

Meanwhile, some claim that state legislatures have made it harder to vote in twenty-three states, with strict voter identification requirements emerging in fifteen states since 2006. Emergent research indicates that voting restrictions reduce electoral participation, especially among people of color, low-income voters, youth, older voters, and voters with disabilities.

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See also: Chinese Exclusion Act, The; Fifteenth Amendment; Fourteenth Amendment; Help America Vote Act of 2002; Indian Citizenship Act of 1924; Indian Reorganization Act; McCarran-Walter Act of 1952; National Voter Registration Act (Motor Voter); Nineteenth Amendment; Voting Rights Act of 1965

Further Reading

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Felon Disenfranchisement

Felon disenfranchisement is the restriction of voting rights for individuals convicted of felony-level crimes. In the United States, forty-eight states have some form of felon-disenfranchisement legislation that prohibits those convicted of felony offenses from voting for some amount of time. The length of this ban varies from state to state, as certain states disenfranchise individuals currently under correctional supervision, whereas others ban voting past sentence completion. Generally, states follow one of four disenfranchisement designs: (1) disenfranchisement of prisoners; (2) disenfranchisement of current prisoners and parolees; (3) disenfranchisement of prisoners, parolees, and probationers; or (4) disenfranchising prisoners, parolees, probationers, and former felons who have completed their sentences (Manza and Uggen 2006).

The use of voting bans to limit the citizenship of lawbreakers has early historical origins, and the practice in the United States originates from English law, where criminal conviction could lead to "civil death," which encompasses the loss of one's civil liberties, including the right to vote. While early disenfranchisement codes only barred votes from those convicted of certain crimes, restricting the voting rights of the criminal population at large did not occur until the 1800s, with the majority of states adopting disenfranchisement legislature in the late 1860s through the 1880s. Research indicates that racial conflict was a key driver of the adoption of disenfranchisement laws in the post-Reconstruction era, as states that had a larger share of nonwhites in their prison populations were more likely to adopt disenfranchisement legislation and, conversely, less likely to engage in subsequent reenfranchisement efforts (Behrens et al. 2003).

Felony convictions currently prevent millions of Americans from participating on Election Day. As of Election Day 2016, an estimated 6.1 million individuals

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could not cast a ballot due to a felony conviction, which is about 2.5 percent of the voting age population (Uggen et al. 2016). About half of this population have completed their sentences, and the other half are currently incarcerated or on probation or parole. This figure has grown dramatically over the recent decades, as the number of individuals under correctional supervision has increased. In comparison, an estimated 1.17 million were disenfranchised in 1976, which grew to an estimated 3.34 million in 1996 and 5.85 million in 2010. Disenfranchisement rates also vary by state, due to the varying voting prohibitions and rates of criminal punishment. In six states—Alabama, Florida, Kentucky, Mississippi, Tennessee, and Virginia—more than 7 percent of the voting age population is disenfranchised (Uggen et al. 2016).

Felon disenfranchisement does not affect all groups equally, as racial disparities in criminal punishment yield racial disparities in disenfranchisement. In all, twenty-three states disenfranchise at least 5 percent of their African American voting age population, and three states—Kentucky, Tennessee, and Virginia—bar over 20 percent of the African American voting age population from casting a ballot (Uggen et al. 2016).

Given the size of the disenfranchised population (6.1 million), it is possible that disenfranchisement practices have had impacts on political elections. Scholarship suggests that the turnout rate would be slightly lower for those with felony records than with those without, with a turnout rate of approximately 24 percent in U.S. Senate elections and 35 percent in presidential races (Uggen and Manza 2002). Due to the race and class distributions of those with felony convictions, disenfranchised voters would likely exhibit left-leaning preferences, with about 70 percent of votes cast by those with felony records going to Democratic candidates (Uggen and Manza 2002). Given the size, turnout, and partisan preferences of the disenfranchised population, research finds that the 2000 presidential election may have been reversed, as well as a number of U.S. Senate elections (Uggen and Manza 2002).

While many states have relaxed felony voting restrictions over the past century, public opinion favors a further loosening of disenfranchisement laws. A nationally representative poll found that over 60 percent of Americans support reenfranchising probationers and parolees, but only 31 percent support reenfranchising prisoners (Manza et al. 2004). Further, while 80 percent supported reenfranchising former felons convicted of unspecified offenses, only 52 percent supported reenfranchisement for those convicted of sex crimes. U.S. public opinion supports giving the vote back to those on community supervision, but not for those who are currently in prison.

Several criminological theories suggest that reinstating voting rights may reduce subsequent chances of criminals offending. Social control and life-course theories link transitions in work and family life to reductions in criminal behavior. It is plausible that reintegrating those with felony records into the civic life of their communities by giving them back the right to vote could produce a similar effect. Indeed, research shows a negative correlation between voting and criminal behavior after accounting for other factors, as 16 percent of nonvoters were arrested as compared to only 5 percent of voters (Manza and Uggen 2006). Although a causal

interpretation cannot be made from these data, the results are suggestive of a link between a lack of political participation and crime.

As voting restrictions based on race and gender have been dismantled over the past centuries, a felony record remains a significant barrier to the ballot box. Although the disenfranchised population remains large, recent reforms have opened paths to the polls for those with felony convictions. Since 1997, twenty-four states have expanded voting eligibility by modifying their disenfranchisement legislation. Most recently, Florida, the state with the largest number of disenfranchised individuals, passed Amendment 4 in 2018, which lifted the lifetime ban on voting (except for those convicted of certain offenses), effectively reenfranchising about 1.4 million people who had completed their sentences. However, in April 2019, a committee of the Florida House of Representatives advanced a bill that would limit those voting rights. While disenfranchisement is likely to remain a contentious part of political practice over the next decade, recent reforms have further expanded the right to vote to those with felony criminal records and diminished its impact on political elections.

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See also: Federal Government and Voting Rights; Voter Suppression; Voter Turnout; Voter-Registration Laws

Further Reading

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PRIMARY DOCUMENT

On February 11, 2014, Obama administration Attorney General Eric Holder delivered a speech at Georgetown University Law Center in which he urged the restoration of full voting rights to people convicted of crimes who had "fulfilled their debt to society"—completed their sentences—and returned to their