

Politics and the “Purity of the Ballot Box”: An Examination of Felon and Ex-felon
Disfranchisement Laws in the U.S., 1960-1999.

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Paper prepared for delivery at the 2003 meeting of the Canadian Political Science Association,
Dalhousie University, Halifax, Nova Scotia, May 30-June 1.

Abstract:

The disfranchisement of felons and ex-felons is one of the few remaining disfranchising electoral institutions in the U.S., though many states have actually modified their statutes since the 1960s in order to become *less restrictive*. In this paper, we answer the following question: Under what conditions do states enact more inclusive provisions pertaining to the voting rights of persons convicted of a felony? By answering this research question, we also address two open questions in the study of American politics more broadly: (1) Do political parties seek to change the electoral system and voting laws for electoral advantages? And (2) do parties override the ideological preferences of the constituency in order to advance their electoral agenda?

We find that, in the case of felon disfranchisement laws in the United States, the answer to both of these questions is ‘yes’. We find that a unified Democratic government is more likely to liberalize its disfranchising provisions. Further, we show that states where Democrats are not strongly supported in the electorate are also more likely to enact such provisions. Finally, we find no evidence that a state’s ideology (and thus constituency preferences on these issues) affects changes in voting rights for felons and ex-felons.

The implications of our analysis for scholars of parties and voting rights are clear. Electoral rules are changed when a party stands to benefit from that change. The constituency-based explanation of electoral system change, however, is not demonstrated. Thus, parties seem to matter at the state level, contrary to expectations of Krehbiel (1993) and supporting the expectations of Wright and Schaffner (2002).

We would like to thank Chris Uggen and Angie Behrens for sharing their data and Poonam Kumar for assistance with data collection. We also thank Yvette Alex-Assensoh and Kevin Clarke for helpful comments and suggestions on earlier drafts of the paper.

In July 1997, Republican lieutenant governor Paul Cellucci was sworn in as governor of Massachusetts. Less than a month later he introduced a proposal to amend the state constitution. The proposed amendment would have stripped felons currently incarcerated in a correctional facility of their right to vote. The amendment received the support of an overwhelming majority of state legislators and was ratified by nearly two-thirds of the electorate in November 2000. The new governor, electorally threatened by the collective antagonism of incarcerated felons, proposed a change in voting rights that could only help his party's electoral prospects.¹

In Pennsylvania, in order to comply with the National Voter Registration Act of 1993 (the Motor Voter Act), the Pennsylvania Voter Registration Act (PVRA) was enacted in 1995. The act, signed into law less than six months following the inauguration of Republican governor Tom Ridge, also prevented convicted felons who had been confined to a penal institution within the last five years from registering to vote. Thus, Pennsylvania had enacted its first-ever ex-felon disenfranchisement law by instituting a five-year post-incarceration waiting period. Though the law was later struck down in the courts, the fact that a Republican took over as governor undoubtedly played a major role in the enactment of the disenfranchising statute.

What these two examples have in common is the underlying political aspect of voting rights. While the publicly-stated rationale for disenfranchising certain voters is rarely of a political nature, politicians are acutely aware of the electoral impact of voting laws. In light of the 2000 presidential election, legislators are faced with multiple election-related grievances by voters and groups claiming to have been improperly “disfranchised.” Such displays of activism suggest that these laws can—and do—make a difference in the electoral arena. As a result, felon and ex-felon disenfranchisement laws have been under increased scrutiny from voting rights advocates, yet

¹ Cellucci was particularly troubled by incarcerated felons in Massachusetts who were organizing political action committees from prison. This political activity by felons, a group generally opposed to Republicans, perhaps

widespread popular support for changes in felon disenfranchisement laws is generally minimal. While public opinion may favor felon disenfranchisement, many states have actually modified their statutes and constitutions since the 1960s in order to become *more inclusive*. Most states that in the past permanently disenfranchised convicted felons now allow for the automatic restoration of voting rights once the sentence has been completed.

In this paper, we address the following question: *Under what conditions do states enact more inclusive provisions pertaining to the voting rights of persons convicted of a felony?* We answer this question by focusing on the partisan balance of elected officials and voters in each state. We find that a unified Democratic government is more likely to liberalize its disenfranchising statutes. Further, we show that states where Democrats are not strongly supported in the electorate are also more likely to enact such provisions. Finally, we find no evidence that a state's ideology (a proxy for constituency preferences on these issues) affects changes in voting rights for felons and ex-felons.

