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Incarceration Without Representation: The State of Political Inclusivity in the United States

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Citation

Griesedieck, L. (2021). *Incarceration Without Representation: The State of Political Inclusivity in the United States*.

Version: Not Applicable (or Unknown)

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*Incarceration Without Representation: The State of Political Inclusivity in
the United States*

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Bachelor Thesis

BSc International Relations and Organizations

Institutions, History, and Development

Leiden University

Supervisor: Dr. F. de Zwart

Word Count: 7,975

21 May, 2021

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Introduction

The ability to participate in politics is central to democracy. The Voting Rights Act of 1965 aimed to protect the right to vote by banning the use of literacy tests and appointed Federal examiners in jurisdictions with a history of voter exclusion. However, this right is still not guaranteed to everyone and there have been more restrictions in past years (Keyssar, 2000, p. 264). Recently, Georgia passed the Election Integrity Act of 2021 which created new strict identification requirements for absentee ballots, limited drop boxes for completed absentee ballots, restrictions if you go to the wrong polling place, new misdemeanor charges for anyone offering food or water to voters waiting in line, and many other restrictions (Election Integrity Act, 2021). As Keyssar (2000) describes, a state can not be truly democratic without offering universal suffrage (p. XVI).

Freedom House's annual report, *Freedom in the World 2021*, rates U.S. democracy as an 83 out of 100. This is a three-point decline from 2019 and an eleven-point decline from 2010 (Freedom House, 2021). By contrast, all Western European countries received an overall score of 90 or higher (Freedom House, 2021). The U.S. received partial points for many categories measuring the level of democracy, including due process of law, policies determined by freely elected representatives, political rights and electoral opportunities for marginalized groups, and fair electoral laws and framework (Freedom House, 2021). In two categories, open and transparent government and equal treatment under the law, the U.S. was awarded only half of the points available (Freedom House, 2021).

These developments contradict theories of path dependence and historical institutionalism. One of the most important claims of historical institutionalism is the idea of path dependence. This approach is used to understand the significance of a phenomenon by tracing how it happened (Pierson, 2000, p. 252). Moreover, timing and sequences of events are very important for explaining path dependence (Thelen, 2002, p. 96). Path dependence holds that once a particular path is introduced, it is very likely that this course will persist (Pierson, 2000, p. 251). This process is explained through the concept of increasing returns, sometimes referred to as positive feedback loops, in which the probability of continuing down a certain path increases with each move down that path (Pierson, 2000, p. 252). Increasing returns influences the likelihood of the continuation of a path because the relative benefits of continuing increases over time compared to other options (Pierson, 2000, p. 252). This also means that as the path progresses, it becomes more costly to change. Institutions are thus sustained through processes of increasing returns and positive feedback. In politics, path dependency is especially strong because of short time horizons, meaning that long-term goals

are rarely priorities, and the political status quo, meaning political arrangements are very hard to change (Pierson, 2000, p. 261). As these paths are very difficult to change, a critical juncture is needed to redirect the course (Pierson, 2000, p. 251). A critical juncture is a turning point that establishes limits on institutions, which then shape what is politically possible (Thelen, 2002, p. 99). A juncture is critical only if it is formed in the process of increasing returns (Pierson, 2000, p. 263). Without this mechanism, it is not clear why the event is critical or how long-lasting consequences have happened.

Path dependent theories would predict that the American path would be one of inclusivity, sustained through increasing returns of more democracy. This would continue the expansion of the right to vote set forth by the Voting Rights Act of 1965 and extend suffrage to the point where it becomes universal. However, the opposite is observed—American liberal democracy is declining and more restrictive voting laws are being enacted. This paper attempts to answer the question: Why is the U.S. diverting from the path of inclusivity?

Methodology

The analysis focuses on the U.S. as a deviant case because it deviates from the path dependent predictions of increasing returns of more democracy. In order to explain a path change, path dependent theories state that there must be a critical juncture. The paper thus analyzes a critical juncture in order to explain the phenomenon of declining inclusivity.

The level of political inclusivity is tested through disenfranchisement, which is the exclusion of individuals from voting. This paper focuses specifically on disenfranchisement on the basis of felony convictions because felons represent the largest group of people explicitly prohibited by law from political participation in the United States (Keyssar, 2000, p. 308). The concept of felon disenfranchisement comes from the idea of civil death where someone loses civil rights upon conviction of a crime, which is traced back to Ancient Greece and Rome (Uggen et al., 2005, p. 309). Other methods of disenfranchisement, such as gerrymandering or voter identification laws, are usually done through loopholes within the law which make it legal to exclude and inconvenience some people and do not explicitly target specific groups. Although such disenfranchisement methods tend to disproportionately affect minority groups, the language in the law is race-neutral, so it does not explicitly target one group and, in theory, applies to everyone. This is in contrast to felon disenfranchisement, where the law explicitly disqualifies one group, felons, from political participation. Felon disenfranchisement also operates on a much larger scale, as current inmates are barred from

voting in all states but Maine and Vermont, and many former felons are prohibited from voting for life (Uggen et al., 2020).

The second variable is mass incarceration. The onset of mass incarceration is offered as a critical juncture because as more people are incarcerated, the more people are labeled as felons and affected by felon disenfranchisement. Uggen and Manza (2002) find that mass incarceration accounts for the exclusionary impact of felon disenfranchisement, as it would not be threatening to democracy without the high rates of incarceration observed today (p. 795). The onset of mass incarceration is often attributed to the War on Drugs. The period following the declaration of the War on Drugs, by both President Nixon in 1971 and President Reagan in 1982, is characterized by “tough-on-crime” laws which observed an increase in the 1980s (Alexander, 2020, p. 62). Alexander (2020) states that before the 1980s, the criminal justice system did not marginalize minorities to the extent observed today; criminal sanctions today are used to repress and control communities in a systematic manner, whereas before they were only used for a small minority (Alexander, 2020, p. 231). The War on Drugs has therefore resulted in a change in the nature of the criminal justice system, from prevention and punishment to management and control (Alexander, 2020, pp. 233-234). Other authors also explain the persistence of mass incarceration through the enactment of tough-on-crime laws (Cox, 2015, p. 6; Raphael & Stoll, 2013, p. 28; Campbell et al., 2015, p. 181).

As the focus of the empirical puzzle is on path dependence, the analysis is conducted following this approach and examines to what extent mass incarceration can explain the path change towards less inclusivity in the U.S. This will be done through a process tracing description of mass incarceration as a critical juncture, so that it shows how inclusivity has declined as well as answering why this decline occurs. This helps to build a timeline to show the events happening after the start of the War on Drugs that have contributed to higher disenfranchisement levels. The analysis is split up into different presidencies to examine felon disenfranchisement and mass incarceration changes over time. The timeline starts from the beginning of Nixon's presidency, as that is the first declaration of the War on Drugs, and continues up until the end of Obama's presidency, because the data for the most recent administration is not complete. Each presidency includes a description of changes in incarceration and important federal legislation that furthered mass incarceration, as well as the changes in the state felon voting laws.

To build this description, many different types of data are used in the analysis. The data for mass incarceration is collected from the Bureau of Justice Statistics (BJS) yearly

prisoner reports starting from the year 1980. For the years before 1980, the BJS report covering incarceration data from 1925-1981 is used. Probation and parole population numbers are also included from the BJS database, which starts from 1980 (BJS, 2018). Mass incarceration federal legislation was chosen based on the emphasis of previous literature, using Alexander (2020) and Cox (2015) as a guideline. Additionally, the speeches from Nixon and Reagan's declaration of the War on Drugs are also referenced to describe the timeline of mass incarceration.

