

## Turnout and Party Registration among Criminal Offenders in the 2008 General Election

Traci Burch

This paper estimates the voter registration, turnout, and party registration in the 2008 general election for men with felony convictions in Florida, Georgia, Michigan, Missouri, and North Carolina. The findings indicate that turnout among felons is much lower than previous research has shown. Ex-felon turnout in 2008 varied by state, averaging 22.2 percent. People captured and convicted for their first offense after the election voted at similarly low rates. Also contrary to the expectations of previous literature, the ex-felon population does not seem overwhelmingly Democratic. In North Carolina and Florida, two states for which the data are available, party registration varies by race. Among registered black male ex-felons, 71.7 percent in North Carolina and 84.2 percent in Florida are registered Democrats. Among whites, however, only 35.3 percent and 36.4 percent of ex-felons are registered Democrats in North Carolina and Florida, respectively.

To many observers, 2008 seemed a banner year for civic engagement in the United States. Thousands of Americans volunteered, donated, and canvassed for candidates in never-before-seen numbers. Images of long lines of citizens waiting to cast ballots, often for the first time, suggested “a huge turnout that ought to be cause for celebration” (King 2008). Right before the election, a poll conducted by CBS and the New York Times showed that 70 percent of adults reported paying “a lot” of attention to the campaign (*The New York Times/CBS News Poll, October 19–22 2008*).

Most encouragingly, this increase in political activity incorporated segments of the population that traditionally have been left out of politics. According to the Census Bureau, voter turnout increased from 47 percent in 2004 to 49 percent in 2008 among people aged 18 to 24, a statistically significant effect (Edwards

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2009). Voting rates among blacks, Hispanics, and Asians increased by four percentage points between 2004 and 2008 (Edwards 2009). Minority voters account for most of the five-million-vote increase during this time period; two million more blacks, two million more Hispanics, and 600,000 more Asians cast ballots in this election, while the number of non-Hispanic white voters remained unchanged (Edwards 2009).

This surge in votes among young and minority citizens certainly can be attributed to the candidacy of Barack Obama, who targeted and won these two demographics overwhelmingly. In light of the successful mobilization of these groups, one might wonder whether people convicted of crimes, a group disproportionately composed of young minority males, also experienced a bump in voter participation. Moreover, how many people might have been barred from voting because of felon-disfranchisement laws? These questions are particularly pressing given that scholars, journalists, and advocates argue that felon disfranchisement played a role in the presidential election outcome in 2000 (Conn 2005; Manza & Uggen 2004, 2006; Moore 2008).

This article estimates the voter registration, turnout, and where available, party registration in the 2008 general elections for all men who served time for felony convictions<sup>1</sup> under state supervision<sup>2</sup> prior to each election in five states: Florida, Georgia, Michigan, Missouri, and North Carolina. Ex-felon turnout in 2008 is compared with ex-felon turnout in 2000 and 2004 in order to show the over-time trend in ex-felon turnout. Turnout among men who were convicted of their first state felony after the 2008 election also is presented as a proxy for turnout among people currently serving sentences. The study population includes felons who served or will serve time in prison, on probation, or parole in state custody. According to the Bureau of Justice Statistics, states account for 93 percent of all prison admissions and 99 percent of all probation admissions, making states an appropriate site for studying the phenomenon of felon voting (Glaze & Bonczar 2009; Sabol et al. 2009).

This article represents the first attempt to estimate participation among this group on a large scale using real data from departments of corrections to validate the registration and turnout of felons. These data combine millions of voter registration and

<sup>1</sup> According to the Bureau of Justice Statistics, a felony is “an offense, as murder or burglary, of graver character than those called misdemeanors, especially those commonly punished in the U.S. by imprisonment for more than a year” (Bureau of Justice Statistics. 2010. “All Terms and Definitions.” Available online. at <http://bjs.ojp.usdoj.gov/index.cfm?ty=tda>. Accessed 21 June 2010).

<sup>2</sup> Only state courts and federal courts try felony cases. This analysis excludes defendants convicted under federal jurisdiction, which accounts for less than 1 per cent of probation admissions and less than 7 percent of prison admissions.

history files with departments of corrections data from Florida, Georgia, Michigan, Missouri, and North Carolina. In these states, felons are allowed to register and vote after serving their sentences; in Florida, a limited number of ex-felons were allowed to vote for the first time in this presidential election. For all of these states, new data on the number of eligible ex-felons who registered and voted are presented. All of the states in this study prevent voting among some or all felons still serving sentences. To get a sense of how these offenders barred from the election would have voted, registration and turnout among people captured and convicted for their first offense *after* the election are presented. Calculating registration and turnout rates for this counterfactual group helps overcome many of the problems of inference that plague previous research on felon disfranchisement.

The findings indicate that, despite heightened attention to felon disfranchisement and the excitement of the 2008 election, turnout among felons is much lower than previous research predicts and is certainly lower than that of similar individuals with low socioeconomic status from the general population. Ex-felon turnout in 2008 varied by state, averaging 22.2 percent. Turnout among ex-felons increased in all the states between 2004 and 2008; turnout increased 10 percentage points in Michigan, seven percentage points in Missouri and North Carolina, and about half a percentage point in Georgia; all of Florida's ex-felon voters are new. This gap in turnout between ex-felons and people from the general population does not appear to be caused by conviction and disfranchisement; people captured and convicted for their first offense after the election voted at similarly low rates, despite the fact that they had never been convicted of a state felony at the time of the election. However, even at such low rates of participation, imposing ex-felon disfranchisement laws still would have prevented thousands of people from voting in these states. These turnout numbers, while low relative to those of the general population, represent growth from 2004, especially for black male ex-felons.

Contrary to the expectations of previous literature, the ex-felon population does not seem overwhelmingly Democratic; the pattern of participation among ex-felons looks much like the nationwide trend reported by the Census Bureau. Most of the surge in turnout from 2004 occurred among black ex-felons; in all states except Michigan, turnout increased dramatically among black males, but remained somewhat flat for white males. In North Carolina and Florida, two states for which the data are available, party registration also varies by race. Among registered black male ex-felons, 71.7 percent in North Carolina and 84.2 percent in Florida are registered Democrats. Among whites, however, only 35.3 percent



and 36.4 percent of ex-felons are registered Democrats in North Carolina and Florida, respectively.

These results seem obvious at first glance. However, the findings seriously contradict scholarly and popular thinking about how disfranchisement laws affect the electorate. Manza and Uggen (2004) estimate that in the absence of disfranchisement laws, 35 percent of felons nationwide would have voted in the 2004 general election. The results presented here demonstrate that many fewer people with criminal convictions voted in 2008 and in previous years. Moreover, turnout among this group is low prior to conviction, casting further doubt on the 35 percent figure. The findings presented in this article show racial diversity in party preferences even among this group, which is arguably the worst-off in American society, suggesting that a significant number of white felons do not view the Democratic Party as the party of the downtrodden, as many suggest (Piven & Cloward 2000). This new evidence calls into question the widespread belief that “ex-felon votes would have helped Al Gore carry Florida and thus the election in 2000” (Manza & Uggen 2004).

Apart from these immediate electoral implications, the results provide a window into the participatory habits of felons, the worst-off group in American society, a group traditionally excluded by law and circumstance from full political, social, and economic membership. That the majority of this group, even in this highly salient electoral context, did not go to the polls suggests the limits of democratic inclusion in the United States. Increasingly, poverty and other social ills coincide with criminality so that in many communities in the United States, high proportions of adults have been convicted and punished for felony offenses. People with lower socioeconomic status are not a proxy for people with felony convictions. However, understanding the political behavior of offenders becomes important for understanding the participatory habits of people with low socioeconomic status generally, particularly racial and ethnic minorities, because a growing percentage of these groups have been convicted of criminal acts (Western et al. 2004).

## Literature Review and Theory

Since 1970, the number of people convicted and punished for crimes in the United States has skyrocketed. By the end of 2006, more than 7.2 million people were being supervised in jail, in prison, on probation, or on parole at all levels of government (Glaze & Bonczar 2009; West & Sabol 2008). About 2.3 million of these individuals are incarcerated (West & Sabol 2008). People with

criminal backgrounds make up an ever-increasing proportion of the population, particularly among those of low socioeconomic status: “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 et al. 2004: 1). For high school dropouts, incarceration is fast becoming “a pervasive event” in the life cycle: 32.4 percent of young black male high school dropouts aged 22–30 were in prison or jail; for comparable whites, the figure is 6.7 percent (Western et al. 2004: 7).

