State Politics & Policy Quarterly

The Ideological and Electoral Determinants of Laws Targeting Undocumented Migrants in the U.S. States

Joshua N. Zingher

The online version of this article can be found at:

Published by:

\$SAGE

On behalf of:

American Political Science Association

Additional services and information for **State Politics & Policy Quarterly** can be found at:

Email Alerts: http://spa.sagepub.com/cgi/alerts

Reprints: http://www.sagepub.com/journalsReprints.nav

Permissions: http://www.sagepub.com/journalsPermissions.nav

Citations: http://spa.sagepub.com/content/14/1/90.refs.html

>> Version of Record - Mar 10, 2014

What is This?

The Ideological and Electoral Determinants of Laws Targeting Undocumented Migrants in the U.S. States

Joshua N. Zingher[1]

Abstract

State legislatures have been extremely active in passing legislation relating to all facets of immigration policy over the last several years. In this article, I develop a framework that explains how party ideology, party control of the legislature, and electoral conditions affect the likelihood that a state legislature will adopt policies that increase immigration enforcement. I test my arguments using state immigration policy adoption data that span from 2005 to 2011. I find that conservative Republican state parties are more likely to pass legislation enhancing immigration enforcement—on the condition that the Republican Party controls the state's legislative institutions. However, the willingness of Republican-controlled legislatures to pass immigration reform is often tempered by electoral concerns. Republican-controlled legislatures in states where Latinos make up a large proportion of the electorate are significantly less likely to adopt new legislation that targets undocumented migrants. I argue that Republican support for increasing sanctions on undocumented migrants is eroded by the potential for an electoral backlash from Latino voters. Democratic-controlled legislatures are unlikely to pass legislation under any conditions. Ultimately, the observed pattern of policy adoption is the product of the trade-off between the state parties' ideologically driven policy goals and the electoral consequences associated with actually implementing immigration policies.

Keywords

political parties, parties and interest groups, immigration policy, public policy, legislative behavior, legislative politics, ethnic politics, identity/group politics, Hispanic/Latino politics

[1]Binghamton University–State University of New York, Binghamton, NY, USA

Corresponding Author:
Joshua N. Zingher, Department of Political Science, Binghamton University–State University of New York, P.O. Box 6000, Binghamton, NY 13902, USA.
Email: Jzinghe1@binghamton.edu

The 2010 passage of Arizona's restrictive immigration law SB 1070, which was designed to identify, prosecute, and deport illegal immigrants, ignited a nationwide debate over immigration control. Several states quickly followed Arizona's lead and passed similar omnibus immigration enforcement bills. Some observers hailed the laws as a long overdue effort to combat the social and economic costs of illegal immigration, which supporters argued were burdening the states. Opponents of the bills reviled them. Catholic Cardinal Roger Mahony of Los Angeles described SB 1070 as, "the country's most retrogressive, mean-spirited, and useless anti-immigrant law," and equated the law's "show me your papers" provision to the actions of Nazi Germany or the Soviet Union.[1] The controversy surrounding SB 1070 highlights the increasing role that the states are playing in shaping the enforcement of federal immigration law. While the omnibus immigration bills such as SB 1070 have garnered considerable attention, many states have elected to not enact any new legislation or have even passed bills protecting undocumented migrants from investigation.[2] My purpose is to ask and answer why some state legislatures passed legislation mandating strict policing of immigrants by law enforcement while other legislatures have not.

In is important to understand why some state legislatures target undocumented migrants with increased enforcement but others do not because these laws have sweeping social and economic implications. I argue that a mixture of ideological and electoral factors determines the likelihood that a state will adopt legislation increasing immigration enforcement. I contend that the baseline probability that a state will pass legislation increasing immigration enforcement is a function of the ideological position of the party that controls the state legislature. All else being equal, I expect that conservative state parties are more likely to pass restrictive immigration reform measures than their liberal counterparts. However, all else is rarely equal—legislation that targets specific constituencies can generate an electoral backlash. Latinos have been strongly opposed to recent state-level efforts to strengthen immigration enforcement, and Latino political mobilization can pose an electoral threat to parties that advance what are perceived as anti-Latino immigration policies (Bowler, Nicholson, and Segura 2006). Parties normally inclined to support policies that target undocumented migrants on ideological grounds are likely less willing to risk the possibility of increased Latino political mobilization in states where Latinos represent a considerable proportion of the electorate (or even potential electorate). If my thinking is correct, the states that are most likely to adopt policies targeting illegal immigrants are those states with conservative Republican parties and small populations of Latino citizens.

This article proceeds in the following format. In the "How State Legislatures Shape Immigration Policy" section, I describe the immigration enforcement laws that state legislatures have passed between 2005 and 2011 and establish the pattern of policy adoption in the states. I build a framework to explain the between state variance in the adoption of laws that increase immigration enforcement in the "The Ideological Determinants of Immigration Enforcement Laws" section. I ground my discussion of immigration policy adoption in the literatures on legislative behavior, elite and mass attitudes toward immigration and Latino political behavior. In the "Empirical Implications" section, I lay out the empirical expectations that follow from my

discussion of the literature and I identify several testable implications of my argument. I test these hypotheses in the "Data, Statistical Models, and Results" section using a series of probit models. In the "Discussion and Conclusion" section, I discuss the implications of my findings and make some concluding remarks.

How State Legislatures Shape Immigration Policy

Determining what individuals are eligible to legally enter the country is the exclusive jurisdiction of the federal government (Tichenor 2002, 46). However, the states have a great deal of leeway in terms of how they choose to enforce federal immigration law (Creek and Yoder 2012). State governments have been taking an increasingly active role in enforcing immigration laws as efforts to overhaul the federal immigration system began to stall during the mid-2000s (Cortez 2008, 47). State legislatures have the power to shape immigration enforcement in several ways and most state-level efforts to step up immigration enforcement have been two pronged, with one prong focused on preventing illegal immigrants from gaining employment and the other focused on increasing the role that state and local police play in investigating those suspected of being in the country illegally.

State efforts to prevent illegal immigrants from obtaining employment have focused on both employees and employers. On the employee side, many states have passed legislation mandating that state businesses utilize E-Verify to determine new employees' citizenship status and employment eligibility. E-Verify is database created and maintained by the Social Security Administration in conjunction with the Department of Homeland Security; it can be used to cross-check an persons' social security number against their name, date of birth, citizenship and employment status (Newman et al. 2012, 161). The E-Verify system is capable of identifying individuals using stolen social security numbers or social security numbers that were legally granted as part of a work visa but have since expired. On the employer side, many new state laws levy fines against business that fail to use the E-Verify system, deny state contracts to businesses that are caught employing undocumented migrants, and rescind the business licenses of repeated violators.

While there has been a considerable amount of legislation that focuses on the relationship between immigrants and employers, many newly enacted state laws are reshaping the relationship between immigrants and law enforcement. Several recently enacted state laws contain provisions that mandate law enforcement officials investigate any individual that is suspected of being in the country illegally either during routine traffic stops or following an arrest for an unrelated crime. The "show me your papers" provisions contained in some of these laws require legal immigrants to produce their immigration papers on demand. These provisions have a generated considerable amount of controversy and have been the subject of numerous court challenges. Many civil rights organizations have argued that these mandatory enforcement provisions unfairly subject Latinos to racial profiling, although court challenges of these provisions have been failed because the plaintiffs have not been able to demonstrate these laws have "discriminatory intent."[3]

State-level efforts to increase immigration enforcement have generated the most attention at the national level when several provisions have been simultaneously passed as part of a large omnibus package. The most high profile and controversial immigration laws have been the comprehensive omnibus immigration reform packages such as SB 1070 in Arizona, HB 56 in Alabama, and HB 87 in Georgia. These comprehensive bills contain numerous provisions and often deal with a number of dimensions of immigration policy, but the central pillars of all of the omnibus bills that have been passed thus far have been the two previously mentioned enforcement provisions.[4] Given the controversy surrounding these measures, it is not surprising that only certain states have been willing to pursue aggressive immigration enforcement bills; many other state legislatures have been less than anxious to purse these types of enforcement measures. As I show in Table 1, state legislatures are taking considerably different approaches in terms of immigration enforcement policies.

While some states such as Arizona and Georgia have adopted a number of bills aimed at ramping up immigration enforcement, many states have not passed any policies designed to identify and prosecute undocumented migrants. In fact, some states have actually taken the opposite approach and have actually passed legislation increasing immigrants' access to social welfare programs and protecting illegal immigrants from investigation by law enforcement. The list of states that have passed legislation expanding immigrant protections includes California, New Mexico, Illinois, and New York, all states with large migrant populations. What accounts for the differences in policy adoption between the states? To answer this question, it is necessary to examine what factors are influencing the decision-making process of the state legislatures.

