

DISENFRACTISED DISCONTENT: EXPLORING THE SCOPE AND PUBLIC OPINION
OF CRIMINAL VOTING RESTRICTIONS

By

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For my dad:
I love you, I miss you, and I am forever grateful for you

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CHAPTER 1

INTRODUCTION

“People look at me differently, because I’m a convicted felon, you know, so I don’t feel like I’m a part of the community, so, a lot of people who don’t feel like they’re a part of the community do other things: they either go back to selling drugs, smoking drugs, or doing crime.”

- 35-Year-Old Former Felon from Florida¹

The great duality of modern democracy around the world has been that of the selective political incorporation of some groups of people and not others. At their core, the principles of democracy rest on the notion that the job of government is to represent the interests, and serve at the will of, its people. Nevertheless, even among societies that most reasonable observers would classify as democratic, the real world practices of government often fall short of fulfilling this goal. For various reasons, certain segments of the population in most ostensibly democratic societies tend to be either overlooked or ignored in political decision-making. This dissertation starts from that basic observation about the disjuncture between the principle and practice of democracy. In what follows, I unpack the implications that flow from what it means to be a citizen of a democratic society while not being afforded the rights that normally come along with that fact.

While there are a great number of ways that people are held out of democratic decision-making around the world (either due to *de jure* rules surrounding citizenship, age, and classified mental health or *de facto* exclusion due to various societal prejudices) I mainly focus on the impacts of one specific form of political participation – voting, and one specific form of exclusion – criminal disenfranchisement. I do this not out of a belief that criminal disenfranchisement is by any means the most egregious or impactful form of political exclusion, but rather because it provides conceptual clarity and empirical tractability. For example, while there is a great deal of variation in democracies around the globe in terms of their citizenship/residence requirements for voting in elections, there is also a great deal of variation in the non-citizen populations themselves. That is, the group level makeup of non-citizens in terms of things such as their socio-economic status, points of

¹ Quoted from (Miller and Spillane 2012, 415)

origin, and relative size is so variable from society to society that pinning down a general effect of barring them from participating in politics would likely prove an unwieldy task. Instead, for non-citizen populations it would likely make more sense to discuss the impact of political exclusion based upon the sorts of laws those groups were currently subject to in their receiving countries, the sorts of laws they were subject to in their previous home countries, and their expectations for future political participation. These exclusionary effects would likely vary not just from society to society, but also from group to group within any given society. The notion of trying to resolve all of these issues while also attempting to highlight the impacts of criminal disenfranchisement was simply beyond the scope this project allowed for.

In addition, further problems arise with respect to voting laws surrounding issues such as age and classified mental capacity. For example, estimating the impacts of these sorts of exclusions for democracy potentially presents some of the problems similar to those with non-citizen populations (in terms of expectations for future participation) in addition to the empirical fact that there is little variation around the globe. With few exceptions, either for right or wrong, most democratic governments around the globe have decided that 18 is the ideal age to extend the franchise to its citizens and that those classified as mentally handicapped should not be allowed to vote. Thus, while there is perhaps good reason to raise normative concerns about whether or not these sorts of laws and policies are just and democratic, they present an empirical problem from a research standpoint due to a lack of variation around the world.

By focusing more narrowly on the practice of criminal disenfranchisement, I am able to overcome most of these sorts of theoretical and empirical issues. Firstly, societies around the world vary widely in terms of the severity of their criminal disenfranchisement laws and relative size of their custodial populations. Further, criminal disenfranchisement laws represent a revocation of what is generally understood to be a basic civil right and core principle of democracy for a society's citizens. Thus, for these reasons, while I am entirely cognizant of the fact that much more research is needed, and indeed should be encouraged, to unpack other forms of political exclusion, my dissertation is largely limited to the impacts of criminal disenfranchisement on democracy.

To set the stage for the rest of the dissertation, my first empirical chapter explores criminal disenfranchisement from a system-level approach. First, I discuss the historical dynamics of and theoretical arguments surrounding criminal disenfranchisement laws in modern democracies. Following this discussion I blend together data in order to generate conservative country-level estimates of the global stock of criminally disenfranchised people based on voting laws, levels of

democracy, and custodial population size around the world. From the analyses, the United States emerges as a clear outlier both in terms of the severity of its criminal disenfranchisement laws as well as the size of its custodial population affected by those laws.

With this in mind, I home in on the U.S. for the remainder of the empirical analyses as it represents a case that contains substantial subnational variation both in the severity of its laws surrounding criminal disenfranchisement as well as the relative size of the population affected by those laws. I exploit this state-level variation in criminal disenfranchisement laws to examine the association between the relative size of the population affected by those laws and democratic performance. From the analyses a clear negative relationship arises between democratic performance and the relative size of a state's criminally disenfranchised population. States that disenfranchise larger portions of their population tend to do a worse job of educating, enriching, and employing their residents while providing for their public safety.

In my second empirical chapter, I pivot from examining the system-level association between criminal disenfranchisement laws and democratic performance. In it I unpack the relationship between criminal disenfranchisement laws and the political opinions and behaviors of those impacted by them. Specifically, I use public opinion data to examine the associated effect of self-reported felony convictions on political attitudes and behaviors among people in the U.S. In addition, I consider the potential moderating effect that living in a state with post-prison criminal disenfranchisement laws might have on the impact of felony convictions. Contrary to expectations, the analyses find that overall, people with felony convictions tend to express higher levels of political engagement than those without self-reported felony convictions. This positive associated effect is dampened, however, by living in a state with post-prison disenfranchisement laws. The mixed evidence found in this chapter is counter intuitive as prior research on this topic has generally found that increased contact with the carceral state tends to depress subsequent political participation and engagement. Following a discussion of the results, I propose some potential explanations for the surprising findings from the chapter. Specifically, I highlight how limitations of the data might have weighed upon the analyses and discuss how previous research on posttraumatic growth in the field of psychology might offer some insights into what might be happening in the data.

Finally, in my third empirical chapter I examine attitudes toward criminal disenfranchisement among the mass public. The goal of the chapter is to evaluate the degree to which variation in state-level laws surrounding criminal disenfranchisement across the U.S. are congruent with attitudes among the mass public. For the analyses I utilize data from a nationally representative sample as well

as samples of likely voters in two southern U.S. states with some of the most restrictive criminal disenfranchisement laws in the nation. In opposition to the notion that salient political policy tends to align with public opinion, the analyses reveal a consistent taste for less restrictive criminal disenfranchisement laws among the mass public in the U.S. than those that are currently in place. Although this preference for less restrictive laws is slightly moderated by living in a state with some form of post-prison disenfranchisement, no other contextual level variable related to politics tested demonstrates much of an impact on attitudes. Further, while many of the individual level factors tested do appear to generally have a statistically meaningful relationship with attitudes toward criminal disenfranchisement, the majority opinion across all groups is for less punitive disenfranchisement laws.

Taken together, the chapters all highlight a common theme related to criminal disenfranchisement. Although the analyses are conducted from several different vantage points, the results largely point to criminal disenfranchisement representing a drain on democracy. The system-level analyses in chapter 2 do this quite literally by demonstrating that U.S. states with higher rates of criminal disenfranchisement do a worse job of educating, enriching, and employing their residents. In terms of citizen engagement, chapter 3 illustrates that although having a felony conviction appears to surprisingly have a positive impact on political engagement, those effects are dampened among people convicted of felonies living in states with more onerous disenfranchisement laws. Finally, chapter 4 highlights that all normative arguments either for or against criminal disenfranchisement aside, the preference among not just the mass public, but even among likely voters in two states with some of the most restrictive criminal disenfranchisement penalties in the United States is for less strict laws than they currently have. This gap between the preferences of the public as a whole, and voters especially, and the laws that govern who is legally allowed to participate in politics represents a lapse in democracy. In that sense, current criminal disenfranchisement practices in the United States appear to be out of step with the will of the people, and thereby could reasonably be argued to be antidemocratic by their very nature.

Criminal disenfranchisement laws prevent people from having a say in the political leaders and laws that govern their lives. While there is perhaps a normative argument to be made for abridging the right to vote among people convicted of particularly antisocial crimes while they are incarcerated, it is harder to defend continuing to do so after people have carried out the sentence deemed commensurate with the crime they were found guilty of committing. Further complications arise when considering flaws in criminal justice systems around the world that leave some

communities more heavily policed than others, some groups of people more likely to face harsher sentencing than others, the fact that some people convicted of crimes are later exonerated in the face of new evidence, and that the nature of what is even considered criminal evolves over time. Each of these reasons by themselves raise doubt as to the righteousness of revoking an individual's most basic democratic right as a result of being convicted of a crime. When considered together, however, and in conjunction with the evidence presented in this dissertation, they at the very least point to good cause for reconsidering whom criminal disenfranchisement laws are meant to serve, whether or not they are good for democracy, and if it is reasonable to continue their practice when they are clearly out of step with the will of the people.

CHAPTER 2

THE SIZE, SCOPE, AND IMPACT OF CRIMINAL DISENFRANCHISEMENT

ABSTRACT: Historically, most countries around the world have banned certain groups of people from participating in their political systems for various reasons and lengths of time. In this chapter I focus on one specific form of political participation – voting, and one specific form of democratic exclusion – criminal disenfranchisement. After reviewing the arguments that have previously been made both for and against revoking the right to vote from people convicted of crimes, I connect criminal disenfranchisement to the democratic development literature. I argue that societies with more onerous criminal disenfranchisement laws and practices are also less likely to prioritize the sorts of policies that stand to benefit their societies as a whole, and, by extension, to exhibit poorer democratic performance. Next, I move on to evaluate how countries around the world vary in terms of their criminal populations and criminal disenfranchisement laws. The United States emerges as a clear outlier from the rest of the world in terms of its high rates of incarceration and severe criminal disenfranchisement laws. I then exploit the subnational variation in U.S. criminal disenfranchisement laws to examine the relationship between rates of criminal disenfranchisement in U.S. states with democratic performance. Criminal disenfranchisement rates are negatively associated with indicators of democratic performance and, surprisingly, unrelated to crime itself. The analyses suggest that criminal disenfranchisement rates might be a useful tool to understand democratic performance and add further support to the democratic development literature.

Around the world people are excluded from political decision-making in a wide variety of ways. Many countries' political systems fail to operate under rules and norms that are considered to be democratic. Under those circumstances, the mass public generally has limited say in the policies pursued by those in positions of political power. Even among the world's democracies, though, many people are politically marginalized. Setting aside the litany of ways in which people are removed from politics due to *de facto* norms, most modern democracies also have at least some form of *de jure* political exclusion. In a democracy, perhaps the most basic and sacred form of political participation is that of voting. Yet, depending on where a person lives in the world, there are several ways in which they might not be allowed to vote for their political leaders who are ultimately the ones responsible for legislating the rules that govern their lives.

This chapter focuses on one specific form of political exclusion – that of criminal disenfranchisement. Criminal disenfranchisement differs from many other forms of *de jure* political exclusions such as citizenship requirements, age thresholds, and mental capacity stipulations in that it represents a right that is taken away from someone who – at least nominally – was previously considered to be a part of the political community. In this sense, it represents a particularly strong

form of political exclusion that alienates affected individuals from a group – the voting public – they were previously a part of. In this chapter, I begin with a brief discussion about the historical dynamics of disenfranchisement generally before moving on to discuss some of the research on criminal disenfranchisement specifically.

Next, I discuss the relationship between criminal disenfranchisement and democracy. I connect the practice of criminal disenfranchisement to the democratic development literature and argue that disenfranchisement laws offer a new way of measuring some aspects of levels of democracy. In particular, I argue that criminal disenfranchisement laws and practices are potentially realizations of one aspect of the latent concept of democracy. I expect that societies that tend to have more restrictive criminal voting laws are less likely to prioritize policies that serve the broader public good. If criminal disenfranchisement laws and practices are indeed useful measures of this latent aspect of democracy, I hypothesize that we should expect to find that societies with more onerous laws and practices surrounding criminal disenfranchisement also exhibit poorer democratic performance based on prior findings in the literature. Democratic performance, as used here and throughout, refers to how good of a job a given society does of providing the sorts of public goods it is the job of government to produce. Specifically, here I measure democratic performance by how well a society educates, enriches, and employs its residents while also providing for their public safety.

Before moving on, I next combine country level data on prison populations and criminal disenfranchisement laws to generate conservative estimates of the size of the criminally disenfranchised population around the world in order to get a sense of what criminal disenfranchisement looks like on a global scale. In doing so, the United States quickly emerges as an extreme case both in terms of the proportion of its residents held behind bars, and the severity of its criminal disenfranchisement laws. I then home in on the United States both because of its outlier status as well as a feature of its election laws that allows states rather than the federal government to legislate who is and is not allowed to vote in elections.

Unlike many other democracies with criminal voting restrictions, who loses the right to vote, and for how long, is decided at the subnational level. As a consequence, within the U.S. there is wide variation from state to state in terms of the proportion of people barred from voting due to a criminal conviction. In order to understand how this might matter for democracy beyond who is allowed to participate at the ballot box, I analyze the association between criminal disenfranchisement and several different measures related to good governance and service provision.

The analyses demonstrate that states that disenfranchise higher proportions of their residents due to criminal convictions tend to do worse along several measures of democratic performance. Specifically, they are less successful at educating, enriching, and employing their residents. Further, even after accounting for the severity of voting restrictions, disenfranchisement rates are independent of violent crime rates. Taken together, these results would seem to confirm that criminal disenfranchisement does indeed tap into an underlying dimension of democracy related to the priority a society places on public goods provision and can be useful understanding subnational variations in democratic performance. Finally, I conclude with some brief remarks and suggestions for future research on the topic.

Historical Dynamics of Disenfranchisement

On the one hand, beginning mostly around the early 19th Century, several waves of modern democratic transitions across the globe served to vastly increase the proportion of peoples within societies able to formally participate in politics through the right to vote (Huntington 1991; Markoff 1996). On the other, historically full enfranchisement has been rare, and to whom this right is conferred is often non-random and politically endogenous (Acemoglu and Robinson 2006; Conley and Temimi 2001).²

Indeed, even in the United States, one of the ‘standard-bearers’ of modern democracy, who can vote has been a fierce topic of debate since its founding, with women, non-whites, and the poor all being excluded for significant portions of the nation’s history (Keyssar 2000). Further, as of 2012 an estimated 7.2% of the U.S. population was politically disenfranchised through a federal mandate prohibiting non-citizen residents from voting (Acosta, Larsen, and Greico 2014).³ Moreover, approximately an additional 5.2 million *U.S. citizens* were prevented from voting in the 2020 presidential election due to a mosaic of state-level felony disenfranchisement policies (Uggen et al. 2020).⁴ Thus, while democratization certainly amplifies the political voice of some through the right to vote, it also often leaves mute many others.

² Here I mean full enfranchisement to refer to the adult-aged population of a state. While there is substantial academic debate over, and real-world variation in, age-eligibility requirements around the world, I do not focus on that issue here. See (Chan and Clayton 2006) for a thoughtful discussion on the topic. See also (Blais, Massicotte, and Yoshinaka 2001) and (Massicotte, Blais, and Yoshinaka 2004).

³ Note that this is a historically new phenomenon as non-citizens were previously able to vote in many states for much of the nation’s history (Raskin 1993). Moreover, globally, various incarnations of non-citizen voting policies have been addressed in about a quarter of the world’s democracies (Earnest 2006, 2015a, 2015b).

⁴ While the US is by far the global leader in terms of prisoner disenfranchisement, it is by no means alone as many other nations have similar policies (Dhami 2005; Dhami and Cruise 2013; Rottinghaus and Baldwin 2007).

While debate remains as to the specific motivations, most scholars generally contend that political elites strategically yield power in this piecemeal fashion as an attempt to minimize the political dislocation caused by new electoral coalitions that can emerge with the expansion of the franchise (Jack and Lagunoff 2006; Przeworski 2009). Normatively speaking, the implications of and motivations for disenfranchisement matter deeply for democracy. To motivate this point, consider the now iconic work on the sources and implications of political inequality, *Voice and Equality*, that states “democracy rests on the notion of the equal worth of each citizen. The needs and preferences of no individual should rank higher than those of any other...On the presumption that those excluded from participation will be unable to protect their own interests and, thus, will receive less favorable treatment from the government, any system that denies equal participatory rights violates a fundamental principle of democracy.” It continues that “in most modern democracies...overt barriers to universal political rights have fallen...With relatively insignificant exceptions, all adult citizens have the full complement of political rights.”⁵

On a very basic level, the quote invites inquiry into the validity of its claim. Put simply, is it true that most modern democracies have enshrined universal political rights in their legal code so as to lower the barriers to participation? To the extent that abridgments exist, the world in practice falls short of fulfilling the fundamental principle of democracy that the authors highlight. The degree to which that might matter for politics largely depends on two factors: a) how big is the population of people affected by those laws, and b) how concentrated is that population among certain groups in society. To be certain, the statistics briefly mentioned above related to non-citizen and criminal disenfranchisement in the United States, taken with the socio-economic makeup of those groups, imply that it is a quite pressing problem in that context, but how pervasive is the problem on a wider scale?

In terms of supply side factors, an exploratory analysis of the legal barriers to voting in 63 democracies around the globe concluded that 76% of those analyzed outright barred non-citizens from voting (Blais, Massicotte, and Yoshinaka 2001). Moreover, of those that did allow for non-citizen voting, many had significant time of residency requirements before voting rights would be conferred.⁶ Similarly, the researchers found wide variation in criminal disenfranchisement among the countries analyzed. While about 21% countries had no voting restrictions for prisoners while

⁵ See (Verba, Schlozman, and Brady 1995, 10–11)

⁶ For example, while non-citizens can vote in Uruguay, they must first have lived there for 15 years and exhibited “good conduct.”

incarcerated, the remaining 79% either revoked the vote for certain types of offenses and/or time frames, or effectively sentenced prisoners to “civil death” by permanently revoking their right to vote.

On the demand side, global migration, both forced and voluntary, has been steadily on the rise for the past century as international travel has become increasingly accessible. According to the United Nations Commissioner for Refugees (UNHCR), forcible displacement of persons has steadily been on the rise since they began collecting data increasing from 2.12 million people – 0.08% of the global population – in 1951, up to an astonishing estimated 79.5 million people – 1% of the global population – in 2019.⁷ Further, 2019 estimates by the United Nations place the international migrant population at almost 272 million persons, or roughly 3.5% of the global population.

Relatedly, the most current estimates from the Institute for Criminal Policy Research (ICPR) suggest that almost 11 million people around the world are currently being detained in prison systems.⁸ While what that raw number means for disenfranchisement is slightly unclear though due to the variation in country level criminal policies noted above, it is at least suggestive of the magnitude of people likely affected. Moreover, underlying that number is the fact that about half of the world’s prison population resides in just 5 countries – the United States, China, Brazil, Russia, and India. Of those, only China (ironically) has countrywide laws that at least purportedly preserve the right to vote for prisoners in most circumstances. Thus, while using the global prison population as a heuristic estimate of the people around the world who have had their voting rights abridged is admittedly a fuzzy enterprise, it at least is insinuating to the scope of the problem.

As a final note, while this chapter largely focuses on criminal disenfranchisement, it is worth bearing in mind, as briefly mentioned earlier, that it is only one part of a broader toolkit of restrictions available to a state. Other common means by which states withhold a person’s right to vote for the laws and leaders to whose coercive force they are beholden to are various restrictions such as age, classified mental health status, physical geographic presence, and, as touched on above, citizenship. Taken together then, the distribution of global disenfranchisement laws and people affected by them are substantively large and theoretically meaningful from a representation perspective. Thus, it would appear that the claims of this era being marked by near-full

⁷ See (Global Trends. Forced Displacement in 2019 2019)

⁸ See (Walmsley 2016)

enfranchisement levied in *Voice and Equality* appear to be premised on shaky foundations and merit further investigation.

Literature Review

Much normatively driven work has been done on the topic of political disenfranchisement (Angell and Huseby 2017; Dahl 1989; Dhimi 2005; López-Guerra 2014; Manfredi 2009; Ruth, Matusitz, and Simi 2017). The conclusions reached by these scholars vary based upon the level of theoretical intension of their study. Dahl argues that the spirit of democracy rests on the assumption that those in power are beholden to those over whom they wield power (Dahl 1989).⁹ Unfortunately, Dahl's work often falls victim to operating at too high of a level of intension to grapple with some of the thornier complications of the practical implementation of his theories. To wit, while it is enough to say that all members of a society should wield some level of power, which people are members of that society? What about instances in which there are alleged competency concerns? Indeed, as noted by others, despite the growing inclusiveness of political systems around the world, states often fall short of full enfranchisement as they variously disqualify people for perceived lack of group membership and/or competency (Katz 1997).

On a more fungible level, research by Angell and Huseby (2017) has offered a review of the major theories of democratic representation with respect to irregular immigrant populations. In it the authors argue such populations provide a theoretically interesting case as they often are not in a realistic position to pursue citizenship within the states that they reside, yet they nevertheless live, work, and pay taxes in those communities. They summarize the main strands of the literature as all pointing to a logical inconsistency in arguments against rapidly enfranchising long-term residents of a society regardless of citizenship status.¹⁰ Thus, while they find arguments against enfranchising resident non-citizens to be wanting, they also fall short of being able to parse out the proper mechanisms for deciding how different groups of people subject to a state's decisions should or should not be granted the vote.

Yet another strand of more practical normative work focuses specifically on criminal disenfranchisement. One side of this strand of research draws upon democratic theorists as far reaching as Aristotle to Rawls to make the claim that inherent in liberal democratic principles is the

⁹ See also (Dahl 1971)

¹⁰ See also (López-Guerra 2014)

notion that all those empowered to participate politically must possess at least some level of a civic oriented decision-making framework (Manfredi 2009). This line of rationale posits that the power to revoke the vote acts as a punishment mechanism to delineate bad social behavior and provide an incentive to be more civic oriented. Counter to this, others argue that such logic requires the assumption that criminals knowingly and purposefully commit crimes that violate the social contract to which they are bound without concern for loss of rights (Dhami 2005). As they point out, that assumption rarely holds as crimes are often committed without such a decision calculus. Moreover, by revoking a person's right to participate, they argue those individuals could even both develop less respect for the rule of law as they have no say in its making as well as trap them in a vicious cycle of myopia due to lack of group inclusion.¹¹

Empirical work on comparative disenfranchisement has thus far primarily been largely clustered around two main research agendas. First, some scholars have focused on the theoretical motivations for allowing some people to vote and not others from a game theoretic perspective (Acemoglu and Robinson 2006; Conley and Temimi 2001; Jack and Lagunoff 2006; Przeworski 2009). While their specific arguments vary slightly, the conclusions reached by this group of scholars can be summarized as, broadly speaking, asserting that political rights are strategically yielded to previously excluded groups. While the specific mechanisms are varied, the main aim, they contend, is to protect the power of those currently enfranchised both in the present as well as the future by conceding some rights to those groups previously left out of politics in ways that are strategically beneficial.

A second group of scholars seeks to illustrate a descriptive account of how voting rights actually do or do not vary across the globe (Blais, Massicotte, and Yoshinaka 2001; Earnest 2006; Rottinghaus and Baldwin 2007; Uggen, Van Brakle, and McLaughlin 2009). Within this vein of research, most of the work on how comparative voting rights actually look around the world has considered how rights are granted or how they are taken away, but generally not both. That is, they concern themselves with the conditions under which voting rights are extended to groups (i.e. minorities, women, non-citizens, etc.),¹² or the consequences of revoking them for some sort of punishable offense (i.e. criminal disenfranchisement).¹³ Thus, while the limited empirical literature on the topic of comparative disenfranchisement has begun to take stock of which sorts of groups

¹¹ See also (Ruth, Matusitz, and Simi 2017)

¹² See (Earnest 2008, 2015a, 2015b; Keyssar 2000; Ramirez, Soysal, and Shanahan 1997)

¹³ See (Dhami and Cruise 2013; Rottinghaus and Baldwin 2007; Uggen, Van Brakle, and McLaughlin 2009)

are explicitly omitted from politics around the globe in practice, to date much of this work has been limited to a fairly small set of countries, been primarily descriptive in nature, and/or limited in the practical conclusions to draw from it.

