

Can Re-Enfranchisement Help Offenders Rehabilitate?

Exploring the Relationship Between State Felon Disenfranchisement Laws and Three-
Year Prison Recidivism Rates

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Abstract

Felon disenfranchisement is an emerging topic in the fields of American voting behavior and criminal justice reform. This senior politics thesis explores a new way to reduce prison recidivism by re-enfranchising individuals who have lost their voting rights after they have been convicted of a felony. Classic and contemporary theories of political participation, voter learning, and criminal justice reform link the severity of states' various felon disenfranchisement laws with the rates that individuals in these states return to prison. Previous research within these fields also establishes that voting, and similar forms of political participation, are activities that help develop individuals' stakes in their societies and foster prosocial behavior and values. Consequently, it is possible that re-enfranchising felons who have been incarcerated will help them to successfully reintegrate back into society after they are released from prison. This study tests the relationship between felon disenfranchisement and three-year prison recidivism rates across all fifty states for the year 2010. It also considers other variables that might affect felons' voting and recidivism rates, including statewide "Ban the Box" laws (which prevent employers in certain states from dismissing job applicants based on their felony conviction status), the scope of educational programs offered in prisons, and the rate that certain states sentence criminals to life in prison without parole. While this study was unable to substantively prove that a relationship between state-by-state felon disenfranchisement and prison recidivism rates exists, it contributes to the growing body of research that examines the impacts of felon disenfranchisement laws in the United States, and highlights several important areas for further research; most significantly, the relationship between states' commitment to educating their felon populations, the severity of their disenfranchisement laws, and their prison recidivism rates.

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Introduction

Felon disenfranchisement laws are one of the only remaining formal restrictions on voting rights in the United States. In total, about 1 in 40 adults or 2.5% of the total American voting age population—an estimated 6.1 million people in 2016 (Sentencing Project 2016)—are temporarily or permanently disenfranchised due to a felony conviction (Gottschalk 2015, 2). Felon disenfranchisement practices are not new to American society, but are a remnant of the British legal system that has existed in the U.S. since colonial times (Keyssar 2000; King and Erickson 2016). However, felon disenfranchisement laws have become a more significant issue in recent years for several reasons.

The main reason why felon disenfranchisement is becoming a more widely researched topic is because the prison population has increased significantly since the 1970s, when mass incarceration first started to take hold in the United States. In 1976, there were an estimated 1.17 million disenfranchised felons nationwide; this number increased to 3.34 million in 1996, and 5.85 million in 2010 before reaching a high of 6.1 million people in 2016 (Sentencing Project 2016). As shown in Figure 1, this reflects a 421% increase in the total number of disenfranchised felons between 1976 and 2016.

The dramatic increase in the number of disenfranchised felons is linked to the rise of the prison-industrial complex, which has created an economy centered around the objective of keeping prison beds full (Gottschalk 2015, 64-65). As neoliberalism and the prison privatization movement took over in the late 20th Century, many states began contracting out management of their correctional facilities to private prison companies, such as the Corrections Corporation of America and the GEO Group (Gottschalk 2015, 65). According to Gottschalk, “in 2005, private [prison] facilities accounted for about a quarter of all adult corrections facilities, up from 16 percent in 2000”

(Gottschalk 2015, 68). In this way, the expansion of the private prison industry has resulted in a greater number of correctional institutions nationwide, as well as an increased prison population that is comprised of individuals who almost always become disenfranchised once they are convicted of a crime.¹

Public awareness about felon disenfranchisement practices has also increased in recent years, bringing with it increased efforts to liberalize felon disenfranchisement laws, especially in states with stricter regulations (Ewald 2009). According to Alec Ewald, the severity of states' initial felon disenfranchisement laws is a strong predictor of the degree that these policies will change over time (Ewald 2009, 531). Virginia is one such example of a state with recent efforts to liberalize its disenfranchisement laws, which are among the harshest in the nation. Currently, individuals convicted of a felony in Virginia who wish to regain their voting privileges must submit an appeal directly to the governor after completing all parts of their sentences (Brennan Center for Justice 2017). In April 2014, former Virginia governor Terry McAuliffe announced plans to further streamline the re-enfranchisement process by “broaden[ing] the category of people who automatically received their right to vote upon the completion of their sentences², and...shorten[ing] the waiting period for others to apply for [voting] rights restoration from five to three years” (Brennan Center for Justice 2017). Then, in an attempt to eliminate the amount of red tape felons faced when applying for re-enfranchisement, McAuliffe issued a series of executive orders in April, May, and June 2016, “restoring voting rights to Virginians with felony convictions who, as of that date, had completed the terms of their incarceration and any period of supervised release (probation or parole)” (Brennan Center for Justice 2017). In July 2016, the Virginia Supreme Court struck

¹ Although Maine and Vermont do not disenfranchise felons at any point after they are convicted of a crime, this is an exception, rather than the norm.

² In 2013, former Virginia Governor Bob McDonnell took the first steps toward reforming felon disenfranchisement by automatically re-enfranchising individuals convicted of nonviolent crimes who had completed all parts of their sentences (Brennan Center for Justice 2017).

down these reform efforts in *Howell v. McAuliffe (2016)* on the grounds that they violated the state constitution (Brennan Center for Justice 2017). McAuliffe has continually affirmed his commitment to re-enfranchising as many eligible felons as possible throughout his term; as of April 2017, with less than a year left in office, he announced that he has restored voting rights to a total of 156,221 citizens during his term, setting a new record for the amount of felons a governor has re-enfranchised (Vozella 2017); however, the fact that the Virginia Supreme Court has prevented him from further streamlining this process means that felons must still apply for, and be granted, the privilege to vote on a case-by-case basis.

Virginia's complicated history with liberalizing its felon disenfranchisement laws demonstrates the importance of setting a nationwide precedent for reforming these laws in every state. However, these reform efforts are much more likely to be successful if there is compelling evidence that shows how re-enfranchising felons on a larger scale might benefit the American criminal justice system more broadly. By exploring a link between felon disenfranchisement laws and prison recidivism rates, this work makes such an argument.

This study calls on classic and contemporary works that establish voting as both an activity of social learning and as one of the main markers of citizenship in a democratic society. Indeed, scholars of felon disenfranchisement Jeff Manza and Christopher Uggen argue that "theories of 'expressive voting,' as well as communitarian and republican theories of government, hold that the right to vote is important because it helps mold individuals into virtuous citizens" (2006, 128). Moreover, voting and similar participatory activities encourage community-oriented behavior and further the development of 'good' and 'democratic' citizens (Aristotle trans. 2013; Pateman 1970). Conversely, many felons lack social capital after they have been released from prison, which is compounded by the stigmas attached to their legal status as convicted criminals, including their

inability to vote in many parts of the country. Thus, this paper engages in the important project of establishing connections between theories of voting behavior and political learning, and existing research on felon disenfranchisement practices, and applies this to real-world disenfranchisement and recidivism data to evaluate the link between state-by-state felon disenfranchisement and recidivism rates.

In order to evaluate the impact of states' felon disenfranchisement laws on three-year recidivism rates, this paper will comparatively analyze state-by-state statistics of felon disenfranchisement rates in 2010 and three-year prison recidivism rates in 2010 and 2017. There is theoretical evidence to support the theory that more lenient felon disenfranchisement laws will directly correlate to lower three-year recidivism rates within states. Based on this evidence, I hypothesize that re-enfranchising felons who have been incarcerated will help them to develop prosocial norms and successfully reintegrate back into society after they are released from prison.

In doing so, this paper will evaluate whether there is a strong case to re-enfranchise, and attempt to mobilize, felons who have recently been released from prison as a new approach to reducing three-year recidivism rates. If felon disenfranchisement is shown to be linked to recidivism rates to the degree that the theoretical background suggests, a nationwide effort to re-enfranchise felons might help reduce the United States prison population to a significant extent; as findings indicate that approximately 68% of felons recidivate within three years of their initial release shows that repeat offenders comprise a significant amount of this population nationwide (Durose et al. 2014). This could also offer a way to reduce the costs of the criminal justice system. Indeed, a study published by the Vera Institute of Justice found that, "in 2015, among the 45 responding states, the total state expenditure on prisons was just under \$43 billion" (Mai and Subramanian 2017); however, one would expect this figure to decrease significantly with a reduction in three-year

recidivism rates. Thus, if enfranchising felons is linked to reduced recidivism rates, re-enfranchising felons after they have been released from prison might also significantly reduce the state and federal costs of incarceration.

In the following pages, I provide additional background on felon disenfranchisement laws, and evaluate the existing literature on felon disenfranchisement, theories of participatory democracy, and general trends in voter turnout. I will then present a discussion of both qualitative and quantitative evidence about the relationship between states' felon disenfranchisement rates and three-year recidivism rates. I will also explore several other factors that might impact this population's likelihood of voting or recidivating after they are released from prison, including statewide 'Ban the Box' laws, the scope of educational programs offered in prisons, and the rate at which certain states sentence criminals to life in prison without parole. The paper concludes with suggestions for ways that these findings can inform further efforts to research the link between these factors.

How the History of American Federalism and State Electoral Institutions Informs the Study of Felon Disenfranchisement Laws

While the benefits of re-enfranchising felons could potentially extend nationwide, felon disenfranchisement laws vary significantly between states. This is because American federalism gives states wide purview to regulate the franchise as they see fit (Keyssar 2000; Ewald 2009; Springer 2014). Throughout much of American history, the franchise was extremely limited because the United States Constitution does not explicitly grant anyone the right to vote (Keyssar 2000; Springer 2014); thus, voting was articulated as a privilege to be regulated by the states, many of which only initially enfranchised white, property-owning male citizens, who were members of the upper classes (Keyssar 2000). While the Fifteenth and Nineteenth Amendments gradually expanded the franchise to include African Americans and women in 1870 and 1920 respectively (Keyssar 2000), states continued to use their power over the electoral process to impose a variety of cost-increasing institutions to discourage individuals, and particularly racial minorities and members of the lower classes, from voting. These institutions included poll taxes, literacy tests, white primaries, property requirements, and lengthy residency requirements, and were practiced by “sixteen non-southern states in addition to all eleven southern states” through much of the 20th Century (Springer 2014, 57). Ultimately these restrictions were eradicated in the latter half of the 20th Century by the Voting Rights Act of 1964 (and its renewal in 1970), the Twenty-Fourth Amendment, and several landmark Supreme Court cases (Keyssar 2000; Springer 2014).

After the franchise was extended to citizens aged 18-20 under the Twenty-Sixth Amendment in 1971, convicted felons became the only category of adult American citizens not formally enfranchised. Moreover, because the use of cost-increasing electoral institutions declined throughout the 20th Century, it is theoretically easier for enfranchised citizens to participate in American

elections than ever before. As such, felon disenfranchisement laws are among the only remaining formalized voting restrictions in the United States.