State felon disenfranchisement laws are used as an indicator for political exclusion, as there have been no federal felon disenfranchisement laws. The laws used in the analysis include the enacted legislation dealing with voter eligibility because this explicitly defines who is allowed to vote and who is disenfranchised. The list of felon eligibility laws from 1969 until 2016 is in Appendix A listed by state. This list is gathered from various sources, as no previous study or database has a list that completely covers this timeframe. Laws from 2001 until 2016 were collected from the National Conference of State Legislatures databases (2012; 2021). Legislation before 2001 was gathered from the data collected by Behrens et al. (2003) and Uggen and Manza (2003). A few of the law changes mentioned in these papers were not supported by state legislation databases, election or criminal codes, constitutions, so they were left out of the analysis. Each presidency also includes the total number of felons disenfranchised, based on the data provided by Uggen et al. (2020).

The rest of the paper continues as follows. First, there is a discussion of theories linking democratic backsliding to incarceration in order to provide theoretical support of mass incarceration as a critical juncture. This is followed by an empirical description of the ways voters are disenfranchised in the United States with a focus on felon disenfranchisement. Next, there is an analysis of mass incarceration as a critical juncture to declining inclusivity using felon disenfranchisement laws and incarceration data. Finally, there is the conclusion with limits to this approach and recommendations for future research.

Democratic Backsliding and Incarceration

The phenomena of political exclusion relates to theories of democratic backsliding. Democratic backsliding is described as the deterioration of the quality of a democracy's political institutions (Bermeo, 2016; Waldner & Lust, 2018). Mechkova et al. (2017) find that democracies in general are becoming less liberal, meaning that while they may have functioning electoral democracies, they do not have effective judicial and legislative constraints on executive power or a strong rule of law. Mechkova et al. (2017) rate the U.S.

as a liberal democracy, however they have fallen down the list of democracies from 12th in 2006 to 17th in 2016 as the scores declined eight points. This is supported by the Freedom House 2021 report, where the U.S. fell eleven points in ten years (Freedom House, 2021). Previous studies offer various explanations as to why the U.S. is backsliding. Waldner and Lust (2018) find that authors tend to focus on political participation and accountability as indicators (p. 108). The focus on political participation comes from changes in state laws in the past decade which have made it harder to participate (Waldner & Lust, 2018, p. 108). As these laws make political participation harder, they disenfranchise and exclude citizens. Using another method of disenfranchisement, Menendian et al. (2019) say that one of the reasons that the U.S. is backsliding is due to the practice of gerrymandering because this interferes with political inclusion (p. 26).

Other authors link felon disenfranchisement, a different type of voter exclusion, and mass incarceration to declining democratic values. Whitt (2017) says that as everyone in a democracy is entitled to political participation and felon disenfranchisement compromises the integrity of democracy (p. 285). Moreover, Levitsky and Ziblatt (2018) hold that the U.S. is backsliding because of public policy and government efforts to undermine democracy through legal means, either through legislative or judicial approval (p. 5). This undermining of democracy occurs through the erosion of democratic values and norms, which started in the 1980s and accelerated in the 2000s because of political polarization (Levitsky & Ziblatt, 2018, p. 9). Similarly, Uggen and Manza (2002) find that felon disenfranchisement poses a threat to democratic governance because these laws have the ability to change election outcomes. When combined with high rates of incarceration, felon disenfranchisement laws may have altered the outcome for at least one presidential election and up to seven U.S. Senate elections (Uggen & Manza, 2002, p. 794). Thus, mass incarceration accounts for the exclusionary impact of felon disenfranchisement (Uggen & Manza, 2002, p. 795). Additionally, Solomon et al. (2019) state that the War on Drugs magnified the impacts of felon disenfranchisement (p. 11). Mallory (2007) also describes how mass incarceration leads to political exclusion; those who are not imprisoned are awarded greater access to politics because those imprisoned are removed from political processes (p. 104). Incarcerated persons are disempowered to the point where they are not seen as equal to the non-incarcerated and are also prevented from communicating their grievances (Mallory, 2007, p. 107). Last, Menendian et al. (2019) use incarceration rates as an indicator for political exclusion, where incarceration was conceptualized as a reflection of the cultural norms and values of society's

dominant groups (Menendian et al., 2019). Higher incarceration rates and criminal punishment therefore reflect a more exclusionist society.

Although there is no previous study on the subject, the theories support the hypothesis that mass incarceration has changed the path of voting rights in the U.S. by making it more exclusive. The description of felon disenfranchisement in Solomon et al. (2019) supports the hypothesis of a path change, as they state that the impact of felon disenfranchisement was magnified following the War on Drugs—the onset of mass incarceration. Additionally, the timeline of democratic backsliding provided by Levitsky & Ziblatt (2018) starts around 1980, which overlaps with the War on Drugs and an increase in tough on crime laws. Similarly, the theory provided by Uggen & Manza (2002) supports the onset of mass incarceration as a critical juncture for political exclusion, because as mass incarceration increases, the number of felons disenfranchised and excluded from politics also increases. Uggen & Manza (2002) also state that the rising levels of disenfranchisement and mass incarceration “constitute a reversal of the universalization of the right to vote,” indicating an altered path towards political exclusion (p. 796).

Declining Inclusivity in the United States

In recent years, legislation was enacted throughout the U.S. that disenfranchised voters. Territorial voting rights, voter identification laws, gerrymandering, voter roll purges, and disruption of polling places are some ways in which voters have been disenfranchised. This section begins with a brief description of the various ways that voters are disenfranchised and transitions into felon disenfranchisement specifically.

Disenfranchisement

Outside of the 50 states, U.S. residents are not granted meaningful suffrage. This includes the five territories of American Samoa, the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands, where residents are still bound to American laws, but are largely excluded from national politics. Territories are not given any electoral votes and are only granted one representative, although they have no power to vote on legislation (Solomon et al., 2019, p. 11). Similarly, residents in Washington D.C. are not granted a Congressional representative and they have just one electoral vote for the President.

In the states, voter identification (ID) laws are one way of disenfranchisement. It is not uncommon for voters to show some type of identification when voting, but in recent years, states have begun to enact strict photo government ID requirements. Not everyone has

access to a government ID and this requirement disproportionately affects minorities. One study finds that up to 20 percent of Black Americans do not have a proper identification required by states to vote (Hajnal et al., 2017). Another study estimates that almost 1 in 5 Native American voters in North Dakota were affected by a state law requiring an ID with a valid residential street address because this prevented voters who live on reservations from participating (Solomon et al., 2019, p. 10). Ultimately, such strict voter ID requirements exclude minority groups from political participation.

States create another barrier to inclusivity through gerrymandering. This is the act of redrawing district lines, which are used to determine where U.S. House of Representatives candidates run for office. The U.S. uses a first-past-the-post electoral system, which divides states up into districts and elects the candidate with the most votes, not necessarily a majority, to represent the district (Hague et al., 2016). When districts are manipulated, one party can turn a minority of the total state vote into a majority of the Congressional seats (Menendian et al., 2019, p. 24). An example of this is in Michigan in 2012, where Republicans had 47.3 percent of the vote, but were allocated 9 out of 14 of the state's House of Representatives seats (Menendian et al., 2019, p. 27). Gerrymandering therefore allows states to manipulate their party's apportionment of seats, rendering the popular vote effectively meaningless.

