

**The Truly Disfranchised:
Felon Voting Rights and
American Politics**

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ABSTRACT

As incarceration levels have risen in the United States, an ever-larger number of citizens have temporarily or permanently lost the right to vote. What are the political consequences of such franchise restrictions for convicted felons? To estimate expected turnout and vote choice among disfranchised felons, we combine legal sources with data series from the National Election Study, the Current Population Survey Voting Supplement, Surveys of State Prison Inmates, and National Corrections Reporting Program. To assess political impact, we examine two counterfactual conditions: (1) whether removing disfranchisement laws would have altered the composition of the U.S. Senate; and, (2) whether applying contemporary rates of disfranchisement to prior presidential elections would have affected their outcomes. Because felons are drawn disproportionately from the ranks of racial minorities and the poor, disfranchisement laws tend to take votes from Democratic candidates. Our results suggest that felon disfranchisement played a decisive role in several U.S. Senate elections, contributing to the Republican Senate majority of the early 1980s and mid-1990s. Moreover, at least one recent Democratic presidential victory would have been jeopardized had contemporary rates of disfranchisement prevailed during earlier periods.

THE TRULY DISFRANCHISED: FELON VOTING RIGHTS AND AMERICAN POLITICS

The right to vote is a basic right of citizenship in democratic societies, one which “makes all other political rights significant” (Piven and Cloward 1988, p. 3). Empirical research on democratic polities has established that the removal of the right to vote from a significant segment of the electorate *after* the franchise has been made universal is exceedingly rare (although reversion of entire political systems from a democratic to a non-democratic order is a recurrent feature of the “waves of democracy” [Markoff 1996]). The criminal code in most U.S. states, founded on the liberal legal model and Enlightenment conceptions of the social contract, generally imposes disfranchisement as a civil disability to convicted felons.¹ Dramatic increases in incarceration in the last quarter century – on the order of 500 percent – have produced a rapid rise in disfranchisement rates. This development has largely been hidden from public view. Official estimates of turnout rates ignore felon disfranchisement, treating felons as if they are part of the voting age population (Bruce 1997). Virtually all analyses of declining rates of political participation and shifting party preferences, whether by social scientists, journalists, or political activists, have ignored felon disfranchisement as a contributing factor.

¹ It is interesting to note that other democratic capitalist societies allow common criminals to vote (e.g. Germany), or even in some cases all prisoners (e.g. Sweden) (Jacobs 1983, p. 28).

Voting rights have played an important role in U.S. political history (Keyssar 2000).² One of the striking characteristics of American political history was the early extension of the franchise to nearly all white men early in the 19th century, regardless of property holdings.³ Many analysts have noted the consequences of this early (albeit partial) enfranchisement, particularly the absence of class-based struggles to win the franchise which often led to the creation of powerful social democratic movements and political parties in most other polities (Shefter 1994; Lipset 1996). Conversely, the *late* extension of the franchise to women and African Americans in the U.S. gave rise to both a distinctive regional politics and extra-parliamentary “interest group” activism (Quadagno 1994; Clemens 1997). Comparatively low rates of participation in national elections in the U.S. (e.g. Burnham 1982; Powell 1986; Jackman 1987), combined with a further turnout decline in national elections since 1960, have spurred renewed interest in the political consequences of ballot access among political sociologists and historians (e.g. Burnham 1987; Teixeira 1992; Leighley and Nagler 1992a, 1992b; Miller 1992; Keyssar 2000).⁴

Institutional barriers to voting established in the United States since the late 19th Century have generally been perceived either as unintended consequences of anti-

² Keyssar’s (2000) recent history of the extension of the franchise provides a thorough overview of the history of the right to vote in the United States.

³In 1828, fourteen states imposed property or tax-paying restrictions on white male suffrage; five states (Connecticut, New Jersey, Louisiana, Virginia, and South Carolina) maintained these limitations into the 1840s, Virginia until 1851 and South Carolina until the Civil War (Piven and Cloward 1988, p. 85).

⁴ In particular, many analysts have noted that the unique system of voter registration requirements in the U.S. appears to be associated with significantly lower levels of turnout in the U.S. than in comparable capitalist democracies (Wolfinger and Rosenstone 1980; Burnham 1982; Piven and Cloward 1988; Cunningham 1991).

patronage reforms (e.g. Shefter 1994) or intentional attempts to limit lower-class influence (especially in the case of African American and poor white Southern (e.g. Key [1984] 1949, chaps. 25-28) and Northern (McGerr 1986; Piven and Cloward 1988) voters.⁵ Whatever their origins, institutional barriers to electoral participation in the U.S. have generally been reduced over the course of the 20th century (e.g. Rogers 1990). The 19th Amendment extended the right to vote to women in 1920, and the Voting Rights Act of 1965 did away with most franchise restrictions aimed at African Americans and poor whites in the South. In 1993, the passage of the National Voter Registration Act – the so-called “motor voter” law – further eased barriers to participation by requiring states to make voter registration forms available to all citizens at the time they obtain their drivers’ license (e.g. Highton and Wolfinger 1998). Some states have eased or eliminated registration requirements altogether (North Dakota has eliminated registration requirements, while Maine, Minnesota, and Wisconsin allow election-day registration (Highton 1994).

The rising number of potential voters disfranchised by virtue of felon status thus stands in direct counterpoint to the century-long trend toward franchise extension. There are many implications of these rules barring felons from voting – for the citizenship rights of felons and ex-felons, for their rehabilitation and reintegration into their families and communities, and for their perceptions of the political system. Yet one important and heretofore unexamined question is the real political consequences of these laws. Because

⁵As one scholar described the franchise restriction movement from the 1880s forward, “Each state became a laboratory for testing one device or another...the cross-fertilization and coordination between

the felon population is drawn disproportionately from the ranks of racial minorities and the poor, groups that have historically supported the Democratic Party, disfranchisement laws are likely to advantage Republican candidates. The extent of this advantage, however, has been a matter of some debate, with some studies suggesting a large impact or potential impact (Fellner and Mauer 1998; Hirschfield 1999) and others finding non-significant effects on electoral participation and, hence, outcomes (Miles 1999).

This paper puts such speculations about felon disfranchisement to a test. Could these “lost voters” have had a real political impact that has been neglected by Democratic politicians who have endorsed the conservative crime agenda? Because felon eligibility rules are state-specific, the handful of earlier studies created state-level estimates of the size of the disfranchised felon population to estimate the average impact of disfranchisement laws across states. In the analysis below, we develop an alternative approach, examining specific elections and testing whether the inclusion of felon voters at expected rates of turnout and party preference would have been sufficient to overturn them. We use information on turnout from the Current Population Survey’s Voter Supplement Module, and voting intention derived from the National Election Study to explicitly model the turnout rate and likelihood of Democratic voting from the incarcerated population. We utilize information on felon characteristics from censuses and surveys of prison inmates to estimate the size of the felon population. Combining these data sources, we are able estimate the votes lost by Democratic candidates in

the movements to restrict the suffrage in the Southern states amounted to a public conspiracy” (Kousser 1974, p. 39).

closely contested presidential and Senate elections, and to make some assessments of the likely future consequences for the Party.