The Ideological Determinants of Immigration Enforcement Laws

There is an established link between ideology and attitudes toward immigration policy in the literature and there is considerable variation in the ideological positions of the state parties (Shor and McCarty 2011), which suggests that the ideological differences between the state parties likely play a key role in explaining the state-to-state differences in the adoption of immigration enforcement legislation. Individuals who identify as ideologically conservative are more likely to favor decreasing the amount of immigrants entering the country, English-only laws, restricting immigrant's eligibility for social welfare programs, and more assertive enforcement of existing immigration laws (Chavez and Provine 2009). The relationship between ideology and immigration attitudes has been demonstrated at both the elite and mass levels (for the mass level, see Burns and Gimpel 2000, 213; Citrin et al. 1990, 546; 1997, 867; Hood and Morris 1997; 1998, 318; for elites, see Freeman 2001, 61; Jeong et al. 2011, 51; Tichenor 2002, 278). To generalize, ideological conservatives are more likely to support policies that "get tough" on immigration across a number of different policy dimensions.

I argue that the relationship between ideology and immigration attitudes does not stop at shaping preferences; I contend that ideology influences legislative behavior

Table 1. Bills Passed by State 2005–11.

State	Latino CVAP (2011)	Total	Omnibus	Employment	Mandatory enforcement
Alaska	3.49	0	0	0	0
Alabama	1.21	2	1	0	0
Arkansas	1.71	1	0	1	0
Arizona	15.46	6	1	4	1
California	19.82	0	0	0	0
Colorado	11.91	4	0	3	1
Connecticut	7.07	0	0	0	0
Delaware	3.07	0	0	0	0
Florida	11.67	1	0	1	0
Georgia	2.34	5	2	0	3
Hawaii	6.34	2	0	2	0
Iowa	1.73	1	0	1	0
Idaho	4.40	1	0	1	0
Illinois	6.83	0	0	0	0
Indiana	2.39	1	1	0	0
Kansas	3.99	0	0	0	0
Kentucky	1.13	0	0	0	0
Louisiana	2.22	3	0	3	0
Massachusetts	4.60	0	0	0	0
Maryland	2.56	0	0	0	0
Maine	0.92	0	0	0	0
Michigan	2.52	1	0	1	0
Minnesota	1.77	0	0	0	0
Missouri	1.65	2	2	0	0
Mississippi	1.22	1	0	1	0
Montana	1.88	0	0	0	0
North Carolina	1.94	2	0	1	1
North Dakota	1.24	0	0	0	0
Nebraska	2.99	2	1	1	0
New Hampshire	1.45	0	0	0	0
New Jersey	9.16	0	0	0	0
New Mexico	36.25	0	0	0	0
Nevada	10.15	0	0	0	0
New York	10.86	0	0	0	0
Ohio	1.76	1	0	0	1
Oklahoma	3.12	1	1	0	0
Oregon	3.67	0	0	0	0
Pennsylvania	2.64	1	0	1	0
Rhode Island	4.67	0	0	0	0
South Carolina	1.51	2	2	0	0

(continued)

Table 1. (continued)

State	Latino CVAP (2011)	Total	Omnibus	Employment	Mandatory enforcement
South Dakota	1.25	0	0	0	0
Tennessee	1.35	5	0	4	1
Texas	22.74	1	0	1	0
Utah	5.10	5	2	3	0
Virginia	2.61	6	0	5	1
Vermont	1.12	0	0	0	0
Washington	4.23	0	0	0	0
Wisconsin	2.34	0	0	0	0
West Virginia	0.89	2	0	2	0
Wyoming	5.27	0	0	0	0

Table 2. Party Control of the State Legislature and Bills Passed.

Number of bills increasing enforcement	Unified Democratic control	Divided control	Unified Republican control	Total
0	100	60	100	302
1	25	7	25	41
2	4	1	4	5
3	0	1	0	1
4	0	0	0	1
Omnibus	0	0	13	13
Total number of bills passed	13	11	34	64
N	152	69	129	350

and ultimately what type of immigrant enforcement policies a state is likely to adopt. As I show in Table 2, there is a clear relationship between ideological conservatism and the passage of immigration enforcement measures over the past seven years—an examination of the data shows that 56% (33 out of 58) of these laws were passed by Republican-controlled legislatures; Democratic-controlled legislatures were responsible for only 22% (13 out of 58) of the total. Moreover, Republican-controlled legislatures passed all 13 of the omnibus immigration bills. Likewise, Democratic-controlled legislatures passed the majority of bills that have expanded immigrants' legal and social protections, passing 21 out of the total 27 bills that were adopted between 2005 and 2011.

Ideological congruence is a necessary precondition for the passage of any legislation; the party that controls the legislature must be ideologically willing to adopt a specific law for any given piece of legislation to have chance of being voted on and eventually passed. While it is clear that ideology plays a central role in immigration

policy adoption, differences in ideology among the state parties cannot account for all of the between state variance of policy enactments. Some particularly ideologically conservative Republican state parties (e.g., Texas, Florida, or Wyoming) have elected to not ramp up immigration enforcement even when they have held an electoral majority in both chambers. The variation among Republican-controlled state legislatures suggests that there are more variables that affect the likelihood that a state will adopt immigration enforcement legislation beyond the ideological position of the party that controls the legislature.

The Electoral Dynamics of Immigration Enforcement

Legislation is not passed in a vacuum; parties must eventually answer to the voters. A policy that a party prefers for ideological reasons might be unpopular among certain constituencies and thus advancing the policy in the legislature is potentially electorally disadvantageous. The electoral ramifications of adopting any piece of legislation depends on voters' perception of the bill; will passing the bill gain the party more votes than it costs them? A party could benefit from passing policies that are perceived as getting tough on immigration enforcement; many individuals feel culturally and economically threatened by immigrants (Citrin et al. 2007; Ford 2011; Hopkins 2010; 2011; Newman et al. 2012). However, whatever electoral benefits a party might gain from advancing immigration enforcement policies will be for not if groups of voters mobilize in opposition. From the perspective of a party, it makes the most sense to pursue legislation when the potential electoral benefits are high and costs are low. The question here is what variables affect the potential electoral consequences of pursuing legislation that enhances immigration enforcement?

An obvious place to start looking for the potential electoral costs of immigration reform is by examining the groups of voters that are most directly affected by immigration policies. The aggressive policing of immigrants likely creates negative externalities for Latino citizens because immigration policies have effects that are not racially/ethnically neutral (Tolbert and Grummel 2003; Tolbert and Hero 1996).[5] "People think we are illegal now because of our skin," said one Latino immigrant—who was legally in the state—following the passage of Alabama's HB 56.[6] Latino public opinion on recent immigration measures reflects this perception; a recent Latino Decisions poll found that 79% of Latino respondents said SB 1070 would, "likely subject Latino citizens to increased police questioning and harassment about their citizenship status."[7] This survey reflects that perception among Latinos that immigration enforcement is an issue that holds the potential to affect all Latinos—regardless of citizenship or immigration status. The electoral consequences could be significant if Latino citizens mobilize against immigration enforcement polices they perceive as discriminatory.

The possibility that immigration enforcement policies have the power to induce a backlash among Latino voters is not purely academic; Latino voters have mobilized against what were perceived as anti-Latino immigration policies in the past. The majority of the scholarly literature about the Latino responses to anti-immigrant policies comes from the reaction of Latinos to Prop 187 in California during the mid 1990s. A

Republican assemblyman introduced Prop 187 as a ballot initiative in 1994. The stated goal of the proposition was to bar illegal immigrants from receiving most types of state services including public education and nonemergency health care (Garcia 1995, 131).[8] The legacy of Prop 187 has not been kind for the Republican Party. Prop 187 was widely opposed by citizen and noncitizen Latinos alike and the initiative's passing sparked a Latino backlash against the Republican Party. Latinos became increasingly likely to naturalize (Pantoja, Ramirez, and Segura 2001), become informed about politics (Pantoja and Segura 2003), vote (Barreto and Woods 2005), and become Democratic partisans (Bowler, Nicholson, and Segura 2006) following the passage of Prop 187. The Democratic Party has dominated California state politics since 1994, largely as a result of increased Latino political mobilization against the Republican Party (Bowler, Nicholson, and Segura 2006, 146). Even though Latino citizens were not explicitly made the target of Prop 187, it was Latino citizens (and legal residents who became naturalized citizens in response) who reshaped California's political landscape (Bowler, Nicholson, and Segura 2006; Pantoja, Ramirez, and Segura 2001). Thus, parties are likely less inclined to pass legislation targeting undocumented migrants and risk Latino political mobilization in places where Latinos represent a sizable proportion of the electorate.

