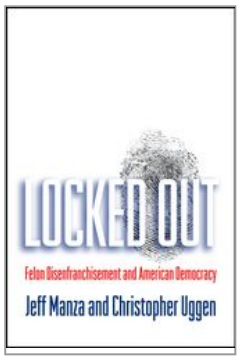

Locked Out: Felon Disenfranchisement and American Democracy
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The Impact of Disenfranchisement on Political Participation

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Abstract and Keywords

This chapter considers how many disenfranchised felons would participate nationally and how they would vote if they were eligible. It shows that a significant share of the disenfranchised felon population would vote if they were given the opportunity. To be sure, their turnout rates would fall far below those of the rest of the electorate. In presidential elections such as the 2000 or 2004 contests, about one-third, or over 1.5 million currently disenfranchised citizens, would have participated if they had been eligible. In light of the conservative assumptions of the models used, it seems more likely that this figure is too low than that it is too high. Under any circumstance, it represents the loss of a very large number of voices and votes.

Keywords: felon disenfranchisement, voting, disenfranchised felons, votes

While working on this book over the past few years, we have spoken about felon disenfranchisement to a wide range of audiences, including social scientists, journalists, policymakers, activists, and legal scholars. One question we hear repeatedly, articulated in different ways, goes something like this: Do you really think very many felons would vote, even if they could? Underlying this question is a series of widely held assumptions about criminal offenders: they have little respect for the law and government institutions, they are too busy committing crimes to worry about voting, they are so poorly educated that they would be unlikely to understand or care about elections and politics.

The survey and interview data in chapters 5 and 6 imply otherwise. But several scholarly studies have reached the conclusion that felon disenfranchisement has little impact on state differences in turnout.[1] For example, economist Thomas Miles found no significant differences in voter registration and turnout rates in states with strict felon disenfranchisement laws compared with states lacking such laws. Other analysts, however, have **(p.166)** suggested that the growth of the disenfranchised felon population has now reached a magnitude such that it affects overall turnout rates and even election outcomes. For example, in his study of the history of the right to vote in the United States, historian Alexander Keyssar notes that “convicted felons constitute the largest single group of American citizens who are barred from participating in elections.” He speculates that “although their participation rates in elections would likely be low, their numbers are certainly sufficient to affect the outcomes of elections in numerous states.”[2]

These questions about participation are important in thinking about larger issues of political representation. If the empirical impact of disenfranchisement is negligible, the focus of the debate would likely shift from concerns about representational inequalities to legal and philosophical concerns about democracy and justice, such as those discussed in chapter 1. The fact that a sizeable proportion of the electorate is locked out of the voting process alone raises questions. But if that locking out is also changing the character of political participation in America, by keeping large numbers of citizens away from the ballot box who would otherwise participate, a different set of concerns are raised.

In chapters 5 and 6, we analyzed survey and interview data about offenders’ political views and their attitudes toward political participation. These data afforded us insight into the population of felons in one state; it is time to turn to a broader attempt to estimate how many disenfranchised felons would participate nationally and how they would vote if they were eligible.

Felon Disenfranchisement and Voter Turnout

It is well known that participation rates in elections at all levels in the United States are very low compared to other countries. In recent presidential elections, typically only slightly more than one-half of the voting age population (VAP) voted, and midterm congressional elections without a presidential contest have had turnout rates as low as one-third of the VAP.[3] One international survey of turnout rates in national legislative elections ranked the United States a shocking 138th among the 170 countries **(p.167)** that held elections in the 1990s. Its rate of participation was substantially lower than all similar capitalist democracies, except for those of Switzerland (which ranked 137th), and even lower than those of many developing countries.[4] The reasons for this poor overall participation rate are many, and have been the subject of wide discussion and debate.[5] In the previous chapter, we noted that low levels of political interest and involvement among felons and ex-felons must be put into perspective: many Americans are apathetic about politics, do not think deeply about political issues, and are unlikely to spend much time discussing politics or being involved in political activity. An identical logic applies to voting. Expected low turnout rates among the disenfranchised must be put into the perspective of low turnout among all Americans. In other words, we need to frame the problem as one of *relative*, rather than absolute, participation.[6]

What Explains Who Votes?

