



RESEARCH AND ADVOCACY FOR REFORM



Felony Disenfranchisement

An Annotated Bibliography

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FELONY DISENFRANCHISEMENT: AN ANNOTATED BIBLIOGRAPHY

While the right to vote is a cornerstone of American democracy, a substantial and growing population of citizens is restricted from participation in the electoral process. Current estimates suggest that about five million Americans are ineligible to vote as a result of having a felony conviction. Depending on the state in which they have been convicted, these people may be disenfranchised while incarcerated, on probation or parole, or even after completing a sentence. As a result of the dramatic expansion of the criminal justice system in recent decades, the number of people with convictions, and hence disenfranchised, is at a record high.

Since the first modern-day estimates of the disenfranchised population were developed in the late 1990s, there has been a surge of policy reform activity around the country. Two dozen states have enacted various policy and practice reforms designed to either scale back the number of persons disenfranchised or remove some of the barriers to rights restoration.

Along with this movement has come a new generation of scholarship on the issue of felony disenfranchisement. A wealth of studies and analyses have been produced in recent years that examine disenfranchisement from a variety of perspectives – law, social science, history, and journalism. Overall, these writings provide new estimates of the statistical impact of disenfranchisement, assess legal and moral perspectives on the policy, and place the issue in a comparative international context.

This bibliography provides an overview of the scholarship on felony disenfranchisement over the past two decades. We hope that it will prove useful to policymakers, scholars, journalists, and others engaged in examining this fundamental issue of democratic participation.

JOURNAL ARTICLES

Allen, J. (2011). Documentary Disenfranchisement. *Tulane Law Review*, Vol. 86, 389-464.

Allen argues that, despite permanent disenfranchisement only being lawful in four states, “administrative practices sometimes transform temporary voting bans into lifelong disenfranchisement.” Allen claims that this de facto permanent disenfranchisement has political, legal, and cultural implications. Politically, it challenges the “comforting story” that state reforms have in some way dismantled the connection between felony disenfranchisement and racially disparate imprisonment numbers. Legally, it calls into question “the doctrinal impenetrability of a United States Supreme Court decision that has long blocked federal challenges to voting bans based on criminal conviction.” Culturally, it exposes what the author calls “documentary disenfranchisement,” the process of election officials demanding nonexistent eligibility requirements from persons with convictions. This results in de facto permanent disenfranchisement.

Altman, A. (2005). Democratic Self-Determination and the Disenfranchisement of Felons. *Journal of Applied Philosophy*, 22(3), 263-73.
(<http://instruct.tri-c.edu/jkerezy/felonsvotealtman.pdf>)

Altman argues that disenfranchisement can be a defensible policy, because citizens of a democratic state have a “right to collective self-determination” and thus, can decide in what manner they wish their society to function. This includes the right to set varying standards for determining when to strip someone of their right to vote. Most arguments in support of felony disenfranchisement are based on the claim that people who commit crime can have some of their democratic rights removed because they fail to respect the principles of that democracy. Altman’s position, on the other hand, is that disenfranchisement is not a question of violating democratic principles, but rather expresses the collective support for such a policy by the citizenry.

Austin, R. (2004). "The Shame of it All": Stigma and the Political Disenfranchisement of Formerly Convicted and Incarcerated Persons. *Columbia Human Rights Law Review*, 36(1), 173-92.

Austin discusses the impact of the stigma of conviction and incarceration as experienced by minority offenders. She argues that voting rights should be extended to ex-offenders in order to allow them to rehabilitate themselves and to transcend the shame of incarceration. Additionally, ending felony disenfranchisement would invigorate the politics and decision-making of the communities from which ex-offenders come.

Behan, C. & O'Donnel, I. (2008). Prisoners, Politics, and the Polls: Enfranchisement and the Burden of Responsibility. *British Journal of Criminology*, 48(3), 319-36.

Behan and O'Donnel examine Ireland's decision to enfranchise incarcerated persons in 2006. The authors begin by reviewing international developments in disenfranchisement of incarcerated persons, followed by detailing the process by which the Irish government decided to give incarcerated persons the right to vote. They conclude by suggesting that allowing incarcerated persons the right to vote encourages civic participation and builds stronger communities and citizens.

Behan, C. (2011). Lessons from Ireland's First Election With Enfranchised Prisoners. *The Howard Journal of Criminal Justice*, 51(1), 16-36.

Behan discusses Ireland's first election in which prisoners were allowed to vote in 2007. Behan found low levels of both registration and voting: only 14 percent of those eligible registered to vote, but almost all of those who registered did vote. His research found "disillusionment with civic society and a deep disconnection from government, politicians and the political system in general."

Behan argues that if prisoners are given the right to vote they must be given the same opportunity to participate in elections as those on the outside.

Behan also contends that Ireland's experience can serve to assist other countries, in particular the UK, as they prepare to enfranchise prisoners for future elections. He concludes that, "Unless there is greater political and civic engagement, the near universal welcome for enfranchisement might be dissipated, and the intent of enfranchisement - inclusion - could be lost in the reality of marginalisation and possibly further exclusion."

Behrens, A. (2004). Voting - Not Quite a Fundamental Right? A Look at Legal and Legislative Challenges to Felon Disfranchisement Laws. *Minnesota Law Review*, 89(1), 231-76.

In this note, Behrens analyzes the history of disenfranchisement laws and court cases and argues that if such laws were closely scrutinized, they would likely be struck down because of a lack of substantial support.

Behrens, A., Uggen, C., & Manza, J. (2003). Ballot Manipulation and the "Menace of Negro Domination": Racial Threat and Felon Disenfranchisement in the United States, 1850-2002. *American Journal of Sociology*, 109(3), 559-605.
([http://www.socsci.umn.edu/~uggen/Behrens Uggen Manza_ajs.pdf](http://www.socsci.umn.edu/~uggen/Behrens_Uggen_Manza_ajs.pdf))

The authors explore the history and foundation of felony disenfranchisement laws, focusing particular attention on the question of whether perceived racial threat was the basis of such laws, as many such laws were passed at a time when extending the franchise to African-Americans was a matter of vigorous debate.

Bowers, M., & Preuhs, R. (2009). Collateral Consequences of a Collateral Penalty: The Negative Effect of Felon Disenfranchisement Laws on the Political Participation of Nonfelons. *Social Science Quarterly*, 90(3), 722-43.

Bowers and Preuhs suggest that felony disenfranchisement in effect disenfranchises African-Americans without felony convictions by significantly reducing the numbers of blacks whose votes will actually count in ballots. The authors consider voter registration rates, income levels, and

the probability that a person within a given group will vote. Their findings indicate that felony disenfranchisement policies “tend to dampen” the propensity to vote among African-Americans without felony convictions and of persons with low levels of income.

Campbell, M. C. (2007). Criminal Disenfranchisement Reform in California: A Deviant Case Study. *Punishment and Society*, 9(2), 177-99.

Campbell discusses the history of the early 1970s passage of Proposition 10 in California, which enfranchised formerly incarcerated persons. This had an effect on the state’s voting future, as there otherwise would have been a large number of disenfranchised persons resulting from the dramatic increase in the prison population in the decades that followed. Moreover, Campbell argues that the adoption of Proposition 10 was not a result of changing public attitudes towards punishment, but rather work done by advocacy groups and African American legislator Julian Dixon.

