Electoral Protectionism in the South*

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In August of 1965, the Voting Rights Act ("VRA") explicitly prohibited the most persistent and legally crippling vestiges of southern resistance to the Fifteenth Amendment. The general provisions of the VRA abolished literacy tests, tests of moral character, and all other tests and devices applied throughout the South to discourage registration and voting among black citizens. While the VRA ushered in meaningful progress toward the full exercise of the franchise by southern blacks, it did not extinguish all efforts to shut down the avenues of political power before black citizens. In much of the South, the key provisions of the VRA were met with resistance and circumvention. Well-studied examples of this obstruction include: county consolidations, gerrymandering, and shifting previously single-member districts to at-large districts to dilute the influence of the black vote. In this paper, I examine the much less well-studied question of whether entrenched white majorities also attempted to restrict black citizens' access to non-legislative political offices by changing the selection mechanism for those offices from election to appointment - or by eliminating them altogether - after the passage of the VRA. Applying a difference-in-difference design to county data from the U.S. Census Bureau, I find evidence that the passage of the VRA had a negative effect on the number of elected officials per thousand people serving counties with large black minorities in the South.

Introduction

In August of 1965, the Voting Rights Act ("VRA") explicitly prohibited the most persistent and legally crippling vestiges of southern resistance to the Fifteenth Amendment. Section 2 (42 U.S. Code §1973) of the VRA required that "no voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color," or status as a language minority. To date, Section 2 serves as the basis for extensive litigation over potentially race-motivated election laws.

Section 5 of the VRA targeted jurisdictions in which the federal government believed discrimination against minority voters to be most severe. States, counties, and townships covered under Section 5 were jurisdictions which had previously employed literacy tests or comparable restrictions on voting, and whose rates of turnout and registration among eligible adults of voting age fell below 50% in November 1964. This group consisted primarily of southern states, including seven of the eleven former Confederate states and all five states in the Deep South.[1,2]

The VRA was a significant victory for the Civil Rights Movement. For black citizens living in the South, its impact on registration and voting was widespread and swiftly felt. The table below compares the gaps between registration rates among black and white citizens in several southern states immediately before the passage of the VRA to differences in registration rates 13 years after passage:

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[1]Davidson, Chandler and Bernard Grofman. *A Quiet Revolution in the South*. Ed. Chandler Davidson and Bernard Grofman. Princeton: Princeton University Press, 1994. 4. Print

[2]Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia and 40 counties in North Carolina

	March 1965			November 1988		
	Black	White	Gap	Black	White	Gap
Alabama	19.3	69.2	49.9	68.4	75.0	6.6
Georgia	27.4	62.6	35.2	56.8	63.9	7.1
Louisiana	31.6	80.5	48.9	77.1	75.1	-2.0
Mississippi	6.7	69.9	63.2	74.2	80.5	6.3
North Carolina	46.8	96.8	50.0	58.2	65.6	7.4
South Carolina	37.3	75.7	38.4	56.7	61.8	5.1
Virginia	38.3	61.1	22.8	63.8	68.5	4.7

Source: United States Department of Justice, Civil Rights Division, Voting Section. Adapted from Bernard Grofman, Lisa Handley and Richrad G. Niemi. 1992. *Minority Representation and the Quest for Voting Equality.* New York: Cambridge University Press, at 23-24. `BernardGrofman,LisaHandleyandRichradG.Niemi.1992.MinorityRepresentationandtheQuestforVotingEquality.` `NewYork:CambridgeUniversityPress,at23-24`

Rates of registration among black voters in southern states rose as much as 67% by 1968.[3] In eliminating poll taxes, the VRA significantly increased turnout among black voters, as well as the number of black legislators elected between 1965 and 1985.[4] Poll taxes had previously decimated turnout rates for blacks and some poor whites,[5] and consequently diminished the public resources spent on black constituents, particularly in education.[6] For black citizens in the South, the benefits of the VRA extended beyond the political sphere. Cascio and Washington find that the VRA's removal of literacy testing requirements significantly raised

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[3]Cascio, Elizabeth and Ebonya Washington. "Valuing The Vote: The Redistribution of Voting Rights and State Funds Following The Voting Rights Act of 1965." *The Quarterly Journal of Economics* (2013): 1-55. Web. 16 Dec 2014.

[4]Grofman, Bernard and Lisa Handley. "The Impact of the Voting Rights Act on Black Representation in Southern State Legislatures." *Legislative Studies Quarterly* 16.1 (1991): 111-128. Web. 17 Dec 2014.

[5]Kousser, Morgan J. "Post-Reconstruction Suffrage Restrictions in Tennessee: A New Look at the V.O. Key Thesis." *Political Science Quarterly* 88.4 (1973): 655-683.

