

When More Access Means Less Representation: Subtle Forms of Southern Resistance to the Voting Rights Act

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Word Count: 10,372

Abstract

How do dominant groups respond to electoral interventions designed to help minority groups? This paper explores this question by looking at the Voting Rights Act (VRA). The VRA, enacted despite strong Southern opposition, enfranchised millions of Southern blacks and sought to increase black representation. Its positive effects on the former are well documented, but what about its impact on the latter? Using a newly collected dataset on elected officials in 1,101 southern counties in tandem with a novel differences-in-differences design, I show that, in the period between 1965 and 1969, the VRA reduced the number of elected officials serving southern counties. I further show that this is especially true for counties with increasingly politically active black populations. This suggests that southern whites eliminated positions that they thought would be filled by southern Blacks. More broadly, these findings suggest caution: When faced with an external intervention designed to impact representation, members of dominant groups may simply find ways to maintain the status quo.

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1 Introduction

In August of 1965, the Voting Rights Act (“VRA”; “the Act”) explicitly prohibited the most persistent and legally crippling vestiges of southern resistance to the Fifteenth Amendment. The Act had several critical provisions. Section 2 (42 U.S. Code §1973) 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 abridgment of the right of any citizen of the United States to vote on account of race or color,” or status as a language minority. This provision was aimed primarily at state and local governments across the south that had widely adopted literacy tests to prevent Black citizens from registering and casting ballots (Keyssar, 2000; Kousser, 1974). By 1965, literacy tests were among the last sweeping legal barriers to Black political participation surviving in the south¹.

One of the most unique provisions of the VRA, Section 5, targeted jurisdictions in which the federal government believed discrimination against minority voters to be most severe. State and local governments specifically identified under Section 5 would be required to obtain permission from the federal government, or “preclearance,” before making any changes to their election practices or procedures. The Act empowered the Department of Justice (DOJ) to sue jurisdictions which failed to submit legal changes for review and to deploy federal examiners to ensure that local governments complied with federal law (U.S. Commission on Civil Rights, 1975)

¹Grandfather clauses granting exemptions to literacy tests or poll taxes for people who could show their ancestors voted in various pre-Civil War benchmark years were declared unconstitutional in *Guinn v. United States* and *Myers v. United States* (1915). The *Smith v. Allwright* decision outlawed white-only primaries in 1944, and the 24th Amendment abolished poll taxes at the federal level in 1964. Poll taxes for state and local elections would be declared unconstitutional in 1966’s *Harper v. Virginia Board of Elections*.

- a feature unprecedented in both its expansion of federal oversight over elections and its basis in the assumption that that state and local governments would flout national law rather than follow it (Mickey, 2015). As of the VRA's original passage, the jurisdictions required to obtain federal preclearance were places that 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 1964². Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia and 39 counties within North Carolina were the first places required to obtain preclearance before pursuing changes to any laws concerning voting and elections.

Social scientists have provided compelling evidence that the VRA and its preclearance provision were highly effective at ending Jim Crow means of suppressing Black registration and turnout (Grofman, Handley and Niemi, 1992; Cascio and Washington, 2014; Fresh, 2018; Ang, 2019). But did it effectively block all strategies to dilute Black political power? Did the Act effectively promote Black representation? A series of qualitative, historical examples suggest that preclearance jurisdictions fought hard to keep Black voters from exercising the franchise and preserving the political legacy of Jim Crow even *after* the VRA passed in 1965 (Parker, 1990; Rosenberg, 1991; Keyssar, 2000). In this paper, I provide a new theoretical framework for understanding the substitution effects caused by democratizing interventions like the VRA. I argue that, when blocked from enacting certain voter suppression measures, incumbent elites will turn to new methods to promote their political power that were either unnecessary or suboptimal under the previous legal regime. Although these new methods for disenfranchising the opposition (in this case, Black voters across

²This formula, used to identify jurisdictions that would become subject to federal oversight, is detailed under Section 4(b) of the VRA. Congress extended and updated the specific triggers outlined in the coverage formula in 1970, 1975, 1982, and 2006.

the south) may fail to promote their power as effectively as the infrastructure they had previously relied upon to maintain power, they do make interventions from an external regulator less likely. I test this theory using county-level data from the south in the years surrounding the passage of the VRA.

I focus on the period between 1965 and 1969, when guidelines for the implementation of preclearance were not yet fully clarified ([U.S. Commission on Civil Rights, 1975](#)), and show that jurisdictions throughout the south attempted to resist the full impact of preclearance by manipulating a set of election practices they believed would not be subject to federal oversight: selection procedures for elected offices. That is, incumbents in preclearance jurisdictions attempted to circumvent the VRA by either converting elected offices to appointed ones, often so that they might be filled by white governors or all-white legislative bodies, or abolishing those offices altogether to prevent the election of Black candidates ([Parker, 1990](#)). I use a difference-in-differences design to show that counties subject to preclearance after the VRA passed removed elected offices serving their constituents, while counties never subject to federal oversight did not. Furthermore, I find that this effect is even more intense in preclearance counties with larger Black populations and larger Democratic majorities (and therefore more electoral incentive to counteract the VRA).

These results add an important dimension to a burgeoning literature on democratic backsliding in the United States, where researchers have pointed out that political actors in developed democracies often exploit legal ambiguity to maintain power even at the expense of democratic principles ([Helmke, Kroeger and Paine, 2022](#)). While we know that the nature of access to the franchise is itself shaped by strategic political actors looking to expand their shares of any possible electorate ([Keyssar, 2000](#); [Bateman, 2018](#); [Teele, 2018](#)), this paper introduces a broader framework for thinking about electoral manipulation. First, this paper addresses electoral insti-

tutions extending beyond the ballot box itself; I discuss the particular importance of elected offices in Section 3. Second, this paper leverages a unique data structure allowing rare causal leverage identifying the decisions incumbents made following the VRA. Finally, while the immediate focus here concerns historical events, the patterns that emerge in this data remain deeply relevant to contemporary debates over voting rights. In 2013, the Supreme Court effectively shut down the DOJ’s oversight of changes to election practices and proceedings in its *Shelby v. Holder* decision. This caused an uproar among legal advocates for voting rights, who feared a return to the largely undemocratic regime that so effectively excluded Black voters before the VRA went into full force. This paper’s results provide a demonstration of the exact behaviors that founded contemporary fears. Additionally, a growing series of studies have shown that state governments in the south have made significant policy changes in the absence of preclearance (Ang, 2019; Cantoni and Pons, 2019; Komisarchik and White, 2022). While portions of the VRA left intact and other federal legislation keep many of the strategies used to disenfranchise Black voters after the end of the Reconstruction illegal, the extent to which subtler manipulations like converting or abolishing elected offices remain proscribed is much less clear after *Shelby* and other recent court decisions (McCrary, Seaman and Valelly, 2006).

2 Manipulating Electoral Rules

In democracies with competitive elections, the need to win and hold office consistently provides party elites with incentives to manipulate electoral rules and procedures (Aldrich, 1995; Keyssar, 2000; Ansell and Samuels, 2014). This is particularly true when the underlying electoral arena shifts (Boix, 1999), as it might with the mass enfranchisement of millions of new Black voters, and incumbents no longer

benefit from the status quo. Institutionalized efforts to reshape election practices, however, are not universal. Party elites may choose to eschew this approach if (1) they believe they might generally win free and fair elections (2) opponents are not concentrated or numerous enough, or are too difficult to identify or target effectively (Blalock, 1967) (3) opponents may not diverge from them greatly on policy preferences (4) the costs in terms of perceived political legitimacy (Hafner-Burton, Hyde and Jablonski, 2014; Rozenas, 2016) or the risk of federal intervention are too high. Absent these conditions, party elites often seek to exclude opponents from the electoral process.

To achieve a rebalancing of the electorate in their favor, party elites have two broad categories of options: what Epperly et al. (2020) term “ad-hoc, extra-legal, and decentralized” means (e.g. voter intimidation, violence, providing voters with misleading or inaccurate information, etc.), or “institutionalized, legal, and centralized” means. Tools from these two categories are not mutually exclusive, and in practice white incumbents in the south deployed both strategies against Black voters (Key, 1949; Kousser, 1974; Francis, 2014; Mickey, 2015). Several scholars have advanced the argument that broad legal regimes for disenfranchisement are generally preferable to incumbents seeking to hold on to power because they are more sweeping, effective, and durable than ad hoc violence (Epperly et al., 2020; Levitsky and Way, 2010). Furthermore, institutional means of disenfranchising voters avoided the chief drawbacks that came with a strategy of disenfranchising groups of voters through violence: highlighting the state’s inability to preserve order (Johnson, 2010), which degrades public trust and discourages everyone’s participation, and arousing the ire of federal regulators who had just physically occupied the south to ensure compliance with the Reconstruction Amendments (Valelly, 1974; Gibson, 2013).

Epperly et al. (2020) focus on the period following the end of the Reconstruction,

but the framework they introduce for thinking about how incumbents who want to manipulate electoral rules choose between the levers available to them is a useful one in the context of the VRA. The underlying context had changed little between the end of the Reconstruction and the passage of the VRA: white incumbents in the south were still looking for ways to exclude a numerous Black electorate with preferences over policies and candidates they knew diverged significantly from their own. The constraints incumbents faced were also similar. Congress had just passed the Civil Rights Act and the VRA, and the executive branch had signaled its willingness to enforce desegregation after the *Brown* decisions. What *had* changed relative to the post-Reconstruction context, however, was that the profoundly effective legal architecture used to disenfranchise Black voters throughout the south had been under assault for years. The VRA eliminated one of the *last* institutional barriers to voting for Black citizens in the south; white-only primaries and grandfather clauses had already been declared unconstitutional and poll taxes would not survive the 1960s.

The decision before incumbents at the end of the Reconstruction was whether to rely on violence and ad hoc means or to create durable institutions to lock Black voters out. This was a decision between two massively different ways to structure institutions. Indeed, much of the broader literature in comparative politics that addresses institutions and democracy focuses on the “big” institutional shifts such as coups, mass violence, complete legal disenfranchisement, or things like system-wide changes from majoritarian elections to proportional representation (Miller, 2021; Acemoglu and Robinson, 2006; Boix, 1999; Cox, 1997). Yet the relevant question for white incumbents in the south after the VRA was much subtler than the ones existing literature has typically developed theoretical tools to assess: which, if any, legal means could be preserved or devised in order to keep them in power?

After Johnson signed the VRA in 1965, incumbents in the south had three op-

tions. They could challenge the Act in court hoping to have key provisions declared unconstitutional. Southern incumbents pursued this approach, but to little avail since the Supreme Court upheld the VRA's preclearance provisions in *South Carolina v. Katzenbach* (383 U.S. 301 1966).

