

REPORT ON FELON DISENFRANCHISEMENT IN WISCONSIN, 2010

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SUMMARY

Wisconsin currently disenfranchises people convicted of a felony until the completion of their sentences. The disenfranchised population is therefore comprised of the active prison, parole, felony probation and convicted felony jail populations. This practice is more restrictive than states such as Maine (which does not disenfranchise felons) and Illinois (which disenfranchises only prisoners), but less restrictive than states such as Florida (which disenfranchises some former felons as well as those currently under correctional supervision) (see Manza and Uggen 2006 for details). Over half of disenfranchised Wisconsinites are *non-incarcerated* probationers and parolees. This memo updates the Wisconsin numbers reported in Manza and Uggen (2006) and considers the potential impact of changes in the state's disenfranchisement law. Approximately 78,500 convicted felons were unable to vote in Wisconsin in 2010, the most recent year for which reliable data are available. Though this number is small relative to the state's voting-age population of 4.35 million citizens, a sizable proportion (10.5 percent) of Wisconsin's African American population remained disenfranchised in 2010.

DATA SOURCES

We obtained data from the Wisconsin Department of Corrections, Bureau of Justice Statistics, the U.S. Bureau of the Census, and the Pew Foundation. Estimates in the first column are based primarily on Wisconsin Department of

Corrections data whereas columns 2 and 3 are derived primarily from state data as reported to the Bureau of Justice Statistics.¹ Table 1 reports estimates that include the total jail population (including misdemeanants and those not yet convicted) and estimates that include only 10 percent of the total jail population. Ten percent of the total jail population is our conservative estimate of the number of convicted felony jail inmates. Although only a portion of the total jail population is legally disenfranchised, few jail inmates awaiting trial and misdemeanants serving jail time vote by absentee ballot in Wisconsin. We therefore calculate figures that include *all* jail inmates, as well as separate estimates that exclude 90 percent of this group.

Table 1. Disenfranchised Population in Wisconsin.

Category	2010 WI	2010 BJS	2010 BJS Adjusted
<i>Total Disenfranchised</i>	78,523	78,251	77,553
Total Disenfr'd including 10% Jail	66,505	66,233	65,535
Voting-Age Population (VAP)	4,347,494	4,347,494	4,347,494
As % of VAP	1.81%	1.80%	1.78%
As % of VAP, 10% Jail	1.53%	1.52%	1.51%
Prison*	21,734	22,724	22,026
Felony Probation	23,652	22,602	22,602
Supervised Release	19,784	19,572	19,572
Jail**	13,353	13,353	13,353
Jail 10%**	1,335	1,335	1,335

* Adjusted BJS estimate of Wisconsin prisoners excludes 698 persons on "temporary" probation and parole placements within a DOC institution. This group is not included in Wisconsin DOC prison counts, so we exclude them in the adjusted column for comparability. (It is likely that these persons are already counted in the felony probation and parole populations, and are thus counted twice in the unadjusted BJS column.)

** 2010 Jail and 10% Jail estimates are produced by applying the national average rate of change in Jail populations to 2007 Jail counts reported by the Pew Center on the States.

¹ We refer to the numbers reported by the Wisconsin Department of Corrections when discussing the total disenfranchised population. When discussing racial breakdowns of the disenfranchised population, we refer to the Bureau of Justice Statistics Adjusted numbers as they reflect a more consistent race estimates.

THE CURRENT SITUATION

Since statehood in 1848, Wisconsin has disenfranchised people convicted of a felony until completion of sentence. The approximately 78,500 felons disenfranchised in Wisconsin in 2010 represent 1.8 percent of the state's total voting-age population², but over 10.5 percent of African Americans of voting age and over 4 percent of the American Indian voting-age population, relative to less than 1 percent of Asian Americans of voting age and 1.1 percent of Whites of voting age. Disenfranchisement among Wisconsin's Hispanic population is 5.8 percent compared to 1.7 percent for the non-Hispanic population (see Figure 1).