States have also disenfranchised voters by removing them from the registration lists. This is the case in Georgia where voter purges have removed people who were still eligible to vote. Voter purges are supposed to only occur in the instance of death or moving outside of the jurisdiction (Palast, 2020, p. 5). However, a study by Palast (2020) found that out of 313,243 citizens who were deregistered in 2019 on the grounds that they no longer lived in their registered address, 198,351 of these people did not move (p. 6).

Another method of disenfranchisement is through the disruption of polling places. Cuts to voting times have direct impacts on minority turnout, as these voting periods are known for increasing the number of votes from minority groups (Freedom House, 2021). States and counties have reduced the number of polling places available on Election Day. In 2018, there were 1,688 fewer polling places in the U.S. than there were in 2012 (LCEF, 2019, p. 10). Disrupting polling places makes it more difficult for voters to participate, as this creates longer lines and fewer polling stations, making political participation less accessible.

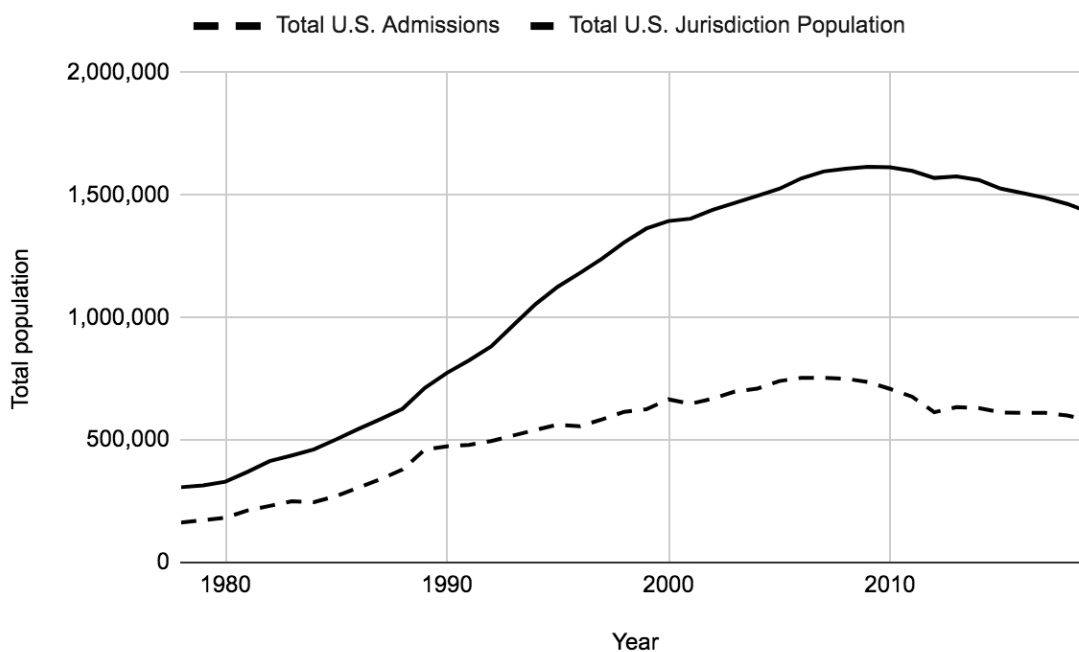
Felon disenfranchisement

As mentioned before, felons represent the largest group of people explicitly prohibited by law from political participation (Keyssar, 2000, p. 308). The U.S. differs dramatically from

similar nations in both the incarceration and felon disenfranchisement rates. Some other countries also prohibit prisoners from participating in politics, however, the U.S. is unique in its permanent disenfranchisement of ex-felons (Uggen & Manza, 2002, p. 778). Additionally, no other developed country has such a rate of incarceration, and no other country comes close to incarcerating the number of racial or ethnic minorities as the U.S. does (Alexander, 2020, pp. 8-9; Behrens et al., 2003, p. 560). In 2005, the prison and jail population accounted for 737 people per 100,000 residents, while the world average is 166 per 100,000, and the European average is 135 per 100,000 (Raphael & Stoll, 2013, p. 27).

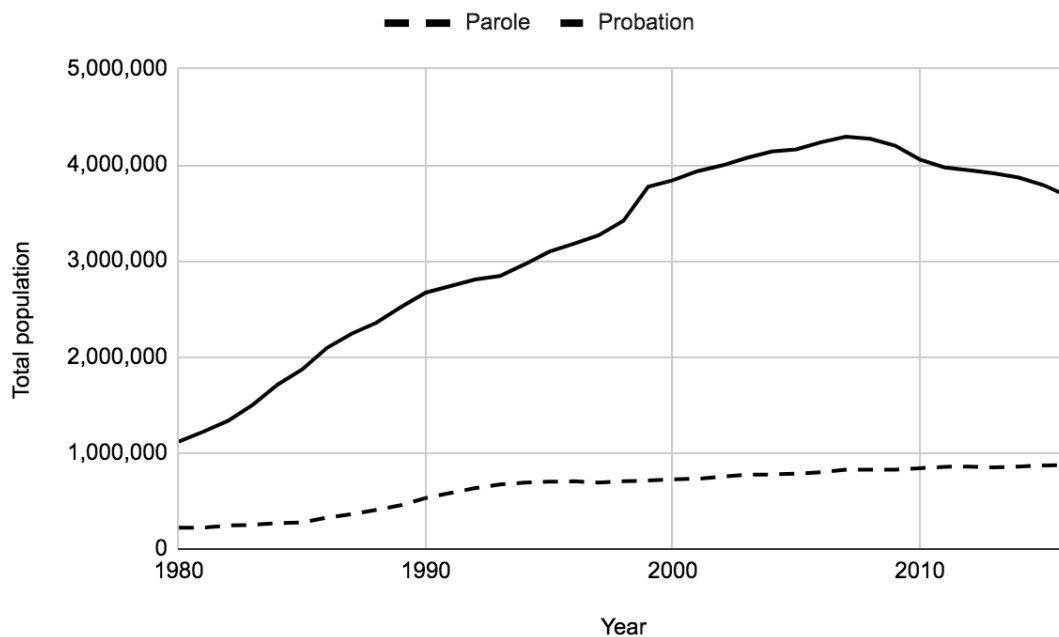
The total number of people incarcerated in the U.S. today is approximately 2.2 million, a 500% increase over the last 40 years (Sentencing Project, n.d.). This number does not include everyone who is under correctional supervision; over 7 million people are either incarcerated, on probation, or on parole (Bonds, 2012, p. 129). Figure 1 depicts the changes in the total incarcerated population and admissions and Figure 2 shows the changes in the total parole and probation populations. With the increase in the total incarcerated population, the prevalence of drug charges alone has increased 1,100 percent from 1980, and between 1985 and 2000 accounted for two-thirds of the total rise in the federal prison population (Alexander, 2020, p. 76).

Figure 1. Total state and federal year-end population and admissions, 1978-2019



Data from Carson & Mulako-Wangota (n.d.)