Chin, G. J. (2004). Reconstruction, Felon Disenfranchisement and the Right to Vote: Did the Fifteenth Amendment Repeal Section 2 of the Fourteenth Amendment? *Georgetown Law Journal*, 92, 259-316.

Chin focuses primarily on the constitutional rights of minorities. He evaluates the contradictions between the Fourteenth and Fifteenth Amendments, arguing that the Fifteenth Amendment implicitly repeals Section 2 of the Fourteenth Amendment and grants people with felony convictions the right to vote.

Clegg, R. (2001). Who Should Vote? *Texas Review of Law and Politics*, 6, 159-78.

Clegg argues that four groups of people should not be allowed to vote: children, the insane, those who choose to reside abroad permanently, and persons with felony convictions. His rationale is that members of those four groups do not meet a basic threshold of trustworthiness and civic commitment. Relating specifically to felon disenfranchisement, the author

argues that society should not forget what someone has done once their sentence is completed. Moreover, he states that the disproportionate effect of disenfranchisement on minorities is no reason to change the law – efforts should instead be focused on solving the problem of overrepresentation of minorities in prison. Finally, Clegg defends felon disenfranchisement with a concern that, without voting bans, there would be a serious threat of “anti-law enforcement” voting blocs in communities that experience high crime rates.

Conn, J.B. (2005). Note: Felon Disenfranchisement Laws: Partisan Politics in the Legislatures. *Michigan Journal of Race & Law*, 10(2), 495-539.

Conn analyzes disenfranchisement laws in the U.S. and concludes that the right to vote is tied to partisan politics in state legislatures. The author reveals how the partisan political process is both the greatest impediment to the restoration of voting rights of formerly incarcerated persons in states controlled by Republican legislators and the greatest hope for them in Democratic controlled states. Conn argues that the racial disparity found in disenfranchisement of formerly incarcerated persons is less a result of racial bias among politicians, but rather a result of partisan political interests and the racial makeup of different political parties.

Dawson-Edwards, C. (2008). Enfranchising Convicted Felons: Current Research on Opinions Towards Felon Voting Rights. *Journal of Offender Rehabilitation*, 46(3/4), 13-29.

This literature review explores the history of disenfranchisement as a punitive measure over the last 30 years and discusses the ethics of removing voting rights from people with felony convictions. The author cites surveys showing that the public generally supports enfranchising people with felony convictions and that persons with felonies themselves questioned the extent to which they were considered community members as a result of their disenfranchisement.

Demleitner, N.V. (2000). Continuing Payment on One's Debt to Society: The German Model of Felon Disenfranchisement as an Alternative. *Minnesota Law Review*, 84, 753-804.

Demleitner critiques U.S. disenfranchisement laws as a historical throwback devoid of justification or rationale. The author argues that because disenfranchisement is neither constitutionally mandated nor legally or logically explicable, it should be restricted to the German provision whereby deprivation of voting rights is limited to serious, legislatively enumerated offenses that must be assessed directly by a judge at the time of sentencing, and can be imposed only for a limited and relatively short period of time. The author argues that reshaping U.S. disenfranchisement law to the German approach would correct much of the racial imbalance prevalent today. Finally, the author argues that unlike the American model, the German format permits both punishment and a chance of reintegration into the community and the body politic, a substantial goal of any rational sentencing scheme.

Dhami, M. K. (2005). Prisoner Disenfranchisement Policy: A Threat to Democracy? *Analyses of Social Issues & Public Policy*, 5(1), 235-47.
(<http://www.asap-spssi.org/pdf/0501dhami.pdf>)

Dhami examines the effects of disenfranchisement in democratic societies. The author argues that felony disenfranchisement, particularly for ex-felons, only reinforces the alienation from society that is cultivated by incarceration. She also examines the archaic reasoning behind the permanent disenfranchisement of offenders. Lastly, Dhami describes incarceration demographics and discrimination, illustrating how the disenfranchisement of ex-felons has impacted voting power in minority populations.

Dinan, J. (2007). The Adoption of Criminal Disenfranchisement Provisions in the United States: Lessons from the State Constitutional Convention Debates. *Journal of Policy History*, 19(3), 282-312.

This article examines 114 records of disenfranchisement debate in constitutional conventions between 1814 and 1984. The author pinpoints five primary arguments in support of disenfranchisement as well as the prevalence and time period in which they were most commonly utilized. The primary arguments identified by the author are punishment and deterrence, character assessment, potential for electoral fraud, support of criminal interests, and suppression of African-American political power.

Duff, R. A., Kleining, J., and Murtagh, K. (2005). Crime and Citizenship. *Journal of Applied Philosophy*, 22(3), 211-16.

Duff, Kleining, and Murtagh compare the disenfranchisement policies of the United States and European countries and find that in most European states, offenders are much more likely to retain their civil rights.

Ewald, A.C. (2002). Civil Death: The Ideological Paradox of Criminal Disenfranchisement Law in the United States. *Wisconsin Law Review*, 1045-1132. (<http://sobelk.colorado.edu/~preuhs/state/ewaldcivildeath.pdf>)

Ewald draws together political theory, history, and law to examine the practice of criminal disenfranchisement and argues what he sees as the fundamental incoherence of lifetime criminal disenfranchisement law. The author maintains that while it may seem that a political theory of liberalism and republicanism - innate to U.S. society - supports a practice such as disenfranchisement, such laws are in fact not true to the principles of either ideology. He argues the focus on protecting fundamental individual rights should lead liberals to scrutinize such a policy that permanently denies citizens the ballot. He also finds that disenfranchising felons for life is deeply at odds with other central tenets of liberal ideology, such as the idea of creating penalties that are proportionate to individual offenses, or the right of persons to advance their own interests through voting. Ewald also argues that criminal disenfranchisement pushes against the republican commitment to character formation and to political activity as a central means by which such development is achieved. Finally, Ewald advances the argument that the

racially discriminatory dimensions of such laws should trouble adherents of both ideologies, and that the Voting Rights Act should be used to confront the inherent racism in the criminal justice system and society at large.

Ewald, A. C. (2003). Punishing at the Polls: The Case Against Disenfranchising Citizens with Felony Convictions. Demos.

(http://www.prisonpolicy.org/scans/demos/punishing_at_the_polls.pdf)

Ewald writes that supporters of disenfranchisement cannot comprehensively support their claims. He counters arguments made by disenfranchisement advocates, contending that felony disenfranchisement is a racist practice that does not successfully “punish” persons with felony convictions.

Ewald, A. C. (2004). An “Agenda for Demolition”: The Fallacy and the Danger of the “Subversive Voting” Argument for Felony Disenfranchisement. *Columbia Human Rights Law Review*, 36(1) 109-44.

(http://www.sentencingproject.org/doc/publications/fd_agendafordemolition.pdf)

Ewald contends that the argument for felony disenfranchisement relies mostly on a theoretical rather than practical basis. For instance, defenders of disenfranchisement argue that formerly incarcerated persons must be barred from voting because they might vote to weaken criminal law and form an anti-law enforcement voting bloc. Ewald argues that this claim is antithetical to modern ideas about universal suffrage and that the theory lacks empirical support. Additionally, even if offenders are perceived to pursue interests counter to those of other voters, it is unconstitutional for them to be stripped of their voting rights for that reason.