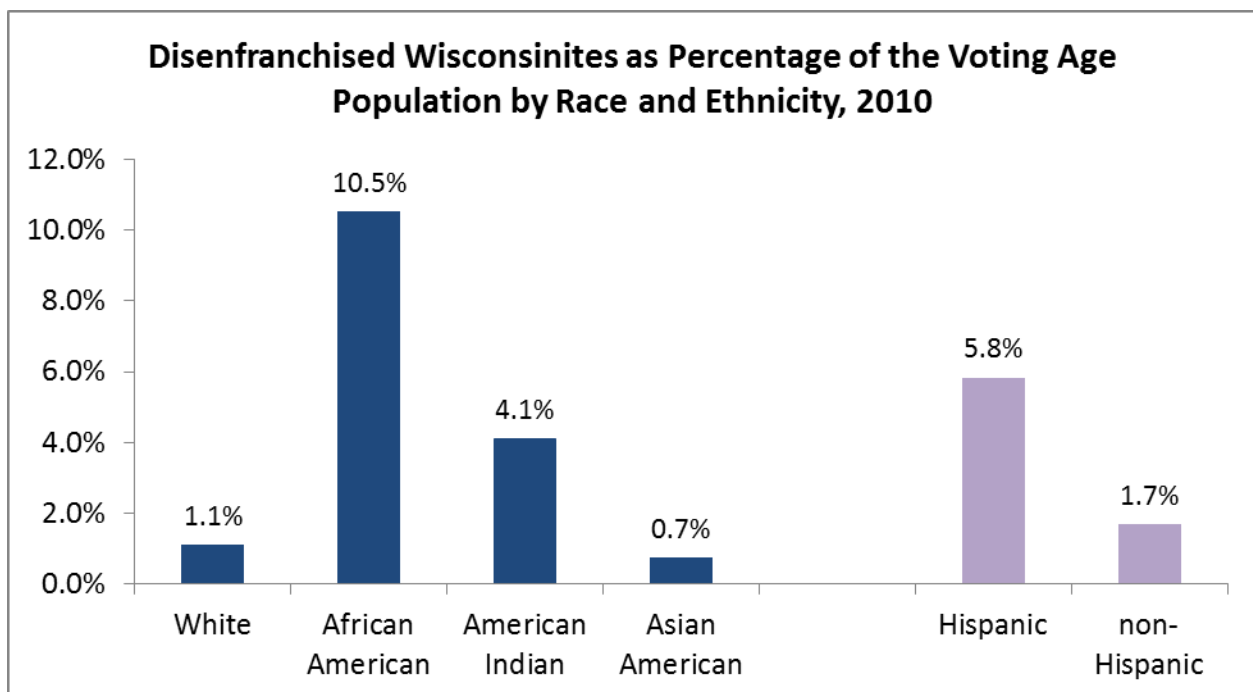


Figure 1. Disenfranchised Wisconsinites by Race and Ethnicity, 2010.³

² The voting-age population is computed based on 2010 Census data for race alone or in combination. The percentage of the voting-age population that is disenfranchised is thus a conservative estimate, as the denominator is more inclusive than the numerator.

³ The disenfranchised population as a percentage of the voting age population in Figure 1 reflects adjusted data from the Bureau of Justice Statistics. The BJS reports an "unknown" race group as exclusive from other racial groups. In an effort to include the 314 disenfranchised people in Wisconsin who would otherwise not be reflected in the data due to

In table 2a and 2b, the disenfranchised population is shown by race and ethnicity, respectively.

Table 2a. Disenfranchised Population in Wisconsin, by Race.

Category	2010 WI	2010 BJS	2010 BJS Adjusted
White			
Total Disenfranchised	43,358	41,896	42,656
Total Disenfr'd including 10% Jail Voting-Age Population (VAP)	38,030	36,573	37,328
As % of VAP	3,892,057	3,892,057	3,892,057
As % of VAP, 10% Jail	1.11%	1.08%	1.10%
Prison	0.98%	0.94%	0.96%
Felony Probation	10,490	10,923	10,631
Parole	16,475	15,651	15,744
10% Jail	10,473	9,408	10,361
Total Jail	592	591	592
	5,920	5,914	5,920
Afr. Am.			
Total Disenfranchised	26,793	26,038	26,603
Total Disenfr'd including 10% Jail Voting-Age Population (VAP)	22,243	21,492	22,052
As % of VAP	252,719	252,719	252,719
As % of VAP, 10% Jail	10.60%	10.30%	10.53%
Prison	8.80%	8.50%	8.73%
Felony Probation	8,478	8,829	8,592
Parole	4,794	4,554	4,581
10% Jail	8,465	7,604	8,374
Total Jail	506	505	505
	5,056	5,051	5,056

