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Research Article

Re-examining the Collateral Consequences of Felon Disenfranchisement in the U.S

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Abstract

Extant literature on felon disenfranchisement has generally focused on the justicity of disallowing felons to vote and its implications for social stratification in the United States. Punishment for crimes does not often end with sentence completion. Post-conviction restrictions block felons' access to economic, social, and political opportunities long after they have paid for their crimes. Some studies have demonstrated that felon disenfranchisement affects the African American community disproportionately. However, there is a paucity of studies on the study of the possible effects of felon disenfranchisement on election outcomes. During presidential elections, millions of Americans with felony convictions are denied the right to vote. It is estimated that up to five million felons were denied the right to vote in the 2020 presidential election. This paper examines how felon disenfranchisement might affect presidential election outcomes and its danger to equal citizenship and democracy.

Keywords: Felon Disenfranchisement, Political Representation, Election, Citizenship, Crime and Punishment

JEL Codes: K4, K40, K42, Y1, Z00

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Araştırma Makalesi

ABD'de Suçluların Haklarından Mahrum Bırakılmasının İkincil Sonuçlarının Yeniden İncelenmesi

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Öz

Suçluların haklarından mahrum bırakılmasına ilişkin mevcut literatür, genellikle suçluların oy kullanmasına izin vermemenin adaletine ve bunun Birleşik Devletler'deki sosyal tabakalaşma üzerindeki etkilerine odaklanmıştır. Suçların cezası genellikle cezanın tamamlanmasıyla bitmez. Mahkumiyet sonrası kısıtlamalar, suçluların suçlarının bedelini ödedikten çok sonra bile ekonomik, sosyal ve politik fırsatlara erişimini engeller. Bazı araştırmalar, suçluların haklarından mahrum bırakılmasının Afro-Amerikan toplumunu orantısız bir şekilde etkilediğini göstermiştir. Bununla birlikte, suçluların haklarından mahrum bırakılmasının seçim sonuçları üzerindeki olası etkilerinin araştırılmasına ilişkin çok az sayıda çalışma bulunmaktadır. Başkanlık seçimleri sırasında, ağır suçlardan hüküm giymiş milyonlarca Amerikalı oy kullanma hakkından mahrum bırakılıyor. 2020 cumhurbaşkanlığı seçimlerinde beş milyon kadar suçlunun oy kullanma hakkından mahrum bırakıldığı tahmin ediliyor. Bu makale, suçluların haklarından mahrum bırakılmasının cumhurbaşkanlığı seçim sonuçlarını nasıl etkileyebileceğini ve bunun eşit vatandaşlık ve demokrasiye yönelik tehlikesini incelemektedir.

Anahtar Kelimeler: Suçlu Haklarından Mahrum Bırakma, Siyasi Temsil, Seçim, Vatandaşlık, Suç ve Ceza

JEL Kodlar: K4, K40, K42, Y1, Z00

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1. Introduction

The propriety of American criminal disenfranchisement has come under increasing scrutiny in recent times, even as the nation will experience another election cycle in 2024. The number of disenfranchised felons has risen dramatically in the last 44 years, from 1.17 million in 1976 to 6.11 million in 2016 and marginally declining by 15 percent to 5.2 million in 2020. (Uggen et al., 2020). The U.S. Supreme Court has asserted that felon disenfranchisement is not a punishment. Regardless of the court's interpretation, many felons still perceive restrictions on voting rights as punitive and an act of disenfranchisement (Re, & Re, 2011; Miller, & Agnich, 2016).

Felon disenfranchisement has become a significant public policy issue, raising questions about the threat of a carceral state to political representation and fairness in American democracy (Meredith & Morse, 2015). In states where felons are required to complete their parole, probation, prison, and post-sentence period, they are not guaranteed the privilege of having their civic right to vote restored (Heath, 2017). Felon disenfranchisement laws in the United States are unique in the democratic world. Nowhere are millions of offenders who are not in prison are so denied the right to vote. Some of the earliest felon disenfranchisement measures were holdovers from medieval legal systems. An essential clue from these traditional systems is that it eliminated the sequencing of the adoption of felon disenfranchisement laws in many states after the property and other restrictions. However, one factor—race—seems to recur again and again. (Manza & Uggen, 2008). Once you are labeled a felon, the old forms of discrimination — employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service — are suddenly legal. It is a world of legalized discrimination and permanent social exclusion. They become members of America's new undercast (Alexander, 2012).

