A Bipartisan Election Reform? Explaining Support for Online Voter Registration in the American States

William D. Hicks¹, Seth C. McKee², and Daniel A. Smith³

Abstract
Online voter registration (OVR) is an election reform that has recently taken hold in more than half of the American states. Election administration observers have marveled at both the rapid diffusion and bipartisan support associated with legislative passage of OVR. We examine the likelihood a lawmaker voted in favor or against OVR in legislatures approving the reform. Despite the leading narrative of both parties overwhelmingly embracing OVR, we find that lawmaker support is clearly rooted in political calculations. Most prominent is a partisan divide, with Republicans in polarized legislatures with a Democratic majority decidedly less supportive of OVR. In addition, a host of contextual factors tied to the variation in partisan and electoral power affect the probability a state legislator votes in favor of this reform. We argue that the near-consensus position of Democrats (more than 90% voted “yea” on OVR) and the impressive supermajority of Republicans backing OVR (greater than 70%) have diverted attention from the reasons why there is opposition to this seemingly noncontroversial reform.

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In an age of marked partisan polarization, a recent election reform spreading across the American states has drawn considerable public interest but scant scholarly attention, likely because it has not elicited widespread political conflict. Whereas the advancement of restrictive voter identification (ID) legislation has calcified into a leading fault line pitting Democrats against Republicans (Hicks, McKee, & Smith, 2016), in more than two-dozen states support for online voter registration (OVR) has been palpably more bipartisan. First authorized in 2002 by the Arizona Secretary of State, OVR allows individuals to register to vote online by verifying the identity of the new registrant with existing personal information on record, typically documents filed with the state’s division of motor vehicles. The enactment of OVR is not only becoming more prevalent; its passage has reached every region of the United States, mobilizing enthusiasts in both Republican- and Democratic-dominated legislatures.

Consider Figure 1, a map showing the states that have adopted OVR and the states that have not adopted the reform through 2015. States that have adopted OVR are as disparate as they come, gaining approval in “red” and “blue” states alike. Republican-controlled Arizona and Indiana as well as Democratic-dominated Maryland and Massachusetts have adopted OVR. In the inner-Mountain West, the battleground state of Colorado and deep-red Utah have both approved the reform, and so has Oklahoma, a border South Republican bastion. All of the “blue” Pacific coast states (California, Oregon, and Washington) now permit eligible citizens to register online, but so do the Republican-controlled Deep South states of Georgia and South Carolina, as well as the most coveted swing state of them all, Florida.

The widespread bipartisan support for OVR in the American states is a curious phenomenon, especially given the fact that most contemporary election-related reforms have been met by a partisan cleavage separating and polarizing Democrats and Republicans. For instance, stark partisan divisions characterize many other election policies in the American states, including the expansion or reduction of in-person early voting (Biggers & Hamner, 2015; Burden, Canon, Mayer, & Moynihan, 2014; Herron & Smith, 2014), the adoption of restrictive photo ID requirements (Bentele & O’Brien, 2013; Hicks, McKee, Sellers, & Smith, 2015; Rocha & Matsubayashi, 2014), and the intransigency of existing felon disenfranchisement laws (Uggen & Manza, 2002). Thus, in an age of hyperpartisanship (Jacobson, 2015), the success of OVR—a reform that can potentially alter the composition of the electorate—appears to be a genuine anomaly.
Since at least the new millennium, the two major political parties have pursued opposing strategies that directly affect access to the ballot box. Republicans have generally advocated restrictive reforms that marginally increase the costs of voting, especially those mentioned above. Democrats, by contrast, have been more vocal in expanding the opportunity to vote and have generally opposed reforms that make voting marginally more difficult (Hasen, 2012; Wang, 2012). We interpret these opposing partisan positions on the franchise as emanating directly from the base of supporters who back the major parties (Karol, 2009). For instance, to the extent that Republican voters are more likely to participate and have the proper credentials to do so (e.g., owning a government-issued form of photo ID), this illuminates the Grand Old Party’s (GOP) restrictive strategy. Thus, it seems that partisan polarization over suffrage requirements is directly tied to participatory disparities embedded in the demographic makeup of the Democratic and Republican coalitions.

In the case of OVR, we have what arguably equates to the flip side of an issue like restrictive voter ID laws, as the latter, at least in theory, constrains the electorate by increasing the necessary qualifications for voting. Republicans have reached a consensus position in favor of restrictive voting reforms like photo ID laws (Hicks et al., 2016); indeed, it is a tenet of the party that even shows up in the 2012 Republican platform. Therefore, a reform that likely broadens participation, as proponents of OVR suggest, should be received by Republican lawmakers with a healthy dose of cautious...
resistance. In contrast, because OVR directly creates time-related efficiencies associated with the process of registering to vote, which in turn lower barriers to becoming enfranchised, OVR is a reform that should be universally embraced by Democrats because expanding the electorate has become party orthodoxy (Scher, 2011).

So, despite the obvious evidence in Figure 1 of support for OVR in “red” and “blue” states across what is often characterized as a divided America, there are notable partisan differences undergirding voting on this election reform. Our analysis of legislator support for OVR across the states suggests that the popular narrative of OVR as constituting a bipartisan and sometimes a nonpartisan issue is overstated. Although the general evidence of bipartisanship is incontrovertible, the reason for widespread bipartisanship is not properly understood. Our assessment of state legislator voting behavior on OVR conjures up an analogy from judicial decision making. Bipartisan support for OVR resembles a concurring opinion on the part of Democrats and Republicans. Whereas Democrats are virtually unanimous in backing a policy grounded in the belief of easing access to the franchise, Republicans are notably less supportive, and for state legislators of both major parties, the motivation for opposing OVR is clearly rooted in politically and electorally motivated concerns.

Our analysis is animated by a simple question: What conditions legislator support for OVR? Before turning to our analysis of floor votes on successful OVR bills in the American states over the past decade, we begin by providing an overview of OVR and how it informs our theory of the dynamics driving voting on this reform. We briefly examine OVR bill introductions before explaining state legislator voting on OVR in the states approving it. We conclude with a restatement and reassessment of this electoral reform.

OVR

In this section, we provide an overview of OVR, discuss what we know about the types of people who use it, and consider the political implications associated with this reform. Keep in mind that the newness of OVR and the modest scholarly attention paid to it makes for a very limited picture of its actual and potential electoral effects. Hence, there is much more that we need to learn about this burgeoning voter registration option.

