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The Political Implications of Felon Disenfranchisement Laws in the United States

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Abstract

This empirical study analyzes the political implications for presidential election outcomes that stem from varying felon disenfranchisement laws within the United States. In the past decade incarceration rates have drastically increased, consequently augmenting the disenfranchised population. This paper focuses on presidential election outcomes and state political party majorities in the election years 2000, 2004, 2008, and 2012. I use demographic characteristics to calibrate assumptions for voter turnout and political party choice among the disenfranchised populations within each state. I then apply these voting populations to historical election outcomes and find that three state political party outcomes change, as well as the potential for a reversal in the 2000 presidential election. I also apply the estimated voting populations by state to an entirely Republican turnout and then to an entirely Democratic turnout to analyze the scope of the disenfranchised population and find that under these assumptions several states' political party majorities and several election outcomes are reversed.

Table of Contents

Introduction

During President Obama's two terms he has commuted the sentences of 89 criminals, which is a count higher than those of the previous four presidents combined (Nelson & Tau, 2015). "I believe that at its heart America is a nation of second chances, and I believe these folks deserve their second chance," said President Obama denouncing the sentencing policies adopted within the United States in the past few decades, which have placed the US in the leading position in incarceration rates worldwide (Nelson et al., 2015). Though "the push for criminal justice overhaul has been led by advocates from both ends of the political spectrum," the demand for reform is not absent of push back (Nelson et al., 2015). As of 1993 the "rate of violent victimizations has declined by 67 percent," (Wolfers, 2014) and many point to the recent decrease in crime rates, with the fear that "efforts to reduce incarceration [could end up being] linked […] to a rise in crime," (O.R., 2015).

Figure 1 depicts this drastic increase in incarceration rates in the United States in the past few decades. The considerable presence of this debate over incarceration rates originally sparked my interest. Given that "African Americans are incarcerated at nearly six times the rate of whites," ("NAACP Criminal Justice Fact Sheet," 2015) and that 93.3 percent of inmates are male ("Federal Bureau of Prisons Inmate Statistics," 2015), it was apparent to me that - due to notable demographic disparities - underlying societal effects must be greater than purely the visible increase in the incarcerated population.

The Federal definition of a felony is a serious crime punishable by prison for more than one year, or death - the severity of the punishment varying with the

severity of the crime ("Duhaime's Law Dictionary, Felony Definition," 2015). Aside from imprisonment and fines, the consequences for felony convictions range from the loss of the right to possess firearms, to ineligibility for holding public offices, to disenfranchisement - the revocation of the right to vote.

Felon disenfranchisement laws interested me most because, not only are they controversial across state lines, but their effects have the potential to impact the entire US population. I was aware that the United States' incarceration rates have increased by 500 percent in the pasts thirty years and was curious as to how such significant changes affect the size of disenfranchised populations and consequently our political system ("The Sentencing Project, Incarceration," 2015).

These laws vary greatly across the United States and therefore affect the disenfranchised population differently (see Table 7). All but two states, Maine and Vermont, do not allow their prisoners to vote. States with disenfranchisement laws for individuals on probation, on parole, and for those who have completed their sentence varies. Table 7 displays the breakdown of state policies on felon disenfranchisement, demonstrating how the growth of incarceration rates directly impacts the disenfranchised population in the majority of states.

This thesis explores the effects disenfranchisement laws have had on presidential and on state political party majorities in the 2000, 2004, 2008, and 2012 elections by creating hypothetical scenarios in the absence of felon disenfranchisement laws. I use data to examine voter turnout and voter choice estimates through gender, race, and age variables, estimating both regressions in regards to election year. I then use data on demographic characteristics of state-

specific convicted populations to make estimates about the average breakdown of the three variables in regards to the disenfranchised population of every state. I apply these estimates to the regression findings in order to estimate the number of Republican and Democratic votes per state not included in past elections as a result of felon disenfranchisement laws. I then add these population estimates back into the total number of historically recorded Republican and Democratic votes from the past four elections and observe how the presidential and state outcomes differ in the absence of these laws. I follow these estimates with assumptions of entirely Republican or entirely Democratic votes by disenfranchised populations to observe the absolute potential of the disenfranchised felon population under the same voter turnout trends.

I hypothesize that voting populations of disenfranchised felons are large enough to affect the outcomes of statewide and nationwide political party majorities. The significance of these voting populations has grown with the spike in incarceration rates and the recognition of the disparate demographic characteristics of the incarcerated and subsequently disenfranchised population.

Literature Review

Along with the literature on felon disenfranchisement laws, there is a significant amount of research dedicated to incarceration rates, which is important to explore as the demographic breakdown and increase in magnitude of incarcerated populations directly relates to that of the disenfranchised population. I also explore the background and development of felon disenfranchisement laws in order to clarify the debate surrounding the laws and to demonstrate how the size and demographic

breakdown of the disenfranchised population significantly influences the United States political system.

In an international context, the United States is stringent in both incarceration and disenfranchisement rates. Many countries have opted out of enforcing any felony disenfranchisement laws, including Ireland, Spain, Denmark, Greece, Australia, and South Africa, "while a number of other countries (including the United Kingdom, Russia, and many of the post-Soviet republics) deny voting rights [only] to prison inmates," (Uggen & Manza, 2002, p. 778).

The massive increase in US incarceration rates is a recent phenomenon (see Figure 1). "In 1980, fewer than two million individuals were either incarcerated or on probation or parole; in 2011, that number was over seven million," ("Democracy Imprisoned," 2013, p. 1). This expansion significantly impacts disenfranchisement rates. Currently there are roughly 5.85 million disenfranchised individuals, 75 percent of whom are no longer imprisoned, and roughly 2.6 million of whom have completed their sentences ("Democracy Imprisoned," 2013, p. 4).

State disenfranchisement laws vary greatly, ranging from permanent disenfranchisement for any felony conviction to unrestricted voting, even for inmates (see Table 7). The range in severity of these state laws results in a huge variation in the resulting political implications. Florida is an example of a state with lifetime disenfranchisement for all felony convictions and has maintained its position as the state with the highest and most racially disparate disenfranchisement rate in the US. By 2010 Florida had disenfranchised 10.42 percent of its overall voting population, and 23.3 percent of the African American voting population ("Democracy

Imprisoned," 2013, p. 7). Conversely, Maine and Vermont do not have any disenfranchisement laws (see Table 7).

Recently "there has been a general trend toward liberalization of felony disenfranchisement laws," ("Democracy Imprisoned," 2013, p. 5). For example, Virginia historically practiced lifetime disenfranchisement for all felons, with restoration available on a case-by-case basis. Among the adult African American population in the mid 2000's in Virginia, at least 20 percent were disenfranchised. On July 15, 2013, Virginia resolved to change its restoration procedure and began "restoring the voting rights of any person convicted of a non-violent felony who is no longer under state supervision, does not have pending felony charges, and has paid off any financial obligations imposed by the court," ("Democracy Imprisoned," 2013, p. 5). Another example of the mitigation of disenfranchisement laws is the "conservative, Republican governor of Alabama [who recently] signed legislation making it easier for ex-offenders to regain their voting rights," (Karlan, 2004, p. 1). The effort has resided mainly within laws surrounding the re-attainment of the vote for felons who have completed their sentences.

Felon disenfranchisement laws have existed since the ratification of the Constitution, and these laws were significantly expanded around 1870 ("Democracy Imprisoned," 2013, p. 2). Those in support of felon disenfranchisement laws often reference this historical existence. Proponents respond to claims of unconstitutionality, arguing that the laws are not discriminatory and that "felon disenfranchisement laws are deeply rooted in Western tradition as well as American history," (Clegg, Conway, & Lee, 2006). Critics, however, counter this historical

allegation by pointing to a recent shift in popular stance on criminality throughout the 20th and 21st centuries from a purely punitive perspective to a broader acceptance of the possibility of reintegration and rehabilitation. These historically based viewpoints establish the basis for the arguments for and against felon disenfranchisement laws.

Proponents of felon disenfranchisement policies often build their cases using the "Lockean notion of a social compact, [which] undergirds laws preventing felons from voting," (Clegg, Conway, & Lee, 2006, p. 5). The contract implies that the privilege to participate in creating laws should not be ascribed to an individual who chooses not to abide by the law. Therefore any distorted demographic implications are simply the result of an objective social contract that disenfranchisement laws uphold.

Although there has been a lot of discussion and movement towards abating felon disenfranchisement laws, certain states have also seen a recent tightening of these laws. In Massachusetts, for example, "convicts […] could vote, even while in jail," until in 2000 franchise for incarcerated felons was taken away, passing with 60 percent public approval (Clegg, Conway, & Lee, 2006, p. 3). Many arguments reinforcing strong felon disenfranchisement policies spur from the belief that "defining the qualifications of important government officials lies at the heart of representative government, [therefore] […] defining who decides what those qualifications will be is equally, if not more, important," (Clegg, Conway, & Lee, 2006, p. 18). There is also a common fear that in the absence of felony disenfranchisement, those who would be able to vote "could distort [established] criminal law," ("Democracy Imprisoned," 2013, p. 3). Distrust is donned upon

convicts, and many prefer to keep this distrust out of the political arena (Clegg, Conway, & Lee, 2006, p. 23).

