





---

For further information:

The Sentencing Project

514 10<sup>th</sup> St. NW

Suite 1000

Washington, D.C. 20004

(202) 628-0871

[www.sentencingproject.org](http://www.sentencingproject.org)

This report was written by Traci Burch, a graduate student in the program in Government and Social Policy at Harvard University.

The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice policy issues. Support for the organization has been provided by the Morton K. and Jane Blaustein Foundation, Ford Foundation, Gimbel Foundation, HerbBlock Foundation, JEHT Foundation, Open Society Institute, Starfish Group, Wallace Global Fund, and individual donors.

The Sentencing Project works for a fair and effective criminal justice system by promoting reforms in sentencing law and practice and alternatives to incarceration. To these ends, it seeks to recast the public debate on crime and punishment.

Copyright © 2007 by The Sentencing Project. Reproduction of this document in full or part in print or electronic format only by permission of The Sentencing Project.

Arguably, the most important transformation in American society over the past 25 years been the increasing use of the police power of the state against American citizens. Since 1980, criminal justice expenditures and supervision at all levels of government have quadrupled, despite the fact that violent crime rates have declined steadily since the early 1990s and are lower today than in 1980. Perhaps the most striking component of this transformation is the growth of the correctional population: the number of people under correctional supervision grew to 7 million people in 2004, including 4.9 million people currently on probation or parole (Bureau of Justice Statistics 2005).

It is obvious from this data that criminal justice policy is affecting the lives of an increasing number of Americans. However, political scientists thus far have failed to theorize sufficiently about the effects of this phenomenon on politics. This is surprising in light of the fact that, at least in terms of redistributive policies, “[i]ncreasing government activity made it harder to deny that public policies were not only outputs of but important inputs into the political process, often dramatically reshaping social, economic, and political conditions” (Pierson, 595).

This paper assesses the effects of the growing number of felony convictions in the United States (more than one million per year) on political participation by studying the impact of convictions on voter registration and turnout in North Carolina. The study also suggests a model of how crime policies affect participation that encompasses the effects of legal disenfranchisement along with other mechanisms which may suppress participation.

The goal of this paper is to consider the expansion of punishment as a social policy and its effects on American politics and the American polity. Much of the consideration of crime policy thus far has concerned the ways in which individual preferences and beliefs shape crime policy (for a recent example, see Bobo & Johnson). However, I argue that crime policy is important not only because it is shaped by citizens, but also because it generates “policy feedback effects” that influence how citizens participate in politics. Moreover, because the criminal justice

system disproportionately targets minorities and the poor, the implementation of these policies should exacerbate the inequalities in political participation already experienced by these groups.

This paper argues that the exponential growth in the reach and severity of criminal punishments, particularly felony sentences and convictions, has important implications for the contours of the American polity and for the civic capacity of individuals. To support this claim, the growth of the criminal justice system is first situated in a theoretical discussion of the feedback effects it could have on the polity. Next, data on individuals and communities in one state, North Carolina, are analyzed to test the effects of convictions on voter participation. The empirical component of this paper employs data from several sources, including voter registration and offender records, economic data, and census records to track past and present registration and turnout for individual felons and misdemeanants. Moreover, these analyses attempt to account for the effects of factors such as education, recidivism, race, gender, and age on the participation of offenders.

Key findings of the study include:

- People with felony convictions have lower registration and turnout rates than people who have never been convicted, both before and after their convictions. Twenty-nine percent of people convicted of felonies were registered to vote prior to being convicted of their first felony, compared with 65% of the general population.
- Felony convictions significantly depress registration and turnout rates:
  - Registration rates decline by half from 29% to 14% following completion of a sentence for a felony conviction.
  - Sixty-five percent of registered voters in the general population voted in 2004, compared with 44% of misdemeanants and 38% of ex-felons.
  - Low voter turnout among ex-felons in the 2004 election provides evidence that the effect of a felony conviction on electoral

participation extends beyond conviction and punishment, serving as a lifelong barrier to voting.

- While disenfranchisement policies account for much of the decline in registration and turnout, other aspects of being convicted of a crime also diminish political participation:
  - Labor market discrimination and decreased access to public assistance can lead to diminished economic resources.
  - Experiences with the criminal justice system decrease levels of trust in government and political efficacy
  - High rates of recidivism limit the amount of time when many individuals are in the community and eligible to register.
  - Politicians and political parties face disincentives to mobilize participation among people with felony convictions.

## CRIME POLICY FEEDBACK MECHANISMS

The number of people affected by criminal justice penalties in the United States has grown exponentially in recent decades. In each year between 1992 and 2000, between 850,000 and 1 million felony convictions were handed down in the United States (Bureau of Justice Statistics 2004b). Nearly half of the 4.9 million people on probation were convicted of felonies; the others were sentenced for misdemeanors (Bureau of Justice Statistics 2005). Serving time in federal and state prison is becoming more commonplace, such that by the end of 2001, an estimated 5.6 million adults had done so (Bureau of Justice Statistics 2004a). This growth in criminal sanctions has had a racially disparate impact. Blacks continue to be incarcerated at rates much higher than whites. Blacks make up 41% of all federal and state prisoners, and 17% of black men have served time in federal or state prison in their lifetimes. (Harrison and Beck; Bonczar, 1). Current estimates project that almost one-third of black males born in 2001 will be incarcerated in a state or federal prison in their lifetimes, compared with 6% of white males (Bonczar, 1).

As electoral margins shrink and the population of current and former offenders grows, understanding how offenders participate in the political process will become increasingly important, especially since the incidence of convictions is concentrated among certain demographic groups. Western, Pattillo, and Weiman, summarizing previous research, argue that although people who have been convicted of crimes currently constitute a small proportion of the overall population, “Nine out of ten prison inmates are male, most are under the age of 40, African-Americans are seven times more likely than whites to be in prison, and nearly all prisoners lack any education beyond high school” (Western, Pattillo & Weiman, 1). For high school dropouts, incarceration is fast becoming “a pervasive event” in the life cycle; in 1999, 32.4% of young black male high school dropouts aged 22-30 were in prison or jail; for comparable whites, the figure was 6.7% (Western, Pattillo & Weiman, 7).

How might a social policy that figures so prominently in the lives of poor and minority men, and increasingly in those of other social groups, affect political behavior? Mettler and Soss provide five possible ways in which policy feedback can restructure mass politics. First, public policies serve to “define the boundaries of the political community, establishing who is included in membership, the degree of inclusion of various members, and the content and meaning of citizenship” (Mettler & Soss, 61). Next, policies “influence patterns of group identity,” construct social groups, and infuse these groups with “political meaning” (Mettler & Soss, 61). Third, and most importantly for this paper, social policies affect civic capacity by creating “material incentives for mobilization,” “building and distributing civic skills within the citizenry,” supplying “resources for political mobilization, and shaping “citizens’ personal experiences with government” (Mettler & Soss, 62). Fourth, public policies can shape the public agenda and the framing of social problems (Mettler & Soss, 62). Finally, public policies can “define the universe of participants and demand makers” or “restrict the subset of individuals who are able to engage in particular types of political action” (Mettler & Soss, 63). In the United States, criminal justice policy structures mass politics along all five of these dimensions.

### **Defining Political Communities, Social Groups, and Spheres of Action**

To the extent that criminal justice policy creates an identifiable group of people, assigning burdens and denying benefits based on that status, this policy provides important feedback effects that influence mass politics. People convicted of crimes often are physically removed from civic membership for a time; they are also excluded symbolically in the sense that they lose many of the basic privileges afforded citizens in our country. Aside from the loss of liberty, many of those who are convicted of crimes are denied the right to vote, run for office, and serve on juries. Apart from the direct feedback mechanism of defining how and under what circumstances people convicted of crimes can influence their government, the loss of civic privileges associated with criminal convictions also conveys important symbolic meanings, according to Judith Skhlar:

It was the denial of the suffrage to large groups of Americans that made the right to vote such a mark of social standing. To be refused the right was to be almost a slave, but once one possessed the right, it conferred no other personal advantages. Not the exercise, only the right, signified deeply. Without the right, one was less than a citizen. Once the right was achieved, it had fulfilled its function in distancing the citizen from his inferiors, especially slaves and women (Skhlar, 27).

Thus, the denial of civil rights deprives a person “of his civic personality and social dignity” and demonstrates society’s “indifference to his interests” (Skhlar, 39). Recent public policies have also more sharply delineated the subordinate, almost alien status of people with convictions in the United States. For instance, Wacquant, writing of the criminal conviction as the equivalent of civic death, points out that felons can be denied access to public funding for higher education, welfare payments, disability support, veterans’ benefits, and food stamps (Wacquant 2005). Exclusionary policies such as these reflect society’s view that people who have been convicted of crimes are thus “irredeemably different and dangerous” in such a way that releases society from its obligations to them (Student Note). Such marginalization may hinder the ability of an offender to re-enter society; the symbolic expulsion from the polity renders them less than human in the eyes of people who have not been convicted of crimes.

