Politics, Race, and American State Electoral Reforms After Election 2000

Valentina A. Bali  
*Michigan State University*  
baliv@msu.edu

Brian D. Silver  
*Michigan State University*  
bsilver@msu.edu

**Abstract**

The challenging elections of 2000 triggered electoral reforms across many states, though the scope and depth of these reforms varied widely. While political scientists have begun to understand the correlates of race politics, and state policy making in general, much less attention has been paid to these relationships and electoral reforms. In this paper we examine the impact of politics, ethnicity, and fiscal health in leading states to pass electoral reform legislation. Using state level data from 2001 and 2002, we find that partisan electoral balance played a recurrent role in the passage of electoral reforms. States with a divided government or high levels of party competition were averse to reforming several key electoral reforms. Also, partisanship and the interaction of partisanship and minority representation influenced selected electoral reforms. Finally, fiscal constraints had a minor impact. Overall, our findings suggest that electoral reforms were shaped to a greater extent by concerns with partisan electoral balance and the potential electorate than by fiscal strains or the “need” for reform.
After the troubled 2000 elections many states focused on reforming their election systems. For example, in 2000-2001 state legislatures passed 321 new laws covering issues such as voting equipment, voter intent, registration, and absentee ballots.\(^1\) In 2001-2002, 171 more laws were passed. However, this drive for election reform was not uniform. While 33 states passed laws related to absentee votes, only 15 introduced major laws on new voting equipment, 16 passed laws on recount procedures, and 10 introduced laws establishing a centralized registration database. Not all states attempted election reforms and among those that did launch reforms many focused on different areas.

Clearly, states’ expectations of the federal government’s leadership on electoral reform further prompted them to examine their electoral systems. In October 2002, Congress passed the Help America Vote Act (HAVA), which not only promised financial support to the states for undertaking certain reforms, including updating their equipment, but mandated compliance with certain national standards. A new round of state-level legislation followed the enactment of HAVA as states sought to meet deadlines for submitting a plan for compliance to be certified by a new independent U.S. Election Assistance Commission. By the end of 2003, 46 states had considered bills dealing with HAVA, but the extent of these reforms varied greatly from state to state. Only twenty-six states had passed relatively comprehensive HAVA compliance bills.\(^2\)

Despite the expectations and intent of HAVA, states undertook quite dissimilar paths of electoral reform, both before and after HAVA. In part this may be the result of a greatly delayed leadership role from Washington. For example, the Senate only approved the four members of the U.S. Election Assistance Commission in December of 2003, close to 10 months behind

---

\(^1\) These figures are reported by the National Conference of State Legislatures (NCSL) at [www.ncsl.org](http://www.ncsl.org).

\(^2\) Refer to the NCSL’s report at [www.ncsl.org/programs/legman/elect/taskfc/03billsum.htm](http://www.ncsl.org/programs/legman/elect/taskfc/03billsum.htm).
schedule.\(^3\) In addition, the legislation finally passed in HAVA allows the states much discretion in their final implementation of the law, in and of itself promoting a differential path of reform while raising some concerns about lack of consistency in state electoral legislation.\(^4\) For example, the much-maligned punch card ballots have actually not been banned by HAVA, but states can choose voluntarily to replace these systems with the help of federal funds.\(^5\) In terms of voting standards, while one of HAVA’s goals is to improve the uniformity of voting standards, the Election Assistance Commission will only provide states with voluntary guidelines. In fact, states still have the discretion to define what constitutes a legal vote for each type of voting machine.

In short, although a good deal of new legislation has been passed, no panacea has yet been applied to the ills that the state-level and HAVA electoral reforms were presumably intended to address after the 2000 election.

\(^3\) As a result of this delayed appointment, the distribution of federal reform funding was also held up, and only $2 million of the promised $10 million was allocated for the operations of the Commission. Similarly, the 2004 fiscal year presidential budget proposal provided only $40 million of $800 million promised for electoral improvements at the state level under HAVA (see “Budgeting for Another Florida,” \textit{New York Times}, February 8, 2004.)


\(^5\) Quite notably, the 2004 elections will still find states such as Ohio and Missouri, among others, using punch cards. See “Election Reform 2004: What’s Changed, What Hasn’t, and Why?” at \url{www.electiononline.org}. 
So the question remains, why did some states actively reform their electoral systems, engaging in early-on and costly reforms, while others did not? The goal of this paper is to explain variation in state election reform after the 2000 election, with an emphasis on the fiscal years 2001 and 2002 (before HAVA) though we also examine the reforms after HAVA. Were Democrat controlled states more likely to pass reforms that increased accessibility to vote? Did Republican controlled states tend to favor stricter voter eligibility rules? Were states under fiscal stress more reluctant to pass reforms? Answering these questions should contribute to our understanding of institutional change and enfranchisement at the state level.

We begin by conjecturing that state election reform was not driven simply by the current state of the election administration. On the one hand, the large literature on state policy making tells us that state legislatures have been responsive to an array of internal characteristics, including quite importantly political and electoral constraints (e.g., Barrilleaux 1997, Barrilleaux, Holbrook, and Langer 2002; Berry and Berry 1992, 1999; Hero and Tolbert 1996; Sabatier 1999). On the other hand, the literature on turnout and voter mobilization has revealed that expanding the electorate is not simply a random expansion of the voter pool but demographic, and sometimes partisan, shifts can occur (Brians and Grofman 2001; Citrin, Schickler, and Sides 2003; Highton and Wolfinger 1998; Hill and Leighley 1996, 1999; Knack and White 2000; Martinez and Hill 1999; Wolfinger and Rosenstone 1980). This suggests that election administration should be a highly politicized policy area to reform. Furthermore, the last major national reform of voter eligibility and registration before 2000, the National Voter Registration Act of 1993 – the so-called “motor voter” act – was widely interpreted in partisan political
circles as having a pro-Democratic bias. Thus, would-be election reformers at both the state and national levels after 2000 had reason to be cautious and strategic about adopting any new electoral reforms.

Building on previous strands of literature, we hypothesize that state election reform has been shaped by five factors: (1) base need for reform of the state’s electoral system, (2) state partisan politics (party control and party balance), (3) state fiscal health and constraints, (4) the size of the mobilizable vote of major ethnic minorities, in particular African Americans and Hispanics, and (5) the interaction of partisan politics and constituency characteristics, in particular minority presence. We test then our hypotheses in four key areas of reform in 2001 and 2002: new equipment, improved voter registration lists, provisional voting, and voter ID. These areas constitute the most controversial aspects of election reform and take a central role in HAVA legislation. But more importantly, the politics of the different areas is likely to differ, which is precisely at the core of what we want to test.

Studying electoral reforms after election 2000 provides us with a unique opportunity to test and expand our theories on state policy making to a distinct policy area that has not often been systematically studied, possibly because it is rare, in which the policy outcome directly affects the potential electorate. Our analyses bear on the determinants of enfranchisement at the state level.

---

6 See, for example, the article by Kit Bond, Republican Senator from Missouri, “’Motor Voter’ Out of Control,” which appeared in the Washington Post on June 27, 2001 and was later widely republished.

7 Other important but less controversial areas of reform had to do with absentee voting, in particular regarding requirements for oversees and military voting, voting standards, voting accessibility, and voting education programs, among others.
Theoretical Issues

Understanding state election reform intersects research on state policy-making, party electoral strategies, and representation. We contend that states, and in particular state legislators, reacted to the external shock of the troubled 2000 election mainly in accordance with internal state characteristics. Electoral reform policy-making brings to the forefront the potential to influence who the electorate will be, which directly depends on each state’s characteristics. Because of this, and because the electoral reforms in fiscal years 2001 and 2002 were focused in time as well as bounded by external timelines given by the federal government’s expected and eventual actual passage of legislation late in 2002, we focus on internal state characteristics as explanations, as opposed to national or “neighboring states” explanations found in policy diffusion studies, though we do test for the latter.8

Hypothesis 1: Baseline Need. States are more likely to adopt electoral reforms if they need to do so, that is their rules and practices have been identified as leading to a large residual vote, or more generally, to election-time problems.

