

The Price and the Promise of Citizenship: Extending the Vote to Non-incarcerated Felons*

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Christopher Uggen and Michelle Inderbitzin

With numerous potential benefits and very low risk to the general public, we argue that every U.S. state should follow current international practices and extend voting rights to parolees and felony probationers. The clear majority of disenfranchised felons are currently living and working in communities beside us, yet they have no voice in the laws that govern themselves and their families. As the rate and number of disenfranchised citizens continues to rise, this is a critical moment to reevaluate and reverse such policies.

In this essay we discuss six reasons to extend the vote to non-incarcerated felons. Reenfranchising parolees and probationers would: (1) extend democracy; (2) reduce racial disparities in access to the ballot box; (3) enhance public safety (as probationers and parolees who vote have significantly lower recidivism rates than those who do not); (4) be responsive to public sentiment; (5) accord with international standards and practices; and, (6) be consistent with the reintegrative goals of community corrections, offering felons a chance to participate as stakeholders in their communities.

1. Extending democracy

Felon disenfranchisement today bars more than 5 million U.S. citizens from the ballot box (Manza and Uggen, 2006). The practice is at the center of an ongoing battle between the ideals of democracy and the reality of unequal access to and ownership of the full rights of citizenship (Keyssar, 2000).

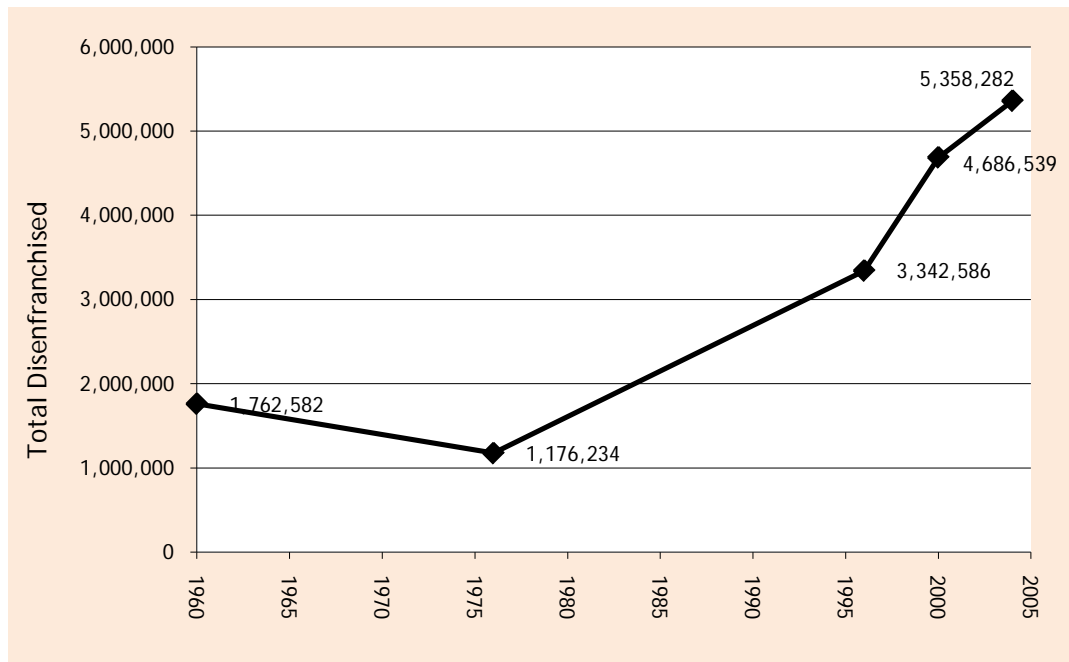
The United States has a long history of denying the vote to prisoners, as well as those on probation, parole, and even former felons no longer under supervision. U.S. felon disenfranchisement laws are state-based, and each of the 50 states maintains different laws concerning a felon or ex-felon's right to vote. Currently, 34 states deny felony parolees the right to vote and 30 states deny felony probationers the right to vote (Sentencing Project, 2008; Manza and Uggen, 2006). Although a general trend toward reenfranchisement is evident in recent decades (Behrens, Uggen, and Manza 2004), the power of inertia (Becker, 1995) retains a strong hold in many states.