Several advocates are working to roll back felon-disenfranchisement laws. At the same time, those who back the restrictions contend that people who have committed felonies need to demonstrate they are genuinely reformed to regain the vote. Forty-eight states removed voting rights in some way from people convicted of crimes, but policies vary widely. Some, like Florida and Kentucky, revoke such privileges permanently and require petitioning for reinstatement. Others, such as Indiana and Massachusetts, automatically restore voting rights upon release from prison. According to the National Conference of State Legislatures, the general trend has been toward reinstating voting rights during the past few decades. Still, the rank of disenfranchised felons is increasing, reflecting decades when incarceration rates were swelling. Between 1976 and 2016, their number grew more than fourfold to 6.1 million, according to the Sentencing Project (2017), which advocates for loosening restrictions. The election impact of re-enfranchising tens of thousands of new voters in a particular state is unclear. Due to differences in state laws and rates of criminal punishment, states vary widely in the practice of disenfranchisement. Some researchers have concluded that disenfranchisement laws favor Republicans because those affected are disproportionately minorities, who are more likely to vote for Democrats (Campo-Flores & Kamp, 2018; Uggen et al., 2016). This paper examines how felon disenfranchisement may have affected the 2020 presidential election outcomes and its danger to equal citizenship and democracy. The primary analysis was done through qualitative content analysis of secondary data sources, comparing the 2016 presidential elections vis-à-vis the 2020 presidential elections, and reviewing turnout in key battleground states and the effect on electoral outcomes.

2. Literature Review

2.1. Felon Disenfranchisement and Voter Turnout

For years, scholars have attempted to examine the collateral consequences of felons' disenfranchisement on democratic representation (Morris, 2020). Disenfranchisement of convicted felons is a nationwide phenomenon in the United States. In principle, an individual who commits a crime is punished often with incarceration. But paying for one's crime does not end there. The penalty for criminal convictions in the United States is a forfeiture of voting rights. The constitutionality of felon disenfranchisement is found in the Civil Rights Restoration Act (2014, S. 2550). This provision permits the denial of American citizens from voting if they are convicted of a violent criminal offense, serving a sentence, or term of probation. Felon restriction to vote varies from one state to another in the United States. Each state decides on the voting rights of felons and there are currently no federal guidelines to provide directions.

Partisanship has been identified as one factor for the differing approach by the states to the voting rights of felons (Sherman, 2018). Some states permanently bar felons from ever voting, while others restore felons' voting rights after some post-conviction years (Miles, 2004). For example, felons never lose their right to vote while incarcerated in the District of Columbia, Maine, and Vermont, whereas 48 other states have different prohibitions on felon suffrage while incarcerated or pending parole (ACLU, 2020; National Conference of State Legislatures, 2020; ProCon, 2020; The Sentencing Project, 2017). This paper places emphasis on suffrage because voting serves as a form of accountability since it allows citizens to elect representatives that protect their rights and interests. This calls into scrutiny the basic foundation of the right to vote.

Felon disenfranchisement undermines suffrage as a fundamental right and raises a major social concern for the citizenship rights of felons. While the right to vote has been ruled as a fundamental right (*Reynolds v. Sims*, 1964; *Yick Wo v. Hopkins*, 1886), the courts are torn on this issue as they have ruled that any burden on voting such as having a voter ID is weighed against the state's interests (*Crawford v. Marion County Election Board*, 2008; *Frank v. Walker*, 2014). The effect of this ruling proves that the right to vote is not absolute because the burden placed on voting could be revoked if it serves the interest of the state. The Voting Rights Act serves as the litmus test for whether a person's right to vote is breached, whereas felons lack a balancing test standard when their voting rights are taken away. The lack of consensus as to whether the right to vote is a fundamental right creates a gap in policy interpretation for persons incarcerated for a felony. This division is evident in the rising number of felons disenfranchised and votes that are lost in any given election. Although some studies have stated that felon disenfranchisement had no impact on voter registration when compared amongst states with higher disproportionate rates of disenfranchisement (Miles, 2004), other studies have found that felon disenfranchisement policies have created a voting bias in the political space because it negatively affects African Americans and Hispanic voters and the poor (Bowers & Preuhs, 2009; Uggen & Manza, 2002; Demeo & Ochoa, 2003).