Criminal Disenfranchisement and Democracy

Left relatively unexplored by these sorts of questions are the real world implications and consequences of restricting the ways in which some groups in society can participate in political decision-making. On the one hand, scholars have highlighted the specter of elections as a key mechanism that constrains political leaders to behave in ways that would please their electorate and thus allow them to hold onto their political office (Downs 1957; Mayhew 1974; Verba, Schlozman, and Brady 1995). According to this theory, political leaders are most likely to prioritize the values and issues of those who: a) have the legal status to vote, b) are likely to actually turn out to vote, and c) have the capacity to influence other voters (Bueno de Mesquita et al. 2003). To these scholars, then, political leaders should in theory be more likely to focus on broad public goods and service provision as voter rights and participation expand (Ghobarah, Huth, and Russett 2004; Lake and Baum 2001).

However, more recent research has begun to call these theories of the positive governing effect of democracy into question (Gerring, Thacker, and Alfaro 2012; Ross 2006). Using large-N comparative analyses scholars in this area find little support for the theory that democracies are constrained to produce better policies for the mass public as captured by measures such as lower infant mortality rate. Rather than the mechanisms of democracy driving good governance, they argue, it is instead due to the conditions in a society that would lead them to democratize in the first place. That is, rather than democracy itself driving good governance, a separate force – a society's growing movement towards inclusion – is driving both. While there is some disagreement over whether or not the years in which a country has been a democracy matter for good governance, in principle the argument either way is equivalent. Societies that have more inclusive political rules should also tend to favor policies that benefit a larger proportion of their residents.

Criminal disenfranchisement laws, by their very nature, can be argued to be antidemocratic. By revoking a person's right to vote, criminal disenfranchisement laws shrink the pool of people that is allowed to make decisions about who represents them politically and crafts the laws which they are obliged to follow. For political leaders, these laws change the composition of the voting public and, consequently, could alter the sorts of policies they prioritize. For this reason, I argue that

criminal disenfranchisement laws can be used as an indicator of how seriously a society prioritizes some of the underlying of concepts democracy, particularly across systems that *appear to be* largely consolidated democracies. If criminal disenfranchisement laws do indeed offer one possible way of capturing latent aspects of democracy such as public goods provision, then we should expect them to be related to democratic performance in ways the literature suggests. Specifically, based on the literature we should expect that societies that have more restrictive criminal disenfranchisement laws and/or rates of criminal disenfranchisement will also have poorer democratic performance as captured by real world indicators such as how well a society is able to educate, enrich, and employ its residents and provide for their public safety.

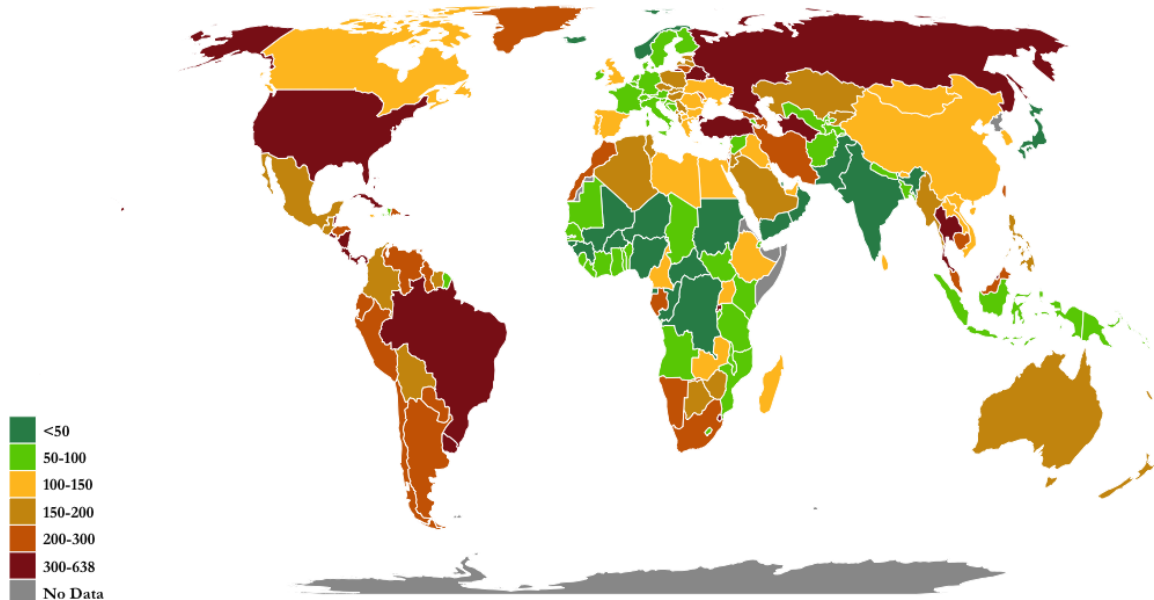
For the purposes of this project, I do not intend to wrestle with arguments made in the literature about the causal mechanisms of democratic performance. That is, I am agnostic as to whether criminal disenfranchisement is itself the cause of poor democratic performance or instead is a symptom of a broader social malaise. Thus, the fact that I cannot parse whether a given society would immediately perform better were it to relax its criminal disenfranchisement laws is an important limitation of this study. However, it bears noting that whatever the underlying mechanism is, if disenfranchisement laws are indeed related to democratic performance in ways the literature suggests to be true, the end result would be the same: we should expect societies that have more exclusionary criminal disenfranchisement laws and practices to exhibit poorer democratic performance.

In the following sections of this paper I test this relationship by first identifying the United States as global outlier in terms of both the severity of its criminal disenfranchisement laws and the size of its custodial population – both in relative and absolute terms. I then exploit the variation in U.S. voting laws to evaluate the association between criminal disenfranchisement and democratic performance among U.S. states. Based on the literature, I expect that states with higher rates of criminal disenfranchisement will also exhibit poorer democratic performance. I expect that this poorer democratic performance will manifest itself through higher rates of poverty, lower rates of education, and higher crime rates. Taken together these measures indicate how good of a job a society is doing at educating, enriching, and employing their residents along with providing for their public safety.

State of Things in the World

A useful place to begin to think about the impact of criminal disenfranchisement on electoral systems is to ask what it looks like around the world. To begin to answer that question we first need to have a sense of the supply side of disenfranchisement. That is, how big is the population of people who are most likely to be legally barred from voting around the world due to a criminal conviction? In order to quantify that population, I make use of data from the World Prison Brief (WPB) to illustrate the size of the global inmate population (Highest to Lowest - Prison Population Rate 2020).¹⁴ Figure 2.1 below visually presents data on country level incarceration rates around the world.

Figure 2.1: Number of People in Prison per 100,000 Residents



Before moving on, a few notes about the data require mentioning. First, the data were obtained mostly from population censuses where available, and supplemented by population registers and nationally representative samples where necessary. As the data are largely derived from figures from individual countries, the measures from some countries are more precise with more data underlying them than others. Country specific data sources for prisoner population estimates

¹⁴ In the appendix I perform a similar exercise for non-citizen populations. I omit them from the main body of the dissertation due to the country level variability around the world in terms of non-citizen residents and electoral laws surrounding their authorization to participate politically through the voting box. Non-citizen data come from the United Nations.

are available from each country's institutional websites. The WPB data are generally reliable for most classes of state detainees, but the estimates do have a few shortcomings. First, there may be data reliability concerns from a small number of countries due to internal politics.¹⁵ Second, their measures do not include pre-trial/sentencing populations in China due to data availability issues. Finally, while the data represent the most current prison population estimates for each country, there is some time variance across countries.

Around the world, country level incarceration rates range from about 6 to 638, with the median country in the data incarcerating about 135 individuals per 100,000 people.¹⁶ A key caveat to these data as it applies to criminal disenfranchisement is that they only account for those individuals currently incarcerated. Left out is the population of individuals who have served their time or have been otherwise released, but still cannot vote due to various restrictions. Thus, they can be thought of as a conservative view of the global supply of criminal disenfranchisement. At first glance, there does not appear to be much of a relationship between a country's economy and its prison population. While the United States leads the world in its propensity to hold its people behind bars, many other advanced economies do not follow suit with comparatively much lower rates of incarceration in places such as Australia, Canada, and Western Europe. Moreover, many of the less economically well off countries in the world such as many of those in Sub-Saharan Africa have relatively low incarceration rates. Further, in terms of raw numbers the United States is by far the most extreme case as it is responsible for just south of 20% of the world's total population of people living behind bars – approximately 10.89 million – despite only accounting for a little over 4% of the total global population.

While these data help to get a sense of the global supply of individuals likely to be barred from voting, they, by themselves, do not offer a full picture of the disenfranchised population due to “demand” side variation in electoral laws. That is, how big a nation's pool of prisoners is only matters electorally inasmuch as those groups are refused the right to vote. With this in mind I turn to data on how restrictive a country's voting laws are. To do this, I make use of two data sources: a) data from Freedom House that classifies countries based on their level of democracy and; b) data from the Ace Project that classifies countries in terms of how restrictive their voting laws are with

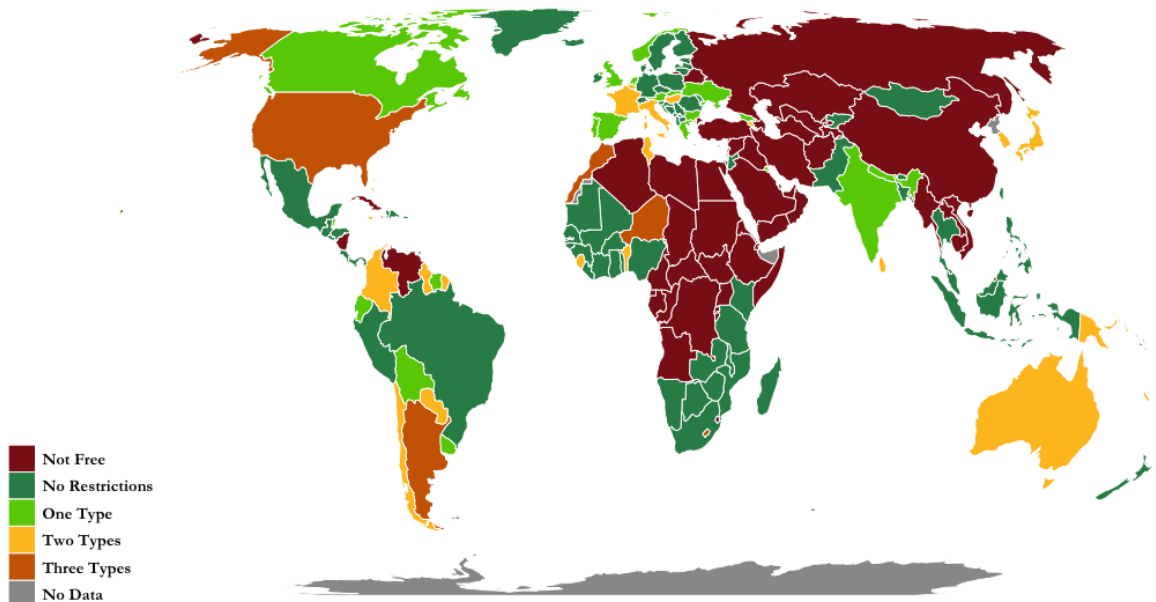
¹⁵ Eritrea, the DPRK, and Somalia

¹⁶ San Marino, the United States, and Libya respectively

respect to criminal disenfranchisement (Freedom in the World 2020; Other Voting Requirements 2020).

To start, I first exclude all countries from the data that Freedom House classifies as “not free.” I do this as elections in those countries, should they even be held, would likely be marred by such a level of malfeasance that its electoral laws to the degree that they exist would be potentially irrelevant for the outcome of any election. Doing this removes 60 countries from the dataset. Next, for my measure of disenfranchisement, I use data from the Ace Project of electoral systems law.¹⁷ They are composed of 238 country observations and include information about which classes of individuals can be barred from voting due to criminal disenfranchisement laws. In total, the constructed measure of electoral restrictiveness is composed of 170 countries/territories. Figure 2.2 visually displays the data.

Figure 2.2: Criminal Restrictions on Voting Around the World



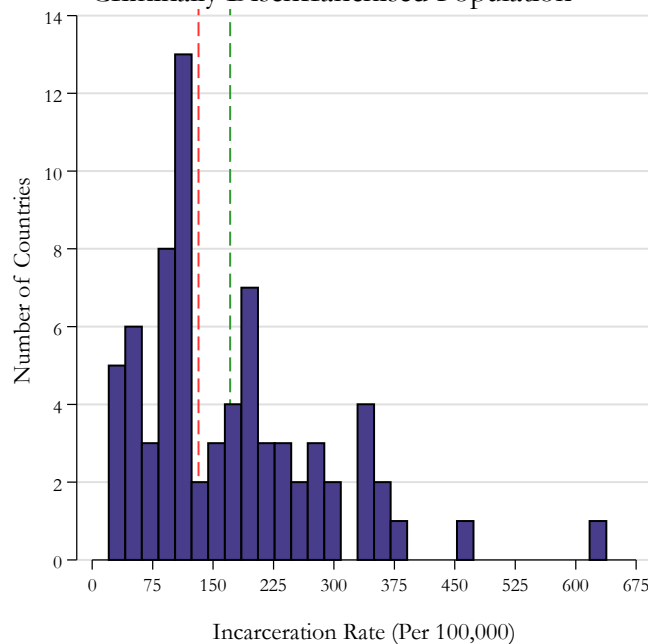
The electoral restrictiveness measure is a simple additive index of the number of voting restrictions a country has for certain classes of its custodial population. The list includes detainees, people currently incarcerated, and prisoners after their release. The resulting measure has a theoretical (and empirical) range of [0,3]. As Figure 2.2 shows, most of the Middle East/North Africa (MENA) countries and several others, largely in Asia, either do not hold elections or do so in

¹⁷ See (Other Voting Requirements 2020)

such a way that is generally considered to be not free by Freedom House’s standards. Among those countries who hold at least nominally free and fair elections, about 43% of countries have some form of criminal voting restrictions. Interestingly, and contrary to some research (e.g. Uggen, Van Brakle, and McLaughlin 2009), these data do not appear at first glance to suggest a relationship between “economic development” and electoral inclusiveness. At least among countries that hold free and fair elections, Western European nations tend to have more exclusionary voting laws than some of those in Western and Sub-Saharan Africa. However, this comes with the caveat that a large number of countries in that region are also classified as not holding elections that are free and fair by Freedom House.

In addition, there are other potential sources of the disagreement between these results and those of previous research in terms of the relationship between electoral restrictiveness and development. First, some of it could be driven by the greater granularity of the electoral restrictiveness measure used here as opposed to more simplified dichotomous measures used elsewhere. Second, the range of countries covered by my measure is much broader than other studies in the past that have been largely limited to Western European nations and a small set of other countries.

Figure 2.3: Country Level Stock of Criminally Disenfranchised Population



With these measures of both the demand and supply sides of disenfranchisement, I can now get a better view of what it looks like around the world in terms of total numbers of people excluded from politics, and how that relates back to policy. As a first step, Figure 2.3 plots the country level incarceration rates in countries classified as at least ‘partly free’ that have some form of criminal voting restrictions. Among those countries, there is a great deal of variation in incarceration rates. Moreover, incarceration rates among disenfranchising countries are widely dispersed, and generally fairly high. The median incarceration rate in these countries is just over 132 persons, and the mean is about 171 persons. Even among this smaller set of countries with some form of criminal voting restrictions, the United States still stands out as a clear outlier with incarceration rates about 40% higher than its nearest peer.

Table 2.1: OLS Regressions of Incarceration Rates
On the Types of Criminal Disenfranchisement Laws

	(1)	(2)
Any Form	-11.78 (18.44)	-
One Form	-	-12.65 (21.14)
Two Forms	-	-3.30 (24.74)
Three Forms	-	-50.62 (43.46)
United States	473.34*** (11.94)	512.17*** (41.10)
Constant	176.40*** (14.04)	176.40*** (14.13)
Observations	170	170
R-squared	0.08	0.08

Robust standard errors in parentheses

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

As a final note before turning to the United States, Table 2.1 provides a rudimentary analysis of how a country’s supply of incarcerated people is related to the severity of its criminal disenfranchisement laws. It reports the results of simple OLS regressions of country level incarceration rates on the severity of criminal disenfranchisement laws. In the models, criminal disenfranchisement is included as both an indicator variable (column 1) and as an ordinal measure (column 2). An indicator variable for the United States is also included in the model to account for its status as an extreme outlier. Somewhat interestingly, whether or not a country has some form of

criminal disenfranchisement appears to be largely orthogonal to incarceration rates. That is, for either measure, the supply of vulnerable populations is not statistically related to whether leaders elect to refuse those groups the right to vote. Indeed, if anything, the regression results imply a slight negative relationship between a country's stock of prison populations and more onerous criminal voting laws. With these data, though, it is not clear whether this lack of relationship would hold if the model included a county's broader custodial population (i.e. people convicted of crimes who are no longer in prison).

State of Things in the United States

As the preceding analyses demonstrated, the United States bears further investigation as it is by far the most extreme case in terms of its custodial population. In addition, it also has, at least in some states, among the strictest criminal disenfranchisement laws in the world. Data from the Sentencing Project provide state level estimates of the number of people who were not allowed to vote as of late 2020 due to criminal disenfranchisement laws (Uggen et al. 2020). The data include the overall number of people criminally disenfranchised as well as estimated totals for each stage of the criminal justice process (e.g. currently incarcerated, on parole, on probation, etc.). In order to make states comparable to one another, I adjust the total number of disenfranchised individuals by the voting age population in each state. Figure 2.4 visually displays the distribution of the percentage of each state's adult aged population that is not allowed to vote due to state level criminal voting restrictions.

Nationwide, about 2.3% of the adult population cannot vote due to state level criminal disenfranchisement laws. After adjusting for population size, the southeastern United States contains most of the states with the highest rates of disenfranchisement. The region also includes the state with the highest overall criminal disenfranchisement rate – 10.6% in Mississippi. Unsurprisingly, states with stricter criminal voting restrictions also tend to disenfranchise a greater percentage of their adult populations ($\rho=.68$). There are exceptions however. For example, Nebraska, Iowa, and Delaware have some of the strictest criminal voting restrictions in the United States, but also disenfranchise their adult population at comparatively low rates (Figure 2.5). Part of what might be driving this phenomenon could be a combination of the racialized nature of policing in the US and demographic differences in state level populations (Alexander 2010). However, in contrast to this, Idaho, Wyoming, and South Dakota stand out as examples of non-southeastern, predominantly white states that also have relatively high rates of criminal disenfranchisement.

Figure 2.4: Percent of the Adult Population Disenfranchised Due to Criminal Voting Laws

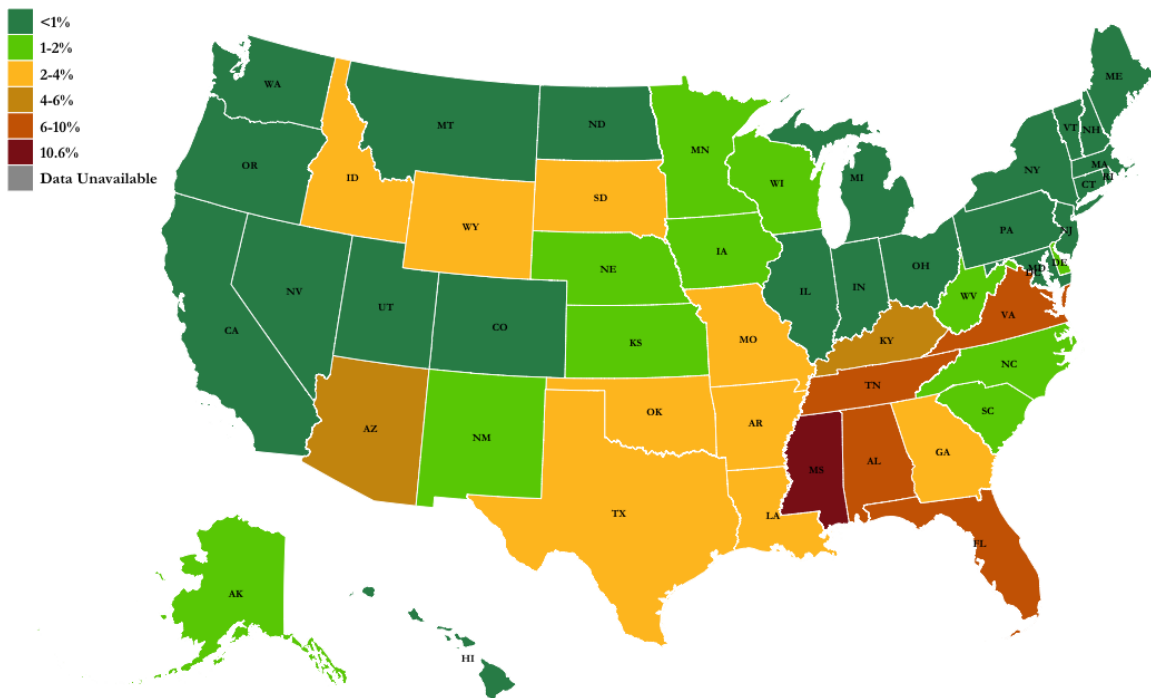
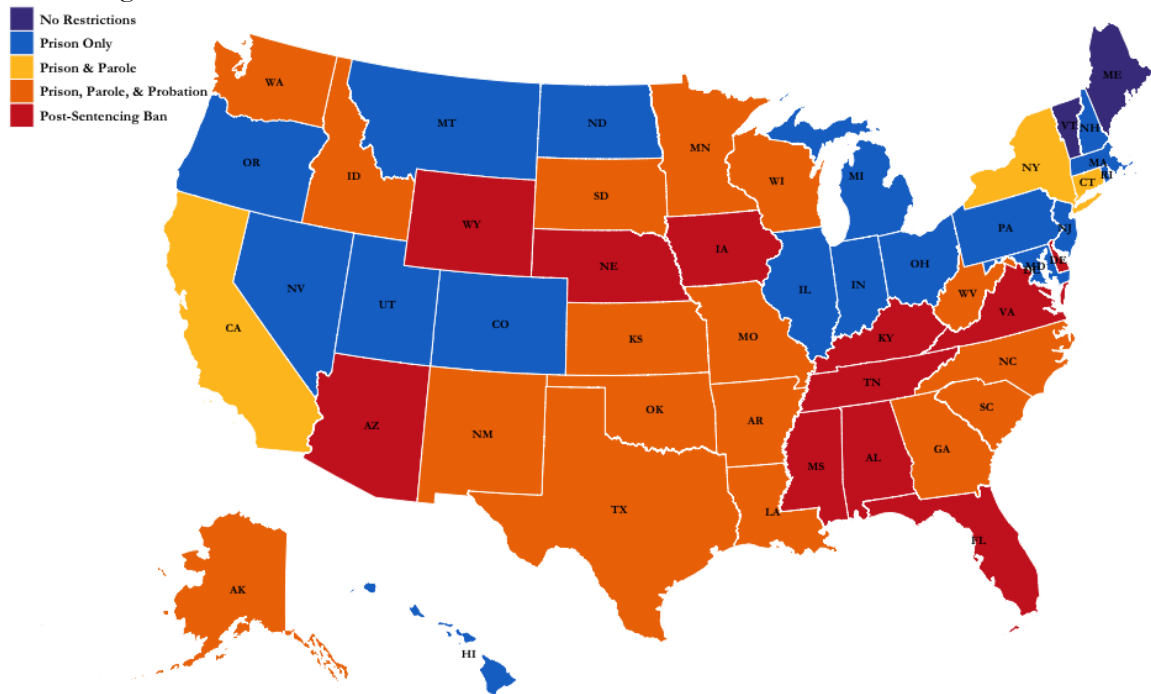


Figure 2.5: State Level Criminal Disenfranchisement Laws in the United States



In order to begin to grasp how the wide variation in the rates at which states criminally disenfranchise their citizens might be related to democratic performance, I pair the data from Figure 2.4 with several state-level metrics related to good governance and service provision. To capture this, I use data from the American Community Survey (ACS). The ACS is an ongoing survey of U.S. residents administered by the U.S. Census Bureau that contains data on a wide range of topics representative at several geographic levels (American Community Survey 1-Year Estimates 2019). Among the indicators for which the ACS has data are several measures at the state level related to the prosperity of people living in the United States. I use ACS data on educational attainment, poverty rates, unemployment rates, and household income. I supplement these measures with additional data from the U.S. Federal Bureau of Investigation (FBI) reporting the violent crime rates in each state. Taken together, these data allow me to evaluate the degree to which rates of criminal disenfranchisement are associated with demographic indicators of good governance and service provision. Specifically, how well U.S. states are able to educate, enrich, and employ their residents while providing for their public safety. Table 2.2 shows the results of a series of bivariate regressions of these measures on criminal disenfranchisement rates.¹⁸

Table 2.2: Bivariate Regressions of State Level Characteristics on Rates of Criminal Disenfranchisement

Dependent Variable	Coefficient	Constant	N	R ²
% of Population With a 4-Year Degree or Higher	-0.92*** (0.23)	34.06*** (0.88)	50	0.19
% of Population Below Poverty	0.55*** (0.13)	11.02*** (0.40)	50	0.26
% of Population Unemployed	0.05* (0.03)	3.22*** (0.11)	50	0.06
Median Household Income (In Thousands)	-1.90*** (0.41)	68.89*** (1.79)	50	0.21
Violent Crime Rate (Per 100,000 Residents)	7.88 (9.23)	349.41*** (29.11)	50	0.02

Robust standard errors in parentheses

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

¹⁸ I also tested how well the dependent variables scaled together into a composite indicator of democratic performance. For all but the violent crime measure, the indicators scaled together quite well yielding a Cronbach's alpha of .84. I estimated a model equivalent to those presented in Table 2.2 using this composite measure. Those results are presented in Appendix Table A2.1. The results were substantively similar with higher rates of disenfranchisement being associated with poorer democratic performance as captured by the composite measure. I present the results of the individual regressions here rather than those for the composite measure as the results are more directly interpretable (i.e. the expected change in the dependent variable of interest for a given percentage point increase in disenfranchisement rates).