Opponents of disenfranchisement laws, on the other hand, claim that felon disenfranchisement further marginalizes and alienates formerly incarcerated individuals from civil society ("Democracy Imprisoned," 2013, p. 3). Christopher Uggen and Jeff Manza assert that the right to vote is "the cornerstone of democratic governance and a fundamental element of citizenship in a democratic society," therefore felon disenfranchisement laws are somewhat contradictory in relation to the desire for a complete Democracy (Uggen et al. 2002, p. 777). Many especially denounce the states where individuals who are on "probation, parole, or have completed their full sentences" remain disenfranchised, arguing that by estranging those in the criminal justice system that are working on re-integration, felon disenfranchisement will push against the objectives of assuring public safety and reducing recidivism ("Democracy Imprisoned," 2013, p. 3).

In *Convictions and Doubts: Retribution, Representation, and the Debate Over Felon Disenfranchisement,* Pamela S. Karlan argues for the unconstitutionality of felon disenfranchisement laws. She claims the laws "dilute the voting strength of identifiable communities […] to affect election outcomes and legislative policy changes," (Karlan, 2004, p. 3). Karlan references "the 'usual residence rule,' [in which] the Census Bureau counts incarcerated individuals as residents of the jurisdiction in which they are incarcerated. In many states this results in largely white, rural communities having their population totals increased at the expense of the heavily urban, overwhelmingly minority communities from which most inmates

come," (Karlan, 2004, p. 15). Her argument claims this law gives minority communities less of an influence by "enable[ing] the under population of rural, overwhelmingly white districts relative to urban heavily minority ones, thereby […] changing the overall composition of legislative bodies," and potentially leading to harsh criminal codes (Karlan, 2004, p. 16). Karlan then brings in the recent increase in incarceration rates, claiming "if the burden of criminal sanctions falls primarily on a group that is underrepresented within the electorate, even the relatively weak political safeguards against over criminalization may disappear," (Karlan, 2004, p. 18).

Karlan's argument against felon disenfranchisement does relate to one irrefutable component of the recent increase in incarceration rates in the United States - the disparate impact on specific demographic populations, especially on the African-American male population. As of 2013, 7.7 percent of the African American population was disenfranchised, and this rate was even higher for Florida (23 percent), Virginia (20 percent), and Kentucky (22 percent). These rates are notably distinct from the non-African American disenfranchisement rate of 1.8 percent ("Democracy Imprisoned," 2013, p. 2). My hypothesis explores how large and how demographically skewed this population must be in order to significantly impact political elections.

Christopher Uggen, Sarah Shannon, and Jeff Manza estimate the size of the disenfranchised population within the United States in the year 2010 as part of *The Sentencing Project* - a research and advocacy group established in 1986 (Uggen, Shannon, & Manza, 2012). They measure these estimates by state and race through a

series of calculations involving incarceration rates, state-specific laws, demographic life tables, recidivism rates, and mortality estimates, and their results endorse the notion "that disparities in the criminal justice system are linked to disparities in political representation," (Uggen et al., 2012, p. 15).

Past research has examined the effects of disenfranchisement laws on the 2000 presidential election, won by George Bush over Al Gore (Uggen et al., 2002). The election was largely determined by Florida, a swing state, where the margin of victory was so close that there was a mandatory recount. Bush was granted victory in Florida; however, there was no official defeat by plurality, as the Supreme Court stopped the recount. Uggen and Manza's results show that through underlying assumptions based on demographic characteristics of criminals at the time of incarceration, the 2000 presidential elections "would almost certainly have been reversed had voting rights been extended to [...] disenfranchised felons," with a popular vote margin of victory larger than 1 million votes for Al Gore (Uggen et al., 2002, p. 792). Under these assumptions, even allowing only felons who have completed their sentences to vote would have created enough votes for Gore to "overwhelm Bush's narrow victory margin (and to reverse the outcome in the Electoral College)" (Uggen et al., 2002, p. 792).

The potential for the disenfranchised population to influence election outcomes is compelling, and the absence of these votes in recent elections is unexplored. This study follows much of Uggen and Manza's methodology including their approach to estimating voter turnout and voter choice regressions and applying demographic characteristics of the felon population to their findings (Uggen et al.,

2002). However, I expand upon this study by using demographic data on the convicted populations of each state rather than national averages. I believe this will give a more accurate depiction of voter turnout and voter choice within the disenfranchised population given that equal demographic breakdown of convicted populations across states is unlikely. Along with the 2000 presidential election, I also apply the disenfranchised voting population to the 2004, 2008, and 2012 elections to observe the recent political impact. Finally, I add to their study by creating upper and lower extremes within my results. I do this by assuming a complete Republican felon population followed by a complete Democratic felon population and applying these votes to past elections separately to observe the scope of influence within the population for both parties.

Methodology

Section I of my methodology refers to the voter turnout regression, run to determine the probability of an individual voting based on demographic characteristics for the election years 2000, 2004, 2008, and 2012. I apply state-specific demographic characteristics of convicted felons to this regression to find the voter turnout probability of the disenfranchised population of each state in all four election years. I use these percentages and the total number of disenfranchised individuals per state to come up with the number of predicted votes from the disenfranchised populations by state for all four election years.

Section II refers to the voter turnout regression and election estimates split into three assumptions. I run this regression on the probability of an individual voting Democratic and then apply state-specific demographic characteristics of convicted

felons to this regression to find the percent of the disenfranchised voting populations expected to vote Democratic and Republican per state for all four election years. For assumption #1 I apply these Democratic and Republican votes to the historically recorded votes and observe the change in state political party majority outcomes and in national party majority outcomes. Under assumption #2 I use the previously calculated voter turnout estimates from the disenfranchised population, but apply all of the votes to the Republican candidate and observe the outcomes. Under assumption #3 I repeat the previous assumption, but instead apply all of the votes to the Democratic candidate and observe the outcomes.

I. Voter Turnout

My analysis of voter turnout utilizes data collected by the United States Bureau of Labor Statistics for the Current Population Survey; they collect their data by conducting monthly surveys with questions on the labor force status of individuals, occasionally including supplemental questions such as the Voting and Registration supplement (US Census Bureau CPS, 2000, 2004, 2008, 2012). In order to predict voting percentages of the disenfranchised population I first make an assumption that voter turnout rates for the felon population based on age, gender, and race are equivalent to those of the general population. With this assumption I then estimate the following regressions:

$$Voted_i = \alpha + \beta_1 Gender + \beta_2 Race + \beta_3 Age + \beta_4 Hispanic + \beta_5 LaborforceStatus + \beta_6 Education + \beta_7 Year$$

$$Voted_i = \alpha + \beta_1 Gender + \beta_2 Race + \beta_3 Age + \beta_4 Year$$

The variables used include: *Household ID, Voted, Year, Gender, Hispanic, Age, Race, Labor Force Status*, and *Education* all corresponding with the election years 2000, 2004, 2008, and 2012. The first regression displays correlates of voter turnout across the past four elections. I use the second listed probit regression to find overall probability of voting. I then repeat the second regression four separate times, each one corresponding to a distinct election year from 2000 through 2012.

For the voter turnout probit regressions I then estimate the marginal effects as they apply to mean demographic characteristics of convicted felons by state. This data is taken from the National Judicial Reporting Program run by the Bureau of Justice Statistics and includes average gender, race and age breakdown of convicted felons per state (BJS National Judicial Reporting Program, 1986-2006). This is an important addition to Uggen and Manza's paper in which they assume mean demographic characteristics of the disenfranchised population are equivalent across all states. The marginal effects represent the voter turnout rates by state and by election year. I multiply these percentages by the disenfranchised populations, estimated for the year 2010 (Uggen et al., 2012). Under the assumption that these disenfranchised populations have not varied greatly from 2000 through 2012, these population estimates represent the total number of disenfranchised votes per state.

II. Voter Choice

My analysis of voter choice utilizes data from the American National Election Study; the data is collected through a series of surveys with questions on voting, political opinions, and election participation (ANES Time Series Cumulative Data, 2000, 2004, 2008, 2012). The data includes *year, age, gender, race, Hispanic*,

employment, education, and *presidential vote* (party) variables for the most recent presidential election. The dependent variable, *presidential vote*, is treated as a dichotomous variable and equals 1 for voted Democratic in the most recent election and 0 for voted Republican in the most recent election. I estimate this regression four separate times, each with respect to a distinct election year from 2000 through 2012.