Theoretical Scope: Parties, Electoral Systems, and Voting Rights

By answering the above research question specifically on felon voting rights, this paper also addresses two open questions in the study of American politics more broadly: (1) Do political parties seek to change the electoral system and voting laws for electoral advantages? And (2) do parties override the ideological preferences of the constituency in order to advance their electoral agenda? We find that, in the case of felon disenfranchisement laws in the United States, the answer to both of these questions is 'yes'.

Certainly, scholars have shown this to be the case outside of the United States (e.g., Boix 1999). However, few scholars have examined whether U.S. parties (and the elected officials from those parties) seek to affect future electoral outcomes by changing voting restrictions in

spurred Celluci's drive to disenfranchise felons in the state.

their favor.

What is fascinating about examining the loosening of felon disenfranchisement laws is that the right to vote for felons is generally an unpopular and controversial voting right. An overwhelming majority of Americans are in favor of restricting the right to vote for imprisoned felons, while their views on ex-felon disenfranchisement are more mixed (Manza, Brooks, and Uggen 2002). Clearly, though, this is an issue few Americans are informed about and, on balance, one where they are likely to favor restrictions.

Party versus constituency preferences in U.S. politics

This issue provides a good test of the “parties versus constituency” debate in American politics. A serious debate has been raging about the relative centrality of parties in the United States, primarily among congressional scholars. Krehbiel (1993) has suggested that the influence of party on outcomes in Congress is minimal, and that constituency preferences are the primary determinants of governmental outcomes. Others disagree with or have critiqued Krehbiel’s findings (Cox and McCubbins 1993; Rohde 1991; Sinclair 1998). However, the problem of only studying Congress to determine whether party overrides constituency preferences among elected officials is that there are few districts in Congress where constituents’ preferences and party preferences differ (Krehbiel 1993).

However, this is less of a problem at the state level where more variation exists, and yet rarely has this debate been examined at the state level (Wright and Schaffner 2002 is an exception, in that they compare the partisan Kansas state legislature to the nonpartisan Nebraska state legislature). In this paper, we hope to provide a test of the competing theories on party and constituency preferences at the aggregate level in each U.S. state. To do this, we examine the effects of a unified partisan government on a political outcome that is posited to strongly favor

one party (the Democrats), while not being a popularly supported constituency issue: the loosening of provisions for felon disfranchisement. By examining changes in felon disfranchisement laws, we can determine if political parties (both in the legislature and at the gubernatorial level) act rationally to change the electoral law in their states to advantage their party's candidates, even though these changes are likely to be opposed by a substantial proportion of the state's constituents.

Electoral and voting system changes

This paper also addresses questions of electoral system change and changes in voting rights laws more broadly. Different explanations have generally been offered as to why electoral systems, election laws, and voting rights are altered and can generally be categorized into two categories: (1) party-based explanations and (2) ideological or cultural explanations.

When examining other electoral rules, some scholars have found what we expect to find in regards to felon disfranchisement changes, namely that political parties' electoral incentives predict changes in election law or electoral systems. Looking at the U.S., Lewis-Beck and Squire (1995) found that states enacted laws restricting ballot access to third parties when it was to their party's advantage. Similarly, Basehart and Comer (1991) found that unified party control over the redistricting process resulted in redistricting outcomes favoring the party in control. Outside of the U.S., many scholars have also found that parties will act to change electoral system rules in order to favor party preferences (Benoit and Schiemann 2001; Boix 1999; Remington and Smith 1996; Rokkan 1970) or simply that self-interested actors will seek to adopt certain electoral rules (Taagepera 1999).