missing racial identifiers, we proportionally attribute the "unknown race" persons to the White, African American, American Indian, and Asian American racial groups in proportion to the proportion that these racial groups comprise the given correctional population. This same procedure is used to adjust Wisconsin DOC numbers so that they are inclusive of persons with an "unknown" race. Due to data limitations, we estimate the Hispanic disenfranchised population separately from racial groups, thereby underestimating the percentage of the voting age population disenfranchised for each racial group.

Am. Indian

Total Disenfranchised	2,345	2,264	2,309
Total Disenfr'd including 10% Jail	2,184	2,103	2,148
Voting-Age Population (VAP)	56,443	56,443	56,443
As % of VAP	4.15%	4.01%	4.09%
As % of VAP, 10% Jail	3.87%	3.73%	3.81%
Prison	662	690	671
Felony Probation	843	801	805
Parole	661	594	654
10% Jail	18	18	18
Total Jail	179	179	179

Asian Am or Pac. Isl.

Total Disenfranchised	744	718	732
Total Disenfr'd including 10% Jail	663	638	651
Voting-Age Population (VAP)	100,656	100,656	100,656
As % of VAP	0.74%	0.71%	0.73%
As % of VAP, 10% Jail	0.66%	0.63%	0.65%
Prison	185	193	188
Felony Probation	284	270	271
Parole	185	166	183
10% Jail	9	9	9
Total Jail	90	89	90

Table 2b. Disenfranchised Population in Wisconsin, by Ethnicity.

Category	2010 WI	2010 BJS	2010 BJS Adjusted
Hispanic			
Total Disenfranchised	7,030	7,019	6,982
Total Disenfr'd including 10% Jail	4,922	4,913	4,874
Voting-Age Population (VAP)	119,822	119,822	119,822
As % of VAP	5.87%	5.86%	5.83%
As % of VAP, 10% Jail	4.11%	4.10%	4.07%
Prison	1,919	1,998	1,945
Felony Probation	1,256	1,194	1,201
Parole	1,747	1,721	1,728

10% Jail	211	211	211
Total Jail	2,108	2,106	2,108
<i>Non Hispanic</i>			
Total Disenfranchised	71,493	71,232	70,571
Total Disenfr'd including 10% Jail	61,373	61,110	60,451
Voting-Age Population (VAP)	4,227,672	4,227,672	4,227,672
As % of VAP	1.69%	1.68%	1.67%
As % of VAP, 10% Jail	1.45%	1.45%	1.43%
Prison	19,815	20,726	20,081
Felony Probation	22,396	21,408	21,401
Parole	18,037	17,851	17,844
10% Jail	1,125	1,125	1,125
Total Jail	11,245	11,247	11,245

In 2010, nearly one-third of disenfranchised persons in Wisconsin, 30 percent, were serving a felony probation sentence (see Figure 3). Parolees made up an additional 25 percent of the disenfranchised felons, meaning that over half of the disenfranchised population is non-institutionalized. Prisoners (28 percent) and all jail inmates (17 percent) completed the disenfranchised population (when the jail inmates are excluded, of course, the proportion of probationers, parolees, and prisoners rises).

