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Bias in the Florida Felons Exclusion List in the
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Abstract

This paper examines the production and use of the exclusion lists by the state, its private sector contractor, Database Technologies (DBT), and Florida's 67 counties between 1998 and the 2000 elections. It places the exclusion lists in the context of the social and political structure of the United States and the state of Florida, and interprets its significance within that context. I provide a detailed accounting of the contents of the lists, identify ways in which the lists reveal weaknesses in Florida's voter list maintenance procedures up to 2000, and identify the types of errors made and biases in the production and use of the lists. The three major findings of the analysis are: a) the 2000 felons' exclusion list had a considerable number of errors in it, probably between 20% and 30% of the names on the list were on there in error; b) these errors were racially biased, such that more African-American registered voters were on the list in error than either Whites or Latinos; and c) that the decentralized process by which the felons' list was used to purge the voter rolls resulted in a sometimes judicious but sometimes partisan purging process – Democratic county supervisors were less likely to use the felons' list than Republican ones, but even the latter found considerable, biased errors in the list.

Introduction

In June 1999 and again in June 2000 the state of Florida distributed electronic databases to each of the county supervisors in the state listing voters registered in that county who were either deceased, were registered in another county in the state, or were identified as felons or ex-felons, who had not had their civil rights restored. The counties had an obligation, under state law, to ensure that the voter rolls were purged of all dead people, people registered more than once, and felons and ex-felons. Furthermore, the state constitution of Florida explicitly stipulated that felons and ex-felons could not vote in all elections (Article VI, Section 4(a)). The exclusion lists, as the databases were known, were part of an attempt by the state to assist the counties in complying with the constitutional provision denying felons and ex-felons the vote, and ensuring the general integrity of the voter rolls by assisting counties in deleting dead people and duplicate registrants from the rolls. The exclusion lists were built off “central voter files” that the state compiled from county voter registration rolls in 1999 and again in 2000.

This paper examines the production and use of the exclusion lists by the state, its private sector contractor, Database Technologies (DBT), and Florida’s 67 counties between 1998 and the 2000 elections. It places the exclusion lists in the context of the social and political structure of the United States and the state of Florida, and interprets its significance within that context. I provide a detailed accounting of the contents of the lists, identify ways in which the lists reveal weaknesses in Florida’s voter list maintenance procedures up to 2000, and identify the types of errors made and biases in the production and use of the lists. The three major findings of the analysis are: a) the 2000 felons’ exclusion list had a considerable number of errors in it, somewhere between 20% and 30% of the names on the list were on there in error; b) these errors

were racially biased, such that more African-American registered voters were on the list in error than either Whites or Latinos; and c) that the decentralized process by which the felons' list was used to purge the voter rolls resulted in a sometimes judicious and sometimes partisan purging process – Democratic county supervisors were less likely to use the felons' list than Republican ones, but even the latter found considerable, biased errors in the list.

I generate these results by using a variety of data, but at the heart of the analysis is a match of the records on the 2000 felons' list with the voter rolls as of April 2001. This match allows me to identify who on the felons' list remained on the voter rolls after the 2000 elections, their demographic characteristics, and whether they voted or not. I find no conclusive evidence that the use of the felons' list favored one party over another, though it is likely that it favored Democrats because of the role the county supervisors played in the use of the list. On a broader note, this paper provides considerable evidence of the partisan nature of the voting process in the United States. The 2000 elections most likely disabused most Americans of the idea that the electoral process, the process of voting, is a clean, technocratic one. This paper provides further evidence of that, showing how the decentralized system of managing elections contributed to the level of partisan activity, with unexpected consequences.

This paper begins by providing a national and historical context for the events surrounding the production and use of the felons' list in Florida. It then traces the brief history of Florida's decision to implement the list maintenance procedures it had in place in 2000. And finally it analyzes the 1999 and 2000 exclusion lists, and the April 2001 Central Voter File (CVF) to explain the extent of the errors in the felons' list and the source of their biases.

National and Historical Context

Felon disfranchisement in the United States

Almost since the founding of the United States felon disfranchisement has been a common element in the constitutions of individual states. Article 1, Section 2 of the U.S. Constitution gives states the authority to define who can vote in federal elections, and, as a result, felon disfranchisement has been a common element of federal elections. This policy has been reinforced by U.S. Supreme Court interpretations of the 14th Amendment and by federal legislation. As a result, felon disfranchisement enjoys a judicially and politically strong place in the electoral practices of this country.

None of the 13 founding states had felon disfranchisement laws in their constitution.¹ But the 14th state to join the Union, Kentucky, included a provision to disfranchise felons in its 1792 constitution (Keyssar 2000, 359).² Kentucky's lead was followed by Vermont in 1793, whose constitution included a provision to disfranchise those involved in election bribery for that year, and by Tennessee in 1796, whose constitution included a disfranchisement provision. Of the 21 states founded in the 19th Century prior to the passage of the 14th Amendment, 18 included a provision to disfranchise felons in their founding constitutions (Table 1). Of the other three, Maine never had, and still does not have, a provision to disfranchise felons, Arkansas adopted one in its 1868 constitution, and Michigan adopted one in its 1963 constitution, while acknowledging that this was simply the formalization of a longheld practice of disfranchising

¹ Though in *Green vs. Board of Elections*, the Second Circuit Court of Appeals referenced Virginia's 1776 constitution as disallowing those convicted of felonious or infamous crimes from voting (380 F. 2d 445, footnote 4).

² Its 1799 constitution also included a similar provision.

imprisoned felons because they were not provided with absentee ballots. In addition, eight (8) of the founding states changed their constitutions to disfranchise felons (Keysser 2000, 390-6).

In these pre-Civil War constitutions many of the states also disfranchised African-Americans and other minorities in the same constitutions in which they disfranchised felons. All 18 of the states that disfranchised felons in their constitutions also restricted the franchise to White men, although Ohio granted the franchise to African-Americans in its 1850 constitution. In other words, the felon disfranchisement constitutional provisions were not a means to another end – the disfranchisement of African-Americans. This could not be said of many of the post-Reconstruction constitutional provisions of southern states that disfranchised felons. There is ample evidence that the constitutional conventions intentionally crafted felon disfranchisement laws in such a way as to target African-Americans (Shapiro 1993, 537-44). The intent of the constitutional conventions was to circumvent the equal protection clause of the 14th Amendment and the explicit proscription against discrimination on the basis of race found in the 15th Amendment.

Ironically, the 14th Amendment has afforded felon disfranchisement laws constitutional protection, because of the way section 2 of the amendment is worded. Section 2 reduces a state's representation in Congress (and the electoral college) in proportion to the number of people it disfranchised, "except for participation in rebellion, or other crime." This wording was designed to use the stick of lesser representation at the federal level to force states not to discriminate, without actually prohibiting discrimination, but it has often been interpreted by the courts as an endorsement of felon disfranchisement. The irony is that many lawsuits brought against felon

disfranchisement laws have cited the Section 1 of the 14th Amendment, its equal protection clause, as grounds for declaring such laws unconstitutional. In *Richardson v. Ramirez* (1974) the Supreme Court explicitly addressed the legislative origins of the language of the 14th Amendment. Though the majority opinion, upholding the constitutionality of California's felon disfranchisement constitutional provisions and statutes, noted the absence of any legislative history on the intent of the drafter of the amendment with regard to this phrase, they nevertheless found the language of the section to reflect generally accepted practice. In support of this reasoning the Court cited the fact that 29 states had felon disfranchisement laws in place at the time of the passage of the amendment, and that the 1867 Reconstruction Act also included explicit references to felon disfranchisement. In dissent, Justice Marshall argued that the language of section 2 of the amendment was the result of political expediency not of a deliberate policy decision to provide felon disfranchisement laws constitutional protection (*Richardson v. Ramirez*, 1974). In making this argument Marshall cites Mathews' (1909) history of the 15th Amendment, which includes a discussion of the origins of the 14th Amendment. Mathews notes that the language of section 2 was the product of a decision by the Republican Party not to campaign on the issue of African-American suffrage in the upcoming elections. Section 2 is devoid of any mention of race, but was still intended to guarantee the suffrage of African-Americans (Mathews 1979 [1909], 14-15).³

Felon disfranchisement has also received additional protection in legislation designed to extend

³ Mathews goes on to note that if the 14th Amendment is to be treated as one that was not superceded by the 15th, which he argues should be the case, then "the exclusion of paupers, illiterates, or idiots from the suffrage would subject a State to liability of loss of representation." (*ibid.*, 16) It should be noted that many states, including Florida, currently disfranchise those deemed to be mentally incapacitated, which, given the obeisance granted to the 14th Amendment's section 2, should result in a loss of representation.

voting rights. The House and Senate Committee Reports on the bill that was to become the Voting Rights Act of 1965 explicitly excluded felon disenfranchisement laws from the act's aegis. Specifically, both committees clearly stated that section 1973b(c) of the act, which prohibited the use of tests for "good moral character" to prevent people from voting, did not apply to felon disenfranchisement laws. This congressional intent was cited by the court in *Baker v Pataki* (1996), in which the plaintiffs argued that the State of New York was not only in violation of the 14th and 15th Amendments in their laws disenfranchisement laws, but were also in violation of section 1793 of the Voting Rights Act as amended in 1982. The 1982 amendment was, potentially, an extremely powerful tool against felon disenfranchisement laws because it specified that election laws that had a discriminatory *result*, not intent, were illegal (Sec. 3, PL97-205).⁴ As the next section of the paper will show, African-Americans and Latinos suffer disproportionately under felon disenfranchisement laws because of their high rates of incarceration. Half the judges in the case sided with the argument that the results test does not apply to felon disenfranchisement laws because "not only has Congress failed ever to make a legislative finding that felon disenfranchisement is a pretext or proxy for racial discrimination; it has effectively determined that it is not." (*Baker v. Pataki*, 1996)

As a result, felon disenfranchisement laws are ubiquitous in the U.S.. As of November 2000, 48 states and the District of Columbia disenfranchised incarcerated felons – Maine, Vermont and Massachusetts did not. Of the 48 states that disenfranchise incarcerated felons, four (4) disenfranchise those felons on parole. Another 15 also disenfranchise those on probation or parole.