Figure 2. Total year-end parole and probation population, 1980-2016



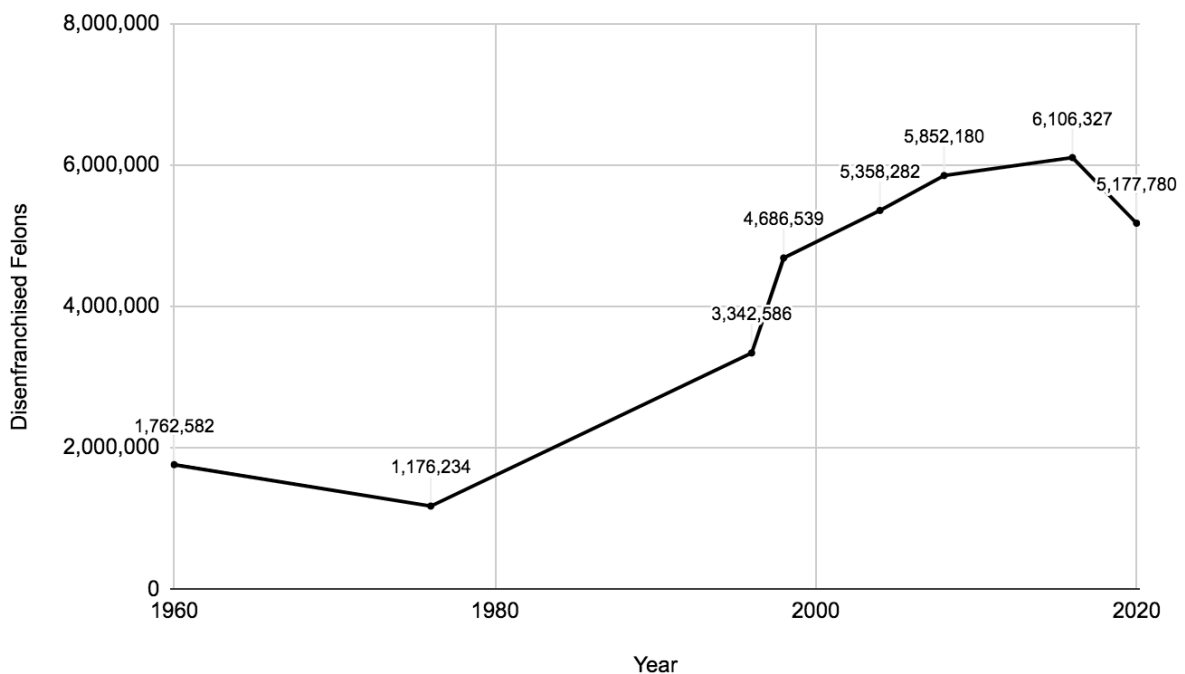
Data from Bureau of Justice Statistics (2018)

The rise of incarcerated populations overrepresents minorities. Racial minorities account for 67 percent of those incarcerated, but only 37 percent of the total population (Sentencing Project, n.d.). Black Americans are the most impacted, as they are six times more likely to be incarcerated than whites (Sentencing Project, n.d.). Additionally, most people incarcerated also belong to lower economic classes (Sentencing Project, n.d.). Incarcerated populations thus overrepresents poor, Black Americans.

In 2016, there were approximately 6.1 million people disenfranchised because of a felony conviction, an increase from 5.3 million in 2012 (Uggen et al., 2016, p. 3; Varsanyi, 2012, p. 266). An estimated 1 in 40 adults in the U.S. voting age population is disenfranchised from a felony, while the rate is four times higher at 1 in 13 for Black adults (Uggen et al., 2016, p. 3). Changes to felon voter eligibility laws are typically classified in four different ways: voting rights are reinstated after release from prison, completion of parole, completion of the sentence, or all felons are disqualified from voting, even after completing all parts of the sentence. The completion of the sentence includes the release from prison, parole, and probation periods. Most of those who are disenfranchised have already served their time in prison, and many have served all parts of their sentence (Brown-Dean, 2014, p. 200).

Felon disenfranchisement laws have changed over time, but it is not a new phenomenon. In 1850, 35 percent of states had felon disenfranchisement laws which increased about 85 percent in 1880 (Behrens et al., 2003, p. 567). By 2002, 96 percent of states disqualified some felons (Behrens et al., 2003, p. 564). There was a slight period of liberalization in the 1960s and 1970s, however, this trend did not continue, as most changes in the 1990s were restrictive (Behrens et al., 2003, p. 583). Figure 3 depicts the number of felons disenfranchised from the years 1960 to 2020. Since the early 2000s, no state has completely abolished felon and ex-felon voting restrictions (Brown-Dean, 2014).

Figure 3. Number of Felons Disenfranchised, 1960-2020



Data from Uggen et al. (2020).

As states create their own voting laws, the disenfranchised population varies. In Mississippi, about 1 in every 10 adults is affected by felon disenfranchisement, while in Tennessee and Virginia, more than 1 in 5 Black people are disenfranchised (Uggen et al., 2016, p. 3). Maine and Vermont are the only two states which do not disenfranchise felons (Varsanyi, 2012). Even in states that do not formally disenfranchise felons, application processes for the restoration of voting rights are made so complicated that they are ineffective in practice (Brown-Dean, 2014).

Analysis: Mass Incarceration as a Critical Juncture

Nixon (1969-1974)

Richard Nixon assumed the office of the Presidency in 1969 until 1974, when he resigned from his second term. At the end of Nixon's first year in office, the prison population increased to 197,136 and the incarceration rate rose to 97 per 100,000 residents (Minor-Harper, 1986, p. 2). Nixon's term ended with an incarcerated population of 218,466 people and an incarceration rate of 102 per 100,000 residents (Minor-Harper, 1986, p. 2).

The first major tough-on-crime legislation passed was the Comprehensive Drug Abuse Prevention and Control Act of 1970 which set the groundwork for the War on Drugs by classifying drugs into five schedules based on their level of danger. These actions resulted in many new convictions for more types of drugs. Federal efforts were further extended in 1971 when Nixon formally declared a War on Drugs, stressing its importance for a "full-scale attack at the highest level" to combat the problem of drug abuse (Nixon, 1971). Nixon created several agencies and offices for the oversight and enforcement of drug policies, including the Special Action Office of Drug Abuse Prevention in 1971, the Office of Drug Abuse Law Enforcement in 1973, and the Drug Enforcement Agency in 1973 (Nixon, 1971; Nixon, 1974).

Nixon's presidency establishes the beginning of the path change following the onset of mass incarceration. Although there were some relaxations during this period on felon disenfranchisement laws, there were around 1.1 million disenfranchised felons at the end of Nixon's term as the incarcerated population increased by 11,330 (Uggen et al., 2020). This was a major increase, as the prison population was previously declining, but this left a large gap between increases in new inmates and the disenfranchised population. This significant difference indicates that many states retained lifetime felon disenfranchisement laws. Overall, there were nine changes to state felon voter laws: voting rights were reinstated after release from prison in two states, after completion of parole in one state, and after completion of the sentence in six states (see Appendix A). In one state, all felons were disqualified from voting. Only one law was conditional; North Carolina required a two-year wait from the completion of the sentence and a recommendation by the Department of Corrections, however, the wait period was removed two years later.

Ford (1974-1977)

Gerald Ford assumed the Presidency in August of 1974 after Nixon resigned and served until 1977. At the end of his first full year in office, the prison population was 240,593 and the

incarceration rate was 111 per 100,000 residents (Minor-Harper, 1986, p. 2). Ford's last full year in office ended with a prison population of 262,833 and an incarceration rate of 120 per 100,000 (Minor-Harper, 1986, p. 2). During this term, no major legislation was passed to further incarceration.