Further, criminal justice policies specifically define the conditions under which affected individuals may participate in politics. Perhaps the most significant barrier to the political participation of current and former offenders is legal disenfranchisement. The practice of legal disenfranchisement dates back to antiquity (Behrens, Uggen & Manza). In the United States, states first adopted disenfranchisement statutes after the Revolutionary War; in some states these statutes were extended after Reconstruction to deny the right to vote for convictions for minor offenses (Keyssar). Over time, felon disenfranchisement statutes became more restrictive even as the right to vote was extended to new segments of the population (Keyssar). Currently, 48 states retain some restriction on the voting rights of felons and/or misdemeanants while they are serving their sentences; twelve

states bar some or all ex-offenders from the ballot box, at times for life. (The Sentencing Project).

The growth in the number of people convicted of crimes means that the number of disenfranchised felons and misdemeanants in the United States has skyrocketed. More than five million offenders and ex-offenders were prevented from voting in the 2004 presidential election (Manza & Uggen 2006). Because of the racial disparities in convictions, legal disenfranchisement disproportionately affects black males. Nearly 13% of all adult black men are disenfranchised; in Alabama and Florida, 31% of all black men are currently disenfranchised (Fellner & Mauer). A 1998 study estimated that in at least ten other states, 15 to 25% of black men were disenfranchised (Fellner & Mauer).

### **Individual Civic Capacity**

The bulk of this paper will focus on the third element of policy feedback: the effects of criminal justice policy on the civic capacity of individuals. To refer to the arguments of Mettler and Soss, policies may affect individual civic capacity through mobilization, civic skills, and resources. They also provide personal experiences that color how individuals relate to their government. To be sure, people who have been convicted of crimes often face disadvantages that would lower their turnout relative to the rest of the population. However, this paper argues that as a result of their involvement with the criminal justice system, convicted offenders also face a unique set of constraints that dramatically affects their propensity to register and vote, even long after their sentences are complete. Being convicted of a felony particularly exacerbates the problems of poverty, illness, and isolation that already dampen the civic capacity of these individuals prior to their conviction.

### **Individual Civic Capacity: Denying Resources and Civic Skills**

According to Verba, Schlozman and Brady, one of the primary factors affecting voter participation is access to resources; people participate in politics because they have resources such as time, money, education, and civic skills (Verba, Schlozman &

Brady). Such resources decrease the costs of participating and make political activity more likely. For instance, wealthy people have more disposable income to contribute to causes that concern them; they do not feel the burdens of campaign contributions as glaringly as do the poor (Rosenstone & Hansen; Verba, Schlozman & Brady). People with higher levels of education know more about politics and find it easier to acquire new political information (Verba, Schlozman & Brady).<sup>1</sup> Likewise, individuals with advanced civic skills might find it easier to navigate the bureaucracy associated with registering and voting (Verba, Schlozman & Brady).

People with felony convictions tend to have access to fewer resources than the rest of the population even prior to their convictions. For instance, in a national sample of state prisoners, about 70% of state inmates and 40% of state probationers did not have a high school diploma—in comparison, only 18% of the general population lacked high school diplomas (Harlow). Educational levels of North Carolina correctional populations are also low—only about 32% of newly admitted inmates reported that they had a high school diploma (Edwards).

Apart from the educational and other disadvantages faced prior to their conviction, the experience of being convicted severely restricts the ability of offenders to gather resources that could be used for political participation after they have served their sentences. This statement is particularly true for ex-felons, who face significant economic penalties for their convictions (Western). The unemployment rate among ex-felons is much higher than that of the general population, implying that this group has less access to financial resources than their counterparts in the general population (Holzer, Raphael & Stoll). This high unemployment rate is partly due to discrimination in the private sector; employers consider an applicant's criminal background in making hiring decisions and many refuse to hire people with criminal

---

<sup>1</sup> While educational attainment and other resources such as civic skills are correlated with most forms of participation, Verba, Schlozman and Brady note that “with the exception of vocabulary skill and family income, which have weak effects, resources play virtually no role for voting” (Verba, Schlozman & Brady, 359). Other turnout studies in the United States and other countries have found relationships between education and voting; however the models have little power to predict voter turnout any “more accurately than random guessing” (Matsusaka & Palda).

records (Holzer, Raphael & Stoll). Often, ex-offenders have no recourse to other sources of income, especially if they have been convicted of drug offenses. Federal programs such as TANF and SSI deny benefits to people convicted of drug crimes, sometimes permanently, depending on how the policy is applied by the state (21 USC Sec. 862). Drug offenders also are limited in their ability to acquire civic skills as they can be denied access to government grants for higher education. More generally, people with criminal convictions may also be barred from public housing (Western, Lopoo & McLanahan; see also 42 USC Sec 1437d.).

Age is another factor that can affect political participation. Older people are more likely to vote and participate in politics than young people for many reasons (Highton & Wolfinger). First, older people tend to have access to greater financial resources and to have more invested in the political system. They may have children, own a home, or rely on government benefits, as is the case with senior citizens (see Campbell for a discussion of how Social Security encourages political activity among the elderly). They have also had more time to develop the habit of voting (Plutzer). Because they tend to be young, people convicted of crimes are less likely to participate in politics. The Bureau of Justice Statistics estimates that almost 60% of United States inmates are under age 35 (Bureau of Justice Statistics 2004a).<sup>2</sup> The age at which an offender is first convicted also matters; people convicted of serious offenses at young ages may be less likely to develop the civic skills and ties to the community that encourage participation.

Older people tend to move less and thus develop deeper ties to their communities (Wolfinger & Rosenstone). Meanwhile, the experience of incarceration is “destabilizing for intact relationships” (Western, Lopoo, McLanahan, 23). Residential stability among felons and misdemeanants may be lower (Fleisher & Decker).

---

<sup>2</sup> In North Carolina, 56 percent of the inmate population in 2004 was under age 35 (North Carolina Department of Correction, 2005).

Finally, older people tend to be married, and married people are more likely to vote, ostensibly because spouses influence each others' turnout (Wolfinger & Rosenstone; Stoker & Jennings). In contrast, 57% of state and 40% of federal inmates have never married (Bureau of Justice Statistics 2000).

People convicted of crimes also face other problems that would affect their propensity to vote. Recidivism is high among ex-offenders; two-thirds of prisoners are rearrested within three years of their release, implying that most offenders have little time to re-register between sentences (Langan & Levin). Inmates are also more likely to suffer from psychological and emotional disturbances (Ditton). Sexual abuse is high among these populations; 16% of male and 57% of female prisoners report having been victimized physically or sexually prior to their entry into prison (Bureau of Justice Statistics 2000). Drug and alcohol dependence is high among prisoners; one-third of federal and more than half of state prisoners reported committing their offense while under the influence of alcohol or drugs (Mumola). Twenty-one percent of state and 16% of federal prisoners showed signs of past alcohol abuse, while 57 percent of state and 40% of federal inmates had used drugs in the month prior to committing their offense (Mumola). These types of physical and mental disabilities often render the exercise of the franchise difficult, even impossible.

### **Individual Civic Capacity: Decreased Mobilization, Increased Isolation**

Like personal characteristics such as resources and age, the place in which a person lives also affects their likelihood of voting. Communities affect political participation because they provide opportunities for civic involvement and enforce expectations of participation. One would expect that high levels of registration and turnout in communities would positively impact the turnout of all community members. In contrast, participation in communities with few institutions designed to mobilize citizens or enforce norms of participation should be low. Among black voters, Cohen and Dawson find that living in neighborhoods where a large number of residents are poor depresses political participation and efficacy and increases social isolation (Cohen & Dawson). These factors operate not only among blacks, but

among whites as well. Putnam argues that for all Americans, “great disparities of wealth and power are inimical to widespread participation and broadly shared community integration” (Putnam, 359).

Community ties and social networks can also provide benefits from voting in addition to those directly associated with election results. For instance, people may vote to convey to others their support for a cause or party with which they strongly identify; these expressive benefits may outweigh the costs of voting (Downs, 270; Verba, Schlozman & Brady, 352, 495; Rosenstone & Hansen, 16). People may also vote because of social pressure from peers; avoiding the shame and guilt of not voting can be a strong motivator (Rosenstone & Hansen, 23). The desire to do one’s civic duty is also a strong inducement to vote (Downs, 268-269; Riker & Ordeshook, 28; Aldrich, 253). Finally, people are more likely to vote when they are mobilized by friends or political parties, and people are more likely to experience mobilization when they take part in community and social activities (Rosenstone & Hansen, 176).