Much of the research on the political effects of increasing conviction and supervision rates has focused on explaining the origins and impact of felon disfranchisement laws. Currently, 48 states retain some restriction on the voting rights of felons and/or misdemeanants who are serving sentences; 12 states bar some or all offenders who have finished serving their time from the ballot box, at times for life. Manza and Uggen (2004) estimate five million offenders and ex-offenders were disfranchised during the 2004 general election. Fellner and Mauer estimated that, as of 1998, 13 percent of all adult black men were disfranchised nationwide; in several states, including Florida and Alabama, more than a quarter of black men were disfranchised (Fellner & Mauer 1998). In many states, a growing percentage of Latinos are disfranchised. As of 2003, 6 percent of the Latino voting age population was disfranchised in Washington and Nebraska and 5 percent of the Latino voting age population was disfranchised in Arizona and Florida (Demeo & Ochoa 2003).

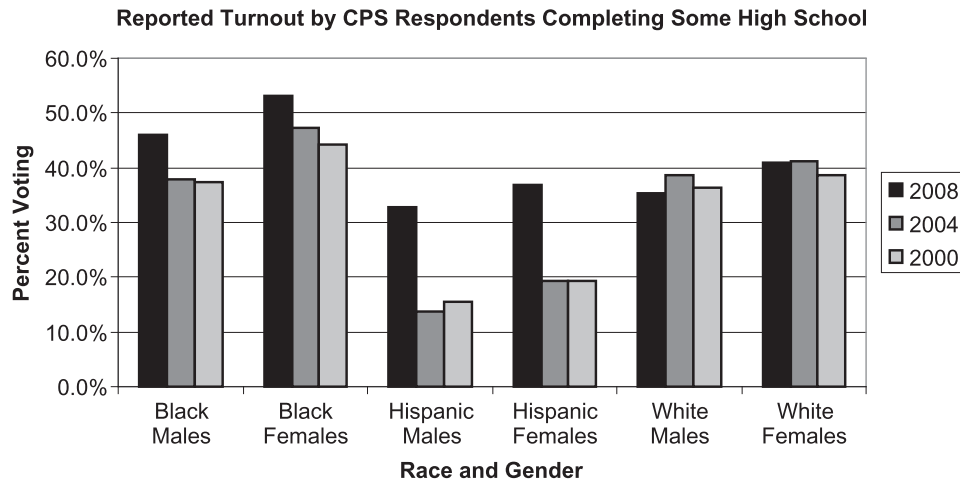
Clearly, felony disfranchisement laws affect a considerable share of the population, especially the black male population. However, despite the growth in disfranchisement rates and conviction rates more generally, very few studies attempt to estimate the participation rates and candidate preferences of ex-felons directly, perhaps because of the methodological and theoretical difficulties of such a task. Most cross-sectional surveys do not ask questions about criminal history. Panel studies that can track incarceration and other incidents often suffer from attrition or selection bias. However, even if survey organizations did ask about experiences with criminal justice, most would find current and former felons incredibly difficult to reach. A final problem is conceptual: determining the impact of convictions and disfranchisement on voting depends on making counterfactual estimates, which requires finding an appropriate control or comparison group against which to compare felons.

The existing research on ex-felon voter participation and the effect of disfranchisement laws is limited by these problems. In an extensive consideration of this question, Manza and Uggen (2004) find that disfranchisement laws prevented hundreds of thousands

of felons from voting in 2000 and 2004 and may have changed the outcomes of one presidential and seven senate elections. They estimate that, in the absence of disfranchisement laws, people convicted of felonies would vote at rates of 35 and 24 percent for presidential and mid-term elections, rates that are comparable to those of people with characteristics similar to ex-felons who have not been convicted of crimes (Uggen & Manza 2002).<sup>3</sup> Moreover, they estimate 70 to 80 percent of ex-felons nationally would support Democratic candidates. These results are based on estimates of turnout and vote choice of respondents to the Current Population Survey and American National Election Studies rather than actual offenders. Uggen and Manza (2002) assume explicitly that in the absence of disfranchisement laws, “the political behavior of disfranchised felons would approximate that of nonfelons matched to them in terms of age, race, gender, education, income, and marital status.” Subsequent tests of their model on a sample of youth in Minnesota shows no difference in participation between people with and without convictions once “sociodemographic factors” are taken into account (Manza & Uggen 2004: 499). The implication of this argument is that being convicted of a crime affects behavior only to the extent that a person is disfranchised legally.

Other studies conclude that voter registration and turnout among ex-felons is virtually nonexistent. In a cross-state analysis, Grose and Yoshinaka (2002) find consistent evidence that disfranchisement affects turnout in the South. When extended to the entire nation, however, Miles (2004) finds no correlation between disfranchisement regime and voter turnout across states. He ascribes the lack of a treatment effect to the fact that most offenders do not vote even when they have the right to do so because “the same demographic and socioeconomic factors that correlate with participation in criminal activity, and by implication with disfranchisement, also correlate with the decision to forgo voting” (Miles 2004: 115). By this logic, the relationship between disfranchisement and participation is spurious and disappears when demographic factors such as poverty and race are taken into account. In line with these findings, Burch estimates that about 15 percent of ex-felons in Georgia and Michigan and 10 percent of ex-felons in North Carolina and Missouri would have voted in the 2000 general election (Burch 2007a). Similarly, Haselswerdt (2009) finds single-digit turnout in 2004 among 660 recently released ex-prisoners in Erie County, PA. However, Burch shows that turnout among prisoners,

<sup>3</sup> Uggen and Manza do observe that “although nonfelon voters resemble felons in many respects, we cannot be certain that the experience of criminal conviction itself may not suppress, (or conversely, mobilize), political participation” (2002: 796).



**Figure 1. This graph shows reported voter turnout in the 2000, 2004, and 2008 general election among select racial and gender groups who completed some high school without earning a diploma, as reported by the U.S. Census Bureau.**

especially those still serving sentences, is low relative to that of probationers (2007b). Thus, Haselswerdt's findings may underestimate ex-felon turnout overall.

The literature on ex-felon voter participation provides a murky picture of the turnout rates of ex-felons who can vote and the effect of disfranchisement laws on ex-felons who cannot. On the one hand, both Miles and Haselswerdt suggest that turnout rates would be closer to zero. On the other, Manza and Uggen estimate a national turnout rate of one-third of ex-felons based on 2004 Current Population Study (CPS) data (Manza & Uggen 2006). By extension, Manza and Uggen might argue that the turnout rates among ex-felons in the most recent election would approximate those of disadvantaged respondents to the 2008 CPS as well. As shown in Figure 1, these rates are extremely high even among respondents who did not obtain high school diplomas. Nearly 46 percent of black men and 53 percent of black women who completed some high school reported voting in 2008, both representing an increase of 6 percentage points over 2004. Thirty-five percent of white men and 41 percent of white females with less than a high school diploma reported voting in 2008; both figures represent a decrease from 2004.

A more nuanced analysis of felon voting patterns would take into account the unique characteristics of people who get convicted of crimes as well as the special burdens criminal convictions further place on their ability to participate in politics. To be sure, persons convicted of crimes often face many disadvantages that would have

lowered their turnout relative to the rest of the population even if they had not been convicted. For instance, it is no secret that people convicted of crimes are worse off relative to the rest of the population in ways that are difficult to measure in a survey. For instance, in a national sample of state prisoners, about 70 percent of state inmates and 40 percent of state probationers did *not* have a high school diploma—in comparison, only 18 percent of the general population lacked high school diplomas (Harlow 2003). Age is another factor that affects participation; because they tend to be young, people convicted of crimes already would be less likely to participate in politics than the average citizen. The Bureau of Justice Statistics estimates that almost 60 percent of U.S. inmates are under age 35 (West & Sabol 2008). People convicted of crimes also face other problems that would affect their likelihood of participating in politics. Because of their lower socioeconomic status and involvement with crime, it could be the case that mortality rates are higher among offenders as well. Langan and Levin (2002) find that among prisoners, the mortality rate was 1.46 times higher than that of the general population. Psychological and emotional disturbances are more common among offenders (Ditton 1999). Sexual abuse is high among these populations; 16 percent of male and 57 percent of female prisoners report having been victimized sexually prior to their entry into prison (Ditton 1999). Drug and alcohol dependence is high among people who are convicted of crimes; one-third of federal and more than half of state prisoners reported committing their crimes while under the influence of alcohol or drugs (Mumola 1999). Twenty-one percent of state and 16 percent of federal prisoners showed signs of past alcohol abuse, while 57 percent of state and 40 percent of federal inmates had used drugs in the month prior to committing their offense (Mumola 1999). These types of physical and mental disabilities often render political activity difficult, even impossible.

