

POLITICAL CONTEXT OF THE VOTE ON THE 2010 OKLAHOMA INTERNATIONAL LAW AMENDMENT

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In November 2010, voters in Oklahoma approved State Question 755, a legislatively-referred constitutional amendment prohibiting judges in the state from using international law or Sharia Law in making judicial decisions. This paper examines the political context of this voting outcome. It analyzes the influence of religious affiliation on the county-level vote for the amendment as well as political party identification and the county-level circulation rate for the *Oklaboman* and the *Tulsa World*, controlling for various demographic and socioeconomic variables. The analysis reveals that the newspaper circulation rate was related to the strength of the voting outcome. Support for State Question 755 and the 2010 Republican gubernatorial vote also was an important relationship.

On November 2, 2010, Oklahoma voters were asked to consider 11 ballot propositions (called State Questions in Oklahoma) in addition to a full ballot of federal, state, and local offices, making the ballot one of the longest in state history.¹ One of questions was State Question (SQ) 755, the “Save Our State” Amendment to the Oklahoma Constitution. The ballot question received the support of more than 70 percent of the voters. Observers outside the state of Oklahoma paid little attention to the state question before the election. After it passed, SQ 755 gained significant national attention, even being lampooned on the Colbert Report as “superfluous and absurd” (see Venetis 2011, 190). Before the vote was certified by the Oklahoma State Election Board, the executive director of the Oklahoma chapter of the Council on American-Islamic Relations (CAIR) and Oklahoma resident Muneer Awad filed suit in federal district court to block the amendment on First Amendment grounds (Davis and Kalb 2011, 1; Parry 2012). On November 29, 2010, U.S. District Judge Vicki Miles-LaGrange issued an injunction blocking certification of the election results for the amendment (Awad v. Ziriox 2010). The Oklahoma Attorney General appealed the injunction to the United States Court of Appeals for the Tenth Circuit. The appeals court upheld the injunction with a ruling issued on January 10, 2012. The decision maintained the block on the implementation of the amendment and returned the case to the Western District of Oklahoma to determine the amendment’s constitutionality.²

Oklahoma SQ 755 was one of a series of federal and state legislative efforts to prohibit American courts from citing foreign and international law (Brougher 2011; Davis and Kalb 2011). In 2004, both houses of the U.S. Congress considered versions of the Constitutional Restoration Act. The act threatened federal judges with impeachment if they cited foreign or international law other than British common law. A constitutional amendment banning religious law generally was

¹ Julie Bisbee, “Voters Face Long Ballot in November,” *The (Oklahoma City) Oklahoman*, 26 September 2010, p. 10A.

² Mark Schlachtenhaufen, “Court Upholds Ruling Blocking Oklahoma Sharia Ban,” *The Edmond (OK) Sun*, 10 January 2012.

proposed during the 2011 session of the Texas Legislature. The Indiana Senate proposed an amendment to the Indiana constitution that would have barred courts from enforcing law from non-U.S. jurisdictions if enforcement would “interfere with rights guaranteed by the U.S. or Indiana Constitutions” (Brougher 2011, 16-19). Legislators in Wyoming debated a constitutional amendment that would bar courts from considering international law, Sharia law, or the laws of other states if those states’ laws include Sharia law. In Arizona, a bill was introduced to restrict judicial determinations from considering “religious sectarian law.” The Tennessee Senate considered a bill that would make provision of material support to a “designated Sharia organization” a felony offense under the state’s criminal laws (Brougher 2011, 18-19; Davis and Kalb 2011, 2-3). Oklahoma SQ 755 was the first time a proposed constitutional amendment about this issue was placed before the voters.

STATE QUESTION 755 – THE “SAVE OUR STATE” AMENDMENT

State Question 755 began life as House Joint Resolution 1056. It passed the Oklahoma House of Representatives by a vote of 82 to 10.³ The legislation was introduced by Representative Rex Duncan (R-Sand Springs) who “said the amendment is needed because judges in other states and on the federal bench have increasingly cited international law in their decisions.”⁴ He also argued that Sharia law is entrenched in the United Kingdom. The amendment “will constitute a pre-emptive strike against Sharia law coming to Oklahoma.”⁵ Many of the bill’s opponents pointed out that no court rulings in Oklahoma cited Sharia law. The bill was approved by the Oklahoma Senate by a vote of 42 to 2 in the

³ Michael McNutt, “Bill Updates,” *The (Oklahoma City) Oklahoman*, 19 May 2010, p. 18A.