White incumbents could shift their vote suppression regime back to reliance on ad hoc violence. And while white supremacist governments engaged in and endorsed no shortage of violence against Black citizens after the passage of the VRA, it was clear that ad hoc violence was not enough to stem the flow of Black voter registration that had already begun to increase (Davidson and Grofman, 1994). Given the deployment of the National Guard to Arkansas in 1957, incumbents in the south realized that employing enough violence to deflate Black participation by the mid 1960s would have certainly triggered federal intervention and likely federal force. State legislative debates in Mississippi revealed that elites *were* concerned about the possibility of federal intervention; legislators deliberately discussed plans for vote suppression in the most race-neutral terms possible to avoid triggering the federal government (Parker, 1990).

Accordingly, white incumbents chose the last option available to them, which was to institute disenfranchising reforms *within* the realm of legal and constitutional election practices - but to make these subtle enough to avoid federal oversight. The qualitative and press records of elite behavior in the south suggest just this: incumbents focused on gerrymandering, county and district consolidations, and shifts from single member to at-large districts in order to dilute the impact of Black votes. All of these are constitutionally permissible, and plausibly defensible on race-neutral terms.

State and local elites found even subtler forms of antidemocratic institutional reform than gerrymandering to prevent Black citizens from realizing benefits from

representation in the wake of the VRA. This included measures that changed selection procedures for elected offices themselves, making it more difficult for Black voters to elect the candidates they preferred even with full access to the ballot. After the first set of post-VRA primary elections was held in Mississippi and Black voters demonstrated enough voting strength to win county school superintendent offices, for instance, the legislature passed a bill requiring school boards to appoint superintendents of education in primarily majority-Black counties. As a result of this legislation, not a single Black superintendent served in majority-Black counties in Mississippi (Parker, 1990). The objective was to limit the influence Black voters had on government while maintaining the ability to argue that none of these changes kept Black voters from the ballot, and therefore remained permissible under the VRA (at least until the *Allen* decision included these types of reforms under the umbrella of election practices and procedures that the federal government would have to “pre-clear”). While the qualitative record of this type of manipulation of elected offices is perhaps richest in Mississippi, this paper will show that it was not limited to Mississippi but, in fact, pervasive throughout the south.

3 Elected Officials

There are several reasons that selection procedures for public offices, and manipulations of them, deserve attention in any representation literature. Perhaps the most important is that, for the Black citizens fighting for voting rights in the south, being able to elect candidates of their choice was always the objective of getting access to the ballot. Access to the ballot meant replacing “public officials who bar the doorway to decent housing, public safety, jobs and decent integrated education” (King Jr., 1965). Indeed, before the passage of the VRA limited representation severely con-

strained public resources spent on Black constituents, particularly in the arena of education (Kousser, 1973; Naidu, 2012). Work across the political science literature has confirmed this intuition about the value of representation, showing that minority legislators are both more responsive to minority constituents and closer to their ideal points on civil rights issues than white legislators (Cascio and Washington, 2014; Broockman, 2013). Even in the absence of the explicitly racial motivations for restricting Black officeholding in the south, elected and appointed officials behave differently. Elected officials are more responsive to constituents than appointed ones are, even if responsiveness drives down the state's total resources (Sances, 2016; Ross, 2011). Accordingly, the way that public posts were filled, and who ultimately came to fill them, were immensely important questions to Black voters in the south.

While incumbents who sought to limit Black voters' influence employed multiple strategies like gerrymandering and switching from single-member to at large districts in cities (Aghion, Alesina and Trebbi, 2008), converting elected offices to appointive ones altogether represented an appealing strategy for several reasons. First, given imperfect information about voters geographic distribution and resolve, strategies like gerrymandering could still be overcome via mobilization in the context of otherwise fair elections. These were not certain to prevent the election of Black candidates, and they didn't. Placing office selection in the hands of white Democratic state legislatures, governors, county boards of supervisors, or school boards in the south was far more likely to ensure the installation of candidates preferred by those incumbents than were elections - especially elections supervised by federal examiners tasked with ensuring that Black voters could register and cast ballots across the south. Second, changes to where and how voters cast ballots might have seemed more clearly justifiable under the original text of the VRA, which prohibited abridgments to voting. Altering offices was less straightforwardly a voting change. Importantly, this view

ultimately prevailed in the 1992 Supreme Court Case *Holder v. Hall*, which ruled that “the size of a governing authority is not subject to a vote dilution challenge under Section 2 [of the VRA]” (512 U.S. 874 1994). Changes to elected offices cannot be litigated under the VRA to the present.

4 Measuring Changes in County Elected Officials

This project draws on a variety of data sources. The key outcome variable - the number of elected officials serving a particular county - is reported in the Census of Governments for 1957, 1967, 1977, 1987, and 1992 ([U.S. Census Bureau, 1957, 1967, 1977, 1987, 1992](#)). The Census of Governments provides counts of officials serving each county. These counts are broken out by elected and unelected officials, but do not provide detail at the level of individual offices. Importantly, when the number of elected officials in a county changes from report year to report year, the county level data do not specify the reason for changes in the totals. Researchers are left to infer whether decreases result from contractions in the size of government, conversions from elected to appointed office, abolition of elected offices, leaving offices unfilled, or other factors. Robust historical evidence suggests that incumbent governments seeking to dull the impact of Black votes after the passage of the VRA turned to a variety of changes to elected offices, including: converting them to appointed offices, leaving them unfilled, or abolishing them altogether ([Parker, 1990](#); [Rosenberg, 1991](#)). Since conversion, prolonged vacancy, and abolition all represent strategic choices by incumbents, I treat disproportionate census-over-census reductions in the numbers of elected officials serving each county stemming from any of these as evidence of deliberate institutional change. I provide further evidence that the likeliest reasons for drops in the size of the elected government corps are associated with electoral

manipulation rather than economic factors or idiosyncratic changes to the structure of government in Figure 1 and Appendix A. Additionally, the Census of Governments reports contain rich qualitative descriptions of county governments operating within each state. These descriptions flag major statewide policy changes and operate as a check against misdiagnosing drops in the levels of county elected officials. A state-by-state review of these reveals no systematic state policy changes would have reduced totals of county elected officials for reasons orthogonal to the racial composition of the electorate.

Just before the passage of the VRA, county governments existed in all states with the exception of Rhode Island and Connecticut (where, much like today, counties were geographic divisions without governing bodies). While Alaska and Hawaii both have county government systems, both became U.S. states in 1959 and data availability in the only pre-VRA period is extremely limited. The Census of Governments further treats consolidated city-county governments like San Francisco, Denver, and Honolulu as municipalities, rather than counties, and does not make it possible to identify the elected officials who perform exclusively county (rather than city) functions in these jurisdictions³. Table 1 summarizes coverage across U.S. counties by year.

³Substantially consolidated governments include 10 counties functionally consolidated into: Baton Rouge, Boston, New Orleans, New York, and Philadelphia.

Table 1: Counties and Elected Officials Covered by Year

Year	Counties	Elected Officials
1957	3,096	55,522
1967	3,109	74,719
1977	3,083	58,710
1987	2,980	53,729
1992	3,064	63,015

County elected officials were primarily concerned with justice and law enforcement, tax collection, infrastructure, and record keeping - functions traditionally prescribed to counties by the states. Accordingly, allowing for some differences resulting from population size, judicial jurisdiction, and school districts, southern county governments consisted of roughly the same core offices. Counties elected primary governing bodies usually called boards of supervisors or commissioners (Alabama, Florida, Mississippi, North Carolina, South Carolina, Texas, Virginia). In Arkansas and Tennessee, county governing bodies (called Quorum Courts and Courts of Quarterly Sessions, respectively) consisted of county judges and justices of the peace. Counties in the south universally elected sheriffs, and almost universally elected constables and justices of the peace. Counties across most former confederate states elected coroners, tax assessors, treasurers, and surveyors. School districts were not administered at the county level in most states, but some counties in Mississippi, South Carolina, Tennessee, and Texas elected members of their school boards and superintendents of education.

To fill these core offices, the majority of counties in the south had fewer than 20 elected officials. The median southern county in 1957 had 15 elected officials. Notable exceptions to this include counties in Arkansas and Tennessee, where counties

had considerably more elected officials⁴. Table 2 provides information on the 1,062 southern counties included in this data.

Table 2: VRA Coverage and Demographic Composition in Southern Counties

State	Counties	Covered Counties 1965	Median Elected	Median Pct. Black
Alabama	67	67	11	29
Arkansas	75	0	32	10
Florida	67	0	12	25
Georgia	159	159	10	34
Louisiana	64	64	25	34
Mississippi	82	82	22	44
North Carolina	100	39	10	26
South Carolina	46	46	13	47
Tennessee	95	0	42	5
Texas	254	0	15	4
Virginia	153	189	12	23

Note: Total counties refers to total counties within a state as of the 1957 Census of Governments. Virginia counties include counties and independent cities treated liked counties for Census purposes because they perform county political functions. Some incorporation dates for these cities fall after 1957, which means total numbers of county and therefore covered county units vary by year in Virginia. This is why there are more covered counties in 1965 than there are total counties in 1957. Median elected refers to median number of elected officials in a county. Median pct. Black refers to the median county’s Black population share within a given state.

5 Preclearance Coverage as Treatment

The fundamental question this paper addresses is whether or not counties subjected to federal preclearance after 1965 reacted by attempting to reduce the number

⁴This is likely due to elected justices of the peace. Counties in Arkansas and Tennessee elected a minimum number of justices of the peace for each township or civil district contained within a county. Arkansas repealed this system in favor of county-level districts for justices of the peace in 1977, while Tennessee abolished the office altogether in 1978.

of elected offices voters could fill with their ballots in an effort to blunt the force of recently protected Black votes. One possible approach to answering this question might be to just focus on the counties covered under the VRA and see whether they had fewer elected officials after the VRA passed than they did before. Yet taking this approach would almost certainly yield biased results. First, covered counties might differ from counties that were never subjected to preclearance in unobserved ways that might also affect their numbers of elected officials. This is likely since covered and non-covered counties differ in observable ways - most conspicuously in their demographics. Even within the south, the median covered county was 33% Black in 1960, while the median non-covered county was just 7% Black in the same Census year. Second, this approach misses secular trends over time that might be affecting the numbers of elected officials serving counties across the country.

To avoid these possible sources of bias, I instead rely on a difference-in-differences strategy: I compare how the total number of elected officials changed over time in counties that were covered by preclearance under the VRA to changes in elected officials in counties that were not affected by preclearance over the same period. Another way to conceptualize this approach is to think about comparing each county to itself before and after the federal government enforced preclearance and assuming that the unobserved characteristics of each county are the source of any omitted variable bias ([Angrist and Pischke, 2009](#)). This difference-in-differences estimate corresponds directly to my chief quantity of interest: reductions in the total number of elected officials that occur in preclearance counties *but not* counties unaffected by preclearance after the VRA passed constitute evidence that preclearance counties were reacting to the heightened level of federal intervention.

