

Latino Constituencies and Immigration Policy in the American States

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In April of 2010 Arizona Governor Jan Brewer signed SB 1070, “Support Our Law Enforcement and Safe Neighborhoods Act,” considered by many to be the most restrictive immigration law passed by a state. Among other provisions, the bill required police to check the immigration status of individuals stopped where reasonable suspicion exists that a person is an alien, allowed officers to arrest individuals without a warrant if they suspected the individual was guilty of a deportable offense, included efforts to ensure that no state services go to individuals who are undocumented, imposed fines for employers who hire individuals without papers, and created penalties for “sheltering” undocumented immigrants. While the Supreme Court struck down most of SB 1070’s provisions in *Arizona v. United States* (2012),¹ many other states followed Arizona’s lead by enacting their own restrictive immigration legislation. In fact, many states passed legislation that directly paralleled the language of Arizona’s SB 1070. Supporters of restrictive state immigration policy argue that states like Arizona are responding to the failure of the federal government to enforce immigration law. Critics, though, argue that legislation like SB 1070 encourages racial and ethnic profiling, leads private citizens to discriminate against people they consider as foreign, and are motivated in part by ethnocentrism and prejudice toward Latinos.

The current paper seeks to explain why some states pass more restrictive immigration policies than others, focusing on the potential influence of state Latino constituencies. We are interested specifically in two state Latino constituencies – the Latino proportion of the population and their proportion of voters, what we term “Latino electoral strength.” The political science literature offers two competing theories regarding the influence of Latino constituencies on immigration policy. We refer to the first of these theories as the “racial influence hypothesis,” which suggests that Latinos will receive better representation of their interests – in this case, fewer restrictive immigration policies – when they

¹ The justices struck down four of the five challenged provisions of SB 1070, but left intact the aspect of the law that requires officers to check the immigration status of individuals that they suspect may be undocumented.

make up larger proportions of the population and have greater electoral strength.² The second theory – the “racial threat hypothesis” (also called “power-threat hypothesis”) – suggests that as Latinos make up a larger share of the population and have greater electoral strength, non-Latino whites (henceforth referred to as “whites”) will feel greater threat from Latinos. As a result, whites will support policies that are worse for Latinos, in this case more restrictive immigration policies.³ We test these competing theories to determine whether racial influence or racial threat better characterizes the relationship between Latino constituencies and state immigration policies.

Previous research has considered the potential influence of state Latino populations on state immigration policy and found that states with larger Latino populations tend to adopt more restrictive immigration policy, a finding consistent with the racial threat hypothesis (Abrajano and Hajnal 2015; Boushey and Luedtke 2011; Marquez and Schraufnagel 2013). Prior research, however, has not considered the potential influence that Latinos may have on state immigration policy through their power in the voting booth. The current study is the first to examine the potential influence of Latino electoral strength. What we find is that both racial influence and racial threat hypotheses are at work in the case of state immigration policy depending on which constituency is considered. In line with prior research, we find that larger Latino populations are associated with more restrictive immigration policies, consistent with the racial threat hypothesis. However, greater Latino electoral strength is associated with fewer restrictive immigration policies, consistent with the racial influence hypothesis. Thus, through greater voter turnout, Latinos can mitigate the positive effect that their population size has on the proclivity for

² While Latinos are an ethnic minority, not a racial minority, we use the term “racial threat” to maintain consistency with previous research.

³ The racial influence hypothesis and racial threat hypothesis are closer to broad theories of how characteristics (often the size) of minority constituencies will influence political outcomes than they are specific hypotheses. However, we adopt these terms in order to maintain consistency with previous literature.

states to pass restrictive immigration policy. This relationship is nonlinear, with the effect of Latino constituencies strongest in states with larger Latino populations and greater electoral strength.

Racial Influence and Racial Threat Hypotheses

The racial influence hypothesis asserts that minorities will receive better representation of their interests as their size in a constituency increases. Two processes may be at work in this relationship, one that approaches it from the influence of the minority group itself and a second that relies on the behavior of the white majority. The first of these processes predicts that minorities will receive better representation of their interests as their size in a constituency increases because they are better able to help elect policymakers who share their preferences and subsequently pass policies consistent with minority interests. It also is possible that elected officials, regardless of their personal preferences, may be more likely to support minority interests as the proportion of minorities in the constituency increases in hopes of winning the minority vote and being reelected. This is consistent with legislators who rationally anticipate what the electorate might look like in subsequent elections and act accordingly (e.g., Arnold 1990, Fenno 1978). Indeed, some research finds support for this expectation. For example, Lublin (1997), examining minority influence in the House of Representatives, concludes that any white backlash against African Americans is not strong enough to keep representatives from responding to the increased voting power of their black constituents. Likewise, Yates and Fording (2005) find that increased black imprisonment rates in states with greater elite conservatism are diminished in states where blacks have greater electoral clout. Looking specifically at Latinos, Lublin (1997) finds that House districts with larger Latino constituencies tend to have legislators who provide better representation of Latino interest (see also Welch and Hibbing 1984), though this relationship is dependent on the election of Democrats.