As is the case with resources and age, convicted offenders are disadvantaged with respect to the extent to which they form social and community ties. Inmates, for instance, tend to come from and return to low-income, minority communities which further depress their individual civic capacities (Holzer, Raphael & Stoll). Although many interest groups attempt to register and mobilize ex-offenders, particularly those who have been legally disenfranchised, most politicians and other groups ignore ex-offenders, often out of concern that associating with them would be portrayed as soft on crime. Moreover, because it is perceived that this is a population that does not vote, politicians are unlikely to invest the time to conduct mobilization or outreach. It also is likely that the problems that ex-offenders face in re-integrating into their communities result in a lack of connection to the peer networks that reinforce the norm of voting (Fleisher & Decker). Because they are not as connected to peer networks or political parties, ex-offenders are less likely to be mobilized and therefore less likely to vote.

### **Individual Civic Capacity: Fear of Government and Incentives for Demobilization**

Experiences with the criminal justice system also teach important lessons about how the government relates to citizens. As Soss writes, people tend to extrapolate their experiences with one aspect of the government to the entire government, and these experiences then “become the basis for broader orientations toward government and political action” (Soss, 364). For instance, Soss noted that AFDC clients viewed the agency “as a pervasive threat in their life, as a potent force whose limits were unclear” and as “an autonomous power over them” (Soss, 366). Moreover, they saw their interactions with the agency “as one-way transactions in which the agency had the authority to issue directives” (Soss, 366). As a result, AFDC clients believed “that speaking out is both ineffective and risky” and that they lack the ability to influence government (Soss, 366, 371-372). Insofar as AFDC and criminal justice authorities both supervise and control underclass populations (Wacquant 2001), one should expect people who experience criminal justice supervision to evince the same beliefs about their relationship to government and personal efficacy.

The political learning that takes place within the confines of law enforcement and correctional agencies is reinforced by actors outside the criminal justice system. Parties and other partisans reinforce the notion that “speaking out is ineffective and risky.” Voter intimidation has existed as a way of influencing election outcomes throughout the nation’s history (Menes, 8). Practices such as poll taxes, literacy tests, and white primaries were used for decades to prevent blacks from voting. These legal restrictions were also backed by violence; a famous example of the dangers of voter registration involves that of the three civil rights workers murdered in Mississippi during the civil rights movement for attempting to help blacks register (CNN.com). The Voting Rights Act of 1965 may have outlawed these instances of disenfranchisement through fraud and intimidation; however, many people allege that voter fraud and intimidation still restricts turnout among disadvantaged groups today, especially blacks and immigrants. A joint investigation by People for the American Way (PFAW) and the National Association for the Advancement of Colored People (NAACP) of the 2004 general election revealed reports of signs posted in black districts that attempted to mislead potential voters about election

dates and polling places (PFAW & NAACP). These signs also threatened potential voters with violence, fines, or imprisonment if they even attempted to vote (Conyers). Black voters in Florida alleged that they were purged from the voter rolls for felony convictions even though they had no criminal record (PFAW & NAACP).

Current tactics that may affect the political participation of offenders include “ballot security” and voter integrity initiatives in which workers at the poll site challenge the eligibility of voters (Conyers, 2; Franke-Ruta & Meyerson). In 2004, overseers from both political parties were on site in contentious districts to prevent voting misconduct; however, charges of vote irregularities still surfaced after the election (Associated Press). Ex-offenders, because of their previous experiences with law enforcement and the criminal justice system, may be especially susceptible to intimidation tactics that threaten voters with fines, imprisonment, or other punishments.

## RESEARCH DESIGN

In an effort to shed light on how the increasing severity of criminal penalties affects individual civic capacity, this study will investigate patterns of voter participation among people with felony convictions. Because North Carolina disenfranchises only felons, this study will pay particular attention to the effects of crime policies on people with felony convictions, although data on misdemeanants will be used to illustrate crime policy feedback effects as well. This paper will present data on the following: (1) the current voter registration and turnout rate among felons and ex-felons; (2) the effects of the disadvantages suffered by felons on their participation; (3) the likely vote choice of felons when they participate; and (4) the voter registration, turnout, and vote choice among felons in the absence of disenfranchisement policies.

The first of these is (relatively) straightforward to estimate by examining voter records to determine whether or not a particular ex-felon is registered or recently turned out to vote.<sup>3</sup> The effects of disadvantages were estimated by comparing felons who registered and voted with those who did not, paying special attention to the confounding factors of educational, economic, mental, and physical disadvantage that can influence this decision. Estimating likely vote choice is more difficult because actual vote choice is private and no self-reported vote choice data exists for felons. However, registered party identification may serve as a useful proxy for vote choice; this data is readily available from voter records and is the best available data on the vote choice of ex-offenders.<sup>4</sup>

Perhaps the most difficult portion of this analysis involves estimating the likely patterns of participation and vote choice in the absence of the felony conviction.

---

<sup>3</sup> However, vote validation is a complex process and depends on the quality of voting records and the match procedure. For a discussion on the difficulties of matching voters to administrative records on registration and turnout, see Presser, Stanley, Michael W. Traugott, and Santa Traugott. 1990. Vote "Over" Reporting in Surveys: The Records or the Respondents? NES Technical Report Series, No. nes010157.

<sup>4</sup> Party registration can be a problematic as an indicator of both party identification and vote choice (Finkel & Scarrow; Dalton & Wattenburg 1993; Burden & Greene).

The preferred analysis would measure the participation of individual felons after having received a conviction and compare it to the participation level of those same individuals at the same point in time without having received a conviction, thus ensuring that the individual felons differed only in their status as an offender. However, it is impossible to observe the same person at the same point in time with and without a conviction. This presents challenges in identifying the specific impact of a felony conviction on political participation.

It is still possible to approximate felon participation in this counterfactual condition by choosing a control group that is similar to the unobserved, untreated individuals (Holland). There are several possible control groups that would prove useful in answering these research questions. While each of these control groups differs in ways that are not observed from the treated group, using multiple control groups in the research design may help bracket the magnitude of the treatment effect (Rosenbaum). The first control group compares the current participation levels of felons with their participation levels over the course of their lifetimes in order to get a sense of how people participated prior to their convictions. The second comparison uses misdemeanants, who share some of the same characteristics of felons, including lower educational attainment and a criminal record, yet are not disenfranchised. The third option looks at the participation of non-offenders who are similar to felons and misdemeanants across many characteristics such as age, race, gender, and education.<sup>5</sup> The fourth possible comparison group includes felons in states that do not have disenfranchisement policies. In this paper, the first three control groups will be considered; participation levels in different states will be the subject of future projects.

---

<sup>5</sup> Manza and Uggen use this comparison group to estimate felon participation in the counterfactual case at the national level. They find that an average of 35 and 24 percent of disenfranchised felons would have voted in presidential and off year elections, respectively. (Manza & Uggen 2004, 496). This paper replicates and extends their analysis.

## DATA AND METHODS

Data for this study is taken from the North Carolina Department of Correction (DOC) public-use data on offenders, the computerized voter registration rolls and voter history files maintained by the North Carolina Board of Elections, and the voter participation supplement from the November 2004 Current Population Survey (CPS). The DOC files were obtained in June of 2004 and contain records of all individuals who had been supervised for felonies or misdemeanors by the state for all years regardless of punishment type. The file also contains personal information such as name, race, age, gender, and citizenship, along with criminal record data such as offense type and severity, sentence type and length, criminal history, and recidivism. The file does not contain data on individuals being supervised in federal institutions for felonies, even though North Carolina law disenfranchises these offenders as well.

North Carolina first introduced restrictions on felon voting rights in 1875 (North Carolina State Library 2005b). Since 1971, Article VI, Section 3 of North Carolina's Constitution has barred all current felons – including felons convicted in federal courts and felons on probation or parole – from voting.<sup>6</sup> There were nearly 40,000 probationers and 30,000 inmates disenfranchised for felonies in North Carolina in 2001 (North Carolina Department of Correction 2002).<sup>7</sup> About 62% of these inmates and about 48% of these probationers were black (North Carolina Department of Correction 2002). In North Carolina, about 8% of black males were disenfranchised for state-level felony offenses in 2004.<sup>8</sup> Once an offender has

---

<sup>6</sup> Article 6, Section 3 reads: "Disqualification of felon. No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law" (North Carolina State Library 2005a)

<sup>7</sup> There were 2,435 people on parole in North Carolina.

<sup>8</sup> Based on the 2004 American Community survey, 526,529 black male citizens live in North Carolina. As of June 2004, there were 43,279 black males under NC DOC supervision for felony convictions. The rate of disenfranchisement underestimates the true number because it does not account for the number of black men being supervised by federal authorities for felony offenses.

completed his or her sentence, they may register to vote immediately.<sup>9</sup> However, ex-felons must register (or re-register) in order to vote after their sentence is complete. In North Carolina, voters may register by mail or with several state agencies including the Departments of Motor Vehicles or Health and Human Services (Lawyers' Committee for Civil Rights Under Law).