Differences-in-differences relies on the assumption of parallel trends, in this case that the total numbers of elected officials serving covered and non-covered coun-

ties would have followed similar trends over time but for the passing of the VRA. There are two important challenges for evaluating this assumption in the context of this project. The first one is general: there is no way to explicitly test this assumption. The second is more specific to the data limitations associated with this study: the Census of Governments only begins to provide systematic data describing county elected officials in 1957. That means data is only observed for a single “pre-treatment” period and a “trend” is impossible to establish with just one observation. I address this by leveraging the Census of Governments’ other reporting on public employees, which does include multiple years before the passage of the VRA and summarizes counts of public employees across many categories. These map closely - but not perfectly - to elected officials, and provide evidence that counts of public officials in covered and non-covered counties were very comparable before 1965. This analysis appears in Appendix [A](#). Additionally, I provide a variety of alternative approaches to estimation that address many potential violations of the parallel trends assumption in Appendix [B](#).

Nevertheless, it’s worth looking at the time trends in county elected officials for covered and non-covered counties in the south - depicted in [Figure 1](#). The period between the 1957 and 1967 Census reports is a growth period for county officials across the south. What drives the results presented in [Section 6](#) is the clear break between covered and non-covered counties between when the VRA passes in 1965 and when *Allen v. State Board of Elections* clarifies that subtle electoral manipulations to offices are *also* subject to preclearance in 1969. Between 1965 and 1969, southern counties not covered by Section 5 of the VRA continued to expand in terms of elected officials, if perhaps less quickly between the 1967 and 1977 Census report years. In contrast, counties that *were* subject to preclearance under Section 5 started shedding elected officials shortly after the VRA passed in 1965.

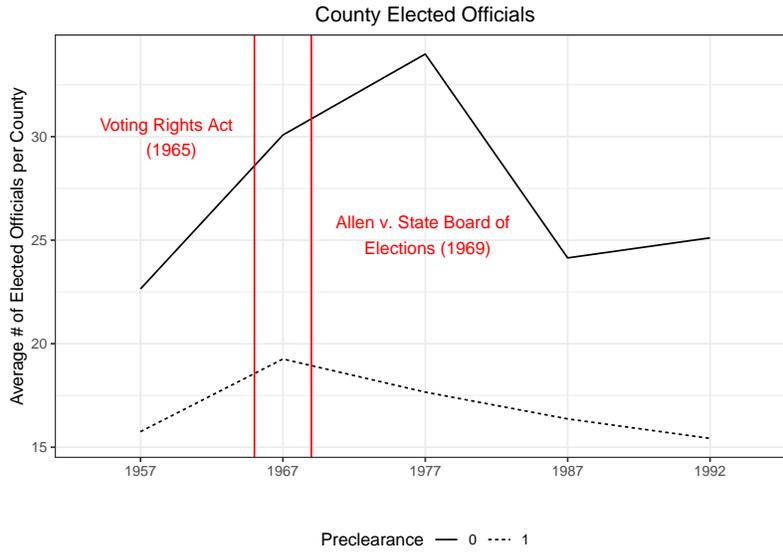


Figure 1: Changes in Total Numbers of Elected Officials Serving Southern Counties, 1957-1992.

More formally, I estimate this “break” via the following difference-in-differences model:

$$Y_{it} = \alpha + \beta \text{Preclearance}_i + \gamma \text{VRA}_t + \tau \text{Preclearance} \cdot \text{VRA}_{it} + \text{County} + \text{Year} + \epsilon_{it}$$

Y_{it} represents an integer count of the total elected officials serving county i in Census report year t . Preclearance represents a binary indicator variable for whether each county is covered by Section 5 in a given Census report year. VRA is a binary indicator variable for whether or not the given year post-dates the passage of the VRA; this is set to 1 for all years after 1957. County and Year represent two-way fixed effects for each county and year, respectively. τ represents the treatment effect of interest, which can be interpreted as the average difference in the total numbers of elected officials serving covered and non-covered counties after the VRA passed

relative to the period before. I include versions of this specification with additional controls for time-varying county-level characteristics in Appendix B; results with these county-level controls are almost identical to those reported in Section 6. To account for within-state correlation in the structure and sizes of county governments, I block bootstrap standard errors following [Bertrand, Duflo and Mullainathan \(2004\)](#).

The indicator for preclearance was constructed using coverage information provided by the [Department of Justice \(2021\)](#). The majority of counties designated preclearance under Section 5 of the VRA were added with the original passage of the Act in 1965 and remained covered until the Supreme Court’s *Shelby County v. Holder* decision effectively nullified the preclearance process in 2013⁵. Alaska, Arizona, Texas, four counties in California, five counties in Florida, five counties in New York, Jackson county in North Carolina, and two counties in South Dakota were added with Congress’s 1970 renewal of the Act’s special provisions⁶. Since this analysis focuses on southern counties in the period between the passage of the VRA in 1965 and the 1969 Supreme Court decision in *Allen*, only counties declared preclearance in 1965 are classified as “treated.” The reason for this is that counties designated preclearance in the post-*Allen* period would have known that manipulations to electoral offices were also subject to preclearance. *Allen* resolved any uncertainty about the types of changes subject to federal review, and counties looking to resist the VRA further would have had to target institutions other than elected offices. This

⁵Counties could, and occasionally did, successfully sue to end preclearance if they could demonstrate that gaps in participation between white and nonwhite voters had closed and that they had rectified any (even unintentionally) discriminatory election practices, but successful “bail out” suits like this at the county level post-date the analysis period in this study.

⁶Alaska is excluded from this analysis because statehood post-dates the pre-treatment period and no observations exist before the VRA actually passed. Data is missing for New York counties because these are counties overlapping with the boroughs of New York City and aggregated with municipal data in the Census of Governments. Data is also missing for the two affected South Dakota counties, Shannon and Todd, which overlap with Native American reservation lands in this period.

introduces some ambiguity about how to treat the 260 southern counties added with the 1970 renewal of the VRA, since classifying them as untreated when the 1977 Census of Governments was released is technically incorrect and removing them to restrict the panel to treated units with identical treatment histories discards valuable data on counties neighboring those originally covered in 1965. The results in Section 6 show both approaches in addition to the most basic one that turns the preclearance indicator “on” in 1977 and beyond for those counties added with the 1970 renewal. The last approach is a hard case for this analysis in the sense that it includes treatment units that theoretically should not respond in the same way that originally covered counties did between 1957 and 1967, functionally biasing the treatment effect toward zero. Results are consistent across specifications, though predictably noisier in the last approach.

The discussion of treatment histories is an important one because it reveals that the structure of the panel in this case is roughly equivalent to a canonical two-group differences-in-differences estimator. A number of recent studies have raised justifiable concerns about the use of the two-way fixed effects estimator in cases where researchers see substantial variation in treatment timing across units ([Goodman-Bacon, 2018](#); [Callaway and Sant’Anna, 2020](#); [Imai and Kim, 2020](#)), but the corrections they suggest are aimed at cases much more varied than the panel in this paper. Since there is only one pre-treatment period in the data the panel-matching methods proposed in [Kim, Wang and Imai \(2018\)](#) are inappropriate because leads cannot be constructed, but results estimated without the counties added in 1970 are exactly equivalent to a two-group differences-in-differences estimator since there is no variation in treatment timing - and these are the most consistent with the idea that southern counties affected by preclearance in 1965 manipulated electoral offices of the approaches presented in Section 6. Appendix B contains several more robustness

checks designed to mitigate concerns about the two-way fixed effects estimator and its over-reliance on modeling assumptions (Imai and Kim, 2020; Ho et al., 2007).

6 Results

6.1 Preclearance

Figure 2 summarizes the difference-in-differences estimates for southern counties across the specifications proposed in Section 5. These suggest that incumbents in preclearance counties reduced the total number of elected officials serving those counties by anywhere from 2 to 6 on average relative to counties that were never subject to preclearance. These results are substantively large. The median southern county had 15 elected officials as of the 1957 Census of Governments report year, and the average was 19 elected officials. Losing even just two elected officials represents a 13% effect relative to the median and 11% relative to the mean, and a loss of 6 elected officials represents a 32%-40% effect depending on the chosen measure of central tendency.

6.2 Preclearance and Racial Composition of the County Electorate

The results in Figure 2 suggest that preclearance counties had significantly negative change in elected officials relative to non-preclearance counties in the period between the passage of the VRA and the *Allen* decision. But the Mississippi example suggests that the relationship between preclearance and office selection should also depend on the magnitude of the threat white incumbents felt from Black voters. In other words, incumbents should have been more inclined to manipulate the

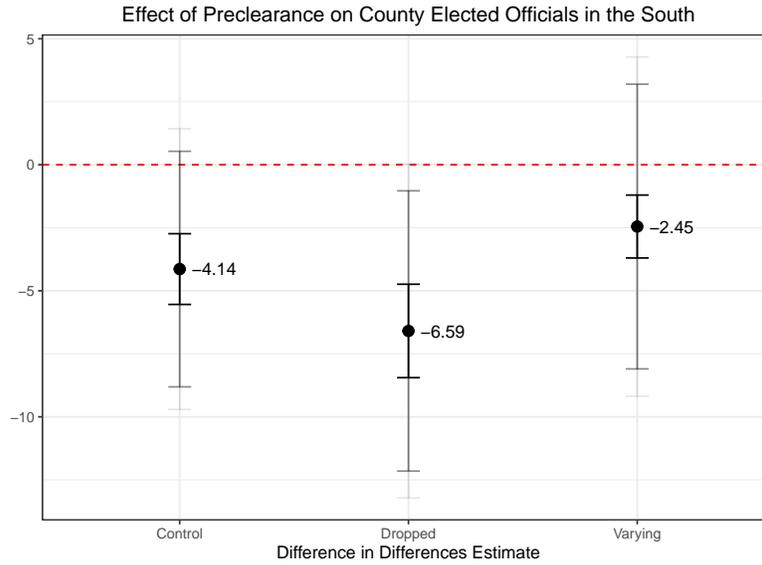


Figure 2: Difference-in-Differences Results for Elected Officials in Southern Counties. Point estimates represent, from left to right: estimates designating only counties originally subject to preclearance in 1965 as treated after 1965 (and all others control for all periods); estimates dropping all counties subject to preclearance with the 1970 renewal of the VRA (but not before 1970), and estimates using each county’s true preclearance status in each period. The darkest error bars represent 95% confidence intervals under the classical standard errors, error bars in the middle shade represent 90% confidence intervals using block-bootstrapped standard errors and the lightest error bars represent 95% confidence intervals using block-bootstrapped standard errors.

number of elected offices in counties where Black voters were likelier to elect their preferred candidates. I operationalize this in several ways, the most straightforward of which is to augment the difference-in-differences specification presented in Section 5 to include a triple interaction term for preclearance status, an indicator for the post-VRA period, and the county’s Black population share in 1960⁷. County-level Black population in 1960 comes from the 1960 Decennial Census, the closest pre-

⁷Black population / total population in 1960.

treatment county-level population estimate available (U.S. Census Bureau, 1960). A finer-tuned set of estimates relying on Black voting age population (VAP) from Matthews and Prothro (1966) appears in Appendix B. These are consistent with the estimates in Figure 3, though considerably noisier because VAP by race data is only available for approximately half of the southern counties covered in the 1960 Census. Figure 3 displays the population results, which suggest that an additional 1% in Black population share intensifies reductions in elected officials by between 0.06 or 0.08 in preclearance counties relative to non-covered counties after the VRA.