Ewald, A.C. (2005). A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law. The Sentencing Project, Washington D.C.

(http://www.sentencingproject.org/doc/publications/fd_crazyquilt.pdf)

The author reports on a study of disenfranchisement law and its implementation by local election officials. The study finds that: disenfranchisement laws are broadly misunderstood and misinterpreted by officials; confusion over disenfranchisement laws leads to the exclusion of legal voters and the inclusion of illegal voters; and that the “crazy quilt” of disenfranchisement laws leads to confusion and contradiction even within states. Putting philosophical arguments aside, Ewald argues that disenfranchising formerly incarcerated persons causes so many practical problems that it is nearly impossible to ensure fairness and accuracy. The author also offers recommendations, including training election and criminal justice officials in disenfranchisement policies and procedures, and reviewing whether felony disenfranchisement serves a useful public purpose.

Ewald, A. C. (2009). Criminal Disenfranchisement and the Challenge of American Federalism. *The State of American Federalism*, 39(3), 527-56.

Numerous studies show that most Americans favor more relaxed laws regarding the disenfranchisement of people with felony convictions. The author argues that reform prospects depend in large part on a state’s political makeup. The article also examines whether ineligibility follows a person moving from one state to another and whether Congress has the constitutional authority to enfranchise former offenders.

Fellner, J. & Mauer, M. (1998). Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States. Human Rights Watch and The Sentencing Project, Washington D.C.
(http://www.sentencingproject.org/doc/File/FVR/fd_losingthevote.pdf)

This article provides a comprehensive analysis of the impact of state laws that disqualify current and former felony offenders from voting. Fellner and Mauer detail statistical highlights that define felony disenfranchisement in the U.S., reporting that forty-six states and the District of Columbia prohibit prisoners from voting while serving a felony sentence; four states - Maine, Massachusetts, Utah, and Vermont - permit persons in prison to vote; 32

states prohibit voting by persons on parole as well as 29 that exclude persons on felony probation. Additionally, the authors document that ten states disenfranchise all persons who have completed their criminal sentence, four others disenfranchise some ex-offenders and Texas disenfranchises ex-offenders for two years after they have completed their sentences.

Fellner and Mauer argue that the impact of felony voting disenfranchisement has been severe, and estimate that 3.9 million Americans, or one in fifty adults, have currently or permanently lost their voting rights as a result of a felony conviction. They calculate that 1.4 million persons disenfranchised are ex-offenders who have completed their sentences and that 13% of black men are disenfranchised (a rate seven times the national average). Fellner and Mauer project that given current rates of incarceration, three in ten of the next generation of black men can expect to be incarcerated at some point in their lifetime, while in states that disenfranchise ex-offenders, as many as 40% of black men may permanently lose their right to vote.

Fletcher, G.P. (1999). Disenfranchisement as Punishment: Reflections on the Racial Issues of Infamia. *UCLA Law Review*, 46(6): 1895-1907.

Fletcher argues that the U.S. has created a criminal justice system that is at war against a “criminal class” that is perceived as inherently unreliable. He argues that an underclass has been created, and that a caste system where felons are stigmatized as “untouchables,” is being strengthened. The author views voting disenfranchisement as a technique for reinforcing the branding of felons as the untouchables of American society and argues that their banishment from the political nature of community is advancing the idea of the “purity of the ballot box.” Fletcher sees two commonly assumed claims giving rise to the ballot box purity idea. The first is the mystical claim that people with felony convictions will taint the voting process, and that therefore they should be excluded. The second is the fanciful claim that felons somehow endanger the honesty of the electoral process. The author argues that the only rational argument for disenfranchisement is to call the entire affair a felon’s “civil death”; the loss of the right to vote. Fletcher

compares the racial impact of disenfranchisement to the racial impact of the crack/powder cocaine penalty disparities and the impact of the death penalty, calling all three entirely unacceptable.

Foster, S. (2009). Reluctantly Restoring Rights: Responding to the Prisoner's Right to Vote. *Human Rights Law Review*, 9(3), 489-508.

This UK-based article argues that the disenfranchisement of people with felony convictions should be reserved for only two instances: cases in which the offender directly engaged in restricting the rights of others and cases where restricting the offender's voting rights might be necessary to prevent public disorder. Since both of these cases are exceedingly rare, Foster argues that suffrage would logically be exempt from being utilized as a form of punishment in a democratic society. Not doing so would question the essential nature of democratic thinking and reduce the right to vote to a privilege rather than a right.

Goldman, D. S. (2004). The Modern-Day Literacy Test?: Felon Disenfranchisement and Race Discrimination. *Stanford Law Review*, 57(2), 611-55.

Goldman argues that the old literacy-test standards for voting and modern felony disenfranchisement laws are similar in many important respects and that such de facto poll taxes should be re-examined with a view to reform.

Gottlieb, M.J. (2002) One Person, No Vote: The Laws of Felon Disenfranchisement. Developments in the Law: The Law of Prisons, Part VI. *Harvard Law Review*, 115(7), 1939-63.

Gottlieb examines recent developments in the movement against felony disenfranchisement by studying what has happened in state legislatures and state and federal courts. First, the author reviews how state legislatures have differentially adopted disenfranchisement, separating them into three groups: states with permanent disenfranchisement, states with modified permanent disenfranchisement, and states that restore the franchise. Next, he examines

disenfranchisement in the courtroom and argues that few plaintiffs win challenges in cases that either attack the constitutionality of disenfranchisement or attempt to use the Voting Rights Act. His conclusion is that since these approaches have proved mostly unfruitful as strategies, advocates should instead focus on legislative reform to combat the disproportionate effects of disenfranchisement.

Gottlieb surmises that current doctrine suggests courts will not invalidate disenfranchisement laws in a wholesale fashion, and suggests that alternatives to traditional litigation strategies must be employed. First, he recommends advocates use state legislation the way activists in states like Texas or Connecticut have, where strategic partnering amongst a variety of community organizations has resulted in disenfranchisement changes. Second, Gottlieb recommends the use of strategic litigation, aiming at disenfranchisement in small, specific ways, such as the specific manner of its implementation, application and enforcement, against disenfranchisement's discernable discriminatory result, or the choice of disqualifying crimes for franchise restoration. Regardless of future strategy, Gottlieb argues that wholesale litigation against disenfranchisement should be replaced by strategic litigation.

Harvey, A.E. (1994) Comment: Ex-felon Disenfranchisement and its Influence on the Black Vote: The Need for a Second Look. *University of Pennsylvania Law Review*, 142, 1145-89.

In this article, one of the earlier examinations of voter disenfranchisement, Harvey argues that because the number of African Americans imprisoned is so severely disproportionate to the number of whites imprisoned in many states, and given the comparatively lower total black population and even smaller black voting age population in those states, felon disenfranchisement laws disproportionately impact the black vote to a significant degree.

