

# Introduction to the American Political Process

## Class 5: Electoral Geography

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Asya Magazinnik (Professor)

## 1. Readings

Koza et al, “Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote”

Cameron et al

The Voting Rights Act of 1965 & Shelby County v. Holder (2013)

# Readings

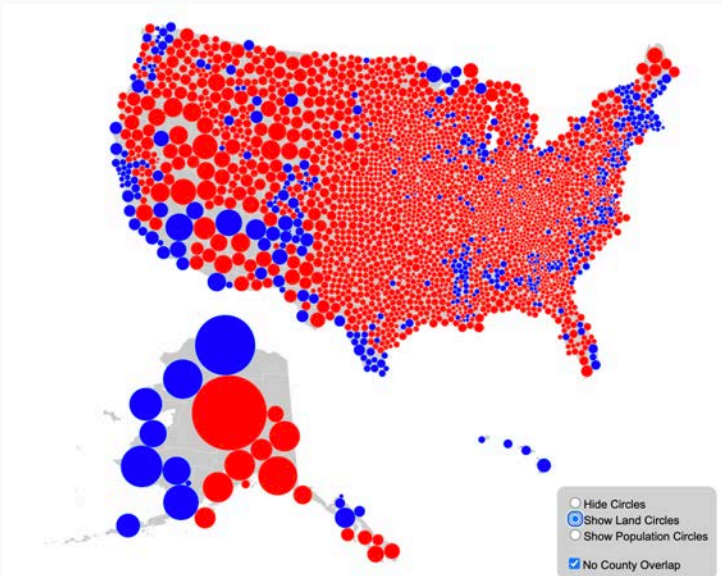
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## 1. Aggregating votes

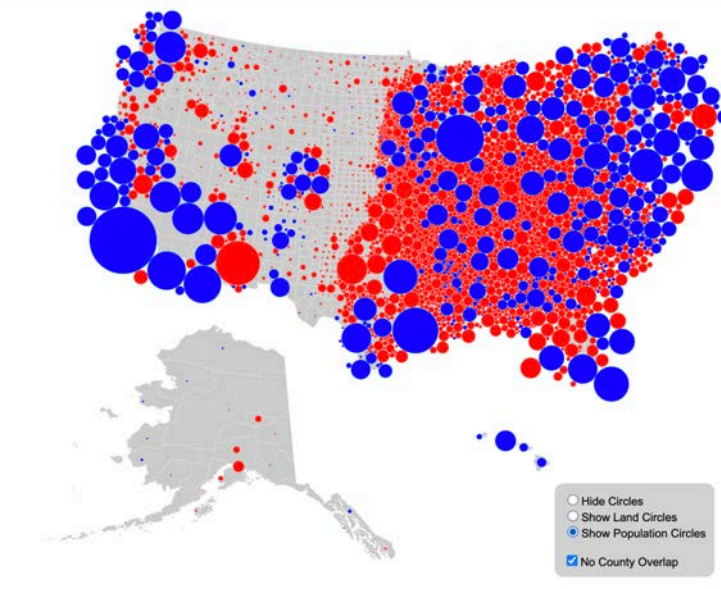
- The electoral college
- Single-member vs. at-large districts
- Racial gerrymandering

## 2. Unequal access + federalism

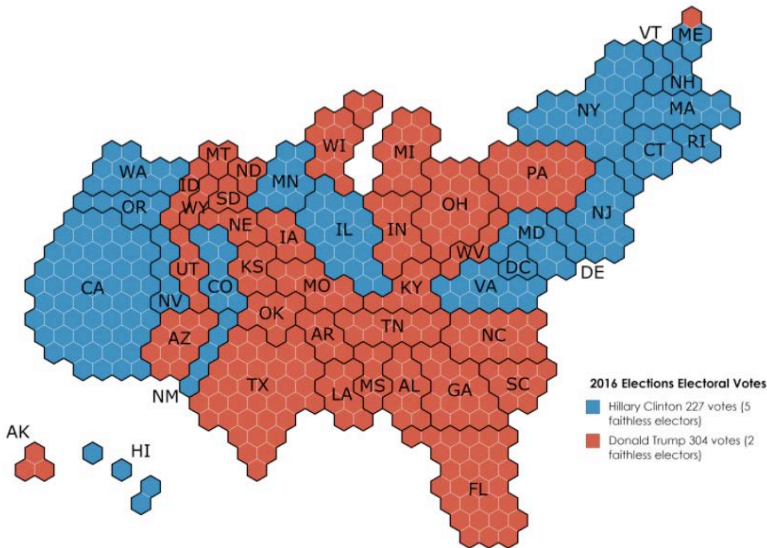
# 2016 Presidential Vote by County



# 2016 Presidential Vote by County, Population-Scaled



# The Electoral College



# How Much Does Your Vote Count?

## Voting weight across states

To find the relative weight of a vote in each state, I divided each state's electoral votes by the total number of ballots cast, and then divided again by the fraction of an electoral college vote accorded the average American voter. Battleground states are listed in bold italics.

|    | STATES               | ELECTORAL VOTES | ▼ VOTE WEIGHT | % TURNOUT |
|----|----------------------|-----------------|---------------|-----------|
| 1  | <b>Wyoming</b>       | 3               | 2.97          | 59.4%     |
| 2  | District of Columbia | 3               | 2.45          | 60.2%     |
| 3  | Vermont              | 3               | 2.42          | 63.5%     |
| 4  | <b>Alaska</b>        | 3               | 2.39          | 61.3%     |
| 5  | Hawaii               | 4               | 2.37          | 41.7%     |
| 6  | <b>North Dakota</b>  | 3               | 2.21          | 59.1%     |
| 7  | Rhode Island         | 4               | 2.19          | 59.0%     |
| 8  | <b>South Dakota</b>  | 3               | 2.06          | 58.5%     |
| 9  | <b>West Virginia</b> | 5               | 1.78          | 49.9%     |
| 10 | Delaware             | 3               | 1.72          | 63.7%     |



# How Much Does Your Vote Count?

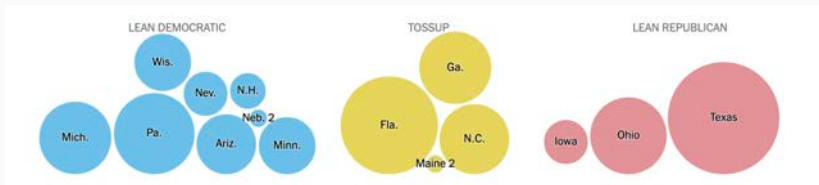
## Voting weight across states

To find the relative weight of a vote in each state, I divided each state's electoral votes by the total number of ballots cast, and then divided again by the fraction of an electoral college vote accorded the average American voter. Background states are listed in bold italics.

|    | STATES                | ELECTORAL VOTES | ▲ VOTE WEIGHT | % TURNOUT |
|----|-----------------------|-----------------|---------------|-----------|
| 1  | <b>Florida</b>        | 29              | 0.78          | 64.5%     |
| 2  | <b>North Carolina</b> | 15              | 0.8           | 64.8%     |
| 3  | Colorado              | 9               | 0.82          | 69.9%     |
| 4  | Ohio                  | 18              | 0.83          | 62.8%     |
| 5  | <b>Pennsylvania</b>   | 20              | 0.83          | 62.8%     |
| 6  | Virginia              | 13              | 0.83          | 65.7%     |
| 7  | Massachusetts         | 11              | 0.84          | 66.8%     |
| 8  | <b>Wisconsin</b>      | 10              | 0.85          | 69.3%     |
| 9  | <b>Michigan</b>       | 16              | 0.85          | 64.6%     |
| 10 | Minnesota             | 10              | 0.86          | 74.1%     |

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# How Much Does Your Vote Count?



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*“In practical political terms, a vote matters in presidential politics only if it is cast in a closely divided battleground state.”*

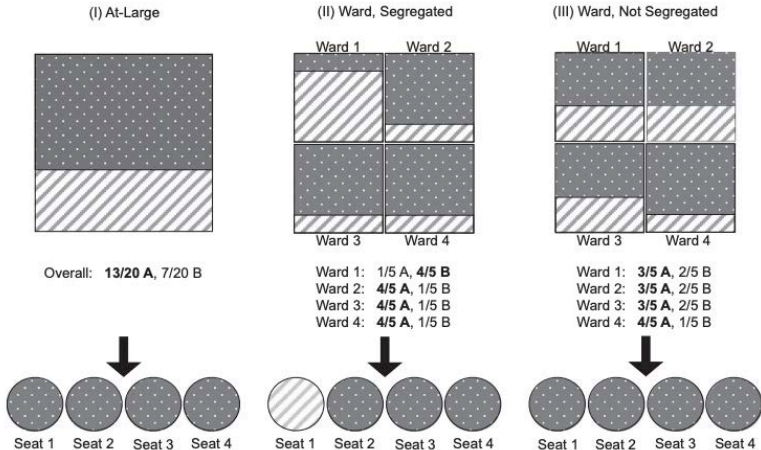
- Value of a vote depends on: 1) how divided your state, and 2) how many electoral college votes it has/population
- The statewide winner-take-all rule creates variations of 1,000-to-1 and more in the weight of a vote
- Between 1988 and 2008, about two-thirds of the states were ignored by presidential campaigns. Four-fifths of the states were ignored in 2012.
- Twelve of the 13 least-populous states are spectator states
- The winner did not carry the popular vote in 5 of 58 elections

## The proposal:

- Constitution delegates power over elections to the states
  - Thus, a Constitutional amendment is not necessary to disband the Electoral College
- States enter into a compact that their electors will reward *all their votes* to the winner of the nationwide popular vote
- Compact does not go into effect until enough states signed on to get to majority of electoral college (270 of the 538 electoral votes)

# Another aggregation issue: electoral districts

**FIGURE 1 Conversion of Votes to Seats, Wards vs. At-Large Districts**



Abbott, Carolyn, and Asya Magazinnik. "At-Large Elections and Minority Representation in Local Government." *American Journal of Political Science* 64, no. 3 (2020): 717-33.  
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But do majority-minority districts help or hurt minority representation?

- **Help:** Guarantees a seat in office
- **Hurt:** But dilutes minority influence in other districts

Substantive representation is maximized when minority communities are:

- Spread out outside the South
- Just shy of majorities in the South

## De facto vs. de jure voting equality

The Reconstruction Constitutional amendments ended **de jure** inequalities in access to the vote.

**Amendment XIV (1868):** *No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

**Amendment XV (1870):** *The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.*

## “First-generation barriers to access”

- All-white primaries
- Lengthy residency requirements
- Literacy tests + grandfather clauses
  - Exemptions for those who served in the United States or Confederate army or navy, their descendants, and anyone who had himself voted, or whose father or grandfather had voted before January 1, 1867
- Poll tax
- Felon disenfranchisement

Although African Americans outnumbered whites in Mississippi as of 1890, these provisions *“worked so well in keeping Negroes from voting... that by 1899 the percentage of qualified voters in the State who were Negroes had declined from over 50% to about 9%, and by 1954 only about 5% of the Negroes of voting age in Mississippi were registered.”* (United States v. Mississippi)



**Section 2:** Bans any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen to vote on account of race or color.”

# The Voting Rights Act of 1965

**Section 5:** Established **preclearance**: Covered jurisdictions could not enact new voting rules without prior approval from Department of Justice. Covered jurisdictions:

- Jurisdiction had “test or device” restricting the opportunity to register and vote in place as of 1964
- Less than 50 percent of persons of voting age were registered to vote on November 1, 1964/voting in 1964 presidential election
- Entire states of Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, and Virginia
- Additionally, counties in four other states: Arizona, Hawaii, Idaho, and North Carolina.

Set to expire after five years but renewed by Congress ever since.

# Shelby County, Alabama v. Holder

Challenge to the coverage formula by Shelby County, AL (Section 4)

Majority opinion (**Roberts**, Scalia, Kennedy, Thomas, Alito):

1. Constitutionally, states have the power to regulate elections.
2. The Voting Rights Act represents an “extraordinary departure from the traditional course of relations between the States and the Federal Government.”
3. Justified by “exceptional conditions” of discrimination and lack of other remedies
4. Those exceptional conditions are no longer in place.
  - Increases since the 1960s in Black voter registration, turnout, candidacy, serving in elected office.

Note: Section 5 still stands; determination of new coverage formula thrown back to Congress.