As the incarcerated population grew, so did the disenfranchised population. At the end of Ford's time in office, the number of felons disenfranchised remained around 1.1 million, slightly more than it was under Nixon (Uggen et al., 2020). Overall, three states liberalized disenfranchisement laws: one state reinstated voting rights after release from prison and two states restored voting after the completion of the sentence (see Appendix A). Similar to the previous presidency, only one state had conditional enfranchisement—Connecticut required proof of payment of any fines. The Ford administration continued many of the same trends as Nixon: three state changes, one conditional change, and an increase in the overall disenfranchised population.

Carter (1977-1981)

Jimmy Carter assumed the office of the President from 1977 until 1981. At the end of his first year, the total prison population was 285,456 and the incarceration rate rose to 129 per 100,000 residents (Minor-Harper, 1986, p. 2). At the end of his term, there was a record total of 329,122 prisoners in federal and state jurisdictions (Kalish, 1981, p. 1). The incarceration also rose to 140 per 100,000 residents (Kalish, 1981, p. 1). The parole and probation populations were recorded for the first time in 1980, with 220,400 on parole and 1,118,000 on probation (BJS, 2018).

Carter's presidency differed from previous presidents, as he took a less punitive approach to drugs. Carter campaigned on the decriminalization of marijuana, and in his first year, the Senate Judiciary Committee voted to decriminalize up to one ounce of marijuana (Clymer, 1977). The fact that Carter did not actively campaign for punitive drug laws but saw an increase in incarceration rates indicates that there was already path dependency at work. The groundwork of punitive crime and drug laws was already set by previous administrations and continued to be enacted throughout the Carter administration. Many states also enacted more punitive legislation which influenced the length of sentences; 37 states passed mandatory sentencing laws and 15 states passed determinate sentencing laws (Kalish, 1981, p. 2).

As incarceration rates continued to pass new records, so did disenfranchisement numbers. At the end of Carter's time in office, the number of felons disenfranchised was

about 1.6 million (Uggen et al., 2020). There were three more changes to felon voter eligibility laws during Carter's term and all of these laws enfranchised some felons: two states restored voting rights upon release from prison and one state restored it post-sentence (see Appendix A). These changes were also mostly without conditions, with the exception of Arizona which required payment of fines and only applied to first-time offenders. However, no state made changes that allowed inmates to vote. Carter's administration oversaw similar patterns to both Nixon and Ford: three changes to state laws, one conditional change, and increases in incarcerated and disenfranchised populations. Through this trend, the path of incarceration and exclusion continued, regardless of Carter's personal stance.

Reagan (1981-1989)

Ronald Reagan served two terms as President from 1981 to 1989. At the end of his first term, there were 369,009 federal and state prisoners, an annual increase of 12.1 percent (Minor-Harper, 1982, p. 1). The number of federal prisoners increased for the first time in three years by 16 percent and the incarceration rate increased from 139 to 154 per 100,000 residents (Minor-Harper, 1982, p. 1). The BJS study finds that this sharp increase was attributed to new state sentencing laws in previous years, especially mandatory minimum sentences and determinate sentencing, which removes the possibility of parole (Minor-Harper, 1982, p. 3). Reagan's last full year in office reported another yearly record of 627,402 federal and state prisoners, a record which has continued for 14 consecutive years (Greenfeld, 1989, p. 1). This trend is a strong indication of path dependency, as incarcerated populations have increased every year since 1975. During Reagan's term alone, there was an increase of about 90 percent (Greenfeld, 1989, p. 1). This trend also carried over into parole and probation populations, which observed increases of 184,200 and 1,134,500, respectively (BJS, 2018). This parole and probation increase was the highest recorded of any administration during the observation period.

Reagan reignited the War on Drugs in a 1982 speech, amplifying federal efforts that were established during the Nixon administration. He declared that drugs were a threat to national security and urged Congress to expand and create new crime laws (The New York Times, 1982). In 1984, Congress passed the Sentencing Reform Act which eliminated the federal parole system and provided a supervised release program for sentences longer than one year. It also created the U.S. Sentencing Commission in order to establish guidelines regarding criminal sentencing (Sentencing Reform Act, 1984). The same year, the Comprehensive Crime Control Act was also passed. This Act allowed police and other law

enforcement agencies to seize assets from drug arrests, incentivizing them to enforce punitive crime laws (Comprehensive Crime Control Act, 1984). In 1986, Congress passed the Anti-Drug Abuse Act to establish new mandatory minimum sentences for certain drug offenses. Crack cocaine and powder cocaine, made from the same chemical, were given completely different minimums; a five year sentence was allocated to 500 grams of powdered cocaine, but only five grams of crack cocaine, and there was no mandatory minimum for 50 grams of powder. These two substances also had different users: crack cocaine was more accessible to poor Black Americans, while powder cocaine is most used by affluent white Americans (ACLU, 2006, p. 1). It is important to note here that this Act disproportionately impacted Black people; although 66 percent of crack users are white or Hispanic, more than 80 percent of the people sentenced for crack convictions were Black (ACLU, 2006, p. 1). Additionally, even if white drug users are arrested for drug offenses, it is much less likely that they will be convicted or sent to prison (ACLU, 2006, p. 1).

As more punitive crime laws were passed, the number of felons disenfranchised rose from 1.6 million to about 2.3 million (Uggen et al., 2020). Reagan's presidency almost doubled the number of people incarcerated in the U.S., as well as had the largest increases in parole and probation populations. At the end of his term, more than 3.3 million people were incarcerated, on parole, or on probation. Overall, there were six changes in state felon voter eligibility laws and all six states allowed for the restoration of the right to vote after the completion of the full sentence (see Appendix A). Many of these changes were also conditional, including restrictions by the year of conviction and wait periods. Texas required felons to wait five years after the completion of the sentence, which was reduced two years later to a two year wait. Washington and Tennessee automatically restored voting rights upon completion of the sentence, but only if the conviction occurred after 1984 in Washington and 1986 in Tennessee. The revival of the War on Drugs under Reagan further reinforced the path of exclusion and incarceration as new and more restrictive punitive crime laws were enacted. The increasing returns of more aggressive crime laws expanded the incarcerated, parole, and probation populations at record numbers, leaving more people excluded from political participation. The exclusion of more felons in combination with the new mandatory minimums for crack sentences resulted in the exclusion of lower class Black Americans more than any other demographic.

Bush (1989-1993)

George H. W. Bush served one term as President from 1989 until 1993. At the end of his first term, there was a record of 710,054 state and federal prisoners and a record incarceration rate of 274 per 100,000 residents (Greenfeld, 1990, p. 1). The annual growth rate reached 13.1 percent, meaning there were almost 1,600 new prisoners admitted each week (Greenfeld, 1990, p. 1). At the end of Bush's last full year, the prison population continued to reach a new record with 883,593 prisoners and an annual growth rate of 7.2 percent (Gillard, 1993, p. 1). The incarceration rate in 1992 was 329 per 100,000 residents, however, for Black males, the incarceration rate was much higher at 2,678 per 100,000 Black residents (Gillard, 1993, p. 1). Bush's presidency also recorded increases in both parole and probation populations, 177,500 and 285,700, respectively (BJS, 2018). The impact of Reagan-era drug laws was evident; In 1980, seven percent of new prisoners were convicted on drug charges, compared to more than 30 percent in 1992 (BJS, 1994). Four years after the passage of the Anti-Drug Abuse Act of 1986, the average federal drug sentence for Black people was 49 percent higher than it was for whites (ACLU, 2006, pp. 1-2).