It is the size of an immigrant group's coethnic citizen population—rather than the size of the noncitizen or undocumented immigrant population—that poses a political risk for the legislators and parties that pass potentially controversial immigration enforcement legislation. For example, the Latino percentage of Arizona's citizen voting age population (CVAP) was 15.5% in 2011 (the state itself is close to 32% Latino and both numbers are trending sharply upward).[9] Conversely, Alabama passed HB 56 in 2011, a law that is quite similar to Arizona's SB 1070—but Alabama's Latino CVAP is only 1.2%—a mere fraction of Arizona's.

The electoral costs of increased Latino mobilization are negligible in Alabama but potentially quite real in Arizona. There is good reason for Republicans to be worried about the electoral ramifications of immigration enforcement; if Latino partisanship becomes significantly more Democratic in response to SB 1070 (or Latino turnout rates increase), it is going to take a substantial shift in white voting behavior to offset increased Latino mobilization. In fact, Latino turnout and Democratic partisanship did spike in Arizona in the 2010 and 2012 elections. Exit polling from Latino Decisions and the Voter News Service has shown that more than 80% of Arizona Latinos supported the Democratic candidate in all three statewide (the 2010 Gubernatorial, and the 2012 Senatorial and Presidential) races that have been held since the passage of SB 1070. The Latino vote post SB 1070 has been considerably more Democratic. McCain won 43% of Arizona Latinos in 2008 and Bush won 35% in 2004. The outcomes of the 2010 and 2012 elections would have been highly competitive if not for a sharp increase in support for Republican candidates among whites in Arizona in 2010 and 2012 (Robinson et al. 2013).[10] The spike in Latino mobilization and Democratic partisanship might be giving many Arizona Republicans second thoughts regarding how the party is addressing Latino voters. State Senator Russell Pearce, the architect of SB 1070, was recalled by voters and replaced by a more moderate Republican in late 2011. One of the primary reasons for the ouster was the economic and social fallout from SB 1070.[11]

The Relationship between Population Change and the Salience of Immigration

While the presence of a large Latino voting bloc provides an electoral incentive for legislatures to avoid passing potentially inflammatory immigration enforcement measures, there are other electoral factors that potentially incentivize a legislature to pass immigration reform that targets undocumented migrants. A consistent finding in the social psychology literature is that individuals are much more attuned to changing ratios rather than absolute sizes (e.g., Kahneman and Tversky 1979). This general finding extends to individuals' perceptions of immigrants. Prior research by Hopkins (2010; 2011) has demonstrated individuals are more sensitive to relative increases of the local immigrant population opposed to the absolute size. Recent immigrant inflows—even if they are small in absolute terms—tend to increase the salience of immigrants and immigration more generally. Newman (2013) has demonstrated that individuals are especially threatened by an influx of new immigrants in places where immigrant populations did not previously exist. The perception of immigrant threat is not a constant; it is conditioned by changing demographics. Political elites are presented with a possible electoral incentive to address the public's concerns in places experiencing a rapid influx of migrants (Newman and Johnson 2012). There is evidence that state legislatures do respond to demographic changes by implementing new policies. A recent study by Newman et al. (2012) demonstrated that state legislatures more likely to mandate that businesses employ E-Verify in states where the ethnic composition of the population is rapidly changing.

The size of the Latino CVAP and the percent increase in the foreign-born population is inversely related—states with large citizen Latino populations experience relative growth.[12] If native's threat response is driven by relative changes in the size of the immigrant population, it should be legislatures in states with small foreign-born populations that are most susceptible to the effects of population changes. A 10% increase in the foreign-born population is a much smaller absolute change in a state with a foreign-born population of 10,000 than a state with a foreign-born population of one million. Therefore, states with large established populations of Latino citizens should experience less relative change in the size of the foreign-born population than states with small foreign-born populations. Recent immigrants are likely not citizens and thus not able to vote, eliminating the possibility of an electoral backlash and making legislative action targeting recent immigrants less risky. Thus, legislatures in states with small Latino CVAPs are more likely to adopt policies targeting undocumented migrants not only because there is not a significant threat of electoral backlash but also because the electorate might be more sensitive to greater relative changes in the size of the immigrant population.

Empirical Implications

In this section, I develop a series of hypotheses that follow from my argument. I claim that a party's preference for passing legislation targeting undocumented migrants is a function of the party's overall level of conservatism. However, the ability of

conservative state parties to translate their policy preferences into actual legislation is conditional—a party must first control the legislative agenda to implement preferred policies. The majority party in each house of the legislature sets the legislative agenda; therefore, it is only the majority party that is able to translate their policy preferences into actual legislative output (Cox, Kousser, and McCubbins 2010; Cox and McCubbins 2003; 2004). Passing legislation is about having *both* the ideological willingness and the institutional ability to translate this willingness into legislative output. Thus, we are most likely to observe legislation targeting undocumented migrants only in states where the Republican Party controls both houses of the state legislature.

> **Hypothesis 1 (H1):** The likelihood a state legislature will pass laws targeting undocumented migrants increases as a function of the Republican Party's level of ideological conservatism—however, this relationship is conditional on the Republican Party's control of the state legislature.

I argue that the relationship between the level of conservatism of the party that controls the legislation and the likelihood that the legislature will pass immigration enforcement legislation is conditioned by the potential electoral costs. I expect the presence of large Latino CVAPs will present electoral costs that discourage Republican-controlled legislatures from passing laws targeting undocumented migrants. However, it is only the parties that are ideologically willing to pass restrictive immigration legislation that are constrained by the potential electoral ramifications of enacting their ideal policy positions. When liberal Democratic parties control the agenda they will not advance legislation targeting undocumented migrants on ideological grounds. Therefore, I expect the size of the Latino CVAP to have a detectable effect only when the Republican Party controls the state legislature. In instances where the Democratic Party controls the state legislature the electoral costs are irrelevant—liberal parties will not pass legislation increasing the enforcement of undocumented migrants on ideological grounds.

> **Hypothesis 2 (H2):** The likelihood that a Republican-controlled state legislature will pass legislation strengthening immigration enforcement decreases as a function of the state's Latino CVAP percentage; however, the size of the Latino CVAP should have no effect on the likelihood that Democratic legislatures will strengthen immigration enforcement.

While the presence of a large Latino voting age population will likely discourage Republican-controlled legislatures from passing bills targeting undocumented migrants, I expect a recent increase in the relative size of the foreign-born population to have the opposite effect. This is because voters are sensitive to population changes. State legislatures could respond to heightened public demands for more immigration enforcement when rapid demographic changes make immigration a more salient issue with voters. This leads to my final hypothesis:

Hypothesis 3 (H3): The likelihood that state legislature will pass legislation targeting undocumented migrants increases as a function of the percentage increase in the size of foreign-born population since 2000.

Data, Statistical Models, and Results

The data on state immigration laws utilized in this analysis come from the National Council of State Legislatures (NCSL 2013). The NCSL provides a database of all immigration-related state legislation that was passed from 2005 through 2011. I have identified and coded three types of legislation that explicitly pertain to immigration enforcement. The three categories are as follows:

1. *Omnibus:* Omnibus immigration bills contain multiple provisions that apply to affect multiple aspects of immigration policy. SB 1070 in Arizona and HB 56 in Alabama are examples of such bills. While the content of these laws can be broad, all of these omnibus bills contain a clear enforcement dimension. All of the omnibus bills included in this analysis include both employment and mandatory enforcement provisions.
2. *Employment:* Employment bills target individuals and companies that hire illegal immigrants. These bills often bar companies caught employing illegal immigrants from receiving state contracts or tax breaks and mandate the use of E-Verify to prevent undocumented migrants from getting hired. In some instances, these bills call for businesses that get caught employing illegal immigrants to lose their business licenses.
3. *Mandatory enforcement:* These bills make it mandatory for law enforcement to investigate individuals suspected of being illegal immigrants. While it was a passed as part of an omnibus package, the "show me your papers" provision of SB 1070 is an example of such a provision.