The second process by which larger minority constituencies may produce better representation of their interests has been termed “contact theory” and involves the behavior of the majority. From this perspective, increases in minority size will lead to greater contact between majorities and minorities, and subsequently greater majority tolerance toward minorities (e.g., Allport 1954). This results in greater support for the promotion of minority interests by the majority. Consistent with this perspective, research

finds that negative attitudes toward minorities and inter-group competition are lower in neighborhoods with greater racial and ethnic diversity (Oliver and Wong 2003; Welch et al. 2001). Other research finds that increased Latino populations in counties are associated with less threat and opposition to immigration among whites (Newman 2013; see also Hood and Morris 1997; but see Ha 2010 and others discussed below)⁴. Thus, whether through greater influence on elected officials or greater tolerance on the part of the majority, the racial influence hypothesis predicts that states with larger Latino populations and greater Latino electoral strength will be less likely to adopt restrictive immigration policies than states with smaller Latino populations and less Latino electoral strength.

Conversely, the racial threat hypothesis predicts that larger minority constituencies will receive worse representation of their interests than smaller minority constituencies (Blalock 1967; Huckfeldt and Kohfeld 1989; Key 1949). Specifically, the racial threat hypothesis holds that larger minority constituencies will make white constituents feel threatened by economic, political, and cultural competition, and consequently hold more negative views toward minorities (Brief et al. 2005; Glaser 1994; Rudolph and Popp 2010), support more restrictive minority policies (Huddy and Sears 1995), and support candidates who will provide worse representation of minority interests (Giles and Buckner 1993; Wright 1977). Recent research finds support for the racial threat hypothesis. For example, individual-level studies find that larger black populations are associated with more negative racial attitudes (Avery and Fine 2012a; Brief et al 2005; Taylor 1998) and less interracial trust (Rudolph and Popp 2010) among whites. Likewise, studies focusing on Congress find that greater African-American and Latino electoral strength is associated with worse representation of these groups in the Senate (Avery and Fine 2012b; Fine and Avery 2014), and that whites receive better representation of their interests in the House than do Latinos, a relationship that is stronger in congressional districts where Latinos constitute a large portion of

⁴ This relationship is found in countries with large initial Latino populations. Newman (2013) also finds that increased Latino populations in counties with few initial Latinos leads to greater threat and opposition to immigration among whites.

the district (Griffin and Newman 2007). Other research at the local level finds that larger and growing Latino populations are associated with greater support for restrictive immigration policy among whites (e.g., Ha 2010; Hopkins 2010). Still other research finds that states are more likely to adopt restrictive immigration policies when the Latino population is growing (Marquez and Schraufnagel 2013) or when the immigrant population is growing (Boushey and Luedtke 2011, discussed more below). No research to date considers the potential influence of state Latino electoral strength on the number of restrictive immigration policies that a state passes.

Latino Constituencies and State Immigration Policy

Racial Threat or Racial Influence?

There are several reasons why we might expect to find support for the racial threat hypothesis in the case of state immigration policy. First, this hypothesis seems to be consistent with the case of Arizona, which has a large Latino population and served as the precursor of recent restrictive state policies. A second reason to expect support for the racial threat hypothesis is the growing body of research linking attitudes toward immigration policy with whites' perceptions of threat from immigrants, attitudes toward Latinos specifically, and ethnic geographic context. For example, whites' attitudes toward immigration appear to be a product of individuals' beliefs about American identity (Citrin, Reingold, and Green 1990; Wong 2010). Research finds that the belief that immigrants violate civic norms (Schildkraut 2011) and pose cultural threats (Branton et al. 2011; Schildkraut 2005), including language-related threats (Chandler and Tsai 2001; Newman, Hartman, and Taber 2012), are strong predictors of whites' negative attitudes toward immigration. Other research finds that attitudes toward Latinos specifically influence whites' views on immigration (Hartman, Newman, and Bell 2013; Valentino, Brader, and Jardina 2013), a relationship that appears to be strongest when accompanied by media coverage emphasizing potential threats of immigration (Brader, Valentino, and Suhay 2008; Branton et al. 2011; Gadarian and Albertson 2013). Thus, a great deal of research suggests that whites' attitudes toward immigration are in part a product of the perception that immigrants (and specifically Latino immigrants) may pose a threat to American identity, and civic and cultural norms.

Perhaps of most relevance for the current study, recent research employing the racial threat hypothesis demonstrates the importance of geographic context when considering whites' attitudes toward immigration. In general, research concludes that whites living in areas with larger, or growing, Latino populations support more restrictive immigration policy, though this relationship appears to be dependent on several factors. Some research finds that whites living in neighborhoods with larger Latino populations support more restrictive immigration policy (Ha 2010), while other research finds that this relationship is limited to areas with larger *undocumented* immigrant populations (Hood and Morris 1998). Recent research emphasizes the importance of considering *change* in immigrant and Latino populations and the conditional effects of geographic context when considering whites' attitudes toward immigration. For example, Hopkins (2010) finds that living in areas with growing immigrant populations leads to more restrictive views about immigration, but only when immigration is nationally salient. Other research finds that increases in the size of the Latino population and greater residential segregation result in more negative attitudes toward immigrants and greater support for making English the official language (Rocha and Espino 2009). Similarly, Newman (2013) finds that an influx of Latinos into counties leads to greater perceptions of threat among whites and less support for immigration, but only in counties that had initially small Latino populations. In counties with initially large Latino populations, an increase in the number of Latinos leads to less threat and greater support for immigration among whites. Thus, while larger Latino populations are generally associated with greater opposition to immigration, this relationship appears to depend on a number of contexts including documented vs. undocumented status, as well as national and local ethnic or immigrant contexts.