In contrast to previous administrations, no state passed a law to enfranchise felons to any degree. This occurred with the highest increase in disenfranchisement levels yet, around 700,000 more than the previous administration. At the end of Bush's term, the number of felons disenfranchised was just below 3 million (Uggen et al., 2020). This coincided with the increase of incarceration, parole, and probation populations. These trends show the path continuity and the increasing returns of more incarceration from established punitive crime laws and, consequently, more disenfranchisement.

Clinton (1993-2001)

Bill Clinton served two terms as President from 1993 to 2001. At the end of his first year in office, the state and federal prison population was 948,881 and the incarceration rate was 351 per 100,000 residents, a record high for both measures (BJS, 1994). The annual growth was 7.4 percent, which is equal to about 1,250 new prisoners per week (BJS, 1994). By the end of Clinton's presidency, the incarceration quickly surpassed the one million mark at 1,381,892 and the incarceration rate reached 478 per 100,000 residents (Beck & Harrison, 2001, p. 1). Clinton's administration also oversaw the largest increase in the probation population, almost 1 million (BJS, 2018). The parole population also increased from around 671,500 to 725,500 (BJS, 2018).

Clinton, unlike the last Democrat, President Carter, aimed to prove that he was as tough-on-crime as the Republicans. In Clinton's second year, the Violent Crime Control and Law Enforcement Act of 1994 was passed which allocated billions of dollars for state prison grants and expansion, created new federal capital crimes, and mandated life sentences for some convictions through "three strikes" laws, meaning that a third felony could result in a mandatory life sentence. Through this new legislation, tough-on-crime proved to be a bipartisan endeavor. In 1995, the US Sentencing Commission issued a report stating that there was no basis for the 100:1 sentencing discrepancy of crack and powder cocaine from the Anti-Drug Abuse Act of 1986 (United States Sentencing Commission, 2009). Congress and the President, for the first time in history, rejected a guideline amendment approved by the Sentencing Commission (ACLU, 2006, p. 6). The Commission recommended the same thing in 1997 and 2002, stating that the sentencing discrepancy should be revised (ACLU, 2006, p. 6). Path dependency here is evident, as the Clinton administration continued the criminalization of drugs with disproportionate impacts on the basis of race and class.

At the end of Clinton's second term, the number of felons disenfranchised was more than 4.7 million, an increase of around 1.7 million from the previous administration (Uggen et al., 2020). This followed the most restrictive series of voting laws since the onset of mass incarceration. During this period, two out of four of the remaining states that did not formerly disenfranchise felons created new laws to prohibit inmates from voting (see Appendix A). This was a significant change, as this was the only administration where any state created a law to disenfranchise inmates when they did not do so previously. Throughout the rest of the observation period, Maine and Vermont remain the only two states which do not disenfranchise inmates (Uggen et al., 2020).

In total, there were six changes to state felon eligibility laws: rights were reinstated upon release from prison in three states, upon release from parole in two states, and upon sentence completion in one state (see Appendix A). Although there were more liberal felon voting laws, many of these laws were conditional. Delaware required that felons wait five years after completion of the sentence, all fines be paid, and created a lifetime disenfranchisement for certain convictions. Utah passed a ballot resolution that automatically restored voting rights upon release from prison, but the wording of the law excluded those convicted out-of-state from voting for life. Pennsylvania required that felons wait five years after unconditional release from prison. These changes alone cannot account for the massive increase in disenfranchisement. Other states continued to enforce existing restrictions for felons and incarceration, parole, and probation populations rose at record levels. Through an

aggressive tough-on-crime agenda, the Clinton administration oversaw the largest increase in federal and state prison populations of any other presidential administration. Political party affiliation became effectively meaningless with respect to tough-on-crime attitudes, as both parties reinforced the status quo of the punitive approach to crime.

Bush (2001-2009)

George W. Bush served two terms as President from 2001 to 2009. At the end of his first year, the federal and state prison population was 1,406,031 and the incarceration rate was 470 per 100,000 residents—another record high for both measures (Harrison & Beck, 2002, p. 1). At the end of Bush's presidency, the state and federal prison population increased to 1,610,446 and the incarceration rate rose to 504 per 100,000 residents (Sabol et al., 2009, p. 1). Additionally, more than 7.3 million people were under some form of correctional supervision; around 5.1 million were under probation or parole, while about 2.3 million were in prisons and jails (BJS, 2018). This number dwarfs previous administrations who recorded parole and probation populations of under 4 million combined (BJS, 2018).

As more punitive crime laws were passed, the number of felons disenfranchised was more than 5.8 million, compared to 4.7 million at the end of the previous presidency (Uggen et al., 2020). The Bush administration had 18 changes to felon voter laws, more than any other presidency: two states reinstated rights upon release from prison, three states reinstated rights upon release from prison and parole, ten states reinstated rights upon the completion of sentence (see Appendix A). These changes, however, are not without conditions and the Bush administration recorded more conditional laws than any other presidency. In Nevada, a previous five-year wait period was removed, however, felons must wait six months after the completion of probation before being eligible to apply for restoration of rights. Nevada's law was amended later to automatically restore the right to vote, but only for nonviolent first-offenders. In Tennessee, the automatic restoration of the right to vote upon completion of the sentence is only for nonviolent felons. In Nebraska, rights are reinstated after a two-year wait following the completion of the sentence.

During this administration, states also passed new restrictions for ex-felons. Washington disqualified all felons from voter eligibility and Louisiana disenfranchised all felons convicted pre-1974. Additionally, two other states kept laws which disenfranchised ex-felons with specific convictions. Wyoming and Maryland disenfranchised everyone convicted of a violent felony, but Maryland's law was repealed in 2007. No state enfranchised

all felons, and more states continued to restrict felon voting as inmate, parole, and probation populations increased, reinforcing the exclusionary path.

Obama (2009-2017)

Barack Obama served two terms as President from 2009 to 2017. At the end of his first year in office, the federal and state prison population reached its peak at 1,613,740 (West et al., 2011, p. 1). 2009 was the first year that the state prison population declined since 1977, although the federal prison population continued to increase. The incarceration rate declined slightly to 502 per 100,000 residents (West et al., 2011, p. 1). Obama's term ended with a prison population of 1,506,800—a decline of more than 110,000 from the year-end 2009 (Carson, 2018, p. 1). The imprisonment rate also decreased from 502 to 450 per 100,000 residents, the lowest rate since 1997 (Carson, 2018, p. 1). The only statistic which did not decline during Obama's presidency was the parole population, which increased from 824,600 to 874,800 (BJS, 2018).

In 2010, Congress passed the Fair Sentencing Act (FSA), which reduced the high sentencing discrepancy in the Anti-Drug Abuse Act of 1968. This was previously brought to attention by the Sentencing Commission, where it was ignored by the Clinton administration. With the FSA, Congress reduced the sentencing difference in crack and powder cocaine from a ratio of 100:1 to 18:1. Although this was a significant change, it continues to disproportionately affect certain groups over others, specifically poor Black Americans, as there are higher consequences assigned to one form of cocaine over the other. It is evident that even with more liberal laws, the path of exclusion still continues.

