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“It Depends on the Crime”: Opinions Towards Restoring Voting Rights for Violent and White Collar Ex-Felons

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Abstract: Existing punishment-related attitudinal research has focused on criminal sanctions and collateral consequences of conviction; however, few studies have explored perceptions of felon disenfranchisement. Felon disenfranchisement laws often restrict the franchise to certain types of offenders. This restriction based on an offender’s correctional status, not the type of crime. The current research uses a modified version of a previously tested national survey instrument, which measured attitudes toward felon enfranchisement based on variations of the types of convicted offenders. Using a convenience sample of Historically Black College and University (HBCU) students, this research explores attitudes toward felon voting prohibitions in a permanently disenfranchising state. The findings reveal that race impacts views towards voting rights for violent criminals while college major and gender influence perceptions of disenfranchising white collar offenders.

Keywords: felony disenfranchisement, voting rights, African American students, felon voting rights

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INTRODUCTION

The January 2012 Republican debate in South Carolina illustrated some fundamental differences between presidential hopefuls Mitt Romney and Rick Santorum based on their opinions towards felon voting rights. Romney declared that violent felons should never be able to vote, while Santorum cited racial disparities in the prison system and argued for automatic restoration once an offender completes his or her sentence. These two opposing views brought to light the divisive nature of felony disenfranchisement, a practice that can be traced to Ancient Greece and Roman societies where criminals were branded as “infamous” which resulted in a loss of their rights to hold public office and vote (Johnson-Parrish, 2003).

In the United States, early felon disenfranchisement laws distinguished categories of offenders who would lose the franchise. This incarnation appeared soon after the abolishment of slavery when race neutral language in Section 2 of the Fourteenth Amendment permitted disenfranchisement on the basis of “participation in rebellion, or other crime” (Chin, 2004; US Const. Amend, XIV, 2). This clause empowered southern states to craft disenfranchisement laws that included offenses more likely to be committed by freed slaves. Eventually, crimes of “moral turpitude” (Dugree-Pearson, 2002), vagrancy laws and other offenses such as “mischief” or “insulting gestures” (Alexander, 2010, p. 31) would result in criminal disenfranchisement while more serious offenses just as likely to be committed by Whites such as murder and robbery would not disenfranchise (see Dawson-Edwards, 2012; Fellner & Mauer, 1998; Hench, 1998; Holloway, 2009; Shapiro, 1993). Currently, the “crazy quilt” of state felon disenfranchisement laws reflects that voting rights are often restricted

based on correctional status more so than offense type (see Ewald, 2005, p. 1; U.S. Department of Justice, 1996). However, while some policies categorically disenfranchise by correctional status, another apparent policy trend is restoring voting rights based on crime type.

According to The Sentencing Project forty-eight states categorically prohibit felons from voting (2012). Thirty states prohibit persons on probation from voting. Thirty-five states do not permit parolees to vote. Forty-eight states bar prisoners from voting, and four states permanently disenfranchise ex-felons from voting. Recent attention has been given to those few states that permanently disenfranchise felons. The term permanent disenfranchisement is used to describe the potential that certain felons may never regain their voting rights. While described as permanently disenfranchising, each of these four states has a process in place that allows for ex-felons to regain their right to vote; however, the reality remains that certain types of offenders are permanently disenfranchised due to “tough on crime” politics.

As recently as 2005, five states permanently prohibited all convicted felons from voting – Florida, Iowa, Kentucky, Nebraska, and Virginia (Mauer & Kinsal, 2005; The Sentencing Project, 2012). Lifetime restriction is considered the most restrictive form of felon disenfranchisement because a pardon from the governor or a pardon/clemency board is required for restoration of voting rights. Changes in Nebraska, Florida and Iowa policies and practices removed them from the list of permanently disenfranchising states. As recently as early 2011, only two states permanently disenfranchised ex-felons – Virginia and Kentucky (The Sentencing Project, 2012). Later in 2011, changes in both Iowa and Florida placed them back on

the list of states that permanently disenfranchise convicted felons (The Sentencing Project, 2012). In addition to permanently disenfranchising numerous felons, regardless of their correctional status, these states also make the restoration process (also referred to as re-enfranchisement) more difficult for certain types of offenders. Analyses of felon disenfranchisement policies are often focused on the manner in which the correctional status (i.e. probation, parole, prison, etc.) of the offender impacts the restriction of their vote. A less common approach to examining these laws is to look at how the offender's crime type affects whether or not he/she remains disenfranchised. The latter approach focuses on regaining their right to vote.