The author posits that where a plaintiff presents statistics that clearly demonstrate an impact, and where there is strong evidence of historical

voting and socioeconomic discrimination that are compounded by ex-felon disenfranchisement, the courts should view such law as denying African Americans an equal opportunity to participate in the political process, and thereby unlawfully diluting the black vote in violation of the Voting Rights Act.

Haselswerdt, M.V. (2009). Con Job: An Estimate of Ex-Felon Voter Turnout Using Document-Based Data. *Social Science Quarterly*, 90(2), 262-273.

In this study, the author challenges findings from statistical models of projected voter turnout among formerly incarcerated persons. While such studies generally estimate that 20-25% of formerly incarcerated individuals who were eligible to vote would do so in federal elections, Haselswerdt uses government records in Erie County, NY, and finds that only 5% of eligible people who had previously been convicted of felonies voted. His conclusion is that it is unlikely that participation by those persons will affect electoral outcomes.

Haygood, R.P. (2011). Disregarding the Results: Examining the Ninth Circuit's Heightened Section 2 "Intentional Discrimination" Standard in *Farrakhan v. Gregoire*. *Columbia Law Review Sidebar*, 111, 51-65.

Haygood's article examines the Ninth Circuit's decision in *Farrakhan v. Gregoire*, and argues that the court overstepped its boundaries in implementing an "intentional discrimination" requirement in disenfranchisement for felony convictions. He argues that the court's decision not only clashes with Section 2 of the Voting Rights Act, which does not require proof of intentional discrimination, but also reverses course from previous decisions. The *Farrakhan* case challenged a Washington law disenfranchising persons serving felony convictions. Because of the racial disparity in the Washington criminal justice system, 24% of black men and 15% of Washington's black population were disenfranchised. The plaintiffs argued that Washington was in violation of the Voting Rights Act because the state had barred people exercising a fundamental democratic right "on

the basis of results of a criminal justice system that the State itself has never disputed is tainted by racial bias.”

Hirschfield, P. (1999). Losing the Prize? Assessing the Impact of Felon Disenfranchisement Laws on Black Male Participation. A paper presented at the 1999 Annual Meeting of the Law and Society Association.

Hirschfield argues that given its racial impact, permanently disenfranchising those convicted of felonies is reminiscent of Jim Crow laws that aimed at depriving African Americans of their vote to dilute their political strength. The author’s study addresses the counter-argument to felony disenfranchisement, namely that so few African American males with felony convictions – whether disenfranchised or not – actually vote that disenfranchisement laws are likely of little political consequence. To study the veracity of this hypothesis the author examines whether more stringent disenfranchisement laws independently lower black males’ probability of voting. The study explores the impact of states’ disenfranchisement rates on the odds of voting participation. Hirschfield’s analysis suggests the tentative conclusion that, at least in the South, disenfranchisement rates have a significant effect on voting participation rates; black males are relatively less likely to vote in states with relatively high rates of voter disenfranchisement.

Holloway, P. (2009). “A Chicken Stealer Shall Lose His Vote”: Disenfranchisement for Larceny in the South, 1874-1890. *Journal of Southern History*, 75(4), 931-62.

The author documents the movement in Southern states to disenfranchise African-Americans in the late 1800s. This was possible after the federal government became less willing to enforce legislation that protected African-Americans in the South. As a result, the Democratic party was free to use various means to remove voting power from the newly freed slave population. These means included practices ranging from violent intimidation to legislation creating legal barriers to voting. While many of the most well-known barriers, written into state constitutions, were established beginning in the 1890s, many states earlier enacted laws that upgraded

misdeemeanor offenses to felonies that subjected offenders to disenfranchisement, and also expanded disenfranchisement laws to include it as a punishment for larceny. Holloway details these early legal attempts at disenfranchisement of African-Americans, beginning in 1874.

Holloway, P. Race and Partisanship in Criminal Disfranchisement Laws: Antecedents of the 2000 Election Controversy in Florida. *Freedom Rights: New Perspectives on the Civil Rights Movement*. McGuire, D. & Dittmer, J. (Eds.). University Press of Kentucky. 2011, 277-292.

Holloway examines court challenges to criminal disenfranchisement of African-Americans in the early twentieth century. Her book chapter looks at the attempts by three African-American men to challenge their wrongful disenfranchisement because of criminal convictions. The first, Cornelius "Canary" Curtis, was disenfranchised in 1907 in Tennessee for a larceny conviction. After two unsuccessful attempts at having his rights restored by local courts, he brought his case to the Tennessee Court of Civil Appeals, which ruled in his favor. The second case is of Henry Lucas and Johns Sullivan, just two of the many African-Americans who were disenfranchised in St. Louis, Missouri in 1916 because of false accusations of criminal convictions. Local Democratic party officials had conducted a targeted campaign at disenfranchising African-American voters and after the election, Lucas and Sullivan filed civil suits against several Democratic party members.

Ibrahim, L. M., Katzenstein, M. F., & Rubin, K. D. (2010). The Dark Side of American Liberalism and Felony Disenfranchisement. *Perspectives on Politics*, 8(4), 1035-54.

The authors contend that while many liberal arguments have been used to support suffrage expansion, there is a prevalence of liberal arguments deployed against enfranchisement by both conservatives and liberals. The authors list three common arguments against suffrage expansion, which they refer to as the "three strands of liberalism"—the conceptualization of

discrimination that relies on intentionality; the paradigmatic liberal belief in the social contract; and the liberal-republican adherence to norms of individual responsibility. According to the authors, the three strands show how the supposedly universal and liberal embrace of individuality, contract, and responsibility that ostensibly transcends the barriers of birth has nevertheless fostered laws and policies that reinforce the boundaries of an exclusionary American citizenship.

Ispahani, L. (2004). Purged! How a Patchwork of Flawed and Inconsistent Voting Systems Could Deprive Millions of Americans of the Right to Vote. American Civil Liberties Union, Demos, and the Right to Vote. New York. (http://www.aclu.org/files/FilesPDFs/purged%20-voting_report.pdf)

This study details the voting purges of people with felony convictions and consequences of such actions. The study addresses the methods used by states to compile their purge lists, the criteria used to guarantee that persons with felony convictions are the same persons on purge lists, and the process, if any, by which voters are notified that they have been purged from voter rolls. Across the board, the author finds that states conducted their purges erratically: one quarter of the states surveyed compile their purge lists without reference to any legislative standards; no state surveyed systematized any standards for its officials to use in “ensuring that an individual with a felony conviction is the same individual being purged from the voter rolls”; and two-thirds of states surveyed did not require election officials to notify voters that they had been purged from voter rolls.

Johnson-Parris, A.S. (2003). Felon Disenfranchisement: The Unconscionable Social Contract Breached. *Virginia Law Review*, 89(1), 109-38.

The author argues that disenfranchising persons formerly imprisoned for felonies is philosophically unsound. His claim attacks the use of the social contract theory’s argument in favor of disenfranchisement, which contends that persons who commit felonies have violated the contract and, thus, no longer should receive certain rights guaranteed in the contract. According to

Johnson-Parris, this argument is flawed because the contract between the state and the formerly incarcerated person is “unconscionable.” Johnson-Parris reasons that once the incarcerated person has violated the contract, he or she enters into a second contract upon release from detention. However, as he or she has been disenfranchised, the formerly incarcerated person is not an equal party in the new contract. The contract is thus unconscionable because the parties are not equal.