From 2005 to 2011, there were 58 of these laws passed. Virginia and Arizona passed the greatest number of these bills, each adopting six from 2005 to 2011. Many states adopt a number of bills within the same category—for instance, five of Virginia's six bills were employment related. Twenty-two states did not pass a single one of these laws during this time period.[13]

Dependent Variable

The dependent variable is whether a state passed an omnibus, employment, or enforcement bill in a given year. In the first series of models that I present, the dependent variable is pooled across all three categories. Instances where a state passed a bill(s) are coded 1 and all other cases are coded 0. In most instances (41 out of 48 state years), states only passed one piece of legislation in the given year.[14] In several instances, a state passed two or three bills in a given year, and these years are also coded 1.[15] In the second set of models that I

present the dependent variable is not pooled across categories. Again, instances where a state passed a bill(s) are coded 1 and all other cases are coded 0. No state passed multiple omnibus or mandatory enforcement bills in the same year. There were four cases where a state passed multiple employment bills in a single year, and these cases are also coded 1.

Primary Independent Variables

I include four primary independent variables in this analysis. The first independent variable I include is a measure of the ideological positions of the state parties. I use the Shor–McCarty measure of the state parties' ideological positions. The challenge with comparing the ideological positions of state parties is coming up with a metric that is comparable across states. State legislatures do not all vote on the same bills, so making cross state comparisons can be difficult. The Shor–McCarty measure of state party ideology deals with the issue of cross state comparability in the following way. Firstly, Shor and McCarty analyzed Project Vote Smart survey data of state legislators. Project Vote Smart has administered identical surveys of both state legislators and members of Congress across all 50 states over a number of years. Legislators that responded to the surveys serve as a bridge set of actors, in the sense that these legislators serve as a common point of comparison that all other legislators can be compared against (Shor and McCarty 2011, 532). Because only a fraction of legislators take the survey, Shor and McCarty analyze roll call data from all 50 state legislatures and Congress and then construct estimates of every legislator's ideal point, using the common set of survey responses as a bridge across chambers, legislatures, and time. The end result is a measure of legislator ideology that is common to members of every state legislature and Congress. A score of zero represents the mean legislator position. Positive values represent conservative ideological positions, while negative values represent liberal positions. The span of the available data ranges from 1993 to 2010. Because my data extend through 2011 and the Shor–McCarty data are only available through 2010, I average the ideological score for each state party from 2005 to 2010 and then use the resulting average as my measure of state party ideology for all years from 2005 to 2011. Fortunately the pace of ideological change is slow; the Shor–McCarty measure of state party ideology is generally stable and does change dramatically from year to year—which makes extrapolating the average measure to 2011 less problematic.

The second primary variable that I include is a measure of party control of the state legislature. This variable is taken from Carl Klarner's State Partisan Balance Dataset. The variable is coded 1 when the Republican Party controls both houses of the state legislature, 0.5 when the Democratic and Republican Party each control one house, and 0 when the Democratic Party controls both houses. I include the Latino percentage of the state's CVAP is the third primary independent variable. This variable is constructed from data provided by the 2000 and 2010 U.S. Census. The median Latino CVAP for the states is 2.56 and the mean is 5.14. This yearly measure of Latino CVAP allows me to evaluate how Latino political mobilization (or the potential for Latino political mobilization) affects the legislative output of state legislatures. Another conceptualizing and measuring Latino political mobilization is by including the proportion of the

state legislature that is made up of Latino legislators as an independent variable. The presence of Latinos in the legislature has been shown to mitigate policy backlash against Latinos (Preuhs 2007). However, the proportion of the legislature that is composed of Latinos and the Latino CVAP of the state correlate at .97, making these two measures functionally equivalent. Therefore, I only include the size of the Latino CVAP into the model. Finally, I include the percent change in a state's foreign-born population from 2000 to 2010 as the fourth primary independent variable. This measure is designed to capture recent inflows of immigrants. States with small foreign-born populations tend to observe the biggest percent change from 2000 to 2010—because the measure captures relative opposed to absolute change.

Control Variables

I include several control variables that are designed to help disentangle my explanation from other plausible explanations. I include a variable for the percentage of a state's population that is foreign-born. I include the percent foreign-born in an effort to assess the "power/racial threat" hypothesis. The central tenet of Key's threat hypothesis is that the majority group's perception of racial threat is conditional upon the size of the minority group. It is possible that the native born electorate perceives the most threat from immigrants in places with large foreign-born populations and legislatures in these states are more likely respond to the public's concerns regarding immigrants. Unemployment is another factor that many have argued increases native's animosity toward immigrants (e.g., Citrin et al. 1997; Dancygier 2010; Scheve and Slaughter 2001). Intergroup competition might be exacerbated by the economic scarcity that typically accompanies periods of high unemployment. I include a variable for the average yearly unemployment rate in the state to account for the possibility that states with high unemployment are more likely to target illegal immigrants. Another factor that might affect the likelihood that a state legislature will adopt enforcement legislation is the ideology of the state's citizens. I include Carsey and Harden's (2010) measure of citizen ideology in an effort to control for between state differences of citizens' preferences. Obviously, there is a direct relationship between citizen ideology and the ideological positions of the representatives they elect, but including citizen ideology as a control will account for any disconnect between the ideological position of the median citizen and the position of the party that controls the legislature. The inclusion of this variable will allow me to test whether legislatures respond to citizens' ideological preferences.

In addition, I include a number of control variables designed to account for geographic and institutional differences between the states. First, I include Squire's (2007) measure a state legislature's level of professionalization and a dummy variable that indicates whether the legislature has term limits. I also include a dummy variable for states that share a border with Mexico and for states in the South. The geographic proximity of states to the Mexican border could affect the type of legislation a state legislature is likely to adopt (Hero and Preuhs 2007). Second, I include a variable for states in the South (defined as the 11 states of the former confederacy). Literature

dating back to Key (1949) suggests racial/ethnic politics operate in a different fashion compared with other regions of the country and it is possible that Southern states are more likely to pass legislation that creates a harsh environment for undocumented migrants. Including a dummy variable for Southern states accounts for this possibility empirically. Finally, I include a variable for the governor's party affiliation, which is coded 1 if the governor is a Republican.[16]

Modeling Strategy and Results

I employ a series of probit models to test my hypotheses.[17] The dependent variable in all of the models is whether the state passed a bill that enhanced immigration enforcement in the given year. I utilize a pooled dependent variable in the first set of models, which predict the likelihood that a state will pass some type of enforcement legislation in a given year. The dependent variable is coded 1 if a state passed any bill that falls into one of the three categories (the dependent variable is also coded 1 if the state passed bills from more than one category in the same year). Table 3 contains a second series of models where I model each of the three categories of enforcement bills separately in an effort to test whether similar political factors affect the likelihood that a state will pass each of the three categories of immigration enforcement legislation. I present my final series of probit regressions in Table 4, where I split the samples between Republican-controlled legislatures and all others. I split the samples to test whether Latino CVAP and increases of the foreign-born percentage of the state's population affect Republican and Democratic legislatures differently.

I begin my analysis by analyzing each state's yearly legislative output. Model 1 includes a variable for the Shor–McCarty measure of Republican state party ideology and unified Republican control of the state legislature as well as an interaction term between the two variables, in addition to the battery of the previously mentioned independent variables. The inclusion of the interaction term allows me to test whether a conservative Republican state party and unified Republican control of the legislature are jointly necessary to make the passage of immigration reform more likely. Model 2 is fundamentally similar to model 1; the only difference between the two models is that model 2 includes fixed effects for each year. Likewise, model 3 is the same specification as model 2—the only difference is that I include state-level random effects in an effort to control for unobserved between state variations that could potentially lead to correlation among the residuals (Greene 2008, 918–19).[18]

The results from models 1 through 3 offer support for my first hypothesis. The interaction between the degree of Republican control of the legislature and Republican ideology is positive and significant. However, the substantive interpretation of interaction terms is not straightforward, because the magnitude of the effect of one constituent variable is conditional upon the value of the other modifying variable. Even if the coefficient for the interaction is significant, the effect of the interaction might be statistically significant only when the constituent terms are set to certain values. Therefore, it is necessary to depict the interaction term graphically to assess its statistical significance and substantive importance (Brambor, Clark, and Golder 2006). Figure 1

Table 3. Probit Models Regressing Pooled Legislative Output on Ideology and State Demographics.