[6]Naidu, Siresh. "Suffrage, Schooling, and Sorting in the Post-Bellum U.S. South." NBER Working Paper No. 18129. June 2012. `http://www.nber.org/papers/w18129`.

per capita state transfers to black communities.[7]

Motivation and Research Question

While the VRA ushered in meaningful progress toward the full exercise of the franchise by southern blacks, it did not extinguish all efforts to shut down the avenues of political power before black citizens. In much of the South, where Wolfinger and Field observed that "most municipal institutions seem[ed] to be corollaries of the region's traditional preoccupation with excluding Negroes from political power,"[8]. the key provisions of the VRA were met with resistance and circumvention. County consolidations, gerrymandering, and shifting previously single-member districts to at-large districts to dilute the influence of the black vote all represent examples of what Gerald Rosenberg terms the "time-honored" strategies southern states and localities used to limit black enfranchisement.[9] These strategies are explored extensively in the political science literature. Less well documented in the literature are some of the other disenfranchising tactics Rosenberg identifies. "When blacks attempted to run as candidates," Rosenberg writes,

> discriminatory administration of neutral laws resulted in the following: abolition of the office; extension of the term of the white incumbent; substitution of appointment for election; increase in filing fees; raising of requirements for independent candidates; increase in property qualifications; withholding information on how to qualify; withholding or delaying required certification nominating petitions...[10]

One prominent instance of the discriminatory electoral administration described above occurred after Mississippi's 1966 Democratic primary election:

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[7]Cascio, Elizabeth and Ebonya Washington. "Valuing The Vote: The Redistribution of Voting Rights and State Funds Following The Voting Rights Act of 1965." *The Quarterly Journal of Economics* (2013): 1-55. Web. 16 Dec 2014.

[8]Wolfinger, Raymond and J. O. Field. "Political Ethos and The Structure of City Government." *American Political Science Review* 60.2 (1966): 306-326

[9]Rosenberg, Gerald N. *The Hollow Hope.* Chicago: The University of Chicago Press, 1991. 81. Print.

[10]Ibid.

Another strategy adopted to reduce the impact of the black vote in educational policy-making was the **conversion of elective offices into appointed positions.** Ever since 1906, county superintendents of education in Mississippi had been elected by the voters of each county...After the June 7, 1966 Democratic primary elections, which demonstrated that blacks might develop sufficient voting strength to influence or win county school superintendent positions in some counties, the Mississippi Legislature enacted a new bill authorizing counties to conduct countywide referendums on the question of **abolishing county school superintendent elections and allowing the county school board to fill the position by appointment.**[11]

This paper concentrates on precisely these types of institutional reactions to the VRA. In this paper, I apply a difference-in-difference design to county data from the U.S. Census Bureau in order to test whether entrenched white majorities in counties throughout the United States attempted to insulate themselves from the influence of black voters by systematically eliminating elected positions open to black citizens after the passage of the VRA. I find, in fact, that the passage of the VRA had a negative effect on the number of elected officials per 1,000 people in counties with large black minorities, and that this effect was most pronounced in the South. The following section of this paper reviews the existing literature on this topic, while my data, research design, and results are discussed in detail throughout the subsequent four.

Review of Existing Literature

The fact that states and counties have employed a diverse collection of strategies to disempower black voters after both the Fifteenth Amendment and the passage of the VRA is well established in the literature, but the selection and availability of non-legislative public offices is a relatively unstudied area. The literature that does discuss selection mechanisms for public offices focuses on the question of minority-majority districts, considering whether at-large or single member districts best ensure descriptive and substantive representation for

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[11]Parker, Frank R. *Black Votes Count.* Chapel Hill: University of North Carolina Press, 1990. 65. Print.

black voters. Many of the findings in this literature identify that one way jurisdictions have reacted to the exercise of black enfranchisement has been to dilute the influence of black votes by switching legislative positions at multiple levels of government away from single-member districts to at-large districts drawing on votes from a broader area. Trebbi, Aghion and Alesina report that, after the passage of the VRA, "Mississippi, without much discussion and unanimously, passed thirteen bills concerning the election process, moving various types of elections to an at-large system. The purpose was clearly to dilute black votes."[12] Their results also indicate that minorities stand a far better chance of being elected to office in single district systems, relative to at-large systems.[13]

These findings echo a larger, older body of literature concluding that at-large election systems for legislative offices are detrimental to minority representation. "The evidence from the 1970s," argues Susan Welch, "is clear that blacks were greatly disadvantaged in at-large systems."[14] In their meta-evaluation of the literature on district types and minority representation, Davidson and Korbel find that 12 of 16 comparisons of minority representation in different district types confirm the "conventional hypothesis" that at-large districts allow for less minority influence in politics, and they identify important methodological concerns among the remaining studies.[15] Testing this question on city council elections, Engstrom and McDonald find that their result "strongly supports the proposition that at-large elections, at least in comparison with district-based electoral systems, tend to "under-represent" black people."[16] More recent work in the field of city council elections reaches similar conclusions.

[12]Trebbi, Francesco, Philippe Aghion and Alberto Alesina. "Electoral Rules and Minority Representation in U.S. Cities." *The Quarterly Journal of Economics* 123.1 (2008): 325-257.

[13]Ibid.

[14]Welch, Susan. "The Impact of At-Large Elections on the Representation of Blacks and Hispanics." *The Journal of Politics* 52.4 (1990): 1050-1076.

[15]Davidson, Chandler and George Korbel. "At-Large Elections and Minority-Group Representation: A Re-Examination of Historical and Contemporary Evidence." *The Journal of Politics* 43.4 (1981): 982-1005.

[16]Engstrom, Richard L. and Michael D. McDonald. "The Election of Blacks to City Councils: Clarifying the Impact of Electoral Arrangements on the Seats/Population Relationship." *The American Political Science Review* 75.2 (1981): 344-354.

Trounstine and Valdini find that "for African Americans, having a majority of council members elected by district increases the probability of electing any African Americans to the city council by more than 10 percentage points..."[17] Trounstine and Valdini's surveys of city council members confirm the perception of this fact among councilmembers themselves.