Despite the decline of imprisonment and probation levels, the total number of felons disenfranchised increased more than 300,000. At the end of Obama's second term, the number of felons disenfranchised was more than 6.1 million (Uggen et al., 2020). This is the highest level of felon disenfranchisement recorded throughout the observation period. Three states reinstated rights upon release from prison, four states reinstated upon completion of sentence, and two states added to the list of ex-felons barred from voting (see Appendix A). Many of the law changes that enfranchised more people also included many conditions. Washington reinstated voting rights upon prison release, but only for those convicted out-of-state, while those convicted in-state had to wait until the completion of the full sentence. In Wyoming, rights are only reinstated after the completion of the sentence for nonviolent felons only, and the waiting period was removed for only first-time nonviolent offenders. In Mississippi, rights can only be restored for someone with a disqualifying

conviction through a two-thirds vote in both houses of the legislature for each person individually. Similar to other administrations, no state voted to enfranchise all felons.

Conclusion

Path dependent theories hold that once a country starts down a specific track, it is very hard to reverse. The findings support theories of path dependence and hold that the American exclusionary path was sustained through the increasing returns of more tough-on-crime laws following the onset of mass incarceration. Felon disenfranchisement, although not a new phenomenon, was escalated following the War on Drugs, as it resulted in more people excluded from politics. Drug laws extended who was labeled as a felon and disproportionately impacted poor Black Americans. As more punitive crime laws were passed, more people, especially poor Blacks, were excluded from political participation. This was through increases in incarcerated, parole, and probation populations and new restrictive voter disqualification laws and conditions. Path dependence is evident in these trends, as each presidency built on the developments of previous administrations, creating an aggregate effect of rising incarceration, punitive crime laws, and existing disenfranchisement resulting in more political exclusion overall.

First, Nixon declared a War on Drugs and the political focus shifted towards passing tough-on-crime legislation, creating the groundwork for mass incarceration and a move away from the expansion of the right to vote. As this legislation was enacted, more people were sent to prison to serve longer sentences, leading to an increase in incarceration, parole, and probation populations. Although some states liberalized their policies in the 1970s and 1980s, the majority of states did not change their laws and continued to disenfranchise felons. Around a decade after Nixon, Reagan renewed the War on Drugs and further increased the federal efforts to create more punitive crime laws. Following the new legislation, the incarcerated and disenfranchised populations reached record highs. Then, in Clinton's presidency, tough-on-crime became a bipartisan ideal. Both Democrats and Republicans campaigned on the idea of creating more punitive crime laws, and the Clinton administration created the most restrictive set of laws, furthering the efforts of the Republican presidents before him. Consequently, neither party advocated for felon voting rights, and because many felons were already excluded from politics, they could not advocate for themselves. As more administrations added new punitive crime laws, it became harder to reverse the trend because tough-on-crime became the status quo, thus increasing the likelihood that more punitive legislation would pass and the path could continue.

In short, as more punitive crime laws were created, incarcerated populations rose and more felons were disenfranchised, increasing the total number of people excluded from political participation. Over the observation period, the disenfranchised population increased by more than 5 million and the prison population by over 1.4 million. Since 1980, the probation population has grown by over 3.1 million and the parole population by over 600,000. This process of increasing returns of more punitive crime laws following the onset of mass incarceration has thus contributed to the declining inclusivity observed in the United States.

This research is limited, as it cannot fully explain the level of inclusivity through only changes in incarceration numbers and felon disenfranchisement laws. These two variables do not exist in isolation, and many other factors are involved in the increase in exclusion. To name a few, the media's portrayal of felons, political campaigns and the discourse of drugs and crime, as well as party interests, all influence the passage of punitive crime laws and were used to justify the exclusion of felons from politics. Party interest was briefly mentioned when discussing the difference between Clinton and Carter, however, this warrants its own research, as it was only briefly considered. The research is also limited, as there was no existing list of felon voter eligibility laws over the observation period. As a result, the list of laws in the appendix may not be complete and some may have been slightly misinterpreted, although all laws were compared to the individual state databases, criminal and election statutes, and constitutions.

Future research could therefore focus on the interaction between felon disenfranchisement and the other factors mentioned above, such as the media's portrayal of felons, political campaigns and the discourse about drugs and crime, and party interest. This would focus more on the discourse and justification of exclusion, rather than the incarceration changes and crime laws mentioned in this paper. Other research could be done to expand the study to continue through the Trump administration once the incarceration reports and other data has been published. Finally, more research can be done to test other possible critical junctures for democratic backsliding. This research could use a similar path dependent approach and can provide an alternative explanation for the political exclusion observed today, or it could use other methods of disenfranchisement as indicators for exclusion.

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Appendix A. State changes to felon voter eligibility laws from 1969-2016

Year	State	Legislation	Summary
1970	Illinois	Const. art. III § 2	Voting rights are restored after the completion of the sentence.
1971	North Carolina	Const. art. VI § 2; SL 1971 c. 902; § 13-1	Restoration through recommendation of restoration of citizenship by the Department of Corrections at the time of release, a two-year wait since the completion of sentence, including parole and probation.
1972	Montana	Const. art. IV, § 2	A pardon is no longer required to entitle the felon to vote. After the entire sentence is completed, the right to vote is restored.
1973	North Carolina	SL 1973-251; H.B. 33	Automatic restoration of rights after the completion of a sentence, including from incarceration, probation, or parole.
1973	North Dakota	N.D. Code 12.1-33-01	A felon may not vote during the sentence until their final discharge from prison. If someone is paroled after release from prison, they may vote during the parole.
1973	Rhode Island	Ballot Proposal 1	Disqualification of voting rights while serving a prison sentence.
1974	Louisiana	Const. art I § 10(A)	Extended the right to vote for those on probation. Those under an order of imprisonment are ineligible to vote, meaning those in prison or on parole.
1974	California	Ballot Proposition 10	Removed the term “infamous crime” from the state constitution. Voting rights extended upon completion of the parole term.
1974	Kansas	Ballot Amendment 3	Anyone convicted of a felony is prohibited from voting.
1975	Connecticut	Conn. Pub. Act 75-354	Allow the right to vote to felons who completed their prison or probation sentences. This Act also requires that felons provide proof of payment of fines and proof of discharge from confinement, parole, or probation in order to restore the right to vote.
1975	Oregon	O.R.S. 137.280; SL 1975 c.781 § 2	Expanded the right to vote to those on probation and parole. Felons discharged from parole or imprisonment are automatically re-enfranchised.
1976	New York	SL 1976, c. 233, § 1	Automatic restoration of the right to vote after completion of the prison term or parole.
1978	Arizona	Ariz. Rev. Stat. § 13-912*	Automatic restoration of voting rights following the completion of a sentence for first-time offenders. This included out-of-state and federal convictions, and required the completion of probation, discharge from prison, and payment restitution or fines.
1978	Louisiana	Acts 1976, No. 697, §1, eff. Jan. 1, 1978	1976 Act 697 went into effect expanding voting rights to anyone who had been convicted of a felony and was on probation or parole.