Variables	Model 1: Base model	Model 2: Yearly fixed effects	Model 3: Random intercepts and yearly fixed effects
Republican control	−0.74	−0.68	−0.67
	(0.72)	(0.74)	(0.72)
Republican ideology	−0.50	−0.40	−0.39
	(0.63)	(0.65)	(0.65)
Republican control × Republican ideology	1.79**	1.76**	1.76**
	(0.84)	(0.85)	(0.86)
Democratic ideology	0.041	−0.024	−0.0077
	(0.46)	(0.46)	(0.46)
Latino CVAP	−0.11	−0.11	−0.11*
	(0.080)	(0.080)	(0.065)
Term limits	0.23	0.24	0.25
	(0.25)	(0.26)	(0.29)
Professionalization	−0.029	0.0099	0.017
	(0.13)	(0.14)	(0.15)
Republican governor	−0.18	−0.14	−0.14
	(0.19)	(0.21)	(0.23)
Border state	0.83	0.86	0.83
	(1.17)	(1.22)	(0.95)
The South	0.65**	0.71**	0.71***
	(0.27)	(0.28)	(0.27)
Percent foreign-born	0.089**	0.089**	0.088*
	(0.043)	(0.042)	(0.045)
Percent foreign-born since 2000	0.033	0.039*	0.039
	(0.023)	(0.023)	(0.028)
Percent unemployment	0.013	−0.050	−0.048
	(0.036)	(0.078)	(0.080)
Citizen ideology	−0.017	−0.015	−0.015
	(0.010)	(0.0099)	(0.011)
Constant	−1.97*	−3.33***	−3.42**
	(1.07)	(1.13)	(1.45)
ρ			.0258
Observations	350	350	350
Number of groups			50

Note. Robust clustered standard errors in parentheses. Yearly fixed effects are included but not shown in models 2 and 3. CVAP = citizen voting age population.
*$p < .1$. **$p < .05$. ***$p < .01$.

displays the first differences of the interaction term from model 1. The first differences are the difference in the point predictions in instances where the interaction term is set to zero (instances where the Republican Party does not control the legislature)

Table 4. Probit Models Regressing Category-Specific Legislative Output on Ideology and State Demographics.

Variables	Model 4: Employment	Model 5: Mandatory enforcement	Model 6: Omnibus
Republican control	−0.12	−4.60	—
	(0.81)	(2.95)	
Republican ideology	−0.28	0.42	3.34***
	(0.62)	(0.78)	(1.25)
Republican control × Republican ideology	0.33	5.52*	—
	(0.95)	(2.92)	
Democratic ideology	−0.083	−2.25*	2.23***
	(0.51)	(1.28)	(0.82)
Latino CVAP	−0.052	−0.095	−0.14*
	(0.049)	(0.084)	(0.080)
Term limits	0.12	1.12*	0.41
	(0.30)	(0.61)	(0.88)
Professionalization	0.0095	−0.24	−0.38
	(0.17)	(0.28)	(0.47)
Republican governor	−0.35	−0.063	1.42***
	(0.24)	(0.34)	(0.34)
Border state	1.03	−2.53	—
	(1.01)	(1.99)	
The South	0.70**	2.22**	−1.80***
	(0.34)	(0.94)	(0.33)
Percent foreign-born	0.050	0.15**	0.33***
	(0.042)	(0.074)	(0.063)
Percent foreign-born since 2000	0.022	0.076	0.28***
	(0.023)	(0.048)	(0.10)
Percent unemployment	−0.13	−0.052	0.25*
	(0.088)	(0.11)	(0.14)
Citizen ideology	−0.018*	−0.0060	−0.0037
	(0.010)	(0.021)	(0.016)
Constant	−1.74	−12.1***	−15.8***
	(1.09)	(2.13)	(3.80)
Observations	350	350	129

Note. Robust clustered standard errors in parentheses. Yearly fixed effects included but not shown.
CVAP = citizen voting age population.
*$p < .1$. **$p < .05$. ***$p < .01$.

compared with when the interaction term is set to one (instances where the Republican Party controls the legislature) and all other values are set to their means or modes. As shown in Figure 1, the interaction term only produces statistically different point predictions when Republican state party ideology is above 0.6 (which is near the mean), which provides support for H1. The substantive interpretation of Figure 1 is that the Republican Party must be ideologically predisposed *and* control the legislature before
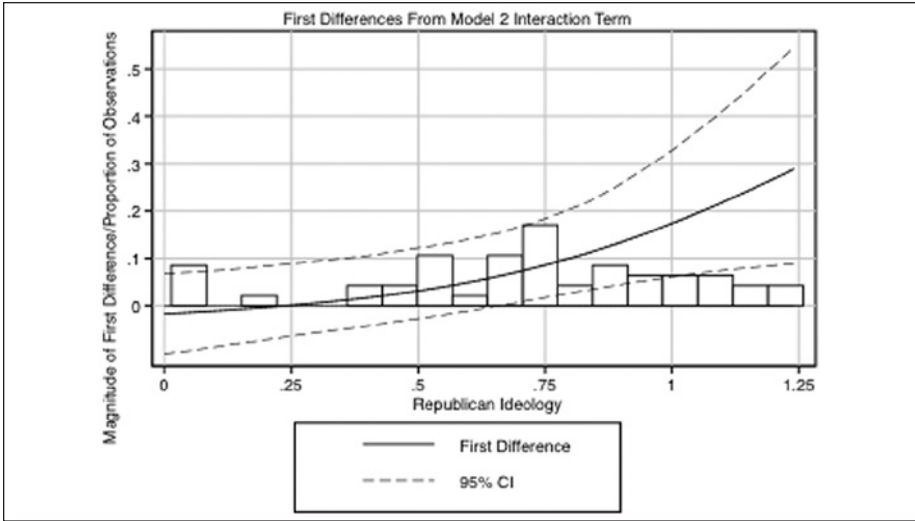
Figure 1. First differences from model 1 interaction term.
Note. CI = confidence interval.

we are significantly more likely to observe the state legislature passing legislation that targets undocumented migrants. The interaction term's degree of substantive and statistical significance is consistent when I include yearly fixed effects and state-level random effects (models 2 and 3).

The coefficients for Latino CVAP miss reaching conventional levels of statistical significance by a narrow margin in the first two models ($p = .897$) and is negative and significant in model 3 ($p = .95$). However, I only expect the size of the Latino CVAP to have an effect on Republican-controlled legislatures, which means that I must test the effect of Latino CVAP on only Republican-controlled legislatures to test H2. Models 1 through 3 also provide preliminary evidence that supports the third hypothesis. The variable for the percent increase of the foreign-born population from 2000 to 2010 is positive but just misses the conventional levels of statistical significance in all three models (.86, .89, and .84, respectively). However, as was the case with Latino CVAP, I must examine how Republican-controlled legislatures are affected by recent increases in the relative size of the immigrant population to test H3.

I run separate probit regressions for each category of legislation in Table 4. Models 4 and 5 are analyses of employment and mandatory enforcement bills, respectively; I include the entire sample of data in both of these models. I include of an analysis of omnibus bills in model 6. I restrict the sample to only Republican-controlled legislatures because omnibus bills were only passed in instances where the Republican Party controlled both houses of the state legislature, eliminating the need to include Democratic-controlled legislatures. Table 3 reveals an interesting pattern of results. None of the primary independent variables have a significant effect on the likelihood

that a state legislature will pass legislation enhancing employment enforcement, a finding that suggests that whatever political processes affect the likelihood that a state legislature will target undocumented migrants does not extend to employment legislation. A possible explanation for this nonfinding is that employment enforcement bills are less high profile than the other two categories of legislation and thus the decision to pass these laws is less subject to political considerations. More states have enacted employment legislation compared with mandatory enforcement or omnibus legislation—a fact that suggests the electoral consequences of employment enforcement bills might be less pronounced.

Models 5 and 6 show that ideological and electoral variables significantly determine the likelihood that a state will pass of mandatory enforcement and omnibus legislation. Republican-controlled legislatures are significantly more likely to pass both types of these bills—and the likelihood of a Republican-controlled legislature passing one of these bills significantly increases as the state Republican Party becomes more conservative. Likewise, the effect of Latino CVAP and the percent of the foreign-born population that has entered the state since 2000 also increase along with the severity of the enforcement legislation. Both of these variables have statistically significant effect on the likelihood that a Republican-controlled legislature will pass omnibus legislation that increases immigration enforcement. Legislatures are most likely to pass omnibus immigration bills in places where the Latino CVAP is small and the relative size of the state's immigrant population has rapidly grown, meaning that the passage of the most high profile category of immigration enforcement legislation is the most strongly shaped by electoral considerations.

