

American Democracy and Voter Suppression

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We review the history, magnitude, and scope of voter suppression in the United States., showing that, when it is attempted, it targets the voting rights of a disfavored group. We argue that this is an important weakness of American democracy and that current efforts at voter suppression focus on states with major demographic shifts that are seen by some to be threatening. We then discuss the consequences of recent decisions by the Supreme Court to weaken key elements of the Voting Rights Act, arguing that a weakened Voting Rights Act has led to a resurgence of voter suppression in some states and that those same states often see a rise in countermobilization efforts aimed at encouraging targeted communities to register and vote. An undeniable impact of current attempts at voter suppression, we argue, is that it signals to certain communities that their participation in elections is not wanted.

Keywords: American democracy; voter suppression; voting rights; turnout; voter identification; costs of voting

Historians and political scientists have written about the long history of voter

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DOI: 10.1177/00027162241232825

suppression in the United States (B.L. Fraga 2018; L.R. Fraga 2022). In fact, one cannot understand current efforts at voter suppression—including requirements like mandating voter identification, limiting vote-by-mail, making it a misdemeanor to provide water and other sustenance to those waiting in line to vote, and, of course, using gerrymandering to limit the effectiveness of a group's votes—without fully understanding that history. Although the targeted groups have varied—sometimes they were European immigrants; other times African Americans, Latinos, Asian Americans, or Native Americans, among others—the goal of these efforts has always been clear. By limiting the capacity of a group to register, vote, or cast an effective ballot, the influence of segments of the American citizenry can be reduced in elections. We suggest that this is one of the greatest weaknesses of American democracy throughout its history and, moreover, that current efforts at such suppression represent one of the greatest threats to the current practice and future of democracy in the United States.

In this article, we make several related arguments. First, the rise of current efforts at voter suppression has its origins in concerns about major demographic shifts in the United States, a concern especially driven by the growing presence of Latinos as a percentage of the country's population. When a majority white citizenry sees this shift as a threat, as evidenced by arguments related to “replacement theory,” it leads some political leaders to target suppression efforts at these groups and their allies. This response is further fueled when these groups are in coalition with others that have a history of being targeted by voter suppression efforts: together, they are seen as representing a permanent shift in political influence, particularly if they vote as a block and in opposition to the preferences of whites.

Second, we argue that the recent decline in the power of the Voting Rights Act—especially the decision in *Shelby County v. Holder* (2013), which severely undercut the Section 5 Preclearance Provision of the Voting Rights Act—opened a door to the vigorous reemergence of voter suppression. The decision of the Supreme Court, as led by Chief Justice John Roberts, questioned the contemporary relevance of the Section 4 trigger formula, which identified specific states and jurisdictions requiring federal oversight to prevent voting discrimination. We will relate the distribution of voter suppression efforts to areas with rich histories of past voter suppression and with the distribution of partisanship that has historically supported these efforts and continues to do so today.

Third, having considered the motivations for current efforts at voter suppression, we assess the conclusions of empirically based academic studies on the effectiveness of these efforts. We are especially interested in whether there is a consensus about the effects of contemporary voter suppression. Additionally, we ask, How does one explain that, at the same time there are voter suppression efforts in some states, there are efforts at expanding access in others? We will argue that, when the federal government limits its role to significantly combat voter suppression, the threats to American democracy from voter suppression efforts are best understood as being driven by state-level legislation.

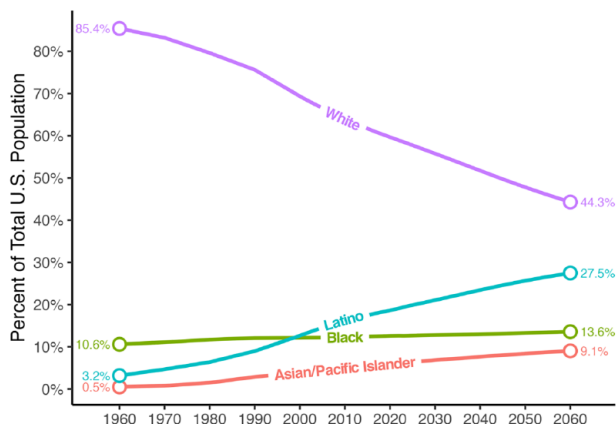
We conclude with a consideration of the broader cultural impact of voter suppression efforts in the United States and their implications for the current and future practice of American democracy. Might it be the case that even when suppression efforts do not seem to lower the voter turnout of targeted populations, they have a larger cultural effect of letting those people know that their participation is not welcome? Could such efforts serve as disincentives for parties and candidates to mobilize new voters into political participation? Additionally, if the federal courts continue to withdraw from protecting voting rights, will this, in effect, provide cover for the pursuit and establishment of yet other forms of voter suppression, both in practice and in theory? Moreover, might these efforts, counterintuitively, lead to more effective grassroots efforts at voter mobilization among targeted populations to limit their effects? It is this cycle of suppression, countermobilization, and efforts at further suppression and further mobilization that, we believe, will have a significant impact on the future of American democracy for generations to come.