Most of the measures analyzed are statistically related to criminal disenfranchisement rates at conventional levels of significance. On average, higher rates of criminal disenfranchisement are associated with lower educational attainment, higher poverty rates, more unemployment, and lower household income in U.S. states. Further, criminal disenfranchisement alone explains about 20% or more of the variation in education, poverty, and household income. Put bluntly, states that have higher rates of criminal disenfranchisement also tend to have significantly less success in educating, enriching, and employing their residents. Taken together, these results seem to provide evidence that: a) criminal disenfranchisement rates can be used as a measure of quality of democracy – at least among otherwise seemingly democratic societies; and b) that societies with higher rates of criminal disenfranchisement are likely to exhibit worse democratic performance.

Somewhat interestingly, rates of criminal disenfranchisement appear to be orthogonal to crime rates. Criminal disenfranchisement's relationship to crime rates fails to achieve statistical significance by any reasonable threshold. In addition, the overall model fit is strikingly low ($r^2=.02$). Bewilderingly, these results suggest that the percent of state's population that is not allowed to vote due to a criminal conviction is unrelated to criminal activity itself. While a large proportion of the variation between states in terms of their disenfranchisement rates is due, no doubt, to the strictness of the laws, it would stand to reason that some of it would also be due to the relative number of crimes committed that carry the penalty of disenfranchisement – of which most violent crimes are. However, these results would seem to insinuate that is not the case. Further, they indicate that stricter criminal disenfranchisement laws likely have little effect as deterrents of crime – undermining the notion that these laws are justified as penalties for bad social behavior.

As a robustness check, I also ran identical versions of the models that controlled for disenfranchisement regime type in an attempt to tease out potential differential effects between the actual practice of disenfranchisement (i.e. rates of disenfranchisement) on the one hand and the laws themselves on the other (i.e. regime type). The full results of the models are presented in Appendix Table A2.2. Even after controlling for regime type, all of the observed relationships held both in terms of statistical significance and magnitude. The states with higher rates of disenfranchisement continued to exhibit worse democratic performance regardless of disenfranchisement regime. The estimated effects for regime type were more inconsistent both in terms of statistical significance and magnitude.

This apparent lack of a coherent relationship could indicate that disenfranchisement laws themselves are not as good of a proxy for quality of democracy as the rate at which people are disenfranchised. However, this conclusion comes with two important caveats. First, it bears remembering that the statistical power of the model is limited by the fact that there are only 50 states on which to derive the estimates. As such, the lack of a statistical relationship could be just an artifact of small sample size. Relatedly, the overall model fit as measured by r^2 increased fairly significantly for each of the models – indicating that disenfranchisement laws themselves were adding useful information to the model. As such, a more cautious interpretation of the results from these models might be that while disenfranchisement rates have a clear impact for democratic performance, disenfranchisement laws themselves likely also matter but more research is needed in order to fully flesh out in what ways.

As an additional robustness check, I also ran models equivalent to those in Appendix Table A2.2 that included an indicator variable for southern states. This was done in order to assuage any concerns that the observed relationships in Table 2.2 are driven in part by the lasting legacies of slavery in the U.S. South. Following the U.S. Civil War, southern states were forced to adjust to a new politico-economic reality and often pursued suboptimal policies that did not serve to benefit their societies as a whole (James 1981; Suryanarayan and White 2021). As a consequence, the observed relationship between disenfranchisement and democratic performance could be in part driven by the historical legacy of slavery and the region’s agricultural-based economy. Appendix Table A2.3 shows the empirical results of these models.

After including the indicator variable for southern states, the estimated effects of disenfranchisement rates continued to hold in terms of their magnitude, however they were more imprecisely estimated. This likely is due in part to the issues of statistical power discussed above, however, rather than the concerns of surrounding the historical legacies of the south. This conclusion is driven both by the fact that the indicator variable for southern states fails to achieve anything approaching statistical significance in all of the models estimated and that the overall model fits were mostly unchanged from the previous models estimated. Thus, while there is indeed a historical precedent to expect southern states in the U.S. to have poorer democratic performance than their peers, that relationship does not appear to displace the impact of criminal disenfranchisement on performance.

Discussion & Conclusions

This chapter had several goals. First it aimed to begin to quantify the size of population around the world that is criminally disenfranchised. To do this, I paired country level data on the total number of state detainees, criminal disenfranchisement laws, and levels of democracy around the world. As a first takeaway of the results, incarceration rates around the world vary widely with some countries holding less than 10 people behind bars for every 100,000 residents, while others detain several hundred. Globally, almost 11 million people are held in state detention. How this maps onto criminal disenfranchisement, though, is a twofold product of whether a country: a) tends to generally hold free and fair elections for political office; and b) has laws that prevent people from voting due to being convicted of a criminal offense.

A little over a quarter of countries around the world either do not hold elections or do so in a manner that is not consistently free and fair. Of the remaining countries, nearly half have some form of criminal voting restrictions. Among those countries, the United States emerges as a clear outlier both in terms of the number of people incarcerated there as well as the severity of its criminal disenfranchisement laws. In order to understand how those disenfranchisement laws might matter for democracy, I exploited the subnational variation in criminal disenfranchisement laws in the United States. Specifically, I sought to examine whether or not criminal disenfranchisement practices might be indicative of the priority a society places on certain aspects of the underlying concept of democracy – namely broad public good provisions. If so, I expected that U.S. states with higher rates of criminal disenfranchisement would exhibit poorer democratic performance as measured by indicators of concrete public good provision based on findings from the democratic development literature.

As anticipated, criminal disenfranchisement rates are negatively associated with measures of good governance and service provision. Regression results indicate that states with higher rates of disenfranchisement tend to do a poorer job at educating, enriching, and employing their residents. This would seem to both offer evidence that criminal disenfranchisement rates do indeed tap into some aspects of the underlying concept of democracy as it relates to prioritizing public goods and add further support to the democratic development literature. Surprisingly, disenfranchisement rates do not appear to be statistically associated with violent crime rates. This result was both unexpected based on the democratic development literature as well as the fact that it implies that the number of people held out of politics for being convicted of a crime is largely orthogonal to crime rates themselves.

The estimated effects were unchanged by additional models that attempted to tease out the effect of disenfranchisement practices from the disenfranchisement laws themselves. Whether this means that disenfranchisement laws themselves have less of an impact on democratic performance remains unclear, however, as the models were somewhat limited in terms of statistical power by the fact that there are only 50 U.S. states. The fact that disenfranchisement rates remained statistically significant in these models, though, would seem to indicate that the actual practices surrounding criminal disenfranchisement do have clear implications for democratic performance.

More work is needed in order to disentangle how criminal disenfranchisement maps onto some of the subtler arguments of the democratic development literature. While the estimated associated effects of disenfranchisement rates on democratic performance in U.S. states held to the inclusion of disenfranchisement regime type, they were less precisely estimated in the models that included an additional contextual measure for southern states (though they remained substantively unchanged). Future research is needed to determine the relative weights the current practices surrounding criminal disenfranchisement have on democratic performance as opposed to the laws themselves and their historical legacies. Future work could expand the scope of this project to include a temporal dimension and/or disenfranchisement rates of additional societies around the world in order to increase the statistical power of the analyses.

Notwithstanding these issues, what is clear from the analysis is that there does indeed seem to be a clear connection between criminal disenfranchisement and the democratic development literature. U.S. states with more onerous criminal disenfranchisement practices exhibit poorer democratic performance. Elected officials concerned with improving outcomes for their residents would do well to reflect on whether the policies they prioritize serve the best interests of their residents or instead are detrimental to society as a whole and serve to limit the voice of certain segments of the population from the political arena.

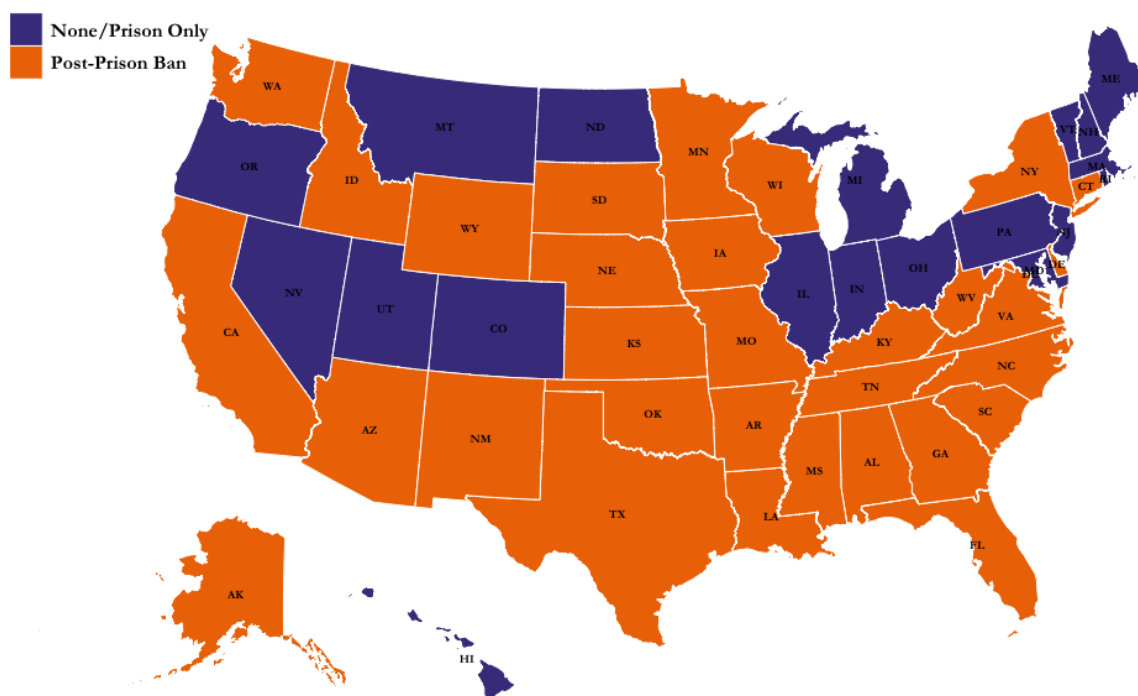
CHAPTER 3

THE POLITICAL EFFECTS OF CRIMINAL DISENFRANCHISEMENT

ABSTRACT: An estimated 5.2 million U.S. citizens were barred from voting in the 2020 Presidential election due to state level criminal disenfranchisement. Those laws vary in severity from state to state and range from allowing incarcerated people convicted of felonies to vote to permanently barring them from voting in some states/cases. In this paper I investigate the association between variation in post-prison disenfranchisement laws and the political attitudes and behaviors of people who self-report having been convicted of a felony. I expect that having a felony conviction will be associated with more pessimistic political attitudes and decreased participation. Further, I expect that these negative effects will be exacerbated by living in a state with some form of post-prison criminal disenfranchisement. Surprisingly, the results point to a generally positive effect of having a felony conviction on political engagement. Comporting with expectation, though, the analyses find that this positive effect on engagement among people convicted of felonies is dampened by living in a state with post-prison disenfranchisement. I discuss some potential explanations for the surprising results in the chapter including limitations of the data and alternative theoretical frameworks.

The United States has the dubious distinction of having the highest prison population rate of any nation on earth (Walmsley 2018). At year's end in 2016, Bureau of Justice Statistics (BJS) estimates place the adult incarceration rate in the United States at 860 people per 100,000 residents, for a total of about 2.16 million people. If you expand the scope to include people who are no longer in prison but still under some form of carceral supervision (i.e. probation and/or parole), that rate balloons to 2,640 people per 100,000 residents, about 6.61 million people (Bureau of Justice Statistics 2018). Relatedly, the United States also has the honor of laying claim to among the most onerous criminal disenfranchisement laws in the modern world (Ispahani 2006). Most other nations around the world either allow prisoners to vote, abridge the right for only specific sorts of crimes/sentences, or reinstate the right to vote as soon as people have served their sentence. As Figure 3.1 shows, however, 31 U.S. states impose some sort of post-incarceration voting ban for offenders. Of the remaining 19 states, only 2 allow individuals to vote while in prison. When taken together, this all adds up to a significant portion of the population that is left out of politics when it comes to voting. In 2020, an estimated 5.2 million United States citizens were barred from voting due to criminal disenfranchisement laws in their home states (Uggen et al. 2020).

Figure 3.1: States With Some Form of Post-Prison Voting Bans



While there are very direct electoral implications of criminal disenfranchisement that have been addressed by some elsewhere (Uggen and Manza 2002), there are also many potential *indirect* electoral implications. Specifically, how does disenfranchisement impact an individual's subsequent likelihood of political participation and engagement? To what degree, if at all, does losing the right to vote affect an individual's willingness to engage in other forms of political participation such as attending rallies, signing petitions, or reaching out to their elected representatives? Relatedly, how does criminal disenfranchisement affect an individual's sense of political efficacy, engagement, and attentiveness? I address these more indirect effects of criminal disenfranchisement in the following pages. To briefly preview the findings, the data used here demonstrate mixed evidence for the effect of felony convictions and the various array of state level laws surrounding criminal disenfranchisement on these sorts of political outcomes. People convicted of felonies living in states with post-imprisonment criminal disenfranchisement report less political engagement than their peers in states that do not. However, the effects of felony convictions on political engagement more generally appear to be more nuanced.

Next, before discussing the data and the analyses, I offer a brief literature review of some of the relevant work that has been done so far examining the relationship between felony convictions, contact with the carceral state, and criminal disenfranchisement law on political attitudes and

behavior. Following this, I lay out my theoretical expectations based on evidence from the literature. Finally, after discussing the analyses, I conclude with a discussion of some limitations on the analyses, thoughts for future research, and final notes.

Literature Review

At its most basic level, research on the effects of criminal disenfranchisement generally wrestles with how it impacts a political system. Specifically, does revoking the right to vote for individuals tied up in the criminal justice system serve to remove them from politics, either directly or indirectly? If so, does their removal from politics affect how they are represented politically as has been demonstrated to be the case with group membership more generally (Verba, Schlozman, and Brady 1995)? Further, what are the psychological effects, to the extent that they exist, for normatively important matters such as people's sense of political efficacy, civic engagement, and subsequent patterns of political participation?

What little of the work that has been done along these lines on criminal disenfranchisement has largely been carried out in the United States context. Some have explored how electoral outcomes might differ were state level voting restrictions due to felony convictions removed (Uggen and Manza 2002). This research claims to find evidence that outcomes in several Congressional races and at least one Presidential election would have likely changed. Their findings are amplified by others who detail that not only are many current and former prisoners barred from voting in states across the U.S., but also that the geographic placement of prisons exacerbates the problem (Hamsher 2005).

Most prisons in the U.S. tend to be placed in rural areas and the U.S. Census's apportionment policy is to count prisoners for representational purposes based upon their current location (i.e. prisons) rather than where they lived prior to imprisonment. Thus, given that prisoners mostly come from urban areas and are not allowed to vote in 48 of the 50 states, they are counted out of politics twice. That is, not only are they not allowed to vote, they are also not counted in their home districts for representation. Relatedly, other studies have found that some of these early projects on electoral outcomes might significantly understate the effects of disenfranchisement laws by failing to account for how their opacity in implementation might prevent eligible nonincarcerated people with felony convictions from voting due to misinformation, both among voters and election officials (Gerber et al. 2015).

In terms of self-perceptions, one study leverages longitudinal data of U.S. respondents to discern how incarceration affects an individual's sense of self (Saperstein and Penner 2010). They find that those who have served time in jail or prison are more likely to both see themselves, as well as be seen by others, as black rather than white regardless of how they were perceived prior to incarceration. Such findings are part of a broader area of research that highlights the fluidity of even seemingly durable group attachments such as race and how they can both shape and be shaped by social disparities (Omi and Winant 2015; Saperstein and Penner 2012; Telles and Paschel 2014). While only indirectly related to disenfranchisement specifically, the logical implications of the notion that context shapes perceptions of self in systematic ways is that revoking the right to vote might very well have meaningful consequences for how a person situates themselves in their social and political communities.¹⁹ This is likely to be especially so if the sorts of behaviors associated with political participation and demonstration diverge along racial lines.

Relatedly, others have studied how contact with the “carceral state” (i.e. police, courts, prisons, etc.) affects an individual's likelihood of subsequent political participation (Weaver and Lerman 2010).²⁰ They argue that for such individuals, the acrimonious nature of most of their contact with the state, paired with their often literal exclusion from politics due to criminal disenfranchisement policies, might serve to shape the behavior of even those affected individuals who either retain or regain their right to vote. In their analyses, in addition to finding supportive evidence for their theory, they also find that contact with the carceral state is more predictive of subsequent rates of political participation than the “centerpieces of political participation orthodoxy...such as time, knowledge, and money.”²¹

In terms of social spillover, Anoll and Israel-Trummel (2019) have sought to clarify the theoretical confusion between scholars who alternately argue that social networks connected to a greater number of individuals affected by felony convictions are more likely to be politically demobilized on the one hand,²² and politically empowered out of a sense of injustice on the other.²³ They contend that the lack of conceptual clarity stems from an empirical omission of the strength of a state's criminal disenfranchisement laws. Specifically, they argue that overall participation among Black Americans in states with more punitive disenfranchisement laws is lower in aggregate.

¹⁹ See also (Dhami and Cruise 2013)

²⁰ See also (Lerman and Weaver 2014)

²¹ See (Weaver and Lerman 2010, 818)

²² See (Burch 2014; A. McLeod, White, and Gavin 2003)

²³ See (Walker 2014, 2020)

However, they also argue that those individuals indirectly affected by social ties to people convicted of felonies are more likely to be politically active than similar individuals in communities with less onerous laws. Thus, their study seems to insinuate a mechanism of direct demobilization due to a formal refusal of rights and an indirect mobilization boost through social ties – albeit adding up to an overall lower participation rate.²⁴

A small but growing strand of this research has begun to explore the psychological effects of criminal disenfranchisement in the U.S. context (Manza and Uggen 2004, 2006; Miller and Spillane 2012). Using panel data that tracked if respondents had ever been arrested and, if so, subsequently incarcerated, one such study found that individuals in their sample that had greater contact with the carceral state tended to hold much more negative views of government and the criminal justice system. Additionally, and perhaps unsurprisingly, they also expressed lower levels of political trust and efficacy depending on their level of contact with the carceral state (Manza and Uggen 2006, 118–20).²⁵ In a subsequent series of semi-structured interviews with a sample of respondents from Minnesota comprising prisoners, parolees, and probationers, the same researchers found that most respondents tended to hold generally pessimistic attitudes about the criminal justice system and government writ large, but that there were surprisingly high levels of reported political engagement and variation in political attitudes (Manza and Uggen 2006, 137–63).

Utilizing a similar framework but limiting their sample to nonincarcerated people with felony convictions from the state of Florida, another study found that many respondents in their sample saw the revocation of their civil right to vote as impeding their ability to reintegrate with society – both politically and socially (Miller and Spillane 2012).²⁶ Moreover, a subsequent piece based on the same sample detailed that ex-offenders subject to disenfranchisement penalties were often left with emotions of anger, embarrassment, and fatalism about their circumstance (Miller and Agnich 2016). These results gather further support from others that have found the recidivism rate to be substantially higher in states which enforce civil “death penalties” for formerly incarcerated people convicted of felonies as opposed to those with less strict voting laws (Hamilton-Smith and Vogel

²⁴ Similar overall levels of suppression based upon severity of disenfranchisement laws have been found by others, but those studies did not take into account social ties to people convicted of felonies in their work (Bowers and Preuhs 2009).

²⁵ The most negative views were held by those who had been incarcerated, followed by individuals who were arrested but had not been incarcerated, and finally by those who had never been arrested.

²⁶ For context, the general policy for the U.S. state of Minnesota is to disenfranchise people convicted of felonies throughout the full term of the sentence from imprisonment through parole and probation. In Florida, people convicted of felonies are currently sentenced to “civil death” meaning their right to vote is permanently revoked until they pay off all of their legal debt, but this could change soon based on fast-moving legal proceedings (Breslow 2020; Rozsa 2020).

2012). These findings are further contextualized by recent work that has shown that re-enfranchising formerly incarcerated people convicted of felonies can actually boost political efficacy and democratic engagement (Shineman 2020).

Finally, as briefly mentioned above, some scholars have begun to look at how legal opacity and misinformation might artificially depress voter turnout among formerly incarcerated people convicted of felonies in the U.S. context in states that restore civil rights once prisoners are released (Gerber et al. 2015; Meredith et al. 2015). These studies seek to evaluate how much of the gap in voting between people without felony convictions and eligible formerly incarcerated people with felony convictions is due to a lack of knowledge about the voting policies in their state. As these authors illustrate, eligible formerly incarcerated people convicted of felonies might not know that they are allowed to vote either due to lack of knowledge or misinformation on their part or that of election officials (Gerber et al. 2015). In general, these studies have found that notifying eligible people convicted of felonies of their right to vote does modestly boost turnout and political information seeking.