The voter registration files contain information on more than seven million North Carolina voters; the file is updated regularly for felony convictions, deaths, and relocation out of the state. Voters are purged periodically if they do not return forms; however, beginning in 2000, 'purged' voters remain in the file with an "inactive" or "removed" status. The file also contains information on registration attempts after 2000; people who were denied registration are also recorded in the file. The voter history file provides records of voter turnout in elections since 1992. The CPS data contains information about age, race, gender, education, and political participation for a national sample of United States households.

To create the data set used for analysis here, the names of individual offenders from the North Carolina offender file were matched electronically to the voter file in a two-step process. First, in the largest set of matches, offenders (820,645) were paired with registered voters who had exactly the same first name, last name, date of birth, and gender.<sup>10</sup> Of the total offender file, 349,651 were identified as having been convicted of a felony.

The first step of matching persons in the offender file with registered voters resulted in 264,111 matches. Next, voters with the same last name, date of birth, gender, and first two letters of the first name were matched. This step generated 24,696 matches. Thus, of the 820,645 offenders, 288,807 were matched to entries in the

---

<sup>9</sup> Chapter 13 of the North Carolina State Code.

<sup>10</sup> In the offender file, 4,095 out of 820,645 records had duplicate identifiers. In the voter file, 653,056 out of 7 million voters had duplicate identifiers. Many of these duplicates were included twice in the file (once as active, and again as inactive) due to moving or clerical errors. The duplicates were matched to the first available entry.

voter file. In the final file, a ‘case’ represents an individual who has a record with the North Carolina DOC.<sup>11</sup>

The analysis of registration includes only male United States citizens between the ages of 18 and 65 who have been convicted of at least one felony in their lifetimes. Offenders who died while under DOC supervision are excluded. This process yields 274,069 felons, of which 74,323 were still serving sentences at the time of this study. Similarly, the analysis of misdemeanor participation is limited to those offenders who are male citizens between the ages of 18 and 65 who have never been convicted of a felony (302,500 offenders).<sup>12</sup> Estimates from the CPS use southern male citizens between the ages of 18 and 65; these data and the data for the misdemeanor comparison group were preprocessed using matching techniques in order to make the non-felons more comparable to the felons (Ho, et al.). Overall registration and turnout rates as well as the predicted probabilities of registering are reported for ex-felons, current felons, and the three groups who do not experience disenfranchisement.<sup>13</sup> The predicted probabilities are calculated using the Clarify program from logistic regressions, correcting for rare event bias as necessary (King & Zeng 1999a & 1999b; King, Tomz & Wittenburg; Tomz, Wittenburg & King).

---

<sup>11</sup> Because the state Board of Elections only began keeping track of inactive voters systematically after the year 2000, it is necessary to take care in the inferences one can make about offenders who are not in the voter file. First, if the voter registration records or offender records contain typographical errors, the matching procedure inaccurately categorizes that person as not being on the voter registration list. Second, not being on the voter registration list may not mean that a person has *never* registered to vote in his or her lifetime; rather, it could be the case that the person registered and then was deleted from the voter rolls before the Board of Elections changed its record-keeping policy in 2000. Therefore, not having a matching entry in the voter file indicates at the least that a person has not voted, registered, or attempted to register since 2000. In contrast, everyone matched in the voter file has registered to vote at some point in their lifetime. Of those offenders who are matched to a voter file entry, only a small subset is currently registered to vote.

<sup>12</sup> For both felons and misdemeanants, I calculate both registration rates by adjusting the pool of potential voters by official Centers for Disease Control estimates of mortality and survival by age for people of different races and genders. The data provide survival percentages at every age for black and white males and females. For people of other races, the average for the entire US was used to adjust the registration (see Arias, 2004).

<sup>13</sup> One of the most important predictors of political participation, education, is not available for offenders. To solve this problem, education is imputed for inmates and probationers using Franklin’s two-stage auxiliary instrumental variables estimation (2SAIV). The imputation estimates are available in the Appendix.

## RESULTS

As seen in Table 1, few ex-felons are currently registered to vote in North Carolina. Only 13.8% of felons who are not currently serving active sentences are registered voters. Overall, 29.3% of ex-felons and 27% of felons who are serving active sentences are in the voter file, suggesting that they registered to vote at some point in their lives. Differences among black and white registration rates are not large; currently, 14.4% of whites are registered compared with 13.6% of blacks. The current registration of ex-felons reflects the expected positive relationships with age and education, such that the registration rates of felons who finished high school and felons over age 45 is nearly double that of younger felons and felons with only elementary school educations.

TABLE 1: REGISTRATION AMONG CURRENT AND FORMER FELONS.<sup>14</sup>

Group	Registration Rate
<b>Ex-Felons Currently Registered</b>	<b>13.8%</b>
Elementary	11.2%
High School	14.1%
Black	13.6%
White	14.4%
<b>Ex-Felons In Voter File</b>	<b>29.3%</b>
<b>Current Felons In Voter File</b>	<b>27.0%</b>
<b>Misdemeanants Currently Registered</b>	<b>27.1%</b>
<b>CPS Respondents Currently Registered</b>	<b>64.5%</b>

<sup>14</sup> The table presents registration rates for male citizens between the ages of 18-65 who have or are currently being supervised for felony convictions by the North Carolina State Department of Corrections. As shown in the table, only 13.8% of the total ex-felon population is currently registered to vote. Moreover, nearly 30% of ex-felons and 27% of current felons have registered to vote in the past. The registration rates of misdemeanants and CPS respondents are reported as well.

Controlling for age, race, educational attainment and criminal background in multivariate analyses confirms the notion that people with felony convictions are unlikely to register to vote in most cases. Table 2 presents the probability of being registered to vote for black and white men sentenced to a year of prison or probation for a felony conviction. As shown, the probability of registration is less than 10% for black and white ex-felons between the ages of 31 and 45 who served prison time for their last offense and have only an elementary school education. Moreover, for this group of offenders, having a high school education only increases the likelihood of voting by no more than three percentage points. The probability of voting is slightly higher among men sentenced to probation across all educational levels.<sup>15</sup>

**TABLE 2: PROBABILITY OF VOTER REGISTRATION AMONG EX-FELONS.<sup>16</sup>**

<b>Probability of Registration for:</b>	<b>Elementary Only</b>	<b>High School</b>
Black male, age 31 to 45, sentenced to 1 year of probation	11%	13%
Black male, age 31 to 45, sentenced to 1 year of prison	8%	11%
White male, age 31 to 45, sentenced to 1 year of probation	11%	13%
White male, age 31 to 45, sentenced to 1 year of prison	9%	11%

In examining the data on party identification in Table 3, the expected affinity of felons to the Democratic Party holds. Fifty-five percent of currently registered felons are Democrats. An examination of turnout in the 2004 general election (Table 4) shows that very few ex-felons and misdemeanants voted. Overall, about 5% of ex-felons and 12% of misdemeanants voted in 2004. Also from Table 4, it is clear that the ratio of turnout for registered voters is much lower for misdemeanants and ex-felons than for the general population. Among the general population, 65%

<sup>15</sup> Estimates based on models calculated using logistic regression and correcting for rare events bias. Please contact the author for complete model estimates.

<sup>16</sup> The table presents the probability that ex-felons with different characteristics will be registered to vote. The probabilities were calculated using the Clarify program and are based on logistic regression models that control for rare events bias. The full model specification and coefficients are available from the author upon request.

of registered voters turned out to vote. Turnout among registered voters decreases to 44% for misdemeanants and 38% for ex-felons. The expected relationships between turnout and education hold even among this small group, however, with the highest turnout rates found among offenders with the highest educational attainment.

**TABLE 3: PARTY IDENTIFICATION OF CURRENTLY & FORMERLY REGISTERED MALE FELONS.<sup>17</sup>**

Group	Percent Registered Democrat
Ex-Felons (Currently Registered)	57.7
Ex-Felons (In Voter File)	53.8
Current Felons (In Voter File)	55.3

**TABLE 4: VOTER TURNOUT AMONG CPS RESPONDENTS, MISDEMEANANTS & EX-FELONS.<sup>18</sup>**

Group	2004 Percent Voting	Turnout Rate: Registered Voters
Ex Felons	5.3	38.4
Elementary Only	3.3	
HS Grad	9.8	
Black	5.0	
White	5.9	

<sup>17</sup> The table shows the partisan identification for currently and formerly registered voters.

<sup>18</sup> The table shows the percent of ex-felon and misdemeanant male citizens who voted in the 2004 presidential elections. The figure also includes turnout rates for CPS voters in the matched sample. The 2004 figures were calculated by updating the voter histories of the June 2004 corrections and voter data. Voter turnout among ex-felons is very low, even in this Presidential election. However, turnout is much higher among those who are high school graduates or middle-aged. Turnout rates for ex-felons, like registration rates, are lower than those for misdemeanants among all comparison groups.