Latino and immigrant populations not only influence whites' attitudes toward immigration, but also influence public policy. For example, Abrajano and Hajnal (2015) find that the size of the Latino population in a state influences whites' attitudes on a whole range of issues that includes immigration, but also welfare, healthcare, and criminal justice. Moreover, states with larger Latino populations tend to spend less on education, more on corrections, and have more regressive taxation (Abrajano and Hajnal 2015). Other research finds that states with increases in immigrant populations are more likely to adopt

policies aimed at controlling admissions of immigrants (Boushey and Luedtke 2011), and that states with greater *growth* in the Latino population specifically are more likely to adopt restrictive immigration policies (Marquez and Schraufnagel 2013). These findings at the state level are consistent with a broader argument that whites' attitudes toward immigration have become increasingly important in structuring partisan politics in the United States (Abrajano and Hajnal 2015; Hajnal and Rivera 2014).

Another reason to expect support for the racial threat hypothesis is because these policies are enacted at the state level, where Latinos do not constitute a majority. Studies finding a positive influence of Latino constituency size have examined their influence in House districts (Lublin 1997) as well as in cities, where Hajnal and Trounstine (2005) find that greater Latino electoral strength leads to better Latino representation. In these geographic contexts Latinos make up a majority or plurality of some constituencies and elected officials therefore have greater incentive to represent Latino interests and less incentive to respond to the interests of threatened white constituents (see also Michelson 2010). This logic has been used to explain support for the racial threat hypothesis when considering Latino electoral strength and representation in the United States Senate where greater Latino electoral strength is associated with worse representation of Latino interests (Fine and Avery 2014).

While the case for the racial threat hypothesis is strong, there are also reasons why we might expect support for the racial influence hypothesis. First, some research examining state immigration policy produces findings consistent with the racial influence hypothesis. For example, one study found that, after controlling for *change* in the immigrant population, states with larger immigrant populations tend to pass more policies aimed at easing immigrant integration (Boushey and Luedtke 2011; but see Marquez and Schraufnagel 2013). Perhaps the most compelling case for the racial influence hypothesis in the case of Latinos and state immigration policy is because, while the immigration policies we are studying are state-level policies, those voting on these policies are state legislators who are elected from state districts. Research finding support for the racial threat hypothesis at the state level (e.g., Fine and Avery 2014) examines state-level Latino electoral strength and representation by senators, who are elected by state-wide populations. Since Latinos do not constitute a majority of the population in any

states, senators have little incentive to represent their Latino constituents' interests in the face of opposition from threatened whites. In the case of state immigration policies, many states have state legislative districts that have majority or plurality Latino populations with the political power to elect representative to state legislatures that will fight for their interests. Even if Latinos do not constitute a majority or plurality, the Latino population will be sufficiently large to be pivotal in many districts. In other words, a cohesive and mobilized Latino population could swing many election outcomes in favor of one candidate/party over another. Rational legislators therefore need to consider what the electorate *might* look like in the subsequent election, as well as consider the likelihood that they will be rewarded or punished for their actions (see Arnold 1990). According to Arnold (1990), elected officials need to understand the magnitude and timing of a policy; the magnitude captures the level of salience of the issue for a group, and the timing considers the ability of elected officials to quickly enact and implement the legislation. For Latinos, restrictive immigration policies are high salience issues, and the timing is such that state legislatures can pass and implement state-level policy quickly. The widespread media coverage of immigration laws across the states, especially in the aftermath of Arizona's SB 1070, also heightens the ability of citizens to know when the legislature has acted and allows them to respond accordingly. With these conditions present, we may see racial influence at play because legislators fear retribution from Latinos if the state legislature were to enact more restrictive immigration policies.

Latino Population vs. Electoral Strength

A primary contribution of the current study is the examination of two constituencies when considering Latino influence on state immigration policy: the proportion of Latinos in the population and the proportion of Latinos among voters, what we have termed "electoral strength." Our expectations regarding their influence on state immigration policy differ.

We find little reason to expect support for the racial influence hypothesis when considering Latino population size for two reasons. First, the process by which larger Latino constituencies may lead to better representation of their interest clearly relies on their voting, either by helping elect policymakers sympathetic to their interests or by posing an electoral threat in the future that may directly affect the

behavior of legislators. Thus, if either of these mechanisms were at work, we would expect to find it in the influence of Latino electoral strength, not in their proportion of the population. The second process by which the racial influence hypothesis may find support – contact theory – is also unlikely to be at work since the prominence of ethnic segregation at the local level, which has been increasing for Latinos as the Latino population has been growing (Iceland 2004), will likely result in little of the inter-ethnic interaction needed to promote inter-ethnic cooperation and understanding. Given this, we expect no support for the racial influence hypothesis when considering Latino population size. Instead, consistent with recent research (Abrajano and Hajnal 2015; Marquez and Schraufnagel 2013), we expect states with larger Latino populations will be more likely to adopt restrictive immigration policies. As discussed above, many whites feel a significant cultural threat is posed by immigrant and Latino populations, and this threat appears to be strongest felt in areas where immigrant and Latino populations are large or growing.