THE RIGHT TO VOTE AND FELON DISFRANCHISEMENT

For a fifty-year period from the 1920s to the early 1970s, incarceration rates in the United States were remarkably stable, at around 110 prisoners per 100,000 people. This policy consensus was undergirded by a model of “penological modernism” in which the rehabilitation of offenders was the primary goal of incarceration (e.g. Rothman 1980). Structural elements of the criminal justice system, including probation, parole, and indeterminate sentencing, were designed to reform offenders and reintegrate them into their communities. The model began to break down in the 1960s, as Republican presidential candidates Barry Goldwater (in 1964) and Richard Nixon (in 1968) and other conservative and moderate politicians (such as Nelson Rockefeller in New York) advanced harsh criminal justice policies in the face of rising crime rates during the 1960s and 1970s (Beckett 1997; Savelsberg 1994). By the mid-1970s, influential scholars and policy analysts were also advancing punitive strategies of deterrence and incapacitation, dismissing the rehabilitative model as “an anachronism” (Martinson 1974, p. 50; Wilson 1975).

These trends continued in the 1980s, with the Reagan Administration aggressively focused the nation’s attention on problems associated with drug use. The conservative crime agenda was remarkably successful: although there is wide fluctuation in the survey responses, often in response to the degree of attention paid to crime by national political

leaders (Beckett 1997, chap. 2), by the 1980s public concern about crime and drugs soared. The success of the conservative approach to fighting crime through vigorous law enforcement and long mandatory sentences has been reflected in the incarceration boom. Since the early 1970s, the number of people imprisoned has grown by over 500 percent (Mauer 1999, p. 1).

Although rising punishment rates have been associated with Republican political strength at the national level (Jacobs and Helms 1996), the bipartisan character of the crackdown is clear, particularly in the 1990s during the Clinton Administration.⁶ Republican politicians have frequently used crime as a “wedge issue” to raise larger questions about race, the welfare state, and liberal social policy, perhaps most famously in the Willie Horton ads run by George Bush in the 1988 election (Kinder and Sanders 1996: chap. 9). Yet the Democratic Party has also come to adopt a law and order agenda of its own, or adapted conservative policies first promoted by Republicans. Incarceration rates have increased during years in which the Democrats have controlled the White House since the 1960s, and in states controlled by Democratic Governors and state legislatures. In 1992, the year before Bill Clinton assumed the presidency, 850,566 people were incarcerated in state and federal prisons; by 1999, there were 1,333,561 (U.S. Department of Justice 2000a, p. 2), an increase of 47 percent. Moreover, Clinton refused to endorse either the Federal Sentencing Commission’s 1995 recommendation

⁶ Jacobs and Helms (1996) provide the most rigorous demonstration of the significance of the Republican effect on rising incarceration rates, although their longitudinal analysis stops in 1990, or *before* the largest absolute increases in incarceration have occurred. They also find that both new Republican and Democratic administrations produce increase in incarceration their first year in office, reflecting the rising importance of crime in general for new administrations of both parties.

that crack users not be penalized more harshly than other types of drug law offenders or the recommendation of the Justice Department to eliminate mandatory sentencing in federal cases (Mauer 1999, pp. 74-75). And it was the Clinton Administration that promoted the largest federal anti-crime legislation ever, the Violent Crime Control Act and Law Enforcement Act of 1994, which provided funds to employ 100,000 new police officers among other provisions.

The bipartisan policies that have driven up incarceration rates, perhaps in combination with declining crime rates in the 1990s, may have had some important benefits for the Democratic Party. By the mid-1990s, even as the public continued to express high levels of concern, the Democrats were as trusted to fight crime as were the Republicans for the first time in decades (Poveda 1994), a pattern which has continued to hold throughout the 1990s. Yet while the Democrats have succeeded in neutralizing crime as a partisan political issue, the incarceration boom induced by the law and order agenda has had important, and almost completely neglected, unintended consequences for the Democratic Party. As we will detail below, 47 states currently bar felons from voting and 15 of those states *also* bar many ex-felons from voting. As a result of the rising number of felony convictions since 1972, over 4 million citizens are currently barred from voting because of felon or ex-felon status (see Appendix A). This represents more than 2 percent of all voting-age citizens. Further, because the felon population is drawn disproportionately from among minorities and poor whites, it is not unreasonable to

assume that – if they had the right to vote and some of them exercised that right – they would tend to support Democratic candidates for political office.

Origins of Felon Disfranchisement Laws

Ballot restrictions for felons and ex-felons were first adopted in the post-Reconstruction South as part of a larger strategy of disfranchising African Americans which included devices such as literacy tests, poll taxes, grandfather clauses, and “understanding clauses” (Kousser 1974). Criminal disfranchisement was the most indirect of the various devices adopted to keep blacks from voting, but it is the only one that has survived to the present (Shapiro 1993, p. 538). States outside the South also began adopting felon disfranchisement at the end of the 19th Century, and as of 1999, 47 of the 50 states bar felons – in many cases including those on probation or parole – from voting.⁷ At least eleven of those states also bar ex-felons from voting, two more states permanently disfranchise recidivists, and two more states require a post-release waiting period.⁸

⁷ The only states that allow currently incarcerated felons to vote are Massachusetts, Vermont, and Maine. In 1998, a referendum in Utah eliminated voting rights for felons. In November 2000, voters in Massachusetts will vote on a constitutional amendment that would ban inmates from voting (“Felons May Lose Vote in Mass.,” *New York Times*, June 29, 2000 [internet edition]). Even in these states, however, those convicted of treason, bribery, or election offenses may be permanently disfranchised (Olivares et al. 1996; U.S. Department of Justice 1996; Mauer 1997a).

⁸Our survey of state statutes suggests that as of 1996, 11 states (Alabama, Florida, Iowa, Kentucky, Mississippi, Nevada, New Mexico, Tennessee, Virginia, Washington (for those convicted prior to 1984), and Wyoming) permanently deny convicted felons the right to vote (unless reinstated by a pardon). Additionally, Arizona and Maryland permanently disfranchise recidivists (those with two or more felony convictions).

Felon disfranchisement constitutes a growing impediment to political participation in the American political system because of the rapid rise in the numbers of convicted felons since the 1970s. Between 1972 and 1999 the number of state and federal prisoners in the United States grew by more than 500 percent, from less than 200,000 to over 1.3 million (U.S. Department of Justice 2000a; 1975). When jail inmates are included, over 2 million offenders are currently incarcerated, with an additional 4.5 million persons supervised in the community on probation or parole (U.S. Department of Justice 2000b). The United States incarcerates far more of its citizens than most other advanced industrial societies. In the 1830s, Tocqueville noted with irony that “while society in the United States gives the example of the most extended liberty, the prisons of the same country offer the spectacle of the most complete despotism” (Beaumont and Tocqueville 1833, p. 47). More recent analysts have also noted the unique character of American penal exceptionalism and have documented the rapid growth in U.S. correctional populations (e.g. Sutton 1987; Savelsberg 1994; Lynch 1995; Donziger 1996). For example, the 1995 incarceration rate was 600 per 100,000 in the U.S., compared to rates of 115 per 100,000 in Canada, 85 per 100,000 in Germany, and 37 per 100,000 in Japan (Mauer 1997b). We estimate that 4.2 million individuals are currently barred from voting because of felon or ex-felon status.⁹ Even if incarceration rates plateau at current levels, this number is likely to rise in the future as the number of disfranchised ex-felons increases (Greenstein and Walker 1990).