**TABLE 4: VOTER TURNOUT AMONG CPS RESPONDENTS, MISDEMEANANTS & EX-FELONS, CONT.**

Matched CPS	42.2	65.0
Elementary Only	32.3	
HS Grad	55.7	
Black	55.9	
White	47.8	
<b>Misdemeanants</b>	<b>11.9</b>	<b>43.9</b>
Elementary Only	6.2	
HS Grad	15.6	
Black	12.4	
White	12.2	

Comparing the current level of felon participation to its prior levels highlights the effects of the felony conviction on registration. As Table 5 indicates, more than half of the ex-felons who are matched in the voter file are not currently registered to vote. This number is much lower than that of misdemeanants, for whom the proportion of active voters is equal to that of non-offenders (65%). The gap between pre- and post-conviction rates exists for all levels of educational attainment, age, criminal history, and punishment types. Overall, as seen in Table 1, 29.3% of current and former felons are in the voter file, providing more evidence that the registration and turnout of North Carolina felons would be much higher in the absence of felon disenfranchisement. Table 6, which presents the probabilities that a person sentenced to serve one year of prison or probation for a felony would have ever registered to vote, further supports this idea. The probability of being in the voter file for a current or former felon is nearly three times higher than the probability that they are currently registered to vote.

TABLE 5: COMPARISON OF ACTIVE TO INACTIVE VOTERS.<sup>19</sup>

Group	In Voter File	Active Voter	Percent Active
Male NC Citizens age 18-65 (non offenders)	2,481,332	1,616,538	65
Male Misdemeanant Citizens age 18-65	126,747	82,885	65
Male Ex-Felon Citizens age 18-65	58,526	25,567	44

TABLE 6: PROBABILITY OF BEING IN THE VOTER FILE.<sup>20</sup>

Probability of being in the voter file for a:	Elementary Only	High School
Black male, age 31 to 45, sentenced to 1 year of probation	36%	49%
Black male, age 31 to 45, sentenced to 1 year of prison	35%	47%
White male, age 31 to 45, sentenced to 1 year of probation	37%	49%
White male, age 31 to 45, sentenced to 1 year of prison	35%	47%

<sup>19</sup> The table compares lifetime and current voter registration rates for people with and without convictions in North Carolina. The data are not adjusted for deaths. As shown in the table, about 35% of both misdemeanants and people without any convictions are inactive voters. However, ex-felons are much more likely to be inactive voters; less than half of all ex-felons in the voter file are currently eligible to vote.

<sup>20</sup> The table presents the probability that ex-felons with different characteristics will be matched in the voter file. The probabilities were calculated using the Clarify program and are based on logistic regression models that control for rare events bias. The full model specification and coefficients are available from the author upon request.

The evidence presented thus far suggests that more felons would vote in the absence of disenfranchisement policies. However, the evidence also supports the claim that felon participation levels in the absence of disenfranchisement policies still would not reach those of even disadvantaged people without felony convictions. Table 7 presents the difference in the probabilities that the general population (CPS respondents), misdemeanants, and ex-felons would register to vote after controlling for age, education, race, and for the misdemeanant comparison, criminal background. The table also compares the lifetime likelihood of voter registration of felons with that of misdemeanants and the general population. As shown in the table, felons have a much lower probability of being active voters than both misdemeanants and the general population. For example, for African American males with a high school education, voter registration is 52 percentage points higher than the registration rate of a similarly situated individual with a felony conviction. Moreover, even the probability that a felon would have registered in his or her lifetime is lower than the likelihood that a person without a felony conviction is currently registered to vote. Similarly, a misdemeanant is more likely to have registered in his or her lifetime than a felon. This difference nearly disappears for white males with an elementary school education, however.<sup>21</sup>

---

<sup>21</sup> It is also interesting to note that this comparison of misdemeanants and felons serving the same sentence may in fact control for many unmeasured factors that cannot be accounted for explicitly by this analysis.

TABLE 7: DIFFERENCE IN PROBABILITY OF REGISTRATION BETWEEN FELONS AND COMPARISON GROUPS.<sup>22</sup>

Difference in:	Probability of Registration		Probability of being in the voter file	
	<u>CPS</u>	<u>Misdemeanants</u>	<u>CPS</u>	<u>Misdemeanants</u>
Black male--elementary school	+38	+12	+29	+10
Black male--high school	+52	+13	+30	+13
White male--elementary school	+35	+13	+32	+3
White male--high school	+53	+12	+31	+13

<sup>22</sup> The first set of data in the table presents the difference in the probabilities that CPS respondents, misdemeanants, and former felons are registered to vote. The second set of data presents the same probabilities using the lifetime registration of current and former felons. The probabilities are calculated for black and white male offenders age 35 serving one year of probation for their first offense and are based on logistic regression analyses using matched samples. As the table shows, even after controlling for factors such as age, education, race, and criminal background, ex-felons are still less likely to be registered to vote than comparable misdemeanants and CPS respondents. Moreover, misdemeanants are more likely to have ever registered to vote than current and former felons across all educational and racial groups. Finally, the probability of current registration of CPS respondents is still much higher than the probability that a felon has ever registered to vote, even after accounting for differences in age, race, and education.

## DISCUSSION

These results provide some insight about the ways in which severe criminal justice policies affect political participation at the individual level. The groups differ with respect to their receipt of the treatment (criminal convictions and their associated penalties) and observed covariates (i.e., age, race, and socioeconomic status), but because they are also different in ways that cannot be accounted for in the analysis, it is impossible to estimate the true magnitude of criminal justice feedback effects. However, it is possible to take advantage of the fact that each of the control groups exhibits different types of bias; this “partial comparability” may lend itself to at least a ballpark estimate of these effects. For instance, we can infer from the difference between the general population with low and high incomes and educational attainment that poverty and education account for some of the difference between post-conviction felons and the general population; however, because the registration and turnout rates of non-felons with low incomes and educational attainment is still much higher than that of people with felony convictions, socioeconomic status cannot account for all of the difference. The point estimate for the difference between low socioeconomic status felons and non-felons is 15 percentage points. However, the true effect of socioeconomic status may be higher than it appears here perhaps due to sampling bias (in that people who respond to surveys may be more likely to vote than people who do not), or lower due to omitted variables such as age, gender, or over-reporting among well-educated respondents (see Silver, Anderson & Abramson).

From considering the gaps among poor non-felons and misdemeanants and felons prior to their convictions, we can infer that there are some differences between people of low socioeconomic status who will be convicted of crimes and those who will not. The registration rate of people without convictions is 49%; the lifetime registration rate of misdemeanants is 42.1%. The size of this gap suggests that the net effects of the bias between pre-misdemeanants and low socioeconomic status people without convictions are small. However, a much larger gap exists between people without convictions, misdemeanants and felons even before their convictions. The registration rate of felons prior to their convictions is 29.3%; this

large disparity may reflect the fact that even before their convictions, people with felony convictions perhaps experience more social isolation, mental illness, or problems with substance abuse than both misdemeanants and non-offenders. Moreover, people with felony convictions may be more likely than both groups to live in neighborhoods that lack civic institutions or themselves have lower levels of civic duty. Although this analysis cannot explicitly account for these biases, the use of multiple comparison groups helps show the limits of their effects. The ability to account for these biases may explain the difference between the general population and offenders prior to their convictions; however, it cannot explain the decreased levels of participation post-conviction.

The evidence suggests that the experience of being convicted of a crime itself affects voter participation. Misdemeanants experience lower rates of participation after conviction; 27.1% of ex-misdemeanants are registered voters as compared to a lifetime registration rate of 42%. As shown in Table 5 however, this difference in the lifetime and current voter registration of misdemeanants is equivalent to that of North Carolina voters who have not been convicted of an offense. However, at 44%, the turnout rate among registered ex-misdemeanants is lower than that reported among the general population (see Table 4). Misdemeanants are not subject to legal disenfranchisement, so their voter registration rates should not reflect this penalty. However, their diminished turnout may reflect the feedback effects of being convicted of a crime even though misdemeanants are less affected by post-sentence penalties such as unemployment or denial of public benefits.

Felons exhibit the most depressed level of participation after their sentences are complete. Before conviction, 29.3% of ex-felons had registered to vote; afterwards, only 13.8% were registered. Again, this difference is inflated because of bias; part of the disparity between the participation of felons before and after their conviction and sentence may be due to moving out of state or changing life circumstances that are not directly related to the conviction. In addition to these biases, however, this divergence also reflects the direct effects of the conviction and sentence (either through legal disenfranchisement, diminished employment opportunities, denial of public resources, or decreased efficacy and social integration).