Karlan, P. S. (2004). Convictions and Doubts: Retribution, Representation, and the Debate over Felon Disenfranchisement. *Stanford Law Review*, 56(5), 1147-90.

Karlan discusses the causes and consequences of the way in which the issue of criminal disenfranchisement is framed. She suggests we conclude that criminal disenfranchisement statutes are punitive rather than regulatory as a means of allowing an additional legal avenue for attacking such laws beyond equal protection and Voting Rights Act-based challenges.

Katz, D.M. (2007). Article I, Section 4 of the Constitution, the Voting Rights Act, and Restoration of the Congressional Portion of the Electoral Ballot: The Final Frontier of Felon Disenfranchisement Jurisprudence? *Journal of Law and Social Change*, 10, 47-79.

The author proposes a new litigation-based approach to challenging felony disenfranchisement in at least Congressional elections, by challenging the practice under Article 1, Section 4 of the Constitution. Katz argues that while previous attempts to challenge felony disenfranchisement under the Voting Rights Act have failed in the courts, contesting the constitutionality of felon disenfranchisement could succeed by making the case that Article 1, Section 4 of the Constitution extends the reach of the Voting Rights Act to felony disenfranchisement.

Lippke, R.L. (2001). The Disenfranchisement of Felons. *Law and Philosophy*, 20(6), 553-80.

In this article the author discusses the right to political participation and examines the arguments for the disenfranchisement of those having committed serious criminal offenses. Lippke divides arguments for disenfranchisement into two groups: (1) arguments that are relatively independent of the justifying aims of punishment, and (2) arguments that make explicit reference to the justifying aims of punishment. In the first group he finds that some, though by no means all, serious offenders should lose the vote for a period of time (which, however, does not have to overlap with the duration of the other sanctions brought against them). In this first set of arguments he also finds implied that the state is justified in attempting to exclude the offenders in question from all forms of political participation, a position he admits runs afoul of moral limits on punishment. In the second group of arguments Lippke finds that none support the blanket disenfranchisement of felons, except possibly for serious offenders and even then only as long as the following assumption holds: all live in a reasonably just society that is genuinely democratic. For Lippke this assumption points to the critical problem of disenfranchisement, which is its assumption that society uniformly creates equality between all members.

Manfredi, C.P. (1998). Judicial Review and Criminal Disenfranchisement in the United States and Canada. *Review of Politics*, 60(2), 277-305.

Manfredi performs a comparative analysis of judicial review and felony disenfranchisement in the United States and Canada. He discusses why, despite similar legal traditions, the highest courts of each country have come to different decisions regarding felony disenfranchisement. The author concludes by arguing that neither country's courts have truly dealt with the fundamental principles at question when discussing felony disenfranchisement. In fact, the author argues that liberal democratic traditions support felony disenfranchisement because the practice supports a liberal society's concern with "character formation."

Manza, J., Brooks, C., & Uggen, C. (2004). Public Attitudes Toward Felon Disenfranchisement in the United States. *Public Opinion Quarterly*, 68(2), 275-

86.

(http://www.soc.umn.edu/~uggen/Manza_Brooks_Uggen_POQ_04.pdf)

Manza, Brooks, and Uggen analyze results from a 2002 national telephone survey to determine whether citizens support granting voting rights to people with felony convictions. The researchers found that persons who have served their sentences garner much more support overall, but the nature of the crime is a significant variable in whether or not citizens support felony disenfranchisement. The study found that approximately two-thirds of respondents supported probationers and parolees having the right to vote restored, while less than one-third supported enfranchising people in prison. The authors also found different levels of support for enfranchisement of formerly incarcerated persons depending on the crime. While 80% supported enfranchising people categorized as “baseline ex-felons,” which included no reference to a particular crime, support lessened when respondents were asked about persons convicted of specific crimes, although majorities still supported voting rights in all categories. For violent crimes, 66% supported enfranchisement; for white collar crimes, 63% supported enfranchisement; and for sex crimes, 52% supported enfranchisement.

Manza, J., Uggen, C., & Britton, M.. The Truly Disenfranchised: Felon Voting Rights and American Politics. Presented at the annual meetings of the American Sociological Association in Washington, D.C., August 16, 2000.
(<http://www.northwestern.edu/ipr/>)

This study estimates the political consequences of laws denying convicted felons the right to vote in the U.S. by examining prior elections and asking how the outcomes would have been affected had felon disenfranchisement not existed. To calculate the political consequences, sociologists Manza, Uggen and Britton use election and correctional data to hypothesize how such lost votes might be distributed amongst political parties and how they would have affected past senatorial and presidential elections. Their results suggest that at least one Democratic presidential victory would have been jeopardized had contemporary rates of disenfranchisement prevailed during

earlier periods, and that felon disenfranchisement has played a decisive role in at least seven senatorial elections, contributing to the Republican Senate majority of the early 1980s and mid-1990s. The authors also project that in the states affected by disenfranchisement policies the current 2.5% of the total voting age population comprised of felons and ex-felons will increase to 3% by 2005. Considering that the margin of victory in 3 of the last 10 presidential elections has been 1.1% or less of the total voting age population, the authors argue that felon disenfranchisement could be a decisive factor in future presidential elections.

Manza, J. & Uggen, C. (2004). Punishment and Democracy: The Disenfranchisement of Nonincarcerated Felons in the United States. *Perspective on Politics*, 2(3), 491-505. (http://www.soc.umn.edu/~uggen/Manza_Uggen_POP_04.pdf)

Manza and Uggen examine felony disenfranchisement by looking at the historical and legal origins of the practice, the political impact on elections, and the racial dynamics that influence the democratic process historically and currently. The authors conclude that there is a clear connection between felony disenfranchisement and race that is made clear by the conception of many felony disenfranchisement laws following the Civil War. Finally, the authors demonstrate that felony disenfranchisement has given a small, but clear, advantage to every Republican presidential and senatorial candidate between 1972 and 2000.

Martinez, D. J. (2004). Felony Disenfranchisement and Voting Participation: Considerations in Latino Ex-prisoner Reentry. *Columbia Human Rights Law Review*, 36(1), 217-40.

According to Martinez, ex-offenders encounter several obstacles upon reentry, including employment barriers, physical and mental health problems, housing difficulties, and social stigma. Although ex-prisoners in the aggregate are subject to such experiences, the extent to which Latinos encounter these combined reentry problems and disenfranchisement are least known. Martinez considers current voting restrictions on Latino ex-

offenders and raises questions about the consequences of those restrictions on Latino political processes and the Latino community.

Mauer, M. (2000). Felon Voting Disenfranchisement: A Growing Collateral Consequence of Mass Incarceration. *Federal Sentencing Reporter*, 12(5): 248-51.