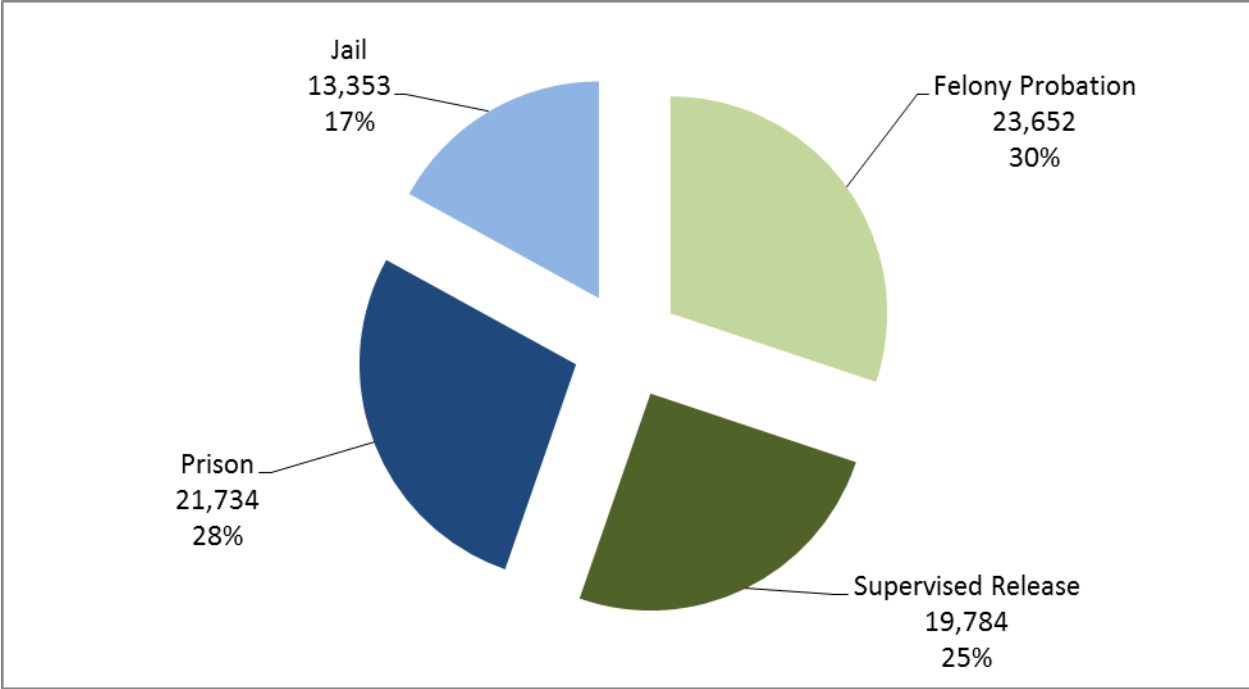


Figure 2. Disenfranchised Wisconsin residents by Type of Supervision, 2010.

IMPACT OF REINSTATING VOTING RIGHTS TO PROBATIONERS AND PAROLEES

A recent national opinion poll showed that 60 percent of Americans surveyed supported restoring voting rights to parolees and probationers, but only 31 percent supported reenfranchisement of prisoners (Manza, Brooks, and Uggen, 2004).