2.2. Disproportional Disenfranchisement of African Americans

Felony disenfranchisement affects all communities in the United States. But several studies have demonstrated that felony disenfranchisement disproportionately impacts minorities, particularly the African American community because of their disproportionate incarceration (Uggen & Manza, 2002; King & Erickson 2016; Klumpp, Mialon & Williams 2017; Morris, 2020). In the same vein, most disenfranchised felons have low-income status. The median income of felons within the age range of 27 - 42 was \$19,185 (PPI, 2015) compared

to the median income of \$32,505 (PPI, 2015) for non-felon within the same age range. Again, more than 60 percent of prison inmates in 2017 were minorities, of which 33.1 percent were African Americans, despite that they constitute only 13 percent of the U.S. population (The Sentencing Project, 2017). Studies have also shown that minorities tend to be favorably disposed to the Democratic Party, in comparison to the Republican Party whose base tends to be made up of mainly white people (Miles, 2004; Yoshinaka & Grose, 2005).

Some scholars have however argued that the disenfranchisement of African Americans is not a function of their race but their status as felons which serves as a side effect of high crime rates (Brooks, 2005). This rationale does not take into effect arguments that proffer that race is a significant indicator of criminal punishments in the United States (Behrens et al., 2003). Studies have demonstrated over time that minorities are disproportionately incarcerated more than their white counterparts due to concentrated disadvantages (Nellis, 2016; Davis, 2017). Yet, felon disenfranchisement cannot be discussed independently of race and the historical process that underlines racial discrimination in the United States. There are several discussions on equality and helping felons reintegrate into the community. This involves giving them a sense of belonging in the community. A necessary step towards offender reintegration involves restoring their right to vote. As Mauer (2004) observed, voting is a constitutional right, and restoring it to felons will serve as a safety net against undue hardship and discrimination in society.

There are several discussions on equality and helping felons reintegrate into the community. The reintegration of felons back into the community involves making them feel like a part of the community. A necessary step needed to achieve reintegration involves restoring their right to vote. Mauer (2004) stated this clearly when he asserted that democracy requires the observance of free speech of which voting is a part. Implementing voting as a fundamental right and restoring such voting rights to felons and ex-felons will serve as a safety net against undue hardship and discrimination in society.

3. Findings

3.1. Voting Rights of Felons in the United States

Voting rights for felons in the United States varies depending on the state and the period in question. As of 2020, as can be seen from table one below, only in two states, Maine and Vermont, and the District of Columbia do felons never lose the right to vote. In 2021, New York passed legislation allowing felons that are not in prison at the time of election to vote. Other states maintain various positions. In 17 states, felons regain their right to vote once they are released from incarceration except in Maryland where they must be pardoned before they can vote. In 20 other states, felons can only regain voting rights automatically when they have completed incarceration, and all probation and parole. Even though California belongs to this group, those in Californian jails can vote while prison inmates in the state and those in federal prisons cannot vote until they have completed their sentences and parole.

In 11 states, felons can only vote after they have completed their sentence, fulfilled all parole obligations, and gone through a waiting period depending on the state. There may also be other conditions to fulfill such as paying off all court fees, fines, restitutions, and completing all conditions attached to their crime. In addition, they may have to be pardoned by the governor of the state for certain felony crimes like murder and sex crimes. For example, in Florida, if a felon was convicted on murder or sex charges they completely lose their right to vote except if pardoned by the governor on a case-by-case basis. Each of the 11 states in this category has

other conditions that must be fulfilled to regain voting rights (National Conference of State Legislatures (NCSL), 2020).

