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**STUDIES OF VOTING BEHAVIOR AND FELONY DISENFRANCHISEMENT
AMONG INDIVIDUALS IN THE CRIMINAL JUSTICE SYSTEM IN NEW
YORK, CONNECTICUT, AND OHIO**

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Introduction

This report outlines the findings of research examining key dimensions of felon disenfranchisement – the laws (varying by state) that temporarily or permanently take away voting rights following a felony conviction. These studies build on the growing body of literature (Uggen & Manza, 2002; Fellner & Mauer, 1998) assessing the collective impact of laws on people with felony convictions in the US – affecting over four million individuals in 2004. This issue has received growing attention in the past decade as its large scale, the extent of racial disparities, and its consequences for the electoral process have become more fully understood. The study by Uggen and Manza has done much to bring attention to this issue by demonstrating the potential impact of felony disenfranchisement laws on electoral outcomes in many states and at the national level, most famously in the presidential race of 2000 where the Florida outcome was decided by 537 votes while over 600,000 voters, disproportionately African American, were disenfranchised.

Most of the previous research into felon disenfranchisement has examined the consequences of *de jure* (legal) disenfranchisement. However, our research strongly suggests that the effect of these laws extends beyond those who are legally disenfranchised – leading to a *de facto* disenfranchisement of many eligible voters. A recent study published by the University of Virginia Law School (2003) suggests that the effects of felony disenfranchisement laws may spill over to populations of non-disenfranchised people, finding that general voting rates, particularly in African American communities, in the states with more restrictive laws are lower than in those with less severe laws.

Further, some recent reports have documented the lack of knowledge of felon disenfranchisement laws among both persons with felony convictions and those who work with them (parole and corrections officers, social workers), including election officials in Ohio, Pennsylvania, and New York. And there are few mechanisms in place upon completion of their period of disenfranchisement to inform persons who have lost their rights about what measures they must take to restore them and vote again. Much anecdotal evidence from those who work with this population has highlighted the level of misinformation about voting rights that exists. Not everyone who is now, or has ever been, in the criminal justice system necessarily becomes ineligible to vote and many people who have been convicted of crimes are currently eligible to vote. In all but 13 states in which some or all persons remain prohibited from voting after the completion of sentence people can vote once they complete their sentence to prison and parole, and in two states (Vermont and Maine, as well as in Puerto Rico) prisoners may vote while still incarcerated. In addition, in a number of states, persons on probation or parole, and those in jail awaiting trial (or serving sentences for misdemeanors), are generally eligible to vote.

Finally these rules are being examined and change has occurred in many states. For example, Iowa's governor has recently issued an executive order restoring the right to vote to all persons who have completed supervision, while Alabama legislators recently passed a bill permitting expedited restoration for most offenders upon completion of sentence. Table 1 outlines the voting laws for the three states in this study. The principal difference in felony disenfranchisement laws across these three states is that people on parole are allowed to vote in

Ohio, but not in New York or in Connecticut (which restored voting rights to probationers in 2002).

Table 1: State Policies on Felony Disenfranchisement			
<i>State</i>	<i>Prison</i>	<i>Parole</i>	<i>Probation</i>
New York	FD	FD	None
Connecticut	FD	FD	None (since 2002)
Ohio	FD	None	None

While previous research has demonstrated the collective impact of having large numbers of voters (disproportionately Black and Latino) legally disenfranchised, little is known about how populations involved with the criminal justice system (many of whom are legally eligible to vote) understand the ways in which they are affected and what they know about restoring their voting eligibility. The research reported here aims to build on these accounts and complement the growing body of studies on felony disenfranchisement in three ways:

- Most previous studies were concerned with enumerating the prevalence rates of legal (*de jure*) disenfranchisement and examining this phenomenon in cross sectional studies. We have studied the longitudinal impact of voting eligibility after disenfranchisement, measured over an individual’s voting lifetime, and calculated the proportion of that person’s voting life lost to felony disenfranchisement.
- Examining the widely held belief that “these people don’t vote anyway,” our research surveyed voter registration and voting behavior before and after periods of disenfranchisement, as well as interest in voting during periods of eligibility.
- In order to assess the extent of *de facto* disenfranchisement, we have analyzed how well the applicable laws are understood (or misunderstood) by the affected population, as well as their beliefs about how these rules affect their future right to vote.