6.3 Preclearance and Partisanship

Another way to think about where incumbents in the south might have faced the most pressure to engage in the manipulation of elected offices after the VRA restricted their set of options for restricting Black votes would be to look at the most heavily Democratic counties in the south on the eve of the VRA's passage. Nationally, Democratic candidates had carried elections by wide margins throughout the South starting in 1876 with few exceptions (Key, 1949). Using a mix of violence and institutional change (Epperly et al., 2020), white Democrats installed a comprehensive local infrastructure to disenfranchise Black voters after federal troops withdrew in 1876, and consistently fought proposed federal election reforms (Johnson, 2010; Redding, 2010; Valelly, 1974; Kousser, 1999, 1974). More Democratic counties, then, might be the places that reacted to the VRA in the same way that they responded to the Reconstruction Amendments, attempting to resist and circumvent federal interventions protecting Black voters. I test this using the county-level Democratic share of the two-party vote in 1932, the last pre-treatment presidential election year before national party realignment over civil rights was fully underway (Schickler,

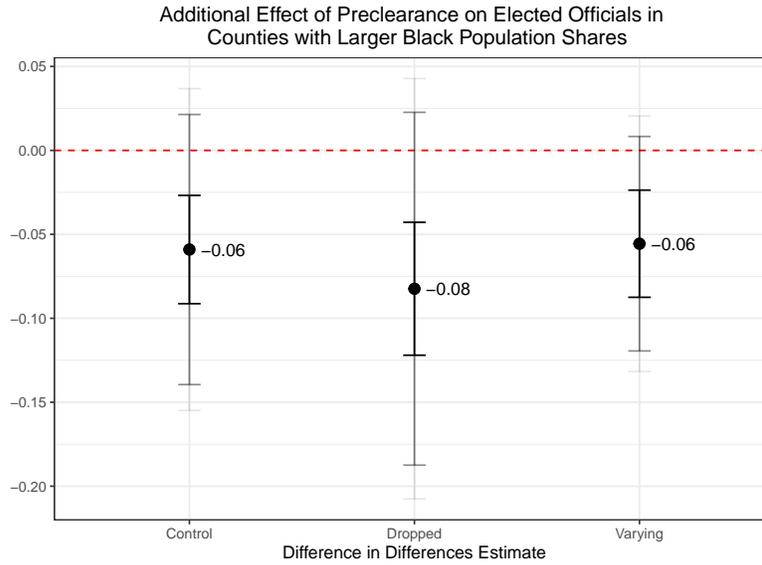


Figure 3: Difference-in-Differences Results for Triple Interaction with Black Population Share. Point estimates represent, from left to right: estimates designating only counties originally subject to preclearance in 1965 as treated after 1965 (and all others control for all periods); estimates dropping all counties subject to preclearance with the 1970 renewal of the VRA (but not before 1970), and estimates using each county’s true preclearance status in each period. The darkest error bars represent 95% confidence intervals under the classical standard errors, error bars in the middle shade represent 90% confidence intervals using block-bootstrapped standard errors and the lightest error bars represent 95% confidence intervals using block-bootstrapped standard errors.

2016). Figure 4 describes the results for this triple-difference; they suggest that an additional percentage point in Democratic vote share in preclearance counties is associated with almost one fewer elected official serving after the VRA passed, relative to non-preclearance counties. 1964 would have been the most contemporaneous pre-treatment election year, but this election fell in a year when Black voters were becoming increasingly aligned with the Democratic party at the national level and the proportions of registered Black voters were already rising in the south. Indeed,

the Republican candidate for office in 1964 had voted against the Civil Rights Act of 1964 and highly Democratic counties in this year may also have been counties with Black voters voting for Lyndon Johnson. However, it's worth noting that the results in Figure 4 are not sensitive to my choice of presidential election year; even in 1964 large proportions of the Black electorate lacked access to the ballot. Results for Democratic party control for presidential elections spanning 1932-1964 appear in Appendix B.

It may be tempting to consider counties where Democrats were not firmly in control of government, but rather faced intense enough competition from Republicans that being forced to permit Black voters to cast ballots might actually vote Democratic incumbents out of power. That is, it may be reasonable to look for counties where Democratic share of the two party vote was closer to 50 percent. There are several reasons that places with higher levels of Democratic control would be more likely to see this type of institutional manipulation than places with more tenuous Democratic control. First, Black voters who would be registering and voting against Democratic incumbents (at least at the local level) might be pivotal even in places where they did not constitute a majority of the electorate (Foner, 1993; Perman, 1985). Accordingly, Democratic incumbents winning with well over 50% of the vote would have realized the threat in counties where Black voters could suddenly and effectively lend Republicans or third party candidates substantial numbers. The specific threshold at which Black voters would have constituted a serious electoral threat, then, could vary substantially by county.

Second, the nature of the threat white incumbents experienced at the prospect of newly empowered Black voters was much larger than their own jurisdictions. White incumbents in southern counties and state legislatures were frequently proponents of white supremacy and architects of the institutions that enforced it throughout

the state. The possibility of electing *any* Black elected officials would have invited opposition to white supremacy into governing bodies and threatened its survival as a social and political order. White incumbents knew this, and fought to prevent the election of Black candidates even in counties or districts they did not serve. Mississippi in the wake of the VRA is a powerful example of this. In 1966, the state's exclusively white state legislature passed no fewer than thirteen pieces of legislation designed to dilute the Black votes that the VRA sought to protect and to prevent the election of Black candidates (Parker, 1990). These included measures specifically designed to transfer power from lower level jurisdictions to higher level ones that would have been more insulated from the possibility of Black members. One of these bills, for instance, allowed the state legislature to consolidate counties by a vote. These bills had support and sponsorship from state legislators representing areas far from the affected counties and districts themselves. Indeed, were these electoral manipulations purely strategic we might expect white incumbents to "write off" areas with heavy Black majorities and focus their efforts on areas they could secure. This was not the case in practice. Ten of the twelve counties where the Mississippi state legislature converted elected superintendencies to appointed ones, for instance, were majority Black (Parker, 1990). All of this is in addition to the powerful affective opposition both white incumbents elected in areas with robust histories of anti-Black racism and their constituents expressed at the prospect of sharing power with Black elected officials. Researchers have demonstrated that people in these areas harbored anti-Black prejudices that persist into the present (Acharya, Blackwell and Sen, 2018), which suggests that electoral manipulation should be more likely in areas with long histories of control by Democrats in favor of the Jim Crow system than in areas with greater political competition.

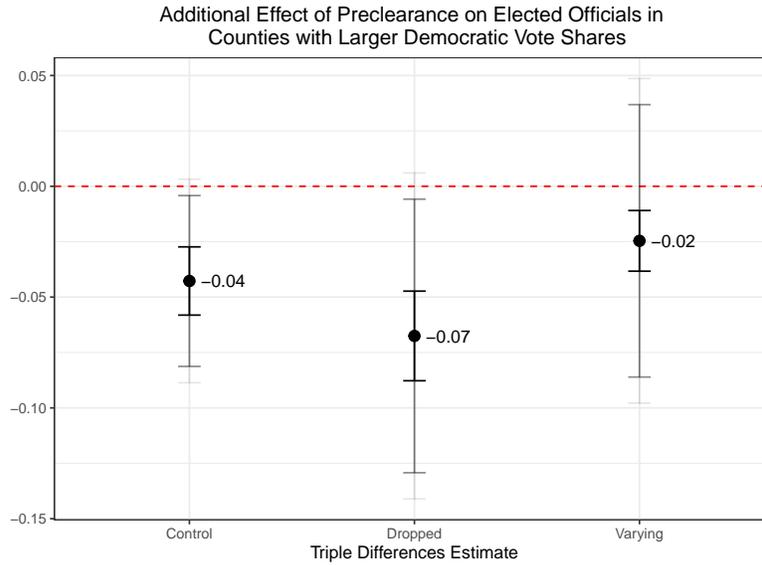


Figure 4: Difference-in-Differences Results for Triple Interaction with Democratic Share of the Two-Party Vote in the 1932 Presidential Election. Point estimates represent, from left to right: estimates designating only counties originally subject to preclearance in 1965 as treated after 1965 (and all others control for all periods); estimates dropping all counties subject to preclearance with the 1970 renewal of the VRA (but not before 1970), and estimates using each county’s true preclearance status in each period. The darkest error bars represent 95% confidence intervals under the classical standard errors, error bars in the middle shade represent 90% confidence intervals using block-bootstrapped standard errors and the lightest error bars represent 95% confidence intervals using block-bostrapped standard errors.

7 Discussion

7.1 Preclearance at the State or County Level?

One common concern with evaluating any effects of preclearance coverage under the VRA is that “preclearance” is typically construed as a state-level process since (1) many changes to election procedures and practices are legislated at the state level and (2) all states covered under Section 5 of the VRA in 1965 were covered statewide

except for North Carolina. The reason for this study’s focus on county governments as treatment units is that, first, under the VRA statewide coverage applied to states *and all political subdivisions therein*. State legislatures could make changes to county governing procedures and offices, as Mississippi’s did in 1966, but county governing boards could also generate institutional changes. Additionally, it was county offices like superintendents and sheriffs that were major targets for Black reformers in the south because of their outsized impact on daily life (Parker, 1990).

Still, it’s worth addressing the issue that treatment under Section 5 of the VRA, for the most part, was administered at the state level. One of the most straightforward approaches to this is to aggregate to the state level. Taking this step produces results that are consistent with Figures 2 and 3, though noisier as a result of the loss of observations. The results of the state level analysis appear in Appendix B. Note also that comparing aggregate average differences for preclearance and non-preclearance groups before and after the VRA yields similar results. These also appear in Appendix B.