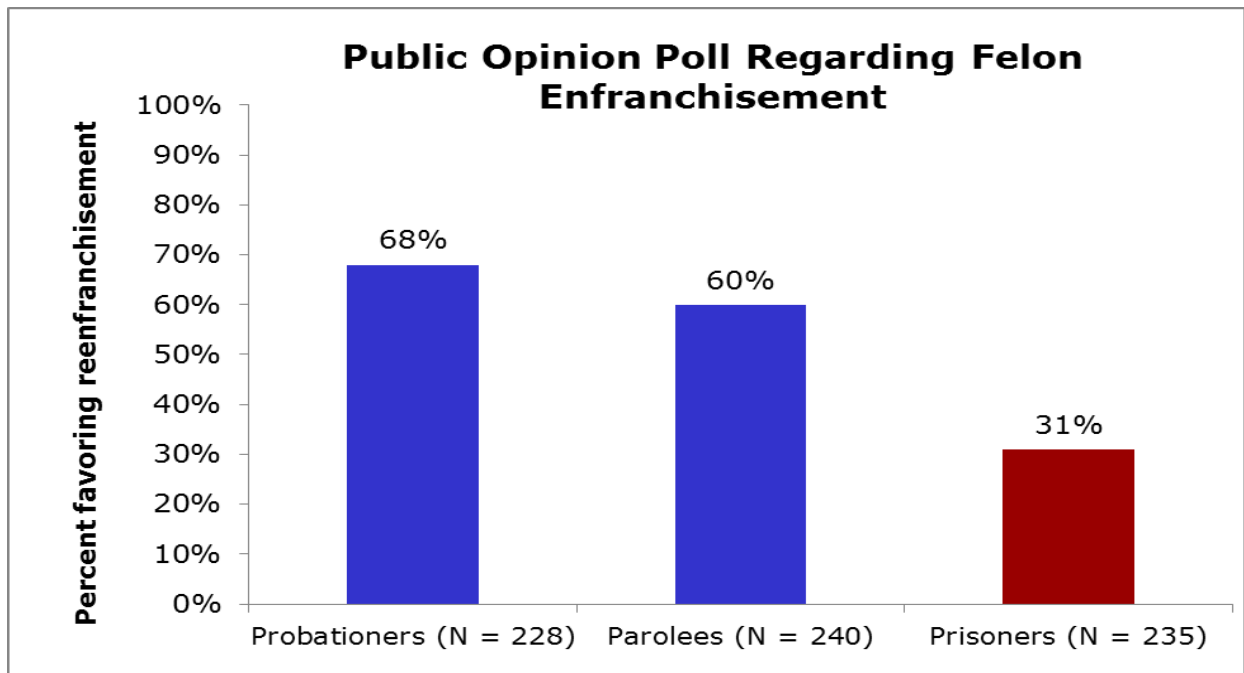


Figure 3. Public Opinion of Felon Reenfranchisement. (U.S. Harris Poll, Manza and Uggen 2006).

A 2007 bill sponsored by State Representative Joe Parisi and numerous cosponsors in the Wisconsin House of Representatives would have allowed non-incarcerated felons on probation and parole to vote. As shown in Table 3, such a measure would have restored voting rights to over half of those currently disenfranchised by felony convictions. Under a proposal to enfranchise felons on probation and supervised release, the total disenfranchised population in Wisconsin would shrink from 78,523 to 35,087 or from about 1.8 percent to 0.8 percent of the voting-age population.

Table 3. Disenfranchised Population in Wisconsin.

Category	2010 WI DOC	Under Legislative Proposal
Total Disenfranchised	78,523	35,087
Total Disenfr'd including 10% Jail	66,505	23,069
Voting-Age Population	4,347,494	4,347,494

(VAP)		
As % of VAP	1.81%	0.81%
As % of VAP, 10% Jail	1.53%	0.53%
Prison	21,734	21,734
Felony Probation	23,652	-
Parole	19,784	-
Jail	13,353	13,353
Jail 10%	1,335	1,335

Figure 4 illustrates the effect of the proposed rule by race and ethnicity respectively. Felon disenfranchisement significantly dilutes the voting strength of African American and American Indian communities, affecting 10.5 percent and 4.1 percent of the adult voting age population in these groups. Under the new proposal, these racial disparities would diminish, reducing the disenfranchisement rates to 5.4 percent and 1.5 percent respectively, as well as cut the percentage of disenfranchised populations for Asian Americans and Whites. The disenfranchised Hispanic and non-Hispanic populations would also decrease substantially, from 5.8 percent to 3.4 percent and 1.7 percent to 0.7 percent, respectively.