Table 1. Felon Disenfranchisement Laws Vary Greatly Across the United States.

- No restrictions (2):
 - *Maine, Vermont*
- Prison Inmates only (14 and District of Columbia):
 - *Hawaii, Illinois, Indiana, Louisiana, Massachusetts*, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Utah*
- Prison Inmates, Parolees (4):
 - *California, Colorado, Connecticut*, New York*
- Prison Inmates, Parolees, Probationers (17):
 - *Alaska, Arkansas, Georgia, Idaho, Kansas*, Maryland*, Minnesota, Missouri, New Jersey, New Mexico*, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, West Virginia, Wisconsin*
- Prison Inmates, Parolees, Probationers, Some or all Ex-felons (13):
 - *Alabama, Arizona*, Delaware*, Florida*, Iowa*, Kentucky, Mississippi, Nebraska*, Nevada*, Tennessee*, Virginia, Washington*, Wyoming*

While many states have pared back their restrictions, three decades of correctional population growth has increased the total number disenfranchised -- from about 1.2 million in 1976 to 5.2 million in 2004 (Manza and Uggen, 2006). A full 74 percent of those disenfranchised are *non-incarcerated* probationers, persons on supervised release, and ex-felons no longer under supervision -- and a disproportionate number of them are racial minorities.

Figure 1. The number of disenfranchised felons in the U.S. has risen dramatically since the 1970s.



2. Reducing racial disparities in access to the ballot box

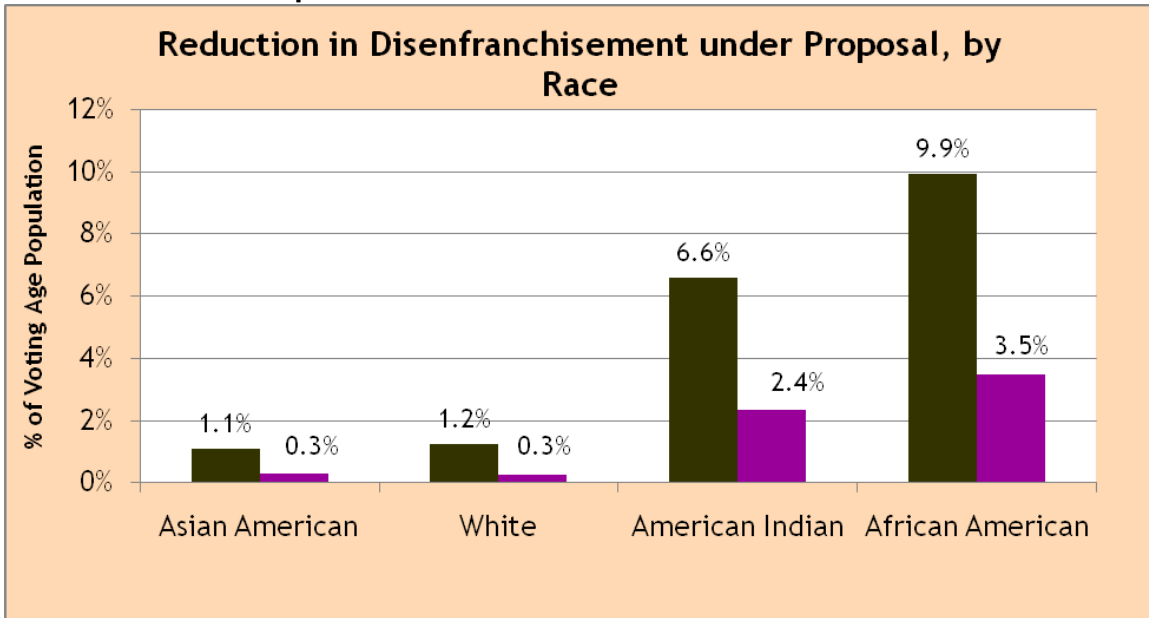
Passage of U.S. felon disenfranchisement provisions has been linked to the racial threat posed by newly-freed slaves (Behrens, Uggen, & Manza, 2003), while the contemporary period is marked by stark racial disparities in the impact of these laws. After weighing the evidence, Wacquant (2005) has gone so far as to characterize race or, more precisely, blackness, as “America’s *primeval civic felony*” (p. 136). The movement to restore the voting rights of felons has thus emerged as a powerful civil rights issue.