⁹These estimates are taken from our state-by-state accounting of legally disfranchised felon and ex-felon populations (see Appendix 1). We should note that an earlier attempt to estimate the total number of

Theorizing the Impact of Felon Disfranchisement Laws

There are reasons to believe that felon disfranchisement laws have not had a neutral impact on the American political system. Racial minorities (Tonry 1995; Mauer 1997a; Kennedy 1997) and the poor (Wolfgang, Thornberry, and Figlio 1987; Wilson and Abrahamse 1992; U.S. Department of Justice 1993) are significantly over-represented in all official correctional populations. We estimate that 1.3 million of the 4.2 million felons and ex-felons currently barred from voting are African Americans.¹⁰ Because African Americans are overwhelming Democratic Party voters (e.g. Huckfeldt and Kohfeld 1989; Tate 1993; Dawson 1994), felon disfranchisement erodes the Democratic voting base by reducing the number of eligible African-Americans voters. The partisan political implications are further exacerbated by the composition of the white felon population, which is disproportionately comprised of individuals from poor or working class backgrounds (U.S. Department of Justice 1993) who are also more likely to be Democratic voters (though not nearly to the same extent as African-Americans) (see e.g. Form 1995; Brooks and Manza 1997; Manza and Brooks 1999). For example, felons tend to be less educated than the rest of the voting age population. According to a nationally representative survey of state prison inmates, 65 percent of all state prisoners had not completed high school and fewer than half reported annual income of \$10,000 in the year prior to incarceration (U.S. Department of Justice 1993, p. 3). In the Southern states that

disfranchised felons (Mauer 1997a) produces a similar estimate.

¹⁰ Fellner and Mauer (1998) estimate that 1.4 million adult black men are disfranchised.

disfranchise ex-felons, education and income levels are even lower (tables available from authors).

To date, social scientists have emphasized the relation between unemployment and incarceration (e.g., Western and Beckett 1999) and the political and cultural meaning of punishment in the modern state (e.g., Garland 1990). Yet the scope of felon disfranchisement suggests that the relation between punishment and political conservatism may be reciprocal or nonrecursive. The effect of disfranchisement on electoral outcomes, a critical linkage in closing this loop, has yet to be explored systematically.

STRATEGIES OF INQUIRY

Our primary research question is whether the laws denying the vote to felons and ex-felons have had meaningful political consequences. Would election outcomes have differed if the disfranchised had been allowed to vote? To answer this question we need to determine how many offenders would have turned out to vote and whether they would have chosen Democratic or Republican candidates. Although estimates vary across studies, several million U.S. citizens have lost their voting rights to a criminal conviction (Shapiro 1993; Mauer 1997a; Fellner and Mauer 1998). A group of this size *could* have a considerable political impact, but neither its rate of political participation nor its preferences are likely to mirror those of the general population. In this case, and in observational research more generally, information is missing on an important

counterfactual condition (Holland 1986). If we could assume unit homogeneity, that felons would have voted in the same numbers and with the same preferences as non-felons, we could simply count the disfranchised felons and apply national turnout and party preference averages. Because felons differ from non-felons in ways that are likely to affect political behavior, however, this sort of blanket assumption is likely untenable.

Another way to measure impact is to estimate the average causal effect of a treatment -- in this case laws stripping criminals of their voting rights. Since a state either has such laws or does not have them, we cannot observe both conditions simultaneously. Instead, states with disfranchisement laws must be contrasted with states lacking such restrictions. Pursuing a sophisticated variant of this strategy, Miles (1999) finds the felon disfranchisement effect is small relative to its standard error and not distinguishable from zero. Specifically, Miles reports that neither a state's electoral participation rate, nor its likelihood of electing a Republican candidate is significantly affected by legal restrictions on the voting rights of felons. Although such studies provide convincing evidence about the statistical significance of the *average* effect of disfranchisement laws, there is another way to look at the problem.

First, it may be reasonable to examine particular elections rather than overall impact, because political choices are less about average causal effects than about tipping points. In many elections, particularly those in two-party systems, a small number of votes have great practical significance. Social scientists in this case also have a lot more information at our disposal than the standard statistical approach assumes, since we have access to population data rather than sample data. We know the exact number of votes

cast for each candidate and the plurality or margin of victory in each election. We also know the exact number of prisoners, probationers, and parolees in each state who cannot vote and we can calculate a reasonable estimate of the number of ex-felons in states that restrict their voting rights as well. The only real question is how many of them would have turned out to vote and which candidate they would have chosen.

We therefore undertake a historical accounting of the counterfactual condition: what would have happened if felons had been allowed to participate in national elections. We count the felon and ex-felon population, then estimate turnout and vote choice on the basis of their known characteristics to determine the number of votes lost to Democratic candidates. To assess the real political consequences of felon disfranchisement, we then compare the actual margin of victory with counterfactual results that account for the likely political behavior of the disfranchised felon population.

DATA AND METHODS

Turnout and Vote Choice

Our analyses of turnout and vote choice utilize standard election data sources. To derive estimates of the expected turnout of the disfranchised population, we utilize data from the Voting Supplement of the Current Population Survey (CPS). The CPS is a monthly survey of individuals conducted by the Bureau of the Census. Each November of even-numbered (national election) years, the survey includes a set of questions about individual voting behavior, as well as the standard battery of monthly questions about respondents' income, education, age, race, and other socio-demographic characteristics.

All sampled households are asked, “In any election some people are not able to vote because they are sick or busy or have some other reason, and others do not want to vote. Did [you/another household member] vote in the election on November __?”

Questions of this type produce slightly inflated estimates of turnout in the CPS series, with the inflation factor ranging from a low of 7.5 percent (1968) to a high of 11.1 percent (1988) in presidential elections between 1964 and 1992 (U.S. Bureau of the Census 1993, p. viii; see also Anderson and Silver 1986). Because turnout tends to be most over-reported among better-educated citizens, the inflation rates are likely lower among disfranchised felons (Anderson and Silver 1986; Leigley and Nagler 1992b). Nevertheless, we reduce our estimated turnout percentages by a CPS inflation factor to obtain conservative estimates: we multiply our predicted turnout rates by the ratio of actual turnout to reported CPS turnout for each election.¹¹

Our estimates of the expected vote choice of disfranchised voters are developed using National Election Study (NES) data, for the period 1972-1996. The NES is the premier source of U.S. voting data, with a rich battery of socio-demographic and attitudinal items and the lengthy time-series needed for this investigation. The biggest drawback of the NES series is that while it asks respondents how they voted in presidential and congressional elections, there are too few respondents ($N < 2500$) to

¹¹ A potentially greater threat to validity is the use of proxy respondents to report on the voting behavior of others in the household. However, a Census Bureau verification test in conjunction with the 1984 elections showed that proxy and self-reports were in agreement about 99% of the time (U.S. Bureau of the Census 1986, p. 10), and 98% of the time in 1992 (U.S. Bureau of the Census 1993, p. x). We should also note that the CPS has produced much more reliable turnout estimates than the National Election Study, which typically overestimates turnout by 20-25%.

permit meaningful state-level analyses.¹² However, we partially correct for this by grouping respondents into regions, thus capturing much of the state-level differences (especially by distinguishing Southern states).