Previous research on state level policy-making has shown the need to control for baseline levels or demand for reform (Barrilleaux, Holbrook and Langer 2002; Berry and Berry 1992, 1994). The counting of votes debacle of the 2000 election in Florida raised the awareness in every state of the need to review their electoral technology and their rules for voter eligibility

---

8 The policy diffusion literature is vast. See Berry (1994), and Berry and Berry (1999) for overviews; see Walker (1969) and Gray (1973), for seminal works in this field. The main explanations for policy diffusion have been combinations of internal characteristics, external pressures and neighboring states’ influences. However, the neighboring states explanations have been posited in policy adoptions that have taken place over an extended period, which is not the case in our study of electoral reforms, at least at this stage. See Appendix C for discussion of results when including controls for “neighbor” effects.
and ballot counting. For example, the quality of voting equipment, and whether particular groups or regions within the state were more likely to have inferior or older voting technologies, came under close scrutiny.

For each area of electoral reform that we examine we gauge the *status quo ante* in order to take into account the baseline need for reform. For example, in accounting for whether states took initiatives to upgrade their voting equipment, we expect states that found themselves with voting technology that led to a large percentage of residual votes to take action to replace such technology.\(^9\) Our baseline measure of the need for reform in voting equipment is the prevalence of certain types of voting technology.

The public and media discussion, as well as the legal proceedings after the year 2000 election in Florida, stimulated a substantial body of scientific literature on voting technology. This literature showed that punch card ballots and some other ballot forms and electoral procedures are likely to produce a larger percentage of residual votes than other systems. The Caltech-MIT Voting Technology Project has estimated that between 4 and 6 million votes are typically lost in presidential elections, and that 1.5 to 2 million of those are due to faulty equipment and confusing ballots, 1.5 to 3 million due to registration mix-ups, up to 1 million due to polling place operations, and an unknown additional number due to the way absentee ballots are administered.\(^{10}\)

---

\(^9\) “Residual votes,” as the Caltech-MIT Voting Technology Project has defined them, have three components: undervotes (unmarked ballots), overvotes (voting for more candidates than allowed for a given office), and uncounted ballots (whether because the ballots were miss marked or for some other reason).

The quality of voting equipment and its interaction with the ethnic and racial makeup of the electorate have also been the subject of a large amount of research. Whether or not Hispanic and black voters were in fact likely to live in precincts with inferior error-prone voting technology, after election 2000 there was a widespread belief that this was true (Knack and Kropf 2002). More to the point, the evidence seems clear that minorities are more likely to cast invalid ballots than are whites when they use punch card or centrally optically scanned ballots (Buchler, Jarvis, and McNulty 2004; Tomz and Van Houweling 2003). 11

**Hypothesis 2: Size of the Racial and Ethnic Minority Vote.** Because states with high proportions of ethnic minority voters are likely to have higher proportions of residual votes, we expect states with higher proportions of minority voters to be more likely to upgrade their electoral technology, and more generally to enact electoral reforms.

If voting equipment were upgraded especially in areas where minority voters are concentrated, then the votes of minorities would be more likely to be counted than before. However, any elected official is likely to view potential minority group voters in a partisan way. The overwhelming majority of black voters prefer Democratic candidates. In the 2000 Presidential election, 90 percent of black voters voted for Albert Gore, and 2 percent for Ralph Nader. Whereas only an estimated 8 percent of black voters voted for George W. Bush, an estimated 33 percent of Hispanics did so (Abramson, Aldrich, and Rohde 2002: 98). Of course, among Latinos of Cuban origins a majority favors the Republican Party over the Democratic

---

11 When locally scanned ballots allow for the possibility of checking and correcting for overvotes or other invalid markings, the proportion of invalid ballots cast by minority voters does not differ from that of whites (Tomz and Van Houwelling 2003).
Party (Alvarez and Bedolla 2003). The Republican Party has also set its sights on converting and mobilizing new Republican supporters from the Hispanic population.\textsuperscript{12}

Thus, when we take the partisan incentives into account, we hypothesize that Republican-led statehouses and legislatures were less likely to upgrade the voting equipment if there were a sizeable African American electorate in the state and more likely to do so if there were a sizeable Hispanic electorate. In contrast, Democrat-led statehouses and legislatures would be more likely to upgrade the voting equipment the greater the size of either (or both) the African American and Hispanic electorate.\textsuperscript{13}

Hypothesis 3: Partisan Control and Electoral Reform. Earlier research on state policy making provides evidence of direct linkages between party strength and policy outputs, with Democratic party strength often associated with more liberal policy (Alt and Lowry 1994; Berry and Berry 1992; Barrilleaux 1997). Electoral reform involves more than just voting technology, and some of the areas of electoral reform also have a strong partisan valence. In the


\textsuperscript{13} Some of the provisions of HAVA divided the civil rights community. As reported by Edward Walsh in the \textit{Washington Post} (October 17, 2002), “In the House, the Congressional Black Caucus endorsed the overall bill, saying provisional ballots and improved methods to verify a voter’s registration will make it more difficult to challenge minority voters. But the Congressional Hispanic Caucus opposed it, contending that the identification requirements will disproportionately affect Latinos and depress Latino voting.” Thus, the Republicans’ strong commitment to voter ID may have run counter to their desire to build a Republican majority among Latino voters.
debates prior to the enactment of HAVA, Republicans demanded and ultimately achieved a strong Voter ID requirement, purportedly to reduce the incidence of fraudulent voting. They also favored centralized voting registration lists.

Democrats, on the other hand, strongly favored provisional voting, whereby voters whose identity or registration was challenged at the polls on election day could submit a provisional ballot, which could be counted after the voter’s eligibility had been validated. Democrats also favored election-day registration, so that newly mobilized voters would have a chance to vote. Advocates of minorities also favored less restrictive voter ID requirements as well as increasing access to the voting booth. In the end, there was something in the Help America Vote Act to address the concerns of both parties. As Senator Mitch McConnell (R-Kentucky) was quoted as saying, “We both came into this process with our own biases.”

Therefore, we expect that during 2001 and 2002 Republican-controlled state legislatures and governorships were more likely than Democratic-controlled legislatures and governorships to enact improved registration and strong voter ID rules. At the same time Republicans would be less likely than Democrats to favor provisional ballots and new equipment laws.

**Hypothesis 4: Divided Party Control and Interparty Competition.** Previous research on state’s fiscal policy-making has found that states under divided party government were slower to adjust to fiscal changes and had higher levels of budget conflict (Alt and Lowry 2000; Clarke 1998). In the case of electoral law reforms, in situations of divided party control or

---


16 See previous footnote.
strong interparty competition, the risk is very great of shifting the balance of control of the statehouse or the legislature as a result of voting reforms that may increase turnout, the mobilization of selective constituencies, or more accurate counting of votes.\textsuperscript{17} Under these conditions, the competing parties are less likely to agree on a broad package of electoral reforms, some of which may favor one party, and some of which may favor the other. \textit{Both close partisan balance and divided party control are likely to lead to delay in the passage of comprehensive legislation whose electoral consequences are uncertain on balance.}

It is relevant to recall that during fiscal years 2001 and 2002 the state legislatures were preoccupied with establishing new legislative districts after the 2000 census. In this context, legislators would be especially attuned to the partisan consequences of election reforms.

\textbf{Hypotheses 5: Legislative Style.} \textit{We expect more professional legislatures to move early toward changing their electoral system than less professional legislatures.} Not only are the more professional legislatures more likely to be innovative, but the more professional the staff and the more established the committee structure (two elements of legislative professionalism) the more able the legislature is to begin to address reforms. More professional legislatures are more likely to be informed about innovations and options considered in other states, and to the extent that greater professionalism is associated with higher incumbency rates, legislators in more professional legislatures may be better able to calculate the costs and benefits of innovation in the electoral system (Berry, Berkman and Schneiderman 2000; Squire 1988, 1997).

