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## **50 YEARS OF THE VOTING RIGHTS ACT**

### **The State of Race in Politics**

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# President's Message



This year marks the 50<sup>th</sup> anniversary of the historic “Bloody Sunday” on March 7, 1965, in Selma, Alabama, and the enactment of the Voting Rights Act on August 6, 1965.

As black voters were added to the election rolls, their ballots changed the composition of many legislatures, commissions, and councils. The Joint Center was founded five years after the Voting Rights Act of 1965 to support those newly elected officials of color.

How much progress have we made since 1965? How much more work is there to do?

These are contested questions, subject to ideology and opinion. A study published in *Perspectives on Psychological Science*, for example, shows that on average whites and African Americans differ on the amount of racial progress we have made, with whites now believing anti-white bias is more prevalent than anti-black bias. We have elected an African American president, but studies have shown that some government officials are less likely to respond to inquiries from citizens with seemingly black or Latino names. The questions are also at the core of many ongoing debates about voting rights in the U.S. Supreme Court and Congress, as well as in many states, counties, and municipalities.

Four prominent political scientists—Professors Khalilah Brown-Dean, Zoltan Hajnal, Christina Rivers, and Ismail White—provide empirical data that offer important answers in this report. I hope you enjoy it.

Regards,

Spencer Overton

# Executive Summary

This report examines minority voter registration and turnout, racially polarized voting, policy outcomes by race, and the number and share of minority elected officials from the enactment of the Voting Rights Act of 1965 until today. This information is essential in thinking about the future of race, politics, and voting rights.

Key findings in this study show:

- **Since 1965, the black/white racial gap in voter turnout has decreased dramatically in presidential elections.** Turnout among black Southerners exceeded that of their white counterparts in four of the twelve presidential elections since 1965, and nationwide black turnout clearly exceeded white turnout in presidential elections in 2012 and perhaps in 2008.
- **Local election turnout is lower and possibly less diverse.** Presidential general election turnout is generally 60% of the voting-age population, but local election turnout averages 27% and in some cases is less than 10%. As overall turnout declines in local elections, the electorate may become less representative of the racial diversity of the community as a whole.
- **Latino and Asian American turnout increased but remains low.** Turnout rates among both Asian Americans and Hispanic Americans in presidential elections remain 10 to 15 percentage points below black Americans and 15 to 20 points below white Americans.
- **Party politics is increasingly polarized by race.** Since 1960, the party identification and partisan voting patterns of blacks and whites have become sharply divided.
- **Race is the most significant factor in urban local elections.** In urban local elections, race is a more decisive factor than income, education, political ideology, religion, sexual orientation, age, gender, and political ideology. The 38 point racial gap exceeds even the 33 point gap between Democratic and Republican voters.
- **Based on available data from 1972 to 2010, blacks were the least advantaged group in America in terms of policy outcomes.** Blacks were policy winners only 31.9% of the time, compared with 37.6% for whites. This difference

seems small, but it is ten times larger than the 0.5 point difference between high- and low-income earners.

- **Since 1965, the number of elected officials of color has grown enormously.** Over this period, African Americans went from holding fewer than 1,000 elected offices nationwide over 10,000, Latinos from a small number of offices to over 6,000, and Asian Americans from under a hundred documented cases to almost 1,000.
- **People of color remain underrepresented in elected office.** Based on the most recent data, African Americans are 12.5% of the citizen voting age population, but they make up a smaller share of the U.S. House (10%), state legislatures (8.5%), city councils (5.7%), and the U.S. Senate (2%). Latinos make up 11% of the citizen voting age population, but they are a smaller share of the U.S. House (7%), state legislatures (5%), the U.S. Senate (4%), and city councils (3.3%). Asian Americans are 3.8% of the citizen voting age population but a smaller share of the U.S. House (2%), state legislatures (2%), the U.S. Senate (1%), and city councils (0.4%).

# Introduction: The Origins and Evolution of the Voting Rights Act

In 1965, over half the population of Dallas County, Alabama, was African American, but only 156 of the county's 15,000 voting-eligible African Americans were registered.<sup>1</sup> In contrast, two-thirds of the county's white population was registered. White politicians held all elected positions and maintained their power by requiring that applicants for registration pass an oral exam about the U.S. Constitution and possess "good character."

Four years earlier, Justice Department lawyers had filed a lawsuit against the Dallas County registrars, and after thirteen months of procedural wrangling, the case came to trial. By that time, the county registrars had resigned and the trial judge refused to ban tests because the newly hired county registrars had not yet discriminated against blacks. After an appeal, federal courts finally ordered county registrars to stop requiring voters to interpret the *federal* constitution. The county registrars then added a new test that required voters to demonstrate an "understanding" of the *state* constitution. After additional legal filings by the Justice Department, federal courts finally banned the new test. Yet during the four years the lawsuit was working its way through the courts, only 383 of the 15,000 eligible black citizens registered.

Dallas County was not alone. Throughout Alabama, only 19.4% of African Americans were registered, and in Mississippi only 6.4% of African Americans were registered. Since the 1870s, white elected officials in many parts of the South had used violence, literacy tests, interpretation tests, poll taxes, and other devices to exclude African Americans.<sup>2</sup> The Justice Department filed 71 voting

*In early 1965, the registration rate for African Americans was less than 20% in Alabama and less than 7% in Mississippi.*

rights lawsuits in the Deep South before 1965, but cases were typically complex, time-consuming, and expensive. When a court struck down one type of discriminatory device, local officials simply erected a different device that effectively excluded most African Americans.

On March 7, 1965, state troopers attacked a group of peaceful demonstrators on the Edmund Pettus Bridge in Selma, Alabama (the seat of Dallas County government). Television networks broadcast images of the attack around the world, attracting widespread attention and demonstrations in support of the voting rights cause. These events—as well as the deaths of activists Jimmy Lee Jackson, Viola Liuzzo, and James Reeb in Selma—produced sufficient public

pressure for Congress to pass the Voting Rights Act, which President Lyndon Johnson signed into law on August 6, 1965.

The Act suspended literacy and interpretation tests, and it allowed federal officials to register voters and monitor local elections in particular jurisdictions. The Act also had a nationwide, permanent provision that allowed private parties or the Justice Department to bring lawsuits to stop racially discriminatory election laws and electoral plans.

Further, the “preclearance” provision of the new Act required that jurisdictions with a history of discrimination submit new election rules or plans to federal officials. State and local officials could implement a proposed election rule or plan only after federal officials approved it. By shifting the burden to states and localities to prove to federal officials that changes were not discriminatory, the preclearance process avoided the delays and expenses of litigation, and it stopped discriminatory laws before they were used in elections. The preclearance provision applied to jurisdictions that had tests or devices and low turnout or registration in the 1964 presidential election (all or parts of 11 states), and it was originally scheduled to expire in five years.

Congress extended the preclearance provision and updated the Act in other ways in 1970, 1975, 1982, and 2006.<sup>3</sup> In 1970, new states were added to the coverage formula, and the ban on tests and devices was expanded nationwide. During the 1975 renewal, Congress made the ban on tests and devices permanent. Congress also expanded preclearance to cover jurisdictions with large numbers of language minority groups (e.g., speakers of Spanish, Asian, American Indian/Native Alaskan languages) that had English-only voting materials and low registration or turnout. Further, the 1975 renewal required language assistance (e.g., bilingual ballots, registration forms) in jurisdictions with large numbers of language minority groups with limited proficiency in English.<sup>4</sup> In 1982, Congress amended the Act to clarify that discriminatory *purpose* was not required to bring a lawsuit to invalidate election procedures that *result* in discrimination.

*The Voting Rights Act's preclearance process avoided the delays and expenses of litigation, and it stopped discriminatory election rules before they were used.*

In 2013, the U.S. Supreme Court struck down the coverage formula that determined which jurisdictions must preclear new election rules and plans, which effectively rolled back preclearance.<sup>5</sup> Writing for five members of the Court (four justices dissented), Chief Justice John Roberts indicated that the coverage formula was outdated because flagrant discrimination no longer persisted in covered jurisdictions and the “country has changed.”

Subsequently, Representatives John Lewis (D-GA) and Jim Sensenbrenner (R-WI) co-sponsored

a bill to update the Act. The proposed legislation would apply preclearance to jurisdictions with a record of voting rights violations within the previous 15 years, would make it easier for courts to block discriminatory rules before they are used in elections and harm voters, and would require disclosure of voting changes nationwide.<sup>6</sup>

In a comprehensive report providing evidentiary support for updating the Act, the National Commission on Voting Rights collected contemporary instances of structural dilution of minority votes in the context of at-large elections and redistricting plans.<sup>7</sup> The Commission also documented the emergence of various restrictions on voting, such as proof of citizenship, voter purges, felony disenfranchisement, voter identification, voter challenges, and restrictions on registration drives. Further, the Commission's report chronicled failures to provide adequate language assistance materials, failures to provide registration at public assistance agencies, and attempts to roll back early in-person voting and same-day registration.

Others have also written on contemporary election structures that adversely affect minority voters. For example, many states disenfranchise former offenders after they have completed their sentences, and as a result, 7.7% of black adults are disenfranchised nationally, including 22% of black adults in Kentucky and 23% in Florida.<sup>8</sup> By counting inmates as residents of the jurisdiction where they are incarcerated rather than as residents of their home prior to incarceration, many states inflate the voting strength of populations who live near prisons (often rural areas) and diminish the voting strength of non-incarcerated people in the prisoners' home communities.<sup>9</sup> Many states have adopted restrictive identification laws, and the General Accounting Office reported that 84% of registered white voters possess a valid driver's license, compared with only 63% of registered black voters.<sup>10</sup> North Carolina and other states have attempted to roll back early voting on Sunday, and data show black voters accounted for 53% of Sunday early voters in North Carolina and Georgia in the 2014 midterm election.<sup>11</sup>

While analyzing contemporary election practices that diminish minority voting is critical, we also need facts about minority turnout, racially polarized voting, policy outcomes, and the number of minority elected officials to fully understand our progress since 1965 and to look toward the future.

# Registration & Turnout

In this section we assess the Voting Rights Act's effectiveness in increasing rates of registration and voter turnout among racial minorities in the United States. We examine changes in black, Latino, and Asian American registration and turnout following the passage of the Voting Rights Act in 1965.<sup>12</sup> Most notably, since the Voting Rights Act's 1965 passage, African Americans residing in former Confederate states have gone from near total disenfranchisement to registration and turnout rates that equal or surpass those of whites in the same states, at least in presidential general election contests. Latino and Asian American registration and turnout rates, however, continue to trail those of other groups significantly.

## **African American Registration and Voting Before and After the Voting Rights Act**

Passage of the Voting Rights Act marked what political scientist Richard Valley has called the "Second Reconstruction"—an active re-inclusion of African Americans into the American state made necessary by nearly a century of Southern political suppression. To illuminate the significance of the Voting Rights Act as a Second Reconstruction, this section uses official registration data from the state of Louisiana, which has kept voting records by race since the Reconstruction era. This section also uses survey data from both the U.S. Census and the American National Election Study for coverage of registration and turnout patterns across the former Confederacy. The data show that the Voting Rights Act was the most significant action taken since the post-Civil War Reconstruction Acts to overcome Southern suppression of black voters.

The first Reconstruction followed the Civil War, ushered in by Congress's 1867 passage of the Reconstruction Acts. The Acts made readmission of former Confederate states to the Union contingent upon redrafting their constitutions and ratification of the Fourteenth Amendment to the U.S. Constitution, and placed Union troops in Southern jurisdictions to enforce compliance with newly established black suffrage rights. This first Reconstruction produced a dramatic increase in the number of black voters in the former Confederate states. In some Southern states black male voter registration exceeded 90%, which resulted in the election of many of the nation's first black federal officeholders and a large number of black state and local officials throughout the South.

