

**An Assessment of Voting Rights Progress in Virginia
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Virginia's capitol also doubled as the capitol for the Confederacy. Many of the Civil War battles were fought on her soil and the symbolic end to the insurrection came at Appomattox Court House when General Lee surrendered to General Grant. Harry Byrd, the leader of Virginia's ruling faction and long-time senator designed the strategy of massive resistance used by the South to delay efforts at school desegregation. In light of the state's prominent role in opposing the extension of civil rights, it is nothing short of remarkable that the first southern state to have an African American lieutenant governor and the nation's only state to ever elect an African-American to be its governor is Virginia.

Virginia adopted a poll tax early in the 20th century and continued its usage until it was invalidated by constitutional amendment and litigation in the mid-1960s. Other disfranchising techniques adopted by Virginia included the literacy test with an understanding clause. For 18 years, the state also had a white primary but after a federal court invalidated the practice in 1930, Virginia, unlike Texas, did not make alterations and seek to reinstate it.¹

Black Turnout and Registration

At the time of the 1964 presidential election, approximately 38.3 percent of Virginia's voting age African Americans had registered to vote. This was the highest level of black registration for any states that were entirely covered by the initial version of the Voting Rights Act.² By the fall of 1967, estimates placed the black registration at 55.6 percent of the voting age population.

After each election, the U.S. Bureau of the Census conducts an extensive nationwide survey that it uses to estimate registration and turnout rates. These surveys rely upon self-reports from individuals as to whether they had registered in time for the previous general election and whether they then cast ballots in those elections. Self-reported data often have inflated estimates of political participation but in most states, these are the most reliable figures on participation rates. While the estimates may be inflated, they can be used for comparative purposes both across time and across regions.

As Table 1 reports, except for 1986, Virginia's white population reports being registered at higher rates than do African Americans. This is a greater consistency of higher white than black registration than is found in most southern states covered by Section 5. As is often found for southern states, the greatest disparity occurs in 1980 where 65.4 percent of white but only 49.7 percent of African American voting-age adults report being

¹ Thomas R. Morris and Neil Bradley, "Virginia" in *Quiet Revolution in the South*, edited by Chandler Davidson and Bernard Grofman (Princeton: Princeton University Press, 1994), p. 298.

² U.S. Commission on Civil Rights, *Political Participation* (Washington, DC: U.S. Government Printing Office, 1968), pp. 222-223.

registered. By 1982, the difference had been reduced to just over seven percentage points and in 1984, only 1.6 percentage points. Then in 1986 the self-reported registration among African Americans is three points greater than for whites.

(Table 1 goes here)

Unlike for most other southern states, more recent years also reveal some fairly large differences with much higher percentages of white than black Virginians reporting being registered. In the four most recent elections, the rate at which whites registered exceeds blacks by roughly ten percentage points or even more. The greatest gap in recent years opens up in 2002 when only 47.5 percent of African Americans versus 64.1 percent of the whites had registered to vote. Even the 2004 election that often saw black registration equal or exceed white registration, did little to narrow the gap in Virginia with 57.4 percent of the black and 68.2 percent of the white adults reporting having been registered.

In several other southern states, black registration rates exceeded those for African Americans living in other parts of the country. That pattern occurs with less frequency in Virginia where it appears in 1986, 1992 and 1996. Non-southern blacks registered at slightly higher rates than Virginians in 1988 and 1990. However in the most recent mid-term election, blacks outside the South reported registering at a rate approximately ten percentage points greater than blacks in Virginia.

As with the pattern for in-state registration, Table 2 shows whites voting at higher rates than blacks. In only 1986 did a higher proportion of blacks than whites say they had voted. White turnout exceeded black turnout by relatively small margins in 1982 and 1984. More often election years saw relatively large differences as white turnout increased far more rapidly than did black turnout. Thus, in 1980, the difference between the two races exceeded 15 percentage points; in 1988 the difference was greater than 13 percentage points, and in the most recent presidential election, 63.0 percent of the whites compared with just under half of the African Americans went to the polls. Since Virginia does not elect its state legislators and constitutional officers in even numbered years, off-year participation rates are frequently low. For each of the two most recent mid-term elections, fewer than 40 percent of either black or white voters went to the polls. In 1998 and 2002, only about a quarter of Virginia's black adults bothered to vote.

(Table 2 goes here)

Virginia blacks usually turnout at substantially lower rates than whites, but Old Dominion blacks occasionally approximate or even exceed African-American turnout in the rest of the nation. In both presidential elections of the 1990s, more Virginia than non-South African Americans voted. In 2000, the turnout rate was almost identical for the two groups although slightly higher outside of the South.

In 1980, approximately ten percentage points more of the non-southern than Virginia blacks turned out. That is the greatest disparity for a presidential year. In the two most recent mid-term elections, non-southern African Americans turned out at rates at least ten

percentage points more than did Virginia blacks. The difference was especially great in 1998 when 40.4 of the African Americans outside the South but only 23.8 of those in Virginia picked up a ballot.

With the exception of 1994, Virginia whites also vote at lower rates than whites outside the South. One factor that helps account for the greater disparities in Virginia and non-South participation rates for both races in mid-term elections is the scheduling of state contests in the Old Dominion. Virginia elects its three statewide elected officials and state legislators in odd numbered years with the most recent elections occurring in 2005. Thus unlike most states, Virginia does not provide the stimulus of hotly contested elections for the governor or state legislators to induce voters to come to the polls in years when the ballot is not topped by a contest for the presidency.

Political science research suggests that lingering disparities in participation rates among ethnic groups may be due more to differences in socioeconomic characteristics than in obstacles to registration. The literature on American political participation consistently finds that socioeconomic status (SES) is the determinant of political involvement. The classic *Who Votes?*,³ Leighley and Nagler's⁴ reexamination of the *Who Votes?* analysis, and the work of Verba and his colleagues⁵ consistently find this effect across ethnic and racial groups. Additional research finds that, once one controls for SES, black "overparticipation" is found⁶. However, Abramson and Claggett⁷ observed that African-American voter participation still lagged white participation, even when controls for socio-demographic influences -- especially education -- were introduced, while Uhlaner, *et al.* find that Anglo whites and African-Americans have similar rates of political participation, and that it is Latino participation that lags due to education and citizenship

³ Raymond Wolfinger, and Steven Rosenstone. 1980. *Who Votes?* New Haven: Yale University Press.