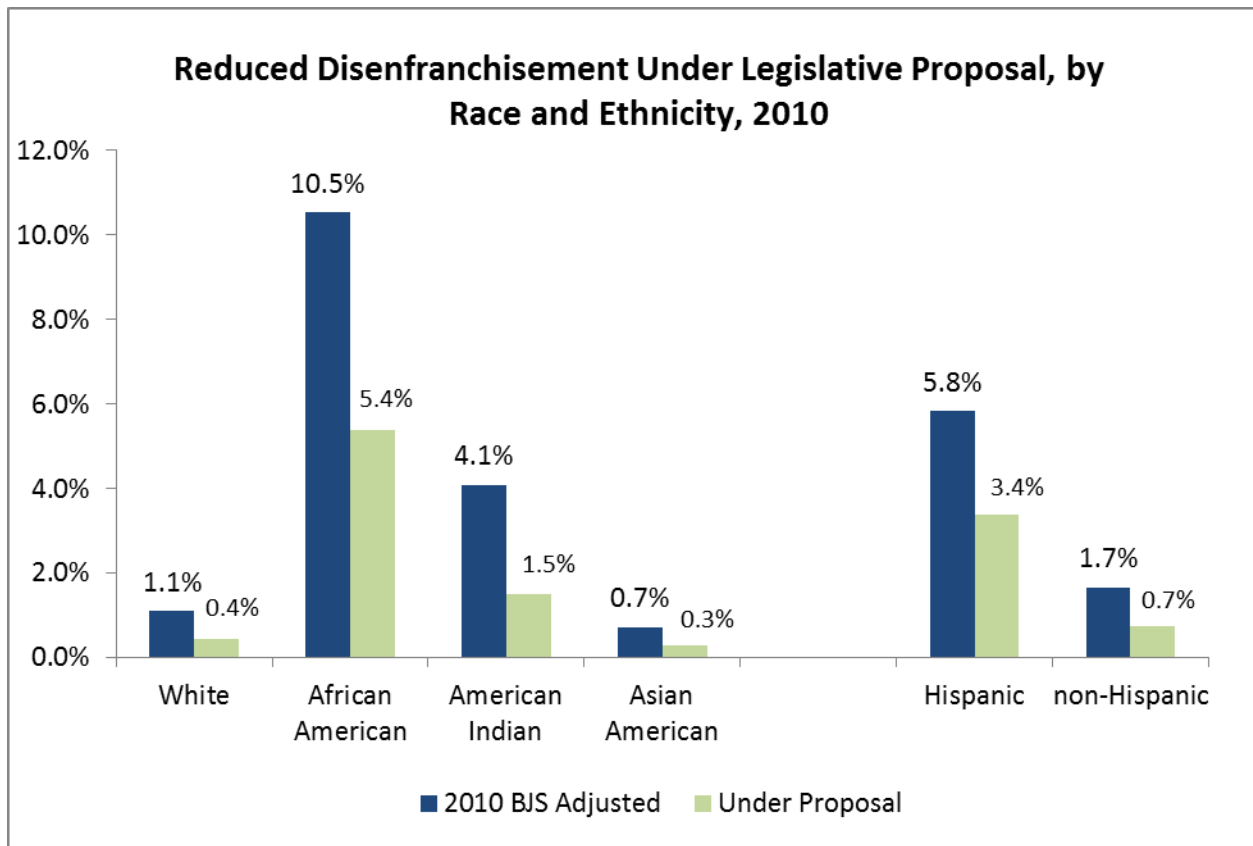


Figure 4. Disenfranchisement of Wisconsinites under Proposed Bill.

In Tables 4a and 4b, the effect of enfranchising felons on probation and parole is shown by race and ethnicity, respectively.

Table 4a. Reduced Disenfranchised Population in Wisconsin, by Race.

Category	2010 BJS Adjusted	Under Legislative Proposal
White		
Total Disenfranchised	42,656	16,551
Total Disenfr'd including 10% Jail	37,328	11,223
Voting-Age Population (VAP)	3,892,057	3,892,057
As % of VAP	1.10%	0.43%
As % of VAP, 10% Jail	0.96%	0.29%
Prison	10,631	10,631
Felony Probation	15,744	
Parole	10,361	
10% Jail	592	592