An alternative approach to estimating the effect of preclearance below the state level is to directly leverage North Carolina, following Fresh (2018). North Carolina receives special attention in VRA research across disciplines for a variety of reasons. First, as the only partially covered state as of 1965, it provides researchers an opportunity to study the effects of preclearance without the threat of unmeasured confounding that could result from unobserved variation in electoral contexts between states. Second, unlike Mississippi, North Carolina’s state legislature did not pass a flood of legislation aimed at changing county governing structures following the VRA’s passage in 1965. Accordingly, most observed changes in county governance observed after 1965 would have come from counties themselves. The results of this analysis on North Carolina appear in Table 3. Though sample size is con-

strained by the state’s 100 counties, these results are very consistent with results for the broader southern region presented in Figures 2, 3, and 4. These suggest that preclearance counties within North Carolina reduced the number of elected officials serving their populations by over 2 elected officials after the VRA passed relative to counties that had never been covered. The average number of county elected officials in North Carolina was 12.75 in 1957; so the effect reported in the top row of Table 3 constitutes roughly a 20% effect. Similarly, preclearance counties with larger Black populations, VAP, and Democratic vote shares were all even more likely to reduce the numbers of elected officials serving after the passage of the VRA.

Table 3: North Carolina Difference-in-Differences Results

	<i>Dependent variable:</i>			
	County Elected Officials			
	(1)	(2)	(3)	(4)
Covered x VRA	-2.52 (2.26)			
Covered x VRA x 1960 Black Pop.		-0.06 (0.05)		
Covered x VRA x 1960 Black VAP			-0.03 (0.02)	
Covered x VRA x 1932 Dem. Vote Share				-0.03 (0.03)
Observations	296	296	296	296
R ²	0.61	0.61	0.61	0.61
Adjusted R ²	0.40	0.40	0.40	0.40
Residual Std. Error (df = 193)	8.91	8.90	8.90	8.91

Note:

*p<0.1; **p<0.05; ***p<0.01

7.2 Counties After the *Allen* Decision

In 1969, the Supreme Court struck down Mississippi’s discriminatory 1966 laws and explicitly prohibited “back end” changes to electoral rules that might disadvantage Black voters. This included the conversion or strategic abolition of elected offices. In *Allen v. State Board of Elections*, the opinion of the Supreme Court held that the VRA “was aimed at the subtle, as well as the obvious, state regulations which have the effect of denying citizens their right to vote because of race” (*Allen v. State Board of Elections*, 393 U.S. 544, 565-566, (1969)). The Court’s decision in *Allen* made it clear that the DOJ would pursue and challenge these types of actions, and effectively reduced their incidence across counties.

As a result of this decision, the relationship between preclearance status and change in county elected officials in the 1967 - 1977 period reversed. Figure 5 shows that preclearance counties grew more than non-preclearance counties in the 1967-1977 period in terms of elected offices. Similarly, Figure 6 shows that the relationship between preclearance and the change in proportion of Black population is positive in this period. These results imply that, when white incumbents were further restricted from changing electoral institutions to their benefit, preclearance counties where Black registrants constituted increasing shares of total registered voters grew faster in terms of elected officials. Full regression results are displayed in Appendix C.

These results are also a hedge against spuriousness. *Allen v. State Board of Elections* itself reflects the legal acknowledgement of conversion or strategic abolition of elected offices in the period immediately following the passage of the VRA, and was designed to thwart this practice - among others. Accordingly, we would expect the relationship between preclearance and change county elected officials to be negative between the passage of the VRA and the *Allen* decision, and positive afterwards.

The results presented in this paper are consistent with these expectations, and with the real-time legal events that shaped selection procedures for public officials in this period.

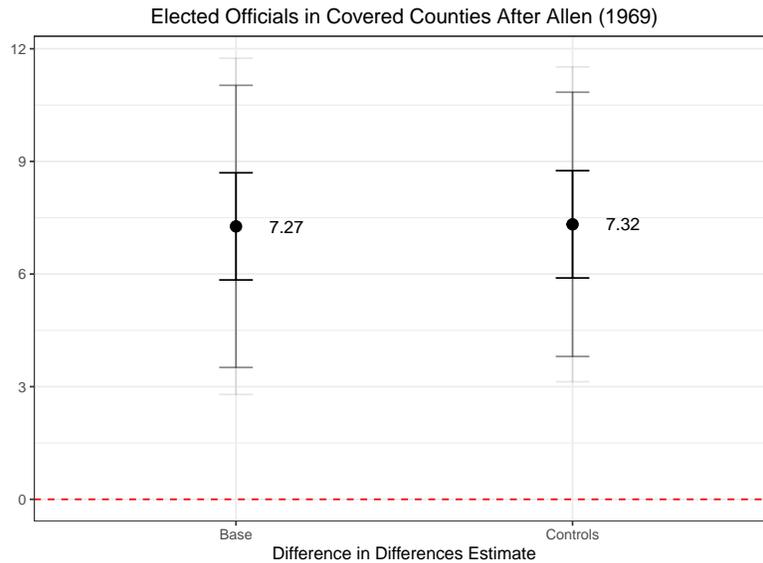


Figure 5: Difference-in-Differences Results for Total County Election Officials after *Allen* (1969). All counties assigned to actual preclearance status for each given year without exclusion. County-level controls for population density, percent female, percent 65 and older, and percent Black included in rightmost point estimate. The darkest error bars represent 95% confidence intervals under the classical standard errors, error bars in the middle shade represent 90% confidence intervals using block-bootstrapped standard errors and the lightest error bars represent 95% confidence intervals using block-bootstrapped standard errors.

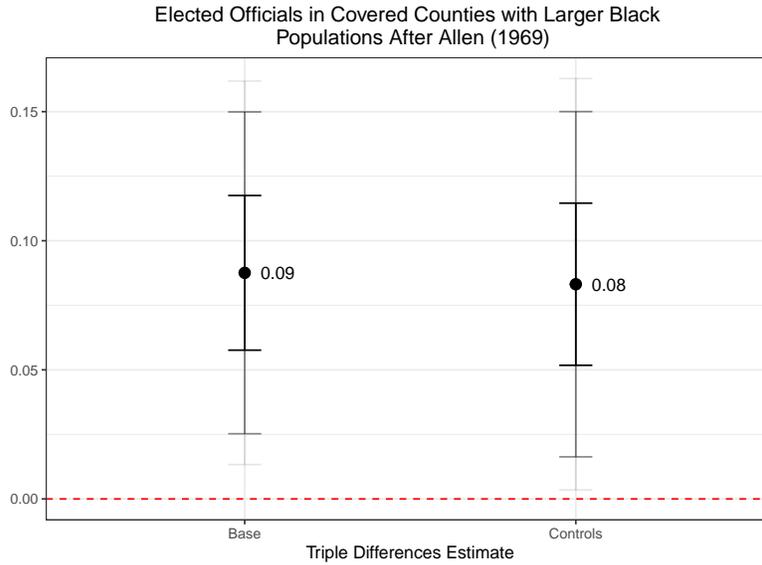


Figure 6: Difference-in-Differences Results for Triple Interaction with Black Population Share after 1969. The darkest error bars represent 95% confidence intervals under the classical standard errors, error bars in the middle shade represent 90% confidence intervals using block-bootstrapped standard errors and the lightest error bars represent 95% confidence intervals using block-bootstrapped standard errors.

7.3 Outside the South

This paper focuses on the impact that the VRA had in the south, but evidence of resistance to Black political participation is abundant across the country (Keyssar, 2000). A natural question that arises about these results is whether or not the south is unique in its institutional reaction to the massive expansion of the franchise for Black voters ushered in by the VRA. The south is unique in its reaction to the VRA almost by definition. First, the original areas targeted for preclearance and the deployment of federal examiners were exclusively in the south. The only areas covered outside of the southern United States were added *after* the *Allen* decision

clarified that elected offices could not be changed without preclearance - and many of these triggered inclusion via the coverage formula due to large immigrant populations, inclusion of Native American territories, or reasons other than the historical exclusion of Black voters. Additionally, the vast majority of the American Black population was concentrated in the south (see Figure 7). The median county's Black population share outside of the south in 1960 was 0; the same figure in southern counties was approximately 26%. As a result, any political or racial threat resulting from increased demand for political participation among Black citizens would have been felt most keenly in southern counties.

There are, however, some counties outside of the South that could be reasonable counterfactuals for southern counties. Missouri and Kentucky both have counties that were more than 20% Black in 1960. While neither state was ever partially or fully covered by the VRA, both were former slaveholding states. Including counties in these states, as well counties in all states outside of the 11 former confederate states, does not change the main results presented in this paper. The simplest version of these results, detailing the effect of preclearance on change in county elected officials from 1957-1967, appears in Appendix B.8. Since the Black population of the U.S. is so concentrated in the south the triple differences estimates describing whether or not incumbents in counties with larger Black populations engaged in even more intense manipulation of elected offices are limited to the south. Just 236 counties outside the south are more than 5% Black in 1960, so constructing triple differences for counties outside the south may be driven by a few outliers. Voter registration data for 1960 and prior years is only available for counties in the south.

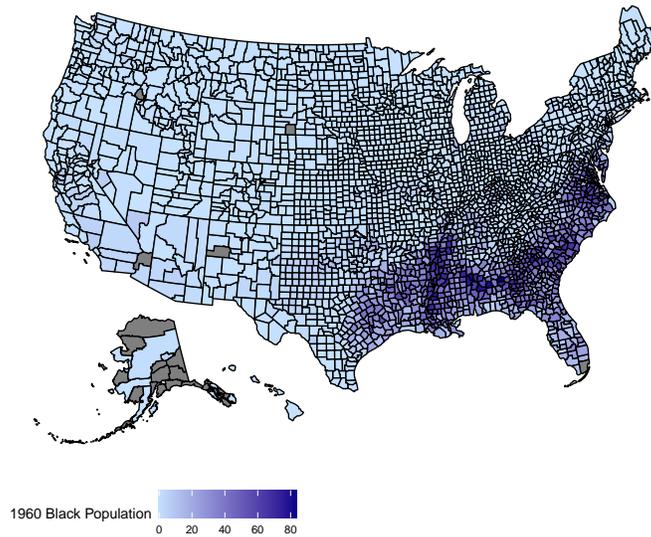


Figure 7: 1960 Black Population by County. Counties shaded in gray represent counties for which data is missing.