While felon disenfranchisement laws, like other laws regulating the franchise, vary considerably throughout the country because of American federalism, they can be grouped into five general categories (Sentencing Project 2016). Table 1 summarizes these categories of state felon disenfranchisement laws as of 2016. Twelve states fall into the most restrictive category of felon disenfranchisement, Class Five. Under this category, felons do not automatically have their voting rights restored under any circumstances, and are either permanently disenfranchised or can only petition to regain their voting privileges through a direct appeal to their state's governor (Sentencing Project 2016). Class Four states comprise an additional eighteen states, the most of any category. In these states, felons must wait until they have completed prison, parole, and probation requirements (Sentencing Project 2016). Four states are categorized as Class Three; here, felons are ineligible to vote until they have been released from prison and have completed parole requirements (Sentencing Project 2016). There are fourteen Class Two states, where felons are disenfranchised while incarcerated, but regain their voting rights immediately upon release, and can vote while on probation and parole (Sentencing Project 2016). Finally, two states, Maine and Vermont, fall into the Class One category. Because they have no felon disenfranchisement laws, individuals convicted of a crime in these states can vote at any time, including while in prison and on probation and parole (Sentencing Project 2016).

It is also important to consider who has the right to vote, because this affects society's understanding of who is considered a full American citizen, and is subject to the rights and responsibilities that this designation provides. While many restrictive voting laws have been justified by the desire to keep the privilege of the franchise among the most responsible members of the

community (Keyssar 2000; Springer 2014), felons must also carry out such duties of citizenship in order to stay out of prison. Many probation and parole deals require individuals to pay taxes and provide evidence of housing and stable employment in order to avoid being re-incarcerated (Manza, Uggen, Thompson 2006). This means that many felons already fulfill many of the civic requirements that mark an enfranchised citizen. It is notable that “former felons must fulfill the *duties* of citizenship, but their conviction status effectively denies their *rights* to participate in social life” (Manza, Uggen, Thompson 2006, 296). This provides a compelling argument to re-enfranchise felons who have not returned to prison after they have completed their initial sentences, because these individuals have demonstrated their ability to fulfill the duties of American citizenship, and should thus be eligible to enjoy all the rights that come with these responsibilities.

Establishing a Practical and Theoretical Basis to Connect State Felon Disenfranchisement and Prison Recidivism Rates

When felons are released from prison, they face increased social stigma and ‘othering’ due to their criminal record (Lerman 2013, 57). This manifests in a variety of ways, including through temporary or permanent disenfranchisement. Barring felons from voting after they have been released from prison inhibits their successful reintegration into society by marking them as social outcasts who do not have the full privileges of citizenship (Manza and Uggen 2006, 125).

The concept of civic reintegration refers to the process of “weaving former criminals back into the fabric of law-abiding society” (Manza and Uggen 2006, 125), and emphasizes the importance of reintegrative practices—including state [re]-enfranchisement laws and procedures—that include, rather than exclude, recently-released felons from society. This provides a theoretical basis for the central hypothesis in this work; namely, that states with more lenient felon [re]-enfranchisement laws will have lower recidivism rates. If there are strong efforts to reintegrate felons into society after they are released, it is possible that they would be more likely to “cast aside criminal behavior that is inconsistent with these roles” (Manza and Uggen 2006, 126). A study of voting behavior among individuals with criminal records in the 1996 presidential election substantiates this theory, finding that “participation in previous biennial elections significantly reduced the likelihood of recidivism, net of age, gender, race, and offense characteristics” (Uggen and Schaefer 2005; Uggen, Manza, Thompson 2006, 304). This “suggests a strong negative association between political participation and recidivism” (Uggen, Manza, Thompson 2006, 303), and indicates that among individuals with pre-existing arrest records, those who vote are less likely to be re-incarcerated than those who do not. This theory, and the evidence that supports it, shows the potential implications of felon disenfranchisement laws, or excessive re-integration processes, on

recidivism rates, as felons who face less restrictive barriers to social or political reintegration find it easier to re-assimilate back into society. This makes it more likely that felons will stop engaging in criminal behavior, *especially* if they already have access to the resources they need to meet their basic needs.

This presents a strong argument for re-enfranchising felons across all fifty states after they complete their prison sentences. When they are released from prison, felons are expected to behave like regular citizens, but are often not treated as such under the law. Within the context of my argument, we would expect that many Class One and Class Two states that re-enfranchise felons immediately upon their release from prison, if not sooner, would have lower three-year recidivism rates, as there is less of a conflicting definition of citizenship for felons who are privy to both the responsibilities *and* the rights of citizenship after they complete their sentences.

The use of political participation to socialize individuals within a society dates back to classical views on citizenship and participation. Aristotle conceives of the process of individuals *becoming* better citizens by developing stakes in their societies, stating, “men become good and excellent through three things...nature, habit, and reason” (Aristotle trans. 2013, 210). By including habit as a way of becoming a ‘good and excellent’ citizen, Aristotle posits that individuals are not necessarily good by nature alone, but must continue honing their ‘goodness’ through social and political actions, such as voting. This understanding of what makes a good citizen leaves room for the possibility that not all individuals are *born* good, but can instead become that way by taking advantage of opportunities to participate in civic and political life.

This sentiment is echoed in Carole Pateman’s participatory theory of democracy. Similar to the Aristotelian understandings of citizenship, Pateman’s participatory theory emphasizes the process of men *becoming* good citizens, rather than being born as such (Pateman 1970). According

to Pateman's theory, "the major function of participation in the theory of participatory democracy is...an educative one" (Pateman 1970, 42). Consequently, Pateman argues that society should be developed so that the individual "has to take into account wider matters than his own immediate private interests if he is to gain cooperation from others" (Pateman 1970, 25). According to Pateman, this is because "the theory of participatory democracy is built round the central assertion that individuals and their institutions cannot be considered in isolation from one another" (Pateman 1970, 42). Thus, Pateman's participatory theory of democracy builds off of Aristotelian views on citizenship and participation to provide a theoretical basis on which to further establish the idea that more broadly re-enfranchising felons would help them to develop their ability to consider matters greater than themselves by giving them more opportunities to claim their stake in society. Furthermore, efforts to enfranchise and potentially mobilize felons would also serve an educational purpose, as it would help members of this population develop important social and cognitive skills, such as impulse control, because participation helps individuals "distinguish between [their] own impulses and desires" (Pateman 1970, 25), and would thus help them "[learn] to be a public as well as a private citizen" (Pateman 1970, 25).

These classical and contemporary theories provide strong evidence of a link between voting and civic reintegration, which supports the argument that re-enfranchising felons would provide them with a way to better themselves, both as citizens and as individuals. These theorists' views of political participation also imply that individuals are not born as good citizens, but are instead made that way by participating in social and political activities, such as voting. This leaves room 'imperfect' citizens, including felons, to better themselves and become good citizens.

This model of political participation as a way to instill pro-social norms into individuals who are attempting to become good citizens marks a noticeable difference from punitive prison

environments that encourage anti-social behavior among felons by fostering animosity between groups of inmates (Lerman 2013). Although American society's current conceptualizations of the criminal justice system as a largely punitive, rather than rehabilitative, institution, differ significantly from one that might establish voting as a rehabilitative activity, this theoretical model demonstrates a viable alternative to retribution-centered justice models, as it provides felons with ways to become more, rather than less, socialized and connected to their communities through voting.

While this evidence provides a solid theoretical argument that re-enfranchising felons might help them re-integrate into society, other research shows that it is unlikely that members of this population would vote, even if they were consistently able to. Manza and Uggen find a significant gap in turnout rates between arrestees, inmates, and people who had never been arrested or incarcerated, based on research that shows felons were much less likely to participate in the 1996 election (Manza and Uggen 2006, 122). Furthermore, literature exploring general trends in political participation echoes this research (Wolfinger and Rosenstone 1989; Lewis-Beck, Jacoby, Norpoth, and Weisberg 2008; Leighley and Nagler 2014), by suggesting that felons are significantly less likely to participate politically than individuals who have not been convicted of a crime. This is partially because members of this group expressed less trust in the government; research shows that, when controlling for other demographic factors that might predict voter turnout, individuals who have had negative interactions with the criminal justice system were much less likely to vote than members of the general population (Weaver and Lerman 2010).³ However, it is also important to note that this decline in trust parallels the general public's declining sense of confidence in the government, political efficacy, and knowledge of politics since social capital began declining in the 1960s (Rosenstone and Hansen 1993; Putnam 2000). As Manza and Uggen point out, while "levels

³ Demographic factors controlled for include: race, age, gender, region, education, income, parental education, unemployment, marital status, citizenship, property crime, violent crime, self-control, military, welfare receipt, poverty level, domestic violence, drug use, and cognitive ability.

of political participation and involvement by criminal offenders may be low...so, too, is participation among the American electorate as a whole” (Manza and Uggen 2006, 115). Thus, we must consider this population’s low participation rate within the larger context of similarly declining turnout among the many populations of the American electorate that are already enfranchised. This also means that low voter turnout rates among felons should not be used as a basis on which to continue disenfranchising the majority of this population, as there is already a significant degree of political apathy and low turnout among the *currently enfranchised* population.

Research also shows that felons who have been incarcerated for longer periods of time have even lower levels of trust in government institutions, and are significantly less likely to believe that they hold strong levels of political efficacy (Manza and Uggen 2006, Hjalmarsson and Lopez 2010, Weaver and Lerman 2010). This is because prisons have moved away from rehabilitation, and instead serve as “state-centered sites of socialization”, which influence prisoners’ social attitudes and behavior (Lerman 2013, 21-22). In this way, prolonged time spent in prisons makes felons less social (Lerman 2013, 58), as these environments are spaces where “aggression and violence become a form of clout [because] other forms of power and markers of status are largely unavailable” (Lerman 2013, 65), which thus breeds anti-social norms. This also means that many recently-released felons lack social capital, which Robert Putnam describes as “connections among individuals—social networks and the norms of reciprocity and trustworthiness that arise from them” (Putnam 2000, 19). Social networks are integral to overcoming a lack of political participation as they help political leaders and organizers mobilize citizens to participate in elections throughout all levels of government (Niemi and Weisberg 2001). Furthermore, scholars agree that individuals with broader social connections are more likely to vote than those without (Rosenstone and Hansen 1993; Putnam 2000). While this means that it is less likely that felons, especially those who have served longer

prison sentences, will vote, it is also possible that members of this population who *do* participate can use their social networks to mobilize similarly-situated members of their communities to vote.

Felons also tend to be less white, less well-educated, and less affluent than the average American citizen (Manza Uggen 2006), meaning they are less likely to be politically mobilized by parties, interest groups, or other political organizations. This is because individuals who *do* vote tend to be more white, more affluent and, above all else, better educated than those who do not (Rosenstone and Wolfinger 1980; Lewis-Beck, Jacoby, Norpoth, and Weisberg 2008; Leighley and Nagler 2014). As such, felons are also less inclined to vote because they are significantly less likely to be mobilized by politicians, interest groups, or other rational political actors. Indeed, those who engage in strategic mobilization generally do not view this population as an important, or easily leveraged, source of votes or political action (Lijphart 1997). The aforementioned demographic characteristics of a ‘typical’ felon partially explain this mobilization bias, since many felons fit the profile of individuals who would be unlikely to vote even if they could. Additionally, the lack of social capital among many members of this population compounds the mobilization bias against felons, making them even less likely to vote.

All of these factors detract from the probability that felons will vote even if they are able to. However, the assumption that *some* felons would still be willing to participate if re-enfranchised, even if they were not as well-educated, highly-employed, or as high-income as the majority of politically-active Americans, is central to this study. If very few felons voted after becoming re-enfranchised, their act of regaining the franchise would be purely symbolic and would not help them re-establish bonds with the rest of society, thus rendering my argument irrelevant. Conversely, if we assume that a certain subgroup of felons—perhaps those who have been out of prison a for longer period of time—are willing to engage in political participation by voting, it is possible that more

lenient re-enfranchisement policies might help these individual better integrate back into society rather than recidivating.