Why, exactly, would we expect felons to have lower turnout rates than other Americans? Answering this question requires a brief detour into the research on why, in general, some individuals are more (or less) likely to vote in any given election. In elections where turnout is far from universal, resource-rich groups tend to vote at higher rates than more disadvantaged groups. The most widely documented individual attribute predicting turn-out is education. For example, in his study of voter turnout in Chicago during the 1924 presidential election, political scientist Harold Gosnell concluded that “the more schooling the individual has the more likely he is to register and vote in presidential elections.”[7] Other early research found similar results, and this conclusion has remained a staple finding of turnout research since that time. The effects of education on turnout are often found to be mediated by other factors. For example, better educated people have more knowledge about the candidates and issues, they read newspapers to keep up on current events, they have a greater sense of political efficacy, and they are more concerned with election outcomes.[8]

Other social attributes of individual voters that influence turnout have also been widely documented. African Americans vote at lower rates than whites (although the gap has varied depending on electoral context and **(p.168)** other factors), and turnout among Latinos is lower still. Regional differences in turnout are more pronounced than is often recognized; for example, in the 2000 presidential election, turnout ranged from a low of 40.5 percent in Hawaii to a high of 68.8 percent in Minnesota. On average, turnout is lower in the South than in other regions of the country, although that gap has narrowed significantly in recent years. Younger people vote at significantly lower rates than older people. People who are married, and those holding stable jobs, are more likely to vote than people who are unmarried or unemployed. Higher income people vote at higher rates than lower income people.[9] We focus on these particular social attributes of individuals in the American electorate because we know something about the same characteristics for the felon population as a whole. By contrast, we know far less about individual psychological attributes of the felon population, such as knowledge of current events, belief in the efficacy of voting, level of interest in election outcomes, and other such beliefs. Unfortunately, the latter are often even better predictors of political behavior than demographic attributes, but we can still make some educated predictions with the information that is available.

Demographic Characteristics of Criminal Offenders

We gain some sense of the likely levels of participation among current and former felons by examining demographic information about them. The best available source of information about the social characteristics of convicted felons is found in the *Survey of State Prison Inmates* data series. This survey, first carried out in 1974, has subsequently been carried out at approximately five-year intervals.[10] The survey uses a nationally representative sample of state prison inmates to provide comprehensive data about the characteristics of this population. (We drew from this survey in chapter 3.)

A clear, if unsurprising, portrait emerges from this profile. Most prisoners are male, and slightly under half are African American, with a growing Hispanic presence. Most prison inmates have low levels of education; in all survey years, less than one-third had graduated from high school (compared to 82 percent of the adult male population in the United States).[11] At the time they were incarcerated, only about two-thirds had **(p.169)** either part-time or full-time jobs, also far below the national average for men in their prime working years. Their (self-reported) incomes at the time of incarceration were also very low, with median incomes of $19,322 in 1974 and just $14,430 in 1997 (amounts in real 1999 dollars). Inmates have also gotten older, with the average age at release increasing from 31 to 34 from 1990 to 2000 alone, reflecting longer sentences and stricter parole eligibility criteria.[12] At the time of incarceration, few were currently married (23.7 percent in 1974 and 17.7 percent in 1997), but more than half reported having been married at some point in their lives.

The types of crimes for which felons are incarcerated have also changed, reflecting changing priorities in the criminal justice system. Violent and property crimes were far less central in the late 1990s than in the mid-1970s (falling from 86 percent to just 60 percent of the total), with corresponding growth in the proportion of inmates incarcerated for drug crimes or “other” offenses.

We can use this information about the characteristics of the felon population to estimate the proportion of felons who might have voted in recent elections if they had been granted the right to vote. It is important to note, however, one important limitation related to our use of inmate survey data. The averages just discussed reflect what we know about currently *incarcerated* felons. As we saw earlier, only about a quarter of currently disenfranchised felons are incarcerated. A significant proportion of the disenfranchised population consists of individuals who were sentenced to probation and thus never went to prison.

