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### **Abstract**

Knack uses 1991 Pilot Study data to see if the threat of selecting jurors from voter registration lists deters citizens from registering to vote. Knack finds that items measuring perceptions of juror source practices prove useful for predicting registration behavior. However, there does not appear to be an interaction between the perception items and degree of distaste for jury duty, indicating that an individual's preferences regarding jury duty do not affect their decision to register to vote. Knack argues that the data did not yield the expected results because the Pilot Study items measure only the benefits of jury service, not opportunity costs. He suggests including a "cost variable" to the jury duty sequence of items in future survey efforts.

**DETECTING VOTER REGISTRATION THROUGH JUROR SOURCE PRACTICES:  
EVIDENCE FROM THE 1991 NES PILOT STUDY**

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## **I. Introduction: The Impact of Juror Source Laws**

Various electoral provisions making it more costly for many people to register and to vote, such as residency requirements, early registration closing dates, literacy tests, and poll taxes, have long been known to adversely affect voter participation rates (e.g., Kelley, Ayres, and Bowen, 1967; Wolfinger and Rosenstone, 1978). A recent study adds a new cost variable to the empirical literature on registration and turnout: the increased probability of being summoned for jury duty entailed by voter registration in most states and counties (Knack, 1991). The fact that many jurisdictions select jurors for state and local trials<sup>1</sup> solely from voter registration lists, and many more choose jurors partly from such lists, creates an additional cost to being a registered voter for anyone who finds jury service an unpleasant prospect.

Controlling for other variables influencing the likelihood of being registration to vote, residing in a jurisdiction selecting jurors from registration lists was found to reduce the probability of being registered by about 9 percentage points, on average, for respondents in the 1988 NES Study (Knack, 1991). Analysis of 1988 state-level registration figures showed a nearly identical impact; a pooled time-series cross-section test

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<sup>1</sup>All federal court trials draw jurors from voter registration lists. Federal courts in several states supplement registration lists with lists of licensed drivers, providing some variation in the data. However, state and local jury trials outnumber federal jury trials by about 20 to 1; thus federal jury source lists are ignored in Knack (1991) and in the subsequent analysis in this section.

employing data from 1976 and 1988 rejected the possibility that the jury law dummies were capturing the effects of other unmeasured state-specific time-invariant variables. In this earlier paper, however, 1988 was the only cross-section for which the jury law indicators had strong effects on registration. Thus, it is conceivable that the jury source laws were picking up the effects of state-specific, time-varying unmeasured variables. For instance, there may have been particularly numerous or exciting local races in 1988 in the few states and counties which did not use voter registration lists for juror selection purposes.<sup>2</sup>

Table 1, presenting a second cross-sectional test with the 1990 NES data, rejects this last major possibility that the effects of the juror source laws are spurious. In this logit regression, respondents living in jurisdictions using solely voter registration rolls to select jurors (Group 1) were coded "1" for the variable "juryone" with all other cases coded "0" for that variable. Residents of jurisdictions employing registration lists in combination with other lists (Group 2) were coded "1" for the variable "jurytwo." The reference category is thus composed of Group 3 respondents, namely those residing in

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<sup>2</sup>In the state-level data, purging practices are another obvious source of a state-specific time-varying unmeasured variable, as laws on purging practices fail to fully capture each state's actual practices. Unmeasured differences in purging deadwood registrants could not be influencing results relying on NES survey data, however, as the NES does not successfully interview deceased registrants or count mobile registrants as being registered multiple times.

jurisdictions not using voter registration lists at all for juror selection purposes.

OLS approximations reveal an average impact of about 11 percentage points on the probability of registering to vote from the use of registration lists for juror selection (Table 1). A comparison of the estimated coefficients with those of electoral provisions indicates the reform of juror source methods has as much or more promise for increasing voter participation rates than registration reform, which has received much more attention from Congress, from activists, and in the voting literature.

## **II. Jury Duty Variables in the 1991 NES Pilot**

Survey items included in the 1991 NES Pilot Study provide an opportunity for further exploration jury duty-voter registration issues, falling under the general headings of "perception," "knowledge," and "preferences." Many persons surely have no idea, or only mistaken ideas, of what lists are used for juror selection in their jurisdictions, while others may actually enjoy serving on a jury. Are there enough people who both know how jurors are selected, and would wish to avoid a jury summons, to explain the powerful results contained in Table 1 and in the previous study?