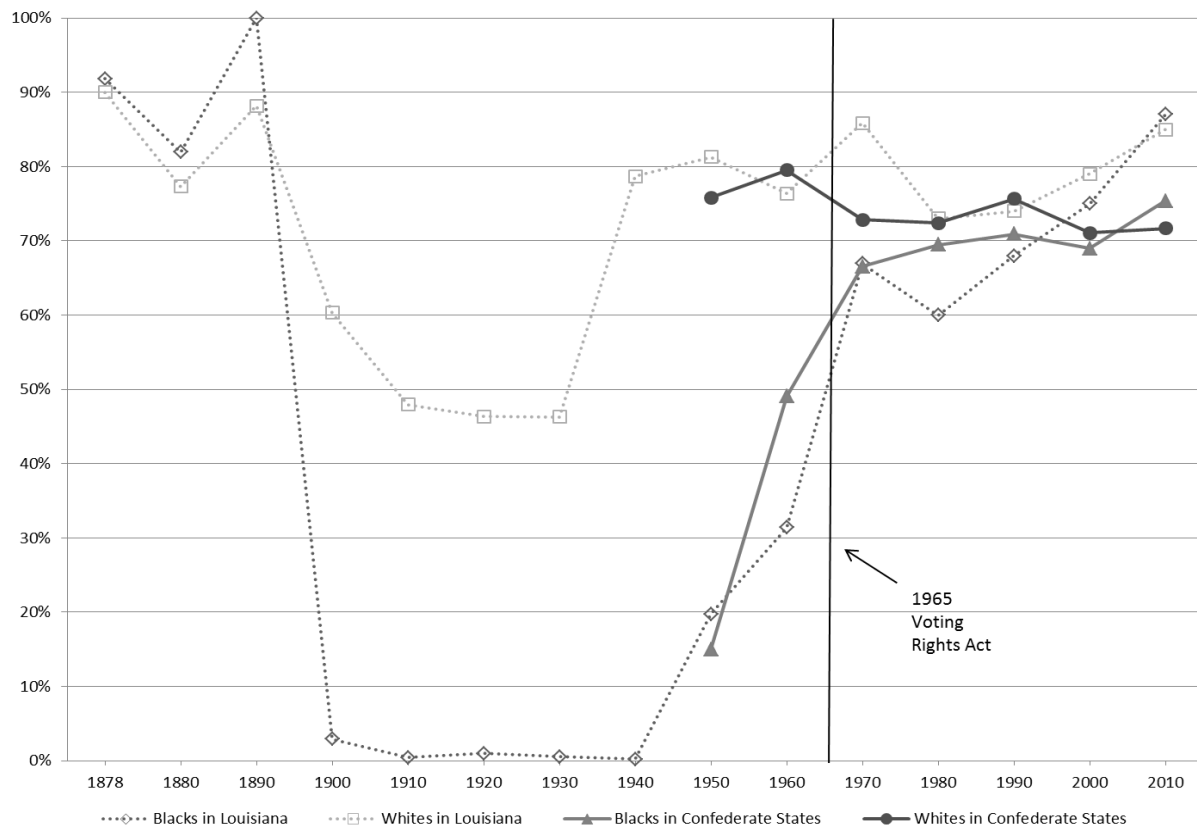
The political will of Reconstruction, however, ended with the disputed presidential election of 1876. Southern states freed from federal constraints reverted to active denial of the citizenship and voting rights of African Americans within their borders. Between 1890 and 1910, nearly all of the former Confederate states rewrote their constitutions to introduce voting restrictions



that disenfranchised black voters.<sup>13</sup> For example, in Louisiana, Reconstruction had brought voter registration among black men in the state to over 90% by 1880. In 1898, a new constitution instituted a statewide poll tax and literacy and property requirements, alongside a “grandfather clause” that effectively exempted only whites from these requirements. Black male voter registration in the state plummeted, falling to only 3% by the next major election (see Figure 1 below).

For the next 30 years, blacks in most of the former Confederate states remained almost totally excluded from electoral politics. Supreme Court decisions delivered some incremental reprieve, outlawing first the grandfather clause in 1915 (*Guinn v. United States*) and the whites-only primary in the 1940s (*United States v. Classic* in 1941 and *Smith v. Allright* in 1944). As Figure 1 illustrates with the case of Louisiana, black voter registration increased from virtually non-existent to 20% of the adult population by the end of the 1940s.

**Figure 1: Black and White Voter Registration Rates in Louisiana and Former Confederate States, 1878-2010<sup>14</sup>**

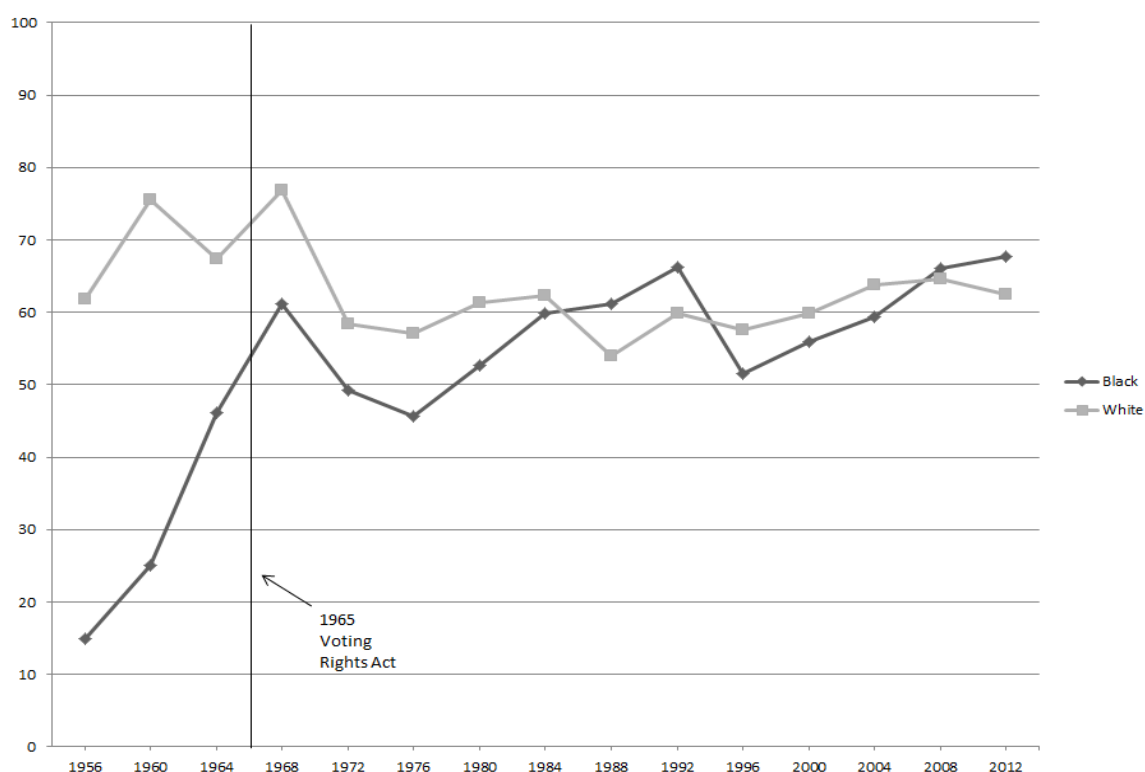


Data from 1970 to 2010 are from the United States Census, Current Population Survey, Voter Supplement File.<sup>15</sup>

Still, black voter registration in Louisiana and the rest of the South continued to lag significantly behind that of white Southerners. As highlighted in Figure 2 below, the racial gap in self-reported voter registration in the former Confederate states at the start of the 1960s was still nearly 30 percentage points.

Only in the wake of the Voting Rights Act did black voter registration in the South begin to approach that of whites. Five years after the passage of the Act, the racial gap in voter registration in the former Confederate states had closed to single digits. By the start of the 1970s, the black/white registration gap across the Southern states was little more than 8 percentage points. In Louisiana, the gap between black and white voter registration rates decreased by nearly 30 percentage points from 1960 to the end of 1970s, and it continued to decrease over the next three decades. By 2010, black registration rates in the state of Louisiana and many of the other former Confederate states had exceeded white registration rates for the first time since Reconstruction. The Voting Rights Act had delivered a Second Reconstruction.

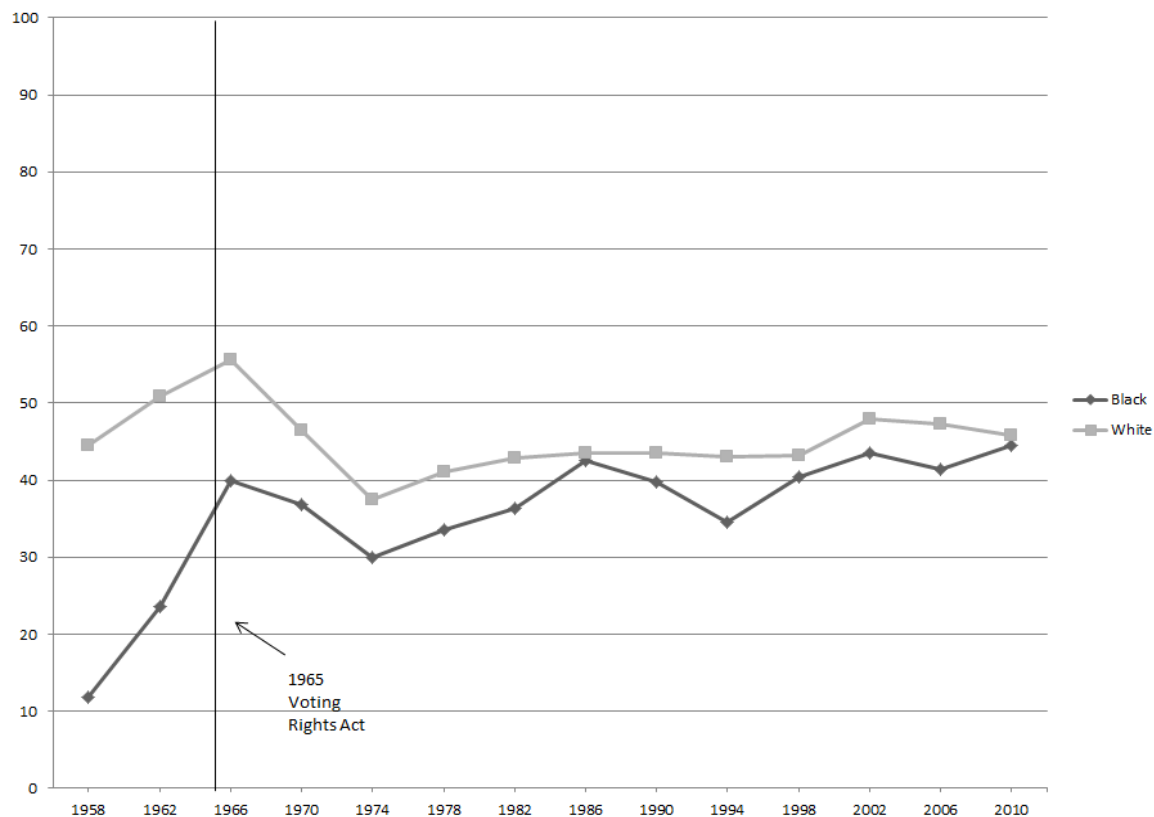
**Figure 2: Black and White Presidential Election Voter Turnout in Former Confederate States, 1956-2012. (Percent of Voting Age Population)<sup>16</sup>**



The Voting Rights Act enabled similar gains in African American voter turnout. Figure 2 tracks self-reported turnout in presidential elections from 1952 to 2012 among blacks and whites living in former Confederate states. At the time of the 1956 presidential election, turnout among blacks who lived in former Confederate states was roughly 50 percentage points lower than that of whites in these states.