All of the literature described above focuses exclusively on legislative positions at various levels of government. While some authors have suggested that the possibility of electing black citizens to local non-legislative positions generated negative institutional reactions from entrenched white majorities, little empirical analysis of them exists. Detailing southern responses to a rise in black turnout before the Reconstruction, Kousser explains that "Republican triumph in the heavily black counties, on the other hand, meant Negro clerks, Negro legislators, Negro judges, Negro-sheriffs...It was entirely natural, therefore, that whites from the black belt, often of the planter class, led the movements to restrict the suffrage in the South."[18] In this research, I examine whether white majorities attempted to shut off black citizen's access to the non-legislative elected positions like those Kousser describes after the passage of the VRA.

Data

The first empirical challenge for this research lies in measuring the outcome variable of interest: electoral protectionism. Ideally, this could be done with a large set of binary variables indicating whether each public office in every county throughout the United States was an elected office, an appointed office, or had previously been eliminated, for a long series of years before and after the VRA. Each cell in such a panel would represent the selection status of every unique office-county-state-year combination, and the outcome variable would

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[17]Trounstine, Jessica and Melody E. Valdini. "The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity." *American Journal of Political Science* 52.3 (2008): 554-569.

[18]Kousser, Morgan J. "Post-Reconstruction Suffrage Restrictions in Tennessee: A New Look at the V.O. Key Thesis." *Political Science Quarterly* 88.4 (1973): 655-683.

be the relative share of elected offices in each county. A significant decrease in a county's share of elected officials, in this framework, might be construed as evidence of electoral protectionism.

Unfortunately, sufficiently granular data does not exist for U.S. counties. The data that comes closest to capturing this information for U.S. counties is reported in the U.S. Census Bureau's Census of Governments reports, available for 1957, 1967, 1977, 1987 and 1992.[19] These reports contain the total number of elected officials serving each county for each year in which the census is taken. Using these reports and the Census Bureau's population estimates, I interpret the outcome variable as the total number of elected officials serving each county per 1,000 members of each county's population.

The data set used in this analysis contains information on popularly elected officials for each year covered by the Census of Governments. For each county and report year, I include census data on factors that might affect the number of elected officials in each county. These include: total population, black population, population growth over prior census, land area, urban population, family income, educational attainment, unemployment, and rural employment.[20] Since the census of governments and the decennial census are not collected on the same cycle, I match each report year for the Census of Governments to the decennial census data for the corresponding decade. This means that observations for the total number of elected officials by county in 1957 are merged to demographic and economic information from the 1950 census; 1967 observations are merged to the 1960 census; 1977 observations are merged to the 1970 census; 1987 observations are merged to the 1980 census, and 1992 observations are merged to the 1990 census. This is a simplifying, but justifiable approach since any imputation of demographic and economic information for the Census of Govern-

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[19] Available online at `https://www.census.gov/govs/pubs/year.html`

[20] Haines, Michael R., and Inter-university Consortium for Political and Social Research. Historical, Demographic, Economic, and Social Data: The United States, 1790-2002. ICPSR02896-v3. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2010-05-21. http://doi.org/10.3886/ICPSR02896.v3

ments report years would draw its predictive power from existing decennial census data for the corresponding decades.

The resulting data set contains information on 2,855 U.S. counties in 46 states. Alaska, Hawaii, Rhode Island, and Connecticut are excluded from the analysis. Alaska's borough governments do not cover all of the territory in the state, and counts of elected officials serving each borough are not reported consistently in the census. Hawaii does not become a state until 1959; accordingly, census information on counties in Hawaii before the passage of the VRA is incomplete. Connecticut and Rhode island are both divided into geographic counties, but do not have county governments. This data excludes consolidated city-county governments such as Denver and San Francisco, counties that fall completely within Indian Reservations, and counties created after 1957 or eliminated before 1992.

Research Design

In the first set of results discussed below, the passage of the VRA represents the treatment of interest. Yet because the VRA is a federal policy, every county in the nation is treated simultaneously. In theory, however, counties are treated at different levels. As Parker suggests in the Mississippi case, white majorities in counties that witnessed demonstrations of black political power after the passage of the VRA may have had more cause to feel threatened than white majorities in counties that saw little change in political activity among blacks. Accordingly, counties with high levels of black registration and turnout might be expected to have engaged in higher levels of electoral protectionism than counties that did not.

For this reason, the treatment variable I use in this paper is the interaction between a binary variable indicating whether the observation occurs in a year after the passage of

the VRA and a binary indicator for whether or not the county has a large black minority population. Since high levels of registration and turnout among blacks in a given county would be driven primarily by the black population within that county, population share is a reasonable proxy for the level of black political power within a county. The value of the first indicator is 0 for each county in 1957 and 1 for each county in every other year in the data. The second indicator variable was constructed using varying cutoffs for the population share that constitutes a large minority population. Results at three different cutoffs are reported in the following section.

In order to determine whether electoral protectionism took place in counties with large black minorities after the passage of the VRA, I compare the differences in the total number of elected officials per 1,000 population for counties with large and small black minorities before and after the passage of the VRA. This has to be done carefully for two reasons. First, there may be unobserved, systematic differences between counties with large black minorities and counties with small black minorities which also affect the numbers of elected officials that serve those counties. Comparing these two groups to one another directly would almost certainly yield biased results. Second, secular trends in the numbers of elected officials serving county governments may produce apparent increases or decreases in the numbers of elected officials serving counties for reasons orthogonal to the treatment. Reductions in home values and resulting property tax revenues, for instance, might lead to staff reductions that affect the numbers of elected officials serving counties across the United States. If home values fall lower in counties with larger black minorities, my estimate of the VRA's impact would be confounded.