⁴ Section 3 of the Voting Rights Act Amendments of 1982 amends Section 2(a) of the 1965 act to read, in part: "No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any

Finally, 13 states disfranchise ex-felons, as well as those on probation, on parole or incarcerated (Table 2). One of these 13, Delaware, disfranchises ex-felons for five years after the end of their term, while the others do so for life or until their civil rights are restored (The Sentencing Project, 2001; based on Fellner and Mauer, 1998 and updated). This ubiquity has a long history, dating back to the 1790's, and has been self-sustaining in that it has created a rationale for the perpetuation of disfranchisement laws in the face of legal challenges. The mechanism of self-sustenance has been politics – in two crucial instances, the drafting of the 14th Amendment and the 1965 Voting Rights Act, the politically expedient route to the expansion of the suffrage was through the explicit acknowledgement that felon disfranchisement was a legitimate practice.

The ubiquity also puts the United State out of step with other industrialized nations. Eighteen (18) European countries allow those in prison to vote, eight (8) have prohibitions on specific prisoners, and nine (9) prohibit all prisoners from voting. But all 37 countries have no prohibition barring felons on parole, probation, or who have served their term from voting (Prison Reform Trust 2001).

Incarceration Rates in the United States

The high rate at which the United States incarcerates its citizens is well-documented and I will not try to regurgitate all the data available. But, for the purposes of this paper, there are three important things to note about incarceration rates in the U.S.: they are high compared to other countries; they have increased dramatically in the past 30 years; and they disproportionately impact minorities.

State or political subdivision in a manner which *results* in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color..." (emphasis added).

U.S. incarceration rates are higher than those in any other industrialized country in the world, and higher than those in many less developed countries. An international comparison by the U.K. Home Office found that the European Union average incarceration rate was 87 per 100,000 in 1997, England and Wales' was 125 per 100,000, and that of the U.S. was 682, surpassed only by Russia with 729.⁵ The difference between the U.S. and other countries is not due to higher crime rates overall. They are due to a higher violent crime rate, especially homicides, a judicial system that is more likely to incarcerate those who commit crimes, and longer prison terms for those incarcerated (Mauer 1999, 37-8; Langan 1998).

U.S. incarceration rates have also risen dramatically since the early 1970's as a result of a change in sentencing policy, emphasizing longer sentences, and the "war on drugs." (Mackenzie 2000) Looking only at the rate for those in state or federal prison, between 1935 and 1970 it was about 106 per 100,000, by 1980 it was 139, and in 2000 it was 478. The increases have not been solely confined to those incarcerated: the jail population and the number on probation and parole have also increased, from 801 per 100,000 in 1980 to 2,356 in 2000. The impact of these increases on the voting age population have been profound. The Sentencing Project calculated that 3.89 million adults were disfranchised felons in 1998 – that is, 2% of the population (Fellner and Mauer 1998, 2).

Finally, the high incarceration rates disproportionately affect African-Americans and Latinos, and thus disproportionately affect their legal ability to vote. Data on Latinos are not easy to

come by in criminal justice statistics, but a Bureau of Justice Statistics report shows that both the incarceration rate for African-Americans was four times the national rate in 1997, and rose by 63% between 1990 and 1997. The Latino rate was just under twice the national average and rose by 35% between 1990 and 1997, matching the White growth rate (Bureau of Justice Statistics, 1997). The disproportionate impact on minorities translates directly into a far higher disfranchisement rate due to felony conviction. The Sentencing Project estimates that in 1998 there were 1,367,100 disfranchised African-American men in the U.S., which constituted 13.1% of the voting age population of African-American men (Fellner and Mauer 1998, 2). The Sentencing Project figures focus on African-American men and therefore overstate the impact on African-Americans as a whole, because of the much higher rate at which men in general are incarcerated. Nevertheless, given that the incarceration rate for African-American women is 199 per 100,000, it is likely that the felon disfranchisement rate for all African-Americans is about 6.5%, and, therefore, over three times the national rate.

The incarceration data demonstrate an “American exceptionalism” in the way we treat criminals. Though some of the disparity in incarceration rates between the U.S. and other industrialized nations is due to different rates of violent crime, a lot has to do with the extent to which we imprison criminals. Though this exceptionalism has distinctly racial and ethnic connotations, it clearly is more than about just that: U.S. incarceration rates for Whites only are more than twice the European Union average, as can be seen from a comparison of Tables 3 and 4 above.

⁵ These rates include a count of those in jail before their trial in the numerator, and, to the extent that the number in such a situation varies across countries, they may be biased.

Increasing Registration: the Motor Voter Bill

Though the combination of widespread felon disenfranchisement laws and a growing incarceration rate has meant that the franchise has been automatically narrowing over the past 20 or 30 years, there have been steps taken in the opposite direction – to expand access to the ballot box. As noted above, the 1982 extensions to the Voting Rights Act lowered the burden of proof in discrimination suits from having to show discriminatory intent to discriminatory effects. The other significant piece of legislation that has sought to expand the effective franchise is the National Voting Rights Act, signed into law by President Clinton in 1993. As in all previous instances when the federal government had stepped in to regulate the conduct of elections, the debate over the passage of the act was deeply partisan (Davis 1996, *passim*). The assumption has been that making it easier to register to vote benefits Democrats in electoral terms. This partisan conflict has played out over two policy issues: states' rights and voter fraud. The argument over states' rights is over whether Congress had the constitutional authority to regulate the voter registration process. The courts have upheld the law in this regard on the basis of Article 1, Section 4 of the constitution. The debate over fraud has focused on the extent to which making it easier to register to vote results in greater election fraud. Though opponents of the Motor Voter law have offered anecdotal evidence of vote fraud, there is little systematic evidence that such fraud has taken place.

The act itself has something for everyone. It removes barriers to voter registration, while also putting in place standards for maintaining the voter registration rolls. The barriers it removes are those that limit the time and location of registration, and those that require some form of identification. Under the act a person can register at any office issuing a driver's license, welfare

offices, and many other agencies. They can also register by mail. The registrant does not have to show any identification, or provide a social security number, but must provide their name, address, and date of birth, and attest to the veracity of the information they have provided. Furthermore, they must verify their eligibility to vote by checking boxes on the form. The act also provides solace to those who want to protect the integrity of the voter registration and list maintenance processes. It spells out detailed procedures that states must follow to ensure that people who move are registered in the proper jurisdiction, are registered only once, and that dead people are removed from the rolls. It also explicitly creates an exception to a prohibition against removing someone from the voter rolls, allowing such a removal “as provided by State law, by reason of criminal conviction or mental incapacity.” (103 P.L. 31, Section 8, (a)(3)(B)) In addition, it specifies a procedure by which the U.S. attorney general should inform state officials of the name, age, address, date of conviction, and description of the offence of federally convicted felons (*ibid.*, Section 8(g)). Once again, Congress provided for the exclusion of felons from the franchise in an act designed to extend voter participation.

The Florida Felons Exclusion List and the 2000 Elections

State Incarceration Rates and Felon Disfranchisement

Florida’s population in 2000 was almost 16 million. At the time of the 2000 elections there were about 8.75 million people registered to vote. Of these 6,138,765 voted in the 2000 elections for President, resulting in a 70.1% turnout rate. The incarceration rate in Florida was 447 per 100,000 residents in 1998, very close to the national average. Florida’s disfranchisement law prohibits anyone convicted of a felony from voting even after they have served the term of their

sentence. They can petition to have their civil rights restored through an application to the Board of Executive Clemency, which “consists of the Governor and his Cabinet.” (U.S. Department of Justice, 2000) According to an NAACP lawsuit filed against the state, the process of applying to have one’s civil rights restored is extremely time-consuming and cumbersome (*NAACP et al. v. Katherine Harris et al.*, 2001). The Sentencing Project estimates that in 1998 647,100 Floridians were disfranchised felons, constituting 5.9% of the voting age population at the time. It also estimates that 204,600 African-American men were disfranchised felons, constituting 31.2% of voting age African-American men (Fellner and Mauer 1998, 9).

Florida enacted its own Voter Registration Act in 1995, in compliance with Federal law. It both reduces barriers to registering to vote and sets uniform, statewide registration and list maintenance procedures. Though the law set uniform standards for list maintenance procedures it retained the decentralized structure of the previous system. Thus, each county was responsible for receiving and processing information from the state Department of Health for deaths, the clerks of the county courts for state felons, the Division of Elections for federal felons, and other county supervisors and the postal service for duplicate registrants. It was also supposed to be an on-going process, with the county supervisors receiving information every month. These procedures were on top of the regular receipt of data from the diverse set of offices and agencies that could now take voter registration applications.

The act has resulted in an upsurge in voter registration applications, and an upsurge in the number of registered voters. Between 1994 and 1996 the number of registered voters increased by over 1.5 million in Florida. And between 1995 and 1998, when the state first started using the

central voter file, there were 3,391,983 additions to the rolls and 1,245,438 deletions from it for a total of 4,637,421 registration changes in 4 years – an average of over 1 million a year. In 2000 the additions were 1,042,225 and the deletions were 365,318 for a total of 1,407,543 changes (data for 1999 are unavailable). It is in the context of this large number of registration transactions, and with new, uniform voter registration and list maintenance procedures in place, that the Central Voter File was created. And it was from this file that the exclusion lists were derived.

The Central Voter File and the Exclusion Lists

The state legislature passed legislation requiring the Division of Elections to contract with a private vendor for the production of a Central Voter File (CVF) containing a list of all registered voters in the state. The CVF provides considerable information about voters including: voter identification number; name; party affiliation; the political jurisdiction in which they are registered down to the precinct level; address; date of birth; date of registration; race; and gender. It also contains a record of the voting history of each registrant – in which elections they voted but not, obviously, for whom they voted. The legislation was a response to the scandal surrounding the Miami Mayoral elections in 1997, in which people voted fraudulently, through, for example, the misuse of absentee ballots and the use of names of dead people.