⁴Jan E. Leighley and Jonathan Nagler. 1992. Class Bias in Turnout: The Voters Remain the Same. *American Political Science Review* 86: 725-736; Jan E. Leighley and Jonathan Nagler. 1992. Individual and Systemic Influences on Turnout: *Who Votes?* 1984. *Journal of Politics* 54: 718-740.

⁵ Sidney Verba and Norman Nie, 1972. *Participation in America: Political Democracy and Social Equality*. New York: Harper, Row; Sidney Verba, Kay Lehman Schlozman, and Henry Brady, 1995. *Voice and Equality Civic Volunteerism in American Politics*. Cambridge: Harvard University Press.

⁶ See, for example, Thomas M. Guterbock, and Bruce London. 1983. Race, Political Organization, and Participation: An Empirical Test of Four Competing Theories. *American Sociological Review* 48: 439-453; Marvin E. Olsen, 1970. Social and Political Participation of Blacks. *American Sociological Review*. 35: 682-697; Verba and Nie, 1972.

⁷ Paul R. Abramson, and William Claggett, 1984. Race-related Differences in Self-Reported and Validated Turnout. *Journal of Politics*, 46: 719-739.

factors.⁸ Leighley and Vedlitz find that cultural theories are largely invalid when it comes to explaining differences in participation beyond SES effects.⁹

African-American Office holding

When record keeping on the numbers of African Americans in public office began in the late 1960s, Virginia had only 30. Of these two-thirds served in municipal offices with only two holding county positions. The growth in the number of black officials in the Old Dominion comes more slowly than in other southern states. Not until the mid-1980s does Virginia have more than 100 black officials. In that year, just over half held municipal office while approximately a third served at the county level.

As a review of Table 3 demonstrates a major reason for the smaller numbers of black elected officials in Virginia than elsewhere in the South stems from the state's tradition of having appointed school boards. Not until 1997 are school board members elected in Virginia. Up until that time, Virginia has fewer black elected officials than any other southern state. With the election of school board members, the number of black elected officials reported by the Joint Center for Political and Economic Studies doubles to 333 with almost exactly half of these serving on school boards. However, two years later, the number of school board members reported by the Joint Center is halved and the total number of black officials falls by 82. The numbers drop again slightly in 2001 so that in the most recent enumeration, thus fewer 250 blacks hold office in Virginia.

(Table 3 goes here)

African American in Congress

Under the impetus of Section 2 of the Voting Rights Act, Virginia created a majority-black district in 1991. This new district sprawled throughout much of the Tidewater, running from the mouth of the James River up to Richmond and over to Petersburg while including some rural counties north of the river. It had a 64 percent black population. In 1992 the new Third District sent to Congress the second African American to serve in the state Senate, Robert Scott. Scott won a commanding two-thirds of the vote in the Democratic primary and romped to victory with almost 80 percent of the vote in the general election. Scott, unlike some of the other African Americans newly elected to Congress in 1992, ran well among both white and black voters.

The third district was one of those successfully challenged in the wake of *Shaw v. Reno*.¹⁰ The new, somewhat more compact district still extended along the James River from the

⁸ Carole J. Uhlaner, Bruce E. Cain, and D. Roderick Kiewiet, 1989. Political Participation of Ethnic Minorities in the 1980s. *Political Behavior* 11: 195-231.

⁹ Jan E. Leighley and Arnold Vedlitz, 1999. Race, Ethnicity, and Political Participation: Competing Models and Contrasting Explanations. *Journal of Politics* 61: 1092-1114.

¹⁰ *Shaw v. Reno*, 509 U.S. 630 (1993). The Virginia challenge came in *Moon v. Meadows*.

Chesapeake Bay to Richmond but its black percentage was reduced by ten points. Nonetheless, Scott continued to win more than three-fourths of the vote.

The 2000 census showed Scott's district to be almost 13 percent below the ideal district population for a Virginia congressional district. Scott felt so safe in his seat that at the time of the 2001 redistricting, he urged the legislature to reduce the minority concentration in his district and to increase it in the neighboring, Southside Fourth District. The legislature ignored Scott's generosity and maintained the black percentage in the third district at 56 percent black -- the same black concentration that the 2000 census had shown to be present.

The incumbent's neighborly generosity was, no doubt, at least in part motivated by the near miss of an African-American candidate in a special election held in the Fourth District in 2001 to succeed the departed Norman Sisisky (D-Petersburg). In that election, in a district that was an estimated 39 percent African American when redrawn for the 1998 elections, black Democrat state Senator Louise Lucas narrowly lost to white Republican state Senator Randy Forbes, by a 52-48 margin or 5,800 ballots. African Americans believed that if the black percentage could be boosted just ever so slightly in the Forth District, then an African American would have a good chance of winning.

The turnout rate had been 29.7% of the voting age populations for blacks, while the white voter turnout was estimated at 30.1% of white VAP. The claim that a general election contest might heighten the prospect of electing a minority candidate of choice is dashed by an evaluation of the November 2001 statewide elections. When the turnout data for the state constitutional offices are reconstituted inside the boundaries of Congressional District 4, the estimated rate of black voter turnout is 28.9% of black VAP. This is dwarfed by a 43.0% white VAP turnout rate within the district for the same election.

The 2001 special election contest was highly polarized by race. Only 9.7 percent of whites voted for the black Democratic candidate, while nearly all the black vote went for Democrat Lucas. In three major statewide races reconstituted within the boundaries of District 4 in 2001, the Democratic share of the white vote ranged from an estimated 15.1% for black Democratic Attorney General candidate and Assembly Delegate ¹¹Don McEachin to 32.3 percent for the successful Democratic gubernatorial candidate, white suburbanite Mark Warner.¹²

¹¹ Warner had been considered a rising star in the Virginia Democratic Party for over a decade. Initially his name surfaced as a possible candidate for Democrat Jim Moran's northern Virginia congressional seat, and then in 1996 he unsuccessfully challenged incumbent US Senator John Warner. See Thomas A. Kazee, ed. 1994. *Who Runs for Congress?* Washington, DC: CQ Press.

¹² McEachin, a longtime Douglas Wilder ally from Henrico County an incumbent defeated incumbent Del. Floyd H. Miles in the June 2005 Democratic Primary.