Changing the rules concerning registering, voting and counting of ballots carries a risk to legislators. Some changes might follow the “law of unintended consequences,” while also in

\textsuperscript{17} In preliminary work, Greco (2003) finds that party competition is a key factor when explaining an aggregate average index of electoral reform by states in a model testing mainly for the effect of political factors.
many cases the *intended* consequences may not be palatable to incumbents. However, if a substantial portion of the legislature is subject to term limits, then *ceteris paribus* the legislators are less personally at risk if they introduce reforms that they see as needed or beneficial to the state. *We hypothesize, therefore, that legislatures with term limits are more likely to discount the risks of electoral reform, and therefore that legislatures with term limits were more likely to adopt electoral reforms during 2001 and 2002.*

**Hypotheses 6: Fiscal Constraints.** In situations of severe state revenue declines, balanced budget rules and standard fiscal management policies constrain state legislators from passing new laws that are financially straining. New voting equipment laws and improved registration (purging lists and centralizing registration) are examples of electoral reforms with costly price tags.

In general, the literature on state fiscal policy innovation, in particular from studies on tax innovation, has shown that states are less likely to enact costly legislation when their government’s fiscal health deteriorates (Berry and Berry 1992). *Consequently, we hypothesize that states in better long-standing fiscal health were more likely to adopt potentially costly electoral reforms, while states facing short-term fiscal strain were more likely to delay passage of these reforms.*

**Data and Methodology**

We collected data on all state electoral reforms after the 2000 election in 4 critical areas: new voting equipment, improved registration lists and purging procedures, provisional ballots,
and voter ID.\textsuperscript{18} We consider only major reforms, following the National Conference of State Legislature’s assessment of comprehensive reforms. For example, many states introduced legislation planning for new equipment but fewer states passed laws actually committing to new purchases. We also collected data on which states passed laws specifically targeted to comply with some of the requirements of HAVA, after HAVA was passed. The dependent variables in subsequent analyses consist of a discrete variable (1 or 0) indicating whether a state introduced a given type of electoral reform in fiscal years 2001 and 2002 or a HAVA compliance law in fiscal year 2003.\textsuperscript{19} To our knowledge, previous preliminary research on electoral reform after 2000 has only examined aggregate indexes of reform that may give undue weight to how bills are sectioned and not separately by reform area (see Greco 2003).

We conduct probit analyses predicting the probability that a state passed a certain class of electoral reform given an array of appropriate statistical controls. The independent variables are grouped into four categories of factors: political, racial-ethnic, institutional, and base level factors. See Appendix A for descriptive statistics and data sources of the variables.

\textbf{Political Factors.} Political factors refer to the political environment in a state in terms of

\textsuperscript{18} The 4 types of reform have high visibility, broad potential repercussions for voters and politicians, and differential implications for the Republican and Democratic parties. Moreover, some of these areas became the centerpiece of HAVA legislation.

\textsuperscript{19} We also examined the summary text for each law provided by the NCSL to assess the directionality of the reform. More specifically, of the 15 states that passed major new equipment laws, in all instances the legislation dealt with extended funding (expected or appropriated) or improved voting systems; of the 9 states that passed major new voter ID laws, 8 passed strictly tighter laws; of the 17 states that passed laws regarding improved registration lists, all instances relate to improving list maintenance and procedures; and finally, of the 10 states that passed provisional ballot laws, in all instances the law either creates a new procedure for provisional ballots or improves an existing one.
partisanship and the division of power in election year 2000. Our expectations are that higher party competition made electoral reforms less likely, and that partisan control mattered given the directionality or expected partisan valence of the reforms themselves.

To assess party competition we include two variables: Divided Government and Party Competition 1988-1998. The first variable indicates whether a state had different parties holding the statehouse and the state legislature after the 2000 election (13 states). A state legislature is considered to be held by one party if both chambers have a majority of the same party. The second measure of party balance is a Ranney-like index of party competition in the governorship and the legislature from the period 1988-1998. This measure, ranging from 1 for the most competitive to 0.5 for the least competitive, is an index of how closely competitive the two parties were between 1988-1998. To assess partisan control we include the variables Republican Control and Democratic Control. The first measure flags whether Republicans controlled both the state house and the state legislature (13 states), and similarly, the second measure flags control by the Democrats (8 states).20

Racial Factors. We conjectured above that states with higher percentages of minorities would be more likely to enact a reform, and we also conjectured that we would find partisan and specific minority interactions. There were a variety of possible indicators to choose from to capture the potential minority vote. After some analysis, we decided that the use of a combined percentage of minorities (black plus Hispanic) does not capture the empirical relationships as well as separate variables for each ethnic group.21 Therefore we include as separate controls the

20 With 13 states with a divided government, 13 states with Republican control and 8 states with Democratic control, the remaining 16 states are the omitted baseline.

21 We also considered using the percent of the mobilizable African American and Hispanic population but decided against this since we lost observations for those states (3) for which there are no estimates on minority turnout (from
variables Percent Black and Percent Hispanic. Regarding the interactions, we include the variables Percent Black and Republican Control, and Percent Hispanic and Republican Control.\textsuperscript{22}

\textit{State Institutional Factors.} Institutional factors refer to characteristics of the state and its legislative institutions that can affect the likelihood of passage of electoral reforms. In particular, we include the variables Percent Debt, Fiscal Expenditure Change, Legislative Professionalism, and Term Limits. Percent Debt is the percent that long standing debt represents of the total general state revenues in fiscal year 2000-2001. We conjecture that states with higher debt were, all else equal, less likely to pass costly reforms. The variable Fiscal Expenditure Change is the expected percentage increase (or decrease) in expenditures between fiscal years 2001 and 2002. We hypothesize that states expecting immediate increases in spending were less likely to incur further spending via costly new laws.\textsuperscript{23} The variable Legislative Professionalism is an historical index that combines various evaluations of a state’s legislature such as days of operation, pay, etc.; and Term Limits indicates whether a state had term limits in 2000.

\textit{Base-level Factors.} Base-level factors capture the need for reform by addressing the status of electoral law in a given state before election 2000. For each class of electoral reforms we attempted to find a measure (or a proxy) of how a state was doing in that dimension of US census Population survey estimates). In general, turnout, registration, the size of the mobilizable vote or just population measures of minorities are all highly correlated and any one of them should capture the main effects.

\textsuperscript{22} As will be discussed in the results section, we did not find interaction effects between Democratic control and African American or Hispanic representation.

\textsuperscript{23} During the severe budget crises across states starting in 2001, nearly all states saw revenues fall from original estimations, while spending continued to increase pushed in part by health care costs (The Fiscal Survey of the States, December 2001).
election law in 2000. For the reforms that could potentially expand the set of legal votes -- new voting equipment and provisional ballots -- we include respectively the base levels of Percent Population with High Error Voting Equipment in 2000, and Late Registration. The baseline for new equipment laws gives the percentage of total state population who were voting using punch cards or electronic voting machines before election 2000. These two voting systems have been found to produce the highest voting error rates (Caltech-MIT Voting Technology Report 2001). When accounting for the passage of laws on provisional ballots we control for late registration deadlines with the variable Late Registration, which indicates whether a state had registration deadlines of fewer than 10 days before an election.

For the election reforms dealing with voter requirements, improved registration, and voter ID, we use measures or proxies of voter requirements in place in 2000. The base level for improved registration laws is an indicator variable flagging whether a state had a statewide (not necessarily computerized) registration system in 2000, while, the base level control for voter ID is Mandatory Voter ID, which identifies whether a state required voters to show a valid ID at the time of voting.

