Revisiting Majority-Minority Districts and Black Representation

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This paper provides the most comprehensive examination of the election of black state legislators in the post-*Thornburg v. Gingles* (1986) era. We begin by charting changes in the partisan affiliation of state legislators and the percentage of black legislators from 1971 to 2016. This descriptive assessment is undertaken according to important regional (Non-South and South) and subregional (Rim South and Deep South) contexts in American politics. We then perform multivariate analyses of the likelihood of electing black legislators across three cycles following the marked increase in the creation of majority-minority districts (1993-1995; 2003-2005; 2013-2015). Because of sectional variation in the partisan strength of the major parties, the probability of achieving black representation is significantly different depending upon whether a contest occurs in the Non-South, Rim South, or Deep South, with the latter constituting the highest threshold of minority population necessary to elect an African-American. By merging an original dataset on state legislative elections with the most complete evaluation of the factors shaping the election of black lawmakers, our findings advance the literature on representation by shedding new light on how sectional differences greatly affect the electoral success of African-Americans.

Ever since the United States moved toward a more inclusive and democratic system of elections, the color of representation has been a major concern of American politics scholars (Whitby 1997). Particularly in the American South,[1] the end of Jim Crow and the subsequent massive re-enfranchisement of African-Americans via the 1965 Voting Rights Act (VRA) (Bullock and Gaddie 2009; Davidson and Grofman 1994; Valelly 2004) made it evident that eventually there would be many local settings where blacks would finally have the chance to elect one of their own. Indeed, in the five Deep South states (Alabama, Georgia, Louisiana, Mississippi, and South Carolina) containing the region's highest African-American populations, all of their upper and lower legislative chambers now consist of majority-black Democratic state legislative delegations that face off against much larger and almost entirely white Republican delegations that control these legislatures (McKee and Springer 2015).

Descriptive representation in this context, meaning the election of black legislators who represent the interests of mostly African-American constituencies (Swain 1993; Tate 2003), is a major feature of the contemporary American political landscape, and especially in southern states where the black electorate is substantial. The rise in black representation, however, has raised some notable normative issues (Canon 1999), specifically in terms of party politics. The work of Epstein and O'Halloran (1999a, 2000, 2006) makes it clear that with the emergence of the southern Grand Old Party (GOP), the growth in the number of majority-minority districts has come at the direct electoral expense of white Democrats. That is, white Democrats have diminished the most in southern jurisdictions because majority-black districts tore asunder the biracial voting coalitions that historically elected white Democrats (Lamis 1988), while the attendant increase in the number of neighboring majority-white districts now greatly favors Republicans (Black 1998; Kousser 1999).

[1] Throughout, the American South is defined as the eleven former Confederate states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

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The crowding out of white Democrats in electoral politics would not (perhaps) be that great a concern if it did not also contribute to an overall reduction in the size of Democratic delegations. In other words, the replacement of white Democrats with black Democrats has been anything but one-to-one (McKee 2010; Petrocik and Desposato 1998). Instead, Republicans have been the primary beneficiaries of the increase in black representation, and in many instances packing minority voters into fewer districts has directly contributed to Republican takeovers of congressional and state legislative delegations (see Carver and Fiedler 1999; Hill 1995), and more so in the South than the rest of the country (Black and Black 2002). Furthermore, this partisan tradeoff triggered by drawing majority-minority districts also entails a tradeoff between descriptive versus substantive representation (Cameron, Epstein, and O'Halloran 1996; Epstein and O'Halloran 2006). Although there is some disagreement with respect to what substantive representation exactly encompasses and how it should be measured (see Grose 2011), it is hard to deny that white Democrats are more responsive to minority interests than are Republicans (LeVeaux and Garand 2003; LeVeaux Sharpe and Garand 2001; Overby and Cosgrove 1996) and hence the overall reduction in white Democrats leads to the political paradox of "less" representation of black interests when majority-minority districts foster Republican legislative majorities (Lublin 1997a).

The broad contours of this story have been told many times before, but in this study we revisit the matter of majority-minority districts and black representation because there remain several features that have not received their due. Specifically, the field is dominated by congressional analyses, and yet because of the size of state legislative delegations, there are hundreds more black legislators of whom the vast majority owe their election to black voters. Certainly in the context of the United States, there is considerably more analytic purchase when evaluating black representation in state legislative elections. Second, to be sure, in the United States race has been and continues to be *the* driving factor for the election of black legislators (Lublin et al. 2009), but it is not the only

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factor. With this in mind, it is curious that most existing scholarship fails to include many controls when assessing the likelihood of electing a black candidate (Lublin 1997b and Lublin et al. 2009 are exceptions). To the extent that other variables matter, their absence means that most of these models are underspecified. With the most comprehensive dataset on state legislative elections, we rectify this issue by demonstrating the importance of several other factors that affect the probability of achieving black representation. Third, and equally limiting, nearly all previous studies have offered only a static snapshot of black electoral success in the United States in a given year, either immediately prior to or following a decennial redistricting, rather than looking dynamically at how the threshold for electing a black state lawmaker may fluctuate over time.

Finally, although much of the literature on black representation in the American states makes the appropriate distinction between the Non-South and South because of sectional variation in black electoral success rates, few have taken the next step of distinguishing between the Rim South and Deep South (but see Black and Black 2002; Bullock and Gaddie 2009). This oversight in the extant literature is considerable and in need of correction. As we will demonstrate, the subregion of the Deep South is driving the greatest disparity in the probability of electing a black legislator; in the heart of Dixie where the black populations are greatest, it is most difficult to achieve black representation because these electorates are the most racially polarized (Black and Black 2012; Hood, Kidd, and Morris 2012; McKee and Springer 2015; Valentino and Sears 2005; White 2014).

Our paper unfolds in the following manner. First, we document changes in the partisan profiles of state legislators and the share of black lawmakers from 1971 to 2016. Our descriptive data stress that regional (Non-South and South) and subregional (Rim South and Deep South) changes to the partisan affiliations of state legislators is the broader context in which the attainment of black representation occurs. The most telling development in black representation transpired with the Supreme Court of the United States' ruling in the 1986 North Carolina redistricting case,

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Thornburg v. Gingles. In the wake of this decision, which compelled North Carolina and other states, particularly those in the South, to greatly expand their number of majority-minority districts (Cunningham 2001), there has been a marked increase in the share of black state legislators. Our data analysis begins in earnest in this post-*Thornburg* era of legislative politics. We offer preliminary evidence of the relationship between the electoral success of African-Americans and the black population in their state legislative districts according to where these lawmakers reside: Non-South versus South, and Rim South versus Deep South. We then move beyond these descriptive presentations to perform several multivariate analyses that model the likelihood of electing a black lawmaker in these aforementioned sections of the United States. Lastly, we conclude by discussing the important political and representational implications of our findings.

Partisan Change and Black State Legislators, 1971-2016

Sticking with the basic delineation between the Non-South and South reveals some palpable differences in the party affiliations of state legislators from 1971 to 2016. To be sure, scholars have further subdivided regions within the Non-South (see Black and Black 2007), but we adhere to the more common Non-South/South bifurcation since variation in the likelihood of achieving black representation is typically expected to be substantially different *between* these two major regions but not *within* Non-South subregions. However, because of greater racial polarization in voting patterns between the Rim and Deep South subregions, we take another step by emphasizing the significance of this division.[2]

[2] Research on electing black legislators typically makes a Non-South/South distinction (e.g., Epstein and O'Halloran 2006; Grofman and Handley 1989, 1991; Lublin et al. 2009) if any regional distinction is made and in some northern subregions there are simply too few black lawmakers to make a multivariate analysis feasible (e.g., Mountains/Plains), and again, we do not anticipate significant differences in the likelihood of electing black lawmakers in certain sections of the Non-South. It would seem that the only notable drawback to sticking with the dichotomous Non-South/South approach is that the data that follow obscure notable partisan sorting taking place in specific Non-South subregions (see Black and Black 2007).

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In the figures that follow, the time series run from 1971 to 2016. As is the case for all the data presented in this section, we weight state legislative seats so that the upper chamber is proportional to the lower chamber in the computation of these partisan splits (see the Appendix for further details). Combining state house and state senate chambers, Figure 1a displays the partisan composition of the Non-South, and Figure 1b shows it for the South. In the early 1970s the non-southern partisan split leans in favor of Democrats and then it quickly and vastly expands in a Democratic direction (the short-term advantage in the wake of Watergate is clearly evident here). After the late 1970s, there is a somewhat choppy but notable Democratic decline until the parties achieve parity in the mid-1990s. A smaller Democratic trend commenced in the mid-1990s until a sharp Republican increase occurred in the 2010 midterm. In 2012 the Democrats recover only to see another short-term decline leaving them with just a slight majority of Non-South seats heading into the 2016 elections.

[Figures 1a-1b here]

By comparison, the southern pattern is elegantly simple; it depicts the decline of the Solid Democratic South and the rise of Republicans. Given the general pattern of Republican top-down advancement (Aistrup 1996), we should note that whereas the South became majority Republican in U.S. House contests in 1994, here we see that the Republican state legislative majority emerges about a decade later. Democrats managed to halt the Republican advance in the very electorally favorable years of 2006 and 2008, but thereafter the GOP ascent reboots. The "southern x" pattern in Figure 1b is a common feature of the Republican electoral realignment in Dixie (Black and Black 2002), and it shows up in other contexts, such as congressional delegations, statewide elective offices, and the party identification of white southerners (see McKee 2012). Since we make no distinction here between state houses and state senates, we note that Republicans now comprise a majority in all 22 upper and lower state legislative chambers in the southern U.S.

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The increase in black Democratic legislators is a fundamental component of the southern partisan sort because the growth in this segment of state lawmakers effectively crowded out a large swath of white Democrats as more majority-black districts were created after the *Thornburg v. Gingles* (1986) decision. Figures 2a-2b display the percentage of black Democratic state legislators across regions from 1971 to 2016. With its history of severe racial discrimination it is no surprise that in the early 1970s there was a smaller portion of black Democrats in the South than in the Non-South (Figure 2a). Regional parity is attained by the early 1980s and henceforth southern black Democrats are far more prevalent vis-à-vis their numbers in the Non-South. The widely documented increase in the creation of majority-black districts in the 1990s redistricting round is evident by the steeper growth in the portion of black Democrats shortly after 1990. Black Democrats are now just under 16 percent of the southern Democratic state legislative delegations whereas they comprise about 8 percent of the non-southern Democratic state legislative delegations.

