

# Advocacy or Authorship: A Sustained Organizational Influence Analysis of the American Legislative Exchange Council's Voter ID Act, 2011-14

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## RESEARCH FOCUS

This project investigates the role of model voter ID legislation produced by the American Legislative Exchange Council (ALEC). An interdisciplinary approach with history contextualizes ALEC's founding in 1973 by Conservative ideologue Paul Weyrich within broader scholarship examining the recent growth of American conservatism. I examine both the social and political influences on ALEC's model Voter ID Act in 2009 and analyze the process of policy diffusion.

## MOTIVATION FOR THIS WORK

State politics are influential now more than ever when faced with federal gridlock. Investigating the ways in which corporations compete for influence through ALEC, a non-profit that functions as a vehicle for corporate and state legislative connections, has been studied on anti-sanctuary, Stand Your Ground, and the expansion of private prisons (Cooper et al 2016; DeMora et al 2019; Collingwood et al 2019). I was especially interested in the content and substance of ALEC's model Voter ID Act because of the way the issue has changed in the past 20 years.

### Theory & Historiography

**Policy Diffusion:** How do policies spread between states? How do states learn from each other?

**Sustained Organizational Influence (SOI):** Diffusion literature does not engage thoroughly enough with how interest groups with massive resources influence the policy process. Identifies corporate, legal, and ideologue members.

**Legislative Professionalism:** Combines three factors -- state legislator pay, days in session, and staff assistance to determine capacity of state legislators to perform their duties. SOI studies have mixed results about importance.

**New Intellectual History of Conservatism:** Proposed by Kim Phillips-Fein in 2010s, organizes conservative scholarship into two distinct eras.

## HYPOTHESES

**H<sub>1</sub>:** ALEC voter ID model legislation will be textually related to large elements of voter ID introduced bills *after* ALEC adopts such voter ID legislation in 2009.

**H<sub>2</sub>:** ALEC voter ID model legislation will be introduced and

enacted at higher rates in states with low legislative professionalism.

**Null:** ALEC voter ID model legislation does not impact introductions of legislation on the topic of voter ID.

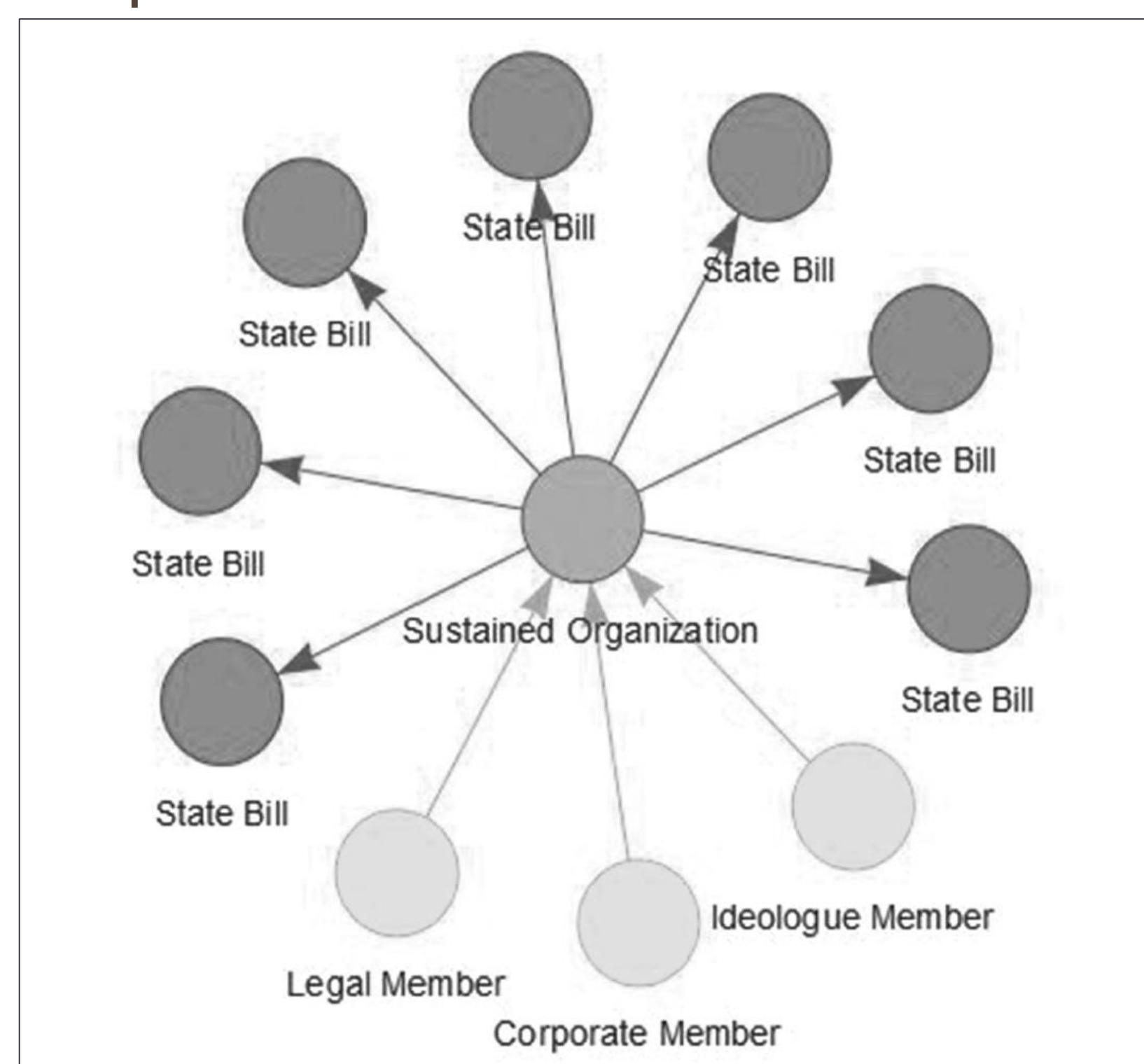


Figure 1: Spider-Web Diagram from DeMora et al. (2019)

