How Protests Affect Policy Change: Determinants of Anti-Protest Legislation

By Nicholas Cardenas and Matilda Varine, Supervised by Justin Crofoot
Florida State University, Department of Political Science
Florida State University Undergraduate Research Opportunity Program

Abstract

In the last few years, states across the United States have seen an uptick in legislation restricting the right to assemble, including protests blocking traffic, protests near critical infrastructure, easing penalties for actions against protesters, and other ways that restrict protests. For this project, our research team has analyzed the different factors that contribute to these laws, including the motives and reasonings for why these bills are sponsored and voted on. We will have a better understanding on how an individual legislator's background, constituency, and party affects their way of voting. We first collected and organized roll call votes on Microsoft Excel regarding all anti-protest bills passed in all state legislatures since 2017; the team then collected information on each state legislator, including political affiliation, demographic background, and other components that allow us to find patterns in voting. Although results are preliminary, factors indicate heavy partisan influence. Exploring these aspects is crucial for understanding how partisan politics can influence constitutionally divisive issues.

Background

Since 2017, 251 anti-protest bills have been considered by legislatures in 45 states in the United States. Of these bills, 39 have been enacted and 7 are currently under consideration. The research utilizes a database containing information on state legislators across the country, including their demographic background, district information, party affiliation, and voting record on anti-protest legislation. Aside from the database, we analyzed the media's coverage on several of these bills, providing us with an understanding on how different groups responded and how these responses may have influenced the way legislators voted.

Methods & Assumptions

Individual legislators in both the House of Representatives and Senate of each US state were organized into an Excel document from the years 2017 to 2022 to be used as our main subjects. Background demographics for each legislator were collected such as political party, sex, race, and district population. We utilized two main resources in order to collect data on individual laws. The International Center for Not-For-Profit Law has a US protest law tracker which contains enacted, pending, and defeated bills associated with protest in each US state. After collecting the list of anti-protest laws for each state we utilized Legiscan, a bill tracking database, to determine which bills would be included in our data sample. Information such as vote, bill title, and bill status (enacted or defeated) were recorded. "Yay" votes and enacted bills are recorded as 1 and every other action (nay, absent, no vote) and defeated bills are recorded as 0.

Results

Table 1- Determinants of Legislator Roll Call Votes in Favor of Anti-Protest Legislation 2017-2019	Legislator Roll Call Vote
White Legislator	0.015
	(0.185)
Republican Legislator	3.030***
	(0.324)
District Nonwhite %	-0.394
	(0.615)
District Population	1.19E-06
	(1E-06)
District Liberal Protest Count	-0.012
	(0.00921)
District Conservative Protest Count	-0.015
	(0.11)
State Total Protest Count	-0.00107
	(0.00124)
State Total Republican Control	0.414
	(0.498)
State Population Conservatism	-2.193
	(1.199)
Constant	-0.462
	(0.392)
N	4889

State clustered robust standard errors in parentheses.
* p<0.05, ** p<0.01, *** p<0.001