Demographic Change and The Rise of Voter Suppression in the U.S.

The U.S. has seen a major shift in the ethno-racial distribution of its population. As can be seen in Figure 1, in 1960, approximately 85 percent of the population was identified for census purposes as white and as not of Spanish or Hispanic origin. Only 3 percent of Americans likely identified as what would now be termed Hispanic or Latino, and fewer than half a percent were Asian American. However, by 2022, the percentage that identified as non-Hispanic white had declined to 59 percent. The most recent projection of population growth estimates available from the U.S. Census Bureau indicate that the non-Hispanic white population may fall to 44 percent by 2060, while Latinos may grow to 28 percent. African Americans make up about 13 percent of the population now and are likely to remain somewhere near that share through at least 2060. Asian Americans and Pacific Islanders, however, are projected to grow from about 6 percent of the population in 2022 in 1960 to 9 percent by 2060. Future generations of Americans will be much more ethno-racially diverse than in the past century, as the country experiences a change nearly as dramatic as the shifts we have already seen since 1960.

These shifts in the national population have translated into the increased presence of Latinos and Asian Americans as portions of the electorate. This can be seen in Figure 2, where we use Current Population Survey estimates of the size of the Latino and Asian American/Pacific islander *potential* and *actual* (voting) electorates in the past eight presidential elections. What is important to recognize is that these growing racial/ethnic minority populations are indeed making their political presence felt as voters. That said, because the gap between the number of those who vote and those who are eligible but do not continues to grow as well, the impact of overall demographic change is muted.

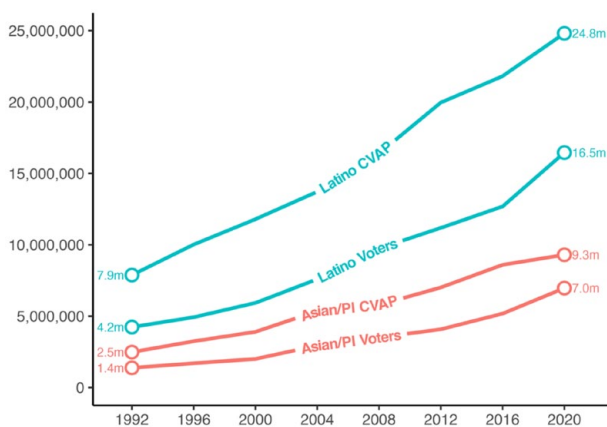
FIGURE 1
U.S. Racial/Ethnic Composition, 1960 to 2060



SOURCE: U.S. Census Bureau, “Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for the United States, Regions, Divisions, and States” (1960–1990; additional extrapolation for 1960 conducted by the authors); U.S. Census Bureau Intercensal Population Estimates (2000–2010); U.S. Census Bureau Population Estimates Program (2011–2022); U.S. Census Bureau 2017 National Population Projections (2023–2060).

NOTE: This figure shows the share of the total population that is (non-Hispanic) white, Hispanic/Latino, Black or African American, and Asian American or Pacific Islander.

FIGURE 2
Change in Size of Latino and Asian American/Pacific Islander Electorates, 1992 to 2020



SOURCE: Current Population Survey Voting and Registration Supplements, 1992 to 2020.
NOTE: This figure shows the total number of Hispanic/Latino and Asian American or Pacific Islander voting-age citizens [CVAP] and self-reported voters [Voters] in presidential elections.