African Americans in the Legislature

African Americans have served in the Virginia lower chamber since 1967 when two blacks won elections. For the next decade, black membership was never more than two and only reached four in 1979. The growth in black representation in the lower chamber has come slowly as Table 4 reveals. This pattern is unlike in most other southern states where new districting plans frequently produced a substantial increase in African American legislative presence. In the Virginia House of Delegates, the increase since 1979 has been consistent but gradual. Early in the new century blacks held eleven of the 100 seats in the lower chamber. This is substantially lower than the almost 20 percent of the state's voting age population that is African American.

(Table 4 goes here)

As indicated in Figure 1, Virginia ranks at the bottom of the nine Section 5 southern states in terms of black proportional representation in the state legislature relative to the black proportion of the citizen voting age population. Only two southern Section 5 states exceed proportionality – Florida and Alabama – but four states approach or exceed 80 percent of proportionality, and every other state except Virginia exceeds two-thirds of proportionality. While Virginia ranks below all the other Southern states in terms of black proportionality in the state legislature, the state ranks ahead of border South states such as Kentucky and Oklahoma, but behind non-Section 5 states Tennessee (proportionality score = .81) and Arkansas (proportionality score = .75). Figure 2 shows Virginia and Louisiana tied at the bottom in terms of black congressional proportionality.

(Figures 1 and 2 go here)

The first black state senator, Douglas Wilder won election in 1969. He continued his service in the Senate until 1985 when he won election as lieutenant governor. During most of his tenure he was the only African American senator (see Table 4). The pattern for change in black membership in the Senate is much like that in the House of Delegates. That is, the growth has been gradual beginning in 1983 and is not tied to changes in district lines. By the early part of the 21st century, African Americans held five of forty seats in the Senate. While their proportion of the Senate is slightly larger than their percentage in the House of Delegates, it is substantially less than the black percentage among voting age Virginians.

African Americans in Statewide Office

Virginia elects fewer statewide officials than any other southern state save for Tennessee. In the Old Dominion only the governor, lieutenant governor and attorney general run statewide.

As previously noted, in 1985, Douglas Wilder won election as lieutenant governor. He thus became the first African American to hold this position in the South. Since fewer

than one in five registered voters in Virginia is black, Wilder's victory relied upon substantial support from white Democrats. Ecological regression analyses and ecological inference analysis indicate that Wilder received between 41 and 47 percent of the white vote in 1985.

Virginia is now the last state in the union to restrict its governor to a single term. Virginia's lieutenant governor is typically a serious candidate for the top position after the governor does his single term. And so it was with Wilder. Virginia makes far less use of primaries than other southern states so Wilder did not have to secure the nomination in a primary but rather was chosen at a state convention. Wilder ran well in pre-election polls and seemed to be assured of a comfortable victory in the exit polls. However, when the votes were actually counted, his victory margin was a razor thin less than 6800 out of almost 2 million votes cast, prompting a recount. While Wilder attracted a share of the white vote, many whites who voted for his Republican opponent, Marshall Coleman, hesitated to acknowledge to pollsters that they were not going to support the black candidate.

Exit polls conducted by CBS News and presented in Table 5 show Wilder getting 92 percent of the black vote and 44 percent of the white vote, which would translate into a 53-47 victory, with a margin of error at 95% confidence of +/- 2.9 points, assuming African Americans constituted 18 percent of the voters who turned out. Wilder's victory fell just outside this range, while Beyer's candidacy for lieutenant-governor ran just four points better among whites and 12 points worse among African-Americans in the exit poll, while Mary Sue Terry ran nine points better among whites and 12 points worse among African Americans. Wilder's white vote share was lower than calculated from the exit poll sample since he did not win by six percentage points.

(Table 5 goes here)

While Wilder's victory was far smaller than had been anticipated, it was a victory and in that sense, is a more impressive display of biracial politics than in California where Los Angeles Mayor Tom Bradley twice lost gubernatorial bids (discussed in our report on California). In his second bid, Bradley managed only 37 percent of the vote against incumbent George Deukmejian.

Wilder's victory, narrow as it was, marked the last Democratic victory in a Virginia gubernatorial election for a dozen years. Republicans Georgia Allen and James Gilmore, III, won the governorship in 1993 and 1997. Thus Wilder did better at appealing to a wide range of Virginia voters than either of the two white Democrats who sought to succeed him.

The rising tide of Republicanism crested in 1993 and 1997 when the GOP won all three statewide offices, and subsequently took control of the legislature. Exit polling data from Edison Media Research for the 1997 Virginia gubernatorial election demonstrate a powerful racial dimension to the partisan preferences of gubernatorial voters. Jim Gilmore, the prevailing Republican, pulled an estimated 61 percent of the white vote,

compared to just 14 percent of the black vote. Gilmore's Democratic opponent attracted less of the white vote, according to exit polls, than did Wilder. The contests for attorney general and lieutenant governor saw voting patterns similar to the Gilmore – Breyer gubernatorial election as over 80 percent of the electorate reported straight-ticket voting for the three major offices.¹³

Republicans held these posts until 2001, when Democrats recaptured two of the three statewide constitutional offices of the Commonwealth. Democrats regained momentum behind the candidacy of the narrow loser of the 1996 US Senate general election. Mark Warner, a northern Virginia entrepreneur, won the governorship with a comfortable five-point margin, while Tim Kaine carried the lieutenant governor's slot by a two-point margin. The Democratic nominee for attorney general lost by 21 percentage points, a 26-point swing from the prevailing white ticket-topper to the losing African-American candidate down-ticket.

Racial Voting Patterns

While Doug Wilder failed to command the support of most white voters in his gubernatorial bid, Bobby Scott, the first African American to represent a portion of Virginia in Congress in approximately a century, ran impressively among white voters.

The bulk of Table 6 deals with Democratic congressional candidacies in the Tidewater from 1986 through 1994. Most of the estimates presented here come from a report prepared by Ronald Weber as part of the *Moon v. Meadows* suit challenging congressional District 3 as violative of the standards established in *Shaw v. Reno* and *Miller v. Johnson*. The estimates involving black Democratic candidates, except for Scott in 1986 and Lucas in 2001, come from the expert report prepared by Lisa Handley in that same *Moon v. Meadows* litigation.