Permanently disenfranchising states are not alone in their distinctions between categories. While they do not provide for blanket disenfranchisement, states like Delaware (Delaware Constitution, Article V § 2) and Tennessee (Tennessee General Assembly, Public Chapter 860) identify certain crime categories as eligible for permanent disenfranchisement. In Delaware, the state constitution permanently disenfranchises those convicted of murder, manslaughter, felony offenses against public administration, and felony sexual offenses (Delaware Constitution, Article V § 2). The law in Tennessee permanently disenfranchises convicted murderers, rapists, anyone convicted of a sexual offense under TCA § 40-39-202(17) and any violent sexual offender convicted under TCA § 40-39-202(17) with a child victim (Tennessee General Assembly, Public Chapter 860).

The current study examined student opinions towards the restoration of voting rights for certain categories of ex-felons. The purpose of this research is to add to that body of literature by exploring the correlates of Historically Black College and University

(HBCU) students' views towards ex-offenders regaining their voting rights.

REVIEW OF THE LITERATURE

Throughout history, the criminal justice system has determined criminal sanctioning based on the severity of the crime. The utilitarian approach to criminal sanctioning argues that the severity of the punishment should depend on the gravity of the offense. With that in mind, there is no question as to why certain crimes receive harsher penalties. However, little is known about how this translates into collateral consequences of criminal conviction. As a non-penal sanction, felony disenfranchisement laws do not fall under the same legal parameters as criminal sanctions. This has been affirmed by the United States Supreme Court in the *Green v. Board of Elections* (1967) case in which Green, a convicted felon, disputed the New York State Constitution's felon voting prohibition on the grounds that it was a violation of "bills of attainder clause" in Article I, Section 10 of the US Constitution (Johnson-Parris, 2003). The Court held the voting prohibition constitutionally permissible because it provided a "non-penal exercise of power to regulate the franchise" (Johnson-Parris, 2003, p. 116).

The Green Court's distinction of felon voting restrictions as "non-penal" complicates legal arguments against the practice. If collaterally losing a fundamental citizenship right is not punitive, it then becomes difficult to argue that public opinion supporting reform should directly impact public policy. The Green Court, though finding felon voting restrictions to be regulatory, hypothesized a decision made from an Eighth Amendment cruel and unusual punishment argument. They found that the standards of decency in 1967 would not support a decision to strike down felon voting restrictions.

The Green court's conclusion that 1967 America was not offended by the disenfranchisement of felons was a correct interpretation and application of Trop. The fact that 42 states disenfranchised those convicted of a crime in 1967 was overwhelming evidence that society did not consider felony disenfranchisement offensive. Rather, national opinion clearly endorsed such disenfranchisement (Thompson, 2002, p. 202).

Due to their original intent, collateral consequences are still held to be civil in nature, but increasing evidence shows that over time their results have become punitive. In contrast to Green, the US Supreme Court has noted the punitive nature, not intent, of felon disenfranchisement laws. In *Richardson v. Ramirez* (1974), the Court found felon disenfranchisement laws to be "deeply rooted in this Nation's history and are a punitive device stemming from criminal law" (*Richardson v. Ramirez*, 1974; *Johnson v. Bush*, 2005, p. 36). The current research is based on a similar hypothesized premise to the Green court argument – if felony disenfranchisement was currently considered a legal punishment, would evolving standards of decency support its continued use?

There is evidence suggesting that legislators and the public they represent believe all felonies are equal and thus qualify for disenfranchisement, while the restoration of voting rights is only reserved for certain less serious offenses (see Behrens, Uggen & Manza, 2003). As one of the few states that enacted a felony disenfranchisement law prior to the Civil War, the state in which the study was conducted has been disenfranchising felons since 1798. At the time, felony convictions were reserved for the worst crimes, which have changed in modern times with the expansion of felony crime definitions. Currently in this state, felony offenses exist that are not considered serious enough by courts for a sentence of incarceration but

still disenfranchise an estimated 40, 316 individuals serving community sentences (Uggen, Shannon & Manza, 2012). In addition, another 180, 984 ex-offenders remain disenfranchised (Uggen et al., 2012).