8 Conclusion

The VRA was an enormous victory for the Civil Rights Movement. On the eve of the VRA’s passage, registration rates among eligible black citizens of Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia averaged just 29.6% - compared to 73.7% among whites ([Grofman, Handley and Niemi, 1992](#)). Rates of registration among eligible black citizens in southern states rose as much as 67% by 1968 ([Cascio and Washington, 2014](#)). More recently, researchers have leveraged the differences between preclearance and non-preclearance counties in North Carolina to demonstrate that the VRA increased black voter registration by 14% ([Fresh, 2018](#)). In eliminating literacy tests, the VRA significantly increased turnout among black voters ([Ang, 2019](#)). The VRA similarly had a substantial, pos-

itive effect on descriptive representation for Black citizens; [Grofman and Handley \(1991\)](#) document the rise in Black legislators elected between 1965 and 1985. [Casacio and Washington \(2014\)](#) also detail the VRA’s meaningful effect on substantive representation, finding that the VRA’s removal of literacy testing requirements significantly raised per capita state transfers to Black communities. These effects have been durable. Recent work in political science has shown that congressional representatives elected from preclearance jurisdictions are more likely to support civil rights legislation than counterparts from non-preclearance jurisdictions, all else constant ([Schuit and Rogowski, 2017](#)).

This study does not repudiate any of these conclusions. It highlights incumbents’ commitment to preserving rules that benefit them, and echoes similar findings about southern reactions to the VRA in the realm of criminal justice policy ([Weaver, 2007](#)). If anything, the period between the initial passage of the VRA in 1965 and the clarification that the federal government was willing to enforce oversight over even what appeared to be small changes to electoral practices and procedures in 1969’s *Allen* decision demonstrates the importance of clear regulations and clearer willingness to uphold them. Between the Supreme Court’s abdication of preclearance in 2013’s *Shelby v. Holder* and *Holder v. Hall*’s precedent against suing over selection procedures under other sections of the VRA, the legal climate surrounding selection procedures for public office has returned to something more like the ambiguity exploited by southern incumbents between 1965 and 1969. Southern elimination of elected offices find renewed relevance in a world where southern states are increasingly adopting restrictive voting practices ([Bentele and O’Brien, 2013](#); [Komisarchik and White, 2022](#)). While some of these restrictions have been egregious enough in their targeting of racial minorities to raise successful challenges in the courts ([Liptak and Wines, 2017](#)), a world without preclearance means that the burden of super-

vising state election practices falls on plaintiffs who face enormous costs. These findings echo recent work on democratic backsliding in the United States, and illustrate how and when party elites exploit ambiguity and lacunae between shows of federal willingness to enforce inclusion in the voting process to reshape elections to benefit themselves. The result can be undemocratic even in the face of one of the largest real enfranchisement expansions in American history.

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Appendix

A Trends in Public Employment

The internal validity of this difference-in-differences design rests on the assumption that, but for the preclearance designation imposed on “treated” counties by the VRA, preclearance and non-preclearance counties would have experienced the same changes in elected officials over time. Data limitations make this a particularly challenging assumption to validate in this case. The earliest year for which the Census of Governments reports counts of county elected officials is 1957 - the only year in the data that pre-dates the passage of the VRA. The Census of Governments does, however, provide some additional data summarizing counts of public employees by category at the county level. This data is available for 1957 and 1962, and the remaining years on cycle with the Census of Governments reports on elected officials. The Census of Governments documentation explicitly notes that elected officials fall into two categories: “general control” and “financial administration”. These categories include “governmental chief executives and their staff, legislative bodies, the administration of justice, tax enforcement, and other financial and general administration” ([U.S. Census Bureau, 1957](#)). I use these data to proxy for trends in elected officials in the south prior to the passage of the VRA. These are displayed graphically in Figure 9, where trends represent the sums of general control and financial administration employees in each county, averaged by preclearance coverage status. While gaps between report years are still substantial and the data remains relatively low frequency, pre-VRA trends look roughly parallel with the additional pre-treatment period.

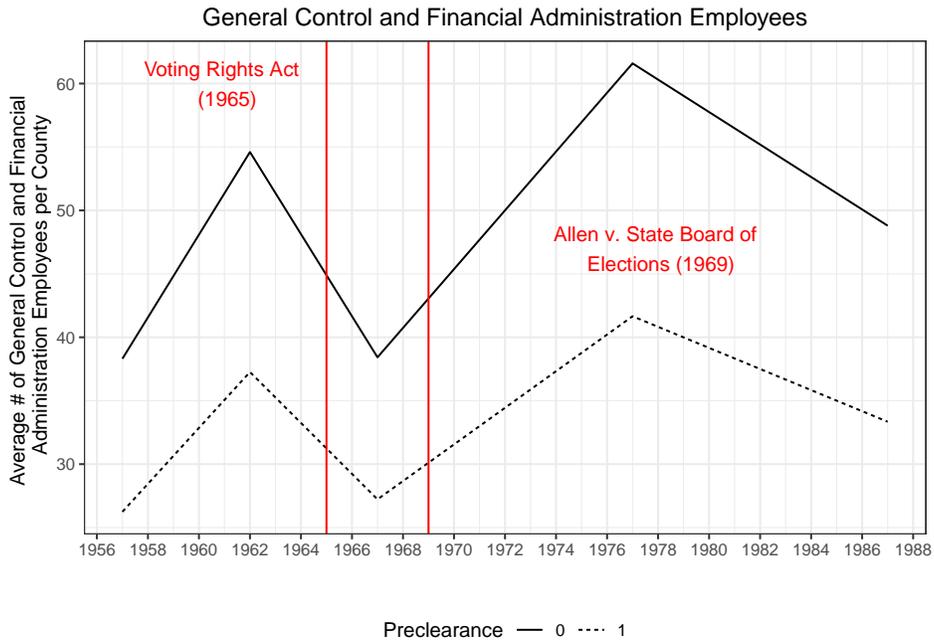


Figure 8: Trends General Control and Financial Administration Employees in Covered and Non Covered Counties.

Note also that trends for covered and never-covered counties are parallel throughout the whole time period. This is consistent with the idea that incumbents in covered counties faced incentives to manipulate elected offices after the VRA helped guarantee access to the ballot, but did not face similar incentives to eliminate staff positions in government financial or executive offices. There is no apparent change in trends for unelected public servants, who represent the bulk of the people represented in Figure 9 trends, during the 1965-1969 period. Similarly, looking at group trends in police employment - another category of public employment data that the Census makes available for this time period - reveals no similar drop in total employment for the 1965-1969 period that affected covered but not non-covered counties. Police officers are a reasonable placebo employment category to use because counties typically only had one elected law enforcement officer in the sheriff, so employment totals for police consist largely of unelected sworn officers and administrative staff. The VRA provided incumbents with no clear incentive to reduce the size of county law enforcement staff. If anything, preclearance areas might have incentives to bulk up employment in policing to deter Black voters further. But no such trends emerge,

providing further evidence that elected officials were subject to a truly different set of changes relative to other types of public employees during this period.

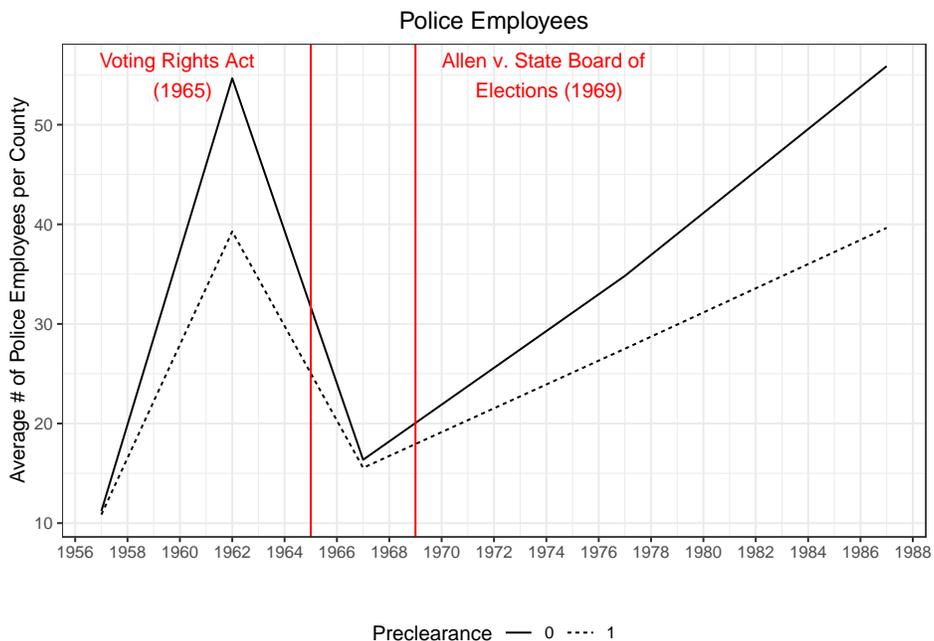


Figure 9: Trends Police Employees in Covered and Non Covered Counties.

B Robustness Checks

B.1 Black Voting Age Population

Figure 10 replicates the results presented in Figure 3 using Black voting age population (VAP) rather than total population shares. 1960 VAP data comes from [Matthews and Prothro \(1966\)](#), who provide data for 581 counties.

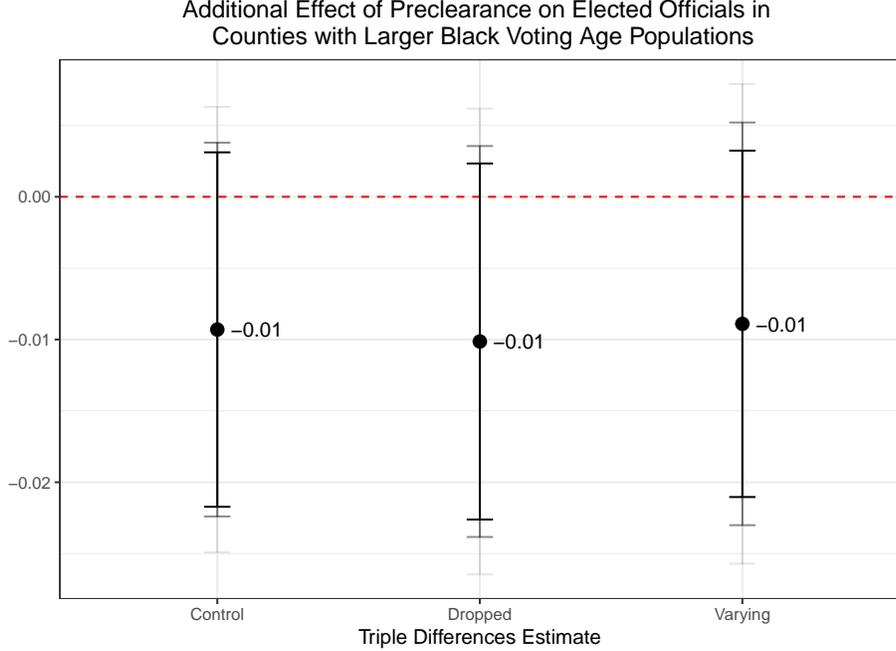


Figure 10: Difference-in-Differences Results for Triple Interaction with Black Voting Age Population. Point estimates represent, from left to right: estimates designating only counties originally subject to preclearance in 1965 as treated after 1965 (and all others control for all periods); estimates dropping all counties subject to preclearance with the 1970 renewal of the VRA (but not before 1970), and estimates using each county’s true preclearance status in each period. The darkest error bars represent 95% confidence intervals under the classical standard errors, error bars in the middle shade represent 90% confidence intervals using block-bootstrapped standard errors and the lightest error bars represent 95% confidence intervals using block-bootstrapped standard errors.