The CVF, as its name implies, centralizes the process of list maintenance by providing the state with the ability to match the records of all the counties in the state with statewide data on deaths and felons. It also allowed the state to search the CVF itself for people registered in two or more counties. But the state instituted this centralization without doing away with the decentralized

processes that were already in place under the existing statute. As a result, it added a layer of verification on top of the one the law already required of the county supervisors. Specifically, the law required the Division of Elections to provide the counties with updated information regarding felons, the mentally incompetent, and the deceased -- what is commonly referred to as the exclusion list -- once a year by June 1 (FS 98.0975(2)). The exclusion list also contained a list of people registered in more than one county. It was up to the supervisors to verify the information on the exclusion list and remove those they found to be ineligible. This structure -- a centralized list with decentralized verification and implementation -- is extremely important for understanding the way the felons' list was used in the 2000 elections, because all but four of the county supervisors in office at the time had a stated party affiliation. At the time of the November 2000 elections there were 44 Democratic and 19 Republican supervisors, and four non-partisan ones. The state government was in the hands of Republicans. Thus there was the potential for party politics to intrude into the list maintenance process, both in the production of the exclusion list and in its verification and implementation.

Before the 2000 elections private contractors produced three exclusion lists for the State of Florida. Professional Analytical Systems & Services produced the first list in 1998, and Database Technology (DBT) produced the 1999 and 2000 lists. As I will detail below, the latter two lists were the ones at issue in the 2000 elections, and these will be the focus of the analysis. Each exclusion list is composed of three separate files. Each file contains the same fields from the CVF (Table 3). These fields are those whose name begins with "Voter" and "History." The voter fields provide descriptive data of the voter, and the history fields indicate whether they voted in the last state primary (SP), federal primary (FP), or general election (GE). The felons

and deaths lists both include a set of fields containing the same type of information from the varying matching data sources that DBT used to create the list, but the field names are different, and the felons list has one additional field, which is a sequence number (FelonDSeq). They also contain two administrative fields indicating the basis on which DBT matched the data with the external data (MatchBasis), and the source of those data for each record (Source). The major substantive difference between these two lists is that the “event” that triggers inclusion on the list in the case of the deaths list is the death of the registered voter (DeathDate). In the case of the felon the event is either the conviction date (FelConvDate), if the voter is already registered at the time of conviction, or the date of registration, if the felon has already been convicted (and presumably released or out on probation/parole) at the time s/he registers to vote. The duplicate data file is slightly different in that all the matches performed are internal to the CVF – it contains all duplicate registration records within that central file. As a result, it does not have a “Source” field, and does provide voting information on the duplicate record.

There are a total of 113,035 records in the 1999 list, and another 113,601 in the 2000 list. The records are fairly evenly divided into the three categories of felons, duplicate registrations, and deaths in both years. Of these combined records 43,971 are repeated in both the 1999 and 2000 lists. As a result, there are at least 182,665 unique records with unique voter identification numbers in the two databases (Table 4).⁶ Given their absence from the 2000 list, we can assume

⁶ This number is 1,508 larger than the 181,157 records that DBT representative George Bruder of DBT stated that there were in the exclusion lists in testimony to the CCR. But Bruder also stated that this number included just over 8,000 records that did not belong in the lists, because they were actually the names of people with misdemeanors from Texas, misidentified as felons. Bruder stated that these 8,000 or so were taken off the lists. As a result, according to the DBT testimony there were 173,127 records in the exclusion lists. The two exclusion lists I have do not contain the 8,000 erroneous Texas records, as far as I can tell – there are only 437 records which identify the state origin of the felon record used in the match with the central voter file as being Texas. It may be the case that the DBT testimony confused its final number with its original number and then derived the final number by

that the 1999 records not in the 2000 lists were purged from the voter rolls between the summer of 1999 when the counties received this list and January 27, 2000 when the new CVF was constructed, and from which the 2000 exclusion list was generated. As a result, the 2000 list includes all those records that required some action from the counties in 2000.

One way to look at the exclusion is as a measure of disagreement between the centralized state-level process for identifying ineligible voters, on the one hand, and the county supervisors' decentralized process on the other. The longer the list, the greater the disagreement between the two levels of government. In particular, the centralized procedure DBT carried out on behalf of the state asked the following question: based on the counties' own lists of registered voters, how many of those on the lists were ineligible to vote? The disagreement could have been of two sorts. A genuine difference of opinion based on a diligent, but still insufficient, eligibility verification process; or sloppy management of the matching and purging processes by either the county or the state. As I will show below, the nature of the disagreement between the state and the counties matters considerably for our understanding of the way in which the felons exclusion list was used in the 2000 elections. The logical place to start an analysis of the nature of the disagreement between the state and the counties is the 1998 list, before the counties had had a chance to combine their decentralized methods with the centralized process carried out by the

subtracting the 8000 plus records. But this still leaves the 1,508 difference. This difference may be a product of how one identifies repeated records. I matched county and voter identification number in the case of the felons and deaths lists, and county and voter identification and duplicate voter identification numbers in the case of the felons' list. The purpose was to make sure that I was only identifying true repeat records, especially in the case of the duplicates list. On this there were many instances where there was more than one instance of a voter identification number within a county on one of the lists, say the 1999 list. When matched with the 2000 list simply on voter identification and county two records, for example, might match up with two records on the 2000 list, with the same voter identification number in the same county, but they would do so in such a way that it appears that there are four (4) matched records. By trying to ensure that the matches are between unique records I have tried to ensure that the

state. But both duplicates and deaths lists that were sent to me by the Florida Division of Elections contain many records that date from 1999, and almost all the records in each list are also in the respective 1999 lists. The only 1998 file that seems to have some independent status is the felons' list. Given this situation I will focus on the 1999 exclusion list.

According to the Division of Elections there were 8,220,266 registered voters in Florida in 1998. DBT's first exclusion list, which included records up to and including June 20, 1999, contained 113,035 records. As a result, the state and the counties agreed on the voting eligibility of all but 1.38% of the records submitted to the state by the counties. The 1999 exclusion list shows that there were 9,886 deaths, 14,419 duplicate registrations, and 28,849 convicted felons with "event" dates prior to 1998 in the 1999 central voter file. In other words, despite the passage of more than a year in which they could have "purged" their lists, there were 53,154 records in the 1999 exclusion list. Furthermore, the felons' list stood out as one that had been the least effectively purged – 83% of all its records had event dates prior to 1998 (Table 5).

The 2000 list was a further test of the extent to which the state's procedures and those of the county supervisors were in agreement. There were still 7,523 deaths, 9,091 duplicate registrations, and 26,810 convicted felons with event dates prior to 1998 in the January 2000 CVF (Table 6). Many of these records were from the 1999 list, but many were also new additions – of which a total of 16,977 had event dates prior to 1998. The felon database had the greatest number of matches. Fifty-six percent (56%) of the felon records in 2000 matched those on the 1999 list, and 72% of the records in the 2000 list were the product of events that occurred

1999 to 2000 repeats are repeats of the same record. If one simply runs the matches on voter identification numbers

prior to 1998. The 1999 and 2000 matches were not evenly distributed across counties. The share of 2000 records matching 1999 records ranged from 81% in Holmes County to 0.2% in Miami-Dade county, where only 3 of the 1,388 felon records on the 2000 list were repeats from 1999. This should not be surprising. The scrutiny that this county endured as a result of the 1997 elections debacle made it vulnerable to accusations of incompetence and/or fraud if it did not aggressively use the list.

The matches between the 1999 and 2000 lists were, in hindsight, a harbinger of things to come. They revealed data quality problems and a large variation across counties in how election supervisors dealt with them. The data quality problems were of two sorts. First, the fact that new records with event dates prior to 1998 appeared in the 2000 list was symptomatic of a list production process that had either failed to include all ineligible voters in 1999 or had been overly inclusive in 2000. Second, the fact that no county purged all its 1999 records and these unpurged records reappeared on the exclusion list in 2000 is indicative of either a genuine disagreement between the state and the counties about the contents of the 1999 list, or a decision by county supervisors to simply not purge the lists. At the time this was a non-partisan issue. There was little overall difference in the purge rates of Democratic and Republican county supervisors: 55% of the 2000 felons' list in Democratic counties were repeats of 1999 records, as were 58% of the records in Republican counties.

The non-partisan nature of the exclusion list changed with the advent of the 2000 elections. After the elections the Civil Rights Commission surveyed 63 of the 67 counties in Florida

the total number of unique records amounts to 181,182, close to the number of records stated by Bruder.

regarding their use of the exclusion list of the central voter file in anticipation of the 2000 vote. In addition, during hearings the CCR gathered information on two other counties, Miami-Dade and Broward. And Salon.com conducted its own survey of 13 counties, two of which were ones on which the CCR gathered no data. As a result, we have a complete accounting of the extent to which counties used the exclusion list to identify felons and exclude them from voting.⁷ Forty-three (43) counties said they used the list, while 24 said they did not. Eighty percent of Republican county supervisors used the list in one way or another, while only 60% of Democratic county supervisors did so (Table 7).⁸

A comparison of the 2000 felons' list with the April 2001 CVF (a record of all those on the voter registration rolls five months after the elections) shows that, overall, 53% of those on the felons exclusion list were still on the voter rolls as of April 2001.⁹ In other words, 53% of those identified by the Secretary of State's office as being ineligible to vote were still on the voter rolls after the election. In counties where the supervisors said they used the list 33% remained on the voter rolls in April 2001; while in counties that did not use the list 74% were still on the voter rolls. As a result, 67% of people on the felons' list were kept on the voter rolls in counties with Democratic supervisors, while 41% of people on the felons' list in Republican counties were

⁷ Almost all those who gave a reason why they did not use the list stated that they thought it was inaccurate. Though a majority did use the list, many did so after extensive checking, including mailing certified letters to those on the list asking them to verify their status. The exact procedures varied across counties.