As discussed in chapter 3, probationers are somewhat better off than prisoners. Over one-half have attained at least a high school diploma or equivalency, over one-fourth are married, and less than one-fifth have been convicted of a violent offense such as assault. The most frequent offenses for felons on probation are drug trafficking, drug possession, larceny, and fraud. Although males and racial minorities are overrepresented in all correctional populations, a larger percentage of the probation population is composed of whites and females. Less information is available for probationers than for prisoners, but this group also appears to be more socially advantaged with regard to characteristics such as education than felons who go to prison.

(p.170) In addition to prisoners and probationers, almost half of the disenfranchised population is made up of people who have completed their sentences or have been released on parole. These people may have made transitions in life that will make them more likely to vote than the characteristics of the current inmate population would suggest. For example, they are, on average, older, more likely to be married, and employed in a stable full-time job and possibly have acquired further education.

Using inmate characteristics to estimate the average turnout rate among felons results in conservative estimates because the social and demographic information described earlier suggests that the “average” disenfranchised felon would be more likely to vote than the average *incarcerated* felon observed in the inmate surveys. In other words, by using sociodemographic information obtained during incarceration, we obtain a lower-bound (rather than an upper-bound) estimate of what we might find if we had a more accurate sociodemographic profile for the group as a whole. This is important because we would prefer to err on the side of understating, rather than overstating, the impact of felon disenfranchisement on turnout.

Estimating the Impact of Disenfranchisement on Participation

To test conjectures about the political consequences of felon disenfranchisement, we need to estimate several different kinds of impacts: on turn-out, voting outcomes, and public policy. We must begin by estimating how many felons and ex-felons are actually prevented from voting, how those now-disenfranchised felons might have voted if they had been allowed to do so, whether those votes would have influenced any actual elections, and finally, whether any policy outcomes might have been altered as a consequence. Developing plausible estimates for each step is complicated, as we have already seen in our attempt to estimate the disenfranchised population in chapter 3. In this chapter and the next, we will provide further estimates of turnout and vote choice.

The known characteristics of those who make up the disenfranchised population permit some initial guesses about their hypothetical turnout **(p.171)** and voting behavior. The social characteristics of felons and ex-felons—in particular their below-average levels of education and income, their lower rates of stable marriage or employment when out of prison, and the disproportionate share of the disenfranchised who are minorities—suggest that their turnout rates would be significantly lower than the rest of the population. We would also expect that, given these characteristics, more of them would vote for Democratic than Republican candidates if they could vote. But how much lower would their predicted turnout rate be? And how much stronger are their Democratic preferences likely to be?

A state-by-state canvass of which categories of felons are disenfranchised (a task we undertook in chapter 3) is the only way to begin to answer such questions. Trying to estimate the *impact* of disenfranchisement on turnout and electoral participation requires several further steps. In the appendix (see pages 267–72), we provide a more detailed discussion of why such an estimate is so difficult. The main problem is that there is simply no nationally representative survey or polling data that contains information about both the respondents' criminal records and their political participation and voting behavior. However, we can use information about the sociodemographic characteristics of the felon population and nationally representative election data from the Current Population Survey (CPS) to develop a regression analysis that allows us to estimate a counterfactual turnout rate among disenfranchised felons if they were permitted to vote.

Of the millions of people disenfranchised because of a felony conviction, how many would have voted, if they could? Figure 7.1 provides a graphical representation of the results of a regression analyses predicting hypothetical felon turnout in presidential elections between 1972 and 2000, and figure 7.2 shows the same trends for midterm congressional elections between 1974 and 2000.[13] They are adjusted for survey over-reporting of turnout.