Under the assumption that convicted felons vote only Democratic or Republican and that the division between the two votes based on race, gender, and age is equivalent to that of the general population, I estimate this probit regression to find overall probability of voting Democratic for each election year:

$$Presidential\ Vote_i = \alpha + \beta_1 Gender_i + \beta_2 Race_i + \beta_3 Age_i$$

A. Assumption #1

For assumption #1 I use and the marginal effects from the above voter turnout regression by state and by election years 2000, 2004, 2008, and 2012 as they apply to average demographic characteristics of convicted populations (BJS National Judicial Reporting Program, 1986-2006). I then apply these probabilities to the estimated total disenfranchised populations by state to find number of votes from the felon population by state and by election year (Uggen et al. 2012). Once I have the estimated voting populations I use the marginal effects from the above voter choice regression by state and by election year as they apply to average demographic characteristics of convicted populations (BJS National Judicial Reporting Program, 1986-2006). I apply these voter choice percentages to the voting felon populations previously estimated.

At this point I am left with total number of Democratic and Republican felon votes per state for the 2000, 2004, 2008, and 2012 elections. I then use Federal Election Commission data to find total number of historically recorded Republican and Democratic votes per state for the corresponding election years (FEC 2000, 2004, 2008, 2012). I add the estimated felon votes into the historical totals and analyze the results under the assumption that demographic voting trends of the overall voting population can be analogously applied to the felon-disenfranchised population.

B. Assumption #2

I proceed by creating upper and lower bound assumptions. Under assumption #2 I use the same voter turnout estimates by state and election year, but apply all of the felon votes to the Republican party totals from the past four elections, keeping the same Democratic totals as historically recorded. The election outcomes are then analyzed under the assumption of an entirely Republican disenfranchised population.

C. Assumption #3

For assumption #3 I repeat the same process, but instead apply all of the felon votes to the Democratic Party, keeping the historically recorded Republican voting results the same. I then observe the changes in election outcomes under the assumption of an entirely Democratic disenfranchised population.

Data

I. Voter Turnout Data

To analyze the voter turnout data I use data from the United States Census Bureau gathered from the Current Population Survey, which includes voting and registration data. I use the variables *Voted, Gender, Age, Hispanic, Race,*

Employment, and Education from the election years 2000, 2004, 2008, and 2012 (US Census Bureau CPS, 2000, 2004, 2008, 2012). The dichotomous *Voted* variable equals 1 for voted and 0 for did not vote; the dichotomous *Gender* variable equals 1 for female and 0 for male; the dichotomous *Race* variable equals 1 for African American and 0 for white; and the dichotomous *Hispanic* variable equals 1 for Hispanic origin and 0 for non-Hispanic origin. The *Age* variable is continuous and top-coded at age 90. The Education variable is grouped into five sections: *High school graduate, Some college, Associate's degree,* and *Bachelor's degree* all in relation to the omitted variable *less than a high school education.* Summary statistics of the CPS data are displayed in Table 4, including the total number of data points, mean, standard deviation, minimum and maximum of each of the variables.

Table 1 displays the regression results from the first voter turnout regression in order to demonstrate the correlates of the variable *Voted*. The first columns shows the coefficients of the probit regression, the significance, and the standard errors, and the last column displays the marginal effects of the variables, which include: *Gender, Race, Age, Hispanic, Employment, Education, and Year*, all of which are statistically significant at the 1 percent level. This shows that over the past four elections, gender, race, age, Hispanic origin, employment, education, and election year were all statistically significant indicators as to whether or not a person chooses to vote in the presidential election.

The marginal effects of the next four voter turnout regression results are summarized in Table 2. This voter turnout regression uses the variables *Gender, Race,* and *Age* for the years 2000, 2004, 2008, and 2012. Significance varies over the

four years. For the 2000 election, an individual is 2.5 percent more likely to vote if they are female and 0.68 percent more likely to vote with every one year increase in age. Race is not statistically significant. In the 2004 election an individual is 3.36 percent more likely to vote if they are female and 0.503 percent more likely to vote with every one year increase in age. Again, race is not statistically significant here. In 2008 and 2012, gender, race and age are all statistically significant at the 1 percent level. The jump from insignificance to significance at the 1 percent level for the race variable is noteworthy. In 2008 females are 4.56 percent more likely to vote, African Americans are 6.09 percent more likely to vote, and with every additional year of age an individual is 0.475 percent more likely to vote. The Barack Obama vs John McCain 2008 presidential election marks the increase in importance of the race and gender variables in the voter turnout marginal effects. The marginal effects stay relatively similar for the 2012 election. In this election females are 4.12 percent more likely to vote, African Americans are 8.31 percent more likely to vote, and an individual is 0.625 percent more likely to vote with every additional year in age.

II. Voter Choice Data

I use American National Election Studies data from the years 2000, 2004, 2008, and 2012 to run the voter turnout regressions (ANES Times Series Cumulative Data 2000, 2004, 2008, 2012). From this study I use the variable *Presidential Vote* as my dependent variable, which refers to voting Democratic in the most recent presidential election, and voted Republican in the most recent presidential election is the omitted variable. I also use the variables: *Gender, Race, Hispanic*, and *Employment* which are all dichotomous variables; *Age* which is a continuous variable;

and *Education* and *Year* which are categorical variables. *Gender* equals 1 for female and 0 for male. *Race* equals 1 for African-American and 0 for white. *Hispanic* equals 1 for non-Hispanic origin and 0 for Hispanic origin. *Employment* equals 1 for employed individuals and 0 for unemployed individuals. *Age* is a continuous variable, and *Education* is grouped: 8th grade or less equals 0, high school graduate equals 1, some college equals 2, and college or more equals 3. *Year* includes the election years 2000, 2004, 2008, and 2012. Summary statistics of the National Election Study data are displayed in Table 5, including the total number of data points, mean, standard deviation, minimum, and maximum of all of the variables (ANES Times Series Cumulative Data 2000, 2004, 2008, 2012).

Marginal effects of the voter choice regressions for the years 2000, 2004, 2008, and 2012 are presented in Table 3. The table shows that for the 2000 election the *Gender* and *Race* variables are statistically significant at the 1 percent level, and the *Age* variable is statistically significant at the 5 percent level. The marginal effects show that in the 2000 election females are 9.48 percent more likely to vote Democratic, African Americans are 46.4 percent more likely to vote Democratic, and with every additional year of age an individual is 0.214 percent more likely to vote Democratic. In 2004 *Gender* is significant at the 10 percent level, *Race* is significant at the 1 percent level and *Age* is not statistically significant. For the 2004 election females are 7.10 percent more likely to vote Democratic and African Americans are 46.4 percent more likely to vote Democratic. In the 2008 election *Gender* and *Age* are both significant at the 10 percent level and *Race* is significant at the 1 percent level. For this election females are 4.5 percent more likely to vote Democratic, African

Americans are 53.9 percent more likely to vote Democratic and with every additional year of age an individual is 0.139 percent less likely to vote Democratic. In 2012 *Gender* and *Race* are both statistically significant at the 1 percent level and *Age* is statistically significant at the 10 percent level. For this election females are 5.12 percent more likely to vote Democratic, African Americans are 53.8 percent more likely to vote Democratic, and with every additional year of age an individual is 0.105 percent less likely to vote Democratic. The trends stay relatively the same with the exception of age. It is interesting that greater age was an indicator of the Republican vote in the past two elections, was not a party indicator for the 2004 election, and was an indicator of the Democratic vote in 2000. This trend spans four years, which is only a miniscule snapshot of election outcomes, but it does represent a trend in recent years. The estimated rate of felon Republican and Democratic votes by state and election year can be found in Appendix A1 - A4, as can the estimated number of Republican and Democratic votes by state per year.

When examining these results it is important to recognize that these are the party preferences as they apply to the demographic breakdown of each state's convicted felon population, and they do not necessarily represent voting patterns of the state as a whole. This is also the key aspect of the disenfranchised voting population, which results in the potential for felon disenfranchisement laws to have a political impact.

III. Convicted Felon Demographic Data

Table 6 displays summary statistics of the data on demographic characteristics of the convicted felon population by state gathered by the Bureau of Justice Statistics

(BJS National Judicial Reporting Program, 1986-2006). This data includes the average gender, race, and age breakdown of the convicted felon population of every state in the US, including Washington DC. The variable *Race* equals 1 for African American and 0 for white. The variable *Gender* equals 1 for female and 0 for male. The *Age* variable is continuous and equal to the average age of convicted felons in each state. Table 6 displays the total number of observations, mean, standard deviation, minimum and maximum of each of these variables

IV. Disenfranchised Population Data

The final data set I use to predict total number of votes per state includes estimates of the total number of disenfranchised individuals per state in the year 2010. Christopher Uggen, Sarah Shannon, and Jeff Manza estimated these populations for The Sentencing Project (Uggen et al. 2012).