In addition to these factors, persons convicted of crimes may differ from the general population in other ways. They may be engaged in drug abuse or other criminal activities that make them unwilling or unable to provide their personal information to government agencies, including boards of elections (Mumola 1999). Likewise, they may be avoiding further contact with law enforcement officials for fear of arrest. Finally, people who commit crimes may be less connected to their communities, families, peers, and government (Fleisher & Decker 2001; Sampson 1988; Sampson & Groves 1989; Sampson et al. 2002). These networks reinforce the norm in favor of political participation and the norm against criminal behavior.

It is unclear whether and how the experience of conviction and punishment would affect political behavior. For many individuals, a



criminal conviction serves as the wake-up call that provides an opportunity for rehabilitation and training (Sourcebook of Criminal Justice Statistics [“Table 6.73”] 2003; Mumola & Karburg 2006). However, the economic and social burdens associated with criminal convictions severely restrict the ability of offenders to garner resources such as time, money, and civic skills that would help them participate in politics after they serve their time (Verba et al. 1995). The unemployment rate among ex-offenders is much higher than that of the general population, often as the result of employment discrimination (Holzer et al. 2004; Pager & Quillian 2005). Federal educational and housing assistance, as well as cash assistance such as TANF and SSI, can be denied to people convicted of drug offenses (Travis 2002; Uggen et al. 2006; Western et al. 2004a). Socially, it is well documented that people are more likely to get involved in politics when they are mobilized by friends or political parties, and people are more likely to be mobilized when they take part in community and social activities (Rosenstone & Hansen 1993; Verba & Nie 1972; Verba et al. 1995). Criminal offenders tend to be less residentially stable; moreover, for incarcerated individuals, already-fragile social networks “are made tenuous by the distance between home and prison” (Abu-Jamal 1995: 12; Fleisher & Decker 2001).

Still, even in light of these findings, the predictions of both Miles and of Haselswerdt seem to underestimate the rate at which felons would vote. Miles’s analyses at the state level accurately gauge the absence of effects big enough to change electoral outcomes; however, cross-state analyses may be too blunt to pick up smaller differences in the turnout of felons across states. Likewise, Haselswerdt’s analysis is based on a small sample of parolees and thus reflects the turnout patterns of those ex-felons who are least likely to vote. Even though the turnout is low, it is still likely that tens of thousands of persons with felony convictions voted in this and in previous elections.

Even if one accepts the claim that some people with felony convictions vote, it is not altogether clear for whom convicted offenders vote when given the chance. Most criminal offenders are males of low socioeconomic status (Harlow 2003). Is this group more likely to vote Democratic? Most research today says yes; poor men vote their class interests, so lower-class voters are more likely to support Democratic candidates (Bartels 2005; Brewer & Stonecash 2001; Campbell et al. 1960; Erikson 1995; Piven & Cloward 2000; Stonecash 2000; Tucker et al. 1986). However, as Kristof (2004) has pointed out, “One of the Republican Party’s major successes over the last few decades has been to persuade many of the working poor to vote for tax breaks for billionaires.” Many other observers often lament the propensity of white lower-class

voters to vote seemingly against their own class interests in favor of Republicans (DeNardo 1980; Frank 2004; Hillygus & Shields 2005; Nagel & McNulty 1996).

Black men across classes consistently support the Democratic Party and therefore it is expected that black ex-felons would overwhelmingly support Democratic candidates (Dawson 1994). For whites, however, the answer to this question is still unsettled in the literature and remains quite controversial, as noted above. Bartels finds consistent support for the Democratic Party among lower-class whites throughout the last three decades (Bartels 2005). Other empirical evidence suggests lower rates of support for the Democratic Party among white male offenders. Manza and Uggen find that people who have been incarcerated or arrested are more likely to describe themselves as Independents and less likely to describe themselves as Democrats (Manza & Uggen 2006: 124). People with criminal backgrounds were also more likely to support Jesse Ventura rather than major party candidates in Minnesota's 1998 gubernatorial election (Manza & Uggen 2006: 124). Anecdotal evidence such as that found in Frank (2004) also calls into question the idea that lower-class whites vote Democratic.

## Research Design

Measuring the participation of people convicted of crimes is difficult, as noted above, because data on the criminal history of individuals have not been included regularly in studies that measure participation. Moreover, determining the effects of disfranchisement is even more problematic because it involves estimating a particularly difficult counterfactual scenario.

To estimate the turnout rates of ex-felons and thus the effect of ex-felon disfranchisement laws, the ideal analysis would measure the extent to which each offender undertakes different political activities now and then compare that figure with what that same person would have done *if the conviction or its various consequences had never taken place*. Although it may be possible to measure the participation of people once they have been convicted, it is impossible to observe that same individual's participation in the counterfactual condition. Thus, it is not possible to test the effects of conviction on any particular individual directly (Holland 1986). Using a control subject who is similar to what the unobserved person would be if he had not been convicted is the best substitute for approximating the level of participation in the counterfactual condition (Holland 1986). However, people who have been convicted of crimes often are very different from people who have never been convicted in ways that cannot be measured, complicating the task of finding a

control or comparison group against which to measure disfranchised ex-felons.<sup>4</sup>

Although no surveys or data sources measure the effects of convictions on individuals directly, state governments collect very detailed data on convicted offenders and on one form of political activity, voting. As a result, it is possible to combine these records and use them to directly measure at least one form of participation for offenders with different criminal justice experiences.<sup>5</sup> Because these data also contain some demographic information, one can also separate the effects of an offender's background and disadvantages from the effects of the conviction.

Having data on the personal characteristics and voter participation of offenders makes identifying and measuring their voting behavior possible. Even more importantly, these data enable potentially confounding factors such as age, race, gender, crime severity, and education to be taken into account. These data allow the voter participation of ex-offenders, many of whom are allowed to vote after completing their sentences, to be measured. Constructing appropriate counterfactual groups against which to compare offenders barred from voting is more difficult. For instance, the CPS turnout rates discussed previously provide one estimate of the likely participation among offenders. Manza and Uggen use this comparison group to estimate felon participation in the counterfactual case at the national level (Uggen & Manza 2002; Manza & Uggen 2004, 2006). However, analyses that use this control group to estimate the effect of convictions, like those of Manza and Uggen, are biased because they cannot account for the differences between people with and without convictions that may affect participation.

Instead, looking at turnout rates among persons convicted of their first felony after the 2008 general election best accounts for baseline differences between the general population and offenders. At the time of the election, these offenders had not yet been convicted or taken into custody; thus, their turnout patterns cannot be

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<sup>4</sup> Convicted felons are but a subset of the universe of people who commit crimes, indicating that there is some mechanism that assigns some people who commit crimes to be captured, punished, and convicted, while others are not. We cannot know, or fully account for that selection mechanism, thus it is "unmeasured." If this selection mechanism is random, then it is ignorable. However, numerous studies show that there are biases in criminal behavior, arrests, and convictions that make some people who commit crimes more likely to be convicted than others (Thomson & Zingraff 1981; Klepper et al. 1983; Humphrey & Fogarty 1987; Bridges & Crutchfield 1988; Gordon et al. 1988; Albonetti 1997; Spohn et al. 1998; Brock et al. 2000; Steffensmeier & Demuth 2000; Bushway & Piehl 2001; Lundman & Kaufman 2003; Rodriguez 2003; Weinstein 2003; Smith & Durose 2006).

<sup>5</sup> However, vote validation is a complex process and depends on the quality of voting records and the procedure by which records are linked. For a discussion on the difficulties of joining voters to administrative records on registration and turnout, see Presser et al. (1990).

attributed to the experience or consequences of justice supervision. Rather, the gap between these offenders and the general population, if any, represents the influence of those unmeasured factors that eventually led this group to be convicted of crimes. Conceptually, this group represents people who would have been punished and disfranchised during this election had they been captured and convicted just a few months earlier.

Estimating candidate preferences among offenders is difficult without survey evidence. To get a sense of vote choice, party registration among offenders in states with closed primaries can be used. Although party registration differs from partisan identification and vote choice, it is the best information available on the preferences of offenders (Finkel & Scarrow 1985).