It is hard to definitively show that these population and voter trends are motivating the Republican Party's pursuit of voter suppression legislation. However, these data illuminate concerns related to "replacement theory," which argues that whites in the U.S. are being replaced by non-whites in attempts to benefit the Democratic Party. Additionally, states that have been most prone to propose and enact voter suppression legislation are Republican-dominated; despite statements that such legislation is designed to prevent voter fraud, a *prima facie* case can be made that it is also designed to enhance Republican control of state-based electorates with potential impact on congressional delegations and the Electoral College.

What Do Academic Studies Reveal about the Scope and Magnitude of Voter Suppression?

Existing studies reveal both areas of consensus and lack of consensus about the scope and magnitude of voter suppression in the contemporary United States.

Consensus

The greatest consensus lies in our understanding of where such policies are passed and which groups are targeted by voter suppression efforts today. In researching the state-level correlates of the introduction and passage of restrictive voting measures in state legislatures, political scientists have found that the share of the population that is Black or Latina/o consistently predicts where such policies will appear (Bentele and O'Brien 2013; Biggers and Hanmer 2017). Bentele and O'Brien (2013) go even further, emphasizing that "where African-Americans and poor people vote more frequently, and there are larger numbers of non-citizens, restrictive-access legislation is more likely to be proposed" (1098) and that Republican control of the legislative process is the only predictor more strongly tied to the introduction of voter suppression measures, a finding confirmed by Biggers and Hanmer (2017). In addition, a growing consensus indicates that such policies are championed by Republicans who view them as a means of improving their chances for winning office and that Republicans have increased such efforts in the wake of the *Shelby County v. Holder* (2013) decision (Hicks, McKee, and Smith 2016; Highton 2017). Analyses circulating at the time of the *Crawford v. Marion County Election Board* decision (553 U.S. 181, 2008), which held that voters could be required to provide photo identification, indicated that minorities are less likely to have ID than were whites; given contemporary partisan coalitions, that disparity would seem to validate this strategy by Republicans. Cuts to Sunday early voting have also been linked to Black participation in church-related "Souls to the Polls" events, and a federal court indicated that Black voters had been targeted with "surgical precision" by various restrictions passed in North Carolina for the 2014 election.

While this question is debated heavily in the popular press (e.g., Berman 2015; Wang 2012), academic research also reveals that the number of individuals who

report voter suppression as the primary cause of why they did not vote is relatively small. National data show that only 6 percent of 2022 Current Population Survey Voting and Registration Supplement respondents who self-identified as nonvoters indicated that they did not vote because of putatively suppressive policies.¹

Lack of consensus

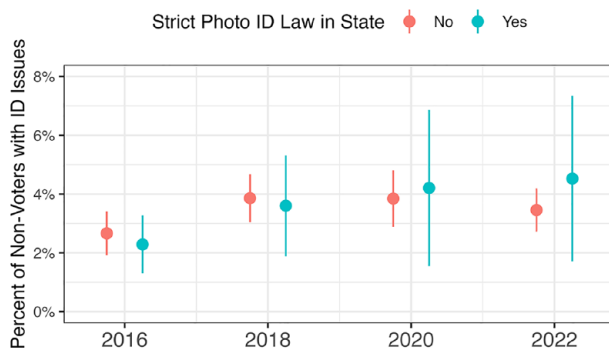
Surprisingly, the area with the greatest lack of consensus is in the magnitude of the effect of such laws on patterns of turnout across race/ethnicity. Voter ID laws are the most-studied form of suppression on this dimension, and results are mixed (Grimmer et al. 2018; Hajnal, Lajevardi, and Nielson 2017). One reason for the lack of consensus is that estimating the effect of such laws, “all else equal,” is challenging. Ritter and Tolbert (2020) find that “both non-Hispanic whites and racial minorities are significantly disadvantaged in states with higher barriers to registration and voting” (107). B.L. Fraga and Miller (2022) examine a unique data set from Texas with more causal validity than previous observational studies provided and find Black and Latino Texans are disproportionately impacted by ID statutes. Causal identification is notoriously difficult with observational data, but, given the evidence, voter suppression may be more likely to occur in places where minorities are more likely to vote or where the response to such barriers is countermobilization by advocacy groups. Countermobilization likely varies by the minority population’s reactive mobilization to real or perceived threat as well as by their ability to mobilize proactively (Ramírez 2013). Valentino and Neuner (2017), for instance, find that voters were more likely to vote when informed about voter suppression laws targeting their group. This may help to explain the mixed-partisan effects of voter identification laws in particular (Harden and Campos 2023).