However, others suggest that electoral and voting laws change based upon the state's overall liberalism or the extent of the liberal preferences of the state's constituency. Elazar

(1984) and Herzik (1985) suggest that certain states have political cultures that are more inclined to favor democratic measures (such as the extension of voting rights). Others have claimed that the constituency's preferences within a particular state will result in outcomes on laws that are favored by a majority of the constituents. Scholars who have examined changes in death penalty laws at the state level (another example of a state policy with lopsided public opinion) have found that the state's ideological liberalism affects the adoption of such laws (Erikson 1976; Nice 1992). Similar findings related to the adoption of state welfare laws point to the importance of liberal ideology within each state in predicting welfare policy outcomes (Hill and Hinton-Anderson 1995; Ringquist et al. 1997). Thus, in the case of felon disfranchisement laws, from these cultural and constituency-based theories, the assumption is that aggregate citizen ideology of a state will have an impact on whether or not to extend voting rights. According to these theoretical perspectives, a state with a population that is more liberal in ideology would be more likely to make their felon disfranchisement laws less restrictive. We hypothesize that rational parties will affect outcomes, but we also test this alternative perspective.

Felon and Ex-Felon Disfranchisement: Background

Felons and ex-felons are today the largest group of disfranchised citizens in the United States. While other suffrage disqualifications have withered away, disfranchisement due to a felony conviction is one of the few remaining voting prohibitions for large classes of citizens (McDonald and Popkin 2001; Keyssar 2000; Miles 2000; Manza and Uggen 2003). According to one estimate, there are more than 4 million Americans currently disfranchised due to felony convictions (2 percent of the voting-age population), and that number is likely to keep growing in the future (Keyssar 2000, 308). Moreover, African-Americans and Latinos are disproportionately affected (Harvey 1994; Hench 1998; Shapiro 1993). In some states, a

sizeable portion of the minority electorate cannot vote. Nationally, 14 percent of black men are disfranchised due to felon or ex-felon disfranchisement. In southern states particularly, the disfranchisement of felons and ex-felons has a significant impact on minority voter turnout. In Alabama in 1996, for instance, 31.5 percent of black men were disfranchised, mostly due to past felony convictions (Fellner and Mauer 1998). Grose and Yoshinaka (2002) found that voter turnout is reduced in states that disfranchise large numbers of felons and ex-felons and that, once felon disfranchisement is controlled for, southern states with high minority populations actually have higher levels of turnout than has been demonstrated in recent elections. Clearly, the literature suggests there is a disparate numerical impact of felon disfranchisement laws on racial and ethnic minorities.

While the numerical impact of felon disfranchisement is well documented, the political ramifications have only recently been examined by scholars. One study found that restrictive laws such as those in Florida might have cost Al Gore the presidency in 2000 (Uggen and Manza 2002). Uggen and Manza also show that the outcome of several closely-contested U.S. Senate elections were affected by felon disfranchisement laws, and as a result, the partisan balance in the 1990s might have been different. Further, the high percentages of racial and ethnic minorities populating the ranks of convicted felons and ex-felons also imply that restrictive disfranchisement laws favor Republicans, as minority voters have been shown to overwhelmingly favor Democratic candidates in contemporary U.S. elections (Dawson 1994; DeSipio 1996, 31; Tate 1993). In light of these findings, it is likely that Republicans (such as Governors Cellucci and Ridge) are the ones pushing for more restrictive laws, while Democrats favor more inclusive ones.

Trying to unravel the causes leading to the adoption and repeal of felon disenfranchisement statutory and constitutional provisions is a daunting task. According to Shapiro (1993, 564), “studies of state legislatures’ reform and/or repeal of criminal disenfranchisement laws do not exist” while Ewald (2003) states that “[r]ecent legislative history...is no better understood.” Keyssar (2000) has carefully detailed restrictions and relaxations in voter disenfranchisement over the history of the United States, but his focus is primarily historical. Similarly, a study of the decision by states to modify their felon disenfranchisement statutes has been conducted by Behrens, Uggen, and Manza (2002). Their findings revolve around racial threat explanations of felon disenfranchisement. They find that restrictive disenfranchisement provisions are most likely to be enacted when the white majority feels threatened by a growing nonwhite prison population. They do not find any evidence of partisan effects. However, they only looked at the enactment of *restrictive* felon and ex-felon disenfranchisement laws since 1850, which might explain the absence of partisan effects.

In this paper, we look at the change or repeal of felon and ex-felon disenfranchisement laws in the period 1960-1999. More precisely, we examine the conditions under which states enact *more inclusive* constitutional or statutory provisions. Focusing on the post-1960s has the advantage of being an era where the party system has been relatively stable and where we can confidently posit that one party stands to gain from felon disenfranchisement at the expense of the other. Thus, we anticipate different findings than Behrens, Uggen, and Manza (2002) in regards to the effect of partisan control of state governments on felon disenfranchisement laws.