To analyze the expected turnout and vote choice of disfranchised felons, we “match” the felon population to the rest of the voting age population. We use the *Survey of State Prison Inmates* data series (U.S. Department of Justice 1993) to obtain information on sociodemographic attributes that have been shown in voting research to contribute to turnout and vote choice: gender, race, age, income, labor force status, marital status and education. We compute separate equations for felons in four regions (East, South, Midwest, West). We analyze age and education in years as continuous variables. Income is a continuous variable measured in constant dollars. Labor force status, marital status, gender and race are dichotomies (the latter necessitated by the lack of information about Hispanic voters in the NES series prior to the 1980s). We use similar measures for both the turnout analyses (using the CPS data) and the vote choice analyses (using the NES data). (Further details and data tables available upon request).

The dependent variables in both the turnout and voting analyses are dichotomous. In the turnout equations, it is coded “1” for voted, and “0” for not voted. In the voting equations, it is coded “1” for Democratic and “0” for Republican vote choice. The

¹² We thus acknowledge some unavoidable crudeness in our estimates of the likely voting behavior of disfranchised felons in individual states, though not enough to significantly bias our estimates. It would in principle be possible to get state-level survey data for many elections, such as that collected by the Voter News Service, but these data are of uneven quality across the states over the period of interest (1972-1998), and not all of these surveys have the full battery of items we need to match the characteristics of the felon population to those of the survey respondents to derive estimates of their voting behavior.

analyses focus on major party voters only, as in Senate elections only a very few third party or independent candidates have come close to winning office.¹³ Because turnout and party preference are dichotomous outcomes, we utilize logistic regression to estimate the probabilities of felon participation and Democratic vote choice respectively.

Legal Status and Correctional Populations

In addition to estimating the likelihood of voting and the partisan alignment of felons, we must also determine their absolute numbers in each state. We first examined state statutes and secondary sources documenting the voting rights of offenders to determine which correctional populations to count among the disfranchised population (e.g. Burton et al. 1986; Olivares et al. 1996; Mauer 1997a; Fellner and Mauer 1998). To establish the number of disfranchised felons currently under supervision, we sum the relevant prison, parole, felony-probation, and convicted felony jail populations. We estimate that 2.8 million current felons were legally disfranchised on 12/31/98 or approximately half of the 5.7 million adults under correctional supervision (U.S. Department of Justice 1999b). For most states, this is a rather straightforward accounting exercise for the prison, parole and felony probation populations.¹⁴ Convicted felons who

¹³The only independent candidate who won a Senate seat in the 1972 to 1996 period was Harry F. Byrd, Jr. of Virginia in 1976.

¹⁴Seven jurisdictions (Connecticut, Rhode Island, Vermont, Delaware, Washington, DC, Alaska, and Hawaii) maintain a combined or integrated prison and jail system. For these states, we classify convicted felons serving greater than one year as prison inmates and those serving shorter sentences as jail inmates. Data on the type of conviction (felony versus non-felony) are currently unavailable for five of the states that disfranchise convicted felony probationers. For these states, we estimate that 50% of total probationers are felony probationers (a figure slightly more conservative than the 57 percent national average) (U.S. Department of Justice 1999c).

serve their sentences in jail represent a smaller but potentially important group not considered in prior estimates (Mauer 1997a). In 1992, for example, 26 percent of felony convictions resulted in a jail sentence (U.S. Department of Justice 1995). We therefore include a conservative estimate of the number of convicted felons in jail – 10 percent of the total jail population.

These “head counts” are based on excellent data by social scientific standards. Estimating the number of disfranchised *ex*-felons not currently under supervision is a greater challenge, and estimates vary widely with the assumptions made by researchers (Miller 1979; Burton et al. 1986). The Sentencing Project (Mauer 1997a) used national conviction data to determine the number of newly-disfranchised felony offenders in a given year. By dividing this number by the total crime index offenses reported to the police, a ratio of new convictions per reported offense was obtained and then applied to each state’s index offenses and cumulated over the period 1960-1993. Unfortunately, this estimate makes a number of untenable stability and homogeneity assumptions.

We develop alternative estimates based on exits *from* (rather than entry *into*) correctional supervision. We combine release data from the annual National Corrections Reporting Program to establish the median age of released prisoners (U.S. Department of Justice 1994) and recidivism data from a national probability sample of inmates released from state prisons (U.S. Department of Justice 1996) to establish the number reincarcerated. We then use double-decrement life tables for the period 1948-1998 to obtain the number of released felons lost to reincarceration (and therefore already appearing in our annual head counts) and mortality each year (see, e.g., Bonczar and

Beck 1997). Each existing cohort of disfranchised releasees is thus successively reduced each year and joined by a new cohort of releasees. This allows us to compute the number of ex-felons no longer under correctional supervision for states that disfranchise ex-felons.¹⁵

RESULTS

Table 1 shows our estimated participation rates and voting preferences by year and by region for all years after 1982. These estimates are based on the voting behavior of those matching felons in terms of gender, race, age, income, labor force status, marital status, and education, reduced for overreporting in the CPS. In short, they provide some evidence regarding the likely behavior of hypothetical felon and ex-felon voters. Panel A shows that our estimates of felon turnout range from a low of 13.7 percent (for the 1998 Senate elections in the Northeast Region) to a high of 38.6 percent (for the 1984 presidential election in the Midwest region). On average, we predict that about 32 percent of disfranchised felons would have turned out to vote in presidential elections, approximately 29 percent would have voted in senatorial elections held in presidential election years, and that about 17 percent would have participated in Senate elections not held during presidential election years. Although each of these numbers is well below the corresponding percentages among non-felons (which range from 33 percent to 55 percent

¹⁵ Some “ex-felon” states only disfranchise a portion of ex-felons. Florida, for example, routinely grants clemency to first offenders and does not impose felony adjudication for some probationers who successfully complete their sentences. Our ex-felon estimates account for each of these factors.

nationally), they suggest that a non-trivial proportion of disfranchised felons would have voted if they had been given the opportunity to vote.

[Table 1 about here.]

With few exceptions, our hypothetical felon voters show a strong preference for Democratic candidates in both presidential and senatorial elections, as shown in Panels B and C of Table 1 respectively. In recent presidential elections, Bill Clinton's 1996 re-election bid drew the greatest support from this group, although even comparatively unpopular candidacies such as George McGovern's in 1972 would have received almost three-fourths of the felon vote. These Democratic preferences are less pronounced in several senatorial elections, with 64 percent of felons selecting Democrats in 1974 and a very slim majority (52.5 percent) preferring Democrats in 1994 Senate races. Nevertheless, for most years candidates for U.S. Senate would have received at least seven of every ten votes cast by the felons and ex-felons. Disfranchisement laws thus provided a clear advantage to Republican candidates in almost every presidential and senatorial election from 1972-1998.

[Table 2 about here.]

We next apply these turnout and preference estimates to results from U.S. Senate elections from 1970 to 1998. Table 2 details seven elections that may have been overturned if disfranchised felons had been allowed to participate. The felons under supervision data come from Bureau of Justice Statistics publications, such as the *Correctional Populations in the United States* data series. We computed the ex-felon estimates by applying demographic methods for the analysis of life-tables (with

appropriate reductions made for mortality¹⁶ and recidivism¹⁷) to release data from 1948 until the year of election. The voting behavior estimates are identical to those in Table 1. Finally, we obtained information on victory margins and Senate composition from standard election data sources (e.g. Congressional Quarterly Inc.’s *America Votes* biennial series).