Overview of Primary Methodology

In order to test the hypothesis that states with lower felon disenfranchisement rates also have lower prison recidivism rates, I compared state-by-state statistics of felon disenfranchisement and three-year recidivism rates for the year 2010. I obtained estimates of each state's felon disenfranchisement rates from Manza, Uggen, and Shannon's study on felon disenfranchisement, "State Level Estimates of Felon Disenfranchisement in the United States, 2010". This study compiled demographic data for each state from 1948-2010 to estimate the number of ex-prisoners and ex-felons in each state "who are no longer under correctional supervision, but remain disenfranchised" (Manza et al. 2012, 4). This study also accounted for a nation-wide average three-year recidivism rate of 66%; meaning it estimated that two-thirds of felons will recidivate within three years of their initial release from prison. The disenfranchisement rates are calculated as percentages of the voting-age population in each state that was disenfranchised due to a felony conviction as of 2012 (Manza et al. 2012).

While I only had state-by-state felon disenfranchisement data for 2010, I calculated states' three-year recidivism rates in both 2010 and 2017. My rationale for collecting recidivism data for 2017 was to determine whether there has been a significant change in recidivism rates in the last seven years. This comparison is especially important considering the fact that there have been multiple states with comprehensive reforms to the clemency/re-enfranchisement process since 2010.

I collected three-year state-by-state recidivism data for 2010 and 2017 using each state's Department of Corrections website. States' three-year recidivism rates are calculated by tracking a cohort of individuals released from state prison three years prior to the date that the final recidivism rate is calculated. I chose to work with the three-year recidivism rates because these datasets offer the most accurate way to measure recidivism, because many felons who return to prison do so within

three years of their original release (Durose et al. 2014). Thus, each state's 2010 recidivism data is found by tracking a cohort of prisoners released in 2007, while each state's 2017 recidivism data is found by tracking a cohort of prisoners released in 2014. Some states did not have data available for three-year recidivism rates in 2010. In these cases, I used data from the closest available year to stand in for these states' 2010 recidivism rates.⁴

In order to make it easier to compare the states with the highest and lowest disenfranchisement and recidivism rates, I created several tables summarizing the ten states with the highest and lowest disenfranchisement rates in 2010, and three-year recidivism rates in 2010 and 2017. Thus, I primarily focus my analysis on deriving patterns and drawing conclusions from the states with the most extreme disenfranchisement and recidivism rates. This is not to say that I am not interested in exploring the the thirty states that were not included in these tables, but for the purposes of this study, I found it most appropriate to focus on states at the two most extreme ends of the spectrum. Tables 2, 5, 8, and 16 present all of the raw disenfranchisement, recidivism, and education data featured in the study across all fifty states.

In the next section of the paper, I offer some initial observations about the states with the highest and lowest felon disenfranchisement rates in 2010, and three-year recidivism rates in 2010 and 2017, and begin to analyze how this data reflects the hypothesized link between felon disenfranchisement and three-year recidivism rates. Because there is a correlation between a state's cost-increasing institutions—including the severity of its felon disenfranchisement laws—and voter turnout among the enfranchised members of its voting-age population (Springer 2014), I use Melanie Springer's study of state voter turnout, which identifies high-turnout and low-turnout states in presidential and nonpresidential election years from 1920-2000, to identify which states with the highest and lowest felon disenfranchisement rates could also be classified as high-turnout or low-

⁴ For all states where three-year recidivism data from 2010 was unavailable, I used data from either 2009 or 2011.

turnout states. I also explore the relationship between these states' ideological leanings and the severity of their felon disenfranchisement laws. To analyze the degree of policy liberalism in selected states, I used data provided by Devin Caughey and Christopher Warshaw in their study, "The Dynamics of State Policy Liberalism, 1936-2014". This data was especially crucial in supporting the argument that the states with harsher felon disenfranchisement laws were also the states that have implemented more consistently conservative policies throughout their modern histories. Finally, because regional trends can also help to explain both voter turnout levels and degrees of policy liberalism, all of the analyses are rooted in a discussion about major geographical patterns as demonstrated in the lists of states with the highest and lowest disenfranchisement and three-year recidivism rates.

Initial Observations and Analysis for State-by-State Disenfranchisement and Three-Year Prison Recidivism Rates in 2010

States With High Disenfranchisement Rates in 2010

Table 3 lists the states with the ten highest rates of felon disenfranchisement in 2010. Notably, seven out of ten of the states with the highest disenfranchisement rates are located in the South. This is significant because research suggests that southern states have a more extensive history of limiting and regulating the franchise; this has resulted in depressed voter turnout rates in presidential and nonpresidential election years across almost all southern states throughout the twentieth century (Keyssar 2010; Springer 2014). This trend of southern states limiting the franchise also applies to felon disenfranchisement laws. Table 3 demonstrates that almost all of states with the highest felon disenfranchisement rates are classified as the most restrictive Class Five states, and the one holdout, Georgia, has a Class Four classification. Even outside of the south, most of the states with the highest disenfranchisement rates conform to the pattern of also having low statewide voter turnout.

Many states with the highest disenfranchisement rates also have conservative-leaning political ideologies. Outside of the south—which is the most consistently conservative region of the country (Caughey and Warshaw 2015, 2)—two other states, Wyoming and Arizona, lean conservative according to Caughey and Warshaw’s scale of state policy liberalism (Caughey and Warshaw 2015, 14). Delaware is the only state on this list that currently has above-average levels of policy liberalism (Caughey and Warshaw 2015, 14). However, Caughey and Warshaw’s study finds that it has only recently joined its Northeastern and Mid-Atlantic regional counterparts in developing more liberal state policies, meaning that it has historically enacted more conservative policies (Caughey and Warshaw 2015, 15). This demonstrates that there is a connection between the severity of felon disenfranchisement laws and the overall degree of policy liberalism in these states.

States With Low Disenfranchisement Rates in 2010

Table 4 reveals several consistent trends present among states with the ten lowest disenfranchisement rates in 2010. Notably, there are *no* southern states represented on this list; this is most likely due to this region's aforementioned legacy of cost-increasing electoral institutions and low voter turnout (Springer 2014). It is also worth noting that half of the states on the list are located in the Northeast, one of the nation's most consistently ideologically liberal regions (Caughey and Warshaw 2015, 13). More generally, most of the states in Table 4 have historically had higher degrees of policy liberalism (Caughey and Warshaw 2015, 15). The exceptions to this trend include states such as Utah, North Dakota, and Montana that are located in the more conservative Great Plains and Mountain West regions (Caughey and Warshaw 2015, 15). This demonstrates a correlation between states with more liberal policies and more lenient felon disenfranchisement laws.

All of the states listed in Table 4 are also classified as either Class One or Class Two. This makes sense, because these classifications correlate to the states with the most liberal felon disenfranchisement laws. Maine and Vermont are both Class One states that do not disenfranchise felons under any circumstances, even while they are incarcerated. Both of these states have a felon disenfranchisement rate of 0, which means they share the designation of having the lowest disenfranchisement rate of any state.

All but two of the states with low disenfranchisement rates have had consistently high voter turnout in both presidential and nonpresidential election years from 1920-2000 (Springer 2014, 42-43). Montana and New Hampshire are the two exceptions to this trend; however, Montana has had high turnout in nonpresidential election years, which makes New Hampshire the only state on this list that has lacked consistently high voter turnout in both presidential and nonpresidential election

years (Springer 2014, 42-44). Because midwestern states are usually among those with the highest voter turnout rates (Springer 2014), the overall absence of midwestern states on this list is surprising; Illinois and North Dakota are the only midwestern states identified as having among the lowest felon disenfranchisement rates. This indicates that a state's levels of voter turnout, and high or low turnout designation, does not necessarily correlate to the rate that it disenfranchises felons—although having lower disenfranchisement rates and cost-decreasing electoral institutions certainly helps promote increased voter turnout.

Independent of further regional analysis, North Dakota is a notable addition to this list because it is the only state without formal voter registration laws (Springer 2014), which drives higher voter turnout. According to Springer, North Dakota has the second highest level of consistently high voter turnout in the Great Plains states during both presidential and nonpresidential election years from 1920-2000 (Springer 2014, 42). It is also has the fourth highest overall turnout rate of any state in presidential or nonpresidential election years (Springer 2014, 42). Thus, North Dakota is a good example of a state where low felon disenfranchisement rates correlate to high turnout rates overall.

States with High Three-Year Prison Recidivism Rates in 2010

If state felon disenfranchisement and three-year recidivism rates are directly linked, then the large number of southern states with high disenfranchisement rates listed in Table 3 would suggest that the list of states with the highest three-year recidivism rates would be comprised of a similarly large number of southern states. With this in mind, it is surprising that Tennessee is the only southern state represented in Table 6, which lists the states with the top three-year recidivism rates in 2010.

Furthermore, there is no clear geographic trend among the states with the highest recidivism rates. Indeed, Table 6 includes states from every region of the country. This also makes it more difficult to surmise trends in the degree of state policy liberalism among these states, as Caughey and Warshaw's data is primarily based on regional policy trends (Caughey and Warshaw 2015). Table 6 also showed significant variation in states' disenfranchisement classifications. While we might expect the list of states with the highest three-year recidivism rates to be primarily comprised of Class Four and Five states, the majority of states listed in Table 6 are classified as Class Two and Class Three states. This evidence points to a potentially weak correlation between states' disenfranchisement classifications and their three-year recidivism rates.

Interestingly, Delaware is the only state on both this list and on Table 3, which lists the states with the highest disenfranchisement rates. In 2010, Delaware had the highest recidivism rate of any state, with a statewide three-year recidivism rate of 67 percent. Delaware is also a Class 5 state, and had the tenth highest rate of felon disenfranchisement in 2010, with a statewide disenfranchisement rate of 3.7 percent of the total voting-age population. Delaware's presence on both of these lists reflects the hypothesized link between states with high disenfranchisement and three-year recidivism rates; however, comparing the lists of states in Table 3 and Table 6 shows that this example is the exception, not the norm. If more states' disenfranchisement and recidivism data reflected this trend, this would provide a significantly stronger basis on which to establish the link between felon disenfranchisement and recidivism; however, existing data does not provide evidence that supports this connection on a wider scale.

Several other states have high levels of disenfranchisement *and* low three-year recidivism rates, which contradicts the proposed link between felon disenfranchisement and recidivism. In 2010, New Hampshire had the ninth highest recidivism rate—with a statewide three-year recidivism

rate of 47 percent—but the fourth lowest disenfranchisement rate of only 0.29 percent of the voting-age population. Similarly, Rhode Island had the fourth highest recidivism rate in 2010, with a statewide three-year recidivism rate of 54 percent, but had the seventh lowest disenfranchisement rates; at this time, only 0.41 percent of voting-age Rhode Island residents were ineligible to vote due to a felony conviction.

Overall, this data shows few clear patterns among states with the highest three-year recidivism rates in 2010. Examining this data alongside Table 3 also significantly weakens the case for a link between high disenfranchisement rates and low three-year recidivism rates; the fact that multiple states with high three-year recidivism rates also have low felon disenfranchisement rates contradicts this theory.