Results

Appendix tables A1-A4 show voter turnout rates, percent of the voting population predicted to vote Republican, percent predicted to vote Democratic, total number of Republican votes, and total number of Democratic votes. Turnout rates vary from 59 percent to 86 percent, with the exception of 0 percent voter turnout in Maine and Vermont given the absence of disenfranchisement laws. The Appendix tables are split by election year. This data is used to calculate the results in the predicted election outcome tables (Tables 8-15). These tables are broken down by year and show overall changes in election outcomes under all three assumptions, followed by state-specific popular majority party outcome changes for each assumption.

When forming assumptions about election outcomes it is difficult to fully predict as one must take into account electoral votes and states' voting histories. Due to this ambiguity, I exclusively focus on popular vote majority outcomes.

I. 2000 Election

Tables 8 and 9 display election results under assumptions 1, 2, and 3 for the 2000 election. The addition of felon population votes under assumption #1 results in a change in the political party majority outcomes of two states, Florida and New Mexico (see Table 9).

The United States does not operate a direct Democracy for presidential elections because pure popular vote majority does not determine the presidential victor; rather the victor is the result of electoral votes. In 2000, the historically recorded popular vote resulted in a Democratic victory; however the election hinged on Florida's electoral outcome, which resulted in a Republican victory by roughly 500 popular votes. Under assumption #1, with the additional felon voting population Florida would have resulted in a Democratic victory with a margin of 364,183 votes (see Table 9). However, New Mexico also swings, but from a Democratic to a Republican state, with a margin of victory of 972 votes. The presidential outcome is difficult to predict, but when looking solely at popular vote in the 2000 election, there was a historical Democratic margin of victory of 543,895 votes, and under Assumption #1 this Democratic margin of victory increases to 1,796,529 votes. Though the party majority outcome does not change, it is possible that this margin of victory would have been strong enough to alter the presidential outcome.

Under the assumption of an entirely Republican felon populace (assumption #2) in the 2000 election, Iowa, New Mexico, Oregon, and Wisconsin swing Republican (see Table 9), and the popular vote victory switches from a Democratic margin of victory of 543,895 votes to a Republican victory with a margin of 3,185,959 votes (see Table 8).

Under the assumption of an entirely Democratic felon populace (assumption #3), the Democratic popular vote party majority remains Democratic, but increases from a margin of victory of 543,895 votes to a margin of victory of 4,273,749 votes (see Table 8). This assumption also results in Arizona, Florida, Missouri, Nevada, Tennessee, and Virginia switching from a Republican Party majority to a Democratic part majority (see Table 9).

II. 2004 Election

Under assumption #1 and #2 the 2004 election remains a Republican popular vote majority, but under assumption #3 the 2004 election swings to a Democratic popular vote majority (see Table 10).

The 2004 election does not experience any state political majority changes under assumption #1. Under assumption #2 Wisconsin switches from a Democratic majority to a Republican majority, and under assumption #3 Florida, Iowa, New Mexico, Nevada, and Virginia switch from Republican majorities to Democratic majorities (see Table 11).

III. 2008 Election

Under all three assumptions the 2008 election remains a Democratic victory (see Table 12). Under assumption #1 Missouri changes from a Republican majority

with a margin of victory of 3,903 votes to a Democratic majority with a margin of victory of 72,291 votes. Under assumption #2 Florida, North Carolina, and Virginia switch from Democratic to Republican, and under assumption #3 Missouri switches from Republican to Democratic (see Table 13).

IV. 2012 Election

The 2012 election also remains a Democratic popular vote victory throughout all three assumptions (see Table 14).

Florida and Virginia switch from a Democratic majority to a Republican majority under assumption #2 for the 2012 election year, and no other states switch under the three assumptions.

The 2008 and 2012 presidential elections remain unaffected by all three assumptions. This resilience could be attributed to a number of factors including a smaller number of Republican felon votes in relation to Democratic felon votes, an increase in voter turnout for the Democratic Party, an increase in the Democratic vote for felon populations, or simply a large margin of victory.

Discussion

One of the main caveats present in both of my regressions results from simplifying the dichotomous variables. *Gender, Race, Employment Status, Hispanic*, and *Presidential Vote* are all restricted to dichotomous variables. Further research would benefit from broadening these variables. Another caveat, due to restricted data regarding the felon disenfranchised populations of each state, results from assuming that the disenfranchised total populations calculated for the year 2010 also apply to the election years 2000, 2004, 2008, and 2012 (Uggen et al., 2012). Demographic

data for this population is unavailable, so I assume that the demographic data (from the years 1986-2006) on total convicted populations is equivalent (BJS National Judicial Reporting Program, 1986-2006). The independent variables are also restricted to *Year, Gender, Race*, and *Age*. If there were more data on the disenfranchised population I would have liked to include further independent variables such as *Marital Status, Criminal History*, and *Income* in order to form more exact estimates. Finally, the focus on popular vote is restricting, as the true presidential election results rest on electoral votes. Exact estimates are not fully possible due to the hypothetical nature of this paper; however the strength of the disenfranchised population is illuminated. The addition of state-specific demographic data on the convicted populations contributes to further accuracy within my results, because I am able to take into account varying demographic characteristics among different states. Assumption #1 is likely the most accurate estimate of election outcomes in the absence of felon disenfranchisement laws. Some may argue that this assumption changes the least amount of presidential election outcomes and proves the impact of the disenfranchised population to be trivial, while others may argue that any change proves these laws are distorting our political system in ways that many are not aware.

Conclusion

There is a vast amount of research dedicated to the growth of incarceration rates in the United States and the reasons for this recent increase. With any drastic change, there are often obscured implications - my original motivation for analyzing the political effects due to felon disenfranchisement laws and the recent growth of the

convicted population. Whether one agrees or disagrees with the ramifications is a separate debate, but general consensus assures the importance of being aware of resulting societal implications.

The potential for these implications to be decisive due to demographic discrepancies results from racial disparities within our criminal justice system. Statistically the demographic discrepancies are impressive, with more than 60 percent of the imprisoned population identifying as racial/ethnic minorities ("The Sentencing Project, Racial Disparity," 2015). Some suggest possible causes for the distortion of demographics within the United States criminal justice system, including unobservable disparate racial consequences of "ostensibly race-neutral policies," (Ghandnoosh, 2015, p. 3). This is not to denounce our entire criminal justice system for racism, but rather to disclose potential injustices and reveal the obscured implications of a sudden upsurge of convictions, augmented due to the disparate demographics affected.

As this issue has come increasingly into the forefront of politics there is often a human tendency to assign political roles to rigidly opposing perspectives; however, I think one of the most striking results of this study points to the fact that both parties are affected by felon disenfranchisement policies. There is sometimes an apprehension that "easing the bans, which have a disproportionate effect on African-Americans, would only help Democrats at the poll," (Chapman, 2010). Even without regarding the injustices associated with the disproportionate racial effects, this apprehension is proven invalid. The first and most authentic of the three assumptions made within this study points to two state party majorities switching to opposing

party victories when the felon disenfranchised vote is included - Florida from a Republican to a Democratic majority, and New Mexico from a Democratic to a Republican majority. Even more, assumption #2 and assumption #3 confirm that if felons do have slightly different voting patterns than the general society, in either direction, the effects would be even greater, shown by the increase in majority party changes within states under assumptions #2 and #3.

Aside from the party implications, the results are impactful at a macro level. The sheer size of this population is forceful enough to alter the popular majority of certain states under all three assumptions. Even national election outcomes were reversed. If the implications are this strong at a national level, the effects will only become increasingly prominent at the local level. Uggen and Manza state that "because of the geographic concentration of disenfranchised felons and ex-felons in urban areas, it is likely that such impacts are even more pronounced in local or district-level elections, such as House, state, legislative, and mayoral races," (Uggen et al., 2002, p. 778).

In John Ewald's paper he prudently explores the theory behind felon disenfranchisement policies, stating that many "Americans [...] believe their own right to vote would be devalued if people convicted of felonies saw their access to the ballot box unaffected," however it does seem that "moralistic political cultures," concerned with achieving exhaustive Democratic principles "would be more likely to expand felons' voting eligibility," (Ewald, 2009). The scope of the effects of disenfranchised populations on political outcomes is undeniable; the question, therein, rests in society's stance on criminal justice, rehabilitation and the reflection

of this stance within our bureaucracy. At what point is our Democratic ideology invalidated by seemingly egalitarian policies?

