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If Felons Could Have Voted, National Election Outcomes Would Have Been Different

WASHINGTON, DC — If current and former felons had been allowed to vote, the outcome of as many as seven U.S. Senate races and one presidential election since 1978 might have been altered. Felon disenfranchisement laws, combined with high rates of criminal punishment in the United States, sometimes play a decisive role in elections. This is the finding of a study by sociologists Christopher Uggen, University Minnesota, and Jeff Manza, Northwestern University, reported in the most recent issue of the *American Sociological Review*.

The right to vote is a cornerstone of democratic governance, yet there are populations in this country disenfranchised from this civic process. The United States is unique among postindustrial democracies in that most states have established restrictions on voting rights for nonincarcerated felons, which make up three-quarters of the disenfranchised felon population. Currently 48 states disenfranchise felons (although ballot restrictions are specific to each state). The incarcerated are primarily the working-class poor and African Americans who traditionally vote Democratic.

In their article, "Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States," Uggen and Manza analyze whether felon disenfranchisement had meaningful political consequences in past elections. They calculated the number of felons and ex-felons affected, then estimated voter turnout and vote choice based on their known characteristics (i.e., gender, race, age, income, labor force status, marital status, and education). They then adjusted for over-reporting of voting to determine the number of votes lost/gained by both Republican and Democratic candidates.

The researchers estimate that the disenfranchised felon population is composed of approximately 35 percent ex-felons, 28 percent probationers, 9 percent parolees, and 27 percent prison inmates. The impact of felon disenfranchisement would have been greatly reduced had ex-felons, parolees, and probationers—all citizens not currently in prison—been permitted to vote in all states. Their survey data suggest that Democratic candidates would have received about seven out of every ten votes cast by this disenfranchised population in 14 of the last 15 Senate election years.

"By removing those with Democratic preferences from the pool of eligible voters, felon disenfranchisement has provided a small but clear advantage to Republican candidates in every presidential and senatorial election from 1972 to 2000," wrote Uggen and Manza.

Since 1978, there have been more than 400 Senate elections, and the outcomes of seven of those might have been different if the vote had been given to felons and ex-felons. While the percentage change is small, the difference might have had a significant long-term effect, given the well-known advantage of incumbency.

In 1978 two of the 32 Senate elections might have had different outcomes if not for felon disenfranchisement, and this would have increased the Democrat majority from 58:41 to 60:39. Of the 32 senators elected, the incumbent party retained its seat through at least 1990 in 29 cases (91 percent) and through at least 2002 in 23 cases (72 percent).

“Assuming that Democrats who might have been elected in the absence of felon disenfranchisement had held their seats as long as the Republicans who narrowly defeated them,” said Uggen and Manza, “we estimate that the Democratic Party would have gained parity in 1984 and held majority control of the U.S. Senate from 1986 to the present.”

According to Uggen and Manza, the outcome of the most contested presidential race in history, the 2000 Bush vs. Gore election, would almost certainly have been reversed had voting rights been extended to any category of disenfranchised felons. Had only ex-felons been enfranchised in Florida and participated at the estimated rate of Florida turnout (27.2 percent) and with the Democratic preference (68.9 percent), they would have yielded an additional 60,000 net votes for Gore. This would have been more than enough to overwhelm Bush’s narrow victory margin.

“If disenfranchised felons in Florida had been permitted to vote, Democrat Gore would certainly have carried the state, and the election,” said Uggen and Manza. “We can thus conclude that the outcome of the 2000 presidential race hinged on the narrower question of ex-felon disenfranchisement rather than the broader question of voting restrictions on felons currently under supervision.”

The researchers examined only national presidential and senatorial outcomes and did not explore the potential consequences of felon disenfranchisement on U.S. House, state, local, and district-level elections (e.g., in urban legislative districts, where felons and ex-felons are concentrated geographically and where disenfranchisement therefore likely has an even greater impact).

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