[Figures 2a-2b here]

Figure 2b displays the percentage of black Democratic state legislators in southern subregions from 1971 to 2016. Figure 2b offers another stern reminder of southern racial oppression. In the most heavily black region of the United States, in the early 1970s black Democratic state lawmakers comprised a mere 2.5 percent of the South's Democratic state legislative delegations. As early as the mid-1970s, the portion of black Democrats in the Deep South exceeds that of the Rim South and both groups grow at a relatively steep clip until the early 1990s when their ascent is hastened by the expansion in the number of majority-black districts. Around 1996, the rise in black Democratic legislators flattens out but then a slight uptick is evident in the Deep South starting in 2004. By 2016, black lawmakers account for about 12 percent of the

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Democratic state legislative delegations in the Rim South and a much more substantial 24 percent of the Deep South Democratic state legislative delegations.[3]

The Importance of Southern Subregions

Unlike previous studies that limit the analysis of electing black lawmakers to a Non-South/South dichotomy, we take an additional step by employing the southern subregional distinction of Deep South and Rim South. Until now, this further parceling of the data has been overlooked in estimating the likelihood of electing black state legislators. We stress this subregional distinction because, although the southern partisan sort manifests in both places, it is much more pronounced in the Deep South.[4]

Figure 3a and Figure 3b present a graphical depiction of the southern realignment by subregion from 1971 to 2016. The distinct "southern x" pattern shows up in both regions, but in the Rim South we find the shift in favor of the GOP occurs earlier, in the late 1990s compared to the mid 2000s in the Deep South. To be sure, Democratic dominance in both subregions in 1975 is impressive, but the 95 percent to 5 percent Democrat-to-Republican advantage in the Deep South is a jarring reminder of just how solid the Solid South once was. For Rim South legislators, the partisan sort in favor of the GOP spans a remarkable 62 percentage-point Democratic decline. By 2005, Rim South Republicans were a comfortable 57 percent majority of this subregion's delegations, whereas Deep South Democrats were still the majority party, at 53 percent. In 2015, however, the partisan

[3] The percentage of black Republican state legislators by region from 1971 to 2016 is extraordinarily small, never exceeding 0.4 percent of the Non-South, Rim South, and Deep South GOP delegations. Black Republicans are an exotic species of state legislators; their nominal presence in the Republican Party translates into trivial influence in an overwhelmingly white political party.

[4] Recall that the Deep South consists of Alabama, Georgia, Louisiana, Mississippi, and South Carolina and the Rim South includes Arkansas, Florida, North Carolina, Tennessee, Texas, and Virginia. Key (1949) emphasized this subregional distinction almost 70 years ago, and contrary to one prominent study (Shafer and Johnston 2006), substantial political differences remain to this day (see Hood, Kidd, and Morris 2012; McKee and Springer 2015; Valentino and Sears 2005; White 2014) and their grounding in the racial issue is anything but a myth. Indeed, race is the cardinal identifier of these subregions since every Deep South state's population of African-Americans exceeds that of every Rim South state.

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split in both subregions is practically the same: 66 percent Republican in the Rim South and 64 percent Republican in the Deep South. Since 1971, the share of Deep South Republicans increased by 59 percentage points, perhaps the greatest partisan reversal in American history. What makes the partisan transformation of the Deep South's state legislative delegations most astounding is that the black population in the Deep South is proportionally so much larger than its Rim South counterpart,[5] which means that Deep South blacks and whites are the most racially polarized voters in the United States (Black and Black 2012).

[Figures 3a-3b here]

Piecing together the findings in these sequential figures suggests that race is driving the southern partisan sort. First, southern blacks permanently realigned to the Democratic Party in 1964 (Black and Black 1987; Carmines and Stimson 1989) and thus the lion's share of the southern realignment to the GOP is explained by changes in white political behavior (Abramowitz and Saunders 1998; Green, Palmquist, and Schickler 2002). This is a fact so commonly known that it hardly warrants repeating, but what is evident from these descriptive statistics is that in southern state legislative delegations the growth in the share of black Democrats necessarily contributes to the decline in the overall number of white Democrats since the number of Republicans keeps climbing. Hence, hand-in-hand with the partisan sort has been a racial sort; yet, the growth in the number of black Democratic legislators is hardly a threat to the Republican majority in southern state legislatures. In fact, Republicans' ostensible defense of majority-minority districts makes sense since they are the net beneficiary in electoral politics (Altman and McDonald 2015; Lamis 1999).

Black Representation in the Post-*Thornburg v. Gingles* Era

[5] For the population of one race, the 2010 U.S. Census percentage of African-Americans in the Deep South was 30 percent versus 16 percent black in the Rim South.

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As demonstrated in the previous section, the largest increase in the portion of black state legislators takes place in the early 1990s and this surge is most pronounced in the South where the higher percentage of African-Americans made it relatively easier to create majority-minority districts. Although at the time most southern state legislatures were controlled by Democratic majorities responsible for drawing the new state legislative districts (Niemi and Abramowitz 1994), in the aftermath of the *Thornburg* decision the Department of Justice, in its enforcement of the Section 5 preclearance provision of the VRA, pushed most of the covered southern states to maximize their number of newly created majority-black congressional and state legislative districts (Bullock 2010; Cunningham 2001).

Our data on the racial composition of state legislative districts begins in the post-*Thornburg* era in which we have segmented all of the subsequent analyses into three election periods: (1) 1993-1995, (2) 2003-2005, and (3) 2013-2015. We start each period with an election that follows the initial decennial redistricting cycle in order to avoid this substantial disruption to electoral politics. We also merge three successive elections since some states hold their legislative contests in odd years (e.g., Virginia in the odd year following a presidential year, and Louisiana and Mississippi which hold their elections in the odd year preceding a presidential year). Finally, some states have senate contests that occur every four years (e.g., Alabama) instead of two (as is the case for house elections). By combining the data in this fashion for three separate election cycles, we provide the most comprehensive empirical examination of the likelihood of electing black state legislators over time and across all American states.

Before turning to our multivariate analyses, we begin by presenting visual and tabular descriptions of the relationship between a district's racial composition and the election of black state legislators. Figure 4 plots the district percent black on the horizontal axis and the vote shares of elected black state legislators on the vertical axis in separate panels for our three election periods

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(1993-1995, 2003-2005, and 2013-2015). Further, we run a vertical line at the 50% black district mark and distinguish Non-South black legislators with a circle from their southern counterparts with an X. Lastly, excluding the large number of lawmakers who garnered 100% of the vote (clustered near the top-right), we have provided trend lines showing the relationship for the district percent black and the vote share of legislators representing seats in the Non-South and South, respectively.

[Figure 4 here]

What is readily apparent though not surprising, is the clear separation by region with respect to the relationship between the district percent black and the accompanying vote shares of black state legislators. The trend lines reinforce the fact that at any given percent black in a district the vote share is higher for black state legislators in the Non-South. In fact, during the 1993-1995 cycle, not one southern black legislator was elected in a district with a black district population under 20%. The regional disparity is most pronounced from 2003-2005, but it still holds in the most recent period from 2013-2015.

In Figure 5 we show the same type of relationship in the context of only southern black legislators in the Rim and Deep South. The patterns confined to these southern subregions are quite revealing. First, compared to Figure 4, in Figure 5 there is a much sharper break in the distribution of vote shares. In the South, once a black legislator secures about 80% or more of the vote, thereafter it quickly jumps to 100%. This shows that competitiveness, at least in terms of an opponent contesting the seat, plummets in southern state legislative contests. Related to this observation, in the South, the clustering of 100% vote shares is much more concentrated in the upper-right where the district percent black is higher.[6] Lastly, between the southern subregions, the trend lines make it clear that black state legislators in the Rim South are elected with lower black

[6] The clustering of 100% vote shares does not occur in the extreme top-right because hardly any state legislative districts are drawn to be 100% black.

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district populations than those running in the Deep South. In other words, the data suggest that until the black population of a district is very high (well over 50 percent), it is very improbable that an African-American will be elected to a Deep South state legislature.

[Figure 5 here]

In Table 1 we move beyond the graphical depiction between the district percent black and black lawmakers' vote shares by displaying both the mean and median district percent black, Hispanic, and Asian for all black state legislators elected in 1993-1995, 2003-2005, and 2013-2015. This presentation further crystalizes the demographic realities associated with black representation. First, the typical black legislator, regardless of region, represents a majority-minority constituency. Second, whether it is the mean or median percent black population in the district, this statistic has declined over each election period in all three sections of the United States (Non-South, Rim South, and Deep South). No doubt, part of the reason for this downward trend in the black district population is because there has been a steady and across-the-board increase in both the mean and median percent Hispanic in districts represented by black lawmakers, and this can foster electoral coalitions. Also worth noting is that the difference in the percent black district populations is not nearly as great between the Non-South and Rim South as in either of these sections vis-à-vis the Deep South. Whether one considers the mean or the median district percent black, in the Deep South from 1993 to 2015 it is 66 percent; this is a much higher black district percentage than that found in districts represented by black lawmakers in the Non-South or Rim South. Finally, the Deep South is the most racially monolithic - to this day it remains a politics of black versus white since Hispanics and Asians comprise trivial shares of these black lawmakers' minority district populations.

[Table 1 here]

Data and Methods

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In keeping with existing studies, we expect certain variables to significantly shape the election of black lawmakers in American state legislatures. First, and most obviously, we argue that a *district's demographic characteristics* play a crucial role in determining whether an African-American is elected (Lublin 1997a, 1997b). Given persistent racial polarization in the United States, legislative districts with majority black population should be significantly more likely to elect a black lawmaker than districts with minority black population, other things being equal. Second, we argue that *time* plays an important role. In particular, we expect the black population threshold of a district necessary to elect a black lawmaker may vary over time because minority populations across the country are growing at a higher rate than white populations. Third, the likelihood a district elects a black lawmaker should vary according to a district's geographic *region*. We expect the likelihood a district elects a black legislator is significantly different between the South and the Non-South, and within the South, between the Deep South and the peripheral states making up the Rim South. Importantly, each of these variables interacts with the next. For example, we expect Deep South districts with populations under 50 percent black to be less likely than non-southern districts with the same demographic profile to elect a black lawmaker.