⁴ Mark Schlachtenhaufen, “Sharia Law, Courts Likely on 2010 Ballot,” *The Edmond (OK) Sun*, 4 June 2010.

⁵ Schlachtenhaufen, “Sharia Law, Courts Likely on 2010 Ballot.”

Oklahoma Senate on May 24. The legislation then was sent to the Secretary of State.⁶

The Oklahoma Legislature drafted a ballot title to explain the proposed amendment to voters. This draft ballot wording was then reviewed by the Attorney General who found some shortcomings in the proposed language. The Attorney General's office changed the wording of SQ 755. The legislature's proposed wording did not comply with applicable laws because it did not adequately define either Sharia law or international law.⁷ The final ballot language as seen by the voters was:

STATE QUESTION NO. 755 LEGISLATIVE
REFERENDUM NO. 355

This measure amends the State Constitution. It changes a section that deals with the courts of this state. It would amend Article 7, Section 1. It makes courts rely on federal and state law when deciding cases. It forbids courts from considering or using international law. It forbids courts from considering or using Sharia Law.

International law is also known as the law of nations. It deals with the conduct of international organizations and independent nations, such as countries, states, and tribes. It deals with their relationship with each other. It also deals with some of their relationships with persons.

The law of nations is formed by the general assent of civilized nations. Sources of international law also include international agreements, as well as treaties.

⁶ "Bill Updates," The (Oklahoma City) Oklahoman, 25 May 2010, p. 14A.

⁷ Schlachtenhaufen, "Sharia Law, Courts Likely on 2010 Ballot."

Sharia Law is Islamic law. It is based on two principal sources, the Koran and the teaching of Mohammed.

SHALL THE PROPOSAL BE APPROVED?
FOR THE PROPOSAL – YES AGAINST THE
PROPOSAL – NO⁸

The ballot title provides a summary of the proposed amendment and explains vague or unfamiliar terms (Venetis 2011, 192-193).

On August 9, 2010, Governor Brad Henry issued a proclamation placing SQ 755 on the November 2, 2010, General Election ballot (Venetis 2011, 194). State Question 755 joined the list of 10 other ballot questions considered by voters. Several of the state questions received significant media attention with spending by both sides.

On October 20, ACT! for America announced a media blitz in Oklahoma in support of SQ 755.⁹ The group, one of the leading organizations in the anti-Sharia Law movement,¹⁰ wanted “to make sure that the people in Oklahoma are educated about what Shariah law is all about and its ramifications.”¹¹ ACT! for America spent \$89,750 in independent expenditures according to data presented on the Money in State Politics website (www.followthemoney.org). On October 18, 2010, the group paid Jamestown Associates \$66,000 for Yes on 755 radio spots.¹² ACT! for America paid Front Porch Strategies \$5,000 on October 21 for automated phone calls. Front Porch Strategies received

⁸ See Oklahoma State Election Board (2010).

⁹ Stephen Clark, “Group Launches Media Blitz in Oklahoma for Anti-Shariah Ballot Initiative,” FoxNews.com, 20 October 2010 (February 21, 2012).

¹⁰ Andrea Elliott, “Behind an Anti-Shariah Push,” New York Times, 31 July 2011, p. 1. ACT! for America was founded by Brigitte Gabriel, a Lebanese immigrant to the United States. The organization identifies itself as “a non-partisan, non-sectarian organization whose mission is to give Americans concerned about national security, terrorism, and the threat of radical Islam, a powerful, organized, informed voice” (www.actforamerica.org). The abbreviation ACT used to stand for American Congress for Truth.

¹¹ Clark, FoxNews.com, 20 October 2010.

¹² The radio ad has been archived on Youtube.com: <http://www.youtube.com/watch?v=onGxKNSDT3Q>.

additional payments of \$4,750 on October 26 and \$14,000 on November 1, for additional automated phone calls.