Table 6 shows that non-incumbent Democrats tended to run poorly among white voters. For example, in the First District, held for many years by Republican Herb Bateman, no Democrat attracted as much as 40 percent of the white vote. Robert Scott's 1986 challenge to Bateman attracts less white support than did other Democrats according to the OLS estimates but is the median case in terms of the white support attracted from the homogeneously white precincts. Prior to the redrawing of District 3 to give it a black majority, white Democrats ran very poorly with white voters. In the Seventh District in the early 1990s, the Democratic nominee attracted only about one-seventh of the white vote. In a similar fashion, when Owen Pickett ran for an open seat in the Second District in 1986, he got less than 30 percent of the white vote according to the OLS estimate, a performance in keeping with some First District Democrats.

(Table 6 goes here)

¹³ <http://www.cnn.com/ALLPOLITICS/1997/11/06/poll/#archive> accessed October 1 2005.

Democratic incumbents generally did better and Pickett attracted half of the white vote in his first reelection bid. After district reconfiguration in the early 1990s, Pickett continued to get a majority of the white vote. In the Fourth District, incumbent Norman Sisisky received approximately half of the white vote in 1992 and 1994 and almost three-fourths of the white vote in his last contested election. In both the old and the new districts, Sisisky frequently had no Republican opposition. After his death, Louise Lucas, an African American, managed only approximately 10 percent of the white vote in the special election to fill the vacancy. Her performance is comparable to that of Bobby Scott in First District fifteen years early.

Against this background, Scott's ability to attract half of the white vote in the open Third District in 1992 is a remarkably strong showing for a Democrat. A different kind of research, perhaps involving field interviews would be necessary to determine why Scott does so much better in 1992 than he himself did six years earlier or than Lucas did nine years later.¹⁴ Perhaps the quality of the campaign and the candidates or Scott's experience gained in the earlier congressional bid might account for his much stronger performance in 1992.

Table 7, excerpted from a previous analysis by Gaddie,¹⁵ shows OLS and ecological inference estimates of support for Rep. Bobby Scott in his reelection bids through 2004.¹⁶ Scott twice won reelection without opposition (2000 and 2002) and in 1996, 1998, and 2004, at least two estimates in each year show Scott commanding a majority of the white vote. The estimates of white support for Scott in 1992 and 1994 in Table 7 are several percentage points lower than in Table 6 and do not show Scott with a majority of the white vote in his initial election. A possible explanation for the inconsistency is different weightings being applied to the data by those making the estimates (The data analyzed in Table 7 are not weighted).

(Table 7 goes here)

The bottom of Table 6 presents estimates of Douglas Wilder's performances in two statewide contests. These estimates from Lisa Handley's expert report show that when winning the office of lieutenant governor, Wilder attracted just over 40 percent of the white vote.¹⁷ The 40 percent of the white vote in this open seat contest exceeds the figure

¹⁴ One important difference that contributes to Scott's stronger showing in 1992 than 1986 is that in the earlier contest he faced a well-entrenched, well-funded incumbent while in 1992 the district had no incumbent.

¹⁵ Ronald Keith Gaddie. 2003. "An Evaluation of Racial Polarization and the Election of Minority Legislative Candidates of Choice in the Vicinity of Virginia Congressional Districts 3 and 4." Prepared for *Hall v. Commonwealth*, June 2003.

¹⁶ Gary King. 1997. *A Solution to the Ecological Inference Problem..* Princeton, NJ: Princeton University Press. King's technique can be used with measures of the racial makeup to estimate voter participation and candidate preferences by race when using aggregated units, such as precincts or counties.

¹⁷ Lisa R. Handley, "Liability Issues in *Moon v. Meadows*" (September 4, 1996).

managed by Pickett in 1986 although it fails to match Scott's 1992 showing in the Third District. Four years later, Handley estimates that Wilder won approximately a third of the white vote on his way to becoming governor, a performance similar to Pickett's in his initial congressional bid and substantially greater than Louise Lucas' showing in the Fourth District special election. According to Handley, as a gubernatorial candidate, Wilder received a share of the white votes similar to that often obtained by Democratic challenges but substantially less than usually won by Democratic incumbents.

Ecological inference analysis and OLS estimates of county-level data presented in Table 8 indicate that Wilder's share of the white vote in the gubernatorial bid was down by five to six points when compared to his earlier run for lieutenant governor. These estimates indicate that Wilder's 1989 performance among whites was roughly comparable to subsequent Democratic candidates for statewide office. The estimates based on county-level data for lieutenant governor in Table 8 are quite similar to the Handley estimates based on precinct-level data in Table 6. For the gubernatorial election, the county-level analysis shows Wilder attracting far more of the white vote than do the precinct-level estimates. The county-based estimates are in line with the exit poll results in Table 5 and therefore overestimate Wilder's support among whites but may be closer to the actual vote share than the 28 – 35 percent reported by Handley .

(Table 8 goes here)

Democrats rebounded in 2001, reclaiming two of three statewide offices behind Mark Warner and Tim Kaine. However, the failing statewide candidate, African-American Don McEachin, ran less well with white voters. Analyses of white voter preferences in the Tidewater region show McEachin running sixteen points behind the successful Democratic candidates for governor and lieutenant governor. Exit polling showed a similar disparity.¹⁸ However, to attribute all of the difference to race is to load on a single-factor explanation that is not reflected in the public record. McEachin survived a difficult (and rare) statewide primary of four candidates and was more closely associated with liberal positions on gun control and crime.

As McEachin, a personal-injury lawyer who is the first black to run for the Virginia office on a major party ticket has been hampered by a bruising primary in June to win the nomination. No sooner had he won the four-way race, which drained his campaign war chest, than the party's gubernatorial candidate, Mark R. Warner, disassociated from his positions on capital punishment and gun safety. "He hasn't had a lot of support from the top of the ticket, and he utilized resources in the primary that he has not been able to replenish," Holsworth said. "His

¹⁸ Joel Turner, 2001. "Democrat Tim Kaine Wins Lieutenant-Governor; Analysts Say Mark Warner's Gubernatorial Victory Boosted Kaine's Position." *The Roanoke Times*, November 7: A-16.

campaign has struggled. If he wins, he'll win on the coattails of the guy at the top. The sense is that if Earley is close, then Kilgore wins.¹⁹

Hardy also notes that McEachin was outspent by almost one-third, a disparity probably not fully reflective of the costly primary he survived.