We investigate the manner in which these variables shape the election of minority lawmakers by modeling the likelihood that a district elects a black legislator across two decades. Unlike previous studies, our dataset includes the election of both black and nonblack lawmakers (King-Meadows and Schaller 2006), states with less than 10 percent black population (Grofman and Handley 1989, 1991), legislative elections covering three decades, an array of covariates, and elections from both (not just a single) legislative chambers (Stephanopoulos 2016). Our data are organized as binary time-series cross-sectional. Our central dependent variable is coded 1 if a district elects a black lawmaker and 0 otherwise among all lawmakers elected in a given election cycle. The population in a given year, then, is all legislators who won their election. Although we have data on our dependent variable

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dating back to the 1970s, our data on districts' racial characteristics go back to the 1990s, so the time frame for our statistical models spans 1993-2015, the post-*Thornburg* era. Our approach to modeling these data accounts for complications inherent in the data generation process. First, each state redistricts after each decennial census. This means that we have to segment our data according to redistricting regimes (i.e., 1990s districts, 2000s districts, and 2010s districts). Second, districts are clustered in chambers, states, and regions meaning our residuals are likely correlated at these levels. (See the Appendix for a detailed note on the exacting comprehensiveness of our original dataset.)

To manage these problems, we analyze data from these three redistricting regimes separately. Our first table, for example, presents results from models of the likelihood a district elects a black lawmaker in the 1993-1995, 2003-2005, and 2013-2015 cycles, respectively. We combine years that end in 3 with years that end in 4 and 5 to accomplish two tasks. As mentioned, unlike previous studies, our three-year cycles allow us to account for the small number of states that hold odd-year elections (e.g., Louisiana, Mississippi, New Jersey, and Virginia). Our approach also allows us to capture the likelihood a district elects an African-American early in a post-redistricting cycle.

We manage the clustered nature of our data in two ways. First, we include a fixed effect for chambers by including a dummy variable that indicates whether or not a legislator in our sample was elected to a state senate or a state house. We also include fixed effects for regions to account for systematic differences between regions, which we argue are theoretically important. We only include regions, however, that make good theoretical sense. As discussed, we expect the likelihood a district elects a black lawmaker varies between states in the Non-South, the Deep South, and the Rim South. However, we do not expect meaningful differences between Midwest, Mountains/Plains, Northeast, and Pacific Coast districts (political regions as defined by Black and Black 2007). Second, we compared these models to multilevel models with random intercepts fit to the states. Nevertheless, the multilevel models failed to improve model-fit significantly enough to warrant the

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more complicated inclusion of random intercepts. Since the findings from these models were substantively the same, we instead present simple logit models.

We include a number of control variables in our models. We include a binary variable separating *open seat* districts from districts with an incumbent running. Open seats may provide opportunities, net of other variables, for black lawmakers to gain office. We also include a binary variable for *contested elections*. We define an election as contested if and only if the general election includes a Republican and a Democratic candidate. In addition, we include a binary variable for *multimember districts* (MMDs). We restrict our definition of multimember districts to include only free-for-all multimember state house and senate districts. Although some bivariate analyses suggest that MMDs dilute black votes, especially in the South (Hamilton 1967; Valelly 2004, 218), we suggest following Niemi, Hill, and Grofman (1985) that the supposed negative relationship may not be so clear-cut. Finally, following Lublin (1997b) and Lublin et al. (2009), we include a control variable that captures the percentage of a district's population that is *urban*. Given that black citizens are more likely to live in urban areas and since these denser settings are more Democratic (McKee and Teigen 2009), districts in which the share of the population is relatively more urban than rural should be more likely to elect black lawmakers.

As a control for racially polarized voting, we include an additional set of models for our 2013-2015 dataset that include estimates for the share of each district's white population that voted for Obama in 2008. These estimates are derived from estimates created by Amos and McDonald (2015), who apply ecological inference to 2008 precinct-level election returns and census data to estimate voting patterns among whites and blacks across the country.[7] We include this variable because we suspect that white voters' partisanship and ideology, which we argue this variable uniquely captures, can indirectly shape the likelihood a district elects a black state legislator. White

[7] We thank Brian Amos for providing us with these estimates.

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voting patterns also serve as a crucial control variable. We demonstrate that regional differences in the likelihood a district elects a black lawmaker persist even after controlling for patterns of racially polarized voting.

Black lawmakers are significantly more likely to be Democrats than Republicans (see footnote 3). To account for this pattern empirically, we compared our central models to an additional set of models whose dependent variable is coded 1 if a district elects a black *Democrat* and 0 otherwise. A few things are worth pointing out about these party-specific models. First, there are only a very small number of black Republicans elected in the years we explore in our analysis. Only 15 of the 6,107 lawmakers elected in 1993-1995, only 14 of the 5,978 lawmakers elected in 2003-2005, and only 21 of the 6,259 lawmakers elected in 2013-2015 were black Republicans. By comparison, of the legislators elected in 2013-2015, over 600 were black Democrats. The rarity of districts electing black Republicans between 1993 and 2015 helps demonstrate two critical points. First, modeling the election of black *Republicans* is fruitless, given the lack of variation. Second, there should be few differences between the likelihood a district elects a black *lawmaker* and the likelihood it elects a black *Democrat*. Indeed, when we compare our models, the only difference is that our findings are marginally stronger when the dependent variable is confined to black Democrats. Because our coefficients are so similar, we only present the findings from models where the dependent variable is the election of a black *lawmaker* irrespective of their major party affiliation.

Results

We present our findings in Tables 2 and 3. The baseline models we present in these tables contain all of the control variables, but constrain interaction effects between region and district demographics to zero. These models reveal, net of race, that region matters substantially. According to the first column of coefficients in Table 2, the odds that a district in the Deep South elects a black lawmaker are lower by a factor of 0.55 relative to the odds a district in the Non-South elects a black

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legislator. The differences between the Deep South and Non-South become even more pronounced in later years as the 2003-2005 and 2013-2015 base models demonstrate.

Comparing the coefficients between our Rim South and Deep South variables is also revealing. Not only are the coefficients for Rim South insignificant in two of the three base models, meaning we cannot reject the hypothesis that the likelihood a district in the Rim South and the Non-South elects a black lawmaker are equal, but the values are also noticeably smaller than the coefficients for the Deep South variable. This provides preliminary evidence that the Deep South is notably different from the other two regions.

Our base models also reveal that demographics shape the election of black lawmakers. Although the size of the black population has a significant and substantive effect on the likelihood a district elects a black lawmaker, we also find that this likelihood is positively associated with the size of districts' Hispanic and Asian populations. These models imply that increases in the size of non-white population more generally increases the likelihood districts will elect black legislators.

Nevertheless, our core hypothesis indicates that regional differences in the likelihood a district elects a black lawmaker *depend* on the size of the black population. For example, we expect that the black population threshold required for a Deep South district to elect a black lawmaker is significantly higher than the black population threshold in Rim South and Non-South districts. All of our interaction effects reach conventional levels of significance, which provides support for this expectation.

[Table 2 here]

We provide two figures to demonstrate these findings. Figure 6 plots the probability a district elects a black legislator conditional on region and the size of that district's black population. Figure 7 plots the *marginal effect*, or simple-slope, of the Deep South and Rim South variables conditional on the size of a district's black population. This graph plots, in other words, the

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expected difference in electing a black lawmaker between districts in Deep South states and those in Non-South states, and districts in Rim South states versus those in Non-South states, respectively.

[Figure 6 here]

Figure 6 plots the probability a district elects a black lawmaker in the Deep South (left panel) versus the Rim South (right panel) depending on the size of a district's black population. This figure shows that, in each of the election periods we include, black legislators are elected with smaller black populations in the Rim South relative to the Deep South. This figure does not contain the same probability for districts in the Non-South because, as the coefficients imply, the differences are larger still. In 1993-1995, the probability that a district elects a black lawmaker reaches 0.5 when the black population is between 54 and 55 percent in the Deep South. In that same period, the probability a district elects a black legislator reaches 0.5 when the black population is between 49 and 50 percent in the Rim South. This 5 percentage-point difference nearly doubles in 2003-2005 (52 to 53 percent for the Deep South versus 43 to 44 percent for the Rim South) and in 2013-2015 (48 to 49 percent for the Deep South versus 40 to 41 percent for the Rim South).[8] An additional trend this figure reveals is that, in each region, the threshold required to elect a black legislator reduced between 1993-1995 and 2013-2015.

Figure 7 further reveals the unambiguous regional differences in the chance of electing a black legislator in 1993-1995 and 2013-2015. It plots the marginal effect, or simple-slope of the Deep South (left panel) and Rim South (right panel) on the likelihood a district elects a black lawmaker, conditional on the size of the black population. In other words, we plot the average *differences* between Deep South districts and Non-South districts, and the average differences between Rim South districts and Non-South districts in these respective panels. Figure 7 illustrates that

[8] These quantities are based on the interaction models presented in Table 2. We generate these predictions by holding other quantitative variables in the model to their mean values, and by holding other qualitative variables to their modal values.

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relative to Non-South districts, Deep South (left panel) districts are significantly less likely to elect a black lawmaker provided that their populations are less than 50 percent black. In fact, equivalence in the likelihood of electing a black legislator in the Deep South and Non-South only occurs in districts whose populations are above 50 percent black. On the other hand, there are noticeably fewer differences between Rim South districts and Non-South districts. Rim South districts, on average, are statistically indistinguishable from Non-South districts if their populations are under 50 percent black. A district in both 1993-1995 and 2013-2015 whose population is more than 50 percent black, however, is more likely to elect a black legislator in the Rim South than in the Non-South.

[Figure 7 here]

Our findings in reference to our control variables demonstrate a significant association between the share of a district' s population that is urban versus rural and the likelihood it elects a black legislator. In 2013-2015, for example, the probability a district whose population is entirely urban elects a black lawmaker is higher by more than 4 percentage points relative to a district whose population is entirely rural, other things being equal. We also find some limited evidence that black lawmakers are more likely to be elected in open seats. We find few consistent differences across our models in comparing senate districts to house districts, and in comparing contested elections to uncontested elections. That said, we also find strong evidence, net of other variables (including racial demographics), that multimember districts are significantly *more* likely to elect black lawmakers. That these models account for race is important in interpreting this finding, as many multimember districts were historically drawn to disadvantage the black populations within them (Davidson and Grofman 1994).