However, the racial gap in turnout decreased dramatically following the passage of the Voting Rights Act in 1965. Indeed, self-reported turnout among black Southerners exceeded that of their white counterparts in four of the twelve presidential elections following the passage of the Voting Rights Act. The 1988, 1992, and 2008 elections are particularly notable given that nationwide black turnout rates in presidential elections did not appear to exceed white turnout rates until the 2008 presidential election.<sup>17</sup>

**Figure 3: Black and White Midterm Election Voter Turnout in Former Confederate States, 1998-2012 (Voting Age Population)<sup>18</sup>**



Since the passage of the Voting Rights Act, the racial gap in midterm elections has also decreased significantly, though not to the point of black voters expressing higher turnout than similarly situated whites. Figure 3 describes midterm election turnout (self-reported) from 1958 to 2010 among blacks and whites living in former Confederate states.

As we move from 1958 to 1970, we can see a sharp reduction in the turnout gap between blacks and whites. Over this time period we can see the gap decline from roughly 33 percentage points to 10 percentage points following the passage of the Voting Rights Act. While we can still observe a racial gap in most midterm elections, the gap is minimal and can likely be accounted for by socio-economic differences between blacks and whites in these states.

### **African American Turnout in Local Elections**

While it is important that we focus on closing a black/white turnout gap in federal elections,<sup>19</sup> we should not ignore disparities in local elections. Local elections are fundamentally different. Presidential general election turnout is typically 60% of the voting-age population, but local election turnout averages 27% and in some cases is less than 10%.<sup>20</sup>

Most local offices are non-partisan, and political parties generally lack incentives to invest significant resources on turnout for local elections, most of which are held on different dates than federal and state general elections. As overall turnout declines in local elections, the electorate may become less representative of the racial diversity of the community as a whole.<sup>21</sup>

For example, in 2014, when there was great unrest over a police officer's killing of Michael Brown, African Americans made up 67% of residents of Ferguson, Missouri. In 2012, a solid 100% of Ferguson precincts went for President Obama,<sup>22</sup> but during Ferguson's municipal off-cycle elections voters selected Ferguson's Republican mayor and six city council members, all of whom except one were white. Some have speculated that the drop in turnout from the 2012 November presidential election (54% turnout) to the 2013 April municipal election (12% turnout) produced a much less diverse electorate, with lower turnout among African Americans.<sup>23</sup>

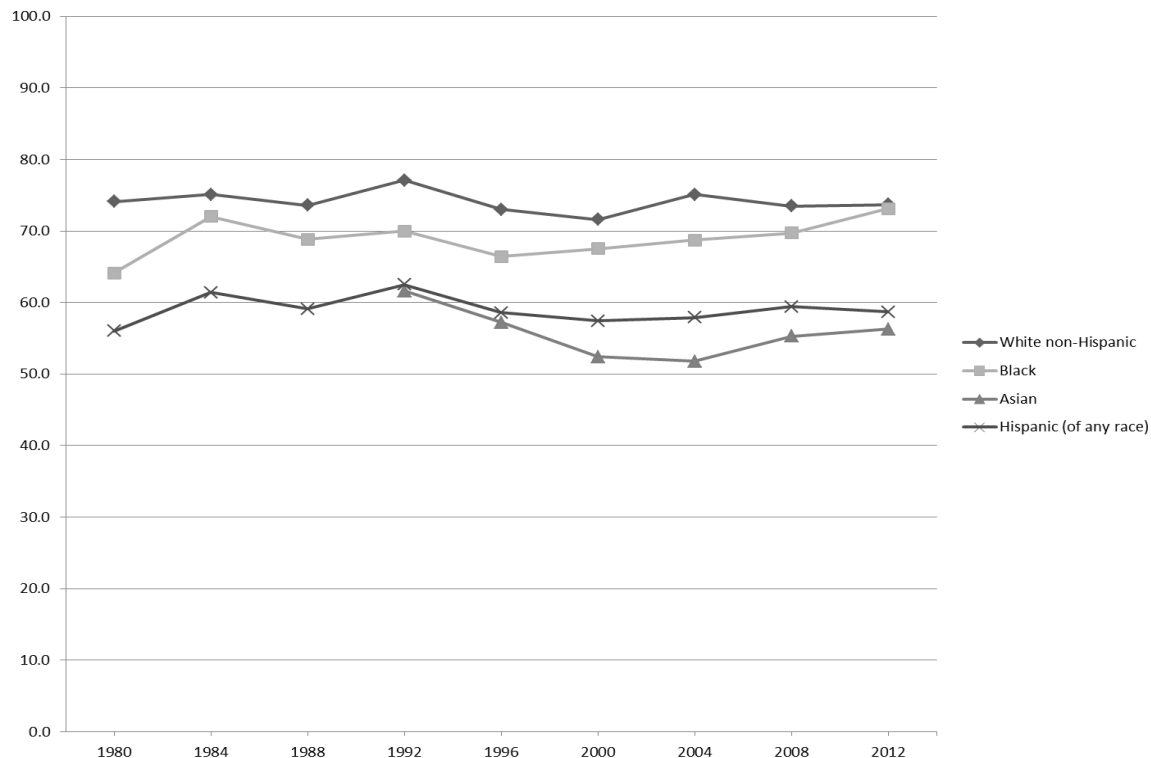
Questions of low turnout among African Americans in local elections deserve further study. Local officials make up the vast bulk of all elected officials nationwide, and they oversee local police, court systems, schools, economic development, and the allocation of over \$1.6 trillion per year.<sup>24</sup> As discussed above, African Americans are extremely underrepresented in local offices (they account for 12.5% of the citizen voting age population but only 5.7% of city council seats).<sup>25</sup>

As of the 2010 census, more than half of African Americans, Latinos, and Asian Americans in large metro areas live in the suburbs,<sup>26</sup> and these recent demographic changes may contribute to a mismatch between suburban elected officials and suburban residents.

## Hispanic and Asian American Registration and Voting

In 1975, Congress amended the Voting Rights Act to add protections for language minority citizens in jurisdictions with significant numbers of speakers of Spanish or a single Asian, American Indian, or Alaskan Native language. While available evidence demonstrates that the Voting Rights Act facilitated the (re-)integration of African Americans into electoral politics, its impact on Latino and Asian American communities is less clear.

**Figure 4: Reported Registration by Race, Hispanic Origin: November 1980 to 2012 (Citizen Population)<sup>27</sup>**

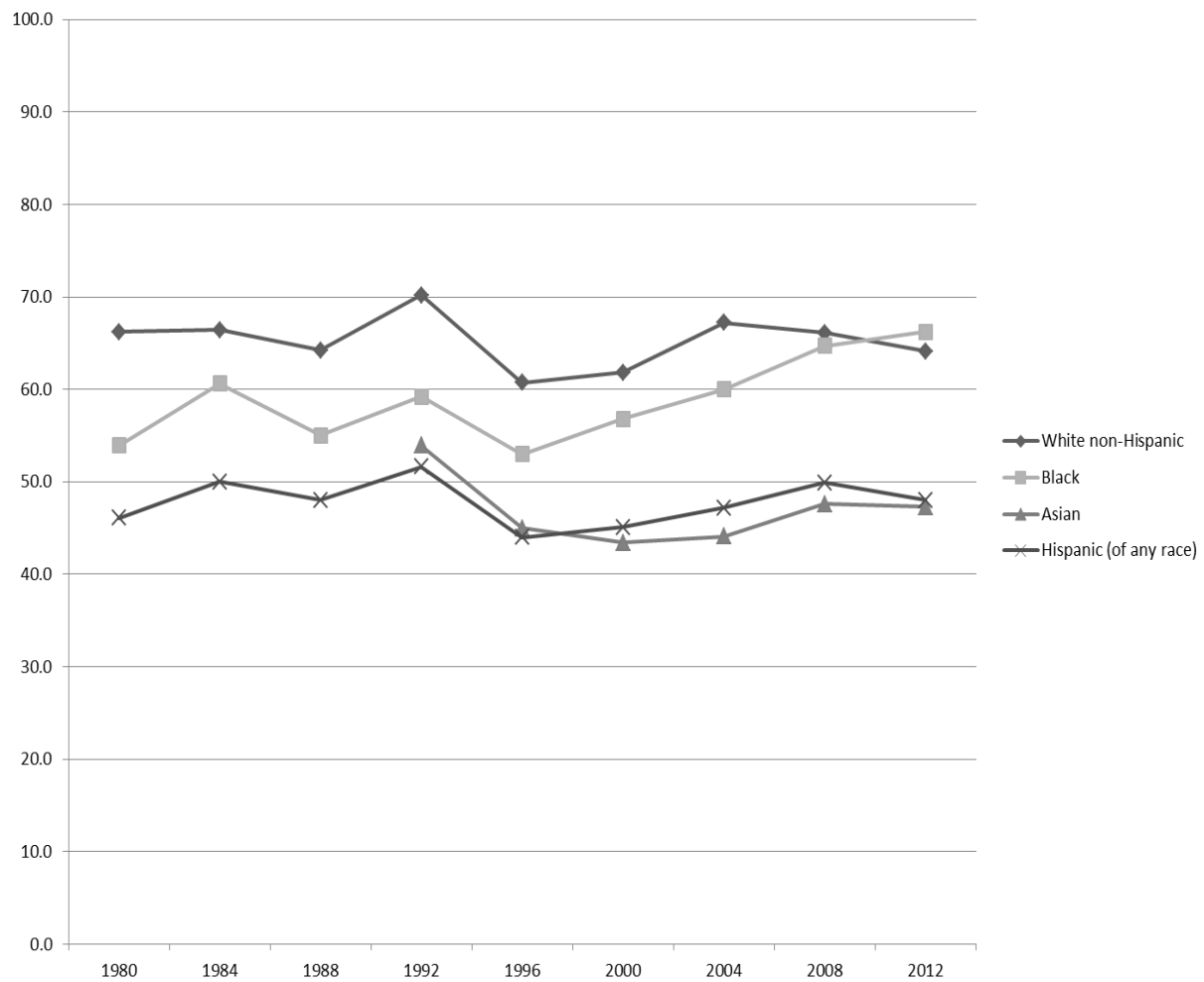


Despite being two of the fastest growing pools of eligible voters in the United States, the registration rates of Asian and Hispanic U.S. citizens have consistently lagged behind those of both black and white Americans. As we can see in Figure 4, for the past 35 years the rates of registration among both Asian Americans and Hispanic Americans have consistently been 10