Felon disenfranchisement policies disproportionately impact African Americans in the United States, with 1 in 12 ineligible to vote in 2004 due to felony convictions - a rate that is almost 5 times higher than non-black

rates (King, 2006). Nationally, about 2.4 percent of the adult population is disenfranchised by virtue of a felony conviction, though this figure rises to over 8 percent for African Americans (Manza and Uggen, 2006).

Many states are today considering rescinding their disenfranchisement provisions for probationers and parolees, in part because these laws dilute the voting strength of communities of color. Even in a low-incarceration state like Minnesota, for example, about 10 percent of the otherwise eligible African American voting-age population (and almost 17 percent of otherwise eligible voting-age African American males) were disenfranchised in 2007. If a proposed bill to restore the vote to non-incarcerated felons succeeds in that state, these rates would drop by two-thirds.

Figure 2. Reenfranchising probationers and parolees would reduce racial disparities in Minnesota and elsewhere.

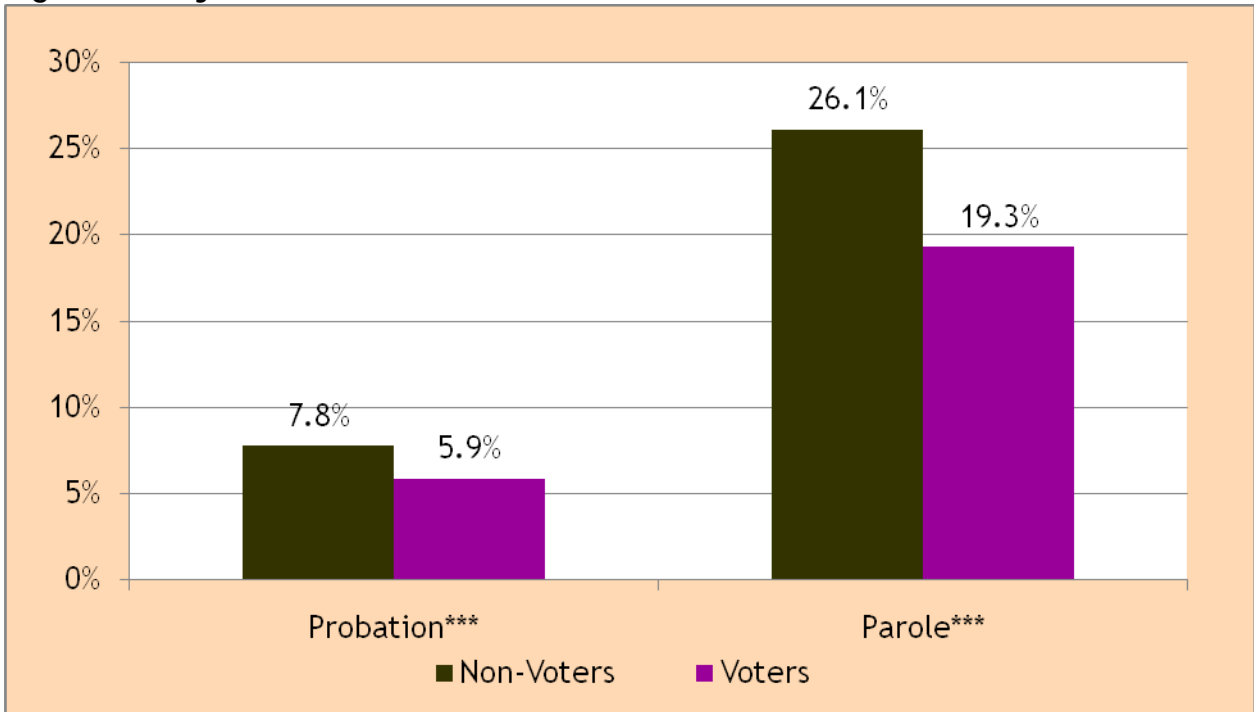


3. Enhancing public safety

While it is difficult to make strong causal claims on the basis of available data, it is clearly the case that voters are less likely than non-voters to commit new crimes. For example, a Minnesota study finds that voters in the 1996 elections were