States With Low Three-Year Prison Recidivism Rates in 2010

There is a similarly weak correlation between Table 7, which lists the states with the lowest three-year recidivism rates, and Table 4's list of states with the lowest rates of felon disenfranchisement in 2010. The disenfranchisement classifications of the states listed in Table 7 demonstrate the extent of this discrepancy; for example, eight out of ten states identified as having the lowest three-year recidivism rates are either classified as Class Four or Class Five, meaning they have harsher felon disenfranchisement laws. Additionally, many states featured in Table 7 are located in the south, a region that has already been established having more conservative patterns of state policy liberalism, harsher felon disenfranchisement laws, and a greater number of cost-increasing electoral institutions, which all lead to depressed voter turnout even among enfranchised voters (Springer 2014; Caughey and Warshaw 2015).

Specifically, Florida, Mississippi, and Virginia are all Class Five states that contradict the possibility of a direct link between disenfranchisement and recidivism. For example, Florida had the

highest rate of felon disenfranchisement in 2010, with 10.42 percent of the Florida voting-age population disenfranchised due to a felony conviction. Florida also had the eighth lowest recidivism rate in 2010, with a three-year recidivism rate of 27.6 percent. Likewise, Mississippi had the second highest disenfranchisement rate, of 8.27 percent, but the ninth lowest three-year recidivism rate, of 28 percent. Finally, Virginia had the fourth highest disenfranchisement rate of 7.34 percent, but the sixth lowest three-year recidivism rate, of 26.1 percent. Similar to how New Hampshire and Rhode Island both had low disenfranchisement and high recidivism rates in 2010, the fact that these three states had high disenfranchisement and low recidivism rates at this time further reflects a lack of connection between states' felon disenfranchisement laws and three-year recidivism rates.

Table 7 also includes one Class One state, Maine, and one Class Two state, Oregon. Both of these states provide evidence supporting the hypothesized relationship between disenfranchisement and recidivism rates. Both Maine and Oregon are among the states with the lowest disenfranchisement and three-year recidivism rates. Because Maine does not disenfranchise felons under any circumstances, it has the lowest disenfranchisement rate of 0 percent of the voting-age population. It also has the third lowest three-year recidivism rate, of only 24.7 percent. Oregon has the eighth-lowest disenfranchisement rate, of 0.5 percent of the voting-age population, and the seventh lowest three-year recidivism rate of 27 percent.

Comparing Three-Year Prison Recidivism Rates Between 2010 and 2017

There is considerable overlap between the states with the highest and lowest three-year prison recidivism rates in 2010 and 2017. Tables 6 and 9 show that half of the states with the highest recidivism rates in 2010 were still on the list of highest recidivism rates in 2017,⁵ although all of these states had reduced their recidivism rates in 2017, with an average statewide reduction of 2.6%. Other states with high recidivism rates in 2017 are newcomers to this list. This notably includes Alaska, which had the 25th highest recidivism rate in 2010, but had the highest rate in 2017. The 2010 and the 2017 lists are similarly geographically diverse, and include states from every region of the country. Interestingly, both the 2010 and 2017 lists of states with the highest recidivism rates only include one southern state, but this state differs between these years. In 2010, Tennessee was the only southern state on this list; in 2017, Arkansas was the lone southern standout. The 2010 and 2017 lists also both include states with a wide distribution of felon disenfranchisement classifications, ranging from Class Two to Class Five, which indicates that there is no clear trend between a state's disenfranchisement classification and its three-year recidivism rates. Overall, the list of states with the highest three-year recidivism rates in 2017 is remarkably similar to the 2010 list.

Comparing the lists of states with the lowest three-year recidivism rates in 2010 and 2017 reveals similar patterns. Tables 7 and 10 show that seven states with the lowest recidivism rates in 2010 return to this list in 2017;⁶ additionally, most of these states' recidivism decreased between these years. Minnesota is the sole exception to this trend; this state increased its recidivism levels by 1% between 2010 and 2017. As in 2010, many states with the lowest three-year recidivism rates in 2017 were classified as Class Four or Class Five; Oregon, a Class Two state, was the only exception

⁵ These states are Delaware, Rhode Island, Hawaii, Colorado, and Illinois.

⁶ These states are Minnesota, Texas, Nebraska, Virginia, West Virginia, Oregon, and Florida.

to this trend. The continuation of this inverse relationship between a states' felon disenfranchisement classification and its levels of recidivism further complicates the theory that states with more lenient disenfranchisement laws will have lower three-year recidivism rates. Finally, while the list of states with the lowest three-year recidivism rates in 2017 included states from almost every region in the country, with the exception of the northeast, it is surprising that southern states continued to dominate this list, considering these states' more conservative tendencies (Caughey and Warshaw 2015, 13).

Oklahoma is one notable newcomer on the list of states with the lowest three-year recidivism rates in 2017. In 2010, this state had the sixth highest recidivism rate of 53 percent, but by 2017, it had the fourth lowest recidivism rate of only 24 percent. This is the only example of a state that went from having one of the highest recidivism rates in 2010 to one of the lowest in 2017.⁷ I further explore why this might have happened in Oklahoma in the section of the paper discussing "Ban the Box" laws.

⁷ Or vice versa.

Exploring an Alternative Explanation for Select States with High Felon Disenfranchisement and Low Three-Year Prison Recidivism Rates

Initial observations and analysis about states' levels of recidivism and disenfranchisement in 2010 shows that many states with lower three-year recidivism rates have stricter felon disenfranchisement laws. This evidence contradicts the original hypothesis that states' three-year recidivism rates would directly correlate to the severity of states' disenfranchisement policies. Moreover, the fact that many states with low recidivism rates are located in the south is also puzzling, especially since previous research shows that southern states tend to have both more conservative beliefs about criminal justice and lower rates of political participation overall (Caughey and Warshaw 2015, Springer 2014).

One possible explanation for these trends is that the states with lower three-year recidivism rates, stricter disenfranchisement laws, and higher classifications of felon disenfranchisement also have tougher criminal justice policies overall, including longer prison sentences. This complex relationship could explain why these states also have lower three-year recidivism rates, since measures of recidivism only apply to felons who have *already been released from prison*, not those who have never completed their original sentences. If states with harsher disenfranchisement laws also have longer-than-average prison sentences, they could still have lower three-year recidivism rates, because the population of prisoners who have completed their initial sentences would be significantly smaller in these states than elsewhere in the country.

To test this theory, I used state-by-state data from the Sentencing Project to compare the percentage of the prison population sentenced to life in prison in certain states that were identified as having harsh felon disenfranchisement laws *and* low three-year recidivism rates against the average percentage of inmates serving life sentences across all states. I used the percentage of prisoners serving life sentences in these states to test the degree of severity in their sentencing policies and

practices. Southern states consistently have the lowest degree of policy liberalism out of any region in the country (Caughey and Warshaw 2015, 2), which also makes them the most likely to have significantly harsher sentencing practices than states in other parts of the country. For this reason, I tested this theory on Mississippi, Virginia, Florida, and Texas the four Class Four and Class Five southern states ranked among the states with the lowest three-year recidivism rates in 2010.

In Table 11, I compare the percentage of prisoners serving life sentences in these four states to that of the other eight southern states, as well as to the average percentage of inmates serving life in prison across all states. Table 11 shows that both Mississippi and Florida incarcerate more felons serving life sentences than both the southern average and the national average. Thirteen percent of the Florida prison population, compared to 10.9 percent of both the southern and the national averages (Sentencing Project 2016). Furthermore, in Mississippi, eleven percent of the prison population is serving life sentences, which is about equivalent to these averages (Sentencing Project 2016). On the other hand, Texas and Virginia both have lower populations of prisoners serving life sentences; in 2016, only 6.1 percent of the Texas prison population and 6.7 percent of the Virginia prison population was serving life in prison (Sentencing Project 2016). Both of these figures put these states well below the national average of the percentage of prisoners serving life sentences, and make them the southern states with the second and third lowest percentage of prisoners serving life sentences, respectively (Sentencing Project 2016).

Thus, while it is notable that Florida has higher percentage of inmates serving life in prison than seven out of the twelve southern states (Sentencing Project 2016), and Florida has the fourth highest percentage of any southern state (Sentencing Project 2016), data from Virginia and Texas—which both sentence prisoners to life in prison at lower rates than both the southern and national

averages—contradicts this trend and disavows its utility as a way to explain why some southern states have both high disenfranchisement rates and low three-year recidivism rates.

This model is similarly unsuccessful in explaining why many non-southern Class Four and Class Five states have low three-year recidivism rates. Table 12 lists the eight Class Four and Class Five states that were identified as having the lowest three-year recidivism rates in 2010. Of the four non-southern states on this list,⁸ Nevada is the only state on this list with a prison population with a higher life sentencing rate than the national average. Nevada's impressive life sentencing rate of 21 percent offers a plausible explanation for why it had the fourth lowest three-year recidivism rate of 25 percent in 2010, despite its Class Five status; however, this still does not account for why the recidivism levels in other non-southern Class Four and Class Five states were also among the lowest out of all states in 2010.

⁸ Nebraska, Minnesota, West Virginia, and Nevada

Exploring the Effects of Ban the Box Laws on Three-Year Recidivism Rates

Ban the Box laws are a potential factor that could influence three-year prison recidivism rates and felon voter turnout in certain states. Ban the Box laws mandate that employers recruiting new hires base their initial hiring decisions off of individuals' professional qualifications instead of their criminal record, and do not make job candidates undergo background checks or consider their criminal history until later in the hiring process (National Employment Law Project [NELP] 2018). These laws are implemented on a local or statewide basis. Currently, thirty states have enacted some statewide version of a Ban the Box law; however, the extent of each of these laws differs by state. Some states have enacted comprehensive laws that apply to both public-sector and private-sector employers, while others simply apply to public sector employers, or even just to the state government. Tables 13 and 14 provide a full list of states with Ban the Box laws.

Because this study examines disenfranchisement and recidivism from a statewide level, it will only consider statewide Ban the Box laws, not local laws. The effects of these statewide laws are potentially significant to this study for several reasons. Because stable employment is a condition that is frequently included in parole agreements, and technical parole violations—including causes such as maintaining stable living conditions and employment—are among the most common reasons why prisoners recidivate (Harding and Morenoff et al. 2017), there could be a relationship between states with Ban the Box laws and those with lower three-year recidivism rates. Having the opportunity to earn a stable living income might also lower recidivism rates by dissuading felons from committing new crimes, especially since many offenders who continue to commit crimes and return to prison do so out of a desperation to meet their basic needs if they cannot find employment after they are first convicted of a felony (Curley 2017).

Ban the Box laws might also make felons more likely to vote. Previous research on voter turnout and mobilization shows that wealthier and better-educated groups of people—such as those who are readily employed—are more likely to vote than those without money, education, or stable employment (Rosenstone and Hansen 1993). While making it easier for felons to find stable employment does not guarantee that they *will* vote, and there is obviously a significant difference between upper-middle class, college educated voters, and individuals who must start their lives over after they have been released from prison, Ban the Box laws might still help increase voter turnout among this population. Finally, the workplace is an important site of socialization for many people, since jobs frequently require a certain degree of human interaction. Consequently, offenders who are able to find employment, especially in fields where they regularly interact with others, are more likely to both feel more compelled to vote and feel more connected to society in general because they are interacting with others on a regular basis. This is because individuals who are more engaged in civic affairs have higher levels of social capital, and are more likely to be compelled to participate in politics due to their extensive social networks (Putnam 2000). Thus, felons in states with comprehensive Ban the Box laws are more likely to be employed and are more easily able to reintegrate into society, since employment increases both their interactions with other people and their degree of financial stability. When considered in conjunction with each other, all of these factors might make felons living in places that have passed Ban the Box laws more likely to participate in elections than those living in states that have not enacted these laws.