A second area with limited consensus is how to account for the indirect effects of suppression on voters. For example, Cooperative Election Study (CES) data indicate that in 2018, 3.9 percent of nonvoters who live in states *without* strict photo voter ID laws reported that voter identification was a primary reason why they did not vote, slightly higher than the 3.6 percent of nonvoters indicating an ID-related reason for not voting in the seven states *with* strict photo ID requirements. Figure 3 shows that while the share of CES respondents indicating that they did not vote due to ID-related barriers may be increasing over time, there is no significant difference in self-reported suppression due to voter ID laws in states with ID laws on the books versus those without ID laws. In the absence of countermobilization conducted by advocacy organizations, voters who may not know that they are qualified to vote stay home due to the confusion induced by ID statutes rather than explicit disenfranchisement.

The suppression versus mobilization paradox: An empirical challenge

Valentino and Neuner’s (2017) findings point to a broader challenge for scholars seeking to establish the scope and magnitude of voter suppression: anger

FIGURE 3
 Percentage of Nonvoters Citing ID Issues as a Personal Barrier to Voting, 2016 to 2022



SOURCE: Authors’ calculations from Cooperative Election Studies (CES) data.
 NOTE: This figure shows the share of validated nonvoters in the 2016, 2018, 2020, and 2022 CES (formerly CCES) who said that they did not vote because they “did not have the correct form of identification.” 95 percent confidence intervals extend outward from survey-weighted point estimates.

regarding voter suppression policies has the potential to mobilize opponents of such laws and thus drive turnout up, rather than down. Beyond the difficulties in establishing a clear causal effect of election laws on turnout, their findings also redirect our attention to a paradox in the conventional viewpoint regarding such laws: if voter suppression does not suppress, but mobilizes, is it suppression? Does the mobilizing effect of suppressive laws only manifest when the population expects that suppression will occur? Should those concerned for the health and vitality of American democracy be enraged or encouraged by the public turning out to vote in higher numbers to counter voter suppression? Voters of color are less likely to be mobilized by non-coethnic candidates overall (Ramírez, Solano, and Wilcox-Archuleta 2018), so the potential mobilizing effect of voter suppression may be especially important for voters who are not otherwise encouraged to participate. With 2020, 2018, and 2022 featuring the highest and second-highest rates of voter turnout for presidential and midterm elections in more than half a century (McDonald 2023), the effects of contemporary voter suppression on participatory democracy are much more nuanced than popular discourse allows.

Finally, our relatively limited understanding of the net effect of suppression efforts is accompanied by mixed results regarding the mobilizing effect of putatively participation-boosting election policies. For example, Burden et al. (2014) find that when states increase access to early in-person voting, turnout decreases. Such findings have been explained with models emphasizing the psychological impact of election day as a highly salient “civic holiday,” which increases participation for those otherwise not inclined to vote. In this case, creating additional options for voting is understood as lowering the overall salience of the election process to prospective voters. However, these findings have been challenged as

highly dependent on a complex interaction with other election policies present in the state (McDonald, Shino, and Smith 2015) and may fall victim to the general incomparability of states to each other regarding turnout trends (Keele and Minozzi 2013). Thus, the limited evidence of a direct suppressive (or mobilizing) effect of specific voter-suppression laws may be a product of our limited knowledge of what drives voters to vote, or stay home, in the first place.

New Evidence on the Effects of Voter Suppression

In light of our discussion of consensus (and lack thereof) about the magnitude of voter suppression, it is clear that any conclusions reached are affected by particular factors of the cause and effects of voter suppression. Our intent in this article is not to focus on the causal connection or demonstrable effects on voters. Instead, we aim to provide a wide lens through which we can view these dynamics in terms of their implications for American democracy, and with which we can take in the interaction of voting laws and racial and ethnic demographic patterns across the states.

According to Bentele and O'Brien (2013), the frequency of restrictive voter legislation leading up to 2012 (i.e., their analysis' end year) was higher in Southern and battleground states, like Ohio and Florida, compared to non-Southern states and uncompetitive states. They make the case that the increased rate of restrictive legislative activity by the Republican Party was a response to changing demographics, Republican electoral losses, an internal rightwards ideological shift among party members, and the amplification of voter fraud mythology since the 2008 election. They further argue that Republican-controlled states engaged in voter suppression of specific categories of voters for partisan gain because suppression was seen as easier than mobilizing new voters. Regardless of whether we agree on why certain state political parties focused on passing more election-related laws, the fact of the matter is that there was a noticeable increase in such legislation since 2008 and that further expanded after the *Shelby County v. Holder* (2013) decision.