⁸ The 2000 felons' list only has records on it from 65 counties. The two missing counties are Desoto and Glades, both of which have small populations.

⁹ I matched the county and voter identification numbers of each felon record with the county and voter identification numbers in the Central Voter File. According to Version 2.3 of the Requirements document that describes the "Batch Processing of the Voter Files" (dated 1/20/00), the voter identification, county identification are supposed to be taken straight from the CVF. As a result, matching back from the felons list to the April 2001 CVF is equivalent to matching back to the source of much of the data in the list. Furthermore, there were only 103 instances where a match on voter and county identification resulted in mismatched names, with 20 of these being minor mismatches. There were an additional 23 date of birth mismatches and 11 registration date mismatches. All these fields in the felons' list were supposed to be drawn directly from the voter rolls, so it is unclear why these mismatches exist.

kept on the voter rolls (Table 8).¹⁰ It should be noted that there is no evidence that the racial composition of the counties played a part in the use of the list. The distribution of registered voters across race is no different in counties that used the list than in counties that did not use the list (Table 9).

If the 2000 list was accurate, one could only characterize the behavior of the Democratic county supervisors as a cynical attempt to protect their political base in a close election. An accurate felons' list also meant a list of low-income White and minority men who would be more likely to vote Democrat. By not using the exclusion list a county supervisor was creating the opportunity for these people to vote. But most of the counties that decided not to use the list did so because they thought it was riddled with errors, and would disfranchise legitimate voters. There is evidence to support the view that the list was full of errors. The most commonly cited evidence in the media comes from Hillsborough County where the elections supervisor the felons exclusion list by matching it to the county's records and sending a certified letter to those identified as a felon asking them whether this was correct. Through this process the elections supervisor found that about 15% of the people on the felons exclusion list were on in error (Palast, 2000).

As I described above, other counties in Florida also used the list to purge their voting rolls, many after verifying the validity of the list. By matching the voter identification numbers on the

¹⁰ No county had all those on the felons' list still on the voter rolls in April 2001, though two counties, Monroe and St. John's, had no one on the felons' list left on the rolls. Those that were off the voter rolls came off by one of two ways: they were purged by county supervisors using the felons' list; or they fell off the list because they had been purged for some other reason, such as electoral inactivity. Based on the available data there is no way to distinguish between these two types of purges, but the data clearly indicate that many counties purged the data using the felons'

exclusion list with those on the April 2001 CVF, by county, I have tried to come up with a more general estimation of the error rate, using data from all counties that used the list rather than just Hillsborough County. As noted above, simply based on the match between the exclusion list and the 2001 CVF, those counties that used the list to purge their voter rolls still kept a third of those on the felons' list on the voter rolls. This is not necessarily a true estimate of the error rate for the exclusion list of each of those counties, because we do not know the exact procedures they followed. If the counties erred on the side of caution and only purged names from the voter rolls when they were certain that they did not belong on the rolls, then they might have retained some convicted felons on the voter rolls. In other words, 33% may be an overestimation of the error rate.¹¹ Nevertheless, it is telling that only two counties, St. John and Monroe, purged their rolls completely of all those on the felons' list. Leon County also sent out a letter to people on the felons' list in an attempt to verify their status, and ended up keeping 89% of them on the voter rolls (Commission on Civil Rights, Chapter 5,12; author's calculations). Even Miami-Dade retained 210 of the 1,388 people on the felons' list on the voter rolls – a 15% retention rate; and the retention rate of all Republican counties was 41%.¹²

list, as demonstrated by the clear difference between the counties that used the list and those that did not in the rate at which voters on the felons' list were purged. This can only be explained by the difference in the use of the list.

¹¹ A comparison of the Hillsborough felons' list with the April 2001 CVF reveals that 763, 22%, of the 3,491 people on the felons' list were still on the voter rolls after the election. According to Palast (2000) there were 3,537 records in the felons exclusion list in Hillsborough county. Of these 279 did not match names on the county rolls and another 245 people on the list successfully appealed their felon status, giving the 15% error rate. The exclusion list contains 3,491 records where the voter is registered in Hillsborough county. There are also 45 duplicate records for which the voter identification number matches one in the felons list, where the duplicate registration took place in Hillsborough but the original registration took place in another county. This produces a total of 3,536 "felon" records – the inclusion of those on the felons lists who first registered in another county and then registered in Hillsborough almost reconciles the numbers. It is unclear where the additional 239 names from the exclusion list I found on the voter rolls in April 2001 came from, but it might have been the result of further work on verifying the list by the election supervisor.

DBT itself made no representations regarding the accuracy of the lists, noting that it complied with requests from the state's Division of Elections that the exclusion lists err on the side of greater numbers of records – false positives (Commission on Civil Rights 2000, Executive Summary, 5). DBT and the Division of Elections were explicitly relying on the counties to rid the exclusion lists of errors, as well as use them to purge names off the voting rolls. We also know that DBT's own processes revealed inconsistencies that might be signs of error. As noted above, the 2000 list contained records produced by events prior to the production of the 1999 list, yet those records were not on the earlier list. This means that either the 1999 procedure was not thorough or the 2000 procedure was overly inclusive. So to the extent that the list was filled with errors the counties may have had legitimate procedural reasons for not using the felons list. Furthermore, to the extent these errors resulted in the inclusion of more of one type of legitimate voter, who was more likely to vote for one candidate over another, there were also political reasons why a county might choose to use the list or not to use it.¹³ To understand the concerns of the counties we need to return to the process by which the state and DBT produced the database, and the potential types of error in it.

Error and bias in the Exclusion Lists

The exclusion list contains demographic information about each voter, in particular their race and gender. Looking only at the records where the demographic data are consistent, the records

¹² The Civil Rights Commission also reports that Okaloosa County verified its list by sending a notice to people on the list, and ended up retaining 48 of the 271 on the list – an 18% retention rate (Commission on Civil Rights 2001, Chapter 5, 13; author's calculations).

¹³ It is also the case that if the lists were overly narrow in their scope – they missed a lot of illegal voters – then the problem of bias still remains. The bias plays out in the fact that some illegal voters are stopped while others are not, and if there is bias in who is on the list then there will be bias resulting from the use of the list in who gets to vote.

in the deaths and duplicates lists were fairly evenly matched between men and women. With respect to race, 79% on the duplicates list were Whites, and 89% on the deaths list were Whites.¹⁴ The duplicates list reflect the racial and ethnic demographics of registered voters, 78% of whom are non-Latino White. The proportion of Whites on the deaths list is slightly higher than their proportion of registered voters, which most likely reflects the greater number of Whites in Florida in the elderly population. The felon data require more interpretation. Of the records where we have consistent data across both gender fields, 19% are women.¹⁵ This is close to the share of state convicted felons who are women, nationally, which is 16% (Levin et al., 2000), suggesting that there is no bias for or against women.

This is not the case if we look at the data broken down by race. Of the records where we know with some confidence the race of the voter, 44% of the records identify the person as African-American, 51% as White, 3% as Latino, and the rest as other races or ethnicities (Table 10, Grand Total).¹⁶ The Florida inmate population as of June 30, 2000 was 54% African-American, though this does not fully take into account Latinos, many of whom may be classified as African-American (see footnote 16). The Sentencing Project data cited above indicate that

¹⁴ There are a large number of records in the deaths list where one of the race fields is missing data, 22,555, of which 22,433 are missing data in the field identifying the race of the person from death records.

¹⁵ There were 116 records where information on the gender of the voter/felon was contradictory: the votergender field identified the voter as female/male, while the felongender field identified the matched felon as male/female. I have omitted these data from the calculations.

¹⁶ The race and ethnicity data present some coding challenges. The biggest problem with these data is the inconsistencies between the categories used in the voter rolls and those used by the Florida Department of Law Enforcement (FDLE). The latter do not use the Hispanic (Latino) category extensively, and there are many cases where someone has self-identified on the voter registration application as Hispanic but their felon records indicate that they have been identified as either Black or White. In all cases except inconsistencies that involve the category of Black on the one hand and White on the other, I have used the race/ethnicity category that DBT took from the voter registration rolls when they created the felons' list. For records where there is a Black/White discrepancy (1,088 records) I have reclassified the race of the voter as "Unknown." In addition to these problems there are 61 records among those that were kept on the voter rolls where the race/ethnicity identifier in the felons' list taken from

African-American men constitute about 32% of all disfranchised people, while Manza et. al., based on 1998 data, estimate that the African-Americans of both genders constitute about 29% of the disfranchised population. Focusing only on those who *should be* most likely to be on the list, non-incarcerated felons and ex-felons, Manza et al. estimate that 27% are African-American. These estimates suggest that African-Americans are over-represented on the 2000 felons exclusion list.

As a result, the felons exclusion raised questions not only about the possibility of errors, but also about the possibility that the list's errors were biased – that the list included more African-Americans than it should have. We can test to see whether the errors on the list were biased, because we know the race of almost all the people on the list who were subsequently retained on the voting rolls, keeping in mind that the counties may themselves have erred on the side of caution in deciding who to retain on the rolls – something that I attempt to control for in the analysis that follows. The test for bias involves a comparison between the demographic composition of those who were on the exclusion list but were still on the voter rolls in April 2001 (the demographic composition of the “errors”), on the one hand, and the demographic composition of registered voters listed in the January 2000 CVF, which was used to generate the exclusion list. This is the correct comparison because if the exclusion list errors were truly errors then they would constitute a random sample of the group from which they were drawn, the January 2000 CVF. A random sample of a group is very likely to have a similar demographic composition to the group. This is certainly the case if the errors are the result of errors in the original list of felons used to match with the CVF. It is not exactly the case if the errors are a

the January 2000 CVF does not match the identifier in the April 2001 CVF. A majority of these (37) records show

result of problems in the matching process, which I discuss more fully below. If the errors are the result of this process then the distribution of the errors will be similar to the demographic distribution of the CVF, but not exactly the same. I explain this in more detail in the appendix. I do not have the January 2000 CVF, but I do have the April 2001 CVF. These two files are very likely to have the same demographic composition because the purges made by the counties and other changes in the voter rolls over the intervening 15 months were either too few in number or highly likely to be random (in terms of demographics), and thus unlikely to create a significant difference between the two files. As a result, I use the April 2001 CVF as the basis for my analysis of whether the errors on the felons exclusion list were biased.