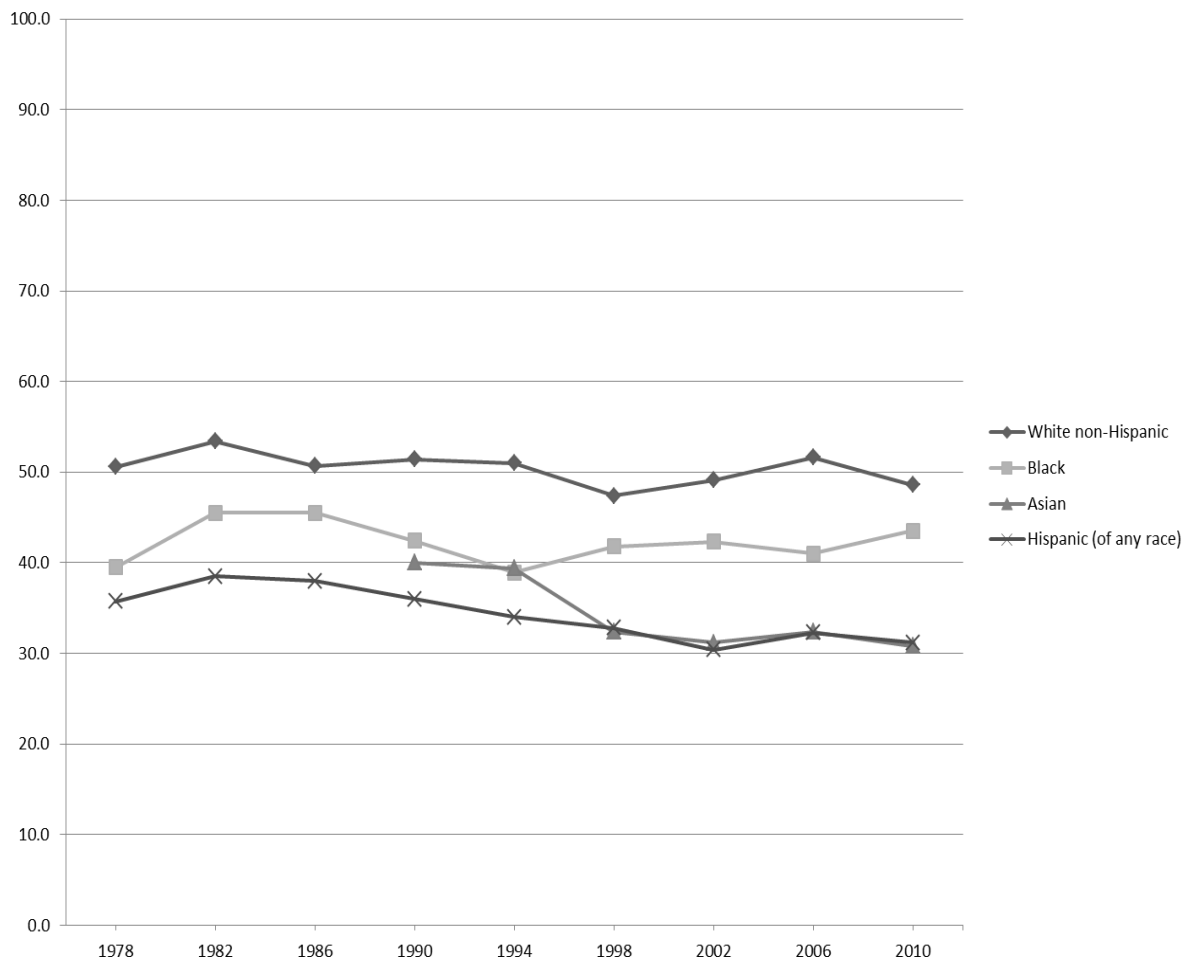
and 15 percentage points less than those of black Americans and 15 to 20 percentage points lower than those of white Americans. The lack of effective language accommodation, younger-than-average populations, unenthusiastic mobilization efforts on the part of political parties and candidates, and discrimination are but a few of the many likely explanations for these racial differences.

Similar gaps characterize the turnout behavior of Asian and Latino citizens. Figure 5 describes reported voting by race in presidential elections from 1980 to 2012. Here we see that the racial gap in turnout between Hispanics and non-Hispanic whites has for the most part held steady for the past 30 years, fluctuating between 16 and 20 percentage points. We also see that Asian American turnout exhibits similar variability. Despite having data only from 1992 to 2012, the gap between Asian American and white turnout also varies between 16 and 23 percentage points. Figure 6 shows turnout by race in midterm elections from 1978 to 2010, and here we see more of the same—large turnout differences between whites on one hand and Hispanic and Asian citizens on the other.

**Figure 5: Reported Voting in Presidential Election by Race, Hispanic Origin: 1980 to 2012 (Citizen Population)**



**Figure 6: Reported Voting in Midterm Elections by Race, Hispanic Origin: 1978 to 2010 (Citizen Population)**<sup>28</sup>





# Racially Polarized Voting

Despite discussions about the declining significance of race, over the past few decades, racial divides along partisan lines have actually grown, as Figure 7 shows. African Americans have increasingly favored Democrats, and recently Latinos and Asian Americans have become more loyal to the Democratic Party as well. The shift to the left has been particularly pronounced for Asian Americans (Hajnal and Lee 2012).

On the other side, whites have moved slowly and unevenly—but inexorably—to the Republican Party. Fifty years ago, the Democratic Party dominated the white vote. Today, nationwide, whites are more apt to favor the Republican Party.

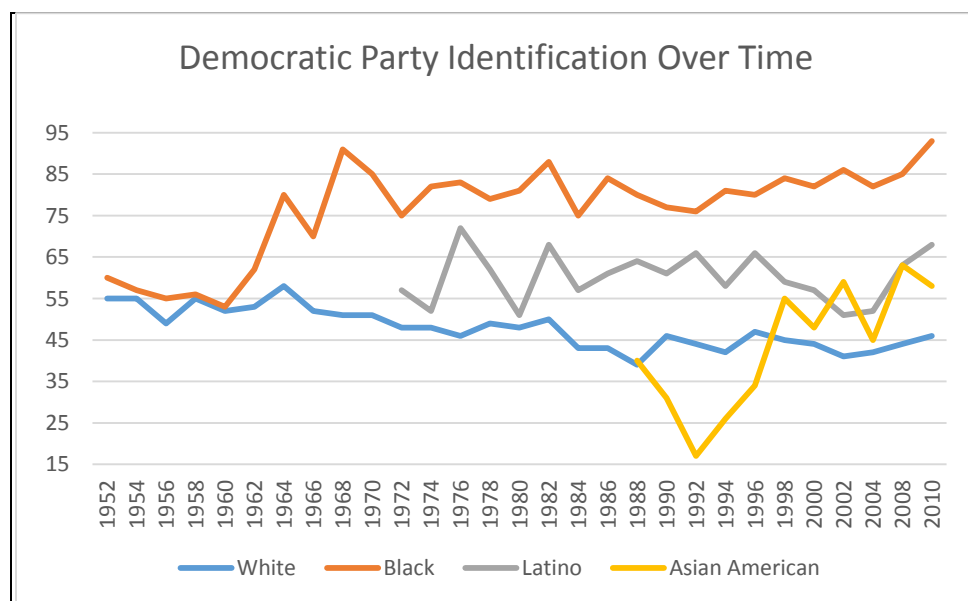


Figure 7

As a result, our party politics are now sharply divided by race. In recent national contests for the presidency, the House, and the Senate, the racialized nature of the vote was very pronounced.<sup>29</sup> Division is a normal and healthy part of democracy, but when a core dividing line in a nation becomes so closely aligned with race and ethnicity, larger concerns about inequality, conflict, and discrimination emerge.

In the 2014 congressional elections, the gap between white Americans, who gave 62% of their votes to Republican congressional candidates, and African Americans, who bestowed only 10% of their votes on Republican candidates, is a whopping 52 points. The Asian American-white and Latino-white divides were not as extreme but still sizable—28 points and 25 points,

respectively. In all three cases a majority of whites opposed the majority of the minority group. As Figure 8 below shows, race dominated all other demographic factors (e.g., education, income, age, gender) in shaping the 2014 House elections.

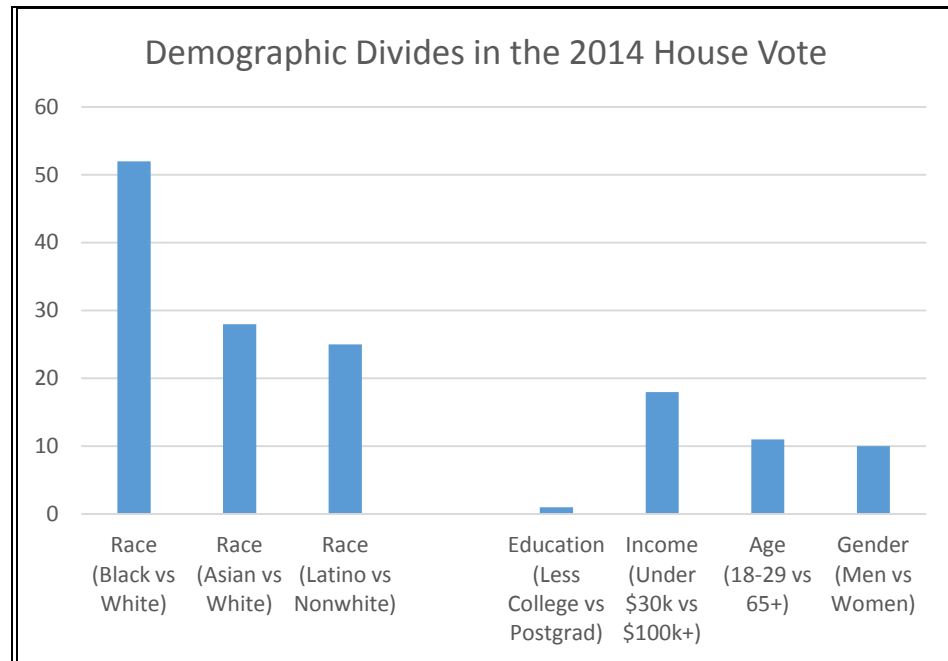


Figure 8

The 2012 presidential election was also extraordinarily polarized by race. That contest pitted 93% of blacks, 73% of Asian Americans, and 71% of Latinos on the Democratic side against the clear majority of whites (at 59%) on the Republican side. Recent Senate and gubernatorial contests have been similar.

The same racial divide is also evident if we focus on party identification. Our most recent figures show that of those who identify with a major party, 96% of blacks, 74% of Latinos, and 71% of Asian Americans choose the Democratic Party.<sup>30</sup> By contrast, a slight majority of white identifiers—52%—identify as Republican.

## Urban Local Elections: Race is More Central than Party

Race seems to divide voters more than other characteristics. The electorate is shaped in part by race, class, religion, sexuality, age, gender, party identification, political ideology, and a host of other measures. But a study of local elections in five major American cities shows that race seems to be more central and more decisive than all of these other factors.<sup>31</sup>

Most accounts of politics at the local or national level point to party identification or ideology as the main driving forces in American politics,<sup>32</sup> but the data suggest race is a more significant factor. In our study of local elections in five cities—most of which were nonpartisan—the 38 point racial gap in urban elections studied exceeds the average 27.4 point gap between liberal and conservative voters and the average 33 point gap between Democratic and Republican voters (see Table 1).<sup>33</sup>

In less than a third of the elections is the partisan or ideological divide greater than the racial divide. Party identification certainly matters, and ideology helps to predict vote choice. But in local democracy, it is race—more than party identification or political ideology—that dominates voter decision making.

*If the white majority cohesively and consistently votes against a united minority, it is unlikely that minorities will regularly win elections or have real influence over policy. They may have the vote, but that vote may be of little consequence.*

While some maintain that class is the main driving force in politics, in most urban or local elections class divides are typically much smaller than racial divides. The average income gap in the vote is 19.6 percentage points—sizable but only about half of the typical 38 point racial divide. Educational divides are also generally half the size of racial divides. Differences across gender, employment status, marital status, union membership, and parental status are all dwarfed by racial divides.

**TABLE 1: RACIAL, DEMOGRAPHIC AND POLITICAL DIVISIONS IN URBAN ELECTIONS**

	Average Divide in Vote for Winning Candidate (%)
<b><u>Race</u></b>	38.3
<b><u>Class</u></b>	
Income	19.6
Education	18.2
Employment status	8.3
<b><u>Other demographics</u></b>	
Age	21.4
Gender	5.8
Religion	29.9
Sexuality	14.9
Marital status	6.4
Union membership	7.1
Children	5.1
<b><u>Political orientation</u></b>	
Liberal/conservative	27.4
Party identification	33.0

Source: Exit Poll Data Set—Elections for mayor, council, advocate, comptroller, clerk, city attorney, and ballot propositions in New York, Los Angeles, Chicago, Houston, and Detroit.

# Policy Outcomes

While understanding voting patterns is important, an ultimate measure of how well a democracy represents any group is policy decisions. Do policies that government pursues follow the preferences of racial and ethnic minorities more or less than the preferences of white members of the public?