## Hypotheses

To summarize the argument, being criminally convicted can affect an individual's desire and ability to participate in politics. Given the fact that persons convicted of crimes already lack the economic and educational resources of other citizens and suffer from substance abuse, mental health issues, and social isolation at higher rates than nonoffenders of similar social background even before their convictions, these individuals should demonstrate lower levels of political activity than similar citizens who have not been convicted of crimes. Likewise, the experience of being convicted and punished for crimes should prevent participation of offenders because convictions impose barriers that tend to decrease the likelihood of participating in politics even further. To restate:

*H1: Voter registration and turnout in the 2008 general election among people convicted of felonies should be lower than that of CPS respondents of the same race, gender, and educational attainment. Because people convicted of felonies experience substance abuse, mental health issues, and other problems at higher rates even before their convictions, the registration and turnout of pre-conviction offenders should be lower than similarly-situated CPS respondents as well.*

With respect to vote choice, although there is no way of knowing the true candidate preferences of offenders for this analysis, it is possible to make some plausible assumptions about vote choice based on the available evidence. Criminal offenders do not vote at the same rates as people with similar backgrounds who have not been convicted of crimes. However, it is possible that criminal offenders would have the same preferences as nonoffenders who share their demographic characteristics. There is a consistent finding that in general, nonvoters tend to have the same preferences as voters, such that registration laws have little effect on the



policy preferences of the electorate (Rosenstone & Wolfinger 1978). Applying this logic to disfranchised offenders, then, one should expect the candidate preferences of offenders to mirror those of other people with the same race, gender, and educational level.

*H2: The party preferences of ex-felons as a group in each state should depend on the racial makeup of the ex-felon population. Black ex-felons should support the Democratic Party in overwhelming numbers, but only a minority of white ex-felons should be registered Democrats, depending on the state.*

## Data

One of the most exciting facets of this study is that it explores the political participation of real offenders using records maintained by the departments of corrections in the states selected for the analysis: Florida, Georgia, Michigan, Missouri, and North Carolina. In each state, the department of corrections maintains highly detailed data on all offenders convicted of felonies and misdemeanors who are sentenced to state supervision in prison or in the community through probation or parole. People convicted of felonies in federal court who served sentences under federal authorities and people convicted of misdemeanors or infractions in municipal court who served time in county jail are not included in the analysis.<sup>6</sup> In all states in this analysis, all offenders accused of state felonies are tried, convicted, and punished by state authorities, such that the files represent a complete list of people who have or are being supervised for felony convictions by that state.<sup>7</sup> People with misdemeanor convictions who were supervised by local authorities are absent from the data, as are people convicted under federal law. As a result, these findings estimate turnout only among

<sup>6</sup> In 2008, federal courts commenced 2,437 cases against criminal defendants in North Carolina, 2002 cases in Missouri, 1,392 in Michigan, 5,336 in Florida, and 2,271 in Georgia (Administrative Office of the United States Courts. 2008. "Table E-2, Persons Under Supervision." Available online at <http://www.uscourts.gov/uscourts/Statistics/FederalJudicialCaseloadStatistics/2008/tables/E02Mar08.pdf>. Accessed on 21 June 2010). Although I do not have comparable data on the number of felony cases commenced by state authorities, similar data on admissions to supervision show that in 2006, more than 90,000 people were admitted to state prison or probation in Michigan, Missouri, and Georgia; more than 80,000 in North Carolina, and nearly 300,000 in Florida (*Sourcebook on Criminal Justice Statistics*, "Table 6.3.2006," Available online at <http://www.albany.edu/sourcebook/pdf/t632006.pdf>. Accessed on 21 June 2010. *Sourcebook on Criminal Justice Statistics*, "Table 6.0009.2008." Available online at <http://www.albany.edu/sourcebook/pdf/t600092008.pdf>. Accessed on 21 June 2010).

<sup>7</sup> In Florida, only offenders whose rights were restored automatically are considered. Eligibility is determined based on offense data codes provided by the Department of Corrections. Any offender convicted of an offense ineligible for automatic restoration was excluded from the data.

citizens convicted by state authorities, and cannot be generalized to those citizens who are convicted under federal or local authorities.

### Matching Procedure

The offender data are joined to voter registration and history data containing information on all registered voters in each state. These files are updated regularly by each state's respective secretary of state and contain the last name, first name, and birth date for all voters. To create the datasets used for the analysis of offenders, the names of individuals from the state offender files were linked electronically to those found in the voter files in a multi-step process. First, for all states, the last name, first name, birth date, and gender were used to match as many offenders as possible. In instances in which voters' last name, first name, date of birth, and gender produced duplicate identifiers, subsequent inactive entries were deleted. A second round of matching was conducted using only the last name, first name, and date of birth for those offenders who remained unmatched after the first round. The voter registration files were obtained at several points in the fall and winter of 2009 in order to avoid problems with post-election purging. Departments of corrections files were obtained in the spring of 2009 in order to include offenders convicted after the November 2008 election in the study.<sup>8</sup> Data for comparison estimates rely on data obtained in 2004 and 2006.

### Caveats

As with any analysis, the reader must be aware of certain issues with respect to the conclusions one can draw from the use of these data. The first set of problems reflects the difficulty of drawing conclusions from the relevant data's not being in the file. The fact that an offender is not in the voter registration files does not necessarily mean he has never participated in politics at all. For instance, voting is only one form of political participation; it could be the case that unmatched offenders participate in politics in other ways such as protesting or volunteering for campaigns. Second, it is necessary to take care in the inferences one can make about offenders who are not in the voter file. First, if a person's voter registration or offender records contain typographical errors in the fields used for matching, the procedure for combining the files inaccurately categorizes that person as not being on the voter

<sup>8</sup> The latest sentencing date available for Florida is January 14, 2009; for North Carolina, June 16, 2009; for Michigan, March 3, 2009; for Georgia, September 19, 2009; and for Missouri, March 13, 2009.

registration list. Second, not being on the voter registration list does not mean that a person has *never* registered to vote in his or her lifetime. It does mean that the person was not registered and did not vote in the 2008 election cycle. For the 2000 and 2004 election cycles, absence from the voter registration list has a different meaning. Because Georgia, Missouri, and Michigan delete removed voters, it could be the case that ex-felons who voted in 2000 or 2004 were subsequently removed from the voter rolls if they were re-convicted of another felony offense after the election. For this reason, turnout estimates for all states for those two elections exclude people who were reconvicted of new felony offenses after the respective election.<sup>9</sup> Third, the fact that women often change their names after marriage or divorce means that the procedure for linking the records underestimates the extent to which they register to vote. To help alleviate this concern, the analysis excludes female felons from the analyses in this article. Because the vast majority of offenders are men, one still can draw relevant conclusions about the overall effects of disfranchisement policies on individuals, and later on politics, from this analysis.

A final problem with these data reflects the difficulty of determining the voting-eligible population among current and former offenders. Including ineligible offenders (such as those who have died or moved out of the state) among the population of eligible voters deflates the participation rate of offenders. To address this concern, registration rates are calculated using all offenders in the sample and again by weighting the pool of potential voters by Centers for Disease Control estimates of mortality for people of different races and ages (Arias 2005) and by Current Population Study estimates of out-of-state migration expectancy based on the age of last release.<sup>10</sup>

### State Selection

The states selected for analysis here were chosen because of electoral competitiveness, data quality, and regional comparability. These states were studied merely to give a sense of ex-felon turnout in different contexts, not with an eye toward controlling for state-level characteristics that would make comparisons across states possible. One cannot extrapolate turnout in these five states to turnout

<sup>9</sup> There is some evidence from North Carolina that excluding these post-election recidivists from the 2000 and 2004 counts biases registration and turnout upward (Burch 2007b).

<sup>10</sup> The weights use the likelihood of moving out of state in the remaining lifetime for people released prior to 2003 and the likelihood of moving out of state within 5 years of release for people released after 2003. U.S. Bureau of the Census (2009a, 2009b).

in the entire nation, nor should turnout figures be compared across states. Please see the appendix for information on the political, demographic, and legal characteristics of each state.

## Methods

This analysis counts the raw registration, vote totals, and party registration for two groups of offenders: men who experienced their first conviction and sentence after the 2008 election<sup>11</sup> and men who finished serving their sentences before the 2008 election. The probability of voting among ex-offenders and pre-conviction offenders is estimated using multivariate analyses in order to determine whether variation across the two groups in racial composition, age, punishment type, and education (where available) can account for the differences between the pre- and post-conviction groups, if any. Knowing voter registration and turnout among the pre-conviction group gives a sense of what would have happened if these offenders had been convicted and disfranchised during the election; they provide estimates of the counterfactual turnout rates among current and former offenders barred from voting during this election cycle. Voter turnout in the 2008 general election for CPS respondents who report completing some high school without earning a diploma also will be referenced for comparison following the example of Manza and Uggen (2004).<sup>12</sup>

The analysis is decomposed into three steps. In the first, the participation rates of offenders before they experience a conviction are tabulated in order to provide a lower bound on what participation would have been without these interventions. This group best serves as a proxy for how people currently serving felony convictions might have voted had they not been convicted. Next, voter turnout among offenders who have completed their sentences is presented. Finally, multivariate estimates of voter turnout are presented for each state, along with the predicted probabilities of voting among pre- and post-conviction offenders with certain characteristics. The purpose of this regression is to account for demographic differences between pre- and post-conviction

<sup>11</sup> Some people enter and exit supervision more than once. In the data, a person with a felony conviction who spent 1998–1999 and 2003–2005 on probation is considered an ex-felon in 2000 and 2008, but not in 2004 while they were serving an active sentence.