Total Jail	5,920	5,920
Afr. Am.		
Total Disenfranchised	26,603	13,648
Total Disenfr'd including 10% Jail	22,052	9,097
Voting-Age Population (VAP)	252,719	252,719
As % of VAP	10.53%	5.40%
As % of VAP, 10% Jail	8.73%	3.60%
Prison	8,592	8,592
Felony Probation	4,581	-
Parole	8,374	-
10% Jail	505	505
Total Jail	5,056	5,056
Am. Indian		
Total Disenfranchised	2,309	850
Total Disenfr'd including 10% Jail	2,148	689
Voting-Age Population (VAP)	56,443	56,443
As % of VAP	4.09%	1.51%
As % of VAP, 10% Jail	3.81%	1.22%
Prison	671	671
Felony Probation	805	
Parole	654	
10% Jail	18	18
Total Jail	179	179
Asian Am or Pac. Isl.		
Total Disenfranchised	732	278
Total Disenfr'd including 10% Jail	651	197
Voting-Age Population (VAP)	100,656	100,656
As % of VAP	0.73%	0.28%
As % of VAP, 10% Jail	0.65%	0.20%
Prison	188	188
Felony Probation	271	
Parole	183	
10% Jail	9	9
Total Jail	90	90

Table 4b. Reduced Disenfranchised Population in Wisconsin, by Ethnicity.

Category	2010 BJS Adjusted	Under Legislative Proposal
Hispanic		
Total Disenfranchised	6,982	4,053
Total Disenfr'd including 10% Jail	4,874	1,945
Voting-Age Population (VAP)	119,822	119,822
As % of VAP	5.83%	3.38%
As % of VAP, 10% Jail	4.07%	1.62%
Prison	1,945	1,945
Felony Probation	1,201	
Parole	1,728	
10% Jail	211	211
Total Jail	2,108	2,108
Non Hispanic		
Total Disenfranchised	70,571	31,326
Total Disenfr'd including 10% Jail		21,206
Voting-Age Population (VAP)	4,227,672	4,227,672
As % of VAP		0.74%
As % of VAP, 10% Jail		0.50%
Prison	20,081	20,081
Felony Probation	21,401	-
Parole	17,844	-
10% Jail	1,125	1,125
Total Jail	11,245	11,245

WISCONSIN IN A NATIONAL CONTEXT

Before concluding, we should also note that the racial disparities in felon disenfranchisement appear large relative to those in other states. This is due to Wisconsin's relatively high rate of African American disenfranchisement and relatively *low* rate of disenfranchisement for other groups. Figure 5 plots the ratio of the African American to White felon disenfranchisement rate for Wisconsin and for the nation as a whole. Across each correctional population, Wisconsin's racial

disparities in disenfranchisement are significantly higher than the national average. Overall, as a percentage of the voting-age population, African Americans are disenfranchised at a rate that is more than 9 times greater than it is for Whites in Wisconsin. This ratio increases to over 12 for incarcerated (12.4 for prison and jail) and formerly incarcerated (13.2 for parole) populations. For the nation as a whole, the comparable ratios range from 3.4 (for probation) to 6.6 (for prison). With regard to felon disenfranchisement, Wisconsin's racial disparity ratio of 9.6 is 93 percent higher than the national average of 5.0.