Table 1
State Questions on the November 2, 2010, Oklahoma General Election Ballot

Title	Description	Disposition
SQ 744	Mandates how much money the State must provide to public schools	18.59% Yes
SQ 746	Requires voters to show proof of identity	74.34% Yes
SQ 747	Establishes term limits for certain elected state officials	69.88% Yes
SQ 748	Legislative re-apportionment is done by a bipartisan commission	58.42% Yes
SQ 750	Changes the number of signatures required on initiative petitions	50.40% Yes
SQ 751	Establishes English as the “common and unifying language of Oklahoma”	75.54% Yes
SQ 752	Modifies the composition of the Judicial Nominating Commission	62.83% Yes
SQ 754	Legislature cannot be required to make expenditures based on pre-determined formulas	37.08% Yes
SQ 755	Courts may not cite international law or Sharia Law in making decisions	70.08% Yes
SQ 756	Allow Oklahoma residents to opt out of any federal health care mandates	64.73% Yes
SQ 757	Increase amount of money to be put into constitutional reserve fund	51.02% Yes

The state question was opposed by several members of the Oklahoma Legislature as well as Democratic gubernatorial candidate Jari Askins.

Records do not indicate any spending by groups opposed to SQ 755. Several newspapers in the state editorialized against SQ 755. The *Oklahoman* recommended a “no” vote and argued, “As it is, judges exclusively use state and federal law to guide their judicial decision-making. Passing the question might make some politicians happy and make some Oklahomans feel better. That’s all it would do. Voters should reject it as unnecessary.”¹³ The *Enid News and Eagle*, the *Tulsa World*, and the *Oklahoma Daily* papers all opposed the ballot issue.

On November 2, 2010, Oklahoma voters approved SQ 755 with 70.08 percent of the voters casting Yes votes and 29.92 percent voting to reject the measure. Despite the amendment’s overwhelming support, there are some interesting patterns apparent in the distribution of the vote. The present research assesses the political context of the voting outcome on SQ 755.

METHOD

To better understand the voting patterns exhibited by SQ 755, this paper uses a method similar to the method employed by Morgan and Meier (1980) in their study of voting on moral issues in Oklahoma. Morgan and Meier use multiple regression analysis to study the county-level vote on several Oklahoma ballot questions. Their dependent variable was the percentage of each county’s voters who supported the question under examination. They used a number of independent variables including rural isolation, socioeconomic status, liquor consumption, and three categories of religious affiliation. They found that support for referenda on liberalizing liquor and gambling laws was found in Oklahoma counties with higher socioeconomic status, a larger percentage of Catholics, and smaller percentages of both fundamentalist and other Protestants (Morgan and Meier 1980; Satterthwaite 2005a). Despite the method’s relative simplicity and the level at which the data are aggregated, Morgan and Meier’s findings have been cited in much additional research, especially on questions

¹³ “We Support Four of 11 State Questions on Ballot; Our SQ Choices,” The (Oklahoma City) *Oklahoman*, 17 October 2010, p. 13A.

related to issues of morality (see Gibson 2004; Haider-Markel and Meier 1996; LeDuc and Pammett 1995; Oldmixon 2002; Rausch 2006; Rausch 2008; Satterthwaite 2005a, 2005b; Wald, Button, and Rienzo 1996; Wilcox and Jelen 1990). In his study of legislative constraint in Oklahoma, Rausch (1994) uses a similar methodology.

There are several hypotheses to explain the strong support for SQ 755. One hypothesis is that religious affiliation and exposure to Muslims is a key indicator of voting on questions like SQ 755. Exposure to Muslims seems to have less influence than the perceived threat from Islamic practices. The Muslims population in Oklahoma is quite small as estimated by the Glenmary Research Center and published in *Religious Congregations & Membership in the United States, 2000* (Jones 2002).

Table 2
Oklahoma Muslim Estimate Rate of Adherence per 1000
Population (2000)

County	Rate	Yes on SQ 755 (%)
Payne	7.3325	66.10
Oklahoma	4.4394	64.88
Tulsa	3.9056	70.36
Kay	3.3902	70.11
Cleveland	1.2018	65.49
Comanche	0.8696	73.98

Source: Jones (2002) and calculations by author.