In this state, legislation streamlining the restoration application process passed in 2001, and since then felon voting rights restoration has remained on the legislative agenda in the state. The first iteration of a voting rights bill went largely unsupported because it called for automatic restoration for all offenders who had completed their sentences. The wording was revised to exclude murderers and sex offenders. In an effort to gauge residents' opinions towards the restoration of ex-felon voting rights, an item in the 2006 University of Kentucky Survey Research Center asked the public if they favored automatic restoration of voting rights upon completion of a sentence. Of the 900 residents surveyed, 56% of the respondents would vote for an amendment to the state Constitution that permits automatic restoration of voting rights to individuals who are no longer under correctional supervision (Kentucky Survey, 2006).

Though the relationship between public opinion and felon disenfranchisement policies seems intuitive (Murphy, Newmark & Ardoin, 2006), very little research has been conducted to assess public opinions on the subject and less has been done on attitudes towards categorically restoring voting rights based on offense type. According to Wright, Erikson and McIver (1987), political science literature has provided supporting evidence that certain state policies can be attributed to prevailing state attitudes, which illustrates the need to assess public opinion towards state policy issues such as felony disenfranchisement.

In the most notable study of felon disenfranchisement, Manza, Brooks and Uggen (2004) examined opinions towards

felon re-enfranchisement by crime type and found that the majority of respondents were supportive of all offenders regaining their right to vote. More specifically, sixty-three percent supported re-enfranchisement of white collar ex-offenders, and sixty-six percent favored restoring voting rights for violent ex-offenders. Overall, Manza et al. (2004) suggested that targeting certain categories of offenders did not sway opinions towards re-enfranchisement.

Other research has assessed opinions towards felony disenfranchisement in more general terms. A 2001 survey found differences in public opinion towards felony disenfranchisement based demographic groups in Florida which is another permanently disenfranchising state. In this study, McManus (2001) found that 75% of African American respondents and 47 % of young adults (18-34 years old) supported voting rights for ex-felons. Forty-eight percent of Democrats and 17% of Republicans supported the restoration of voting rights. While this study did not assess opinions based on offense type or provide information on the predictive value of correlates, it is one of the few surveys that offer evidence of felon voting rights opinions based on respondent demographics.

In 2003, Pinaire, Heuman, and Bilotta studied public attitudes towards felon disenfranchisement. Their study focused on more general concepts and garnered opinions on whether or not disenfranchisement should be temporary or permanent. The majority (81.7%) of the respondents were unsupportive of permanent disenfranchisement. In addition, they found significant subgroup differences based on race and party affiliation. Only half of all Whites or Hispanics supported full restoration of voting rights compared to eighty percent of African-Americans. Respondents were also asked about their opinions towards restricting voting rights for

offenders dependent on their correctional status. Democrats' were split equally between support for only disenfranchising inmates versus extending the voting restriction to also include inmates, probationers and parolees. Republicans and Independents favored disenfranchising all felons under any correctional supervision. Republican opinions were inclined to be harsher and supportive of lifetime disenfranchisement.

A follow-up to this study was conducted 2005 in which focus groups were used in a university setting to examine opinions towards collateral consequences of felony convictions (Heuman, Pinaire & Clark, 2005). Their study consisted of four focus groups comprised of university students, faculty and staff to explore why participants support or oppose felony disenfranchisement. Currently the only published study exploring university students' attitudes towards felon voting rights, Heuman et al., (2005) found that participants overwhelmingly disagreed with permanent disenfranchisement laws. Furthermore, even those with favorable opinions towards permanent disenfranchisement felt that only certain offense types should qualify. "It depends on the crime" was an approach used by some of the participants to determine how felons should be treated. The participants expressed concerns about utilizing blanket sanctions for offenders and they preferred that punishments be determined on a case by case basis. Participants also supported the categorical restoration of voting rights but some felt that certain types of offenders should never regain their voting rights.

Lifetime disenfranchisement, as the suggested policy from Heuman et al.,'s (2005) participants and as practiced in the state in this current study, disallows civic participation for all convicted felons without regard to the utilitarian principles of

rationality and proportionality. The current study is drawn from the Heuman et al (2005) respondents' "it depends on the crime" approach and uses a university setting to assess the punitive attitudes of college students in Kentucky by focusing specifically on felon disenfranchisement. The purpose of the study is to explore the attitudes of HBCU students toward the restoration of felon voting rights based on the offender's type of offense.