Here, we follow up on Bentele and O'Brien's (2013) analysis, providing a brief summary of some of the legislative activity regarding voting access in the years after their study. We similarly draw on the Brennan Center's reports on voting laws (Brennan Center 2013–2021). We first highlight the fact that understanding the two years before the *Shelby County* decision is crucial to understanding the subsequent years. According to the Brennan Center, in 2011, restrictive bills that would require strict voter IDs were introduced in all but one state by Republican legislators. At the time, only two states had such requirements. Beyond simple voter-identification requirements, between 2011 and 2012, 180 restrictive bills were introduced in 41 states, with 25 laws and two executive actions being passed in 19 states in these two years. The Supreme Court's decision, in *Shelby County v. Holder* (2013), to strike down a key provision of the Voting Rights Act made it easier for states to introduce restrictive bills (Brennan Center 2013). In 2013, 33 states introduced 92 restrictive bills, and eight states passed nine such laws. The

following year, 83 restrictive bills were introduced in 29 states. In 2015, 113 bills that would restrict access to registration and voting were introduced or carried over in 33 states; while in 2016, 77 such bills were introduced or carried over in 28 states. In 2017, at least 99 bills to restrict access to registration and voting were introduced in 31 states, with voter ID bills still being the most common form of restriction. In 2018, at least five states advanced at least six bills restricting voting access. In 2019, seven restrictive bills were signed into law in five states; and in 2020, six states passed new statutes that reduced accessibility to voting. While our analyses of the consequence of restrictive legislation ends in 2020, it is important to note that, in 2021, legislators introduced three times the number of bills to restrict voting access than in the previous year, with 28 states introducing, pre-filing, or carrying over 106 restrictive bills. These bills sought to limit mail-voting access, impose stricter voter-ID requirements, limit pro-voter-registration policies, and enable more aggressive voter-roll purges. These bills, according to the Brennan Center (2021), came about in response to “to historic voter turnout in the 2020 general election, and grounded in a rash of baseless and racist allegations of voter fraud.” In particular, Georgia lawmakers made clear their intentions to introduce bills to require an excuse to cast an absentee ballot, mandate a photo ID when returning an absentee ballot, and ban ballot drop boxes, among other harsh restrictions.

As stated earlier, much of the extant research is hampered by an overreliance on identifying the connection between voting laws and voter turnout, which is hindered by data limitations and disputed findings. It is crucial to note that solely focusing on turnout overlooks the actual issue of *de facto* disenfranchisement not only through a wide array of restrictions but also by the fact that states could pass, concurrently, laws adding barriers to participation *and* laws making it easier to vote. For instance, automatic voter registration has spread across the country, and some states are passing fewer laws that restrict voting rights overall. It is also the case that electoral results have changed the partisan composition across states—a change that has led to a reversal of voting laws. For example, after the 2018 general election, three new Democratic trifectas were responsible for an outsize portion of the most impactful expansive voting laws.

The reality is that voting in the U.S. is not just about direct voter suppression, because some states are simultaneously passing legislation that expands access or makes it easier to vote. We argue that we must look at the combined effect; and to do so, we consider how the contraction and expansion of access and opportunities is taking place, who is being impacted (positively and negatively), and why that might be the case. At the same time, the differing conclusions about the effect of any one law or group of laws make it clear that any assessment is not straightforward. Because most analyses seek to assess the direct effect of restrictive laws by focusing on voter turnout, they are unable to consider the indirect effects of new laws. It is possible, for example, that targeted mobilization could subsidize the higher costs of voting in states with more restrictive voting laws.