1979	North Dakota	H.B. 1630	Adjusted the criminal code to allow all non-incarcerated felons to vote. This law only restricts felons during the term of imprisonment and restores the right to vote after release.
1981	South Carolina	1981 Act No. 1, § 2; S.C. Code § 7-5-120	Automatic restoration of voting rights upon the completion of an individual's sentence. The disqualification from voting is restored after completion of probation or parole.
1983	Georgia	H.B. 28	Restored voting rights upon completion of an individual's sentence and disenfranchised felons convicted in any state.
1983	Texas	Acts 1983, 68th Leg., p. 4628, ch. 792, § 1, eff. Aug. 29, 1983	Automatic restoration of voting rights after five years following the completion of a sentence, including incarceration, parole, mandatory supervision, or probation.
1983	Texas	S.B. 616, Reg. Sess (69th Leg.)	Reduction of the wait period from five to two years. The full sentence must be completed, including discharge from parole or probation.
1984	Washington	R.C.W 9.92.900	Automatically restored voting rights upon completion of sentence, but only if the conviction occurred after July 1, 1984.
1986	Tennessee	Acts 1986, ch. 906, § 1	Automatically restored voting rights upon completion of sentence, but only if the conviction occurred after July 1, 1986. However, the right to vote for anyone convicted of voter fraud, treason, first-degree murder, or aggravated rape are never allowed to vote.
1995	Pennsylvania	Act of 1995, June 30, P.L. 170, No. 25, § 501	Allowed felons to vote after unconditional release from incarceration for five years. The incarceration period ends after release from prison or after being paroled.
1996	Texas	H.B. 1001	Eliminated the previous two year wait period in 1996 which was required after the completion of sentence. Voting rights were automatically restored following the sentence completion.
1998	Utah	Resolution Eliminating Voting Rights of Convicted Felons	Voting rights were to be automatically restored upon release from prison. However, the wording of the law excluded those convicted out-of-state from voting for life
1999	Oregon	1999 c. 499 §1	Disenfranchised inmates while they are serving their term. The right to vote is restored when they are discharged or paroled from prison.
2000	Delaware	72 Del. Laws, c. 314, § 1; SB 350	A felon must wait five years after completing the sentence, pay all outstanding finds, and complete restitution. Anyone convicted of murder, manslaughter, sexual offenses, or violations of public trust were excluded from restoration.

2000	Massachusetts	Ballot Initiative Question 2	Approved an amendment to the Constitution to disqualify all incarcerated felons from voting in elections. Before, Massachusetts did not disenfranchise inmates.
2001	New Mexico	S.B. 204	Restores the right to vote for an individual who has completed the conditions of the sentence, including anyone currently on parole or probation. This law repealed the lifetime ban on ex-felon voting which previously existed in the state.
2001	Nevada	A.B. 328	Removed the waiting period only for the completion of prison or parole sentences; completion of probation still requires a six-month waiting period before being eligible to apply for the restoration of civil rights.
2001	Connecticut	H.B. 5042; Pub. Act 01-11	Restored the right to vote once released from incarceration or for felons on probation.
2002	Maryland	H.B. 535; S.B. 184	Removed the lifetime voting restriction on non-violent second-time felons. The law required non-violent felons with more than one conviction to wait three years after completing their sentence—including parole, probation, restitution fines, and community service—before being eligible for restoration of voting rights. Felons with two violent convictions remain permanently disenfranchised. There were no changes for first-time felons, who remain able to restore voting rights upon completion of their sentence.
2003	Arkansas	S.B. 817	Removed an existing requirement that a convicted felon who wants to restore their right to vote must provide a certified copy of the original judgement; this requires proof that all court costs, fines, or restitution have been paid and that the individual has completed all parts of the sentence.
2003	Wyoming	S.F. 65	Automatically restored the right to vote for individuals with non-violent felonies. Before this, non-violent felons in Wyoming had to wait five years after the completion of their sentence before they could apply to restore their voting rights. All other felons in Wyoming, however, remain permanently disenfranchised.
2003	Nevada	Act 55	Automatically restored the right to vote for individuals with non-violent felonies, however, only for first-time offenders.
2003	Louisiana	H.B. 591	Anyone convicted of a felony before the 1974 Constitution of Louisiana is not ineligible to vote
2004	Tennessee	H.B. 2653	Automatically restored the right to vote for non-violent felons after the completion of sentence or final release from supervision.
2004	Wisconsin	Act 121	States that the right to vote is restored once a person completes the terms of probation or imprisonment.
2005	Nebraska	L.B. 53	Automatically restored the right to vote after a two-year waiting period once the sentence has been completed. This law repealed an existing lifetime disenfranchisement for ex-felons.

2005	Washington	S.B. 5743	Terminates voter eligibility for anyone convicted of a felony. This law removed everyone with a felony from the state voter lists on January 1, 2006.
2005	Alaska	H.B. 139	Voting rights restored upon release from incarceration & unconditional discharge
2006	Rhode Island	H.B. 7938; S.B. 2486	Reinstated the right to vote upon discharge from incarceration. In November, voters approved a referendum to add a Constitutional Amendment to expand voting rights to everyone on parole and probation (source).
2006	Utah	S.B. 47	Stated that a convicted felon's right to vote applies to convictions in any court. This corrected problems that came from the wording of the 1998 law which in practice prevented those convicted out-of-state but living in Utah from obtaining voting rights.
2006	Minnesota	S.F. 2743	Right to vote granted to former felons who have completed their sentence.
2007	Maryland	S.B. 488	Repealed the 2002 condition of ineligibility to register to vote for individuals convicted of specific crimes. This modification allows anyone to register to vote who has been convicted of a felony and is not currently serving their sentence, including parole or probation.
2007	New Mexico	H.B. 1156	Canceled voter registration for anyone convicted of a felony and restores the right once unconditional discharge and completion of any probation or parole conditions are satisfied.
2009	Washington	H.B. 1517	Stated that an individual convicted of a felony in the state will have the right to vote restored as long as they are no longer under the authority of the Department of Corrections (DOC). A person is under the authority of the DOC if they are serving a sentence of confinement, subject to community custody, community placement, or community supervision. This law also states that anyone convicted out-of-state or in a federal court will have the right to vote restored as long as they are no longer incarcerated.
2012	Mississippi	S.B. 2227	Added voter fraud to the list of disqualifying convictions for voter registration. To restore suffrage rights, the legislature must vote by a two-thirds vote from both houses to restore the right for each individual person.
2012	South Dakota	H.B. 1247	Removed voter eligibility from felons on probation. Before, only those on parole or incarcerated were disenfranchised.
2013	Delaware	H.B. 10	Eliminated the five-year waiting period required before the restoration of voting rights. This law automatically enfranchised those who have completed their full sentence. However, anyone who is convicted of a disqualifying felony offense has a lifetime ban on voting, including convictions of murder, manslaughter, sexual offenses, and violations of public trust.
2014	California	S.B. 1063;	Restored voting rights to felons moved into community

		A 1311; A 2243	supervision under the 2011 Realignment Act.
2015	Wyoming	H.B. 15	Reinstatement of voting rights for non-violent felons after completion of the entire sentence, including probation and parole. Removed application process (after 2016 and for people convicted in Wyoming) and waiting period for people convicted of first-time nonviolent offenses.
2016	California	Act 2466	Restored voting rights to felons moved into jails under the 2011 Realignment Act.
2016	Maryland	S.B. 340	Automatic restoration of the right to vote after release from prison. The General Assembly overrode a veto from the Governor. Before, felons were only allowed to vote once they completed parole or probation sentences.

* this is not the law citation, just where the information was found

Legislation in the table was compiled from NCSL databases (2012; 2021), Behrens et al. (2003), Uggen & Manza (2003), and was checked against state legislation databases, election and criminal codes, constitutions, and ballot initiatives. All ballot initiatives are available on Ballotpedia.org.