The importance of this topic suggests that research be performed in this area. Some research in this area has been produced (Manza, Brooks & Uggen, 2004; Heuman, Pinaire, & Clark, 2005; Pinaire, Heuman, & Bilotta, 2003), but has not taken into account the views of college students from Historically Black Colleges or Universities (HBCUs). Crime seriousness literature has long considered the differing punishment perceptions of street crime versus white collar crime types (see Schoepfer, Carmichael & Piquero, 2007; Piquero, Carmichael & Piquero, 2008). However, the extant literature on felon disenfranchisement does not consider student views of ex-felon voting restoration based on perceptions of different crime categories. College students are important in studying this topic because they are voters and future decision-makers, and as Payne and Chappell (2008) put it, college students bring contemporary perspectives that the general public do not always possess. Research shows that the voice of college students at HBCUs are underrepresented when it comes to criminal justice (Gabbidon, Penn, & Richards, 2003; Penn & Gabbidon, 2007).

The Present Study

The present study is meant to contribute to the limited literature on perceptions of felon disenfranchisement. In order to do this, the present study uses a sample of students from the only public Historically

Black College or University (HBCU) in the state. Thus, the present study is able to contribute to the dearth of literature that currently exists. Exploratory studies generally yield more hypotheses than they prove. This study hopes to reveal general information about opinions toward felon voting in a permanently disenfranchising state. As the first study of its kind in the state, there is not much literature that can contribute to the development of hypotheses; however, based on the previous criminal justice research, the general hypotheses are listed below:

H₁: African-Americans will be significantly more supportive of restoring ex-felon voting rights.

H₂: Younger students will show significantly more support towards the restoration of ex-felon voting rights.

H₃: Females will show significantly more support towards the restoration of ex-felon voting rights.

H₄: Criminal justice/social science majors will be significantly more supportive of restoring ex-felon voting rights.

H₅: Lower income students will show significantly more support towards the restoration of ex-felon voting rights.

H₆: Democrats will show significantly more support of restoring ex-felon voting rights.

H₇: Individuals with experience in the criminal justice system will be significantly more supportive towards the restoration of ex-felon voting rights.

H₈: Knowledge of felon voting restrictions will have a positive relationship with the restoration of ex-felon voting rights attitudes.

H₉: Rehabilitative attitudes will have a positive relationship with the restoration of voting rights attitudes.

PROCEDURE AND SAMPLE

A self-report questionnaire was administered to college students attending an HBCU. Students enrolled in general education and criminal justice courses, which were open to all majors, were asked to participate in the study. A total of 218 students participated in the survey after the dissemination of information. While some may criticize the use of a HBCU student sample as lacking in generalizability, there has been little empirical research focused on the public perception of felony disenfranchisement. Thus, this study makes a contribution to an under-researched topic. Additionally, Payne and Chappell (2008) assert that college students are a valuable population to study a wide variety of topics including perceptions or attitudes. Finally, this is consistent with both Pinaire et al. (2003) and Heuman et al. (2005), which also utilized the sampling of college students in order to gain some understanding of felony disenfranchisement. Our use of a student population goes beyond the scope of these previous studies, with a focus on HBCU students.

MEASURES

Independent Measures

Knowledge Index. Information on the level of knowledge of college students will contribute to an understanding of their awareness of the issue. Knowledge questions gauged an individual's ability to identify accurate information regarding the restoration of state felon voting rights. Response categories were originally coded as follows: 0=No, 1=Yes, and 2=Don't Know. In order to better facilitate interpretation, knowledge questions were

constructed into an index, with individual responses scored as 0=Incorrect and 1=Correct. The knowledge index ranged from 0 to 9, with higher scores indicating increased knowledge of the state's felon policies and had a reliability score of .754. The average score for the knowledge index was 3.669 with a standard deviation 2.547. The average indicated lower levels of knowledge of restoration of voting rights.

Rehabilitation Index. Four questions were asked regarding attitudes toward offenders, in order to measure attitudes towards rehabilitation. These questions focused on rehabilitative solutions to criminal justice issues and were designed to measure a respondent's level of support for such strategies. Because previous studies have shown an inverse relationship between rehabilitative and punitive attitudes, the measure includes only questions related to rehabilitation. The scale ranged from 0 to 20, with higher scores indicating more support for rehabilitative measures. The rehabilitation index had a reliability score of .812. The average score for the rehabilitation index was 17.289 with a standard deviation 2.549. The average indicated an overall favorable attitude toward rehabilitation.