Thirty-six percent of those on the felons' list who were not purged, in counties where the supervisors used the list to purge the voter rolls, were African-American, while only 11% of registered voters in those same counties were African-American (Table 10). In contrast, Whites constituted 59% of registered voters on the felons' list who were not purged, in those same counties, yet they constituted 77% of the registered voters. And, finally, Latinos constituted 3% of those on the felons' list who were not purged, but were 11% of the registered voters. In other words, *African-Americans on the felons' list were more likely to be retained on the voter rolls than either Whites or Latinos on the felons' list, given each group's share of the population of registered voters.* Assuming for now that those people retained on the voter rolls by counties that used the list were on the list in error, then these data provide strong evidence that the errors were biased. But, as noted above, we can not be sure that all those retained on the voter rolls in April 2001 were on the exclusion list in error. A more rigorous test is to look at the demographic

the felons' list identifier as "Unknown" and I have not reclassified any of these records.

composition of those retained on the voter rolls in counties whose supervisors, as demonstrated by their behavior, rigorously purged the voter rolls of those on the exclusion list. There are 14 counties where 75% of those on the exclusion list were purged. In these counties 36% of those retained on the voting rolls were African-American, while they constituted only 12% of the registered voters in those same counties (Table 11). The percentages for Whites were 59% and 71% respectively, while for Latinos they were 5% and 15%. The “High Purge” counties include Miami-Dade, hence the high percentage of Latino registered voters. When we exclude this county from the calculations, the bias remains the same except that the percent of Latinos retained on the voting rolls despite being on the felons’ list is almost the same as the percent of Latinos on the voting rolls (Table 12). Miami-Dade, where the events took place that prompted state action to create the CVF, kept proportionately more African-Americans who were on the felons’ list on the voter rolls than it did Latinos or Whites (Table 12). Note that Miami-Dade had been rigorous in its purging of the voter rolls between 1999 and 2000 and again in 2000 – out of 1,388 voters on the felons’ list in 2000, only 210 were retained. The fact that a county with a rigorous purge policy should end up with a biased racial distribution of those retained strongly suggests that the felons’ list it received from the state had racially biased errors. Furthermore, looking at other counties where we know, based on the Civil Rights Commission report, that elections’ supervisors sent verification letters to people on the felons’ list, the data clearly show that African-Americans were more likely to be retained on the voter rolls in numbers greater than one would expect given their share of the registered voters. In Hillsborough county African-Americans constituted 42% of those retained, but only 12% of registered voters; in Leon county the respective numbers were 63% and 24%; and in Okaloosa they were 21% and 7%.

A final test is to look at the demographic composition of those retained on the voter rolls in counties where not only was the purge rigorous, but the county supervisors had an interest in purging African-Americans – namely High Purge, Republican counties. These counties kept African-Americans on the voter rolls in numbers greater than their presence on the voter registration rolls would predict (Table 13). In other words, even Republican supervisors who purged the rolls aggressively found that the errors in the list were biased in that they were overly inclusive of African-Americans. Overall there is little difference in the distribution of those purged and those not purged across counties that used the list but had supervisors with different party affiliations, once one has taken into account the differences in the distribution of registered voters in the different counties. These data support the contention that the high retention rates of African-Americans were due to the fact that they were more likely to be on the felons' list in error, rather than due to any biased purging on the part of county supervisors.

The data suggest that the felons' list contained errors and those errors were biased. The source of the errors could be the data used to produce the felons' list, a "garbage in, garbage out" problem, or the production process itself. Palast (2000) suggests that Black over-representation is due to the fact that DBT used race to match records. In the Commission on Civil Rights hearings George Bruder of DBT denied doing so, and the data support his contention. For records where the race of the registered voter is known and the race of the person in the matching data is also known, there are instances where the person is identified as being of one race in one of the race fields and being of another in the other: 2,645 (6.7%) of the records in the felons list, where both race fields indicate a known race (39,341 records in total).¹⁷ This error rate suggests

¹⁷ Of these 2,645 non-matching records 1,088 were Black/White mismatches, as noted in footnote 16.

that DBT was not using race to match data on felons with the CVF.

Another potential source of error is the reliance DBT placed on names as a way to match data on felons with the CVF. According to the requirements of the contract between DBT and the state DBT considered names to match when first and last names matched exactly, except in cases where there were suffixes such as Jr. and Sr. or “special last names (hyphens, apostrophes, etc.)” in the last names. Also the requirements allowed first names to be considered a match where a nickname was present in one database (for example, Bob and Robert were considered a match). Middle names would have to match “character to character based on the least common denominator.” (Florida Division of Elections 2000, 13) Before attempting such a match DBT normalized names by parsing the Division of Elections data for suffixes and transferring the second of two first names to a middle name field. DBT also used date of birth matches in conjunction with its name matches. According to the requirement of its contract with the state “The DOB [date of birth] must match exactly for a positive match.” (*ibid.*)

According to DBT 85% of felon records match the “Name and Date of Birth” of the registered voter and felon (as a comparison, 92% of duplicates do) (Table 14). In the felons list, the name and date of birth matches that DBT categorized as such are exact in 12,819 of the cases, meaning the first name, the last name, and the date of birth match exactly. Dropping the requirement of an exact first name match, there are an additional 18,602 records that match last name and date of birth exactly, and which match the first four letters in each first name field, and were classified by DBT as name and date of birth matches. Another 868 records match last name and birth date, but not the first four letters of the first name. There are two names that match neither

first nor last name but match date of birth, and there is one name that matches date of birth and first name only, but this is only because the last name in one field has an * at the end of it. The other 3,523 matches DBT classified as name and date of birth matches involved last names with either an ending such as Jr or Sr, or a beginning such as Mc or O,' which did not result in a last name match because of minor variations in how these were recorded in the lists, but which seem to have had the same last names.¹⁸ These data are consistent with DBT's own account of how it matched the felons' data it received from the state and it gathered itself from other states.

Beyond the name and date of birth DBT used a variety of other match processes that were less precise. What they all have in common is that they used Social Security Numbers to match records, and all but 210 of the 6,507 records were matches on Social Security Numbers and some type of name match. According to DBT's contract requirements these SSN matches could be based on a match of a SSN or a "derived" SSN and an "80% name match" (*ibid.*).¹⁹ Such a match is defined in the requirements document as follows:

First and last names are compared individually. If Name1
Compared to Name2 >=80% then it is considered a match. For
example, BOND and BONDS is a match, but BOND and BINDER
is not a match. If 80% of the characters in each name match then it

¹⁸ I matched the first and last four letters of the voter and felon last names to test to see whether the last names were similar after taking into account matching problems associated with the JR, Sr, Mc etc. names. All but 41 matched either on the first or the last four letter of the last name. An "eyeball" review of the remaining 41 names showed that these were also last name matches.

¹⁹ The "derived" SSNs were derived from Florida's driver license records. DBT matched records in the CVF with driver license records on the basis of name, SSN, date of birth and address. (*ibid.*, 9)

is a hit. It is also required that the first characters match, so BOND and FOND would not match. (*ibid.*)

It is impossible to say with certainty how accurate DBT's matching process was, but evidence from the 2000 purge process does give some idea. In the High Purge counties, 83% of all those on the felons' list who were matched by name and date of birth were purged. This purge rate was higher than it was for records matched using other methods, which were only purged at a 76% rate. In other words, as one might expect, the data suggest that county supervisors found more errors in the matches produced through the less precise matching process. Furthermore, looking at the racial distribution of those matched by the two processes (name and DOB matches against SSN matches), there is a higher percentage of African-Americans in the group of people matched through less precise methods (50%) than through the name and date of birth matches (41%). Nevertheless, even African-Americans matched by name and date of birth were more likely to make up a disproportionate share of those retained on the list when compared to the composition of the registered voters in the High Purge counties – they constituted 34% of those retained on the list in counties where African-Americans are only 12% of the registered voters. In other words, the data suggest that the name and date of birth matching process resulted in the least errors according to the county supervisors in the High Purge counties, and matches least likely to include African-Americans. Nevertheless even the more precise matching process resulted in errors that were biased according to the county supervisors in the High Purge counties.

The racial distribution data highlight an important point about the process of name matching, and how it may result in racial bias. It is possible that errors from a process of matching names

might be biased because of the distribution of people of different races across names. One of the interesting pieces of information the exclusion lists give us is the juxtaposition of names and race. The names on the 2000 duplicates exclusion list are, roughly, a random selection of names from the general voting population. The data cited above suggest that there is no racial bias in the list. So we can use it to examine the distribution of people across different names. The list shows that African-Americans are disproportionately concentrated in the most common names on the list. This is very clear in the top 10 names, where, 18% of Smiths are African-American, and 51% of Williams' are. Overall, there are 17,919 names on the list. The top 100 names account for 19% of the people on the list, but 35% of African-Americans on the list and only 16% of Whites. Breaking the data down another way, African-Americans constitute 20% of the people with the top 100 names in Florida, yet they constitute only 11% of registered voters.²⁰ This can result in a bias in the racial distribution of errors if the error rate in a process relying on matching names is far higher for common names than for uncommon names. This is likely because there are more names with which to match erroneously. Any group disproportionately concentrated in common names will end up being disproportionately included in a matching process in error. Beyond matching names and dates of birth, DBT's matching methodology relied heavily on matching names and other types of data, less reliable than the date of birth. It is these methodologies that produced the more biased errors, and this provides some evidence that a name matching process resulted in bias. Nevertheless, even with the best matching process, that of names and dates of birth, there was still considerable bias in the errors resulting from the

²⁰ This name effect is different from the segregation that African-Americans experience spatially in the U.S.. The difference is that in spatial segregation you increase your chances of finding an African-American person by looking in neighborhoods exclusively populated by African-Americans – and such neighborhoods are in plenty supply. In the case of the concentration of names, if names were neighborhoods, you would not go looking for African-

production of the felons' list. This raises the possibility that there was also a "garbage in" problem.