To determine the *net* Democratic votes lost to disfranchisement, we first multiply the number of disfranchised felon voters by their estimated turnout rate and probability of voting for the Democratic candidate. Since some felons would have chosen Republican candidates, we then deduct from this figure the number of Republican votes lost to disfranchisement, which we obtain in a similar manner. For the 1978 Virginia election detailed in the top row of Table 2, for example, we estimate that 16,235 of the state’s 94,475 disfranchised felons would have voted (17.184 percent). We calculate that 13,686 of these would have selected Andrew Miller, the Democratic candidate (84.3 percent of 16,250), and that the remaining 15.7 percent (or 2,549) would have chosen John Warner, the Republican candidate. This results in a net total of 11,137 Democratic votes lost to

¹⁶ We calculate mortality based on the expected number of deaths for black males at the median age of release for each state, multiplied by a factor of 1.46 to reflect the higher death rates observed among releasees in the Bureau of Justice Statistics’ *Recidivism of Prisoners Released in 1983* study.

¹⁷ Our recidivism estimates are also based upon the three-year Bureau of Justice Statistics’ “Recidivism of Prisoners Released in 1983” study and “Recidivism of Felons on Probation 1986-1989.” For prisoners and parolees, the reincarceration rate is 18.6% at one year, 32.8% at two years, 41.4% at 3 years. For probationers and jail inmates, the corresponding three-year failure rate is 36%. To extend the analysis to subsequent years, we calculated a trend line using the ratio of increases provided by Hoffman and Stone-Meierhoefer (1980) on federal prisoners. By year 10, we estimate a 59.4% recidivism rate among released prisoners and parolees, which increases to 65.5% by year 50 (the longest observation period in this analysis). Because these estimates are higher than most long-term recidivism studies, they enable us to produce conservative estimates of the disfranchised ex-felon voting base.

disfranchisement in the 1978 U.S. Senate race in Virginia, more than double the actual Republican victory margin of 4,721 votes.

To continue this counterfactual exercise, or thought experiment, we recompute the U.S. Senate composition after each election. Since two Republican seats were overturned in the 1978 elections, the Democratic majority would have increased from 58:41 to 60:39. We followed the beneficiaries of these closely contested elections to see how long these seats remained under Republican control. John Warner of Virginia remains in office today and John Tower's Texas Senate seat also remains in Republican hands (with Phil Gramm currently holding office). Although we cannot know with certainty whether the Democratic Party would have held these seats in subsequent elections, this seems likely based on recent voting patterns. Of the 32 U.S. Senate elections in 1978, the incumbent party retained the seat through the 1990 elections in 29 cases (91 percent) and through the 1996 elections in 25 cases (78 percent). We therefore cumulate the Democratic gains in Senate composition in Table 2.

After the 1984 elections, the Republicans held a narrow 53:47 Senate majority. Under the counterfactual scenario in which disfranchised felons had voted, the Democrats may have achieved parity with the Republicans. In the Kentucky election of 1984, the Republican candidate (McConnell) narrowly defeated the Democratic nominee Huddleston by 5,269 votes. Since Kentucky is a state that disfranchises ex-felons as well as current prison and jail inmates, parolees, and felony probationers, the total number disfranchised was over 75,000 in 1984. Since this was a presidential election year, turnout was relatively high (30.2 percent) and our voting preference estimates indicate

that about three-fourths of them would have selected the Democratic candidate. Thus, about 11,000 Democratic votes were likely lost to disfranchisement in this election, more than twice the 5,269-vote Republican plurality. With the addition of this seat and the Virginia and Texas seats discussed above, the counterfactual Senate composition shows an even 50:50 party distribution.

Pursuing the counterfactual scenario to the present day, we find that Democratic candidates in Florida (1988) and Georgia (1992) likely to have won by large margins if felons had been allowed to vote, with narrower reversals occurring in Wyoming (1988) and Kentucky (1998). Taken together, this suggests that Democrats may well have controlled the Senate throughout the 1990s.

Although this analysis is conjectural, it suggests that felon disfranchisement laws are likely to have influenced several recent U.S. Senate elections. Table 2 also illustrates how state laws disfranchising *ex*-felons have the greatest impact on electoral outcomes. Most states, in fact, only deprive those currently under some form of correctional supervision of the right to vote (see Appendix 1). In only one instance, Georgia in 1992, was a Senate election likely to have been overturned in a state that disfranchised only those actively under correctional supervision.¹⁸ Even in this instance, however, the number of current prisoners (25,290) and convicted felony jail inmates (2,163) was too small to affect the election. Rather, it was the large number of probationers (80,639 or a full 61 percent of the state's disfranchised population) and parolees (23,819 or 18 percent

of disfranchised Georgians) that likely cost the Democrats the election. As this case illustrates, the impact of disfranchisement laws varies dramatically with the particular correctional populations disfranchised.

We first asked whether the Democratic votes lost to disfranchisement in previous elections would have been numerous enough to overturn Republican majorities. We next examine a much different counterfactual condition. Since a larger share of the voting age population is disfranchised now than in the past, some Democratic political victories may have gone to Republicans had contemporary rates of disfranchisement prevailed at the time. We examined the 1960 and 1976 presidential contests, both close elections won by Democrats.¹⁹

[Table 3 about here.]

John F. Kennedy won the 1960 presidential election by a popular vote margin of 118,550 and a 303:219 margin in the electoral college. Had the contemporary disfranchisement regime prevailed at the time, however, it is very likely that Richard M. Nixon would have won the popular vote and possible that he may have won the electoral vote. As Appendix 1 shows, we estimate that 4.2 million citizens or 2.1 percent of the voting age population were disfranchised in 1998 due to a felony conviction²⁰. If this

¹⁸ Georgia amended its state constitution in 1983. Whereas the 1976 constitution “provided for continuous disenfranchisement of felony convicts until the granting of pardon,” the 1983 constitution provides for disfranchisement until “completion of this sentence.”

¹⁹ We are working on a separate paper on the 2000 election, and the impact of felon disfranchisement (especially in the contested state of Florida), and do not yet have access to the NES and CPS data, so do not report those results here. Not surprisingly, however, those results will show that Al Gore, not George Bush, would have won the 2000 election even if only *ex-felons* were enfranchised.

²⁰ Fellner and Mauer (1998) estimate a slightly lower proportion (2.0%), in part because their estimate excludes disfranchised felons serving jail sentences and ex-felons in several states.

proportion had held in 1960, about 2.3 million voters would have been disfranchised, as shown in Table 3 (.0209 multiplied by the voting age population of 109,672,000). Since the rate of felony convictions was actually much lower in 1960 than in 1996, however, we estimate that only about 700,000 were actually disfranchised at the time of the 1960 election.²¹ Therefore, at current rates of disfranchisement, about 1.6 million additional citizens would have been denied the vote in 1960. If 40 percent of these felons had voted and 82 percent of this group had selected the Democratic candidate, figures in line with our estimates for other presidential elections, then Kennedy would have lost almost 500,000 votes – more than four times the popular vote margin in the election. In fact, we find that under current disfranchisement levels Nixon would have prevailed even if the felon turnout rate were only *12 percent*.

To apply the counterfactual to the electoral college, we again use state-level data on correctional populations and our own estimates of the number of ex-felons in each state to compute 1998 disfranchisement rates. We then apply each state's rate to its 1960 voting age population to determine how many citizens would have lost their voting rights at current rates of disfranchisement. To obtain the net number of newly disfranchised, we deduct the actual number disfranchised in 1960 from this imputed total. We then calculate the number of Democratic votes lost by multiplying the newly disfranchised by our estimated rates of turnout (40 percent) and Democratic party preference (82 percent).