### **The Effects of Perceived Juror Source Practices**

Regardless of the actually prevailing practice, the perception that jurors are selected from voter registration lists

should diminish participation rates, if jury duty is commonly viewed as an onerous task. Endogeneity problems arise in testing the effects of perception, however: given that one is already registered to vote, one is arguably more likely to learn that jurors are chosen from registrants, for instance by making inquiries subsequent to receiving a summons. For the pilot sample as a whole, 58.9 percent of those registered for the 1990 election cited voter registration lists as a source for jurors for the courts where they lived, compared to only 40.8 percent of nonregistrants (difference significant at  $p=.0001$ ). Among residents of states and counties which actually used only voter registration lists for choosing jurors, the figure for registrants rises to 72.1 percent, versus only 47.5 percent for nonregistrants ( $p=.0001$ ).

The coefficient estimates for jury perception variables will thus be biased upward (algebraically), relative to the estimates for objective measures, in a regression analysis. Table 2 presents a model similar to that in Table 1, but with perceptions substituted for laws. The reference category in Table 2 is the "don't know" category, with "jurythree" the perceptions variable analogous to the Group 3 reference category (non-registration lists only) in Table 1. All three jury perceptions variables in Table 2 are positive and significant; due presumably to the endogeneity problem, even Group 1 and Group 2 respondents are more likely, other things equal, to be registrants than the

"don't know" respondents.<sup>3</sup> The three perceptions dummies do assume their "correct" ordering, however, with the likelihood of being registered among other-lists-only perceivers about 6.5 percentage points higher than among registration-lists-only perceivers ( $p=.20$ ), and about 3.5 points higher than among registration-and-other-lists perceivers (difference not statistically significant).

An alternative approach, combining the objective approach of Table 1 and the subjective approach of Table 2 and obviating the endogeneity problem, is to determine whether the impact of the laws is greater among respondents claiming to have some knowledge of how jurors are selected, relative to the impact on the "don't knows." Interaction variables in Table 3 indicate a vastly attenuated depressing effect of juryone and jurytwo among the 47.1 percent claiming no knowledge of juror source methods.

### **Actual Knowledge of Juror Source Laws**

A recurring question in discussions with colleagues of the participation-depressing effects of choosing jurors from registrants is that of whether more than a few people really even

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<sup>3</sup>Another possibility is that information on juror source laws is merely proxying general interest in and knowledge of public affairs that independently predicts voter participation. Accordingly, a measure of how regularly one follows public affairs, and indicators of knowledge about the length of Senate terms and the number of times someone can be elected to the Presidency, were included in the registration regression. The former is found to be a highly significant predictor of registration and was retained; the latter two were not significant and were dropped. None of the three substantially attenuated the estimated coefficients on the jury duty perception variables.

know that registration lists are used for such purposes. Responses to several piloted items (see Appendix) provide evidence of a significant -- but modest -- degree of knowledge in the NES sample. Fifty-three percent claimed to know at least one list employed in jury selection in response to an open-ended question. Of these, 70.8 percent (511/722), representing 37.4 percent of the whole sample, cited voter registration first among the lists they mentioned. Of those citing multiple lists, voter registration was the second list supplied in 24.2 percent (40/162) of instances, and was the third choice of only 5.9 percent (1/17) of those citing three lists. Voter registration thus appears to be easily the most salient of juror source lists for respondents claiming some knowledge. In all, 552 respondents -- 76.4 percent of those claiming some knowledge, and 40.4 percent of the sample -- cited registration lists as a source of jurors.

On the other hand, among those citing voter registration lists, only 90.7 percent actually resided in jurisdictions using registration lists -- not significantly higher than the 89.7 percent figure for those failing to correctly cite voter registration (including the "don't know" respondents). Furthermore, in a three-by-three cross-tabulation of respondents by actual juror source laws (i.e., Groups 1, 2, and 3) and the three analogous perceptions categories, only 280 of the 711 respondents claiming knowledge fall in the main diagonal, versus the 246 that would be expected even if laws and perceptions were



independent. Laws and perceptions are significantly correlated ( $p=.0001$ ), but at a relatively low  $r = .155$ . The discrepancy between perceptions and "reality," however, is likely partially accounted for by the fact that "reality" here includes only the juror source lists used by the state and local courts; at least a few respondents likely have some idea of how the federal courts select jurors. Only 41 of the 711--those citing some non-registration lists, when only registration lists are actually used--can with a high degree of assurance be labeled as mistaken.