The most well documented "garbage in" problem was DBT's use of felon records from other states to identify people living in Florida who were convicted of a felon in another state. As the Commission on Civil Rights and others have documented, felons who have been convicted of felonies in other states but who have had their civil rights restored are eligible to vote in Florida. They do not have to go through Florida's own executive clemency board procedure to have their civil rights restored in that state. Nevertheless, the state gave incorrect guidance to the county supervisors on how to treat felons who had had their civil rights restored in another state, something that only became an issue because DBT introduced out-of-state felon data into the list maintenance procedure. The combined effect of the inclusion of out-of-state felons was that almost 3,000 voters were misidentified as being ineligible to vote (Table 15). There were 311 registered voters who had been convicted of a felony in Illinois, which automatically restores the civil rights of felons once they leave prison, on the 1999 exclusion list. One hundred of these did not reappear on the 2000 list – presumably they were purged from the rolls in the interim. The 2000 list included convicted felons from Ohio, another state that automatically restores civil rights on release from prison (U.S. Department of Justice 2001). Combined there were 1,704 ex-felons on the 2000 list, of which 211 were holdovers from the 1999 list. So we can be certain that a total of 1,804 out-of-state felons, registered to vote in Florida were on the felons exclusion list – the 100 who had been purged between 1999 and 2000 and the those remaining on the list.

Americans in exclusively African-American neighborhoods, because you would not find any. Instead you would go

There were also 1,147 voters on the 1999 and 2000 lists who were from states that do not allow incarcerated felons to vote, nor do they allow those on parole or probation to vote. But once felons have served their time these states automatically restore their civil rights. The states are Connecticut, New Jersey, South Carolina, Texas and Wisconsin. Though it is unlikely that they were either on probation or parole (because they would likely be in violation of their parole/probation conditions by being out of the states in which they were convicted), we cannot be certain that these individuals had had their rights restored. Nevertheless, it is likely that these 1,147 were legal voters. Added to the 1,804 who we are sure were legal voters brings the number of legal voters on the felons' list close to 3,000. Finally, there were 322 voters convicted of a felony in Kentucky, Virginia, or Washington State on the exclusion list. These states disfranchise for life and so the names were correctly included in the exclusion list.

Though DBT's exclusion of voters from other states with different voting laws was an egregious violation of their voting rights, their presence on the exclusion list does not explain the pattern of errors we are seeking to explain.²¹ This is so for two reasons. First, the racial composition of this group of registered voters is very different from the composition of the list as a whole: it is 70% White. Furthermore, the counties did not uniformly identify these voters as being on the felons' list in error – only 60% of them were retained on the voting rolls. Even people whose felony convictions were in Illinois or Ohio were purged by some counties.

looking in the most popular neighborhoods.

²¹ Beyond the fact that DBT excluded legal voters, there is the way that this was done. The states from which felon data was gathered were not chosen as a result of some rigorous nationwide search for felons registered to vote in Florida. Rather, they are the result of the fact that DBT had access to felony data in those states, and was encouraged to use it by the Florida Division of Elections.

A less obvious, but potentially more significant, instance of the problem of “garbage in” was the quality of the data from within Florida that DBT used. DBT relied on the state to provide it with data on felons and ex-felons in the state. The felons’ exclusion list identified the source of the data used in the matching process, and 39,259 of the records were identified as coming from the Florida Department of Law Enforcement (FDLE) via the Division of Elections, with the other 3,063 coming from DBT’s own data sources. The FDLE’s track record in generating good data had not been stellar. The CCR found that the FDLE

performed record checks on a listing of 13,190 alleged felons in December 1999.

At a cost of \$8 per record, the Division of Elections received an invoice for \$105,520 from the Florida Department of Law Enforcement. The FDLE responded to approximately 5,000 voters whose names appeared on the felon exclusion list. Of those voters who contacted the FDLE to appeal the notice from a local supervisor of elections that they were ineligible to vote, approximately 50 percent were found to be convicted of felonies in Florida and 50 percent were determined to not have Florida felony convictions (CCR 2001, Chapter 5 p. 7).

Thus, the test the FDLE performed demonstrated a very high error rate, ranging from between 19% if one assumes that all non-respondents were actually felons to 50% if one assumes that the felon rate among respondents was representative of all 13,190 alleged felons on the list that was checked. It is not clear whether the problem lay with the FDLE procedure or with its data, though the cost of the procedure indicates that some programming and other effort was put in to the process. But there was ample warning that using FDLE data required considerable caution.

Looking only at the data coming from FDLE through the Division of Elections (DOE) in 2000, it is clear that it is these data and their treatment by the county supervisors that determined the racial composition of those retained on the voting rolls. There were 39,259 records in the 2000 felons' list whose source is identified as the DOE. A match of these with the April 2001 CVF shows, once again, that African-Americans were more likely to be retained on the voter rolls, even within High Purge counties. Within this group of voters retained on the rolls, 42% are African-American, 53% are White and 4% are Latino. The data suggest that the list the Department of Elections gave to DBT to match with the CVF in 2000 was highly flawed. Furthermore, the fact that the distribution of errors across race was so similar to the distribution of those on the list overall suggests that the erroneous data came from a source with a similar population distribution as the population of felons. It may be that the DOE data included people convicted of misdemeanors or even arrest data, rather than just those with felonies. To the extent that the population of people convicted of misdemeanors is similar to the population of people convicted of felonies, then, if the former were the source of the errors, we would expect the errors to have a similar distribution as the felons on the list.

If the DOE was the source of errors DBT is not necessarily off the hook. The analysis above demonstrates that the only valid check of the felons' list is a thorough audit of each name on the list, as conducted by many of the county supervisors. DBT did not conduct such an audit on even a sample of records. Furthermore, the quality control test it conducted gave it a false sense of security about the quality of the data in the felons' list. This was true for two reasons. First, its test focused only on processing errors, not on whether they were working with garbage data.

Second, their quality control test only examined whether they had missed a felon who was on the voter registration rolls.²² They did not ask: what percentage of the people on the list are there in error? Such a quality control test would have immediately alerted DBT to the problems that the county supervisors found.

What impact did the errors on the felons' list have on the outcome of the 2000 election for President, given Bush's small margin of victory over Gore? The felons' list does not include the party affiliation of those people on it, but the CVF does. Of those on the CVF in April 2001 who were also on the felons list, 61% were registered Democrats, 23% were registered Republicans, and 16% were registered with another party. The reason for this skew towards Democrats is simple, 84% of African-American voters on the felons' list retained on the voter rolls were Democrats, while only 43% of their White counterparts were Democrats. As a result, the high share of African-Americans retained on the voter rolls resulted in the high share of Democrats retained. Of those who remained on the voter rolls in April 2001, 38% voted in the 2000 elections. On average, this turnout rate is no different in counties where county supervisors used the list as against those where they did not use the list, though Republican turnout in counties that did use the list is considerably higher than in counties that did not use the list. The overall turnout rate is far below the rate for all registered voters in Florida. As a result, in those counties where county supervisors said they did not use the list a far higher percentage of those on the list voted than in counties where supervisors did use the list. Of those who voted, 64% were registered Democrats, 24% were registered Republicans, and 10% were registered with another

²² According to the Civil Rights Commission, "DBT Online reported that its statistician found that its margin of error were less than 0.4 percent. DBT Online randomly selected 6,760 records to be manually verified to determine its

party. If the county supervisors had simply used the felons' list to purge all those on it from the voter rolls, then, clearly, the use of the list would have favored the Republicans. But only two counties conducted a 100% purge, the rest used the list more judiciously, if at all. As a result, the existence of the list may have ended up favoring the Democrats, because in counties that did not use the list it is likely that some ineligible voters voted, and those ineligible voters were more likely to be Democrats. The numbers in these counties far outweigh the numbers in the two counties where eligible voters, who were also more likely to be Democrats, may have been denied their right to vote because of a 100% purge.

Conclusion

In the wake of the November 2000 elections there has been an extensive search for the “smoking gun” of discrimination, or, more precisely, a number of guns. This paper suggests that the distribution of errors in the High Purge, Republican counties may be one of them. These were counties where there was the least incentive to retain African-Americans on the voter rolls, and where there was the most rigorous purging of the voter rolls using the list, yet which still retained on the rolls a disproportionate number of African-Americans, suggesting that a disproportionate number of African-Americans were on the exclusion lists of those counties in error. Though, in this instance, the smoking gun may have been found, and traced to its owner, the State of Florida, we should not conclude that that is the end of the story. Rather, the search for the smoking gun of discrimination has unveiled broader lessons of which we need to take note.

percentage of errors. Because this method found five errors, the statistician reported the confidence level at 99.9 percent.” (CCR 2001, Chapter 5, 5)

First, electoral law and its implementation are partisan in the U.S.. This is consistent with the history of voting rights in the U.S., not only in regard to the voting rights of African-Americans, but also in regard to others, such as working-class citizens, illiterates, and women. Keyssar (2000) documents numerous instances in which electoral reforms to either narrow or widen the franchise were clearly informed by partisan considerations. Ironically, with the exception of the post-Reconstruction South, the history of felon disfranchisement seems to have been less fraught with partisan politics, in a direct way. This seems to be because, as a practice, it was locked in to many state constitutions soon after the founding of the republic. This lock-in has been preserved by the politics surrounding the 14th Amendment, the Voting Rights Act of 1965, and even the Voter Registration Act of 1993. Nevertheless, felon disfranchisement has deeply partisan implications and the Florida elections revealed this. Specifically, so long as those convicted of felonies are more likely to vote for one party over another (in this case the Democratic Party), the thorough enforcement of felon disfranchisement laws will accrue electoral benefits to the Republicans.