<sup>12</sup> As shown in Figure 1, these rates are extremely high even among respondents who did not obtain high school diplomas. Nearly 46 percent of black men and 53 percent of black women who completed some high school reported voting in 2008, both representing an increase of 6 percentage points over 2004. Thirty-five percent of white men and 41 percent of white females with less than a high school diploma reported voting in 2008; both figures represent a decrease from 2004.



offenders that might explain differences in the turnout rates of the two groups. However, this regression cannot account for differences in life circumstances between pre- and post-conviction felons. The probability of voting is calculated for male felony offenders who were eligible to vote in the 2008 general election based on models that account for race, age, whether the sentence was served before or after the election, whether the offender had served or would serve time in prison, and where available, educational attainment. The dependent variable, *Vote 2008*, is a dichotomous variable where “1” indicates a vote in the 2008 presidential election. The analysis includes both ex-offenders and pre-conviction offenders; *Pre-conviction* is the dummy indicator for offenders who were captured and convicted after the election. Race is entered as dummy variables for *White* and *Black*, with Hispanics and other races represented as the baseline condition. *Age* is in years and includes offenders between the ages of 18 and 65. *Prisoner* is dichotomous and indicates whether an offender had served or will serve a prison sentence. Finally, offender education is available only for Missouri and Georgia; for these states, *Education* is a 0 1 variable that indicates whether an offender completed high school or its equivalent. Age, race, and educational attainment have been shown in previous research to be important determinants of voting (Campbell et al. 1960, Verba & Nie 1972; Verba et al. 1995). Similarly, voter turnout among prisoners also is lower (Burch 2007a). Because voting, the dependent variable, is dichotomous, these models are estimated using logistic regression. The predicted probabilities of voting for offenders with several characteristics are simulated using the means and standard deviations estimated from these models.

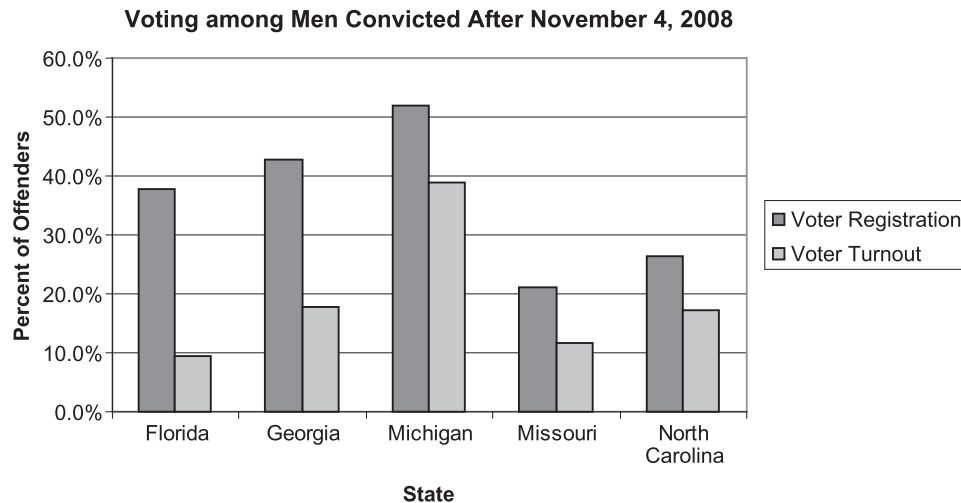
## Results

The results indicate that many ex-felons voted in the 2008 general election. As Table 1 shows, 22 percent of ex-felons voted in Georgia, 19.4 percent voted in Missouri, and 24.2 percent voted in North Carolina. In Michigan, where felony probationers were never disfranchised, nearly 35 percent of ex-felons voted in the general election. However, in Florida, only 11.1 percent of eligible ex-felons voted in the general election. This low turnout rate is likely due to the fact that this is the first presidential election in which some of Florida’s ex-felons could vote. Among offenders who served time for their first offense after the election, turnout surprisingly was lower than that of ex-felons. As Figure 2 shows, in Florida, 9.4 percent of people convicted of crimes after the election voted; in Georgia, 16.7 percent; in Missouri, 11.7 percent; and in

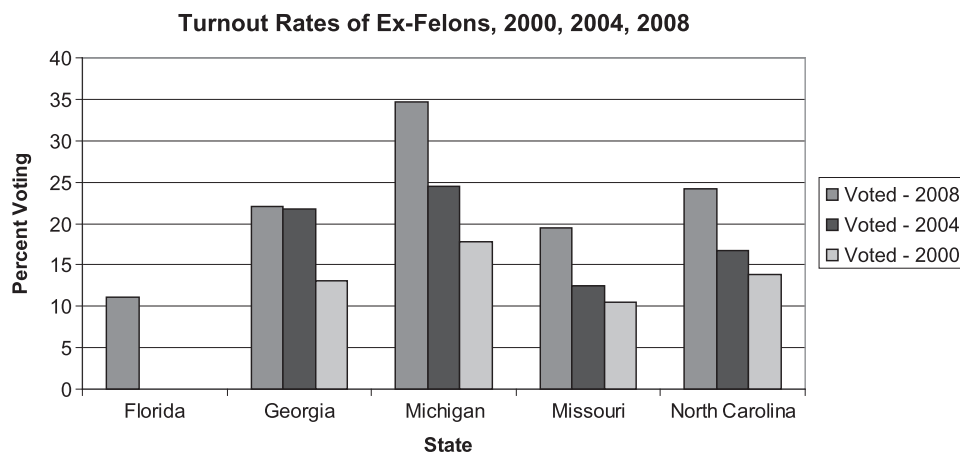
716 **Turnout and Party Registration among Criminal Offenders****Table 1.** Participation Rates among Male Ex-felons

	FL	GA	MI	MO	NC
Voter Registration	0.237	0.345	0.589	0.351	0.355
Voter Turnout	0.111	0.227	0.347	0.194	0.242
Voter Turnout (Weighted for Death Rates & Mobility)	.134	.257	.401	.222	.275
Black	0.149	0.253	0.319	0.212	0.264
White	0.099	0.205	0.37	0.188	0.222
Hispanic (Based on Surname)	0.072	0.081	0.31	0.074	0.107
Age 18–30	0.089	0.182	0.384	0.178	0.2
Age 31–44	0.109	0.233	0.382	0.194	0.25
Age 45–59	0.115	0.256	0.336	0.199	0.262
Age 60 +	0.119	0.204	0.237	0.187	0.232
Less than High School		0.198		0.145	
High School Diploma		0.267		0.251	
Ex-Prisoners	0.070	0.212	0.313	0.108	0.241
Ex-Probationers	0.122	0.227	0.389	0.229	0.246
Party Registration					
Democratic	0.514				0.563
Republican	0.279				0.228
Other	0.207				0.209
Ex-Felon <i>N</i> (unweighted)	301,460	402,797	203,341	192,449	244,300
Ex-Felon <i>N</i> (weighted)	250,693	355,377	175,933	168,061	214,935
First timers convicted after election	3,099	10,773	8,841	4,332	24,403

NOTE: Data were calculated by matching department of corrections data to voter registration and history data from each state.



**Figure 2.** This graph shows the percent of persons registered to vote and turning out to vote in each state before they were taken into custody and convicted of crimes after the election. Data were calculated by matching department of corrections data to voter registration and history data from each state.



**Figure 3.** This graph shows the percent of ex-felons turning out to vote in each state. Data were calculated by matching department of corrections data to voter registration and history data from each state.