How do people learn that registration lists are employed for juror selection purposes? The NES Pilot did not include any items attempting to answer this question; in particular, respondents were not asked if they had received a jury summons. Table 4 provides some insight, however: persons who were registered, who had lived in their current city or county more than two years, who worked 20+ hours per week, who had attended college, who were married, and who kept up with current events and public affairs were the most likely to claim knowledge of juror source lists in use. The low goodness-of-fit of the model indicates, however, that these variables only begin to account for differences in knowledge.

### **Preferences Regarding Jury Service**

For the prospect of jury duty to dissuade significant numbers of people from registering, jury service must be viewed as objectionable to many individuals. Pilot respondents were

asked: "If you were selected to serve on a jury, would you be happy to do it or would you rather not serve?" A preference for not serving was indicated by 35.4 percent of those responding--a large enough figure to account for the 8-12 percentage point estimated effect on registration rates.

Other things equal, the strength of the deterrent impact of the jury law or perception variables should vary with the degree of distaste for jury service across individuals. For persons welcoming jury service, the deterrent impacts of juryone, jurytwo, and their perceptions counterparts should be significantly weaker than for those preferring to avoid serving.

This hypothesis finds no support, however, from two sets of interaction variables based on laws and the preferences indicator, and on perceptions and preferences. When added to the appropriate registration models (namely those in Tables 1 and 2; results of regressions including the interaction terms are not shown), these interaction variables fail to significantly differentiate the jury-preferring from the jury-averse respondents' sensitivity of registration to jury duty source practices.

Why do preferences regarding jury duty not matter? The preferences question is arguably measuring only one's "benefits" from jury service (such as satisfaction at fulfilling one's civic duty), without capturing one's opportunity costs of serving, or one's ability to gain an exemption. In examining the determinants of the jury preference responses (Table 5), it

appears that respondents who would "be happy to do it" have, on average, higher opportunity costs of serving. For instance, government employees and senior citizens (65+ years old) have a relatively strong preference against serving, but the latter can be exempted upon request in most jurisdictions, while the former, in contrast to many workers (self-employed persons in particular), suffer no income loss as they are paid their full salaries while serving. If benefits are indeed positively associated with costs, net benefits--the real variable of interest for interaction tests--will be poorly measured by the preference item alone.<sup>4</sup>

### **III. Conclusions and Recommendations**

Evidence contained in this paper (Tables 1, 2, and 3) as well as in Knack (1991) suggests that choosing jurors from registration lists is at least as important a deterrent to voter participation as burdensome registration requirements. Given the concern over low and declining registration and turnout, this topic clearly merits continuing attention in the National Elections Studies.

A "cost" variable should be added to accompany the

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<sup>4</sup>This apparent positive correlation between the benefits and costs of serving may help account for the lack of significance of interaction variables based on opportunity cost measures, such as age, in an earlier study (Knack, 1991). Additionally, of course, the NES sample size generally limits its usefulness for the study of interaction effects, which are more commonly studied using Current Population Survey data (Nagler, 1991; Wolfinger and Rosenstone, 1978, 1980).

"preference" item included in the 1991 Pilot Study. For instance, respondents could be asked: "How inconvenient would it be for you to serve on a jury (very, somewhat, only a little, not at all)?" Interaction variables would then be constructed from the two subjective cost-benefit measures: "Low net benefits" respondents indicating both low benefits and high costs of serving should be more deterred by the jury variables from registering than the reference category respondents, who in turn should be more strongly deterred than the "high net benefits" persons indicating both high benefits and low costs.

To better understand the perceptions and knowledge issues, and at least partially resolve the endogeneity problem in the registration-perceptions relationship, respondents claiming knowledge of juror source lists could be asked: "Do you remember how you learned that this list (or these lists) are used?" Or: "Have you received a jury summons within the last (say) 5 years?"

Finally, the National Elections Studies should consider undertake the task of maintaining a record of juror source lists used in each state and county represented in the sample, and include this contextual data as part of each post-election study or voter validation study. As NES staff visit each county already as part of the voter validation study, data may be obtained relatively cheaply and accurately as part of that process, instead of by long-distance telephone, the method employed by the author. Source lists used are uniform across counties in many states; information on any changes in state laws

can be obtained from Tom Munsterman of the Center for Jury Studies of the National Center for State Courts. Only for the states with source lists varying across counties (e.g. Pennsylvania, Ohio, Georgia, Wisconsin) would research by the voter validation staff be necessary.