²¹ Prison, parole and jail information are available for 1960, but probation figures were imputed based on state-specific ratios of probation to other correctional populations. The ex-felon figures were calculated based on releasees between 1948 and 1960.

When the Democratic votes lost exceeds the actual margin of victory, it is likely that the Republican Nixon would have carried the state.

Although both the actual and the imputed margins of victory are slim for most states, our analysis suggests that Nixon may have been victorious in Texas (with 24 electoral votes), Missouri (13 votes), New Mexico (4 votes), Hawaii (3 votes), Delaware (3 votes).²² Therefore, if current rates of disfranchisement had held during the 1960 election, Nixon may have defeated Kennedy in both popular and electoral votes.

It is unlikely that applying contemporary disfranchisement rates would overturn the 1976 election, although the Democratic victory margin would have been considerably narrower. At current rates of disfranchisement, about 2.2 million additional citizens would have been denied the vote in 1976. We estimate that 29.4 percent of these would have voted and that 80.7 percent of this group would have selected the Democratic candidate Jimmy Carter. This would have accounted for about 405,000 votes or about one-fourth of the 1,682,970-vote victory margin. In the electoral college, our estimates suggest that Carter may have lost Mississippi and its 9 electoral votes to the Republican Gerald Ford, but that the outcomes of other states would not be affected (analysis not shown, details available from authors).

While the U.S. Senate results show that disfranchisement may have been decisive in several past elections, this exercise demonstrates the disparity between *current* rates of felon disfranchisement and those of the relatively recent past. It also suggests that if

current trends continue, disfranchisement will play an increasing role in determining political outcomes.

DISCUSSION AND CONCLUSION

The preceding analysis estimated the political consequences of laws denying convicted felons the right to vote in the United States. We examined two counterfactual conditions: (1) whether removing disfranchisement laws would have altered the composition of the U.S. Senate; and, (2) whether applying contemporary rates of disfranchisement to prior presidential elections would have affected their outcomes. With regard to the first question, we find that felon disfranchisement may have altered the outcome of at least seven recent U.S. Senate elections. One startling implication of these findings relates to control over the Senate. Assuming that Democrats who might have been elected in the absence of felon disfranchisement had held their seats as long as the Republicans who narrowly defeated them, the Democrats would have maintained parity in the 1984 Senate and would have gained majority control of the U.S. Senate (and important Committee Chairs) from 1986 to 2000.

In examining the second issue, we find that the Democratic presidential victory of 1960 may have been jeopardized had contemporary rates of disfranchisement prevailed during that time. Preliminary analyses (not reported here) show that the Republican

²² Texas disfranchised ex-felons for a two-year waiting period until September 1, 1997, but no longer restricts the voting rights of ex-felons. Under our counterfactual conditions, the Democrats also nearly lost the state of New Jersey (16 electoral votes) and Nevada (3).

electoral college majority in the 2000 presidential election would have been reversed, even if only *ex-felons* were granted the right to vote. Disfranchised felons and ex-felons currently make up 2.1 percent of the voting age population, a figure that we project will rise to 3 percent within 10 years. Because the margin of victory in 3 of the last 10 presidential elections has been 1.1 percent of the voting age population or less, felon disfranchisement could be a decisive factor in future presidential races.

One potentially important implication of these results concerns the differing correctional populations affected by disfranchisement. We estimate that the disfranchised population is composed of approximately 34 percent ex-felons, 27 percent probationers, 11 percent parolees and only 29 percent prison and jail inmates. Disfranchisement of prisoners alone is unlikely to alter elections, but the numbers mount when those supervised in the community are added, and reach a critical mass when ex-felons are also disfranchised. Thus, the impact of felon disfranchisement would have been greatly reduced if ex-felons, probationers, and parolees had been permitted to vote in all states. Moreover, the philosophical justification for disfranchisement, founded on the liberal legal model and Enlightenment conceptions of the social contract, would appear to be much stronger for current prison inmates than for those who have completed their sentence (ex-felons), and those otherwise deemed fit to maintain community ties (probationers and parolees).

Although these results suggest that felon disfranchisement laws have significant political implications, we must also note a number of caveats to these findings. First, our

counterfactual examples rely upon a *ceteris paribus* assumption – that nothing else about the candidates or elections would change save the laws regulating the voting rights of felons and ex-felons. Had these laws changed, it is conceivable that other forces might have arisen to negate the political influence of felons and ex-felons. Second, our estimated vote choice and turnout analysis matched non-felon voters to felons on the basis of region, gender, race, age, income, labor force status, marital status and education. Although the non-felon voters resembled the felons in many respects, we cannot be certain that the experience of criminal conviction itself may not suppress, or conversely, even mobilize political participation. Third, our analyses have assumed that felon disfranchisement laws are well-enforced, and that felons and ex-felons do not attempt to vote in disregard of these laws. Surely some disfranchised felons have voted, although occasional charges of fraudulent voting have not, upon further investigation, produced significant evidence of illegal voting.

Despite these important caveats, however, we find considerable evidence that the restrictions to the ballot for felons and ex-felons have had a demonstrable impact on national elections. In conducting similar analyses for state gubernatorial elections, we find that disfranchised felons may have altered the outcome of races in Texas (1978), Alabama (1994), New Jersey (1981). Yet our focus on national and state-level elections understates the full impact of felon disfranchisement. Because of the geographic concentration of disfranchised felons and ex-felons in urban areas, it is likely that such impact is even more pronounced in elections below the state-level, such as mayoral

rac²³ Moreover, our analysis has only examined past elections. Unless disfranchisement laws are changed, the continuing growth of all correctional populations (U.S. Department of Justice 2000b) will exacerbate the political consequences of felon disfranchisement in the future, particularly as the number of disfranchised ex-felons grows in those states that restrict their franchise.

Although this investigation has specified the impact of these laws, we have yet to address their origins or variations in their application across states and time. These questions are important for situating felon disfranchisement within a broader model of social control and political behavior. Proponents of the “new penology” argue that the focus of criminological interest has recently shifted from the rehabilitation of individual offenders to the control of aggregate groups (Feeley and Simon 1992). The simultaneous expansion of correctional populations and restriction of the ballot makes felon disfranchisement a critical research site for examining these perspectives.

In addition to these scientific questions, the special case of the disfranchisement of ex-felons raises important legal questions, especially in view of the 1982 Voting Rights Act amendment that bars voting laws that have a discriminatory impact on minority voting strength. In most states barring ex-felons from voting, the statutes have been in place for decades and have gone largely unremarked. The issue has received little attention until recently (see Mauer 1997a) because it was thought that few were affected. In 1989, an article in the *Harvard Law Review* suggested, “ex-felons are unlikely to

²³ We should note, however, that many local races, especially in mostly black urban districts, Republican candidates may be sufficiently uncompetitive as to minimize the partisan impact of disfranchisement.

constitute more than a tiny percentage of the population and thus are electorally insignificant” (1989:1303). As we have demonstrated, this is no longer the case.