To avoid these two potential sources of bias, I compare each individual county to itself before and after the VRA using a difference-in-difference design. Per Angrist and Pischke, I make the assumption that the unobserved characteristics of each county are the source of

any omitted variable bias.[21] I estimate a model of the following form for each pair of years: 1957-1967, 1957-1977, 1957-1987, and 1957-1992:

$$\Delta Y_i = \alpha + \beta(T_i * B_i) + \gamma \Delta \mathbf{X}_i + \epsilon_i$$

where Y_{it} represents the difference in the total elected officials per 1,000 population and $\mathbf{X}_i$ represents a vector of variables that may affect the total number of elected officials serving a county, similarly differenced for the corresponding pair of years. These include: total population, population growth relative to the prior census, land area, percent of the population living in urban areas, median family income (indexed to 2014), the share of adults 25 or older who have completed high school, the unemployment rate in the civilian labor force, and the share of total county land area devoted to agriculture. T takes on a value of 1 for each observation that post-dates the VRA and a 0 for each observation that pre-dates the VRA. B_{it} is a binary indicator that takes on the value 1 for each county with a large black minority population and a 0 for each county with a small black minority population. The coefficient of interest is therefore β, which should represent the effect of the VRA on counties with large black minorities.

Results

Before proceeding with the estimation results, it may be useful to examine some summary statistics on county elected officials. The set of elected officials serving each U.S. county during this period is remarkably comparable within and between counties. County elected officials typically consist of county supervisors (legislative positions elected by district or ward within the county), commissioners (executive), clerks, coroners, justices of the

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[21] Angrist, Joshua D. and Jörn-Steffen Pischke. *Mostly Harmless Econometrics.* Princeton: Princeton University Press, 2009. 227. Print

peace, judges, sheriffs, surveyors, tax collectors, treasurers and superintendents of schools. Some variation does exist between counties. Some counties, for instance, employ elected constables in addition to sheriffs. In cases where school districts are governed independently of counties, school superintendents are not technically a part of each county's government. More substantial variation in county government structure is uncommon. The table below displays the mean number of officials serving counties in the South and outside of the South by year. Throughout this paper, I define the South as the set of former slave states and territories excepting New Mexico[22]:

**Mean Number of Elected Officials Serving Each County by Region and Year**

Region	1957	1967	1977	1987	1992
South	18	23	21	18	17
Non-South	18	26	21	19	22
National	18	25	21	18	19

One striking trend that begins to appear in the table above is that the number of elected officials serving counties in both southern and non-southern states appears to *increase* between 1957 and 1967. At first, that may make it seem difficult to justify the claim that residents in counties with substantial black minority populations are served by reduced numbers of elected officials. Yet breaking out the 1957-1967 change in numbers of elected officials per 1,000 residents by counties with large and small black minority populatons reveals notable differences between the two sets of counties. Each vertical bar in the two panels below represents a county. The panel on the left represents the set of counties with a black population share of less than 10%, while the panel on the right represents counties with black population shares between 10% and 50%. The horizontal lines in each panel represent the average

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[22]Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

growth for all counties in each panel that experienced growth and the average decline for
for all counties in the panel that experienced decline. The graph below illustrates the fact
that, when counties with substantial black minority populations experienced growth in the
number of elected officials per 1,000 residents serving them they experienced less growth on
average relative to counties without substantial black minority populations. Similarly, when
counties with substantial black minority populations experienced decline in the number of
elected officials per 1,000 residents serving them, they experienced greater declines on av-
erage than counties without substantial black minorities. It's this disparity that drives the
primary results outlined in the rest of this paper.
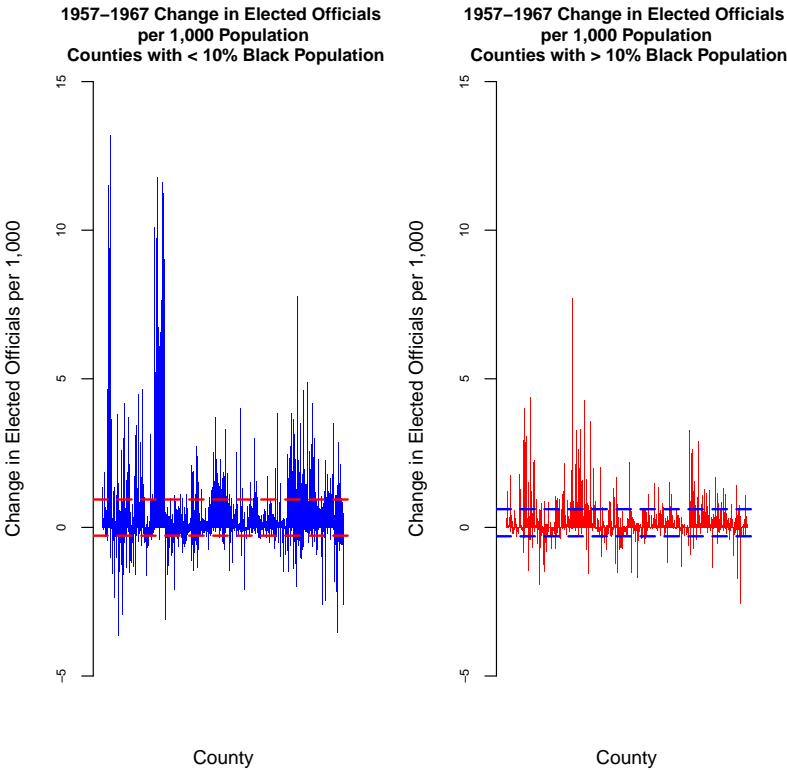
Passage of the VRA as Treatment