Table 1
Restoration of Voting Rights after Felony Convictions

Felon Voting Rights	Never Lose the right to Vote (1)	Lost Only While Incarcerated Automatic Restoration After Release (2)	Lost Until Completion of Sentence (Parole and/or Probation) Automatic Restoration After (3)	Lost Until Completion of Sentence In Some States a Post-Sentencing Waiting Period Additional Action Required for Restoration (4)
States	District of Columbia	Colorado	Alaska	Alabama
	Maine	Hawaii	Arkansas	Arizona
	Vermont	Illinois	California (2)	Delaware
		Indiana	Connecticut	Florida (4)
		Maryland (3)	Georgia	Iowa
		Massachusetts	Idaho	Kentucky
		Michigan	Kansas	Mississippi
		Montana	Louisiana	Nebraska
		Nevada	Minnesota	Tennessee
		New Jersey	Missouri	Virginia
		New Hampshire	New Mexico	Wyoming
		North Dakota	New York (5)	
		Ohio	North Carolina	
		Oregon	Oklahoma	
		Pennsylvania	South Carolina	
		Rhode Island	South Dakota	
		Utah	Texas	
			Washington	
			West Virginia	
			Wisconsin	
Totals	3	17	20	11

Note. Adapted from the National Conference of State Legislatures, (NCSL) Retrieved October, 12, 2020 from <https://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>

The estimated number of disenfranchised felons increased in line with the increase in incarcerations over the years, while some states became more restrictive over the years as they expand their restriction of felons' post-conviction (See column 4 of Table 1). Column one is the least restrictive and column 4 is the most restrictive. Florida alone accounts for 27% of the nation's disenfranchised population as at 2016. Even more disturbing is that in the same year, the ratio jumps to 48% of disenfranchised felons when considering post-conviction due to Florida's restrictive laws, (Uggen, et al., 2016).

When comparing the disenfranchised population as a percentage of the voting population in states between 1980 and 2016, increases were reported in estimated disenfranchised felons in states with the most restrictions (Uggen, Larson & Shannon, 2016) as seen in table two below:

Table 2

Comparison of Rates of Estimated Felon Disenfranchisement, as a Ratio of the Voting Population in Selected Most Restrictive States. 1980 and 2016.

State	Rate of felon disenfranchised to the voting population in 1980	Rate of felon disenfranchised to the voting population in 2016
Florida	2.6%	10.4%
Mississippi	3%	9.6%
Kentucky	2.2%	9.1%
Tennessee	0.7%	8.3%
Virginia	2.6%	7.8%
Alabama	4.9%	7.6%
Wyoming	0.4%	5.3%

Note. Adapted from Uggen, Larson and Shannon, 2016. Retrieved October, 12, 2020 from <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/#II.%20Disenfranchisement%20in%202016>

3. Discussion

The 10 states with the highest estimated disenfranchisement rates in 2016 are highlighted in table three. They are Florida (10.43%), Mississippi (9.63%), Kentucky (9.14%), Tennessee (8.26%), Virginia (7.81%), Alabama (7.62%), Wyoming (5.33%), Arizona (4.25%), Nevada (4.02%) and Georgia (3.23%) in that order. It is pertinent to note that they all belong to column 4 with the most restrictive policies. In table one; exceptions are Georgia (column 3) and Nevada (column 2). In 2020, for the most part, there was a slight increase in five states, a slight reduction in four, and a new entrant (Arkansas) into the top ten with the highest estimated disenfranchisement rates. Mississippi had the highest rate at 10.55%, while its rate was 9.63% in 2016. Other states with increases are Tennessee, 9.19% up from 8.26% in 2016; Alabama 8.94% up from 7.62% in 2016; Arizona with a slight increase to 4.86% from 4.25% in 2016; and Georgia 3.79%, from 3.23% in 2016. Surprisingly, Florida with the highest rate of 10.43%

in 2016 was down to 7.69% in 2020. Virginia, dropped to 6.00% from 7.81% in 2016; Kentucky to 5.92% down from 9.14% in 2016; and Wyoming down to 2.64% from 5.33% in 2016. Arkansas is a new entrant to the top 10 states with a rate of 3.97% in 2020. Nevada with a rate of 4.02% in 2016 dropped out of the top 10 states with the highest rates in 2020.

