

Crime and Punishment... as Well as Rehabilitation and Re-enfranchisement?

Should States Allow Non-Violent Felony Offenders the Right to Vote?

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Foreword

When we learned about this 2019 opportunity to present before the Georgia Senate Study Committee on Revising Voting Rights for Nonviolent Felony Offenders (SR-153) by Study Committee Chair Randy Robertson, we jumped at the chance to provide the committee with some research on whether or not states should allow non-violent felony offenders the right to vote. Our presentation took place the Senate Study Committee on October 22, 2019 at LaGrange College (with Senators Randy Robertson, Mike Dugan, Burt Jones, Harold Jones, and Michael Rhett) and was also presented at the Georgia Political Science Association (GPSA) in Savannah in November of 2019. This essay constitutes research done since the presentation of our initial findings and new research conducted on the topic in November and December of 2019, which was presented at the Georgia Conference on Undergraduate Research (GUR) at the Georgia Capitol in February of 2020. The authors would like to thank the Undergraduate Research Committee, as well as the Senate Study Committee, GPSA, and GUR.

Literature Review

The Origins of Felony Disenfranchisement

“Civil death” is not a new idea. The origins of such a policy go back to Greek and Roman civilizations, where those who were guilty of certain infractions could not participate in leadership selection, court cases, or even military service (Hull 2006, 16). This was supported by philosophers such as Aristotle, who felt that certain crimes reflected a breach of the “social contract” (Padraic Hamilton-Smith and Vogel 2012, 411). Such policies persisted through English Common Law policies. Hull (2006, 16) contends that such citizens not only suffered a loss of civil rights upon conviction, but also forfeited all holdings and became unable to inherit anything. As with the Greeks and Romans, such thinking was influenced by the philosophers of the day; for example, Thomas Hobbes and John Locke contended that criminals did not deserve citizenship because their actions had violated the bond between citizens and the state (Padraic Hamilton-Smith and Vogel 2012, 411-412).

The English practice was exported to the United States via colonial law. Yet it is significant to note that the United States’ Founding Fathers did not incorporate such language into its Constitution or national law.¹ Such matters, like most

electoral politics, were left to the states and their legislatures (Padraic Hamilton-Smith and Vogel 2012, 407). Even then, only a third chose to keep disenfranchisement for felony crimes around early in American history. Perhaps they were influenced by philosophers such as John Stuart Mill, who (in *Considerations on Representative Government*) argued “Whoever, in an otherwise popular government, has no vote, and no prospect of obtaining it, will either be a permanent malcontent, or will feel as one whom the general affairs of society do not concern, for whom they are to be managed by others, who has “no business with the laws except to obey them” (Brenner and Caste 2003).

After the Civil War, that number of states adopting such severe penalties had jumped to 75% (Hull 2006, 22). Judge Henry Wingate, ruling in a federal case in the 1950s, felt that civil death was “the harshest civil sanction imposed by civil society. When brought beneath the axe, the disenfranchised is severed from the body politic and condemned to the lowest form of citizenship” (Hull 2006, 5). Despite liberalizing attitudes toward prisoners in the 1950s and 1960s, the return to “law and order” policies returned.

As a result, today “The US prison population continues to rise despite the significant decrease in crime rates” (Mayba 2015). In response to the recent reformers who would do away