**Preliminary Breakdowns**

Figures 1a-d present a summary of the proportion of states that passed the four types of electoral laws during 2001 and 2002, given various political and racial factors. Figures 1a and 1b show summaries for new voting equipment laws and provisional ballot laws, two types of electoral reforms that could enfranchise more voters and that might have been favored by Democrats. Figures 1c and 1d show summaries for improved registration and voter ID laws, two types of electoral reforms that could raise the hurdles for voting, and that might have been favored by Republicans. Each bar represents the proportion of states that passed an electoral
reform given an indicated covariate. For example, in Figure 1a, while 30 percent of all states passed new voting equipment laws, if we restrict ourselves only to states under Republican control (13 states) then 38 percent passed new voting equipment laws, while if we restrict ourselves to states under Democrat control (8 states), 50 percent passed such laws.

(Figures 1a and 1b about here.)

These preliminary breakdowns reveal a few patterns. Electoral balance, in particular the presence of a divided government, has a very strong depressant effect on the rates of passage of new equipment laws and provisional ballot laws (Figures 1a and 1b). Among states with a divided government (13 states), only 8 percent, or 1 state, passed new equipment laws, while among all states 30 percent did. Similarly, among states with a divided government, none of them passed new provisional ballot laws, while among all states 20 percent did. In comparison, divided government had less of an effect on the rates of passage of improved registration and voter ID laws (Figures 1c and 1d). In general, the effect of divided government seems stronger on those reforms that can expand the size and composition of the electorate.

(Figures 1c and 1d about here.)

In terms of partisanship one of the strongest correlates with reform across all four types is the interaction of party control and minority representation, specifically Hispanic representation. Among states with a large percentage of Hispanic population and Republican control (7 states), 42 percent passed new voting equipment laws and 57 percent passed provisional ballot laws, much higher rates than the overall rate of passage among all states. On the other hand, among these states, no voter ID laws were passed, while overall 20 percent of all states did so.

Although suggestive, these preliminary analyses, focusing mainly on political and racial factors, do not simultaneously control for all the covariates that we think should be controlled for
when predicting passage of electoral reforms. In the next sections, we account not only for racial and political factors but also base level needs for reform and fiscal constraints.

**Results**

For each electoral reform we estimate a discrete choice specification (probit) predicting the probability of passage given our hypothesized covariates. Table 1 includes the coefficients and p-values for each probit model while Appendix B includes the effect of changes in each of the independent variable on the predicted probability of passage. First we examine reforms that dealt with electoral laws that could potentially expand the electorate: new equipment and provisional ballots reforms. Then we examine reforms that dealt with voter requirements or “voter barriers” to voting: improved registration lists and voter ID. Appendix C presents the results from examining alternative specifications and further tests of robustness.

Beginning with new equipment and provisional ballot reforms, the first two reforms in Table 1, the fit of their models as measured by the pseudo-$R^2$'s of 0.38 and 0.30 suggests that the specifications are capturing systematic variation, while the baseline controls operate in the expected directions, achieving statistical significance in the new equipment model. States with less error-prone voting equipment technology were less likely to pass laws to improve their voting technologies.

(Table 1 about here.)

Examining Table 1 reveals that, beyond baseline needs for reform, select racial and political factors are also necessary to understand the passage of potentially electorate-expanding reforms. A higher percentage of black representation has a negative effect on the passage of new equipment laws ($p$-value of 0.07). In particular, states not under Republican control (37 states) were less likely to reform their voting equipment if the state had a large black population, with a
2 s.d change in the percentage of black population decreasing the probability of new equipment laws by 0.47 points. On the other hand, the interaction of Hispanic percentage *and* Republican control has a positive effect on provisional ballot laws (\(p\)-value of 0.08). If Hispanics were more numerous and Republicans were in control, provisional ballot reforms became more likely, by 0.67 points. No such effects were found when examining the interactions of racial representation and Democratic Party state control. This suggests strategic policy making on the part of Republicans seeking to expand their electoral base among Hispanics.

However, the strongest and most consistent effect comes from party balance. Among political factors, party balance had a large negative effect on the passage of both new equipment and provisional ballot laws. States with historically high levels of party competition were less likely to pass equipment laws (\(p\)-value of 0.01), with a 2 s.d change in the party competition index decreasing the probability of new equipment laws by 0.77. In a similar fashion, divided government decreased the likelihood of passing new provisional ballot laws. In fact, as shown in the preliminary breakdown, divided government *perfectly* predicts non-reform in the area of provisional ballots, since all 13 states with a divided government failed to pass provisional ballot laws.

If we focus on the contribution of party control by itself, neither of the coefficients for Republican or Democratic control of the statehouse and legislature achieves statistical significance across the two reforms.\(^{24}\) Contrary to our expectations, in the case of Democratic controlled states, these states were no more likely than Republican states to pass electorate-expanding reforms, while as mentioned earlier, the interactions of Democratic control and

\^{24} Note that the main coefficient for Republican control is actually capturing the effect when minority presence is low, due to the presence of the interaction terms. This is not the case for the coefficient on Democratic control.
minority representation, also failed to reveal statistically significant influences. In addition, we also investigated the separate effect of party control of the governorship and found no effects.

Finally, turning to state institutional and fiscal factors, only the expected fiscal change in expenditures is statistically relevant. States that foresaw higher spending in 2001-2002 were less likely to pass provisional ballot reforms \( (p\text{-value of 0.07}) \) by 0.37 points, for a 2 s.d change. Term limits did not have a statistically significant impact on either equipment or provisional ballots reforms, and was after initial analysis excluded from the models.

In summary, for equipment and provisional ballot laws -- reforms with the potential to expand the electorate -- the largest and most consistent effects are associated with party balance. Politically competitive states were disinclined to pass legislation to mandate new equipment and states with a divided government were less likely to pass provisional ballots. The effect of racial politics was also present though not in a consistent manner across reforms.

Our next set of electoral reforms concerns “voter barrier” electoral reforms: improved registration lists and voter ID. As seen in Table 1, the fit of the models as measured by the pseudo-\( R^2 \)’s of 0.38 and 0.47 suggests our specification is again capturing systematic variation. The effect of the baseline control implies that states that already had mandatory ID requirements were more likely to pass laws tightening ID requirements. Election 2000 may have prompted these states to restrict access even more. The baseline for improved registration lists is not statistically significant.

The analyses in Table 1 show that, as with electorate expanding reforms, certain racial and political factors are needed to understand voter barrier electoral reforms. Racial politics plays a particularly strong role when predicting improved registration laws, though in opposite ways depending on the minority group. Higher percentages of blacks in the population
correspond to higher rates of passage of tighter registration laws \((p\text{-value of .04})\), and this effect gets compounded if Republicans are in control. While a 2 s.d change in the percentage of blacks in the population increases the probability of an improved registration law by 0.39 points, if Republicans are in control the chances increase by 0.72 points.

The effect is just the reverse for Hispanics: having a higher percentage of Hispanics in the population decreases the probability of passing improved registration laws and the effect gets compounded if Republicans are in control \((p\text{-value of the interaction 0.10})\). A 2 s.d. increase in the percentage of Hispanics corresponds to a 0.11 point decrease in the probability of passing an improved registration law, though if Republicans are in control the likelihood decreases by 0.69.

More than with any other electoral reform, reforming registration laws triggers linkages between partisanship and the racial composition of a state. Voter ID reforms, which can also impose further barriers to voting, display much weaker linkages between race and likelihood of passage. In fact, only black representation is close to being statistically relevant, with higher percentages of blacks in the population decreasing the chances of passing tighter voter ID laws \((p\text{-value of 0.10})\).