B.2 Party Control Across Election Years

Figure 11 represents results for the triple interaction of preclearance, the passage of the VRA, and the Democratic share of the two-party vote across presidential election years spanning 1932-1964. These specifications drop counties that were added as preclearance with the 1970 extension of the VRA; counties added as preclearance after 1965 are dropped. County-level election returns come from Dave Leip’s Election Atlas, accessed using Harvard library. These are consistent across all election

years in this period, suggesting that more Democratic counties that were designated preclearance under the VRA in 1965 were even more likely to reduce the total number of elected officials serving their populations after the VRA passed than counties which had never been covered.

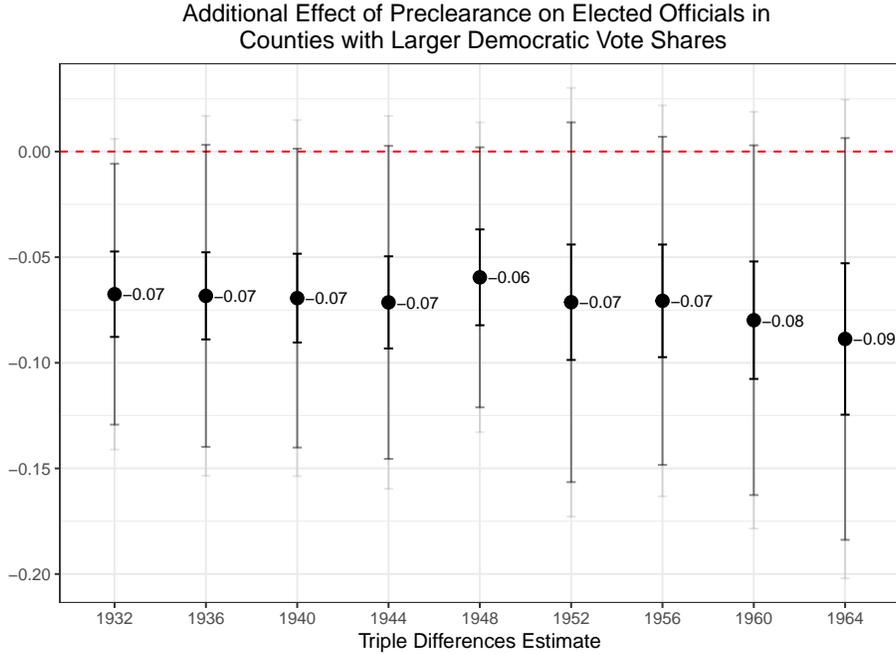


Figure 11: Difference-in-Differences Results for Triple Interaction with Democratic Vote Share. Point estimates represent estimates dropping all counties subject to preclearance with the 1970 renewal of the VRA (but not before 1970). The darkest error bars represent 95% confidence intervals under the classical standard errors, error bars in the middle shade represent 90% confidence intervals using block-bootstrapped standard errors and the lightest error bars represent 95% confidence intervals using block-bootstrapped standard errors.

B.3 Treatment History

Figure 12, generated using the PanelMatch treatment history display tool (Kim, Wang and Imai, 2018) summarizes treatment histories for all counties located in the formerly confederate states. Each row represents a single county, with blue lines representing untreated periods and red lines representing treated periods. Results in the main manuscript focus on counties for which treatment is “turned on” in 1965

with the passage of the VRA. The manuscript also presents various approaches to dealing with the counties subject to preclearance after 1970.

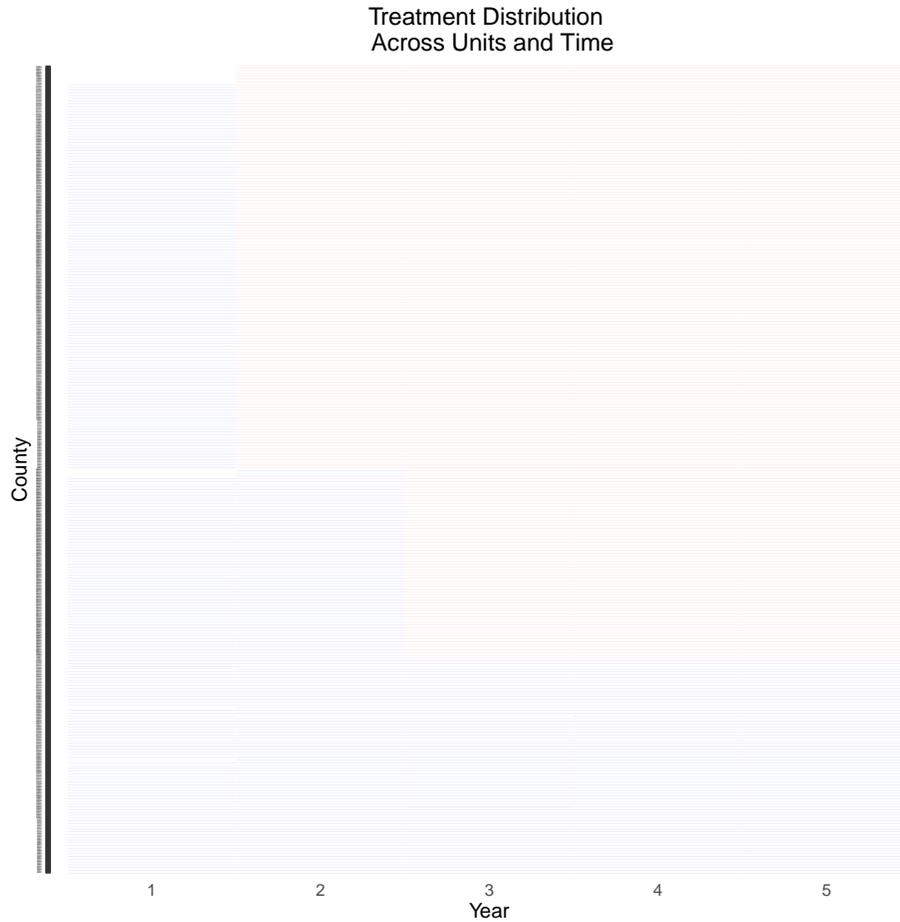


Figure 12: Treatment Histories for All Counties 1957-1992

B.4 State Level Results

Table 4 represents the main difference-in-differences results with observations collapsed to the state level by averaging across counties. The top two rows include North Carolina as a preclearance state in this analysis because the state has a large number of preclearance counties and would have to submit any proposed changes that might affect these counties to the federal government for review. The results

are not particularly sensitive to this decision; the second two rows display similar results for the same specification with North Carolina included as a control state.

Table 4: State Level Difference-in-Differences Results

	<i>Dependent variable:</i>			
	County Elected Officials			
	(1)	(2)	(3)	(4)
Covered x VRA, NC = 1	-0.91 (3.65)			
Covered x VRA x 1960 Black Pop., NC = 1		-0.03 (0.11)		
Covered x VRA, NC = 0			-1.84 (3.89)	
Covered x VRA x 1960 Black Population, NC = 0				-0.05 (0.11)
Observations	137	137	137	137
R ²	0.81	0.81	0.81	0.81
Adjusted R ²	0.71	0.71	0.71	0.71
Residual Std. Error (df = 88)	7.27	7.26	7.26	7.26

Note:

*p<0.1; **p<0.05; ***p<0.01

B.5 Aggregate Average Results

Figure 13 presents the aggregate average results from the following specification:

$$Y = \alpha + \beta \cdot \text{Preclearance} + \gamma \cdot \text{VRA} + \delta \cdot \text{Preclearance} \times \text{VRA} + \text{Year}$$

This is equivalent to looking at the difference in total elected officials across all covered and non-covered counties prior to the passage of the VRA and comparing that to the same difference after passage. Fixed effects for year capture any secular time trends. These are consistent with the paper's main results; regardless of how preclearance counties are included as treatment and control units or whether the set of counties average includes just those counties subject to preclearance as of 1965, preclearance counties had fewer elected officials between 1965 and 1969 than non-preclearance counties. These findings are generally statistically distinguishable from zero.

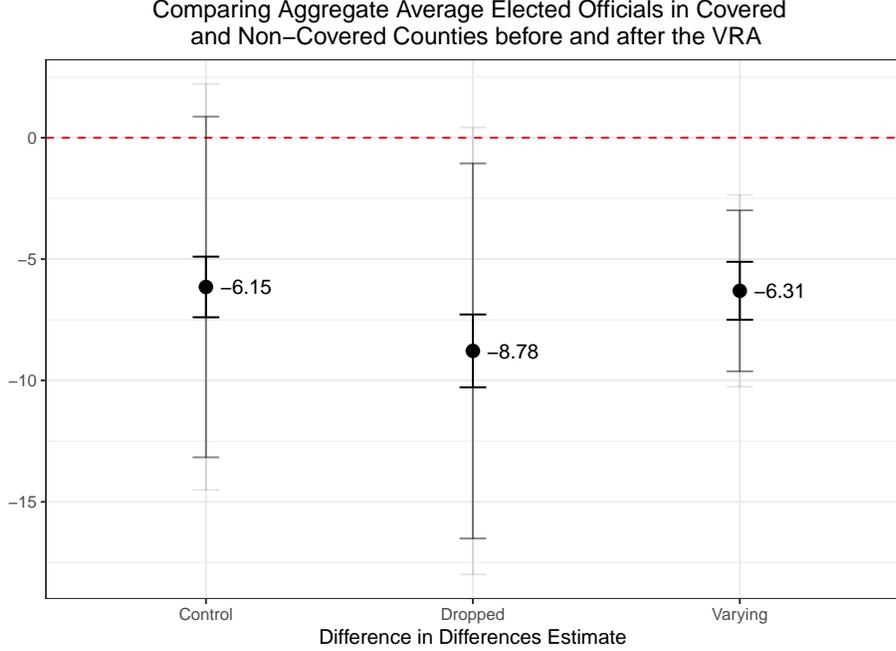


Figure 13: Difference-in-Differences Results for Aggregate Trends Comparing All Covered and Non-Covered Counties Before and After the VRA. Point estimates represent, from left to right: estimates designating only counties originally subject to preclearance in 1965 as treated after 1965 (and all others control for all periods); estimates dropping all counties subject to preclearance with the 1970 renewal of the VRA (but not before 1970), and estimates using each county’s true preclearance status in each period. The darkest error bars represent 95% confidence intervals under the classical standard errors, error bars in the middle shade represent 90% confidence intervals using block-bootstrapped standard errors and the lightest error bars represent 95% confidence intervals using block-bootstrapped standard errors.