Comparing the effects of conviction on felons and misdemeanants provides even more evidence that felony convictions have an independent effect on political participation. People convicted of felonies differ from people convicted of misdemeanors in many ways and as a result, making comparisons between the two groups is difficult. However, adding controls for crime type, sentence length, and punishment type may equalize the two groups. Arguably, it is appropriate to infer that two people who receive the same punishment (for this analysis, one year of probation) are roughly equivalent along the dimensions that affect sentencing (potential for rehabilitation, severity of the crime, prior record, other mitigating circumstances); if this is the case, then the only difference between felons and misdemeanants who receive the same punishment is the application of the disenfranchisement policy. Both have the same experience with the justice system (one year of probation). However, the post-sentence effects of the conviction may be greater for felons not only because they experience legal disenfranchisement, but also because they are denied access to resources to a greater extent in both the public and private sectors. As Table 5 shows, the difference between registration before and after the sentence is much greater for felons even after controlling for factors such as age, race, education, crime type, and punishment. Without controls, the likelihood of being registered among misdemeanants decreases by 35% from the lifetime registration level; again, this decrease is similar to that experienced by non-offenders. For felons, the likelihood of registration decreases by 53%. It appears that for misdemeanants, being convicted of a crime has no effect on voter registration, perhaps because they are not disenfranchised legally. However, the rate of turnout among active, registered voters is lower for both ex-felons and misdemeanants. To reiterate, 44% of registered misdemeanants voted in the 2004 election, while only 38% of registered ex-felons did so. The fact that both of these figures are lower than those of the general population provides evidence in support of the hypothesis that convictions decrease voter participation.

In summary, the findings of this analysis expand upon the work of Manza & Uggen, who had estimated that ex-felons would vote at a rate similar to people without convictions in the absence of disenfranchisement policies (Manza & Uggen 2004).

Ex-offenders exhibit lower participation levels than similarly-situated people without convictions even when they do not experience legal disenfranchisement. Part of this difference is due to pre-existing differences between offenders and non-offenders in factors such as isolation, substance abuse, and other issues that cannot be explicitly measured. While it is impossible to get an exact estimate of the effects of these and other factors on voter participation among ex-offenders, it is reasonable to infer that differences between offenders and members of the general population cannot account for all of the decrease in participation experienced by ex-offenders. The analysis demonstrates that ex-offenders' participation rates are further diminished after their sentences end; the magnitude of the decrease varies according to the extent to which the offender experiences disenfranchisement and post-conviction barriers to resources even after controls for criminal justice experience are added to the analysis. Later analyses, which will take advantage of variation in felony disenfranchisement laws across states, may help pinpoint the effects of disenfranchisement relative to other factors.

### **Implications**

In recent years, the number of disenfranchised felons has not been large enough to influence North Carolina elections at the federal level. In 2000, Bush won the state by nearly 400,000 votes; in 2004, voter turnout was even higher and Bush won by more than 500,000 votes. However, in 2004, the races for state auditor, commissioner of agriculture, supervisor of public instruction, two state senate seats, and one state house seat were decided by margins smaller than 1% (North Carolina State Board of Elections 2006). Overall, about 68.7% of North Carolina citizens over the age of 18 are registered to vote, and 58.2% of them voted in the Presidential election of 2004 (United States Census Bureau 2005c). These figures are similar to the national average registration and turnout rates of 65.9% and 58.3%, respectively.<sup>23</sup>

---

<sup>23</sup> Because they are calculated only for the citizen voting age population, these figures may underestimate the true voter turnout level of the voting eligible population (McDonald and Popkin).

Regardless of the lack of electoral impact in North Carolina, the feedback effects of criminal justice policies, especially felony convictions, on individual political behavior do raise important issues of citizenship, representation, and democracy. Because being convicted and punished for misdemeanors and felonies further deprives disadvantaged citizens of the civic skills, efficacy, and material resources that foster registration, voting, and other forms of participation, people with convictions are deprived not only of the status, but also of the representation afforded other citizens in the polity. The situation is especially important for people with felony convictions. Because people with felony convictions are less likely to register and vote than other citizens, they can be ignored by political officials without electoral repercussions. Because their primary interest is in reelection, politicians have less incentive to take account of the interests of individuals who cannot help them in this goal (Mayhew). In fact, because the majority of voters have expressed concern about crime for many years, politicians often find it useful to adopt “tough” positions with respect to people who violate society’s laws. However, this group, because they are disadvantaged relative to the rest of the population, tends to have special needs and concerns that will remain unaddressed if they remain outside of the political system.

This problem is especially relevant for blacks because of the disparities in conviction rates and sentencing. In many communities, black voting strength is greatly reduced because so many community members are currently or permanently disenfranchised. To reiterate an earlier point, 13% of all adult black men are disenfranchised across America; in some states, nearly one-third of black men have lost their right to vote (Fellner & Mauer, 8). When such large portions of its members are excluded from the polity and denied their rights of citizenship, a community is bound to suffer as a result because lawmakers have less incentive to take their needs into account.

The growth in the criminal justice system affects citizenship and democracy for communities in several ways. First, to the extent that being convicted of a felony diminishes the individual’s capacity to participate, having large numbers of people with felony convictions in a community diminishes the numerical voting strength of the community as a whole. Second, because felony convictions tend to be

concentrated among minority and poor men, the voting strength of these groups relative to other groups in the community is diminished as well. Decreased turnout among groups is especially important in local elections where minority groups feature more prominently in the population (Hajnal & Trounstein). Third, the presence of large numbers of felons in a community is correlated with other social problems such as poverty, joblessness, crime, and the breakdown of family structures that further diminish the institutional resources that encourage turnout. Finally, felons can impart their lack of efficacy or experiences with government on other community members; they have an important effect on community attitudes.

There is evidence that the effects of the growth of the criminal justice system are concentrated not only among certain social groups, but also in particular communities as well. At the national level, about half of the prisoners released in the United States return to only five states (Travis, 252). The best example here is California, which accounts for 12% of the United States population but 25% of its prison releases. Within states, prisoner reentry is also concentrated in counties that include center cities and major metropolitan areas (Travis). In essence, felons are concentrated within relatively few neighborhoods within the United States. In Brooklyn, “eleven percent of the block groups in that borough... account for 20 percent of the population, yet they are home to 50 percent of the parolees” (Travis, 252). In Cuyahoga County, Ohio, less than 1% of the county’s block groups account for 20% of the county’s prisoners (Travis, 252). Individuals within these communities tend to cycle in and out of justice supervision; in the blocks mentioned in Brooklyn, “about one in every eight parenting-age males is sent to prison or jail each year” (Travis, 252).

### **Policy**

Whether society should address the low levels of participation among felons is a matter of debate. However, if this problem were to be addressed, a multi-faceted approach would be necessary. The most obvious step is to eliminate felon disenfranchisement policies. The Supreme Court has already considered the issue in 1974 in *Richardson v. Ramirez* (418 U.S. 24) and again in *Hunter v. Underwood* in

1985 (471 U.S. 222). Each time, the Court upheld the practice of denying current and former felons the right to vote, although in the latter case, the Court ruled that these policies could not have a racially discriminatory purpose. The legislative arena holds more promise. Several studies of public opinion suggest that individuals overwhelmingly support the restoration of voting rights for non-incarcerated current felons as well as ex-felons (Pinaire, Heumann, & Bilotta; Manza, Brooks & Uggen).

A number of states already have made progress in granting voting rights to felons. Most recently in Iowa, Governor Vilsack restored the right of ex-offenders to vote on Independence Day, 2005 (Zernike). New Mexico and Nebraska lifted lifetime bans on the right to vote for felony convictions in 2001 and 2005 respectively (Texiera). Alabama changed its voter registration law in 2003 so some ex-felons could reapply (Mauer and Kansal). Ex-offenders are also taking advantage of the gubernatorial restoration process; according to The Sentencing Project, 60,000 ex-offenders in the fourteen states with the harshest laws have successfully had their rights restored in the past ten years (Mauer and Kansal, 6). The majority of these offenders are in Florida, where more than 48,000 ex-offenders have had their rights restored in the aftermath of legal disputes (Mauer and Kansal).

Still, many other ex-offenders have tried and failed to re-register. In Florida, the clemency board has rejected more than 200,000 requests to have voting rights restored since 1999; other states such as Kentucky, Alabama, and Virginia have also received thousands of requests in the same period (Mauer and Kansal, 12). Although only a small fraction of ex-offenders attempt to have their rights restored in some states, the interest in voting in states such as Florida suggests that many current and former felons would vote if permitted.

Eliminating laws that permanently or temporarily restrict the right to vote for people convicted of felonies is just the first step in reintegrating convicted felons into civil life. As shown in this analysis, much of the disparity in participation between felons and non-felons is caused by material disadvantage, coupled with the disabilities imposed because of the conviction and punishment themselves. Restoring voting rights to felons alone will not give individual felons political

equality. Felon disenfranchisement is not just about extending the right to vote to current and former felons; it also calls into question the institutions that surround political participation and civic life in the United States. To this end, attempts to reform public policies should focus attention on the factors that hinder civic capacity independent of legal barriers. Policies that prevent felons from receiving public assistance or that inhibit reintegration into society also decrease registration and voting.