Administration of OVR

In July 2002, Arizona became the first state to implement OVR (called “EZ Voter”). Three months later, President George W. Bush signed into law the bipartisan Help America Vote Act (HAVA), which was precipitated in large
part by the 2000 presidential election meltdown in Florida (Hasen, 2012). Among other provisions, HAVA required (under Section 303) states to implement a computerized statewide voter registration list and also charged (under Section 245) the newly created Election Assistance Commission (EAC) to conduct studies concerning the feasibility of using the “Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online.” Although HAVA certainly acknowledged the possibility of future OVR, largely in the context of states creating centralized voter registration databases, it did not require them to do so, nor did Congress provide any money to the states to implement OVR. Indeed, it was not until January 2008, when Washington became only the second state to adopt OVR, well after it had established its own statewide electronic voter registry (Barreto et al., 2010). The long dry spell in the adoption of OVR between Arizona in 2002 and Washington in 2008 quickly ended, with scores of states implementing OVR from 2009 to the present.

Of late, the policy diffusion has been remarkably rapid, in part, because from an administrative standpoint, the benefits of OVR seem to dwarf the anticipated costs. For instance, Arizona reported that OVR costs 3 cents a person versus 83 cents a person for using the paper system (McDonald, 2013). A 2014 Pew report assessing the administration of OVR in 13 states found that in 11 of them, “the average cost to build a system was $240,000” (p. 2), and in the other two, Kansas and California, there was no expense and a cost of $1.8 million, respectively. But in the nation’s most populous state, California recouped the cost of implementation in merely a month’s time, saving an estimated $2.5 million, thanks to the OVR option (The Pew Charitable Trusts, 2014)

**Who Uses (and Benefits) From OVR?**

Beyond the obvious reasons why election administrators are justifiably enamored with OVR, it is also a welcome innovation for voters because of its greater efficiency and convenience vis-à-vis paper registration. Not only does OVR “allow citizens to complete their voter registrations . . . without the need to print, sign and mail any paper forms” (Barreto et al., 2010, p. 8), but the registration process can be completed anywhere an individual has access to the Internet. The handful of studies that look at different aspects of OVR, including usage, have generally found that younger voters are much more likely to exercise the option (see Barreto et al., 2010; Bedolla & Velez, 2014; McDonald, 2013; Towns, 2013). Furthermore, younger registrants who opt to register online thereafter vote at a higher rate (Barreto et al., 2010; Towns, 2013). But
this finding is not just confined to younger citizens; the small literature on OVR suggests that it has the general effect of increasing turnout compared with the population registering offline (but see Kimball & Anthony, 2016). For instance, in 2008, Barreto et al. (2010) report 85.3% turnout for online registrants compared with 82.4% turnout for all registrants in Washington, whereas in Arizona, the difference is more striking: 94% turnout for online registrants versus 85% among traditional registrants. Finally, with respect to new online registrants in California in 2012, 82% of them voted compared with 72.4% turnout for all registered voters (Bedolla, 2014; Bedolla & Velez, 2014).

With the exception of the recent paper by Kimball and Anthony (2016), most of what we know about OVR usage is confined to studies conducted in four states: Arizona, California, Maryland, and Washington. And with the exception of Arizona, these examinations were conducted shortly after implementation of OVR. Hence, it is informative to know the initial pattern of OVR usage, but it is also likely to change over time as more and more citizens make use of this option. With this caveat firmly in place, except in the case of California, most of the evidence suggests only marginal advantages accruing to one party at the expense of the other. For instance, in Maryland, online registrants are younger and more likely to be Independents and less likely to be Republicans; but in the case of new registrations, Republicans and Independents comprise a greater share of those exercising the online option (McDonald, 2013). Finally, Democrats and women constitute a substantially larger segment of the population updating their registration online (McDonald, 2013). It is thus fair to conclude from McDonald’s examination of the Old Line State that there is no clear partisan advantage accruing from the adoption of OVR.

The cases of Arizona and Washington also generate no clear pattern of OVR usage that would necessarily lead one of the major parties to be more enthusiastic about its adoption as a means to further an electoral advantage. The report on these two states by Barreto et al. (2010) provides detailed portraits of the kinds of citizens making use of OVR. Barreto et al. (2010) summarize their findings, in the case of Washington as follows:

Relative to voters overall, voters who register online are most likely to be younger, reside in the Puget Sound region [Seattle area], be slightly less educated, more independent in their partisanship, more likely to have lower income, and more likely to be white, Latino, or Asian. (p. 14)

In the case of Arizona,

There are several demographic cleavages between online registrants and traditional registrants. Most prominently, registrants under the age of 40 and
those with more resources (in education and income) are more likely to register online. (p. 38)

In Arizona and Washington, some of the characteristics overrepresented among online registrants would appear to favor the Democratic Party (i.e., a higher share of young registrants), whereas others seem to advantage Republicans (i.e., higher income citizens in Arizona and more White online registrants in Washington). Yet the general findings for these states suggest a decidedly mixed picture in terms of the implications for partisan politics. This is not true with respect to California—a state where OVR clearly benefits the Democratic Party more than the Republican opposition.

**Political Implications of OVR**

In California in 2011, state Senator Leland Yee, a San Francisco–based Democrat, spearheaded the successful passage of OVR. Prior to the 2012 elections, OVR went live in California from September 19 to October 21 (Towns, 2013), and during this brief span of time, some 787,337 Californians registered to vote online (Bedolla, 2014). Although the total registered population in California exceeds 18 million, the over half a million residents registering online in this short period provide considerable information on usage patterns. Most notably for partisan purposes, OVR users in California are not more affluent than other registrants, but they are decidedly younger and, most importantly, more Democratic than Republican compared with the general electorate. According to Towns (2013), among online registrants, 50% were Democrats and 20% Republicans, whereas the split in the general electorate was 44% Democrats and 30% Republicans. Finally, and as previously mentioned, online registrants in California subsequently voted at a higher rate compared with all registrants.

Based on the characteristics of recent Golden State online registrants, if our thesis is correct that Republican lawmakers offer conditional support for OVR that is tied to the status of partisan competition, we would not expect California Republicans to back OVR. Indeed, of all the states in which OVR was passed by the legislature, California is the sole case exhibiting absolute partisan polarization—100% of Democrats voted in favor and 100% of Republicans voted against OVR. Obviously California is an outlier, but we highlight it because this anecdote lends support for the claim of this study. Irrespective of the partisan context of a state, because OVR has the potential and realized effects (as we have documented) of expanding political participation, Democratic lawmakers should be united in their support of this election reform. By contrast, given the Republican Party’s orthodoxy of favoring
restrictive voting policies, approval of OVR should be conditional and much greater in states where the GOP is advantaged.