Figure 1: P-values suggest that protest activity does not influence this voting. A Republican legislator is a strong indicator of a "yay" vote.
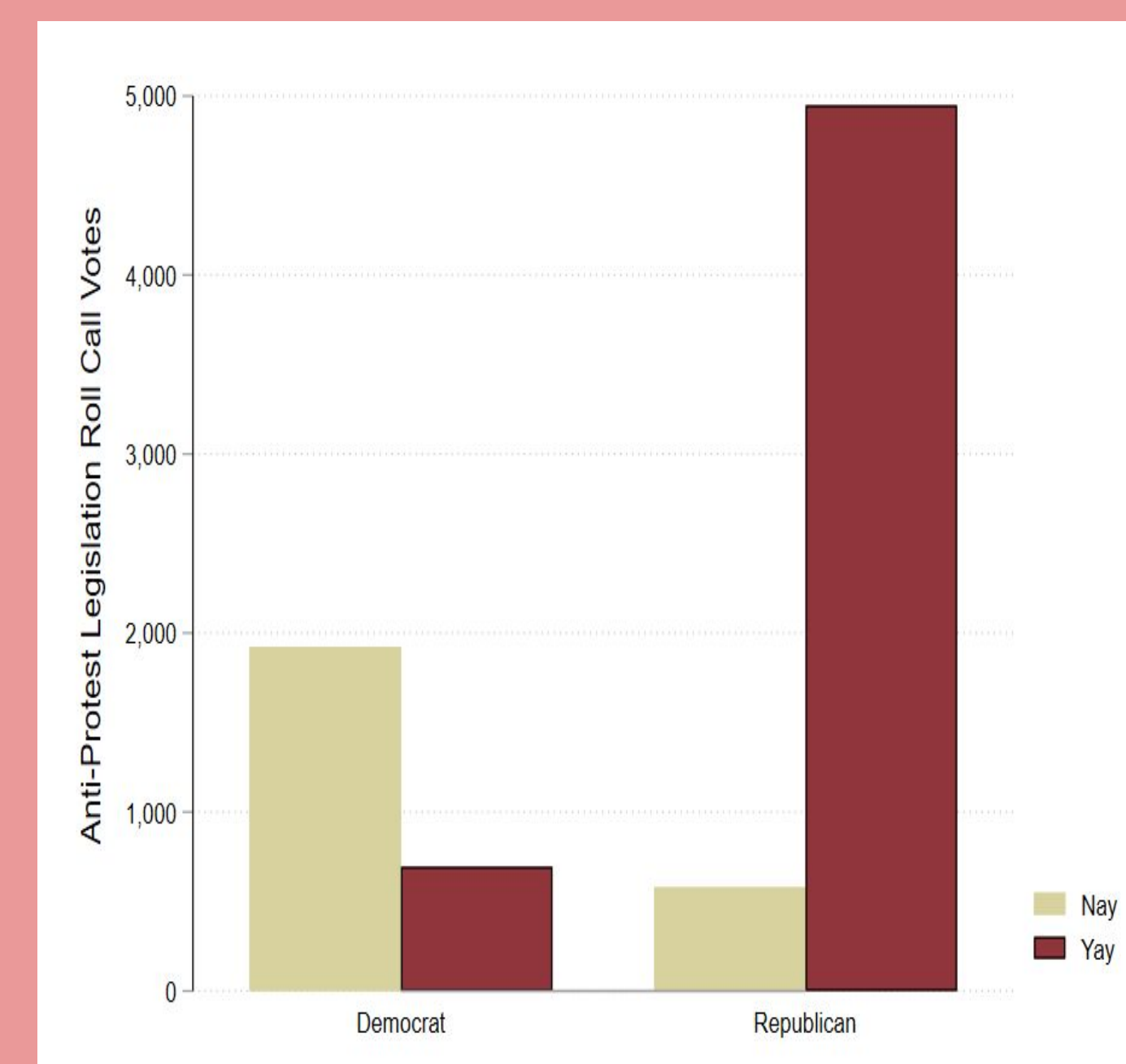