We are interested in whether changes and alterations in election laws after the *Shelby County* ruling have differentially impacted racial and ethnic groups. To determine this, we utilize the Cost of Voting Index (COVI) developed by Li,

Pomante, and Schraufnagel (2018). This index takes into account a range of factors including pre-election registration deadlines, restrictions on voter registration, limitations on registration drives, provisions for early and absentee voting, voter ID requirements, and poll hours on Election Day. While there are competing indices and concepts to capture the effect of state laws and election administration rules on voter registration and turnout, our focus on policies more directly captures the connection between the passage of state laws and the disparate burdens experienced by racial and ethnic minorities. Our goal is not to measure the effect on turnout rates, but rather to determine whether state demographics are correlated with the states that make voting most and least burdensome.² Specifically, we use the COVI rankings of the 50 states in 2012, the year before the *Shelby County* ruling, and 2020, the most recent presidential election year. We then identify the 10 states with the lowest and highest cost of voting in each year, respectively. Because the COVI is cross-sectional, we cannot compare values within a state across years. However, we can identify the relative voting difficulty over time.

Rather than focusing on the effect of voter laws on turnout, we focus on whether certain segments of the U.S. electorate disproportionately bear the burden of increased costs of voting. One way of assessing the degree of burden experienced across racial and ethnic groups is to examine the “cost-of-voting parity ratio”—the percentage of a group population that live in 10 states where the costs of voting are lowest and highest divided by the percentage of the entire U.S. population that bears those burdens. Perfect cost of voting would be 1.0, and our analyses below indicate that in some cases, a population’s percentage of the state’s population is equal to the percentage of the entire U.S. population that lives in the respective states. Parity ratios above 1.0 indicate overrepresentation in the group of states. A parity ratio above 1.0 in the 10 states where the cost of voting is the lowest would suggest that a greater relative segment of the population enjoys lower costs of voting. To calculate the cost-of-voting parity ratios, we use Census Bureau data on the percentage of non-Hispanic white, Black, Latino, and Asian American populations from the 2012 and 2020 Current Population Survey (U.S. Census Bureau 2013, 2021).

Even before the *Shelby County* Supreme Court ruling, states varied in the election laws that impacted ease of voting. Bentele and O’Brien’s analysis indicates that, between 2006 and 2011, Southern and battleground states were more likely to witness a surge in restrictive voter legislation. They further conclude, “Where African-Americans and poor people vote more frequently, and there are larger numbers of non-citizens, restrictive-access legislation is more likely to be proposed” and is seen as a legislative reaction to voter turnout (Bentele and O’Brien 2013, 1098). While some legislators may react to voter behavior, we focus on how voting laws have uneven consequences on voters generally and racial and ethnic populations specifically.

In 2012, 25 percent of the U.S. population lived in the 10 states with the lowest cost of voting, as we show in Table 1. At the same time, the percentage of the U.S. population living in the 10 states with the highest cost of voting in 2012 was 24.5. In other words, about 50 percent of the U.S. population lived in states with

TABLE 1
States with the Lowest and Highest Cost of Voting by Proportion of the
Population and Parity Ratios, 2012

Ten States with Lowest Cost of Voting (COVI) ^a	COVI Parity Ratios	Ten States with Highest Cost of Voting (COVI) ^b	COVI Parity Ratios
% of U.S. population	25.2	% of U.S. population	24.5
% of all non-Hispanic whites	22.8	0.905 % of all non-Hispanic whites	24.4
% of all African Americans	20.1	0.798 % of all African Americans	26.8
% of all Latinos	34.5	1.369 % of all Latinos	23.6
% of all Asian Americans	40.3	1.599 % of all Asian Americans	12.8

SOURCE: U.S. Census Bureau (2013); Li, Pomante, and Schraufnagel (2018).

a. OR, WA, ME, IA, ND, NC, WI, CT, CA, MD.

b. OH, KY, MS, SC, KS, TX, AR, IN, GA, TN.

the lowest or highest cost of voting, while the remaining half of Americans lived in 30 other states, plus Washington, DC. To determine whether there are uneven costs of voting experienced by racial and ethnic groups, we must inquire as to the percentage of all non-Hispanic whites who lived in these groups of states. In 2012, 22.8 percent lived in low-COVI states and 24.4 percent in high-COVI states. This stands in contrast to the fact that 20.1 percent of African Americans were concentrated in the 10 states with the lowest COVI and 26.8 percent in the 10 states with the highest COVI. This simple comparison indicates that a greater percentage of African Americans live in the states where the costs of voting are higher, compared to their white counterparts.