In both figures, the top line represents the actual turnout rate for the entire electorate, while the bottom line is our estimated turnout rate for felons. As we would expect, turnout rates among disenfranchised felons would be significantly lower than among the general population. We estimate that an average of approximately 35 percent of disenfranchised felons would have voted in presidential elections in this period (compared to an average of 52 percent of the entire electorate), and an average of 24 percent **(p.172)**

(p.173) would have voted in midterm congressional elections (compared to an average of 38 percent of the entire electorate). While these turnout estimates for the disenfranchised felon population are considerably below those of the actual electorate, they nevertheless suggest that a significant proportion of felons would have voted in any given election. Even taking the most conservative predictions about turnout rates in any of these elections (20.5 percent in 1974), and given the current number of more than 5 million disenfranchised felons today, we would expect that at least 1 million would turn out to vote in any federal election.

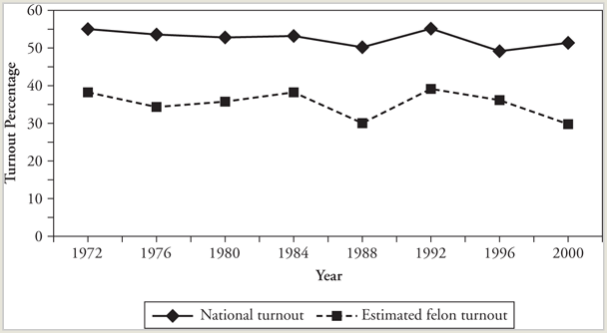

Figure 7.1. Overall turnout rates and estimated turnout among disenfranchised felons, presidential elections 1972–2000.

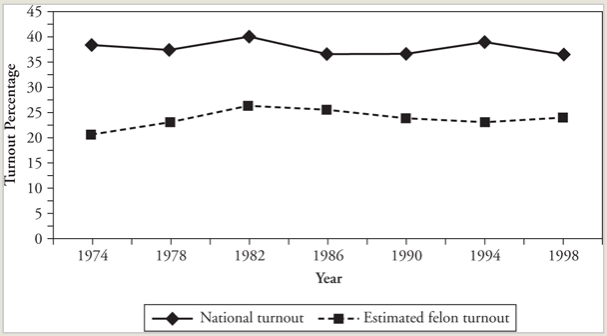

Figure 7.2. Overall turnout rates and estimated turnout among disenfranchised felons, congressional elections 1974–2000.

Assessing the Validity of the Estimated Felon Turnout Rate

Our analysis suggests that while turnout among disenfranchised felons would be well below that of the rest of the electorate, it would nonetheless be far from negligible. At the same time, that analysis also contains a number of assumptions that might be challenged. On the one hand, it may be too conservative because it is based on sociodemographic characteristics at the time of incarceration. That is, it does not consider changes in age and personal circumstances (for example, greater residential stability, labor force attachment, and marriage) that are likely to increase turnout for the nonincarcerated population. During or after completion of a sentence, many felons (though certainly not all) will acquire greater education and more stable attachments to work, family, and their communities that will likely increase their probability of voting.[14] Moreover, as we suggested earlier, the *inmate* population is generally less educated, less likely to be married, and less likely to be employed than the *entire felon* population.

Other unmeasured characteristics of felons and ex-felons, beyond the demographic information available from the inmate surveys, could also have a significant effect on political participation among criminal offenders. In particular, felons may be less cognizant of, or less willing to accept, basic norms of citizenship and acceptable behavior than nonfelons with otherwise identical characteristics.[15] If so, they could be less likely to vote than a model based solely on social traits would predict. In other words, our counterfactual analysis hinges on the key assumption that the political behavior of disenfranchised felons would approximate that of non-felons **(p.174)** matched to them in terms of age, race, gender, education, income, and marital status. It does not address the possibility that other characteristics of individual felons, such as low citizenship norms, might be influencing their propensity to both commit crime and participate in politics.

Exploring the issue of whether unmeasured characteristics are significant is not straightforward. Given the absence of national survey data with information about the political participation of felons and nonfelons, we cannot definitively test our assumptions. Nevertheless, we were able to address this issue using information gathered in the YDS. Though it is limited to an urban Minnesota population, the YDS includes a much wider range of information than the CPS data analyzed earlier. Its greatest asset for our purposes is that it includes both crime and voting data for each person surveyed. We used the YDS to test whether the correlation between criminal justice experiences and voting in these elections could be accounted for by the sociodemographic characteristics we used to match the felon population with nonfelons. (The full regression results are reported in other work[16].)