In the states with the most restrictive felony disenfranchisement policies (see columns 3 and 4 of table one above), these policies prevented an estimated 4 million of the 52.8 million voting age population (7.61%) across ten states, from voting in 2016. In 2020, though there is a reduction in the estimated number of disenfranchised felons, 3.3 million of a 49.7 million voting age population, 6.68% are still being prevented from voting. Looking at some individual states closely, in 2016, Florida had the highest number of estimated disenfranchised felons, with an estimated 1,686,318 out of the 16,166,143-voting age population in the state with a disenfranchisement rate of 10.43%. In 2020, while the number of estimated disenfranchised felons in the state reduced to 1,132,493 out of a possible voting age population of 14,724,113, those locked out of voting still represent 7.69% of the voting population. Other states with such high rates are Mississippi, Tennessee, and Alabama. In 2016, Mississippi's rate was 9.63% but this jumped to 10.55% in 2020. Tennessee had a rate of 8.26% in 2016, this jumped to 9.19% in 2020, even with a reduction in the voting age population. This trend continued with Alabama which had a 7.62% disenfranchisement rate in 2016 jumping to 8.94% in 2020. Wyoming had the lowest number of disenfranchised felons for both 2016 and 2020 respectively among the top ten states selected in table three.

Table 3

Top 10 States, Rate of Estimated Felony Disenfranchisement, as a Ratio of the Voting Population in 2016 and 2020.

2016				2020			
State	Estimated No of disenfranchised felons in 2016 (a)	Voting age population in 2016 (b)	a/b *100 in 2016 (c)	State	Estimated No of disenfranchised felons in 2020 (a)	Voting age population in 2020 (b)	a/b *100 in 2020 (c)
Alabama	286,266	3,755,483	7.62%	Alabama	328,198	3,671,110	8.94%
Arizona	221,170	5,205,215	4.25%	Arizona	233,816	4,812,764	4.86%
Florida	1,686,318	16,166,143	10.43%	Arkansas	87,187	2,195,870	3.97%
Georgia	248,751	7,710,688	3.23%	Florida	1,132,493	14,724,113	7.69%
Kentucky	312,046	3,413,425	9.14%	Georgia	275,089	7,254,693	3.79%
Mississippi	218,181	2,265,485	9.63%	Kentucky	197,672	3,338,198	5.92%
Nevada	89,267	2,221,681	4.02%	Mississippi	235,152	2,228,659	10.55%
Tennessee	421,227	5,102,688	8.26%	Tennessee	456,480	4,964,909	9.19%
Virginia	508,680	6,512,571	7.81%	Virginia	366,065	6,096,244	6.00%
Wyoming	23,847	447,212	5.33%	Wyoming	11,403	432,284	2.64%
Totals across 10 states	4,015,753	52,800,591	7.61%	Totals across 10 states	3,323,555	49,718,844	6.68%

(c) - Rate of disenfranchised felons by total state voting age population (a/b*100)

Note. Adapted from Uggen, Larson and Shannon, 2016

Retrieved November, 1, 2020, from <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/#II.%20Disenfranchisement%20in%202016>, and

Uggen, Larson, Shannon and Pulido-Nava, 2020.