Using data and analysis from Griffin, et al (2015),<sup>34</sup> we gauge the congruence between individual-level policy preferences and policy outcomes. We should caution that the most accessible data—surveys of hundreds of thousands of Americans during the period between 1972 and 2010 to measure individual policy preferences—do not include data during most of the Obama Administration. Thus, this analysis offers few clues into whether or not Obama’s presence was beneficial to people of color in terms of policy outcomes.

We do, however, examine 38 out of the 50 years that the Voting Rights Act was in existence. Specifically, we looked to see whether individual Americans wanted more or less spending on eleven core policy areas. We then looked to see if government spending in each policy area went up or down in the year following the survey.<sup>35</sup> Combining individual preferences and governmental spending patterns, we were able to observe whose policy preferences were enacted by government—and whose were not. If, for example, a particular individual favored a decline in federal government welfare spending and the federal government chose to significantly decrease welfare spending in the following year, that individual is a policy “winner.”

*Whites appear to be the most privileged voters in American democracy. When election results have been posted, their preferences are much more likely to triumph than end up in defeat.*

In Table 2 below, we present the percentage of cases in which individuals in various demographic categories were policy winners. Again, this is the most basic indicator of representation—*did government do what the individual wanted?* One conclusion that can be drawn from the table is that differences in policy representation are not that large.<sup>36</sup> There is some unevenness in who gets what they want from government, but government responds to all groups to some degree. Women “win” about as often as men (37.1% compared with 36.7%), while those over 65 win only slightly more often than those under 30 (37.8% compared with 37.2%). Differences across income are slight as well. We could conclude that government policy is relatively open to all.

There is, however, one important exception: *race*.

**TABLE 2: POLICY RESPONSIVENESS BY GROUP<sup>37</sup>**

	% winning
<b><u>Race</u></b>	
White	37.6
Black	31.9
Hispanic	37.0
Asian American	40.9
<b><u>Class</u></b>	
Income – high	36.6
Income – low	36.1
Education – high	38.9
Education – low	35.8
<b><u>Gender</u></b>	
Male	36.7
Female	37.1
<b><u>Age</u></b>	
Age – Over 65	37.2
Age – Under 30	37.8

By far the largest differences between groups are in the race category. Blacks were the least advantaged by a considerable margin. Blacks were winners in only 31.9% of cases, compared with 37.6% for whites. This 5.7 point difference is roughly ten times larger than the 0.5 point difference between high- and low-income earners.

Although the data are far more limited because the surveys we use only began to inquire about Hispanic ethnicity and Asian heritage in 2000, we can offer some preliminary conclusions about these two groups. Over the ten year period between 2000 and 2010, Hispanics won in 37.0% of cases, just slightly below the figure for whites for the same period (38.1%), suggesting that Hispanics could have less influence than whites over policy. By contrast, Asian Americans won at higher rates than whites (40.9%) and might therefore be viewed as privileged in the political system.<sup>38</sup> From 2000 to 2010, blacks were winners in 32.5% of the cases.

The results to this point suggest that black voices are less equal than others when it comes to policy. In response, a skeptic could argue that blacks lose more simply because they represent a smaller share of the electorate. A minority should not have as much influence as a majority. But this does not explain why blacks win less than all of the other small minorities we examine (such as the poor, those without a high school degree, young Americans, or religious minorities).

Other skeptics might claim that blacks lose disproportionately because they are largely “liberal” and Democratic in their political preferences in a nation that leans to the political right. Yet, after rubbing our eyes and repeating the analysis, we controlled results for the political party and political leaning of each respondent in our surveys. Outcomes from both attempts were nearly identical. Black disadvantage couldn’t be explained by their partisanship, ideological orientation, or preferences for greater spending. There was something much deeper and culturally inimical.

At the end of the day, it is important to remember that these differences in responsiveness are not massive. It is equally critical, however, to recognize that differences do exist. When government shapes policy, it is more likely to ignore black voices than the voices of any other racial or ethnic group. That gap may be small, but given the high stakes, any inequality in policy responsiveness is worth highlighting and eventually addressing.

# The Number and Share of Elected Offices Held by Minorities

One primary goal of the Voting Rights Act was to enable racial and ethnic minorities to elect political representatives of their choice. From the beginning of the 20<sup>th</sup> century to the passage of the Voting Rights Act in 1965, few African Americans and almost no Latinos and Asian Americans held elected office. Along with the Act's passage was a collective hope that it would significantly increase minority representation in office, and that improved social, economic, legal, and political conditions for minorities—particularly African Americans—would follow.

In this section we examine the impact of the Voting Rights Act on minority representation. We offer two contrasting perspectives on minority representation: *Numbers* and *Share*. Each leads to different conclusions.

We first assess the gains in the *number* of minorities in office. Here an important question is posed: *Did the Voting Rights Act help to expand minority representation in office?* The answer, based on pure numbers, is an unequivocal yes.

*Did the Voting Rights Act help to expand minority representation in office? The answer is an unequivocal yes.*  
*Have minority gains led to proportional representation in office? The answer is an unequivocal no.*

We then shift to examining the *share* of all elected officials who are racial and ethnic minorities. Here the question is: *Have minority gains led to proportional representation in office?* The answer is an unequivocal no.

We also recognize the most significant election in American racial history: the election of President Barack Obama in 2008. While President Obama's success counts as only one instance of minority representation, it clearly was a grand symbolic and substantive achievement for minority communities, as well as a major sign of how much racial politics have changed since 1965.

## The Growth of Minority Elected Officials After 1965

In the years following the passage of the Voting Rights Act, the three largest racial and ethnic minority populations—African Americans, Latinos, and Asian Americans—went from having



almost no representation in elected office to holding large numbers of seats at almost every level of the political arena.

### ***Federal Growth***

Looking first at minority representation in Congress in Figure 9, gains for blacks, Latinos, and Asian Americans have been substantial.<sup>39</sup> When the Act was passed in 1965, there were only five African Americans in the U.S. House and Senate combined. Today there are 46—including 44 members of the House and two Senators (43 Democrats, three Republicans).

The growth for Latinos has been similarly impressive. Until 1980, Latinos seldom held more than five seats at the federal level. That figure has since increased more than fivefold. In 2015, there were four Hispanic Senators and 30 Hispanic U.S. House members, including one non-voting delegate from Puerto Rico (24 Democrats, ten Republicans, split into two partisan-oriented caucuses).

The growth in the number of Asian American elected officials has been less robust—but it is still evident. The number of Asian Americans in the U.S. House and the Senate today has more than doubled from about five in the 1970s. In 2015, there were 14 Asian and Pacific Islander members of Congress, including one U.S. Senator, 12 members of the U.S. House, and one non-voting delegate from American Samoa (all are Democrats except for the Republican American Samoa delegate).

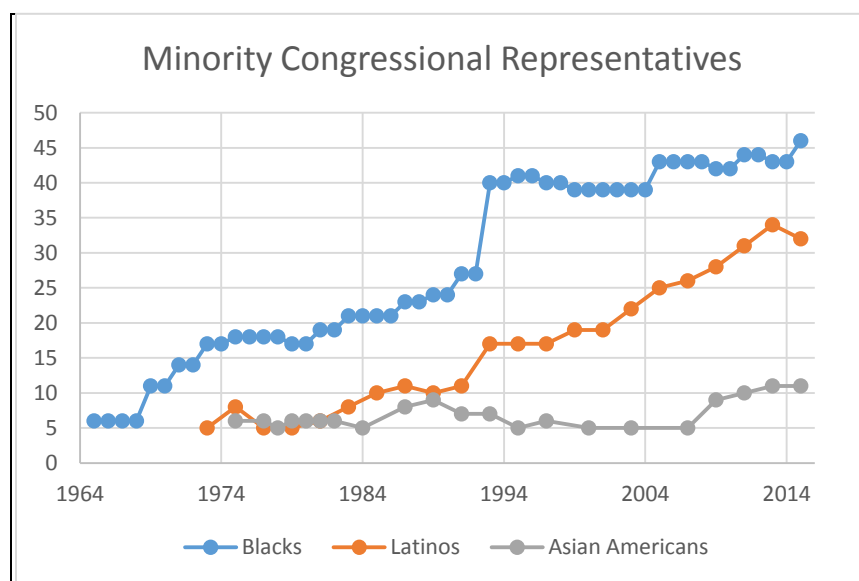


Figure 9

## State Growth

In terms of raw numbers, growth has been even more remarkable at the state level. Over the past 50 years, the nation's 50 legislatures have been transformed from institutions that were almost completely white into more diverse bodies that have begun to reflect their respective populations.

Figure 10, which plots the number of minorities in state legislatures, illustrates that the number of African American legislators rose from under 200 in the late 1960s to well near 700 today. Deval Patrick (D-MA), who left office in early 2015, was the last black governor.

Latinos started at a lower base—there were only 68 Hispanic state legislators in 1973—but have experienced growth at a roughly equal pace over time. Today, across the 50 states, there are 334 Hispanic state legislators, as well as two Latino governors.

Once again, we see growth in the number of Asian American elected officials but at a slightly slower pace. The number of Asian American state legislators has grown from 63 in 1968 to 116 today. Particularly noteworthy is the fact that there are now three Asian American governors – Nikki Haley (R) in South Carolina, Bobby Jindal (R) in Louisiana, and David Ige (D) in Hawaii.

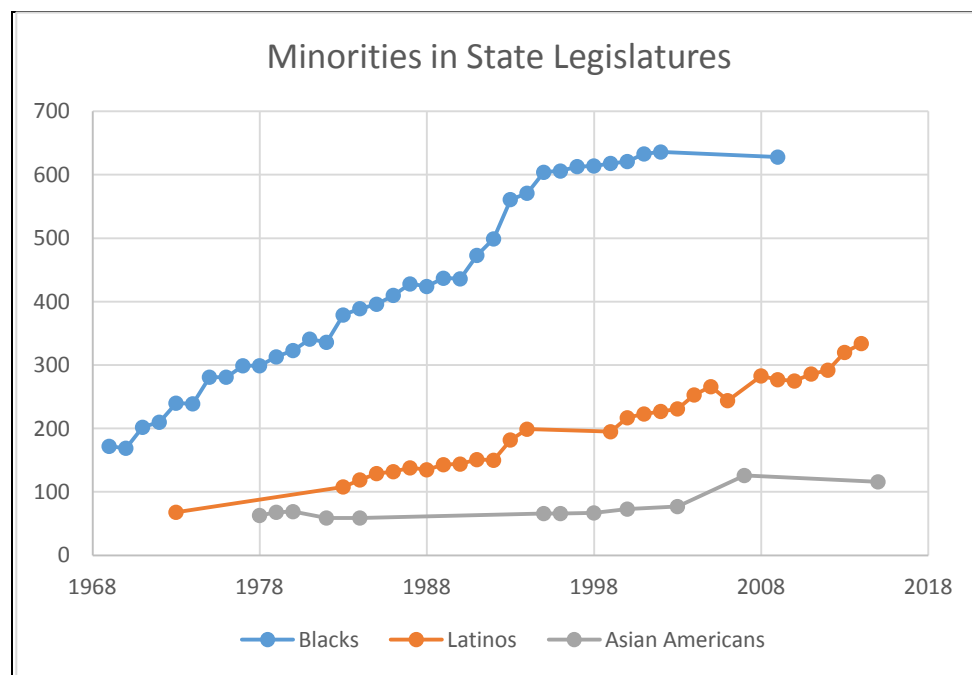


Figure 10

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### **Case Study: Alabama**

*The number of black elected officials in Alabama has grown greatly since the passage of the Voting Rights Act. In 1970, there were only 86 black elected officials across the entire state. There were no black Senators or Representatives to Congress, there were no state senators, and only three black state representatives.*