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Table 1. Estimated Turnout and Voting Preferences of Disfranchised Felons

A.	<u>Estimated Felon Turnout in Senatorial (Presidential) Races (Percent)</u>				
	<u>National</u>	<u>Northeast</u>	<u>Midwest</u>	<u>South</u>	<u>West</u>
1972	34.2 (37.2)	-	-	-	-
1974	17.0	-	-	-	-
1976	29.4 (32.2)	-	-	-	-
1978	17.2	-	-	-	-
1980	28.0 (31.0)	-	-	-	-
1982	20.0	-	-	-	-
1984	31.9 (35.6)	29.4	38.6	30.2	31.4
1986	16.6	17.2	22.1	16.2	17.6
1988	26.5 (29.7)	23.5	32.2	24.3	27.5
1990	16.8	14.9	18.8	16.2	16.5
1992	30.4 (33.0)	29.2	36.5	30.5	29.8
1994	17.1	16.3	19.3	14.8	18.3
1996	25.4 (27.2)	24.6	28.6	25.1	24.3
1998	15.2	13.7	19.8	14.0	15.4

B.	<u>Estimated Felon Vote for Democratic Presidential Candidate</u>				
	<u>National</u>	<u>Northeast</u>	<u>Midwest</u>	<u>South</u>	<u>West</u>
1972 (McGovern)	71.6				
1976 (Carter)	86.6				
1980 (Carter)	73.0				
1984 (Mondale)	76.3	98.6	75.7	69.7	57.5
1988 (Dukakis)	76.3	98.8	97.5	74.4	72.3
1992 (Clinton)	85.9	77.5	89.8	88.9	94.8
1996 (Clinton)	92.8	87.9	97.6	99.7	91.1

C.	<u>Estimated Felon Vote for Democratic Senatorial Candidate</u>
1972	77.5
1974	64.4
1976	80.7
1978	84.3
1980	74.7
1982	79.4
1984	74.2
1986	73.8
1988	82.9
1990	81.0
1992	74.7
1994	52.5
1996	80.2
1998	69.2

Table 2. The Impact of Felon Disfranchisement on U.S. Senate Elections 1978-1998

Year	State	Disfranchised Population			Estimated Voting Behavior			Republican Victory Margin			Senate Composition	
		Current Felons	Ex-Felons ¹	Total	Estimated Turnout	Percent Dem.	Net Dem. Votes Lost	Actual	Counter-factual	Seat Held by Rep. Through	Actual	Counter-factual
1978	Virginia ²	21,776	72,709	94,475	17.2%	84.3%	11,137	4,721	-6,416	2002+	58:41 (D)	60:39 (D)
1978	Texas ³	100,707	89,662	190,369	17.2%	84.3%	22,441	12,227	-10,214	2002+	58:41 (D)	60:39 (D)
1982	Unchanged										54:46 (R)	52:48 (R)
1984	Kentucky ⁴	20,583	54,481	75,064	30.2%	74.2%	10,998	5,269	-5,719	2002+	53:47 (R)	50:50 (-)
1986	Unchanged										55:45 (D)	58:42 (D)
1988	Florida ⁵	87,264	232,536	319,800	24.3%	82.9%	51,192	34,518	-16,674	2000+	55:45 (D)	59:41 (D)
1988	Wyoming ⁶	3,013	6,969	9,982	27.5%	82.9%	1,803	1,322	-481	2000+	55:45 (D)	60:40 (D)
1990	Unchanged										56:44 (D)	61:49 (D)
1992	Georgia ⁷	131,911	0	131,911	30.5%	74.7%	19,873	16,237	-3,636	2004+	57:43 (D)	63:49 (D)
1994	Unchanged										52:48 (R)	54:46 (D)
1996	Unchanged										53:46 (R)	54:46 (D)
1998	Kentucky ⁸	31,274	95,506	126,780	14.0%	69.2%	6,804	6,766	-38	2004+	55:45 (R)	52:48 (D)

NOTES: ¹ Ex-felon totals computed using release data from 1948 until year of election.

² In Virginia, Warner (R) defeated Miller (D) in 1978, Harrison in 1984, Spannaus in 1990, and M. Warner in 1996.

³ In Texas, Tower (R) defeated Krueger (D) in 1978; Gramm (R) defeated Doggett in 1984, Parmer in 1990, and Morales in 1996.

⁴ In Kentucky, McConnell (R) defeated Huddleston (D) in 1984, Sloane in 1990, and Beshear in 1996 (Class 2 election).

⁵ In Florida, Mack (R) defeated MacKay (D) in 1988 and Rodham in 1994.

⁶ In Wyoming, Wallop (R) defeated Vinich (D) in 1988 and Thomas (R) defeated Sullivan (D) in 1994.

⁷ In Georgia, Coverdell (R) defeated Fowler (D) in 1992 and Coles in 1998.

⁸ In Kentucky, Bunning (R) defeated Baesler (D) in 1998 (Class 3 election).

Table 3. Applying Contemporary Disfranchisement Rates to the 1960 Presidential Election (Total and Selected States)

State	1960 Disfranchisement					Democratic Victory Margin			Electoral College	
	1960 Voting Age Population	1998 Adult Dis. Rate	1960 Actual	1960 Counter-factual	Net Newly Disfr'd	Dem. Votes Lost	Actual Dem. Margin	Counter-factual Margin	Electoral Votes	Kennedy: Nixon Total
<i>Popular Vote</i>										
U.S. Total	109,672,000	2.09%	694,329	2,288,663	1,594,334	408,149	118,550	-289,599	(Nixon)	
<i>Electoral Vote</i>										
Texas ¹	5,605,000	5.74%	91,233	322,371	230,494	59,006	46,233	-12,773	24	279 : 243
Missouri	2,706,000	1.84%	10,013	49,717	39,735	10,172	9,980	-192	13	266 : 256
New Mexico	504,000	5.51%	8227	27,761	19,594	5,016	2,294	-2,722	4	262 : 260
Hawaii	371,000	0.42%	558	1,551	992	254	115	-139	3	259 : 263
Delaware	272,000	5.63%	1,283	15,323	14,041	3,595	3,217	-378	3	256 : 266

NOTE: Analysis assumes 40% turnout rate and an 82% rate of Democratic preference.

¹ As of September 1, 1997, Texas no longer disfranchises ex-felons for a two-year waiting period. On 12/31/98, the current felon population numbered 519,851 or 3.64 percent of the voting age population.