Figure 2: Data suggests that Republicans are significantly more likely to vote in favor of anti-protest legislation in comparison to Democrats.
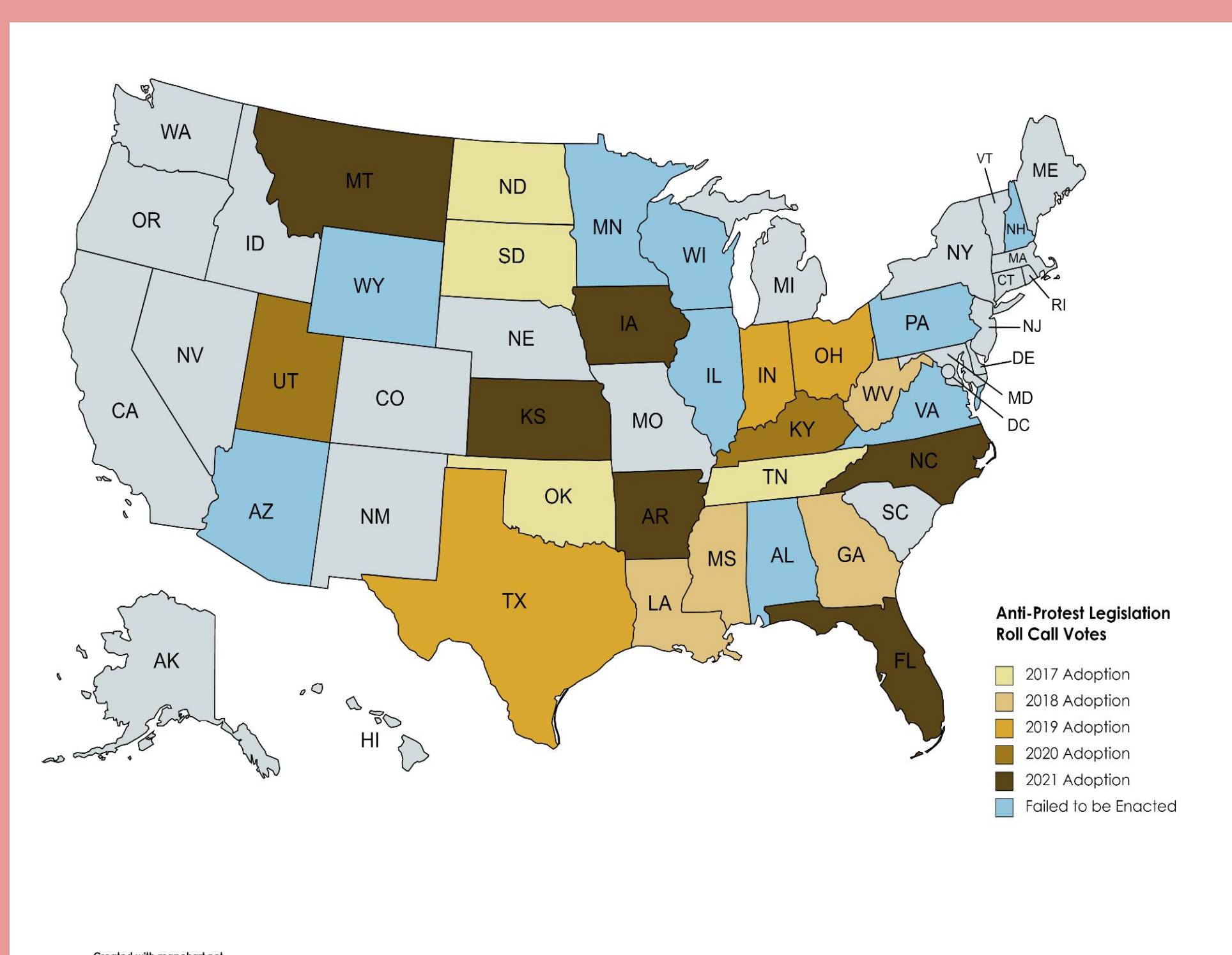

Figure 3: Adoption of anti-protest legislation each year by state.

Analysis and Conclusion

Although the vast majority of states have proposed anti-protest legislation, only nineteen states have enacted these bills since 2017 with six of those states being in 2021. One of the primary indicators of the way legislators vote on this is party affiliation: Republican lawmakers are much more likely to vote "yay" over Democratic lawmakers, supporting the original hypothesis. However, party affiliation is not the only determinant of how legislators vote. The level of conservatism in a state has an unexpected slight negative correlation in regards to how likely a lawmaker is to vote "yay" on anti-protest legislation, although this result is not statistically significant. A possible explanation for this result could be that although conservatism is associated with the Republican party, conservatism as an ideology prioritizes freedom, which restrictive legislation works against. Meanwhile, the level of protest occurring in a state seems to have no significant effect on legislator voting behavior on this issue which indicates that this issue is a partisan issue as opposed to reactive policy. This project serves as a preliminary observation into the factors that contribute to voting behavior which can help us gain insight on the behavioral aspects of the legislature and offer new perspectives on the functionality of our democracy. Our goal is to continue researching different perspectives on this issue and find trends which allow us to more accurately define determinants of voting behavior. This research helps bring more attention to state policies and demonstrates the impacts these policies have on individuals.

Acknowledgements and References

References

Armendariz, K. O. C., Farrer, B., & Martinez, M. (2020). Badge of Courage or Sign of Criminality? Experimental Evidence for How Voters Respond to Candidates Who Were Arrested at a Protest. *Social Science Quarterly, 101*(6), 2203–2219. https://doi.org/10.1111/ssqu.12866

Julie Cidell (2020) Mobility, Protest, and Legislative Backlash: State-Level Sponsorship of Antiprotest Legislation in the United States in 2017, The Professional Geographer, 72:4, 556-565, DOI: 10.1080/00330124.2020.1763812

Ruhl, K. (2017). An Alarming Trend: The Dangers of Recently Proposed Anti-Protest Legislation. *Public Interest Law Reporter, 22(2),* 95-99.

Suh, C. S., & Tarrow, S. G. (2021). Suppression by Stealth: The Partisan Response to Protest in State Legislatures. *Politics & Society*, 003232922110399. https://doi.org/10.1177/00323292211039956