Hypotheses

We posit that debates over voting rights are inherently political and that political parties stand to gain or lose politically with the passage of disenfranchisement statutes. Conversely,

enfranchising a previously disqualified group of voters is a political move that results in an influx of new voters. Because of the socio-demographic makeup of the felon population, we hypothesize that *states with a unified Democratic government are more likely to repeal restrictive felon disenfranchisement laws*. This hypothesis is based on the premise that Republican legislators and governors are generally supportive of restricting the right to vote of felons. Thus, unless Democrats control all three branches of the state government, proposals to enfranchise felons are less likely to obtain the required support to be enacted.

Moreover, it is possible that the enfranchisement of a significant number of potential Democratic voters will be even more appealing in times when the Democrats have weak statewide presidential vote shares. In other words, the suffrage is more likely to be expanded when popular support for Democrats statewide among those already enfranchised is weak. Therefore, we hypothesize that *restrictive felon disenfranchisement laws are more likely to be repealed when the presidential vote shares of Democratic candidates are low*. This last hypothesized directional effect is based on the assumption that politicians will modify election laws when doing so increases their electoral prospects (e.g., Boix 1999).

Finally, we will also test the competing hypothesis offered by others that constituency-based effects (and not party) are likely to be the primary cause of felon disenfranchisement reforms in the U.S. states. This hypothesis would imply that the ideology of a state's electorate would cause the liberalization of felon disenfranchisement laws. Thus, the more liberal a state's electorate is, the more likely there will be a change in the law giving greater voting rights to felons or ex-felons.

Dependent Variable: Relaxing Felon Disfranchisement Laws

There are several categories of persons that may be disfranchised due to criminal convictions. At one end of the spectrum, states may allow all felons to vote, even those who are incarcerated at the time of the election.² At the other end, states may disfranchise all felons, including those who have completed their prison sentence. In between those extremes, states may disfranchise the following categories: incarcerated felons, parolees, probationers, or any combination of these felons. Currently, 48 states disfranchise incarcerated felons. Thirty-one states currently disfranchise those on parole, probation, or both. And, finally, 12 states disfranchise former felons who have served their sentences. In those states, ex-felons are usually disfranchised for life, but in some states voting rights are restored after a specified period of time. Thus, there are many ways by which states can restrict or enlarge the voting rights of felons.

In this paper, we focus on persons convicted of felonies under state law. States usually apply the same rules to federal felons and felons convicted under another state's laws, and we find no instances where these categories of felons were enfranchised separate from in-state felons. Thus, our analysis of the liberalization of disfranchisement laws is unaffected by the decision to exclude changes pertaining to federal and out-of-state felons. Table 1 displays the list of states that have enfranchised some categories of felons previously disqualified from voting since 1960.³

TABLE 1 ABOUT HERE

For each of these 37 instances, the dependent variable in our analysis takes the value of 1. States/years where no changes were enacted (or where the laws became more restrictive) are coded as 0.

² Only two states currently allow incarcerated felons to vote: Maine and Vermont.

³ We thank Angela Behrens, Chris Uggen, and Jeff Manza for providing us with most of these data.

Independent Variables⁴

In order to test our hypotheses, we include a dummy variable that equals 1 when there is a *unified Democratic state government* and 0 otherwise. Our second political variable measures the *two-party vote share received by the Democratic candidate for President* in the state. In non-election years, this variable takes the value of the vote share obtained in the preceding presidential election.

We also control for two important factors. First, we include a variable measuring *citizen ideology* in the state. This variable, ranging from 0 (conservative) to 100 (liberal), measures the ideology of a state by averaging the ideology of congressional candidates (both incumbents and challengers), weighted by each candidate's support (see Berry et al. 1998 for details). Including this variable allows us to control for the underlying liberal/conservative trends in the state electorate and to test the alternative hypothesis that constituency effects will predict changes in voting rights for felons.