The YDS results shown in figure 7.3 give us considerable confidence in the turnout estimates reported earlier. As we would expect, the “unadjusted” comparison of arrestees and nonarrestees shows a statistically significant relationship between arrest and turnout in the 1996 presidential election. In the YDS, we find that the probability of (self-reported) turnout is about.72 for people who had never been arrested and.56 for people who had been arrested at least once. After adjusting for the effects of race, sex, education, income, employment, and marital status—the same characteristics we use to adjust our CPS analyses above—the difference in self-reported turnout is no longer statistically significant. Several of those factors help to explain the turnout differences between arrestees and nonarrestees. For example, education is a strong predictor of turnout, and arrestees have lower levels of education than nonarrestees.

Once we have controlled for the differences, we would predict that the probability of voting in 1996 was about.63 for arrestees and.69 for nonarrestees, a statistically insignificant difference.[17] Figure 7.3 also shows predicted probabilities for hypothetical individuals representing higher and **(p.175)**

lower turnout groups: an unmarried nonwhite man with 11 years of education and a married white woman with a college degree. Arrest reduces the probability of voting from.30 to.25 in the first case and from.86 to.82 in the second. In short, the sociodemographic characteristics appear to do a good job accounting for preexisting differences of offenders and non-offenders that might affect both voting and crime. It is likely that at least part of the small remaining turnout gap is due to legal restrictions on voting for arrestees still under correctional supervision. In Minnesota, those convicted of felonies may not vote until they are “off paper,” having completed probation or parole supervision in addition to any prison sentence. Unfortunately, we cannot determine from the YDS data whether individual arrestees were legally eligible to vote at the time of the election.[18]

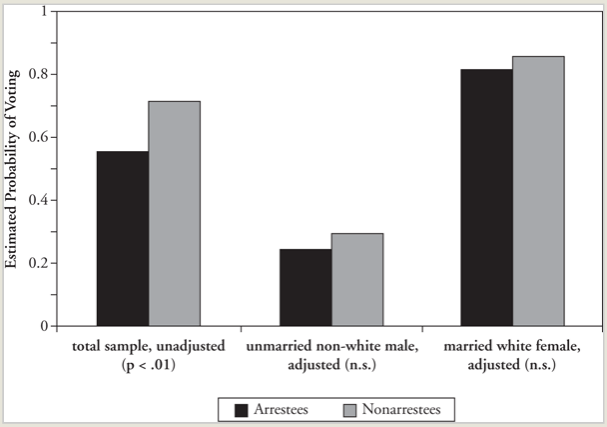

Figure 7.3. The estimated probability of voting in 1996, arrestees versus nonarrestees, before and after statistically adjusting for sociodemographic characteristics. Predicted probabilities calculated for: (1) overall sample without adjustment for other variables; (2) nonwhite, unmarried male with 11 years of education and annual income of $19,000; and (3) married white female with college degree and annual income of $19,000.

(p.176) Some Cautions

Given these confirmatory results from the Minnesota study, we believe our original counterfactual assumptions in matching characteristics of the felon population to national survey data are plausible. To be sure, these Minnesota data cannot conclusively validate national-level results, and we should be clear about the limitations of this test. Higher overall turnout rates (as in Minnesota) reduce between-group differences in participation, making higher turnout and lower turnout groups more similar. Minnesota is one of a handful of states with same-day voter registration, which makes voting easier. The state's unusual (social-democratic) political traditions and the political turmoil in the late 1990s associated with the Jesse Ventura election are also potentially significant. Moreover, the average felon nationally may differ from the average YDS arrestee in important ways that affect political participation. In a perfect world, we would have direct national survey data, or data from other states, to further test our assumptions. In a world of imperfect information, however, the best we can do is to rigorously assess the information that is available to us. On the basis of this confirmation, we conclude that our turnout estimates are reasonable.

