

Race, Poverty, and the Redistribution of Voting Rights

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The relative political disengagement of people living in poverty poses an enduring challenge to the integrity of American democracy. In 1993, Congress attempted to address this by passing section 7 of the National Voter Registration Act. This law requires that all public assistance agencies serve as voter registration sites. Though advocates had high hopes for section 7, it has proven difficult to implement. Since very early on, state compliance has varied widely, maintaining an overall trajectory of decline. This article explains the reasons for such patterns. By examining changes in compliance between 1995 and 2012, I demonstrate that race is a pivotal determinant of when states incorporate low-income policy beneficiaries into the electorate. I find that state compliance decreases significantly when (i) non-Whites are less active in electoral politics relative to their White counterparts; (ii) African Americans comprise a greater share of the state population; and (iii) welfare bureaucracies employ more Latinos. These findings raise concerns about the political equality of disadvantaged citizens and underscore the need to scrutinize the outcomes of expansionary voting policies. Even more broadly, this research shows how the entanglement of race and poverty in a federalist polity frustrates efforts to advance participatory equality.

KEY WORDS: voting rights, section 7, NVRA, race, poverty

Introduction

In the United States, laws regulating access to the ballot box proliferated between 2010 and 2012 (Weiser, 2014). Using tactics ranging from photo ID requirements to constraints on third-party registration, policymakers in 21 states enacted a host of restrictions professedly aimed at averting voter fraud. These highly politicized statutes provoked intense resistance (Graham, 2015).¹ In contrast, policies enacted to *expand* the franchise have received comparatively scant notice. Yet, since 2013, the majority of bill proposals related to elections have been designed to enhance or preserve voting rights.² As these bills become law, their stories will have just begun. In an era of political polarization, profound inequality, and consistently contested access to the ballot box, expansionary electoral policies face a substantial risk of foundering after enactment. For reasons clarified below, statutes intended to incorporate low-income populations into the electorate may be especially vulnerable to such a fate. This article examines why,

revealing the critical role of race in frustrating institutional efforts to advance participatory equality.

Few pieces of legislation more aptly exemplify the challenges of implementing expansionary electoral policy than section 7 of the National Voter Registration Act (NVRA) of 1993. Section 7 is a federally mandated law requiring public assistance agencies (PAAs) to provide voter registration services to every person applying for or renewing government benefits.³ The intent of this edict was to improve the socioeconomic balance of the electorate. However, the patterns that have emerged since its passage underscore the need for continued and systematic scrutiny of the post-enactment trajectory of electoral expansions. As shown in Figure 1 (left panel), nearly three million social service beneficiaries registered to vote at public assistance agencies in the immediate wake of the NVRA. That tide soon turned as PAA registration declined drastically by 1997, remaining relatively low thereafter and exhibiting significant variation over the ensuing 20 years. Notably, registration numbers from Department of Motor Vehicles agencies (DMVs) show a different pattern (Figure 1, right panel). Though DMV registration also varies over time, it is less volatile, it is not on a similar downward trajectory, and it is only weakly correlated with PAA registration ($r = .2$).

State officials explain declines in PAA registration by claiming that many public assistance beneficiaries are already registered or by insinuating that beneficiaries are simply not interested in voting (Martin, 2015). In this article, I show that these accounts are inadequate and I argue that racial configurations are a key influence on state compliance with section 7. In a political system marked by intersecting racial and economic inequalities, legislation aimed at altering the socioeconomic apportionment of voting rights also catalyzes racial interests. By examining patterns of state compliance with section 7 between 1995 and 2012, I demonstrate that race plays a key role in shaping whether states take steps to

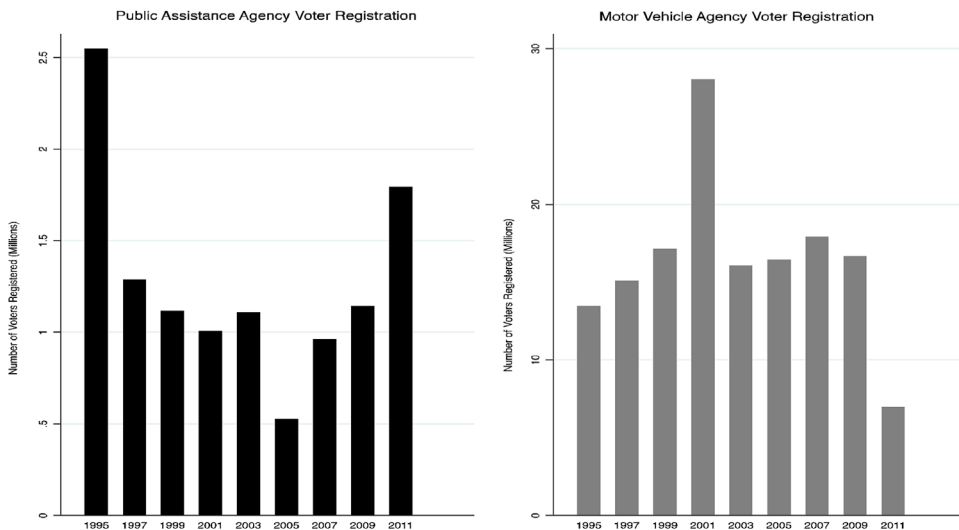


Figure 1. Voter Registration Patterns After the Passage of the NVRA.

incorporate low-income policy beneficiaries into the electorate. Moreover, I present evidence of two distinct sets of actors through which race likely operates: political elites and local bureaucrats. These findings raise broader concerns about the political incorporation of disadvantaged citizens and underscore the need to scrutinize the outcomes of expansionary voting policies.

Race, Class, and the Politics of Policy

This study builds on research that has established the wide-ranging impact of race on public policy (Fording, 2003; Hero, 2003; Hero & Tolbert, 1996; Soss, Fording, & Schram, 2008, 2011; Yates & Fording, 2005). Such scholarship has primarily focused on laws that dispense economic and social benefits or burdens (e.g., social welfare and criminal justice policies). Section 7 uniquely allocates a political resource. In a context where politics is acutely racialized and highly stratified by class—but explicit racial or class bias is prohibited—it is not immediately obvious whether or how race will affect an electoral statute that is facially neutral but designed to benefit citizens who are socioeconomically disadvantaged. To investigate this, I probe the determinants of compliance with section 7. In doing so, I elucidate some of the institutional channels through which race, class, and federalism intersect to shape the prospects for political equality in the United States.

The passage of section 7 reflected a sanguine belief that government intervention could counteract the political quiescence of disadvantaged populations. Over two decades later, we might be tempted to examine the results of this legislation for insight on core questions about how people living in poverty can be more fully incorporated into the electoral process. Unfortunately, the post-enactment trajectory of section 7 does not enable full consideration of such an inquiry. Instead, it reveals a continued withholding of political rights from economically vulnerable citizens who are disproportionately people of color. This comports with the findings of scholars of American political development who have unearthed historical evidence of an exclusionary bent in U.S. democratic practice. Noncompliance with section 7 is part of an enduring American tradition of erecting barriers to full electoral inclusion (Behrens, Uggen, & Manza, 2003; Hill & Leighley, 1999; Keyssar, 2000; King, Lieberman, Ritter, & Whitehead, 2009; Smith, 1999; Stepan & Linz, 2011; Wang, 2012). If “the history of suffrage in the United States is a history of both expansion and contraction, of inclusion and exclusion, of shifts in direction and momentum at different places and at different times,” then the arc of compliance with section 7 is an important example of precisely how such historical patterns continue to unfold in the present (Keyssar, 2000, p. 23).

Section 7 and the Challenge of Equalizing the Electorate

The suffrage of marginal groups in the United States has been consistently impeded by economically and racially biased institutional practices (Keyssar, 2000; McGill & Taylor, 1992; Wang, 2012). While the Voting Rights Act of 1965

addressed the most invidious of these, it did not confront the full array of factors that contribute to participatory inequities.

By the 1980s, activists concerned with widespread nonvoting began to push for changes in state, local, and federal laws to facilitate a more equitable electoral process (Moss, 1993; Solop & Wonders, 1995). Among a number of potential reforms, voter registration through social service agencies became a major part of advocacy groups' strategy for tackling political inequality. Although voting rights organizations initially planned to work at the state level to promote agency-based registration, they soon realized the limits imposed by "the fragmented structure of American politics" and redirected their energies to national initiatives (Moss, 1993; Solop & Wonders, 1995, p. 76).

This tactic was particularly prudent given the historical role of federalism in the development of voting rights. Some of the American states were infamous strongholds for anti-democratic politics. Since the 1960s, it had been clear that "universal suffrage would not be achieved by the decentralized actions of the 50 states, each with its own historical legacy, its own political conflicts, its own minorities, and special issues" (Keyssar, 2000, p. 229). By 1975, the right to vote had become largely nationalized, advancing mainly through constitutional amendments, voting rights legislation, and civil rights statutes (Keyssar, 2000). So in the 1980s, when political activists encountered significant roadblocks on the state level, they very sensibly shifted to a national approach.

This strategy proved effective, as the 100th, 101st, and 102nd congresses each considered bills promoting extensive electoral reform. These legislative proposals sparked partisan conflict: Democrats generally favored the expansion of voting rights and Republicans largely opposed, citing heightened opportunity for voter fraud and increased financial burdens on the states. Despite the partisan divide, by 1992 both the House and Senate voted in favor of a bill, only to have it vetoed by President George H.W. Bush.⁴ Congress finally passed the National Voter Registration Act in March 1993, just a few months after Bill Clinton took office.

Section 7 was a politically contested national policy. After its passage, astute observers recognized that the efficacy of the law depended upon state implementation, and they urged "activists to remain vigilant as entrenched state legislatures may balk at fully including the welfare agencies" (Moss, 1993, p. 30). In hindsight, this cautious counsel was warranted. State compliance with section 7 has proven spotty and variable over time and across states (Cha, 2013; Danetz, 2013; Hess & Novakowski, 2008). Once again, "the decentralized actions of the fifty states" have emerged as key considerations in understanding pressing electoral inefficiencies (Keyssar, 2000, p. 229).

Effects of the NVRA: A Lingering Blind Spot

Once the NVRA became the law of the land, advocates saw an incredible potential for section 7 to diminish political inequalities, but critics doubted that PAA registrants would actually vote (Piven & Cloward, 1992, 1996). In retrospect, the results are mixed. Early studies indicated that the NVRA had no significant

effect on voter turnout or that it actually exacerbated inequalities in state electorates (Martinez & Hill, 1999). Subsequent research was slightly more positive. Hill (2003) found that the NVRA was associated with reductions in the socioeconomic skew of the electorate. Rugeley and Jackson (2009, pp. 56, 71) found that the NVRA “attenuated the influence of income in states with no previous Motor Voter Laws” and that it made “noteworthy, but overall marginal, strides in the effort to produce a more diverse pool of registered citizens.” Today, scholars agree on at least this: The NVRA did not dramatically expand the size of low-income electoral constituencies. Any equalizing effect it has had on the composition of the electorate has been relatively small.

Still, a significant blind spot exists in the discussion about the impact of section 7: Compliance has been deficient (Cha, 2013; Danetz, 2013; Hess & Novakowski, 2008). We do not know how successful the law could have been if it were fully implemented. In fact, there is good reason to believe it might have been substantially more effective. For example, when states have come under scrutiny for particularly egregious records of noncompliance, there have been stark increases in registration numbers in very short time periods. Missouri saw an uptick in PAA registration of 1,376 percent following successful court action to force its hand (Danetz, 2013). Mississippi experienced an even more dramatic jump of 2,303 percent, going from an average of 188 PAA registrations per month to an average of 4,518 (Danetz, 2013). Estimates indicate that legal interventions over section 7 violations have led to almost two million additional low-income registrants (Danetz, 2013). This suggests that lackluster compliance is a significant problem, and it raises an imperative question: Why do state governments fail to fully cooperate with this law?

Section 7 as a Redistributive Policy

I argue that the answer has much to do with racial configurations, an imperative factor given the redistributive nature of section 7. As per Lowi’s well-known typology, I categorize section 7 as redistributive because it involves “deliberate efforts by the government to shift the allocation of wealth, income, property, or rights among broad classes or groups of the population” (Anderson, 2015, p. 15; Lowi, 1964). Although redistribution is ordinarily associated with material resources and commonly allied with social welfare programs, I follow Lowi and Anderson by casting a larger net that includes political power among the intangibles at stake in battles over “who gets what” (Lasswell, 1936). Section 7 is quintessentially redistributive because it involves the “haves” and the “have-nots” and “activate[s] interests in what are roughly class terms” (Lowi, 1964, pp. 691, 707). Given the zero-sum nature of the American political system, the threat of shifting electoral alignments can spark tensions similar to those that arise in other prominent redistributive conflicts. Importantly, categorizing section 7 as redistributive provides leverage for theorizing the factors impacting compliance (Haider-Markel, 1998; Tatalovich & Daynes, 1988). Namely, the turn to redistribution implies two things: (i) race matters; and (ii) both bureaucrats and political elites should influence policy outcomes.

Race and Redistribution

A striking number of social scientific studies confirm that race and redistribution are closely linked (Alesina & Glaeser, 2004; Beckman & Zheng, 2007; Corneo & Gruner, 2002; Fong, 2001; Lee & Roemer, 2006; Luttmer, 2001; Plotnick & Winters, 1985). Though this research mostly highlights correlations between race and individual policy preferences, it provides a basis for intimating the relationship between race and the redistribution of voting rights.

The sordid history of the franchise in the United States further solidifies this association (Keyssar, 2000; Piven, Minnite, & Groarke, 2009; Wang, 2012). For people of color, obtaining and retaining the right to vote has been an arduous struggle waged on the battlegrounds of the American states (Derfner, 1973; Keyssar, 2000; Tuck, 2001, 2009; Wang, 2012). Even in the present, upheavals over voter ID laws and the Voting Rights Act attest to this. Furthermore, in a nation with low-income populations that are disproportionately composed of racial minorities, even overtly class-based policy has racial connotations (Gilens, 1999). For these reasons, both contemporary and historical realities suggest that federal policy meant to redistribute political resources is susceptible to noncompliance on the basis of state racial structures. In view of this, I hypothesize that state racial environments will predict the extent of compliance with section 7. I detail the specific expectations that stem from this hypothesis in subsequent sections.

Redistribution from Above and Below

Much ink has been spilled over whether to conceive of policy implementation as a top-down phenomenon or a bottom-up process (Lipsky, 1980; Matland, 1995; Winter, 2003). Bottom-up models accentuate the micro-institutional or “street-level” setting, whereas top-down models accentuate the influence of policy framers and political officials (Matland, 1995). The redistributive nature of section 7 points to the critical significance of both approaches. The demographic composition of the electorate is of the utmost importance to political officials whose positions could be threatened by expanding constituencies. At the same time, the administrative realities of ground-level implementation hinge on the daily decisions of bureaucrats. In light of this dual dynamic, I rely on an elite-street framework to develop models of compliance.⁵

Political elites have a great stake in the results of section 7. Compliance with this law may alter their party’s status and the larger political environment in which they operate. They therefore have an incentive to influence policy enforcement. Moreover, since current officials had limited control over the federal directive from which section 7 originated, state-level implementation is a fertile ground for achieving “policymaking by other means” (Lineberry, 1977, p. 71).

At the same time, street-level bureaucrats (SLBs) are the main purveyors of the political benefits dispensed via section 7. These are the “public service workers who interact directly with citizens” (Lipsky, 1980, p. 3). As intermediaries in the delivery of policy benefits, SLBs are the most basic engines of

redistribution. In the overstressed and under-resourced bureaucracies that serve the poor, the action (or inaction) of SLBs can easily stymie compliance with policy (Lipsky, 1980, p. 8; Meyers & Vorsanger, 2003).

The empirical findings described in the ensuing pages reflect the analytical utility of distinguishing between the factors that influence bureaucrats and those that affect political elites. Culling the insights of voting rights advocacy groups corroborates this rationale. For example, in testimony before the United States Commission on Civil Rights, Lisa Danetz, senior counsel for Demos (a putatively liberal policy think tank), recommended several strategies for improving compliance with section 7. Though most of her suggestions necessitated the intervention of political elites (e.g., calling for the development of state oversight programs), Danetz also acknowledged that “the most compliant policies and procedures are meaningless if frontline workers are not carrying them out” (Danetz, 2013). Correspondingly, I emphasize variation in compliance in relation to two factors: (i) state racial configurations; and (ii) the racial context of the bureaucracy. I discuss each in turn below.

State Racial Configurations

Given the track record of low-income voters, political elites have little reason to take strong action to enfranchise the poor without some political pressure. Arguably, people of color are especially inclined to enforce such accountability. In addition to having the most at stake (as a consequence of being heavily represented among the poor), racial minorities also have a rich history of fighting for voting rights and long-standing ties to civil rights organizations (Dittmer, 1994; Lawson, 1985; Tuck, 2001). Political elites should therefore be more likely to support compliance when Blacks and Latinos exert pressure by participating in electoral politics at rates that make them an important political force relative to Whites. Under these conditions, compliance will be higher (H1).

In addition to racial patterns in voter participation, changes in state racial composition are also relevant. Racial minorities feature more prominently in political decision making as their numerical prevalence becomes more pronounced (Fellowes & Rowe, 2004; Hero & Tolbert, 1996; Taylor, 1998; Tolbert & Hero, 2001). The presence of these groups may change the policy preferences of Whites, thus altering the overarching political atmosphere in which elites make decisions. Furthermore, theories of racial threat suggest that as subordinate groups increase numerically, dominant groups may view them as a potential peril (Blalock, 1967; Blumer, 1958; Bobo & Hutchings, 1996). Majority groups may seek to diminish this perceived threat by weakening minorities’ ability to alter established social structures. Existing research substantiates this in the case of Blacks: Historically, larger percentages of African Americans have led to increased Black disenfranchisement (Piven et al., 2009). If such patterns hold today, I expect that increasing proportions of African Americans will lead to decreased compliance (H2).

If recent laws requiring proof of citizenship for voting and heightened rhetoric around immigration are indicators of perceived threat among Whites,

then this hypothesis may also hold for Latinos.⁶ However, there is good reason to be more cautious about making predictions concerning the impact of Latino racial composition. The heterogeneity that continues to characterize Latino political behavior means that elite responses to their growing numbers should be more complex and variable (Casellas & Ibarra, 2012). Moreover, while Latinos may be perceived as a political threat, they also represent a potential opportunity for elected officials (or hopefuls) looking for a chance to expand their constituencies (Alvarez & Bedolla, 2003; Segal, 2003).

Racial Context of Bureaucracy

The elite-street approach detailed earlier calls for attentiveness to the role of bureaucrats in supporting compliance with section 7. For frontline workers who make up the rank and file of social welfare agencies, the racial composition of the state population is likely less important than the race of bureaucrats themselves (Watkins-Hayes, 2009a, 2011). Scholars have increasingly found that racially representative bureaucracies have complex and varied ramifications for policies ranging from welfare to education to criminal justice (Dolan & Rosenbloom, 2003; Keiser, Mueser, & Choi, 2004; Meier, Wrinkle, & Polinard, 1999; Watkins-Hayes, 2009a; Wilkins & Williams, 2008). What is more is that the professional identities of bureaucrats of color (particularly African Americans) have historically been rooted in notions of human service administration as “race work,” a form of politically infused collective uplift (Watkins-Hayes, 2009b). Given the decidedly politicized role of Black bureaucrats in welfare implementation and the explicitly political ends of section 7, I expect the increased presence of African American bureaucrats to boost compliance (H3). Latino bureaucrats are more difficult to predict because they do not have the same historical relationship to the welfare state as their Black counterparts (Watkins-Hayes, 2009b). However, since Latino representation in welfare bureaucracies has increased significantly over the time period in question, this is an important question to consider.

Data and Measures

The data used below are gathered from reports released by the Federal Election Commission/Election Assistance Commission, the Census Bureau, the United States Department of Agriculture, and a range of other sources.⁷

Dependent Variable: State Compliance

A suitable measure of compliance for a given state in a given year would look as follows:

$$\text{Compliance} = \frac{\text{PAA Beneficiaries given opportunity to register}}{\text{Total PAA Beneficiaries}} \times 100 \quad (1)$$

This would yield the percentage of PAA clients who were provided with the opportunity to register (which is what the NVRA requires), regardless of whether they actually did so. Unfortunately, there are no available data that would allow us to determine the numerator in this equation. States do not track the number of beneficiaries offered the chance to register. In addition, the denominator is also tricky because states report information on public assistance beneficiaries by program, with substantial overlap across programs that makes it difficult to ascertain the unique number of PAA beneficiaries in each state per year.

Given these obstacles, I start with a simple measure of compliance in lieu of Equation (1):

$$\text{Compliance} = \frac{\text{PAA Registrants}}{\text{SNAP Beneficiaries}} \times 100 \quad (2)$$

The closest proxy for the number of applicants offered the opportunity to register comes from federal data on the number of voters actually registered at PAAs in each of the states to which the NVRA applies.⁸ Moreover, as an alternative to the total number of public assistance clients, I use the number of Supplemental Nutrition Assistance Program (SNAP) beneficiaries in each state. SNAP numbers are an appropriate substitute because the program is extensive. Many TANF (Temporary Assistance for Needy Families) beneficiaries also receive SNAP, but the reverse is not true. Further, a subset of SNAP beneficiaries are very low paid workers who do not qualify for TANF or Medicaid, but are still deemed food insecure based on their income and assets.⁹

There are at least two ways this simple compliance measure could be problematic. First, a core assumption underlying Equation (2) is that the numerator is responsive to changes in the denominator. So, if compliance (the left-hand side of the equation) remains the same while SNAP numbers (the denominator) go up, then the number of PAA registrants (the numerator) should go up as well. If, instead compliance-related behavior remains the same and SNAP numbers increase but there are no additional PAA registrants, then compliance calculations will be driven by SNAP patterns more so than by registration-related behavior (which is the phenomenon of interest). This could happen if states hit a ceiling for how many people they have registered. If a state is doing a good job of registering low-income individuals, then even as the number of SNAP beneficiaries increases, there is less room for increasing the number of PAA registrants simply because there are fewer folks left to register. In this case, actual compliance could remain steady but as SNAP numbers rose, it would erroneously appear to be declining. To address this, I construct an alternative compliance variable that weights the number of SNAP beneficiaries based on the proportion of poor people who are unregistered in a given state for a given year:

$$\text{Compliance} = \frac{\text{PAA Registrants}}{[\text{SNAP Recipients} \times \text{Proportion of unregistered poor}]} \times 100 \quad (3)$$

A second compelling concern in making the jump from the ideal measure of compliance to a practical measure lies in the assumption that those given the opportunity to register generally do so. Since we do not know whether this is the case, I empirically account for level of interest in registering among economically disadvantaged citizens. If disinterest is driving down the numbers of voters registered at PAAs, then we should not falsely attribute compliance rates to state officials' non-cooperation. Equation (4) mitigates such a possibility by weighting the number of SNAP beneficiaries based on the proportion of unregistered poor people who report that their registration status is due to a lack of interest in politics.¹⁰

$$\text{Compliance} = \frac{\text{PAA Registrants}}{[\text{SNAP Recipients} \times \text{Proportion of uninterested unregistered poor}]} \times 100 \tag{4}$$

As shown in Figure 2, unweighted measures substantially underestimate levels of compliance. Consequently, the analyses presented in later sections of this article are careful to include all three compliance measures. This should ensure that the findings are not driven by ceiling effects (i.e., variation in states' effectiveness at incorporating low-income voters) or by low levels of political interest among the poor.

Despite having taken these steps, there are still legitimate concerns about accurately measuring compliance with section 7. For example, perhaps in some states higher proportions of SNAP beneficiaries are excluded from voting because of felony convictions or citizenship status. If so, then SNAP numbers might increase but the number of PAA registrants would not, thus artificially deflating

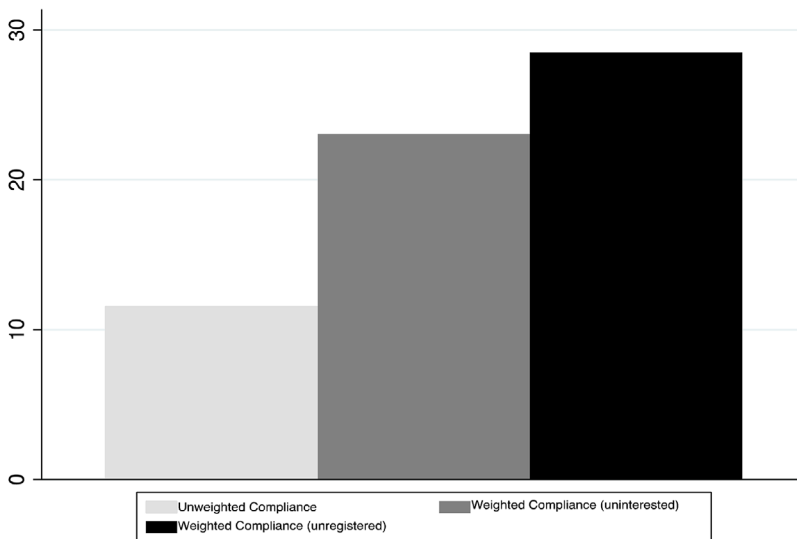


Figure 2. Section 7 Compliance (Weighted and Unweighted)

compliance scores for reasons unrelated to actual compliance. It turns out that empirically accounting for these possibilities does not alter the main conclusions of the article.¹¹

In a more perfect world, compliance would be measured via systematic observations of public agencies throughout the country. Such observations could be used to gauge the rate at which beneficiaries are provided with the opportunity to register. We could also survey a sample of agencies about the frequency with which beneficiaries are presented with the chance to register or survey beneficiaries for retrospective recall of whether they were offered the opportunity to register. None of these options would be without flaw. Challenges with response rates and strong incentives for agencies to fudge the truth would make survey results questionable.¹² The inability to accurately recall agency-based experiences would similarly weaken reports from individual SNAP beneficiaries. Even large-scale direct observation would be insufficient because social workers and clients often have long-standing relationships, and the failure to observe an offer for registration at any single point would not be proof that such an offer had not been made upon initial contact. In sum, there is no infallible way to measure compliance. Given this, a reasonable place to start is with the readily available information. If such evidence indicates patterns of concern (as I show it does), then scholars may have justification for pursuing more demanding and costly avenues of data collection.

Analyses

In order to understand the role of race in explaining state compliance with section 7, I estimate multivariate times-series cross-sectional (TSCS) models (Beck & Katz, 1995; Stimson, 1985). Since compliance is a continuous variable, I use ordinary least squares regression.¹³ To circumvent some of the inferential challenges associated with this technique, I estimate models with panel-corrected standard errors (PCSEs).¹⁴ I also include state and year fixed effects.¹⁵ Though these methods are not perfect, the findings that emerged from the models proved quite robust.

Variable Description

I quantify state racial configurations using three variables: (i) state-level measures of racial inequality in voter registration (the ratio of the percentage of Whites registered to the percentage of non-Whites, lagged by two elections); (ii) the Black share of the state population; and (iii) the Latino share of the state population. I gauge the racial context of bureaucracies via two variables: the percent of government welfare eligibility workers who are African American and the percent who are Latino.¹⁶

In addition to these core variables of interest, I include a range of controls for partisanship at the national level (president's party) and state level (an indicator for whether the governor is Republican and a measure of the Republican share of

the state legislature); the percent of African American and Latino SNAP beneficiaries, respectively; and a measure of state bureaucratic capacity (the administration expenditures per case/per month within SNAP programs).

Findings

A descriptive look at all three measures of state compliance with section 7 reveals persisting decline across time (Figure 3, left panel) and substantial variation across states (Figure 3, right panel), even after weighting based on pre-existing state registration tendencies and political disinterest among the poor. The multivariate models offer insight into what explains these trends. Many of the controls prove significant: Compliance is higher when the president is a Democrat and when state bureaucracies have more capacity (i.e., they spend more per client on administrative costs). Compliance is lower when legislatures are more heavily Republican. Most importantly, in line with the hypotheses presented earlier in the article, racial factors are especially crucial determinants of compliance. Figures 4 through 6 illustrate the relevant findings.¹⁷

Figure 4 shows that compliance is lower when the ratio of White to non-White voter registration skews toward Whites (i.e., when Whites have more voting power relative to non-Whites). Figure 5 illustrates that compliance decreases significantly as the Black percentage of the state population increases. Finally, Figure 6 depicts the influence of bureaucrats: Higher percentages of Black bureaucrats are associated with increased compliance while growing ranks of Latinos in state welfare bureaucracies are associated with decreases in compliance.

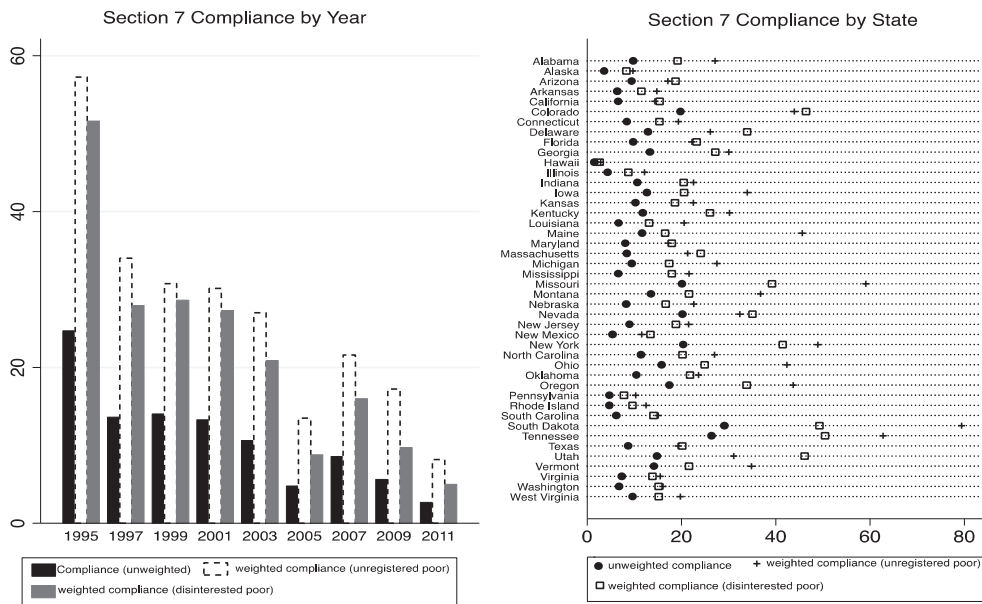


Figure 3. Section 7 Compliance by State and Year.

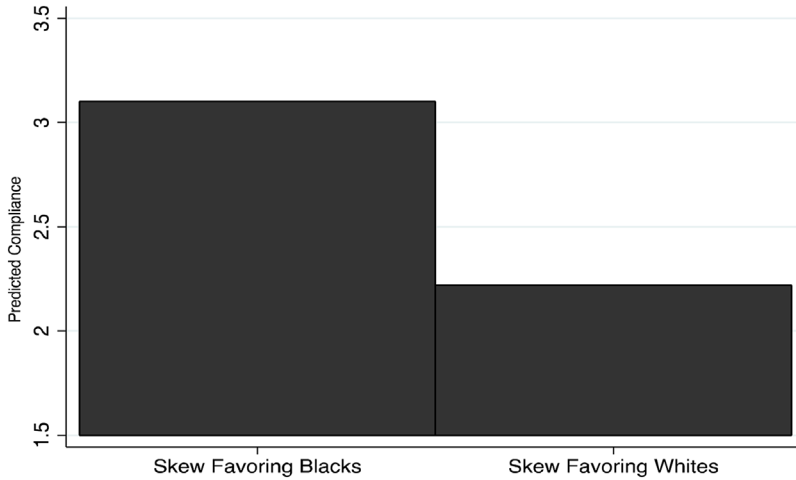


Figure 4. Section 7 Compliance and Racial Registration Skew.

Note: Based on OLS models with PCSEs, full range of controls, and fixed effects (state and year). Supplemental Table S2 contains all relevant coefficients.

Discussion

The findings largely align with expectations. Racial factors matter in precisely the way the elite-street framework suggests. State-level racial configurations that can incentivize political elites (e.g., population demographic composition, Black electoral influence) exhibit strong relationships to compliance. At the same time, the racial composition of welfare bureaucracies also matters. As anticipated, Black bureaucrats appear to be a boon to compliance. Interestingly, the opposite is true

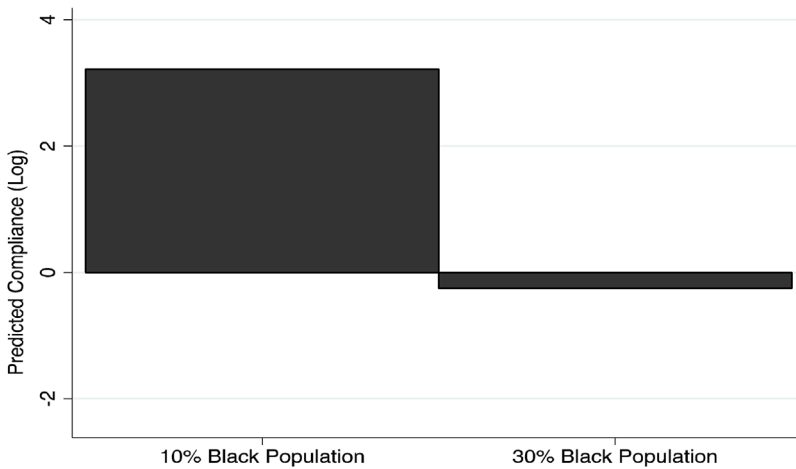


Figure 5. Section 7 Compliance and Black State Population.

Note: Based on OLS models with PCSEs, full range of controls, and fixed effects (state and year). Supplemental Table S2 contains all relevant coefficients.

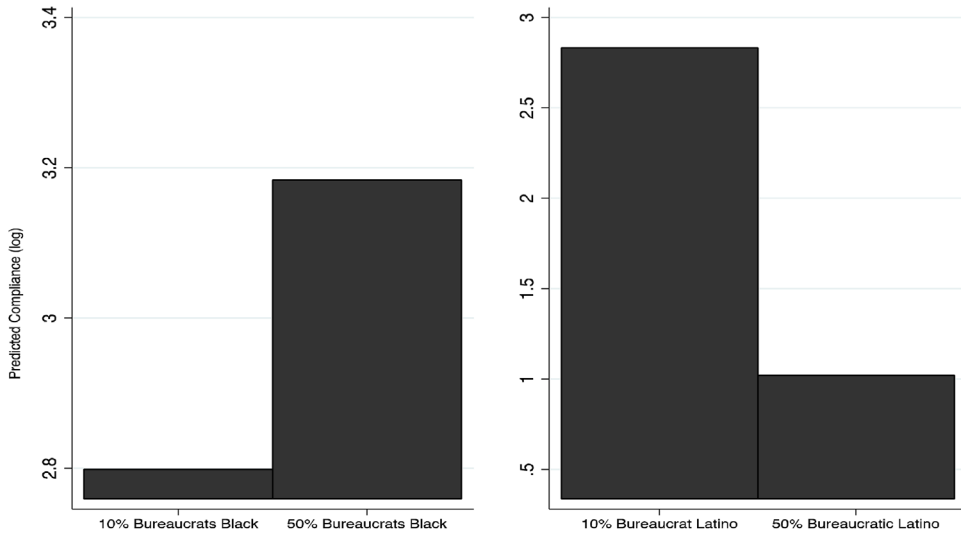


Figure 6. Section 7 Compliance and Street-Level Bureaucrats (Black and Latino).

Note: Based on OLS models with PCSEs, full range of controls, and fixed effects (state and year). Supplemental Table S2 contains all relevant coefficients.

for Latinos. The latter result raises an important question: why would states with increasing percentages of Latino bureaucrats exhibit significantly lower rates of compliance?

Though the existing literature provided insufficient leverage for crafting well-honed theories with regard to Latinos, there are a few findings that help to explain why Latino bureaucrats may be associated with declining compliance. First, this pattern comports with broader trends in Latino immigration and political incorporation. As the size of the Latino population has grown, settlement arrangements have shifted. In 1990, 67 percent of new immigrants lived in one of the “Big Five” gateway destination states (New York, California, Texas, Illinois, and Florida). By 2005, this number had dropped to 51 percent (Massey & Capoferro, 2008). The diffusion of Latinos across the United States has important implications for their political socialization. Kaufmann and Rodriguez (2009) suggest that Latinos in new destination states are significantly less likely to express an interest in politics or to identify with a political party. To the extent that personal recognition of the importance of politics is one pathway through which bureaucrats become predisposed to implementing section 7, then trends in Latino political socialization are consequential. Namely, when Latino street-level bureaucrats are increasingly employed in locales that do not facilitate their socialization into political life, this weakens one of the mechanisms for motivating them to comply with section 7.

Moreover, Latinos in the United States are a vastly heterogeneous population with respect to racial identity, political characteristics, socioeconomic status, and much more. Latino SLBs are likely better educated and more economically advantaged than other Latinos. This can translate into less liberal attitudes, less of

a sense of linked fate, and an increased desire to disassociate oneself from more marginal co-ethnics (Bedolla, 2003; Branton, 2007; Sanchez & Masuoka, 2010). These kinds of dispositions may dampen Latino SLBs' proclivity to implement section 7.

Notwithstanding such conjectures, our present ability to explain the relationships between state compliance with section 7 and Latino bureaucratic representation is limited. My initial uncertainty regarding the role of Latinos was in part because of the dearth of pertinent research, but it was also a reflection of the rapidly evolving place of Latinos in the American racial hierarchy. Given this, the explanations that I offer are only a springboard for future inquiry.

Alternative Explanations and Robustness

These results provide evidence for the significance of race in structuring state compliance with section 7 of the NVRA. While the fixed effects approach attenuates some trepidation about time-invariant omitted variables, it is worth noting that the core findings are robust in several additional respects. First, the results are unchanged by the addition of a wide range of time-varying elements, including controls for state economic conditions,¹⁸ intra-state voting rights advocacy,¹⁹ state political culture,²⁰ state electoral positioning,²¹ divided government,²² the prevalence of noncitizens,²³ rates of felon disenfranchisement,²⁴ rates of voter registration at motor vehicle agencies,²⁵ and the strictness of photo ID requirements for voting.²⁶ Although many of these factors are significant determinants of compliance (see abovementioned footnotes), none of them alter the relevance of the significant racial factors.

The results also cannot be explained by the alternative hypothesis that the initially high rates of PAA registration reflected a backlog of poor registrants that ceased to exist after the 1995 wave of registration activity. The results persist after rerunning the models without the first year of data, thus addressing the concern that the findings are driven by the disproportionate impact of the year immediately after the NVRA was enacted (i.e., the drop-off between 1995 and all subsequent years). The results are also robust to corrections for serial correlation.

Finally, the relevance of race persists even after considering interactive relationships between key independent variables. There is clearly potential for conditional relationships between partisan and racial factors. Literature suggests that political parties have disparate responses to constituent preferences on the basis of race (Frymer, 2010; Grose, 2011). To account for this, I consider interactions between the partisan composition of state legislatures and the various measures of state racial configurations. It turns out that such interactions are consequential. There is a significant and negative interaction between the White/Non-White registration ratio and the partisan composition of the legislature. This means that compliance is most diminished when registration imbalances favor Whites and legislatures are densely Republican (see supplementary Table S3 for these results). The other significant racial factors (the Black population density and the percent of Black and Latino SLBs) remain so, even in the interactive

models. Though interactions provide important additional information about the relationship between race, partisanship, and compliance, they do not compromise the key findings.

Overall, the results prove robust to a range of alternative specifications. Nonetheless, the methods used here are not faultless. Two weaknesses are worth noting. First, the data used to construct the dependent variable (compliance) are provided in two-year increments, so there are nine time intervals in this study. This is just short of 10, the loosely recommended minimum when using PCSEs (Beck & Katz, 1995). To ensure that this was not undermining the findings, and to offer a useful comparison, I fit the models using a Feasible Generalized Least Squares (FGLS) estimator, the most common alternative to PCSEs (Reed & Webb, 2010). The results proved largely robust, with one exception. The coefficient for Black street-level bureaucrats lost significance. Since this variable proves susceptible to changes in estimation procedures, I interpret it with a bit more caution.

The second (more compelling) weakness of the methodological strategy is endemic to all observational research. Namely, factors that I did not include in the models could be influential and even confounding. Despite the capacious range of controls employed, I cannot entirely eliminate the possibility of model misspecification via omitted variables. Yet, as the first multivariate analysis of compliance with section 7, this study represents a substantial step up from the descriptive approaches that drive present policy discussions. Moreover, this research should spur continued empirically grounded investigation into expansionary electoral statutes like section 7. Both survey research and qualitative exploration would offer especially complementary perspectives. In-depth and/or survey interviews with political elites tasked with implementing section 7, bureaucrats responsible for making it happen on the ground, and beneficiaries in public agencies across the country could shed light on the processes that account for the aggregate patterns examined here.

Conclusion

Section 7 is a massively important piece of legislation aimed at securing socioeconomic equality within the formal political sphere. Yet, scholars have paid very little attention to it. This article illuminates the forces shaping compliance with section 7. Social scientists have considerable evidence indicating that what goes on at public assistance agencies affects citizen engagement with politics (Campbell, 2012). These “policy feedback” effects are unintended. Section 7 is just the opposite: It purposively creates a link between the political engagement of the poor and the events that unfold at public assistance agencies. In the eyes of the law, welfare offices should be spaces that give economically disadvantaged citizens the opportunity to become registered voters. If states complied fully with federal mandates, this would happen with much more frequency. But it is difficult to compel states to implement section 7. Even more problematically, levels of compliance are contingent upon race in ways that are an anathema to the ideal of political equality. Compliance decreases by a substantively significant

magnitude (i) when non-Whites are less active in electoral politics relative to their White counterparts; (ii) when African Americans compose more of the state population; and (iii) when welfare bureaucracies employ more Latinos. These patterns suggest that as a result of the actions (or inaction) of both elites and bureaucrats, race continues to shape enfranchisement practices meant to safeguard the political equality of the poor.

All of this highlights the centrality of racial politics in shaping public policy outcomes, as well as its critical intersections with class politics. Whether Blacks are politically empowered and whether Latinos are politically socialized, not only matters for the well-being of those groups, but also for the political incorporation of all economically marginal citizens.

Moreover, these findings are “a cautionary reminder of the seemingly endless variation and creativity evinced in efforts to repurpose electoral reforms and institutions to exclude voters and shape electoral outcomes” (Bentele & O’Brien, 2013, p. 1091). By further clarifying the role of racial context in shaping institutional outcomes, this work directs us to specific ways that those seeking to improve compliance can focus their energies. For example, it is sensible to ramp up oversight of section 7 and training for welfare bureaucrats in states with the most drastic changes in racial demographics. It may also be helpful to consider existing racial power structures, paying increased attention to compliance in states with lopsided voting imbalances between racial groups. As exemplified by the recent work of voting rights groups, targeting and pressuring specific states can dramatically improve compliance with section 7 (Cha, 2013). This research offers empirically grounded insights for routing such oversight. Such knowledge is increasingly critical. For example, the federal government has designated the health insurance exchanges mandated by the Affordable Care Act (ACA) as voter registration sites under the purview of section 7 (Barksdale & Min Rho, 2013). Since nearly 90 percent of the uninsured live in low-to-moderate income families and 46 percent are either Black or Latino, this has important implications for political equality.²⁷ As new policies like the ACA create occasions for compliance with section 7, understanding the dynamics of compliance with these statutes is vital.