*Since that time, the number of black elected officials in the state has grown almost tenfold to 757. African Americans now hold one congressional seat, 35 seats in the state legislature, and the mayoralty of 40 cities, including Birmingham.*

*Blacks have not, however, achieved proportional representation in the state. Today, blacks represent 26.4% of the population but only 16.7% of elected offices. There has never been an African American governor or senator. A white majority and severe racial bloc voting have helped ensure this ongoing disparity. For example, in the 2012 presidential contest, 84% of whites in Alabama voted for Mitt Romney while 95% of black voters favored Barack Obama.*

### **Case Study: Mississippi**

*The political change, in pure numbers, is arguably most dramatic in Mississippi, a Southern, highly segregated state. In 1964, before the Voting Rights Act, Mississippi was, by most accounts, a paragon of white resistance (Parker 1990). Despite the fact that African Americans made up 32% of the state's population, African Americans were virtually shut out of the political process. Only 6.7% of black adults in the state were registered to vote. Across the entire state there were only six black elected officials. There were no black members of Congress, no black state legislators, and no black supervisors (Parker 1990). Aiding in this political exclusion was an array of institutional barriers erected by the white state legislature.*

*From poll taxes to literacy tests and residency requirements, Mississippi had used almost every available tactic to exclude blacks from the political process. Even after the Voting Rights Act's passage, the state attempted to continue excluding blacks through gerrymandering districts, switching to at-large elections, eliminating electoral offices, and a range of other institutional maneuvers.*

*Fortunately, Mississippi's black residents were ultimately able to use the Voting Rights Act and the courts to strike down many of those barriers. Over the course of 50 years, black representation grew steadily. By 2000, blacks held more than 900 offices across the state.*

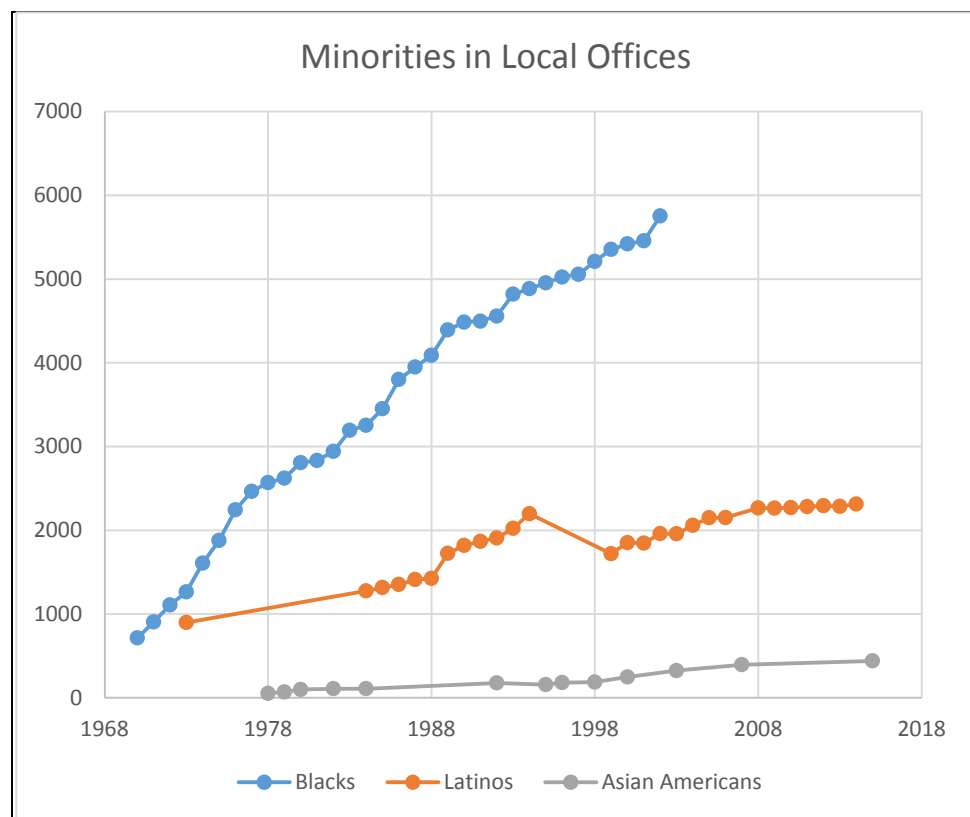
*There was a black member of Congress, ten state senators, 35 state representatives, and 52 mayors—including the mayor of Jackson, —the state’s largest city. A state where blacks had been effectively barred from politics became one where blacks had a significant voice in their own political affairs.*

---

### **Local Growth**

All three groups have experienced substantial gains in representation on the local level (as shown in Figure 11 below),<sup>40</sup> with much faster growth for blacks and Latinos than for Asian Americans. Blacks, in particular, went from holding only 715 local elected offices around the country in 1970 to garnering 5,753 positions by 2002.

Similarly, Latino local office holding expanded from only 899 positions in 1983 to 2,313 offices in 2014. The figures for Asian Americans are 52 local elected officials in 1978 and 441 in 2013.



**Figure 11**

The net change across these and all other offices is enormous. Over this time period, African Americans went from holding fewer than 1,000 offices nationwide to now holding over 10,000 positions across the country.<sup>41</sup> Likewise, Latinos went from a small number of offices to over 6,000 elected officials nationwide. And Asian American representation grew from under a hundred documented cases to almost a thousand offices.

These numbers are impressive, but in many ways they do not give justice to the dramatic changes that have occurred over the past 50 years. They fail to show the exorbitant social, economic, and political cost of these gains and how important many of these victories were to countless racial and ethnic minorities.

*Since 1965, African Americans went from holding fewer than 1,000 elected offices to over 10,000, Latinos from a small number to over 6,000, and Asian Americans from under a hundred to almost a thousand.*

## **The Ongoing Underrepresentation of Racial and Ethnic Minorities in Office**

The fact that enormous change has occurred is incontrovertible. Rapid growth in the number of minority elected officials across the country over the past 50 years is a development that should be applauded. Each of these electoral victories is meaningful. But viewed from a different lens, the *gains* that minorities have made are less significant. If we compare the number of racial and ethnic minorities in office to the number of whites in office, it becomes abundantly clear that the political leadership of the nation remains overwhelmingly white and that racial and ethnic minorities are greatly underrepresented at almost every level of government.

When discussing the “underrepresentation” of minorities in elected office, we do not assume that voters should cast ballots for candidates of their own race, or that the racial composition of elected officials should match the racial composition of the population precisely. Instead, the share of elected offices held by people of color—when considered along with voter turnout, racially polarized voting, policy outcomes, election structures, and other variables—is one relevant factor in understanding the state of race in American politics.

## Federal Elected Officials

The overall pattern of underrepresentation is least pronounced at the congressional level. As illustrated by Figure 12 below, in the U.S. House, blacks and Latinos have both greatly increased their share of seats. African Americans have gone from holding about 1% of House seats in 1965 to roughly 10% in 2015. The Hispanic share of seats has likewise grown from about 1% in 1975 to 7% today. The House is, in fact, the place where both blacks and Latinos have come the closest to proportional representation.

By contrast, Asian American gains in the House are less noticeable. The Asian American share of the House has hovered around 1% for most of the period and shows only a slight uptick to about 2% in the past few years.

Gains for all three minority groups are generally much less pronounced in the Senate. The share of African Americans in the Senate has fluctuated between 0% and 1% over the past 50 years. Likewise, the Asian American share of the Senate has been largely flat. The only group that has made appreciable gains in the Senate is Latinos; their share of representation has grown from zero in the late 1970s and early '80s to about 4% today.

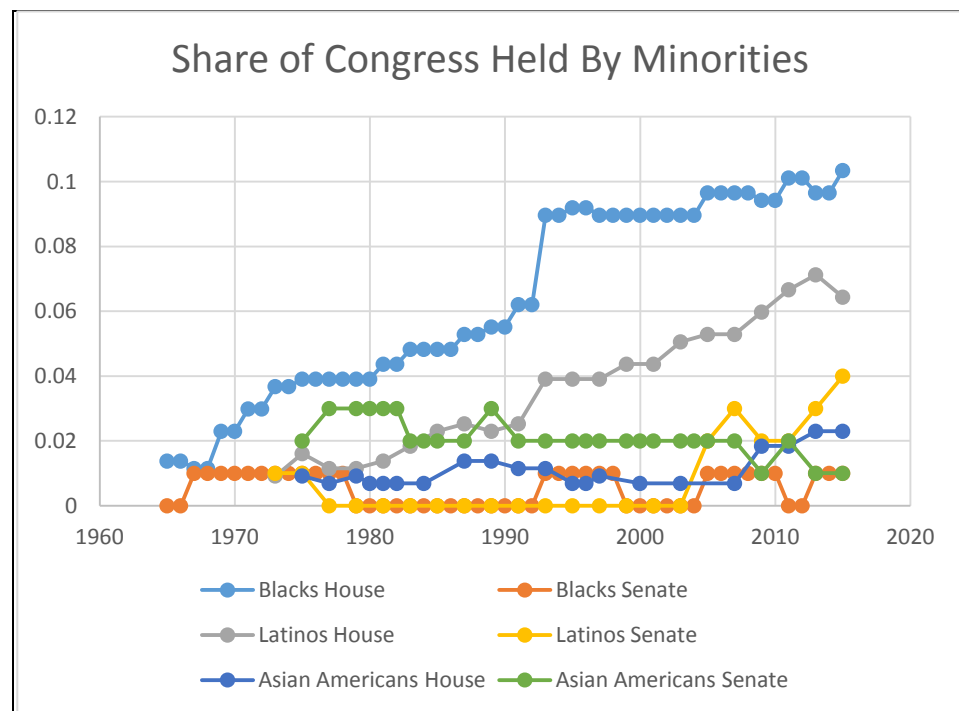


Figure 12

Figure 12 makes abundantly clear that despite gains, minorities remain underrepresented in both federal legislatures. In fact, while minorities overall represent nearly 40% of the nation's population combined—counting blacks, Latinos, Asian and Pacific Islanders, and Native Americans—they are only 17% of the current 114<sup>th</sup> Congress, according to a recent Pew Research Center analysis.<sup>42</sup>

Although African Americans represent about 12.5% of the citizen voting age population, they hold 10% of seats in the House and only 1% of all seats in the Senate. The Latino share of the total population (16%) and citizen voting age population (about 11%) also far outweigh the Latino share of the House, at 7%, and Senate, at 4%.

Likewise, Asian Americans account for 5% of the population and 3.8% of the citizen voting age population, but only 2% of the House and 1% of the Senate. Senate underrepresentation is much more severe than House underrepresentation (a pattern that is worth further exploration, particularly considering statewide elections and voting patterns), but in no case does a minority's group representation match its population size.

As a consequence, whites are greatly overrepresented in office at the federal level. Non-Hispanic whites, who constitute about 62% of the population, make up 81% of the U.S. House and 94% of the U.S. Senate.