As Table 1 indicates, the diffusion of OVR via legislative action commenced in 2007, 5 years after the adoption of HAVA. The Washington state legislature passed OVR with strong support from Democrats and Republicans in the state House, but only Democratic support in the state Senate; of the 17 Senate Republicans, 16 voted against the legislation (the remaining GOP member was excused from the vote). OVR legislation passed in an additional five states in 2009 (Colorado, Indiana, Louisiana, Oregon, and Utah), drawing unanimous support among Democratic and Republican members in Utah, near-unanimous support in Colorado and Indiana, mixed support among both Democrats and Republicans in Louisiana, and only marginal support from Republicans in Oregon. As mentioned earlier, the passage of OVR in California in 2011 was completely polarized, with no Republican in either chamber voting in favor of the legislation. Most recently in Florida, a cosponsored, bipartisan bill (a rarity in the Sunshine State) had unanimous support among Democrats and near-unanimous support among Republican lawmakers, even though the Republican-appointed secretary of state opposed it. The bill was signed into law by a reluctant Republican governor, Rick Scott, who expressed “some hesitation” due to the threat of “cyber-attacks” and “fraud and identification theft.”

Given the smattering of lukewarm support for OVR among Republican lawmakers in several states, and conversely the markedly low Democratic support in Georgia, it is somewhat inaccurate to characterize support for this election administration reform as “bipartisan.” And yet, most contemporary assessments of OVR frame the issue as either nonpartisan or bipartisan. For example, a November 2013 webinar offered by the National Conference of State Legislatures (NCSL, 2013) was explicitly titled, “Online Voter Registration: The Bipartisan Trend in Elections.” The Bipartisan Policy Center, a national think tank, was effusive in touting the bipartisan support of OVR in Florida, with policy analyst Michael Thorning (2015) writing that the center “applauds the Florida state legislature’s passage today of a bipartisan bill to implement online voter registration (OVR) in the state beginning in 2017,” as “[t]wo bipartisan commissions, the BPC’s Commission on Political Reform and the Presidential Commission on Election Administration (PCEA), whose work BPC is continuing, unanimously endorsed expanding online voter registration.” Most recently, astute election administration observer Doug Chapin (2015) highlighted the “vehement agreement” in favor of OVR, noting that its “emergence as the new trend in legislatures is quite remarkable.”

The bipartisan characterization of OVR has much to do with Democrats and Republicans harboring many of the same objectives in their support of
Table 1. Select Statistics for Passage of Online Voter Registration Legislation, 2007-2015.

<table>
<thead>
<tr>
<th>State</th>
<th>Year</th>
<th>House Dems (% Yea)</th>
<th>House Reps (% yea)</th>
<th>Senate Dems (% yea)</th>
<th>Senate Reps (% yea)</th>
<th>Overall House and Senate, Dems and Reps (% yea)</th>
<th>Final bill sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>2007</td>
<td>100</td>
<td>83</td>
<td>97</td>
<td>0</td>
<td>84</td>
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</tr>
<tr>
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<td>2009</td>
<td>100</td>
<td>85</td>
<td>100</td>
<td>100</td>
<td>96</td>
<td>Democrat</td>
</tr>
<tr>
<td>Indiana</td>
<td>2009</td>
<td>98</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>99</td>
<td>Bipartisan</td>
</tr>
<tr>
<td>Louisiana</td>
<td>2009</td>
<td>63</td>
<td>74</td>
<td>87</td>
<td>100</td>
<td>84</td>
<td>Republican</td>
</tr>
<tr>
<td>Oregon</td>
<td>2009</td>
<td>100</td>
<td>59</td>
<td>94</td>
<td>44</td>
<td>82</td>
<td>Bipartisan</td>
</tr>
<tr>
<td>Utah</td>
<td>2009</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>Republican</td>
</tr>
<tr>
<td>California</td>
<td>2011</td>
<td>100</td>
<td>0</td>
<td>100</td>
<td>0</td>
<td>65</td>
<td>Democrat</td>
</tr>
<tr>
<td>Hawaii</td>
<td>2011</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>Democrat</td>
</tr>
<tr>
<td>Maryland</td>
<td>2011</td>
<td>97</td>
<td>12</td>
<td>100</td>
<td>55</td>
<td>75</td>
<td>Democrat</td>
</tr>
<tr>
<td>Nevada</td>
<td>2011</td>
<td>96</td>
<td>75</td>
<td>100</td>
<td>90</td>
<td>91</td>
<td>Democrat</td>
</tr>
<tr>
<td>Connecticut</td>
<td>2012</td>
<td>89</td>
<td>4</td>
<td>86</td>
<td>86</td>
<td>58</td>
<td>Bipartisan</td>
</tr>
<tr>
<td>Georgia</td>
<td>2012</td>
<td>32</td>
<td>100</td>
<td>6</td>
<td>100</td>
<td>73</td>
<td>Republican</td>
</tr>
<tr>
<td>South Carolina</td>
<td>2012</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>Bipartisan</td>
</tr>
<tr>
<td>Illinois</td>
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<td>15</td>
<td>91</td>
<td>11</td>
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<tr>
<td>Virginia</td>
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<td>90</td>
<td>97</td>
<td>100</td>
<td>100</td>
<td>96</td>
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</tr>
<tr>
<td>West Virginia</td>
<td>2013</td>
<td>100</td>
<td>63</td>
<td>100</td>
<td>100</td>
<td>88</td>
<td>Bipartisan</td>
</tr>
</tbody>
</table>

(continued)
Table 1. (continued)

<table>
<thead>
<tr>
<th>State</th>
<th>Year</th>
<th>House Dems (% Yea)</th>
<th>House Reps (% Yea)</th>
<th>Senate Dems (% Yea)</th>
<th>Senate Reps (% Yea)</th>
<th>Overall House and Senate, Dems and Reps (% Yea)</th>
<th>Final bill sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>2014</td>
<td>100</td>
<td>86</td>
<td>100</td>
<td>100</td>
<td>98</td>
<td>Democrat</td>
</tr>
<tr>
<td>Minnesota</td>
<td>2014</td>
<td>100</td>
<td>97</td>
<td>100</td>
<td>11</td>
<td>87</td>
<td>Democrat</td>
</tr>
<tr>
<td>Nebraska</td>
<td>2014</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>100</td>
<td>NA</td>
</tr>
<tr>
<td>Florida</td>
<td>2015</td>
<td>100</td>
<td>89</td>
<td>100</td>
<td>92</td>
<td>93</td>
<td>Bipartisan</td>
</tr>
<tr>
<td>New Mexico</td>
<td>2015</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>Republican</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>2015</td>
<td>95</td>
<td>59</td>
<td>100</td>
<td>94</td>
<td>76</td>
<td>Bipartisan</td>
</tr>
<tr>
<td>Average “Yea” votes</td>
<td>2007-2015</td>
<td>93</td>
<td>74</td>
<td>94</td>
<td>73</td>
<td>85</td>
<td>9B/8D/4R/1NA</td>
</tr>
<tr>
<td>Total “Yea” votes</td>
<td></td>
<td>1,020</td>
<td>696</td>
<td>412</td>
<td>263</td>
<td>2,391</td>
<td></td>
</tr>
</tbody>
</table>

Note. These data exclude the handful of independent/third-party legislators voting on OVR legislation in the data set. In addition, there were a small number of votes classified as abstain, absent, or excused, and they too are excluded. We reject the null hypothesis that a yes vote is statistically independent of party ($\chi^2 = 235$, $p < .001$). Although shown here, we exclude Louisiana and Nebraska from our empirical analysis because of missing district-level and legislator party data, respectively, and we exclude Nebraska’s 44 nonpartisan “yea” votes in the legislative vote total in Table 1 (five Nebraska senators abstained and NA = not applicable since Nebraska has a nonpartisan unicameral state legislature). Dems = Democrats; Reps = Republicans; OVR = online voter registration.
the reform. The purported benefits of OVR are many. As we have noted, some reformers tout how OVR will streamline election administration and enhance voter participation. Others see OVR in practical, economical, and modernizing terms. Proponents laud the reform for its “proven benefits,” as The Pew Charitable Trusts (2014) notes, OVR purportedly “saves taxpayer dollars, increases the accuracy of voter rolls, and provides a convenient option for Americans who wish to register or update their information” (p. 1). “There hasn’t been much opposition to online registration,” David Becker, the Director of the Pew Center on the States’ Election Initiatives notes, “because the evidence shows it’s a common sense use of technology that not only saves money, but also provides a service that citizens expect in the internet [sic] age” (NCSL, 2011).

As we can readily see from Table 1, however, the presence of numerous partisan legislative votes on OVR conflicts with the popular narrative of resounding bipartisanship. Again, we do not dispute the fact that support for OVR in many state legislatures took on a bipartisan hue; it is hard to argue against this reality, as 93% of the 1,020 House Democrats and 74% of the 696 House Republicans (with similar numbers across state senates) who voted yea or nay on the final floor votes supported the legislation. Nonetheless, the roughly 20-point partisan gap in OVR approval is large: The partisan disparity is highly significant based on a simple chi-square test (see the note under Table 1).

We contend that the partisan gap in OVR support is tied to the default position of Democrats to embrace an expansionist election reform whereas Republicans are relatively more cautious, which indicates their electorally restrictive philosophy. These competing partisan perspectives are reflective of the types of groups who comprise Democratic and Republican voters (Karol, 2009). However, we also demonstrate that, among the minority of Democrats and Republicans who voted down OVR legislation that passed in their states, opposition is mainly tied to political conditions that speak to a potentially negative partisan and/or electoral impact. In other words, we uncover factors that indicate Democrats and Republicans become decidedly more opposed to OVR if the political context is less favorable and less certain.

**Data, Hypotheses, and Method**

We make some fundamental assumptions about lawmakers’ underlying motivations for OVR. First, we assume that lawmakers believe public opinion—irrespective of partisanship—favors OVR. Put another way, lawmakers believe that a “yea” vote has fewer electoral costs than a “nay” vote. This assumption leads us to believe that Republicans and Democrats alike, other things being equal, are more likely to vote “yea” than “nay” on this reform.
Second, we assume that lawmakers are uncertain about the electoral ramifications of OVR. This assumption leads us to believe, on one hand, that lawmakers in vulnerable districts, regardless of their party, are less likely to vote “yea” than lawmakers in safer districts. We base this expectation on the idea that lawmakers in vulnerable districts likely prefer the known electoral system through which they were elected, even if marginally, to an unknown alternative with relatively easier methods of voter registration. The uncertain consequences of OVR also may make these laws more attractive to minority party members in states where majority status is vulnerable (Smith & Fridkin, 2008). In the pursuit of majority status, we assume minority party lawmakers (and their leaders in particular) are more open to investing in risky adjustments to their electoral systems.

In addition to the aforementioned expectations, we also assume that lawmakers’ votes on OVR bills are likely shaped by their party affiliation and the partisan conditions of their chamber. First, we expect that Democrats are more likely than Republicans to vote “yea,” other things being equal. We argue that Democrats, in principle, tend to favor easing access to the ballot box, whereas we take Republicans to be more conflicted about OVR, though not necessarily opposed (Hasen, 2012; Wang, 2012). Indeed, two competing narratives fuel the potential for internecine conflict among Republican lawmakers. On one hand, because there is good reason to expect more unregistered Democrats to utilize the OVR option,9 Republican elites may perceive efforts to ease registration as a net benefit to Democratic lawmakers and thus favor a more restrictive position. On the other hand, efforts to ease voting hurdles with measures like OVR may benefit Republicans in certain contexts by making it easier for their base to register at the expense of the other party (e.g., a Republican state like Georgia; see the partisan vote breakdown in Table 1). At best, as discussed above, preliminary empirical studies probing which newly registered voters utilize OVR in those states that have adopted the reform are mixed with regard to both party and sociodemographics (Barreto et al., 2010; Bedolla & Velez, 2014; McDonald, 2013; Towns, 2013).10

Second, we expect that minority party lawmakers in polarized chambers are more likely to vote “nay” in an effort to protest against the majority party. Because our data are confined to votes on OVR that passed both legislative chambers, we assume that majority party members are likely more favorable toward these laws. This, we argue, reveals the basic tendency of majority party leaders in legislative chambers to control the flow of legislation. In particular, majority party leaders often have some discretion over which bills make it to the floor and, therefore, are more likely to allow votes on bills that
a majority of the majority party will support (e.g., Clark, 2012; Cox & McCubbins, 2005). Nonetheless, we also argue that minority party lawmakers are more likely to “protest” these votes with a “nay” vote, particularly in chambers where polarization is greatest.

Before turning to a discussion of the multivariate analysis, in Table 2 we document both the number and percent of OVR bill introductions and likewise both the number and percent of OVR bills passed, from 2002 to 2015. These data are cross-tabulated by party configuration, for example, Democratic control of the lower chamber (House), upper chamber (Senate), and governorship is abbreviated as DDD, whereas full Republican control is depicted as RRR, and so forth. Although Republican-controlled states actually introduced a higher share of OVR bills (30%) than Democratic-governed states (21% of introductions), it is apparent that OVR has the greatest chance of being enacted in states fully controlled by Democrats (DDD), accounting for 53% of the total. For around a quarter of the states passing OVR, at least one component of the government was controlled by Democrats, but perhaps surprisingly, the remaining 25% of OVR enactments occur in states fully controlled by Republicans. We suspect that in states where the Republican Party is dominant, easing voter registration may in fact advantage Republicans because the electorate already favors the GOP (again, this would be the case in states like Georgia and Utah). Of course, this would be the converse of a state like California where expanding the electorate through convenience registration grows the Democratic electorate.

<table>
<thead>
<tr>
<th>Party configuration (House, Senate, Governor)</th>
<th>Introductions $(n)$</th>
<th>Introductions $(%)$</th>
<th>Passages $(n)$</th>
<th>Passages $(%)$</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDD</td>
<td>62</td>
<td>21</td>
<td>19</td>
<td>53</td>
</tr>
<tr>
<td>DDR</td>
<td>42</td>
<td>15</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>DRD</td>
<td>33</td>
<td>11</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RDD</td>
<td>10</td>
<td>3</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>DRR</td>
<td>9</td>
<td>3</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>RDR</td>
<td>12</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>RRD</td>
<td>33</td>
<td>11</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RRR</td>
<td>88</td>
<td>30</td>
<td>9</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td>289</td>
<td>100</td>
<td>36</td>
<td>100</td>
</tr>
</tbody>
</table>

Note: Percentages rounded up to the nearest whole number. OVR = online voter registration.
**Multivariate Analysis**

To empirically evaluate legislators’ underlying motivations for OVR, we analyze state legislator voting on OVR legislation at the passage stage. In particular, we use binary choice models to reveal why some individual lawmakers vote “yea” on these laws while others vote “nay.” Our comprehensive data set contains the votes of more than 2,700 lawmakers on OVR bills over a nearly 15-year time span. While most lawmakers voted “yea” on these bills, we find that more than 400 voted “nay.” With this analysis, we seek to understand how the systematic characteristics of lawmakers, their districts, and a state’s broader political environment condition lawmakers’ support/opposition for OVR. To make this determination, we merged legislators’ final floor votes on OVR bills with covariates that vary between legislators’ districts, covariates that vary between legislators’ chambers, and covariates that vary between legislators’ states. We use a multilevel logit model to fit these data with random intercepts assigned to each chamber and each state.

We include two covariates for partisan electoral competition. First, at the district level, we include a dummy variable denoting whether or not a lawmaker represents a marginal district. Here, we define a marginal district as one in which the most recent, prior election winner beat his or her opponent by a margin of no more than 10 percentage points. At the chamber level, we include a covariate measuring the partisan election margin. This variable is the absolute difference in the percentage of votes earned by Republican and Democratic candidates across all of a chamber’s legislative districts in the most recent, prior election. This variable enables us to capture the vulnerability of majority status (Carroll & Eichorst, 2013) in a given chamber.

Our assumptions imply that although lawmakers in marginal districts are less likely to vote “yea” than lawmakers in safe districts, lawmakers in relatively more vulnerable chambers are more likely to vote “yea” than lawmakers in safer chambers. We base this on the simple notion that lawmakers in vulnerable districts are more risk-averse to changes in the electoral system that elected them, particularly changes with unknown consequences. However, minority party lawmakers and their party leaders are likely more willing to take such risks in pursuit of majority status.

We also include variables that capture the partisan conditions of lawmakers’ chambers. First, we include the percentage of legislative seats held by members of the Democratic Party. In each of our cases, OVR was supported by a majority of the majority party. Thus, in Democratic-controlled chambers, this means that a majority of Democrats supported the legislation. That a majority of the majority party supports the passage of a bill reveals the tendency of majority party leaders to have some discretion over which bills
make it to the floor in the first place (e.g., Clark, 2012; Cox & McCubbins, 2005). We argue, on the contrary, that by dint of serving in the opposition party, lawmakers are likely more opposed to the passage of these laws in an effort to register a protest. The incentive of minority party members to vote “nay” as a protest is greater still in a polarized chamber. For example, we hypothesize that the likelihood a Republican in a Democratic-controlled chamber votes “yea” on OVR declines as polarization increases. We test this claim by including an interaction term between the size of the Democratic Party in a chamber and the ideological distance (i.e., polarization) between the median Democrat and the median Republican in that chamber in models fit to Republican-only and Democratic-only samples.  

Our assumptions also imply that the partisan election margin likely shapes a lawmaker’s vote differently depending on the partisan composition of the chamber in which he or she serves. For example, we expect a minority party Democrat is more likely to vote “yea” if majority status is vulnerable (i.e., a smaller partisan election margin) relative to a minority Democrat in a chamber with a relatively more stable Republican majority (i.e., a larger partisan election margin). To test this expectation, we offer an additional interaction effect between a chamber’s partisan election margin and the size of its Democratic Party. We expect this interaction effect to be significant in the split sample models, in particular. If our assumptions are correct, we should find that the partisan election margin negatively affects the likelihood that a Democrat votes “yea” when the Democratic Party controls a minority of seats, as smaller values of the partisan election margin mean majority status is more vulnerable. We should also find that the partisan election margin positively affects the likelihood that a Democrat votes “yea” when the Democratic Party has a majority of seats. We expect that this dynamic works similarly for Republicans because we assume uncertainty over OVR is evenly distributed between the parties.

Finally, we also control for a number of district-level demographic covariates, including districts’ racial characteristics, wealth, and education. To control for districts’ racial characteristics, we include the percentage of districts’ overall population that is Hispanic and non-Hispanic Black. In addition, we measure the relative wealth of each district by using each district’s median income in thousands. Finally, we control for district-level education by including in our models the percentage of each district’s population with at least a bachelor’s degree.  

Findings

Our findings are presented in Table 3. The constant at the bottom of each column of coefficients represents the population-averaged intercept.
### Table 3. Who Votes “Yea” on OVR?

<table>
<thead>
<tr>
<th>Variable</th>
<th>Full</th>
<th>Democrats</th>
<th>Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democrat</td>
<td>3.0049**</td>
<td>0.0073</td>
<td>0.0175</td>
</tr>
<tr>
<td>% of district Hispanic</td>
<td>0.0216**</td>
<td>0.0136</td>
<td>0.0146</td>
</tr>
<tr>
<td>% of district Black</td>
<td>-0.0322**</td>
<td>-0.0097</td>
<td>0.0422†</td>
</tr>
<tr>
<td>District median household income</td>
<td>-0.0161*</td>
<td>-0.0126</td>
<td>-0.0220†</td>
</tr>
<tr>
<td>% of district with bachelor’s</td>
<td>0.0190*</td>
<td>0.0145</td>
<td>0.0336*</td>
</tr>
<tr>
<td>Marginal election</td>
<td>-0.4937*</td>
<td>-1.0252*</td>
<td>-0.6107†</td>
</tr>
<tr>
<td>Partisan election margin</td>
<td>0.0094</td>
<td>-0.0224</td>
<td>0.0041</td>
</tr>
<tr>
<td>% of chamber Democratic</td>
<td>-0.0862**</td>
<td>0.0147</td>
<td>-0.1567**</td>
</tr>
<tr>
<td>Polarization in chamber</td>
<td>0.4688</td>
<td>0.2952</td>
<td>0.6526</td>
</tr>
<tr>
<td>Partisan election margin times % of chamber Democratic</td>
<td>0.0042</td>
<td>0.0077*</td>
<td>0.0059</td>
</tr>
<tr>
<td>Polarization times % of chamber Democratic</td>
<td>-0.0896</td>
<td>0.0410</td>
<td>-0.2128†</td>
</tr>
<tr>
<td>Constant</td>
<td>1.8364**</td>
<td>5.0353**</td>
<td>2.7784**</td>
</tr>
<tr>
<td>State-level variance component</td>
<td>2.2650†</td>
<td>4.8050†</td>
<td>5.6464</td>
</tr>
<tr>
<td>Chamber-level variance component</td>
<td>1.5086*</td>
<td>3.9661†</td>
<td>3.9661†</td>
</tr>
<tr>
<td>n</td>
<td>2,706</td>
<td>1,465</td>
<td>1,241</td>
</tr>
<tr>
<td>Akaike Information Criterion (AIC)</td>
<td>1,530.444</td>
<td>366.221</td>
<td>678.363</td>
</tr>
<tr>
<td>Bayesian Information Criterion (BIC)</td>
<td>1,613.089</td>
<td>429.697</td>
<td>744.970</td>
</tr>
</tbody>
</table>

Note. Dependent variable is a dummy variable indicating if a legislator voted “yea” (1) on an OVR bill versus “nay” (0). The first model includes all Democratic and Republican legislators, the second includes only Democrats, and the third includes only Republicans. All quantitative variables are grand mean centered. Median income is measured in thousands of dollars. Variance components represent the estimated variance of random intercepts fit to the state and chamber. OVR = online voter registration.

†p < .10. *p < .05. **p < .01.
grand mean centered all of the quantitative covariates in each model to improve our inferences regarding these intercepts and, most importantly, the interaction effects. Our model based on Democratic lawmakers alone does not include a chamber-level random intercept because the chamber-level variation, conditional on the covariates, is extremely small. In fact, this lack of variation between chambers among Democrats makes it difficult for a model to converge if it includes a chamber-level random intercept. It is worth noting that the substantive findings are the same whether or not this random intercept is included in the model.

Our first model includes all Democratic and Republican lawmakers, with a dummy variable (“Democrat”) distinguishing the two. This model is based on a data set of 2,706 lawmakers who voted on the legislation in 20 states (we exclude the handful of third-party and independent lawmakers). The model reveals that the population-averaged probability a Democrat votes “yea” on OVR is more than 95%. The probability for a Republican, on the contrary, is 75%. The model also reveals that the 20 percentage-point difference between the likelihood a Republican votes “yea” and the likelihood a Democrat votes “yea” is statistically significant ($p < .01$). At the same time, it also reveals that Republicans are more likely than not to vote “yea.”

The full model also shows that the demographic characteristics of lawmakers’ districts shape their votes. Lawmakers who represent larger Hispanic populations are more likely to vote “yea.” On the contrary, lawmakers who represent larger Black populations are less likely to vote “yea.” We also find that lawmakers from wealthier districts are more likely to vote “nay” than lawmakers from poorer districts. Finally, we also find that lawmakers from more educated districts are more likely to favor passage of OVR laws relative to legislators from less educated districts.

Our expectations, nevertheless, lead us to believe that the partisan composition of a chamber, in conjunction with a lawmaker’s party affiliation, shapes how he or she votes. Furthermore, we argue that this relationship also depends on the amount of polarization in a chamber. To evaluate this contention, we fit our models to split samples consisting of only Democratic lawmakers and only Republican lawmakers. This approach to testing this argument facilitates our interpretations of the coefficients.

Because we grand mean centered each quantitative covariate, the coefficient associated with the percent of a chamber controlled by Democrats reveals its effect when polarization is held to its mean value. This coefficient is positive in the Democratic-only model and negative in the Republican-only model. Furthermore, its value reaches conventional levels of statistical significance in the Republican-only model. In a chamber with the average level of polarization, this finding demonstrates that Republicans are increasingly opposed to
OVR bills as the share of a chamber’s Democratic caucus grows in size. The interaction effect between polarization and the percent of a chamber controlled by Democrats in the Republican-only model provides additional evidence that this effect depends on polarization. Simply put, polarization exacerbates Republican opposition in Democratic-controlled chambers.

We provide Figures 2a and 2b to help clarify this interaction effect. Figure 2a shows, regardless of the amount of polarization, Republican lawmakers in Republican-controlled chambers are more likely than not to vote “yea” on OVR bills. In Democratic-controlled chambers, however, the likelihood that a Republican votes “yea” depends on the amount of polarization in a chamber. With a large Democratic majority, Republicans in polarized chambers are more likely than not to vote “nay.” By contrast, in relatively less polarized chambers, Republicans are more likely to vote “yea” than “nay.” We do not find evidence of the same pattern in the Democratic-only sample. Although the coefficients in the Democratic-only model are in the expected direction, none reach conventional levels of statistical significance. This may provide some evidence that, in this case, legislative partisan maneuvering is asymmetric.

Figure 2b further explores this interaction effect with the addition of a 90% confidence interval. This plot reveals, other things being equal, the marginal effect of the size of a chamber’s Democratic Party on the likelihood that a Republican lawmaker votes “yea” depends on the amount of polarization in his or her chamber. In chambers with relatively low polarization, the marginal effect of the Democratic share of seats in a chamber on the likelihood a Republican votes “yea” fails to reach conventional levels of statistical significance. The amount of polarization in the median chamber is 1.57 units. With this in mind, the marginal effect of the Democratic share of seats negatively and significantly shapes the odds a Republican lawmaker votes “yea” in all chambers whose level of polarization is above the median. Furthermore, the marginal effect grows in absolute size as polarization increases. Both Figures 2a and 2b provide evidence in favor of the argument that partisan conditions in a chamber increase the willingness of minority party lawmakers, particularly Republicans, to vote “nay” in protest.

We also find some support for our hypothesis that the partisan election margin shapes lawmakers’ votes conditional on whether or not lawmakers are minority or majority party members. According to the second column of coefficients in Table 3, the marginal effect of the partisan election margin is negative and significant when Democrats control a minority of seats and positive when Democrats hold a majority of seats. For example, the population-averaged probability for a Democrat in the chamber with the smallest Democratic caucus and the smallest partisan election margin votes “yea” is
more than 99%. This population-averaged probability reduces, however, more than 35 percentage-points moving to 64% in the chamber with the largest Democratic caucus.

We provide Figures 3a and 3b to help clarify this conditional relationship. The first figure plots the population-averaged probability a Democratic

Figure 2. Chambers’ partisan conditions and Republican votes on OVR.
Note. Figures are based on quantities derived from the third column of coefficients in Table 3. In Figure 2b, on the vertical axis label, ME = marginal effect. OVR = online voter registration.
lawmaker votes “yea” depending on the partisan election margin. The solid line represents a chamber with seats distributed 70/30 in favor of Republicans. The dashed line represents a chamber with seats distributed 70/30 in favor of Democrats. This figure shows that minority party Democrats in chambers with relatively more vulnerable majorities are more likely to vote “yea” than Democrats in chambers with relatively safer majorities. By comparison, the likelihood that minority party Democrats vote “yea” reduces as the majority becomes more and more electorally stable. We find no evidence, however, that Republicans respond similarly to these same conditions. This could change as more states adopt OVR.

Figure 3b plots the marginal effect of the partisan election margin on the likelihood a Democrat votes “yea” depending on the percentage of seats in his or her chamber that Democrats occupy. This plot adds precision to the former by incorporating a 90% confidence interval. This plot shows that the marginal effect of the partisan election margin is only significant when Democrats are in the minority. An upward shift in the partisan election margin (which is consistent with a decrease in the vulnerability of a chamber’s majority) reduces the likelihood a Democrat votes “yea.” An increase in the partisan election margin increases the likelihood a Democrat votes “yea,” but in majority Democratic chambers, the relationship is no longer statistically significant.

The only other variable that performs significantly different between our Republican-only and Democratic-only samples is the size of the Black population. Republicans who represent larger Black populations are more likely to vote “yea” than Republicans who represent smaller Black populations. It is conceivable that the size of the Black population may either increase or decrease a Republican legislator’s support of OVR. For example, due to the persistence of the digital divide (Mossberger, Tolbert, & McNeal, 2007), it may be the case that eligible minority citizens may be less likely in practice to take advantage of an OVR system. As such, Republicans representing districts with greater percentages of African Americans may see OVR as advantaging eligible nonminorities in their districts. We encourage future researchers to explore this further.

The variance components reported in the bottom of Table 3 demonstrate the amount of residual variation at each level. The fact that the absolute value of the state-level variance component is larger than the chamber-level variance component in the full sample as well as the Republican-only sample provides evidence that there is more variation in voting behavior between states than between chambers in the same state. It is also worth noting that a chamber-level variance component fit to the Democratic-only sample is very near zero, as discussed above. This reveals that there are very few
Figure 3. Chambers’ partisan and electoral conditions shape Democratic votes on OVR.

Note. Figures are based on quantities derived from the second column of coefficients in Table 3. In Figure 3b, on the vertical axis label, ME = marginal effect. OVR = online voter registration.

differences between Democrats in different chambers but in the same states, conditional on the covariates.
Conclusion

OVR is perhaps the hottest election administration reform today. As Figure 1 shows, OVR is on the books in more than a dozen “red” and “blue” states that stretch from Georgia to California, West Virginia to Washington. Lauded for lowering the barriers to registration, its modernizing ease, and its cost savings, OVR’s advocates are indeed many—from the proudly bipartisan PCEA (which was cochaired by the lead campaign lawyers for President Obama and Mitt Romney in 2012), to the middle-of-the-road Pew Charitable Trusts, to the liberal League of Women Voters and Advancement Project, to the conservative Republican National Lawyers Association. As one scholar writes, “[I]n an era of polarizing, vitriolic arguments over election rules, support for online voter registration is strikingly bipartisan” (Cobb, 2014).

As we demonstrate with our comprehensive analysis of the legislative adoption of OVR, however, looks can be deceiving. Despite the many claims of OVR being a bipartisan issue, a latent divisiveness persists, especially among elected members of the Republican Party. Sometimes that underlying divisiveness becomes manifest. In the fall of 2013, for example, the Minnesota Democratic secretary of state, Mark Ritchie, took it upon himself to implement OVR. Ritchie’s spokesman said the reform “follows a series of other digital services we have introduced to help Minnesotans, while saving taxpayers’ money” (Davis, 2013). But several Republican lawmakers disagreed, successfully suing Ritchie in state court. The court issued an injunction suspending OVR, agreeing with the GOP plaintiffs that Ritchie’s unilateral action usurped the legislature’s authority. Immediately after the judge’s decision, however, the Democratic-controlled state legislature passed legislation to allow OVR, which was immediately signed into law by Democratic Governor Mark Dayton.

In Texas, too, the partisan politics over OVR are hidden in plain sight. In 2015, Republican county officials overseeing local voter registration in Texas actively opposed Democratic-sponsored legislation establishing OVR, averring that it could encourage fraud and claiming “[o]ur state is not ready” (Roth, 2015). The bill died in committee. And there is continued Republican opposition toward OVR among legislative leadership in Ohio, Pennsylvania, and other states, even in the face of support from their top (and in the case of Ohio, Republican) election officials (Murphy, 2015; Rowland, 2015). But countering these examples is a reversal of partisan support. For instance, in the case of Georgia, a heavily Republican legislature implemented OVR and did so in the face of unusually high Democratic opposition (see Table 1).

The apparent disjuncture over the popular claims that OVR has cut across the partisan divide gives us pause. Perhaps there is a simple problem with the
definition of bipartisan. Does bipartisan merely mean a majority of members of both parties favoring a measure, even if one party’s majority support is markedly less than the other? In the case of online registration reforms, overall, Democratic legislators exhibit near unanimity in their support of this reform (94% in our data set). By comparison, 73% of Republican lawmakers favor OVR—a rate substantially and significantly lower than their Democratic peers. Despite the considerable dissent among Republican lawmakers, OVR is widely hailed as a bipartisan reform.

Ironically, when we move past the partisan disparity in OVR support, which we have argued is linked to competing strategic and philosophical motives concerning accessibility to the franchise, it appears that both Democrats and Republicans oppose this electoral reform primarily due to political considerations. The extant evidence strongly suggests that OVR has proven more secure than paper registration, costs significantly less, and only registers applicants who are citizens and whose identity (via a driver’s license or state-issued ID) already exists in a state’s database of public records. In short, if OVR was only about ensuring legitimately qualified voters are registered, then perhaps bipartisanship would be even more impressive. Of course, there is an obvious naivety to this statement. What really matters is whether certain lawmakers view OVR as a reform that can potentially jeopardize their political careers. Hence, it is no wonder that both Democrats and Republicans are less likely to vote in favor of OVR if they represent more competitive districts. Likewise, we have uncovered other factors that condition Democratic and Republican support for OVR, and even though the variables might not act in concert for both parties, their influence on lawmaker voting is rooted in the nature of partisan and electoral competition.

