database, there were 1,823 unique precinct code identifiers in MS at the time of the 2011 General Election.

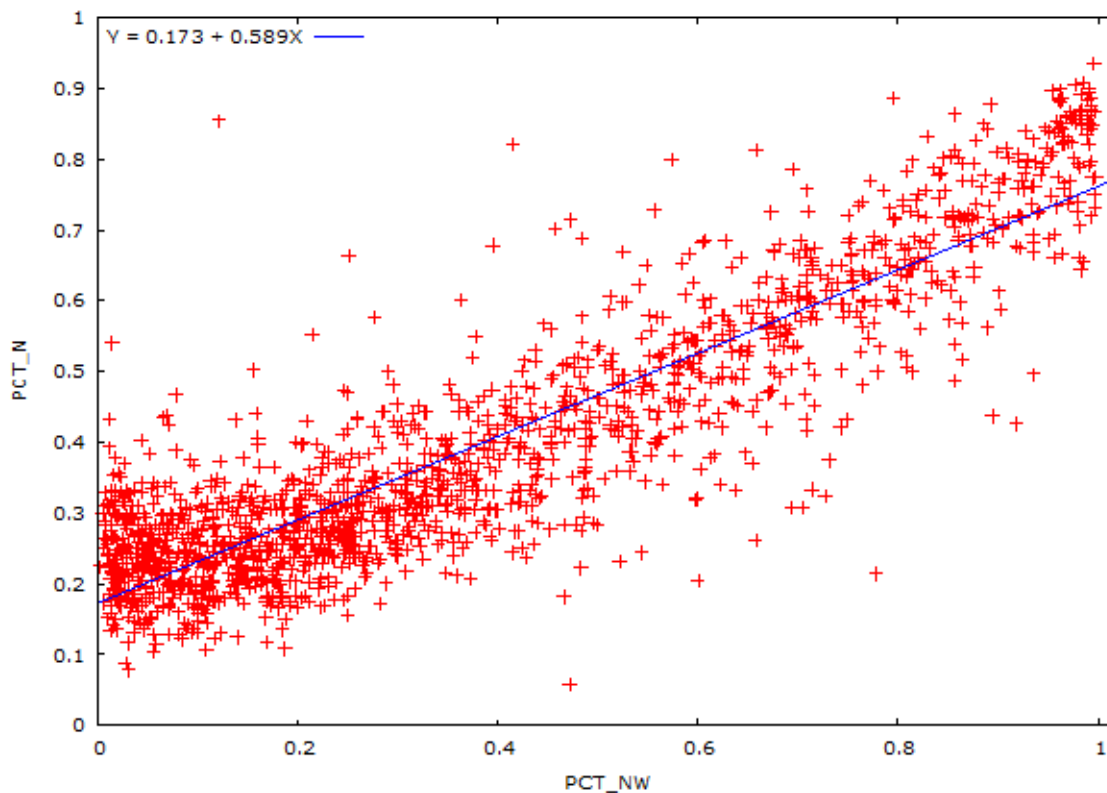
shows the percentage of the precinct's VAP that is non-white. Figure 3 illustrates two critical points: (1) the variation in precinct minority population is well-captured in our sample; and (2) there is an evident positive relationship between opposition to the voter ID bill and the size of a precinct's minority VAP.

Table 4 – Sample v. actual quantities

	Actual⁹	Sample	% in Sample
Voting Age Population	2,211,742	2,033,656	91.95
White	1,370,641	1,270,647	92.70
% White	61.97	62.48	..
Non-White	841,101	763,009	90.72
% Non-White	38.03	37.52	..
Votes for Governor	891,952	792,292	88.83
Republican	543,729	486,104	89.40
% Republican	60.96	61.35	..
Democrat	348,223	306,188	87.93
% Democrat	39.04	38.65	..
Votes for ID Bill	869,335	772,727	88.89
Yes (Support)	539,463	480,147	89.00
% Yes	62.06	62.13	..
No (Oppose)	329,872	290,580	88.09
% No	37.94	37.87	..