This section divides its analysis of statewide Ban the Box laws into several parts. Only two states, Hawaii and Minnesota, passed some version of a Ban the Box law prior to 2010, so I will first examine the relationship between these states' laws, shown in Table 13, and their three-year recidivism rates in 2010. Because the remaining 28 states enacted their Ban the Box laws at some

point after 2010, the second part of this analysis, will focus on exploring the relationship between the remaining states' laws, shown in Table 14, and their three-year recidivism rates in 2017. I will also extrapolate these findings to infer how the lack of statewide Ban the Box legislation in the remaining twenty states might affect three-year recidivism rates in these places, which are listed in Table 15.

An Overview of States With Ban the Box Laws Enacted Prior to 2010

Table 7 shows that Minnesota had the lowest three-year recidivism rate in 2010. However, because Minnesota's three-year release cohort—which is used to measure this state's recidivism levels in 2010—was released in 2007, these individuals were only minimally affected by the state's Ban the Box law, which was passed in 2009 (less than a year before the 2010 three-year recidivism rate statistics were collected). Moreover, the fact that the 2009 version of this law only applies to public-sector employment, further minimizes the impact that it could have on Minnesota's 2007 released cohort. Additionally, most felons recidivate before the three-year mark (Durose et al. 2014), which is further evidence that Minnesota's Ban the Box law had minimal effect on its three-year recidivism rate in 2010.

Although Table 6 shows that Hawaii had the fifth highest three-year recidivism rate in 2010, it was the first state to pass a Ban the Box law in 1998. Hawaii's law is also very comprehensive, covering both private-sector and public-sector employment (Haw. H.B. 3528). Thus, the fact that Hawaii has such a high recidivism rate in 2010, despite having a comprehensive Ban the Box law passed twelve years earlier, provides evidence to support the claim that Ban the Box laws alone are insufficient to reduce recidivism.

An Overview of States with Ban the Box Laws Enacted After 2010

Table 14 lists all statewide Ban the Box laws passed between 2010 and the present. To date, five out of the ten states with the lowest three-year recidivism rates in 2017 have passed Ban the Box laws,⁹ and four of these states, Oregon, Virginia, Nebraska, and Oklahoma, enacted their laws between 2010 and 2017. Additionally, while Minnesota enacted its original Ban the Box law in 2009, it expanded its law in 2013 to include both public-sector and private-sector employers. Oregon's Ban the Box law is similarly comprehensive, and applies to both public-sector and private-sector hiring. Conversely, Nebraska's law only covers public-sector hiring, and Virginia and Oklahoma only include public-sector hiring for certain public-sector positions within state governments.

An additional eight out of ten states with the highest three-year recidivism rates in 2017 have passed Ban the Box laws.¹⁰ Seven of these states enacted their laws between 2010 and 2017; the remaining state, Hawaii, enacted its law in 1998. Laws in Hawaii, Illinois, Rhode Island, and Connecticut include both private-sector and public-sector hiring. Laws in Utah and Delaware only apply to public-sector hiring. Finally, laws in Pennsylvania and Colorado only include certain public-sector positions within state governments.

The Effects of Ban the Box Laws Passed Between 2010-2017 in Select States with High Three-Year Recidivism Rates in 2010

Tables 6 and 9 identify three states, California, Oklahoma, and Tennessee, that were among those with the highest three-year recidivism rates in 2010, but not in 2017. Notably these states also enacted some version of a statewide Ban the Box law between 2010 and 2017. Among these states,

⁹ These states are Minnesota, Virginia, Oklahoma, Nebraska, and Oregon.

¹⁰ These states are Hawaii, Illinois, Colorado, Rhode Island, Connecticut, Utah, Pennsylvania, and Delaware.

California's law is the most comprehensive, covering both public and private-sector hiring; laws in Oklahoma and Tennessee only cover public-sector hiring for certain state government positions.

Oklahoma is an especially pertinent example of a state that had significant reductions in its three-year recidivism rates between 2010 and 2017. Oklahoma went from having the sixth highest three-year recidivism rate, of 53 percent, in 2010, to the fourth lowest recidivism rate, of 24.2 percent, in 2017. This is also exceptional because Oklahoma's Ban the Box law was implemented in 2016, meaning members of its 2017 three-year release cohort, who were released in 2014, had extremely limited time to benefit from this law. Additionally, Oklahoma's version of the law is very restrictive, as it only applies to certain positions within the state government. This further limits the law's efficacy in significantly reducing Oklahoma's three-year recidivism rates between 2010 and 2017.

On its own, this data suggests that implementing some version of a statewide Ban the Box law can have a positive effect on reducing three-year recidivism rates. On the other hand, case studies of three states where Ban the Box laws might have had a role in significantly reducing three-year recidivism rates do little to counteract the other data showing that many states with high recidivism rates in 2017 have also enacted some version of a Ban the Box law. While certain states, such as Oklahoma, California, and Tennessee, provide evidence that contradicts this trend, these examples are still insufficient to conclude that Ban the Box laws have a significant effect on reducing three-year recidivism rates.

Three-Year Recidivism Rates in States Without Ban the Box Laws

Based on the aforementioned benefits of Ban the Box laws, one would assume that it would be more likely for states that have not implemented statewide versions of these laws to have consistently high three-year recidivism rates in both 2010 and 2017. Thus, it is surprising that an

analysis of Tables 6 and 9, which list the states with the highest three-year recidivism rates in 2010 and 2017, alongside Table 15, which lists the states that have not passed any statewide Ban the Box law as of 2017, contradicts this hypothesis.

Among the states with the highest three-year recidivism rates in 2010, Idaho and New Hampshire are the only two that have not yet implemented any version of a statewide Ban the Box law. Similarly, just two states listed among those with the highest three-year recidivism rates in 2017, Alaska and Arkansas, have not yet implemented any version of a Ban the Box law. As previously mentioned, the fact that most states with the highest three-year recidivism rates in 2017 have enacted a statewide Ban the Box law, but only half of the states with the lowest three-year recidivism rates in 2017 have enacted some version of this law, demonstrates that these laws alone probably do not play a significant role in reducing recidivism rates.

Indeed, it seems that Ban the Box laws alone are insufficient to significantly lower three-year recidivism rates, as many states with Ban the Box laws were also among those with the highest levels of recidivism in 2017. There are several notable cases of states where Ban the Box laws can be linked to lower three-year recidivism rates, such as in Minnesota in 2010 and 2017, or where a state's recidivism rate was significantly lower after Ban the Box legislation was enacted, as was the case in Oklahoma in 2017. While these cases indicate that these laws can have a positive effect on reducing recidivism, the fact that both of these states' laws were passed about a year before their three-year recidivism rates were reported also calls into question the likelihood that Ban the Box laws had a causal effect on lowering recidivism rates in these states. Thus, I conclude that while Ban the Box laws are important factors in helping recently-released individuals re-adjust to life outside of prison, there is insufficient evidence to conclude that they alone have altered states' three-year recidivism rates. However, it is possible that these laws play a moderate role in helping reduce three-

year recidivism rates, especially when combined with other factors that encourage reintegration—including opportunities for felons to continue their education during and after their sentences, which I will explore in the next section.

Using Prison GED Programs to Consider the Role of Education among Felons

Felons' education levels are a crucial factor to consider, as an individual's level of education is the biggest predictor of the likelihood that they will vote or otherwise participate in politics (Rosenstone and Hansen 1993; Niemi and Weisberg 2001). Additionally, education has been shown to predict a variety of factors in felons' life after prison. According to Ewert and Wildhagen in the U.S. Census Bureau Report on Educational Characteristics of Prisoners, "educational attainment predicts a variety of individual outcomes, including employment, income, childbearing, health, likelihood of receiving public assistance, and political participation." (Ewert and Wildhagen 2011, 1). Likewise, Lochner and Moretti find that "increased educational attainment may reduce the likelihood of incarceration by raising the returns to work and so raising the opportunity costs of illegal behavior, by changing the psychological effects of criminal activity, and by shaping preferences involved in the decision making process to commit a crime" (Lochner and Moretti 2004). Bazos and Hausman's research has also shown that "enrollment in prison education programs might reduce recidivism rates by increasing cognitive skills that change behavior and by socializing people to live a crime-free life" (Bazos and Hausman 2004), and that "released prisoners who had enrolled in education programs while in prison were 10-20 percent less likely to commit crimes" (Bazos and Hausman 2004). This is also connected to political participation since individuals who are better-educated and have stable employment and higher incomes are more likely to vote (Rosenstone and Hansen 1993).

This work focuses on the impact of GED programs in state prisons on felon disenfranchisement and three-year recidivism rates because "prisoners are also more likely than the general population to have a GED" (Ewert and Wildhagen 2011, 3). Additionally, because 40 percent of the incarcerated population has not completed high school, and are thus more likely to

complete their secondary education through GED programs (Ewert and Wildhagen 2011, 1), examining the percentage of prisoners enrolled in prison GED programs by state is a valuable way to determine which states have more highly educated populations of prisoners. It is also likely that states with more expansive correctional GED programs have a stronger commitment toward rehabilitation-based initiatives and programs than states where a significantly lower percentage of the prison population participates in such programs, or those where such programs do not exist in correctional facilities at all. Finally, these programs often provide additional opportunities for socialization among inmates, which helps participants increase their levels of social capital. These increased opportunities for socialization also help equip inmates to succeed once they are released, which further helps lower recidivism rates among participants and increase the likelihood that these individuals will vote if they are able to.

To rank the extensiveness of states' prison GED programs, I calculated the percentage of prisoners enrolled in GED programs while incarcerated in each state. To find this number, I used statistics for the number of prisoners enrolled in GED programs in prisons in 2010 from 45 states from a report published by the American Council on Education in 2011, and each state's total prison population in 2010. Unfortunately, GED data was not available for five states¹¹, so I was unable to include these states in this portion of the study. Next, I examined the states with the ten highest and lowest rates of prisoners enrolled in GED programs while incarcerated, and compared these states with the states with the highest and lowest disenfranchisement and three-year recidivism rates in 2010 and 2017. I also looked at the disenfranchisement classifications of these states, and how their varying commitments to offering GED programs in prisons is reflected in the extent to which they formally disenfranchise felons. Finally, because education strongly impacts voter turnout and

¹¹ Hawaii, Idaho, Indiana, South Carolina, and Vermont

political participation, I compared these states with Springer's list of high-turnout and low-turnout states in presidential and non-presidential election years from 1920-2000 (Springer 2014).

Impact on Three-Year Recidivism Rates

Tables 7, 10, and 17 show that five out of ten of the states with the highest percentages of prisoners enrolled in GED programs during their sentences are also among those with the lowest three-year recidivism rates in either 2010 or 2017.¹² Additionally, four states out of these five had low recidivism rates in both 2010 and 2017. Wyoming is the only exception; this state had a low recidivism rate in 2017, but not in 2010. Conversely, according to Tables 9 and 17, two states with the highest percentages of prisoners enrolled in GED programs, Alaska and Arkansas, are among those with the highest three-year recidivism rates in 2017. No states among those with the most highly-attended prison GED programs were also among the top ten recidivism rates in 2010.