Focusing next on political variables, party balance and partisanship (Democratic) have a strong effect on registration laws, while only partisanship (Republican) has a strong effect on voter ID. States with divided government were 0.76 less likely to pass tighter registration laws and states with historically higher levels of party competition were 0.57 less likely to do so. Furthermore, and for the first time in our specification, Democratic control has a strong negative and statistically significant effect by decreasing the chances of passage of improved registration by 0.78 points \((p\text{-value of 0.02})\). In the case of voter ID laws, it is only Republican control that has an effect on its passage \((p\text{-value of 0.06})\).
Last, none of the state fiscal and institutional variables achieves statistical significance at the 90 percent level, while term limits again did not achieve statistical significance, and is not included in the models.

In general, the only common factors influencing both voter barrier reforms were partisan concerns. States under Democratic control were less favorable to improved registration laws while states under Republican control were more favorable towards stricter voter ID reforms. Party competition and racial politics had a selective effect: they mattered mainly for improved registration laws, though in a strong manner.

Our analyses of electoral laws post election 2000 reveal that the influence of state politics in shaping the new reforms goes beyond simple baseline needs for reform. However, only electoral balance seems to have a strong effect across several of the reforms, while racial politics seem to play a more selective and inconsistent role, depending on the reform. A natural question that arises regarding these reforms, and which we have not yet addressed, is the joint level of significance of our hypothesized factors across reforms, and more generally, the level of interdependence across electoral reforms. Our initial modeling specification posits four separate processes, while these processes may be interrelated or alternatively, they may be part of the same process. To address these questions we created a summary index of reform and re-examined our hypothesized factors.²⁵

There are different ways to aggregate electoral reforms. An index that simply captures levels of activity in reform or numbers of reforms is highly problematic since as shown in the

²⁵ To address issues of interdependence, we also examined modeling the reforms jointly, with seemingly unrelated biprobits. We found either little evidence of a joint error structure or computational difficulties to estimate a joint error structure, but in all cases no substantive changes in the estimated effects.
previous section there are distinct partisan valences to each reform that can operate in opposite directions. Instead, we constructed an additive index that measures the increased level of restrictiveness of a state’s electoral law based on their activity in the four types of reform. The index has 5 categories and goes from –2 to 2. An index value of –2 corresponds to those states which passed the least restrictive reforms, new equipment and provisional ballot laws, and an index value of 2 corresponds to those states that passed both registration and voter ID reforms, the most restrictive reforms. Such an index preempts the ability to find separate effects for each area of reform, which we believe is necessary, and it introduces a degree of noise, but on the other hand, it allows one to examine overarching influences and interdependences along a constructed dimension of reform.

(Table 2 about here.)

Table 2 presents ordered probit estimations predicting the index of restrictiveness in electoral law reforms. Comparable results were obtained with an OLS specification. The first model presents the results without a baseline level of electoral law and the second model includes such a baseline. The findings are very much consistent in either model. The presence of higher levels of black population increases the likelihood of a more restrictive index, or more restrictive reforms. On the other hand, the presence of high percentages of Hispanic population and Republican control translates into an increased likelihood of a less restrictive index of reform, though states under Republican control in general are more likely to be more restrictive in electoral reforms. The large presence of Hispanics then counteracts the tendency towards more

---

26 The index is not a Guttman scale since the data do not display Guttman cumulative characteristics. Rather, the index is simply an additive index obtained by adding the discrete (0-1) actions of each state in the four areas of reform. Specifically, the index of reform equals = (Improved Registration + Voter ID - New Voting Equipment - Provisional Ballot).
restrictive electoral law reforms among Republican controlled states. Finally, party balance, as measured by divided government, translates into an increased likelihood of a higher restrictive index of reform \((p\text{-value of 0.07 in the model without a base line).}

Taken together, the models from Tables 1 and 2, where we analyze the reforms both separately and in a summary index, suggest the following. Having a tight electoral balance hinders electoral reforms \((Hypothesis\ 4)\), and having a divided government is associated with a more restrictive index of electoral reforms. The effect of partisanship by itself was only realized in voter barrier reforms, while Republican controlled states were more likely to have a more restrictive index of electoral reforms \((Hypothesis\ 3)\). We found some evidence of a strategic linkage between Republican control and Hispanic representation, though mainly for improved registration laws, however Republican controlled states’ with a larger Hispanic representation had a smaller index of restrictiveness in electoral reforms \((Hypothesis\ 2)\). The effect of racial composition by itself was mixed, though the summary index suggests an overall tendency towards more restrictive electoral laws when the percentage of Black population is high \((Hypothesis\ 2)\). Legislative style and fiscal constraints had notably a very minor impact on electoral reforms \((Hypothesis\ 5\ and\ 6)\), though previous electoral law efforts, as measured by the baselines, did help predict some of the reforms and the overall index \((Hypothesis\ 1)\).

**HAVA and First Steps towards Federal Compliance**

So far, we have concentrated on state electoral reforms that occurred in 2001 and 2002, since they were clearly state-initiated, varied from state to state, and provide a great opportunity to understand factors influencing state policy making. However, we can also examine the states’ responses to Congress passing HAVA in October 2002, which mandated reforms across several areas such as voting equipment, voter registration, voter intent and provisional ballots. By late
2003, 46 states had passed HAVA-related laws, though many of these fell short of being comprehensive. According to the National Council of State Legislatures (NCSL), as of May of 2004, only 26 states had passed relatively comprehensive HAVA reforms in 2003. These comprehensive reforms are the ones that we study.

Table 3 presents probit estimations predicting the passage of a comprehensive HAVA related law, given the same set of factors included in the previous analyses. We estimate two models, varying the base levels used. The first model has as a base level the percent of population using error-prone voting technology, and the second model includes as well whether a state had already passed a new equipment law in 2001 or 2002.

Quite strikingly the only factor to achieve statistical significance is legislative professionalism, while Republican control is only close to achieving statistical significance ($p$-value 0.10). Legislative professionalism has a negative influence on HAVA reform ($p$-values of 0.05 and 0.03). This may be the result of several factors. More professionalized legislatures may be more independent of federal guidance, as well as being legislatures with more legislative time and professional resources to enact new laws. Alternatively, this result would also obtain if HAVA were viewed as more favorable to Republican interests and more professionalized legislatures correlate with more liberal states and preferences. In fact, in our study the measure of legislative professionalism has a correlation of 0.02 with Democratic controlled states and –0.18 with Republican controlled states, giving some support to this explanation.

States with Republican control were more likely to pass HAVA compliance legislation; however the effects are statistically marginal ($p$-values of 0.09 and 0.14). This partisan effect seems to be essentially a “main effect” since the interaction of Republican control with
percentage black in the population does not achieve statistical significance (p-values of 0.16). Similarly, the interaction of Republican control and Hispanic representation is not statistically significant.\textsuperscript{27} In general, one should note that among the 12 states under Republican control in 2002-2003, 10 of them passed HAVA comprehensive reforms; among the 8 states under Democratic control 4 passed HAVA compliance reforms; while among the remaining 38 states, 16 passed such laws. Therefore if Republican control in a state has an effect, it is most likely regardless of the racial composition of the state.

Given the lack of explanatory power for the many of the variables in the model for the passage of HAVA-related laws we also examined alternative explanations. First, we included a control for Republican Secretary of State in the model predicting HAVA compliance, since in this area secretary of states might receive much attention and be most eager to encourage state law to comply with the Act. The inclusion of this variable had a negative effect on the likelihood of passage but it was not statistically significant at conventional levels (p-value of 0.26). Next, we examined other specifications for party control, such as control of the state legislature by either party and their interactions with minority representation. No statistically relevant relations were uncovered.

Overall then, the best predictor of HAVA passage is the level of professionalism of state legislatures, and, possibly, partisan control of the state. The fact that racial politics plays essentially no role in the passage of HAVA may not be that unexpected after all given that HAVA addressed or suggested guidelines on many electoral law reforms areas at once. As such,

\textsuperscript{27} The reader may have noted that the interaction of Percent Hispanic and Republican control is not included in the model. This is due to the fact that when having this interaction, as well as the interaction for percent Black, the coefficients and their standard errors cannot be computed due to multicollinearity.
the potential association between minorities’ representation and partisanship may get attenuated due to the different concessions made in the passage of HAVA.