Additionally, several demographic measures were utilized in this study. From an open-ended item, the median age of the sample was 22 years old with a range of 17 to 52 years old. Race was initially captured as (1) African-American, (2) White, and (3) Other ; this was recoded as (1) African-American (74%) and (0) other (26%). Sex was coded as (0) male (48.2%) and (1) female (51.8%). Major was coded as (1) criminal justice/social science (55.5%) and (0) other (business, education, science and technology, liberal studies, and undecided) (44.5%). Income was coded as (1) Pell grant recipient (65.5%) and (0) non-Pell

Table 1. Descriptive Statistics.

<i>Variable</i>	<i>Code</i>	<i>N</i>	<i>%</i>	<i>M</i>	<i>SD</i>	<i>Range</i>
<i>Independent Variables</i>						
Age		218		23.3	6.3	17-52
Race	0 = Non-African-American	57	26.1			
	1 = African-American	161	73.9			
Sex	0 = Male	105	48.2			
	1 = Female	113	51.8			
Major	0 = Other	97	44.5			
	1 = Criminal Justice/Social Sciences	121	55.5			
Income	0 = Pell Grant Non-recipient	75	34.4			
	1 = Pell Grant Recipient	143	65.6			
Political Preference	0 = Democrat	142	65.1			
	1 = Other	76	34.9			
Correctional Experience	0 = Not currently	190	87.2			
	1 = Yes, currently/recently	28	12.8			
<i>Dependent Variables</i>						
Violent Felon Voting Rights	0 = no, should not vote	45	20.6			
	1 = yes, should vote	173	79.4			
White Collar Crime Voting Rights	0 = no, should not vote	47	44.5			
	1 = yes, should vote	171	78.4			
<i>Indices</i>						
Knowledge of Voting Rights				3.669	2.547	0-9
Rehabilitation Attitudes				17.289	2.549	5-20

grant recipient (34.4%). Political affiliation was coded as (1) Democrat (65.1%), and (0) Other (34.9%). Correctional experience or personal interaction with the criminal justice system was coded as (1) yes (i.e., on probation/parole, just released from prison/jail, awaiting trial for a criminal, or in a pretrial diversion program) (12.8%) and (0) no (i.e., not under any correctional supervision) (87.2%).

Dependent Measures

This study had two dependent measures. These measures captured whether the students believed that certain types of offenders should have the right to vote.

Specifically, the items were: violent or white collar ex-felons (see Appendix A). The answer choices for these items were dichotomous, specifically, support for the restoration of voting rights for these types of felons was captured using (1) yes (20.6%) and (0) no (79.4%), and support for white collar felons (1) yes (21.6%) and (0) no (78.4%). For each of these items, the responses indicated a small amount of individuals supporting the restoration of voting rights for these types of felons. Table 1 contains all of the measures and their descriptive statistics. Analysis Plan Regression analysis was used for the analysis of these data. The dependent measure for the data was dichotomous. The

dichotomy of the data indicated that the assumption of normality of the dependent variable would have been violated if we had used ordinary least squares (OLS) regression (Bachman & Paternoster, 2004). Pampel (2000) argued that logistic regression was one of the proper logistic regression techniques when the dependent measure was dichotomous.

The analysis for this study used logistic regression. Following Bachman and Paternoster (2004), the interpretation of the odds ratios was crucial to understanding the effect that the independent measure had on the dependent measure. The odds ratios were interpreted as the likelihood change in the dependent measure by the independent measure. To assist in understanding the size of the effect, Pampel (2000) suggested that the odds ratio may be converted to a percentage, and it is interpreted as the percentage of change of the dependent measure by the independent measure.

Table 2 presents the logistic regression analysis for restoration of voting rights. The first logistic regression analysis was to determine the independent measures that had a link with re-enfranchisement for a violent ex-felon. In this analysis, only one measure had a link with re-enfranchisement of ex-violent felons--being African-American. To be clear, African-Americans were 4.58 times more likely to support re-enfranchisement of ex-violent felons than non-African-Americans. Another way of thinking about this result is that African-Americans were 358% more likely to re-enfranchise violent offenders than non-African-Americans. Table 2 showed the second logistic regression analysis was to determine the independent measures that had a link with the re-enfranchisement of ex-white collar offenders. In this analysis, only two measures had a link with re-enfranchisement of ex-white collar offenders--criminal justice majors and gender.

RESULTS

Table 2. Logistic Regression Analysis for Restoration.