This article briefly reviews felon disenfranchisement laws in the U.S., their place in the international context and the impact they have on U.S. elections. The author is centrally concerned with the reasoning put forth for disenfranchisement laws and explores counterarguments. In a critical and questioning line of argumentation Mauer examines disenfranchisement rationale and finds it false or wanting. He discusses this rationale and its problems in greater detail: that convicted felons are not trustworthy voters, that they are not loyal to our nation, that felons would fraudulently interfere with the voting process if allowed to vote, that allowing inmates to vote is logistically cumbersome, that few convicted felons would vote, and finally, that disenfranchisement is a legitimate aspect of criminal punishment. Mauer instead argues that we should encourage electoral participation in light of the likely return to society for most people in prison. He concludes with “palatable political arguments” for a series of interim reforms.

Mauer, M. Mass Imprisonment and the Disappearing Voters. *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. Mauer, M. & Chesney-Lind, M. (Eds.). New York: The New Press. 2002, 50-58.

Mauer gives an overview of felony disenfranchisement, beginning with the history of such laws in the United States. He follows by discussing and refuting arguments put forth by proponents of felony disenfranchisement. While proponents argue that a voting ban is never truly for life, as all states have processes through which disenfranchised persons can seek restoration, Mauer examines how difficult these processes can be in reality. He ends by pointing out how extreme U.S. policy is in an international perspective and by discussing recent reforms at the state-level.

Mauer, M. (2011). Voting Behind Bars: An Argument for Voting by Prisoners.

Howard Law Journal, 54(3), 549-66.

(<http://sentencingproject.org/doc/Howard%20Law%20--%20Voting%20Behind%20Bars.pdf>)

Mauer examines the origins and impact of modern disenfranchisement practices and addresses the policy and philosophical concerns in the case of prisoner disenfranchisement. He argues that felony disenfranchisement policies are inherently undemocratic, including for persons in prison. Mauer challenges several commonly held assumptions about people in prison that are used to justify disenfranchisement. These include arguments that “prison is different,” prisoners are “untrustworthy,” and disenfranchisement is a legitimate aspect of punishment.

McDonald, M. P., & Popkin, S. (2001). The Myth of the Vanishing Voter. *American*

Political Science Review, 95(4), 963-74.

(<http://www.uvm.edu/~dguber/POLS234/articles/mcdonald.pdf>)

McDonald and Popkin criticize the widely accepted idea that participation in elections by U.S. citizens has declined since the 1970s because of non-participation. Instead they offer an alternative explanation: voter eligibility, including people with felony convictions, has decreased over the last four decades.

McLeod, A., White, I.K., & Gavin, A.R. (2003). The Locked Ballot Box: The Impact

of State Criminal Disenfranchisement on African American Voting Behavior and Implications for Reform. *Virginia Journal of Social Policy and the Law*, 11(1), 66-88.

The authors of this study propose two hypotheses. The first is that states with restrictive disenfranchisement laws will have lower rates of voter turnout. The second is that in communities with large numbers of disenfranchised persons, the extent to which non-disenfranchised persons participate in voting will be negatively impacted and that this will be

especially evident in African-American communities. The study finds support for these hypotheses. First, the authors found that voter turnout in states with the most restrictive criminal disenfranchisement laws was lower than in less restrictive states. Second, while the study found that voting participation was similar among non-disenfranchised African-Americans and whites in the least restrictive states, non-disenfranchised African-Americans were less likely to participate in voting in states with more restrictive felony disenfranchisement laws. The authors believe that their findings suggest that restrictive felony disenfranchisement laws have a “depressing” effect on African-Americans. They hypothesize that “restrictive disenfranchisement laws erode the ability of social networks to facilitate political learning and information sharing among their members.”

McMiller, D.L. (2008). The Campaign to Restore the Voting Rights of People Convicted of a Felony and Sentenced to Probation in Connecticut. *American Behavioral Scientist*, 51(5), 645-58.

McMiller reveals how the state of Connecticut adopted legislation restoring the voting rights of persons on felony probation. The process began when freshman state representative Kenneth P. Green campaigned on a platform of restoring voting rights to persons convicted of felony offenses. After he was elected, Rep. Green formed The Connecticut Voting Rights Restoration Coalition, a coalition of more than 40 grassroots organizations and social justice and faith-based groups. As a result of the Coalition’s work, the state legislature passed Public Act 01-11, which enfranchised persons on probation with felony convictions. The bill was signed into law by Republican Governor John G. Rowland in May of 2001.

Miles, T.J. (2004). Felon Disenfranchisement and Voter Turnout. *Journal of Legal Studies*, 33(1), 85-129.

The author studies the impact of felony disenfranchisement on voter turnout. Miles’ findings indicate that “disenfranchisement has no discernible effect on state-level rates of voter turnout.” He states that this is the case

because persons with felony convictions belong to the demographic of people who infrequently exercise their right to vote.

Parkes, D. (2003). Ballot Boxes Behind Bars: Toward the Repeal of Prisoner Disenfranchisement Laws. *Temple Political & Civil Rights Law Review*, 13, 71-112. (<http://felonvoting.procon.org/sourcefiles/debraparkes.pdf>)

Parkes argues that the fact that the enfranchisement of prisoners may impact the outcome of elections is an argument in favor of enfranchisement, rather than against it. She considers various disenfranchisement laws in the United States as well as a 2002 ruling that found prisoner disenfranchisement to be unconstitutional in Canada. Additionally, Parkes draws from the Canadian ruling to respond to several practical and administrative objections cited by opponents of prisoner enfranchisement in the United States.

Pettus, K.I. Felony Disenfranchisement in the Contemporary United States: An Ancient Practice in a Modern Polity. Dissertation, Columbia University, 2002.

Pettus asks what the permanent absence of disenfranchised people from the electorate indicates about the legitimacy of government policies. In her dissertation the author examines theoretical concepts of citizenship and status-honor, and analyzes American citizenship as a “compound” phenomenon in a federal system. She compares American citizenship to republican and democratic notions of citizenship, taking the notion of democratic individuality as the normative ideal, and examines the post-bellum administrative imperative of black citizenship, the Fourteenth Amendment, and the institutional sources of American felony disenfranchisement. The author’s conclusions are that the criminal justice system is constructed as a representative institution distorted by prosecutorial discretion. The jurisprudence of vote dilution, individual rights, and the Warren Court decisions are examined, and the political inequality of “qualified” American citizens caused by varied state disenfranchisement law is posited. Pettus discusses the “double-polity” where the enfranchised rule

over the disenfranchised, and identifies it as a neocolonialist regime. Finally, felony disenfranchisement is analyzed from a post-colonial perspective and is viewed as a perpetuation of the “Racial Contract.”

Pinaire, B., Heumann, M., & Bilotta, L.(2003). Barred from the Vote: Public Attitudes Toward the Disenfranchisement of Felons. *Fordham Urban Law Review*, 30, 1519-50.
(http://www.sentencingproject.org/doc/publications/fd_barredfromthevote.pdf)

This article studies the often overlooked element of public attitudes towards the practice of disenfranchisement of persons with felony convictions. A large majority, 82%, supported the restoration of voting rights after completion of sentence, whether it be prison, parole, or probation; 68% supported the right to vote for persons on probation or parole; and 10% believed persons with felony convictions should never lose the right to vote, including in prison. The survey also explored racial/ethnic breakdowns regarding felony disenfranchisement as well as goals of the criminal justice system, and found that African Americans were considerably more likely than whites or Hispanics to favor restoration of rights when persons return to the community.