Conclusion

The hotly contested 2000 election exposed major flaws of the electoral systems in many states, providing us with a historically unique opportunity to examine how these states responded. The goal of this paper was to examine the determinants of passage of state electoral reforms. We analyzed state electoral reforms across an array of legislative areas that had not been previously comprehensively addressed. Examining electoral reforms separately and through a summary index of reforms, we found that state legislatures took into consideration the electoral balance and the potential electorate when enacting electoral reforms, as opposed to responding simply to internal state needs for reform or being constrained by state fiscal health.

Using state-level data of electoral reforms from 2001 and 2002, we found that a tight electoral balance, as measured by either party competition or divided government, had a negative effect on the passage of three of the four electoral reforms examined, and states with a divided government had, all else equal, a more restrictive index of overall electoral reforms. Furthermore, we found some evidence of a strategic linkage between Republican concerns and Hispanic representation, in particular regarding registration laws, while, in general, Republican controlled states with higher percentages of Hispanics in the population had, all else equal, a less restrictive index of reforms.

Our findings are directly relevant to studies of state policy-making, party electoral strategies and representation. Previous research on state policy-making has found that policies enacted by states can be shaped by factors other than internal constraints such as fiscal resources or legislative professionalism. In fact, this line of research has shown that legislative state
politics, reflected for example in measures of party competition, party control, or the electoral cycle, can affect state policy-making (Barrilleaux, Holbrook and Langer, 2002; Barrilleaux 1997; Berry and Berry, 1990, 1992). More specifically, previous research suggests that more politically competitive states will produce more liberal policies, while states with a divided government will have a higher number of policy conflicts between the governor and the legislature, and will be slower to react fiscally (Alt, and Lowry, 2000; Barrilleaux, 1997; Gray and Hanson, 2004; Clarke, 1998; Holbrook and Van Dunk, 1993).

Our analyses are in agreement with the general expectation that legislative politics should shape states’ policy, including electoral law policies. However, the results obtained in this study also highlight the potentially distinct nature of electoral law reform. For this policy area, we find that when examining electoral reforms separately, higher levels of competition do not always ensure more liberal electoral reforms and can actually hold back reforms in general. Moreover, having a divided government, another measure tapping into party competition, corresponds overall to a more restrictive index of electoral reforms. These results suggest that having a tight electoral balance may translate in the policy area of electoral law reform into less reform or less liberal reforms. In contrast to other policy areas where state legislators (or the governor) may seek to garner votes through policy redistribution, electoral law reform is a distinct policy area in which state politicians can actually influence who those voters might be. As such the exact relationship between legislative politics and electoral law policy-making may not be the same as for other policy areas.

The picture of post 2000 electoral reform that emerges, then, is one of states and state legislators being risk-averse yet also strategic decision makers. We believe that the continuing electoral law reforms being conducted by the states will provide more and extended
opportunities to examine the linkages between state legislative politics and electoral law outcomes. From a policy perspective, the results suggest that large-scale state electoral reforms, where the policy outcome directly affects the constituency of state level politicians, may require the federal government’s prodding and lead, which is exactly what has happened with the passage of HAVA.
### Appendix A. Descriptive Statistics and Data Source

<table>
<thead>
<tr>
<th><strong>Dependent Variables</strong></th>
<th><strong>Source</strong></th>
<th><strong>Description</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New Equipment (2001 &amp; 2002)</strong></td>
<td>National Conference of State Legisl.</td>
<td>‘1’ indicates state passed a new voting equipment law with state and/or expectations of fed funds.</td>
</tr>
<tr>
<td><strong>Improved Registration Lists (2001 &amp; 2002)</strong></td>
<td>National Conference of State Legisl.</td>
<td>‘1’ indicates state passed a law to improve lists database and/or purging systems.</td>
</tr>
<tr>
<td><strong>Provisional Ballot (2001 &amp; 2002)</strong></td>
<td>National Conference of State Legisl.</td>
<td>‘1’ indicates state passed law to create new procedures or to improve existing procedures.</td>
</tr>
<tr>
<td><strong>Voter ID (2001 &amp; 2002)</strong></td>
<td>National Conference of State Legisl.</td>
<td>‘1’ indicates state passed law to clarify or tighten voter ID requirements.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Independent Variables</strong></th>
<th><strong>Source</strong></th>
<th><strong>Description</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Percent Pop. with High Error Voting Technology</strong></td>
<td>Election Data Services</td>
<td>Percentage of state's total population using punch cards or electronic voting machines in election 2000.</td>
</tr>
<tr>
<td><strong>Statewide Registration</strong></td>
<td>National Conference of State Legisl.</td>
<td>‘1’ indicates state had in place a central statewide registration system by election 2000.</td>
</tr>
<tr>
<td><strong>Late Registration Deadline</strong></td>
<td>National Conference of State Legisl.</td>
<td>‘1’ indicates state had registration deadline of fewer than 10 days by election 2000.</td>
</tr>
<tr>
<td><strong>Mandatory Voter ID</strong></td>
<td>National Conference of State Legisl.</td>
<td>‘1’ indicates state required mandatory showing of voter ID by election 2000.</td>
</tr>
<tr>
<td><strong>Republican Control (Post 2000)</strong></td>
<td>National Conference of State Legisl.</td>
<td>‘1’ indicates both chambers of state legislature are held by a majority of Republican seats after election 2000.</td>
</tr>
</tbody>
</table>
Appendix B. Effect of Changes of an Independent Variable on the Probability (P=1) of Passage of Electoral Reforms

<table>
<thead>
<tr>
<th>Variable</th>
<th>Electorate Expanding Reforms</th>
<th>Voter Requirement Reforms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Change in P=1   (SE)</td>
<td>Change in P=1   (SE)</td>
</tr>
<tr>
<td>Base Level</td>
<td>0.39 (0.21)</td>
<td>-0.16 (0.13)</td>
</tr>
<tr>
<td>Percent Black</td>
<td>-0.47 (0.23)</td>
<td>-0.23 (0.19)</td>
</tr>
<tr>
<td>-with No Republican control</td>
<td>0.25 (0.32)</td>
<td>0.02 (0.30)</td>
</tr>
<tr>
<td>-with Republican control</td>
<td>-0.23 (0.19)</td>
<td>-0.11 (0.15)</td>
</tr>
<tr>
<td>Percent Hispanic</td>
<td>-0.13 (0.22)</td>
<td>-0.10 (0.13)</td>
</tr>
<tr>
<td>-with No Republican control</td>
<td>0.56 (0.36)</td>
<td>0.65 (0.38)</td>
</tr>
<tr>
<td>-with Republican control</td>
<td>-0.08 (0.22)</td>
<td>-0.19 (0.30)</td>
</tr>
<tr>
<td>Republican Control</td>
<td>-0.34 (0.32)</td>
<td>-0.18 (0.30)</td>
</tr>
<tr>
<td>-with low % Black</td>
<td>-0.12 (0.30)</td>
<td>-0.08 (0.28)</td>
</tr>
<tr>
<td>-with high % Black</td>
<td>-0.29 (0.30)</td>
<td>-0.08 (0.22)</td>
</tr>
<tr>
<td>-with low % Hispanic</td>
<td>0.40 (0.34)</td>
<td>0.67 (0.31)</td>
</tr>
<tr>
<td>-with high % Hispanic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democratic Control</td>
<td>-0.27 (0.34)</td>
<td>0.29 (0.31)</td>
</tr>
<tr>
<td>Divided Government</td>
<td>-0.42 (0.27)</td>
<td>Perfectly predicts &quot;0&quot;</td>
</tr>
<tr>
<td>Party Competition 1988-1998</td>
<td>-0.77 (0.20)</td>
<td>-0.02 (0.23)</td>
</tr>
<tr>
<td>Percent Debt</td>
<td>0.003 (0.19)</td>
<td>0.01 (0.17)</td>
</tr>
<tr>
<td>Fiscal Expenditure Change</td>
<td>-0.33 (0.19)</td>
<td>-0.37 (0.21)</td>
</tr>
<tr>
<td>Legislative Professionalism Index</td>
<td>0.37 (0.22)</td>
<td>-0.34 (0.23)</td>
</tr>
</tbody>
</table>