Measure	Violent Offender			White Collar Offender		
	<u>B</u>	<u>SE</u>	<u>Exp(b)</u>	<u>B</u>	<u>SE</u>	<u>Exp(b)</u>
Age	0.27	0.27	1.07	-0.13	0.27	0.25
Criminal Justice Major	-0.33	0.4	0.68	0.95*	0.40	5.57
Political Affiliation	-0.31	0.41	0.58	0.04	0.39	0.01
Gender	0.70	0.37	3.36	0.79*	0.37	4.60
Income	0.22	0.38	3.54	-0.21	0.38	0.30
Status	0.03	0.57	0.00	-0.38	0.51	0.57
Knowledge	0.09	0.08	1.21	-0.05	0.08	0.40
Rehabilitation	0.11	0.07	2.59	0.10	0.07	2.34
African-American	0.91*	0.43	4.58	0.49	0.43	1.28
Chi-square	16.63			18.36**		
-2 Loglikelihood	205.37			208.92		
Cox & Snell R-square	0.07			0.08		
Nagelkerke R-Square	0.12			0.13		

Specifically, criminal justice majors were 5.57 times more likely than non-criminal justice majors to re-enfranchise ex-white collar offenders. In other words, criminal justice majors were 457% more likely to support re-enfranchisement of ex-white collar offenders than non-criminal justice offenders. We believe that this occurs because they had a better understanding of the criminal justice process than non-criminal justice majors.

In addition, gender influenced the view on re-enfranchisement of ex-white collar offenders. Specifically, females were 4.60 times more likely to re-enfranchise ex-white collar offenders than males. In other words, females were 360% more likely to support the re-enfranchisement of ex-white collar offenders than males. In this instance, we believe that females are less punitive than males.

DISCUSSION

The literature on felony disenfranchisement is limited in scope. Most of this literature is theoretical, largely working from a legal and political theory framework. The few studies empirically examining the topic have been geared toward predicting election outcomes if the disenfranchised could have participated (see Manza, Brooks & Uggen, 2004; Vito, Shutt & Tewksbury, 2009). Due to the constitutional provision outlining felon restrictions in permanently disenfranchising states, it is important to examine the public's level of support for restoring ex-felon voting rights. Previous studies have assessed the opinions of a predominantly white sample while excluding the population disproportionately impacted. This study sought to include the opinions of a predominantly African-American population by using a convenience sample comprised mostly of African-American college students. This extension of the concepts

studied by Manza, Brooks and Uggen (2004) provided important indicators of attitudes towards the restoration of voting rights in a state where one in five African-Americans cannot vote (Manza et al., 2012).

In the current study, the mean scores for knowledge indicate that the survey respondents were moderately knowledgeable about Kentucky's felon voting policies and overwhelmingly supportive of rehabilitation¹. First, knowledge is examined in this type of research in order "to fully examine college students' attitudes towards crime and punishment, it is important to also assess their knowledge on the topic" (Hensley, Tewksbury, Miller, & Koscheski, 2002, p. 305). There is evidence in crime and punishment literature that knowledge can influence respondents' opinions (Bohm, 1989; Bohm & Aveni, 1985; Bohm, Clark & Aveni, 1990). Knowledge is a related concept to education, as such assessing the level of knowledge and its predictors is consistent with what previous research has suggested regarding education. Applegate et al (2002) reported that education and rehabilitative attitudes are positively related. Similarly, other research found that education and punitiveness have a negative relationship (Payne et al, 2004). This study assumed that those who were more knowledgeable would comport with a rehabilitative ideal and support the restoration of voting rights for ex-felons. This relationship was not discovered and should be further explored in future research.

While this study is exploratory and the findings are not generalizable, this sample does not deviate from other studies that found a lack of knowledge on felon voting policies. Previous research in the state has shown that Board of Election and county clerk employees, probation and parole officers (Keener & Kruessel, 2005), as well

as probationers and parolees (Wahler, 2006), displayed insufficient knowledge of the state's disenfranchisement policy. This lack of knowledge has clear implications. In order to change the state's felon voting policy the General Assembly must pass a bill that will allow a ballot initiative whereby voters would be required to vote for or against amending the state's constitution. The initial proposed legislation would have required automatic restoration for all felon offenders who completed their sentences; however, legislators in the state have displayed discomfort with granting "rapists, [and] murderers" this privilege (Behrens, Uggen & Manza, 2003, p. 572). As representatives, it is important for legislators to understand the opinions of their constituents. The current study showed that 79% of respondents supported the re-enfranchisement of violent ex-offenders and 78% supported restoring voting rights to white collar ex-felons. This is consistent with the Manza et al. study that found a majority of respondents support restoration of violent ex-felon voting rights (66%) and white collar ex-felon voting rights (63%).

The results of the logistic regression analysis revealed a few significant predictors of support for the restoration of felon voting rights. First, African-American respondents were more supportive of violent ex-felons regaining their voting rights than their white counterparts. Previous research found African-Americans to be supportive of rehabilitation as the ultimate goal of the criminal justice system and to be absolutely opposed to the permanent restriction of felon voting rights (Pinaire et al, 2003). There is a lot of speculation but a lack of an empirical connection between African-Americans' feelings for rehabilitation and its related policy issues, such as the restoration of felon voting rights. However, several studies indicate a significant relationship between race and punishment preferences (Blumstein

& Cohen, 1980; Samuel & Molds, 1986; McCorkle, 1993; rebovitch, 1997). Previous research has shown that whites tend to be more punitive (Blumstein & Cohen, 1980; Samuel & Molds, 1986) and less supportive of rehabilitation (McCorkle, 1993), which may help explain why whites are less supportive the voting rights of violent ex-felons.

Recent research on punitiveness found that racial animus is a dominating predictor of American punitiveness (Unnever & Cullen, 2010). Unnever and Cullen (2010) argue that the public links criminality with "well-defined and disliked others," which polarizes public opinion about crime control (p. 119). The significant difference between African-American and White opinions toward violent ex-felon re-enfranchisement could easily align with this idea. African-American respondents attending an HBCU may not view violent offenders through the same lens as Whites. Whereas members of the dominant group have their animus confirmed when criminality and "otherness" is connected, the African-American respondents may be able to identify and empathize with offenders and thus reject the premise of the "spoiled identity" and support policies that contribute to the successful reentry of offenders who are likely returning to their neighborhoods (Unnever & Cullen, 2010, p. 120).

The second set of findings focus on opinions towards the re-enfranchisement of white collar ex-felons. Much of the extant literature has focused on attitudes towards violent crime, while neglecting perceptions of white collar crime (Holtfreter, Van Slyke, Bratton & Gertz, 2010). This is attributed to a historical perception that white collar crime is less serious than violent crime though some research has found evidence to the contrary (see Rebovich, Layne, Jiandani & Hage, 2000).

In the current study, the respondents almost equally supported the restoration of voting rights for both violent (79%) and white collar ex-felons (78%). Further analysis showed college major and gender to be significant predictors of support for white collar ex-felon voting rights. It is not surprising that criminal justice/social science majors were more likely to support re-enfranchising white collar ex-felons than other majors. Previous research has found college major to be a determinant for punitiveness. While criminal justice majors have been found to be less punitive than non-criminal justice majors (Tsoudis, 2000), they are expected to have a deeper concern for crime-related issues and better access to accurate information (Farnworth, Longmire, & West, 1998). However, the American public more recently has reflected a shift in opinions towards white collar offenders, which could be attributed to highly publicized scandals (i.e. Enron). Other than being less punitive, there does not seem to be a clear connection between criminal justice students and more supportive opinions towards white collar ex-felons.

Female respondents were more likely to support restoring voting rights for white collar offenders than male respondents. This relationship mirrors what was expected, considering previous research has found females to be less punitive than males (Applegate et al, 2002). As it relates to opinions towards certain offenders, Holtfreder and associates (2010) found some gender differences in their study on perceptions of white collar offenders. However, those differences were only evident when respondents were asked about perceived apprehension and sanctions of white collar offenders. When asked about normative sanctions or what should happen to white collar offenders, gender was no longer significant. The subgroup differences are important indicators for targeting public

education, which is inherently part of the process of modifying an existing permanent felon disenfranchisement law.

Limitations of the Study

At the outset, this study was described as exploratory. Therefore, the sample size and inability to generalize were forfeited in an effort to examine this topic as never before. The questionnaire items in the survey might be a limitation of the study and should be viewed as such. Though many of the questions have been used in previous research (i.e. the voting questions were used in Manza et al, 2004; the rehabilitation items in Taxman, Young, Wiersema, Rhodes & Mitchell, 2007), these items were not tested for sensitivity to different populations. Due to the fact that the sample under study was predominantly African-American and previous research used the items on samples comprised of mostly White respondents, there is no way to determine whether or not these questions may pose some bias in terms of how the potential respondent read or interpreted the question. For example, the white collar ex-felon item asked for opinions about an individual who was convicted of illegal stock trading, though many other crimes could be considered white collar. Even though Manza et al (2004) used this item in their study, it is unknown whether the respondent pool considers illegal stock trading to be a white collar crime. Further work should be done to consider the impact of the questionnaire item for different populations. Overall, the limitations of this study did not diminish the significance of its contribution to the existing literature on felon voting rights opinions. However, further analysis could be useful in determining what the general public in Kentucky opines about the issue.