To achieve these objectives the current study examines voting histories and individual knowledge and attitudes about disenfranchisement among samples of persons currently or formerly under correctional supervision in three states: New York, Connecticut, and Ohio. These surveys were conducted in the summer and fall of 2004 in collaboration with community based organizations in each state. Access to the samples included in our studies was gained through these collaborations and their programs that provide services and support to persons with felony convictions, many of whom are currently, or have been, affected by their state’s felony disenfranchisement laws.

Specific Research Questions

1. *What is this sample population's felony disenfranchisement history?:* Determine the proportion of these individual's adult lives in which they have been legally disenfranchised (the cumulative impact of felony disenfranchisement on individuals over time) and how this experience is distributed across different populations.
2. *What are the registration and voting histories of this sample population prior to and after their individual periods of disenfranchisement?* What proportion ever registered and voted before and after periods of ineligibility and, if they do re-register, is there a time gap between the end of their period of *de jure* disenfranchisement and their resumption of registration/voting?
3. *What is this sample population's knowledge of disenfranchisement laws, what are their sources of information about those laws, and what are their current attitudes about voting?* To what extent is this population aware of applicable disenfranchisement laws and to what extent are they misinformed?
4. *What are this sample population's intentions about future voting and political interest and orientation?* Do they plan to vote in the next election, do they have a political affiliation or favor one party?

Methodology

Instruments and Procedures

For our research we have employed a new methodology to quantify an individual's lifetime exposure to disenfranchisement and assess patterns of ineligibility over the course of their adult lives. The criminal justice calendar (CJCal) is an interview instrument that we have developed and used to survey over 300 individuals with histories of criminal justice involvement. The CJCal retrospectively collects detailed chronological data on an individual's criminal justice involvement. The main component of the instrument is a year-by-year calendar (beginning in 1950 and ending with the current year). For each year, there are five different forms of criminal justice involvement – juvenile detention, probation, parole, jail, and prison. Participants are asked to identify every year of their life in which they have been under some form of correctional supervision, and to indicate that specific type for each year. For example, if they were on probation from 1978 to 1982, they would check probation for each of those five years. They are asked to do the same for each episode of criminal justice involvement during their lifetime.

In the current study, we have used a brief self administered version of the CJCal to collect and assemble data establishing the association between periods of disenfranchisement (prison, and/or parole or probation, depending on state law) and voting and registration histories of the sample population. This system allows us to calculate each individual's disenfranchisement history (in the calendar format) and link it to registration and voting both prior to disenfranchisement and after legal entitlement to restoration of voting eligibility. This also allows calculation of each

individual's (and the entire population's) percentage of "voting eligible life" (years >18) that has been lost to disenfranchisement.

The calendar methodology is not limited to assessing criminal justice histories. Most events in people's lives can be assessed through the calendar as well. In the current study, we assessed voting histories in the same manner as criminal justice histories. Participants were asked if they had ever been registered to vote, and if so, if they had voted. They were asked to locate the years when they were both registered to vote and when they voted. In order to aid with the recall of the years that they voted, the researchers had a list of all election winners in the presidential, mayoral and gubernatorial races, along with the year in which the election occurred. In testing the instrument, it became clear that recall of the actual races and the winners of the election was much easier than of the year of the actual election. Therefore, having this information made it possible to pinpoint the specific years (and, in some cases, elections) in which they voted.

In addition to the CJCal items, we surveyed demographic characteristics, attitudes toward voting, political party preferences, intentions to vote in the future, and knowledge about voting laws. Knowledge of disenfranchisement was assessed by a series of true/false questions, such as "you are not eligible to vote if you: 1) are currently on parole; 2) are currently on probation; and 3) have ever been arrested."