The potential influence of Latino electoral strength is less clear. On one hand, the research reviewed above suggests that whites should feel most threatened by a politically mobilized minority population. Hence, greater Latino electoral strength may lead to adoption of more restrictive state immigration policies. On the other hand, as discussed above, many states have legislative districts that have large Latino populations. Consequently, it is possible that greater Latino electoral strength will result in the election of enough state legislators that share Latino interests, or fear retribution from mobilized Latino populations, providing Latinos with substantial influence over state policy. Thus, while we expect Latino population size to lead to more restrictive immigration policies, we remain neutral regarding our expectations about the influence of Latino electoral strength.

Potential Nonlinear Effects

Some prior research finds a nonlinear effect when considering the political consequences of racial composition of constituencies (Black 1978; Bullock 1981; Fording 1997) and it is possible that any effect of Latino population size and/or electoral strength on immigration policy also will be nonlinear. Specifically, in the case of Latino population, we expect to observe a threshold effect such that any racial

backlash will be observed only in states with sufficiently large Latino populations so as to produce feelings of threat among whites. We also expect to observe threshold effects in looking at the relationship between Latino electoral strength and state immigration restrictiveness. In the case of the racial threat hypothesis, there is little reason for whites to feel threatened by small, mobilized Latino populations. Likewise, any influence of Latino electoral strength to influence legislation consistent with their interests is likely to be limited to states where Latinos constitute a significantly large proportion of voters. It is in these states where Latinos are likely to have enough electoral power in state legislative districts to influence who is elected or come into legislators' calculus when considering reelection. One example of the Latino electoral power in large Latino states is found in the numbers of Latinos elected to state legislatures. For example, in recent years Latinos have constituted roughly 45% of the state House in New Mexico, about 20% of the House in Texas and California, and approximately 17% of the House in Arizona. The ability of Latinos to elect significant numbers of Latino legislators suggests the kind of electoral strength that may also lead to the adoption of fewer restrictive immigration laws. Thus, it is possible we will find support for the racial influence hypothesis when considering Latino electoral strength and immigration policy, but only in states where Latinos constitute a large enough electoral influence to counteract any racial threat effect among whites.

The discussion above suggests many potential ways in which Latino constituencies may be related to the extent of restrictive immigration policy in the states. For example, some research suggests we should examine the influence of undocumented populations, while other research suggests the need to consider change in Latino constituencies. We consider the potential influence of these (discussed below) but focus our examination on potential linear effects and threshold effects of our two Latino constituency variables. To summarize, regarding Latino population, we expect that states with larger Latino populations will be more likely to adopt restrictive immigration policies, but that this may be limited to states with large enough Latino populations to induce feelings of racial threat among whites. Regarding Latino electoral strength, we leave open the possibility of a positive or negative relationship between Latino electoral strength and state restrictive immigration policy, and consider the possibility that any

influence will be limited to states with great enough Latino electoral strength to either produce a racial backlash or lead to sufficient Latino influence in elections.

Data and Methods

To test these hypotheses, we examine the effect of Latino constituency size on states' proclivity to pass restrictive immigration policies. Our sample consists of yearly data for each state for 2009 through 2012. We therefore begin our sample the year before Arizona passed SB 1070, and continue our analysis forward several years. Our unit of analysis is the state-year, and we have 196 observations for each of our models.⁵ To account for each state appearing in our dataset four times, we cluster our standard errors on the state. We also include year fixed effect dummy variables in our analyses. Our dependent variable is the number of restrictive immigration laws that are passed in a state in a given year. This measure was generated by Marquez and Schraufnagel (2013), who content analyzed each immigration law in the state legislation database from the National Conference of State Legislatures (www.ncsl.org). We include any legislation that was passed by the state legislature, regardless of what happened to the bill when it reached the governor's desk.⁶ While previous research has used a composite measure, which considers both restrictive and expansive immigration policies (e.g., Marquez and Schraufnagel 2013), recent research suggests that restrictive and expansive policies are theoretically and empirically distinct (Rivera 2014). Consequently, we consider only restrictive policies. Our dependent variable is a count of the number of restrictive immigration policies passed in a given year. We therefore employ a negative binomial

⁵ One of our independent variables captures the percentage of seats in the state legislature that is held by each party. Since Nebraska has a unicameral, nonpartisan legislature, this state is excluded from our analyses resulting in a sample size of 196 total states.