Evidence from State Legislative Elections

In a 2003 report, Gaddie examined elections involving African-American candidates in legislative districts in the parts of Virginia usually included in Congressional Districts 3 and 4.²⁰ He used two accepted techniques for analyzing voter preferences: ecological regression and ecological inference (Ei) analyses. Estimates of black voter and non-black voter preferences for each contest appear in Table 9.

(Table 9 goes here)

Of the 33 legislative general election contests examined in Table 9, in fewer than half (14) did both the Ei and OLS estimates show pluralities of whites and blacks choosing different candidates.²¹ In ten contests, both estimating techniques show pluralities of black and white voters agreeing on the same candidates with all but House district 74 in 2001 actually reporting majorities of both races rallying to the same candidate. In the other nine contests, the ecological regression estimates and the ecological inference estimates disagree as to whether pluralities of whites and blacks opposed one another. Those districts are: in 1993, House districts 61, 93, 95; in 1995, Senate district 5 and House districts 62 and 69; in 1997, House district 74; in 1999, Senate district 2; in 2001, House district 92. The black candidate of choice prevailed in all nine of those cases.

The discrepancies between Ei and ecological regression occur when the non-black vote is closely divided. The critical .500 vote share value is typically within the predictive errors of the point estimates for Ei and ecological regression in these cases. Gaddie notes that,

If we considered all of the mixed cases to be racially polarized, it would mean that polarized voting is occurring roughly two-thirds of the time in black-white legislative contests in this part of Virginia feature racially polarized voting. However, black candidates of choice won about 85% of all legislative contests examined, and won both polarized and other contests with similar frequency.²²

¹⁹Michael Hardy, 2001. Candidates Playing to Perceptions. *Richmond Times-Dispatch* November 4: C-4

²⁰Gaddie, *op. cit.*

²¹ In all of the 14 except for Senate district 16 in 1991, a majority of blacks opposed a majority of whites.

²² Gaddie, *op. cit.*, page 3.

So while blacks and whites often voted in opposition, the result did not rise to the level of legally significant, racially-polarized bloc voting. Black candidates and black candidates of choice won far more often than they lost. Black candidates who were candidates of choice won in 30 of 33 instances.

Table 9 also includes estimates of racial voting preferences for six primaries in the area of Virginia that has been included in congressional districts 3 and 4. These contests are equally divided among the three categories with both estimating techniques showing the bulk of black and white voters supporting the black candidate in House district 89 in 1995 and district 74 in 1997. The two estimating techniques show opposing black and white preferences in House districts 75 and 77 in 1993. In the district 77 contest, the analysis indicates that most African-American voters narrowly supported the white candidate while white voters gave strong support to the black candidate.

Black candidates are winning, but those victories are not equally large. Support for black candidate of choice varies, specifically among white voters, and this variation related to the type of candidate confronted (see Table 10). Table 10 divides contests by candidate of choice and type of opponent – white independent, white Republican, black Republican – and averages the support overall and by racial group for each type of contest. Estimated black vote share for black candidates of choice is high across the board, but highest for those candidates who confront white, independent opponents, and lowest among those who confront Republicans. Black support for candidates of choice is lowest, on average, when the opponent is a black Republican.

Most of the vote shift, however, is among white voters. When black candidates of choice confront white independents, they garner, on average, majority white voter support; however, when confronting Republicans, especially white Republicans, the black candidates of choice run an average of 14 to 21 percentage points lower. Black-versus-white contests result in stark black-versus-white choices when Republicans run rather than when the opponent is an Independent, which indicates a strong partisan component to the vote choice in these biracial contests, or as Gaddie observed “[t]his result indicates that polarization, by being more pronounced in the more-partisan context, reflects a function of party.”²³

(Table 10 goes here)

Conclusion

Virginia has progressed in the registration of black voters. However black turnout still lags white participation levels in the Commonwealth and sometimes lags black voter turnout in the rest of the country. The proportion of African-American legislators compares less favorably with the black proportion in Virginia’s adult population than is found in similar comparisons in other southern states subject to Section 5. However,

²³ Gaddie, *op. cit.*, page 4.

black candidates in the southeastern part of the state often defeat white opponents to win seats in the Assembly and Senate and not infrequently win a majority of the white vote.

Since the 1980s, both black and white Democratic candidates for statewide constitutional office have failed to command a majority of the white vote. Of the fifteen statewide contests held between 1985 and 2001, Democrats have won nine, including two of three races featuring African-American candidates. Of the nine contests for which estimates of racial preferences appear in Table 8, the Democrat carried the bulk of the white vote in no more than one election. While the white vote is now solidly Republican, Democrats still manage to win about half the statewide contests by relying on a coalition that combines overwhelming African-American support with a sizable minority of the white vote. That coalition accomplished what no other state has achieved: the election of a black chief executive.

Electoral patterns suggest that African-American and white Democratic congressional candidates perform similarly after controlling for incumbency status. Non-incumbent Democrats, regardless of race, typically attract little white support. On the other hand, incumbent Democrats – both black and white – can usually get the bulk of the white vote. African-American Member of Congress Robert Scott succeeded in attracting approximately half the white vote when seeking the open Third District and continues to run well with white voters, even winning without opposition in two of the three most recent elections.

TABLE 1

REPORTED REGISTRATION BY RACE IN VIRGINIA AND OUTSIDE THE SOUTH, 1980-2004

	1980	1982	1984	1986	1988	1990	1992	1994	1996	1998	2000	2002	2004
VIRGINIA													
Black	49.7	53.6	62.1	66.5	63.8	58.1	64.5	51.1	64	53.6	58	47.5	57.4
White	65.4	60.8	63.7	63.3	68.5	61.9	67.2	63.6	68.4	63.5	67.6	64.1	68.2
Non-South													
Black	60.6	61.7	67.2	63.1	65.9	58.4	63	58.3	62	58.5	61.7	57	na
White	69.3	66.7	70.5	66.2	68.5	64.4	70.9	65.6	68.1	63.9	65.9	63	na

Source: Various post-election reports by the U.S. Bureau of the Census.