# Shelby County, Alabama v. Holder

Ruth Bader Ginsburg's dissent (joined by Breyer, Sotomayor, Kagan):

1. Voting discrimination still exists and preclearance was actively keeping it at bay.
  - *“Jurisdictions covered by the preclearance requirement continued to submit, in large numbers, proposed changes to voting laws that the Attorney General declined to approve, auguring that barriers to minority voting would quickly resurface were the preclearance remedy eliminated.”*
2. Specifically, **second-generation** barriers to voting: *“Efforts to reduce the impact of minority votes, in contrast to direct attempts to block access to the ballot.”*
  - Racial gerrymandering
  - At-large elections

# Shelby County, Alabama v. Holder

3. The “outdated” coverage formula still corresponds to realities on the ground:

- Congress carefully reviewed preclearance jurisdictions when it reauthorized the VRA in 2006
- *“And countless witnesses, reports, and case studies documented continuing problems with voting discrimination in those jurisdictions. In light of this record, Congress had more than a reasonable basis to conclude that the existing coverage formula was not out of sync with conditions on the ground in covered areas.”*
- *“Second-generation barriers to minority voting rights have emerged in the covered jurisdictions as attempted substitutes for the first-generation barriers.”*

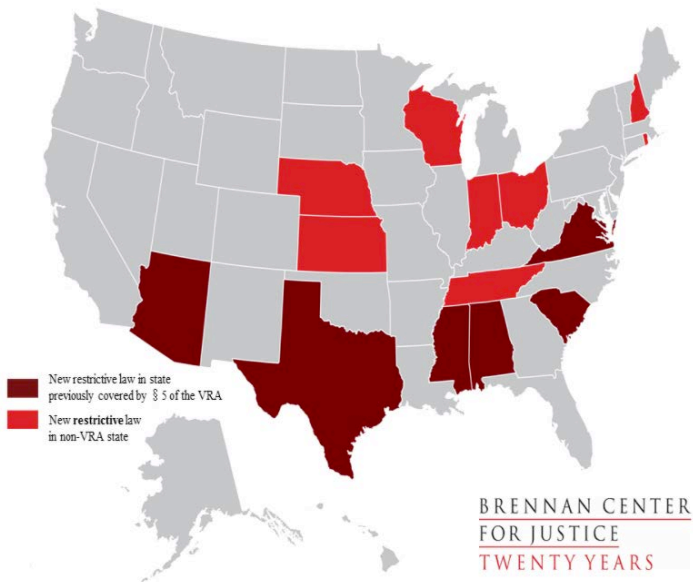
*“Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.” (RBG, 2013)*

# Consequences of Shelby

25 states have adopted more restrictive voting requirements since 2010:

1. Strict photo ID requirements (15 states)
2. Laws making it harder to register (and stay registered) (12 states)
3. Laws making it more difficult to vote early/absentee (10 states)
4. Laws making it harder to restore voting rights to people with criminal convictions (3 states)

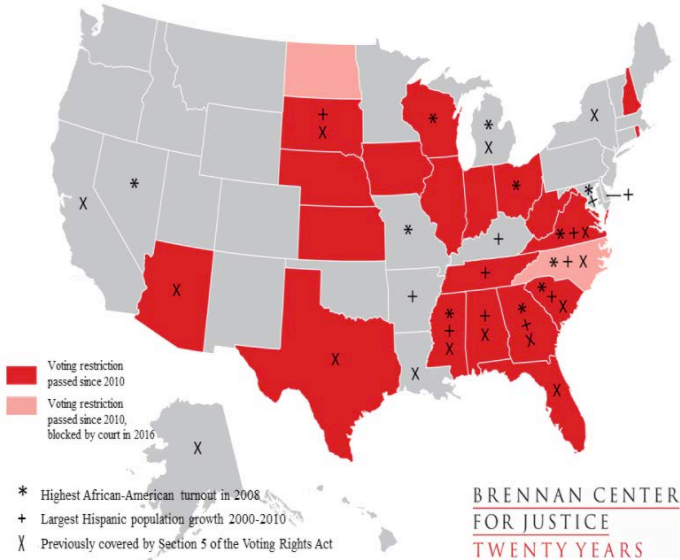
# Consequences of Shelby



"Election 2016: Restrictive Voting Laws by the Numbers." Brennan Center for Justice. September 28, 2016. © Brennan Center for Justice at NYU Law. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.



# Consequences of Shelby



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