## WORKS CITED

- Aldrich, John H. 1993. "Rational Choice and Turnout." *American Journal of Political Science* 37(1): 246-278.
- Arias, Elizabeth. 2004. "U.S. Life Tables, 2002." *National Vital Statistics Reports* 53(6) [Journal Online]; [http://www.cdc.gov/nchs/data/nvsr/nvsr53/nvsr53\\_06.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr53/nvsr53_06.pdf), accessed 29 August 2005.
- Associated Press. 2004. "GAO to Examine U. S. Vote Irregularities" *MSNBC.com*; <http://msnbc.msn.com/id/6575858/>; accessed 7 Jul 2005.
- Behrens, Angela, Christopher Uggen, and Jeff Manza. 2003. "Ballot Manipulation and the 'Menace of Negro Domination:' Racial Threat and Felon Disenfranchisement in the United States, 1850–2002." *American Journal of Sociology* 109(3): 559–605.
- Bobo, Lawrence D. and Devon Johnson. 2004. "A Taste for Punishment: Black and White Americans' Views on the Death Penalty and the War on Drugs." *The DuBois Review* 1(1): 151-80.
- Bonczar, Thomas P. 2003. "Prevalence of Imprisonment in the U. S. Population, 1974-2001." [Internet]; <http://www.ojp.usdoj.gov/bjs/pub/pdf/piusp01.pdf>.
- Burden, Barry C. and Steven Greene. 2000. "Party Attachments and State Election Laws." *Political Research Quarterly* 53(1) 63-76.
- Bureau of Justice Statistics. 2000. "Correctional Populations in the United States, 1997" [Internet]; <http://www.ojp.usdoj.gov/bjs/pub/pdf/cpus9704.pdf>; accessed 9 Dec 2004.

\_\_\_\_\_. 2004a. "Criminal Offenders Statistics." [Internet];  
<http://www.ojp.usdoj.gov/bjs/crimoff.htm>; accessed 8 Dec 2004.

\_\_\_\_\_. 2004b. "Criminal Sentencing Statistics." [Internet];  
<http://www.ojp.usdoj.gov/bjs/sent.htm>; accessed 8 Dec 2004.

\_\_\_\_\_. 2005. "Probation and Parole in the United States, 2004" [Internet];  
<http://www.ojp.usdoj.gov/bjs/pub/pdf/ppus04.pdf>; accessed 12 Jun 2006.

Campbell, Andrea Louise. 2003. *How Policies Make Citizens: Senior Political Activism and the American Welfare State*. Princeton: Princeton University Press.

CNN.com. 2005. "Mississippi Burning Trial Set to Start." *CNN.com* [Internet];  
<http://www.cnn.com/2005/LAW/06/12/miss.killings/>; accessed 06 Jul 2005.

Conyers, Honorable John, Jr. 2002. "Letter to Attorney General John Ashcroft" [Internet];  
[http://www.house.gov/judiciary\\_democrats/agmidtermvoteltr121702.pdf](http://www.house.gov/judiciary_democrats/agmidtermvoteltr121702.pdf).

Cohen, Cathy J. and Michael C. Dawson. 1993. "Neighborhood Poverty and African American Politics," *The American Political Science Review* 87(2): 286-302.

Dalton, Russell J. and Martin P. Wattenberg. 1993. "The Not-So-Simple Act of Voting." *In Political Science, State of the Discipline II*, ed. Ada Finifter. Washington: American Political Science Association; 193-218.

Ditton, Paula M. 1999. "Mental Health and Treatment of Inmates and Probationers." [Internet]; available from  
<http://www.ojp.usdoj.gov/bjs/pub/pdf/mhtip.pdf>; accessed 9 Dec 2004.

Downs, Anthony. 1957. *An Economic Theory of Democracy*, New York: Harper and Row.

Edin, Kathryn, Timothy J. Nelson and Rechelle Paranal. 2004. "Fatherhood and Incarceration as Potential Turning Points in the Criminal Careers of Unskilled Men." In *Imprisoning America: The Social Effects of Mass Incarceration*, ed. Mary Pattillo, David Weiman, and Bruce Western. New York: Sage; 46-75.

Edwards, David. 2005. "Educational Attainment of Inmates Entering North Carolina's Prisons," NC DOC Office of Research and Planning [Internet]; <http://crrp41.doc.state.nc.us/docs/pubdocs/0006517.PDF>.

Ewald, Alec. 2005. "A Crazy-Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law." [Internet]; [http://www.sentencingproject.org/Admin/Documents/publications/fd\\_crazyquilt.pdf](http://www.sentencingproject.org/Admin/Documents/publications/fd_crazyquilt.pdf); accessed 27 Jan 2006.

Fellner, Jamie and Marc Mauer. 1998. "Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States." [Internet]; [http://www.sentencingproject.org/tmp/File/FVR/fd\\_losingthevote.pdf](http://www.sentencingproject.org/tmp/File/FVR/fd_losingthevote.pdf)

Finkel, Steven E. and Howard A. Scarrow. 1985. "Party Identification and Party Enrollment: The Difference and the Consequence." *Journal of Politics* 47(2): 620-42.

Fleisher, Mark S. and Scott H. Decker. 2001. "Going Home, Staying Home: Integrating Prison Gang Members into the Community." *Corrections Management Quarterly* 5(1): 65-77.

Franke-Ruta, Garance and Harold Myerson. 2004. "The GOP Deploys." *The American Prospect* 15(2).

Franklin, Charles H. 1989. "Estimation Across Data Sets: Two-Stage Auxiliary Instrumental Variables Estimation (2SAIV)." *Political Analysis* 1(1): 1-23.

Hajnal, Zoltan and Jessica Trounstine. 2005. "Where Turnout Matters: The Consequences of Uneven Turnout in City Politics." *Journal of Politics* 67(2): 515-35.

Harlow, Caroline Wolf. 2003. "Education and Correctional Populations." [Internet]; <http://www.ojp.bjs.usdoj.gov/bjs/pub/pdf/ecp.pdf>; accessed 9 Dec 2004.

Harrison, Paige M. and Allen J. Beck. 2005. "Prisoners in 2004." [Internet]; <http://www.ojp.usdoj.gov/bjs/pub/pdf/p04.pdf>; accessed 26 Jan 2006.

Highton, Benjamin and Raymond E. Wolfinger. 2001. "The First Seven Years of the Political Life Cycle." *American Journal of Political Science* 45(1): 202-09.

Ho, Daniel E., Kosuke Imai, Gary King, and Elizabeth A. Stuart. 2004. "Matching as Nonparametric Preprocessing for Reducing Model Dependence in Parametric Causal Inference." [Internet]; <http://GKing.harvard.edu/files/matchp.pdf>; accessed October 2005.

Holland, Paul W. 1986. "Statistics and Causal Inference." *Journal of the American Statistical Association* 81(3): 945-60.

Holzer, Harry J., Stephen Raphael and Michael A. Stoll. 2004. "Will Employers Hire Ex-Offenders? Employer Preferences, Background Checks, and Their Determinants." In *Imprisoning America: The Social Effects of Mass Incarceration*, ed. Mary Pattillo, David Weiman, and Bruce Western. New York: Sage; 205-46.

Imai, Kosuke, Gary King, and Olivia Lau. 2004. "Zelig: Everyone's Statistical Software" [Internet]; <http://gking.harvard.edu/zelig>.

Keyssar, Alexander. 2000. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books.

King, Gary and Langche Zeng, 1999a. "Logistic Regression in Rare Events Data." [Internet]; <http://GKing.Harvard.Edu>; accessed Nov 2003.

\_\_\_\_\_. 1999b. "Estimating Absolute, Relative, and Attributable Risks in Case-Control Studies," [Internet]; <http://GKing.Harvard.Edu>; accessed Nov 2003.

King, Gary, Michael Tomz, and Jason Wittenberg. 2000. "Making the Most of Statistical Analyses: Improving Interpretation and Presentation." *American Journal of Political Science* 44(2): 347-61.

Langan, Patrick A. and David J. Levin. 2002. "Recidivism of Prisoners Released in 1994." [Internet]; <http://www.ojp.usdoj.gov/bjs/pub/pdf/rpr94.pdf>; accessed 9 Dec 2003.

Lawyers' Committee for Civil Rights Under Law. 2004. "Restore Your Right to Vote in North Carolina." [Internet]; <http://www.lawyerscomm.org/ep04/50states/ncarolina1004.pdf>; accessed 10 Dec 2004.

Manza, Jeff, Clem Brooks, and Christopher Uggen. 2004. "Public Attitudes Towards Felon Disenfranchisement in the United States." *Public Opinion Quarterly* 68: 276-87.

Manza, Jeff and Christopher Uggen. 2004. "Punishment and Democracy: Disenfranchisement of Nonincarcerated Felons in the United States." *Perspectives on Politics* 2(3): 491-505.