Sample Participants

Data collection was conducted in collaboration with organizations that provide services and advocacy for individuals under criminal justice supervision. These organizations include the Fortune Society in New York City, Community Partners in Action, in collaboration with DemocracyWorks, both in Connecticut, and the Racial Fairness Project, in Cleveland. The sample consisted of 334 individuals under various forms of criminal justice supervision.

The Connecticut sample consisted of 118 clients receiving services from Community Partners in Action (CPA), the longest-running service provider for offenders in the state. Data collection was carried out by staff of both CPA and DemocracyWorks (an organization that has led a coalition of groups dedicated to restoring voting rights to those disenfranchised because of criminal convictions), and occurred in three different CPA sites across Connecticut-- Bridgeport, Hartford and Waterbury. The data collection sessions ranged in size from three to nine individuals.

The New York sample consisted of 138 surveys of individuals with current or past histories of criminal justice involvement who were either clients or staff members at the Fortune Society in New York City, one of the largest social service and advocacy agencies for persons with criminal convictions in Manhattan. Data was collected from three different sites: two in midtown Manhattan and the Fortune Academy, located in Harlem, which is a temporary housing and transitional facility for persons reentering society after serving time in prison.

The Ohio sample consisted of 78 individuals currently in custody surveyed from three different jails in Cleveland, two of which were in Cuyahoga County and the other in Huron County. The Ohio surveys only included a subset of questions from the surveys that were conducted in New York and Connecticut because of logistical reasons that limited the amount of time that inmates

in the jails could spend with interviewers. The surveys were conducted in collaboration with workers from the Racial Fairness Project, along with staff and clients from the Fortune Society, who were engaged in a voter registration and information campaign at the local jails. It is important to note that the Ohio sample included many people who had voluntarily agreed to participate in a previous workshop on voting. Therefore, this group is likely to have higher voting rates and more interest than the general jail population.

Sample Differences

Some demographic differences between these samples need to be highlighted, since voting rates vary significantly by such factors as race and ethnicity, age, and education level. One of the most substantial differences by state is in the age variable, with the oldest average in New York City, 36, as compared to an average age of 29 in Connecticut and 30 in Ohio. Furthermore, the Connecticut sample has the largest number of young people in the 18 – 24 year range (see Table 1). Connecticut also had the highest percentage of males, and more people with less than a high school degree. There were additional state-based racial and ethnic differences, but no clear patterns emerged.

<i>State</i>	<i>Gender</i>	<i>Race/Ethnicity</i>			<i>Age</i>			<i>Education</i>	
	<i>M</i>	<i>W</i>	<i>B</i>	<i>H</i>	<i>18-24</i>	<i>25-44</i>	<i>45+</i>	<i><HS</i>	<i>HS+</i>
CT	88.1	38.1	25.4	30.5	40.7	49.2	9.3	39.8	60.2
NY	78.6	7.6	51.0	30.3	24.6	42.1	11.0	37.2	62.8
OH	73.3	33.3	49.3	6.7	36.0	44.0	10.7	28.0	72.0

Results

Percent of Voting Life Lost To Felony Disenfranchisement

The first set of analyses assessed the number of years that offenders were legally disenfranchised according to applicable laws in their respective states. The survey data permitted the calculation of estimates of the proportion of voting eligible life (when 18 years and older) that individuals spent under correctional supervision, and as a result, disenfranchised.

Data were collected from the NY and Connecticut samples (but not from Ohio, where a different version of the CJCal was used that did not include these data) to calculate the impact of those states disenfranchisement laws on the sample population. Almost two-thirds (61.4%) of this sample (71.8% in CT and 49.6% in NY) had lost some proportion of their voting-eligible lives due to a felony conviction. The average number of years disenfranchised was 3.6 (CT = 2.8 and NY= 3.9), with a range of 0 – 26 years. But these values are a function of the age mix of our sample and differ for populations sampled at different points in their experience with the criminal justice system. For example, in both NY and Connecticut many study participants were first offenders on probation or in Alternative to Incarceration programs and were not subject to disenfranchisement by these states' laws.