**TABLE 1: Voter Registration  
1990 NES and Juror Source Laws**

Variable	Logit parameter estimate	t-ratio	OLS parameter estimate
Intercept	-1.151	-3.30	0.285
Degree	1.567	8.35	0.269
Some college	0.918	5.47	0.169
Diploma	0.486	3.36	0.089
Age	0.029	8.13	0.005
Married	0.101	0.93	0.017
Churchgoer	0.598	5.22	0.104
Follows public aff.	0.915	8.19	0.177
Urged to reg. or vote	0.459	3.74	0.076
Reside < 2 years	-1.207	-9.42	-0.234
Reside 2-4 years	-0.526	-3.22	-0.095
Reg. closing date	-0.012	-1.73	-0.002
Agency registration	0.271	2.42	0.052
Mailin registration	0.196	1.63	0.035
Juryone	-0.696	-3.27	-0.112
Jurytwo	-0.740	-3.48	-0.120
N = 1999    likelihood ratio index: .216			

**TABLE 2: 1990 Voter Registration  
1991 NES Pilot and Perception of Juror Source Lists**

Variable	Logit parameter estimate	t-ratio	OLS parameter estimate
Intercept	-2.244	-5.77	0.129
Degree	1.522	6.41	0.251
Some college	0.844	3.85	0.149
Diploma	0.715	3.69	0.127
Age	0.030	6.75	0.005
Churchgoer	0.604	4.24	0.101
Follows public aff.	0.859	6.10	0.165
Urged to reg. or vote	0.365	2.46	0.057
Reside < 2 years	-1.037	-6.96	-0.200
Reg. closing date	-0.007	-0.92	-0.001
Agency registration	0.509	3.73	0.088
Mailin registration	0.085	0.62	0.012
Reg. list only	0.389	2.52	0.076
Reg. & other lists	0.557	2.27	0.104
Other Only	0.869	3.51	0.140
N = 1366    likelihood ratio index: .211			

**TABLE 3: 1990 Voter Registration  
Interaction of Juror Source Lists and "Don't Know"**

Variable	Logit parameter estimate	t-ratio	OLS parameter estimate
Intercept	-0.930	-1.73	0.337
Degree	1.490	6.25	0.245
Some college	0.809	3.68	0.143
Diploma	0.684	3.51	0.122
Age	0.030	6.70	0.005
Churchgoer	0.592	4.15	0.098
Follows public aff.	0.865	6.13	0.165
Urged to reg. or vote	0.361	2.43	0.055
Reside < 2 years	-1.067	-7.16	-0.204
Reg. closing date	-0.006	-0.69	-0.001
Agency registration	0.516	3.73	0.088
Mailin registration	0.189	1.24	0.031
Juryone	-0.863	-2.08	-0.112
Jurytwo	-1.028	-2.48	-0.148
Juryone*Don't know	0.542	1.01	0.061
Jurytwo*Don't know	0.894	1.76	0.129
Don't know	-1.212	-2.53	0.140
N = 1366    likelihood ratio index: .214			



**TABLE 4: 1991 NES Pilot**  
**Logit Regression**  
**Dependent Variable = Claims Knowledge of Source Lists**

<b>Variable</b>	<b>Logit parameter estimate</b>	<b>t-ratio</b>	<b>OLS parameter estimate</b>
Intercept	-1.738	-6.67	0.099
Registered	0.490	3.76	0.115
College	0.256	2.12	0.059
Work 20+ hours/week	0.818	5.92	0.190
Age	0.010	2.44	0.002
Married	0.329	2.84	0.076
Follows public aff.	0.419	3.33	0.098
New to jurisdiction	-0.421	-1.89	-0.096
N = 1366    likelihood ratio index: .061			

**TABLE 5: 1991 NES Pilot**  
**Logit Regression**  
**Dependent Variable = Happy to Serve on Jury**

<b>Variable</b>	<b>Logit parameter estimate</b>	<b>t-ratio</b>	<b>OLS parameter estimate</b>
Intercept	-0.646	-1.07	0.362
Log Personal Income	0.045	0.66	0.010
College	1.059	5.85	0.235
Diploma	0.251	1.45	0.064
Work 20+ hours/week	0.270	1.53	0.057
Self-employed	-0.242	-1.16	-0.049
Government employee	-0.545	-2.73	-0.116
Age > 65	-0.298	-1.53	-0.072
Age < 30	0.337	2.03	0.069
Kids age < 6	-0.002	-0.01	-0.001
Married	0.275	2.11	0.060
N = 1274    likelihood ratio index: .059			

**Appendix**  
**Pilot Jury Items**

#2840 The courts where you live choose people to be called for jury duty from lists of names. Do you happen to know where they get these lists?

#2841-2843 (If yes) Where do they get them? (Prompt) Any others?

#2844 If you were selected to serve on a jury, would you be happy to do it or would you rather not serve?

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