⁹ Population and VAP values from U.S. Census Bureau, 2010 MS Redistricting Data SF (PL 94-171), Tables P1-P4

Figure 3 – Precinct-level scatterplot of the proportion of Initiative 27 votes against the voter ID law versus the percentage of VAP that is non-white



The middle third of Table 4 introduces a set of data which needs some clarification. To this point we have discussed the racial and minority divide over voter ID laws, but we have not mentioned any sort of partisan divide. Because minorities and other socioeconomic groups most affected by voter ID restrictions tend to vote Democratic (Barreto et al. 2007), the types of laws under investigation are a source of political controversy. For the most part, the Republican side of the aisle generally has pushed for stricter voting requirements while Democrats generally have opposed increasing voting restrictions (Voting Rights Institute 2011). Because this is known to be a partisan issue, we include an extended King model (see King 1997) that introduces precinct-level gubernatorial vote preferences as covariate vectors. These covariates control for portions of the estimates that may be correlated with the racial variables.

For comparison and robustness checks, we estimate two King models (one basic and one extended, as described above) and two ecological regression models (see Goodman 1953, 1959; Freedman 1999). The global estimates are listed in Table 5 in descending order of standard error, such that the final entries have the lowest standard errors. Although all of the results produce similar values, we are most interested in the estimates with the lowest standard errors for their relative advantages in terms of precision. The asterisks in Table 5 indicate that the King extended model produces the estimates that meet this criterion.

Table 5 – Global estimation results, mean quantities of interest (n = 1700 precincts)

Standard errors in parentheses

	Estimated Proportion of Non-White Voters Who Voted NO (β^{nw})	Estimated Proportion of White Voters who Voted NO (β^w)
Goodman ER Model	0.7614 (0.0047)	0.1726 (0.0033)
WLS ER Model¹⁰	0.7494 (0.0049)	0.1771 (0.0032)
King Basic EI Model	0.7525 (0.0026)	0.1741 (0.0015)
King Extended EI^{11*}	0.7534* (0.0025)*	0.1736* (0.0015)*

6. Conclusions

As is shown in Table 5 and reproduced in Table 6 below, The Lawyers’ Committee for Civil Rights Under Law (“Lawyers’ Committee”) estimates that over 75% of non-white voters opposed Initiative 27. By contrast, only about 17% of white voters are estimated to have voted against the

¹⁰ Weighted Least Squares (“WLS”) heteroskedasticity-corrected model (weights = $1/\sqrt{e^{y^*}}$ where y^* denotes the fitted values from an auxiliary regression in which the dependent variable is the vector of the logs of squared residuals from the Goodman OLS regression)

¹¹ Covariate for non-white VAP: %Democrat Gubernatorial vote; Covariate for white VAP: %Republican Gubernatorial vote

bill. These unambiguously asymmetrical preferences for the voter ID law were revealed using standard methodology for estimating group voting behavior discussed in the preceding sections. Based on this evidence, we can confidently conclude that non-white voters overwhelmingly opposed the voter ID bill and white voters overwhelmingly supported it. The natural interpretation of this result is that minority voters in Mississippi believed that that Initiative 27 would have a disproportionate and adverse impact on them. This conclusion is consistent with similar findings from Barreto *et al.* (2007), the Brennan Center for Justice (2006), and the National Association for the Advancement of Colored People Legal Defense Fund (2011).

Table 6 – Estimated voting preferences for Initiative 27 by racial group

	Estimated % of Voters Voting YES	Estimated % of Voters Voting NO
White	82.64	17.36
Non-White	24.66	75.34

So why did minority voters in Mississippi oppose Initiative 27? As opposed to national polling, Initiative 27 appeared on the Mississippi ballot as a direct question of whether photo ID should be required to participate in state elections. In that sense, the results of this election are much more informative than responses to generic polling questions. The implication is that minority voters by a large margin opposed Initiative 27 because they concluded that it would not serve their interests. The overwhelming rates at which minority voters rejected Initiative 27 further suggests that voter ID laws are harmful to those groups that have historically had the most difficulties accessing the ballot.

To take this a step further, we briefly examine statewide vehicle availability patterns in Mississippi to see if minorities are less likely than white individuals to have access to a vehicle. Although vehicle availability is not a perfect substitute for possession of a driver's license, we submit that access to a vehicle is likely to be strongly correlated with possession of a driver's license. That is, we use vehicle availability as a proxy for availability of the most common form of government-

issued photo ID: a driver’s license. Disparities in vehicle access along racial lines *might* be an indicator of racial disparities in driver’s license possession. Table 7 summarizes a few vehicle availability measures from the most recent 5-Year U.S. Census Public Use Microdata Sample¹² (“PUMS”) for the state of Mississippi. The PUMS estimates clearly show that vehicles are unevenly distributed between racial groups in MS, with white householders being far more likely to have access to automobiles than non-white householders. If the vehicle availability rates shown in Table 7 are similar to statewide driver’s license possession rates, then the reasons for such strong minority opposition to voter ID laws becomes clearer.

Table 7 – Statewide vehicle availability in MS by racial group

U.S. Census Public Use Microdata Sample

	White	Non-White
% Households in sample with 0 available vehicles	2.14	11.41
% Households in sample with 2 or more vehicles	78.89	54.67
Vehicles available per adult in sample¹³	1.04	0.79

The growing interest in government-issued photo ID laws follows a Presidential election in which minority electoral participation reached record levels. To this point it has been difficult to analyze systematically the preferences of minority voters for more restrictive voting laws. The Mississippi 2011 General Election offered a convenient natural experiment for such analysis. Using precinct-level election returns on Initiative 27, we provide empirical justification for concerns related to the disproportionate impact of ID laws on minority voters. Our results confirm that minority

¹² 2005-2009 ACS 5-Year PUMS Data Population and Housing Records for Mississippi, http://factfinder.census.gov/home/en/acs_pums_2009_5yr.html

¹³ The number of adults per household in the sample is calculated as the number of persons per household (“NP”) minus the number of related children per household (“NRC”). NRC includes the sampled householder’s own children as well as any related children.

voters in Mississippi tendentially reject stricter voting laws. Consequently, the evidence from the Mississippi study must be taken seriously, and it should significantly factor into the policy discourse of state legislatures in which voter ID laws are being considered.

References

1. Barreto, Matt A., Stephen A. Nuno, and Gabriel R. Sanchez. "Voter ID Requirements and the Disenfranchisements of Latino, Black, and Asian Voters." *Proceedings of the American Political Science Association Annual Conference*. Chicago, 2007.
2. Brennan Center for Justice. *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*. Voting Rights and Elections Series, 2006.
3. —. "Voter Identification." New York: Brennan Center for Justice Policy Brief, 2011.
4. Davidson, Chandler. "The Historical Context of Voter Photo-ID Laws." *PS: Political Science and Politics*, January 2009: 93-96.
5. Freedman, David A. *Ecological Inference and the Ecological Fallacy*. Technical Report No. 549, International Encyclopedia of the Social and Behavioral Sciences, 1999.
6. Freedman, David A. et al. "Ecological regression and voting rights." *Evaluation Review* 15, 1991: 673-711.
7. Goodman, L. "Ecological regressions and the behavior of individuals." *American Sociological Review* 18, 1953: 663-66.
8. Goodman, L. "Some alternatives to ecological correlation." *American Journal of Sociology* 64, 1959: 610-24.
9. Greiner, D. J. "Ecological Inference in Voting Rights Act Disputes: Where are we now, and where do we want to be?" *Jurimetrics* 47, 2007: 115-67.

10. Grofman, Bernard, and Michael Migalski. "Estimating the Extent of Racially Polarized Voting in Multicandidate Contests." *Sociological Methods Research* 16, 1988: 427-453.
11. Holder, E. "Attorney General Holder Speaks at the Lyndon Baines Johnson Library & Museum." Austin, December 13, 2011.
12. King, Gary. *A Solution to the Ecological Inference Problem*. Princeton: Princeton University Press, 1997.
13. King, Gary, Robert O. Keohane, and Sidney Verba. *Designing Social Inquiry*. Princeton: Princeton University Press, 1994.
14. Kousser, J. Morgan. *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910*. New Haven: Yale University Press, 1974.
15. Minnite, Lorraine. *The Politics of Voter Fraud*. A Project Vote Report, 2007.
16. NAACP Legal Defense Fund. "Defending Democracy: Confronting modern barriers to voting rights in America." A Report by the NAACD Legal Defense and Educational Fund, Inc. & the NAACP, New York, 2011.
17. Ogden, Frederick D. *The Poll Tax in the South*. Tuscaloosa: University of Alabama Press, 1958.
18. Orey, B.D. et al. "White Support for Racial Referenda in the Deep South." *Politics and Policy* 39, 4, 2011: 539-58.
19. Phillips, John B. "Educational Qualifications of Voters." *University of Colorado Studies*, 1906: 55-62.
20. Tam Cho, Wendy K. "Iff the Assumption Fits..." *Political Analysis* 7, 1998: 143-63.
21. United States Commission on Civil Rights. "The Voting Rights Act: Ten Years After." A Report of the United States Commission on Civil Rights, Washington, DC, 1975.
22. Withers, S.D. "Quantitative methods: advancement in ecological inference." *Progress in Human Geography* 25,1, 2001: 87-96.