Tables

Table 1: This voter turnout regression table displays correlates of the probability of an individual voting. *Voted* is the dichotomous dependent variable of the probit regression and *Did Not Vote* is the omitted variable. The dependent variable refers to whether or not an individual voted in the most recent presidential election. The probit regression was run to measure the probability of an individual voting (1) versus not voting (0). The independent variables are listed on the left hand side of the table; the middle column contains the probit regression results with standard errors below in parenthesis. The asterisks represent statistical significance at the 99 percent level (***), 95 percent level (**), and at the 90 percent level (*). The right hand side contains the marginal effects of each variable in relation to the corresponding omitted variable. The total number of observations is at the bottom of the table. The regression uses CPS data for the years 2000, 2004, 2008, and 2012, with 2000 serving as the omitted variable (US Census Bureau CPS 2000, 2004, 2008, 2012). The dichotomous *Gender* variable equals 1 for female and 0 for male; the dichotomous *Race* variable equals 1 for African American and 0 for white; and the dichotomous *Hispanic* variable equals 1 for Hispanic origin and 0 for non-Hispanic origin. The *Age* variable is continuous and top-coded at age 90. The four education variables: *High school Grad, Some College, Associate's Degree,* and *Bachelor's Degree* are all in relation to the omitted variable: *Less Than a High School Education*.

VARIABLES	Voted	Marginal Effects
Gender	0.133***	0.0374
	(0.00639)	
Race	0.304***	0.0851
	(0.0112)	
Age	0.0240***	0.0067
	(0.000247)	
Hispanic	-0.187***	-0.0523
	(0.0117)	
Employment	-0.240***	-0.0673
	(0.0141)	
High School Grad	0.509***	0.1886
	(0.0125)	
Some College	0.935***	0.3289
	(0.0133)	
Associate's Degree	0.992***	0.3453
	(0.0150)	
Bachelor's Degree	1.444***	0.4516
	(0.0133)	
2004	0.182***	0.0519
	(0.00883)	
2008	0.211***	0.0596
	(0.00911)	
2012	0.0626***	0.0184
	(0.00905)	
Constant	-1.392***	
	(0.0168)	
Observations	205,630	

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 2: The dichotomous dependent variable of the four probit regressions displayed in this table is *Voted*, in which *Did Not Vote* is the omitted variable. The dependent variable refers to whether or not an individual voted in the most recent presidential election (US Census Bureau CPS 2000, 2004, 2008, 2012). This table displays the marginal effects of the three variables: *Gender, Race,* and *Age* for the years 2000, 2004, 2008, and 2012. In these regressions the dichotomous variable, *Gender,* equals 1 for female and 0 for male; the dichotomous variable, *Race,* equals 1 for African American an 0 for white; and *Age* is a continuous variable interpreted at the marginal effect of an additional year on an individual's age. The standard errors are displayed in parentheses below the marginal effects and the asterisks represent statistical significance at the 99 percent level (***), 95 percent level (**), and at the 90 percent level (*). The totals are recorded at the bottom of the table.

	2000	2004	2008	2012
VARIABLES	Voted	Voted	Voted	Voted
Gender	0.0254***	0.0336***	0.0465***	0.0412***
	(0.00362)	(0.00317)	(0.00322)	(0.00331)
Race	0.00211	-0.00664	0.0609***	0.0831***
	(0.00586)	(0.00542)	(0.00494)	(0.00479)
Age	0.00681***	0.00503***	0.00475***	0.00625***
	(0.000115)	(0.000100)	(0.000100)	(0.000102)
Observations	68,153	78,057	72,052	73,288

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Table 3: The dichotomous dependent variable of the four voter choice probit regressions displayed in this table is *Presidential Vote* which refers to voting Democratic in the most recent presidential election; *Voted Republican* is the omitted variable. This table displays the marginal effects of the three variables: *Gender, Race,* and *Age* for the years 2000, 2004, 2008, and 2012. In these regressions the dichotomous variable, *Gender,* equals 1 for female and 0 for male; the dichotomous variable, *Race,* equals 1 for African American and 0 for white; and *Age* is a continuous variable interpreted at the marginal effect of an additional year on an individual's age. The standard errors are displayed in parentheses below the marginal effects and the asterisks represent statistical significance at the 99 percent level (***), 95 percent level (**), and at the 90 percent level (*). The total number of observations is recorded at the bottom of the table. These regressions use American National Election Study data (ANES Times Series Cumulative Data 2000, 2004, 2008, 2012).

VARIABLES	2000 Presidential Vote	2004 Presidential Vote	2008 Presidential Vote	2012 Presidential Vote
Gender	0.0948***	0.0710*	0.0450*	0.0512***
	(0.0328)	(0.0391)	(0.0267)	(0.0180)
Race	0.464***	0.464***	0.539***	0.538***
	(0.0289)	(0.0377)	(0.0183)	(0.0111)
Age	0.00214**	0.000354	-0.00139*	-0.00105*
	(0.00101)	(0.00119)	(0.000724)	(0.000546)
Observations	998	711	1,180	3,355

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Table 4: This table displays the summary statistics of the variables used from the CPS data for the voter turnout regressions (US Census Bureau CPS 2000, 2004, 2008, 2012). The table includes the N (total), mean, sd (standard deviation), minimum, and maximum of the 8 variables. *Voted, Gender, Race, Hispanic,* and *Employment* are all dichotomous variables; *Age* is a continuous variable, and *Education* and *Year* are categorical variables. *Voted* equals 1 for voted in the most recent presidential election and 0 for did not vote in the most recent presidential election. *Gender* equals 1 for female and 0 for male. *Race* equals 1 for African-American and 0 for white. *Hispanic* equals 1 for Hispanic origin and 0 for non-Hispanic origin. *Employment* equals 1 for unemployed and 0 for employed. *Age* is continuous up to the age of 79. *Education* is grouped: less than a high school education equals 0, high school graduate equals 1, some college equals 2, Associate's degree equals 3, and Bachelor's degree or above equals 4. *Year* includes the election years 2000, 2004, 2008, and 2012.

VARIABLES	N	mean	sd	min	max
Voted	324,443	0.717	0.450	0	1
Gender	418,313	0.522	0.500	0	1
Race	389,397	0.105	0.307	0	1
Age	400,445	43.34	16.99	15	79
Hispanic	418,313	0.107	0.310	0	1
Employment	268,644	0.0500	0.218	0	1
Education	418,313	1.929	1.453	0	4
Year	418,313	2,006	4.407	2,000	2,012

Table 5: This table displays the summary statistics of variables from National Election Study data used for the voter choice regressions (ANES Times Series Cumulative Data 2000, 2004, 2008, 2012). The table includes the N (total), mean, sd (standard deviation), minimum, and maximum of the 8 variables. *Presidential Vote, Gender, Race, Hispanic,* and *Employment* are all dichotomous variables; *Age* is a continuous variable up to age 90, and *Education* and *Year* are categorical variables. *Presidential Vote* equals 1 for voted Democratic in the most recent presidential election and 0 for voted Republican in the most recent presidential election. *Gender* equals 1 for female and 0 for male. *Race* equals 1 for African-American and 0 for white. *Hispanic* equals 1 for non-Hispanic origin and 0 for Hispanic origin. *Employment* equals 1 for employed and 0 for unemployed. *Age* is continuous up to the age of 89. *Education* is grouped: 8th grade or less equals 0, high school graduate equals 1, some college equals 2, and college or more equals 3. *Year* includes the election years 2000, 2004, 2008, and 2012.

VARIABLES	N	mean	sd	min	max
Presidential Vote	7,658	0.589	0.492	0	1
Party Affiliation	9,854	0.604	0.489	0	1
Gender	11,255	0.538	0.499	0	1
Race	8,815	0.222	0.416	0	1
Age	11,219	47.78	17.48	0	89
Year	11,255	2,008	4.501	2,000	2,012
Hispanic	11,192	0.842	0.365	0	1
Education	11,166	1.872	0.866	0	3
Employment	7,836	0.820	0.384	0	1

Table 6: This table displays the summary statistics of data on average demographic characteristics of the convicted population from the National Judicial Reporting Program (BJS National Judicial Reporting Program, 1986-2006). The table includes the N (total), mean, sd (standard deviation), minimum, and maximum) of the three variables. *Race* equals 1 for African-American and 0 for white. *Gender* equals 1 for female and 0 for male. *Age* is a continuous variable.

VARIABLES	N	mean	sd	min	max
Race	46	0.355	0.224	0.0183	0.948
Gender	49	0.121	0.0393	0.0104	0.222
Age	50	40.17	7.143	33.37	76.48

Table 7: This table displays the disenfranchisement laws by state as of the year 2014. The states are listed below their current felon disenfranchisement laws. ("Felony Disenfranchisement: A Primer," 2015)

No Restrictions	Prison	Prison & Parole	Prison, Parole & Probation	Prison, Parole, Probation & Post-Sentence (some or all)
Maine Vermont	Washington DC Hawaii Illinois Indiana Massachusetts Michigan Montana New Hampshire North Dakota Ohio Oregon Pennsylvania Rhode Island Utah	California Colorado Connecticut New York	Alaska Arkansas Georgia Idaho Kansas Louisiana Maryland Minnesota Missouri New Jersey New Mexico North Carolina Oklahoma South Carolina South Dakota Texas Washington West Virginia Wisconsin	Alabama Arizona Delaware Florida Iowa Kentucky Mississippi Nebraska Nevada Tennessee Virginia Wyoming

Table 8: This table displays the 2000 election outcomes under assumption #1, which uses the voter turnout regression and voter choice regression to estimate voting populations for the Republican and Democratic parties specific to each state and year and adds them into historical voting totals; under assumption #2, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Republican historical voting total; and under assumption #3, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Democratic historical voting total. The first two columns show the popular vote party majority broken down by the actual party victory and the predicted party victory according to each of the assumptions (all based on popular vote). The second two columns show the margin of victory broken down by the historical margin of victory and the predicted margin of victory (referring to the corresponding predicted party victory).