Second, we include a dummy variable that takes the value of 1 for southern states. Since southern states are likely to be Democratic at the state level (especially at the beginning of the time-series) and Republican at the national level, excluding this variable might bias our coefficients for the main independent variables. Also, southern states were (and still are) more likely to have restrictive disfranchisement laws, as many of the disfranchising statutes were enacted during the Jim Crow era with the specific intent of excluding African-Americans from the suffrage (Key 1949; Keyssar 2000).

Methodology

Our unit of analysis is each state/year. There are thus 2,000 potential cases (50 states X 40 years). Of those cases, we exclude 54 cases where the legislature is non-partisan, namely

⁴ See Appendix for sources and details.

Minnesota (1960-1973) and Nebraska (all years). We also exclude all cases of states/years when all felons were allowed to vote since, by definition, these states could not have altered their laws to be more inclusive.⁵ This leaves us with 1,790 potential cases for analysis.

Changes making felon disfranchisement less restrictive do not occur frequently. For the most part, states are reluctant to change their voting rights laws, and the status quo reigns. Since there are only 37 cases where a change was enacted, we face the problem associated with “rare events,” in that the estimated probabilities will be biased downwards unless we take account of the skewed distribution in our dependent variable. Since there are many more zeros than ones in our dependent variable, we use a method known as rare-events logit (see King and Zeng 2001; 2002; Tomz, King, and Zeng 2003).⁶ This method entails two procedures. First, we sample all cases when the event occurred (37 cases) and a fraction of nonevents (157 cases). The fraction of nonevents is randomly selected from the full sample of nonevents. Second, we apply a prior correction mechanism described in King and Zeng (2001, 144). As a result, we obtain consistent estimates of our coefficients, as well as correct estimates of the probability that states will enact a change in their disfranchisement statutes.

Results: Party Matters

Looking first at the impact of a unified Democratic government separate from other independent variables, Table 2 shows that the enactment of less restrictive disfranchisement provisions are more likely to occur when Democrats are in power. More than a quarter of unified Democratic governments in our sample of states/years resulted in less restrictive disfranchisement provisions. In contrast, 15 percent of our sample of split or unified GOP

⁵ Those states are: Maine (1976-1999), Massachusetts (all years), Michigan (1960-1963), New Hampshire (1960-67 and 1999), Utah (1960-1998), and Vermont (all years).

⁶ We estimated this model using the “Relogit” command in Stata (Tomz, King, and Zeng 1999).

control of state governments saw the enactment of such enfranchising provisions.⁷ Thus, from a bivariate point of view, states seem to be more likely to enfranchise some categories of felons when Democrats are in control of the legislative and executive branches of government.

TABLE 2 ABOUT HERE

We now turn to the multivariate analysis of felon disfranchisement laws. Table 3 displays the results of our rare-events logit regression analysis. As hypothesized, enfranchising provisions are more likely to be enacted under unified Democratic governments, even after the inclusion of our control variables. Holding two-party presidential vote share and citizen ideology at their mean and setting the southern dummy variable at its modal category (i.e., a non-southern state), the probability that a state will enact an enfranchising provision nearly doubles under a unified Democratic government.

TABLE 3 ABOUT HERE

Our second hypothesis is also supported by the results of our statistical analysis. The coefficient for two-party Democratic presidential vote share is negative and significant. Thus, states where the vote share for Democratic presidential candidates is lower are more likely to enfranchise felons previously disqualified from voting. The alternative constituency or ideological view of felon disfranchisement change was not demonstrated, as the coefficient for citizen ideology did not prove to be significant.

Taken together, these results indicate that the “ideal” scenario under which enfranchising provisions are more likely to be enacted is a unified Democratic state government where the Democratic presidential candidate receives a relatively low share of the vote. Admittedly, the *absolute* probability that suffrage laws are modified in any given year is extremely low.

⁷ Of course, if we look at all 1,790 cases of states/years, the percentages drop dramatically. The point remains that the enfranchisement of felons is more likely to occur under a unified Democratic government (19 out of 669) than

However, political variables seem to exert some impact on the (low) probability that laws will be made more inclusive. In this respect, the *relative* probability of a change is more significant. To illustrate this point, we constructed a probability table (Table 4). Each cell represents the probability that a state will enfranchise some category of felons. We vary two variables: unified Democratic government and two-party Democratic presidential vote share. For the latter, we examine predicted probabilities at the mean, as well as one standard deviation above and below the mean. We keep the other variables constant.⁸

TABLE 4 ABOUT HERE

Table 4 displays the probabilities of enacting an enfranchising statute. Again, the *relative* impact of each variable is not trivial. For instance, a state where there is a unified Democratic government and where the Democratic presidential candidate receives few votes is more than four times more likely to enfranchise some category of felons than a state with the opposite characteristics. While in *absolute* terms the probabilities are still very low, the relative effect of partisanship is significant, and gives credence to the hypothesis that partisan considerations underpin the modification of election laws.