Retrieved November, 1, 2020, from <https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>

When examining these states in the case of elections, several issues come to light. Each election cycle is different but in some election cycles, there is a state or states that decide the election by close margins. The two most recent cases in point are the 2000 election between George W. Bush and Al Gore which was decided by about 537 votes in the state of Florida, and in 2016, between Hillary Clinton and Donald Trump. In 2016, three states Michigan, Wisconsin, and Pennsylvania decided the presidential elections with about 77,744 votes (Federal Election Commission, n.d.). These three states had 44, 321 (Michigan), 65,606 (Wisconsin) and 52,924 (Pennsylvania), a total of 162,851 number of disenfranchised felons as at 2016 (Uggen et al., 2016). If these felons were allowed to vote, considering their overwhelming favor of the Democratic Party, it could have changed the elections in favor of

the Democrats. These three states delivered the crucial electorate votes to clinch the presidency for the Republicans in 2016. It is important to note that in both 2000 and 2016, the Republican party won the election with the 2000 case going to the Supreme Court.

Looking at Florida which has the most restrictive felon voting rights in 2000 in particular, if the 58,000 number of disenfranchised felons in the state were allowed to vote, they could have swayed the election in favor of the Democrats. Even more disconcerting was that out of the 58,000 disenfranchised felons, 12,000 were errors, people who did not even have felony convictions but were denied the right to vote. It is also important to note according to Berman (2015) that these 58,000 voters were purged from the voting list shortly before the election. Berman (2015) analyzed the Florida purge and stated,

If 12,000 voters were wrongly purged from the rolls, and 44 percent of them were African-Americans, and 90 percent of African-Americans voted for Gore, that meant 4,752 black Gore voters—almost nine times Bush’s margin of victory—were prevented from voting. It’s not a stretch to conclude that the purge cost Gore the election (para. 10).

Therefore, we can assume and conclude that in 2016, if the 1,686,318 disenfranchised felons in Florida and the combination of 162,851 felon voters in Michigan, Wisconsin and Pennsylvania were allowed to vote, they may have also swayed the vote in favor of the Democrats (Uggen et al., 2016).

4. African American Felony Disenfranchisement

Historically, irrespective of the preferred candidates African Americans choose to vote for, black voters in some states are more political inclined than in other states (Jackson et al., 2017). For example, Colorado, Maine, North Carolina, Mississippi, and Kentucky recorded the highest turnout of African Americans voters in the 2016 presidential election compare to other states (McCann, 2020). However, with the high rate of disenfranchised felons in these states, the African American votes did not have as much impact on the 2020 election.

As shown in the tables four and five below, states with high population of African Americans have the highest felony convictions in 2016, with African Americans topping the list. Voting age population of all felons in Florida in 2016 was 2,338,940 out of which African Americans were 499,306, and 21.35% of this number are disenfranchised felons. Similar trend cut across all the states in the table. Wyoming with the lowest voting age felon population, 3702, in 2020, as seen in the table below, have African Americans occupying the highest number of the felon’s population with 1,341 convictions. Of this number 28.31% cannot vote. Interestingly, even though Wyoming has the lowest voting age felon population, the state has the highest number of disenfranchised African Americans with post-conviction restrictions.

It is interesting to note that majority of the states in the table have a high population of minorities, with African Americans topping these numbers. Needless to say, that the disenfranchised felons’ lists are highly populated by the racial minorities, of which the African Americans top list. As a result, disenfranchisement disproportionately affects racial minorities, particularly the black Americans. Invariably, the population of racial minorities in the disenfranchised felon list will have a significant effect on the outcome of minority’s votes, thus, reducing their chances of voting the candidates of their choice into policy-making political positions; a highly needed avenue to make their voice to be heard and their concerns addressed.

Table 4*States with the Highest Estimated % of Disenfranchised African American Voters in 2016*

State	No of African Americans with Felony Convictions	Voting Age Population - All felons	% Disenfranchised African Americans	<i>No of disenfranchised African Americans with Post Conviction - Cannot vote</i>	<i>% No of disenfranchised African Americans with Post Conviction - Cannot vote</i>
Kentucky	69,771	266,806	26.15	53,902	20.20
Virginia	271,944	1,241,868	21.90	217,759	17.53
Florida	499,306	2,338,940	21.35	418,224	17.88
Tennessee	173,895	817,457	21.27	132,042	16.15
Wyoming	966	5,621	17.19	712	12.67
Mississippi	127,130	801,471	15.86	94,325	11.77
Alabama	143,920	952,671	15.11	113,629	11.93
Arizona	25,492	214,412	11.89	12,645	5.90
Nevada	21,568	183,389	11.76	13,566	7.40