White Obama Voters

In Table 3 we provide an additional set of models using a new variable that captures the percentage of the white vote for Obama (in 2008) in each district. These models enhance our

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findings in two critical ways. First, even after controlling for white voting patterns in legislative districts, our models reveal that regional differences in the likelihood that districts elect black lawmakers persist. Indeed, these models reveal the same patterns between the Non-South, Rim South, and Deep South as we discussed above in Table 2. Given that white voting patterns in these districts correlate with white voters' partisanship and ideology, this certainly adds to our confidence in these findings. Secondly, we find evidence that white voting patterns also shape the election of black lawmakers. With other quantitative variables set to their mean values and qualitative variables set to their modal values, adjusting our white Obama voters variable from its minimum to maximum yields a 5-percentage point difference in the likelihood a district elects a black legislator in the Non-South, from 0.08 to 0.13. This gap is smaller for districts in the Rim South (0.09 to 0.13) and Deep South (0.07 to 0.10).

[Table 3 here]

Discussion and Conclusion

State legislative district lines don't draw themselves. They are crafted to further political goals while complying with legal parameters (Winburn 2008). In fact, in most scenarios the state legislators themselves are tasked with creating their own maps (Butler and Cain 1992; McDonald 2004) and sometimes they take the lead in determining the boundaries of the very same districts in which they vie for reelection (Barone and Ujifusa 1993).[9] More recently, commissions and the courts (McKenzie 2012) have played an influential role in the redistricting process of several states (Carson and Crespin 2004),[10] but no seasoned political observer would contend that electoral districts in the United States have ever been engineered and implemented behind a veil of ignorance. Even in the

[9] As an Illinois State Senator, Barack Obama was able to draw his district when Democrats redrew the map for the 2002 elections (Sides et al. 2015, 20-21).

[10] For a comprehensive list and description of the responsibility of commissions involved in state legislative redistricting, see the following National Conference of State Legislatures' website: http://www.ncsl.org/research/redistricting/2009-redistricting-commissions-table.aspx.

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first post-*Thornburg* round of redistricting, when Democratic-controlled southern state legislatures were compelled by the Justice Department to greatly enhance their number of majority-minority districts, they drew remarkably convoluted boundaries (see Monmonier 2001) in the hopes of minimizing the electoral cost to white Democratic incumbents (who, in many cases were both the line drawers and the likely victims). And despite these Democrats' best efforts, the strong prevailing Republican tides running through southern states undermined these attempts to limit the electoral damage of race-based redistricting (McKee 2010, 2013; Petrocik and Desposato 1998). In fact, so many of these Democratic-drawn maps blew up in the designers' faces (Bullock 1995a, 1995b) that Grofman and Brunell (2005) dubbed them "dummymanders."

Since the 1990s, both parties now have a much better grasp of what the implementation of majority-minority districts portends for the overall state of electoral politics. In the words of Epstein and O'Halloran (1999a), "a social science approach to race, redistricting, and representation" leads to the incontrovertible conclusion that the creation of majority-black districts places the Democratic Party at a disadvantage since few African-Americans vote for Republicans. But, as we have shown in this study, with the most rigorous and comprehensive analysis of the likelihood of electing black state legislators in the three-decade post-*Thornburg* era, the electoral tradeoff associated with furthering black representation is most severe in the Deep South. Indeed, in more recent state legislative elections, the Non-South and Rim South have become more similar in terms of the necessary threshold of black district population needed to provide an equal chance for black representation, controlling for other factors. By contrast, in the Deep South, where the sorting by race into opposing partisan camps is most extreme (Black and Black 2012; Hood, Kidd, and Morris 2012) and the presence of Hispanic and Asian voters remains trivial (see Table 1), ensuring the election of an African-American lawmaker is a task that requires a much higher district percentage of black voters.

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Nonetheless, disparities in the actual size of the black electorate versus the necessary size needed to achieve black representation vary considerably depending on the location. In other words, in some jurisdictions, like those in the Deep South, a reduction in the size of the black population in majority-minority districts could be undertaken without compromising the overall number of black state legislators since the typical black lawmaker represents a district that is about two-thirds African-American.[11] This explains why Georgia Democrats, in what would constitute their last hurrah as the majority party in the state legislature, drew districts for the 2002 election cycle that systematically reduced the number of majority-minority districts in order to maintain control of the Georgia General Assembly. In a 5-to-4 decision, the Supreme Court in *Georgia v. Ashcroft* (2003) upheld the Democratic-drawn plan but Republicans still managed to capture legislative majorities in both chambers after the 2004 elections. Once again, the nature of race-based redistricting made for political theater, as Republicans vehemently "defended" the Voting Rights Act—and hence, the need to safeguard majority-black districts—while most black Democrats actually defended the reduction in black district populations because it was expected to help the Democratic Party maintain its majority status.

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[11] A critical assumption here is that black turnout rates produce a majority-black voting electorate since almost all African-Americans in Deep South settings will vote for a black Democratic candidate (Bullock and Gaddie 2009). However, once the black share of the voting electorate drops below a majority, all bets are off because Deep South whites are overwhelmingly Republican in their voting behavior (Bullock and Gaddie 2009; McKee and Springer 2015). Based on our analysis, which admittedly does not take into consideration turnout rates, a 66 percent black district in the Deep South for the 2013-2015 elections translates into about an 80 percent likelihood of electing a black state legislator (controlling for other factors). Interestingly, for many years after passage of the VRA, legal experts expounded a "65 percent rule" for ensuring black representation in Deep South district-based contests. As explained by the late civil rights attorney Frank Parker (1990, 138-139):

> blacks generally constitute a smaller proportion of the voting-age population than of the total population, are registered to vote at lower rates than whites, and turn out to vote at lower rates than whites. Consequently, the black population percentage of a given election district must be augmented 5 percent for voting-age population disparities, 5 percent for registration disparities, and 5 percent for turnout disparities, so that at 65 percent, black voters will have a chance of electing candidates of their choice…However, the 65 percent rule is only a rough guide or rule of thumb, and the threshold for black electoral success may be higher or lower, depending upon the local population characteristics and registration and turnout rates.

But herein lies the insoluble political dilemma of majority-minority districts and black representation. Despite conducting the most thorough analysis of the factors contributing to the attainment of black representation since the fateful *Thornburg v. Gingles* (1986) ruling, the weight of the evidence does nothing to resolve competing normative positions. The old adage that politics makes for strange bedfellows holds with respect to majority-minority districts and black representation. To the extent that some African-American candidates and officeholders care more about their own political careers than the fate of the Democratic Party, many will continue to align with Republicans who are more than happy to pack African-American voters into majority-black districts so that the net effect fosters GOP legislative majorities while practically guaranteeing the election of black Democrats.

In short, the creation of majority-minority districts has generated an issue that crosscuts (Sundquist 1983) the Democratic coalition by pitting black and white Democrats against each other. To be sure, in the aforementioned Georgia case most black and white Democrats were united, but it is easy to find many (if not more) instances where this is not true (e.g., see Lamis 1999).[12] For example, African-American Congresswoman Corrine Brown represented various permutations of a majority-black district in Florida from 1992 to 2016. Her district, until 2016, was located in the north-central part of the state, with its northernmost and southernmost sections capturing disproportionately black populations in parts of Jacksonville and Orlando, respectively.[13] The

[12] In the pending case of *Bethune-Hill v. Virginia Board of Elections* (2016), the Republican-controlled state legislature drew twelve state legislative districts with at least a 55 percent black voting age population and the African-American candidates who stood to gain from the creation of these districts strongly favored them even though they would benefit the Republican opposition by concentrating black voters into a smaller number of districts.

[13] In a greatly altered District 5 for the 2016 elections, in the Democratic primary Corrine Brown was defeated by African-American State Senator Al Lawson by 47.6 to 39.0 percent in a three-candidate race (for the results see: http://www.nytimes.com/elections/results/florida). This transformed Rim South district went from 52 percent black to 45 percent (the Hispanic percent dropped from 12 to 6), and instead of running generally north and south in the north-central part of the state, it now runs east-west along the north-central part of the Florida panhandle into the inner-city of Jacksonville in Duval County at its eastern terminus (its western terminus includes Gadsden County, Florida's only majority-black county). (For details, see: http://mcimaps.com/the-complete-breakdown-of-floridas-proposed-congressional-districts/.)

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empirical evidence strongly suggests that by diluting Democratic strength in surrounding districts, this majority-black district has been a key factor in reducing the ability of Florida Democrats to increase their total seats in the state's U.S. House delegation (Altman and McDonald 2015). But who is to say that Representative Brown's defense of her district is indefensible? After all, there is compelling evidence that African-Americans, when given the choice, prefer descriptive representation to substantive representation (Tate 2001; see also Hayes and Hibbing 2016). And if the American South is a region of the United States where Republicans are going to control legislative majorities even if majority-minority districts are done away with, then why not further descriptive representation?

Instead of pressing our normative views regarding the broader political and representational implications of the relationship between majority-minority districts and black representation, though, we want to emphasize that our empirical analysis indicates an inexorable dynamic in party politics. Our findings leave no doubt that a considerable reduction in majority-minority state legislative district populations can be accomplished while ensuring black descriptive representation. In light of the Supreme Court's 2013 decision in *Shelby County v. Holder*, which scrapped the federal enforcement of the Section 5 preclearance provision of the Voting Rights Act, it necessarily follows that in the next decennial round of redistricting *most* Democrats will push for a reduction in the size of minority populations in majority-minority districts, while almost *every* Republican will continue to insist that majority-black districts should remain as is, or better yet, contain even higher African-American populations.

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Table 1. The Racial Composition of State Legislative Districts Represented by African-Americans

	1993-1995		2003-2005		2013-2015		Overall	
	Mean %	Median %	Mean %	Median %	Mean %	Median %	Mean %	Median %
Non-South								
Black	53	61	46	50	42	47	46	52
Hispanic	11	5	15	9	16	10	14	8
Asian	3	1	3	2	5	3	4	2
Rim South								
Black	57	59	52	56	50	53	53	56
Hispanic	5	2	10	5	14	9	11	5
Asian	1	1	2	1	2	2	2	1
Deep South								
Black	69	68	65	65	63	64	66	66
Hispanic	1	1	3	2	5	3	3	2
Asian	1	0	1	1	1	1	1	1

Note: Data rounded to the nearest whole number.