APPENDIX 1: Estimates of Disfranchised Felons by State 12/31/98

State	Prisoners	Parolees	Felony Probation	Jail Inmates	Ex-Felons	Total	Voting Age Population	Disfranchisement Rate
Alabama	23,326	6,785	32,725	1,142	140,384	204,362	3,293,000	6.21%
Alaska	2,540	492	4,403	7		7,442	437,000	1.70%
Arizona	25,311	3,742	48,044	1,032	48,736	126,865	3,547,000	3.58%
Arkansas	10,638	6,371	32,141			49,150	1,882,000	2.61%
California	161,904	110,617		7584		272,521	23,665,000	1.18%
Colorado	14,312	5,204		900		20,416	2,961,000	0.69%
Connecticut	12,200	1,185	32,086			45,471	2,464,000	1.85%
Delaware	3,213	572	10,015		18,201	32,001	568,000	5.63%
Dist. Col	9,949			165		10,114	414,000	2.44%
Florida	67,224	7,421	105,247	5,108	524,816	709,816	11,383,000	6.24%
Georgia	39,262	20,482	96,071	3,284		159,099	5,678,000	2.80%
Hawaii	3,668					3,668	878,000	0.42%
Idaho	4,083	1274	6794	281		4,364	888,000	1.40%
Illinois	43,051			1,688		44,739	8,755,000	0.51%
Indiana	19,197			1,279		20,476	4,410,000	0.46%
Iowa	7,394	2,194	8,155	300	71,277	89,320	2,157,000	4.14%
Kansas	8,183	6,025		438		14,646	1,925,000	0.76%
Kentucky	14,987	4,508	10,741	1,037	95,506	126,780	2,990,000	4.24%
Louisiana	32,227			2,563		34,790	3,149,000	1.10%
Maine						0	957,000	0.00%
Maryland	22,572	15,528	21,944	1,095	61,232	122,371	3,824,000	3.20%
Mass.						0	4,731,000	0.00%
Michigan	45,879			1,563		47,442	7,266,000	0.65%
Minnesota	5,572	2,995	28,285	500		37,353	3,483,000	1.07%
Mississippi	16,678	1,489	11,530	889	75,676	106,262	2,014,000	5.28%
Missouri	21,974	10,366	41,275	694		74,309	4,042,000	1.84%
Montana	2,734			152		2,886	658,000	0.44%
Nebraska	3,676	624	2,390	210		6,690	1,231,000	0.56%
Nevada	9,651	4,055	4,806	490	40,875	59,876	1,314,000	4.56%
New Hamp	2,169			159		2,328	890,000	0.26%
New Jersey	31,121	14,557	98,675	1,683		146,036	6,075,000	2.40%
New Mexico	4,985	1,773	7,088	522	54,612	68,980	1,250,000	5.52%
New York	72,638	59,548		3,341		135,527	13,590,000	1.00%
No. Carolina	31,811	5,740	35,341	1,328		74,220	5,685,000	1.31%
North Dakota	915			59		974	476,000	0.20%
Ohio	48,450			1,664		50,114	8,401,000	0.60%
Oklahoma	20,892	1,532	24,327	674		47,425	2,463,000	1.93%
Oregon	8,927			587		8,927	2,484,000	0.38%
Pennsylvania	36,377					36,377	9,118,000	0.40%
Rhode Island	2,174	469	13,059			15,702	751,000	2.09%
So. Carolina	22,115	4,359	22,210	878		49,562	2,886,000	1.72%
South Dakota	2,435			106		2,541	538,000	0.47%
Tennessee	17,738	7,605	26,440	1,963	30,038	83,784	4,120,000	2.03%
Texas	144,510	112,022	257,526	5,793		519,851	14,299,000	3.64%
Utah	4391	3772				8,163	1,432,000	0.57%
(1/1/99)								
Vermont	0					0	448,000	0.00%

Virginia	28,560	6,700	29,838	1,824	208,461	275,382	5,165,000	5.33%
Washington	14,161	375	91,727	1,054	34,294	141,611	4,257,000	3.33%
W. Virginia	3,478	975	3,798	249		8,500	1,406,000	0.60%
Wisconsin	18,451	8,927	22,830	1,256		51,463	3,887,000	1.32%
Wyoming	1,571	448	2,717	101	11,265	16,102	354,000	4.55%
Total	1,149,274	440,731	1,132,227	55,639	1,415,373	4,193,245	200,939,000	2.09%

APPENDIX 2: Estimates of Disfranchised African American Felons by State 12/31/98

State	Black Prisoners	Black Parole	Black Probation	Black Jail	Estimated Black ex-felons	Total	Voting Age Population	Disf. Rate
Alabama	14,079	3,038	18,102	581	61,835	97,636	787,000	12.41%
Alaska	362	54	488	0		904	16,000	5.65%
Arizona	3,588	434	4,178	131	5,888	14,220	121,000	11.75%
Arkansas	5,859	3,338	11,332			20,528	270,000	7.60%
California	50,720	29,470	-	1,682		81,872	1,690,000	4.84%
Colorado	3,601	1,098	-	186		4,885	120,000	4.07%
Connecticut	3,260	554	9,406	-		13,220	206,000	6.42%
Delaware	2,062	300	4,647	-	8,899	15,908	102,000	15.60%
Dist. Col	9,793	-	-	151		9,944	238,000	4.18%
Florida	35,032	3,969	30,206	2,552	138,887	210,646	1,530,000	13.77%
Georgia	26,425	13,358	49,847	2,057		91,687	1,507,000	6.08%
Hawaii	70	-	-	-		70	27,000	0.26%
Idaho	68	21	109	5		202	5,000	4.05%
Illinois	28,058	-	-	991		29,049	1,215,000	2.39%
Indiana	16,298	-	-	1,199		17,497	334,000	5.24%
Iowa	1,682	117	633	50	6,075	8,557	38,000	22.52%
Kansas	3,164	2,198	-	120		5,482	105,000	5.22%
Kentucky	5,123	1,128	2,409	286	21,275	30,220	202,000	14.96%
Louisiana	24,920	-	-	1,836		26,756	932,000	2.87%
Maine	-	-	-	-			5,000	0.00%
Maryland	16,140	10,679	11,791	667	37,761	77,038	1,018,000	7.57%
Mass.	-	-	-	-			258,000	0.00%
Michigan	25,552	-	-	546		26,098	958,000	2.72%
Minnesota	1,989	956	3,501	109		6,556	87,000	7.54%
Mississippi	11,432	920	6,687	576	45,462	65,077	670,000	9.71%
Missouri	10,308	4,140	12,163	294		26,906	410,000	6.56%
Montana	60	-	-	6		67	2,000	3.33%
Nebraska	1,138	156	385	44		1,724	45,000	3.83%
Nevada	2,411	1,176	937	117	10,563	15,204	92,000	16.53%
New Hamp	121	-	-	12		133	7,000	1.91%
New Jersey	21,930	9,171	48,481	1,016		80,598	828,000	9.73%
New York	544	170	361	39	7,066	8,179	33,000	24.78%
New York	40,074	28,899	-	1,810		70,784	2,278,000	3.11%
No.	21,033	3,658	17,771	872		43,334	1,165,000	3.72%
North	29	-	-	2		31	3,000	1.04%
Ohio	26,470	-	-	742		27,212	879,000	3.10%
Oklahoma	7,348	477	5,797	212		13,834	173,000	8.00%
Oregon	1,096	-	-	56		1,151	42,000	2.74%
Pennsylvania	20,607	-	-	-		20,607	804,000	2.56%
Rhode	776	121	2,957	-		3,854	33,000	11.68%
So. Carolina	15,481	3,016	12,173	593		31,264	802,000	3.90%
South	103	-	-	3		106	4,000	2.64%
Tennessee	8,326	4,070	10,488	1,054	12,214	36,152	617,000	5.86%
Texas	61,386	40,725	43,650	2,054		147,815	1,685,000	8.77%
Utah	366	285	-	-		652	13,000	5.01%
Vermont	-	-	-	-			3,000	0.00%
Virginia	17,612	3,664	12,434	1,071	100,473	135,254	979,000	13.82%
Washington	3,058	56	10,324	191	3,992	17,621	143,000	12.32%
W. Virginia	557	183	385	36		1,161	43,000	2.70%

Wisconsin	9,027	4,044	6,193	471		19,735	186,000	10.61%
Wyoming	75	15	58	2	298	448	3,000	14.94%
Total	559,214	175,659	337,892	24,424	460,688	1,557,877	23,713,000	6.57%