significantly less likely than non-voters to be rearrested from 1997 to 2000; about 16 percent of non-voters were rearrested, relative to only 5 percent of voters (Uggen and Manza, 2004). As for those currently under supervision, Oregon is one state that permits probationers and parolees to vote. We

matched Oregon voting and crime records and found that probationers and parolees did vote when given the chance; turnout rates were nontrivial and increased over time off supervision (Uggen, Inderbitzin, and Vuolo 2007). Perhaps more importantly, we found that probationers and parolees who exercise their right to vote have significantly lower recidivism rates than those who do not. Oregon is an unusual case in that all voting is done by mail; as such, the effect of civic participation may be even stronger in states where voting is a more visible community event and neighbors come together at the polls on election day.

Figure 3. Probationers and parolees who vote in Oregon have significantly lower recidivism rates than those who do not vote.

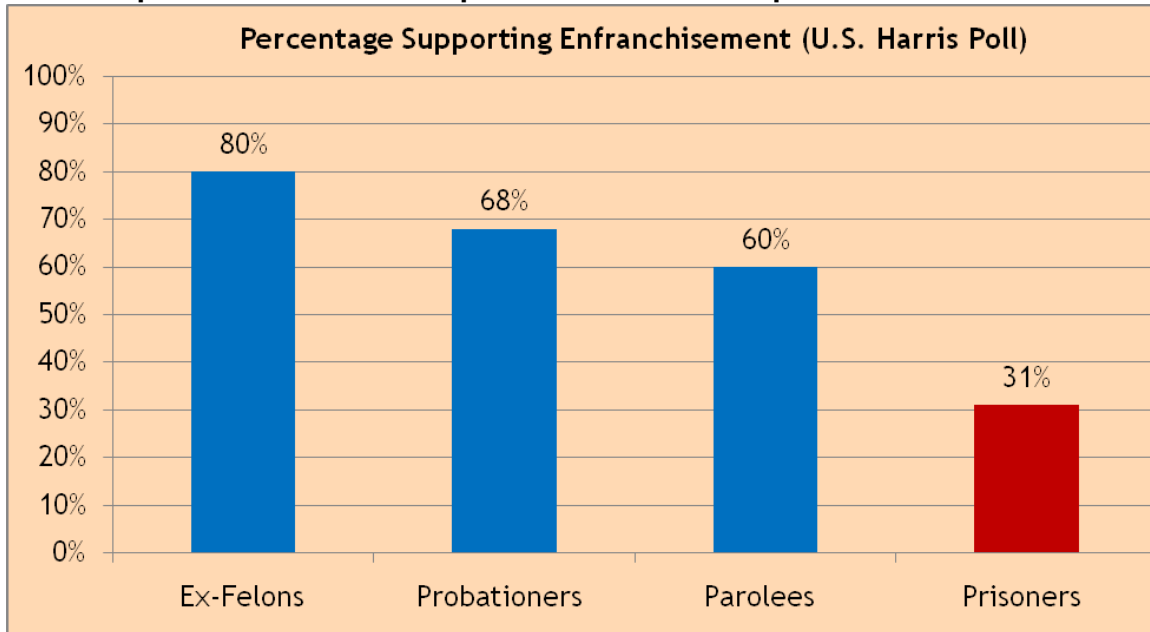


4. Responding to public sentiment

Arguments that felon disenfranchisement policies reflect the will of the American public are simply not supported by public opinion data. Based on a national public opinion poll conducted by the Harris organization, Manza, Brooks, and Uggen (2004) found that 80 percent of Americans support reenfranchising those who have