Among those who had been subject to disenfranchisement, the proportion of their adult life affected by felony disenfranchisement is an indicator of the cumulative impact of disenfranchisement on their potential election participation. Table 3 shows the proportion of their adult life (when they would be eligible to vote) that has been affected by disenfranchisement. One of every six (16.8%) had been disenfranchised for half of their adult lives or more, and one of every three (34.6%) had been disenfranchised for at least one quarter of their lives.

<i>Percent</i>	<i>CT</i>	<i>NY</i>	<i>Avg.</i>
0%	28.2	50.4	41.6
25% or Less	30.8	19.3	24.0
25% - 50%	21.8	15.1	17.8
50% or More	19.2	15.1	16.8
% of Sample with some VLL	71.8	49.6	61.4

Voting History Pre- and Post-Incarceration and Felony Disenfranchisement

Voting rates - One of the key questions to be probed with this survey was the voting patterns of persons with a felony conviction before and after being disenfranchised. It has been widely believed that participation is quite low. As seen in Table 4, our findings indicate that the registration and voting rates of this population (in those periods when they are eligible to vote) are substantial. The percentage of participants who reported they had registered to vote sometime in their lives was 33.9% (CT), 61.9% (NY) and 57.3% (OH), with an average of 50%. The percentage that reported voting at least once in their lives was 26% (CT), 54.7% (NY) and 38.4% (OH), with an average of 39.7%.

<i>Question</i>	<i>CT</i>	<i>NY</i>	<i>OH</i>	<i>Total</i>
Have you ever been registered to vote?	33.9	61.9	57.3	50.0
Have you ever voted?	26.0	54.7	38.4	39.7

Table 5 illustrates the differences in voting rates found among subpopulations, which echo the patterns seen in the general population, i.e. voting rates are higher among those who are older, more educated, and white.

<i>Race/Ethnicity</i>				<i>Age</i>			<i>Education</i>	
	W	B	H	18-24	25-45	45+	<HS	HS+
Study Sample	44%	36%	30%	11%	40%	85%	29%	47%

Future Intentions to Vote and Identification with a Political Party – Other findings from the survey similarly suggest that interest in voting and, more generally, a concern for political issues, is shared by many in the sample. Table 6 shows the survey respondents’ expectations of voting in the future, and having a political party affiliation. These data were collected in the summer and fall before the 2004 general election and include those who could not vote (or did not intend to vote) in that election. When these participants were asked if they were planning on registering once eligible to vote, 66.4% (CT = 50%, NY = 68.3%) of the sample said yes, and 53.4% (CT = 28.3%, NY = 57.2%, OH = 70.7%) said they were planning on voting in the upcoming presidential election. When questioned about partisan identification, 75.5% of the sample responded that they did have some party affiliation.

Table 6: Political Affiliation and Future Intentions to Vote (% of those reporting)				
<i>Question</i>	<i>CT</i>	<i>NY</i>	<i>OH*</i>	<i>Total</i>
Intention to register once eligible to vote	50.0	68.3	--	66.4
Intention to vote in upcoming presidential election	28.3	57.2	70.7	53.4
Party affiliation	77.5	91.4	--	75.5

* some items were not surveyed in Ohio.

Change in voter registration after incarceration – Many observational accounts and published reports expose significant barriers to registering after disenfranchised persons become eligible to vote again. Among those who had been incarcerated, either in jail or prison, we compared the pre and post incarceration rates of “ever registered” to “currently registered” in order to examine changes in voting eligibility and behavior. The results, shown in Table 7, indicate a substantial decrease in the current probability of electoral participation for the total sample. There is a 40% drop from “ever registered”(48.4%) and “currently registered” (29.2%).

Table 7: Registration History and Current Registration Rates¹			
<i>Question</i>	<i>CT</i>	<i>NY</i>	<i>Total</i>
Have you ever been registered to vote?	33.9	61.9	48.4
Are you currently registered to vote?	16.8	40.0	29.2
Percent Reduction in Registration Rates	50%	33%	40%

Misinformation regarding felony disenfranchisement laws – We posed a series of true-false questions that assessed participants’ understanding and beliefs about disenfranchisement laws.