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Table 2. The Likelihood a State Legislative District Elects a Black Lawmaker

Variables	1993-1995 Elections		2003-2005 Elections		2013-2015 Elections	
	Base	Interactive	Base	Interactive	Base	Interactive
% Black in District	0.1272**	0.1067**	0.1426**	0.1241**	0.1381**	0.1216**
	(0.0048)	(0.0052)	(0.0055)	(0.0061)	(0.0047)	(0.0055)
% Hispanic in District	0.0236**	0.0249**	0.0283**	0.0288**	0.0254**	0.0261**
	(0.0061)	(0.0058)	(0.0052)	(0.0051)	(0.0045)	(0.0045)
% Asian in District	0.0225+	0.0155	0.0167	0.0139	0.0258+	0.0227+
	(0.0136)	(0.0130)	(0.0186)	(0.0173)	(0.0134)	(0.0127)
Rim South	-0.1437	-1.6318**	-0.4522*	-1.5645**	-0.2037	-1.3494**
	(0.2462)	(0.5687)	(0.2290)	(0.5137)	(0.2028)	(0.4368)
Deep South	-0.5892*	-5.6769**	-1.5707**	-5.8376**	-1.0716**	-3.0208**
	(0.2821)	(1.3285)	(0.2833)	(1.2633)	(0.2432)	(0.7150)
% Black X Rim South		0.0436**		0.0384**		0.0413**
		(0.0131)		(0.0138)		(0.0126)
% Black X Deep South		0.1037**		0.0913**		0.0495**
		(0.0230)		(0.0233)		(0.0143)
Open Seat	0.5724**	0.5403*	0.0940	0.0838	0.4101*	0.4140*
	(0.2169)	(0.2231)	(0.2303)	(0.2367)	(0.1828)	(0.1851)
Contested Election	-0.3219+	-0.2121	-0.1306	-0.0955	-0.0894	-0.0366
	(0.1934)	(0.2025)	(0.1782)	(0.1813)	(0.1621)	(0.1640)
Multimember District	2.2851**	2.0063**	1.6816**	1.4969**	1.8034**	1.6285**
	(0.2907)	(0.2782)	(0.3210)	(0.3070)	(0.2594)	(0.2507)
% of Population Urban	0.0071**	0.0085**	0.0129**	0.0147**	0.0107**	0.0132**
	(0.0025)	(0.0028)	(0.0038)	(0.0042)	(0.0037)	(0.0040)
Senate	-0.0678	-0.0707	0.0975	0.1042	-0.4135*	-0.4289*
	(0.2218)	(0.2327)	(0.2007)	(0.2058)	(0.1920)	(0.1960)
Constant	-6.7127**	-6.2787**	-7.0336**	-6.7867**	-6.6962**	-6.5749**
	(0.3375)	(0.3363)	(0.4045)	(0.4239)	(0.3726)	(0.3886)
N	6107	6107	5978	5978	6259	6259
aic	1054.44	1013.90	1173.29	1149.35	1467.66	1449.80
bic	1128.33	1101.22	1246.95	1236.40	1541.82	1537.45

+ p < .10, * p < .05, ** p < .01 (two-tailed).

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Table 3. The Likelihood a Black State Legislator is Elected Controlling for the 2008 White Vote for Obama in the District

Variables	2013-2015 Elections	
	Base	Interactive
% of Population Black	0.1341**	0.1187**
	(0.0049)	(0.0056)
% of Population Hispanic	0.0249**	0.0258**
	(0.0045)	(0.0045)
% of Population Asian	0.0237+	0.0215
	(0.0140)	(0.0132)
% of Whites Voting for Obama	0.0196**	0.0174**
	(0.0066)	(0.0065)
Rim South	0.1429	-1.0537*
	(0.2333)	(0.4520)
Deep South	-0.5405+	-2.4068**
	(0.3020)	(0.7535)
% Black X Rim South		0.0415**
		(0.0126)
% Black X Deep South		0.0461**
		(0.0143)
Open Seat	0.4467*	0.4496*
	(0.1838)	(0.1859)
Contested Election	-0.0337	0.0180
	(0.1639)	(0.1661)
Multimember District	1.8800**	1.6984**
	(0.2587)	(0.2511)
% of Population Urban	0.0078*	0.0105**
	(0.0038)	(0.0041)
Senate	-0.3927*	-0.4124*
	(0.1929)	(0.1965)
Constant	-7.4436**	-7.2462**
	(0.4550)	(0.4667)
N	6236	6236
aic	1453.21	1437.14
bic	1534.07	1531.48

+ p < .10, * p < .05, ** p < .01 (two-tailed).

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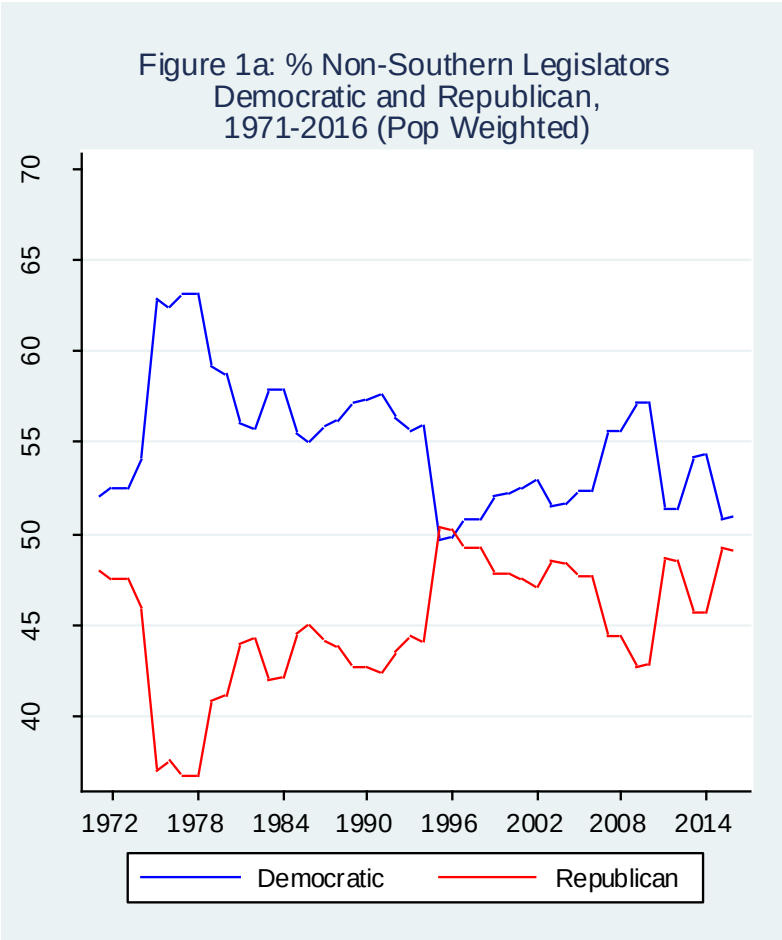
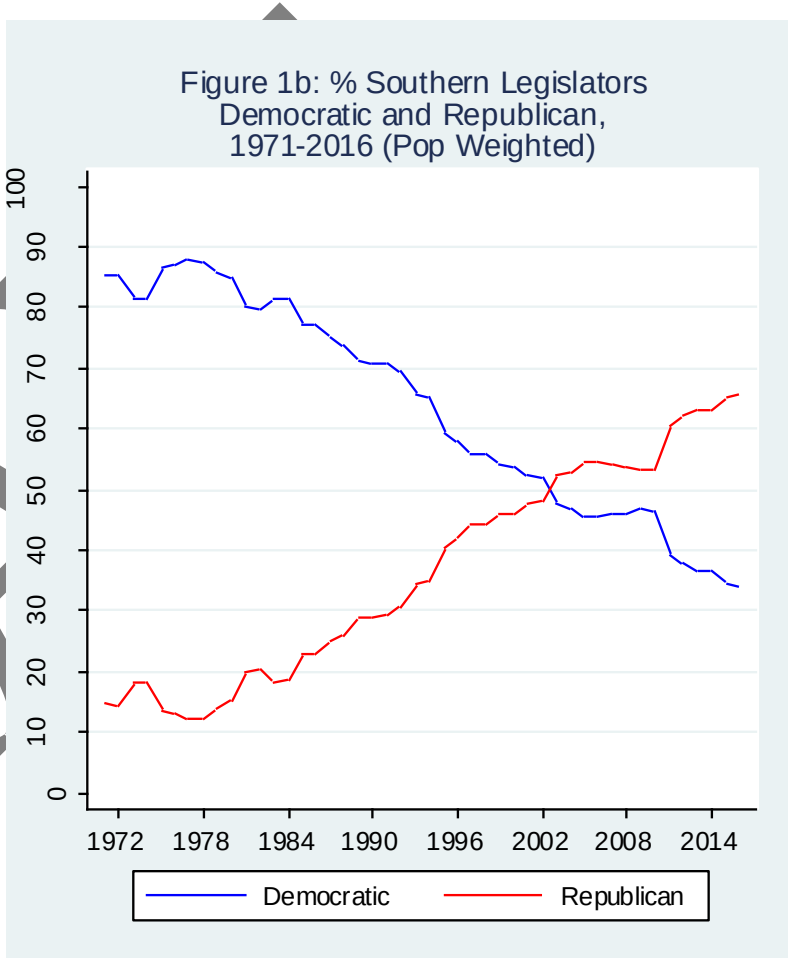
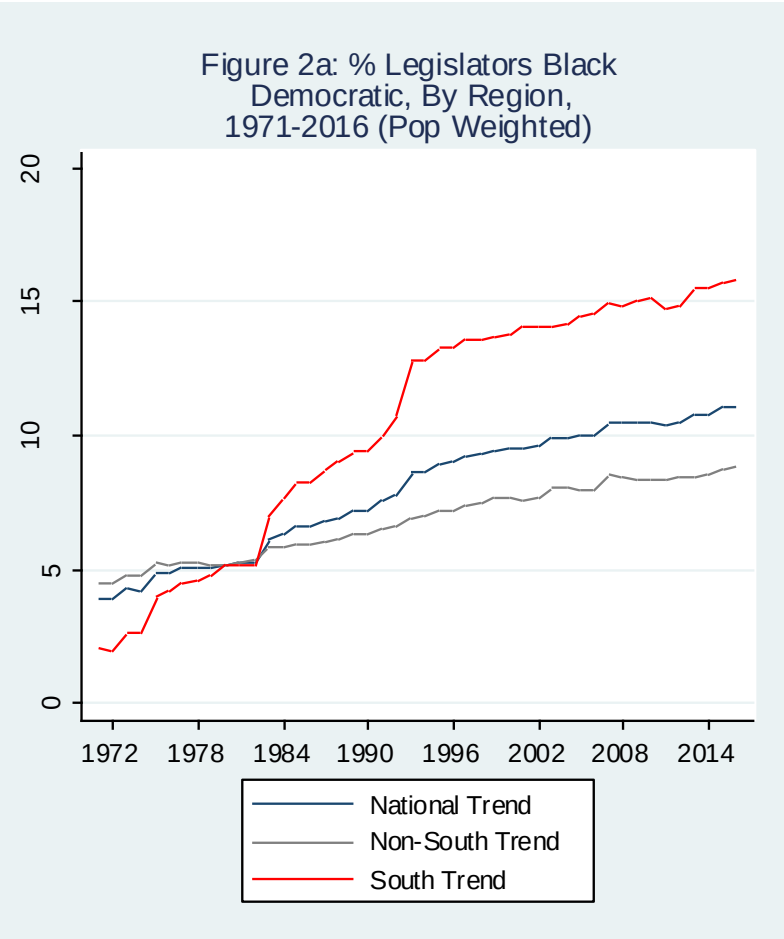
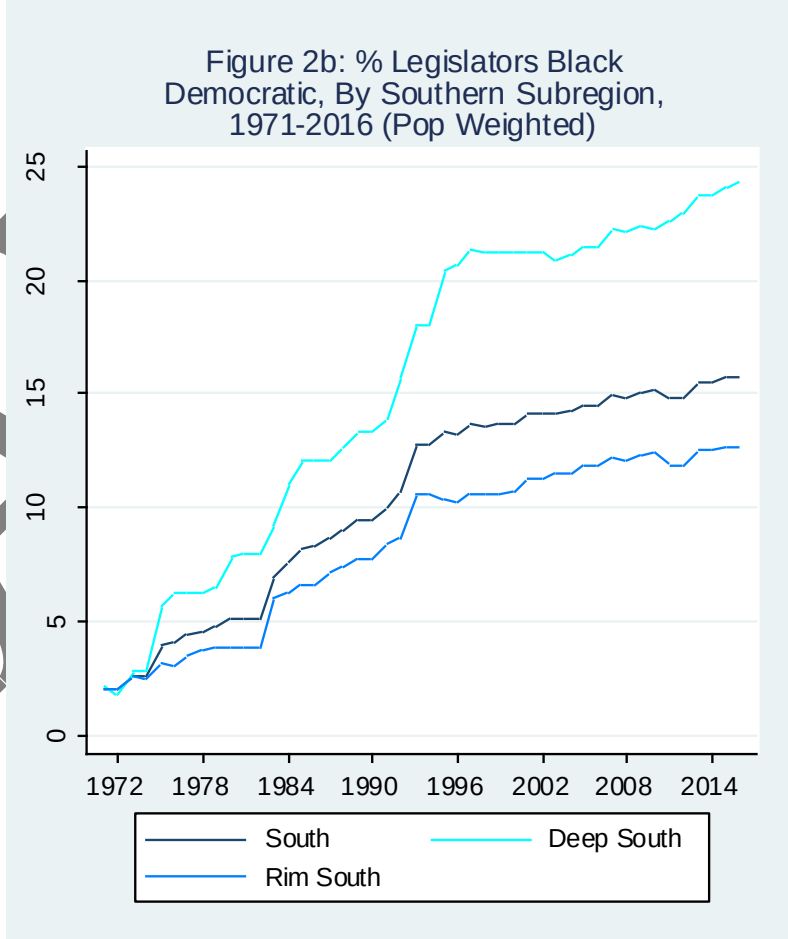
Figures 1a-1b. The Partisan Sort in the Non-South and South, 1971-2016



