



CSLS SPEAKER SERIES

Monday, January 14, 2019

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“Passive Voter Suppression”

(co-author Douglas Spencer)

The past decade has seen the proliferation of laws designed to suppress the vote. For many critics, the enactment of voter ID laws, the tightening of registration rules, and reduction of early voting mark a return to a Jim Crow era in which literacy tests, poll taxes, and white primaries suppressed the African American vote. Given this striking analogy to our painful racial history, it is no surprise that voting rights advocates have focused so much attention on halting these new voter suppression tools. But statistical assessments of the new voter suppression tools reveal an inconvenient fact: these laws have not significantly suppressed the vote. It is not just African Americans turnout that has remained steady, but also the turnout of poor voters.

Even so, the poor continue to be severely disenfranchised. Though the turnout gap between blacks and whites continues to decline even with the new voter suppression techniques, the rich-poor turnout gap remains large and constant. We argue that a focus on active measures to suppress the vote distracts from a more important source of voter suppression—the mobilization decisions of campaigns.

By reducing the information costs of voting and activating social networks, campaigns' contact of individuals during elections seasons has significantly large positive effects on turnout. Campaigns use a calculus of contact leads to their disproportionately low contact of the poor. We label campaigns' intentional neglect of the poor “passive voter suppression” and argue that it, more than the new voter suppression tools, functions to effectively disfranchises poor people. We conclude by arguing for two legal interventions that could change campaigns' calculus of contact and increase their incentives to contact the poor.

PLACE Selznick Seminar Room, 2240 Piedmont Avenue
TIME **12:45 – 2:00pm.** Coffee and water provided. Bag lunches welcome.
INFO <https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>
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