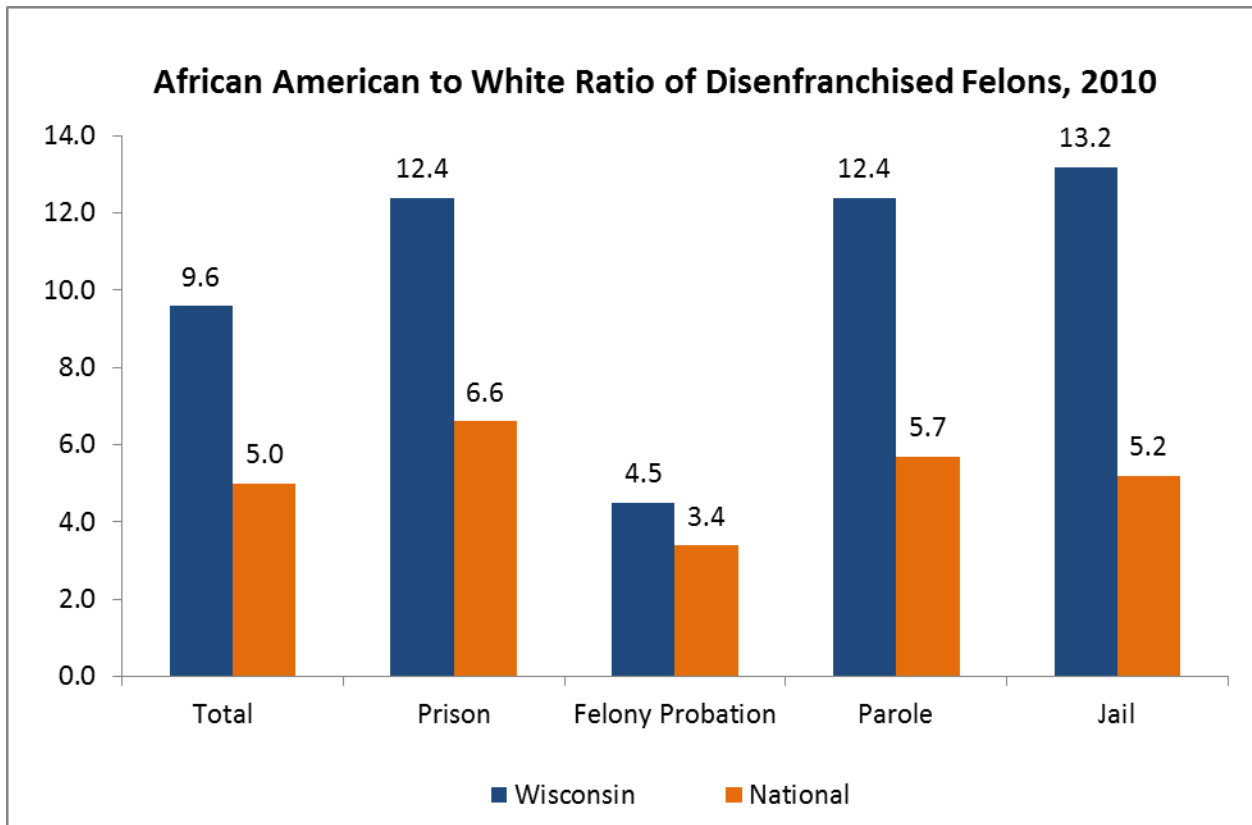


Figure 5. The Ratio of Black to White Disenfranchisement, 2010.

CONCLUSION

Felon disenfranchisement affects nearly 80,000 Wisconsinites, over half of whom are living in their communities while serving sentences on probation or parole. The large racial disparities in disenfranchisement clearly dilute the voting strength of African Americans, with 10.5 percent of African Americans unable to vote because of a felony conviction. Under a recent proposal to reenfranchise felony probationers and parolees, both the number and rate of disenfranchised persons in Wisconsin would be dramatically reduced.

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Appendix A. U.S. State Disenfranchisement Law (2010) (Uggen, Shannon, and Manza 2012).

No restriction (2)	Inmates only (13)	Inmates & Parolees (5)	Inmates, Parolees, & Probationers (19)	Inmates, Parolees, Probationers, & Ex-felons (11)
Maine Vermont	Hawaii Illinois Indiana Massachusetts Michigan Montana New Hampshire North Dakota Ohio Oregon Pennsylvania Rhode Island* Utah	California Colorado Connecticut New York South Dakota*	Alaska Arkansas Georgia Idaho Iowa*, ¹ Kansas Louisiana Maryland* Minnesota Missouri New Jersey New Mexico North Carolina Oklahoma South Carolina Texas Washington* West Virginia Wisconsin	Alabama Arizona ² Delaware ³ Florida Kentucky Mississippi Nebraska*, ⁴ Nevada ⁵ Tennessee ⁶ Virginia Wyoming

Notes: * indicates a recent change (since 2004)

1 Governor Tom Vilsack restored voting rights to ex-felons via executive order on July 4, 2005. Governor Terry Branstad reversed this executive order on January 14, 2011.

2 State disenfranchises recidivists.

3 State requires a five-year waiting period.

4 Nebraska reduced its indefinite ban on ex-felon voting to a two-year waiting period in 2005.

5 State disenfranchises recidivists and those convicted of violent felonies.

6 State disenfranchises those convicted of felonies since 1981, in addition to those convicted of select crimes prior to 1973.