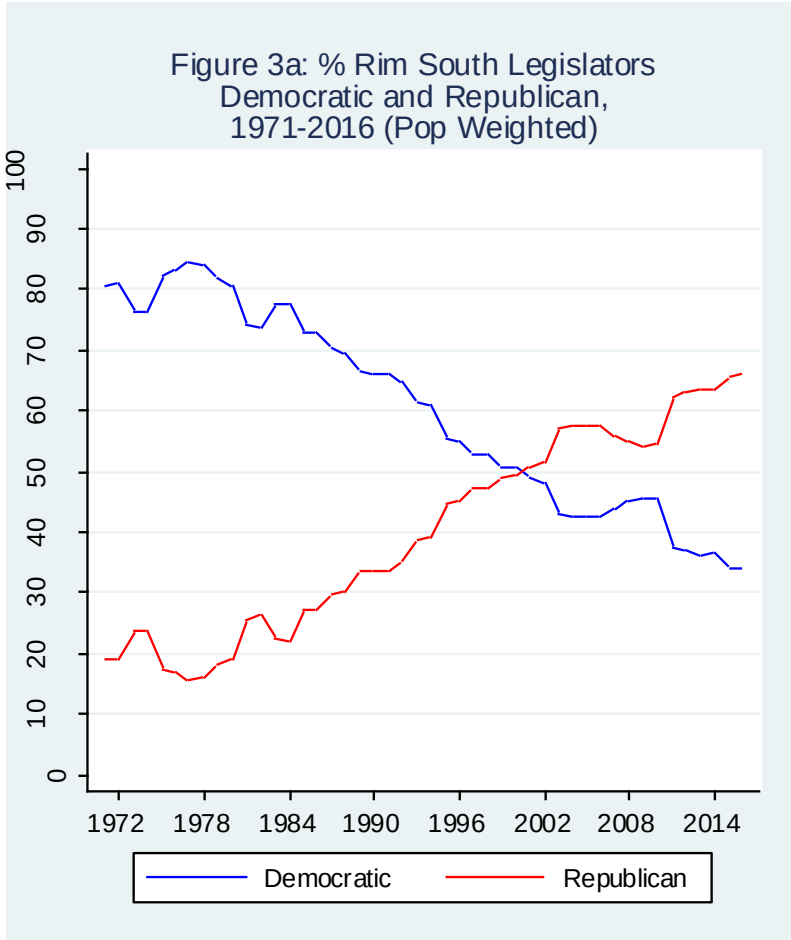


Figures 2a-2b. The Percentage of Black Democratic State Legislators by Region, 1971-2016





Figures 3a-3b. The Partisan Sort for Rim and Deep South State Legislators, 1971-2016