⁶ Some of the bills in the NCSL database were vetoed, and others were line-item vetoed. However, these bills are still included in our sample. Bills that were introduced but failed at some stage during the legislative process before they were passed are not included in our sample. We also exclude any simple resolutions, as these are symbolic gestures rather than laws that restrict immigration.

regression model. Since overdispersion is present in our dependent variable, negative binomial regression is more appropriate for our analyses than the Poisson distribution.

To test the effect of Latino constituencies on state immigration policies, we employ measures of both Latino population size and Latino electoral strength. The first captures the relative size of the Latino population in the state, operationalize this variable as the percentage of people in the state that identify themselves as Latino. These data are drawn from the U.S. Census Bureau's Current Population Reports, which are based on large, representative state-level samples⁷. These population data are lagged a year, such that the number of immigration policies is matched to the state Latino population from the previous year. This variable ranges from just over 1.2% (West Virginia in 2009) to over 46% (New Mexico in 2012). Our second Latino constituency measure is Latino electoral strength. As noted above, while this variable is less commonly used than population size, recent studies of Latino representation demonstrate that electoral strength is an important influence on the quality of representation that Latinos receive (e.g., Fine and Avery 2014). These data are drawn from the U.S. Census Bureau's Voter Supplement Files. These surveys include interviews with over 50,000 adult citizens for each election year and include questions on voter turnout and racial and ethnic identity. While still subject to overreporting, these surveys produce reliable estimates of voter turnout (Bernstein, Chada, and Montjoy 2003; Highton 2005) and have been used in many studies to estimate registration and voting characteristics of state African-American and Latino populations (Avery and Fine 2012; Fine and Avery 2014b; Hood, Kidd, and Morris 2001). This variable is calculated as the percentage of voters who were Latino in the previous election; for example, the number of immigration policies in 2010 is matched with statewide Latino turnout in 2008, and immigration policies in 2011 are matched with Latino turnout in 2010. This variable ranges from 0.2% (Kentucky in 2010) to 34.1% (New Mexico in 2010).

Control Variables

⁷ https://www.census.gov/prod/www/statistical_abstract.html

We include two variables that capture the composition of the state legislature to test their effect on the number of restrictive immigration laws that are passed. We expect to see fewer restrictive immigration policies in states with legislatures that are comprised of more Democratic and Latino members. We draw data from the NCSL to calculate the percentage of the state House that is Latino.⁸ If Democratic and/or Latino representatives are more supportive of Latino interests, we should expect to see a negative relationship between these measures and the number of restrictive immigration policies that are passed in a given year.

We control for a variety of other factors that might also affect state immigration policies. First, we control for whether the state is located on the U.S.-Mexico border. This shared border may lead to heightened concerns about immigration among their citizenry, which may put pressure on state legislators to adopt more restrictive legislation. This is operationalized as a dichotomous variable, where California, Arizona, New Mexico, and Texas are coded as “1” and all other states are coded as “0.”⁹ We also include a dichotomous variable that captures whether the state is a former Confederate state (where the 11 Confederate States of America are coded as “1” and all other states are coded as “0”). We include this variable because the history of racial prejudice that continues to influence politics in southern states (e.g., Highton 2011) may also result in greater support for restrictive immigration policy among whites. Finally, we also include a measure that captures the unemployment rate among white individuals in each state. As the racial threat hypothesis posits that competition for resources is one source of threat posed by minority

⁸ We have run identical models using the upper chamber’s partisan and minority composition, and find no substantive effects on restrictive immigration laws. We therefore focus our analyses on state House characteristics.

⁹ We also have included a dichotomous variable capturing whether the state lies on the U.S.-Canada border. This variable lacks the same theoretical motivation, as most media coverage and public concern centers on immigrants from Latin America. It fails to approach statistical significance in any model, and its presence in our models do not change any of the substantive findings that we present in this paper.

groups, we may see more restrictive immigration laws in states where jobs are scarcer. The Bureau of Labor Statistics tracks these data on an annual basis, and we match the previous year's white unemployment rate with a given year's immigration laws.¹⁰ Table A1 in the appendix presents the descriptive statistics for each variable included in our model.

Results

Table 1 presents the results of our negative binomial regression models. For each of these models, our dependent variable is the number of restrictive immigration policies that were passed by the state legislature in a given year. In Model 1, we include the Latino population size variable, our control variables, but not Latino electoral strength. We also include year fixed effects, with 2010 serving as the excluded year.

- Insert Table 1 here -

We find a significant, positive relationship between Latino population size and state immigration policies. As Latinos comprise a larger percentage of a state's population, the state is more likely to pass restrictive immigration policies. This is consistent with the backlash posited by the racial threat hypothesis. We also find that states with larger percentages of Democrats and Latinos in the state legislature are significantly less likely to enact restrictive immigration policies. Our results suggest that southern states are significantly more likely to pass restrictive immigration policies, but while the effect of the border state dummy variable is in the expected positive direction, it does not reach statistical

¹⁰ We have included the Latino unemployment rate in analyses that we do not report here. It does not significantly affect state immigration policy, and the results we present in the paper are unchanged when this is included. We also have run models that included an indicator variable capturing whether the state's governor is Democratic. Since we do not consider the actions of the governor (i.e., whether s/he signed or vetoed the legislation), we have no theoretical reason to expect this variable to affect restrictive immigration policies. The governor's party variable is not statistically significant in any model, and our other findings are substantively unchanged when this is included.

significance in this model. Likewise, white unemployment rate is not related to the number of restrictive immigration policies passed by states. Finally, the 2012 dummy variable is statistically significant and negative, indicating that there were significantly fewer restrictive immigration laws enacted in 2012 than in 2010 following the passage of SB 1070 in Arizona.