TABLE 2

REPORTED TURNOUT BY RACE IN VIRGINIA AND OUTSIDE THE SOUTH, 1980-2004

	1980	1982	1984	1986	1988	1990	1992	1994	1996	1998	2000	2002	2004
VIRGINIA													
Black	42.9	44.3	55	42.5	47.7	32	59	33.8	53.3	23.8	52.7	27.2	49.6
White	58.3	46.2	57.8	36.8	61.1	39.6	63.4	50.4	58.5	32.4	60.4	37.8	63
Non-South													
Black	52.8	48.5	58.9	44.2	55.6	38.4	53.8	40.2	51.4	40.4	53.1	39.3	NA
White	62.4	53.1	63	48.7	60.4	48.2	64.9	49.3	57.4	44.7	57.5	44.7	NA

Source: Various post-election reports by the U.S. Bureau of the Census.

TABLE 3
NUMBER OF AFRICAN-AMERICAN ELECTED OFFICIALS
IN VIRGINIA, 1969-2001

Year	Total	County	Municipal	School Board
1969	30	2	20	*
1970	36	4	22	*
1971	52	5	34	*
1972	54	15	32	*
1973	62	18	35	*
1974	63	17	17	*
1975	64	17	42	*
1976	80	25	49	*
1977	82	25	52	*
1980	91	30	52	*
1981	91	31	52	*
1984	107	37	56	*
1985	116	36	66	*
1987	123	35	68	*
1989	144	39	76	*
1991	152	44	84	*
1993	155	47	74	*
1995	<i>No data collected by the Joint Center for 1995</i>			
1997	333	48	89	164
1999	251	50	87	82
2001	246	51	79	85

*School board members were not elected prior to 1997.

Source: Various volumes of *The National Roster of Black Elected Officials* (Washington, D.C.: Joint Center for Political and Economic Studies).

TABLE 4

RACIAL MAKEUP OF THE VIRGINIA LEGISLATURE, 1965 – 2005

			% Black in	% Black in
Year	VA Senate	VA House	Senate	House
1965	0	0	0	0
1967	0	2	0	2
1969	1	2	2.5	2
1971	1	2	2.5	2
1973	1	1	2.5	1
1975	1	1	2.5	1
1977	1	1	2.5	1
1979	1	4	2.5	4
1981	1	4	2.5	4
1983	2	4	5	4
1985	2	5	5	5
1987	2	7	5	7
1989	3	7	7.5	7
1991	3	7	7.5	7
1993	4	7	10	7
1995	5	8	12.5	8
1997	5	9	12.5	9
1999	5	10	12.5	10
2001	5	10	12.5	10
2003	5	11	12.5	11
2005	5	11	12.5	11

TABLE 5

1989 CBS NEWS EXIT POLL FOR VIRGINIA STATEWIDE ELECTIONS

<u>Candidate Party</u>	<u>Governor</u>		<u>Lt-Governor</u>		<u>Attorney General</u>	
	<i>%BL</i>	<i>%WH</i>	<i>%BL</i>	<i>%WH</i>	<i>%BL</i>	<i>%WH</i>
Democrat	92.0	43.8	80.0	48.0	81.1	52.6
Republican	8.0	52.2	12.7	48.0	7.5	42.4

Source: CBS News/The New York Times. 1991. *CBS NEWS/NEW YORK TIMES VIRGINIA GUBERNATORIAL ELECTION EXIT POLL*. ICPSR Study number 9494, released May 1991. Ann Arbor, MI: Interuniversity Consortium for Political and Social Research.

TABLE 6

WHITE SUPPORT FOR DEMOCRATIC CANDIDATES IN SELECTED VIRGINIA
ELECTIONS

Year	Democratic Nominee	Race of Democrat	Estimates of White Support	
			OLS	HP
<i>Congressional Elections</i>				
District 1				
1986	Scott	B	9.2	23.3
1988	Ellenson	W	11.5	16.8
1990	Fox	W	34.0	39.1
1992	Fox	W	31.5	32.2
1994	Sinclair	W	18.1	19.5
District 2				
1986	Pickett	W	29.0	40.7
1988	Pickett	W	50.5	54.5
1990	Pickett	W	73.1	77.3
1992	Pickett	W	51.7	53.3
1994	Pickett	W	54.4	56.2
District 3				
1986	Powell	W	17.0	20.0
1988	No Democratic nominee			
1990	Starke	W	27.0	27.8
1992	Scott	B	50.7	60.1
1994	Scott	B	46.5	52.7
District 4				
1986	Sisisky	W	No Republican nominee	
1988	Sisisky	W	No Republican nominee	
1990	Sisisky	W	68.7	71.3
1992	Sisisky	W	57.6	57.5
1994	Sisisky	W	49.1	50.5
1996	Sisisky	W	74.0	72.8
1998	Sisisky	W	No Republican nominee	
2000	Sisisky	W	No Republican nominee	
2001*	Lucas	B	9.7	

District 7

1992	Berg	W	14.9	15.8
1994	Berg	W	14.2	14.8

Statewide

1985, Lt. Governor

	Wilder	B	40.8	45.0
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1989, Governor

	Wilder	B	28.0	35.2
--	--------	---	------	------

OLS = ordinary least squares regression; HP = homogeneous precincts; B = Black; W = White

* The 2001 special election was necessitated by Norman Sisisky's death. The estimate of white voting preferences were made using Gary King's ecological inference program.

Sources: Lisa R. Handley, "Liability Issues in *Moon v. Meadows* (September 4, 1996); Ronald E. Weber, "Final Report on Liability Issues for Hearing in *Moon v. Meadows* (August 2, 1996); and Ronald Keith Gaddie, "An Evaluation of Voter Participation and Vote Choice in Virginia's 4th Congressional District," prepared for *Hall v. Commonwealth*(June 1 2002).