2000 Election

	Popular Vote Winner (Party)		Popular Vote Margin of Victory	
	Actual	**Predicted** (including felon vote)	**Actual**	**Predicted** (for predicted party victory)
Assumption #1	Dem	Dem	543,895	1,796,529
Assumption #2	Dem	Rep	543,895	3,185,959
Assumption #3	Dem	Dem	543,895	4,273,749

Table 9: This table displays the 2000 state political party majority results under assumption #1 which uses the voter turnout regression and voter choice regression to estimate voting populations for the Republican and Democratic parties specific to each state and year and adds them into historical voting totals; under assumption #2, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Republican historical voting total; and under assumption #3, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Democratic historical voting total. The first column lists the states that experienced a change in political party majority. The second two columns show the popular vote majority broken down by the actual party victory and the predicted party victory according to each of the assumptions (all based on popular vote). The second two columns show the margin of victory broken down by the historical margin of victory and the predicted margin of victory (referring to the corresponding predicted party victory).

2000 Election

	States with a switch in popular vote majority	Popular Vote Winner (Party)		Popular Vote Margin of Victory	
		Actual	**Predicted** (including felon vote)	**Actual**	**Predicted** (for predicted party victory)
Assumption #1	Florida	Rep	Dem	537	364,183
	New Mexico	Dem	Rep	366	972
Assumption #2	Iowa	Dem	Rep	4,144	9,121
	New Mexico	Dem	Rep	366	16,744
	Oregon	Dem	Rep	6,765	2,550
	Wisconsin	Dem	Rep	5,708	36,316
Assumption #3	Arizona	Rep	Dem	96,311	38,750
	Florida	Rep	Dem	537	975,338
	Missouri	Rep	Dem	78,786	4,873
	Nevada	Rep	Dem	21,597	36,084
	Tennessee	Rep	Dem	80,229	136,186
	Virginia	Rep	Dem	220,200	61,531

Table 10: This table displays the 2004 election outcomes under assumption #1, which uses the voter turnout regression and voter choice regression to estimate voting populations for the Republican and Democratic parties specific to each state and year and adds them into historical voting totals; under assumption #2, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Republican historical voting total; and under assumption #3, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Democratic historical voting total. The first two columns show the popular vote party majority broken down by the actual party victory and the predicted party victory according to each of the assumptions (all based on popular vote). The second two columns show the margin of victory broken down by the historical margin of victory and the predicted margin of victory (referring to the corresponding predicted party victory).

2004 Election

	Popular Vote Winner (Party)		Popular Vote Margin of Victory	
	Actual	**Predicted** (including felon vote)	**Actual**	**Predicted** (for predicted party victory)
Assumption #1	Rep	Rep	3,012,166	2,133,135
Assumption #2	Rep	Rep	3,012,166	7,064,805
Assumption #3	Rep	Dem	3,012,166	1,040,473

Table 11: This table displays the 2004 state political party majority results under assumption #1 which uses the voter turnout regression and voter choice regression to estimate voting populations for the Republican and Democratic parties specific to each state and year and adds them into historical voting totals; under assumption #2, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Republican historical voting total; and under assumption #3, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Democratic historical voting total. The first column lists the states that experienced a change in political party majority. The second two columns show the popular vote majority broken down by the actual party victory and the predicted party victory according to each of the assumptions (all based on popular vote). The second two columns show the margin of victory broken down by the historical margin of victory and the predicted margin of victory (referring to the corresponding predicted party victory).

2004 Election

	States with a switch in popular vote majority	Popular Vote Winner (Party)		Popular Vote Margin of Victory	
		Actual	**Predicted** (including felon vote)	**Actual**	**Predicted** (for predicted party victory)
Assumption #1	none	N/A	N/A	N/A	N/A
Assumption #2	Wisconsin	Dem	Rep	11,384	34,362
Assumption #3	Florida	Rep	Dem	380,978	681,322
	Iowa	Rep	Dem	10,059	4,625
	New Mexico	Rep	Dem	5,988	13,003
	Nevada	Rep	Dem	21,500	40,369
	Virginia	Rep	Dem	262,217	45,668

Table 12: This table displays the 2008 election outcomes under assumption #1, which uses the voter turnout regression and voter choice regression to estimate voting populations for the Republican and Democratic parties specific to each state and year and adds them into historical voting totals; under assumption #2, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Republican historical voting total; and under assumption #3, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Democratic historical voting total. The first two columns show the popular vote party majority broken down by the actual party victory and the predicted party victory according to each of the assumptions (all based on popular vote). The second two columns show the margin of victory broken down by the historical margin of victory and the predicted margin of victory (referring to the corresponding predicted party victory).

2008 Election

	Popular Vote Winner (Party)		Popular Vote Margin of Victory	
	Actual	**Predicted** (including felon vote)	**Actual**	**Predicted** (for predicted party victory)
Assumption #1	Dem	Dem	6,994,975	9,816,416
Assumption #2	Dem	Dem	6,994,975	2,731,522
Assumption #3	Dem	Dem	6,994,975	11,258,428

Table 13: This table displays the 2008 state political party majority results under assumption #1 which uses the voter turnout regression and voter choice regression to estimate voting populations for the Republican and Democratic parties specific to each state and year and adds them into historical voting totals; under assumption #2, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Republican historical voting total; and under assumption #3, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Democratic historical voting total. The first column lists the states that experienced a change in political party majority. The second two columns show the popular vote majority broken down by the actual party victory and the predicted party victory according to each of the assumptions (all based on popular vote). The second two columns show the margin of victory broken down by the historical margin of victory and the predicted margin of victory (referring to the corresponding predicted party victory).

2008 Election

	States with a switch in popular vote majority	Popular Vote Winner (Party)		Popular Vote Margin of Victory	
		Actual	**Predicted** (including felon vote)	**Actual**	**Predicted** (for predicted party victory)
Assumption #1	Missouri	Rep	Dem	3,903	72,291
Assumption #2	Florida	Dem	Rep	236,450	885,449
	North Carolina	Dem	Rep	14,177	45,505
	Virginia	Dem	Rep	234,527	93,051
Assumption #3	Missouri	Rep	Dem	3,903	85,310

Table 14: This table displays the 2012 election outcomes under assumption #1, which uses the voter turnout regression and voter choice regression to estimate voting populations for the Republican and Democratic parties specific to each state and year and adds them into historical voting totals; under assumption #2, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Republican historical voting total; and under assumption #3, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Democratic historical voting total. The first two columns show the popular vote party majority broken down by the actual party victory and the predicted party victory according to each of the assumptions (all based on popular vote). The second two columns show the margin of victory broken down by the historical margin of victory and the predicted margin of victory (referring to the corresponding predicted party victory).

2012 Election

	Popular Vote Winner (Party)		Popular Vote Margin of Victory	
	Actual	**Predicted** (including felon vote)	**Actual**	**Predicted** (for predicted party victory)
Assumption #1	Dem	Dem	4,982,291	7,195,809
Assumption #2	Dem	Dem	4,982,291	881,870
Assumption #3	Dem	Dem	4,982,291	9,082,712