Felon Disenfranchisement and Turnout Decline

There has been a contentious and vigorous debate over falling turnout in

U.S. national elections since 1960. Between 1960 and 1988, official turnout figures in national elections fell from 62.8 percent to 50.3 percent, and they have hovered within a narrow band between 49 percent and 53 percent ever since (with a one-shot increase to 55 percent in 1992). Turnout in congressional elections is even lower, sliding from 45 percent in 1966 to just 33 percent in 1990 and fluctuating between 33 percent and 40 percent since. The implications of declining voter turnout in the United States, both in relation to recent downward trends and in comparison with other countries, have been the subject of a great deal of discussion and scholarly concern.[19] Turnout decline has also been viewed as something of a paradox, because steady increases in education and declining barriers to participation **(p.177)** (principally in terms of registration laws) should have combined to increase turnout during the same period.[20]

Because the denominator used to calculate the "voting age population" (VAP) includes millions of ineligible felons, however, some of the fall in turnout is an *artifact* of the growing proportion of the adult population that cannot vote due to a felony conviction. From a simple accounting perspective, declining turnout is partially a byproduct of rising rates of criminal punishment. Immigration represents an additional source of error in calculating the turnout rate, since legal immigrants who cannot vote are also included in this denominator.

We are not the first to notice the importance of the difference between the official VAP number used in the denominator to calculate the overall turnout rate and the corrected figure once rising felon disenfranchisement and immigration status is taken into account. Political scientists Michael McDonald and Samuel Popkin have argued that, contrary to the conventional wisdom, the entire decline in turnout since 1972 is due to the rising proportion of ineligible individuals improperly included in the denominator of official turnout statistics or survey data.[21] Their estimated turnout among what they call the "voting eligible population" (VEP) is essentially the same as the official measure of the voting age population in the 1950s and 1960s, when the proportion of ineligible felons and noncitizens was far lower than in more recent elections. The VEP and the VAP began to diverge in the 1970s, and by the 1990s there was a 3 to 7 percent gap in the turnout estimates based on the two different measures. The gap is potentially even greater than they estimate, however, because they do not include ex-felons in their estimate of the felon population (thus using a figure of 2.8 million in 2000 and 3.2 million in 2004 for prisoners, parolees, and felony probationers, rather than our more comprehensive estimate of 4.7 million in 2000, and 5.3 million in 2004).

Using the McDonald/Popkin approach, but using a corrected figure for felon disenfranchisement, the new VEP is even lower than they estimate (hence the corresponding "corrected" turnout figure is slightly higher than they estimate). It is worth noting, however, that the McDonald/Popkin analysis looks simply at the "accounting" impact of disenfranchisement on the VEP (by adjusting the denominator). If we do that, the overall national **(p.178)** turnout rate is reduced by 2.65 percent due to felon disenfranchisement. A more realistic estimate, however, of the impact of felon disenfranchisement on actual turnout would also consider likely patterns of participation. Instead of removing all 5.3 million felons from the denominator, a better approach is to take into account the below average turnout rate among (prospective) felon voters.[22] Doing so would reduce the impact by about one-third.

Is It Possible That There Is No Impact? Miles's Triple Difference Approach

One analyst has reported results significantly at odds with the conclusion drawn here. Economist Thomas Miles analyzed turnout data from 1986 to 2000, and concluded that "disenfranchisement has no impact on state-level rates of voter turnout."[23] In contrast to our counterfactual approach, Miles attempted to estimate the average effect of the laws using an econometric technique that compared turnout of African Americans and whites (the first difference) and of males and females (the second difference) in states with and without laws restricting ex-felon voting (the third difference). This type of design aims to isolate the treatment effect of ex-felon disenfranchisement among the target group most likely to experience a voting restriction: African American males. Using this "triple difference" technique, Miles finds no significant effects of disenfranchisement on turnout. In fact, his tables suggest that, if anything, ex-felon voting restrictions are *increasing* rather than decreasing voter turnout.