Plaxton, M., & Lardy, H. (2010). Prisoner Disenfranchisement: Four Judicial Approaches. *Berkeley Journal of International Law*, 28(1), 101-41.

The authors examine four court cases where disenfranchising legislation was overturned or struck down. The cases come from three different domestic courts (Canada, South Africa, and Australia) and one international court (European Court of Human Rights). Each example exposes flaws in the arguments for supporting harsh criminal disenfranchisement penalties and sets a precedent for overturning them.

Porter, N. (2010). Expanding the Vote: State Felony Disenfranchisement Reform, 1997-2010. The Sentencing Project, Washington D.C.

www.sentencingproject.org/doc/publications/publications/vr_ExpandingtheVoteFinalAddendum.pdf

This report provides an in-depth look at reforms of felony disenfranchisement laws in 23 states between 1997 and 2010. Findings of the study include: nine states either repealed or revised lifetime disenfranchisement laws; two states expanded voting rights to persons on probation and parole; and five states eased the restoration process for persons seeking to have their right to vote restored after completing sentence.

Preuhs, R.B. (2001). State Felon Disenfranchisement Policy. *Social Science Quarterly*, 82(4), 733-48.

Preuhs is interested in how felony disenfranchisement policies disproportionately affect minority citizens, and how legal scholars and others have argued that felon disenfranchisement is a result of racial politics aimed primarily at undermining the electoral power of black and Latino citizens. His study evaluates these claims in an empirical analysis using cross-sectional data on current state felon disenfranchisement policies. Preuhs' findings demonstrate that the size of the minority population, the ratio of minorities incarcerated compared to the percentage of minorities in the general population, and the degree of legislative professionalism are the primary explanatory factors of this policy. He concludes that these factors - the continued rise in minority incarceration rates relative to those for whites and the link between the racial composition of a state and the severity of felon disenfranchisement laws - lead to a future in which minority participation in the democratic process is bleak.

Reback, G. L. (1973). Disenfranchisement of Ex-Felons: a Reassessment. *Stanford Law Review*, 25(6), 845-864.

Reback asserts that the disenfranchisement of persons with felony convictions is unconstitutional, arguing against the Supreme Court's ruling in

Fincher v. Scott, in which the Court held that the denial of voting rights to a person with a felony conviction is not cruel and unusual punishment. According to Reback, such denial is a violation of the Equal Protection clause.

Reiman, J. (2005). Liberal and Republican Arguments Against the Disenfranchisement of Felons. *Criminal Justice Ethics*, 24(1), 3-18.
http://www.sentencingproject.org/doc/publications/fd_liberalrepublican_argum.pdf

Reiman criticizes both liberal and republican arguments in favor of disenfranchising persons convicted of felonies. Instead, he proposes that it is morally wrong to disenfranchise persons who have completed their sentences and that enfranchising all persons convicted of felonies would be a rational social policy. The author finds fault in the republican argument which states that persons convicted of felonies lack “civic virtue” and that it is thus necessary to disenfranchise them in order to maintain the purity of the ballot box, Reiman asserts that this is flawed because it rests on the exaggerated and often incorrect assumption that those who commit crime are somehow of poorer character than law-abiding citizens. He maintains that the liberal argument, that persons convicted of felonies have violated the social contract, and thus have forfeited the political rights granted to them under that contract, is also mistaken. In fact, the social contract theory provides that the right to vote is fundamental. Finally, Reiman argues that allowing all persons convicted of felonies to vote would help develop civic virtue among that segment of the population.

Rottinghaus, B. & Baldwin, G. (2007). Voting Behind Bars: Explaining Variation in International Enfranchisement Policies. *Electoral Studies*, 26, 688-98.
<http://www.polsci.uh.edu/faculty/rottinghaus/Final%20Voting%20Behind%20Bars.pdf>

This study looks at the disenfranchisement of incarcerated persons in a comparative international manner. The authors find that countries that allow

incarcerated persons to vote are also more likely to: 1) have passed liberal voting laws; 2) be democratic with particular respect for political rights; and 3) either have no history of colonization or are no longer troubled by this legacy. General attitudes towards punishment and incarcerated persons also appear to have an effect on disenfranchisement policies. The authors conclude that race seems to have little effect on disenfranchisement policies on the international scale. The United States, however, does not follow this trend, as race has been found to have an effect on the scope of disenfranchisement laws.

Saxonhouse, E. (2004). Unequal Protection: Comparing Former Felons' Challenges to Disenfranchisement and Employment Discrimination. *Stanford Law Review*, 56(6), 1597-1639.

Saxonhouse examines the collateral consequences of convictions, including disenfranchisement, ineligibility for loans, and deportation of non-citizens. She points out that courts are generally more receptive to invalidating ex-felon employment disqualifications than disenfranchisement statutes. Saxonhouse argues that this discrepancy is counterintuitive, concluding that disenfranchisement laws "do not have a rational basis."

Shapiro, A.L. (1993). Challenging Criminal Disenfranchisement Under the Voting Rights Act: A New Strategy. *Yale Law Journal*, 103(2), 537-66.

In this article Shapiro reviews and critiques court decisions in cases challenging criminal disenfranchisement laws under the Constitution and the Voting Rights Act. The author maintains that plaintiffs can rely on the Act's results test in Section 2, which expressly prohibits any electoral qualification that denies or abridges voting rights in a manner that results in members of a minority group having "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." Thus, he argues, plaintiffs can use the Voting Rights Act to establish that criminal disenfranchisement laws are unconstitutional for two reasons: first, because these laws deny the vote to a class of individuals who

are disproportionately nonwhite (vote denial), and second, because these laws dilute the voting strength of minority communities (vote dilution). For Shapiro, the Voting Rights Act is the most effective available weapon against felony disenfranchisement.

Shaw, K. (2006). Invoking the Penalty: How Florida's Felon Disenfranchisement Law Violates the Constitutional Requirement of Population Equality in Congressional Representation, and What to do About it. *Northwestern University Law Review*, 100(3), 1439-477.

In Florida, persons with felony convictions who have completed their sentences are not permitted to vote; this results in an underrepresentation of African-Americans in the electorate. Shaw argues that this conflicts with both the Fourteenth and Fifteenth Amendments, which grant non-felons the right to vote and enfranchises blacks nationwide, respectively. Shaw suggests that Florida's law is a continuation of historical laws that have systematically denied voting rights to blacks.

Stuart, G. (2004). Databases, Felons, and Voting: Bias and Partisanship of the Florida Felons List in the 2000 Elections. *Political Science Quarterly*, 119(3), 453-75.

The author analyzes the problems the State of Florida encountered when attempting to employ voter purge lists during the 2000 elections. Stuart finds that the process was fraught with errors that were generally biased against African-Americans. Stuart's examination finds that the most errors occurred in counties in which there was the highest level of voter purging. These counties were also typically Republican-voting counties. Instead of attributing these outcomes to discrimination, Stuart concludes that this disparity can be traced to the actions of partisan politics: as long as persons convicted of felonies are more likely to vote for the Democratic Party, it is likely that disenfranchisement laws will remain in place as a benefit to the Republican Party.