But partisanship has to hang its hat on something. In this case the hook was the doubts about the validity of the felons list. Ironically, this meant that fewer Democrats were purged from the voter rolls than might have been the case if the county supervisors had not had doubts about the felons list and had used it universally. This raises two further questions about the future of partisanship around the issue of felon disfranchisement. The elections revealed a problem presented by felon disfranchisement laws in those states that disfranchise felons who are not incarcerated. Florida essentially attempted to implement an 18th Century policy – disfranchising unincarcerated felons, in a 20th Century social context, using 20th Century technology. The idea

of felon disfranchisement derives from the English idea of “civil death,” whereby a felon was stripped of the protection afforded him by the state but was not incarcerated (Mauer 1999, 2). “Civil death” included the loss of voting rights, as well as property rights and other rights. In a close-knit society there was no problem enforcing such a policy – everyone knew who the felon was. Today we have a highly mobile society where we are not expected to police each other. Yet Florida and 32 other states want to keep track of felons outside of prison to make sure they do not register to vote. The events in Florida reveal that, whether it was intentional or not, compiling a list of felons and ex-felons can result in a large number of false positives, even before the matching process has begun. Furthermore, matching names, even with date of birth information, is very difficult. So long as the process of producing an accurate felons list remains fraught with problems, then the implementation of felon disfranchisement laws will continue to be a partisan issue, especially in close elections.

If, on the other hand, states create exclusion lists that they have verified impeccably and they are able to undermine efforts at partisanship based on their quality, then partisanship is likely to move to a different level, away from the counties to the state legislatures and the Congress. In particular, Democrats will be faced with a very difficult political choice. Should they seek to undo the legislative (and even constitutional) underpinnings of the electoral impact of an effective implementation of the current disfranchisement laws, namely federal endorsement of such laws in combination with draconian drug laws that disproportionately impact African-Americans and Latinos? If history is any guide the choice will be purely political, weighing the gain of the votes of the disfranchised against the loss of voters who might vote Republican in

opposition to overturning either the disfranchisement laws or the drug laws.²³

²³ This choice will be further complicated at the state level in states where Democrats hold political power and where the post-incarceration disfranchisement laws are in place.

Appendix

If the errors on the felons exclusion list are random and only the product of a “garbage in” problem, then they are the result of a two-stage “sampling” process, one random and one structured. The random stage of the process was the process by which people who were not convicted felons were included in the FDLE database that was given to DBT for the purpose of matching it with the January 2000 Central Voter File. The structured stage of the process was the process by which those people who were in the FDLE database in error and were also registered to vote were identified through DBT’s matching process with the CVF and included on the felons exclusion list. It is this group of people that constitute those included on the exclusion list in error. Those in the FDLE database in error should have been a random sample of the general, adult population of Florida, if they were genuine errors. The subset of that group who were registered to vote, and ended up on the exclusion list, should have had the same demographic composition as the group of all registered voters – all those on the CVF. This is because those in the CVF, on the one hand, and those in the CVF and the FDLE (in error), on the other, are both drawn out of groups with a similar demographic composition, the general adult population and the sample of that population that ended up on the FDLE in error (in that one is a random sample of the other).

If, on the other hand, the errors on the felons exclusion list were the product of mismatches between the FDLE names and the CVF names (on which I say more below), then the errors on the exclusion list are a combination of the compositions of the two groups of people matched in error (those on the FDLE and those on the CVF). The analysis below only includes people whose race in the FDLE data and in the CVF are the same. On this basis, we would expect the

errors to be about 14% Black and 86% White, omitting Latinos from the calculations. The calculations are as follows:

Demographic Composition of FDLE Database and CVF, excluding Latinos and others		
	FDLE	January CVF
Black	54.00%	12.22%
White	46.00%	87.78%
	100.00%	100.00%
Results of a series of random draws from each group (FDLE and CVF)		
Black/Black	7%	
White/White	40%	
Black/White	47%	
White/Black	6%	
Percent of matches that result in race matches	47%	
Black/Black given race match	14%	
White/White given race match	86%	

Note that whether the comparison is with the CVF or with the outcome of combined draws from the FDLE and CVF, the test for bias only concerns the *errors* on the felons list, not the list as a whole. Many critics of the use of the felons list in Florida have noted that the list included African-Americans disproportionately by comparing the whole of the felons list to the distribution of registered voters. This is palpably wrong. But so is the riposte that the valid

comparison is that between the list and the population of those in prison, which is generally agreed to be about 54% African-American. The estimates generated by Manza et al. are what the list as a whole should be compared to because these include ex-convicts who remain disfranchised by state law; and as argued above, the composition of the CVF are what the errors should be compared to.

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Table 1

**Origins of State Disfranchisement Laws
by date of original adoption**

Date of Statehood	Date of disfranchisement	# of states
Founding state	Before 14th Amendment	8
	After 14th Amendment to 1990	4
	2000 (Massachusetts)	1
18th Century	Before 14th Amendment	3
Early 19th Century, Before Reconstruction	Before 14th Amendment	18
	After 14th Amendment to 1990	2
	Never disfranchised felons (Maine)	1
After Reconstruction	After 14th Amendment to 1990	12
	1998 (Utah)	1
Grand Total		50

* Vermont passed a statute in 1884 allowing felon disfranchisement,
but today does not disfranchise felons.

Source: Keyssar (2000); State constitutions

Table 2

**Current Felon Disfranchisement Laws, by type
States and District of Columbia, as of April 2001**

Type	Number
No disfranchisement*	3
Incarcerated only	16
Incarcerated and parole	4
Incarcerated, parole and probation	15
For life	13
Total	51

Massachusetts voted in November 2000 to prohibit incarcerated felons from voting. Previous to this vote there was no felon disfranchisement in this state.

Source: The Sentencing Project, April 2001

Table 3

Fields in the Central Voter File Exclusions List

1999 and 2000

Felons	Deaths	Duplicates
Source	Source	MatchBasis
MathcBasis	MatchBasis	ProcYrMn
ProcYrMn	ProcYrMn	VoterCountyID
VoterCountyID	VoterCountyID	VoterID
VoterID	VoterID	VoterFullName
VoterFullName	VoterFullName	VoterDOB
VoterDOB	VoterDOB	VoterDateReg
VoterDateReg	VoterDateReg	VoterGender
VoterGender	VoterGender	VoterRace
VoterRace	VoterRace	DupCountyID
FelonState	DeathState	DupVoterID
FelonCountyID	DeathCertNum	DupFullName
FelonDnum	DeathCountyID	DupDOB
FelonDSeq	DeathFullName	DupDateReg
FelonFullName	DeathDOB	DupGender
FelonDOB	DeathDate	DupRace
FelConvDate	DeathGender	VoterHistoryLastFP
FelonGender	DeathRace	VoterHistoryLastSP
FelonRace	HistoryLastFP	VoterHistoryLastGE
HistoryLastFP	HistoryLastSP	DupHistoryLastFP
HistoryLastSP	HistoryLastGE	DupHistoryLastSP
HistoryLastGe		DupHistoryLastGE

Source: State of Florida, Division of Elections

Table 4

**Record Counts and Matching Voter Identification Numbers
Florida Exclusion Lists, 1999 and 2000**

	1999	2000	Matching Voter ID	Match of 2000 List	Unique Records, 1999 and 2000
Felons	39,239	42,322	23,905	56%	57,656
Deaths	34,264	31,025	5,727	18%	59,562
Duplicates	39,532	40,254	14,339	36%	65,447
Total	113,035	113,601	43,971	39%	182,665

Source: State of Florida, Division of Elections

Table 5

**Date of Events Resulting in Inclusion on Exclusion List
1999**

Event Date	Felons	Deaths	Duplicates
pre-1995	10,395 30%	3,759 13%	2,509 6%
1995 to 1998	18,454 53%	6,127 21%	11,910 30%
1998	4,465 13%	5,809 20%	11,521 29%
1999 plus	1,494 4%	12,981 45%	13,591 34%
Total Known Events	34,808	28,676	39,531
Missing	4,431	5,588	1
Total Records	39,239	34,264	39,532

Source: State of Florida, Division of Elections

Table 6

Even Date, List Type and Match with 1999 List Florida Exclusion List, 2000			
Event Date	All 2000	2000 matching 1999	New in 2000
Deaths			
Prior to 1998	7,253	2,668	4,585
	25%	54%	19%
1998	3,377	1,374	2,003
	12%	28%	8%
1999 plus	18,398	933	17,465
	63%	19%	73%
Total Known	29,028	4,975	24,053
Missing	1,997	752	1,245
Total	31,025	5,727	25,298
Duplicates			
Prior to 1998	9,091	6,182	2,909
	23%	43%	12%
1998	6,188	4,509	1,679
	15%	31%	7%
1999 plus	24,975	3,648	21,327
	62%	25%	85%
Total Known	40,254	14,339	25,195
Missing	-	-	-
Total	40,254	14,339	25,195
Felons			
Prior to 1998	26,810	17,327	9,483
	72%	82%	58%
1998	4,950	2,622	2,328
	13%	12%	14%
1999 plus	5,644	1,205	4,439
	15%	6%	27%
Total Known	37,404	21,154	16,250
Missing	4,918	2,751	2,167
Total	42,322	23,905	18,417
Total			
Prior to 1998	43,154	26,177	16,977
	40%	65%	26%
1998	14,515	8,505	6,010
	14%	21%	9%
1999 plus	49,017	5,786	43,231
	46%	14%	66%
Total Known	106,686	40,468	65,498
Missing	6,915	3,503	3,412
Total	113,601	43,971	68,910