The plots below summarize the estimated effect that the passage of the VRA had on
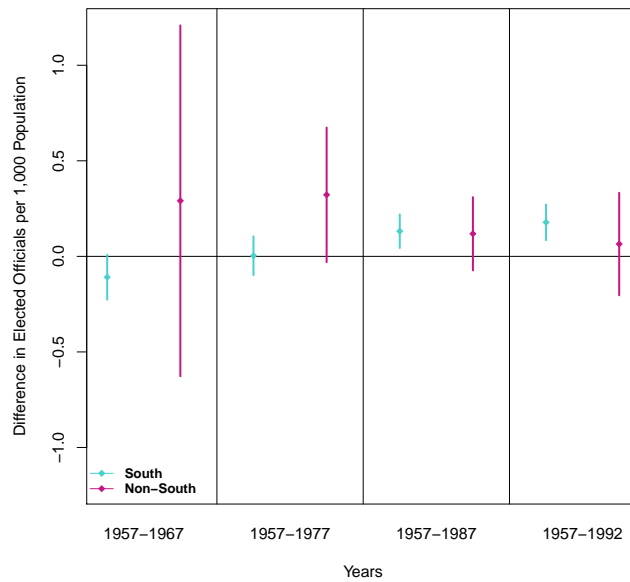counties with large black minorities at three different cutoff values for what constitutes a

large black minority. For each county and year, the variable B_{it} is set to 1 if the county has a black population share above the corresponding cutpoint but below 50%. Results for majority black counties are presented later in this section. While the cutpoints are admittedly arbitrary, the results are not sensitive to the levels used to designate areas with large black minorities. The effects presented below do not change if B_{it} is instead coded as a continuous variable representing each county's black population share. 10%, 15% and 20% may not intuitively seem like large population shares, but they are representative of counties where black minority populations are large enough to be salient while remaining minority populations. I apply the model to counties within the South and counties outside of the South separately to illustrate regional variation in the effect size.

Estimated Change in Elected Officials per 1,000 People Before and After the VRA:
Counties with Substantial Black Minority Populations (10% or Higher)

Estimated Change in Elected Officials per 1,000 People Before and After the VRA:
Counties with Substantial Black Minority Populations (15% or Higher)
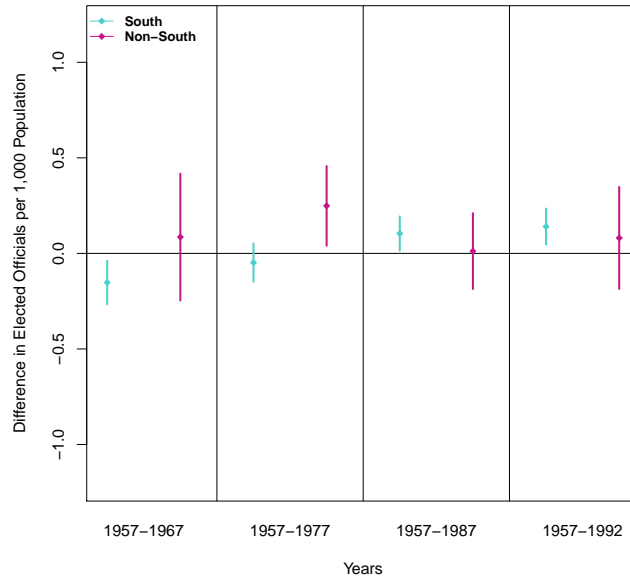
Estimated Change in Elected Officials per 1,000 People Before and After the VRA:
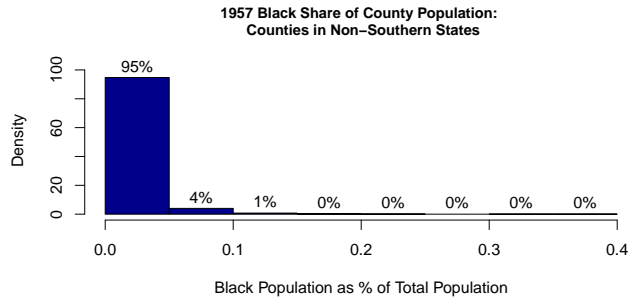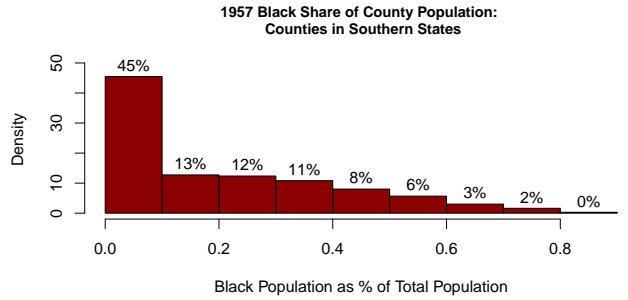**Counties with Substantial Black Minority Populations (20% or Higher)**