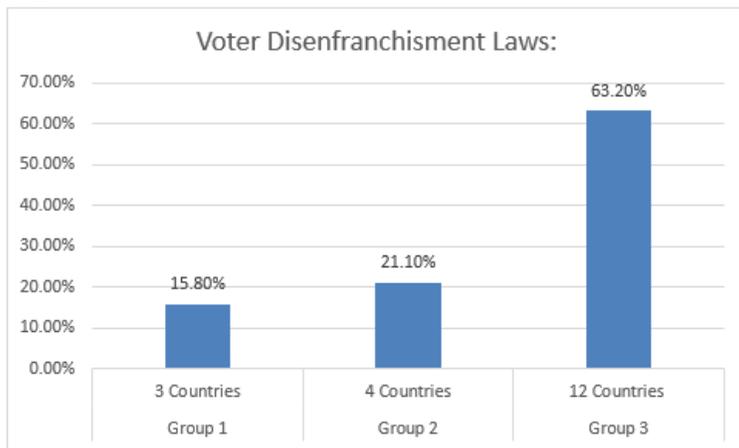
with felony disenfranchisement, Alabama Senator Jeff Sessions, a Republican, argued that to do so would go against America's democratic origins. He pointed to the presence of such a policy since the founding of the United States (Manza and Uggen 2008).

What Other Democracies Are Doing

Despite the origins of civil death being connected to Greek, Roman, and English civilization, the United States is considered unique among democracies for taking the vote away from ex-felons (Chiricos et al. 2012). Other democratic countries find America's felony disenfranchisement to be unfair and too harsh a penalty (Hull 2006, 9; Heath 2017). Some other democratic countries even allow the incarcerated to vote (Paikowsky 2019).

In a survey of nearly 20 democracies (BBC 2012), three countries (Australia, New Zealand, Taiwan) strictly enforce disenfranchisement laws, coming to 15.8 percent. There were four countries (U.K. Italy, France Netherlands) that have partial voting disenfranchisement (21.1 percent of the total), and twelve countries (Ireland, Germany, Croatia, Czech Republic, Denmark, Finland, Latvia, Lithuania, Montenegro, Spain, Switzerland, Canada) that enforce no voting disenfranchisement, or 63.2 percent of our survey (Figure 1).

Figure 1.



Theories and Hypotheses

Crime Factors

The first set of potential independent variables that could impact whether states adopt civil death for ex-felons are crime-based. The general argument here is that this is a law enforcement issue, and thus has more to do with stopping crime or serving as a powerful deterrent to bad behavior. The sheer volume of felons in a state could influence how its citizens feel about them. The number affected is quite staggering. "To grasp how many 'fellow citizens' are unable to vote because of a felony conviction, imagine this. If all of them congregated in a single geographical area, it would become the nation's second largest city, right behind New York. It would be larger than Los Angeles or Chicago. If those deprived of their suffrage

lived in a single state, it would be the country's twenty-sixth most populous—right after Kentucky, right before South Carolina" (Hull 2006, 1).

Such a large number of ex-felons in general would be enough to scare people in a state. The prospects of these numbers of former felons voting might induce voters to support measures to take away their right to vote, hoping that the threat of such a sanction might induce better behavior among the members of the community. In a Hill-HarrisX poll, Sheffield (2019) claims that most respondents in polls are opposed to having criminals vote, though Holtfreter et al. (2008) finds that different attitudes toward criminals depend upon the type of arrest.

But not all who view the felony disenfranchisement issue from a crime-based perspective favor taking those rights away. Gerber et al. (2017) find that those affected by the criminal justice system have a decrease in trust in the government. That's why Shineman (2018) claims that one of the benefits of Virginia restoring voting rights could be restoring that trust in ex-felons, as well as possibly lowering the crime rate.ⁱⁱ In their focus on the Vermont case, White and Nguyen (2019) note that the state, which allows prisoners to vote from jail, has a low crime rate, and a small prison population as well.

One of the reasons given for this potential connection between a lower crime rate and rehabilitative efforts is the attempt to reduce recidivism, or repeat offenses. Van Den Haag (1982) takes a cynical view of such a connection, claiming that "although recidivists, including career criminals, undoubtedly commit a disproportionate number of many crimes, they do not commit most crimes in most categories... Total rehabilitation would make only a modest dent in the crime rate." But Kirby (2009) contends that rehabilitation helps not only the criminal but also the quality of the community. And Frazier (2011) finds in Florida that the recidivism rate for ex-felons who did not get their voting rights back was 33%. That percentage of repeat offenders fell to 11% among those who had their voting rights restored (Frazier 2011).

Another law enforcement subject connected to civil death is the potential for voting fraud. Kiefer (2019) claims that voting fraud, in fact, is used as a threat to take away political rights for former felons. DeLoretto-Chudy (2018) states that most ex-felons fear voting because they think that their rights have been taken away and that voting would be considered illegal and another felony on their record.

Other factors are linked to law enforcement explanations for curtailing voting rights. Miller and Spillane (2012) find that criminal background checks are conducted when someone wants to reestablish their voting rights. Purnell (2013) focuses on the impact of ex-felon disenfranchisement and the conduct of criminal background checks on subjects such as housing.

Even political corruption has its connection to the democratic process. Part of this is the link between corruption and crime (Ferguson 2012, 24; Interpol 2019; UNODC 2019). Kostadinova (2009) finds that the perception of corruption is enough to erode faith in participation in the political process. Though most of her cases are beyond U.S. borders, Berry (2016) reveals that there is criminality in the absentee voting process, as gatherers collude with local election officials, something that affected a North Carolina congressional race in 2018 (Caldwell and Gardella 2018).

Political Factors

A second set of factors contends that felony disenfranchisement is not about crime, but rather about politics. Here, politicians have used civil death for an electoral advantage, for ideological purposes, to depress turnout for rivals, and maybe even to appeal to voters based on religion. There is less of an emphasis on rehabilitation, recidivism, or even retaliation against a person for committing a serious crime. It's about winning contests at the ballot box.

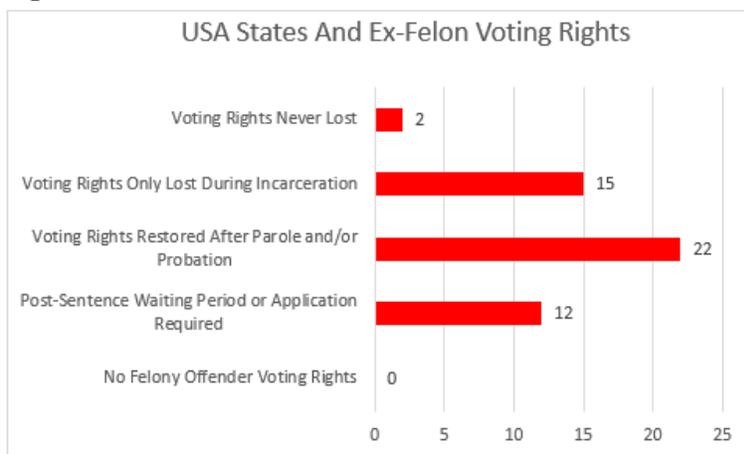
On December 20, 2019, the Associated Press broke the story that Trump reelection adviser Justin Clark admitted that voter suppression was a Republican tactic (Bauer 2019). "Traditionally, it's always been Republicans suppressing votes in place," Trump's adviser stated. The recording of Clark speaking at the Republican National Lawyers Association's Wisconsin chapter, in front of many leading members of the state's GOP, was obtained by a liberal group (Bauer 2019).

Just as the GOP has wrapped itself in keeping people away from the ballot box, Democrats have awoken to ending civil death. Vermont Senator Bernie Sanders has aggressively targeted felon disenfranchisement in his 2020 campaign (Sheffield 2019). It's not hard to see why. An examination of the Florida election shows that had the state voters passed Amendment 4 in 2016, Democratic Party Senator Bill Nelson would have won reelection in 2018 instead of suffering a loss by the narrowest of margins (Grant 2019). The party's nominee for governor, Andrew Gillum, might have even been Florida's first African-American governor (Grant 2019).

Such arguments aren't limited to the era of Trump. As Manza and Uggen (2008) contend, felony disenfranchisement helped elect GOP candidate George W. Bush in 2000. Democratic state legislator Daryl Jones told the story of Republican lawmakers changing the policy of having those guilty of cashing two welfare checks illegally moved from 365 to 366 days, so it could be considered a felony by state law, taking the vote away from even more voters (Hull 2006, 6). And Ghosh and Rockey (2019) reveal that more African Americans would be elected to the House of Representatives if felony disenfranchisement were ended.

The issue is more than just a battle of political parties. It's got an ideological component as well. Poama and Theuns (2019) point out that "expressive disenfranchisement" has been employed, an argument that feels that felony

Figure 2.



disenfranchisement is justified because it is the will of the voters, expressed in democratic fashion. And the Heritage Foundation argues that felony disenfranchisement "hurts blacks" because ex-felons may vote against stronger law enforcement that would protect the community (Hull 2006, 28). And many states that adopt such laws are Southern states (Uggen et al. 2003; Webster, 2007; Bryant and de la Cruz 2016), which tend to be more conservative. And Ghosh and Rockey (2019) contend that more relaxed felony disenfranchisement can also lead to more state policy liberalism.

But perhaps the issue isn't painted in partisan or ideological colors. Zeitlin (2018) claims that ex-felons don't always necessarily vote for one political party; even though African-Americans make up a disproportionate number of former felons, whites make up the biggest bloc of this group. And Mayba (2015, 54) points out that while the "tough on crime" movement was bipartisan, the criminal justice reform movement has also been bipartisan (Mayba 2015, 68).

Hull (2006) also finds that liberal and conservative states have reestablished voting rights. And Beauchamp (2013) reveals that although Southern states are more likely to target African-Americans, this may be changing, as Alabama passed House Bill 282 to reform which crimes are listed as felonies, leading to the reenfranchisement of many ex-felons previously barred from voting (Beauchamp 2013). Beauchamp (2013) speculates that Georgia might be next, and with the State Senate Study Committee meeting to examine restoring voting rights to nonviolent felony offenders, he may be right.

Research Design

The Dependent Variable: Felony Disenfranchisement Data

To determine which states deprive ex-felons of the right to vote, we gathered data from the National Conference on State Legislatures (2018). We discovered that two states (Maine and Vermont) allow even felons to vote in prison. NCSL data (2018) also reveals that another 15 states allow former felons to vote immediately upon release. Another 22

states allow felons to vote only after parole and/or probation. The remaining states require parole, a probationary period (often the duration of the original sentence, not the reduced time served), and a special application to a higher institution, one that seems rarely likely to succeed (Figure 2).

Independent Variables

Measuring Crime-Based Factors

For this data on felons as a percentage of each state, we gathered our cases from the Sentencing Project (2019). Our categories for this variable are as such: 0-1.99%, 2-3.99%, 4-5.99%, 6-7.99%, 8-9.99% and 10%+. Our crime rate data come from the FBI's data (2018) on state crime rates. We compare the states located in the top half of 2018 state crime rates with those making up the bottom half, i.e., those with lower crime rates.

The data on recidivism was retrieved from Prison Policy Initiative's 2018-2019 annual report (2019). Data was available for only 34 states, thanks to missing data and inconsistent reporting for the most contemporary cases. We compared the top half of states for recidivism to the bottom-half of states for repeat offenders. Data on voter fraud came from the Heritage Foundation's (2018) list of cases per state. We divided the cases by the population, comparing the states in the top 25 for voting fraud to those bottom 25 states for voting fraud episodes.

Data on state corruption came from Enten (2015). He ranks the states from 1-50 on the number of public officials convicted of corruption, with 1 being the most corrupt and 50 being the least corrupt, and similarly ranks states on a corruption per capita basis. Enten's (2015) data also rank states from 1-50 based upon the "State Integrity Investigation" site, which rated each state's anti-corruption laws with journalist rankings. A similar measure of reporter assessments covers how well such laws are enforced.

Our information on background checks by state came from Scott (2019). The Federal Fair Credit Reporting Act (FCRA) may require background checks, but as Scott writes, "According to the FCRA, felony convictions can be reported on background checks for seven years after being released from prison.... However, several states have legislated restrictions for how long in the past background check information can be referenced and recorded into background check final reports. No criminal convictions older than seven years can be looked at." We compare these states that have limited background checks to those that follow the longer FCRA background checks.

Measuring Politics-Based Factors

For political factors, we look at how the states voted in the 2016 election, with data on Trump's voter percentage coming from CNN (2016). We look at the top 50% of states that voted for the Republican candidate in 2016, and we

compare them to bottom 50% of states that gave Trump the least support in their vote percentage.

In studying how states voted over the last five elections, we looked at the U.S. Election Project (McDonald 2019). We compared states that voted for Republicans all five times to those that voted for the Democratic Party all five times and to a middle category for those states that split their votes in the Electoral College.

A state's ideology comes from the Gallup Polling (2018). We compare states where the modal category in ideology is conservative, states where the most responses were "moderate," as well as states which have "liberal" as the category with the most responses.

Information on voting barriers has been made available by the Brennan Center (2018). States that passed voting restrictions from 2010 to 2018 are compared with states that did not. We found data on the cases of state voter turnout at the United States Elections Project (McDonald 2019) and Ballotpedia (2019). States in the top half of voting turnout in 2018 are compared to those with lower voting percentages in a binary measure.

Data on religious beliefs per state come from the Pew Research Center (Lipka and Wormald 2016). As with several other measures, we look at differences among the states, comparing the most religious (top 50% of states) to the least religious (bottom 50% of states). Data on race and ethnicity came from the U.S. Census Bureau (2018), which is the total population minus the non-Latino white population, with all states above the median scoring a one and those below receiving a zero.

Statistical Findings

Crime-Based Factors

State Percentage of Felons:

The results of a χ^2 test (Table 1) reveal that the percentage of felons in a state is related to whether or not ex-felons are granted voting rights. States with felons that make up less than two percent of the population are more likely than expected to let them vote in prison or immediately upon release and are less likely than expected to make the former felon have to go through parole, probation, and extra restoration, (if such rights are granted at all). The more felons there are in the state, the more restrictive ex-felon voting rights get. The findings are statistically significant at the .05 level.

Crime Rate:

Our χ^2 test on ex-felon voting rights and a state's crime rate also show a degree of association (Table 2). For those who feel that restricting a former felon's voting rights will somehow reduce crime will be surprised to learn that the opposite result occurs. States that re-enfranchise ex-felons are more likely than expected to have a below-average crime rate.

Table 1.

FelonsByState * FelonVoteBinary Crosstabulation

FelonsByState		Count	FelonVoteBinary		Total
			Can Vote in Prison or After It	Can Vote in Probation/Parole or Restoration	
0%-1.99%	Count		17	16	33
	Expected Count		22.4	10.6	33.0
2%-3.99%	Count		8	0	8
	Expected Count		5.4	2.6	8.0
4%-5.99%	Count		2	0	2
	Expected Count		1.4	.6	2.0
6%-7.99%	Count		5	0	5
	Expected Count		3.4	1.6	5.0
8%-9.99%	Count		1	0	1
	Expected Count		.7	.3	1.0
10%+	Count		1	0	1
	Expected Count		.7	.3	1.0
Total	Count		34	16	50
	Expected Count		34.0	16.0	50.0

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	12.121 ^a	5	.033
Likelihood Ratio	16.970	5	.005
Linear-by-Linear Association	7.856	1	.005
N of Valid Cases	50		

a. 9 cells (75.0%) have expected count less than 5. The minimum expected count is .32.

Table 2.

BinaryCrimeRate * FelonVoteBinary Crosstabulation

BinaryCrimeRate		Count	FelonVoteBinary		Total
			Can Vote in Prison or After It	Can Vote in Probation/Parole or Restoration	
Below Average Crime Rate	Count		13	13	26
	Expected Count		17.3	8.7	26.0
Above Average Crime Rate	Count		21	4	25
	Expected Count		16.7	8.3	25.0
Total	Count		34	17	51
	Expected Count		34.0	17.0	51.0

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	6.630 ^a	1	.010		
Continuity Correction ^b	5.188	1	.023		
Likelihood Ratio	6.897	1	.009		
Fisher's Exact Test				.017	.011
Linear-by-Linear Association	6.500	1	.011		
N of Valid Cases	51				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 8.33.

b. Computed only for a 2x2 table

Those states that make it harder for felons to vote upon release from prison are more likely, on average, to have a higher crime rate. The results are statistically significant at the .05 rate.

Other Crime-Based Factors:

None of the other crime-based factors we examined displayed a statistically significant result. Variables for voting barriers, background checks, and corruption differed little in their observations from the expected models. Places that are tougher on ex-felons getting the vote back had slightly lower recidivism rates on average, though the results were statistically insignificant (even at the .10 level), and data was available for only two-thirds of all states. States with a below average number of vote fraud cases per capita were more likely to reestablish voting rights for ex-felons, but the chi-square statistic just missed statistical significance at the .10 level.

Politics-Based Factors

Trump Vote:

Among the states in the top half of those that gave their votes for Donald Trump, there is a connection to a state's policy toward civil death. In particular, states that had more Trump voters were more likely to have punitive sanctions against ex-felons in the form of taking away their vote, or making it harder to get the vote back. States that had fewer

votes for Trump were more likely to return those right to ex-felons. The results of the chi-square statistic were statistically significant at the .01 level (Table 3).

Voting Patterns over the Last Five Elections:

The trend linking Republicans to tougher sanctions against ex-felons has persisted for years, according to these findings. Red states (who voted for the GOP over the last five elections) were more likely than expected to restrict the return of voting rights, while blue states (who voted for the Democratic Party in the last five elections) were more likely to get those rights back to those who have served their time in prison for a felony. The results were statistically significant at the .05 (Table 4).

State Ideology:

The political trends of restricting or restoring voting rights go beyond political party support and extend to ideology. In particular, we observed that conservative states were far more likely than expected to make it harder for ex-felons to vote again, while states with more liberal citizens were more likely to allow prison voting or immediate post-prison voting. The chi-square statistic of 6.252 is also statistically significant at the .05 level (Table 5).

Table 3.

BinaryTrumpVote * FelonVoteBinary Crosstabulation

		FelonVoteBinary		Total	
		Has to Serve Probation or Parole, And Some Post-Probation/Parole Restoration	Can Vote in Prison or After It		
BinaryTrumpVote	Below Average Trump Vote	Count	13	13	26
	Expected Count	17.3	8.7	26.0	
	Above Average Trump Vote	Count	21	4	25
	Expected Count	16.7	8.3	25.0	
Total	Count	34	17	51	
	Expected Count	34.0	17.0	51.0	

Table 4.

VotingPatterns5 * FelonVoteBinary Crosstabulation

		FelonVoteBinary		Total	
		Has to Serve Probation or Parole, And Some Post-Probation/Parole Restoration	Can Vote in Prison or After It		
VotingPatterns5	Blue State: Voted Dem All 5 Elections	Count	7	9	16
	Expected Count	10.7	5.3	16.0	
	Purple State (Mixed In Last 5 Elections)	Count	8	5	13
	Expected Count	8.7	4.3	13.0	
	Red State: Voted GOP All 5 Elections	Count	19	3	22
	Expected Count	14.7	7.3	22.0	
Total	Count	34	17	51	
	Expected Count	34.0	17.0	51.0	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	6.630 ^a	1	.010		
Continuity Correction ^b	5.188	1	.023		
Likelihood Ratio	6.897	1	.009		
Fisher's Exact Test				.017	.011
Linear-by-Linear Association	6.500	1	.011		
N of Valid Cases	51				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 8.33.
b. Computed only for a 2x2 table

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	7.776 ^a	2	.020
Likelihood Ratio	8.146	2	.017
Linear-by-Linear Association	7.571	1	.006
N of Valid Cases	51		

a. 1 cells (16.7%) have expected count less than 5. The minimum expected count is 4.33.

State Religious Percentage

These trends of Republicans and conservatives favoring tougher policies toward felons, even after prison, persist for people who consider themselves religious. States that are in the top half of states for percentage of residents who are religious are more likely to make former felons jump through a lot of hoops before restoring voting rights, if at all. It is another story for those states where fewer folks declare themselves to be religious; these states seem to favor more redemptive policies to ex-felons, keeping or quickly restoring the right to vote. The findings are statistically significant at the .05 level (Table 6).

State Minority Percentage

When it comes to felony disenfranchisement, no factor is more controversial than the subject of race. Critics of civil death contend that minorities in general, and blacks in particular, have been disproportionately targeted by policies that hit ex-felons with a loss of voting rights. Supporters point out that whites still make up the largest faction, and criminals are not being picked on because of their race.

Our results (Table 7) show that in fact, states with a higher percentage of minorities are in fact more likely to keep ex-felons away from the ballot box than an expected model would project. Those states with a below-median percentage of minorities are actually more likely to allow ex-felons to vote in prison or immediately upon release. The chi-square

statistic from this measure is significant at the .05 level. (Actually, it is closer to .01.)

Other Politics-Based Factors:

Though most political-based factors influence where voting rights are restored for former felons, that was not the case for either voting turnout measure, both for the 2018 mid-term election voting rates as well as for additional voting barriers. Neither measure had observations that significantly differed from expectations.

Conclusion

One might suspect that a law enforcement solution might be driven by a crime problem. Depriving an ex-felon of the vote would be conducted as a means of keeping the peace. As philosophers from Aristotle to Hobbes and Locke have reasoned, a serious crime would be a breach of the social contract and would require what an American judge would consider the most severe of sanctions. But the civil death penalty does not seem to have lowered crime rates; in fact, states that are quick to restore voting rights to former felons

Table 5. ConservativeStateLevel * FelonVoteBinary Crosstabulation

		FelonVoteBinary			
		Felon Offender			
		Has to Serve			
		Probation or Parole, And			
		Some Post-Probation/Parole			
		Restoration	Can Vote in		Total
			Prison or After It		
ConservativeStateLevel	Liberal State	Count	7	7	14
		Expected Count	9.5	4.5	14.0
	Moderate State	Count	8	6	14
		Expected Count	9.5	4.5	14.0
	Conservative State	Count	19	3	22
		Expected Count	15.0	7.0	22.0
Total		Count	34	16	50
		Expected Count	34.0	16.0	50.0

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	6.252 ^a	2	.044
Likelihood Ratio	6.632	2	.036
Linear-by-Linear Association	5.582	1	.018
N of Valid Cases	50		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 4.48.

Table 7. BinaryMinorityPct * FelonVoteBinary Crosstabulation

		FelonVoteBinary			
		Felon Offender			
		Has to Serve			
		Probation or Parole, And			
		Some Post-Probation/Parole			
		Restoration	Can Vote in		Total
			Prison or After It		
BinaryMinorityPct	Below Median Minority Pct	Count	13	12	25
		Expected Count	17.0	8.0	25.0
	Above Median Minority Pct	Count	21	4	25
		Expected Count	17.0	8.0	25.0
Total		Count	34	16	50
		Expected Count	34.0	16.0	50.0

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	5.882 ^a	1	.015		
Continuity Correction ^b	4.504	1	.034		
Likelihood Ratio	6.086	1	.014		
Fisher's Exact Test				.032	.016
Linear-by-Linear Association	5.765	1	.016		
N of Valid Cases	50				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 8.00.
b. Computed only for a 2x2 table