Table 7

**County List Use by Party Affiliation of County Supervisor
November 2000 Elections**

		County Supervisor Party			
County List use		Democrat	Non-Partisar	Republican	Grand Total
Used List	# of Counties	26	2	15	43
	% of Counties	59.09%	50.00%	78.95%	64.18%
Did Not Use List	# of Counties	18	2	4	24
	% of Counties	40.91%	50.00%	21.05%	35.82%
Total # of Counties		44	4	19	67

Source: State of Florida, Division of Elections; Commission on Civil Rights, 2001

Table 8

**Purge and Retention Rates by Party Affiliation
Central Voter File, April 2001**

	County Supervisor's Party Affiliation			
Kept on Voter Rolls	Democrat	Non-Partisan	Republican	Grand Total
Yes	15,699	2,941	3,923	22,563
	67.39%	30.91%	41.26%	53.31%
No	7,598	6,575	5,586	19,759
	32.61%	69.09%	58.74%	46.69%
Total Number	23,297	9,516	9,509	42,322
Total Percent	100.00%	100.00%	100.00%	100.00%

Source: U.S. Census Bureau; Commission on Civil Rights, 2001; Salon.com 2001; State of Florida, Division of Elections

Table 9

**County List Use by Race of Registered Voters
Central Voter File, April 2001**

	Race/Ethnicity*						
County List Use	African-American Latino		White	Other	Total Known Race	Unknown Race	Grand Total
Used List	573,892	564,333	4,104,908	82,725	5,325,858	151,852	5,477,710
	10.78%	10.60%	77.08%	1.55%	100.00%	2.77%	100.00%
Did Not Use List	387,293	126,457	2,785,730	49,393	3,348,873	83,431	3,432,304
	11.56%	3.78%	83.18%	1.47%	100.00%	2.43%	100.00%
Total Number	961,185	690,790	6,890,638	132,118	8,674,731	235,283	8,910,014
Total Percent	11.08%	7.96%	79.43%	1.52%	100.00%	2.64%	100.00%

Source: Commission on Civil Rights, 2001; Salon.com 2001; State of Florida, Division of Elections

* All counties except Glades and Desoto counties -- data missing from CVF and/or 2000 Felons' List.

Table 10

**Distribution of Voters on the Felons' List and the Central Voter File by Race and Use of List
Florida, 2000 and 2001**

Felons' List		Race/Ethnicity				Total		
County List Use	Kept on Voter Rolls	African-American	Latino	White	Other	Known Race	Unknown	Grand Total
Used List	Yes	2,255	193	3,655	104	6,207	663	6,870
		36%	3%	59%	2%	100%	10%	33%
	No	5,472	582	6,874	112	13,040	1,074	14,114
		42%	4%	53%	1%	100%	8%	67%
Subtotal		7,727	775	10,529	216	19,247	1,737	20,984
		40%	4%	55%	1%	100%	8%	100%
Did Not Use List	Yes	6,784	378	7,471	128	14,761	932	15,693
		46%	3%	51%	1%	100%	6%	74%
	No	2,987	88	2,219	39	5,333	312	5,645
		56%	2%	42%	1%	100%	6%	26%
Subtotal		9,771	466	9,690	167	20,094	1,244	21,338
		49%	2%	48%	1%	100%	6%	100%
Grand Total		17,498	1,241	20,219	383	39,341	2,981	42,322
		44%	3%	51%	1%	100%	7%	100%
April 2001 CVF								
Used List	Registered Voters	573,892	564,333	4,104,908	82,725	5,325,858	151,852	5,477,710
		11%	11%	77%	2%	100%	3%	100%
Did Not Use List	Registered Voters	387,293	126,457	2,785,730	49,393	3,348,873	83,431	3,432,304
		12%	4%	83%	1%	100%	2%	100%
Grand Total	Registered Voters	961,185	690,790	6,890,638	132,118	8,674,731	235,283	8,910,014
		11%	8%	79%	2%	100%	3%	100%

Source: Florida Division of Elections, 2000 and 2001

Table 11

**Distribution of Voters on the Felons' List and the Central Voter File by Race and Use of List
High Purge and Other Counties**

Felons' List		Race/Ethnicity				Total		
County Type	Kept on Voter Rolls	African-American	Latino	White	Other	Known Race	Unknown	Grand Total
High Purgers	Yes	838	102	1,237	22	2,199	304	2,503
		38%	5%	56%	1%	100%	12%	18%
	No	4,453	493	5,287	72	10,305	933	11,238
		43%	5%	51%	1%	100%	8%	82%
Others	Yes	8,201	469	9,889	210	18,769	1,291	20,060
		44%	2%	53%	1%	100%	6%	100%
	No	4,006	177	3,806	79	8,068	453	8,521
		50%	2%	47%	1%	100%	5%	100%
Total		17,498	1,241	20,219	383	39,341	2,981	42,322
		44%	3%	51%	1%	100%	7%	100%
April 2001 CVF								
High Purgers	Registered Voters	357,791	465,419	2,157,356	39,729	3,020,295	80,102	3,100,397
		12%	15%	71%	1%	100%	3%	100%
Others	Registered Voters	603,394	225,371	4,733,282	92,389	5,654,436	155,181	5,809,617
		11%	4%	84%	2%	100%	3%	100%
Total		961,185	690,790	6,890,638	132,118	8,674,731	235,283	8,910,014
		11%	8%	79%	2%	100%	3%	100%

Source: Florida Division of Elections, 2000 and 2001

Table 12

**Distribution of Voters on the Felons' List and the Central Voter File by Race and Use of List
High Purge Counties, Excluding Miami-Dade**

Felons' List		Race/Ethnicity				Total		
County Type	Kept on Voter Rolls	African-American	Latino	White	Other	Known Race	Unknown	Grand Total
High Purgers	Yes	730	53	1,207	19	2,009	284	2,293
		36.34%	2.64%	60.08%	0.95%	100.00%	12.39%	18.56%
	No	3,745	288	5,108	57	9,198	862	10,060
		40.72%	3.13%	55.53%	0.62%	100.00%	8.57%	81.44%
Total		4,475	341	6,315	76	11,207	1,146	12,353
		39.93%	3.04%	56.35%	0.68%	100.00%	9.28%	100.00%
April 2001 CVF								
High Purgers	Registered Voters	177,828	61,051	1,876,072	28,429	2,143,380	47,967	2,191,347
		8.30%	2.85%	87.53%	1.33%	100.00%	2.19%	100.00%

Miami-Dade

Felons' List		Race/Ethnicity				Total		
Kept on Voter Rolls		African-American	Latino	White	Other	Known Race	Unknown	Grand Total
Yes		108	49	30	3	190	20	210
		56.84%	25.79%	15.79%	1.58%	100.00%	9.52%	100.00%
No		708	205	179	15	1,107	71	1,178
		63.96%	18.52%	16.17%	1.36%	100.00%	6.03%	100.00%
Total		816	254	209	18	1,297	91	1,388
		62.91%	19.58%	16.11%	1.39%	100.00%	6.56%	100.00%
April 2001 CVF								
Registered Voters		179,963	404,368	281,284	11,300	876,915	32,135	909,050
		20.52%	46.11%	32.08%	1.29%	100.00%	3.54%	

Source: Florida Division of Elections, 2000 and 2001

Table 13**Republican High Purge Counties**

Felons' List	Race/Ethnicity				Total		
Kept on Voter Rolls	African-American	Latino	White	Other	Known Race	Unknown	Grand Total
Yes	214	11	491	6	722	87	809
	29.64%	1.52%	68.01%	0.83%	100.00%	10.75%	100.00%
No	983	46	1,932	16	2,977	536	3,513
	33.02%	1.55%	64.90%	0.54%	100.00%	15.26%	100.00%
Total	1,197	57	2,423	22	3,699	623	4,322
	32.36%	1.54%	65.50%	0.59%	100.00%	14.41%	100.00%
April 2001 CVF							
Registered Voters	53,240	15,162	889,060	12,001	969,463	17,424	986,887
	5.49%	1.56%	91.71%	1.24%	100.00%	1.77%	100.00%

Source: Florida Division of Elections, 2000 and 2001

Table 14

**Florida Exclusions List, 2000
by Match Basis**

Code	Description	Felons	Deaths	Duplicates
Probable Matches				
NAM	Match on Name and DOB	35,815	8194	37,048
NBD	Match on Name and Derived DOB		-	-
NSS	Match on SSN and Last Name AND (First Name OR DOB)	1,775	4761	902
NSD	Match on Derived SSN, Last Name AND (First Name OR DOB)	1,199	5047	
NXM	Match on Name and DOB	n/a	11,028	n/a
Sub-Total		38,789	29,030	37,950
% of Total		92%	94%	94%
Possible Matches				
SSL	Match on SSN and Last Name	1,404	943	4
SSB	Match on SSN and DOB	108	264	2,300
SDL	Match on Derived SSN and Last Name	1,919	667	
SDB	Match on Derived SSN and DOB	102	121	
Sub-Total		3,533	1,995	2,304
% of Total		8%	6%	6%
Total		42,322	31,025	40,254

Source: State of Florida, Division of Elections

NAM Matches

First and Last Name and Date of Birth	12,819	36%
Last Name, DOB and First Four Letters of First Name	18,602	52%
Last Name and DOB only	868	2%
Jr, Sr, etc., and Mc, O' etc.	3,523	10%
Others	3	0%
Total	35,815	100%

Author's calculations based on 2000 Exclusion List

Table 15

**Out of State Felons on Exclusion Lists, 1999 and 2000
by State Disfranchisement Law**

State Disfranchisement Law	2000	Purged in 1999	Total
Automatic Civil Rights Restoration (1)	1,704	100	1,804
Disfranchise Felons on Parole/Probation (2)	1,130	17	1,147
Disfranchise for Life (excludes Florida) (3)	229	93	322

(1) Illinois and Ohio

(2) Connecticut, New Jersey, South Carolina, Texas, Wisconsin

(3) Kentucky, Virginia, and Washington

Source: State of Florida, Division of Elections; The Sentencing Project, 2001