There are a number of practical and technical reasons for the disparity between our results and those of Miles.[24] Apart from these, Miles's research provides evidence about the statistical significance of the *average* effect of disenfranchisement and suggests that this average effect is likely to be small. Nevertheless, we think it safest to conclude that this study fails to find a significant effect only under a particular model specification, rather than to conclude that there is simply no effect. Further, in elections even small differences may have great practical importance. As we discuss in chapter 8, there were over 800,000 disenfranchised felons in Florida on Election Day in 2000, and we estimate that about 27 percent of them would have **(p.179)** voted if given the opportunity. Yet even if only 10 percent—or even 1 percent—had voted that day, it could have meant the difference in a presidential election decided by a margin of 537 votes. Even if there is no statistically significant effect on overall turnout, a restriction can still matter in a practical sense. In our view, and in view of the analysis presented here, it is implausible to believe that *none* of the approximately 5 million felons, or 2 million ex-felons, would turn out to vote if so permitted.

It is also worth noting that, in our experience, former felons tend to overstate the severity of voting restrictions, often thinking they cannot vote when in fact they have regained their rights.[25] In the pure counterfactual scenario, however, there would be no information problem because the strictest laws (e.g., those in place until the 1970s) would never have existed. Thus, actual turnout among former felons today likely remains suppressed by the residue of these harsh laws and the information problems associated with them. We saw this in our interviews. We began the interviews by confirming that respondents have been convicted of a felony, and asking what they understood about their future voting rights. In Minnesota, felons are not permitted to vote until their entire sentence has been served. But there are no restrictions on voting once the sentence is complete. We were somewhat startled to discover that only a few of our respondents were aware of exactly how long they would remain disenfranchised; while all knew that they were not currently permitted to vote, many assumed they would continue to be disenfranchised for some period after the completion of their sentence. Respondents told us that they had learned about these restrictions from probation and parole officers, Department of Corrections officials, or other felons. It appears that either these sources of information were in-accurate or that there was a breakdown in communication. In either case, such misinformation will hinder participation among felon offenders until correct information is provided.

Conclusion

We can now answer the question posed at the beginning of the chapter. A significant share of the disenfranchised felon population would vote if they **(p. 180)** were given the opportunity. To be sure, their turnout rates would fall far below those of the rest of the electorate. In presidential elections such as the 2000 or 2004 contests, we calculate that about one-third, or over 1.5 million currently disenfranchised citizens, would have participated if they had been eligible. In light of the conservative assumptions of our models, it seems more likely that this figure is too low than that it is too high. Under any circumstance, it represents the loss of a very large number of voices and votes. Whether those lost votes would have changed any particular election outcome is the subject of the next chapter.

Notes:

(1.) Thomas J. Miles, “Felon Disenfranchisement and Voter Turnout,” *Journal of Legal Studies* 33 (January 2004): 85–129

(2.) Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 308. See also Christian R. Grose and Antoine Yoshinaka, “Electoral Institutions and Voter Participation: The Effect of Felon Disenfranchisement Laws on Voter Turnout in the U.S. Southern States, 1984–2000,” unpublished paper presented at the annual meeting of the American Political Science Association, Boston, September 2002.

(3.) Two recent elections stand out for having had slightly higher turnout: the 1992 presidential election, the first campaign of the two campaigns by Texas billionaire H. Ross Perot, achieved a 55 percent turnout rate, sandwiched between a 50.1 percent turnout rate in 1988 and a 49.8 percent turnout in 1996; and the 2002 midterm congressional election had a turnout of 39.4 percent, up from only 32.9 percent in 1998.

(4.) International Institute for Democracy and Electoral Assistance, *Voter Turnout from 1945 to 1997: A Global Report* (Stockholm: International Institute for Democracy and Electoral Assistance, 1997)

(5.) Jeff Manza, Clem Brooks, and Michael Sauder, "Money, Participation, and Votes: Social Cleavages and Electoral Politics," in *Handbook of Political Sociology*, ed. Thomas Janoski, Margaret Schwartz, Robert Alford, and Alexander Hicks (New York: Cambridge University Press, 2005), 201–26

(6.) *larger*Robert Bernstein, Anita Chadha, and Robert Montjoy, "Overreporting Voting: Why It Happens and Why It Matters," *Public Opinion Quarterly* 65 (spring 2001): 22–44

(7.) Harold F. Gosnell, *Getting out the Vote: An Experiment in the Stimulation of Voting* (Chicago: University of Chicago Press, 1927), 98

(8.) Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality* (Cambridge: Harvard University Press, 1995); Raymond Wolfinger and Steven Rosenstone, *Who Votes?* (New Haven: Yale University Press, 1980), chap. 2; and Ruy Teixiera, *The Disappearing American Voter* (Washington D.C.: Brookings Institute, 1992).