Manza, Jeff and Christopher Uggen. 2006. *Locked Out: Felon Disenfranchisement and American Democracy*. Oxford, Oxford University Press.

Matusaka, John G. and Filip Palda. 1999. "Voter Turnout: How Much Can We Explain?" *Public Choice* 98(3): 431-46.

Mauer, Marc and Tushar Kansal. 2005. "Barred for Life: Voting Rights Restoration in Permanent Disenfranchisement States." [Internet]; [http://www.sentencingproject.org/Admin/Documents/publications/fd\\_barredforlife.pdf](http://www.sentencingproject.org/Admin/Documents/publications/fd_barredforlife.pdf)

Mayhew, David R. 1974. *Congress: The Electoral Connection*. New Haven, Yale University.

McDonald, Michael P. and Samuel L. Popkin. 2001. "The Myth of the Vanishing Voter." *American Political Science Review* 95(4): 963-74.

Menes, Rebecca. 2004. "Graft and Politics in American Cities: 1880 to 1930." [Internet]; [https://www.nber.org/exp1.harvard.edu/books/corruption/Menes\\_CK/12-1-04.pdf](https://www.nber.org/exp1.harvard.edu/books/corruption/Menes_CK/12-1-04.pdf); accessed 08 Aug 2005.

Mettler, Suzanne and Joe Soss. 2004. "The Consequences of Public Policy for Democratic Citizenship: Bridging Policy Studies and Mass Politics." *Perspectives on Politics* (2): 55-73.

Mumola, Christopher J. 1999. "Substance Abuse and Treatment, State and Federal Offenders, 1997." [Internet]; <http://www.ojp.usdoj.gov/bjs/pub/pdf/satsfp97.pdf>; accessed 9 Dec 2004.

North Carolina Department of Correction. 2002. "Impact of Structured Sentencing Act on Correctional Populations." [Internet], <http://crrp41.doc.state.nc.us/docs/pubdocs/0005321.PDF>; accessed 8 Dec 2004.

\_\_\_\_\_. 2005. "Annual Statistical Report 2003-2004." [Internet]; <http://crrp41.doc.state.nc.us/docs/pubdocs/0006461.PDF>; accessed 30 October 2005.

North Carolina State Board of Elections. 2004. "North Carolina Related Laws to Election Matters." [Internet]; <http://www.sboe.state.nc.us/pdf/law/RelLaws.pdf>; accessed 10 Dec 2004.

\_\_\_\_\_. 2006. "General Election Results." [Internet]; [http://www.sboe.state.nc.us/enrs/main\\_primary.asp?ED=11xx02xx2004&EL=GENERAL&YR=2004&CR=A](http://www.sboe.state.nc.us/enrs/main_primary.asp?ED=11xx02xx2004&EL=GENERAL&YR=2004&CR=A); accessed 27 Jan 2006.

North Carolina State Library. 2005a. "Article VI." [Internet] [http://statelibrary.dcr.state.nc.us/nc/stgovt/article\\_vi.HTM](http://statelibrary.dcr.state.nc.us/nc/stgovt/article_vi.HTM), accessed October 2005.

\_\_\_\_\_. 2005b. "The Constitution of North Carolina." [Internet]; <http://statelibrary.dcr.state.nc.us/nc/stgovt/preconst.htm>, accessed October 2005.

People for the American Way and the National Association for the Advancement of Colored People. 2005. "The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America Today" [Internet]; [http://www.pfaw.org/pfaw/dfiles/file\\_462.pdf](http://www.pfaw.org/pfaw/dfiles/file_462.pdf); accessed 6 Jul 2005.

Pierson, Paul. 1993. "When Effect Becomes Cause: Policy Feedback and Political Change." *World Politics* (45) 595-628.

Pinaire, Brian, Milton Heumann and Laura Bilotta. 2003. "Barred From the Vote: Public Attitudes toward the Disenfranchisement of Felons." *Fordham Urban Law Journal* 30 Fordham Urb. L.J. 1519.

Plutzer, Eric. 2002. "Becoming a Habitual Voter: Inertia, Resources, and Growth in Young Adulthood." *American Political Science Review* 96(1): 41-56.

Putnam, Robert D. 2000. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon & Schuster.

Riker, William H. and Peter C. Ordeshook. 1968. "A Theory of the Calculus of Voting." *American Political Science Review* 62(1): 25-42.

Rosenbaum, Paul R. 1987. "The Role of a Second Control Group in an Observational Study." *Statistical Science* 2; 292-306.

Rosenstone, Steven J. and John Mark Hansen. 1993. *Mobilization, Participation, and Democracy in America*. New York: Macmillan.

Shklar, Judith N. 1991. *American Citizenship: The Quest for Inclusion*. Cambridge: Harvard University Press.

Silver, Brian D., Barbara Anderson, and Paul Abramson. 1986. "Who Overreports Voting?" *American Political Science Review* 80: 613-21.

Soss, Joe. 1999. "Lessons of Welfare: Policy Design, Political Learning, and Political Action." *American Political Science Review* 93: 363-80.

Stoker, Laura and M. Kent Jennings. 1995. "Life Cycle Transitions and Political Participation: The Case of Marriage." *American Political Science Review* 89(2): 421-33.

Student Note. 1989. "The Disenfranchisement of Ex-Felons: Citizenship, Criminality, and the 'Purity of the Ballot Box.'" *Harvard Law Review* 102 Harv. L. Rev. 1300.

Texiera, Erin. 2005. "Advocates See Gains in Felon Voting Laws." *Associated Press News*.

The Sentencing Project. 2005. "Felony Disenfranchisement Laws in the United States." [Internet];  
[http://www.sentencingproject.org/Admin/Documents/publications/fd\\_bs\\_fdlawsinus.pdf](http://www.sentencingproject.org/Admin/Documents/publications/fd_bs_fdlawsinus.pdf); accessed October, 2005.

Tomz, Michael, Jason Wittenberg and Gary King, 2003. CLARIFY: Software for Interpreting and Presenting Statistical Results. Version 2.1. [Internet];  
<http://gking.harvard.edu/>.

Travis, Jeremy. 2004. "Reentry and Reintegration: New Perspectives on the Challenges of Mass Incarceration." In *Imprisoning America: The Social Effects of Mass Incarceration*, ed. Mary Patillo, David Weiman, and Bruce Western. New York: Sage; 247-68.

United States Bureau of the Census. 2005a. "Reported Voting and Registration, by Race, Hispanic Origin, Sex, and Educational Attainment; Black Alone: November 2004." [Internet];  
<http://www.census.gov/population/socdemo/voting/cps2004/tab06-4.xls>; accessed September 2005.

\_\_\_\_\_. 2005b. "Reported Voting and Registration, by Race, Hispanic Origin, Sex, and Educational Attainment; White Alone: November 2004." [Internet];  
<http://www.census.gov/population/socdemo/voting/cps2004/tab06-2.xls>; accessed September 2005.

\_\_\_\_\_. 2005c. "Reported Voting and Registration of the Total Voting-Age Population, by Sex, Race and Hispanic Origin, for States: November 2004." [Internet]; <http://www.census.gov/population/socdemo/voting/cps2004/tab04a.xls>, accessed October 2005.

Verba, Sidney, Kay Schlozman, and Henry Brady. 1995. *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge: Harvard University Press.

Wacquant, Loic. 2001. "Deadly Symbiosis." *Punishment and Society* (3): 95-134.

\_\_\_\_\_. 2005. "Race as Civic Felony." *International Social Science Journal* (57) 127-42.

Wilson, William Julius. 1996. *When Work Disappears*. New York: Knopf.

Western, Bruce. 2002. "The Impact of Incarceration on Wage Mobility and Inequality." *American Sociological Review* (67); 526-46.

Western, Bruce, Leonard Lopoo & Sara McLanahan. 2004. "Incarceration and the Bonds between Parents in Fragile Families." In *Imprisoning America: The Social Effects of Mass Incarceration*, ed. Mary Pattillo, David Weiman, and Bruce Western. New York: Sage; 21-45.

Western, Bruce, Mary Pattillo & David Weiman, 2004. "Introduction," In *Imprisoning America: The Social Effects of Mass Incarceration*, ed. Mary Pattillo, David Weiman, and Bruce Western. New York: Sage; 1-20.

Wolfinger, Raymond E. and Steven J. Rosenstone. 1980. *Who Votes?* New Haven: Yale University Press.

Zernike, Kate. 2005. "Iowa Governor Will Give Felons the Right to Vote." *New York Times* A8.



514 TENTH STREET, NW SUITE 1000

WASHINGTON, DC 20004

TEL: 202.628.0871 • FAX: 202.628.1091

[WWW.SENTENCINGPROJECT.ORG](http://WWW.SENTENCINGPROJECT.ORG)