Alas, even with a modernized electoral reform that appears wholly pure of any partisan-based motives and designed to save money, ease registration, and hence expand participation, the absence of consensus is tied to electoral politics. Based on what we know about the legislative adoption of OVR thus far, it seems the only plausible objection to this reform is whether it will place one of the parties or specific lawmakers at a disadvantage. Indeed, our analysis strongly suggests that in the face of uncertainty, contextual factors that indicate a potentially negative and asymmetric effect of implementing OVR prompt Democratic and Republican lawmakers alike to exhibit a bipartisan proclivity to oppose this election reform.

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Notes
1. There are multiple forms of “automated” paperless voter registration in place across the states, including voter registration data electronically transmitted from Department of Motor Vehicles (DMV) offices directly to local election officials (Ponoroff, 2010). Here, we are interested only in forms of pure online voter registration (OVR), enabling individuals to register to vote online without taking an additional step (e.g., registering in person at the DMV or another state or federal agency).
2. We should note that from 2002 to 2015, the only states that never enacted, let alone even proposed OVR, include four located in the Mountain West/Great Plains (Kansas, North Dakota, South Dakota, and Wyoming) and two in New England (New Hampshire and Vermont). Because we are not entirely sure what are all the factors that necessarily condition the introduction and passage of OVR, at least we can say that in the half-dozen states where it has not been given consideration, the populations are heavily White, rural, and small. In these settings, it is likely that OVR would indeed be a luxury in a context where a less convenient form of registration is nonetheless satisfactory. And without delving into the specific census data on these states, suffice it to say that they consist of large elderly populations and we know that older voters are less likely to avail themselves of electronically based innovations, including OVR. Thus, lawmakers in these states probably do not see much demand for this electoral reform.
3. Here is the relevant language for the 2012 Republican Party platform:

[W]e applaud legislation to require photo identification for voting and to prevent election fraud, particularly with regard to registration and absentee ballots. We support State laws that require proof of citizenship at the time of voter registration to protect our electoral system against a significant and growing form of voter fraud. Every time that a fraudulent vote is cast, it effectively cancels out a vote of a legitimate voter. (http://www.ontheissues.org/Celeb/Republican_Party_Government_Reform.htm)

4. We analyze OVR legislation passed by 20 of the 22 state legislatures through the year 2015. We exclude from our analysis the legislative votes on OVR in Louisiana (2009) due to missing legislative district data and in Nebraska (2014) because of the state’s nonpartisan legislative elections. Our analysis excludes the executive implementation of OVR in five states (Arizona, 2002; Delaware, 2011; Kansas, 2009; Missouri, 2014; and New York, 2012). Minnesota initially implemented OVR via executive action in 2013, but then the state legislature adopted legislation in 2015, and we include the state in our analysis. To our
knowledge, between 2002 and 2015, there have been no “third reading” final floor votes on OVR that were defeated in one or both chambers.


6. The multistate study of Kimball and Anthony (2016) is concerned with assessing whether OVR increases voter registration and voter turnout, whereas our emphasis here rests in whether OVR leads to partisan biases with respect to the types of people who make use of this electoral reform.

7. There is evidence in some settings (Alameda, Los Angeles, and San Diego counties) that online registrants are notably less affluent, see Bedolla (2014) and Bedolla and Velez (2014).


9. According to a recent study by the Voter Participation Center (2014), an estimated “42 percent of young people between 18 and 29 who are eligible are not registered, representing 31 percent of all unregistered citizens,” “41 percent of African Americans who are eligible are not registered, representing 12 percent of all unregistered citizens,” and “41 percent of Latinos who are eligible are not registered, representing 16 percent of all unregistered citizens.”

10. McDonald (2013) finds that in Maryland, relative to the traditional paper system, newly registered Republicans were more likely to use the state’s OVR system compared with newly registered Democrats. In contrast, in California, Bedolla and Velez (2014) find that while the proportion of newly registered voters using OVR were similar racially and ethnically to existing voters, demographically they were from low- or middle-income census tracts.

11. We exclude lawmakers who abstained, were absent, or were excused from the final floor vote.

12. We measure the margin of victory for each winning candidate using Berry, Berkman, and Schnieder’s (2000) equation. In each district, they measure the margin of victory as \( MOV = (A - B) / (C / D) \), where \( A \) is the number of votes earned by the winning candidate, \( B \) is the number of votes earned by the losing candidate with the most votes, \( C \) is the total votes for all candidates running in the district, and \( D \) is the electoral magnitude of the district. Our data are derived from Klarner et al. (2013).

13. We derive data for this variable from Klarner et al. (2013).

14. These data are derived from Klarner (2013). We updated these data through 2015 with reference to data provided by the National Conference of State Legislatures at http://www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx

15. Data for polarization are derived from Shor and McCarty (2015). We use states’ most recent, prior polarization estimates if data are missing.

16. Unfortunately, we cannot pinpoint the party of the majority/minority party at the bill introduction stage, a shortcoming that does not apply at the passage stage with the state legislator as the unit of analysis.
17. All of our district-based demographic data are derived from 5-year, state legislative district estimates from the U.S. Census Bureau’s American Community Survey. For legislative votes that occurred prior to 2012, we use demographic quantities estimated from 2005 to 2009. For votes that occurred after 2012, we use demographic quantities estimated from 2008 to 2012. We ensured that demographic information was applied to the correct districts before and after the 2010 redistricting was implemented.

18. The constant represents the population-averaged intercept for the state-specific and chamber-specific intercepts.

19. The probabilities we discuss are in reference to the multilevel logit model and represent “population-averaged” probabilities. Population-averaged probabilities incorporate the random intercepts by averaging the subject-specific probabilities over the distribution of the random intercepts via integration. Our population-averaged probabilities also assume all quantitative variables are held to their mean values, and qualitative variables are held to their median values.

20. An alternative approach is to interact each variable in the full model with the Democrat dummy variable. This approach reveals that the effects of chambers’ partisan composition, polarization, and the size of the Black population on the likelihood a lawmaker votes “yea” vary according to the party affiliation of lawmakers. None of the other interaction effects reaches conventional levels of statistical significance. With this model, we also reject the hypothesis that all interaction effects are jointly equal to zero with both a Wald test and a likelihood ratio test.

21. As noted above, this is evident in an alternative specification where we fit an interaction effect between the Democrat dummy variable and each of the covariates to a sample including both Democrats and Republicans.

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