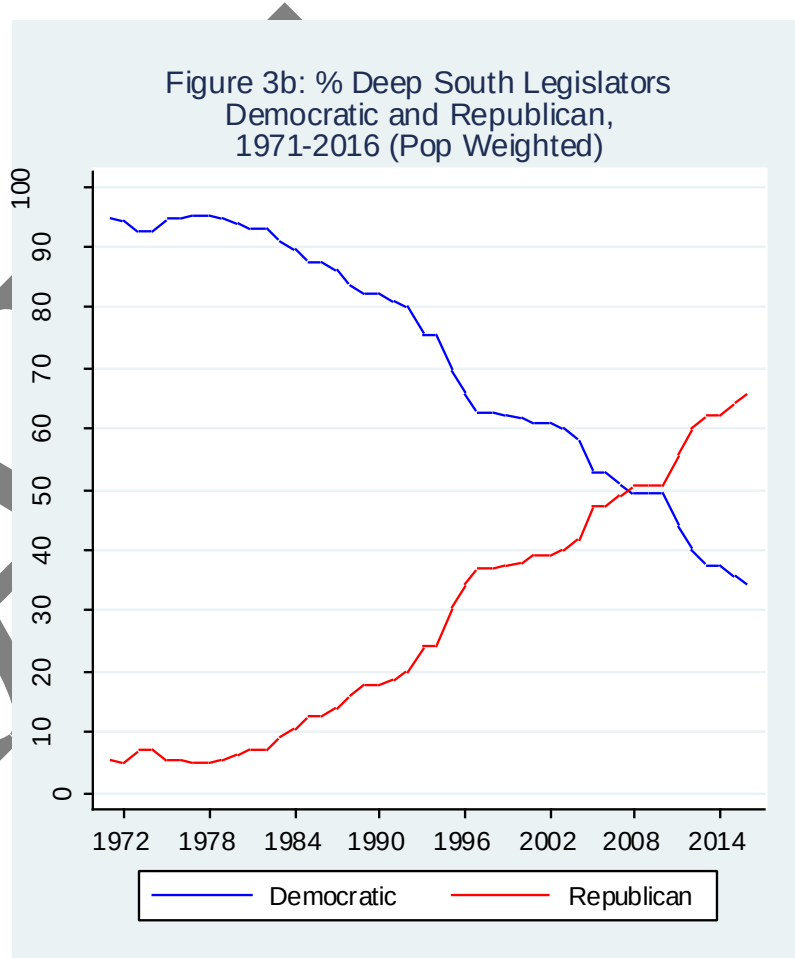
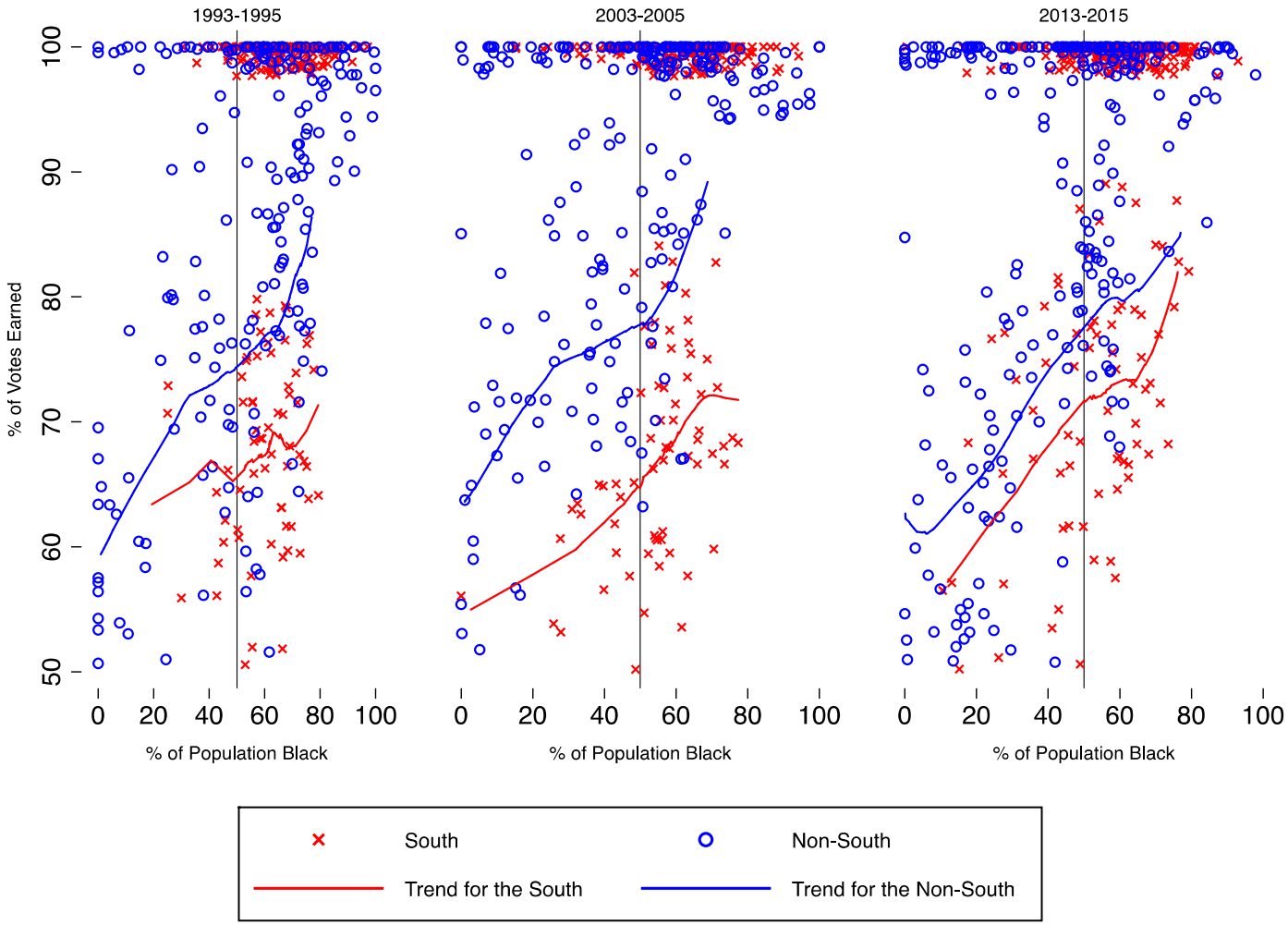
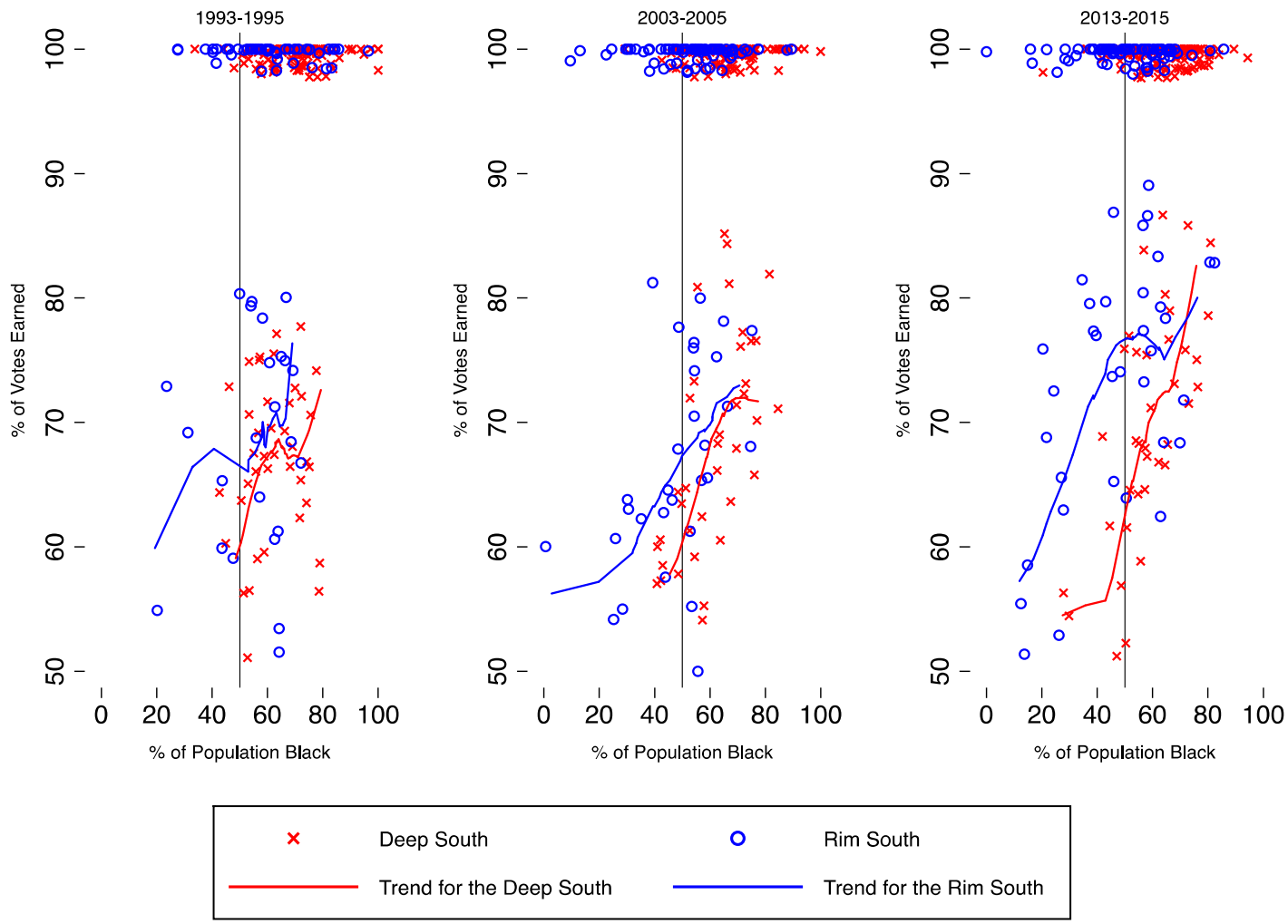


Figure 4. District Percent Black and the Vote for Black Lawmakers, Non-South and South



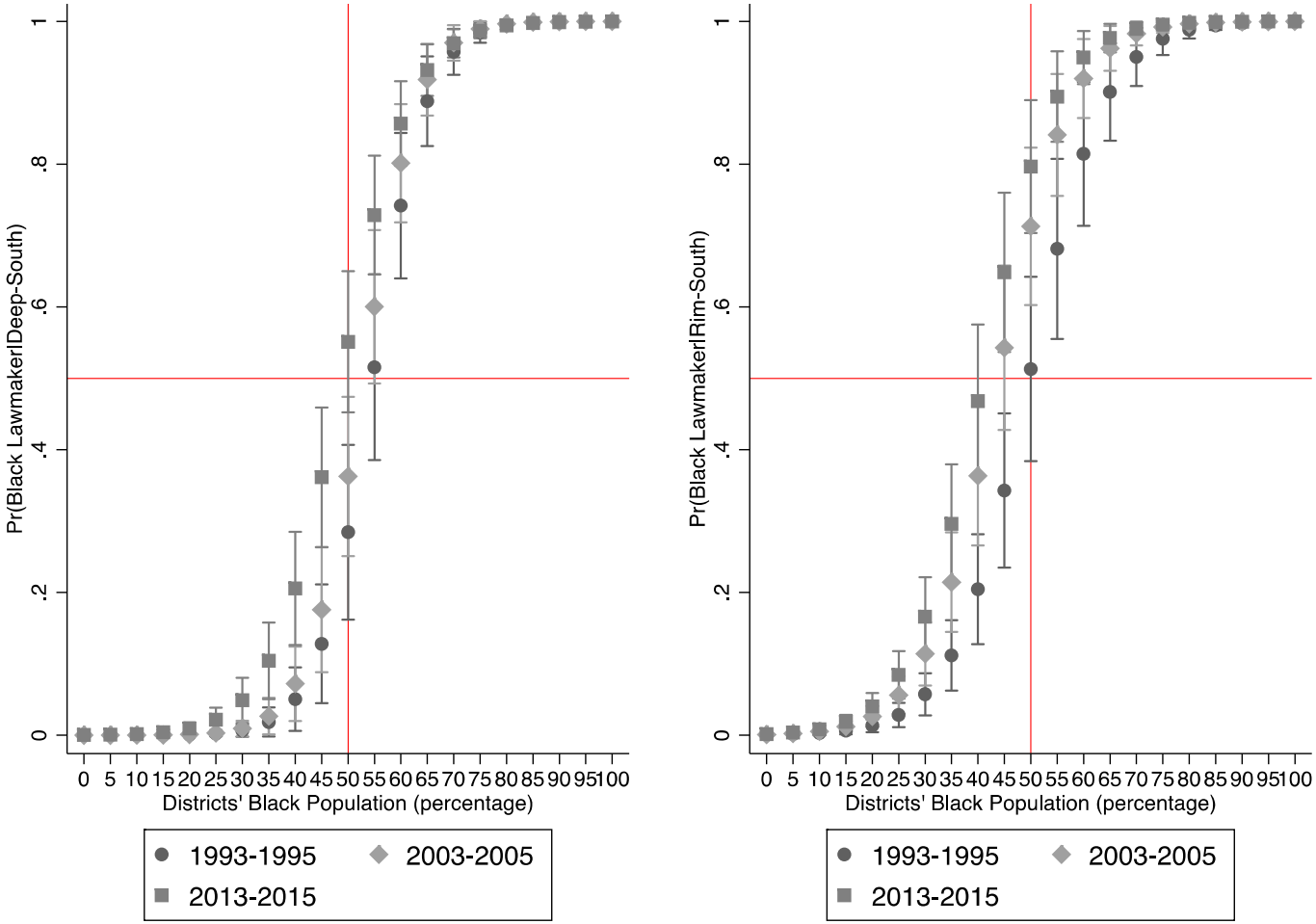
Note: Lines represent lowess trends fit to all observations unless the percentage of votes a lawmaker earns is greater than 90%.