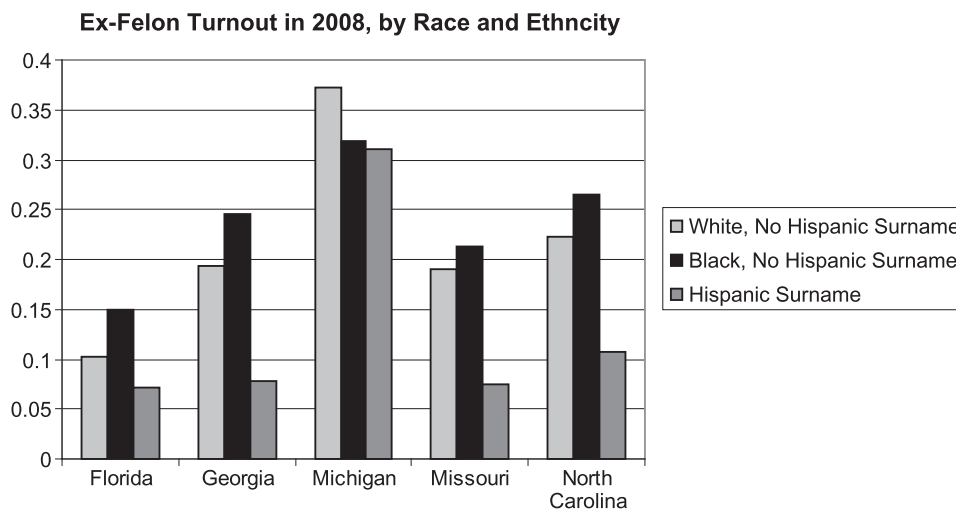
North Carolina, 17.3 percent. Again, Michigan is exceptional; 38.9 percent of offenders in Michigan voted before they served time.

When compared with turnout in past presidential elections, it is clear that turnout in the 2008 election represents a substantial increase in political participation among ex-felons from previous elections, as depicted in Figure 3. Since the 2000 general election, when voter turnout was roughly similar in the four states where ex-felons could vote, ex-felon voter turnout has increased 68 percent in Georgia, 95 percent in Michigan, 88 percent in Missouri, and 75 percent in North Carolina. Despite this substantial growth, voting among offenders still remains low relative to that of similar people who do not have criminal backgrounds. As expected, the turnout in the 2008 general election of both ex-felons and those offenders who began serving time after the election is lower than that of CPS respondents who had attended high school without earning a diploma reported earlier in this article.

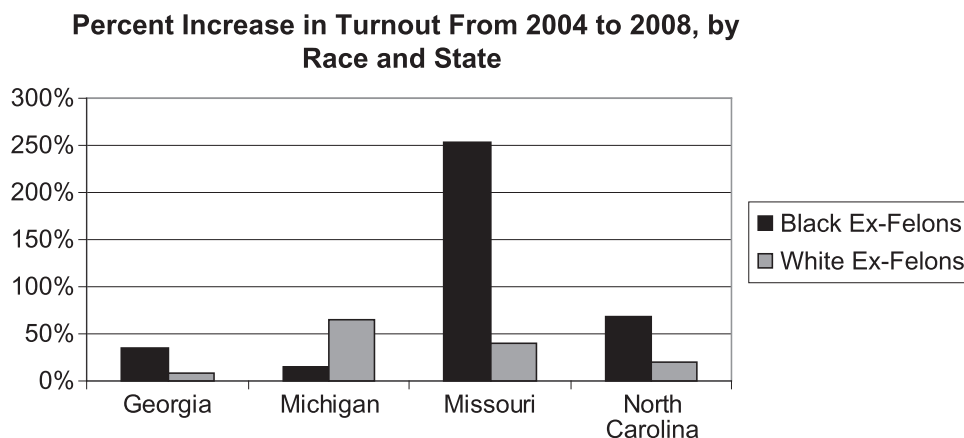
Among ex-felons, personal characteristics influence voter turnout much as they do among the broader electorate. As shown in Table 1, older ex-felons were more likely to vote than were their younger counterparts. Also, as expected, ex-felons in all states who had served time in prison at some point before the election were less likely to vote than were ex-probationers who had never served time in prison. Ex-felons with a high school diploma were 33 percent more likely to vote in Georgia and 72 percent more likely to vote in Missouri, the two states where data on the educational attainment of ex-felons are available. The most interesting pattern, however, develops with respect to race. In four of five states, black male ex-felons were more likely to vote than whites, as shown in

Figure 4. This pattern results from a surge in black turnout between 2004 and 2008 as Figure 5 displays; in previous years, racial differences in turnout were mixed; in North Carolina and Missouri, white ex-felons were more likely to vote than black ex-felons, while in Georgia and Michigan, the opposite was true.

Because of correlations among several of the factors discussed previously, simple bivariate data might not provide an accurate comparison between pre- and post-conviction felons. For instance, blacks were more likely to vote in this election than whites,



**Figure 4.** This graph shows the percent of ex-felons turning out to vote in each state, by race. Data were calculated by matching department of corrections data to voter registration and history data from each state.



**Figure 5.** This graph shows the change in the turnout rates of ex-felons between 2004 and 2008 in each state. Data were calculated by matching department of corrections data to voter registration and history data from each state.

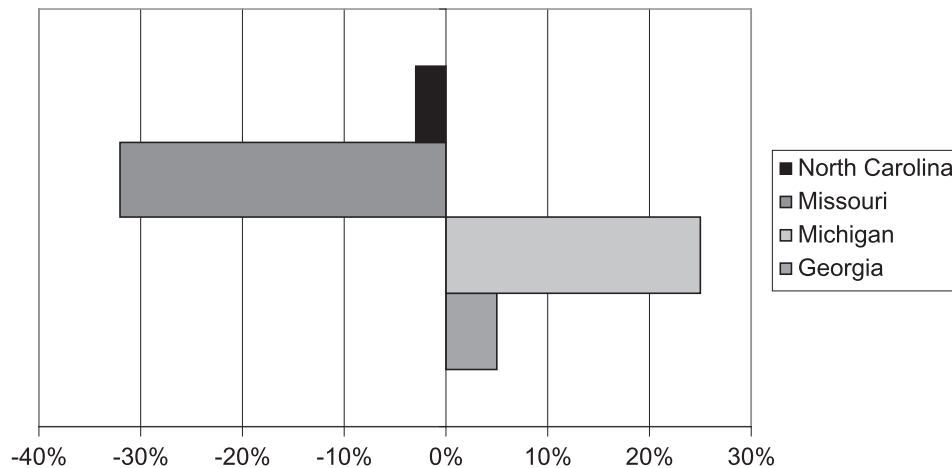


**Table 2.** Predicted Probability of Voting in 2008 and First Differences for Felony Offenders

	FL	GA	MI	MO	NC
<b>Male probationers, age 35</b>	.156	.256	.359	.256	.267
Black post-conviction					
... Black pre-conviction (first difference)	0	-.039	+.010	-.096	-.064
White post-conviction	.096	.208	.416	.210	.221
... White pre-conviction (first difference)	0	-.026	+.010	-.081	-.055
<b>Less than high school:</b>					
Black post-conviction	n/a	.223	n/a	.204	n/a
... Black pre-conviction (first difference)	n/a	-.032	n/a	-.102	n/a
White post-conviction	n/a	.180	n/a	.173	n/a
... White pre-conviction (first difference)	n/a	-.028	n/a	-.088	n/a

probationers more than prisoners, and the higher educated more than the less educated; thus the effect of the timing of the conviction could reflect differences in racial composition, sentence type, or educational attainment across the groups. Similarly, people convicted of their first offense after the election may be younger than people who served their sentences before the election. However, multivariate analyses confirm the patterns found in the simple tabulations; demographic differences in the sample do not account for the difference in turnout between pre- and post-conviction felons. The coefficient on pre-conviction is significant and in the expected direction. Age, race, imprisonment, and education are significant in the models, indicating that each still has a direct effect on turnout even after controlling for the other factors. These estimates can be found in the appendix. Logit coefficients are not easily interpreted so it is easier to discuss the probability of voting among offenders using the simulated scenarios in Table 2 (King et al. 2000: 348). According to the analysis, the probability of voting among black men convicted after the general election declines by 6 percentage points in North Carolina, 4 percentage points in Georgia, and 10 percentage points in Missouri, even after accounting for differences in age, race, and incarceration history. However, there is no significant difference between people who served time before and after the election in Michigan and Florida. Among whites, the probability of voting declines by 6 percentage points in North Carolina, 3 percentage points in Georgia, and 8 percentage points in Missouri. Again, there is no significant difference between pre- and post-conviction whites in Florida and Michigan.