Note: Changes in probabilities were estimated with CLARIFY (Tomz, Wittenberg, King 2003) with standard errors in parentheses. The estimates are obtained by changing one independent variable at a time (a 2 s.d change if continuous, from 0 to 1 if discrete) holding all other variables at their mean or median. Probabilities are estimated based on results from Table 1. Highlighted are those probabilities that are significantly distinct from zero at least at the 90% level.
Appendix C. Alternative Model Specifications and Robustness

Motivated by previous empirical findings and literature, we also tested for other model specifications, as well as conducting general robustness tests. In terms of alternative model specifications, we tested for diffusion effects and regional effects, as well as thoroughly examining for alternative specifications, in particular regarding the political variables, interactions, and the presence of the baselines.

Beginning with diffusion effects, we re-examined 2001 and 2002 state adoptions of electoral reforms including an indicator flagging whether a state had a geographic neighbor which adopted a given electoral reform in the previous year 2001 (see Berry and Berry 1992). More specifically, we estimated a discrete event history model, where observations are now state-year, such that in 2001 all states are included, and for 2002 only those states that have yet not adopted still remain. The neighbor dummy indicating adoption by a neighbor can only be “on” for those states still remaining at risk of adoption in 2002. We find that the neighbor indicator never achieves statistical significance in the four electoral reform areas at any conventional level, with $p$-values ranging from 0.23 to 0.82. Not surprisingly, we found no diffusion effects for a policy reform that has been greatly concentrated in time. States are more likely to be awaiting federal leadership than to be influenced by neighbors’ policy-making.

The effect of southern states is often examined in state policy research with the understanding that this geographic area may have a distinct history and culture that is not captured with our standard ideological or socio-economic controls. Including an indicator for southern states (10 states), does not achieve statistical significance in three of the area reform models and the HAVA model, and only achieves statistical significance for the model on improved registration lists, with southern states, all else equal, being less likely to tighten their
registration databases \((p\text{-value 0.05})\), however, substantive interpretations from the model remain unchanged. Furthermore, the indicator for southern states has no statistical impact on the overall index of reform model \((p\text{-value 0.51})\). We believe our models are sufficiently fully-specified, as well as motivated by empirical and theoretical findings in state policy making, to not warrant such aggregate regional specification.

We also considered reduced form specifications without the baselines, and then without the interaction terms. All the main substantive results remain essentially the same without the baselines. Without the interactions, the main variables remain substantively the same in terms of direction and significance, with only one variable, Republican Control, losing statistical significance in the voter ID model. Furthermore, as mentioned in the text, we greatly investigated other specifications for the party balance and party control variables. For example, we investigated the interactive effects of Democratic control with minorities’ presence, or the effect of party control of governorship. The present specification for divided government and party control proved to be the better one at explaining our models.

In terms of general diagnostics we tested for multicollinearity, outliers, and general specification errors. To assess multicollinearity we examined simple correlations among independent variables and variance inflation factors (VIF) from running linear regression models with the dependent variables assumed to be continuous. We found that from all the pair-wise correlations of the independent variables (over 100 combinations), only four are greater than 0.5: the interaction terms have correlations around 0.65 among themselves, the racial variables with the Republican control have correlations of 0.64 and 0.74, and Percent Black and the base level for voter ID (Mandatory Voter ID) has a correlation of 0.51. On the other hand, if we examine the VIF for an electoral model no mean VIF factor exceeds 2.2, while no individual variable
tolerance factor goes below 0.25.\textsuperscript{28}

In terms of outliers, we examined the level of influence of each observation (state) on the models, though in a model including American states, the notion of dropping a state is possibly quite inappropriate. Nevertheless we want to investigate if the results are driven by a few states, and in particular, given the attention it received we want to understand the effect of Florida on our results. We found that no one state or set of states influenced all reforms as measured by Pearson residuals, deviance residual and standardized Beta diagnostics for discrete models.\textsuperscript{29} The states that are influential \textit{and} which change the significance of a parameter are: Florida and Virginia (for new equipment model), New Jersey and Wyoming (for provisional ballot model), Montana and Texas (for registration model), Missouri (for voter ID model), and Florida and Ohio (for HAVA model). For example, excluding Florida makes the interaction between Hispanic representation and Republican control insignificant in the new equipment model though Florida’s exclusion form the improved registration, voter ID and provisional models, does not alter the significance of this parameter. Florida may very well be considered a distinct case given the extensive focus it received during election 2000, however such a case is harder to be made for the other “influential” states. In general, we believe there is not a systematic pattern requiring exclusions of certain states.

Finally, we also examined three other areas of electoral reform with less political valence: absentee voting, recount procedures, and voter intent. In general very few factors influenced

\textsuperscript{28} Almost all tolerance factors are above 0.40 except for the interaction terms and their main effects that have lower tolerances.

these reforms. We found that for absentee voting mainly Republican partisanship mattered, with Republican controlled states being less likely to pass absentee voting related laws. The passage of laws on voter intent and recount procedures were only influenced by state institutional factors, with states with term limits, interestingly for the first time, being more likely to pass voting procedural laws. Overall, party competition and racial politics played no role among these reforms, as might be expected.

All in all, with the restrictions of operating with an inevitably small number of observations though the complete universe of observations, we believe we have captured as best as possible the appropriate specification given the problem studied and the theories behind it.
References


Berry, William D., Michael B. Berkman, and Stuart Schneiderman. 2000. "Legislative
Professionalism and Incumbent Reelection: The Development of Institutional Boundaries,”

American Political Science Review 94 (December): 859-874.


Figure 1a. Percentage of States Legislating New Voting Equipment 2001-2002

Definitions: Divided Government: Governor of one party, both houses of legislature other party. “Other”: no single party control of both houses. High Party Competition 1988-1998 Ranney Index above median, 0.86. High Pct. Black population: above the median, 6.5%. High Pct. Hispanic population: above the median, 4.5%.

Figure 1b. Percentage of States Legislating Provisional Voting 2001-2002
Figure 1c. Percentage of States Legislating Improved Registration Lists 2001-2002

- All States (N=50): 34%
- Republican Control (13): 38%
- Democratic Control (8): 37%
- Divided Government (13): 23%
- "Other" States (16): 38%
- High Party Competition (29): 24%
- Above Median Minority Pct. (25): 28%
- High Pct. Latino Pop.*Repub. Control (7): 29%

Figure 1d. Percentage of States Legislating Voter ID 2001-2002

- All States (N=50): 18%
- Republican Control (13): 22%
- Democratic Control (8): 13%
- Divided Government (13): 23%
- "Other" States (16): 13%
- High Party Competition (29): 6%
- Above Median Minority Pct. (25): 20%
- High Pct. Latino Pop.*Repub. Control (7): 0%
Table 1. Probit Models Predicting Adoption of Electoral Reforms in 2001 & 2002