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### Case Study: *Black Mayors*

*The stories of the first black mayors highlight the deeper nature of change on the local level. In places like Gary, Indiana, and Cleveland, Ohio, where Richard Hatcher and Carl Stokes ran to become the first big city black mayors in 1967, white opposition to these two black candidates was almost unanimous, and white turnout reached record levels. African American candidates were able to win only by turning out African American voters in equally high numbers and forging an equally unified vote (Hajnal 2007).*

*The euphoria has, at times, been enormous. As one black voter in New Orleans stated on the night of Dutch Morial's historic election as New Orleans' first black mayor: "It was almost like the feeling you have when you see your first-born—a sense of accomplishment, of utter elation" (quoted in Donze 1998:A14). In Birmingham, Alabama, according to one New York Times reporter, "jubilation swept much of the city" when Richard Arrington became that city's first black mayor (Stuart 1981).*

*Hard-fought historic firsts continued well into the 1990s. When Willie Herenton became the mayor of Memphis, Tennessee, in 1991, he overcame the opposition of 97% of white voters and record white turnout to become the first black mayor of the city. He won—where a dozen other black candidates had failed—because African Americans had grown to become the majority of the population, because blacks turned out in historically high numbers, and because blacks gave him 98% of their votes (Wright 1996, Hajnal 2007). Over time, these mayoral firsts have added up. Black mayors have presided over the nation’s five largest cities, and most major American cities have had a black mayor.*

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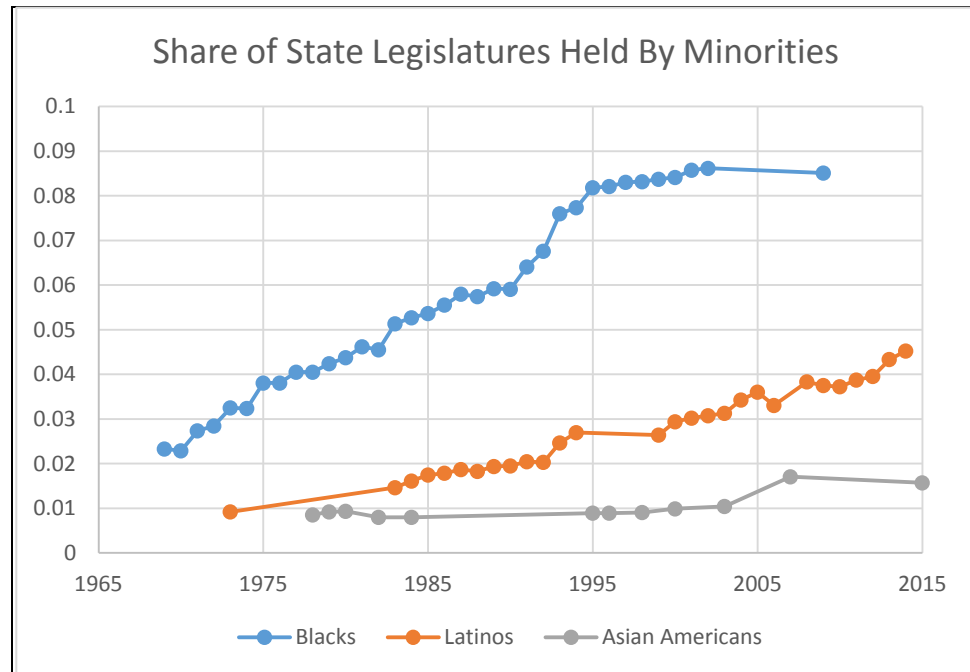
### ***State Elected Officials***

The share of African Americans, Latinos, and Asian Americans in state legislatures also falls below their share in the general population. As illustrated by Figure 13 below, blacks have made the greatest gains—increasing from 2% of all state legislative seats in 1969 to about 8.5% of all seats in 2009.

The Latino share has likewise grown from 1% in 1973 to almost 5% today. For Asian Americans the growth has been less steady and less robust. Asian Americans only represent less than 2% of all state legislative seats, which is not a great improvement from their 1% share in the 1970s.

Whites account for over 85% of all seats at the state level, despite accounting for just under 75% of all U.S. voters and 62% of the total U.S. population.





**Figure 13**

### ***Local Elected Officials***

The underrepresentation of blacks, Latinos, and Asian Americans is probably the most pronounced at the local level. The local level numbers should be read with some caution, as it is difficult to retrieve complete and comparable counts of white and non-white elected officials at the local level.

Nevertheless, it is clear that all three groups are seriously underrepresented in local politics. Despite real gains for all three racial and ethnic groups, whites still hold well over 90% of all local offices.

The most recent data—seen in Figure 14 below—suggest that blacks currently hold only 3% of local offices, Latinos 1%, and Asian Americans well under 1%. If we focus specifically on city council positions—the figures for which we have the most complete and comparable data—the numbers are slightly better but still show severe underrepresentation. On city councils nationwide in 2011, blacks held 5.7% of all seats, Latinos held 3.3%, and Asian Americans held 0.4%.

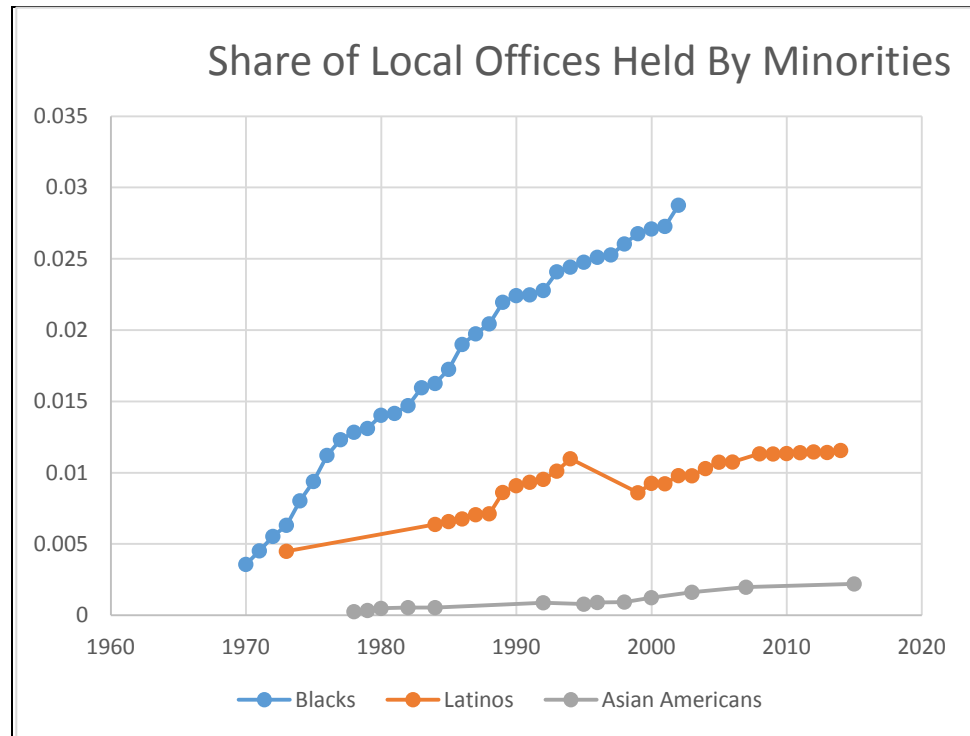


Figure 14

### Case Study: *Mississippi*

*While gains in minority representation in Mississippi have been profound, the larger picture is that blacks in the state remain severely underrepresented in office. Blacks represent almost a third of the state's population but less than 20% all of elected officials in the state. This means that even when blacks win office, they are in the minority. In the state legislatures, for example, blacks account for only 26% of the seats. With both legislatures controlled by Republicans and blacks overwhelmingly on the Democratic side, blacks can be shut out of the governing process. While black legislators sometimes have been an important swing vote shaping state policies, the more typical pattern is one of ongoing exclusion (Parker 1994). Today, blacks and other minorities have a seat at the table but lack influence commensurate with their numbers in the population.*

# Conclusion

Policymakers, judges, pundits, and advocates of various backgrounds speculate and wrangle over racial progress in politics. In this report, we have attempted to examine empirical data to provide an assessment of how much things have changed—and how far we have to go.

In the past 50 years, thanks in large part to the Voting Rights Act, the raw numbers of minority voters and minority elected officials have increased significantly, especially among African Americans. In the former Confederate states, white registration rates were almost 30 percentage points higher than those of African Americans at the start of the 1960s and fell to gap of a little more than 8 points by the start of the 1970s. By 2010, black registration rates surpassed white registration rates in many of these states. There are now over 10,000 black elected officials (including a president), over 6,000 Latino elected officials, and almost 1,000 Asian American elected officials.

Other important challenges, however, remain or have intensified. Since 1965, voting has become increasingly racially polarized along party lines, and race is more decisive than income, education, ideology, and other key factors in local elections. This polarization obstructs opportunities for cross-racial coalitions and increases incentives for incumbent politicians to manipulate election procedures. Latino and Asian American voter turnout in presidential elections trails that of whites and blacks. More study is needed to fully understand local elections, which have lower turnout electorates that may be less diverse than general presidential electorates. Latinos, Asian Americans, and African Americans all remain underrepresented in federal, state, and local elected offices.

Since the passage of the Voting Rights Act in 1965, the nation has made enormous strides. The gains in minority representation have been very real and should not be overlooked. Nevertheless, the overall story is very much one of both progress and ongoing disparities, and the nation's political leadership is still overwhelmingly white.

# Acknowledgments

The Joint Center for Political and Economic Studies would like to thank Professors **Khalilah Brown-Dean, Zoltan Hajnal, Christina Rivers, and Ismail White**, who generously donated their time and expertise to this important report. The Joint Center also thanks **Keturah Brown, Tyler Cole, Charles Ellison, Sanessa Griffiths, Barbara Johnson, Cynthia Overton, Spencer Overton, Dianne Pinderhughes, Mark Posner, Robert Raben, Lavina Ramchandani, Christina Royster, Solomon Scott, and The George Washington University Law School.**

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*toward Black Political Leadership*. He has published in the *American Political Science Review*, the *American Journal of Political Science*, the *Journal of Politics*, *Perspective on Politics* and numerous other journals, edited volumes, and newspaper editorial pages. He has received numerous honors for his research and writing including Best Book and Best Paper awards in Urban Politics and Race/Ethnicity from the American Political Science Association.



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# Endnotes

## Introduction

<sup>1</sup> Portions of this background are adapted with permission from the author from Spencer Overton, *Stealing Democracy: The New Politics of Voter Suppression* (W.W. Norton, 2006) (citing Samuel Issacharoff, Pamela S. Karlan, Richard H. Pildes, *The Law of Democracy: Legal Structure of the Political Process*, 2nd rev. ed. (New York: Foundation, 2002), 90, 117-24; 546-47; Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restrictions and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974), 63-72; Barry E. Hawk & John J. Kirby, Jr., “Federal Protection of Negro Voting Rights,” *Virginia Law Review* 51, no. 6 (Oct, 1965):1093-96; John Lewis, *Walking with the Wind: A Memoir of the Movement*, (New York: Harcourt Brace & Company, 1998), 300-362; C. Vann Woodward, *The Strange Career of Jim Crow*, (New York, Oxford University Press, 1955)).

<sup>2</sup> The 24<sup>th</sup> Amendment to the U.S. Constitution, ratified in 1964, banned poll taxes in elections for federal offices.

<sup>3</sup> The Voting Rights Act’s Section 203 language assistance provision was also amended in 1992.

<sup>4</sup> Just two months after signing the Voting Rights Act of 1965 into law, President Lyndon B. Johnson signed the Hart-Cellar Immigration Act eliminating national origin quotas that favored immigrants from Northern Europe, instead allocating 170,000 visas to countries in the Eastern Hemisphere and 120,000 to countries in the Western Hemisphere. Pub.L. 89-236, 79 Stat. 911 (1965). By easing national origin quotas, the Hart-Cellar Act transformed America’s racial and ethnic composition. Since 1970, more than 27 million immigrants have arrived from countries in Latin America, Asia, the Caribbean, and Africa. See 2012 Yearbook of Immigration Statistics, Dep’t of Homeland Security (July 2013), 8-12 (Table 2) (author’s calculations). Across the United States, more than 37.6 million people speak Spanish at home and seventy percent of Asian Americans speak a language other than English at home. Camille Ryan, *Language Use in the United States: 2011*, US Census Bureau (2011) 3 (table 1); *A Community of Contrasts, Asian Americans in the United States: 2011*, Asian American Ctr. for Advancing Justice (2011) 24. Some 25 million Americans are classified as possessing limited English proficiency. Monica Whatley & Jeanne Batalova, *Limited English Proficient Population of the United States*, Migration Policy Inst. (July 25, 2013).