Note. Adapted from Uggen, Larson and Shannon, 2016. Retrieved November, 3, 2020 from <https://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf#page=17>

Table 5*States with the Highest Estimated % of Disenfranchised African American Voters in 2020*

State	No of African Americans with Felony Convictions	Voting Age Population - All felons	% Disenfranchised African Americans	No of disenfranchised African Americans with Post Conviction - Cannot vote	% No of disenfranchised African Americans with Post Conviction - Cannot vote
Wyoming	1,341	3,702	36.22	1,048	28.31
Tennessee	176,368	814,576	21.65	142,415	17.48
Mississippi	130,501	817,493	15.96	95,980	11.74
Virginia	190,605	1,195,603	15.94	139,970	11.71
Alabama	149,716	962,519	15.55	118,478	12.31
Florida	338,433	2,194,488	15.42	255,066	11.62
Kentucky	38,665	256,024	15.10	25,157	9.83
*South Dakota	962	6,999	13.74	-	-
Arizona	26,914	212,026	12.69	13,078	6.17
Iowa	7,263	63,856	11.37	1,130	1.77
Nebraska	6,126	57,843	10.59	3,468	6.00

*Note. South Dakota does not have Post-Conviction Disenfranchisement. See Table One

Adapted from Uggen, Larson, Shannon and Pulido-Nava 2020

Retrieved November, 3, 2020 from <https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>

5. Conclusion

There is a racial dimension to felon disenfranchisement that has remained controversial. Since minorities, particularly African Americans are disproportionately incarcerated, their capacity to influence election outcomes have been largely reduced. Suppression of African American votes has become a recurring theme during election cycles. Studies have demonstrated that felon disenfranchisement disproportionately affects African Americans more than other racial groups. For example, one in 16 African Americans is unable to vote due to felon disenfranchisement, a rate 3.7 times higher than that of other racial groups, while over 6.2 percent of African Americans of voting age are disenfranchisement in comparison to 1.7 percent for non-African American population (Uggen et al., 2020). Latinos are disenfranchised less at 2 percent of the voting population (Uggen et al., 2020).

Scholars have long been curious about whether the course of history could have been different in some of the past presidential, state and indeed local election outcomes if disenfranchised felons had been able to vote which would have probably favored the Democratic Party more because of their large support among minorities and the poor (Finetti, Ramirez & Dwyre, 2020). The rising population of minorities whose percentage of the American population is about 40 percent has made over-reliance on white votes by the Republican Party an increasingly difficult pathway to achieving electoral victory in an ever-diversifying country. Recent population estimates suggest that four in about 10 Americans identify as non-white (United States Census Bureau, 2020). Without broadening its political agenda to accommodate minority interests, the weaponization of felon disenfranchisement and other voter suppression strategies will appear to be the key strategic means for the Republican Party to achieve electoral success in the near future.

The 2020 presidential election, for instance, was largely fueled by high turnout among minorities so much so that the different voter suppression strategies employed by the Republican government could not just turn the electoral tide in their favor. Interestingly, complaints of election fraud by the Republican Party largely targeted states which had large African American voter turnout and it is unclear to what extent the felons in those states helped to swing the election in favor of President Joe Biden who had seven million more votes than Donald Trump. The large turnout in the 2020 presidential election included a significant number of ex-felons from states that allowed them to vote. But it is unclear how significantly ex-felons voting affected the outcome of the election. Nonetheless, voting rights continue to be a hot-button topic in the United States as Republicans and Democrats joust for advantage in their quest for political power. According to the Brennan Center, as of February 19, 2021, 253 bills that seeks to restrict voting access that included provisions expanding felon disenfranchisement in 43 states had been introduced, while 704 bills that seek to expand voting access in a different set of 43 states have been put forth (Brennan Center, 2021). From the foregoing, it appears that the raging controversy over felon disenfranchisement is unlikely to abate anytime soon.

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