These estimates suggest that the numbers of elected officials serving counties with large black minority populations were impacted negatively shortly after the passage of the VRA in the South. The VRA does not appear to have had a significant impact on elected officials in counties outside of the South in any period following 1957. The fact that 1957-1967
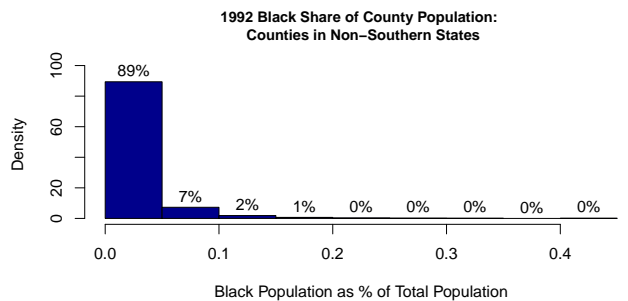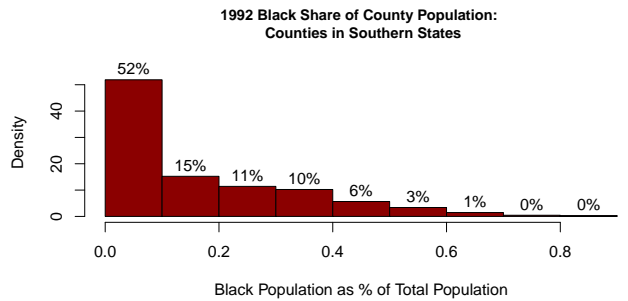
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represents the only period with a significant, negative effect is unsurprising. The provisions of the VRA were extended in 1975 and again in subsequent years. While extensions of the VRA could not have made as much of an impact on black political participation as the original ratification of the VRA, ongoing litigation and protracted enforcement of the VRA in the decades following its passage gradually did erode barriers to enfranchisement like the one I focus on in this paper. In *Allen v. State Board of Elections* (393 U.S. 544 1969), the Supreme Court specifically sided with Congress against Mississippi and Virginia, forbidding the two states to attempt large-scale coversions of elective offices to appointed ones on the grounds that Section 5 extended beyond changes to *voting* laws and covered changes to all election procedures.

Note the dearth of counties with large black minorities outside of southern states. The vast majority of counties with large black minorities are located in the South throughout this period. In 1957 and 1967, only 4 counties in the data with black minority population shares larger than 20% were outside of the South. The peak number of counties outside of the South with black minority populations larger than 20% is 12 in 1992. This imbalance is what underlies the large standard errors associated with effect estimates for counties outside the South in the first three plots. The national distribution of counties with large black minorities likewise explains why the effects of the VRA in the South drive the nationwide results. The histograms below demonstrate the fact that counties with substantial black populations are concentrated in the South throughout this period.

1957 Black Share of County Population:
Counties in Southern States

45%
13% 12% 11% 8% 6% 3% 2% 0%

Density

Black Population as % of Total Population

1957 Black Share of County Population:
Counties in Non−Southern States

95%
4% 1% 0% 0% 0% 0% 0%

Density

Black Population as % of Total Population

While the last few years of the Great Migration contributed to increases in black population levels for some counties outside of the South, the distributions of county black population shares in 1992 do not change significantly between 1957 and 1992.

1992 Black Share of County Population:
Counties in Southern States

52%
15% 11% 10% 6% 3% 1% 0% 0%

Density

Black Population as % of Total Population

1992 Black Share of County Population:
Counties in Non−Southern States

89%
7% 2% 1% 0% 0% 0% 0% 0%

Density

Black Population as % of Total Population

17

Majority Black Counties

A largely similar pattern of effects appears for majority black counties. The negative, though not statistically significant, result for majority black counties in the 1957-1967 is consistent with the narrative of the 1966 Mississippi case discussed in the introduction [23]. In the Mississippi case, the state legislature authorized the conversion of elected superintendencies into appointed offices in a set of counties that were almost all majority black. Black candidates had won a countywide majority or plurality vote in 1966 primaries held in three of those counties. The Mississippi case exemplifies the fact that changes to the selection process for county offices could originate from the state, ensuring that even majority black counties would remain governed by whites. It's plausible to think that the VRA intensified this type of "top-down" electoral protectionism, producing the negative effect we see for majority black counties. Since, however, majority black counties would indeed have been less likely to eliminate or convert their own elective offices we can expect that such policy changes would have originated from within these counties with much less frequency. We would expect, consequently, the type of attenuation in the effect of the VRA relative to its effect in counties with substantial black minorities demonstrated in the plot below. This attenuation already begins to appear in the series of previous results, where the point estimate for southern counties with black population shares between 20% and 50% is negative but not statistically indistinguishable from zero. This suggests that it may become more difficult for white majorities to engage in electoral protectionism in counties where fully enfranchised blacks represent a significant minority.

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[23]There are no majority-black counties outside of the South throughout 1957-1992.

**Estimated Change in Elected Officials per 1,000 People Before and After the VRA:
Majority Black Counties**
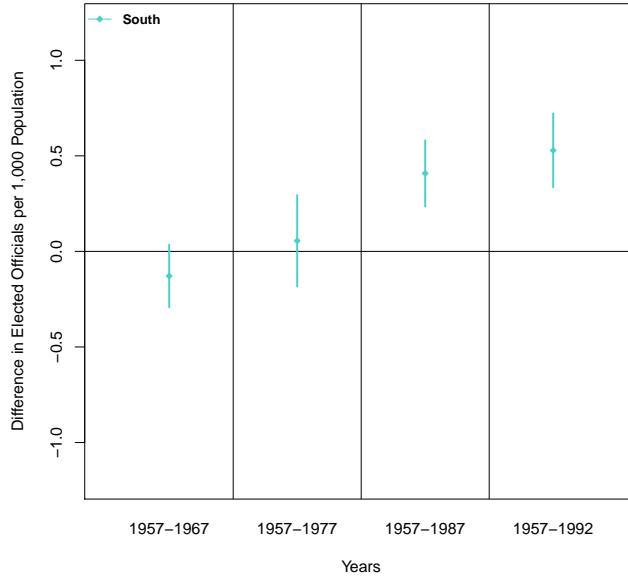
Preclearance Counties