One of the interesting findings is that the concentration of Latinos and Asian Americans in certain states, like California, actually benefits them. With respect to whether Latinos or Asian Americans were impacted by restrictive voting laws, 34.5 percent of all Latinos and 40.3 percent of all Asian Americans lived in the 10 states with the lowest costs of voting. Their concentration in other states meant that only 23.6 percent of Latinos and 12.8 percent of Asian Americans were concentrated in the 10 states with the highest cost of voting. By dividing the percentage of each racial and ethnic population by the percentage of the total U.S. population living in the respective groups of states, we can determine the relative ease and difficulty of voting with the calculated cost-of-voting parity ratios. In 2012, the cost-of-voting parity ratios ranged from a low of 0.522 for Asian Americans in high-COVI states to a high of 1.599 for Asian Americans in low-COVI states. We should note that non-Hispanic whites tend to experience approximate parity in both high- and low-COVI states. Conversely, the concentration of African Americans in 2012 meant that a smaller share of their population benefited from ease of voting and simultaneously experienced more burden,

TABLE 2
States with the Lowest and Highest Cost of Voting by Proportion of the
Population and Parity Ratios, 2020

Ten States with Lowest Cost of Voting (COVI) ^a	COVI Parity Ratios	Ten States with Highest Cost of Voting (COVI) ^b	COVI Parity Ratios		
% of U.S. population	33.4	% of U.S. population	20.4		
% of all non-Hispanic whites	29.4	0.880	% of all non-Hispanic whites	20.4	1.000
% of all African Americans	28.8	0.862	% of all African Americans	21.8	1.069
% of all Latinos	43.5	1.302	% of all Latinos	22.1	1.083
% of all Asian Americans	58.7	1.757	% of all Asian Americans	12.5	0.613

SOURCE: U.S. Census Bureau (2021); Schraufnagel, Pomante, and Li (2022).

a. OR, WA, NJ, IL, CA, UT, MA, NY, MD, AK.

b. KS, OH, SD, TN, WY, TX, SC, IN, MS, NH.

given the higher costs of voting in the states where they live. One final important factor to point out is that in 2012, all but three of the 10 states with the highest COVI were in the South, whereas only two Southern states were among the 10 states with the lowest COVI.

Bentele and O'Brien (2013) conclude that voting access has been reduced by laws passed by state legislatures, and they conclude that states with Republican governors and Republican-controlled legislatures are more likely to pass such laws due to strategic partisan considerations. However, their analysis covers only laws passed up until 2012, a year before the *Shelby County* decision. Because their analysis focuses on the number of laws introduced and passed, it fails to account for variations in efficiency between states in passing voting restrictions. We agree with Bentele and O'Brien's analysis that demonstrates state legislatures have passed laws that reduce access to voting. Rather than replicate their analysis post-*Shelby County*, we recognize that states are subject to laws that make it harder to vote, as well as easier to vote, and that the effects are cumulative.

In a positive sign of change, more than 33 percent of the U.S. population, in 2020, lived in the 10 states with the lowest cost of voting. As we show in Table 2, the percentage of the U.S. population living in the 10 states with the highest cost of voting in 2020 dropped to 20.4 percent. The percentage of all non-Hispanic whites living in low-COVI states was 29.4 percent and 20.4 percent in high-COVI states. While the COVI parity ratios for whites in the 10 states with the lowest COVI were 0.88, they had perfect parity in the 10 states with the highest COVI. Conversely, African Americans continued to be underrepresented in low-COVI states and overrepresented in high-COVI states.

Perhaps the biggest change has to do with the fact that there was a noticeable increase in the percentage of Latinos living in low-COVI states, at 43.5 percent, due in large part to the inclusion of New York and Illinois in the top 10 states with low COVI. While only 22.1 percent of Latinos live in the 10 states with the highest COVI, their COVI parity ratio, 1.083, is higher than for all racial and ethnic populations, including African Americans at 1.069. Asian Americans continue to benefit by their concentration in states with the lowest COVI and the fact that only 12.5 percent live in the 10 states with the highest COVI. The key takeaway in 2020 is that voting laws that make voting harder continue to disproportionately burden African Americans and, in a dramatic change, also Latinos. The final important factor to point out is that in 2020, only four of the 10 states with the highest COVI were in the South. This is not to suggest that Southern Republican legislatures do not grab headlines when laws are proposed to restrict voting access, it is simply that non-Southern states have been very active in enacting laws that make it harder to vote.