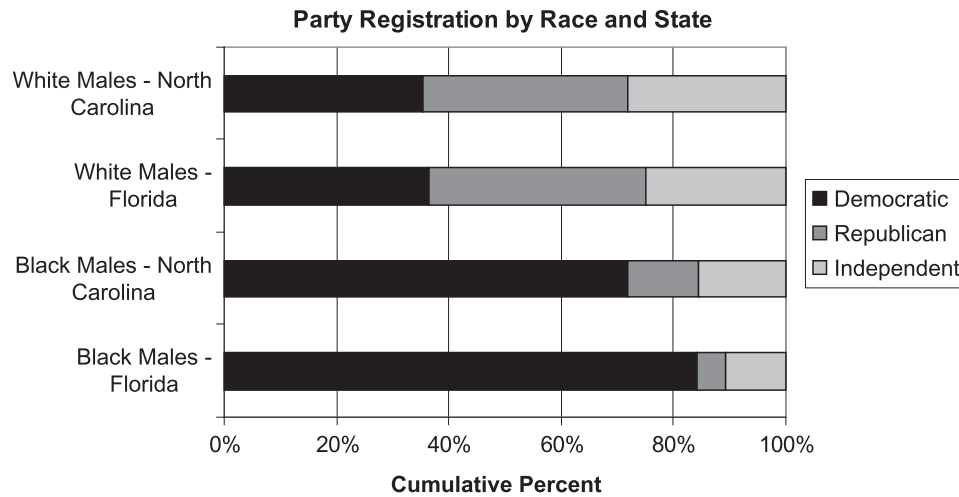
Once race is considered, it becomes clear that black ex-felons account for most of the turnout increase between the 2004 and 2008 presidential election in Georgia, Missouri, and North Carolina. To reiterate the evidence from Figure 4, turnout among black and white male ex-felons increased in all states from 2004 to 2008. However, as shown in Figure 5, in Georgia, Missouri, and North

**Percent Difference in Turnout Between White and Black Ex-Felons, 2000 General Election**

**Figure 6.** This graph shows the percent difference in turnout rates for the 2000 general election between black and white ex-felons in each state. Data were calculated by matching department of corrections data to voter registration and history data from each state.

Carolina, black ex-felon participation increased much more than white ex-felon participation in those years. Again, Michigan is exceptional; white ex-felon participation increased and surpassed that of blacks between 2004 and 2008. By comparison, turnout showed no consistent pattern by race prior to 2008. As shown in Figure 6, blacks were more likely to turn out in 2000 in Michigan and Georgia, while whites were more likely to vote in North Carolina and Missouri.

Party registration among ex-felons also shows surprising patterns. Table 1 shows that 51.4 percent of registered ex-felons in Florida registered as Democrats, compared with 27.9 percent as Republicans and 20.7 percent unaffiliated with the two major parties. One should note, however, that party registration is available only for the small subset of Florida ex-felons whose voting rights were automatically restored. In North Carolina, 56.3 percent of registered ex-felons signed up as Democrats, compared with 22.8 percent as Republicans and 20.9 percent unaffiliated or Independent. This pattern, as hypothesized, varies by race and thus reflects the racial composition of the offender population as shown in Figure 7. Black ex-felons overwhelmingly support the Democratic Party; 72 percent of black ex-felons in North Carolina and 84 percent of black ex-felons in Florida are registered Democrats. By contrast, white ex-felons in both states are divided almost evenly among the Democrats, Republicans, and unaffiliated categories, although slightly more white ex-felons support the Republican



**Figure 7.** This graph depicts the party registration rates of black and white male ex-felons in North Carolina and Florida. Data were calculated by matching department of corrections data to voter registration and history data from each state.

Party than the Democratic Party. This distribution closely mirrors the general breakdown of registration by party and race in those particular states. In Florida, 83 percent of blacks were registered with the Democratic Party in 2008, while only 35 percent of whites were (Florida Secretary of State 2008). Similarly, in North Carolina, ex-felon party registration by race closely mirrors that of the general population (author's own analysis; see Burch 2010).

## Discussion

These findings help adjudicate the controversy in the literature over offender voter turnout and vote choice. As expected, many people with criminal backgrounds participate in politics both before and after they serve time. Thus, claims such as that of Miles and Haselswerdt that disfranchisement laws only affect people who would not have voted anyway are too harsh. Had Florida, Missouri, North Carolina, Michigan, or Georgia prevented ex-felon voting, thousands of people would not have cast ballots in this past election. However, the data also show that expecting people with criminal backgrounds to vote at the same rates as everyone else after controlling for socioeconomic status, race, and other factors is overly optimistic. Voter turnout among offenders before and after their convictions falls far short of the turnout demonstrated by similarly disadvantaged citizens who have not had a criminal conviction.

More interestingly, these data show that turnout and party registration diverged sharply from previous expectations about the political behavior of offenders. The most important claim here is that race mattered in the 2008 election in ways that it had not previously. As with the broader electorate, turnout among eligible offenders increased since 2004. However, also like the broader electorate, that turnout increase occurred primarily among racial minorities. Black offenders turned out at much higher rates than white offenders even after controlling for age, education, and incarceration history. Prior to 2008's election, turnout showed no consistent pattern with respect to race; in North Carolina and Missouri, white ex-felons were more likely to vote than black ex-felons. This pattern reversed in 2008. Thus, the expectation that ex-felons would respond uniformly to the increased excitement and engagement of the 2008 election was misplaced.

Race also matters with respect to party registration. White ex-felons and black ex-felons diverged sharply in their support of the two major political parties. While, as expected, overwhelming numbers of black ex-felons were registered Democrats, two-thirds of white ex-felons registered as something other than Democratic. These patterns are similar to those found among low-income male voters on national surveys (Burch 2007a). Primarily, this finding points out that the potential effects of disfranchisement laws are not limited to Democratic supporters. Because low socioeconomic status (SES) whites were more likely to support Republican candidates in most recent elections, the answer to the question of which party is most affected by disfranchisement laws is, "it depends." A complete answer to that question would take into account the racial makeup of the disfranchised population and the politics of the time under consideration. For instance, in light of these findings, it makes little sense to argue that Wyoming's disfranchisement of ex-felons particularly hurt the Democratic Party in that state. Likewise, though Democrats held an 11-point advantage in party registration in Florida in 2008, the evidence suggests that Florida's electorate leaned more Republican in earlier years. For instance, the partisan affiliation of Florida's Latinos shifted over the past decade; while a majority of registered Hispanics were Republicans in 2006, by 2008 Hispanic Democrats outnumbered Hispanic Republicans by nearly 70,000 people (Pew Hispanic Center 2008). These findings suggest the need to reexamine the widespread belief<sup>13</sup> that Vice President

<sup>13</sup> Manza and Uggen (2004) state unequivocally that Gore would have won Florida had ex-felons been allowed to vote in 2000.



Gore would have defeated President Bush in 2000 had ex-felons been allowed to vote in that state.<sup>14</sup>

One curious result is that people who served time after the election vote less than ex-felons. One might think that the experience of conviction and punishment would suppress political participation by depleting the resources, efficacy, and social ties that foster participation, so individuals who had not yet experienced those effects would tend to vote more than those who had. That still may be the case. The pre-conviction group most closely approximates current felons, as noted at several points throughout this discussion. Pre-conviction felons and current felons may face a different set of life circumstances than ex-felons. For many people who are about to serve time for crimes, the time before they are caught and convicted is particularly difficult: they may be hiding from authorities or engaged in severe substance abuse, for instance, as suggested by Mumola (1999). In contrast, some ex-felons may have been able to turn their lives around and may be in better mental and emotional health than people about to enter the criminal justice system. Forty percent of state prisoners received treatment for substance abuse while in prison (Mumola & Karburg 2006). Ten percent received psychotropic drugs and 12 percent received therapy or counseling for mental health conditions while in state correctional facilities (Sourcebook of Criminal Statistics 2003).

Another possibility is that the negative consequences offenders experience because of convictions could *increase* their political activity. Hansen, for instance, argues that groups will increase their participation in politics under threat, such as when important resources are at stake (Hansen 1985). Punishment that is perceived to be harsh or unfair, for instance, could hasten the “transformation of convicts into political militants” (Davis 2003: 69). Moreover, through contact with other offenders, a person may develop new habits of participation or even a revolutionary consciousness. Malcolm X, after learning of the teachings of the Nation of Islam, wrote that “It was right there in prison that I made up my mind to devote the rest of my life to telling the white man about himself—or die” (X 1965: 186).