B.6 Excluding Individual States

Readers may reasonably worry that, given the rich historical record of institutional changes following the VRA in Mississippi, that the results presented in this paper are driven exclusively by changes in Mississippi. One way to investigate this possibility and the possibility that results are driven by any one state is to remove each state from the data individually and recalculate the results using data from the remaining states. Figure 14 presents the results that “jackknife” out each state

individually. While power suffers as counties from each state are removed, the results with any given state excised are negative and consistent with those presented in the manuscript and relatively stable across specifications. This suggests no particular state drives the results and that reductions in the number of elected officials serving constituents in preclearance areas come from changes made across the south. Figure 15 shows the results using the same procedure, but for the triple difference with 1960 Black population. These are also very consistent across specifications.

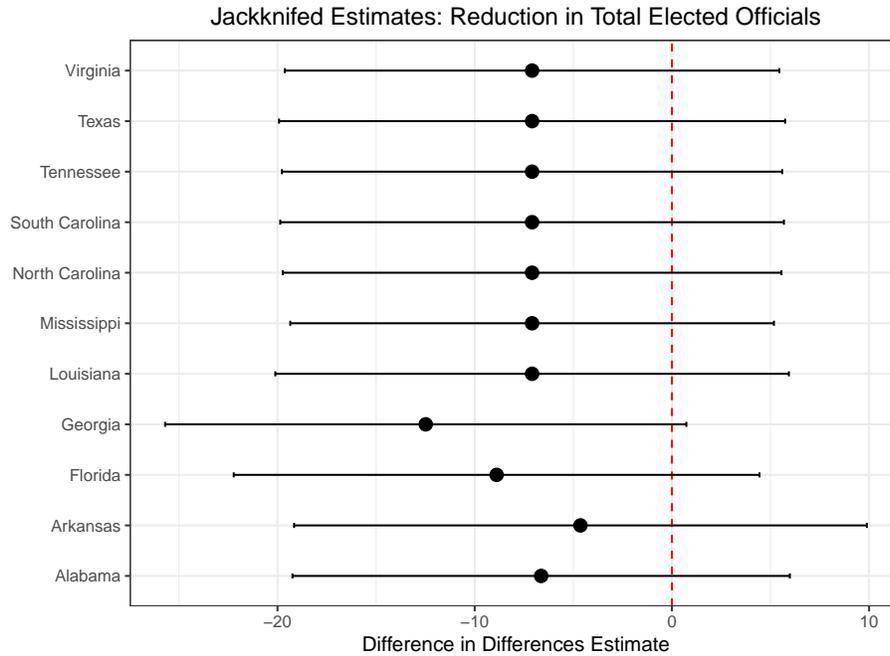


Figure 14: Difference-in-Differences Results for Total Elected Officials, Jackknifing out Individual States. Point estimates calculated by dropping all counties subject to preclearance with the 1970 renewal of the VRA (but not before 1970). Error bars represent 95% confidence intervals using block-bostrapped standard errors. State labels correspond to the state that is dropped in each analysis.

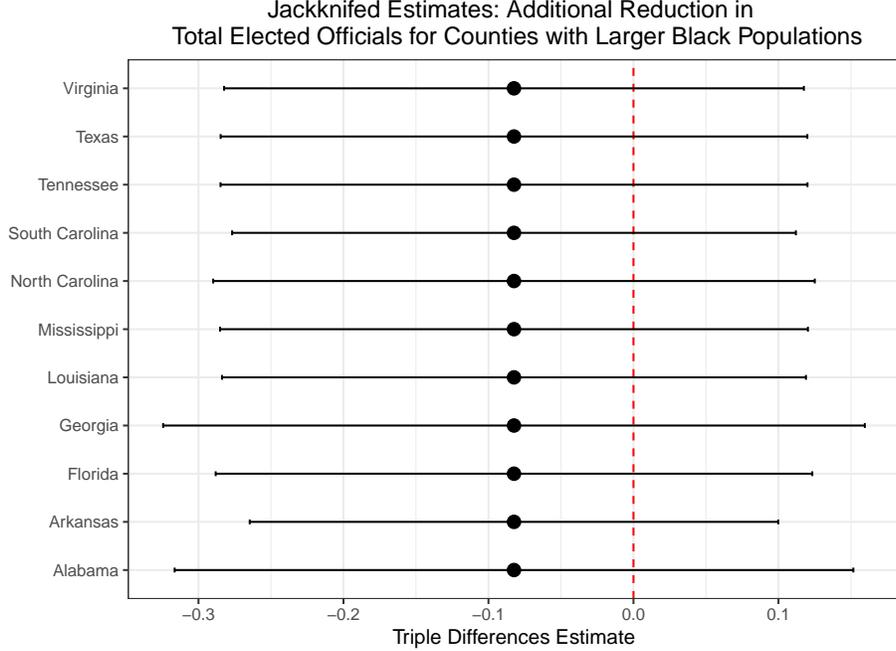


Figure 15: Triple Differences Results for Total Elected Officials, Jackknifing out Individual States. Point estimates calculated dropping all counties subject to preclearance with the 1970 renewal of the VRA (but not before 1970). Error bars represent 95% confidence intervals using block-bostrapped standard errors. State labels correspond to the state that is dropped in each analysis.

B.7 County Level Controls

Another way to increase precision and further limit differences between treatment and control counties included in the sample is to focus on geographically similar counties. I focus on covered and non-covered counties that share borders and which are therefore likely to share geographic, climate, agricultural, and economic characteristics. Specifically, I identified preclearance counties that share borders with non-preclearance counties using a county-level map of the United States. In practice, these are either counties within non-preclearance states that sit on each given state’s border with a preclearance state or interior counties within North Carolina that border preclearance counties. I generated a binary indicator for set to a value of one for counties that border a county of the opposite treatment status. Then I replicated results from Figures 2 and 3 using a sample restricted to just counties

along the border. These results appear in Table 5, and they are very similar to the results presented in Section 6.

Table 5: Difference-in-Differences Results for Border Counties

Outcome	Diff-in-Diff	Classical SE	Bootstrapped SE	2.5%	97.5%	Z Score	p-value	95 pct. CI
Preclearance	-7.16	1.49	3.65	-14.32	0.00	1.96	0.05	(-14.32, 0)
1960 Black Pop	-0.09	0.04	0.05	-0.19	0.02	1.61	0.11	(-0.19, 0.02)

B.8 Including Counties Outside the South

Table 6 displays regression results for the specification presented in Section 5, but including all counties in the U.S. for which Census and Census of Governments data is available. These results are not restricted to the southern region of the United States, and they are broadly consistent with results presented in the main paper.

Table 6: Difference-in-Differences Results for Preclearance Counties

Outcome	Diff-in-Diff	Classical SE	Bootstrapped SE	2.5%	97.5%	Z Score	p-value	95 pct. CI
Dropped	-2.94	0.75	3.60	-9.99	4.11	0.82	0.41	(-9.99, 4.11)
Control	-2.76	0.71	2.65	-7.95	2.44	1.04	0.30	(-7.95, 2.44)
Varying	-1.18	0.59	3.07	-7.19	4.83	0.38	0.70	(-7.19, 4.83)

C Complete Regression Results

This section reports regression results underlying the figures that appear in Sections 6 and 7. Table 7 represents regression results for Figure 2. Table 8 shows regression results including just jurisdictions subject to preclearance in 1965 (and dropping those subject to preclearance in 1970 and later) and county-level controls for population density, percent female, percent 65 years old and older, and percent black. Table 9 presents results underlying Figure 3; Table 10 corresponds to Figure 4, and Table 11 corresponds to Figure 5.

Table 7: Difference-in-Differences Results for Preclearance Counties

Outcome	Diff-in-Diff	Classical SE	Bootstrapped SE	2.5%	97.5%	Z Score	p-value	95 pct. CI
Dropped	-6.59	0.95	3.38	-13.22	0.03	1.95	0.05	(-13.22, 0.03)
Control	-4.14	0.72	2.84	-9.71	1.43	1.46	0.15	(-9.71, 1.43)
Varying	-2.45	0.64	3.43	-9.18	4.28	0.71	0.48	(-9.18, 4.28)

Table 8: Difference-in-Differences Results for Preclearance Counties with County Level Controls

Outcome	Diff-in-Diff	Classical SE	Bootstrapped SE	2.5%	97.5%	Z Score	p-value	95 pct. CI
Dropped	-6.76	0.99	3.90	-14.41	0.88	1.73	0.08	(-14.41, 0.88)

Table 9: Additional Effect of Preclearance on Elected Officials in Counties with Larger Black Population Shares

Outcome	Diff-in-Diff	Classical SE	Bootstrapped SE	2.5%	97.5%	Z Score	p-value	95 pct. CI
Dropped	-0.08	0.02	0.06	-0.21	0.04	1.29	0.20	(-0.21, 0.04)
Control	-0.06	0.02	0.05	-0.15	0.04	1.21	0.23	(-0.15, 0.04)
Varying	-0.06	0.02	0.04	-0.13	0.02	1.43	0.15	(-0.13, 0.02)

Table 10: Additional Effect of Preclearance on Elected Officials in Counties with Larger Democratic Vote Shares

Outcome	Diff-in-Diff	Classical SE	Bootstrapped SE	2.5%	97.5%	Z Score	p-value	95 pct. CI
Dropped	-0.07	0.01	0.04	-0.14	0.01	1.80	0.07	(-0.14, 0.01)
Control	-0.04	0.01	0.02	-0.09	0.00	1.82	0.07	(-0.09, 0)
Varying	-0.02	0.01	0.04	-0.10	0.05	0.66	0.51	(-0.1, 0.05)

Table 11: Difference-in-Differences Results for Elected Officials after Allen v. State Board of Elections (1969)

Outcome	Diff-in-Diff	Classical SE	Bootstrapped SE	2.5%	97.5%	Z Score	p-value	95 pct. CI
Preclearance	7.27	0.73	2.28	2.79	11.75	3.18	0.00	(2.79, 11.75)
Preclearance + Controls	7.32	0.73	2.14	3.13	11.52	3.42	0.00	(3.13, 11.52)
1960 Black Pop.	0.09	0.02	0.04	0.01	0.16	2.31	0.02	(0.01, 0.16)
1960 Black Pop. + Controls	0.08	0.02	0.04	0.00	0.16	2.05	0.04	(0, 0.16)