We now turn to the effect of Latino electoral strength reported in Model 2 of Table 1. In our Latino electoral strength model, we include Latino electoral strength but omit the Latino population variable. All other independent variables from Model 1 are the same. As Model 2 demonstrates, we do not find any relationship between Latino electoral strength and state immigration policies. As with Model 1, we find that legislatures with a higher percentage of Democratic enact fewer restrictive immigration laws, though the effect of percentage of Latinos in the state legislature is no longer statistically significant. Unlike Model 1, in Model 2 we find that the effect of the border state dummy variable and white unemployment are positive and now statistically significant such that states on the Mexican-American border and states with higher numbers of unemployed whites tend to pass more restrictive immigration policies.

Model 3 of Table 1 includes both Latino constituency measures. The findings regarding Latino constituencies generally mirror those in Models 1 and 2. We find no statistically significant effects for Latino electoral strength but a positive effect for Latino population size, though this relationship is now only statistically significant at the $p < .10$ level. The effect of the control variables is generally consistent with the effects found in the first two models. On the whole, the findings from the first three models are consistent with the racial threat hypothesis with respect to the effect of Latino population size on state immigration policies.

Non-Linear Effects of Latino Constituencies

As discussed previously, some studies find the effect of minority constituency size on representation to be non-linear (e.g., Black, 1978; Bullock, 1981; Fording, 1997), and we have suggested potential threshold effects such that the influence of Latino constituencies on states immigration policy will emerge only for states with larger Latino populations and the highest levels of Latino electoral

strength. We investigate this possibility by converting both Latino population and Latino electoral strength into four dichotomous variables, grouping states into one of five categories based on their Latino population and Latino electoral strength: (a) under 5%, (b) between 5% and 10%, (c) between 10% and 15%, (d) between 15% and 20%, and (e) over 20%. This method is consistent with recent work examining non-linear effects of Latino electoral strength (see Fine and Avery 2014). We replicate our earlier models, but now substitute four of these dichotomous variables for our original Latino electoral strength and Latino population measures. The excluded group in our analysis is Latino constituencies under 5 %.

The results of our non-linear effects models are presented in Model 4 of Table 1. Again, we find support for the racial threat hypothesis when considering the influence of Latino population size though this effect appears to be nonlinear. We find a positive, statistically significant effect of Latino population size only for those states with between 15% and 20% Latino and over 20% Latino populations. State legislatures are more likely to pass restrictive immigration policies in states with larger Latino populations, but only when Latinos constitute more than 15% of the population.

When considering non-linear effects of Latino electoral strength our results are not as clearly consistent with a threshold effect but overall consistent with the racial influence hypothesis. The effect of the dummy variable for states with 5% to 10% Latino electoral strength is negative but small and only reaches statistical significance as the $p < .10$ level. The effect of the dummy variable for 10% to 15% Latino electoral strength is negative and larger but still only significant that the $p < .10$ level. However, the dummy variable for states with 15% to 20% Latino electoral strength is negative and statistically significant at the $p < .05$ level. The coefficient for the dummy variable for states with over 20% Latino electoral strength is negative and the largest but only significant at the $p < .10$ level. Overall, these results are fairly consistent with a threshold effect since the coefficients tend to get larger for states with greater Latino electoral strength, though some effects are only marginally statistically significant. The effects of the control variables in this Model 4 are generally consistent with those found in previous models.

Since the coefficients in the negative binomial regression model are difficult to interpret, we present the magnitude of the effects for our two constituency variables in Figure 1, which uses the results

from Model 4 in Table 2 to show the expected number of restrictive immigration laws under three scenarios. All other variables in the model are set to their mean or modal category as appropriate. The white bars represent the effect of increases the size of the Latino population keeping electoral strength constant at a level under 5%. Since we find no statistically significant effect for states with populations under 15%, the expected number of restrictive laws does not change across these categories, remaining at just under 1. However, when electoral strength is under 5% but Latinos make up 15% to 20% of the populations the expected number of laws increases to 4.2, and when Latinos make up over 20% of the population the expected number of laws increases to 5.3. Clearly, when Latinos make up larger proportions of the population but do not vote at rates equal to their population, they get worse representation of their interests, but only once they reach 15% of the population and above. The black bars represent a second scenario where Latinos make up 10% to 15% of the population while varying their electoral strength. This shows the negative effect of electoral strength in a state with a moderate number of Latinos like Washington, Connecticut or Utah. Under this scenario we see the modest decline in the expected number of restrictive policies once they make up 15% or more of the state voters. The gray bars represent a third scenario where the Latino population and their electoral strength are the same. Under this scenario we see that the positive effect of Latino population on restrictive laws is substantively reduced when Latino electoral strength keeps up with their size in the population.