Thus far, I have established that Republican-controlled legislatures are significantly more likely to pass immigration enforcement legislation compared with their Democratic counterparts. The interaction term in the previous sets of models have shown legislatures are significantly more likely to pass legislation when the Republican Party is both ideologically predisposed to favor the legislation and can also set the legislative agenda. The fact that Democratic-controlled legislatures rarely pass bills increasing immigration enforcement implies that the effect of any variables that determine the electoral costs and benefits of adopting restrictive immigration policies are limited to Republican-controlled legislatures. Latino CVAP and the change in the percent foreign-born will affect the likelihood of a legislature adopting immigration policy in only instances where the Republican Party controls the legislature—these variables are precluded from having an effect on Democratic legislatures because Democratic legislatures rarely pass this type of legislation on ideological grounds. Therefore, it is necessary to restrict the analysis to Republican-controlled legislatures to test H2 and H3, because the effect of Latino CVAP and the foreign-born is precluded from having an effect in Democratic-controlled legislatures.

Model 7 is contains all of the same independent variables as models 1 to 3 with the exception of the interaction term, but the sample is limited only to Republican-controlled legislatures. The results of model 7 provide evidence that supports H2 and H3. The Latino percentage of the state's CVAP is negatively and significantly associated with the likelihood of a Republican legislature passing immigration enforcement
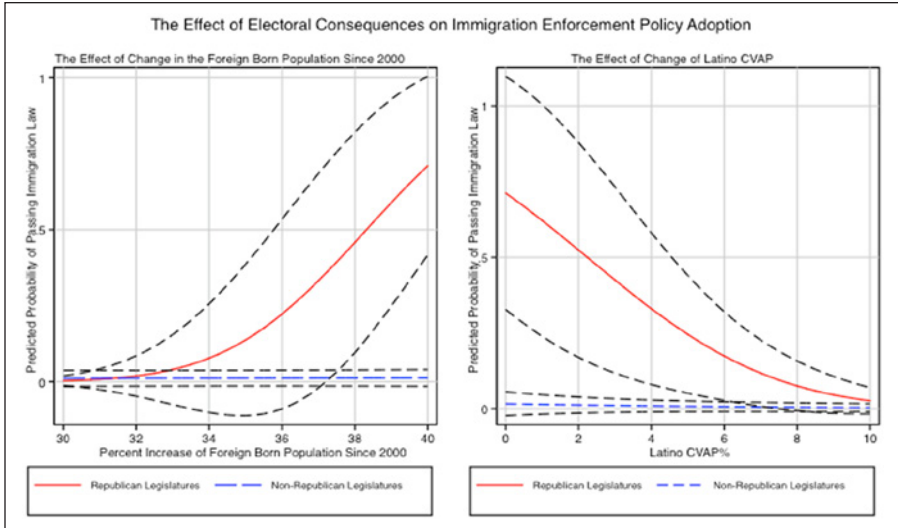
Figure 2. The predicted probability of a legislature passing an immigration enforcement bill across varying values of the percentage increase in the foreign-born population since 2000 and Latino CVAP.
Note. CVAP = citizen voting age population.

legislation, while the increase in the foreign-born population since 2000 is positively associated with the likelihood of passing immigration enforcement legislation. These findings reinforce that Republican legislatures' immigration policy output is significantly affected by the electoral conditions. The Republican Party is significantly less likely to pass legislation enhancing immigration enforcement in states where the Latinos are a sizable proportion of the electorate.

In model 8, I replicate the split sample analysis—only I restrict the sample to non-Republican-controlled legislatures. The results of models six and seven also provide supporting evidence for H3. Republican-controlled legislatures are considerably more likely to pass restrictive immigration legislation when the relative size of the foreign-born population is rapidly growing. The substantive effects of the percent increase since 2000 variable is displayed in Figure 2. Using the coefficients from models 7 and 8, Figure 2 displays the predicted probability of a state legislature passing a bill when the percent increase since 2000 variable and Latino CVAP are allowed to vary and all other variables are set to their means and modes. The percent increase in the foreign-born population runs along the *x*-axis and ranges from 30 (roughly 1 *SD* below the mean) to 40 (roughly 1 *SD* above the mean) and between 0 and 10 for Latino CVAP. Republican-controlled state legislatures are more likely to pass legislation in states where the relative size of the foreign-born population is rapidly increasing and Latinos represent a small proportion of the total CVAP.

In addition, several of the control variables have statistically significant effects across the majority of the models. Citizen ideology is consistently a significant

Table 5. Probit Models Regressing Legislation Output on State Party Ideology (Split Samples).

Variables	Model 7: Republican-controlled legislatures	Model 8: Non-Republican-controlled legislatures
Republican ideology	2.82	0.41
	(1.92)	(0.63)
Democratic ideology	1.84**	0.19
	(0.91)	(0.84)
Latino CVAP	−0.14**	−0.017
	(0.062)	(0.11)
Term limits	−2.03**	−0.067
	(0.96)	(0.70)
Professionalization	1.25**	0.068
	(0.63)	(0.22)
Republican governor	−0.042	−0.20
	(0.52)	(0.37)
Border state	−0.64	
	(1.46)	
The South	−3.29**	1.10*
	(1.33)	(0.59)
Percent foreign-born	0.71***	0.048
	(0.24)	(0.070)
Percent foreign-born since 2000	0.47***	−0.0023
	(0.14)	(0.029)
Percent unemployment	0.16	−0.23
	(0.20)	(0.15)
Citizen ideology	−0.024	−0.011
	(0.024)	(0.014)
Constant	−24.8***	−5.26***
	(7.33)	(1.65)
Observations	129	205

Note. Robust standard errors in parentheses. Yearly fixed effects included but not shown. The border state variable perfectly predicts failure in the non-Republican-controlled sample and thus it was excluded from the analysis. CVAP = citizen voting age population.
*p < .1. **p < .05. ***p < .01.

predictor of legislative behavior—states with ideologically conservative citizenries generate more immigration enforcement legislation. The effect of citizen ideology goes beyond what can be explained by the ideological positions of representatives they elect alone. The states in the South are significantly more likely to pass increased immigration enforcement (although the direction of the effect varies between the different categories of legislation) and the coefficients for border states are positive in all of the models, but the level of statistical significance varies. The percent of the state's population that is foreign-born positively associated with the probability of passing enhanced immigration enforcement. The results of the analysis suggest that the presence of a large immigrant population in a state makes the legislature more likely to

Table 6. Predicted Probability of a State Legislature Passing a Bill When Republicans Control Both Houses of the State Legislature.

Latino CVAP (%)	Republican ideology 0.25	Republican ideology 0.75	Republican ideology 1.25
5th (0.95)	.07	.20	.41
25th (1.56)	.06	.18	.38
50th (2.54)	.05	.15	.35
75th (5.16)	.03	.09	.25
95th (19.71)	.0002	.001	.01

Note. Probabilities generated from model 1. CVAP = citizen voting age population.

pass immigration—but a large Latino CVAP can likely counteracts this effect. Legislative term limits and level of professionalization do not have a significant effect on enforcement policy adoption in the majority of the models. In the next section, I discuss the implications of these findings and make some concluding remarks.

Discussion and Conclusion

The results of this analysis add to our understanding of state responses to immigration by identifying the political process that leads to the passage of immigration enforcement laws. This analysis is a compliment to previous studies that have identified the sociological forces that shape individual and government responses to immigrant groups. The observed pattern of enforcement policy adoption is being shaped by political factors—namely, party ideology and electoral concerns. Conservative state parties are more likely to pass restrictive immigration enforcement legislation than ideologically moderate or liberal state parties—but even when conservative state parties control the legislature their willingness to adopt policies targeting undocumented migrants is affected by the demographic makeup of the electorate. Republican-controlled legislatures are less likely to pass legislation enhancing immigration enforcement in states where the Latino CVAP makes up a considerable proportion of the population, even if the Republican Party in the state is quite conservative. This finding is likely due to the constraining effect that a politically mobilized Latino population has on the passage of new immigration enforcement laws.

The combination of ideological and electoral factors has led to a counterintuitive pattern of state policy adoption. The majority of enhanced immigration legislation is being generated by legislatures that were controlled by ideologically conservative Republican legislatures in states with small or moderately sized Latino CVAPs. Republican-controlled legislatures in many of the states with large foreign-born populations (e.g., Texas or Florida) have been unwilling to pass omnibus legislation that comprehensively targets undocumented migrants—I argue this is because most states with large foreign-born populations also have a large Latino CVAP. Of the 10 states with the largest foreign-born populations, only 1 state has actually passed comprehensive legislation targeting undocumented migrants—and that state is Arizona. Arizona is the exception to this general trend.