completed their sentences, 68 percent support voting rights for probationers, and 60 percent support voting rights for parolees. This suggests that the 34 states that disenfranchise parolees and the 30 states that deny probationers the right to vote are at odds with public opinion. Public support only drops below 50 percent at the prison gate, as only 31 percent of U.S. residents favor reenfranchising current prison inmates.

Figure 4. The general public supports voting rights for former felons, probationers, and parolees, but not prisoners.

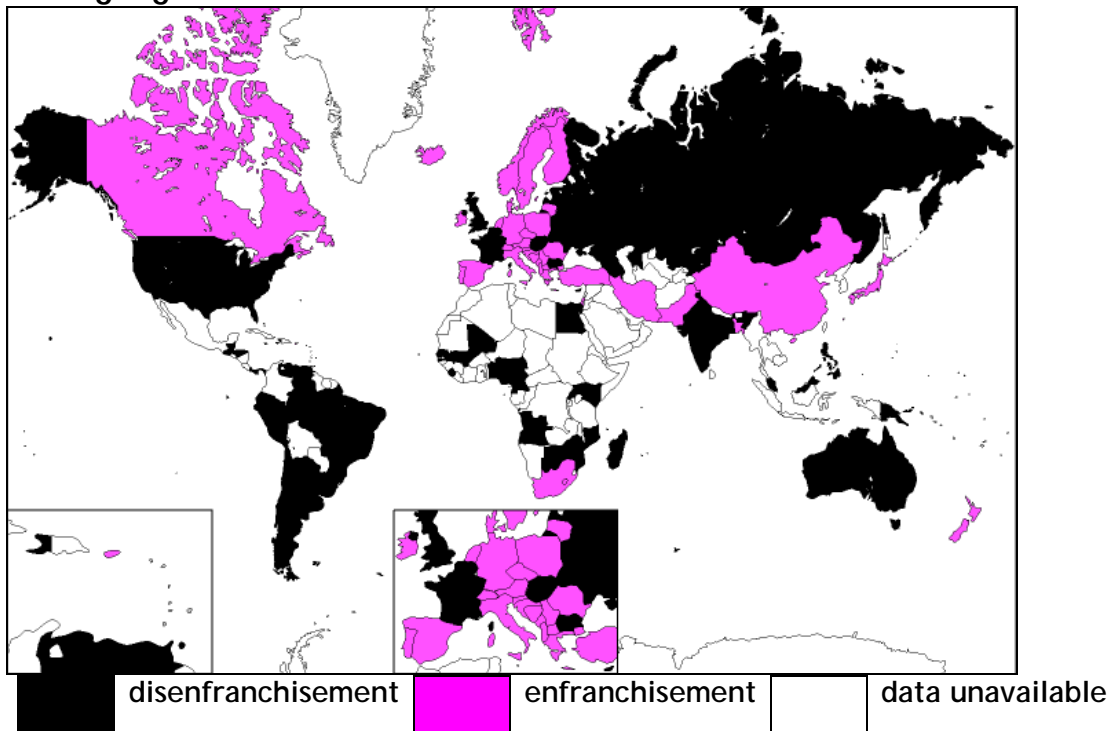


5. Consistency with international practices

America is virtually alone in the world in extending disenfranchisement to those who are not currently incarcerated. Internationally, there is a move toward reenfranchising current prison inmates (Ewald & Rottinghaus 2009; Ispahani 2006). A recent survey of 105 nations finds that 65 maintained

a general disenfranchisement provision for currently incarcerated *prisoners*, while 40 generally permitted even prisoners to vote (Uggen, Van Brakle, & McLaughlin 2009). The United States is clearly an outlier on the international scene, both for the broad scope of its disenfranchisement laws and for the large number of U.S. citizens affected by these provisions.