While the size of the Muslim population indicates that Muslims are a small minority in the state of Oklahoma, it is not completely clear that Sharia Law was a threat in Oklahoma. It does not appear to be a governing law of Islam. According to one investigative reporter, Sharia Law is a “process through which Muslim scholars and jurists determine God’s will and moral guidance as they apply to every aspect of a Muslim’s life. . . . Different jurists can arrive at very different

interpretations of sharia, and it has changed over the centuries.”¹⁴ The ballot proposal’s supporters were adamant that Sharia Law is a threat to the American way of life. They argue, “Sharia Law, in short, is a comprehensive, theo-political law system used in many Islamic countries including Iran. . . . Under Sharia Law, women have few rights compared to men, freedom of speech is severely curtailed and freedom of religion is limited or nonexistent.”¹⁵

There is one event in Oklahoma history that might serve as a precedent for enacting a law affecting a religious minority in its practice of that religion. In 1917, the Legislature passed, and the governor signed, Senate Bill 55, known as the “Bone-Dry Law.” The legislation made it “unlawful for any person in this state to possess any liquor received directly or indirectly from a common or other carrier” (see Brown 1974, 316). The bill was considered one of the most stringent alcoholic beverage laws of its time. A person convicted of violating the law faced a misdemeanor charge with a penalty of up to \$500 in fines and six months imprisonment. The law failed to exempt liquor distribution for sacramental use in churches while providing exemptions for hospitals, pharmacies, universities, and scientific institutions. While the law effectively outlawed the Catholic Mass, research has not tied the law to the anti-Catholicism of the time (Brown 1974, 316). In August 1917, the sheriff of Cleveland County seized a barrel containing fifty bottles of sacramental wine at the Atchison, Topeka, and Santa Fe Railroad terminal in Norman, Oklahoma. The wine was to be delivered to Monsignor John Metter, Pastor of St. Joseph’s Church in Norman. Because it did not want to be in violation of the law, the railroad refused requests to ship sacramental wine to parishes in Oklahoma. The Diocese of Oklahoma sued in state court arguing that the law interfered with the practice of the Catholic liturgy, a violation of the U.S. Constitution’s guarantee of freedom of religion (Brown 1974, 324; *De Hasque v. Atchison, T. & S. F. Railway Co.* 1918).

¹⁴ Amy Sullivan, “Sharia Myth Sweeps America,” *USA Today*, 13, June 2011, p. 11A.

¹⁵ Brigitte Gabriel and Lauren Losawyer, “Point of View; SQ 755 Merits Support; Sharia Law Creeping into U.S. Courts,” *The (Oklahoma City) Oklahoman*, 16 October 2010, p. 9A.

The Catholic Church lost in the lower court and appealed to the Oklahoma Supreme Court. On May 31, 1918, the Supreme Court issued its unanimous decision. The Court ruled that sacramental wine was exempt from the Bone-Dry Law because the “state legislature had always manifested a strong belief in the freedom of religion and a profound reverence for divine services” (Brown 1974, 328). Brown (1974, 329) notes, “Because the legislature of Oklahoma passed the ‘Bone-Dry Law’ simultaneously with outbreaks of anti-Catholic bigotry, the Catholic leaders of Oklahoma understandably attributed the law against altar wine to religious intolerance.” The legislative history suggests that the law was not the result of religious prejudice (Brown 1974, 329-330). A tenuous hypothesis emerges from this incident suggesting that Catholic voters might remember the Church’s history in Oklahoma and vote against SQ 755.

A second hypothesis considers the urban and rural population in a state. Voters in rural areas are more likely to strongly support SQ 755 while those in urban areas will support SQ 755 less strongly. Some support for this hypothesis may be found in Table 2. The two most populous counties in Oklahoma are Oklahoma County and Tulsa County and they show somewhat weaker support for SQ 755. Since the voters in other states have not considered anti-Sharia Law legislation, this hypothesis has not been tested previously.