Thus far then, the literature on comparative disenfranchisement has yielded some important conclusions, but ones in need of further investigation. With respect to the U.S. context, several direct and indirect effects of contact with the carceral state have been found with respect to political perceptions and participation. Potentially due in part to difficulties in data collection, studies that have focused on the effects of criminal disenfranchisement laws among people convicted of felonies specifically have been largely qualitative in nature or limited in scope. Nevertheless, they generally point to decreased feelings of political efficacy and participation. Left unanswered in the literature so far is the degree to which the political consequences of losing the right to vote vary in relation to the severity of a state's disenfranchisement laws.

Theoretical Expectations

Prior evidence has found individuals with prolonged involvement with the carceral state report that those experiences have a negative effect on their political trust, engagement, and participation (Davis 2020; Lerman and Weaver 2014). Research based on longitudinal data have generally pointed in the direction of a civic depression resulting from prolonged contact with the carceral state. However, some research based on samples of people with felony convictions specifically has found that thinking of those groups as monolithic units is perhaps misguided (Manza and Uggen 2006; Miller and Spillane 2012). Rather, in semi-structured interviews with these

populations, they have found a surprising diversity of opinions and levels of engagement with politics. They note that while these groups likely participate politically at lower rates and have less trust in government than their peers who do not have felony convictions, there is still considerable intra-group variation. Although the research on people with felony convictions specifically rather than simply those who have had contact with the carceral state has so far has been limited either geographically or by the logistics of gaining access to difficult to reach communities, the findings have nevertheless added a depth and richness to the research on how interactions with the criminal justice system shape subsequent political behaviors and attitudes.

Based on prior research then, compared to people without felony convictions, and presumably thereby less interaction with the carceral state, I expect that people with felony convictions will express lower levels of political trust and efficacy as well as less connection to politics. Further, I expect that this negative effect on people's political attitudes will spill over and also be associated with decreased willingness to participate in political acts among people with felony convictions.

In addition, I expect there to be meaningful variation across the United States in the severity of this civic depression associated with having been convicted of a felony. Prior research has found that when asked, people convicted of felonies cite laws that prohibit them from voting even after they have been released from prison as being a hurdle in their ability to reintegrate with society (Miller and Agnich 2016; Miller and Spillane 2012). While just as with people convicted of felonies more generally, researchers have found meaningful variation in attitudes among those in states with post-prison disenfranchisement laws towards losing the right to vote, the evidence has largely pointed toward it being perceived as a stain and source of shame that only adds to the adversity people returning from prison face when trying to get back on their feet.

Based on this prior research then, I anticipate that the negative impact of felony convictions on political attitudes and participation will be exacerbated by living in a state with criminal disenfranchisement laws that prevent people from voting after returning from prison. On top of representing additional hurdles for people convicted of felonies to overcome in order to reintegrate with society, these laws also send an exclusionary signal. They message that even after serving their time behind bars, people with felony convictions should still not be allowed to participate in politics. As such, I expect these laws will result in even less political trust, efficacy, and engagement. Additionally, I expect that people convicted of felonies in these states will be less willing to participate in politics.

The Data

To examine the effects of criminal disenfranchisement on political attitudes and participation among people convicted of felonies, I make use of data from the Race and Carceral State Survey (Anoll and Israel-Trummel 2017). The study was carried out in the summer of 2017 through Survey Sampling International (SSI). The sample is representative at the national level and asked respondents about their political participation and a range of questions related to their political efficacy and attitudes (n=10,924). Critically for my purposes, the survey also included a question asking the respondent to self-report whether or not they had been convicted of, or plead guilty to, a felony charge as an adult (n=632).²⁷ Additionally, the survey asked respondents to report what state they lived in. From this, I constructed a measure of the type of criminal disenfranchisement regime respondents were subject to in the state in which they reported residing in.²⁸ Respondents with felony convictions were grouped into either living in a state that did not abridge their right to vote or only did so while they were incarcerated (n=207), or in a state that had some sort of post-incarceration voting ban (n=425).²⁹

I chose to code the disenfranchisement measure dichotomously rather than ordinally for two main reasons – one empirical, and the other theoretical. Empirically, although the data do have a large sample of individuals with a self-reported felony conviction, the distribution of state level laws surrounding criminal disenfranchisement laws are such that a more granular ordinal measure of severity would be statistically underpowered. For example, the sample contains just 5 individuals that report having a felony who live in one of the two states that never abridges a person’s right to vote. Although coarser than an ordinal measure of disenfranchisement laws, using a dichotomous measure overcomes this issue by grouping respondents into larger categories.

²⁷ The question wording was: “Have you ever been convicted of or pled guilty to a felony since turning 18 years old?” Response options were: no; yes; not sure. The sample includes 85 individuals who answered ‘not sure’ – these respondents were not included in the analysis.

²⁸ Felony disenfranchisement laws in the United States are applied based on the state in which an individual lives rather than where they were convicted of a crime. Thus, for my purposes having a measure of where people currently reside is sufficient to map their felony convictions onto state law for the analyses.

²⁹ Washington D.C. and 19 states (Colorado, Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, & Vermont) either have no criminal disenfranchisement, or only abridge an individual’s right to vote while incarcerated. The remaining 31 states (Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, Wyoming) also restrict the right to vote to varying degrees during parole, probation, and/or a post-sentencing period.

Theoretically, I parse the data on these lines as this study seeks to see how negative democratic signaling people receive after they “serve their time” affects their ability and desire to re-integrate politically with society. In effect then, the way in which I separate the data looks to see if there are differences among states that start that process when citizens are released from prison as opposed to those that do not. That is, I am trying to compare how the policies surrounding voting in states that are inclusive to people returning from prison vary in relation to those that are not. All the same, robustness checks to all of the analyses herein using different specifications were estimated and yield generally equivalent findings.

Using these data, I can make two key comparisons. First, I can compare differences between individuals who report having a felony as compared to those who do not. Secondly, and crucially for my purposes, they allow me to compare whether any differences that might exist between people who have and have not been convicted of felonies are further widened among respondents that live in states with more onerous criminal disenfranchisement laws. The outcomes of interest for these analyses fell into one of two general categories related to political engagement: political attitudes and political participation.

For political attitudes, the three variables of interest included measures related to political trust,³⁰ a sense of connection between politics and respondents’ daily lives,³¹ and measures of political efficacy. For political efficacy, the survey included questions that allowed me to evaluate the perceived efficacy of the respondents themselves as well as their closest friends in family. While the political trust and perceived connection to politics outcomes are single item measures, the survey included three questions for each of the political efficacy measures that allow me to construct indices of the concepts rather than using single item measures.

The use of scales rather than single item measures to capture complex concepts is generally always preferable where possible as it helps to minimize measurement error and increase reliability (Kam and Simas 2010). The measure for self-efficacy is composed of three items that ask about how well the respondent understands important political issues, how qualified they feel they are to participate in politics, and how complicated they find politics to be.³² As stated above, the measure

³⁰ The question wording was: “How much of the time do you think you can trust the government in Washington to do what is right?” Response options were: none of the time; only some of the time; most of the time; just about always.

³¹ The question wording was “Do you think what happens in politics affects the most important aspects of your life?” Response options were: no, not at all; no, not very much; yes, somewhat; yes, very much.

³² The question wordings were: “Do you agree or disagree with the following statements? I feel that I have a pretty good understanding of the important political issues facing our country; I consider myself well qualified to participate in politics; Sometimes, politics and government seem so complicated that a person like me can't really understand what's

for community-efficacy was constructed from items equivalent to those used to construct the self-efficacy index, except respondents were asked how the statements applied to their closest friends and family rather than themselves.³³ The perceived efficacy of people's immediate social circles are included in the analyses based on prior research that has found a connection between the severity of a state's criminal disenfranchisement laws and the political participation of individuals with close social ties to people convicted of felonies (Anoll and Israel-Trummel 2019). As such the present study offers insight as to whether this effect on participation among individuals with close social ties to people convicted of felonies thereby results in any changes in the perceived political efficacy of those individuals.

The survey also contains several questions related to political participation that allow me to use indices rather than single item measures for that concept as well. Specifically, I construct two indices based upon a count of how many political acts a respondent reported engaging in during the last year – one that includes the act of voting and one that does not.³⁴ I constructed the two measures of participation to account for the fact that individuals with felony convictions living in states with post-imprisonment voting bans might not be legally allowed to vote. Table A3.1 in the chapter appendix provides for each of the four constructed indices: a) the number of items used in the scale, b) the average inter-item covariance of the scale, and c) the scale's overall Cronbach's alpha score. Note that by construction for each of the indices, the constituent items were weighted equally and unidimensionality was assumed.

While the outcomes of interest fall into two broad categories – political attitudes and participation – each of the measures of interest tap into a common conceptual space of how much politics matters to individuals and their perceived role in the political space. To restate the goals of the analyses, for each of these measures I want to examine how people who report having been convicted of felonies compare to those who do not, and whether any observed differences between

going on.” Response options were: disagree strongly; disagree somewhat; neither agree nor disagree; agree somewhat; agree strongly.

³³ The question wordings were: “Do you agree or disagree with the following statements about your closest friends and family? My closest friends and family have a pretty good understanding of the important political issues facing our country; My closest friends and family are well qualified to participate in politics; Sometimes, politics and government seem so complicated that my closest friends and family can't really understand what's going on.” Response options were: disagree strongly; disagree somewhat; neither agree nor disagree; agree somewhat; agree strongly.

³⁴ The question wordings were: “In the past year or so, have you done any of the following? (Check all that apply) Voted in the 2016 Presidential Election; Attended a community meeting; Written, called, or spoke to a government official; Donated money to a political candidate or organization; Volunteered for a political campaign; Signed a petition; Attended a rally, protest, or demonstration; None”

the two groups are exacerbated by living in a state with post-prison criminal disenfranchisement laws. In the following section I discuss my methodological approach to analyzing the data before moving on to discuss the results.

Methodology

As a first step, before attempting to make any comparisons between people who report having been convicted of a felony and those who do not, I analyzed the data for balance along several covariates related to contact with the carceral state. Table 3.1 shows the results of a logistic regression of self-reported felony convictions on those selected covariates. All of the non-categorical independent variables in the model have been rescaled to range from 0 to 1 for ease of interpretation. The covariates chosen for the model were employed due to the fact that the populations most likely to be tied up in the criminal justice system disproportionately skew black, male, poor, and low education (Manza and Uggen 2006; Weaver and Lerman 2010). Partisanship was also included due to its generally accepted correlation with those covariates (Engelhardt 2020; Peterson 2016; Westwood and Peterson 2020).

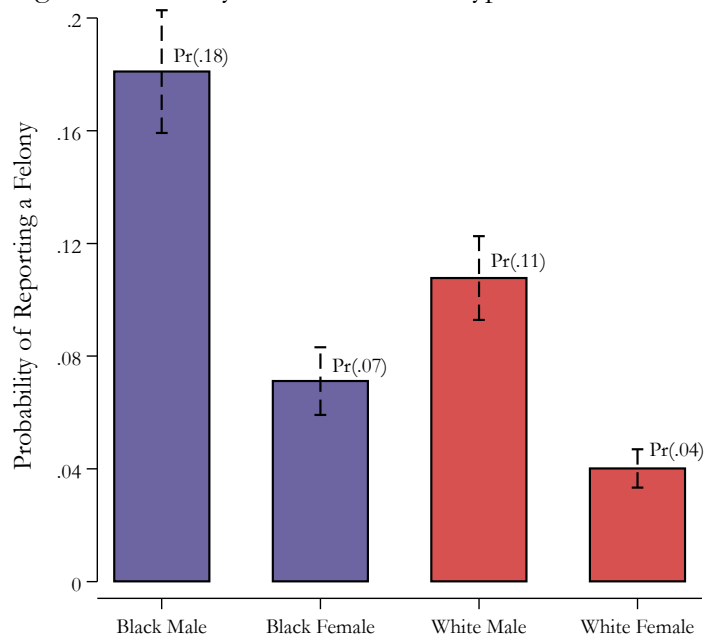
Table 3.1: Covariates of Felony Convictions in the United States

Independent Variable	β
Black	0.419* (0.118)
Female	-1.060* (0.111)
High School or Less	<i>omitted</i>
Some College	-0.244* (0.114)
4-Year Degree or More	-0.675* (0.188)
Income (In 10,000s)	-0.698* (0.245)
Age (In Years)	-0.338* (0.198)
Party ID	-0.299 (0.186)
Constant	-1.484* (0.166)
Observations	10,904

Robust standard errors in parentheses; * $p < 0.10$

As the data show, all of the variables save for arguably partisanship ($p=.107$) have statistically significant effects that are in the anticipated direction. This potential lack of a relationship between felony convictions and partisanship echoes other work that has found people with felony convictions to be more politically diverse than people tend to expect (Manza and Uggen 2006). Black men with low levels of education and income are the most likely demographic of individuals to report having a felony. While the coefficients presented in Table 3.1 are illustrative, they require a little post-estimation work to be directly interpretable in much of a meaningful way. With this in mind Figure 3.2 shows the predicted probability of having a felony for four different types of individuals: black men, black women, white men, and white women. For each of the hypothetical individuals their values for income, age, and partisanship were held constant at the group level mean and their education level was set as high school or less.

Figure 3.2: Felony Likelihood for 4 Types of Individuals



Not surprisingly, given their disproportionate representation in the criminal justice system, black men are the most likely to report having a felony ($Pr=.18$) with white men, black women, and white women respectively following in likelihood ($Pr=.11, .07, .04$). These estimates are generally in line with prior work on the topic for the latter three types of individuals, but suggest there is likely an issue of underreporting among black males (Shannon et al. 2017). Previous research has estimated that about 1 in 3 black males in the U.S. is likely to have a felony conviction on their

record. However, concerns about this representational limitation of the data should be muted slightly by the fact that the estimates for three of the four types of individuals are in line with expectation and that black males in the sample are still by far the most likely to report having a felony conviction – aligning well with an unfortunate reality of the U.S. criminal justice system. Still, there is the potential for bias in the analyses due to this underrepresentation of black males with felony convictions in the data.

Next, I turn to the analyses of the relationship between felony convictions, disenfranchisement laws, and political attitudes and participation. For each the dependent variables of interest, an equivalent model was estimated. Mathematically, the models estimated can be written as:

$$DV_i = \alpha + \beta_1 Felony_i + \beta_2 PostPrison + \beta_3 (Felony * PostPrison) + X\beta + u_i \quad (3.1)$$

In the models represented by Equation 3.1, DV_i represent each of the dependent variables of interest discussed earlier. The key effects of interest in the models are those of β_1 – the effect of felony convictions in states without post-prison disenfranchisement, $(\beta_1 + \beta_3)$ – the effect of felony convictions in states with post-prison disenfranchisement, and β_3 itself – the effect of post-prison disenfranchisement laws on the political attitudes and behaviors of people convicted of felonies. As stated earlier, my expectation is that for all of the models analyzed, the coefficients for β_1 and β_3 will both be negative and significant. That is, individuals with felony convictions will tend to exhibit more negative outcomes than people without felony convictions, especially in states with some form of post-prison voting bans. Included in each of the models, and represented by $X\beta$ above, are the covariates included in Table 3.1 for race, gender, education, income, age, and partisanship. For ease of interpretation across models, all of the dependent variables were re-scaled to range from 0 to 100 and each of the non-categorical variables was re-scaled to range from 0 to 1. Further, all analyses use group specific weights for black and white Americans benchmarked using Current Population Survey (CPS) estimates of gender, income, age, and census region.

For ease of interpretation, I omit the full empirical results of the models from the main body of the text, and instead graphically present the findings.³⁵ For each model estimated, I plot two separate point estimates – the effect of felony convictions for respondents in states that do not have

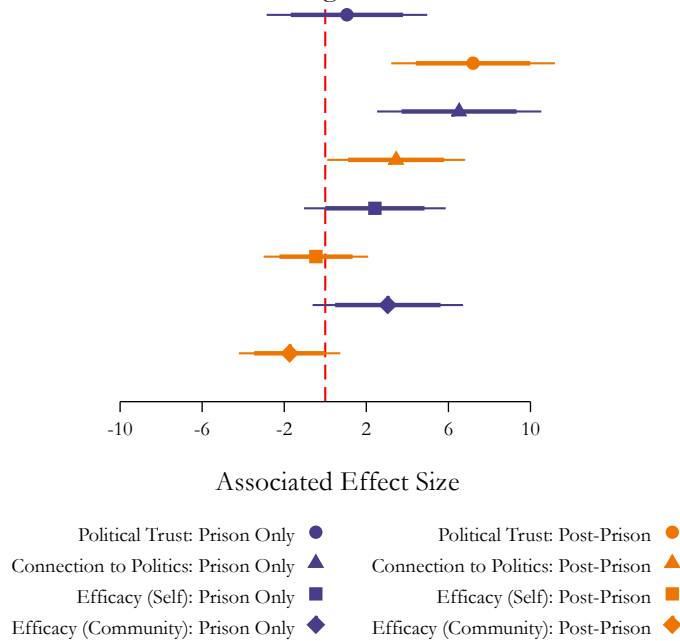
³⁵ The full empirical results for each of the models estimated are available in the chapter appendix.

post-prison voting bans (β_1), and the effect of felony convictions for respondents in states that do have post-prison voting bans ($\beta_1 + \beta_3$). For each point estimate, I include its associated 95% and 83% confidence intervals. The 95% confidence interval conveys whether or not the estimated effect is statistically discernible from zero at the 5% significance level, while the 83% confidence interval conveys whether or not the two effects from each model are statistically discernible from one another (β_3) – also at the 5% significance level.³⁶ I now turn to a discussion of the results of the analyses.

Discussion

First, I discuss the results for the models related to political attitudes. As stated above, rather than displaying the whole table of empirical results, Figure 3.3 distills the information down and graphically presents the relationship between having a felony conviction and each of the political attitude dependent variables for individuals from states that do not have any post-imprisonment voting bans (purple point estimates/confidence intervals) as opposed to those from states that do (orange point estimates/confidence intervals).³⁷

Figure 3.3: Effect of Felony Convictions & Disenfranchisement Regime On Political Attitudes



³⁶ See (MacGregor-Fors and Payton 2013; Payton, Greenstone, and Schenker 2003)

³⁷ The associated numerical results for Figure 3.3 are in Appendix Table A3.2a and A3.2b.

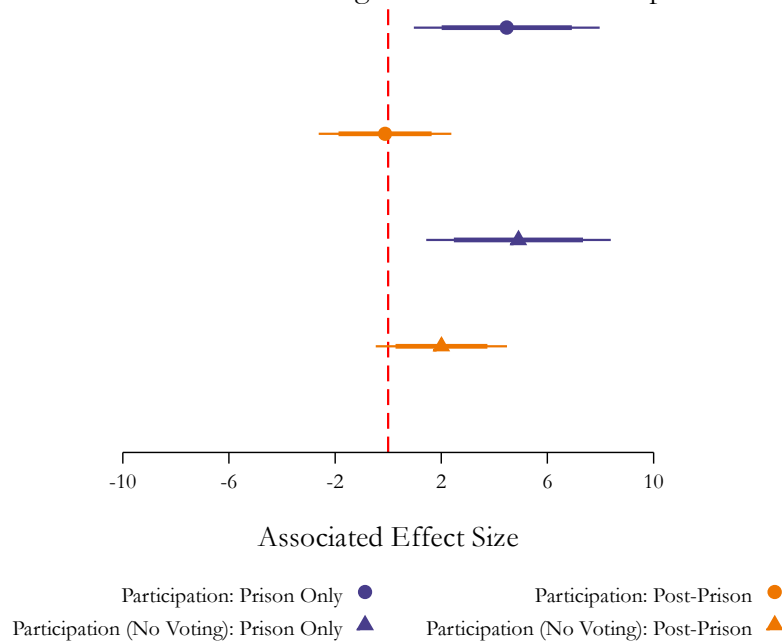
Interestingly, among people convicted of felonies from states with no post-imprisonment voting ban (β_1), the estimated coefficients are all above zero – the opposite of the expected direction based on the stigmatization hypothesis. That is, compared to people who do not report having a felony conviction in states without a post-prison voting ban, people who do tend to express more political trust, a greater perceived connection to politics, and more perceived political efficacy – both among themselves and their closest friends and family. While these results are surprising, caution is warranted as only one measure – perceived connection to politics – achieves conventional levels of statistical significance ($p < .01$).

Among people convicted of felonies living in states with post-prison voting bans ($\beta_1 + \beta_3$), the results are more mixed. For two of the four measures (political trust and perceived connection to politics) the estimated effect is both positive and statistically discernible from zero. Here again, this is counter to expectation based on the idea that being convicted of a felony and being subject to post-prison disenfranchisement laws would have a negative effect on political attitudes. The estimated effects for the other two political attitudes among people convicted of felonies in states with post-prison disenfranchisement are negative, as expected, however both are near zero and fail to achieve statistical significance. Taken together, these results are surprising in light of expectation as they do not offer much evidence of an overall negative effect of a felony conviction on people's political attitudes. Instead felony convictions appear to have either a positive or null overall effect on political attitudes regardless of the disenfranchisement regime an individual lives under.

The estimated effects of the differences in political attitudes among people convicted of felonies that live in a state without post-prison voting bans as opposed to those that do (β_3) are a little less surprising, albeit still not fully in line with expectation. For all but political trust, the estimated effect of having a felony conviction in a state with post-prison disenfranchisement as opposed to one without such laws is in the anticipated direction. That is, despite the surprisingly mixed to positive estimated overall effects of felony convictions on people's political attitudes, living in a state that has some form of a post-prison voting ban does appear to dampen this result. Compared to their peers in states without post-prison voting bans, people with felony convictions who live in states with post-prison voting bans tend to express less positive attitudes related to connection to politics and political efficacy. This dampening of attitudes, however, is only statistically significant for the measure related to the perceived political efficacy of respondents' closest friends and family ($p < .05$).

Taken together, these results suggest that being convicted of a felony might have a more complex impact on political attitudes than one might expect. The analyses here demonstrate a positive associated effect of felony convictions on political trust and perceived connection to politics – regardless of whether or not one lives in a state with post-prison voting bans. These results complement previous qualitative evidence that people with felony convictions are generally more diverse in their attitudes than conventional wisdom might lead one to expect (Manza and Uggen 2006; Miller and Spillane 2012). However, as expected, for three of the four measures related to political attitudes there is a dampening effect of living in a state with post-prison voting bans among people convicted of felonies. Although this difference is only statistically significant in one of the four models, the dampening effect on perceived connection to politics and efficacy adds limited support to the hypothesis that post-prison voting bans might serve as barriers that make it harder for people returning from prison to reintegrate with society and engage in politics.

Figure 3.4: Effect of Felony Convictions & Disenfranchisement Regime on Political Participation



Next, I turn to the models that analyze the relationship between felony convictions, criminal disenfranchisement, and political participation. Figure 3.4 graphically displays the results of these analyses in an equivalent fashion to those of political attitudes.³⁸ Among people who report having

³⁸ The associated numerical results for Figure 3.4 are in Appendix Table A3.3a and A3.3b.

felony convictions living in states without post-prison disenfranchisement bans (β_1), there is here again a surprisingly clear positive associated effect on political participation compared to those who do not report having a felony conviction. Further, this boost in participation for people convicted of felonies in states without post-prison disenfranchisement laws is statistically discernible from zero in both of the models estimated ($p < .05$).