TABLE 7

ESTIMATES OF RACIAL SUPPORT FOR CANDIDATES IN VIRGINIA
CONGRESSIONAL DISTRICT 3, 1992-2004

CONGRESSIONAL RACES

US House 3, 1992:	<i>Ecological Regression</i>		<i>Ecological Inference</i>		
	<u>Black</u>	<u>Non-Black</u>	<u>Black</u>	<u>Non-Black</u>	
Scott (B)	.966	.469	.953	.481	
Jenkins	.034	.531	.047	.519	
US House 3, 1994:	<i>Ecological Regression</i>		<i>Ecological Inference</i>		
	<u>Black</u>	<u>Non-Black</u>	<u>Black</u>	<u>Non-Black</u>	
Scott (B)	1.000	.403	.988	.440	
Ward	<0	.597	.012	.560	
US House 3, 1996:	<i>Ecological Regression</i>		<i>Ecological Inference</i>		
	<u>Black</u>	<u>Non-Black</u>	<u>Black</u>	<u>Non-Black</u>	
Scott (B)	.986	.553	.979	.575	
Holland	.014	.447	.021	.425	
US House 3, 1998:	<i>Ecological Regression</i>		<i>Ecological Inference</i>		
	<u>Black</u>	<u>Non-Black</u>	<u>Black</u>	<u>Non-Black</u>	
Scott (B)	1.000	.518	.986	.557	
Barnett	<0	.482	.014	.443	
Scott had no opponent in 2000 or 2002.					
US House 3, 2004:	<i>Ecological Regression</i>		<i>Ecological Inference</i>		<i>Homogenous Precinct</i>
	<u>Black</u>	<u>Non-Black</u>	<u>Black</u>	<u>Non-Black</u>	<u>Black</u> <u>Non-Black</u>
Scott (B)	1.000	.484	.925	.515	.900 .523
Sears	<0	.516	.075	.485	.100 .477

Note: cell entries are estimated proportions of the vote for the candidates. Estimates from 1992 through 1998 are from Ronald Keith Gaddie. 2003. "An Evaluation of Racial Polarization and the Election of Minority Legislative Candidates of Choice in the Vicinity of Virginia Congressional Districts 3 and 4." Prepared for *Hall v. Commonwealth*, June 2003. The authors computed estimates from 2004.

TABLE 8

ESTIMATES OF WHITE SUPPORT FOR DEMOCRATS IN STATEWIDE
CONSTITUTIONAL OFFICES IN VIRGINIA, 1985-2005

<u>Year/Candidate</u>	<u>OLS</u>	<u>E_i</u>
<i>1985</i>		
Governor (Baliles)	51.9	40.8
Lieutenant Governor (Wilder-B)	47.3	46.2
<i>1989</i>		
Governor (Wilder-B)	42.0	40.6
Lieutenant-Governor (Beyer)	46.5	41.3
<i>1993</i>		
Governor (Terry)	32.2	42.9
Lieutenant-Governor (Beyer)+	46.5	41.2
<i>1997</i>		
Governor (Beyer)	36.6	38.6
Lieutenant-Governor (Payne)	40.8	41.3
Attorney General (Dolan)	38.7	41.1

*African-American candidate.

+Incumbent Democrat.

++Incumbent Republican

Source: Computed by authors from data obtained from Virginia State Board of Elections and the Geospatial & Statistical Data Center at the University of Virginia.

TABLE 9

ESTIMATES OF SUPPORT FOR BLACK CANDIDATES IN TIDEWATER REGION
STATE LEGISLATIVE ELECTIONS

	<i>Ecological Regression</i>		<i>Ecological Inference</i>	
	<u>Black Vote</u>	<u>Non-Black Vote</u>	<u>Black Vote</u>	<u>Non-Black Vote</u>
1991 GENERAL ELECTIONS				
State House District 70:				
Ealey (B)	1.000	.261	.923	.288
Perkins	<0	.739	.077	.712
State House District 77:				
Forehand (B)	.124	.995	.222	.895
Bazemore	.876	.005	.778	.105
State House District 89:				
Jones (B)	.995	.565	.939	.588
Boone	.005	.435	.061	.412
State House District 95:				
Crittenden (B)	.991	.509	.961	.555
Johnson	.009	.491	.039	.445
State Senate District 5:				
Miller (B)	1.00	.421	.992	.459
Clay	<0	.579	.008	.541
State Senate District 16:				
Marsh (B)	1.00	.222	.926	.330
Harrington	<0	.428	*	*
Holdin	<0	.350	*	*
State Senate District 18:				
Lucas (B)	.969	.080	.910	.142
Ruff	.031	.920	.090	.858
1993 GENERAL ELECTIONS				
State House District 61:				
Ruff	<0	.619	.306	.496
Parker	.350	.387	*	*
Green (B)	.650	<0	*	*
State House District 70:				
Jones (B)	1.00	.202	.933	.259
Suyes	<0	.777	*	*
Simpson	.012	.021	*	*
Turnout	.187	.353	.188	.350

*EI estimates are for leading candidate against all other candidates

	<i>Ecological Regression</i>		<i>Ecological Inference</i>	
	<u>Black Vote</u>	<u>Non-Black Vote</u>	<u>Black Vote</u>	<u>Non-Black Vote</u>
State House District 71:				
Cunningham (B)	.973	.806	.969	.816
Artabazo	.027	.194	.031	.184
State House District 77:				
Spruill (B)	.938	.562	.912	.545
Johnson	.062	.438	.088	.455
State House District 80:				
Melvin (B)	.829	.721	.819	.731
Holley	.171	.279	.181	.269
State House District 93:				
Hamilton	<0	.816	.012	.752
Sharpe (B)	<0	.184	.988	.248
State House District 95:				
Crittenden (B)	.984	.467	.976	.524
Voorhees	.016	.533	.024	.476

1995 GENERAL ELECTIONS

State House District 62:				
Ingram	.430	.885	.518	.876
Brown (B)	.570	.115	.482	.124
State House District 69:				
Hall	.950	.489	.904	.597
Moore (B)	.050	.511	.096	.403
State House District 70:				
Jones (B)	.949	.284	.932	.323
Hall	.026	.693	*	*
Moore (B)	.024	.023	*	*
State House District 74:				
McEachin (B)	.917	.300	.830	.485
Prior	.083	.700	.170	.515
State House District 77:				
Spruill (B)	.999	.553	.960	.560
Johnson	.001	.447	.040	.440
State House District 80:				
Melvin (B)	1.000	.171	.934	.286
Andrews	<0	.829	.066	.714
State Senate District 5:				
Miller (B)	.697	.523	.994	.461
Wilcox	.303	.477	.006	.539