(9.) See especially Margaret Conway, *Political Participation* (Washington, D.C.: Congressional Quarterly Press, 2000) for a summary of these factors. For an overview of some of the massive turnout literatures and the sources of group-based differences, see Arend Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma," *American Political Science Review* 91 (1997): 1–14.

(10.) U.S. Department of Justice, *Survey of State Prison Inmates, 1991* (Washington, D.C.: Government Printing Office, 1993); U.S. Department of Justice, *Survey of Inmates of State Correctional Facilities* Series, *1974–1997* (Washington D.C.: U.S. Bureau of the Census, 2000).

(11.) U.S. Bureau of the Census, *Statistical Abstract of the United States* (Washington, D.C.: Government Printing Office, 2000), 157

(12.) U.S. Department of Justice, *Trends in State Parole, 1990–2000* (Washington, D.C.: Government Printing Office, 2001)

(13.) “Democratic Contraction? The Political Consequences of Felon Disenfranchisement in the United States,” *American Sociological Review* 67 (2002): 777–803

(14.) ohn H. Laub and Robert J. Sampson, *Shared Beginnings, Divergent Lives: Delinquent Boys to Age Seventy* (Cambridge: Harvard University Press, 2003)*Crime in the Making: Pathways and Turning Points through Life*

(15.) Michael R. Gottfredson and Travis Hirschi, *A General Theory of Crime* (Stanford: Stanford University Press, 1990)

(16.) Uggen and Manza, “Democratic Contraction,” 791.

(17.) These figures are not adjusted for respondents’ overreporting of their actual rate of participation, but since we are not concerned here with the absolute size of the vote (as we are in trying to estimate national turnout rates) we can safely disregard the differences. Note also that overall turnout in Minnesota in the 2000 election was 69 percent, suggesting that overreporting in the YDS is comparable to that of the CPS.

(18.) More details about the YDS analysis are presented in Uggen and Manza, “Democratic Contraction.”

(19.) Robert Putnam’s widely discussed work on declining social capital in the United States, which identifies declining voter turnout as a key empirical example. *Bowling Alone* (New York: Simon and Shuster, 2000), chap. 2

(20.) Richard Brody identified this as a key analytical puzzle in “The Puzzle of Non-Participation,” in *The New American Political System*, ed. Anthony King (Washington D.C.: American Enterprise Institute, 1978), 291–99

(21.) Michael P. McDonald and Samuel Popkin, “The Myth of the Vanishing Voter,” *American Political Science Review* 95 (2001): 963–74http://elections.gmu.edu/Voter_Turnout_2004.htm

(22.) “How Unregulated Is the U.S. Labor Market? The Penal System as a Labor Market Institution,” *American Journal of Sociology* 104 (1999): 1030–60

(23.) Miles, “Felon Disenfranchisement and Voter Turnout,” quotations at 85 and 118.

(24.) For example, race and gender categories may not provide comparison groups that would identify the causal effect of disenfranchisement laws. Miles also limited his analysis to ex-felon disenfranchisement rather than felon voting restrictions more generally, and it assumed stability in the restrictions and their impact over a long period. In addition, several states were excluded from the analysis because of insufficient data.

(25.) For intriguing evidence of this possibility, see Ernest Drucker and Ricardo Berreras, “Studies of Voting Behavior and Felony Disenfranchisement among Individuals in the Criminal Justice System in New York, Connecticut, and Ohio,” unpublished manuscript, Montefiore Medical Center, September 2005.