Figure 5. District Percent Black and the Vote for Black Lawmakers, Rim South and Deep South



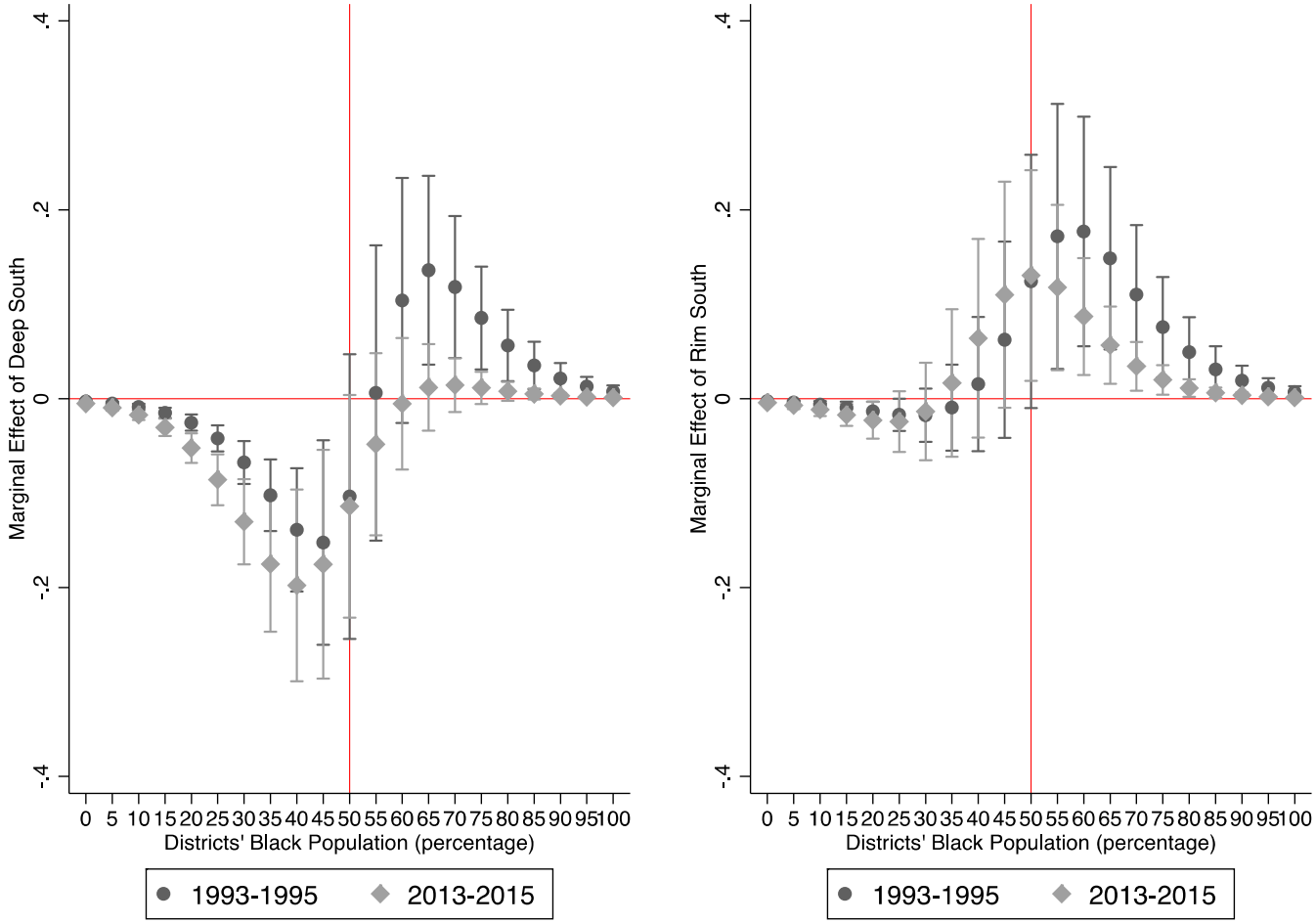
Note: Lines represent lowess trends fit to all observations unless the percentage of votes a lawmaker earns is greater than 90%.

Figure 6. Probability a District Elects a Black Lawmaker: Deep South and Rim South



Note: These quantities are derived from the interaction models presented in Table 2. These estimates constrain other quantitative variables in the model to their mean values, and other qualitative variables to their modal values. Vertical bars represent the 90 percent prediction interval.

Figure 7. Marginal Effect of the Deep and Rim South vs. Non-South on the Likelihood a District Elects a Black Lawmaker



Note: These quantities are derived from the interaction models presented in Table 2. These estimates constrain other quantitative variables in the model to their mean values, and other qualitative variables to their modal values. Vertical bars represent the 90 percent prediction interval.

Appendix

Data on Race/Ethnicity of State Legislators

Information on the race and Hispanic status of state legislators is from Klarner's State Legislators Database 1969-2016 (Version 20160501), which in turn was created from the State Legislative Election Returns database (SLERs) (1967-2015, Version 20160501) to generate a comprehensive list of legislators elected in general elections. As a starting point, African-American status was collected from the *National Roster of Black Elected Officials/Black Elected Officials: A National Roster* (Joint Center for Political Studies/Joint Center for Political and Economic Studies) for the 1969, 1971, 1972, 1973, 1975-1982, 1984, 1986-1991, and 1993 sessions and Latino status was collected from the *National Roster of Hispanic Elected Officials* (National Association of Latino Elected and Appointed Officials 1984, 1987-1994, 1996-2004).

State specific sources were then utilized to obtain the race/ethnicity of legislators not serving in these years and to confirm and supplement lists from state-years already covered. Comprehensive historic state specific lists (often, but not always, published) were utilized, including CA, CO, KS, MN, NM, NV, and NY for Latinos and GA, IL, LA, MN, NC, NJ, NM, NV, NY, OH, VA, and WA for African-Americans. Comprehensive lists of female minority legislators were more numerous. Legislator biographies with pictures and information about place of birth (i.e., Cuba) were also utilized, as were news articles with references to the race/ethnicity of legislators. Minority caucus membership was utilized as a clue, but not a determinant.

Next, sources that report totals of African-American, Hispanic, and Asian legislators at the chamber-year or legislature-year levels were utilized. The fact that the identity of one individual in the database can be tracked over time greatly simplified the process of coding race / ethnicity. For example, if a legislator was in a session of the legislature when no Hispanics were said to be present, they can be coded as "non-Hispanic" for all future sessions. References are also commonly made that "Legislator X" was the first Hispanic to serve in a particular state or chamber. All legislators serving before that time can then be coded as non-Hispanic. Such statements were often also made about being the first Latina or first female African-American legislator.

Next, known minority legislators were totaled by session, and compared with published aggregate totals. If all were accounted for, the legislators who had not yet been assigned a race were coded as "tentative non-minorities." Legislators were also flagged on the basis of their last names and Census information about the ethnicity/race of last names. Discrepancies were then resolved by consulting more sources. The process of coding race and ethnicity was not as clear-cut as the above description indicates, with continuous error checking and acquisition of new sources to resolve discrepancies.

This method also helped to resolve two problems with the lists of minority legislators that both the JCPES and NALEO have had in the past, and a third problem that NALEO has had in the past. First, it is sometimes unclear when a measurement from these entities was taken in a year. For example, it is sometimes unclear whether the list of legislators was generated before or after a November election. Second, when these entities miss an individual, their aggregates are forever too low. But if one of these organizations lists an individual that they initially missed, the method here can code them appropriately in the past as well. Third, sometimes a legislator is inaccurately classified as "Latino" by NALEO, a classification some legislators have publicly taken issue with. These discrepancies over time were flagged and resolved via further research.

It should be made clear that these organizations are put at a major disadvantage for having to collect data in "real time" and are also over-burdened with the task of tracking the race and ethnicity of local officials who are at least ten times more numerous than state legislators.

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Data on District Demographics

The racial and Hispanic composition of state legislative districts was obtained from the following sources. Census data were downloaded from American Fact Finder, representing data from the 2000 and 2010 decennial Censuses, the 2004-2008 American Community Survey (ACS) (which we applied to 2006), which reports a new five-year average every year up to the 2010-2014 ACS (which was applied to 2012). For the sake of consistency over time, we defined a racial category in terms of the percent of people saying they were of a single race.

Data for the 1990 Census, as applied to districts in the 1990s, were obtained from Barone, Lilley, and DeFranco (1998). The Census has information on which blocks are contained in each state legislative district for the 1990s districts, but it is missing for eleven states. People were not asked if they were of a single race, two or more races, etc., and what those were in the 1990 Census, presenting problems of comparability over time.

We dealt with missing years by interpolating over time (assuming exponential changes), which is reasonable given the stability of race over a decade in state legislative districts, although the percent of the population that is Hispanic can change dramatically. Such interpolations were made possible by the fact that American Fact Finder maps the 2000 decennial census onto both 2000 and 2002 districts, the latter of which can be compared to the 2004-2008 ACS. 2000 data for districts in place for the 2000 elections were compared with 1990 Census data as applied to districts in place in the mid 1990s.

Variables in SLERs that have not yet been publicly released were further necessary for accurately distributing demographic values for a district throughout a decade (whether via interpolation or not), as irregular redistricting sometimes prevents this from being possible. The variable "regime," which stands for "redistricting regime," contains values that represent the election year for which a district first had an election after a chamber redistricted.

Last, the ACS only makes public five-year averages at the state legislative district level. To protect individuals' anonymity, they do not map a particular ACS onto different legislative maps. For example, the 2010-2014 ACS five-year average is only applied to districts in place for the 2014 elections. The most accurate year to apply the 2010-2014 ACS to would be 2012, the center of the five year moving average. But for states that redistricted in 2014 (AK, KY, ME, MT, PA and to a small extent, TX), we will never be able to apply the most appropriate ACS to the 2012 elections. Therefore, the 2009-2013 ACS, with its 2011 midpoint, had to be applied to the 2012 elections for the states that redistricted with the 2014 elections. Similarly, the 2010-2014 ACS was not only applied to districts in 2012 (for states that didn't redistrict in 2014), but also to districts with elections in 2013, 2014, and 2015 to fill in missing data.

Population Weighting

When the percentage of legislators of a particular type is reported, these percentages are computed utilizing weights reflecting the number of people a legislator in a chamber represents. More specifically, the weight is computed by the number of people in a state, divided by the number of legislators in a chamber. Not weighting makes the untenable assumption that all state legislators are of equal importance, but a state legislator in the New Hampshire House clearly wields less power than a member of the California Assembly. This method also provides a way to put legislators elected from a state "lower house" (i.e., House of Representatives or Assembly) onto the same metric as State Senators.

An alternative approach to computing weights would be to make weights equal the number of constituents a particular state legislator has. However, this approach ignores floterial districts and multimember districts. Weighting by population per legislator radically alters the descriptive representation of black and Hispanic legislators.

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