<table>
<thead>
<tr>
<th>Variable</th>
<th>Electorate Expanding Reforms</th>
<th>Provisional Ballots</th>
<th>Voter Requirement Reforms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>New Equipment</td>
<td>Provisional Ballots</td>
<td>Improved Registration Lists</td>
</tr>
<tr>
<td>% Pop. with High Error Voting Equipment</td>
<td>0.02</td>
<td>-1.57</td>
<td>0.08</td>
</tr>
<tr>
<td>Late Date Registration</td>
<td>-1.57</td>
<td>0.08</td>
<td>-0.28</td>
</tr>
<tr>
<td>Statewide Registration System</td>
<td>-0.07</td>
<td>2.82</td>
<td></td>
</tr>
<tr>
<td>Mandatory Voter ID</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Black Population</td>
<td>-0.08</td>
<td>-0.05</td>
<td>0.08</td>
</tr>
<tr>
<td>% Hispanic Population</td>
<td>-0.03</td>
<td>0.04</td>
<td>0.22</td>
</tr>
<tr>
<td>% Black and Republican Control</td>
<td>0.01</td>
<td>0.04</td>
<td>0.22</td>
</tr>
<tr>
<td>% Hispanic and Republican Control</td>
<td>0.16</td>
<td>0.24</td>
<td>-0.28</td>
</tr>
<tr>
<td>Political Factors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican Control</td>
<td>-1.09</td>
<td>-0.99</td>
<td>-1.06</td>
</tr>
<tr>
<td>Democratic Control</td>
<td>-0.97</td>
<td>0.82</td>
<td>-4.45</td>
</tr>
<tr>
<td>Divided Government</td>
<td>-1.79</td>
<td></td>
<td>Perfectly predicts &quot;0&quot;</td>
</tr>
<tr>
<td>Party Competition (1988-1998)</td>
<td>-15.43</td>
<td>-0.18</td>
<td>-13.95</td>
</tr>
<tr>
<td>Institutional &amp; Fiscal Factors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Debt</td>
<td>0.00</td>
<td>0.001</td>
<td>0.01</td>
</tr>
<tr>
<td>Fiscal Expenditure Change</td>
<td>-0.14</td>
<td>-0.21</td>
<td>0.16</td>
</tr>
<tr>
<td>Legislative Professionalism Index</td>
<td>4.80</td>
<td>-5.69</td>
<td>-5.91</td>
</tr>
<tr>
<td>Constant</td>
<td>13.02</td>
<td>1.31</td>
<td>13.00</td>
</tr>
</tbody>
</table>

N=49  Pseudo R²= 0.38  N=49  Pseudo R²= 0.30  N=49  Pseudo R²= 0.38  N=49  Pseudo R²= 0.47
LR χ²(12)=23.00  LR χ²(11)=14.12  LR χ²(12)=24.36  LR χ²(12)=20.45

Note: Non-partisan Nebraska is not included in the analysis. Divided government perfectly predicts "No" passage in the provisional ballots model. We estimated the model without the variable and then without the 13 observations obtaining similar values. The presented results are for the model without the variable.
### Table 2. Ordered probit Models Predicting Summary Index of Electoral Reforms in 2001 & 2002

Dependent Variable = ( Voter ID + Improved Registration Lists - New Equipment - Provisional Ballots) = From -2 to 2

<table>
<thead>
<tr>
<th>Variable</th>
<th>Without Base Line</th>
<th>With Base Line</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coefficient</td>
<td>SE</td>
</tr>
<tr>
<td><strong>Base Level</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base Line</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td><strong>Racial Factors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Black Population</td>
<td>0.04</td>
<td>0.02</td>
</tr>
<tr>
<td>% Hispanic Population</td>
<td>-0.01</td>
<td>0.02</td>
</tr>
<tr>
<td>% Black and Republican Control</td>
<td>0.03</td>
<td>0.06</td>
</tr>
<tr>
<td>% Hispanic and Republican Control</td>
<td>-0.30</td>
<td>0.09</td>
</tr>
<tr>
<td><strong>Political Factors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican Control</td>
<td>1.56</td>
<td>0.75</td>
</tr>
<tr>
<td>Democratic Control</td>
<td>-0.35</td>
<td>0.64</td>
</tr>
<tr>
<td>Divided Government</td>
<td>0.74</td>
<td>0.47</td>
</tr>
<tr>
<td>Party Competition (1988-1998)</td>
<td>1.75</td>
<td>2.50</td>
</tr>
<tr>
<td><strong>Institutional &amp; Fiscal Factors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Debt</td>
<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td>Fiscal Expenditure Change</td>
<td>0.06</td>
<td>0.05</td>
</tr>
<tr>
<td>Legislative Professionalism Index</td>
<td>-0.48</td>
<td>1.68</td>
</tr>
<tr>
<td>Cutpoint 1</td>
<td>4.50</td>
<td>2.41</td>
</tr>
<tr>
<td>Cutpoint 2</td>
<td>2.79</td>
<td>2.36</td>
</tr>
<tr>
<td>Cutpoint 3</td>
<td>1.20</td>
<td>2.34</td>
</tr>
<tr>
<td>Cutpoint 4</td>
<td>-0.43</td>
<td>2.34</td>
</tr>
</tbody>
</table>

N=49  Pseudo $R^2 = 0.17$  N=49  Pseudo $R^2 = 0.22$

LR chi$^2$(11)=21.51  LR chi$^2$(12)=27.54

**Note:** The estimated ordered probit predicts 5 categories from -2 to 2. The categories are obtained by adding the reforms as follows: new equipment (-1 or 0), provisional ballots (-1 or 0), voter Id (1 or 0) and improved registration lists (1 or 0). Higher values correspond to a more restrictive index. The baseline for the index was obtained by indexing the base lines of the separate models as follows: High Error Equipment Rate - Late Registration +Computerized Registration +Voter ID.
Table 3. Probit Model Predicting Early HAVA Compliance Legislation in 2003

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>P-value</th>
<th>Coefficient</th>
<th>P-value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Level</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Pop. High Error Voting</td>
<td>0.01</td>
<td>0.27</td>
<td>0.01</td>
<td>0.43</td>
</tr>
<tr>
<td>New Equipment 2001-2002</td>
<td>----</td>
<td>---</td>
<td>0.77</td>
<td>0.21</td>
</tr>
<tr>
<td><strong>Racial and Political Factors</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Black Population</td>
<td>0.00</td>
<td>0.99</td>
<td>0.02</td>
<td>0.61</td>
</tr>
<tr>
<td>% Black and Republican Control</td>
<td>-0.18</td>
<td>0.16</td>
<td>-0.20</td>
<td>0.24</td>
</tr>
<tr>
<td><strong>Political Factors</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican Control</td>
<td>3.02</td>
<td>0.09</td>
<td>3.37</td>
<td>0.14</td>
</tr>
<tr>
<td>Democratic Control</td>
<td>0.09</td>
<td>0.89</td>
<td>0.23</td>
<td>0.73</td>
</tr>
<tr>
<td>Divided Government</td>
<td>-0.05</td>
<td>0.93</td>
<td>0.04</td>
<td>0.94</td>
</tr>
<tr>
<td>Party Competition 1988-1998</td>
<td>3.61</td>
<td>0.28</td>
<td>6.23</td>
<td>0.13</td>
</tr>
<tr>
<td><strong>Institutional &amp; Fiscal Factors</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Debt</td>
<td>-0.004</td>
<td>0.68</td>
<td>-0.004</td>
<td>0.64</td>
</tr>
<tr>
<td>Fiscal Expenditure Change</td>
<td>-0.02</td>
<td>0.68</td>
<td>-0.02</td>
<td>0.69</td>
</tr>
<tr>
<td>Legislative Professionalism Index</td>
<td>-7.02</td>
<td>0.05</td>
<td>-8.29</td>
<td>0.03</td>
</tr>
<tr>
<td>Constant</td>
<td>-2.24</td>
<td>0.45</td>
<td>-4.63</td>
<td>0.21</td>
</tr>
</tbody>
</table>

N=49  Pseudo R²= 0.35  N=49  Pseudo R²= 0.38  
LR $\chi^2$(10)=24.16  LR $\chi^2$(10)=25.85

*Note:* Non-partisan Nebraska is not included in the analysis.