Tables 6, 9, and 18 show that three out of ten states with the lowest percentages of prisoners enrolled in GED programs while incarcerated are also among those with the highest three-year recidivism rates in either 2010 or 2017.¹³ Additionally, only one state, Delaware, had consistently high recidivism rates in both of these years. This evidence supports the theory that states with lesser-educated populations of prisoners will have higher three-year recidivism rates, although it is still surprising that there isn't a stronger relationship between felons' education levels and states' three-year recidivism rates. On the other hand, Tables 7 and 18 identify two states, Nevada and Mississippi, that had both among the lowest GED enrollment rates and the lowest three-year recidivism rates in 2010. This provides some evidence that contradicts the proposed link between felons' education levels and states' recidivism rates; however, the number of states that support this connection greatly outnumber those that challenge it.

¹² These states are Oregon, Minnesota, Virginia, West Virginia, and Wyoming.

¹³ These states are California, Utah, and Delaware.

Overall, comparing the list of states with the largest and smallest numbers of prisoners enrolled in GED programs in 2010 with the list of states with the highest and lowest three-year recidivism rates in 2010 and 2017 demonstrates that felons' education levels, including the education they might receive while incarcerated, likely affects their proclivity to recidivate; an idea that is also substantiated by previous research that links felons' education levels with their ability to find stable employment and their likelihood of recidivating after they are released. That being said, further research is needed in order to fully substantiate this connection.

Impact on Felon Disenfranchisement and Relationship to Existing Disenfranchisement Laws

According to Tables 3 and 18, four states with the lowest percentage of prisoners enrolled in GED programs were also among those with the highest levels of felon disenfranchisement in 2010.¹⁴ This supports the claim that states with lower rates of GED enrollment in prisons will also have a lower commitment to taking on other pro-rehabilitation measures, including more progressive disenfranchisement laws. While many states on this list either have Class Four or Class Five disenfranchisement classifications, it is interesting that the overall distribution of classifications is very spread out, ranging from three Class Two states to four Class Five states.

Oregon is the only state that had low felon disenfranchisement rates and high GED enrollment numbers. 21 percent of prisoners in Oregon are working toward a GED, the highest of any state. Moreover, Oregon has the eighth lowest disenfranchisement rate, at 10.5 percent. This example joins the four states with high levels of felon disenfranchisement and low numbers of enrollment in prison GED programs to support the theory that states with better-educated felon populations, and more extensive prison GED programs, will also have lower disenfranchisement rates and more progressive felon disenfranchisement laws.

¹⁴ These states are Georgia, Alabama, Delaware, and Mississippi.

Conversely, several states had both high felon disenfranchisement rates and large populations of prisoners enrolled in GED programs in 2010. Tables 3 and 17 identify two states, Wyoming and Virginia, that are among those with both the highest numbers of prisoners enrolled in GED programs during their sentences and the highest disenfranchisement rates in 2010. Wyoming and Virginia have the second and tenth highest rates of prisoners enrolled in GED programs and seventh and fourth highest felon disenfranchisement rates, respectively. While few states had both high disenfranchisement rates and high GED enrollment rates; interestingly, almost all states with the highest GED enrollment numbers are still classified as either Class Four or Class Five. Conversely, Tables 4 and 18 identify two states, Utah and Montana, that have both low levels of enrollment in prison GED programs and low levels of felon disenfranchisement in 2010. Overall, this evidence contradicts the hypothesis that states with the most extensive prison GED programs will have lower disenfranchisement rates and more progressive felon disenfranchisement laws.

Overall, this data demonstrates that the range of felon disenfranchisement policies vary, even among states with the lowest GED enrollment. While the four states identified as having low GED enrollment and high levels of disenfranchisement, as well as Oregon, which has high GED enrollment and low levels of disenfranchisement, support the theory that states' felon education and disenfranchisement rates are inversely related, this trend is far from consistent across all states; several other states have either high or low levels of felon disenfranchisement and GED enrollment. Therefore, it seems that although there is not a consistent relationship between state disenfranchisement rates and the number of prisoners enrolled in prison GED courses, there is a slight trend that states with higher levels of prison GED enrollment are also more likely have more lenient felon disenfranchisement laws, and vice versa.

Impact on General State Trends in Political Participation

Comparing both the lists of states with the highest and the lowest rates of prison GED enrollment to Springer's rankings of high turnout states in presidential and nonpresidential election years from 1920-2000 reveals several notable trends. Perhaps most significantly, almost all states ranked in the top ten for prisoner participation in GED programs are classified as high-turnout states during both presidential and nonpresidential election years during Springer's period of study (Springer 2014, 42-43). The two exceptions are the two Southern states on the list, Virginia and Arkansas; however, this is unsurprising because Southern states have lower voter turnout rates than states in any other region (Springer 2014, 41).

If this pattern holds, we would expect that the states with the lowest prisoner participation rates in GED programs to be classified as states with consistently low turnout in presidential and nonpresidential election years. While this trend holds for states with the lowest GED enrollment numbers, there is not as strong of a correlation between education and turnout among these states. Four states with the lowest rates of prisoner enrollment in GED programs had consistently low turnout in both presidential and nonpresidential election years (Springer 2014, 43-44), including all three of the southern states on the list: Georgia, Alabama, and Mississippi. An additional three states, California, Delaware, and New Jersey, also had consistently low turnout in either presidential or nonpresidential election years (Springer 2014, 43-44). Montana is the only state on either list that is not listed as a high or a low turnout state for presidential or nonpresidential election years (Springer 2014, 42-44).

These patterns reinforce the long-standing finding that education is one of the strongest predictors of voting behavior. This idea is reflected in both datasets, as states with higher voter turnout rates in both presidential and nonpresidential election years from 1920-2000 were more

likely to have a significant percentage of felons enrolled in prison GED programs while incarcerated. Considering these findings in conjunction with the broader literature about the relationship between education levels and voter turnout (Rosenstone and Hansen 1993, Niemi and Weisberg 2001), it is likely that felons who have completed secondary education before being released from prison will be more likely to vote than those who have not attained this level education when they are released. Thus, providing more opportunities for felons to continue pursuing education during or after their sentences will make them more likely to vote once they are re-enfranchised.

Suggestions for Further Research and Concluding Thoughts

This project explored the relationship between states' felon disenfranchisement and three-year prison recidivism rates, as well as how other statewide and regional factors—including the degree of liberalism in states' enacted criminal justice and general policies, the degree of educational attainment among prisoners, and general voter turnout—might inform and affect this connection. This paper found many trends that the existing data alone could not substantiate, which was largely due to the extremely limited dataset employed; throughout the study, I only had access to one set of statewide felon disenfranchisement data and two sets of three-year recidivism data. While this made it difficult for this research to definitively conclude *anything*, it has highlighted several trends in statewide felon disenfranchisement and recidivism data that merit further exploration through a more comprehensive research project.

Perhaps the most important takeaway from this study is its exploration of how each state's commitment to educating felons—measured by finding the percentage of prisoners enrolled in GED programs while incarcerated—relates to its three-year prison recidivism rates, disenfranchisement laws, and levels of voter turnout among the state's voting-age population. This section of the study found evidence of a slight relationship between the percentage of prisoners enrolled in GED programs while incarcerated, states' felon disenfranchisement laws, and three-year recidivism rates in 2010, as well as signs of a more significant relationship between these factors and state voter turnout rates. Previous research establishes educational attainment as the biggest predictor of voter turnout, and also shows that states with better-educated populations will have higher rates of voter turnout (Rosenstone and Hansen 1993, Niemi and Weisberg 2001). There is also a significant body of research suggesting that the degree of educational attainment among felons and their proclivity to recidivate is inversely related (Lochner and Moretti 2004; Bazos and Hausman 2004). While this

study found a slight correlation between states with higher enrollment rates in prison GED programs and those with lower three-year recidivism rates, additional research could expand upon these preliminary findings in order to more definitively evaluate the relationship between felons' education levels and three-year recidivism rates on a state-by-state basis. Finally, further research could build off of this study's preliminary effort to evaluate the relationship between states' prison GED program enrollment rates and disenfranchisement policies in order to more definitively identify the degree that a state's commitment to offering education for its incarcerated population might determine the severity of its felon disenfranchisement policies. While this section of the study concluded that states with higher levels of prison GED enrollment are also slightly more likely have more lenient felon disenfranchisement laws, it also found evidence that suggested the contrary might be true based on disenfranchisement and GED enrollment statistics from several states. Further efforts to examine a wider range of statewide felon disenfranchisement and prison education program data could more definitively answer this question.

Another area of this study that merits further research is the relationship between state felon disenfranchisement rates and three-year prison recidivism rates. Specifically, additional research is needed to identify other factors that might explain the absence of the hypothesized direct correlation between these two variables. Accounting for the limitations of the extremely little amount of statewide disenfranchisement and recidivism data available to me for the purposes of this study, I can conclude that there is no evidence to support the hypothesized direct link between these two variables. Upon initially observing and analyzing this data, I theorized that this might be the case because of harsh prison sentencing practices that were likely the most common in the Class Four and Class Five states that were among those with the lowest three-year recidivism rates in 2010. I then tested this theory by finding the percentage of prisoners serving life sentences in these states

compared to regional and national averages. While this experiment ultimately disproved the theory that the severity of these states' sentencing practices reveals why they have both high disenfranchisement and low recidivism rates, other theories might better explain why felon disenfranchisement and three-year prison recidivism rates are not directly related. This also merits further exploration in future research.

Building even further, future research might also explore the parallels between the lower rates of turnout among felons and young voters. Like enfranchised felons, young people are less likely than average to participate in elections; consequently, the candidates, interest groups, and other rational actors that engage in strategic mobilization are less likely to attempt to mobilize this population. This results in a bias in the types of policies that state and federal legislators create; because young people vote at lower levels, lawmakers are less likely to consider their preferences when making new legislation than those of demographics that are more widely known to participate (Wattenberg 2007, 140; Levine 2007, 22). Similarly, it is important to recognize that felons, especially those who have recently regained their voting privileges, are individuals who should have more of a stake the policymaking process than they often do, and make efforts to mobilize this population accordingly.

Furthermore, young people also tend to favor different candidates and parties than older generations¹⁵ (Wattenberg 2007, 141; Eisner 2004, 52-53), which—in conjunction with lower levels of voter turnout among youth—compounds vote bias against young people, as elected lawmakers are not necessarily those that younger generations feel best represent them. This comparison also holds true for felons; because these individuals either do not vote at all or do so at greatly reduced rates, when compared to the populations that vote the most, politicians are not motivated to consider their preferences when making policies related to criminal justice system, or other topics that significantly

¹⁵ i.e. Bernie Sanders in the 2016 Presidential Election

affect felons. While felons do not generally have the choice to eschew voting, since many members of this population are not enfranchised to begin with, these are important similarities between low levels of voter turnout among young people and enfranchised felons, and how the overall absence of both of these populations at the ballot box facilitates biases in voter mobilization, representation, and policymaking.