Conclusion

Suffrage is at the heart of democratic theory. Allowing people to have a say in the political arena is accepted by most as being a *sine qua non* condition for institutional arrangements to be truly democratic. Accordingly, suffrage has been extended through the years with the result that nearly all citizens nowadays have the right to vote.⁹

under split or unified GOP government (18 out of 1,121).

⁸ Citizen ideology is set at its mean (46.64) and we assign 0 to the southern dummy variable (modal category).

⁹ The question of whether to allow non-citizens to vote is beyond the scope of this paper. However, the debate on non-citizens' voting rights is likely to become more salient as the proportion of non-citizens continues to grow.

However, there remains one category of disfranchised citizens that is significant in number: felons and ex-felons. While only about one-fifth of states presently disfranchise ex-felons, it is only in the past 40 years that states have enfranchised this group of previously disqualified people. What has prompted this change toward more inclusive suffrage laws? This paper examined the political conditions under which felon and ex-felon disfranchisement laws are repealed or modified to be more inclusive.

We argued that the decision to enfranchise felons, ex-felons, parolees, or probationers involves a political calculus. Bringing in new voters into the electoral game may change the partisan balance in ways that will make legislators wary (or supportive) of changes in the status quo. Since the felon population is disproportionately drawn from the socio-demographic strata habitually favoring the Democratic party, we expected partisan politics to play an imperative role in the decision to enfranchise felons. This is exactly what we found. Specifically, states where government is under the unified control of the Democratic party are more likely to enact inclusive provisions pertaining to the voting rights of felons and ex-felons. Additionally, states where the Democratic presidential candidate obtains a smaller share of the vote are more likely to enact such provisions. In tandem, these results suggest that suffrage laws will be made more inclusive when (1) the Democrats are in power; and (2) when overall state partisanship generally does not favor Democrats. If a state is overwhelmingly Democratic already, a unified Democratic government does not have an incentive to change a relatively popular law (felon disfranchisement). However, if a unified Democratic government exists in a state where their party hold on power is marginal, then there is a more urgent incentive to enfranchise a population that is likely to favor Democratic candidates in future elections. Conversely, Republican legislators will be very reluctant to enfranchise potential democratic voters when the

partisan balance in the state is already tilted against their party (i.e., a majority of voters are Democrats). Only when their hold on power is strong enough should they ever consider expanding the right to vote to felons and ex-felons. Our findings suggest that parties will change election laws if doing so favors their electoral interests, and have broader implications both for scholars of parties and of voting rights.

Politicians are well aware that *who* has the right to vote is as important as *for whom* voters cast their ballot. While there are strong normative arguments for extending voting rights, the fact remains that these are inherently political decisions taken by actors with vested interests in the outcome resulting from those decisions. Thus, Democratic supporters who suggest that the party is relaxing felon disfranchisement laws to assist minority voting rights may be mistaken, as it is more likely that Democrats might be doing this to assist their own party's electoral opportunities in the future.

In addition, the implications of our analysis for scholars of parties are clear. Evidence found in comparative politics on the effect of strategic party action pertaining to changes in electoral systems is also demonstrated in the United States. Voting rights and election laws are most likely to be changed when a party stands to benefit from that change. The constituency-based explanation of electoral system change, however, was not demonstrated, as the ideology of a state had no statistical impact. Thus, parties seem to matter at the state level, contrary to expectations of Krehbiel (1993) and supporting the expectations of Wright and Schaffner (2002).