On the broadest level, these findings speak to apprehensions over contemporary processes of de-democratization and highlight how specific patterns of policy variation help to sustain fundamental political inequalities in the United States (King et al., 2009; Stepan & Linz, 2011). Rejecting conceptions of democracy as an ideal that we have already achieved, and embracing the notion that the extension of the American franchise has taken a nonlinear trajectory, this article shows how even ostensibly positive electoral reforms falter under the weight of a racially biased federalist system (Smith, 1999; Tuck, 2009; Weiser & Norden, 2011). While a host of other scholars study these patterns with respect to laws that restrict the franchise, this article turns an eye toward laws meant to expand it. Furthermore, even within the general category of expansionary electoral policies, section 7 is compelling because its explicit class implications bear directly upon the prospects for a more economically equitable democracy.

Although the intentions of the NVRA were admirable, noncompliance with section 7 raises concerns about exclusive reliance on fragmented state governments as harbingers of political equality in a racialized political context. In this light, alternative institutions (e.g., community organizations, churches, advocacy groups) may need to oversee efforts to achieve a more balanced electorate. Ultimately, in the face of racial divisions, substantial poverty, and widening partisan polarization, both state and non-state actors must remain cognizant of the forces perpetuating the troubling entanglement of race, class, and political power.

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Notes

1. Opponents have pointed to research showing that voter fraud is very rare and that electoral strictures are a notorious mechanism for suppressing the political participation of economically and racially marginalized citizens (Bentele & O'Brien, 2013; Herron & Smith, 2012, 2014; Keyssar, 2000; Minnite, 2010; Wang, 2012).
2. See the "Voting Laws Roundup" compiled by the Brennan Center for Justice for specific examples: <https://www.brennancenter.org/analysis/voting-laws-roundup-2015>.
3. Mandatory agencies include Medicaid, Temporary Aid for Needy Families (TANF), Supplemental Nutrition Assistance Programs (SNAP), and Women, Infants, and Children benefits (WIC).
4. July 12, 1992: Veto S. 250.
5. The terms "elite" and "street" are not meant to map onto the level of analysis in this article's empirical models. All of the models are based on state-level data. Given the overarching focus on variation in states over time, I measure elite and street influences in ways that only indirectly connect policy outcomes to the actions and decisions of these policy actors (i.e., the models do not include data surveying the attitudes, motivations, or behavior of either elites or bureaucrats). Nonetheless, the data are helpful for linking the larger forces that bear upon these actors with the outcomes of section 7. Furthermore, the aggregate level of analysis offers a breadth and empirical tractability that would be difficult to achieve with survey data.
6. See the Advancement Project's report entitled, "Segregating American Citizenship: Latino Voter Disenfranchisement in 2012."
7. See supplementary Table S1 for summary statistics and information on specific sources of data for each variable.
8. Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming are exempt from NVRA regulations. The District of Columbia is excluded due to missing data.
9. Since I selected only one out of several core public assistance programs as the basis for measuring compliance, the denominator in Equation (2) is likely an underestimate, and state compliance may appear higher than it actually is. So long as this overestimation does not differ systematically from state-to-state and year-to-year, it should not pose inferential problems.
10. This information came from the November supplement of the Current Population Survey, which asked non-registrants their reasons for not voting between 2004 and 2012; 2004 data were used for all years prior.

11. This is true whether I add controls for the proportion of state populations who are noncitizens and who are disenfranchised because of felony convictions (respectively) or whether I construct additional weighted compliance measures of the sort featured above and use them as the dependent variables. I chose the former because proliferating weighted compliance measures are cumbersome.
12. The administrative data used here also rely on agency self-report. The difference, however, is that there are physical voter registration forms connected to these numbers, so a paper trail can verify state reports. If, instead we asked agencies to report each time a beneficiary was offered the opportunity to register, this would be more difficult for the agencies to keep track of (increasing the potential for reporting error), and it would be a more obvious marker of noncompliance (increasing the motivation for fudging the numbers). This is not to say that more directly surveying agencies about compliance practices is a bad idea; it is only to indicate that even if such information were available, it would hardly solve the problem of measuring compliance.
13. Also, since compliance is non-normally distributed and heavily skewed, I use the log of compliance as the actual dependent variable. Residual plots show that models based on the log of compliance have fewer outliers and less non-constant variance.
14. PCSEs are an adjusted version of standard errors that are robust to heteroskedasticity and contemporaneous correlation (Beck & Katz, 1995; Reed & Webb, 2010; Stimson, 1985; Wooldridge, 2002).
15. State fixed effects account for unobserved time-invariant heterogeneity across states. Since such analyses focus on change within states over time, it is worth noting that most of the variables in the models have substantial longitudinal variation. However, two of the racial predictors are slow changing (percent Latino and percent Black). While not ideal, this sets the bar higher for identifying significant effects because with slowly changing variables, “the fixed effect will soak up most of the explanatory power,” making it hard for such variables to reach significance (Beck, 2001, p. 285). Year effects ensure that particular time trends are not confounding the results.
16. I also considered more complex measures of the bureaucratic racial context that reflected the ratio of the share of Black/Latino bureaucrats to the share of Black/Latino SNAP beneficiaries. Such measures would indicate the relative impact of various mixtures of racial bureaucratic relations. These measures did not end up in the final models because the research record is sparse enough that I thought it prudent to begin with more simple models. It is worth noting that including such measures does not change the substantive results.
17. These figures are based on compliance weighted by the proportion of unregistered poor. I selected a single compliance measure for the sake of a more simple presentation. The other measures produce comparable results.
18. Controls for both state GDP and state unemployment were insignificant, and adding them did not have a substantial effect on any of the models.
19. Since civil rights and other advocacy groups initiate a large portion of voting rights cases, I used the number of state court cases related to voting rights as a proxy for advocacy group influence. The results indicated that such advocacy is associated with lower levels of compliance; this may be because voting rights cases are more likely to occur in states with bad track records.
20. I incorporated two measures of state political culture: institutional ideology and citizen ideology. The data from these variables are drawn from Berry, Ringquist, Fording, and Hanson (2007, 2010). Not surprisingly, states with more conservative ideological leanings have lower rates of compliance.
21. For electoral positioning, I included a variable indicating battleground status: where the margin of victory in the most recent presidential election was less than 6 percentage points. Compliance was lower when states were not battlegrounds.
22. Compliance increases significantly under divided state government.
23. The proportion of noncitizen state residents does not have a significant effect on compliance.
24. Compliance increases significantly as the disenfranchised proportion of the state population grows.
25. Motor vehicle registration rates have no significant effect on compliance. So, even in states with proficient DMVs that register a high proportion of all voters, the observed relationships remain the same.
26. Compliance decreases significantly as states adopt more restrictive voter identification requirements.
27. This includes families that are below 400 percent of the federal poverty line.

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