## DATA & METHODS

Data was gathered using the NCSL's State Elections Legislation Database which dates back to 2011. Bills were collected on the topic of Voter ID cards between 2011 and 2014 which returned 73 pieces of legislation.

H<sub>1</sub> was operationalized in line with previous SOI studies which have utilized the plagiarism detection software WCopyFind to compare an original document (a piece of ALEC model legislation) against multiple other papers (legislation on the same topic).

H<sub>2</sub> was operationalized through two regression analyses. The first compared a state level of legislative professionalism and state likelihood to pursue voter ID laws at all. The second targeted the ALEC legislation specifically by analyzing a state's level of legislative professionalism against the percent of ALEC text that appeared in a bill.

## RESULTS (DATA)

H<sub>1</sub>: 14 out of 73 bills tested (10%) borrowed significant amounts of text from ALEC's model Voter ID Act. State bills that used parts of ALEC's model language lifted primarily from the proof of identity definition within the model legislation.

Produced by WCopyFind.L.T.S. with These Settings:

Shortest Phrase to Match: 6  
Fewest Matches to Report: 0  
Ignore Punctuation: Yes  
Ignore Outer Punctuation: Yes  
Ignore Numbers: Yes  
Ignore Letter Case: Yes  
Skip Non-Words: Yes  
Skip Words Longer Than 20 Characters: Yes  
Most Imperfections to Allow: 9  
Minimum % of Matching Words: 75

Perfect Match	Overall Match	View Both Files	File L	File R
0 (0% L, 0% R)	0 (0%) L; 0 (0%) R	Side-by-Side	AK.H.162.docx	ALEC Model Voter ID Act.docx
0 (0% L, 0% R)	0 (0%) L; 0 (0%) R	Side-by-Side	AL.H.19.S.36.docx	ALEC Model Voter ID Act.docx
37 (2% L, 4% R)	41 (2%) L; 40 (4%) R	Side-by-Side	AL.H.19.S.36.docx	AK.H.162.docx
297 (7% L, 63% R)	313 (7%) L; 312 (66%) R	Side-by-Side	AK.H.1797.docx	ALEC Model Voter ID Act.docx
28 (0% L, 3% R)	38 (0%) L; 39 (4%) R	Side-by-Side	AK.H.1797.docx	AK.H.162.docx
25 (0% L, 1% R)	33 (0%) L; 32 (2%) R	Side-by-Side	AK.H.1797.docx	AL.H.19.S.36.docx
24 (0% L, 5% R)	29 (0%) L; 29 (6%) R	Side-by-Side	IL.H.3058.docx	ALEC Model Voter ID Act.docx

Figure 2: Plagiarism Detection on WCopyFind

H<sub>2</sub>: Null. Legislative professionalism had no discernable effect on a state's likelihood to introduce legislation on the topic of voter ID or lift ALEC language at any higher rate. This could mean that the policy is popular across the states regardless of professionalism levels. It also points to the possibility that the concept may be outdated or in need of updating to better reflect resources state legislators require.

## RESULTS (HISTORY)

The historical approach to this project contextualized ALEC as a group through the founder and members as well as the larger trajectory of the policies they pursue. I first focused on Paul Weyrich and his impressive conservative coalition building skills. ALEC was a legislative branch of a broader conservative movement Weyrich was instrumental in, founding the Heritage Foundation and coining the term Moral Majority.

The partnership of the NRA was another early focus, with a special concern about their position as chair of the Public Safety and Elections task force that produced the model voter ID act.

## RESULTS (HISTORY) CONT.

Articulating relationships between white nationalism, fear mongering, and election security are relevant now more than ever. The other historical element of this project involved making a strong connection between voter ID and the broader history of voter suppression in the United States, as voter access is of significance to ALEC. All of these elements had to be laid out to understand how and why ALEC pursues voter ID as a policy.

## CONCLUSIONS

ALEC has been around for 50 years and have become a powerhouse in state politics. This investigation into their model Voter ID Act sheds light on the corporate influence of the NRA and how ALEC strikes at opportune political moments. On voter ID, for instance, ALEC touted the *Marion County v. Crawford* ruling ahead of the model legislation's production the following month.

Through the provision of issue reports, model legislation, and legal support, state lawmakers have a multitude of incentives to get involved with ALEC for a substantially lower fee than their corporate counterparts. These are some of the mechanisms through which state legislators can see tangible policy benefits by working with ALEC.

## IMPLICATIONS

ALEC's pay-to-play model regarding legislation substance has troubling implications about corporate influence in state politics. The pressures on state governments are greater because of a stagnant federal legislative body. Voter ID also has rhetorical significance and is of heightened importance as efforts to undermine trust in elections are rampant. ALEC is a fruitful avenue for future research because of their comprehensive model legislation across topics and recent ventures into local-level initiatives.