- Insert Figure 1 here -

Our results demonstrate that Latino constituencies do affect the number of immigration policies passed by state legislatures. When a state has a large Latino population, but those Latinos are not mobilized, state legislatures pass many more policies that restrict immigration. However, when Latino population is held constant, state legislatures pass significantly fewer policies that restrict immigration when Latinos mobilize and comprise a larger percentage of the state's electorate. As Figure 1 demonstrates, the negative effect of larger Latino populations is dampened when Latinos electoral strength increases.

We view the results presented thus far as a conservative test of the impact of Latino electoral strength. Each of the models presented above contain a series of control variables, including the percentage of Democrats and Latinos in the state legislature. It is likely that Latino turnout helps elect more Democrats and Latino representatives. Examining the effect of Latino electoral strength while controlling for these factors, therefore, constitutes a strict test of the effect of Latino electoral strength and may therefore be driving down the size and significance of Latino electoral strength. Both of these control variables are important because we have theoretical reason to expect them to matter and our empirical results underscore their importance. However, we have re-run Models 3 and 4 of Table 2 to show the impact of these controls on Latino electoral strength.

-Insert Table 2 here -

As we would expect, the size of the positive effect of Latino population in these models is not substantively different than the effects found in Table 1. However, we find much stronger effects when we consider the influence of Latino electoral strength. In Model 1 of Table 2 we see that the effect of Latino electoral strength is much larger than in Model 3 of Table 1 (0.15 compared to 0.05) and now statistically significant at the $p < .01$ level. Likewise, when considering nonlinear effects in Model 2 of Table 2, we find that all dummy variables are statistically significant at the $p < .01$ level or greater and the size of the effect increases substantively as we move from states with 5% to 10% Latino electoral strength up to states with greater than 20% Latino electoral strength. This finding indicates that a meaningful amount of the effect of the size of the Democratic and Latino legislatures on the number of restrictive immigration policies in the states is accounted for by the increased Latino electoral strength found in states with more Democratic and Latino legislators.

As noted above, some research suggests that the undocumented Latino population should influence whites' attitudes and may affect the extent of restrictive immigration policies. Other research suggests *change* in Latino constituencies should have a greater effect on whites' attitudes and public policy, rather than just looking at the percent of Latinos in a constituency. Consequently, we examined both the influence of the size of the undocumented immigrant population and the influence of change in

both our Latino constituency measures on the number of restrictive immigration laws passed by states. However, we found no statistically significant effect for undocumented population size, change in Latino population size, or change in Latino electoral strength.

Conclusions

Following the passage of SB 1070 in Arizona, many states enacted legislation that restricted immigration. Some states passed laws that were nearly identical to Arizona's controversial law, or in some cases went even further to restrict immigration. In the years immediately following SB 1070, there was substantial variation in the actions taken by states. The current paper examines the influence of two Latino constituencies – Latino population size and Latino electoral strength – on the number of restrictive immigration laws that were passed in a given year in states across the country, testing two competing hypotheses – the racial influence hypothesis and the racial threat hypothesis. The findings of the current study suggest that states' passage of restrictive immigration policy is substantively influenced by the size of two states Latino constituencies. Our results are consistent with the racial threat hypothesis when considering the effect of Latino population size. Controlling for Latino electoral strength and other predictors, states with larger Latino populations tend to pass more restrictive immigration policies than states with smaller Latino populations. This finding is consistent with the findings of previous studies (Abrajano and Hajnal 2015; Boushey and Luedtke 2011; Marquez and Schraufnagel 2013). Despite this, our findings also demonstrate that voting matters; states where Latinos comprise a larger share of the electorate passed fewer restrictive immigration policies, controlling for other factors. Moreover, as Figure 1 demonstrates, the positive effect of Latino population size on the number of restrictive immigration policies passed is substantially reduced when the proportion of voters that are Latino parallels the proportion of Latinos in the population. The influence of Latino constituencies appears to be nonlinear, however, with constituency size having the greatest effect in states with larger Latino populations and greater Latino electoral strength.

Support for the racial influence hypothesis in the case of Latino electoral strength found in the current study represents a departure from previous research examining the U.S. Senate, where Fine and

Avery (2014) find higher levels of Latino electoral strength translate into *worse* representation of their interests. This difference in findings indicates the importance of context when considering the influence of minority populations on representation of minority interests. Senators are elected by state-level constituencies and Latinos do not make up a majority of any state population and only make up significant minorities in several states. Given this, senators have little incentive to represent the interests of Latinos when faced with a potential racial backlash among whites. But state immigration policy is passed by state legislatures and many state legislators represent districts with majority or plurality Latino populations. Thus, in the case of state-level policy, many legislators represent large Latino constituencies and hence have incentive to represent their interests. However, this is only the case when Latinos vote, and hence make up a larger share of legislators' electoral constituency. Admittedly, since we lack a measure of Latino electoral strength at the state district level, we cannot test this directly.