¹ These rates do not include OH data where participants had recently been through a voter education program and registration drive, thereby inflating registration rates.

Questions focused on the level of information regarding the categories of criminal justice supervision that would render an individual ineligible to vote. Questions included: “you are not eligible to vote if you have ever been arrested” or “if you have ever been in jail.”

Table 8 illustrates the percentage of the sample that either answered the questions incorrectly as true or chose “don’t know.” Half of the sample were grossly misinformed about the manner in which felony disenfranchisement laws applied to them. For example, half the respondents did not know that one can vote while currently on probation (in all three states), and slightly over half (52.8%) did not know if ever having a previous felony conviction makes someone ineligible to vote in these states (it does not). Many did not know if a past prison sentence (32.8%), probation sentence (28.4%) or parole sentence (38.9%) made them ineligible to vote. And 31.1% either believed that a previous arrest disenfranchised them, or were not sure of the correct response.

Table 8: Degree of Misinformation Regarding Disenfranchisement Laws: Percent of Incorrect Answers and “Don’t Know” Responses			
<i>“True or False: You are not eligible to vote if...”</i>	<i>CT</i>	<i>NY</i>	<i>Total</i>
You have ever been convicted of a felony	66.4	41.3	52.8
You have ever been arrested	37.0	28.8	31.1
You have ever been on parole	44.9	34.0	38.9
You have ever been in jail	33.5	18.9	25.9
You are currently on probation	41.4	57.8	50.0
You have ever been on probation	30.2	27.0	28.4
You have ever been in prison	37.4	29.0	32.8

Two additional questions highlight the level of misinformation among this sample. Participants were asked if they were currently eligible to vote and if they would ever be eligible to vote in the future. Table 9 shows the results of these questions, broken down by two groups: those who had been disenfranchised at some point in their lives – the “Ever Disenfranchised” (ED) group – (i.e., those that had been in prison or on parole, n = 122) and those who had never been disenfranchised (n = 119)² – the “Never Disenfranchised” (ND) group

Among the ED group, two-thirds either believed they were not currently eligible (41.3%) or did not know if they were eligible (26.4%). In the ND group an even greater percentage did not know if they were eligible (33.1%), and 10.2% believed they were not eligible. Similar patterns emerged for the question asking about future eligibility. While almost all will be eligible to vote, about one quarter of both groups (27.9% for the ED group and 24.7% for the ND group) either believed they would not be eligible in the future or did not know if they would be eligible. In reality (with the exception of non-U.S. citizens and a very small percentage that may have received life time parole and disenfranchisement), almost all respondents will become eligible at some point in their lives.

² This analysis only includes the New York and Connecticut Samples

Table 9: Beliefs about Voting Eligibility Among Those who had been Disenfranchised at Some Point in their Lives (ED Group) and Among those who had never been Disenfranchised (ND Group)

<i>Question</i>	<i>Ever Disenfranchised</i>			<i>Never Disenfranchised</i>		
	<i>No</i>	<i>DK</i>	<i>Total</i>	<i>No</i>	<i>DK</i>	<i>Total</i>
Are you currently eligible to vote?	41.3	26.4	67.7	10.2	33.1	44.3
Will you ever be eligible to vote?	7.4	20.5	27.9	8.6	18.1	24.7

Sources of Information of Felony Disenfranchisement Laws – The survey also asked about where, and from whom, participants had received information regarding felony disenfranchisement laws. Table 10 illustrates that a majority (61%) report that they were never told about disenfranchisement rules by officials in the criminal justice system (judges or lawyers), or from anyone else.

Table 10: Sources of Information Regarding Disenfranchisement Laws*

<i>Percent who said each of the following provided them with information regarding disenfranchisement laws</i>	CT	NY	OH	Total
Nobody	62.1	63.6	53.3	60.8
Judge	15.5	9.1	5.3	10.5
Lawyer	12.1	11.2	5.3	10.2
Corrections official, police, probation, or parole	8.6	11.9	12.0	10.8
Friend, family, or acquaintance	13.8	16.8	14.7	15.3

Some respondents in Connecticut and New York indicated they had received information from more than one source (producing a column total larger than 100%), while in Ohio some respondents did not answer the question (producing a column total lower than 100%).