Figure 5. While non-incarcerated felons may vote in almost every nation but the United States, even current prisoners retain voting rights in at least 40 nations.



6. Helping to reintegrate felons

Debate around disenfranchisement often contrasts people categorized as felons with those we consider citizens, yet felons are *themselves* citizens, taking on roles as taxpayers, homeowners, volunteers, and voters (Uggen & Manza, 2005: 65). As they work to build and rebuild lives in the community and to “develop a coherent pro-social identity for themselves” (Maruna, 2001: 7), felony probationers and parolees face challenges in three important domains: work, family, and community. While socioeconomic and family reintegration are obviously pressing issues for felons under supervision (Laub & Sampson, 2003; Uggen, 2000), civic participation is another area where good intentions and fragile bonds can either be strengthened or can fall to pieces.

In our view, voting may facilitate reintegration for felons under supervision,

serving as a “deviant decertification” process (Braithwaite and Mugford, 1994; Erikson, 1964; Maruna, 2001) in which they rejoin their community as citizens in good standing. As Manza and Uggen (2006) point out: “Though political participation likely plays a small role relative to pressing work and family needs, the right to vote remains the most powerful symbol of stake-holding in our democracy” (p.163). Offering this chance for probationers and parolees to take political action and to conceive of themselves as stakeholders in their communities comes with low costs and rich potential benefits.

POLICY RECOMMENDATION

Based on the best available empirical evidence, including our own research in Minnesota and Oregon, we believe states should act to reenfranchise

felony probationers and parolees. As we have shown, restoring the vote to those under community supervision would expand democracy, reduce racial disparities at the polls, enhance public safety, comport with national public sentiment and international standards, and foster the reintegrative mission of community corrections. The Oregon data show clearly that some probationers and parolees can and do exercise their right to vote. Perhaps more importantly, we found a positive correlation between voting and successful completion of supervision, with no evidence that extending the franchise to probationers or parolees poses any threat to public safety.

While we understand that politicians must both lead and be responsive to their constituents and that “revolutions may go backwards” (Inderbitzin, Fawcett, Uggen, & Bates, 2007), we urge policy makers to follow President Obama’s admonition to “choose our better history” (Obama, 2009) in this matter. Extending voting rights to non-incarcerated felons would not simply extend a privilege to a stigmatized group - it would also encourage former offenders to live up to their responsibilities as citizens.

Nationally, the trend over the past decade has been toward more inclusive legislation. Since 1997, 19 states have amended their felon disenfranchisement policies to expand voter eligibility. As a result of those reforms, more than 700,000 individuals have regained the right to vote (King, 2008). More specifically, in 2001 Connecticut restored voting rights to persons on felony probation and in 2006 Rhode Island restored voting rights to persons on felony probation and parole (King, 2008).

Reenfranchising probationer and parolees appears to be a positive step for all involved. By extending the franchise to the approximately 1.8 million citizens denied the vote while on probation or parole (Manza and Uggen, 2004), it brings

us closer to the ideal of a truly democratic society. Civic reintegration can become a reality in such an inclusive democracy, enhancing both public safety for the community and quality of life for the individuals and families involved. Extending voting rights encourages nonincarcerated felons to view themselves as real stakeholders in their communities, while realizing both the price and the promise of citizenship.

Chris Uggen is Distinguished McKnight Professor and Chair of Sociology at the University of Minnesota. He studies crime, law, and deviance, especially how former prisoners manage to put their lives back together. Aside from felon disenfranchisement, his research, teaching, and advising interests include crime and drug use, discrimination and inequality, and sexual harassment.

Michelle Inderbitzin is an Associate Professor of Sociology at Oregon State University. Her research primarily focuses on juvenile corrections, prison culture, and prisoner reentry. Along with her on-campus courses, she regularly teaches classes and works with adult male inmates in state prisons, and with young women in the state’s primary juvenile correctional facility for females.

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