Our finding that Latino electoral strength influences state immigration policy highlights the importance of policies that influence Latino voter turnout. For example, in the last decade a number of states have passed voter identification laws. While research is inconclusive regarding the influence of these laws, some research suggests that these laws may depress voter turnout among some groups including Latinos (Barreto, Nuno, and Sanchez 2007). Other research emphasizes the importance of the language provisions of the Voting Rights Act for voting rates of ethnic minorities (Jones-Correa 2005). The current findings suggest that policy decisions that influence ballot access such as these also help to shape other state-level policies like immigration through their influence on Latino electoral strength. Our findings also highlight the importance of minority mobilization efforts. When Latinos are actively mobilized, particularly when they are contacted by Latino groups, Latino turnout increases (Leighley 2001; Shaw, de la Garza, and Lee 2000). Hence, Latino mobilization efforts also have an indirect influence on state immigration policy through their ability to boost Latino turnout. Efforts to increase Latino turnout are therefore paramount to improving the substantive representation of the group.

Appendix:

Table A1: Descriptive Statistics

Variable	Mean	Standard Deviation	Minimum	Maximum
Restrictive Immigration Laws	1.46	1.74	0	8
Latino population	10.39	9.89	1.14	46.73
Latino electoral strength	4.42	6.26	0.2	34.2
Democratic Legislature	50.9	16.69	16.67	92
Latino Legislature	3.92	7.69	0	45.71
Border state	0.08	0.27	0	1
Southern state	0.22	0.42	0	1
White unemployment	6.93	2.15	2.4	13.9

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Table 1: Negative Binomial Regression Model with Restrictive Immigration Laws as Dependent Variable

	Model 1: Latino Population Model	Model 2: Latino Electoral Strength Model	Model 3: Combined Model	Model 4: Non-Linear Effects Model
Variable	Coef. (Std. Error)	Coef. (Std. Error)	Coef. (Std. Error)	Coef. (Std. Error)
Latino population size	0.06 (.02)*	---	0.07 (.04)+	---
Latino population size – 5-10%	---	---	---	0.12 (.25)
Latino population size –10-15%	---	---	---	0.45 (.30)
Latino population size –15-20%	---	---	---	1.33 (.61)*
Latino population size – Over 20%	---	---	---	1.70 (.37)***
Latino electoral strength	---	0.03 (.04)	-0.05 (.06)	---
Latino electoral strength – 5-10%	---	---	---	-0.38 (.23)+
Latino electoral strength –10-15%	---	---	---	-1.22 (.66)+
Latino electoral strength –15-20%	---	---	---	-1.04 (.49)*
Latino electoral strength – Over 20%	---	---	---	-1.76 (1.08)+
Democratic Legislature	-1.27 (.55)*	-1.47 (.60)*	-1.27 (.54)*	-1.17 (.68)+
Latino Legislature	-0.11 (.02)**	-0.07 (.04)	-0.09 (.04)*	-0.09 (0.05)+
Border state	0.71 (.53)	1.04 (.50) *	0.79 (.46)+	1.72 (.45)***
Southern state	0.60 (.22)**	0.56 (.23)*	0.62 (.23)**	0.73 (.26)**
White unemployment	0.08 (.06)	0.11 (.06)*	0.08 (.06)	0.06 (.06)
Year 2009	0.27 (.27)	0.37 (.27)	0.27 (.27)	0.22 (.29)
Year 2011	0.03 (.17)	-0.00 (.17)	0.01 (.18)	-0.01 (.18)
Year 2012	-0.45 (.22)*	-0.46 (.22)*	-0.48 (.23)*	-0.49 (.24)*
Constant	-0.03 (.50)	0.12 (.56)	-0.02 (.49)	0.21 (.52)
Observations	196	196	196	196

+ p <.10, * p < .05, ** p < .01, *** p < .001

Table 2: Negative Binomial Regression Model with Restrictive Immigration Laws as Dependent Variable

	Model 1: Combined Model	Model 2: Non-Linear Effects Model
Variable	Coef. (Std. Error)	Coef. (Std. Error)
Latino population size	0.08 (.04)*	---
Latino population size – 5-10%	---	0.07 (.24)
Latino population size –10-15%	---	0.43 (.33)
Latino population size –15-20%	---	1.18 (.68)+
Latino population size – Over 20%	---	1.64 (.39)***
Latino electoral strength	-0.15 (.05)**	---
Latino electoral strength – 5-10%	---	-0.89 (.26)**
Latino electoral strength –10-15%	---	-1.28 (.45)**
Latino electoral strength –15-20%	---	-1.81 (.37)***
Latino electoral strength – Over 20%	---	-3.61 (.92)***
Border state	1.01 (.71)	1.47 (.45)**
Southern state	0.71 (.26)**	0.87 (.25)**
White unemployment	0.01 (.06)	-0.03 (.06)
Year 2009	-0.002(.27)	-0.12 (.28)
Year 2011	0.03 (.16)	0.03 (.15)
Year 2012	-0.54 (.21)*	-0.56 (.21)**
Constant	-0.05 (.44)	0.28 (.48)
Observations	200	200

+ p <.10, * p < .05, ** p < .01, *** p < .001

Figure 1: Expected Number of Restrictive Laws