American Democracy and Voter Suppression over the Next 20 Years

Our assessment of the extant evidence brings us to several conclusions about the relationship of American democracy to voter suppression today and how that relationship could play out over the next 20 years. First, contemporary efforts at voter suppression follow a long history of suppression efforts common to the American polity. Although the targets of this suppression have changed over the years, the current targets are largely African Americans and Latinos. This is especially the case where two factors coincide: (1) the historically marginalized segment of the population, now largely Latino, is growing; and (2) elections have become more contested, with the result that African Americans, in combination with Latinos, are the targets in a number of states. What is clear from our analysis and the findings of others cited in this article is that the efforts today are consistently driven by Republican-dominated state legislatures. Although arguments can be made that this is just good old-fashioned partisan competition, when the partisans targeted are also members of ethno-racial minority groups, we think it best to understand these efforts as ethno-racial targeting with partisan effects.

Second, might these Republican efforts lead to the counterintuitive result that enhanced mobilization will occur in response and, thus, that contemporary suppression may have only marginal effects? We find some evidence for this; however, greater detail regarding voter registration and turnout over time is necessary to reach a definitive conclusion. It is certainly the case that Georgia and Arizona demonstrate the counterintuitive effects we describe. It will be extremely important to track these impacts in future elections.

Third, at this point, there is no reason to think that the Supreme Court will again be a major supporter of the expansion of voting rights for historically marginalized groups, as it was in the 1960s, 1970s, 1980s, and, with a few exceptions,

the 1990s. There is also little reason to think that the current partisan and ideological composition of the Court will change over the next 20 years. As has always been the case, the Supreme Court is the major arbiter in cases where the partisan and ideological composition of state legislatures and state courts is dominated by those who support voter suppression. The opposite, of course, holds in states that have worked to expand voting rights (remember, though, that voter suppression and enhancement has always been grounded in geography). Still, the power of the Supreme Court, with whatever tortured logic the majority of its justices may use to justify voter suppression, is clear. Especially in areas without a history of voter enfranchisement efforts and in communities with a long history of disenfranchisement and voter suppression, the stakes for democracy could not be higher.

Fourth, the efforts at voter suppression described above point to what we would characterize as a culture of voter suppression, which may have long-term consequences. It is this culture of voter suppression that presents the greatest threat to American democracy now and, perhaps, over the next 20 years. We have already seen how the Court's legitimization of voter suppression has encouraged the weaponization of litigation. Those who would make it harder for specific groups to register, vote, and cast a meaningful ballot will be empowered to continue to do so with the confidence that the courts, especially the Supreme Court, are on their side. They can push the boundaries of discrimination as hard and as often as they please. Even more threatening to American democracy is the very real possibility that targeted communities will internalize the reality that many of their fellow citizens do not want them to participate in the nation's politics and will even be suspicious of efforts to try to increase voter turnout in African American and Latino neighborhoods; in this case, the culture of voter suppression will have extremely long-lasting effects. Perhaps this scenario helps us better understand why mobilizing new voters from particular segments of the electorate is so hard and why such efforts can even encounter resistance. After all, if you are told often enough that you cannot participate unless you meet challenging registration and voting requirements; that you risk being arrested if you make a mistake in registration and voting; and that you, therefore, are not a "real" American citizen, but a "perpetual foreigner," you may understandably decline to participate. And that outcome can have a very detrimental effect on the prospects of democracy in the United States. Stated differently, the regime may not be under threat, but the regime as it is will never be inclusive. As our demographic shifts continue, it seems to us, the current regime is a recipe for disaster for current and especially future generations of the citizenry in the United States.

Notes

1. Authors' calculations from the 2022 Current Population Survey Voting and Registration Supplement. The percentage is calculated as the share of nonvoting, voting-age citizen respondents who stated that they were not registered to vote because they "Did not meet registration deadlines," "Did not meet residency requirements," or had "Difficulty with English," plus individuals who said they were registered but did not

vote because they had “Registration problems (i.e., didn’t receive absentee ballot, not registered in current location)” or “Inconvenient hours, polling place or hours or lines too long.”

2. The Pew Charitable Trusts/MIT Election Data and Science Lab’s Election Performance Index (EPI), made up of 17 subcomponents and updated biannually, is intended by design show how well states are doing in managing elections and measuring the possible impact of policy changes. This, however, relies heavily on election administration and incorporates levels of turnout, rather than focusing accessibility to voting.

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