CONCLUSION

In this state, where in one in five African-Americans cannot vote due to a felony conviction, the efforts to change the state's policy have been hampered by legislators who do not want to appear soft on crime. However, the time might be ripe for change. Early in 2011, the General Assembly passed a law that will overhaul the state's correctional system. House Bill 463 focuses on cost savings by reducing the prison population, incarceration costs, and crime while strengthening public safety. The law estimates a cost savings of \$422 million in the next decade. With a focus on reentry, probation and parole is a key element to the reform. Since 2001, the state's probation and parole officers are already legislatively mandated to assist soon to be ex-offenders with the restoration application. The restoration of ex-felon voting rights has been empirically linked to subsequent criminal activity. While they acknowledge the existence of related factors such as educational attainment, Uggen and Manza (2004) found that voting was negatively correlated to arrest and incarceration, rearrest and subsequent self-reported crime. Further, they argue "voting appears to be part of a package of pro-social behavior that is linked to desistance to crime" (p. 214).

Consistent with how Payne and Chappell (2008) described the use of students in criminal justice research, this study views the respondents as future criminal justice practitioners and policymakers, but more importantly, it reflects the views of current and future voters. Ideally, public opinions should be aligned with public policy. Their educated opinions provide a glimpse into the minds of this country's near future. While various studies have examined college students' perceptions of crime and punishment issues (see Gainey & Payne, 2003; Mackey, Courtright & Packard, 2006), none were specific to collateral consequence policies, such as felony disenfranchisement

laws. Furthermore, none of them gauged the opinions of a predominantly African-American sample.

Behrens, Uggen and Manza (2003) suggested that policymaking continues to be tainted by racial influences. This is accomplished through the use of "race neutral language and policies [that] remain socially and culturally embedded in the discriminatory actions of the past" (Behrens et al, 2003, p.568). They found that the racial composition of prisons was associated with the historical implementation of felon disenfranchisement laws. However, their analysis did not end there; they also found that modern day disenfranchisement practices continue to exist due to racial ideologies. Racial threat theories would predict that public policies, such as felon disenfranchisement, intend to dilute the voting power of minorities. Behrens and colleagues (2003) found support for this through an event analysis that found racial disparities in punishment to be the driving force for felon voting restrictions.

The findings of this study suggest further analysis is necessary for understanding what the African-American public believes about felon disenfranchisement. The communities most impacted by high incarceration rates are the same that are affected by concentrated disenfranchisement. Ironically, these same communities are afflicted with voter dilution resulting in collective political silence, minimized political input, and lack of true representation by elected officials (see Dawson-Edwards, 2011). Future research should go beyond the views of African-American college students and into the communities that are disproportionately plagued by felon disenfranchisement.

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APPENDIX A

Retention Items

Now how about people convicted of a violent crime, who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?

Now how about people convicted of the illegal trading of stocks who have served their entire sentence, and are now living in the community. Do you think they should have the right to vote?

Knowledge Index (Alpha=.701)

In Kentucky, upon conviction, offenders lose their right to vote.

In Kentucky, convicted felons on probation can vote.

In Kentucky, convicted felons on parole can vote.

In Kentucky, individuals awaiting trial at the time of an election can vote in that election.

In Kentucky, upon release from prison, convicted felons automatically regain their right to vote.

In Kentucky, convicted felons need only fill out an "application for restoration of civil rights" to regain their right to vote.

In Kentucky, convicted felons must be granted a pardon by the governor to regain their voting rights.

In Kentucky, convicted felons can never regain their right to vote.

CJ Attitudes Index (Rehabilitation subscale, Alpha=.849)

Make sure criminals get effective treatment for addictions and other problems while they're in prison/jail, or on supervision in the community (CJAttitude2)

Provide criminals with treatment to address addiction, mental health problems, or other problems (CJAttitude6)

Make sure that the treatment provided is matched to the offender's needs (CJAttitude7)

Provide more treatment, jobs, and educational programs to address problems that often contribute to crime (CJAttitude9)