In this section, I examine the effect of preclearance coverage under Section 5 of the VRA. Here, I estimate a very similar model to the one previously detailed in the research design section such that:

$$\Delta Y_i = \alpha + \beta_1 P_i + \beta_2 S_i + \gamma \Delta \mathbf{X}_i + \epsilon_i$$

Here, P_i represents a binary indicator for whether each county is designated as a Section 5 preclearance county in the given year [24]. I remove counties that are "bailed out" under section 4(a) and add counties that are bailed into coverage. S_i is a continuous variable that represents the differenced share of black population for each county in each pair of years. In this case, I don't assume an interaction effect. Since the coverage formula that the federal government used to identify counties subject to preclearance was, in large part, a function of black population share, preclearance counties are all counties with substantial black minority

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[24]http://www.justice.gov/crt/about/vot/sec_5/covered.php

populations. I have no reason to expect an interaction effect between these two variables beyond the effect implicitly captured in the preclearance indicator P_{it}. The vector of additional county covariates, X_{it}, does not change from previous specification. My estimates for β_2, the effect of preclearance coverage on the number of elected officials per 1,000 residents in southern counties, is summarized in the plot below.

Estimated Change in Elected Officials per 1,000 People Before and After the VRA: Southern Preclearance Counties
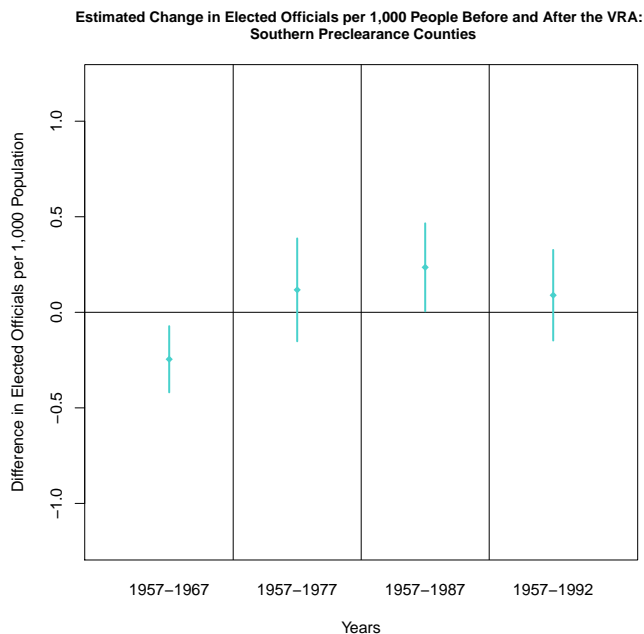
Counties outside of the South do become subject to preclearance. All counties in Alaska and Arizona are added by 1975, along with three counties in California; Bronx and Kings counties in New York; and Shannon and Todd counties in South Dakota. Since my data exludes Alaska, the consolidated city county governments in New York, and Indian Reservations, I only capture information for the 17 preclearance counties in Arizona and California. Inferences drawn from a sample of this size would not be reliable. These results reflect the findings presented in the previous section. Thet suggest that, even within the South, counties subject to preclearance were exceptionally likely to insulate themselves from the black vote by converting or eliminating elective offices until legal challenges in the late 1960s and

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early 1970s specifically prohibited this practice.

Discussion

One potential threat to inference in this case rests in the possibility of a spurious effect between 1957 and 1967. While the trends illustrated above may already suggest this is unlikely, I checked the robustness of my results by applying the model using 1977 as the treatment year. If the VRA's date of passage was not an appropriate choice of treatment, and if its more significant provisions were delayed, I would find similarly significant negative treatment effects using 1977 as the year of treatment. In fact, I do not. There appears to be no significant movement in the numbers of elected officials per 1,000 residents serving counties with large black minority populations immediately following the passage of the VRA. This is an indication of the fact that the results presented earlier do capture the impact of legislation passed during the civil rights movement, and that it was the initial passage of this legislation that spurred electoral protectionism in southern counties. Some of the positive trends that appear in later years mirror the findings presented earlier in this paper; these are a reflection of the long term efficacy of the VRA.

**Estimated Change in Elected Officials per 1,000 People Before and After the VRA:
Counties with Substantial Black Minority Populations (10% or Higher)**