Uggen C. & Manza, J. (2002). Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States. *American Sociological Review*, 67(6), 777-803.

(http://www.soc.umn.edu/~uggen/Uggen_Manza_ASR_02.pdf)

Manza and Uggen examine how electoral outcomes are influenced by felony voting restrictions by reviewing surveys of prison inmates, legal literature, and election studies. The authors estimate that Democrats suffer electoral losses due to felony disenfranchisement. The impact is far-ranging: If states had no disenfranchisement laws, seven Senate races would have been won by Democrats in the period of 1972 to 2000 and Al Gore would have likely won the 2000 presidential election.

Uggen C. & Manza, J. (2004). Voting and Subsequent Crime and Arrest: Evidence from a Community Sample. *Columbia Human Rights Law Review*, 36(1), 193-215. (http://www.soc.umn.edu/~uggen/Uggen_Manza_04_CHRLR2.pdf)

Uggen and Manza, examining voters from the 1996 presidential elections, establish a control for self-reported and official criminal behavior and background factors such as race and gender, allowing them to learn the extent to which the raw correlation is due to the self-selection of persons at low risk of crime into voting. The research offers empirical evidence showing a relationship between voting and subsequent crime and arrest. Their research found that there are “consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior.” The authors found that, between 1997 and 2000, approximately 16% of the non-voters were arrested compared to 5% of the voters. Similar disparity was found in re-arrest, where 27% of the non-voters were rearrested, relative to 12% of the voters. Self-reported crime also varied between voters and non-voters, for both property (11% for voter, 18% for non-voter) and violent crimes (27% for voters, 42% for non-voters).

Uggen, C., Manza, J., & Behrens, A. (2004). Felon Voting Rights and the Disenfranchisement of African Americans. *Souls: A Critical Journal of Black*

Politics, Culture, and Society. 5(4), 47-55.

[http://www.socsci.umn.edu/~uggen/Uggen Manza Behrens 04 Souls.pdf](http://www.socsci.umn.edu/~uggen/Uggen_Manza_Behrens_04_Souls.pdf)

In analyzing the impact of felony disenfranchisement on African-Americans, the authors detail the historical correlation between disenfranchising the black population and the criminal justice system. The authors argue that those two elements are often intertwined, leading to today's high rate of disenfranchisement among African-Americans.

Uggen, C., Behrens, A., & Manza, J. (2005). Criminal Disenfranchisement. *Annual Review of Law and Social Science*, 1, 307-22.

[http://www.soc.umn.edu/~uggen/Uggen Behrens Manza ARLSS 05.pdf](http://www.soc.umn.edu/~uggen/Uggen_Behrens_Manza_ARLSS_05.pdf)

The authors highlight the sociological issues associated with denying persons with felony convictions the right to vote by considering the history, impact, and contemporary legal and scholarly debates surrounding the practice. The authors discuss the challenges imposed upon people with felony convictions, arguing that felony disenfranchisement makes it easier for the major parties to disregard the concerns of the nearly five million mostly low-income citizens who have been stripped of their voting rights.

Uggen, C., Manza, J., & Thompson, M. (2006). Citizenship, Democracy, and the Civic Reintegration of Criminal Offenders. *The Annals of the American Academy of Political and Social Science*, 605, 281-310.

[http://www.soc.umn.edu/~uggen/Uggen Manza Thompson ANNALS 06.pdf](http://www.soc.umn.edu/~uggen/Uggen_Manza_Thompson_ANNALS_06.pdf)

The authors examine the consequences of felony convictions on work, family, and civic life, and on the democratic process more generally. They begin by estimating the number of persons with felony convictions in the United States and then describe the characteristics of this segment of the population. The authors argue that persons with felony convictions make up what can best be described as a “negative status group,” which carries a stigma that affects their participation in many aspects of life. They conclude

by stressing that further research is needed into the possibility that effectively reintegrating felons into civic life reduces recidivism.

Varnum, T. (2008). Let's Not Jump to Conclusions: Approaching Felon Disenfranchisement Challenges Under the Voting Rights Act. *Michigan Journal of Race & Law*, 14(1), 109-42.

Varnum proposes a "sliding scale" approach to felon disenfranchisement that would allow plaintiffs to provide substantial evidence that they are being disenfranchised due to racial discrimination.

Yoshinaka, A. & Grose, C.R. (2005). Partisan Politics and Electoral Design: The Enfranchisement of Felons and Ex-Felons in the United States, 1960-99. *State and Local Government Review*, 37(1), 49-60.

The authors explore evidence that states controlled by the Democratic Party are more likely to reform or repeal disenfranchisement laws, since the majority of disenfranchised persons with felony convictions would vote for Democratic candidates. The study found that this is indeed the case, and that voting rights law reform is more likely to be changed when it is in the interest of a political party.

BOOKS

Abramsky, S. (2006). *Conned: How Millions Went to Prison, Lost the Vote, and Helped Send George W. Bush to the White House*. New York: The New York Press.

Abramsky sets out to expose the impact of felony disenfranchisement. Abramsky travels across the country, conducting interviews with prisoners, ex-prisoners, politicians, and voting rights activists. He examines the history of felony disenfranchisement laws, from the post-Civil War South to their modern form and function. Abramsky's analysis reveals the enormous impact felony disenfranchisement laws have on individuals, communities, and the entire democratic process.

Ewald, A., & Rottinghaus, B. (2009). *Criminal disenfranchisement in an international perspective*. New York, NY: Cambridge University Press.

This book is a compilation of essays by authors who discuss felony disenfranchisement laws in a number of countries, including Australia, the United States, Ireland, and South Africa. The essays analyze disenfranchisement laws, disenfranchisement from a comparative perspective, and analyses of voting rights and people with felony convictions based on case studies.

Hull, E. (2006). *The Disenfranchisement of Ex-Felons*. Philadelphia: Temple University Press.

Hull's book summarizes "the history, nature, and far-reaching sociological and political consequences" of felony disenfranchisement in the U.S. She discusses relevant court cases and legislative actions and state level practices on disenfranchisement during the 2000 and 2004 elections. Hull argues that the civil rights movement in the U.S. will not be complete until persons disenfranchised because of previous felony convictions who have paid their debt are given the democratic rights that are given to all citizens.

Manza, J., & Uggen, C. (2008). *Locked out: felon disenfranchisement and American democracy*. New York: Oxford University Press.

Manza and Uggen discuss the underlying implications and overarching impact of felon disenfranchisement. Using original qualitative and quantitative data, including event-history analyses of institutional data, in-depth interviews with offenders subject to felony disenfranchisement, and analyses of historical documents and court cases, the authors reveal the racial factors in the origins of felony disenfranchisement laws and make the case for reform.

Pettus, K. I. (2004). *Felony disenfranchisement: historical origins, institutional racism, and modern consequences*. El Paso, TX: LFB Scholarly Publishing.

Pettus invokes historical records, social and political science theories, and the origins of contemporary and classical liberalism as a means of challenging felon disenfranchisement. Restricting the voting rights of persons with felonies implies a double citizenship, Pettus argues, because it relies on the claim that persons with felonies are both participating members of a community and simultaneously unfit to make decisions for themselves or others.