These similarities to issues regarding youth voter turnout provide additional reasons why felon disenfranchisement is a significant issue that merits further study. For example, it would be interesting to explore the extent to which voter turnout rates among recently-released felons mirrors youth turnout rates in states where felons are re-enfranchised after they complete their prison sentences, if not earlier. If young people and felons voted at comparable rates in these states, it would provide a strong argument for expanding the voter turnout mobilization programs, typically geared toward harnessing the youth vote, to also include felons who are eligible to vote. This would also provide a compelling argument to undertake efforts to lower the information costs of voting among felons. Even in states with more liberal disenfranchisement laws, or those that do not disenfranchise felons at all, members of this population frequently face higher-than-average voting-related information costs, which can discourage them from participating even when they are able to. This problem, known as *de facto* felon disenfranchisement, results from misinformation about voting laws; usually, at what point in their sentences felons are eligible to vote (Drucker and Barreras 2005). Previous research on *de facto* disenfranchisement confirms that felons are misinformed about their voting rights to a significant degree, finding that about half of the respondents interviewed throughout a comprehensive study were misinformed about how, when, and where they can vote (Drucker and Barreras 2005, 7-8). Consequently, this demonstrates the need for further research

exploring the utility of efforts to register and mobilize eligible felons and lower the costs of voting-related information throughout this population.

While felon disenfranchisement laws have existed throughout American history, ongoing research on this topic might soon provide definitive and compelling evidence for significantly reforming, or even ending, this practice nationwide. This thesis has contributed to this body of research by identifying a link between states' felon disenfranchisement laws and three-year prison recidivism rates in 2010. Although it was unable to substantively prove that such a relationship exists between these factors (especially given the extremely limited amount of data available to test this hypothesis), this research *was* able to identify a variety of relevant factors that merit further exploration. Ultimately, the full extent of the relationship between state felon disenfranchisement laws and three-year prison recidivism rates will be the focus of future work; yet, this study is a systematic first step toward understanding how these factors relate to each other within the broader framework of felon reintegration efforts, American federalism, and state voting laws.

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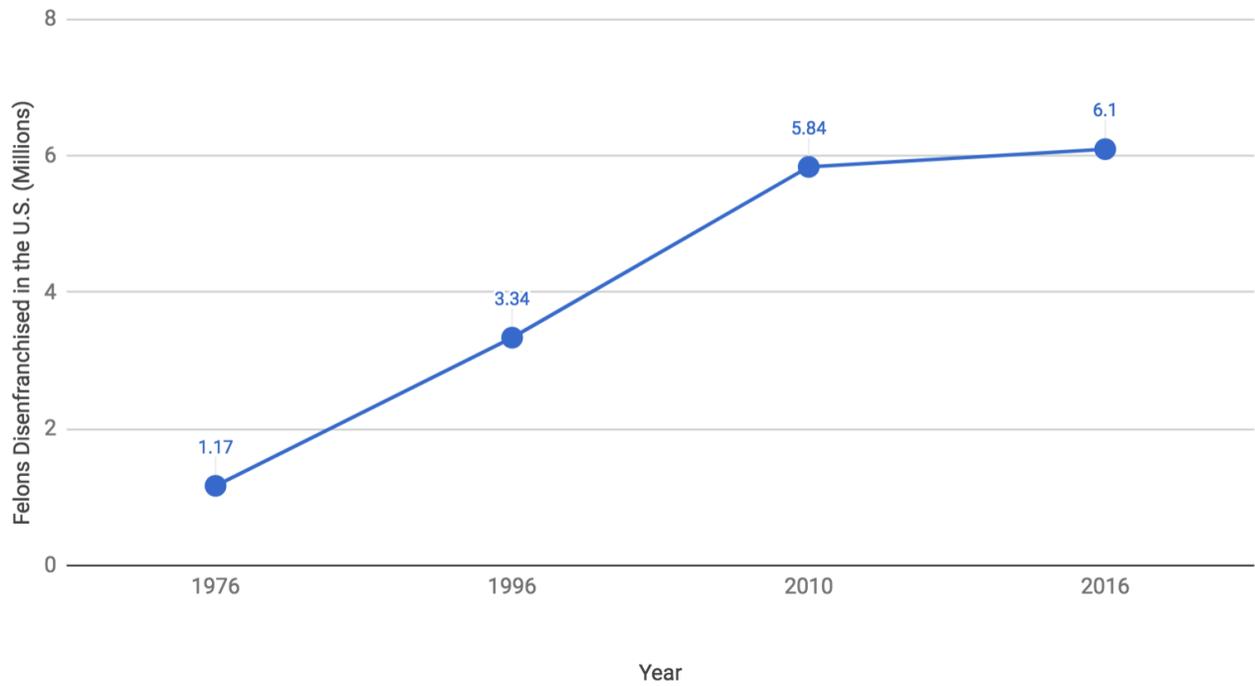
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Appendix

FIGURE 1: FELON DISENFRANCHISEMENT (MILLIONS OF PEOPLE)¹⁶



¹⁶ Data provided by the Sentencing Project, 2016.

TABLE 1: FELON DISENFRANCHISEMENT LAWS BY STATE (2016)¹⁷

Class 1: No Restriction (2 states)	Class 2: Prisoners Disenfranchised (14 states)	Class 3: Prisoners and Parolees Disenfranchised (4 states)	Class 4: Prisoners, Parolees, and Probationers Disenfranchised (18 states)	Class 5: Permanent Disenfranchisement or Required Appeal to State Governor (12 States)
Maine	Hawaii	California ¹⁸	Alaska	Alabama
Vermont	Illinois	Colorado	Arkansas	Arizona ¹⁹
	Indiana	Connecticut	Georgia	Delaware
	Massachusetts	New York	Idaho	Florida
	Maryland		Kansas	Iowa
	Michigan		Louisiana	Kentucky
	Montana		Minnesota	Mississippi
	New Hampshire		Missouri	Nebraska
	North Dakota		New Jersey	Nevada ²⁰
	Ohio		New Mexico	Tennessee ²¹
	Oregon		North Carolina	Virginia
	Oregon		Oklahoma	Wyoming ²²
	Pennsylvania		South Carolina	
	Rhode Island		South Dakota	
	Utah		Texas	
			Washington	
			West Virginia	
			Wisconsin	

¹⁷ Data provided by the Sentencing Project, 2016.

¹⁸ “California - In 2016, legislation restored voting rights to people convicted of a felony offense housed in jail, but not in prison” (Sentencing Project 2016).

¹⁹ “Arizona - Permanently disenfranchises persons with two or more felony convictions” (Sentencing Project 2016).

²⁰ “Nevada - Disenfranchises people convicted of one or more violent felonies and people convicted of two or more felonies of any type” (Sentencing Project 2016).

²¹ “Tennessee - Disenfranchises those convicted of certain felonies since 1981, in addition to those convicted of select crimes prior to 1973. Others must apply to Board of Probation and Parole for restoration” (Sentencing Project 2016).

²² “Wyoming - Voting rights restored after five years to people who complete sentences for first-time, non-violent felony convictions in 2016 or after” (Sentencing Project 2016).

TABLE 2: RAW FELON DISENFRANCHISEMENT DATA BY STATE IN 2010²³

State	Disenfranchisement Rate (Percent)
Alabama	7.19
Alaska	2.80
Arizona	2.96
Arkansas	2.96
California	1.00
Colorado	0.93
Connecticut	0.81
Delaware	3.70
Florida	10.42
Georgia	3.83
Hawaii	0.56
Idaho	2.24
Illinois	0.52
Indiana	0.60
Iowa	0.94
Kansas	0.87
Kentucky	7.35
Louisiana	3.28
Maine	0.00
Maryland	1.44
Massachusetts	0.25
Michigan	0.61
Minnesota	1.47
Mississippi	8.27

²³ Data provided by Manza et al, 2012.

TABLE 2 CONTINUED

Missouri	2.32
Montana	0.52
Nebraska	1.30
Nevada	4.24
New Hampshire	0.29
New Jersey	1.49
New Mexico	1.84
New York	0.72
North Carolina	1.14
North Dakota	0.30
Ohio	0.61
Oklahoma	1.82
Oregon	0.50
Pennsylvania	0.55
Rhode Island	0.41
South Carolina	1.22
South Dakota	1.05
Tennessee	7.05
Texas	2.91
Utah	0.40
Vermont	0.00
Virginia	7.34
Washington	1.03
West Virginia	1.07
Wisconsin	1.52
Wyoming	5.99

TABLE 3: STATES WITH THE TEN HIGHEST FELON DISENFRANCHISEMENT RATES IN 2010
(NUMBERS RELATIVE TO THE GENERAL POPULATION)²⁴

Rank	State	Disenfranchisement Rate (Percent)
1	Florida	10.42
2	Mississippi	8.27
3	Kentucky	7.35
4	Virginia	7.34
5	Alabama	7.19
6	Tennessee	7.05
7	Wyoming	5.99
8	Arizona	4.19
9	Georgia	3.83
10	Delaware	3.70

²⁴ Data provided by Manza et al, 2012.

TABLE 4: STATES WITH THE TEN LOWEST FELON DISENFRANCHISEMENT RATES IN 2010
(NUMBERS RELATIVE TO GENERAL POPULATION)²⁵

Rank	State	Disenfranchisement Rate (Percent)
50	Maine	0
50	Vermont	0
48	Massachusetts	0.25
47	New Hampshire	0.29
46	North Dakota	0.30
45	Utah	0.40
44	Rhode Island	0.41
43	Oregon	0.5
42	Illinois	0.52
42	Montana	0.52

²⁵ Data provided by Manza et al, 2012.

TABLE 5: RAW THREE-YEAR PRISON RECIDIVISM RATE DATA BY STATE IN 2010²⁶²⁷

State	Recidivism Rate (Percent)
Alabama	33.6
Alaska	39.0 ²⁸
Arizona	39.0
Arkansas	43.2
California	54.3
Colorado	52.5
Connecticut	43.9
Delaware	67.0
Florida	27.6
Georgia	28.9
Hawaii	53.5
Idaho	56.0
Illinois	51.1
Indiana	39.3
Iowa	30.3
Kansas	32.0
Kentucky	42.0 ²⁹
Louisiana	34.9
Maine	24.7
Maryland	40.5 ³⁰
Massachusetts	43.0
Michigan	33.0
Minnesota	24.0
Mississippi	28.0
Missouri	41.9

²⁶ Unless otherwise specified.

²⁷ Data collected through various state government documents. See references for complete list.

²⁸ 2009 data

²⁹ 2009 data

³⁰ 2009 data

TABLE 5 CONTINUED

Montana	37.6
Nebraska	25.8
Nevada	25.2 ³¹
New Hampshire	47.0
New Jersey	37.0
New Mexico	44.5
New York	41.5
North Carolina	35.8 ³²
North Dakota	39.4
Ohio	34.0
Oklahoma	53.0
Oregon	27.0
Pennsylvania	43.9
Rhode Island	54.0 ³³
South Carolina	33.5
South Dakota	46.0
Tennessee	46.0
Texas	24.0
Utah	43.0 ³⁴
Vermont	41.0
Virginia	26.1
Washington	31.2 ³⁵
West Virginia	28.7 ³⁶
Wisconsin	31.3 ³⁷
Wyoming	29.3 ³⁸

³¹ 2011 data

³² 2009 data

³³ 2007 data, because Rhode Island only releases their recidivism data once every five years.

³⁴ 2011 data

³⁵ 2009 data

³⁶ 2011 data

³⁷ 2011 data

TABLE 6: STATES WITH TEN HIGHEST THREE-YEAR RECIDIVISM RATES IN 2010³⁹

Rank	State	Recidivism Rate (Percent)
1	Delaware	67.0
2	Idaho	56.0
3	California	54.3
4	Rhode Island	54.0
5	Hawaii	53.5
6	Oklahoma	53.0
7	Colorado	52.5
8	Illinois	51.1
9	New Hampshire	47.0
10	Tennessee	46.0

³⁸ 2009 data

³⁹ Data collected through various state government documents. See works cited for complete list.