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Table 1. List of states and years when enfranchising provisions were enacted

State	Year	Details of the change
OR	1961	Ex-felon disfranchisement repealed
MO	1962	Ex-felon disfranchisement repealed
AR	1964	Ex-felon disfranchisement repealed
SD	1967	Ex-felon disfranchisement repealed (also probationers and parolees enfranchised)
PA	1968	Ex-felon disfranchisement repealed (also probationers and parolees enfranchised)
HI	1968	Ex-felon disfranchisement repealed (also probationers and parolees are enfranchised)
LA	1968	Voting rights restored automatically for first-time offenders
KS	1969	Ex-felon disfranchisement repealed (also probationers enfranchised)
IL	1970	Ex-felon disfranchisement repealed
NC	1971	Voting rights automatically restored 2 years following completion of sentence
ID	1972	Ex-felon disfranchisement repealed
FL	1973	Automatic restoration of voting rights for ex-felons who meet certain conditions
IL	1973	Probationers and parolees are enfranchised
MT	1973	Ex-felon disfranchisement repealed (also probationers and parolees enfranchised)
NC	1973	Voting rights automatically restored (repeal of 2-year waiting period)
ND	1973	Ex-felon disfranchisement repealed (also probationers and parolees enfranchised)
NV	1973	Ex-felons can apply to parole board 5-year after the completion of sentence (previously disfranchised for life)
NY	1973	Ex-felon disfranchisement repealed (also probationers enfranchised)
RI	1973	Ex-felon disfranchisement repealed
CA	1974	Ex-felon disfranchisement and repealed (also probationers enfranchised)
LA	1974	Ex-felon disfranchisement repealed
OH	1974	Ex-felon disfranchisement repealed (also probationers and parolees enfranchised)
CT	1975	Ex-felon disfranchisement repealed
LA	1975	Probationers are enfranchised
ME	1975	Incarcerated felons are enfranchised
OR	1975	Probationers and parolees are enfranchised
OK	1976	Ex-felon disfranchisement repealed
LA	1978	Parolees are enfranchised
AZ	1978	Voting rights restored automatically for first-time offenders
SC	1981	Ex-felon disfranchisement repealed
GA	1983	Ex-felon disfranchisement repealed
TX	1983	Voting rights restored automatically 2 years following completion of prison sentence
WA	1984	Ex-felon disfranchisement repealed (post-1984 conviction only)
AL	1986	Lifetime disfranchisement for crime involving “moral turpitude” repealed
TN	1986	Ex-felon disfranchisement repealed (post-1986 conviction only)
TX	1997	Voting rights automatically restored (repeal of 2-year waiting period)
NH	1998	Incarcerated felons are enfranchised

Table 2. Unified Democratic state government and enactment of inclusive provisions

	Inclusive provisions enacted in instances of...
...unified Democratic state government	26% (19 out of 72 instances of unified Dem. gov. in the sample, and 19 out of all 669 instances of unified Dem. gov.)
...split or GOP unified government	15% (18 out of 122 instance of split or unified GOP gov. in the sample, and 18 out of all 1,121 instances of split or unified GOP gov.)

Table 3. Rare-events logit regression model of felon and ex-felon disfranchisement laws

Independent variables	B (robust s.e.)
Unified Democratic government	0.683 (0.41)*
Democratic two-party presidential vote share	-0.046 (0.02)*
Citizen ideology	0.008 (0.02)
South	0.375 (0.59)
Constant	-2.472 (1.18)**
N	194

** Significant at the 0.05 level; * significant at the 0.10 level.

Table 4. Probability of enacting inclusive felons and ex-felons voting provisions

	Democratic two-party presidential vote share		
	-1 σ (37.65%)	Mean (47.06%)	+1 σ (56.47%)
Unified Dem. gov.	0.041	0.027	0.018
Split or GOP gov.	0.022	0.014	0.009

Appendix: Sources of variables

<i>Dependent variable</i>	<i>Source</i>
Enfranchisement of felons	State constitutions and statutes; various court cases; Behrens, Uggen and Manza (2002); Office of the Pardon Attorney (1996)
<i>Independent variables</i>	<i>Source</i>
Unified democratic government	1960-1993: Berry et al. (ICPSR file no. 1208) 1994-1999: Book of the States (various years); National Conference of State Legislators; National Governors' Association; Politics in America (various years)
Two-party Democratic presidential vote share	America Votes (various years)
Citizen ideology	Berry et al. (ICPSR file no. 1208)
South	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia