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**THE VANISHING BLACK ELECTORATE:
FELONY DISENFRANCHISEMENT IN ATLANTA, GEORGIA**

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INTRODUCTION

In recent years, increasing attention has been directed to the policy of disenfranchising persons with a felony conviction, due in large part to a growing body of literature documenting the prevalence of disenfranchisement nationally and its particularly corrosive impact on citizenship and democratic rights in the African American community. The profile of the issue was raised significantly following the 2000 election, culminating in George W. Bush winning by a margin of 537 votes in Florida.¹ With research indicating that hundreds of thousands of persons in Florida were disenfranchised due to a prior felony conviction, as well as accusations of widespread fraud in the purging of additional eligible voters, the impact of disenfranchisement on voting and elections became clear to the American public.

Recent research suggests that prohibiting persons from voting due to a felony conviction has significance at the community level as well, particularly in areas of high concentration of disenfranchisement.² For persons in areas of high disenfranchisement, the dilution of a community's political voice is of particular concern when a large proportion of voting-age adults is prohibited from voting. Further, voting is a social and cultural activity, fostered through political awareness, discussion, and participation in a community. For persons living in communities of concentrated disenfranchisement, there is a reduced probability that such a political culture will emerge; rather, the risk of alienation from electoral politics due to ambiguity about registration and voting eligibility is increasingly likely.

Moreover, there are potential public safety costs to be considered, as persons struggling to transition back into the community from prison face a policy that prohibits their participation in an activity that reaffirms one's commitment to American political institutions. Instead, disenfranchisement questions a person's degree of citizenship and level of responsibility, and casts doubt on one's role in a participatory democracy.

¹ See Merzer, M. & Staff of the Miami Herald. (2001). *The Miami Herald Report: Democracy Held Hostage*. New York: St. Martin's Press; and Palast, G. (2003). *The Best Democracy Money Can Buy*. New York: Plume.

² Parkes, D. (2003). "Ballot Boxes Behind Bars: Toward Repeal of Prisoner Disenfranchisement Laws," *Temple Political & Civil Rights Law Review*, 13, Fall, 71-111.

THE EXPANDING CRIMINAL JUSTICE SYSTEM AND FELONY DISENFRANCHISEMENT

Examining the rapid acceleration of growth in the nation's correctional systems demonstrates why the policy of felony disenfranchisement has taken on such dimensions, and why its future impact, particularly in communities of color, is likely to be even more significant. Disenfranchisement laws are controlled at the state level, with each state determining which categories of felons are prohibited from voting. In 48 states and the District of Columbia, all incarcerated persons are ineligible to vote. In addition, 35 states prohibit parolees from voting, 31 states do not allow felony probationers to vote, and in 14 states, a felony conviction can lead to the loss of voting rights for life.³

In 1980, 1.8 million Americans were under some form of correctional supervision. That figure nearly quadrupled to 6.9 million in 2003, or 1 of every 32 adults. The implications for disenfranchisement are obvious. As of 2000, an estimated 4.7 million Americans were disenfranchised due to a current or past felony conviction; as the size of the correctional population continues to grow, this number will increase as well.⁴

The racially disparate impact of criminal justice policies results in exceptionally severe consequences for minority communities, including high rates of disenfranchisement. With nearly 10% of adult African Americans in the correctional system, the potential ramifications for political voice are obvious. Moreover, projections indicate that nearly one in five African Americans born today, and one in three black males, can expect to spend time in prison during their lifetime. This ratio understates the probability of an African American receiving a felony conviction, and subsequent disenfranchisement, during his or her lifetime since persons sentenced to felony probation are not included. As interaction with the correctional system approaches near inevitability in some communities, it is of increasing importance that we understand the multitude of ways in which the criminal justice system influences neighborhoods.

³ Seven of these states permanently disenfranchise all persons convicted of a felony and seven permanently disenfranchise some persons based on category of offense, criminal history, or when the offense occurred. For a current list of categories of felons disenfranchised under state law, see Appendix B.

⁴ Uggen, C. & Manza, J. (2002). "Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States," *American Sociological Review*, Vol. 67, December, 777-803.

THE LOCALIZED IMPACT OF FELONY DISENFRANCHISEMENT

In recent years there have been two major studies providing estimates of the number of persons disenfranchised in each state.⁵ This state-level analysis has been critical in establishing an understanding of the prevalence of disenfranchisement and has provided the empirical data necessary for a contemporary reevaluation of the policy. However, previous research does not permit a consideration of the impact of these policies in two key ways:

- 1) There is a need to assess the effects of disenfranchisement at the local level, particularly in communities acutely affected by incarceration. The state estimates, due to their level of aggregation, are not able to identify and measure these intra-state regional variations, thereby potentially obscuring significant concentrations of disenfranchisement in communities most seriously impacted by the criminal justice system.
- 2) Previous research has not examined the effect of disenfranchisement on actual registration rates, to assess the contribution of disenfranchisement to overall disparities in voter registration among different demographic groups.

This report examines these dynamics in the city of Atlanta and state of Georgia. The key findings are as follows:

- One of every eight (12.6%) black males in Georgia is disenfranchised as a result of a felony conviction. In Atlanta, the rate is one in seven (14%).
- Black male registration rates in Atlanta and Georgia are disproportionately affected by disenfranchisement policies. Half (49%) of the registration gap between black males and non-black males in the state of Georgia is a function of disenfranchisement; in Atlanta, more than two-thirds (69%) of the gap is accounted for by this practice.
- Nearly one-third (29.9%) of unregistered black males in Atlanta are legally ineligible to vote due to felony disenfranchisement.
- Black males in Atlanta are 11 times more likely than non-black males to be disenfranchised. In 11 neighborhoods in Atlanta, more than 10% of black males are disenfranchised.
- One-third of black male disenfranchisement in Georgia is a result of a felony conviction for a drug offense.

⁵ Uggen & Manza, *ibid.*; Fellner, J. & Mauer, M. (1998). *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*. Washington, DC: Human Rights Watch and The Sentencing Project.

DISENFRANCHISEMENT IN ATLANTA AND GEORGIA

The city of Atlanta was selected as the site of this study because the state of Georgia maintains one of the most sophisticated databases of persons under correctional supervision. The Inmate Research File obtained from the Office of Planning and Analysis, Georgia Department of Corrections, contains detailed information on each individual in prison or on parole in the state of Georgia, including information on residence (either current or last reported at time of arrest). In addition, a separate datafile was obtained from the Department of Corrections, which contains similar data for all persons currently serving probation.

The state of Georgia lies in the mid-range of states nationally in terms of the restrictiveness of its disenfranchisement policy. Persons serving a felony sentence in prison or on probation or parole are prohibited from voting, but these rights are restored after the completion of one's sentence. Georgia is one of 17 states with such a disenfranchisement scheme. There are 14 states that are more restrictive through disenfranchising persons after completion of their sentence, and 19 states and the District of Columbia that are less restrictive through not removing voting rights for varying categories of prison, probation, or parole (see Appendix B).

Overall Disenfranchisement Rates

Table 1 shows disenfranchisement rates for the state of Georgia and the city of Atlanta as of September 2003:

- Of the 6 million Georgians of voting age, 3.3% are disenfranchised, a rate 43% higher than the national mean of 2.3%.
- In Atlanta, 5% of the voting age population is disenfranchised.

These figures, which include both genders and all races, understate the effect of disenfranchisement in certain communities due to the concentrated impact of the correctional system. This is likely to be significant for African American men, who represent 45% of the prison population nationally, while only comprising 6% of the general population.⁶

To quantify the impact on the communities most likely to be affected by disenfranchisement policies, we divide these populations into black males and non-black males.⁷ As illustrated in Table 1, we see the following:

⁶ Corrections figures from Harrison, P.M. & Beck, A.J. (2003). *Prisoners in 2002*. Washington, DC: Bureau of Justice Statistics. NCJ 200248; Population figures from McKinnon, J. (2003). *The Black Population in the United States: 2002*. Washington, DC: U.S. Census Bureau.

⁷ "non-black males" includes black females. While black females, Latinos, and other populations may be disproportionately affected by disenfranchisement, we analyze the impact on black males here due to their disproportionate rate of representation under correctional supervision and because data on ethnicity is often less reliable than race.

- For African American men, the state rate of disenfranchisement is 12.6% of the voting age population, or one of every eight adult men. This figure is nearly four times the state average and more than six times the rate for non-black males.
- For the city of Atlanta, the rate is 14%, or one of seven adult black men; this rate is nearly eight times as great as for all others in the city.

Table 1-Felony Disenfranchisement in Georgia and Atlanta

Race & Gender	Voting Age Population	# Disenfranchised	% Disenfranchised
GEORGIA			
Total	6,086,646	199,972	3.3
Non Black Males	5,342,052	105,820	2
Black Males	744,594	94,152	12.6
ATLANTA			
Total	323,470	16,061	5
Non Black Males	240,209	4,372	1.8
Black Males	83,261	11,689	14

Impact on Voter Registration

We next explore the impact of these practices on voter registration. As seen in Table 2, registration rates for black males are considerably lower than for non-black males. For the state as a whole, 51.4% of black males are registered, compared to 64.1% for all other populations. In Atlanta, the difference is 53% versus 63.9%.

Table 2-Georgia and Atlanta Registration Rates

Race & Gender	Voting Age Population	# Registered	% Registered
GEORGIA			
Total	6,086,646	3,807,851	62.6
Non Black Males	5,342,052	3,424,860	64.1
Black Males	744,594	382,991	51.4
ATLANTA			
Total	323,470	197,585	61.1
Non Black Males	240,209	153,453	63.9
Black Males	83,261	44,132	53

These registration rates, though, are based on the *total* adult population in each group. However, since substantial numbers of people in Georgia are legally *ineligible* to vote due to felony disenfranchisement, it is more revealing to calculate registration rates based on the *eligible* adult population. Tables 3 and 4 provide the results of this analysis. By removing persons who are prohibited from voting from the voting age population count, the adjusted rate includes only *eligible* voters and provides a more precise reflection of

registration patterns. Table 4 summarizes both approaches as a means of illustrating the significance of disenfranchisement in altering the appearance of registration rates:

- The statewide gap in registration between black males and non-black males drops by half (from 12.7% to 6.5%) once ineligible voters have been removed from the equation.
- In Atlanta, the change is even more dramatic – more than two-thirds (69%) of the difference in registration rates (10.9% vs. 3.4%) can be explained by felony disenfranchisement.

Table 3-Georgia & Atlanta Registration and the Impact of Disenfranchisement⁸

Race & Gender	Voting Age Population	# Disenfranchised	# Eligible to Register	# Registered	% Registered (of all persons legally eligible)
<i>GEORGIA</i>					
Total	6,086,646	199,972	5,886,674	3,807,851	68.1
Non Black Males	5,342,052	105,820	5,236,232	3,424,860	65.4
Black Males	744,594	94,152	650,442	382,991	58.9
<i>ATLANTA</i>					
Total	323,470	16,061	307,409	197,585	64.3
Non Black Males	240,209	4,372	235,837	153,453	65.1
Black Males	83,261	11,689	71,572	44,132	61.7

Table 4-Adjusted Registration Rates Accounting for Eligibility

Registration	Non Black Males	Black Males	Difference
<i>GEORGIA</i>			
Registration Rate	64.1	51.4	12.7
Eligible Registration Rate	65.4	58.9	6.5
<i>ATLANTA</i>			
Registration Rate	63.9	53	10.9
Eligible Registration Rate	65.1	61.7	3.4

⁸ Voter registration data from Georgia Secretary of State's office; voting age population data from Census Population Projection State Files 2001-2005, datafile GA0105.ASC.

Table 5 presents another means of measuring the magnitude of suppressed registration attributable to disenfranchisement:

- In Georgia, one of every 18 (5.5%) unregistered non-black male voters is ineligible to vote due to a felony conviction. However, for black males, one of every four (26%) unregistered voters has a felony conviction.
- In Atlanta, the disparities are even greater. Nearly one in three (29.9%) unregistered black males is disenfranchised compared to one in 20 (5%) non-black males.

Table 5-Voter Registration and the Impact of Disenfranchisement

Race & Gender	# Unregistered	# Disenfranchised	% Unregistered due to Felony Conviction
GEORGIA			
Total	2,278,795	199,972	8.8
Non Black Males	1,917,192	105,820	5.5
Black Males	361,603	94,152	26
ATLANTA			
Total	125,885	16,061	12.8
Non Black Males	86,756	4,372	5
Black Males	39,129	11,689	29.9

Impact on Voter Turnout

The impact of these disenfranchisement rates can be seen in national surveys of voter turnout. As seen below, the rate at which black males voted in the 2000 election was more than five percentage points below that of white males and also significantly lower than that of black and white females. While our analysis of registration rates only applies to Georgia, it is likely that similar impacts would be found nationally, thereby contributing to the lower voter turnout of black males generally.

Table 6-Voter Participation in 2000 Election⁹

	Male	Female
Black	45.9	52.3
White	51.3	54.1

⁹ Tierney, J. (2004, July 18). Political Points. *The New York Times*, Section 1, p. 23.

DRUG POLICIES AND DISENFRANCHISEMENT

While Georgia's disenfranchisement policies, as in other states, apply to persons convicted of a felony, the role of drug offenses in this regard is particularly significant. This is due both to the sheer scale of drug prosecutions and to the choice of methods adopted by which to respond to drug abuse issues.

As seen below, an estimated 30.8% of all persons under correctional supervision in Georgia have been convicted of a drug offense as their most serious charge.¹⁰ For black males, this figure is over 31,000, representing 33.3% of all offenses for which black males are currently under correctional supervision. Thus, one-third of current black male disenfranchisement in the state is a direct result of drug law enforcement.

Table 7-Drug Offenders Under Correctional Supervision

	Drug Offense	Non-Drug Offense
Non-Black Males	30,153 (28.5%)	75,667 (71.5%)
Black Males	31,332 (33.3%)	62,820 (66.7%)
GEORGIA	61,485 (30.8%)	138,487 (69.2%)

Unlike many other offenses, drug law enforcement is highly discretionary. When persons have been victimized by theft, robbery, or assault, they generally report these crimes to police, which leads to an investigation and possible arrest. However, most drug offenses do not result in reports to police. Neither parties engaged in a drug transaction nor persons using drugs have any interest in reporting their behavior to police. Therefore, most drug arrests result from decisions made by political and law enforcement leaders to respond to drug offenses through use of the criminal justice system. For these reasons, criminologist Alfred Blumstein has noted that arrest rates for drug offenses are not likely to mirror use patterns in the general population, but rather are reflective of policy decisions because “non-whites are more vulnerable than whites to arrest for drugs” due to “a more dense police presence where blacks reside.”¹¹

The discretionary nature of this decision can be seen in two respects. First, a range of options, including investments in prevention and treatment, exist by which to deal with drug problems. How local officials balance resources between prevention and arrest has significant consequences both for dealing with drug abuse and for the growth of the criminal justice system. Second, to the extent that law enforcement is used to address drug problems, there is a range of decisions to be made. These include whether to target only high-level dealers or all users, whether to employ mandatory sentencing policies or to make greater use of drug courts, and other issues. The outcome of these decisions will affect, among other things, the number of persons who lose their right to vote.

¹⁰ Drug offender data obtained September 2003 from the Georgia Department of Corrections Office of Planning and Analysis (Inmate Research File and Probation Data File).

¹¹ Blumstein, A. (1993). “Racial Disproportionality of U.S. Prison Populations Revisited,” *University of Colorado Law Review*, Vol. 64, pp. 743-760. (p. 753).

NEIGHBORHOOD DISENFRANCHISEMENT IN ATLANTA

Just as we have seen variation in disenfranchisement rates for the state as a whole and for the city of Atlanta, so may we expect to see variation in these rates within Atlanta. The Atlanta metropolitan area is in the mid-range of large metropolitan areas in terms of residential segregation patterns.¹² In combination with the racial disproportionality of the Georgia correctional system, we would therefore expect to see an even more pronounced impact of disenfranchisement in Atlanta neighborhoods that are predominantly comprised of people of color.

As noted above, for our analysis we defined Atlanta neighborhoods¹³ by zip code.¹⁴ Atlanta has 105 separate zip codes, 42 of which are for standard residential or business use. The remaining 63 zip codes are defined as *unique* (e.g., a zip code reserved for a large entity such as an office park or building) or for post office box use only. For the purposes of this analysis, only the 20 standard zip codes that are geographically nested within all or a portion of the Atlanta city limits were included.¹⁵

There is a great degree of variation in the racial and economic make-up of the Atlanta neighborhoods in this analysis. Neighborhoods ranged from 1.8% non-Hispanic black to 97.8% non-Hispanic black and from 0.5% non-Hispanic white to 93.4% non-Hispanic white. Median household income ranged from \$13,084 to \$114,674 and the poverty rates for the sample neighborhoods were between 2.7% and 45%. These basic social indicators demonstrate that the 20 sample neighborhoods in this study are of diverse racial and economic backgrounds, and are reflective of the diversity of the city as a whole.

Table 8 shows the disenfranchisement rates for Atlanta by zip code. Of the 20 neighborhoods, 11 have more than 1% (or 1,000 per 100,000 persons) of the population currently in prison or on felony probation or parole. The third and fourth columns display the percentage of each neighborhood's population that is African American and the percentage living below the poverty line. A cursory examination of Table 8 indicates the appearance of a relationship between disenfranchisement rates, the density of the African American population, and percent living in poverty. The neighborhoods with the lowest disenfranchisement rates generally correspond with lower population density of

¹² Atlanta ranks 26th in overall segregation and 11th on the Census' Isolation Index. Iceland, John and Weinberg, Daniel H. *Racial and Ethnic Residential Segregation in the United States: 1980-2000*. August 2002. Washington, DC: U.S. Census Bureau.

¹³ Hereafter, all references to "neighborhood" are in reference to the zip code defined neighborhoods used in the analysis.

¹⁴ See Appendix A for an in depth discussion of the implications and assumptions inherent in using zip code as a proxy for neighborhood.

¹⁵ Although the United States Postal Service assigns 105 zip codes to Atlanta, only 13 nest entirely within the Atlanta city boundaries, while an additional seven overlap the border between Atlanta and neighboring jurisdictions. In order to estimate the proportion of each zip code that is contained in Atlanta, zip code and city correspondence data from *MABLE/Geocorr2K: Geographic Correspondence Engine* was employed. Additional information available online at mcdc2.missouri.edu/websas/geocorr2k.html

African Americans as well as a lower poverty rate. We will explore this association further by using correlations to test this relationship statistically.

**Table 8 - Disenfranchisement Rate (per 100,000) by Zip Code
Total Population**

Zip Code	Disenfranchisement Rate	Percent Black	Percent Poverty
30327	370	1.8	2.7
30305	525	3.9	7
30306	748	5.9	6.9
30328	824	10.8	5.9
30309	988	15.1	11.9
30324	1,194	10.4	10.8
30313	1,752	36.3	45
30307	2,045	24.7	11.9
30308	2,650	45.5	25.8
30342	2,887	7.3	8.2
30311	4,050	94.5	25.1
30312	4,296	68.5	38.1
30318	4,617	67.7	31.4
30331	5,149	94.6	19.1
30314	5,221	97.8	36.9
30315	5,868	77.3	41.2
30310	6,188	92.1	30
30354	6,781	69.6	26
30317	6,867	85.1	24.2
30316	11,580	79.6	21.8

Mean: 3,730 per 100,000

Table 9 illustrates the racial breakdown by zip code. It is readily apparent that black males experience the correctional system at a disproportionate frequency. Whereas 11 of the 20 neighborhoods have a disenfranchisement rate over 10,000 per 100,000 black males (10% or more), no neighborhoods have more than 4,000 per 100,000 non-black males (4%) disenfranchised. In one neighborhood (zip code 30316) more than a quarter (27.1%) of black males are disenfranchised. In another (zip code 30342) one of every five (20.8%) is ineligible to vote.

An analysis of the mean disenfranchisement rate for neighborhoods in Atlanta further illustrates the profound impact of this policy on African American men. While the overall mean disenfranchisement rate by neighborhood in Atlanta is 3,730 per 100,000 residents, and the rate for non-black males is 1,284 per 100,000, or approximately 1.3% of non-black males, for black males the mean neighborhood disenfranchisement rate is 11,870 per 100,000, or 11.9% of black males.

Table 9 - Disenfranchisement Rate (per 100,000) by Zip Code

Zip Code	Black Males Disenfranchisement Rate	Non Black Males Disenfranchisement Rate	Ratio – Black Males : Non Black Males
30314	9,808	1,502	6.5
30316	27,146	3,916	6.9
30310	12,172	1,728	7
30309	4,713	654	7.2
30311	8,459	1,124	7.5
30315	13,676	1,812	7.5
30317	14,830	1,950	7.6
30331	10,666	1,358	7.7
30354	18,738	2,258	8.3
30318	11,965	1,356	8.8
30342	20,780	2,244	9.3
30308	9,534	873	10.9
30312	12,829	1,170	11
30328	6,299	566	11.1
30324	8,844	781	11.3
30306	6,631	555	11.9
30327	4,244	325	13.1
30307	15,906	717	22.2
30313	10,851	438	24.8
30305	9,310	351	26.5
Mean:¹⁶	11,870 per 100,000	1,284 per 100,000	11.4

Examining the ratio of each neighborhood’s disenfranchisement rate for black males and non-black males, we find that the neighborhood with the smallest ratio still has a disenfranchisement rate for black males that is six times that of non-black males, and nearly half (9 of the 20 neighborhoods) have ratios in excess of ten. The mean neighborhood ratio is 11.4, indicating that black males are eleven times more likely to be disenfranchised than non-black males.

These results suggest, as expected considering the demographics of the correctional system, that the policy of felony disenfranchisement has a significantly disproportionate impact on communities of color, specifically African American males. Tables 1 through

¹⁶ In Table 1, black males in Atlanta are estimated to have a 14% disenfranchisement rate, while the average of the neighborhoods in Table 9 is closer to 12%. This discrepancy is due to the different levels of aggregation in the calculation. In Table 1, the number is citywide, while the figure in Table 9 is generated by taking the average of 20 separate neighborhoods. The mean in Table 9 counts each neighborhood equally, not taking into account that some neighborhoods have larger populations, and hence, a larger impact on the overall citywide rate.

9 appear to indicate that there is a relationship between race and disenfranchisement, but to truly establish an association, a statistical test of correlation is necessary. A correlation coefficient measures the strength and direction of the linear relationship between two variables.¹⁷ A Pearson's correlation is measured on a scale of -1 to +1, with zero indicating no correlation and -1 and +1 indicating a perfect negative or positive linear relationship. Generally, a coefficient below -.5 or above +.5 is considered quite strong.

Table 10 shows simple correlations between a neighborhood's percent black and the disenfranchisement rate. The Pearson's correlation is a robust .8, a strong linear relationship.

Table 10-Pearson's Correlation Coefficients-Percentage Black

	Disenfranchisement Rate	Percentage Black
Disenfranchisement Rate		0.8*
Percentage Black	0.8*	

*=p<.001

The Pearson's value for percent non-Hispanic white in Table 11 is -.806, a very strong relationship in the opposite direction.

Table 11-Pearson's Correlation Coefficients-Percentage White

	Disenfranchisement Rate	Percentage White
Disenfranchisement Rate		-0.806*
Percentage White	-0.806*	

*=p<.001

In short, as the disenfranchisement rate increases, we can also expect to see the percent black in a neighborhood increase at a rate of 1:0.8. To put it another way, as disenfranchisement increases, the percent non-Hispanic white decreases at a rate of 1:0.8.

¹⁷ Agresti, A. & Finlay, B. (1997). *Statistical Methods for the Social Sciences (3rd Edition)*. New York: Prentice-Hall.

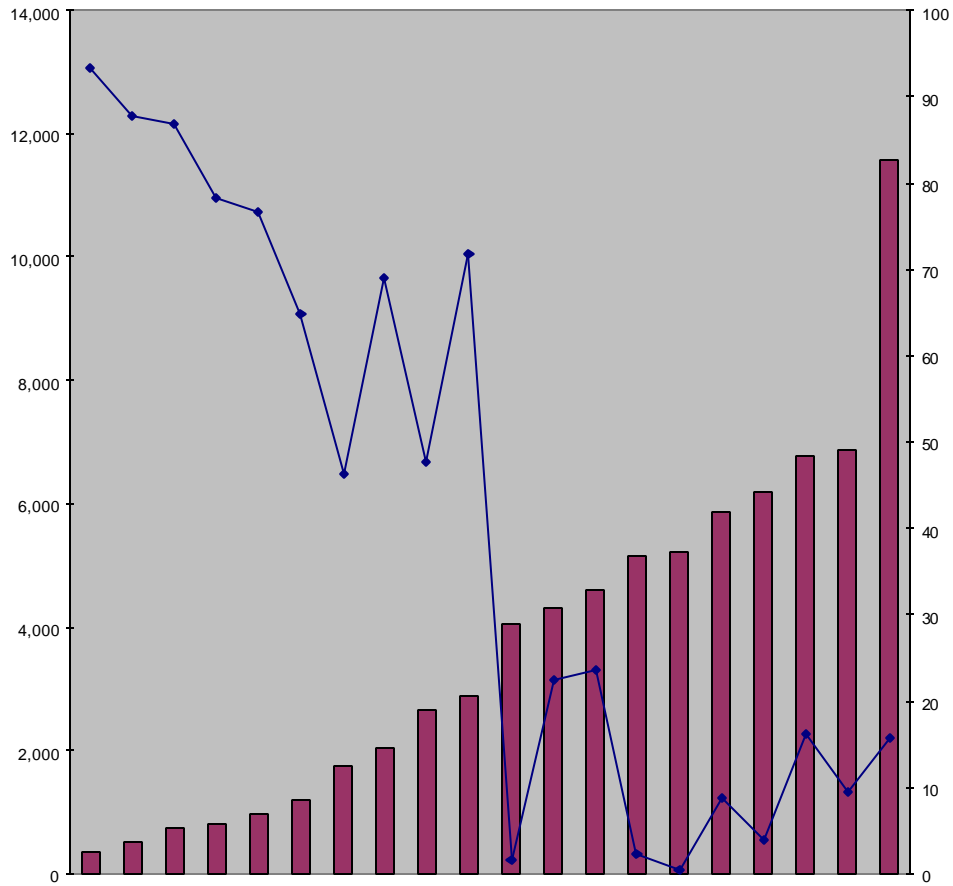
The following charts show these correlations graphically. Figure 1 shows neighborhoods sorted on an ascending disenfranchisement rate (left to right), with a line of the neighborhood's percent black fit over the chart. The left axis represents each neighborhood's disenfranchisement rate while the right axis corresponds to the line indicating the percent black of the neighborhood. The relationship discussed above as well as the correlations should be clear in this chart. As the bars representing the disenfranchisement rate grow, moving from left to right, the line indicating the percent black of the neighborhoods climbs at a relatively similar rate.

Figure 1 – Disenfranchisement Rate (bars) and Percent Black (line)



Figure 2 shows the same relationship, this time fitting a line for a neighborhood's percent white over the ascending disenfranchisement rate. In this case, as the disenfranchisement rate increases, the percent white in the neighborhood decreases, demonstrated statistically by the strong negative Pearson's coefficient in Table 11.

Figure 2 – Disenfranchisement Rate (bars) and Percent White (line)



The results of the Pearson's correlation do not imply causation, but they do indicate that we can expect to see high disenfranchisement rates in neighborhoods that are inhabited predominantly by African Americans.

THE IMPLICATIONS OF FELONY DISENFRANCHISEMENT

The impact of disenfranchisement extends beyond issues of criminal justice and touches upon fundamental principles of political participation in a democratic society. The consequences of these estimates affect the ability of communities to express their political voice. They also affect public safety and reintegration through actual and symbolic barriers to social participation.

Vote Dilution

Whereas felony disenfranchisement has its primary impact on individuals, it also exerts a vote dilution impact on particular communities. Given the concentration of felony disenfranchisement in primarily African American communities, persons who have not been convicted of a felony are affected through the diminished strength of their political voice. If neighborhoods are seen as potential voting blocs, sharing analogous experiences and likely to behave as a similar voting electorate, when a significant portion of that potential voting bloc is unable to participate, those remaining persons eligible to vote will have a diminished impact. For example, residents of Atlanta zip code 30327 (.37% disenfranchised and 2% African American), have a greater political voice than residents of zip code 30310 (6.2% disenfranchised and 92% African American) simply by virtue of there being more eligible voters in their district.

This disenfranchisement effect contributes to a vicious cycle within public policy development that further disadvantages low-income communities of color. The first means by which this occurs is through decisions on resource allocation. In citywide decisionmaking regarding spending for schools or social services, residents of certain neighborhoods will have considerably more political influence than others, solely because “one person, one vote” is distorted through the loss of voting rights.

At a state level, beleaguered communities are affected through a diminished impact on public policy. Consider, for example, the disproportionate effect of drug policy on African American communities. Nationally, the vast increase in incarcerated drug offenders, fueled in large part by a heavy emphasis on law enforcement patterns and punitive sentencing policies, has had a highly skewed impact on communities of color. Many political leaders in these communities are concerned about the problem of drug abuse, but have called for a more balanced approach that emphasizes prevention and treatment. Yet, because there are fewer voting residents in these neighborhoods – due in significant part to drug policies – these voices have increasingly less political influence.

Chilling Effect on Political Engagement

Disenfranchisement contributes to the disincentives for candidates for political office to devote time and attention to low-income communities of color while campaigning. Along with the fact that politicians do not receive significant campaign donations from

these neighborhoods, disenfranchisement results in fewer potential supporters.¹⁸ In the calculated economics of electoral campaigning, candidates spend time in areas perceived to have the highest concentration of potential voters.

This fact has significant consequences for democracy if, during a period in which politicians are likely to be at their most responsive, they are neglecting low income communities and communities of color. Once in office, lawmakers will not be any more likely to be responsive. Felony disenfranchisement threatens to exacerbate this problem; as the correctional system grows and more persons are prohibited from voting, the seriousness with which policymakers listen to demands from communities of color is likely to continue to diminish.

Public Safety – Voting and Re-entry

The policy of disenfranchisement, declaring that one's voting rights have been revoked, is one of a number of stigmatizing processes in place that serve to augment the challenges faced by persons with a felony conviction. Disenfranchisement becomes a proxy for "otherness," making a person "an alien in his own country, and worse," and indicates "that former offenders are impure."¹⁹ By marginalizing one's status in society through policies that hinder employment prospects, housing availability, education, and voting, state institutions are used to a counterproductive end: making re-entry more difficult and increasing the likelihood of recidivism. Data from the Bureau of Justice Statistics indicates that two-thirds of persons released from prison are re-arrested within three years and half return to prison during that period.²⁰ The obstacles, both symbolic and practical, facing persons leaving prison are of no small consequence in augmenting these numbers.

Recent research by sociologists Christopher Uggen and Jeff Manza indicate that disenfranchisement has a tangible impact on the likelihood of future crime commission.²¹ Uggen and Manza "find consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior."²² For example, between 1997 and 2000, 16% of non-voters were arrested, compared to 5% of voters.²³ Similar findings can be seen among persons with a record of prior arrest. Between 1997 and 2000, 27% of non-voters were re-arrested, compared to 12% of voters.

Voting is both a highly symbolic as well as instrumental action in a participatory democracy. Voting, or being permitted to vote, is an acknowledgement that one is an accepted member of society; an individual who belongs to a larger social collective.

¹⁸ The Public Campaign. (2003). *Color of Money 2003: Campaign Contributions, Race, Ethnicity, and Neighborhood*. Washington, DC: The Public Campaign.

¹⁹ Harvard Law Review. (1989). "Note: The Disenfranchisement of Ex-Felons: Citizenship, Criminality, and 'The Purity of the Ballot Box'," *Harvard Law Review*, 102, April, 1300-1317.

²⁰ Langan, P.A. & Levin, D.J. (2002). *Recidivism of Prisoners Released in 1994*. Washington, DC: Bureau of Justice Statistics.

²¹ Uggen, C. & Manza, J. (2004). "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample," *Columbia Human Rights Law Review*, Forthcoming.

²² Ibid.

²³ A voter is defined as someone who voted in the 1996 election.

There is an obvious component of social and political bonding among members of an electorate. Accordingly, a prohibition of membership in the electorate produces the opposite result, shunning the disenfranchised individual and marking him or her as a partial citizen. In ruling on a challenge to disenfranchisement of people in prison, the South African Constitutional Court noted that “the vote of each and every citizen is a badge of dignity and of personhood. Quite literally, it says that every person counts.”²⁴ Consequently, from the perspective of re-integration and sustainable public safety, electoral participation should be something that is encouraged, and its legal prohibition is harmful from a public policy vantage point.

²⁴ *Sauve No. 2*, (2002) 3 S.C.R. 519, para. 35 (citing *August and Another v. Electoral Comm’n and Others*, {1999} 3 S.A.L.R. 1, at para. 17) as cited by Parkes, 92.

Policy Implications

This report has focused on the effects of disenfranchisement in Georgia as a case study. As previously indicated, Georgia is very much in the mainstream of disenfranchisement practices around the nation. Thus, the dynamics revealed in this report are likely to be representative of many states.

Felony disenfranchisement is a concern both for its practical impact and for its implications for a democratic society. As we saw in the historic 2000 election in Florida, a presidential election was decided by 537 votes. On the day of the election, an estimated 600,000 persons who had *completed* their felony sentence were unable to vote due to Florida's restrictive disenfranchisement policies. There is no means of knowing how many of these persons would have voted or for whom they have voted if granted the opportunity, but clearly a national election may have been decided based on this policy.²⁵

Disenfranchisement raises fundamental questions about the rationale for linking a criminal conviction with the loss of fundamental rights. While conviction for a felony may result in a sentence of imprisonment, probation, fines, and other obligations, it does not generally restrict the right to free speech, of which voting is clearly an element. For example, persons living in the community under probation or parole supervision may write a letter to the editor, participate in a PTA organization, or attend a public rally. This distinction was clearly framed by the American Bar Association in 2003, when it reaffirmed its longstanding principle that "persons convicted of any offense should not be deprived to the right to vote."²⁶

Momentum for reform of disenfranchisement policies is growing at a national level. In 2001, the National Commission on Federal Election Reform, co-chaired by former Presidents Ford and Carter, unanimously recommended that voting rights be restored to persons upon completion of a sentence. A similar policy statement was approved by the American Correctional Association, the major professional group in its field, in 2001.

Many states have begun to reconsider disenfranchisement policies in recent years as well. Since 1997, nine states – Alabama, Connecticut, Delaware, Maryland, Nevada, New Mexico, Texas, Virginia, and Wyoming -- have scaled back or repealed aspects of their disenfranchisement policies. Notably, these developments have been bipartisan – five of these bills were signed into law by Republican governors, and four by Democrats.

Disenfranchisement may be in violation of the Voting Rights Act due to its racially skewed impact. In ruling on a challenge to disenfranchisement law in Washington state, the 9th Circuit Court of Appeals stated that the "totality of the circumstances" clause of the Voting Rights Act "requires courts to consider how a challenged voting practice

²⁵ Uggen and Manza (2002) model the 2000 presidential election in Florida and conclude that in the absence of disenfranchisement, Al Gore would have won Florida by 80,000 votes. Even if only ex-felons were permitted to vote, Uggen and Manza conclude that Gore would have won by more than 60,000 votes.

²⁶ American Bar Association, Criminal Justice Standards on Collateral Sanctions and Disqualification of Convicted Persons, 2003.

interacts with external factors such as ‘social and historical conditions’ to result in denial of the right to vote on account of race or color.”²⁷ However, a ruling in the Southern District of New York challenging that state’s disenfranchisement law found that the Voting Rights Act did not apply. These issues may ultimately be heard in the U.S. Supreme Court.

International developments cast light on the extreme policies of the United States in this regard. No other democratic nation disenfranchises all persons with a felony conviction after completion of sentence, as is done in seven states, and few do so for any period after sentence. International support is also growing for policies that extend voting rights to all persons with felony convictions. In recent years, constitutional courts in Canada, Israel, and South Africa have upheld the right of all persons to vote, including those in prison. In addition, in 2004, the European Court of Human Rights ruled that the blanket denial of voting rights to imprisoned persons in England and Wales was a violation of human rights.

²⁷ *Farrakhan v. Washington*, U.S. Court of Appeals for the Ninth Circuit, July 25, 2003.

Recommendations

Policymakers in Georgia and other states should consider the following recommendations to encourage greater participation in voting and expand the size of the electorate:

Reconsider the scope of disenfranchisement laws – State laws on disenfranchisement vary significantly, ranging from no disenfranchisement in Maine and Vermont to permanent disenfranchisement in 14 states (unless rights are restored by a governor or board of pardon). In many cases, these policies have been in effect for more than a century, with no recent review of their rationale. Given the substantial impact of these policies due to the vast expansion of the criminal justice system in recent decades, policymakers in all states should establish mechanisms by which to assess the practical effect of these policies.

Expand voting to persons not currently incarcerated – There are strong arguments for extending voting rights to all persons in the community, including those on probation or parole. First, disenfranchising such persons presents many practical challenges for election officials. In many states, database technology is not at a state at which election officials can be informed if a voter applicant is currently serving a felony sentence. In addition, persons on probation or parole often have difficulty obtaining the necessary paperwork to demonstrate that they have completed their sentence. For these reasons, permitting voting by all non-incarcerated persons would place the same requirements on registration for people on probation or parole as for any other potential voter.

Extending voting rights to these persons would also serve a rehabilitative function. As documented in this report, voting is one means of participating in the life of the community and as such, contributes to building positive connections. Thus, efforts to reduce recidivism among persons leaving prison should also incorporate voter outreach and eligibility.

Expand the use of pardons to restore voting rights – In some states (including Georgia) disenfranchisement is incorporated within the state constitution; legal scholars are often divided regarding whether this leaves room for statutory change on these policies in a given state. Nevertheless, whether lodged in a Governor or Board of Pardon, the constitutional pardon power may remit penalties and disabilities even for persons still under sentence. Thus the constitutional power to pardon could be used to allow individuals to seek restoration of voting rights even where the state constitution provides that convicted persons as a class lose that right. In Georgia, this could be accomplished by the Georgia Board of Pardon simply relaxing its pardon eligibility requirements to allow persons on probation or parole to regain their voting rights as soon as they leave prison. State officials should explore the feasibility of such a process in order to aid in reentry and to reduce the disproportionate impact of disenfranchisement.

Aid persons leaving supervision in voter registration – In most states there is virtually no assistance provided to persons leaving correctional supervision in regaining their voting rights. In contrast, one can look at the Motor Voter Law, which placed a national

priority on making voter registration readily accessible. Corrections officials should develop policies and practices that routinely inform persons under supervision of the means by which they can obtain voting rights upon leaving the relevant category of supervision in that state. The Georgia Board of Pardons and Paroles has recently agreed to display posters in all its offices informing persons of their right to vote once supervision is completed.

Provide standardized training for elections officials – A recent survey by the Brennan Center for Justice found that more than half of New York State’s 62 boards of elections were improperly refusing to register persons with felony convictions unless they submitted certain unnecessary documents, many of which do not exist or are exceedingly difficult to obtain.²⁸ These obstructionist practices are illegal in New York, where voting restoration is automatic after an individual has completed a sentence. The situation in New York is not an anomaly; reports abound from states across the country of election officials demanding needless paperwork, providing incorrect information, or refusing to register eligible categories of people with felony convictions outright.²⁹ State officials should implement standardized practices in local boards of elections that ensure employees are knowledgeable of state requirements regarding voting rights for persons with felony convictions and should initiate procedural safeguards so as to protect an individual’s right to register.

Institute transparency in the voter purging process – Despite the nationwide attention to the inaccurate voter purging practices in Florida in 2000, the *Miami Herald* reported that of the 47,000 persons listed in a 2004 Florida database of persons to be purged, 2,100 were incorrectly included, since they had had their rights restored. Evidence suggests that voter-purging procedures are often unable to reliably identify people who are legally prohibited from voting. Correctional and electoral bureaucracies often suffer from inefficiencies in sharing information that increase the likelihood of persons inaccurately being identified as convicted felons. Officials should create a transparent process in which the state must demonstrate the dependability of its voter purge list before implementing removals. Considering the high rate of “false positives,” the burden should be on the state to establish that its process of identification and removal is precise, and a streamlined appeal process should be implemented to challenge removals that are believed to be incorrect.

Assess the impact of drug policies on disenfranchisement – Over the past twenty years, drug policies have been the single most significant factor in contributing to the rise in correctional populations, along with consequent racial disparities. Voter disenfranchisement is one of a host of consequences of a drug conviction, which may also include restrictions on access to welfare benefits, public housing, and student loans. In order to reduce these unnecessary collateral effects, policymakers should consider a

²⁸ Brennan Center for Justice (2000). *Right to Vote Research Toolkit: How to Survey Voting Registration Procedures for People with Felony Convictions*. New York: New York University School of Law.

²⁹ For another example, see Singleton, D.A. & Walas, B. (2004). *The Disenfranchisement of the Re-Enfranchised: How Confusion Over Felon Voter Eligibility in Ohio Keeps Qualified Ex-Offender Voters from the Polls*. Cincinnati, OH: Prison Reform Advocacy Center.

two-staged approach to drug problems: 1) greater investments in prevention and treatment so as to avoid unnecessary use of the criminal justice system to address drug problems; and, 2) through charging decisions or drug court processes, utilize a greater proportion of misdemeanor convictions in such cases so as to avoid the wide range of additional penalties that accompany a felony conviction.

Appendix A – Methodology

The Use of Zip Codes as a Neighborhood Proxy

Using zip codes to represent a community or neighborhood is often a concern because a community is an organic creation of the residents in a geographic area, and is often defined by those residents, while a zip code is an administrative tool created for mail delivery efficiency which often does not take neighborhood definitions into consideration. However, the intent of this project is to measure the impact of disenfranchisement at the local level and a zip code is an appropriately sized geographic unit, relatively equal in population, that easily permits the quantification of localized estimates. Moreover, as seen in Table 8, the zip code neighborhoods used in this analysis were relatively homogeneous in race and poverty with a few zip codes of a diverse racial and economic make-up which we believe is reflective of neighborhoods in Atlanta as a whole. For these reasons, although there are potential concerns in using a zip code as a proxy for a neighborhood, we do not believe that any of these biases affect the reliability of our estimates.

Data Processing Notes

The datafile contained a number of missing addresses, which is not uncommon when working with files collected for administrative purposes. Several of the addresses had missing zip codes or improperly identified streets. In order to address this missing data, a two-stage process was undertaken. A significant proportion of the addresses simply had missing zip codes. In order to fill in this information, each address was inputted into the United State Postal Service's Zip Code Locator on its website. This permitted the completion of the majority of missing addresses.

For those persons who did not report an address, or whose address was unable to be matched on the USPS database, a second stage of interpolation was used to fully estimate the number of persons disenfranchised. First, all addresses were collected by zip code. Second, all missing addresses were assigned a zip code proportional to the address distribution of the known addresses. The assumption being made through this method is that the geographic distribution of persons with unknown addresses is identical to the distribution of persons with known addresses. This same assumption was necessary when calculating the racial breakdown of persons with missing data within a zip code. At the conclusion of this two-step process, we were able to create an estimate of the number of persons in Atlanta that were disenfranchised as of September 2003, and the zip code that they reported as their address.

The second component of this study utilized United States Census Bureau data. Zip-code level data was obtained for percent Non-Hispanic black, percent Non-Hispanic white, median household income, and poverty rate. These figures were merged with the correctional data at the zip code level in order to create a working file to produce localized estimates of the impact of felon disenfranchisement.

Appendix B - Categories of Felons Disenfranchised Under State Law

STATE	PRISON	PROBATION	PAROLE	EX-FELONS	
				<i>All*</i>	<i>Partial</i>
Alabama	X	X	X	x	
Alaska	X	X	X		
Arizona	X	X	X		X (2nd felony)
Arkansas	X	X	X		
California	X		X		
Colorado	X		X		
Connecticut	X		X		
Delaware	X	X	X		X (5 years)
District of Columbia	X				
Florida	X	X	X	X	
Georgia	X	X	X		
Hawaii	X				
Idaho	X	X	X		
Illinois	X				
Indiana	X				
Iowa	X	X	X	X	
Kansas	X	X	X		
Kentucky	X	X	X	X	
Louisiana	X	X	X		
Maine					
Maryland	X	X	X		X (2nd felony, 3 years)
Massachusetts	X				
Michigan	X				
Minnesota	X	X	X		
Mississippi	X	X	X	X	
Missouri	X	X	X		
Montana	X				
Nebraska	X	X	X	X	
Nevada	X	X	X		X (except first-time nonviolent)
New Hampshire	X				
New Jersey	X	X	X		
New Mexico	X	X	X		
New York	X		X		
North Carolina	X	X	X		
North Dakota	X				
Ohio	X				
Oklahoma	X	X	X		
Oregon	X				
Pennsylvania	X				
Rhode Island	X	X	X		
South Carolina	X	X	X		
South Dakota	X				
Tennessee	X	X	X		X (post-1981)
Texas	X	X	X		
Utah	X				
Vermont					
Virginia	X	X	X	X	
Washington	X	X	X		X (pre-1984)
West Virginia	X	X	X		
Wisconsin	X	X	X		
Wyoming	X	X	X		X (5 years)
U.S. Total	49	31	35	7	7

* While these states disenfranchise all persons with a felony conviction and provide no automatic process for restoration of rights, several (Alabama, Kentucky, and Virginia) have adopted legislation in recent years that streamlines the restoration process.

Source: Jamie Fellner and Marc Mauer, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*, Human Rights Watch and The Sentencing Project, October 1998, and updated by The Sentencing Project.