The large flow of immigrants into the country since 1965 raises a number of political issues, and this analysis demonstrates that the U.S. states have considerably different approaches to dealing with immigration enforcement. The broader implication of these findings is that political mobilization (or at least the potential for political mobilization) among immigrant groups has the potential to deter policy backlash by state legislatures. This analysis provides evidence to support Preuhs (2007) and Hero and Preuhs (2007), who established that Latino descriptive representation in the states mitigates policy backlash. While my conceptualization of political mobilization is somewhat broader, the general conclusion is the same—Latinos experience more favorable policy outcomes in places where Latinos are an electoral threat. In addition, the results of analysis also suggest that political parties and politicians tread carefully when it comes to generating legislation that is likely to alienate Latino voters. Most of the states passing enhanced immigration legislation have legislatures that are controlled by conservative Republican parties and a small or moderately sized population of Latino citizens. The findings in this analysis suggest that a group's level of substantive representation is a function of the group's electoral influence, which indicates that political participation is crucially important for understanding the redistributive and social consequences of state policy formation.

Appendix

Table A1. Summary Statistics.

Variable	N	M	SD	Median	Min.	Max.
Total bills passed	350	0.17	.47	0.00	0.00	4.00
Republican ideology	350	0.67	0.36	0.72	−.22	1.26
Democratic ideology	350	−0.64	0.41	−0.67	−1.7	0.13
Republican control of state legislature	350	0.47	.45	0.50	0.00	1.00
Latino CVAP	350	5.14	6.49	2.54	0.68	36.25
Term limits	350	0.30	.46	0.00	0.00	1.00
Professionalization	350	0.18	.11	0.15	0.03	0.63
Republican governor	350	0.50	.5	0.00	0.00	1.00
Border state	350	0.08	.08	0.00	0.00	1.00
The South	350	0.22	.42	0.00	0.00	1.00
Percent foreign-born	350	8.06	5.93	5.78	1.19	26.88
Percent foreign-born entered since 2000	350	34.42	6.28	34.00	21.00	51.00
Unemployment	350	6.33	2.45	5.60	2.50	14.90
Citizen ideology	350	52.55	16.44	52.32	22.56	93.94

Note. CVAP = citizen voting age population.

Table A2. Variance Inflation Factor (VIF) Diagnostic Test for Multicollinearity.

Variable	VIF
Republican control of state legislature	1.54
Republican ideology	3.28
Democratic ideology	3.18
Latino CVAP	4.23
Term limits	1.85
Professionalization	1.63
Republican governor	1.31
Border state	4.19
The South	1.44
Percent foreign-born	3.95
Percent foreign-born since 2000	2.65
Unemployment %	1.13
Citizen ideology	2.32

Note. CVAP = citizen voting age population.

Table A3. Variable Coding/Data Sources.

Variable	Coding and data source
State immigration laws	These data were obtained from the NCSL Immigration Law Database: http://www.ncsl.org/issues-research/immig/immigration-laws-database.aspx
State party ideology	The data come from the Shor–McCarty measure of state party ideology. The Shor–McCarty Dataset can be found at http://dvn.iq.harvard.edu/dvn/dv/bshor
Republican control	Coded 1 when Republicans controlled both houses, 0.5 for split control, and 0 when the Democrats controlled both houses. Data obtained from Carl Klarner's Partisan Balance Dataset (variable: "leg_cont") http://www.indstate.edu/polisci/klarnerpolitics.htm
Latino CVAP	https://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html
Term limits	Coded 1 if the state has term limits. See NCSL at http://www.ncsl.org/legislatures-elections/legisdata/legislative-term-limits-overview.aspx
Professionalization	Based on Squire's (2007) rankings in *SPPQ*
Republican governor	Coded 1 if the governor is a Republican. Data obtained from Carl Klarner's Partisan Balance Dataset (variable: "gov_party_c") http://www.indstate.edu/polisci/klarnerpolitics.htm
Border state	Self-coded: Border state coded 1 for California, Arizona, New Mexico, and Texas
The South	Self-coded: 11 state definition
Percent foreign-born	From the 2010 U.S. Census, see http://quickfacts.census.gov/qfd/meta/long_POP645210.htm
Percent foreign-born entered since 2000	From the 2010 U.S. Census, see http://quickfacts.census.gov/qfd/meta/long_POP645210.htm
Unemployment	Yearly state average from the Bureau of Labor Statistics, see http://www.bls.gov/lau/
Citizen ideology	The data come from the Carsey and Harden (2010) measure of citizen ideology

Note. Histogram bars display the percentage of total observations in the data. NCSL = National Council of State Legislatures; *SPPQ* = *State Politics & Policy Quarterly*.

Acknowledgments

Declaration of Conflicting Interests

Funding

Notes

1. *Source*: http://www.catholicculture.org/news/headlines/index.cfm?storyid=6079
2. It is important to note that immigration enforcement is multifaceted, not all immigration-related legislation deals with the issue of enforcement.
3. It is important to note that while many pieces of Arizona's SB 1070 were struck down by the Supreme Court, the "show me your papers" provision was upheld. Source: http://articles.latimes.com/2012/sep/18/nation/la-na-nn-arizona-immigration-20120918
4. Several other policies that are often included in these omnibus packages are punishments for human traffickers and punishments for those caught illegally receiving social services or other forms of state aid.
5. The ethnic composition of undocumented migrants is not random; according to the Department of Homeland Security, the vast majority of undocumented migrants are from Latin America. Mexican immigrants account for 6.8 out of an estimated 11.5 million undocumented migrants in the United States. Source: The Department of Homeland Security, Office of Immigration Statistics: "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011."
6. Source: http://www.washingtonpost.com/local/alabama-law-drives-out-illegal-immigrants-but-also-has-unexpected-consequences/2012/06/17/gJQA3Rm0jV_story_2.html
7. Source: Latino Decisions Public Opinion Polling from June 19, 2012, http://www.latino-decisions.com/blog/2012/07/19/latinos-overwhelmingly-oppose-supreme-court-decision-sb1070/
8. It should be noted that many Republicans in the California legislature did not support the proposition and this is one of the reasons why it was passed as an initiative opposed to being passed through the traditional legislative channel. It is easy to see why many California Republicans did not favor the law based on the long-term electoral consequences that have been attributed to Prop 187.
9. Estimates of Latino citizen voting age population (CVAP) by state are from the U.S. Census. Source: https://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html
10. In 2008, 40% of whites in Arizona supported Democrat Barack Obama; however, this number declined to 32% in 2012. If 40% of whites in Arizona supported the Democratic in

2012, the state could have potentially gone to Obama due to increased Latino mobilization and Democratic partisanship (Robinson et al. 2013).

11. Source: http://www.azcentral.com/12news/news/articles/2010/05/18/20100518arizona-immigration-law-mormon-church.html and http://www.washingtonpost.com/blogs/the-fix/post/arizona-recall-why-russell-pearce-lost/2011/11/09/gIQALj6a5M_blog.html

12. Percent foreign-born and Latino CVAP are correlated at .6, percent foreign-born and percent increase in the foreign-born population since 2000 are correlated at −.53, and percent increase in the foreign-born population since 2000 and Latino CVAP are correlated at −.37.

13. It is important to note that enforcement is just one dimension of immigration policy, there are several others. I present an alternative analysis of a different dimension of immigration policy, immigrants' eligibility for social welfare programs in the online. Specifically, I examine the determinants of legislation that expands immigrants' eligibility for social welfare programs. The goal of this supplementary analysis is to examine whether the logic of my argument can explain more than just the adoption of enforcement provisions. The results of this analysis help to demonstrate that the logic of my argument is applicable to a number of different policy dimensions.

14. Arizona passed two bills in both 2007 and 2008. The other instances where states passed more than one bill are Colorado (four in 2006), Georgia (two in 2009), Louisiana (2two in 2011), Utah (two in 2011), and Virginia (three in 2008). There was never an instance where a state passed multiple mandatory enforcement or omnibus bills in a single year. There were four instances where states passed multiple employment related bills in a single year: Arizona (2008), Colorado (2006), Louisiana (2011), and Virginia (2008).

15. Because there are several instances where a state passed more than one bill in a year, it is possible to operationalize the dependent variable as a count variable opposed to binary variable. I conducted the regressions that appear later in the article as a zero-inflated Poisson model and obtained largely similar results in terms of the significance of the coefficients, although the model fit was considerably worse. A table containing this alternative specification can be found in the online appendix that accompanies this article.

16. It should be noted that the governor's role in policy formation process varies from state to state and simply including a dummy variable for states with a Republican governor might not fully capture the importance of the role played by the governors. I report some additional models in the appendix that utilize more sophisticated measures of gubernatorial power and partisanship. However, the inclusion of these additional measures of gubernatorial power and partisanship do not affect the findings of the model.