A third possible hypothesis considers the role of political party on vote decision. A postmortem of the election argued that several of the proposals appearing on the ballot were placed there to help motivate the Republican vote. State Question 755 was to be one of the wedge issues that would bring more Republican voters to the polls. One newspaper article noted, “Voters also passed ballot initiatives on hot conservative issues, measures that had had little chance of becoming law under Mr. (Brad) Henry (the term-limited governor, a Democrat).”¹⁶ Identifying the number of Democratic and Republican party identifiers is fairly easy since Oklahomans register to vote by party.

¹⁶ James C. McKinley, Jr., “Oklahoma Surprise: Islam as an Election Issue.” The New York Times, 15 November 2010, p. A12.

A final hypothesis involves the role of the news media in affecting the vote on the proposed constitutional amendment. The role of the Oklahoma City *Oklaboman* in influencing the outcome of state questions has been examined (King and Catlett-King 2007; Rausch 1994; 2006). The challenge in gauging the effect of the *Oklaboman* in the vote on SQ 755 is the low circulation rate. Fewer people subscribe to newspapers while more readers find their news in electronic formats. The *Oklaboman* is not as clear in its ideology as it was in the past (Rausch 1994; 2006).

Using data collected from a variety of sources, the present research assesses the alternative hypotheses while testing for other potential explanations of support for SQ 755. Data were collected on each of the 77 counties in Oklahoma (see Rausch 2006, 47).

The present research employs aggregate data collected at the county level. While individual-level data collected by a survey would be preferable to county-level data, the level of aggregation chosen is more practical and will allow for future comparisons across states. The reliability of the data is much greater than a survey because of issues of respondent recall. County-level data are useful for examining the political, economic, and social environment in which voters made their decisions on referenda (Giles 1977; Hero 1998; Key 1950; Morgan and Meier 1980; Oliver and Mendelberg 2000; Rausch 1994; Satterthwaite 2005a, 2005b; Smith, DeSantis, and Kassel 2005; Tolbert and Hero 2001).

Election return data are found in the documents published by the Oklahoma State Election Board. The data on religion were compiled from the Glenmary Research Center's Religious Congregations & Membership in the United States, 2000 (Jones 2002).¹⁷ Demographic data are from the United States Census.

¹⁷ These data are published in electronic form on the Association of Religion Data Archives website: <http://www.thearda.com/mapsReports/>.

MEASURES

SUPPORT FOR STATE QUESTION 755

The dependent variable, support for SQ 755, is measured by the percentage of voters in each of the 77 Oklahoma counties who cast a ballot in favor of the ballot question. The challenge presented by the present research is that Oklahomans overwhelmingly supported the proposal. The highest percentage of “Yes” votes was 83.72 percent in Texas County in the Oklahoma Panhandle. The lowest support was 63.91 percent in Okfuskee County. The mean county vote was 72.01 percent with a standard deviation of 3.90.

State Question 755 was one of eleven ballot questions faced by Oklahoma voters in November 2010. As indicated on Table 1, nine of the questions were approved and two questions failed. A factor analysis (see Table 3) was conducted on the county votes of the eleven state questions to determine if there are any connections between the questions.

The principal component analysis uncovered three components. The largest component included five state questions, including State Question 755. The second component includes State Questions 750, 752, and 757, all proposals dealing specifically with government structure. These questions passed with smaller margins. State Question 746 (voter identification) and State Question 748 (create a bipartisan re-apportionment commission) did not load cleanly on a single component. State Question 744 would have mandated how money the State must provide to public schools and it formed its own factor. This state question was different from the others since it reached the ballot as a citizen initiative. The other ten questions were legislative referendums.

Table 3
Factor Analysis of the Eleven State Questions

State Question	Component 1	Component 2	Component 3
County Vote Yes on State Question 755	.946	.178	-.086
County Vote Yes on State Question 751	.921	.190	-.189
County Vote Yes on State Question 756	.911	.256	-.147
County Vote Yes on State Question 747	.683	.496	.262
County Vote Yes on State Question 754	.545	.337	-.409
County Vote Yes on State Question 750	.097	.862	.261
County Vote Yes on State Question 752	.497	.808	-.127
County Vote Yes on State Question 757	.172	.748	-.420
County Vote Yes on State Question 746	.631	.678	.041
County Vote Yes on State Question 748	.632	.671	-.053
County Vote Yes on State Question 744	-.094	.065	.898

RELIGION

Data were collected on the proportion of county residents affiliated with different religions. Religion has been involved in American political life for a long time, but social scientists have only seriously researched the role of religion in politics for about the past thirty years (Jelen 1998; Satterthwaite 2005a, 2005b; Wald, Silverman, and Fridy 2005; Wald and Wilcox 2006). Jelen (1998) reviews much of literature that specifically examines the role of religion in political behavior. Religious conservatives became actively involved in the Republican Party in the late 1970s and early 1980s to advocate their positions on a number of social issues (Guth 1983; Oldfield 1996). Interestingly, it was during the period that social science experienced a growth in interest in the role of religion in American politics.

The present research incorporates three variables for religious affiliation: evangelical Protestants; mainline Protestants; and Catholics. Denominations included in the category “Evangelical Protestants” were identified using Steensland, et al. (2000). The proportion of Oklahoma county residents who are Evangelical Protestants is calculated from data produced by the Glenmary Research Center (Jones 2002). The percentages ranged from a high of 97.90 percent to a low of 20.35 percent. The mean was 49.94 with a standard deviation of 14.10. Previous research finds that “evangelical Protestants are more likely than any of other Christian groups to have low respect for Muslims” (Jung 2012, 122). This low respect should be reflected in greater support for SQ 755 in those counties with larger Evangelical Protestant populations.

Similar data were obtained on the percentage of Mainline Protestants, defined by Steensland, et al. (2000). The range among all counties was from 1.97 to 57.02 percent with a mean of 14.46 and a standard deviation of 9.34. There is some conflict in the literature with some research suggesting that mainline Protestants tend to be more liberal on social issues (if Sharia Law can be considered a “social issue”) (see Fowler, Hertzke, Olson, and Den Dulk 2004, 93). Jung (2012, 122) includes mainline Protestants in the group of Christians who have the least respect for Muslims.

The percentage of Catholics in each county was determined using the Glenmary data. Only the category labeled “Catholic” was included in

this classification. The percentage of Catholics ranged from zero to 27.86 percent. The mean was 3.59 percent with a standard deviation of 4.33. Building on Jung (2012), counties with greater populations of Catholics are expected to show support for SQ 755.

VOTERS IN RURAL AREAS

The independent variable tapping the effect of residence in rural areas is the percentage of county residents who are rural according to the United States Bureau of the Census. For simplicity, the present research uses “percent rural”; therefore, the remainder of the county population can be considered urban. It is expected that counties with a greater percentage of rural population will exhibit more support for SQ 755.

POLITICAL PARTY AFFILIATION

The third hypothesis holds that Oklahoma counties with differing proportions of party identifiers will exhibit different levels of voting on SQ 755. Oklahomans register to vote by political party. If a voter registers in a political party recognized in Oklahoma, he or she may vote only for that party’s candidates in primary elections. Voters who register “No Party” (Independent) may not participate in primary elections. In the present research, each county’s Republican registration was determined. The county with the fewest Republicans had 10.32 percent while the largest Republican population was 67.42 percent. The mean county Republican registration was 33.41 percent with a standard deviation of 15.52. It is expected that counties with more Republicans supported SQ 755 at greater levels.

A second measure of political party was included to capture the behavioral attributes of Oklahoma voters. Morgan, et al. (1991, 137-138) contend that “registration does not tell the whole story.” Since Oklahoma has remnants of its one-party Democratic heritage, there are counties and legislative districts in which Republicans do not appear on the ballot. In these areas, persons who might identify with the Republican Party and who vote Republican in national and statewide contests, register as Democrats to vote in the primaries (Kirkpatrick, et

al., 1977, Chapter 4). Data on the support for the Republican candidate for Governor, Mary Fallin, were obtained from the Oklahoma State Election Board. Since there were only two candidates for Governor in 2010, the data represent the two-party vote. The least support given to the Republican candidate was 44.01 percent and the greatest support was 82.97 percent. The mean county vote was 60.83 percent with a standard deviation of 7.99.

A correlation analysis was conducted on the county Republican voter registration and the vote for the Republican gubernatorial candidate. The resulting Pearson correlation is .753, statistically significant at the .01 level. The OLS regression models below will primarily utilize one of the measures of Republican voting.

NEWSPAPER CIRCULATION

The present research includes a measure of newspaper circulation in the state of Oklahoma. Since newspaper readership seems to be declining and the *Oklaboman* circulation is decreasing, the measure includes the total daily circulation of the *Oklaboman* in each of Oklahoma's 77 counties plus the total daily circulation of the *Tulsa World* in each of the counties. The figures come from an analysis of circulations conducted in October 2010 and obtained from the Audit Bureau of Circulations. Since commercial enterprises use this data in planning advertising strategies, it can be assumed that many of the households subscribing to the papers actually read them. By combining the county-level circulations of both papers, the circulation is more widely distributed across the state (mean=8.16 percent; standard deviation=6.10; range=26.00).

BALLOT ROLL-OFF

Oklahoma voters faced a long ballot in November 2010.¹⁸ The length of a ballot increases the chances of significant ballot roll-off. Ballot roll-off occurs when voters cast votes for offices near the top of the ballot

¹⁸ Julie Bisbee, "Voters Face Long Ballot in November."

and then submit their ballots without considering offices or ballot issues usually located near the bottom of the ballot. Much of the research on ballot roll-off examines judicial elections because of their low placement on the ballot (Dubois 1979; Taebel 1975). Some research has investigated the occurrence of ballot roll-off on ballot propositions (Bowler and Donovan 1994; Brockington 2003; Darcy and Schneider 1989; Nichols 1998; Nichols and Strizek 1995; Reilly and Richey 2011; Taebel 1975; Vanderleew and Engstrom 1987). If a county experiences a high level of ballot roll-off, that county should exhibit weaker support for SQ 755. The proposition appears near the very bottom of the ballot indicating that voters who voted on the proposition were truly motivated.

In the present research, the percentage of voters who rolled off the ballot is calculated based on the percentage of each county's voters who cast ballots for the office of Governor. Table 4 presented descriptive data on the degree of ballot roll-off on all eleven state questions.

I expect to see a negative relationship between roll-off and support for SQ 755. Counties with higher ballot roll-off should exhibit weaker support for the proposition.

CONTROL VARIABLES

Additional independent variables entered into the analysis as controls. They are the percentage of each county's population with a high school diploma, each county's median age, and the median household income in each county. The percentage of each county's population who are white also is included in the analysis. The percentage of white population serves as a proxy for diversity: counties with larger percentages of white residents are less diverse.

Table 4
Voter Roll-off Statistics for 2010 Oklahoma State Questions

	Minimum	Maximum	Mean	Standard Deviation
Roll-off on SQ 744	.25	6.30	1.95	1.34
Roll-off on SQ 746	.99	8.83	3.61	1.62
Roll-off on SQ 747	1.13	9.45	4.02	1.63
Roll-off on SQ 748	1.92	11.95	6.16	1.93
Roll-off on SQ 750	2.30	13.10	6.97	2.08
Roll-off on SQ 751	1.08	11.68	5.62	1.95
Roll-off on SQ 752	2.93	13.21	6.83	2.02
Roll-off on SQ 754	2.77	11.51	5.58	1.84
Roll-off on SQ 755	1.83	14.85	4.31	2.05
Roll-off on SQ 756	2.12	10.35	4.89	1.76
Roll-off on SQ 757	2.84	11.24	5.60	1.83

ANALYSIS AND FINDINGS

The present research examines the political context in which Oklahoma voters approved a state constitutional amendment prohibiting state judges from using international law or Sharia Law in reaching decisions. In order to allay concerns about multicollinearity and to determine if there are any potential relationships, a correlation matrix was calculated for all of the variables.

The matrix exhibits a few surprises. The percentage of voters who supported SQ 755 presents a statistically significant, positive correlation

between the vote and all three religious affiliation measures. Counties with larger white populations voted in favor of SQ 755 in greater numbers. Counties with more voters who voted for the Republican gubernatorial candidate Mary Fallin and with more Republican identifiers voted for the state question. Finally, counties with higher median incomes also saw more voters supporting SQ 755.