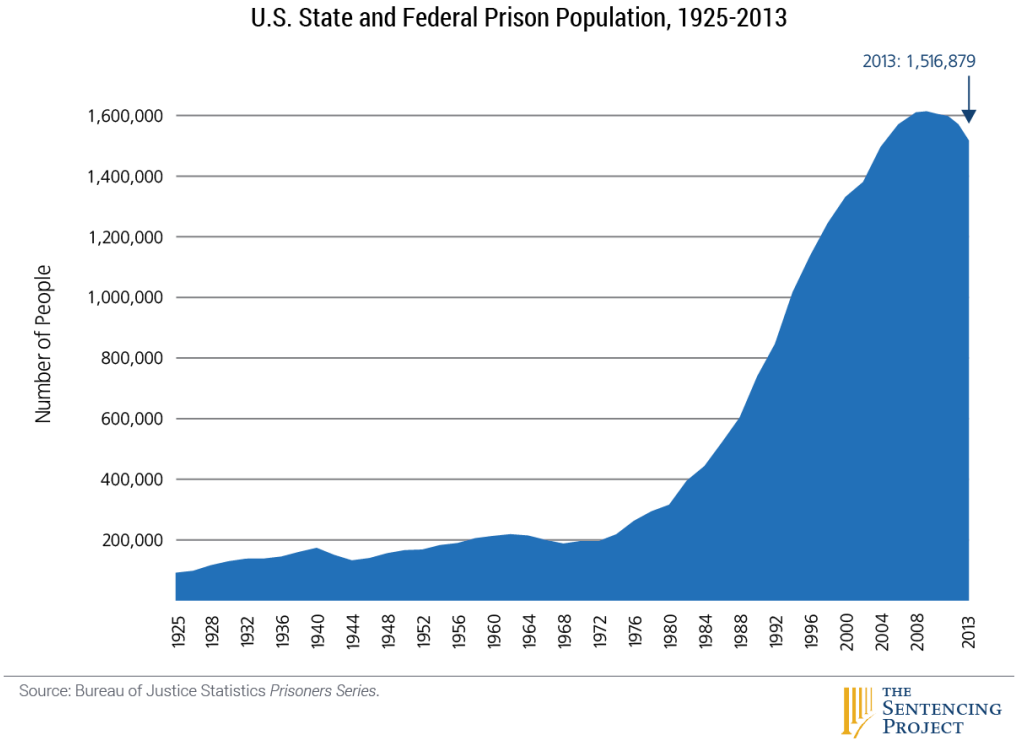
Table 15: This table displays the 2012 state political party majority results under assumption #1 which uses the voter turnout regression and voter choice regression to estimate voting populations for the Republican and Democratic parties specific to each state and year and adds them into historical voting totals; under assumption #2, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Republican historical voting total; and under assumption #3, which uses the voter turnout regression to estimate total number of votes for each state and applies all of these votes to the Democratic historical voting total. The first column lists the states that experienced a change in political party majority. The second two columns show the popular vote majority broken down by the actual party victory and the predicted party victory according to each of the assumptions (all based on popular vote). The second two columns show the margin of victory broken down by the historical margin of victory and the predicted margin of victory (referring to the corresponding predicted party victory).

2012 Election

	States with a switch in popular vote majority	Popular Vote Winner (Party)		Popular Vote Margin of Victory	
		Actual	**Predicted** (including felon vote)	**Actual**	**Predicted** (for predicted party victory)
Assumption #1	none	N/A	N/A	N/A	N/A
Assumption #2	Florida	Dem	Rep	74,309	1,004,395
	Virginia	Dem	Rep	149,298	165,317
Assumption #3	none	N/A	N/A	N/A	N/A

Figures

Figure 1: This figure depicts the growth of incarceration rates from the years 1925 to 2013.



("The Sentencing Project, Incarceration," 2015)

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Appendix

Table A1: This table displays the percentages as well as the numerical values of the estimated votes under assumption #1 for the year 2000. On the left hand side the 50 states and DC are listed. The next column displays the percentage of the disenfranchised population of each state that is estimated to turnout to vote based on the voter turnout regression (results in Table 2). The third column displays the number of votes from each state, calculated by multiplying the percentages in the second column with the disenfranchised population of each state. The third column displays the number of Democratic votes from the disenfranchised population of each state and the corresponding percentages of the felon voting population, calculated by the voter choice regression (results in Table 3). The last column contains the number of Republican votes from the disenfranchised population of each state and the corresponding percentages of the felon voting population.

State	Percent Voted	Number of Votes	Number of Dem Votes		Number of Rep Votes	
AK	62%	9,135	4,226	46%	4,910	54%
AL	63%	166,436	120,452	72%	45,984	28%
AR	61%	39,933	26,079	65%	13,853	35%
AZ	68%	135,061	67,266	50%	67,795	50%
CA	66%	183,417	116,287	63%	67,130	37%
CO	62%	21,729	11,435	53%	10,294	47%
CT	62%	13,683	9,662	71%	4,021	29%
DE	60%	15,497	11,557	75%	3,940	25%
FL	63%	975,875	670,298	69%	305,578	31%
GA	63%	174,782	134,149	77%	40,633	23%
HI	70%	4,141	1,966	47%	2,176	53%
IA	61%	13,265	7,105	54%	6,160	46%
ID	62%	15,753	7,008	44%	8,745	56%
IL	62%	31,432	25,438	81%	5,994	19%
IN	69%	20,226	13,448	66%	6,778	34%
KS	64%	11,900	6,963	59%	4,937	41%
KY	64%	155,584	88,500	57%	67,084	43%
LA	61%	68,335	52,849	77%	15,486	23%
MA	65%	8,286	4,471	54%	3,815	46%
MD	63%	39,804	30,544	77%	9,260	23%
ME	0%	-	-	0%	-	0%
MI	61%	28,231	19,195	68%	9,036	32%
MN	62%	36,714	19,389	53%	17,324	47%
MO	79%	83,659	67,897	81%	15,761	19%
MS	64%	116,233	90,421	78%	25,812	22%
MT	86%	3,379	1,699	50%	1,679	50%
NC	62%	51,507	36,138	70%	15,369	30%
ND	59%	934	412	44%	523	56%
NE	69%	12,290	7,763	63%	4,527	37%
NH	62%	1,825	748	41%	1,077	59%
NJ	62%	63,987	39,923	62%	24,064	38%
NM	60%	17,110	7,886	46%	9,224	54%
NV	67%	57,681	34,893	60%	22,787	40%
NY	61%	65,890	45,000	68%	20,890	32%
OH	65%	35,202	25,401	72%	9,802	28%
OK	64%	32,876	18,737	57%	14,139	43%
OR	63%	9,315	4,541	49%	4,774	51%
PA	62%	34,238	23,495	69%	10,742	31%
RI	63%	2,120	976	46%	1,144	54%
SC	63%	27,009	21,701	80%	5,308	20%
SD	66%	4,212	1,831	43%	2,381	57%
TN	63%	216,415	141,357	65%	75,059	35%
TX	63%	333,509	209,825	63%	123,684	37%
UT	60%	4,497	1,913	43%	2,584	57%
VT	0%	-	-	0%	-	0%
VA	62%	281,731	201,610	72%	80,121	28%
WA	63%	33,699	17,891	53%	15,808	47%
WI	63%	42,024	27,171	65%	14,854	35%
WV	68%	10,648	4,769	45%	5,878	55%
WY	65%	16,660	7,178	43%	9,482	57%
DC	66%	1,983	1,781	90%	202	10%
Total		**3,729,854**	**2,491,244**		**1,238,610**	

Table A2: This table displays the percentages as well as the numerical values of the estimated votes under Assumption #1 for the year 2004. On the left hand side the 50 states and DC are listed. The next column displays the percentage of the disenfranchised population of each state that is estimated to turnout to vote based on the voter turnout regression (results in Table 2). The third column displays the number of votes from each state, calculated by multiplying the percentages in the second column with the disenfranchised population of each state. The third column displays the number of Democratic votes from the disenfranchised population of each state and the corresponding percentages of the felon voting population, calculated by the voter choice regression (results in Table 3). The last column contains the number of Republican votes from the disenfranchised population of each state and the corresponding percentages of the felon voting population.

State	Percent Voted	Number of Votes	Number of Dem Votes		Number of Rep Votes	
AK	69%	10,040	4,300	43%	5,740	57%
AL	69%	180,900	119,395	66%	61,505	34%
AR	67%	43,951	26,303	60%	17,647	40%
AZ	72%	144,668	64,790	45%	79,878	55%
CA	71%	197,489	112,918	57%	84,571	43%
CO	68%	23,917	11,594	48%	12,324	52%
CT	68%	15,005	9,709	65%	5,296	35%
DE	67%	17,063	11,722	69%	5,341	31%
FL	69%	1,062,300	664,537	63%	397,762	37%
GA	69%	189,726	133,331	70%	56,395	30%
HI	74%	4,384	1,975	45%	2,409	55%
IA	67%	14,684	7,271	50%	7,413	50%
ID	68%	17,372	7,195	41%	10,177	59%
IL	68%	34,238	25,570	75%	8,668	25%
IN	73%	21,438	12,725	59%	8,713	41%
KS	70%	12,920	6,863	53%	6,058	47%
KY	69%	169,337	87,687	52%	81,650	48%
LA	67%	75,025	53,457	71%	21,568	29%
MA	70%	8,960	4,392	49%	4,568	51%
MD	68%	43,333	30,512	70%	12,821	30%
ME	0%	-	-	0%	-	0%
MI	67%	30,989	19,304	62%	11,685	38%
MN	68%	40,341	19,603	49%	20,738	51%
MO	80%	85,315	61,214	72%	24,101	28%
MS	69%	125,954	89,775	71%	36,179	29%
MT	86%	3,399	1,377	41%	2,022	59%
NC	68%	56,262	36,063	64%	20,199	36%
ND	66%	1,041	461	44%	580	56%
NE	74%	13,043	7,332	56%	5,711	44%
NH	68%	2,008	772	38%	1,236	62%
NJ	69%	69,555	39,368	57%	30,187	43%
NM	67%	18,991	8,187	43%	10,804	57%
NV	72%	61,869	33,628	54%	28,241	46%
NY	67%	72,467	45,429	63%	27,038	37%
OH	70%	37,869	24,785	65%	13,084	35%
OK	70%	35,835	18,572	52%	17,263	48%
OR	69%	10,177	4,557	45%	5,620	55%
PA	68%	37,433	23,462	63%	13,971	37%
RI	69%	2,319	1,047	45%	1,272	55%
SC	68%	29,371	21,744	74%	7,628	26%
SD	71%	4,551	1,813	40%	2,738	60%
TN	69%	235,666	140,116	59%	95,550	41%
TX	68%	364,385	209,239	57%	155,146	43%
UT	67%	4,988	2,003	40%	2,985	60%
VT	0%	-	-	0%	-	0%
VA	68%	307,885	201,431	65%	106,454	35%
WA	69%	36,843	17,858	48%	18,985	52%
WI	69%	45,746	26,911	59%	18,835	41%
WV	73%	11,384	4,600	40%	6,783	60%
WY	70%	18,080	7,160	40%	10,920	60%
DC	70%	2,120	1,779	84%	341	16%
Total		**4,052,639**	**2,465,835**		**1,586,804**	