TABLE 7: STATES WITH TEN LOWEST THREE-YEAR RECIDIVISM RATES IN 2010⁴⁰

Rank	State	Recidivism Rate (Percent)
50	Minnesota	24.0
50	Texas	24.0
48	Maine	24.7
47	Nevada	25.2
46	Nebraska	25.8
45	Virginia	26.1
44	Oregon	27.0
43	Florida	27.6
42	Mississippi	28.0
41	West Virginia	28.7

⁴⁰ Data collected through various state government documents. See works cited for complete list.

TABLE 8: RAW THREE-YEAR PRISON RECIDIVISM RATE DATA BY STATE IN 2017⁴¹

State	Recidivism Rate (Percent)
Alabama	31.9
Alaska	66.4
Arizona	39.8
Arkansas	51.8
California	44.6
Colorado	50.0
Connecticut	55.0
Delaware	64.5
Florida	25.2
Georgia	30.0
Hawaii	50.5
Idaho	32.0
Illinois	48.0
Indiana	37.0
Iowa	34.2
Kansas	35.9
Kentucky	43.3
Louisiana	33.9
Maine	30.2
Maryland	40.5
Massachusetts	32.0
Michigan	29.8
Minnesota	25.0
Mississippi	31.4

⁴¹ Data collected through various state government documents. See works cited for complete list.

TABLE 8 CONTINUED

Missouri	43.9
Montana	42.2
Nebraska	25.5
Nevada	29.2
New Hampshire	47.1
New Jersey	32.0
New Mexico	46.2
New York	42.6
North Carolina	35.8
North Dakota	39.9
Ohio	29.3
Oklahoma	24.2
Oregon	18.4
Pennsylvania	59.5
Rhode Island	52.0
South Carolina	24.9
South Dakota	43.6
Tennessee	47.1
Texas	22.6
Utah	55.0
Vermont	45.0
Virginia	22.4
Washington	32.2
West Virginia	25.0
Wisconsin	37.5
Wyoming	28.2

TABLE 9: STATES WITH TEN HIGHEST THREE-YEAR RECIDIVISM RATES IN 2017⁴²

Rank	State	Recidivism Rate (Percent)
1	Alaska	66.4
2	Delaware	64.5
3	Pennsylvania	59.5
4	Utah	55.0
4	Connecticut	55.0
6	Rhode Island	52.0
7	Arkansas	51.8
8	Hawaii	50.5
9	Colorado	50.0
10	Illinois	48

⁴² Data collected through various state government documents. See works cited for complete list.

TABLE 10: STATES WITH TEN LOWEST THREE-YEAR RECIDIVISM RATES IN 2017⁴³

Rank	State	Recidivism Rate (Percent)
50	Oregon	18.4
49	Virginia	22.4
48	Texas	22.6
47	Oklahoma	24.2
46	South Carolina	24.9
45	Minnesota	25.0
45	West Virginia	25.0
43	Florida	25.2
42	Nebraska	25.5
41	Wyoming	28.2

⁴³ Data collected through various state government documents. See works cited for complete list.

TABLE 11: LIFE SENTENCE RATES OF CLASS 4 OR 5 SOUTHERN STATES WITH LOWEST TEN RECIDIVISM RATES RELATIVE TO TOTAL U.S. POPULATION AND OTHER SOUTHERN STATES⁴⁴

State	Life Sentences (Percentage of the Prison Population in 2016)
Total U.S.	161,957 (10.9%)
Total South	55,922 (10.9%)
Virginia	2,577 (6.7%)
Mississippi	2,065 (11%)
Florida	13,005 (13%)
North Carolina	3,245 (8.8%)
South Carolina	2,211 (10.2%)
Louisiana	4,895 (13.4%)
Texas	9,118 (6.1%)
Kentucky	915 (4.1%)
Tennessee	2,246 (11.2%)
Alabama	5,454 (21.8%)
Georgia	8,776 (16.5%)
Arkansas	1,415 (8.2%)

⁴⁴ Data provided by the Sentencing Project, 2016-2018.

TABLE 12: LIFE SENTENCE RATES OF ALL CLASS 4 OR 5 STATES WITH LOWEST TEN
 RECIDIVISM RATES RELATIVE TO TOTAL U.S. POPULATION⁴⁵

State	Life Sentences (Percentage of the Prison Population in 2016)
Total U.S.	161,957 (10.9%)
Virginia	2,577 (6.7%)
Mississippi	2,065 (11%)
Florida	13,005 (13%)
Nebraska	361 (6.7%)
Minnesota	591 (5.8%)
West Virginia	648 (9.2%)
Texas	9,118 (6.1%)
Nevada	2,898 (21.2%)

⁴⁵ Data provided by the Sentencing Project, 2016-2018.

TABLE 13: STATES WITH BAN THE BOX LAWS ENACTED PRIOR TO 2010⁴⁶

State	Bill Name	Year(s) Enacted	Description
Hawaii	HB 3528	1998	Applies to both public and private-sector hiring.
Minnesota	HF 1301	2009, 2013	Only applies to public-sector hiring. (2009)

⁴⁶ Data provided by the National Employment Law Project (NELP).

TABLE 14: STATES WITH BAN THE BOX LAWS ENACTED 2010-PRESENT⁴⁷

State	Bill Name	Year(s) Enacted	Description
Arizona	Executive Order 2017-07	2017	Public-sector hiring within certain state agencies
California	AB 1008 (2017) AB 218 (2013) Temporary policy under the Schwarzenegger administration (2010)	2010, 2013, 2017	Public and private-sector hiring (2017) Public-sector hiring (2013) Public-sector hiring for state positions (2010)
Colorado	HB 1263	2012	Public-sector hiring for state positions
Connecticut	HB 5237 (2016) HB 5207 (2010)	2010, 2016	Public and private-sector hiring (2016) Limits use of criminal background check in public-sector hiring for state positions (2010)
Delaware	HB 167	2014	Public-sector hiring
Georgia	Executive Order (unspecified)	2015	Public-sector hiring for state positions
Illinois	HB 5701 (2014) Executive Order 1 (2013)	2013, 2014	Private-sector hiring (expands on Executive Order 1) (2014) Public-sector hiring (2013)
Indiana	Executive Order 17-15	2017	Public-sector hiring for state positions in the Executive Branch
Kentucky	Executive Order 2017-064	2017	Public-sector hiring for state positions in the Executive Branch
Louisiana	HB 266	2016	Public-sector hiring within some state positions
Maryland	SB 4	2013	Public-sector hiring
Massachusetts	SB 2583	2010	Public and private-sector hiring
Minnesota	SF 523	2013	Public and private-sector hiring

⁴⁷ Data provided by the National Employment Law Project (NELP).

TABLE 14 CONTINUED

Missouri	Executive Order 16-04	2016	Public-sector hiring
Nebraska	LB 907	2014	Public-sector hiring
Nevada	AB 384	2017	Public-sector hiring
New Jersey	A1999, S1484	2014	Public and private-sector hiring
New Mexico	SB 254	2010	Public-sector hiring
New York	No formal legislation; policy change announced by Gov. Andrew Cuomo	2015	Public-sector hiring for state positions
Ohio	Administrative Policy HR-29, HB 56	2015	Public-sector hiring
Oklahoma	Executive Order 2016-03	2016	Public-sector hiring for state positions
Oregon	HB 3025	2015	Public and private-sector hiring
Pennsylvania	Administrative Policy HR-TM001	2017	Public-sector hiring for state positions
Rhode Island	HB 5507	2013	Public and private-sector hiring
Tennessee	SB 2440	2016	Public-sector hiring for state positions
Utah	HB 156	2017	Public-sector hiring
Vermont	HB 261 (2016), Executive Order 03-15 (2015)	2015, 2016	Public and private-sector hiring (2016) Public-sector hiring for state positions (2015)
Virginia	Executive Order 41	2015	Public-sector hiring for state positions
Wisconsin	AB 373	2016	Public-sector hiring for state positions

TABLE 15: STATES WITHOUT STATEWIDE BAN THE BOX LAWS⁴⁸

Alabama
Alaska
Arkansas
Florida
Idaho
Iowa
Kansas
Maine
Michigan
Mississippi
Montana
New Hampshire
North Carolina
North Dakota
South Carolina
South Dakota
Texas
Washington
West Virginia
Wyoming

⁴⁸ Data provided by the National Employment Law Project (NELP).

TABLE 16: RAW DATA OF INMATE ENROLLMENT IN PRISON GED PROGRAMS BY STATE IN 2011⁴⁹

State	Percentage of Prisoners Enrolled in GED Programs
Alabama	1.74%
Alaska	9.51%
Arizona	6.18%
Arkansas	8.92%
California	2.89%
Colorado	3.61%
Connecticut	5.77%
Delaware	1.80%
Florida	3.17%
Georgia	0.13%
Hawaii	No data
Idaho	No data
Illinois	4.54%
Indiana	No data
Iowa	3.45%
Kansas	3.79%
Kentucky	4.03%
Louisiana	3.39%
Maine	6.55%
Maryland	3.89%
Massachusetts	4.02%
Michigan	1.24%
Minnesota	11.74%
Mississippi	2.07%

⁴⁹ Data provided by the American Council on Education, 2011.

TABLE 16 CONTINUED

Missouri	4.34%
Montana	2.40%
Nebraska	5.82%
Nevada	0.82%
New Hampshire	3.51%
New Jersey	1.19%
New Mexico	5.77%
New York	6.08%
North Carolina	8.38%
North Dakota	4.98%
Ohio	3.62%
Oklahoma	3.98%
Oregon	21.04%
Pennsylvania	6.53%
Rhode Island	6.67%
South Carolina	No data
South Dakota	12.14%
Tennessee	4.06%
Texas	4.16%
Utah	0.66%
Vermont	No data
Virginia	8.51%
Washington	10.86%
West Virginia	11.26%
Wisconsin	13.58%
Wyoming	16.43%

TABLE 17: STATES WITH THE HIGHEST PERCENTAGE OF PRISONERS ENROLLED IN PRISON GED PROGRAMS IN 2010⁵⁰

Rank	State	Percentage of Prisoners Enrolled in GED Programs
1	Oregon	21.04%
2	Wyoming	16.43%
3	Wisconsin	13.58%
4	South Dakota	12.14%
5	Minnesota	11.74%
6	West Virginia	11.26%
7	Washington	10.86%
8	Alaska	9.1%
9	Arkansas	8.92%
10	Virginia	8.51%

⁵⁰ Data provided by the American Council on Education, 2011.

TABLE 18: STATES WITH THE LOWEST PERCENTAGE OF PRISONERS ENROLLED IN PRISON GED PROGRAMS IN 2010⁵¹

Rank	State	Percentage of Prisoners Enrolled in GED Programs
1	Georgia	0.13%
2	Utah	0.66%
3	Nevada	0.82%
4	New Jersey	1.19%
5	Michigan	1.24%
6	Alabama	1.74%
7	Delaware	1.80%
8	Mississippi	2.07%
9	Montana	2.40%
10	California	2.89%

⁵¹ Data provided by the American Council on Education, 2011.