Also similar to the effect on political attitudes, living in states with post-prison voting bans has mixed effects on participation among people with felony convictions ($\beta_1 + \beta_3$). Based on the model, being convicted of a felony in a state with post-prison voting bans appears to either have no or a slightly positive impact on political participation depending on whether or not voting is included in the participation measure. While these results are again contrary to expectation, neither estimated effect achieves standard levels of statistical significance, so the inferences that can be drawn from them are limited.

When comparing differences in participation among people convicted of felonies across criminal disenfranchisement regimes (β_3), there again appears to be a general dampening effect of post-prison voting bans. However, while this dampening effect among people with felony convictions in states with post-prison voting bans as opposed to those in other states is statistically significant at conventional levels for the measure of political participation that included voting as one of the political acts, the difference falls short of statistical significance for the equivalent measure that omits voting as one of the political acts. This result is not entirely surprising as the gap between the estimated effects of felony convictions on political participation among those living in a state with post-prison voting bans as opposed to those who do not should mechanically be larger for models that include voting as a political act.

Table 3.2: Summary of Direction of Effects & Differences
Between States With & Without Post-Prison Disenfranchisement

Dependent Variable	No Post-Prison Ban	Post-Prison Ban	Direction of Difference
Political Trust	+	+*	+*
Connection to Politics	+*	+*	-
Efficacy – Self	+	-	-
Efficacy – Others	+	-	-*
Participation	+*	-	-*
Participation – No Voting	+*	+	-

* $p < .10$

Table 3.2 summarizes all of the effects graphically presented above in one succinct table. Counter to expectation, felony convictions in states without post-prison voting bans (column 2) were associated with positive effects in all six of the models estimated. Further, these effects were statistically discernible from zero at the $p < .1$ level in 3 of the 6 models. Overall then, the results surprisingly indicate a generally consistent, significant positive relationship between felony convictions and the political attitudes and behavior of individuals tested in states without some form of post-prison voting ban.

For people convicted of felonies in states with post-prison disenfranchisement laws (column 3) the results are opaquer, with a positive associated effect in half of the models and a negative effect in the other half. While people who report having a felony conviction in states with post-prison voting bans appear to have significantly higher levels of political trust and a greater sense of connection to politics, they also express lower levels of political efficacy and are generally less likely to participate in politics than are individuals without a felony conviction in those states. In general, though, these results indicate there is much more uncertainty in the relationship between political attitudes and behaviors and felony convictions in states that have post-prison disenfranchisement laws. This fact might be due to a true lack of a relationship between felony convictions and subsequent political engagement in these states, or it might be in part driven by the diversity of state level post-prison disenfranchisement laws in these states. Unfortunately, for the reasons discussed earlier, data limitations prevent me from further disaggregating regime types without making considerable sacrifices in terms of statistical power. I leave it to future research to unpack the degree to which one of these two mechanisms might be at play.

Finally, in terms of differences among people with felony convictions based on context, all but one of the models estimated yielded negative differences in effects between respondents living in states without post-prison disenfranchisement laws as opposed to those that did have them (column 4). That is, the effects of felony convictions in states with some form of post-prison voting bans generally dampened any of the surprising positive findings among people convicted of felonies living in states without such laws. It bears noting, however, that this dampening effect of post-prison disenfranchisement laws among people with felony convictions was only statistically significant at the $p < .10$ level in two of the models tested. Thus, while the results generally point to less positive attitudes and political participation among people convicted of felonies that live in states with some

form of post-prison disenfranchisement compared to their peers in other states, caution should be exercised in interpreting these differences due to their imprecise estimation.

Limitations

While this study has provided some initial insights into the effects of contact with the carceral state and criminal disenfranchisement on subsequent political attitudes and participation, it nevertheless has some key limitations that offer opportunities for future research on this topic to use as starting points to build upon. First, as discussed already, although the sample contained an uncommonly large number of people who report having been convicted of a felony for survey research, the geographic distribution of those respondents unfortunately did not allow for an analysis of their attitudes and behaviors with an ordinal measure of criminal disenfranchisement that exploited the full variation in state level voting laws. Instead, a dichotomous measure was used for the analyses that collapsed respondents into either living in states with or without some form of post-prison criminal disenfranchisement laws. Future research could build upon the work here by unpacking whether the negative effect of these laws found here among people with felony convictions is uniform across all forms of post-prison disenfranchisement or instead is particularly pronounced in some rather than others.

Relatedly, the data for the analyses used in this chapter are unlikely to be representative of all people in the United States that have a felony conviction. Previous research has established that standard survey sampling techniques systematically underrepresent vulnerable populations that either have nontraditional living situations or are currently incarcerated in jails or prison (Pettit 2012). This fact implies that the data used in the analyses here are likely a skewed sample of people convicted of felonies as it by design omits people that are currently incarcerated and also because the justice-involved population is disproportionately drawn from lower socio-economic status communities. While these issues of sample bias are important to bear in mind when interpreting the results of this study, it is also important to note that those issues are not unique to the present research. These issues complicate survey research on the justice involved population generally, and while this study is not immune to them, it does represent an attempt to at least begin to quantify some of the potential effects on politics and people's attitudes that result as a consequence of their interactions with the criminal justice system and state laws. As such, it at the very least can be considered a starting point for future researchers to begin from and improve upon to continue to

offer a better understanding of how the carceral state shapes the subsequent attitudes and behaviors of those individuals that get caught up in it.

In addition, this study was limited to one particular context – the United States. This study builds upon prior research examining the dual impact of carceral contact and criminal disenfranchisement laws on political attitudes and behaviors that has previously tended to be limited to smaller samples from one U.S. state. Nevertheless, caution is warranted when trying to relax the results found here to make inferences about contexts outside of the U.S. This begs the question of how the findings here along with those discussed by previous research throughout generalize to other cases of criminal disenfranchisement around the world. While there is limited descriptive evidence of the variation in voting laws across the globe, there is precious little empirical research that examines the impact thereof on political attitudes and behaviors. Future research could build upon our understanding of the impact of carceral contact and criminal disenfranchisement on political attitudes and behaviors by taking what has been learned in the U.S. and applying it in new contexts.

Conclusions

This chapter sought to examine the impact of criminal disenfranchisement laws in the U.S. that prevent people from voting even after they leave prison. Using an original data source, I, as expected, found that living in a state with post-prison disenfranchisement laws had a generally consistent dampening effect on political attitudes and behaviors among people with felony convictions (β_3). However, the overall effect of having a felony conviction on political attitudes and behaviors was less clear cut than expected. First, and contrary to expectation, the associated impact of having a felony conviction in states without post-prison disenfranchisement laws (β_1) on political attitudes and behaviors was uniformly positive across all models analyzed. These individuals expressed greater political trust, more connection to politics, higher political efficacy, and were more likely to participate in politics than their peers without a felony conviction. For people living in states with post-prison disenfranchisement laws the effect of having a felony conviction as opposed to not was considerably opaquer ($\beta_1 + \beta_3$). The effect of having a felony conviction in these states was positive in half of the models analyzed and negative in the others. Taken together, the analyses insinuate that, surprisingly, having a felony conviction might be associated with more positive political attitudes and higher rates of political participation. However, this potential boost to

attitudes and behaviors appears to be dampened by living in a state with post-prison disenfranchisement laws.

These results are surprising because research in this field has generally found that increased contact with the carceral state is associated with decreases in political trust, participation, and efficacy. Although some studies have found that proximal carceral contact can indirectly boost political participation through social ties, those studies also largely conclude that the direct effect of carceral contact should be overall decreases in participation. It perhaps echoes previous research on people convicted of felonies specifically that has found them to be a more political diverse group than conventional wisdom might suggest.

Based on the unexpected findings of this study, there are at least two key extensions of this project that might be useful to explore to better understand what might be at work. Firstly, on a purely methodological level, in this study contact with the carceral state was indirectly measured through self-reported felony convictions. Although most people who are convicted of felonies serve some amount of time in state custody or under supervision, not all do (Craigie, Grawert, and Kimble 2020). As such it's possible that felony convictions were too blunt a measure to pick up the negative effects of contact with the carceral state found in previous research. However, this alone is unlikely to fully explain the findings as even for an individual convicted of a felony that is not sentenced to some form of state custody, the likelihood that their interactions with the carceral state were positive in nature seems on the face of it counterintuitive.

Perhaps more likely, some element of the effects found in this study might be fit well within the framework of previous research on posttraumatic growth (Tedeschi and Calhoun 2004). Briefly, this area of research posits that in response to challenging life crises, people can sometimes develop a greater sense of personal strength, more connection to others, and altered priorities. This explanatory framework would comport well with the findings here of the overall effect of felony convictions on political attitudes and behaviors. If this explanatory model is indeed doing some of the work in the analyses here, a potential line of future research that could prove fruitful would be to try to disentangle when we should expect people's interactions with the carceral state to lead to these sorts of personal growth reactions as opposed to the generally negative effects that have been found in the literature thus far.

The focus of the present study is distinct from much of the prior quantitative work on related topics that has instead focused on effects of direct and/or proximal carceral contact. These studies leave largely underexamined how the effects of having a felony conviction varies by regime

type.³⁹ Additionally, the findings here are somewhat in opposition to the limited qualitative work that has been done on the topic that found impediments to rights restoration left people feeling angry at or disillusioned with the political system. More work is needed to parse the surprising results found here. Is it the case that the results here are more emblematic of the truth, or are some of the data restrictions discussed earlier driving the murkiness of the results?

Further, it is worth noting that between the 2016 and 2020 presidential elections, the number of people not allowed to vote due to criminal disenfranchisement laws in U.S. declined by an estimated nearly 15% (Uggen et al. 2020; Uggen, Larson, and Shannon 2016). This decline was due largely to changes in disenfranchisement law in several U.S. states. Given this current climate surrounding criminal justice reform and rights restoration, how do changes in the law affect these outcomes. Just as this dissertation wrestles with the idea of whether disenfranchising people truly does keep them out of politics, if the goal of the current efforts in many states toward relaxing criminal disenfranchisement laws is to stimulate re-integration a corollary question arises as to whether or not they will have their intended effect. Initial evidence has found that it might,⁴⁰ but the topic warrants further study and replication efforts. I leave it to future research to plumb the depths of these sorts of research questions.

³⁹ For a notable example see (Anoll and Israel-Trummel 2019)

⁴⁰ See (Shineman 2020)

CHAPTER 4

THE POLITICAL WILL OF RIGHTS RESTITUTION

ABSTRACT: North Dakota is one of the most conservative states in the union, but has some of the most lenient felony disenfranchisement laws. Meanwhile, California is among the most liberal states while having some of the more stringent laws surrounding criminal disenfranchisement. While the focus of this chapter is on the United States as a whole, the juxtaposition between politics and policy in these two states serve as a motivating example. Specifically, this study seeks to examine the extent to which states like North Dakota and California are outliers or instead are examples of how theories of congruence between policy and ideology in the mass public might have limited utility in practice. To do so, I analyze public opinion data from two southern states and a nationally representative sample. At the aggregate level, there does not appear to be much support for the proposition that state policies reflect the prevailing preferences of their populations. Despite stark differences in policy in the states examined, there is consistent overall support for the restoration of rights for people convicted of certain types of felonies. The strength of support, however, does vary along several key indicators. While living in a state with some form of post-prison disenfranchisement laws is associated with a modest decrease in support for rights restoration, no other contextual level variable analyzed emerges as significant. These results confound the notion that disenfranchisement laws vary across the U.S. based on public attitudes. At the individual level, indicators like race, partisanship, and age emerge as strong predictors of attitudes in the data analyzed. The findings also point to a potential role of electoral proximity/relevance, but more research is required to better establish this relationship.

The United States as a whole has, by far, the largest population of citizens who have had their right to vote revoked due to a criminal conviction of any democratic country on earth – both in absolute and relative terms. At the state level, though, criminal disenfranchisement laws vary widely in terms of their scope and severity. As Figure 4.1 shows, states vary in how they deal with the right to vote for people convicted of felonies from never revoking the right (2 states) to abridging it: a) only while a person is in prison (17 states and Washington D.C.); b) while a person is in prison or on parole (3 states); c) while a person is in prison or on parole or probation (17 states); or d) while a person is in prison, on parole or probation, and also for some period of time after that (11 states). Despite this wide variation, though, there has not been much empirical work testing whether or not there is commensurate variation in public attitudes toward criminal disenfranchisement.

In this chapter I leverage data from two southern states and one national sample to test for both demographic and geographic differences in support for criminal rights restoration. Analyses of the two state level datasets yielded differences at the individual level that led me to test several

the state level variation in criminal disenfranchisement laws in the United States is largely orthogonal to mass public opinion. Instead, the mass public's preferences appear to be considerably less punitive than the laws surrounding criminal disenfranchisement would suggest. This fits with prior research that has found incongruence between mass public preferences and actual policy in directions that tend toward overly conservative laws (Lax and Phillips 2009, 2012).

In what follows I offer a brief review of some of the previous work on how mass public opinion shapes **and/or** is shaped by public policy and attitudes toward criminal disenfranchisement. Next, I discuss my expected findings for this chapter before introducing the data to be used for the analyses. Following this I present and discuss the results of the analyses in two sections – one for the state level data sources and one for the national level data. Finally, I discuss the limitations of the findings of this study and offer some thoughts on avenues for potential future research before making some concluding remarks.

Literature Review

What shapes the policy preferences of the mass public is perhaps the most studied concept in social science research. Issues pertaining to where ideas about politics come from, how strongly those opinions are held, and whether or not they matter much for political outcomes have each been debated at length over decades of research (Achen and Bartels 2016; Campbell et al. 1960; Converse 1964; Zaller 1992). I focus here on the body of research that explores the degree to which public policies can be expected to be congruent with public attitudes. Although discussions related to whether it is elites or the mass public that drive public opinion on policy are indeed fascinating, they are largely exogenous to my aims here.⁴¹ Instead, regardless of where political preferences originate, crystalize, or become important to various segments of the mass public I am interested in the degree to which mass public opinion aligns with policy.

In this way, I am empirically agnostic as to whether mass public opinion causes policy or is a consequence of it. Rather, I am interested in the degree to which state policy reflects public opinion, regardless of where momentum for the policy began. While this sidesteps the important task of identifying the causal mechanisms of policy change, it does strike at theories of democratic governance and models of representation at a fundamental level. Specifically, it raises the question of if a society's policies do not reflect mass public opinion, then is it possible to call that society

⁴¹ See (Lenz 2012; Lodge, Steenbergen, and Brau 1995)

democratic? Issues about where political preferences are developed aside, it's difficult to rectify the notion of calling a society fully democratic if the policies pursued by its political leaders fail to fall into alignment with the prevailing opinion of the public they are ostensibly in office to serve. However, as others have noted, there is also a concern that policy that is "too" responsive to mass public opinion could end up leading to a tyranny of the majority that does not offer adequate protections for minority preferences (Lax and Phillips 2009). Such concerns are largely irrelevant with respect to criminal disenfranchisement, though, as they themselves are the minority whose democratic rights are in danger of being abridged. Further, as laws surrounding criminal disenfranchisement, and who should have the right to vote more generally, are particularly salient issues in the democratic political world, it provides a strong test of the policy congruence hypothesis.

Several studies have found evidence of general congruence between public policy and mass public opinion (Bartels 1991; Burstein 2003; Page and Shapiro 1983, 1992). It bears noting, though, that within this group of research there is less agreement about how much of the public actually pays attention to politics (Erikson, Mackuen, and Stimson 2002; Stimson 2004), and how holistic opinions about politics tend to be (Converse 1964; Jones 1995). However, this body of research largely suggests that policy decisions, on salient political topics at least, do in some way tend to follow from the opinions of at least certain segments of the mass public. Additionally, work has generally shown that congruence between policy and public opinion tends to be greatest among highly salient issues (Monroe 1998; Wlezien 2004). My work adds to this discussion by examining a particularly salient set of policies in modern democratic society: who has the right to choose the leaders that represent them and have legal dominion over them.

When asked questions about whether or not voting is important, U.S. adults across all age groups, political affiliations, and education levels overwhelmingly say that it is (Doherty, Kiley, and Johnson 2018). Moreover, when asked how essential the right to vote is along with several other popular political topics such as freedom of speech, freedom of religion, the right to privacy, and the right to bear arms, the right to vote ranks second only to freedom of speech (Doherty, Kiley, and Johnson 2017). In a separate study of U.S. adults, just over 93% of respondents claimed that the right to vote was either *the* most or one of the most important rights in a democracy (Pinaire, Heumann, and Bilotta 2003).

When asked about criminal disenfranchisement specifically, people routinely express support for rights restoration for certain classes of felonies (Manza, Brooks, and Uggen 2004; Pinaire, Heumann, and Bilotta 2003). While one study found that just 24% of people somewhat or strongly

supported the right to vote for people convicted of felonies while they were incarcerated, 63% thought they should have their right to vote restored after completing the terms of their sentence (Huffington Post/YouGov Daily Poll: March 16-18 2018). In a separate study, support for permanently losing the right to vote varied widely by the offense the person was convicted of (YouGov Poll: April 22-25 2016). Whereas a majority of respondents believed people convicted of manslaughter should never have the right to vote again, support for permanent rights revocation was significantly lower for people convicted of non-violent offenses such as vandalism and drug possession.⁴² In all of the above studies there were consistent partisan gaps in attitudes, with Republicans expressing less support for criminal voting rights. However, even among Republicans, people tended to express opinions in favor of rights restoration for certain classes of people convicted of crimes. Additionally, younger people, lower income individuals, and black people tended to express less punitive attitudes.

Taken together these studies highlight several key points. First, voting in general is seen as important and central to democracy for the overwhelming majority of U.S. adults. Second, people have consistently expressed opinions in favor of rights restoration for at least people convicted of certain classes of felonies. There is important variation in terms of partisanship and demographics, but on the whole the mass public tends to support less restrictive voting laws for people convicted of felonies once they complete their terms of service. Left unexplored by these studies, though, is the degree to which the laws surrounding criminal disenfranchisement are in alignment with the mass public's opinion about those issues. That is, while in aggregate the U.S. adult population supports rights restoration, does that vary in any significant way based on how onerous the laws surrounding criminal disenfranchisement in one's state are? This gap in the literature is what I intend to examine in this chapter.

If it is true that policy tends to be in alignment with public opinion, at least on the issues that are most important to the mass public, then criminal disenfranchisement laws appear as a strong test of that hypothesis, given the importance the mass public places on voting rights. If they are out of alignment, that would suggest there might be some issues for which the policy congruence hypothesis falls short in its explanatory power, at least in its simplest form. A potential explanation might be that people's opinions on these topics are not deeply held and thus not acted upon by politicians. However, that would be problematic in explaining the original divergence of policies.

⁴² Somewhat surprisingly the study did not ask about opinions toward those convicted of homicide.

Likewise, it might be the case that these opinions present a shift from prior attitudes toward criminal disenfranchisement and laws are likely to change in the future, but two decades of research has demonstrated consistently strong attitudes for policy reform. What movement in policy there has been during recent history has generally been towards policy liberalization (M. McLeod 2018), so I cannot fully rule this out, but the generally punitive nature of current laws in turn raises serious questions about policy responsiveness.

Theoretical Expectations

Based on the empirical findings of previous research I expect to find that across all states, there is aggregate support for voting rights restoration for people convicted of certain classes of felonies. Further, at the individual level, I expect support for these policies to be strongest among Democrats, minorities, younger people, and those at lower income levels. The previous research on attitudes toward felony voting rights tends to demonstrate higher levels of support among these groups. Although what little work has been done is largely atheoretical, a potential mechanism driving these differences in attitudes might be found in how these groups tend to view the function of the criminal justice system. Whereas Republicans have been shown to harbor more punitive criminal justice attitudes, Democrats, minorities, and younger people on balance view the role of the criminal justice system as rehabilitative (Pinaire, Heumann, and Bilotta 2003). Further, based on the limited research that considered education, I expect support for policy reform to be largely unrelated to years of education after controlling for other individual level factors (Pinaire, Heumann, and Bilotta 2003).

I also anticipate seeing meaningful contextual level variation in these attitudes. Specifically, based on the policy congruence hypothesis, I expect people who live in states that have more restrictive voting laws would be less supportive of rights restoration for people convicted of felonies. Moreover, I expect that living in a state which has relaxed criminal disenfranchisement laws since 2010 will be associated with more lenient attitudes about rights restoration as a reflection of the changes in policy. Additionally, I expect that a state's political climate overall will likely matter for opinions. This is based on prior research that has established a clear link between public opinion and government ideology at the state level in the United States (Berry et al. 1998; Erikson, Wright Jr., and McIver 1989). To this end, due in part to its association with partisanship at the individual level, I expect that living in a Republican-majority state will be associated with support for more

restrictive attitudes due to prior work establishing a link between state level policies and public opinion.

The Data

In order to examine the alignment between public opinion and policy I make use of data from two southern states, Florida and Tennessee, and a nationally representative sample. The Florida data are from two separate polls conducted by the Public Opinion Research Laboratory (PORL) at the University of North Florida in September and October of 2018 (Binder 2018a, 2018b). The data are representative of all likely voters in the state and were collected in the runup to November elections of that year during which Floridians voted on a ballot initiative to automatically restore voting rights to most people convicted of felonies in the state upon completion of their sentences.⁴³ The surveys asked respondents about their support for that initiative and several other key questions about demographics and partisanship.⁴⁴ The Tennessee data are from a poll conducted by the Center for the Study of Democratic Institutions (CSDI) at Vanderbilt University May of 2019 (Clinton and Geer 2019). The data are representative of all registered voters in the state and asked respondents if they supported legislation that would make it easier for people convicted of certain types of felonies in Tennessee to register to vote after they completed the full terms of their service.⁴⁵ As with the PORL data, respondents were also asked several questions about their demographic backgrounds.

These three state level data sources allow me to test the individual level hypotheses in two contexts that: a) have some of the most severe disenfranchisement laws in the United States (Figure

⁴³ The Voting Restoration Amendment would not apply to those convicted of murder or sexual offenses, and rights would be automatically restored after the full terms of an individual's sentence – including parole and probation (Voter Restoration Amendment Text 2020).

⁴⁴ The question wording was: “Amendment 4 restores the voting rights of Floridians with felony conviction after they complete all terms of their sentence, including parole or probation. The amendment would not apply to those convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor or Cabinet vote to restore their voting rights on a case by case basis. If the election were held today, would you vote “yes” or “non” for this proposition?” Response options were: yes; no. Additionally, respondents were allowed to give answers of ‘don’t know.’ In the main sets of analyses these responses are coded as not supporting the legislation, but models that excluded these observations were also run and are included in Appendix Table A4.1.

⁴⁵ The question wording was: “The Tennessee legislature is considering whether to make it easier for Tennesseans with felony convictions to register to vote once they complete all terms of their sentence, including parole or probation. Those convicted of murder, rape, treason, or voter fraud would continue to be permanently banned from voting. Do you support or oppose this legislation?” Response options were: support; oppose. Additionally, respondents were allowed to refuse to answer or give answers of ‘don’t know.’ In the main sets of analyses these responses are coded as not supporting the legislation, but models that excluded these observations were also run and are included in Appendix Table A4.2.

4.1); and b) where rolling back some aspects of those laws is politically salient. Considering this, my expectation would be that people in these states are more likely to have well developed attitudes about felony disenfranchisement. Additionally, as I have data from two time periods in Florida in the run-up to an election in which voters were making decisions about disenfranchisement laws, I can get a sense of how stable opinions are among voters and whether or not they change in relationship to the proximity of elections. Previous research in other contexts has demonstrated that election proximity can impact people's identities and attitudes (Eifert, Miguel, and Posner 2010; Michelitch 2015).

As for the national sample, it comes from the Race and Carceral State Survey conducted by Survey Sampling International (SSI) in the summer of 2017 and is representative of black and white Americans (Anoll and Israel-Trummel 2017). Among other things, the study asked respondents about their attitudes toward the voting rights of people convicted of felonies.⁴⁶ As with the state level samples, respondents were also asked a suite of questions related to their demographic background. Respondents were also asked about the state in which they live. Using their state of residence, I was able to match respondents to a series of contextual level variables related to my various hypotheses laid out above. Specifically, to evaluate policy congruence, I added measures for whether or not a state had some form of post-prison voting ban, an ordinal measure of the severity of a state's disenfranchisement laws, and whether or not the state had passed some form of legislation that rolled back disenfranchisement laws since 2010. Additionally, to test whether partisan environments are related to attitudes, I also included measures for whether or not the state voted for Donald Trump in 2016, whether or not the state had a Republican governor at the time the study was fielded, and an ordinal measure for state level partisan rankings ranging from strong Democrat to strong Republican.⁴⁷

These data allow me to test both the individual and the contextual level hypotheses on a national scale. Specifically, at the individual level these data complement the state level data by allowing me to examine the degree to which the mass opinions of the nation as a whole are different

⁴⁶ The question wording was: "As you may know, in some states convicted felons permanently lose their right to vote, while in others they can vote even while in prison or on probation. Which of the following comes closest to your view on this policy?" Response options were: People should permanently lose their right to vote if they are convicted of a felony; people should be able to vote once they have completed their sentence and paid their debt to society (i.e. after completing jail, prison, or probation); people should always be able to vote, even while in jail or prison.

⁴⁷ Each state's coding for these measures is listed in Appendix Table A4.3. The coding for disenfranchisement laws are from the Sentencing Project and those for partisan rankings are from The 2020 Cook Political Report (2020 Electoral College Ratings 2020; Chung 2019).

in some meaningful way from those of people in two states with some of the most extreme felony disenfranchisement laws in the country. At the contextual level, these data allow me to test whether or not the political context surrounding criminal disenfranchisement is congruent with mass opinion. Concretely, they allow me to test whether or not the laws and movement surrounding criminal disenfranchisement are in alignment with the public's taste for those laws. Further, they allow me to examine whether individuals living in more politically conservative contexts have a greater taste for strict criminal disenfranchisement laws.

Methodology

For each of the three state level data sources, the structure of the dependent variable is either support for or against legislation to restore voting rights for people convicted of certain classes of felonies after the completion of their terms of service. Consequently, I estimate a logistic regression of the likelihood of support for the legislation to account for the measure's dichotomous nature. My key independent variables of interest for each data source are race and partisanship.⁴⁸ Additionally the estimated models account for the potential impact of education, sex, and age. The estimated models can be represented mathematically as:

$$\Pr(\text{Support}_i = i) = \Lambda(\alpha + \beta_1 \text{Race}_i + \beta_2 \text{Party}_i + \mathbf{X}\beta + u_i) \quad (4.1)$$

In order to account for the fact that estimated coefficients from maximum likelihood models are somewhat complicated to digest in isolation, I use the results of these models to predict the probability of support for several different hypothetical individuals. Specifically, I predict the probability of support for each racial demographic within each party while setting the rest of the variables in the equation to the median value for each racial group.⁴⁹ This allows me to compare whether or not the probability of support for reform differs in any meaningful way across parties and race for the typical members of each respective race. For each of the models estimated I present a table of the raw coefficients in order to show overall statistical significance in the Appendix and a graphical representation of the predicted probabilities with their associated 83% confidence intervals

⁴⁸ In the analyses used in the main body of the text, these terms are included independently in each of the analyses. As a robustness check, equivalent models that included interaction terms were also ran and yielded substantively similar results. As such I present the mathematically simpler and more powerful models below. The results of the interactive models are available in Appendix Table A4.4.

⁴⁹ The values used for these estimates are included in Appendix Table A4.5.

in order to discern statistically meaningful group level differences in the main body of the text below.

For the national level sample of black and white Americans, the structure of the dependent variable is ordinal in nature as respondents were asked if they thought people convicted of felonies should: a) never lose the right to vote, b) only lose the right to vote while serving the terms of their service, or c) permanently lose the right to vote. To account for this, I estimated a series of ordered rather than binary logistic regressions of support for voting rights for people convicted of felonies. The same individual level measures of race, party, sex, and age were used as in the state level samples. Additionally, the data included a measure for income that allowed me to test for its impact on attitudes as well. To test the contextual level hypotheses, I ran a series of models that each accounted for one of the measures discussed earlier in the data section. Mathematically the models estimated can be represented as:

$$\Pr(\text{Support}_i = i) = \Lambda(\alpha + \beta_1 \text{Race}_i + \beta_2 \text{Party}_i + \mathbf{X}\beta + \mathbf{Z}\beta + u_i) \quad (4.2)$$

In the equation above, $\mathbf{X}\beta$ refers to the individual level covariates and their respective coefficients while $\mathbf{Z}\beta$ refers to the contextual level covariates and their respective coefficients. Before moving onto some post-estimation work to contextualize the results of the models, I first graphically present the coefficients for the contextual level variables from each of the estimated models as odds ratios.⁵⁰ Briefly, odds ratios above 1 indicate that a variable is positively associated with the dependent variable, below 1 a negative relationship, and ratios of exactly 1 indicate a null effect. After discussing the results from the various models estimated, I then use the model that includes a measure for whether or not a respondent lives in a state with some form of post-prison voting ban for people convicted of felonies to estimate the predicted probability of supporting a permanent voting ban for people convicted of felonies. As before I do this across race and party, and since the model is estimated using maximum likelihood I set the covariates in the model to their median values for each race.⁵¹ I present the full numerical results of the model in the Appendix and a graphical representation of the predicted probabilities with their associated 83% confidence intervals in the main body of the text.

⁵⁰ The full numerical results from each of the estimated model is included in Appendix Table A4.6.

⁵¹ The values used for these estimates are included in Appendix Table A4.5.

Discussion

Overall, the data from Florida yield some interesting findings.⁵² In both samples, overall support for the legislation to roll back criminal disenfranchisement is high – about 70%. Contrary to the policy congruence hypothesis, it appears that the majority opinion of Floridians is that the state’s criminal disenfranchisement laws are too excessive. The fact that the sample comprises likely voters casts further doubt on the notion that, at least among politically active individuals, public opinion and law often fall into alignment. Moreover, as expected, in both samples age and partisanship emerge as statistically significant predictors of attitudes with Democrats and young people expressing the most reform-oriented attitudes. Although these differences are significant across party lines, the majority opinion of even Republicans in both samples is in favor of legislation reform. Further, education appeared to be largely orthogonal to attitudes.

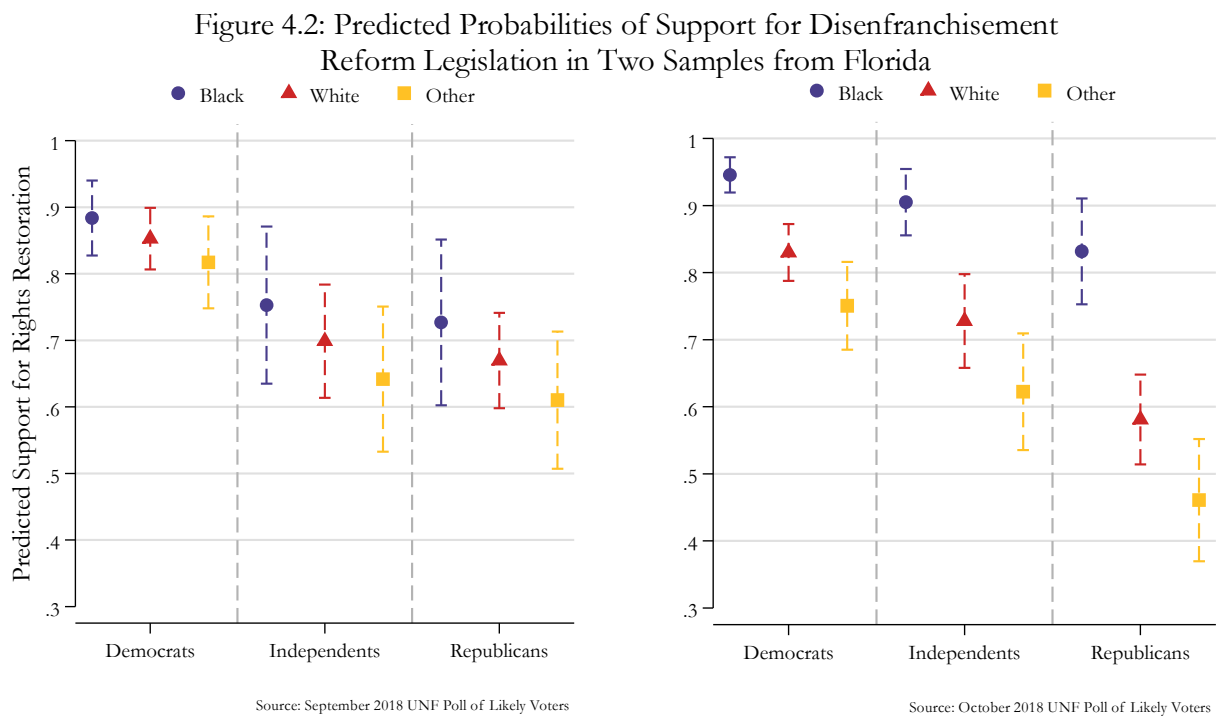
Interestingly, race emerged as a statistically significant predictor only in the October sample. This lends support to the idea that electoral proximity can affect people’s attitudes and behaviors by shifting the relative salience of their different identities in response to election stimuli.⁵³ If electoral proximity is indeed driving these observed shifts in attitudes, this result would add some complexity to prior research that found elections can make different identities more or less salient within individuals (Eifert, Miguel, and Posner 2010; Michelitch 2015). Where previous research has shown that the proximity of elections in ethnically heterogeneous societies can affect which identities people tap into when interacting with others and self-identifying, these results could imply that they can also have an effect on people’s expressed policy attitudes if they happen to align with salient identities. In this case, the ballot initiative being voted on in the upcoming election would roll back criminal disenfranchisement laws in a state where at the time more than 1 in 5 voting age black residents was barred from voting due to a felony conviction (Baum 2020).

As Figure 4.2 illustrates, although there are observable differences in the predicted probabilities of support for reform across racial groups in the sample from September (left pane), those differences are statistically indistinguishable from zero. However, in the later sample that was fielded closer to the upcoming election in which the legislation was to be voted upon (right pane),

⁵² The full empirical results for the models discussed below are available in Appendix Table A4.1. The models used for analysis are those with the “don’t know” responses included.

⁵³ In the presented predicted probabilities, the sex for the “Other” category of race was set to male in the September sample and female in the October sample – the median value for each sample. To ensure that the observed difference was not due to this analytical choice, alternative analyses were run where sex was held constant in both samples and yielded equivalent findings.

those racial differences were widened and there was less within group variance in attitudes as is intimated by the narrowed confidence bands around the point estimates. As this is an observational rather than experimental analysis I cannot fully attribute this shift in attitudes as a causal effect of electoral proximity. It is, nevertheless, a suggestive result in light of prior work on the topic that has found elections can have a powerful effect on which identities people most readily tap into when interacting with others. Further, the results here could potentially suggest an extension of that work by showing not just that electoral proximity can have an effect on relative identity salience, but also subsequently map onto policy attitudes that align neatly with social identities – in this case that of preferences for less restrictive criminal disenfranchisement laws, especially among black voters in Florida.



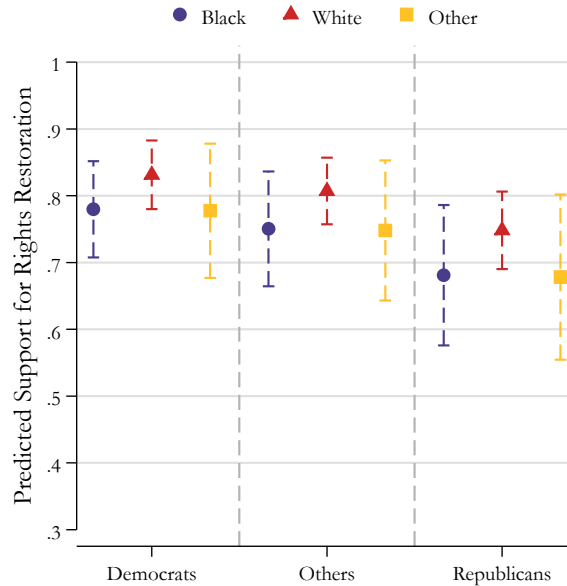
Turning to the state level data from Tennessee, the results again fail to find support for the policy congruence hypothesis.⁵⁴ Across all racial and partisan categories, Tennesseans overwhelmingly are in favor of legislation that rolls back the state’s onerous disenfranchisement laws – about 73%. The only statistically significant predictor of attitudes in the model is that of

⁵⁴ The full empirical results for the models discussed below are available in Appendix Table A4.2. The model used for analysis is that with the “don’t know” and “refuse to answer” responses included.

partisanship with Republicans expressing more punitive attitudes than Democrats. However, even they are generally in favor of reform. More importantly, as Figure 4.3 demonstrates, there are no statistically discernible differences in the predicted probability of support for reform across partisanship for the “typical” member of each racial category.

The differences in these findings and those from the Florida samples highlight the potential importance of policy relevance for activating certain attitudes among voters. Although race emerged as a more important factor from a statistical standpoint in the Florida sample that was collected closer to the upcoming elections in which disenfranchisement reform legislation was to be voted upon, it is worth noting that there were still observable differences across race and party in the earlier sample in the same state. Perhaps the lack of differences in attitudes across groups in the Tennessee data is driven in part by the fact that there were not any immediate concrete efforts at reform that were being discussed. Thus, these attitudes were not yet activated as they were in the Florida data. Unfortunately, again, these data are observational in nature and to date the push for disenfranchisement reform in Tennessee has not garnered sufficient support to make it a more pressing matter of the political agenda, so it is unknown if Tennesseans’ attitudes would shift under such conditions in the ways seen in Florida.

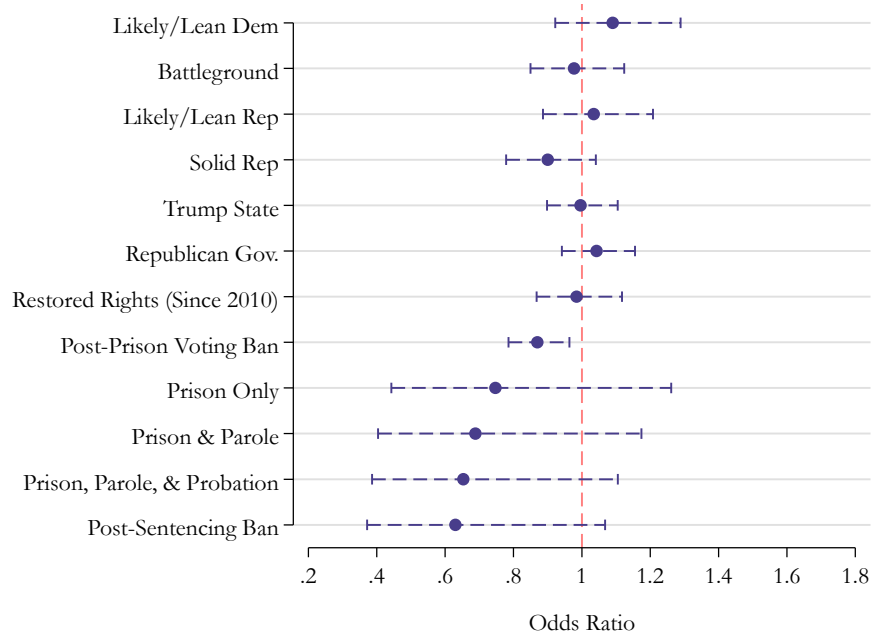
Figure 4.3: Predicted Probabilities of Support for Disenfranchisement Reform Legislation in Tennessee



Source: Spring 2019 Vanderbilt Poll of Tennesseans

Taken together, the state level data have shown that, at least in two southern states with some of the most onerous disenfranchisement laws, the policy congruence hypothesis fails to explain people’s attitudes. Further, while race and partisanship can have important implications for how people feel about legislative reform, these data suggest that effect might be context dependent. While instructive, these data only allow for a limited picture of how people in the United States feel about criminal disenfranchisement, and whether their opinions are in line with policy. Certainly, the analyses thus far would suggest that they are not, but to explore this empirically, I now move on to discuss the national sample of black and white Americans.

Figure 4.4: Associated Effects of Contextual Level Variables in National Sample

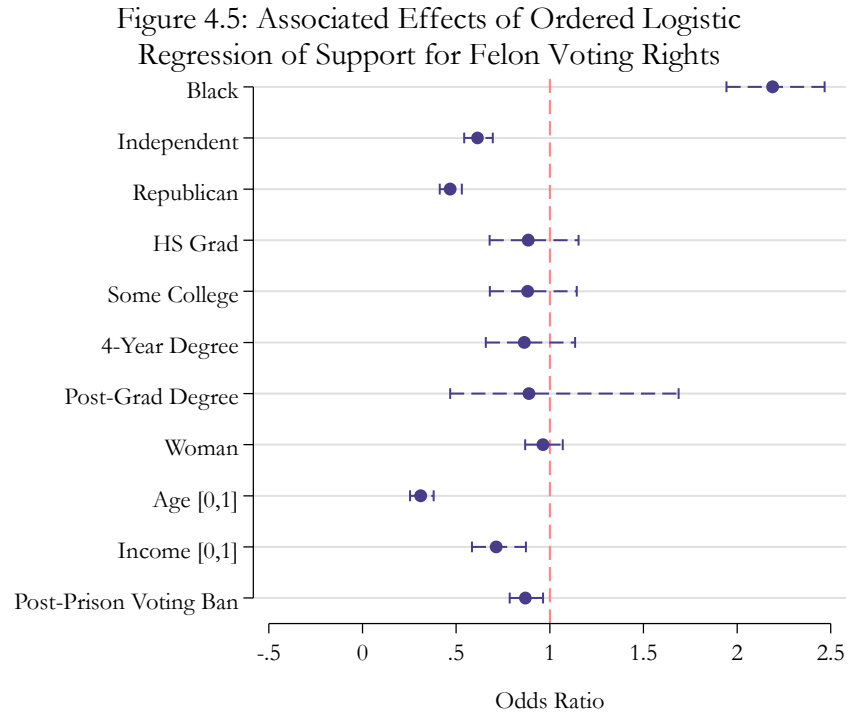


To answer the question of whether or not policy is in alignment with attitudes, these data largely suggest that is not the case at least when it comes to criminal disenfranchisement. Figure 4.4 plots the coefficients for the contextual level variables from each of the six models estimated in the manner shown in Equation 4.2.⁵⁵ The horizontal gray lines separate the contextual level coefficients that come from each of the six models estimated that all employ equivalent individual level indicators. Several separate models were ran rather than including all of the measures in one model to account for the shared empirical and conceptual space of many of the contextual level variables.

⁵⁵ Full empirical results for the models analyzed are available in Appendix Table A4.6. A similar graphical representation of the individual level coefficients from each of the model is presented in Appendix Figure A4.1.

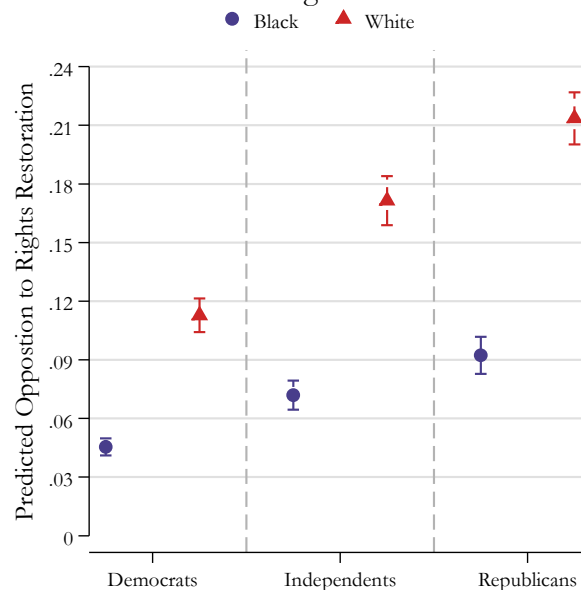
For instance, a model that included measures for a state’s general political leaning, whether or not Trump carried a plurality of the presidential vote in 2016, and whether or not that state had a Republican governor would likely underestimate the individual impact of each of these measures due to their overlapping variance.

As the figure shows, in all but one of the models estimated, the included contextual level variable failed to yield any effects statistically discernible from zero. The only contextual level measure significantly related to attitudes is that of whether or not a respondent lives in a state with some form of post-prison disenfranchisement laws for people convicted of felonies. Overall, respondents from these states express slightly more punitive attitudes than do those that do not. When this measure is decomposed into its ordinal components, however, this substantively small effect is washed away. That is, for the model represented in Figure 4.4 above that included disenfranchisement laws as an ordinal measure rather than dichotomous, no discernible differences were observed across regime type. As it relates to the partisan environment of the state, none of the tested measures yield any statistically significant or substantively interesting findings. In short, these data find, at best, limited support for the policy congruence hypothesis.



The limited support for the policy congruence hypothesis is further exacerbated when the contextual level measures are considered in relation to the individual level regressors. Figure 4.5 graphically presents the estimated coefficients from the model that includes the measure for states with a post-prison voting ban.⁵⁶ While the contextual level measure is statistically discernible from zero, its associated effect is dwarfed by that of the individual level measures in the model, especially race. Black respondents express significantly less punitive than do whites, as do too younger people and Democrats as compared to Republicans and Independents. Additionally, as the national level data include a measure for income, I am able to test, and find support, for the notion that higher income individuals tend to hold more punitive attitudes toward criminal disenfranchisement than do their lower income counterparts. As was the case with the state level data sources, and in line with expectations, education is here again largely unrelated to attitudes toward criminal disenfranchisement.

Figure 4.6: Predicted Probabilities of Opposition to Voting Rights Restoration for Felons Among Black and White Americans



Source: Spring 2017 SSI Survey

⁵⁶ The coefficients for the individual level variables were largely similar across each of the models estimated. I present the coefficients for the model with the post-prison voting measure as it was the only contextual level variable that yielded significant results. An equivalent figure to that of Figure 4.5 is included in Appendix Figure A4.1 that plots the individual level coefficients for each of the models estimated.

One major takeaway from the national sample in comparison to the state level data is that race and partisanship appear to be much more closely tied to attitudes at the national level than in the two states analyzed. Whereas their relationship was inconsistently related to attitudes in Florida and Tennessee and may have been driven in part by electoral proximity, race and partisanship are more reliable predictors of attitudes among respondents in the national sample. In order to contextualize these observed partisan and racial differences in attitudes, I again did some postestimation work to account for the complex nature of coefficients from maximum likelihood models. Figure 4.6 shows the predicted probabilities of expressing support for lifetime voting bans for people convicted of felonies across racial and partisan categories while holding the rest of the covariates in the model constant at their median values for the racial group.⁵⁷

Across all partisan categories, white respondents express significantly more punitive attitudes than do black respondents. Despite this fact, all groups are generally unsupportive of laws that would permanently disenfranchise people convicted of felonies, with probabilities ranging from $Pr=.04-.21$. This again complements the state level analyses that found that a majority of respondents supported legislation in their states that would make disenfranchisement laws in their states less onerous. It is worth noting that the ‘typical’ individual in each racial category lives in a state with some form of post-prison disenfranchisement laws. Thus, these predicted probabilities are generated while setting that covariate to a score of 1. This strikingly low support for lifetime voting bans for people convicted of felonies, then, is among individuals living in states with more stringent felony voting laws.

Taken together, these findings have shown that there generally appear to be significant individual level differences across partisan and racial lines in people’s taste for policy reform. However, despite these differences, even in the states with some of the most restrictive criminal disenfranchisement laws, all groups generally agree that people should not be barred from voting after completing the terms of their service. To highlight this fact, Table 4.1 below shows the raw group level tabulations of support for such laws in each of the samples analyzed and discussed here. Despite the statistical and substantive differences shown in the table and in the preceding analyses,

⁵⁷ The predicted probabilities included in the main body of the text are derived from the model that includes the contextual level measure for states with a post-prison voting ban. Additionally, individual level measures for race and partisanship are included as independent terms. As a robustness check an additional model was tested that instead interacted these measures. While the results were largely equivalent, black Republicans did express significantly less punitive attitudes than their white counterparts. The results from both models are included in Appendix Table A4.7, and a similar postestimation exercise is included in Appendix Figure A4.2.

the majority opinion of all groups in each sample is in favor of laws that allow people to vote after “paying their debt to society.”

Table 4.1: Percent of People in Favor of Voting Rights Restoration Upon Completion of Terms of Service

Group	Florida Samples		Tennessee	National Sample	
	(Sept.)	(Oct.)		Respondents in States with Post-Prison Ban = No	Respondents in States with Post-Prison Ban = Yes
Democrats	82.9%	83.9%	78.2%	92.2%	93.0%
Independent/Other	65.6%	71.3%	75.8%	85.9%	86.6%
Republicans	61.2%	53.3%	68.9%	81.0%	77.2%
Black	81.6%	93.0%	73.1%	96.2%	95.2%
White	68.8%	66.4%	74.3%	84.1%	81.9%
Other	70.2%	61.3%	71.4%	-	-
Overall	70.8%	69.0%	73.1%	86.9%	85.9%

Conclusions

This chapter set out to examine the degree to which mass public opinion was in congruence with policy with regards to criminal disenfranchisement laws in the United States. Based on the evidence interrogated here, the answer to this question appears to be a resounding no. Evidence from two southern states with among the most restrictive voting laws for people convicted of felonies found overwhelming support for legislation that would make criminal disenfranchisement laws in those states less onerous. This fact implies that current policy is not in alignment with public tastes. Additional analyses of national level data largely complemented this point by demonstrating that policy attitudes are largely independent of contextual level measures. Being from a Republican-majority state or one which had made felony voting laws less restrictive in recent years had no statistically discernible relationship with attitudes. A slight decrease in support for less restrictive voting laws was found among respondents from states with some form of post-prison voting ban for people convicted of felonies, but this effect became statistically unstable when the measure was decomposed into its ordinal components. Taken together, the evidence presented here suggests that the state level variation in policies surrounding criminal disenfranchisement laws in the United States is largely unrelated to mass public opinion.

This lack of congruence between the public’s attitudes toward criminal disenfranchisement and actual state law fits within a broader discussion of how well public attitudes are translated into

policy. On the one hand, it has been demonstrated in the literature that U.S. states with more liberal voters tend to end up with relatively more liberal policies (Erikson, Wright, and McIver 1993). On the other, more recent research on how well specific policies in salient issue areas as gay rights, abortion, and law enforcement align with mass public opinion have yielded mixed results (Lax and Phillips 2009, 2012). The results from the analyses in this chapter tend to align more neatly with the latter research than the former in highlighting how even on salient political issues, and counter to the policy congruence school of thought, policy can run afoul of public preferences. Further, like research has found as it relates to gay rights specifically, the incongruence here between attitudes and policy on criminal disenfranchisement generally tends toward more conservative laws than the mass public would prefer.

At the individual level, the analyses in this chapter provide some results that help us better understand the drivers of opinion on this issue. As expected based on prior research, education was largely unrelated to attitudes. Young people and those of lower income groups tended to express less punitive attitudes. For race and partisanship, although they are clearly linked to attitudes toward disenfranchisement laws, when, where, and to what degree this is the case is left a little unclear with these data. Evidence from the state level analyses suggest that the impact of race on attitudes might be moderated by how salient disenfranchisement reform is in the public discourse. However, the data from the national sample demonstrated a clear, strong relationship between both party and race and attitudes toward felony voting rights across the nation as a whole. Further work on this topic is needed to determine the degree to which issue salience might matter for attitudes toward disenfranchisement laws among racial and partisan groups, and whether or not any such moderating effects are context dependent. To wit, is it the case that issue salience matters in all contexts, or is its impact on attitudes strongest in states with more extreme voting laws?

In 31 states, people convicted of felonies are prohibited from voting for some period of time after leaving prison. Of those, 11 states further restrict the right to for people convicted of felonies after they complete the full terms of their service. These data suggest that those states do so in opposition to mass public opinion. Contrary to the notion that laws surrounding criminal disenfranchisement are reflective of mass public opinion, the analyses presented here demonstrate that laws in those states are out of alignment with public preference. Whether this means that the policy congruence hypothesis is invalid, at least in this issue domain, or, instead, that the United States is currently in a recalibration period and policy will eventually catch up with preferences remains unclear. What is clear, though, is that millions of Americans that have 'paid their debt to

society' remain unable to vote for their political officials despite the fact that the mass public supports reinstating their right to do so.

To this end, the real-world path of the ballot initiative respondents in the state level Florida samples were asked about is instructive of how widely policy and public preferences can diverge. In November of 2018 the initiative passed by a wide margin and, in theory, paved the way for an estimated 1.4 million Floridians with a felony conviction who had completed their sentence to automatically have their voting rights restored. Despite this, the state's political leaders immediately moved to create barriers to the law's implementation by tying re-enfranchisement to payment of criminal debt (Breslow 2020). In May of 2020 a U.S. District Judge ruled that the state's efforts to do so was akin to a poll tax and thereby unconstitutional. However, the case was subsequently brought to the U.S. Appeals Court which halted the judge's ruling (Rozsa 2020). As a result, the vast majority of the people convicted of felonies that were supposed to be re-enfranchised based upon the initiative passed by a majority of Florida voters were not allowed to vote in the 2020 primary and presidential elections. Their ineligibility to vote was due to the actions of state policymakers in opposition to the preferences of voters – a clear example of policy far falling astray of public opinion (Mazzei and Wines 2020).

CHAPTER 5

CONCLUSION

This project began as an attempt to wrestle with the broad observation that people around the world are often not well served by those individuals in positions of political power who purport to represent them in enacting the laws and policies that govern their lives. In the many autocratic political systems of the world, this disconnect between the mass public and the actions of political elites is a clear byproduct of the design of the political regime. However, in democratic systems too, including both those that are emerging and those that are well established, evidence of disconnect between representatives and those they claim to represent nevertheless persists. One source of this disconnect is simply the political exclusion of significant segments of society. Central to the enterprise of democracy is the notion that a society's citizens have the right to choose the laws and leaders to whose coercive force they are beholden. Yet, across time and space, most democratic states have fallen short of fulfilling this ideal by refusing certain segments of their populations the right to participate in politics.

It is with these facts in mind that this dissertation narrows its focus to one specific form of political participation – voting, and one specific form of exclusion – criminal disenfranchisement. Criminal disenfranchisement is unique among common forms of modern political exclusion in democratic societies in that it represents a right that is taken away from an individual previously considered to be a full member of society as a form of punishment for a crime they are alleged to have committed. From this all too frequent provision of democratic systems arises the question of what impact taking away a person's fundamental democratic right – that of voting – has on the quality and durability of the political system itself and the society it purports to serve?

To unpack this question, I approach it from several different vantage points. In my first empirical chapter, I first take a global perspective to get a sense of the landscape of criminal disenfranchisement around the world. I show that among countries that hold at least nominally free and fair elections, about 43% have some form of criminal voting restrictions. While the specific form of these restrictions vary from country to country, they all serve in one way or another to mute, or extinguish altogether, the political voice of significant numbers of citizens. Within this subgroup of nations, the relative size of the population most likely to be immediately affected by

these restrictions – the currently incarcerated, varies widely from a low of just over 20 people per 100,000 residents to a high of nearly 638 (Highest to Lowest - Prison Population Rate 2020). From the analyses conducted for this project, the United States emerges as a clear outlier both in terms of the severity of its criminal voting restrictions as well as the relative size of its custodial population subject to their consequences.

The U.S. is also distinct from many other democratic nations in that the determination of who is allowed to vote in elections is made almost entirely at the subnational level. As a consequence, U.S. states have disparate laws surrounding criminal disenfranchisement that range from never revoking an individual's right to vote due to a criminal conviction to permanently barring them from voting, even after they complete the terms of their sentence. With this in mind, the remainder of the empirical analyses home in on the case of the U.S. to exploit this variation in criminal disenfranchisement law to examine its consequences for society.

At the system level, I demonstrate that U.S. states with higher rates of criminal disenfranchisement exhibit poorer democratic performance. Specifically, states that criminally disenfranchise larger portions of their populations do a worse job of educating, enriching, and employing their residents. I connect these findings to previous research on democratic development that shows a positive association between democratization and the provision of broad public goods. The analyses highlight the need to revise our concept of democracy by illustrating that even in a country like the U.S. – a country that most would consider to be fully democratic – there are still sizable portions of the population held out of politics with measurable consequences for democratic performance. As such scholars looking to understand variations in performance and development among ostensibly democratic societies should take seriously the impact that exclusionary voting laws and practices such as criminal disenfranchisement have on those outcomes. Further, this chapter highlights the need to incorporate subnational variations in issue areas such as voting rights when making national level assessments of democracy. That is, what the case of the U.S. clearly suggests is that the tendency among scholars of democracy to focus on national level institutions and procedures can fundamentally misrepresent the degree to which a system is truly democratic or not in practice.

In my second empirical chapter I pivot from examining how criminal disenfranchisement affects societal outcomes overall to focusing on its direct impact on individuals. Previous research has found that prolonged contact with the carceral state tends to leave individuals feeling less politically engaged, trusting, and efficacious. Contrary to this research, however, using public

opinion data from a survey fielded in 2017, I find that individuals with felony convictions appear to report slightly higher levels of political engagement and willingness to participate in political acts than their peers without felony convictions. In the chapter I discuss some potential explanations for this surprising deviation from prior research such as limitations of the data and alternative hypotheses such as posttraumatic growth. An additional explanation for the findings worth exploring in future research are potential temporal differences between the data used for the analyses in this dissertation and those from prior research. With the explosion of racial awareness and the increasing support for the Black Lives Matter movement in the United States, it is very well possible that people's reactions to contact with the carceral state elicit different reactions now than they did in the past.

More in line with expectation, though, I find that this slight positive effect of felony convictions is dampened by living in a state with post-prison disenfranchisement laws. People convicted of felonies that live in states with some form of post-prison disenfranchisement laws express less connection to politics, political efficacy, and willingness to participate in politics than their peers in states without such laws. This finding echoes previous research that has examined the moderating effect of criminal disenfranchisement laws on the impact of contact with the carceral state (Anoll and Israel-Trummel 2019).

Finally, in my last empirical chapter I examine attitudes toward criminal disenfranchisement laws among the mass public. In the chapter I sought to answer the degree to which variation in criminal disenfranchisement laws across the United States could be explained by commensurate variation in tastes for these laws among the mass public. In short, the data suggest the answer is no. I analyzed four different samples of data – three samples of likely voters from two southern states with some of the most restrictive criminal disenfranchisement laws in the nation and one nationally representative sample. In each of the samples, the overall majority opinion as well as among all of the subgroups analyzed was for less restrictive criminal disenfranchisement laws than were currently in place. In addition, while analysis of the national level data did demonstrate slightly more punitive attitudes among people living in states with some form of post-prison disenfranchisement, the effect substantively paled in comparison to the individual level factors analyzed. Moreover, none of the other contextual level factors analyzed yielded any findings of any consequence.

These results challenge the notion that public attitudes and policy tend to fall into congruence. When asked, people in the United States consistently ranked voting as one of their most important democratic rights. In addition, the data analyzed here in conjunction with prior research

has clearly demonstrated that they also believe that right should be extended to people convicted of felonies after they serve their time. Nevertheless, many states across the U.S. have laws and policies in place that continue to punish people convicted of felonies by refusing them the right to vote long after they leave prison or jail. Put bluntly, the policy congruence hypothesis simply cannot explain this gap between a clearly, consistently expressed desire among the mass public for less punitive laws surrounding criminal disenfranchisement on the one hand, and their continued practice on the other.

Rather, political actors appear to be unwilling to revise criminal disenfranchisement laws to better reflect public sentiment. This matters deeply for democracy from a representational perspective as it highlights that even in a country such as the United States where elections are held regularly, generally free of malfeasance, and have real consequences, political officials feel sufficiently insulated from the voting public to continue to pursue policies that do not align with voters' preferences. While this representational gap could perhaps be explained away for certain political issues that are not widely known about or fully understood among the mass public, or only appeal to a small cross-section of voters, criminal disenfranchisement represents an issue repeatedly demonstrated to be at the top of the mass public's priority ranking: who has the right to vote. Based on the findings here, more work is needed to better understand this disconnect between political elites and their constituents on this issue, when we should expect them to pursue policies that stand in contrast to public attitudes, and what forces push them toward this behavior.

In summation, to return to the motivating question for this dissertation, the effect of criminal disenfranchisement on democracy appears to be soundly negative. After identifying the United States as a clear outlier in terms of the severity of its laws and the size of its population affected by them, this project examined the impact of those laws from several vantage points. Criminal disenfranchisement laws and practices were found to be associated with negative democratic performance, decreased political engagement among people convicted of felonies (relative to their counterparts in non-disenfranchisement states), and widely out of step with the preferences of the voting public. Taken together, then, the results indicate not just that refusing people the right to vote due to criminal convictions has negative direct effects on individuals and indirect effects on society as a whole, but also that political leaders in ostensibly democratic nations might continue to pursue policies that perpetuate those exclusionary practices, and thus their negative consequences, long after it becomes clear that they are no longer the preference of the median voter.

This project has raised important questions and opportunities for future research. Potential projects include further refining some of the surprising findings in parts of this dissertation by additional research with new data, conducting empirical analyses similar to those in this dissertation in contexts outside of the United States, extending the application of this research to other forms of exclusionary voting practices such as those of noncitizen voting rights, and trying to develop more general models of the impact of policies and practices that prevent certain groups or people from having a formal say in the laws that govern their lives. While these are all fascinating and important opportunities for future research, they were simply outside the scope of this dissertation. Hopefully, though, this project can serve as a stepping stone for future research to continue to grapple with why it is that across time and space, even in modern democracies, so many people are left out of politics and the implications that flow from that fact.

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THE SIZE AND SCOPE OF CRIMINAL DISENFRANCHISEMENT APPENDIX

Although this paper focused on criminal disenfranchisement, I also performed some initial analyses attempting to quantify the size and scope on non-citizen voting restrictions around the world. Data on country level non-citizen populations are taken from the World Bank (International Migrant Stock (% of Population) 2015). The institution reports that 91% of countries/areas of the world have at least one reliable data source. There were nine countries for which no reliable data could be found for which they derived estimates from a measurement model.⁵⁸ The data used to create the figure for non-citizen populations are based on the most current available data for a given country, in most cases 2015 estimates.

Figure A2.1 shows the percent of a country's total population that is classified as being a non-citizen of that country. The data range from about .1% to 88.4%, and the median country's non-citizen population accounts for 4.22% of its total population.⁵⁹ The data illustrate a few interesting points. First, outside of the Arabia Peninsula⁶⁰ and a few other isolated cases, the countries with the highest non-citizen populations as a proportion of their total population tend to come from predominantly countries/regions with comparatively strong economies. In terms of raw totals, these data suggest that countries around the world house just south of 250 million non-citizen residents. This accounts for about 3.5% of the world's total population.⁶¹

In order to get a sense of how these non-citizen populations map onto voting restrictions, I utilize data from Freedom House and the Ace Project in a manner equivalent to that used in Chapter 2. The key difference is that instead of criminal voting restrictions, I construct a measure that indicates whether non-citizen populations are allowed to vote after a term of residence, or whether they are permanently barred from voting. Figure A2.2, which plots the results, reveals several interesting points. First, of countries classified as at least partly free, a majority do have both a large stock of non-citizen population and do not allow them to vote. Among countries that disenfranchise non-citizens, the median percentage of its population that thereby cannot vote 3.87% and the mean 9.3%. Especially in close elections, if non-citizens could reliably be counted to vote on

⁵⁸ Those countries include China, the DPRK, Eritrea, and Somalia.

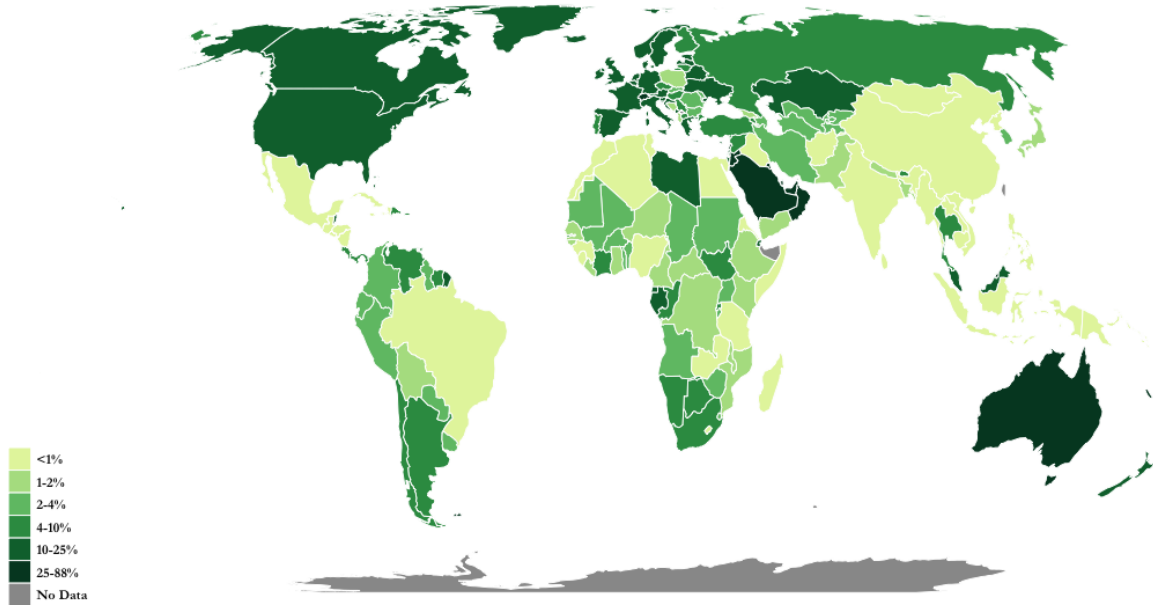
⁵⁹ China, UAE, and Georgia respectively

⁶⁰ The United Arab Emirates is the clearest outlier as about 4 out of 5 of its residents are classified as non-citizens (Koch 2016). Relatedly, despite having quite restrictive citizenship requirements that generally favor its male population, not included in Saudi Arabia's 32% non-citizen population is a robot named [Sophia](#).

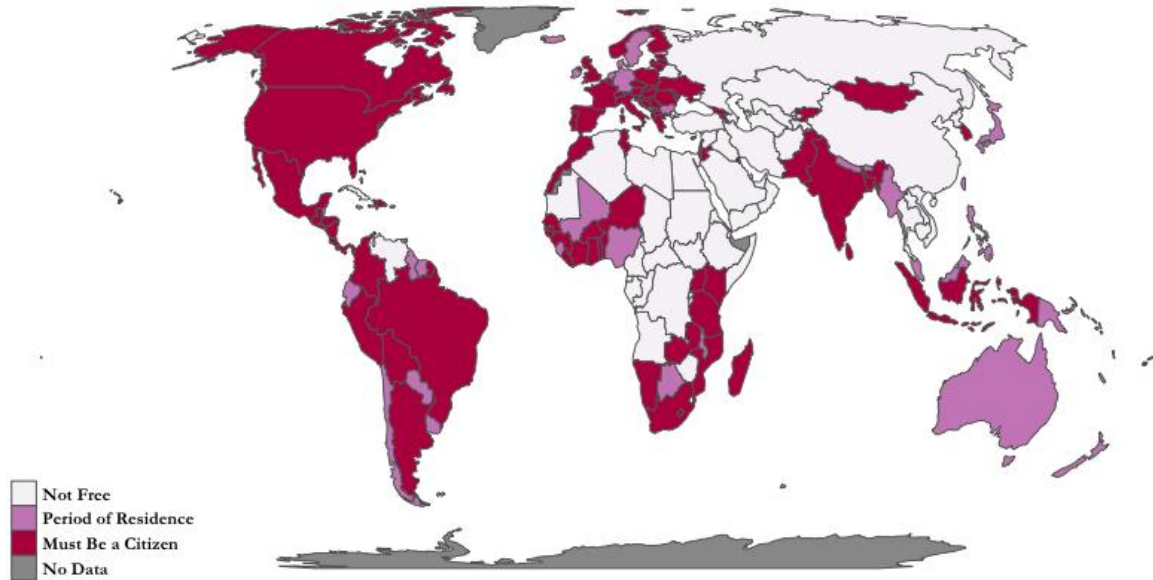
⁶¹ For context, the non-citizen population in 1960 was just 2.3% of the global population with a raw total of 77 million people.

in a specific way (i.e. for a certain party/candidate), that would no doubt be enough to alter a country's representational landscape.

Appendix Figure A2.1: Country Level Percentages of Population That Are Non-citizens



Appendix Figure A2.2: Restrictiveness of Non-citizen Voting Rights



Appendix Table A2.1: Regression of Standardized Composite Measure of State Level Characteristics on Rates of Criminal Disenfranchisement

	β
Disenfranchisement Rate	-16.28*** (0.04)
Constant	0.33*** (0.13)
Observations	50
R-squared	0.25
Cronbach's Alpha (Standardized)	.84

Robust standard errors in parentheses

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

Appendix Table A2.2: Regressions of State Level Characteristics on Rates of Criminal Disenfranchisement & Criminal Disenfranchisement Regime Type

	% of Population With a 4-Year Degree or Higher	% of Population Below Poverty	% of Population Unemployed	Median Household Income (In Thousands)	Violent Crime Rate (Per 100,000 Residents)
% of Voting Age Population Disenfranchised	-0.79*** (0.27)	0.73*** (0.17)	0.09* (0.05)	-1.93*** (0.46)	10.47 (13.35)
Prison Criminal Disenfranchisement	-0.74 (2.43)	-0.02 (0.50)	0.61*** (0.15)	10.80*** (2.90)	183.23*** (33.50)
Prison & Parole Criminal Disenfranchisement	2.18 (2.73)	-0.26 (0.67)	1.38*** (0.17)	20.35*** (1.75)	176.31* (93.20)
Prison, Parole, & Probation Criminal Disenfranchisement	-4.59* (2.39)	1.35 (0.86)	0.55*** (0.20)	3.19 (2.97)	283.88*** (63.11)
Post-Sentencing Criminal Disenfranchisement	-1.78 (2.72)	-1.48* (0.85)	0.29 (0.27)	9.97*** (3.52)	147.65** (69.22)
Constant	35.93*** (2.06)	10.52*** (0.27)	2.62*** (0.08)	60.96*** (1.54)	142.06*** (22.54)
Observations	50	50	50	50	50
R-squared	0.32	0.39	0.22	0.39	0.21

Robust standard errors in parentheses

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

Appendix Table A2.3: Regressions of State Level Characteristics on Rates of Criminal Disenfranchisement, Criminal Disenfranchisement Regime Type, & Whether or Not a State is in the South

	% of Population With a 4-Year Degree or Higher	% of Population Below Poverty	% of Population Unemployed	Median Household Income (In Thousands)	Violent Crime Rate (Per 100,000 Residents)
% of Voting Age Population Disenfranchised	-0.71 (0.42)	0.49* (0.25)	0.05 (0.07)	-1.56* (0.80)	11.44 (17.05)
Southern State	-0.55 (2.24)	1.62 (1.21)	0.29 (0.24)	-2.51 (4.86)	-6.58 (80.40)
Prison Criminal Disenfranchisement	-0.75 (2.47)	-0.01 (0.54)	0.62*** (0.15)	10.77*** (3.01)	183.16*** (34.01)
Prison & Parole Criminal Disenfranchisement	2.11 (2.77)	-0.05 (0.71)	1.42*** (0.18)	20.02*** (1.85)	175.47* (94.64)
Prison, Parole, & Probation Criminal Disenfranchisement	-4.46* (2.44)	0.95 (0.91)	0.48** (0.22)	3.81 (3.28)	285.50*** (76.79)
Post-Sentencing Criminal Disenfranchisement	-1.92 (2.89)	-1.05 (0.95)	0.37 (0.29)	9.31** (3.83)	145.91** (70.42)
Constant	35.93*** (2.09)	10.52*** (0.27)	2.62*** (0.08)	60.96*** (1.55)	142.06*** (22.80)
Observations	50	50	50	50	50
R-squared	0.32	0.42	0.24	0.39	0.21

Robust standard errors in parentheses

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

Appendix Table A2.4: State Codings for
Variables Used in Robustness Checks (Part 1)

State	Legal Severity of Disenfranchisement [†]	Southern State [*]
Alabama	4	Y
Alaska	3	N
Arizona	4	N
Arkansas	3	Y
California	2	N
Colorado	1	N
Connecticut	2	N
Delaware	4	N
Florida	4	Y
Georgia	3	Y
Hawaii	1	N
Idaho	3	N
Illinois	1	N
Indiana	1	N
Iowa	4	N
Kansas	3	N
Kentucky	4	Y
Louisiana	3	Y
Maine	0	N
Maryland	1	Y
Massachusetts	1	N
Michigan	1	N
Minnesota	3	N
Mississippi	4	Y
Missouri	3	Y
Montana	1	N
Nebraska	4	N
Nevada	1	N
New Hampshire	1	N
New Jersey	1	N
New Mexico	3	N
New York	2	N
North Carolina	3	Y
North Dakota	1	N
Ohio	1	N
Oklahoma	3	Y
Oregon	1	N
Pennsylvania	1	N
Rhode Island	1	N
South Carolina	3	Y
South Dakota	3	N
Tennessee	4	Y
Texas	3	Y

Appendix Table A2.4: State Codings for
Variables Used in Robustness Checks (Part 2)

State	Legal Severity of Disenfranchisement [†]	Southern State
Utah	1	N
Vermont	0	N
Virginia	4	Y
Washington	3	N
West Virginia	3	Y
Wisconsin	3	N
Wyoming	4	N

[†] Felons: Never lose the right to vote (0); Cannot vote while in prison (1); Cannot vote while in prison or parole (2); Cannot vote while in prison or on parole or probation (3); Cannot vote while in prison or on parole or probation and state has some additional form of voting ban (4)

THE POLITICAL EFFECTS OF CRIMINAL DISENFRANCHISEMENT APPENDIX

Appendix Table A3.1: Political Efficacy & Participation Scaling Diagnostics

	Efficacy (Self)	Efficacy (Community)	Participation	Participation (No Voting)
No. of Items	3	3	8	7
Average Interitem Variance	0.442	0.371	-	-
Cronbach's Alpha	0.623	0.610	.671	.638

Appendix Table A3.2a: Political Attitudes Regression Estimates

Independent Variables	Political Trust	Connection To Politics	Efficacy (Self)	Efficacy (Community)
Felony Conviction	1.055 (1.994)	6.520* (2.040)	2.416 (1.760)	3.044 (1.869)
Post-Prison Voting Ban	-0.211 (0.632)	0.447 (0.638)	0.640 (0.519)	1.323* (0.523)
Felony*Post-Prison	6.146* (2.829)	-3.067 (2.637)	-2.869 (2.170)	-4.782* (2.234)
Black	0.385 (0.788)	1.533* (0.755)	1.648* (0.628)	2.423* (0.657)
Female	-2.118* (0.629)	1.247 (0.645)	-5.905* (0.529)	1.555* (0.516)
Some College	-1.802* (0.643)	3.334* (0.662)	5.623* (0.554)	2.224* (0.533)
4-Year Degree or More	-0.434 (0.885)	3.911* (0.879)	8.616* (0.741)	4.540* (0.722)
Income (In 10,000s)	-0.509 (1.207)	-2.544* (1.161)	8.306* (0.977)	5.456* (0.959)
Age (In Years)	-5.950* (1.255)	4.137* (1.261)	4.448* (1.065)	-0.659 (1.041)
Party ID	12.506* (1.125)	-6.632* (1.042)	-0.883 (0.859)	0.316 (0.895)
Constant	30.021* (1.194)	65.898* (1.209)	53.517* (0.985)	53.283* (0.981)
Observations	10,373	10,902	10,902	10,902
R-squared	0.042	0.019	0.087	0.023

Robust standard errors in parentheses; * p<0.05

Appendix Table A3.2b: Effects of Felony Convictions on Political Attitudes

Independent Variables	Political Trust	Connection To Politics	Efficacy (Self)	Efficacy (Community)
No Post-Prison Ban	1.055 (1.994)	6.520* (2.040)	2.416 (1.760)	3.044 (1.869)
Post Prison-Ban	7.201* (2.034)	3.453* (1.713)	-0.453 (1.300)	-1.737 (1.260)
Observations	10,373	10,902	10,902	10,902

Standard errors in parentheses; * p<0.1

Appendix Table A3.3a: Political Participation Regression Estimates

Independent Variables	Participation	Participation (No Voting)
Felony Conviction	4.466* (1.787)	4.908* (1.774)
Post-Prison Voting Ban	-0.372 (0.501)	-0.239 (0.507)
Felony*Post-Prison	-4.585* (2.184)	-2.903 (2.165)
Black	1.632* (0.624)	2.058* (0.625)
Female	-2.012* (0.491)	-2.389* (0.495)
Some College	7.787* (0.508)	6.888* (0.505)
4-Year Degree or More	9.535* (0.695)	8.505* (0.707)
Income (In 10,000s)	9.949* (0.928)	8.487* (0.945)
Age (In Years)	8.242* (0.999)	2.229* (1.022)
Party ID	-7.062* (0.787)	-7.127* (0.817)
Constant	22.854* (0.913)	20.707* (0.910)
Observations	10,904	10,904
R-squared	0.114	0.088

Robust standard errors in parentheses; * p<0.05

Appendix Table A3.3b: Effects of
Felony Convictions on Political Participation

Independent Variables	Participation	Participation (No Voting)
No Post-Prison Ban	4.466* (1.787)	4.908* (1.774)
Post Prison-Ban	-0.118 (1.276)	2.005 (1.262)
Observations	10,904	10,904

Standard errors in parentheses; * p<0.05

THE POLITICAL WILL OF RIGHTS RESTITUTION APPENDIX

Appendix Table A4.1: Logistic Regression Results of
Likelihood of Support for Voting Reform Legislation in Florida

	September 2018		October 2018	
	DKs Excluded	DKs Included	DKs Excluded	DKs Included
Black	<i>Omitted</i>	<i>Omitted</i>	<i>Omitted</i>	<i>Omitted</i>
White	0.934 (0.457)	0.942 (0.373)	0.420** (0.180)	0.343*** (0.131)
Other	0.733 (0.368)	0.780 (0.328)	0.231*** (0.108)	0.173*** (0.070)
Democrat	<i>Omitted</i>	<i>Omitted</i>	<i>Omitted</i>	<i>Omitted</i>
Other	0.375*** (0.133)	0.400*** (0.118)	0.430*** (0.117)	0.548** (0.131)
Republican	0.258*** (0.080)	0.350*** (0.090)	0.234*** (0.054)	0.284*** (0.058)
No HS Degree	<i>Omitted</i>	<i>Omitted</i>	<i>Omitted</i>	<i>Omitted</i>
HS Degree	0.690 (0.842)	1.106 (0.852)	0.538 (0.350)	0.806 (0.395)
Some College	0.612 (0.732)	1.344 (1.010)	0.671 (0.429)	0.993 (0.472)
4-Year Degree	0.649 (0.777)	1.326 (0.995)	0.525 (0.328)	0.790 (0.369)
Post-Grad	0.486 (0.584)	1.070 (0.806)	0.674 (0.427)	1.028 (0.493)
Female	1.541* (0.375)	1.264 (0.269)	1.250 (0.242)	1.045 (0.181)
Age [0,1]	0.335* (0.200)	0.252*** (0.128)	0.248*** (0.096)	0.298*** (0.103)
Constant	19.573** (23.999)	7.211** (5.711)	51.713*** (40.674)	27.129*** (17.276)
Observations	558	606	973	1,049

Coefficients are odds ratios
Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Appendix Table A4.2: Logistic Regression Results of Likelihood of Support for Voting Reform Legislation in Tennessee

	DK/Refuse Excluded	DK/Refuse Included
Black	<i>Omitted</i>	<i>Omitted</i>
White	1.349 (0.419)	1.368 (0.405)
Other	0.953 (0.472)	0.933 (0.438)
Democrat	<i>Omitted</i>	<i>Omitted</i>
Other	0.847 (0.216)	0.849 (0.207)
Republican	0.563** (0.146)	0.603** (0.150)
No HS Degree	<i>Omitted</i>	<i>Omitted</i>
HS Degree	0.902 (0.410)	0.897 (0.396)
Some College	1.449 (0.653)	1.508 (0.662)
4-Year Degree	1.764 (0.809)	1.652 (0.733)
Post-Grad	1.262 (0.581)	1.270 (0.569)
Female	1.012 (0.196)	0.993 (0.187)
Age [0,1]	0.650 (0.284)	0.639 (0.270)
Constant	3.194** (1.774)	2.916** (1.575)
Observations	961	980

Coefficients are odds ratios

Robust standard errors in parentheses

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

Appendix Table A4.3: State Codings for Contextual Level Variables (Part 1)

State	Trump State	Republican Governor	Restored Rights (Since 2010)	Post-Prison Voting Ban	Legal Severity of Disenfranchisement [†]	Partisan Rank [*]
Alabama	X	X		X	4	4
Alaska	X			X	3	4
Arizona	X	X		X	4	2
Arkansas	X	X		X	3	4
California			X	X	2	0
Colorado			N/A		1	1
Connecticut				X	2	0
Delaware			X	X	4	0
Florida	X	X	X	X	4	2
Georgia	X	X		X	3	3
Hawaii			N/A		1	0
Idaho	X	X		X	3	4
Illinois		X	N/A		1	0
Indiana	X	X	N/A		1	4
Iowa	X	X		X	4	3
Kansas	X	X		X	3	4
Kentucky	X	X	X	X	4	4
Louisiana	X		X	X	3	4
Maine		X	N/A		0	1
Maryland		X	X		1	0
Massachusetts		X	N/A		1	0
Michigan	X	X	N/A		1	1
Minnesota				X	3	1
Mississippi	X	X		X	4	4
Missouri	X	X		X	3	4
Montana	X		N/A		1	4
Nebraska	X	X		X	4	4
Nevada		X	X		1	1
New Hampshire		X	N/A		1	1
New Jersey		X	N/A		1	0
New Mexico		X		X	3	0
New York			X	X	2	0
North Carolina	X			X	3	2
North Dakota	X	X	N/A		1	4
Ohio	X	X	N/A		1	3
Oklahoma	X	X		X	3	4
Oregon			N/A		1	0
Pennsylvania	X		N/A		1	2
Rhode Island			N/A		1	0
South Carolina	X	X		X	3	4
South Dakota	X	X		X	3	4
Tennessee	X	X		X	4	4
Texas	X	X		X	3	3
Utah	X	X	N/A		1	4

Appendix Table A4.3: State Codings for Contextual Level Variables (Part 2)

State	Trump State	Republican Governor	Restored Rights (Since 2010)	Post-Prison Voting Ban	Legal Severity of Disenfranchisement [†]	Partisan Rank [*]
Vermont		X	N/A		0	0
Virginia			X	X	4	1
Washington				X	3	0
West Virginia	X			X	3	4
Wisconsin	X	X		X	3	2
Wyoming	X	X	X	X	4	4
District of Columbia			N/A		1	0

† Felons: Never lose the right to vote (0); Cannot vote while in prison (1); Cannot vote while in prison or parole (2); Cannot vote while in prison or on parole or probation (3); Cannot vote while in prison or on parole or probation and state has some additional form of voting ban (4)

*Solid Democrat (0); Likely/Leans Democrat (1); Battleground State (2); Likely/Leans Republican (3); Solid Republican (4)

Appendix Table A4.4: Logistic Regression Results
of Interactive Models with State Level Data Sources

	Florida (Sept.)	Florida (Oct.)	Tennessee
White	1.269 (0.553)	0.376** (0.174)	1.527 (0.575)
Other Race	1.641 (0.948)	0.152*** (0.077)	3.065 (3.419)
Other Party	0.152*** (0.093)	0.556 (0.497)	1.118 (0.653)
Republican	0.280** (0.171)	0.338 (0.463)	1.646 (1.955)
White*Other Party	3.124 (2.255)	0.990 (0.942)	0.787 (0.513)
White*Republican	1.191 (0.811)	0.751 (1.044)	0.355 (0.431)
Other Race*Other Party	<i>Dropped</i>	1.017 (0.995)	0.160 (0.209)
Other Race*Republican	<i>Dropped</i>	1.331 (1.908)	0.294 (0.515)
HS Degree	1.067 (0.823)	0.804 (0.390)	0.907 (0.402)
Some College	1.292 (0.971)	0.992 (0.468)	1.515 (0.666)
4-Year Degree	1.256 (0.944)	0.785 (0.363)	1.660 (0.739)
Post-Grad	0.938 (0.713)	1.013 (0.481)	1.276 (0.574)
Female	1.326 (0.283)	1.049 (0.182)	1.001 (0.190)
Age [0,1]	0.257*** (0.131)	0.289*** (0.100)	0.639 (0.271)
Constant	5.447** (4.266)	27.031*** (18.472)	2.589* (1.449)
Observations	596	1,049	980

Coefficients are odds ratios
Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Appendix Table A4.5: Median Values Used for Predicted Probabilities

Sample	Race	Education	Sex	Age (In Years)	Income
Florida (Sept. 2018)	Black	Some College	Female	47	-
	White	Some College	Female	60	-
	Other	Some College	Male	50	-
Florida (Oct. 2018)	Black	Some College	Female	49	-
	White	Some College	Female	62	-
	Other	Some College	Female	49	-
Tennessee	Black	Some College	Female	55	-
	White	Some College	Female	52	-
	Other	Some College	Female	45	-
National	Black	Some College	Female	42	\$20-39k
	White	Some College	Female	51	\$40-59k

Appendix Table A4.6: Numerical Results of Several Ordered Logistic Regressions of Support for Felon Voting Rights on Individual and Contextual Level Factors (Part 1)

	(1)	(2)	(3)	(4)	(5)	(6)
<i>Individual Level Variables:</i>						
Black	2.157*** (0.132)	2.161*** (0.131)	2.159*** (0.131)	2.233*** (0.169)	2.189*** (0.133)	2.196*** (0.134)
Independent†	0.613*** (0.039)	0.613*** (0.039)	0.612*** (0.038)	0.606*** (0.048)	0.614*** (0.039)	0.615*** (0.039)
Republican	0.468*** (0.030)	0.465*** (0.030)	0.464*** (0.030)	0.441*** (0.036)	0.468*** (0.030)	0.470*** (0.030)
HS Grad†	0.889 (0.120)	0.887 (0.120)	0.886 (0.120)	0.859 (0.148)	0.885 (0.120)	0.886 (0.120)
Some College	0.880 (0.116)	0.883 (0.117)	0.882 (0.117)	0.849 (0.144)	0.882 (0.117)	0.882 (0.117)
4-Year Degree	0.868 (0.120)	0.867 (0.120)	0.867 (0.120)	0.824 (0.147)	0.864 (0.120)	0.863 (0.120)
Post-Grad Degree	0.894 (0.292)	0.889 (0.290)	0.888 (0.289)	0.965 (0.386)	0.889 (0.291)	0.895 (0.293)
Woman	0.967 (0.051)	0.966 (0.051)	0.966 (0.051)	0.942 (0.062)	0.964 (0.051)	0.965 (0.051)
Age [0,1]	0.306*** (0.032)	0.310*** (0.032)	0.311*** (0.032)	0.324*** (0.042)	0.311*** (0.032)	0.310*** (0.032)
Income [0,1]	0.700*** (0.073)	0.712*** (0.074)	0.716*** (0.074)	0.718*** (0.092)	0.714*** (0.073)	0.708*** (0.073)

† Democrats and people with no HS degree are the reference categories for the individual level measures. Solid Democrat state and states that never abridge felons' voting rights are the reference category for the contextual level measures.

Coefficients are odds ratios; Robust standard errors in parentheses

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

Appendix Table A4.6: Numerical Results of Several Ordered Logistic Regressions of Support for Felon Voting Rights on Individual and Contextual Level Factors (Part 2)

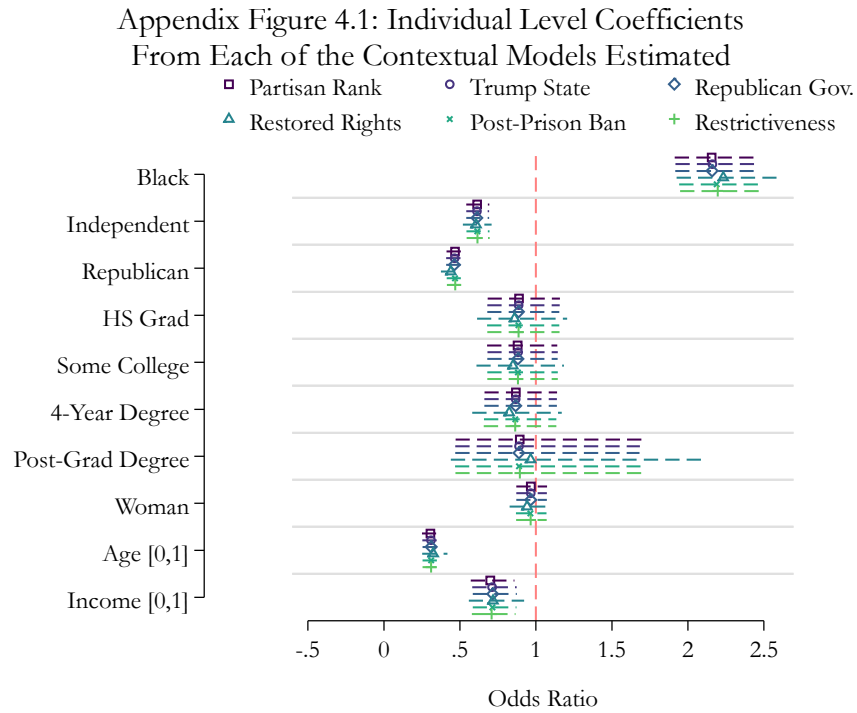
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Contextual Level Variables:</i>						
Likely/Lean Dem [†]	1.090 (0.093)					
Battleground	0.977 (0.070)					
Likely/Lean Rep	1.035 (0.082)					
Solid Rep	0.900 (0.067)					
Trump State		0.996 (0.053)				
Republican Gov.			1.043 (0.054)			
Restored Rights (Since 2010)				0.985 (0.064)		
Post-Prison Voting Ban					0.870*** (0.045)	
Prison Only [†]						0.747 (0.200)
Prison & Parole						0.689 (0.188)
Prison, Parole, & Probation						0.653 (0.175)
Post-Sentencing Ban						0.630* (0.170)
τ_1	0.053*** (0.008)	0.055*** (0.008)	0.056*** (0.009)	0.054*** (0.011)	0.050*** (0.008)	0.038*** (0.011)
τ_2	1.444** (0.215)	1.469*** (0.217)	1.514*** (0.223)	1.505** (0.281)	1.351** (0.196)	1.016 (0.306)
Observations	10,995	10,995	10,995	7,104	10,995	10,995

† Democrats and people with no HS degree are the reference categories for the individual level measures. Solid Democrat state and states that never abridge felons' voting rights are the reference category for the contextual level measures.

Coefficients are odds ratios; Robust standard errors in parentheses

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

Appendix Figure 4.1 graphically displays the individual level coefficients from the six contextual models estimated and presented in the main body of the dissertation in Figure 4.4. Appendix Table 4.6 presents the same information in numerical form. The graphical representation of the results is shown here to highlight the overall stability and similarity of the individual level coefficients across all of the contextual models tested in the analyses.

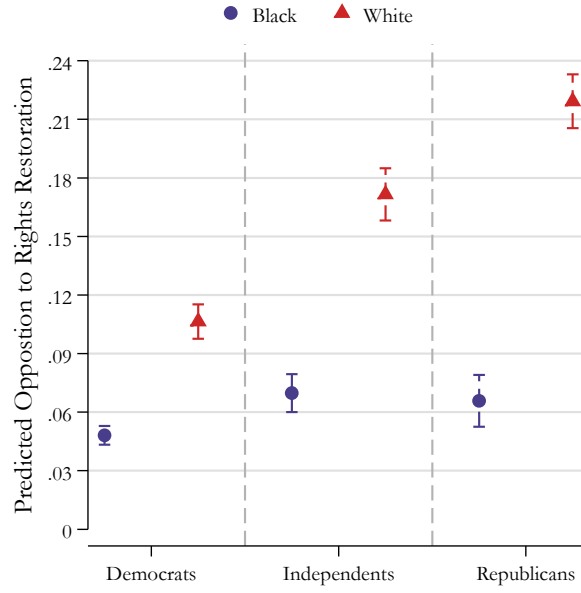


Appendix Table A4.7: Numerical Results of Ordered Logistic Regressions of Support for Felon Voting Rights With Race and Party Included as Independent and Interactive Effects

	(1)	(2)
Black	2.189*** (0.133)	1.940*** (0.147)
Independent	0.614*** (0.039)	0.575*** (0.043)
Republican	0.468*** (0.030)	0.424*** (0.030)
Black*Independent		1.172 (0.157)
Black*Republican		1.692*** (0.297)
HS Degree	0.885 (0.120)	0.889 (0.120)
Some College	0.882 (0.117)	0.888 (0.118)
4-Year Degree	0.864 (0.120)	0.868 (0.121)
Post-Grad Degree	0.889 (0.291)	0.882 (0.291)
Female	0.964 (0.051)	0.966 (0.051)
Age [0,1]	0.311*** (0.032)	0.318*** (0.033)
Income [0,1]	0.714*** (0.073)	0.720*** (0.074)
Post-Prison Voting Ban	0.870*** (0.045)	0.868*** (0.045)
τ_1	0.050*** (0.008)	0.048*** (0.007)
τ_2	1.351** (0.196)	1.301* (0.188)
Observations	10,995	10,995

Coefficients are odds ratios
Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Appendix Figure 4.2: Predicted Probabilities of Support for Permanent Voting Ban for Felons Among Black and White Americans From Interactive Model



Source: Spring 2017 SSI Survey