Table A3: This table displays the percentages as well as the numerical values of the estimated votes under Assumption #1 for the year 2008. On the left hand side the 50 states and DC are listed. The next column displays the percentage of the disenfranchised population of each state that is estimated to turnout to vote based on the voter turnout regression (results in Table 2). The third column displays the number of votes from each state, calculated by multiplying the percentages in the second column with the disenfranchised population of each state. The third column displays the number of Democratic votes from the disenfranchised population of each state and the corresponding percentages of the felon voting population, calculated by the voter choice regression (results in Table 3). The last column contains the number of Republican votes from the disenfranchised population of each state and the corresponding percentages of the felon voting population.

State	Percent Voted	Number of Votes	Number of Dem Votes		Number of Rep Votes	
AK	70%	10,196	5,599	55%	4,596	45%
AL	73%	192,360	172,896	90%	19,464	10%
AR	71%	46,300	38,656	83%	7,644	17%
AZ	74%	146,946	83,723	57%	63,223	43%
CA	74%	205,647	162,186	79%	43,461	21%
CO	70%	24,590	16,198	66%	8,392	34%
CT	72%	15,960	14,201	89%	1,759	11%
DE	72%	18,343	17,006	93%	1,337	7%
FL	73%	1,121,899	968,596	86%	153,303	14%
GA	74%	203,582	190,339	93%	13,243	7%
HI	75%	4,426	2,737	62%	1,688	38%
IA	69%	15,148	10,307	68%	4,841	32%
ID	69%	17,596	9,194	52%	8,402	48%
IL	74%	37,185	35,808	96%	1,377	4%
IN	76%	22,315	18,151	81%	4,164	19%
KS	72%	13,374	9,770	73%	3,604	27%
KY	72%	174,911	124,259	71%	50,652	29%
LA	72%	81,040	76,474	94%	4,566	6%
MA	72%	9,190	6,095	66%	3,095	34%
MD	73%	46,573	43,655	94%	2,918	6%
ME	0%	-	-	0%	-	0%
MI	71%	32,797	28,369	86%	4,428	14%
MN	70%	41,472	27,414	66%	14,058	34%
MO	84%	89,213	82,703	93%	6,510	7%
MS	74%	135,381	127,521	94%	7,859	6%
MT	86%	3,400	1,378	41%	2,022	59%
NC	72%	59,682	52,623	88%	7,059	12%
ND	67%	1,056	672	64%	384	36%
NE	76%	13,503	10,320	76%	3,183	24%
NH	69%	2,019	942	47%	1,077	53%
NJ	72%	72,526	56,956	79%	15,570	21%
NM	68%	19,321	10,877	56%	8,445	44%
NV	74%	64,012	47,591	74%	16,421	26%
NY	71%	76,811	66,918	87%	9,894	13%
OH	74%	40,084	35,760	89%	4,324	11%
OK	72%	37,033	26,183	71%	10,850	29%
OR	71%	10,368	6,061	58%	4,307	42%
PA	72%	39,598	34,310	87%	5,288	13%
RI	70%	2,352	1,491	63%	861	37%
SC	74%	31,826	30,537	96%	1,289	4%
SD	71%	4,581	2,216	48%	2,364	52%
TN	72%	247,312	204,358	83%	42,954	17%
TX	72%	381,132	305,474	80%	75,658	20%
UT	67%	5,037	2,575	51%	2,463	49%
VT	0%	-	-	0%	-	0%
VA	73%	327,578	293,061	89%	34,517	11%
WA	71%	37,839	24,530	65%	13,309	35%
WI	72%	47,940	39,203	82%	8,737	18%
WV	73%	11,461	5,544	48%	5,917	52%
WY	71%	18,203	8,696	48%	9,507	52%
DC	77%	2,337	2,318	99%	19	1%
Total		**4,263,453**	**3,542,447**		**721,006**	

Table A4: This table displays the percentages as well as the numerical values of the estimated votes under Assumption #1 for the year 2012. On the left hand side the 50 states and DC are listed. The next column displays the percentage of the disenfranchised population of each state that is estimated to turnout to vote based on the voter turnout regression (results in Table 2). The third column displays the number of votes from each state, calculated by multiplying the percentages in the second column with the disenfranchised population of each state. The third column displays the number of Democratic votes from the disenfranchised population of each state and the corresponding percentages of the felon voting population, calculated by the voter choice regression (results in Table 3). The last column contains the number of Republican votes from the disenfranchised population of each state and the corresponding percentages of the felon voting population.

State	Percent Voted	Number of Votes	Number of Dem Votes		Number of Rep Votes	
AK	66%	9,609	4,966	52%	4,643	48%
AL	71%	185,538	154,915	83%	30,622	17%
AR	68%	44,079	33,789	77%	10,290	23%
AZ	71%	141,620	76,008	54%	65,612	46%
CA	71%	198,726	143,911	72%	54,815	28%
CO	66%	23,236	14,107	61%	9,129	39%
CT	69%	15,284	12,595	82%	2,689	18%
DE	68%	17,561	15,234	87%	2,328	13%
FL	70%	1,078,704	859,080	80%	219,623	20%
GA	71%	197,056	173,078	88%	23,978	12%
HI	73%	4,304	2,380	55%	1,924	45%
IA	65%	14,258	8,911	62%	5,347	38%
ID	65%	16,520	8,175	49%	8,344	51%
IL	71%	36,010	33,020	92%	2,990	8%
IN	75%	21,840	16,359	75%	5,481	25%
KS	69%	12,813	8,592	67%	4,221	33%
KY	69%	167,119	109,065	65%	58,053	35%
LA	70%	77,874	69,241	89%	8,632	11%
MA	69%	8,812	5,397	61%	3,415	39%
MD	71%	44,996	39,649	88%	5,347	12%
ME	0%	-	-	0%	-	0%
MI	68%	31,337	24,984	80%	6,353	20%
MN	66%	39,246	23,907	61%	15,339	39%
MO	85%	89,897	78,536	87%	11,362	13%
MS	72%	131,280	116,512	89%	14,768	11%
MT	87%	3,432	1,431	42%	2,001	58%
NC	70%	57,294	46,730	82%	10,564	18%
ND	62%	984	555	56%	428	44%
NE	74%	13,182	9,274	70%	3,908	30%
NH	64%	1,895	852	45%	1,043	55%
NJ	69%	69,563	50,100	72%	19,463	28%
NM	64%	18,064	9,516	53%	8,548	47%
NV	72%	61,943	42,334	68%	19,609	32%
NY	68%	73,309	58,909	80%	14,400	20%
OH	72%	38,939	32,244	83%	6,695	17%
OK	69%	35,340	22,968	65%	12,373	35%
OR	67%	9,833	5,372	55%	4,462	45%
PA	69%	37,954	30,336	80%	7,619	20%
RI	66%	2,228	1,258	56%	970	44%
SC	71%	30,843	28,123	91%	2,720	9%
SD	68%	4,371	2,035	47%	2,336	53%
TN	69%	237,293	180,086	76%	57,206	24%
TX	68%	364,336	267,636	73%	96,700	27%
UT	63%	4,702	2,277	48%	2,425	52%
VT	0%	-	-	0%	-	0%
VA	70%	314,615	261,090	83%	53,525	17%
WA	68%	35,948	21,551	60%	14,397	40%
WI	69%	45,992	34,523	75%	11,469	25%
WV	71%	11,036	5,156	47%	5,881	53%
WY	67%	17,302	7,967	46%	9,335	54%
DC	76%	2,305	2,236	97%	69	3%
Total		**4,100,421**	**3,156,970**		**943,451**	