The correlation between the county-level median household income and the county-level circulation of the *Oklaboman* plus the county-level circulation of the *Tulsa World* is .66. The correlation is a concern because it suggests that any relationship between newspaper circulation and the vote on SQ 755 may reflect the wealth of a county. Any concern is diminished when considering the correlation between county-level median household income and vote on SQ 755 is .36. The newspapers editorialized against the state question. The relationship between median income and the vote on SQ 755 should be negative if newspaper circulation and median income were measuring the same underlying construct.

A relationship of concern is between the percentage of the vote for Fallin and the percentage of Republican identifiers. The correlation is quite strong with a Pearson correlation of .753. For this reason, the measure of Republican voter registration is removed from further analysis.

An ordinary least squares regression model was calculated. The results are presented in Table 5. The variables included in the model are the religious affiliation measures, the county vote for the Republican gubernatorial candidate Mary Fallin, the percent of the county living in a rural area, the percent of county residents who are white, the median age of the county, the median income of the county, the percent of county residents who graduated from high school, the sum of the county-level circulation rates for the *Oklaboman* and the *Tulsa World*, and the percent of county ballot roll-off on SQ 755. This model explains about 63 percent of the variance in the county vote on SQ 755 and the model is significant.

The model presents two strong associations. The first is a strong, positive relationship between median household income and the vote on SQ 755. The other association is a negative one between newspaper

subscribers and vote on SQ 755. Two other statistically significant relationships are between the percentage of county residents who are members of Evangelical Protestant denominations and an association between county vote for the Republican gubernatorial candidate Fallin and support for SQ 755. The other variables did not approach statistical significance.

Table 5
OLS Regression of County Vote on State Question 755

	Beta	p
% Evangelical Protestant	.275	.006
% Mainline Protestant	-.123	.225
% Catholic	.160	.112
% Vote for Fallin (GOP) for Governor	.303	.009
% Rural	.097	.429
% White	.059	.596
Median Age	.089	.418
Median Income	.721	.000
% High School Graduates	-.087	.376
% Newspaper Subscribers	-.662	.000
% Roll-off on State Question 755	-.106	.295
$R^2 = .680$		
$Adj. R^2 = .626$		
$p = .0001$		

DISCUSSION AND CONCLUSIONS

The present research seeks to understand the political context in which Oklahoma voters approved a constitutional amendment prohibiting judges in Oklahoma from utilizing international law or Sharia law in reaching judicial decisions. Four hypotheses were tested. The first suggests that counties with large evangelical Protestant populations would strongly support amendments like SQ 755. The second hypothesis posits that rural populations would be more supportive of SQ 755. A third hypothesis indicates that counties that strongly supported Republican candidates would exhibit higher levels of support for SQ 755. The final hypothesis posits that newspaper readership may have played a role in the vote on SQ 755. Since all newspapers

editorialized against the state question, the hypothesis was supported by the observed negative association.

The findings presented here suggest that the newspapers in Oklahoma may have played a role as a suppressor of support. Median household income, Evangelical Protestant membership, and the vote for the Republican candidate for governor, exhibited positive relationships with the vote for SQ 755. Despite decreasing circulation rates, it is possible that some voters continue to take their voting cues from newspapers.

There are several significant caveats in these findings. One is the fact that SQ 755 received the support of 70 percent of the voters. I would be much more confident in the findings if there were a few counties in which more voters opposed the ballot question. Another shortcoming is the level of measurement. The data collected for this study are aggregate in nature. This situation introduces concerns about the ecological fallacy. The data presented in the present should not be used to attribute opposition to Sharia law, or concern about the spread of Islamic ideas in the United States, at the level of individual voters.

Any conclusions derived from these findings will be strengthened by voting in other states. Since the implementation SQ 755 has been blocked by the federal courts, it does not appear as though there will be any additional referenda in the near future. The findings also could be compared with analyses of individual-level data to determine if the relationships are similar. While few questions may have been answered by the present research, this paper suggests that there are more questions that could be answered using different data.

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