17. There has been a considerable discussion in the literature about how to properly estimate the standard errors of the coefficients in models. The two main approaches involve the use of robust clustered standard errors and bootstrapped clustered standard errors. All of the models in the main text feature robust clustered errors, but there is some debate whether this is the right approach for estimating the standard errors in cross-sectional panel time-series data. Please consult the methodological appendix for a full discussion of this topic.

18. A potential alternative approach would be to include state-level fixed effects. However, I include a number of geographic and institutional control variables that do not vary within each state from year to year, meaning that all of these variables would be perfectly collinear with state dummy variables. Including state-fixed effects would force me to eliminate several other variables that are of theoretical interest. I include random state-level effects as an alternative. Random effects models assume that each state's intercept is drawn from a random distribution, substantially reducing the number of parameters the

model is forced to estimate while still accounting for unobserved state effects (Greene 2008, 200–201).

References

Barreto, M. A., and N. Woods. 2005. "Latino Voting Behavior in an Anti-Latino Political Context." In *Diversity in Democracy: Minority Representation in the United States*, eds. Shaun Bowler and Gary M. Segura. Charlottesville: University of Virginia Press, 148–69.

Bowler, S., S. Nicholson, and G. Segura. 2006. "Earthquakes and Aftershocks: Race, Direct Democracy, and Partisan Change." *American Journal of Political Science* 50(1): 146–59.

Brambor, T., W. R. Clark, and M. Golder. 2006. "Understanding Interaction Models: Improving Empirical Analyses." *Political Analysis* 14(1): 63–82.

Burns, P., and J. Gimpel. 2000. "Economic Insecurity, Prejudicial Stereotypes, and Public Opinion on Immigration Policy." *Political Science Quarterly* 115(2): 210–25.

Carsey, T., and J. Harden. 2010. "New Measures of Partisanship, Ideology and Policy Mood in the American States." *State Politics & Policy Quarterly* 10(2): 136–56.

Chavez, J. M., and D. M. Provine. 2009. "Race and the Response of State Legislatures to Unauthorized Immigrants." *The ANNALS of the American Academy of Political and Social Science* 623:78–92.

Citrin, J., D. P. Green, C. Muste, and C. Wong. 1997. "Public Opinion toward Immigration Reform: The Role of Economic Motivations." *Journal of Politics* 59(3): 858–81.

Citrin, J., A. Lerman, M. Murakami, and K. Pearson. 2007. "Testing Huntington: Is Hispanic Immigration a Threat to American Identity?" *Perspectives on Politics* 5(1): 31–48.

Citrin, J., B. Reingold, E. Walters, and D. P. Green. 1990. "The 'Official English' Movement and the Symbolic Politics of Language in the United States." *The Western Political Quarterly* 43(3): 535–59.

Cortez, N. G. 2008. "The Local Dilemma: Preemption and the Role of Federal Standards in State and Local Immigration Law." *Southern Methodist University Law Review* 67:47–66.

Cox, G., T. Kousser, and M. McCubbins. 2010. "Party Power or Preferences? Quasi-Experimental Evidence from American State Legislatures." *Journal of Politics* 72(3): 799–811.

Cox, G., and M. McCubbins. 2003. *Legislative Leviathan: Party Government in the House*. 2nd ed. New York: University of Cambridge Press.

Cox, G., and M. McCubbins. 2004. *Setting the Agenda: Responsible Party Government in the U.S. House of Representatives*. New York: University of Cambridge Press.

Creek, H., and S. Yoder. 2012. "With a Little Help from Our Feds: Understanding State Immigration Enforcement Policy Adoption in American Federalism." *Policy Studies Journal* 40(4): 674–99.

Dancygier, R. 2010. *Immigration and Conflict in Europe*. New York: Cambridge University Press.

Ford, R. 2011. "Acceptable and Unacceptable Immigrants: How Opposition to Immigration in Britain Is Affected by Migrants' Region of Origin." *The Journal of Ethnic and Migration Studies* 37(7): 1017–37.

Garcia, R. 1995. "Critical Race Theory and Proposition 187: The Racial Politics of Immigration Law." Scholarly Works Paper 662. http://scholars.law.unlv.edu/facpub/662 (accessed February 3, 2014).

Greene, W. H. 2008. *Econometric Analysis*. 6th ed. Upper Saddle River: Pearson Prentice Hall.

Hero, R., and R. Preuhs. 2007. "Immigration and the Evolving American Welfare State: Examining Policies in the U.S. States." *American Journal of Political Science* 51(3): 498–517.

Hood, M. V., and I. Morris. 1997. "Amigo o Enemigo? Context, Attitudes and Anglo Public Opinion towards Immigration." *Social Science Quarterly* 78(2): 309–23.

Hood, M. V., and I. Morris. 1998. "Give Us Your Tired, Your Poor . . . But Make Sure They Have a Green Card: The Effects of Documented and Undocumented Migrant Context on Anglo Opinion toward Immigration." *Political Behavior* 20(1): 1–15.

Hopkins, D. J. 2010. "Politicized Places: When and Where Immigrants Provoke Local Opposition." *American Political Science Review* 104(1): 40–60.

Hopkins, D. J. 2011. "National Debates, Local Responses: The Origins of Local Concern about Immigration in Britain and the United States." *British Journal of Political Science*, 41(3): 499-524.

Jeong, Gyung-Ho, G. Miller, C. Schofield, and I. Sened. 2011. "Cracks in the Opposition: Immigration as a Wedge Issue for the Reagan Coalition." *American Political Science Review* 55(3): 511–25.

Kahneman, D., and A. Tversky. 1979. "Prospect Theory: An Analysis of Decision Making Under Risk." *Econometrica* 74(2): 263–92.

Key, V. O. 1949. *Southern Politics in State and Nation*. Knoxville: University of Tennessee Press.

National Council of State Legislatures. 2013. "Immigration Enactments Database." http://www. ncsl.org/default.aspx?TabId=19209 (accessed February 3, 2014).

Newman, B. 2013. "Acculturating Contexts and Anglo Opposition to Immigration in the U.S." *American Journal of Political Science* 57(2): 374–90.

Newman, B., and J. Johnson. 2012. "Ethnic Change, Concern over Immigration, and Approval of State Government." *State Politics & Policy Quarterly* 12(4): 415–37.

Newman, B., C. Johnston, A. Strickland, and J. Citrin. 2012. "Immigration Crackdown in the American Workplace: Explaining Variation in E-Verify Policy Adoption across the U.S. States." *State Politics & Policy Quarterly* 12(2): 160–82.

Pantoja, A., R. Ramirez, and G. Segura. 2001. "Citizens by Choice, Voters by Necessity: Patterns in Political Mobilization by Naturalized Latinos." *Political Research Quarterly* 54(4): 729–50.

Pantoja, A., and G. Segura. 2003. "Fear and Loathing in California: Contextual Threat and Political Sophistication among Latino Voters." *Political Behavior* 25(3): 265–86.

Preuhs, R. 2007. "Descriptive Representation as a Mechanism to Mitigate Policy Backlash Latino Incorporation and Welfare Policy in the American States." *Political Research Quarterly* 60(2): 277–92.

Robinson, G., J. Krasno, J. Zingher, and M. Allen. 2013. "The Partisan Fallout from Arizona's Immigration Battle: Applying Lessons from California." http://papers.ssrn.com/sol3/ papers.cfm?abstract_id=2160760 (accessed February 3, 2014).

Scheve, K., and M. Slaughter. 2001. "Labor Market Competition and Individual Preferences over Immigration Policy." *The Review of Economics and Statistics* 83(1): 133–45.

Shor, B., and N. McCarty. 2011. "The Ideological Mapping of American Legislatures." *American Political Science Review* 105(3): 530–51.

Squire, P. 2007. "Measuring State Legislative Professionalism: The Squire Index Revisited." *State Politics & Policy Quarterly* 7(2): 211–27.

Tichenor, D. 2002. *Dividing Lines: The Politics of Immigration Control in America*. Princeton: Princeton University Press.

Tolbert, C., and J. Grummel. 2003. "Revisiting the Racial Threat Hypothesis: White Voter Support for California's Proposition 209." *State Politics & Policy Quarterly* 3(2): 183–202.

Tolbert, C., and R. Hero. 1996. "Race/Ethnicity and Direct Democracy: An Analysis of California's Illegal Immigration Initiative." *Journal of Politics* 58(3): 808–18.

Author Biography

Joshua N. Zingher is a Doctoral Candidate in Political Science at Binghamton University. His research focuses on several aspects of American politics, including mass political behavior, minority and immigrant politics and Congressional elections.