*EI estimates are for leading candidate against all other candidates

	<i>Ecological Regression</i>		<i>Ecological Inference</i>	
	<u>Black Vote</u>	<u>Non-Black Vote</u>	<u>Black Vote</u>	<u>Non-Black Vote</u>
State Senate District 18:				
Lucas (B)	.947	.097	.893	.201
Slayton	.053	.903	.107	.799
1997 GENERAL ELECTIONS				
State House District 71:				
Baskerville (B)	.942	.792	.931	.792
Artabazo	.058	.208	.069	.208
State House District 74:				
Meachin (B)	.981	.510	.992	.486
Phillips	.019	.490	.008	.514
1999 GENERAL ELECTIONS				
State House District 90:				
Robinson (B)	.965	.066	.904	.077
Ball	<0	.843	*	*
MacKinnon	.050	.091	*	*
State House District 92:				
Christian (B)	.814	.640	.837	.581
Lynch	.186	.360	.163	.419
State Senate District 2:				
Maxwell (B)	.922	.566	.890	.133
Rogers	.078	.434	.110	.867
2001 GENERAL ELECTIONS				
State House District 63:				
Bland (B)	.675	.359	.647	.394
Dance (B)	.325	.641	.353	.606
State House District 71:				
Baskerville (B)	.991	.563	.949	.606
Elliott	.009	.437	.051	.394
State House District 74:				
Miles (B)	.714	.484	.712	.496
Green	.273	.337	*	*
Motley	.012	.180	*	*

*EI estimates are for leading candidate against all other candidates

	<i>Ecological Regression</i>		<i>Ecological Inference</i>	
	<u>Black Vote</u>	<u>Non-Black Vote</u>	<u>Black Vote</u>	<u>Non-Black Vote</u>
State House District 90:				
Sears	.104	.889	.206	.857
Robinson (B)	.896	.111	.794	.143
State House District 92:				
Christian (B)	.967	.370	.814	.544
Bryant	.033	.630	.186	.456
State House District 95:				
Crittenden (B)	.963	.353	.953	.329
Johnson	.037	.647	.047	.671
PRIMARIES				
State House District 75:				
Dem. Primary 1993:				
Councill	<0	.946	.369	.734
Holmes (B)	1.000	.054	.631	.266
State House District 77				
Dem. Primary 1993:				
Spruill (B)	.455	.972	.484	.728
Olds	.545	.028	.516	.272
State House District 74				
Dem. Primary 1995:				
McEachin (B)	1.000	.671	.829	.485
Ball	<0	.329	.171	.515
State House District 89				
Dem. Primary 1995:				
Jones (B)	.631	.879	.650	.844
Willis	.369	.121	.350	.156
State House District 74				
Dem. Primary 1997:				
McEachin (B)	.953	.855	.943	.916
Motley	.047	.145	.057	.084
State House District 75				
Dem. Primary 1997:				
Councill	.171	1.000	.517	.724
Brown (B)	.829	<0	.483	.276

Source: Ronald Keith Gaddie. 2003. "An Evaluation of Racial Polarization and the Election of Minority Legislative Candidates of Choice in the Vicinity of Virginia Congressional Districts 3 and 4." Prepared for *Hall v. Commonwealth*, June 2003.

TABLE 10

SUPPORT FOR BLACK CANDIDATES OF CHOICE, CONTROLLING FOR
OPPONENTS, GENERAL ELECTIONS,

<i>Black Candidates Of Choice's:</i>	<i>Opponent is:</i> <u>White, GOP</u>	<u>Black, GOP</u>	<u>White, Ind.</u>
Total Vote Share	.573	.630	.744
Estimated Black Vote Share (Eco. Reg.)	.860	.810	.930
Estimated Black Vote Share (Ei)	.848	.776	.904
Estimated Non-Black Vote Share (Eco. Reg.)	.301	.424	.513
Estimated Non-Black Vote Share (Ei)	.368	.496	.504
N	15	2	15

Source: Derived from the data in Table 9.

FIGURE 1

Black CVAP and Ratio of BlackSeats to Black CVAP

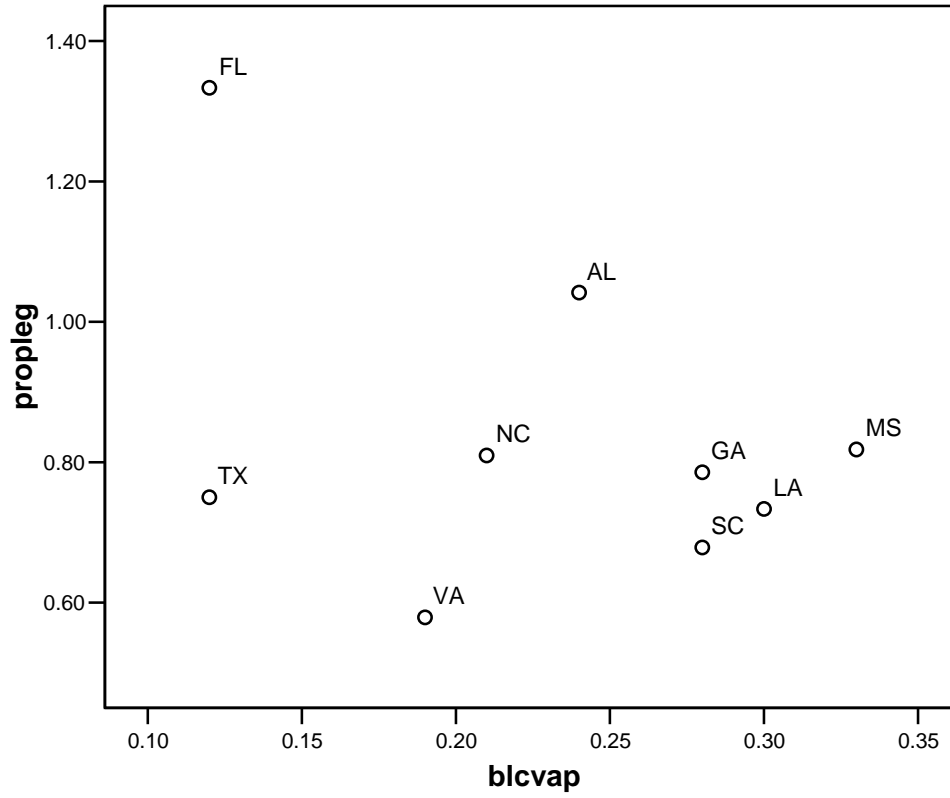


FIGURE 2

Black CVAP and Ratio of Black Congressional Seats to Black CVAP