Table 6. BinaryReligious * FelonVoteBinary Crosstabulation

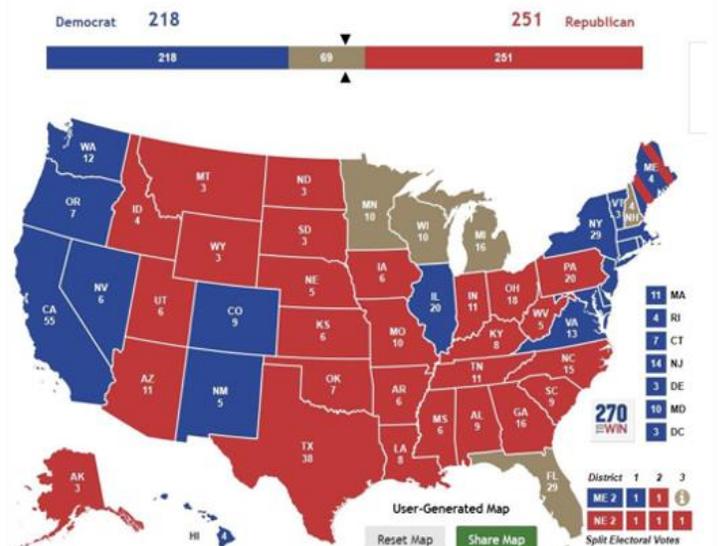
		FelonVoteBinary			
		Felon Offender			
		Has to Serve			
		Probation or Parole, And			
		Some Post-Probation/Parole			
		Restoration	Can Vote in		Total
			Prison or After It		
BinaryReligious	Below Average Religious	Count	16	14	30
		Expected Count	20.0	10.0	30.0
	Above Average Religious	Count	18	3	21
		Expected Count	14.0	7.0	21.0
Total		Count	34	17	51
		Expected Count	34.0	17.0	51.0

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	5.829 ^a	1	.016		
Continuity Correction ^b	4.462	1	.035		
Likelihood Ratio	6.244	1	.012		
Fisher's Exact Test				.019	.016
Linear-by-Linear Association	5.714	1	.017		
N of Valid Cases	51				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 7.00.
b. Computed only for a 2x2 table

Figure 3.



have a smaller percentage of felons and lower crime rates. Punitive sanctions against one's vote after a severe crime does not seem to have led to lower voting fraud or corruption, and even the findings on recidivism are mixed at best.

However, we have seen that voter disenfranchisement has been a political tool. And taking the right to vote away from ex-felons is strongly supported by states that (a) gave more votes to Donald Trump, (b) consistently vote for GOP candidates, and (c) have a conservative ideology. Moreover,

we have found that states with a higher percentage of those who identify themselves as religious are more likely to support punitive measures against former felons than embrace the redemptive side of their belief system in a higher power that ironically offers both justice and mercy. These factors to determine disenfranchisement were stronger than even voting turnout and the presence or absence of other voting barriers.

The rationale becomes quite clear when we look at the results of the 2016 election. Critics may claim that there are

few ex-felon voters, and their numbers wouldn't be enough to make a difference. But our research shows that the percentage of felons in each state could have changed the voting outcomes of Minnesota, Wisconsin, Michigan, Florida, and New Hampshire (Politico 2019). Putting these states in play (and their 69 Electoral College votes) would have reduced Donald Trump's lead over Hillary Clinton to 251-218, putting the entire election "in play" based upon how those ex-felons voted (270toWin.com 2019; Figure 3). And if they had strongly voted for the Democratic Party, then it would have altered the outcome of the 2016 election.

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ⁱ Only the harshest of penalties ("corruption of the blood") were kept, and for matters involving high treason (Hull 2016, 17).

ⁱⁱ Such progressive views as part of rehabilitation could not only depress the crime rate, but also save the taxpayers money (Dawson-Edwards 2008). Scholars have claimed that lower crime rates can help not only potential victims, but taxpayers as well (Cocklin 1977).