**Estimated Change in Elected Officials per 1,000 People Before and After the VRA:
Counties with Substantial Black Minority Populations (15% or Higher)**
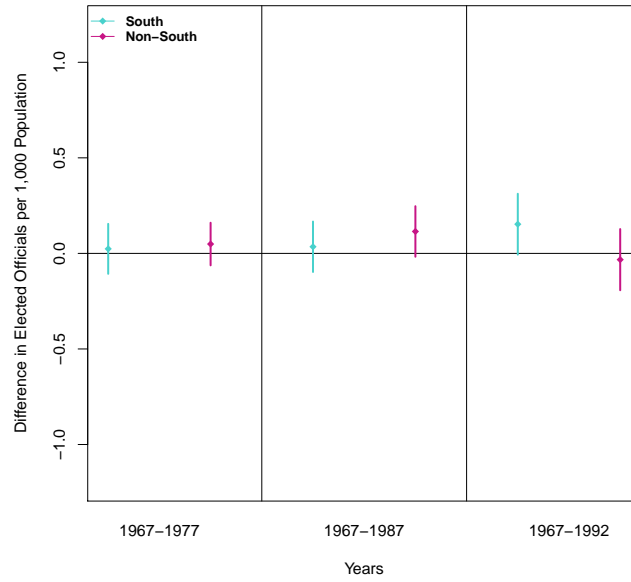
Estimated Change in Elected Officials per 1,000 People Before and After the VRA:
Counties with Substantial Black Minority Populations (20% or Higher)
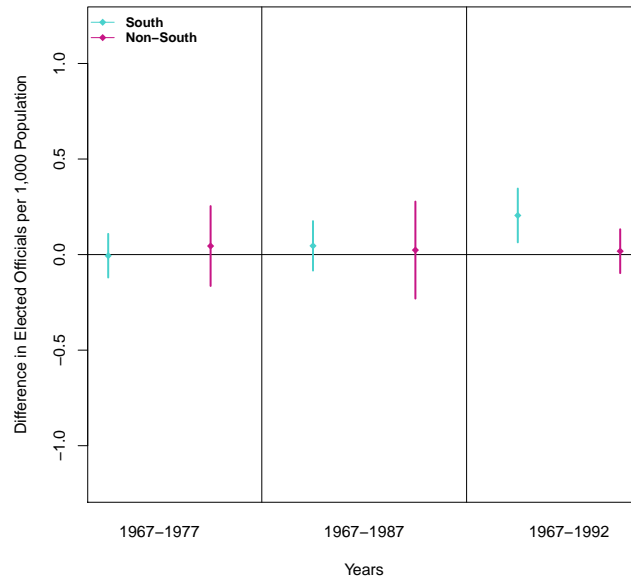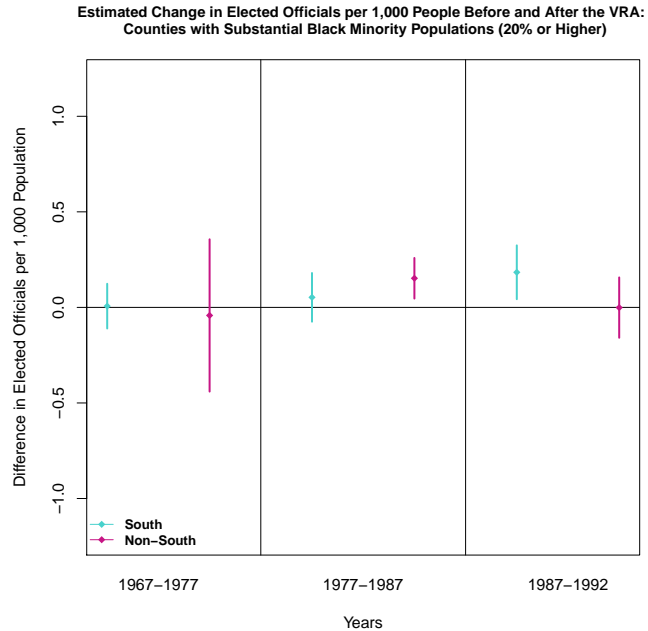
Another point worth discussing is the fact that the number of total elected officials per 1,000 members of the population is not a perfect proxy for the total number of elected offices. Its most significant limitation is the fact that it does not capture any information about appointed offices or officials. Consequently, there is no way to prove that a reduction in the total number of elected officials for any given county is the result of a shift from election to appointment as a selection mechanism for that office. One way to have addressed this might have been to use the total public employment in each county as a denominator rather than population, since total public employment necessarily includes appointed officials. I do not take this approach in this paper for two reasons. First, the total number of employees serving each county fluctuates significantly year over year; it is not uncommon, for instance, for small counties to double in size in one 10 year period. This makes total employment a noisy measure. Second, many counties have unpaid elected officials. Since the number of total employees necessarily reflects employees on the payroll, many of the elected officials in this data would not appear in the list of total employees for their respective counties. More granular data on county offices would permit a precise distinction between elected and

appointed officials.

Despite this shortcoming, the number of total elected officials serving each county still provides meaningful information on county reactions to the VRA. The census of governments provides extensive qualitative detail on the organization of county governments, and the county government structures covered in these reports are remarkably stable.[25] While counties occasionally abolish certain offices, the overall structure of county governments throughout the United States is consistent. The elimination of entire government functions and large-scale restructuring are exceedingly rare events. Even large reductions in staff tend not to reduce a county below a minimum set of law enforcement, tax assessment, judicial, and legislative functions. The numbers of officials serving in these functions is relatively comparable between counties, and within counties in various years. The assumption that changes in the number of officials serving in a very stable set of offices result primarily from population growth or reduction, shifts in the economic climate, or deliberate removal of certain offices is therefore relatively plausible. The former two cases do not threaten the validity of this analysis since each county is compared to itself in a previous year.

The results of this analysis clearly suggest that the VRA had a negative short term impact on the total number of elected officials serving counties in the South with large black minorities. An alternative explanation for this effect is a difficult one to imagine, since it occurs against the backdrop of substantial population growth and corresponding growth in the size of county governments. This finding appears consistently across various interpretations of what constitutes a large black minority, and is unique to the few years immediately surrounding the VRA. While more specific data would allow for precise identification of the mechanism by which the numbers of elected positions in counties with large black minorities either failed to grow at the same rate as their more homogenous counterparts or found

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[25]See, for example: 1992 Census of Governments. Volume 1: Government Organization. No. 2: Popularly Elected Officials. Appendix A. Available online at `https://www.census.gov/govs/pubs/year.html`

themselves deliberately reduced, the findings in this paper suggest that the passage of the VRA exacerbated one or both in the short term.