Summary of the Main Findings

Lifetime Loss of Voting Rights

There is a significant individual and aggregate impact of felony disenfranchisement on lifetime voting eligibility: 33%–40% of this sample’s adult voting life has been lost to *de jure* disenfranchisement, and another significant portion is lost to *de facto* disenfranchisement. This is largely because many are unaware of when the period of disenfranchisement is complete.

Voting Participation Rates

Prior to incarceration, voting and registration rates of this sample are comparable to patterns in similar demographic groups in the general population. But there is a significant drop in registration (and, consequently, voting) following legal disenfranchisement, and this *de facto* disenfranchisement may account for election non-participation rates equal to those of legal disenfranchisement.

Misinformation About Eligibility

There is widespread misinformation about voting laws among the affected population. Many wrongly believe they cannot vote because they are unaware of when the period of disenfranchisement is complete and are uncertain of their rights to restore their voter eligibility. Nonetheless the sample was politically interested, with over 75% responding with a preferred political party affiliation and more than half reporting a desire to vote in future elections.

Conclusions and Implications

These results present some of the first detailed data on voting patterns and beliefs among a sample of respondents who have been disenfranchised by felony convictions. In diverse criminal justice samples from three states, several important and consistent patterns develop: a pre-disenfranchisement history of registration and voting that is similar to comparable populations in the US; a persistence of *de facto* disenfranchisement after legal ineligibility has ended; and widespread misinformation about the severity of specific disenfranchisement rules that affect the right to vote. Because of this widespread misinformation about who is actually eligible to vote following criminal justice involvement, this *de facto* disenfranchisement serves as a multiplier of *de jure* disenfranchisement and the loss of voting rights under current laws. If there are more than 4 million people who are legally disenfranchised, there may be *an equal number who believe they are ineligible to vote*, thus depressing registration and voting participation. There are now substantial populations of eligible voters in all states with large disenfranchised populations and many may be interested in voting but are uncertain of their eligibility. The primary task is both to inform and assist eligible voters about their state laws and enable them to participate.

Most people with a current or former felony conviction are ignorant of their right to vote. While 90% of the sample knew the basic eligibility requirements for voting in the US (to be a U.S. citizen and 18 or older), they often believed that their criminal justice involvement still disenfranchised them, *even though the majority of those persons we interviewed were eligible to vote at the time*. On all questions regarding the extent of specific felony disenfranchisement laws affecting them, about half of respondents did not know their rights. Even among those persons that were legally able to vote, they generally believed that their own circumstances prohibited them from registering. Our preliminary indication of the effects of *de facto* disenfranchisement on suppressing rates of registration and voting after release confirms the now widely recognized need for more effective educational programs targeted toward reentry populations. Formal programs about voting rights and the implementation of registration efforts should be instituted in all states.

Our experience working with disenfranchised populations suggests a special role for peer education in voter registration and voting participation programs. In New York and Ohio parolees played a major role in the administration of the survey and in explaining applicable voting laws and the procedure for registration to the participants. More generally, there should be practical education about voting rights and the impact of disenfranchisement laws on the specific communities from which these populations come. These educational programs (and access to registration forms) should be offered in close proximity to release and probation/parole

programs, as well as in the many programs that work with re-entering populations in the community at the time of discharge.

Directions for Further Research

There is a clear need for additional research to document registration rates and voting behavior in the periods after release from supervision and the end of *de jure* disenfranchisement. This research is feasible in many localities because registration and voting lists can be cross-matched to the lists of released populations that can be obtained or are publicly available through most state departments of correction. Officials and community service organizations need to develop and test new models for educational and outreach programs designed to provide valid information about applicable disenfranchisement rules at the time of release. Efforts that can accomplish these goals dovetail well with the evaluation of programs to register persons with felony convictions and facilitate their electoral participation. All such programs should include rigorous assessment of the outcomes in actual registration and voting rates by re-enfranchised populations.

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