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Denying Felons and Ex-Felons the Vote: The Political Consequences, Past and Future

by Christopher Uggen and Jeff Manza

Most convicted felons lose one of the fundamental rights of citizenship, the right to vote. Not only do currently incarcerated felons lose the right to vote, but in many states, so do those on probation and parole, and in some states, ex-felons who have completed their sentence also lose that right.

This disfranchised group is often composed of African Americans and poor or working-class whites, who have traditionally voted for Democrats in elections. The rapid growth in the disfranchised population in recent years has provided a small, but clear, advantage to Republican candidates in recent elections, the authors of this Institute for Policy Research working paper find.

In their paper, **The Political Consequences of Felon Disfranchisement Laws in the United States**, Christopher Uggen and Jeff Manza estimate the number of offenders who would have turned out to vote, how they would have voted, and whether those choices would have influenced Senate, gubernatorial, and presidential elections. They find that laws denying convicted felons the right to vote, combined with the rapid growth in the disfranchised population, might have given the Democratic Party majority control of the Senate from 1986 to the present.

Disfranchisement of prisoners alone is unlikely to alter elections, the authors find, but the likelihood increases when those supervised in the community are added, and it reaches a critical mass when ex-felons—approximately one-third of the disfranchised population—are barred from voting (as some or all are in 13 states).

The Disfranchised Population

Since 1970, the number of state and federal prisoners has grown by more than 600%, accompanied by a fourfold increase in the number of felony probationers and parolees from 1976 to 1999. Currently, more than 4.7 million citizens, or 2% of all voting-age citizens, are barred from voting because of their status as a felon or ex-felon.

Ballot restrictions for felons and ex-felons are

specific to each state. Some type of restriction on felon voting rights has been gradually adopted by nearly all states, and today, 48 of 50 states bar felons (in most cases, including those on probation or parole) from voting. At least 10 states bar ex-felons, two states bar those who commit subsequent crimes (recidivists), and one state requires a post-release waiting period before voting rights resume.

The current disfranchised population comprises approximately 36% ex-felons, 28% probationers, 9% parolees, and 27% prison and jail inmates. Racial minorities and the poor are significantly over-represented. Approximately 1.8 million of the 4.7 million disfranchised felons and ex-felons are African Americans.

Impact on Senate Elections

The authors find that seven Senate elections might have been overturned had disfranchised felons been allowed to participate: Virginia elections in 1978; Texas in 1978; Kentucky in both 1984 and 1998; Florida in 1988; Wyoming in 1988; and Georgia in 1992.

In the Virginia election in 1978, for example, the authors estimate that 16,076 (17%) of the state's disfranchised felons would have voted, and 13,552 (84%) would have voted for the Democratic candidate, Andrew Miller, with the remaining 16% (2,524) voting for John Warner, the Republican candidate. This calculation results in 11,028 (13,552 - 2,524) Democratic votes lost to disfranchisement, more than double the actual Republican victory margin of 4,721 votes.

Although only seven of the 400 Senate elections since 1978 would likely have been altered had the disfranchised voted, those elections would have been sufficient to shift the balance of power. In 1978, with two Republican seats overturned, the Democrats would have increased their majority from 58:41 to 60:39.

Democrats are likely to have won seats in Florida and Wyoming in 1988, and Georgia in 1992. Taken

together, the authors argue that Democrats might well have controlled the Senate throughout the 1990s. It also seems likely that the Senate deadlock after the 2000 elections would have been broken in favor of the Democrats had the disfranchised been allowed to vote.

Impact on Presidential Elections

Had the same level of disfranchisement existed in 1960 as it does today, John F. Kennedy would have likely lost the presidency to Richard Nixon. Kennedy would have lost 364,000 votes, three times the popular vote margin in the election. The electoral college vote would have swung for Nixon as well. The 1976 election of Jimmy Carter, however, would not likely have been altered by allowing the disfranchised to vote.

In the hotly contested election of 2000, Al Gore would have secured a victory in the electoral college if only ex-felons had the right to vote. There are more disfranchised felons in Florida than in any other state. The authors estimate that Gore's margin of victory in the popular vote in Florida would have risen to approximately 90,000 votes. If merely ex-felons had been allowed to vote, Gore would likely have secured at least 18,000 additional votes, and easily overcome Bush's initial 1,725-vote margin. Therefore, the authors argue, the election hinged on the narrower question of ex-felon disfranchisement rather than voting restrictions on felons and those under supervision.

Policy Implications

The policy implications of disfranchisement laws are felt most in the Senate. As noted, had the disfranchised been allowed to vote, the Democrats would likely have maintained power from 1986 to the present. Such control might have enabled the Clinton administration, for example, to gain approval for a much higher proportion of its federal judicial nominees, and it would have changed control over key Senate committees. The authors speculate that there is a similar or even greater impact on House elections, but state-level data preclude systematic research on election outcomes below the state and national level.

With presidential elections, the most recent effect would have been a clear margin of victory for Al Gore. Disfranchised felons and ex-felons currently make up 2.3% of the voting age population, and this figure will likely rise to 3% within 10 years. Because the margin of victory in three of the last 10 presidential elections has been 1.1% of the voting age population or less, felon disfranchisement could be a decisive factor in future presidential races. Even as incarceration numbers begin to level off, the number of disfranchised ex-felons will continue to rise for several years.

The impact of disfranchisement laws varies dramatically with the particular correctional populations disfranchised. In the Georgia Senate race in 1992, for example, it was the large number of probationers and parolees that likely cost the Democrats the election. Most other reversible cases all include lost Democratic votes from ex-felons.

Study Description

Using Current Population Survey (CPS) data, the authors first tabulate the number of votes cast for each candidate and the plurality or margin of victory in each election since 1978. They also tabulate the number of prisoners, probationers, and parolees in each state who cannot vote and calculate a reasonable estimate of the number of ex-felons in states that restrict their voting rights.

To determine how many would have turned out to vote and which candidate they would have selected, the authors use CPS data and data from the National Election Study (NES), a rich source of information on sociodemographic details and voter attitudes. In presidential elections, the authors estimate a potential voter turnout among felons and ex-felons of roughly 31%, and 17% in Senate elections during nonpresidential election years. These turnout rates are well below those of the general population, but high enough to have had an impact when combined with the partisan alignment of these votes. The authors estimate that, on average, 70% of the disfranchised would have voted for Democratic candidates.

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