<sup>5</sup> *Shelby v. Holder*, 133 S.Ct. 2612 (2013).



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<sup>6</sup> H.R. 3899, 113th Cong. (2014); H.R. 885, 113th Cong. (2013).

<sup>7</sup> See, e.g., National Commission on Voting Rights, *Protecting Minority Voters: Our Work is Not Done* (2014) (comprehensive 272 report finding extensive voting discrimination in Texas, Georgia, Louisiana, Mississippi, South Carolina, and other states).

<sup>8</sup> Felony Disenfranchisement: A Primer, The Sentencing Project 2 (April 2014).

<sup>9</sup> Ben Peck, *The Census Count and Prisoners*, Testimony Before the National Advisory Committee on Racial, Ethnic, and Other Populations of the U.S. Census Bureau, Demos, October 22, 2012.

<sup>10</sup> “Elections: Issues Related to State Voter Identification Laws,” *United States Government Accountability Office*, (Washington, DC: 2012), 25, (internal citations omitted).

<sup>11</sup> Nate Cohn, *The Big Role of Black Churches in Two Senate Races*, *The New York Times*, October 29, 2014.

## Registration & Turnout

<sup>12</sup> This report will focus on black, Latino, and Asian American voters, recognizing that current data on American Indian and Native Alaskan voting trends are not as readily available. American Indian and Native Alaskan populations face significant voting challenges, however, and we encourage the collection of data from these communities. Laughlin McDonald, *American Indians and the Fight for Equal Voting Rights* (Univ. of Okla. Press 2010); Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (Cambridge Univ. Press 2007).

<sup>13</sup> Morgan J. Kousser, “The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South,” (1974), 1880-1910; David P. Currie, *The Reconstruction Congress*, 75 U. Chi. L. Rev. 383, 408-11 (2008).

<sup>14</sup> David R. James, “The Transformation of the Southern Racial State: Class and Race Determinants of Local-State,” *American Sociological Review*, vol. 53, no. 2 (1988): 191-208. Discrepancies exist between 1890 census numbers and official registration records from the state of Louisiana resulting in the 1890 census indicating greater than one hundred percent registration for black men. Other researchers have observed similarly high registration rates

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(James 1988). Louisiana data are taken from official state voter registration records and calculated from the adult voting age population in that decade. Confederate states' data are self-reported registration rates of each year's current voting age population. Data from 1950 to 1960 are from the American National Election Study.

<sup>15</sup> Brian D. Silver, Barbara A. Anderson and Paul R. Abramson. 1986. "Who Overreports Voting?" *The American Political Science Review*, vol. 80, No. 2 (Jun., 1986), pp. 613-624. As with all self-reported registration and turnout (15 cont'd) ...data, registration and turnout estimates from the American National Election Study and the United States Census, Current Population Survey, Voter Supplement File are subject to over-reporting as citizens seek conform to norms of civic participation. While there is some reason to suspect that African Americans may be slightly more likely to over-report voting than whites (Silver, Anderson and Abramson 1986) the size and significance of this effect remains unclear.

<sup>16</sup> Confederate states' data are self-reported turnout of each year's voting age population. Data from 1956 to 1968 are from the American National Election Study. Data from 1972 to 2012 are from the United States Census, Current Population Survey, Voter Supplement File.

<sup>17</sup> It is important to note that three of these elections, 1988, 2008 and 2012, featured viable black candidates in either the primary or run-off election.

<sup>18</sup> Confederate states' data are self-reported turnout of each year's voting age population. Data from 1958 to 1966 are from the American National Election Study. Data from 1970 to 2010 are from the United States Census, Current Population Survey, Voter Supplement File.

<sup>19</sup> See, e.g., The National Urban League, *One Nation Underemployed: Jobs Rebuild America—2014 State of Black America* 30 (2014); *Shelby County, Ala. v. Holder*, 133 S.Ct. 2612, 2619 (2013) (emphasizing that in many places "African American voter turnout has come to exceed white voter turnout" and citing November 2012 turnout rates).

<sup>20</sup> Zoltan Hajnal, *America's Uneven Democracy: Race, Turnout, and Representation in City Politics* 35-36 (2010); Zoltan L. Hajnal and Paul G. Lewis, *Municipal Institutions and Voter Turnout in Local Elections*, 38 *Urban Affairs Review* 645, 655-659 (2003). While local election turnout averaged 52% in 1962, it has declined over time (e.g., 45% in 1975, 39% in 1986).

<sup>21</sup> Zoltan Hajnal, *America's Uneven Democracy: Race, Turnout, and Representation in City Politics* 72-74 (2010).

<sup>22</sup> St. Louis County Election Results, Nov. 2012, *available at* <http://www.stlouisco.com/portals/8/docs/document%20library/elections/eresults/el121106/tnfer.htm>

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<sup>23</sup> Brian Schaffner, Wouter Van Erve and Ray LaRaja, *How Ferguson Exposes the Racial Bias in Local Elections*, The Monkey Cage, August 15, 2014 (asserting, based on inconclusive data from an algorithm produced by Catalist that predicts race based on individuals' names, ages, and geographic locations, that white and African American residents of Ferguson were almost equally likely to vote in the 2012 presidential elections (55% and 54% respectively), but that whites were almost three times more likely (17%) than African Americans (6%) to vote in the April 2013 municipal elections). Low black turnout is not the only variable in the Ferguson analysis. The availability of alternative candidates who are the candidates of choice of African American voters is also relevant.

<sup>24</sup> 2012 Census of Governments: Finance-State and Local Government Summary Report 8 (2014)

<sup>25</sup> Zoltan Hajnal, *America's Uneven Democracy: Race, Turnout, and Representation in City Politics* 49 (2010). See also Richard Fausset, *Mostly Black Cities, Mostly White City Halls*, NY Times, Sept. 28, 2014 (observing that "among 340 American cities where more than 20 percent of the population is black, two had councils on which blacks were overrepresented compared with their population; 209 were within one seat of their population, and 129 underrepresented blacks by more than one seat.") citing data and analysis provided by International City/County Management Association and Professor Jessica Trounstein; Zoltan Hajnal, *America's Uneven Democracy: Race, Turnout, and Representation in City Politics* 79 (2010) (showing that in cities where they represent 5 percent or more of the population, Latino representation on city councils averages 13 points below parity, Asian American 9 points below, and African Americans 8 points below).

<sup>26</sup> William H. Frey, *Melting Pot Cities and Suburbs: Racial and Ethnic Change in Metro America in the 2000s* (2011) (the share of metro-area African Americans in suburbs rose from 37% in 1990, to 44% in 2000, to 51% in 2010).

<sup>27</sup> Data are from the United States Census, Current Population Survey, Voter Supplement File and are self-reported registration rates among the voting eligible population for each year. Registration data are not available for Hispanic Americans before 1980 and Asian Americans before 1992.

<sup>28</sup> Data are from the United States Census, Current Population Survey, Voter Supplement File and are self-reported registration rates among the voting eligible population for each year. Midterm election turnout data are not available for Hispanic Americans before 1978 and Asian Americans before 1990.

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## Racially Polarized Voting

<sup>29</sup> Data are from New York Times and Voter News Service Exit Polls except for the 2014 Asian American vote which is from an Asian American Decisions Poll.

<sup>30</sup> Authors' analysis of the 2012 Cooperative Congressional Election Study. Analysis only includes major party identifiers. It is important to also note that large shares of the population – particularly Asian Americans and Latinos – describe themselves as nonpartisan or independent (Hajnal and Lee 2012).

<sup>31</sup> See Zoltan Hajnal and Jessica Trounstein, What Underlies Urban Politics? Race, Class, Ideology, Partisanship, and the Urban Vote, *Urban Affairs Review* (2014). To ensure that we had a broad sample, we assembled data from every available exit poll in large American cities. That effort led to a data set that includes the vote choice for 56,000 respondents across 63 elections for different local offices in five cities (New York, Los Angeles, Chicago, Houston, and Detroit) between 1985 and 2005. This Exit Poll Data Set included not only mayoral vote choice (23 While the five cities are relatively representative of large American cities in most economic characteristics and represent different regions, different racial mixes, and different socioeconomic circumstances, the five cities are generally larger and less white than the national urban population. Thus, our results cannot confidently be generalized to the entire urban arena.

<sup>32</sup> Campbell et al. 1960; Green et al. 2002; Miller and Shanks 1996.

<sup>33</sup> The fact that most of these elections are nonpartisan does not mean that partisanship is inconsequential. Democrats vote significantly differently from Republicans even in non-partisan elections. After instituting a range of controls, race remains the most robust factor in the urban electoral arena but political dimensions like party and ideology also very strongly shape the vote.

## Policy Outcomes

<sup>34</sup> John Griffin, Zoltan Hajnal, Brian Newman, and David Searle “Political Inequality in America: Who Loses and What Can Be Done About It?” Paper Under Review at the *American Political Science Review*, 2015.

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<sup>35</sup> Specifically, using the General Social Survey (GSS), Griffin et al (2015) compiled the spending preferences (increase, decrease, no change) for individual Americans on 11 core policy areas for the years 1972 to 2010. The policy areas are welfare, national defense, education, foreign aid, parks and recreation, law enforcement, improving and protecting the nation's health, solving the problems of big cities, improving and protecting the environment, the space exploration program, and highways and bridges. Fortunately, these 11 policy areas match up nicely with 'functions' defined in the federal budget, enabling us to observe whether the public's preferences for spending on a given issue match up with actual government behavior.

<sup>36</sup> Looking across the entire table, we also see that for no group does policy responsiveness exceed 50 percent. This may at first be somewhat surprising. But it is more understandable when one considers that there are three different possible spending preferences (increase, decrease, no change) and three different spending outcomes (increase, decrease, no change) so it is unlikely that the two will be perfectly aligned. Also, the fact that governments have limited funds while citizens favor spending increases twice as often as spending decreases suggests that there will often be mismatches between preferences and spending.

<sup>37</sup> Asian American and Hispanic data are from 2000-2010 only.

<sup>38</sup> The patterns presented here also match the findings of Griffin and Newman (2010).

### **The Number and Share of Elected Offices Held by Minorities**

<sup>39</sup> Data on minority representation comes from the following sources. Figures on black representation are generally from the Joint Center for Political Studies (JCPS 1974-2001). Latino representation is derived largely from the National Roster of (NALEO 1984-2011). Numbers on Asian American representation are produced by UCLA Asian American Studies Center (APALC 1978-2014). Congressional figures have been supplemented with data from The Brookings Institute (Brookings 2013). Data on city council positions are from a 2011 survey of city clerks conducted by the International City/County Management Association (ICMA 2011). For black data before 1970 And Latino data prior to 1984 see Garcia (1986). The African American state legislative data for 2009 are from.... Mississippi figures for 1964 are from Parker (1984). Data on the total number of elected officials by office across the nation coming the Census of Governments (Census of Governments 1966-1992).

<sup>40</sup> Local offices include most elected positions at the municipal or county level although there is some variation in terms of which positions are included in the different racial counts.

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<sup>41</sup> The municipal/local graphs above do not include judicial/law enforcement and educational and county numbers. In 2000, for example, for African Americans there were 1930 education, 1037 judicial and law enforcement, and 953 county elected officials. The most recent Census data on popularly elected officials counts over 500,000 elected officials in the United States, including federal, state, county, municipal, town, township, school district, special-purpose, and other sub-county officials.

<sup>42</sup> Jens Manuel Krogstad “114<sup>th</sup> Congress is Most Diverse Ever” Fact Tank at Pew Research Center, January 12, 2015, *available at* <http://www.pewresearch.org/fact-tank/2015/01/12/114th-congress-is-most-diverse-ever/>