A third possible explanation for lower turnout among pre-conviction offenders is that this sample is contaminated with people who were actually ex-felons convicted by other state or federal authorities. Each offender classified as a “pre-conviction” felon is one for whom the first supervision by the state department

<sup>14</sup> Upon further analysis, assuming that ex-felons supported Vice President Gore at rates similar to General Society Survey (GSS) respondents with at most a high school diploma, Bush would have defeated Gore by averages of 4,295 and 7,048 votes, assuming turnout rates of 10 and 15 percent, respectively. Neither higher levels of turnout generally nor higher levels of turnout for blacks alone resulted in a Gore advantage (Burch 2010).

of corrections for a felony took place after the 2008 election. If the turnout difference were in fact due to the inadvertent inclusion of ex-felons in the pre-conviction sample, then 16 percent of pre-conviction felons in Florida, 19 percent of pre-conviction felons in Georgia, 40 percent of pre-conviction felons in Missouri, and 29 percent of pre-conviction felons in North Carolina would actually be nonvoters with felony convictions in other jurisdictions, assuming a turnout rate among those ex-felons of zero. No data are available to evaluate the possibility that these individuals were convicted by other authorities directly, although the evidence suggests that the likelihood that people have felony convictions under other authorities is small. Sixty percent of pre-conviction ex-felons are between the ages of 18 and 24, suggesting that they are early in their adult criminal life. The percentage of felons convicted in federal courts accounts for only 6 percent of all felony convictions nationally. Furthermore, in the states for which data are available, most people convicted after the election were born in their state of conviction. More than three quarters of Georgia pre-conviction felons, and two-thirds of North Carolina pre-conviction felons were born in their respective states, suggesting that they had not moved to North Carolina after being convicted of a felony somewhere else.

Persons convicted after the election are interesting not just because they provide a close approximation to the turnout rates of felons if they had not been serving sentences at the time of the election, but also because their behavior provides a response to an important counterargument. Some might argue that this article underestimates the intent or desire of eligible offenders to vote. Many researchers can recall stories of offenders who do not vote because they believe they cannot. In fact, eligible offenders may be misinformed by government authorities (Ewald 2005). The explanatory force of such “de facto disfranchisement” claims diminishes, however, in the face of evidence that most felons did not vote before their convictions even after accounting for race, age, and other factors. Intimidation, fraud, or misinformation based on convictions cannot explain nonvoting among people who had not yet been captured, convicted, or punished at the time of the election. Instead, this evidence suggests that most people convicted of felonies are, at best, nonvoters or peripheral voters (Campbell et al. 1960).

Even with full information, turnout might still be low. When Florida restored the civil rights of hundreds of thousands of ex-offenders, the Department of Corrections, Clemency Board, and Board of Elections teamed up to contact those eligible offenders to tell them that their rights had been restored automatically. These bureaus also held community events and ran advertisements to alert eligible ex-felons of the change in laws. Moreover, since

2006, the Department of Corrections in Florida has advised eligible ex-felons about the restoration of their rights as they exit supervision. Undoubtedly, the state found it difficult to reach ex-felons released before the change in the law (Moore 2008). However, turnout remains low even among those ex-offenders released after 2006, suggesting that lack of information is not the primary cause of nonvoting among ex-felons because this group was told explicitly about the automatic restoration of their rights.

## Conclusion

This article argues that, on average, 22 percent of eligible ex-felons voted in states without ex-felon disenfranchisement laws. This figure shows that a sizeable number of people would have been kept from voting had these states prevented ex-felon voting. However, this analysis suggests that this very disadvantaged group is even less likely to participate than previously indicated using the CPS or other data sources. Participation rates among eligible offenders, even during a time in which the broader society is highly mobilized, lag far behind those of even disadvantaged people who have not been convicted of crimes. That turnout is so low, even during this favorable climate, suggests that full democratic participation remains a remote prospect for the United States. However, these results raise many questions.

The results indicate the need for more research into the political behavior of people on the margins of society. An increasing number of people suffer from housing instability, food insecurity, joblessness, and isolation; these factors seem to lead to criminality as well as to nonvoting as this research suggests. These people are difficult to reach by traditional survey methods because they often do not have permanent residences or telephones.

Reasonable people disagree as to whether offenders should be encouraged to participate in politics on equal footing with law-abiding citizens. Liberal democratic theory brands an individual who breaks the law “a rebel and a traitor to the homeland” who deserves to be expelled from the community (Rousseau 1762/1987). These normative judgments, however, are separate from the empirical understanding of how laws can potentially affect political participation. Achieving a deeper understanding of how being convicted, punished, and disenfranchised for committing a crime affects political behavior is essential to comprehending voting patterns among disadvantaged citizens generally because so many disadvantaged citizens experience these phenomena. Likewise, future research should also explore how variation in laws and other conditions at the state level can influence those voting patterns.

## Appendices

**Appendix Table A1.** Political and Demographic Characteristics of Sample States

	FL	GA	MI	MO	NC
% for McCain (08)	52	41	50	49	48
% for Bush (04)	52.1	58	48	53	56
% for Bush (00)	48.8	55	46	50	56
Party of governor	R	R	D	D	D
Party of legislature	R	R	R	R	D
% Black	15.3	29.6	14.1	11.3	21.3
% Minority	23.7	37.7	20.4	16.0	29.5
Region	South	South	Midwest	Midwest	South
% Citizen	89.7	93.7%	96.7%	97.9%	95.2%
Total population	18,328,340	9,685,744	10,003,422	5,911,605	9,222,414
Poverty rate	12.6	14.7	13.5	13.6	14.7
Median income	\$45, 495	\$46,832	\$47,182	\$42,841	\$42,625

**Appendix Table A2.** Characteristics of Criminal Justice in the Sample States

	FL	GA	MI	MO	NC
Incarceration rate (per 100 K)	535	563	499	506	361
Probation rate (per 100 K)	1,863	6,144	2,392	1,256	1,612
Total correctional copulation <sup>a</sup> (2004)	462,435	562,763	278,808	125,613	181,435
Total supervised per 100 K <sup>a</sup> (2004)	3,197	3,042	3,527	2,595	2,589
Index crime rate (per 100 K)	4,812	4,394	3,602	4,243	4,553
Arrests (2005)	1,055,052	216,627	344,114	229,077	446,154
State Department of Corrections					
Prison	98,219	54,256	50,233	29,857	37,970
Probation	272,977	422,790	182,650	54,963	110,419
Parole	4,790	22,958	18,486	19,063	3,236
Expenditures	\$2.298B	\$968.5M	\$1.705B	\$575.2M	\$1.039B
% Black of Incarcerated	46.50%	62%	53%	40.3%	58%
Legal					
Felony cases/year	158,079	78,019	63,474	93,226	101,509
Truth in Sentencing <sup>b</sup>	85%	85%	85%	85%	85%
Sentencing Guidelines			✓	✓	✓
Habitual Offender Laws	✓	✓	✓	✓	✓

<sup>a</sup>Includes offenders supervised by local and state authorities.

<sup>b</sup>Offenders must serve 85 percent of their sentence; meet federal standards.

**Table A3.** Estimates of Voter Turnout in the 2008 General Election by State

	NC	GA	GA	MO	MO	FL	MI
Constant	-1.963*** (0.04)	-3.104*** (0.06)	-3.342*** (0.07)	-2.455*** (0.11)	-2.598*** (0.21)	-3.28989*** (0.06)	-0.25859*** (0.03)
White	0.337*** (0.03)	0.827*** (0.06)	0.862*** (0.06)	0.909*** (0.11)	1.014 (0.20)	0.633637*** (0.05)	0.179748*** (0.02)
Black	0.588*** (0.03)	1.196*** (0.06)	1.243*** (0.06)	1.169*** (0.11)	1.218 (0.20)	1.189291*** (0.05)	-0.06115** (0.02)
Pre-conviction	-0.356*** (0.02)	-0.323 (0.10)	-0.304** (0.10)	-0.590*** (0.05)	-0.819*** (0.07)	-0.00147 (0.07)	0.042175 (0.03)
Prisoner	-0.066 (0.01)	-0.213*** (0.01)	-0.165*** (0.01)	-0.947*** (0.02)	-0.923*** (0.02)	-0.71348*** (0.02)	-0.1691*** (0.01)
Age	0.010*** (0.00)	0.020*** (0.00)	0.021*** (0.00)	0.006*** (0.00)	0.000 (0.00)	0.011684*** (0.00)	-0.00738*** (0.00)
Education		—	0.082*** (0.01)		0.598*** (0.02)		
N	263,434	391,968	361,634	185,515	90,894	284,326	191,658

NOTES: These models were estimated using logistic regression for binary dependent variables for each state. Sample limited to offenders aged 18 to 65. Unstandardized regression coefficients are reported. Standard errors in parentheses, \*significant at 5%; \*\*significant at 1%; \*\*\*significant at .1%.



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*Traci Burch* is Assistant Professor of Political Science at Northwestern University and Research Professor at the American Bar Foundation. Burch's dissertation "Punishment and Participation: How Criminal Convictions Threaten American Democracy" won both the APSA Schattschneider Award for the best dissertation in American politics and the William Anderson Award for the best dissertation in state and local politics, federalism, or intergovernmental relations. She also won Harvard University's Robert Noxon Toppan Prize for the best dissertation in political science.